



4 December 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, 12 DECEMBER 2018

QUORUM: Three Panel members.

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

OR

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

AGENDA

WLPP-1812.A

Apologies

WLPP-1812.DI

Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-1812.1

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27–29 Macpherson Street, Bronte – Demolition of existing structures; construction of a boarding house comprising 30 boarding rooms, one boarding manager's room and basement car park; and amalgamation of lots into one Torrens title lot (DA-8/2018)

Report dated 23 November 2018 from the Development and Building Unit.

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

WLPP-1812.2

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19 and 21 Bayview Street, Bronte – Alterations and additions together with reconfiguration to create one single dwelling, including second storey, addition to existing garage and basement storage area, landscaping, swimming pool and various other works (DA-154/2018)

Report dated 26 November 2018 from the Development and Building Unit.

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

WLPP-1812.3

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19 Carlisle Street, Tamarama – Demolition and construction of new dwelling-house with integrated single garage at frontage, rear detached garage with study below and swimming pool (DA-569/2017)

Report dated 29 November 2018 from the Development and Building Unit.

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

WLPP-1812.4**PAGE 172**

71 Francis Street, Bondi Beach – Alterations and additions to existing dwelling including new first floor and swimming pool (DA-220/2018)

Report dated 27 November 2018 from the Development and Building Unit.

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

WLPP-1812.5**PAGE 206**

1/3 Jaques Ave Avenue, Bondi Beach – Alterations and additions to unit 1 including rear extension (DA-282/2018)

Report dated 30 November 2018 from the Development and Building Unit.

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

WLPP-1812.6**PAGE 235**

279 Military Road, Dover Heights – Alterations and additional storey to include bedroom, bathroom and new balcony to existing semi-detached dwelling (DA-92/2018)

Report dated 27 November 2018 from the Development and Building Unit.

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

WLPP-1812.7**PAGE 274**

47–53 Bon Accord Avenue, Bondi Junction – Alterations and additions to 4 existing terrace houses including rear garage and driveway crossing (DA-264/2018)

Report dated 27 November 2018 from the Development and Building Unit.

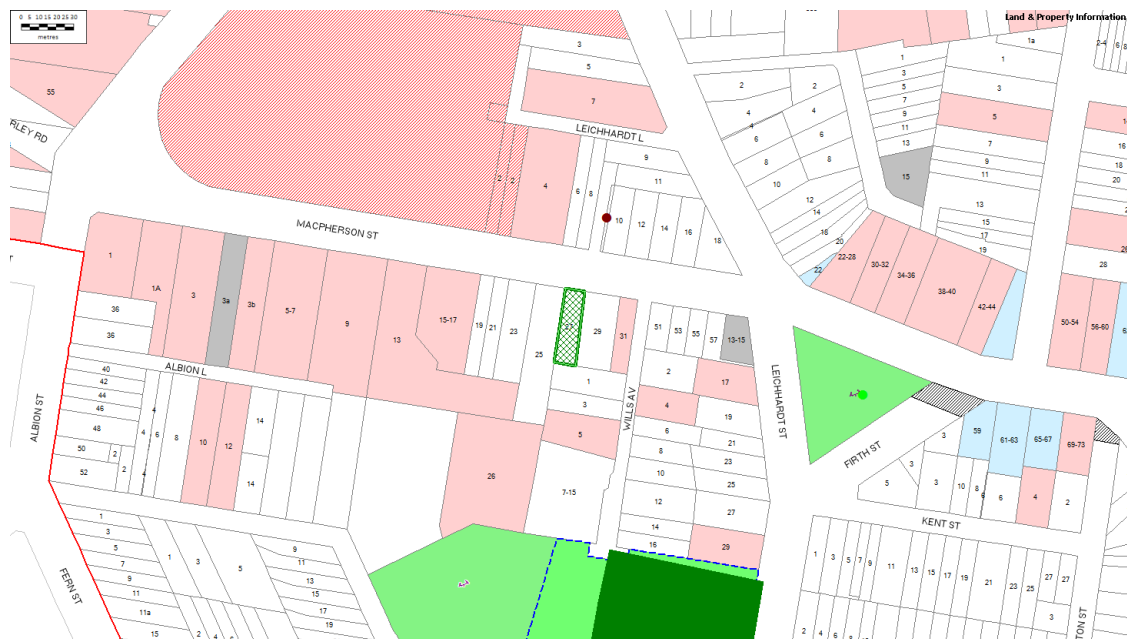
Recommendation: That the application be approved in accordance with the conditions contained in the report.



Report to the Waverley Local Planning Panel

Application number	DA-8/2018
Site address	27-29 Macpherson Street, Bronte
Proposal	Demolition of existing structures; construction of a boarding house comprising 30 boarding rooms, one boarding manager's room and basement car park; and amalgamation of lots into one Torrens title lot
Date of lodgement	22 January 2018
Owner	Deux fils de Jacque Pty Ltd
Applicant	John A Brightwell Unit Trust T/A Deux fils de Jacque Pty Ltd
Submissions	Submissions from 43 properties
Cost of works	\$3.9 million
Issues	Height, solar access, external wall height, side setbacks, building separation
Recommendation	That the application be APPROVED subject to conditions

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 11 July 2018.

The site is identified as Lot 1 in DP 551894, known as 27 Macpherson Street, Waverley and Lot 1 in DP 510442, known as 29 Macpherson Street, Waverley. It is located on the south side of Macpherson Street between Albion Street to the west and Wills Lane to the east.

The combined sites (the site) are rectangular in shape with northern (front) and southern (rear) boundaries measuring 25.685m and 25.965m, respectively and eastern and western side boundaries measuring 34.14m. The site has an area of 881.3m² and falls from the front towards the rear by approximately 4m. Additionally, the front of the site sits approximately 2m below the level of the footpath directly in front of the site with a stone retaining wall along the northern (front) boundary with concrete steps from the street to both sites.

The site is occupied by a single storey dwelling at No. 27 Macpherson Street and a three-storey residential flat building at No. 29 Macpherson Street. Neither site is provided with vehicular access or on-site parking.

The subject site is adjoined by a four-storey residential flat building to the west at No. 25 Macpherson Street and a three-storey residential flat building to the east at No. 31 Macpherson Street. The locality is characterised by a variety of residential development, including semi-detached and detached dwellings opposite the site and residential flat buildings of three to four storey scale on the southern side of Macpherson Street.



Figure 1: Subject site frontage – No. 29 Macpherson Street



Figure 2: Subject site frontage – No. 27 Macpherson Street



Figure 3: Rear elevation of existing building at 29 Macpherson Street

1.2 Relevant History

Pre-DA, PD-32/2017, for the demolition of buildings and construction of a residential flat building provided advice regarding bulk and scale, pedestrian and vehicular entry, compliance with the Apartment Design Guide (ADG), parking and driveway access, tree removal, communal space and separation distances.

During assessment of the subject application for a boarding house the applicant was advised of a number of matters to be addressed which are outlined below:

- *Minimisation of the lift overrun.*
- *Provide shadow elevations that demonstrate that the communal living areas receive sufficient solar access to comply with the Affordable Housing SEPP.*
- *Relocate the Manager's room to the roof top and provide the communal room at the lower level with direct access to the rear yard for the use of the rear communal space.*
- *The splay on the north east corner unnecessarily increases the length of the building façade and should be deleted.*
- *Resolution of the apparent discrepancies between plans and the elevation to Macpherson St. Coordination and clarification is required.*
- *Consideration of potential visual and acoustic privacy issues from the common area terrace on the western side.*
- *The potential for more outdoor common space beneath the entry bridge and associated landscaping. This is not clear on the architectural drawings.*
- *Winter sun access was not possible to all rooms so it is important to demonstrate how the common areas can meet solar access requirements (some clerestory skylights might also assist).*
- *Appropriate sun-shading and weather protection for all openings and balconies.*
- *Consideration of solar hot water heaters.*
- *Ceiling fans for bedrooms and living areas in addition to the proposed a/c systems.*
- *Window types and operation to accommodate different weather conditions, and allow occupants a variety of ventilation options whilst maintaining security and fall safety.*
- *Roof slabs with foam insulation and pebble ballast to provide effective thermal comfort to the top floor apartments.*
- *Methodology for rainwater collection and reuse.*
- *Natural ventilation should be provided to the basement as outlined in the ADG.*
- *A vergola to the common outdoor space roof could increase winter sun access.*

Although the applicant was advised that these matters could be addressed by recommended conditions of consent to the Waverley Local Planning Panel (WLPP), the applicant opted to amend the plans to address these matters and amended plans were received on 16 October 2018. These plans form the subject of the assessment within this report.

1.3 Proposal

The proposal seeks consent for the demolition of the existing residential flat building and dwelling on the site and construction of a four-storey boarding house. The boarding house will be comprised of 30 boarding rooms, one on-site manager's room and car park with 13 car spaces, six motorbike spaces and seven bicycle spaces.

The car park will be excavated below the existing ground level and will be accessed from Macpherson Street via an elevated driveway (effectively a bridge) to a car lift from Level 2. The car park will provide 13 car spaces, eight of which will be provided by way of double car stackers. One accessible car space is provided and one space for a share car.

Each boarding room will be provided with a kitchenette, private bathroom and a balcony with individual air conditioning units provided to each room. A lift is provided to all levels including the car park. Two of the boarding rooms will be accessible.

Communal areas will be provided at Levels 1 and 2 on the western side of the building. The common area at Level 1 will have direct access to external stairs to the communal landscaped area at the rear of the proposed building. Another common area with kitchen facilities will be provided in the rear south-eastern corner of the car park level with direct level access to the rear communal space and a drying area along the eastern side of the building. The area surrounding the site will be extensively landscaped for use of residents.

The proposal also includes the amalgamation of the two lots into one Torrens title lot.

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under 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

SEPP BASIX does not apply to the proposed development as this SEPP defines a '*BASIX affected building*' being any building that contains one or more dwellings, but does not include a hotel or motel.

A dwelling is defined in WLEP 2012 as meaning a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile. A boarding house provides rooms with shared facilities and does not contain dwellings, as per the definition above and as such BASIX does not apply.

2.1.2 SEPP 55 Remediation of Land

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

2.1.3 SEPP (Affordable Rental Housing) 2009

Part 2 Division 3 – Boarding houses

Part 2 division 3 of SEPP (Affordable Rental Housing) 2009 (the ARHSEPP) relates to development for the purposes of boarding houses.

The subject site is zoned R3 Medium Density Residential and boarding houses are permissible with development consent. Accordingly, this Division, and the following clauses, apply to the development application.

Clause 29 - Standards that cannot be used to refuse consent

Clause 29 of the SEPP outlines that if the proposal complies with set standards, the application cannot be refused on the grounds of those standards. If the proposal does not comply with the standards of Clause 29, the consent authority reserve the right to refuse the application on those grounds. An assessment of the proposal has been carried out according to these standards as outlined in Table 1.

Table 1: Standards that cannot be used to refuse under the ARHSEPP

Development Standard	Compliance	Comment
Density and scale (1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than: (c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus: (i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less,	Yes	<p>The proposal is located within the R3 zone and residential flat buildings are permitted. The maximum permissible FSR under the provisions of WLEP 2012 is 0.9:1. The ARHSEPP allows 0.5:1 bonus floor space for boarding houses which equates to a maximum of 1.4:1.</p> <p>The proposal seeks an FSR of 1.35:1 which complies with the provisions of the ARHSEPP.</p>
Building height if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,	No	<p>The proposal has a maximum height of 14.55m which is a variation of 2.05m or 16.4%.</p> <p>This issue is discussed in further detail in Table 4 relating to the Waverley Local Environmental Plan 2012 (WLEP 2012).</p>
Landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,	Yes	<p>The streetscape is well vegetated with most front yards having adequate street planting and vegetation. The proposed development will remain consistent with the streetscape as the majority of the front setback is being provided as landscaped area and the landscape plan indicates this area will be well vegetated.</p>
Solar access where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,	No	<p>The proposal provides communal areas at the first floor and second floor levels (entry level) which receive only western sun and in the rear south-eastern corner that will receive no direct solar access between 9am and 3pm.</p> <p>Shadow elevations were provided with the amended plans that demonstrate that the</p>

		<p>common room on Level 2 receives 2 hours of solar access between 1pm and 3pm on the winter solstice being slightly substandard in terms of the requirements of the SEPP.</p> <p>The proposal provides three communal internal spaces and a large amount of communal external space both at the rear and within the front setback that sits below the footpath level. Although only 2 hours is received to the communal room this is considered to be balanced by the fact that each boarding room will have a small balcony for the private use of the residents, there is a choice of communal areas, both inside and out, and it is considered that there is sufficient solar access and open space throughout the development to these areas to meet user needs for recreation. In this regard, the variation is considered acceptable.</p>
<p>Private open space if at least the following private open space areas are provided (other than the front setback area): (i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers, (ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,</p>	<p>Yes (by condition)</p>	<p>A communal open space area is provided at ground at the rear of the site which is in excess of 160m² with a minimum dimension of 6m.</p> <p>A boarding house manager's room is provided at Level 4 (top floor) with a balcony 3m² in area and a minimum dimension of 1.1m which does not meet the standard of the SEPP. It is noted however, that the amended proposal provides two units with larger balconies at the rear at Level 4 which meet the minimum requirements for the Manager's room. As the SEPP does not require that boarding rooms have balconies and only that the Manager's room is provided with private open space, allocating one of these rooms to the Manager would comply with the requirements of the SEPP. In this regard, a condition to this effect is included in Appendix A.</p>
<p>Parking if: (i) in the case of development in an accessible area—at least 0.2</p>	<p>Yes</p>	<p>The proposal is located within an accessible area being within 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the <i>Passenger Transport Act 1990</i>) that</p>

<p>parking spaces are provided for each boarding room, and</p> <p>(ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</p> <p>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</p> <p>(NB: The subject application was lodged on 22 January 2018, at which time the above parking rates applied. The current version of the SEPP has increased the parking provision for development in an accessible area to 0.5 spaces per room. Notwithstanding, savings provisions in force in the current version of the SEPP ensure that 0.2 spaces per room continues to apply to the subject application).</p>		<p>has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.</p> <p>The proposal provides 30 boarding rooms and one manager's room which equates to a requirement for at least 6 spaces for the boarding rooms and not more than one space for the Manager's room (minimum of seven spaces).</p> <p>The proposal provides 13 parking spaces on site which is in excess of the requirements of the ARHSEPP. Given that the ARHSEPP is a minimum requirement, the additional spaces are considered acceptable.</p>
<p>Accommodation size</p> <p>(if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</p> <p>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16 square metres in any other case.</p>	Yes	<p>The boarding rooms comply with this part of the SEPP.</p>

30 Standards for boarding houses

The ARHSEPP requires that a consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:

Table 2: Standards that must be satisfied under the ARHSEPP

Development Standard	Compliance	Comment
(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,	Yes	The proposal provides three communal living areas.
(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,	Yes	All rooms comply with the provision with the largest room being 24.6m ² .
(c) no boarding room will be occupied by more than 2 adult lodgers,	Yes	The boarding rooms do not contain bedding for more than two lodgers. A condition to this effect is recommended.
(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	Yes	Each boarding room provides bathroom and kitchen facilities. Additionally, there is a communal kitchen area in the common room at the lower ground level at the rear.
(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,	Yes	The amended proposal has relocated the manager's room to Level 4 (as opposed to the car park level in the original proposal).
(f) (Repealed)		
(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,	N/A	The subject site is zoned R3 Medium Density Residential and commercial uses are not permitted.
(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.	Yes	The proposal provides 30 boarding rooms which requires the provision of six bicycle and six motorcycle spaces. The proposal provides six motorcycle spaces and seven bicycle spaces within the basement car park.

30A 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.

The application was referred to the Design Excellence Panel and Council's Urban Designer for comments (refer to Section 3 – Referrals of this report). The DEP comments are provided in Table 3 below with a planning comment below where necessary:

Table 3: Assessment against the Nine Design Quality Principles under SEPP 65

Principle
Principle 1: Context and Neighbourhood
<p><i>Macpherson Street is the local main street, with good bus services and a fine alignment and vista. It has a number of local shopping centres distributed along its length, which together serve the area well with smaller shops, services and cafes. These centres include Bronte Beach, Thomas Street and Lugar Street, and the larger centre of Charing Cross. The area is very well serviced with public transport.</i></p> <p><i>With regard to neighbourhood character, this part of Macpherson Street is notably varied in height, character and quality. Sitting opposite St Catherine's School the site is on the low side of the street where it falls markedly to the south. The 1930s brick RFB currently on the site has its ground floor one storey below street level. The proposal has a neat and straightforward aesthetic within the streetscape which is considered satisfactory.</i></p>
Principle 2: Built Form and Scale
<p><i>A Clause 4.6 variation to the height control is proposed, and the Panel considered that this should be supported as the proposal was a suitable insertion to the streetscape. The relatively minor overshadowing impact from the additional height on the adjoining site at No 1 Wills Avenue to the south did not appear to be a significant concern.</i></p> <p><i>The Panel appreciated that the proposed building envelope depended on relaxation of side setbacks above the 9.5m wall height as required in the DCP, and were of the opinion that these exceptions could be justified. Proposed minor variances for splayed windows were considered reasonable.</i></p> <p><i>The rear setback is of some concern as the proposal has 17 units facing into the northern aspect of the property to the south. The balconies of these units and the common balcony have the potential to create privacy issues. The applicant needs to demonstrate that overlooking is minimised.</i></p> <p><i>The side setbacks should allow for operable windows to the east and west. No fixed glazing should be needed. More windows could be provided in the side units to increase ventilation options and amenity.</i></p> <p><i>The splay on the north east corner unnecessarily increases the length of the building façade. If a stepped aesthetic is required this balcony could step in rather than out and increase the unhindered landscape area.</i></p>

In addition the Panel recommends the following:

- *Resolution of the apparent discrepancies between plans and the elevation to Macpherson St. Coordination and clarification is required.*
- *Review of the Level 4 common outdoor space to ensure it can receive the requisite 2 hours of sun in mid-winter. The configuration of the laundry and drying area in relation to the communal space was also questioned, and reference made other projects that had integrated such facilities in ways to encourage social interaction.*
- *Consideration of potential visual and acoustic privacy issues from the common area terrace on the western side.*
- *The potential for more outdoor common space beneath the entry bridge and associated landscaping. This is not clear on the architectural drawings.*

Planning comment: Amended plans were provided which address the issues raised above. The Level 4 common area and drying area has been relocated to the ground floor level at the rear to ensure a more meaningful area of communal space leading to the communal outdoor space. Impacts upon neighbouring properties in terms of visual and acoustic privacy are also mitigated by relocating the communal area from an elevated roof top position to the ground level and by deleting the western side courtyard to the common room (visual and acoustic privacy is discussed in detail later in this report). The splays on the front elevation have been removed.

A condition will require that the landscaping plan be amended to show the planting under the vehicular/pedestrian bridge.

Principle 3: Density

The Panel considered the density is appropriate for an area of high amenity that is in need of more key worker housing, assuming that all AHRSEPP provisions will be met in the DA submission.

Principle 4: Sustainability

The Panel was pleased to see the commitment to solar p/v array on the roof, but would like to see the following issues addressed in the final DA submission:

- *Winter sun access was not possible to all rooms so it is important to demonstrate how the common areas can meet solar access requirements (some clerestory skylights might also assist)*
- *appropriate sun-shading and weather protection for all openings and balconies*
- *consideration of solar hot water heaters*
- *ceiling fans for bedrooms and living areas in addition to the proposed a/c systems*
- *window types and operation to accommodate different weather conditions, and allow occupants a variety of ventilation options whilst maintaining security and fall safety*
- *roof slabs with foam insulation and pebble ballast to provide effective thermal comfort to the top floor apartments.*
- *methodology for rainwater collection and reuse.*
- *Natural ventilation should be provided to the basement as outlined in the ADG.*
- *A vergola to the common outdoor space roof could increase winter sun access.*

Planning comment: The amended plans have addressed the majority of the issues raised above.

Principle 5: Landscape

A landscape plan has been provided but must be better coordinated with the development of the architectural design. The following should be considered:

- *Trees species selected should match in height the scale of the future built form, particularly along side and rear setbacks where deep soil can support significant vegetation for both privacy and amenity.*
- *The architectural drawings need to accurately integrate the retaining walls and levels with the landscape drawings, particularly along the street frontage where a significant drop is apparent.*
- *The access to the rear yard should be at grade with terraced steps rather than an elevated path.*
- *The south facing balconies on Level 4 could have increased landscape to avoid overlooking. The balconies for the 2 south facing units on this level are too large.*

Planning comment: A condition is provided in Appendix A addressing a number of the matters raised above. The amended plans have reduced the depth of the rear facing balconies at Level 4 and a condition will require that one of the associated boarding rooms is allocated to the on-site Manager. The access to the rear yard via the communal room at Level 1 is via terraced steps.

Principle 6: Amenity

The potential amenity of the bedrooms and communal spaces was considered to be well resolved, but clarification is required of capacity for natural ventilation through windows and doors.

Provision of a management plan would be expected indicating how the operation would work with smart access, security, servicing and general maintenance. The management plan should also include consideration of the common roof area to reduce possible issues of noise or privacy loss.

1:20 Wall sections should be provided with the DA submission to better describe roof, sunshade, louvre-screens, balconies, balustrades, wall-types and window details.

Planning comment: A Plan of Management has been provided and is included as a condition of consent in Appendix A. A schedule of external finishes has been provided which details the louvres, awnings, doors and windows. The finishes are considered acceptable.

Principle 7: Safety

Window safety and driveway safety need to be addressed, with indication of appropriate balustrading, together with details of walls where drops occur.

Full details of intended security systems for residents, and an incident management plan should be included in the final DA submission.

Safe access and maintenance of planter boxes needs to be considered.

An independent BCA report should be provided. Fire egress from the basement and through the foyer will need to be engineered.

Planning comment: The plans indicate that bollards will be used to separate the pedestrian and vehicular access. This is considered insufficient separation and a potential safety issue for pedestrians. A condition is included that a balustrade/dividing wall be provided instead. Conditions also require compliance with the BCA. A National Construction Code (formerly BCA) report is not required at the DA stage for new buildings however it is noted that one was provided for the original proposal which addresses the car park level.

Principle 8: Housing Diversity and Social Interaction

The Panel considered provision of affordable rental housing to be worthy of support in provision for a vital sector of the local community.

Principle 9: Aesthetics

Generally the proposal is considered satisfactory, but full coordination of plans and elevations must be resolved.

Planning comment: Amended plans have been received addressing this matter.

The comments above by the DEP indicate that the amended proposal satisfactorily complies with Clause 30A as the proposal is consistent with the local character.

Part 3 – Retention of existing affordable rental housing

The proposed development intends to demolish a residential flat building that consists of six two-bedroom dwellings and one single detached dwelling and replace both with a boarding house that consists of 30 rooms that can sleep up to two lodgers per room.

Whilst the proposal will result in the loss of six apartments that are rented at an affordable rate, it is likely that the boarding house rooms that are being provided will also be rented at a rate lower than the median rate for a 1 bedroom flat / unit and therefore can be considered to be affordable housing. There will be a cumulative loss of affordable two-bedroom apartments, but this is offset by the provision of a larger number of affordable boarding rooms.

The proposed development is compliant with the applicable provisions of the Affordable Rental Housing SEPP. Given that the development will increase the amount of affordable rental housing available it is not considered that affordable housing monetary contributions are required to be paid.

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 4: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the LEP.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is defined as a boarding house, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 12.5m 	No	The proposal has a maximum height of 14.55m which is a variation of 2.05m or 16.4%.
4.4 Floor space ratio <ul style="list-style-type: none"> 0.9:1 	Yes	The proposal provides an FSR of 1.35:1. This has been discussed previously in this report under the provisions of the ARHSEPP which allows a bonus of up to 0.5:1.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height 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	<p>The site is not heritage-listed nor contained within a conservation area.</p> <p>The site is located within vicinity of I488 and I491 which are a group of heritage-listed properties located to the east of the site on Macpherson Street between Wills Lane and Leichhardt Street.</p> <p>The proposal is consistent with the design of more contemporary development within the street and the emerging character. The proposal is separated from the heritage-listed group by Wills Avenue and as such will not impact upon the significance of this group of buildings.</p>

Provision	Compliance	Comment
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The proposal includes excavation of the site to provide a car park. The car park provides appropriate setbacks from adjoining properties and all standard conditions of consent are recommended in Appendix A. The excavation is considered acceptable in this regard.

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 14.55m, which exceeds the height of buildings development standard of 12.5m prescribed under clause 4.3 of Waverley LEP 2012 by 2.05m or 16.4%.

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

- *The proposed building height is consistent with the prevailing height within the streetscape and is 1.66m lower in height than the existing building and lower in height than the existing four-storey building at 25 Macpherson Street by approximately 2.51m.*
- *The non-compliance with the height standard is mostly a result of the prior excavation of the site and the height being measured from existing ground level rather than natural ground level.*
- *The building reads as having a height of 9.1m and three storeys when viewed from the street level and public domain and responds to the topography of the site.*
- *The windows to the western and eastern elevation of the upper most level contain fixed louvres, obscure glazing and high level windows to mitigate any overlooking to the habitable rooms or private open space.*
- *The proposal does not result in the loss of any significant views and vistas currently enjoyed from surrounding properties.*
- *The north-south orientation of the lot, in combination with the upper most level being setback 11m from the rear boundary and recessed 1m from the side boundaries, ensures minimal overshadowing impact to the neighbouring properties between 9am to 3pm during midwinter.*
- *The upper level, being setback 11m from the southern rear boundary and being recessed 1m from the side boundaries, reduces the overall building scale and will not create a sense of enclosure when viewed from neighbouring properties.*
- *There are sufficient environmental planning grounds to justify contravening the development standard.*
- *The development achieves the objectives of the development standard and is consistent with the objectives of the R3 Medium Density Residential land use zone.*

- *The proposed development, notwithstanding the variation, is in the public interest and there is no public benefit in maintaining the standard in this instance*

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

4.3 Height of buildings

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

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties,*
- (b) to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,*
- (c) to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land,*
- (d) to ensure that buildings are compatible with the height, bulk and scale of the existing character of the locality and positively complement and contribute to the physical definition of the street network and public space.*

Objectives (b) and (c) are not applicable to this site.

The proposal will not result in unreasonable amenity impacts upon surrounding properties as detailed in the following sections of this report. The overshadowing impacts are not unreasonable and privacy impacts have been adequately mitigated through design and orientation. The proposal is considered to be consistent with objective (a).

Due to the steep fall of the land from the footpath level, the building will present to the street as a three-storey building. Macpherson Street is characterised by buildings three to four-storeys in scale with recent development incorporating flat-roofed forms. The proposal is not out of character with the street and is consistent with the streetscape context as outlined in the comments from the Design Excellence Panel (refer to Section 2.1.3 of this report), as follows:

A Clause 4.6 variation to the height control is proposed, and the Panel considered that this should be supported as the proposal was a suitable insertion to the streetscape. The relatively minor overshadowing impact from the additional height on the adjoining site at No 1 Wills Avenue to the south did not appear to be a significant concern.

The proposal is considered consistent with objective (d) in light of the comments of the DEP.

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

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

Development Control	Compliance	Comment
1. Waste	Yes	<p>The proposal provides a garbage storage room in the car park with the plans indicating space for 13 bins. The DCP requires 14 bins however the plans indicate that there is sufficient area for an additional bin within the garbage storage room. A condition to this effect is included.</p> <p>The garbage room is within vicinity of the car lift and main lift for access to the street for collection. A condition will require that provision is made at each level of the building for the storage of one day of waste.</p> <p>Appropriate conditions are included in Appendix A.</p> <p>The proposal is considered to be consistent with the objectives and controls of this part of the DCP.</p>
2. Energy and water conservation	Yes	<p>Appropriate openings are included for natural ventilation where possible. Rainwater tanks are provided for the extensive landscaping of the site. Solar panels are provided and the roof slab provides foam insulation and pebble ballast as per the comments from the DEP. Ceiling fans are shown in all rooms.</p> <p>The proposal is considered generally consistent with the objectives and controls of this part of the DCP.</p>
5. Tree preservation	Yes	<p>The proposal involves the removal of three trees and the retention of a significant 10m tall 'Weeping Myrtle' tree at the rear of the site. The application was referred to Council's Tree Management Officer who provided conditions of consent which are included in Appendix A (refer to Section 3 – Referrals).</p>

6. Stormwater	Yes (subject to condition)	The submitted stormwater plans were referred to Council's Stormwater Engineer and were unsatisfactory (refer to Section 3 for full comments). A condition is included in Appendix A to address this matter post-consent.
7. Accessibility and adaptability	Yes	<p>A lift is provided to all levels of the building. An accessible boarding room is provided at Level 3 which is directly adjacent to the lift. An accessible car space is also within the car park.</p> <p>Additionally, a condition will require compliance with the National Construction Code (NCC) which includes compliance with the Disability Discrimination Act (DDA).</p> <p>The proposal is considered to be consistent with the objectives and controls of this part of the DCP.</p>
8. Transport <ul style="list-style-type: none"> • Motorbike: 3/15 car spaces; • Bicycle: 1 per dwelling 	Yes	<p>The provisions of DCP 2012 in regards to car parking are not relevant in the assessment of boarding house development. The provisions of the ARHSEPP override this control.</p> <p>The proposal provides six motorbike spaces which is in excess of the DCP requirements.</p> <p>The proposal provides seven bicycle racks within the car park. Given that a boarding house provides rooms rather than dwellings, there is no requirement for bicycle parking. In this regard, the amount of bicycle parking proposed is considered appropriate.</p>
9. Heritage	Yes	Refer to Table 3.
10. Safety	Yes	<p>As previously detailed, a condition will require a physical barrier between the pedestrian and vehicular entry. The pedestrian entry is located at the front of the building accessed from Macpherson Street and is clear and legible.</p> <p>The proposal provides balconies on the front and rear elevations for passive surveillance of the street and the rear common area.</p> <p>The boarding house will also have an on-site caretaker with the Manager's room being located at the uppermost level.</p>

		<p>A detailed Plan of Management (POM) has been submitted outlining procedures for the boarding house use. This is referenced in the conditions and will form part of the consent. The POM stipulates that the communal living rooms and communal courtyards shall only be used from Sunday to Thursday, 7am to 10 pm, Friday and Saturday, 8 am to midnight. There will be no amplified music or alcohol allowed in communal areas after these hours.</p> <p>The proposal is considered to be consistent with the objectives and controls of this part of the DCP.</p>
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Although SEPP 65 does not apply to boarding house development, Waverley DCP 2012 specifies that Part C2 applies to boarding houses within the residential flat building zones. The following table addresses the relevant sections of the DCP noting that those provisions which are standards within the ARHSEPP have been deleted from the table as the ARHSEPP overrides these controls.

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 	Yes	The site has frontage of 25.686m.
2.3 Height		
<ul style="list-style-type: none"> Maximum external wall height: 9.5m 	No	The proposal has a maximum wall height at the rear of 13.9m. This issue is discussed in detail following this table.
2.4 Excavation		
<ul style="list-style-type: none"> No fill to raise levels 	Yes	Fill is not used to raise the levels of the land.
<ul style="list-style-type: none"> Minimum setback of 1.5m from side boundaries 	Yes	Excavation is set back 1.8m from the side boundaries.
<ul style="list-style-type: none"> Under building footprint except main access ramp 	Yes	The excavation is predominantly within the building footprint with only small encroachments for part of the side boundaries.
<ul style="list-style-type: none"> Basements no more than 1.2m out of the ground 	Yes (on merit)	The basement protrudes above ground level at the rear. Given the slope of the site, this is considered acceptable.
<ul style="list-style-type: none"> Geotechnical report required when > 3m in depth or 25% slope 	Yes	Conditions are imposed regarding excavation and the provision of a Geotech report.

		building of approximately 2.7m. In response to the inadequate separation from windows on the adjoining building, the windows on the western elevation of the subject proposal have been designed to mitigate privacy impacts ie, secondary highlight windows with louvres fitted or frosted glass. This response to the site constraints is considered acceptable.
2.10 Fences and walls		
Front fence: <ul style="list-style-type: none"> Maximum height 1.2m Maximum 2/3 solid 	N/A	The front boundary wall, fence and sandstone retaining wall below the pavement, are to be retained and restored.
Side fence: <ul style="list-style-type: none"> Maximum height: 1.8m 	N/A	The proposal retains the existing side and rear boundary fencing.
Rear fence: <ul style="list-style-type: none"> Maximum height: 1.8m 	N/A	
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 Yes Yes No Yes	<p>The proposal provides an elevated 3.6m wide driveway over the Level 1 courtyard below. The elevated driveway is generally level with Macpherson Street and provides access to a single car lift to the car park level.</p> <p>The Traffic and Parking Assessment Report provided with the application indicates that a traffic light system will be required to control entering and exiting vehicle movements. The report states that <i>'in most situations the signals are programmed to favour entering vehicles in order to reduce the likelihood of vehicles queuing at ground level'</i>. The report concludes that the proposed development has no unacceptable traffic implications.</p> <p>The vehicular access is integrated into the design of the proposed development and although located alongside the pedestrian entry, a condition will require a balustrade or some such barrier between the two.</p>
2.12 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level Accessible entry Legible, safe, well-lit 	Yes Yes Yes	Pedestrian entry is provided from Macpherson Street via an elevated pedestrian bridge to Level 2 of the building. The bridge is level with the street providing accessible entry to the foyer of the building where a lift to the other levels is provided.

2.13 Landscaping		
<ul style="list-style-type: none"> Minimum of 30% of site area landscaped: 264m² 	Yes	The proposal provides 40% of the site (355m ²) as landscaped area.
<ul style="list-style-type: none"> 50% of the above is to be deep soil: 132m² 	Yes	The proposal provides 100% of the landscaped area as deep soil.
2.16 Solar access and overshadowing		
<ul style="list-style-type: none"> Min 3 hours of sunlight to a min of 70% of units during winter solstice 	N/A	The provisions of the ARHSEPP apply in regards to solar access – refer to Table 1 of this report.
<ul style="list-style-type: none"> Adjoining properties to retain minimum of three hours of sunlight during winter solstice 	No	Refer to discussion following this table.
2.17 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss 	N/A	The issue of view loss was not raised by objectors. Notwithstanding, in the event that significant views would be affected, the proposal complies with the built form controls of FSR and height except for the rear part of the building. The proposal is considered acceptable in regards to built form given the controls that apply to the development and the slope of the land (as discussed previously in this report). Any associated loss of significant private views is considered to be justifiable when considered in relation to the 'reasonableness principle' of the Tenacity planning principles.
2.18 Visual privacy and security		
<ul style="list-style-type: none"> Minimise overlooking of adjoining properties 	Yes	<p>The main windows and balconies for the boarding rooms are located on the front and rear elevations of the building. There is sufficient separation from the properties on the opposite side of Macpherson Street and balconies are encourage on front elevations to ensure passive surveillance of the entry to the building and the street.</p> <p>The rear balconies are set back 6m from the rear boundary with No. 1 Wills Avenue. The rear balconies are capable of overlooking the rear yard of No. 1 Wills Avenue, however the balconies are limited in width and area and as such, are unlikely to be used for large gatherings. The common area, with an associated large terrace, was previously at the uppermost level, and would have impacted on the visual and acoustic privacy of adjoining properties given the high level of use of this area. The amended plans have relocated the common area to the lower ground floor level at</p>

<ul style="list-style-type: none"> Prevent overlooking of more than 50% of private open space of lower level dwellings in same development 	Yes	<p>the rear to ensure that the privacy impacts are reduced. In this regard, only private balconies will be orientated toward the property at the rear. Additionally, the proposal will retain a large tree along the rear boundary and provide additional screen planting with a mature height of 8-10m which will inhibit the overlooking of properties to the rear. In this regard, the privacy impacts from the rear balconies are not considered unreasonable.</p> <p>The side elevations contain secondary windows which are either highlight louvred windows or frosted glass. Noting that the balconies are provided with screening on the side elevations inhibiting overlooking to the properties on either side, the proposal will not unreasonably impact upon the privacy of the adjoining properties to the east and west.</p> <p>The common rooms have been previously discussed and amended and will not impact unreasonably upon the privacy of adjoining properties.</p> <p>There are no 'dwellings' within the proposed development as only boarding rooms are provided. Notwithstanding, the balconies to each of the boarding rooms are stacked over each other and as such overlooking of lower levels will not be possible.</p>
2.20 Ceiling heights		
<ul style="list-style-type: none"> Minimum height of 2.7m for residential floors 	<p>Yes</p> <p>Yes (on merit)</p>	<p>Each level provides 3m floor to floor with the exception of the top level which provides 2.8m to the rear part of the building. In this regard, all floors provide 2.7m with only the two rear boarding rooms providing 2.4m.</p> <p>The lower ceiling height to the rear boarding rooms is to reduce the height of the building overall where the land slopes steeply at the rear. The lower ceiling height continues to comply with the provisions of the National Construction Code and is therefore considered acceptable. The amenity of the rear rooms is maintained due to the increased width of these rooms.</p>
2.22 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	<p>Given that only boarding rooms are provided, all areas have the same use to those above and below.</p>

2.23 Natural ventilation		
<ul style="list-style-type: none"> Minimum of 60% of units cross-ventilated 	N/A	There are no 'units' within the proposed development as only boarding rooms are provided. There is no requirement that boarding rooms are naturally cross-ventilated.

Table 7: Waverley DCP 2012 – Part F1 Shared Residential Accommodation Compliance Table

Development Control	Compliance	Comment
1.1 Built form and amenity		
<ul style="list-style-type: none"> Minimum area of 12m² for bedrooms 	N/A	The ARHSEPP overrides the room size standards and has been discussed previously in this report.
<ul style="list-style-type: none"> Minimum area for communal living of 12.5m² or 1.25m² per resident (whichever is greater) 	No	Communal living of between 37.5m ² (1 person per room) - 75m ² (2 people per room) is required. The proposal provides 63m ² over 3 internal rooms. Given that each room may not be at full occupancy, that each unit has a private balcony and that there is 355m ² of external communal space, 63m ² is considered sufficient to meet user needs for interaction and recreation.
<ul style="list-style-type: none"> A combined communal kitchen and dining area should have a minimum area of 15m² with an additional 1m² for each room greater than 12 rooms. 	No	Given the number of rooms, the DCP requires a combined kitchen/dining room of 33m ² . Each room provides kitchenette facilities for basic reheating and cooking. Additionally, a communal living room with a full kitchen is provided at the lower ground level at the rear with direct access to the rear open space. This room has an area of 22m ² . There is sufficient area immediately adjacent to the common area for the provision of a further outdoor dining area to meet the DCP control. The provision of outdoor seats is considered to address the intent of the control to provide spaces for social interaction. A condition to this effect is included in Appendix A.
<ul style="list-style-type: none"> Each room should contain adequate storage facilities. 	Yes	Each room provides storage facilities.
<ul style="list-style-type: none"> Balconies should be provided for each individual room where site and locality conditions permit. 	Yes	Each boarding room provides a balcony.
<ul style="list-style-type: none"> Clothes drying facilities are to be provided for occupants, including an outdoor clothes line. 	Yes	A clothes drying area is provided adjacent to the communal area at the lower ground floor level.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Laundry facilities provided for every 12 residents. 	Yes	A laundry is provided within the basement capable of accommodating the required number of machines.
<ul style="list-style-type: none"> A room with a kitchenette should contain a stove, sink, oven, refrigerator and a bench top with a minimum area of 1m². 	Yes	The SEE states that each boarding room is provided with a kitchenette with a stove, sink, oven and refrigerator with a bench top with a 1m ² area.
<ul style="list-style-type: none"> Minimum area of 5m² for bathrooms. 	No	The bathrooms are generally 3.5m ² however provide a large shower, toilet, vanity and sufficient circulation space. This is considered satisfactory.
<ul style="list-style-type: none"> Well ventilated rooms. 	Yes	Each room is provided with full height openable doors to a balcony ensuring sufficient ventilation.
<p>Boarding houses are to be designed to minimise and mitigate any impacts on the visual and acoustic privacy of neighbours by locating:</p> <p>(i) The main entry point at the front of the site, away from side boundary areas near adjoining properties;</p> <p>(ii) Communal areas away from the main living area or bedroom windows of any adjacent buildings;</p> <p>(iii) Screen fencing, plantings and acoustic barriers in appropriate locations; and</p> <p>(iv) Double glaze windows or glass blocks where noise transmission could affect neighbour properties.</p>	Yes	The proposed boarding house has been designed with the main entry from the front of the site, communal areas either enclosed within the building proper or located at the lower ground level at the rear. Amended plans were provided which address privacy impacts upon adjoining properties by relocating the communal dining area to the rear instead of the roof. The communal outdoor areas are to be extensively landscaped to ensure privacy.

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

External wall height

The DCP control for wall height on this site is a maximum of 9.5m whereas the proposed development has a varying wall height with a maximum of 13.9m.

Due to the steep fall of the land from the footpath level, the building will present to the street as a three-storey building. Macpherson Street is characterised by buildings three to four-storeys in scale with recent development incorporating flat-roofed forms. The proposal is not out of character with the street and is consistent with the streetscape context as outlined in the comments from the Design Excellence Panel (refer to Section 2.1.3 of this report). In this regard, the wall height, as proposed, does not result in a building which is out of context with the street. Additionally, as discussed throughout this report, amenity impacts upon surrounding properties are not unreasonable. It is considered that the variation to the wall height control can be supported in this instance.

Setbacks

The proposal provides side setbacks of 3m on the eastern side and 4.5m on the western side for the above ground portion of the building, with only minor encroachments. The car park level encroaches upon these side setbacks being 1.8m from each side boundary. The car park level will largely be located below the existing ground level and is unlikely to impact upon surrounding properties.

The western side setback complies with the DCP at 4.5m. The eastern side setback is substandard at only 3m from the boundary. It is noted that the adjoining property to the east is built up to the shared boundary with no setbacks and glass blocks on this elevation. The reduced setback will have limited impact upon this property given there are no windows on the opposing elevation. The reduced side setback will not impact negatively upon the streetscape as it is consistent with the pattern of development within the street. In this regard, the side setbacks meet the intent of the setback objectives and are considered appropriate.

The DCP requires a 2m wide deep soil zone along one side boundary of the site to promote screen planting. The proposal provides 1800mm wide deep soil zones on both side boundaries and the landscaping plan submitted with the application indicates that both side boundaries will be planted with trees with mature heights of ranging from 1.5m – 8m. This is considered acceptable.

Overshadowing

The adjoining dwelling to the south of the site will be overshadowed by the proposed development. At present this dwelling is already heavily overshadowed at the winter solstice by the existing buildings and surrounding residential flat buildings and the subject application will increase this.

Overshadowing of the adjoining site is not unexpected given that the property is due south of the subject site. Any development within the controls would result in overshadowing of the adjoining southern site so therefore the test becomes whether the development is a reasonable expectation for the site.

The proposal complies with the development standards of the ARHSEPP however exceeds the height development standard of the LEP. The height of the building at the rear is compliant with the height control with the area of height exceedance being set back 5m from the building edge. In this regard, the building complies with the height where the greatest impact in terms of overshadowing (ie, the rear elevation) occurs. The area that exceeds the height is unlikely to cause unreasonable additional overshadowing beyond the height compliant form.

It is also worth noting that the adjoining site to the south is owned by the owner of the subject site and as such no objection from this property has been received. In this regard, the overshadowing from the development is an accepted impact and a known constraint of the site.

A development within the controls is not considered unreasonable and accordingly the overshadowing impacts of the development are considered acceptable.

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 21 days and a site notice erected on the site, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

Submissions from 43 properties were received. The issues raised in the submissions are summarised and discussed below.

Table 8: Summary of property addresses that lodged a submission

Property
Waverley, 4/3A Macpherson Street
Waverley, 4/4 Macpherson Street
Waverley, 14/4 Macpherson Street
Waverley, 22/5-7 Macpherson Street
Waverley, 8 Macpherson Street
Waverley, 10 Macpherson Street
Waverley, 12 Macpherson Street
Waverley, 18 Macpherson Street
Waverley, 6/15-17 Macpherson Street
Waverley, 7/15-17 Macpherson Street
Waverley, 23 Macpherson Street
Waverley, 25 Macpherson Street
Waverley, 1/31 Macpherson Street
Waverley, 2/31 Macpherson Street
Waverley, 3/31 Macpherson Street
Waverley, 5/31 Macpherson Street
Waverley, 3 Wills Street
Waverley, 4/4 Wills Avenue
Waverley, 2/5 Wills Avenue
Waverley, 3/5 Wills Avenue
Waverley, 4/5 Wills Avenue
Waverley, 5/5 Wills Avenue
Waverley, 6 Wills Avenue
Waverley, 8 Wills Avenue
Waverley, 5/15 Leichhardt Street

Property
Waverley, 11 Leichhardt Street
Waverley, 14 Carlton Street
Waverley, 19 Kent Street
Waverley, 27/49 Albion Street
Bronte, 38 Boundary Street
Bronte, 526 Bronte Road
Bronte, 32 Brown Street
Bronte, 30 Busby Parade
Bronte, 15 Calga Avenue
Bronte, 38 Chesterfield Parade
Bronte, 42 Chesterfield Parade
Bronte, 62 Chesterfield Parade
Bronte, 2 Lugar Brae Avenue
Bronte, 15 St Thomas Street
Bronte, 1/12 Violet Street
Queens Park, 31 Birrell Street
Bronte Beach Precinct Committee
1 submission from an unknown address

Issue:

- *Exceeds the height development standard and the DCP wall height control.*
- *Inadequate setbacks.*
- *Visual and acoustic privacy.*
- *Excessive bulk and scale; overdevelopment of the site; excessive increased density; Inadequate infrastructure for increased density; Increased garbage.*
- *Tree removal.*
- *Parking - Inadequate parking provided for 64 residents; Driveway will result in loss of on-street parking.*
- *Traffic impacts – increased due to St Catherine’s school, childcare centre etc; Car lift will cause congestion while cars queue and wait for other vehicles using the lift.*
- *Overshadowing and lack of solar access.*
- *Loss of low cost housing – no assessment has been provided.*

Response: These issues have been discussed previously in this report.

Issue: Inadequate notification.

Response: The issues with notification were rectified by further notification during the assessment of the application. At the time of notification Council did not provide internal floor plans online for privacy reasons. However, the full plans (including the floor plans) were available at Council’s Customer Service Centre during the notification period.

The application has been notified in accordance with the DCP including the required extent of notification.

Issue: Demolition of the existing building – it should be retained as it has heritage value; Interim Heritage Order should be applied while investigating importance of the Inter-war flat building.

Response: This matter was considered by the Strategic Planning and Development Committee in August 2018. The executive summary of the report to the committee states:

A preliminary heritage assessment was prepared by Council staff in March 2018, and a subsequent heritage assessment was carried out by an external heritage consultant John Oultram Heritage and Design in June 2018. Heritage assessments were carried out in accordance with the NSW Heritage Manual Assessing Heritage Significance Guidelines and was guided by the Australia ICOMOS Burra Charter 2013. The process involved the understanding of the place through documentary and physical research, assessing the significance of the item using the NSW Heritage Division criteria which considers matters of aesthetic, social, historical and technical significance, and through identifying any changes to the property that would diminish the significance of the properties, for example if alterations have occurred which may result in a loss of integrity.

Both heritage assessments concluded that neither 27 nor 29 Macpherson Street should be listed as part of the LEP as items of local heritage significance. 29 Macpherson Street was not recommended for heritage listing because it is a typical example of Inter-War architecture that has been compromised through changes made to the building and because it does not have any special associations with any group or persons of importance. 27 Macpherson Street was not recommended for heritage listing because the building has been significantly altered.

No further action is considered necessary in this regard apart from the requirement for an archival recording of the existing building prior to demolition as required by condition in Appendix A.

Issue: *Communal areas are not within the building; there are no areas where people can mingle; usability; compliance with solar access requirements; insufficient size; no communal kitchen provided.*

Response: The communal rooms have been previously discussed in this report.

The communal living area was previously located at the top most level of the building at the rear. This location was considered inappropriate and the amended plans have relocated this to the rear car park level and a communal kitchen has now been included within this room. This location is more suitable by having direct and level access to the rear outdoor communal space, and being located at the lower ground level at the rear, is unlikely to significantly impact upon surrounding properties.

The proposal also provides two other communal living areas and the landscaped setbacks at the front and rear make provision for communal use with seating areas provided.

Issue: *The location of the manager's unit; The manager is too far removed from the boarding rooms to be effective; The manager is only contactable via a number and doesn't live on site.*

Response: The onsite manager's room has been relocated to the roof level in the amended plans. The manager will live on site.

Issue: *The basement should be set back further.*

Response: There is no rationale for the basement to be set further back on the site. The carpark level complies with the setback controls of the DCP and no further setbacks are considered warranted.

Issue: Management – the building should be managed by a professional management regime and this should be a condition of consent; Plan of Management - how will the POM be enforced.

Response: There is no requirement that boarding houses be managed by a professional management regime. Boarding houses are capable of being privately managed. Notwithstanding, there are conditions contained within Appendix A.

The boarding house has an onsite manager who is contactable 24/7 and a Plan of Management (POM) that details rules and use of areas to minimise impacts to adjoining properties. The POM is referenced in the conditions of consent and forms a part of the approval documents that must be adhered to during operation. Any breach of the POM is a compliance matter and the terms of the POM are enforceable by Compliance Officers.

Issue: Developers are exploiting a loophole in the legislation and renting units out for more than allowed; It will be a backpackers or short-term accommodation; The purpose of a boarding house is unclear; The proposal includes high cost features and will not be affordable.

Response: The boarding house is required to operate in accordance with Schedule 2 (Standards Enforceable by Orders) of the Local Government (General) Regulation. Standard conditions imposed also restrict future use of the development and ensure that the minimum lodging period is 3 months. Notwithstanding, the ARHSEPP does not stipulate that boarding houses are rent controlled and as such, no condition in this regard is recommended. The size of the boarding rooms and market forces will determine the lower rents for such establishments. This is not a reason that Council can refuse the application.

Issue: Construction issues – traffic, noise, safety to children.

Response: Issues during construction are not matters for consideration under the Act. All standard conditions in relation to construction are included in Appendix A.

Issue: Social and economic impact – traffic will delay people travelling to work/running businesses resulting in the demise of small business.

Response: A Traffic and Parking Assessment Report was provided with the application which concludes the following:

‘... the additional traffic generated by the proposed development is relatively minor (2vtph) which will not have any noticeable or unacceptable effect on the road network serving the site in terms of road network capacity or traffic-related environmental effect. In the circumstances, it can be concluded that the proposed development has no unacceptable traffic implications.’

The application was referred to Council’s Technical Services Department and no issues were raised.

Issue: The proposal should be comprised of a range of unit sizes.

Response: The proposal is not for a residential flat building and therefore there are no units proposed. A boarding house contains only rooms and a range of sizes is not permitted by the Affordable Housing SEPP. The room sizes are limited by the ARHSEPP to ensure that the use is for low cost accommodation. The proposal complies with the room sizes stipulated by the ARHSEPP.

Issue: Loss of landscaping and vegetation.

Response: The proposal provides landscaping to comply with the applicable controls.

Issue: Waste and garbage disposal – pick-up should be between working hours to minimise disruption.

Response: Times for collection of garbage would be difficult to enforce. Conditions are provided in Appendix A requiring the submission of a Waste Management Plan addressing waste matters.

Issue: Anti-social behaviour; residents will contribute nothing to the area as they do not have jobs; Inappropriate location next to a childcare centre and school due to the type of people boarding houses attract.

Response: A boarding house is a permissible use for the R3 zoning with consent and is consistent with State Government policies. The boarding house is managed through a plan of management to limit anti-social behaviour and adverse impacts to neighbouring properties.

Issue: Roof terrace – visual and acoustic privacy impacts; inappropriate location; roof terraces not allowed under DCP provisions; anti-social.

Response: This issue has been addressed by the amended proposal which removes the communal area from the roof to the car park level at the rear. The balconies at the topmost level will be allocated to private use including the manager's room as stipulated by condition.

Issue: Streetscape; Excessive built form with lack of transition; Proposal fails the character test in Clause 30A of the ARHSEPP; lift overrun is unsightly.

Response: The character of the proposal in relation to the ARHSEPP has been discussed previously in this report. The amended plans have reduced the lift overrun to ensure it is not obtrusive within the streetscape. The design of the proposal is considered appropriate.

2.5 Public Interest

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

3. REFERRALS

3.1 Driveways – Creating Waverley

Conditions were provided which are included in Appendix A.

3.2 Stormwater – Creating Waverley

The stormwater plans were checked and are considered unsatisfactory. A condition is included in Appendix A to satisfy the stormwater requirements post consent.

3.3 Urban Design – Shaping Waverley

The application was referred to Council's Urban Designer for comments. The Urban Designer does not support the proposal due to the height variation and potential impacts upon surrounding properties and the character of the street (full comments available on file).

These matters have been discussed in detail in previous sections of this report.

3.4 Urban Design – Shaping Waverley

Conditions were provided which are included in Appendix A.

3.5 Waste – Sustainable Waverley

Conditions were provided which are included in Appendix A.

3.6 Trees – Clean and Attractive Waverley

The following comments were provided (and conditions which are included in Appendix A):

Impacts on Existing Trees and Vegetation:

- *Tree 1: Jacaranda mimosifolia - Jacaranda; located within the front of the property and positioned where the structural root zone is within the proposed driveway. This specimen has been previously lopped at 5 metres with multiple water shoots and if this current proposed design is approved, then this specimen cannot be retained and is recommended to be replaced as part of the proposed landscape works.*
- *Tree 2: Juniperus Sabina - Savin Juniper; located within the front of the property and positioned within the proposed driveway footprint. This specimen is becoming senescent and segmenting from the top and is recommended to be removed and replaced as part of the proposed development.*
- *Tree 3: Agonis flexuosa - Weeping Myrtle, this specimen was found in good health and vigour at time of assessment.*
- *Tree 4: Persea americana - Avocado; located within the rear of the property and positioned outside the proposed building envelope. As this specimen is a planted fruit tree is recommended to be removed and replaced with more appropriate species as part of the proposed landscape works.*

3.7 GIS – Digital Waverley

A condition was provided which is included in Appendix A in relation to the numbering of the site.

4. SUMMARY

The proposal seeks consent for the demolition of existing structures and construction of a boarding house comprising 30 boarding rooms, one boarding manager's room and basement car park and amalgamation of lots into one Torrens title lot.

The proposal has been designed to comply with the provisions of State Environmental Planning Policy (Affordable Rental Housing) (ARHSEPP) and the provisions of Waverley Development Control Plan 2012. The proposal exceeds the height development standard of Waverley Local Environmental Plan 2012 by 16%. However due to the steep fall of the land from the footpath level, the building will present to the street as a three-storey building. Macpherson Street is characterised by buildings three to four-storeys in scale with recent development incorporating flat-roofed forms. The proposal is not out of character with the street and is consistent with the streetscape context. Furthermore, the proposal will not have unreasonable amenity impacts upon surrounding properties as discussed in detail within this report.

A boarding house is a permissible use within the zoning and permitted through the enabling controls of the ARHSEPP.

The proposal was notified to surrounding properties and objections from 43 properties were received.

The proposal is recommended for approval.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:

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

Kylie Lucas
Senior Development Assessment Planner

Arif Faruqi
Manager, Development Assessment (North)

Date: 21 November 2018

Date: 23 November 2018

Reason for referral:

- 2 Contentious development (10 or more 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 Nos DA01 – DA09 and DA15, inclusive, Revision B, tables and documentation prepared by Gilsenan Architects, dated 26/09/2018, and received by Council on date 16 October 2018,
- (b) Landscape Plan No. SK01 Revision D and documentation prepared by Carmichael Studios and received by Council on 6 February 2018;
- (c) Arboricultural Impact Assessment Report prepared by Redgum Horticultural Consultancy dated 5 December 2017 and received by Council on 6 February 2018;
- (d) Traffic and Parking Assessment Report prepared by Terraffic Pty Ltd dated 13 December 2017 and received by Council on 6 February 2018;
- (e) 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) One of the two rear facing boarding rooms at Level 4 of the building shall be allocated to the on-site manager to ensure compliance with the minimum private open space requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009.
- (b) A balustrade or dividing wall, no higher than 1200mm high, shall be constructed between the pedestrian access and the vehicular driveway, to ensure safety for pedestrians.
- (c) An outdoor eating area, with appropriate furniture (ie, outdoor dining tables and chairs) shall be provided directly adjacent to the communal kitchen/dining area at the ground level at the rear of the site.

The amendments are to be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

3. AMENDED LANDSCAPE PLAN

The landscape plans shall be amended as follows:

- (a) To reflect the approved plans and layout.
- (b) To show the plantings and treatment under the pedestrian/vehicular bridge at the front of the site.

- (c) To show composting facilities in accordance with condition 81.
- (d) To show the outdoor seating area required under Condition 2(c).

The amendments are to be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

4. PLAN OF MANAGEMENT (POM) TO BE SUBMITTED AND APPROVED

The POM accompanying this Development Application has not been approved by this consent.

An amended Plan of Management is to be submitted to the Council prior to any Occupation Certificate being issued.

The POM is to provide detail on mitigating impacts on surrounding properties including but not limited to:

- (a) Identification of procedure for complaints, complaints register and target timeframes for dealing with complaints and maintenance issues;
- (b) Identification of how noise and behaviour complaints will be dealt with in a timely and efficient manner;
- (c) Inclusion of a schedule of fire safety measures;
- (d) Inclusion of a register which records the allocation of the parking and motorcycle spaces to tenants;
- (e) Inclusion of an incident register that must be produced upon demand by any Council Officer or NSW Police Officer. The incident register must contain a direction that all incidents of a criminal nature are to be reported to the police immediately.
- (f) Requirements of signage provision at the front of the boarding house in accordance with conditions of consent and of signage in the common areas identifying emergency contact numbers.
- (g) Identification of the type of locks provided for boarding rooms for security purposes, which are to be a key operated and dead-bolt style lock;

The amendments are to be made and submitted to Council for approval prior to the release of Construction Certificate. A final Occupation Certificate will not be issued until such time as the POM is in a form acceptable to Council.

5. 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.

6. INSTALLATION OF AIR CONDITIONING

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

- (a) Be located a minimum of 1.5 metres from a boundary.

- (b) Be located behind the front building line and if visible suitable screened and located in an appropriate location.
- (c) Not be adjacent to neighbouring bedroom windows.
- (d) Not reduce the structural integrity of the building.
- (e) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day.
- (f) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. SECTION 7.12 CONTRIBUTION

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

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

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

"Waverley Council Cost Summary Report"; or,

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

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

A copy of the required format for the cost reports 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.

8. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$75 000 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

9. LONG SERVICE LEVY

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

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

10. NO BUILDING WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

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

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

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

11. ESSENTIAL SERVICES - NEW BUILDING

Details of the proposed essential fire safety measures/services shall be submitted to Council with the application for a Construction Certificate or be attached to the Construction Certificate, including a certificate, prepared by a person competent to do so, setting out the:

- (a) basis of design;
- (b) standard to which the system is to be installed; and
- (c) all relevant documentation, including all drawings such as wiring diagrams, duct layouts, hydraulic schematics etc and calculations shall be submitted for Council's records.

At the completion of the installation, certification containing the following information shall be attached to the application for an Occupation Certificate or to the Occupation Certificate:

- (a) inspection, testing and commissioning details;
- (b) date of inspection, testing and commissioning;
- (c) the name and address of the individual who carried out the test; and
- (d) a statement that the service has been designed, installed and is capable of operating to the above standard.

12. SERVICE AUTHORITIES

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

13. HOARDING

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

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

14. 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.

15. 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.

16. 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.

17. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Part B1, Waverley DCP 2012 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

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

construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

18. EROSION, SEDIMENT AND POLLUTION CONTROL

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

19. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall provide details of the following:

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

20. LONG SECTIONS OF DRIVEWAY

Long sections, drawn along both edges of the driveway, shall be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to issue of the Construction Certificate.

The long section drawings shall:

- (a) Be drawn at a scale of 1:25
- (b) Include reduced levels (RL's) of the Macpherson Street carriageway, the kerb and gutter, footpath and paving within the property as far as the car lift platform.
- (c) Include existing and design levels.
- (d) Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
- (e) Show all paving on Council's land being sloped/ drained towards the roadway.

21. STORMWATER MANAGEMENT

- (a) The submitted Drainage Concept plans prepared by Taylor Consulting, Drawing No: 27617-1, dated 28 June 2016, have been checked and 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 Water Management Technical Manual with respect to:
 - Details of the on-site detention tank are required e.g, cross-section, long-section, invert level, orifice centreline level, top water level, overflow system, orifice diameter.
 - A copy of a positive covenant and Certificate of Title to show the creation of an easement to drain water over 1 Wills Avenue is required prior to a stormwater assessment. The drainage easement shall be created in favour of the Council. The easement and appropriate Section 88B instrument under the *Conveyancing Act 1919* must be registered with the Land and Property Information Office prior to the assessment by Council of the amended stormwater plans. All associated costs are to be borne by the applicant.

Updated Water Management Plans along with mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required.

- (b) Amended details addressing clause (a) are to be submitted and approved by Council's Executive Manager, Creating Waverley demonstrating compliance, prior to the issue of a Construction Certificate.
- (c) Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.

22. ENGINEERING DETAILS

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

23. ARCHIVAL RECORDING

To record remaining historic aspects of the site an archival photographic record of the existing fabric and any exposed rock face at the site shall be provided in accordance with the guidelines of the NSW Heritage Branch Environment & Planning NSW.

The archival record shall be prepared for deposit in Waverley Council's Archive (2 copies to be submitted). This record must be carried out prior to the removal of any significant building fabric or furnishings from the site and must be submitted to Council prior to the commencement of any demolition work and the issue of a Construction Certificate. The record shall comprise photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:

- (a) adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
- (b) a summary report of the photographic documentation; and
- (c) photographic catalogue sheets, which are referenced to a site plan and floor plan, no larger than A3 paper size, and indicating the location and direction of all photos (black & white prints and slides) taken.

24. USE OF RENEWABLE TIMBERS

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

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

25. PRIOR TO SITE WORKS

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

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

26. HOME BUILDING ACT

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

27. CONSTRUCTION SIGNS

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

28. EXCAVATION AND BACKFILLING

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

29. EXCAVATION BELOW FOOTINGS

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made, at their own expense, must:

- (a) preserve and protect the building from damage; and
- (b) if necessary, must underpin and support the building in an approved manner; and
- (c) must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

30. OBSTRUCTION TO PUBLIC AREAS

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

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

31. TOILET FACILITIES

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

32. NO USE OF ORGANOCHLORIN PESTICIDES

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

33. 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.

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 AS260-2001, Demolition of Structure and a Hazardous Materials Assessment by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

- (a) outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) confirm that no asbestos products are present on the subject land; or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice for the Safe Removal of Asbestos NOHSC 2002 (1998);
- (d) describe the method of demolition;
- (e) describe the precautions to be employed to minimise any dust nuisance; and
- (f) describe the disposal methods for hazardous materials.

35. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

36. SOIL AND WATER MANAGEMENT PLAN

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

37. FOOTPATH PROTECTION

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

38. STOCKPILES

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

39. LOCATION OF BUILDING OPERATIONS

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

40. TEMPORARY DIVERSION OF ROOF WATERS

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

41. ALL BUILDING MATERIALS STORED ON SITE

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

42. CONSTRUCTION HOURS

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

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

(b) Sundays and public holidays; and

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

43. 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 (RESIDENTIAL FLAT DEVELOPMENT AND OTHER RESIDENTIAL CLASS 2, 3 AND 4)

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

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

The specified **MANDATORY** inspections are:

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

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

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

- (a) sediment control measures prior to the commencement of building work;
- (b) foundation material prior to undertaking building work;
- (c) shoring of excavation works, retaining walls, piers, piling or underpinning works;
- (d) steel reinforcement, prior to pouring concrete;
- (e) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns;
- (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. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.

46. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

47. ENCROACH BEYOND THE BOUNDARIES

An agreement for the lease of airspace under s149 of the *Roads Act 1993* for those parts of the development which extend over the boundaries onto Birrell Street and Bronte Road must be executed between the owner of the land and Waverley Council prior to the issue of the relevant Construction Certificate.

48. 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.

49. 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.

50. BALCONIES NOT TO BE ENCLOSED

The private open balconies attached to the proposed building are not to be enclosed at any future time, in accordance with the provisions of Council's General Policy. In this regard, the door openings within the external walls adjoining the private open balconies to be constructed so as to prevent the penetration of rain or other waters to the inner part of the building.

51. VEHICLE ACCESS

All vehicles entering and exiting the basement car park shall do so in a forward direction at all times.

52. FINISHED LEVEL OF PAVING

Paving at the Macpherson Street boundary shall be finished 20mm above the back edge of Council's existing pathway.

53. INTERNAL DRIVEWAY RAMP- LEVEL CERTIFICATION

Prior to pouring concrete on any part of the internal driveway ramp, documentation shall be submitted to Council for the approval of Executive Manager of Creating Waverley confirming the car lift elevator platform level has been installed in accordance with the approved drawings.

54. NEW VEHICLE CROSSING

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

55. DRIVEWAY LAYBACK

The overall length of the layback/gutter crossing on the vehicle crossing shall not exceed 3.9m.

56. PARKING SPACE DELINEATION

All car and motorcycle parking spaces shall be clearly delineated.

57. VEHICULAR ACCESS CONTROL SYSTEM

An electronically operated vehicular access control system shall be provided on the access ramp and in the basement to give priority at all times to vehicles entering the site/ car lift platform. Details are to be submitted to the Principal Certifying Authority prior to works commencing on site.

58. FOOTPATH WORKS

The existing concrete pathway and turf outside the site shall be removed and replaced with new

concrete paving and new turf in accordance with Council's standards and specifications.

59. INTERNAL DRIVEWAY RAMP

Unless advice is received at Council to the contrary from a suitably qualified and experienced consultant Civil/Structural Engineer, the internal driveway ramp shall be constructed with no part of the ramp or its associated walls imposing any loading onto the existing sandstone block retaining wall along the Macpherson Street boundary. In this regard and prior to works commencing on any part of the internal ramp, detailed structural engineering drawings of the ramp between the Macpherson Street property boundary and the car lift elevator platform shall be submitted to Council for the approval of the Executive Manager Creating Waverley.

60. SANDSTONE BLOCK RETAINING WALL- STRUCTURAL CERTIFICATION

Prior to works commencing on site, documentation certifying the structural integrity of the existing sandstone block retaining walls on the northern and western boundaries shall be submitted to Council for the approval of the Executive Manager Creating Waverley.

The documentation shall:

- (a) Be prepared by a suitably qualified and experienced consultant Civil /Structural engineer.
- (b) Contain a typical profile of the walls including footing/foundation material and depth.
- (c) Detail any works required to the walls in order to maintain structural integrity during excavation and construction activities.
- (d) Be prepared at the applicant's expense.

61. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT

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

- (a) Separate collection bins or areas for the storage of waste is to be provided (giving consideration to slope, drainage, vegetation, access and handling requirements including:

- Landfill waste;
- Recyclable waste;
- Materials to be re-used on-site; and / or
- Excavation materials.

See Annexure B1-1 of the Waverley DCP for common building materials re-use and recycling potential.

- (b) A 100% re-use of sandstone is required.
- (c) All storage areas/ containers are to be located within the property boundary and indicated on the site plans / drawings as part of the SWRMP.
- (d) Where space on a development is limited, approval may be granted by Council to place a skip on a footpath or other public area in line with Part B of Waverley DCP 2012.
- (e) Waste and recycling containers/skips may only be provided by persons/companies holding a current permit granted by Council.

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

62. TREE REMOVAL AND PROTECTION

Trees to be retained and protected as per Arboricultural Impact Assessment Report prepared by Redgum Horticultural Consultancy, dated 5 December 2017:

Tree no	Species	Location	Action
3	Agonis flexuosa Weeping Myrtle	Rear yard	retained and protected

Trees to be removed as per Arboricultural Impact Assessment Report prepared by Redgum Horticultural Consultancy, dated 5 December 2017:

Tree no	Species	Location	Action
1	Jacaranda mimosifolia (Jacaranda)	Front yard	Remove and replace with new plantings as per Landscape Plan
2	Juniperus sabina Savin (Juniper)	Front yard	Remove and replace with new plantings as per Landscape Plan
4	Persea americana (Avocado)	rear yard	Remove and replace with new plantings as per Landscape Plan

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.

All trees and shrubs identified for retention and within 7.5m of the building work are to be provided with a tree guard and a notice on each guard indicating "This tree is the subject of a Tree Preservation Order by Waverley Council." This notice is to be in place prior to commencement of any building or demolition work.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

63. SYDNEY WATER

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.

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

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

64. 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.

65. SUBDIVISION

A Subdivision Certificate must be obtained from Council in relation to the amalgamation of the two sites into one Torrens Title lot in accordance with Section 109C(d) of the Environmental Planning and Assessment Act, 1979 prior to the registration of the subdivision plans.

66. TELECOMMUNICATIONS

Notification of arrangement with Telstra and/or Optus for the provision of a telephone supply to each lot is to be submitted to the satisfaction of the Principal Certifying Authority prior to the release of the Occupation Certificate.

67. LANDSCAPE PLAN

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

68. COMPOSTING

The development shall accommodate the provision of a composting service for residents and the scheme shall be under the responsibility of the Body Corporate and provided prior to issuing of the Occupation Certificate.

69. STORMWATER MANAGEMENT

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

70. 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.

