



DATE: 19 APRIL 2023

A meeting of the **WAVERLEY LOCAL PLANNING PANEL** will be held by video conference at:

12 PM WEDNESDAY 26 APRIL 2023

QUORUM: Three Panel members.

APOLOGIES: By email to WLPP@waverley.nsw.gov.au

AGENDA

WLPP-2304.A **Apologies**

WLPP-2304.DI **Declarations of Interest**

The Chair will call for any declarations of interest.

WLPP-2304.1 **PAGE 4** **60 Military Road, DOVER HEIGHTS NSW 2030 - Demolition and construction of a new three storey dwelling with integrated double garage parking , carstackers, roof terrace and new swimming pool at rear. (DA-404/2022)**

Report dated 14 April 2023 from the Development and Building Unit.

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

WLPP-2304.2 **PAGE 69** **20 Wentworth Street, DOVER HEIGHTS NSW 2030 - Modification to alter internal layout, windows, new bin enclosure with planter above, roof terrace with stair access, landscaping, and various other alterations. (DA-207/2021/A)**

Report dated 11 April 2023 from the Development and Building Unit.

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

WLPP-2304.3 **PAGE 135** **68 Gilbert Street, DOVER HEIGHTS NSW 2030 - Demolition of the existing dual occupancy and construction of a new attached dual occupancy including basement car parking, swimming pools, tree removal, landscaping, and strata subdivision. (DA-301/2022)**

Report dated 12 April 2023 from the Development and Building Unit.

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

WLPP-2304.4 **PAGE 208** **7 Portland Street, DOVER HEIGHTS NSW 2030 - Modification to extend each dwelling at the rear into the approved balconies at first floor level. (DA-243/2017/B)**

Report dated 13 April 2023 from the Development and Building Unit.

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

WLPP-2304.5

PAGE 257

5 Tamarama Street, TAMARAMA NSW 2026 - Torrens Title Subdivision into Two Lots. (DA-505/2022)

Report dated 12 April 2023 from the Development and Building Unit.

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

WLPP-2304.6

PAGE 277

13 Dellview Street, TAMARAMA NSW 2026 - Alterations and additions to dwelling including new first floor addition and installation of solar panels. (DA-242/2022)

Report dated 19 July from the Development and Building Unit.

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

WLPP-2304.7

PAGE 336

27 Fletcher Street, TAMARAMA NSW 2026 - Alterations and additions to existing building including double car space and new roof terrace, and use as a single dwelling. (DA-420/2022)

Report dated 11 April 2023 from the Development and Building Unit.

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

WLPP-2304.8

PAGE 400

287 Birrell Street (AKA 28 Wolaroi Crescent) TAMARAMA NSW 2026 - Alterations and additions to dwelling including cellar to sub-basement level and new lift. (DA-371/2022)

Report dated 12 April 2023 from the Development and Building Unit.

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

WLPP-2304.9

PAGE 449

494 Bronte Road, BRONTE NSW 2024 - Alterations and additions to dwelling including construction of a double garage, skylight, new swimming pool and deck at rear. (DA-230/2022)

Report dated 14 April 2023 from the Development and Building Unit.

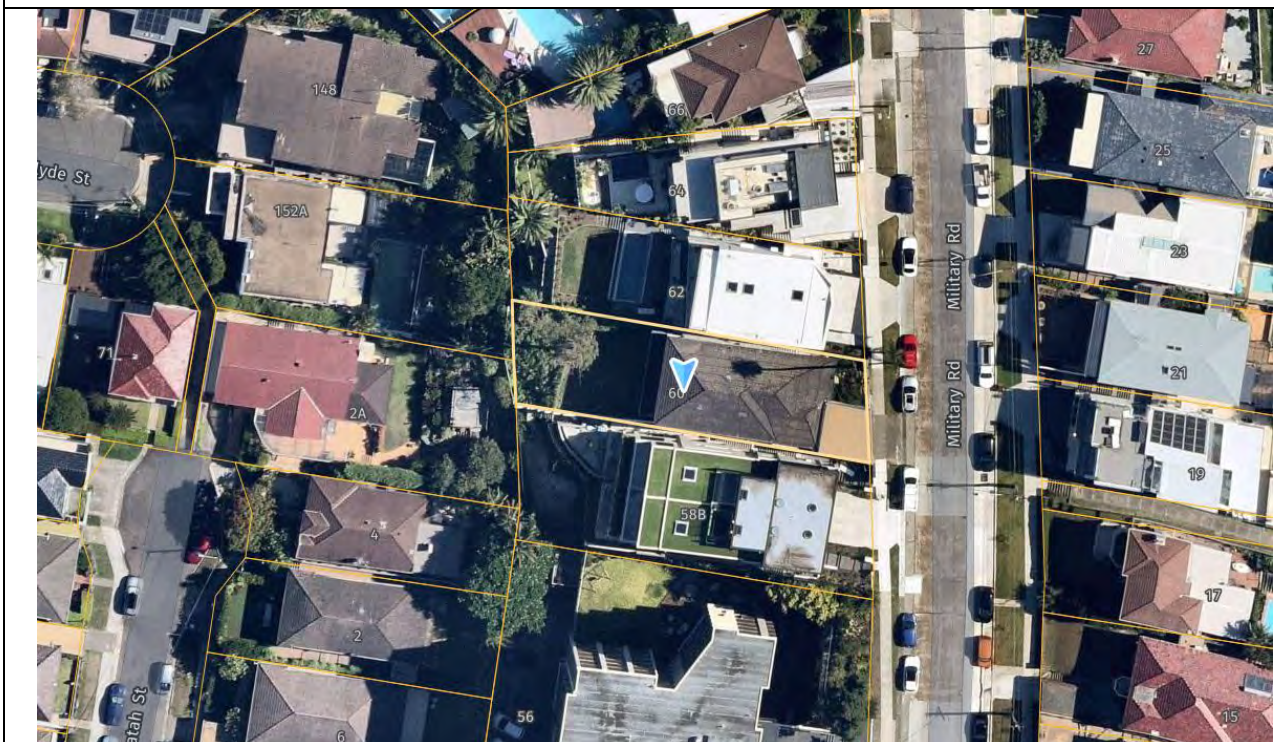
Council Recommendation: That the application be refused for the reasons contained in the report.



Report to the Waverley Local Planning Panel

Application number	DA-404/2022
Site address	60 Military Road, Dover Heights
Proposal	Demolition and construction of a new three storey dwelling with double garage parking, roof terrace, new swimming pool and tree removal at rear.
Date of lodgement	15 September 2022
Owner	Mr I and Ms B Leis
Applicant	Ms B Leis
Submissions	Three (3)
Cost of works	\$3,127,604
Principal Issues	<ul style="list-style-type: none"> • Height and FSR breach; • Excessive excavation; • Overshadowing impacts; and • Side setbacks.
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for demolition and construction of a new three storey dwelling with double garage parking, roof terrace, new swimming pool and tree removal at rear at the site known as 60 Military Road, Dover Heights.

The principal issues arising from the assessment of the application are as follows:

- Height and FSR breach;
- Excessive excavation;
- Overshadowing impacts; and
- Side setbacks.

The assessment finds these issues acceptable on planning merit, the height and FSR breach is appropriate given the applicant has submitted a well-founded Clause 4.6 variation request justifying that the development meets the objectives of the development standards and the zone without creating unreasonable environmental impacts to surrounding properties. The amended plans successfully maintains solar access to existing windows on neighbour's properties.

Three submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. It is recommended for approval subject to conditions of consent.

1.2. Site and Surrounding Locality

A site visit was carried out on 17 November 2022.

The site is identified as Lot 14 in DP 10090, known as 60 Military Road, Dover Heights.

The site is rectangular in shape with a frontage to Military Road, measuring 12.19m. It has an area of 507m² and it falls from the front eastern boundary towards the rear western boundary by approximately 13.34m.

The site is occupied by a two storey dwelling house and undercroft storage with vehicular access provided from Military Road to a double garage. Two significant trees are located on site, one palm in the front setback and a Eucalyptus tree in the rear yard.

The site is adjoined by a three storey dwelling and a four storey dual occupancy on either side. The locality is characterised by a variety of low and medium residential development.

Figures 1 to 6 are photos of the site and its context.



Figure 1: Westerly view of the subject sites front façade from Military Road.



Figure 2: Easterly view of the rear façade of the dwelling.



Figure 3: Westerly view of the rear yard and properties on Clyde Street.



Figure 4: Southerly view of the neighbouring dual occupancy and apartment building at 58 and 56 Military Road.



Figure 5: Northerly view of the neighbouring properties at 62 Military Road and beyond.



Figure 6: Westerly view of the existing roof terrace at 64 Military Road.

1.3. Relevant Development History

A search of Council's records revealed the following relevant development history of the site:

- BR-83/48C: Building Application to construct of a double garage, received 10 May 1983;
- BR-89/102: Building Application to construct a pool, approved 1 August 1991.
- BR-89/101: Building Application to construct a pool deck, approved 5 September 1989.

1.4. Proposal

The development application seeks consent for new dwelling house, specifically the following:

External:

- Demolition of all structures on the site;
- Swimming pool and deck;
- Landscaping to the front and back of the site;
- Front fence;

Basement:

- Rumpus room and powder room;
- Hallway, storage room, pool equipment room, hot water heaters, electrical/communication;
- Lift motor room and lift;
- On-site detention tank and rainwater tank;

Lower Ground Floor:

- Three bedrooms, two with ensuites and a shared balcony;
- Separate bathroom and A/C plant equipment room;
- Staircase, lift and plant access;

Ground Floor:

- Open plan kitchen, living room, laundry, powder room, lounge room and entry foyer;
- Rear balcony;
- Double garage, bin room and a roller door;

First Floor:

- Master bedroom with ensuite and walk in robe and rear terrace with green roofing;

Roof:

- Terrace; and
- Access skydoor and glass balustrade to terrace.

1.5. Background

The development application was lodged on 16 September 2022 and deferred on 14 December 2022 for the following reasons:

1. FSR breach and built form issues causing overshadowing impacts;
2. Unsupported roof terrace which is over the maximum height limit; and
3. Excessive basement and excavation.

Amended plans were lodged on the 16 February 2023 but did not sufficiently address the issues raised within the deferral letter. The following comments on the amended design were raised:

1. The dwelling form and envelope are relatively unchanged, and still substantially exceed the floor space ratio development standard and exceed the height of building development standard, and remains excessive in bulk and scale. Additionally, the proposal results in overshadowing greater than what can be reasonably expected by a fully compliant development, including overshadowing of an adjacent balcony and window. A Clause 4.6 height variation request cannot be supported in these circumstances, as the development standard objectives are not achieved. The proposal is fundamentally not supported due to the proposed exceedance of the development standards.
2. Window (LG06) to the lower ground floor mechanical + A/C plant equipment room with a floor to ceiling height of 2.8m indicates that this space is capable of being used as a habitable room. Inclusion of this room as GFA would further increase the proposed FSR exceedance.
3. The roof terrace has not been deleted and the design of a 'skydoor' is not considered to achieve a high standard of architectural design. The framed glass box is visible from the street and is not cohesive with the existing streetscape.

The amendments continued to result in adverse overshadowing and were still unsatisfactory. A second chance was allowed for the design to be amended to respond to the original deferral issues.

The amended plans were relodged on 17 March 2023. The FSR has been recalculated and reduced, as has the extent of excavation proposed at the front of the site, the height of the building reduced and has reduced the overshadowing of neighbouring windows. The roof terrace has been reduced to an area of 15m² and is accessed via a flush mounted sliding glass skylight. The car stacker has been removed. Further information has been provided to illustrate the bulk and scale of the proposal are commensurate with and smaller than comparable development on neighbouring properties, resulting in an appropriate response to the character of the area.

The amended plans received on 17 March 2023 are the subject of the assessment of this development application.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

The following SEPPs apply from the 1st March 2022 and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021.

A detailed discussion is provided for relevant SEPP as follows:

SEPP (Resilience and Hazards) 2021.

This SEPP applies to the subject site as it is wholly located within the Coastal environment area (defined by Division 3) and a Coastal use area (defined by Division 4) according to the SEPP.

Division 4 of the SEPP states that development consent must not be granted for development on land within the Coastal Use Area unless the consent authority has considered and is satisfied with the following matters for consideration outlined in **Table 1** of this report.

Table 1: Division 4 of SEPP (Resilience and Hazards) 2021 Matters for Consideration Table

Matter for Consideration	Compliance	Comment
(a) ...the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—		
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	Yes	The proposal is not expected to cause disruption to access the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.

Matter for Consideration	Compliance	Comment
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	Yes	The proposal is not anticipated to cause overshadowing, wind funnelling or loss of views to public places or the foreshores.
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	No	The proposal is not anticipated to cause visual amenity and scenic qualities of the coast.
(iv) Aboriginal cultural heritage, practices and places,	-	N/A
(v) cultural and built environment heritage, and	-	N/A
(b) ...the consent authority is satisfied that:		
(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or	Yes	The proposed development is considered appropriate.
(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	-	N/A
(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and	-	N/A
(c) ...the consent authority has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.		
	Yes	The proposed development is of a similar bulk and scale to that of surrounding dwellings.

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

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

Table 2: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R2: Low Density Residential Zone	Yes	The proposal is defined as a dwelling house, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	No	The proposal seeks a maximum building height of 9.64m above existing ground level where the basement/undercroft area is located. The height breaches the development standard by 1.14m which is a variation of 13.4%.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.5473 (277.4m²) 	No	The dwelling has been calculated by the assessing officer to propose an FSR of 0.75:1 (382.1m ²), which results in a variation of 37.7% (104.62m ²).
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of building and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The proposed earthworks for the lower ground levels and swimming pool are not anticipated to adversely impact upon the drainage patterns and soil stability in the locality of the development or result in any adverse impacts upon the amenity of adjoining properties. The proposed excavation has been reduced to an acceptable level and is similar to recently constructed dwellings in Military Road. The basement, lower ground floor is mostly below natural ground level and is supported by a Geotechnical Report.

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

Clause 4.6 Exceptions to Development Standards - Height of building

The application seeks to vary the height of buildings development standard in clause 4.3 under Waverley LEP 2012.

The site is subject to a maximum height development standard of 8.5m. The proposed development has a height of 9.64m, exceeding the standard by 1.14m or equating to a 13.4% variation.

A written request has been submitted to Council in accordance with clause 4.6(3)(a) and (b) of Waverley LEP 2012 seeking to justify the contravention of the development standard by demonstrating:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (b) That there are sufficient environmental planning grounds to justify contravening the standard.

A copy of the applicant's written request has been provided to the Waverley Local Planning Panel for consideration.

Applicant's Written Request - Clause 4.6(3)(a) and (b)

The applicant seeks to justify the contravention of the height of building development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *Overshadowing diagrams demonstrate that the proposed dwelling completely preserves solar access to the adjoining properties to the full extent anticipated by a WLEP height compliant building. The diagrams demonstrate that where the building is above the height limit there are no solar impacts on windows, decks, terraces, skylights or private open spaces – whereas the areas of the building that have been skilfully designed to be below the height limit offer significant additional sunlight to the neighbouring windows beyond the extent that would be experienced from a purely compliant building. The proposal does more than preserve the neighbouring solar amenity – its offers more than anticipated from the controls.*

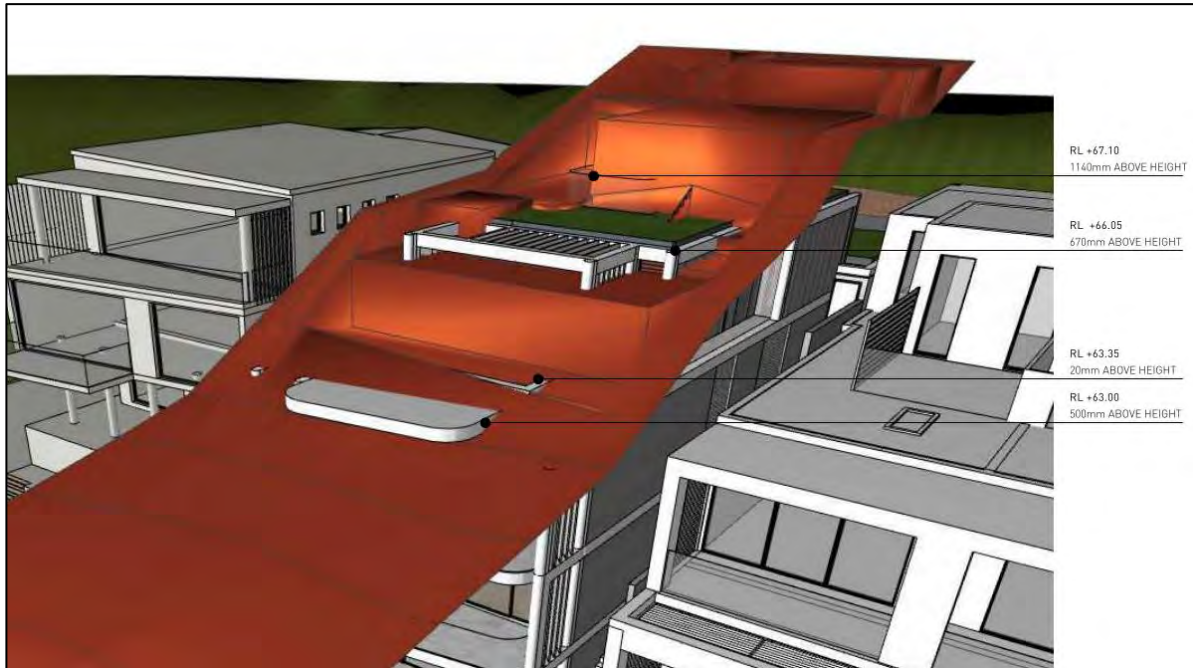


Figure 7: Height limit blanket showing the building elements breaching the 8.5m height maximum.

- (ii) *The views of the city skyline and harbour bridge are entirely unaffected by the proposal, including from the ground floor level. A portion of the view of the Bondi Basin will be interrupted when viewed from the ground floor, consistent with the outcomes from both neighbouring properties that are subject to the same topographical constraint and height standard. The Bondi Basin views are regained at the first floor and roof terrace level.*
- (iii) *When considered against the existing ground level on Military Road, which is how the height of the building will actually be perceived, the building appears 1.5 to 2 storeys in height.*
- (iv) *The environmental amenity of the locality more broadly is not adversely impacted as the overall scale of the development is within the reasonable limits set by WLEP/WDCP objectives. The development offers an improved presentation to the street, a more appropriately scaled building amongst its neighbours, and a meaningful contribution to the landscape setting through the introduction of landscaped and private open space areas well in excess of the controls (by 62% and 120%) that will introduce 465 new plants to the site, 63% of which are native species.*
- (v) *Older buildings are single and double storey however newer developments and the predominant character and scale is three to four storeys in height, with those buildings responding to the topography of sloping sites to accommodate the additional levels. Many have roof terraces that benefit from expansive views of the Ocean to the southeast and Sydney Harbour to the west. Due to the sloping topography of the area, dwelling houses on the western side of Military Road typically present as one to two storeys in the streetscape and three to four storeys at the rear. On the eastern side of Military Road, most dwellings are two storeys and are elevated above garage levels, resulting in a three-storey streetscape appearance.*
- (vi) *In combination with the height control, the side, front and rear setback controls in the DCP dictate the bulk and scale anticipated from the street and the public domain. The proposal has*

side setbacks that comply with the controls for a 2-storey dwelling; are greater than the existing dwelling on the site being retained; and are consistent or better than recent surrounding developments, as tabulated below:

	58 Military Road	60 Military Road	62 Military Road	62 Military Road	64 Military Road	68 Military Road
Control	Approved DA613/2010	Proposed DA	Approved DA212/2020	Approved DA286/2017	Approved DA425/2016	Approved DA384/2013
Storeys	4	4	3	4	3	3
Height	11.85m	10.17m 9.64m	9.3m	11.4m	8.5m	9.54m
Side setbacks (north)	1200mm-1500mm	900mm to 2500mm	Nil-900mm	900mm	900mm to 1500mm	1000mm to 2350mm
Side setbacks (south)	1500mm-1800mm	900mm	900mm	900mm	200mm to 1100mm	1150mm

Table 3: Development comparison table.

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The provision of a variation at the rear of the site better distributes height across the site in response to the neighbouring buildings, noting that the front of the dwelling, as it presents to Military Road, is 5.98m above the existing ground level and only 4.63m above the footpath level – that is, 2.52m below the actual height limit and 3.87m below the perceived height limit from the footpath. The height variation is exaggerated by the prior excavation of the site and the consequent distortion of the height of buildings plane over the site, when compared to the natural topography.*
 - (ii) *The height variation facilitates privacy screen treatments to the rear balconies, benefitting the adjoining properties. This arises directly as a consequence of the height variations.*
 - (iii) *Allowing a height variation at the rear allows for a 4 storey form consistent with adjoining properties with reduced excavation that would otherwise be required to achieve compliance.*
 - (iv) *The additional height ensures that the design, form and scale (height) of the building is complementary to, and compatible with, the prevailing design of new dwellings in this locality and contributes to the landscape setting on this side of Military Road.*
 - (v) *There is a predominance of roof terraces in the immediate vicinity of the site. The height variation allows for a roof terrace balustrade that will offer improved amenity to the dwelling and facilitates the remaining roof area to be expansively vegetated to improve the fifth (roof) elevation of this building. The roof terrace complies with the Council’s WDCP maximum area of 15m² and is accessed via a flush mounted sliding glass skylight.*

- (vi) The design allows for the attainment of the new Object inserted into the EP&A Act 1979 which seeks to promote good design and amenity of the built environment. The additional height at the rear allows the building to sit comfortably amongst the neighbouring properties.*
- (vii) That despite the non-compliance, the building satisfies the objectives of the development standard and the zone.*

Consideration of Applicant's Written Request - Clause 4.6(4) (a) (i) and (ii)

Development consent must not be granted unless the consent authority is satisfied that:

- (a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
- (b) The proposed development will be in the public interest because it is consistent with the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at clause 4.6(3)(a)?

It is considered that the applicant has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

- (a) the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
- (b) to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;*
- (c) to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;*
- (d) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and*
- (e) to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.*

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The Clause 4.6 variation request provides a sound justification through referencing the recently approved developments next door at No. 58 Military Road (DA-468/2017) with an approved height of 11.6m and 62 Military Road (DA-212/2020) with an approved height of 9.3m. It would be inconsistent with the existing and future character of the streetscape, considering the neighbouring

property was deemed acceptable within its context. The proposal is consistent with or less than the height, bulk and scale of the neighbouring dwellings on either side. The proposed development achieves the objectives of the height development standard and the R2 zone.

Does the written request adequately address those issues at clause 4.6(3)(b)?

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The non-compliance to the development standard is encountered in a small portion of the roof areas, balcony awnings, privacy screens and planter boxes of the proposed dwelling but have been appropriately setback from the southern boundary, with exception to the rear first floor balcony awning which overshadows a privacy screen that does not let sun through at this time of day as it is angled at a north west direction (**Figure 8**). Therefore, amenity impacts caused by the non-compliance will be the same from that of a fully compliant design. The design of this dwelling is similar to the recent approved developments either side of the subject site which is considered reasonable. Due to the east-west orientation and topography of the site, any new dwelling at this site is expected to overshadow rear private open spaces. The additional shadows cast from the height exceedance is considered reasonable as the proposed development preserves solar access to neighbouring windows and satisfactorily maintains a minimum of three hours of sunlight to neighbouring yards, which is specified by the Waverley Development Control Plan 2012. There are sufficient environmental planning grounds that the proposed height and setbacks can be achieved without adverse impacts including view loss, overshadowing and privacy loss.

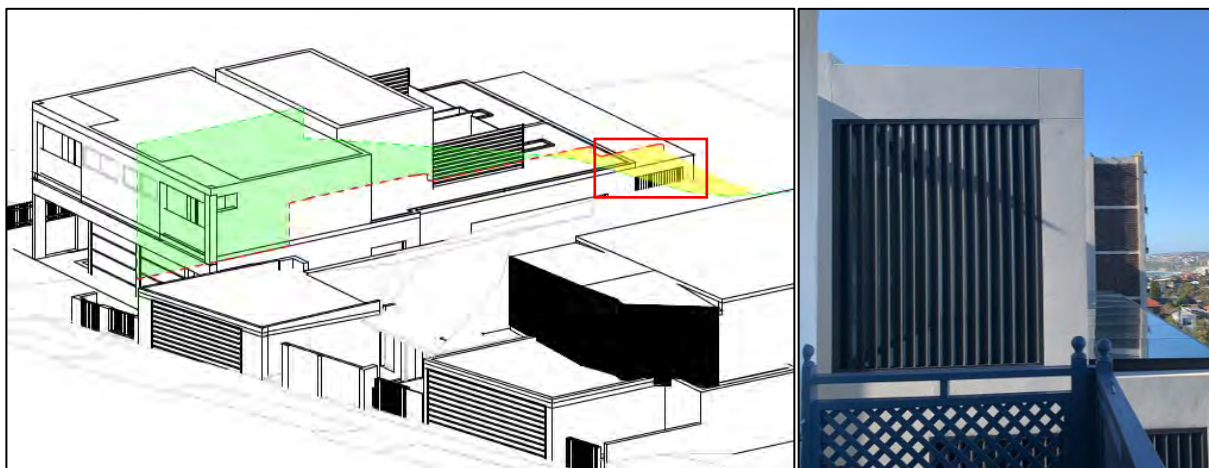


Figure 8: 9am view from the sun diagram, green showing compliant height plane and yellow showing non-compliant plane. The red box is a ground floor privacy screen on 58 Military Road which is angled away from the morning sun.

Is the development in the public interest?

The proposed development will be in the public interest because it is consistent with both the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.

The relevant objectives of the *height of building* development standard are as follows:

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*
- (d) to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.*

Planning Comment: The proposal enables view sharing, reasonable solar access and preserves the visual privacy of neighbouring properties. The perceived two storey building height of the proposal is similar to that of the adjoining dwellings when viewed directly from Military Road. The areas where the proposal exceeds the maximum height do not overly accentuate the perceived building height, bulk and scale of the proposal and will not be visible from the streetscape.

The proposal does not numerically comply with the FSR development standard, however the dwelling is sufficiently set back from front, rear and side boundaries of the site. Therefore, the proposal results in a building envelope that is compatible with the height, bulk and scale of the desired future character of the locality. Given the proposal's consistency with the overall building height of the recently constructed adjoining dwellings, the proposal will positively complement and contribute to the streetscape of Military Road. Therefore, the proposal achieves and is consistent with all relevant objectives of the development standard.

The objectives of the R2 zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*

Planning Comment: The proposal is consistent with the objectives of the R2 zone, in that it contemporises the existing dwelling house with modern and flexible internal layouts and designs that meet the housing needs of the community within a low density residential environment. The height non-compliance is encountered by improving the internal amenity of the existing dwelling.

Conclusion

For the reasons provided above the requested variation to the height of building development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of height of building development standard and the R2 zone.

Clause 4.6 Exceptions to Development Standards - Floor Space Ratio (FSR)

The application seeks to vary the FSR development standard in clause 4.3 under Waverley LEP 2012.

The site is subject to a maximum FSR standard of 0.55:1 (277.48m²). The proposed development has a FSR of 0.75:1 (382.1m²), exceeding the standard by 104.62m² or equating to a 37.7% variation.

A written request has been submitted to Council in accordance with clause 4.6(3)(a) and (b) of Waverley LEP 2012 seeking to justify the contravention of the development standard by demonstrating:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (b) That there are sufficient environmental planning grounds to justify contravening the standard.

A copy of the applicant's written request has been provided to the Waverley Local Planning Panel for consideration.

Applicant's Written Request - Clause 4.6(3)(a) and (b)

The applicant seeks to justify the contravention of the height of building development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *The building presents to the street as a 1.5 storey dwelling, consistent with the 1.5 to 2 storey presentation of dwellings on this side of Military Road. From the rear of the site the building has a rise of 4 levels inclusive of a lower ground level and basement level inserted into the 15m metre fall across the property. These lower levels account for 179.2m² of floor space, that is, all of the variation to the FSR development standard, and significantly more. If these two levels were to be removed, the dwelling would have an FSR of 0.4:1 – 74.08m² (27%) below the standard.*

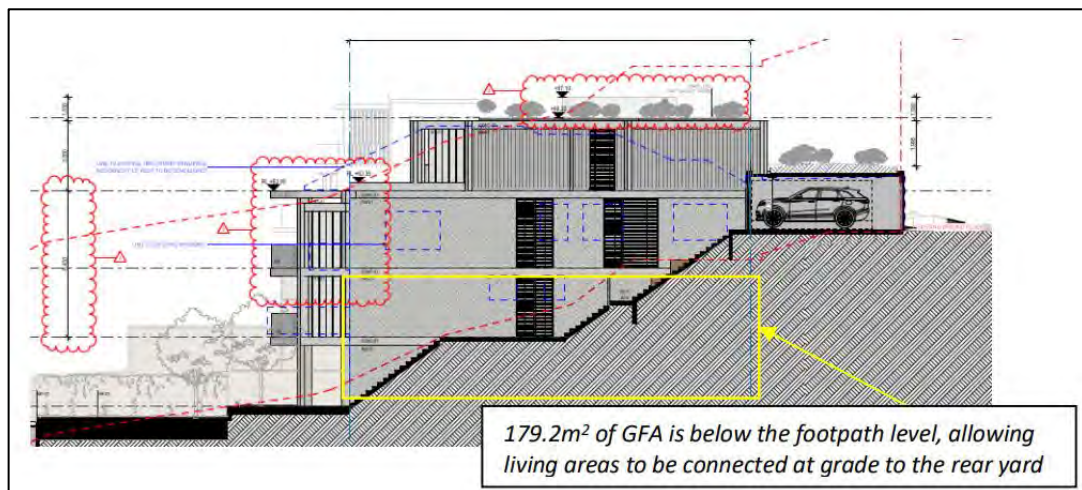


Figure 9: Southern elevation.

- (ii) *Despite the FSR variation, the building remains below the maximum height development standard in the WLEP at the front of the site, with acceptable variations towards the rear of the building caused by the 15m natural fall across the site and the extant excavation on the site that artificially exaggerates non-compliance. The building meets the objectives of all the setback requirements in the WDCP, providing similar setbacks to neighbouring buildings that reciprocates the preservation of amenity.*
- (iii) *The variation facilitates a better quality outcome for and from the development, allowing the dwelling's lower floor to connect to the rear yard. Strict compliance with the control would remove almost all of the two lowest levels from this dwelling that would severely disconnect it from the private open space areas and present to the rear as a 'house on stilts'. This would also cause the dwelling to be substantially undersized in comparison to the neighbouring buildings, which would disrupt the emerging development typology and character on this side of Military Road, and would not provide any material benefit to adjoining properties, the streetscape or the locality in general.*
- (iv) *In combination with the height control, the side, front and rear setback controls in the DCP dictate the visual bulk anticipated from the street and the public domain. The proposal has side setbacks that comply with the controls for a 2-storey dwelling; are greater than the existing dwelling on the site being retained; and are consistent or better than recent surrounding developments (as tabulated in Table 4 of this report).*
- (v) *The correlation between the height and density controls is achieved with the proposed height, site coverage and setbacks . The proposed built form overwhelmingly accommodates a compliant and consistent correlation between these controls. The proposed building will physically appear to have the same correlation between its height and density controls as all surrounding properties.*
- (vi) *Recent developments have been approved along the southern side of this portion of Military Road, with some currently under construction. A comparative analysis of those projects demonstrates that Council has accepted variations to the floor space control based on (in part) the topography of the site, the scale of the existing buildings in the immediate context and the protection of views.*

	58 Military Road Approved DA613/2010	60 Military Road Proposed DA	62 Military Road Approved DA212/2020	62 Military Road Approved DA286/2017	64 Military Road Approved DA425/2016	68 Military Road Approved DA384/2013
Use	Dual Occupancy	Dwelling house	Dwelling house	Dual Occupancy	Dual Occupancy	Dwelling House
No of storeys	4	4	3	4	3	3
Height	11.85m	10.17m 9.64m	9.3m	11.4m	8.5m	9.54m
FSR	0.785:1 55% variation	0.75:1 38% variation	0.635:1 16% variation	0.85:1 55% variation	0.67:1 11% variation	0.52:1 6% variation
Side setbacks (north)	1200mm-1500mm	900mm to 2500mm	Nil-900mm	900mm	900mm to 1500mm	1000mm to 2350mm
Side setbacks (south)	1500mm-1800mm	900mm	900mm	900mm	200mm to 1100mm	1150mm

Table 4: Development comparison table.

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *Overshadowing diagrams demonstrate that the proposed dwelling completely preserves solar access to the adjoining properties to the full extent anticipated by a WLEP height compliant building. The diagrams demonstrate that where the building is above the height limit there are no solar impacts on windows, decks, terraces, skylights or private open spaces – whereas the areas of the building that have been skilfully designed to be below the height limit offer significant additional sunlight to the neighbouring windows beyond the extent that would be experienced from a purely compliant building. The proposal does more than preserve the neighbouring solar amenity – its offers more than anticipated from the controls.*
 - (ii) *There is no adverse view loss attributed to the building generally nor the areas of additional floor space as the built form at the front of the site is significantly lower than anticipated by the controls and the additional floor space is at lower levels unrelated to the finished height of the building.*
 - (iii) *Excavation is limited and less than the extent already undertaken on neighbouring sites, to accommodate a building form that responds to the steep topography of the site which facilitates living areas being connected to the existing ground levels at the rear of the property. This is not readily achievable with an FSR compliant development. Amended plans accompanying the amended proposal further reduce the amount of excavation from the original proposal.*
 - (iv) *The design, form and scale of the building are complementary to, and compatible with, the prevailing design of new dwellings in this locality and contributes to the landscape setting on this side of Military Road.*
 - (v) *The topography of the site lends itself to the utilisation lower levels in a built form that responds to emerging development outcomes in this street, notably the more recently*

completed buildings to the north and south in this street block are significantly larger than the building proposed on the site.

(vi) The additional floor space creates a connection between the useable areas within the dwelling and adjacent plant and storage areas that are purposefully subterranean so as to eliminate visual and acoustic impacts on neighbouring properties.

(vii) The additional floor space allows the upper levels to be elevated above the steep topography of the site, which facilitates an improved outlook from the property and increased opportunities for solar access into the dwelling.

Consideration of Applicant's Written Request - Clause 4.6(4) (a) (i) and (ii)

Development consent must not be granted unless the consent authority is satisfied that:

(a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and

(b) The proposed development will be in the public interest because it is consistent with the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at clause 4.6(3)(a)?

It is considered that the applicant has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

(a) the objectives of the development standard are achieved notwithstanding non-compliance with the standard;

(b) to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;

(c) to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;

(d) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and

(e) to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. Council agrees with the justification completed by the applicant. The applicant has adequately demonstrated that the proposal meets the objectives of the FSR development standard and the low density residential zone. The bulk and scale of the development will read as a two storey dwelling from the front façade and a four storey building from behind. This is reflective of the emerging character of buildings on both sides of Military Road. The proposed development is of a bulk and scale that is consistent with the desired future character of the area as it reads as a two-storey detached dwelling when viewed directly from Military Road. The dwelling has been designed to be perceived as a two storey dwelling and encompass the building height breaches at the rear of the site, which is not visible from Military Road. Furthermore, it is also noted that the proposed variation to the development standard is significantly less compared to the existing approved FSR variation of 63% for a dual occupancy development on site under DA-468/2017 and subsequent modifications. The development does not result in unreasonable environmental impacts in terms of view loss, overshadowing or visual privacy despite the numerical FSR non-compliance.

Does the written request adequately address those issues at clause 4.6(3)(b)?

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. Despite proposing to breach the FSR development standard, the proposal is of appropriate design with regard to the specific circumstances of the site as explained in their written request. Aside from presenting a suitable appearance to surrounding areas that is compatible with the existing and desired character of the area, the proposed development will enable better utilisation of the dwelling, without causing any significant or unreasonable impacts on surrounding sites and the public domain, in terms of view loss, visual privacy, solar access and visual amenity. The design of the dwelling has reduced gross floor area across a few of the levels and reduced and set back the balcony awnings to preserve solar access throughout the day into existing windows on the northern elevation of No. 58 Military Road as demonstrated in the view from the sun's eye diagram.

Is the development in the public interest?

The proposed development will be in the public interest because it is consistent with both the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.

The relevant objectives of the FSR development standard are as follows:

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

Planning Comment: The proposed additional floor space would not adversely contribute to the overall bulk and scale of the building as viewed from the streetscape and is supported. It is considered that

majority of the non-compliance would be located at the rear of the dwelling and is not visible from the Military Road streetscape. The breach of the FSR development standard is not anticipated to result in any adverse amenity impacts to surrounding properties. Therefore, despite the exceedance, the proposal is considered to be consistent with the objectives of the FSR development standard.

The bulk and scale of the dwelling are compatible with the existing and desired future character of the locality and similar to the three storey examples in the street. The dwelling provides for the ability to house a large family or a greater number of individuals, therefore catering for a low density residential design and therefore supporting the R2 zoning. The building is compatible with surrounding developments and is not out of context with the existing scale of the locality. The building envelope preserves the solar access to adjoining windows to the same extent of a development that is strictly compliant with development standards, maintains three hours of sunlight to private open space and does not result in adverse view or privacy impacts.

The objectives of the R2 zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*

Planners Comment: The proposal is consistent with the objectives of the R2 zone as it proposes a reasonable built form and modestly expands upon the existing residence to meet the housing needs of the community within the predominant low density residential surrounding locality.

Conclusion

For the reasons provided above the requested variation to the FSR development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of FSR development standard and the R2 zone.

2.1.3. Waverley Development Control Plan 2012 (Waverley DCP 2012) – Amendment No.9

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory. Garbage bins are stored within the garage.
2. Ecologically Sustainable Development	Yes	Satisfactory.

Development Control	Compliance	Comment
3. Landscaping and Biodiversity	Yes (by condition)	New landscaping is proposed across the site including the rear yard and green roofs on the garage, roof terrace and rear balconies. Refer to section 3 of this report on referral commentary in relation to biodiversity as the site is within a known habitat corridor.
4. Coastal Risk Management	Yes	Satisfactory.
5. Vegetation Preservation	Yes	One palm tree is preserved within the front setback and one tree is proposed for removal in the rear yard, which is supported. The Landscape Plan details a few replacement trees in the rear yard.
6. Stormwater	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
8. Transport	Yes	The proposal provides for 2 car spaces within the garage. Its design and location are satisfactory as the new garage is rebuilt in the same location at the existing garage. The existing driveway is preserved.
12. Design Excellence	Yes	Satisfactory. The new dwelling from Military Road presents as a two storey modern dwelling. Its design with green roofs and landscaping will sit well along the western side of Military Road.
14. Excavation	Yes	Satisfactory.

Table 6: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
2.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> Maximum wall height of 7.5m 	No	The maximum wall height is on the southern elevation with 8.7m. The noncompliant wall height is a result of the site's steeply sloping topography to the rear and the area of non-compliance is confined to a small portion of the rear of the building and will not be visible in the streetscape nor will it result in unreasonable amenity impacts to adjoining properties. The development has been sympathetically designed to ensure that solar access to adjoining properties is maintained.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line 	Yes	The proposed dwelling is consistent with the predominant building lines along Military Road, with the garage having a nil front setback and the dwelling having an upper level setback that

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Predominant rear building line at each floor level 	Yes	<p>aligns with the predominant front setbacks of the neighbouring properties.</p> <p>The rear building line is proposed in line with the adjoining recently constructed dwellings (58 and 62 Military Road), which is consistent with the predominant rear building lines along the western side of Military Road.</p>
<p>2.2.2 Side setbacks</p> <ul style="list-style-type: none"> Minimum of 0.9m (for height up to 8.5m) or 1.2m (height non-compliant 2 storey dwelling) 	No (acceptable on merit)	<p>The dwelling has side setbacks on all levels of 0.9m from the northern boundary and increases to 2.5m side setback on the first floor. The dwelling has a 1.146m setback from the southern boundary. An existing nil setback is retained for the garage along the southern boundary. The non-compliant setbacks provide appropriate separation distances between buildings. The additional volume of the building is proposed to be below the existing building and the proposal will have a bulk and scale that are contextually compatible with surrounding development. These non-compliances will also not result in unreasonable amenity impacts on neighbouring properties.</p>
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Significant landscaping to be maintained. 	Yes Yes	<p>The building is compatible with the scale and aesthetics of the streetscape. The contemporary dwelling design responds to the character of the existing and emerging built environment and proposes high level of architectural design. There is no landscaping of specific note in the rear yard at present. Substantial planting is proposed as part of a comprehensive landscape plan.</p>
2.4 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	No No	<p>The proposal includes a front boundary fence of varying height from 1.372m, which transitions down from the neighbouring boundary fence, which is 1.44m high. This replaces an existing taller fence on the front boundary. The 1.372m height continues to allow transparency to the dwelling at eye level for a pedestrian, whilst providing better noise attenuation for the occupants against noise of passing vehicles on Military Road.</p> <p>A detailed side fence plan accompanies the application with sections ranging up to 2.2m in height. The noncompliance is due to the sloping site and is considered acceptable.</p>

Development Control	Compliance	Comment
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> Roof tops to be non-trafficable unless predominant in the immediate vicinity 	<p>Yes</p> <p>No</p> <p>No</p>	<p>The proposed dwelling has minimised overlooking by limiting openings on the northern and southern sides. The windows that are situated on the northern and southern sides are predominantly higher windows that allow light but minimise any overlooking with appropriate privacy screens. Due to the significant slope in the land, there will be continued looking into properties along Clyde Street and Waratah Street but additional landscaping between the pool and shared boundary aims to mediate this issue.</p> <p>Larger balconies are proposed at the rear of the property, consistent with balconies on most of the surrounding properties. The ground floor balcony accessed from the living room is separated by a horizontal distance of 16m from the rear (western) boundary of the site and is elevated 12m above the existing ground level measured along the same boundary, which provide sufficient protection of visual privacy for neighbouring properties to the west of the site located at the bottom of the nearby gully. The balconies area generously proportioned to take in the benefit of Sydney Harbour views. The elevation of this property above the adjacent properties to the rear and the existing extent of mutual overlooking over those lower properties, creates a situation where the size of the balconies is not proportionate to any impacts on neighbours.</p> <p>See discussion below about roof terraces.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The living and private open spaces are positioned at the western end of the site and will receive three hours of sunlight.</p> <p>The form of the building has been successfully amended to preserve adjoining neighbour's existing amenity. The shadow diagrams demonstrate that where the building is above the height limit there are no solar impacts on existing neighbour's windows on 58 Military Road. The building has been skilfully designed to offer additional sunlight to the neighbouring windows beyond the extent that would be experienced from a purely compliant building. This has been achieved by lower the height of the building, stepping in the roof over the ground floor terrace and removing the side blade wall and relocating the roof terrace.</p>

Development Control	Compliance	Comment
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	<p>Yes</p> <p>Yes</p>	<p>There are no views affected from the public domain.</p> <p>The applicant has completed a View Analysis of views enjoyed by the surrounding dwelling at 19 Military Road (extracts of this analysis are included in the clause 4.6 written request to vary the building height development standard). As the proposal is comparable in building height and scale with the recently approved and constructed buildings adjoining either side of the subject site, it will not affect current views of the Sydney CBD and Harbour Bridget that are enjoyed by 19 Military Road.</p>
2.8 Car parking		
<p>2.8.1 Design Approach</p> <ul style="list-style-type: none"> Parking only allowed where site conditions permit Designed to complement the building and streetscape Driveways are to be located to minimise the loss of on street parking 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The site already permits car parking at the front of the site and an existing double driveway is being maintained on Military Road.</p> <p>The double garage has a green roof and roller door which complements the streetscape.</p> <p>No on street parking has been lost.</p>
<p>2.8.2 Parking rates</p>	<p>Yes</p>	<p>Parking rates are set by Part B8 of Waverley DCP 2012.</p>
<p>2.8.4 Design</p> <ul style="list-style-type: none"> Complement the style, massing and detail of the dwelling Secondary in area and appearance to the design of the residences 	<p>Yes</p> <p>Acceptable on merit</p>	<p>The garage is designed satisfactorily to be neatly integrated into the overall appearance of the dwelling.</p> <p>Due to the topography of the site, the existing double garage dominates the front façade as the back of the house is not visible from street view which is a common design along the western side of Military Road. The garage as part of the proposed dwelling will remain in a forward position, however, it is better integrated into the overall appearance and design of the new dwelling. The new garage also comprises a green roof, which aims to soften its appearance.</p>
<p>2.8.5 Dimensions</p> <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	<p>Yes</p>	<p>There is sufficient parking space for two cars within the garage.</p>
<p>2.8.6 Driveways</p> <ul style="list-style-type: none"> Maximum of one per property 	<p>Yes</p>	<p>The existing double driveway is being maintain.</p>

Development Control	Compliance	Comment
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p>	<p>The proposed open space results in 65% (328m²).</p> <p>The proposed landscaped area occupies 30% (150m²) of the site area with additional green roof planting.</p> <p>Satisfied.</p> <p>This is an existing non-compliance as the double garage takes up more than 50% of the front setback.</p> <p>40% of the front open space is landscaped but the green roof on the double garage is a compromise to breaching this standard and provides a similar function and appearance of at-grade landscaping.</p>
2.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property Pool decks on side boundaries must consider visual privacy 	<p>Yes</p> <p>Yes</p>	<p>The swimming pool is located within the rear yard.</p> <p>The pool deck is away from the rear and side boundaries and is appropriately screened.</p>

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

Roof Terraces

The size of the roof terrace has been reduced to comply with the 15m² maximum area control by reducing its extension towards the southern boundary of the site. This has reduced the extent of the balustrade that is above the height standard and has entirely eliminated any additional overshadowing of the neighbouring property. Roof terraces are a predominant feature within this locality amongst recently approved developments. Recent developments to the south and north of this site have roof top terraces that were approved at 19 Military Road, 64 Military Road (**Figure 10**) and 78 Military Road.

In this section of Dover Heights there is a predominance of roof top terraces. The terrace complies with the WDCP controls that allow for roof terraces in these circumstances, in that it will not cause any adverse visual or acoustic privacy impacts given its size and setback, it does not affect any views across the site and does not cause any additional overshadowing of adjoining properties. The terrace roof door has been further amended to be in the form of a flush mounted glass sliding skylight. This opening allows the terrace to have a flush appearance with the roof and a sliding glazed system that does not require opening 'up' above the plane of the glass balustrade. The skylight itself is below the height standard. The proposed skylight opening will be similar to this example. The provision of a roof terrace is coupled with the proposed green roof surrounding it, which will improve the fifth façade of this building as viewed

from properties across the road. The proposed greening of the roof offers a significantly better visual outcome as compared to surrounding flat concrete and metal roofs.



Figure 10: Recently approved and completed roof top terrace at 64 Military Road, 2 properties to the north.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days from 26 October 2022 to 9 November 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not notified as the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified, for the following reasons:

- The dwelling was reduced in height, GFA and greater setbacks were provided to the southern boundary from balcony awnings;
- Additional solar access into ground and first floor windows on the northern elevation of No. 58 Military Road was preserved; and
- The location of the roof terrace was reduced and setback from the southern boundary and the sky door was modified to a flatten entry door to a skylight flush with the flat roof, and increased planting on the roof.

A total of three unique submissions were received from the following properties:

- 152 Clyde Street, North Bondi;
- 2A Waratah St, North Bondi; and
- Unknown address (yet, has been counted as a submission).

The following issues raised in the submissions have already been discussed and addressed in the body of this report and/or the Recommendation:

- Height and FSR breach and bulk and scale;
- Privacy from swimming pool and deck;

All other issues raised in the submissions are summarised and discussed below.

Issue: Swimming pool acoustics will amplify noise in the gully and a larger setback should be requested.

Response: It is not considered unreasonable to have a swimming pool in a Low Density Residential Zone. Further, the pool is set back 1.5m k from the rear boundary and comprises perimeter planting that will aid to reduce impacts of the pool upon neighbouring properties.

Issue: Water overflow from the pool and water runoff.

Response: The development proposal was referred to Council's Stormwater Engineers who did not object to the application and recommended stormwater conditions to be satisfied prior to a construction certificate being issued.

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Traffic and Development

The development proposal was referred to Council's Traffic Engineers who have raised the following issues:

- *The plans show the headroom as 2.0 metres on entry and 2.2 metres inside the garage. AS2890.1 requires the headroom to be 2.2 metres in entry and inside. This has been conditioned.*
- *The garage door is 5.3 metres wide. This would usually be required to have a maximum width of 5.0 metres. However, the proposed width is acceptable in this case as it is providing access to an existing driveway of similar width.*

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

Relevant conditions of consent are recommended in accordance with the commentary outlined above.

3.2. Stormwater

The development proposal was referred to Council’s Stormwater Engineers who did not object to the application and have recommended stormwater conditions to be satisfied prior to a construction certificate being issued.

3.3. Biodiversity

The site is located within a biodiversity corridor and was referred to the Biodiversity Officer for comment. The proposed Landscape Plan did not comply with the minimum quantum requirements for the provision of native plants on the site. This has been conditioned.

3.4. Tree Management


The application was referred to Council’s Tree Management Officer who did not object to the application and supports the Arborist Report. Relevant conditions of consent are recommended in relation to tree management.

4. CONCLUSION

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the Act. It is recommended for approval subject to conditions of consent.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be APPROVED by the Waverley Local Planning Panel subject to the conditions in Appendix A.

Report prepared by:	Application reviewed and agreed by:
	
Edwina Ross	Ben Magistrale
Development Assessment Planner	Manager, Development Assessment
Date: 12/04/2023	Date: 14 April 2023

Reason for WLPP referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by PBO Architects of Project No: 2207 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
A050, issue A	Demolition Plan	1/09/2022	15/09/2022
A100, issue D	Floor Plans	17/03/2023	17/03/2023
A200, issue D	South/North Elevations	17/03/2023	17/03/2023
A201, issue D	East/West Elevations	17/03/2023	17/03/2023
A202, issue A	Elevations 3	01/09/2022	15/09/2022
A300, issue D	Section	17/03/2023	17/03/2023
A400, issue D	Material Schedule	17/03/2023	17/03/2023
A401, issue D	Material Schedule	17/03/2023	17/03/2023

(b) Approved landscape plan in accordance with condition 16 of this development consent;

(c) BASIX Certificate;

(d) Arborist Report prepared by Stuart Sutton Ezi Grow dated 30/08/2022, and received by Council on 15/09/2022; and

(e) The Site Waste and Recycling Management Plan (SWRMP) Part 1 and received by Council on 15/09/2022.

Except where amended by the following conditions of consent.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required.

GENERAL REQUIREMENTS

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

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

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

3. 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 applicable requirements of Part 6, before any work commences.

CONTRIBUTIONS, FEES & BONDS

4. SECTION 7.12 CONTRIBUTION

A monetary development contribution is payable to Waverley Council pursuant to section 7.12 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:
 - (i) Where the total development cost is less than \$500,000:
"Waverley Council Cost Summary Report"; or,
 - (ii) Where the total development cost is \$500,000 or more:
"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

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

(b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;

- (i) A development valued at \$100,000 or less will be exempt from the levy;
- (ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the full cost of the development; or
- (iii) A development valued at \$200,001 or more will attract a levy of 1% of the full cost of the development.

Prior to the issue of any 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.

5. SECURITY DEPOSIT

A deposit (cash or cheque) for the amount of \$ **62,552.08** (2% of the cost of works) must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.

6. LONG SERVICE LEVY

A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any 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 0.25% of building work costing \$250,000 or more.

7. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council.

An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.

CONSTRUCTION MATTERS

8. HOARDING

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

hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.

9. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual.

The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.

10. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical 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.

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.

11. ENGINEERING DETAILS

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

STORMWATER & FLOODING

12. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

The applicant must submit plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer and:

- a) If connection to Council's below ground drainage system (road reserve) is only option, please provide following:
 - o Invert of connecting pipe at or above top third of Council pipeline;
 - o Pipe cut flush with internal wall of pit and pipe and enter pit perpendicular to pit wall;
 - o Detailed survey (footpath, kerb, buildings, walls, stairs, etc);

- Full scaled long section of proposed stormwater pipe (existing surface levels, cover, design level of pipe, surface & invert of pits, stormwater pit location, level of all service lines in vicinity of works);
 - Design alignment and details of proposed pipe material, size, class;
 - Location of all stormwater pits and pit types proposed;
 - Calculations showing proposed system has capacity greater than existing system being replaces;
 - Calculations showing proposed system meets required design capacity specified by Council (typically 5% AEP), at Council's discretion;
 - Will not increase or concentrate flooding on any private property (incl. site being developed) or road reserve. Supporting evidence includes details and modelling of any surcharge that will occur at downstream end of proposed drain.
- b) Pit and pipes
- Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating that the proposed stormwater drainage system can cater for the 1% AEP design storm event shall be provided;
 - Grated box drain at property boundary to have minimum base slope 2% and 300mm (W);
 - Provide calculations of gutter sizing for 1% AEP storm event and min. number of downpipes required.
- c) Provide the roof catchment area directed to the rainwater tank.
- d) Based on the total area of garden and lawn in the BASIX report, the impervious area was calculated as 322 m². Ensure the area is to match the stormwater plan.
- e) A Sydney Water Sewer main is located at the rear of the property. Minimum 1m clearance will be required from any existing assets to the proposed OSD, with survey required to confirm the levels and location.
- f) Provide finish floor level of garage and ensure minimum 15 mm above adjacent ground level at boundary.
- g) Below Ground OSD Design
- Any below ground OSD tank structure must be a cast in-situ concrete based;
 - Provide child proof locating system;
 - A spillway or overflow outlet is to be provided in all OSD systems as part of the operation of the system to cater for system failure or extreme storm events.
- h) Pump design:
- Make sure pump to be designed in accordance with AS/NZS 3500.3:2018 Section 8;
 - Provide distilling pit detail;
 - The collection system for the pump system must be designed in accordance with the design criteria for gravity drainage and must incorporate adequate buffer storage as recommended by the pump manufacturer or a suitably qualified practitioner;
 - Consideration of the consequences of a power failure must be made when sizing the buffer storage;
 - Show an alarm system to comprise of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at

the entrance of the basement in case of pump failure. Minimum 150mm freeboard from pump out system to all parking spaces and full hydraulic details and pump manufacturers specification to be provided;

- In the event of the failure of both the duty and standby pumps, an overland flow path and/or surcharge and pondage in a suitably visible area must be provided;
 - In circumstances where no overland path exists, pondage may be approved in a suitable area. These areas must be sited with a view to minimising the cost of damage to occupiers of the property and include signage warning residents that inundation of the area may occur in the event of a pump failure;
 - Provide screening details. All electrical fittings and supply located min. 0.3m freeboard above max. water level and/or overland flow paths.
- i) Prior to construction certification, maintenance plan for Water Sensitive Urban Design (WSUD) assets to be provided.
- j) Provide Erosion & Sediment Control Plan
- k) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- l) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

- The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (Oct 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

ENERGY EFFICIENCY & SUSTAINABILITY

13. BASIX

All requirements of the BASIX Certificate and NatHERS documentation are to be shown on the Construction Certificate plans and documentation.

WASTE

14. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* 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.

LANDSCAPING & TREES

15. GREEN ROOF LANDSCAPING DETAILS

The construction certificate landscape plans are to comply with the controls for green roofs in Part B3.1 of the *Waverley Development Control Plan 2012* including;

- (a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B2 – 1).
- (b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species.
- (c) The green roof is to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof is to be for servicing purposes only.

A qualified landscape architect must review the design and verify that it complies with the above requirements.

16. LANDSCAPE WORKS IN A HABITAT CORRIDOR

A landscape plan is to be submitted to and approved by Council's Executive Manager, Environmental Sustainability (or delegate) with a plant species list having a minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2-1 of the *Waverley Development Control Plan 2012*.

TRAFFIC MANAGEMENT

17. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction

Certificate. For further information on what is required in the CTMP, please refer to Council's website at:

https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent

18. DILAPIDATION REPORT

A Dilapidation report is to be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. The dilapidation report is to be made available to affected property owners.

The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.

Note: Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required.

PRIOR TO ANY WORKS

19. 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.

DEMOLITION & EXCAVATION

20. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2017;
- SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
- Australian Standard 2601 (2001) – Demolition of Structures;
- *Protection of the Environment Operations Act 1997*.

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

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

21. CONTROL OF DUST ON CONSTRUCTION SITES

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

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.

22. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste Classification Guidelines 2014.

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.

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 excavation is to be managed by a practising structural engineer.

CONSTRUCTION MATTERS

24. 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 Sundays and public holidays.

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

Noise from construction activities shall comply with the *Protection of the Environmental Operations (Noise Control) Regulation 2017*.

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

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

26. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002 and 162A Critical stage inspections for building work of the Environmental Planning and Assessment Regulation 2000.

27. CERTIFICATE OF SURVEY - LEVELS

All construction works are to be 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.

28. 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 location 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.

29. WORK OUTSIDE PROPERTY BOUNDARY

This consent does not authorise any work outside the property boundary.

30. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

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

- (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules
- (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit
- (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure
- (e) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans MUST be submitted to Sydney Water at least 14 days prior to commencement of building operations.

TREE PROTECTION AND REMOVAL

31. TREE REMOVAL

Tree to be removed and protected as per the Arboricultural Impact Assessment Report prepared by Stuart Sutton Ezi Grow. Dated 25/08/2022:

Tree No.	Species	Location	Action
T 1	<i>Syagrus romanzoffianum</i> (Cocos palm)	On site	Retain and protect as per N4 tree protection
T 2	<i>Livistona australis</i> (fan palm)	On site	Retain and protect as per N4 tree protection
T 3	<i>Eucalyptus pilularis</i> (blackbutt)	On site	Remove

32. TREE PROTECTION

All trees on site and adjoining properties, including street trees, are to be retained and protected in accordance with AS4970-2009 'Protection of Trees on Construction Sites' and to be certified by an Arborist with AQF level 5 qualification or above, unless approved to be removed in this development consent.

Trunk protection as per AS 4970 – 2009, Section 4.5.3 is to be installed.

Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected.

The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk. Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period.

- TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.
- If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.
- If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

- It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Management Officer is to be contacted to make final determination.
- If any trees on neighbouring properties require pruning, then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.

33. STREET TREES TO BE RETAINED/TREE PROTECTION

No existing street trees shall be removed without Council approval. Precautions shall be taken when working near trees to ensure their retention, including the following:

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) Prevent damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;
- (d) Do not add or remove topsoil from under the drip line;
- (e) Do not compact ground under the drip line;
- (f) Do not mix or dispose of liquids within the drip line of the tree; and
- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 "Protection of trees on construction sites.

D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE OR SUBDIVISION CERTIFICATE

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever applies.

34. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, an Occupation Certificate must be obtained.

The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

35. CERTIFICATION OF BASIX COMMITMENTS

The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.

36. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. Similarly, any retained stormwater drainage system is unblocked, in good working order and to be repaired/replaced to best practice. A copy of the certification must be submitted to Council.

37. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM

- (a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, the detention facility, and other drainage related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council approved plans shall be marked-up in red ink and shall include levels and location for the drainage structures and works.
- (b) A suitably qualified and practising Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

38. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD

Prior to the issue of an Occupation Certificate, a "Positive Covenant" and "Restriction on the Use of Land" shall be created for the Infiltration System, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the Title that the Infiltration system is maintained and kept free of debris/weed to

allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant shall not modify or remove the Infiltration system without consent from Council.

The wording of the Instrument shall be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the Infiltration system, including its relationship to the building footprint. Electronic colour photographs of the Infiltration system shall accompany the application for the Positive Covenant and Restriction on the Use of Land.

The Instrument shall be registered, and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building. All associated costs shall be borne by the applicant.

39. CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA

Prior to the pool being used, the following must be provided;

- (a) Certification that the pool has been constructed in accordance with the consulting engineers design;
- (b) Evidence that the swimming pool/outdoor spa has been registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>);
- (c) A sign outlining details of resuscitation techniques for adults, children and infants has been placed in a prominent position, close to the pool/outdoor spa. Signs are available from Council;
- (d) A copy of the occupation certificate must be submitted to Council.

Note: Swimming/spa pool pumps are restricted from use between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017.

40. STREET NUMBERS

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

E. ADVISORY MATTERS

The following advisory matters are provided as additional information to ensure compliance with the relevant legislation and requirements. You must also check other Commonwealth and NSW Acts and Regulations which may apply to the works or use approved in this application.

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au or via the NSW Planning Portal (if required).
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition).
- Include DA reference number.
- Include condition number/s seeking to be addressed.
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to ‘Electronic lodgement guidelines’ on Council’s website. Failure to adhere to Council’s naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note, in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council’s standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

AD2. SYDNEY WATER REQUIREMENTS

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

Contact Sydney Water for more information.

AD3. DIAL BEFORE YOU DIG

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

AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD5. ALTERATIONS AND ADDITIONS ONLY

This consent is for alterations and additions to the existing building only and should during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment.

AD6. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.

AD7. BONDI - ROSE BAY SAND BODY

This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted.

Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.

AD8. TREE REMOVAL/PRESERVATION

Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.

AD9. SYDNEY WATER CERTIFICATE

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.**

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

AD10. SITE RECTIFICATION WORKS

The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the perimeter of the site once demolition has been completed to secure the site. The site is to be protected from windblown soil loss and stormwater erosion at all times.

If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:

- (i) Require certain works including but not limited to:
 - (a) make the building/site safe and of an appearance acceptable to Council.
 - (b) Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - (c) For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point.
 - (d) AND to call on such bank guarantee to cover the cost thereof.

- (ii) In the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the costs of the works.

AD11. ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM

Council will need to be provided with a Maintenance Schedule that supports the routine maintenance activities. At a minimum, the detention facility must be:

- Kept clean and free from silt, rubbish and debris.
- Be maintained so that it functions in a safe and efficient manner.
- Not be altered without prior consent in writing of the Council

AD12. RAINWATER HARVESTING AND REUSE

The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.

60 MILITARY ROAD, DOVER HEIGHTS

60 Military Rd Dover Heights NSW 2030 AUSTRALIA



DRAWING LIST:

- A 000 COVER PAGE
- A 001 BASIS REQUIREMENTS AND NATHERS CERTIFICATE
- A 002 SITE PLAN
- A 003 SITE ANALYSIS PLAN
- A 041 EXCAVATION DIAGRAMS
- A 050 DEMOLITION PLAN
- A 100 FLOOR PLANS
- A 200 SOUTH/NORTH ELEVATIONS
- A 201 EAST/WEST ELEVATIONS
- A 202 BOUNDARY WALL ELEVATIONS
- A 300 SECTIONS
- A 400 MATERIAL SCHEDULE
- A 401 MATERIAL SCHEDULE
- A 410 PHOTOMONTAGE
- A 411 PHOTOMONTAGE
- A 412 PHOTOMONTAGE
- A 413 PHOTOMONTAGE
- A 414 PHOTOMONTAGE
- A 415 ROOF PHOTOMONTAGE
- A 420 VIEW FROM 2A WATARAH STREET
- A 500 FSR CALCULATION
- A 510 LANDSCAPE AREA CALCULATION
- A 520 HEIGHT LIMIT BLANKET
- A 550 SUN EYE DIAGRAMS EXISTING
- A 551 SUN EYE DIAGRAMS PROPOSED
- A 552 SUN EYE DIAGRAMS EXISTING
- A 553 SUN EYE DIAGRAMS PROPOSED



GENERAL NOTES:
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AMENDED PLANS

RECEIVED
 Waverley Council
 Application No: DA-404/2022
 Date Received: 17/03/2023

LIST OF AMENDMENTS:
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ISSUE	DATE	DESCRIPTION

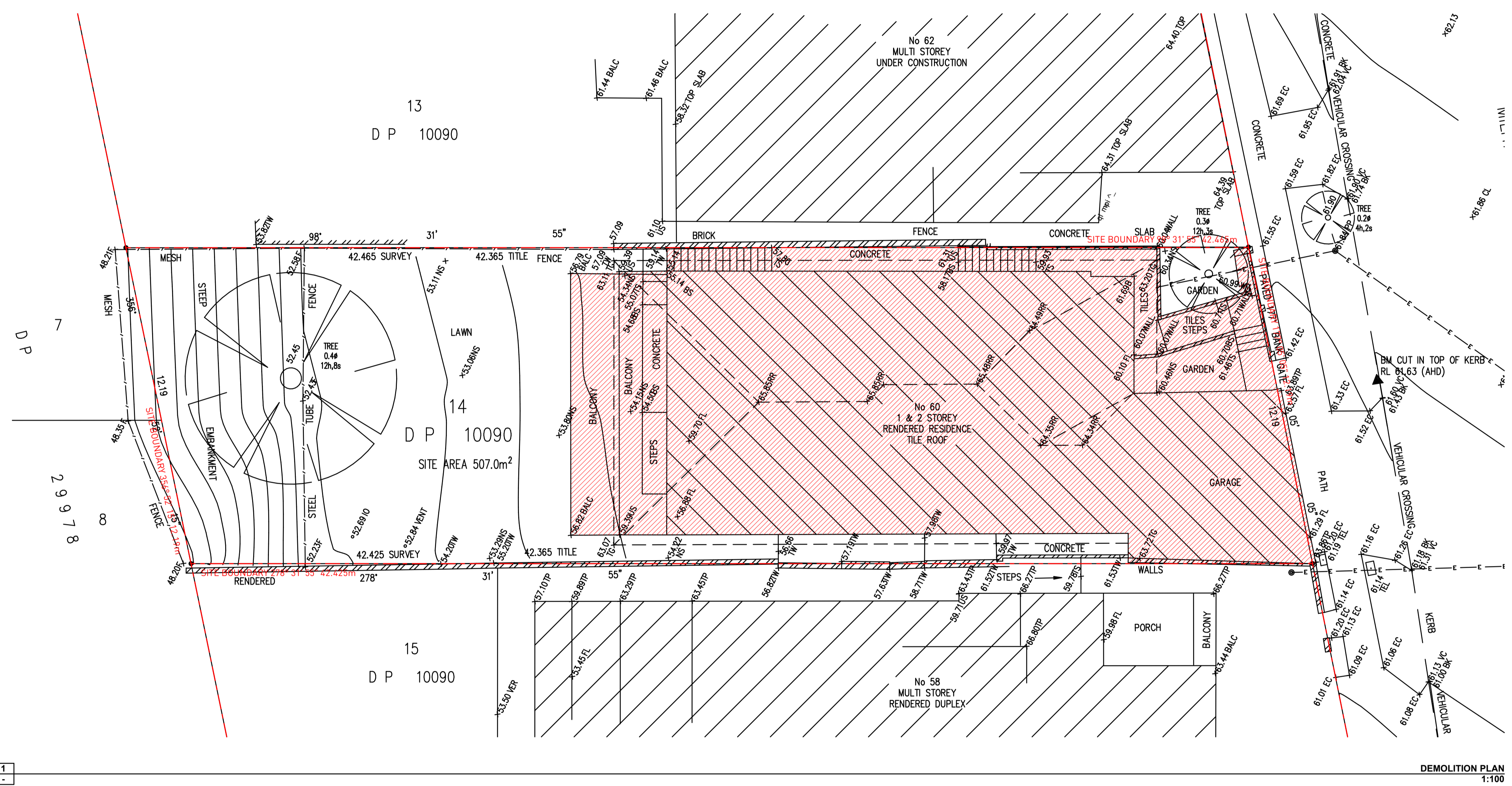
CLIENT:
 Benita Leis

ARCHITECT:
PBD | ARCHITECTS
 ABN 36 147 035 550
 P - 02 9098 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
 Level 2, 52 Albion Street, Surry Hills NSW 2010
 Nominated Architect: Paul Bujevic NSW 7768

PROJECT:
 60 MILITARY ROAD, DOVER HEIGHTS
 60 Military Rd Dover Heights NSW 2030 AUSTRALIA

DRAWING TITLE:
 COVER PAGE

DRAWING BY: LS	CHECKED BY: PB	
SCALE: 1:2.658A1	DRAWING NO: A000	ISSUE: D
PROJECT NO: 2207		



DEMOLITION PLAN
 1:100

1

ISSUE	DATE	DESCRIPTION
A	01.09.2022	DA ISSUE



CLIENT:
 Benita Leis

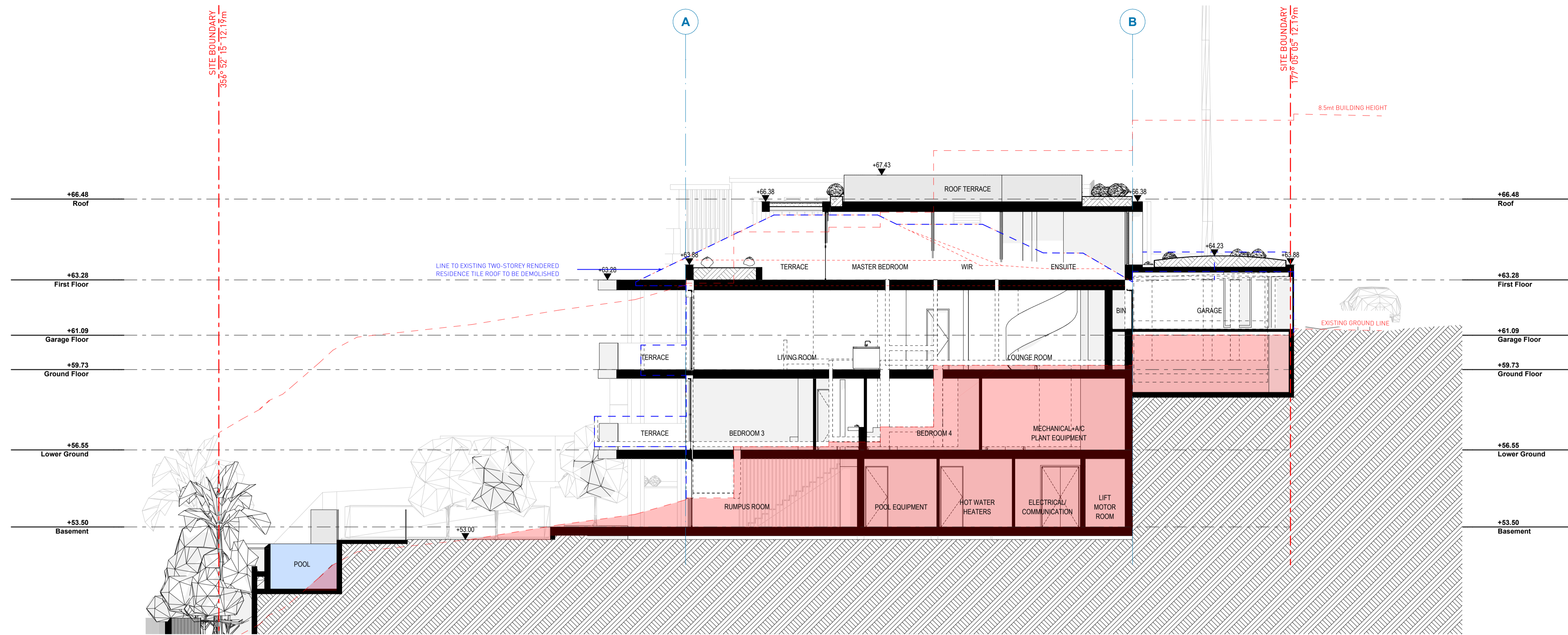
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DRAWING TITLE:
Demolition Plan

LEGEND:
 DEMOLITION

DRAWING BY: MB	CHECKED BY: PB	ISSUE: A
SCALE: 1:100/BA1	DRAWING NO: A050	
PROJECT NO: 2207		



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EXCAVATION DIAGRAM LEGEND:
 - - - EXISTING TERRAIN
 ■ PROPOSED DA ISSUE B EXCAVATION DIAGRAM
 ■ PROPOSED AMENDED DA ISSUE C EXCAVATION DIAGRAM
 ■ PROPOSED FILL

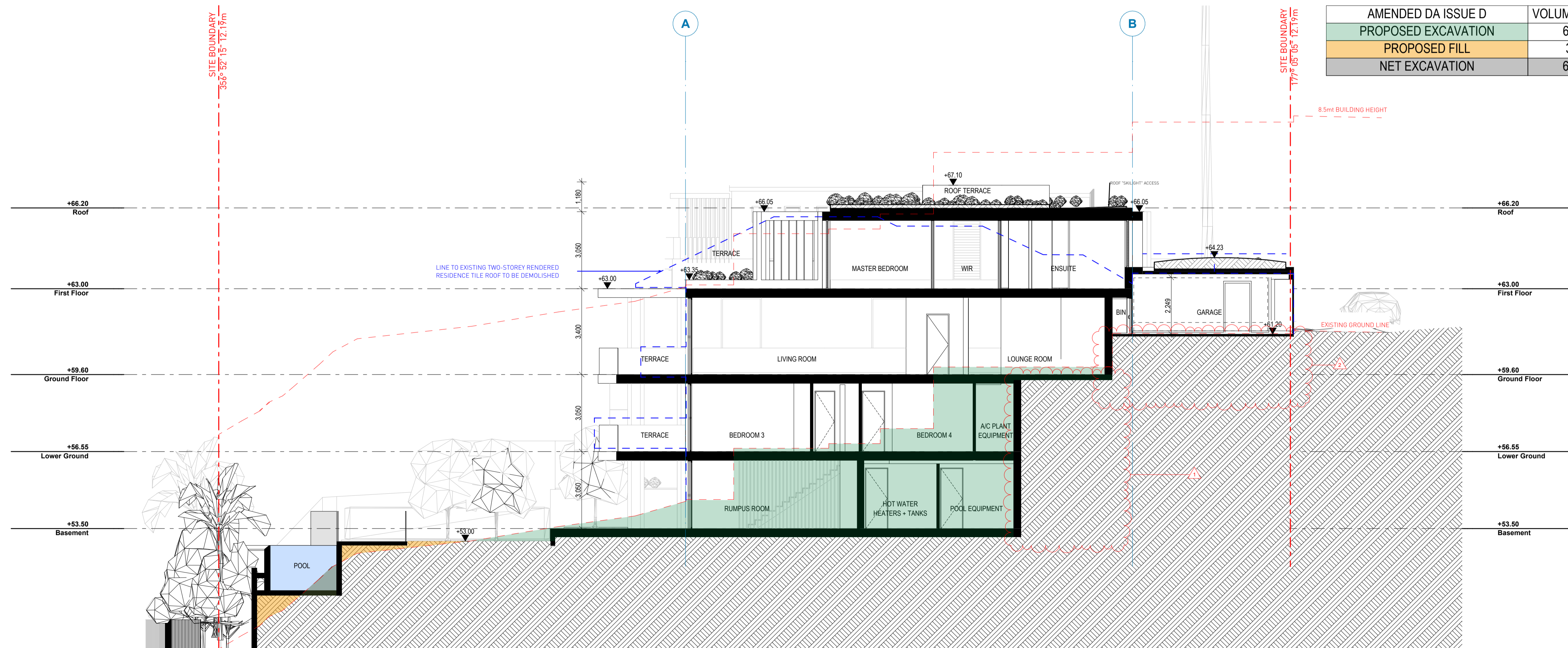
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EXCAVATION DIAGRAM DA ISSUE B
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 6. AMENDED STAIRS AND LIFT LOCATION

AMENDED DA ISSUE D	VOLUMEN (m3)
PROPOSED EXCAVATION	647
PROPOSED FILL	33
NET EXCAVATION	614



EXCAVATION DIAGRAM AMENDED ISSUE D
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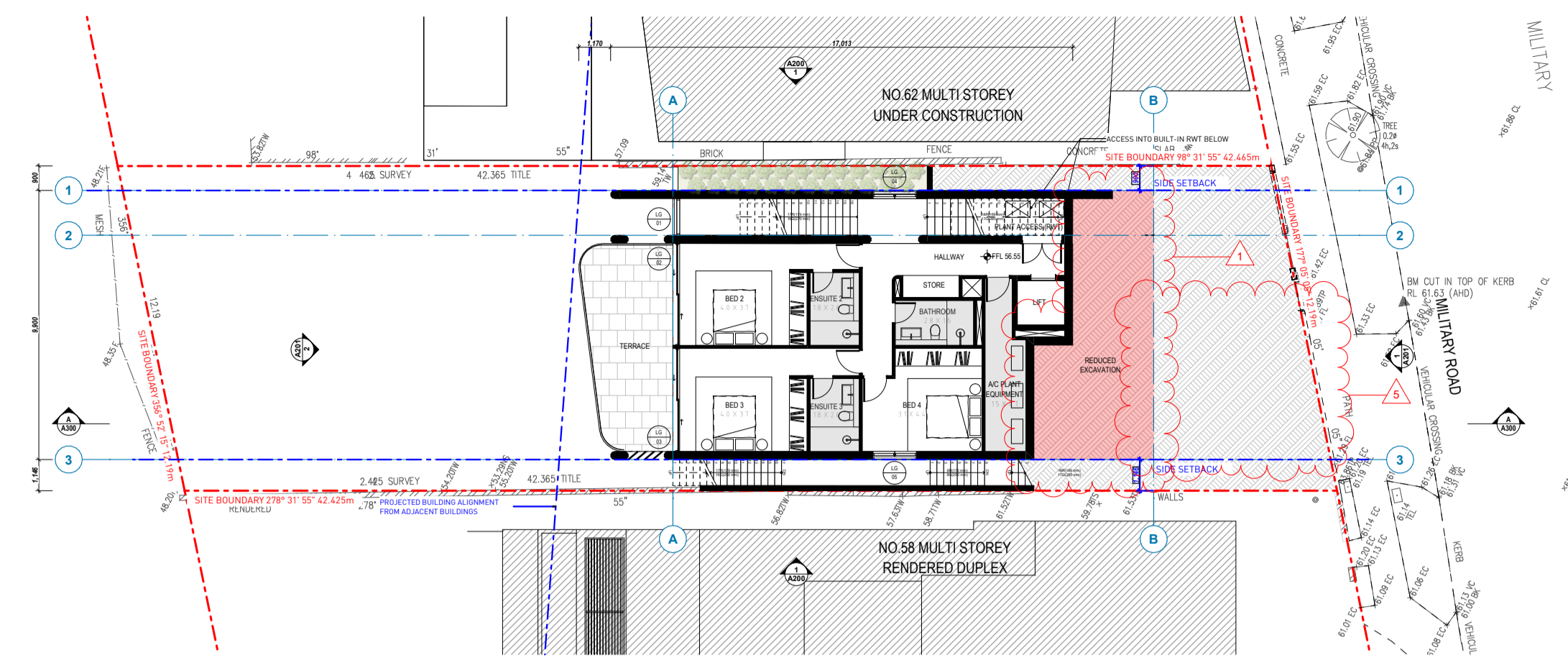
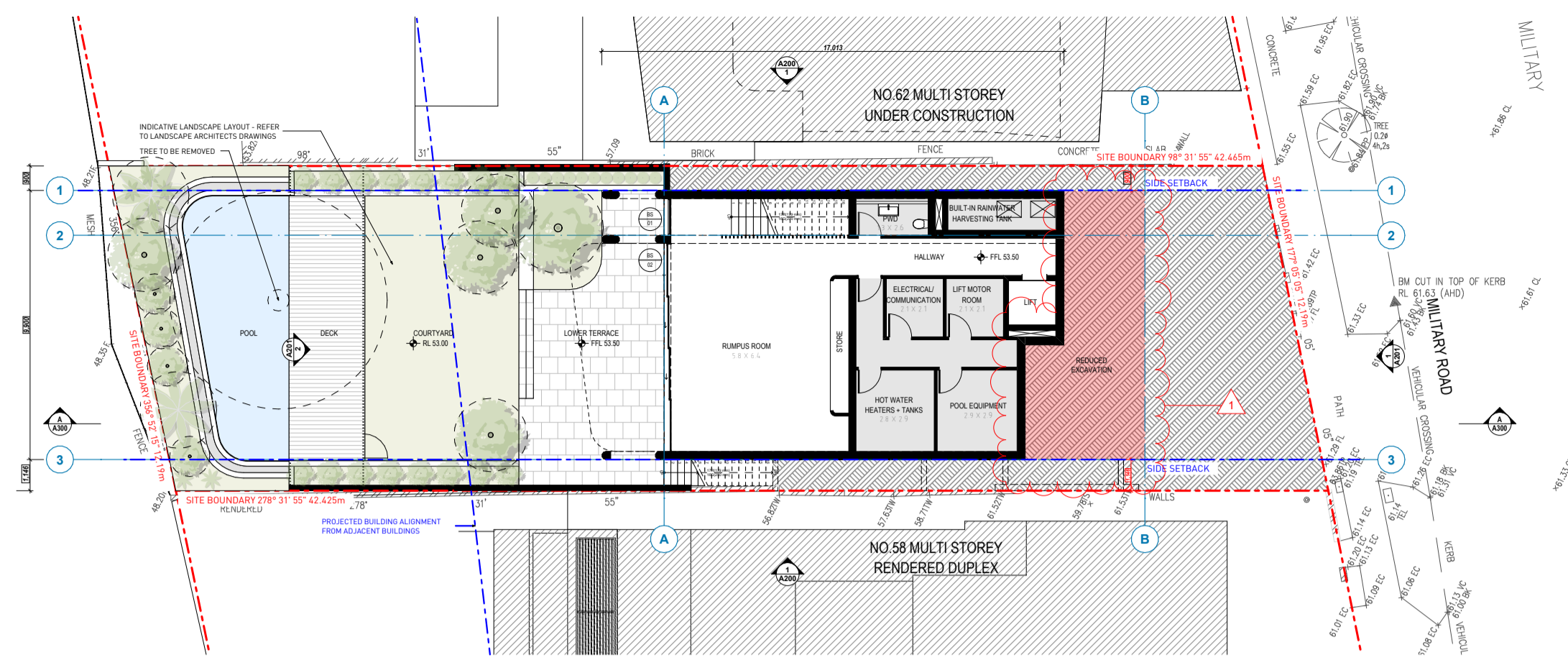
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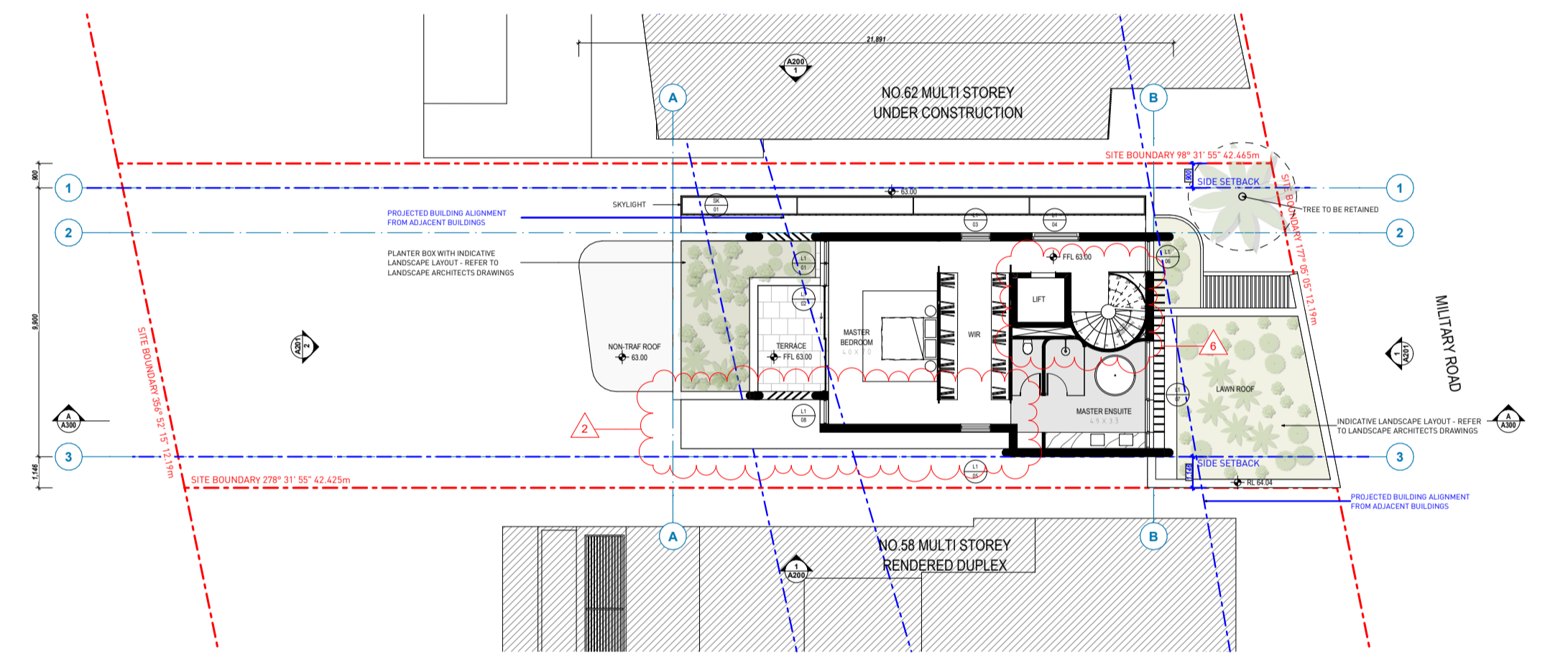
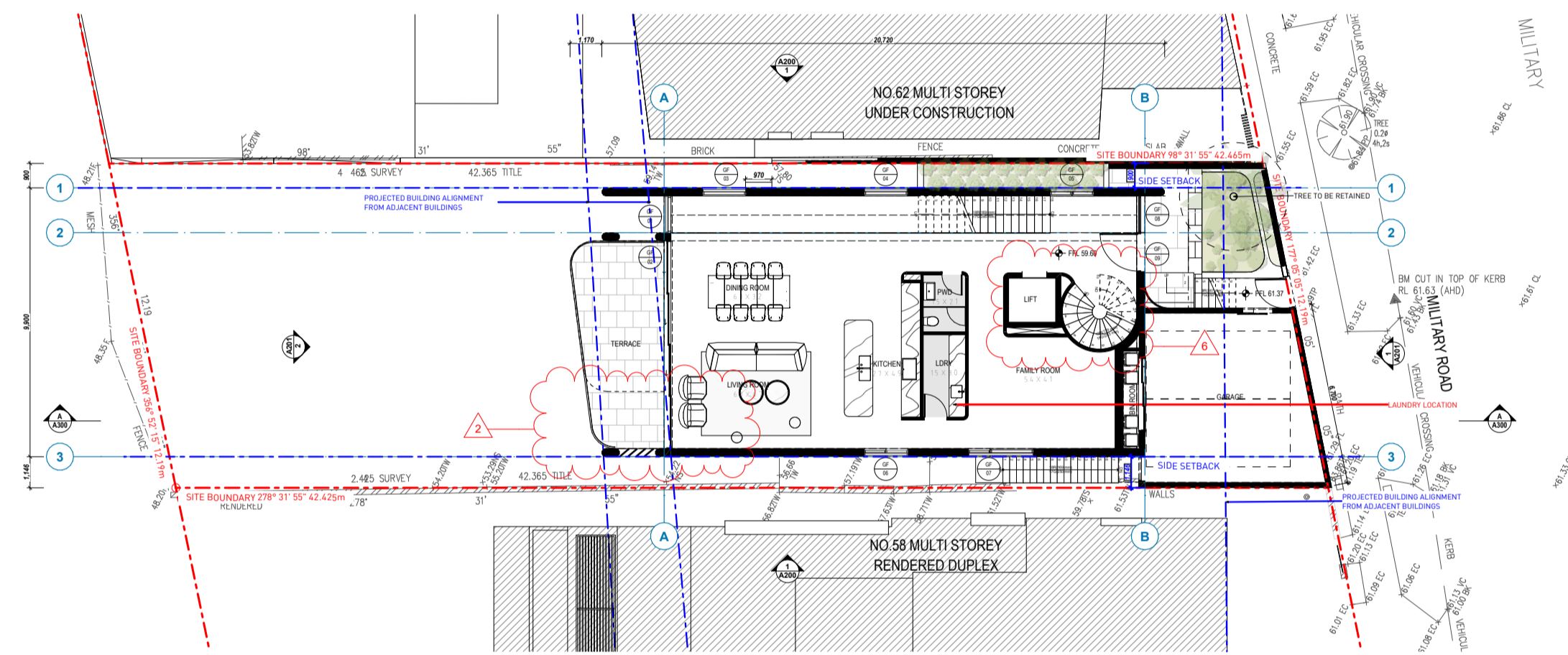
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 EXCAVATION DIAGRAMS

