Waverley Council

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1 May 2012

A meeting of **COUNCIL** will be held at the Waverley Council Chambers, Bondi Road, Bondi Junction at:

12.30PM, SATURDAY 5 MAY 2012

QUORUM: Seven Councillors.

APOLOGIES: Email the General Manager or Governance Manager.

Late notice by telephone or through a Councillor attending the meeting.

Tony Reed
GENERAL MANAGER

AGENDA

I-1205.A LEAVES OF ABSENCE AND APOLOGIES

I-1205.DI DECLARATIONS OF INTEREST

I-1205.1 GENERAL BUSINESS

There are no items of General Business.

I-1205.2 INSPECTIONS

I-1205.2.1 PAGE 4
310-330 Oxford Street, Bondi Junction – Modification to add two (2) additional storeys to an approved multi storey mixed commercial / residential development (DA 598/2008/E)

Report dated 21 March 2012 from the Development and Building Unit.

Recommendation: That the application be refused in accordance with the reasons contained in this report.

I-1205.2.2 PAGE 26
25 Kenilworth Street, Bondi Junction – Alterations and additions including a first floor addition to terrace dwelling (DA 421/2011).

Report dated 28 March 2012 from the Development and Building Unit.

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

I-1205.2.3 **PAGE 48**

1 Ocean Street, Bondi – Alterations and additions to construct a two storey detached granny flat and a new double garage to heritage item (DA 354/2011)

Report dated 28 March 2012 from the Development and Building Unit.

Recommendation: That the application be granted Deferred Commencement Consent in accordance with the conditions contained in this report.

I-1205.2.4 **PAGE 74**

Unit 4, 16 Consett Avenue, Bondi Beach – Modification to change use of upper level from study / attic storage space to kitchen, dining, living, toilet and media room, and changes to roof deck and screens and planter (DA 272/02/B)

Report dated 25 November 2011, and subsequently amended 11 April 2012, from the Development and Building Unit.

Recommendation: That the application be refused in accordance with the reasons contained in this report.

I-1205.2.5 **PAGE 92**

4 Lola Road, Dover Heights – Demolition of existing dwelling and construction of a two storey dwelling with double garage and new swimming pool (DA 543/2011)

Report dated 16 April 2012 from the Development and Building Unit.

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

I-1205.RM **SUBMISSION OF RESCISSION MOTIONS**

Note from the General Manager: Rescission motions must be submitted to the General Manager, or in the absence of the General Manager a member of Council's Governance Unit, and announced before the close of the meeting. The date and time of receipt will be noted on all rescission motions.

Rescission motions received before 10am on the next working day following the meeting will stay action to implement Council's decision until the rescission motion has been determined. This is in line with section 372 of the Local Government Act and Council's Code of Meeting Practice.

Rescission motions received after 10am on the next working day following the meeting may not stay action on implementing Council's decision.

Rescission motions will generally be dealt with at the next Council meeting.

The Chair will call for the submission of any rescission motions.

310-330 Oxford Street, Bondi Junction – Modification to add two (2) additional storeys to an approved multi storey mixed commercial / residential development (DA 598/2008/E)

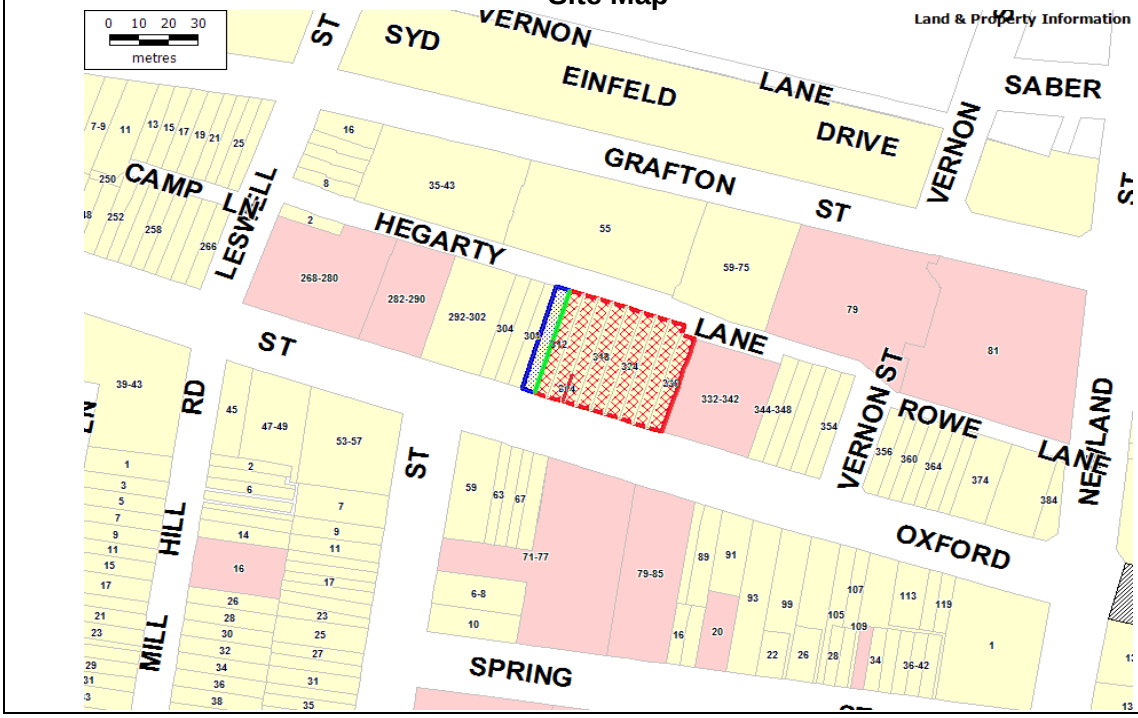
Report dated 21 March 2012 from the Development and Building Unit.

Recommendation: That the application be refused in accordance with the reasons contained in this report.

Referred DCC on public interest grounds / number of submissions received

Section 96 Assessment Report	
Development Application No.	**DA-598/2008/E**
Address	310-330 Oxford Street, Bondi Junction
Section 96 Lodgement Date	5 December 2011
Proposal	Modification to add two (2) additional storeys to an approved multi storeys mixed commercial/residential development.
Approved Development	* Demolition of existing buildings and erect 10 storeys mixed development * Modification for two additional storeys
Zoning and relevant controls	• Waverley Local Environmental Plan (Bondi Junction Centre) 2010 • Waverley Development Control Plan 2010
Owner	Treesol Holdings Pty Ltd
Applicant	Elia Lies
Submissions	Twenty-four (24) objections and eighty four (84) pro-forma letters of support
Issues	floor space, height, extension of area to adjacent land at 308 Oxford St and integrity of new LEP controls
Recommendation	Refusal

Site Map



1. PREAMBLE

1.1 The Site and its Locality

The subject site is located on the northern side of Oxford Street, between Vernon Street and Leswell Street with Hegarty Lane on the rear boundary.

The site has a frontage to Oxford Street and Hegarty Lane of 54.5m and side boundaries depth of approximately 39m with a total site area of 1911sqm.

The site has a fall of approximately 5m from the street frontage to the rear.

The rear of the site (Hegarty Lane) comprise of inconsistent building forms with some structures fronting the lane whilst other properties have open rear yards.

Existing development on the site comprise a mix of one and two storey, terrace style buildings of varying styles, appearance and age. Most of the existing buildings have been altered over time.

The site forms part of the Bondi Junction city centre and is approximately 200m from the focus of the centre, namely the railway station and pedestrian mall.

The locality is characterised by retail and commercial buildings of varying height. To the west are similar terrace style buildings. Beyond this are two mixed-use buildings of 7 and 9 storeys. To the east is an 8 storey mixed use building with retailing at the Oxford Street frontage. To the south of the site is large podium/tower development and to the north (across Hegarty Lane) are three 8 to 10 storey commercial buildings.

1.2 Details of Approved Development

DA-598/2008
Deferred Commencement Consent granted on 1 July 2009
Part demolition of existing buildings (retain street facades) and construction of a 10 storey mixed development of 66 residential units, retail/commercial units and basement car parking. The approved development include an affordable housing contribution of 1 xbedroom unit with a capped rent for five years period. Voluntary Planning Agreement (VPA) has been finalised and signed by the applicant.

On 30 November 2009, the applicant was issued a letter indicating that the Deferred Commencement Consent conditions had been satisfied.

DA-598/2008 – Section 96 (A)
Approved on 21 June 2010
Modification to delete north/west corner on levels 1 & 2, delete western terrace on level 2 & other changes. Condition nos. 1, 22 and 23 were modified relating to architectural plans, security deposit and heritage deed of agreement respectively.

DA-598/2008 – Section 96 (B)
Approved on 26 August 2010
Modification for two additional storeys to approved mixed commercial / residential development. The original proposed modification application sought to add 20 apartments on the two floors and 15 car spaces into the existing approved footprint of the building. The approved amended plans removed half floor level from the eastern tower of the original

proposal, in order to comply with the 5:1 maximum allowed FSR control and the 38m maximum height limit under the new Bondi Junction LEP.

DA-598/2008 – Section 96 (C)
Approved on 28 October 2011
Modification to change the layout of basement levels (in order to allow for an increase in car parking spaces) and alterations to layout of levels 9 and 10 with additional units to level 11. The applicant proposed to reclaim the lost additional half floor level at the eastern tower as part of this application.

DA-598/2008 – Section 96 (D)
Approved on 29 October 2012 by DBU
Modification to create eight studio spaces at the rear of Oxford Street level and internal reconfigurations on level 9, 10 and 11 to approved mixed commercial / residential development.

1.3 Proposed Section 96 Modifications (E)

The application has been lodged as a Section 96 (2) application and provides for the following modifications to the approved development: -

- Inclusion of No 308 Oxford Street as part of the site area (which increases the total area of the site to 2112.4sqm;
- Provision of an additional two (2) floors on the top of the building comprising 3x3 bedroom and 1x2 bedroom apartment at each level, thereby a total of 8 new units;
- Offer to enter into a Voluntary Planning Agreement to allow demolition of existing building at No 308 Oxford Street (except for the heritage listed façade) and dedication to Council for use as a "through site" pedestrian link. Alternatively, if Council so desire, the building can be retained and used for any other community purpose; and,
- Common roof terrace relocated to the middle of the building instead on the western tower at the roof level.

Note: The total approved unit mix is now 35 x 1bed, 66 x 2bed, 8 x 3bed (Total 109)). The above changes results in an increase proposed unit mix of 35 x 1bed, 68 x 2bed and 14 x 3bed (Total 117)). However, should the fourth Section 96 (D) application be approved by Council (which is currently undetermined) an overall total of 44 x 1bed, 69 x 2bed, 13 x 3bed (Thereby a total 126) is calculated for the proposed development residential mix.

It is this Section 96 modification which is assessed in this report. The amended proposal results in the following number and mix of units:

	Approved DA	**Approved S96**	**Amended S96**	**Comments**
Lower Ground (Hegarty Ln)	Retail	Retail/Storage	Retail/Storage	No change
Ground (Oxford St)	Retail	Retail	Retail	No change
Podium Level 1	Commercial (18 lots)	Residential (14 units)	Residential (14 units)	No change
Level 2	Commercial (16 lots)	Residential (14 units)	Residential (14 units)	No change
Level 3	Residential (10 units)	Residential (10 units)	Residential (10 units)	No change
Level 4	Residential (10 units)	Residential (10 units)	Residential (10 units)	No change

	Approved DA	Approved S96	Amended S96	Comments
Level 5	Residential (10 units)	Residential (10 units)	Residential (10 units)	No change
Level 6	Residential (10 units)	Residential (10 units)	Residential (10 units)	No change
Level 7	Residential (10 units)	Residential (10 units)	Residential (10 units)	No change
Level 8	Residential (10 units)	Residential (10 units)	Residential (10 units)	No change
Level 9	Residential (6 units)	Residential (8 units)	Residential (8 units)	No change
Level 10		Residential (8 units)	Residential (8 units)	No change
Level 11		Residential (6 units)	Residential (6 units)	No change
New Level 12			Residential (4 units)	**4 new units**
New Level 13			Residential (4 units)	**4 new units**
Total	66 residential units and 34 commercial lots	109 residential units	117 residential units	**Total 8 new units**
FSR	4.6:1	5.11:1	5.28:1 (Note: A revised total site area of 2112.4sqm instead 1929 sqm by including no. 308 Oxford, which is an additional land of 183.4sqm in area)	**Non-Compliance (including the floor space potential generated from the inclusion of land at no. 308 Oxford Street to construct two new floors to the top of the approved building)**
Height	32m	Within 38m height limit	44.50m	**Non-compliance**

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under Sections 79C and 96 of the Environmental Planning and Assessment Act 1979.

2.1 Section 96 Considerations

Section 96 (2) applications – the modification(s) if approved are substantially the same development as the original consent and satisfy the provisions of Section 96.

Section 79C (1)(a) Planning Instruments.

The original application was lodged on 17 October 2008 when the applicable plan for the site was the Waverley Woollahra Joint Local Environmental Plan (JLEP) 1991 – Bondi Junction Commercial Centre (JLEP 1991).

WLEP 2010 was gazetted by the Department of Planning on 7 June 2010. Under the Savings provision of Clause 1.8A of WLEP 2010, in this instance the assessment of this application must be made under WLEP 2010 instrument, which is contained below.

2.1.1 Waverley Local Environmental Plan (Bondi Junction Centre) 2010

Clause 1.2 - Aims

(1) This Plan aims to make local environmental planning provisions for land in the Bondi Junction Centre in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

(2) The particular aims of this Plan are as follows:

(a) to maintain and reinforce Bondi Junction as a primary commercial and cultural centre in Sydney's eastern suburbs,
(b) to promote a range of commercial, retail, residential, tourist, entertainment, cultural and community uses to service the local and wider community and achieve a vibrant and active centre during the day and evening,
(c) to promote mixed use development on the edge of Zone B3 Commercial Core to ensure an appropriate transition between commercial and residential development,
(d) to consolidate land zoned for retail and commercial development in Bondi Junction,
(e) to protect and conserve the cultural heritage of Bondi Junction Centre.
(f) to achieve a high level of physical integration between land use and transport that facilitates sustainable forms to and from the Bondi Junction Centre by means other than by private car,
(g) to improve built form and building design in Bondi Junction Centre, appropriate to a major centre.

The zone applicable to the subject site is Zone B4 – Mixed Use. The Objectives of this particular zone are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

- *To encourage commercial uses within existing heritage buildings and within other buildings surrounding Zone B3 Commercial Core.*
- *To provide for commercial and residential uses within new mixed use developments that are compatible with surrounding development and do not compromise the amenity of surrounding residential areas.*

It is considered that the proposed development does not satisfy the particular Aims of Waverley Local Environmental Plan (Bondi Junction Centre) 2010 which relate to "*improve built form and building design in Bondi Junction Centre, appropriate to a major centre*", as it result in an overdevelopment of the site. In addition, the proposed development does not satisfy the objectives of Waverley Local Environmental Plan (Bondi Junction Centre) 2010 which relate to "*provide for commercial and residential uses within new mixed use developments that are compatible with the surrounding development and do not compromise the amenity of surrounding residential areas*". The proposed modification is considered incompatible with the surrounding development and would result in adverse amenity impacts on adjoining properties. The proposal does not improve the approved built form or design and would impact upon the environmental quality of the built and natural environment, as it will result in the overdevelopment of the site.

Compliance with Relevant Clauses under s.96 modification

Waverley Local Environmental Plan (Bondi Junction Centre) 2010			
Control	**WLEP 2010**	**Proposed**	**Compliance**
Zoning	B4 – Mixed Use	Retail / commercial / residential building	Yes
Floor Space Ratio (A revised total site area of 2112.4sqm instead 1929 sqm by including no. 308 Oxford, which is approximately 183.4sqm in area)	5:1 (Max. 10562m^2)	5.28:1 (9865 approved + 1298 new two levels = 11163 m^2)	**No**
Height	38 m	44.50m	**No**
Heritage Conservation	304-330 Oxford Street nominated as Items and identified as 'façade group only'.	Retention and restoration of all Oxford Street facades	Yes

The table above illustrates non-compliances with the LEP development standards for floor space ratio (FSR) and height. The non-compliances are further discussed below.

Floor Space Ratio

The modification proposed is to provide two (2) additional storeys on the approved mixed commercial / residential development. It is to be noted that on 26 August 2010, Section 96 modification (B) for two additional storeys to an approved ten storeys was passed by Council and now the applicant is seeking to extend another two storeys addition resulting in a total of 14 storeys for the mixed commercial / residential development.

Clause 4.6 of the LEP provides flexibility in the application of development standards; however, as this is a modification application this clause does not apply for the variation proposed to the FSR standard.

The applicant asserts in the Statement of Environmental Effects that the proposed FSR will remain compliant with the development standard maximum limit of 5:1 under the WLEP 2010, which is not the case. Based on Council officer's calculation, the proposed FSR is 5.29:1 with the non-compliant portion being 0.28:1, represents approximately 601m² over the development standard in the LEP. This FSR is calculated with the revised total site area of 2112.40 square metres instead of 1929 square metres, by the inclusion of the adjoining land area at no. 308 Oxford Street.

The applicant has offered to enter into a Voluntary Planning Agreement to dedicate to Council the land on the adjoining property at no. 308 Oxford Street (for use as a "through site" pedestrian link). The applicant proposed to utilise / accommodate / transfer the floor space potential generated from the adjoining land at no 308 Oxford Street in order to construct two additional floors to the top of the approved building. The applicant argues that the proposal will not result in any significant adverse impacts and that it would be extremely unlikely for any developer to provide such a significant public benefit (meaning; through-site link from the land at no. 308 Oxford) without approval of "bonus" additional floor space.

The offer of the adjoining site to Council as compensation for additional floor space potential generated from the adjoining land is not considered acceptable for probity / integrity reasons. It is to be noted that the old floor space controls of 3:1 has been upgraded to 5:1 under the new LEP and that under the previous Section 96 application (C), some slight upgrading of the floor space control to 5.11:1 was approved (given the height compliance and no overall environmental impact). The proposed non-compliances to both the height and floor space standards in this modification cannot be supported, when no real planning justification has been provided by the applicant and as there are associated amenity impacts upon the adjoining properties (eg. view loss and solar access as discussed later in the report). The proposal will have some built and natural environmental impacts and it is also worth noting the 24 submissions received by Council objecting to the application during the notification period.

The proposed reallocation of FSR to the top approved levels of the building would highly benefit the owner than to Council or public. The potential of the dedicated site at no 308 Oxford is limited and may even create an ongoing problem to Council given the undertaking of new works, maintenance and etc. The offer of the adjoining site at no. 308 Oxford Street for a through site link is also believed to lack sufficient planning merit, as the approved mixed commercial / residential development on the subject site has included a through-site link.

Height

The proposed two (2) additional storeys does not comply with the development standard for maximum permissible height control of 38m under the WLEP (Bondi Junction) 2010 and extend beyond the permissible height limit by 6.5m to a total height of 44.50m. The details for

the height encroachment / non-compliance are clearly outlined by the dotted lines onto the building elevations.

In this instance, any non-compliance with the height control within the Bondi Junction Centre is not considered to be acceptable particularly taking into consideration the aesthetic of the proposed building when viewed from a variety of vantage points and the amenity impacts upon surrounding properties, particularly those located to the south. It would be incompatible with the surrounding development and does not improve the approved built form and design. Any unnecessary protrusion above and beyond the permissible height limit is unacceptable and should be refused. It is to be noted that the approved modified mixed commercial / residential development does comply with this core height control of the LEP, and the current scheme which seek to break both the floor space and height maximum standards is not supported.

2.1.2 Waverley Development Control Plan 2010
Part F1 – Bondi Junction Centre

The following assessment relates only to the parts of Waverley DCP 2010 affected by the proposed modification:

COMPLIANCE CHECK			
Control	**Standard**	**Proposed**	**Compliance**
Heritage Facade	Original façade elements above awning level such as windows, parapets, balconies and ornamental detailing should be retained	Retail facades of Nos. 310-330 retained and restored.	Yes
Separation	• Generally buildings are orientated to the front and rear boundaries	• Additional storeys are orientated to the front and rear boundaries	Yes
	• Comply with side setbacks	• Additional storeys reflect identical setbacks to approved building	Yes
Minimum separation distance between uses (above level 5)	• Residential to residential – 24m	• At least 30m	Yes
	• Residential to commercial – 18m	• At least 20m	Yes
Number of storeys	• 10 storeys	• 14	**No**
Skyline	Development should reinforce the built form, i.e. not exceed the height of the main four buildings.	Development will not exceed height of the main four buildings	Yes
Roofline (Motor and plant rooms)	• Designed as an integral part of the	Lift overruns are positioned on the roof	**No**

COMPLIANCE CHECK			
Control	**Standard**	**Proposed**	**Compliance**
	building; • Rooms screened		
Green Star Rating	• Green star rating of 4.5	• A Certificate issued in accordance with BASIX has been supplied by the applicant	Yes

The table above indicates non-compliances with the DCP standards for number of storeys, and roofline. These non-compliances will be further discussed below.

Number of storeys
The proposed modification results in additional levels over and above what is permitted under the DCP. As this amended proposal (to a total height of 44.50m) is above the 38m maximum height limit and the maximum 5:1 FSR control, this non-compliance in respect to number of storeys control is not supported.

Roofline (motor and plant rooms)
The lift overrun is positioned on the roof (amendments to roof plan) and is not considered acceptable as it should be enclosed within the building envelope.

The LEP contains objectives and controls which aim to encourage the "creation of an interesting and aesthetically pleasing skyline". In this instance, objective (d) aims to "encourage plant and lift over runs to be placed in the basement". The modification includes the construction of lift overrun on top of the western roof in contravention with this objective. Should the application be approved, it is considered appropriate to relocate these lift overruns within the footprint of the building to improves its aesthetics and limit the amount of overshadowing by these elements upon surrounding properties.

Solar Access

Shadow Diagrams have been submitted indicating that there will be additional shadow cast predominantly across properties to the south of the site as a result of the two additional storeys. In this instance, the shadow impacts of the proposal as a result of a non-compliant building is not considered reasonable or acceptable, particularly in light of the noncompliant FSR and height controls under recently gazetted Waverley LEP (Bondi Junction Centre) 2010.

The application is recommended for refusal.

Other Matters

Part I1 – Land Use and Transport (Car Parking Provision)

In accordance with Council's car parking provisions under WDCP 2010, the following calculation has been made for the proposed Section 96 modification application.

REVISED PARKING CALCULATION (Revision J)

	Approved S96	**Proposed S96**
Lower (Hegrarty Ln & Ground (Oxford St)	Approx. 1183sqm of Retail / storage at 1 car space 60m2 (max required 20)	1183sqm / 60m2 (max required 20)
Residential	**Total 109 units** 35 x 1bed (0.3 – 0.6) 66 x 2 bed (0.4 – 0.8) 8 x 3 bed (0.8 – 1.2) (max required 83)	**Total 117 units** 35 x 1bed (0.3 – 0.6) =21 68 x 2 bed (0.4 – 0.8) =54.4 14 x 3 bed (0.8 – 1.2) =16.8 (max required 92)
Visitor Spaces	1 car space for every 7 units >14 (max required 14)	1 car space for every 7 units >14 Therefore 103/7 (max required 15)
Total Permitted	117	127

The applicant asserts that there will be no additional traffic impacts as a result of the proposed modification application. It is argued that the site is close to public transport and the level of parking provided is considered acceptable.

It is to be noted that on the previous Section 96 application, the applicant had proposed additional car spaces in the basement car park bringing the total to 130 spaces from the approved 101 spaces (consent condition no 4 increased the number of car spaces from 101 to 117) . The required 127 car spaces (additional 10 car spaces) could be accommodated within the approved basement levels without the need to further excavate. Therefore, should the application be approved condition 4 is to be amended allow for a total number of 127 parking spaces (total number is according to the maximum permitted under WDCP), thereby allowing for an additional 26 spaces from the original approval.

The other excess spaces within the basement car park are to be converted to storage, bicycle parking facilities and shower facilities.

Views

The proposed additional storeys will no further impact on views predominantly to the north including district and partial harbour views of properties directly to the south of the site (at Units at No. 8 Spring Street, Bondi Junction). These views have completely been obliterated from the previous two storeys addition of the approved mixed commercial / residential building. The development now in construction is approximately half or 1 storey higher than the adjoining southern building at no. 8 Spring Street. The additional two (2) storeys are positioned on the thirteen and fourteen floors and therefore any view loss impact will result from the already approved twelve (12) storeys building.

3. REFERRALS

Internal

Heritage Architect & Urban Planning Advisor

The application was referred to Council's heritage architect, who provided the following comments:-

> **"*SITE DESCRIPTION***
> *The site located to the northern side of Oxford Street was formerly occupied by a row of two storey shops with former residences above. The buildings are of late 19 to mid 20th Century styles. The facades of these buildings have been retained in a multi storey mixed use development .*
>
> ***CURRENT STATUS***
> *The buildings are included as a group within Councils Bondi Junction Heritage Assessment of 2004 (Draft). Inclusion is primarily on the basis of streetscape value. The current consent required retention and restoration of street facade in conjunction with new multi storey works.*
>
> ***PROPOSED DEVELOPMENT***
> *The current application seeks transfer of FSR from the adjacent site of 108 Oxford Street to the upper levels of the current development providing an additional 2 storeys of residential flat construction*
>
> ***Comments***
> *The proposed development raises issues of height, FSR transfer and reciprocity between adjacent sites. Whilst the current development would benefit from a gap to the western side providing setback to any future development west of 208 Oxford Street, it appears the proposed reallocation of FSR to the upper levels of the existing building generates more problems than benefits. A similar exercise involving the rear yard of the listed residence Rocky Mount in Bronte Road left the subsequent owners of that site with ongoing problems when undertaking new works of a cohesive nature. Dedicating the site of 108 Oxford Street to Council provides limited benefit to Council and additional benefit to the owner.*
> *The potential problems appear to outweigh any benefits of this proposal.*
>
> ***Recommendations***
> *The application is not supported on the basis of potential limitations on adjacent sites."*

The proposal is not supported by Council's heritage architect on the basis of potential limitations on adjacent sites. In this regard, Council's town planning officers concurred with the above comments and recommend the refusal of the subject application.

Technical Services

Council's Manager of Transport & Development raised no objection to the amended plans.

4. PUBLIC SUBMISSION

The modification was advertised for 30 days in accordance with *Waverley Development Control Plan 2010, Part C3 – Advertised and Notified Development.*

Twenty four (24) submissions were received objecting to the proposal during the advertised period of the modification application. In addition to this, eighty four (84) pro-forma letters of support have also been submitted to Council by the applicant.

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

Property	Location	Summary of Objections
8 Spring Street, Bondi Junction (Units 1, 2, 4, 501, 507, 508, 606, 607, 703, 806, 808, 1005, 1201 and Body corporate)	South of the site	• Solar Access • Height • Floor Space Ratio • Loss of views • Loss of amenity • Privacy • Public interest • Loss of rental income / property value • Traffic generation / car parking
708/ 71-77 Oxford St, Bondi Junction	South of the site	• Loss of view • Floor Space Ratio
PO Box 198, Bondi Junction		• Height • Loss of amenity • FSR
1201 / 81 Grafton St, Bondi Junction	East of site	• Height
205 & 603 / 268 Oxford Street, Bondi Junction	West of site	• Height • Loss of amenity • Overshadowing / Solar access • View loss • Precedence
704 & 1301 / 79 Grafton Street	East of site	• Traffic • Privacy • FSR / height
140 Birrell St, Bondi Junction		• Height • Amenity
4 / 164 Bondi Rd, Bondi		• Height

Property	Location	Summary of Objections
		• Amenity
PO Box 1636, Bondi Junction		• Height
31 Barracluff Ave		• Height • Amenity

Issue: Privacy and amenity

Comment – The proposed additional storeys generally reflect the same building envelope as the approved development. The building complies with the required separation from buildings and setbacks from all boundaries. In this instance, the proposed additional storeys are considered to be acceptable from a privacy perspective.

Issue: Height and Floor Space Ratio

Comment – The issues relating to height and floor space ratio have been addressed in Section 2.1.1 of this report.

Issue: Solar Access, traffic / car parking and view loss

Comment – The issues relating to solar Access and view loss have been addressed in Section 2.1.2 of this report.

Issue: Property value

Comment –Although the proposed works may result in a nominal decrease in adjoining property value (given the amenity impacts of the proposal), this issue is not a planning consideration.

Issue: Precedence and public interest

Comment – The proposal does not comply with the recently gazetted LEP standards for FSR and height and raises questions regarding the integrity of the new LEP controls. The proposed development would set an undesirable precedent, allowing overdevelopment and is not in the public interest.

Section 79C (1)(e) - The public interest.

The application does not satisfy this section of the Act having regard to the number of submissions received from neighbouring properties and non-compliance with a number of key development standards in Bondi Junction Centre. The proposal is considered not in the public interest.

5. DEVELOPMENT AND BUILDING UNIT (DBU) REVIEW

Under the BJLEP 2010 the height and floor space controls for the site have been up-graded from an FSR of 3:1 to 5:1 and a height control of 28 m to 38 m. The development potential of this site has been significantly increased over the last 5 years and the current development has appropriately responded to these planning changes. The addition of two (2) storeys on the approved building, all over the new height control, is considered to lack planning merit. There are taller buildings near the site but they are generally towards the core of the Bondi Junction commercial centre or adjacent to Syd Einfeld Drive. The current building has an appropriate scale and presentation to Oxford Street and an additional two (2) levels is not supported on urban design and statutory planning grounds.

The applicant has also offered Council an adjoining site in the form of a Voluntary Planning Agreement for the additional floor space and also stated that this adjoining site at 308 Oxford Street could be used as a through site link. The approved development has a through site link and the DBU is very concerned with the probity implications of Council accepting land in lieu of compliance with its planning controls.

The application is recommended for refusal.

6. RECOMMENDATION

That the Section 96 modification received by Council on 5 December 2011 to Development Application No. 598/2008 at 310-330 Oxford Street, Bondi Junction for two (2) additional storeys to an approved multi storey mixed commercial / residential development be refused by Council, for the following reasons:-

1. The proposed development is contrary to the height objectives contained in Section 4.3 of the Waverley Local Environmental Plan (Bondi Junction Centre) 2010; in particular the non-compliance with Council's maximum height control is not supported as the additional floors proposed would have an adverse impact on the environmental amenity of Bondi Junction Centre and surrounding areas.

2. The proposed development is contrary to the floor space ratio objectives contained in Scetion 4.4 of the Waverley Local Environmental Plan (Bondi Junction Centre) 2010, in particular the non-compliance with Council's maximum floor space ratio requirement as it results in adverse amenity impacts on adjoining properties.

3. The proposal would not provide adequate solar access to adjoining properties contrary to Waverley Development Control Plan 2010 having regard to proposed building's floor space and additional floor levels (height).

4. The proposal does not satisfy Part F1 of the Waverley Development Control Plan 2010 in that the development would results in additional storeys / levels over and above what is permitted.

5. The proposal does not satisfy Part F1 of the Waverley Development Control Plan 2010 in that the lift overrun is positioned on the roof (amendments to roof plan) and is not considered acceptable as it should be enclosed within the building envelope.

6. The proposed development would set an undesirable precedent by allowing overdevelopment of the site.

7. The proposal is not in the public interest having regard to the number of submissions received from neighbouring properties.

Should Council approve the application the following conditions of consent are recommended.

B. That conditions nos. 1 and 4 are amended as follows:

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) Architectural Plans, Job No 777, DA 01 – DA 25, Revision C, tables and documentation prepared by Brian Meyerson Architects, dated 21 April 2009, and received by Council on date 27 April 2009;

(b) As amended by Architectural Plans, Job No 777, DA 07 – DA 10 and DA 19, Revision F, tables and documentation prepared by Brian Meyerson Architects, dated 8 March 2010, and received by Council on date 8 March 2010;

(c) As amended by Architectural Plans, Job Nos. 777, Drawing Nos DA-01.9, DA-01.10, DA-01.13, DA-01.14,DA-01.15, DA-01.17, Revision G, tables and documentation prepared by Brian Meyerson Architects, dated 29 July 2010, and received by Council on date 2 August 2010;

(d) As amended by Architectural Plans, Job Nos. 777, Drawing Nos DA-01.4 to DA-01.6 and DA-01.13 to DA-01.15, Revision J tables and documentation prepared by Brian Meyerson Architects dated January 2011 received by Council on date 13 April 2011 and, revised drawing Nos DA-01.16 to DA-01.19 Revision J prepared by Brian Meyerson Architects dated January 2011 received by Council on date 20 May 2011;

(e) As amended by Architectural Plans, Job Nos. 777, Drawing Nos DA-01.16 to DA-01.18 and DA-01.29, Revision L tables and documentation prepared by Brian Meyerson Architects dated 2 December 2011 received by Council on date 5 December 2011;

(f) Landscape Plan Job No 08-121S, Drawing No LA 01, Revision B and documentation prepared by Taylor Brammer Landscape Architects Pty Ltd, dated 15 May 2009 and received by Council on 15 May 2009;

(g) The recommendations made in the Environmental Site Assessment (report No.E977.1 BC) dated 14 May 2009 and prepared by Environmental Investigations;

(h) Schedule of external finishes and colours received by Council on 17 October 2008; and

(i) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part G1, Waverley DCP 2006.

except where amended by the following conditions of consent;

4. ON SITE CAR PARKING MODIFICATIONS

A maximum of **127** car spaces shall be provided on-site.

The following requirements relate to parking:

(a) On-site car parking be allocated as follows:

i. 20 retail spaces

ii. 15 visitor spaces

iii. 92 Residential Spaces

iv. Accessible parking spaces can be provided as excess to the allocated retail and residential spaces.

(b) A maximum of 2 spaces for motor cycle parking. These spaces are to be clearly marked as such and provided with bollards or like structure around them to prevent the use of this space for car parking purposes.

(c) Bicycle parking on the loading and storage level include 2 shower facilities.

(d) A boom gate or like barrier is to be provided to separate residential and commercial parking spaces, to ensure commercial users of the building do not use the residential parking.

(e) Excess spaces within the basement car park are to be converted to storage or bicycle parking facilities.

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

B. That all other conditions of the subject development consent remain unchanged and are required to be complied with.

J:\HOME\PES\reports\South Team\Philip Bull\DCC2012\March\310Oxford.doc

MINUTES OF THE MEETING OF THE INDEPENDENT HEARING AND ASSESSMENT PANEL OF WAVERLEY COUNCIL

Location:	Council Chambers, Corner of Paul Street and Bondi Road
Date:	11 April 2012
Time commenced:	Inspections – 5.00 pm Public Hearing – 6.00 pm
Time concluded:	IHAP Meeting – 7.00 pm
Panel Members:	Tina Spiegel (Chair) Solicitor/ Town Planner (Chair) Jocelyn Jackson Architect Amanda Swebeck Community Representative
Staff in attendance:	Lee Kosnetter
Disclosures:	No conflict of interests

ITEM 1 **IHAP- 1204.1**

Proposal: **Modification to add (2) two additional storeys to an approved multi storey mixed commercial / residential development.**

Address: **310 (308)- 330 Oxford Street, Bondi Junction.**

Council reference: **DA- 598/2008/E**

PANEL COMMENTARY:

The Panel visited the site and read the Council Assessment Report, Development and Building Unit Report dated 21 March 2012, and heard submissions both written and oral.