71. GENERAL REGULATORY PREMISES

The Occupier of the boarding house shall:

- (a) Submit a notification of the boarding house form with Council's Planning and Environmental Services (Health) Department prior to occupation.
- (b) Arrange for an inspection by Council's Environmental Health Officer prior to occupation.
- (c) Submit to Council prior to occupation, details of trade waste removal arrangements.
- (d) Pay any fees associated with the submission of a notification and/or incurred by the carrying out of health regulation inspections as determined by Council's Pricing Policy, Fees and Charges.

72. STREET NUMBERING

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

- No. 27 - primary address site number
- Macpherson Street primary address location.

The primary address number for the property shall be a minimum of 75mm high and positioned 600mm-1500mm above ground level and clearly visible from the street.

As the redevelopment has multi-level sub addressing the following sub addressing will apply;

- All sub premises numbers must be unique,
- The floor/level number will represent the first number of the sub address and the last two digits in the sub address shall be unique on each level,
- For clarity, a zero will be interposed in the number of the first nine sub address levels ie, Level 3 unit 7 =307,
- Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie, Ground =G, Lower Ground = LG Basement + B, B1 etc

The primary and sub premises numbers are to be positioned on the site prior to the issue of the Occupation Certificate.

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

73. WAVERLEY DIGITAL MODEL

Prior to the issue of an Occupation Certificate an accurate 'as built' digital model of the building must be submitted to Council's Planning and Environmental Services Department for use in the Waverley Digital Model.

- (a) A digital model of the building must be generated at a scale of 1:1 with units of measurement in metres and include the following:
 - i. a building envelope which includes all elements affecting shadow analysis;
 - ii. accurate placement of glazing, balconies, roof pitches, terraces, roof services and any other prominent external design features;
 - iii. a ground level terrain showing accurate RLs extending to site boundaries.
- (b) All models must be generated in accordance with Council's Guidelines: Submitting Digital 3D Models. Further information and technical requirements can be obtained from Council's E-Planning (3D Modelling) Officer, Planning and Environmental Services Department.

Notes:

- This model will update previous version/s submitted at Development Application stage.
- Any future modifications (under Section 96 of the Environmental Planning and Assessment Act) that affect the external configuration of the building (from the ground level and up), will require the submitted model to be amended.

E. OPERATIONAL CONDITIONS DURING OCCUPATION

74. BOARDING HOUSE - USE AND OPERATION

The use and operation of the premises shall comply with the requirements of Schedule 2 (Standards Enforceable by Orders) of the Local Government (General) Regulation, 2005 under the Local Government Act 1993 and the Boarding House Act 2012.

75. BOARDING HOUSE

Rooms with a gross floor area (as defined by State Environmental Planning Policy [Affordable Rental Housing] 2009) less than 16m² shall accommodate only a single lodger. For all other rooms the maximum lodgers per room is limited to 2 people.

76. MAXIMUM NUMBER OF BOARDING ROOMS AND LODGERS

This approval is granted for the purposes of a Boarding House comprising a maximum of thirty (30) Boarding Rooms (plus one Manager's Room).

All lodgers shall be required to reside on the premises for a minimum period of three (3) months in accordance with the definition of Boarding House under Waverley Local Environmental Plan 2012.

All lodgers shall be provided with, and sign the Standard Occupancy agreement for general boarding houses under the *Boarding Houses Act 2012*.

77. OPERATION IN ACCORDANCE WITH PLAN OF MANAGEMENT (POM)

- (a) The operation and management of the premises shall be in accordance with a Council approved POM at all times.
- (b) The approved POM shall be displayed in prominent locations within the premises and a copy shall be provided to all residents of the boarding house.
- (c) The approved POM shall be adopted by the Management, and filed with Council and the Local Area Command (Police) prior to the commencement of operations.
- (d) A full copy of all current development consents (including approved plans) for the operation of the premises, any Registers required and any required Plan of Managements must be kept on the premises and made available for inspection immediately upon request by Council Officers and Police Officers.
- (e) The plan shall be reviewed (at minimum) on an annual basis, and at any time there is a change in business ownership of the premises, to ensure harms that arise are mitigated. A copy of the plan is to be provided to Council.

78. LIGHTS

All external area lights and car parks shall be on sensor switches to save energy and reduce light spill to the sky. Low voltage solar powered lights to front entry footpaths are acceptable for continuously illuminated lighting.

- (a) 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.
- (b) All external lighting fixtures should be vandal resistant.
- (c) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (d) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (e) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.

79. VEHICLE MOVEMENTS

Vehicle movements into and out of the basement car park shall be in a forward direction at all times.

80. NOISE COMPLAINTS

If, during on-going use of the premises, substantiated complaints of breaches of noise emission conditions and/or the Protection of the Environment Operations Act, 1997 occur, an acoustic report assessing the impact of the operation will be required to be carried out by a suitably qualified acoustic consultant. The report is to be submitted to the satisfaction of Council's Health Compliance Unit within 60 days of written request. The investigation shall include, but not be limited to:

- (a) The identification of sensitive noise receivers potentially impacted by the proposal;
- (b) The quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and accordance with relevant Australian Standards and NSW Environment Protection Authority (EPA) requirements);
- (c) The formation of a suitable assessment criteria having regard to the guidelines contained in the NSW EPA Industrial Noise Policy;
- (d) The identification of operational noise producing facets of the use and the subsequent predictions of resultant noise at the identified sensitive receiver locations from the operation of the use. Where appropriate the predication procedures must be justified and include an evaluation of prevailing atmospheric conditions that may promote noise propagation;
- (e) A statement indicating that the operation of the premises complies with the relevant criteria together with details of acoustic control measures that will be incorporated into the development/use, will not create adverse noise impacts to surrounding development.

81. WASTE AND RECYCLING STORAGE AND COLLECTION

- (a) The proposal must have a bin storage point for a minimum:
 - 10 x 240L Mobile Garbage Bins (MGB) for general waste, collected weekly,
 - 1 x 240L MGBs for container recyclables, collected weekly,

- 3 x 240L MGBs for paper and cardboard recyclables, collected weekly,
 - 1 x 240L MGBs for garden waste, collected fortnightly,
 - Additional space is to be made available for excess waste including 1 x 240L MGBs general waste and 1 x 240L MGBs for container recyclables, and
 - Additional space is to be made available for milk crates, bread crates, excess cardboard and packaging related to deliveries.
- (b) The recycling bins are placed alongside the general waste bins for ease of access to encourage recycling habits.
- (c) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012.
- (d) The proposal must have a system for the convenient transportation of waste and recyclables to the communal waste and recycling storage area (i.e. chute systems or a service lift dedicated for the transportation of waste).
- (e) The development must have rooms or caged areas with a minimum floor space of 4m² for storage of discarded residential bulky waste, such as old furniture, awaiting removal.
- (f) Noise and odour must not impact on adjoining properties.
- (g) All businesses at this development must have written evidence, held on-site, of a valid and current contract with a licensed collector of waste and recycling.
- (h) Provision to accommodate composting facilities that meet all design requirements set in Annexure B1-5 of the Waverley Council Development Control Plan should there be a garden or green space developed on the property.
- (i) A Building Waste and Recycling Management Plan shall be established that outlines roles and responsibilities for the building manager/caretaker, and other relevant parties that includes responsibilities for: transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for removal.
- (j) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (k) Where waste contains 20% or more food waste or other waste which is considered by Council to have potential amenity impacts, a daily waste collection is required, unless an alternative is agreed upon with Council.
- (l) Kitchens, and communal rooms and the like are to be designed with sufficient space for the interim storage of recyclable, organic and regular waste in separate receptacles.
- (m) A waste service compartment (waste and recycling area) is to be provided on each floor of the building and have sufficient capacity to store at least 1 day's volume of waste and recycling likely to be generated on that floor.

- (n) Sufficient space must be allocated on site for the storage of reusable items such as crates and pallets.

82. 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*.

83. SURVEILLANCE CAMERAS TO BE MAINTAINED ON THE PREMISES

The Management must maintain a closed-circuit television (CCTV) system on the premises. The CCTV system must comply with the following requirements:

- (a) It must operate continuously;
- (b) It must record in digital format at a minimum of six frames per second;
- (c) Any recorded image must specify the time and date of the image;
- (d) The system's cameras must cover:
 - i. all entry and exit points of the premises,
 - ii. the footpath immediately adjacent to the premises, and
 - iii. all publicly accessible areas (other than toilets) on the premises.
- (e) CCTV recordings must be retained for at least 30 days.
- (f) Signage shall be clearly displayed adjacent to the principal entry alerting persons entering the premises that CCTV is in operation.

84. NEIGHBOURHOOD AMENITY

The management of the premises:

- (a) Shall ensure residents do not crowd or loiter in the vicinity of the premises in such manner that pedestrian movement is obstructed or hindered.
- (b) Shall ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by persons and/or premises operations. If so directed by Council, the Management is to employ private staff to ensure that this condition is complied with.
- (c) Shall ensure that the activities carried out on site do not constitute a nuisance in relation to noise, air or water pollution as specified under the *Protection of the Environment Operation Act 1997*.
- (d) Shall record in a Register full details of any disturbance complaint/s made by a person to management or staff. Such recording will include time, date, nature of the complaint/s and any complainant details if provided

- (e) Shall respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in the Register.

85. GENERAL REGULATORY PREMISES

The proprietor of the boarding house shall:

- (a) Arrange for an inspection by Council's Environmental Health Officer prior to occupation.
- (b) Be registered with Council's Planning and Environmental Services (Health) Department prior to occupation.
- (c) Submit to Council prior to occupation, details of trade waste removal arrangements.
- (d) Pay any fees incurred by the carrying out of health regulation inspections as determined by Council's Pricing Policy, Fees and Charges.
- (f) Register the approved Boarding House with NSW Fair Trading within twenty-eight (28) days of commencing operations in accordance with Part 2, Division 1 of the *Boarding Houses Act 2012*.
- (g) Prior to the commencing operations, forward a notification letter to the Council, Police and neighbours providing contact details of the onsite Manager so that any issue regarding the operation of the premises can be addressed promptly.

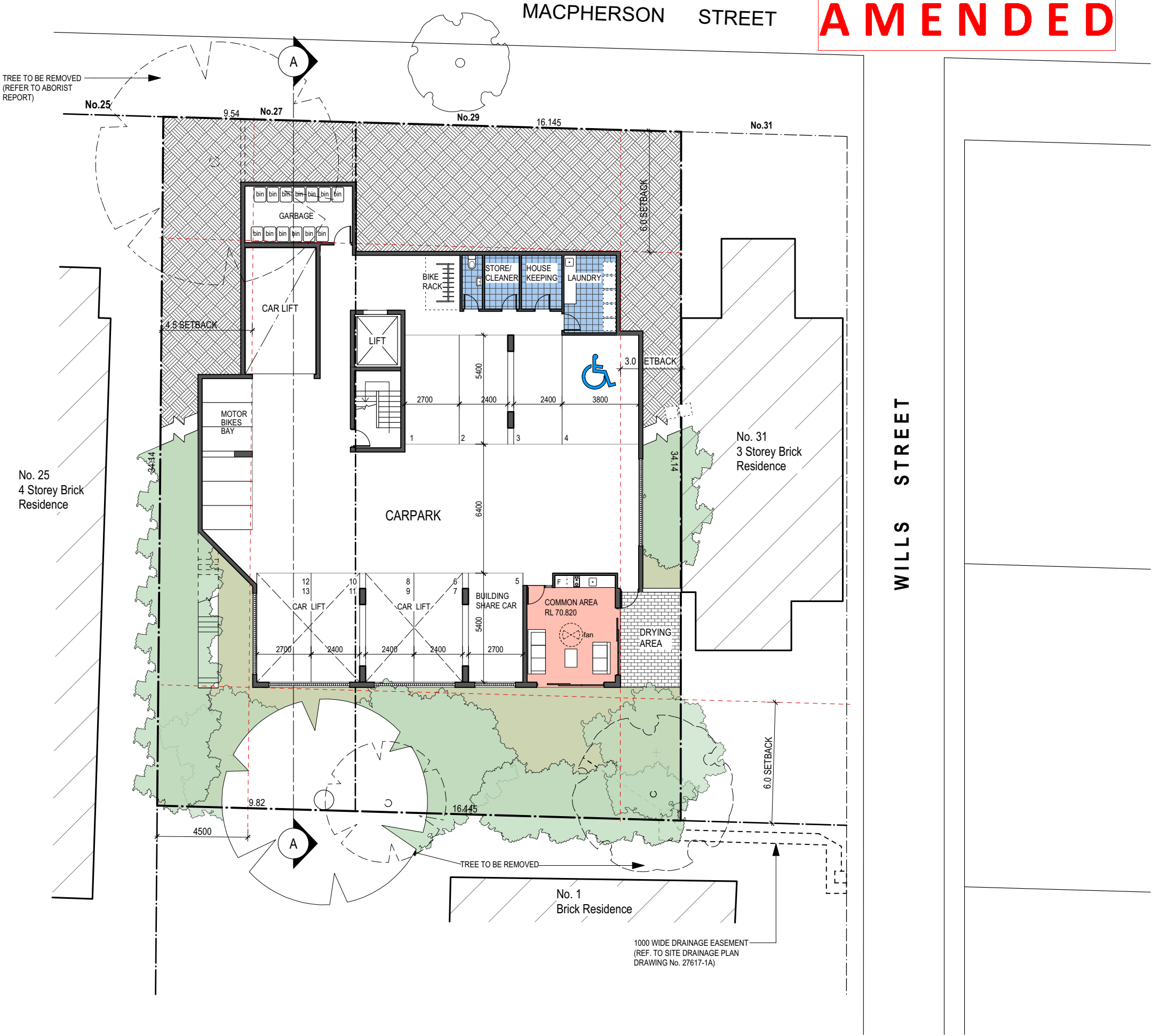
PROPOSED BOARDING HOUSE
at
Lot 1 DP551894 & Lot 1 DP510442
27 - 29 MACPHERSON STREET,
WAVERLEY
for
JOHN A. BRIGHTWELL UNIT TRUST

DEVELOPMENT APPLICATION

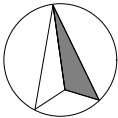
DRAWING INFORMATION	
DA00	COVER PAGE
DA01	GROUND / CARPARK FLOOR PLAN
DA02	LEVEL 1 FLOOR PLAN
DA03	LEVEL 2 FLOOR PLAN
DA04	LEVEL 3 FLOOR PLAN
DA05	LEVEL 4 FLOOR PLAN
DA06	ROOF PLAN
DA07	NORTH ELEVATIONS (STREET VIEW)
DA08	WEST & EAST ELEVATIONS
DA09	SOUTH ELEVATION & SECTION A - A
DA10	SHADOW DIAGRAMS
DA13	SITE SURVEY
DA14	SITE PHOTOGRAPHS
DA15	EXTERNAL FINISHES
DA16	SHADOW DIAGRAMS - WEST ELEVATION

SITE INFORMATION	
TOTAL SITE AREA	880 m ²
ALLOWABLE F.S.R (1.40:1)	1232 m ²
PROPOSED F.S.R (1.32:1)	1160 m ²
LANDSCAPED AREA (REQ. 30%)	264 m ²
LANDSCAPED AREA PROVIDED	406 m ²
NO. OF BOARDING HOUSE ROOMS	
ROOMS	31
CAR PARKING REQUIRED	
ROOM 1 PER 5 ROOMS	32/5 = 6.4
PROPOSED CARPARKING	13
PROPOSED MOTORCYCLE PARKING	6





WILLS STREET



GROUND / CARPARK FLOOR PLAN

0 1 2 3 4 5 M
Scale 1:200

ISSUE		DATE	REVISION
B		26/09/18	Issued for DA submission
DRAWINGS		GROUND / CARPARK FLOOR PLAN	
ADDRESS		27 - 29 MACPHERSON STREET, WAVERLEY	
PROJECT		PROPOSED BOARDING HOUSE	DATE: 26/09/18 PAPER SIZE: A3
CLIENT		JOHN A BRIGHTWELL UNIT TRUST	SCALE: 1:200 STATUS:
		CHECKED:	REVISION: B
		DWG: DA01	

GILSENAN ASSOCIATES
ARCHITECTURE + URBAN DESIGN

Suite 6, 53 Great Buckingham Street, Redfern NSW 2016
t: (02) 9690 0012 e: studio@gilsenanassociates.com.au

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65

MACPHERSON STREET

AMENDED

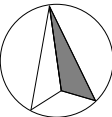
RECEIVED
Waverley Council

Application No: DA-8/2018

Date Received: 16 October 2018



WILLS STREET



LEVEL 1 FLOOR PLAN

0 1 2 3 4 5 M
Scale 1:200

ISSUE	DATE	REVISION
B	26/09/18	Issued for DA submission
DRAWING	LEVEL 1 FLOOR PLAN	
ADDRESS	27 - 29 MACPHERSON STREET, WAVERLEY	
PROJECT	PROPOSED BOARDING HOUSE	DATE: 26/09/18 PAPER SIZE: A3
CLIENT	JOHN A BRIGHTWELL UNIT TRUST	SCALE: 1:200 STATUS:
		DRAWN: REVISION: B
		CHECKED: DWG: DA02

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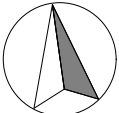
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DA 26-09-2018/B



WILLS STREET



LEVEL 2 FLOOR PLAN

0 1 2 3 4 5 M
Scale 1:200

ISSUE	DATE	REVISION
B	26/09/18	Issued for DA submission
DRAWING	LEVEL 2 FLOOR PLAN	
ADDRESS	27 - 29 MACPHERSON STREET, WAVERLEY	
PROJECT	PROPOSED BOARDING HOUSE	DATE: 26/09/18 PAPER SIZE: A3
CLIENT	JOHN A BRIGHTWELL UNIT TRUST	SCALE: 1:200 STATUS:
		DRAWN: REVISION: B
		CHECKED: DWG: DA03

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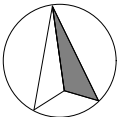
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DA 26-09-2018/B



WILLS STREET



LEVEL 3 FLOOR PLAN

0 1 2 3 4 5 M
Scale 1:200

ISSUE	DATE	REVISION
B	26/09/18	Issued for DA submission
DRAWING	LEVEL 3 FLOOR PLAN	
ADDRESS	27 - 29 MACPHERSON STREET, WAVERLEY	
PROJECT	PROPOSED BOARDING HOUSE	DATE: 26/09/18 PAPER SIZE: A3
CLIENT	JOHN A BRIGHTWELL UNIT TRUST	SCALE: 1:200 STATUS:
DRAWN	REVISION: B	FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALE. VERIFY ALL DIMENSIONS ON SITE (VSD). COPYRIGHT FOR THE INFORMATION CONTAINED HEREIN REMAINS THE PROPERTY OF GILSENAN ASSOCIATES ARCHITECTS.
CHECKED	DWG: DA04	

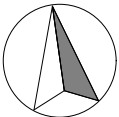
GILSENAN ASSOCIATES
ARCHITECTURE + URBAN DESIGN

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t: (02) 9690 0012 e: studio@gilsenanassociates.com.au

DA 26-09-2018/B



WILLS STREET



LEVEL 4 FLOOR PLAN

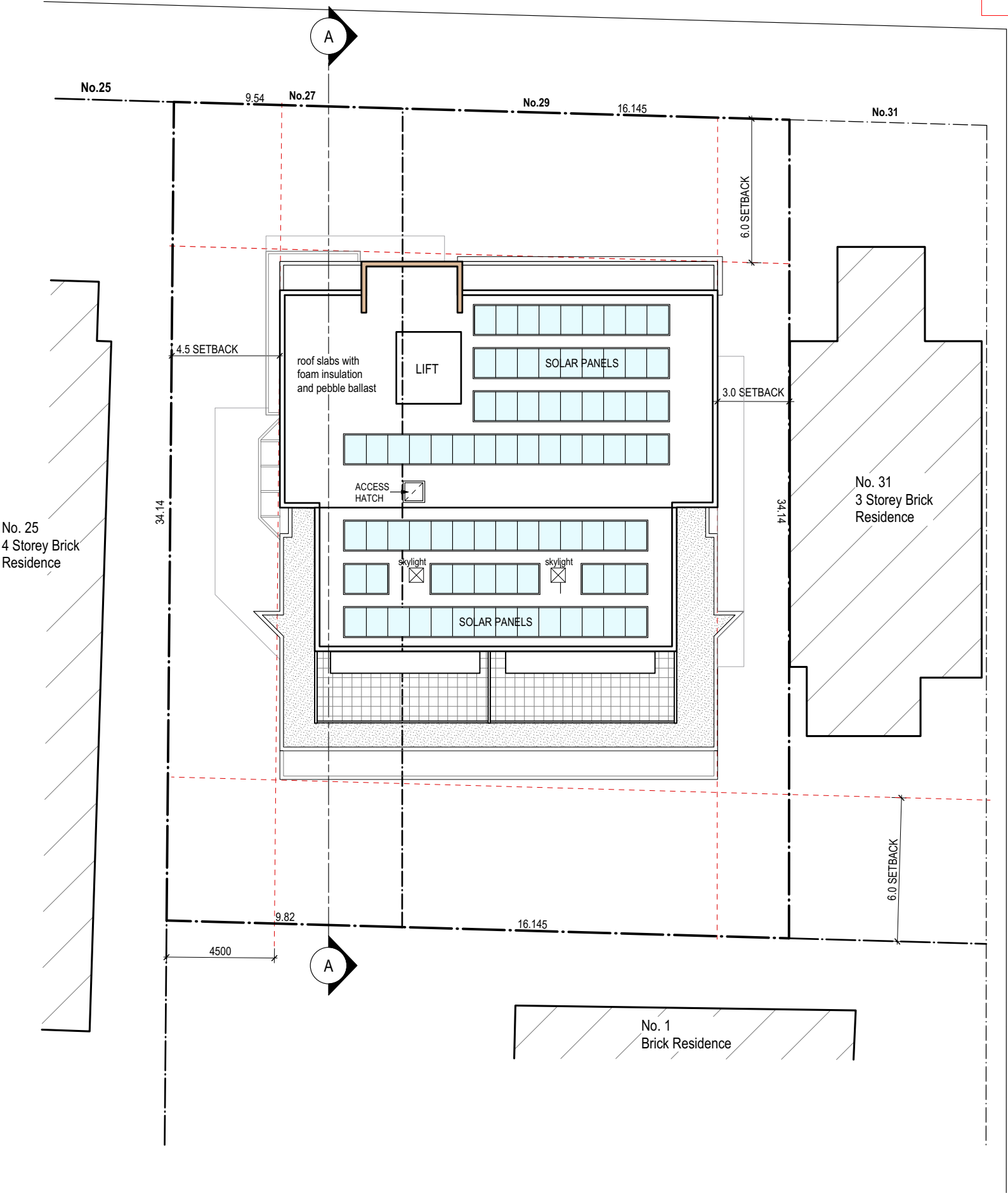
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Scale 1:200

ISSUE	DATE	REVISION
B	26/09/18	Issued for DA submission
DRAWING	LEVEL 4 FLOOR PLAN	
ADDRESS	27 - 29 MACPHERSON STREET, WAVERLEY	
PROJECT	PROPOSED BOARDING HOUSE	DATE: 26/09/18 PAPER SIZE: A3
CLIENT	JOHN A BRIGHTWELL UNIT TRUST	SCALE: 1:200 STATUS:
DRAWN	REVISION: B	FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALE. VERIFY ALL DIMENSIONS ON SITE (VSD). COPYRIGHT FOR THE INFORMATION CONTAINED HEREIN REMAINS THE PROPERTY OF GILSENAN ASSOCIATES ARCHITECTS.
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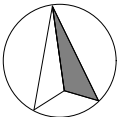
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DA 26-09-2018/B



WILLS STREET



ROOF PLAN

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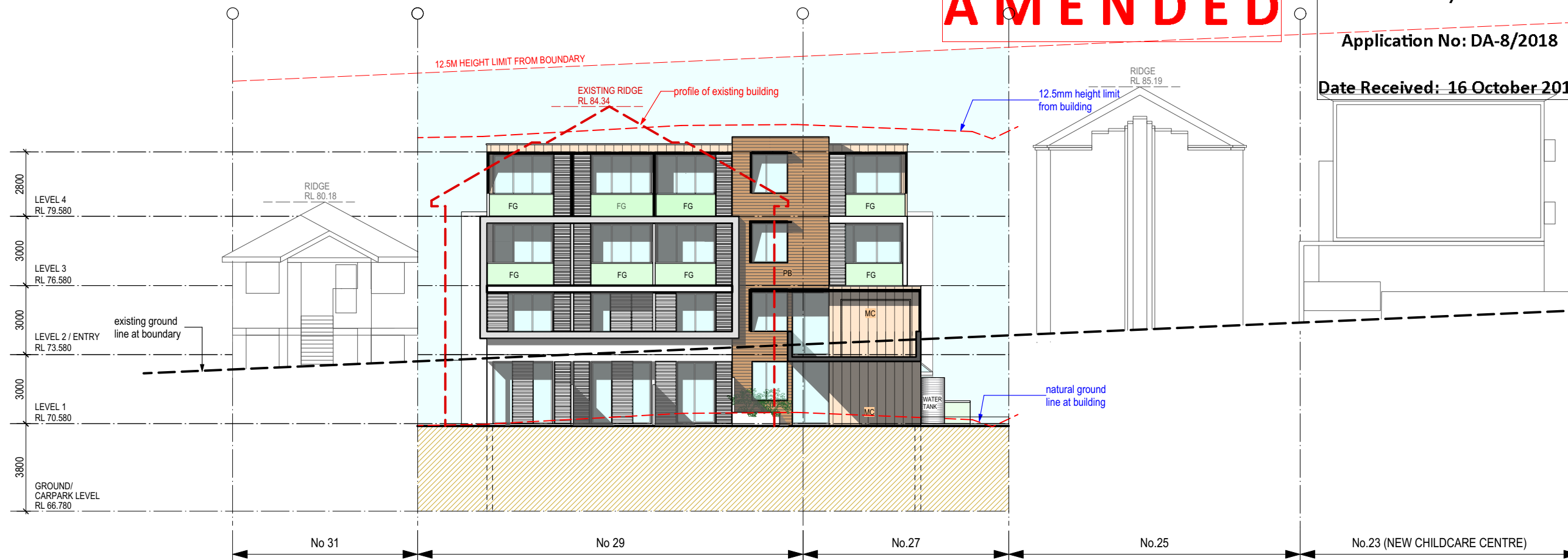
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Application No: DA-8/2018

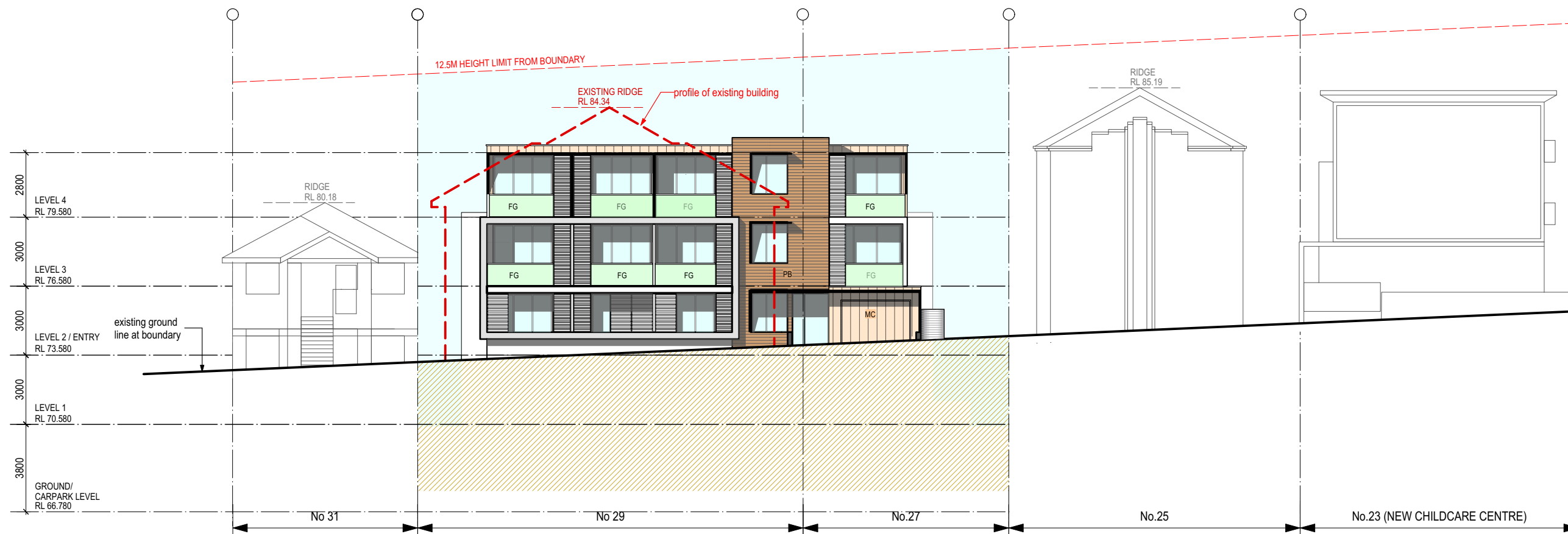
Date Received: 16 October 2018

LEGEND

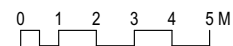
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- PB REUSED FACE BRICKWORK
- AW ALUMINIUM WINDOW & DOORS
- AL ALUMINIUM LOUVRES
- MC METAL CLADDING
- FG FROSTED GLASS
- VG VENT GRILLE



NORTH ELEVATION



NORTH ELEVATION (view from Macpherson Street)



ISSUE	DATE	REVISION
B	26/09/18	Issued for DA submission
DRAWING		
NORTH ELEVATIONS		
ADDRESS		
27 - 29 MACPHERSON STREET, WAVERLEY		
PROJECT		
PROPOSED BOARDING HOUSE		
CLIENT		
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DATE	26/09/18	PAPER SIZE: A3
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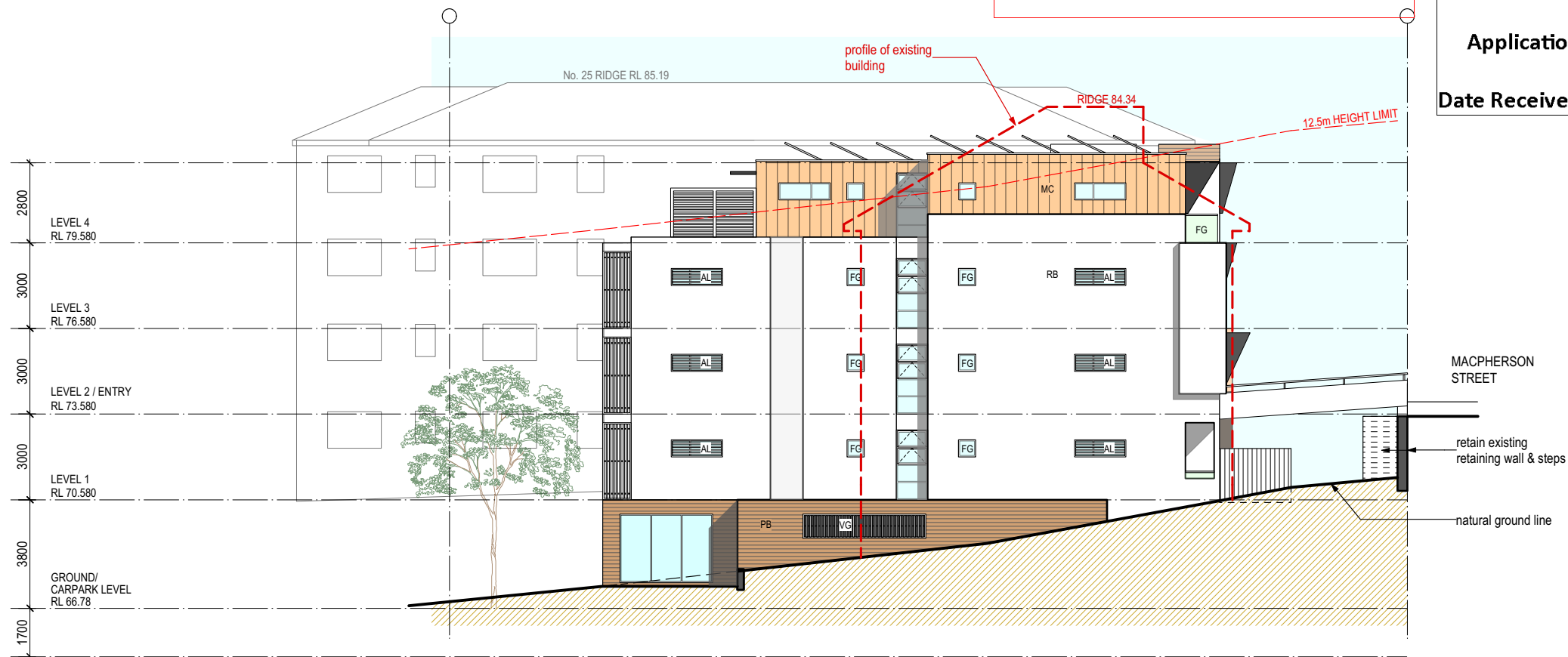
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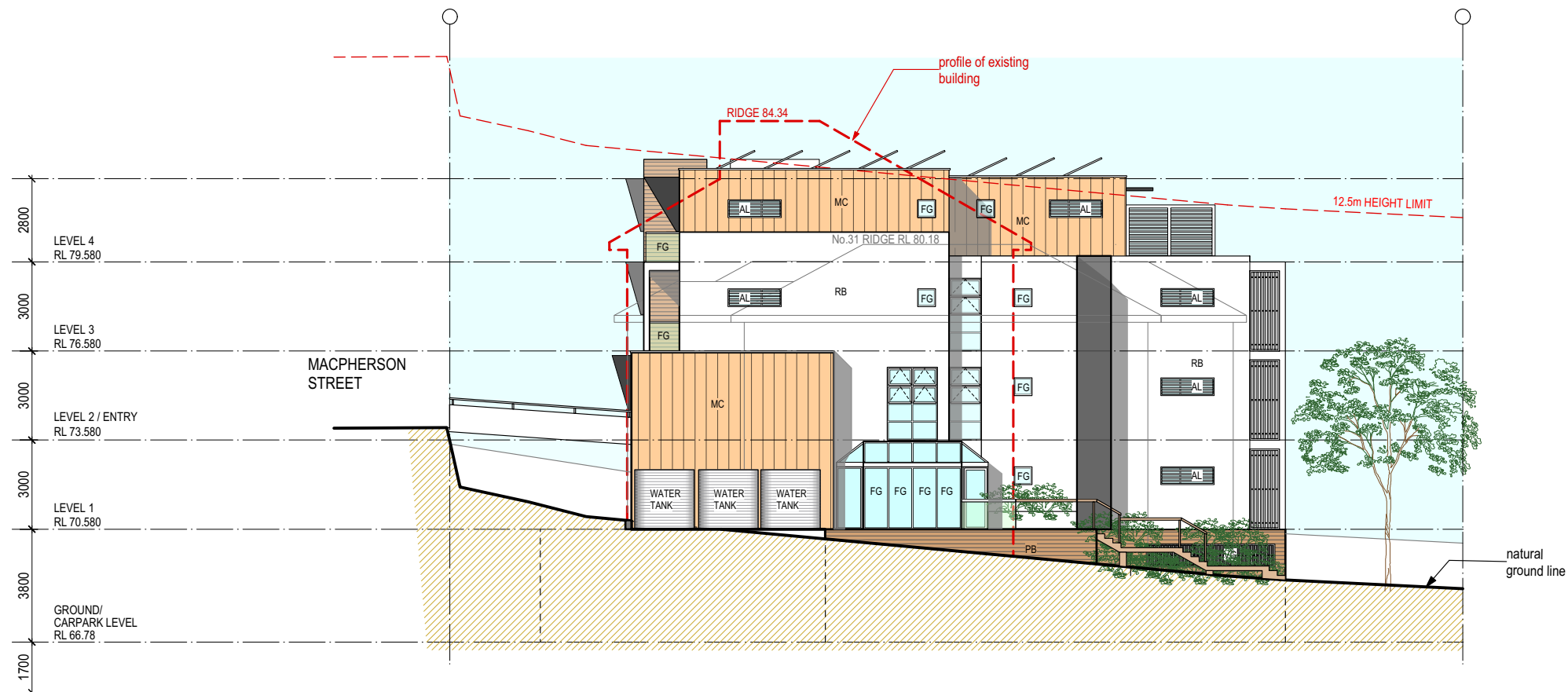
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Application No: DA-8/2018
Date Received: 16 October 2018

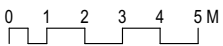
- LEGEND
- RB RENDERED BRICKWORK
 - PB REUSED FACE BRICKWORK
 - AW ALUMINIUM WINDOW & DOORS
 - AL ALUMINIUM LOUVRES
 - MC METAL CLADDING
 - FG FROSTED GLASS
 - VG VENT GRILLE



EAST ELEVATION



WEST ELEVATION



ISSUE B		DATE 26/09/18	REVISION Issued for DA submission
DRAWING EAST & WEST ELEVATIONS			
ADDRESS 27 - 29 MACPHERSON STREET, WAVERLEY			
PROJECT PROPOSED BOARDING HOUSE		DATE 26/09/18	PAPER SIZE: A3
CLIENT JOHN A BRIGHTWELL UNIT TRUST		SCALE 1:200	STATUS:
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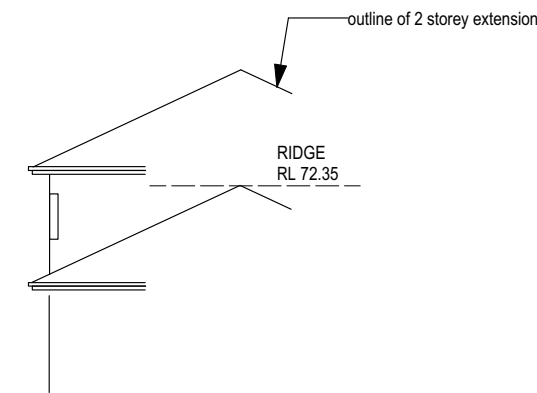
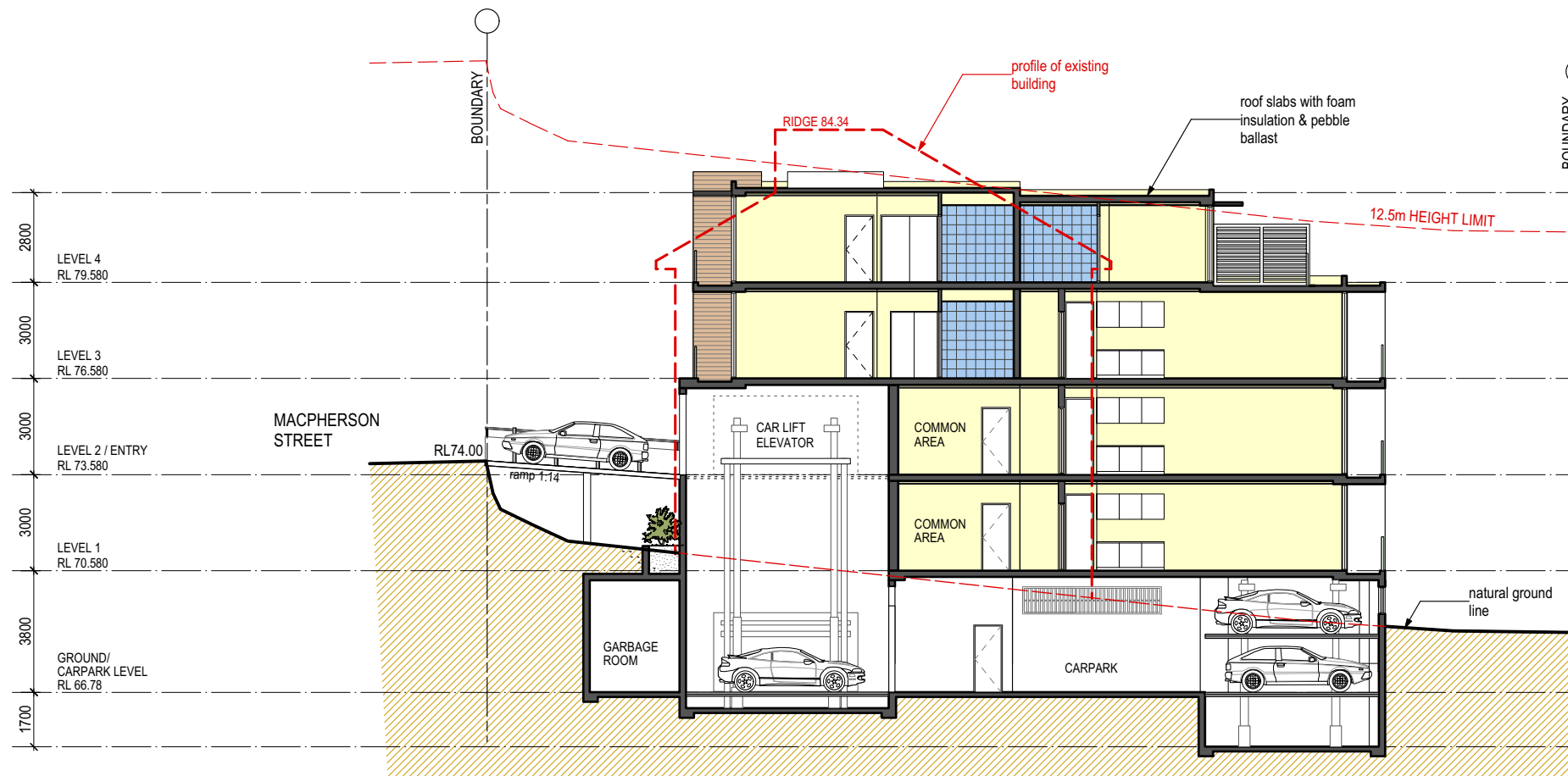
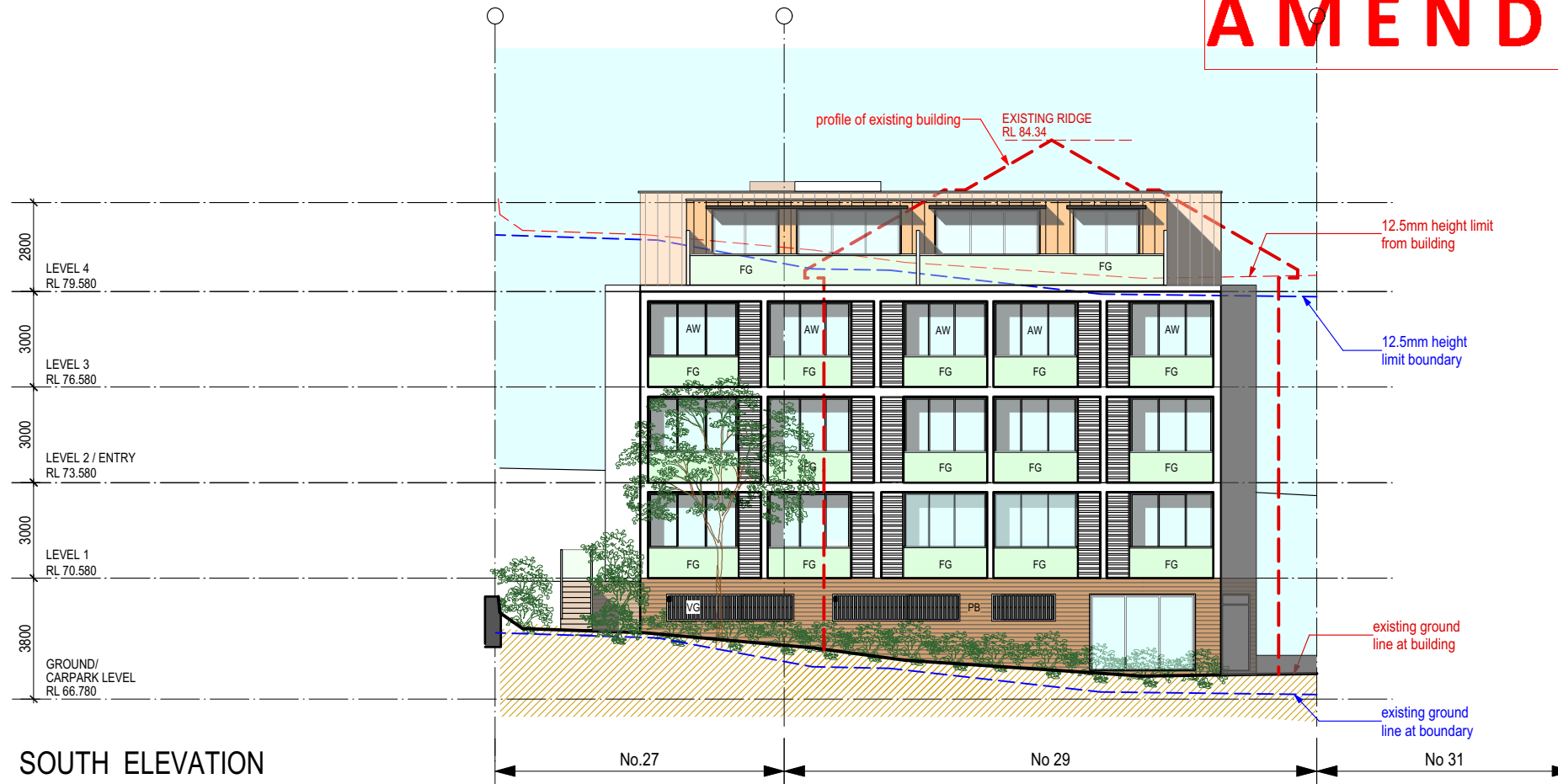
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Waverley Council

Application No: DA-8/2018

Date Received: 16 October 2018

LEGEND

- RB RENDERED BRICKWORK
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- AW ALUMINIUM WINDOW & DOORS
- AL ALUMINIUM LOUVRES
- MC METAL CLADDING
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- VG VENT GRILLE



ISSUE	DATE	REVISION
B	26/09/18	Issued for DA submission
DRAWING: SOUTH ELEVATION & SECTION A - A		
ADDRESS: 27 - 29 MACPHERSON STREET, Waverley		
PROJECT: PROPOSED BOARDING HOUSE	DATE: 26/09/18	PAPER SIZE: A3
CLIENT: JOHN A BRIGHTWELL UNIT TRUST	DRAWN: DA09	REVISION: B
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COLOURED WALL PANEL



ALUMINIUM WINDOWS



ADJUSTABLE SUN LOUVRE



ALUMINIUM AWNING



EXTERNAL SLIDING
LOUVRE SCREENS



GLASS BALUSTRADE



ALUMINIUM SLIDING
DOORS



METAL CLADDING

EXTERNAL FINISHES

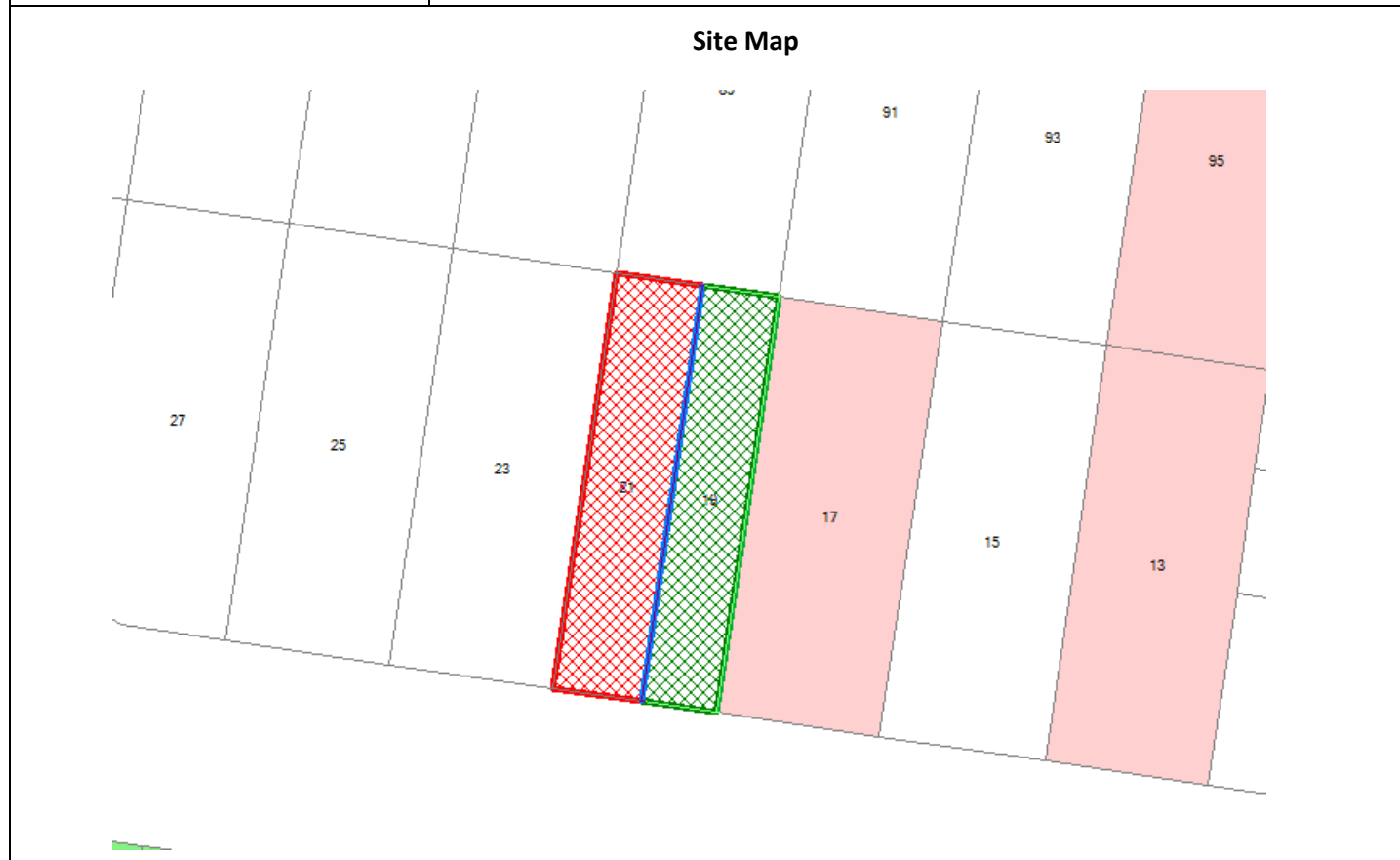
DA 26-09-2018/B

ISSUE	DATE	REVISION
B	26/09/18	Issued for DA submission
DRAWING		
EXTERNAL FINISHES		
ADDRESS		
27 - 29 MACPHERSON STREET, WAVERLEY		
PROJECT		
PROPOSED BOARDING HOUSE		
CLIENT		
JOHN A BRIGHTWELL UNIT TRUST		
DATE	26/09/18	PAPER SIZE: A3
SCALE		STATUS
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Report to the Waverley Local Planning Panel

Application number	DA-154/2018
Site address	19 & 21 Bayview Street BRONTE
Proposal	Alterations and additions together with reconfiguration to create one single dwelling, including second storey, addition to existing garage and basement storage area, landscaping, swimming pool and various other works.
Date of lodgement	8/05/2018
Owner	Robert and Marie Easton
Applicant	Robert and Marie Easton
Submissions	One submission received
Cost of works	\$1,600,000.00
Issues	Submissions, variation to FSR and Building Height development standards
Recommendation	That the application be APPROVED subject to conditions



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 5/9/2018.

The site is identified as Lot A and Lot B in DP442611, and known as 19 and 21 Bayview Street BRONTE. The site is rectangular in shape with a combined width of 15.24m, depth of 38.915 and an area of 592.8m² and falls from the rear towards the front by approximately 6.78m. The site has a favourable north/south orientation.

The site is occupied by a pair semi-detached dwellings. Each dwelling has vehicular access from Bayview Street.

The subject site is adjoined by a residential flat building (comprising 4 dwellings) to the east and a single dwelling house to the west. The locality is typically characterised by two storey dwelling houses dual occupancies and semi-detached dwellings. Located opposite the site to the south across Bayview Street is Bronte Park.



Figure 1: Site viewed from Bayview Street.



Figure 2: Alternate view of the subject site from Bayview Street



Figure 3: Rear elevation of subject site – looking east

1.2 Relevant History

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

DA-830/1993 – Construction of a pergola over deck at first floor level.

The application the subject of this assessment report was deferred on 5 November 2018 to give the applicant an opportunity to submit amended plans to address issues raised in the preliminary assessment of the application, including the non-compliant building height pursuant to clause 4.3 of the Waverley Local Environmental Plan 2012 (LEP).

Amended plans were received on 13 November which largely addressed Council's concerns by reducing the pitch and form of the roof. The application is assessed having regard to these amendments, noting that the topography of the site makes it difficult to achieve full compliance with this development standard.

Reference should be made to the Section 2.1.3 for a detailed discussion on the variation to the height of buildings development standard.

1.3 Proposal

The application proposes alterations and additions together with reconfiguration to create one single dwelling, including second storey, addition to existing garage and basement storage area, landscaping, therapeutic pool and various other works.

Basement

Addition to the existing garage to create a second car parking space, additional basement storage and relocation of lift.

Ground Floor

Internal reconfiguration to create a single dwelling, as well as an extension of the ground level terrace above the proposed garage.

First Floor

Internal reconfiguration to create a single dwelling, and a first floor addition to the western portion of the building, as well as an addition to the existing front balcony to create symmetrical built form.

External

New landscape works as indicated on the architectural plans and new therapeutic pool within the rear yard.

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.
4.3 Height of buildings <ul style="list-style-type: none">8.5m	No	The proposal does not comply with the prescribed 8.5m height limit. The architectural plans have been amended to reduce the pitch of the roof and subsequently lower the overall height of the building. The

Provision	Compliance	Comment
		revised clause 4.6 states that the proposal exceeds the development standard by a maximum of 1.3m. Overall, this is acceptable given the steep topography of the site. Refer to detailed discussion below.
4.4 Floor space ratio and <ul style="list-style-type: none"> 0.5:1 (or a maximum GFA of 296.4 based on a site area of 592.8m²) 	No	Proposed 0.65:1 (calculated GFA of 387.3m ²) or 30% variation.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR and Height development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional Local Provisions		
6.1 Acid sulfate soils	Yes	The land is identified as containing class 5 acid sulphate soils. Water table will not likely be lowered below 1m.
6.2 Earthworks	Yes	The proposed development involves excavation within the front and rear portion of the site to accommodate an additional car parking space and associated basement storage and to accommodate a therapeutic pool within the rear yard. A Geotechnical Investigation Report has been submitted. Works are to be undertaken in accordance with recommendations of this report. Conditions of consent will be imposed accordingly.

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

Exceptions to Development Standards

Clause 4.3 Height of buildings

The proposal has an overall building height of 9.8m, which exceeds the height of buildings development standard of 8.5m prescribed under clause 4.3 of Waverley LEP 2012 by 1.3m or 15.3%.

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

- *Strict compliance would prove unreasonable in this case as the non-compliance with the building height standard is not out of character in respect of the adjoining development within the streetscape and compliance would affect the architectural merit of the building.*
- *The increase in non-compliance is a result of the sloping topography of the site to the south, and is common within the adjoining development. Thus, the non-compliant built form is not noticeable from the street when compared to the adjoining development. With this considered it is unlikely to result in unreasonable amenity impacts to surrounding development and will not detract from the streetscape.*
- *In terms of overshadowing, it has also been concluded the proposal will not have a significant impact in regard to increased shadow cast onto adjoining properties, considering the north-south orientation of the site. This in turn results in additional shadow falling onto Bayview Street.*
- *View impacts have also been assessed within the SEE and it is concluded the proposal will have minor additional impacts to the views obtained at No. 23 Bayview Street; however, it is noted any view loss will be from across the side boundary, and therefore with respect of Tenacity is ultimately more difficult to protect. Views obtained from the front boundary will be maintained.*

An assessment of the variation to the height development standard is detailed below which includes considering the application against the relevant objectives (a) and (d) of clause 4.3 Height of buildings and the relevant provisions of clause 4.6 Exception to development standards subclauses (3)(a) and (b), and (4) (a)(i) and (ii) in the WLEP 2012.

- *Clause 4.3 objective (a) to establish limits on the overall height of development to preserve the environmental amenity of the neighbourhood*

The proposal building has a maximum height of 9.3 metres, exceeding the development standard by 1.3m or 15.3%. It is noted that the proposed height variation is considered minor and limited to a small portion of the building.

The proposed alterations and additions are appropriate within the context locality and will not result in adverse impacts to surrounding properties, particularly when having regard to visual privacy, overshadowing and loss of views. Accordingly, the proposed height variation is considered acceptable when having regard to objective (a) of clause 4.3.

- *Clause 4.3 objective (d) to ensure that buildings are compatible with the height, bulk and scale of the existing character of the locality and positively complement and contribute to the physical definition of the street network and public space*

The resultant building height, bulk and scale of the building is consistent with the existing character and scale of buildings within the locality. The proposal is compliant with the required setbacks on the side and rear boundaries. The building will also remain consistent with the predominant front building line in Bayview Street.

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 0.65:1, which exceeds the floor space ratio development standard of 0.5:1 prescribed under clause 4.4 or 4.4A of Waverley LEP 2012 by 90.9m² in gross floor area or 30.6%.

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

- *The proposed will be compatible with the existing bulk and scale of development on Bayview Street.*
- *Ocean views obtained from the front boundary of 23 Bayview Street will be maintained.*
- *The alterations and additions proposed keep within the footprint of the existing building on site, with an extension of the first floor. Although the proposal extends the floor area of the first level, the proposal results in an envelope that provides an appropriate contextual fit, given the existing and approved development within the locality.*
- *The proposed FSR is greater than the development standard as a single lot, which is considered to be technical numerical non-compliance rather than inappropriate building envelope. If kept as the two existing lots, the proposed FSR would be more than compliant*
- *The requirement to comply with the maximum FSR control when considering the subject site as one lot, is unnecessary in this circumstance as the proposal is contextually compatible with the surrounding developments and does not result in significant amenity impacts to neighbouring properties.*

An assessment of the proposed variation to the FSR development standard is detailed below, which includes considering the application against the relevant objectives (b), (c) and (d) of clause 4.4 and the relevant provisions of clause 4.6, specifically subclauses (3)(a) and (b), and (4) (a)(i) and (ii), in the WLEP 2012.

- *Clause 4.4 objective (b) to provide an appropriate correlation between maximum building heights and density controls*

The proposed building height and density is appropriate within the context of the locality, which is characterised by a number of two and three storey buildings set above garages to Bayview Street. The proposed building bulk and scale is compatible with surrounding building forms. Accordingly, the proposed variation to the FSR control is considered to satisfy objective (b) of clause 4.4.

- *Clause 4.4 objective (c) to ensure that buildings are compatible with the bulk, scale, streetscape and existing character of the locality*

The proposed building bulk and scale satisfies objective (c) as follows:

As discussed above, the resultant bulk and scale of the dwelling is comparable to surrounding buildings. It is also important to note that the site currently comprises two lots, which individually would have a prescribed maximum FSR 0.75:1 (for Lot A, which has a site area of 318.4m²) and 0.8:1 (for Lot B, which has a site area of 274.7m²). Accordingly, if assessed as two individual lots, an overall GFA of 458.56m² could be accommodated over the two sites, resulting in a built form larger than what is proposed.

The proposed building provides a compatible bulk and scale with the existing streetscape and locality. The proposed FSR variation is supported with regard to objective (c) of clause 4.4.

- *Clause 4.4 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.*

The proposed FSR variation will not result in unreasonable environmental amenity impacts on neighbouring properties or the locality. First floor side setbacks measure between 1.7m and 2.8m front, which will minimise additional solar access impacts to neighbouring properties. Furthermore, views to the Pacific Ocean from surrounding properties will be adequately maintained. The proposed FSR variation satisfies objective (d) in clause 4.4.

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

The applicant's clause 4.6 justification demonstrates that compliance with the FSR development standard is unreasonable or unnecessary in the circumstances of the case. The proposal building has addressed the objectives of clause 4.4 of the WLEP 2012 providing an appropriate bulk and scale that is compatible with surrounding buildings and characteristics of the locality. Furthermore, the proposed FSR variation will not have unreasonable environmental amenity impacts on surrounding residential buildings, private open spaces or the public domain.

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

The proposal has established sufficient environmental planning grounds to justify the FSR variation and the proposal is supported given the merits of the application.

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

The applicant's written request has adequately addressed the matters required under subclause 3 and the variation to the FSR development standard is supported on merit.

- *Clause 4 (a) (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out*

As outlined above the proposal is consistent with the objectives of clause 4.4 of the WLEP 2012 and addresses the objectives of the R2 Low Density Residential zone. The proposed variation to the FSR development standards will not undermine the integrity of the FSR development standard, as sufficient environmental planning grounds have been established to support the proposed variation.

In conclusion, the proposed variations to the height and FSR development standard is supported as the proposal is not considered to constitute an overdevelopment of the site and the application is recommended for conditional approval.

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	An amended BASIX certificate has been provided with the development application.
5. Tree preservation	Yes	No trees of significance will be affected by the proposed development.
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. Referral re-sent re: amended plans.
8. Transport	Yes	Up to two car parking spaces can be provided for 3 or more bedrooms. A double garage is proposed for a dwelling containing 5 bedrooms, as such does not exceed the maximum.
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		
1.1.2 External wall height <ul style="list-style-type: none"> Maximum external wall height of 7m 	Yes	External wall height does not exceed 7m. Building is articulated between ground and first floor.
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	<p>The proposed first floor addition aligns with the front setback of the existing dwelling. There are no changes to the ground floor building alignment.</p> <p>The application proposes an extension of the roofline at ground level. Additions to first floor do not extend beyond the established building</p>

Development Control	Compliance	Comment
		line of the adjoining properties at No. 17 & No. 23 Bayview Street.
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m 	Yes	Min. 0.9m side setbacks are proposed for the addition to the first floor. A minimum setback of 1.73m is proposed from the eastern side boundary and a minimum setback of 2.8m is proposed from the western side boundary.
1.3 Excavation		
<ul style="list-style-type: none"> Minimum setback of 0.9m from side boundaries 	Yes Acceptable on merit	Excavation to accommodate new basement storage and car parking will largely be contained within the building footprint. The exception to the above is the excavation proposed within the front setback. This is considered to be acceptable on merit as it will provide a useable second car parking space. The addition to the garage will also create a symmetrical built form and improve the overall appearance of the building when viewed from Bayview Street.
1.4 Streetscape and visual impact		
<ul style="list-style-type: none"> Development must not dominate the streetscape, particularly when viewed from a public place such as parks, reserves, beach or the ocean. 	Yes	The alterations and additions to create a single dwelling proposes a form that is consistent with surrounding development. Bayview Street predominantly comprises a mixture of two and three storey detached, dwellings, semi-detached dwellings and dual occupancies. Due to the steep topography of the land, garages are typically located forward of the dwelling. Accordingly, alterations to create a useable second car parking space within the front setback will be consistent with established streetscape character.
<ul style="list-style-type: none"> Existing ground levels and significant landscaping is to be maintained. 	Yes	As discussed previously some excavation is necessary due to the topography of the site. Ground levels will otherwise be retained.
1.7 Fences		
<i>Front:</i> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high 	N/A	Front fencing is not proposed.
<i>Side and Rear:</i> <ul style="list-style-type: none"> Maximum height of 1.8m 	Yes	Existing fencing will be retained along the side and rear boundaries.
1.8 Visual and acoustic privacy		

Development Control	Compliance	Comment
<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. 	Yes	<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. New side facing windows at ground level have otherwise been limited.</p> <p>The first floor will contain low-use rooms only, from where overlooking is generally less likely to occur. Nevertheless, the windows are of a suitable size to maintain the privacy of neighbouring properties.</p>
<ul style="list-style-type: none"> External stairs are not acceptable. Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	<p>Yes</p> <p>Acceptable on merit</p>	<p>External stairs are not proposed.</p> <p>The addition to the existing front terrace, which is accessible from the ground floor living area and office, will result in an overall area of approximately 60m².</p> <p>The addition to the first floor balcony will result in an overall area of approximately 22m².</p> <p>Refer to detailed discussion below compliance table.</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. 	Unchanged	As demonstrated by the accompanying shadow diagrams, living areas and principal private open space at the rear of the site currently experience shadowing throughout the day, which will not be exacerbated by the proposed development.
<ul style="list-style-type: none"> Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June. 	Unchanged	The shadows prepared by the architect demonstrate that there will be negligible additional impact to principal private open space of the adjoining properties at No. 17 & No. 23 Bayview Street.
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 	Yes	A number surrounding properties on Bayview Street currently enjoy ocean views over Bronte Beach. In particular the adjoining property to the west of the subject site, at No. 23 Bayview Street, has ocean views from the ground and first floor terraces within the front portion of the site, which will be maintained despite the proposed addition to the first floor.

Development Control	Compliance	Comment
dwelling particularly from habitable rooms and decks.		Refer to detailed discussion below compliance table.
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	The proposed dwelling comprises 5 bedrooms as such up to 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 	Acceptable on merit	Due to the steep topography of the land, garages are typically located forward of the building line within Bayview Street. Accordingly, alterations to create a useable second car parking space within the front setback will be consistent with established streetscape character.
1.11.3 Design	Yes	Despite its location within the front setback, the garage has been adequately integrated into the design of the dwelling. Overall the alterations and additions to the existing garage to create an additional space will provide symmetry to the existing built form.
1.11.4 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	Minimum dimensions are achieved within the proposed 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 Acceptable on merit	1 driveway is proposed. The width of the crossover currently exceeds 3m, which is required to be widened to facilitate access to the proposed garage. Council's Traffic Engineer has raised no concerns with the proposal, subject to the imposition of conditions.
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. Required 50m² – based on a calculated front setback area of 100m². 	Yes	42% (249m ²) open space provided.
	Yes	16.10% (96m ²) landscaped area proposed.
	Yes	Minimum 25m ² private open space provided.
	Acceptable on merit	32% (33.4m ²) of front setback is open space. It is noted that this largely remains unchanged from the existing arrangement. Currently, approximately 35% (35m ²) of the front building setback is attributed to open space
	Acceptable on merit	

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Front landscaped area: 50% of front open space provided. Required 25m² 		<p>Based on the required open space to be provided within the front building setback, a total of 25m² should be provided within the front setback.</p> <p>20% (10m²) of the required open space is provided within the front building setback.</p> <p>It is acknowledged that the addition to the garage will result in the loss of approximately 13m² of landscaping within the front setback. This is not considered to be detrimental to the outcome of the application given the established streetscape setting of Bayview Street, noting that the alterations and additions to the garage within the front setback will result in a visual improvement to the building.</p>
1.13 Swimming pools and spa pools		
Located in the rear of property	Yes	<p>A therapeutic pool is proposed within the rear yard.</p> <p>Standard conditions shall be imposed relating to compliance with the Swimming Pool legislation and pool plant location.</p>

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

Visual and Acoustic privacy – size of balconies

Section 1.8 in Part C1 of the DCP prescribes that elevated balconies and deck should have a maximum area of 10m². The addition to the existing front terrace, which is accessible from the ground floor living area and office, will result in an overall area of approximately 60m². The addition to the first floor balcony will result in an overall area of approximately 22m².

Whilst the balcony and terrace exceeds the numerical requirement, the non-compliance is considered acceptable on merit for the following reasons:-

- Large terrace above garage are inherent in Bayview Street, in order to maximise ocean views.
- The terrace and overall building envelope complies with DCP setback controls and is consistent with the alignment of terraces along Bayview Street.
- The addition to the terrace will not add excessive bulk and scale to the building.
- The addition to the terrace and balcony will provide symmetry to the existing built form, which will be an improvement to the overall appearance of the building when viewed from Bayview Street.
- There are no significant privacy impacts to neighbouring properties. It is important to note that Control (d) in Section 1.10 prescribes that views are enjoyed by a neighbouring property across a proposed terrace, 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. For this reason, privacy screening is not considered appropriate in order to protect views of No. 23 Bayview Street.

Views

Section 1.10 in Part C1 of the DCP seeks to minimise the impact of existing views and vistas enjoyed from existing residential development. In particular, lower density development 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. 23 Bayview Street

A number surrounding properties on Bayview Street currently enjoy ocean views. In particular the adjoining property to the west of the subject site, at No. 23 Bayview Street, has ocean views from the ground and first floor terraces within the front portion of the site, which will be maintained despite the proposed addition to the first floor. The front building alignment (identified by the red line in *Figure 4* below) of the first floor addition aligns with the first floor terrace at No. 23 Bayview Street, thus ocean views will be maintained.

Furthermore, the addition of the ground level terrace (above the proposed garage) will not impact on views available from the ground level terrace of the adjoining property at No. 23 Bayview Street. This is demonstrated by *Figure 4* below.



Figure 4: Extract from the Site Plan (DA:001) prepared by John House Architect, shows the location of the terrace at No. 23 Bayview Street in relation to the proposed alterations and additions.

No. 87 Hewlett Street

A submission was received from the neighbouring property to the rear of the subject site, at No. 87 Hewlett Street, which raised concerns about the loss of ocean views over the subject dwelling. The owner submitted photographs to Council on 19 October 2018, which demonstrates the extent of

views currently available over the roof of the subject dwelling. As shown in *Figure 5* below, partial views are available from living areas of No. 87 Hewlett Street, to the ocean. This partial view will not be obstructed by the proposed alterations and additions given that the height of the building has been reduced by lowering the pitch of the proposed roof.