DRAWING BY: LS	CHECKED BY: PB	ISSUE: D
SCALE: 1:100, 1:10A1	DRAWING NO: A041	
PROJECT NO: 2207		



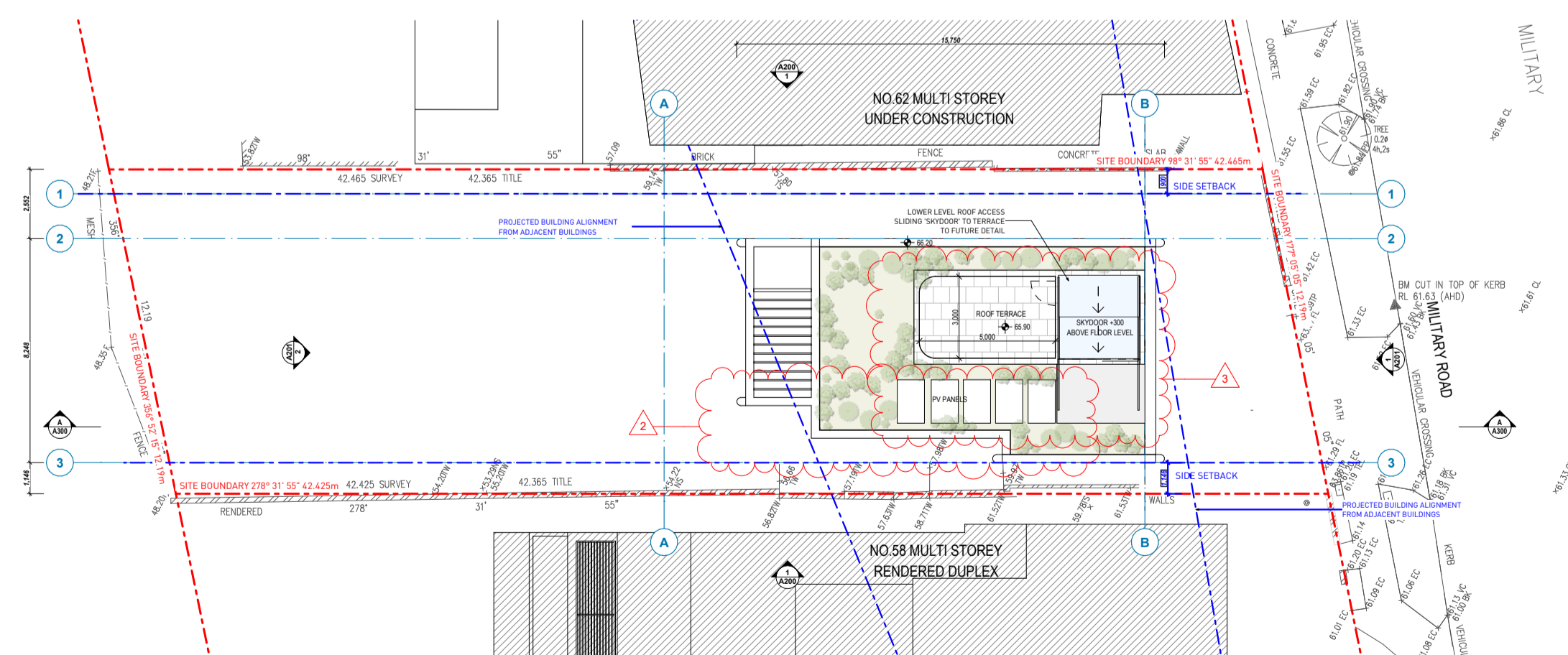
1 BASEMENT 1:200

2 LOWER GROUND FLOOR 1:200



3 GROUND FLOOR 1:200

4 FIRST FLOOR 1:200



5 ROOF 1:200

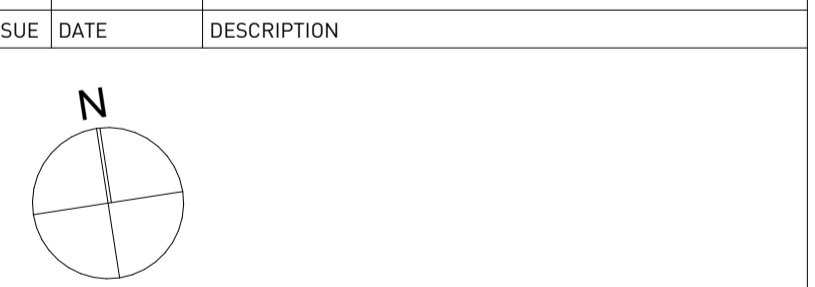
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PROJECT:
 60 MILITARY ROAD, DOVER HEIGHTS
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DRAWING TITLE:
FLOOR PLANS

DRAWING BY: LS	CHECKED BY: PB	ISSUE: D
SCALE: 1:200/0A1	DRAWING NO: A100	
PROJECT NO: 2207		

GENERAL NOTES:
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ISSUE	DATE	DESCRIPTION

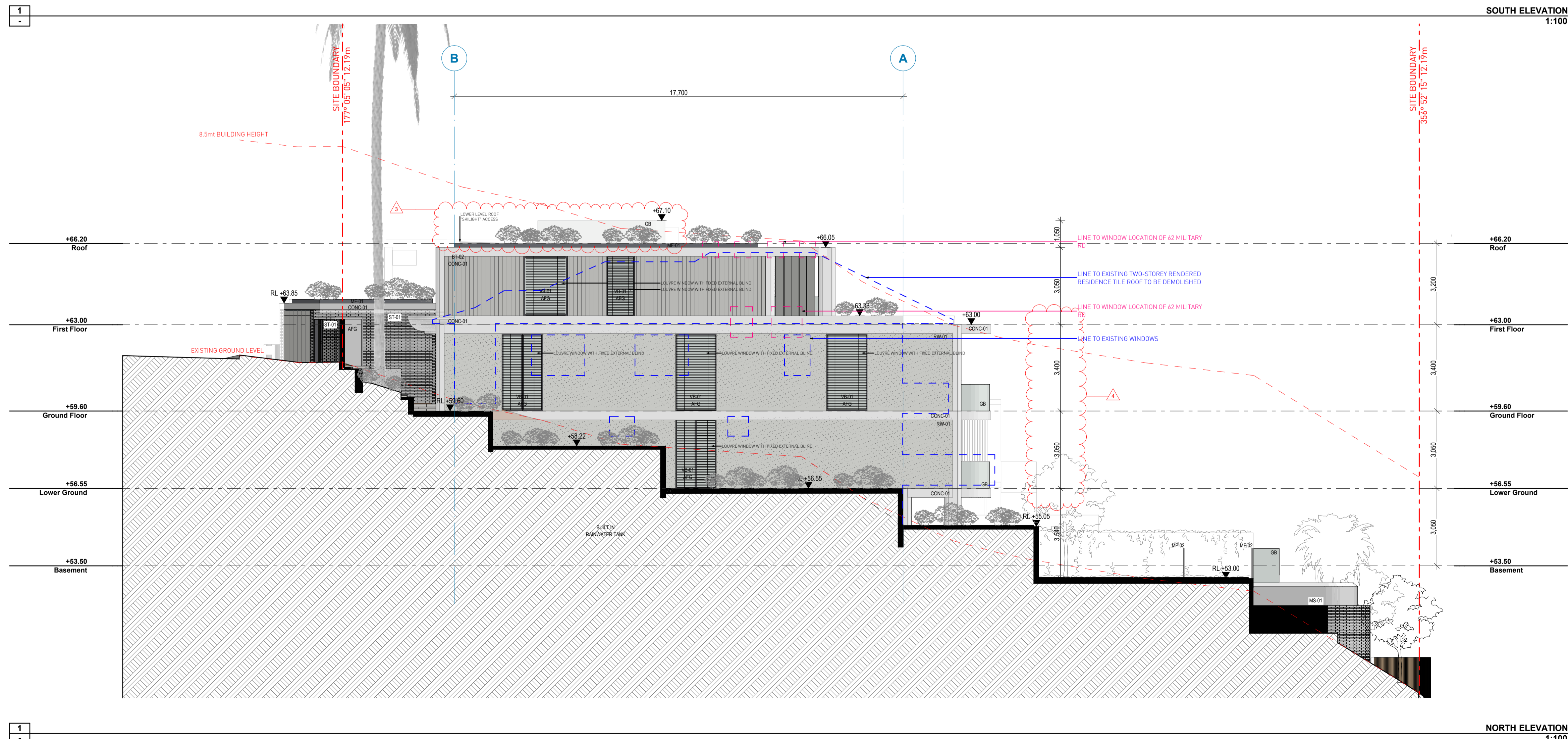
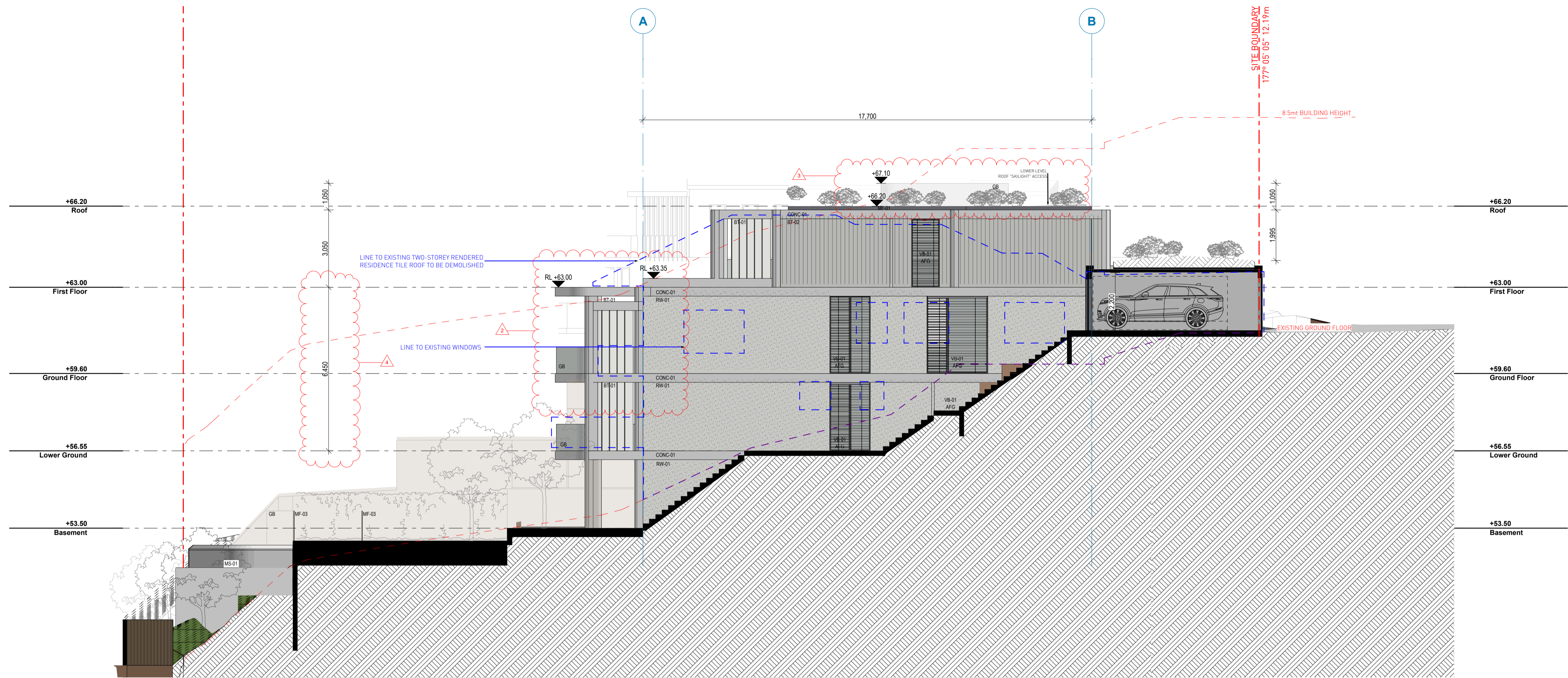
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PROJECT:
 60 MILITARY ROAD, DOVER HEIGHTS
 60 Military Rd Dover Heights NSW 2030 AUSTRALIA

DRAWING TITLE:
SOUTH/NORTH ELEVATIONS

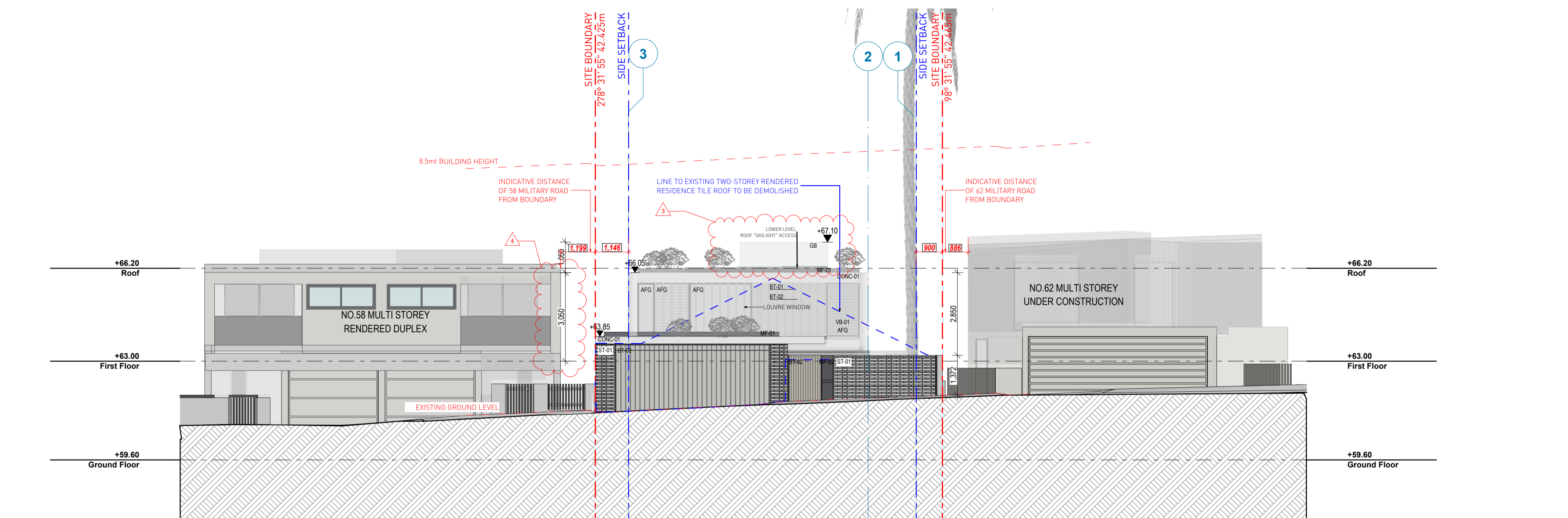
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SCALE: 1:100BA1	DRAWING NO: A200	
PROJECT NO: 2207		



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EAST ELEVATION
 1:100

1

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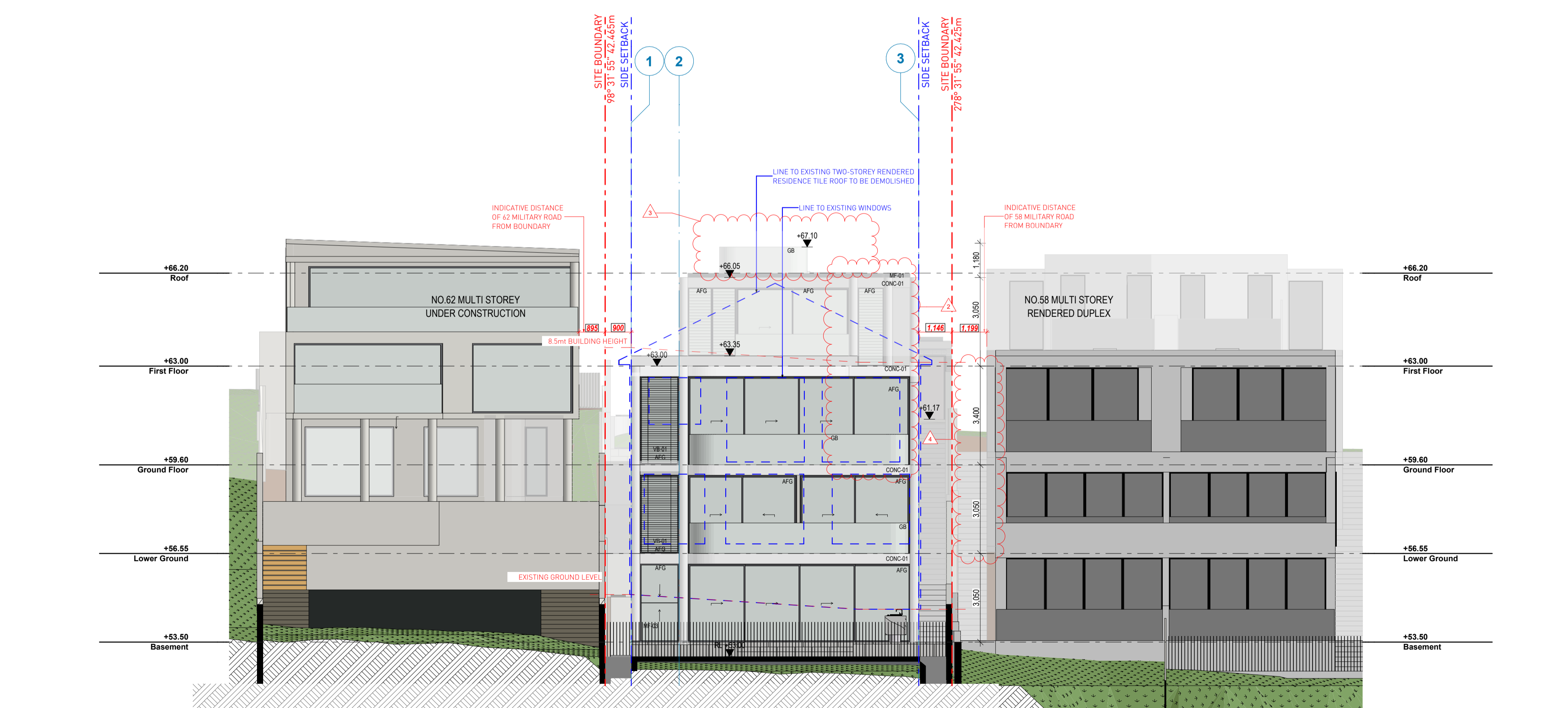
ISSUE	DATE	DESCRIPTION

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PROJECT:
 60 MILITARY ROAD, DOVER HEIGHTS
 60 Military Rd Dover Heights NSW 2030 AUSTRALIA

DRAWING TITLE:
 EAST/WEST ELEVATIONS

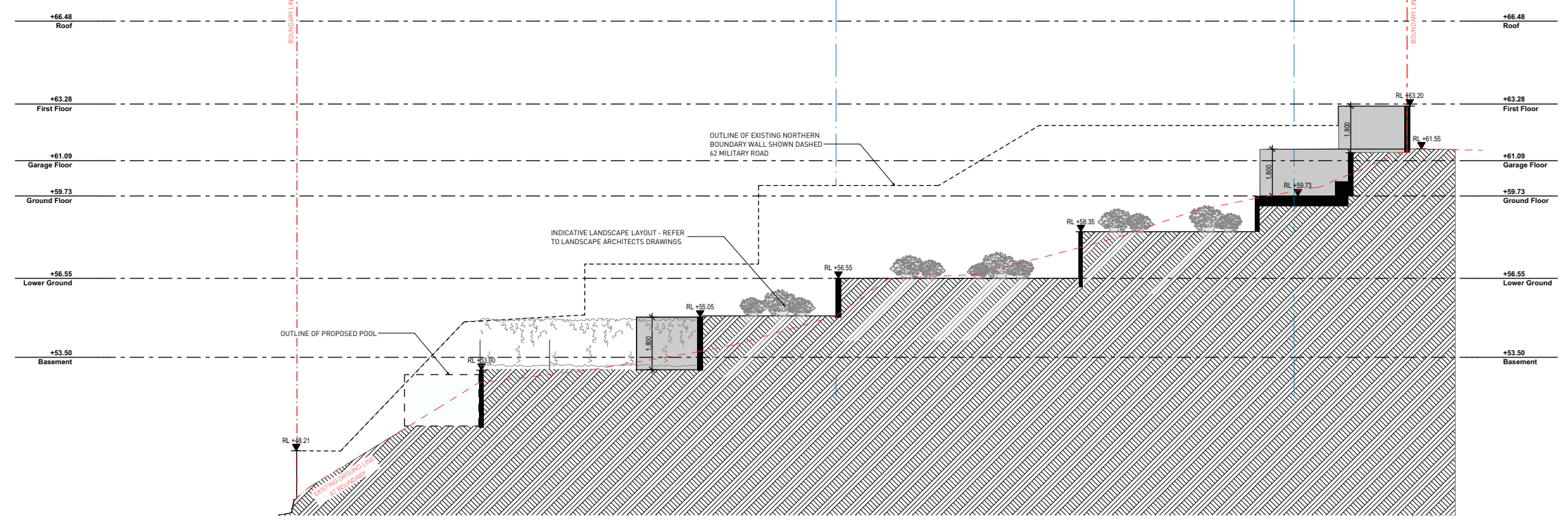


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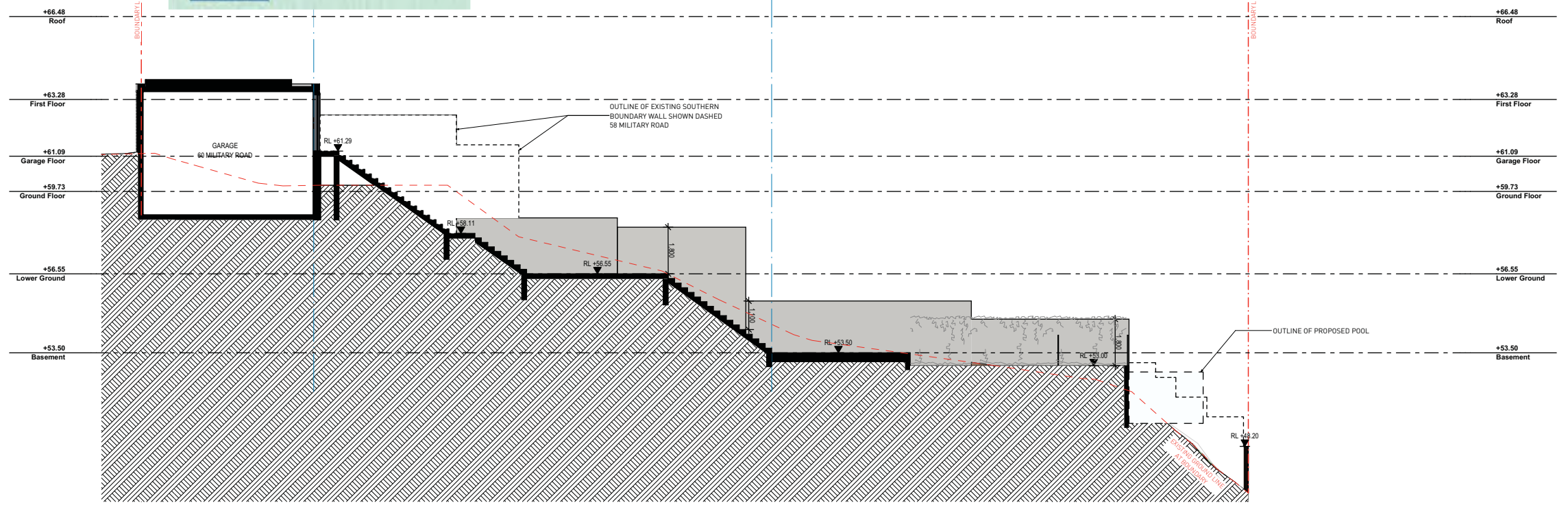
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DRAWING BY: LS	CHECKED BY: PB	ISSUE: D
SCALE: 1:100BA1	DRAWING NO: A201	
PROJECT NO: 2207		

RECEIVED
Waverley Council
Application No: DA-404/2022
Date Received: 15/09/2022



1 - NORTHERN BOUNDARY FENCING 1:100



2 - SOUTHERN BOUNDARY FENCING 1:100

LEGEND:
 PROPOSED BOUNDARY WALL

ISSUE	DATE	DESCRIPTION
A	01.09.2022	DA ISSUE

CLIENT:
Benita Leis

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P - 02 9699 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
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Nominated Architect: Paul Bujevic NSW 7768

PROJECT:
60 MILITARY ROAD, DOVER HEIGHTS
60 Military Rd Dover Heights NSW 2030 AUSTRALIA

DRAWING TITLE:
Elevations 3

DRAWING BY: MB	CHECKED BY: PB	ISSUE: A
SCALE: 1:100&A1	DRAWING NO: A202	
PROJECT NO: 2207		

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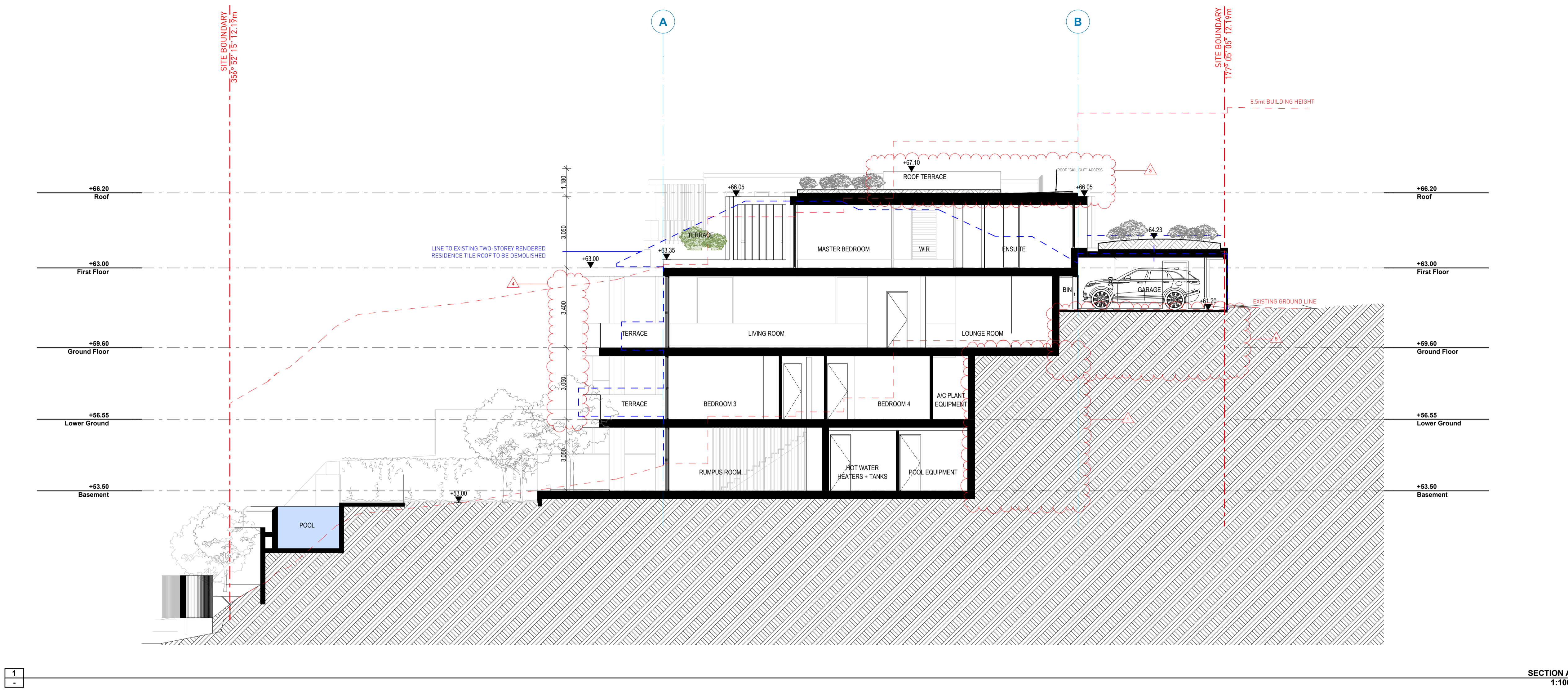
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DRAWING TITLE:
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DRAWING BY: LS	CHECKED BY: PB	ISSUE: D
SCALE: 1:100BA1	DRAWING NO: A300	
PROJECT NO: 2207		



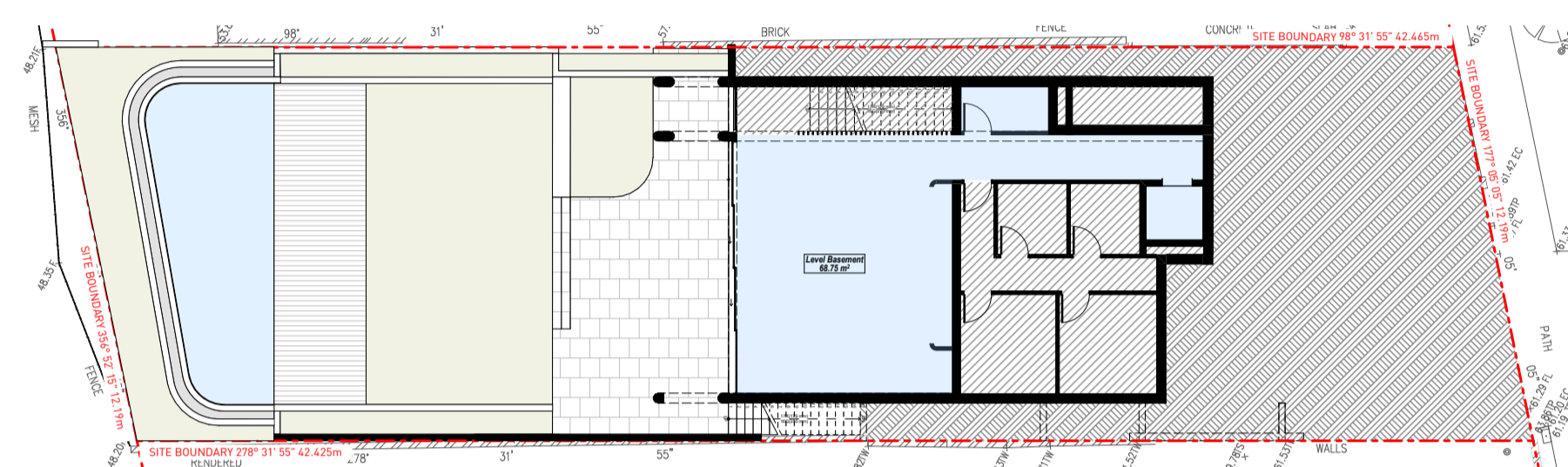
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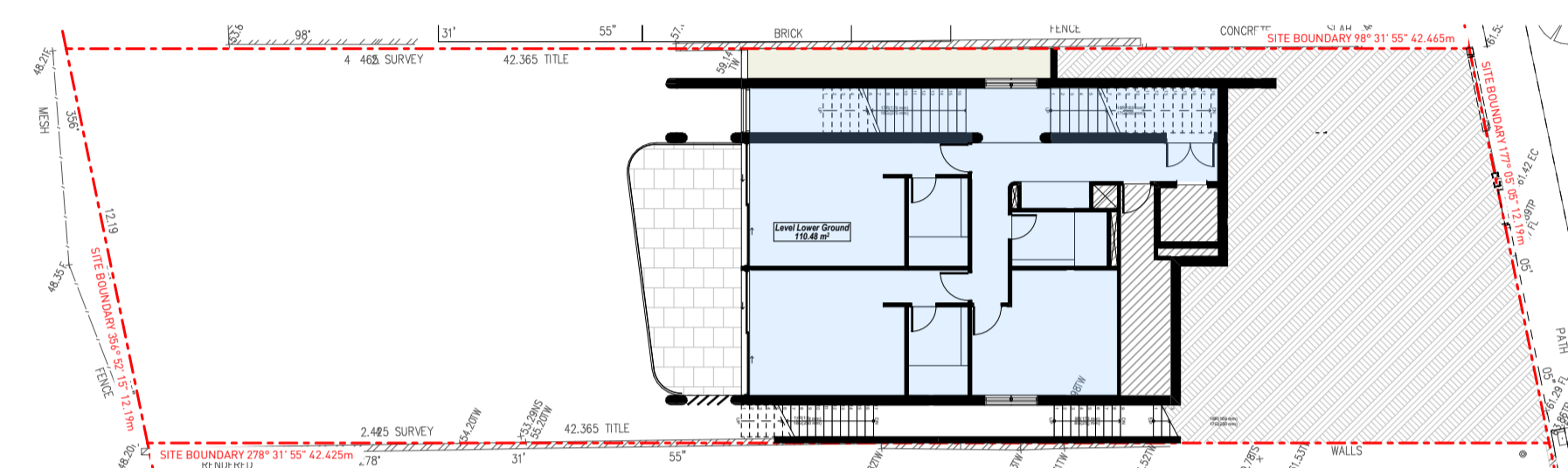
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AMENDED PLANS

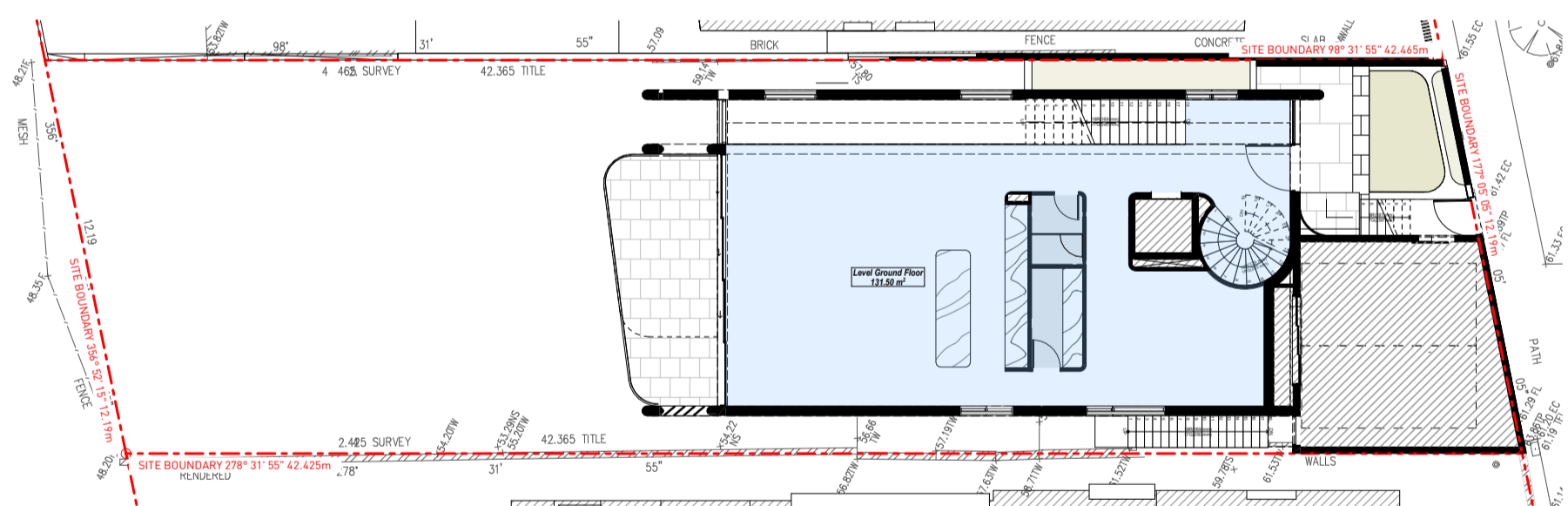
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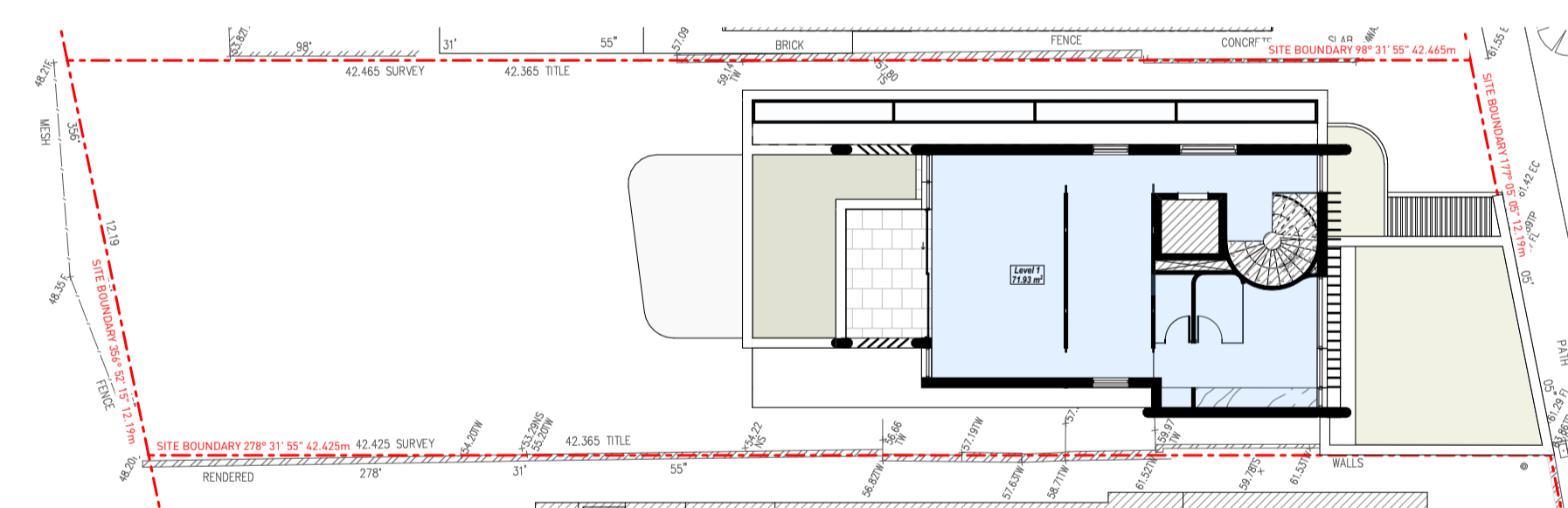
1 - GFA BASEMENT PLAN 1:200



2 - GFA LOWER GROUND FLOOR PLAN 1:200



3 - GFA GROUND FLOOR PLAN 1:200



4 - GFA FIRST FLOOR PLAN 1:200

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C	30.01.2023	RESPONSE TO COUNCIL RFI
D	17.03.2023	RESPONSE TO COUNCIL RFI

ISSUE DATE DESCRIPTION



CLIENT:
 Benita Leis

ARCHITECT:
PBD | ARCHITECTS
 ABN 36 147 035 550
 P - 02 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
 Level 2, 52 Albion Street, Surry Hills NSW 2010
 Nominated Architect: Paul Bujevic NSW 7768

PROJECT:
 60 MILITARY ROAD, DOVER HEIGHTS
 60 Military Rd Dover Heights NSW 2030 AUSTRALIA

DRAWING TITLE:
FSR CALCULATION

AMENDED FSR LEGEND:

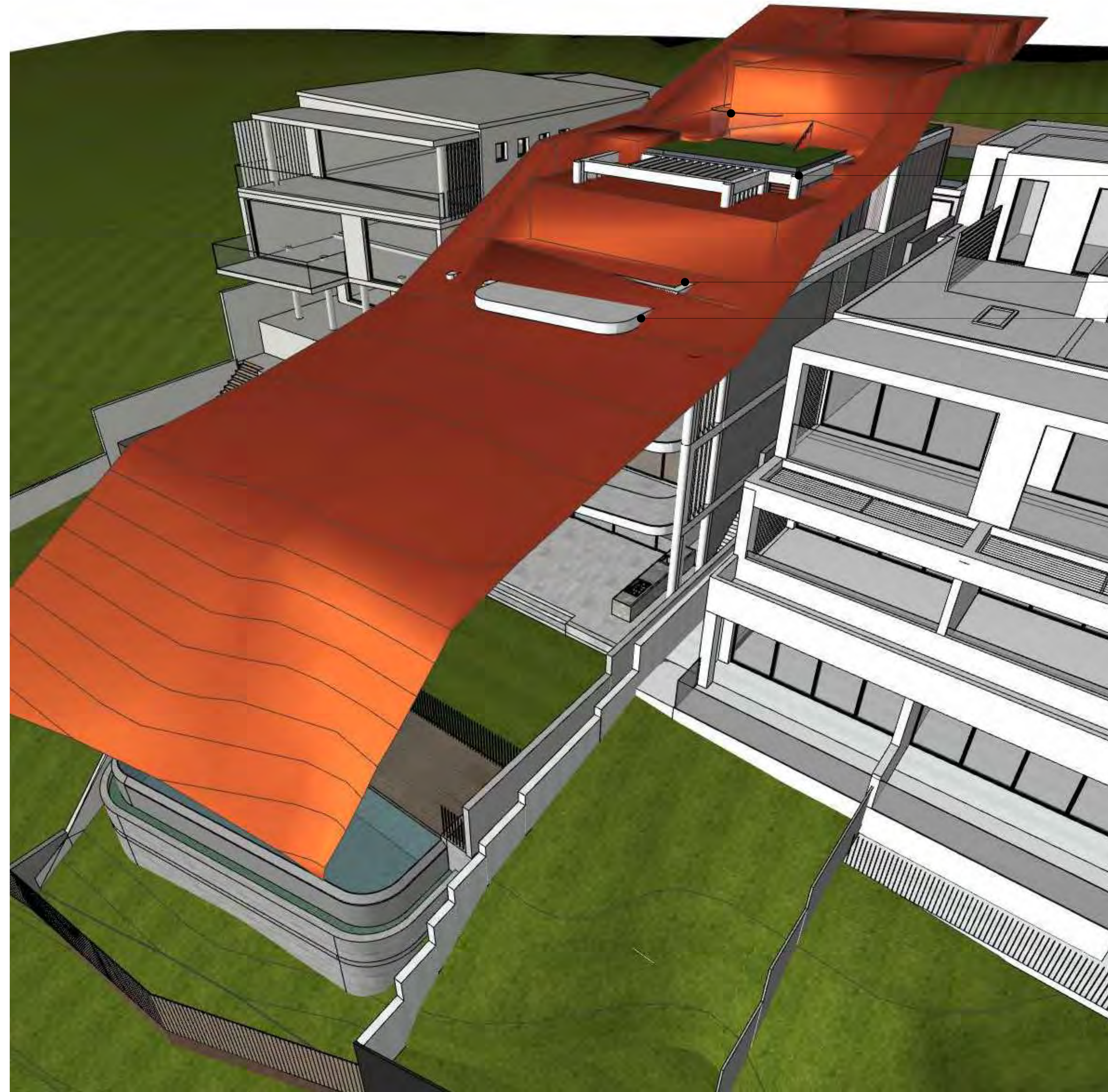
■	GROSS FLOOR AREA
▨	NULL GROSS FLOOR AREA

PROPERTY DETAILS
 AREA: 507 m²
 ZONE: R2 LOW DENSITY RESIDENTIAL
 FSR: 0.50:1

AREA SCHEDULE SUMMARY

GROSS FLOOR AREA:	
BASEMENT FLOOR	= 68.7 m ²
LOWER GROUND FLOOR	= 110.5 m ²
GROUND FLOOR	= 131.5 m ²
FIRST FLOOR	= 71.9 m ²
TOTAL:	= 382.1 m ²
FLOOR SPACE RATIO	= 0.75:1

DRAWING BY: LS	CHECKED BY: PB	ISSUE: D
SCALE: 1:200QA1	DRAWING NO: A500	
PROJECT NO: 2207		



RL +67.10
1140mm ABOVE HEIGHT

RL +66.05
670mm ABOVE HEIGHT

RL +63.35
20mm ABOVE HEIGHT

RL +63.00
500mm ABOVE HEIGHT

LEGEND:
■ 8.5m HEIGHT LIMIT PLANE

GENERAL NOTES:
ALL WORKS TO COMPLY WITH BUILDING CODE OF AUSTRALIA, REQUIREMENTS OF RELEVANT STATUTORY AUTHORITIES/ LOCAL GOVERNMENT & RELEVANT AUSTRALIAN BUILDING STANDARDS
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AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-404/2022

Date Received: 17/03/2023

LIST OF AMENDMENTS:

1. REDUCED EXCAVATION ON THE BASEMENT AND LOWER GROUND LEVELS.
2. AMENDED BUILDING ENVELOPE TO REMOVE OVER SHADOW IMPACT ON SOUTHER NEIGHBOUR.
3. REDUCED AREA OF THE ROOF TERRACE AND PROPOSE A LOWER LEVEL SLIDING ROOF WINDOW FOR THE ACCESS.
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60 MILITARY ROAD, DOVER HEIGHTS
60 Military Rd Dover Heights NSW 2030 AUSTRALIA

DRAWING TITLE:
HEIGHT LIMIT BLANKET

DRAWING BY: LS	CHECKED BY: PB	ISSUE: D
SCALE: 1:100, 1:0.598A1	DRAWING NO: A520	
PROJECT NO: 2207		



CONC-01
BEAMS AND COLUMNS - EXPOSED CONCRETE FINISH
(WHITE COLOUR)



RFL-01
ROOFTOP LAWN



BT-01
ALUMINIUM BATTENS AND HORIZONTAL LOUVRES -
COLOUR LIGHT GREY



GB-01
FRAMELESS GLASS BALUSTRADE



RW-01
WALL FINISH - WHITE PREFINISHED RENDER

AMENDED

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MATERIALS LEGEND:

- AFG ALUMINIUM FRAMED GLAZING
- AFL ALUMINIUM ELLIPTICAL FIXED LOUVRES
- AW AWNING (TO FUTURE DETAIL)
- BC BATTEN CLADDING (TO FUTURE DETAIL)
- BR BRICK WORK
- CONC CONCRETE
- FB FACE BRICK
- GB FRAMELESS TOUCHENED GLASS BALUSTRADE (TO BCA/AUSTRALIAN STANDARDS)
- MB METAL BALUSTRADE
- MC METAL CLADDING
- MF METAL FENCING (TO FUTURE SELECTION)
- PC COMPOSITE PANEL CLADDING
- PSx PRIVACY SCREEN (TO FUTURE SELECTION)
- PTx PAINT FINISH TYPEx
- RD ROLLER DOOR
- RP RIVER PEBBLES
- RW RENDERED WALL/SELECTED PAINT FINISH
- TC TIMBER CLADDING
- VB EXTERNAL VENETIAN BLINDS



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 5. REMOVED CAR STACKER.
 6. AMENDED STAIRS AND LIFT LOCATION

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DRAWING TITLE:
MATERIAL SCHEDULE

DRAWING BY: LS	CHECKED BY: PB	ISSUE: D
SCALE: 1:2.518A1	DRAWING NO: A400	
PROJECT NO: 2207		



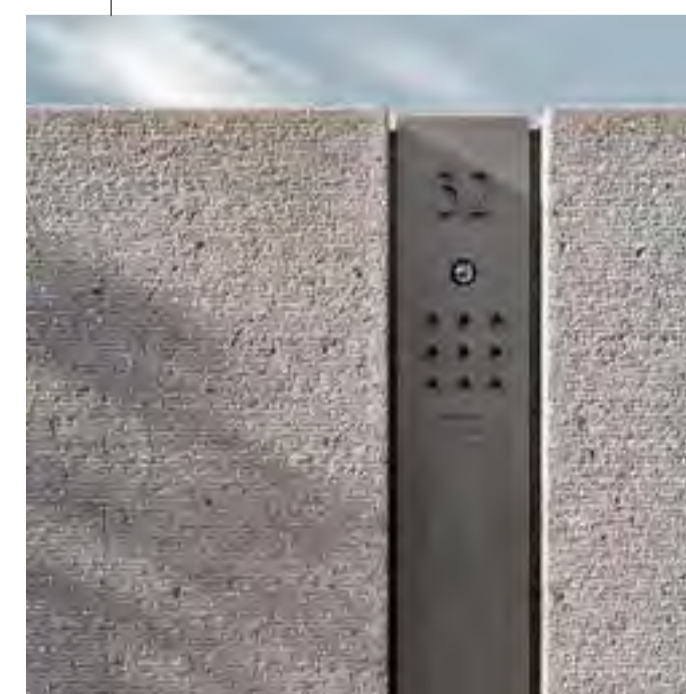
AFG
ALUMINIUM FRAME GLAZING - DARK GREY FINISH



MF-01
CORTEN STEEL EDGE



BT-02
ALUMINIUM BATTENS - LIGHT BROWN FINISH



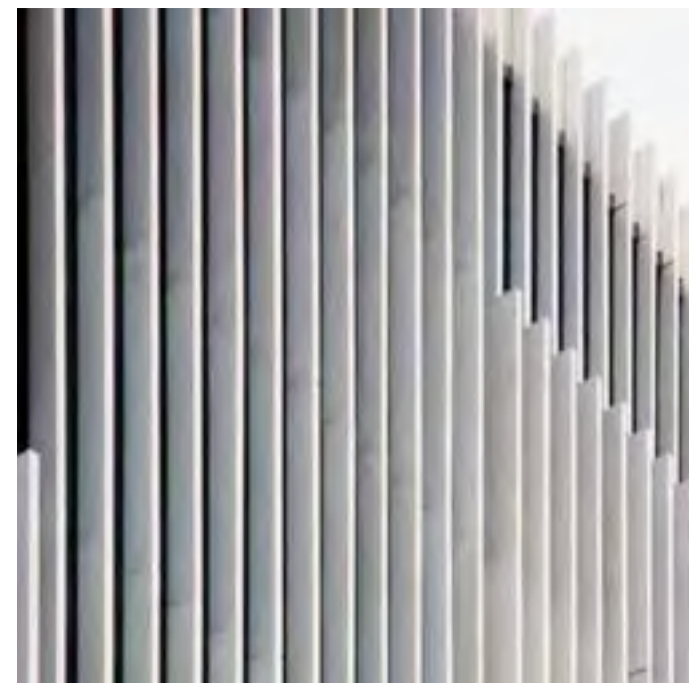
MF-02
MAIL BOX - DARK GREY METAL FINISH



ST-01
STONE CLADDING - LIGHT COLOUR GRANITE COBBLES



BT-02 ALUMINIUM BATTENS - LIGHT BROWN FINISH



BT-01 ALUMINIUM BATTENS AND HORIZONTAL LOUVRES - COLOUR LIGHT GREY



CONC-01 BEAMS AND COLUMNS - EXPOSED CONCRETE FINISH (WHITE COLOUR)



GB FRAMELESS GLASS BALUSTRADE



MF-03 METAL PALISADE FENCING - COLOUR DARK GREY

AMENDED

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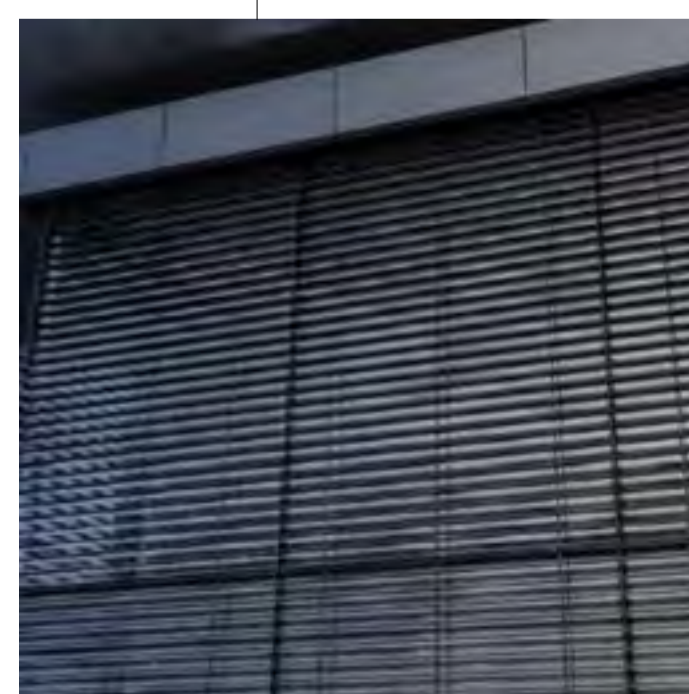
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PROJECT NO: 2207		



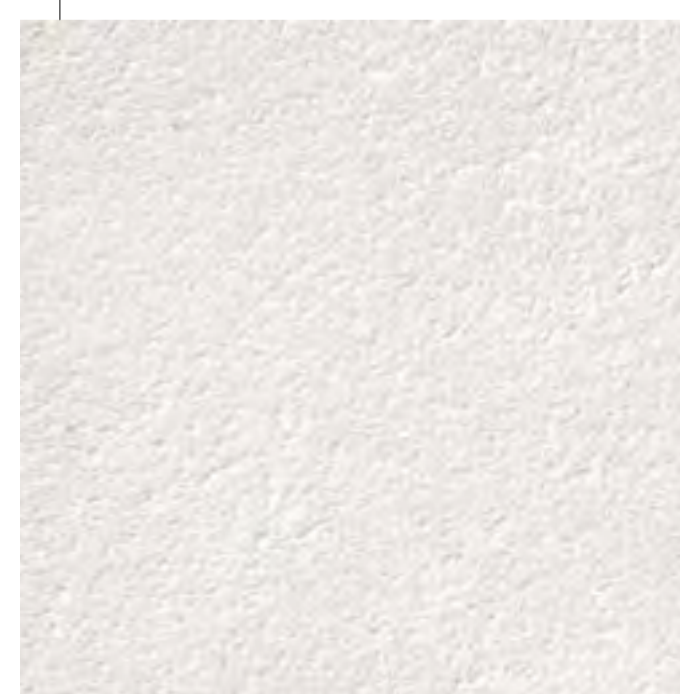
ST-01 STONE CLADDING - LIGHT COLOUR GRANITE COBBLES



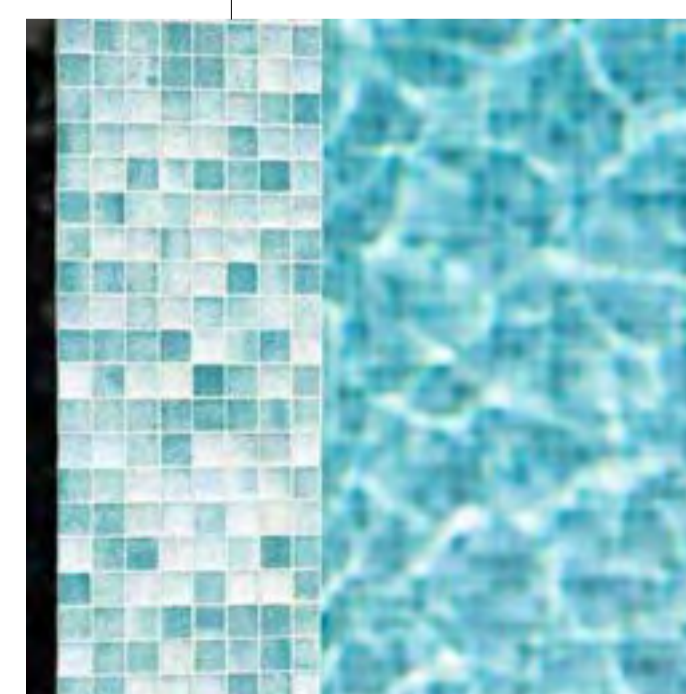
AFG ALUMINIUM FRAME GLAZING - DARK GREY FINISH



VB-01 HORIZONTAL VENETIAN - COLOUR EQUAL TO DARK GREY



RW-01 WALL - WHITE PREFINISHED RENDER



MS-01 SWIMMING POOL - BLUE/GREEN CERAMIC MOSAIC

LANDSCAPE AREA CALCULATIONS

Application No: DA-404/2022

Date Received: 15/09/2022

WAVERLEY DCP 2012 - Zone R2
WAVERLEY LEP 2012
Site area: 507m²

REQUIREMENTS

Required landscape area:	15% [76.05m ²]
Existing landscape area:	39%[201.00m ²]
Proposed landscape area:	30%[150.00m ²]
Required open space:	40%[202.80m ²]
Existing open space:	31%[158.80m ²]
Proposed private open space:	65%[328.00m ²]
Proposed green roofs : (min 300mm soil depth.)	[80.00m ²]

BASIX

Certificate number: 1328381S
Issue Date: 30 August 2022

LANDSCAPE SPECIFICATION/NOTES

GENERAL

The landscape plans should be read in conjunction with all architectural plans, hydraulic plans, service plans and survey prepared for the proposed development. It is the responsibility of the Client/Project Manager (if applicable) to check all drawings across all disciplines. All documentation provided in this package must not be used for construction. The Garden Social documentation will not include guidance on structural items, architecture, insulation, acoustics, thermal, waterproofing, fire systems, glazing, balustrades, hydraulics, electrical, mechanical, air conditioning, cleaning & protection, all forms of signage, BCA & Council requirements, emergency signage & indicators, smoke detectors, home automation unless otherwise clearly stated.

GOVERNANCE AND REGULATORS

All Contractors (and their work) must comply strictly to all Australian Standards*, Building Codes, Environmental Protection policies, Workplace Health and Safety guidelines, Local Council/Governance regulations and Heritage Council requirements. All relevant permits and approvals are to be obtained by Contractor prior to undertaking any works. All structural work is to be detailed by a Structural Engineer prior to commencement of works. All swimming pool, electrical, plumbing, gas, etc. works to be carried out by certified Tradespeople.

SITE SET-OUT AND PREPARATION

Contractor to undertake a full site set-out and verify all dimensions prior to undertaking any works. Ensure any required temporary fences are in place (i.e. Site fence, Temporary Pool Fencing, Tree Protection Zone fencing, Temporary Balustrades etc.) Any discrepancies on plan or on site must be made known to The Garden Social **immediately** for rectification. Site set-out of the landscape areas is to be approved by The Garden Social.

GRAPHIC ILLUSTRATION

Please note that the plant graphics are indicative sizes only and not an accurate representation of the plant size at time of purchase

GREEN ROOFS AND PLANTERS

All planters to have a minimum soil depth of 450mm. The green roof is to have a minimum soil depth of 300mm. Soil to be mounded to centre to achieve 450mm on green roof. Lightweight soil (equal to Hydrocell 40 lightweight planter soil mix) to be installed to all raised planters and green roofs. Planters and green roofs to be mulched with 20-40mm layer of fine 10mm river pebble mulch. Finished level to sit 20mm below containing edge. Waterproofing and drainage of planters to meet the requirements of AS4654.1 and AS4654.2 and all other relevant controls and standards.

RETAINING WALLS

Retaining walls, where possible, must have the top of their footings placed minimum 500mm below finished soil level for shrub beds and minimum 700mm below finished soil level for tree planting to allow for soil profile on top. All retaining walls not exempt from planning regulations and BCA to be specified by Engineer and approved by Local Council.

MAINTENANCE

The landscape is to be maintained by the Landscape Contractor for a period of 12 months from the date of practical completion following which the responsibility is then passed over to permanent gardener/client. Maintenance works to include, but not limited to the following: mowing and maintenance of lawns, weeding, removal of any dead foliage, re-mulching as required, clipping of plants, fertilising plants, replacement of any dead/dying plant material, check integrity of waterproofing, testing and adjustment of irrigation system (ensuring every plant receives adequate water)..



Dracaena draco



Eleaocarpus reticulatus



Howea forsteriana



Agave geminiflora



Alocasia macrorrhizos



Lomandra longifolia



Nolina nelsonii



Casuarina glauca 'Cousin it'



Viola hederacea

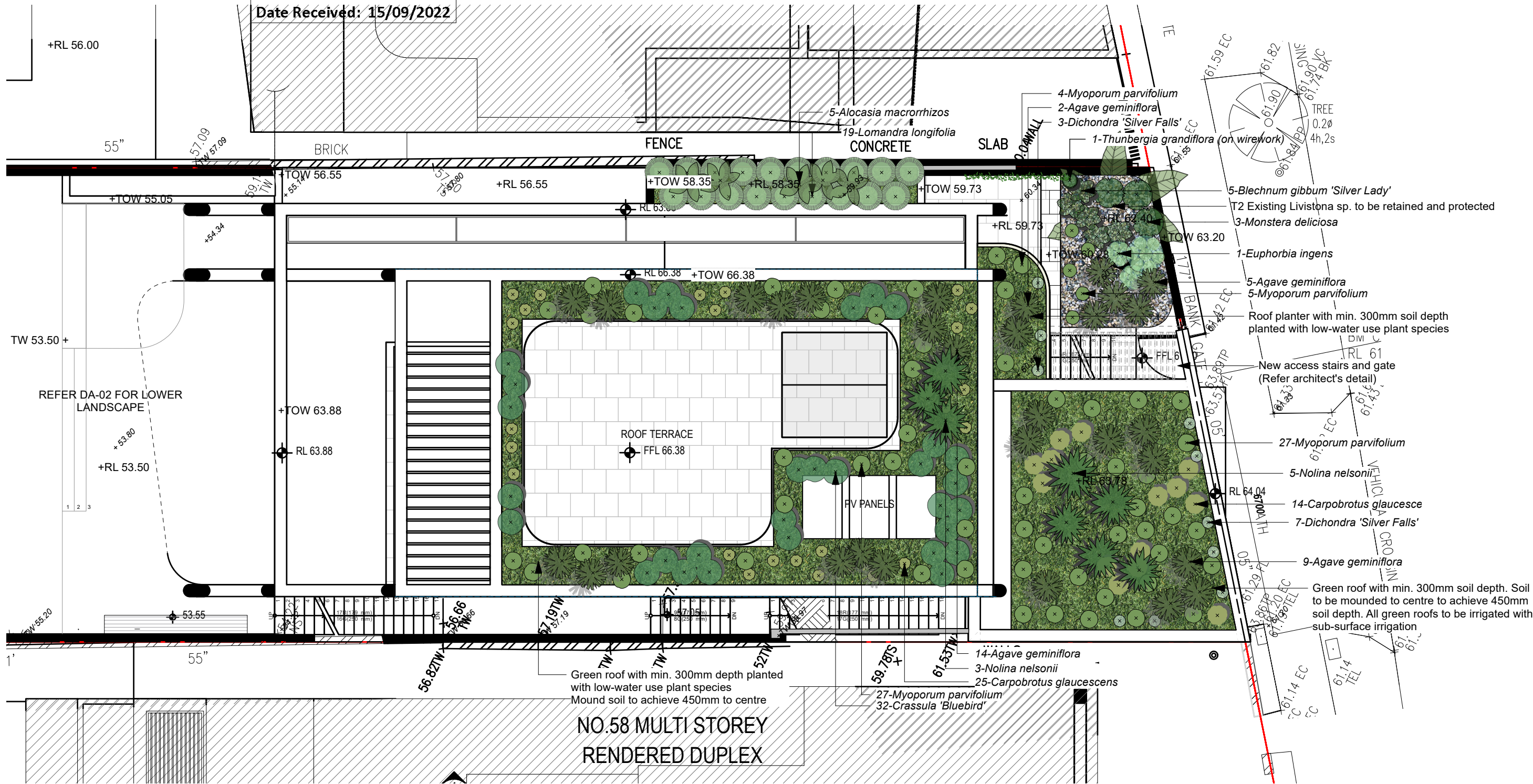


Blechnum 'Silver Lady'

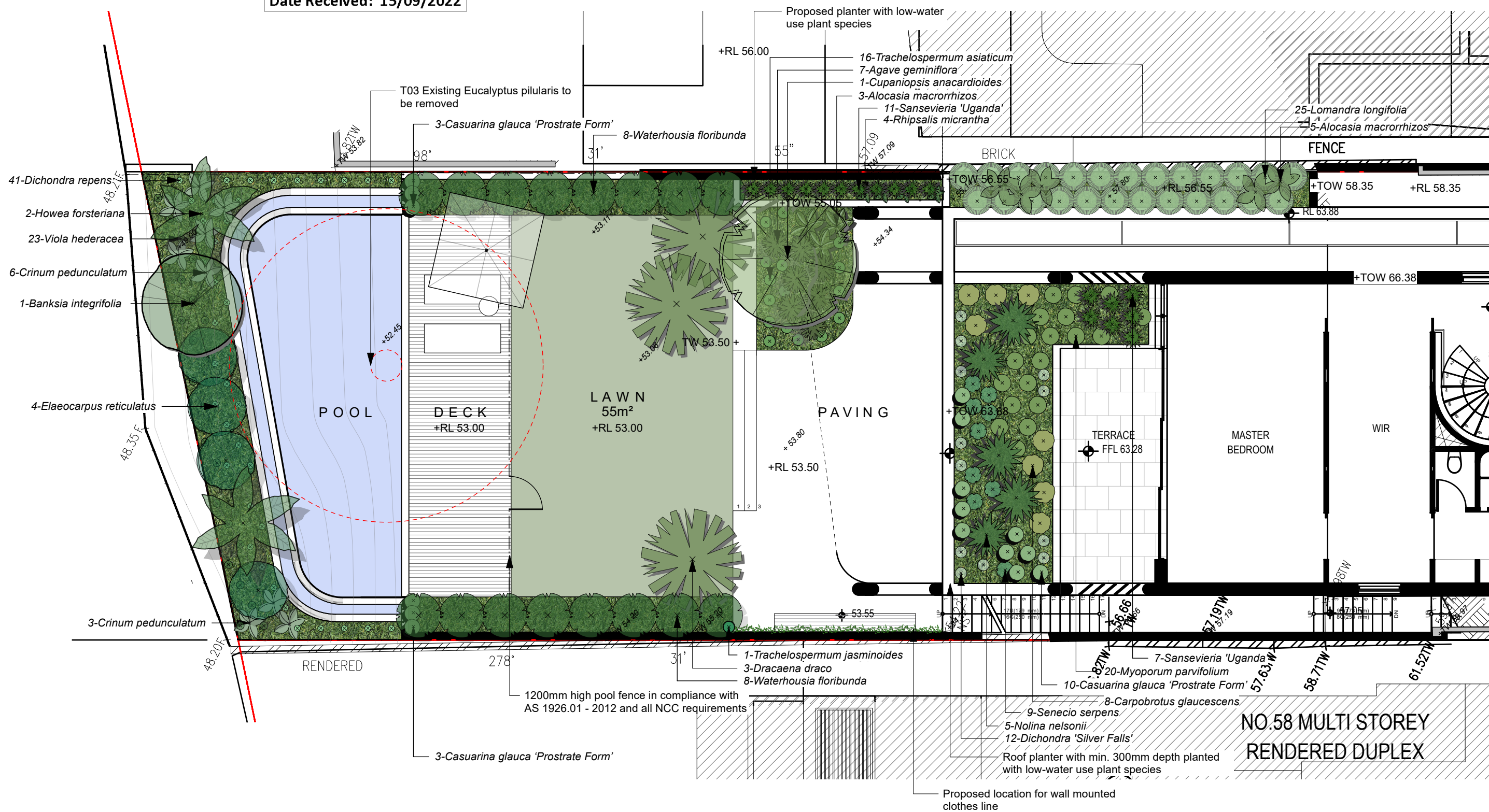
INDICATIVE PLANT SCHEDULE

ID	Qty	Botanical Name	Common Name	Scheduled Size	Mature Spread	Mature Height	Remarks
Trees							
Bi	1	Banksia integrifolia	Coastal Banksia	100ltr	2 - 6m	4 - 12m	
Can	1	Cupaniopsis anacardioides	Tuckeroo	100ltr	3.5 - 5m	4 - 6m	
Dc	3	Dracaena draco	Dragon Tree	200ltr	3 - 9m	3 - 6m	
Erc	4	Eleaocarpus reticulatus	Blueberry ash	45ltr	3 - 6m	8 - 10m	
Wf	16	Waterhousia floribunda	Weeping Lilly Pilly	45ltr	3.5 - 6m	5 - 8m	
Palms - Cycads							
Hf	2	Howea forsteriana	Kentia Palm	100ltr	3.5 - 6m	5 - 10m	
Perennials							
Amz	13	Alocasia macrorrhizos	Giant Taro	300mm	1.5 - 2m	1.5 - 2m	
Cp	9	Crinum pedunculatum	Swamp Lily	200mm	1.5 - 2m	2 - 3m	
Ew	3	Monstera deliciosa	Split-Leaf Philodendron	300mm	0.9 - 1.5m	1 - 2m	
Grasses							
Llf	44	Lomandra longifolia	Mat Rush	140mm	0.6 - 0.9m	0.45 - 0.6m	
Groundcovers							
Cg	47	Carpobrotus glaucescens	Pigface	140mm	1.2 - 2.0m	0.0 - 0.3m	
Cgpf-1	16	Casuarina glauca 'Prostrate Form'	Prostrate Swamp Oak	140mm	0.5 - 1.5m	0.0 - 0.3m	
Dis	22	Dichondra 'Silver Falls'	Kidney Weed	140mm	0.9 - 1.2m	0.0 - 0.3m	
Dr	41	Dichondra repens	Kidney Weed	140mm	0.9 - 1.2m	0.0 - 0.3m	
Mp	83	Myoporum parvifolium	Creeping Boobialla	140mm	0.9 - 1.2m	0.45 - 0.6m	
Ta	16	Trachelospermum asiaticum	Japanese star jasmine	140mm	1.2 - 2.0m	0.0 - 0.3m	
Vh	23	Viola hederacea	Native Violet	140mm	1.2 - 2.0m	0.0 - 0.3m	
Succulents							
Ag-1	37	Agave geminiflora	Twin flowered agave	400mm	0.6 - 0.9m	0.75 - 0.9m	
Cbb	32	Crassula 'Bluebird'	Blue Jade Plant	300mm	1.2 - 2.0m	1.5 - 3m	
Eia	1	Euphorbia ingens	Candelabra tree	ex. ground	0.6 - 1m	4 - 8m	
Nn	13	Nolina nelsonii	Blue beargrass Tree	400mm	0.9 - 1.2m	1 - 3m	
Rm	4	Rhipsalis micrantha	Rhipsalis	200mm	Mature Spread	Mature Height	
Ss-1	9	Senecio serpens	Blue Chalk Sticks	140mm	0.6 - 0.9m	0.3m	
Su	18	Sansevieria 'Uganda'	Sansevieria	250 mm	Mature Spread	Mature Height	
Climbers							
Tg	1	Thunbergia grandiflora	Clock Vine	200mm	3.0 - 5m	1.5 - 3m	
Tj	1	Trachelospermum jasminoides	Chinese Star Jasmine	200 mm	3.5 - 6m	1.5 - 3m	
Ferns							
Bsl	5	Blechnum gibbum 'Silver Lady'	Blechnum gibbum 'Silver Lady'	140mm	0.9 - 1.2m	0.75 - 0.9m	
Total:	465						