Before commenting, the panel wishes to recommend that Council obtain a legal opinion regarding the validity of the application as a modification under section 96 of the Environmental Planning and Assessment Act. The basis for this query is that the modification relies upon an additional lot of land, 308 Oxford Street. This is not the same land upon which the original development application was made. Under this circumstance, the question may arise as to whether this is the same development. If it is not the same development due to the addition of another lot, then a development application may be required rather than a modification. It is on these grounds that the Panel recommends that Council obtain its own legal opinion before determining the application.

The assessment report claims that the proposed modification causes a breach of the height of the building and the FSR. During the oral submissions, the Applicant claimed that there was no breach of the FSR standards and if it has made an error in the calculation of FSR then the Applicant will comply with a condition of consent requiring compliance with the FSR.

The Applicant claimed that 10 extra car spaces were able to be accommodated on the site without the necessity for increased excavation. This would need to be demonstrated with a submission of revised car parking plans.

The commentary of the Panel will proceed on the basis that the FSR is, or will be, compliant and that no extra excavation will occur to accommodate car parking.

The Panel also accepts that transfer of the cleared site at 308 Oxford Street may be of public benefit; however, the Panel is not in a position to assess this factor as the proposed public uses of the site are not part of the development application.

The remaining issue is the non-compliance with the height by 6.5 metres, which are the two additional floors proposed in this modification. From Council assessment and the development application, it appears that there is an increase in overshadowing although loss of privacy and view loss is not increased.

The planning controls for this portion of the Bondi Junction Commercial Area were recently significantly increased in the Waverley LEP (Bond junction Centre) 2010. The FSR was increased from 3:1 to 5:1, and the height was increased to 38 metres. These planning standards need to be consistently applied to provide certainty and clarity to the form of future development. On this basis, the Panel are of the view that the application should be refused. The grounds for refusal are also supported by the fact that there is an increase of overshadowing. Even if this increase is minor in effect and size, when a development is causing any increase of a detrimental impact by reason of the non-compliance, it creates a ground for refusal. This ground is further support in the current circumstances where the planning controls relating to height and FSR have been greatly increased.

CONCLUSIONS:

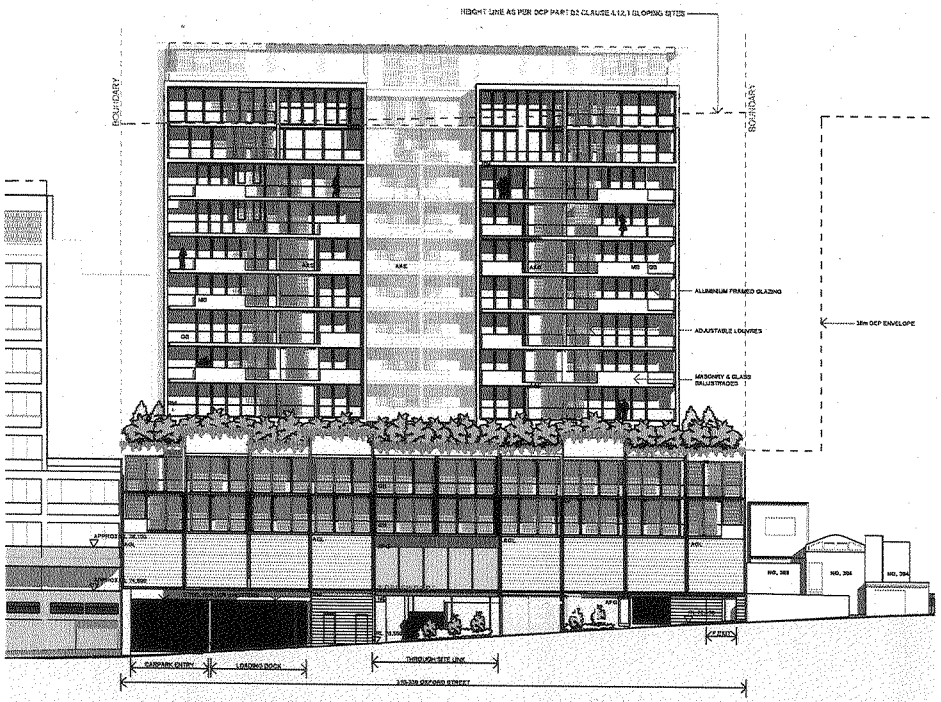
The Development Application is refused due to non-compliance with height of building requirement and, prior to determination, Council seek a legal opinion regarding the validity of the modification application as opposed to a fresh development application because the modification relies on another lot of land not included in the original development application.

RECOMMENDATION OF THE PANEL:

The IHAP recommend that DA 598/2008/E be refused.

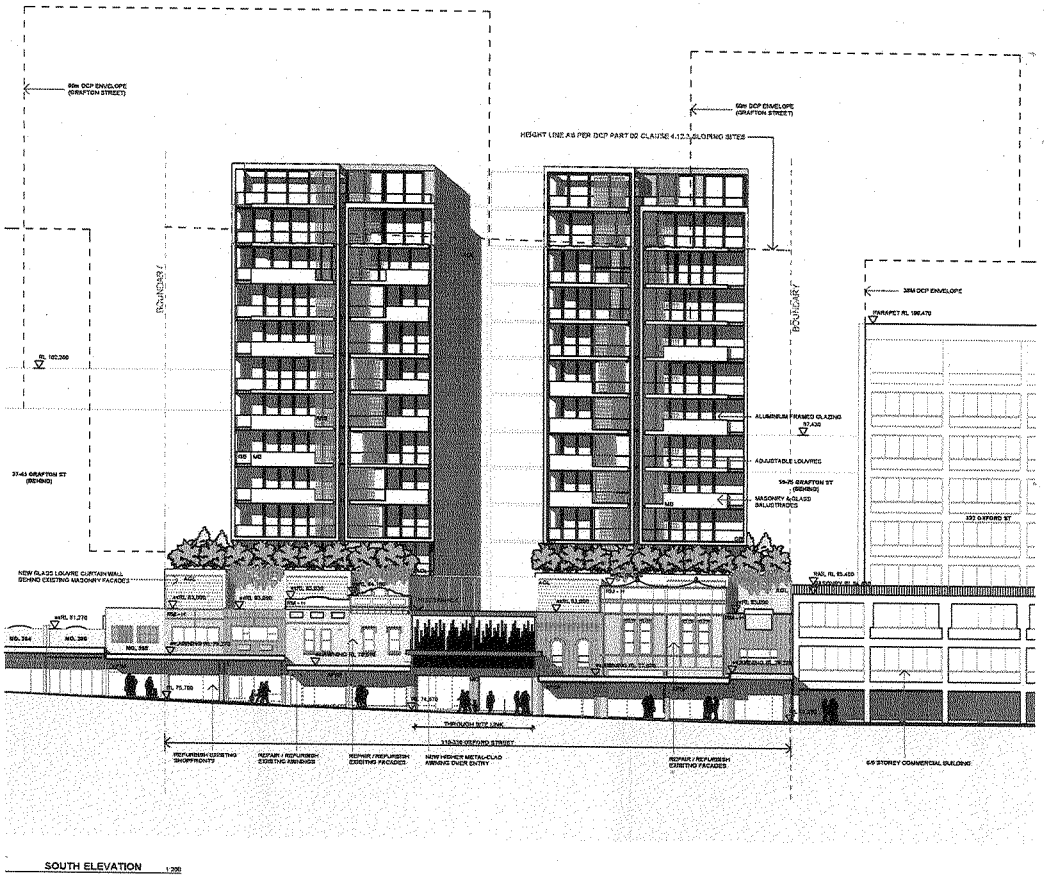
VOTING FOR THE RECOMMENDATION:

Unanimous 3 ALL.



NORTH ELEVATION 1:200

PROPOSED AMENDMENTS TO NORTH ELEVATION



SOUTH ELEVATION 1:200

PROPOSED AMENDMENTS TO SOUTH ELEVATION

ARCHITECTURE ◦ INTERIORS

REVISIONS
A DA SUBMISSION 17 OCT 08
B HEIGHT LINE AS PER COUNCIL'S REQUEST 23 MAR 2009
C CHANGES TO BUILDING HEIGHT 21 APRIL 2009
D SECTION 96 APPLICATION 11 SEPTEMBER 2009
E UNIT NUMBERS REVISED 09 DECEMBER 2009
F AMENDED FLOOR AREA & HEIGHT REDUCTION 09 JULY 2010
S96 AMENDMENTS 31 JANUARY 2011
K S96 AMENDMENTS 19 OCT 2011
L S96 AMENDMENTS 02 DEC 2011

LEGEND:

AAS	ADJUSTABLE ALUMINIUM SHUTTERS
AFG	ALUMINIUM FRAMED GLAZING
AGL	ADJUSTABLE GLASS LOUVRES
CP	CONCRETE PANELS
GB	GLASS BALUSTRADE
MB	MASONRY BALUSTRADE
RM	RENDERED AND BRUSHED MASONRY
RM-C	CHARCOAL RENDERED MASONRY
RM-H	HERITAGE COLOURS RENDERED MASONRY
ZR	ZINC ROOFING

bma

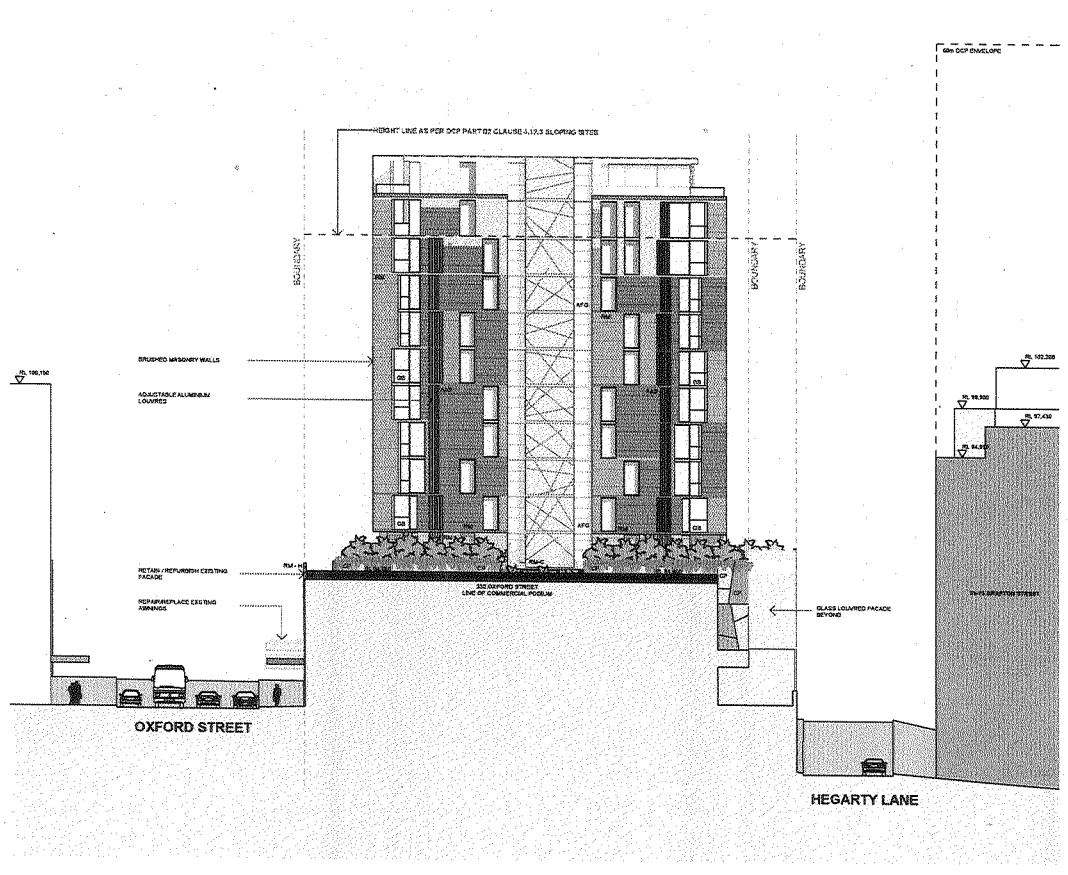
BRIAN MEYERSON ARCHITECTS — DRAWN BY: MH/LG

DRAWING: NORTH & SOUTH ELEVATIONS — JOB NO: 777

PROJECT: NOBLEWOODS — DRAWING NO: DA 01.17

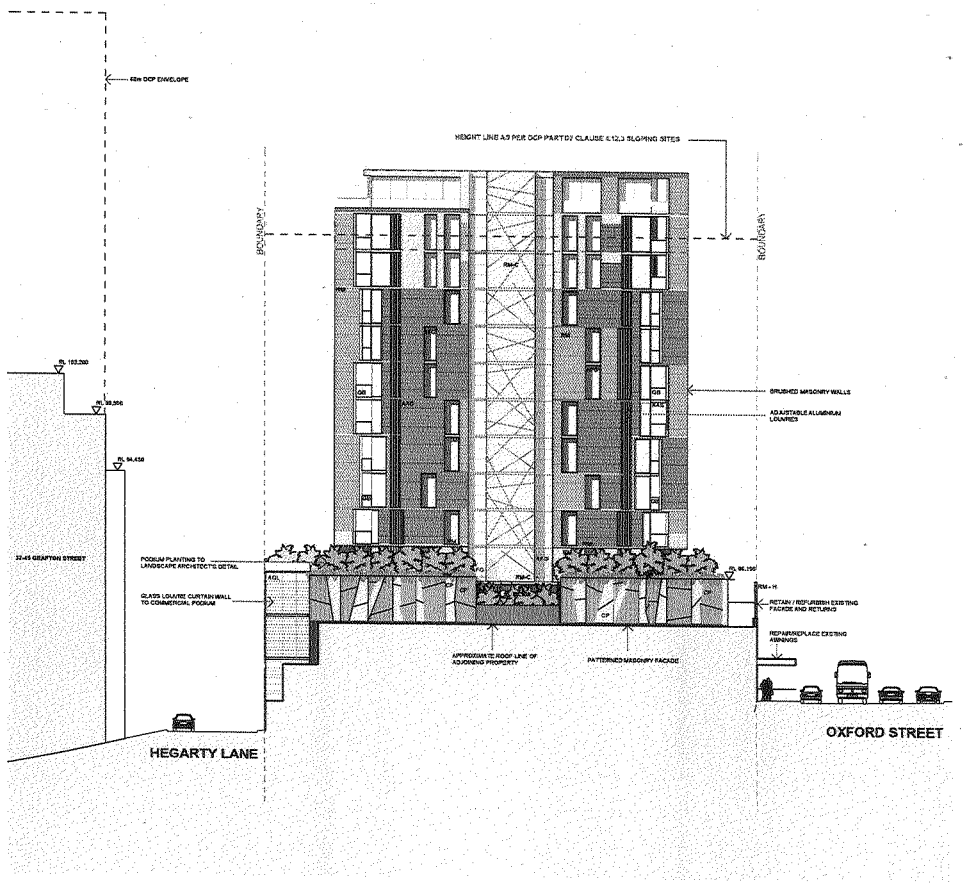
310-330 OXFORD ST, BONDI JN, NSW, 2026 — REVISION: L

ABN 54 003 717 892



EAST ELEVATION 1:200

PROPOSED AMENDMENTS TO EAST ELEVATION



WEST ELEVATION 1:200

PROPOSED AMENDMENTS TO WEST ELEVATION

bma

ARCHITECTURE o INTERIORS

REVISIONS
A DA SUBMISSION 17 OCT 08
B CHANGES AS PER COUNCIL'S REQUEST 23 MAR 2009
C CHANGES TO BUILDING HEIGHT 21 APRIL 2009
D S.96 APPLICATION 11 SEPTEMBER 2009
E UNIT NUMBERS REVISED 08 DECEMBER 2009
F AMENDED FLOOR AREA & HEIGHT REDUCTION 02 AUGUST 2010
G S96 AMENDMENTS 31 JANUARY 2011
K S96 AMENDMENTS 19 OCT 2011
L S96 AMENDMENTS 02 DEC 2011

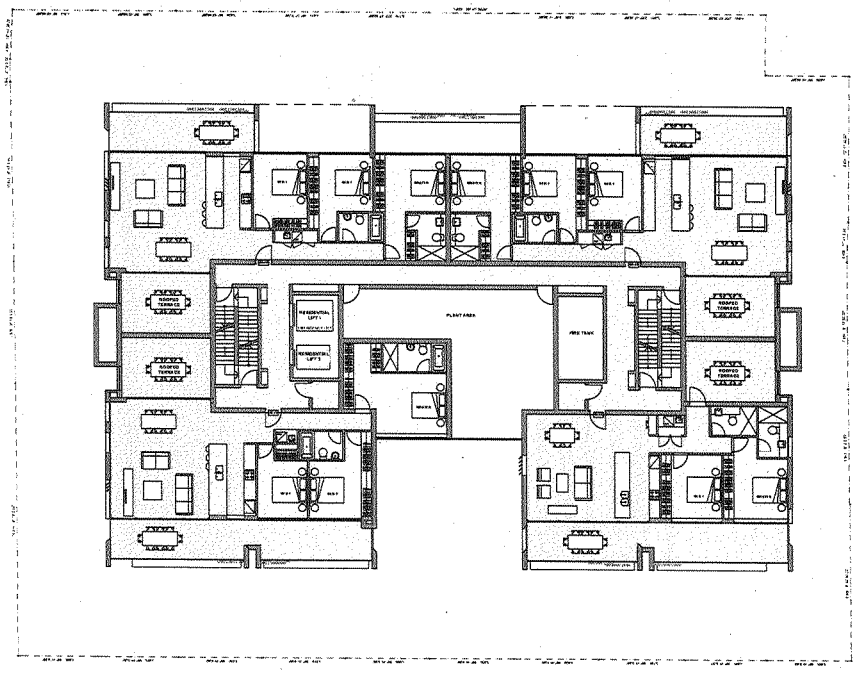
LEGEND:

AAS	ADJUSTABLE ALUMINIUM SHUTTERS	MB	MASONRY BALUSTRADE
AFG	ALUMINIUM FRAMED GLAZING	RM	RENDERED AND BRUSHED MASONRY
AGL	ADJUSTABLE GLASS LOUVRES	RM-C	CHARCOAL RENDERED MASONRY
CP	CONCRETE PANELS	RM-H	HERITAGE COLOURS RENDERED MASONRY
GB	GLASS BALUSTRADE	ZR	ZINC ROOFING

BRIAN MEYERSON ARCHITECTS

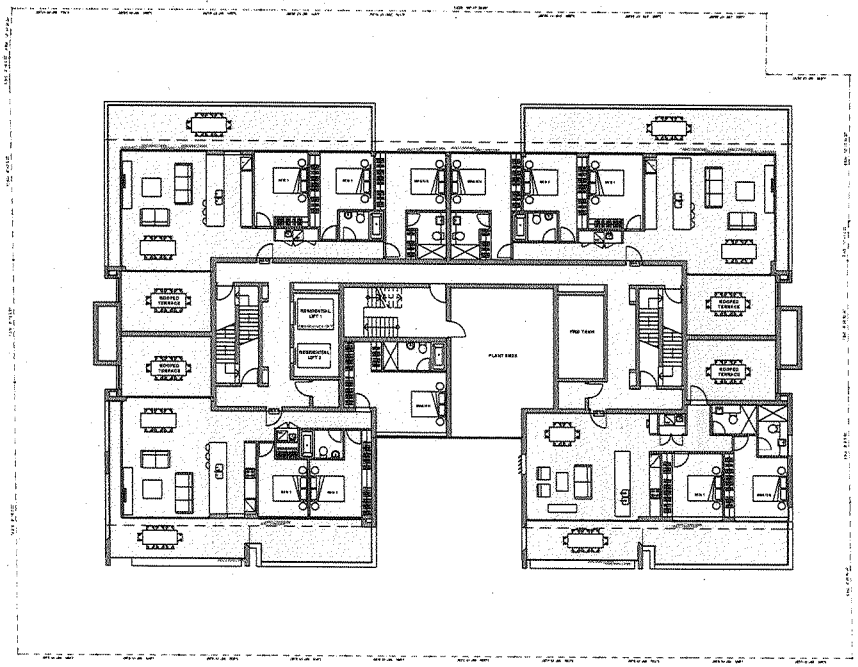
DRAWN BY	MH/LG		
DRAWING	EAST & WEST ELEVATIONS	JOB NO	777
PROJECT	NOBLEWOODS	DRAWING NO	DA 01.18
	310-330 OXFORD ST, BONDI JN, NSW, 2026	REVISION	L

ABN 94 003 717 662



1 L12 RESIDENTIAL 1:150

PROPOSED LEVEL 12 PLAN



2 L13 RESIDENTIAL 1:150

PROPOSED LEVEL 13 PLAN

ARCHITECTURE o INTERIORS

REVISIONS
A DA SUBMISSION 17 OCT 08
B CHANGES AS PER COUNCIL'S REQUEST 23 MAR 2009
C CHANGES TO BUILDING HEIGHT 21 APRIL 2009
D SECTION 96 APPLICATION 11 SEPTEMBER 2009
E DRAWING NUMBERS REVISED 08 DECEMBER 2009
F AMENDED FLOOR AREA & HEIGHT REDUCTION 02 AUGUST 2010
G AMENDMENTS 31 JANUARY 2011
K S96 AMENDMENTS 19 OCT 2011
L S96 AMENDMENTS 02 DEC 2011

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BRIAN MEYERSON ARCHITECTS PTY LTD

DRAWING	L 12 & 13 RESIDENTIAL	DRAWN BY	MH/LG
		JOB NO	777
PROJECT	NOBLEWOODS	DRAWING NO	DA 01.29
	310-330 OXFORD ST. BONDI JN, NSW, 2026	REVISION	L

ABN 94 003 737 092

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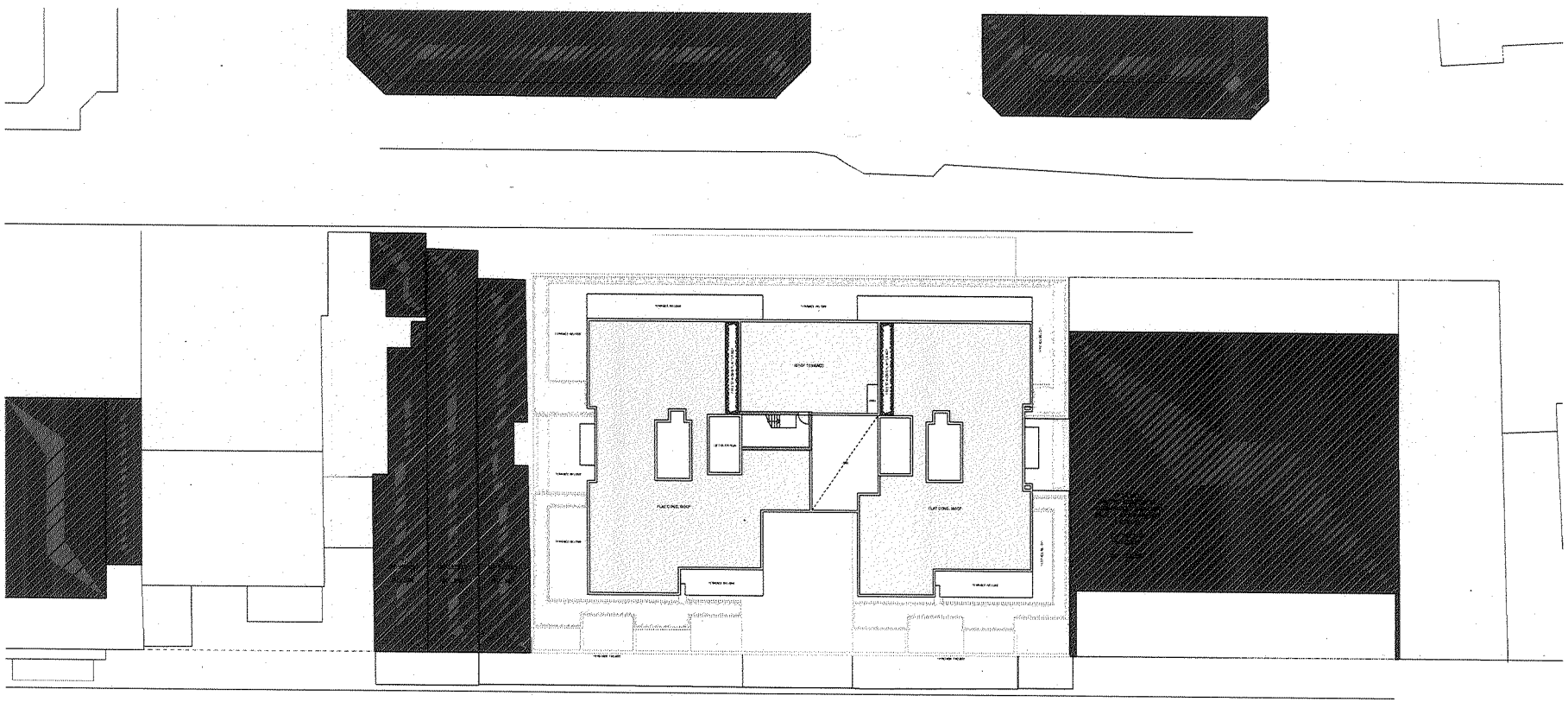


PROPOSED AMENDMENTS TO ROOF PLAN
1:200

ARCHITECTURE o INTERIORS

REVISIONS
- DA SUBMISSION 17 OCT 08
- CHANGES AS PER COUNCIL'S REQUEST 23 MAR 2009
- CHANGES TO BUILDING HEIGHT 21 APRIL 2009
- S96 AMENDMENTS 11 SEPTEMBER 2009
- DRAWING NUMBERS REVISED 08 DECEMBER 2009
- AMENDED FLOOR AREA & HEIGHT REDUCTION 02 AUGUST 2010
- S96 AMENDMENTS 31 JANUARY 2011
- K S96 AMENDMENTS 19 OCT 2011
- L S96 AMENDMENTS 02 DEC 2011

bma
BRIAN MEYERSON ARCHITECTS
ABN 94 003 717 982

DRAWN BY	MH/LG		
DRAWING	SITE & ROOF PLAN	JOB NO	777
PROJECT	NOBLEWOODS	DRAWING NO	DA 01.16
	310-330 OXFORD ST, BONDI JN, NSW, 2026	REVISION	L

25 Kenilworth Street, Bondi Junction – Alterations and additions including a first floor addition to terrace dwelling (DA 421/2011).

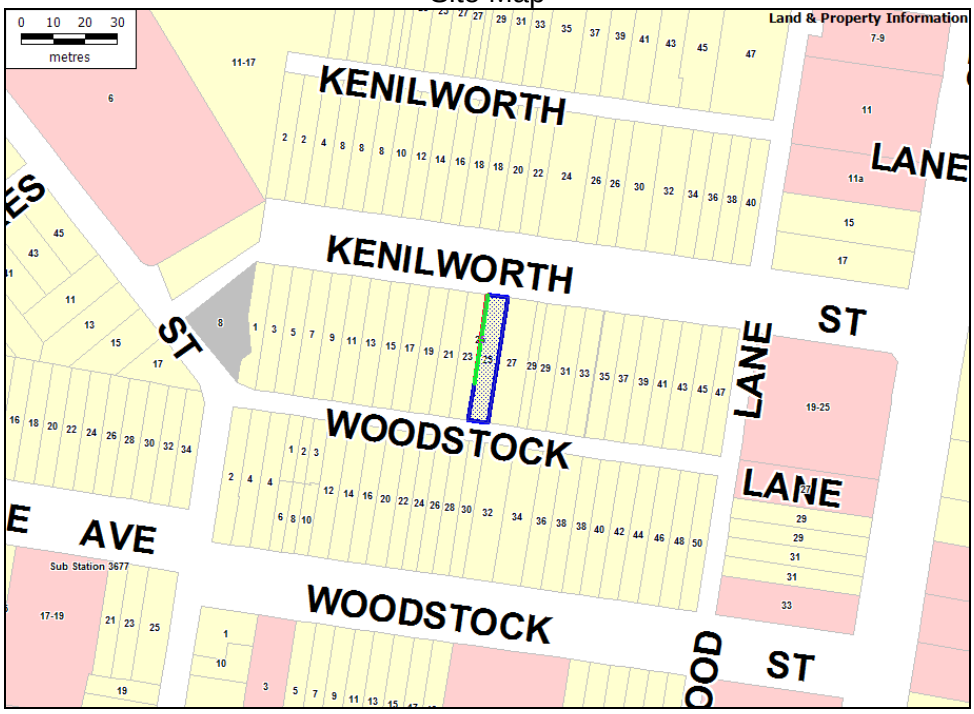
Report dated 28 March 2012 from the Development and Building Unit.

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

Referred to the DCC at the request of Councillors Betts and Kay for concerns for neighbour amenity impacts.

Development Assessment Report Of Dwelling	
Development Application No.	**DA- 421/2011**
Address	**25 Kenilworth Street, Bondi Junction**
Lodgement Date	**7 September 2011** **Amended plans received 1 March 2012**
Proposal	**Alterations and additions including a first floor addition to terrace dwelling**
Zoning and relevant controls	• **Residential 2(a) – LEP 1996** • **Waverley Development Control Plan (WDCP) 2010**
Owner	**A. Scott and S. Clarke**
Applicant	**Vitale Design**
Submissions	**One (1) submission**
Issues	• **Floor Space Ratio** • **Streetscape** • **Privacy**
Recommendation	**Approval**

Site Map



1. PREAMBLE

1.1 The Site and its Locality

The subject site is located on the southern side of Kenilworth Street with rear lane access from Woodstock Lane. The site contains a single storey terrace house with hard stand parking within the rear yard.

The surrounding area is characterised by a mixture of one and two storey dwellings both attached and detached many with parking accessed via rear lanes.

1.2 Background

- DA-498/2010 for alterations to the rear of the dwelling including new deck, double parking space and landscaping was approved on 4 November 2010.

1.3 Proposal Description

The proposal seeks consent for alterations and additions to the existing dwelling including the following:

- An upper floor addition containing two bedrooms, a bathroom, stairs, rear balcony and front dormer.

- Internal alterations at the ground floor level to provide stairs to the new upper level. The stairs will be in place of an existing bedroom with a small study being created from the remaining space.

2. ASSESSMENT

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

2.1 Section 79C(1)(a) Planning Instruments.

2.1.1 Waverley Local Environmental Plan 1996

The site is zoned Residential 2(a) under Waverley LEP 1996. The proposal is considered to be consistent with the relevant specific aims under Council's LEP. The proposal is considered to be consistent with the relevant zone objectives for the Residential 2(a) zone.

The site is not listed as a heritage item under the LEP however it is contained within and contributory to, the Woodstock Heritage Conservation Area.

The proposal will contain a dormer window on the front elevation. The design of the dormer has been amended since it was initially submitted to provide greater cohesion with the Federation style of the dwelling. Further amendment is required by Council's Heritage and Urban Design Architect to further refine the design of the front dormer with the following works being required via condition:

- The extended eaves of the proposed dormer have tapered corners following the external wall plan of the dormer.
- Cladding to the dormer cheeks is of expressed weatherboard and not flat sheet fibre cement.

- Window frames to dormer windows are to be of timber with opaque painted finish.
- The existing ridge capping is to be retained with roofing to new rear additions set below the tile capping and all flashing concealed by the existing capping.
- The applicant provides a schedule of conservation works to the existing fabric and in particular the front elevation, front verandah, front fence and windows of the building.

The proposed first floor addition at the rear will not be visible from the street being contained behind the main ridge of the building. Subject to the above amendments the proposed dormer will have cohesion with the traditional style of the dwelling and the existing hipped gable to the centre of the existing verandah. As such it is considered that the proposal will not harm the character of the building or the conservation area.

The application has been assessed having regard to the relevant provisions of the LEP and is considered to be acceptable for the reasons discussed.

2.1.2 Draft Waverley LEP 2011

The LEP 2011 has been exhibited and therefore requires consideration in the assessment of this proposal. The draft controls are not materially different to the current controls with limited exceptions that are not relevant to this site or application.

- The proposed zoning of the land is R2 Low Density Residential – the development ***would be*** permissible.
- The proposed maximum height limit is 8.5 metres – the development with a height of 7.5 metres is ***within*** the maximum.
- The proposed maximum FSR is 0.5:1– the development is ***above*** the maximum with an FSR of 0.82:1 based on the LEP definition (differs to the DCP definition).

The proposal is generally consistent with the draft controls with the exception of FSR which is discussed later in this report.

2.1.3 Waverley Development Control Plan 2010, Part D1 – Dwelling House & Dual Occupancy Development

Control	Standard	Proposed	Compliance
Height	• Flat roof – 7.5m	• 7.5 metres	**Yes**
Floor Space Ratio (Site Area 240.3sqm)	• 0.81:1	• 0.91:1 • Excess = 22.5sqm	**No**
Setbacks	• Side 0-900mm • Front and rear est. building line	• 0-1539mm • No change to front • Rear aligns with adjoining upper floor addition at No. 23	**Yes** **Yes** **Yes**
Elevated external decks	• 10sqm in area • 1.5m depth	• 5.34sqm • 1.5m	**Yes** **Yes**

The proposal predominantly complies with the controls of the DCP with the exception being floor space ratio (FSR). The non-compliance is discussed below.

Floor Space Ratio

The intent of the FSR controls is to ensure that new dwellings and alterations and additions to existing dwellings are of an acceptable size and bulk in relation to the size and shape of the allotment, that impacts upon the amenity of surrounding properties is minimised and that the bulk of the development is in character with surrounding development and does not detract from the streetscape.

The proposal achieves an FSR of 0.91:1 which is 22.5sqm greater than the DCP control of 0.81:1. The proposal has been designed to respond to the first floor addition on the adjoining property to the west of the site, No. 23 Kenilworth Ave. No. 23 has a first floor extension to what was previously a single storey terrace similar to the subject site. The proposed first floor extension will extend no further to the rear than the first floor on the adjoining property with the rear balconies also aligning and being of a similar size. The height of the first floor level varies in that the main roof is 6.7 metres in height which is generally consistent with the maximum height of the first floor level to the adjoining property. However, the subject proposal contains a pop-up skillion roof in the centre of the main roof for the length of the first floor addition that will achieve a maximum height of 7.5 metres which continues to comply with the maximum permissible height allowed by the DCP.

Shadow diagrams were provided with the application demonstrating the overshadowing at 9am, 12pm, and 3pm on the winter solstice. The shadow diagrams indicate that there will be no shadows cast on No. 27 Kenilworth at 9am, minimal ***additional*** shadow at 12pm and minimal ***additional*** overshadowing at 3pm as the existing building already overshadows the rear yard and side courtyard of this site. The diagrams indicate that the additional overshadowing will be minimal due to the dense urban environment and shadows cast by existing structures.

The proposed upper floor addition has been designed to have a greater side setback than the DCP allows at 1539mm rather than the minimum 900mm allowable due to the side courtyard of the adjoining property. It is unrealistic to expect that sunlight to a side courtyard will be retained at the expense of the development of the adjoining site in such a dense urban environment. Any upper floor addition at the subject site will overshadow the courtyard on the adjoining property and given that the architect has attempted to minimise impact by increasing the side setback of the upper floor addition and that the additional overshadowing is minimal, it is considered that the proposal is not unacceptable.