Figure 5: View from the dining room of No. 87 Hewlett Street looking over the subject site in an easterly direction.

Location of garage

The front setback responds to the established alignment of garages within Bayview Street. Garages forward of the building line are predominant within the street, thus the siting of the garage is acceptable. The images below provide examples of garages located forward of the building line along Bayview Street.



Figure 6: No. 15 Bayview Street



Figure 7: No. 23 and No. 25 Bayview Street.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

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

One (1) submission was received. The issues raised in the submissions are summarised and discussed below.

Table 4: Summary of property addresses that lodged a submission

Property
87 Hewlett Street Bronte

Issue: Floor Space Ratio

Response: The variation to the Floor Space Ratio development standard is addressed in Section 2.1.3 of this report.

Issue: Building Height and view loss

Response: Amended plans were received on 13 November, which addressed Council's concerns with regard to the variation to the Height of Buildings Development Standard, by reducing the pitch and form of the roof. As discussed in Section 2.1.4 of this report, partial views to the Pacific Ocean from No. 87 Hewlett Street will not be obstructed by the proposed alterations and additions.

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, more specifically:-

- Plans and sections of On-Site Stormwater Detention (OSD) tanks on Drawing No. SW2 are not consistent. Long section of OSD tank shown on Drawing No. SW2 prepared for Ku-Ring-Gai City Council, which is not relevant.
- An updated Stormwater Management Plan showing long & cross sections of 2 OSD tanks separately including invert level, overflow level, orifice centreline level, orifice plate details, along with 2 separate completed mandatory checklists as set out in page 22 of Waverley Council's Water Management Technical Manual is required.

In light of the above comments, relevant conditions will be imposed on the consent to ensure compliance with the above.

3.3 Fire Safety Officer – Building Waverley

Internal referral comments have been sought from Council's Fire Safety Officer; who has not raised any objections to the proposed development, subject to the imposition of conditions of consent.

3.4 Biodiversity/Bushcare Officer – Sustainable Waverley

Internal referral comments have been sought from Council's Biodiversity/Bushcare team as the site is identified as being located within a habitat corridor under the DCP; no response was received.

4. SUMMARY

The application proposes alterations and additions together with reconfiguration to create one single dwelling, including second storey, addition to existing garage and basement storage area, landscaping and therapeutic pool. The proposal seeks a variation to the Floor Space Ratio and Height of Buildings Development Standards. The applicant has submitted a 'Clause 4.6 Exception to Development Standards' report for each of the proposed variations, which have been considered pursuant to Clause 4.6 of the LEP.

The proposal responds to the existing streetscape context, which is predominantly characterised by two and three storey dwelling houses, dual occupancies, and medium density residential flat buildings, located on lots with a steep topography. The siting of the alterations and additions are compatible with the surrounding development as front and rear setbacks are consistent with the predominant building lines along the street.

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

One submission was received and have been addressed in Section 2.4 of this report.

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:**

Lauren Saunders
Senior Development Assessment Planner

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

Date: 22 November 2018

Date: 26 November 2018

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos, DA:001, DA:002, DA:003 and DA:004 (all Rev A), tables and documentation prepared John House Architect, received by Council on date 8 May 2018; and Architectural Plan Nos DA:005, DA:200, DA:201, DA:202, DA:203, DA:204, DA:300, and DA:301 (all REV B), received by Council on 13 November 2018.
- (b) Landscape Plan, Drawing No. DA-01, prepared by Secret Gardens, received by Council on 8 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) The roof of the single storey component of the dwelling within the rear portion of the site is to be amended to provide a hipped roof form to reduce the bulk and scale of the building.

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. USE OF DWELLING

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

4. DOMESTIC HEATERS

The provision of solid fuel heating is prohibited.

5. 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).

6. INTRUDER ALARM

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

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. 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.

8. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$25,000** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

9. LONG SERVICE LEVY

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

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

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

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with Section 81A(2) of the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning & Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and
- (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.

11. 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.

12. 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.

13. 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.

14. 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.

15. STORMWATER MANAGEMENT

- a) The Plans prepared by E2 Civil and Structural Design, Job No. 17.665, Sheet No. SW1 to SW3 (Rev 0), Dated 22 February 2018 have been checked and considered ***not satisfactory*** with respect to stormwater details. The following detail is required to be submitted,
 - i) Plans and sections of On-Site Stormwater Detention (OSD) tanks on Drawing No. SW2 are not consistent. Longsection of OSD tank shown on Drawing No. SW2 prepared for Ku-Ring-Gai City Council, which is not relevant.
 - ii) An updated Stormwater Management Plan showing long & cross sections of 2 OSD tanks separately including invert level, overflow level, orifice centreline level, orifice plate details, along with 2 separate completed mandatory checklists as set out in page 22 of Waverley Council's Water Management Technical Manual is 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.

16. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

- a. Show the size and number of trucks to be used during the various stages of the development.
- b. Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway in the vicinity of the site, the trucks may not be approved for use.
- c. Show the location and length of any proposed Works/Construction Zones.
 Note:
 - (i) Such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
 - (ii) It is illegal to park a truck exceeding 4.5tonnes on a roadway for more than one (1) hour unless signs are installed allowing such and illegal to barricade/ reserve a section of roadway without the prior approval of Council.
- d. Indicate the number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.

17. LONG SECTIONS OF DRIVEWAY

Long sections drawn along both edges of the driveway shall be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to issue of the Construction Certificate.

The long section drawings shall:

1. Be drawn at a scale of 1:25
2. Include reduced levels (RL's) of the Bayview Street carriageway, the kerb and gutter, footpath and the garage floor.
3. Include existing and design levels.
4. Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
5. Show paving on the garage floor at entry being sloped to follow the longitudinal fall on the Council's concrete pathway at all points across the door opening.

18. SWEPT 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 vehicles entering and exiting each of the garages from Bayview Street shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

The swept wheel path drawings shall:

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

19. RECONSTRUCT VEHICLE CROSSING

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

20. 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.

21. 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.

22. ROOFWATER GUTTERING

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

23. BASIX

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

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

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

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

24. 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.

25. 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.

26. 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.

27. OBSTRUCTION TO PUBLIC AREAS

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

- (a) a hoarding fence must be erected between the building site and the public place of the proposed building and the public place. If necessary, an awning sufficient to prevent any substance from, or in connection with, the work falling into the public place, is also to be erected;
- (b) the work is to be kept lit during the time between sunset and sunrise if the work may be of a sort of danger to persons using the public place; and

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

28. 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.

29. 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.

30. 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.

31. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

32. TOILET FACILITIES

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

33. 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.

34. 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.

35. 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.

36. 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.

37. 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.

38. BUILDING CODE OF AUSTRALIA

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

39. 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.

40. CERTIFICATE OF SURVEY - LEVELS

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

41. IN-SINK WASTE DISPOSAL SYSTEMS

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

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. 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.

48. 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.

49. SWIMMING POOLS/SPAS

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.

50. CONSTRUCTION OF SWIMMING POOLS/SPAS

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

51. 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.

52. 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.

53. 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.

54. 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.

55. POOL SIGN

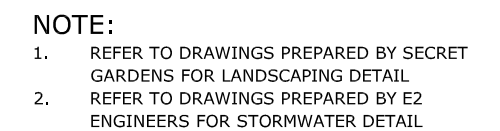
An approved sign outlining details of resuscitation techniques for adults, children and infants must be placed in a prominent position, close to the pool prior to filling the pool with water. Signs are available from Council's Planning & Environmental Services Department.

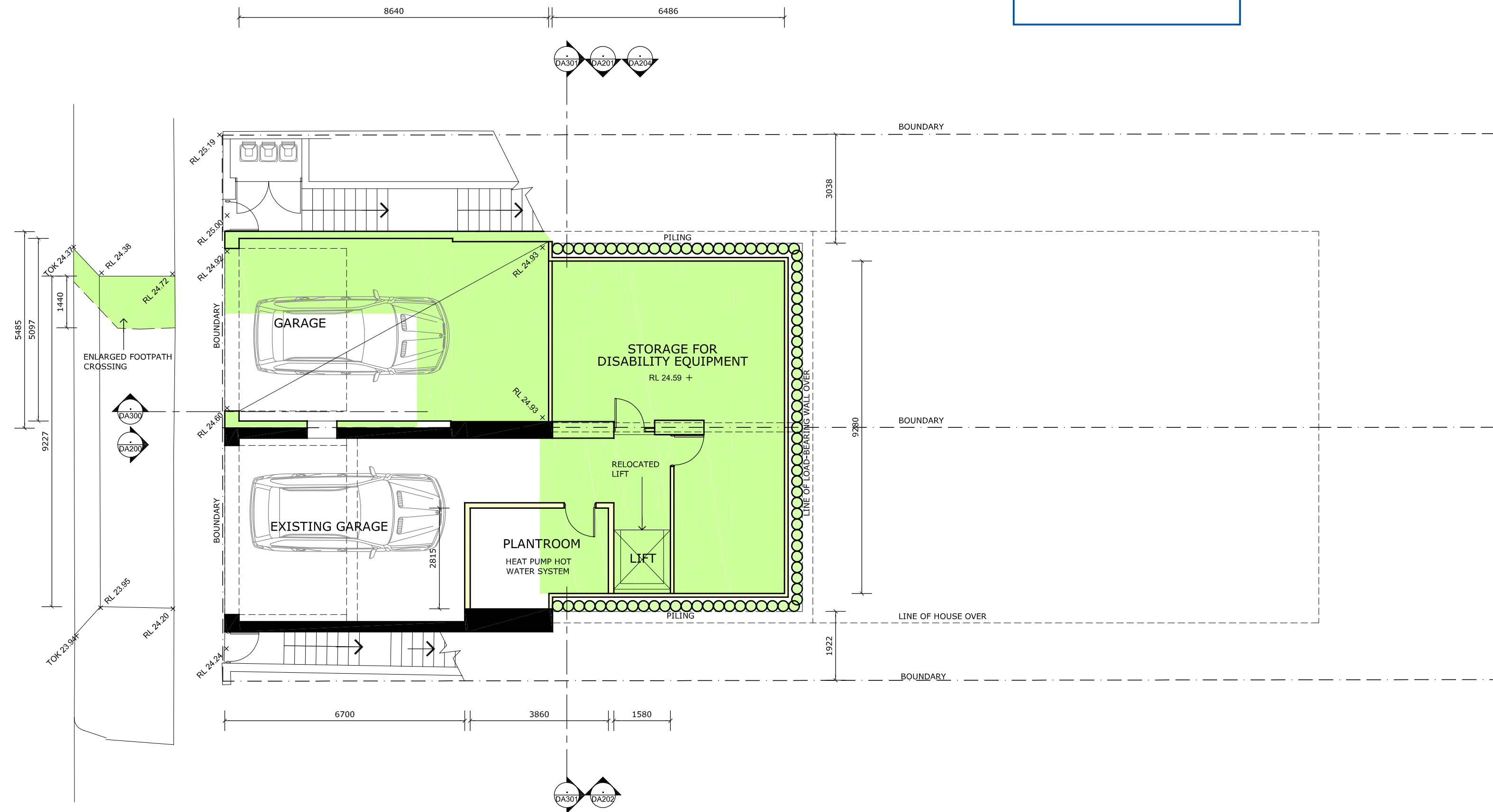
56. INSPECTION OF POOL/SPAS

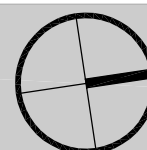
A final inspection of the completed pool is to be carried out by the Principal Certifying Authority prior to the pool being filled with water.

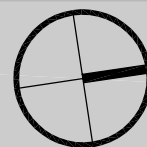
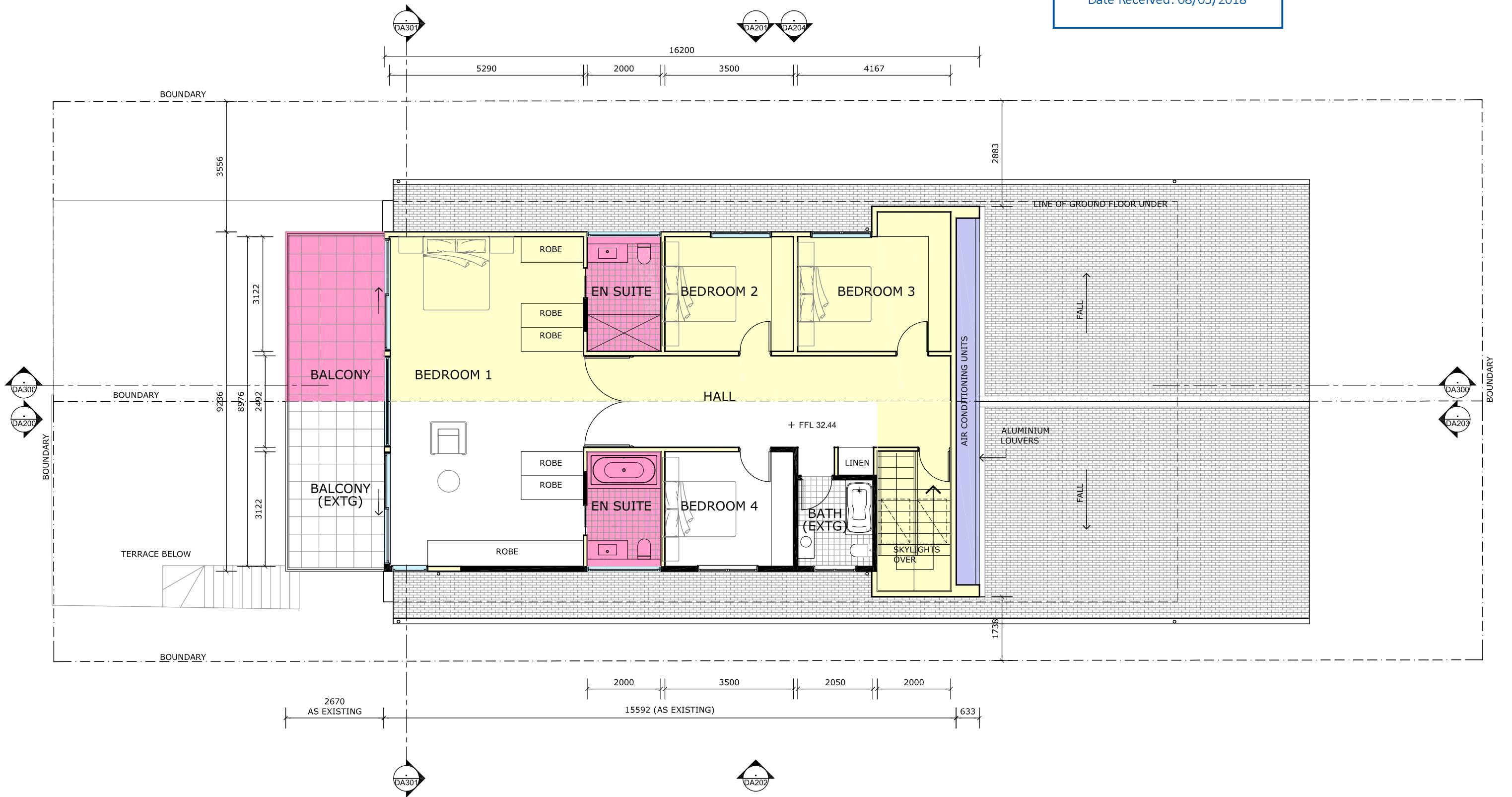
57. SWIMMING POOL/SPA REGISTRATION

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.



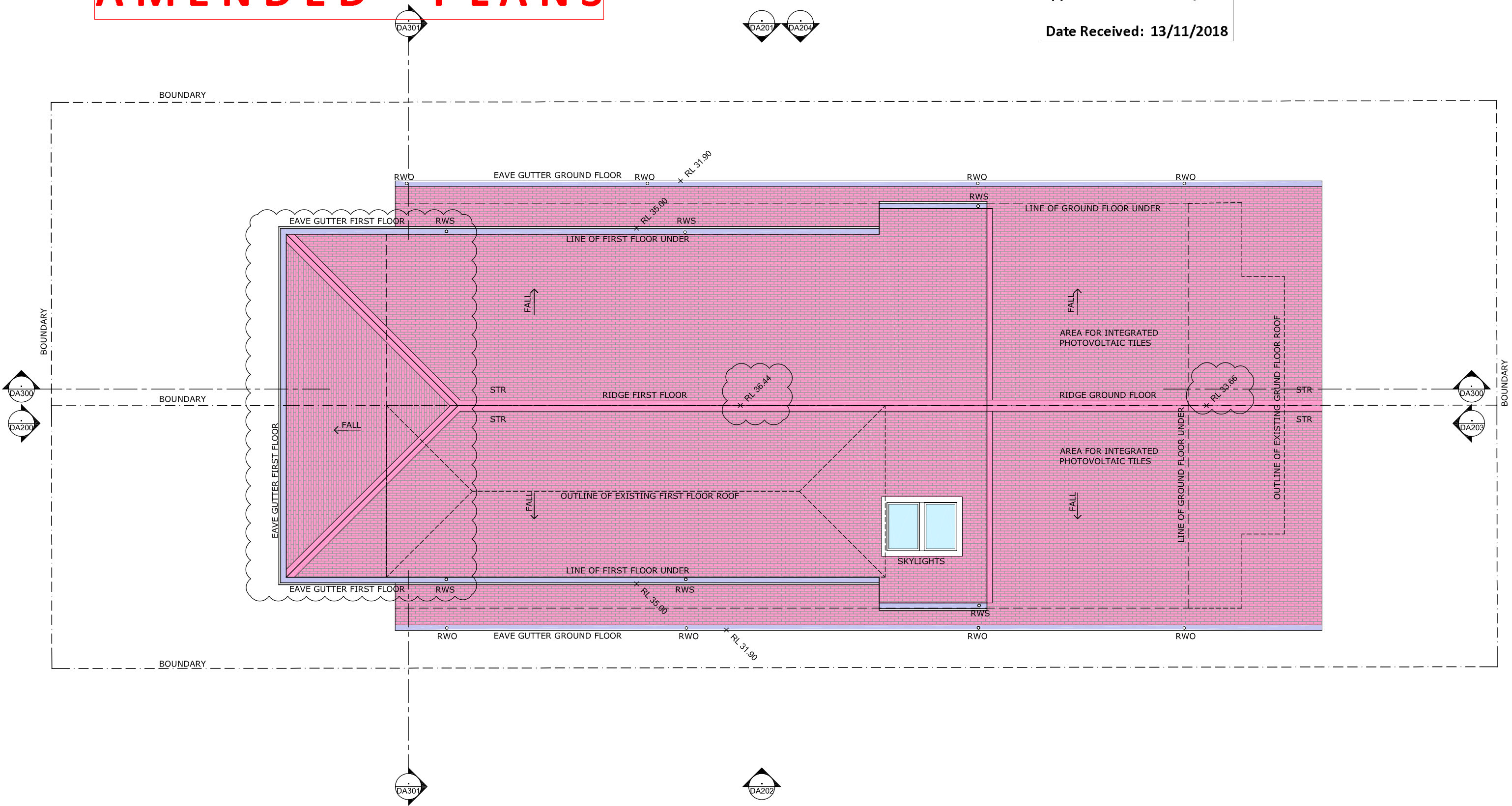






AMENDED PLANS

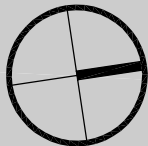
RECEIVED
Waverley Council
Application No: DA-154/2018
Date Received: 13/11/2018



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Architect

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ADDITIONS AND ALTERATIONS TO
19 & 21 BAYVIEW ST, BRONTE
FOR R & M EASTON



0 0.5 1 2 3 4 5 10m
SCALE

B ROOF REVISION
ISSUED FOR DA

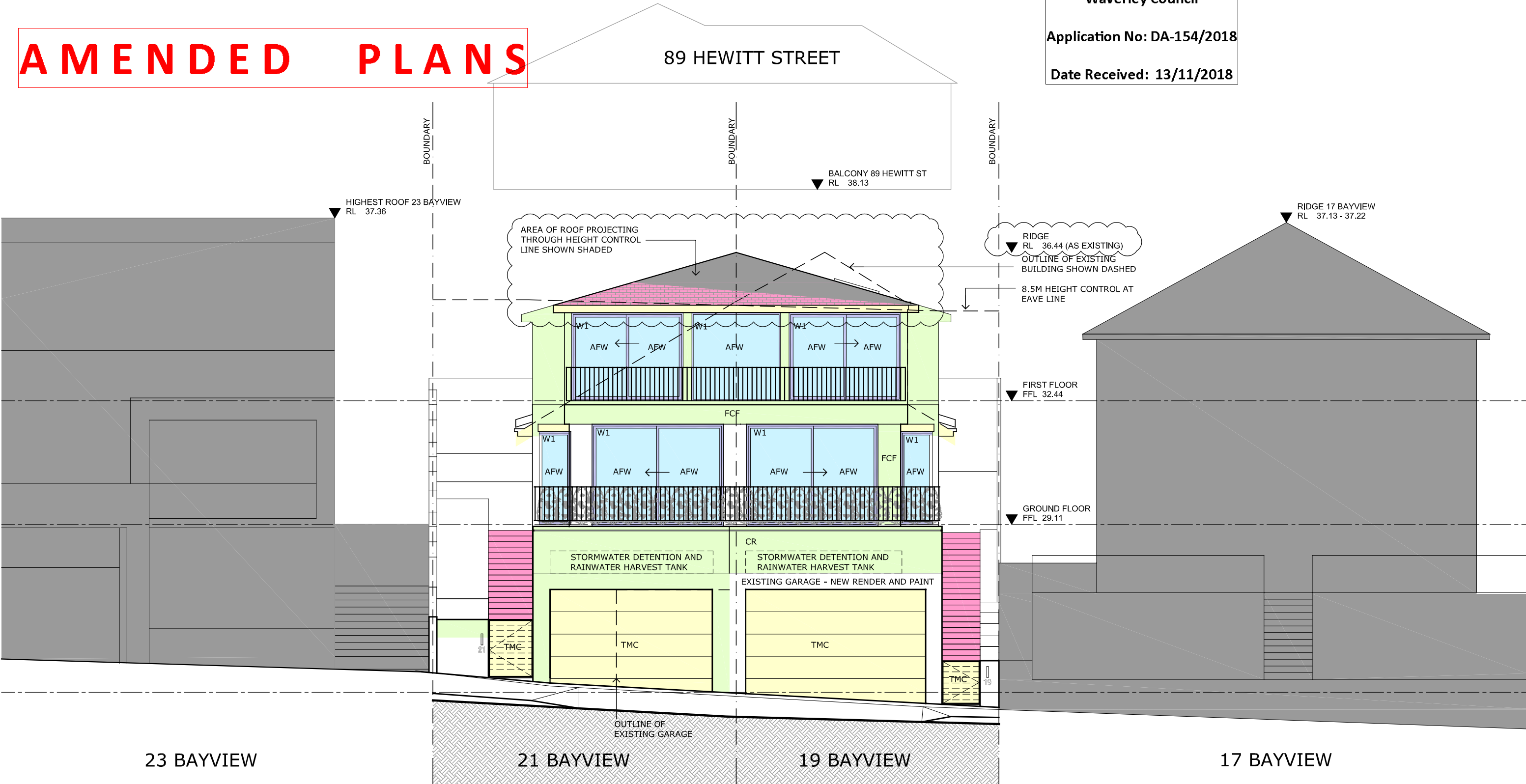
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DRAWING TITLE
PLANS AS PROPOSED - ROOF
DWG No. REV. JOB No. SCALE
DA:005 B 1701 1:100

112

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Date Received: 13/11/2018



1 SOUTH ELEVATION
BAYVIEW STREET

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09.11.18
04.05.18

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ELEVATIONS AS PROPOSED - SOUTH
DWG No. REV. JOB No. SCALE
DA:200 B 1701 1:100

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0 0.5 1 2 3 4 5 10m
SCALE

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AREA OF ROOF PROJECTING THROUGH HEIGHT CONTROL

OUTLINE OF EXISTING ROOF

RIDGE
RL 36.44 (AS EXISTING)
8.5 METRE LEP HEIGHT CONTROL

RIDGE
RL 33.66

THIS ROOF FACE TO TAKE
INTEGRATED PHOTOVOLTAIC TILES

TIMBER FENCE AS
EXISTING

AREA OF EXCAVATION
SHOWN HATCHED

OUTLINE OF
PROPOSED SPA

EXISTING GROUND LINE

PATHWAY REALIGNMENT TO
REMOVE SLOPE

EXTENT OF DISABLED STORE

STONEMARK MADE GOOD
WHERE DOOR REMOVED

DISABLED STORE
FFL 24.59

OUTLINE OF EXISTING GARAGE

GARAGE
FFL VARIES 24.84 - 24.60

7652 WALL HEIGHT

BAYVIEW
STREET

B ROOF REVISION
ISSUED FOR DA

09.11.18
04.05.18

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0 0.5 1 2 3 4 5 10m
SCALE

DRAWING TITLE
ELEVATIONS AS PROPOSED - WEST
DWG No. REV. JOB No. SCALE
DA:201 B 1701 1:100

114

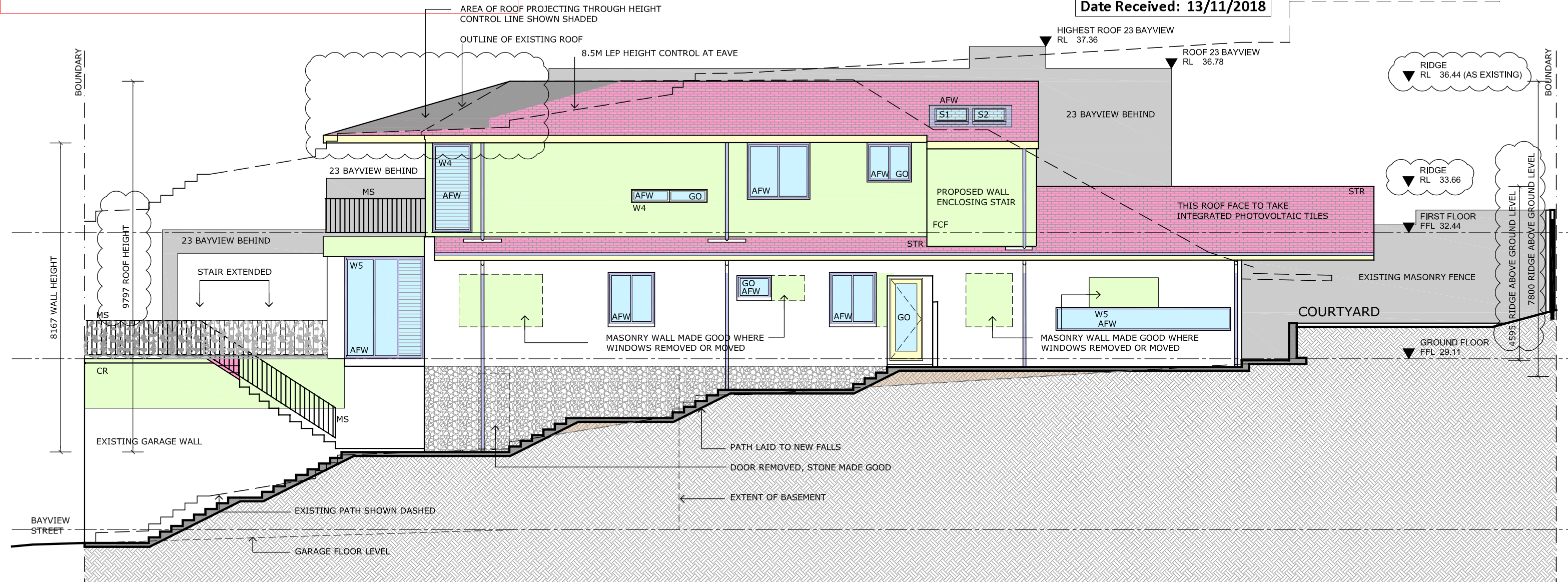
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Application No: DA-154/2018

Date Received: 13/11/2018

8.5M LEP HEIGHT CONTROL



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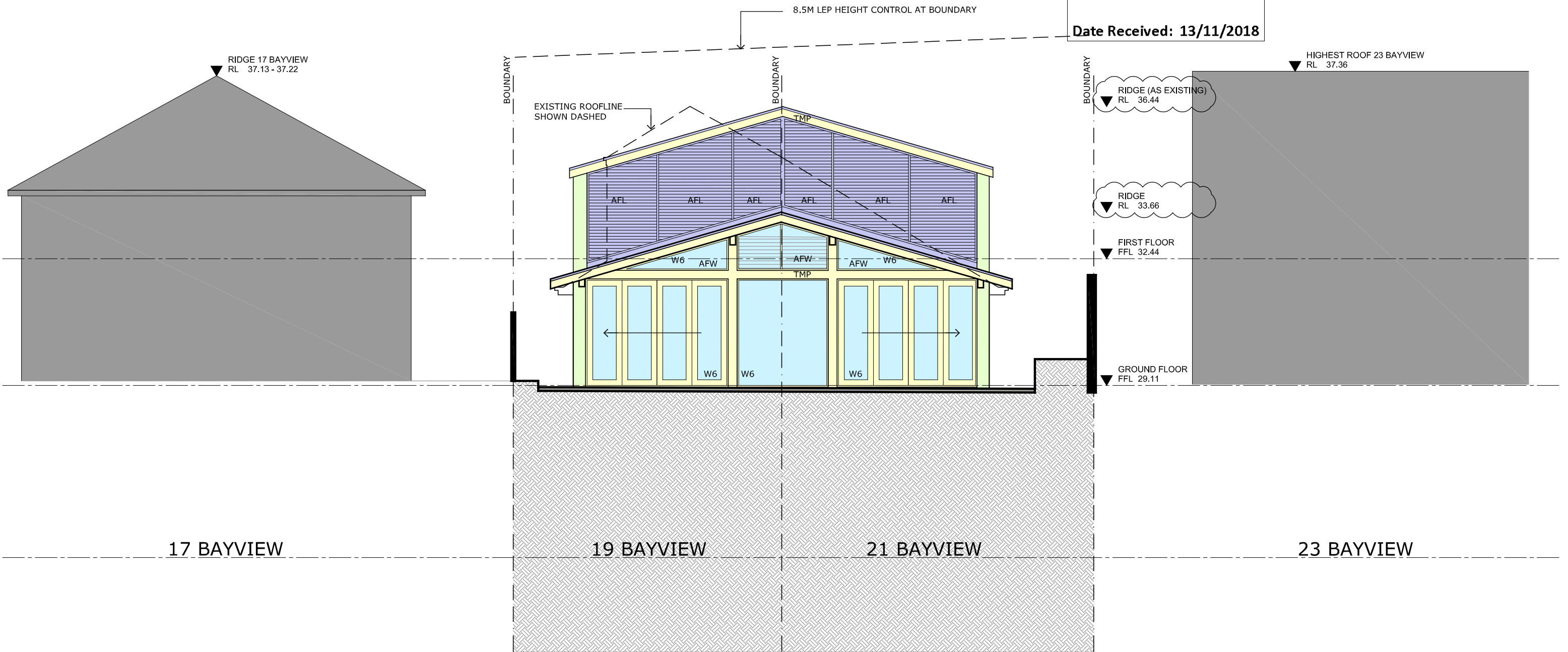
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FOR R & M EASTON

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SCALE

DRAWING TITLE
ELEVATIONS AS PROPOSED - EAST
DWG No. REV. JOB No. SCALE
DA:202 B 1701 1:100

115

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FOR R & M EASTON

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SCALE

B ROOF REVISION
ISSUED FOR DA

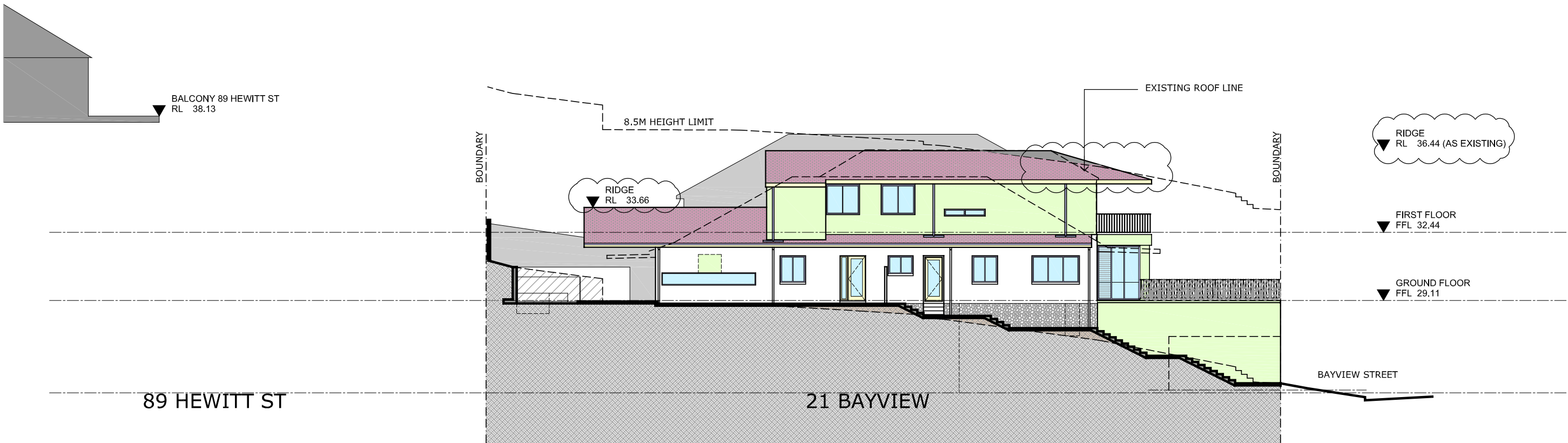
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04.05.18

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ELEVATIONS AS PROPOSED - NORTH
DWG No. REV. JOB No. SCALE
DA:203 B 1701 1:100

116

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Application No: DA-154/2018
Date Received: 13/11/2018



A204 EAST ELEVATION
DA:001 SHOWING 89 HEWITT

B ROOF REVISION
ISSUED FOR DA
09.11.18
04.05.18

ADDITIONS AND ALTERATIONS TO
19 & 21 BAYVIEW ST, BRONTE
FOR R & M EASTON

0 1 2 4 6 8 10 20m
SCALE

DRAWING TITLE
ELEVATIONS AS PROPOSED
DWG No. REV. JOB No. SCALE
DA:204 B 1701 1:200

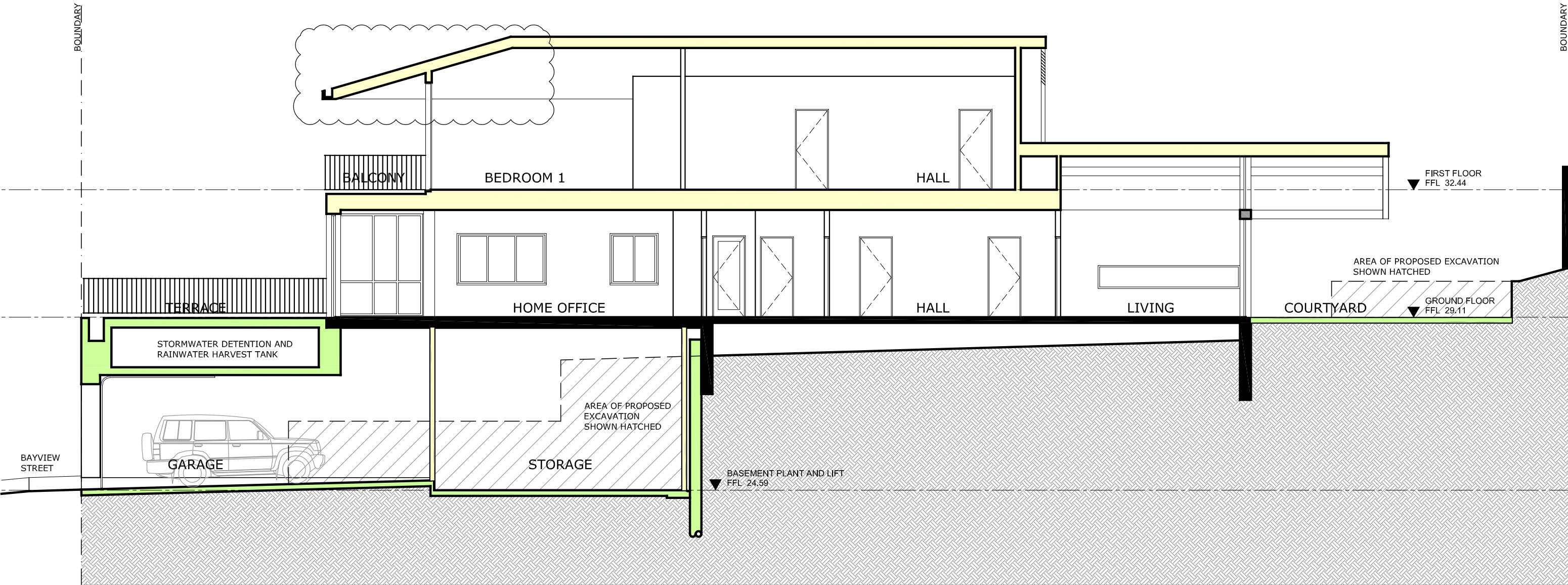
117

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ADDITIONS AND ALTERATIONS TO
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0 0.5 1 2 3 4 5 10m
SCALE

DRAWING TITLE
SECTION: NORTH-SOUTH
DWG No. REV. JOB No.
DA:300 B 1701

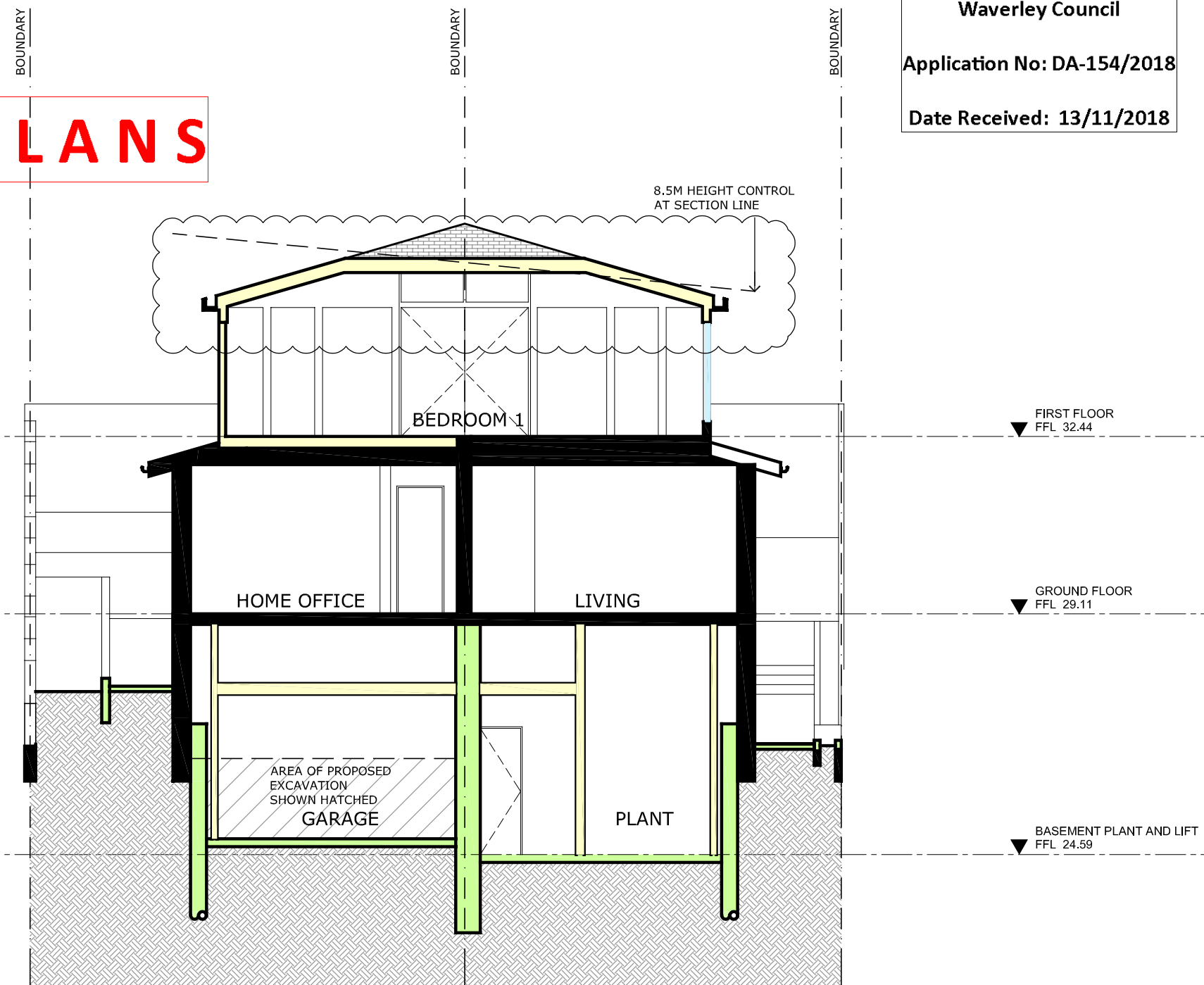
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Application No: DA-154/2018

Date Received: 13/11/2018



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0 0.5 1 2 3 4 5 10m
SCALE

B ROOF REVISION
ISSUED FOR DA

09.11.18
04.05.18

DRAWING TITLE
SECTION : EAST - WEST
DWG No. REV. JOB No.
DA:301 B 1701

SCALE
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119



Waverley Local Planning Panel

Application number	DA-569/2017
Site address	19 Carlisle Street, Tamarama
Proposal	Demolition and construction of new dwelling-house with integrated single garage at frontage, rear detached garage with study below and swimming pool
Date of lodgement	12 December 2017
Owner	Talia Neale and Mark O'Reilly
Applicant	Anna Vaughan Architects
Submissions	13 (original), 15 (amended)
Cost of works	\$1,808,620
Issues	Height, setbacks, visual bulk and scale, view loss, solar access and car parking
Recommendation	That the application be APPROVED subject to conditions

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 20 August 2018.

The site is identified as Lot 29 DP4827, known as 19 Carlisle Street, Tamarama. The site is generally regular in shape with a southern (front) boundary length of 6.12m to Carlisle Street, an eastern (side) boundary of 51.93m, a northern (rear) boundary to Dellview Lane of 6.095m and a western (side) boundary of 51.31m. The site has a total area of 314.7m² and falls from the rear northern boundary to the front by approximately 13 metres.

The site is occupied by a part one, part two-storey dwelling house with off street car parking for two vehicles within a single storey detached garage to Dellview Lane. The height of the existing pitched roof dwelling is to RL45.78.

The subject site is adjoined to the west by a part one, part three-storey pitched roofed dwelling at No.21 Carlisle Street. To the east of the site is a part two, part-three storey residential flat building at 17 Carlisle Street. To the south on the opposite side of Carlisle Street and to the rear on the opposite side of Dellview Lane is a mix of residential flat buildings and single dwellings.

The locality is characterised by predominantly residential dwellings and residential flat buildings. Design is of varying sizes and architectural styles. To the south-east of the site, and within walking distance, is Tamarama Beach.



Figure 1: Site viewed from Carlisle Street



Figure 2: Streetscape view from Carlisle Street looking west

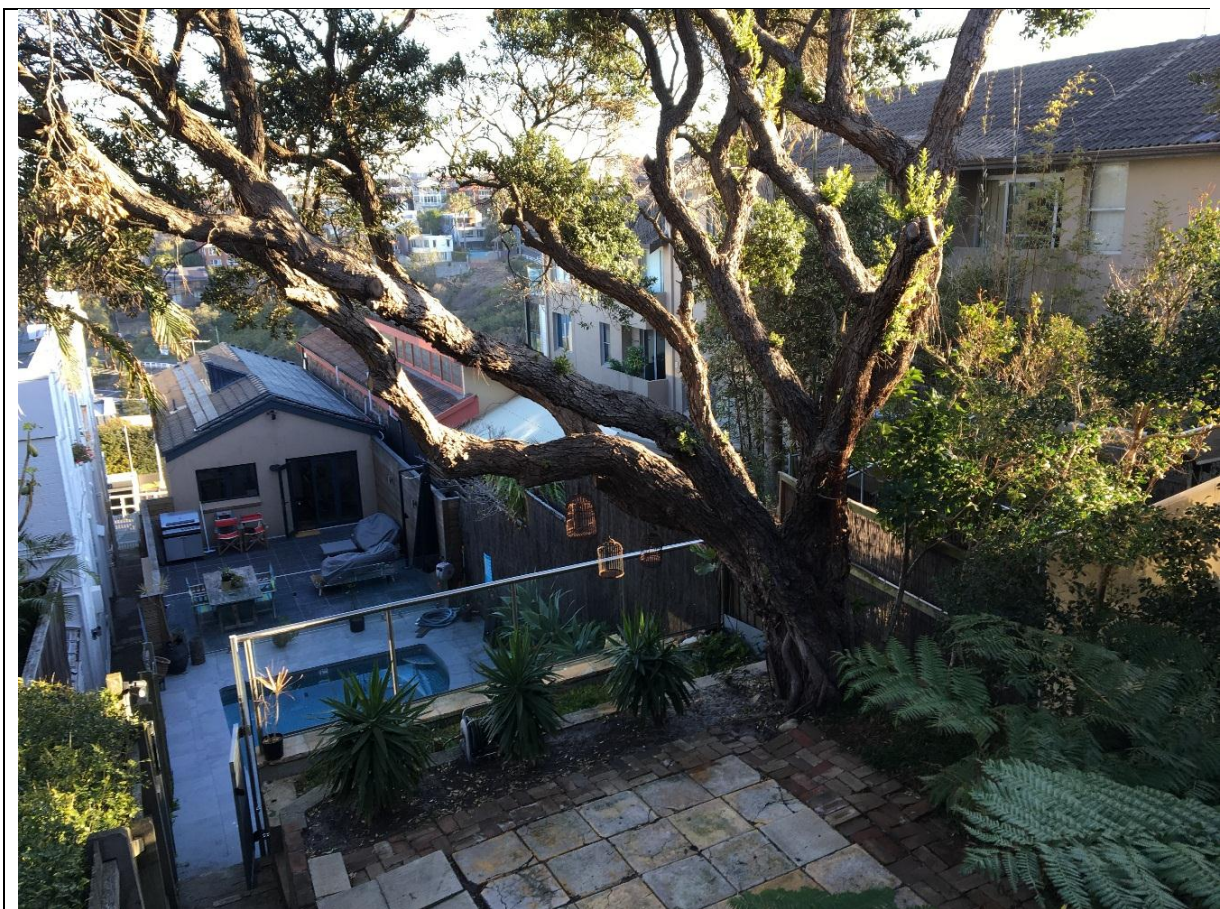


Figure 3: View towards the rear of the subject dwelling

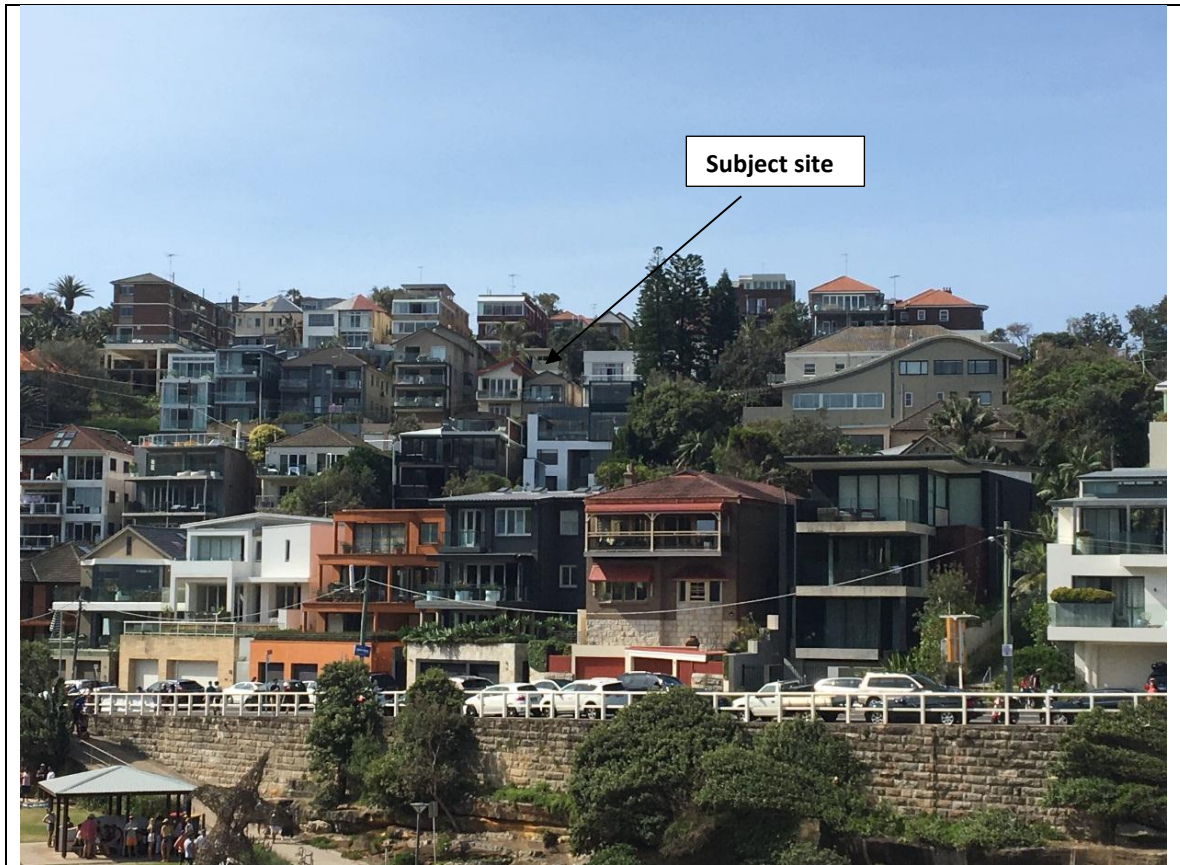


Figure 4: Site viewed from Tamarama Marine Drive

1.2 Relevant History

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

- BA-313/1995 – Construct an awning above the balcony area at the existing dwelling approved on 14 July 1995.
- DA-544/2004 – Proposed carport approved on 27 September 2004.

The application the subject of this assessment report was deferred on 29 August 2018 to give the applicant an opportunity to submit amended plans and additional information to address issues raised in the preliminary assessment of the application. These matters related to the number of non-compliances proposed including to height and floor space ratio of Waverley LEP 2012, front setback, rear building line setback, side setbacks, overshadowing, streetscape impact, car parking design, building bulk and massing. The full terms of the deferral are outlined in a letter sent to the applicant on 29 August 2018 and a copy of the letter is on the file.

Amended plans were submitted on 31 October 2018 and 16 November 2018 to address these matters, which are the subject of this assessment report.

1.3 Proposal

The application seeks consent for demolition of the existing dwelling-house and structures on the site and the construction of a new part three, part four-storey detached dwelling with integrated garage at the Carlisle Street frontage and a rear detached garage with study below from Dellview Lane. Details of the proposal are as follows:

Demolition and Site Clearing

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

Ground Floor (Basement Floor/street level) – RL35.95

- One car garage;
- Entry;
- Hall and lift access;
- Plant and equipment;
- Cellar store.

First floor – RL39.05

- Three bedrooms;
- Laundry/ Bathroom;
- Ensuite;
- Large deck at south elevation.

Second floor – RL42.15

- Dining, kitchen, living area;
- Large balcony area at south elevation.

Third Floor – RL45.65

- Master bedroom with ensuite;
- Bedroom;
- Powder room.

Associated site works

- Construction of new driveway crossover from Carlisle Street;
- Alterations to swimming pool;
- Rear study with single garage above accessed from Dellview Lane at the rear;
- Landscaping.

The dwelling is to be constructed of masonry with colourbond roofing. The overall height to parapet is RL49.15. Air conditioning units and solar panels are proposed to the top of the roof.



Figure 5: Photomontage of proposed dwelling to Carlisle Street

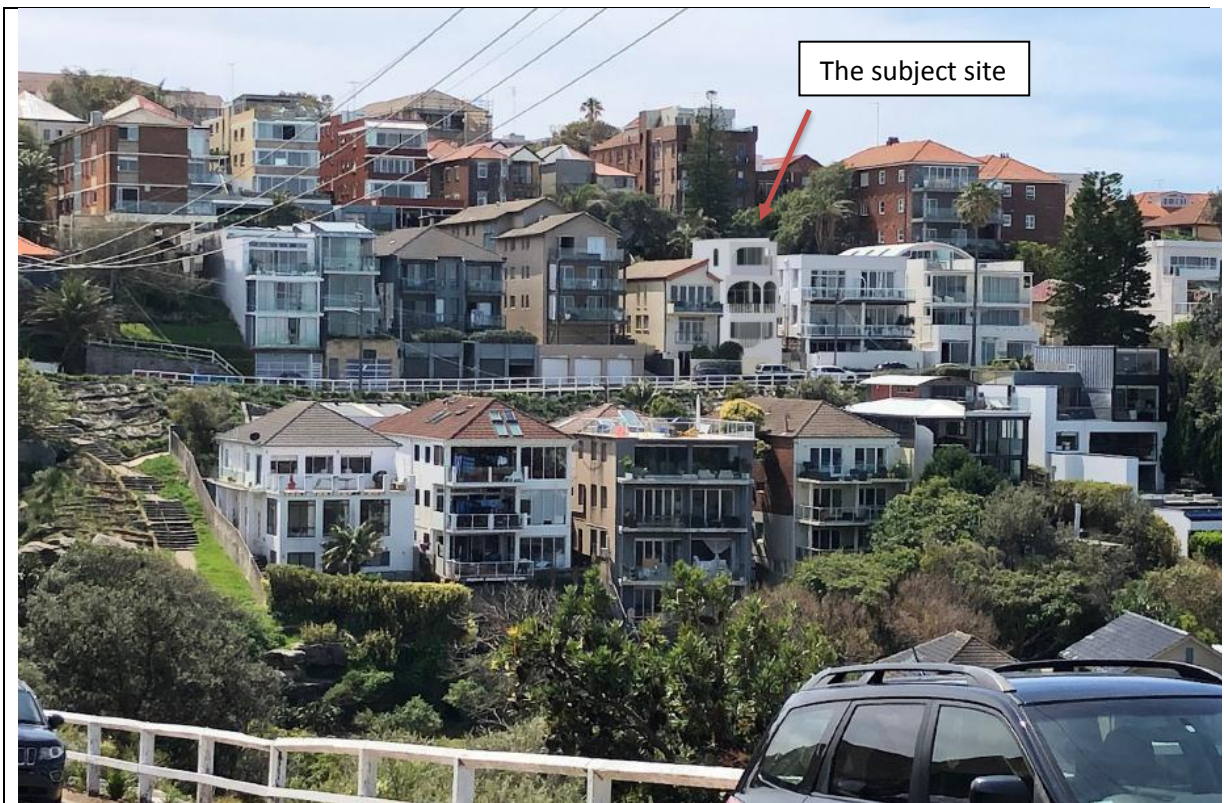


Figure 6: Photomontage of proposed dwelling

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 (Vegetation in Non-Rural Areas) 2017

No trees are proposed to be removed.

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 considered to be consistent with 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 R3 zone.
2.7 Demolition	Yes	The proposal to demolish the existing dwelling and garage is permitted with development consent.

Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	No	<p>The proposal has a height of 11.8m from the existing ground level.</p> <p>This is a maximum variation of 2.3m exceeding the development standard by 24%.</p>
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.76:1 (239.17m²) Site: 314.7m² 	Yes	<p>The proposal has an FSR of 0.747:1 (235.2m²) complying with the development standard.</p> <p>(Note: Applicant had excluded the lift in the calculations which has been included here).</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 identified as class 5 acid sulfate soils. Standard conditions will be imposed accordingly.
6.2 Earthworks	Yes	The proposal includes excavation of approximately 3m in depth to accommodate the ground level, first floor level and rear study. The application is accompanied by a geotechnical investigation report, with identified recommendations. All standard conditions of consent are included in the Appendix A of this report which are considered to address the provisions of clause 6.2 Earthworks.

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

Exceptions to Development Standards

Clause 4.3 Height of buildings

The proposal has an overall building height of 11.8m, which exceeds the height of buildings development standard of 9.5m prescribed under clause 4.3 of Waverley LEP 2012 by 2.3m or 24%.

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 applicant's written request is summarised as follows:

- *Streetscape: The proposed three level presentation with a recessed fourth storey represents a contextually compatible outcome which will sit comfortably in the Carlisle Street streetscape as it contains numerous three and four-storey residential flat buildings and dwelling houses of an equivalent or greater scale than that proposed. The recessed nature of the fourth storey minimises the visual impact of the overall height noting that there is limited aspect of the proposal due to the split level nature of Carlisle Street. The dwellings to the south have their primary orientation to the south towards Tamarama and not towards the site. The refined and high quality design of the proposed dwelling, as well as the use of appropriate materials and finishes for the coastal location, ensures that the proposed height variation would not generate any unreasonable streetscape outcomes.*
- *Context: The proposed height variation is not considered to be contextually inappropriate given the abundance of built forms either side of the subject site which breach the height limit. The proposed height will therefore be consistent with the established character in the immediate vicinity of the site. Furthermore, the steeply sloping nature of the site towards the north ensures that the proposed built form will not stand proud but will rather be read against the backdrop of the hillside and dwellings further up the slope towards Fletcher Street. Therefore, the proposed height variation is contextually compatible and appropriate for the site.*
- *Internal amenity: The four level nature of the built form provides for a high level of internal amenity as it provides for a more compact building footprint and achieves greater internal solar access, daylight and ventilation opportunities rather than spreading the built form across two or three levels. It also ensures that the proposed built form outcome is contextually compatible and also provides for greater views and aspects from the subject site.*
- *External amenity: The proposed height does not generate any unreasonable external amenity impacts in regards to solar access, overshadowing, visual privacy, acoustic privacy or loss of views. The above factors ensure that the proposed height is suitable on environmental planning grounds and emphasises the compatible and appropriate nature of the proposed height in these circumstances.*
- *Heritage: There are no heritage aspects associated with the proposed height.*
- *Visual Bulk: Given the predominant north-south orientation of adjoining properties and the established character of built forms that are more substantial than the proposed building, the proposed built form is not considered to be responsible for any unreasonable visual bulk impacts. The lack of aspect from the streetscape as well as from neighbouring properties to the subject site is also reiterated which further justifies the proposed height in this instance.*

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

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

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

The site is located upon a steep hill and slopes approximately 13m from the rear to the front. The proposed height breach is partly as a circumstance of the site topography, with the extent of the breach being reduced deeper into the site with a compliant height to the rear of the dwelling. Carlisle Street is characterised by similar height of developments due to the steep sloping topography which drops away towards Tamarama Beach and the coastline.

The existing dwelling on site has a ridge height at RL45.78. The proposed dwelling is to have an overall height to RL49.15.

Existing development immediately adjoining the subject site at 17 Carlisle Street has an overall flat roof height to RL 47.33 and the adjoining single dwelling to the west at 21 Carlisle Street is built to a pitched roof height of RL 46.32. This dwelling at 21 Carlisle Street is sited with a minimal side setback of approximately 300mm from the common boundary with the subject site with no windows along its eastern elevation. Eastern facing clerestory windows run the length of the roof providing solar access to living room, dining and kitchen areas below.

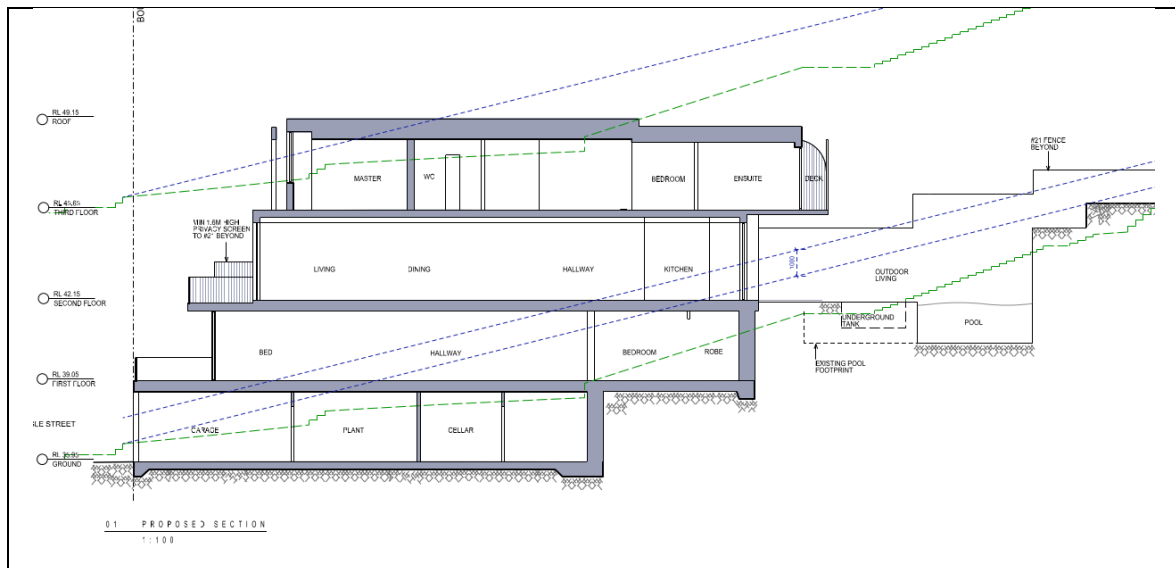


Figure 7: Section of proposed dwelling

Development further to the west at 27 Carlisle Street has an overall ridge height to RL49.5 and RL49.4 at 25 Carlisle Street. Approval was granted on 25 June 2014 under DA-208/2013 for alterations and additions to the existing residential flat building at 25 Carlisle Street including attic level addition to RL50.5. The existing property at 23 Carlisle Street is built to RL50.69. The property further to the east at No.15 Carlisle Street is built to RL49.00 to its fourth level which is setback 11.5m from the front property boundary (curved roof form) (refer to Figure 8 below).



Figure 8: Streetscape study showing context of proposed dwelling along Carlisle Street (Source: Applicant's submission)

The proposal will result in an increase in overshadowing to the adjoining properties to the east and west as a result of the orientation of the allotments. Due to the narrow configuration of the allotments, maintaining solar access to the clerestory windows at 21 Carlisle Street which are sited 1.3m from its eastern side boundary is difficult, with a height compliant building also extending above the location of these windows.

During public notification, properties indicated that the proposed building will impact on significant views. View loss assessments have been undertaken from 23 Carlisle Street. The view impact assessment is outlined below under Part 2.1.5. Consideration is to be given to the view impact analysis provided below which demonstrates that subject to minor design changes, there will not be unreasonable impacts on views from neighbouring properties or the public domain as a result of the proposal.

The justification in the applicant's submission to the proposal breaching the height of buildings development standard is generally considered well-founded, however, an assessment is provided below of shadow, view loss and streetscape impacts resulting in a necessity for minor design changes. Subject to these amendments, the extent of the breach of the development standard is considered reasonable in that it will not result in adverse building bulk and scale impacts as well as amenity impacts on surrounding residential development. These impacts are considered in detail below with regard to the relevant objectives of the height of buildings development standard.

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

The proposal, as amended, is considered able to comply with the objectives of the height development standard as environmental amenity is maintained for adjoining properties and the building has a compatible height, bulk and scale. Subject to amendments addressed by way of conditions, the proposed built form is consistent with surrounding development (see further discussion below). Accordingly it is considered there are sufficient planning grounds to justify contravening the standard.

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

The applicant's written request is considered to have adequately addressed the matters required under subclause 3 and the variation to the height development standard is supported subject to amendments to be addressed as recommended conditions of consent.

- ***Clause 4.6(4)(a)(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out***

The proposed development is consistent with the objectives of the Height of Buildings development standard, as discussed above. The development is also consistent with the objectives of the R3 Medium Density Residential zone providing housing in a form that is compatible with the surrounding residential environment.

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 SWRMP has been submitted which is satisfactory.
2. Energy and water conservation	Yes	A BASIX Certificate was submitted with the application, which satisfies this section of the DCP.
5. Tree Preservation	Yes	Proposed to retain existing tree on site.
6. Stormwater	Yes	The application has been reviewed by Council's Stormwater Engineer who has advised the plan is satisfactory. Recommended conditions have been included within this report.
8. Transport	No	It is proposed to provide a new driveway access from Carlisle Street to a new single car garage integrated into the frontage of the dwelling in addition to the existing rear driveway on Dellview Lane. This results in two crossovers to access the subject site. Refer to detailed discussion below regarding this issue.

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	Proposed height of 11.8m from existing ground level. Refer to detailed discussion below regarding this issue.
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 	Condition Yes No	Refer to detailed discussion below regarding this issue.

Development Control	Compliance	Comment
Elevated/ visually prominent balcony Maximum size of balconies: <ul style="list-style-type: none"> 10m² in area 1.5m deep 	No, acceptable on merit	2.887m x 4.128m = 11.9m ² (First floor) 2.543m x 5.196m = 13.2m ² (Second floor)
1.9 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	Yes Yes	The living areas and private open space areas face north and south given the orientation of the allotments. Solar access is satisfactory. Refer to detailed discussion below regarding this issue.
1.10 Views		
Minimise impact on existing views and vistas enjoyed from existing residential development and the public domain	No, condition	A site inspection was undertaken on 20 August 2018 which identified the potential for view impacts as a result of the proposal. The applicant was requested to provide a view impact analysis, however, limited information was provided. View impact assessment was subsequently undertaken from Units 8 and 9/ 23 Carlisle Street. Refer to detailed discussion below regarding this issue.
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	Two spaces are proposed to be provided within separate single garage accommodation to Dellview Lane and Carlisle Street. Refer to detailed discussion below regarding this issue.
1.11.3 Design	Yes	Refer to detailed discussion below regarding this issue.
1.11.5 Driveways <ul style="list-style-type: none"> Maximum 1/property Not permitted where one off street car space results in loss of two or more parking spaces 	No Yes	Refer to detailed discussion below regarding this issue.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area: 125.88m² Overall landscaped area: 15% of site area: 47.2m² 	Yes Yes	Open space: 48% Landscape: 18%

Development Control	Compliance	Comment
<ul style="list-style-type: none"> 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, acceptable on merit</p>	<p>The site contains in excess of 25m² of private open space.</p> <p>Despite the variation to the frontage landscaped area control due to the location of the garage, the siting of the garage at the frontage is consistent with development along this section of Carlisle Street.</p>
1.13 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property 	Yes	Swimming pool is to be sited to the rear of the site. Condition requiring pool equipment to be contained within soundproof structure.
1.14 Laneway Development		
<ul style="list-style-type: none"> External wall height: 3.6m Simple built forms built to laneway alignment or near No bathroom or kitchen facilities Single width garages to incorporate adjacent pass door for pedestrians 	<p>No, acceptable on merit</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Wall height is 4.6m at the rear due to sloping topography. Consistent with adjoining laneway development at 21 Carlisle Street.</p> <p>Wall alignment is the same alignment of the existing wing walls of the adjoining laneway development at 21 Carlisle Street.</p>

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

Views

Part C1 1.10 Views of Waverley DCP 2012 details all objectives and strategies for public and private domain views and view sharing, which generally seek to reduce impacts on existing views and vistas from the private and public domain. The proposal has also been assessed against the Land and Environment Court's Tenacity principle for view sharing.

A site inspection was carried out on 20 August 2018 and subsequently on 20 November 2018 from Units 8 and 9 at 23 Carlisle Street.

Private Domain Views

During public notification, submissions were received indicating that the proposed building will impact on significant views from surrounding dwellings. View loss assessments have been undertaken from 23 Carlisle Street.

The most impacted properties are Units 8 and 9/ 23 Carlisle Street which are to the west of the subject site and includes views across No.21 Carlisle Street and across the subject property to Tamarama

Beach and the Pacific Ocean. The views are obtained across the side boundaries and over the roof of No.21 Carlisle Street and the subject site beyond. The views are obtained from windows and a balcony to the eastern elevation at the upper level. The windows and balcony are to the living areas (both Units 8 and 9) and bedroom (unit 8). The impacted views are summarised and illustrated in Figures 9 to 14 below (full view loss photos can be seen on the electronic file).

Unit 8/ 23 Carlisle Street, Tamarama



Figure 9: View from main living room balcony of Unit 8/ 23 Carlisle Street across roof of No.21 Carlisle Street towards the subject site.



Figure 10: View from dining/kitchen area seated at table of Unit 8/ 23 Carlisle Street.





Figure 11: View from main bedroom of Unit 8/ 23 Carlisle Street across roof of No.21 Carlisle Street towards the subject site.



Figure 12: View from main bedroom of Unit 8/ 23 Carlisle Street across roof of No.21 Carlisle Street towards the subject site with Tamarama sand/ ocean interface sitting above roof of No.21 Carlisle Street.

Unit 9/ 23 Carlisle Street, Tamarama

	
<p>Figure 13: View from main living room balcony of Unit 9/ 23 Carlisle Street across roof of No.21 Carlisle Street towards the subject site.</p>	<p>Figure 14: View from main living room balcony of Unit 9/ 23 Carlisle Street</p>

Council's view sharing objectives under Waverley DCP 2012 require that views are shared, providing equitable access to views from dwellings. This objective provides a general guide when assessing potential view loss, further expanded by guiding principles of the Land and Environment Court as follows. The judgement in *Tenacity Consulting v Warringah Council (2004)* resulted in a four step assessment in regards to view sharing:

1. *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*
2. *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*
3. *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*
4. *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same*

development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

The proposal is non-compliant with the Waverley LEP 2012 height standard in addition to the Waverley DCP 2012 flat roof height and setback controls. Any development on site will have an impact on views from the objector's property, although these views are obtained across side boundaries.