Note: 292/465 (63%) of specified plants are Australian native species

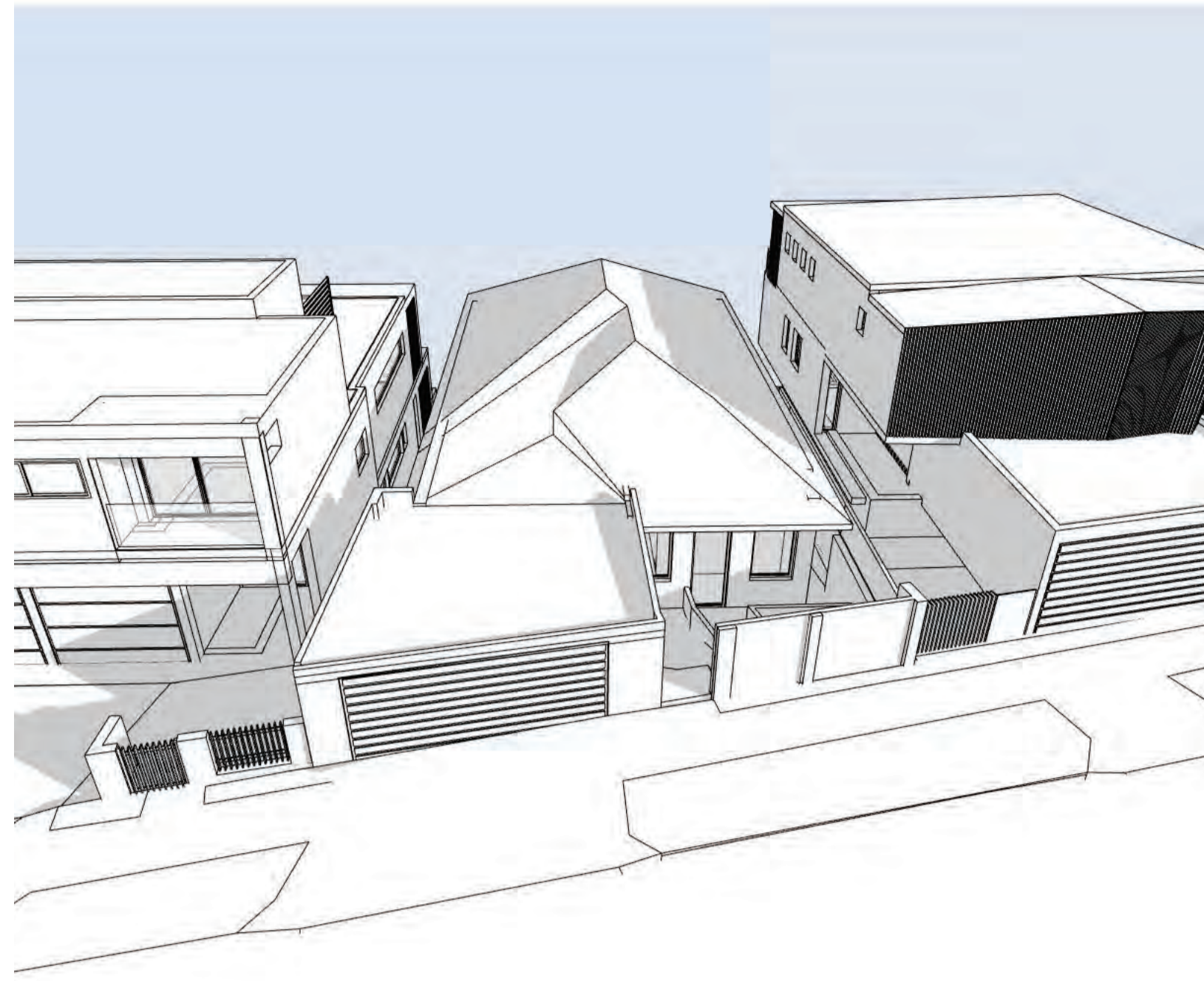


1 LANDSCAPE PLAN - FRONT
Scale: 1:100

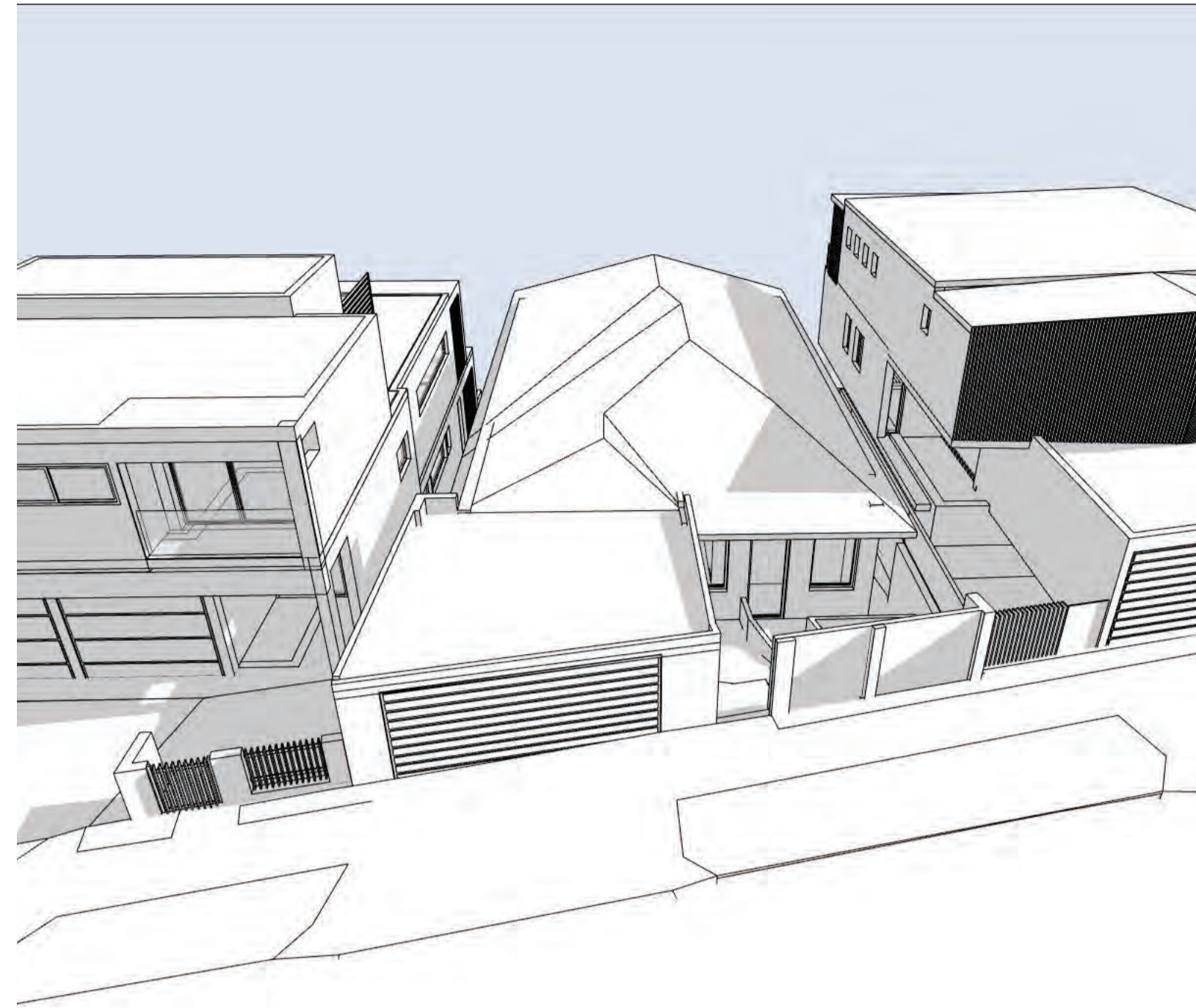


1 LANDSCAPE PLAN - REAR
Scale: 1:100

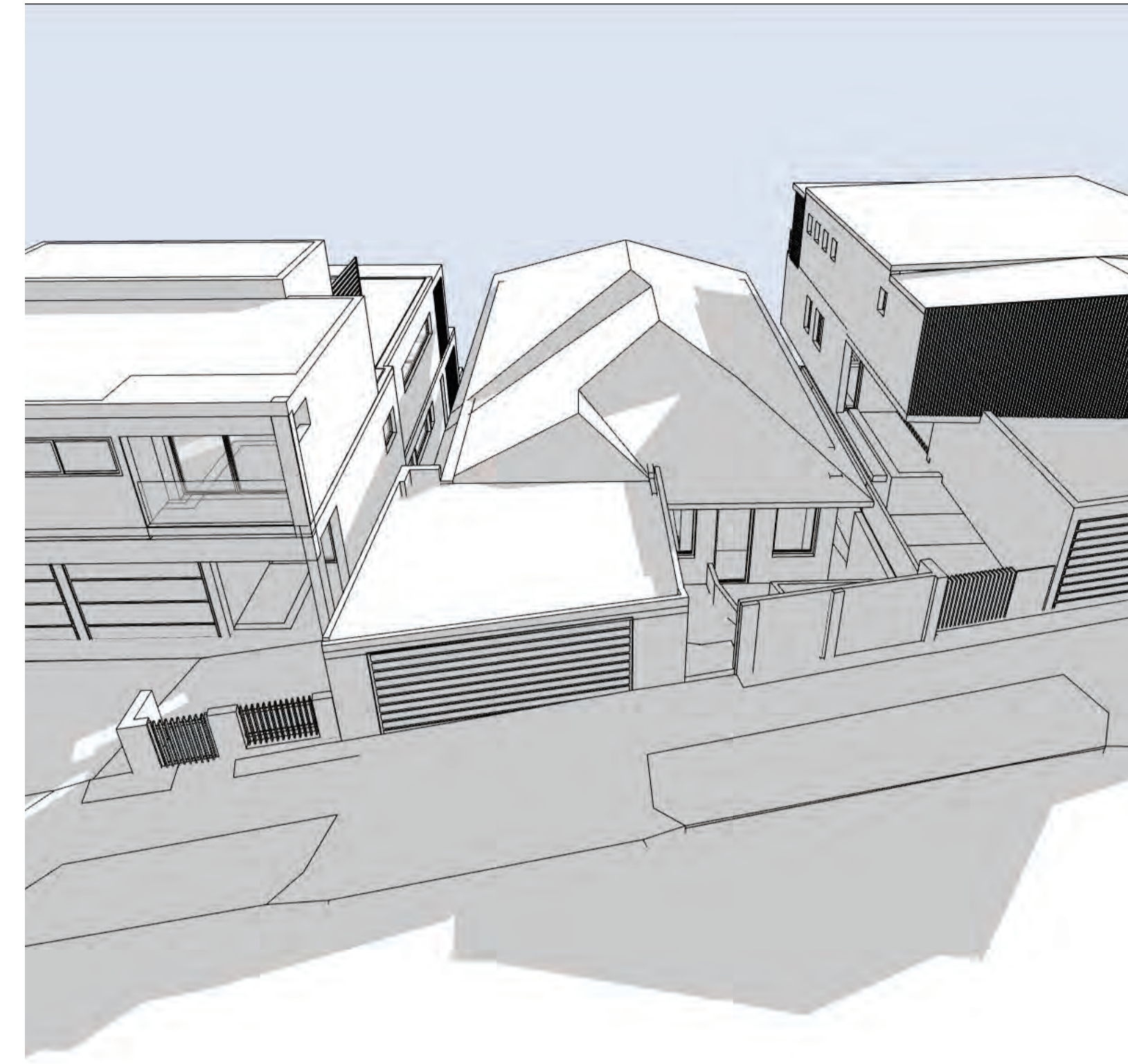
AMENDED PLANS



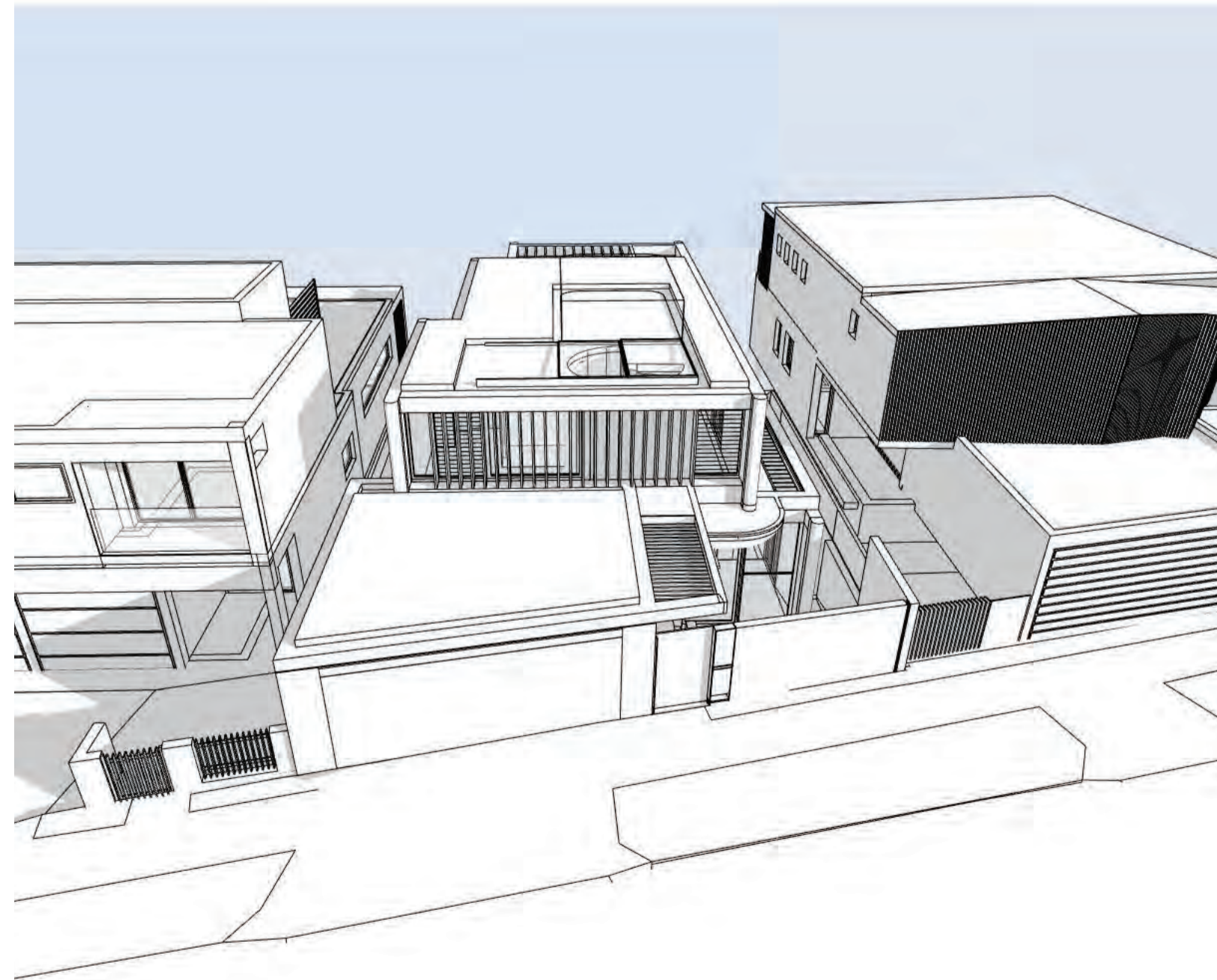
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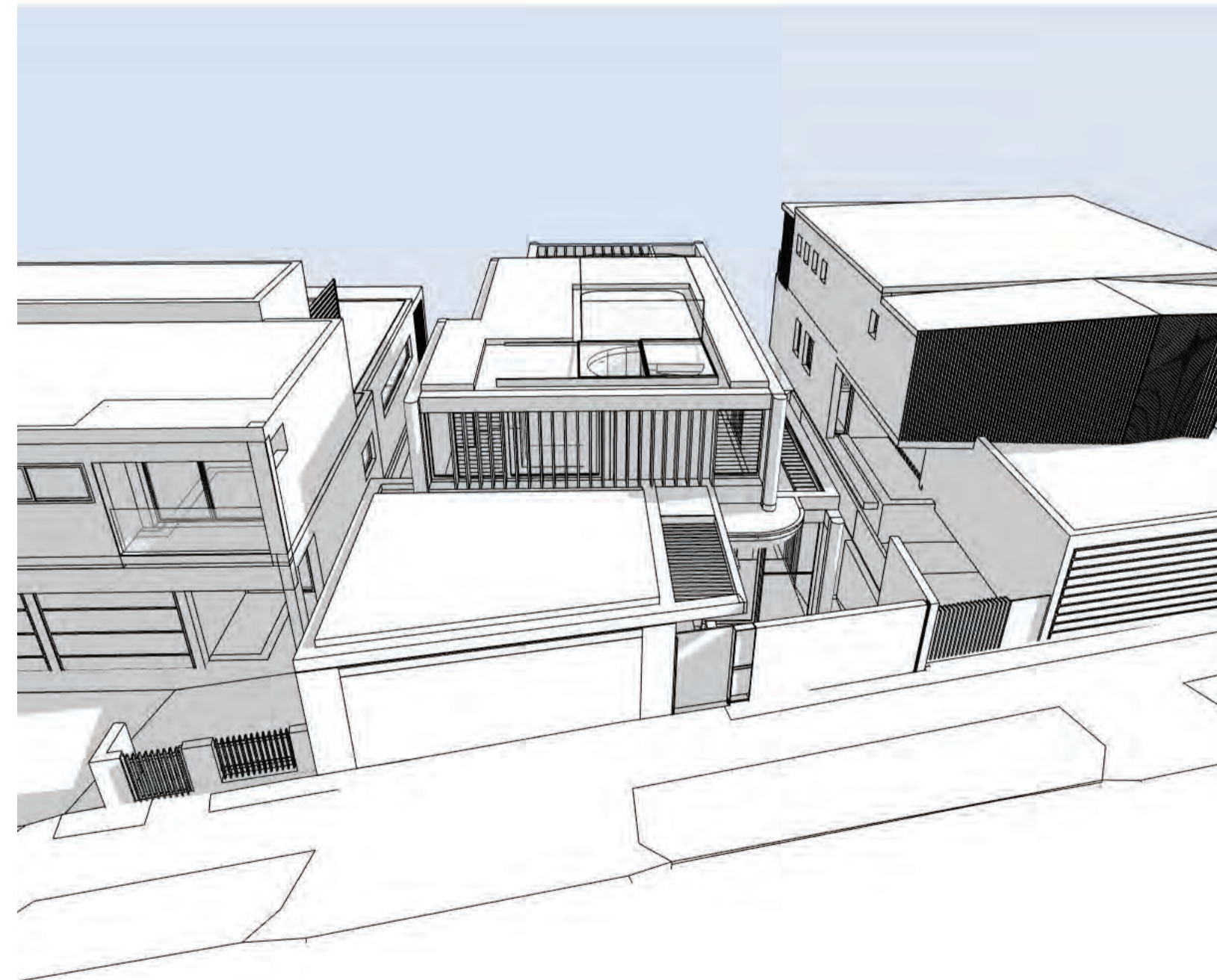
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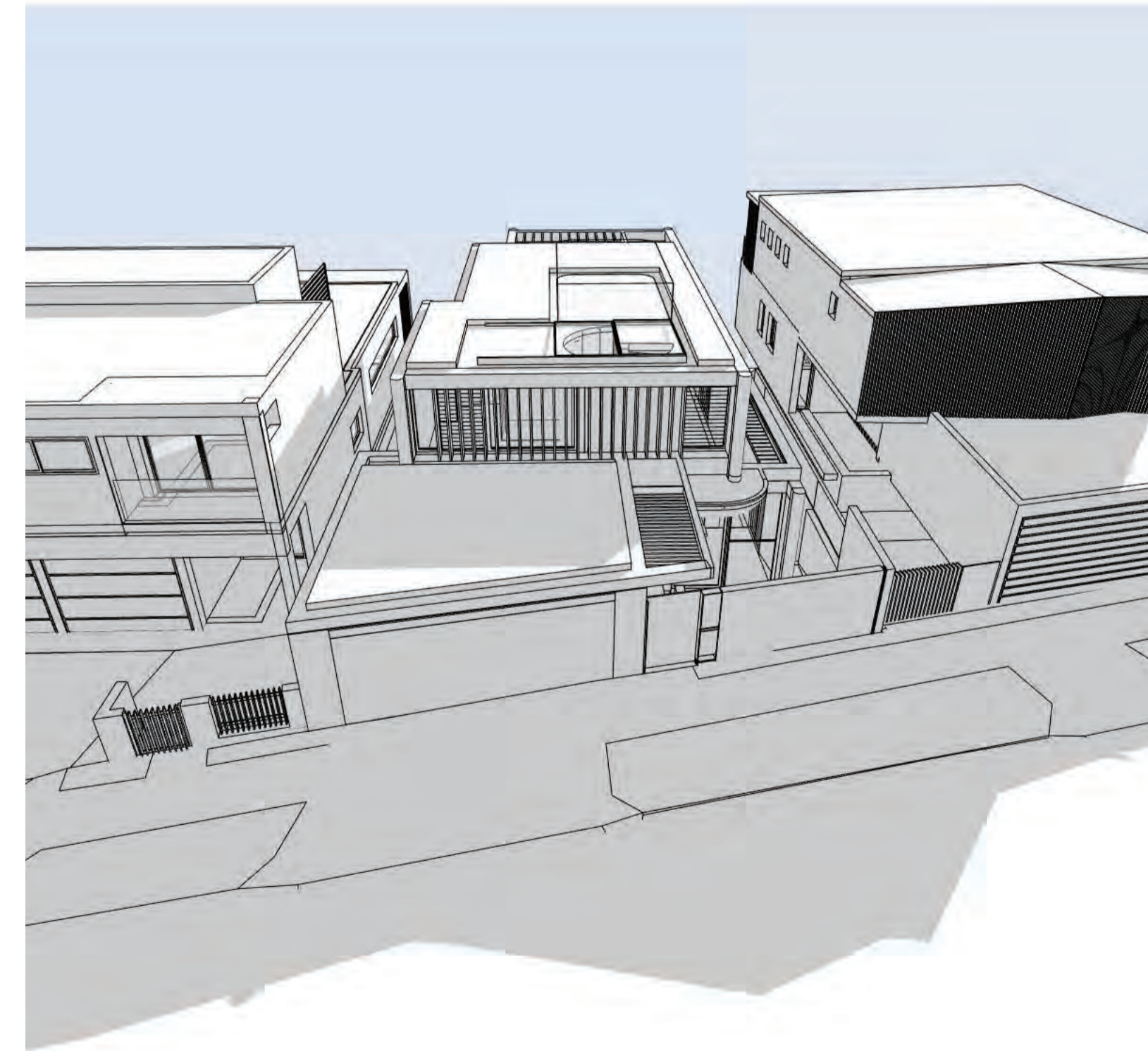
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4 Proposed June 21 - 9 AM
1:200



5 Proposed June 21 - 12 PM
1:200



6 Proposed June 21 - 3 PM
1:200

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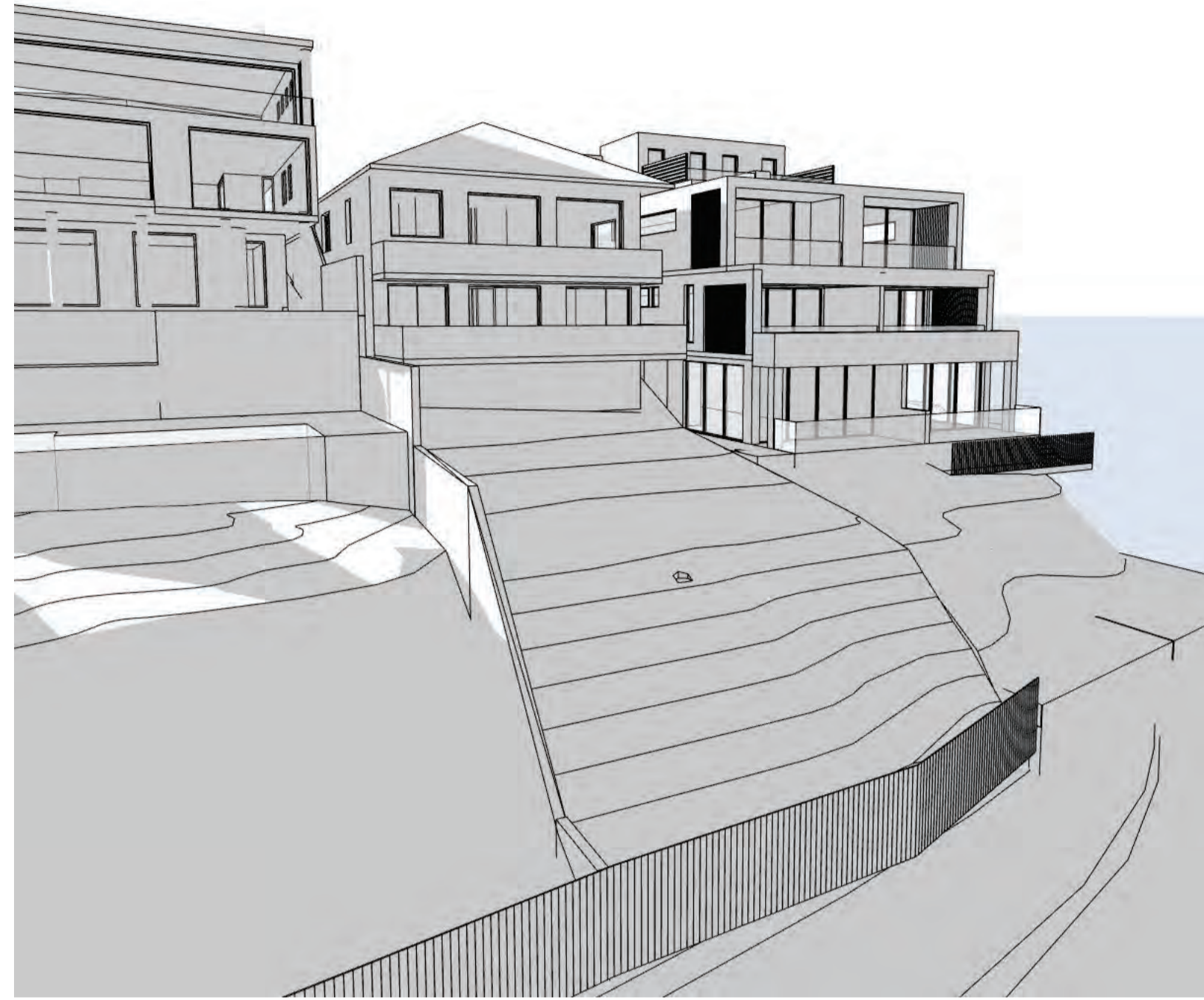
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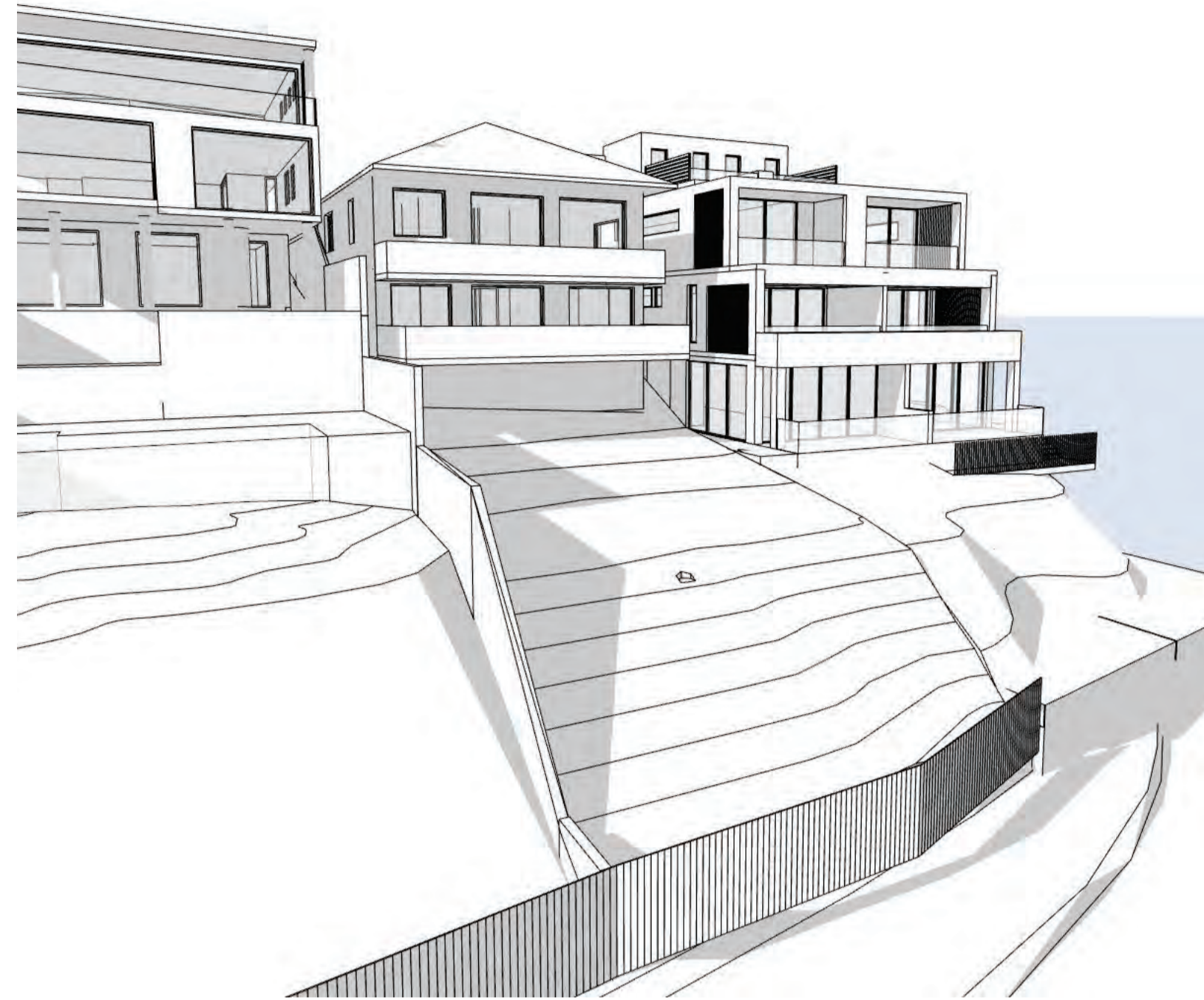
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PROJECT NO: 2207		

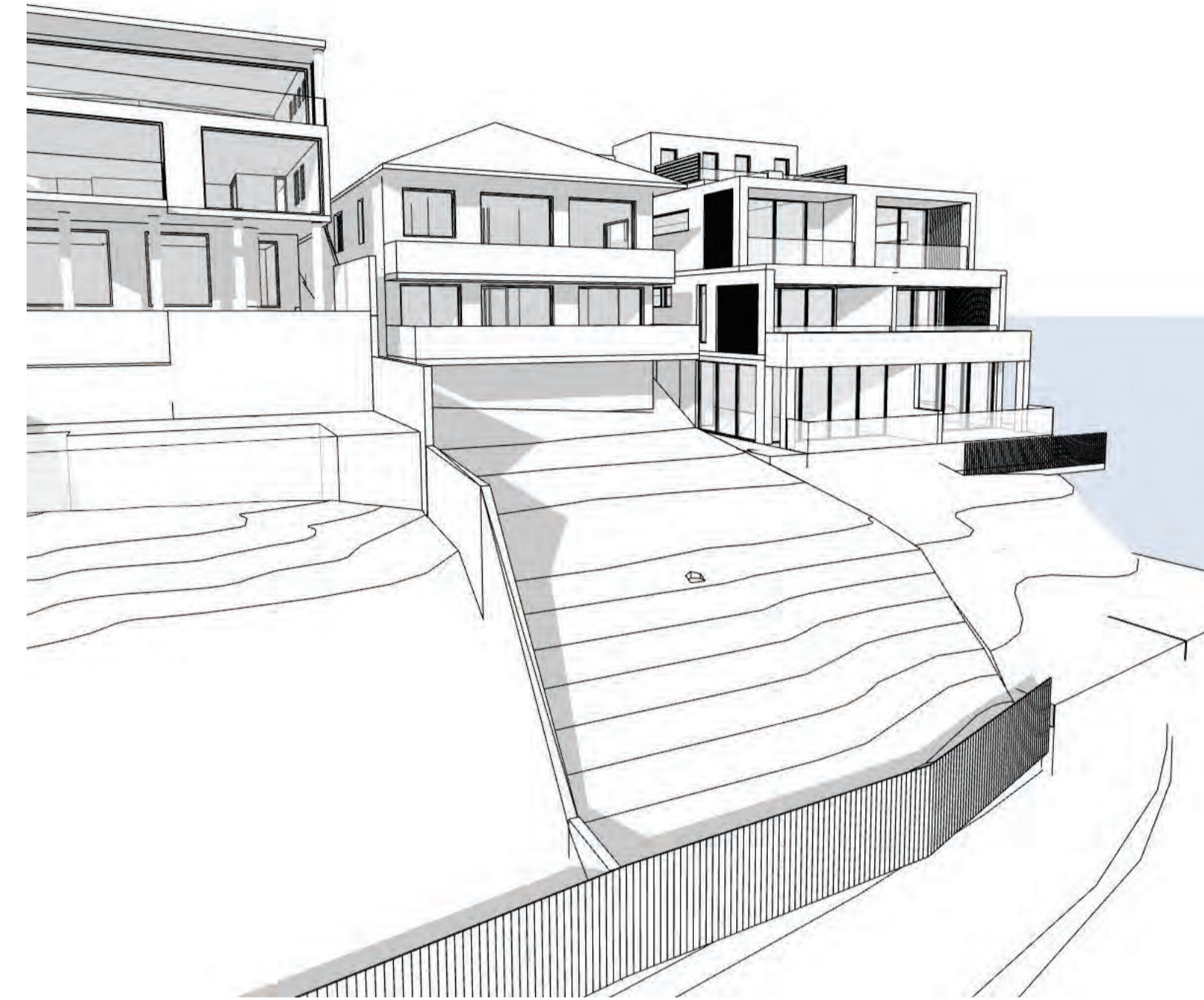
AMENDED PLANS



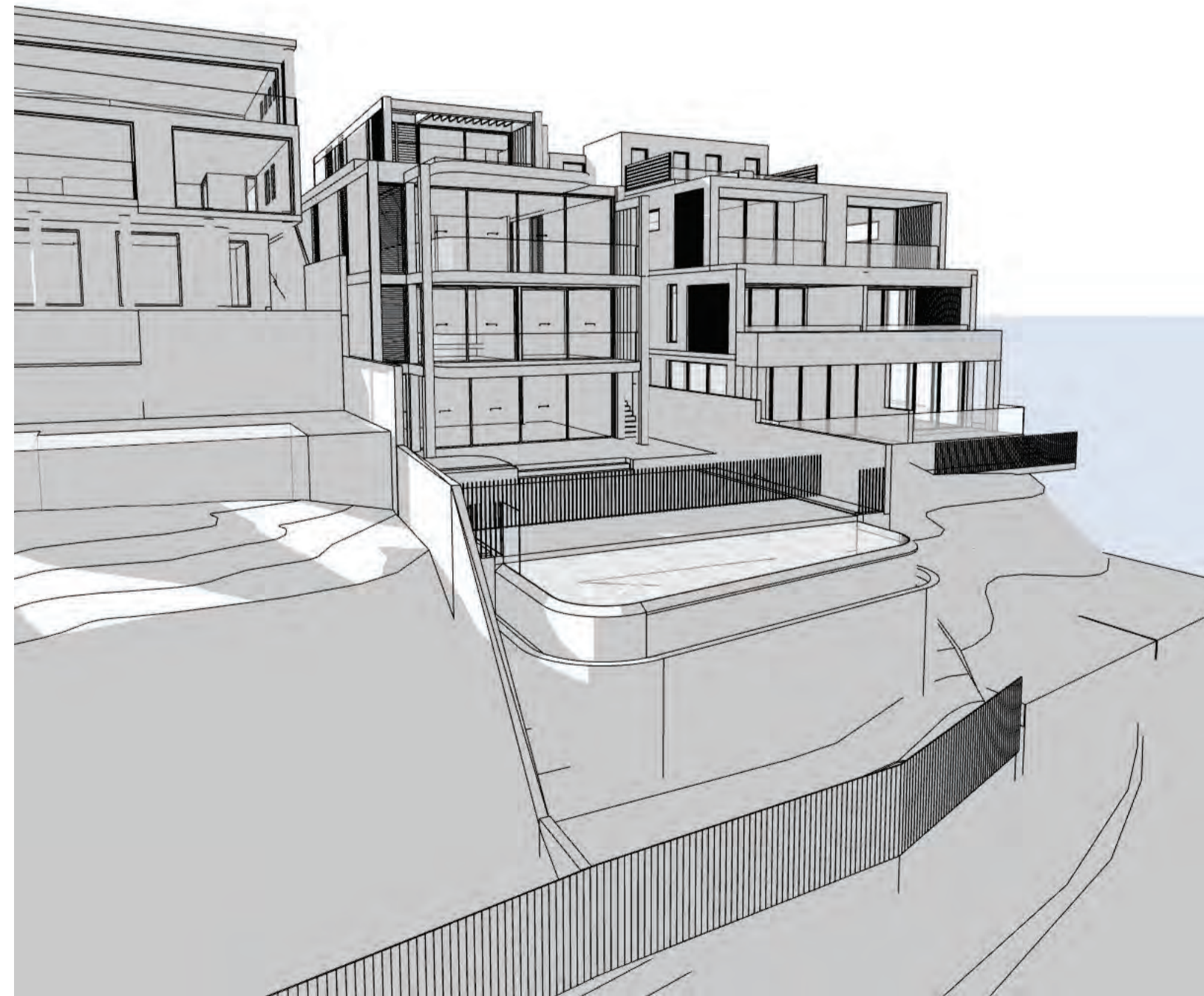
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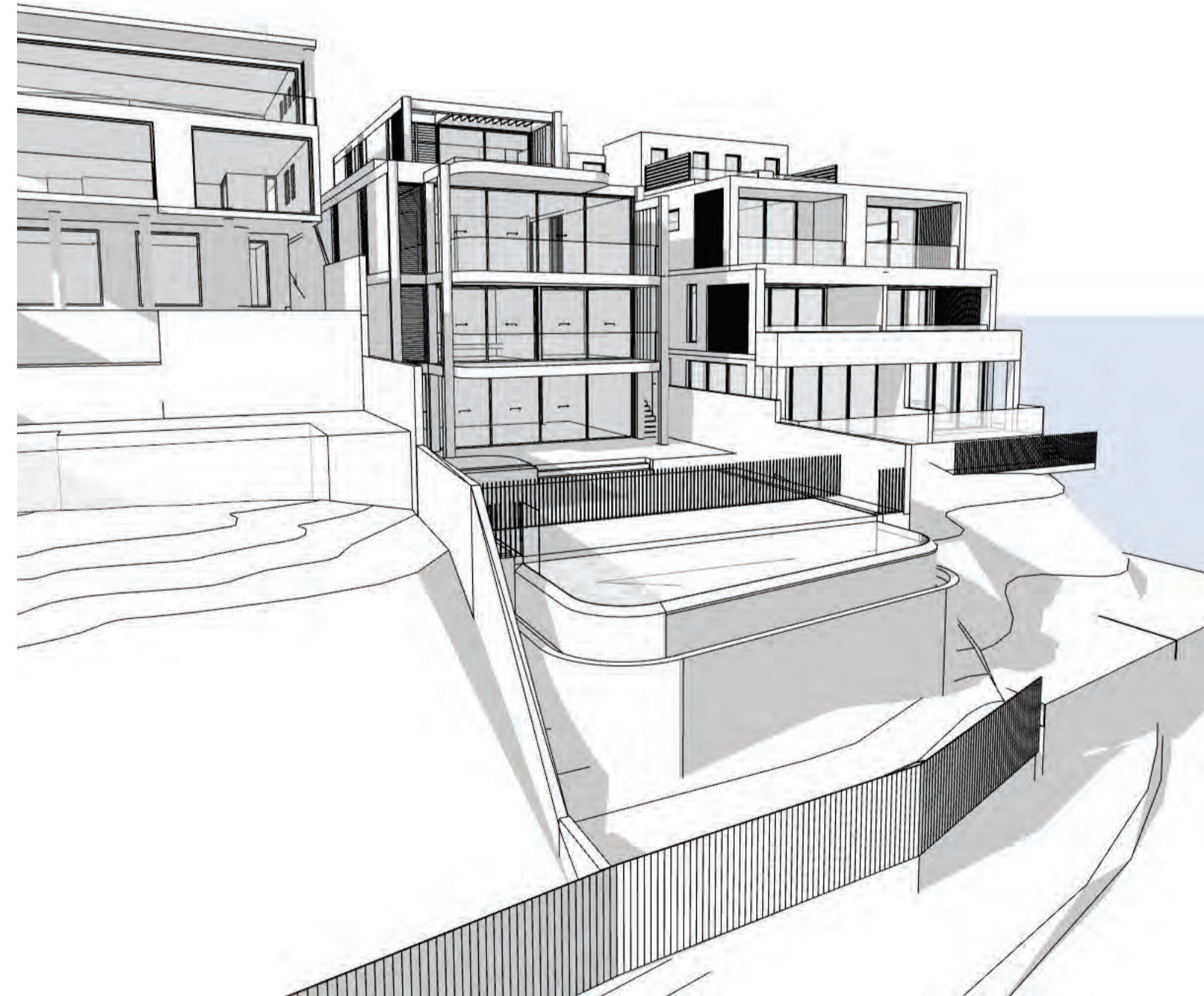
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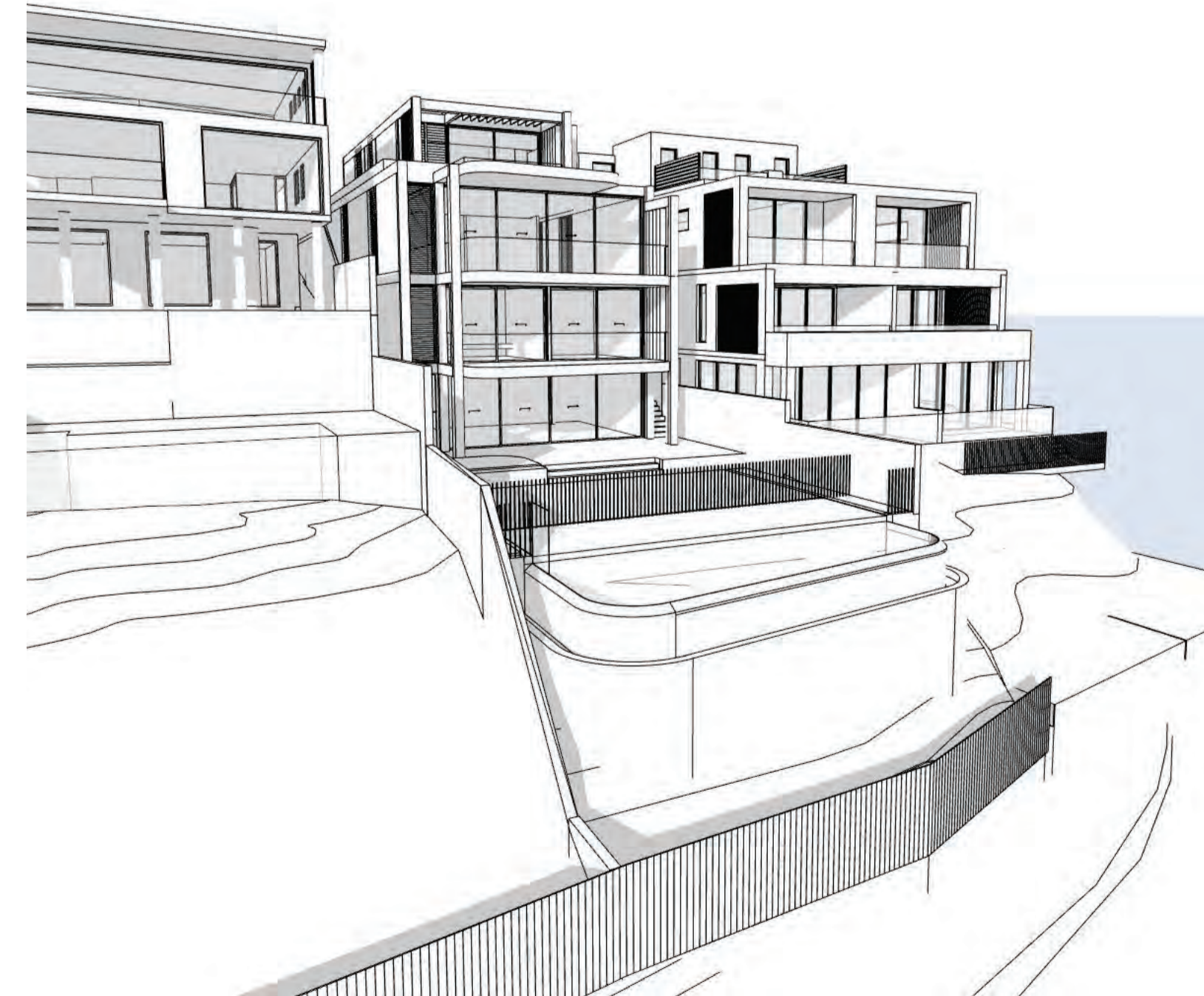
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B	13.10.2022	RESPONSE TO COUNCIL RFI
C	30.01.2023	RESPONSE TO COUNCIL RFI
D	17.03.2023	RESPONSE TO COUNCIL RFI

ISSUE DATE DESCRIPTION

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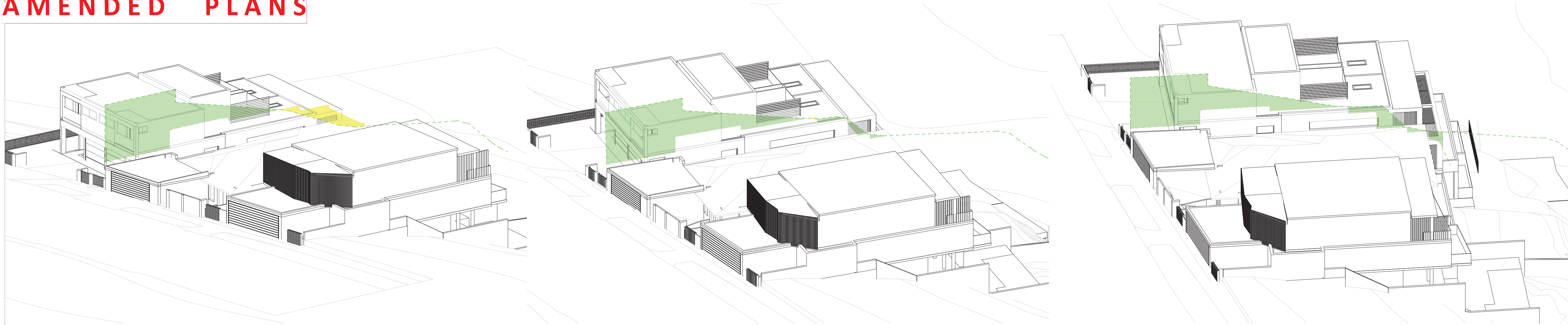
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Level 2, 52 Albion Street, Surry Hills NSW 2010
Nominated Architect: Paul Bujevic NSW 7768

PROJECT:
60 MILITARY ROAD, DOVER HEIGHTS
60 Military Rd Dover Heights NSW 2030 AUSTRALIA

DRAWING TITLE:
SUN EYE DIAGRAMS PROPOSED

DRAWING BY:	CHECKED BY:	ISSUE:
LS	PB	
SCALE:	DRAWING NO:	
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PROJECT NO:		
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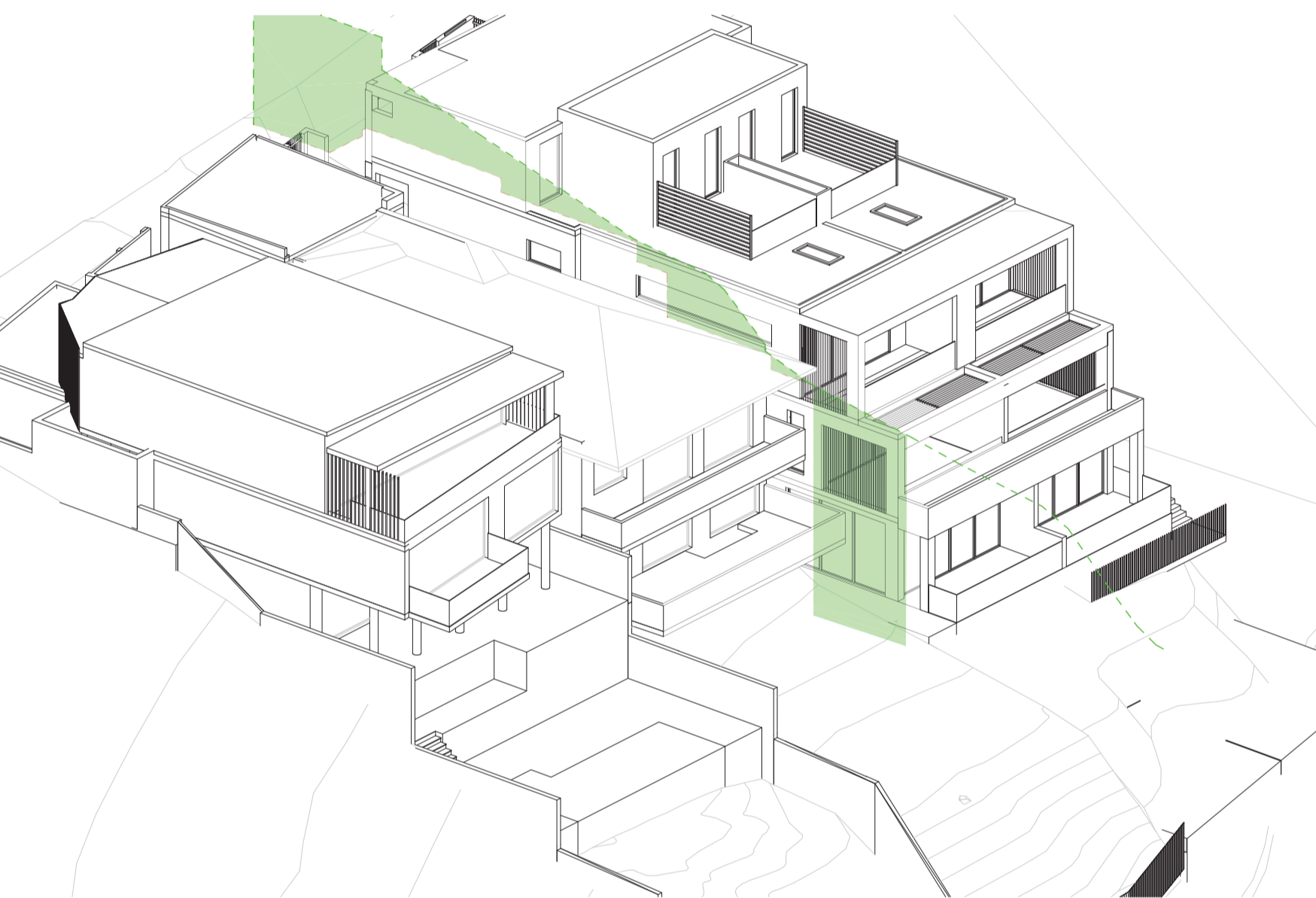
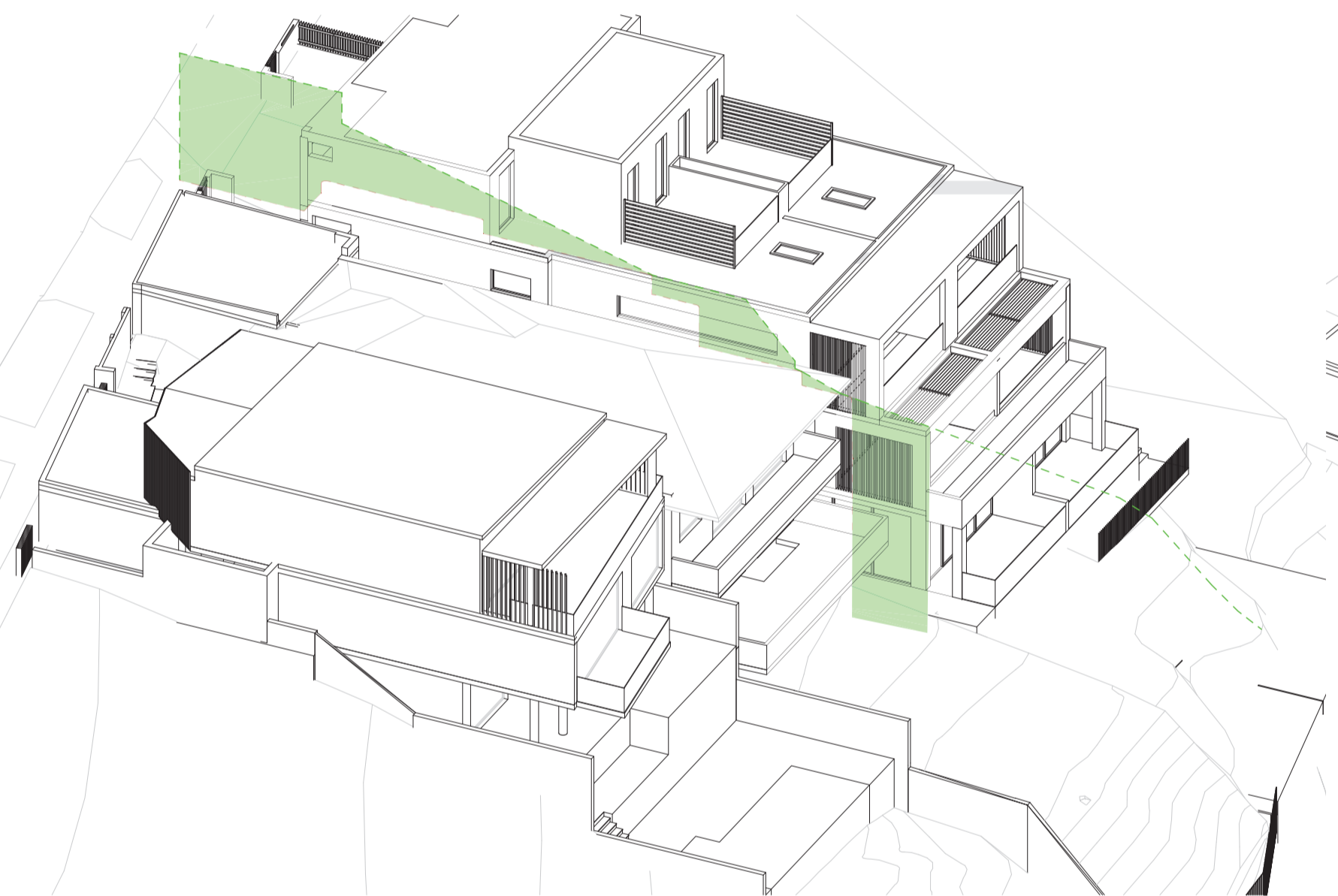
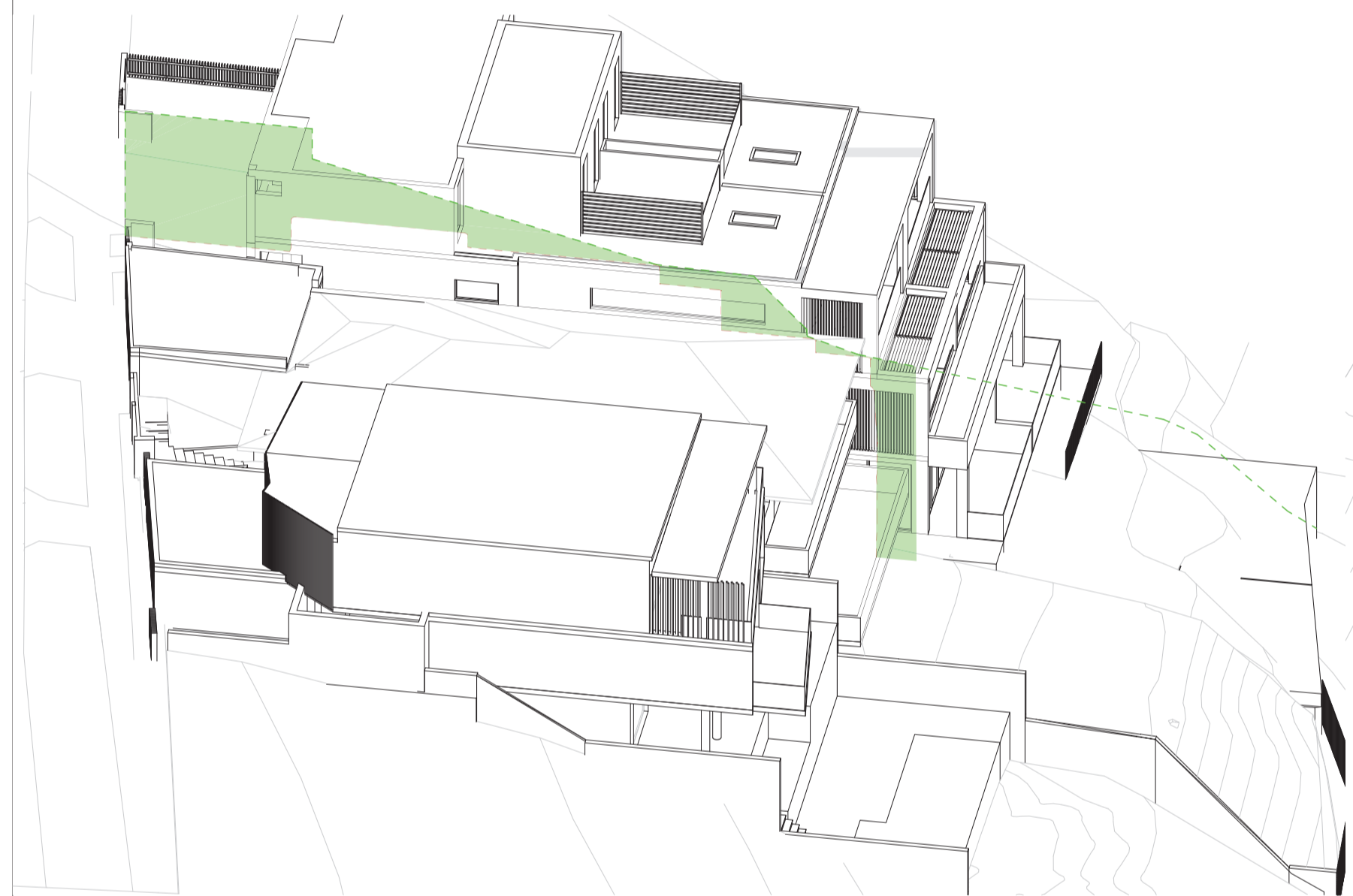
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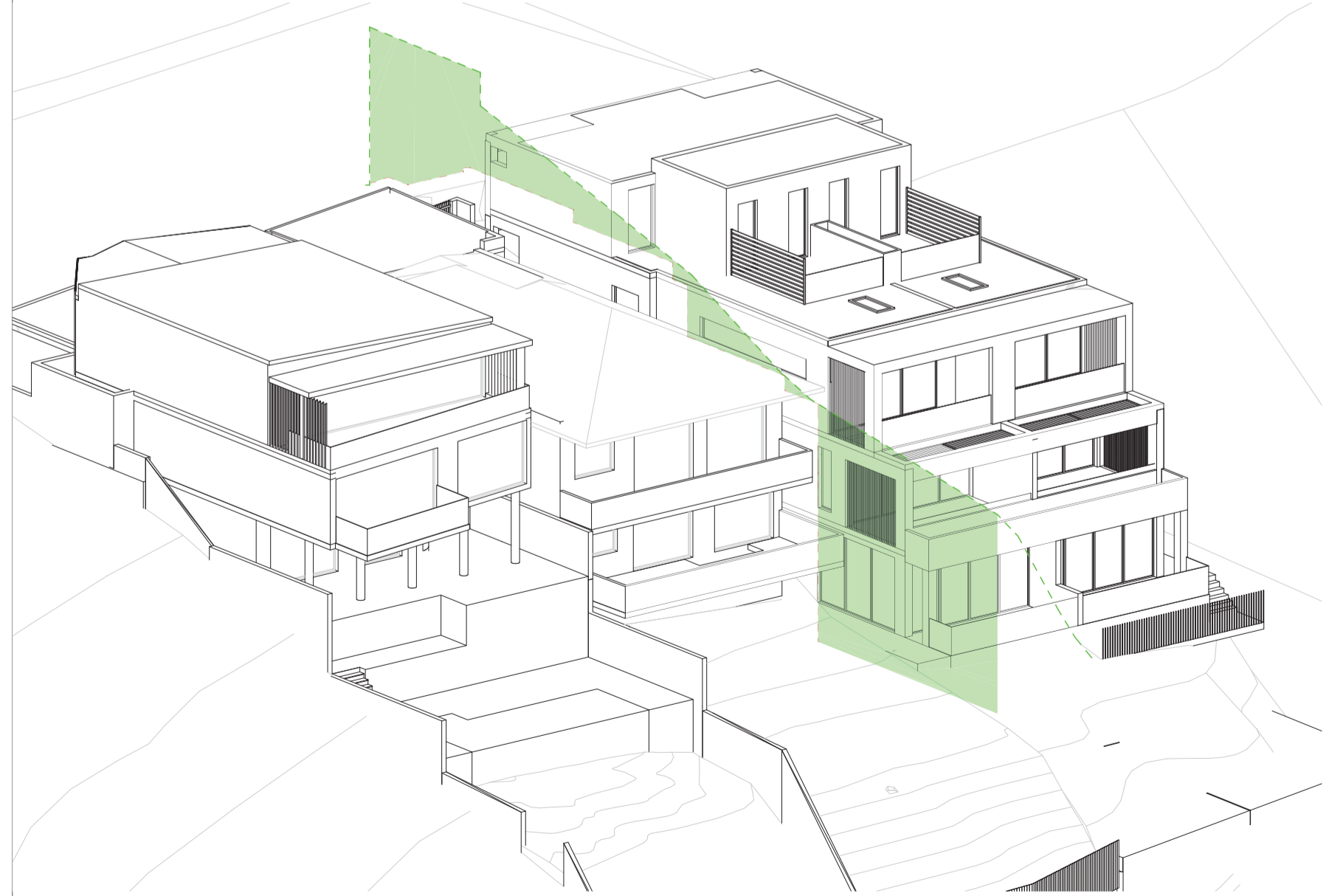
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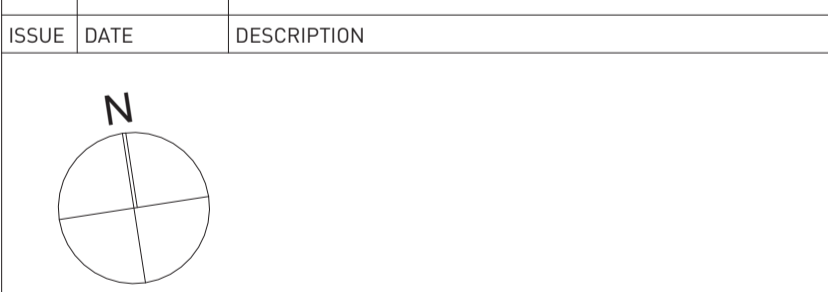
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 OUTLINE OF PROPOSAL
 HEIGHT PLANE
 COMPLIANT HEIGHT PLANE
 NON-COMPLIANT HEIGHT PLANE

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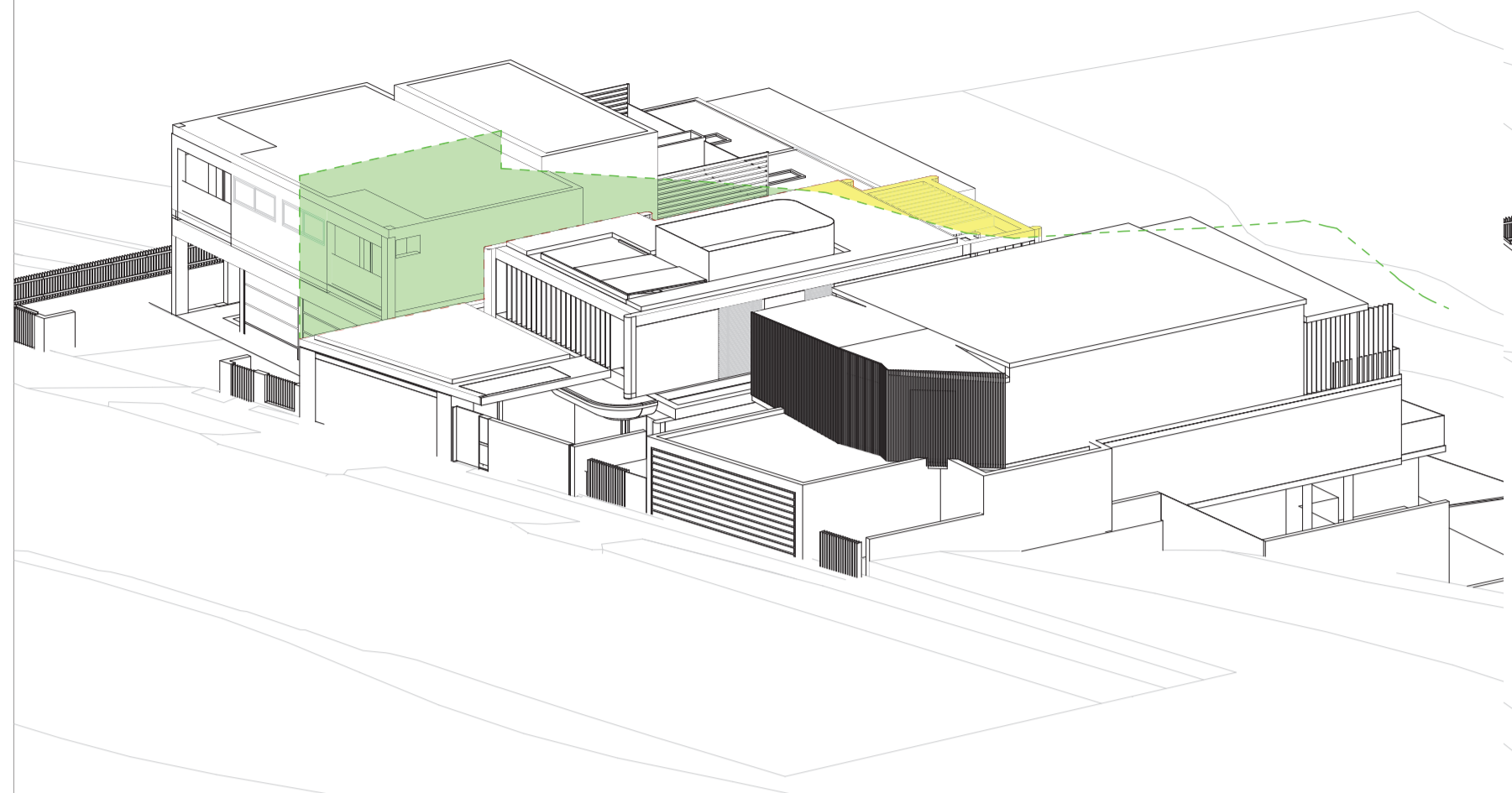
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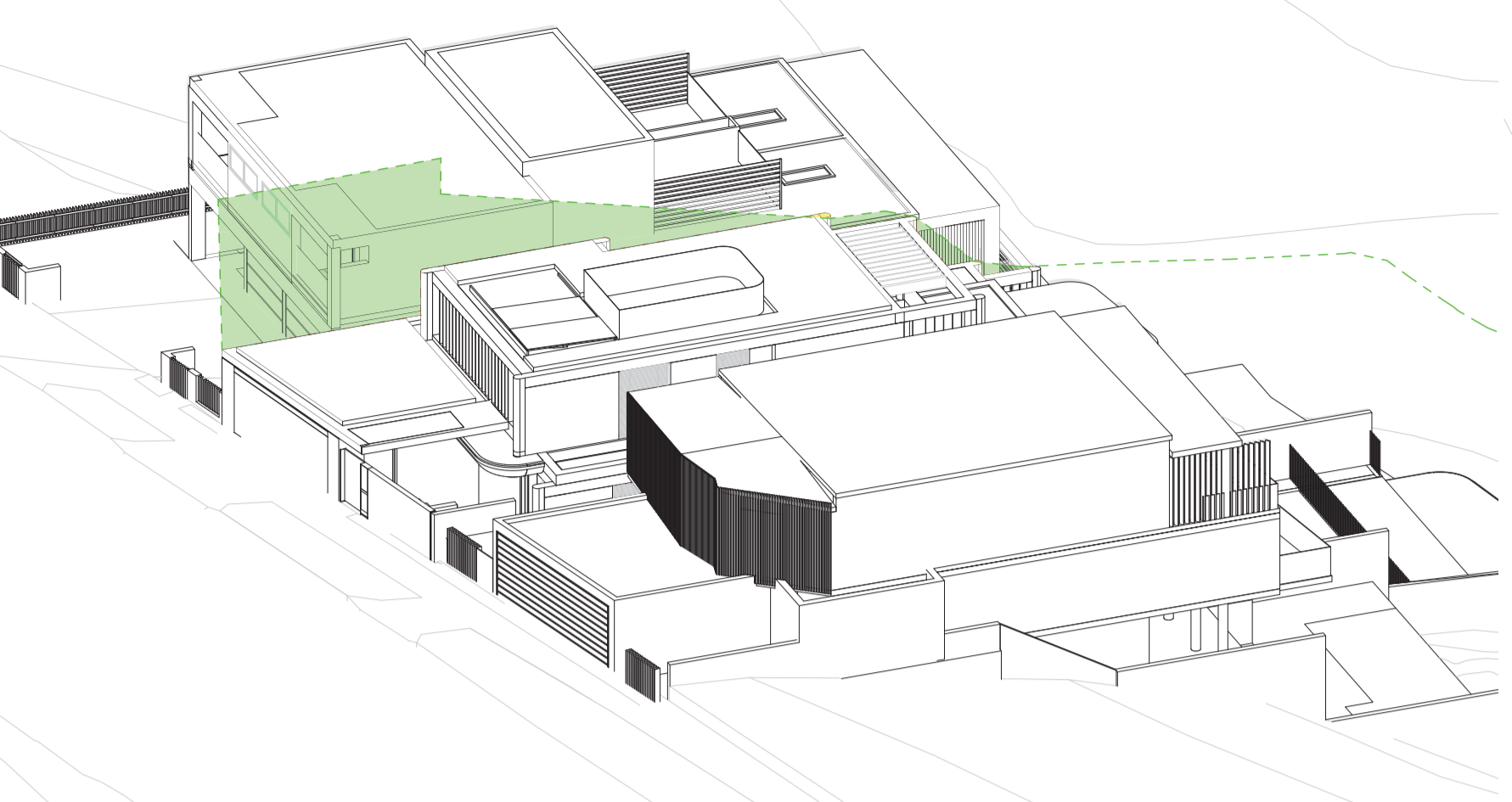
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DRAWING BY: LS	CHECKED BY: PB	ISSUE: D
SCALE: 1:200GA1	DRAWING NO: A552	
PROJECT NO: 2207		

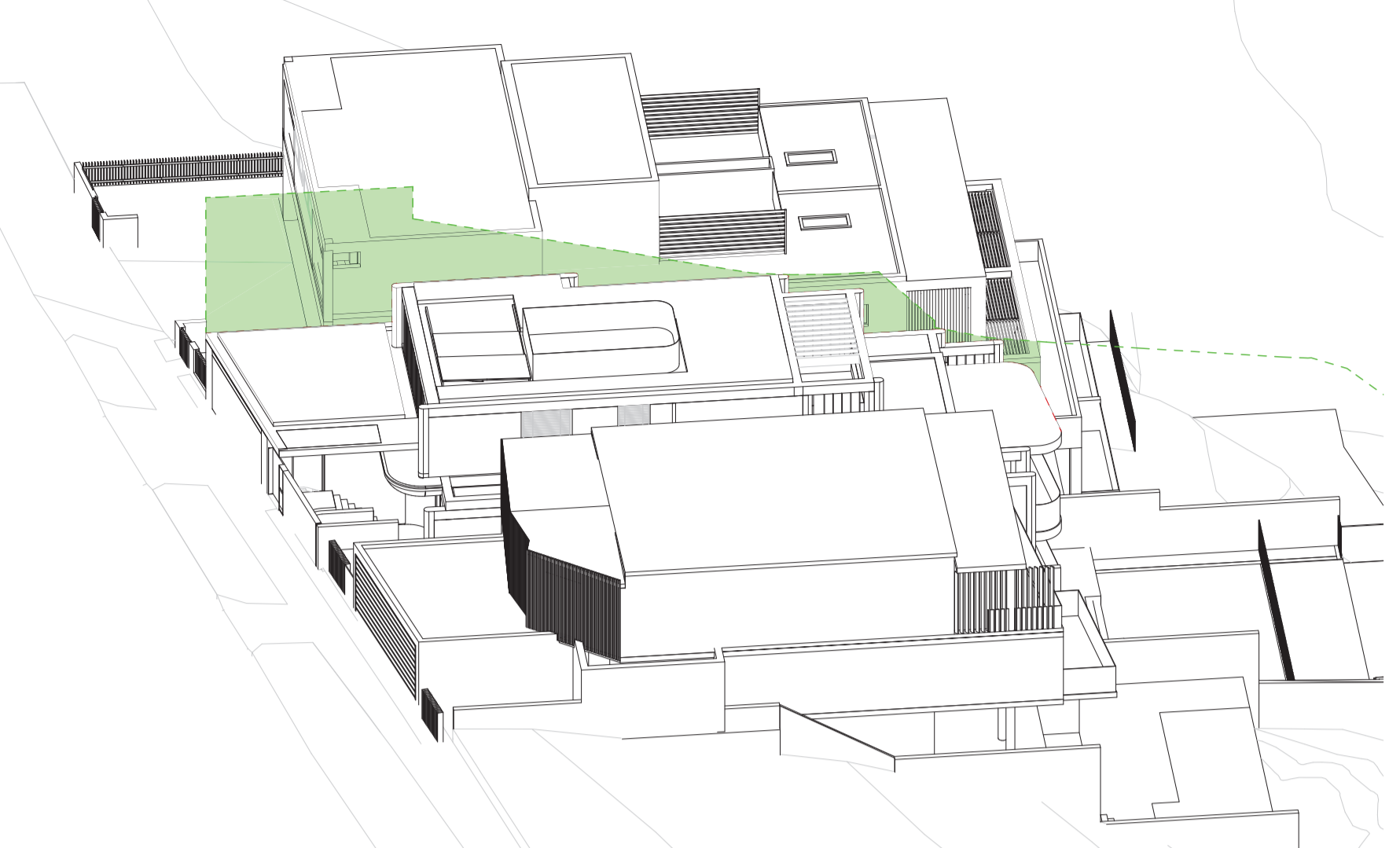
AMENDED PLANS



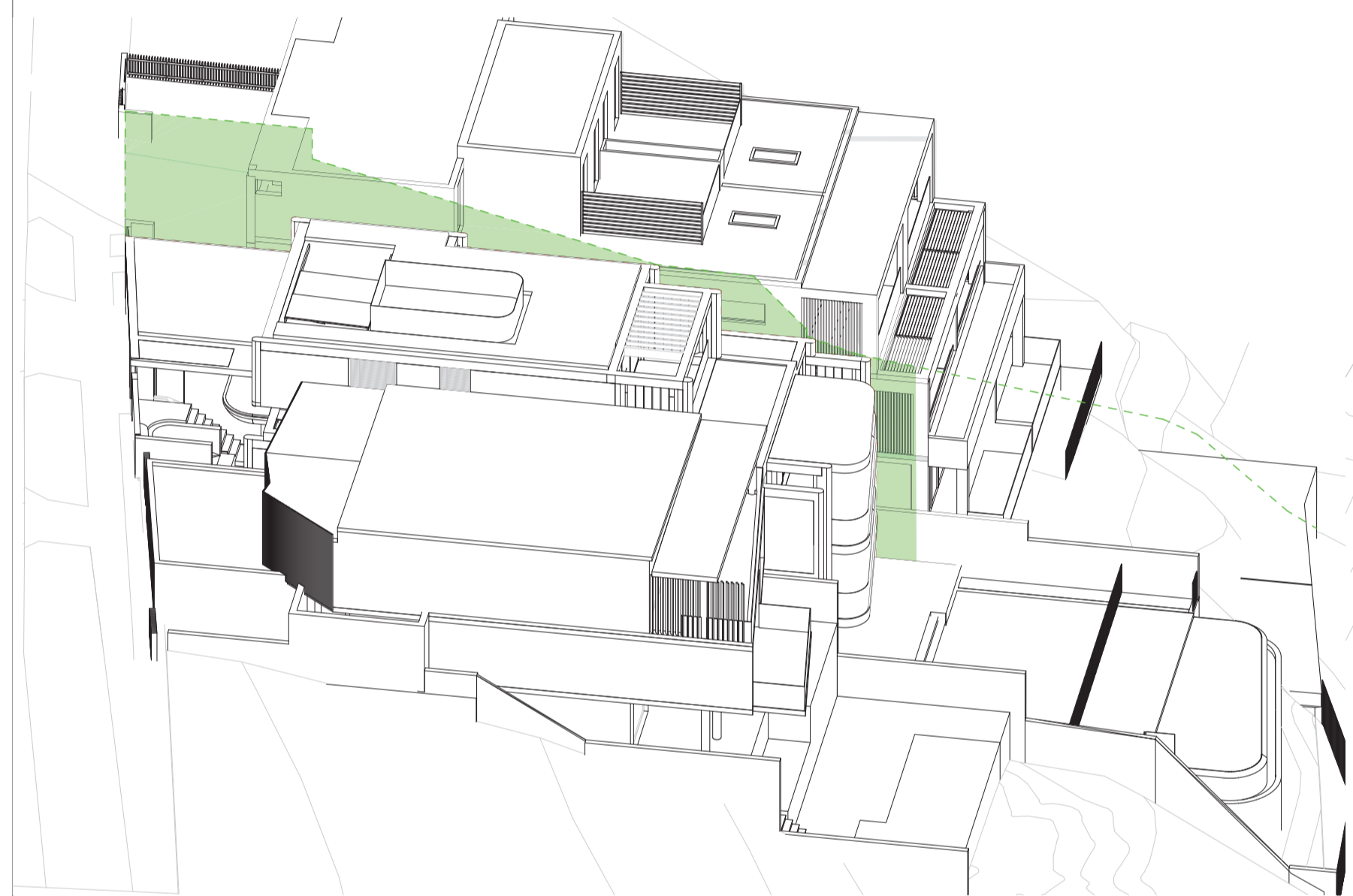
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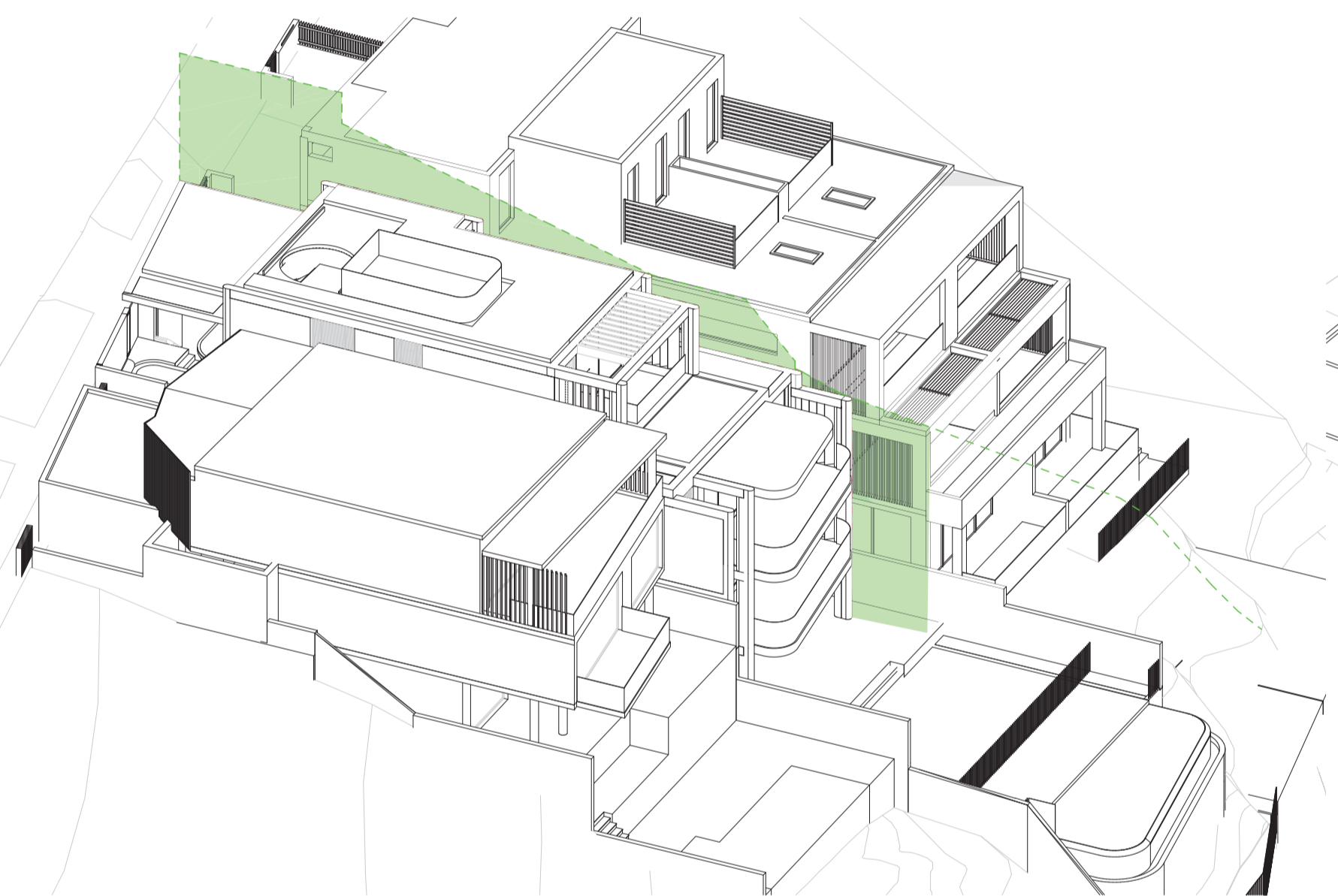
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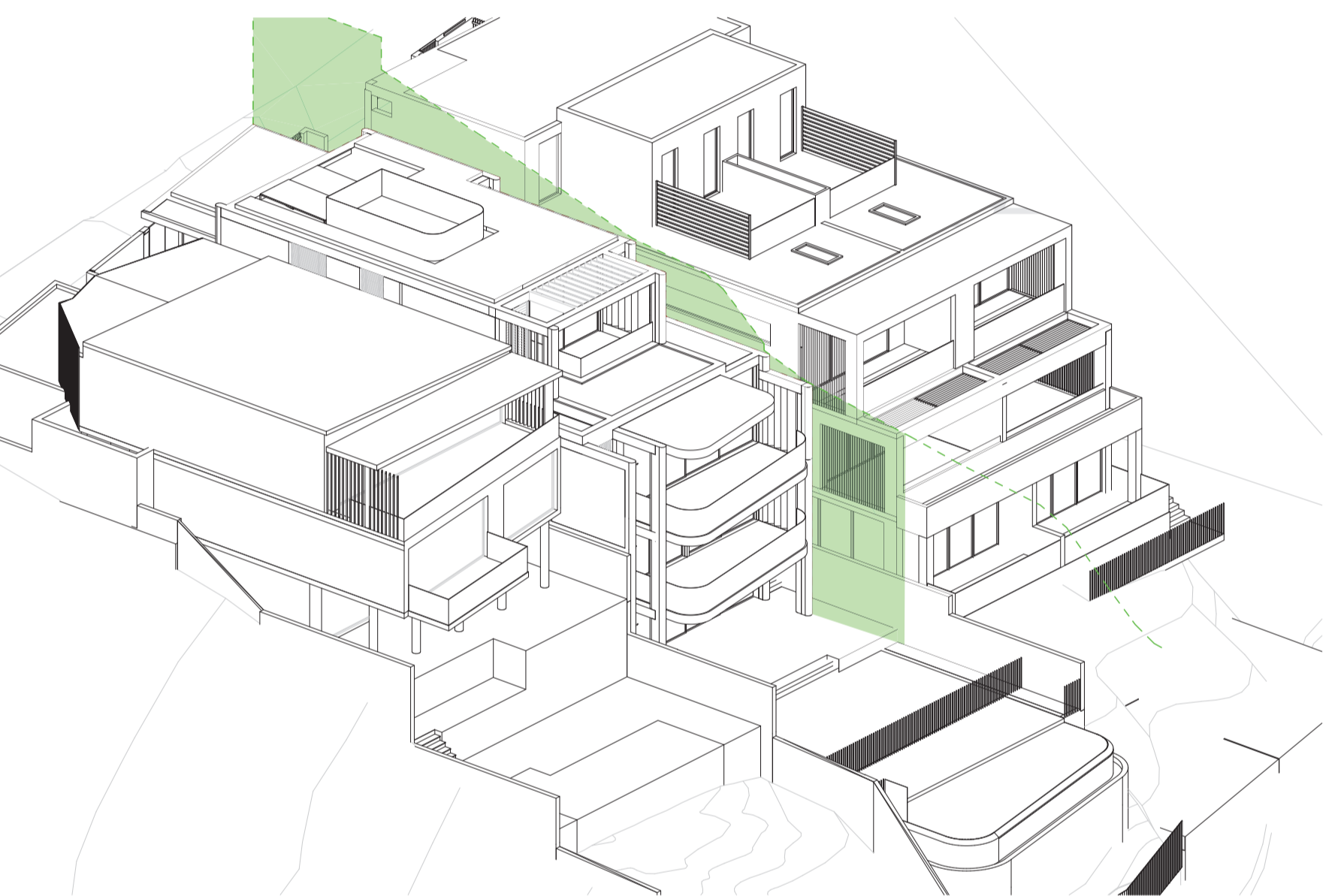
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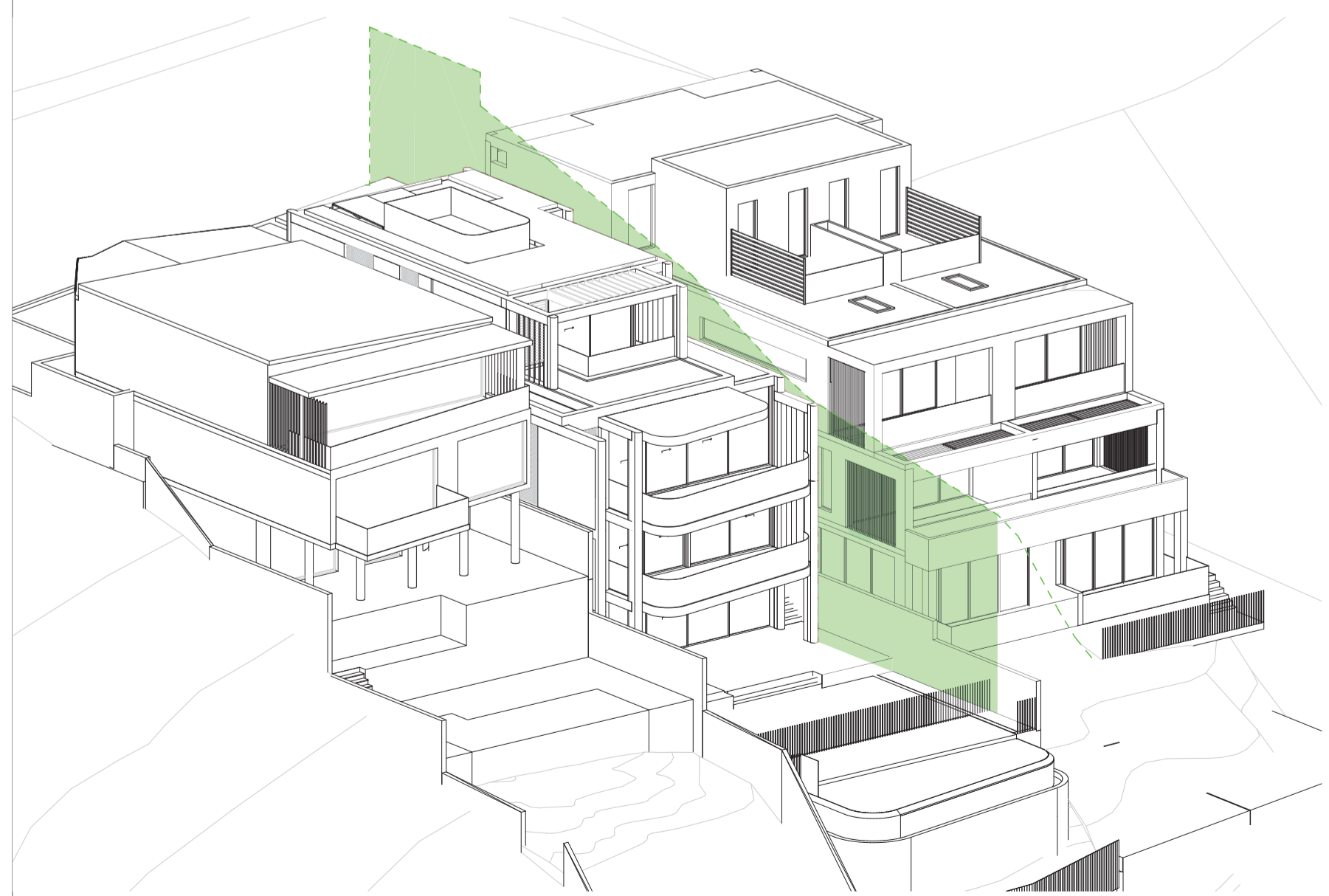
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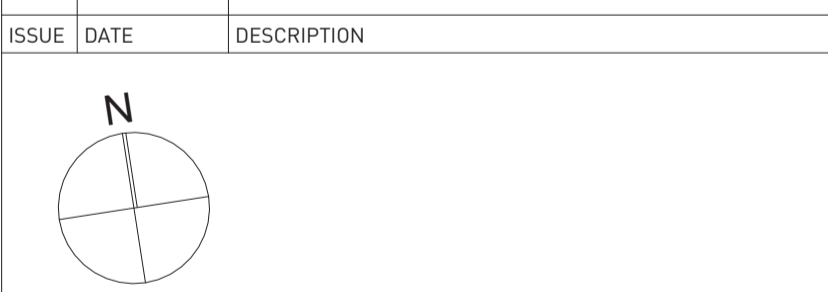
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DRAWING TITLE:
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DRAWING BY: LS	CHECKED BY: PB	ISSUE: D
SCALE: 1:200GA1	DRAWING NO: A553	
PROJECT NO: 2207		



Modification of Consent



Report to the Waverley Local Planning Panel

Application number	DA-207/2021/A
Site address	20 Wentworth Street, Dover Heights
Proposal	Modification to alter internal layout, windows, new bin enclosure with planter above, roof terrace with stair access, landscaping and various other alterations
Description of Approved Development	Demolition of dwelling and construction of a part two /part three storey dwelling with integrated parking and swimming pool at rear
Date of lodgement	19 January 2023
Owner	Mr S Koh
Applicant	Square Design Pty Ltd
Submissions	Two
Amended cost of works	\$1,968,711 (no change)
Principal Issues	<ul style="list-style-type: none"> • Breach to height; • Breach to Floor Space Ratio (FSR); • Amount of excavation; • Visual privacy; • Landscaping; and • Structures cantilevering the cliff edge.
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



(Source: Nearmap, 2023)

1. PREAMBLE

1.1. Executive Summary

The modification application seeks to modify development consent, known as DA-207/2021 for the demolition of a dwelling and construction of a part two / part three storey dwelling with integrated parking and swimming pool at rear at the site known as 20 Wentworth Street, Dover Heights. In summary, the proposed modifications are for modification to alter internal layout, windows, new bin enclosure with planter above, roof terrace with stair access, landscaping and various other alterations.