Given the above analysis, it is considered that the proposal has been designed to be commensurate in scale with surrounding properties and will not have unreasonable impacts upon adjoining sites or the streetscape and as such is recommended for approval.

2.1.4 Other Matters

Streetscape

The proposed first floor addition at the rear will not be visible from the street being contained behind the main ridge of the building. Subject to amendments outlined previously, the proposed dormer will have cohesion with the traditional style of the dwelling and the existing hipped gable to the centre of the existing verandah. As such it is considered that the proposal will not harm the character of the building or the streetscape.

Privacy

The proposal will contain a balcony at the rear at the first floor level accessed via a bedroom which is a room of low use. The balcony is compliant in size and depth with the DCP controls

and will have privacy screening on both side boundaries. Given the low use nature of the room, the screening and the size of the balcony it is considered that the balcony will not have unreasonable privacy impacts.

The windows on the eastern elevation at the first floor level are either highlight or where below 1500mm above finished floor level the glass will be translucent. These measures will ensure that a reasonable level of privacy is maintained on the adjoining property.

3 REFERRALS

3.1 Internal

Technical Services

The following comments were provided by Council's Technical Services in response to the subject development:

> *The stormwater drawings by Vitale Design, job number scott_10/1, dated 5 September 2011 have been checked and are considered **not** satisfactory with respect to the stormwater details.*
>
> *The drawings do not comply with the Waverley Development Control Plan 2010 with respect:*
>
> *i) Part G4 – Clause 1.2 – on-site stormwater detention is required.*
> *ii) Part B – Clause 10.2.4 On Site Detention (details of the proposed on-site stormwater detention system are required).*

A condition is included within the Recommendation addressing the above.

Heritage and Urban Design

The following comments were provided by Council's Heritage and Urban Design Architect in relation to the proposal:

> *Site Description:*
> *The site located to the southern side of the street is occupied by a single storey attached residence of Federation style adjoining similar residences to the west and an earlier Victorian Italianate residence to the east. The residence was for much of the 20th Century occupied by the Mc Mahon family a noted family in Waverley's social history.*
>
> *Current Status:*
> *The building is not listed in Waverley LEP 1996 Schedule 5 as an item of heritage significance but is included in and contributory to the Woodstock Conservation Area.*
>
> *Proposed Development:*
> *The application proposes ground floor alterations together with extensive first floor additions including a canted dormer to the front roof slope.*
>
> *Comments:*
> *The works follow similar development to the adjacent attached residence. The proposed introduction of a canted dormer to the front roof slope appears not to have fully considered the nature of the cited dormer to the adjacent residence at 23 Kenilworth. The front elevation of that residence has been modified with the gablet to the front eave (evident in the 1943 aerial survey) removed enabling the depth of the*

later canted dormer. Removal of the gablet to the front of 25 Kenilworth Street has not been proposed and would not be supported. It therefore needs to be clarified if a matching canted dormer can be constructed without impingement on this element of the existing roof. The detailing of the adjacent canted dormer is also of limited cohesion with the existing group. Any similar dormer to 25 Kenilworth Street would be expected to display a more refined standard of detailing based upon Federation precedent.

Recommendations:
To maintain the aesthetic qualities of the building, the setting and the Conservation Area it is recommended that:

- *The applicant provides details of the proposed canted dormer more closely based upon Federation precedent. Additional information is also to clarify the relationship of the proposed dormer to the existing gablet at the front eave of the roof.*
- *The applicant provides a schedule of conservation works to the existing fabric and in particular the front elevation, front verandah, front fence and windows of the building.*

Amended plans were received which modified the design of the front dormer. These were also referred and the following comments provided.

Comments:
Following extended discussions with the applicant the revised proposal answers some of the previous comments as to ability of the canted dormer to be built, allowing for the existing hipped gable to the centre of the existing verandah. It remains a concern that detailing of the modified dormer is of limited cohesion with the Federation Style residence and the Conservation Area. To this end a number of recommendations are provided relating to detailing of the dormer.

Recommendations:
To maintain the aesthetic qualities of the building, the setting and the Conservation Area it is recommended that:

- *Details of proposed ridge capping concealing the new rear roof are to be provided.*
- *The extended eaves of the proposed dormer have tapered corners following the external wall plan of the dormer.*
- *Cladding to the dormer cheeks is of expressed weatherboard and not flat sheet fibre cement.*
- *Window frames to dormer windows are to be of timber with opaque painted finish.*
- *The existing ridge capping is to be retained with roofing to new rear additions set below the tile capping and all flashing concealed by the existing capping.*
- *The applicant provides a schedule of conservation works to the existing fabric and in particular the front elevation, front verandah, front fence and windows of the building.*

The above requirement is included within the Recommendation as a condition.

Section 79C(1)(b) - The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The proposal would be unlikely to result in significant adverse impacts on the natural environment nor any social or economic impacts on the locality. The likely impacts of the development have been assessed in further detail elsewhere in this report.

Section 79C(1)(c) - The suitability of the site for the development.

The proposal is for alterations and additions to an existing residential dwelling which is a suitable type of development in a residential zone. The proposal is not out of character with surrounding development. Therefore, the application satisfies this section of the Act having regard to the above analysis.

4. PUBLIC SUBMISSION

The application was advertised for 30 days in accordance with *Waverley Development Control Plan 2006, Part C3 – Advertised and Notified Development.*

One (1) submission was received from the adjoining property to the east of the site, 27 Kenilworth Street. The issues raised in the submission are summarised and discussed below.

Issue: Unacceptable bulk, floor space ratio and setbacks.

Comment – The bulk, scale and FSR has been previously discussed in this report. The setbacks comply with the provisions of the DCP with the side setback being well in excess of the minimum requirements. The rear boundary setback will align with the rear setback of the first floor level of the adjoining property to the west, No. 23 Kenilworth Street.

Issue: Overshadowing of internal courtyard and garage wall which is painted a reflective colour to provide reflective light to the south facing living room.

Comment – This issue has been discussed previously in this report.

Issue: Heritage – modern stylish design does not complement the architecture of the area.

Comment – The proposal retains the traditional character of the building at the street front by retaining the front façade and setting the more contemporary extensions behind the main ridge. It is acceptable architectural practice to retain the traditional façade at the street with contemporary extensions being contained at the rear. The design of the proposal is therefore considered to complement the character of the building and the street.

The proposal will contain a dormer window on the front elevation. The design of the dormer has been amended since it was initially submitted to provide greater cohesion with the Federation style of the dwelling. Further amendment is required by Council's Heritage and Urban Design Architect which is required by condition.

Issue: Visual and acoustic privacy – large rear bedroom and large deck.

Comment – A bedroom is a room of low use with few occupants and privacy impacts from rooms of low use are not considered unreasonable. The rear first floor deck has privacy screening on both side boundaries which will minimise overlooking into surrounding

properties. The small size of the deck will also ensure that very few people will be able to use the deck at any one time ensuring that acoustic privacy is not unreasonable.

Section 79C(1)(e) - The public interest.

The proposal will not have an unreasonable impact on the adjoining or nearby properties and satisfies this section of the Act.

5. CONCLUSION/DEVELOPMENT AND BUILDING UNIT REVIEW

The DBU gave consideration to the proposal having regard to the relevant matters under Section 79C of the Act, and the provisions of Council's Development Control Plan. Consideration was also given to the report of the development assessment officer. It was noted that one submission was received.

The DBU reviewed the proposal and consider the proposed alterations and additions are modest in nature and will have an acceptable impact on the neighbouring properties and on the streetscape.

The DBU noted the minor non-compliance with respect to FSR, however the proposed additions are considered to be in keeping with adjoining development, particularly the recent additions at 23 Kenilworth Street. In this instance, the rear building line will align with adjoining properties, and a more generous side setback to 27 Kenilworth than the DCP requires (ie. Side setback of 1.539m in lieu of 900mm control) has occurred. This generous side setback to the east will also enable adequate light to penetrate into the internal courtyard of No. 27 which is reasonable for development in such a dense environment.

The presentation to the streetscape with the inclusion of the dormer has been amended to be comparable to dormer additions in close vicinity and subject to further amendments suggested by Council's Heritage and Urban Design Advisor will be sympathetic to the Conservation Area.

Accordingly, the application is supported.

6. RECOMMENDATION

That Development Application No. DA-421/2011 at 25 Kenilworth Street, Bondi Junction for alterations and additions including an upper floor addition be approved by the Council, subject to the following conditions:-

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) Architectural Plan Nos DA01 – DA08 Issue C, tables and documentation prepared by Vitale Design, dated 23/02/12, and received by Council on date 1 March 2012,

(b) BASIX Certificate;

(c) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part G1, Waverley DCP 2010.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

(a) To maintain the aesthetic qualities of the building, the setting and the Conservation Area the following details/amendments are required:

i. Details of proposed ridge capping concealing the new rear roof are to be provided.
ii. The extended eaves of the proposed dormer have tapered corners following the external wall plan of the dormer.
iii. Cladding to the dormer cheeks is of expressed weatherboard and not flat sheet fibre cement.
iv. Window frames to dormer windows are to be of timber with opaque painted finish.
v. The existing ridge capping is to be retained with roofing to new rear additions set below the tile capping and all flashing concealed by the existing capping.
vi. The applicant provides a schedule of conservation works to the existing fabric and in particular the front elevation, front verandah, front fence and windows of the building.

The amendments shall be submitted for the approval of Council's Heritage and Urban Design Architect 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/cooking appliances is prohibited.

5. INSTALLATION OF AIR CONDITIONING

Any 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

6. SECTION 94A CONTRIBUTION

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

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

(1) Where the total development cost is less than $500,000:
"Waverley Council Cost Summary Report"; or,

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

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

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

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

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

Advisory Note

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

7. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of $5000 must be provided as security for the payment of the cost of making good any damage that may be caused to any Council property as a consequence of this building work.

This deposit 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 will be refunded after satisfactory completion of the building work to the person who paid the deposit.

8. LONG SERVICE LEVY

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

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

9. NO BUILDING WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

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

(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with Section 81A(2) of the Environmental Planning & Assessment Act, 1979; and

(b) a Principal Certifying Authority has been appointed and Council has been notified of appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning & 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.

10. HOARDING REQUIRED

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

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

11. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Part G1, Waverley DCP 2010 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

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

12. EROSION, SEDIMENT AND POLLUTION CONTROL

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

13. STORMWATER MANAGEMENT

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 2010 - Part G4 prior to the issue of a Construction Certificate.

14. ENGINEERING DETAILS

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

15. 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.

16. 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.

17. 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.*

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

18. PRIOR TO SITE WORKS

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

(a) the name and contractor licence number of the licensee who has contracted to do, or intends to do, work ; or

(b) the name and permit number of the owner/builder who intends to do the work; and

(c) any change to these arrangements for doing of the work.

19. HOME BUILDING ACT

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

20. CONSTRUCTION SIGNS

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

21. EXCAVATION AND BACKFILLING

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

22. OBSTRUCTION TO PUBLIC AREAS

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

(a) a hoarding fence must be erected between the building site and the public place of the proposed building and the public place. If necessary, an awning sufficient to prevent any substance from, or in connection with, the work falling into the public place, is also to be erected;

(b) the work is to be kept lit during the time between sunset and sunrise if the work may be of a sort of danger to persons using the public place; and

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

23. 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.

24. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

25. 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 DECC's Managing Urban Stormwater: Construction Activities. 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.

26. DILAPIDATION REPORT - ATTACHED HOUSING

The dilapidation report prepared by a practising Structural Engineer shall be submitted to the Principal Certifying Authority, Council and the owners of the adjoining attached property(s) prior to the commencement of demolition, bulk excavation or building works, detailing the current condition and the status of all buildings (both internal and external), including ancillary structures located upon the adjoining properties.

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;

(b) Sundays and public holidays; and

(c) On the Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which immediately precede or follow industry Rostered Days Off, as agreed by the CFMEU and the Master Builders Association of NSW.

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

31. CONSTRUCTION NOISE - PERIODS GREATER THAN 4 WEEKS

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.

32. BUILDING CODE OF AUSTRALIA

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

33. 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).

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

34. 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.

35. 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.

36. 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.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

37. 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.

38. 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*.

KEY:

CODE	FINISH
AC	Air conditioning unit
D	New aluminium framed door
DP	Downpipe
DT	New solid core timber door
EF	Exhaust fan ducted to external facade
EX	Existing structure to remain, make good as required
EXF	Existing fireplace to remain
EXL	Existing landscaping to remain
EXR	Existing roof to remain, make good as required
FC	FC cladding, paint finish
G	New gutter plumbed to existing services
HW	Existing gas hot water unit
MB	Electrical meters and mains supply board
MR	Colorbond metal roof sheeting, with timber fascia and colorbond gutter and downpipes. 6° pitch over timber roof framing to future eng's details
PB	Plasterboard ceilings, set sanded and painted to future spec.
SL	Timber framed external glass skylight to future detail
TFF	Bathroom floor and walls tiled floor to ceiling to future detail
TF	Timber floor finish, species and board selection to future spec, substrate to be of timber framing
TS	Hardwood timber external privacy screen
ST	Timber stair to BCA
TFW	Timber framed wall
W	New operable aluminium framed window with glass insert, weather strips all around
WT	New 2500L rainwater tank
WTF	New operable timber framed window with glass insert, weather strips all around
WTR	New operable aluminium framed window with translucent glass insert, weather strips all around

COLOUR LEGEND

- EXISTING RESIDENCE
- NEW TIMBER CONSTRUCTION
- NEW FC AND RENDER
- NEW BRICKWORK
- NEW GLAZING
- NEW STEEL
- DEMOLITION
- EXTENT OF EXISTING ENVELOPE

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01 MAR 2012
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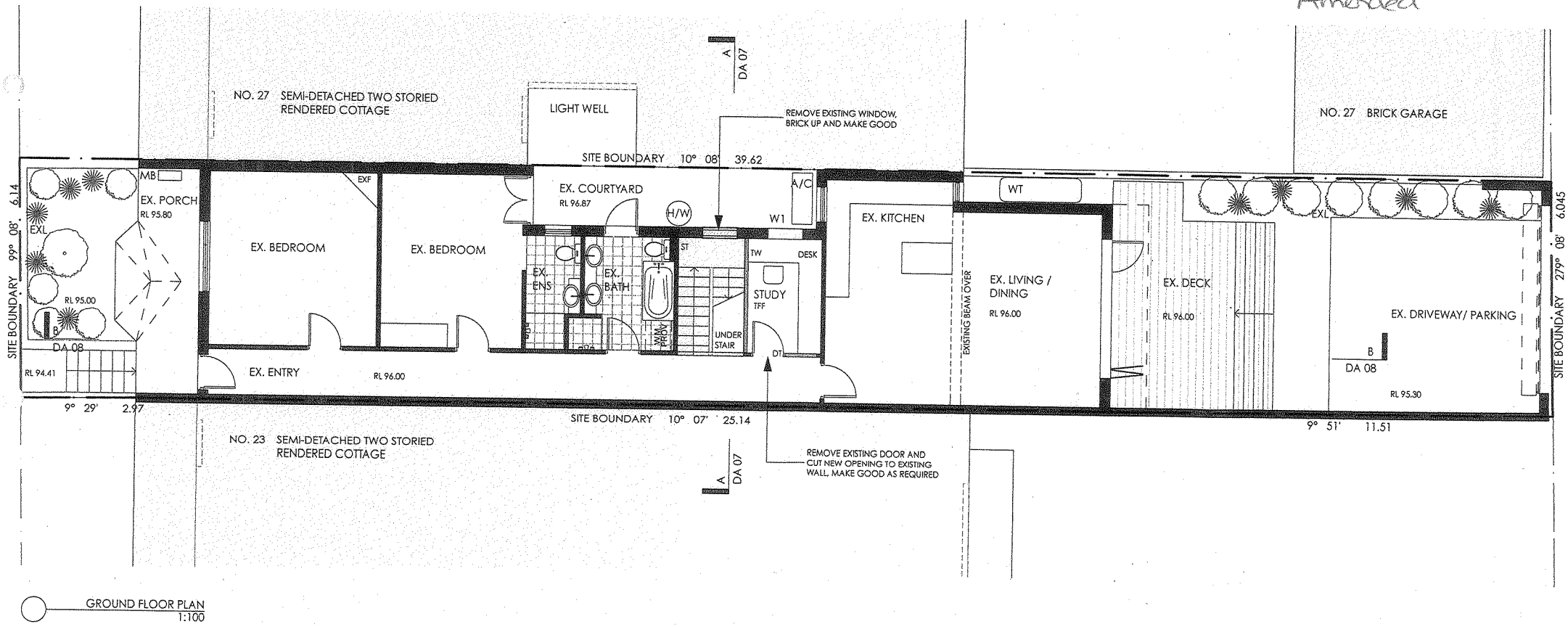

GROUND FLOOR PLAN
1:100

notes	issue	description	date	project	author	north	
Do not scale from this drawing. Contractors to take and check all dimensions on site prior to work commencing. Any discrepancies to be reported to designer. Subcontractors to verify all dimensions on site before making shop drawings and commencing manufacture.	A	PRELIMINARY	10.08.11	**SCOTT CLARKE HOUSE** TONY SCOTT & SARAH CLARKE 25 KENILWORTH STREET, BONDI JUNCTION NSW 2022 LOT 13 & 14 DP 455116	**vitale design** unit 24 / 43 - 53 bridge rd stanmore 2048 **ph 9517 1418 fax 9517 1412** **e.** ben@vitaledesign.com.au		design BV drawn RS job No. SCOTT_10/1 date 23/02/12 scale 1:100 @ A3
	B	FOR DEVELOPMENT APPLICATION	05.09.11				title **GROUND FLOOR PLAN**
	C	**FOR AMENDED DEVELOPMENT APPLICATION**	**23.02.12**				drawing No. DA 02 issue No. C

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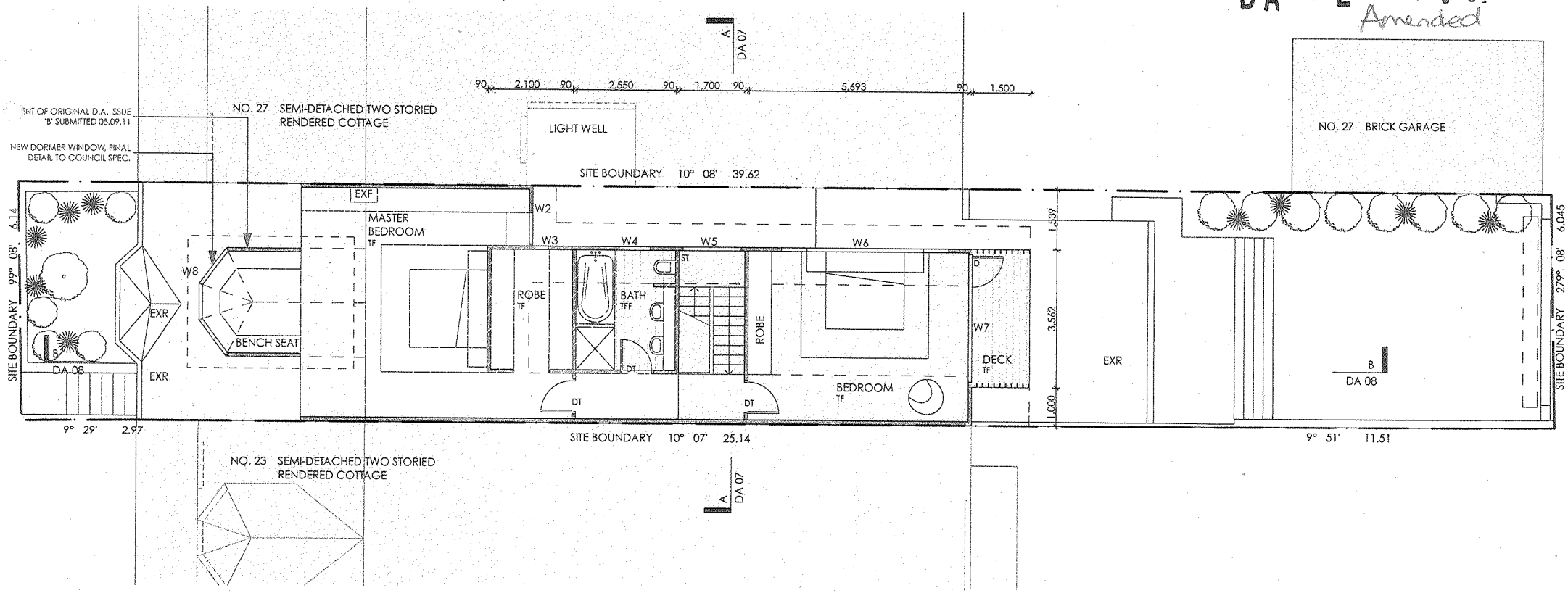
Amended



FIRST FLOOR PLAN
1:100

notes	issue	description	date
Do not scale from this drawing. Contractors to take and check all dimensions on site prior to work commencing. Any discrepencies to be reported to designer. Subcontractors to verify all dimensions on site before making shop drawings or commencing manufacture.	A	PRELIMINARY	10.08.11
	B	FOR DEVELOPMENT APPLICATION	05.09.11
	C	**FOR AMENDED DEVELOPMENT APPLICATION**	**23.02.12**

project
SCOTT CLARKE HOUSE
TONY SCOTT & SARAH CLARKE
25 KENILWORTH STREET, BONDI JUNCTION NSW 2022
LOT 13 & 14 DP 455116

vitale design
unit 24 / 43 - 53 bridge rd
stanmore 2048
ph 9517 1418 fax 9517 1412
e. ben@vitaledesign.com.au

north

design	BV	title	**FIRST FLOOR PLAN**
drawn	RS		
job No.	SCOTT_10/1		
date	23/02/12	drawing No.	issue No.
scale	1:100 @ A3	DA 03	C

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DA·421/11

Amended

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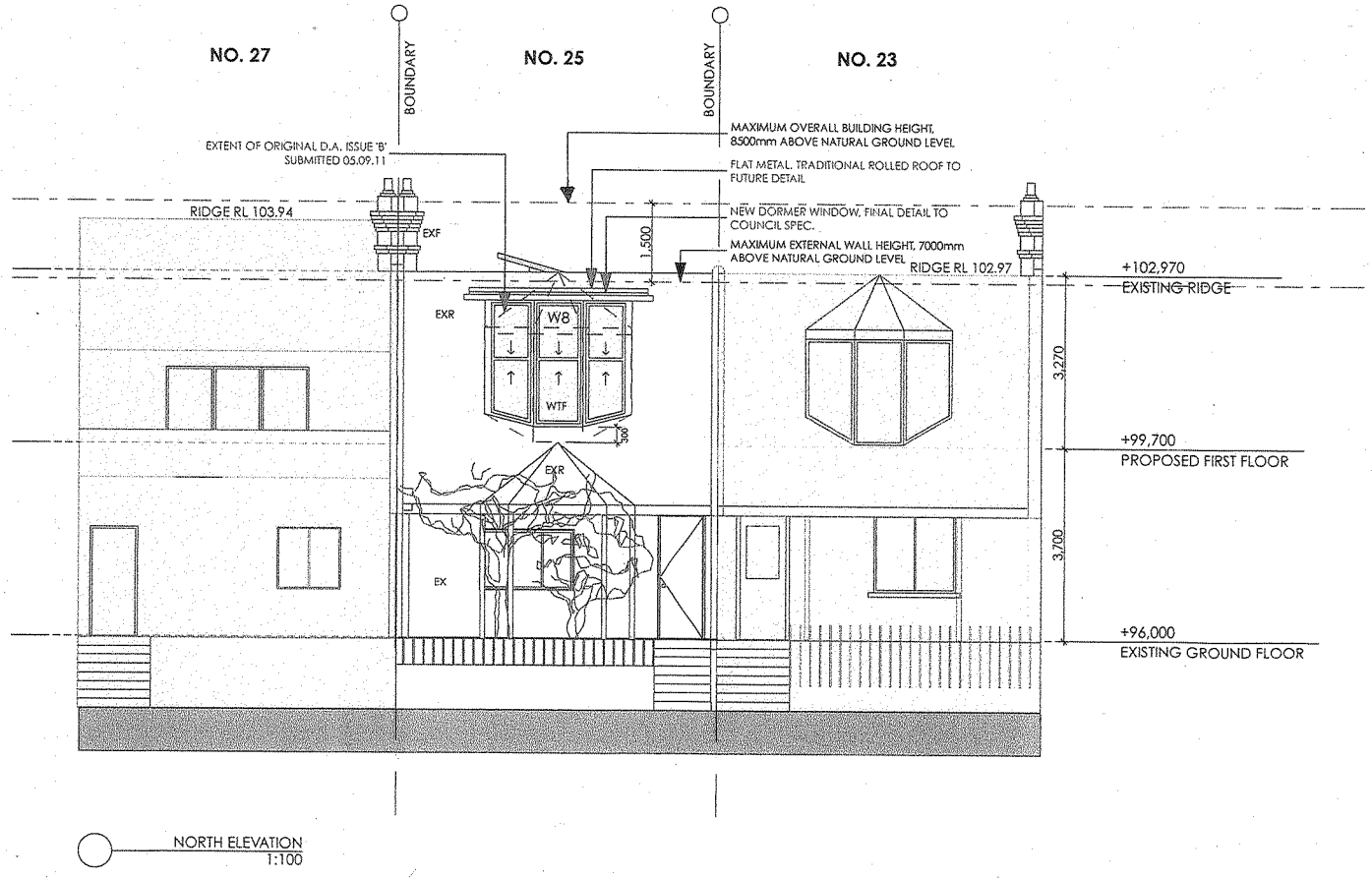


NORTH ELEVATION
1:100

notes	issue	description	date	project			
Do not scale from this drawing. Contractors to take and check all dimensions on site prior to work commencing. Any discrepancies to be reported to designer. Subcontractors to verify all dimensions before making shop drawings or commencing manufacture.	A	PRELIMINARY	10.08.11	**SCOTT CLARKE HOUSE** TONY SCOTT & SARAH CLARKE 25 KENILWORTH STREET, BONDI JUNCTION NSW 2022 LOT 13 & 14 DP 455116	**vitale design** unit 24 / 43 - 53 bridge rd stanmore 2048 **ph 9517 1418 fax 9517 1412** e. ben@vitaledesign.com.au		
	B	FOR DEVELOPMENT APPLICATION	05.09.11				
	C	**FOR AMENDED DEVELOPMENT APPLICATION**	**23.02.12**				

design	BV	title	**NORTH ELEVATION**
drawn	RS		
job No.	SCOTT_10/1		
date	23/02/12	drawing No.	issue No.
scale	1:100 @ A3	DA 04	C

KEY:

CODE	FINISH
AC	Air conditioning unit
D	New aluminium framed door
DP	Downpipe
DT	New solid core timber door
EF	Exhaust fan ducted to external facade
EX	Existing structure to remain, make good as required
EXF	Existing fireplace to remain
EXL	Existing landscaping to remain
EXR	Existing roof to remain, make good as required
FC	FC cladding, paint finish
G	New gutter plumbed to existing services
HW	Existing gas hot water unit
MB	Electrical meters and mains supply board
MR	Colorbond metal roof sheeting, with timber fascia and colorbond gutter and downpipes. 6° pitch over timber roof framing to future eng's details
PB	Plasterboard ceilings, set sanded and painted to future spec.
SL	Timber framed external glass skylight to future detail
TFF	Bathroom floor and walls tiled floor to ceiling to future detail
TF	Timber floor finish, species and board selection to future spec, substrate to be of timber framing
TS	Hardwood timber external privacy screen
ST	Timber stair to BCA
TFW	Timber framed wall
W	New operable aluminium framed window with glass insert, weather strips all around
WT	New 2500L rainwater tank
WTF	New operable timber framed window with glass insert, weather strips all around
WTR	New operable aluminium framed window with translucent glass insert, weather strips all around

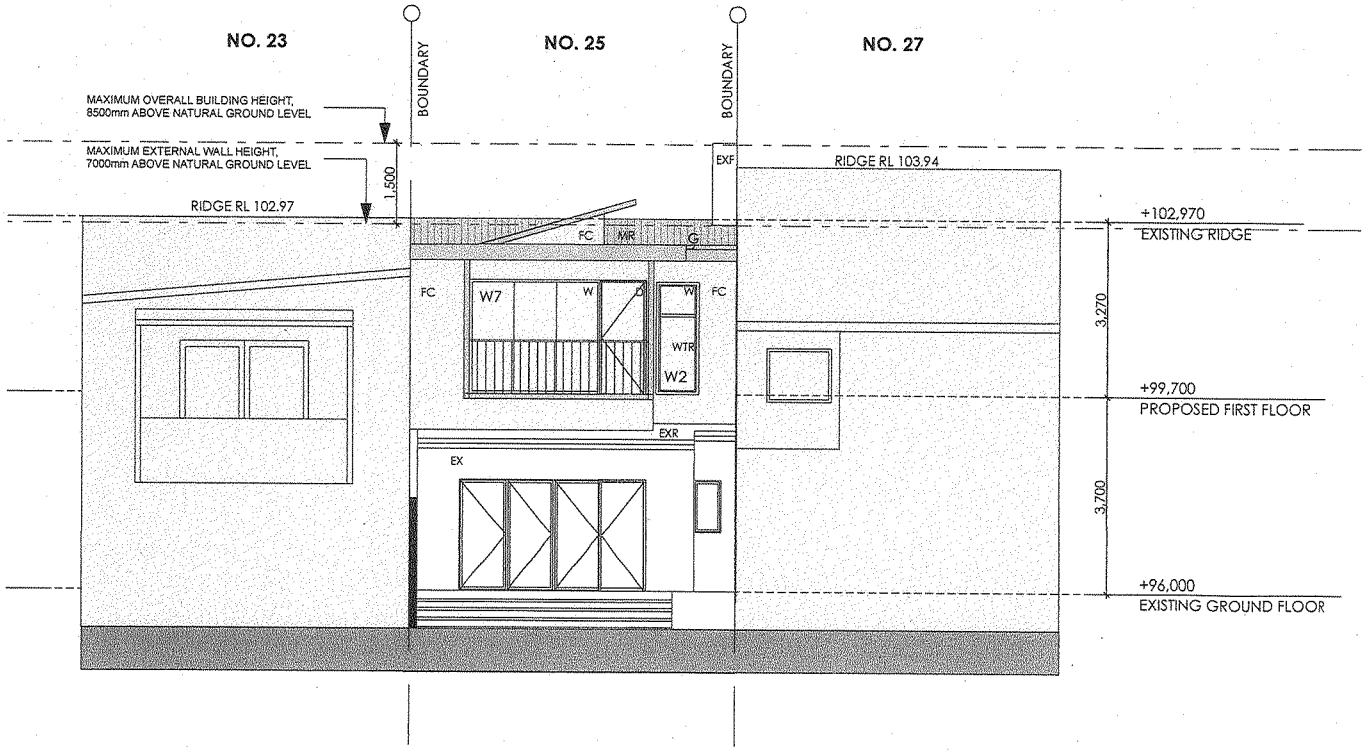
COLOUR LEGEND

- EXISTING RESIDENCE
- NEW TIMBER CONSTRUCTION
- NEW FC AND RENDER
- NEW BRICKWORK
- NEW GLAZING
- NEW STEEL
- DEMOLITION
- EXTENT OF EXISTING ENVELOPE

DA-421/11

Amended

P&ES DEPT
01 MAR 2012
RECEIVED



SOUTH ELEVATION
1:100

notes	issue	description	date
Do not scale from this drawing. Contractor to take and check all dimensions on site prior to work commencing. Any discrepancies to be reported to designer. Subcontractors to verify all dimensions on site before preparing shop drawings or commencing manufacture.	A	PRELIMINARY	10.08.11
	B	FOR DEVELOPMENT APPLICATION	05.09.11
	C	**FOR AMENDED DEVELOPMENT APPLICATION**	**23.02.12**

project
SCOTT CLARKE HOUSE
TONY SCOTT & SARAH CLARKE
25 KENILWORTH STREET, BONDI JUNCTION NSW 2022
LOT 13 & 14 DP 455116

vitale design
unit 24 / 43 - 53 bridge rd
stanmore 2048
ph 9517 1418 fax 9517 1412
e. ben@vitaledesign.com.au

design	BV
drawn	RS
job No.	SCOTT_10/1
date	23/02/12
scale	1:100 @ A3

title
SOUTH ELEVATION

drawing No. DA 05

issue No. C

KEY:

CODE	FINISH
AC	Air conditioning unit
D	New aluminium framed door
DP	Downpipe
DT	New solid core timber door
EF	Exhaust fan ducted to external facade
EX	Existing structure to remain, make good as required
EXF	Existing fireplace to remain
EXL	Existing landscaping to remain
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WTF	New operable timber framed window with glass insert, weather strips all around
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COLOUR LEGEND

- EXISTING RESIDENCE
- NEW TIMBER CONSTRUCTION
- NEW FC AND RENDER
- NEW BRICKWORK
- NEW GLAZING
- NEW STEEL
- DEMOLITION
- EXTENT OF EXISTING ENVELOPE

DA-421/11
Amended

P&ES DEPT
01 MAR 2012
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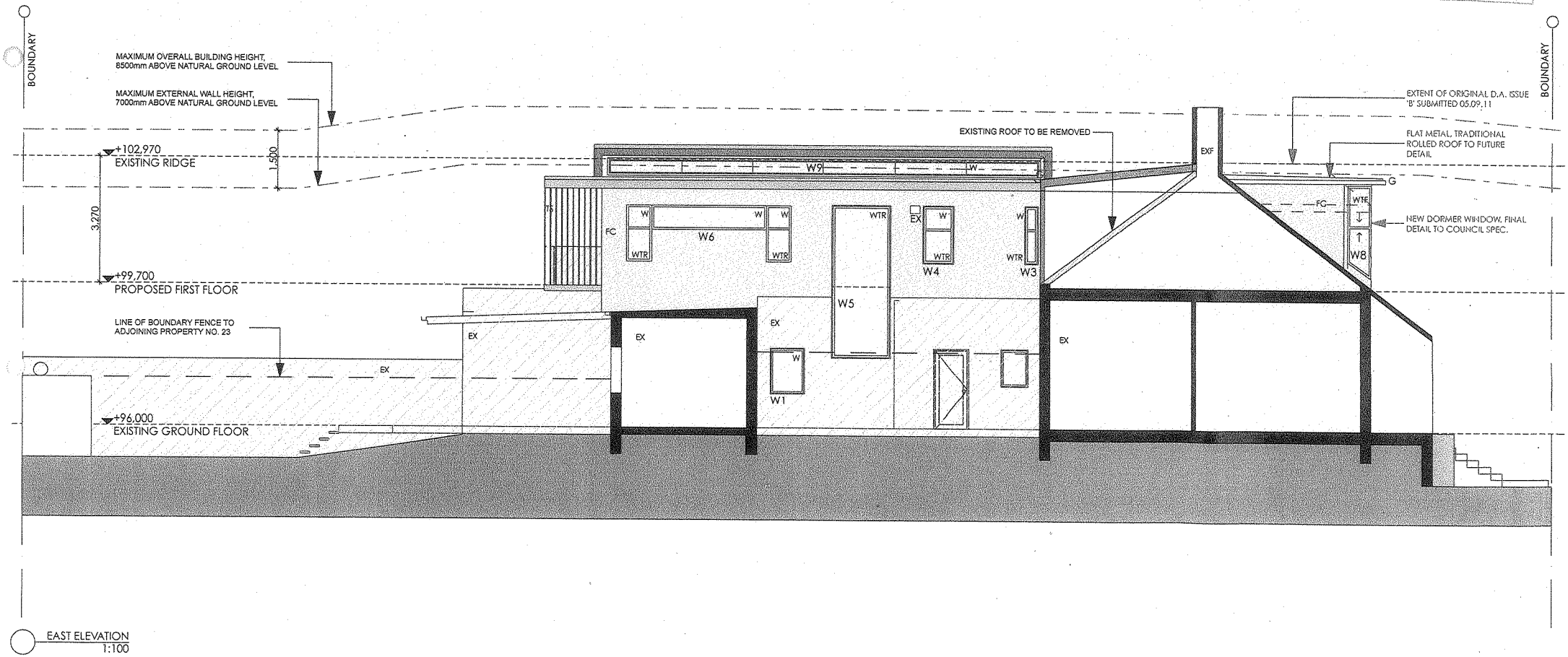