Following an assessment of the proposed height and side setbacks, it is considered that an increase in the front setback of the third floor level by 2m will enable increased views across the site from affected units, with a resulting partial view loss of the Pacific Ocean. The proposal will maintain a height non-compliance, however, it will be sited deeper within the site. The increased front setback to the upper most level will provide a more appropriate transition between the higher building forms to the west, and the adjoining residential flat building to the east. It will also break up the massing of the development when viewed in context of the existing single dwelling at 21 Carlisle Street.

With the increased front setback to the upper floor level, the proposed view impacts are considered reasonable. Accordingly, the proposed development and corresponding view sharing arrangements are considered similar to those outcomes on adjoining sites and are an appropriate response to the view loss controls in the Waverley DCP 2012 and NSW Land and Environment Court Tenacity view loss planning principle.

It is noted that view impacts from the residential flat building to the east at 17 Carlisle Street and 14 Carlisle Street to the south are not unreasonable as a result of the proposed development. No impacts on public domain views were identified. Views from the rear of those properties fronting Fletcher Street are not unreasonably impacted as the height of the proposed dwelling sits below the height of the existing garages to Dellview Lane, with the topography of the land dropping away significantly towards Tamarama Beach. No submissions were received from properties fronting Fletcher Street in regards to view impacts.

Overall height and overshadowing

Part C1 1.1.1 Flat Roof Dwellings requires an overall building height control of 7.5m. It is proposed to construct the new dwelling to an overall height of 11.8m. The overall height then reduces to 7.5m above existing ground level as it moves deeper into the site and towards the rear of the dwelling.

The dwelling is to be constructed with non-compliant setbacks at both side boundaries due to the narrow nature of the site (to be discussed in further detail below). The current dwelling on site has a 0.15m boundary setback at the western side boundary and the proposed dwelling is to have a nil setback with an increased wall height to a maximum of 11.8m at its western boundary. Larger and varied side setbacks are proposed at the eastern side boundary ranging from nil up to 1.5m. The bulk and massing of the walls of the dwelling are proposed to be articulated with use of terracing, setbacks, curved architectural elements and glazing.

The adjoining residential flat building to the east at 17 Carlisle Street comprises north-south units that run the length of the subject building with two apartments per floor, side by side. Units with a western orientation will be overshadowed by the proposed development. The applicant has

provided elevational shadow diagrams for the subject proposal compared against a height compliant building (see Figures 15 to 18 below).

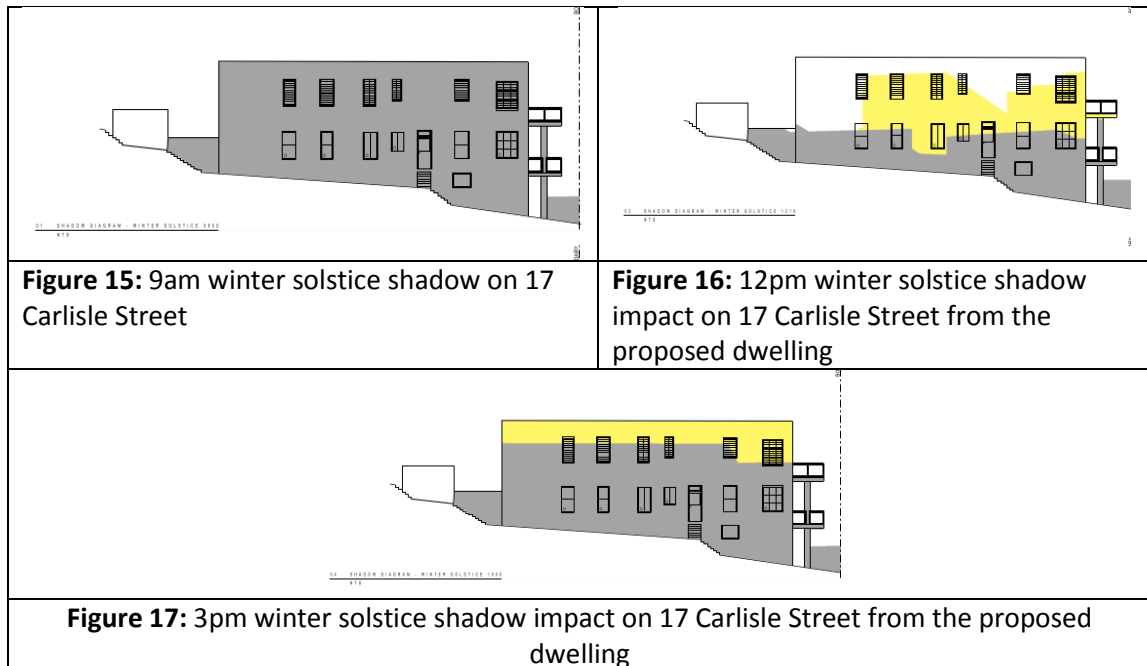


Figure 18: Shadow diagrams showing extent of compliant building's shadow on 17 Carlisle Street. Green line shows compliant height building form and associated shadow impact (note: 9am shadow is the same as Figure 15)

The applicant has amended the design of the development to provide an increased rear setback to all levels and to provide a curved form to the rear of the third floor level to facilitate solar access to No.17 Carlisle Street. The west facing windows towards the front of the building are the most impacted, however, the room associated with this window also has a south facing balcony and large

front window for light access. Having regard to this, the proposed shadow impacts are not considered to be unreasonable.

The adjoining dwelling to the west at 21 Carlisle Street has existing east facing clerestory windows that will be impacted upon as a result of the redevelopment of the subject site. The orientation of these windows and their location poses difficult design constraints for redevelopment of the subject site with a height compliant envelope also extending above the height of these clerestory windows. The northern orientation of rear facing living areas and private open space areas facilities solar access to these spaces that will not result in unreasonable shadow impacts from the proposal.

As previously indicated, a site inspection revealed view impacts as a result of the proposed development which are addressed in detail above.

Front Building Line, Streetscape and Rear Building Line

The pattern of development in the immediate locality is a mix of residential flat buildings, dual occupancy developments and single detached dwellings on narrow allotments (refer to Figure 19).



Figure 19: Subject site showing relationship of building line to adjoining properties

Front Building Line and Streetscape

The proposed new single garage and dwelling is to be sited on the front boundary, which will be the main element visible from Carlisle Street. The pedestrian entry to the dwelling is located to the east of the garage. Properties further to the east and west along Carlisle Street have garages built to the street frontage. The design of the garage as it presents to Carlisle Street is domestic in scale. The dwelling then steps up into the site with its main orientation to the south and south-east.

A nil front setback is proposed to the deck at first floor level and 2.887m to the main wall of the dwelling. The proposed setback at second floor level is 1.95m to the edge of the deck and 4.497m to the main wall of the dwelling. A 5.2m setback is proposed to the third floor level articulated wall element.

The adjoining residential flat building to the east at No.17 Carlisle Street has a front setback of 1.3m to the edge of the balcony and 3.6m to the main wall. This residential flat building is built to three storeys. The adjoining property to the west at No.21 Carlisle Street has a front setback of 2.6m to the edge of the balcony and 4m to the edge of the main wall. This dwelling is built to three storeys at the front.

As indicated above under 'Views', the proposed third floor level that breaches the height control extends a floor above the existing adjoining developments at 17 and 21 Carlisle Street. In order to address view loss impacts from those units at 23 Carlisle Street identified above, reduce the massing of the proposed dwelling as it presents to Carlisle Street, and to facilitate light access to the clerestory windows to No.21 Carlisle Street, it is recommended that the front setback to the third floor level (upper most storey) be increased by 2m. This will also result in a reduction in the extent of the height non-compliance proposed by approximately 500mm.

The proposed amended front setback will provide an appropriate transition between the residential flat building to the east and the adjoining dwelling to the west. The increased setbacks to upper levels is viewed as complementary design not only to Carlisle Street, but also when viewing the proposed development from Tamarama Beach and the Coastal Walk. This is considered to be an appropriate response for the site.

Rear Building Line

A setback of 27.338m is proposed from the rear northern boundary to the main wall of the dwelling at second floor level and 24.654m to the proposed third floor level rear terrace. The proposed third floor extends over the second floor by approximately 2.7m.

The existing residential flat building immediately to the east has a rear setback of 28m and the adjoining dwelling to the west has a rear building line of 25m (edge of pergola) and approximately 30m to the rear main wall of the dwelling. Further to the west at 23 Carlisle Street is a residential flat building that extends deeper into the site and has a rear setback of approximately 15m.

The original proposal included a reduced rear setback that encroached beyond the predominant rear building line and extended beyond the northern wall of the existing residential flat building at No.17 Carlisle Street by approximately 3m at second floor level and 5.5m at third floor level. The resulting shadow impact was excessive and unreasonable. Following discussions with the applicant and to address the issues raised in Council's deferral letter, the rear setback has been increased so that the second floor level extends 600mm beyond the alignment of the adjoining residential flat building and extending half way beyond the western adjoining dwelling's pergola, whilst the upper most floor extends 3.3m beyond the rear main wall of the adjoining residential flat building and is in alignment with the adjoining ground level pergola to the west.

The amended increased rear setback and the proposed curved form of the building at its north-east corner will assist in enabling improved solar access to the residential units. The proposed third floor level is to extend over the level below at the rear, however, the dwelling is WLEP height compliant in this location and is consistent with the predominant rear building line. With the increased rear setback at both the second and third floor levels, the proposed shadow impacts are not considered unreasonable.

Side setbacks

The existing dwelling on site has a nil to 900mm side setback from the eastern side boundary and a nil setback at its western side.

The proposed setbacks from the eastern side boundary range from nil at ground floor level up to 1.5m at third floor level. The proposed setbacks from the western side boundary are nil up to 900mm.

The dwelling has been designed to take advantage of the blank wall and the reduced setback at the western side boundary by pushing the bulk of the development along this side boundary. It is also proposed to follow the same alignment with the nil boundary setback proposed at its eastern side at first floor level. Compliance with the side boundary setbacks for a three to four-storey dwelling in this location is difficult to achieve given the narrow nature of the allotments. The reduced side setbacks are characteristic of the locality and of the existing dwelling on site.

Visual and acoustic privacy

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

It is acknowledged that the first and second floor decks to Carlisle Street do not comply with the controls relating to the depth and size of elevated balconies under Waverley DCP 2012, however, the size and location of the decks is characteristic of adjoining and nearby developments to facilitate enjoyment of views over Tamarama. It is recommended that to ensure that there is no unreasonable impacts on the existing views obtained from the third floor level front balcony to No.21 Carlisle Street, that the proposed western side privacy screen to the second floor deck at the south elevation should not extend beyond the alignment of the existing balcony.

The proposed windows to the detached dwelling have been considered with regards to Clause 1.8 Visual and Acoustic Privacy in Part C1 of the Waverley DCP 2012. The proposed eastern elevation of the dwelling proposes large glazed areas to the lift shaft. Any approval is to be conditioned for this glazing to be provided as translucent.

Carparking

Part C1 1.11.1 of Waverley DCP 2012 requires vehicle crossings be provided from rear lanes where possible and a maximum of one crossover per property. The existing double garage is accessed from Dellview Lane at the rear.

The proposal includes the construction of a new single garage to Dellview Lane and a single garage to Carlisle Street resulting in two crossovers for the subject site. The proposal will result in the loss of one on-street parking space on Carlisle Street (identified in applicant's car parking study). Carlisle Street has a narrow width in this location, enabling parking along only one side of the street.

Waverley DCP 2012 requires the provision of no more than 2 car spaces for dwellings with 3 or more bedrooms. The 6.9m width of the site could technically accommodate a 5.4m wide double garage to Dellview Lane, however, the current design incorporates internal stair access to the proposed study below. This has reduced the double space to less than 5m, becoming a single (albeit oversized) space.

The character of Carlisle Street includes a number of garages at the street frontage with crossovers from Carlisle Street including 23 and 25 (both residential flat buildings), 27 and 29 Carlisle Street.

These properties also have garages at the rear to Dellview Lane. Of particular note is the development at 27 Carlisle Street where approval was granted by the previous Development Control Committee on 28 August 2012 for a review of the refusal of application for converting storage space into a garage to the Carlisle Street frontage of the site. The original application was refused by the Development and Building Unit on 20 March 2012 but overturned and approved by the Development Control Committee.

Whilst it is acknowledged that the proposed provision of off street car parking to both Carlisle Street and Dellview Lane is not ideal in the circumstances, the development control appears to have been abandoned in this location and similarities in character of nearby development provides a difficult basis for refusing the proposal for the two crossovers.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the NCC.

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

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

The original application was notified for 14 days and a site notice erected on the site, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. Thirteen submissions were received during notification of the original plans. On receipt of the amended plans, the application was notified for 14 days and 15 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
21 Carlisle St, TAMARAMA (original and amended)
2/25 Carlisle St, TAMARAMA
1/23 Carlisle St, TAMARAMA (original and amended)
17D Carlisle St, TAMARAMA (original and amended)
23 Carlisle Street, TAMARAMA
12 Carlisle St, TAMARAMA (original and amended)
21 Carlisle St, TAMARAMA (original and amended)
2/23 Carlisle St, TAMARAMA (original and amended)
17C Carlisle Street, TAMARAMA (original and amended)
17A Carlisle St, TAMARAMA (original and amended)
14 Carlisle St, TAMARAMA (original and amended)
2/16 Carlisle Street, TAMARAMA (original and amended)
8/23 Carlisle St, TAMARAMA (original and amended)
1/16 Carlisle St, TAMARAMA (amended)
3/16 Carlisle St, TAMARAMA (amended)

4/23 Carlisle St, TAMARAMA (amended)
17B Carlisle St, TAMARAMA (amended)

The following issues raised in the submissions have been previously addressed in the body of the report:

- non-compliance with the height of buildings and floor space ratio development standards under Waverley LEP 2012
- view loss
- visual privacy
- overshadowing impact and solar access
- streetscape and visual impact
- car parking
- excavation.

The following issues are addressed as follows:

Issue: Calculation of floor space ratio

Response: The gross floor area has been calculated in accordance with the definition of gross floor area of Waverley LEP 2012.

Issue: Assessment of rear building line

Response: The definition of rear building line under the Waverley LEP 2012 is as follows:

“building line or setback means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or*
 - (b) the outside face of any balcony, deck or the like, or*
 - (c) the supporting posts of a carport or verandah roof,*
- whichever distance is the shortest”.*

It is reasonably expected that the existing pergola structure to the west of the site at 21 Carlisle Street is deemed to be consistent with this definition as being a similar structure to a carport or verandah roof having supporting posts and a roof. This is to be included in the assessment of the rear building line.

Issue: Excavation and dilapidation reports

Response: This issue has been discussed above under Part 2.1.4 and 2.1.5. Recommended approval conditions are provided in Appendix A. This issue does not warrant refusal of the application.

Issue: Construction impacts and hours

Response: Standard conditions imposed accordingly. This issue does not warrant refusal of the application.

2.5 Public Interest

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

3. REFERRALS

3.1 Stormwater – Creating Waverley

The application has been reviewed by Council's Stormwater Engineer who assessed the stormwater plans as satisfactory. The recommended conditions are provided in Appendix A.

3.2 Traffic and Development – Creating Waverley

The application has been reviewed by Council's Traffic and Development Engineer who provided the following comments:

The plans for the above development have been assessed and the application for an additional garage on Carlisle Street is not supported for the following reason:

- *Waverley DCP 2012 – Residential Development (C1) clause 1.11.5(b) requires a maximum of one (1) vehicle crossing per property. This application proposes two (2) vehicular crossings with one on Carlisle Street and the other along Dellview Lane. As Dellview Lane has an existing garage for this property and that having a vehicular crossing along Carlisle Street will result in the loss of one (1) on-street parking space, it is recommended that the application for a garage along Carlisle Street be refused.*

The comments provided go on to state that should approval be granted that recommended conditions be included. See discussion provided above under 'Car parking' in regards to the provision of two crossovers. The recommended conditions are provided in Appendix A.

4 SUMMARY

The application seeks consent for demolition of the existing dwelling house and construction of a part three, part four-storey dwelling with integrated garage, rear laneway development and swimming pool. The proposal is defined as a dwelling house which is permissible with consent in the R3 medium density residential zone.

The application seeks to vary the height development standard. Subject to amendments to the front setback of the uppermost floor level, the proposed height non-compliance is considered to be acceptable with no unreasonable impacts on view loss or overshadowing identified.

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

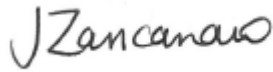
The notification of the original application attracted submissions from 13 properties and 15 submissions during the notification of the amended proposal. The issues raised are discussed in this report and are not considered to warrant refusal of the amended application.

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:



Jo Zancanaro
Senior Development Assessment Planner

Application determined by:



Kylie Lucas
A/Manager, Development Assessment

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

Date: 21 November 2018

Date: 29 November 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) Amended architectural plans prepared by 'Anna Vaughan Architects' and stamp date received by Council on 31 October 2018 and 16 November 2018 and including as follows:

Drawing No.	Stamp Date Received
A01 Site analysis Plan/ Exist Elevations	31 October 2018
A02 Proposed Ground and First Floor Plans Issue C	16 November 2018
A03 Proposed Second and Third Floor Plans Issue C	16 November 2018
A04 Proposed Fourth Floor and Roof Plans Issue C	16 November 2018
A05 Proposed Elevations Issue C	16 November 2018
A06 Proposed Sections	31 October 2018

- (b) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012
- (c) BASIX Certificate, as updated to reflect the amended plans identified in Condition 1(a) above;
- (d) Geotechnical Report prepared by JK Geotechnics dated 18 October 2018;
- (e) Landscape plan prepared by Spirit Level Designs Pty Ltd dated 30 October 2017 as amended by the Architectural Plans identified in Condition 1(a) above.

Except where amended by the following conditions of consent

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) To ensure that there is no unreasonable impacts on the existing views obtained from nearby properties and to reduce visual bulk impacts on the streetscape, the front setback of the upper most floor level (Third Floor Level) shall be increased by 2 metres from the front southern property boundary.
- (b) To ensure that there is no unreasonable impacts on the existing views obtained from the third floor level front balcony at No.21 Carlisle Street, the proposed privacy screen to the western side of the second floor deck off the south elevation shall not extend beyond the alignment of the existing third floor front balcony at 21 Carlisle Street.
- (c) To prevent overlooking, the proposed glazing to the lift tower at the eastern elevation of the dwelling shall be provided as translucent glass.
- (d) Proposed air conditioning units shall be relocated from the roof to the identified plant area at the Ground Floor Level.

(e) The garage door to Carlisle Street shall be constructed using translucent material that will allow light to enter the garage.

(f) Proposed solar panels to the roof are to be flush with roof pitch.

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. HEIGHT OF PROPOSED BUILDING

The proposed height of the dwelling is limited to RL49.15 to top of the roof parapet.

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

4. USE OF DWELLING

The premises is to be used only as a single unit dwelling house with no part of the dwelling, including the rear study/garage, being used as a secondary dwelling without first obtaining the approval of Council.

5. NOISE FROM BUILDING WORKS - RESTRICTED ACTIVITIES

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

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

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

6. DOMESTIC HEATERS

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

7. 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.

8. SWIMMING POOLS

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

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

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. SECTION 7.12 CONTRIBUTION

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

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

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

- (b) Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.
- (c) Should a section 96 modification result in any change to the total cost of the work, the Section 94A contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

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

Advisory Note

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

10. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$25,000** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

11. LONG SERVICE LEVY

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

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

12. 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.

13. 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.

14. 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.

15. ENGINEERING DETAILS

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

16. 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. 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.

19. BASIX

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

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

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

20. USE OF RENEWABLE TIMBERS

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

21. 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.
- e. Include swept wheel drawings, prepared by a suitably qualified and experienced traffic engineering consultant showing movements to and from the site using the largest design vehicle proposed at the site during all stages of development.

22. 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.

23. NEW VEHICLE CROSSING - CARLISLE STREET

A new vehicle crossing is to be provided to access the proposed garage on Carlisle Street. 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.

24. RECONSTRUCT VEHICLE CROSSING – DELLVIEW LANE

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

25. VEHICULAR ACCESS - FINISHED LEVEL CARLISLE STREET

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

26. VEHICULAR ACCESS - FINISHED LEVELS DELLVIEW LANE

The finished level at the property boundary on **both** sides of the proposed vehicle crossing on Dellview Lane is to be **110mm above** the level of the invert of the existing concrete gutter.

27. STORMWATER MANAGEMENT

- (a) The plans prepared by E2 Civil and Structural Design Pty Ltd, Job No. 17.667, DWG No. SW1 to SW5 (Rev 0), dated 1 December 2017, have been checked and are considered **satisfactory** with respect to the stormwater details.

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.

Under the current design, the orifice/choke pipe diameter to be 55mm.

Total area draining through OSD tank to be 174 m².

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

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. 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.

33. EXCAVATION BELOW FOOTINGS

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made, at their own expense, must:

- (a) preserve and protect the building from damage; and
- (b) if necessary, must underpin and support the building in an approved manner; and
- (c) must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

34. 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. 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.

36. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

37. 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.

38. 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.

39. LOCATION OF BUILDING OPERATIONS

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

40. TEMPORARY DIVERSION OF ROOF WATERS

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

41. ALL BUILDING MATERIALS STORED ON SITE

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

42. CONSTRUCTION HOURS

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

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

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

43. USE OF HEAVY EARTH MOVEMENT EQUIPMENT

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

44. BUILDING CODE OF AUSTRALIA

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

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

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

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

The specified **MANDATORY** inspections are:

In the case of a Class 1 and 10 building:

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

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

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

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

46. CERTIFICATE OF SURVEY - LEVELS

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

47. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

48. TOILET FACILITIES

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

49. DILAPIDATION REPORTS

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

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

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

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.

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

50. SMOKE ALARM SYSTEM

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

51. SERVICE PIPES

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

52. 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.

53. TREE PROTECTION

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

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

54. TREE PRUNING ON ADJOINING PROPERTIES

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

55. TREATMENT OF BOUNDARY WALLS

The wall on the western boundary is to be finished to a minimum standard, that being face brickwork and all mortar joints ironed (no dags).

56. IN-SINK WASTE DISPOSAL SYSTEMS

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

57. 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.

58. 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.

59. 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.

60. 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.

61. 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.

62. 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.

63. POOL DRAINAGE

Waste waters from the proposed pool being discharged into Sydney Water's sewerage system and in this regard, approved plans **MUST** be submitted to Sydney Water at least fourteen (14) days prior to commencement of building operations.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

64. 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.

65. 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.

66. 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.

67. LIGHTING

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

68. STREET NUMBER/S

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

69. PUBLIC DOMAIN WORKS COMPLETED

All footpath upgrades and public domain works are to be completed to the agreed design and standard for the satisfaction of the Executive Manager, Creating Waverley prior to the issue of an Occupation Certificate.

70. POOL MANUFACTURER'S CERTIFICATION

The proposed pool is to be constructed in accordance with the Consulting Engineer's design as shown on the approved plans and in this regard, the pool is not to be filled with water until a Certificate has been submitted by the pool construction manufacturer to the Principal Certifying Authority.

71. 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.

72. 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.

73. SWIMMING/SPA POOL PUMP - RESTRICTIONS

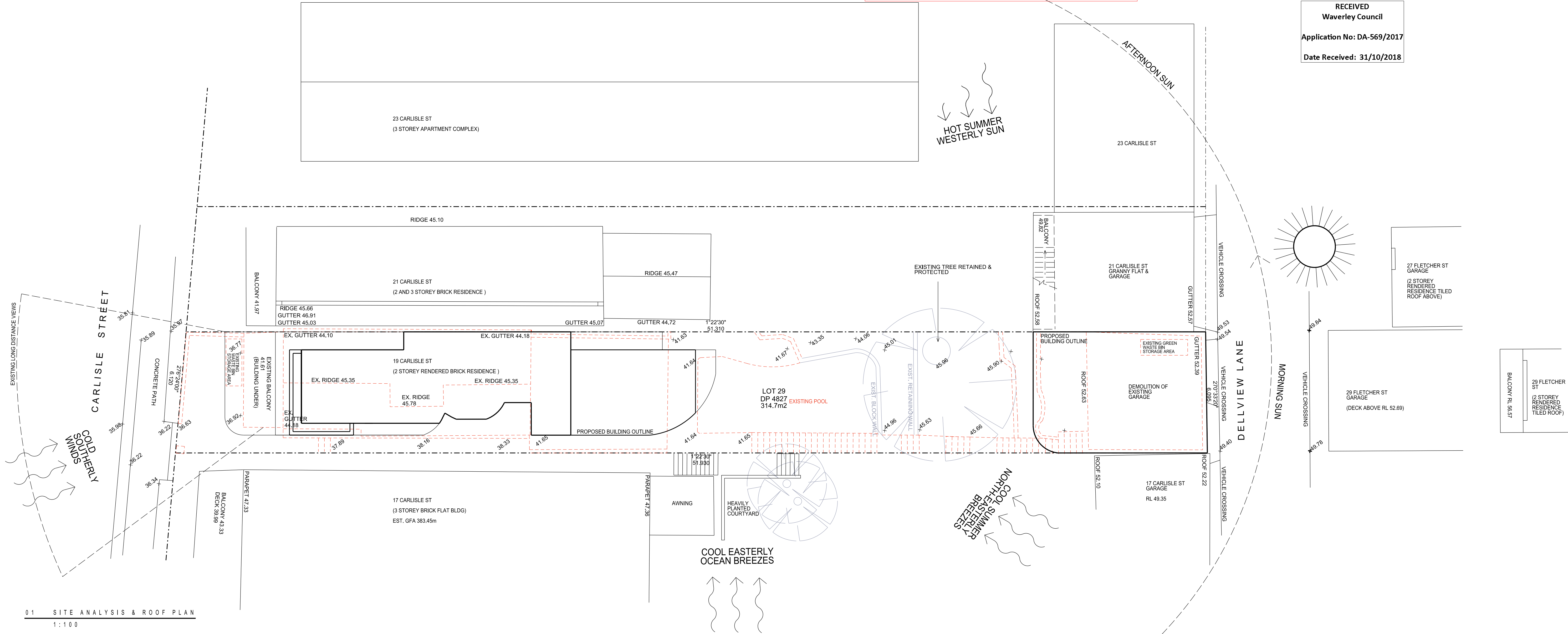
Swimming/spa pool pumps are restricted from being used and operated between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008. On the spot fines may be imposed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

74. SWIMMING POOL REGISTRATION

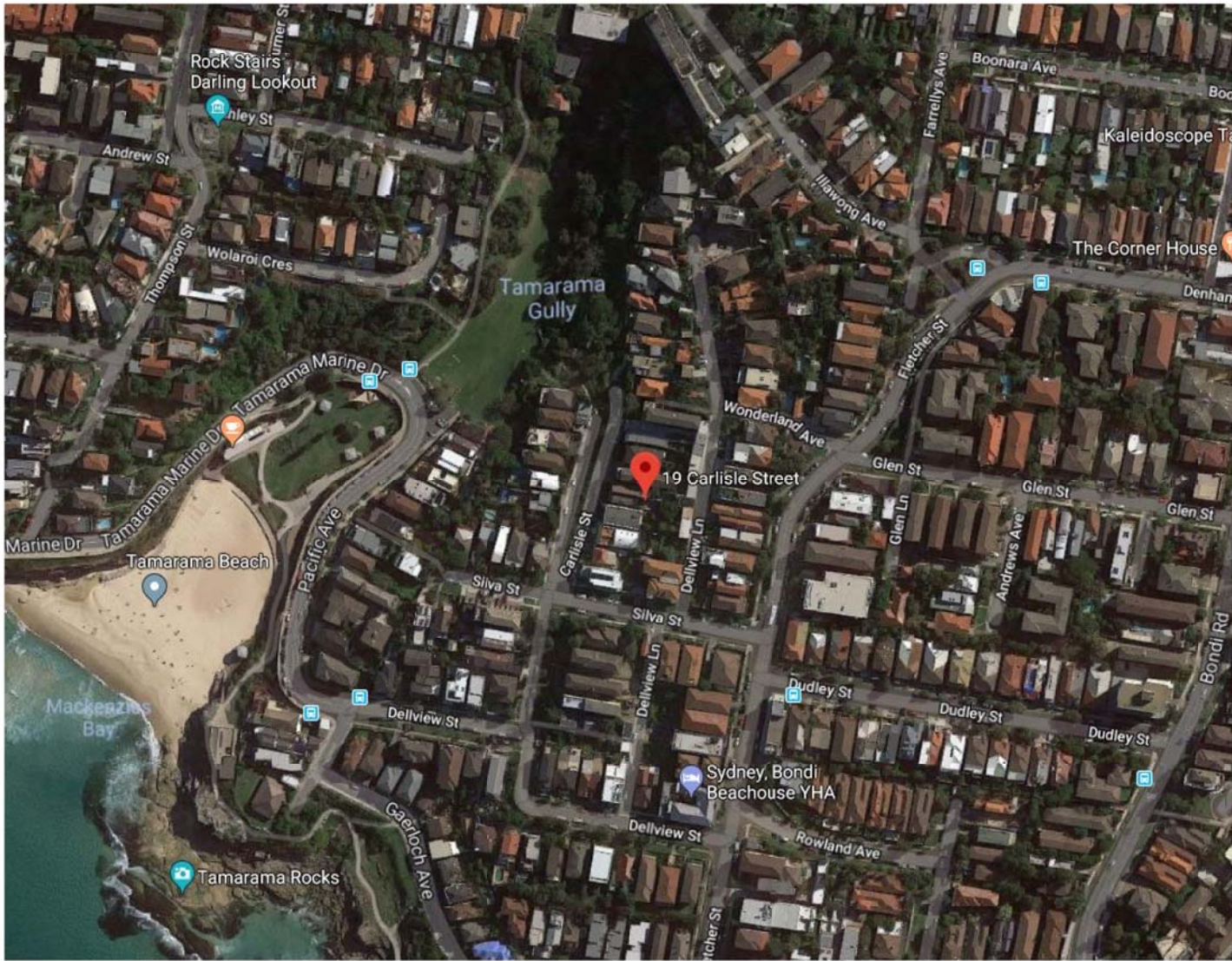
The swimming pool is to be registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>) and a Certificate of Compliance obtained for the pool barrier is required to be submitted to Council prior to the issue of an Occupation Certificate.

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-569/2017
Date Received: 31/10/2018



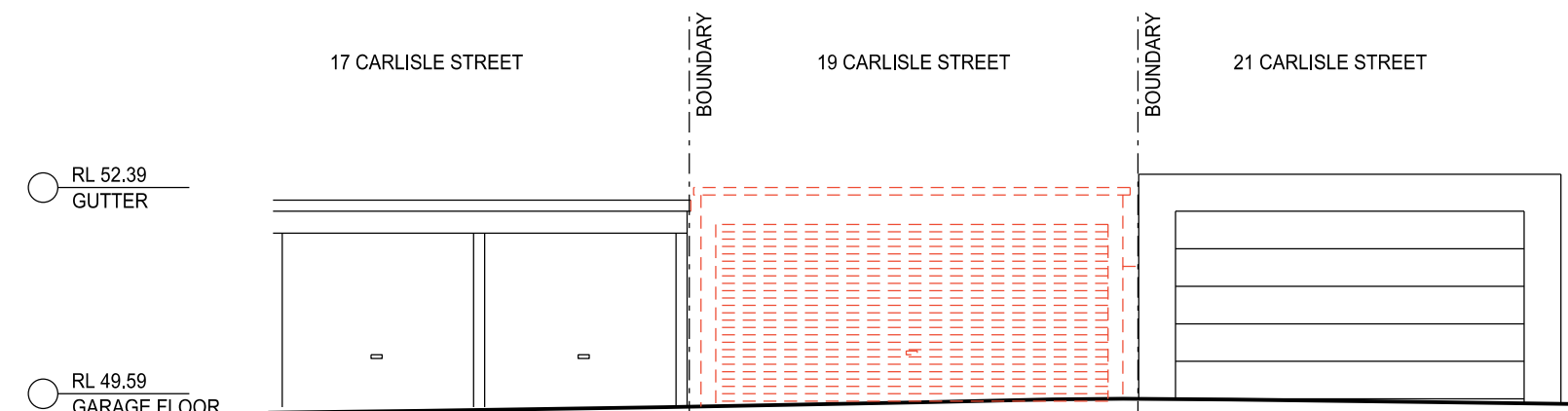
01 SITE ANALYSIS & ROOF PLAN
1:100



02 SITE LOCATION - GOOGLE MAPS
NTS



03 EXISTING SOUTH ELEVATION - CARLISLE STREET
1:100



04 EXISTING NORTH ELEVATION - DELLVIEW LANE
1:100

LEGEND
--- DEMOLISHED GENERALLY

ISSUE	DATE	REASON	BY	CHECKED
A	13.12.17	DA ISSUE	LS	AV
B	30.10.18	DA AMENDMENTS	BI	AV

GENERAL NOTES These drawings shall be read in conjunction with each other and with all consultants' drawings and documentation. All dimensions are in mm unless otherwise stated. All RL's in metres. Use figured dimensions only. Verify all dimensions on site before the commencement of any works. Do not scale off drawings. Any discrepancies are to be made known to the architect prior to commencing on site. Contractors shall locate and protect all services prior to construction. All work shall be carried out in accordance with ASA, BCA and Local Government Regulations. Structural Details shall be subject to Engineer's Specifications, Drainage & Water Installation Details shall be subject to Hydraulic Engineer's Specifications. Amendments are indicated by but are not limited to graphic "clouds" shown on the drawings. All work shall be carried out in a professional manner by Qualified Tradesman according to Architects Drawings and Engineer's Specifications. No responsibility will be taken by AVA for any variations in design, construction method, materials specified and general specifications without permission from the Architect. This Drawing is copyright to AVA and may not be used or reproduced without prior consent.

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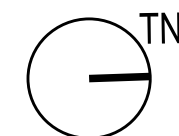
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ANNAVAUGHAN
ARCHITECTS

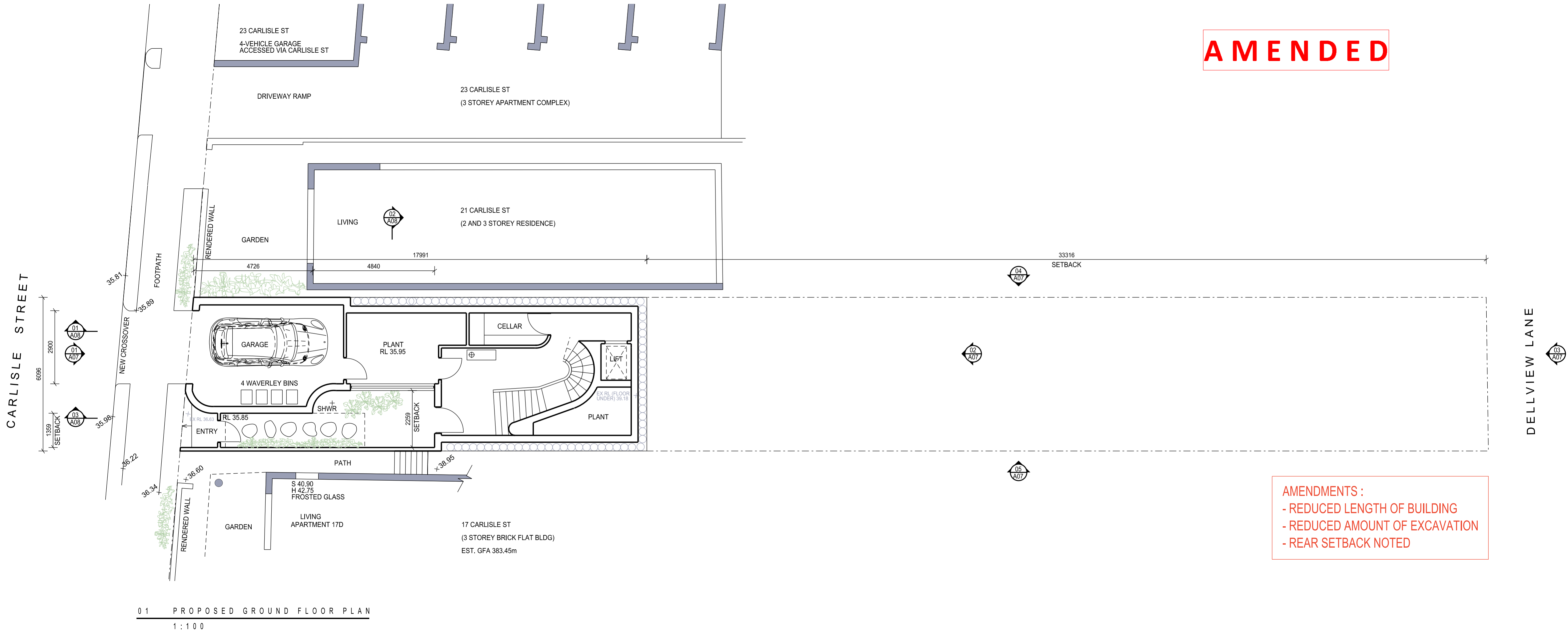
Nom. Architect Anna Vaughan, Reg. No 6447
Anna Vaughan Architects Pty Ltd
ABN 69 116 009 495

O'REILLY / NEALE RESIDENCE
19 CARLISLE ST, TAMARAMA

TITLE
DATE
PROJECT NO
SITE ANALYSIS PLAN, EXIST ELEVATIONS
AUG 17
1727
SCALE 1:100 @ A1
DWG NO A01



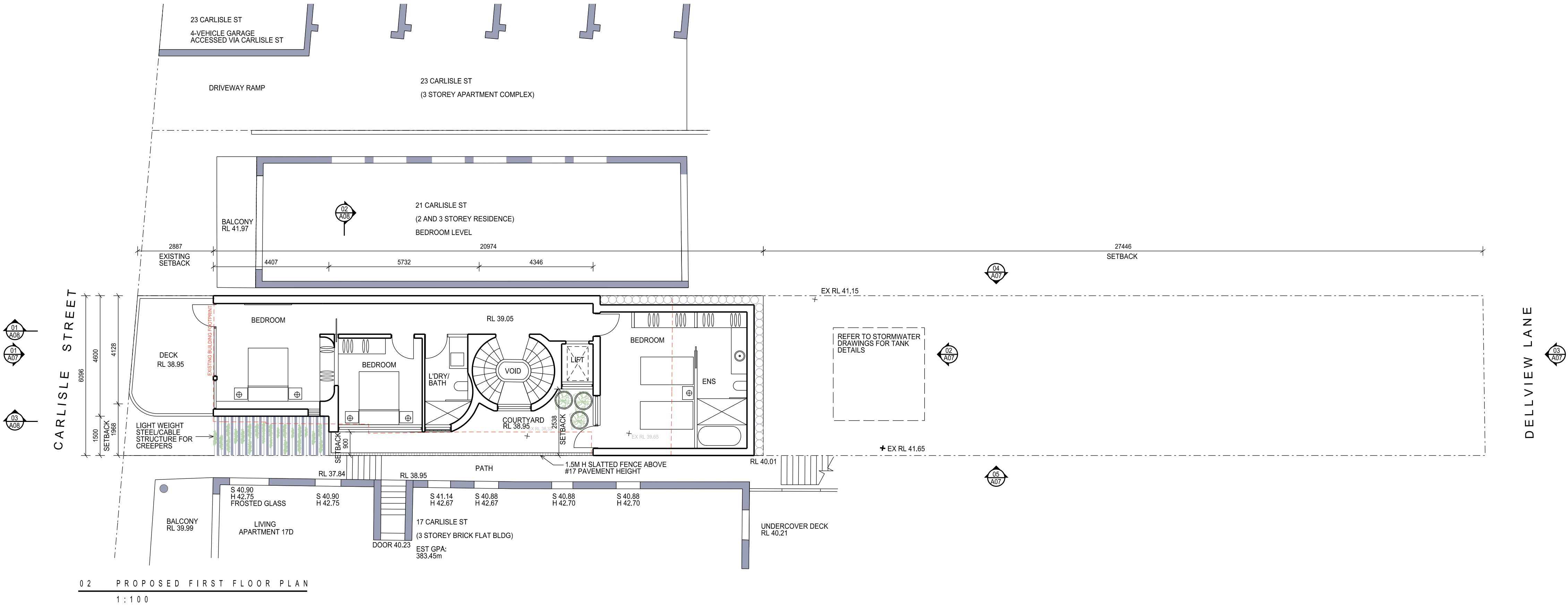
ISSUE NO B



AMENDED

RECEIVED
Waverley Council
Application No: DA-569/2017
Date Received: 16/11/2018

AMENDMENTS :
- REDUCED LENGTH OF BUILDING
- REDUCED AMOUNT OF EXCAVATION
- REAR SETBACK NOTED



AMENDMENTS :
- REDUCED LENGTH OF BUILDING
- REDUCED AMOUNT OF EXCAVATION
- REDUCE FLOOR SPACE
- INCREASED SETBACK FOR WIDER
INTERNAL COURTYARD
- FRONT PLANTER REMOVED
- REDUCED FRONT SETBACK
- REAR SETBACK NOTED

ISSUE	DATE	REASON	BY	CHECKED
A	18.12.17	DA ISSUE	JW	AV
16	19.10.18	CLIENT REVIEW	BI	AV
17	24.10.18	COUNCIL AMENDMENTS	BI	AV
18	29.10.18	COUNCIL AMENDMENTS	BI	AV
B	30.10.18	DA AMENDMENTS	BI	AV
C	16.11.18	DA AMENDMENTS	BI	AV

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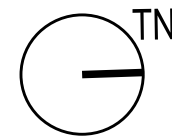
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ANNAVAUGHAN
ARCHITECTS

Nom. Architect Anna Vaughan, Reg. No 6447
Anna Vaughan Architects Pty Ltd
ABN 69 116 009 495

O'REILLY / NEALE RESIDENCE
19 CARLISLE ST, TAMARAMA

TITLE
DATE
PROJECT NO
PROPOSED GROUND AND FIRST FLOOR PLANS
AUG 17
1727
SCALE 1:100
DWG NO A02



ISSUE NO C



AMENDMENTS :

- REDUCED LENGTH OF BUILDING
- REDUCED FLOOR SPACE
- INCREASED OUTDOOR SPACE
- DECREASE EASTERN BOUNDARY WALL HEIGHT ADJACENT TO KITCHEN
- CURVED FRONT DECK
- REAR SETBACK NOTED

AMENDMENTS :

- REDUCED LENGTH OF BUILDING
- REDUCE FLOOR SPACE
- MODIFIED REAR
- REAR SETBACK NOTED

ISSUE	DATE	REASON	BY	CHECKED
A	18.12.17	DA ISSUE	JW	AV
13	04.09.18	HYDRAULIC HEATING	JW	AV
14	25.09.18	PLANNER	JW	AV
15	26.09.18	PLANNER	JW	AV
16	24.10.18	COUNCIL AMENDMENTS	BI	AV
17	29.10.18	COUNCIL AMENDMENTS	BI	AV
B	30.10.18	DA AMENDMENTS	BI	AV
C	16.11.18	DA AMENDMENTS	BI	AV

GENERAL NOTES: All drawings shall be read in conjunction with each other and with all consultants' drawings and documentation. All dimensions are in mm unless otherwise stated. All R/L's in metres. Use figured dimensions only. Verify all dimensions on site before the commencement of any works. Do not scale off any dimensions. Any discrepancies between drawings shall be referred to the Architect immediately. The Contractor shall ensure that all work complies with the relevant building codes and standards. All construction work shall be carried out in accordance with AS/NZS 3600, AS/NZS 3601, AS/NZS 3602, AS/NZS 3603, AS/NZS 3604, AS/NZS 3605, AS/NZS 3606, AS/NZS 3607, AS/NZS 3608, AS/NZS 3609, AS/NZS 3610, AS/NZS 3611, AS/NZS 3612, AS/NZS 3613, AS/NZS 3614, AS/NZS 3615, AS/NZS 3616, AS/NZS 3617, AS/NZS 3618, AS/NZS 3619, AS/NZS 3620, AS/NZS 3621, AS/NZS 3622, AS/NZS 3623, AS/NZS 3624, AS/NZS 3625, AS/NZS 3626, AS/NZS 3627, AS/NZS 3628, AS/NZS 3629, AS/NZS 3630, AS/NZS 3631, AS/NZS 3632, AS/NZS 3633, AS/NZS 3634, AS/NZS 3635, AS/NZS 3636, AS/NZS 3637, AS/NZS 3638, AS/NZS 3639, AS/NZS 3640, AS/NZS 3641, AS/NZS 3642, AS/NZS 3643, AS/NZS 3644, AS/NZS 3645, AS/NZS 3646, AS/NZS 3647, AS/NZS 3648, AS/NZS 3649, AS/NZS 3650, AS/NZS 3651, AS/NZS 3652, AS/NZS 3653, AS/NZS 3654, AS/NZS 3655, AS/NZS 3656, AS/NZS 3657, AS/NZS 3658, AS/NZS 3659, AS/NZS 3660, AS/NZS 3661, AS/NZS 3662, AS/NZS 3663, AS/NZS 3664, AS/NZS 3665, AS/NZS 3666, AS/NZS 3667, AS/NZS 3668, AS/NZS 3669, AS/NZS 3670, AS/NZS 3671, 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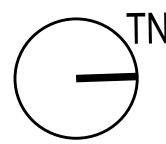
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ANNA VAUGHAN
— ARCHITECTS —

Nom. Architect Anna Vaughan, Reg. No 6447
Anna Vaughan Architects Pty Ltd
ABN 69 116 009 495

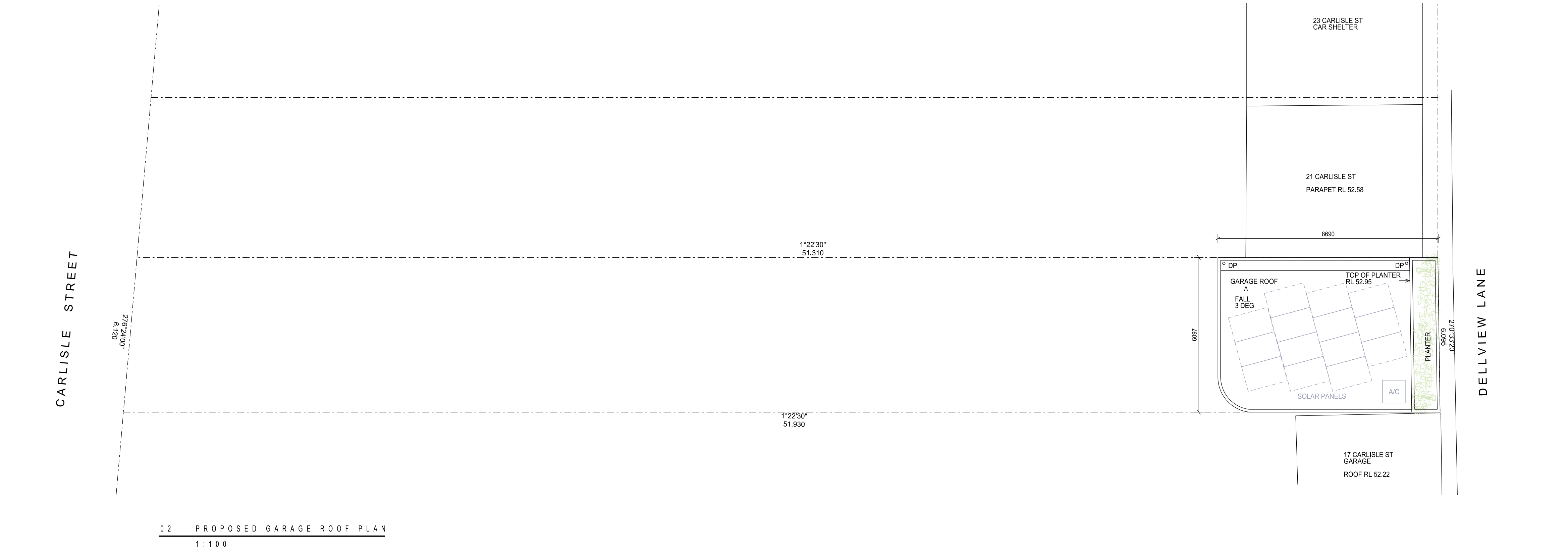
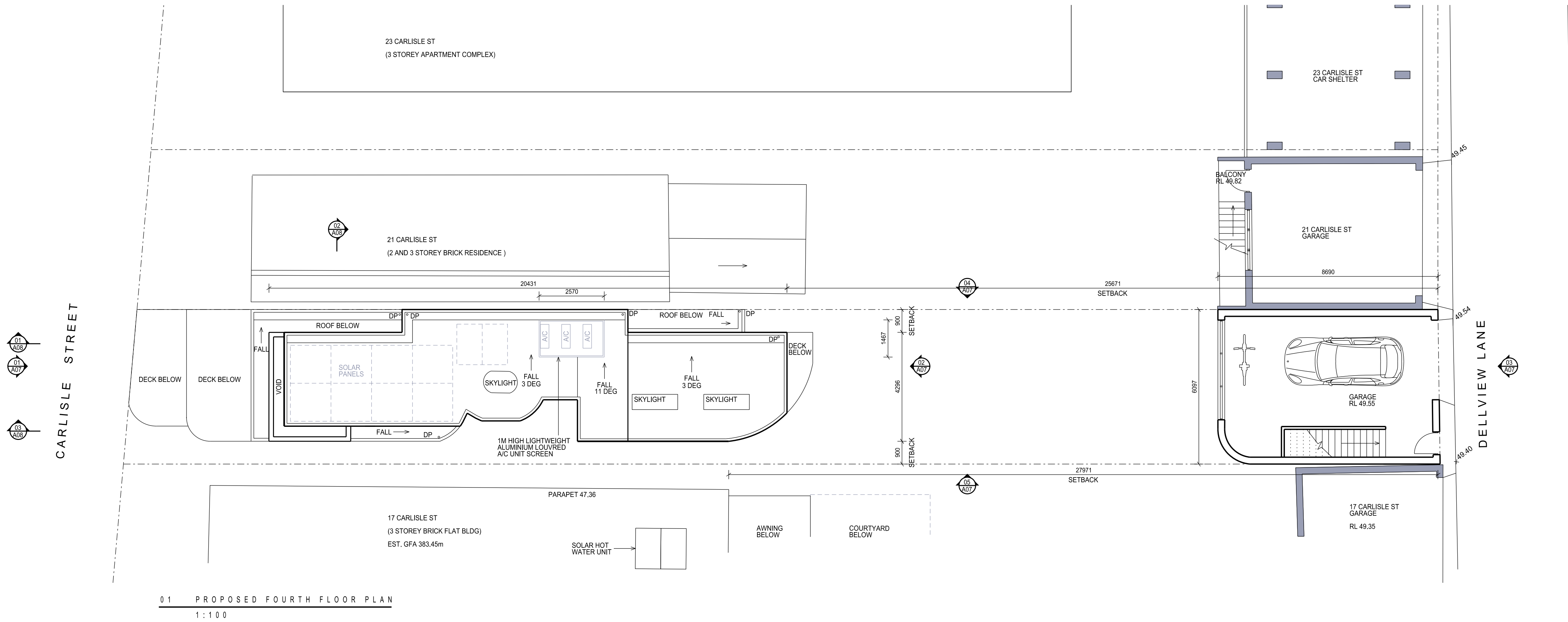
O'REILLY / NEALE RESIDENCE
19 CARLISLE ST, TAMARAMA

TITLE	PROPOSED SECOND AND THIRD FLOOR PLANS		
DATE	AUG 17	SCALE	1:100
PROJECT NO	1727	DWG NO	A03



ISSUE NO C

AMENDED



RECEIVED
Waverley Council

Application No: DA-569/2017

Date Received: 16/11/2018

27 FLETCHER ST
GARAGE
(2 STOREY
RENDERED
RESIDENCE TILED
ROOF ABOVE)

DA 336/2017
29 FLETCHER ST
GARAGE
FL 49.80
(DECK ABOVE RL 52.69)

29 FLETCHER
ST
(2 STOREY
RENDERED
RESIDENCE
TILED ROOF)

27 FLETCHER ST
GARAGE
(2 STOREY
RENDERED
RESIDENCE TILED
ROOF ABOVE)

DA 336/2017
29 FLETCHER ST
DECK (GARAGE
BELOW)
RL 52.69

29 FLETCHER
ST
(2 STOREY
RENDERED
RESIDENCE
TILED ROOF)

ISSUE	DATE	REASON	BY	CHECKED
A	18.12.17	DA ISSUE	JW	AV
12	25.09.18	PLANNER	JW	AV
B	30.10.18	DA AMENDMENTS	BI	AV
C	16.11.18	DA AMENDMENTS	BI	AV

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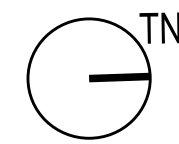
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ANNAVAUGHAN
ARCHITECTS

Nom. Architect Anna Vaughan, Reg. No 6447
Anna Vaughan Architects Pty Ltd
ABN 69 116 009 495

O'REILLY / NEALE RESIDENCE
19 CARLISLE ST, TAMARAMA

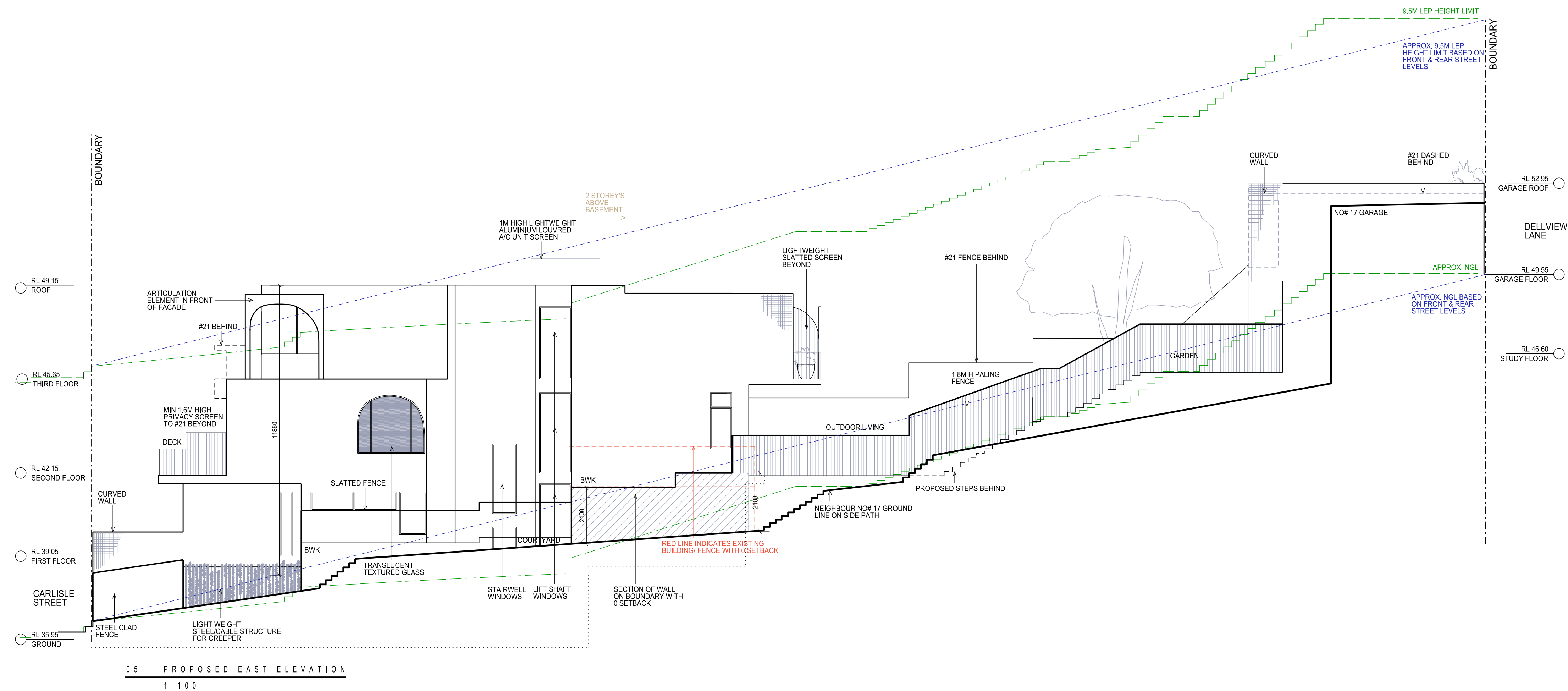
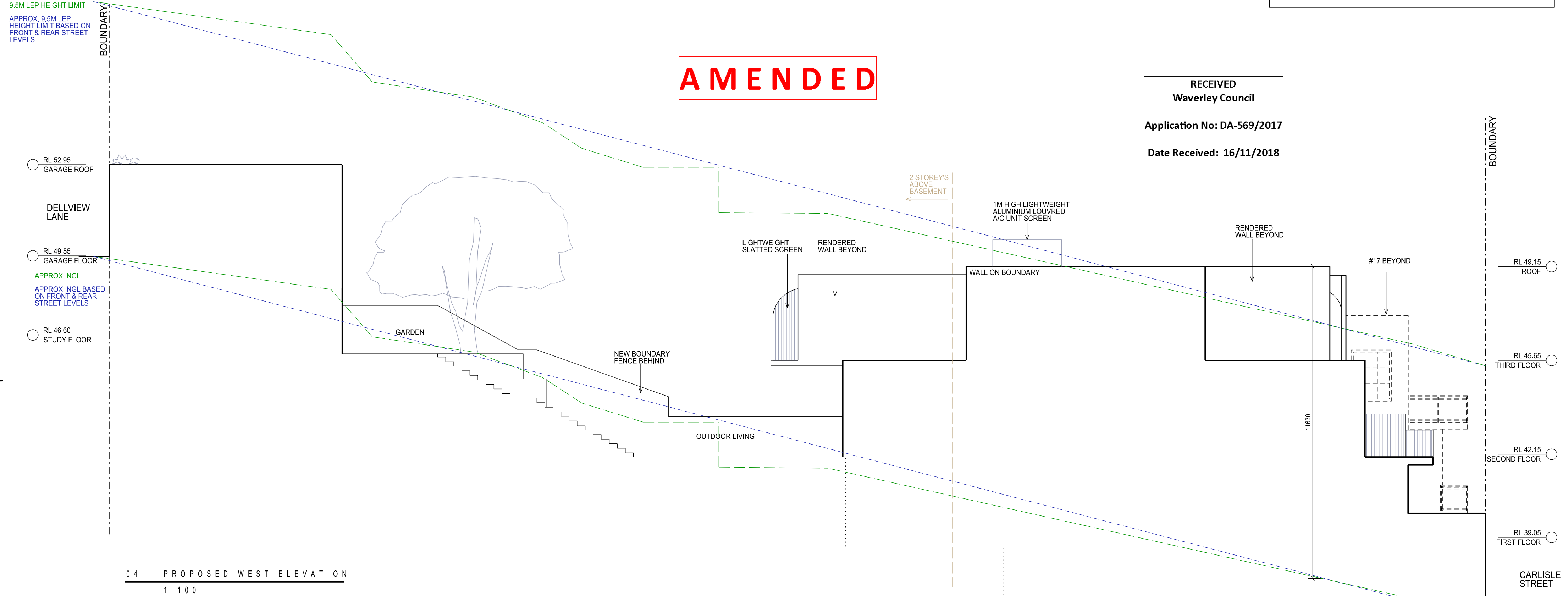
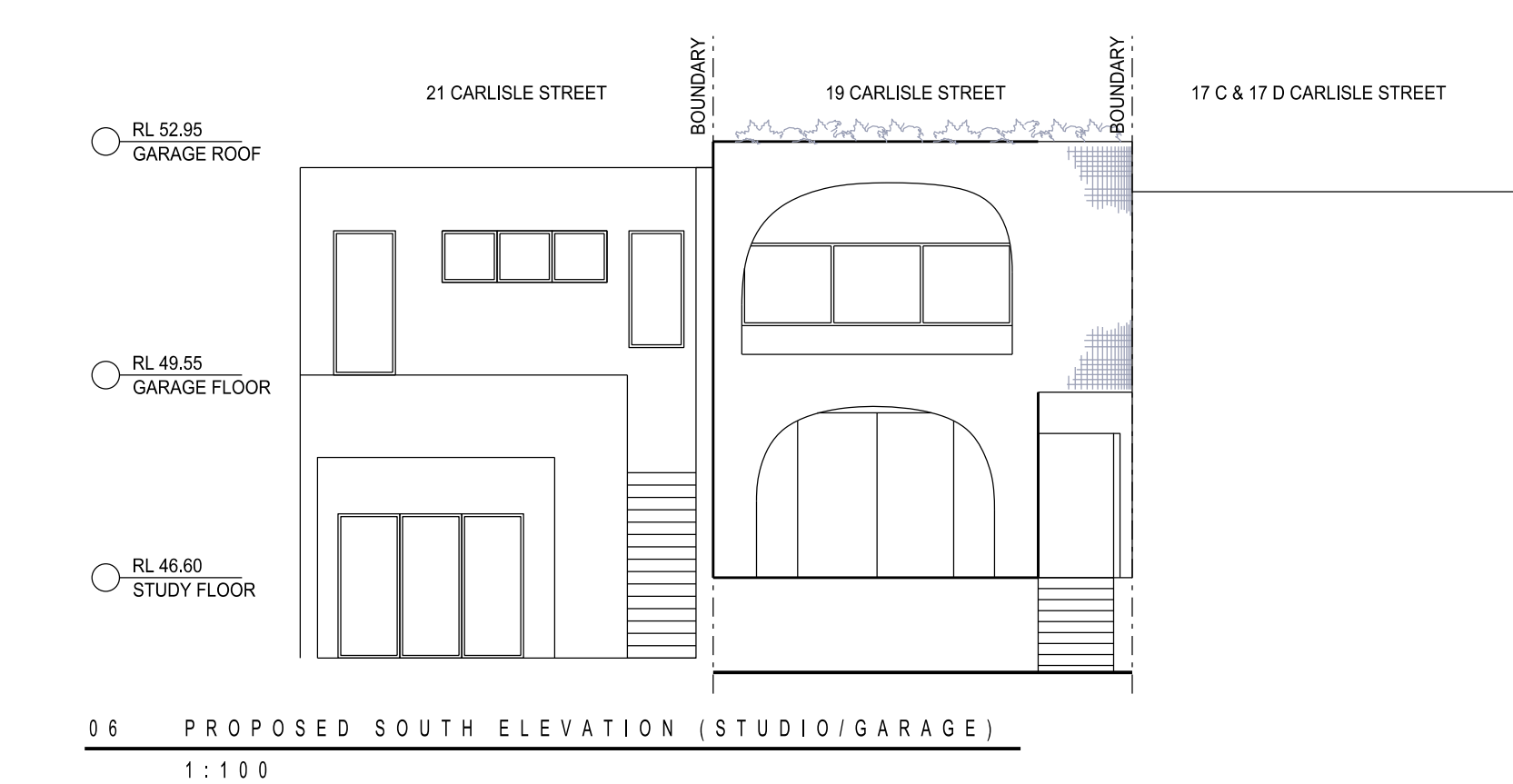
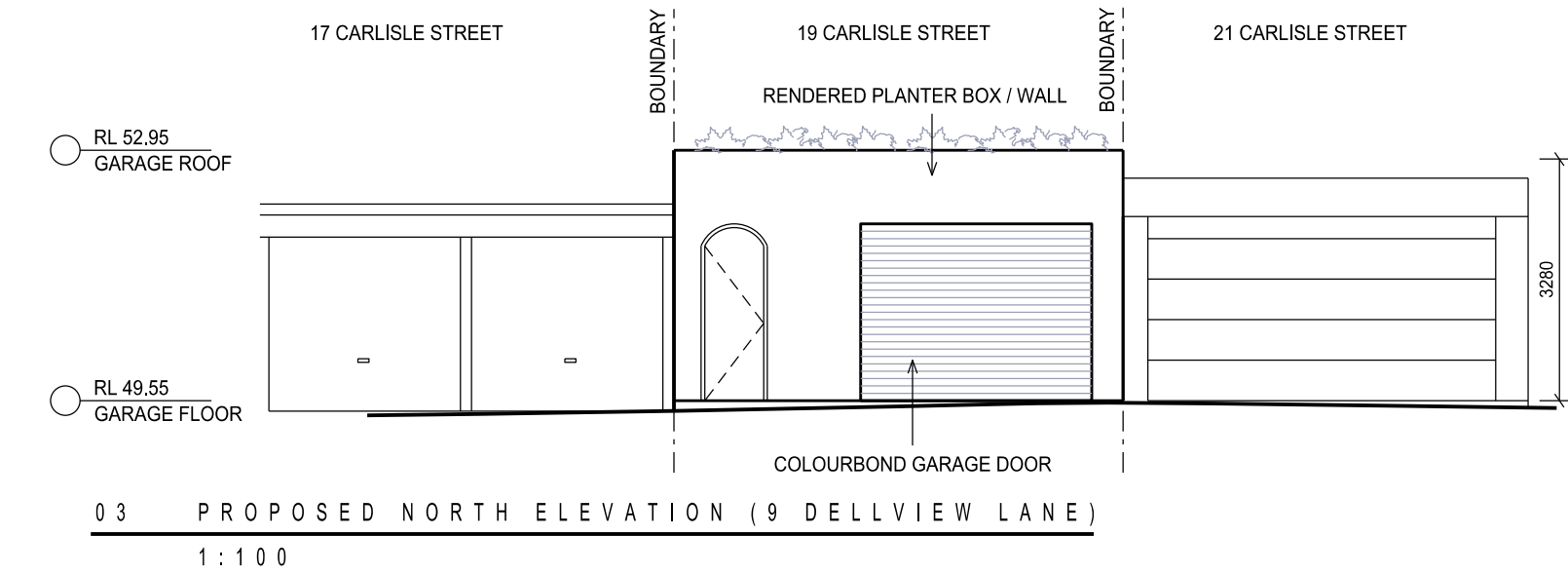
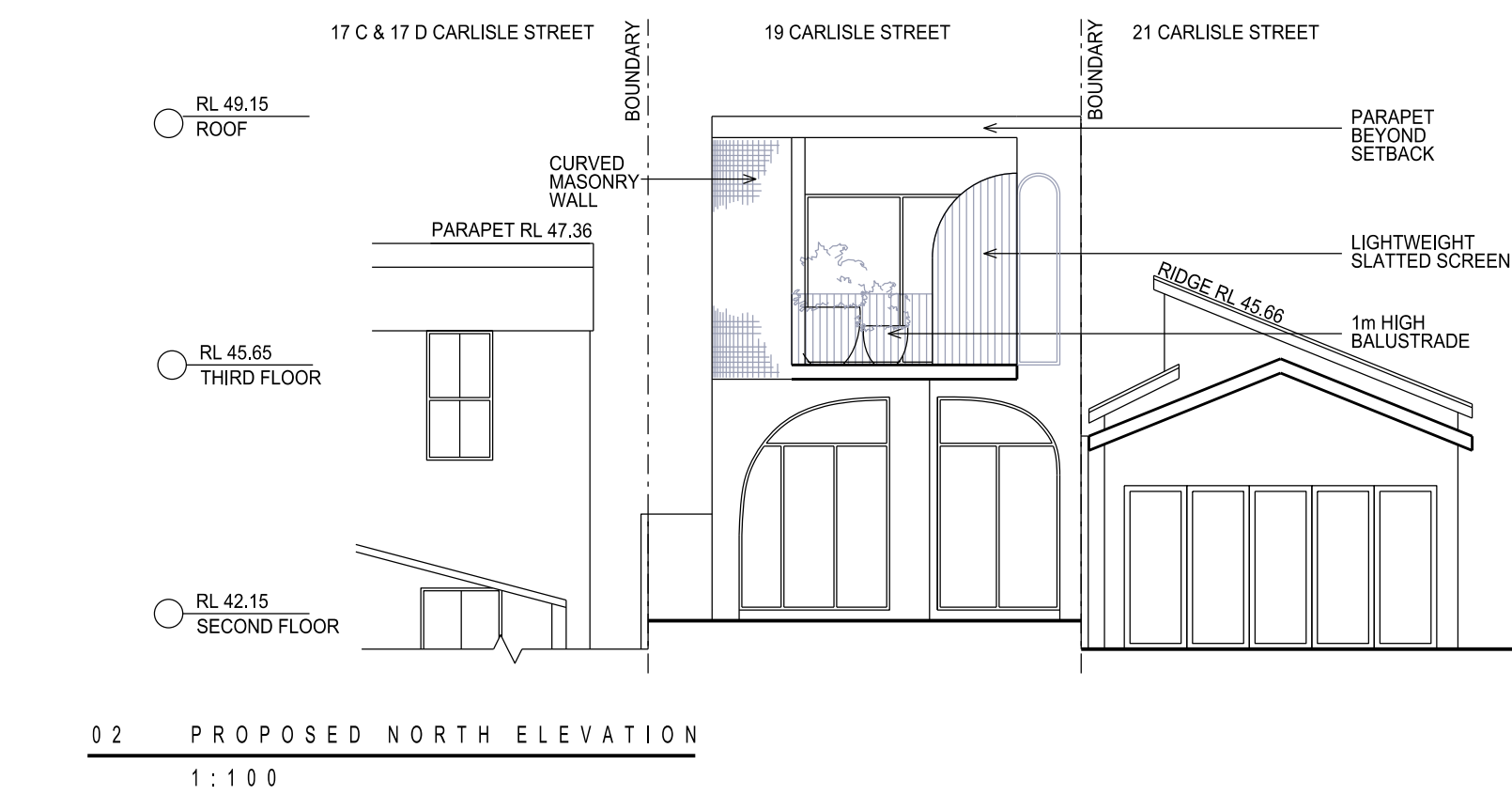
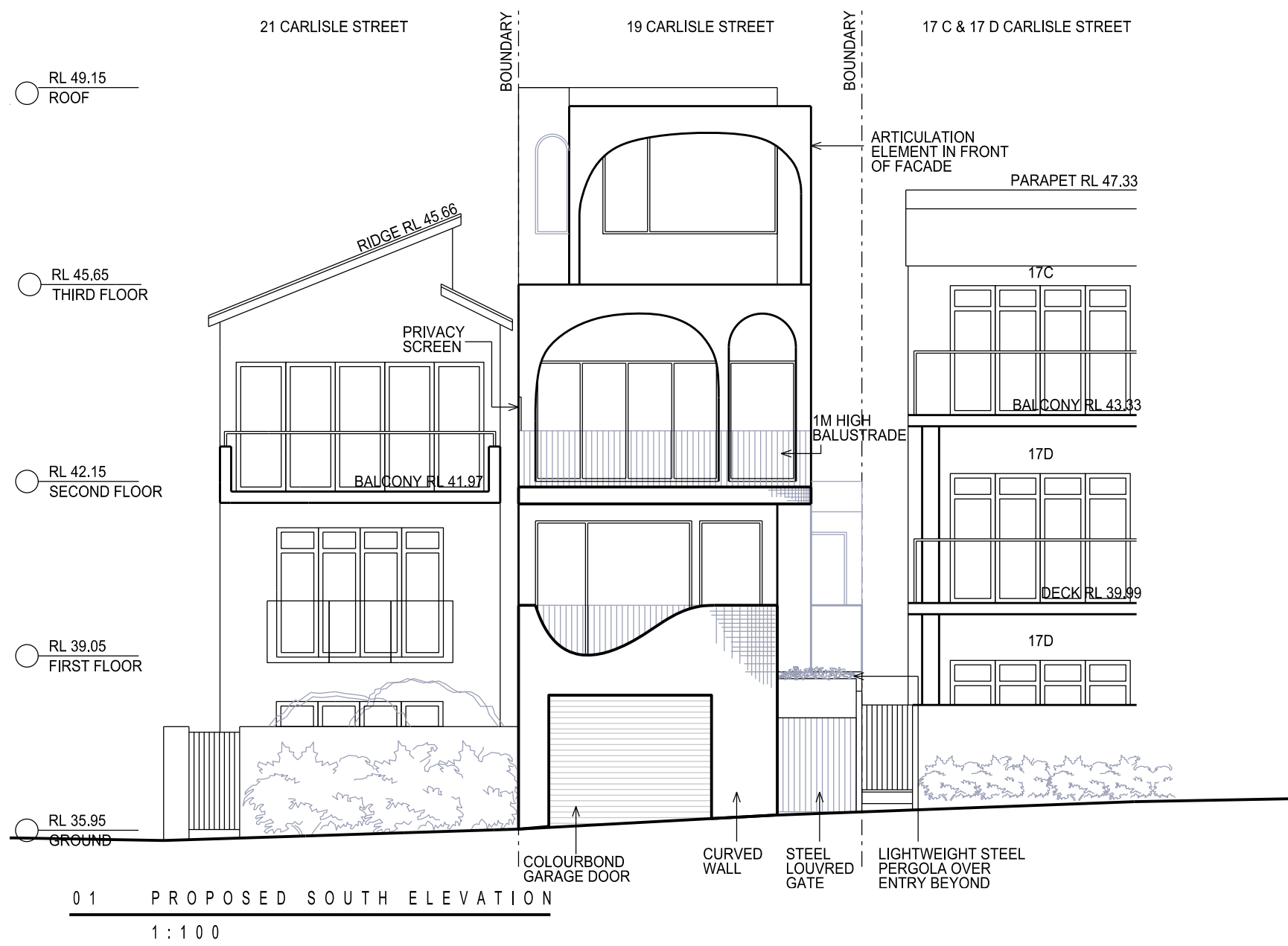
TITLE
DATE
PROJECT NO
PROPOSED FOURTH FLOOR AND ROOF PLANS
AUG 17
1727
SCALE 1:100
DWG NO A04



ISSUE NO C

AMENDED

RECEIVED
Waverley Council
Application No: DA-569/2017
Date Received: 16/11/2018



ISSUE	DATE	REASON	BY	CHECKED
A	18.12.17	DA ISSUE	JW	AV
10	20.09.18	PLANNER	JW	AV
11	25.09.18	PLANNER	JW	AV
12	26.09.18	PLANNER	JW	AV
13	29.10.18	COUNCIL AMENDMENTS	BI	AV
B	30.10.18	DA AMENDMENTS	BI	AV
C	16.11.18	DA AMENDMENTS	BI	AV

GENERAL NOTES These drawings shall be read in conjunction with each other and with all consultants' drawings and documentation. All dimensions are in mm unless otherwise stated. All RL's in metres. Use figured dimensions only. Verify all dimensions on site before the commencement of any works. Do not scale off drawings. Any discrepancies are to be made known to the architect prior to commencing on site. Contractors shall locate and protect all services prior to construction. All work shall be carried out in accordance with ASA, BCA and Local Government Regulations. Structural Details shall be subject to Engineer's Specifications, Drainage & Water Installation Details shall be subject to Hydraulic Engineer's Specifications. Amendments are indicated by but are not limited to graphic "clouds" shown on the drawings. All work shall be carried out in a professional manner by Qualified Tradesman according to Architects Drawings and Engineer's Specifications. No responsibility will be taken by AVA for any variations in design, construction method, materials specified and general specifications without permission from the Architect. This Drawing is copyright to AVA and may not be used or reproduced without prior consent.