The principal issues arising from the assessment of the application are as follows:

- Breach to building height;
- Breach to Floor Space Ratio (FSR);
- Amount of excavation;
- Visual privacy;
- Landscaping; and
- Structures cantilevering the cliff edge.

The assessment finds majority of these issues acceptable. The breach to height and FSR development standards are acceptable as the applicant has demonstrated that the approved development, as proposed to be modified, meets the objectives of the relevant development standard and zone. The amount of excavation proposed is supported as the bulk of the excavation was approved in the original application, at a time when excavation controls in the former Waverley Development Control Plan (DCP) 2012 were not as strict as those in the current DCP. Lastly, the issues associated with visual privacy and landscaping are recommended to be dealt with via conditions of consent.

The development proposes to cantilever the decking and associated pool over the cliff edge. This is not supported as it creates an undesirable precedent for the locality. Condition 2(b) of the original consent is to remain to prohibit this aspect of the modification application.

A total number of two submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the recommendation.

The application has been assessed against relevant sections of the Act and is recommended for approval subject to conditions of consent.

1.2. Site and Surrounding Locality

A site visit was carried out on 27 February 2023.

The site is identified as Lot 39 in DP 10090, known as 20 Wentworth Street, DOVER HEIGHTS.

The site is irregular in shape, with a western frontage to Wentworth Street measuring 12.19m. It has an area of 448.9 m² and falls from the rear towards the front by approximately 2.38m.

The site is occupied by a single storey dwelling house with vehicular access provided from Wentworth Street to a garage that is located below ground level. The eastern boundary is a cliff down to the Pacific Ocean.

The site is adjoined by detached dwellings on either side. The locality is characterised by a variety of low density residential development.

Figures 1 to 4 are photos of the site and its context.



Figure 1: Subject site as viewed from Wentworth Street (Source: Google Maps, 2023).



Figure 2: Looking west to the rear of the dwelling as viewed from the private open space.



Figure 2: Looking east to the rear property boundary (cliff edge) and Pacific Ocean beyond, as viewed from the private open space.



Figure 4: Context of the site to the locality, demonstrating its location on the cliff edge. (Source: Near Maps, 2022)

1.3. Details of Approved Development

The original development application, known as DA-207/2021 for demolition of existing structure and construction of a dwelling with integrated parking, swimming pool at rear and tree removal, was approved on 27 October 2021 by the Waverley Local Planning Panel.

The following conditions are copied from the development consent as they have direct relevance to this modification application.

CONDITION 2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- a) *The aluminium screen to all levels of the northern elevation is to be fixed at 45 degrees upwards to provide visual privacy.*
- b) *The proposed rear decking and pool are not permitted to cantilever over the cliff edge (not permitted past the inaccessible rock cliff indicated on the Survey Plan.) No change is permitted to the existing natural rock and landscaping in this area.*

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

1.4. Proposal

The modification application has been submitted under section 4.55(2) of the *Environmental Planning and Assessment Act 1979*. It seeks consent for the following modifications to the approved development:

Lower Ground Floor:

- Modification to front landscape design. Integrated screened bin enclosure with suspended planter above.
- Modification to external walls to increase landscaped courtyard area.
- Modification to basement walls to align with slab/walls of level above. Increase northern boundary setback to 1140mm.
- Modification to entry to include fixed awning over entry door. Modification to windows in southern wall in entry foyer.
- Modification to interior configuration – plant room, laundry, bathroom, wine cellar and rumpus room and associated additional excavation.

Ground Floor:

- Increase landscaped courtyard area. External stair access to roof terrace and associated side balcony. Reposition powder room. New window to provide natural light and ventilation to powder room.
- Increase northern boundary setback from 900mm to 1140mm.
- Modification to pool and landscape design.
- Remove powder room and relocate to northern external wall as shown.
- Modification to windows.
- Increase the length of the southern external wall.
- Increased Finished Floor Level from RL72.02 to RL72.05.
- Deletion of condition 2(b) of the original consent by cantilevering the deck and pool over the cliff edge.

First Floor:

- Increase landscaped courtyard area. External stair access to roof terrace.
- Reconfigure bathroom to provide natural light and ventilation via new window in northern wall.
- Increase northern boundary setback to ensuite from 900mm to 1140mm.
- Reduce ensuite area to allow north-east glazing to Bed 01 and return balcony.
- Re-position stair landing and windows.
- Increase the length of the southern external wall.
- Increased Finished Floor Level from RL75.02 to RL75.25.

Roof:

- Construction of a roof terrace.

- Increased height of dwelling from RL78.02 to RL78.35.

1.5. Background

The following additional information was requested on 24 March 2023.

1. An amended architectural set including corrected existing ground level and height lines.
2. Shadow diagrams demonstrating the additional shadowing created from the modified development.
3. An amended Geotechnical Report.
4. An amended Statement of Environmental Effects addressing the breaches to the development standard.

The amended information was received by Council on 28 March 2023.

On 28 March 2023, further additional information was sought to address the breach to the development standards in the Statement of Environmental Effects and clarification was sought on if additional shadowing impacts would occur (from what was shown on the submitted shadow diagrams) due to the increase of overall building height of the dwelling.

The applicant provided an amended Statement of Environmental Effects and 12 noon shadow diagrams on 31 March 2023. These form part of the assessment of this application.

2. ASSESSMENT

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

2.1. Section 4.55 – Modification of consents – generally

The application is made under section 4.55(2) of the Act.

The quantitative and qualitative elements and impacts between the approved development and the development, as proposed to be modified, are not considered overly dissimilar as demonstrated in the following sections of this report. In this regard, the proposal is considered to be *substantially the same* as the originally approved development with regard to matters arising from the NSW Land and Environment Court case of *Moto Projects (No 2) Pty Ltd v North Sydney Council (1999) 106 LGERA 298*.

The application was publicly notified and two submissions were received. The issues and matters raised in public submissions are discussed in section 2.3.4 of this report.

2.2. Evaluation of Matters for Consideration under Section 4.15

In accordance with section 4.55(3) of the Act the following is an assessment of the proposed modifications of the development consent against the relevant matters for consideration under section 4.15(1) of the Act.

2.2.1. Planning Instruments and Development Control Plans

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

State Environmental Planning Policies (SEPPs)

The following SEPPs apply from the 1st March 2022 and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP (Transport and Infrastructure) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021.

A detailed discussion is provided for relevant SEPPs as follows:

SEPP (Biodiversity and Conservation) 2021

The subject site is identified within a Habitat Corridor. However, appropriate conditions in the original development consent will still apply.

SEPP (Resilience and Hazards) 2021

This SEPP applies to the subject site as it is wholly located within the Coastal Environment Area (i.e. defined by Division 3) and a Coastal Use Area (i.e. defined by Division 4) .

Division 3 of the SEPP states that development consent must not be granted for development on land within the Coastal Environment Area unless the consent authority has considered and is satisfied with the following matters for consideration outlined in **Table 1** of this report.

Table 1: Division 3 of SEPP (Resilience and Hazards) 2021 Matters for Consideration Table

Matter for Consideration	Compliance	Comment
(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,	No	The proposed cantilevered swimming pool and deck will impact the ecological environment. Condition 2(b) of the consent will be reaffirmed to ensure this impact is avoided.
(b) coastal environmental values and natural coastal processes,	No	The proposed cantilevered swimming pool and deck will impact the coastal environmental values and natural coastal processes. Condition 2(b) of the consent will be reaffirmed to ensure this impact is avoided.

Matter for Consideration	Compliance	Comment
(c) the water quality of the marine estate (within the meaning of the <i>Marine Estate Management Act 2014</i>), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,	Yes	The water quality will not be affected by the proposal.
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	No	The property lies within the identified coastal biodiversity corridor. Biodiversity related conditions were imposed under DA-207/2021 and will be carried over in this modification. The proposed cantilevered swimming pool and deck will impact the marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	Yes	No public access ways will be affected by the proposal.
(f) Aboriginal cultural heritage, practices and places,	-	N/A
(g) the use of the surf zone.	Yes	There will be no impact to the use of the surf zone.

Division 4 of the SEPP states that development consent must not be granted for development on land within the Coastal Use Area unless the consent authority has considered and is satisfied with the following matters for consideration outlined in **Table 2** of this report.

Table 2: Division 4 of SEPP (Resilience and Hazards) 2021 Matters for Consideration Table

Matter for Consideration	Compliance	Comment
(a) ...the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—		
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	N/A	The proposal is not expected to cause disruption to access the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.

Matter for Consideration	Compliance	Comment
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	Yes	The proposal is not anticipated to cause overshadowing wind funnelling or loss of views to public places or the foreshores.
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	No	The proposed cantilevered swimming pool and deck will cause visual amenity and scenic quality impacts of the coast from the structures cantilevering the natural cliff.
(iv) Aboriginal cultural heritage, practices and places,	-	N/A
(v) cultural and built environment heritage, and	-	N/A
(b) ...the consent authority is satisfied that:		
(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or	Yes	The proposed cantilevered swimming pool and deck will create adverse impact on the natural cliff.
(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	-	N/A
(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and	-	N/A
(c) ...the consent authority has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.		
	Refer to discussion below Table 5.	Refer to discussion below Table 5.

Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The land use definition of the approved development as a dwelling house remains unchanged and continues to be permitted development in the low density residential 'R2' zone under Waverley LEP 2012.

The quantities of the approved development, as proposed to be modified, have changed as outlined in **Table 3** of this report in relation to principal development standards under Waverley LEP 2012. All other relevant provisions of Waverley LEP 2012 are non-compliant for the reasons discussed below.

Table 3: Waverley LEP 2012 Compliance Table

Provision	Approved	Proposed Modified	Compliance
<p>4.3 Height of buildings</p> <ul style="list-style-type: none"> 8.5m 	<p>8.21m</p>	<p>The 0.33m increase to the overall height of the dwelling does not exceed 8.5m.</p> <p>However, the balustrading of the proposed roof terrace has an overall building height of 8.65m. The proposal exceeds the development standard by 0.15m or 1.8%.</p>	<p>No</p>
<p>4.4 FSR; and 4.4A Exceptions to FSR</p> <ul style="list-style-type: none"> Lot Size: 448.9m² Max FSR: 0.61:1 Max GFA: 274.37m² 	<p>Basement: 78.0m²</p> <p>Ground Floor: 131.3m²</p> <p>First Floor: 106.6m²</p> <p>TOTAL GFA: 315.9m²</p> <p>TOTAL FSR: 0.7:1</p> <p>The approved development exceeded the development standard by 41.53m² or 15.1%.</p>	<p>Basement: 104.4m²</p> <p>Ground Floor: 121.4m²</p> <p>First Floor: 101.8m²</p> <p>Second Floor: 0.7m²</p> <p>TOTAL GFA: 328.3m²</p> <p>TOTAL FSR: 0.73:1</p> <p>The proposal exceeds the development standard by 53.93m² or 19.7%.</p>	<p>No</p>
<p>Part 6 Additional local provisions</p>			
<p>6.2 Earthworks</p>	<p>-</p>	<p>Earthwork conditions imposed under DA-207/2021 will be carried over.</p>	<p>Conditional</p>

The following is a detailed discussion of exceedances of particular development standards under Waverley LEP 2012 as a result of the approved development, as proposed to be modified.

Height of Buildings

The proposed modifications result in a net increase of building height of 0.44m, resulting in an overall building height of 8.65m. This culminates in an overall exceedance of the height of buildings development standard by 0.15m or 1.8%. The net increase of building height due to the proposed modifications represents 1.8% of the overall exceedance of the standard.

The applicant has provided some written justification for the non-compliance with the height of buildings development standard and has based the justification on the performance of the proposal against the objectives of the development standard. The relevant objectives of the development standard are as follows:

- a) to ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*
- b) to accommodate taller buildings on land in Zone B3 Commercial Core in the Bondi Junction Centre and establish a transition in scale between adjoining zones to protect local amenity,*
- c) to maintain satisfactory solar access to existing buildings and public areas,*
- d) to establish building heights that are consistent with the desired future character of the locality.*

The justification provided by the applicant to support the increased exceedance of the height of buildings development standard is summarised as follows:

- The LEP Height of Building Map stipulates that the maximum building height permitted for the site is 8.5 metres. The proposed height of the development is largely below 8.5m, save for the rooftop terrace balustrades details which vary this limit. The roof of the proposed modification does not exceed the building height limit.*
- Whilst it appears on the west elevation (01/AR11) that the top corner of the elevation exceeds the building height limit, this is set back from the front building line (please refer to the south elevation). Additionally, the corner of the balcony roof falls within building height limit although it appears to exceed this control on the south elevation view. The balcony roof has a 3.19m side boundary setback.*

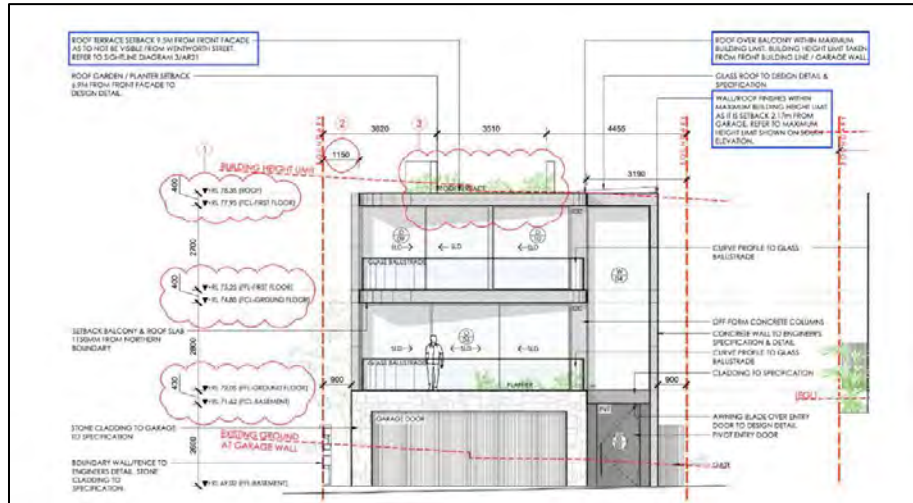


Figure 5. Proposed west elevation.

- Whilst only the balustrade of the proposed roof terrace slightly exceeds the building height limit, this is a minor non-compliance and should be assessed on merit in that the roof terrace (including the balustrades) has been designed so that is not visible from any public domain. It is centrally located on the roof with a 9.3m setback from the front of the roof. Please refer to the sightline diagrams provided on drawing AR13.
- Further, the components that exceed the 8.5m limit are generously set back from side boundaries and do not impose any adverse impact upon neighbours or the streetscape. The proposal meets the objectives of the WLEP Clause 4.3 Height of Buildings and WLEP R2 land use zone.

Despite the numerical non-compliance created by a portion of the balustrading to the roof terrace, the proposal will still meet the relevant objectives of the development standard and zone.

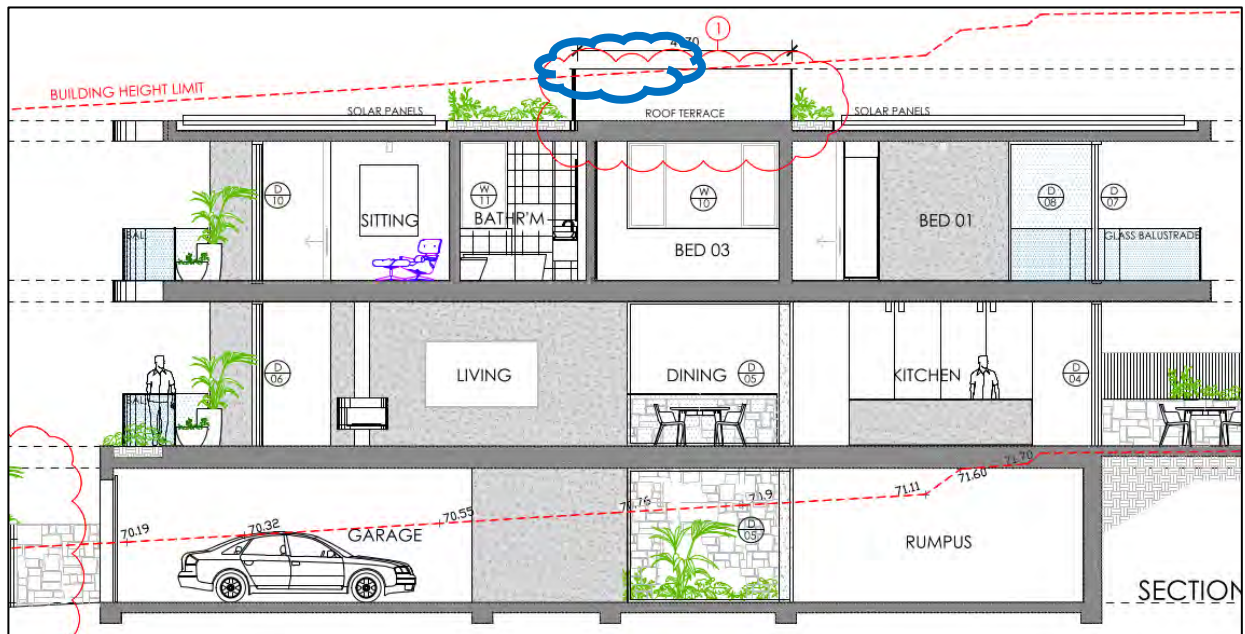


Figure 6. Proposed section plan, outlining location of the height breach (clouded blue).

Objectives of Height

- (a) *to ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views.*

Visual Privacy

The roof terrace is restricted to a maximum area of 15m² (complying with the Waverley DCP 2022), is not accessed directly from a living room which restricts its access and discourages frequent use and is located in the centre of the roof which will minimise overlooking of neighbouring properties.

Overshadowing

The additional shadowing created from the modified development is not created from the non-complaint balustrading of the roof terrace. The additional overshadowing is created from the extension to the length of the southern external wall and the increase first floor rear balcony, both elements that comply with height.

View Loss

The balustrading to the roof terrace that breaches height does not result in view loss.

- (b) *to accommodate taller buildings on land in Zone B3 Commercial Core in the Bondi Junction Centre and establish a transition in scale between adjoining zones to protect local amenity.*

This objective is not relevant as the subject site is not located within the Bondi Junction Centre.

- (c) *to maintain satisfactory solar access to existing buildings and public areas.*

The additional shadowing created by the modified development is not created from the non-complaint balustrading of the roof terrace. The additional overshadowing is created from the extension to the length of the southern external wall and the increased first floor rear balcony, which both comply with the overall building height development standard.

- (d) *to establish building heights that are consistent with the desired future character of the locality.*

The modified development will read as a three storey dwelling from Wentworth Street, which is reflective of the emerging streetscape character.

Relevant Objectives of the Zone

- *To provide for the housing needs of the community within a low density residential environment.*

The modified development provides housing needs for the community.

- *To ensure dwelling character, landscape character, neighbourhood character, streetscapes and amenity are maintained or enhanced over time.*

The modified development will read as a three storey dwelling from Wentworth Street, which is reflective of the emerging streetscape character.

The approved development, as proposed to be modified, will achieve and be consistent with the relevant objectives of the height of buildings development standard. Therefore, the net exceedance is deemed acceptable and is supported.

Floor Space Ratio (FSR)

The proposed modifications result in a net increase of gross floor area (GFA) of 12.4m², resulting in an overall FSR of 0.73:1. This culminates in an overall exceedance of the FSR development standard by 53.93m² or 19.7%. The net increase of FSR due to the proposed modifications represents 4.6% of the overall exceedance of the standard.

The applicant has provided some written justification for the non-compliance with the FSR development standard and has based the justification on the performance of the proposal against the objectives of the development standard. The relevant objectives of the development standard are as follows:

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

The applicant's justification is summarised as follows:

- *The proposed FSR increase is partially a result of the additional spiral staircase, providing reasonable access to the terrace. As the staircase sits behind the front façade and does not protrude further north than the edge of the rest of the dwelling to this property boundary, it will be largely concealed from view from the public domain. It will therefore not produce any additional bulk impact. Its location along the northern side of the proposed building will also prevent it from contributing to any shadow upon neighbours.*
- *The proposed FSR increase is also due to additional reasonable excavation at the rear of the basement floor, in a subterranean location. The location of additional floor space in this portion of the site does not contribute to an increase in overall building height or overshadowing compared to the approved plans. The bulk and scale of the site is not changed by this excavation, being hidden from view from the public domain. Further, the storage/data space in the basement is proposed to contain inverters and batteries for an off-grid solar system, rendering it suitable for exclusion from a GFA calculation as it falls under the category of "plant room... used exclusively for mechanical services or ducting" (extract from WLEP GFA definition).*
- *The envelope proposed under this s4.55 Application is generally aligned with what has been approved under DA-207/2021, resulting in no realistic further impact on the amenity of neighbours or the character of the streetscape. The storeys visible from Wentworth Street remain the same as approved.*

Despite the numerical non-compliance with FSR, the proposal will still meet the relevant objectives of the development standard and zone.

Objectives of FSR

- (a) *to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs.*

This objective is not relevant as the subject site is not located within the Bondi Junction Centre.

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

Despite the breach to FSR the development provides an appropriate correlation with height and density controls. The overall development (excluding the balustrading of the proposed roof terrace) complies with height.

- (c) *to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality.*

Despite the breach to FSR the development will be viewed as a part two-part three storey dwelling house, which is characteristic of the emerging changing character of Wentworth Street.

- (d) *to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality.*

Visual Privacy

The additional GFA in this modification is attributed to the basement and the stairs to access the roof terrace. Both these areas do not create visual privacy impacts as they lack windows.

Overshadowing

The additional shadowing created from the modified development is not created by the additional GFA. The additional overshadowing is created by the extension to the length of the southern external wall and the increased width of the first floor rear balcony, these elements of the building do not increase the calculable area of GFA.

View Loss

The additional GFA from this modification does not create view loss impacts to neighbouring properties.

Relevant Objectives of the Zone

- *To provide for the housing needs of the community within a low density residential environment.*

The modified development provides housing needs for the community.

- *To ensure dwelling character, landscape character, neighbourhood character, streetscapes and amenity are maintained or enhanced over time.*

The development will be viewed as a part two-part three storey dwelling house, which is characteristic of the emerging changing character of Wentworth Street.

The approved development, as proposed to be modified, will achieve and be consistent with the relevant objectives of the FSR development standard. Therefore, the net exceedance is deemed acceptable and is supported.

Waverley Development Control Plan 2022 (Waverley DCP 2022)

The approved development, as proposed to be modified, continues to comply with the relevant parts and sections of Waverley DCP 2022. Only the following parts and sections of Waverley DCP 2022 that apply to the proposed modifications are outlined in **Tables 4** and **5** of this report and detailed discussion below these tables.

Table 4: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes	The modified location of bin storage is satisfactory.
2. Ecologically Sustainable Development	Yes	The modified BASIX Certificate is satisfactory.
3. Landscaping, Biodiversity and Vegetation Preservation	Conditional	Biodiversity related conditions will be carried over from DA-207/2021.
4. Coastal Risk Management	Conditional	An amended Geotechnical Report was provided. The report recommended that further geotechnical inspections should be carried out during construction to confirm the geotechnical and hydrogeological model. These should include: <ul style="list-style-type: none"> • All excavated material transported off site should be classified in accordance with NSW EPA 2014 - Waste Classification Guideline Part 1; Classifying Waste. • A suitably qualified geotechnical engineer is to assess the condition of exposed material at foundation or subgrade level to assess the ability of the prepared surface to act as a foundation or as a subgrade.
5. Water Management	Conditional	Stormwater related conditions will be carried over from DA-207/2021.
7. Transport	N/A	Amendments to the approved parking arrangement are not proposed.
11. Design Excellence	Yes	The dwelling still achieves design excellence.

Development Control	Compliance	Comment
13. Excavation	Discussed below	Refer to the discussion below this table

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

Excavation

The Waverley Development Control Plan 2022 has introduced new excavation controls for development.

The maximum amount of excavation permitted for the site is 139.78m³ [(site area number x 0.2) + 50]. No more than 8m³ of this area can be allocated to storage.

The applicant has advised that 139.2m³ of soil is proposed to be excavated under this application.

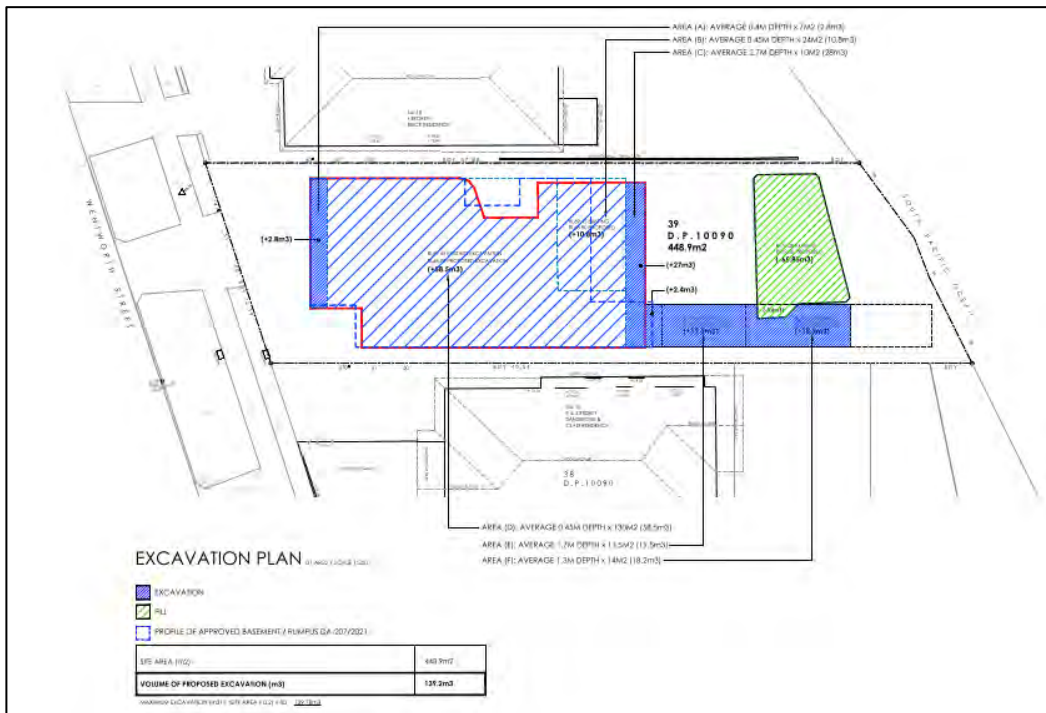


Figure 7. Excavation Plan

The Council Assessment Officer does not agree with the calculation method provided by the Applicant, outlined in **Figure 7** above. The main area of disagreement relates to Area D (as demonstrated within Figure 7) having an average depth of 0.45m. The Assessment Officer concludes the average depth of excavation is greater than this.

Regardless of this likely breach of the maximum excavation control, the original development application was approved prior to the new control limiting the amount of excavation. The main area of additional excavation in this modification is from the enlarged rumpus room. However, the additional excavation

results in no environmental amenity impacts to neighbouring properties and is set back a compliant 0.9m from the side boundaries. Therefore, it can be supported.

Table 51: Waverley DCP 2022 – Part C1 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> • <i>Maximum wall height of 7.5m</i> 	Acceptable on merit	The modified development results in an increased wall height of 0.3m, resulting in a maximum wall height of 8.1m. This non-compliant wall height does not result in a breach to the 8.5m height limit or create unreasonable overshadowing to the neighbouring properties.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> • <i>Predominant rear building line at each floor level (adjacent three neighbours or either side)</i> 	Yes	The amended rear building line to the basement is below ground and therefore will not result in environmental amenity impacts to neighbouring properties.
	Yes	The amended rear balcony to the first floor maintains the consistent rear building line.
1.2.2 Side setbacks <ul style="list-style-type: none"> • <i>Minimum of 0.9m for ground floor and first floors.)</i> • <i>Minimum 1.5m for second floor, noting that where a brand new three storey structure is proposed, all floors must be setback by 1.5m.</i> 	Yes	The modified development does not propose side setbacks that are less than approved.
	Yes	The second floor roof terrace is set back more than 1.5m from the side boundaries.
1.3 Streetscape and visual impact		
<ul style="list-style-type: none"> • <i>New development to be compatible with streetscape context</i> • <i>Replacement windows to complement the style and proportions of existing dwelling</i> • <i>Significant landscaping to be maintained.</i> 	Yes	The proposed modified development results in a satisfactory streetscape and visual impact, with the proposed development substantially the same as the originally approved development.

Development Control	Compliance	Comment
1.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> <i>Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design</i> <i>External stairs are not acceptable.</i> <i>Maximum size of balconies: 10m² in area 1.5m deep</i> <i>Roof tops to be non-trafficable unless predominant in the immediate vicinity</i> 	<p>Yes</p> <p>Condition recommended</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Acceptable on merit</p> <p>Yes</p>	<p>The proposal modifies windows on the northern elevation and remove the associated approved privacy screens.</p> <p>Door 2 to the lower ground floor will be primarily below existing ground level and therefore will not look directly into neighbouring windows.</p> <p>Door 5 consists of a large opening that opens onto a side balcony that is used to access the stairs to the roof terrace. As this is a larger opening onto a side boundary a condition is recommended that the balcony consist of translucent glazing or a solid material to increase visual privacy.</p> <p>Windows 10 and 11 have sill heights of 1m and do not look directly into neighbouring windows as the neighbouring dwelling is single storey.</p> <p>An approved privacy screen to the northern side of the front first floor balcony has been replaced with a solid wall.</p> <p>The approved privacy screen to the southern side of the rear first floor balcony has been replaced with a solid wall (located on the southern side of the lap pool).</p> <p>The stairs to access the proposed roof terrace are enclosed by a solid wall.</p> <p>The slightly enlarged rear first floor balcony is acceptable as the property overlooks the Pacific Ocean. The enlarged first floor balcony is reflective of other in the area to capture expansive views of the Pacific Ocean.</p> <p>The proposed roof terrace has an area of 15m². The roof terrace is located within the centre of the roof to reduce overlooking into neighbouring properties.</p> <p>The roof terrace is accessed via stairs within the envelope of the building (i.e. no access hood). There are examples of other roof terraces in the area at:</p> <ul style="list-style-type: none"> 27 Military Rd approved under DA-150/2022. 35 Military Rd approved under DA-140/2006 64 Military Rd approved under DA-425/2016. <p>Therefore, the proposed roof terrace is acceptable and supported.</p>

Development Control	Compliance	Comment
1.6 Solar access		
<ul style="list-style-type: none"> • <i>Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site</i> • <i>Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</i> • <i>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</i> 	Yes	The additional overshadowing created from the modified development still provide compliant levels of solar access to neighbouring properties.
1.9 Landscaping and open space		
<ul style="list-style-type: none"> • <i>Overall open space: 40% of site area</i> • <i>Overall landscaped area: 20% of site area, with at least half deep soil</i> • <i>Minimum area of 25m² for private open space</i> • <i>Front open space: 50% of front building setback area</i> • <i>Front landscaped area: 50% of front open space provided</i> 	<p>Yes</p> <p>Acceptable on merit.</p> <p>Yes</p> <p>Yes</p> <p>Conditional</p>	<p>Over 40%</p> <p>19.6% - acceptable on merit as when the development was approved under DA-207/2021, the minimum area of landscaped area was 15% (under Waverley DCP 2012).</p> <p>Over 25m²</p> <p>Over 50%</p> <p>20.7% - to increase the amount of landscaped area to the front open space. The entry path to the front door is to consist of a stepping stone style footpath, similar to the approved under DA-207/2021.</p>
1.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> • <i>Located in the rear of property</i> 	Conditional	See discussion below.

Location of Swimming Pool

The modified development proposes to delete condition 2(b) of the original consent which states:

The proposed rear decking and pool are not permitted to cantilever over the cliff edge (not permitted past the inaccessible rock cliff indicated on the Survey Plan.) No change is permitted to the existing natural rock and landscaping in this area.

The modified decking and pool will cantilever over the cliff, as it will extend past the inaccessible rock cliff that is indicated on the extract of the Survey Plan shown in **Figure 8** of this report.

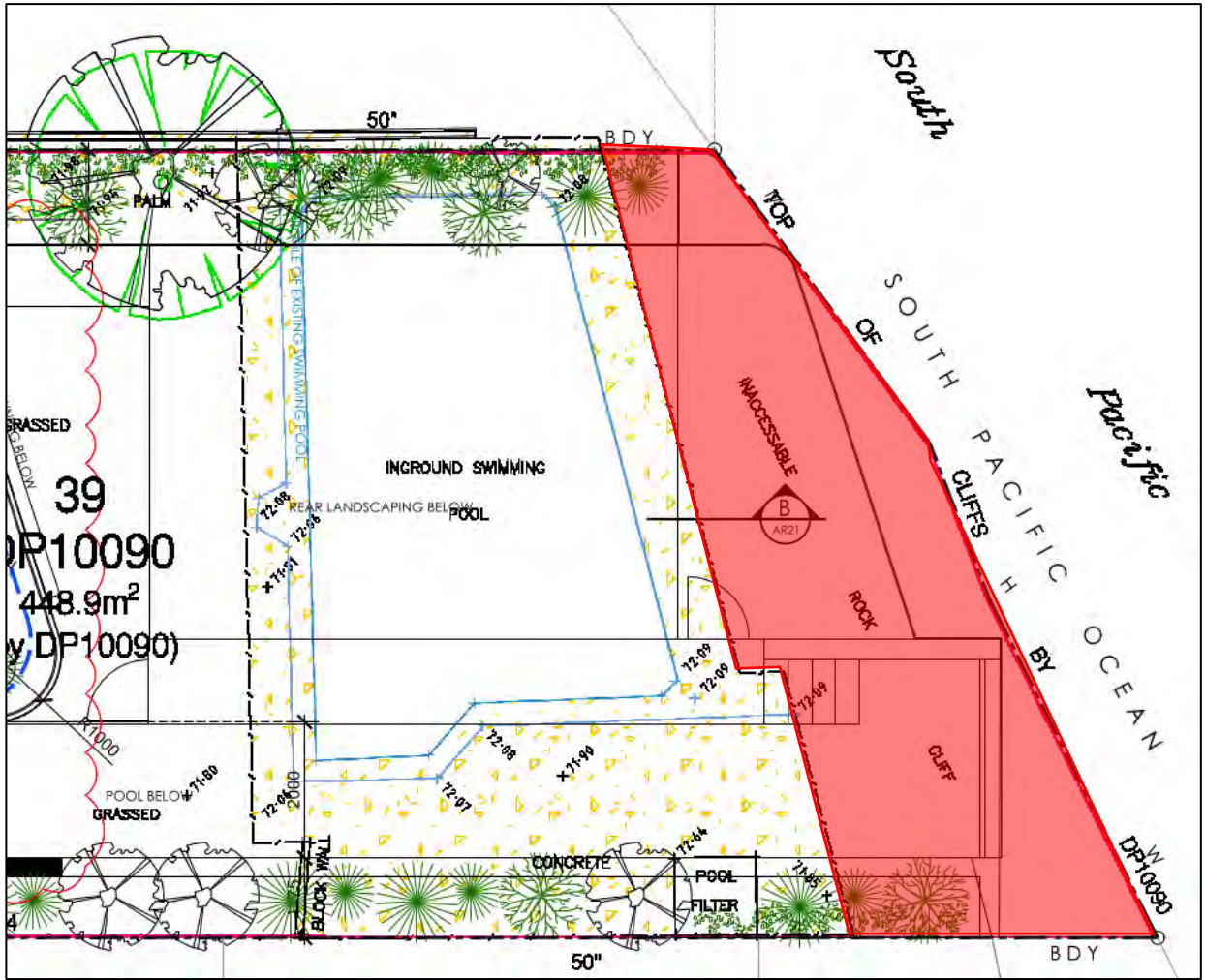


Figure 8. Survey Plan overlaid on the Ground Floor Plan, showing portions of the development which will extend beyond the Inaccessible Rock Cliff.

The site visit undertaken by the Council Assessment Officer concluded that the area to the east of the existing fence is an inaccessible rock cliff, and the proposed pool and decking will cantilever significantly over this cliff edge.



Figure 9. Photographs taken on the site visit, confirming the area to the east of the existing fence is an inaccessible rock cliff.

The cliff face changes dramatically for each property and this is why some developments extend further towards the cliff edge than others. However, the overall aim for development that backs onto this cliff edge is to avoid development cantilevering over this cliff edge.

No. 22 Wentworth Streets latest consent under DA-267/2019/B, extends further than the proposed development as the natural form of the cliff allows for this without the development cantilevering the cliff edge.



Figure 10. Pool and associated decking in context of the cliff edge at 22 Wentworth Street.

No. 24 Wentworth Streets latest consent under DA-69/2022/A modified the rear deck line. This only resulted in a minor cantilever to the cliff edge to a small portion of the decking, with majority of the decking not resulting in a cantilever over the cliff edge.

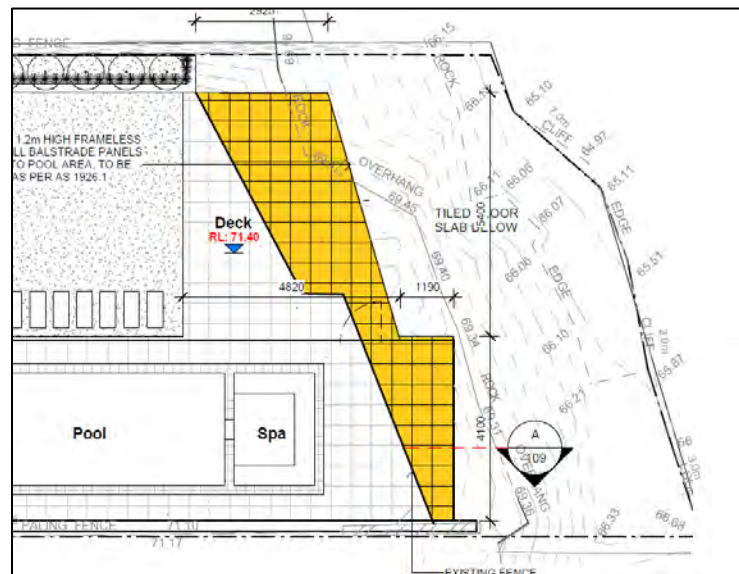


Figure 11. Pool and associated decking in context of the cliff edge at 24 Wentworth Street (approved plan under DA-69/2022/A).

Therefore, condition 2(b) of the consent will remain to avoid the pool and decking cantilevering over the cliff edge that would otherwise impact on the Coastal Use and Coastal Environment Area and create an undesirable precedent.

2.2.2. Other Impacts of the Development

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

2.2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.2.4. Any Submissions

The application was notified for 14 days between 8 February 2023 and 22 February 2023 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not re-notified as the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified, for the following reasons:

- The storage room in the basement was amended to a plant room.

Having regard to the nature of the amendments, there is a lesser impact on all properties.

A total of two unique submissions were received from the following properties:

Table 6: Number of and where submissions were received from.

Count	Property Address
1.	18 Wentworth Street, Dover Heights
2.	22 Wentworth Street, Dover Heights

The following issues raised in the submissions have already been discussed and addressed in the body of this report and/or the recommendation:

- Impact of the proposed roof terrace.
- Swimming pool and deck cantilevering the cliff edge, impacting views and creating a negative precedent.

All other issues raised in the submissions are summarised and discussed below.

Issue: *Request that any demolition, excavation and building works be done with a minimum of vibration that could damage my property and the excavation to be shored on the northern side to protect the objectors property against any possible collapse.*

Response: Appropriate excavation related conditions are recommended.

Issue: *Impact on the habitat of a Blue Tongue Lizard.*

Response: As the subject site is located within a habitat corridor, appropriate conditions are recommended. Additionally, Condition 2(b) of the original consent will remain, conditioning works to not extend into the inaccessible cliff area.

2.2.5. Public Interest

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

3. REFERRALS



No internal or external referral comments were sought.

4. CONCLUSION

The application has been assessed against relevant sections of the Act and is recommended for approval subject to conditions of consent.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the modification application be APPROVED by the Waverley Local Planning Panel subject to modified and new conditions in Appendices A and B.

Report prepared by:	Application reviewed and agreed by:
	
Joseph Somerville	Ben Magistrale
Senior Development Assessment Planner	Manager, Development Assessment
Date: 31 March 2023	Date: 11 April 2023

Reason for WLPP referral:

The consent authority for the original development application was the WLPP, this modification is made under section 4.55(2) of the Act and relates to:

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

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/Deleted Conditions

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by OROSI including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA1004 / Rev B	Site Plan	30/08/2021	13/09/2021
DA1101 / Rev B	Basement Plan	30/08/2021	13/09/2021
DA1102 / Rev B	Ground Floor Plan	30/08/2021	13/09/2021
DA1103 / Rev B	First Floor Plan	30/08/2021	13/09/2021
DA1107 / Rev B	Roof Plan	30/08/2021	13/09/2021
DA2001 / Rev B	Northern Elevation	30/08/2021	13/09/2021
DA2002 / Rev B	Southern Elevation	30/08/2021	13/09/2021
DA2003 / Rev B	Eastern Elevation	30/08/2021	13/09/2021
DA2004 / Rev B	Western Elevation	30/08/2021	13/09/2021
DA3001 / Rev B	Longitudinal Section 2	30/08/2021	13/09/2021
DA7044 / Rev B	Excavation Plan	30/08/2021	13/09/2021

(i) *As amended by Architectural Plans prepared by Square Design including the following.*

Plan Number and Revision	Plan description	Plan Date	Date received by Council
AR01 / Rev B	Site Plan	03/02/2023	28/03/2023
AR02 / Rev C	Basement Plan	30/03/2023	31/03/2023
AR03 / Rev B	Ground Floor Plan	03/02/2023	28/03/2023
AR04 / Rev B	First Floor Plan	03/02/2023	28/03/2023
AR05 / Rev B	Roof Plan	03/02/2023	28/03/2023
AR11 / Rev C	West and East Elevation	20/03/2023	28/03/2023
AR12 / Rev C	North Elevation	20/03/2023	28/03/2023
AR13 / Rev C	South Elevation	20/03/2023	28/03/2023

AR20 / Rev C	Section A and B	20/03/2023	28/03/2023
AR32 / Rev A	Excavation Plan	03/02/2023	28/03/2023

- (b) BASIX and NatHERs Certificate/s.
- (c) Geotechnical Report prepared by Morrow Geotechnics Pty Ltd (P2008_01 rev 1) dated 31 August 2021 and received by Council on 06/09/2021.
- (i) **As amended by Geotechnical Report prepared by Morrow Geotechnics Pty Ltd (P2008_01 rev 2) dated 24/03/2023 and received by Council on 28/03/2023.**
- (d) **~~Schedule of external finishes and colours (DA7031) and Fence Details (DA7011) received by Council on 13/09/2021.~~ Approved schedule of external finishes and colours in accordance with condition 2(c) of this consent.**
- (e) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 03/06/2021.

Except where amended by the following conditions of consent.

AMENDED DA-207/2021/A

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) **~~The aluminium screen to all levels of the northern elevation is to be fixed at 45 degrees upwards to provide visual privacy. DELETED DA-207/2021/A~~**
- (b) The proposed rear decking and pool are not permitted to cantilever over the cliff edge (not permitted past the inaccessible rock cliff indicated on the Survey Plan.) No change is permitted to the existing natural rock and landscaping in this area.
- (c) **An amended materials and finishes schedule is to be provided reflecting the architectural plans identified in condition 1(a)(i) of this consent.**
- (d) **To increase landscaped area within the front open space, the footpath between the pedestrian gate to the front boundary and the front door of the dwelling is to comprise stepping stones with grass between each stone.**
- (e) **The balustrading along the northern side of the ground floor northern side balcony is to be constructed of a solid and opaque material or translucent glazing to increase visual privacy.**

The amendments are to be approved by the **~~Principal Certifying Authority~~ Council's Manager of Development Assessment or delegate** prior to the issue of any Construction Certificate.

AMENDED DA-207/2021/A

3. GEOTECHNICAL RISK MANAGEMENT

The following geotechnical risk management measures must be followed during construction and post occupation:

- (a) The Applicant to comply with Waverley Council *Costal Risk Management Policy and Waverley Risks and Hazards Vulnerability Study Part 1 and Part 2, Reference No.301015-02526-CS-REP-0001, dated December 2011.*
- (b) The recommendations set out in the Geotechnical Investigation Report prepared by Morrow Geotechnics Pty Ltd, Reference No. P2008_01, dated 31 August 2021 **and the Geotechnical Investigation Report prepared by Morrow Geotechnics Pty Ltd, Reference No. P2008_01**

rev 2, dated 24 March 2023 must be addressed in the detailed design documentation and followed through the demolition, construction and post occupation stages.

- (c) Prior to construction certificate, a qualified Geotechnical Engineer must be engaged to review the structural compatibility and construction methodology. Any proposed excavations shall be undertaken with minimal vibration methods, with a PPV below 5mm/s (Maximum Peak Particle Velocity) or as specified by the certifying engineer. This review shall be approved by the Principle Certifying Authority and submitted to Council's Infrastructure Services for records.
- (d) During the bulk excavation stages, a qualified supervising engineer will be required to undertake necessary inspections and hold points set out by the certifying engineer. A daily log of these visits to be kept onsite and submitted to the Principle Certifying Authority. Council or other authority may request to demonstrate the log at any given time.
- (e) Suitable warning signage shall be installed within the property yard to advise occupants of the geotechnical hazard and deep rock face traversing the rear boundary. Details of the signage to be liaised with Council prior to installation, before Occupation of the site.

AMENDED DA-207/2021/A

B. New Conditions

Nil.

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by OROSI including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA1004 / Rev B	Site Plan	30/08/2021	13/09/2021
DA1101 / Rev B	Basement Plan	30/08/2021	13/09/2021
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DA1103 / Rev B	First Floor Plan	30/08/2021	13/09/2021
DA1107 / Rev B	Roof Plan	30/08/2021	13/09/2021
DA2001 / Rev B	Northern Elevation	30/08/2021	13/09/2021
DA2002 / Rev B	Southern Elevation	30/08/2021	13/09/2021
DA2003 / Rev B	Eastern Elevation	30/08/2021	13/09/2021
DA2004 / Rev B	Western Elevation	30/08/2021	13/09/2021
DA3001 / Rev B	Longitudinal Section 2	30/08/2021	13/09/2021
DA7044 / Rev B	Excavation Plan	30/08/2021	13/09/2021

(i) As amended by Architectural Plans prepared by Square Design including the following.

Plan Number and Revision	Plan description	Plan Date	Date received by Council
AR01 / Rev B	Site Plan	03/02/2023	28/03/2023
AR02 / Rev C	Basement Plan	30/03/2023	31/03/2023
AR03 / Rev B	Ground Floor Plan	03/02/2023	28/03/2023
AR04 / Rev B	First Floor Plan	03/02/2023	28/03/2023
AR05 / Rev B	Roof Plan	03/02/2023	28/03/2023
AR11 / Rev C	West and East Elevation	20/03/2023	28/03/2023
AR12 / Rev C	North Elevation	20/03/2023	28/03/2023
AR13 / Rev C	South Elevation	20/03/2023	28/03/2023

AR20 / Rev C	Section A and B	20/03/2023	28/03/2023
AR32 / Rev A	Excavation Plan	03/02/2023	28/03/2023

- (b) BASIX and NatHERs Certificate/s.
- (c) Geotechnical Report prepared by Morrow Geotechnics Pty Ltd (P2008_01 rev 1) dated 31 August 2021 and received by Council on 06/09/2021.
- (i) As amended by Geotechnical Report prepared by Morrow Geotechnics Pty Ltd (P2008_01 rev 2) dated 24/03/2023 and received by Council on 28/03/2023.
- (d) Approved schedule of external finishes and colours in accordance with condition 2(c) of this consent.
- (e) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 03/06/2021.

Except where amended by the following conditions of consent.

AMENDED DA-207/2021/A

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) **DELETED DA-207/2021/A**
- (b) The proposed rear decking and pool are not permitted to cantilever over the cliff edge (not permitted past the inaccessible rock cliff indicated on the Survey Plan.) No change is permitted to the existing natural rock and landscaping in this area.
- (c) An amended materials and finishes schedule is to be provided reflecting the architectural plans identified in condition 1(a)(i) of this consent.
- (d) To increase landscaped area within the front open space, the footpath between the pedestrian gate to the front boundary and the front door of the dwelling is to comprise stepping stones with grass between each stone.
- (e) The balustrading along the northern side of the ground floor northern side balcony is to be constructed of a solid and opaque material or translucent glazing to increase visual privacy.

The amendments are to be approved by the **Council's Manager of Development Assessment or delegate** prior to the issue of any Construction Certificate.

AMENDED DA-207/2021/A

3. GEOTECHNICAL RISK MANAGEMENT

The following geotechnical risk management measures must be followed during construction and post occupation:

- (a) The Applicant to comply with Waverley Council *Costal Risk Management Policy* and *Waverley Risks and Hazards Vulnerability Study Part 1 and Part 2, Reference No.301015-02526-CS-REP-0001, dated December 2011.*
- (b) The recommendations set out in the Geotechnical Investigation Report prepared by Morrow Geotechnics Pty Ltd, Reference No. P2008_01, dated 31 August 2021 and the Geotechnical Investigation Report prepared by Morrow Geotechnics Pty Ltd, Reference No. P2008_01 rev

2, dated 24 March 2023 must be addressed in the detailed design documentation and followed through the demolition, construction and post occupation stages.

- (c) Prior to construction certificate, a qualified Geotechnical Engineer must be engaged to review the structural compatibility and construction methodology. Any proposed excavations shall be undertaken with minimal vibration methods, with a PPV below 5mm/s (Maximum Peak Particle Velocity) or as specified by the certifying engineer. This review shall be approved by the Principle Certifying Authority and submitted to Council's Infrastructure Services for records.
- (d) During the bulk excavation stages, a qualified supervising engineer will be required to undertake necessary inspections and hold points set out by the certifying engineer. A daily log of these visits to be kept onsite and submitted to the Principle Certifying Authority. Council or other authority may request to demonstrate the log at any given time.
- (e) Suitable warning signage shall be installed within the property yard to advise occupants of the geotechnical hazard and deep rock face traversing the rear boundary. Details of the signage to be liaised with Council prior to installation, before Occupation of the site.

ADDED DA-207/2021/A

4. PUBLIC DOMAIN IMPROVEMENTS

The public domain is to be upgraded along the Wentworth Street frontage of the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. A public domain plan for the following works shall be submitted to, and approved by the Executive Manager, Infrastructure Services or delegate prior to the issue of the Construction Certificate.

- Pedestrian footpath
- Vehicular Crossing
- Road pavement
- Kerb and gutter
- Stormwater infrastructure located within the Council Public Domain
- Undergrounded utility connections (Electrical, Communications inclusive)
- Landscape and street tree plantings

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required.

GENERAL REQUIREMENTS

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

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

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

6. 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.

CONTRIBUTIONS, FEES & BONDS

7. SECTION 7.12 CONTRIBUTION

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

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

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

- (b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;

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

Prior to the issue of any 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.

8. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$39,374.22** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

9. LONG SERVICE LEVY

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

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

10. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council.

An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.

CONSTRUCTION MATTERS

11. HOARDING

To ensure the site is contained during construction, if hoarding is required for the approved works which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and applicable fees paid, prior to the erection of the hoarding.

12. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan shall be prepared in accordance with Waverley Council's Water Management Technical Manual be installed and maintained until construction activities have been completed and the site is fully stabilised. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

13. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical 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.

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.

14. ENGINEERING DETAILS

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

15. PUBLIC INFRASTRUCTURE WORKS

All Public infrastructure works traversing the development frontage must be completed to Council's satisfaction at no cost to Council.

Full engineering design drawings must be prepared by a suitably qualified engineering professional, submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

The Applicant must submit plans and specifications for the following infrastructure works to Council's Public Domain Engineer:

- a) Road Pavement: The full renewal and reconstruction of the asphalt pavement for half road width within the Wentworth Street frontage of the development site. Details of the road pavement treatments and sub-grade details to be advised by Council.
- b) Footpath, Kerb and Gutter: The existing footpath, kerb and gutter and grass verge traversing the Wentworth Street frontage to be reconstructed and upgraded in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. The footpath and vehicular crossing must maintain a 2.5% cross fall towards the road and maintain the same longitudinal grade of the adjacent road.
- c) Street Trees: A minimum of two (2) street trees must be planted along the Wentworth Street frontage. All new trees proposed within the Council verge will require the installation of suitable tree pits and surrounds as per the Waverley Council Public Domain Technical Manual. The chosen tree species and location shall not interfere with the wheel swept path or obstruct the proposed vehicular crossing.

- d) Undergrounded Utility Connections: All mains electrical connections to the development must be routed underground. Council will not accept the erection of any new above ground electricity columns/pillars within the Council's public domain to support the new development. All necessary pillars must be located within the development boundary. If required, an easement on the property shall be organised with the relevant Authority.

16. GROUND ANCHORS

Where any ground anchors (ie. rock or sand anchors) are proposed to extend beyond the property boundary beneath roadways and other Council property, details must be submitted to and approved by Council's Executive Manager, Infrastructure Services (or delegate) and will be subject to fees. For further information regarding this, please contact assets@waverley.nsw.gov.au on 9083 8886.

STORMWATER & FLOODING

17. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

The submitted stormwater management plan prepared by SMART STRUCTURES AUSTRALIA, Project No. 190421, Sheet No. D00 (Revision B, dated 31/08/2021), D01 (Revision C, dated 31/08/2021), D02 (Revision C, dated 31/08/2021), D05 (Revision B, dated 31/08/2021), D10 (Revision B, dated 31/08/2021), D11 (Revision A, dated 31/08/2021) & D15 (Revision A, dated 02/07/2020), are considered concept only.

The applicant must submit plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer and:

- a) The plans shall be revised as necessary to accommodate for any amendments to the architectural drawings.
- b) The plans shall provide a complete and detailed On-Site Stormwater Detention (OSD) design including multiple cross-sections, proposed construction materials, and full orifice details. The checklist as set out in Council's Water Management Technical Manual shall be submitted. A certificate from a registered structural engineer certifying the structural adequacy of any below ground OSD tank structure shall be submitted.
- c) Details of any rainwater tank required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the approved stormwater drainage system.
- d) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- e) The proposed basement pump out pit shall be sized in accordance with AS3500.3. Any underground basement shall be protected from possible inundation by surface waters from the street. An alarm system comprising of basement pump out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure is to be provided. There shall be at least a 150 mm freeboard

from the basement pump out system to all parking spaces and full hydraulic details and pump manufacturers specification shall be submitted.

- f) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.
- g) The pipeline within the footpath verge of Wentworth Street must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres fall by gravity at 1% minimum.
- h) A silt arrestor stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- i) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system (independent of the OSD system).
- j) A grated trench drain shall be provided across the (garage entrance/driveway/street boundary) within private property. Unless otherwise sized by a suitably qualified and practising Engineer, the dimensions of the trench grate shall be no less than 300 mm wide by 100 mm deep at the shallow end and have a “bottom” slope of 2%. This trench drain shall be connected to an approved drainage system.
- k) Any affected Council’s infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

ENERGY EFFICIENCY & SUSTAINABILITY

18. BASIX

All requirements of the BASIX Certificate and NatHERS documentation are to be shown on the Construction Certificate plans and documentation.

WASTE

19. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) - Part 2 is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* 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.

TRAFFIC MANAGEMENT

20. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:

https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent

LANDSCAPING & TREES

21. GREEN ROOF LANDSCAPING DETAILS

The construction certificate landscape plans are to comply with the controls for green roofs in Part B3.1 of the *Waverley Development Control Plan 2012* including;

- (a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B2 – 1).
- (b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species
- (c) The green roof is to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof is to be for servicing purposes only.

A qualified landscape architect must review the design and verify that it complies with the above requirements.

22. LANDSCAPE WORKS IN A HABITAT CORRIDOR

A landscape plan is to be submitted to and approved by Council's Executive Manager, Environmental Sustainability (or delegate) with a plant species list with a minimum of 50% of the proposed plantings (not including turfed areas) to be indigenous or local native plants as listed in Annexure B2 - 1 of the *Waverley Development Control Plan 2012*.

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required.

PRIOR TO ANY WORKS

23. CONSTRUCTION SIGNS

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

24. PRE-DEMOLITION DILAPIDATION REPORT

To ensure Council's infrastructure is adequately protected a pre-demolition dilapidation report on the existing public infrastructure within the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable:

- Road pavement
- Kerb and gutter
- Footpath
- Drainage pits and lintels
- Traffic signs
- Any other relevant infrastructure.

The report is to be dated, submitted to, and accepted by Council's Public Domain Engineer, prior to any work commencing on the site. All fees and charges associated with the collation of this report shall be at the cost of the Applicant.

25. DILAPIDATION REPORT

A Dilapidation report is to be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. The dilapidation report is to be made available to affected property owners on request.

Note: Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

DEMOLITION & EXCAVATION

26. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2017;
- SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
- Australian Standard 2601 (2001) – Demolition of Structures;
- The Protection of the Environment Operations Act 1997;

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

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

27. CONTROL OF DUST ON CONSTRUCTION SITES

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

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g.: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.

28. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2014.

29. EXCAVATION AND BACKFILLING

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

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 excavation is to be managed by a practising structural engineer.

CONSTRUCTION MATTERS

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

Noise from construction activities shall comply with the Protection of the Environmental Operations (Noise Control) Regulation 2017.

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

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

32. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002 and 162A Critical stage inspections for building work of the Environmental Planning and Assessment Regulation 2000.

33. CERTIFICATE OF SURVEY – LEVELS

All construction works are to be 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.

34. 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 location 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.

35. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

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

- (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules
- (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit
- (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure
- (e) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans MUST be submitted to Sydney Water at least 14 days prior to commencement of building operations.

TREE PROTECTION AND REMOVAL

36. TREE PROTECTION

All trees on site and adjoining properties, including street trees are to be retained and protected in accordance with AS4970-2009 'Protection of Trees on Construction Sites' and to be certified by an Arborist with AQF level 5 qualification or above, unless approved to be removed in this development consent.

37. STREET TREES TO BE RETAINED/TREE PROTECTION

No existing street trees shall be removed without Council approval. Precautions shall be taken when working near trees to ensure their retention, including the following:

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) event 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 in accordance with AS4970-2009 "Protection of trees on construction sites.

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

38. NEW VEHICLE CROSSING

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

39. EXISTING VEHICLE CROSSING IS TO BE CLOSED

The existing vehicle crossing is to be closed and all work associated with the closure is to be carried out with the approval of, and in accordance with, the requirements of Council.

40. VEHICULAR ACCESS - FINISHED LEVEL

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

D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE OR SUBDIVISION CERTIFICATE

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever applies.

41. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, the Principal Certifying Authority must issue an Occupation Certificate. The Principal Certifying Authority must be satisfied that the requirements of the Environmental Planning & Assessment Act, 1979 have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

42. CERTIFICATION OF BASIX COMMITMENTS

The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.

43. CERTIFICATION OF STORMWATER SYSTEM

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

44. CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA

Prior to the pool being used, the following must be provided;

- (a) Certification that the pool has been constructed in accordance with the consulting engineers design
- (b) Evidence that the swimming pool/outdoor spa have been registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>)
- (c) A sign outlining details of resuscitation techniques for adults, children and infants has been placed in a prominent position, close to the pool/outdoor spa. Signs are available from Council
- (d) A copy of the occupation certificate must be submitted to Council

Note: Swimming/spa pool pumps are restricted from use between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017.

45. STREET NUMBER/S

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

46. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM

- (a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, basement pump-out facility, the detention facility, the rainwater harvesting facility and other drainage related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council approved plans shall be marked-up in red ink and shall include levels and location for the drainage structures and works.
- (b) A suitably qualified and practising Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

47. ON-SITE STORMWATER DETENTION CERTIFICATION

The submission of certification by a suitably qualified and practising Engineer for the on-site stormwater detention system, attesting the storage volume, discharge rate and satisfactory operation of the system prior to the release of any Occupation Certificate.

48. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD

A “Restriction on the Use of Land” and “Positive Covenant” shall be created for the On-Site Stormwater Detention (OSD) system, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the title that the OSD system is maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant shall not modify or remove the OSD system without consent from Council.

The wording of the Instrument shall be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate/use of the building. All associated costs shall be borne by the applicant.

49. PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM

The registered proprietor shall be required to submit written intent to establish and maintain a Planned Preventative Maintenance (PPM) schedule of the pump out system prior to the issue of Occupation Certificate. Council will not be liable for any claims for damages arising from the failure of the pump out system. Evidence shall be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate.

50. CERTIFICATION OF COUNCIL PUBLIC INFRASTRUCTURE

Prior to the issue of any Occupation Certificate, a Compliance Certificate shall be obtained from Council confirming that all works in the road reserve including all public domain infrastructure works and restoration, have been completed to Council’s satisfaction.

Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, road pavement, pedestrian footpath, grass verges and vehicle crossover within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual and Development Control Plan.

51. ONGOING OPERATION

Prior to issuance of Occupation Certificate, the property owners/occupants will be required to submit a deed of agreement for an annual geotechnical assessment of the cliff line. The property owners/occupants will need to acknowledge they are aware of the high-risk geotechnical fault lines traversing the property and all costs associated with the ongoing servicing and protection of the cliff top surface traversing the property shall be borne by the property owners/occupants. The deed shall note a registered surveyor to undertake an annual survey of the property to assess signs of damage to existing structures and fences, tension cracks developing at the site surface etc. The deed shall be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate).

ADVISORY MATTERS

The following advisory matters are provided as additional information to ensure compliance with the relevant legislation and requirements. You must also check other Commonwealth and NSW Acts and Regulations which may apply to the works or use approved in this application.

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au, in person (at Council's Customer Service Centre) or via post service.
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition)
- Include DA reference number
- Include condition number/s seeking to be addressed
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to 'Electronic lodgement guidelines' on Council's website. Failure to adhere to Council's naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council's standard for review (from date the relevant officer receives documentation) is 14days. Times may vary or be delayed if information is not received in this required manner.
- Any queries, please contact Council's Duty Planner on duty.planner@waverley.nsw.gov.au

AD2. SYDNEY WATER REQUIREMENTS

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

If you are increasing the density of the site, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. The application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.

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

AD3. DIAL BEFORE YOU DIG

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

AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD5. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.

AD6. BONDI - ROSE BAY SAND BODY

This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted.

Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.

AD7. TREE REMOVAL/PRESERVATION

Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.

AD8. WORK OUTSIDE PROPERTY BOUNDARY

This consent does not authorise any work outside the property boundary.

AD9. RAINWATER HARVESTING AND REUSE

The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.

AD10. STORMWATER MANAGEMENT

- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday)

AD11. PUBLIC UTILITIES AND SERVICE ALTERATIONS

Any utility services and all public infrastructure which require alteration due to works associated with the development, both internally and externally of the development boundary, shall be altered at the Applicant's expense. This includes both temporary and permanent alterations. Upon notifying Council, the Applicant must comply with the requirements (including financial costs) of the relevant utility service provider (e.g. Ausgrid, Sydney Water, Telstra, RMS or similar) in relation to any connections, repairs, relocations, replacements and/or adjustments to public infrastructure or services affected by the proposed works.

Written approval from the applicable Public Authority shall be submitted to Council along with the Public Domain design plans submission.

AMENDED PLANS

BASIX Certificate
 Building Sustainability Index www.basix.nsw.gov.au

Single Dwelling
 Certificate number: 13628695
 This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled 'BASIX Definitions' dated 10/09/2020 published by the Department. This document is available at www.basix.nsw.gov.au

Project summary	
Project name	20 Wentworth Street Dover Heights
Street address	20 Wentworth Street Dover Heights 2020
Local Government Area	Waverley Council
Plan type and plan number	deposited 10090
Lot no.	39
Section no.	-
Project type	separate dwelling house
No. of bedrooms	3
Project score	
Water	40 Target 40
Thermal Comfort	Pass Target Pass
Energy	80 Target 50

Water Commitments

Landscape

The applicant must plant indigenous or low water use species of vegetation throughout 20 square metres of the site.

Fixtures

The applicant must install showerheads with a minimum rating of 4 star (> 4.5 but <= 6 L/min plus spray force and/or coverage tests) in all showers in the development.

The applicant must install a toilet flushing system with a minimum rating of 6 star in each toilet in the development.

The applicant must install taps with a minimum rating of 6 star in the kitchen in the development.

The applicant must install basin taps with a minimum rating of 6 star in each bathroom in the development.

Alternative water

Rainwater tank
 The applicant must install a rainwater tank of at least 5000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.

The applicant must configure the rainwater tank to collect rain runoff from at least 75 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).

The applicant must configure the rainwater tank so that overflow is diverted to a stormwater tank.

The applicant must connect the rainwater tank to:

- at least one outdoor tap in the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply.)
- a tap that is located within 10 metres of the swimming pool in the development

The applicant must install a stormwater tank with a capacity of at least 5000 litres on the site. This stormwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.

The applicant must configure the stormwater tank to collect overflow from the rainwater tank.

The applicant must configure the stormwater tank to collect runoff from:

- at least 75 square metres of roof area of the development (excluding the area of the roof which drains to any rainwater tank or private dam)
- at least 20 square metres of impervious areas
- at least 30 square metres of planter box area

The applicant must connect the stormwater tank to:

- a sub-surface or non-aerosol irrigation system, or if the stormwater has been appropriately treated in accordance with applicable regulatory requirements, to at least one outdoor tap in the development (Note: NSW Health does not recommend that stormwater be used to irrigate edible plants which are consumed raw.)

Swimming pool

The swimming pool must not have a volume greater than 49 kilolitres.

The swimming pool must be outdoors.

Thermal Comfort Commitments

General features

The dwelling must not have more than 2 storeys.

The conditioned floor area of the dwelling must not exceed 300 square metres.

The dwelling must not contain open mezzanine area exceeding 25 square metres.

The dwelling must not contain third level habitable attic room.

Floor, walls and ceiling/roof

The applicant must construct the floor(s), walls, and ceiling/roof of the dwelling in accordance with the specifications listed in the table below.

Construction	Additional insulation required (R-Value)	Other specifications
floor - concrete slab on ground, 158 square metres	nil	
floor - above habitable rooms or mezzanine, 108 square metres, concrete	nil	
floor - suspended floor above garage, concrete	nil	
external wall - concrete panel/plasterboard (concrete: 200 mm)	2.05 (or 2.40 including construction)	
internal wall shared with garage - 200 mm AAC block	nil	
ceiling and roof - flat ceiling / flat roof, concrete/plasterboard internal	ceiling: 3.5 (up), roof: none	concrete/plasterboard internal; light (solar absorptance < 0.475)

Note • Insulation specified in this Certificate must be installed in accordance with Part 3.12.1.1 of the Building Code of Australia.

Note • In some climate zones, insulation should be installed with due consideration of condensation and associated interaction with adjoining building materials.

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 All works are to be in accordance with Australian Standards, Building Code of Australia for materials and construction practice, and all other relevant codes and authorities.
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Notes
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 Not for construction.
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Scale
 A3

Abbreviations

AC	AIR CONDITIONING	FF	FIRST FLOOR	PAV	PAVERS
BAL	BALLUSTRADE	FFL	FINISHED FLOOR LEVEL	PL	PLASTER
BDY	BOUNDARY LINE	GB	GLASS BALUSTRADE	PS	PRIVACY SCREEN
BOX	BOX CUTTER	GDN	GARDEN	RND	RENDEZ
BRK	BRICK	GF	GROUND FLOOR	RWH	RAINWATER HEAD
BL	BUILDING LINE	GRS	GRASS	SL	SKYLIGHT
CC	CONCRETE COLUMN	GL	GLAZING	SLD	SLEIGHING
CON	CONCRETE	HW	HIGHLIGHT WINDOW	SP	SOLAR PANEL
DP	DOWN PIPE	HWU	HOT WATER UNIT	ST	STONE
DK	DECK	LV	LOUVRES	STR	STRIP
EX	EXISTING	MT	METAL	TM	TIMBER
F	FIXED	MR	METAL ROOFING	TNK	TANK
FCE	FENCE	NGL	NATURAL GROUND LINE	TL	TILE

Windows, glazed doors and skylights

The applicant must install the windows, glazed doors and shading devices described in the table below, in accordance with the specifications listed in the table. Relevant overshadowing specifications must be satisfied for each window and glazed door.

The dwelling may have 1 skylight (<0.7 square metres) which is not listed in the table.

The following requirements must also be satisfied in relation to each window and glazed door:

- For the following glass and frame types, the certifier check can be performed by visual inspection:
 - Aluminium single clear
 - Aluminium double (air) clear
 - Timber/PVC/fibreglass single clear
 - Timber/PVC/fibreglass double (air) clear
- For other glass or frame types, each window and glazed door must be accompanied with certification showing a U value no greater than that listed and a Solar Heat Gain Coefficient (SHGC) within the range of those listed. Total system U values and SHGC must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. Frame and glass types shown in the table below are for reference only.
- Vertical external louvres and blinds must fully shade the window or glazed door beside which they are situated when fully drawn or closed.
- Overshadowing buildings/vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column.

Window/glazed door no.	Maximum height (mm)	Maximum width (mm)	Type	Shading Device (Dimension within 10%)	Overshadowing
North facing					
W10	1200	3300	U-value: 5.6, SHGC: 0.369 - 0.451 (aluminium, single, Lo-Tsol Low-e)	external louvre/vertical blind (adjustable)	not overshadowed
D03	2500	3000	U-value: 5.6, SHGC: 0.369 - 0.451 (aluminium, single, Lo-Tsol Low-e)	solid overhang 450 mm, 10 mm above head of window or glazed door	not overshadowed
D05	2700	4200	U-value: 5.6, SHGC: 0.369 - 0.451 (aluminium, single, Lo-Tsol Low-e)	external louvre/vertical blind (adjustable)	not overshadowed
D08	2600	1800	U-value: 5.6, SHGC: 0.369 - 0.451 (aluminium, single, Lo-Tsol Low-e)	solid overhang 1800 mm, 10 mm above head of window or glazed door	not overshadowed
East facing					
W01	2700	2000	U-value: 5.6, SHGC: 0.369 - 0.451 (aluminium, single, Lo-Tsol Low-e)	solid overhang 900 mm, 10 mm above head of window or glazed door	not overshadowed
W07	2600	2000	U-value: 5.6, SHGC: 0.369 - 0.451 (aluminium, single, Lo-Tsol Low-e)	solid overhang 600 mm, 10 mm above head of window or glazed door	not overshadowed
W08	2600	1800	U-value: 5.6, SHGC: 0.369 - 0.451 (aluminium, single, Lo-Tsol Low-e)	solid overhang 900 mm, 10 mm above head of window or glazed door	not overshadowed
D04	2700	4500	U-value: 5.6, SHGC: 0.369 - 0.451 (aluminium, single, Lo-Tsol Low-e)	solid overhang 2000 mm, 10 mm above head of window or glazed door	not overshadowed
D07	2600	4500	U-value: 5.6, SHGC: 0.369 - 0.451 (aluminium, single, Lo-Tsol Low-e)	solid overhang 2000 mm, 10 mm above head of window or glazed door	not overshadowed
South facing					
W05	6000	400	U-value: 5.6, SHGC: 0.369 - 0.451 (aluminium, single, Lo-Tsol Low-e)	none	not overshadowed
W06	6000	400	U-value: 5.6, SHGC: 0.369 - 0.451 (aluminium, single, Lo-Tsol Low-e)	none	not overshadowed
West facing					
W04	2700	2000	U-value: 4.3, SHGC: 0.477 - 0.583 (aluminium, double (air), Hi-Tsol Low-e/clear)	solid overhang 450 mm, 10 mm above head of window or glazed door	not overshadowed
W13	2600	2000	U-value: 4.3, SHGC: 0.477 - 0.583 (aluminium, double (air), Hi-Tsol Low-e/clear)	solid overhang 900 mm, 10 mm above head of window or glazed door	not overshadowed
D02	2500	1400	U-value: 5.4, SHGC: 0.441 - 0.539 (aluminium, single, Hi-Tsol Low-e)	none	>4 m high, 2-5 m away
D06	2700	6500	U-value: 4.3, SHGC: 0.477 - 0.583 (aluminium, double (air), Hi-Tsol Low-e/clear)	solid overhang 2000 mm, 10 mm above head of window or glazed door	not overshadowed
D09	2600	4000	U-value: 5.6, SHGC: 0.369 - 0.451 (aluminium, single, Lo-Tsol Low-e)	solid overhang 2000 mm, 10 mm above head of window or glazed door	not overshadowed
D10	2600	2500	U-value: 5.6, SHGC: 0.369 - 0.451 (aluminium, single, Lo-Tsol Low-e)	solid overhang 1100 mm, 10 mm above head of window or glazed door	not overshadowed

Hot water

The applicant must install the following hot water system in the development, or a system with a higher energy rating: solar (electric boosted) with a performance of 26 to 30 STCs or better.

Natural lighting

The applicant must install a window and/or skylight in 3 bathroom(s)/toilet(s) in the development for natural lighting.

Alternative energy

The applicant must install a photovoltaic system with the capacity to generate at least 5 peak kilowatts of electricity as part of the development. The applicant must connect this system to the development's electrical system.

S4.55 MODIFICATION

20 WENTWORTH STREET DOVER HEIGHTS NSW 2020

Lot/Section/Plan no: 39/-/DP10090
 THIS APPLICATION SEEKS TO MODIFY DEVELOPMENT CONSENT DA-207/2021

Prepared on behalf of Mr. S. Koh by

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SITE LOCATION IMAGE / AERIAL PHOTOGRAPH

IMAGE SOURCED FROM NSW SPATIAL INFORMATION EXCHANGE: www.maps.six.nsw.gov.au



DRAWING REGISTER

Dwg No.	Drawing Title	Scale (A3)	Revision	Date	Notes
C001	COVER / DWG REGISTER /BASIX	NA	C	20/03/23	
AR01	SITE PLAN	1:200	B	03/02/23	
AR02	BASEMENT PLAN	1:100	B	03/02/23	
AR03	GROUND FLOOR PLAN	1:100	B	03/02/23	
AR04	FIRST FLOOR PLAN	1:100	B	03/02/23	
AR05	ROOF PLAN	1:100	B	03/02/23	
AR11	WEST & EAST ELEVATIONS	1:100	C	20/03/23	
AR12	NORTH ELEVATION	1:100	C	20/03/23	
AR13	SOUTH ELEVATION & SIGHTLINES	1:100 / 1:200	C	20/03/23	
AR20	SECTIONS	1:100	C	20/03/23	
AR32	EXCAVATION PLAN	1:200	A	03/02/23	
SD01	SHADOW DIAGRAM - 9AM	1:200	A	20/03/23	
SD02	SHADOW DIAGRAM - 10AM	1:200	A	20/03/23	
SD03	SHADOW DIAGRAM - 11AM	1:200	A	20/03/23	
SD04	SHADOW DIAGRAM - 12PM	1:200	A	20/03/23	
SD05	SHADOW DIAGRAM - 1PM	1:200	A	20/03/23	
SD06	SHADOW DIAGRAM - 2PM	1:200	A	20/03/23	
SD07	SHADOW DIAGRAM - 3PM	1:200	A	20/03/23	

Revisions

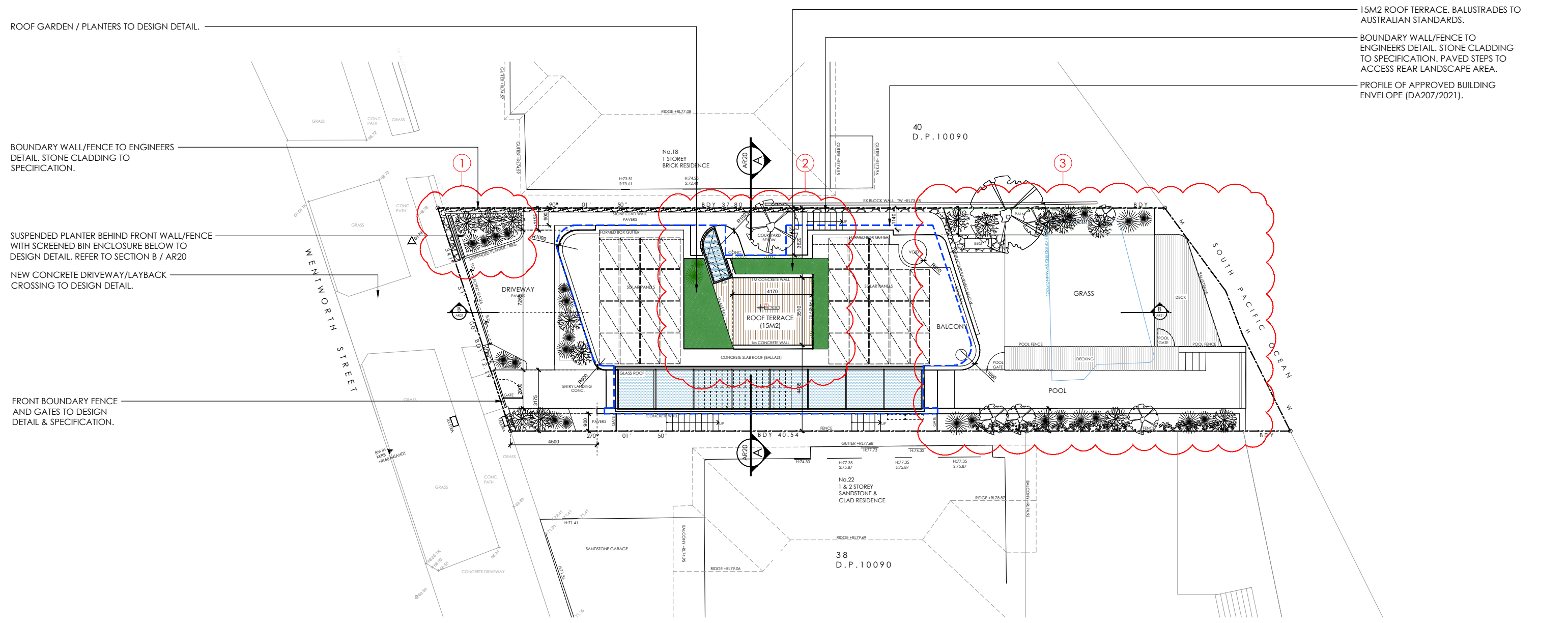
Issue	Date	Details
A	01/12/22	S4.55 MODIFICATION
B	03/02/23	S4.55 MODIFICATION
C	20/03/23	S4.55 MODIFICATION

Project Site Address
 20 WENTWORTH STREET
 DOVER HEIGHTS NSW 2020
Lot Sec D.P Municipality
 39 - 10090 WAVERLEY COUNCIL
Client
 MR. S. KOH

Drawing Title / No.
 COVER / DWG REGISTER **C001**
Project No.
 SD_22001
Drawn by DC **Reviewed by** DC **Date** 20 MAR 2023 **Issue** C

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA 207/2021/A
Date Received: 28/03/2023
NORTH



SITE PLAN 01.AR01 / SCALE 1:200

SUMMARY OF MODIFICATIONS

- 01 Modification to front landscape design. Integrated screened bin enclosure with suspended planter above.
- 02 Modification to external walls to increase landscaped courtyard area. New 15m² roof terrace.
- 03 Modification to rear landscape design to increase grass/soft landscape area.

FOR DESIGN APPROVAL PURPOSES ONLY. NOT FOR CONSTRUCTION

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All works are to be in accordance with Australian Standards, Building Code of Australia for materials and construction practice, and all other relevant codes and authorities.