EAST ELEVATION
1:100

notes	issue	description	date
Do not scale from this drawing. Contractor to take and check all dimensions on site prior to work commencing. Report discrepencies to be reported to designer. Subcontractors to verify all dimensions on site before preparing shop drawings or commencing manufacture.	A	PRELIMINARY	10.08.11
	B	FOR DEVELOPMENT APPLICATION	05.09.11
	C	**FOR AMENDED DEVELOPMENT APPLICATION**	**23.02.12**

project
SCOTT CLARKE HOUSE
TONY SCOTT & SARAH CLARKE
25 KENILWORTH STREET, BONDI JUNCTION NSW 2022
LOT 13 & 14 DP 455116

vitale design
unit 24 / 43 - 53 bridge rd
stanmore 2048
ph 9517 1418 fax 9517 1412
e. ben@vitaledesign.com.au

design	BV
drawn	RS
job No.	SCOTT_10/1
date	23/02/12
scale	1:100 @ A3

title
EAST ELEVATION

drawing No. DA 06

issue No. C

KEY:

CODE	FINISH
AC	Air conditioning unit
D	New aluminium framed door
DP	Downpipe
DT	New solid core timber door
EF	Exhaust fan ducted to external facade
EX	Existing structure to remain, make good as required
EXF	Existing fireplace to remain
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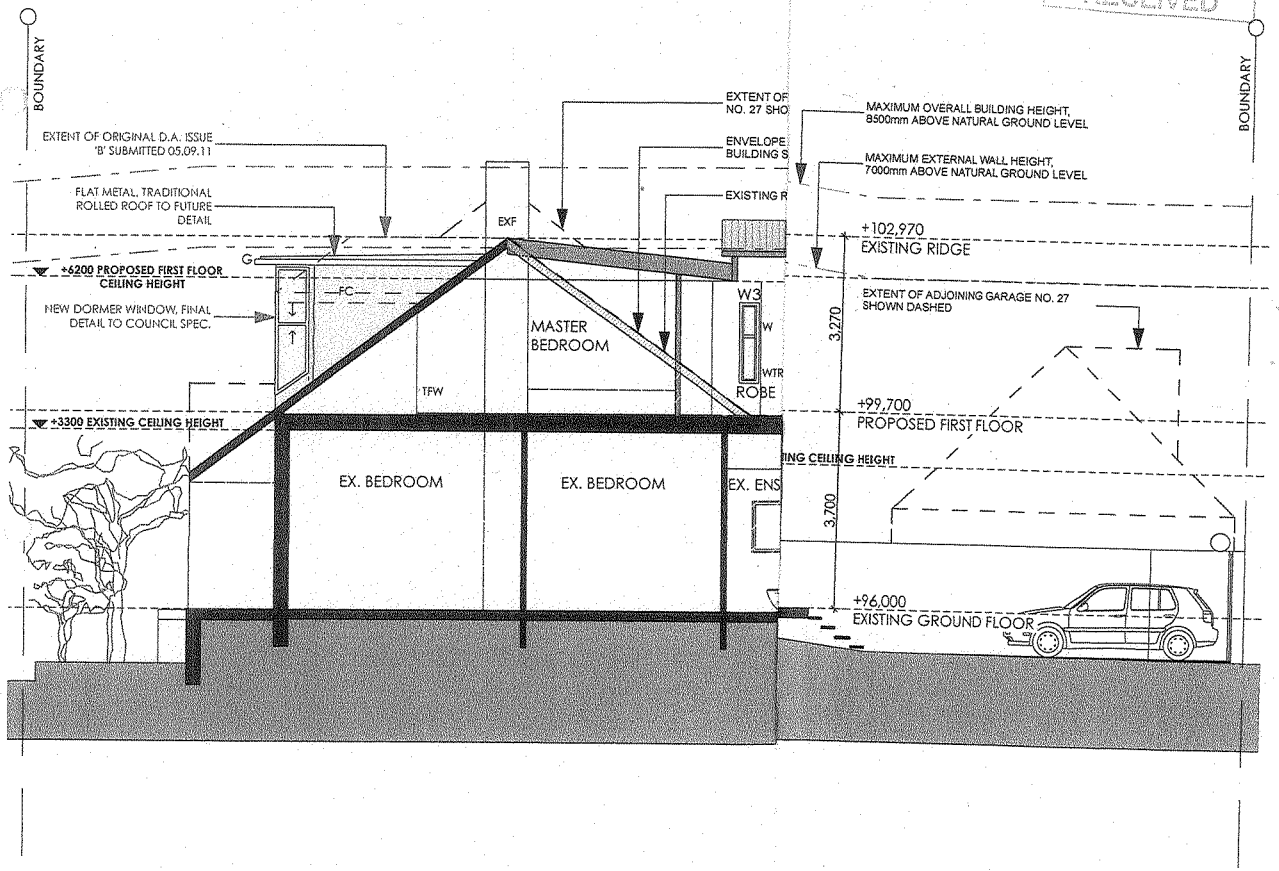
COLOUR LEGEND

- EXISTING RESIDENCE
- NEW TIMBER CONSTRUCTION
- NEW FC AND RENDER
- NEW BRICKWORK
- NEW GLAZING
- NEW STEEL
- DEMOLITION
- EXTENT OF EXISTING ENVELOPE

11

Amended

P&ES DEPT
01 MAR 2012
RECEIVED



SECTION B-B
1:100

notes	issue	description	date
Do not scale from this drawing. Contractor to take and check all dimensions on site prior to work commencing. Any discrepencies to be reported to designer. Subcontractors to verify all dimensions on site before making shop drawings or commencing manufacture.	A	PRELIMINARY	10.08.11
	B	FOR DEVELOPMENT APPLICATION	05.09.11
	C	**FOR AMENDED DEVELOPMENT APPLICATION**	**23.02.12**

project	design	BV	title
SCOT	drawn	RS	**SECTION B-B**
TONY	job No.	SCOTT_10/1	
25 KEN	date	23/02/12	drawing No. DA 08
LOT 1	scale	1:100 @ A3	issue No. C

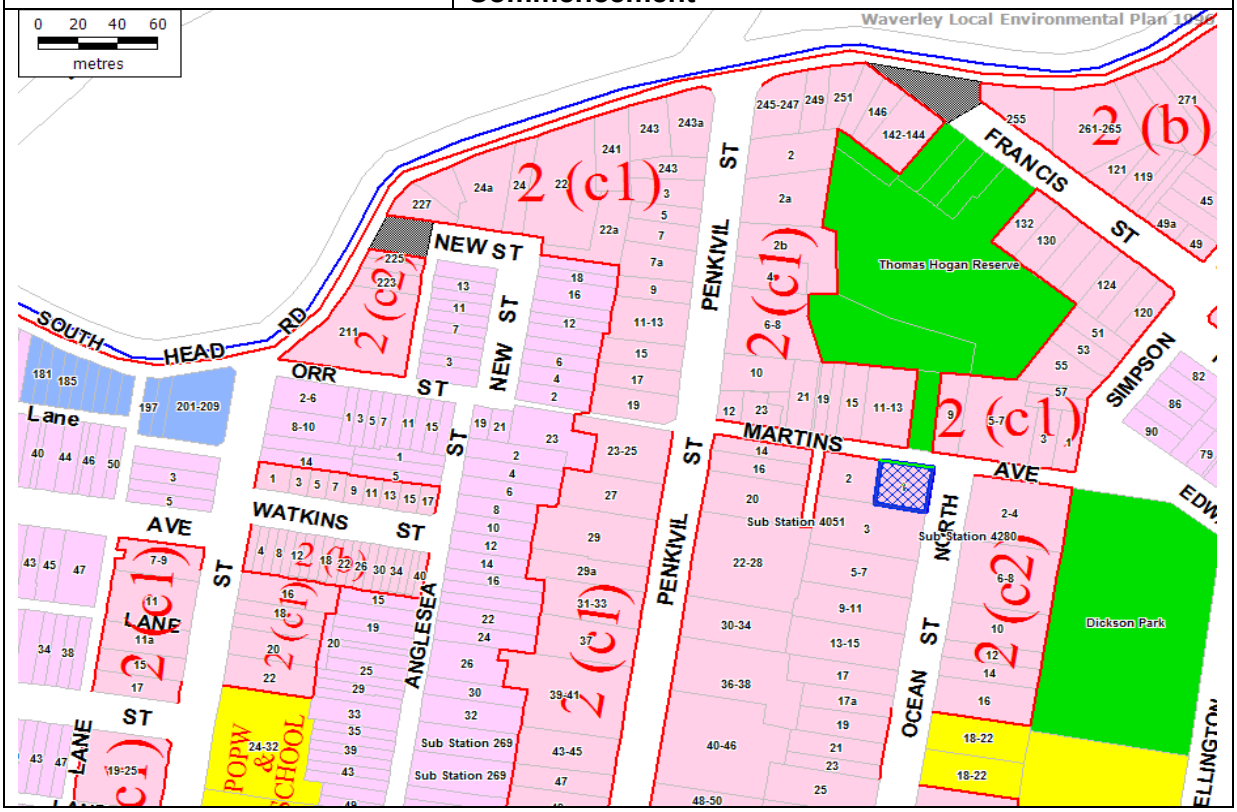
1 Ocean Street, Bondi – Alterations and additions to construct a two storey detached granny flat and a new double garage to heritage item (DA 354/2011)

Report dated 28 March 2012 from the Development and Building Unit.

Recommendation: That the application be granted Deferred Commencement Consent in accordance with the conditions contained in this report.

Referred to DCC given to the number of submissions received.

Development Assessment Report	
Development Application No.	**DA 354/2011**
Address	**1 Ocean Street, Bondi**
Lodgement Date	**29 July 2011**
Proposal	**Alterations and additions to construct a two storey detached granny flat and a new double garage to a heritage item**
Zoning and relevant controls	• **Residential High Density - 2(c2) according to Waverley Local Environmental Plan 1996** • **Draft Waverley LEP 2011** • **Waverley Development Control Plan 2010**
Applicant / Owner	**Frank Serra**
Submissions	**Six (6) submissions received**
Issues	**SEPP (Affordable Rental Housing) 2009, Parking accommodation forward of building, heritage impact, floor space / bulk and privacy**
Recommendation	**That the application be granted Deferred Commencement**



1 PREAMBLE

1.1 The Site and its Locality

The corner site is located on the western side of Ocean Street at the intersection of Martins Avenue and Ocean Street, Bondi. The site is rectangular in shape, with a total site area of 628.40m². The land has a fall of approximately 3m from the south-west (rear) to the north-east (front) and has two street frontages.

The site comprises a free standing two storey Late Victorian Italianate dwelling that is visually prominent due to its elevated location on the corner site. The subject site is not contained within a heritage conservation area, however the building & it's grounds are listed as a heritage item under the LEP 1996.

There are a total of four (4) existing on-site parking spaces (double garage and carport), which are positioned behind the front building alignment, accessed from Ocean Street.

The site is predominantly surrounded by residential flat buildings from 3 to 5 storeys in height. Immediately to the south of the site (3 Ocean St) is a five storey (four levels with ground level garages) 1970's residential flat building with a driveway and parking along the northern boundary shared with the subject site. Adjoining to the west (2 Martins Ave) is a three storey Inter War residential flat building. There is a variety of garaging within the street, including side driveways to rear garages, garages incorporated into the design of the flat building, carports / garages within the front setback and hardstand parking areas within the front setback of dwellings.

1.2 Brief History

On 24 October 2011 Council Officers deferred this application, in order for the applicant to amend the plans for:-

a. *Relocation of the garage to be behind the existing building line and retention / restoration of existing stone and iron fencing to the street frontage. This is in order to maintain the fabric, setting, streetscape and aesthetic qualities of the listed residence and grounds.*
b. *Deletion or removal of the podium / deck level above the garage and the associated stair access.*
c. *Reduction of the proposed size of the new studio / granny flat construction to be accommodated on site.*

Amended plans were submitted to Council on 20 January 2011 providing for the deletion of the rear balcony for the granny flat, the removal of podium / deck level above the new garage and deletion of associated stair access. The applicant has not addressed point (a) above within the amended plans and therefore should the application be supported, a deferred commencement condition is to be attached for the deletion of the double garage and the restoration of the existing sandstone boundary fence / walls and posts.

This report is an assessment of the 20 January 2011 submitted amended plans.

1.3 Proposed Development - amended

The amended application specifically includes:

a. Demolition of the existing carport structure on site;

b. Retention of the existing walls of the existing garage for conversion of a two storey detached granny flat consisting of living room and kitchen at ground floor and two (2) bedrooms and bathroom at first floor.
c. The erection of a new single storey double garage forward of the existing dwelling on the front eastern boundary; and,
d. A new front access stair on the northern side of the garage.

There is no change or physical work proposed to the existing free standing two storey Victorian Italianate house.

It is to be noted that, the applicant has advised Council via email on 28 February, 2012 that the proposed granny flat is to be assessed under the State Environmental Planning Policy (Affordable Rental Housing) 2009.

2. ASSESSMENT

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

2.1 Section 79C(1)(a) Planning Instruments

2.1.1 State Environmental Planning Policy (SEPP) – Affordable Rental Housing 2009

A secondary dwelling by the conversion of an existing garage to a two storey detached granny flat on the southern side of the subject site has been proposed. This additional self contained dwelling has not been proposed under Council's dual occupancy provisions and is considered a 'secondary dwelling' under the SEPP.

The SEPP specifies that that Council must not consent to development unless the following provisions are met:

> *(a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument;*
>
> *(b) the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.*(clause 22 (3)).

The proposed Floor Space Ratio (FSR) as a result of all of the works totals 0.53:1 which is in excess to the permitted maximum FSR 0.5:1 for the site, however as Waverley's FSR controls are found within the Development Control Plan (DCP), this control is flexible and assessment of the application may be carried out with only this principle in mind. This issue is further discussed in detail below in the report under Section 2.1.3.

The proposed secondary dwelling has a total floor area of 59.58m², which is below the permitted maximum of 60m², which satisfies the maximum requirements of the SEPP.

The SEPP also specifies that there are two grounds to which Council cannot refuse an application (cl 22(4)). These are:

> Site Area:
> *(i) the secondary dwelling is located within, or is attached to, the principal dwelling, or*

(ii) the site area is at least 450 square metres.

Parking:
(i) if no additional parking is to be provided on the site.

In regard to the site area, the area of the subject land is 628.40 square metres, which meets the minimum requirement of the SEPP. However, the proposed secondary dwelling is detached from the principal dwelling by approximately 1m distance only. It is to be noted that the applicant has not proposed for strata subdivision in this application and the secondary dwelling is located within the grounds of the site. Accordingly as the proposal is for a secondary dwelling under the provisions of the SEPP where no subdivision is proposed (two dwellings to remain on single title), the proposal is compliant and supported.

In regard to parking, the applicant has proposed a new double garage in front of the existing building line. The garage works would degrade the frontage to the existing house and the adjoining public domain and are not supported given the streetscape and transport objectives of the LEP. In this regard, a deferred commencement condition is to be imposed requiring the deletion of the proposed new garage, should the application be supported.

The application is considered to meet the above requirements of the SEPP and therefore is recommended for approval (via Deferred Commencement consent) to encourage affordable housing in the area.

2.1.2 Waverley Local Environmental Plan 1996 and Draft Waverley Comprehensive Local Environmental Plan 2011

The site is zoned Residential 2(c2) under Waverley LEP 1996 and High Density Residential (R4) under the Draft Waverley LEP 2011. The proposal is permissible with consent within the zone and the amended design is considered acceptable as measured against the Specific Aims and Zone objectives of the LEP.

The site is listed as a heritage item under the Waverley LEP 1996, however the site is not located within a Heritage Conservation Area. The application has been assessed by Council's Heritage Officer who does not support the proposal as the amended plans have not addressed Council's required changes for parking and the conservation of the sandstone walls and posts (Refer to comment's of Heritage Officer below in the report). These issues raised by Council's Heritage officer are to be addressed by the imposition of matters within a Deferred Commencement recommendation.

2.1.3 Waverley Development Control Plan 2010, Part D1- Dwelling Houses & Dual Occupancy Development and Part I – Land Use and Transport

The Waverley DCP 2010 contain controls on which the subject site is located. An assessment of the site specific controls from these documents revealed the following:-

COMPLIANCE CHECK			
Control	**Standard**	**Proposed**	**Compliance**
Height	• Max – 7.5 metre (flat roof)	• 4.6 - 6.1m (granny flat)	Yes
Floor Space Ratio (Site Area 628.40m²)	• Max 0.50:1 (314m²)	• 0.53:1 (333m²)	**No**
Setbacks	• Side = 900mm	• As existing nil (0) to	Yes (on merit)

	• Front est. building line • Rear est. building line	the south boundary • Approx 15m • 5m (as existing)	Yes Yes
Vehicular Access and Parking	• No. of spaces: 2 • Dimensions (5.5 m × 2.5m) • Behind building setback • Does not detract the architectural integrity of dwelling	• 2 space proposed • 6.66m x 6.40m • In front yard area • Demolish character sandstone fence	• Yes • Yes • **No** • **No**
Landscaping	• 40% of site area • 15% of site as soft • 50% of front lands. • 50% of front lands as soft	• 50% • 30% • 55% • >50%	• Yes • Yes • Yes • Yes

The proposal generally complies with the numerical controls in the DCP with the exception of FSR and the location of the garage being forward of the building line.

Floor Space Ratio (FSR)

The proposal exceeds the FSR controls of 0.50:1 by 19m^2 in area (proposed at FSR 0.53:1) as outlined within WDCP 2010. This site enjoys a high density zoning and it is to be noted that the draft Waverley Comprehensive LEP 2011 has been recently exhibited and provides for a change to the floor space ratio control for this site to a maximum of 1.50:1, therefore the proposal would generally comply with this particular standard.

The area of non-compliance in FSR is considered minimal and is not representative of the bulk and scale impacts of the actual primary and proposed secondary dwellings on site, as it generally relates to the new garage development at the front. Visually it is the garage development in front of the established front building line that will provide for the biggest increase in the bulk of the development on this site. No objection is raised to the secondary dwelling development in the proposed location, given that it would sit at the rear above the same footprint of the existing garage (therefore not visually prominent from the street) and would be significantly less in height than the main primary dwelling.

Whilst the proposed development is non-compliant with Council's DCP 2010 control in relation to FSR for the site, it is considered proportionate in bulk and scale to the surrounding context, given the four-five storey residential flat building at the southern side at no. 3 Ocean Street. It is also to be acknowledged that the site is located within a Residential 2 (c2) zone and proposed R4 zone under the WLEP 2011, which permits high density development (such as residential flat buildings, townhouses and boarding houses) and the likeliness of a larger overall development would be inevitable. Accordingly, the variation is considered to satisfy the objectives of the DCP and is supported.

Vehicular Access and Parking

Part D1 of WDCP states that all car accommodation is to be located behind the front building line. The strategy behind this control is to ensure that garages and carports do not dominate the streetscape.

The proposed double garage abuts hard to the front alignment and dominates the presentation of this heritage item. The works are considered to have a detrimental impact upon the heritage significance of the residence and its streetscape presentation. There is currently considerable existing on-site car parking (carport and garage) set behind the existing building frontage. The relocation of the garage to the street front is unsympathetic to the heritage listed residence, removes elements of original construction (sandstone fence) and impacts upon the visual presentation of the building from the street. In this regard, the variation to Council policy sought in this instance is not supported and a deferred commencement condition is recommended to delete the proposed garage addition from the proposal.

3. REFERRALS

Technical Services

The application was referred internally to Council's Manager Traffic & Development who raised no objection to the proposal subject to the imposition of conditions.

Heritage and Urban Planning Assessment

The original proposal was referred to Council's Heritage Architect & Urban Planning Adviser and the comments received were relayed back to the applicant. Upon amended plans being lodged in response to such issues, the following additional comments from Council's Heritage Architect and Urban Planning Adviser were received:

> ***"Site description***
> *The site located to the south western corner of Ocean Street and Martins Avenue is occupied by a freestanding two storey Late Victorian Italianate residence erected. 1888/89. Northern side of the street is occupied by a single storey early Inter War (1918) semi detached residence.*
>
> ***Current status***
> *The building was erected on lands originally purchased by Michael Woolley in 1839. Subdivision of Woolley's lands prior to 1882, left the Schneider Garden and Gully as a noted local feature focused on Bondi Glen to the northern side of Martins Avenue and created Ocean and Penkivil Streets. The subject residence originally named Barrona was initially occupied by Mrs K.E.Dodgeson and later renamed Mandalay. The grounds formerly extended through to Penkivil Street. The residence and site is listed in Waverley LEP 1996 Schedule 5 as an item of local heritage significance.*
>
> ***Proposed development***
> *The application proposes first floor additions to an existing granny flat to the south western side of the residence and construction of a garage set to the southern side of the Ocean Street frontage.*
>
> ***Comments***
> *The existing building remains as a notable and rare example of the Villa forms once characterising the upper slopes of Bondi overlooking the ocean. The demolition of other notable villas including Castlefield in the locality has emphasised the need for careful conservation of this remaining example.*
>
> *Following initial submission of this application, a meeting was held between Council's heritage officer and the owner's architects and planner. It was noted at the meeting that the entire street front wall is in an advanced state of deterioration with potential collapse into the street likely in the near future. It was also noted that original entry gates and*

elements of a side or boundary wall, also of sandstone, remain in the location of the proposed garage.

The applicants were informed that any amended application would need to address the conservation of the sandstone boundary walls and posts.
It was also noted that a more considered design could provide the required parking and granny flat within the line of the existing building.
The amended design has not addressed either of these recommendations and is not supported.

Recommendations
To maintain the fabric, setting, streetscape and aesthetic qualities of the listed residence and grounds it is recommended that the applicant further amend the proposed works. Amendments should:

- *Retain and conserve existing stone and iron fencing to the street frontage.*
- *Provided a combined garage and granny flat aligned with the front elevation of the residence and reflecting the form, detail and aesthetic character of the existing residence."*

Should the application be supported, the above-mentioned recommendations by Council's Heritage Officer are to be generally attached as deferred commencement conditions of consent. However, it is considered acceptable for the secondary dwelling (detached granny flat) to be accommodated within the ground and first floor of the two storey structure instead of a combined garage at ground floor and granny flat above, in order to allow for a reasonable level of amenity for the future residence and given that the proposal satisfies the maximum floor area SEPP requirements (as discussed above in the report).

Social Planner

The application was referred to the Council's Social Planner who provided the following comments:-

"It is recommended that the subject DA be supported to encourage affordable housing, if there are no environmental impacts.

Please note that SEPP (Affordable Rental Housing) 2009 states that the proposal cannot be refused based on site area or parking requirements."

The proposal is generally supported by Council's Social Planner subject to an assessment made to the environmental impacts. The application is considered to have sufficient merits and would not have adverse environmental impacts on the neighbouring properties or area subject to the recommended deferred commencement condition/s.

Section 79C(1)(b) - The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The proposed development would not result in adverse impacts on the natural or built environment, in terms of social or economic impacts on the locality. The likely impacts of the development have been assessed elsewhere in this report.

Section 79C(1)(c) - The suitability of the site for the development.

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

4. PUBLIC SUBMISSION

The original application was notified for 14 days in accordance with *Waverley Development Control Plan 2010 – Part C3, Advertised and Notified Development.* Six (6) submissions were received during the notification period from the adjoining properties and the issues raised in the submissions are summarised and discussed below.

Property	Location	Summary of Objections
Unit 2, 12, 13 & 14 of no. 3 Ocean Street	Adjoining neighbour, (south)	• Height / additional storey • Real estate value • Overshadowing impacts • Noise / privacy • Loss of views
Unit 6 / 2 Martin St	Adjoining neighbour, (across street - east)	• Overshadowing • Noise / Privacy
Unit 2 / 31 Derby St	Adjoining neighbour, (south side)	• Overshadowing

Issue: Height / additional storey
Planning comment: The proposed height of 4.6m to 6.1m for the secondary dwelling complies with Waverley Council's DCP in respect to 7.5m building height limit. The additional storey for the secondary dwelling is above the same footprint of the existing garage and would be well below the height of the main primary building.

Issue: Loss of property value
Planning comment: This issue is not a planning consideration.

Issue: Overshadowing
Planning comment: The proposed first floor addition for the secondary dwelling at the rear will result in some additional overshadowing of the balconies and windows of the adjoining properties to the south at no. 3 Ocean Street (4-5 level residential flat building). The applicant has submitted shadow diagrams and elevation shadows for the winter solstice, which indicates the shadow impacts between the hours of 9am to 3pm on 21 June.

Assessment of the shadow diagrams revealed that given the orientation of the site and the movement of the additional shadow cast, the development would not significantly impact upon the adjoining properties. The additional first storey would be lower than the primary dwelling (which is approximately 8m to 9m in height) and there is a buffer distance of approximately 6.5m between the secondary dwelling and the northern side of this adjoining residential flat building at no.3 Ocean Street. Considering the circumstances of the case, the proposal for the secondary dwelling is supported and it is to be noted that this overshadowing aspect alone does not warrant the refusal of the application.

Issue: Loss of views
Planning comment: An inspection of the objector's property at 14/3 Ocean Street by Council Officer's on 5 March, 2012 revealed that there would be no district view loss due to the proposal (see photo on file). A partial district view is obtained over the rear (western part) of the subject site, whereas the proposed secondary dwelling is located along the southern side of the dwelling, mid way along the site, thereby not impacting on such view.

Issue: Privacy
Planning Comment: Concerns are raised by adjoining owners regarding privacy and noise concerns from the secondary dwelling (granny flat development). It is to be noted that the applicant has reduced the rear balcony of the secondary dwelling from the first floor bedroom in the amended plans to a Juliette style balcony, in order to maintain the neighbouring privacy and reduce overlooking. Given that the proposal is for a new dwelling (low density residential) only, it is considered that any privacy impact would be acceptable.

Section 79C(1)(e) - The public interest.

The application is satisfactory with regards to Section 79C(1)(e) of the Act and would be in the public interest, particularly as it will provide much needed affordable housing.

5. DEVELOPMENT AND BUILDING (DBU) REVIEW

The DBU gave consideration to the proposal having regard to the matters under Section 79C of the Act. This included the issues raised in six submissions to the application and the provisions of Council's Development Control Plan.

The proposal is generally compatible with the SEPP (Affordable Rental Housing) 2009 relevant provisions. There is continual demand for additional affordable housing and the proposal will contribute to this need. The secondary dwelling whilst providing a nil setback to one side is acceptable having regard to the high density context and the generous setback to the residential flat building to the south (3 Ocean St). Amended plans have reduced the bulk of the structure and associated privacy impacts and subject to deferred commencement matters being addressed to improve the materials and finishes of the structure, the proposal is acceptable having regard to the primary heritage dwelling and adjoining properties.

Whereas, the proposed garage to the front boundary is unacceptable and detrimental to the heritage significance of the building. It dominates the streetscape and will result in unacceptable impacts to the heritage significance of the site, as well as being in direct contradiction to Council controls. Accordingly, this component of the application is not supported and shall be deleted.

Having regard to the above, the application is recommended for a deferred commencement consent subject to the conditions given in the report.

6. RECOMMENDATION

That the Council grant development consent for Development Application No. 354/2011 at 1 Ocean Street, BONDI for alterations and additions to construct a two storey granny flat and a new double garage in heritage item, subject to the following conditions:

Deferred Commencement consent

That the Council grant deferred commencement consent in accordance with the provisions of section 80(3) of the Environmental Planning and Assessment Act 1979.

The consent is not to operate until the applicant has satisfied Council as to the following matters:

(a) The proposed new double garage in front of the existing building line (accessed via Ocean Street) is not approved and is to be deleted, in order to better address Council's car parking requirements under WDCP 2010 and to maintain the fabric, setting, streetscape and aesthetic qualities of the listed residence. In this regard, part of the

existing carport structure may be retained to allow opportunity for car parking on site behind the established front building alignment.

(b) The existing entire street (Ocean Street and Martins Avenue frontages) and southern side sandstone boundary fence / wall and post are to be restored / conserved, in particular the sandstone post to the existing vehicular entry are to be restored and reinstated (given the state of deterioration with potential likely collapse into the street in the future). Details of the restoration works are to be submitted to the satisfaction of Council's heritage architect.

(c) The elevations of the proposed two storey secondary dwelling is to be amended to reflect the form, detail and aesthetic character of the existing residence on site to the satisfaction of Council's heritage architect. In this regard, details of the secondary dwelling are to include rendered solid walls, schedule of colours, materials and finishes, similar vertically proportional timber windows and joinery to the primary dwelling on site.

Upon satisfying Council as to the above matters, the following conditions apply:

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) Architectural Plan Drawing Nos. 110202 consisting of 12 sheets, tables and documentation prepared by Frank Serra, dated 7/12/11, and received by Council on date 20 January 2012, except where amended by the following conditions of consent;

(b) BASIX Certificate; and,

(c) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part G1, Waverley DCP 2010.

2. USE OF SITE

The premises are to be used only as a single unit dwelling house with a secondary dwelling at the south of the site.

3. DOMESTIC HEATERS

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

4. INSTALLATION OF AIR CONDITIONING

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

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

(b) Be located behind the front building line and if visible suitable screened and located in an appropriate location.

(c) Not be adjacent to neighbouring bedroom windows.

(d) Not reduce the structural integrity of the building.

(e) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):

(i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or

(ii) before 7.00am and after 10.00pm on any other day.

(f) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. SECTION 94A CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 94A of the *Environmental Planning and Assessment Act 1979* and the *"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 Chambers (First Floor) 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.

Waverley Council Development Contributions Plan 2006 may be inspected at Waverley Council Chambers, First Floor, Cnr Paul Street and Bondi Road, Bondi Junction.

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.

6. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of $5,000.00 must be provided as security for the payment of the cost of making good any damage that may be caused to any Council property as a consequence of this building work.

This deposit 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 will be refunded after satisfactory completion of the building work to the person who paid the deposit.

7. 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.

8. 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 81A(2)(b) of the Environmental Planning & Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and

(c) Council is given at least two days Notice in writing of the intention to commence the building works.

9. HOARDING 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.

10. 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.

11. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) Checklist Part 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Part G1, Waverley DCP 2010 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.

12. STORMWATER MANAGEMENT

Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2010 - Part G4, prior to a Construction Certificate.

13. ENGINEERING DETAILS

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

14. 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 plans. 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.

15. 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.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

22. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

23. 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.

24. 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.

25. 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.

26. 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

(c) On the Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which immediately precede or follow industry Rostered Days Off, as agreed by the CFMEU and the Master Builders Association of NSW.

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

27. CONSTRUCTION NOISE - PERIODS GREATER THAN 4 WEEKS AND NOT EXCEEDING 26 WEEKS

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.

28. BUILDING CODE OF AUSTRALIA

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

29. 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).

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.

30. 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.

31. WATER PROOFING

The floor and wall surfaces of the proposed kitchen and bathroom 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.

32. 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.

33. WORK OUTSIDE PROPERTY BOUNDARY

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

34. TOILET FACILITIES

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

35. 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.

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 DECC's Managing Urban Stormwater: Construction Activities. 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. IN-SINK WASTE DISPOSAL SYSTEMS

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

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. CARE TO BE TAKEN DURING CONSTRUCTION

The proposed works are to be carried out in a manner that minimises demolition, alterations, and new penetrations/fixings to the significant fabric of the existing building, which is listed as a Heritage Item.

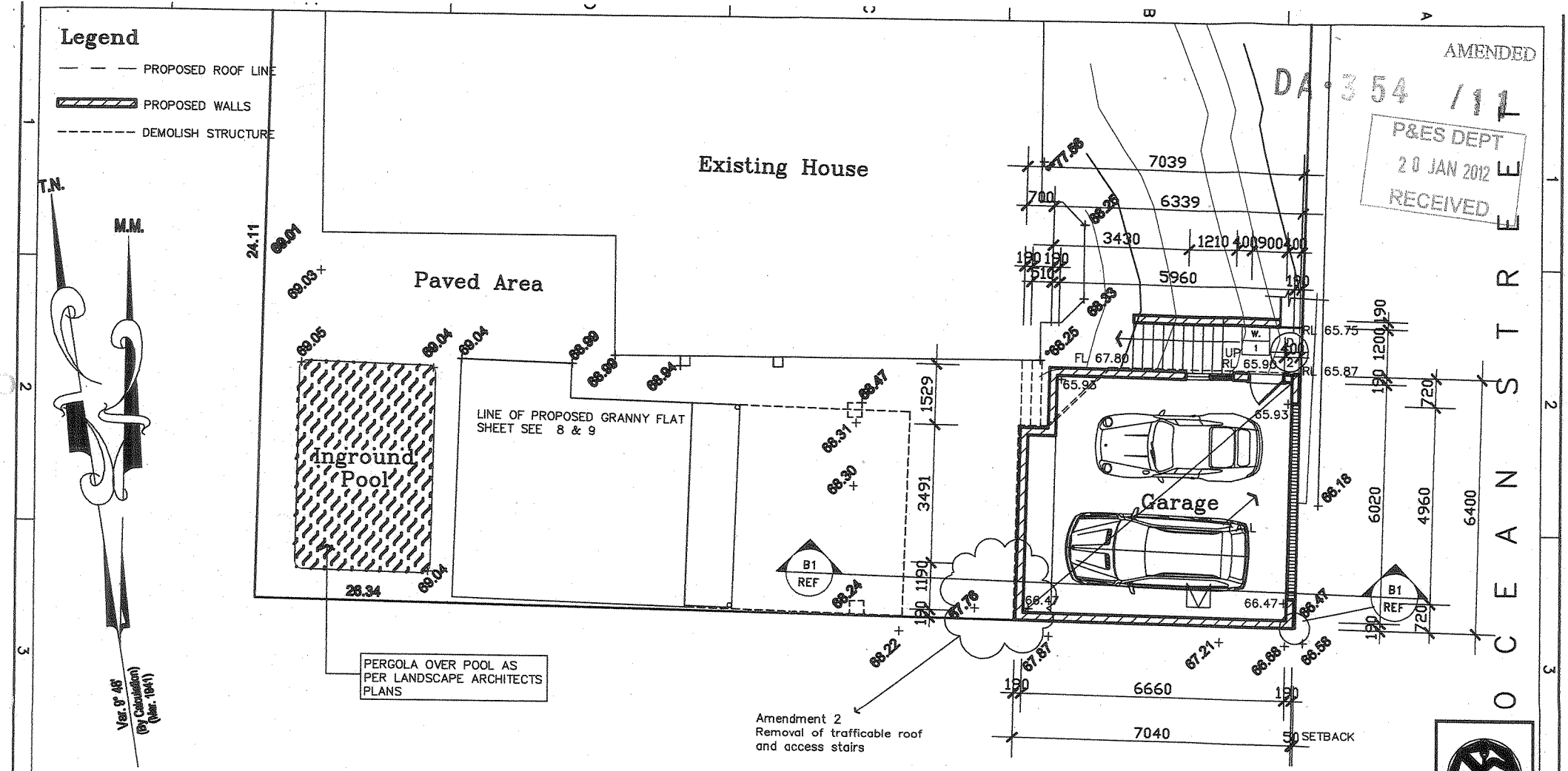
D. COMPLIANCE PRIOR TO AN OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE

40. 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.