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ANNAVAUGHAN
ARCHITECTS

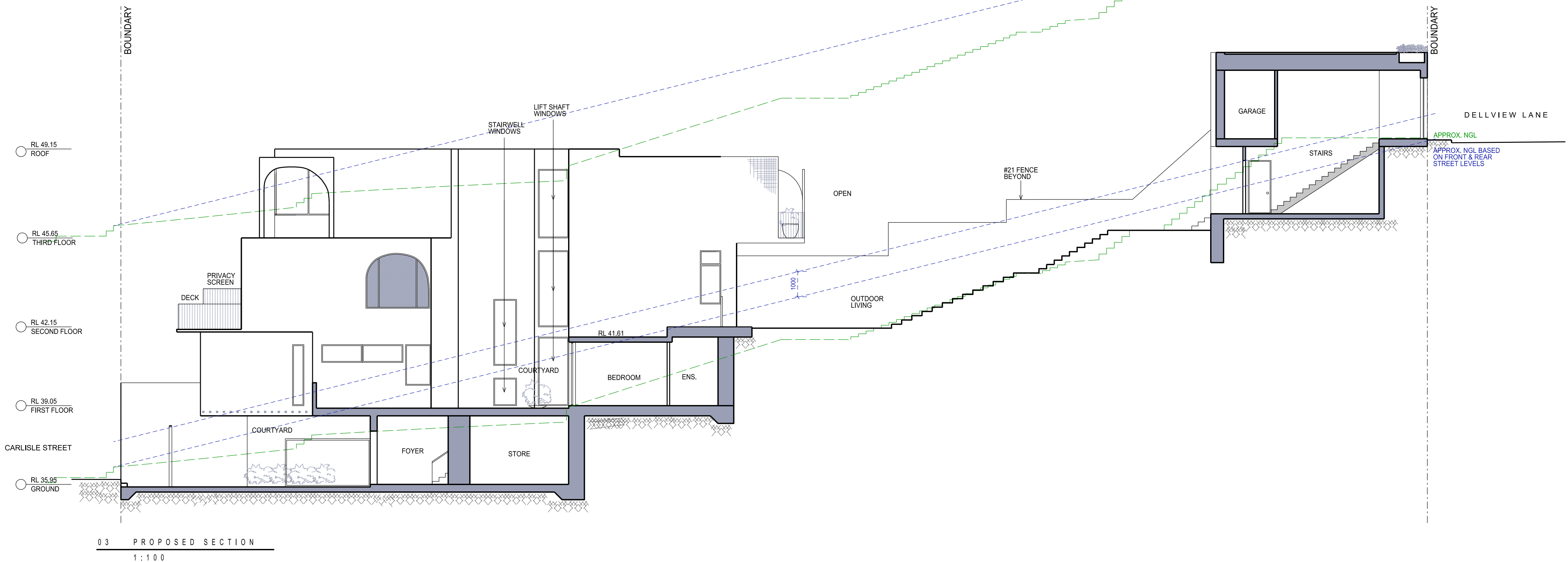
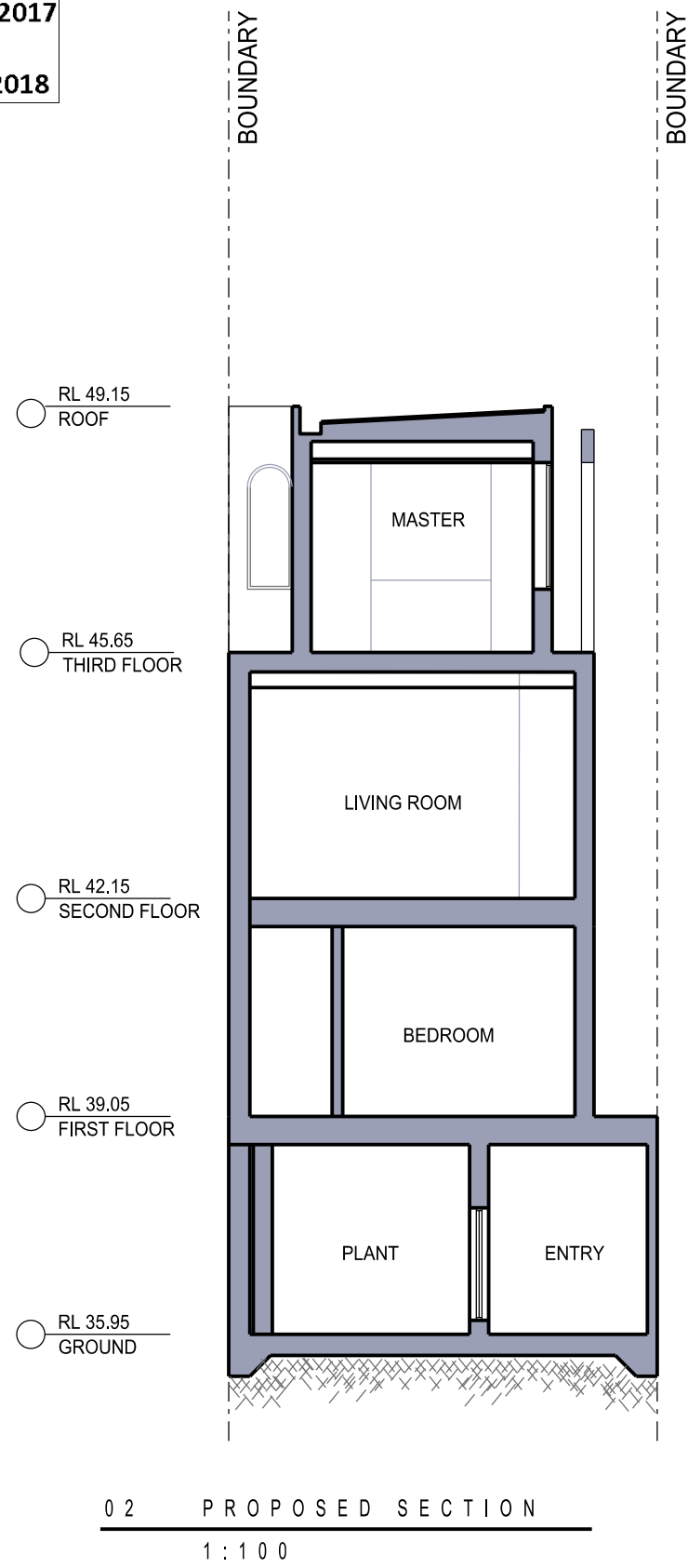
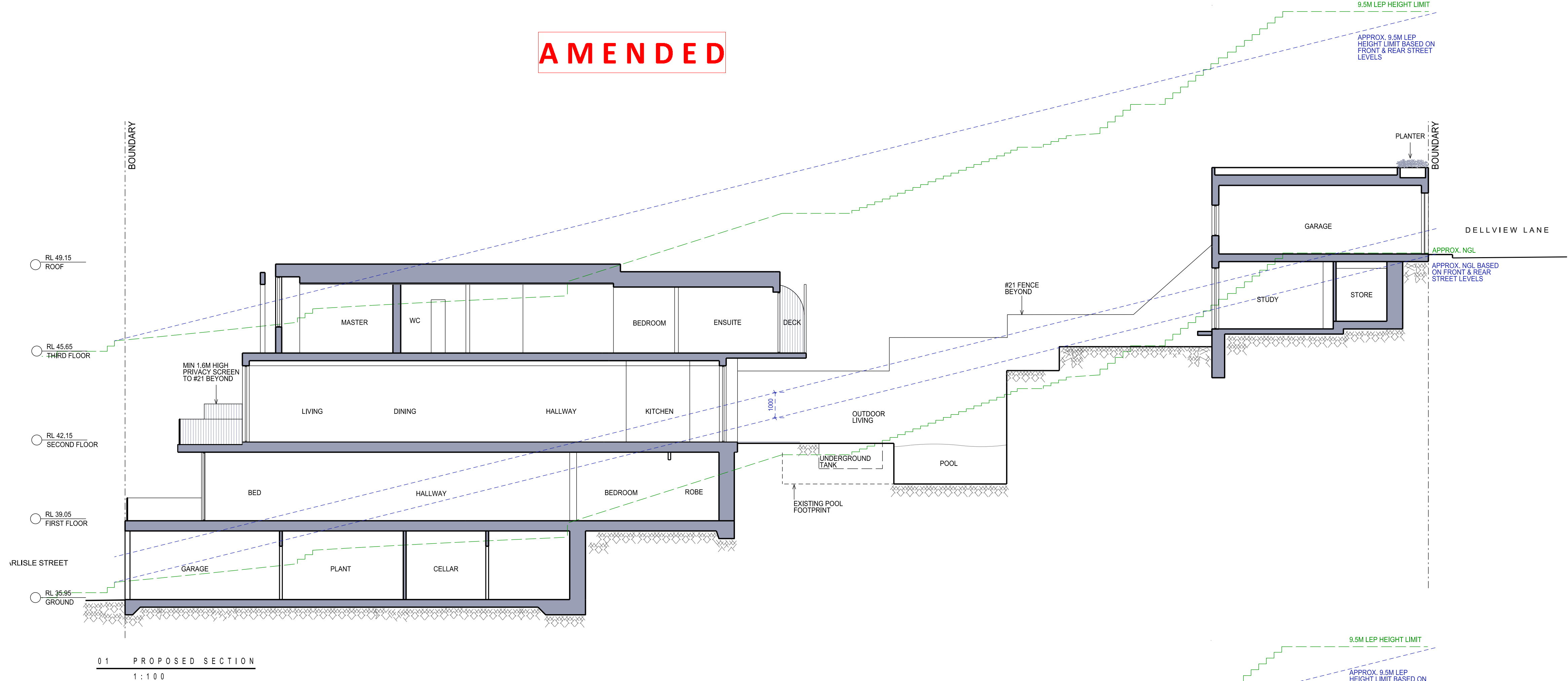
Nom. Architect Anna Vaughan, Reg. No 6447
Anna Vaughan Architects Pty Ltd
ABN 69 116 009 495

O'REILLY / NEALE RESIDENCE
19 CARLISLE ST, TAMARAMA

TITLE
DATE
PROJECT NO
PROPOSED ELEVATIONS
AUG 17
1727
SCALE 1:100
DWG NO A05

ISSUE NO C

AMENDED



ISSUE	DATE	REASON	BY	CHECKED
A	18.12.17	DA ISSUE	JW	AV
04	06.09.18	PLANNER	JW	AV
05	25.09.18	PLANNER	JW	AV
06	26.09.18	PLANNER	JW	AV
07	29.10.18	PLANNER	BI	AV
B	30.10.18	DA AMENDMENTS	BI	AV

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Nom. Architect Anna Vaughan, Reg. No 6447
Anna Vaughan Architects Pty Ltd
ABN 69 116 009 495

O'REILLY / NEALE RESIDENCE
19 CARLISLE ST, TAMARAMA

TITLE
DATE
PROJECT NO
PROPOSED SECTIONS
AUG 17
1727
SCALE 1:100
DWG NO A06

ISSUE NO B



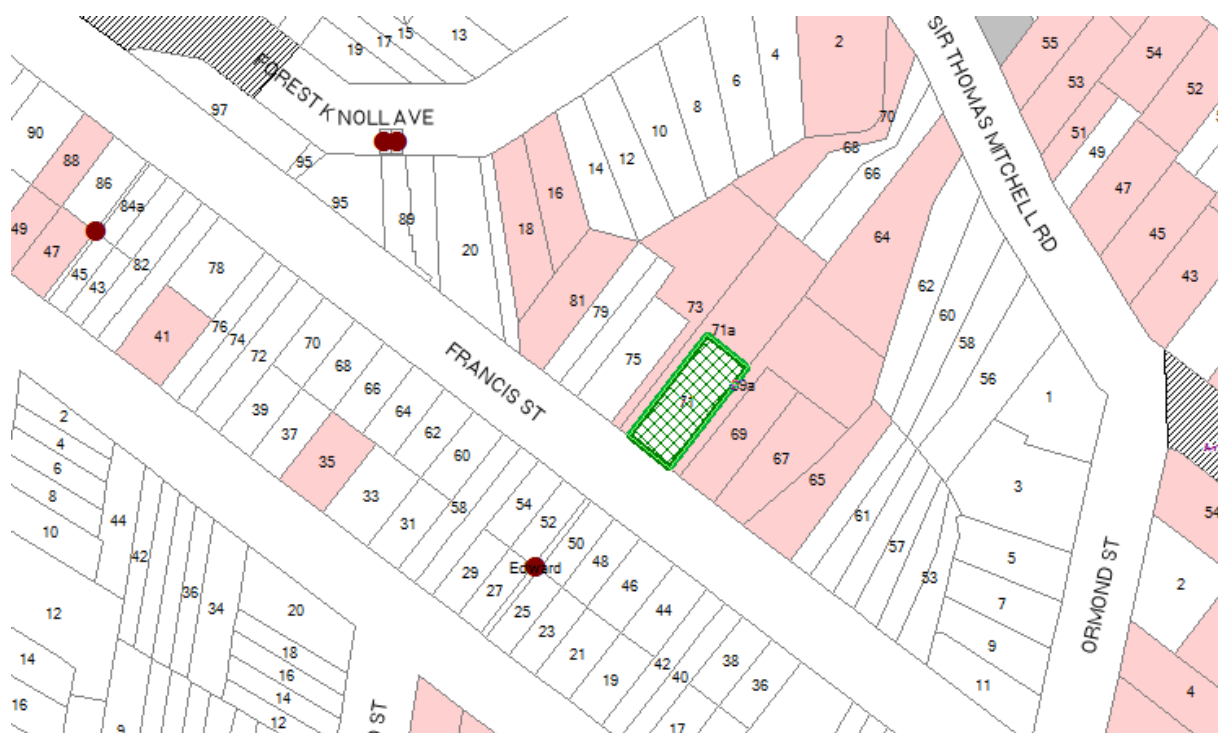




Report to the Waverley Local Planning Panel

Application number	DA-220/2018
Site address	71 Francis Street, BONDI BEACH NSW 2026
Proposal	Alterations and additions to existing dwelling including new first floor and swimming pool.
Date of lodgement	20-Jun-2018
Owner	Mr M F Odgers
Applicant	Mrs S Y Baker-Odgers
Submissions	Nil
Cost of works	\$229,000
Issues	FSR and Building Height
Recommendation	That the application be APPROVED subject to conditions

Site Map



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 4 October 2018.

The site is identified as Lot 3A in DP 342354, known as 71 Francis Street, BONDI BEACH. The site is rectangular in shape with a north east boundary measuring 15.24m, south east boundary measuring 36.575m and south west boundary measuring 15.24m and north west boundary measuring 30.825m. The site has an area of 559.7m² and falls from the front of the site towards the rear by approximately 4m.

The site is occupied by a part one, part two-storey detached dwelling with vehicular access provided from Francis Street hardstand carport located at the front of the site.

Adjoining the site to the east is a driveway entry to 69a Francis Street containing a residential flat building and adjoining the driveway is 69 Francis Street another three storey residential flat building. Adjoining the site to the west is a pedestrian pathway providing access to 71a Francis Street containing a residential flat building which is located to the rear of the site, the pedestrian path is adjoined by a driveway to 73 Francis Street containing a residential flat building and adjoining the driveway is a two-storey dwelling 75 Francis Street.

The site is not listed as a heritage item nor within a heritage conservation area.

The locality is characterised by a variety of residential developments including semi-detached dwellings, dwellings and residential flat buildings.



Figure 1: Site viewed from front of the site



Figure 2: Subject site and adjoining properties

1.2 Relevant History

A search of Council's building and development records revealed the following applications associated with the site:

DA-220/2011, New deck at first floor level at the rear of the dwelling approved 21 May 2011.

CD-166/2013, Kitchen replacement, new bathroom and internal reconfiguration approved 24 September 2013.

DA-65/2015, New driveway and hardstand car space, new front fence with pedestrian and vehicular gates and removal of street tree approved 24 July 2015.

1.3 Proposal

The application seeks consent for alterations and additions to existing part one, part two-storey dwelling including a first floor addition to construct a master bedroom.

Further details include:

Basement level

No changes

Ground level

New stairs to first floor

New walk in wardrobe to bedroom

First floor

Master bedroom, dressing room and ensuite

Rear yard

New in ground pool and deck

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 (c) to provide for a range of residential densities and range of housing types to meet the changing housing needs of the community	Yes	The proposal meets the relevant aims of Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table R2 Zone	Yes	The proposal is defined as alterations and additions to dwelling, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	No	The proposal has a maximum building height of 9.6m which results in a variation of 1.1m or 12.9%.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.5:1	No	Existing non-compliance: • 0.56:1 (316.6m ²) • Variation of 36.75m ² or 13%

Provision	Compliance	Comment
<ul style="list-style-type: none"> Site area 559.7m² 		<p>The proposed increase in floor area of 56m² for the master bedroom results in a further non-compliance of:</p> <ul style="list-style-type: none"> 0.66:1 or (372.6m²) Variation of 56m² or 33%
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings and floor space ratio development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site has Class 5 acid sulfate soils. The proposal does not involve works within 500m of class1-4 land below 5m or likely to lower the watertable. Accordingly an acid sulfate soils management plan is not required.

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

Exceptions to Development Standards

Clause 4.3 Height of buildings

The proposal has an overall building height of 9.6m, which exceeds the height of buildings development standard of 8.5m prescribed under clause 4.3 of Waverley LEP 2012 by 1.1m or 12.9%.

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:

- Compliance with the development standards is unreasonable and unnecessary as the development is consistent with the future character of the area, and makes a positive contribution to the street network and public space.
- Strict compliance with the control would not comply with the underlying purpose of the control to ensure the dwelling house is compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.
- The development as proposed is considered to be an appropriate outcome not only for the development itself but also the streetscape, having regard to the form and design.
- A reduction in height would not result in any improved amenity for neighbouring properties in terms of privacy, views and visual bulk and in particular, it is noted that the height breach does not result in any additional loss of solar access that is detrimental to the amenity of adjoining properties. The proposal is fully compliant with the solar access control for adjoining properties set out in the DCP.

- The proposal has been designed to minimise impacts in terms of the acoustic or visual privacy of adjoining properties.
- The proposed first floor addition will have a new roof parapet height significantly lower than both adjoining properties, and when viewed from the street shall be approximately 2.5 metres lower than the adjacent ridge height at No. 75 Francis Street, and 300mm lower than the adjacent ridge height at No. 69 Francis Street. The proposal will provide a building that is compatible with the height, bulk and scale of the desired future character of the locality. Furthermore, the proposal will provide continuity with the existing two-storey streetscape, and thereby complement and contribute to the physical definition of the street network and public space.

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

The site is built upon a steep hill and falls from the front to the rear by approximately 4m. Due to the steep sloping nature of the site, the proposal results in a partial non-compliance with the height of buildings standard at the first floor level to the rear of the site. The proposal presents to the street as a two-storey dwelling with a similar height to adjoining properties.

The applicant has adequately justified that the non-compliance with the height of buildings development standard is acceptable as it does not result in unreasonable impacts to the amenity of adjoining properties and is compatible with the height, bulk and scale of the existing character of the locality. Strict compliance with the development standard is therefore unreasonable and unnecessary and there are sufficient environmental planning grounds to justify contravening the development standard. Therefore the variation is supported.

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 0.66:1, which exceeds the floor space ratio development standard of 0.5:1 prescribed under clause 4.4 or 4.4A of Waverley LEP 2012 by 92.75m² in gross floor area or 33%.

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

- Compliance with the development standards is unreasonable and unnecessary as the development provides a compatible streetscape and appropriate contextual outcome in line with the future character of the area. Particularly, the design of the attic is appropriate having regard to the character of the subject dwelling and sits well within its context set back from the external walls of the level below which limits bulk as perceived from the street.
- Strict compliance with the control would not comply with the underlying purpose of the control to ensure development is compatible with the bulk, scale, streetscape and desired future character of the locality. In addition, the strict compliance would result in the limit the use of the proposed attic space, with no additional benefit in terms of amenity for adjoining properties.

- The development as proposed is considered to be an appropriate outcome not only for the development itself but also the streetscape, having regard to the form and design.
- Given the nature of the FSR breach and the consistency of the proposal against the zone objectives and FSR objectives, there are sufficient environmental planning grounds to justify contravening the development standard.
- A reduction in FSR would not result in any improved amenity for neighbouring properties in terms of privacy, solar access, views and visual bulk and would result in the loss of usable floor area at attic level.
- In particular, it is noted that perceived FSR breach does not result in any additional loss of solar access that is detrimental to the amenity of adjoining properties. The proposal is fully compliant with the solar access control for adjoining properties set out in the DCP.
- The proposed first floor addition will have a new roof parapet height significantly lower than both adjoining properties, and when viewed from the street shall be approximately 2.35 metres lower than the adjacent ridge height at No. 75 Francis Street, and 300mm lower than the adjacent ridge height at No. 69 Francis Street. In addition, the majority of the new bedroom space will remain within the confines of the existing roof cavity and will read as an attic level.

The objective of the floor space ratio development standard is to provide an appropriate correlation between maximum building heights and density controls, to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality, to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.

The proposed first floor addition is modest in size and provides generous front and side setbacks to the ground floor level reducing visual bulk and minimising impacts to the amenity of adjoining properties. The first floor addition is consistent with the surrounding development within Francis Street comprising of two to three storey dwellings.

The applicant has adequately justified that the non-compliance with the floor space ratio development standard is acceptable as it does not result in unreasonable impacts to the amenity of adjoining properties and is compatible with the bulk, scale, streetscape and desired future character of the locality. Strict compliance with the development standard is therefore unreasonable and unnecessary and there are sufficient environmental planning grounds to justify contravening the development standard. Therefore the variation is supported.

2.1.4 Waverley Development Control Plan 2012

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste and Recycling Management Plan has been submitted with the application which satisfies this section of the DCP.

Development Control	Compliance	Comment
2. Energy and water conservation	Yes	A BASIX Certificate has been submitted with the application, which satisfies this section of the DCP.
6. Stormwater	NA	A condition will be imposed in the consent for the stormwater plans to be reviewed and approved by Council's Stormwater Team.

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		
1.1.2 External wall height <ul style="list-style-type: none"> Maximum external wall height of 7m 	Yes	As existing - no changes to external wall height proposed. The first floor addition is setback from the front, rear and sides of the existing roof.
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 proposed first floor level provides generous setbacks to the front and rear to minimise impacts on the neighbouring properties.
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m 	Yes	The proposal is setback significantly from the ground floor level at the sides minimising adverse amenity impacts to adjoining properties.
1.4 Streetscape and visual impact		
<ul style="list-style-type: none"> New development is to be visually compatible with its streetscape context Development must not dominate streetscape 	Yes	<p>The proposal will present as a two-storey addition and dormer window from Francis Street. The proposal is modest in size and consistent with the bulk and scale of buildings in the locality.</p> <p>The proposal presents a dome style roof design and eyelid dormer window which is considered acceptable as it maintains cohesion with the dome shape of the awning over the front entry.</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. 	Yes	<p>The proposed first floor addition comprises of a master bedroom, dressing room and ensuite which are not considered to be high usage rooms to compromise the privacy of surrounding properties.</p> <p>The property contains existing external stairs from ground floor to the rear yard.</p> <p>The proposed pool decking to the rear yard continues from the level of the existing rear deck</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> External stairs are not acceptable. 		(RL 40.18). It will be elevated above ground, however is not considered to adversely impact on adjoining properties as 69A Francis St (most affected) exhibits a driveway along the shared boundary, while properties to the rear have existing mature vegetation to assist to mitigate privacy impacts.
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 	Yes	The proposed first floor comprises of north east facing window openings that will capture direct eastern sunlight. The first floor is expected to receive the minimum amount of duration of sunlight during the winter solstice.
<ul style="list-style-type: none"> Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	Yes	The proposed first floor addition will result in additional shadowing to the adjacent property to the south east of the site. Shadow diagrams supporting the application indicate that new minor shadows will be cast onto the external wall and windows of the first floor level of property 69 Francis Street from 3pm. Therefore the adjoining properties will maintain a minimum of 3 hours of sunlight.
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 	Yes	<ul style="list-style-type: none"> As existing The proposal provides over 15% of landscaped area. The proposal provides over 25m² of private open space As existing As existing
1.13 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property 	Yes	The proposed in ground swimming pool is setback 1.6m from the side boundary and will be built to the same height as the existing lower ground patio which is 300mm above the natural ground line. While the pool is raised above ground level, it is not expected to result in any unreasonable privacy impacts as it overlooks the driveway of 69a Francis Street. Standard conditions relating to swimming pools and fence height will be imposed in the consent.
1.15 Dormer windows		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> If < 2.5m from gutter to ridge, flush to the roof and maximum of one per single fronted dwelling or one pair on a double fronted dwelling Minimum 0.3m below main roof ridge 	Yes	The proposed eyelid dormer is consistent with dormer window controls of the DCP.

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 conditions being imposed.

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

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

Two (2) 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
69 Francis Street
4/16 Consett Ave

Issue: Privacy

Response: The submission raises concern regarding potential overlooking from windows 7 and 8 to 69 Francis Street however these windows are modest in size and are attached to a dressing room and bedroom which are not considered to be high usage rooms to compromise the privacy of adjoining properties.

Issue: Swimming pool

Response: The submission raises concern regarding swimming pools in general, located within the Bondi area however does not mention the subject pool specifically or any direct impact to a property. Therefore, this concern has limited relevance to impacts associated with the subject proposal and will be considered rather, more of a comment.

2.5 Public Interest

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

3. REFERRALS

3.1 Stormwater – Creating Waverley

The Council engineers are not satisfied with the stormwater plans and have stated that:

*The plans prepared by THOMAS ISAKSSON ARCHITECT, Job No. 0172, DWG No. A-01 to A-10 (Rev B), dated April 2018 have been checked and considered **not satisfactory** with respect to stormwater details.*

- *An Stormwater Management Plan is to be prepared by a qualified Hydraulics Engineer to include an On-site Stormwater Detention (OSD) and its details (location, dimensions, cross & long sections, top water level, details of orifice plate).*
- *A mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is to be provided with calculations of the Permissible Site Discharge in accordance to Councils Water Management Technical Manual.*

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

This issue will be dealt with via a condition of consent.

4. SUMMARY

The application seeks approval for a first floor addition to an existing dwelling to form a part two, part three storey dwelling. The proposal is defined as alterations and additions to a dwelling house which is permissible with consent in the R2 low density residential zone.

The application seeks to vary the height and floor space ratio development standards which is considered acceptable as the first floor addition provides generous setbacks to boundaries, does not result in unreasonable overshadowing or privacy impacts to surrounding properties, and is consistent with the bulk and scale of surrounding development.

The notification of the application received submissions from two (2) properties and the issues were raised and discussed throughout the report which are not considered sufficient grounds to warrant any changes to the proposal.

Accordingly, the application has been assessed against the Waverley LEP, DCP and the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979. The recommendation is to approve the application.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:

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

Bianca Fyvie
Development Assessment Planner

Angela Rossi
Manager, Development Assessment (Central)

Date: 20/11/18

Date: 27/11/18

Reason for referral:

- 1
- 2
- 3 Departure from any development standard in an EPI by more than 10%
- 4

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) The following Architectural Plan Nos:

- i. A-03, A-04, A-06, A-07 and A-08 Revision B prepared by Thomas Isaksson Architect dated 21 April 2018 received by Council on 26 June 2018
- ii. A-05, A-09 and A-10 Revision C prepared by Thomas Isaksson Architect dated 20 November 2018 and received by Council on date 20 November 2018

(b) BASIX Certificate

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

Except where amended by the following conditions of consent.

2. 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.

3. USE OF DWELLING

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

4. DOMESTIC HEATERS

The provision of solid fuel heating is prohibited.

5. INTRUDER ALARM

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

6. INSTALLATION OF AIR CONDITIONING

The air conditioning unit(s) installed on the roof of the building must:

- (a) Be located a minimum of 1.5 metres from both side boundaries.
- (b) 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.
- (c) 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. SWIMMING POOLS

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

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

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. 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.

9. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$8200** 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.

10. 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.

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

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

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

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

12. HOARDING REQUIRED

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

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

13. STORMWATER MANAGEMENT

- (a) A Stormwater management plan including any on-site detention (OSD) and its details (location, dimensions, cross & long sections, top water level, details of orifice plate) is to be submitted to Council's Creating Waverley Division for approval prior to the issue of a Construction Certificate.
- (b) A mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is to be provided with calculations of the Permissible Site Discharge in accordance to Councils Water Management Technical Manual is to be submitted to Council's Creating Waverley Division for approval prior to the issue of a Construction Certificate.
- (c) Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate, noting the plans

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

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

14. 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.

15. 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.

16. 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.

17. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

18. BASIX

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

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

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

19. USE OF RENEWABLE TIMBERS

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

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

20. PRIOR TO SITE WORKS

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

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

21. HOME BUILDING ACT

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

22. CONSTRUCTION SIGNS

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

23. 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.

25. OBSTRUCTION TO PUBLIC AREAS

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

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

24. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

25. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

26. 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.

27. STOCKPILES

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

28. LOCATION OF BUILDING OPERATIONS

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

29. ALL BUILDING MATERIALS STORED ON SITE

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

30. CONSTRUCTION HOURS

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

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

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

31. BUILDING CODE OF AUSTRALIA

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

32. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS (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) swimming pool fencing prior to filling the pool.

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

33. ENCROACH BEYOND THE BOUNDARIES

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

34. CERTIFICATE OF SURVEY - LEVELS

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

35. 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.

36. 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.

37. WATER PROOFING

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

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

38. 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.

39. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the

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

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

40. CONSTRUCTION OF SWIMMING POOLS

The following applies to the construction of swimming pools:

- (a) Reinforcement is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete;
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool being installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) The finished level of the proposed pool is not to exceed RL40.18 as demonstrated in Architectural Plan No A-09 Revision C dated 20/11/2018;
- (d) To minimise the likelihood of accidental drowning, the swimming pool is to be provided with a child resistant safety fence, designed and constructed in accordance with the requirements of Australian Standard AS 1926.1-2012 Swimming pool safety - Safety barriers for swimming pools. This fencing is to be erected and inspected by the Principal Certifying Authority prior to the pool being filled with water; and
- (e) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority prior to the pool being filled with water.

41. POOL DRAINAGE

Waste waters from the proposed pool being discharged into Sydney Water's sewerage system and in this regard, approved plans **MUST** be submitted to Sydney Water at least fourteen (14) days prior to commencement of building operations.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

42. OCCUPATION CERTIFICATE

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

43. 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.

44. 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.

45. 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 'Waverley Futures' Department.

46. 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.

47. 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.

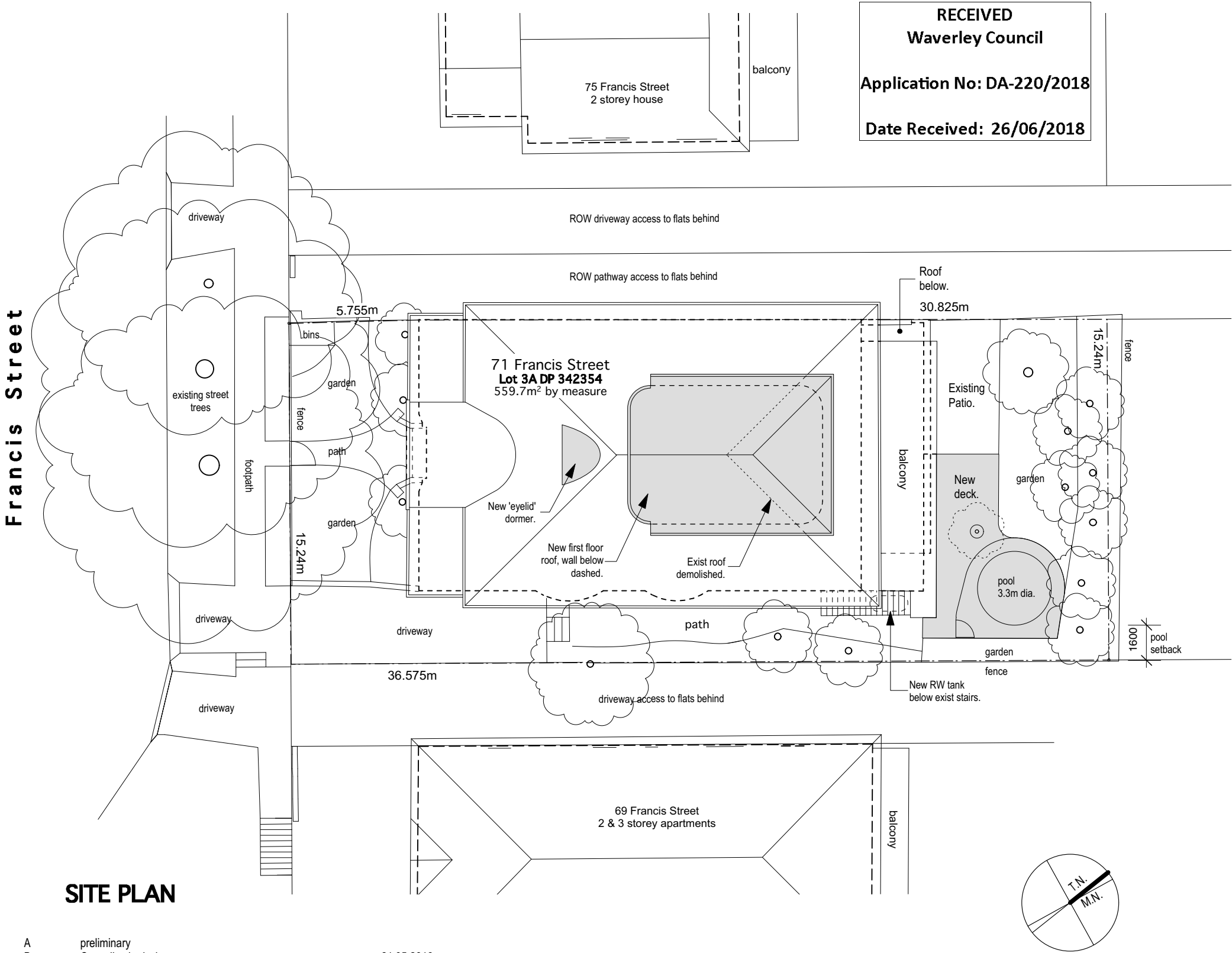
48. SWIMMING POOL REGISTRATION

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.

Rainwater tank			
The applicant must install a rainwater tank of at least 776 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.			
The applicant must configure the rainwater tank to collect rainwater runoff from at least 250 square metres of roof area.			
The applicant must connect the rainwater tank to a tap located within 10 metres of the edge of the pool.			
Outdoor swimming pool			
The swimming pool must be outdoors.			
The swimming pool must not have a capacity greater than 15 kilolitres.			
The swimming pool must have a pool cover.			
The applicant must install a pool pump timer for the swimming pool.			
The applicant must install the following heating system for the swimming pool that is part of this development: solar (gas boosted).			

BASIX REQUIREMENTS

Lighting			
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting diode (LED) lamps.			
Fixtures			
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.			
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.			
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.			
Insulation requirements			
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.			
Construction	Additional insulation required (R-value)	Other specifications	
floor above existing dwelling or building.	nil		
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)		
raked ceiling, pitched/skillion roof: framed	ceiling: R1.74 (up), roof: foil backed blanket (55 mm)	dark (solar absorbance > 0.70)	



Windows and glazed doors glazing requirements						
Window / door no.	Orientation	Area of glass inc. frame (m2)	Height (m)	Overshadowing Distance (m)	Shading device	Frame and glass type
W1	W	0.4	1.5	10.4	none	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
W2	NW	0.8	1.5	10.4	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W3	NW	0.7	1.5	10.4	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W4	N	1.9	0	0	eave/verandah/pergola/balcony >=600 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W5	NE	5.9	0	0	external louvre/blind (adjustable)	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W6	E	1.9	0	0	eave/verandah/pergola/balcony >=600 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W7	SE	1	1.8	14.9	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W8	SE	0.6	1.8	14.9	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W9	S	0.4	1.8	14.9	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W10	SW	0.9	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)

SITE AREA		559.7m²
EXISTING GROSS FLOOR AREA	BASEMENT	91.4m²
PROPOSED GROSS FLOOR AREA	BASEMENT	91.4m²
EXISTING GROSS FLOOR AREA	GROUND FLOOR	225.3m²
PROPOSED GROSS FLOOR AREA	GROUND FLOOR	225.3m²
EXISTING GROSS FLOOR AREA FIRST FLOOR		0 m²
PROPOSED GROSS FLOOR AREA	FIRST FLOOR	55.9m²
EXISTING GROSS FLOOR AREA	TOTAL	316.7m²
PROPOSED GROSS FLOOR AREA	TOTAL	372.6m²
MAXIMUM FLOOR SPACE RATIO		0.5 : 1
EXISTING FLOOR SPACE RATIO		0.56 : 1
PROPOSED FLOOR SPACE RATIO		0.66 : 1
EXISTING LANDSCAPED AREA		179.3m² or 32%
PROPOSED LANDSCAPED AREA		139.5m² or 24.9%
MINIMUM LANDSCAPED AREA		84m² or 15%

COMPLIANCE TABLE



LOCATION PLAN

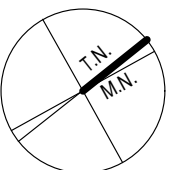
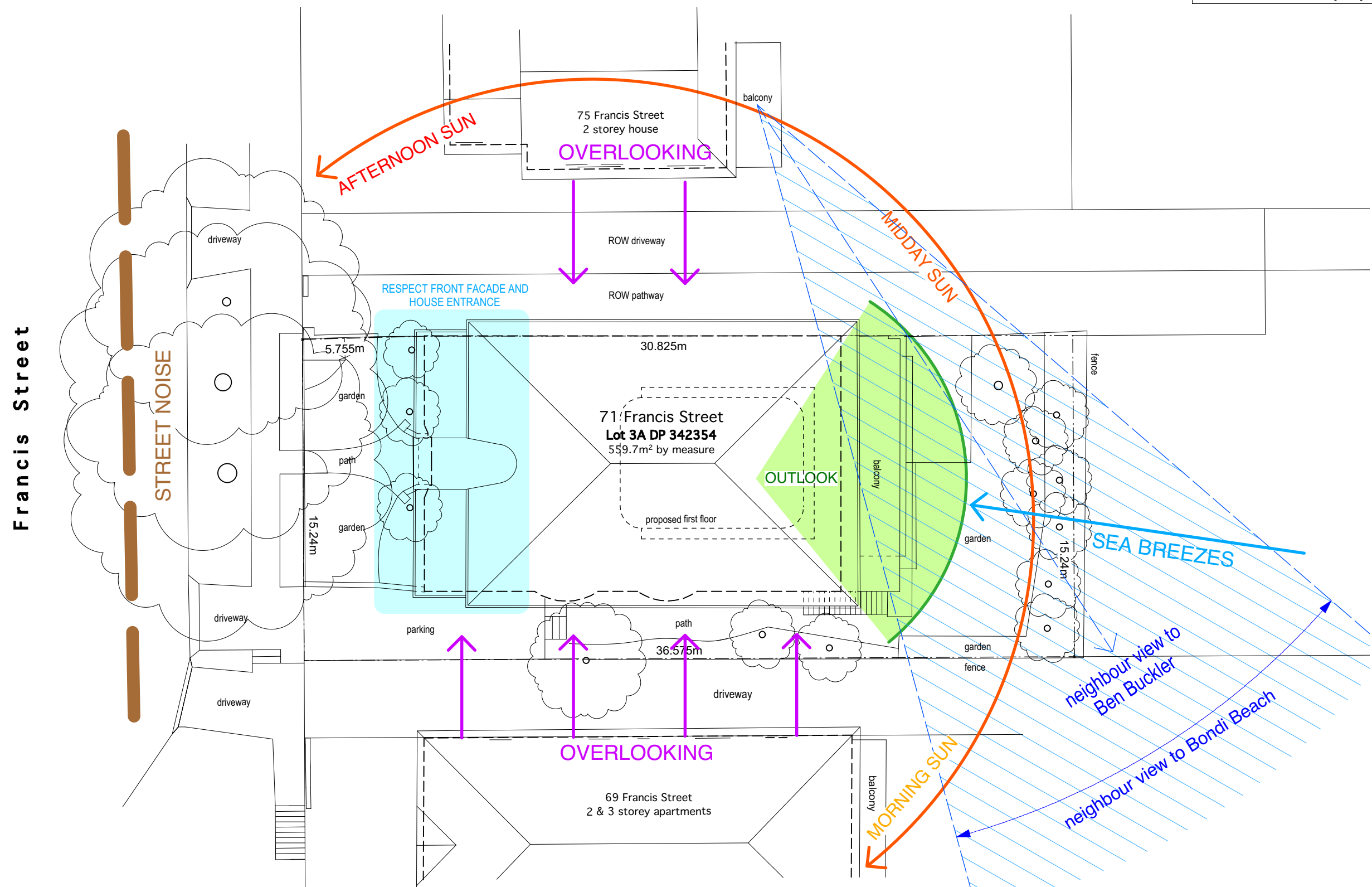
A preliminary
B Council submission
21.05.2018

THOMAS ISAKSSON ARCHITECT
4/113 RESERVOIR STREET, SURRY HILLS, NEW SOUTH WALES. 2010.
TEL 02.9211.1903 MOBILE 0409.177.962 thomasolofisaksson@gmail.com

Do not scale drawings. Use figured dimensions only.
Check all dimensions on site. Report discrepancies to architect.

Odgers House
71 Francis Street, Bondi Beach

dwg: SITE PLAN; LOCATION PLAN			dwg no. A-01	rev. B
scale: 1:200 @ A3	date: April 2018	issue: Development Application	job no. 0172	



A preliminary
B Council submission

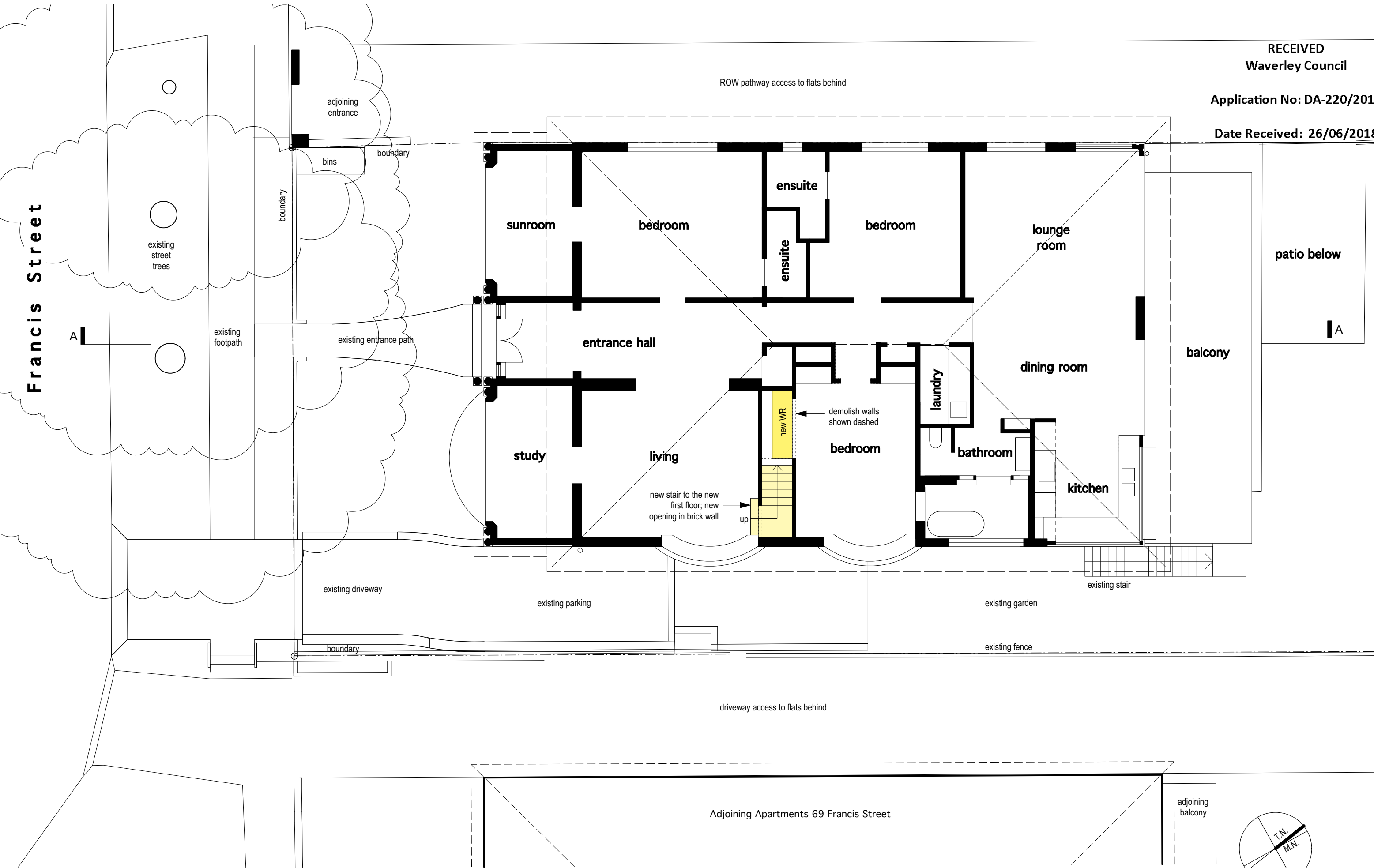
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Odgers House
71 Francis Street, Bondi Beach

dwg: SITE ANALYSIS PLAN	dwg no. A-02	rev. B
scale: 1:200 @ A3	date: April 2018	issue: Development Application
		job no. 0172



RECEIVED
Waverley Council
Application No: DA-220/2018
Date Received: 26/06/2018

A preliminary
B Council submission

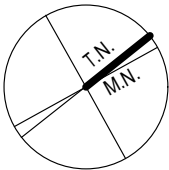
21.05.2018

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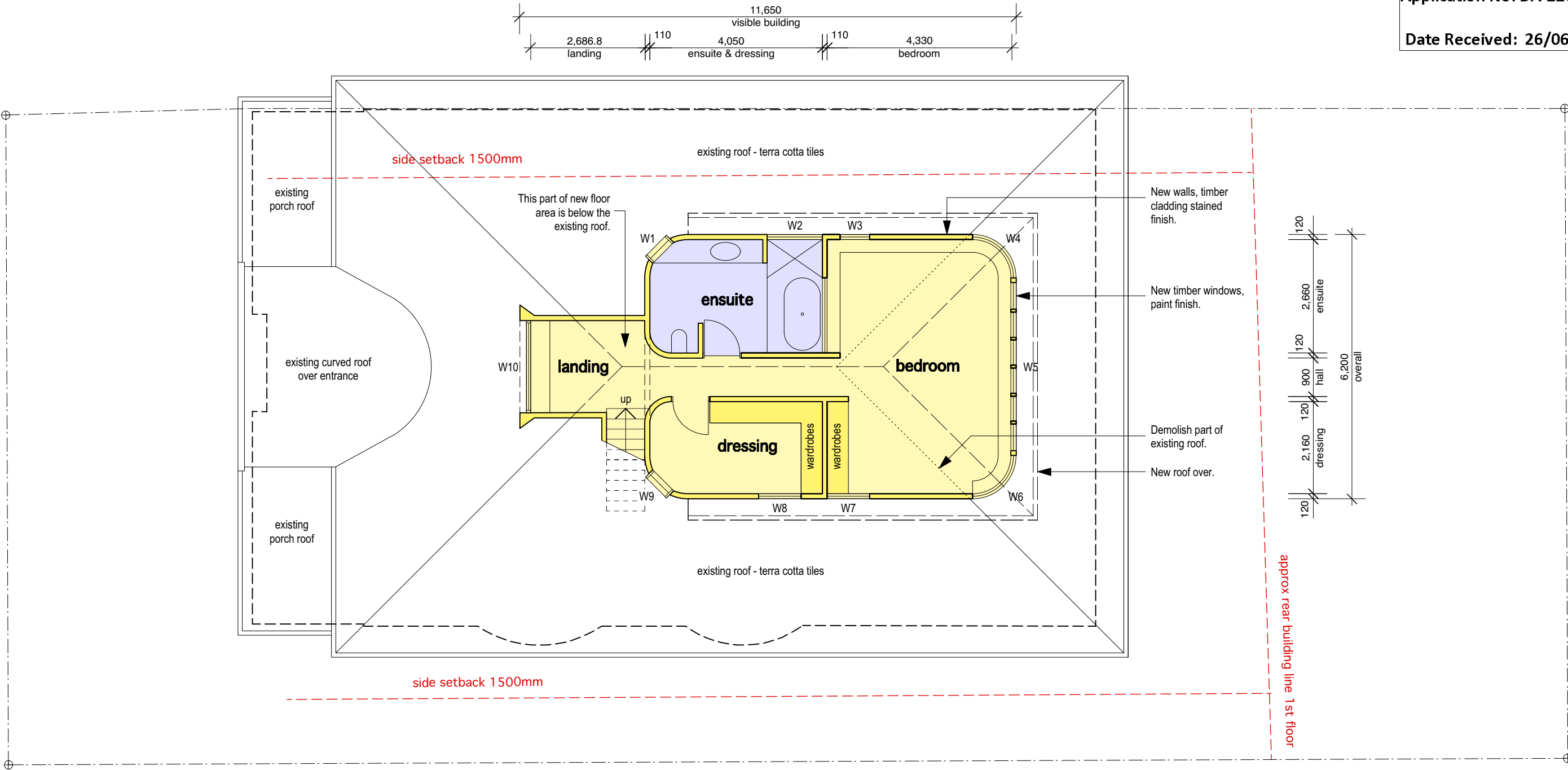
Do not scale drawings. Use figured dimensions only.
Check all dimensions on site. Report discrepancies to architect.

Odgers House
71 Francis Street, Bondi Beach

dwg: GROUND FLOOR PLAN			dwg no. A-03	rev. B
scale: 1:100 @ A3	date: April 2018	issue: Development Application	job no. 0172	



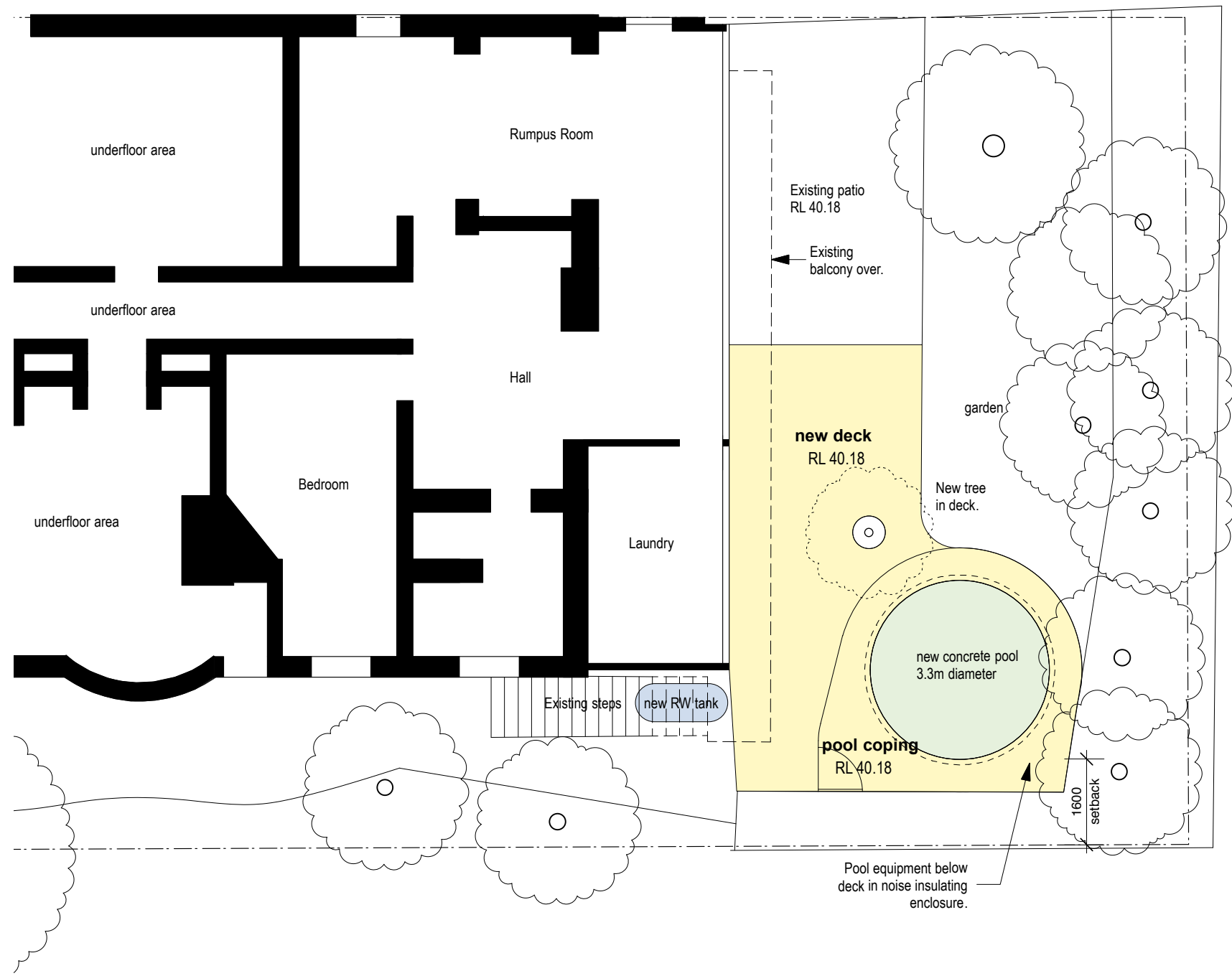
Francis Street



A preliminary

B Council submission

21.05.2018



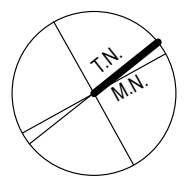
A preliminary
B 21.05.2018 Council submission
C 20.11.2018 Pool levels added

THOMAS ISAKSSON ARCHITECT
4/113 RESERVOIR STREET, SURRY HILLS, NEW SOUTH WALES. 2010.
TEL 02.9211.1903 MOBILE 0409.177.962 thomasolofisaksson@gmail.com

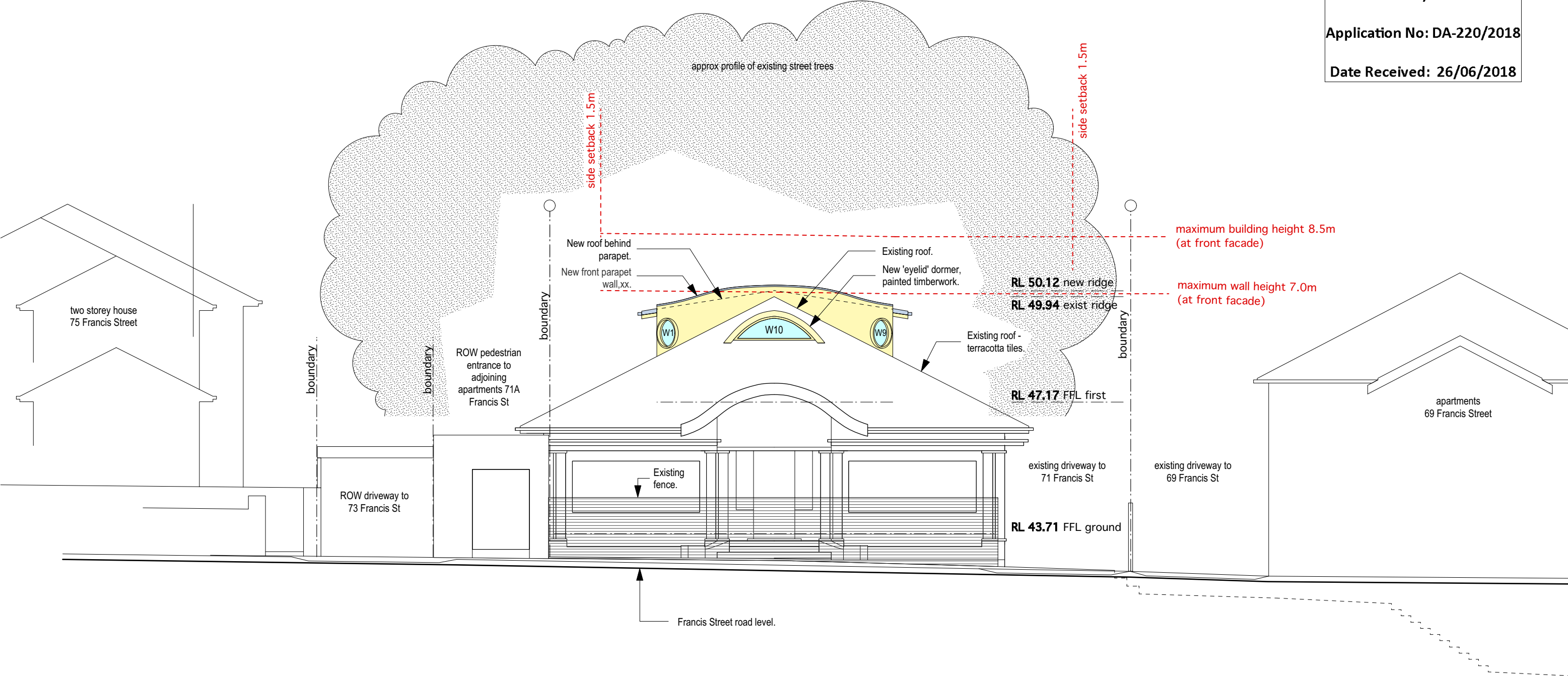
Do not scale drawings. Use figured dimensions only.
Check all dimensions on site. Report discrepancies to architect.

Odgers House
71 Francis Street, Bondi Beach

dwg: BASEMENT FLOOR PLAN			dwg no. A-05	rev. C
scale: 1:100 @ A3	date: April 2018	issue: Development Application		
			job no. 0172	



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Waverley Council
Application No: DA-220/2018
Date Received: 26/06/2018



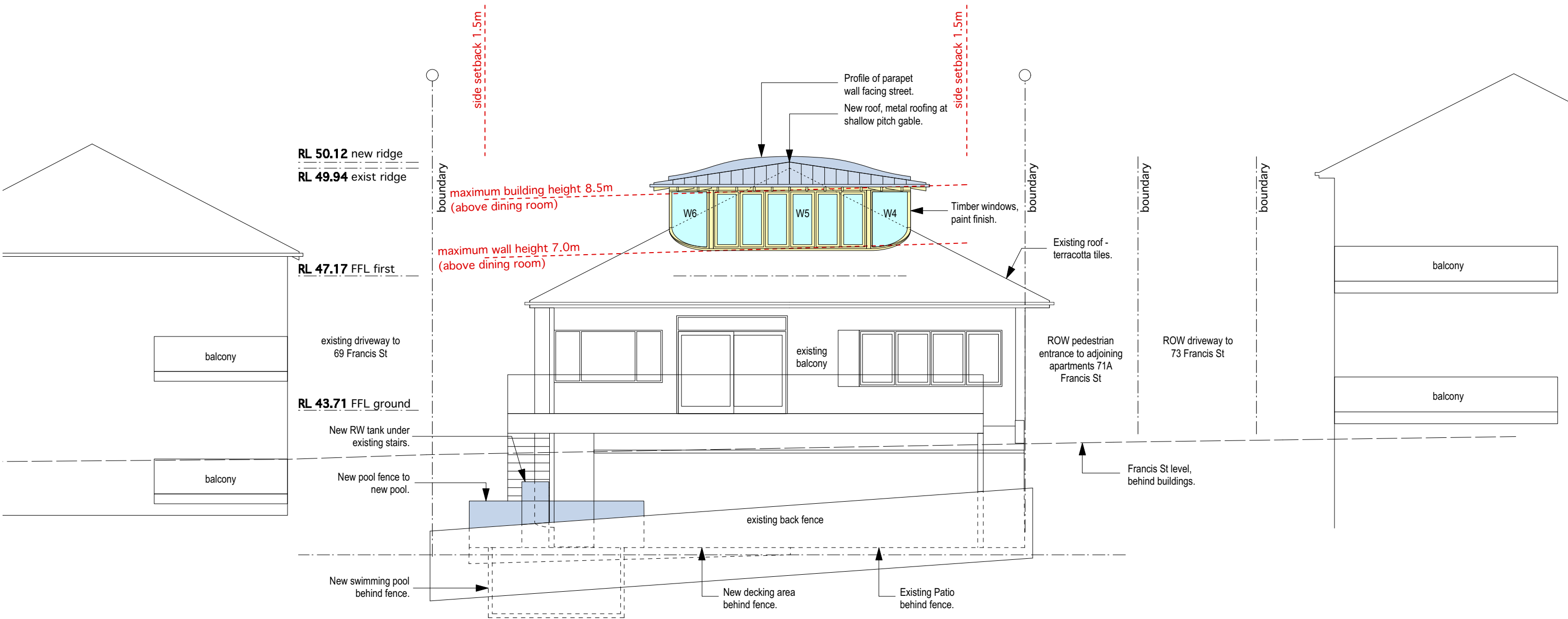
A preliminary
B Council submission
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Odgers House
71 Francis Street, Bondi Beach

dwg:	SOUTH WEST (STREET) ELEVATION			dwg no.	rev.
scale:	1:100 @ A3	date:	April 2018	issue:	Development Application
				job no.	0172



A preliminary
B Council submission

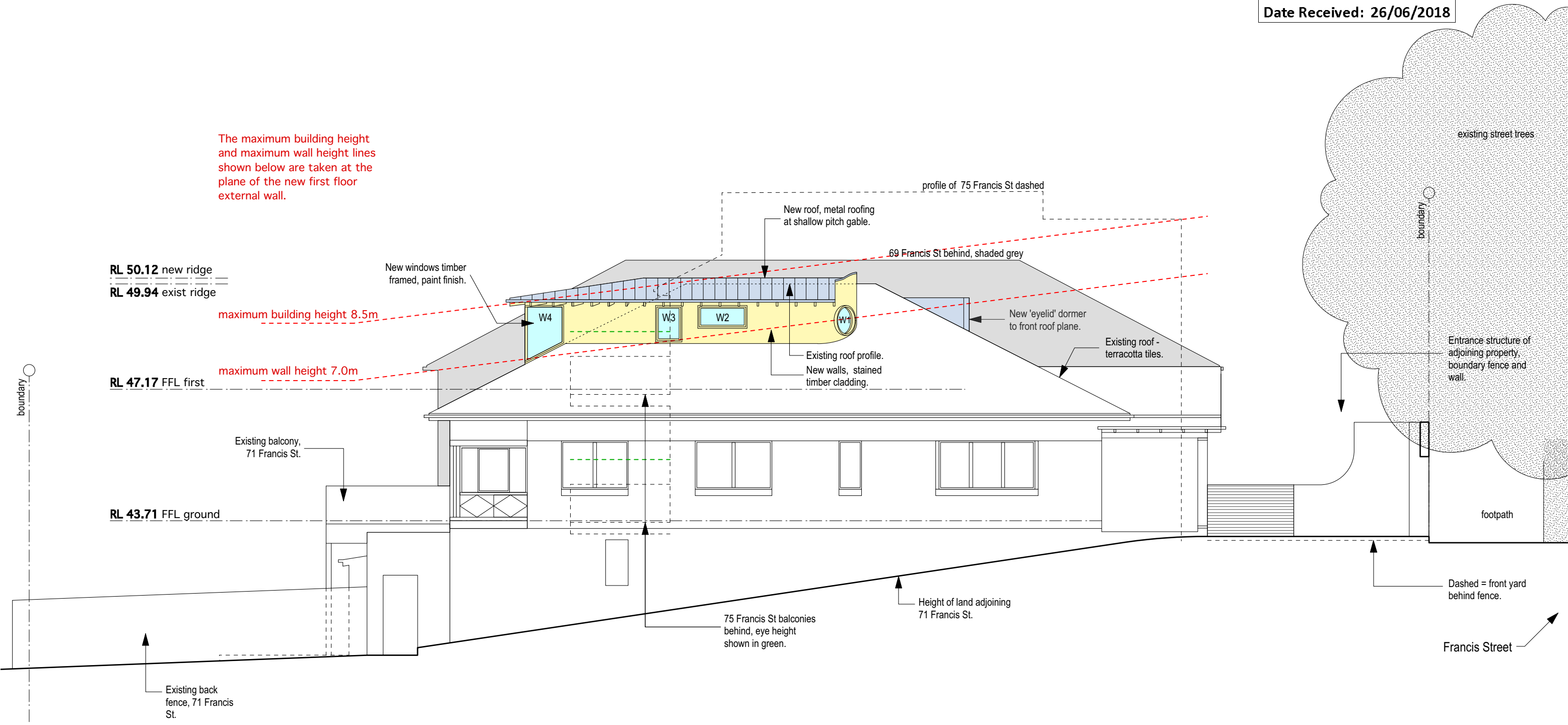
21.05.2018

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Odgers House
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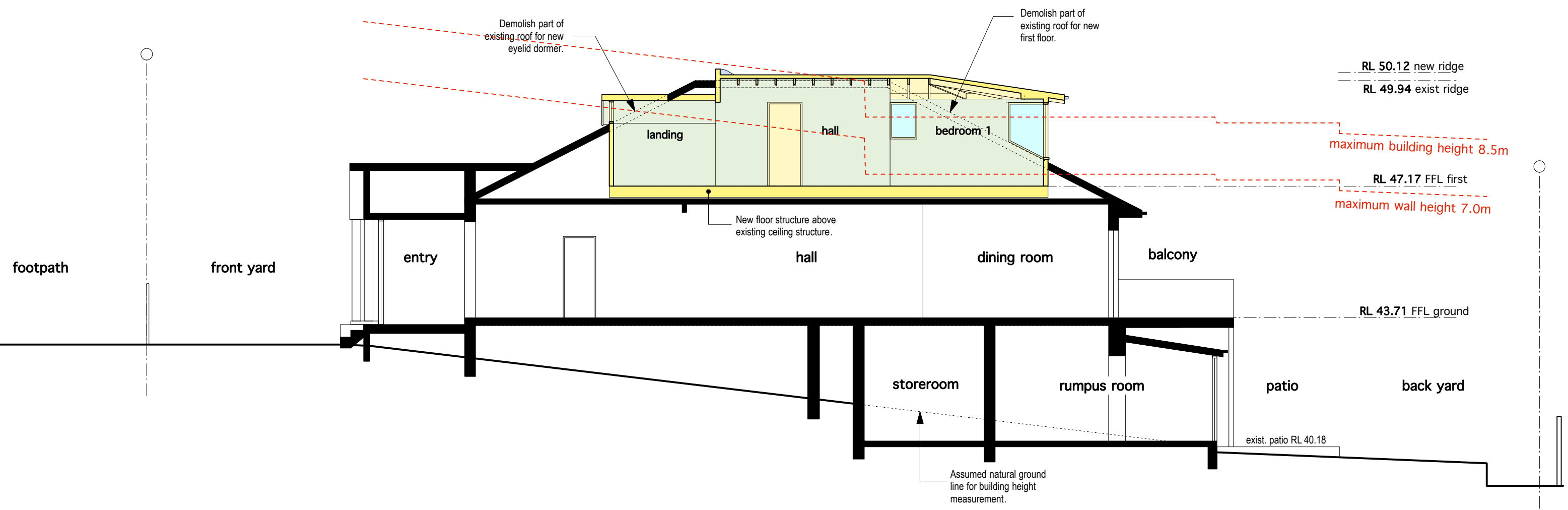
dwg: NORTH EAST (REAR) ELEVATION			dwg no. A-07	rev. B
scale: 1:100 @ A3	date: April 2018	issue: Development Application	job no. 0172	



A preliminary

B Council submission

21.05.2018



A preliminary
B 21.05.2018 Council submission
C 20.11.2018 Building height lines amended



Report to the Waverley Local Planning Panel

Application number	DA-282/2018
Site address	1/3 Jaques Avenue, BONDI BEACH
Proposal	Alterations and additions to unit 1 including rear extension.
Date of lodgement	9 August 2018
Owner	SP 15275
Applicant	Michael Hilliard Architects
Submissions	One (1)
Cost of works	\$97,295
Issues	FSR, side deck
Recommendation	That the application be APPROVED subject to conditions



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 14 November 2018.