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Notes
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Scale
1:200 @ A3

Abbreviations

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BAL	BALLUSTRADE	FFL	FINISHED FLOOR LEVEL	PL	PLANTER
BDY	BOUNDARY LINE	GB	GLASS BALUSTRADE	PS	PRIVACY SCREEN
BG	BOX CUTTER	CGN	CORN GARDEN	RND	RENDER
BK	BRICK	GF	GROUND FLOOR	RWH	RAINWATER HEAD
BL	BUILDING LINE	GRS	GRASS	SL	SKYLIGHT
CC	CONCRETE COLUMN	GL	GLAZING	SLD	SLEEDING
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EX	EXISTING	MT	METAL	TM	TIMBER
F	FIXED	MR	METAL ROOFING	TNK	TANK
FCE	FENCE	NGL	NATURAL GROUND LINE	TL	TILE

Revisions

Issue	Date	Details
A	01/12/22	\$4.55 MODIFICATION
B	03/02/23	\$4.55 MODIFICATION

Project Site Address
20 WENTWORTH STREET
DOVER HEIGHTS NSW 2030

Lot Sec D.P. Municipality
39 - 10090 WAVERLEY COUNCIL

Client
MR. S. KOH

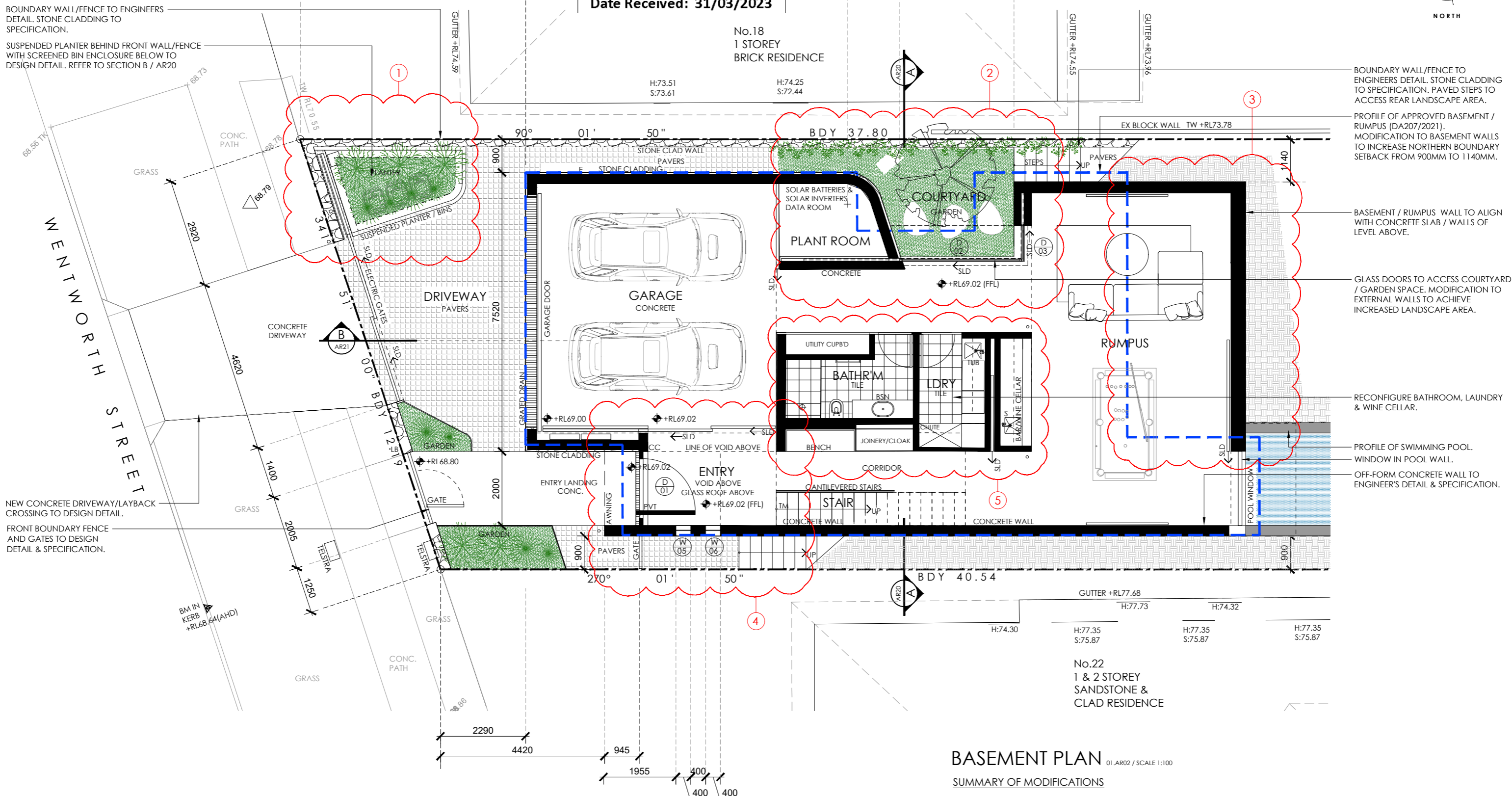
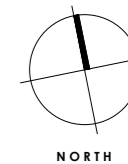
Drawing Title / No.
SITE PLAN
AR01

Project No.
SD_22001

Drawn by DC
Reviewed by DC
Date 03 FEB 2022
Issue B

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-207/2021/A
Date Received: 31/03/2023



BASEMENT PLAN 01.AR20 / SCALE 1:100

SUMMARY OF MODIFICATIONS

- 01 Modification to front landscape design. Integrated screened bin enclosure with suspended planter above.
- 02 Modification to external walls to increase landscaped courtyard area.
- 03 Modification to basement walls to align with slab / walls of level above. Increase northern boundary setback to 1140mm.
- 04 Modification to entry to include fixed awning over entry door. Modification to windows in southern wall in entry foyer.
- 05 Modification to interior configuration - laundry, bathroom and wine cellar.

PROFILE OF APPROVED BASEMENT GARAGE / RUMPUS - DA207/2021.

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Scale
1:100 @ A3

Abbreviations

AC AIR CONDITIONING	FF FIRST FLOOR	PAV PAVERS
BAL BALLUSTRADE	FFL FINISHED FLOOR LEVEL	PL PLASTER
BDY BOUNDARY LINE	GB GLASS BALLUSTRADE	PS PRIVACY SCREEN
BK BOX GUTTER	GNEN GARDEN	RND RENDER
BL BUILDING LINE	GF GROUND FLOOR	RWH RAINWATER HEAD
CON CONCRETE COLUMN	GRS GRASS	SL SKYLIGHT
CP DOWN PIPE	GL GLAZING	SLD SLIDING SOLAR PANEL
DK DECK	HW HIGHLIGHT WINDOW	ST STONE
EX EXISTING	HWU HOT WATER UNIT	STR STAIR
F FIXED	LV LOUVRES	TM TIMBER
FCE FENCE	MT METAL	TNK TANK
	MR METAL ROOFING	TL TILE
	NGL NATURAL GROUND LINE	

Issue	Date	Details
A	01/12/22	\$4.55 MODIFICATION
B	03/02/23	\$4.55 MODIFICATION
C	30/03/23	\$4.55 MODIFICATION

Project Site Address
20 WENTWORTH STREET
DOVER HEIGHTS NSW 2030

Lot Sec D.P. Municipality
39 - 10090 WAVERLEY COUNCIL

Client
MR. S. KOH

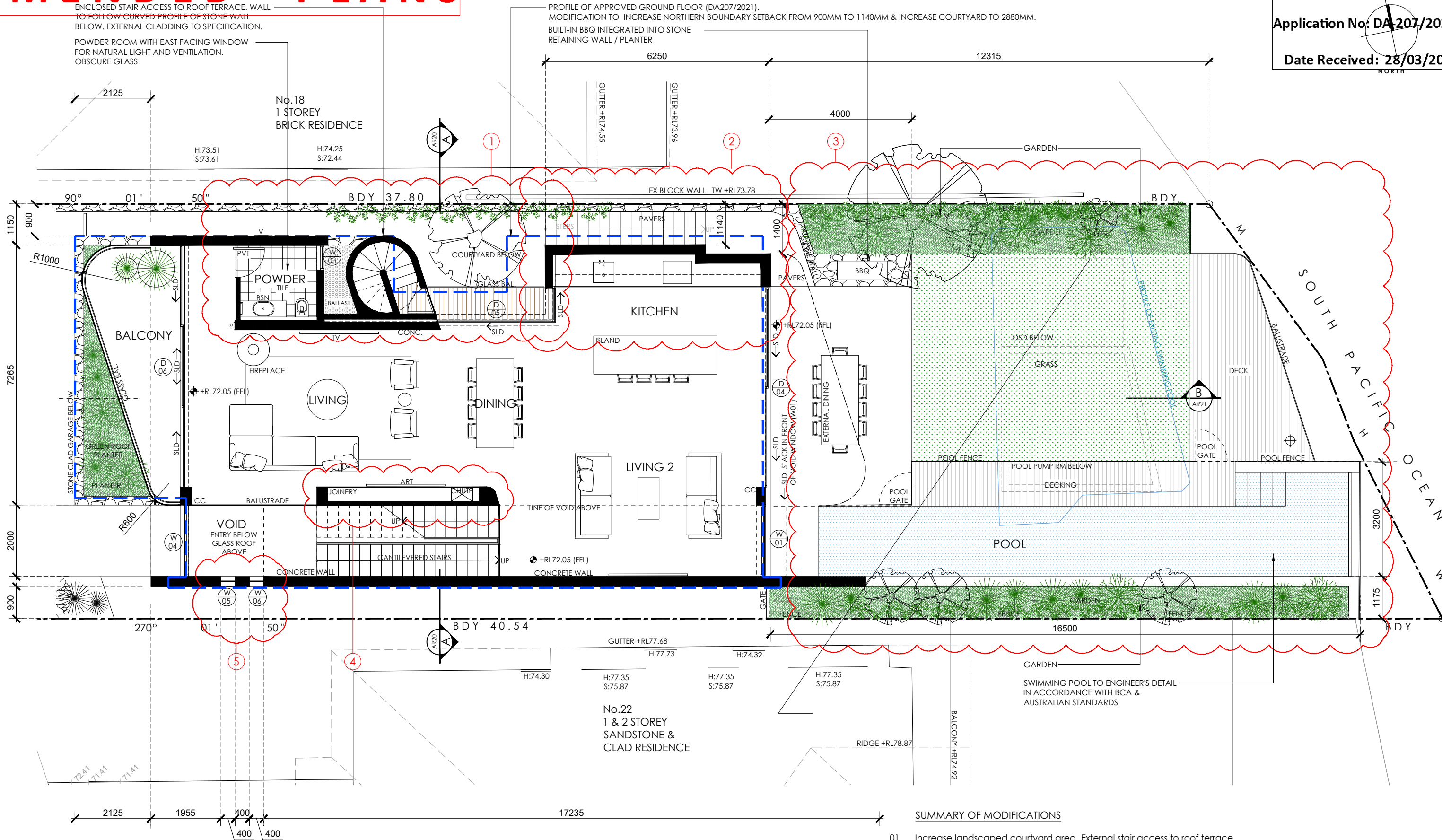
Drawing Title / No.
BASEMENT PLAN
AR02

Project No.
SD_22001

Drawn by DC
Reviewed by DC
Date 30 MAR 2023
Issue C

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA 207/2021/A
Date Received: 28/03/2023



GROUND FLOOR PLAN 01.AR03 / SCALE 1:100

PROFILE OF APPROVED GROUND FLOOR - DA207/2021.

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Abbreviations

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DK DECK	LV LOUVRES	STR STAIR
EX EXISTING	MT METAL	TM TIMBER
F FIXED	MR METAL ROOFING	TNK TANK
FCE FENCE	NGL NATURAL GROUND LINE	TL TILE

SUMMARY OF MODIFICATIONS

- 01 Increase landscaped courtyard area. External stair access to roof terrace. Reposition powder room. New window to provide natural light & ventilation to powder room.
- 02 Increase northern boundary setback from 900mm to 1140mm.
- 03 Modification to pool & landscape design.
- 04 Remove powder room and relocate to northern external wall as shown.
- 05 Modification to windows

Issue	Date	Details
A	01/12/22	\$4.55 MODIFICATION
B	03/02/23	\$4.55 MODIFICATION

Project Site Address
20 WENTWORTH STREET
DOVER HEIGHTS NSW 2030

Lot Sec D.P Municipality
39 - 10090 WAVERLEY COUNCIL

Client
MR. S. KOH

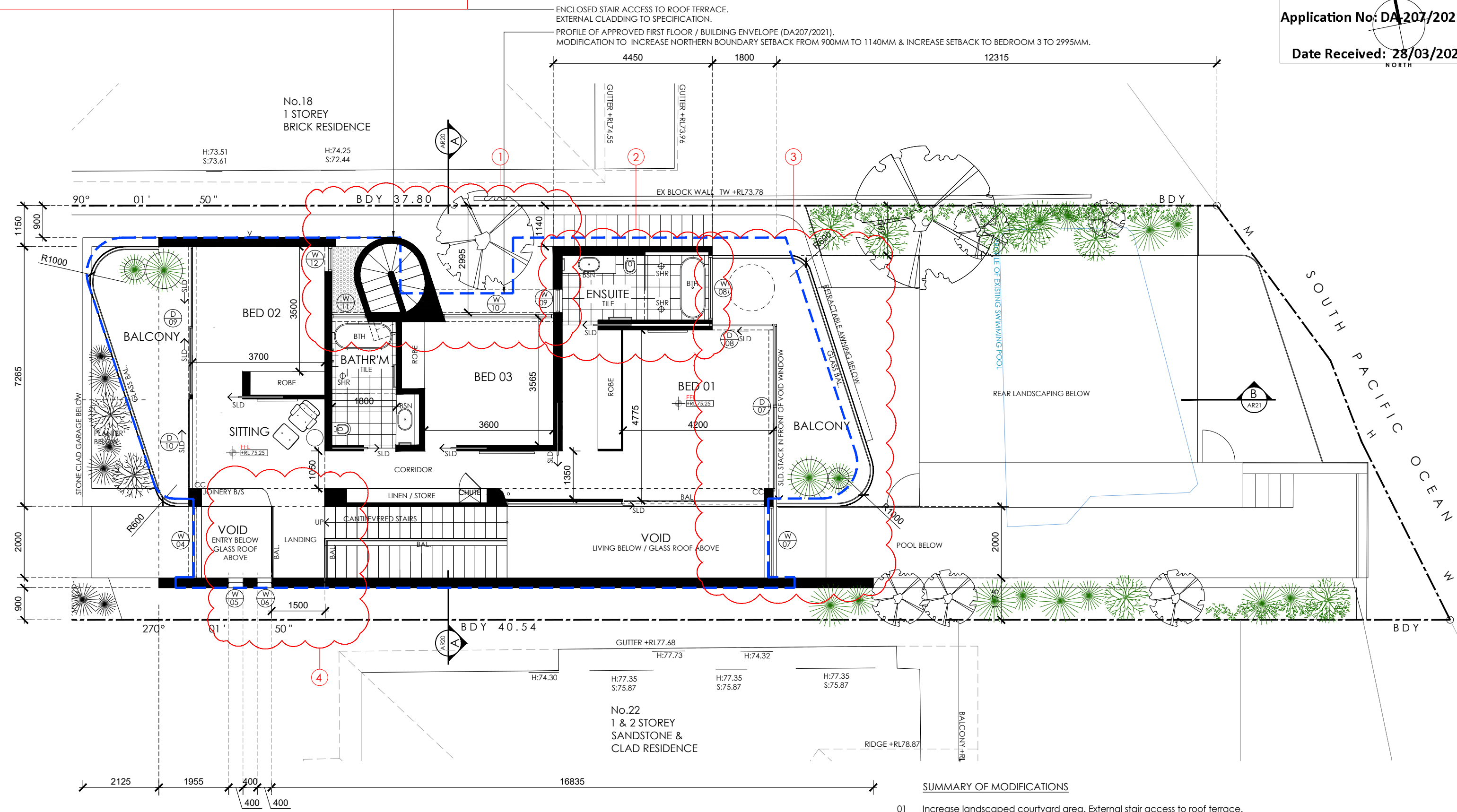
Drawing Title / No.
GROUND FLOOR PLAN AR03

Project No.
SD_22001

Drawn by DC	Reviewed by DC	Date 03 FEB 2023	Issue B
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AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA 207/2021/A
Date Received: 28/03/2023



FIRST FLOOR PLAN

01.AR04 / SCALE 1:100
PROFILE OF APPROVED FIRST FLOOR DA207/2021.

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BDY	BOUNDARY LINE	GF	GLASS BALUSTRADE	PS	PRIVACY SCREEN
BG	BOX GUTTER	GN	GARDEN	RND	RENDEZ
BR	BRICK	GF	GROUND FLOOR	RWH	RAINWATER HEAD
BL	BUILDING LINE	GRS	GRASS	SL	SKYLIGHT
CC	CONCRETE COLUMN	GL	GLAZING	SLD	SLIDING
CON	CONCRETE	HW	HIGHLIGHT WINDOW	SP	SOLAR PANEL
DP	DOWN PIPE	HWU	HOT WATER UNIT	ST	STONE
DK	DECK	LV	LOUVRES	STR	STAIR
EX	EXISTING	MT	METAL	TM	TIMBER
F	FIXED	MR	METAL ROOFING	TNK	TANK
FCE	FENCE	NGL	NATURAL GROUND LINE	TL	TILE

SUMMARY OF MODIFICATIONS

- 01 Increase landscaped courtyard area. External stair access to roof terrace. Planter / Green roof over ground floor powder room. Reconfigure bathroom to provide natural light and ventilation via new window in northern wall.
- 02 Increase northern boundary setback to ensuite from 900mm to 1140mm.
- 03 Reduce ensuite area to allow north-east glazing to Bed 01 and return balcony. Re-position stair landing and windows.
- 04

Revisions

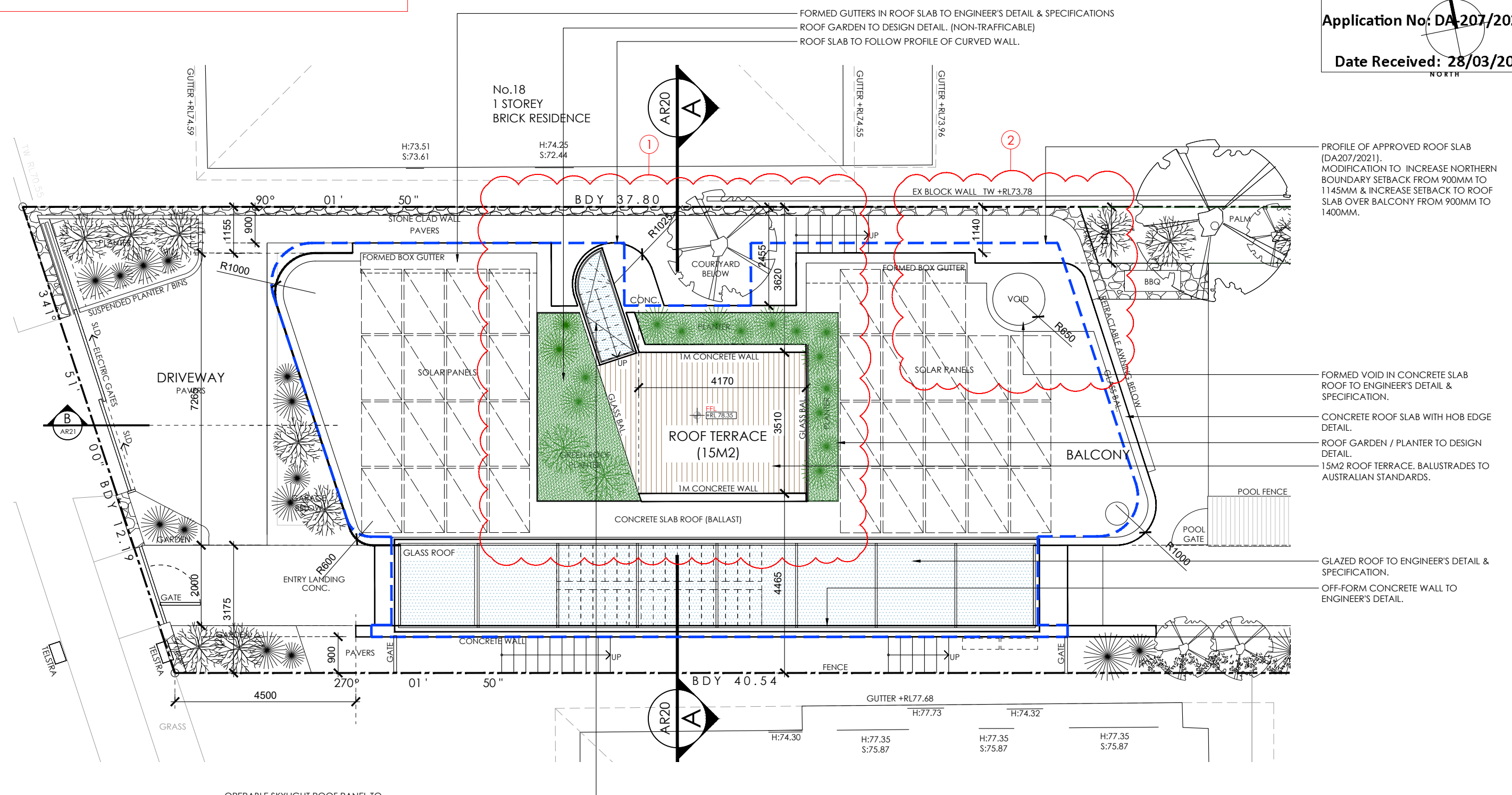
Issue	Date	Details
A	01/12/22	s4.55 MODIFICATION
B	03/02/23	s4.55 MODIFICATION

Project Site Address
20 WENTWORTH STREET
DOVER HEIGHTS NSW 2030
Lot Sec D.P Municipality
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Client
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Drawing Title / No.
FIRST FLOOR PLAN
AR04
Project No.
SD_22001
Drawn by Reviewed by Date Issue
DC DC 03 FEB 2023 B

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Waverley Council
Application No: DA 207/2021/A
Date Received: 28/03/2023

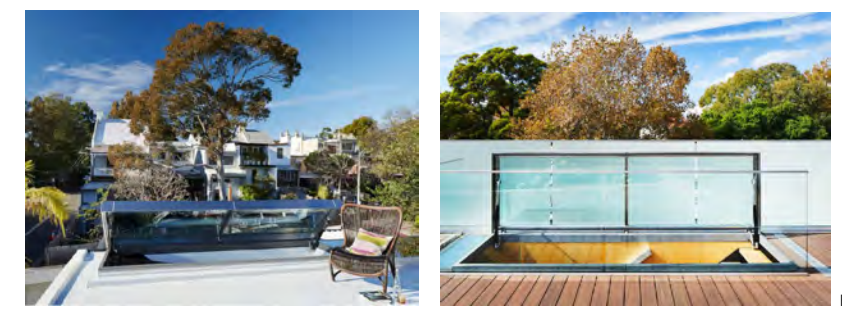


PROFILE OF APPROVED ROOF SLAB (DA207/2021). MODIFICATION TO INCREASE NORTHERN BOUNDARY SETBACK FROM 900MM TO 1145MM & INCREASE SETBACK TO ROOF SLAB OVER BALCONY FROM 900MM TO 1400MM.

FORMED VOID IN CONCRETE SLAB ROOF TO ENGINEER'S DETAIL & SPECIFICATION.
CONCRETE ROOF SLAB WITH HOB EDGE DETAIL.
ROOF GARDEN / PLANTER TO DESIGN DETAIL.
15M2 ROOF TERRACE. BALUSTRADES TO AUSTRALIAN STANDARDS.

GLAZED ROOF TO ENGINEER'S DETAIL & SPECIFICATION.
OFF-FORM CONCRETE WALL TO ENGINEER'S DETAIL.

OPERABLE SKYLIGHT ROOF PANEL TO PROVIDE ACCESS FROM INTERNAL STAIR TO ROOF TERRACE.



ROOF ACCESS REFERENCE IMAGES

ROOF PLAN 01.AR05 / SCALE 1:100

SUMMARY OF MODIFICATIONS

- 01 15m2 Roof Terrace. Access from internal stair to roof terrace via operable skylight / planters as indicated.
- 02 Increase northern boundary setback from 900mm to 1140mm. Step roof slab over balcony 1400MM from north boundary. Void in balcony roof slab to Engineer's detail and specification.

PROFILE OF APPROVED ROOF/BUILDING ENVELOPE DA207/2021.

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Abbreviations

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BK	BRICK	GF	GROUND FLOOR	RWH	RAINWATER HEAD
BL	BUILDING LINE	GRS	GRASS	SL	SKYLIGHT
CC	CONCRETE COLUMN	GL	GLAZING	SLD	SLEIGHING
CON	CONCRETE	HW	HIGHLIGHT WINDOW	SP	SOLAR PANEL
DP	DOWN PIPE	HWU	HOT WATER UNIT	ST	STONE
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EX	EXISTING	MT	METAL	TM	TIMBER
F	FIXED	MR	METAL ROOFING	TNK	TANK
FCE	FENCE	NGL	NATURAL GROUND LINE	TL	TILE

Revisions

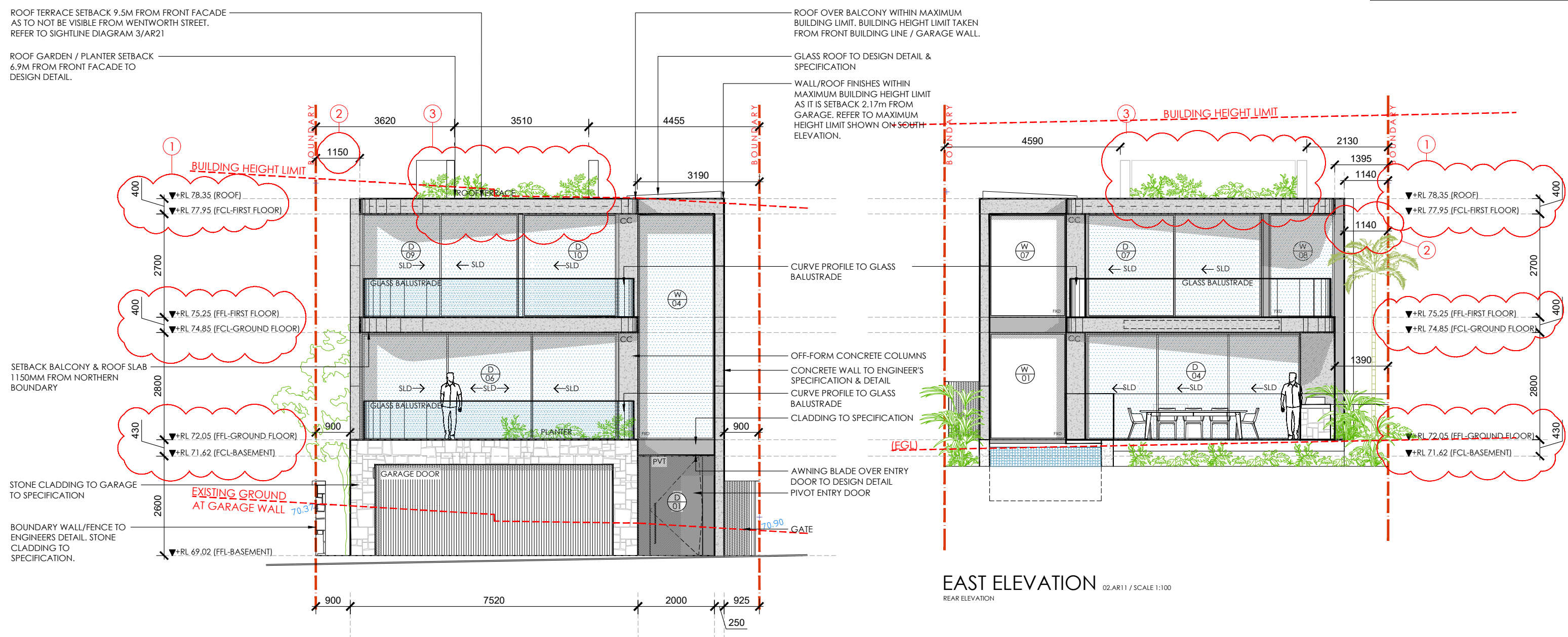
Issue	Date	Details
A	01/12/22	\$4.55 MODIFICATION
B	03/02/23	\$4.55 MODIFICATION

Project Site Address
20 WENTWORTH STREET
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Lot Sec D.P Municipality
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Client
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Drawing Title / No.
ROOF PLAN
AR05
Project No.
SD_22001
Drawn by Reviewed by Date Issue
DC DC 03 FEB 2023 B

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-207/2021/A
Date Received: 28/03/2023



WEST ELEVATION 01.AR11 / SCALE 1:100
FRONT ELEVATION

EAST ELEVATION 02.AR11 / SCALE 1:100
REAR ELEVATION

SUMMARY OF MODIFICATIONS

- 01 Modification to levels.
- 02 Increase northern boundary setback to 1150mm.
- 03 Roof Terrace. Terrace setback 8.7m from eastern roofline. Balustrades to Australian Standards.

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EX EXISTING	MT METAL	TM TIMBER
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Revisions

Issue	Date	Details
A	01/12/22	s4.55 MODIFICATION
B	03/02/23	s4.55 MODIFICATION
C	20/03/23	s4.55 MODIFICATION

Project Site Address
20 WENTWORTH STREET
DOVER HEIGHTS NSW 2030

Lot Sec D.P Municipality
39 - 10090 WAVERLEY COUNCIL

Client
MR. S. KOH

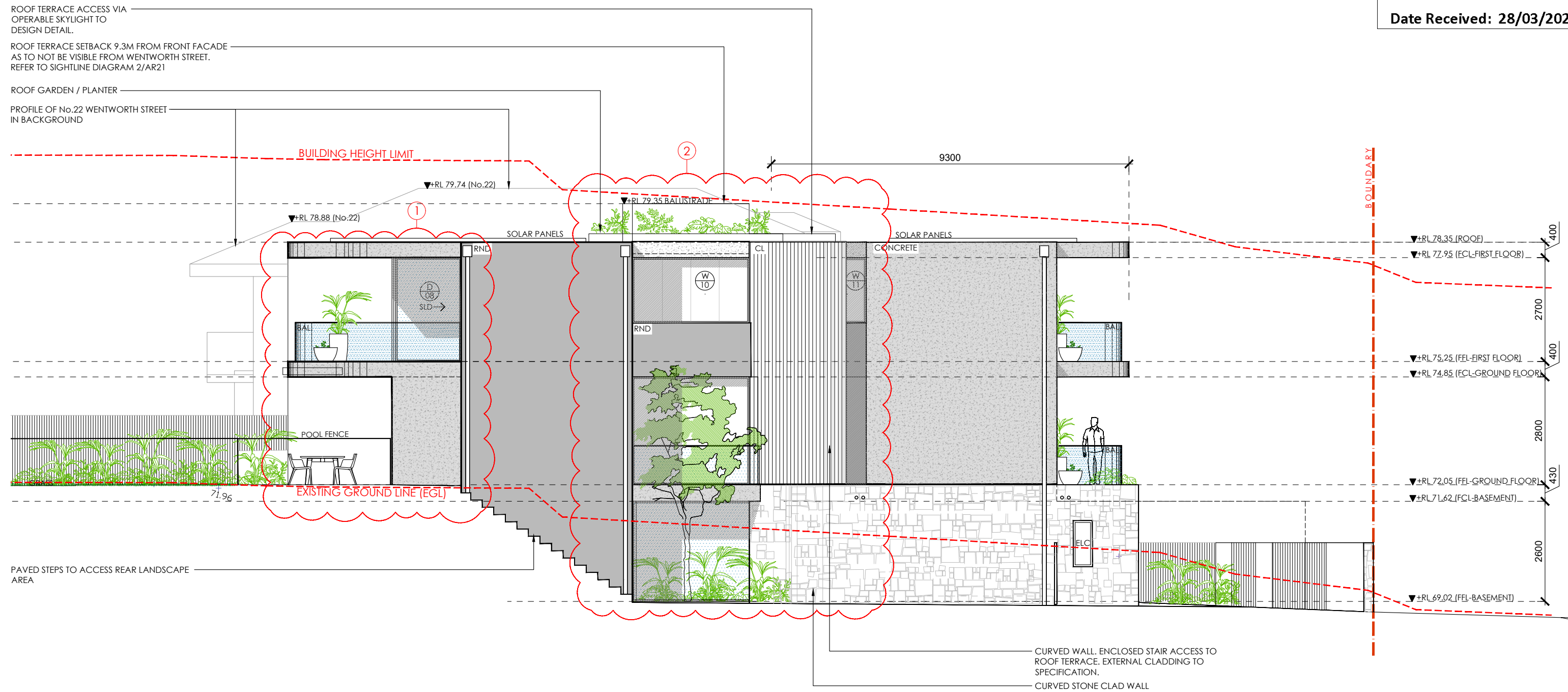
Drawing Title / No.
WEST ELEVATION & EAST ELEVATION
AR11

Project No.
SD_22001

Drawn by Reviewed by Date Issue
DC DC 20 MAR 2023 C

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-207/2021/A
Date Received: 28/03/2023



NORTH ELEVATION 01.AR12 / SCALE 1:100

SUMMARY OF MODIFICATIONS

- 01 Reduce ensuite area to allow north-east glazing to Bed 01 and return balcony around north-east corner.
- 02 Increase landscaped courtyard area. Enclosed stair access to roof terrace. Planter. Reconfigure ground floor bathroom to provide natural light and ventilation via new window. 15m2 Roof Terrace

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Abbreviations

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BG BOX CUTTER	CGDN GARDEN	RND RENDER
BK BRICK	GF GROUND FLOOR	RWH RAINWATER HEAD
BL BUILDING LINE	GRS GRASS	SL SKYLIGHT
CC CONCRETE COLUMN	GL GLAZING	SLD SLIDING SOLAR PANEL
CON CONCRETE	HW HIGHLIGHT WINDOW	SP
DP DOWN PIPE	HWU HOT WATER UNIT	ST STONE
DK DECK	LV LOUVRES	STR STAIR
EX EXISTING	MT METAL	TM TIMBER
F FIXED FENCE	MR METAL ROOFING	TNK TANK
	NGL NATURAL GROUND LINE	TL TILE

Revisions

Issue	Date	Details
A	01/12/22	s4.55 MODIFICATION
B	03/02/23	s4.55 MODIFICATION
C	20/03/23	s4.55 MODIFICATION

Project Site Address
20 WENTWORTH STREET
DOVER HEIGHTS NSW 2030

Lot Sec D.P Municipality
39 - 10090 WAVERLEY COUNCIL

Client
MR. S. KOH

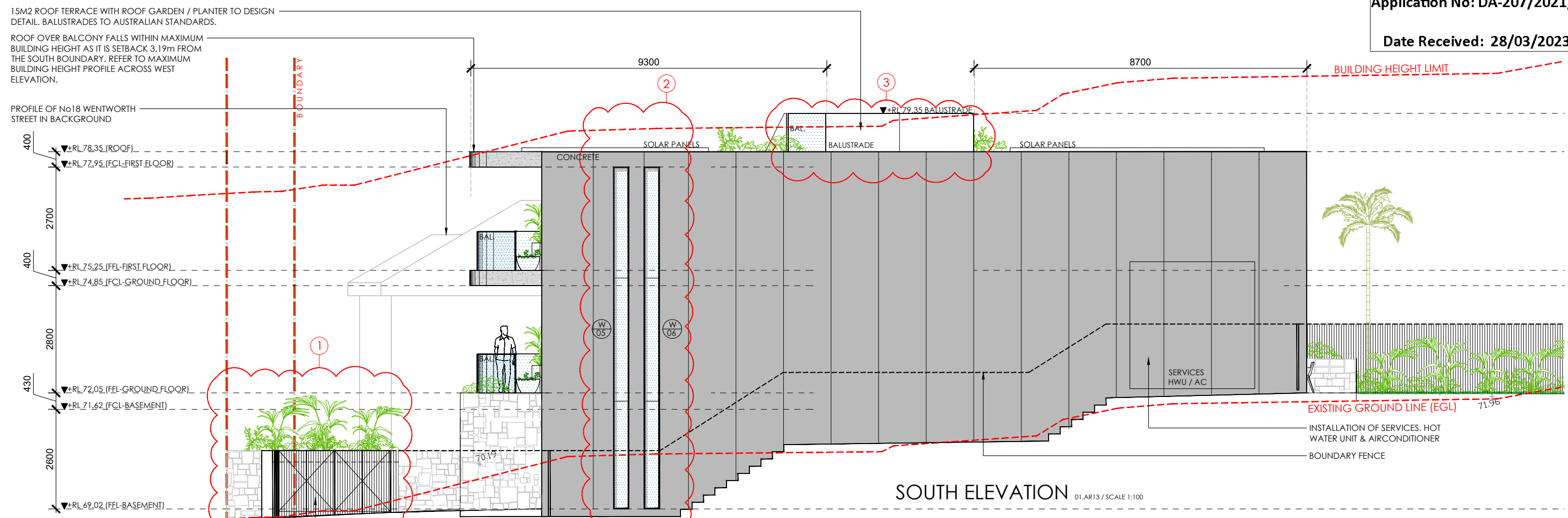
Drawing Title / No.
NORTH ELEVATION
AR12

Project No.
SD_22001

Drawn by Reviewed by Date Issue
DC DC 20 MAR 2023 C

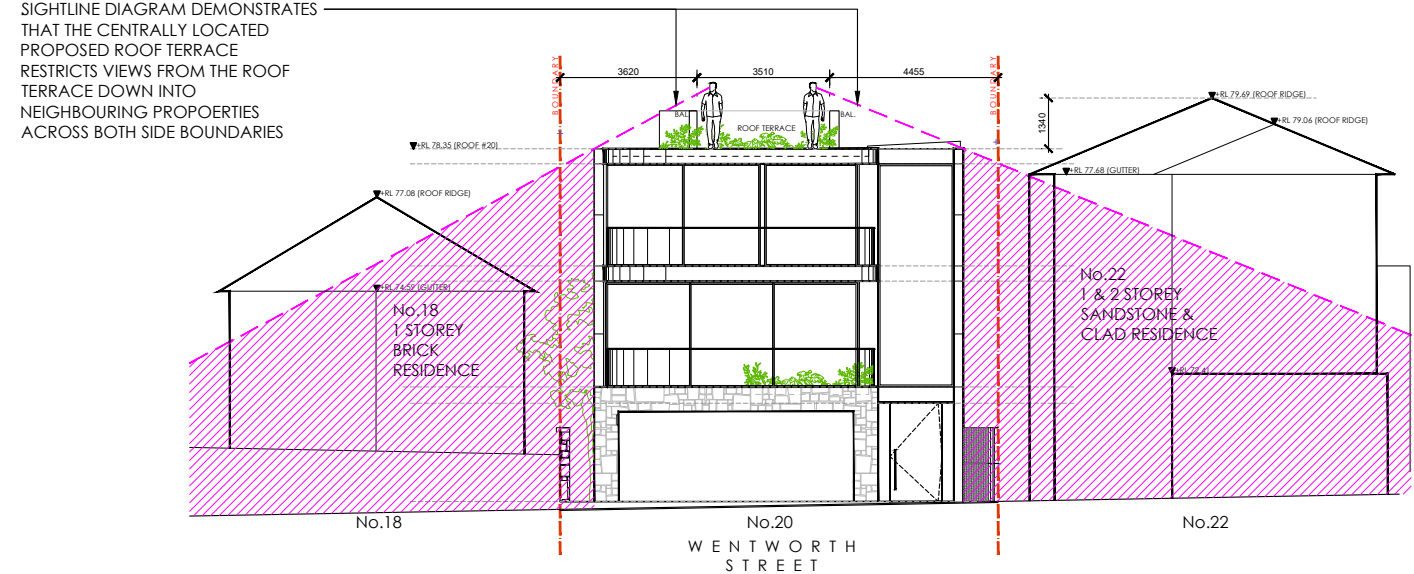
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Date Received: 28/03/2023



SUSPENDED PLANTER BEHIND FRONT WALL/FENCE WITH SCREENED BIN ENCLOSURE BELOW TO DESIGN DETAIL.

SIGHTLINE DIAGRAM DEMONSTRATES THAT THE CENTRALLY LOCATED PROPOSED ROOF TERRACE RESTRICTS VIEWS FROM THE ROOF TERRACE DOWN INTO NEIGHBOURING PROPERTIES ACROSS BOTH SIDE BOUNDARIES



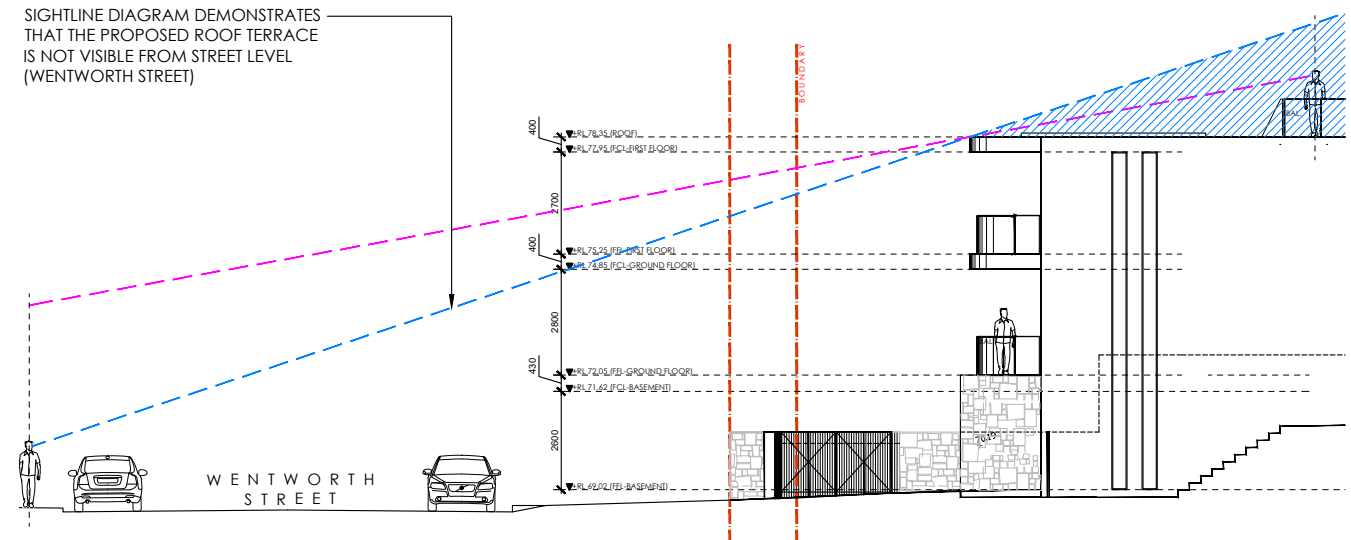
SIGHTLINE DIAGRAM 02.AR13 / SCALE 1:200 (SIGHTLINES FROM ROOF TERRACE ACROSS SIDE BOUNDARIES)

NOT VISIBLE FROM STANDING POSITION ON ROOF TERRACE ACROSS SIDE BOUNDARY

SUMMARY OF MODIFICATIONS

- 01 Modification to front landscape design. Integrated screened bin enclosure with suspended planter above.
- 02 Re-position windows
- 03 Roof Terrace

SIGHTLINE DIAGRAM DEMONSTRATES THAT THE PROPOSED ROOF TERRACE IS NOT VISIBLE FROM STREET LEVEL (WENTWORTH STREET)



SIGHTLINE DIAGRAM 03.AR13 / SCALE 1:200 (SIGHTLINES ACROSS FRONT BOUNDARY)

NOT VISIBLE FROM STANDING POSITION ON WENTWORTH STREET

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Abbreviations

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Revisions

Issue	Date	Details
A	01/12/22	\$4.55 MODIFICATION
B	03/02/23	\$4.55 MODIFICATION
C	20/03/23	\$4.55 MODIFICATION

Project Site Address
20 WENTWORTH STREET
DOVER HEIGHTS NSW 2030

Lot Sec D.P Municipality
39 - 10090 WAVERLEY COUNCIL

Client
MR. S. KOH

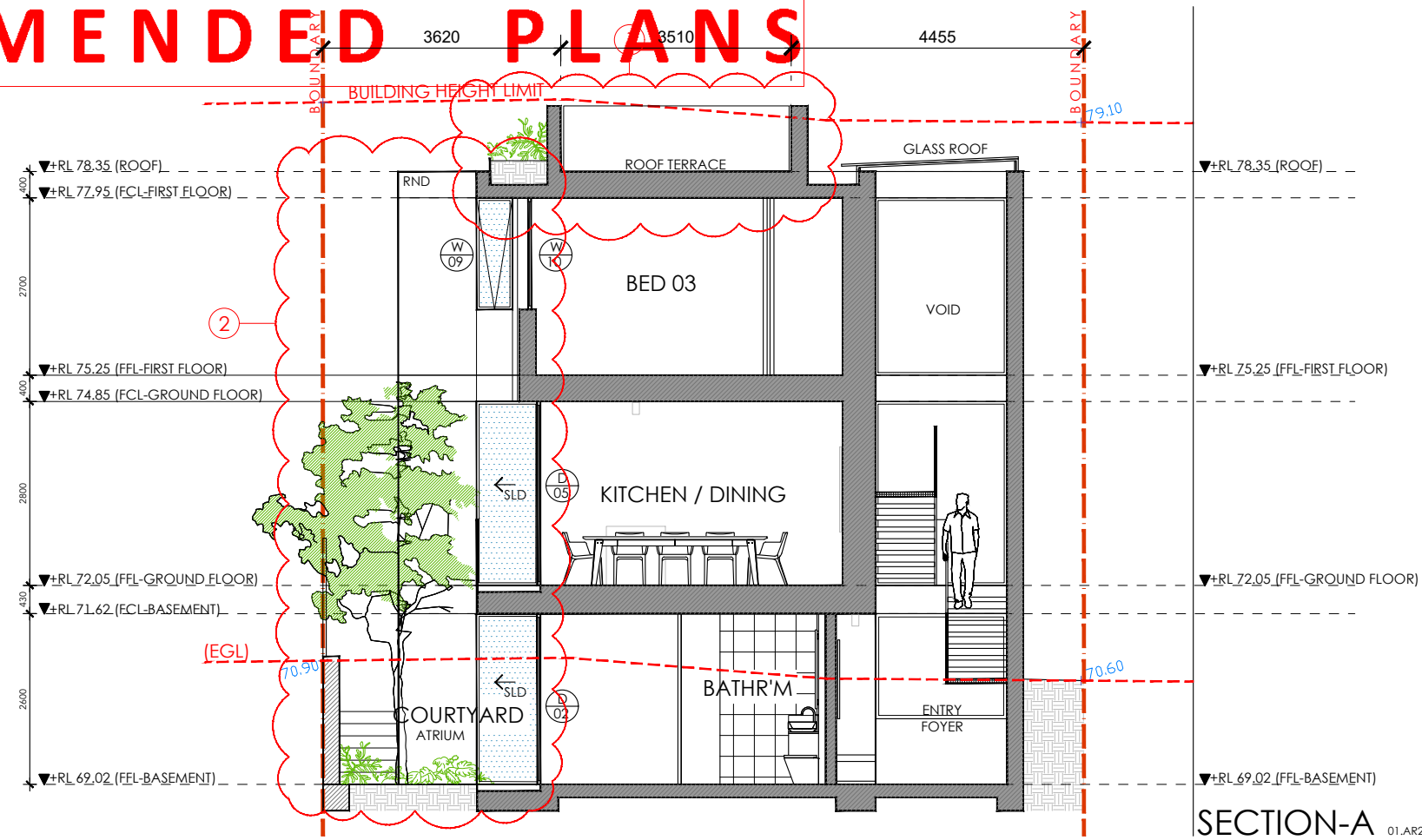
Drawing Title / No.
SOUTH ELEVATION & SIGHTLINE DIAGRAMS
AR13

Project No.
SD_22001

Drawn by Reviewed by Date Issue
DC DC 20 MAR 2023 C

AMENDED PLANS

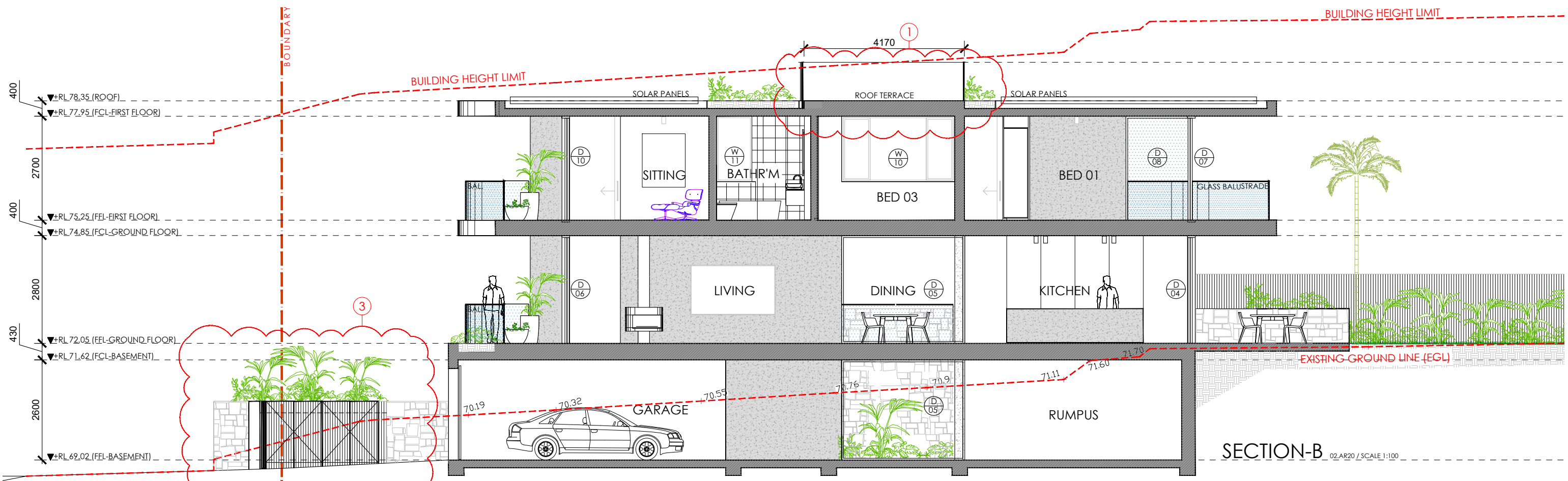
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Application No: DA-207/2021/A
Date Received: 28/03/2023



SECTION-A 01.AR20 / SCALE 1:100

SUMMARY OF MODIFICATIONS

- 01 Roof Terrace
- 02 Modification to front landscape design. Integrated screened bin enclosure with suspended planter above.
- 03 Increased northern boundary setback. Increased Courtyard / landscape area.



SECTION-B 02.AR20 / SCALE 1:100

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Abbreviations

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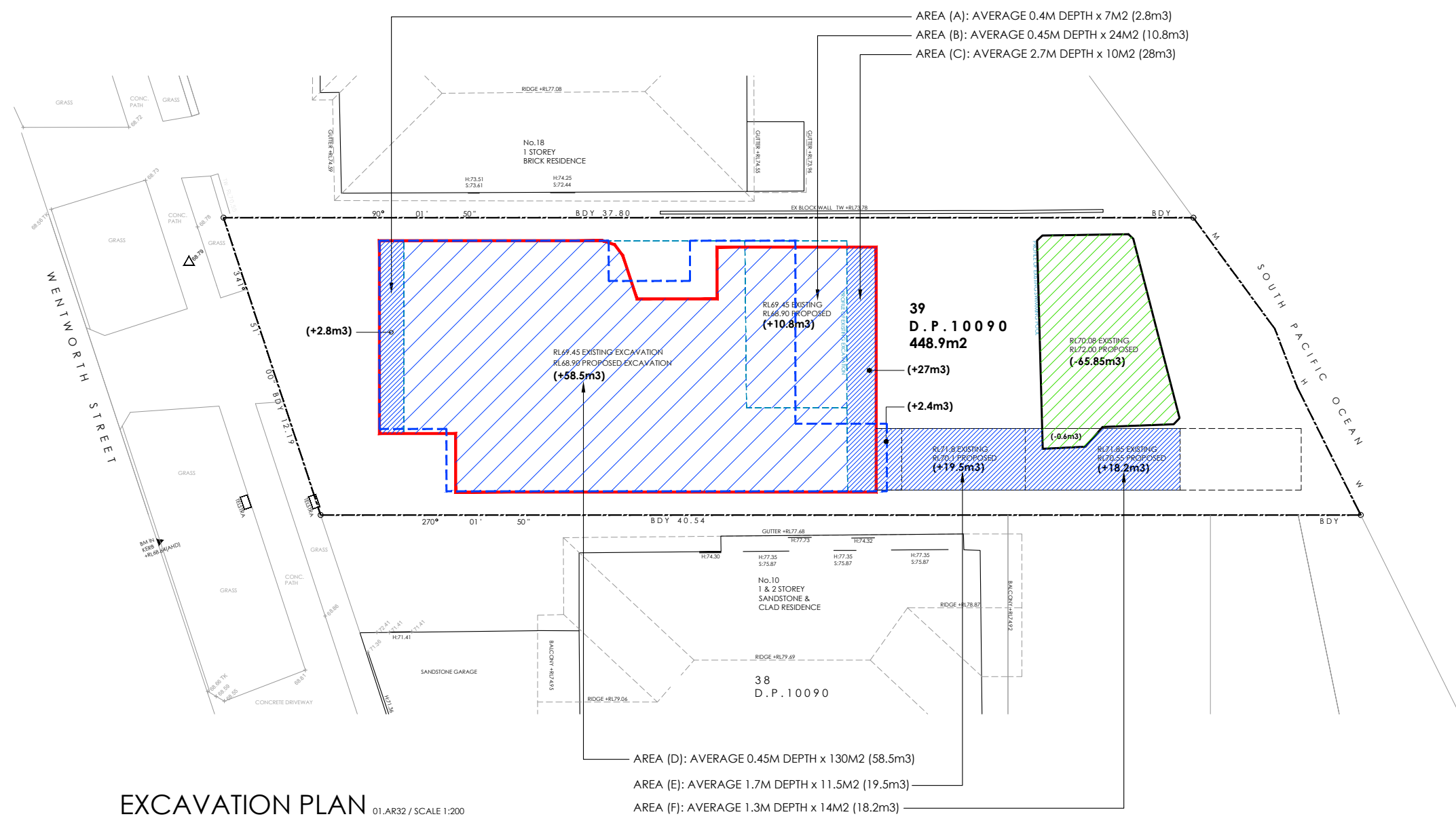
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Project Site Address
20 WENTWORTH STREET
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39 - 10090 WAVERLEY COUNCIL
Client
MR. S. KOH

Drawing Title / No.
SECTION A
AR20
Project No.
SD_22001
Drawn by Reviewed by Date Issue
DC DC 20 MAR 2023 C

AMENDED PLANS

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Application No: DA 207/2021/A
Date Received: 28/03/2023



EXCAVATION PLAN 01.AR32 / SCALE 1:200

- EXCAVATION
- FILL
- PROFILE OF APPROVED BASEMENT / RUMPUS DA-207/2021

SITE AREA (m2)	448.9m2
VOLUME OF PROPOSED EXCAVATION (m3)	139.2m3

MAXIMUM EXCAVATION (m3) = (SITE AREA x 0.2) + 50 : 139.78m3

EXCAVATION PLAN 01.AR32 / SCALE 1:200

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 1:200 @ A3

Abbreviations

AC AIR CONDITIONING	FF FIRST FLOOR	PAV PAVERS
BAL BALUSTRADE	FFL FINISHED FLOOR LEVEL	PL PLANTER
BDY BOUNDARY LINE	GB GLASS BALUSTRADE	PS PRIVACY SCREEN
BG BOX CUTTER	CGN GARDEN	RND RENDER
BK BRICK	GF GROUND FLOOR	RWH RAINWATER HEAD
BL BUILDING LINE	GRS GRASS	SL SKYLIGHT
CC CONCRETE COLUMN	GL GLAZING	SLD SLIDING
CON CONCRETE	HW HIGHLIGHT WINDOW	SP SOLAR PANEL
DP DOWN PIPE	HWU HOT WATER UNIT	ST STONE
DK DECK	LV LOUVRES	STR STAIR
EX EXISTING	MT METAL	TM TIMBER
F FIXED	MR METAL ROOFING	TNK TANK
FCE FENCE	NGL NATURAL GROUND LINE	TL TILE

Revisions

Issue	Date	Details
A	03/02/23	s4.55 MODIFICATION

Project Site Address
 20 WENTWORTH STREET
 DOVER HEIGHTS NSW 2030

Lot Sec D.P Municipality
 39 - 10090 WAVERLEY COUNCIL

Client
 MR. S. KOH

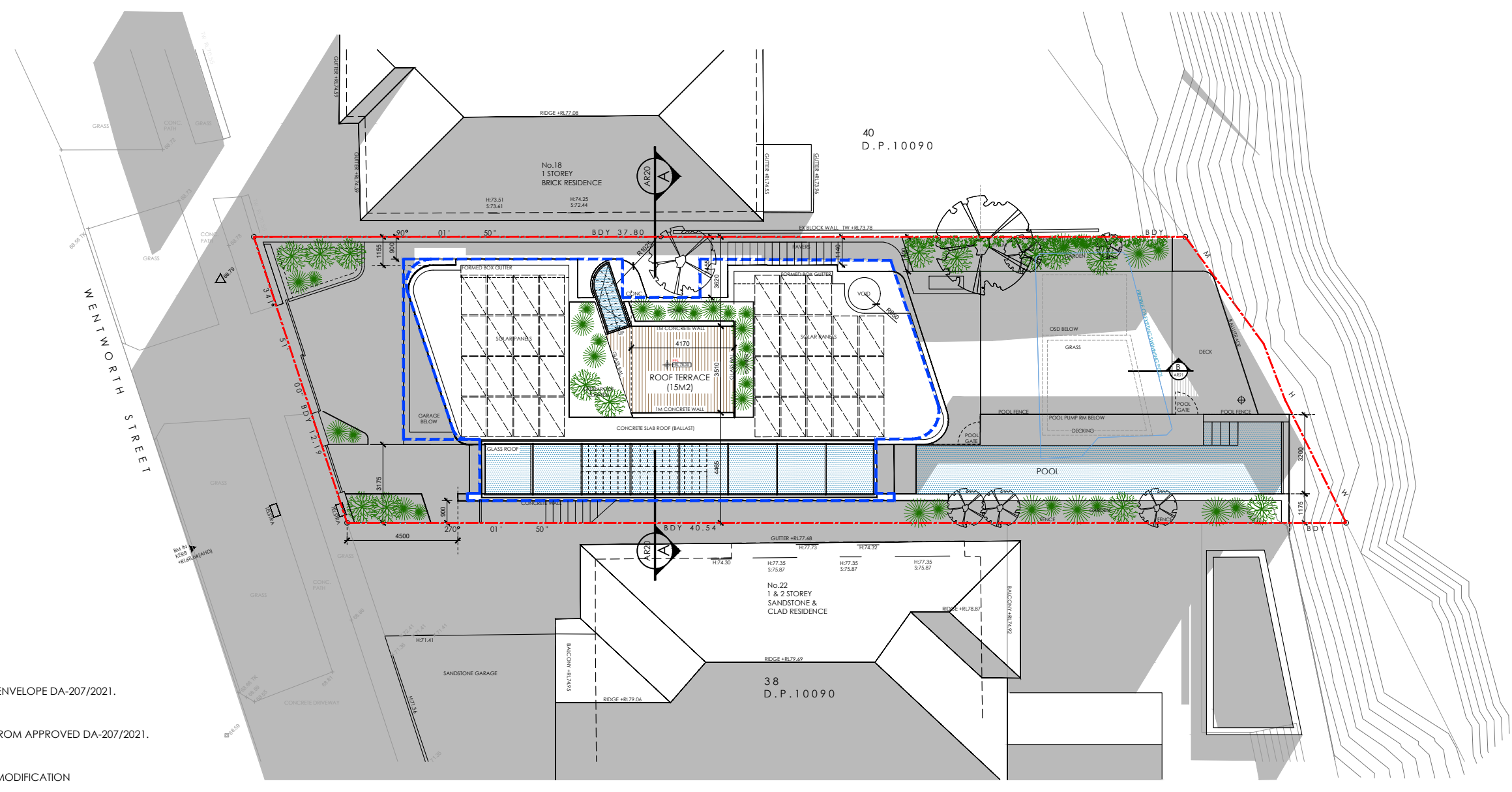
Drawing Title / No.
 EXCAVATION PLAN
AR32

Project No.
 SD_22001

Drawn by Reviewed by Date Issue
 DC DC 03 FEB 2023 A

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA 207/2021/A
Date Received: 28/03/2023
NORTH



SHADOW DIAGRAM - 9AM 01.SD01 / SCALE 1:200

Criteria

Location	Latitude	Longitude	Date
Dover Heights	33° 52' S	151° 16' E	21/06/2023 09:00 AEST

Results

Event	Altitude	Azimuth	Refraction
Position Of The Sun	19° 00' 36"	42° 30' 44"	00° 02' 49"

Altitude includes astronomical, refraction angle for a standard atmosphere

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Scale
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Abbreviations

AC	AIR CONDITIONING	FF	FIRST FLOOR	PAV	PAVERS
BAL	BALLUSTRADE	FFL	FINISHED FLOOR LEVEL	PL	PLANTER
BDY	BOUNDARY LINE	GB	GLASS BALUSTRADE	PS	PRIVACY SCREEN
BG	BOX CUTTER	CGN	GARDEN	RND	RENDER
BK	BRICK	GF	GROUND FLOOR	RWH	RAINWATER HEAD
BL	BUILDING LINE	GRS	GRASS	SL	SKYLIGHT
CC	CONCRETE COLUMN	GL	GLAZING	SLD	SLIDING
CCN	CONCRETE	HW	HIGHLIGHT WINDOW	SP	SOLAR PANEL
DP	DOWN PIPE	HWU	HOT WATER UNIT	ST	STONE
DK	DECK	LV	LOUVRES	STR	STAIR
EX	EXISTING	MT	METAL	TM	TIMBER
F	FIXED	MR	METAL ROOFING	TNK	TANK
FCE	FENCE	NGL	NATURAL GROUND LINE	TL	TILE

Revisions

Issue	Date	Details
A	20/03/22	s4.55 MODIFICATION

Project Site Address
20 WENTWORTH STREET
DOVER HEIGHTS NSW 2030

Lot Sec D.P. Municipality
39 - 10090 WAVERLEY COUNCIL

Client
MR. S. KOH

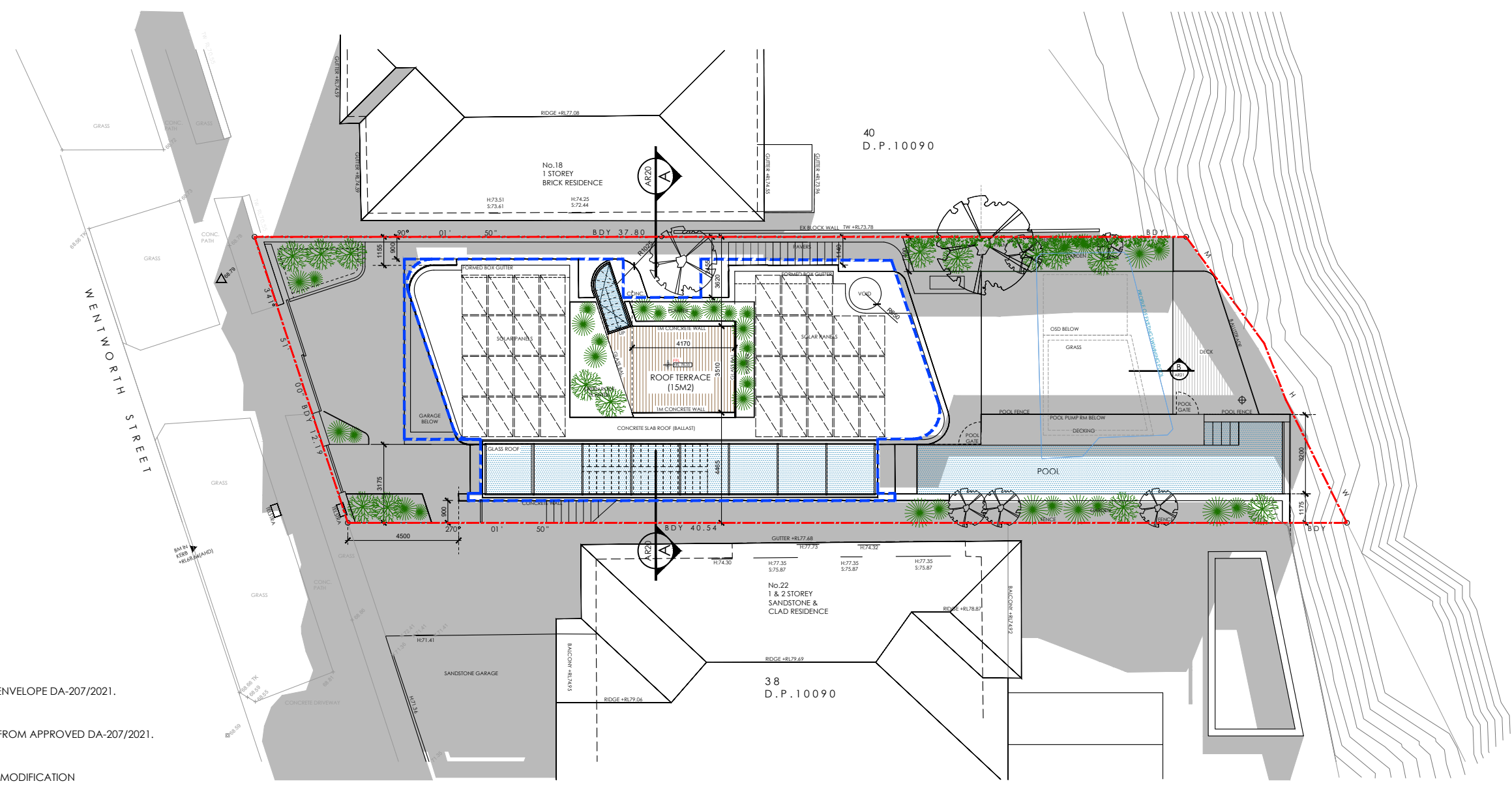
Drawing Title / No.
SHADOW DIAGRAM
9AM - 21 JUNE
SD01

Project No.
SD_22001

Drawn by DC
Reviewed by DC
Date 20 MAR 2023
Issue A

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA 207/2021/A
Date Received: 28/03/2023



- PROFILE OF APPROVED BUILDING ENVELOPE DA-207/2021.
- 10AM SHADOW PROFILE MAPPED FROM APPROVED DA-207/2021.
- 10AM SHADOW FROM PROPOSED MODIFICATION

SHADOW DIAGRAM - 10AM 01_SD02 / SCALE 1:200

Criteria

Location	Latitude	Longitude	Date
Dover Heights	33° 52' S	151° 16' E	21/06/2023 10:00 AEST

Results

Event	Altitude	Azimuth	Refraction
Position Of The Sun	26° 22' 12	29° 54' 52	00° 01' 58

Altitude includes astronomical, refraction angle for a standard atmosphere

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Abbreviations

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BAL BALLUSTRADE	FFL FINISHED FLOOR LEVEL	PL PLANTER
BDY BOUNDARY LINE	GB GLASS BALUSTRADE	PS PRIVACY SCREEN
BG BOX GUTTER	CGN GARDEN	RND RENDER
BK BRICK	GF GROUND FLOOR	RWH RAINWATER HEAD
BL BUILDING LINE	GRS GRASS	SL SKYLIGHT
CC CONCRETE COLUMN	GL GLAZING	SLD SLIDING
CON CONCRETE	HW HIGHLIGHT WINDOW	SP SOLAR PANEL
DP DOWN PIPE	HWU HOT WATER UNIT	ST STONE
DK DECK	LV LOUVRES	STR STAIR
EX EXISTING	MT METAL	TM TIMBER
F FIXED	MR METAL ROOFING	TNK TANK
FCE FENCE	NGL NATURAL GROUND LINE	TL TILE

Revisions

Issue	Date	Details
A	20/03/22	s4.55 MODIFICATION

Project Site Address
20 WENTWORTH STREET
DOVER HEIGHTS NSW 2030

Lot Sec D.P. Municipality
39 - 10090 WAVERLEY COUNCIL

Client
MR. S. KOH

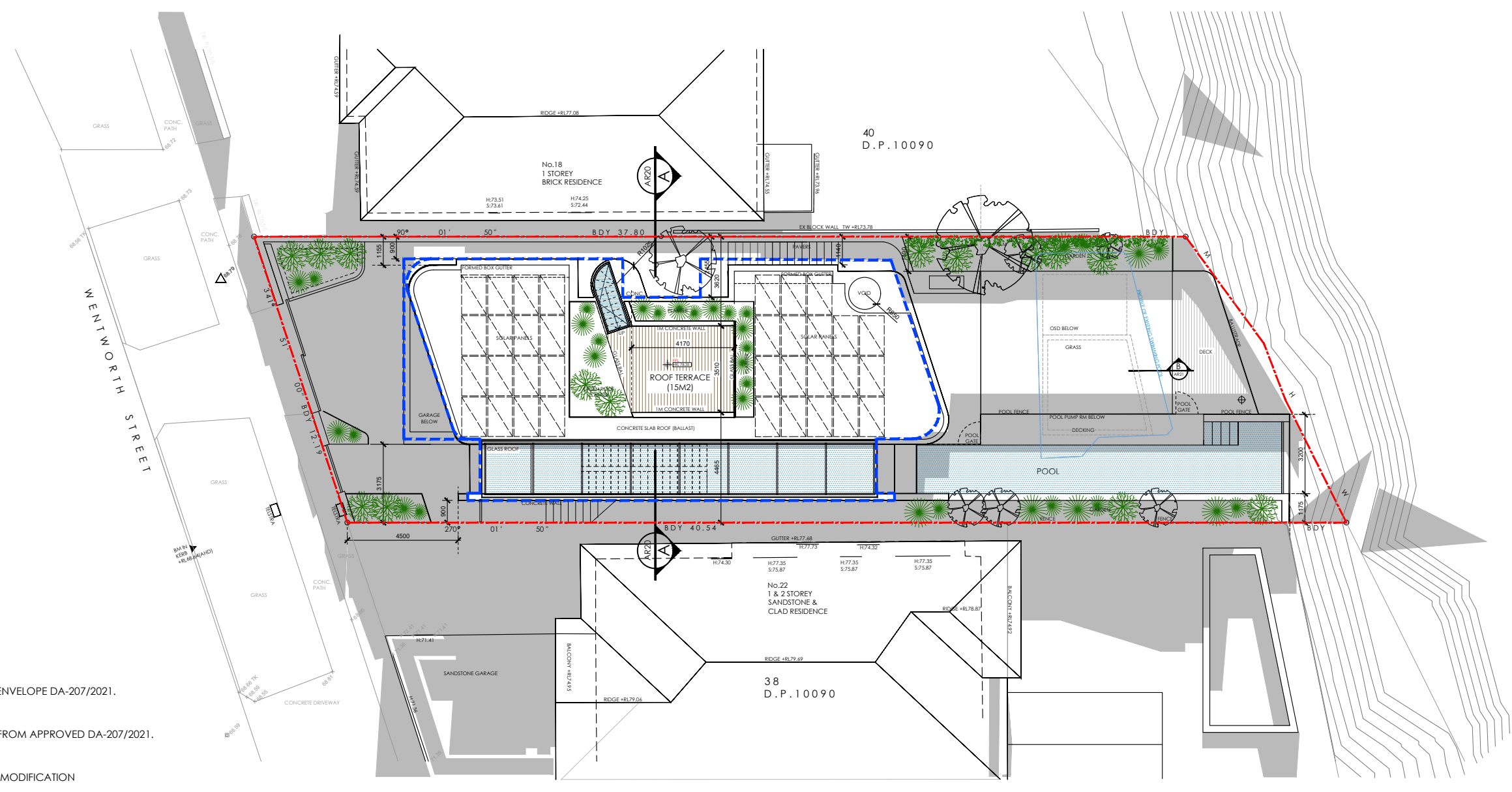
Drawing Title / No.
SHADOW DIAGRAM
10AM - 21 JUNE
SD02

Project No.
SD_22001

Drawn by Reviewed by Date Issue
DC DC 20 MAR 2023 A

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA 207/2021/A
Date Received: 28/03/2023
NORTH



- PROFILE OF APPROVED BUILDING ENVELOPE DA-207/2021.
- 11 AM SHADOW PROFILE MAPPED FROM APPROVED DA-207/2021.
- 11 AM SHADOW FROM PROPOSED MODIFICATION

SHADOW DIAGRAM - 11AM 01.SD03 / SCALE 1:200

Criteria

Location	Latitude	Longitude	Date
Dover Heights	33° 52' S	151° 16' E	21/06/2023 11:00 AEST

Results

Event	Altitude	Azimuth	Refraction
Position Of The Sun	31° 09' 36"	15° 11' 42"	00° 01' 36"

Altitude includes astronomical, refraction angle for a standard atmosphere

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Abbreviations

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BAL BALUSTRADE	FFL FINISHED FLOOR LEVEL	PL PLANTER
BDY BOUNDARY LINE	GB GLASS BALUSTRADE	PS PRIVACY SCREEN
BG BOX CUTTER	CGN GARDEN	RND RENDER
BK BRICK	GF GROUND FLOOR	RWH RAINWATER HEAD
BL BUILDING LINE	GRS GRASS	SL SKYLIGHT
CC CONCRETE COLUMN	GL GLAZING	SLD SLIDING
CON CONCRETE	HW HIGHLIGHT WINDOW	SP SOLAR PANEL
DP DOWN PIPE	HWU HOT WATER UNIT	ST STONE
DK DECK	LV LOUVRES	STR STAIR
EX EXISTING	MT METAL	TM TIMBER
F FIXED	MR METAL ROOFING	TNK TANK
FCE FENCE	NGL NATURAL GROUND LINE	TL TILE

Revisions

Issue	Date	Details
A	20/03/22	s4.55 MODIFICATION

Project Site Address
 20 WENTWORTH STREET
 DOVER HEIGHTS NSW 2030

Lot Sec D.P Municipality
 39 - 10090 WAVERLEY COUNCIL

Client
 MR. S. KOH

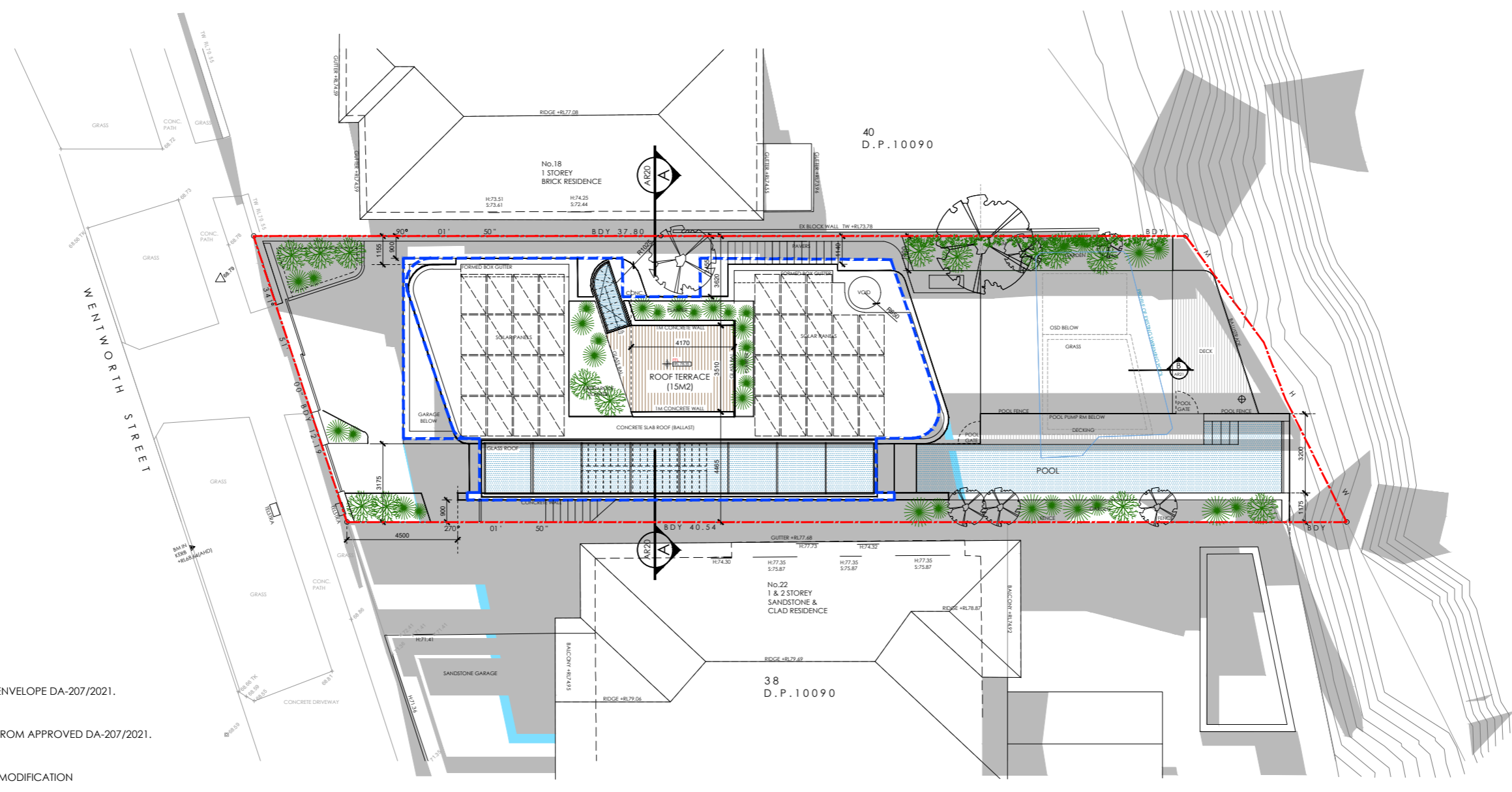
Drawing Title / No.
 SHADOW DIAGRAM
 11AM - 21 JUNE
SD03

Project No.
 SD_22001

Drawn by Reviewed by Date Issue
 DC DC 20 MAR 2023 A

AMENDED PLANS

Waverley Council
 Application No: DA-207/2021/A
 Date Received: 31/03/2023



- PROFILE OF APPROVED BUILDING ENVELOPE DA-207/2021.
- 12PM SHADOW PROFILE MAPPED FROM APPROVED DA-207/2021.
- 12PM SHADOW FROM PROPOSED MODIFICATION

SHADOW DIAGRAM - 12PM 01.SD04 / SCALE 1:200

Criteria			
Location	Latitude	Longitude	Date
Dover Heights	33° 52' S	151° 16' E	21/06/2023 12:00 AEST

Results			
Event	Altitude	Azimuth	Refraction
Position Of The Sun	32° 42' 49"	359° 04' 47"	00° 01' 31"

Altitude includes astronomical, refraction angle for a standard atmosphere

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Abbreviations

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BAL BALUSTRADE	FLL FINISHED FLOOR LEVEL	PL PLANTER
BDY BOUNDARY LINE	GB GLASS BALUSTRADE	PS PRIVACY SCREEN
BG BOX GUTTER	GEN GARDEN	RND RENDER
BR BRICK	GF GROUND FLOOR	RWH RAINWATER HEAD
BL BUILDING LINE	GRS GRASS	SL SKYLIGHT
CC CONCRETE COLUMN	GL GLAZING	SLD SLIDING
CON CONCRETE	HW HIGHLIGHT WINDOW	SP SOLAR PANEL
DP DOWN PIPE	HWU HOT WATER UNIT	ST STONE
DK DECK	LV LOUVRES	STR STAIR
EX EXISTING	MT METAL	TM TIMBER
F FIXED	MR METAL ROOFING	TNK TANK
FCE FENCE	NGL NATURAL GROUND LINE	TL TILE

Revisions		
Issue	Date	Details
A	20/03/22	\$4.55 MODIFICATION
B	30/03/22	\$4.55 MODIFICATION

Project Site Address
 20 WENTWORTH STREET
 DOVER HEIGHTS NSW 2030

Lot Sec D.P. Municipality
 39 - 10090 WAVERLEY COUNCIL

Client
 MR. S. KOH

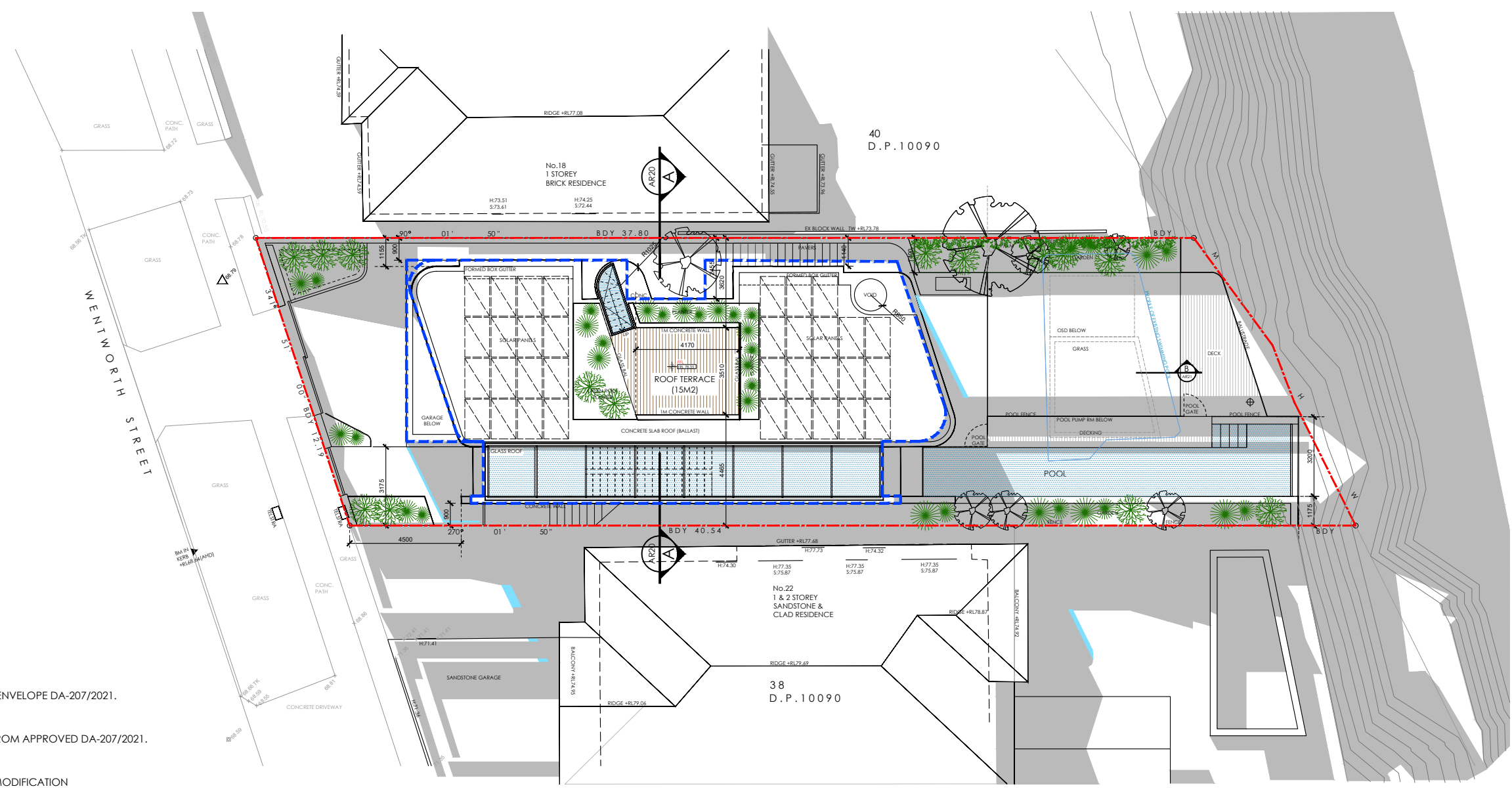
Drawing Title / No.
 SHADOW DIAGRAM
 12 PM - 21 JUNE
SD04

Project No.
 SD_22001

Drawn by DC
Reviewed by DC
Date 30 MAR 2023
Issue B

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA 207/2021/A
Date Received: 28/03/2023



PROFILE OF APPROVED BUILDING ENVELOPE DA-207/2021.
 1PM SHADOW PROFILE MAPPED FROM APPROVED DA-207/2021.
 1PM SHADOW FROM PROPOSED MODIFICATION

SHADOW DIAGRAM - 1PM 01.SD05 / SCALE 1:200

Criteria

Location	Latitude	Longitude	Date
Dover Heights	33° 52' S	151° 16' E	21/06/2023 13:00 AEST

Results

Event	Altitude	Azimuth	Refraction
Position Of The Sun	30° 46' 19"	343° 03' 24"	00° 01' 38"