41. 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*.



PROPOSED GARAGE GROUND FLOOR PLAN

NOTE:
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THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH STRUCTURAL, HYDRAULIC ENGINEERS PLANS AND SURVEYORS DRAWINGS/INSTRUCTIONS

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DISTANCES IN METRES

INSIDE OUT
Architectural, Structural, Civil & Landscape Design
Frank Serra 0414 191 204 - Jeff Senior 0412 580 620

NOTE: SYDNEY WATER APPROVAL TO BE SOUGHT PRIOR TO COMMENCEMENT OF ANY WORK.

DIAL 1100 BEFORE YOU DIG

DATE	REVISION	BY
1/2/11	Client Proposal	FS
3/5/11	Development Application	FS
7/12/11	Amendments	FS
	1. Removal of balcony & installation of rail	
	2. Removal of trafficable roof and access stairs	

Additions of a Granny Flat & Garage to 1 Ocean Street, Bondi Sydney, N.S.W For Mr & Mrs Shires

Drawing: **DEVELOPMENT APPLICATION**

DRAWN	SCALE	DRAWING No.
Frank Serra Mob. 0414 191 204 Ph: 9877 6907 — 2 Commissioners Road DENISTONE NSW 2114	As Indicated	110202 SHEET 4 OF 12

AMENDED

DA-354/11

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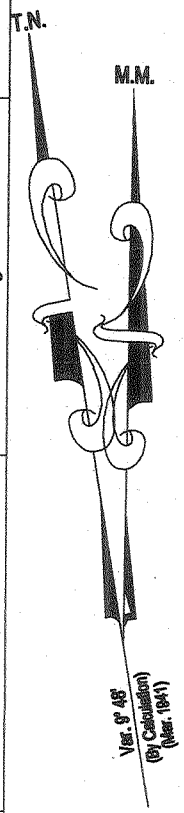
Legend

— — — BUILDING BELOW

- - - - - - - DEMOLISH STRUCTURE



Existing House

Paved Area

Inground Pool

LINE OF PROPOSED GRANNY FLAT SHEET SEE 8 & 9

Amendment 2
Removal of trafficable roof and access stairs

Deck

RL 69.070

RL. 69.140

FALL

WALLS UNDER

190 BLOCK PARAPETS 400 HIGH

B1 REF

PERGOLA OVER POOL AS PER LANDSCAPE ARCHITECTS PLANS

OCEAN STREET

PROPOSED GARAGE DECK FLOOR PLAN

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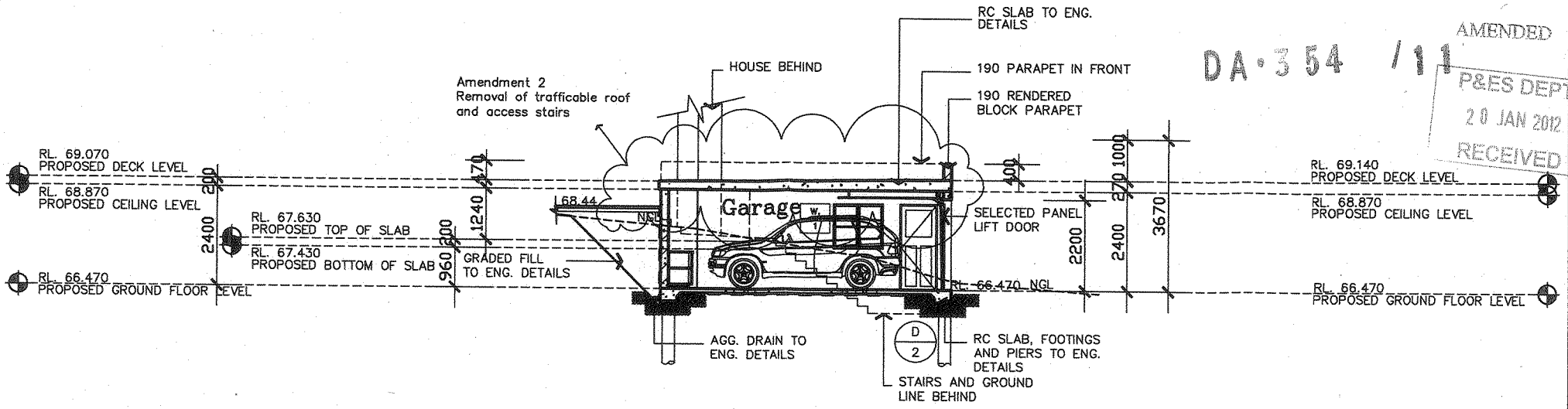
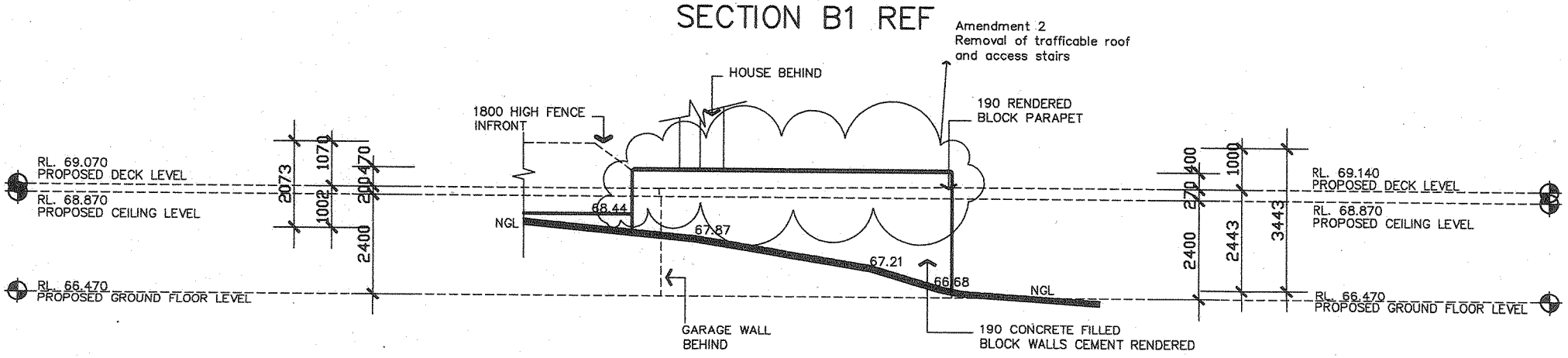


SECTION B1 REF



SOUTH ELEVATION

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Additions of a Granny Flat & Garage to 1 Ocean Street, Bondi Sydney, N.S.W For Mr & Mrs Shires

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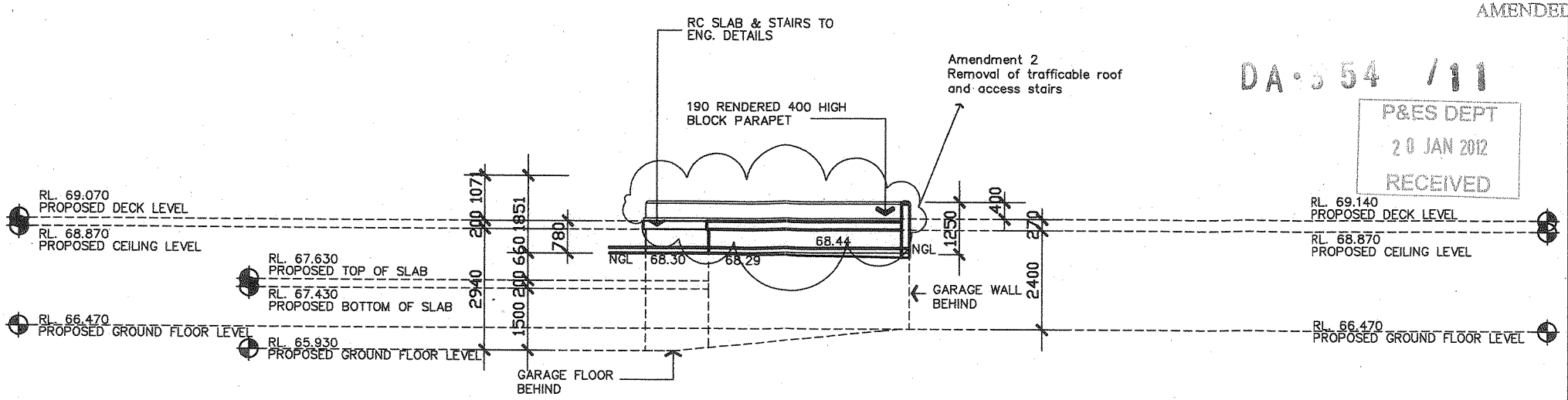
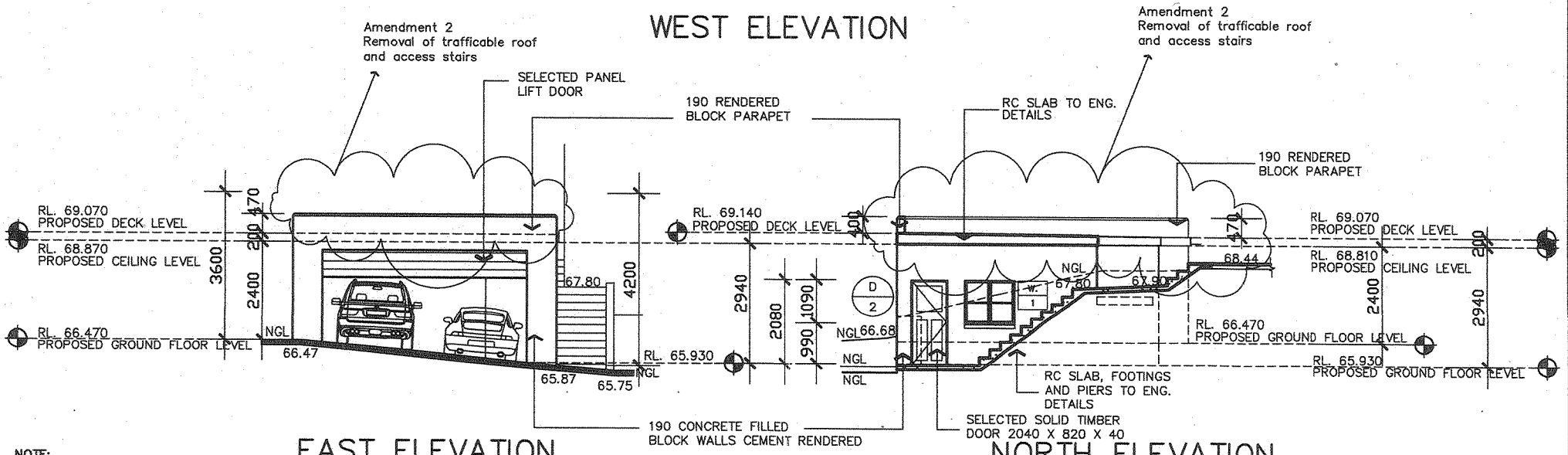


WEST ELEVATION



EAST ELEVATION

NORTH ELEVATION

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DEVELOPMENT APPLICATION

DRAWN
Frank Serra
Mob. 0414 191 204
Ph: 9877 6907
2 Commissioners Road DENISTONE NSW 2114

SCALE: As Indicated

DRAWING No.: 110202
SHEET 7 OF 12

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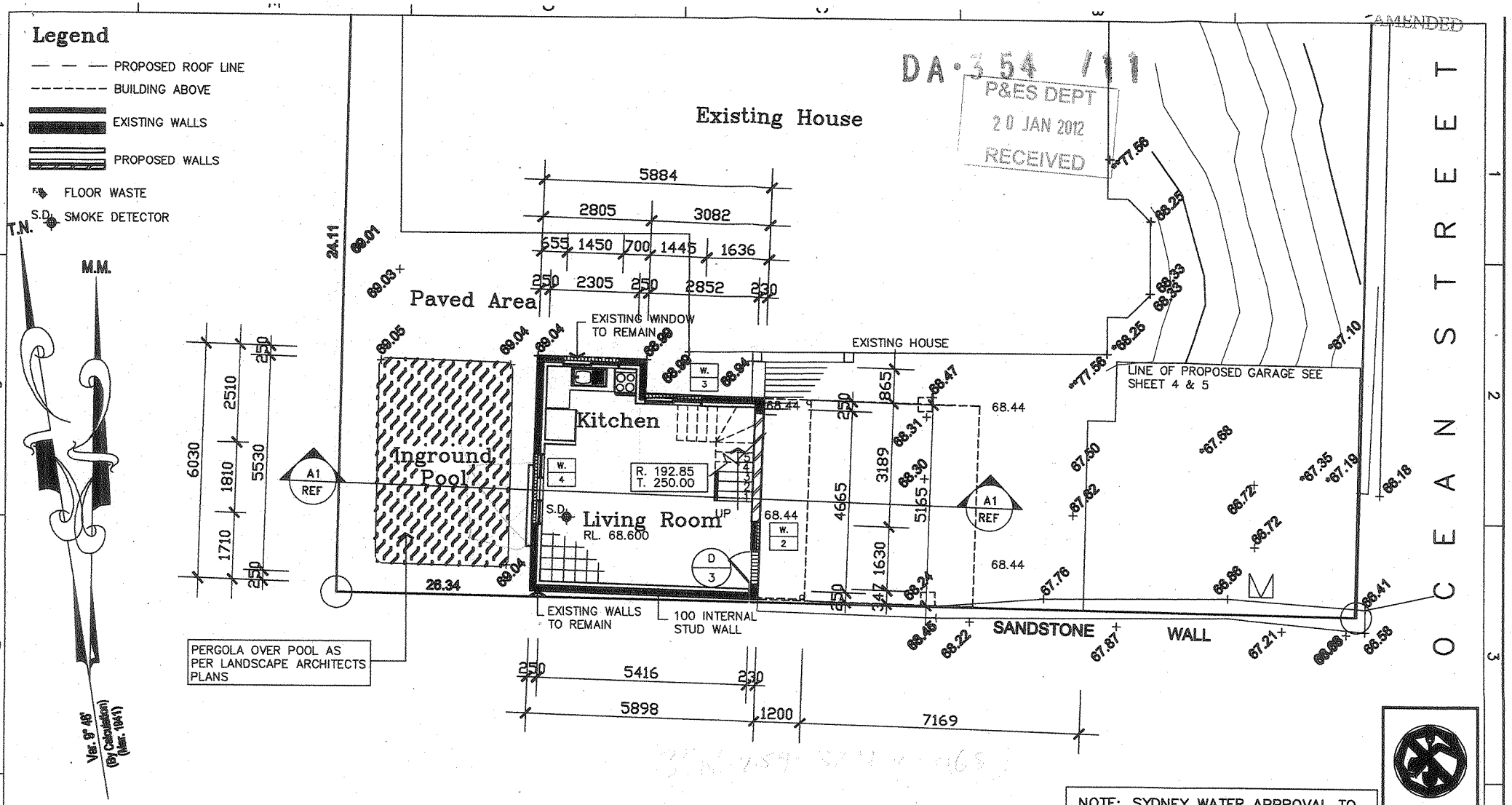

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PROPOSED GRANNY FLAT GROUND FLOOR PLAN

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Frank Serra 0414 191 204 - Jeff Senior 0412 580 620

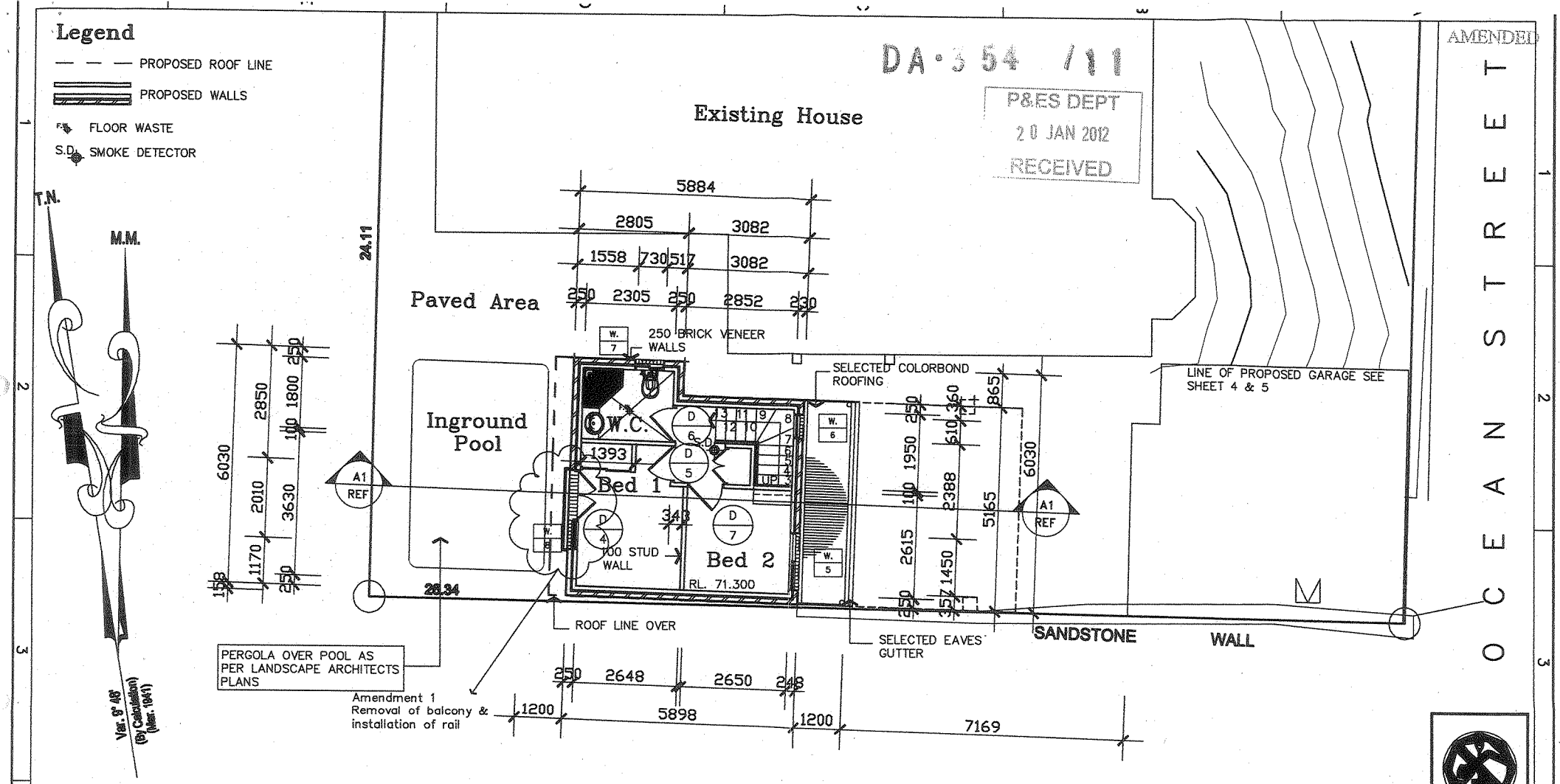
DATE	REVISION	BY
1/2/11	Client Proposal	FS
3/5/11	Development Application	
7/12/11	Amendments	FS
	1. Removal of balcony & installation of rail	
	2. Removal of trafficable roof and access stairs	

Additions of a Granny Flat & Garage to 1 Ocean Street, Bondi Sydney, N.S.W For Mr & Mrs Shires

Drawing
DEVELOPMENT APPLICATION

DRAWN	SCALE	DRAWING No.
Frank Serra Mob. 0414 191 204 Ph: 9877 6907 — 2 Commissioners Road DENISTONE NSW 2114	As Indicated	110202 SHEET 8 OF 12

70



PROPOSED GRANNY FLAT FIRST FLOOR PLAN

NOTE:
SURVEYOR TO VERIFY DIMENSIONS ON SITE INCLUDING THE COMPLETE PEG OUT AND MARKING OF LEVELS ON SITE PRIOR TO COMMENCEMENT OF ANY WORK

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NOTE: SYDNEY WATER APPROVAL TO BE SOUGHT PRIOR TO COMMENCEMENT OF ANY WORK.

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DATE	REVISION	BY
1/2/11	Client Proposal	FS
3/5/11	Development Application	FS
7/12/11	Amendments	FS
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INSIDE OUT
Architectural, Structural, Civil & Landscape Design
Frank Serra 0414 191 204 - Jeff Senior 0412 580 620

Additions of a Granny Flat & Garage to 1 Ocean Street, Bondi Sydney, N.S.W For Mr & Mrs Shires

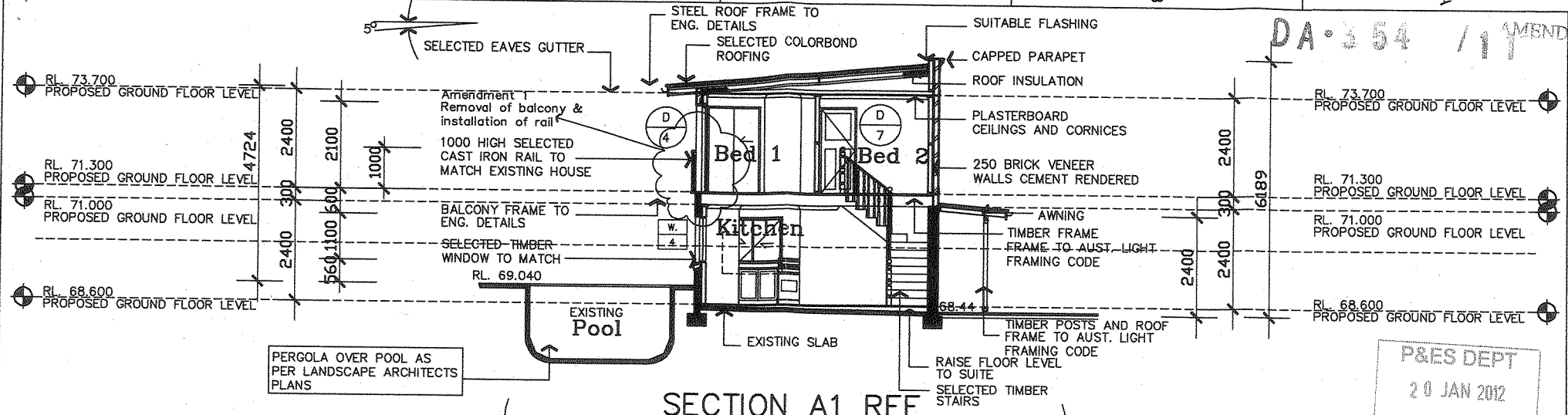
Drawing: **DEVELOPMENT APPLICATION**

DRAWN: Frank Serra Mob. 0414 191 204 Ph: 9877 6907
2 Commissioners Road DENISTONE NSW 2114

SCALE: As Indicated

DRAWING No.: 110202
SHEET 9 OF 12

DA-354/11 AMENDED



SECTION A1 REF

P&ES DEPT
20 JAN 2012
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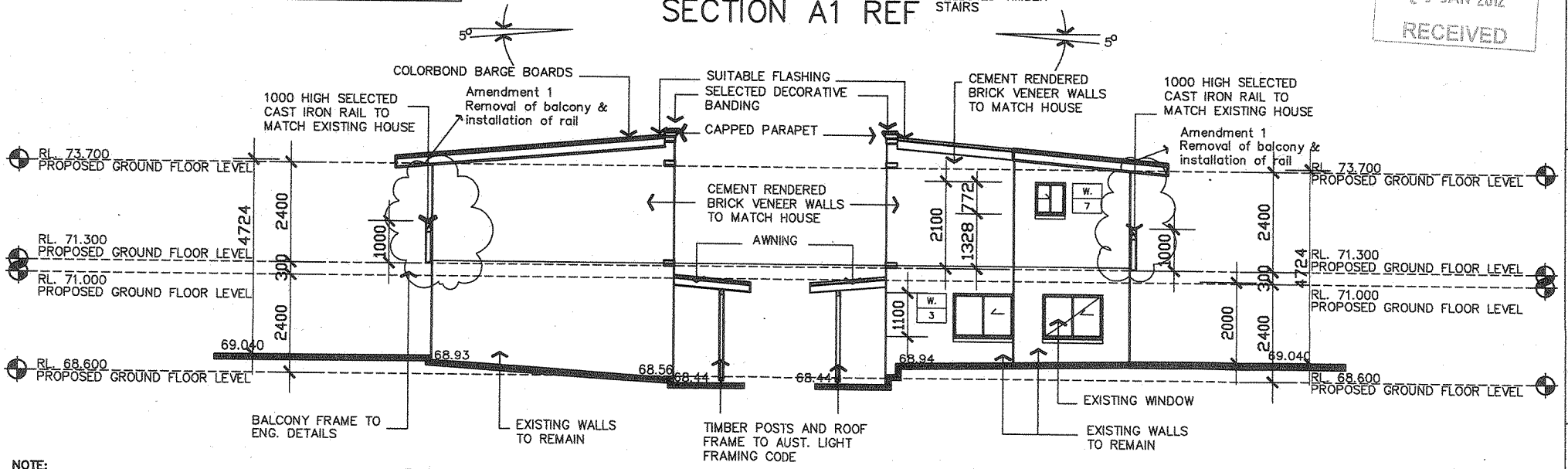

SOUTH ELEVATION

NORTH ELEVATION

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INSIDE OUT
Architectural, Structural, Civil & Landscape Design
Frank Serra 0414 191 204 - Jeff Senior 0412 580 620

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Additions of a Granny Flat & Garage to 1 Ocean Street, Bondi Sydney, N.S.W For Mr & Mrs Shires

Drawing
DEVELOPMENT APPLICATION

DRAWN	SCALE	DRAWING No.
	As Indicated	110202 SHEET 10 OF 12

12

AMENDED

DA-354/11

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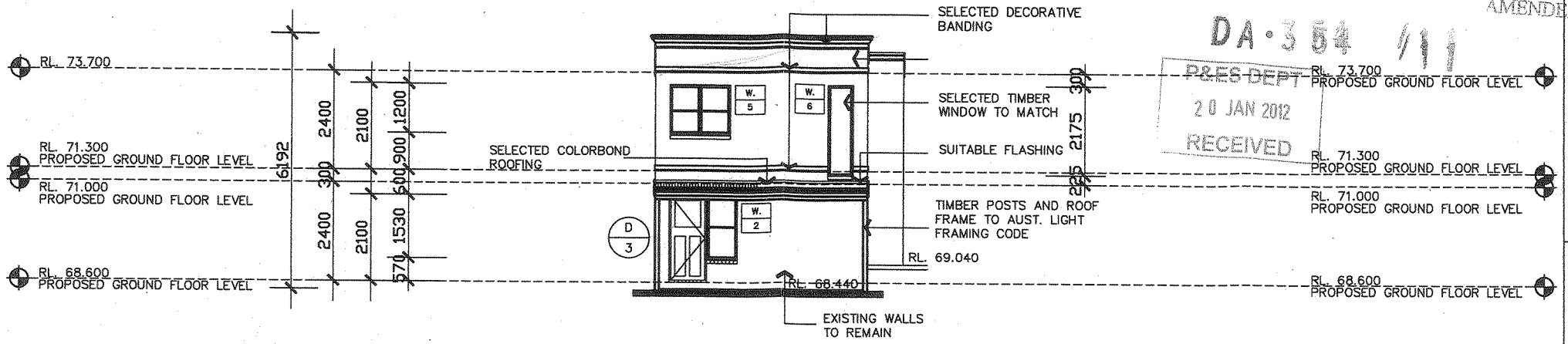
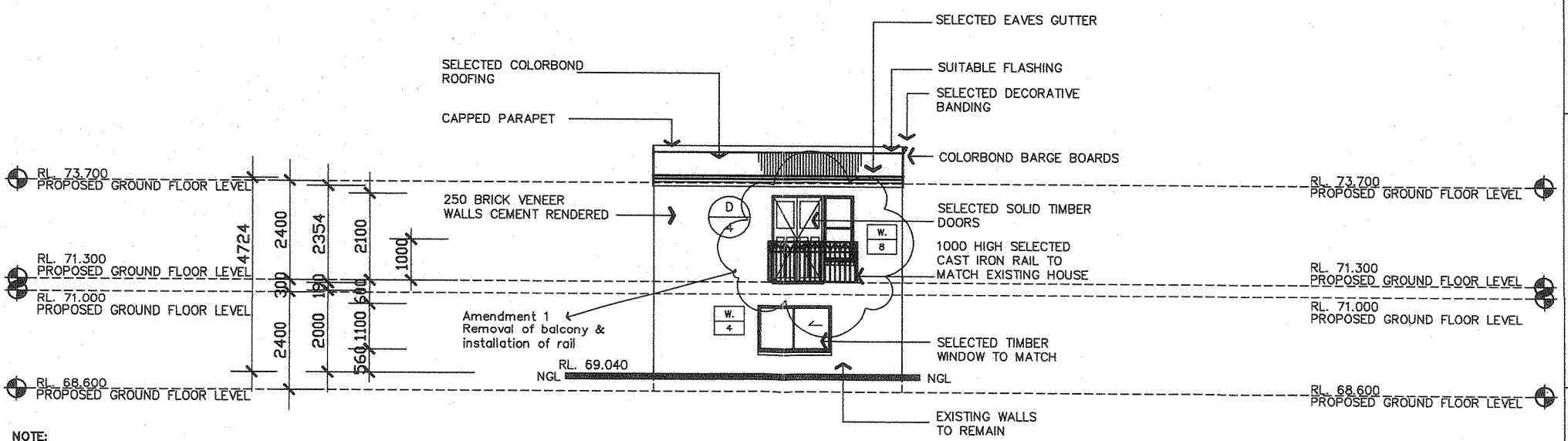


EAST ELEVATION



WEST ELEVATION

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INSIDE OUT
Architectural, Structural, Civil & Landscape Design
Frank Serra 0414 191 204 - Jeff Senior 0412 580 620

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Additions of a Granny Flat & Garage to 1 Ocean Street, Bondi Sydney, N.S.W For Mr & Mrs Shires

Drawing
DEVELOPMENT APPLICATION

DRAWN	SCALE	DRAWING No.
Frank Serra Mob. 0414 191 204 Ph: 9577 6907 — 2 Commissioners Road DENISTONE NSW 2114	As Indicated	110202 SHEET 11 OF 12

Unit 4, 16 Consett Avenue, Bondi Beach – Modification to change use of upper level from study / attic storage space to kitchen, dining, living, toilet and media room, and changes to roof deck and screens and planter (DA 272/02/B)

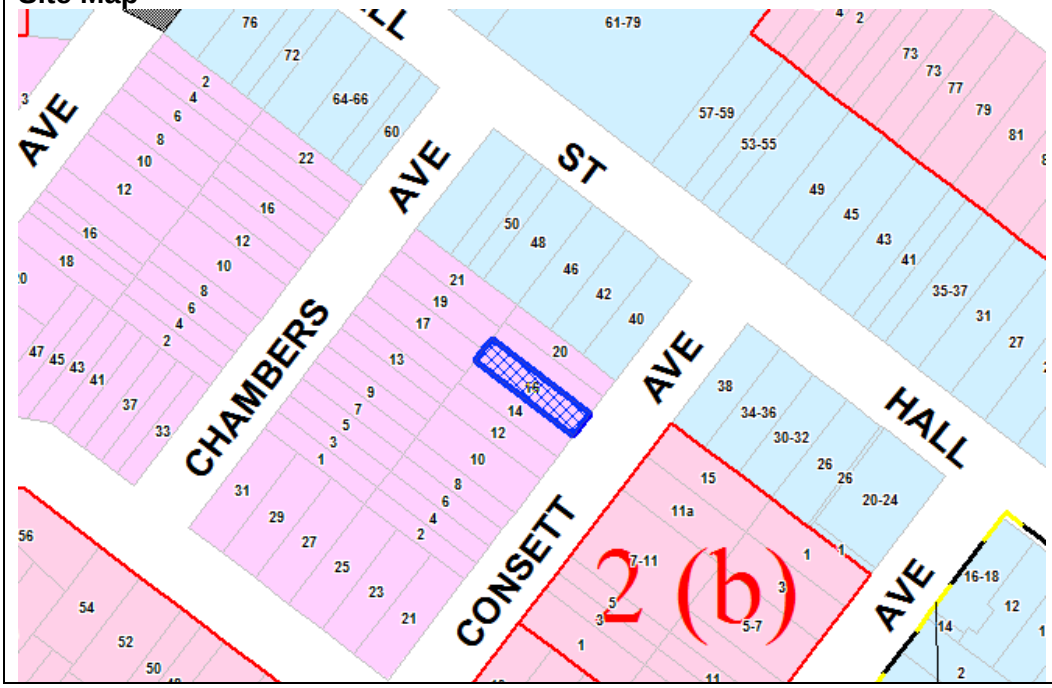
Report dated 25 November 2011, and subsequently amended 11 April 2012, from the Development and Building Unit.

Recommendation: That the application be refused in accordance with the reasons contained in this report.

Save and excepted by Clr Clayton and seconded Clr Betts - Excess floor space impacts.
DBU referred : intensification of non-conforming existing use

Section 96 Assessment Report	
Development Application No.	DA 272/02/B
Address	4/16 Consett Avenue, Bondi Beach
Section 96 Lodgement Date	17 June 2011
Proposal	Change use and works to upper level from approved study/attic storage space to kitchen, dining, living, toilet and media room; changes to roof deck and screens and planter
Zoning and relevant controls	Zoning: 2(a) Residential – Low Density Existing use rights (RFB not permissible in zone)
Owner	Mr Paul Paech
Applicant	Mr Paul Paech
Submissions	8 submissions
Issues	Change of use/intensification of use of attic Overlooking/loss of privacy Works undertaken without approval
Recommendation	Refusal

Site Map



1. PREAMBLE

On the 6 December 2011, the Development Control Committee (DCC) resolved that the subject application be:

1. *Deferred at the request of the applicant.*

2. *As a cautionary amendment, the matter of the illegal works and occupation of the upper level without having an Occupation Certificate be referred to Council's Compliance Team for appropriate action, and due to concerns of fire safety that the use of the upper level remain as the originally approved study / attic storage space.*

In response to the above, the applicant and Council Officers have held numerous discussions on the matter since the application was deferred. An inspection of the premises by members of the DBU occurred on 29 March 2012, whereby it was noted that the upstairs areas remains being used as a living area. Whilst there is no 'kitchen' per say, there is plumbing connected and bench/shelving evident and the kitchen items (eg. kettle, plates, utensils, food jars, fridge) have been removed from this room since the initial site inspection on 8 November 2011.