The site is identified as Lot 1 in SP 15275, known as 1/3 Jaques Avenue, BONDI BEACH. It is located on the north western side of Jaques Avenue close to the corner of Hall Street.

The site is rectangular in shape with a northern (side) boundary measuring 36.575m, eastern (rear) boundary measuring 12.19m and southern (side) boundary measuring 36.575m and western (front) boundary measuring 12.19m. The site has an area of 445.9m² and is generally flat.

The site is occupied by a two (2) storey residential flat building containing a total of four (4) units with no off-street car parking. The first floor rear balcony of unit 4 has been previously enclosed.

The subject site is adjoined by residential flat buildings on either side or to the north and south. The locality is characterised by a variety of residential development, including residential flat buildings and dwelling houses.



Figure 1: Subject site frontage.



Figure 2: Existing rear deck of the subject site leading to the communal open space.



Figure 3: Subject unit (bottom left). Existing enclosed balcony of Unit 4 located on the first floor level (top right).

1.2 Relevant History

A search of Council's records revealed no relevant development history of the subject site. A search was also conducted for any consent granted for the enclosure of the rear balcony of Unit 4 on the subject site however, no relevant documentation could be located.

The history of the subject development application is provided below:

- **9 August 2018** The subject application was lodged with Council.
- **20 August 2018** The application was notified to surrounding properties during 20 August 2018 – 5 September 2018. One (1) submission was received, raising concerns regarding the proposed extension of the deck towards the north-eastern side boundary.
- **14 November 2018** A site inspection of the property was conducted by the assessing officer.
- **15 November 2018** The Applicant was requested to provide a revised Clause 4.6 Statement and appropriately scaled architectural plans demonstrating the rear shed.
- **19 November 2018** The documentation requested was received.

1.3 Proposal

The proposed development involves alterations and additions to the existing unit within the residential flat building that includes the following works:

- Internal alterations to the existing unit to configure a new bathroom, laundry and open plan kitchen/living/dining room;
- Enclosure of the rear of the existing ground floor level (7.7m²) at the rear to align with the balcony on the first floor level and installation of a sliding door and aluminium framed windows;
- Modification of the existing window opening to the kitchen on the north-eastern elevation to provide a new window; and
- Partial demolition of the existing concrete path and extension of the existing deck and staircase towards the north-east side setback.

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 proposal relates to alterations and additions to Unit 1 within an existing residential flat building, involving minor alterations to the internal floor plan of the subject unit and minor increase in floor space. However, the proposed development is within the existing building footprint, whereby the Reduced Level of each level remains as existing. No new bedrooms are created and such, the existing residential density is maintained on site with the proposal. Therefore, the development is not considered to include a substantial redevelopment or refurbishment and SEPP 65 does not apply.

2.1.4 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 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 involves alterations and additions to a unit within an existing residential flat building, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	Yes	The proposal involves alterations and additions to enclose the rear of the ground floor level of Unit 1 and would therefore not impact upon the existing height of the building.
4.4 Floor space ratio <ul style="list-style-type: none"> 0.6:1 	No	The existing building already exceeds the maximum FSR for the site and the proposal results in additional 7.7m ² of GFA resulting in an FSR of 0.8:1 which exceeds the maximum allowable FSR by 90.76m ² or 33.92%.
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

Provision	Compliance	Comment
		variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is not located within a conservation area and is not identified as a heritage item. However, local heritage item No. 196 at 15 Consett Avenue is located to the rear of the site, as well as local heritage item No. 1113 at 20-24 Hall Street is located to the north of the site. The proposed works are located at the ground floor level and are contained to the rear of the property. Therefore, the proposed works are not anticipated to have any adverse impacts to and/or from the abovementioned heritage items.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is identified as containing Class 5 acid sulphate soils however, the proposed development involves minor building works and no excavation is proposed. Nevertheless, standard conditions relating to acid sulfate soils are included within the recommended conditions.
6.2 Earthworks	Yes	The proposal does not involve any major earthworks and is satisfactory.
6.3 Flood planning	Yes	The site is identified as a flood prone area. The proposed development, however does not add to the building footprint and is therefore unlikely to adversely impact upon flood behaviour in the locality.

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

Exceptions to Development Standards

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 0.8:1, which exceeds the floor space ratio development standard of 0.6:1 prescribed under clause 4.4 of Waverley LEP 2012 by 90.76m² in gross floor area, which equates to a 33.92% breach to the development standard.

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

- The existing development has a gross floor area of 350.6m² that equates to an FSR of 0.79:1. Therefore, the existing development is non-compliant with the development standard. The

proposed alterations will result in a very minor increase in GFA by 7.7m² for a total GFA of 358.3m².

- The proposal will improve the amenity for the residents and the works are contained within the existing building envelope and are limited to the ground floor and will therefore maintain the bulk and scale of the existing development. The proposed addition will not impact on the character of the locality and existing streetscape as well as not cause view loss or overshadowing.
- The adjoining residential flat building at 1 Jaques Avenue, BONDI BEACH has an FSR of 1.12:1 and therefore exceeds the FSR by a significant margin.

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

- The site has an existing non-compliance with Council's FSR control and the proposed additional floor area is minor and is to be contained within the existing building footprint. The proposal therefore does not result in any additional bulk or change the scale of the building.
- The minor increase in gross floor area does not increase the number of apartments or bedrooms provided within the subject unit, but will result in an increase to the living and kitchen area and in turn enhance the amenity for occupants of the apartments within the subject site. The minor increase in gross floor area to the apartment also allows for the unit to be upgraded that is currently considered to be in a poor state.
- The proposed additional floor space does not result in adverse amenity impacts on neighbouring properties or result in any view loss from surrounding development or the public domain. The proposed development would not be visible from the streetscape as it is located at the rear of the site on the ground floor level of the building.
- The rear balcony of Unit 4 located on the upper floor level has previously been enclosed, therefore the proposal would not be in consistent with the form of the building, nor the form of the buildings either side of the site.
- Despite the enclosure of the existing deck area, the unit will maintain sufficient outdoor recreation space in the deck area at the rear of the site as well as the shared open space behind the deck area.

The proposal will be not be against the public interest because it is consistent with the objectives of the floor space ratio development standard and the R3 zone and therefore, in accordance with Clause 4.6 (3) and (4), the non-compliance may be supported.

2.1.5 Waverley Development Control Plan 2012

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

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

Development Control	Compliance	Comment
1. Waste	Yes	The proposal does not change the number of apartments or occupants of the building and therefore existing waste provisions are acceptable.
2. Energy and water conservation	Yes	A suitable BASIX Certificate has been submitted with the application.
5. Tree preservation	Yes	The proposal would have no impact upon the existing trees located within the rear setback.
6. Stormwater	Yes	The proposal does not increase the impervious area of the site, therefore no further stormwater details are required.
7. Accessibility, adaptable dwellings & Universal Housing Design	Yes	This report does not support the decking of the common area on the northern eastern setback are of the site. Therefore there are no changes to accessibility in the common areas of the site.
10. Safety	Yes	The proposal would not compromise the safety of residents or visitors to the subject site.

Table 3: 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 Merit Assessment	The site has an existing frontage of 12.19m however, the proposal involves alterations and additions to the existing unit at the rear and would therefore have no impact upon the street frontage.
2.3 Height		
<ul style="list-style-type: none"> Maximum external wall height: 7m 	Yes	The proposal does not alter the existing wall height of the building.
2.5 Setbacks		
2.5.1 Street setbacks <ul style="list-style-type: none"> Consistent street setback 	Yes	The proposal would not alter the existing street setbacks of the building.
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 	Yes	The proposed extension would not alter the existing side and rear setback of the building as the works are to be contained within the existing building footprint. Therefore, the existing setbacks are retained with the proposal and therefore satisfies the objectives and controls of Section 2.5.2.

Development Control	Compliance	Comment
2.7 Building separation		
<ul style="list-style-type: none"> Minimum 12m btw habitable and habitable 	No As existing	The proposal would not alter the existing building separation distances.
2.8 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes 	Yes	The proposed works are located at the ground floor level at the rear of the site and would not be visible from the Jaques Avenue.
2.12 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level Accessible entry Legible, safe, well-lit 	Yes	Existing access to the site that is accessible and safe will be maintained with the proposal.
2.13 Landscaping		
<ul style="list-style-type: none"> Minimum of 30% of site area landscaped: 133.77m² 50% of the above is to be deep soil: 66.89m² 	Yes	The proposal would have no impact upon the existing landscaped area of the site.
2.16 Solar access and overshadowing		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to a minimum of 70% of units during winter solstice Adjoining properties to retain minimum of three hours of sunlight during winter solstice 	Yes	The proposal would have no impact upon solar access to adjoining properties, given that the works are limited to the ground floor level of the unit within the existing building envelope.
2.18 Visual privacy and security		
<ul style="list-style-type: none"> Prevent overlooking of more than 50% of private open space of lower level dwellings in same development Minimise overlooking of adjoining properties 	Yes Recommended Condition	The proposed alterations to the north-east elevation of Unit 1 to accommodate a new window in replacement of an existing window is not considered to result in any adverse visual privacy impacts as the new window is to be sited below the existing fence height. Furthermore, the proposed aluminium framed windows of the rear extension are not anticipated to result in any adverse impacts upon visual privacy as they are located at the ground floor level and majority of the glazed area would be obscured by the side boundary fence. Therefore, visual privacy for the adjoining property at No. 1 Jaques Avenue is maintained with the proposal. The side decking however between the building and side boundary fence however is not supported and discussed below.
2.22 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	The proposal involves internal alterations to the existing layout that is considered to be suitable in maintaining acoustic amenity for the residents.

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

Proposed Decking in Side Setback Area

The proposal involves the extension of the rear deck and staircase within the side setback of the site which currently provides access to the rear common area of the building. By decking this area it appears is considered to be unacceptable for the following reasons:

- The proposed extension of the side deck towards the side boundary is non-compliant with control (d) of Section 2.15.1 (Private Open Space) in Part C2 of Waverley DCP 2012 as the extension of the deck and stairs would be over the side pathway that is common property. Contrary to the control, the proposal does not maintain a clear distinction between the private open space area of the subject unit and the common areas. The deck appears to privatise the communal pathway and may elude to restricted access of residents to and from the landscaped common open space at the rear of the site. A resident of the building has objected to the proposed deck within the side setback area on these grounds which are considered to be justified.
- The extension of the deck to be constructed with a nil setback to the side boundary would remove the existing privacy screening mechanism between the private open space of the subject unit and the adjoining property at No. 1 Jaques Avenue. This provides opportunity for overlooking and additional noise transmission between the subject site and the adjoining property. Therefore existing visual and acoustic amenity of the adjoining property is not considered to be maintained with this proposal.

Therefore, it is recommended that no approval be granted for the proposed extension of the rear deck and staircase towards the side setback adjoining No. 1 Jaques Avenue. All works shall be contained within the existing building footprint of the subject site and the concrete path is to be retained. This matter is addressed as a condition of consent.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

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

One (1) 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
2/3 Jaques Avenue, BONDI BEACH

Issue: *Side pathway decking over communal open space and use/maintenance of the area*

Response: A resident of the building has raised concerns regarding the privation of the side deck area, and the use and maintenance of the proposed deck which is over common area.

As discussed throughout this report, no approval is recommended for the proposed extension of the rear deck and stairs towards the side boundary adjoining No. 1 Jaques Avenue over the existing side pathway. Therefore, the relevant concerns raised by the submitter shall be addressed by way of condition, should consent for the proposal be granted.

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

Fire Safety Officer

The application was referred to Council's Fire safety officer who recommended standard conditions of consent in addition to the following;

- The proposed external walls of the addition are to be non-combustible and achieve an FRL in accordance with Specification C1.1 of the Building Code of Australia. Details of compliance with the above requirements are to be included in the Construction Certificate plans.
- The proposed openings in the external walls located within 3m of a fire source feature must be protected in accordance with Section C of the Building Code of Australia. Details of compliance with the above requirements are to be included in the Construction Certificate plans.
- Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, fire safety upgrading works are to be undertaken to the existing building to ensure that the existing building complies with provisions of Sections C D & E of the Building Code of Australia (BCA) including provision of fire separation throughout the building and installation essential fire safety measures in accordance with the BCA and compliance with the following provisions of the Building Code of Australia:
 - (i) Fire resistance of elements and non-combustibility of external cladding – Part C1;
 - (ii) Compartmentation and fire separation throughout the building – Part C2;
 - (iii) Provision for escape including fire separation of the existing stairways– Part C1 & D1;
 - (iv) Construction of exits, balustrades and protection of openable windows – Part D2;
 - (v) Provision of portable fire extinguishers in each unit – Part E1;
 - (vi) Provision of a smoke detection & alarm system throughout the building – Part E2;
 - (vii) Emergency lighting, exit signs and warning systems – Part E4;

In addition the electrical wiring and installation system including circuit breakers are to be upgraded to comply with AS 3000 and certified by a licensed electrician prior to the issue of an Occupation Certificate.

- a) Details demonstrating compliance with the BCA must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate.
- b) Prior to the commencement of the required fire safety upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required fire safety upgrading works must be completed and certified by the installers including issuing of a Final Fire Safety Certificate prior to the issue of an Occupation Certificate.

4. SUMMARY

The application seeks consent for alterations and additions to Unit 1 within an existing residential flat building. The proposal includes the enclosure of the rear deck resulting in small increase in gross floor area as well as the extension of the existing deck and stairs towards the side boundary. The balcony of Unit 4 at the rear of the upper level has already been enclosed and the proposed extension is within the existing building footprint.

The proposal results in a further non-compliance with Council's FSR development standard, given the enclosure of the existing deck area. This non-compliance is acceptable as the new floor space is minor (less than 8m²) and within the existing building envelope and does not add to the bulk and scale of the building. A precedent has also been set by the enclosure of the upper level unit.

The proposal will not result in additional overshadowing, privacy or view loss impacts. The proposed extension of the deck and stairs to the side boundary is not supported, as encroaches over common open space and reduces privacy to the adjoining property.

One (1) submission was received with regards to the extension of the rear deck and stairs towards the side boundary and this element of the proposal is not supported. The proposal is recommended for approval, subject to conditions.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:

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

Judith Elijah
Development Assessment Planner

Beth Matlawski
A/Manager, Development Assessment

Date: 21/11/2018

Date: 30/11/2018

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan* No DA01(a), tables and documentation prepared by Michael Hilliard Architects, dated 16 November 2018, and received by Council on 19 November 2018;
- (b) Architectural Plans* No's DA02, DA03 and DA04, tables and documentation prepared by Michael Hilliard Architects, dated 7 August 2018, and received by Council on 9 August 2018;
- (c) BASIX Certificate;

*Except where amended by the following conditions of consent

Note: Works not coloured on the plans are not approved in this development application.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) No approval is granted for the extension of the rear deck and stairs to the side boundary between the existing side setback of the deck and the boundary fence between the property and No. 1 Jaques Avenue, Bondi Beach. This decking is over common property and is not supported. These works are to be deleted from the Construction Certificate Plans, prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

3. ALTERATIONS AND ADDITIONS ONLY

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

4. DOMESTIC HEATERS

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

5. USE OF COMMON PROPERTY

No exclusive use of common property shall occur without the prior consent of Council.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. SECTION 7.12 CONTRIBUTION

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

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

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

"Waverley Council Cost Summary Report"; or,

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

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

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

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

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

Advisory Note

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

7. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$2,500.00** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

8. LONG SERVICE LEVY

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

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

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

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

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

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

10. FIRE SAFETY COMPLIANCE

Details of compliance with the following requirements are to be included in the Construction Certificate plans:

- (a) The proposed external walls of the addition are to be non-combustible and achieve an FRL in accordance with Specification C1.1 of the Building Code of Australia.
- (b) The proposed openings in the external walls located within 3m of a fire source feature must be protected in accordance with Section C of the Building Code of Australia.

11. ESSENTIAL SERVICES - EXISTING BUILDING

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

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

- (a) has been assessed by a properly qualified person; and

- (b) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.

12. 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.

13. 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.

14. 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.

15. STORMWATER MANAGEMENT

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

16. 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.

17. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

18. FIRE SAFETY UPGRADING WORKS

Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, fire safety upgrading works are to be undertaken to the existing building to ensure that the existing building complies with provisions of Sections C D & E of the Building Code of Australia (BCA) including provision of fire separation throughout the building and installation essential fire safety measures in accordance with the BCA and compliance with the following provisions of the Building Code of Australia:

- (i) Fire resistance of elements and non-combustibility of external cladding – Part C1;
- (ii) Compartmentation and fire separation throughout the building – Part C2;
- (iii) Provision for escape including fire separation of the existing stairways– Part C1 & D1;
- (iv) Construction of exits, balustrades and protection of openable windows – Part D2;
- (v) Provision of portable fire extinguishers in each unit – Part E1;
- (vi) Provision of a smoke detection & alarm system throughout the building – Part E2;
- (vii) Emergency lighting, exit signs and warning systems – Part E4;

In addition the electrical wiring and installation system including circuit breakers are to be upgraded to comply with AS 3000 and certified by a licensed electrician prior to the issue of an Occupation Certificate.

- a) Details demonstrating compliance with the BCA must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate.
- b) Prior to the commencement of the required fire safety upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required fire safety upgrading works must be completed and certified by the installers including issuing of a Final Fire Safety Certificate prior to the issue of an Occupation Certificate.

19. BASIX

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

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

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

20. 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.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

21. 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.

22. 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.

23. 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.

24. 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.

25. TOILET FACILITIES

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

26. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

27. 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.

28. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

29. 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.

30. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

31. CONSTRUCTION HOURS

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

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

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

32. BUILDING CODE OF AUSTRALIA

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

33. ENCROACH BEYOND THE BOUNDARIES

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

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. 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.

36. 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.

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

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

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

The specified **MANDATORY** inspections are:

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

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

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.

38. WATER PROOFING

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

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

39. TREE PRESERVATION

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

40. 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.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

41. 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.

42. 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.

43. SMOKE ALARM SYSTEM

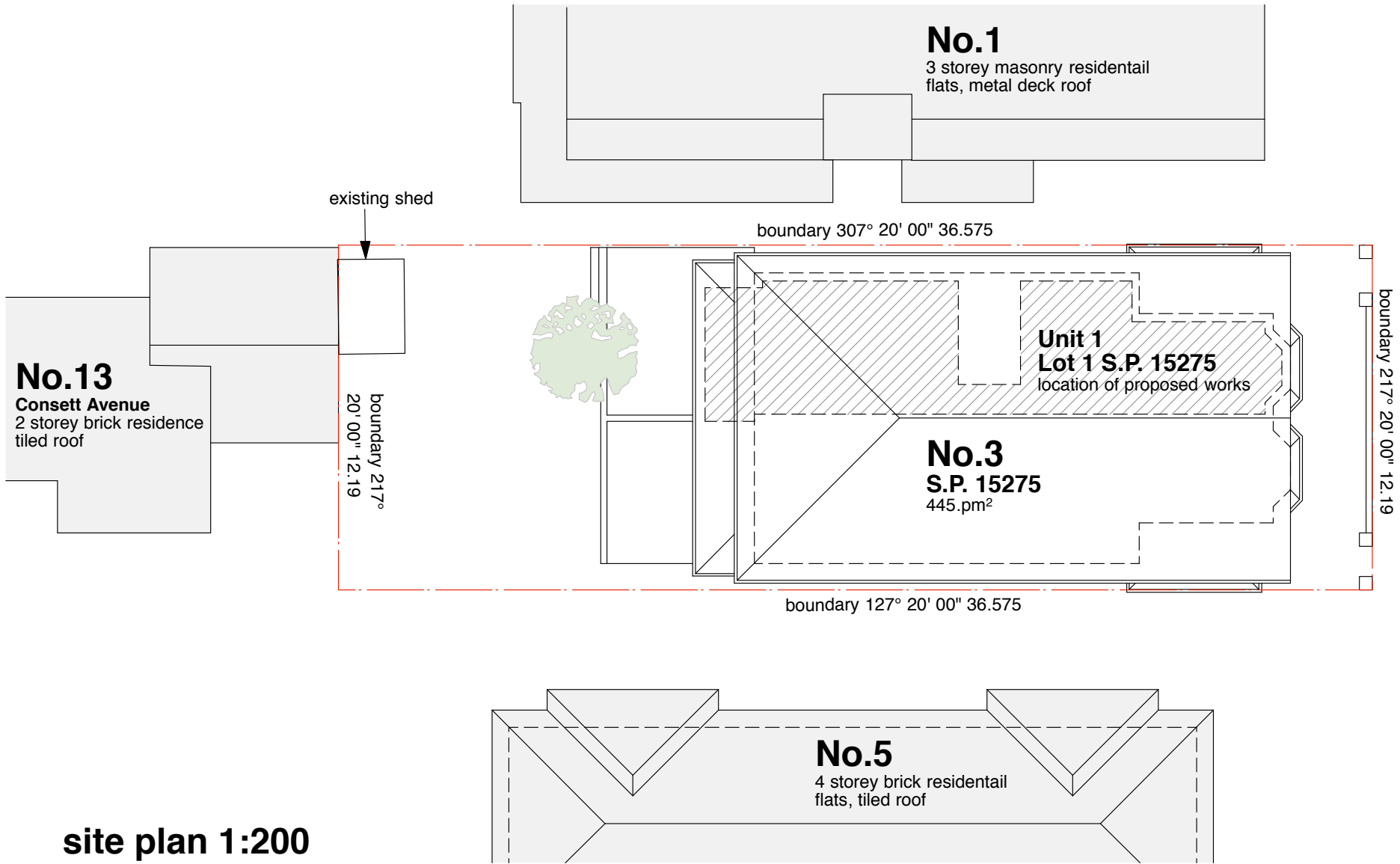
A smoke alarm system is to be installed within the building in accordance with the requirements of the Building Code of Australia.

AMENDED

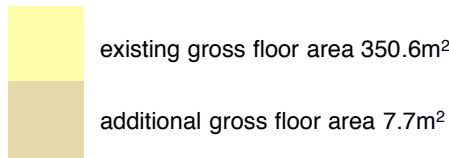
RECEIVED
Waverley Council

Application No: DA-282/2018

Date Received: 15/11/2018

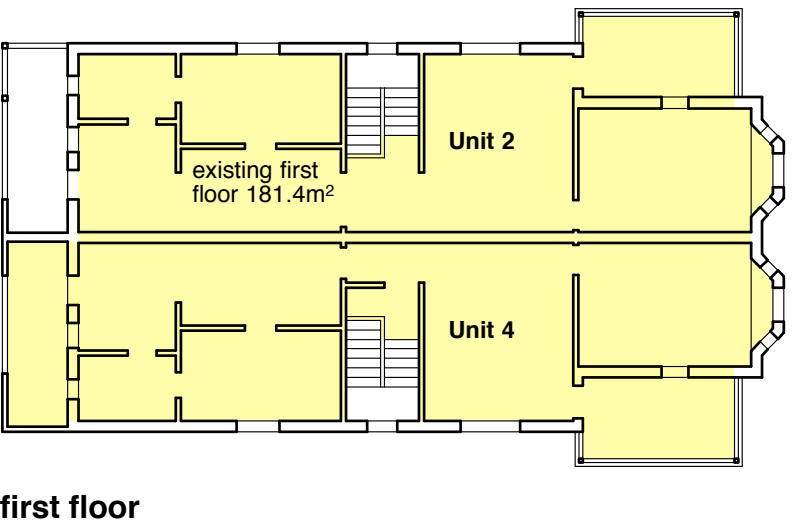
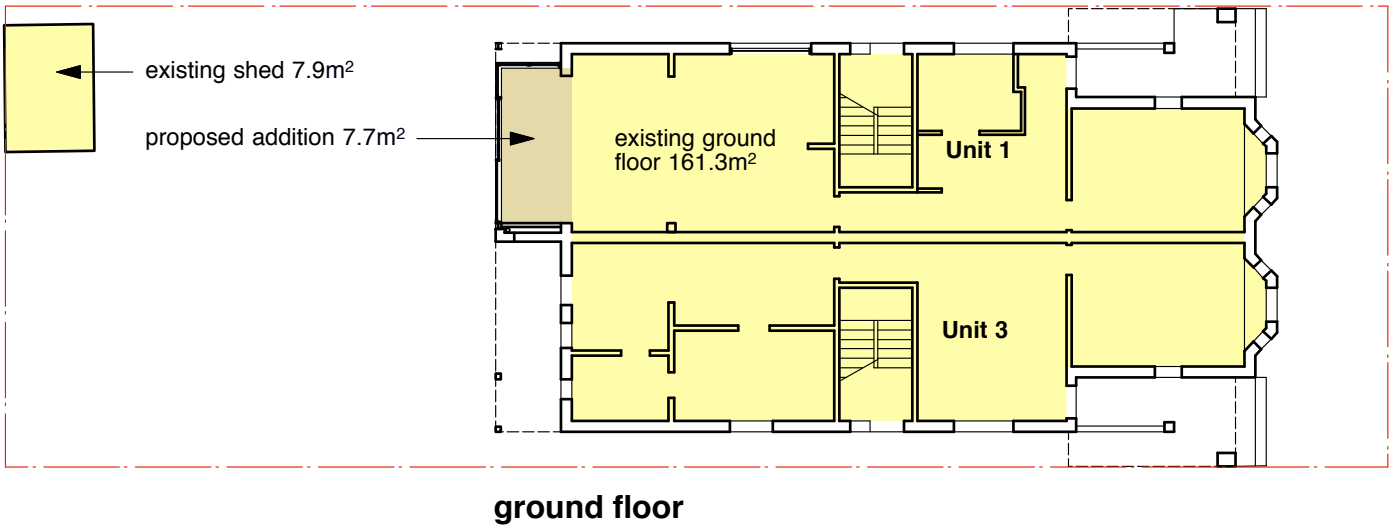


key



site calculations

site area	445.9m ²
existing gross floor area	350.6m ²
additional gross floor area	+7.7m ²
proposed gross floor area	358.3m ²
existing development FSR	0.79 : 1
proposed development FSR	0.80 : 1



site floor area calculations 1:200



Michael Hilliard Architects

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ACN: 088 372 365

REGISTERED ARCHITECTS NSW No.6507

19 LOMBARD STREET GLEBE NSW 2037
Tel (02) 9566 1950

Project

Alterations & additions to Unit 1,
3 Jaques Avenue, Bondi Beach NSW

Drawing

site plan
site floor area calculations

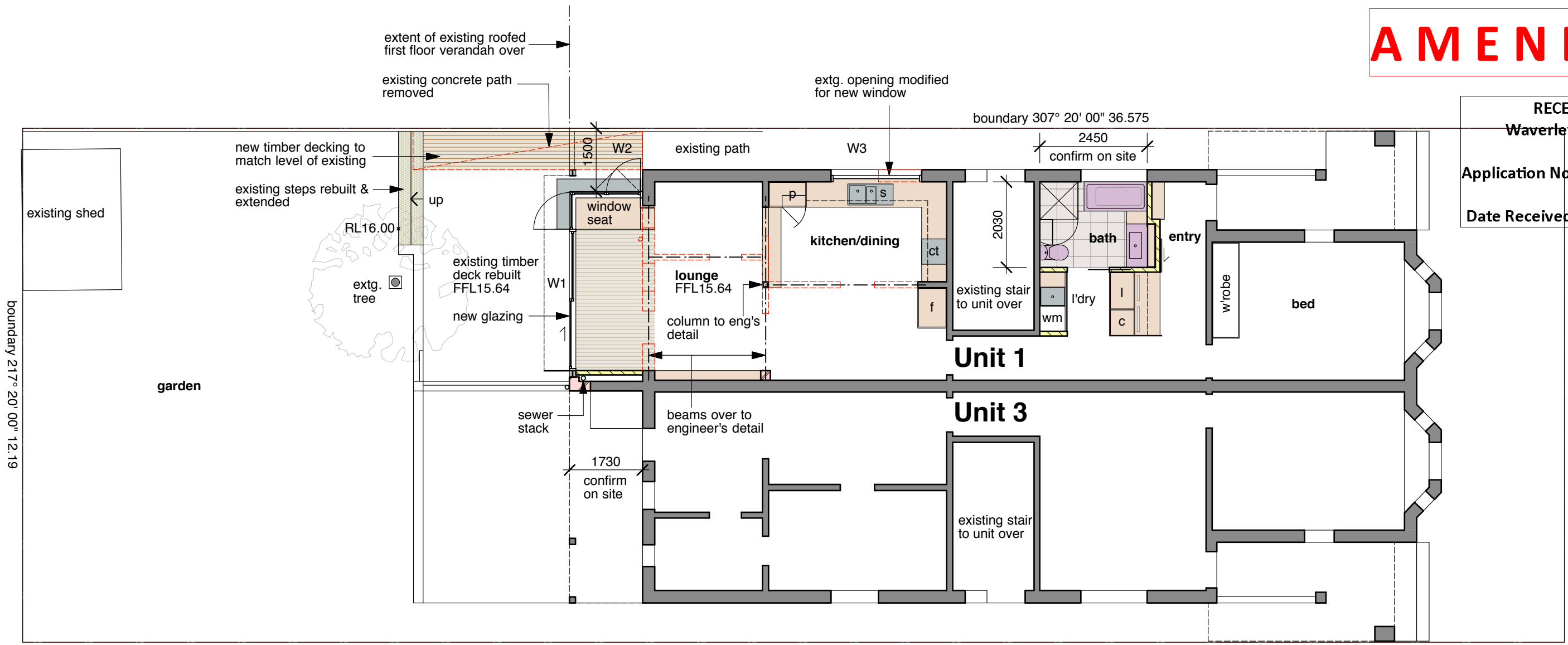
Date: 16 November 2018

Scale: 1:200 @ A3

DWG. No. 1507 - 02030

AMENDED

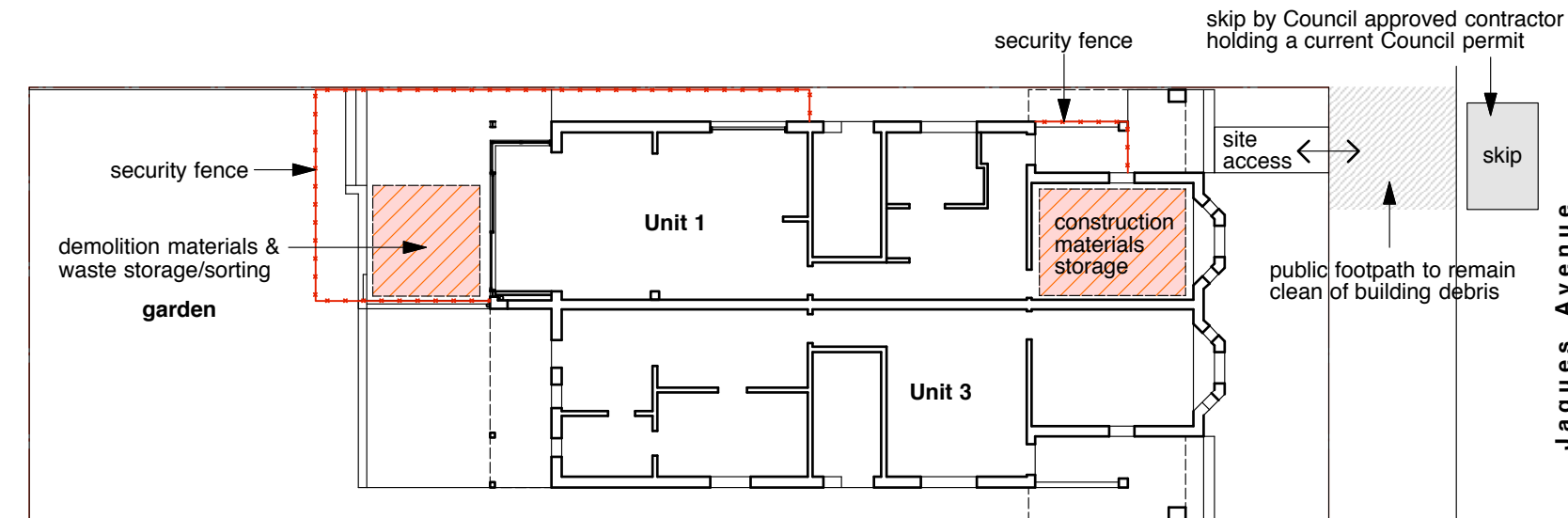
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Application No: DA-282/2018
Date Received: 19/11/2018



floor plan 1:100

BASIX Notes

- new framed floor to be insulated to provide R-value R0.60 (down) (or R1.30 including construction)
- new external brick veneer wall to have R-value R1.16 (or R1.70 including construction)
- new ceiling and pitched roof to have 75mm foil backed blanket insulation to provide R-value R1.45 (up)
- new roof sheeting to be dark in colour (solar absorptance < 0.70)
- new windows to be aluminium framed with single pyrolytic low-E to achieve U-value: 3.99, SHGC: 0.4



site management plan 1:200

Key

	existing structure to be demolished		new tiled floor off compressed FC & timber joists
	existing structure to be retained		new carpentry & joinery
	new masonry walls		new concrete (plan)
	new timber framed walls		new steel & metalwork
	new fittings		new hardwood timber decking off timber joists
	new timber floor off concrete slab		

0 1 5 10cm

N

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Alterations & additions to Unit 1,
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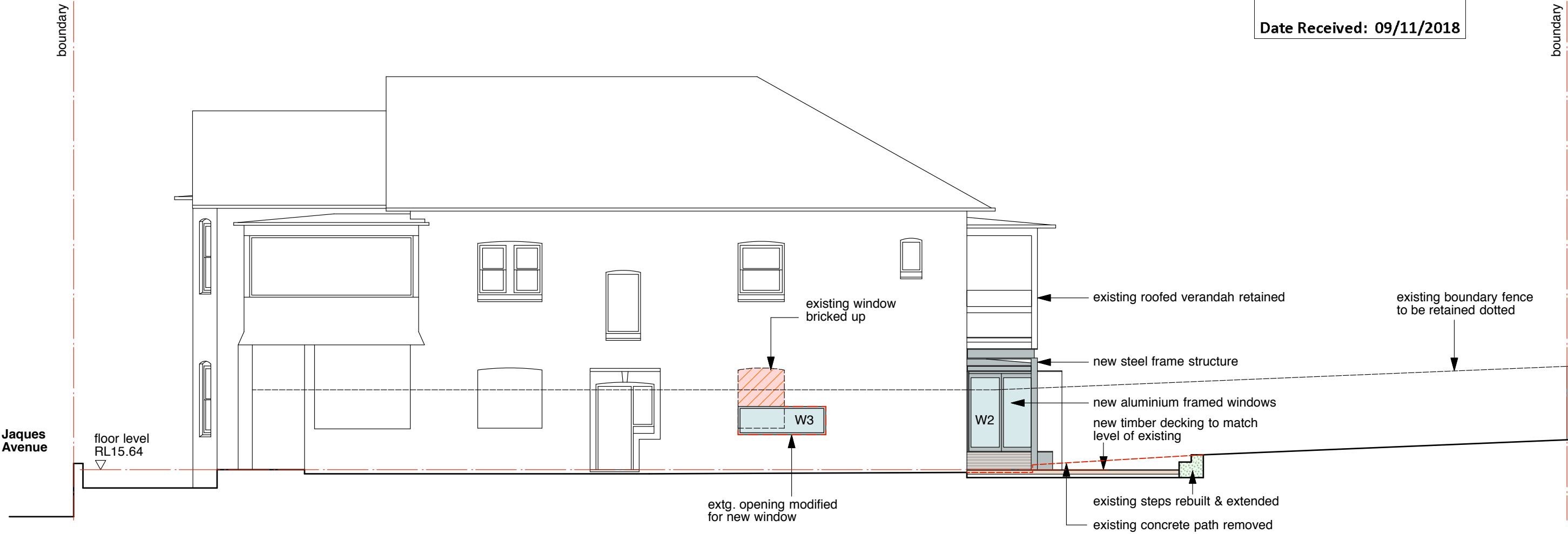
Drawing
floor plan
site management plan

Date: 16 November 2018
Scale: 1:100 @ A3
DWG. No. 1507 - 2018A

RECEIVED
Waverley Council

Application No: DA-282/2018

Date Received: 09/11/2018



Key

- existing structure to be demolished
- new reinforced concrete (section)
- new carpentry & joinery
- new concrete (elevation)
- new face brickwork
- new steel & metalwork
- new glazing



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Project
Alterations & additions to Unit 1,
3 Jaques Avenue, Bondi Beach NSW

Drawing
northeast elevation

Date: 7 August 2018
Scale: 1:100 @ A3
DWG. No. **1507 - DA282**



southeast elevation
Jaques Avenue



northwest elevation

RECEIVED
Waverley Council

Application No: DA-282/2018

Date Received: 09/11/2018

Key

-  new reinforced concrete (section)
-  new carpentry & joinery
-  new concrete (elevation)
-  new face brickwork
-  new steel & metalwork
-  new glazing



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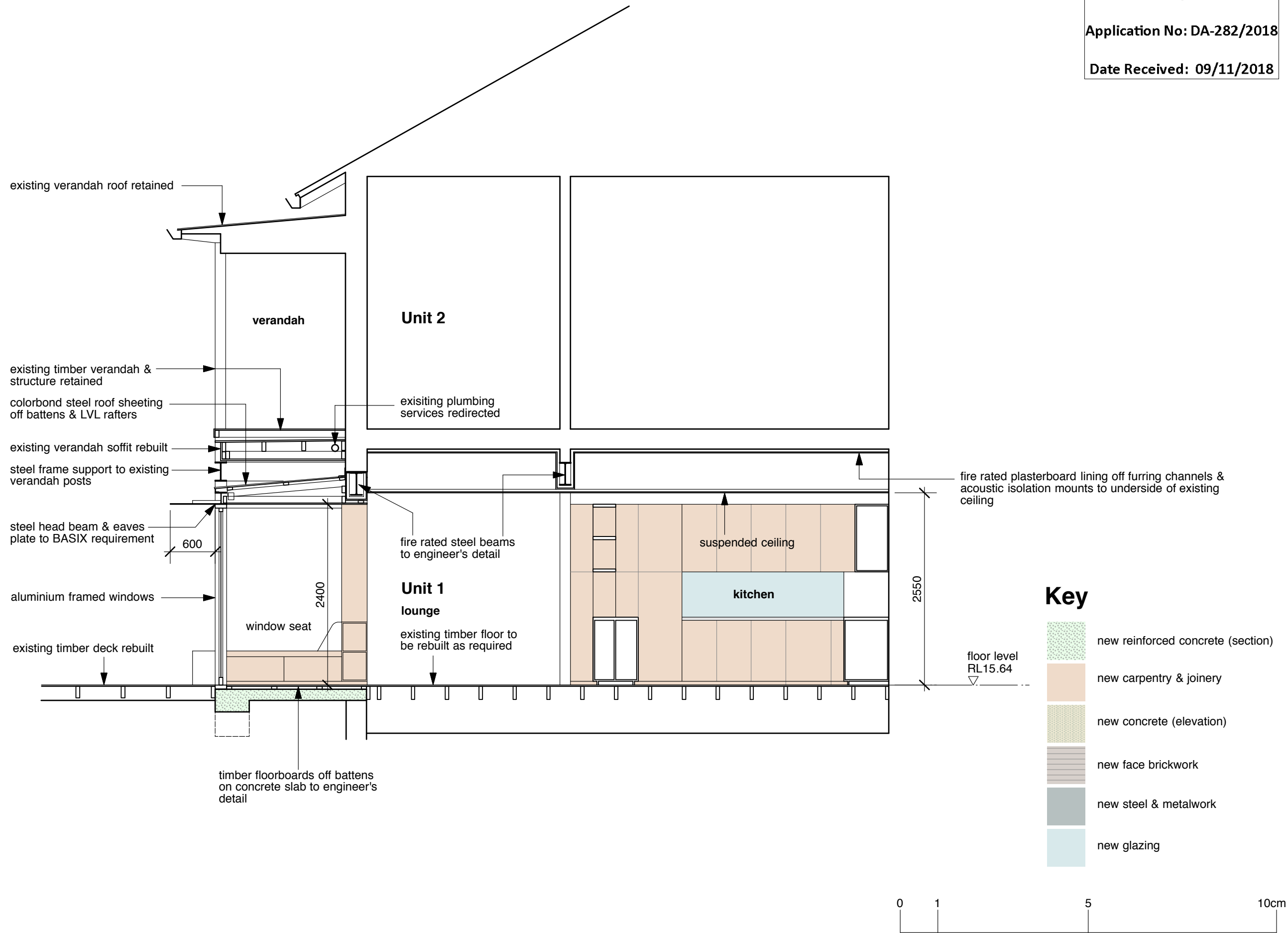
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Project
Alterations & additions to Unit 1,
3 Jaques Avenue, Bondi Beach NSW

Drawing
northwest & southeast
elevations

Date: 7 August 2018
Scale: 1:100 @ A3
DWG. No. **1507 - D033**



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Tel (02) 9566 1950

Project

Alterations & additions to Unit 1,
3 Jaques Avenue, Bondi Beach NSW

Drawing

part section through
rear

Date: 7 August 2018

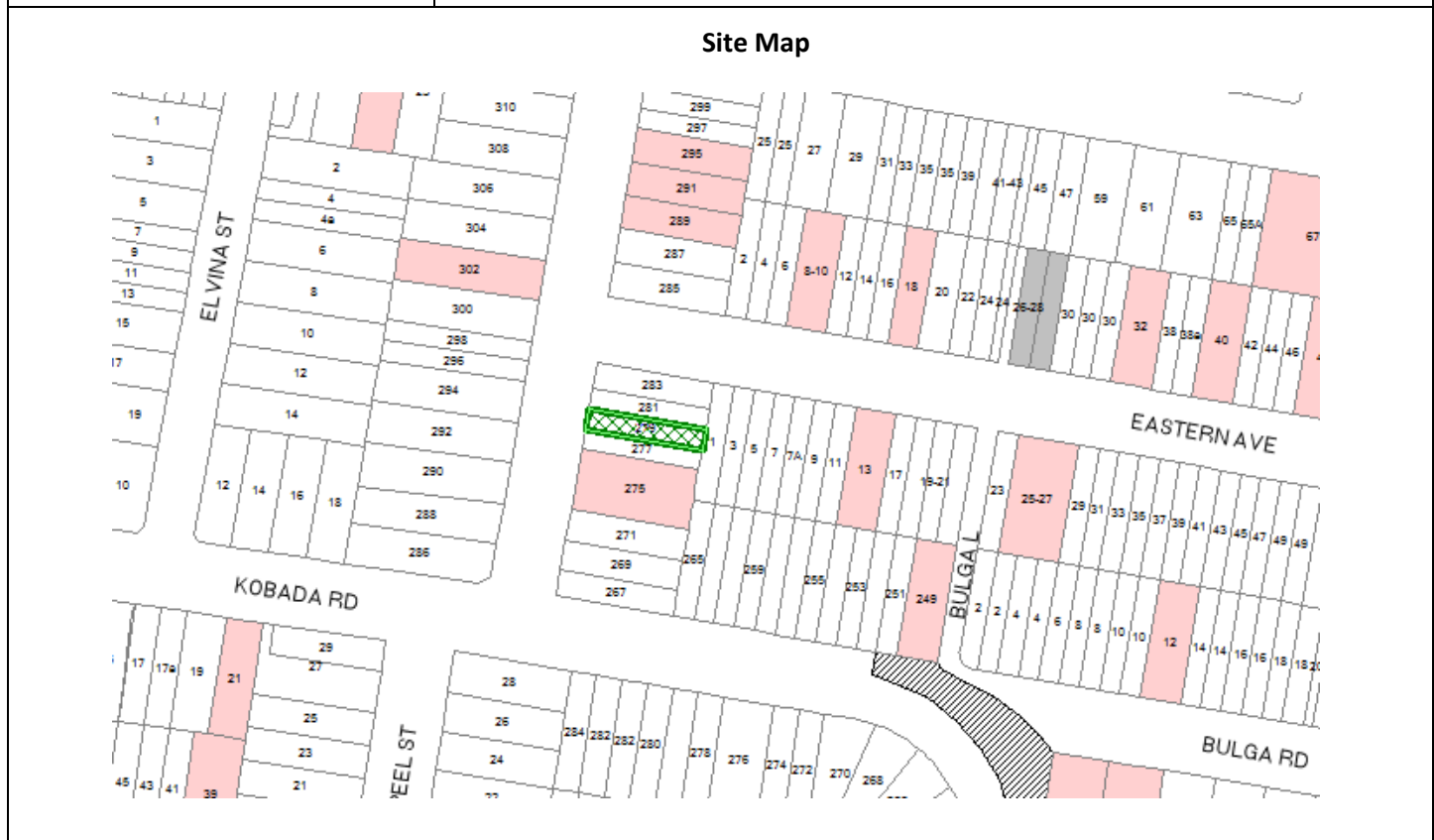
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DWG. No. 1507 - 0234



Report to the Waverley Local Planning Panel

Application number	DA-92/2018
Site address	279 Military Road, DOVER HEIGHTS NSW 2030
Proposal	Alterations and additional storey to include bedroom, bathroom and new balcony to existing semi detached dwelling
Date of lodgement	29-Mar-2018
Owner	Mr R Tripolone Mrs E A Tripolone
Applicant	Mr R Tripolone
Submissions	Two (2)
Cost of works	\$120,000
Issues	Building height and view loss
Recommendation	That the application be APPROVED subject to conditions



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 20 September 2018.

The site is identified as Lot 77 in DP 837, known as 279 Military Road, Dover Heights. The site is rectangular in shape with a northern boundary measuring 35.05m, eastern boundary measuring 6.095m, southern boundary measuring 35.05m and western boundary measuring 6.095m. The site has an area of 213.7m² and the site falls from the west towards the east by approximately 6.095m.

The site is occupied by a part one, part two storey semi-detached dwelling with vehicular access provided from Military Road and a hardstand located at the front of the site.

The subject site is adjoined by a semi-detached dwelling to the south and two-storey dwelling to the north. The locality is characterised by a variety of residential developments including semi-detached dwellings, two to three storey dwellings and residential flat buildings. The site is not identified as a heritage item or located within a heritage conservation area.



Figure 1: Site frontage



Figure 2: Rear of subject site



Figure 1: Subject site and adjoining properties

1.2 Relevant History

A search of Council's building and development records revealed the following applications associated with the site:

DA-215/2016, New hardstand carspace and front fence approved 19 July 2016.

DA-215/2016/A, Modification to driveway levels and location of crossover approved 6 February 2017.

1.3 Proposal

The application seeks consent for alterations and additions to an existing part one, part two-storey semi-detached dwelling including a first floor addition.

Further details include:

Basement level

No changes proposed

Ground floor level

New access stairs to first floor

New large balcony at the rear

First floor level

New bedroom, study, bathroom and rear balcony

Note 1: An error was identified in the architectural plans at the rear balcony of the adjoining semidetached dwelling 277 Military Road. The rear balcony does not extend to the southern external wall of the building as it is set in by approximately 1m. This does not affect the assessment of the subject property therefore amended plans are not required.

Note 2: A request for additional information was made to the applicant on 24 August 2018 for a written request (clause 4.6 exception) and view loss analysis to be made to Council for the consideration of the application to vary the height development standard under Waverley Local Environmental Plan 2012. The applicant advised that the original drawings misrepresented the true height of the building and provided additional sections and documentation to support the application on 9 November 2011.

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 (c) to provide for a range of residential densities and range of housing types to meet the changing housing needs of the community	Yes	The proposal meets the relevant aims of Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table R2 Zone	Yes	The proposal is defined as alterations and additions to dwelling, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	No	The proposal has a maximum building height of 9.3m which results in a variation of 0.8 or 10%.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.87:1 • Total site 213.7m ²	Yes	The proposed alterations and additions result in a floor space ratio of 0.77:1 or 165.10m ² which is compliant with the 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 height of buildings development standard. A detailed discussion of the variation to the development standard/s is presented below this table.

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

Exceptions to Development Standards

Clause 4.3 Height of buildings

The proposal has a maximum building height of 9.348m, which exceeds the height of buildings development standard of 8.5m prescribed under clause 4.3 of Waverley LEP 2012 by 848mm or 10%. The area of non-compliance is contained within the rear section of the dwelling.

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 overall building largely complies with the 8.5m building height maximum and is considered reasonable due to the steep slope towards the rear of the site. No additional

amenity impacts are generated by the variation in relation to privacy, shadowing and views. It is noted the proposal is between 2.4m and 3.5m under the maximum height when viewed from Military Road.

- The proposed partial 2/3 storey dwelling is considered compatible with the existing character of the area. The proposal is not uncharacteristic of the area, particularly due to the site topography. The proposed height variation does not impact upon the predominant bulk, scale, streetscape or character of the surrounding area. In particular, the proposal comprises a building height and bulk consistent with existing built form.
- The proposal retains the low density scale allowed in the area. The provision of alterations to the existing two storey dwelling is consistent with the permissible uses in the R2 zone. The proposed height variation does not conflict with the low density residential environment and is compatible with the existing and desired character of the surrounding area.
- The proposed variations ensure the site can achieve a high quality outcome without compromising the desired future character or the amenity of the surrounding area.
- The proposal and associated variation to the height is in the public interest. The proposal provides amenity and the provision of suitable housing to meet the demands of the future residents. The variation is accommodated without any significant impacts to the streetscape, adjoining amenity or public domain.

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

The site has a steep slope from the front to the rear by approximately 6m. Due to the steep sloping nature of the site the proposal results in a partial non-compliance with the height of buildings standard at the first floor level to the rear of the site. The proposal presents to the street as a two-storey dwelling with a similar height to the adjoining property to the north.

In addition to the Clause 4.6, the applicant provided a view impact analysis which identifies that the development will obstruct views of the water that is enjoyed by Unit 3, 275 Military Road. A full analysis of the view impact has been provided in under table 3 of this report. The view is considered to be a partial water view obscured by adjoining buildings. The view is also retained through the side boundary of the subject property. While the analysis identifies that the rear roof is the contributing factor in obstructing the partial water view, the expectation to retain an obscured view through a side boundary with no interface to land is unreasonable. In addition, the assessment also concludes that a height compliant dwelling would still result in obstruction of the view.

The applicant has adequately justified that the non-compliance with the height of buildings development standard is acceptable as it does not result in unreasonable impacts to the amenity of adjoining properties and is compatible with the height, bulk and scale of the existing character of the locality. Strict compliance with the development standard is therefore unreasonable and unnecessary and there are sufficient environmental planning grounds to justify contravening the development standard. Therefore the variation is supported.

2.1.4 Waverley Development Control Plan 2012

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste and Recycling Management Plan has been submitted with the application which satisfies this section of the DCP.
2. Energy and water conservation	Yes	A BASIX Certificate has been submitted with the application, which satisfies this section of the DCP.
6. Stormwater	Yes	Council's Stormwater Engineer is not satisfied that the stormwater plans are consistent with the

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		
1.1.2 External wall height <ul style="list-style-type: none"> Maximum external wall height of 7m 	No (acceptable on merit)	The proposal results in an external wall height of 8m to the rear section of the dwelling. While this results in a non-compliance the proposal complies with the floor space standard, provides adequate setbacks to the northern adjoining property and does not result in unreasonable overshadowing impacts therefore the non-compliance is considered acceptable.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes No	No changes to the front building line are proposed. The rear building line extends further than the predominant rear building line. The non-compliance is due to the proposed balcony to the rear of the ground floor level. While there are examples of larger rear balconies to adjoining properties the subject balcony protrudes past both adjoining dwellings to the north and south. It is recommended a condition be imposed in the consent to reduce the proposed balcony by 0.5m
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m 	Yes	The proposal is set back from the northern side boundary by 0.9m at basement, ground and first floor levels. The proposal adjoins its

Development Control	Compliance	Comment
		semidetached pair on the southern side providing a nil setback.
1.4 Streetscape and visual impact		
<ul style="list-style-type: none"> New development is to be visually compatible with its streetscape context Development must not dominate streetscape 	Yes	<p>The proposal will present as a two-storey semi-detached dwelling from Military Road. The proposal is consistent with the bulk and scale of buildings in the locality. The new roof tiles, render to external walls and paint are proposed to match the existing dwelling.</p> <p>The proposal will not dominate the streetscape as the bulk of the first floor will be located to the rear of the dwelling.</p>
1.6 Semi-detached dwellings and terrace style development		
1.6.1 Built form	Yes	The existing original style, form and detail of the front façade and hipped roof will be retained. The external finishes including roof tiles and external colour will match the existing.
1.6.2 First floor additions to semi-detached dwellings	Yes	The proposal retains the existing front façade, front roof slope and the bulk of the additions are located to the rear.
1.6.3 Material finishes and detail for semi-detached dwellings	Yes	The proposed roof design, tiles and other external finishes will match the existing.
1.6.4 Interface with adjoining semi-detached dwellings	Yes	The proposed first floor addition will be set behind the principle ridgeline and the external materials and finishes will match the existing semidetached pair.
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. Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	Yes	<p>The proposed first floor addition comprises of a bedroom, study and ensuite which are not considered to be high usage rooms to compromise the privacy of surrounding properties.</p> <p>The proposed rear balcony to first floor and ground floor comprise of privacy screening to the southern elevation only, therefore to minimise overlooking impacts to the adjoining property to the northern side a condition will be imposed for the applicant to provide screening on both side elevations. Both balconies are 10m² or less.</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 	Yes	The proposed first floor comprises of northern and eastern facing window openings that will capture direct sunlight. The first floor open space of the dwelling is expected to receive the

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	Yes	<p>minimum amount and duration of sunlight during the winter solstice.</p> <p>The proposed first floor addition will result in minor additional shadowing to the semidetached dwelling to the south No 277 Military Rd. Shadow diagrams supporting the application indicate shadows will be cast onto the roof and ground floor deck however majority of the overshadowing for the duration of the day is a result of the existing built environment. The living areas of 277 Military Road are not expected to be impacted by the proposal.</p>
1.10 Views		
<p>3. 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> <p>4. Where views are enjoyed by a neighbouring property across a proposed terrace, 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>	Yes	See discussion below table.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	Yes	<ul style="list-style-type: none"> As existing As existing The property provides over 40m² of private open space. As existing As existing

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

Views

The application received one (1) submission from Unit 3, 275 Military Road in relation to view loss as a result of the proposed development. Unit 3 is located on level 1 of the residential flat building which comprises of a balcony, living room and kitchen facing north.

An assessment of the view loss caused by the proposed development has been undertaken in accordance with the four steps applied in the NSW Land and Environment Court planning principle on view sharing arising from the case of *Tenancy Consulting vs. Warringah [2004] LEC 140*. The applicant provided a view loss analysis which will be included in the assessment below.

1. *Identify the views to be affected.*

Kitchen



Image 1: Existing view from kitchen (standing)
(Photo taken by Council's Assessment Officer)



Image 2: Proposed view from kitchen (standing)
(Extracted from view analysis provided by applicant)

Summary:

The view includes a partial water view obscured by adjoining buildings.

Balcony



Image 3: Existing view from balcony (standing)
(Photo taken by Council's Assessment Officer)



Image 4: Proposed view from balcony (standing)
(Extracted from view analysis provided by applicant)

Summary:

The view includes a partial water view obscured by adjoining buildings.

Living Room



Image 5: Existing view from living room
(Photo taken by Council's Assessment Officer)



Image 6: Proposed view from living room
(Extracted from view analysis provided by applicant)

Summary:

The view includes a partial water view obscured by adjoining buildings.

2. *Consider from what part of the property the views are obtained.*

As demonstrated in the images above, views are available at a standing position on the balcony and through window openings of living areas of the affected property. The views are obtained through a side boundary over the rear of the subject site.

The view sharing planning principle states: "...the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries". Therefore, the views from Unit 3, 279 Military Road are more difficult to protect than if it were obtained through the front or rear boundary.

3. *Assess the extent of the impact.*

The view sharing planning principle states "it is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating". The view is retained through a side boundary that is obscured by adjoining properties therefore in this instance it is reasonable to consider the view loss impact as negligible to minor.

4. *Assess the reasonableness of the proposal that is causing the impact.*

The proposed development seeks a variation to the height of buildings which has been discussed and considered earlier in this report and is supported on planning merit.

The proposal does not result in unreasonable impacts to the amenity of adjoining properties and the view loss impact is considered negligible to minor, therefore the proposal is considered acceptable.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

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

Two (2) 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
Unit 3, 279 Military Road
281 Military Road

Issue: View loss

Response: It is acknowledged that there will be some view loss of the water however the view is retained through a side boundary and is obscured by adjoining properties. Consideration was given to the NSW Land and Environment Court planning principle on view sharing which has been discussed previously in this report. The impact on the partial water view is not sufficient grounds to warrant a refusal.

Issue: Privacy

Response: The submission raised concern in regard to overlooking impacts from the proposed balconies at the rear of ground floor and first floor. A condition will be imposed in the consent requesting that the balconies contain privacy screening on both side elevations, therefore this matter is considered resolved. The submission also raised concern regarding the proposed window on the northern wall near the rear of the building on the first floor level and overlooking impacts into a bedroom of the adjoining property. The windows do not directly align face-to-face however the objector's window is to the rear of the first floor so it is possible that the proposed northern window of the subject property may result in some overlooking impacts. A condition will be imposed in the consent requesting that window contain privacy screening or translucent glazing.

2.5 Public Interest

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

3. REFERRALS

3.1 Stormwater – Creating Waverley

An internal referral was sought from Council's Stormwater Engineer who provided the following comments:

The Plans prepared by TRIPOLONE PROJECTS, Drawing No. Da1001 to DA1016 (Rev 01), Dated 26 March 2018 have been checked and considered **not satisfactory** with respect to stormwater details.

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

- A Stormwater Management Plan including On-site Stormwater Detention (OSD) and its details along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required.

A condition address the above stormwater issue will be included in the consent.

4. SUMMARY

The application seeks approval for a first floor addition to an existing dwelling to form a part two, part three storey dwelling.

The application seeks to vary the height development standard which is considered acceptable due to the sloping nature of the site and minimal impact to the amenity of adjoining properties. The proposal will present as a two-storey dwelling from the front which is compatible with the bulk and scale of surrounding development.

Two (2) submissions were received in regards to view loss and privacy impacts which were discussed and addressed throughout the report. The view loss impact is not sufficient grounds to warrant a refusal and the balconies to the rear of ground and first floors will comprise of privacy screening on both side elevations to minimise overlooking impacts.

Accordingly, the application has been assessed against the Waverley LEP, DCP and the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979. The recommendation is to approve the application.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:

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

Bianca Fyvie
Development Assessment Planner

Arif Faruqi
Manager, Development Assessment (North)

Date: 26 November 2018

Date: 27 November 2018

Reason for referral:

- 1
- 2
- 3 Departure from any development standard in an EPI by more than 10%
- 4

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

The following Architectural Plan Nos:

- i. 1001 to 1010 Revision 01 prepared by Tripolone Projects dated 26 March 2018 and received by Council on 28 March 2018
- ii. 1019 to 1021 Revision 01 prepared by Tripolone Projects dated 4 November 2018 and received by Council on 9 November 2012.

(a) BASIX Certificate

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

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The ground floor rear balcony is to be reduced to a maximum width of 2m to provide an acceptable transition between rear building lines of surrounding development.
- (b) Privacy screens are to be provided on both side elevations of the rear balconies on ground and first floors 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 1.8m high when measured from the finished floor level of the balcony.
- (c) A privacy screen is to be provided on window 4 (W4) on the northern elevation of the first floor demonstrated in drawing DA1004 dated 26 March 2018. The privacy screen can be provided as external screening louvres set at an angle of 45 degrees directed to the east or translucent glazing to a minimum height of 1.8m from the finished floor level of the bedroom.

3. STORMWATER MANAGEMENT

The Plans prepared by TRIPOLONE PROJECTS, Drawing No. Da1001 to DA1016 (Rev 01), Dated 26 March 2018 have been checked and considered **not satisfactory** with respect to stormwater details.

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

- A Stormwater Management Plan including On-site Stormwater Detention (OSD) and its details along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required.

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

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. 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.

5. SECURITY DEPOSIT

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

This deposit (cash or cheque) or guarantee must be established prior to the issue of the Construction Certificate. The full amount of the difference after recovery of Council's cost for any repair of damage

to Council property or rectification of unauthorised works on Council property will be refunded after satisfactory completion of the building work to the person who paid the deposit.

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

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with Section 81A(2) of the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning & of the 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.

7. HOARDING REQUIRED

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

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

8. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

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

9. EROSION, SEDIMENT AND POLLUTION CONTROL

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

10. STORMWATER MANAGEMENT

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

11. ENGINEERING DETAILS

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

12. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

13. BASIX

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

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

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

14. USE OF RENEWABLE TIMBERS

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

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

22. STOCKPILES

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

23. LOCATION OF BUILDING OPERATIONS

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

24. ALL BUILDING MATERIALS STORED ON SITE

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

25. CONSTRUCTION HOURS

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

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

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

26. BUILDING CODE OF AUSTRALIA

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

27. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS (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

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

28. 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.

29. ENCROACH BEYOND THE BOUNDARIES

No portion of the proposed **first floor addition** including the footings and roof eaves, to encroach beyond the boundaries of the subject property.

30. 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.

31. 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.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

32. 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.

33. 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.

NO. 279 MILITARY ROAD DOVER HEIGHTS

DEVELOPMENT APPLICATION

MARCH 2018

DRAWING LIST

DRAWING NO.	TITLE	SCALE	PAGE SIZE
DA-1001	COVER PAGE	N/A	A3
DA-1002	SITE PLAN / SCHEDULES	1:200	A3
DA-1003	GROUND FLOOR PLAN	1:100	A3
DA-1004	FIRST FLOOR	1:100	A3
DA-1005	WEST ELEVATION	1:100	A3
DA-1006	EAST ELEVATION	1:100	A3
DA-1007	NORTH ELEVATION	1:100	A3
DA-1008	SOUTH ELEVATION	1:100	A3
DA-1009	SECTIONAL ELEVATION	1:100	A3
DA-1010	SECTION	1:100	A3
DA-1011	SITE SHADOW DIAGRAMS PLANS	1:500	A3
DA-1012	SHADOW DIAGRAMS ELEVATIONS	1:200	A3
DA-1013	SHADOW DIAGRAMS ELEVATIONS	1:200	A3
DA-1014	SHADOW DIAGRAMS ELEVATIONS	1:200	A3
DA-1015	GFA AREAS	1:200	A3
DA-1016	SITE WASTE & MANAGEMENT PLAN	1:200	A3

LOCATION PLAN



MATERIAL SCHEDULES

BAL1	LAMINATED TOUGHENED GLASS BALUSTRADE
DR1	POWDERCOATED ALUMINIUM SLIDING DOORS TO REPLACE EXISTING WINDOWS (REFER BASIX SCHEDULE)
DR2	ALUMINIUM POWDERCOATED SLIDING DOORS (REFER BASIX SCHEDULE)
GUT	NEW COLOURBOND GUTTERS TO REPLACE AND RELOCATE EXISTING
GUT1	EXISTING GUTTERS TO BE RELOCATED TO UPPER LEVEL
SC1	VERTICAL SLATTED PRIVACY SCREEN
WR1	POWDERCOATED ALUMINIUM WINDOWS (REFER BASIX SCHEDULE)
STR1	PINE TIMBER CLAD INTERNAL STAIR
TL1	TILED ROOF TO MATCH EXISTING TILES
TD1	HARDWOOD TIMBER DECKING
TD2	PAINTED STRUCTURAL PINE POSTS AND FRAME ELEVATED DECK
TD3	TIMBER PERGOLA TO MEET BASIX REQUIREMENTS
W1	ACRYLIC RENDER AND PAINT FINISH TO EXTERNAL WALLS TO MATCH EXISTING FRONT FACADE
W2	ACRYLIC RENDER AND PAINT FINISH TO NEW EXTERNAL WALLS
EXISTING	
C1	EXISTING CONCRETE
RW1	EXISTING RENDERED WALLS
RW1	EXISTING FACE BRICK WALLS
LEGEND	
+E 60.00	EXISTING LEVELS
+RL 60.00	PROPOSED RELATIVE LEVELS
+FFL 60.00	FINISHED FLOOR LEVEL
—	BOUNDARY LINE (REFER SURVEY)

GENERAL NOTES:

- All dimensions are to be checked and confirmed on site prior to works or construction activities take place
- All levels and positioning of existing elements and buildings are to be confirmed by survey
- All works are to comply in accordance with the B.C.A and the council codes and Australian Standards
- The site conditions are the conditions at the time of the survey and the anticipated conditions at the time of construction
- Setbacks and offsets are subject to final pegout
- All levels are to be used as a guide only and to be confirmed on site by a surveyor
- All building material is to be stored in conjunction with councils codes
- All insulation and energy requirements to comply with BASIX report

BUILDING NOTES:

- Interior lighting systems throughout is to comply with AS 1680 (As required by BCA CL 3.8.4.3 class 1 & 10 buildings and CL F4.1, F4.2, F4.3,
- F4.4 for class 2 to 9 buildings
- All sanitary compartments are to be constructed to comply with BCA Part3 CL 3.8.3.3 for class 1 & 10 buildings and CL F2.5b for class 2 to 9 buildings
- Smoke detectors shall be installed within the building in accordance with AS 3786 (As required by BCA Part 3.7.2)
- All balustrades (if required) heights and design shall be in accordance with AS 1170 Pt 1 (As required by BCA Part 3 Cl 3.9.2.3 for class 1 & 10 buildings and BCA Part D CL D2.16 for class 2 to 9 buildings
- Aluminium framed glazingis to comply with AS 1288, AS 2208-
- All thermal insulation ratings are to be calculated by a thermal consultant in accordance with AS 2627.1-1993 Thermal insulation of dwellings.