Altitude includes astronomical, refraction angle for a standard atmosphere

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Abbreviations

AC AIR CONDITIONING	FF FIRST FLOOR	PAV PAVERS
BAL BALUSTRADE	FLL FINISHED FLOOR LEVEL	PL PLANTER
BDY BOUNDARY LINE	GB GLASS BALUSTRADE	PS PRIVACY SCREEN
BG BOX CUTTER	CGN GARDEN	RND RENDER
BK BRICK	GF GROUND FLOOR	RWH RAINWATER HEAD
BL BUILDING LINE	GRS GRASS	SL SKYLIGHT
CC CONCRETE COLUMN	GL GLAZING	SLD SLIDING
CON CONCRETE	HW HIGHLIGHT WINDOW	SP SOLAR PANEL
DP DOWN PIPE	HWU HOT WATER UNIT	ST STONE
DK DECK	LV LOUVRES	STR STAIR
EX EXISTING	MT METAL	TM TIMBER
F FIXED	MR METAL ROOFING	TNK TANK
FCE FENCE	NGL NATURAL GROUND LINE	TL TILE

Revisions

Issue	Date	Details
A	20/03/22	\$4.55 MODIFICATION

Project Site Address
 20 WENTWORTH STREET
 DOVER HEIGHTS NSW 2030

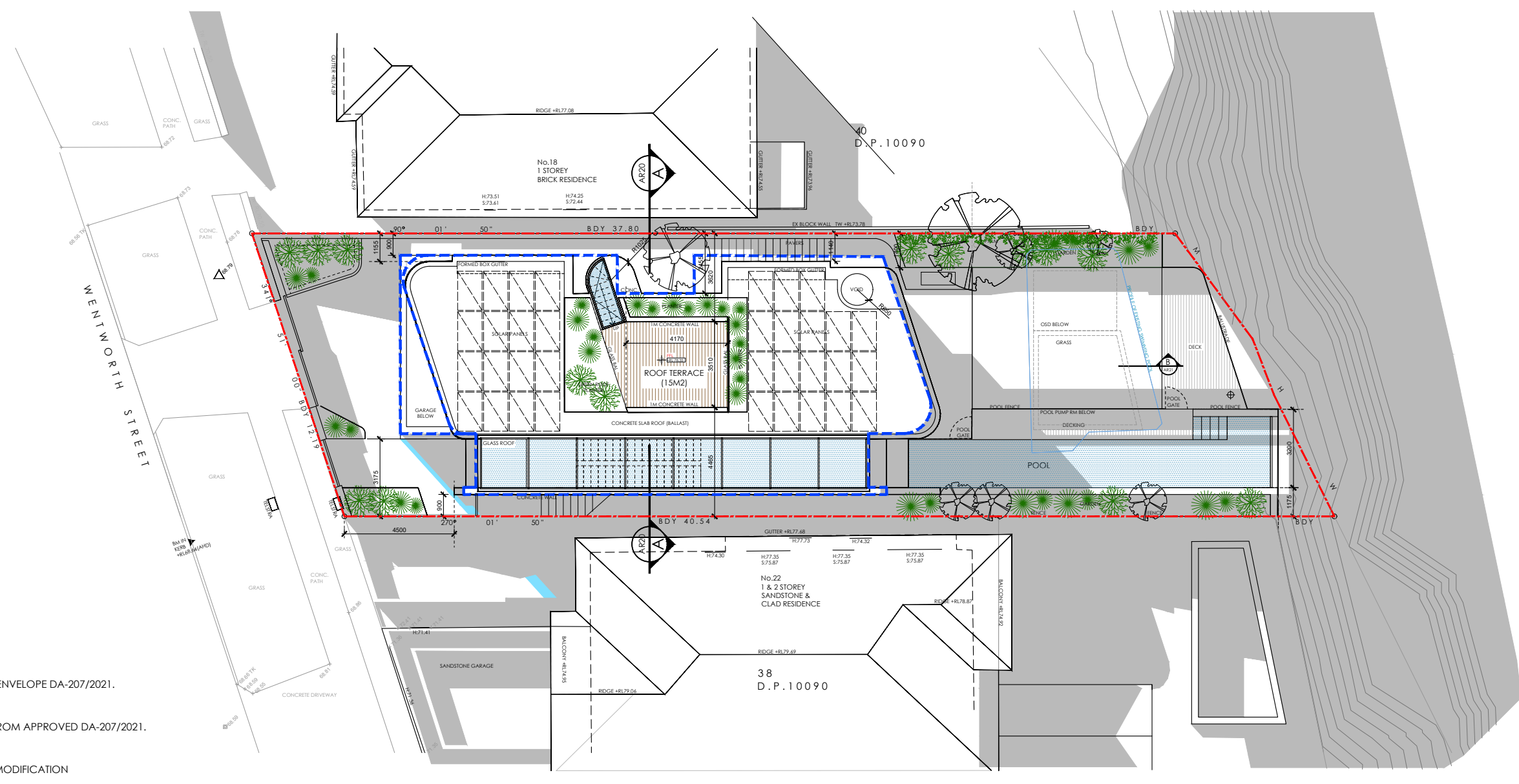
Lot Sec D.P. Municipality
 39 - 10090 WAVERLEY COUNCIL

Client
 MR. S. KOH

Drawing Title / No.
 SHADOW DIAGRAM
 1PM - 21 JUNE
SD05

Project No.
 SD_22001

Drawn by Reviewed by Date Issue
 DC DC 20 MAR 2023 A



- PROFILE OF APPROVED BUILDING ENVELOPE DA-207/2021.
- 2PM SHADOW PROFILE MAPPED FROM APPROVED DA-207/2021.
- 2PM SHADOW FROM PROPOSED MODIFICATION

SHADOW DIAGRAM - 2PM 01.SD06 / SCALE 1:200

Criteria

Location	Latitude	Longitude	Date
Dover Heights	33° 52' S	151° 16' E	21/06/2023 14:00 AEST

Results

Event	Altitude	Azimuth	Refraction
Position Of The Sun	25° 39' 19"	328° 33' 27"	00° 02' 01"

Altitude includes astronomical, refraction angle for a standard atmosphere

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Abbreviations

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BDY BOUNDARY LINE	GB GLASS BALUSTRADE	PS PRIVACY SCREEN
BG BOX GUTTER	CGN GARDEN	RND RENDER
BK BRICK	GF GROUND FLOOR	RWH RAINWATER HEAD
BL BUILDING LINE	GRS GRASS	SL SKYLIGHT
CC CONCRETE COLUMN	GL GLAZING	SLD SLIDING
CON CONCRETE	HW HIGHLIGHT WINDOW	SP SOLAR PANEL
DP DOWN PIPE	HWU HOT WATER UNIT	ST STONE
DK DECK	LV LOUVRES	STR STAIR
EX EXISTING	MT METAL	TM TIMBER
F FIXED	MR METAL ROOFING	TNK TANK
FCE FENCE	NGL NATURAL GROUND LINE	TL TILE

Revisions

Issue	Date	Details
A	20/03/22	\$4.55 MODIFICATION

Project Site Address
20 WENTWORTH STREET
DOVER HEIGHTS NSW 2030

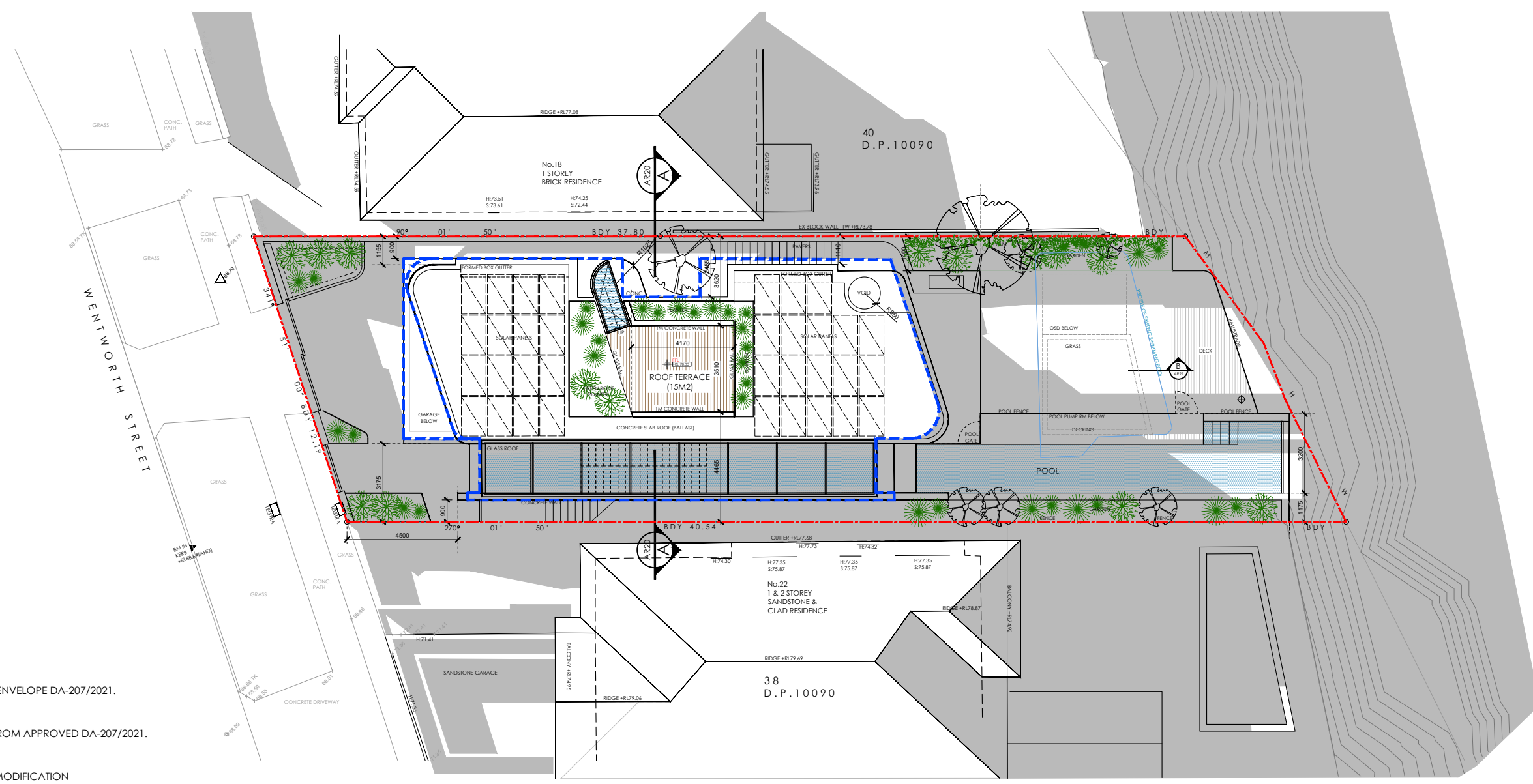
Lot Sec D.P. Municipality
39 - 10090 WAVERLEY COUNCIL

Client
MR. S. KOH

Drawing Title / No.
SHADOW DIAGRAM
2PM - 21 JUNE
SD06

Project No.
SD_22001

Drawn by Reviewed by Date Issue
DC DC 20 MAR 2023 A



- PROFILE OF APPROVED BUILDING ENVELOPE DA-207/2021.
- 3PM SHADOW PROFILE MAPPED FROM APPROVED DA-207/2021.
- 3PM SHADOW FROM PROPOSED MODIFICATION

SHADOW DIAGRAM - 3PM 01.SD07 / SCALE 1:200

Criteria

Location	Latitude	Longitude	Date
Dover Heights	33° 52' S	151° 16' E	21/06/2023 15:00 AEST

Results

Event	Altitude	Azimuth	Refraction
Position Of The Sun	18° 03' 12	316° 12' 21	00° 02' 59

Altitude includes astronomical, refraction angle for a standard atmosphere

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Abbreviations

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BG BOX CUTTER	CGN GARDEN	RND RENDER
BK BRICK	GF GROUND FLOOR	RWH RAINWATER HEAD
BL BUILDING LINE	GRS GRASS	SL SKYLIGHT
CC CONCRETE COLUMN	GL GLAZING	SLD SLIDING
CON CONCRETE	HW HIGHLIGHT WINDOW	SP SOLAR PANEL
DP DOWN PIPE	HWU HOT WATER UNIT	ST STONE
DK DECK	LV LOUVRES	STR STAIR
EX EXISTING	MT METAL	TM TIMBER
F FIXED	MR METAL ROOFING	TNK TANK
FCE FENCE	NGL NATURAL GROUND LINE	TL TILE

Revisions

Issue	Date	Details
A	20/03/22	s4.55 MODIFICATION

Project Site Address
20 WENTWORTH STREET
DOVER HEIGHTS NSW 2030

Lot Sec D.P. Municipality
39 - 10090 WAVERLEY COUNCIL

Client
MR. S. KOH

Drawing Title / No.
SHADOW DIAGRAM
3PM - 21 JUNE
SD07

Project No.
SD_22001

Drawn by Reviewed by Date Issue
DC DC 20 MAR 2023 A



Report to the Waverley Local Planning Panel

Application number	DA-301/2022
Site address	68 Gilbert Street, Dover Heights
Proposal	Demolition of the existing dual occupancy and construction of a new attached dual occupancy including basement car parking , swimming pools, tree removal , landscaping and Strata subdivision
Date of lodgement	20 July 2022
Owner	The Owners Strata Plan 75491, Mr A Levitt, Mr G Di Bartolomeo, and Mrs K E Di Bartolomeo
Applicant	Mr M Shapiro and Mr G Di Bartolomeo
Submissions	Three unique objections
Cost of works	\$3,583,600
Principal Issues	<ul style="list-style-type: none"> • Exceedance of height of buildings and floor space ratio development standards • Excessive height, scale and bulk • Poor streetscape presentation • Unreasonable view loss and solar access impacts.
Recommendation	That the application be REFUSED for the reasons contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for demolition of the existing dual occupancy and construction of a new attached dual occupancy including basement car parking , swimming pools , tree removal, landscaping and Strata subdivision at the site known as 68 Gilbert Street, Dover Heights.

The principal issues arising from the assessment of the application are as follows:

- Exceedance of height of buildings and floor space ratio development standards
- Excessive height, scale and bulk
- Poor streetscape presentation
- Unreasonable view loss and solar access impacts.

The assessment finds these issues unacceptable.

A total number of three submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the Act. It is recommended for refusal.

1.2. Site and Surrounding Locality

A site visit was carried out on 20 October 2022.

The site is identified as SP75491, known as 68 Gilbert Street, Dover Heights.

The site is irregular in shape with a frontage to the east of Gilbert Street, measuring 15.28m. It has an area of 746.8m², and falls from east (rear) to west (front) by approximately 8m, including 4m fall within the front setback.

The site is occupied by a two-storey dual occupancy building with two garages within the front setback. The dual occupancy building features a substantial sub-floor below ground floor level, resulting in an appearance similar to a three-storey building at the front elevation.

The site is adjoined by a two storey dwelling house at 70 Gilbert Street to the south, and a part two-storey part three-storey dwelling house at 66 Gilbert Street to the north. The locality is characterised by a variety of low density residential development.

Figures 1 to 4 are photos of the site and its context.



Figure 1: Site viewed from Gilbert Street, looking east



Figure 2: Site viewed from within front setback, looking north-east



Figure 3: Site viewed from rear yard, looking west



Figure 4: Rear of site viewed from rear yard, looking east

1.3. Relevant Development History

A search of Council's records revealed the following recent and relevant development history of the site:

- DA-575/2006 (and subsequent modifications) – On 10 January 2007 consent was granted for substantial alterations and additions to the existing dual occupancy building at the site. The approved building works have been completed on site.
- DA-97/2014 (and subsequent modifications) – On 20 August 2014 consent was granted for demolition of existing garages and construction of new garages. The consent has not been implemented and has now lapsed.
- DA-229/2016 (and subsequent modifications) – On 2 November 2016 consent was granted for alterations and additions to the existing dual occupancy including conversion of part of the undercroft area to a bedroom, ground floor rear addition, two storey lift-shaft addition, excavated access along the northern boundary, and swimming pools to the rear. The consent has not been implemented.

1.4. Proposal

The development application seeks consent for demolition of the existing dual occupancy and garage buildings, and construction of a new dual occupancy building with associated Strata subdivision.

The proposal includes the following:

- Street level (basement):
 - Excavation to a maximum depth of 6.2m,
 - Double garage, plant room, store room, and landing for unit 1,
 - Double garage, plant room, store room, and landing for unit 2,
 - Shared circulation space, lift, and stairs,
 - Excavated shared northern side access passageway,
 - Driveway and landscaping to front setback.
- Lower ground floor level (part-basement)
 - Shared store room, toilet, lift, circulation space, and stairs,
 - Inaccessible 94m² room, with a 2.9m floor-to-ceiling height,
 - Green roof above garage.
- Upper ground floor
 - 3 bedroom unit (unit 1), with living / dining kitchen, additional living room, front balcony, and rear yard with pool and sauna building,
 - Rear yard with pool for unit 2,
 - Shared lift, stair, and circulation area.
- First floor
 - 3 bedroom unit (unit 2), with living / dining kitchen, and front balcony,
 - Shared stair and circulation area.
- Roof
 - Clerestory roof,
 - Lift overrun (minor protrusion),
 - Skylights.

1.5. Background

The development application was lodged on 20 July 2022.

On 22 July 2022, Council requested additional information from the applicant regarding solar access impact. The information was provided on 8 August 2022. The application 'clock' was stopped between those two dates.

On 21 November 2022, Council identified the following issues, and requested the following amendments:

1. The proposal exceeds the floor space ratio and height of buildings building standards, involves in an increase to the height and bulk compared to the existing building, and results in view loss

and solar access impacts for neighbours. The proposal must be amended so that the new building form is no greater than the existing building envelope, and so the proposal does not have any additional amenity impacts.

2. The proposal should be amended so that it has no view loss impacts, and a view analysis should be provided.
3. The scale of the garage and green roof structures within the front setback is excessive, and must be reduced.
4. The extent of excavation is excessive, and the submitted geotechnical report identifies significant potential excavation impacts. The extent of excavation must be decreased by relocating rooms from the lower street-level basement to the lower ground floor inaccessible room. The excavation along the northern boundary should also be reduced.
5. The gross floor area, floor space ratio, and height of building has been incorrectly identified. The documentation must be updated to reflect the following:
 - a. Building height should be measured from the existing undercroft / subfloor level for parts of the site where there is an existing building.
 - b. Building height should be measured from the existing external ground level for parts of the site where there is no existing building. These measurements should be based on the levels identified on the survey. It is noted that the side elevations currently incorrectly show a straight horizontal line depicting existing ground level adjacent to the building.
 - c. FSR calculations should include the GFA of the “existing void” (the inaccessible room). This area is not considered to be “existing” as the existing building is proposed to be demolished, and is not considered to be a “void” as it has a floor.
6. The relationship between proposed side windows and neighbouring side windows should be shown on the plans to enable the assessment of privacy impacts.

The applicant was provided with a 14-day deadline of 5 December 2022 to provide the requested amendments.

On 6 December 2022 the applicant requested additional time to provide the requested information and amendments, due to the need to assess view loss from neighbouring properties. Council agreed to an extension until 1 February 2023, resulting in a total timeframe of 72 days.

On 27 January 2023 the applicant requested a further extension due to difficulties in arranging access to neighbouring properties. Council agreed to an extension until 15 February 2023, resulting in a total timeframe of 86 days.

On 6 February the applicant requested a further extension, and Council agreed a new deadline of 28 February 2023, resulting in an astounding total timeframe of 99 days.

On 15 February the applicant provided draft amended plans. Council rejected the amended plans, as they did not address the issues outlined in the deferral letter, and continued to result in additional

amenity impacts on neighbours. On 17 February, Council provided another opportunity for the applicant to amend their plans to adequately address the deferral matters.

On 9 March the applicant requested additional time to provide amended plans. The applicant’s request was denied by Council, and the application is being assessed on the plans originally lodged with the application.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

The following SEPPs apply from the 1st March 2022 and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP (Biodiversity and Conservation) 2021 (*Vegetation in Non rural areas*)
- SEPP (Resilience and Hazards) 2021 (*Coastal Management and Site contamination*).

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as dual occupancy, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> • 8.5m 	No	The proposal has a height of 9.56m measured above the existing subfloor level, representing a 12.5% exceedance of the development standard.
4.4 Floor space ratio and	No	The proposal has a gross floor area (GFA) of

Provision	Compliance	Comment
4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> • 0.5:1 • 373.4m² 		619.81m ² , and a floor space ratio (FSR) of 0.83:1, representing a 66% exceedance of the development standard.
4.6 Exceptions to development standards	No	The application is accompanied by written requests pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.2 Earthworks Consideration of: <ul style="list-style-type: none"> • the likely disruption of, or any detrimental effect on, soil stability • the effect of the development on the amenity and structural integrity of adjoining properties • appropriate measures to avoid, minimise or mitigate the impacts of the development 	No	The proposal includes excessive excavation resulting in unnecessary impacts on soil stability and neighbouring amenity. See under the heading <i>Excavation</i> below the DCP compliance table in this report for further discussion.

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

Clause 4.6 Exceptions to Development Standards - Height of buildings

The application seeks to vary the height of buildings development standard in clause 4.3 under Waverley LEP 2012.

The site is subject to a maximum height of building development standard of 8.5m. The proposed development has a maximum height of 9.56m, exceeding the standard by 1.06m equating to a 12.5% variation.

A written request has been submitted to Council in accordance with clause 4.6(3)(a) and (b) of Waverley LEP 2012 seeking to justify the contravention of the development standard by demonstrating:

- That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- That there are sufficient environmental planning grounds to justify contravening the standard.

A copy of the applicant's written request has been provided to the Waverley Local Planning Panel for consideration. It is noted that the applicant has incorrectly measured the height of the proposal as 9.17m, as the applicant has not measured above the ground level which is currently the subfloor level under the existing building.

Applicant's Written Request - Clause 4.6(3)(a) and (b)

The applicant seeks to justify the contravention of the height of buildings development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) There are numerous instances where Council has approved building height variations in the surrounding area to accommodate the topography of the land. The situation in this proposal is no less similar and therefore it is unreasonable and unnecessary to require strict compliance taking into account the site constraints.
 - (ii) Council has been flexible in their application of building height, largely due to varied site conditions, such as the unique topography of Dover Heights. Subsequently, the building height standard within various sites in Dover Heights appears to be abandoned by Council as demonstrated in the identified DAs.
 - (iii) The proposed variation to the building height improves the amenity for the future residents without any significant impacts to the amenity of adjoining properties in terms of solar access, views, and visual and acoustic privacy.
 - (iv) The small section of the front portion of the roof that is above the building height standard will not create adverse amenity impacts to adjoining properties.
 - (v) Strict compliance with building height in the circumstances of this development proposal will not improve views or provide any amenity benefits to the adjoining properties.
 - (vi) The proposal addresses the objectives of the development standard as follows:
 - a. Objective (a), *to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views*, is achieved as the environmental amenity of neighbouring properties will be maintained via the provision of adequate setbacks and the limited nature of the protrusion above the height standard. Views will also not be adversely impacted due to the similarity of the existing and proposed building footprint.
 - b. Objective (b), *to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth*, is not relevant.
 - c. Objective (c), *to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land*, is not relevant.
 - d. Objective (d), *to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space*, is

achieved as the proposed building is of a height, bulk and scale that complements and contributes to the locality and public domain

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) The proposal has been designed in response to the characteristics and constraints of the site and responds to the topography of the land, which in the circumstances of this case, slopes from the rear towards the street. The majority of the building is situated well below the height limit with the exception of the front roof/ awning of the building.
 - (ii) The non-compliant aspect of the building height does not create any unreasonable amenity impacts to the adjoining properties in terms of privacy, views, or solar access.
 - (iii) The height variation is well integrated into the design aesthetic and built form of the proposed contemporary architectural style of the building which will positively contribute to the streetscape of the locality. The proposal is consistent with the 2-3 storey scale of the development.
 - (iv) The proposal is compliant with the front, side and rear setback controls of the DCP. In addition, shadow diagrams demonstrate minimal overshadowing impact to the windows and private open space of the adjoining property at 70 Gilbert Street.
 - (v) The proposal complies with the 40% minimum private open space and 15% landscaping DCP controls of the DCP. Landscaping to the front setback is provided which softens the built form and improves the aesthetics of the streetscape.
 - (vi) The section of the dwelling above the height plane does not affect the sharing of views from properties located to the rear of the subject site. Strict compliance with height will not improve the view outlook for the rear adjoining properties.

Consideration of Applicant's Written Request - Clause 4.6(4) (a) (i) and (ii)

Development consent must not be granted unless the consent authority is satisfied that:

- (a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
- (b) The proposed development will be in the public interest because it is consistent with the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at clause 4.6(3)(a)?

It is considered that the applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances. Although the applicant's clause 4.6 is unclear, it appears that the following two are relied on justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

1. *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
2. *to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*

Regarding justification number 1. above, clause 4.6(3)(a) of Waverley LEP 2012 is not adequately addressed. The following objectives of the height of buildings development standard are not considered to be achieved.

Objective (a) *to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views* is not achieved. The proposed exceedance directly reduces solar access to the first floor front window at 70 Gilbert Street and directly affects views from numbers 75 and 77 Portland Street. Further discussion regarding solar access and views is found the WDCP section of this report below.

Objective (d), *to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space* is not achieved. The proposal is higher than any neighbouring building with the exception of the tip of the pitched roof at 70 Gilbert Street, is not set back at upper floor and roof level unlike neighbouring flat roof buildings, is wider than neighbouring buildings. The proposed building height and bulk is contrary to the existing and desired future character of the area.

Regarding justification number 2. above, clause 4.6(3)(a) of Waverley LEP 2012 is not adequately addressed. The applicant states that exceedances of the height of buildings development standard have been approved by Council in the past due to varied site conditions and unique topography. However, the proposed design ignores the topography of the site, and does not step down with the slope of the land. The proposal includes a large unused inaccessible room at lower ground floor level which significantly contributes to the height and bulk of the building, but does not provide any useable floor space. In these circumstances it is not considered that the proposal responds to the topography of the site, and the proposal can be differentiated from other applications where exceedances of the development standard have been supported.

Does the written request adequately address those issues at clause 4.6(3)(b)?

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard.

As outlined above, the proposal does not respond to the topography of the site and includes a large inaccessible room with a 2.9m floor to ceiling height which directly contributes to the height and bulk of the building. The proposed building form is considered a very poor response to the site, and has no merit.

Additionally, the proposed exceedance of the development standard has direct solar access and view loss impacts on neighbours.

In these circumstances there are insufficient environmental grounds to justify the contravention of the development standard.

Is the development in the public interest?

The proposal achieves the objectives of the R2 Low Density Residential zone, however the development is not in the public interest as it is inconsistent with both the objectives of the development standard as set out above.

Conclusion

For the reasons provided above the requested variation to the height of buildings development standard is not supported as the applicant's written request has not adequately addressed the matters required to be addressed by clause 4.6(3) of the Waverley LEP 2012. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of development standard.

Clause 4.6 Exceptions to Development Standards - Floor space ratio

The application seeks to vary the floor space ratio development standard in clause 4.4 under Waverley LEP 2012.

The site is subject to a maximum floor space ratio development standard of 0.5:1, and a maximum GFA of 373.4m². The proposed development has an FSR of 0.83:1 and a GFA of 619.8m². The proposal exceeds the maximum GFA by 246.4m², equating to a 65.9% exceedance of the FSR development standard.

A written request has been submitted to Council in accordance with clause 4.6(3)(a) and (b) of Waverley LEP 2012 seeking to justify the contravention of the development standard by demonstrating:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (b) That there are sufficient environmental planning grounds to justify contravening the standard.

A copy of the applicant's written request has been provided to the Waverley Local Planning Panel for consideration. It is noted that the applicant has incorrectly identified the proposed FSR as 0.72:1, as the applicant has not included the inaccessible room at upper ground floor level within the calculations.

Applicant's Written Request - Clause 4.6(3)(a) and (b)

The applicant seeks to justify the contravention of the height of buildings development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) Council has been flexible in their application of FSR, largely due to varied site conditions, such as the unique topography of Dover Heights. Subsequently, the FSR standard within various sites in Dover Heights appears to be abandoned by Council as demonstrated in the identified DAs.
 - (ii) Despite the variation, the proposal is a considered design that is compatible with the character of the adjoining and surrounding properties and does not cause any significant impact to the amenity of the site or surrounding area.
 - (iii) The broad application of the FSR provision does not recognise the response to the built form sought in the area.
 - (iv) The broad FSR application does not exclude the possibility of high-quality built form that is compatible with the surrounding streetscape and does not impact upon the amenity of surrounding properties.
 - (v) The maximum FSR does not consider the significant slope from the front of the site to the rear which has been managed by the stepped design over four levels.
 - (vi) Despite the variation to the FSR, the proposal is able to achieve these outcomes and meet the objectives of the FSR standard and R2 Low Density Residential zone.
 - (vii) Strict compliance with the FSR standard would reduce the opportunity for the orderly and economic development of the subject site.
 - (viii) The proposal addresses the objectives of the development standard as follows:
 - a. Objective (a), *to ensure sufficient floor space can be accommodated within Bondi Junction Centre to meet foreseeable future needs*, is not relevant.
 - b. Objective (b), *to provide appropriate correlation between maximum heights and density controls*, is achieved as additional FSR is not related to an increase of the proposed height of the building as the protrusion above the height control is limited to the front portion of the roof/ awning that is not calculated as gross floor area. The proposed FSR and building height has an appropriate correlation and maintains the low-density residential character of the locality.
 - c. Objective (c), *to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality*, is achieved as the bulk and scale of the proposed development is compatible with that of the desired future character of the locality. Numerous proposals in the locality have also been approved with similar bulk and scale.
 - d. Objective (d), *to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality*, is achieved as the proposed dual occupancy has been designed with compliant setbacks and is of a contemporary design that is

compliant with most of the relevant development controls. It is unlikely to cause adverse impacts on the amenity of the locality.

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) Compliance with the development standard is unreasonable and unnecessary as the proposed FSR is compatible with surrounding development and the desired future character for the locality.
 - (ii) Approved developments in the vicinity of the site also demonstrate similar bulk and scale as what is currently being sought at the subject site.
 - (iii) The proposal is compliant with DCP controls relating to building setbacks, landscaped area and open space provisions. The majority of the proposal is compliant with the LEP building height standard, except a minor variation towards the front of the site due to the site slope.
 - (iv) Exceedance to the FSR standard will not create additional unreasonable environmental amenity impacts in terms of overshadowing, loss of views, loss of privacy or loss of visual amenity and a reduction to the gross floor area will not create additional benefit for the adjoining properties or the locality.

Consideration of Applicant's Written Request - Clause 4.6(4) (a) (i) and (ii)

Development consent must not be granted unless the consent authority is satisfied that:

- (a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
- (b) The proposed development will be in the public interest because it is consistent with the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at clause 4.6(3)(a)?

It is considered that the applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances. Although the applicant's clause 4.6 is unclear, it appears that the following two are relied on justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

1. *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
2. *to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*

Regarding justification number 1. above, clause 4.6(3)(a) of Waverley LEP 2012 is not adequately addressed. The following objectives of the FSR development standard are not considered to be achieved.

Objective (b), *to provide appropriate correlation between maximum heights and density controls*, as the proposed exceedance of the FSR development standard is associated with the exceedance of the height of buildings development standard. A reduction in GFA to achieve a compliant FSR would enable the reduction in the height and bulk of the building, and would enable compliance with the height of buildings development standard.

Objective (c), *to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality*, is not addressed. The applicant justification is that numerous proposals have been approved with a similar bulk and scale. However, proposal is higher than neighbouring buildings with the exception of the tip of the pitched roof at 70 Gilbert Street, is wider and bulkier than neighbouring buildings, and is not set back at upper floor and roof level unlike neighbouring flat-roof buildings. The proposed building bulk and scale is contrary to the existing and desired future character of the area.

Objective (d) *to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality*, is not achieved as proposal increases the bulk and height of the existing building which already exceeds the FSR development standard, results in additional overshadowing of the private open space and windows of 70 Gilbert Street, and affects views from numbers 73, 75 and 77 Portland Street. Further discussion regarding solar access and views is provided in the WDCP section of this report.

Regarding justification number 2. above, clause 4.6(3)(a) of Waverley LEP 2012 is not adequately addressed. The applicant states that exceedances of the FSR development standard have been approved by Council in the past due to varied site conditions and unique topography. However, the proposed design ignores the topography of the site, and does not step down with the slope of the land. The proposal includes a large unused inaccessible room at lower ground floor level which significantly contributes to the GFA, height and bulk of the building, but does not provide any useable floor space. In these circumstances it is not considered that the proposal responds to the topography of the site, and the proposal can be differentiated from other applications where exceedances of the development standard have been supported.

Does the written request adequately address those issues at clause 4.6(3)(b)?

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard.

As outlined above, the proposal does not respond to the topography of the site and includes a large inaccessible room with a 2.9m floor to ceiling height which directly contributes to the height and bulk

of the building. The proposed building form is considered a very poor response to the site, has no merit.

Additionally, the proposed exceedance of the development standard is associated with solar access and view loss impacts on neighbours.

In these circumstances there are insufficient environmental grounds to justify the contravention of the development standard.

Is the development in the public interest?

The proposal achieves the objectives of the R2 Low Density Residential zone, however the development is not in the public interest as it is inconsistent with both the objectives of the development standard as set out above.

Conclusion

For the reasons provided above the requested variation to the FSR development standard is not supported as the applicant's written request has not adequately addressed the matters required to be addressed by clause 4.6(3) of the Waverley LEP 2012. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of development standard.

2.1.3. Waverley Development Control Plan 2012 (Waverley DCP 2012) – Amendment No.9

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Yes	Satisfactory.
5. Vegetation Preservation	Yes	Satisfactory.
6. Stormwater	Yes	Satisfactory.
8. Transport Maximum parking rate: <ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms. 	Yes	The proposal provides for 2 car spaces for each dwelling, with a total of 4 spaces in compliance with the control.
10. Safety	Yes	Satisfactory.
12. Design Excellence <ul style="list-style-type: none"> Development is to 	No	The proposal does not achieve design excellence as set out below.

Development Control	Compliance	Comment
<p>achieve a high standard of architectural design, materials and detailing appropriate to the building type and location</p> <ul style="list-style-type: none"> • The form and external appearance of development is to improve the quality and amenity of the public domain. • Development not be supported where detrimental impacts upon views and vistas is imposed • Development must consider the following: <ul style="list-style-type: none"> • Streetscape constraints; • The relationship of the development to other development in terms of separation, setbacks, amenity, and urban form; • Bulk, massing and modulation of buildings; • Street frontage heights; • Environmental impacts such as sustainable design, overshadowing, wind and reflectivity. 		<p>The proposal has an inappropriate height, bulk, and scale, contrary to the character of the area. The proposed building is higher than neighbouring buildings with the exception of the tip of the pitched roof at 70 Gilbert Street, is wider and bulkier than neighbouring buildings, and is not set back at upper floor and roof level unlike neighbouring flat-roof buildings. The proposal significantly exceeds the FSR development standard for the site, and the bulk and scale of the building is needlessly increased by the provision of a large inaccessible room at lower ground floor level.</p> <p>The proposal presents poorly to the street, and includes an inactive façade to a height of between 6m and 8m due to the excessively large garage structure at street level combined with the inaccessible room above.</p> <p>The proposed bulk and scale results in unreasonable solar access and view impacts on neighbours, as discussed further in this report below.</p> <p>In conclusion the proposal is a poor design which has unreasonable and unnecessary streetscape and amenity impacts, and is not supported.</p>
<p>14. Excavation</p> <ul style="list-style-type: none"> • Excavation to be minimised • Excavation to be set back 900mm from side boundaries 	No	<p>The proposal includes excessive excavation, including excavation within 900mm of the northern boundary, resulting in unnecessary impacts on soil stability and neighbouring amenity.</p> <p>See under the heading Excavation below the DCP compliance table in this report for further discussion.</p>
<p>16. Public Domain</p> <ul style="list-style-type: none"> • Buildings are to be 	No	<p>The proposal has a poor relationship with the public domain due to the inactive façade to a</p>

Development Control	Compliance	Comment
<p>designed to address the street</p> <ul style="list-style-type: none"> The ground floor of developments is to be designed so that there are regular opportunities for direct surveillance of the adjacent street or public domain 		height of between 6m and 8m resulting from the excessively large garage structure at street level combined with the inaccessible room above.

Table 3: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none"> To ensure that the scale of development is appropriate for allotment sizes and other dwellings in the vicinity. To ensure that development does not significantly detract from the amenity, privacy and views of other dwellings and public view corridors. To ensure that development is sympathetic in bulk, scale and character with the desired future character of the area. To encourage development to have high design standards 	No	<p>The proposal contravenes the objectives of Part C2, as its design, bulk and scale are contrary to the character of the area, and as it has unreasonable amenity impacts on neighbours.</p> <p>See the <i>Design Excellence</i> and <i>Streetscape</i> sections of this report above, and the <i>Views</i> and <i>Solar Access</i> sections of this report below for further discussion.</p>
2.1 Height		
<p>Flat roof dwelling house</p> <ul style="list-style-type: none"> (b) Maximum wall height of 7.5m 	No	<p>The proposal has a maximum wall height of 8.48m measured from existing ground level at the side southern elevation, exceeding the control by 980mm. The exceedance of the control contributes to the excessive bulk and scale of the building, and to the unreasonable amenity impacts on neighbours.</p> <p>It is noted that the applicant has incorrectly</p>

Development Control	Compliance	Comment
		identified the existing ground level on the northern and southern side elevation drawings, and has annotated the proposed wall height as 6.175m.
2.2 Setbacks		
<p>2.2.1 Front and rear building lines</p> <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	No	<p>The proposed garage and associated green roof have an excessive height which extends higher than the any other garage structures within the front setbacks of sites along the eastern side of Gilbert Street. The presence of these structures at lower ground floor level (above street level) does not respect the predominant front building line along the street.</p> <p>The proposed rear setback is not supported due to the exceedance of the FSR development standard, and due to the associated solar access and view impacts.</p>
<p>2.2.2 Side setbacks</p> <ul style="list-style-type: none"> Minimum of 0.9m (for height up to 8.5m) Minimum of 1.2m for dwellings which do not comply with the WLEP 2012 height of building development standard 	No	<p>The proposal exceeds the height of building development standard, and therefore a 1.2m side setback is required.</p> <p>900mm side setbacks are proposed, contrary to the WDCP controls.</p> <p>Regardless of the non-compliances with the side setback controls, the extension of the building envelope beyond the existing southern side setback is not supported due to the associated view and solar access impacts in the context of the exceedance of the height of buildings and FSR development standards and the WDCP wall height control.</p>
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development should be visually compatible with its streetscape context 	No	<p>The proposed bulk and scale are contrary to the character of the area, and as it has unreasonable amenity impacts on neighbours.</p> <p>See the <i>Design Excellence</i> and <i>Streetscape</i> sections of this report above for further discussion.</p>
2.4 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	<p>No</p> <p>No</p>	<p>The front gate height of 2m exceeds the control.</p> <p>The 2.9m fence between the rear yards of the two proposed dwellings is excessive, and results in unreasonable solar access impacts on the rear</p>

Development Control	Compliance	Comment
		<p>yard of unit 2.</p> <p>In addition, insufficient information has been provided regarding proposed fencing to the side boundaries.</p>
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design External stairs are not acceptable. Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	<p>No</p> <p>No</p> <p>Acceptable on merit</p>	<p>The proposed first floor southern ensuite and walk in wardrobe windows face a window at 70 Gilbert Street, and no mitigation measures are proposed.</p> <p>The proposed rear first floor south-eastern corner windows overlooks the private open space of 70 Gilbert Street.</p> <p>The proposed external stairs overlook the private open space of 70 Gilbert Street, and is not supported.</p> <p>The proposed front balconies exceed the WDCP maximum area and depth controls, but are acceptable on merit in the context of the site due to the existing large balconies at the subject and neighbouring sites, and as they predominantly overlook the public domain.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to 50% of living area windows and principal open space areas on 21 June Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. Any reduction in sunlight may be unacceptable where development does not comply with a development standard. 	<p>No</p> <p>Yes</p> <p>No</p> <p>No</p>	<p>The applicant has not provided plan-form solar access diagrams for the subject site, and therefore it is not possible to calculate whether 50% solar access is achieved to the private open space of unit 2.</p> <p>Over 50% solar access is retained for the private open space of 70 Gilbert Street. Nonetheless, the overall solar access impact of the proposal is unacceptable due to the impacts associated with the exceedances of the height of buildings and FSR development standards.</p> <p>The proposal increases the GFA compared to the existing development at the site, exceeds the FSR development standard, and represents an increase in the building envelope compared to the existing development, resulting in an unacceptable reduction of solar access to the rear private open</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Avoid unreasonably overshadowing of solar collectors (including habitable windows). 		<p>space and the first floor north-facing rear wing window of 70 Gilbert Street.</p> <p>The proposal also overshadows the first floor west facing window of 70 Gilbert Street. This overshadowing is unreasonable as it is caused by part of the development which exceeds the height of buildings development standard for the site.</p>
2.7 Views		
<ul style="list-style-type: none"> Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	No	The proposal does not enable view sharing. See under the heading <i>View Sharing</i> below for further discussion.
2.8 Car parking		
<p>2.8.1 Design Approach</p> <ul style="list-style-type: none"> Designed to complement the building and streetscape Car parking structures to be behind the front building line <p>2.8.3 Location</p> <ul style="list-style-type: none"> Behind front building line for new dwellings <p>2.8.4 Design</p> <ul style="list-style-type: none"> Complement the style, massing and detail of the dwelling Secondary in area and appearance to the design of the primary residence and related site 	<p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p>	<p>The proposal includes a garage within the front setback, with green roof above. The garage has a floor to ceiling height of between 3.3m and 3.6m, and an external height of 4.4m metres measured at the centre of the façade.</p> <p>Whilst there is an existing pattern of garages within the front setback along the street, none of the structures are as large as the proposed garage.</p> <p>The height and bulk of the garage are entirely excessive, do not complement the existing streetscape, dominate the front setback of the site, and are not supported.</p>
2.8.2 Parking rates	Yes	The proposal complies with the parking rates are set by Part B8 of Waverley DCP 2012.
<p>2.8.5 Dimensions</p> <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	Satisfactory.
<p>2.8.6 Driveways</p> <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) Crossings not permitted 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Satisfactory.</p> <p>Satisfactory.</p> <p>Satisfactory.</p>

Development Control	Compliance	Comment
where 2 on street spaces are lost		
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p>	<p>Satisfactory.</p> <p>Satisfactory.</p> <p>Satisfactory.</p> <p>Satisfactory.</p> <p>36% of the front open space is landscaped area, contrary to the 50% WDCP control.</p>
2.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property Pool decks on side boundaries must consider visual privacy 	<p>Yes</p> <p>Yes</p>	<p>Satisfactory.</p> <p>Satisfactory.</p>
2.15 Dual Occupancy Development		
<ul style="list-style-type: none"> Min 450m² site area for attached dwellings 	<p>Yes</p>	<p>Satisfactory.</p>

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

Excavation

The proposal includes excavation to a maximum depth of approximately 6.2m to provide approximately 200m² of basement floor area at street level and approximately 51m² at lower ground floor level. The majority of this floor area is excluded from GFA and FSR calculations due to it being associated with car parking (88m²), basement storage (44m²), plant rooms (20m²), or common vertical circulation.

The extent of excavation is excessive, and a significant proportion of the excavation is unnecessary as the proposed street-level basement storage and plant rooms could be relocated to the level above, and as the garages are significantly larger in area and height than is required by Australian Standards. In these circumstances the extent of the proposed excavation has not been minimised as required by WDCP 2012 section 14 *Excavation*, and the potential impacts on soil stability, neighbouring structures and neighbouring amenity cannot be justified under WLEP 2012 section 6.2 *Earthworks*, and therefore, the proposal cannot be supported.

View sharing

The proposal impacts west-facing views from numbers 73, 75 and 77 Portland Street. Assessed under the view sharing planning principle established in *Tenacity Consulting v Waringah* [2004] NSWLEC 140, the proposed impacts are considered unreasonable and therefore the proposal cannot be supported.

The impacts on each property are considered in turn below.

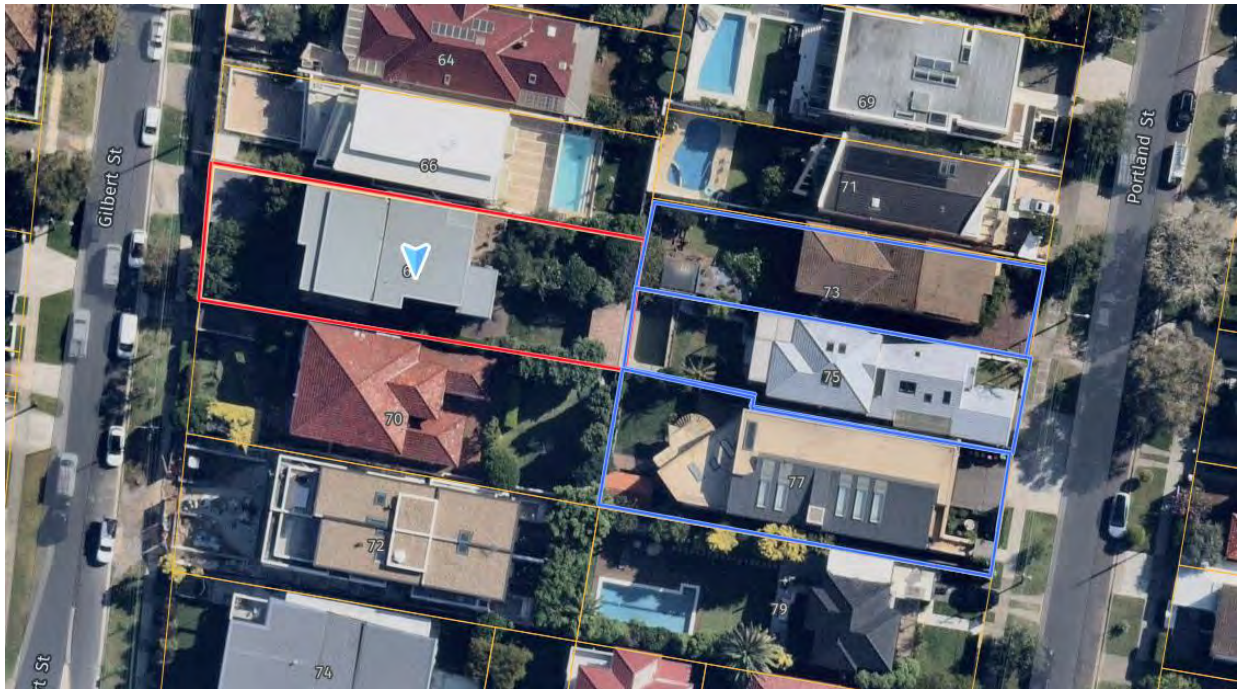


Figure 5: The location of the subject site (red polygon), and 73, 75 and 77 Portland Street (blue polygons)

77 Portland Street

Under *Tenacity Consulting v Waringah*, the first step is to consider the views affected. In the case of 77 Portland Street, the views are partial views of the Sydney Harbour Bridge (**Figure 6**, below), and water views of Sydney Harbour (**Figure 7**, below). Although the view of the Bridge is partial, it still represents approximately 80% of the bridge, with almost the full arch of the bridge being visible. The view is therefore considered iconic. In addition, the water view of the harbour is highly valued.



Figure 6: View from upper ground floor balcony of 77 Portland Street



Figure 7: View from first floor balcony of 77 Portland Street

The second step is to consider what part of the property the view is obtained from. In this case the views are obtained across the rear boundary from a standing or seated position from the upper ground floor balcony accessed from the living room and dining room, and from standing or seated position

from the first floor balcony and adjacent rumpus room. Views across rear boundaries are generally easier to retain than views across side boundaries.

The third step is to assess the extent of the impact. In this case the upper ground floor balcony offers the best opportunity for views at that level of the property, and views of the northern arch of the bridge will be severely affected from that location. The impact on water views from the first floor level will be objectively minor.

Expansive iconic views of the Harbour Bridge and harbour will be retained from the first floor of the property. However, the iconic view of the bridge will be severely affected from the upper ground floor balcony which is on the same level as the main living areas of the property, and is indirectly accessed from the living room and dining room. Views from balconies associated with living areas are highly valued, and therefore the overall impact on the property as a whole is considered moderate in spite of the first floor retained views.

The final step is to consider the reasonableness of the proposal. The proposal exceeds the WLEP 2012 height of building and FSR development standard, and exceeds the WDCP 2012 side setback and wall height controls, and increases the bulk of the existing building which already exceeds the WLEP 2012 development standards. The view loss of the Harbour Bridge results from the increase in building bulk and decreased southern setbacks associated with the FSR development standard exceedance and WDCP setback non-compliances. Additionally, the reduction of harbour water views at first floor level results from the WLEP height of building development standard exceedance and from an unnecessary clerestory roof feature. The proposal is therefore considered unreasonable.

Under the principles of *Tenacity Consulting v Waringah*, the affected views are iconic, is in a location where there is a reasonable expectation of protection, the overall extent of view loss is moderate, and the view loss results from an unreasonable proposal. The proposal therefore does not adhere to the principles of view sharing, and the view impacts could be significantly reduced or eliminated by a more skilful design which complies with the relevant development standards.

75 Portland Street

Under *Tenacity Consulting v Waringah*, the first step is to consider the views affected. In the case of 77 Portland Street, the views are of the Sydney Tower (**Figure 8**, below), sails of the Opera House, the CBD skyline, the Harbour Bridge, and a small amount of water view of the harbour (**Figures 9 and 10**, below). The views are iconic and highly valued.



Figure 8: View lower ground floor rumpus room window of 77 Portland Street



Figure 9: View from upper ground floor living area of 75 Portland Street, from a standing position



Figure 10: View from upper ground floor living area of 75 Portland Street, from a seated position

The second step is to consider what part of the property the view is obtained from. In this case views of Sydney Tower are from a standing or seated position within the ground floor rumpus room and adjacent private open space. The views of the harbour, Harbour Bridge, sails of the Opera House, and CBD skyline are obtained across the rear boundary from a standing or seated position from the first floor the open-plan living, dining and kitchen and adjoining balcony. Views across rear boundaries are generally easier to retain than views across side boundaries, however views from ground floors are difficult to retain.

The third step is to assess the extent of the impact. In this case views of Sydney Tower will be eliminated from the northern parts of the lower ground floor rumpus room and private open space, and will be retained from the southern parts. At first floor level, views of the CBD skyline will be moderately affected by the proposed clerestory windows, views of the Opera House will be lost from some viewing positions due to the proposed clerestory windows and by the increase in overall building height, and views of the Harbour Bridge will be potentially affected by the proposed clerestory windows and by the increase in overall building height. In totality overall impact on views is considered moderate due to the loss of Opera House views from seated positions, due to the reduction in Harbour Bridge views from seated positions, due to reduction of CBD views, and due to the reduction of Sydney Tower views from lower ground floor level. The view impact is not considered severe due to the expansive views retained, including views of the Opera House and Harbour Bridge from a standing position.

The final step is to consider the reasonableness of the proposal. The proposal exceeds the WLEP 2012 height of building and FSR development standard, and exceeds the WDCP 2012 side setback and wall height controls, and increases the bulk of the existing building which already exceeds the WLEP 2012 development standards. The view loss of Sydney Tower results from the increase in building bulk and decreased southern setbacks associated with the FSR development standard exceedance and WDCP setback non-compliances. Additionally, the reduction of Opera House, Harbour Bridge, CBD and harbour water views at first floor level results from the WLEP height of building development standard exceedance and from an unnecessary clerestory roof feature. The proposal is therefore considered unreasonable.

Under the principles of *Tenacity Consulting v Waringah*, the affected views are iconic, is in a location where there is a reasonable expectation of protection, the overall extent of view loss is moderate, and the view loss results from an unreasonable proposal. The proposal therefore does not adhere to the principles of view sharing, and the view impacts could be significantly reduced or eliminated by a more skilful design which complies with the relevant development standards.

73 Portland Street

Under *Tenacity Consulting v Waringah*, the first step is to consider the views affected. In the case of 73 Portland Street, the views are partial views of the Sydney Tower (**Figure 11**, below) and adjacent CBD skyline. The views are iconic, but partial, and therefore are moderately valued.

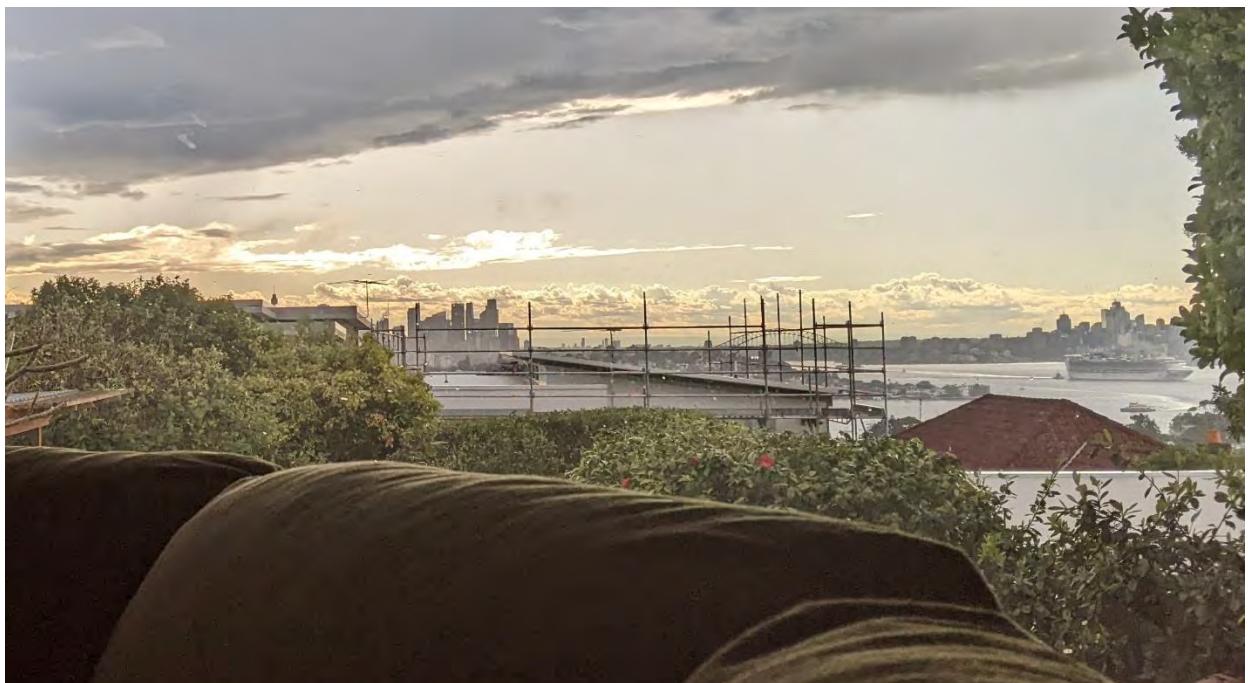


Figure 11: View from ground floor living room window of 77 Portland Street, from a seated position

The second step is to consider what part of the property the view is obtained from. In this case the views are from standing and seated positions in the upper ground living room and across the rear

boundary. Views across rear boundaries are generally easier to retain than views across side boundaries.

The third step is to assess the extent of the impact. In this case views of Sydney Tower will be eliminated from a seated position within the living room, and will be reduced from a standing position. Expansive views, including of the tower, CBD, Opera House and Harbour Bridge will be retained from the first floor office. The overall impact on the property as a whole is considered low due to the existing view from the ground floor only being partial, and due to the extensive views retained from first floor level.

The final step is to consider the reasonableness of the proposal. The proposal exceeds the WLEP 2012 height of building and FSR development standards, and increases the height and bulk of the existing building which already exceeds the WLEP 2012 development standards. The view loss of Sydney Tower results from the increase in building bulk and height. The proposal is therefore considered unreasonable.

Under the principles of *Tenacity Consulting v Waringah*, the affected views are moderately valued, from a seated position at upper ground floor level that is difficult to protect, and the overall extent of view loss is low. However, the view loss results from an unreasonable proposal which exceeds the maximum development standards. The proposal therefore does not adhere to the principles of view sharing, and the view impacts could be significantly reduced or eliminated by a more skilful design which complies with the relevant development standards.

2.2. Other Impacts of the Development

The proposal is considered to have detrimental social and environmental impacts on the locality, and is recommended for refusal.

2.3. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days in accordance with the *Waverley Community Development Participation and Consultation Plan*.

A total of three unique submissions were received from the following properties:

Table 4: Number of and where submissions were received from.

Count	Property Address
1.	77 Portland Street
2.	75 Portland Street
3.	73 Portland Street

The following issues raised in the submissions have already been discussed and addressed in the body of this report and/or the Recommendation:

- Excessive height, FSR, bulk and scale,
- Poor design, and streetscape impacts,
- View loss,
- Errors with plans concerning the calculation of height, and concerning the characterisation of the inaccessible room as a “void” area.

All other issues raised in the submissions are summarised and discussed below.

Issue: The proposed roof will be cluttered with plant equipment, may be brightly coloured, and will therefore be unsightly viewed from above. The proposed design should be amended to reduce the impact.

Response: The proposal is recommended for refusal, and in these circumstances further consideration is not given to design changes to the roof.

2.5. Public Interest

The proposal is considered to have a detrimental effect on the public interest, and is recommended for refusal.

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Traffic and Development

Council’s traffic engineers did not object to the proposal subject to standard conditions of consent.

3.2. Stormwater

Council’s stormwater engineers did not object to the proposal subject to standard conditions of consent.

3.3. Tree Management

Council's tree management officer did not object to the proposal subject to standard conditions of consent.

3.4. Land Information

Council's land information officer did not object to the proposal subject to standard conditions of consent.

4. CONCLUSION

The development application seeks consent for demolition of the existing dual occupancy and construction of a new attached dual occupancy including basement car parking, swimming pools-, tree removal, landscaping and Strata subdivision at the site known as 68 Gilbert Street, Dover Heights.

The principal issues arising from the assessment of the application are as follows:

- Exceedance of height of buildings and floor space ratio development standards
- Excessive height, scale and bulk
- Poor streetscape presentation
- Unreasonable view loss and solar access impacts.

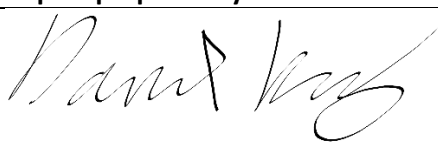
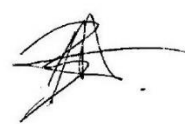
The assessment finds these issues unacceptable.

A total number of three submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the Act. It is recommended for refusal.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be REFUSED by the Waverley Local Planning Panel for the reasons contained in Appendix A.

Report prepared by:	Application reviewed and agreed by:
	
David Knight	Ben Magistrale
Senior Development Assessment Planner	Manager, Development Assessment
Date: 6 April 2023	Date: 12 April 2023

Reason for WLPP referral:

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

APPENDIX A – REASONS FOR REFUSAL

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

1. The application does not satisfy section 4.15 (1)(a)(i) of the Act as it contrary to the following provisions of *Waverley Local Environmental Plan (WLEP) 2012*:

- a. *Clause 4.3 Height of Buildings*

The application exceeds the maximum allowable height of 8.5m and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of WLEP.

Details: The proposed height is not considered compatible with the height, bulk and scale of the desired future character of the locality contrary to clause 4.3 (1) (d) of WLEP and does not preserve the environmental amenity of neighbouring properties.

- b. *Clause 4.4 Floor Space Ratio*

The application exceeds the maximum allowable Floor Space Ratio (FSR) of 0.5:1 and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of Waverley LEP.

Details: The proposal is considered an overdevelopment of the site and the proposed development is not compatible with the bulk and scale of the desired future character of the locality and does not preserve the environmental amenity of neighbouring properties and the surrounding locality as required under subclauses 4.4 (1) (c) and (d) of WLEP.

- c. *Clause 6.2 Earthworks:*

Specifically the objectives expressed under sub-clause (1), and the considerations at sub-clause (3)(a), (d), and (h) as the proposal includes excessive excavation resulting in unnecessary impacts on soil stability and neighbouring amenity.

2. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan (WDCP) 2012, in respect to the following provisions:

Part B12 Design Excellence

- a. Section 12.1 objective (a) and controls (a), (b), (c), and (e)(iii), (iv), (v), (vi) and (viii), as the proposal does not contribute to the architectural design quality of Waverley, does not achieve a high standard of architectural design appropriate to the building type and location, has detrimental impacts on views, and does not sufficiently consider streetscape constraints, the relationship with neighbouring sites in terms of setbacks and amenity, the bulk and massing of buildings, and overshadowing.

Part B14 Excavation

- b. Objectives (b) and (h), and controls (d) and (l) as the proposal does not minimise excavation, includes excavation within 900mm of the boundary, and results in unnecessary impacts on soil stability and neighbouring amenity.

- c. Section 8.2.6 *Bicycle parking* objective (b) and (c), and control (a), as no bicycle parking is provided.

Part B16 Public Domain

- d. Objectives (c), (d), (f) and (g), and controls (f) and (i) as the proposal is not designed to address the street, contains significant areas of blank walls, and does not contribute to the safety and activity of the public domain.

Part C2 Low Density Residential Development

- e. *General Objectives* (a), (b), (d) and (e) as the scale of development is not appropriate for the site and desired character of the area, as it detracts from neighbouring amenity, and as the proposal contravenes controls within section C2 as set out below.
- f. Section 2.1 *Height* objectives (a), (b), (c), (d) and control (b) as the proposal exceeds the 7.5m wall height control, is of an inappropriate height and scale, and has unreasonable view loss and solar access impacts.
- g. Section 2.2 *Setbacks* objectives (a), (b), (c), (d), (f), and (g), and controls 2.2.1 *Front and rear building lines* (a) and 2.2.2 *Side setbacks* (a), as the proposal does not comply with the predominant front building line, provides an inappropriate setback from the rear boundary, does not comply with the 1.2m side setback control, and is of an inappropriate bulk and scale which has unacceptable streetscape and amenity impacts.
- h. Section 2.3 *Streetscape and visual impact* objectives (a), (b), and (c), and control (a), as the proposal has an inappropriate height, bulk, and scale, and presents significant areas of inactive blank walls to the street.
- i. Section 2.4 *Fences* objectives (d) and (e), and controls (b) and (d) as the front gate exceeds 1.2m in height, the side fence exceeds 1.8m in height, and has inappropriate streetscape and amenity impacts.
- j. Section 2.5 *Visual and acoustic privacy* objectives (a) and (c), and controls (b) and (c) as the proposal unreasonably impacts on neighbouring residential privacy, as the proposal includes windows which directly face neighbouring windows, and as the proposed includes an external staircase.
- k. Section 2.6 *Solar access* objectives (a), (b), (c) and (d) and controls (a), (d) and (e) as the applicant has not demonstrated that the proposed private open spaces receive sufficient solar access, and as the proposed exceedance of the height of buildings and floor space ratio development standards result in unreasonable overshadowing of neighbouring properties.
- l. Section 2.7 *Views* objective (b) and control (c) as the proposal does not enable a sharing of views.

- m. Section 2.8 *Car parking* objectives (b) and (d) and controls 2.8.1(b) and (c), 2.8.3(a), and 2.8.4(a) and (b) as the proposed garage is excessive in height and bulk and inappropriately dominates the street.
 - n. Section 2.9 *Landscaping and open space* objectives (a) and (d), and control (g), as the proposal does not provide 50% of the front open space as landscaped area.
3. The application does not satisfy section 4.15 (1)(a)(iv) of the Act with respect to the *Environmental Planning and Assessment Regulation 2021* (the Regulations), as insufficient documentation has been provided to properly assess the application with respect to clause 24 of the Regulations, including but not limited to:
- a. The Statement of Environmental Effects is insufficient, as it does not adequately document the environmental impacts of the development concerning solar access and view impacts.
 - b. The Statement of Environmental Effects is insufficient, as it does not accurately depict compliance with building height standard as marked on plans, sections and elevations.
 - c. The Statement of Environmental Effects is insufficient, as it does not provide accurate calculations of the proposed gross floor area and floor space ratio.
4. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk and scale relative to the site area and dimensions, and consequently results in unacceptable amenity and streetscape impacts upon the locality and surrounding built environment.
5. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development.
6. The application is contrary to section 4.15 (1)(e) of the Act in relation to the public interest as it is not compatible with the existing and desired future character of the locality and the broader Waverley local government area.

PROPOSED DUPLEX

68 Gilbert St Dover Heights NSW 2030

DRAWING No	DRAWING NAME	SCALE	REV
DA0000	COVERPAGE		
DA1000	SITE ANALYSIS PLAN	1:200	
DA1001	SETBACK DIAGRAM	1:400	
DA1100	SITE ANALYSIS AND LOCATION PLAN		
DA1101	DEMOLITION PLAN - FRONT	1:100	
DA1102	DEMOLITION PLAN - REAR	1:100	
DA2000	EXISTING BASEMENT PLAN	1:100	
DA2001	EXISTING GROUND FLOOR PLAN	1:100	
DA2002	EXISTING FIRST FLOOR PLAN	1:100	
DA2003	EXISTING ROOF PLAN	1:100	
DA2004	EXISTING NORTH ELEVATION	1:100	
DA2005	EXISTING SOUTH ELEVATION	1:100	
DA2006	EXISTING EAST ELEVATION	1:100	
DA2007	EXISTING WEST ELEVATION	1:100	
DA2008	BASEMENT FLOOR PLAN	1:100	
DA2009	LOWER GROUND FLOOR PLAN	1:100	
DA2010	GROUND FLOOR PLAN	1:100	
DA2011	GROUND FLOOR REAR PLAN	1:100	
DA2012	FIRST FLOOR PLAN	1:100	
DA2013	ROOF PLAN	1:100	
DA2300	SITE SECTION	1:200	
DA2301	SECTION A	1:100	
DA2302	SECTION B	1:100	
DA2303	VIEW IMPACT ASSESSMENT SECTIONS	1:200	
DA2400	NORTH ELEVATION	1:100	
DA2401	SOUTH ELEVATION	1:100	
DA2402	EAST ELEVATION	1:100	
DA2403	WEST ELEVATION	1:100	
DA2404	EXTERNAL FINISHES SCHEDULE	1:100	
DA2405	STREET ELEVATION	1:200	
DA9000	EXISTING GFA	1:200	
DA9001	PROPOSED GFA	1:200	
DA9002	LANDSCAPING AREAS	1:200	
DA9003	OPEN SPACE AREAS	1:200	
DA9004	HEIGHT PLANE DIAGRAM		
DA9100	SHADOW DIAGRAMS	1:500	
DA9101	SHADOW DIAGRAMS 3D		
DA9200	PHOTOMONTAGE		
DA9300	DRAFT STRATA PLAN	1:200	
DA9301	DRAFT STRATA PLAN	1:200	
DA9400	BASEMENT & GROUND FLOOR SWRMP	1:200	
DA9401	FIRST FLOOR SWRMP	1:200	



DEVELOPMENT APPLICATION

BASIX COMMITMENTS

(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	ENERGY OPTIONS
SHOWERHEADS: 4 STAR	COOLING: 1-Phase Airconditioning 2.5 Star
TOILETS: 4 STAR	HEATING: 1-Phase Airconditioning 2.5 Star
CLOTHES WASHERS: 4 STAR	VENTILATION: Each Bathroom, Kitchen & Laundry individual fan ducted to facade or roof
KITCHEN TAPS: 4 STAR	Gas Instantaneous 5.5 STAR
BATHROOM TAPS: 5 STAR	WATER HEATING: Dedicated Induction Cooktop & Electric Oven (Dwelling 1)
DISHWASHERS: 4.5 STAR	ARTIFICIAL LIGHTING (UNITS): Gas Cooktop & Electric Oven (Dwelling 2)
RAIN WATER TANK/ OSD: 12000 L	COOKING: 3 STAR
POOLS/SPA: 47890 L x 2	DISHWASHER: No
LANDSCAPED AREA TO IRRIGATE: 125 sqm	REFRIGERATOR SPACE: Yes
	CLOTHES DRYING LINES: Solar only
	POOL HEATING SYSTEM:

ENERGY OPTIONS - COMMON AREAS

VENTILATION:	COMMON AREA LIGHTING:	ALTERNATE ENERGY SUPPLY:	CENTRAL RWT OR OSD:
WC - Exhaust Only.	WC - Store - Light emitting diode; Manual on/off switch.	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor.	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
		To collect run-off from at least 290m2 of roof area of building. Connection of 125m2 of Common Landscaped area on the site.	

PROJECT: PROPOSED DUPLEX

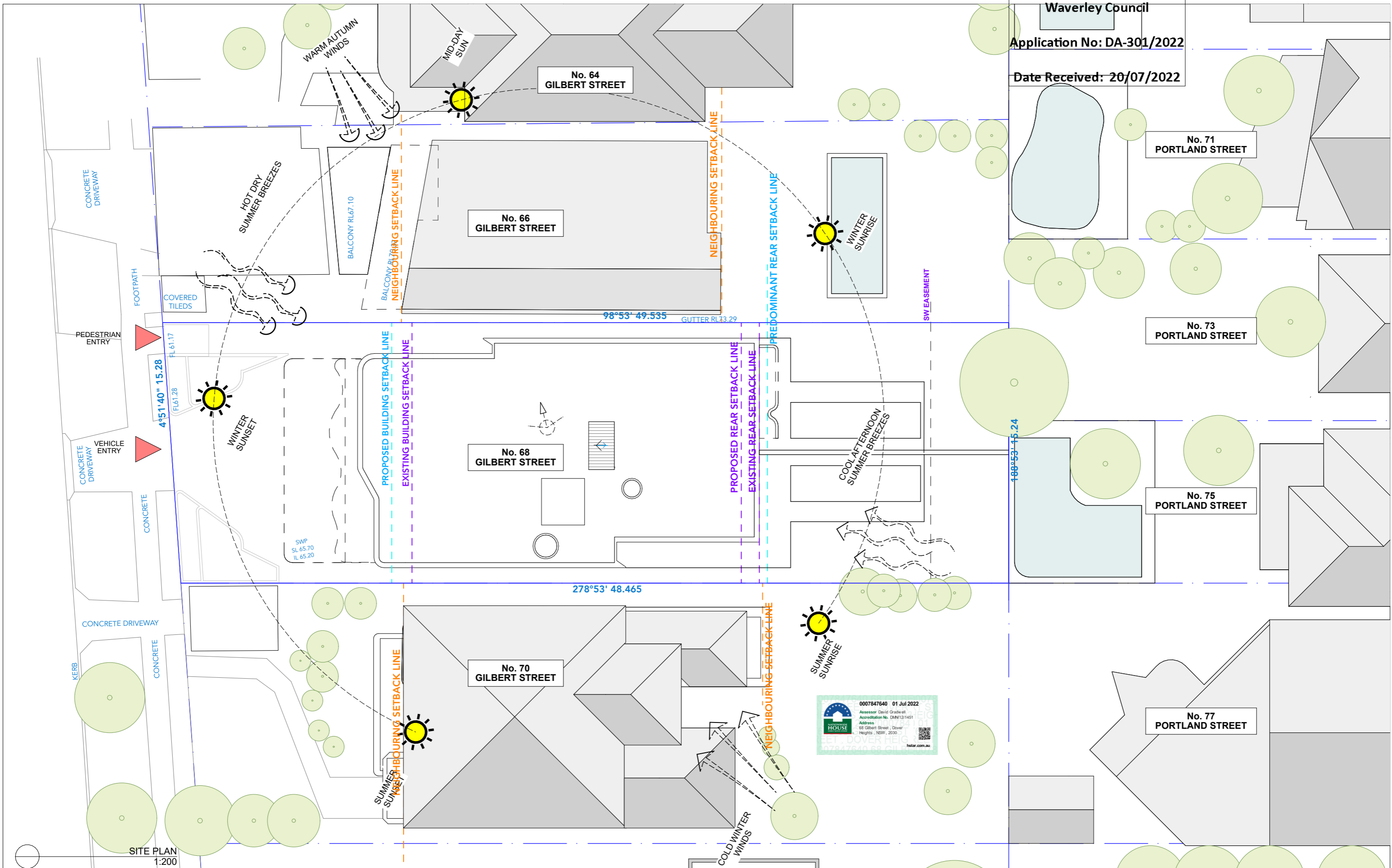
68 Gilbert St
Dover Heights NSW 2030
DRAWING:
COVERPAGE

PROJECT NO: 21023

SCALE: @A3
DRAWING NO: REV:
PLOTTED: 4/7/22

DA0000 A

RECEIVED
 Waverley Council
 Application No: DA-301/2022
 Date Received: 20/07/2022



SITE PLAN
 1:200



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 NSW REG. 9789
 ABN 646 2000 7678

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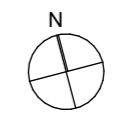
ISSUE	DATE	REVISION
A	30/6/22	DA SUBMISSION

BASIX COMMITMENTS
 (ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	ENERGY OPTIONS
SHOWERHEADS: 4 STAR	COOLING: 1-Phase Airconditioning 2.5 Star
TOILETS: 4 STAR	HEATING: 1-Phase Airconditioning 2.5 Star
CLOTHES WASHERS: - STAR	VENTILATION: Each Bathroom, Kitchen & Laundry individual fan ducted to facade or roof
KITCHEN TAPS: 4 STAR	WATER HEATING: Gas Instantaneous 5.5 STAR
BATHROOM TAPS: 5 STAR	ARTIFICIAL LIGHTING (UNITS): Dedicated Induction Cooktop & Electric Oven (Dwelling 1)
DISHWASHERS: 4.5 STAR	COOKING: Gas Cooktop & Electric Oven (Dwelling 2)
RAIN WATER TANK/ OSD: 12000 L	3 STAR
POOLS/SPA: 47890 L x 2	No
LANDSCAPED AREA TO IRRIGATE: 125 sqm	DISHWASHER: No
	REFRIGATOR SPACE: Yes
	CLOTHES DRYING LINES: Yes
	POOL HEATING SYSTEM: Solar only

ENERGY OPTIONS - COMMON AREAS

VENTILATION:	WC - Exhaust Only.
COMMON AREA LIGHTING:	WC: Store - Light emitting diode; Manual on/off switch.
ALTERNATE ENERGY SUPPLY:	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
CENTRAL RWT OR OSD:	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
	To collect run-off from at least 290m2 of roof area of building; Connection of 125m2 of Common Landscaped area on the site.

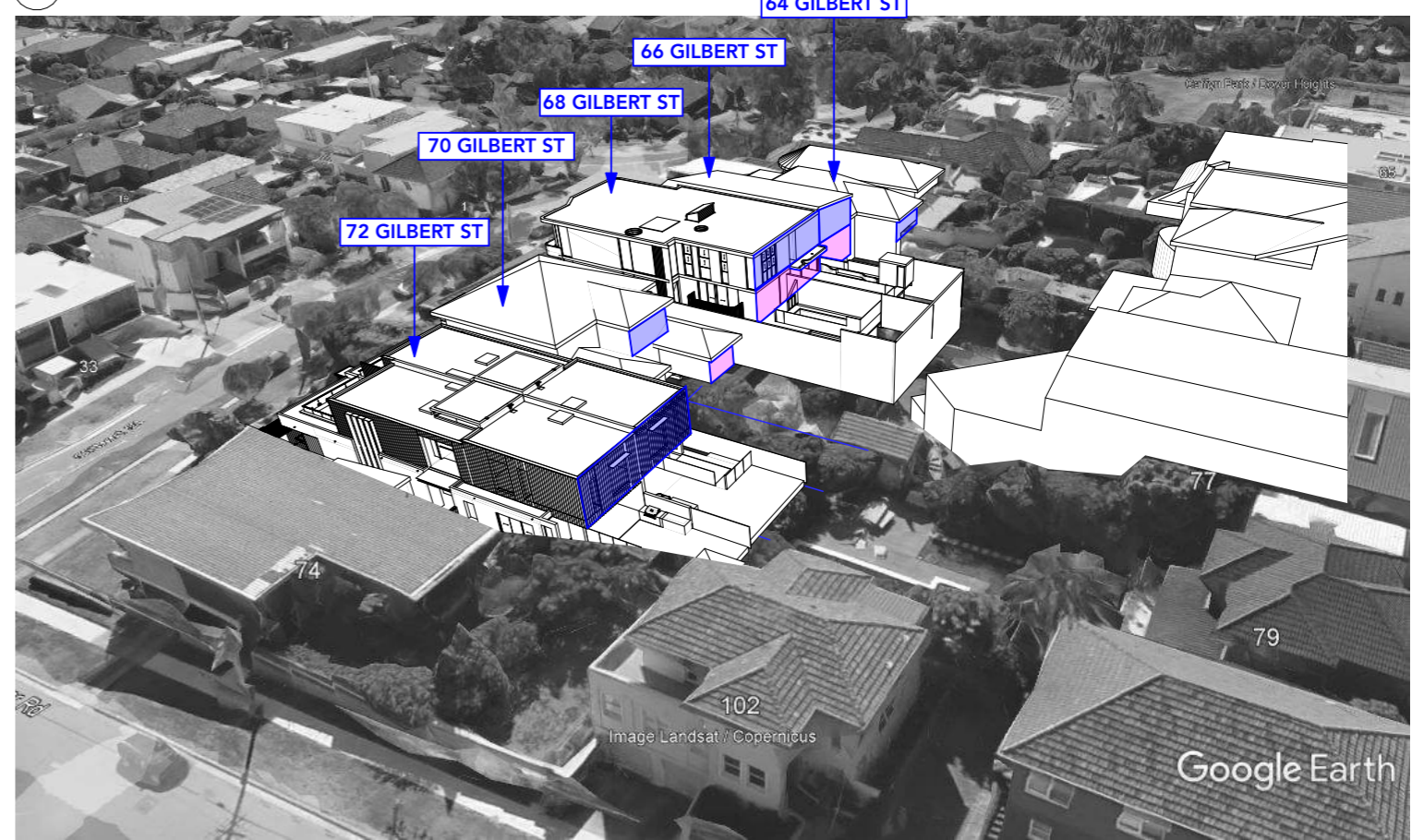


PROJECT:
PROPOSED DUPLEX
 68 Gilbert St
 Dover Heights NSW 2030
 DRAWING:
SITE ANALYSIS PLAN

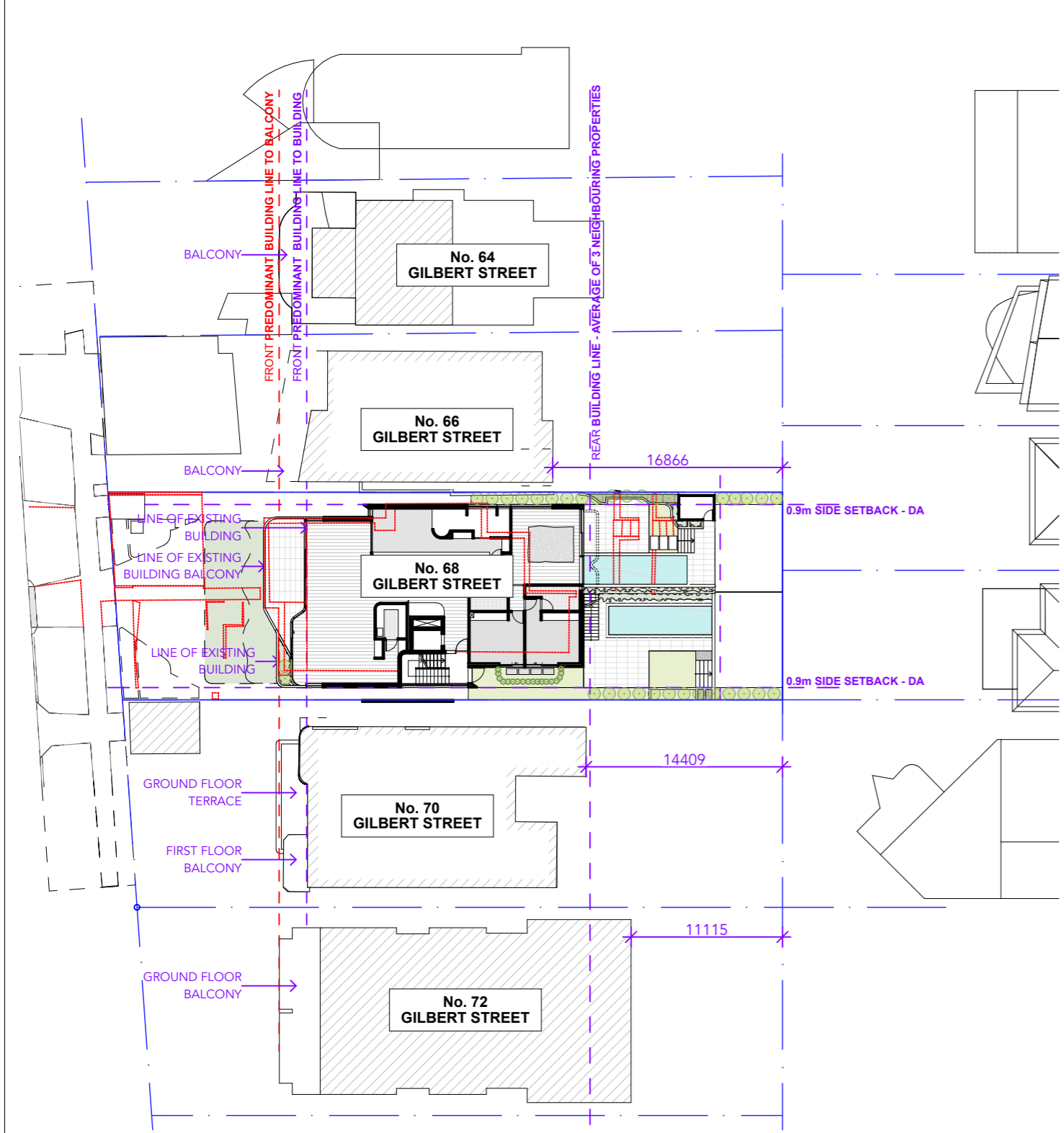
PROJECT NO: 21023
 SCALE: 1:200 @A3
 DRAWING NO: REV:
 PLOTTED: 4/7/22
DA1000 A



2 STREET PERSPECTIVE



3 REAR PERSPECTIVE



1 SETBACK DIAGRAM
1:400

KEY:

- GARAGES ON STREET BOUNDARY
- PREDOMINANT FIRST FLOOR BALCONY OR FIRST FLOOR FACADE
- GARAGES SETBACK FROM STREET BOUNDARY
- FIRST FLOOR REAR SETBACK
- PREDOMINANT GROUND FLOOR BALCONY OR GROUND FLOOR FACADE
- GROUND FLOOR REAR SETBACK

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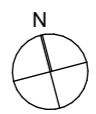
ISSUE	DATE	REVISION
A	30/6/22	DA SUBMISSION

BASIX COMMITMENTS
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	ENERGY OPTIONS	ENERGY OPTIONS - COMMON AREAS
SHOWERHEADS: 4 STAR	COOLING: 1-Phase Airconditioning 2.5 Star	VENTILATION: COMMON AREA LIGHTING: WC - Exhaust Only.
TOILETS: 4 STAR	HEATING: 1-Phase Airconditioning 2.5 Star	WC - Store - Light emitting diode; Manual on/off switch.
CLOTHES WASHERS: 4 STAR	VENTILATION: Each Bathroom, Kitchen & Laundry individual fan ducted to facade or roof	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
KITCHEN TAPS: 4 STAR	WATER HEATING: Gas Instantaneous 5.5 STAR	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
BATHROOM TAPS: 5 STAR	ARTIFICIAL LIGHTING (UNITS): Dedicated Induction Cooktop & Electric Oven (Dwelling 1)	To collect run-off from at least 250m ² of roof area of building. Connection of 125m ² of Common Landscaped area on the site.
DISHWASHERS: 4.5 STAR	COOKING: Gas Cooktop & Electric Oven (Dwelling 2)	CENTRAL RWT OR OSD: 3 STAR
RAIN WATER TANK/ OSD: 12000 L	POOL/SPA: No	
LANDSCAPED AREA TO IRRIGATE: 125 sqm	DISHWASHER: No	
	REFRIGERATOR SPACE: Yes	
	CLOTHES DRYING LINES: Solar only	
	POOL HEATING SYSTEM: No	

PROJECT: PROPOSED DUPLEX
68 Gilbert St
Dover Heights NSW 2030
DRAWING: SETBACK DIAGRAM

PROJECT NO: 21023
SCALE: 1:400 @A3
DRAWING NO: REV:
PLOTTED: 4/7/22





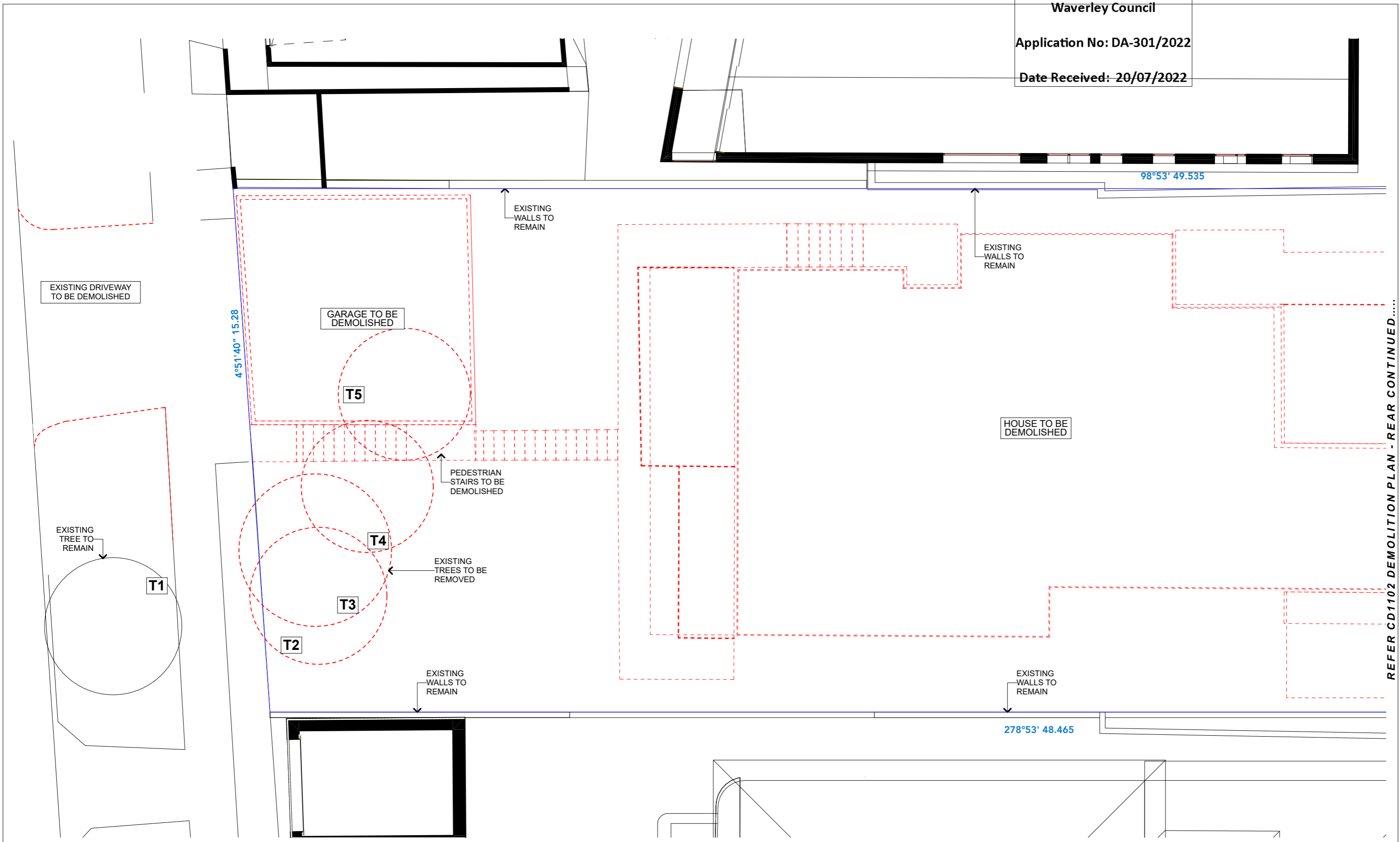
PACIFIC OCEAN

THE SITE

ISSUE	DATE	REVISION
A	30/6/22	DA SUBMISSION

BASIX COMMITMENTS
 (ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	ENERGY OPTIONS	ENERGY OPTIONS - COMMON AREAS
SHOWERHEADS: 4 STAR	COOLING: 1-Phase Airconditioning 2.5 Star	WC - Exhaust Only.
TOILETS: 4 STAR	HEATING: 1-Phase Airconditioning 2.5 Star	WC - Store - Light emitting diode; Manual on/off switch.
CLOTHES WASHERS: 4 STAR	VENTILATION: Each Bathroom, Kitchen & Laundry individual fan ducted to facade or roof	COMMON AREA LIGHTING: Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
KITCHEN TAPS: 4 STAR	WATER HEATING: Gas Instantaneous 5.5 STAR	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
BATHROOM TAPS: 5 STAR	ARTIFICIAL LIGHTING (UNITS): Dedicated Induction Cooktop & Electric Oven (Dwelling 1)	To collect run-off from at least 290m ² of roof area of building. Connection of 125m ² of Common Landscaped area on the site.
DISHWASHERS: 4.5 STAR	COOKING: Gas Cooktop & Electric Oven (Dwelling 2)	ALTERNATE ENERGY SUPPLY: 3 STAR
RAIN WATER TANK/ OSD: 12000 L	DISHWASHER: No	CENTRAL RWT OR OSD:
POOLS/SPA: 47880 L x 2	REFRIGERATOR SPACE: Yes	
LANDSCAPED AREA TO IRRIGATE: 125 sqm	CLOTHES DRYING SYSTEM: Solar only	
	POOL HEATING SYSTEM:	



REFER CD1102 DEMOLITION PLAN - REAR CONTINUED

2 DEMOLITION PLAN
1:100

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BASIX COMMITMENTS
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

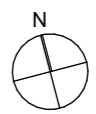
WATER OPTIONS	ENERGY OPTIONS	ENERGY OPTIONS - COMMON AREAS
SHOWERHEADS: 4 STAR	COOLING: 1-Phase Airconditioning 2.5 Star	VENTILATION: WC - Exhaust Only.
TOILETS: 4 STAR	HEATING: 1-Phase Airconditioning 2.5 Star	COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
CLOTHES WASHERS: - STAR	VENTILATION: Each Bathroom, Kitchen & Laundry individual fan ducted to facade or roof	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
KITCHEN TAPS: 4 STAR	WATER HEATING: Gas Instantaneous 5.5 STAR	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
BATHROOM TAPS: 5 STAR	ARTIFICIAL LIGHTING (UNITS): Dedicated Induction Cooktop & Electric Oven (Dwelling 1)	To collect run-off from at least 290m ² of roof area of building; Connection of 125m ² of Common Landscaped area on the site.
DISHWASHERS: 4.5 STAR	COOKING: Gas Cooktop & Electric Oven (Dwelling 2)	ALTERNATE ENERGY SUPPLY: 3 STAR
RAIN WATER TANK/ OSD: 12000 L	POOL SPA: 47890 L x 2	CENTRAL RWT OR OSD: No
LANDSCAPED AREA TO IRRIGATE: 125 sqm	DISHWASHER: No	Yes
	REFRIGERATOR SPACE: Yes	Solar only
	CLOTHES DRYING LINES: No	
	POOL HEATING SYSTEM: Solar only	

ENERGY OPTIONS - COMMON AREAS

VENTILATION: WC - Exhaust Only.
COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
Photovoltaic System; Rated electrical output (min): 1.4 peak kW
To collect run-off from at least 290m² of roof area of building; Connection of 125m² of Common Landscaped area on the site.