Additionally, the matter was referred to Council's Compliance Division in respect to the fire safety matters and an 'Intention to Serve an Order' has been issued. As a result, the applicant continues to install fire safety measures at the premises, and these works are yet to be completed. An Occupation Certificate has not yet been issued.

2. DEVELOPMENT BUILDING UNIT REVIEW

The DBU gave consideration to the proposal having regard to the relevant matters and also reinspected the site since the application was deferred by the Council.

Whilst the fire safety measures installations have not yet been completed, the upper level addition remains occupied and Council's Compliance Department are investigating the matter in order to take appropriate action.

Nevertheless, the proposal to relocate the primary living/dining and kitchen area to the upper level addition is considered to have an adverse impact on adjoining properties. The DCP clearly states (cl 5.2.3(d) of Part D2) that attic spaces must not contain living and dining rooms in an attempt to restrict the size and impact of attic rooms on the overall scale of the development. Further, the site enjoys 'existing use rights' whereby the proposed increased intensity of the proposal (which would typically otherwise be 'prohibited development') on merit is considered to heighten the associated impacts (privacy, noise, overlooking), particularly for the dwellings to either side and rear of the site, that are much smaller in scale.

Overall, the cumulative effect of a primary living/dining area on the upper level, in association with an increased balcony size to the rear is considered to be too great an impact to support.

Accordingly, the DBU does not support the application.

3. RECOMMENDATION

That the Section 96 modification dated 7 July 2011 to Development Application 272/02 at 4/16 Consett Avenue be refused for the following reasons:

1. The proposal will result in an intensification of use of the attic area which is contrary to the objectives of the zoning of the area.

2. The intensification of use will result in unacceptable impacts on surrounding properties including loss of privacy and noise.

3. The proposal is not in the public interest having regard to the objectives of the zone.

Should Council approve the application, the following conditions are recommended:

A. AMENDED CONDITIONS

Amend Condition 1 to read:

1. APPROVED DEVELOPMENT

(a) The development must be in accordance with Architectural Plans (listed following), tables and documentation prepared by Buzacott Webber:

- 010, 020 Issue B dated 26/05/06 and received by Council on 26/05/06; and
- 030, 031, 032, 033, 034, 035, 040, 041, 042, 043, 044, all Issue C dated 26/05/06 and received by Council on 26/05/06,

(b) As amended by Architectural Plans, tables and documentation prepared by 'Buzacott Webber' Nos. S96/B, S96/B F1 to S96/B F6 (Issue F dated 14.06.11) received by Council on 17 June 2011 (DA 272/2002/B);

(c) Landscape Plan & Design Nos. G1 to G6 (Author unknown) received by Council on 17 June 2011 (DA 272/2002/B);

except where amended by the following conditions of consent;

Reiterate Condition 4 to read:

4. That the upper level rear facing deck shall be reduced to a maximum width of 1500mm and located 800mm further off the southern boundary. The 500mm high timber battened balustrade indicated on the plan shall be retained around the perimeter of the deck to maintain privacy.

B. NEW CONDITIONS

23. FIRE SAFETY UPGRADE

Fire safety upgrading works are to be carried out in accordance with the report prepared by BCA Logic dated 11 December 2007. Details of compliance are to be included with the Construction Certificate. All works are to be carried out within 3 months from the date of this determination and are to be certified by BCA Logic. The upper level is not to be occupied unless an occupation certificate is granted.

ATTACHMENT A: The original DBU report presented to the DCC on the 6 December 2011 meeting.

1.1 The Site and its Locality

The subject site is located on the northern-western side of Consett Avenue between Lamrock Avenue and Hall Street.

The site is within an area zoned residential 2(a).

Residential flat buildings are prohibited in the residential 2(a) zone, however the existing building would benefit from existing use rights.

1.2 Background/History & Details of Approved Development

The original building comprised a two story residential flat building (RFB) comprising 4 units - 2 on each level. The original development application was submitted in 2002 and proposed internal reconfiguration of the two upper level units (making them the same size) and the construction of an additional level to accommodate two attic/studies above each respective unit. The proposed works were submitted as two generally identical DA's.

This application was described in the Statement of Environmental Effects in the following terms:

> *"The proposal is for the addition of a non-habitable attic space and a private open space in each of the two flats...These separate spaces are to be accessed internally and are intended to be used by the owner as study areas and for keeping his large collection of books and other art works"*

In support of this application, it was further submitted:

> *"It is argued that there is no net increase in assessable FSR floor space because the proposed additional space which is being built into the building's roof space is not habitable."*

In essence the main scope of the application was for an additional level servicing the two units below and the intended use of these two areas was submitted as being for an attic/study and thereby having minimal impacts on neighbours.

The SEE stated:

> *"Council has experience of the problems of noise disturbance caused by outdoor spaces and the proposal has addressed these concerns by keeping the size of the spaces at a modest level. As the proposed internal spaces are not primary living spaces or bedrooms, their use will be infrequent, thereby reducing the potential for noise problems from these spaces."*

This original application was not supported by the DBU and was recommended for refusal. The main grounds were that the residential flat building was a prohibited use in the 2(a) zoning and, not withstanding it benefitting from existing use rights, the additional level would result in an intensification of the use of the building which is contrary to the objectives of the residential 2(a) zoning.

The DBU also considered that the proposal would detract from the appearance of the existing building, would result in noise related impacts, overlooking and loss of privacy to surrounding properties, and was not in the public interest having regard to the objectives of the low scale residential zoning of the area.

At the time the time, the DBU commented:

"...recently the Council and the community have actively pursued the "down zoning" of the eastern side of Consett Avenue (opposite side of the road to the subject site) from a zoning of 2 (c1) to 2(b). This has resulted in an amendment to Waverley LEP incorporating this change of zoning. It is reasonable to conclude that this is indicative of the communities desire (and indeed expectation) for lower scale developments in this area."

"...the building is located in an area zoned residential 2(a) which provides for the lowest density on the Waverley area. The dominant feature in this area is dwelling houses."

The Council, after inspecting the site, resolved to approve the application. Relevant conditions included:

2. That the necessary fire upgrade works approved in LD585/00 be carried out in conjunction with the proposed new extension.

3. That the approved levels to the roof levels of lots 3 & 4 shall occur simultaneously.

4. That the upper level rear facing deck shall be reduced to a maximum width of 1500mm and located 800mm further off the southern boundary. The 500mm high timber battened balustrade indicated on the plan shall be retained around the perimeter of the deck to maintain privacy.

In 2005, the owner submitted a Section 96 application. The proposed modifications included combining the two separate attic rooms into one area for the use of just one unit (unit 4). In support of this change, the applicant/owner stated:

> *"The initial proposal had proposed one attic space for each unit, but regulations prevent the proposed pull down staircase in lot 3. Council had conditioned both initial DA's to be constructed simultaneously (condition 3 for both DA's), and the entire project will now be the responsibility of lot 4"*

In terms of this reason, there are no fire safety regulations that would prevent the use of a "pull down" staircase and indeed these attic access structures are common place. Not withstanding this, the use of the area was to remain as "study/storage space" and therefore this application was approved.

Following the receipt of a complaint about potential illegal work, an inspection by Council's compliance officer revealed that the internal configuration of the attic area had been altered. The owner was requested to submit a further Sect. 96 application in respect to these illegal works. A subsequent inspection by Council's Acting Area Assessment Manager revealed the following illegal works:

- Installation of kitchen to attic with various dining and living furniture.
- Construction of bathroom in attic

- Attic appeared to be being used as main living area for unit 4 with bedroom below.
- Rear deck size exceeds dimensions required by condition 4 (above).
- Required timber batten privacy screen not installed.
- Area was occupied without having obtained interim/final occupation certificate.

1.3 Proposed Section 96 Modifications

The works the subject of this application have substantially been completed and comprise:

1. Aluminium louvre windows and doors
2. Skylight in southern elevation replaced by corrugated iron roof.
3. Corrugated iron roof replaced by decking and balustrade
4. Tiles replace timber surface on outdoor area
5. Reconfiguration of internal stairway and resizing of bathroom.
6. Store area changed to bathroom
7. Change of use to attic from store/study to kitchen/living/dining with use of main unit area as bedroom.
8. Reduction in planter box size/increase to rear deck and other changes to planter.
9. Deletion of 500mm privacy screen to deck.

This application in part seeks retrospective approval as the works have been substantially undertaken.

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

2.1 Section 96 Considerations

Section 96 (1A) applications - The application being for works to a unit within a residential flat building has been compared to the essential nature of the development as originally approved and it is considered to be *substantially the same development*.

2.2 Section 79C (1)(a) Planning Instruments.

2.2.1 Waverley Local Environmental Plan 1996

Clause 10 – Zone Objectives

It is considered that the change of use of the attic area to the primary living space for the unit does not satisfy objective (b) of Zone No. 2(a) in that the proposal does not maintain or improve the amenity and existing characteristics of the locality. The changes will result in an intensification of the use of the attic area and will result in an increased impact on surrounding properties.

2.2.2 Waverley Development Control Plan 2010

As the exiting building benefits from existing use rights, DCP provisions do not apply and therefore a merit assessment is required.

The main surrounding development comprises one and two storey single dwelling houses. These dwelling houses do not have any third level primary living areas and do not have elevated roof decks. The proposed change of use of the attic will result in increased impacts on surrounding properties with greater overlooking and noise.

2.3 Environmental/Merit Assessment

Visual & Noise Impacts

The proposed changes in use of the roof level area from an attic store/study to the main living area for unit 4 will result in substantial increases in the use of this area, including the surrounding decks. This increased use will result in increased overlooking/loss of privacy as well as noise for the surrounding neighbours. It is acknowledged that there will be a decrease in impact to the unit below unit 4 (within the same building) due to the changed use of the main first floor area to a bedroom.

The requested changes to the rear deck result in the usable area increasing from 4.5m2 to 6m2. Whilst this increase is modest, it is combined with the removal of a privacy screen and change of use which will contribute to greater loss of privacy to surrounding properties. The other changes (deck to planter) will assist in decreasing potential overlooking and would be supported.

3. REFERRALS

Fire Safety

Council's Fire Safety Officer has indicated that required fire safety upgrading works have not been carried out and has recommended that these are required to be undertaken within 3 months. Permission to occupy this area has not been granted and would not normally be given whilst fire safety measures remain outstanding.

4. PUBLIC SUBMISSION

The modification was notified for 14 days in accordance with *Waverley Development Control Plan 2010, Part C3 – Advertised and Notified Development.*

Eight submissions were received. Seven of these were in support and one was an objection. The issues raised in the objection are summarised below.

Property	Location	Summary of Objections
18 Consett Ave	North east of property	• Loss of privacy (screen removal) • Loss of privacy (no planter installed); • Noise and visual impacts from bathroom

Issue: Loss of privacy/ noise.

Comment – The change of use of the upper level will result in increased use and this will cause increased noise and privacy impacts. The removal of the privacy screen will contribute to this.

5. DEVELOPMENT AND BUILDING UNIT (DBU) REVIEW

The DBU gave consideration to the proposal having regard to the relevant matters and noted that the works had already been substantially completed and the upper level had been occupied without the issuing of an occupation certificate and without the required fire safety measures being undertaken.

The location of the upper level was not originally supported by the DBU for a number of reasons and this application seeks to intensify the use by placing the primary living areas of unit 4 at an elevated level that is substantially higher than the one and two storey dwellings that dominate this relatively quiet area. This will substantially increase the associated impacts (noise, loss of privacy) to surrounding properties. It is considered in the public interest to maintain the use of the area as store/study and therefore the DBU cannot support the application.

6. RECOMMENDATION

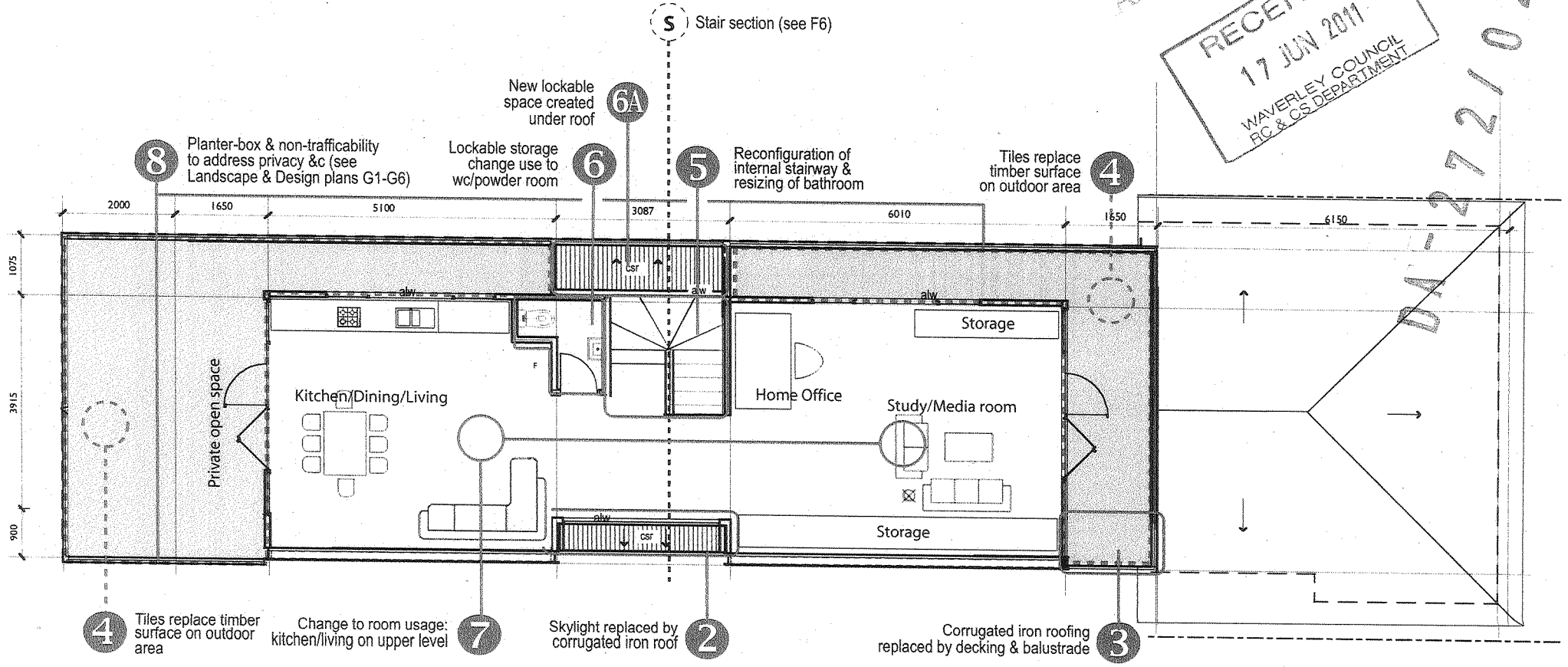
A. That the Section 96 modification dated 7 July 2011 to Development Application 272/02 at 4/16 Consett Avenue be refused for the following reasons:

1. The proposal will result in an intensification of use of the attic area which is contrary to the objectives of the zoning of the area.
2. The intensification of use will result in unacceptable impacts on surrounding properties including loss of privacy and noise.
3. The proposal is not in the public interest having regard to the objectives of the zone.

B. The matter of the illegal works and occupation of the upper level without having obtained an occupation certificate be referred to Council's Compliance Team for appropriate action.

J:\HOME\PES\reports\South Team\Angela Rossi\DA files\Consett 16, unit 4, DA 272-02-B, s96 alter attic\Consett 16, unit 4, DA 272-02-B, convert loft to living_DCC.doc

UPPER LEVEL



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17 JUN 2011
WAVERLEY COUNCIL
RC & CS DEPARTMENT
DA 272/02

Note: Previous approved plans from DA 272/2002/A attached behind proposed (DA 272/02/B) plans

Lot 4 SP22110
16 Consett Ave
Bondi Beach
NSW 2026

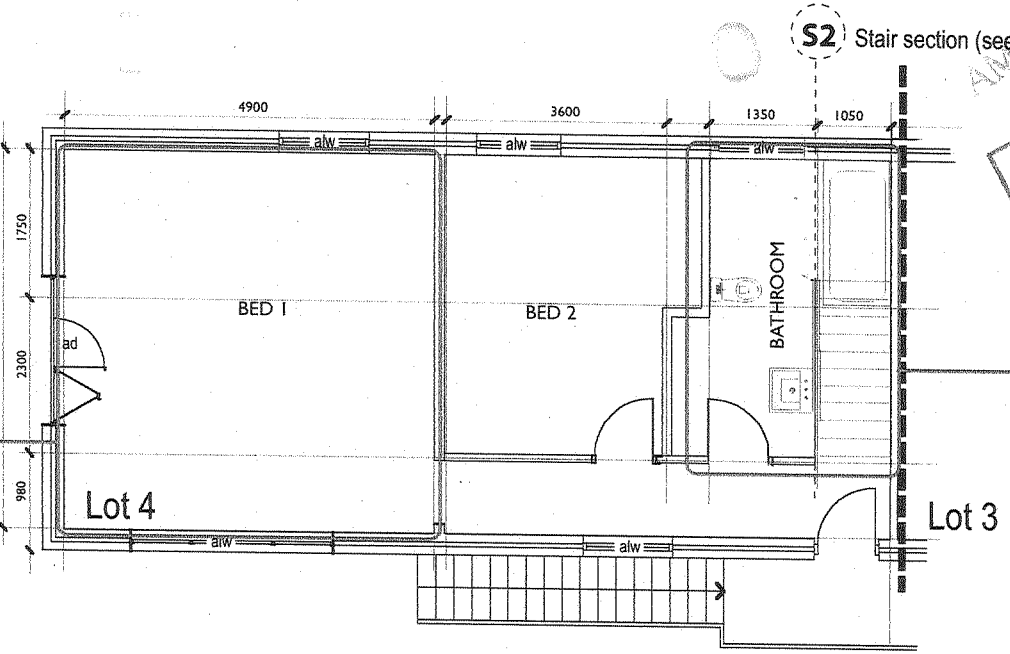
Client:	Builder:	Architect:	PCA:	Fire engineer:	Engineer:
Paul Paech 4/16 Consett Ave Bondi Beach 2026 0401 236 911 9300 9009	Bruce Frizzel Mairaki Enterprises Lic 131263C 5 Mortain Ave Allambie Heights 2100 0414 949 691 8901 0041	Buzacott Webber 20 Jesmond St Surry Hills 2010 9361 0400 0411 477 997	Waverley Council Tony Quill 9369 8097	Allan Harriman BCA Logic Pty Ltd Locked Bag Chatswood 2067 9411 5360 0413 457 772	Brad Fong Geoff Ninnes, Fong & Partners 68 Crown St Woolloomooloo 9331 5100 0418 228 017

#	revision	date
A	Issued to council for section 96	7.12.05
B	RL's Amended	26.05.06
C		
D		
E		
F	Issued to council for second section 96/B	14.06.11

Drawing title: S96/B
Sheet: F1

1: Scale and measurements: Refer to approved drawings
2: Additional information: contact owner

LOWER LEVEL



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17 JUN 2011
WAVERLEY COUNCIL
RC & CS DEPARTMENT
DA - 272/2011

Reconfiguration of internal stairway & resizing of bathroom

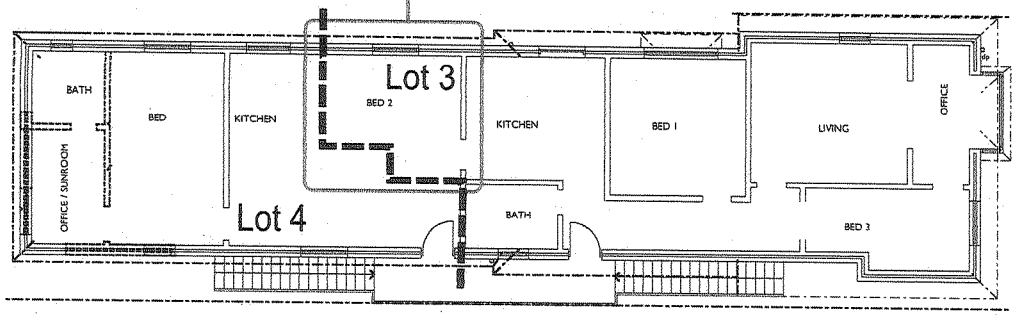
5

Change to room usage: bedroom on first floor, kitchen/dining/living on upper level

7

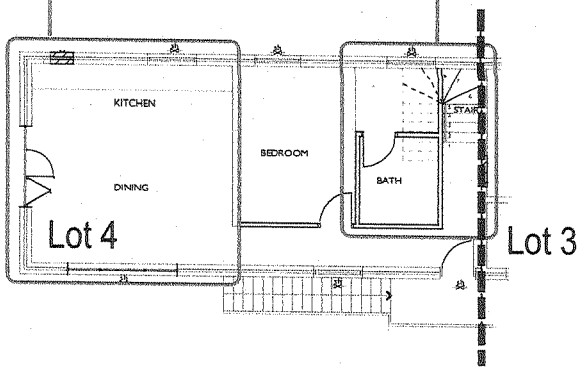
Original (pre-DA) strata configuration & room use:

- Bed 2 part of Lot 3
- S96/B seeks to restore to Lot 4
- Area now used by Lot 4 stairway & bathroom



S96A approved stairway/bathroom configuration:

- Large kitchen/dining
- See also stairway section F4



Lot 4 SP22110
16 Consett Ave
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NSW 2026

Client:	Builder:	Architect:	PCA:	Fire engineer:	Engineer:
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F	Issued to council for second section 96/B	14.06.11

Drawing title: S96/B

Sheet: F2

1: Scale and measurements: Refer to approved drawings
2: Additional information: contact owner

EAST ELEVATION

WEST ELEVATION

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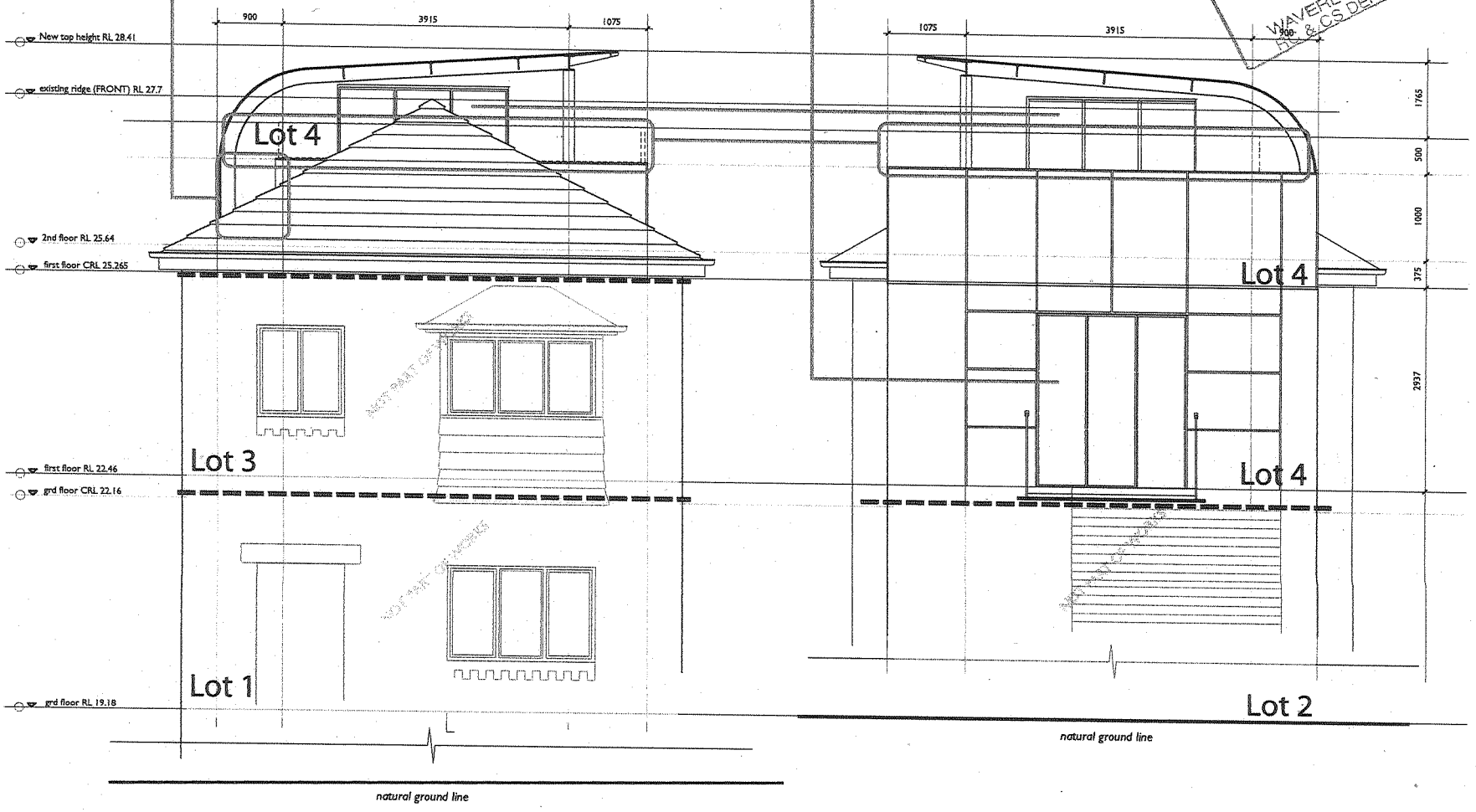
17 JUN 2011
WAVERLEY COUNCIL
H.L. & C.S. DEPARTMENT

DA - 272/02

Corrugated iron roofing replaced by decking & balustrade (3)

Planter-box & non-trafficability to address privacy &c (8)

(1A) Aluminium doors (widths reduced to meet fire requirements)



Lot 4 SP22110 16 Consett Ave Bondi Beach NSW 2026	Client: Paul Paech 4/16 Consett Ave Bondi Beach 2026 0401 236 911 9300 9009	Builder: Bruce Frizzel Mairaki Enterprises Lic 131263C 5 Mortain Ave Allambie Heights 2100 0414 949 691 8901 0041	Architect: Buzacott Webber 20 Jesmond St Surry Hills 2010 9361 0400 0411 477 997	PCA: Waverley Council Tony Quill 9369 8097	Fire engineer: Allan Harriman BCA Logic Pty Ltd Locked Bag Chatswood 2067 9411 5360 0413 457 772	Engineer: Brad Fong Geoff Ninnes. Fong & Partners 68 Crown St Woolloomooloo 9331 5100 0418 228 017

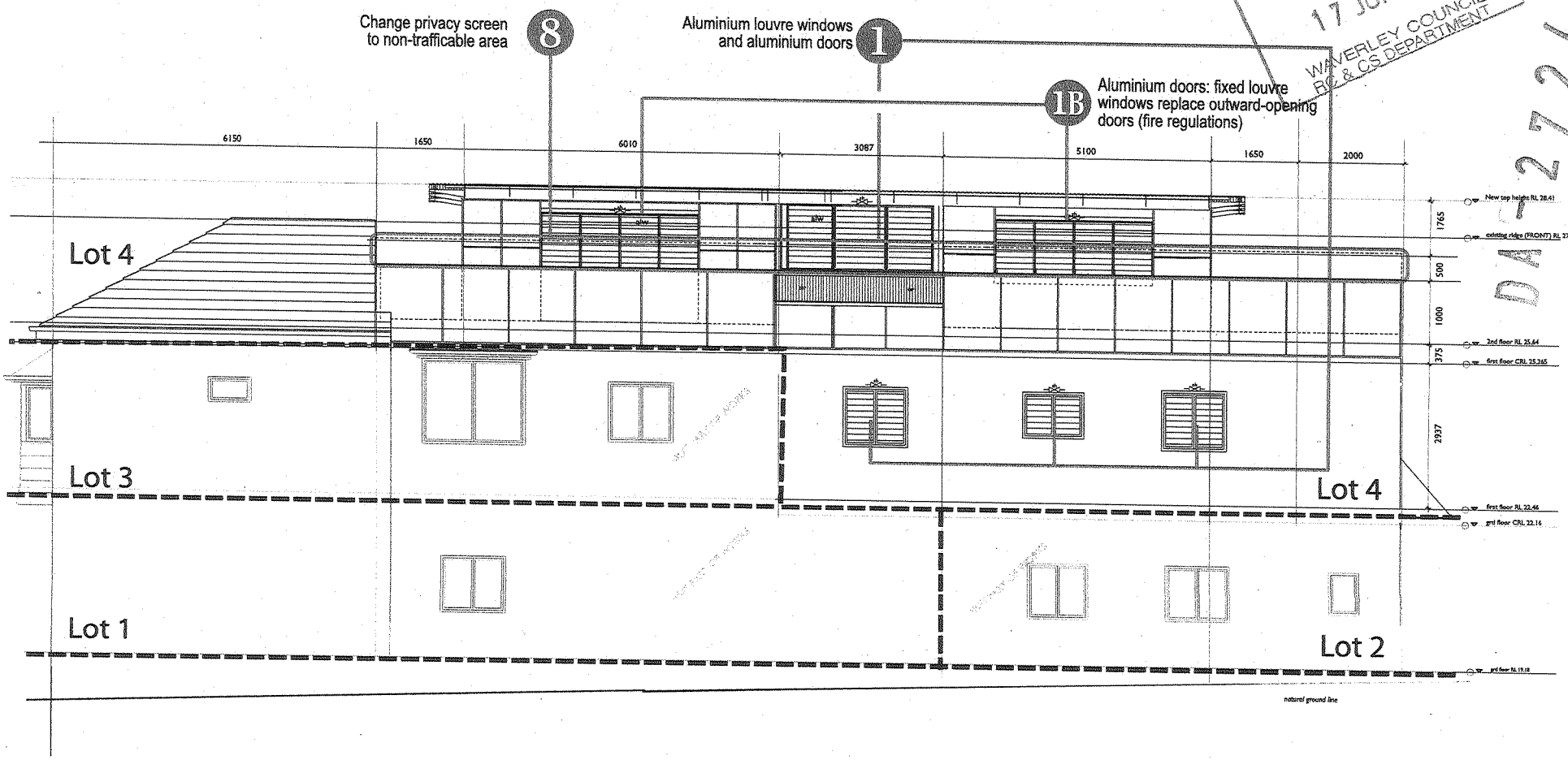
#	revision	date
A	issued to council for section 96	7.12.05
B	RL's Amended	26.05.06
C		
D		
E		
F	Issued to council for second section 96/B	14.06.11

Drawing title: S96/B

Sheet: F3

1: Scale and measurements: Refer to approved drawings
2: Additional information: contact owner

NORTH ELEVATION



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RECEIVED
17 JUN 2011
WAVERLEY COUNCIL
RC & CS DEPARTMENT
DA-272/02

Lot 4 SP22110
16 Consett Ave
Bondi Beach
NSW 2026

Client:	Bder :	Achitect:	EA	Fireengineer:	Egineer:
Bech 416Consett Bndi Bach2026 0401236911 93009009	Bae Friel Mral Enterprises Lic131263C 5Brtain Hunlights2100 0414949691 8901004 1	Scott Mr 20Jesond Brjts2010 93610400 0411477997	Marie Council Tony 93698097	Ran Irrian E Logic Ltd Locking Chatswood2067 94115360 0413457772	Bad Fong Goff Ninnes, Fong Partners 68Crown Willoomloo 93315100 0418228017

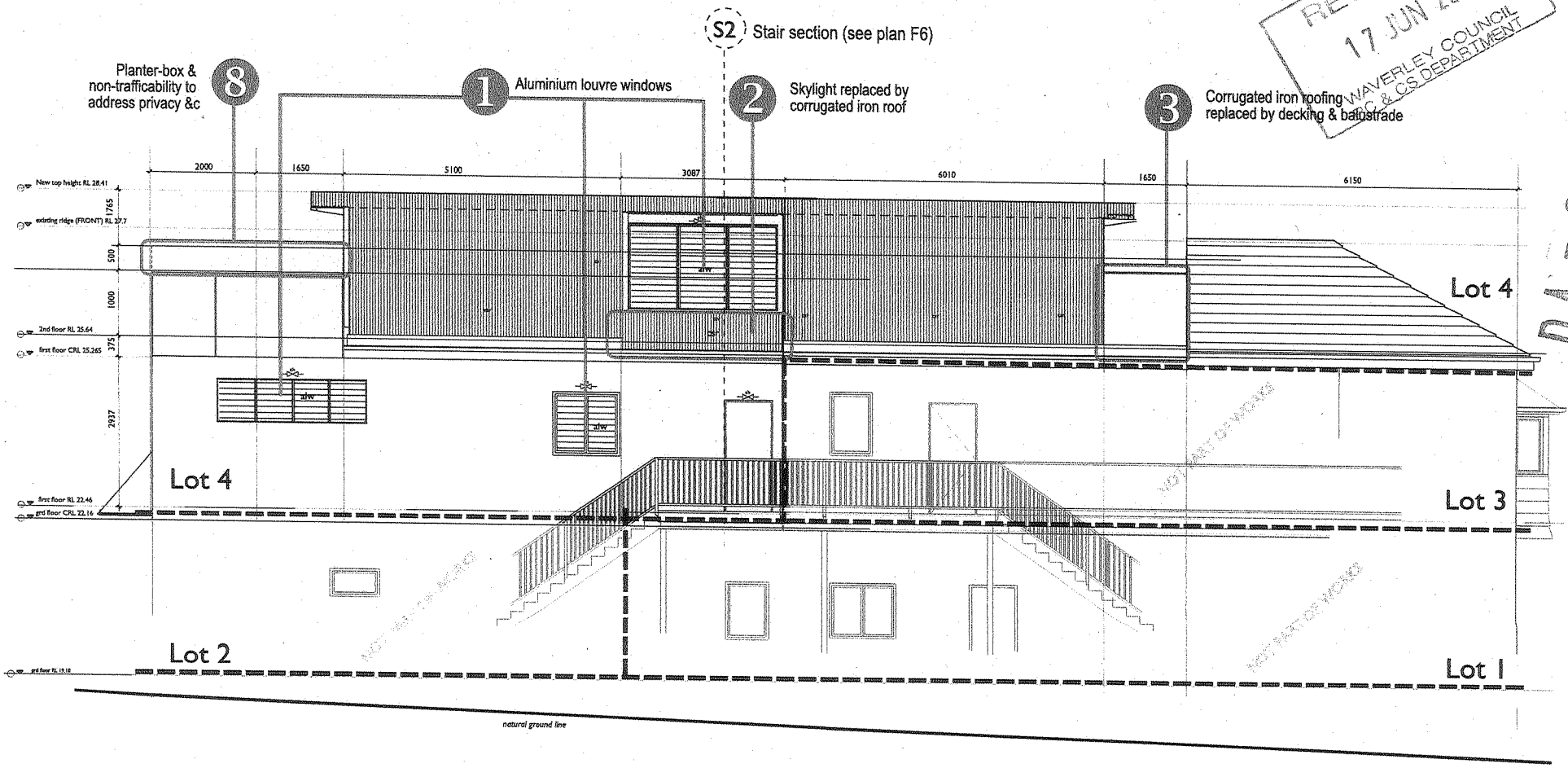
#	revision	date
A	Issued to council for section 96	7.12.05
B	RL's Amended	26.05.06
C		
D		
E		
F	Issedtocouciliforsecondsection96B	14.06.11