PROPOSED ADDITION

LOT 77 DP 837 No. 279 Military Road, DOVER HEIGHTS, NSW,

NOTES:

Do not scale off drawings. Use figuredimensions only.
Report any discrepancies tothe landscape architect.
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REV

01

DESCRIPTION

FOR DEVELOPMENT APPLICATION

DATE

26.03.2018

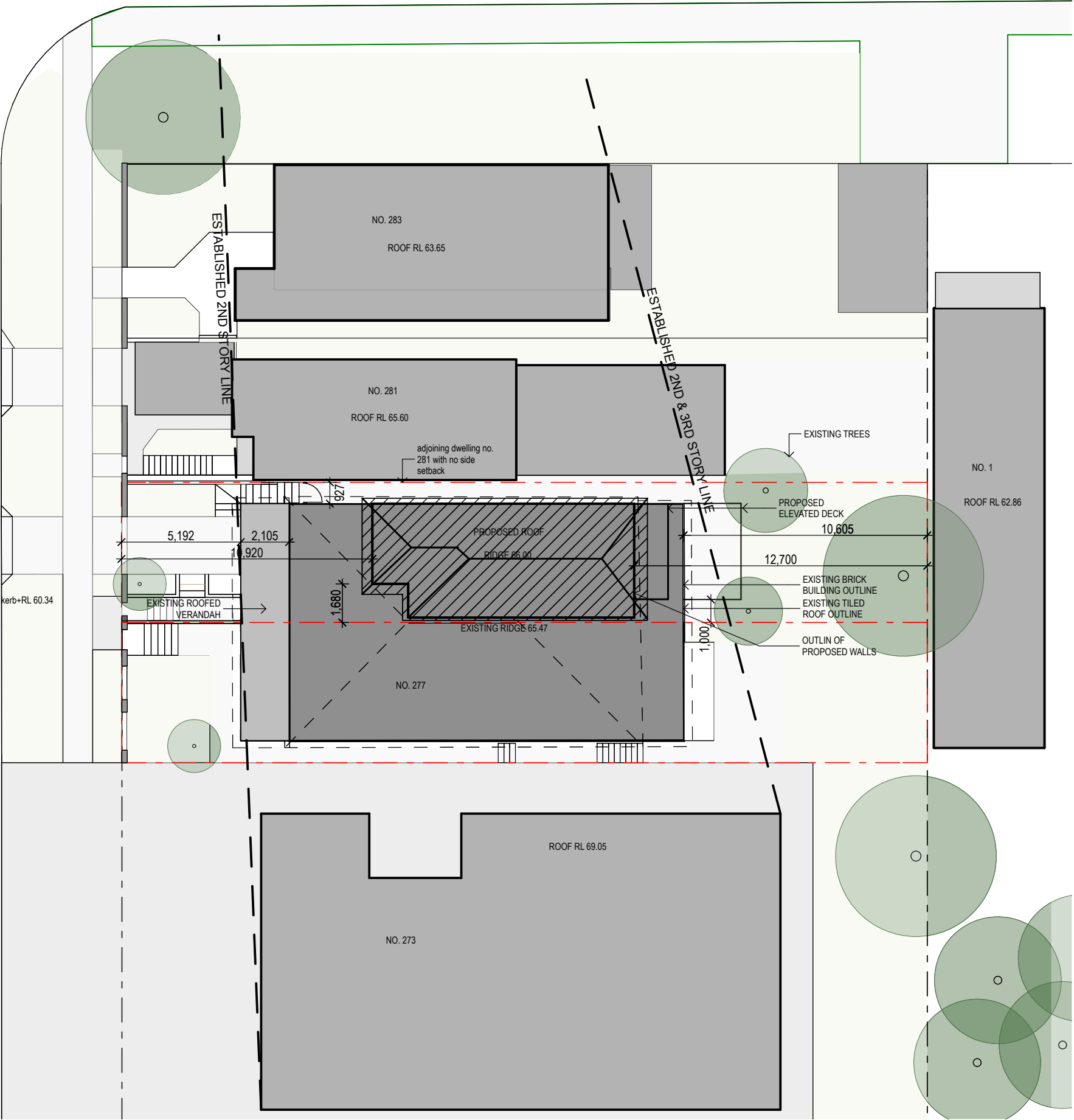
TITLE

COVER PAGE

SHEET SIZE
A3

DRAWING NO.

DA1001



PROPOSED ADDITION

LOT 77 DP 837 No. 279 Military Road, DOVER HEIGHTS, NSW,

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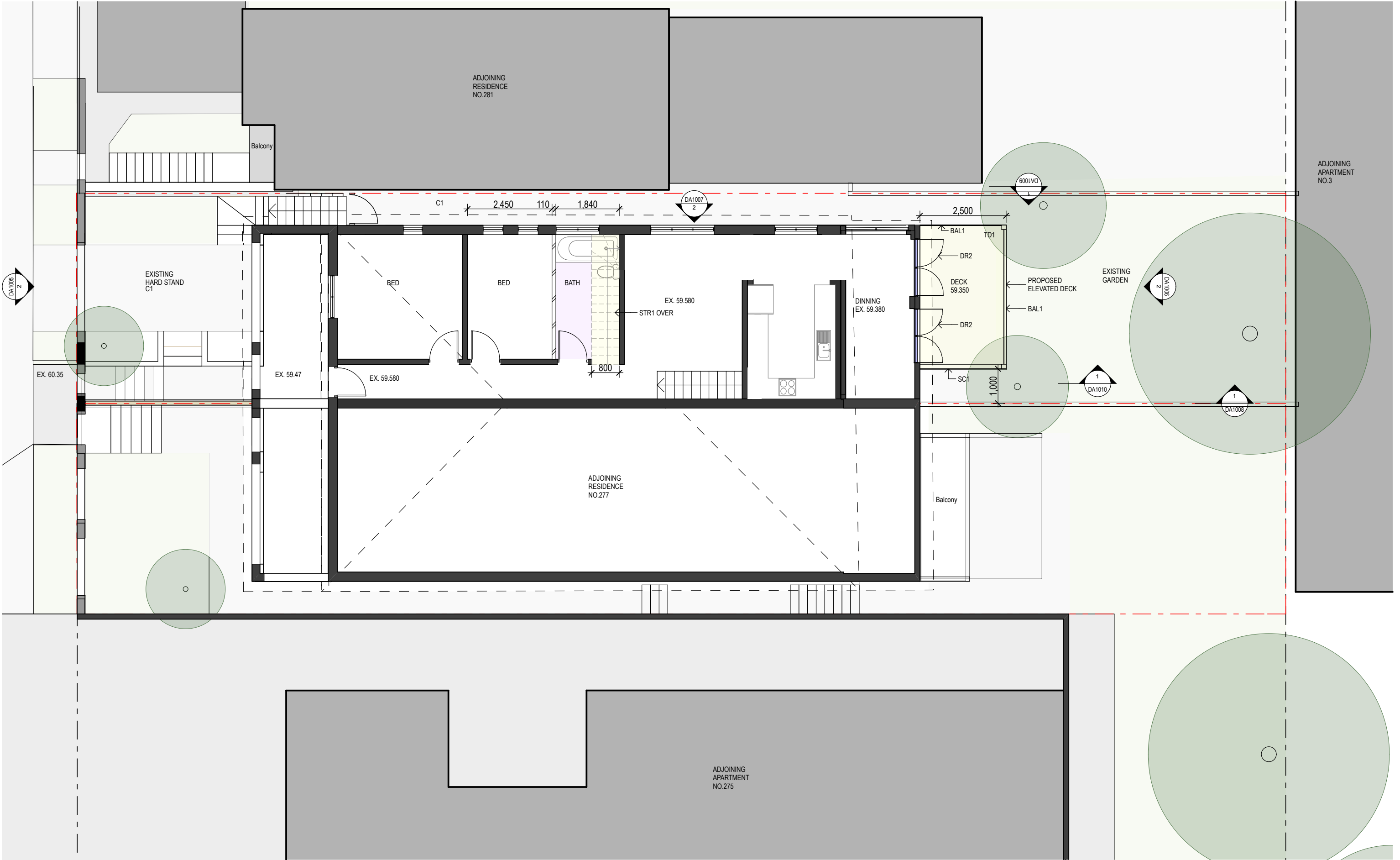
DESCRIPTION
FOR DEVELOPMENT APPLICATION

DATE
26.03.2018

TITLE
SITE PLAN / ROOF PLAN 1:200

SHEET SIZE
A3

DRAWING NO.
DA1002

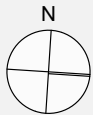


PROPOSED ADDITION

LOT 77 DP 837 No. 279 Military Road, DOVER HEIGHTS, NSW,

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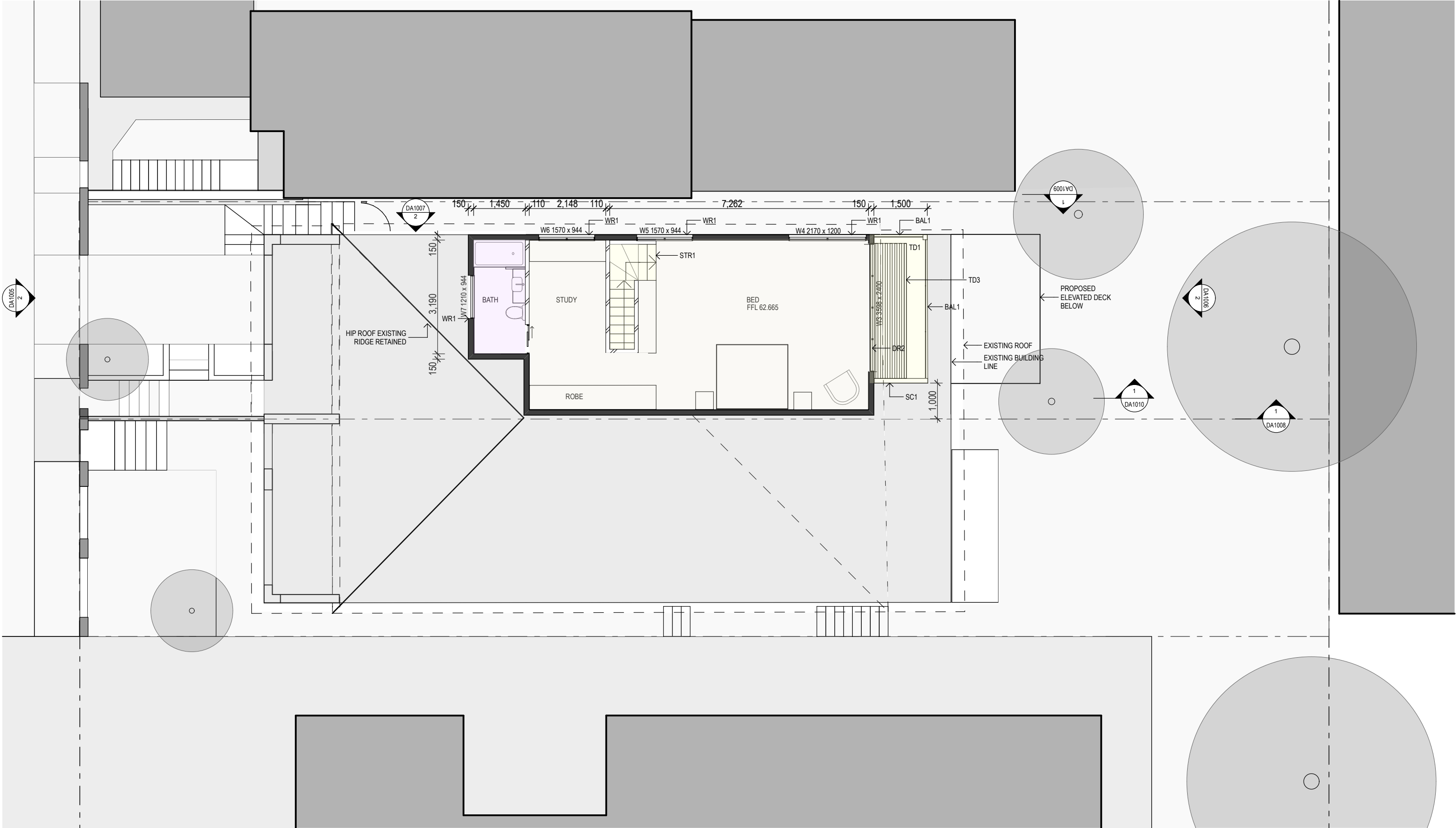
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FOR DEVELOPMENT APPLICATION

DATE
26.03.2018

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SHEET SIZE
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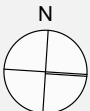


PROPOSED ADDITION

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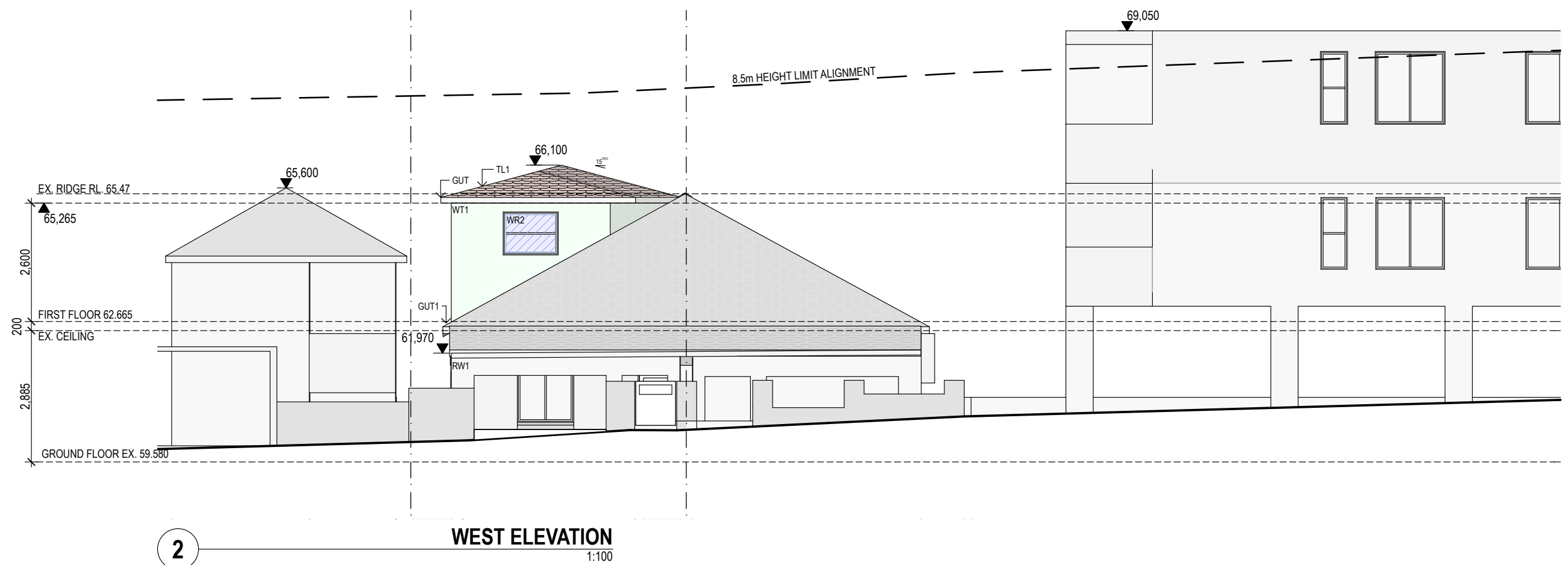
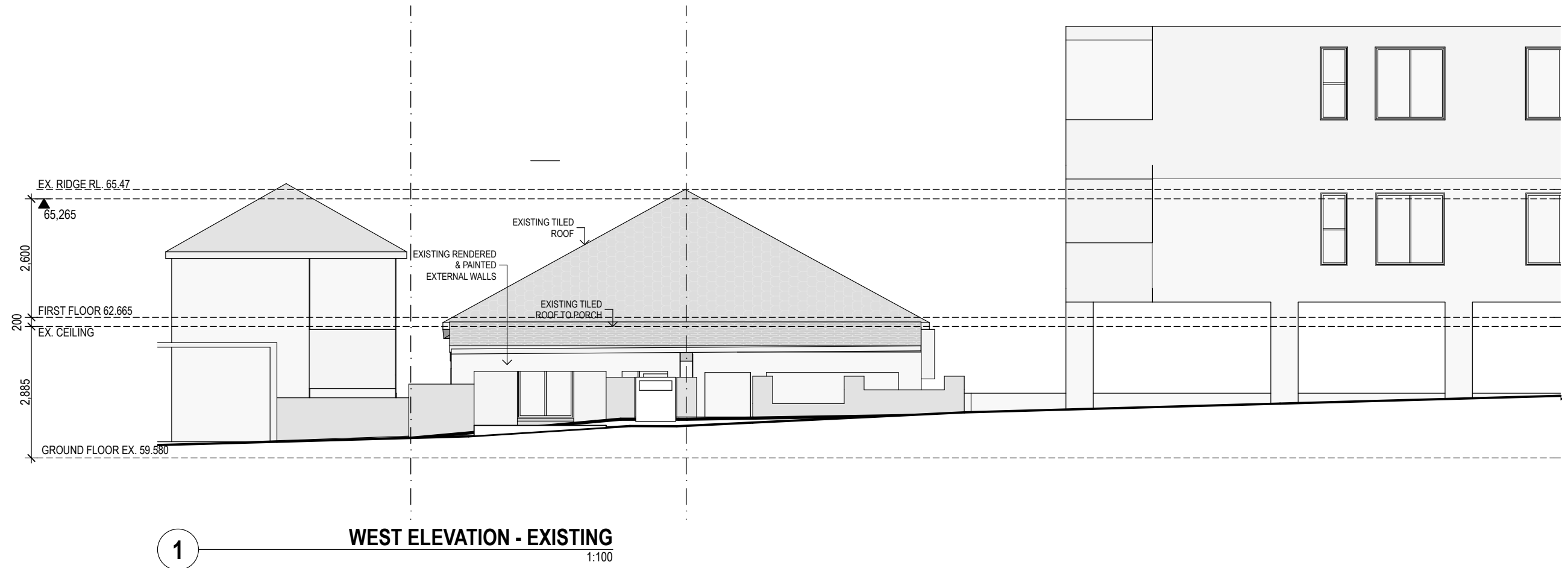
TITLE

FIRST FLOOR 1:100

DRAWING NO.

DA1004

SHEET SIZE
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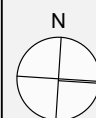


PROPOSED ADDITION

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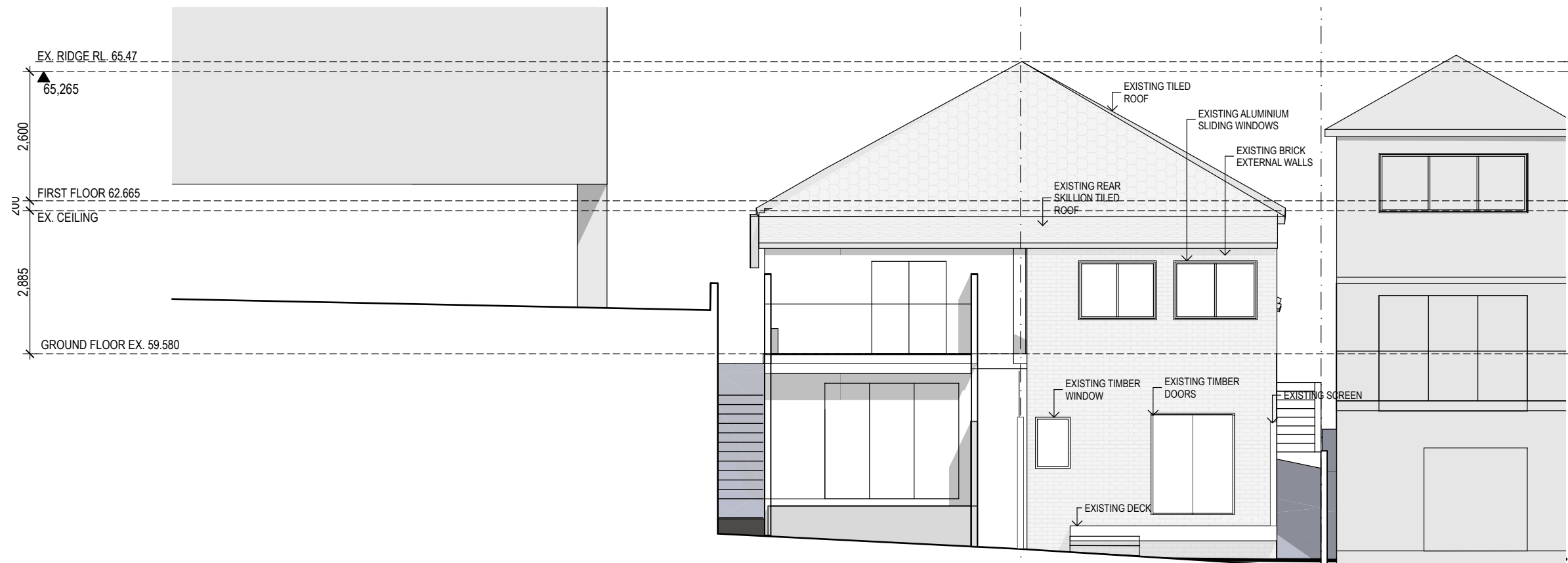
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DATE
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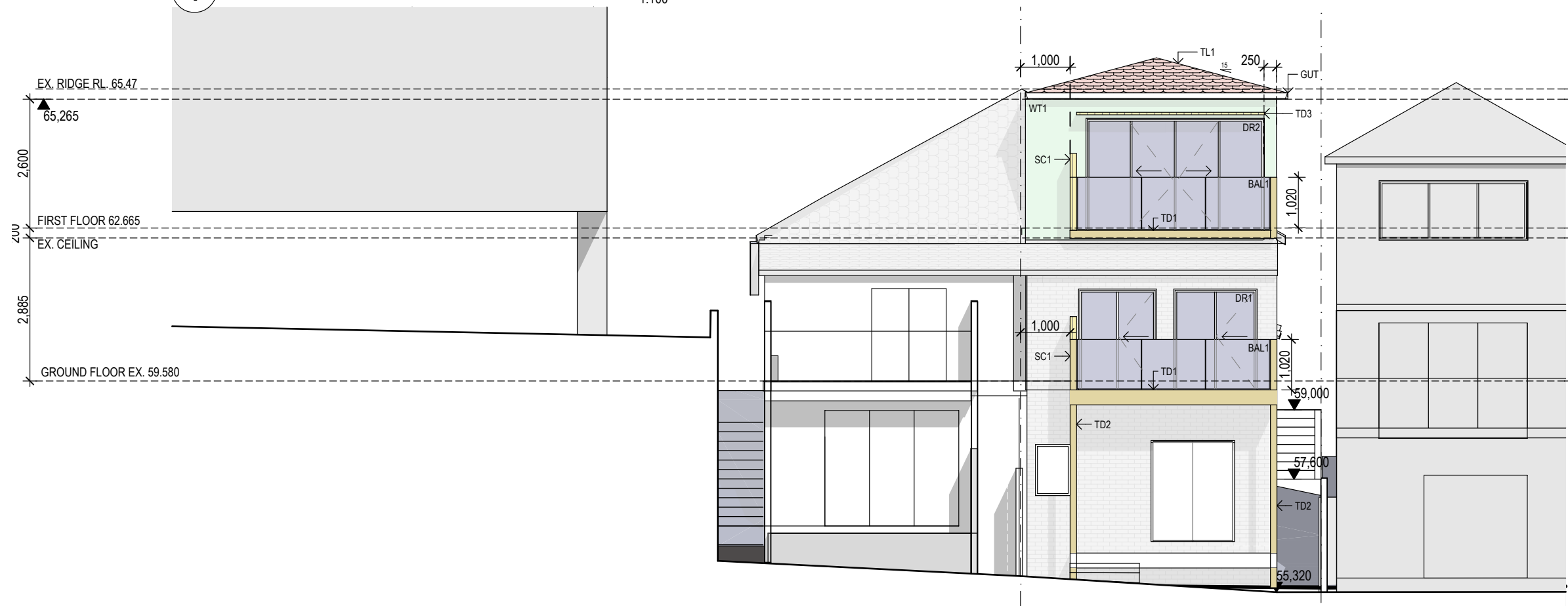
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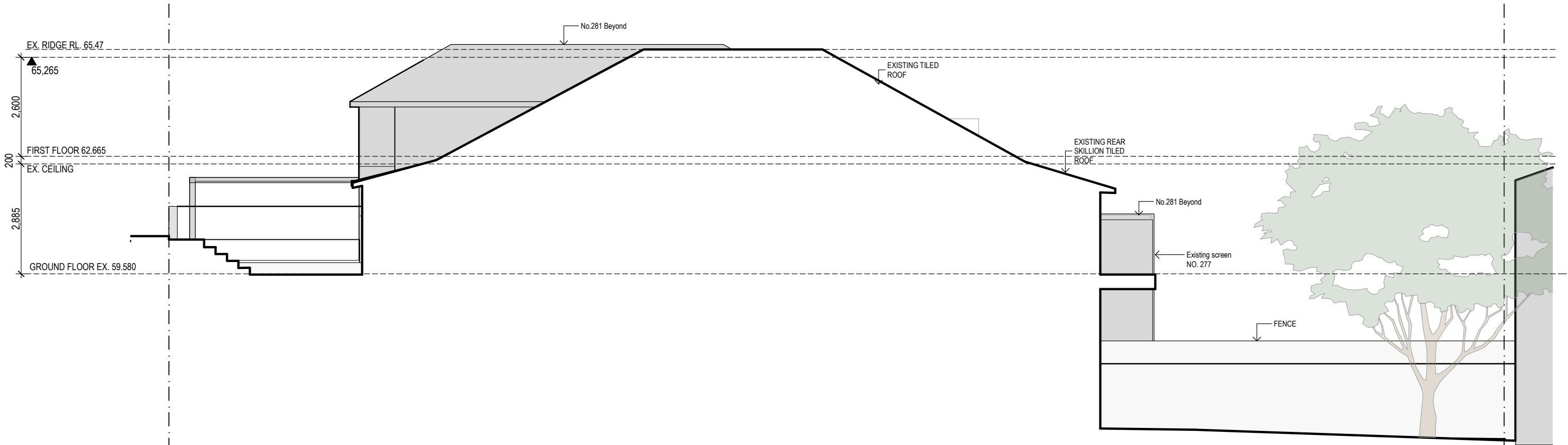
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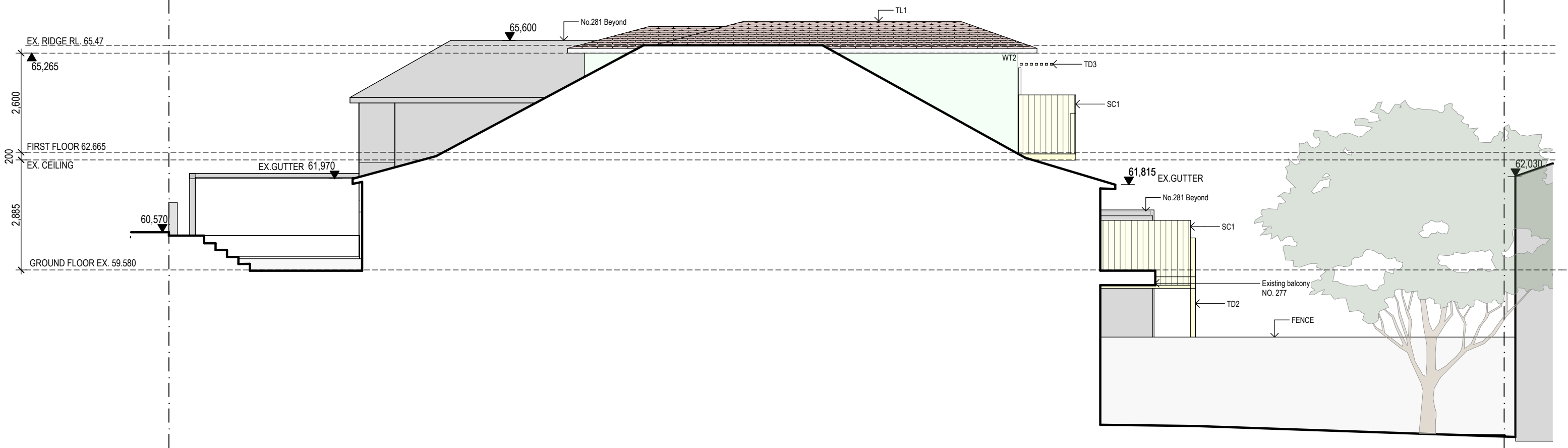
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1:100



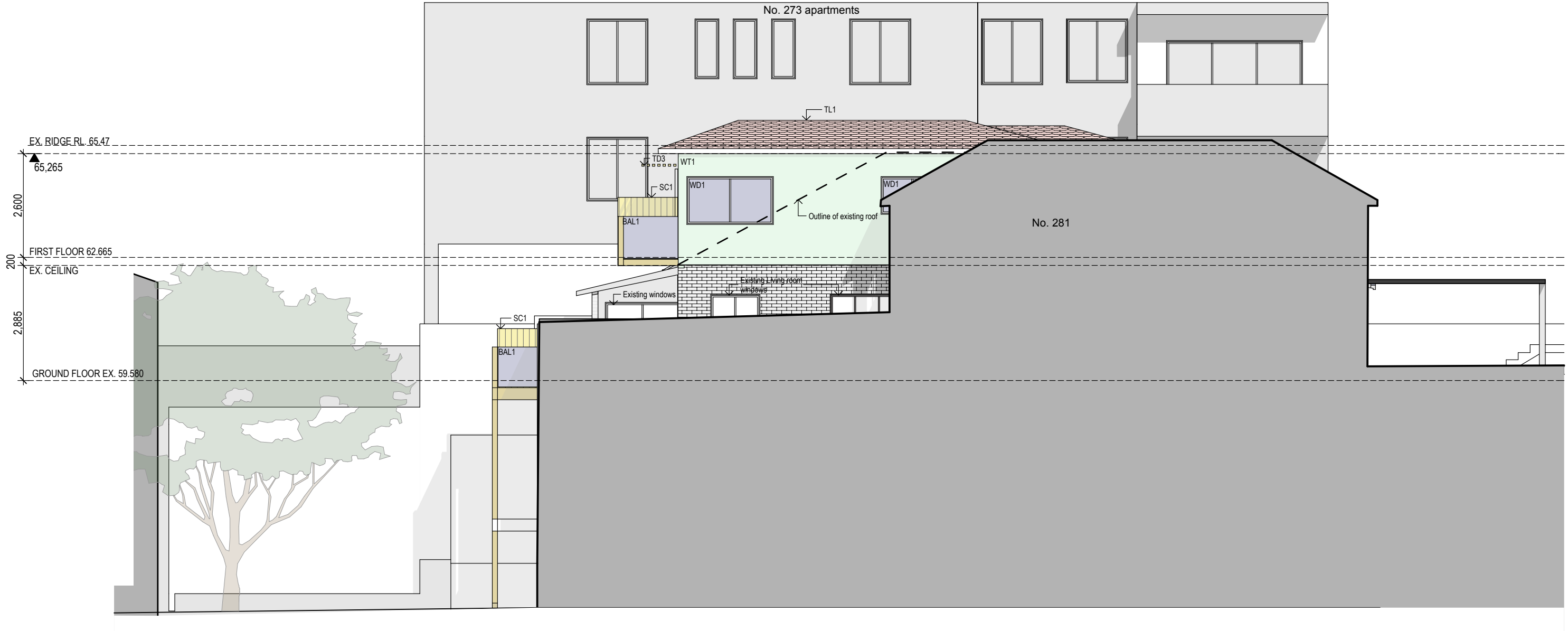
2 EAST ELEVATION
1:100



1 SOUTH ELEVATION - EXISTING 1:100



2 SOUTH ELEVATION 1:100



1 SECTIONAL ELEVATION LOOKING SOUTH
1:100



1

SECTION LOOKING NORTH

1:100

TRIPOLONE
PROJECTS

ABN 16155202690

PROPOSED ADDITION

LOT 77 DP 837 No. 279 Military Road, DOVER HEIGHTS, NSW,

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REV

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FOR DEVELOPMENT APPLICATION

DATE

26.03.2018

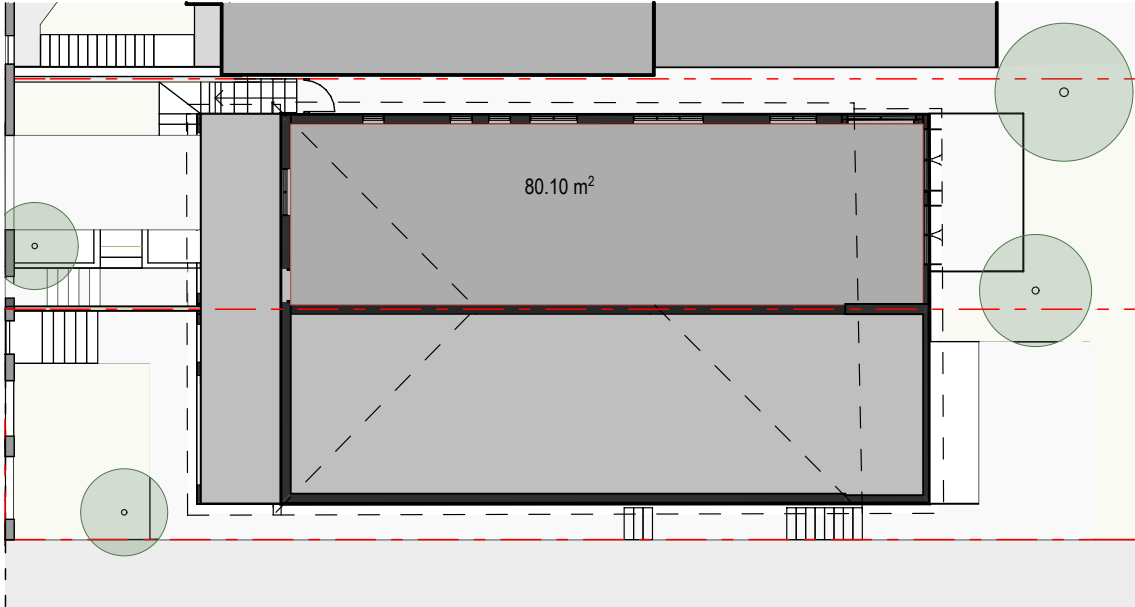
TITLE

SECTION 1:100

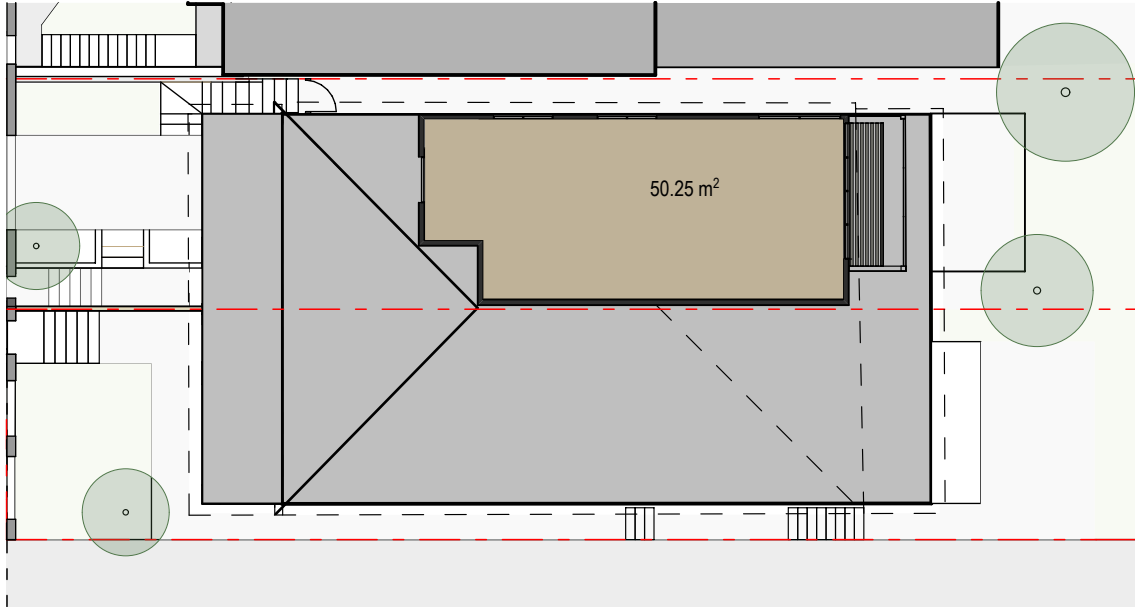
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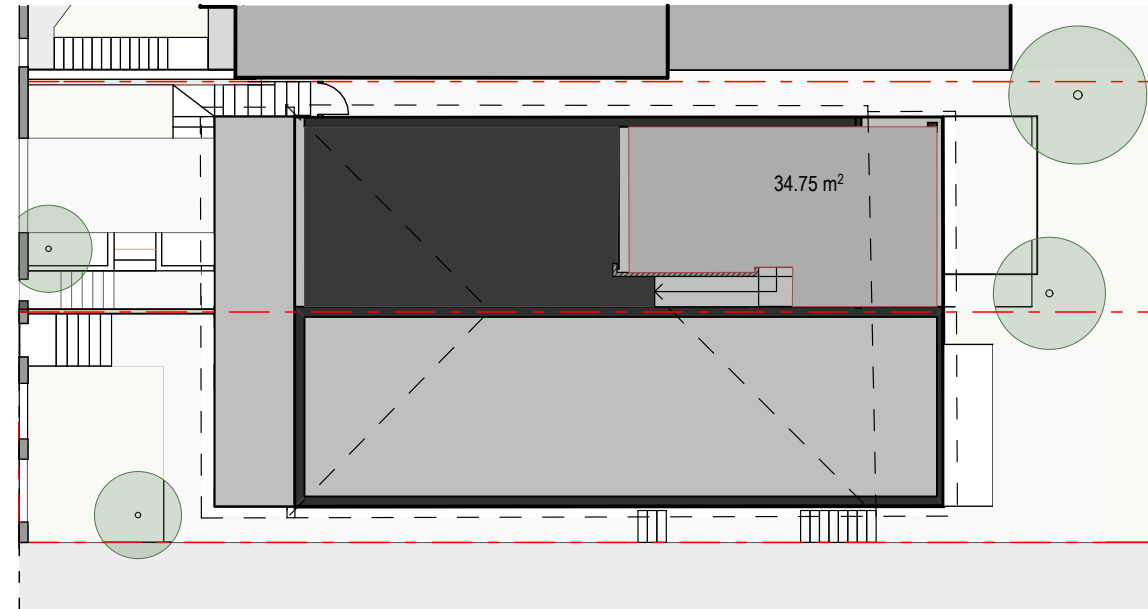
SHEET SIZE
A3



1 GROUND FLOOR PLAN-AREA 1:200



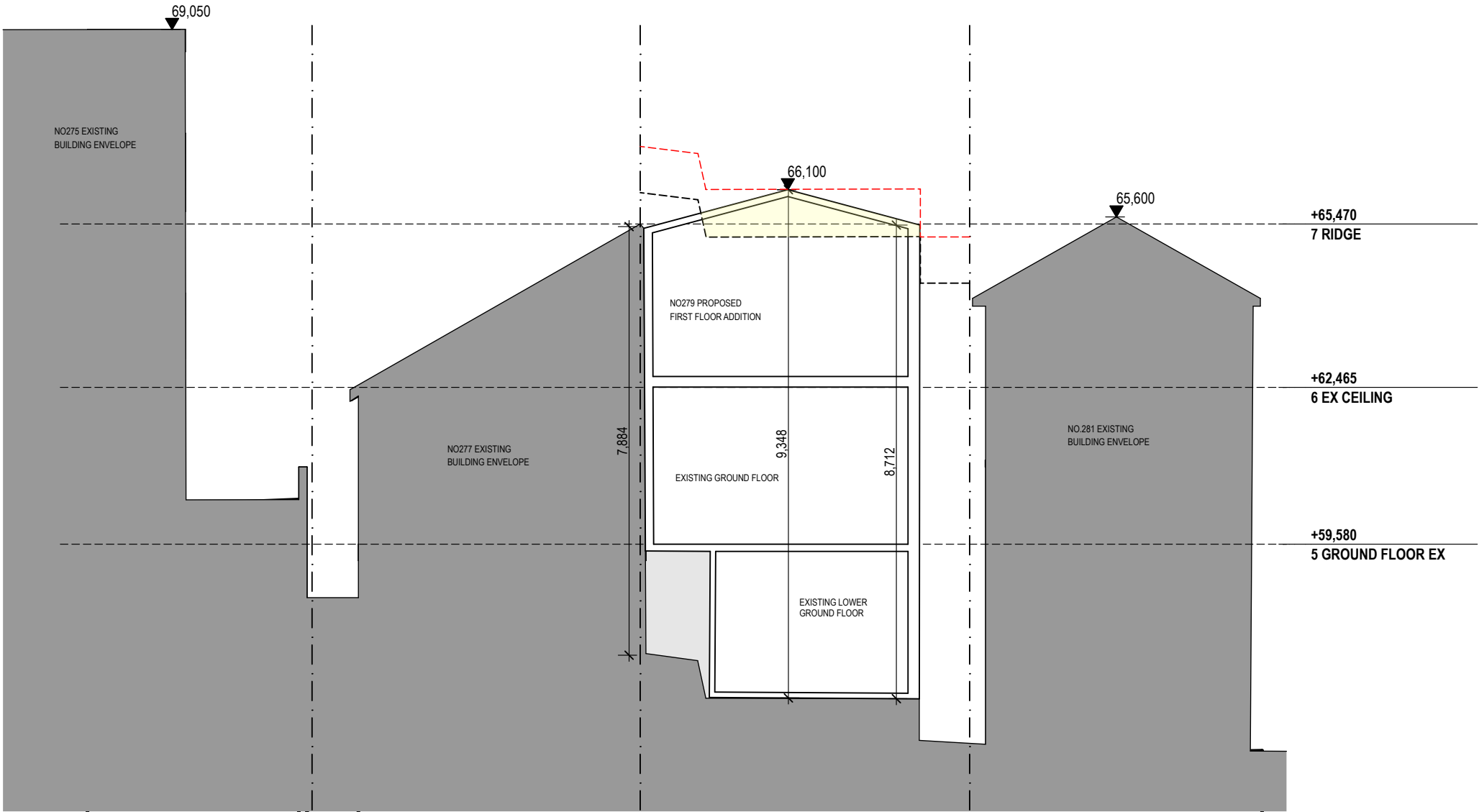
2 LEVEL 1 AREA 1:200



3 LOWER GROUND FLOOR-AREA 1:200

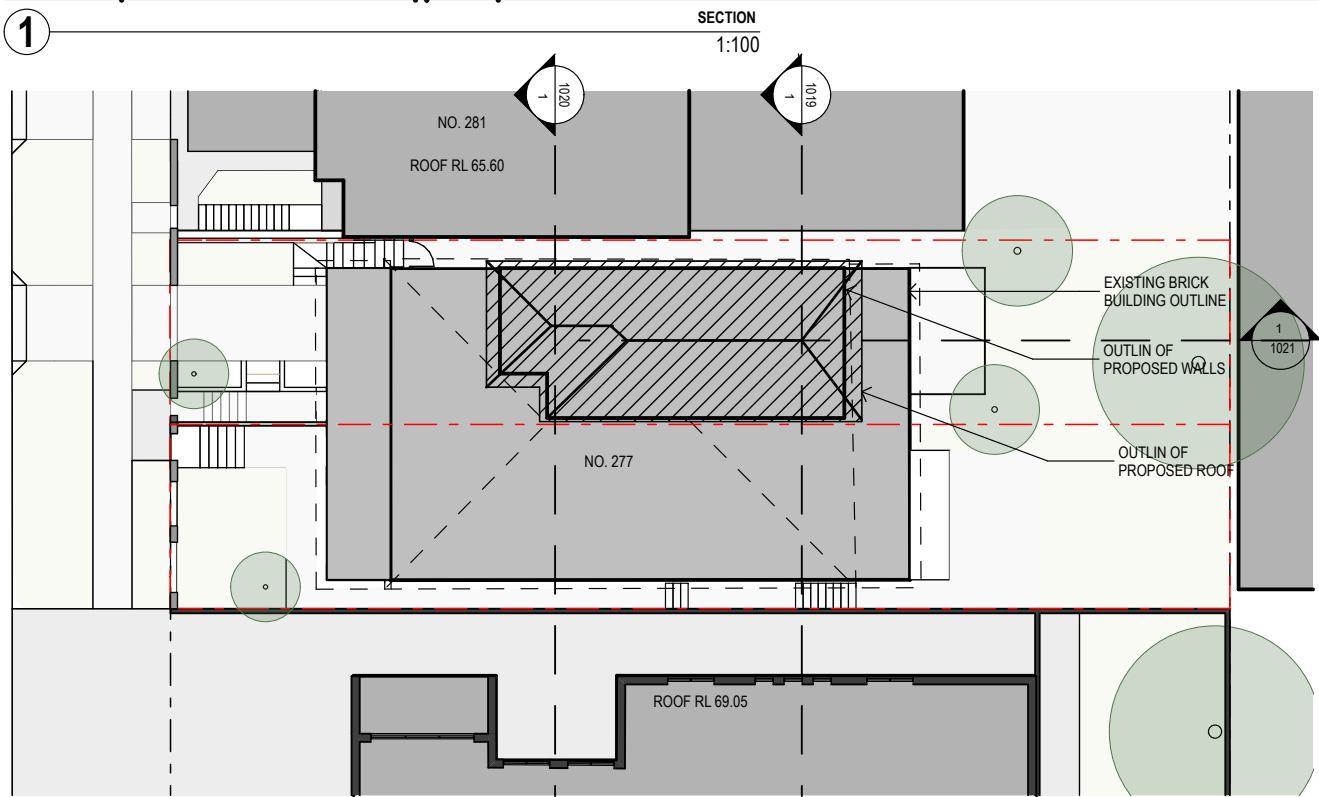
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GROSS FLOOR AREA	
BASEMENT	
GFA EXISTING	34.75 QM.
GROUND	
GFA EXISTING	80.10 SQM.
TOTAL EXISTING GFA EXISTING	114.85 SQM.
FIRST FLOOR	
GFA PROPOSED	50.25 SQM.
TOTAL GFA	165.10 SQM.
FSR	0.78:1





LEGEND

- 10% OVER HEIGHT LIMIT ALIGNMENT (9.35m from ground line at any point)
- 8.5m HEIGHT LIMIT ALIGNMENT
- EXTENT OF PROPOSED FIRST FLOOR ADDITION THAT IS OVER THE 8.5m HEIGHT LIMIT BUILDING BUT UNDER 10%



TRIPOLONE
PROJECTS

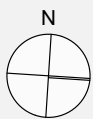
ABN 16155202690

PROPOSED ADDITION

LOT 77 DP 837 No. 279 Military Road, DOVER HEIGHTS, NSW,

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REV

01

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FOR DEVELOPMENT APPLICATION

DATE

04.11.2018

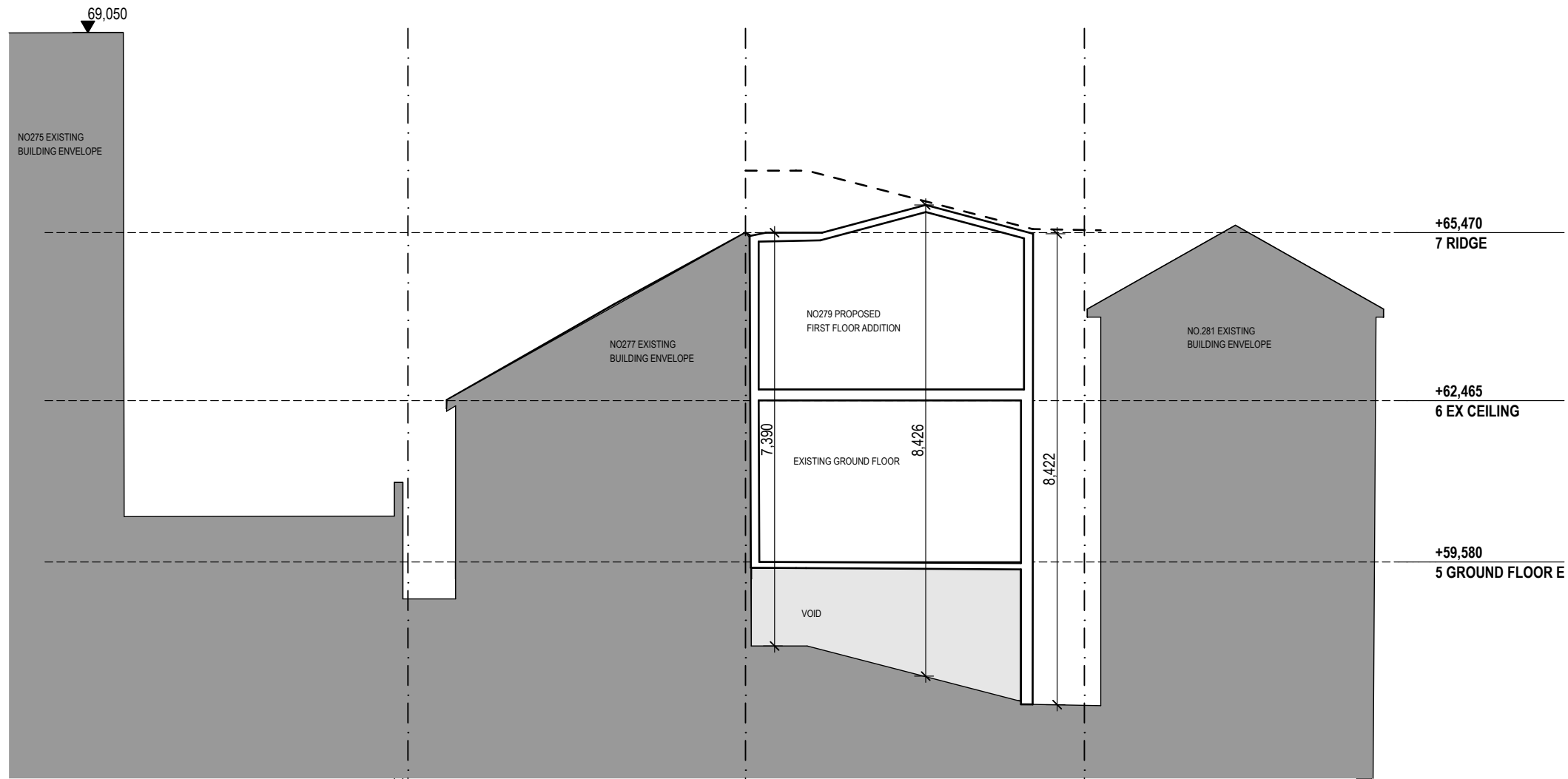
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SECTION AT PROPOSED RIDGE EAST

DRAWING NO.

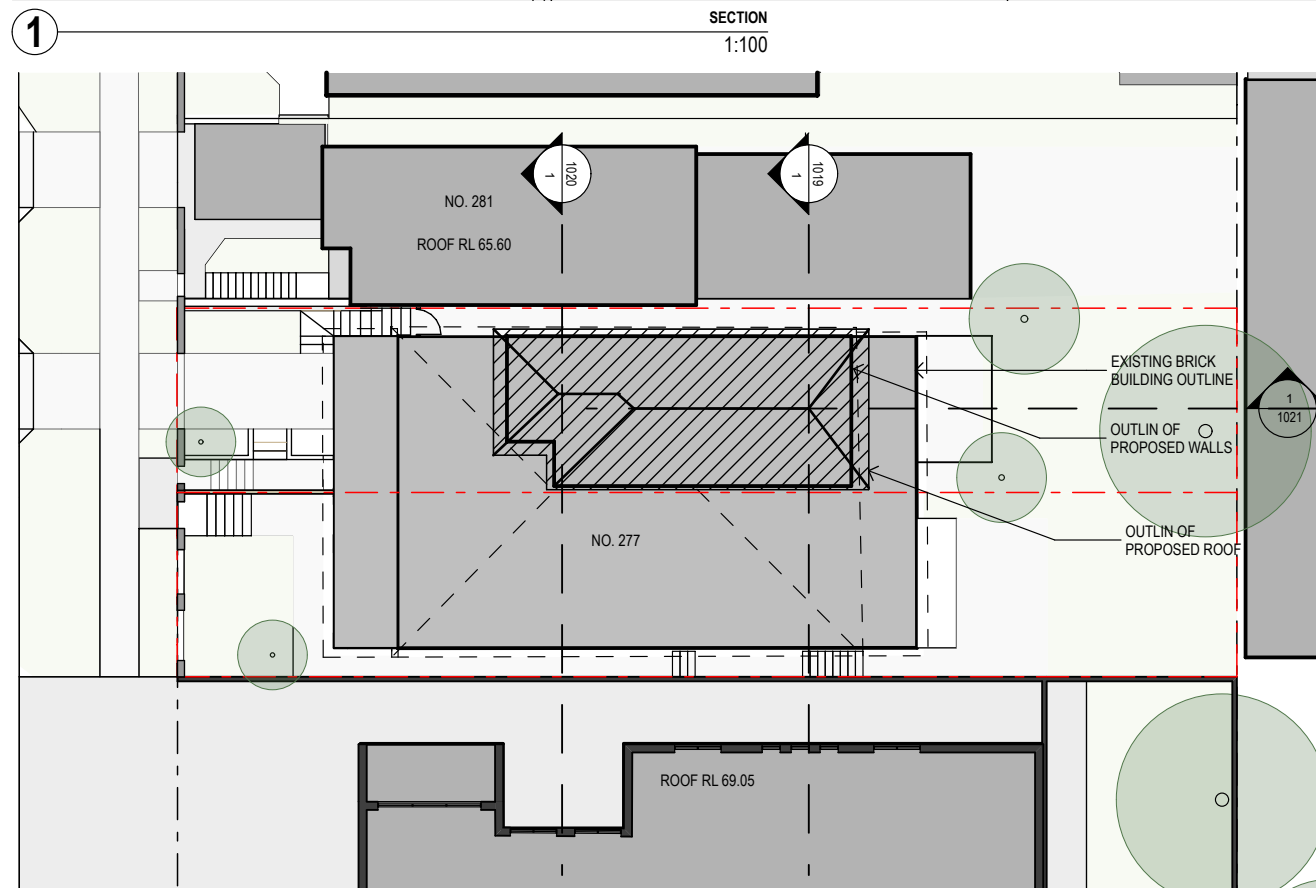
DA1019

SHEET SIZE
A3



LEGEND

----- 8.5m HEIGHT LIMIT ALIGNMENT



PROPOSED ADDITION

LOT 77 DP 837 No. 279 Military Road, DOVER HEIGHTS, NSW,

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REV	DESCRIPTION	DATE
01	FOR DEVELOPMENT APPLICATION	04.11.2018

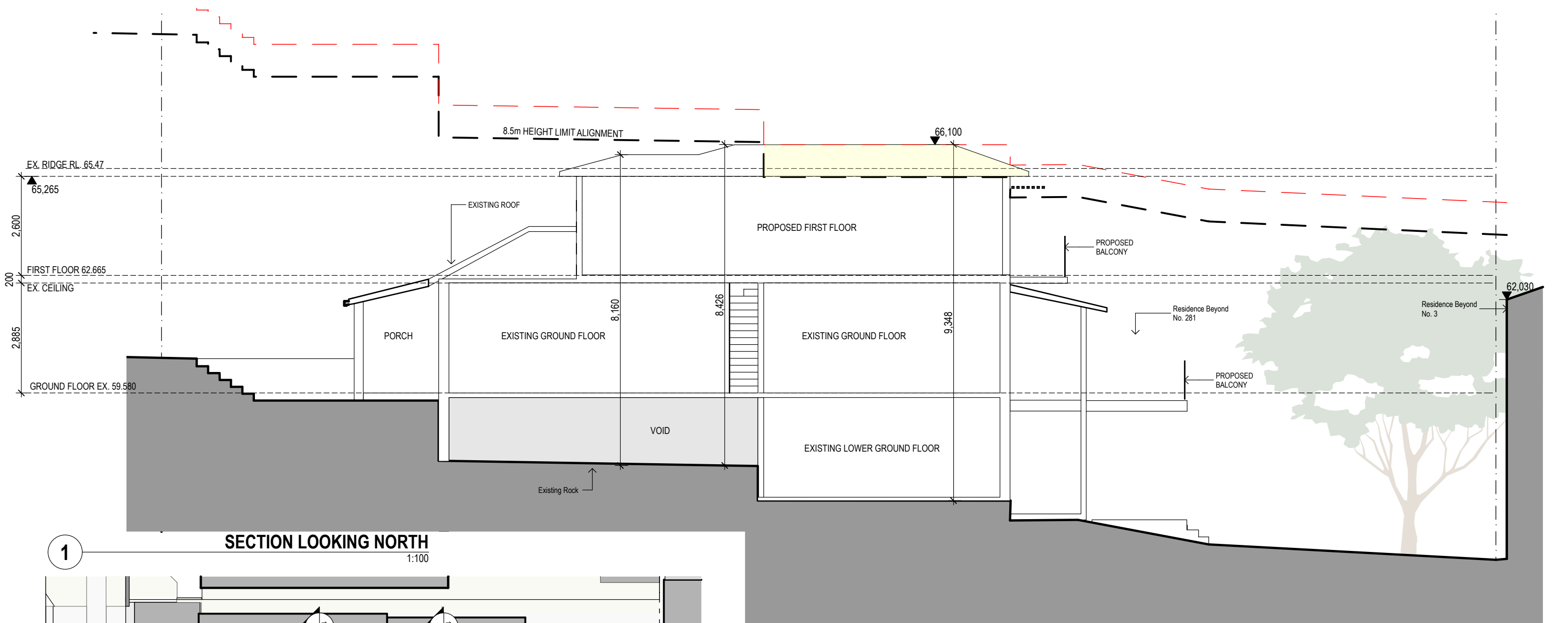
TITLE
SECTION AT PROPOSED RIDGE WEST

SHEET SIZE
A3

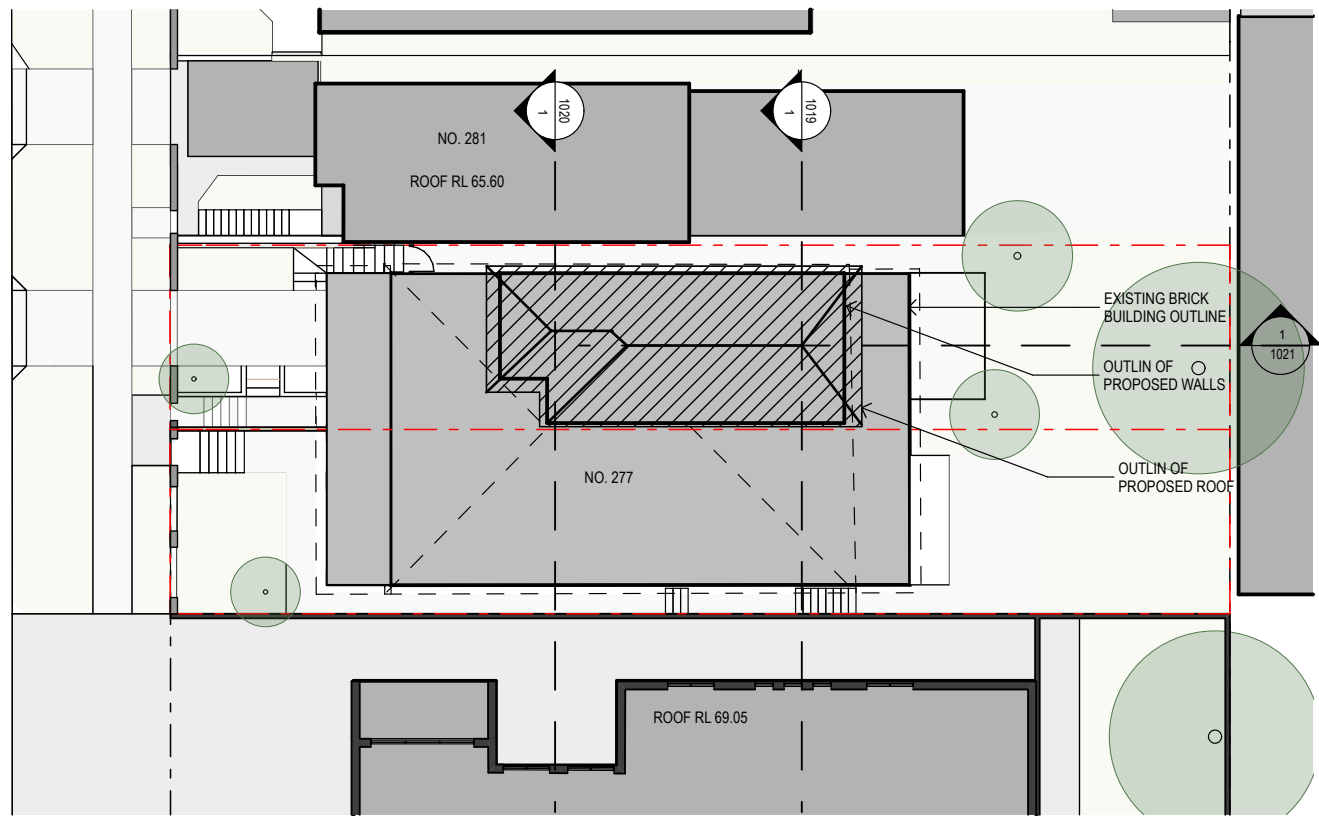
DRAWING NO.
DA1020

TRIPOLONE
PROJECTS

ABN 16155202690



SECTION LOOKING NORTH
1:100



KEY PLAN
1:250

LEGEND

- +10% OVER HEIGHT LIMIT ALIGNMENT (9.35m from ground line at any point)
- 8.5m HEIGHT LIMIT ALIGNMENT
- EXTENT OF PROPOSED FIRST FLOOR ADDITION THAT IS OVER THE 8.5m HEIGHT LIMIT BUILDING BUT UNDER 10%

PROPOSED ADDITION

LOT 77 DP 837 No. 279 Military Road, DOVER HEIGHTS, NSW,

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REV

01

DESCRIPTION

FOR DEVELOPMENT APPLICATION

DATE

04.11.2018

TITLE

SECTION AT PROPOSED RIDGE

DRAWING NO.

DA1021

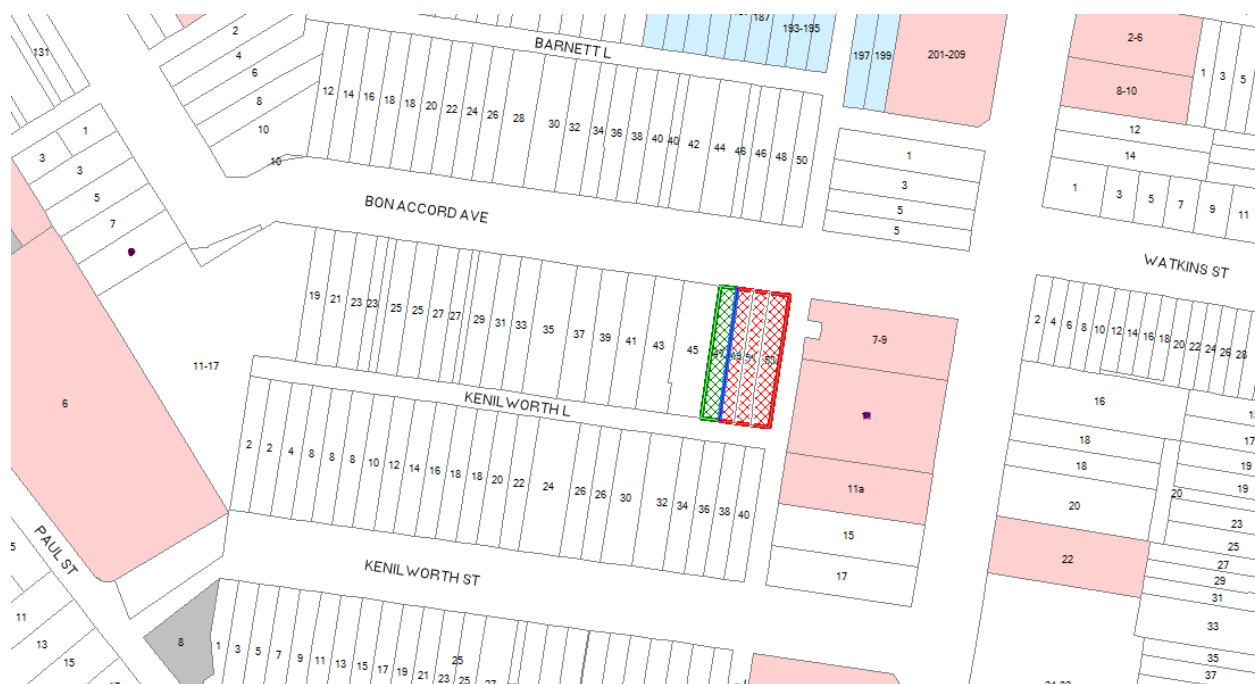
SHEET SIZE
A3



Report to the Waverley Local Planning Panel

Application number	DA-264/2018
Site address	47-53 Bon Accord Avenue, BONDI JUNCTION
Proposal	Alterations and additions to 4 existing terrace houses including rear garage and driveway crossing.
Date of lodgement	16 July 2018
Owner	Mr B I and Ms N J McWilliam
Applicant	Lucas Stapleton Johnson (C/- LK Planning)
Submissions	Five submissions received
Cost of works	\$1,430,000
Issues	Non-compliance with building height development standard; heritage and setbacks.
Recommendation	That the application be APPROVED subject to conditions

Site Map



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 14 November 2018.

The site is comprised of four lots that are identified as Lots 1-4 in DP 1231877 and are known as 47-53 Bon Accord Avenue, Bondi Junction. The site is irregular in shape and has frontages to Bon Accord Avenue to the north, measuring 20.1m, Flood Lane to the east, measuring 39.56m, and Kenilworth Lane to the south, measuring 19.97m. The site has a total area of 792.6m² and is generally flat.

The site is occupied by two sets of joined two storey semi-detached dwelling pairs with a single-width driveway accessed from Kenilworth Lane and no formal off-street car parking.

The subject site is adjoined by a two storey dwelling house to the west of the site at 45 Bon Accord Avenue and is surrounded by residential flat buildings to the east and on the eastern side of Flood Lane and dwelling houses with laneway garages to the south and on the southern side of Kenilworth Lane. The locality is characterised by a mix of low and medium density residential development, including semi-detached dwellings and residential flat buildings.



Figure 1: Site viewed from Bon Accord Avenue, looking south



Figure 2: Site (right-hand side of photo) viewed from Flood Lane, looking south-west



Figure 1: Site (left-hand side of photo) viewed from Kenilworth Lane

1.2 Relevant History

A search of Council's records revealed the following development history of the site:

- DA-477/2016 for subdivision of land containing 4 x row storey terrace houses into four residential allotments was approved on 18 April 2017.
- SC-97/2017, subdivision certificate, to formalise the subdivision of the land was released on 13 February 2018.

The subject application was submitted on 16 July 2018. During the course of the assessment, the applicant was contacted to clarify the use of the loft areas above the proposed garages. The applicant confirmed by email correspondence that the loft areas would be used for storage only (ie non habitable).

1.3 Proposal

The application seeks development consent for alterations and additions to the 4 semi-detached dwellings, including the following works:

- new attic level with street-facing dormers to each dwelling, comprising a bedroom, ensuite bathroom and Juliette balconies
- ground floor rear additions to each dwelling, comprising a family room and covered pergola
- internal alterations to the ground and first floor levels of each dwelling, including new ensuite bathrooms on first floor level
- construction of two joined garages on part of the site known as 47-49 Bon Accord Avenue, each comprised of one off-street car parking space and storage on a loft level above
- additional and replacement of existing windows
- new Juliette balconies on first floor levels across the southern elevation
- replacement of balustrades across the first floor level balconies across the northern elevation facing Bon Accord Avenue
- tree removal, specifically the following trees (defined by their common name):
 - Avocado
 - Oleander
 - Alexandra
 - Box Elder
 - Red Bloodwood
 - Crepe myrtle
 - Weeping fig
 - Frangipani
 - Privet
 - Mock orange
 - Tallowwood.

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 (Vegetation in Non-Rural Areas) 2017

The application was referred to Council's Tree Management Officer to assess the proposed removal of vegetation on the site that is protected under Council's Tree Preservation Order (as detailed in Waverley Development Control Plan 2012). The proposed tree removal is considered acceptable. The species of vegetation on the site are not known to have any biodiversity significance.