ALTERNATE ENERGY SUPPLY: 3 STAR

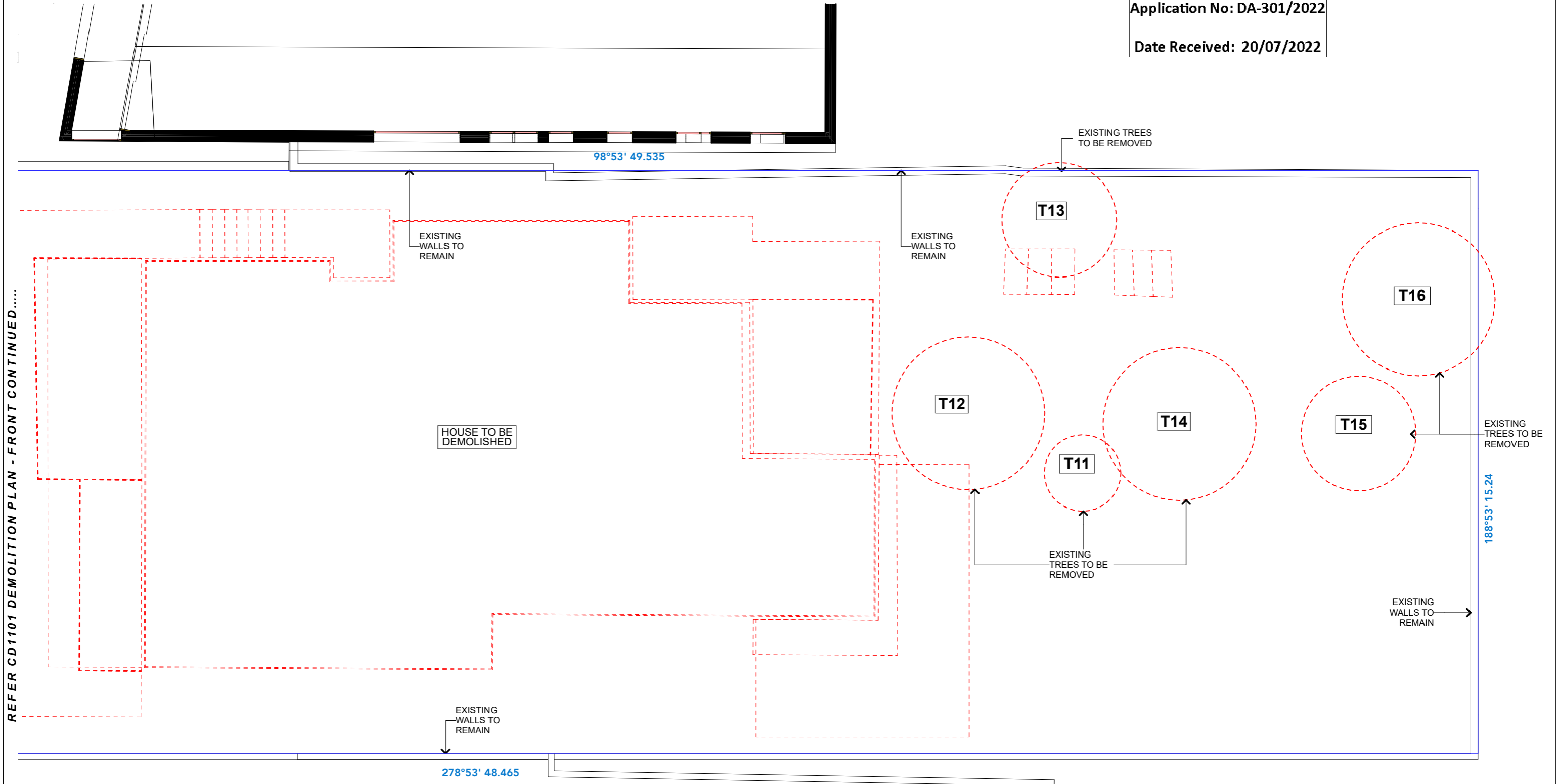
CENTRAL RWT OR OSD: No
Yes
Solar only



PROJECT: **PROPOSED DUPLEX**
68 Gilbert St
Dover Heights NSW 2030
DRAWING: **DEMOLITION PLAN - FRONT**

PROJECT NO: 21023
SCALE: 1:100 @A3
DRAWING NO: REV:
PLOTTED: 4/7/22

DA1101 A



REFER CD1101 DEMOLITION PLAN - FRONT CONTINUED

2 DEMOLITION PLAN 1:100

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BASIX COMMITMENTS
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	ENERGY OPTIONS	ENERGY OPTIONS - COMMON AREAS
SHOWERHEADS: 4 STAR	COOLING: 4 STAR	VENTILATION: WC - Exhaust Only.
TOILETS: 4 STAR	HEATING: 4 STAR	COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
CLOTHES WASHERS: 4 STAR	VENTILATION: Individual fan ducted to facade or roof	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor.
KITCHEN TAPS: 4 STAR	WATER HEATING: Gas Instantaneous 5.5 STAR	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
BATHROOM TAPS: 5 STAR	ARTIFICIAL LIGHTING (UNITS): Dedicated Induction Cooktop & Electric Oven (Dwelling 1)	To collect run-off from at least 290m ² of roof area of building; Connection of 125m ² of Common Landscaped area on the site.
DISHWASHERS: 4.5 STAR	COOKING: Gas Cooktop & Electric Oven (Dwelling 2)	
RAIN WATER TANK/ OSD: 12000 L		
POOL/SPA: 47890 L x 2	DISHWASHER: No	
LANDSCAPED AREA TO IRRIGATE: 125 sqm	REFRIGERATOR SPACE: Yes	
	CLOTHES DRYING LINES: Yes	
	POOL HEATING SYSTEM: Solar only	

ENERGY OPTIONS - COMMON AREAS

VENTILATION: WC - Exhaust Only.

COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.

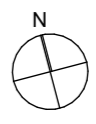
Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor.

Photovoltaic System; Rated electrical output (min): 1.4 peak kW

To collect run-off from at least 290m² of roof area of building; Connection of 125m² of Common Landscaped area on the site.

ALTERNATE ENERGY SUPPLY: Photovoltaic System; Rated electrical output (min): 1.4 peak kW

CENTRAL RWT OR OSD: To collect run-off from at least 290m² of roof area of building; Connection of 125m² of Common Landscaped area on the site.

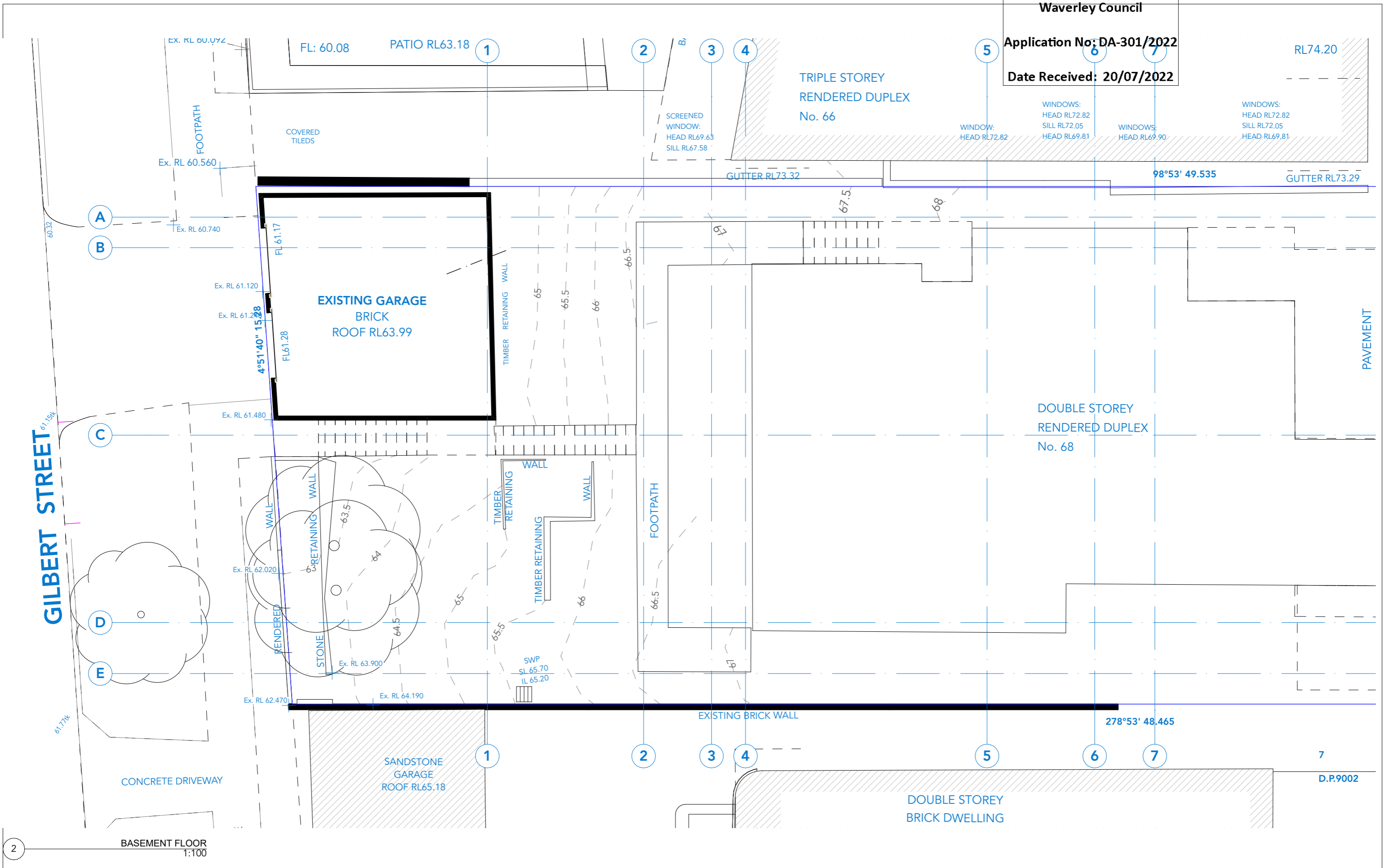


PROJECT: **PROPOSED DUPLEX**
68 Gilbert St
Dover Heights NSW 2030
DRAWING: **DEMOLITION PLAN - REAR**

PROJECT NO: 21023
SCALE: 1:100 @A3
DRAWING NO: REV:
PLOTTED: 4/7/22

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 Application No: DA-301/2022
 Date Received: 20/07/2022



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BASIX COMMITMENTS
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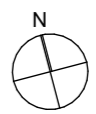
WATER OPTIONS	ENERGY OPTIONS	ENERGY OPTIONS - COMMON AREAS
SHOWERHEADS: 4 STAR	COOLING: 4 STAR	VENTILATION: WC - Exhaust Only.
TOILETS: 4 STAR	HEATING: 4 STAR	COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
CLOTHES WASHERS: 4 STAR	VENTILATION: Individual fan ducted to facade or roof	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
KITCHEN TAPS: 4 STAR	WATER HEATING: Gas Instantaneous 5.5 STAR	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
BATHROOM TAPS: 5 STAR	ARTIFICIAL LIGHTING (UNITS): Dedicated Induction Cooktop & Electric Oven (Dwelling 1)	To collect run-off from at least 290m ² of roof area of building; Connection of 125m ² of Common Landscaped area on the site.
DISHWASHERS: 4.5 STAR	COOKING: Gas Cooktop & Electric Oven (Dwelling 2)	
RAIN WATER TANK/ OSD: 12000 L	POOL/SPA: 47890 L x 2	
LANDSCAPED AREA TO IRRIGATE: 125 sqm	DISHWASHER: No	
	REFRIGERATOR SPACE: Yes	
	CLOTHES DRYING LINES: Yes	
	POOL HEATING SYSTEM: Solar only	

ENERGY OPTIONS - COMMON AREAS

VENTILATION: WC - Exhaust Only.
 COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
 Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
 Photovoltaic System; Rated electrical output (min): 1.4 peak kW
 To collect run-off from at least 290m² of roof area of building; Connection of 125m² of Common Landscaped area on the site.

ALTERNATE ENERGY SUPPLY:
 To collect run-off from at least 290m² of roof area of building; Connection of 125m² of Common Landscaped area on the site.

CENTRAL RWT OR OSD:

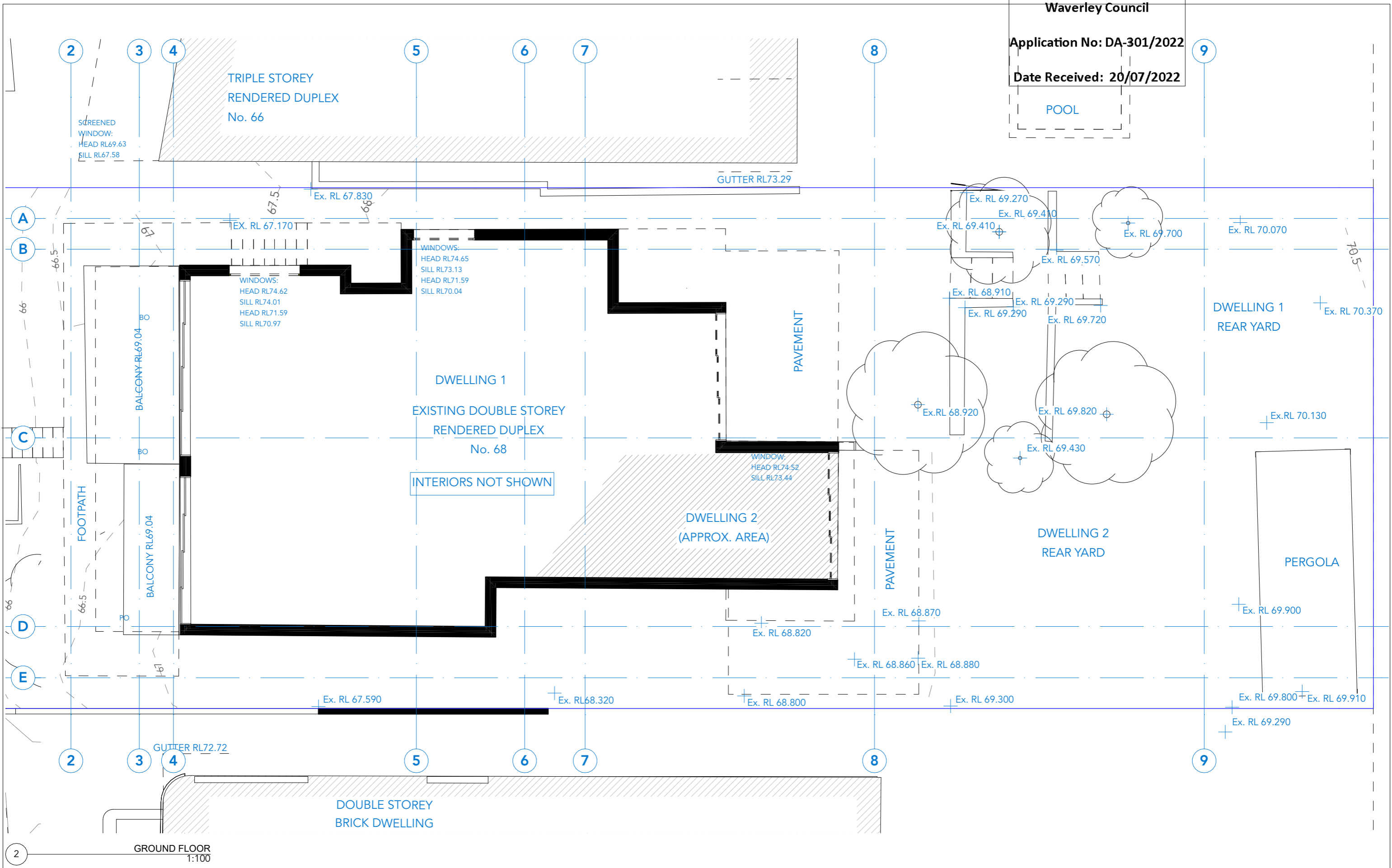


PROJECT: **PROPOSED DUPLEX**
 68 Gilbert St
 Dover Heights NSW 2030
 DRAWING: **EXISTING BASEMENT PLAN**

PROJECT NO: 21023
 SCALE: 1:100 @A3
 DRAWING NO: REV:
 PLOTTED: 4/7/22

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BASIX COMMITMENTS
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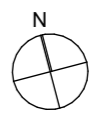
WATER OPTIONS	ENERGY OPTIONS	ENERGY OPTIONS - COMMON AREAS
SHOWERHEADS: 4 STAR	COOLING: 4 STAR	VENTILATION: WC - Exhaust Only.
TOILETS: 4 STAR	HEATING: 4 STAR	COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
CLOTHES WASHERS: 4 STAR	VENTILATION: individual fan ducted to facade or roof	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
BATHROOM TAPS: 5 STAR	WATER HEATING: Gas Instantaneous 5.5 STAR	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
DISHWASHERS: 4.5 STAR	ARTIFICIAL LIGHTING (UNITS): Dedicated Induction Cooktop & Electric Oven (Dwelling 1)	To collect run-off from at least 290m ² of roof area of building; Connection of 125m ² of Common Landscaped area on the site.
RAIN WATER TANK/ OSD: 12000 L	COOKING: Gas Cooktop & Electric Oven (Dwelling 2)	
POOLS/SPA: 47890 L x 2	DISHWASHER: 3 STAR	
LANDSCAPED AREA TO IRRIGATE: 125 sqm	REFRIGATOR SPACE: No	
	CLOTHES DRYING LINES: Yes	
	POOL HEATING SYSTEM: Solar only	

ENERGY OPTIONS - COMMON AREAS

VENTILATION: WC - Exhaust Only.
 COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
 Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
 Photovoltaic System; Rated electrical output (min): 1.4 peak kW
 To collect run-off from at least 290m² of roof area of building; Connection of 125m² of Common Landscaped area on the site.

ALTERNATE ENERGY SUPPLY:
 Photovoltaic System; Rated electrical output (min): 1.4 peak kW
 To collect run-off from at least 290m² of roof area of building; Connection of 125m² of Common Landscaped area on the site.

CENTRAL RWT OR OSD:
 No

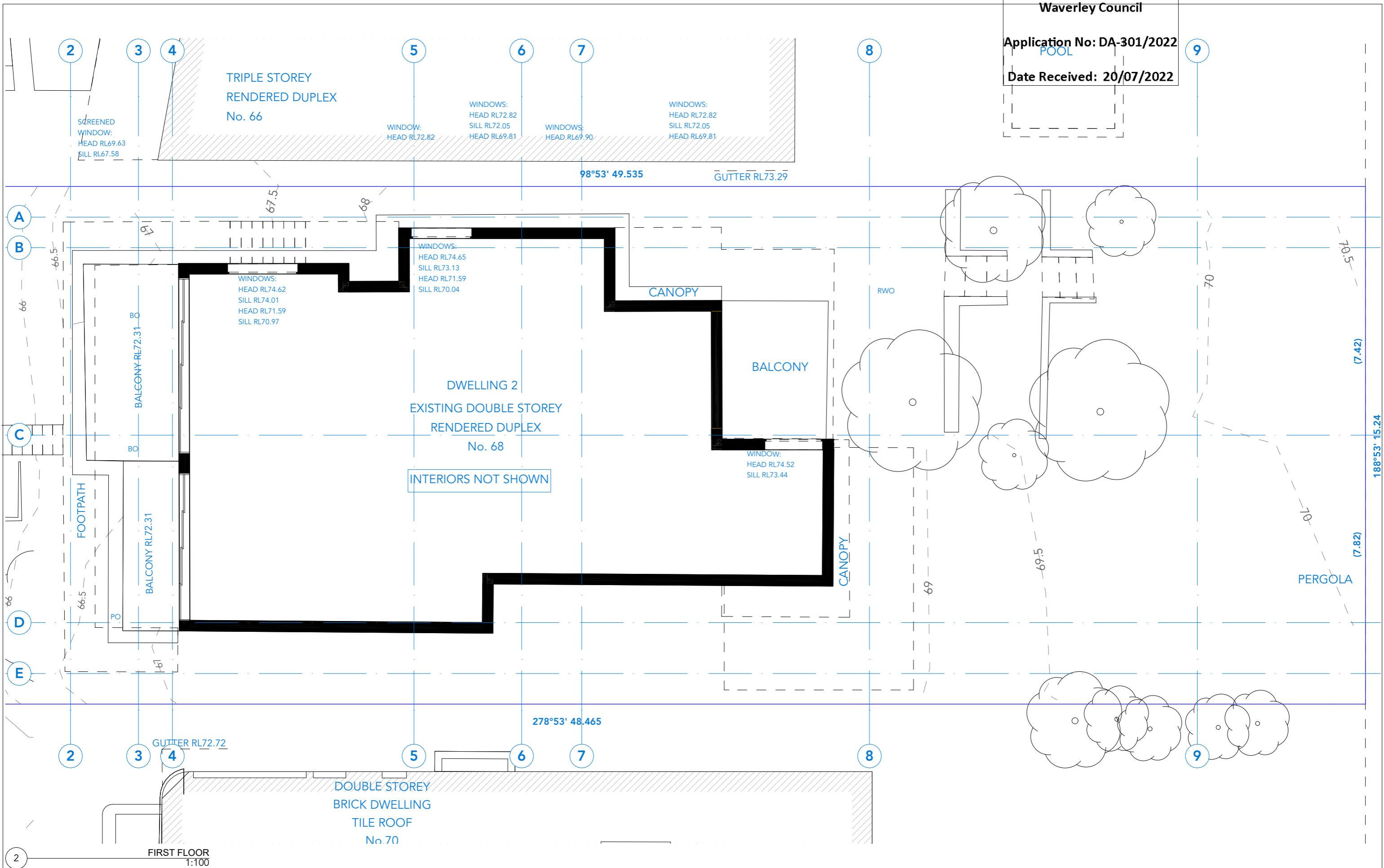


PROJECT: PROPOSED DUPLEX
 68 Gilbert St
 Dover Heights NSW 2030
 DRAWING: EXISTING GROUND FLOOR PLAN

PROJECT NO: 21023
 SCALE: 1:100 @A3
 DRAWING NO: REV:
 PLOTTED: 4/7/22

DA2001 A

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BASIX COMMITMENTS
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	ENERGY OPTIONS	ENERGY OPTIONS - COMMON AREAS
SHOWERHEADS: 4 STAR	COOLING: 4 STAR	VENTILATION: WC - Exhaust Only.
TOILETS: 4 STAR	HEATING: 4 STAR	COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
CLOTHES WASHERS: 4 STAR	VENTILATION: individual fan ducted to facade or roof	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
KITCHEN TAPS: 4 STAR	WATER HEATING: Induction Cooktop & Electric Oven (Dwelling 1)	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
BATHROOM TAPS: 5 STAR	ARTIFICIAL LIGHTING (UNITS): Gas Cooktop & Electric Oven (Dwelling 2)	To collect run-off from at least 290m ² of roof area of building; Connection of 125m ² of Common Landscaped area on the site.
DISHWASHERS: 4.5 STAR	COOKING: 3 STAR	
RAIN WATER TANK/ OSD: 47890 L x 2	DISHWASHER: No	
POOLS/SPA: 125 sqm	REFRIGERATOR SPACE: Yes	
LANDSCAPED AREA TO IRRIGATE: 125 sqm	CLOTHES DRYING LINES: Yes	
	POOL HEATING SYSTEM: Solar only	

ENERGY OPTIONS - COMMON AREAS

VENTILATION: WC - Exhaust Only.
COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
Photovoltaic System; Rated electrical output (min): 1.4 peak kW
To collect run-off from at least 290m² of roof area of building; Connection of 125m² of Common Landscaped area on the site.

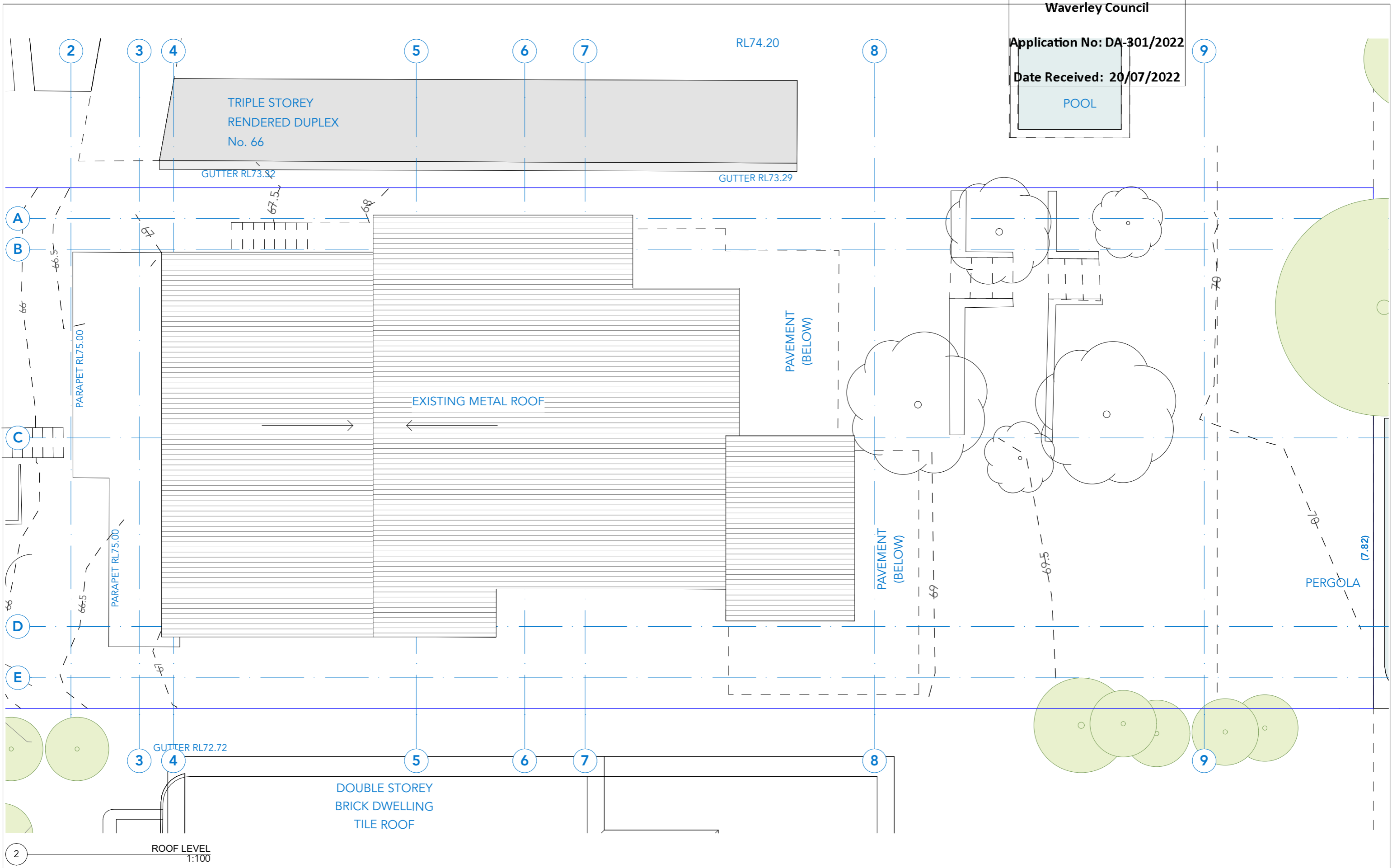
ALTERNATE ENERGY SUPPLY:
CENTRAL RWT OR OSD:

PROJECT: PROPOSED DUPLEX
68 Gilbert St
Dover Heights NSW 2030
DRAWING: EXISTING FIRST FLOOR PLAN

PROJECT NO: 21023
SCALE: 1:100 @A3
DRAWING NO: REV:
PLOTTED: 4/7/22

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 Application No: DA-301/2022
 Date Received: 20/07/2022
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BASIX COMMITMENTS
 (ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	4 STAR	ENERGY OPTIONS	1-Phase Airconditioning 2.5 Star
SHOWERHEADS:	4 STAR	COOLING:	1-Phase Airconditioning 2.5 Star
TOILETS:	- STAR	HEATING:	Each Bathroom, Kitchen & Laundry
CLOTHES WASHERS:	4 STAR	VENTILATION:	Individual fan ducted to facade or roof
KITCHEN TAPS:	5 STAR	WATER HEATING:	Gas Instantaneous 5.5 STAR
BATHROOM TAPS:	4.5 STAR	ARTIFICIAL LIGHTING (UNITS):	Dedicated
DISHWASHERS:	12000 L	COOKING:	Induction Cooktop & Electric Oven (Dwelling 1)
RAIN WATER TANK/ OSD:	47890 L x 2	POOL SPA:	Gas Cooktop & Electric Oven (Dwelling 2)
LANDSCAPED AREA TO IRRIGATE:	125 sqm	DISHWASHER:	3 STAR
		REFRIGERATOR SPACE:	No
		CLOTHES DRYING LINES:	Yes
		POOL HEATING SYSTEM:	Solar only

ENERGY OPTIONS - COMMON AREAS

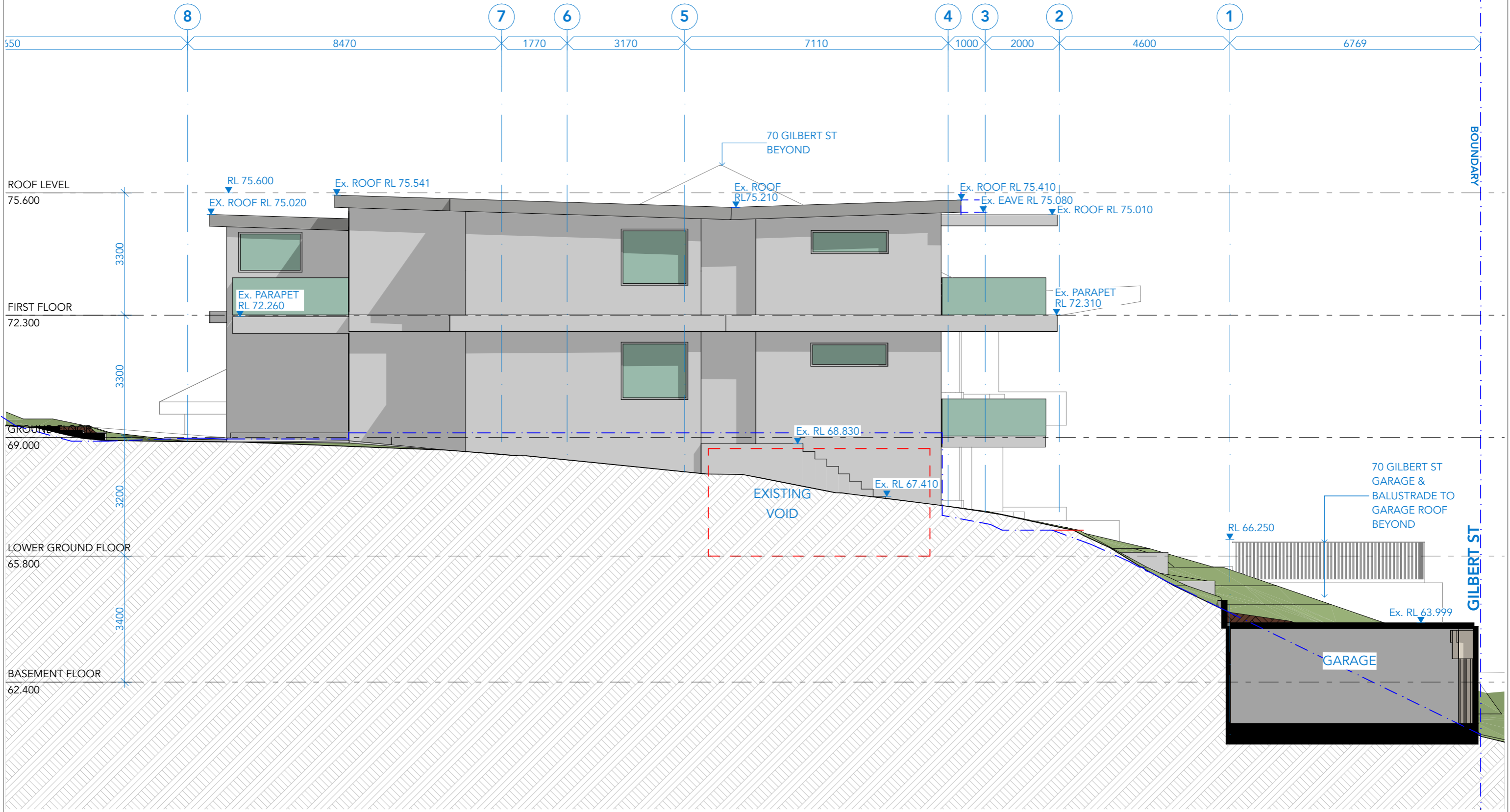
VENTILATION:	WC - Exhaust Only.
COMMON AREA LIGHTING:	WC - Store - Light emitting diode; Manual on/off switch.
	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
ALTERNATE ENERGY SUPPLY:	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
CENTRAL RWT OR OSD:	To collect run-off from at least 290m ² of roof area of building; Connection of 125m ² of Common Landscaped area on the site.

PROJECT: PROPOSED DUPLEX
 68 Gilbert St
 Dover Heights NSW 2030
 DRAWING: EXISTING ROOF PLAN

PROJECT NO: 21023
 SCALE: 1:100 @A3
 DRAWING NO: REV:
 PLOTTED: 4/7/22

DA2003 A

SUBJECT SITE
No.68 GILBERT STREET



1 ELEVATION NORTH
1:100

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ISSUE	DATE	REVISION
A	30/6/22	DA SUBMISSION

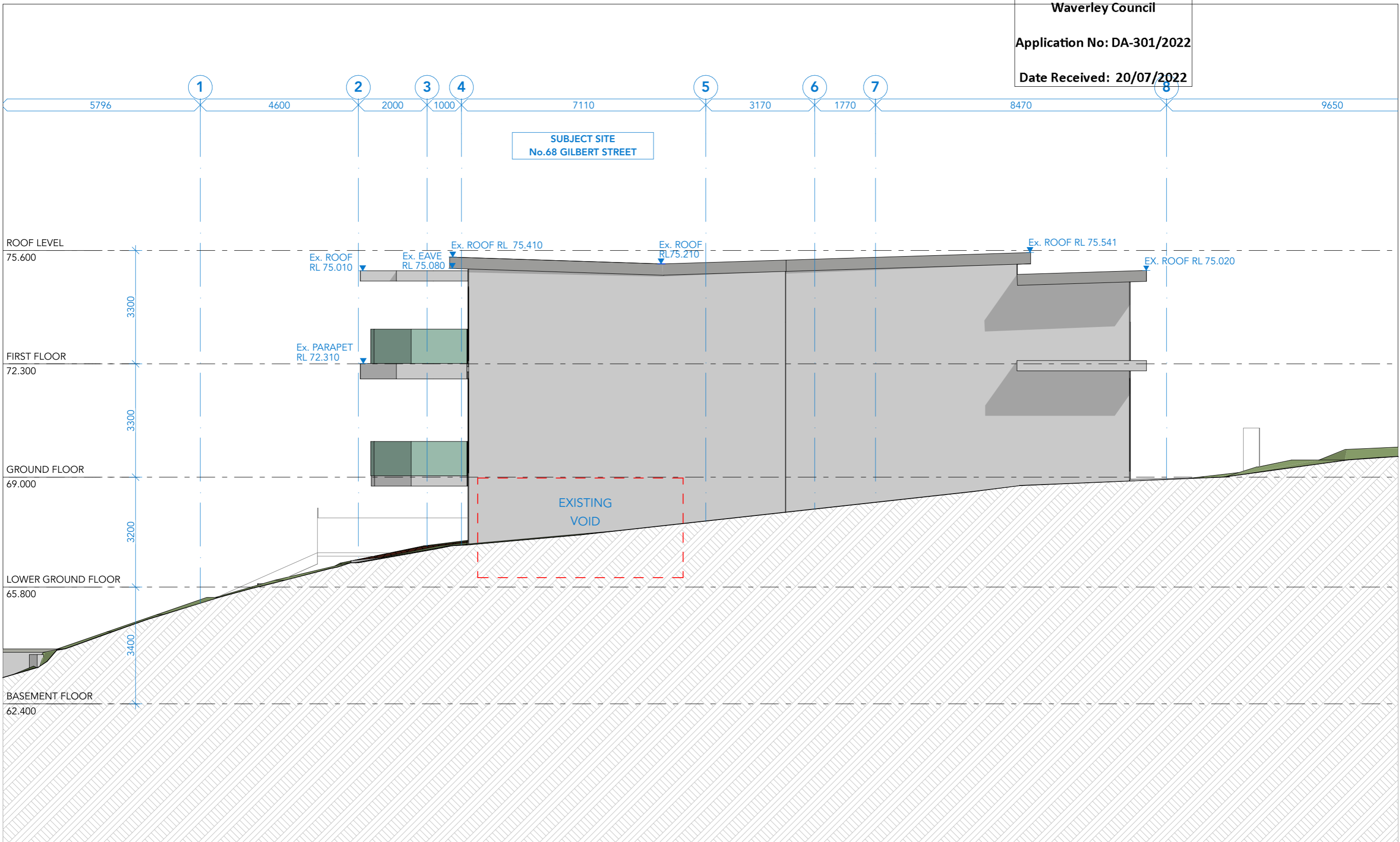
BASIX COMMITMENTS
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	ENERGY OPTIONS	ENERGY OPTIONS - COMMON AREAS
SHOWERHEADS: 4 STAR	COOLING: 4 STAR	VENTILATION: WC - Exhaust Only.
TOILETS: 4 STAR	HEATING: 4 STAR	COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
CLOTHES WASHERS: 4 STAR	VENTILATION: individual fan ducted to facade or roof	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
KITCHEN TAPS: 4 STAR	WATER HEATING: Dedicated Induction Cooktop & Electric Oven (Dwelling 1)	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
BATHROOM TAPS: 5 STAR	ARTIFICIAL LIGHTING (UNITS): Gas Cooktop & Electric Oven (Dwelling 2)	To collect run-off from at least 290m ² of roof area of building; Connection of 125m ² of Common Landscaped area on the site.
DISHWASHERS: 4.5 STAR	COOKING: 3 STAR	
RAIN WATER TANK/ OSD: 12000 L	DISHWASHER: No	
POOLS/SPA: 47890 L x 2	REFRIGERATOR SPACE: Yes	
LANDSCAPED AREA TO IRRIGATE: 125 sqm	CLOTHES DRYING LINES: Yes	
	POOL HEATING SYSTEM: Solar only	

PROJECT: PROPOSED DUPLEX
68 Gilbert St
Dover Heights NSW 2030
DRAWING: EXISTING NORTH ELEVATION

PROJECT NO: 21023
SCALE: 1:100 @A3
DRAWING NO: REV:
PLOTTED: 4/7/22

DA2004 A



1 ELEVATION SOUTH
1:100

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BASIX COMMITMENTS
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	ENERGY OPTIONS
SHOWERHEADS: 4 STAR	COOLING: 1-Phase Airconditioning 2.5 Star
TOILETS: 4 STAR	HEATING: 1-Phase Airconditioning 2.5 Star
CLOTHES WASHERS: 4 STAR	VENTILATION: Each Bathroom, Kitchen & Laundry individual fan ducted to facade or roof
KITCHEN TAPS: 4 STAR	Gas Instantaneous 5.5 STAR
BATHROOM TAPS: 5 STAR	Water Heating: Dedicated Induction Cooktop & Electric Oven (Dwelling 1)
DISHWASHERS: 4.5 STAR	Gas Cooktop & Electric Oven (Dwelling 2)
RAIN WATER TANK/ OSD: 12000 L	3 STAR
POOLS/SPA: 47890 L x 2	No
LANDSCAPED AREA TO IRRIGATE: 125 sqm	Yes
	Solar only

ENERGY OPTIONS - COMMON AREAS

VENTILATION:	WC - Exhaust Only:
COMMON AREA LIGHTING:	WC - Store - Light emitting diode; Manual on/off switch.
ALTERNATE ENERGY SUPPLY:	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
CENTRAL RWT OR OSD:	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
	To collect run-off from at least 290m2 of roof area of building; Connection of 125m2 of Common Landscaped area on the site.

PROJECT: **PROPOSED DUPLEX**
68 Gilbert St
Dover Heights NSW 2030
DRAWING: **EXISTING SOUTH ELEVATION**

PROJECT NO: 21023
SCALE: 1:100 @A3
DRAWING NO: REV:
PLOTTED: 4/7/22

DA2005 A

RECEIVED
Waverley Council
Application No: DA-301/2022
Date Received: 20/07/2022

No.70 GILBERT STREET
TWO STOREY BRICK RESIDENCE

SUBJECT SITE
No.68 GILBERT STREET

No.66 GILBERT STREET
THREE STOREY
RENDERED RESIDENCE



1 ELEVATION EAST
1:100

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ISSUE	DATE	REVISION
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BASIX COMMITMENTS
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	ENERGY OPTIONS	ENERGY OPTIONS - COMMON AREAS
SHOWERHEADS: 4 STAR	COOLING: 1-Phase Airconditioning 2.5 Star	VENTILATION: WC - Exhaust Only
TOILETS: 4 STAR	HEATING: 1-Phase Airconditioning 2.5 Star	COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
CLOTHES WASHERS: 4 STAR	VENTILATION: Each Bathroom, Kitchen & Laundry individual fan ducted to facade or roof	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
KITCHEN TAPS: 4 STAR	WATER HEATING: Gas Instantaneous 5.5 STAR	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
BATHROOM TAPS: 5 STAR	ARTIFICIAL LIGHTING (UNITS): Dedicated Induction Cooktop & Electric Oven (Dwelling 1)	To collect run-off from at least 290m ² of roof area of building; Connection of 125m ² of Common Landscaped area on the site.
DISHWASHERS: 4.5 STAR	COOKING: Gas Cooktop & Electric Oven (Dwelling 2)	
RAIN WATER TANK/ OSD: 12000 L	3 STAR	
POOLS/SPA: 47890 L x 2	No	
LANDSCAPED AREA TO IRRIGATE: 125 sqm	Yes	
	Solar only	

PROJECT: PROPOSED DUPLEX
68 Gilbert St
Dover Heights NSW 2030
DRAWING: EXISTING EAST ELEVATION

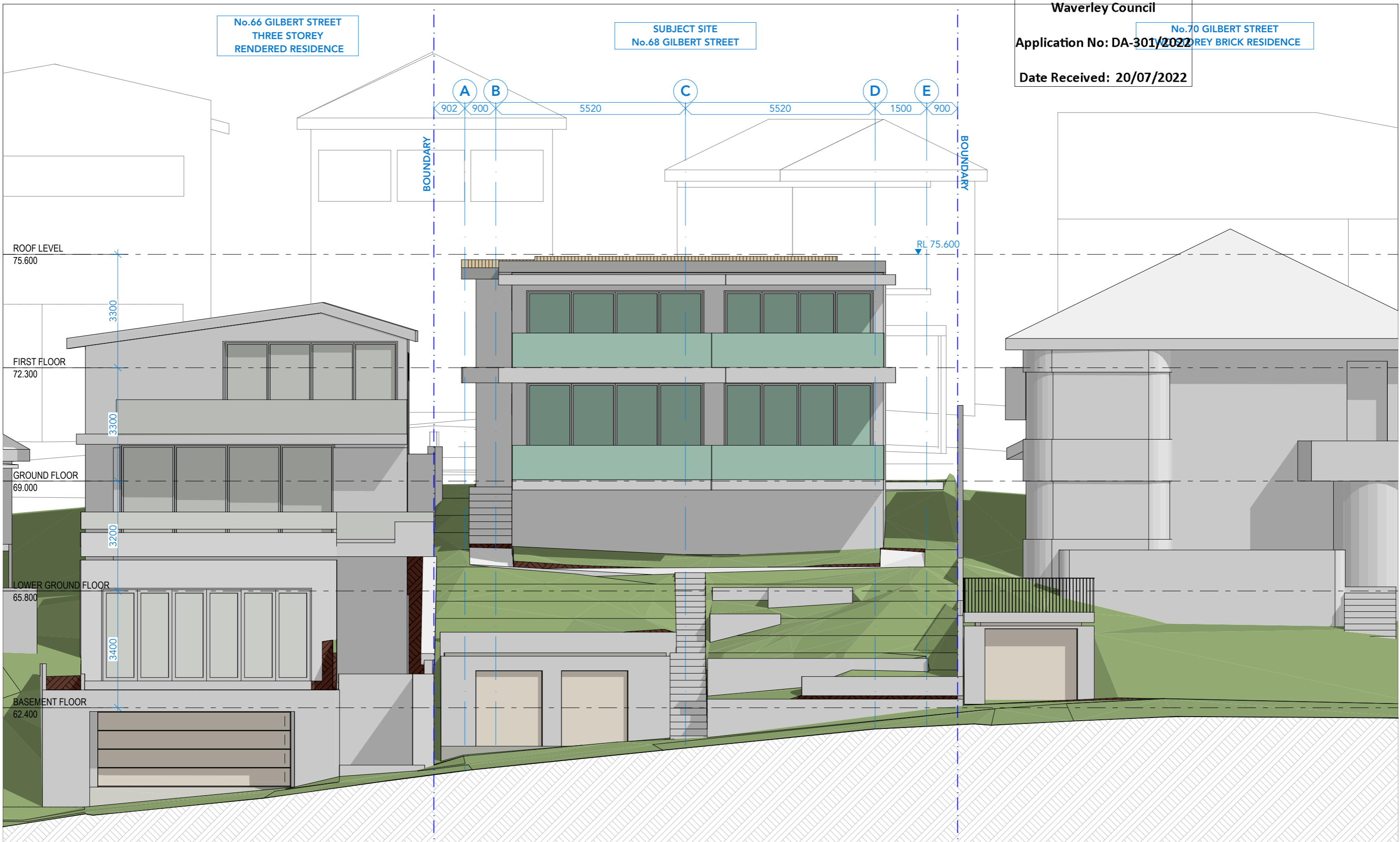
PROJECT NO: 21023
SCALE: 1:100 @A3
DRAWING NO: REV:
PLOTTED: 4/7/22

DA2006 A

No.66 GILBERT STREET
THREE STOREY
RENDERED RESIDENCE

SUBJECT SITE
No.68 GILBERT STREET

No.70 GILBERT STREET
THREE STOREY BRICK RESIDENCE



1 ELEVATION WEST
1:100

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BASIX COMMITMENTS
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	ENERGY OPTIONS
SHOWERHEADS: 4 STAR	COOLING: 1-Phase Airconditioning 2.5 Star
TOILETS: 4 STAR	HEATING: 1-Phase Airconditioning 2.5 Star
CLOTHES WASHERS: 4 STAR	VENTILATION: Each Bathroom, Kitchen & Laundry individual fan ducted to facade or roof
KITCHEN TAPS: 4 STAR	Gas Instantaneous 5.5 STAR
BATHROOM TAPS: 5 STAR	Dedicated Induction Cooktop & Electric Oven (Dwelling 1)
DISHWASHERS: 4.5 STAR	Gas Cooktop & Electric Oven (Dwelling 2)
RAIN WATER TANK/ OSD: 12000 L	3 STAR
POOL/SPA: 47890 L x 2	No
LANDSCAPED AREA TO IRRIGATE: 125 sqm	Yes
	Solar only

ENERGY OPTIONS - COMMON AREAS

VENTILATION:	WC - Exhaust Only:
COMMON AREA LIGHTING:	WC - Store - Light emitting diode; Manual on/off switch.
ALTERNATE ENERGY SUPPLY:	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
CENTRAL RWT OR OSD:	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
	To collect run-off from at least 290m ² of roof area of building; Connection of 125m ² of Common Landscaped area on the site.

PROJECT: PROPOSED DUPLEX
68 Gilbert St
Dover Heights NSW 2030
DRAWING: EXISTING WEST ELEVATION
PROJECT NO: 21023
SCALE: 1:100 @A3
DRAWING NO: REV:
PLOTTED: 4/7/22
DA2007 A

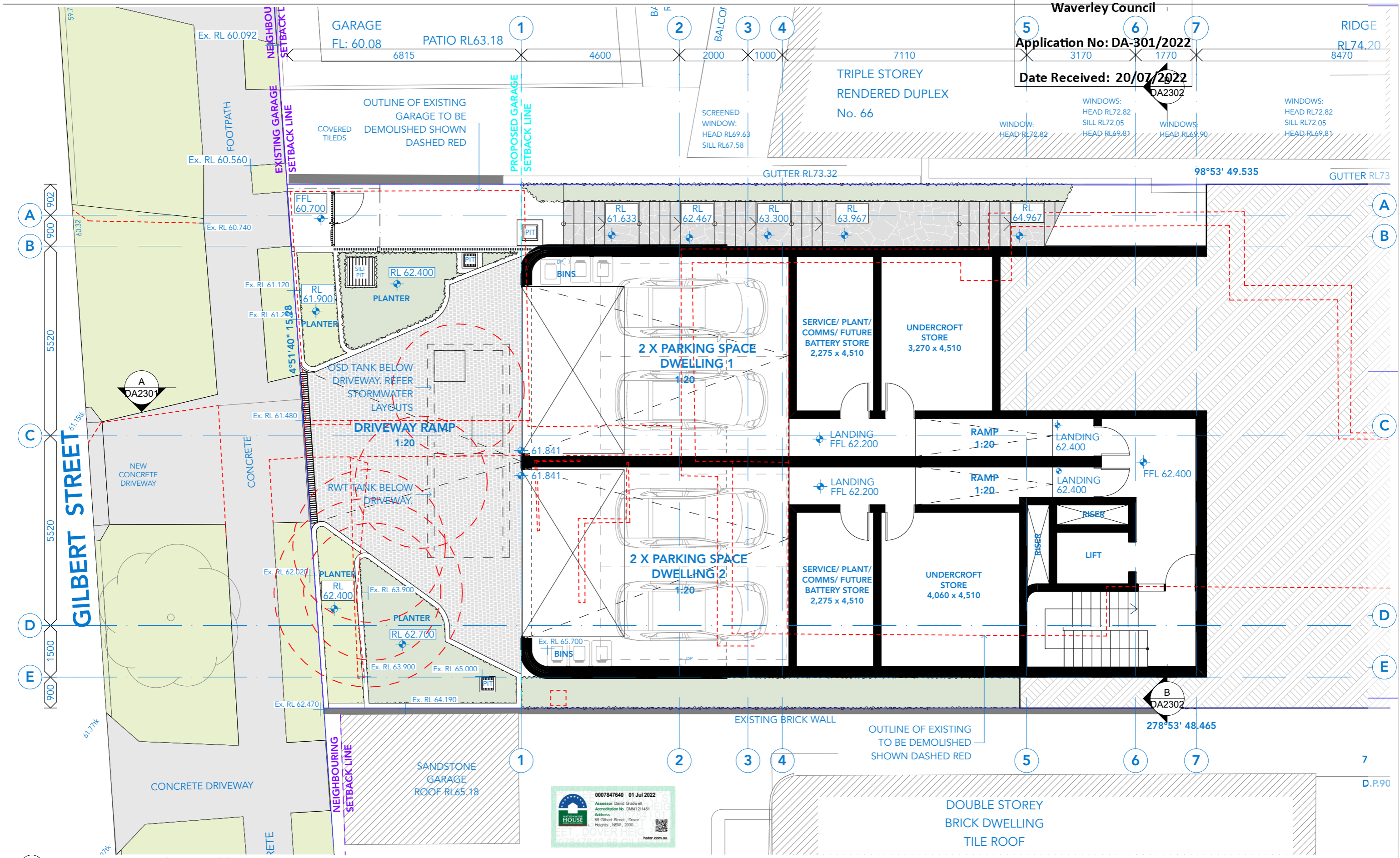
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Application No: DA-301/2022
Date Received: 20/07/2022

RIDGE RL74.20
8470

WINDOWS:
HEAD RL72.82
SILL RL72.05
HEAD RL69.81

WINDOWS:
HEAD RL72.82
SILL RL72.05
HEAD RL69.81



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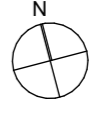
BASIX COMMITMENTS
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	4 STAR	ENERGY OPTIONS	1-Phase Airconditioning 2.5 Star
SHOWERHEADS:	4 STAR	COOLING:	1-Phase Airconditioning 2.5 Star
TOILETS:	4 STAR	HEATING:	Each Bathroom, Kitchen & Laundry individual fan ducted to facade or roof
CLOTHES WASHERS:	4 STAR	VENTILATION:	Gas Instantaneous 5.5 STAR
KITCHEN TAPS:	5 STAR	WATER HEATING:	Dedicated Induction Cooktop & Electric Oven (Dwelling 1)
BATHROOM TAPS:	4.5 STAR	ARTIFICIAL LIGHTING (UNITS):	Gas Cooktop & Electric Oven (Dwelling 2)
DISHWASHERS:	12000 L	COOKING:	3 STAR
RAIN WATER TANK/ OSD:	47890 L x 2	DISHWASHER:	No
POOLS/SPA:	125 sqm	REFRIGERATOR SPACE:	Yes
LANDSCAPED AREA TO IRRIGATE:		CLOTHES DRYING LINES:	Solar only
		POOL HEATING SYSTEM:	

ENERGY OPTIONS - COMMON AREAS

VENTILATION:
COMMON AREA LIGHTING:
ALTERNATE ENERGY SUPPLY:
CENTRAL RWT OR OSD:

WC - Exhaust Only.
WC - Store - Light emitting diode; Manual on/off switch.
Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor.
Photovoltaic System; Rated electrical output (min): 1.4 peak kW
To collect run-off from at least 290m² of roof area of building; Connection of 125m² of Common Landscaped area on the site.



PROJECT:
PROPOSED DUPLEX
68 Gilbert St
Dover Heights NSW 2030
DRAWING:
BASEMENT FLOOR PLAN

PROJECT NO: 21023
SCALE: 1:100 @A3
DRAWING NO: REV:
PLOTTED: 4/7/22
DA2008 A

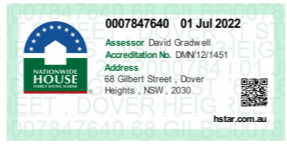
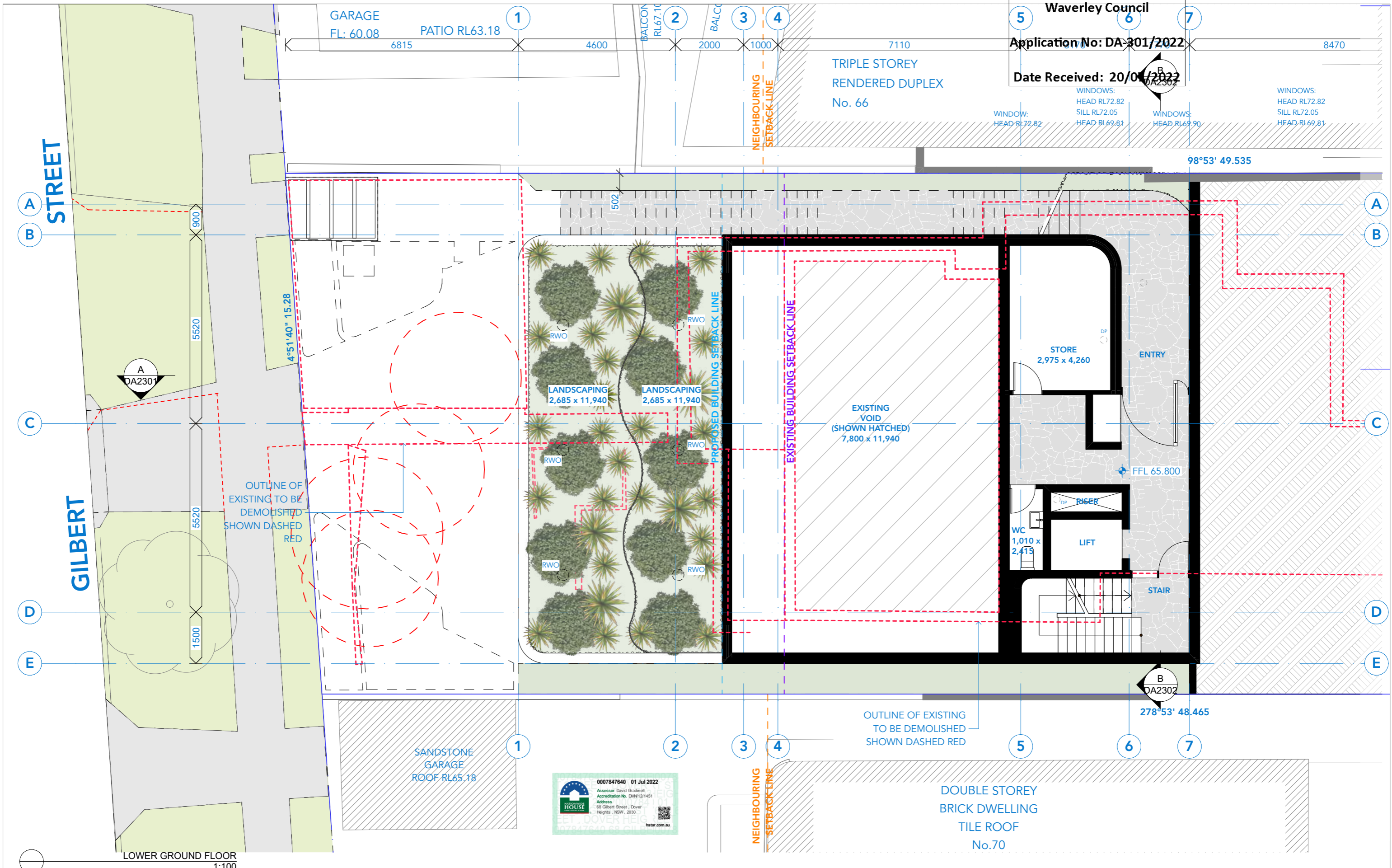
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Waverley Council

Application No: DA-301/2022

Date Received: 20/01/2022

WINDOWS:
HEAD RL72.82
SILL RL72.05
HEAD RL69.81

WINDOWS:
HEAD RL72.82
SILL RL72.05
HEAD RL69.81



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BASIX COMMITMENTS
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	ENERGY OPTIONS
SHOWERHEADS: 4 STAR	COOLING: 4 STAR
TOILETS: 4 STAR	HEATING: 4 STAR
CLOTHES WASHERS: 4 STAR	VENTILATION: Individual fan ducted to facade or roof
KITCHEN TAPS: 4 STAR	WATER HEATING: Gas Cooktop & Electric Oven (Dwelling 1) Gas Cooktop & Electric Oven (Dwelling 2)
BATHROOM TAPS: 5 STAR	ARTIFICIAL LIGHTING (UNITS): 3 STAR
DISHWASHERS: 4.5 STAR	DISHWASHER: No
RAIN WATER TANK/ OSD: 12000 L	REFRIGERATOR SPACE: Yes
POOL/SPA: 47890 L x 2	CLOTHES DRYING LINES: Solar only
LANDSCAPED AREA TO IRRIGATE: 125 sqm	POOL HEATING SYSTEM:

ENERGY OPTIONS - COMMON AREAS

VENTILATION:	WC - Exhaust Only:
COMMON AREA LIGHTING:	WC: Store - Light emitting diode; Manual on/off switch.
ALTERNATE ENERGY SUPPLY:	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
CENTRAL RWT OR OSD:	Photovoltaic System; Rated electrical output (min): 1.4 peak kW To collect run-off from at least 290m2 of roof area of building; Connection of 125m2 of Common Landscaped area on the site.

PROJECT:
PROPOSED DUPLEX

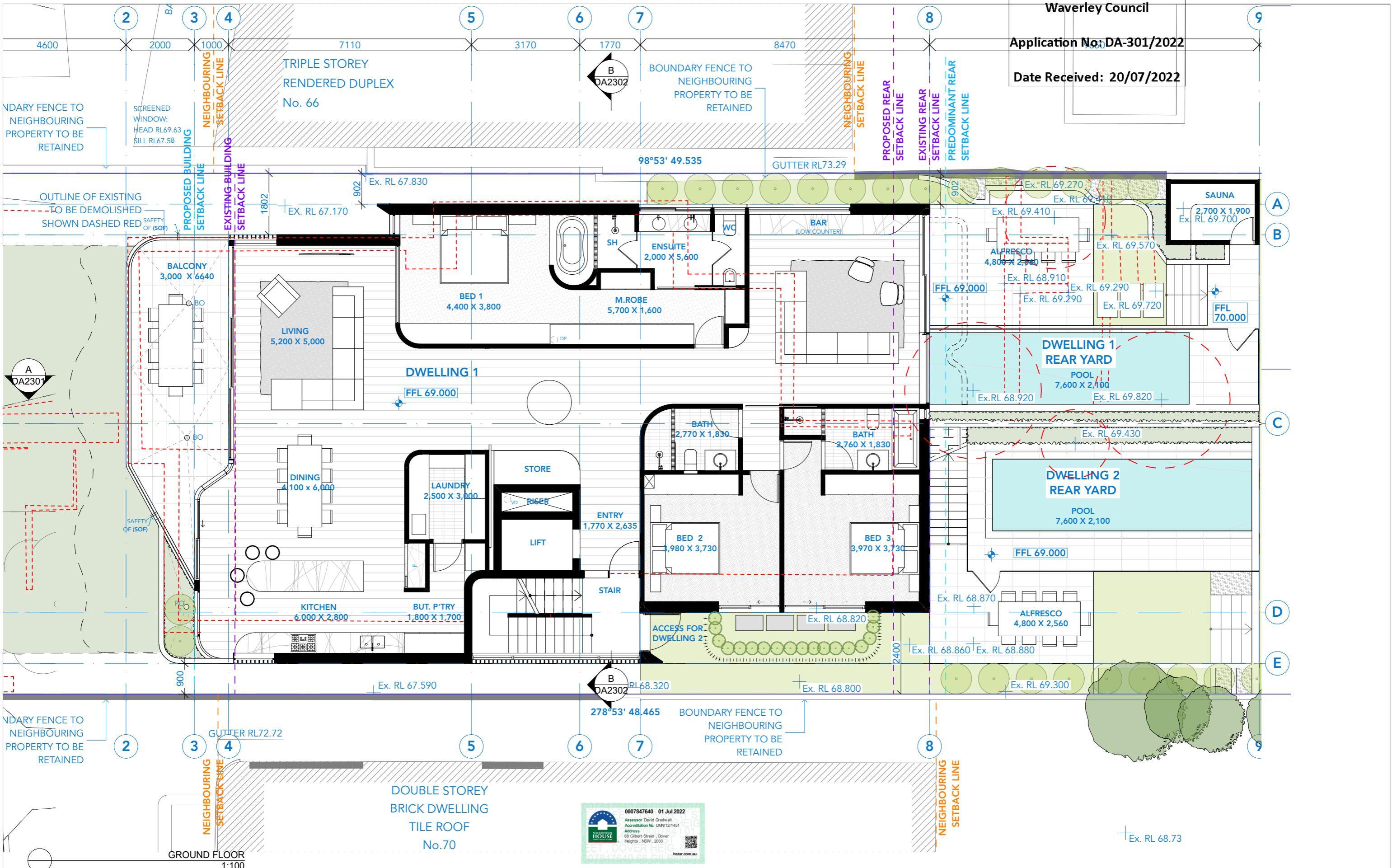
68 Gilbert St
Dover Heights NSW 2030

DRAWING:
LOWER GROUND FLOOR PLAN

PROJECT NO: 21023
SCALE: 1:100 @A3
DRAWING NO: REV:
PLOTTED: 4/7/22

DA2009 A

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 Application No: DA-301/2022
 Date Received: 20/07/2022



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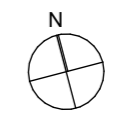
BASIS COMMITMENTS
 (ALL OTHER BASIS COMMITMENTS AS PER BASIS CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	4 STAR	COOLING OPTIONS	1-Phase Airconditioning 2.5 Star
SHOWERHEADS:	4 STAR	HEATING:	1-Phase Airconditioning 2.5 Star
TOILETS:	4 STAR	VENTILATION:	Each Bathroom, Kitchen & Laundry individual fan ducted to facade or roof
CLOTHES WASHERS:	4 STAR	WATER HEATING:	Gas Instantaneous 5.5 STAR
KITCHEN TAPS:	4 STAR	ARTIFICIAL LIGHTING (UNITS):	Dedicated Induction Cooktop & Electric Oven (Dwelling 1)
BATHROOM TAPS:	5 STAR	COOKING:	Gas Cooktop & Electric Oven (Dwelling 2)
DISHWASHERS:	4.5 STAR	DISHWASHER:	3 STAR
RAIN WATER TANK/ OSD:	12000 L	REFRIGERATOR SPACE:	No
POOLS/SPA:	47890 L x 2	CLOTHES DRYING LINES:	Yes
LANDSCAPED AREA TO IRRIGATE:	125 sqm	POOL HEATING SYSTEM:	Solar only

ENERGY OPTIONS - COMMON AREAS

VENTILATION: WC - Exhaust Only; WC - Store - Light emitting diode; Manual on/off switch; Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor; Photovoltaic System; Rated electrical output (min): 1.4 peak kW; To collect run-off from at least 290m² of roof area of building; Connection of 125m² of Common Landscaped area on the site.

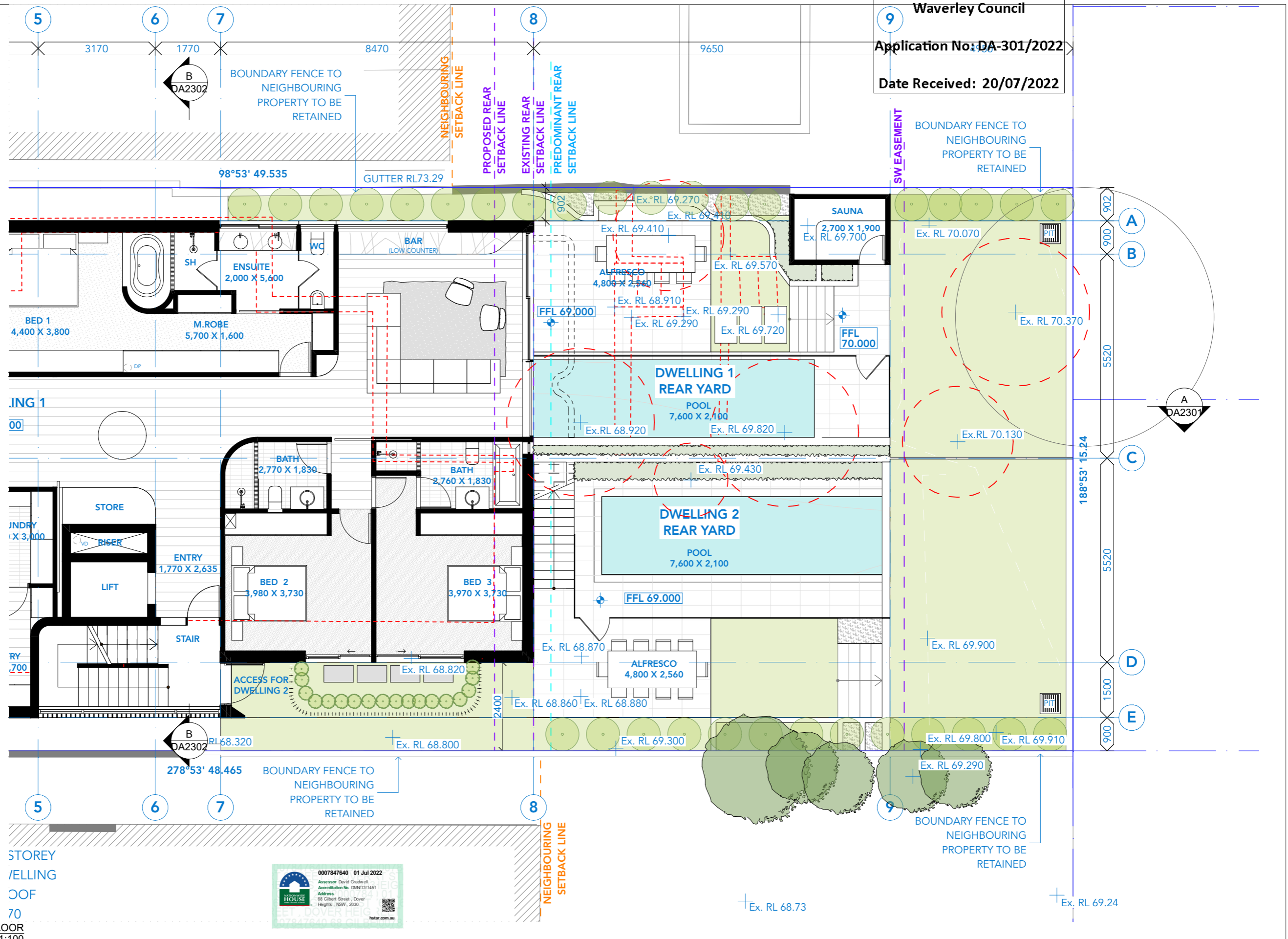
COMMON AREA LIGHTING: ALTERNATE ENERGY SUPPLY: CENTRAL RWT OR OSD:



PROJECT: **PROPOSED DUPLEX**
 68 Gilbert St
 Dover Heights NSW 2030
 DRAWING: **GROUND FLOOR PLAN**

PROJECT NO: 21023
 SCALE: 1:100 @A3
 DRAWING NO: REV:
 PLOTTED: 4/7/22
DA2010 A

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 Application No: DA-301/2022
 Date Received: 20/07/2022



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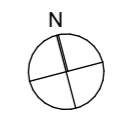
BASIX COMMITMENTS
 (ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	4 STAR	ENERGY OPTIONS	1-Phase Airconditioning 2.5 Star
SHOWERHEADS:	4 STAR	COOLING:	1-Phase Airconditioning 2.5 Star
TOILETS:	4 STAR	HEATING:	Each Bathroom, Kitchen & Laundry
CLOTHES WASHERS:	4 STAR	VENTILATION:	Individual fan ducted to facade or roof
KITCHEN TAPS:	4 STAR	WATER HEATING:	Gas Instantaneous 5.5 STAR
BATHROOM TAPS:	5 STAR	ARTIFICIAL LIGHTING (UNITS):	Dedicated
DISHWASHERS:	4.5 STAR	COOKING:	Induction Cooktop & Electric Oven (Dwelling 1)
RAIN WATER TANK/ OSD:	12000 L		Gas Cooktop & Electric Oven (Dwelling 2)
POOLS/SPA:	47890 L x 2	DISHWASHER:	3 STAR
LANDSCAPED AREA TO IRRIGATE:	125 sqm	REFRIGERATOR SPACE:	No
		CLOTHES DRYING LINES:	Yes
		POOL HEATING SYSTEM:	Solar only

ENERGY OPTIONS - COMMON AREAS

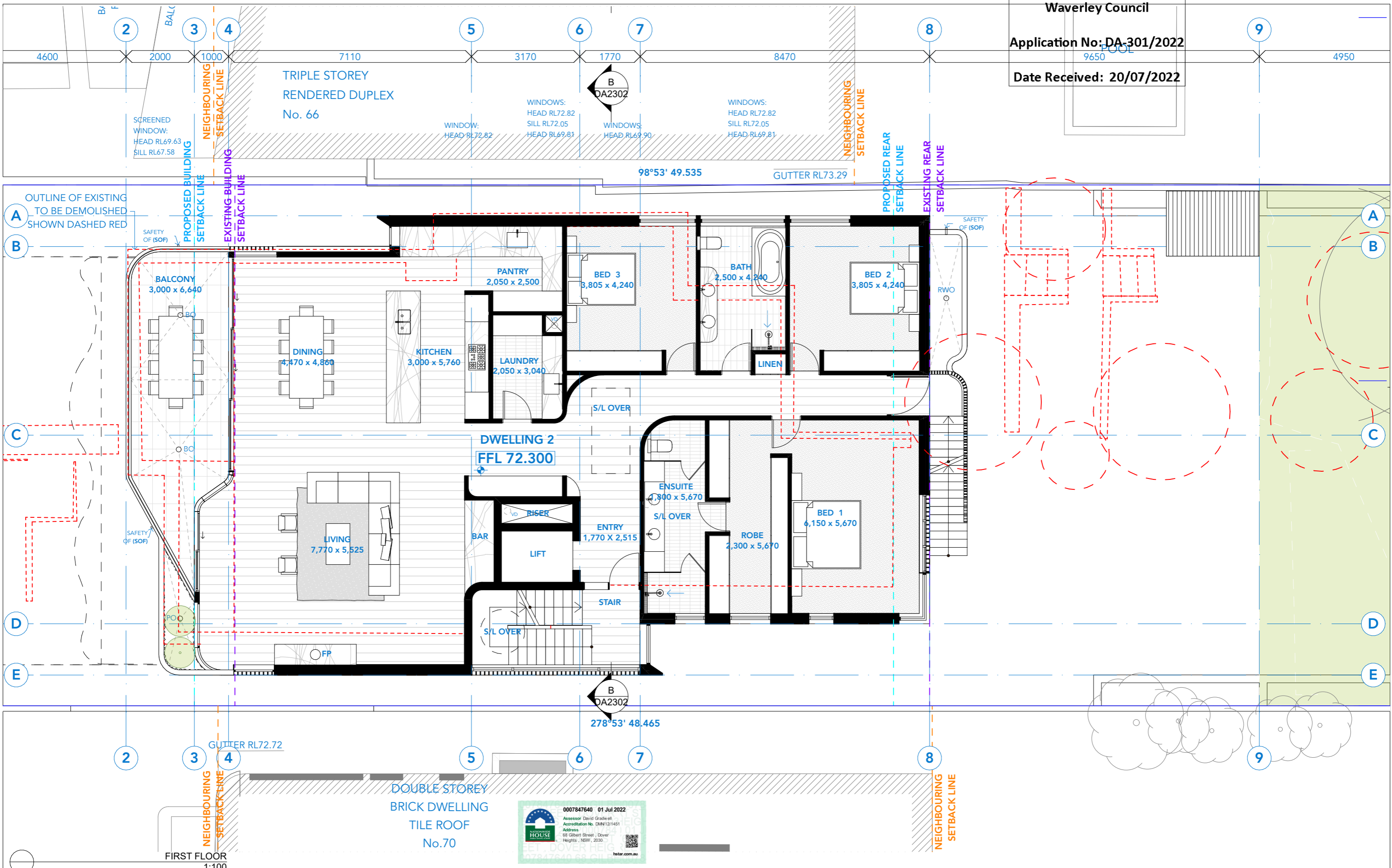
VENTILATION: WC - Exhaust Only.
 COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
 Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor.
 ALTERNATE ENERGY SUPPLY: Photovoltaic System; Rated electrical output (min): 1.4 peak kW
 To collect run-off from at least 290m2 of roof area of building. Connection of 125m2 of Common Landscaped area on the site.