Drawing title: S96/B

Sheet: F4

1 Sale and easements Refer to approved drawings
2 Additional information contact owner

SOUTH ELEVATION



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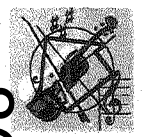
17 JUN 2011
WAVERLEY COUNCIL
C & CS DEPARTMENT
DA - 27/2102



Lot 4 SP22110
16 Consett Ave
Bondi Beach
NSW 2026

Client:	Builder:	Architect:	PCA:	Fire engineer:	Engineer:
Paul Paech 4/16 Consett Ave Bondi Beach 2026 0401 236 911 9300 9009	Bruce Frizzel Mairaki Enterprises Lic 131263C 5 Mortain Ave Allambie Heights 2100 0414 949 691 8901 0041	Bunacott Webber 20 Jesmond St Surry Hills 2010 9361 0400 0411 477 997	Waverley Council Tony Quill 9369 8097	Allan Harriman BCA Logic Pty Ltd Locked Bag Chatswood 2067 9411 5360 0413 457 772	Brad Fong Geoff Ninnes, Fong & Partners 68 Crown St Woolloomooloo 9331 5100 0418 228 017

#	revision	date
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C		
D		
E		
F	Issed to coucil for second section 96/B	14.06.11

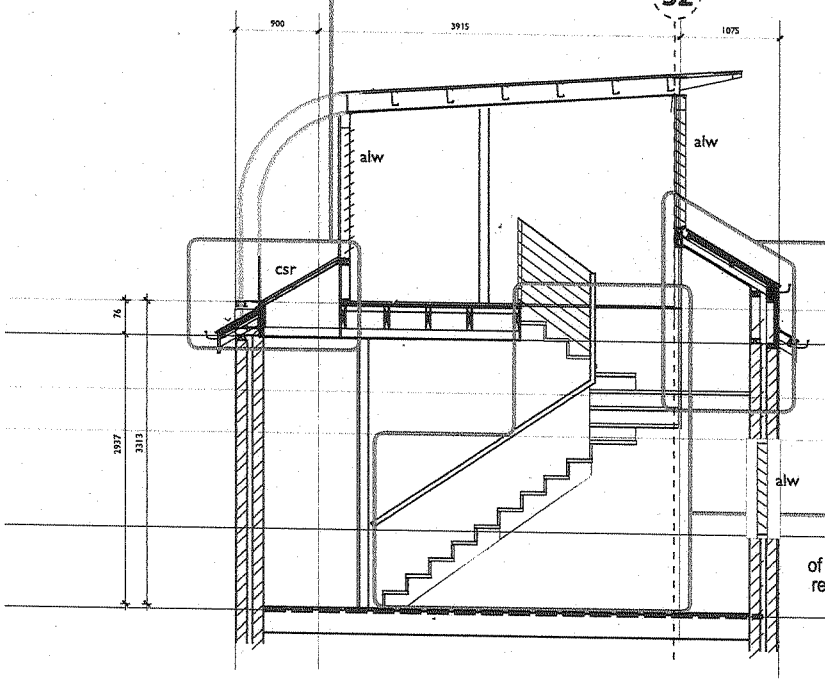
Drawing title: **S96/B**

Sheet: **F5**

1:Scale and measurements:Refer to approved drawings
2:Additional information:contact owner

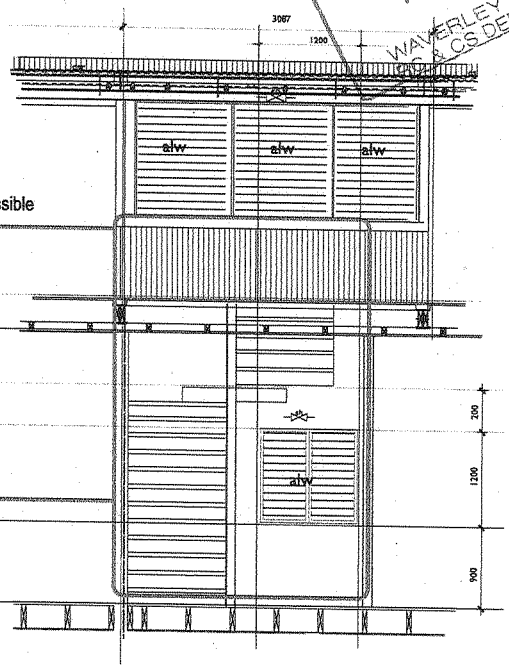
STAIR SECTION 1 (FROM EAST)

S1



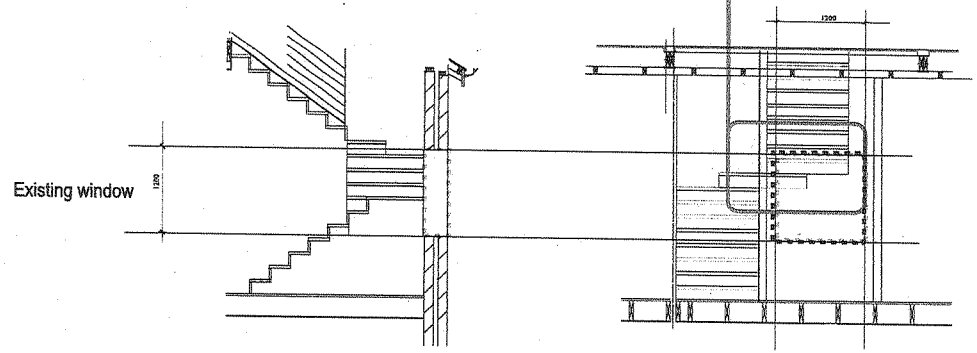
STAIR SECTION 2 (FROM NORTH)

S2



6A New lockable storage (accessible from landing, ref plan F1)

5 Reconfiguration of internal stairway & resizing of bathroom



Approved S96A plans (simplified)
- resulted in conflict between window and staircase return
- resolved by starting staircase closer to southern wall and moving return away from northern wall
- created new lockable storage area under small roof

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PLANNING & CS DEPARTMENT

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DA - 272/02

87

Lot 4 SP22110
16 Consett Ave
Bondi Beach
NSW 2026

Client:	Builder:	Architect:	PCA:	Fire engineer:	Engineer:
Paul Paech 4/16 Consett Ave Bondi Beach 2026 0401 236 911 9300 9009	Bruce Frizzel Mairaki Enterprises Lic 131263C 5 Mortain Ave Allambie Heights 2100 0414 949 691 8901 0041	Buzacott Webber 20 Jesmond St Surry Hills 2010 9361 0400 0411 477 997	Waverley Council Tony Quill 9369 8097	Allan Harriman BCA Logic Pty Ltd Locked Bag Chatswood 2067 9411 5360 0413 457 772	Brad Fong Geoff Ninnes, Fong & Partners 68 Crown St Woolloomooloo 9331 5100 0418 228 017

#	revision	date
A	Issued to council for section 96	7.12.05
B	RL's Amended	26.05.06
C		
D		
E		
F	Issued to council for second section 96/B	14.06.11

Drawing title: S96/B

Sheet: F6

1: Scale and measurements: Refer to approved drawings
2: Additional information: contact owner

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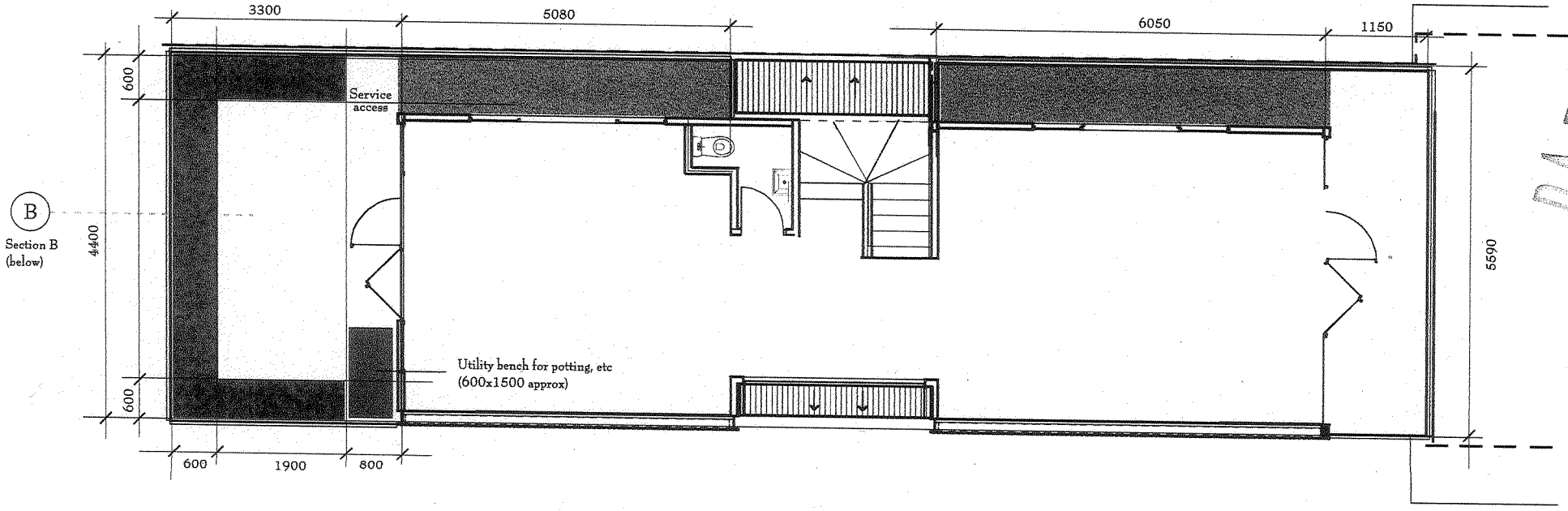
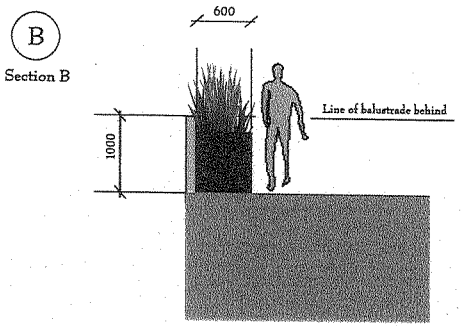
G1: Balcony & private open space modification



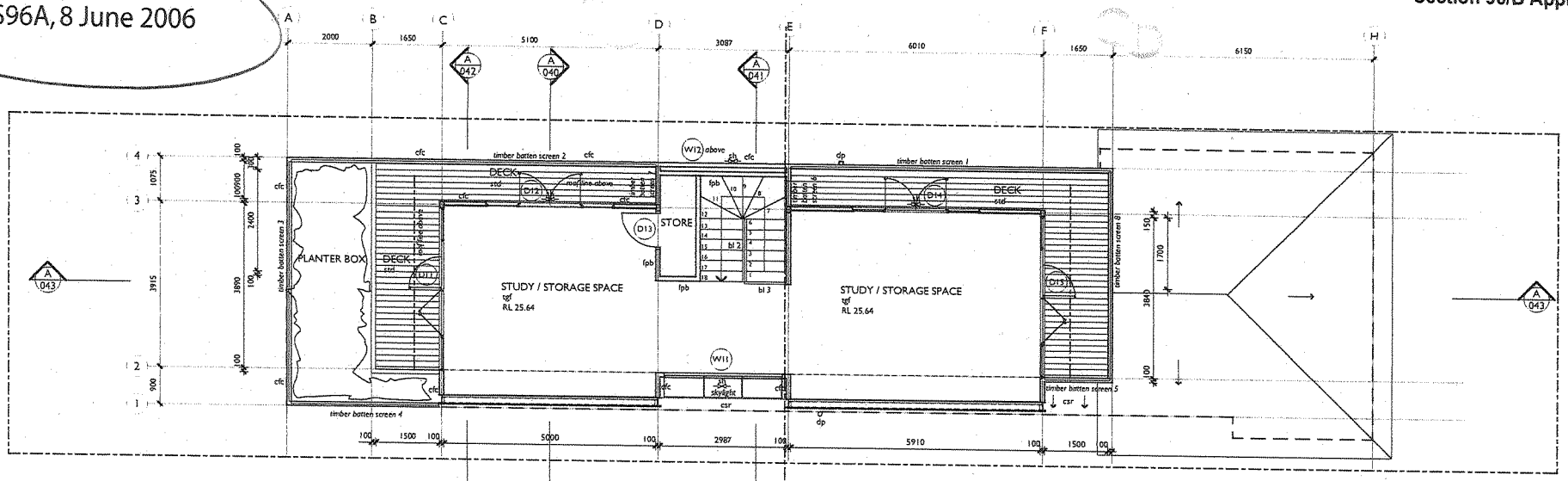
Planter boxes providing 600mm setback

Planter boxes Non-trafficable area

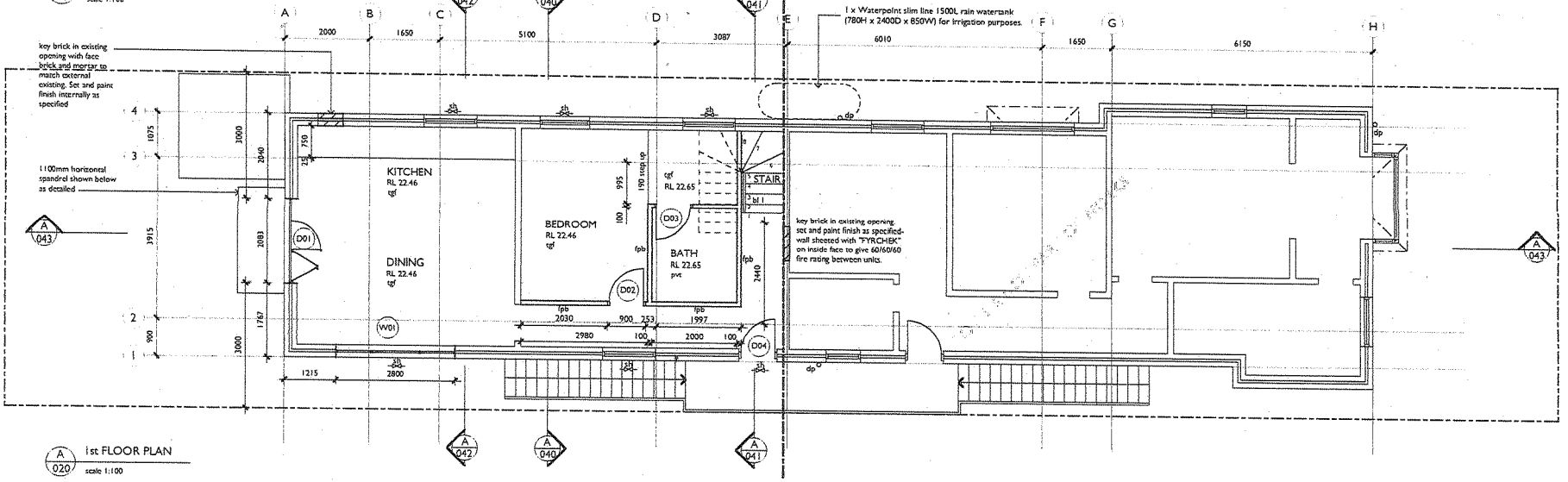


All measurements taken from built structure and supersede approved plans

Plans approved
by S96A, 8 June 2006



B 020 2nd FLOOR ATTIC PLAN
scale 1:100



A 020 1st FLOOR PLAN
scale 1:100

Sprinkler head
Gas cock
Hose cock
Tile setout point
aw Aluminium framed window
ad Aluminium framed door
agl Aluminium framed louvre window
bbw Bagged Brickwork
bcb Bagged Blockwork
bw Brickwork
ba Bath
b Basin
bl Balustrade (Numbered)
cpt Carpet
cons Concrete Slab to engineer's details
cb Concrete Block
crs Cement Render and Set
cfc Compressed Fibre Cement
ct Cook top
csr Corrugated steel roofing
fcb Face Concrete Block
fb Face Brick
fpb Plasterboard as specified
fst Burnished concrete screed finish
fof Off Form Concrete
fw Floor Waste
g Gutter
gl Glass Louvre
go Obscure Glass
gt Toughened Glass
dgu Double Glazed Unit
gdr Grated drain
gswp Grated stormwater pit
mel White melamine finish as specified
ml Mirror as specified
o Oven
pcg Compacted Ground
pgr River Gravel
pcp Concrete Paving Blocks
ply Plywood stained as specified
pol Polyurethane spray finish as specified
pcon Polished Concrete
pvt Tile as specified
ref Refrigerator
sc Steel column to engineer's details
sb Steel beam to engineer's details
ss Stainless steel finish as specified
ssr Steel tray roofing as specified
swp Stormwater Pipe
swpt Stormwater Pit
spb Structural Particle Board
std Timber Decking
s Sink
sb Steel balustrade
ts Timber Skirting
tgf Timber T&G floor as specified
tsm Timber veneer as specified
tw Wall Tile
tgl Timber framed glass louvre window
tw Timber framed window
td Timber framed door
wc Water closet

buzacottwebber
architecture / interior design / urban design

Engineer:
68-70 Crown Street,
Woolloomooloo
NSW 2011
P: (02) 9331 5100
F: (02) 9331 2963

Client:
Paul Paech
16 Consett Avenue
Bondi Beach NSW

Project:
2073
Alterations and Additons
16 Consett Avenue
Bondi Beach NSW

#	revision	date
A	Issued to council for section 96	7.12.05
B	RL's Amended	26.05.06

Sheet: 020

Drawn: MF | Scale: 1:100 | Date: 7.12.05 | Issue: B

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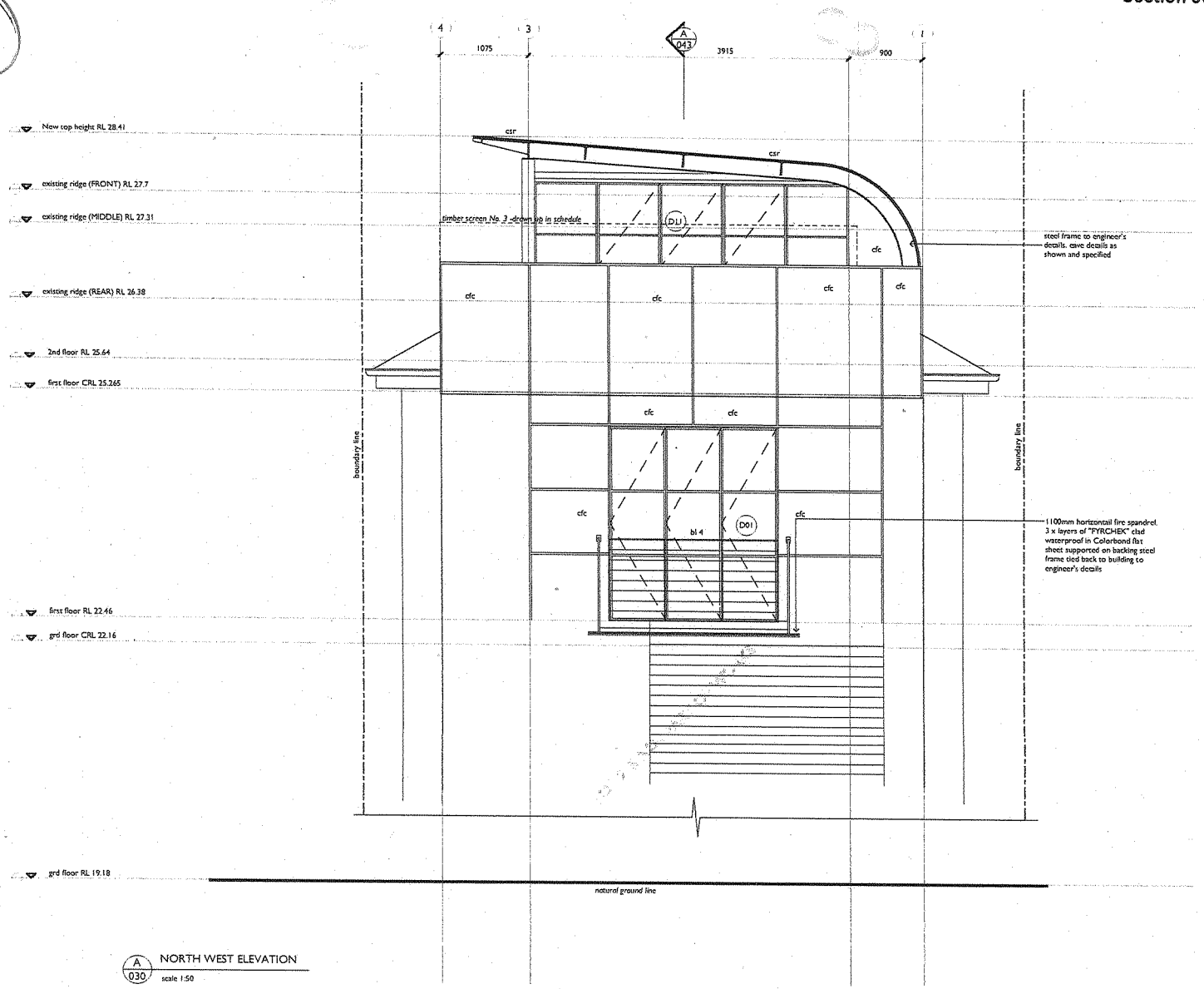


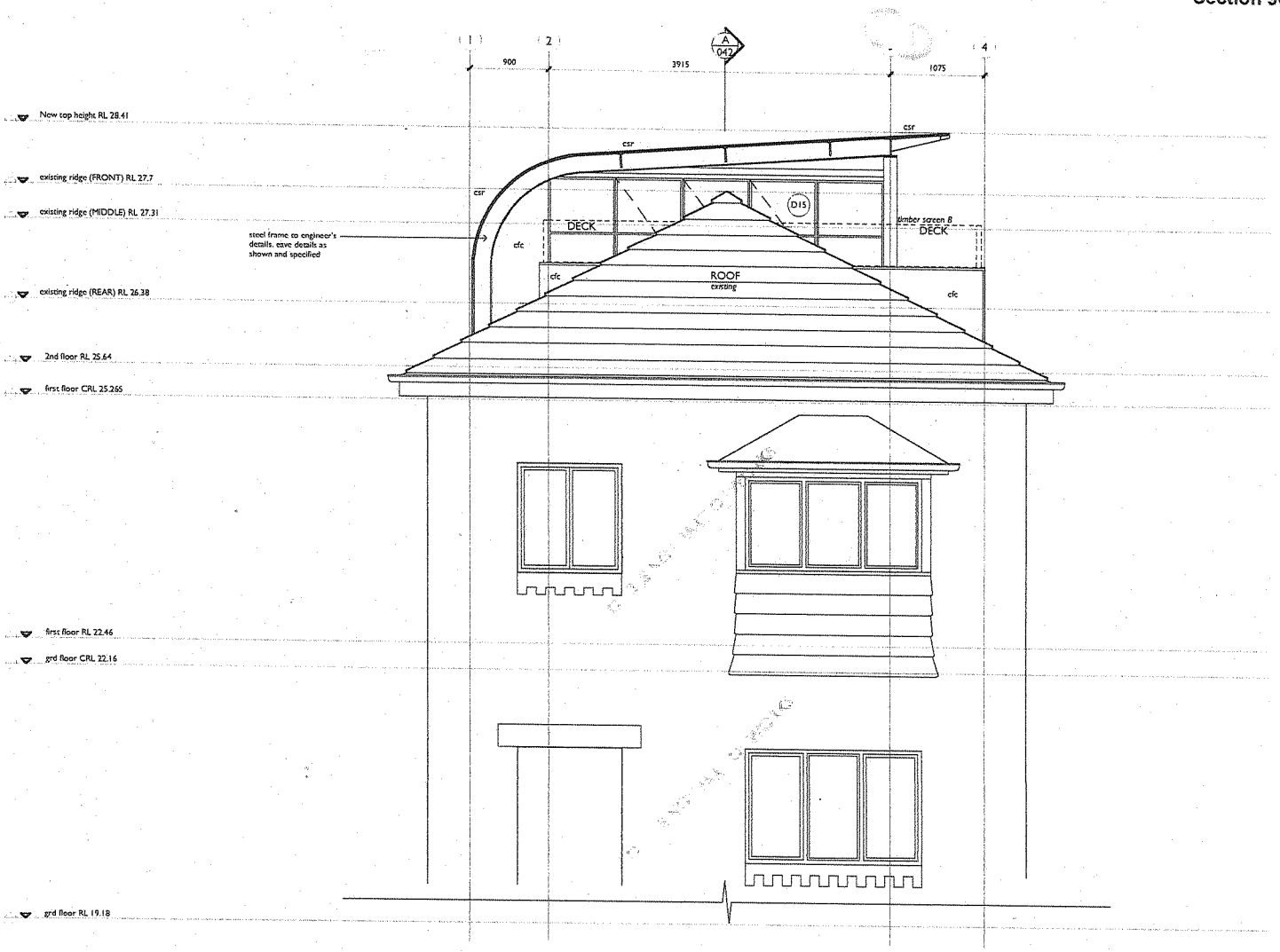
A 030 NORTH WEST ELEVATION
scale 1:50

sh Sprinkler head
gc Gas cock
hc Hose cock
Tile sesour point
aw Aluminium framed window
ad Aluminium framed door
agl Aluminium framed louvre window
bbw Bagged Brickwork
bcb Bagged Blockwork
bw Brickwork
ba Bath
b Basin
bl Balustrade (Numbered)
cpt Carpet
conc Concrete Slab to engineer's details
cb Concrete Block
crs Cement Render and Set
cfr Compressed Fibre Cement
cc Cook top
csr Corrugated steel roofing
ssb Face Concrete Block
fb Face Brick
pb Plasterboard as specified
fst Burnished concrete screed finish
fof Off Form Concrete
fw Floor Waste
g Gutter
gl Glass Louvre
go Obsure Glass
gt Toughened Glass
dgw Double Glazed Unit
gdr Grated drain
gswp Grated stormwater pit
mel White melamine finish as specified
ml Mirror as specified
o Oven
pcg Compacted Ground
pgr River Gravel
pcp Concrete Paving Blocks
ply Plywood stained as specified
pol Polyurethane spray finish as specified
pcon Polished Concrete
pvt Tile as specified
ref Refidgerator
sc Steel column to engineer's details
sb Steel beam to engineer's details
ss Stainless steel finish as specified
str Steel tray roofing as specified
swp Stormwater Pipe
swpi Stormwater Pit
spb Structural Particle Board
std Timber Decking
s Sink
sb Steel balustrade
ts Timber Skirting
tgf Timber T&G floor as specified
tim Timber winter as specified
tw Wall Tile
tgl Timber framed glass louvre window
tw Timber framed window
td Timber framed door
w.c Water closet

buzacottwebber architecture / interior design / urban design	Engineer: 60-70 Crown Street, Woolloomooloo NSW 2011 P: (02) 9331 5100 F: (02) 9331 2963	Client: Paul Paech 16 Consett Avenue Bondi Beach NSW	Project: 2073 Alterations and Additons 16 Consett Avenue Bondi Beach NSW	#	revision	date	Sheet: 030
				A	Issued to council for section 96	7.12.05	
				B	RL's amended, Ground line added	12.05.06	
				C	RL's amended	26.05.06	
				Drawn: MF	Scale: 1:50	Date: 24.05.06	Issue: C

90

Plans approved
by S96A, 8 June 2006



A 030 NORTH WEST ELEVATION
scale 1:50

- Sprinkler head
- Gas cock
- Hose cock
- Tile setout points
- Aluminium framed window
- Aluminium framed door
- Aluminium framed louvre window
- Bagged Brickwork
- Bagged Blockwork
- Brickwork
- Bath
- Basin
- Balustrade (Numbered)
- Carpet
- Concrete Slab to engineer's details
- Concrete Block
- Cement Render and Set
- Compressed Fibre Cement
- Cook top
- Corrugated steel roofing
- Face Brick
- Plasterboard as specified
- Burnished concrete screed finish
- Off Form Concrete
- Floor Waste
- Gutter
- Glass Louvre
- Obscure Glass
- Toughened Glass
- Double Glazed Unit
- Grated drain
- Grated stormwater pit
- White melamine finish as specified
- Mirror as specified
- Oven
- Compacted Ground
- River Gravel
- Concrete Paving Blocks
- Plywood stained as specified
- Polyurethane spray finish as specified
- Polished Concrete
- Tile as specified
- Refrigerator
- Steel column to engineer's details
- Steel beam to engineer's details
- Stainless steel finish as specified
- Steel clay roofing as specified
- Stormwater Pipe
- Stormwater Pit
- Structural Particle Board
- Timber Decking
- Sink
- Steel balustrade
- Timber Skirting
- Timber T&G floor as specified
- Timber veneer as specified
- Wall Tile
- Timber framed glass louvre window
- Timber framed window
- Timber framed door
- Water closet

buzacottwebber
architecture / interior design / urban design

Engineer:
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NSW 2011
P: (02) 9331 5100
F: (02) 9331 2963
NINNES FONG PARTNERS

Client:
Paul Paech
16 Consett Avenue
Bondi Beach NSW

Project:
2073
Alterations and
Additons
16 Consett Avenue
Bondi Beach NSW

#	revision	date
A	Issued to council for section 96	7.12.05
B	RL's amended, Ground line added	12.05.06
C	RL's amended	26.05.06

Drawing title: South-east elevation (Lot 4)
Sheet: 031
Drawn: MF
Scale: 1:50
Date: 24.05.06
Issue: C

4 Lola Road, Dover Heights – Demolition of existing dwelling and construction of a two storey dwelling with double garage and new swimming pool (DA 543/2011)

Report dated 16 April 2012 from the Development and Building Unit.

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

Referred to the DCC at the request of Councillors Betts and Goltsman.

Development Assessment Report Dwelling	
Development Application No.	DA-543/2011
Address	4 Lola Road, Dover Heights
Lodgement Date	11 November 2011
Proposal	Demolition of existing dwelling and construction of a two storey dwelling with double garage and swimming pool
Zoning and relevant controls	Waverley Local Environmental Plan 1996 • Zoned 2(a) Residential – Low Density Draft Waverley Local Environmental Plan 2011 Waverley Development Control Plan 2010 • Part D1 – Dwelling House and Dual Occupancy Development, and associated parts
Owner	Mr P A Fryer and Ms C B Carnabuci
Applicant	Burley Katon Halliday
Submissions	Two (2) objections
Issues	Floor Space Ratio, setbacks, front fencing, excavation associated to swimming pool and overshadowing
Recommendation	That the application be **APPROVED**

Site Map

1. PREAMBLE

1.1 The Site and its Locality

The subject site is described as Lot 13 in DP 10675, known as 4 Lola Road, Dover Heights. The site is an irregular shaped parcel with a northern side boundary with 2 Lola Road measuring 32.88, eastern rear boundary with a cliff edge to the Pacific Ocean measuring approximately 18m, south side boundary with 6 Lola Road measuring 36.73m and western frontage to Lola Road measuring 18.29m. The site contains an area of 632.3m².

Existing on site is a part one (1) and two (2) storey detached dwelling constructed from brick with a pitched tile roof. Located in the rear yard of the site is a concrete in ground swimming pool. The site contains vehicular access from Lola Road with a single garage incorporated into the design of the dwelling.

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

1.2 Background

A search of Council's records reveals no recent applications relevant to the subject site.

1.3 Proposal Description

The proposal provides for the demolition of the existing and construction of a two (2) storey dwelling with double garage and a new swimming pool. The proposed works are summarised as follows:

Demolition works

- Demolish existing dwelling and swimming pool.

Construction of a new dwelling

Ground level

- Containing double garage, formal living, dining, kitchen and casual living; and
- Guest bedroom, WC and laundry.

First level

- Containing three (3) bedrooms. Bedroom 1 contains an en-suite and walk-in robe; and
- Bathroom, study and voids over the entry/dining to the ground floor.

Associated works

- Removal of two trees located in the rear yard of the site;
- Construction of a new swimming pool;
- Construction of new front, side and rear fencing;
- Construction of a BBQ and outdoor fire place structure constructed from brick and located in the rear yard of the site; and
- Construction of a bin and service store located on the northern side boundary.

2. ASSESSMENT

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

2.1 Section 79C(1)(a) Planning Instruments.

2.1.1 State Environmental Planning Policies (SEPPs)

SEPP (BASIX) 2004
The applicant has submitted a BASIX Certificate demonstrating compliance with State regulated energy efficiency and water conservation targets. The proposed dwelling is considered acceptable with regards to SEPP (BASIX) 2004.

SEPP 55 - Remediation of Land
SEPP 55 – Remediation of Land applies to the subject site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and further investigation is unnecessary.

SEPP 71 – Coastal Protection
SEPP 71 – Coastal Protection applies as the subject site is located within the coastal zone. The proposed two storey dwelling has been considered with regards to the aims of the policy and is considered acceptable. The proposed works are considered acceptable with regards to SEPP – 71 Coastal Protection.

2.1.2 Waverley Local Environmental Plan 1996

Clause 3 – Specific Aims, Clause 10 – Zone Objectives and Clauses 21-26 – Environmental Considerations
The site is zoned 2(a) Residential – Low Density under the Waverley Local Environment Plan (LEP) 1996. The proposed demolition of the existing dwelling, construction of a new dwelling and associated works are considered to satisfy the Specific Aims and Objectives in the Waverley LEP 1996. The proposal is considered unlikely to result in unreasonable environmental impacts and therefore is considered to satisfy clauses 21-26.

Part 4 - Heritage Provisions
The site is not heritage listed nor is the site located in a Heritage Conservation Area accordingly, the proposal is acceptable with regards to Part 4 – Heritage Provisions of the Waverley LEP 1996.

The application has been assessed having regard to the relevant provisions of the LEP and is acceptable for the reasons discussed.

2.1.3 Draft Waverley Local Environmental Plan 2011

The Draft Waverley LEP 2011 has completed public exhibition and the provisions of the Draft LEP have been taken into consideration in the assessment of the proposal.

The site is located within the R2 - Low Density Residential zone. The proposal is permissible with development consent.

The proposal has been considered with regards to all relevant provision of the Draft LEP.

2.1.4 Waverley Development Control Plan 2010, Part D1 – Dwelling House & Dual Occupancy Development

COMPLIANCE CHECK			
Control	**Standard**	**Proposed**	**Compliance**
Height	• Flat roof – 7.5m	• 7.0m	• Yes
Floor Space Ratio (Site Area 632.3m²)	• 0.5:1 (316.15m²)	• 0.59:1 (373.18m²)	• **No**
Setbacks	• Side 900mm • Front and rear est. building line	• 900mm • Front and rear est. building lines retained	• Yes • Yes (see comments)
Front fencing	• 1.2 metres	• 1.7m	• **No**
Vehicular Access and Parking	• 2 spaces • Dimensions (5.5 m × 2.5m) • Behind building setback	• 2 spaces • 5.5m x 5.0m • Incorporated into building design	• Yes • Yes • Yes
Landscaping	• 40% of site area • 15% of site as soft • 50% of front lands. • 50% of front lands. as soft • On-site retention required	• 47% • 29% • 70% • 70% • On-site retention provided	• Yes • Yes • Yes • Yes • Yes

Floor Space Ratio (FSR)

The proposal provides a non-compliant FSR of 0.59:1 which is approximately 57m² or 18% in excess of the 0.5:1 FSR control. The objective of the numeric FSR control for residential developments is to control bulk and scale ensuring development reflects the existing and desired future character of the area, and to minimise any negative impacts on neighbouring allotments.