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 meets the relevant aims of Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as alterations and additions to semi-detached dwellings, which is a permitted use with consent in the R2 zone. The proposal is consistent with the relevant zone objectives.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	No	The proposal has an overall building height of 9.5m (measured to the top of the new part

Provision	Compliance	Comment
		wall of RL97.800 above existing ground level of RL88.300 directly below), which varies the height of buildings development standard by 1m or 12%.
<p>4.4 Floor space ratio and 4.4A Exceptions to floor space ratio</p> <p><i>Applicable FSR development Standards:</i></p> <ul style="list-style-type: none"> No.47 – 0.879:1 No. 49 – 0.907:1 No. 51 – 0.904:1 No. 53 – 0.858:1 	Yes	<p>The overall gross floor area of each dwelling (and their respective floor space ratio) is as follows:</p> <ul style="list-style-type: none"> No.47 – 143.8m² and an FSR of 0.7:1. No. 49 – 148.8m² and an FSR of 0.826:1. No. 51 – 148.4m² and an FSR of 0.811:1. No. 53 – 144.3m² and an FSR of 0.642:1. <p>Given that each individual dwelling is wholly contained within their respective lots, the FSR of the proposal is calculated based on the site area of each lot that form part of the overall site.</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 of buildings 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 located within the 'Woodstock Street Conservation Area', which has local heritage significance. Council's Heritage Advisor has considered the impact of the proposal upon the significance of the conservation area and considers this impact reasonable. The Heritage Advisor has recommended that conservation and restoration works be detailed before the issue of the relevant construction certificate for the development. A condition of consent has been recommended to this effect.

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

Exceptions to Development Standards

Council is able to grant consent to a development that contravenes any development standard in Waverley LEP 2012 having regard to the provisions of clause 4.6 of Waverley LEP 2012 and considering a written request by an applicant to vary such development standard. The heads of consideration under clause 4.6 of Waverley LEP 2012 for a development varying a development standard are as follows:

- *Clause 4.6(3) (a) - that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*
- *Clause 4.6(3)(b) - that there are sufficient environmental planning grounds to justify contravening the development standard*
- *Clause 4.6(4)(a)(iii) - the proposed development will be in the public interest because it is consistent with objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.*
- *Clause 4.6(5)(a) - whether contravention of the development standard raises any matter of significance for State or regional environmental planning*
- *Clause 4.6(5)(b) - the public benefit of maintaining the development standard*
- *Clause 4.6(5)(c) – other relevant matters.*

Clause 4.3 Height of buildings

The proposal has an overall building height of 9.5m, which exceeds the height of buildings development standard of 8.5m prescribed under clause 4.3 of Waverley LEP 2012 by 1m or 12%.

The relevant objectives of the height of buildings development standard set out under clause 4.3(1) of Waverley LEP 2012 are extracted as follows:

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views*
- (d) to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.*

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 additions do not extend above the overall building height of the existing dwellings and maintain the existing roof form. The proposed attic addition will predominantly project behind the existing roof form of the dwellings.
- The proposed dormers are set down between 250-300mm below the existing roof ridgeline. These dormers have been designed to be complementary to the Federation-style of the dwellings.
- The rear roof extensions are designed to complement the character of the dwellings and will be perceived as sympathetic to the conservation area.
- The non-compliance with the development standard raises no adverse visual privacy and solar access and view loss impacts upon adjoining properties.
- The proposal is of a similar scale and density to surrounding development and therefore is unlikely to impact on the conservation area.
- The proposal enhances the residential amenity of the building for the occupants.
- The proposal is consistent with the objectives of the height of buildings development standard and the zone.
- The proposal results in minimal impacts in terms of overshadowing, privacy and visual impacts on neighbouring properties and the locality.

The arguments presented in the applicant's written request to vary the height of buildings development standard are generally well-founded.

The majority of the proposed additions are concealed behind the existing roof of the row of dwellings. The proposed series of dormer windows protruding out of the front slope of the existing roof are design sympathetically to the Federation architecture of the dwellings, and therefore will not be perceived as obvious 'add-on' elements when the dwellings are viewed within its principal setting of Bon Accord Avenue. The dormer windows are set down between 250-300mm below the transverse ridge of the existing roof and therefore do not alter the perceived building height of the dwellings when viewed from Bon Accord Avenue. Further, the rear additions and the extension of the party wall are designed in a similarly conservative fashion to respect the design integrity and original character of the dwellings. These additions do not extend higher than the overall building height of the dwellings on the site. Therefore, the non-compliance with height of buildings development standard will not manifest in adverse streetscape impacts and any material impact on the significance of the heritage conservation area.

The attic additions do not overly enlarge the current building envelope of the series of dwellings on the site and are set in by 1m from the western side wall line of the dwellings that assist to moderate their additional impacts upon the adjoining property to the west of the site. The non-compliance with the height of buildings development standard has been adequately demonstrated that it will not result in discernible negative environmental impacts upon adjoining properties in terms of overshadowing, view loss and visual impacts.

The applicant has adequately demonstrated that compliance with the height of buildings development standard is deemed unreasonable and unnecessary given the unique characteristics of the site and its context. The resultant non-compliance will not contravene the relevant objectives of the height of buildings development standard and the R2 zone given it will not manifest in adverse and unreasonable streetscape and amenity impacts. In this regard, the development will not be contrary to the public interest and undermine the integrity of the development standard to achieve the desired future character of the locality. The non-compliance is therefore supported having specific regard to the provisions under clause 4.6(3) and (4) of Waverley LEP 2012.

2.1.5 Waverley Development Control Plan 2012

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

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

Development Control	Compliance	Comment
1. Waste	Yes	<ul style="list-style-type: none"> A Site Waste and Recycling Management Plan has been submitted.
2. Energy and water conservation	Yes	<ul style="list-style-type: none"> A BASIX Certificate has been submitted. The proposal satisfactorily addresses passive design in terms of energy and water efficiency and thermal comfort.
5. Tree preservation	Yes	<ul style="list-style-type: none"> The proposal seeks to remove certain trees protected by Council's Tree Protection Order. Council's Tree Management Officer has assessed the proposed tree removal and associated impact of the proposed works on trees proposed to be retained and found this acceptable.

Development Control	Compliance	Comment
		<ul style="list-style-type: none"> Council's Strategic Tree Planning Officer was consulted about this application and recommended that a tree bond and protection measures be employed to protect the street trees on Bon Accord Avenue. Separate conditions have been recommended to this effect.
6. Stormwater	Yes	On-site detention is required as per Council's Water Management Technical Manual. No stormwater plans were submitted with the application. In this regard, a condition of consent is recommended to require stormwater plans to be prepared in accordance with Council's Stormwater Policy prior to the issue a construction certificate and to be submitted for the approval of Council's Executive Manager, Creating Waverley.
8. Transport	Yes	The proposed off-street car parking is in the form of garages fronting Kenilworth Lane. The design of the garages is commensurate with surrounding laneway garages. The location and design of the garages are satisfactory and will not have any discernible impact upon the visual character and presentation of the series of dwellings on the site.
9. Heritage	Yes	The proposed alterations and additions have satisfactorily responded to the relevant sections of Part B9 of the DCP with respect to conserving the contributory value of the series of dwellings on the site within the context of the heritage conservation area. Council's Heritage Advisor has assessed the proposal and finds it acceptable with regard to its impact on the heritage conservation area.
10. Safety	Yes	Satisfactory.

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

Development Control	Compliance	Comment
1.1 Height		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> Maximum overall building height of 7.5m 	No (acceptable on merit)	The proposal attic addition utilises a part flat roof form, which has a height greater than 7.5m specified by the DCP control. The height non-compliance encountered by the proposal has been assessed against clause 4.6 of Waverley LEP 2012 in terms of the merit of varying the height of buildings development standard, which is a higher-order control than the DCP height

Development Control	Compliance	Comment
		control. This assessment found the non-compliance acceptable. The attic addition is considered to be consistent with the relevant objectives of the DCP height control in that it respects the street character, does not affect views and does not result in unreasonable overshadowing impacts upon adjoining properties.
1.1.2 External wall height <ul style="list-style-type: none"> Maximum external wall height of 7m 	N/A	The proposed attic addition does not change the overall external wall height of the existing dwellings.
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 	N/A Yes N/A Yes	<ul style="list-style-type: none"> No change to the front building line of the series of dwellings on the site. The ground floor rear additions (including their attached pergolas) slightly extend past the rear building line of the adjoining dwelling house to the west of the site, however it is consistent with the predominant pattern of rear building setbacks established by surrounding development further west of the adjoining western dwelling house. The rear setback of the first floor level remains unchanged. The rear building alignment of the attic addition will not extend further than the junction of the uppermost roof and southern wall of the existing dwellings on the site, other than the projecting Juliette balconies. These balconies are considered small and will not be overly visible from neighbouring properties.
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m (for first two storeys) Minimum of 1.5m for third storey 	No (acceptable on merit)	<ul style="list-style-type: none"> The ground floor rear additions are set back 450mm from the western side boundary of the site, which matches the western side setback of the front (northern) portion of the dwellings on the subject site. This non-compliance is considered acceptable given that the setback is for a ground floor level and is adjacent to a blank side wall of the adjoining dwelling house to the west of the site. Therefore, the non-compliance does not raise any discernible amenity impacts upon the adjoining property to the west of the site. The ground floor rear additions are set back 1.1m from the eastern side boundary of the site.

Development Control	Compliance	Comment
1.4 Streetscape and visual impact		
	Yes	<ul style="list-style-type: none"> Minimal works are proposed across the northern elevation of the series of dwellings on the subject site that addresses Bon Accord Avenue. The proposed series of dormer windows are designed conservatively and in keeping with the Federation architecture of the dwellings. The additions will be visible from Flood Lane and Kenilworth Lane and are not expected to have a major impact on these laneways given the additions to the rear of the dwellings will appear cohesive to the overall appearance of the dwellings.
1.6 Semi-detached dwellings and terrace style development		
1.6.1 Built form	Partial compliance.	The proposed attic additions are considered acceptable in that they maintain the existing roof form of the dwellings and do not extend above the ridgeline of the roof. The external balconies are in the form of Juliette balconies and are sited to the rear of the roof form and out of sight of Bon Accord Avenue.
1.6.2 First floor additions to semi-detached dwellings	N/A	The proposal includes a genuine attic addition rather than an additional floor level or storey.
1.6.3 Material finishes and detail for semi-detached dwellings	Yes	<ul style="list-style-type: none"> The proposal maintains the face brick finishes of the dwellings. The ground floor additions continue the face brick finish. The attic additions will be comprised of metal cladding with a grey colour that will be minimal in appearance and not dominate the roof detailing of the dwellings. The proportion, style and frames of the new windows match those of existing windows.
1.6.4 Interface with adjoining semi-detached dwellings	Yes	The proposal maintains the design uniformity and cohesion of all four dwellings.
1.6.5 Side setback and courtyard design controls for terraces	Yes	Existing light-wells are maintained and a new light-well is created for the western-most dwelling.
1.6.6 Streetscape and visual impact controls for terraces	Yes	The attic addition is sympathetic to the original roof form of the dwellings. The proposed dormers are all proportional in size and scale with the existing roof.
1.7 Fences		
<i>Front:</i> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <i>Side and Rear:</i> <ul style="list-style-type: none"> Maximum height of 1.8m 	N/A	The application does not seek consent for new fences.

Development Control	Compliance	Comment
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. 	Yes	<ul style="list-style-type: none"> The new window openings do not directly face adjoining properties other than the ground floor window on the western elevation. This window is unlikely to cause privacy impacts as it does not directly face a window opening of the adjoining dwelling house to the west of the site. Further, sightlines would most likely be obscured by side boundary fencing.
<ul style="list-style-type: none"> Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	Yes	<ul style="list-style-type: none"> The replacement windows/doors on the southern elevation on first floor level are unlikely to cause much greater privacy impacts than the status quo given they will continue to serve bedrooms. Further, a privacy screen is proposed between the windows of the middle dwellings on the site (i.e. Nos 49-51) to protect the visual privacy of these dwellings. All of the proposed Juliette balconies have an area less than 10m² and a depth of 1.5m. These balconies serve bedrooms and are separated considerably so as to reasonably protect the visual privacy of each dwelling.
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 	Yes	<ul style="list-style-type: none"> The proposal is not expected to overly affect solar access received by principal living areas and open space areas for each dwelling on the site. The proposal maintains the central light wells for the middle dwellings.
<ul style="list-style-type: none"> Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	Yes	<ul style="list-style-type: none"> The shadow diagrams submitted with the application demonstrate that the additional overshadowing impacts caused by the proposal are largely contained within the rear yard area of the adjoining property to the west of the site between 9am and 11am on 21 June. Surrounding properties to the south-west, south and south-east (on opposite sides of Flood Lane and Kenilworth Lane), while not shown on the shadow diagrams, are not expected to be overshadowed by the proposal. While the proposal does not comply with the height of buildings development standard, it meets the FSR development standard and performs satisfactorily against the side and rear setback controls. In this regard, the additional overshadowing impact caused by

Development Control	Compliance	Comment
		the proposed additions is considered reasonable.
1.10 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Lower density residential accommodation is to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	The proposal is unlikely to result in any unreasonable view loss impact.
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	The proposal provides for two off-street car parking spaces for two out of the four dwellings.
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 proposed two garages are located to the rear of the dwellings and accessed from Kenilworth Lane, meeting the hierarchy of preferred car parking locations in the DCP.
1.11.3 Design	Yes	The proposed garage is designed in such a way that it is complementary to surrounding garage and laneway development within Kenilworth Lane.
1.11.4 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	Sufficient dimensions are provided for each off-street car parking spaces.
1.11.5 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) 	Yes	The garages are accessed from Kenilworth Lane which does not accommodate on-street car parking. Therefore, the two driveways will have no impact on the availability of on-street car parking in the vicinity of the site.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area 	Partial compliance	<ul style="list-style-type: none"> The overall open space for each lot is as follows: <ul style="list-style-type: none"> No. 47 = 86.3m² (42% of site area) No.49 = 65.5m² (37% of site area) No. 51 = 90.3m² (49% of site area) No. 53 = 123.5m² (55% of site area). The minor non-compliance encountered by No. 49 is not considered unreasonable in that this lot will provide ample open space

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>Yes</p> <p>Yes</p> <p>N/A</p>	<p>to for recreation, landscaping and stormwater infiltration.</p> <ul style="list-style-type: none"> The overall landscaped area for each lot is as follows: <ul style="list-style-type: none"> No.47 = 50m² (24% of site area) No. 49 = 35m² (19% of site area) No. 51 = 57.7m² (32% of site area) No. 53 = 63.7m² (28% of site area). Each dwelling will have more than 25m² of private open space. No change to front open and landscaped areas for each dwelling.
1.14 Laneway development		
<p>1.14.1 General design provisions</p> <ul style="list-style-type: none"> Maximum external wall height of 3.6m Maximum overall height of 6m to the roof ridge Dormer and roof projections: <ul style="list-style-type: none"> set a minimum of 0.6m from outer garage walls; set a minimum of 0.3m below the garage ridgeline; and not have a maximum combined width exceeding 50% of associated roof width. 	Yes	<ul style="list-style-type: none"> The proposed garages form part of a two storey 'laneway development' by virtue of them fronting Kenilworth Lane. The laneway development has an overall building height of 6m and an external wall height of approximately 3.3m. The roof form is gabled with its end fronting Kenilworth Lane. This arrangement is common in surrounding laneway development on Kenilworth Lane. Window openings face Kenilworth Lane. The applicant has confirmed that the stores above the garages will be non-habitable and used for storage, they are accessed by a permanent set of stairs. In order to ensure these stores will be used as non-habitable purposes during the life of the development, a condition of consent is recommended for these stairs to be deleted and access to the stores to be via a pull-down ladder.
1.14.2 Laneway development in conservation areas	Yes	<ul style="list-style-type: none"> Each garage comprises a single-width rollerdoor. The gabled roof form is consistent with surrounding laneway development in Kenilworth Lane and other lanes in the surrounding area.
1.15 Dormer windows		
<ul style="list-style-type: none"> If < 2.5m from gutter to ridge, flush to the roof and maximum of one per single fronted dwelling 	Yes	<ul style="list-style-type: none"> One dormer is proposed for each dwelling. Each dormer is uniform in appearance and form.

Development Control	Compliance	Comment
or one pair on a double fronted dwelling <ul style="list-style-type: none"> Minimum 0.3m below main roof ridge 		<ul style="list-style-type: none"> Each dormer is set down a minimum of 250mm from the principal transverse ridge of the existing roof, however for the most part by 300mm. The dormers have been considered acceptable by Council's Heritage Advisor in terms of their impact on the heritage conservation area as they maintain the prominence of the original roof form of the series of dwellings on the site when viewed from Bon Accord Avenue.

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*.

A total of five submissions were received from the following properties in Bondi Junction:

- 27 Bon Accord Avenue
- 37 Bon Accord Avenue
- 39 Bon Accord Avenue
- 36 Kenilworth Street
- 8/11 Flood Street.

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

Issue: *Disruption on accessibility of Kenilworth Lane during construction of the proposed works*

Response: Noted. Standard conditions of consent are recommended to control and moderate impacts caused during construction works, including a security deposit to secure Council's assets during construction words. A specific condition of consent is recommended to require a construction vehicle and pedestrian plan of management to be submitted to the approval of Council's Executive Manager, Creating Waverley prior to the issue of a construction certificate, which particularly addresses concerns raised by submitters about accessing Kenilworth Lane during construction works.

Issue: *Impact on tree*

Response: Noted. Council's Tree Management Officer has reviewed the proposed tree removal and impact of the proposal on trees to be retained, including the significantly large Port Jackson Fig Tree.

The Officer has raised no objection to the proposal, subject to appropriate tree protection measures being required by way of conditions of consent.

2.5 Public Interest

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

3. REFERRALS

3.1 Creating Waverley – Stormwater

The application was referred to Assets team in Council's Creating Waverley department and a referral comment was never received. Further, stormwater plans were not included as part of the submitted application. In this regard, a condition of consent is recommended to require stormwater plans to be prepared in accordance with Council's Stormwater Policy and submitted for the approval of Council's Executive Manager, Creating Waverley prior to the issue of a construction certificate.

3.2 Creating Waverley – Traffic and Development

Council's Professional Engineer in the Traffic and Development team in Council's Creating Waverley department did not object to the proposal, subject to conditions of consent.

3.3 Shaping Waverley – Urban Design and Heritage

Council's Heritage Advisor did not raise any specific objections to the proposal, noting that the proposal is "well considered". The Advisor did recommend that conservation restoration works in the form of a schedule of works be detailed prior to the issue of a construction certificate and be implemented during site works. A condition of consent is recommended to this effect.

3.4 Clean and Attractive Waverley – Tree Management

The application was referred to both Council's Tree Management Officer and Strategic Tree Planning Officer on the proposed tree removal and impact of the proposal on trees inside and on the street verge. Both officers do not object to the proposal, subject to conditions of consent requiring tree protection and a protection bond for street trees.

4. SUMMARY

The application seeks development consent for alterations and additions to the two sets of semi-detached dwelling pairs located between 47-53 Bon Accord Avenue, Bondi Junction. The specifics of the proposal are attic additions, laneway development (comprising two off-street car parking spaces and stores above) and rear ground floor additions.

The main issues in the assessment of this application are as follows:

- non-compliance with the height of buildings development standard
- heritage conservation
- setbacks.

The assessment finds these issues acceptable, subject to conditions of consent.

The application attracted five submissions and the issues raised in the submissions do not relate to planning and merit issues of the application, but rather issues relating to construction works and impacts on trees. These issues have been addressed in the body of the report and by way of recommended conditions of consent.

The application is referred to the Waverley Local Planning Panel for determination given that the application seeks to vary the height of buildings development standard by more than 10%.

The application has been assessed against the matters for consideration under section 4.15 of the Act, and is recommended for approval, subject to conditions of consent.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:

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

Ben Magistrale
Senior Development Assessment Planner

Angela Rossi
Manager, Development Assessment (Central)

Date: 22 November 2018

Date: 27 November 2018

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plans prepared by Lucas Stapleton Johnson Heritage Planning & Architecture and received by Council on 16 July 2018 identified in the table below:

Drawing No.	Revision	Dated
123760/00	C	2 July 2018
123760/07	C	6 July 2018
123760/08	C	9 July 2018
123760/09	D	9 July 2018
123760/10	E	9 July 2018
123760/11	A	21 June 2018
123760/12	B	5 July 2018
123760/13	B	5 July 2018
123760/14	C	6 July 2018
123760/15	D	9 July 2018
123760/29	A	5 July 2018

- (b) Landscape Plan Drawing No. 123760/26/A prepared by Lucas Stapleton Johnson Heritage Planning & Architecture, dated 5 July 2018 and received by Council on 16 July 2018;
- (c) Arboricultural Impact Assessment Report prepared by Glenyss Laws, dated July 2018 and received by Council on 16 July 2018;
- (d) BASIX Certificate; and
- (e) 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) In order to ensure the loft stores above the garages are used for non-habitable purposes, the permanent stair accessing the loft stores above the garages shall be deleted and access to the lofts shall be provided by way of a pull-down ladder only, inside the garages.

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. CONSERVATION RESTORATION WORKS

A checklist or a schedule of works for all conservation restoration works, including a description and identification of materials and finishes, shall be submitted for the approval of Council Heritage Advisor prior to the issue of the relevant construction certificate.

4. 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.

5. USE OF LOFT STORES ABOVE GARAGES

The area occupying the loft stores above the garages shall be non-habitable and used only for storage purposes.

6. INSTALLATION OF AIR CONDITIONING

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

- (a) Be located a minimum of 450mm from a boundary and not more than 1.8 metres above existing natural ground level.
- (b) Be located behind the front building line and if visible suitable screened and located in an appropriate location.
- (c) Not be adjacent to neighbouring bedroom windows.
- (d) Not reduce the structural integrity of the building.
- (e) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day.
- (f) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).

7. USE OF DWELLING

Each lot shall be used only as a single unit dwelling house.

8. DOMESTIC HEATERS

The provision of solid fuel heating is prohibited.

9. 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*.

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

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

12. LONG SERVICE LEVY

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

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

13. TREE PRESERVATION BOND

A bond of **\$5,000** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the **street** trees within the verge of Bon Accord Avenue directly in 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 and Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and
- (c) Council is given at least two days' Notice in writing of the intention to commence the building works.

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

15. HOARDING REQUIRED

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

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

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. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

- (a) Show the size and number of trucks to be used during the various stages of the development.
- (b) Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway in the vicinity of the site, the trucks may not be approved for use.
- (c) Show the location and length of any proposed Works/Construction Zones.
Note:
 - (i) Such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
 - (ii) It is illegal to park a truck exceeding 4.5 tonnes on a roadway for more than one (1) hour unless signs are installed allowing such and illegal to barricade/ reserve a section of roadway without the prior approval of Council.
- (d) Indicate the number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.

18. STORMWATER MANAGEMENT

- (a) An amended stormwater management plan including any on-site detention (OSD) and its details along with completed mandatory checklist as outlined on page 22 of Waverley Council's Water Management Technical Manual is to be submitted for the approval of Council's Creating Waverley Division prior to the issue of the relevant Construction Certificate.
- (b) Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.

19. 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.

20. 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.

21. EXISTING PARTY WALL IS TO BE EXTENDED

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

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

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

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

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

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

22. BASIX

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

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

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

23. USE OF RENEWABLE TIMBERS

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

24. ROOFWATER GUTTERING

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

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

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. DILAPIDATION REPORTS

A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. This action is designed to assist all parties

should damage occur and is not a preventative action. The dilapidation reports should be completed and submitted to the relevant owner of the affected property, Council and the Principal Certifying Authority prior to undertaking any works that may cause damage

Please note the following:

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

30. TOILET FACILITIES

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

31. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

32. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

33. 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.

34. 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.

35. 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.

36. 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.

37. 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.

38. BUILDING CODE OF AUSTRALIA

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

39. 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.

40. CERTIFICATE OF SURVEY - LEVELS

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

41. ENCROACH BEYOND THE BOUNDARIES

No portion of the alterations and additions to the semi-detached dwelling including the footings and roof eaves, to encroach beyond the boundaries of the subject property.

42. 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.

43. 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.

44. SMOKE ALARM SYSTEM

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

45. STRUCTURAL STABILITY OF ADJOINING SEMI-DETACHED DWELLING'S ROOF

Adequate measures are to be undertaken to ensure structural stability and water proofing of the existing roof over the adjoining semi-detached dwelling having particular regard to the following:

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

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

46. CONSERVATION RESTORATION WORKS

The conservation restoration works to the dwellings that are identified in the schedule of works approved by Council's Heritage Advisor prior to the issue of the relevant construction certificate shall be implemented during site works.

47. TREATMENT OF BOUNDARY WALLS

The boundary walls are to be finished to a minimum standard, that being face brickwork and all mortar joints ironed(no dags).

48. SERVICE PIPES

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

49. 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.

50. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

51. 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.

52. TREE MANAGEMENT

This consent authorises the removal, retention and protection of the trees identified in the table below and in the Arboricultural Impact Assessment:

Tree no	Species	Location	Action
1.	Eucalyptus cinereal (Argyle Apple)	Neighbouring property,	Retain and protect
2.	Archontophoenix alexandrae (Alexandra Palm)	On site	Retain and protect
3.	Persia Americana (Avocado)	On site	Remove
4.	Nerium oleander (Oleander)	On site	Remove
5.	Eucalyptus tereticornis (Forest Red Gum)	On site	Retain and protect
6.	Persia Americana (Avocado)	On site	Remove
7.	Brachychiton acerifolius (Illawarra Flame Tree)	On site	Retain and protect
8.	Archontophoenix alexandrae (Alexandra Palm)	On site	Remove
9.	Acer negundo (Box Elder)	On site	Remove
10.	Acer negundo (Box Elder)	On site	Remove
11.	Ficus benjamina (Weeping Fig)	On site	Remove
12.	Angophora costata (Sydney Red Gum)	On site	Retain and protect
13.	Corymbia gummifera (Red Bloodwood)	On site	Remove
14.	Archontophoenix alexandrae (Alexandra Palm)	On site	Remove
15.	Archontophoenix alexandrae (Alexandra Palm)	On site	Remove
16.	Archontophoenix alexandrae (Alexandra Palm)	On site	Remove
17.	Archontophoenix alexandrae (Alexandra Palm)	On site	Remove
18.	Archontophoenix alexandrae (Alexandra Palm)	On site	Remove
19.	Unidentified Dead specimen	On site	Remove
20.	Corymbia citriodora (Lemon-Scented Gum)	On site	Retain and protect
21.	Ficus rubiginosa (Port Jackson Fig)	On site	Retain and protect
22.	Lagerstroemia indica (Crepe Myrtle)	On site	Remove
23.	Ficus benjamina (Weeping Fig)	On site	Remove
24.	Eucalyptus microcorys (Tallowwood)	On site	Remove
25.	Plumeria rubra var. acutifolia (Frangipani)	On site	Remove
26.	Ligustrum sinense (Small-leafed Privet)	On site	Remove
27.	3 x Murraya paniculate (Mock Orange)	On site	Remove

53. TREE PROTECTION

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

- Do not store harmful or bulk materials or spoil under or near trees;
- Prevent damage to bark and root system;
- Do not use mechanical methods to excavate within root zones;
- Do not add or remove topsoil from under the drip line;
- Do not compact ground under the drip line;
- 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.

TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.

Soil levels are not to be changed around any trees.

To prevent compaction within the root zone, excavation undertaken within the specified radius of the trunks of the following trees must be hand dug. Beyond this radius, mechanical excavation is permitted, when root pruning by hand along the perimeter line of such works is completed. Any hand excavation must be carried out in the presence of experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.

If tree roots are required to be removed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process then Waverley Council's Tree Management Officer is to be contacted to make final determination.

If any trees on neighbouring properties require pruning then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.

54. TREE PRUNING ON ADJOINING PROPERTIES

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

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

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

55. NEW VEHICLE CROSSINGS

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

56. VEHICULAR ACCESS - FINISHED LEVELS

The finished level at the property boundary on **both** sides of the each vehicle crossing is to be **110mm above** the level of the invert of the existing concrete gutter.

57. WORK OUTSIDE PROPERTY BOUNDARY

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

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

58. 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.

59. 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.

60. 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.

61. LIGHTING

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

62. 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.

63. CONSERVATION RESTORATION WORKS

The conservation restoration works to the dwellings that are identified in the schedule of works approved by Council's Heritage Advisor shall be completed in full prior to the issue of an Occupation Certificate.

DEVELOPMENT APPLICATION

47 / 49 / 51 / 53 BON ACCORD AVENUE, BONDI JUNCTION 2022

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- 123760 / 07 / C / - SITE PLAN, ROOF PLAN
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- 123760 / 10 / E / - ATTIC FLOOR PLAN
- 123760 / 11 / A / - NORTH ELEVATION
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- 123760 / 28 / - / - FIRST FLOOR PLAN EXISTING
- 123760 / 29 / A / - GARAGES

BASIX REQUIREMENTS

CERTIFICATES: A320335 / A320349 / A320373 / A320375
Application No: DA-264/2018

HOT WATER

The Applicant must install the following hot water system in the development: gas instantaneous.

INSULATION REQUIREMENTS

The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of construction is less than 2m², b)insulation specified is not required for parts of altered construction where insulation already exists.

CONSTRUCTION	ADDITIONAL INSULATION REQUIRED (R-VALUE)	OTHER SPECIFICATIONS
Suspended floor with enclosed subfloor: framed (R0.7)	R0.60 (down) (or R1.30 including construction)	
Floor above existing dwelling or building	nil	
External wall: brick veneer	R1.16 (or R1.70 including construction)	
External wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
Flat ceiling, pitched roof	Ceiling: R1.45 (up), roof: foil backed blanket (75mm)	Dark (solar absorptance > 0.70)
Raked Ceiling, pitched/skillion roof: framed	Ceiling: R1.74 (up), roof: foil backed blanket (75mm)	Dark (solar absorptance > 0.70)

WINDOWS AND GLAZED DOORS

The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.

For projections described as a ratio, the ratio of the projection from the wall to the height above the window or glazed door sill must be at least that shown in the table below.

Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.

RECEIVED
Waverley Council
Date Received: 16/7/2018

WINDOW / DOORS NUMBER	ORIENTATION	AREA OF GLAZING INCL. FRAME (M²)	OVERSHADOWING		SHADING DEVICE	FRAME AND GLASS TYPE
			Height	Distance		
WG05	W	1.8	4.96	2.9	Projection/ height above sill ratio >=0.43	ALL NEW WINDOWS / DOORS TO BE: Timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
WG06	N	1.01	5.82	6.9	Projection/ height above sill ratio >=0.43	
WG07	S	6.09	0	0	None	
WG12	E	1.8	4.55	1.8	None	
WG13	N	1.01	5.82	6.9	None	
WG14	S	6.09	0	0	None	
WG19	W	1.8	5.19	1.8	None	
WG20	N	1.01	5.82	6.9	None	
WG21	S	6.09	0	0	None	
WG26	E	1.8	0	0	Projection/ height above sill ratio >=0.43	
WG27	N	1.01	5.85	6.9	Projection/ height above sill ratio >=0.43	
WG28	S	6.09	0	0	None	
WF04	S	1.96	0	0	None	
WF10	S	1.96	0	0	None	
WF16	S	1.96	0	0	None	
WF22	S	1.96	0	0	None	
WA01	N	1.2	0	0	None	
WA02	S	4	0	0	None	
WA03	N	1.2	0	0	None	
WA04	S	4	0	0	None	
WA05	N	1.2	0	0	None	
WA06	S	4	0	0	None	
WA07	N	1.2	0	0	None	
WA08	S	4	0	0	None	

SKYLIGHTS

The applicant must install the skylights in accordance with the specifications listed in the table below

SKYLIGHT NUMBER	AREA OF GLAZING INCL. FRAME (M²)	SHADING DEVICE	FRAME AND GLASS TYPE
SK1	0.4	No shading	ALL NEW SKYLIGHTS TO BE: aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)
SK2	0.4	No shading	
SK3	0.4	No shading	
SK4	0.4	No shading	
SK5	0.4	No shading	
SK6	0.4	No shading	
SK7	0.4	No shading	
SK8	0.4	No shading	

LUCAS STAPLETON JOHNSON

LSJ Heritage Planning & Architecture
ACN 002 584 189 ABN 60 763 960 154
Nominated Architect: Ian Stapleton (reg. 4032)
Websites: www.lsjarchitects.com www.traditionalaustralianhouses.com

Date
02/07/18

Scale (at A3)
NTS

Drawn
MN

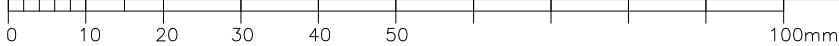
Job
BON ACCORD
47, 49, 51, 53, BON ACCORD AVENUE, BONDI JUNCTION

Dwg.
DEVELOPMENT APPLICATION
COVER SHEET

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Check all dimensions. Figured dimensions to be taken in preference to scale.

Dwg. No.
123760 / 00

307



TREE TO BE
REMOVED

TREE TO BE
RETAINED.

GARAGE ROOFS
CORRUGATED
WOODLAND GREY.

KEENELOW, H. L.

№ 45 BON ACCORD.

EXIST. ROOF

NEW GARAGES
LOFT STORE OVER

NEW ROOF
CORRUGATED

BALCONY

NEW BLOOD
STANDIN

NEW
DORMER

LOT
47

LOT
49

LOT
51

104
E3

DP. 123187

39.56 m

NEW GROUND FLOOR
ADDITION WITH WOODLAND
GREY ROOF

NEW BARREL ROOF
FORMERS IN EXIST.
TILED ROOF

 2.1×4.5

LANE

SITE & ROOF PLAN

DESIGN CHANGES
DESIGN CHANGES
COORDINATED FOR DA

6 JULY
27 JUNE
21 JUNE

C
B
A

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

Job **BON ACCORD**
47-53 BON ACCORD AVE
BOND JUNCTION
FOR MR BRUCE MCWILLIAM

**LUCAS
STAPLETON
JOHNSON**

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Date JUN 18

Scale (at A3)
1:200

Drawn
6 GREEN

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Suite 101, Level 1, 191 Clarence Street
Sydney, NSW, 2000 Australia
Telephone: (02) 93574811
Email: mailbox@lsiarchitects.com

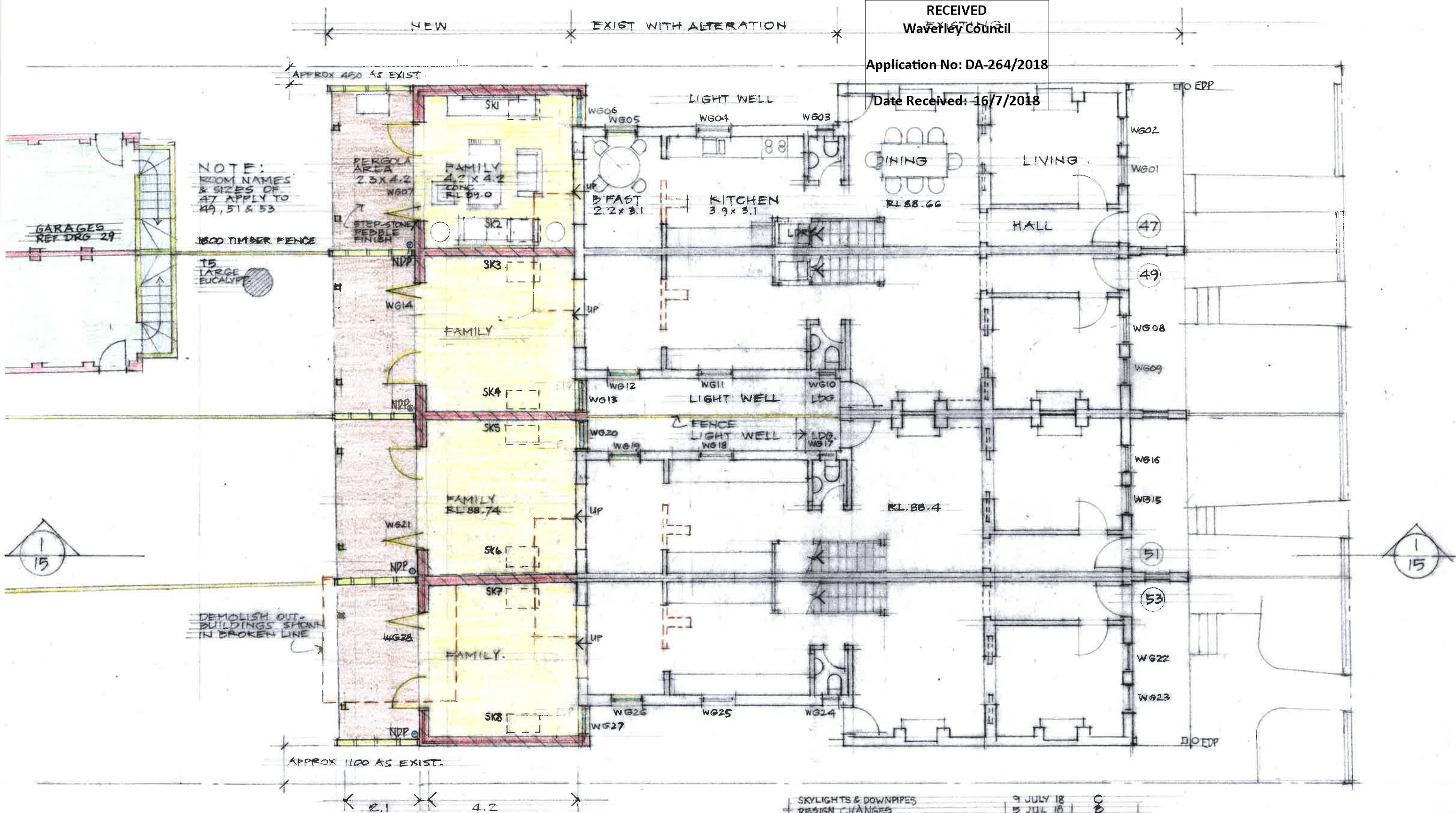
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Dwg. SITE PLAN
ROOF PLAN

Dwg. No. 123760 / 07 / C

308

Date Received: 16/7/2018



GROUND FLOOR PLAN

LEGEND:
EDP EXISTING DOWN PIPE
NDP NEW DOWN PIPE (CONNECT TO EXISTING STORMWATER)

SKYLIGHTS & DOWNPIPES
DESIGN CHANGES
COORDINATED FOR DAY

9 JULY 18
5 JUL 18
21 JUN 18

**LUCAS
STAPLETON
JOHNSON**

LSJ Heritage Planning & Architecture
ACN 002 584 189 ABN 60 763 960 154
Nominated Architect: Ian Stapleton
Website: www.lsjparchitects.com
www.traditionalaustralianhouses.com

Date
JUN 18

Scale (at A3)
1:100

Drawn
SGREEN

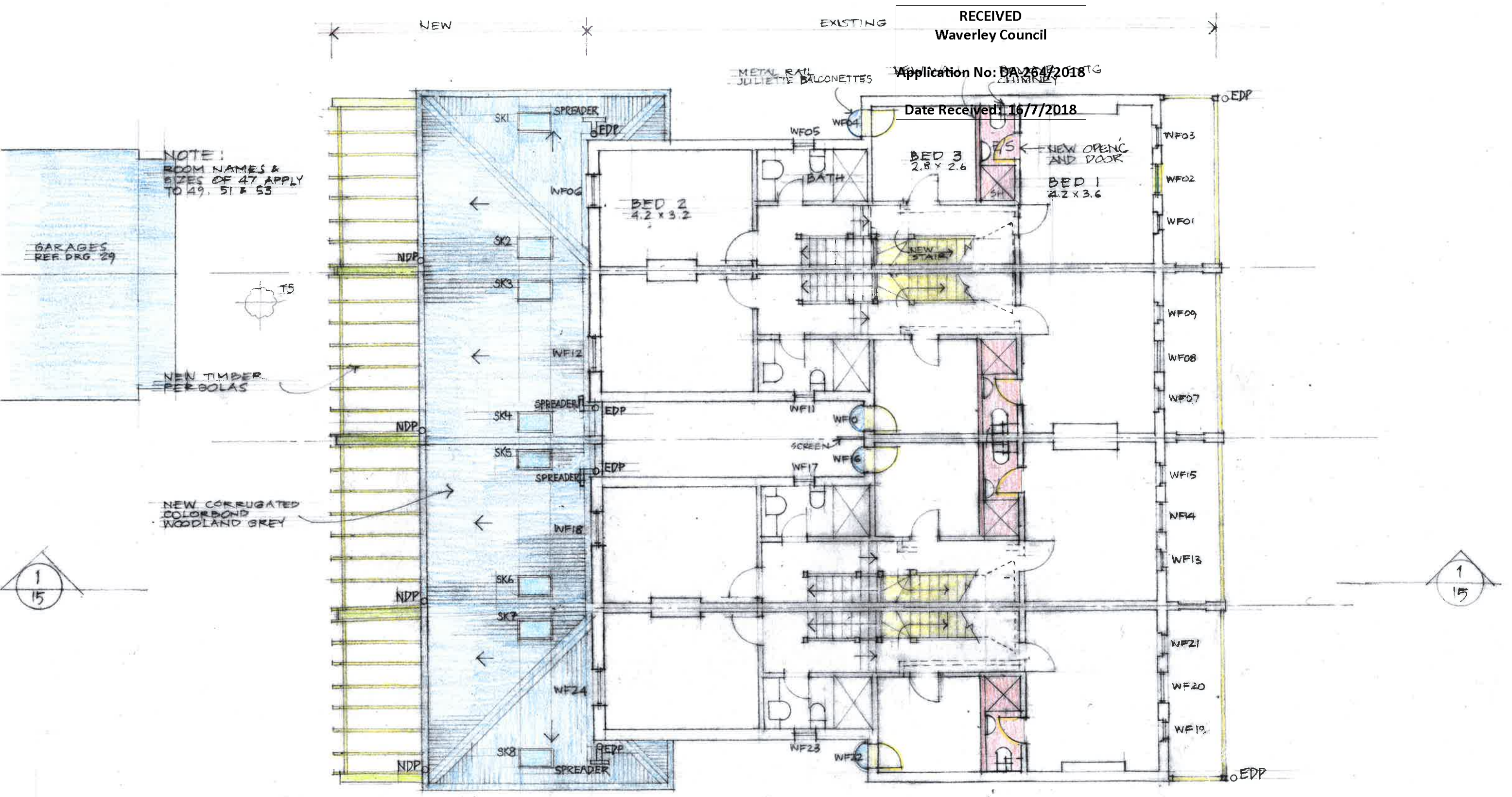
Job BON ACCORD
47-53 BON ACCORD AVE
BONDI JUNCTION
FOR MR BRUCE MC WILLIAM

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Check all dimensions. Figured dimensions to be
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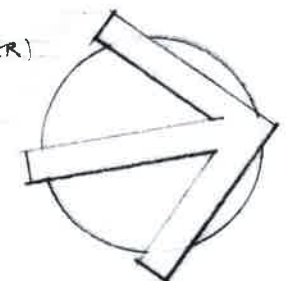
Dwg.
GROUND FLOOR PLAN

Dwg. No. 123760 / 08 / 0



FIRST FLOOR PLAN

LEGEND:
 EDP: EXISTING DOWN PIPE
 NDP: NEW DOWN PIPE (CONNECT TO EXISTING STORMWATER)



SKYLIGHTS & DOWNPIPES
 ENSUITE ADDED
 DESIGN CHANGES
 COORDINATED FOR DA

9 JULY 18
 2 JULY 18
 23 JUN 18
 21 JUN 18

D
 C
 B
 A

LUCAS STAPLETON JOHNSON

LSJ Heritage Planning & Architecture
 ACN 002 584 189 ABN 60 763 960 154
 Nominated Architect: Ian Stapleton
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Date
 JUN 18

Scale (at A3)
 1:100

Drawn
 SCREEN

Job **BON ACCORD**
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Dwg.
FIRST FLOOR PLAN

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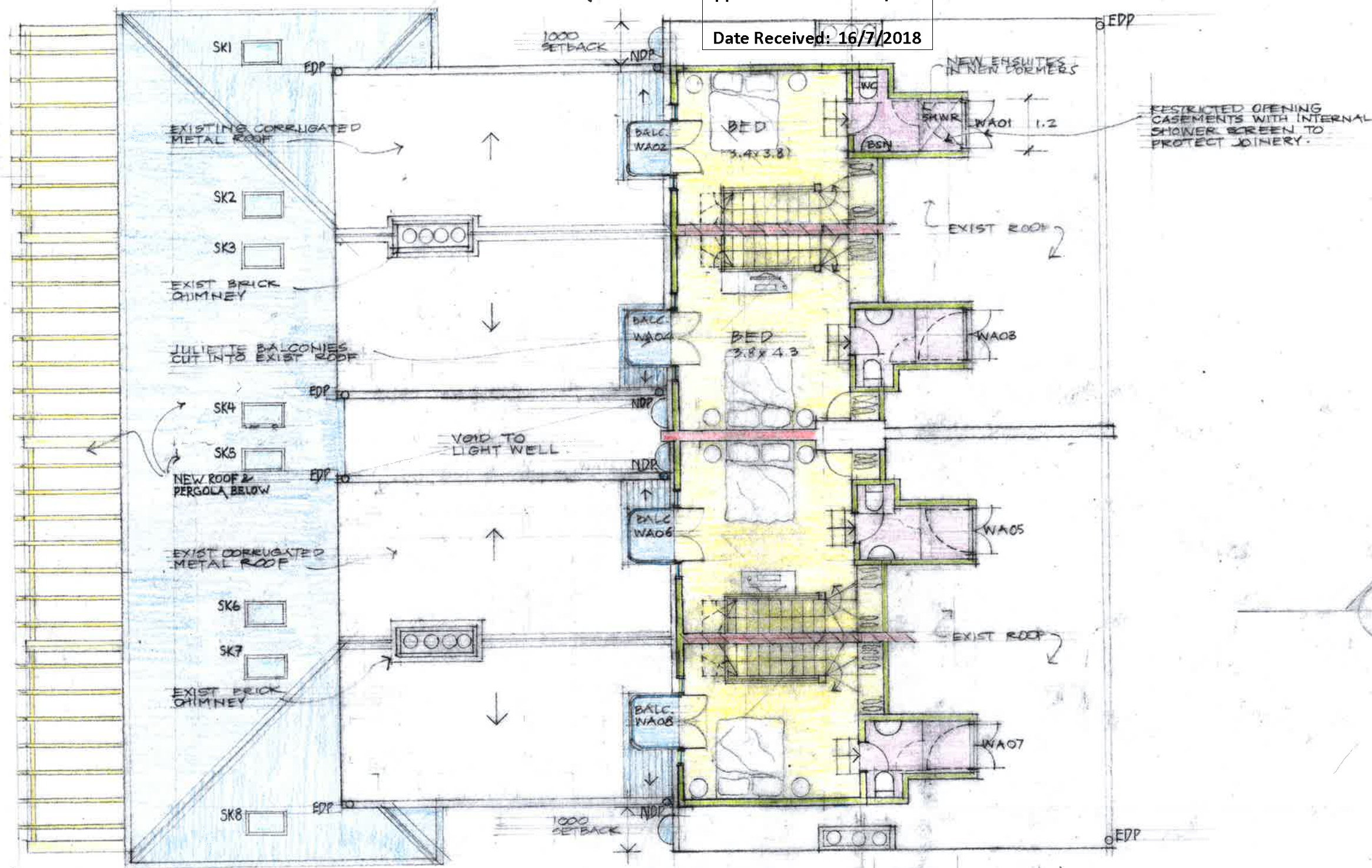
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 123760 / 09 / D

RECEIVED NEW DORMERS
Waverley Council

Application No: DA-264/2018

Date Received: 16/7/2018

NOTE:
ROOM NAMES
& SIZES OF
47 APPLY TO
49, 51 & 53



SKYLIGHTS & DOWNPIPES
DESIGN CHANGES
ENSUITES ETC ADDED
DESIGN CHANGES
COORDINATED FOR DA

9 JULY 18
6 JULY 18
27 JUN 18
25 JUN 18
21 JUN 18

E
P
C
B
A

ATTIC PLAN

LEGEND:
EDP: EXISTING DOWN PIPE
NDP: NEW DOWN PIPE (CONNECT TO EXISTING STORMWATER)

**LUCAS
STAPLETON
JOHNSON**

LSJ Heritage Planning & Architecture
ACN 062 984 189 AWW 08 763 960 154
Nominated Architect: Ian Stapleton
Website: www.lsjarchitects.com
www.traditionalaustralianhouses.com

Date
JUN 18

Scale (at A3)
1:100

Drawn
GG

Job **BON ACCORD**
47-53 BON ACCORD AVE
BONDI JUNCTION
FOR MR BRUCE MCWILLIAM

Lucas Stapleton Johnson & Partners Pty Ltd
Suite 101, Level 1, 191 Clarence Street
Sydney, NSW, 2000 Australia
Telephone: (02) 93574811
Email: mailbox@lsjarchitects.com

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taken in preference to scale.

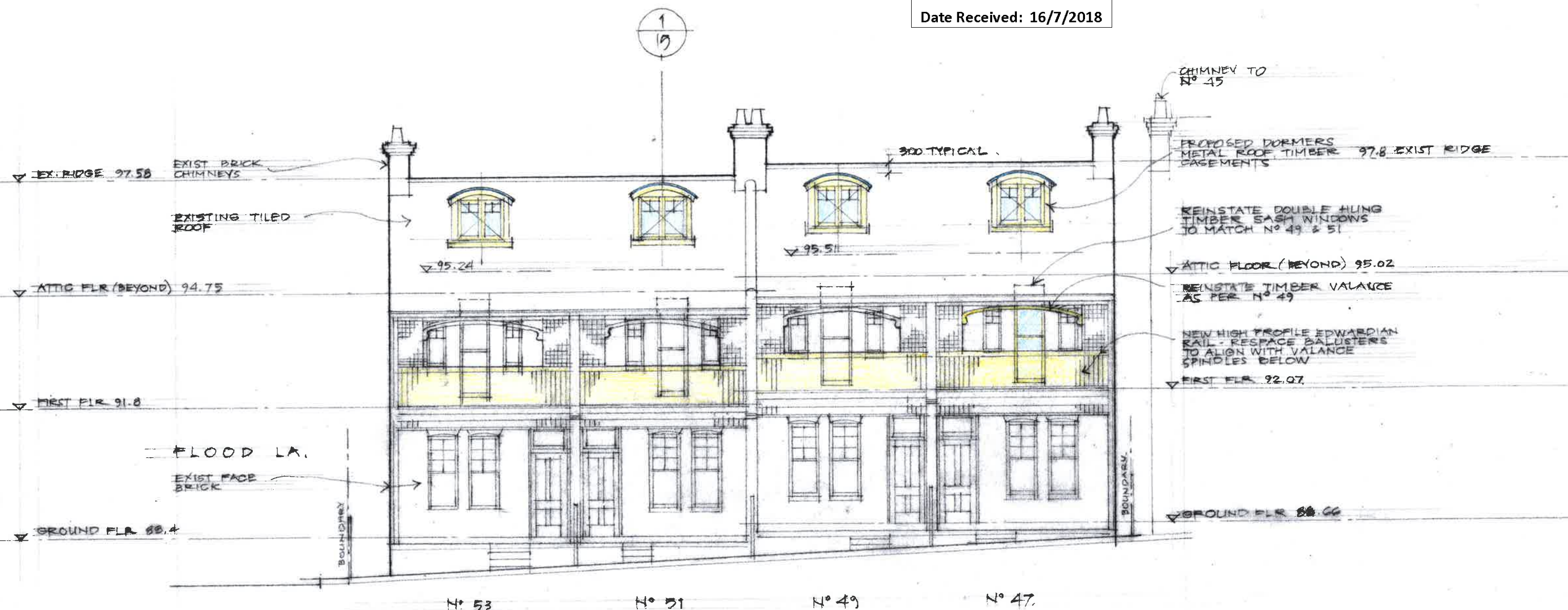
Dwg.
ATTIC FLOOR PLAN

Dwg. No.
123760/10/E

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Waverley Council

Application No: DA-264/2018

Date Received: 16/7/2018



NORTH ELEVATION
TO BON ACCORD AVE

COORDINATED FOR DA

21 JUN 18

A

**LUCAS
STAPLETON
JOHNSON**

LSJ Heritage Planning & Architecture
ACN 002 584 189 ABN 60 763 960 154
Nominated Architect: Ian Stapleton
Website: www.lsjparchitects.com
www.traditionalaustralianhouses.com

Date

JUN 18

Scale (at A3)

1:100

Drawn

SCREEN

Job BON ACCORD

47-53 BON ACCORD AVE
BOND JUNCTION
FOR MR BRUCE McWILLIAM

Dwg.

NORTH ELEVATION

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Dwg. No.

123760 / 11 / A

312

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Date Received: 16/7/2018



SOUTH ELEVATION
TO KENILWORTH LANE

DESIGN CHANGES
COORDINATED FOR DA

5 JUL 18
21 JUN 18

B
A

**LUCAS
STAPLETON
JOHNSON**

LSJ Heritage Planning & Architecture
ACN 002 584 189 ABN 60 763 960 154
Nominated Architect: Ian Stapleton (reg. 4032)
Websites: www.lsjarchitects.com
www.traditionalaustralianhouses.com

Date
JUN 18

Scale (at A3)
1:100

Drawn
MH

Job BON ACCORD
47-53 BON ACCORD AVE
BONDI JUNCTION
FOR MR BRUCE MCWILLIAM

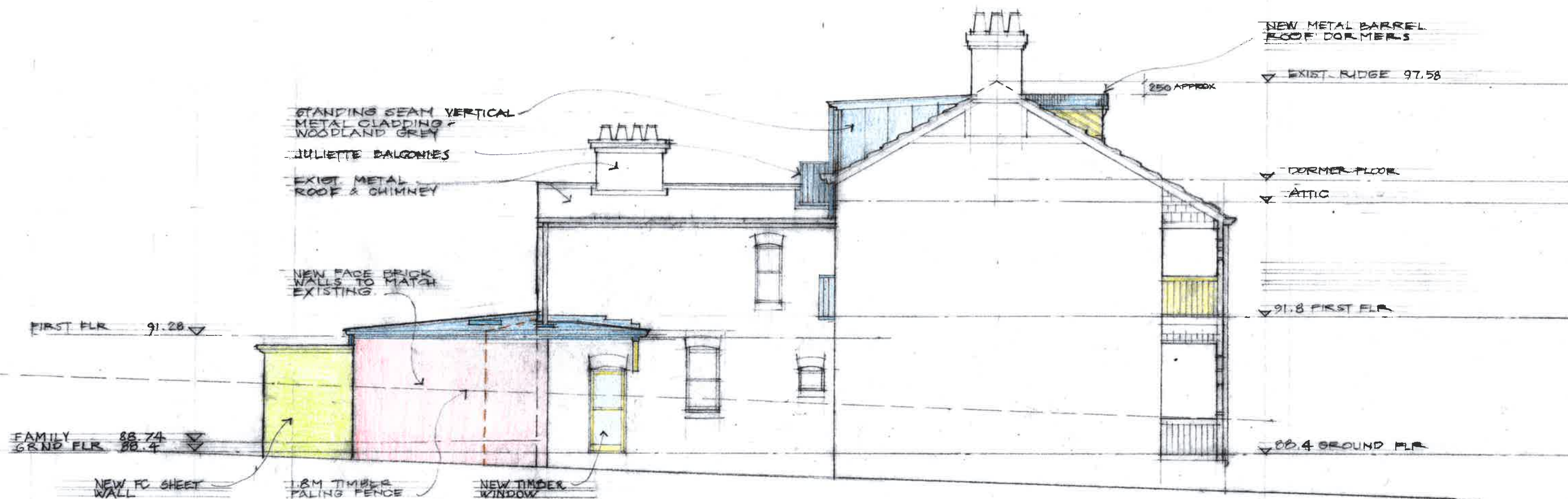
Lucas Stapleton Johnson & Partners Pty Ltd
Suite 101, Level 1, 191 Clarence Street
Sydney, NSW, 2000 Australia
Telephone: (02) 93574811
Email: mailbox@lsjarchitects.com

Lucas Stapleton Johnson & Partners Pty Ltd
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taken in preference to scale.

Dwg.
SOUTH ELEVATION

Dwg. No.
123760 / 12 / B. 313

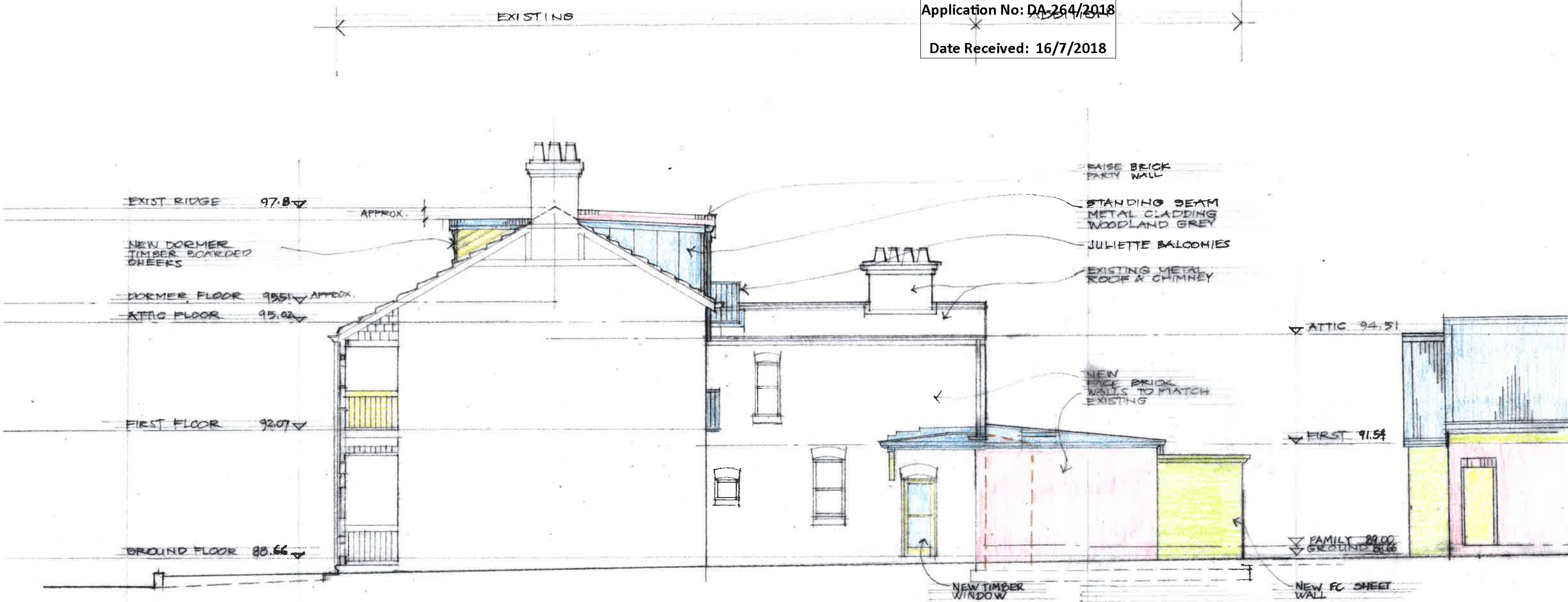
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Application No: DA-264/2018
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EAST ELEVATION
TO FLOOD LANE - N° 53

DESIGN CHANGES COORDINATED FOR DA	5 JULY 18 21 JUN 18	B A		
LUCAS STAPLETON JOHNSON	Date JUN 18	Scale (at A3) 1:100	Drawn SG	Job BON ACCORD 47-53 BON ACCORD AVE BONDI JUNCTION FOR MR BRUCE MC WILLIAM
LSJ Heritage Planning & Architecture ACN 002 584 189 ABN 60 763 960 154 Nominated Architect: Ian Stapleton Website: www.lsjparchitects.com www.traditionalaustralianhouses.com	Lucas Stapleton Johnson & Partners Pty Ltd Suite 101, Level 1, 191 Clarence Street Sydney, NSW, 2000 Australia Telephone: (02) 93574811 Email: mailbox@lsjarchitects.com			Dwg. EAST ELEVATION
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Application No: DA-264/2018
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WEST ELEVATION
Nº 47

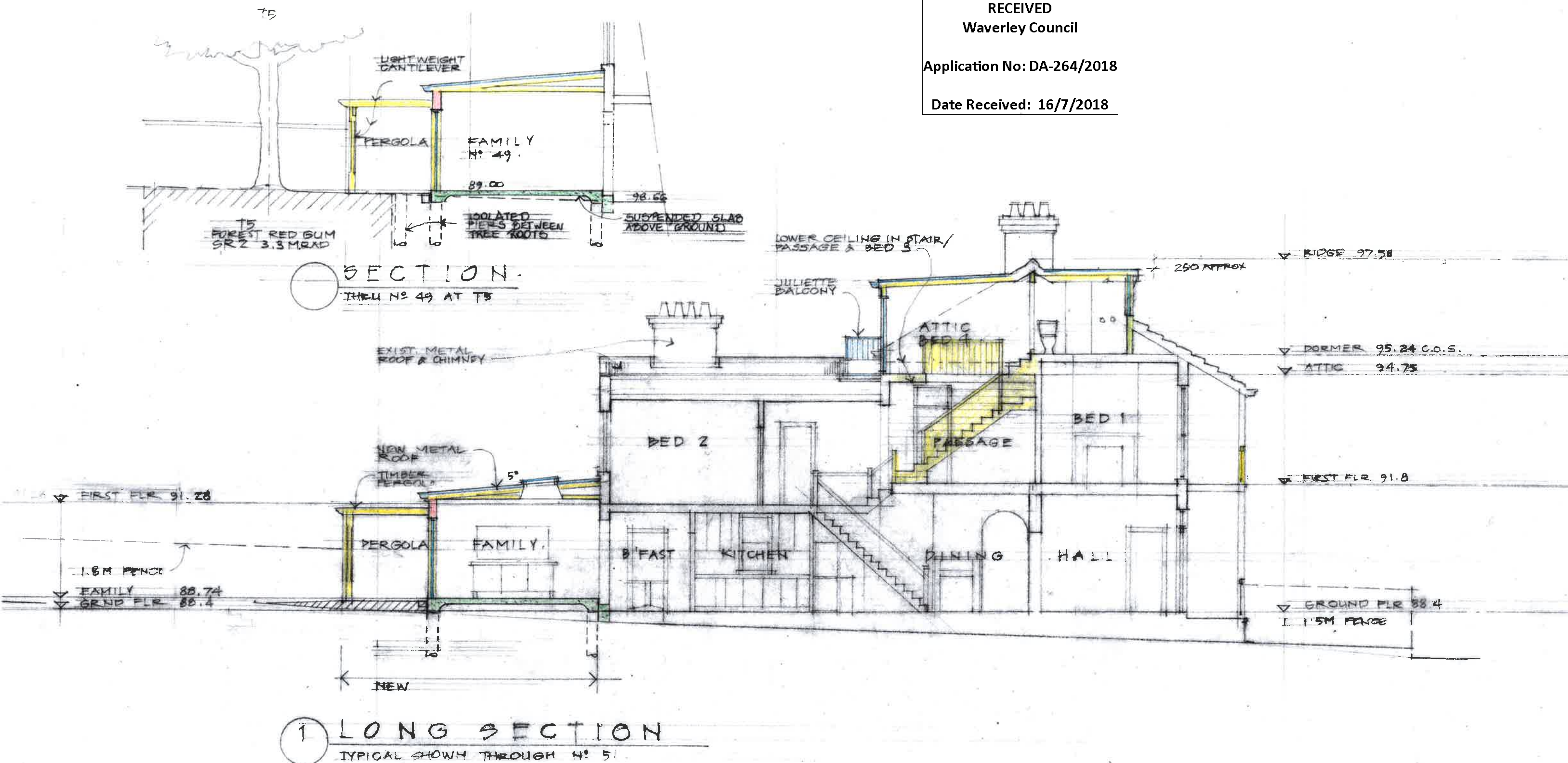
DESIGN CHANGES	6 JUN 18	C
DESIGN CHANGES	27 JUN 18	B
COORDINATED FOR DA	21 JUN 18	A

LUCAS STAPLETON JOHNSON LSJ Heritage Planning & Architecture ACN 002 584 189 ABN 60 763 960 154 Nominated Architect: Ian Stapleton Website: www.lsjarchitects.com www.traditionalaustralianhouses.com	Date	Scale (at A3)	Drawn	Job
	JUN 18	1:100	SGREEN	BON ACCORD 47-53 BON ACCORD AVE BONDI JUNCTION FOR MR BRUCE MCWILLIAM
	Lucas Stapleton Johnson & Partners Pty Ltd Suite 101, Level 1, 191 Clarence Street Sydney, NSW, 2000 Australia Telephone: (02) 93574811 Email: mailbox@lsjarchitects.com			Dwg.
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WEST ELEVATION	123760 / 14 / C
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315

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PIERS + SKYLIGHT
FLOOR LEVEL FAMILY RM
DESIGN CHANGES
COORDINATED FOR DA

9 JUL
5 JUL 18
26 JUN 18
21 JUN 18

D
C
B
A

**LUCAS
STAPLETON
JOHNSON**

LSJ Heritage Planning & Architecture
ACN 002 584 189 ABN 60 763 960 154
Nominated Architect: Ian Stapleton
Website: www.lsjarchitects.com
www.traditionalaustralianhouses.com

Date
JUN 18

Scale (at A3)
1:100

Drawn
SG

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Job **BON ACCORD**
47-53 BON ACCORD AVE
BONDI JUNCTION
FOR MR BRUCE MCWILLIAM

Dwg.
LONG SECTION 1

Dwg. No.
123760 / 15 / D

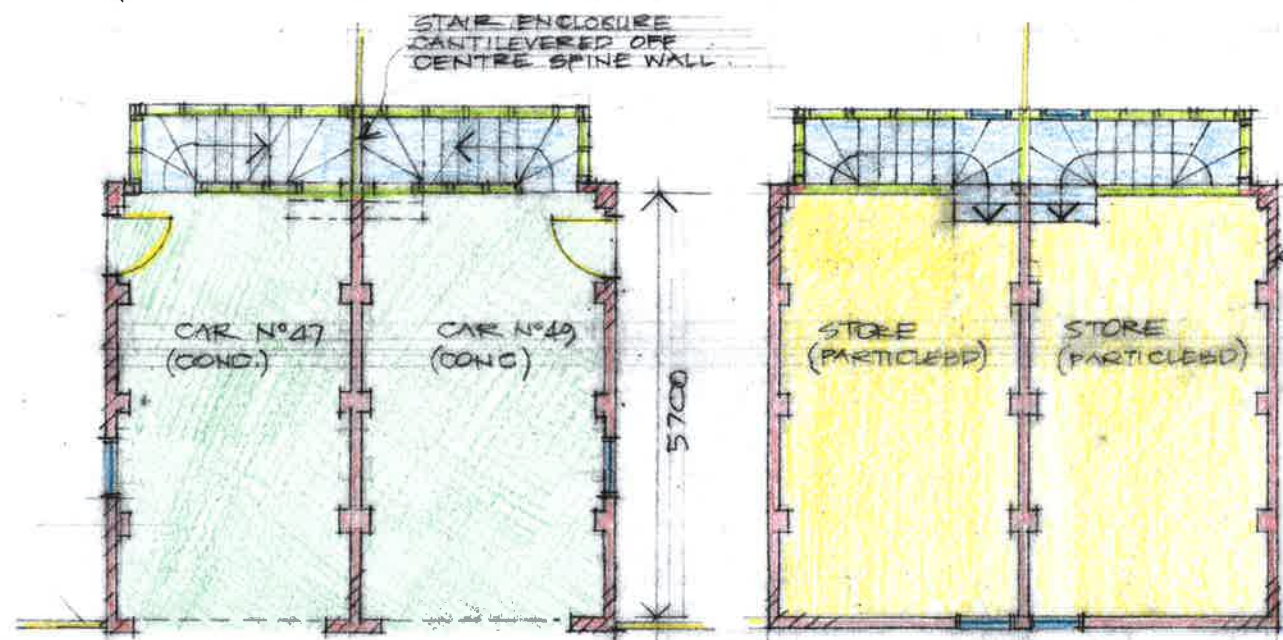
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Waverley Council
Application No: DA-264/2018
Date Received: 16/7/2018



SOUTH ELEV.
TO KENILWORTH

EAST ELEV.
WEST SIMILAR HANDED

3100 3100



GROUND

LOFT STORE

FINISHES & MATERIALS

LOWER WALL - FACE BRICK TO MATCH HOUSE
UPPER WALL - RENDER / PAINT - EXPRESSED BRICK
FASCIA - TIMBER
WINDOWS - ALUMIN
GARAGE DOOR - METAL PANEL LIFT.
ROOF - CORRUGATED STEEL



NORTH.

DOUBLE GARAGE

N°s 47 & 49

SINGLE GARAGE DELETE ETC.	27 JUN 18	1:100	SS	Job BON ACCORD 47-53 BON ACCORD AVE BONDI JUNCTION FOR MR BRUCE McWILLIAM
LUCAS STAPLETON JOHNSON	Date	Scale (at A3)	Drawn	Dwg. GARAGES
LSJ Heritage Planning & Architecture ACN 002 584 189 ABN 60 763 960 154 Nominated Architect: Ian Stapleton Website: www.lsjarchitects.com www.traditionalaustralianhouses.com	27 JUN 18	1:100	SS	Dwg. No. 123760/29/A
Lucas Stapleton Johnson & Partners Pty Ltd Suite 101, Level 1, 191 Clarence Street Sydney, NSW, 2000 Australia Telephone: (02) 93574811 Email: mailbox@lsjarchitects.com				Check all dimensions. Figure dimensions to be taken in preference to scale.