The surrounding area is characterised by variety of residential dwellings of differing age, size and design. The newer residential developments are typically characterised as two/three storeys in height and contemporary in design, while older dwellings are generally lesser developed and ordinarily one to two storeys with pitched tiled rooves.

The non-compliant FSR is consistent with the size and bulk envisaged for the shape of the allotment and is not an overdevelopment of the site. The building design compliments the existing streetscape and is consistent with the bulk and scale of new residential developments within the vicinity of the site. Accordingly the additional floor space is not considered to be detrimental to the streetscape, surrounding properties and is supported in this instance.

Setbacks – Front Building Line

The proposed dwelling extends beyond the front building line of the neighbouring dwellings located at 2 and 6 Lola Road. While the proposed front building line is inconsistent with the front building line of adjoining dwellings the front building line is consistent with the newer dwellings located at 12 and 14 Lola Road. Accordingly, the proposed front building line is

consistent with the predominant front building line established by new dwellings within Lola Road and is supported in this instance.

Front Fencing

The proposed steel picket front fencing contains a transparency greater than 50% and a maximum height of 1.7m. The locality is characterised by new front fencing of a similar height and with less transparency. The proposed front fencing height is acceptable given existing front fencing to Lola Road and as the fencing is generally open in design allowing for casual visual surveillance both into and out of the site.

Swimming Pool – Excavation

The proposed swimming pool is located in close proximity to the existing cliff edge which requires the submission of a geo-technical report. The submitted geo-technical report highlights the inherent danger associated with excavating within 4 metres of the cliff edge and recommends that the pool be structurally cantilevered to ensure stability of the cliff. Due to the preliminary nature of the geo-technical report and lack of conditions of consent as required by clause 5.1.1 Single Dwelling of Part D1 in the Waverley DCP 2010, the proposed swimming pool is deleted by condition of consent.

Dover Heights Character Study and Streetscape

The subject site is located within the Dover Heights Character Study Area. The contemporary design and construction materials for the dwelling are consistent with new dwellings in the locality and Dover Heights. The proposed front landscaping and front façade provides for a well articulated design which ensures the dwelling contributes positively to the streetscape and the Dover Heights Character Study Area.

Ancillary Structures

The proposed bin store and services cupboard constructed along the northern side boundary of the site is indicated on the level 1 plan, however, the structure is omitted from the relevant elevation. To mitigate potential amenity impacts from the proposed structure a condition of consent is included limiting the height of the bin store and services cupboard to a maximum height of 2.1m, which is consistent with the requirements for ancillary structures, built to a site boundary, detailed in clause 5.9.3 of Part D1 in the Waverley DCP 2010.

The proposed outdoor fire place and BBQ structure located in the rear yard of the site is setback 900mm from the southern side boundary and contains a maximum height of 2.1m. As the structure is setback from the side boundary and contains a compliant ancillary structure height, the proposed outdoor fire place and BBQ is supported in this instance.

2.1.5 Other Matters

Privacy (Visual and Acoustic)

The primary large windows to the dwelling are confined to the eastern front façade and western rear façade. The windows to the north and south sides of dwelling are all of a domestic scale, providing limited opportunities for overlooking of neighbouring residential allotments and buildings. Accordingly, the proposed windows are supported with regards to visual and acoustic privacy considerations.

The proposed services/mechanical rooms cupboards located on the northern side boundary and setback on the southern side boundary have potential acoustic privacy impacts for

neighbouring residential allotments. To eliminate acoustic privacy impacts a condition of consent is imposed requiring the sound proofing of both services/mechanical rooms.

Overshadowing

The proposed two storey dwelling will result in additional overshadowing to neighbouring residential allotments in particular 6 Lola Road located south of the site. While the proposed dwelling will result in additional overshadowing to the neighbouring south allotment, the proposed dwelling contains compliant setbacks, height and provides a bulk and scale consistent with surrounding new developments. Accordingly, overshadowing impacts are considered reasonable and supported in this instance.

Safety and security

Safety and security to the site will remain generally unchanged which is considered acceptable.

Solid Fuel Fires

Solid fuel fires are discouraged within Waverley, accordingly, a condition of consent is attached prohibiting the installation/construction of solid fuel fires on site.

3 REFERRALS

3.1 Internal

Technical Services
The application was internally referred to Council' Technical Services Division for comments, and standard conditions are recommended and attached to this report.

Stormwater
The application was internally referred to Council' Technical Services Division for comments, and standard conditions are recommended and attached to this report.

Tree Preservation
The application was internally referred to Council's Tree Management officer for comments regarding impacts on existing significant trees. The proposal is considered acceptable subject to imposing conditions of consent.

Section 79C(1)(b) - The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The proposal is considered to have an acceptable impact on the natural and built environment, and no unacceptable social or economic impacts are expected.

Section 79C(1)(c) - The suitability of the site for the development.

The proposal has been considered with regards to Section 79C1(c) and the site is considered suitable for the proposed development.

4. PUBLIC SUBMISSION

The application was notified for 14 days in accordance with *Waverley Development Control Plan 2010, Part C3 – Advertised and Notified Development* and two (2) submissions were received. The issues raised in the submission are summarised and discussed below.

Property	Location	Summary of Objections
2 Lola Road	Adjoining north	• Proximity of pool to cliff face and impact of excavation on cliff. • Impact of excavation on dwelling. • Acoustic privacy impacts from location of swimming pool. • Request for root guards to be installed to prevent the spread of planting to the neighbouring property.
6 Lola Road	Adjoining south	• Overshadowing • Front and rear setbacks breach DCP controls. • Privacy impacts from service/motor room location. • Object to solid fuel fire place. • Removal of significant trees. • Request for geo-technical report for 6 Lola Road be undertaken. • Privacy impacts from first floor windows.

Issue: Excavation associated to swimming pool and proximity to cliff.

Comment – See section 2.1.4 Waverley DCP 2010 – Swimming Pool, of this report.

Issue: Acoustic privacy impacts from swimming pool.

Comment – See section 2.1.4 Waverley DCP 2010 – Swimming Pool, of this report.

Issue: Request for root guards to be installed to prevent the spread of planting to the neighbouring property.

Comment – The request for root guards is considered onerous and unreasonable given the limited landscaping works to be undertaken between the subject site and the objectors property.

Issue: Privacy impacts from the service/motor room.

Comment – The proposed service/motor area is setback 900mm from the southern side boundary and a condition of consent is included requiring the sound proofing of the area. Accordingly, privacy impacts are considered unlikely.

Issue: Front and rear building line non-compliances.

Comment – See section 2.1.4 Waverley DCP 2010 – Setbacks, of this report.

Issue: Object to solid fuel fire place.

Comment – See section 2.1.6 Other Matters – Solid Fuel Fire Places, of this report.

Issue: Removal of significant trees.

Comment – See section 3.1 Referrals – Tree Management Officer, of this report.

Issue: Privacy impacts from first floor windows.

Comment – See section 2.1.6 Other Matters – Privacy, of this report.

Issue: Request for a geo-technical report be undertaken.

Comment – See section 2.1.4 Waverley DCP 2010 – Swimming Pool, of this report.

Section 79C(1)(e) - The public interest.

The proposal is generally considered to be in the public interest.

5. CONCLUSION

The application has been assessed pursuant to s79C of the Environmental Planning and Assessment Act 1979, Council's Policies and issues raised in submissions. The proposal is considered to be generally acceptable on merit and accordingly, is recommended for approval.

The proposed height, bulk, scale and setbacks are consistent with the emerging development character in this part of Dover Heights. The building itself will sit well in the context of its surroundings, particularly noting the much larger dwellings to the south in Lola Road.

Conditions are recommended to overcome acoustic issues relating to the mechanical equipment and these will ensure there is no noise transmission from these areas to the adjoining properties. The height of ancillary buildings is also accepted, and where unclear on the plans conditions have been imposed.

The main concern of the DBU is the proposed swimming pool near the edge of the cliff. The Geo-technical report suggests that a minimum 4 metre setback is required any structure, however the pool extends into this setback zone. Technical details have been submitted articulating that there will be structural cantilevering so that the weight of the pool 'rests' further into the site, however the DBU is not convinced this will safely work. The DCP requires geo-technical reports in these instances to provide articulated conditions of consent that can be imposed upon the development. The submitted Geo-technical report does not do this. To progress the development, an approval is recommended on the condition that the pool and all associated excavation is not a component of the approval and must be deleted from the plans.

The DBU otherwise support this application subject to conditions.

6. RECOMMENDATION

That Development Application No. DA-543/2011 at 4 Lola Road, Dover Heights for the demolition of an existing dwelling and construction of a two (2) storey dwelling with a double garage and swimming pool be **APPROVED** by the Development Control Committee, subject to the following conditions:

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) Drawing Nos. A.00.01, A.01.00, A.00.01, A.01.01, A.01.02, A.01.03, A.02.01, A.03.01 and A.03.02, all Amendment A, prepared by BKH Architects, dated 04.11.2011, and received by Council on 11 November 2011;

(b) Drawing No: MB_L4_01, Issue C, prepared by Myles Baldwin Design, dated 30.09.11, and received by Council on 11 November 2011;

(c) BASIX Certificate; and

(d) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part G1, Waverley DCP 2010.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

(a) The proposed swimming pool and all associated excavation are to be deleted. A new swimming pool is not approved on this site; and

(b) The proposed bin store and services cupboard is to contain a maximum height of 2.1m and is to be detailed on the relevant elevation plan.

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

3. DOMESTIC HEATERS

The provision of solid fuel heating and cooking appliances are prohibited, with the plans to be amended to indicate an alternative fuel source, prior to the issue of the Construction Certificate.

4. MECHANICAL, HYDRAULIC AND SERVICES CUPBOARDS

The following requirements apply to the use and operation of the approved mechanical, hydraulic and services cupboards:

(a) To prevent noise nuisance to surrounding properties, mechanical, hydraulic and services cupboards are to be housed within a ventilated soundproof enclosure.

5. USE OF DWELLING

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

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. SECTION 94A CONTRIBUTION

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

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

(1) Where the total development cost is less than $500,000:
"Waverley Council Cost Summary Report"; or,

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

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

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

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

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

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

7. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of $15,000 must be provided as security for the payment of the cost of making good any damage that may be caused to any Council property as a consequence of this building work. This deposit 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 will be refunded after satisfactory completion of the building work to the person who paid the deposit.

8. LONG SERVICE LEVY

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

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

9. NO BUILDING WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

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

(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with Section 81A(2) of the Environmental Planning & Assessment Act, 1979; and

(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning & Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and

(c) Council is given at least two days Notice in writing of the intention to commence the building works.

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

10. HOARDING REQUIRED

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

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

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. 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.

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 Part G1, Waverley DCP 2006 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

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 2010 - Part G4 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. FENCE NOT TO ENCROACH BEYOND BOUNDARIES

No portion of the proposed fence, including the footings, is to encroach beyond the boundaries of the subject property. Alternatively, documentary evidence that the owner of the adjoining property has no objection to the construction of the party fence wall on the common boundary between these properties is to be submitted to Council 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 (e.g. addressing any modification required via conditions of consent). Any significant works (i.e. 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 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.

24. 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

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

(a) a hoarding fence must be erected between the building site and the public place of the proposed building and the public place. If necessary, an awning sufficient to prevent any substance from, or in connection with, the work falling into the public place, is also to be erected;

(b) the work is to be kept lit during the time between sunset and sunrise if the work may be of a sort of danger to persons using the public place; and

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

26. TOILET FACILITIES

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

27. 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.

28. DILAPIDATION REPORT

A dilapidation report prepared by a practising Structural Engineer shall be submitted to the Principal Certifying Authority, Council and the owners of the adjoining properties at 2 and 6 Lola Road, Dover Heights prior to the commencement of demolition, bulk excavation or building works, detailing the current condition and the status of all buildings (both internal and external), including ancillary structures located upon the adjoining properties at 2 and 6 Lola Road, Dover Heights.

29. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

30. SITE HEALTH & SAFETY PLAN

A Site Health & Safety Plan is to be prepared prior to the commencement of remediation works by a person competent to do such Plan. All works are to be carried out in accordance with this Plan. This Plan shall include:

(a) hazard identification and control
(b) site security
(c) personal protective equipment
(d) work zones and decontamination procedures
(e) contingency plans and incident reporting
(f) environmental monitoring

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.

31. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

32. 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 DECC's Managing Urban Stormwater: Construction Activities. 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.

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. 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

(c) On the Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which immediately precede or follow industry Rostered Days Off, as agreed by the CFMEU and the Master Builders Association of NSW.

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

37. 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.

38. CONSTRUCTION NOISE - PERIODS OF 4 WEEKS OR UNDER

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 20dB(A) when assessed at any sensitive noise receiver.

39. CONSTRUCTION NOISE - PERIODS GREATER THAN 4 WEEKS

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.

40. BUILDING CODE OF AUSTRALIA

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

41. 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.

42. CERTIFICATE OF SURVEY - LEVELS

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

43. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

44. IN-SINK WASTE DISPOSAL SYSTEMS

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

45. 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.

46. 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.

47. 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.

48. 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.

49. 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.

50. EXISTING VEHICLE CROSSING IS TO BE MODIFIED

The existing vehicle crossing is to be modified to provide access to the proposed garage. The width of the driveway layback at the kerb line shall be reduced to 3.9 metres to reduce the loss of on-street car parking spaces. A separate application is required for the modified vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

51. VEHICULAR ACCESS - FINISHED LEVEL

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

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, shrubs or vegetation on the subject or neighbouring properties or any street trees that may be present 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.

- **Trees to be removed**

The two trees approved for removal are located in rear yard of the site in close proximity to the southern side boundary as detailed in the submitted survey, prepared by Paul A. Lawson, Ref: 7543/6596-11, dated 31/08/11 and received by Council on 11 November 2011.

In line with Council's policy to maintain and increase tree cover in the Council area, trees where consent has been given to remove are to be replaced with a local native tree of minimum container size of 75 litres and shall be maintained until they attain a mature height of at least four (4) metres, or whereby they will be protected by Council's Tree Preservation Order. Quantities for replanting shall be detailed under the amended landscape requirements below.

Any replacement tree is to be planted a minimum of 1.0 metres from any boundary, structure or underground services. All underground plumbing is to consist of PVC piping.

Trees shall not be tied to stakes unless support is essential. All advanced trees are to be planted in holes containing good quality soil and humus. In lawn areas, grass is too kept back for a radius of at least 450mm from stems and trunks, a depression should be formed for the collection of water and the area mulched.

Woodchip mulch is to be installed to a depth of 75-90mm to all mass planted garden areas and around the base of trees in lawn areas. The mulch should be kept at least 50mm away from plant stems to reduce the risk of collar rot.

The replacement local native trees to be planted shall be maintained in a healthy and vigorous condition. If the replacement trees are found to be faulty, damaged, dying or dead before being protected by Council's Tree Preservation Order the tree/s shall be replaced with the same species at no cost to Council.

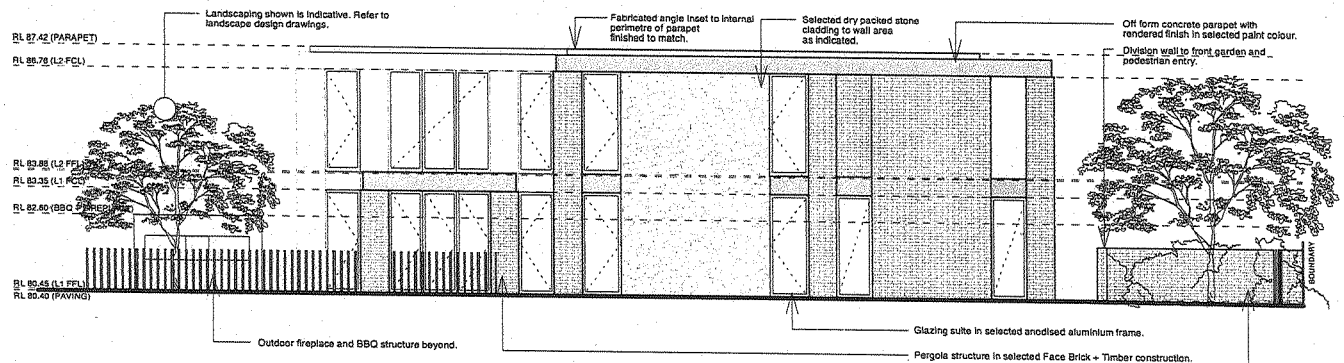
D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

54. FINAL OCCUPATION CERTIFICATE

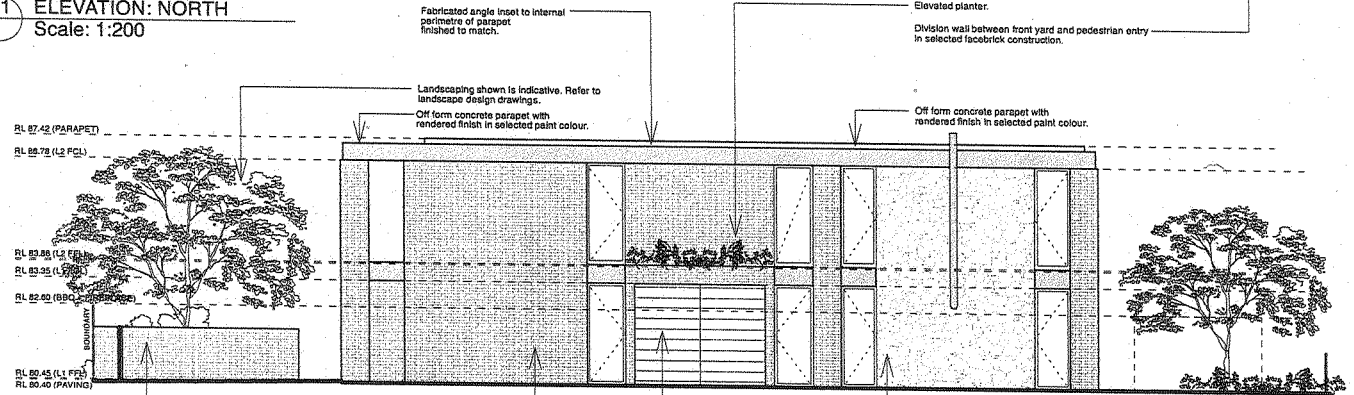
The Principal Certifying Authority prior to occupation or use of the development must issue a final Occupation Certificate. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning & Assessment Act,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

55. 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*.



01 ELEVATION: NORTH
Scale: 1:200



02 ELEVATION: SOUTH
Scale: 1:200

0 1 2 3 4 5 10m

12

A Notification 04.11.2011

AMENDMENTS

4 Lola Rd, Dover Heights

DA DOCUMENTATION

Notification Plans

Drawing

ELEVATIONS NORTH + SOUTH

Scale	Drawn	Project No.	Drawing No.
1:200 @ A4	AP	3211	**N.03**

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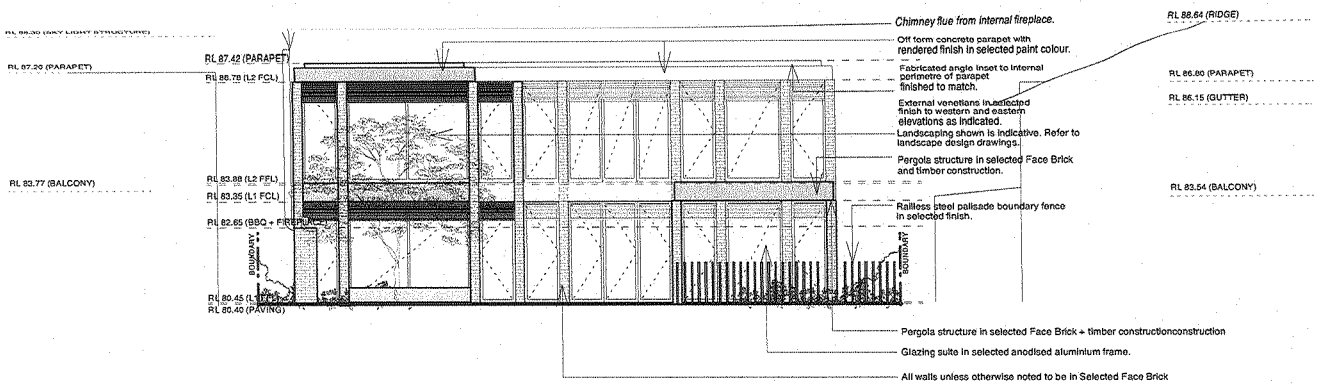
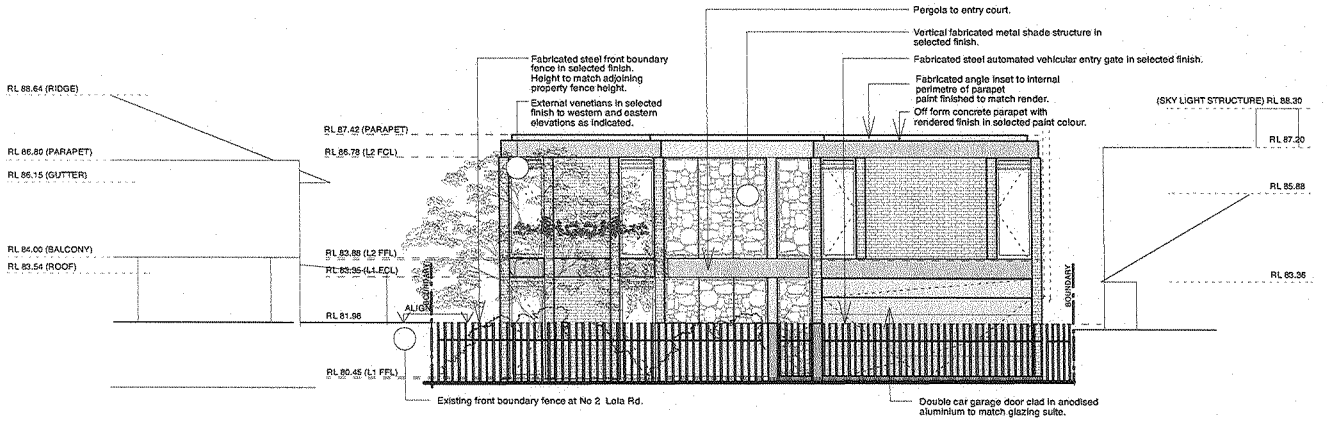


01 ELEVATION: EAST
Scale: 1:200



02 ELEVATION:WEST (LOLA ROAD)
Scale: 1:200

0 1 2 3 4 5 10m

4 Lola Rd, Dover Heights
DA DOCUMENTATION

Notification Plans

Drawing

ELEVATION EAST + WEST

Scale	Drawn	Project No.	Drawing No.
1:200 @ A4	AP	3211	**N.03**

A	Notification	04.11.2011

AMENDMENTS

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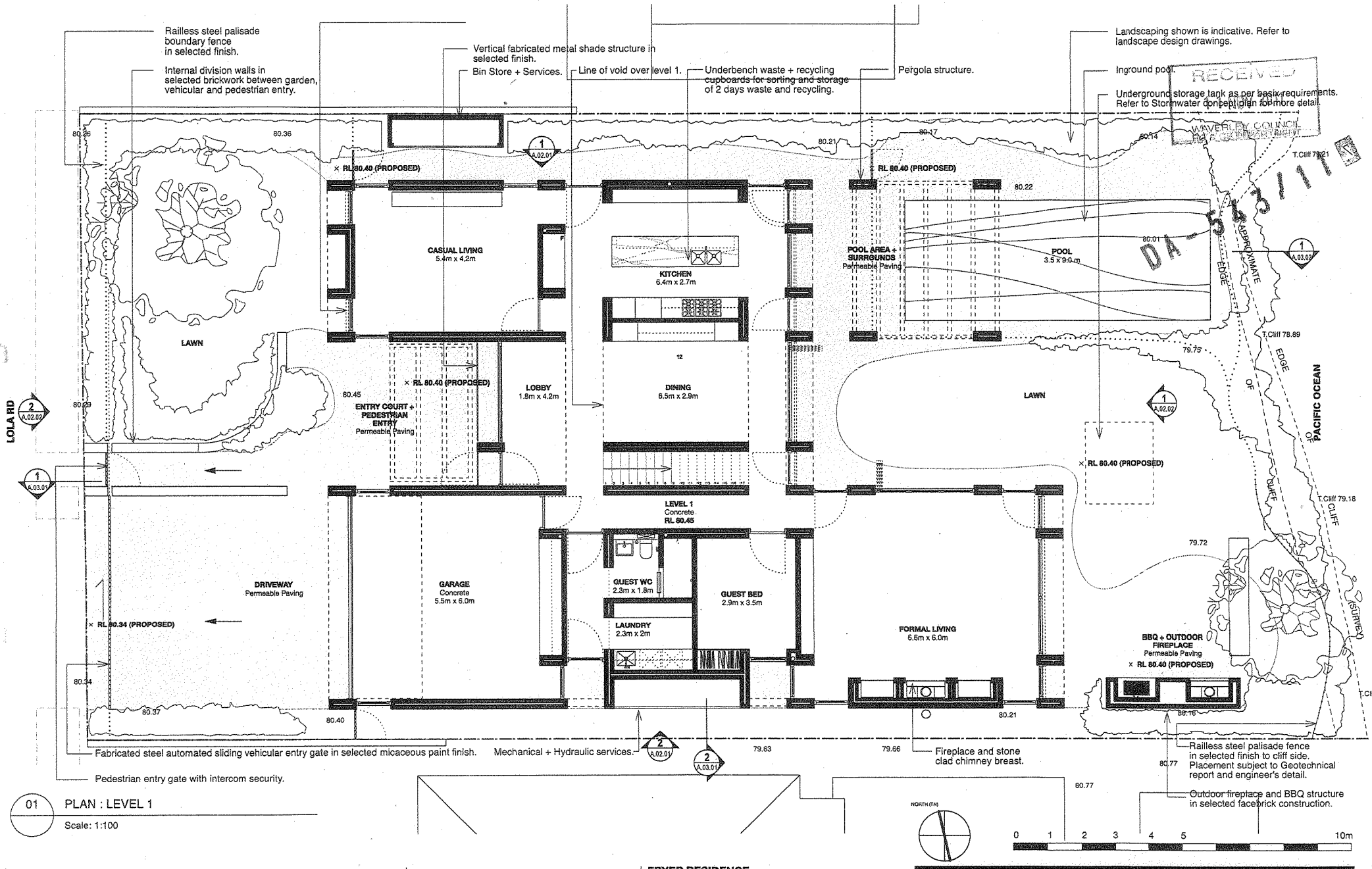

01 PLAN : LEVEL 1

Scale: 1:100

GENERAL NOTES

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AMENDMENTS

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4 Lola Rd, Dover Heights

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Drawing
PLAN
LEVEL 1

Scale	Drawn	Project No.	Drawing No.
1:100 @ A3	AP	3211	**A.01.01A**

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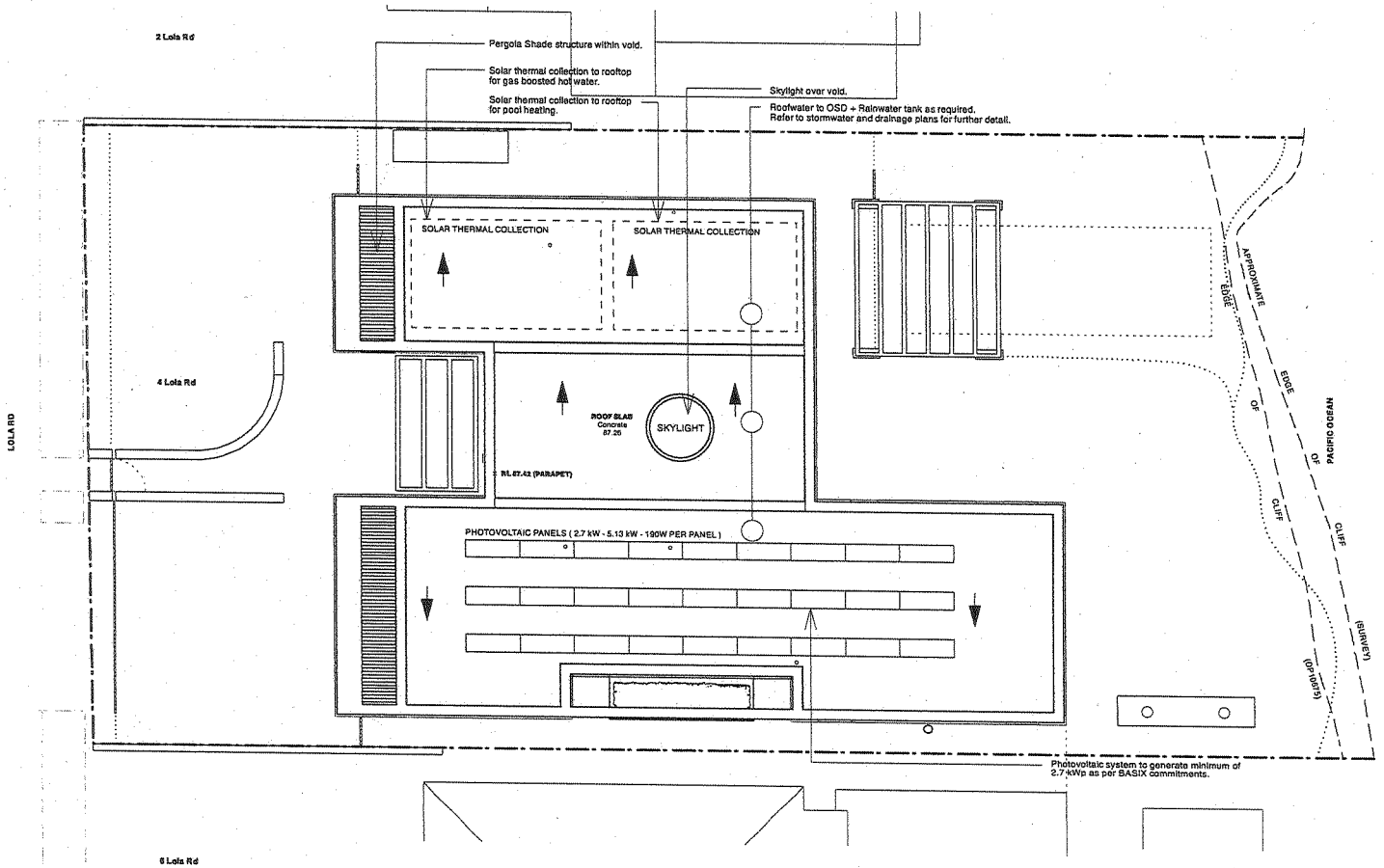

01 PLAN: ROOF
Scale: 1:200

NORTH (TN)

0 1 2 3 4 5 10m

4 Lola Rd, Dover Heights

DA DOCUMENTATION

Notification Plans

Drawing

ROOF PLAN

Scale	Drawn	Project No.	Drawing No.
1:200 @ A4	AP	3211	**N.02**

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AMENDMENTS

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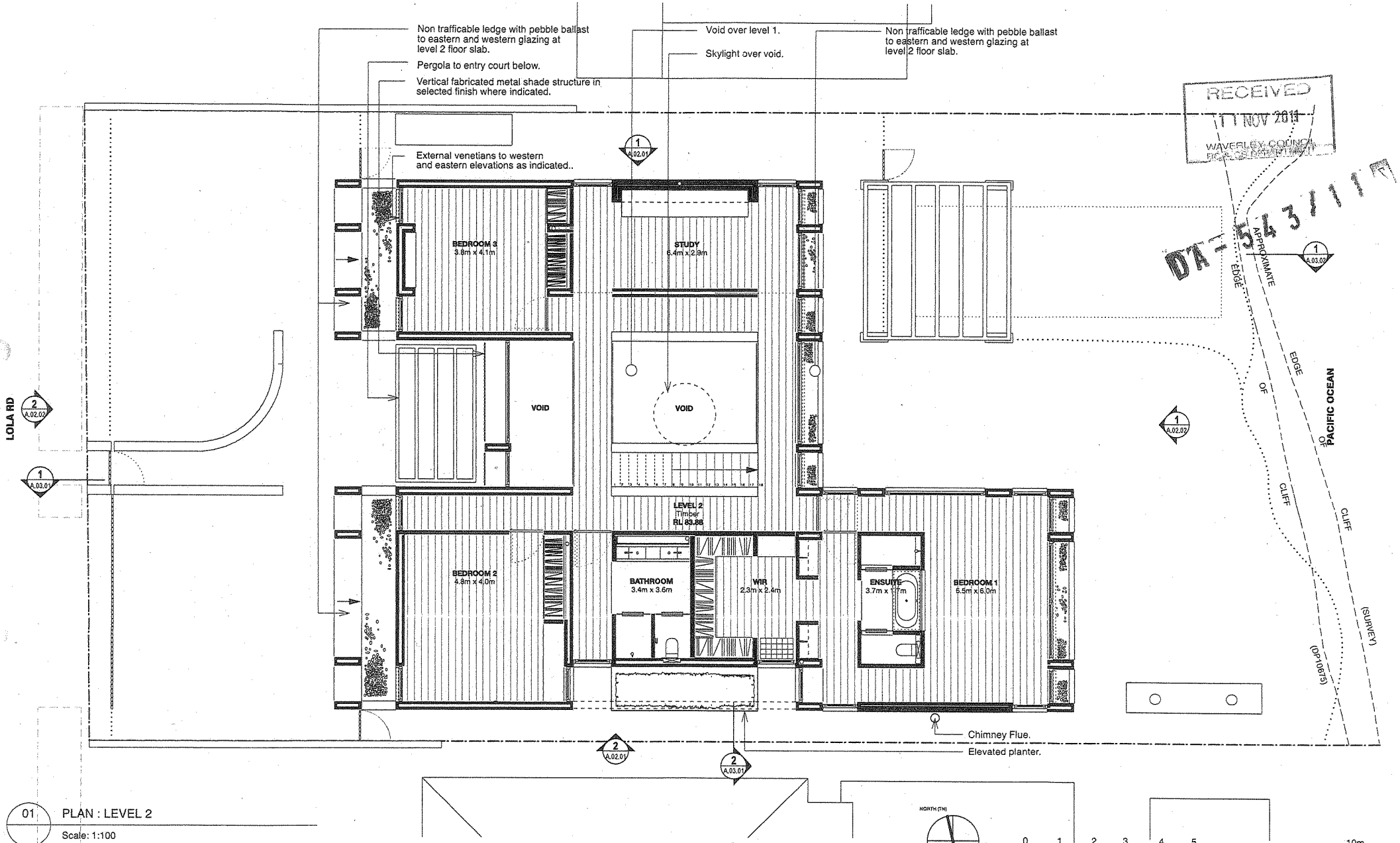

01 PLAN : LEVEL 2

Scale: 1:100

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AMENDMENTS

FRYER RESIDENCE

4 Lola Rd, Dover Heights

DA DOCUMENTATION

Drawing
PLAN
LEVEL 2

Scale	Drawn	Project No.	Drawing No.
1:100 @ A3	AP	3211	**A.01.02A**

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