CENTRAL RWT OR OSD:



PROJECT: **PROPOSED DUPLEX**
 68 Gilbert St
 Dover Heights NSW 2030
 DRAWING: **GROUND FLOOR REAR PLAN DA2011 A**

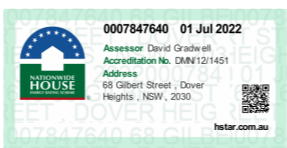
PROJECT NO: 21023
 SCALE: 1:100 @A3
 DRAWING NO: REV:
 PLOTTED: 4/7/22



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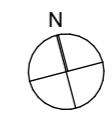
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ISSUE	DATE	REVISION
A	30/6/22	DA SUBMISSION



- BASIS COMMITMENTS**
 (ALL OTHER BASIS COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)
- | | | | |
|------------------------------|-------------|------------------------------|--|
| WATER OPTIONS | 4 STAR | ENERGY OPTIONS | 1-Phase Airconditioning 2.5 Star |
| SHOWERHEADS: | 4 STAR | COOLING: | 1-Phase Airconditioning 2.5 Star |
| TOILETS: | 4 STAR | HEATING: | Each Bathroom, Kitchen & Laundry |
| CLOTHES WASHERS: | 4 STAR | VENTILATION: | Individual fan ducted to facade or roof |
| KITCHEN TAPS: | 5 STAR | WATER HEATING: | Gas Instantaneous 5.5 STAR |
| BATHROOM TAPS: | 4.5 STAR | ARTIFICIAL LIGHTING (UNITS): | Dedicated Induction Cooktop & Electric Oven (Dwelling 1) |
| DISHWASHERS: | 4.5 STAR | COOKING: | Gas Cooktop & Electric Oven (Dwelling 2) |
| RAIN WATER TANK/ OSD: | 47890 L x 2 | DISHWASHER: | 3 STAR |
| POOLS/SPA: | 125 sqm | REFRIGERATOR SPACE: | No |
| LANDSCAPED AREA TO IRRIGATE: | 125 sqm | CLOTHES DRYING LINES: | Yes |
| | | POOL HEATING SYSTEM: | Solar only |

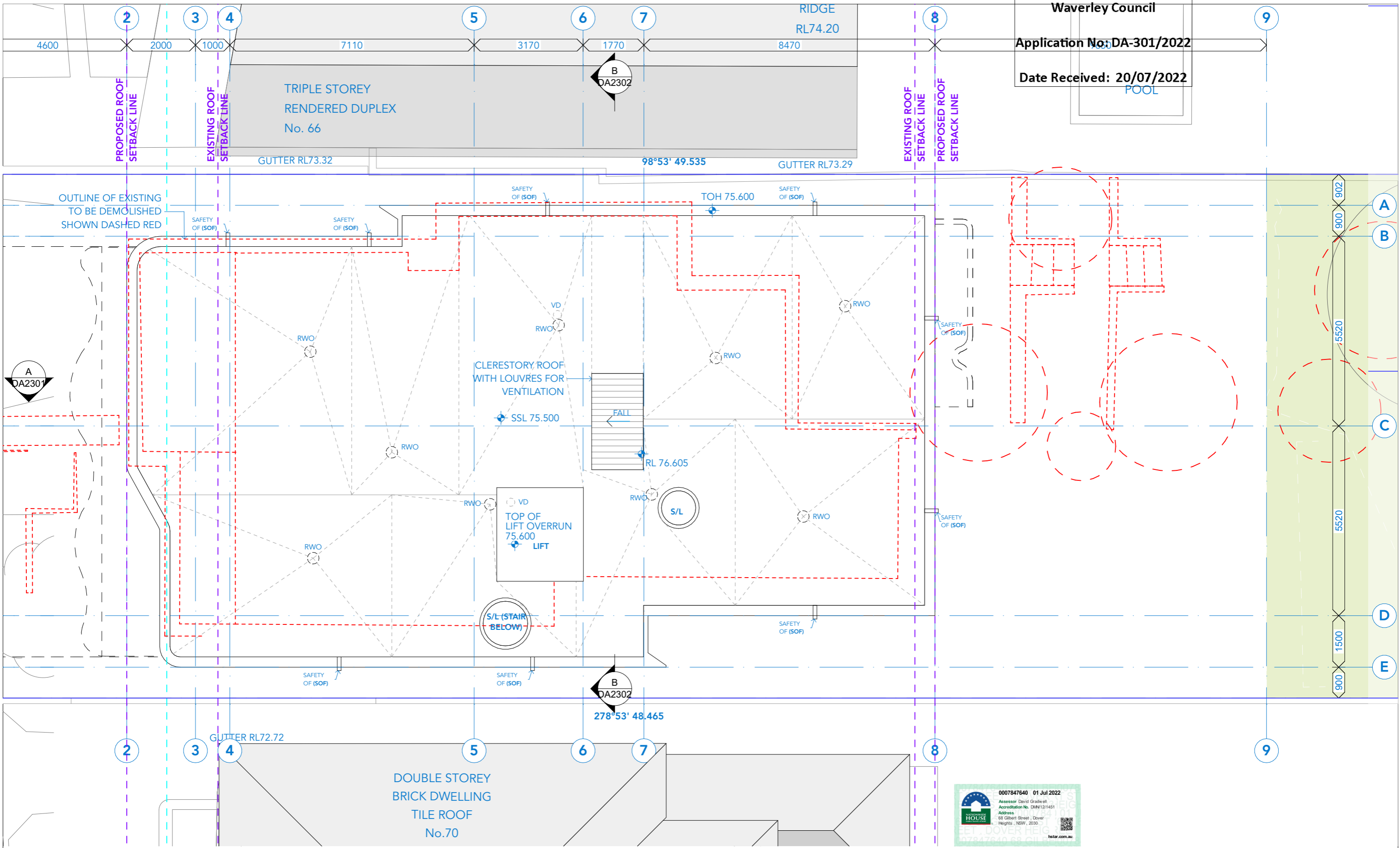
- ENERGY OPTIONS - COMMON AREAS**
- VENTILATION: WC - Exhaust Only.
 COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
 Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor.
 ALTERNATE ENERGY SUPPLY: Photovoltaic System; Rated electrical output (min): 1.4 peak kW
 To collect run-off from at least 290m² of roof area of building; Connection of 125m² of Common Landscaped area on the site.
- CENTRAL RWT OR OSD:



PROJECT:
PROPOSED DUPLEX
 68 Gilbert St
 Dover Heights NSW 2030
 DRAWING:
FIRST FLOOR PLAN

PROJECT NO: 21023
 SCALE: 1:100 @A3
 DRAWING NO: REV:
 PLOTTED: 4/7/22
DA2012 A

RECEIVED
Waverley Council
Application No: DA-301/2022
Date Received: 20/07/2022
POOL



ROOF LEVEL
1:100

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ISSUE	DATE	REVISION
A	30/6/22	DA SUBMISSION

- BASIX COMMITMENTS**
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)
- | | | | |
|------------------------------|-------------|------------------------------|--|
| WATER OPTIONS | 4 STAR | ENERGY OPTIONS | 1-Phase Airconditioning 2.5 Star |
| SHOWERHEADS: | 4 STAR | COOLING: | 1-Phase Airconditioning 2.5 Star |
| TOILETS: | 4 STAR | HEATING: | Each Bathroom, Kitchen & Laundry |
| CLOTHES WASHERS: | 4 STAR | VENTILATION: | Individual fan ducted to facade or roof |
| KITCHEN TAPS: | 5 STAR | WATER HEATING: | Gas Instantaneous 5.5 STAR |
| BATHROOM TAPS: | 4.5 STAR | ARTIFICIAL LIGHTING (UNITS): | Dedicated |
| DISHWASHERS: | 12000 L | COOKING: | Induction Cooktop & Electric Oven (Dwelling 1) |
| RAIN WATER TANK/ OSD: | 47890 L x 2 | | Gas Cooktop & Electric Oven (Dwelling 2) |
| POOLS/SPA: | 125 sqm | DISHWASHER: | No |
| LANDSCAPED AREA TO IRRIGATE: | | REFRIGERATOR SPACE: | Yes |
| | | CLOTHES DRYING LINES: | Solar only |
| | | POOL HEATING SYSTEM: | |

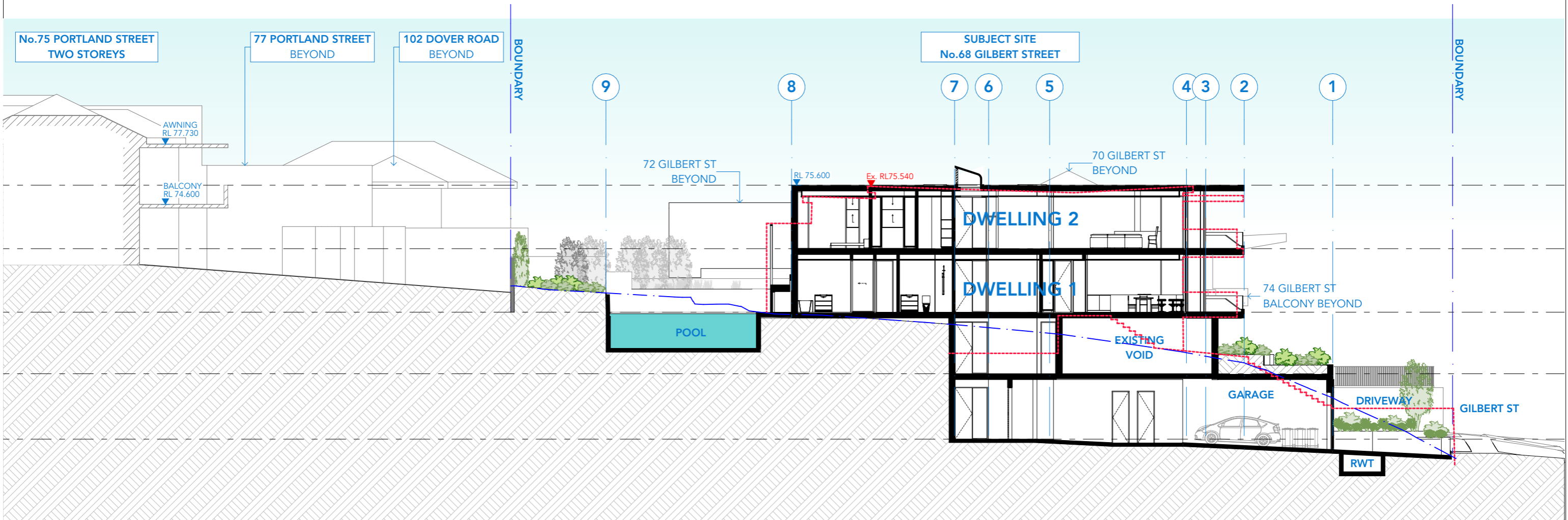
- ENERGY OPTIONS - COMMON AREAS**
- VENTILATION: WC - Exhaust Only.
COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor.
Photovoltaic System; Rated electrical output (min): 1.4 peak kW
To collect run-off from at least 290m² of roof area of building; Connection of 125m² of Common Landscaped area on the site.
- ALTERNATE ENERGY SUPPLY:
CENTRAL RWT OR OSD:

PROJECT: **PROPOSED DUPLEX**
68 Gilbert St
Dover Heights NSW 2030
DRAWING: **ROOF PLAN**

PROJECT NO: 21023
SCALE: 1:100 @A3
DRAWING NO: REV:
PLOTTED: 4/7/22

DA2013 A





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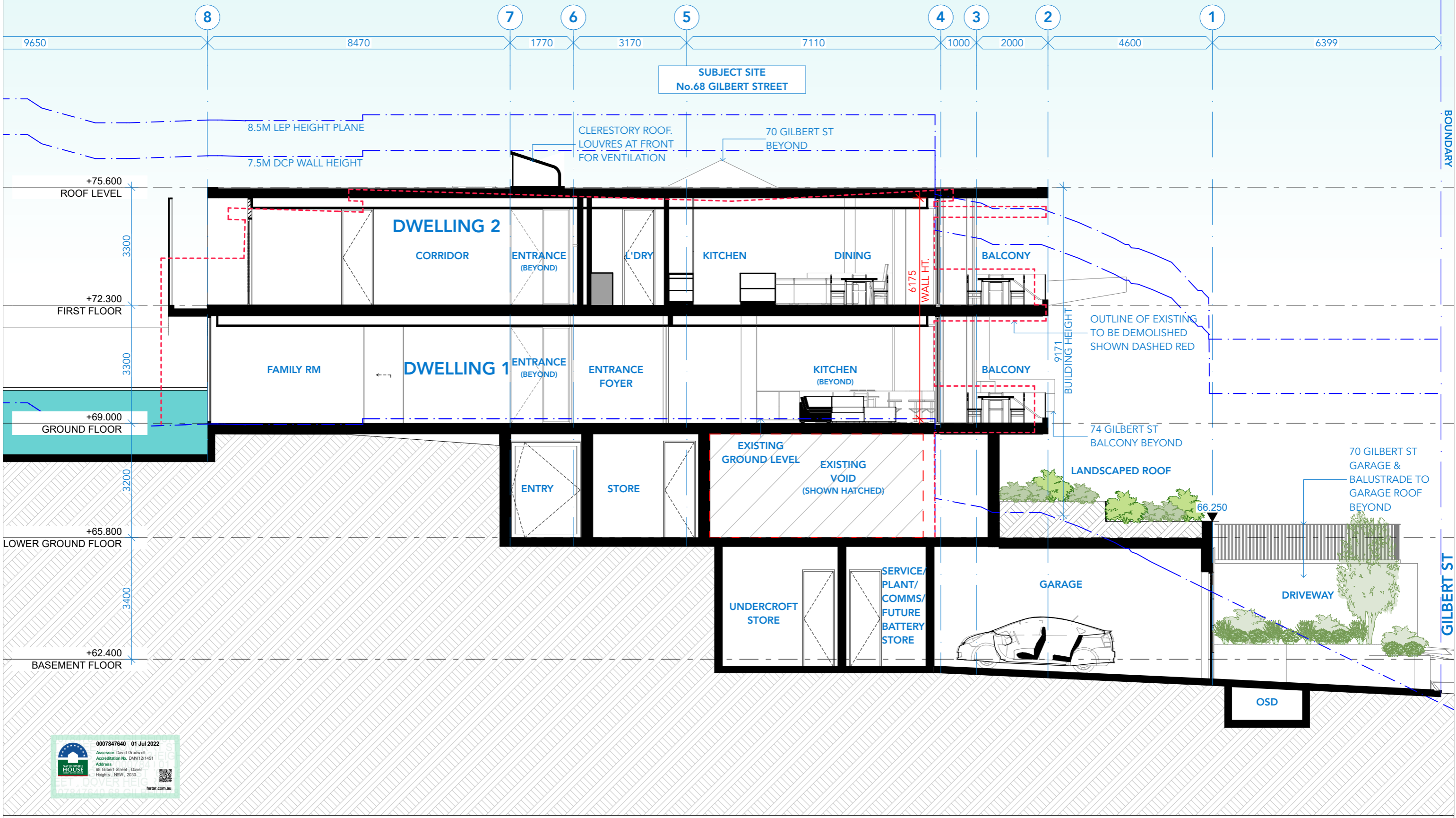
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BASIX COMMITMENTS
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	ENERGY OPTIONS	ENERGY OPTIONS - COMMON AREAS
SHOWERHEADS: 4 STAR	COOLING: 1-Phase Airconditioning 2.5 Star	VENTILATION: WC - Exhaust Only.
TOILETS: 4 STAR	HEATING: 1-Phase Airconditioning 2.5 Star	COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
CLOTHES WASHERS: - STAR	VENTILATION: Each Bathroom, Kitchen & Laundry individual fan ducted to facade or roof	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
KITCHEN TAPS: 4 STAR	WATER HEATING: Gas Instantaneous 5.5 STAR	ALTERNATE ENERGY SUPPLY: Photovoltaic System; Rated electrical output (min): 1.4 peak kW
BATHROOM TAPS: 5 STAR	ARTIFICIAL LIGHTING (UNITS): Dedicated	CENTRAL RWT OR OSD: To collect run-off from at least 290m ² of roof area of building; Connection of 125m ² of Common Landscaped area on the site.
DISHWASHERS: 4.5 STAR	COOKING: Induction Cooktop & Electric Oven (Dwelling 1)	
RAIN WATER TANK/ OSD: 12000 L	Gas Cooktop & Electric Oven (Dwelling 2)	
POOLS/SPA: 47890 L x 2	No	
LANDSCAPED AREA TO IRRIGATE: 125 sqm	DISHWASHER: 3 STAR	
	REFRIGERATOR SPACE: Yes	
	CLOTHES DRYING LINES: Yes	
	POOL HEATING SYSTEM: Solar only	

PROJECT: **PROPOSED DUPLEX**
68 Gilbert St
Dover Heights NSW 2030
DRAWING: **SITE SECTION**
PROJECT NO: 21023
SCALE: 1:200 @A3
DRAWING NO: REV:
PLOTTED: 4/7/22
DA2300 A



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BASIX COMMITMENTS
 (ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	ENERGY OPTIONS
SHOWERHEADS: 4 STAR	COOLING: 1-Phase Airconditioning 2.5 Star
TOILETS: 4 STAR	HEATING: 1-Phase Airconditioning 2.5 Star
CLOTHES WASHERS: 4 STAR	VENTILATION: Each Bathroom, Kitchen & Laundry individual fan ducted to facade or roof
KITCHEN TAPS: 4 STAR	Gas Instantaneous 5.5 STAR
BATHROOM TAPS: 5 STAR	Induction Cooktop & Electric Oven (Dwelling 1)
DISHWASHERS: 4.5 STAR	Gas Cooktop & Electric Oven (Dwelling 2)
RAIN WATER TANK/ OSD: 12000 L	3 STAR
POOLS/SPA: 47890 L x 2	No
LANDSCAPED AREA TO IRRIGATE: 125 sqm	Yes
	Solar only

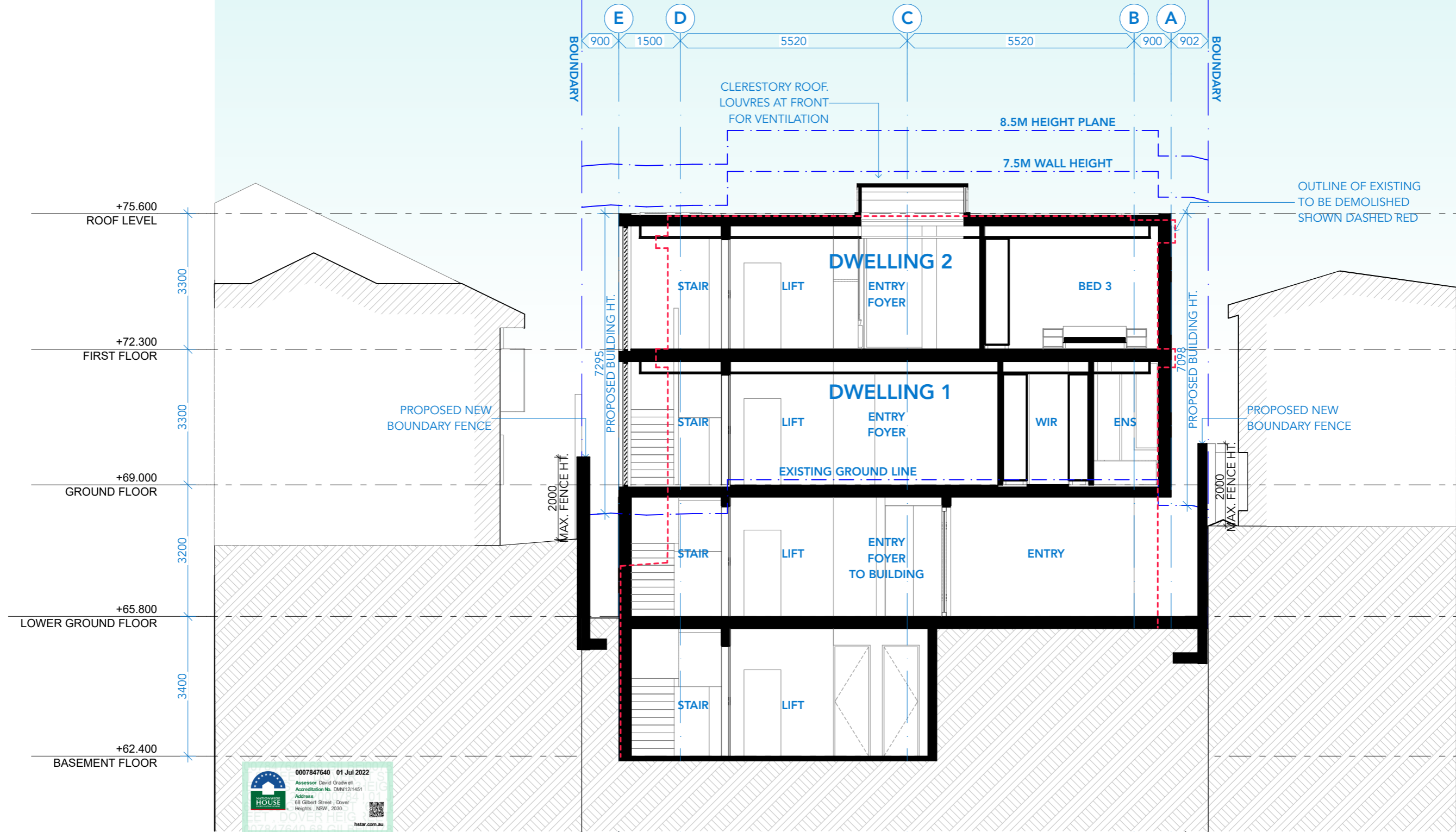
ENERGY OPTIONS - COMMON AREAS

VENTILATION:	WC - Exhaust Only:
COMMON AREA LIGHTING:	WC - Store - Light emitting diode; Manual on/off switch.
ALTERNATE ENERGY SUPPLY:	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
CENTRAL RWT OR OSD:	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
	To collect run-off from at least 290m ² of roof area of building; Connection of 125m ² of Common Landscaped area on the site.

No.70 GILBERT STREET
TWO STOREY BRICK RESIDENCE

SUBJECT SITE
No.68 GILBERT STREET

No.66 GILBERT STREET
THREE STOREY
RENDERED RESIDENCE



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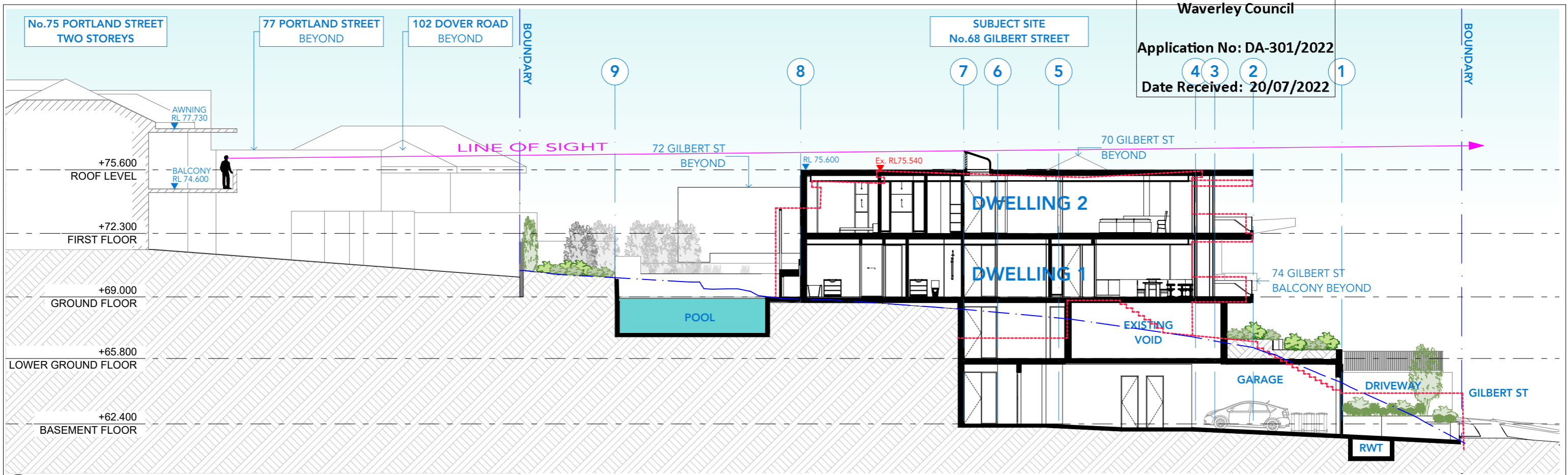
BASIX COMMITMENTS
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	ENERGY OPTIONS	ENERGY OPTIONS - COMMON AREAS
SHOWERHEADS: 4 STAR	COOLING: 1-Phase Airconditioning 2.5 Star	VENTILATION: WC - Exhaust Only.
TOILETS: 4 STAR	HEATING: 1-Phase Airconditioning 2.5 Star	COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
CLOTHES WASHERS: 4 STAR	VENTILATION: Each Bathroom, Kitchen & Laundry individual fan ducted to facade or roof	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
KITCHEN TAPS: 4 STAR	WATER HEATING: Gas Instantaneous 5.5 STAR	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
BATHROOM TAPS: 5 STAR	ARTIFICIAL LIGHTING (UNITS): Dedicated Induction Cooktop & Electric Oven (Dwelling 1)	To collect run-off from at least 290m ² of roof area of building; Connection of 125m ² of Common Landscaped area on the site.
DISHWASHERS: 4.5 STAR	COOKING: Gas Cooktop & Electric Oven (Dwelling 2)	ALTERNATE ENERGY SUPPLY: 3 STAR
RAIN WATER TANK/ OSD: 12000 L	POOL HEATING SYSTEM: No	CENTRAL RWT OR OSD: No
POOLS/SPA: 47890 L x 2	DISHWASHER: Refrigerator Space: Yes	
LANDSCAPED AREA TO IRRIGATE: 125 sqm	CLOTHES DRYING LINES: Solar only	

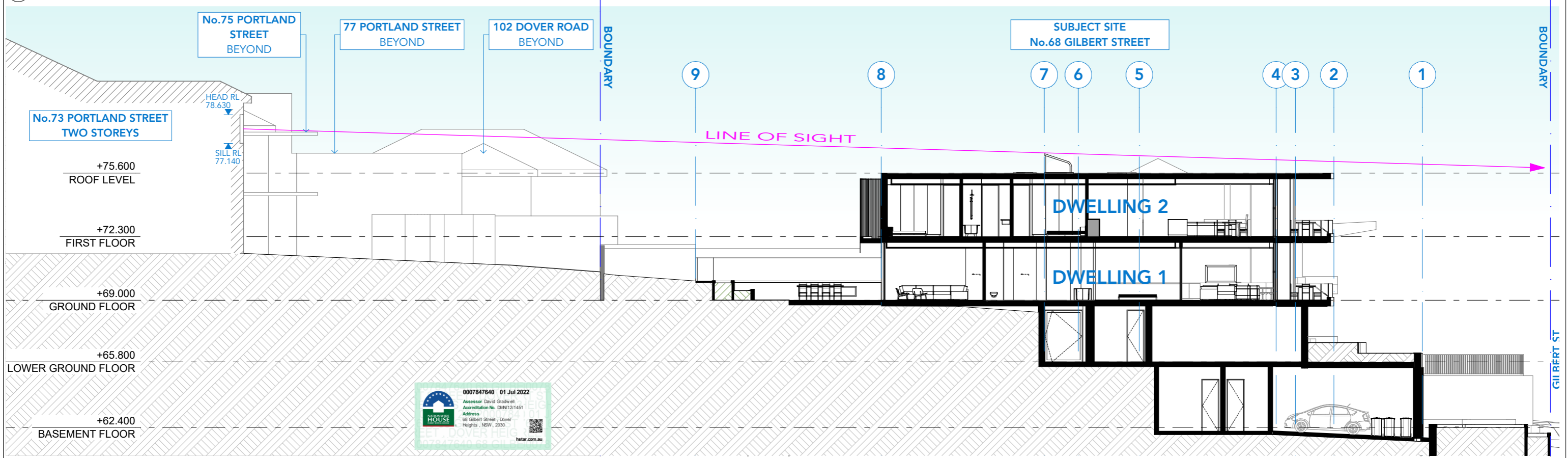
ENERGY OPTIONS - COMMON AREAS

VENTILATION: WC - Exhaust Only.	COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
To collect run-off from at least 290m ² of roof area of building; Connection of 125m ² of Common Landscaped area on the site.	

RECEIVED
 Waverley Council
 Application No: DA-301/2022
 Date Received: 20/07/2022



1 SITE SECTION C - THROUGH No. 75 PORTLAND STREET 1:200



2 SITE SECTION D - THROUGH No. 73 PORTLAND STREET 1:200



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BASIX COMMITMENTS
 (ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	ENERGY OPTIONS	ENERGY OPTIONS - COMMON AREAS
SHOWERHEADS: 4 STAR	COOLING: 1-Phase Airconditioning 2.5 Star	VENTILATION: WC - Exhaust Only.
TOILETS: 4 STAR	HEATING: 1-Phase Airconditioning 2.5 Star	COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
CLOTHES WASHERS: 4 STAR	VENTILATION: Each Bathroom, Kitchen & Laundry individual fan ducted to facade or roof	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
BATHROOM TAPS: 5 STAR	WATER HEATING: Gas Instantaneous 5.5 STAR	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
DISHWASHERS: 4.5 STAR	ARTIFICIAL LIGHTING (UNITS): Dedicated Induction Cooktop & Electric Oven (Dwelling 1)	To collect run-off from at least 200m ² of roof area of building. Connection of 125m ² of Common Landscaped area on the site.
RAIN WATER TANK/ OSD: 12000 L	COOKING: Gas Cooktop & Electric Oven (Dwelling 2)	
POOLS/SPA: 47890 L x 2	DISHWASHER: No	
LANDSCAPED AREA TO IRRIGATE: 125 sqm	REFRIGERATOR SPACE: Yes	
	CLOTHES DRYING SYSTEM: Solar only	
	POOL HEATING SYSTEM: No	

ENERGY OPTIONS - COMMON AREAS

VENTILATION: WC - Exhaust Only.
 COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
 Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
 Photovoltaic System; Rated electrical output (min): 1.4 peak kW
 To collect run-off from at least 200m² of roof area of building. Connection of 125m² of Common Landscaped area on the site.

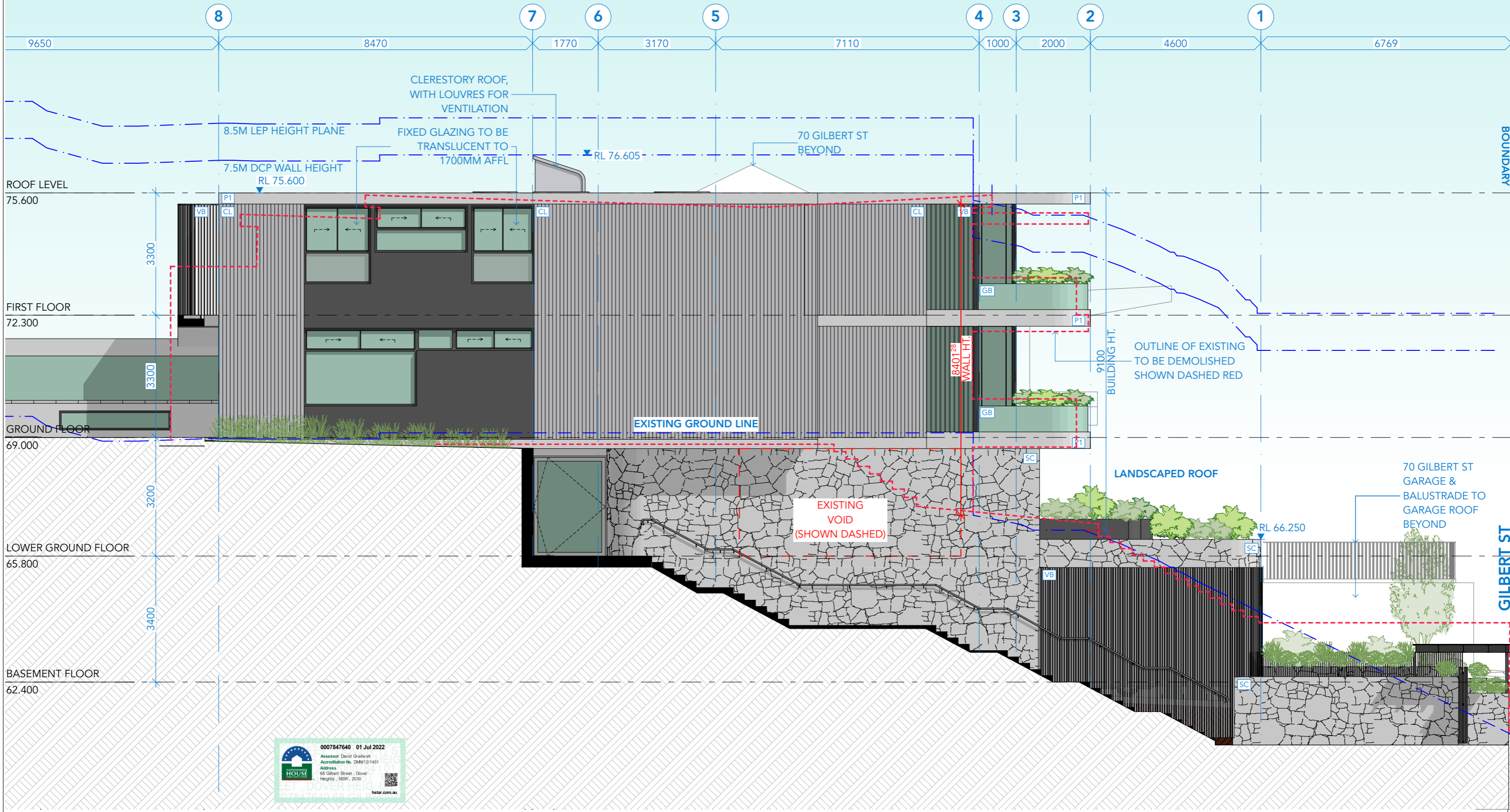
ALTERNATE ENERGY SUPPLY:
 Photovoltaic System; Rated electrical output (min): 1.4 peak kW
 To collect run-off from at least 200m² of roof area of building. Connection of 125m² of Common Landscaped area on the site.

CENTRAL RWT OR OSD:
 3 STAR
 No
 Yes
 Solar only

PROJECT: PROPOSED DUPLEX
 68 Gilbert St
 Dover Heights NSW 2030
 DRAWING: VIEW IMPACT ASSESSMENT SECTIONS

PROJECT NO: 21023
 SCALE: 1:200 @A3
 DRAWING NO: REV:
 PLOTTED: 4/7/22
 DA2303 A

SUBJECT SITE
No.68 GILBERT STREET



1 ELEVATION NORTH
1:100

NOTE: REFER DA2404 EXTERNAL FINISHES LAYOUT FOR FINISHES' ABBREVIATIONS

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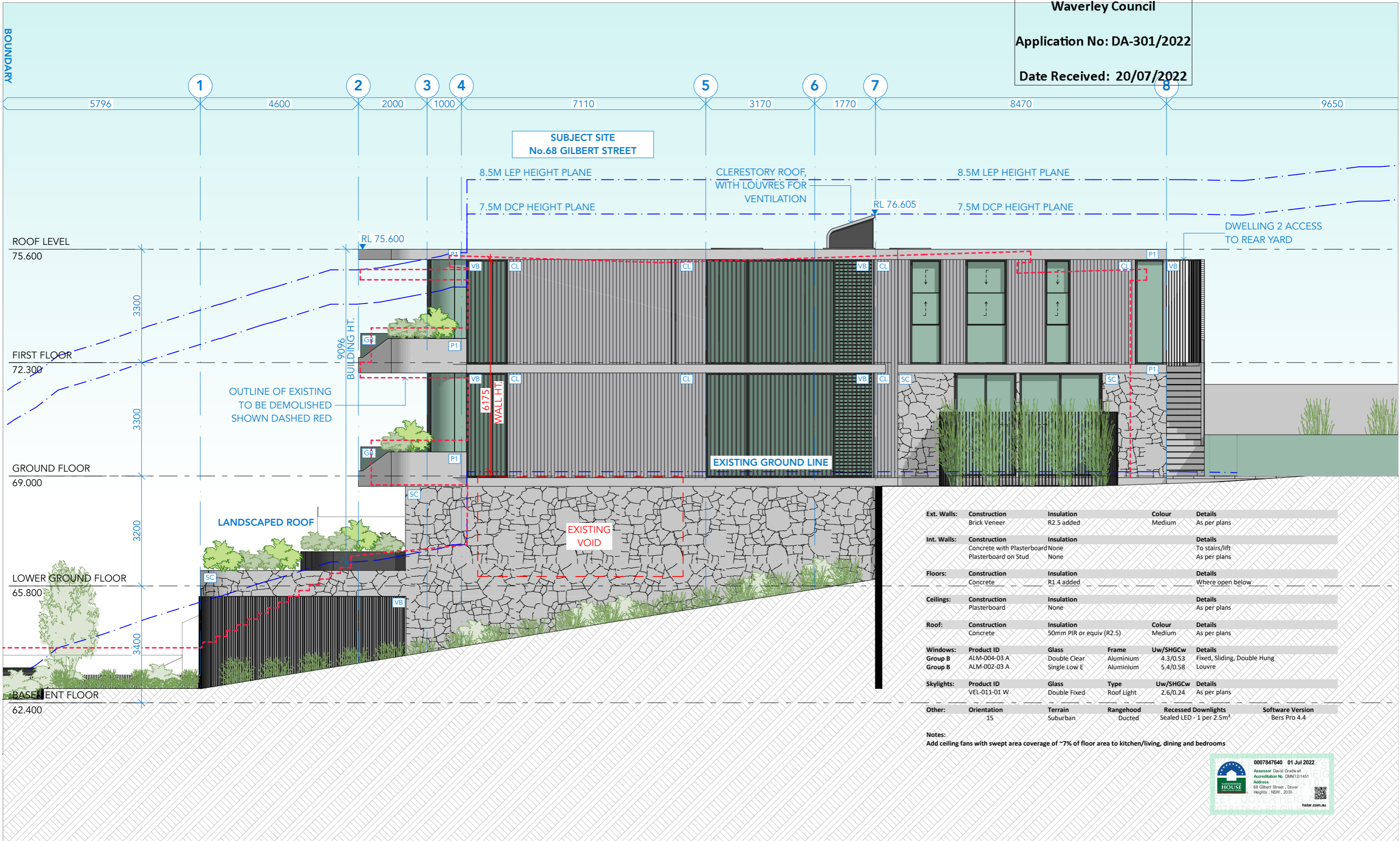
BASIX COMMITMENTS
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	ENERGY OPTIONS
SHOWERHEADS: 4 STAR	COOLING: 1-Phase Airconditioning 2.5 Star
TOILETS: 4 STAR	HEATING: 1-Phase Airconditioning 2.5 Star
CLOTHES WASHERS: 4 STAR	VENTILATION: Each Bathroom, Kitchen & Laundry individual fan ducted to facade or roof
KITCHEN TAPS: 4 STAR	Gas Instantaneous 5.5 STAR
BATHROOM TAPS: 5 STAR	Dedicated Induction Cooktop & Electric Oven (Dwelling 1)
DISHWASHERS: 4.5 STAR	Gas Cooktop & Electric Oven (Dwelling 2)
RAIN WATER TANK/ OSD: 12000 L	3 STAR
POOLS/SPA: 47890 L x 2	No
LANDSCAPED AREA TO IRRIGATE: 125 sqm	Yes
	Solar only

ENERGY OPTIONS - COMMON AREAS

VENTILATION:	WC - Exhaust Only:
COMMON AREA LIGHTING:	WC - Store - Light emitting diode; Manual on/off switch.
ALTERNATE ENERGY SUPPLY:	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
CENTRAL RWT OR OSD:	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
	To collect run-off from at least 290m2 of roof area of building; Connection of 125m2 of Common Landscaped area on the site.

PROJECT: PROPOSED DUPLEX
68 Gilbert St
Dover Heights NSW 2030
DRAWING: NORTH ELEVATION
PROJECT NO: 21023
SCALE: 1:100 @A3
DRAWING NO: REV:
PLOTTED: 4/7/22
DA2400 A



Ext. Walls:	Construction	Insulation	Colour	Details	
	Brick Veneer	R2.5 added	Medium	As per plans	
Int. Walls:	Construction	Insulation	Details		
	Concrete with Plasterboard	None	To stairs/lift		
	Plasterboard on Stud	None	As per plans		
Floors:	Construction	Insulation	Details		
	Concrete	R1.4 added	Where open below		
Ceilings:	Construction	Insulation	Details		
	Plasterboard	None	As per plans		
Roof:	Construction	Insulation	Colour	Details	
	Concrete	50mm PIR or equiv (R2.5)	Medium	As per plans	
Windows:	Product ID	Glass	Frame	Uw/SHGCw	Details
Group B	ALM-004-03 A	Double Clear	Aluminium	4.3/0.53	Fixed, Sliding, Double Hung
Group B	ALM-002-03 A	Single Low E	Aluminium	5.4/0.58	Louvre
Skylights:	Product ID	Glass	Type	Uw/SHGCw	Details
	VEL-011-01 W	Double Fixed	Roof Light	2.6/0.24	As per plans
Other:	Orientation	Terrain	Rangehood	Recessed Downlights	Software Version
	15	Suburban	Ducted	Sealed LED - 1 per 2.5m ²	Bers Pro 4.4

Notes:
Add ceiling fans with swept area coverage of ~7% of floor area to kitchen/living, dining and bedrooms



1 ELEVATION SOUTH
1:100

NOTE: REFER DA2404 EXTERNAL FINISHES LAYOUT FOR FINISHES' ABBREVIATIONS

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BASIX COMMITMENTS
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	ENERGY OPTIONS	ENERGY OPTIONS - COMMON AREAS
SHOWERHEADS: 4 STAR	COOLING: 1-Phase Airconditioning 2.5 Star	VENTILATION: WC - Exhaust Only.
TOILETS: 4 STAR	HEATING: 1-Phase Airconditioning 2.5 Star	COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
CLOTHES WASHERS: 4 STAR	VENTILATION: Each Bathroom, Kitchen & Laundry individual fan ducted to facade or roof	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
KITCHEN TAPS: 4 STAR	WATER HEATING: Gas Instantaneous 5.5 STAR	ALTERNATE ENERGY SUPPLY: Photovoltaic System; Rated electrical output (min): 1.4 peak kW
BATHROOM TAPS: 5 STAR	ARTIFICIAL LIGHTING (UNITS): Dedicated Induction Cooktop & Electric Oven (Dwelling 1)	To collect run-off from at least 290m ² of roof area of building; Connection of 125m ² of Common Landscaped area on the site.
DISHWASHERS: 4.5 STAR	COOKING: Gas Cooktop & Electric Oven (Dwelling 2)	CENTRAL RWT OR OSD: 3 STAR
RAIN WATER TANK/ OSD: 12000 L	REFRIGERATOR SPACE: No	
POOLS/SPA: 47890 L x 2	CLOTHES DRYING LINES: Yes	
LANDSCAPED AREA TO IRRIGATE: 125 sqm	POOL HEATING SYSTEM: Solar only	

ENERGY OPTIONS - COMMON AREAS

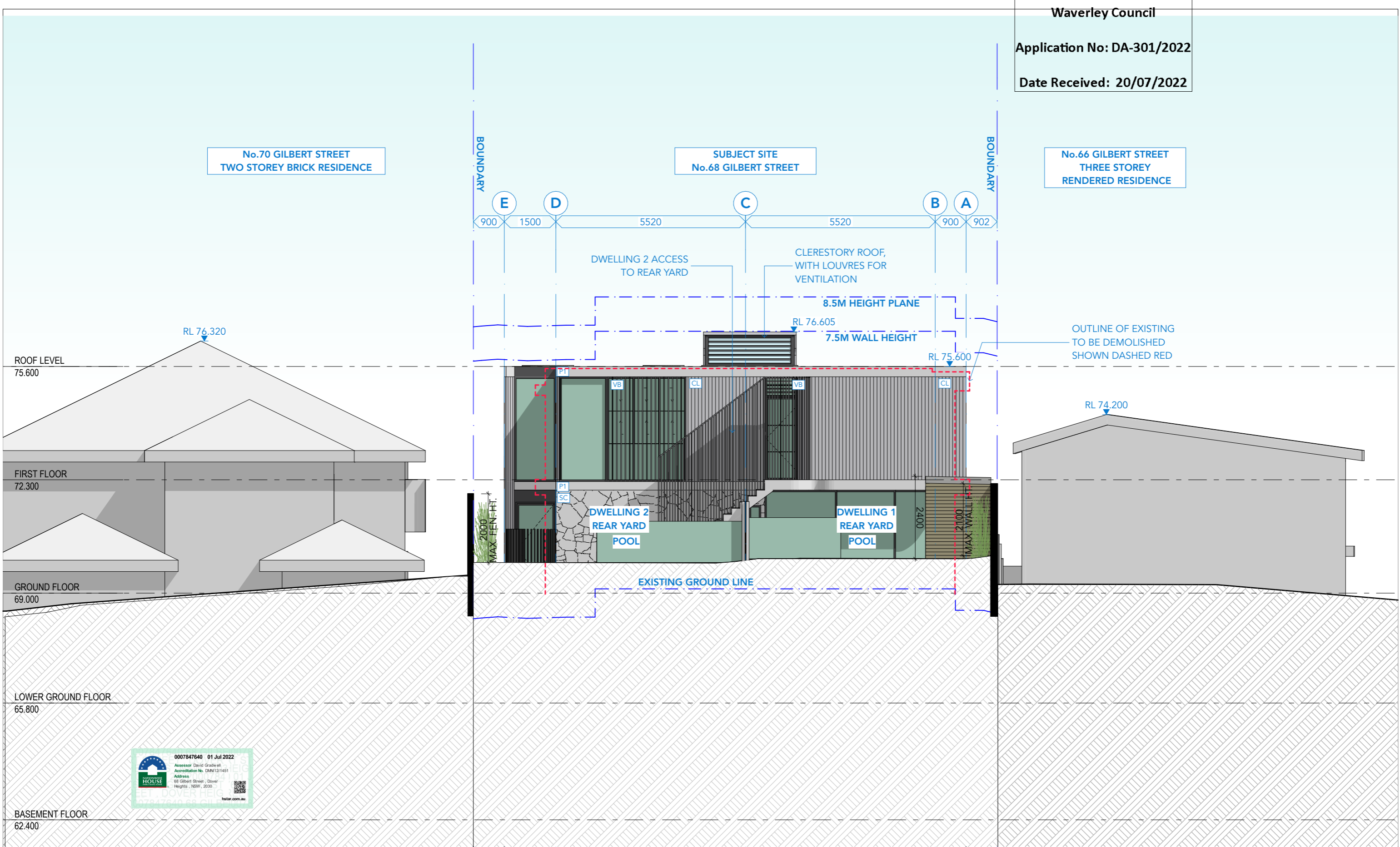
VENTILATION:	WC - Exhaust Only.
COMMON AREA LIGHTING:	WC - Store - Light emitting diode; Manual on/off switch.
ALTERNATE ENERGY SUPPLY:	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
CENTRAL RWT OR OSD:	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
	To collect run-off from at least 290m ² of roof area of building; Connection of 125m ² of Common Landscaped area on the site.

PROJECT: PROPOSED DUPLEX
68 Gilbert St
Dover Heights NSW 2030
DRAWING: SOUTH ELEVATION

PROJECT NO: 21023
SCALE: 1:100 @A3
DRAWING NO: REV:
PLOTTED: 4/7/22

DA2401 A

RECEIVED
Waverley Council
Application No: DA-301/2022
Date Received: 20/07/2022



1 ELEVATION EAST
1:100

NOTE: REFER DA2404 EXTERNAL FINISHES LAYOUT FOR FINISHES' ABBREVIATIONS

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BASIX COMMITMENTS
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	4 STAR	ENERGY OPTIONS	1-Phase Airconditioning 2.5 Star
SHOWERHEADS:	4 STAR	COOLING:	1-Phase Airconditioning 2.5 Star
TOILETS:	4 STAR	HEATING:	Each Bathroom, Kitchen & Laundry
CLOTHES WASHERS:	4 STAR	VENTILATION:	Individual fan ducted to facade or roof
KITCHEN TAPS:	4 STAR	WATER HEATING:	Gas Instantaneous 5.5 STAR
BATHROOM TAPS:	5 STAR	ARTIFICIAL LIGHTING (UNITS):	Dedicated
DISHWASHERS:	4.5 STAR	COOKING:	Induction Cooktop & Electric Oven (Dwelling 1)
RAIN WATER TANK/ OSD:	12000 L		Gas Cooktop & Electric Oven (Dwelling 2)
POOLS/SPA:	47890 L x 2	DISHWASHER:	3 STAR
LANDSCAPED AREA TO IRRIGATE:	125 sqm	REFRIGERATOR SPACE:	No
		CLOTHES DRYING SPACE:	Yes
		POOL HEATING SYSTEM:	Solar only

ENERGY OPTIONS - COMMON AREAS

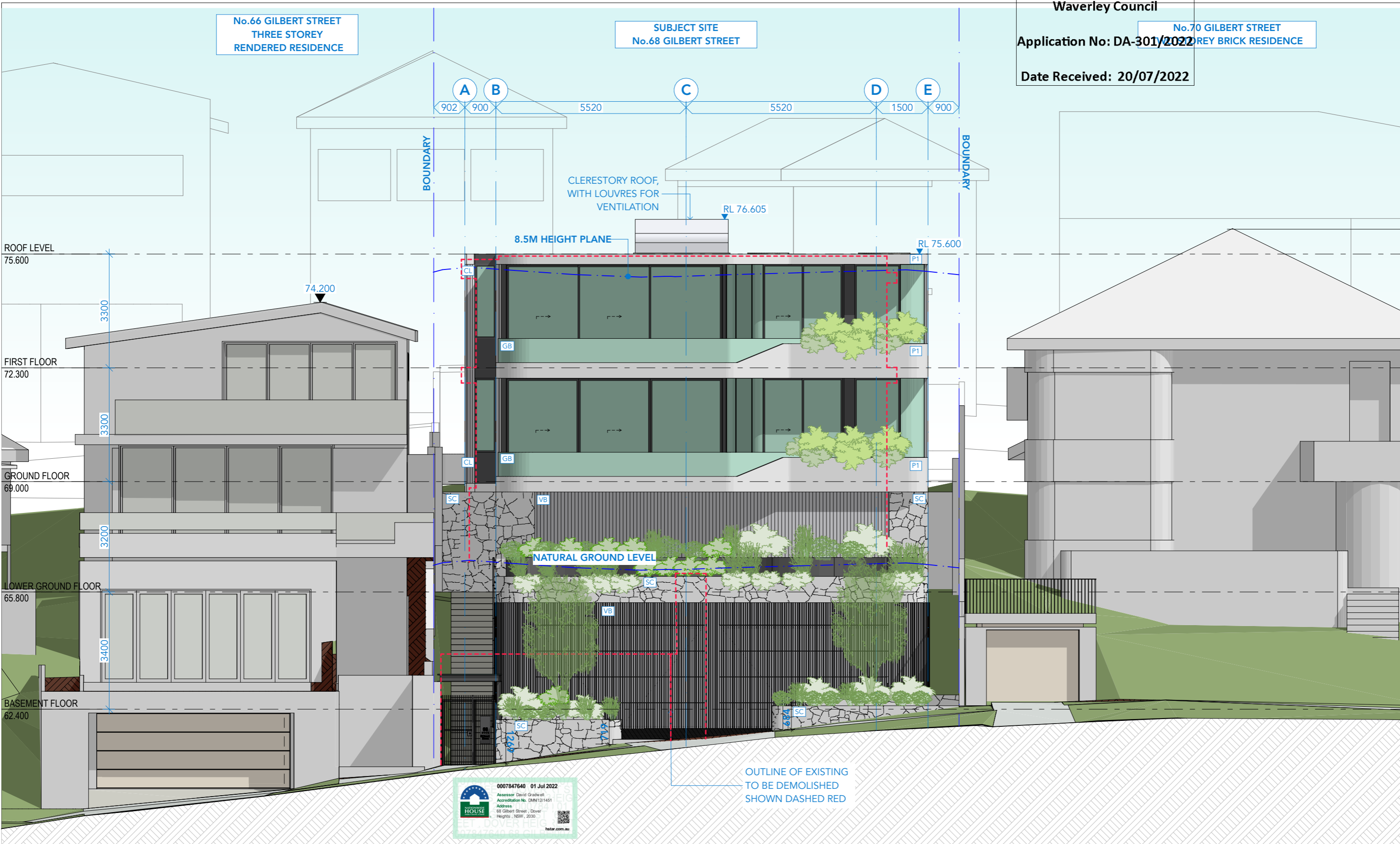
VENTILATION:	WC - Exhaust Only.
COMMON AREA LIGHTING:	WC - Store - Light emitting diode; Manual on/off switch.
ALTERNATE ENERGY SUPPLY:	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
CENTRAL RWT OR OSD:	Photovoltaic System; Rated electrical output (min): 1.4 peak kW To collect run-off from at least 290m ² of roof area of building; Connection of 125m ² of Common Landscaped area on the site.

PROJECT:
PROPOSED DUPLEX
68 Gilbert St
Dover Heights NSW 2030
DRAWING:
EAST ELEVATION

PROJECT NO: 21023
SCALE: 1:100 @A3
DRAWING NO: REV:
PLOTTED: 4/7/22

DA2402 A

RECEIVED
Waverley Council
Application No: DA-301/2022
Date Received: 20/07/2022



1 ELEVATION WEST
1:100

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BASIX COMMITMENTS
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	ENERGY OPTIONS
SHOWERHEADS: 4 STAR	COOLING: 1-Phase Airconditioning 2.5 Star
TOILETS: 4 STAR	HEATING: 1-Phase Airconditioning 2.5 Star
CLOTHES WASHERS: 4 STAR	VENTILATION: Each Bathroom, Kitchen & Laundry individual fan ducted to facade or roof
KITCHEN TAPS: 4 STAR	Gas Instantaneous 5.5 STAR
BATHROOM TAPS: 5 STAR	Dedicated Induction Cooktop & Electric Oven (Dwelling 1)
DISHWASHERS: 4.5 STAR	Gas Cooktop & Electric Oven (Dwelling 2)
RAIN WATER TANK/ OSD: 12000 L	3 STAR
POOLS/SPA: 47890 L x 2	No
LANDSCAPED AREA TO IRRIGATE: 125 sqm	Yes
	Solar only

ENERGY OPTIONS - COMMON AREAS

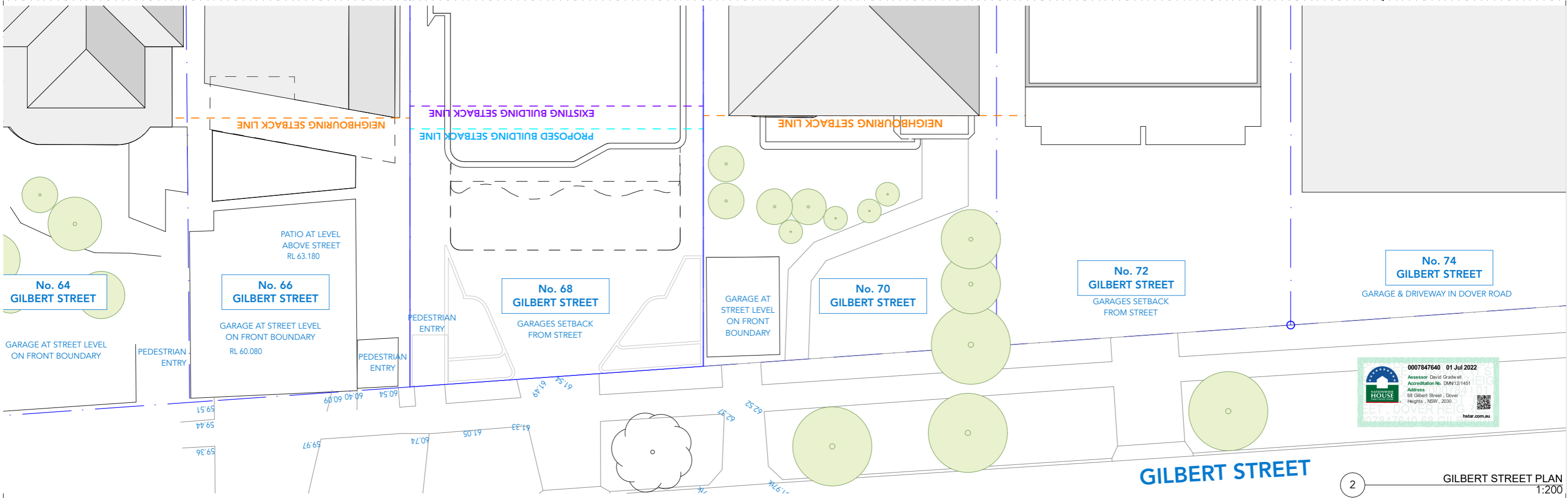
VENTILATION:	WC - Exhaust Only:
COMMON AREA LIGHTING:	WC - Store - Light emitting diode; Manual on/off switch;
ALTERNATE ENERGY SUPPLY:	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor;
CENTRAL RWT OR OSD:	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
	To collect run-off from at least 290m ² of roof area of building; Connection of 125m ² of Common Landscaped area on the site.

PROJECT: PROPOSED DUPLEX
68 Gilbert St
Dover Heights NSW 2030
DRAWING: WEST ELEVATION

PROJECT NO: 21023
SCALE: 1:100 @A3
DRAWING NO: REV:
PLOTTED: 4/7/22
DA2403 A



GILBERT STREET ELEVATION
1:200



GILBERT STREET PLAN
1:200

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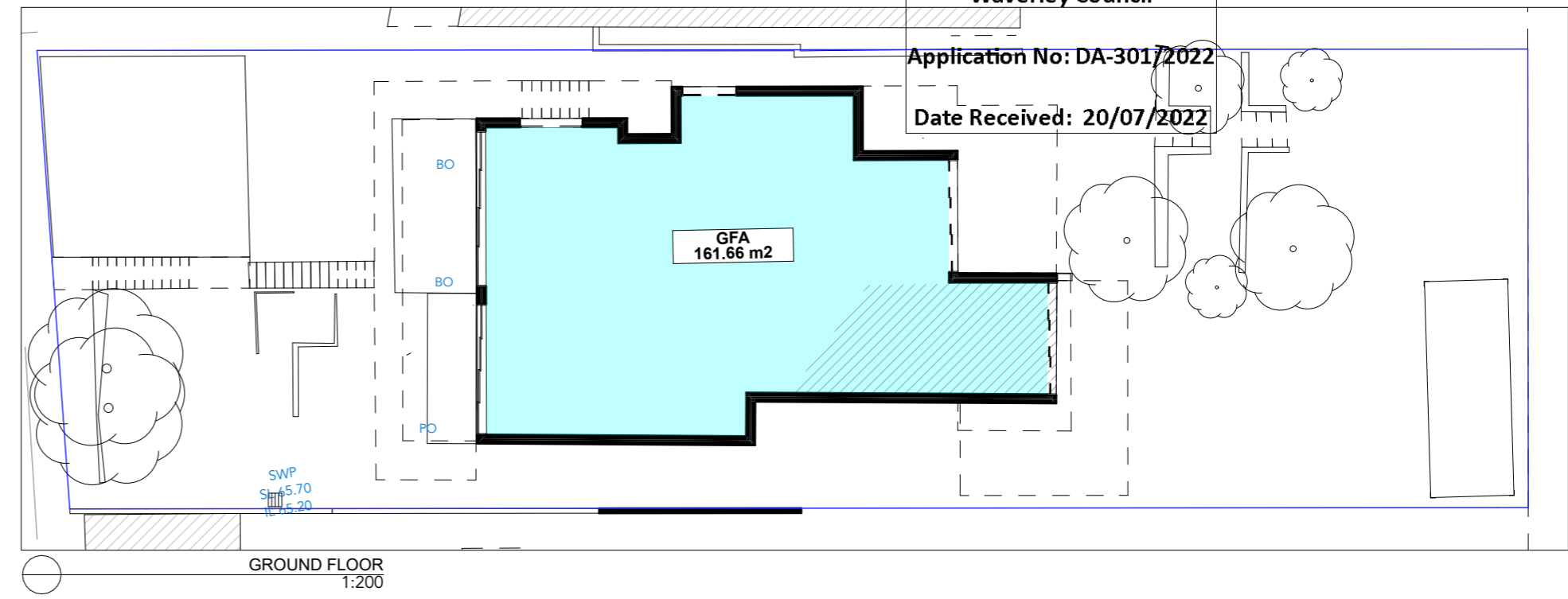
BASIX COMMITMENTS
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	ENERGY OPTIONS	ENERGY OPTIONS - COMMON AREAS
SHOWERHEADS: 4 STAR	COOLING: 4 STAR	VENTILATION: WC - Exhaust Only.
TOILETS: 4 STAR	HEATING: - STAR	COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
CLOTHES WASHERS: 4 STAR	VENTILATION: individual fan ducted to facade or roof	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
BATHROOM TAPS: 5 STAR	WATER HEATING: Induction Cooktop & Electric Oven (Dwelling 1)	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
DISHWASHERS: 4.5 STAR	ARTIFICIAL LIGHTING (UNITS): Gas Cooktop & Electric Oven (Dwelling 2)	To collect run-off from at least 290m ² of roof area of building; Connection of 125m ² of Common Landscaped area on the site.
RAIN WATER TANK/ OSD: 12000 L	COOKING: 3 STAR	
POOLS/SPA: 47890 L x 2	DISHWASHER: No	
LANDSCAPED AREA TO IRRIGATE: 125 sqm	REFRIGERATOR SPACE: Yes	
	CLOTHES DRYING LINES: Yes	
	POOL HEATING SYSTEM: Solar only	

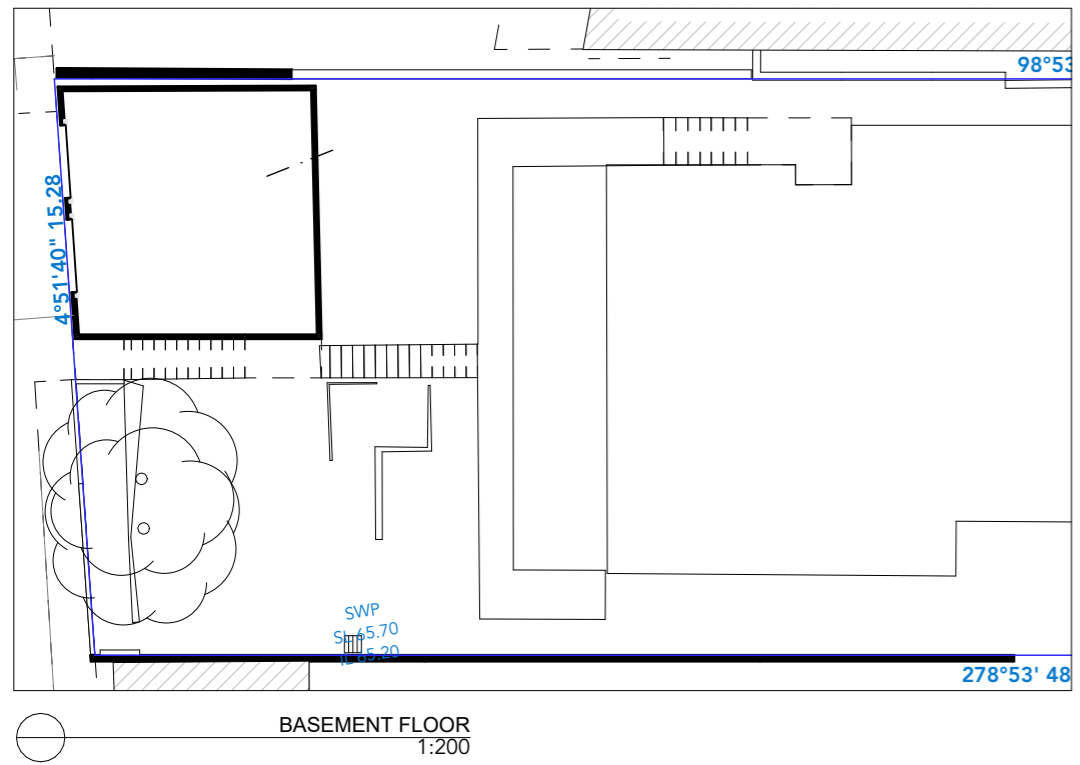
PROJECT: PROPOSED DUPLEX
 68 Gilbert St
 Dover Heights NSW 2030
 DRAWING: STREET ELEVATION

PROJECT NO: 21023
 SCALE: 1:200 @A3
 DRAWING NO: REV:
 PLOTTED: 4/7/22

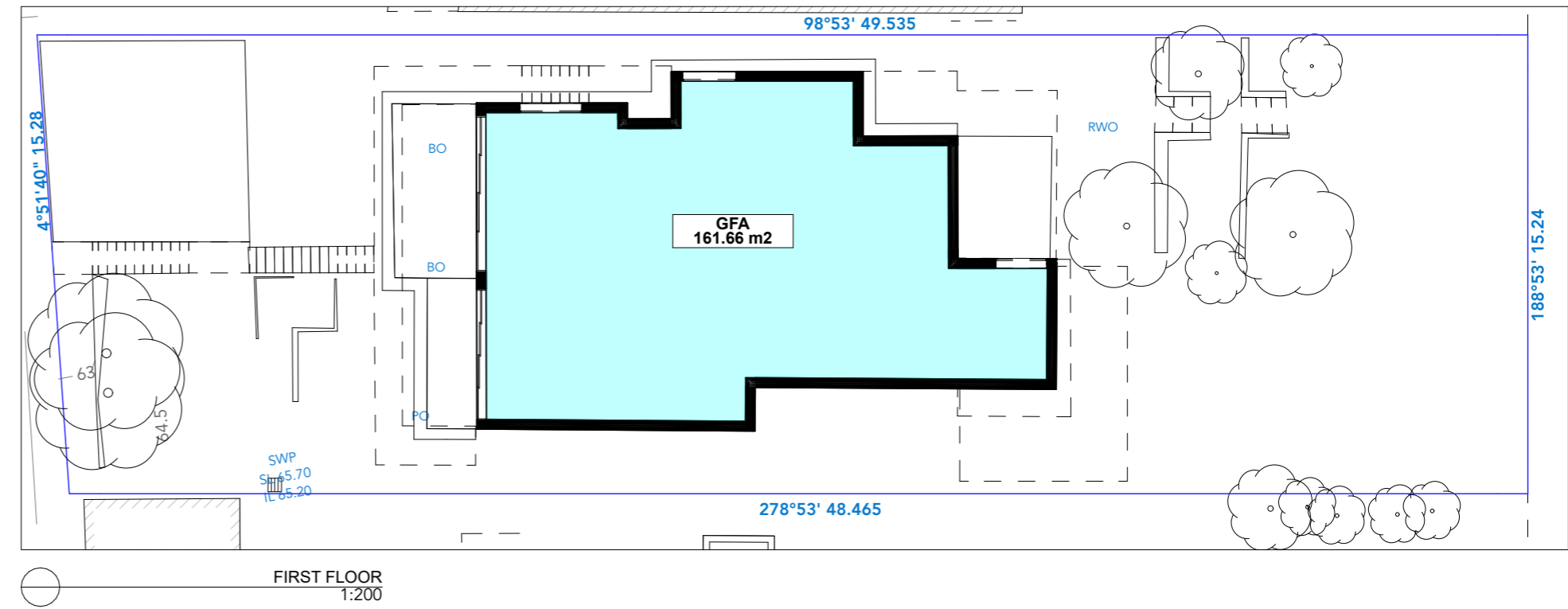
DA2405 A



GROUND FLOOR
1:200



BASEMENT FLOOR
1:200



FIRST FLOOR
1:200

EXISTING GROSS FLOOR AREA (GFA)	
GROUND FLOOR	161.66
FIRST FLOOR	161.66
	323.32 m²

SITE AREA : 746.8 m²
ALLOWABLE GFA : 373.4 m²
ALLOWABLE FSR : 0.5:1
CURRENT GFA : 323.32 m²
CURRENT FSR : 0.43:1

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 ABN 646 2000 7678

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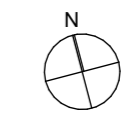
ISSUE	DATE	REVISION
A	30/6/22	DA SUBMISSION

BASIX COMMITMENTS
 (ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	4 STAR	ENERGY OPTIONS	1-Phase Airconditioning 2.5 Star
SHOWERHEADS:	4 STAR	COOLING:	1-Phase Airconditioning 2.5 Star
TOILETS:	- STAR	HEATING:	Each Bathroom, Kitchen & Laundry
CLOTHES WASHERS:	4 STAR	VENTILATION:	Individual fan ducted to facade or roof
KITCHEN TAPS:	4 STAR	WATER HEATING:	Gas Instantaneous 5.5 STAR
BATHROOM TAPS:	5 STAR	ARTIFICIAL LIGHTING (UNITS):	Dedicated
DISHWASHERS:	4.5 STAR	COOKING:	Induction Cooktop & Electric Oven (Dwelling 1)
RAIN WATER TANK/ OSD:	12000 L		Gas Cooktop & Electric Oven (Dwelling 2)
POOLS/SPA:	47890 L x 2	DISHWASHER:	3 STAR
LANDSCAPED AREA TO IRRIGATE:	125 sqm	REFRIGERATOR SPACE:	No
		CLOTHES DRYING LINES:	Yes
		POOL HEATING SYSTEM:	Solar only

ENERGY OPTIONS - COMMON AREAS

VENTILATION:	WC - Exhaust Only.
COMMON AREA LIGHTING:	WC - Store - Light emitting diode; Manual on/off switch.
	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor.
ALTERNATE ENERGY SUPPLY:	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
CENTRAL RWT OR OSD:	To collect run-off from at least 290m ² of roof area of building. Connection of 125m ² of Common Landscaped area on the site.



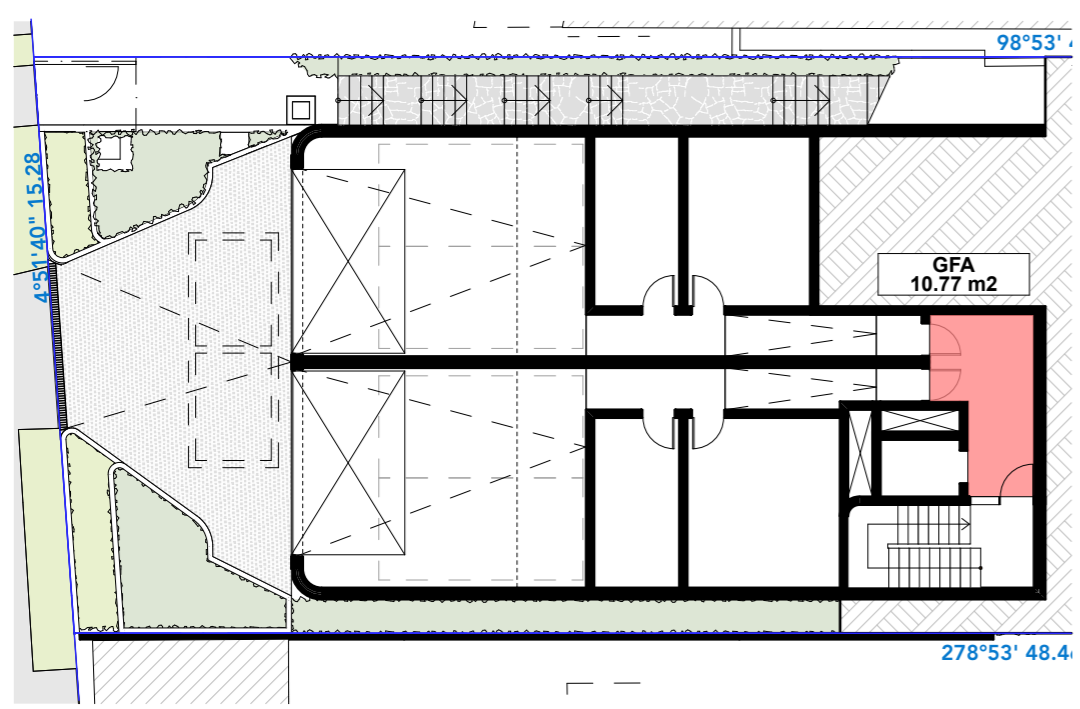
PROJECT:
PROPOSED DUPLEX
 68 Gilbert St
 Dover Heights NSW 2030
 DRAWING:
EXISTING GFA

PROJECT NO: 21023
 SCALE: 1:200 @A3
 DRAWING NO: REV:
 PLOTTED: 4/7/22
DA9000 A

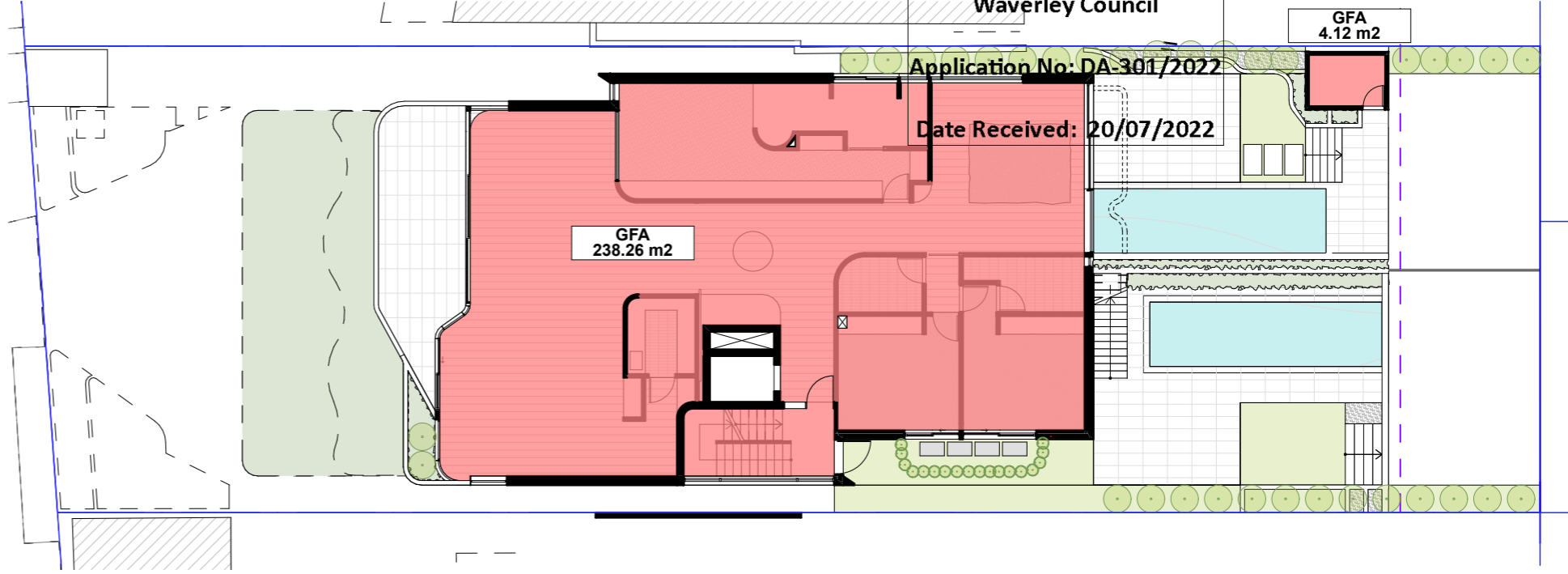
Application No: DA-301/2022

Date Received: 20/07/2022

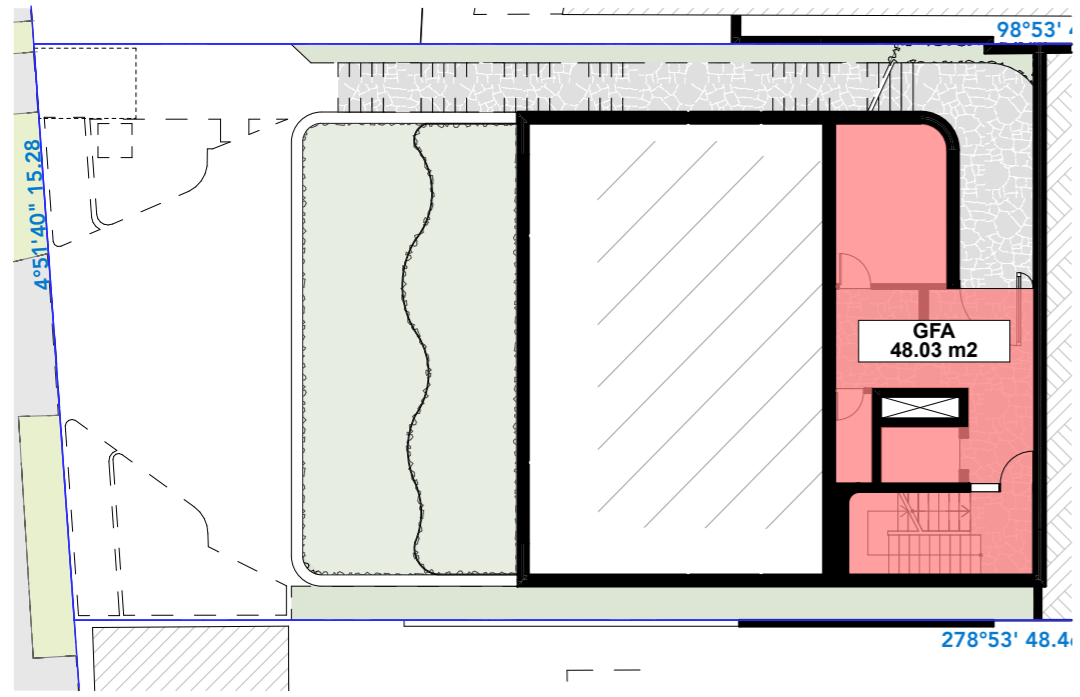
GFA
4.12 m2



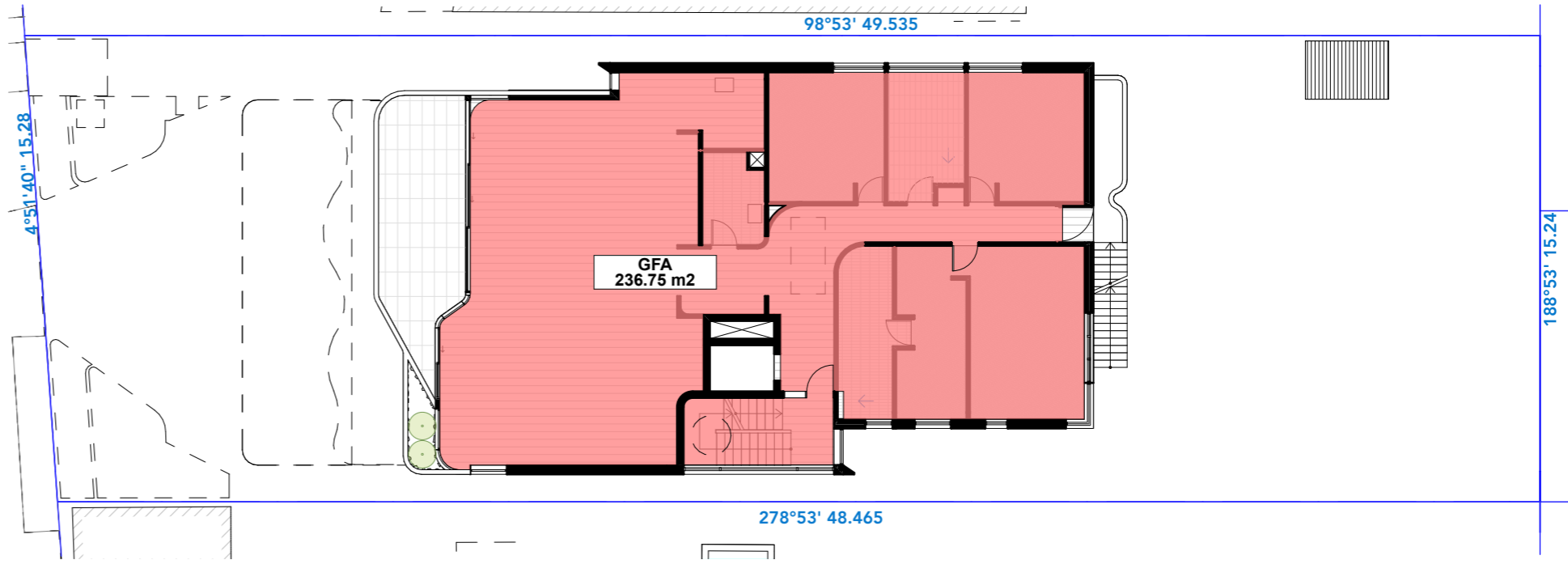
1 BASEMENT FLOOR GFA
1:200



3 GROUND FLOOR GFA
1:200



2 LOWER GROUND FLOOR GFA
1:200



4 FIRST FLOOR GFA
1:200

GROSS FLOOR AREA (GFA)	
BASEMENT FLOOR	10.77
LOWER GROUND FLOOR	48.03
GROUND FLOOR	242.38
FIRST FLOOR	236.75
TOTAL	537.93 m²

SITE AREA : 746.8 m²
ALLOWABLE GFA : 373.4 m²
ALLOWABLE FSR : 0.5:1
PROPOSED GFA : 537.93 m²
PROPOSED FSR : 0.72:1

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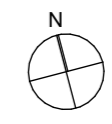
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ISSUE	DATE	REVISION
A	30/6/22	DA SUBMISSION

BASIX COMMITMENTS
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	ENERGY OPTIONS	ENERGY OPTIONS - COMMON AREAS
SHOWERHEADS: 4 STAR	COOLING: 4 STAR	VENTILATION: WC - Exhaust Only.
TOILETS: 4 STAR	HEATING: 4 STAR	COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
CLOTHES WASHERS: 4 STAR	VENTILATION: individual fan ducted to facade or roof	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
KITCHEN TAPS: 4 STAR	WATER HEATING: Gas Instantaneous 5.5 STAR	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
BATHROOM TAPS: 5 STAR	ARTIFICIAL LIGHTING (UNITS): Dedicated	To collect run-off from at least 290m2 of roof area of building; Connection of 125m2 of Common Landscaped area on the site.
DISHWASHERS: 4.5 STAR	COOKING: Induction Cooktop & Electric Oven (Dwelling 1)	
RAIN WATER TANK/ OSD: 12000 L	COOKING: Gas Cooktop & Electric Oven (Dwelling 2)	
POOLS/SPA: 47890 L x 2	3 STAR	
LANDSCAPED AREA TO IRRIGATE: 125 sqm	DISHWASHER: No	
	REFRIGERATOR SPACE: Yes	
	CLOTHES DRYING LINES: Solar only	
	POOL HEATING SYSTEM:	

ENERGY OPTIONS - COMMON AREAS
VENTILATION: WC - Exhaust Only.
COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
Photovoltaic System; Rated electrical output (min): 1.4 peak kW
To collect run-off from at least 290m2 of roof area of building; Connection of 125m2 of Common Landscaped area on the site.



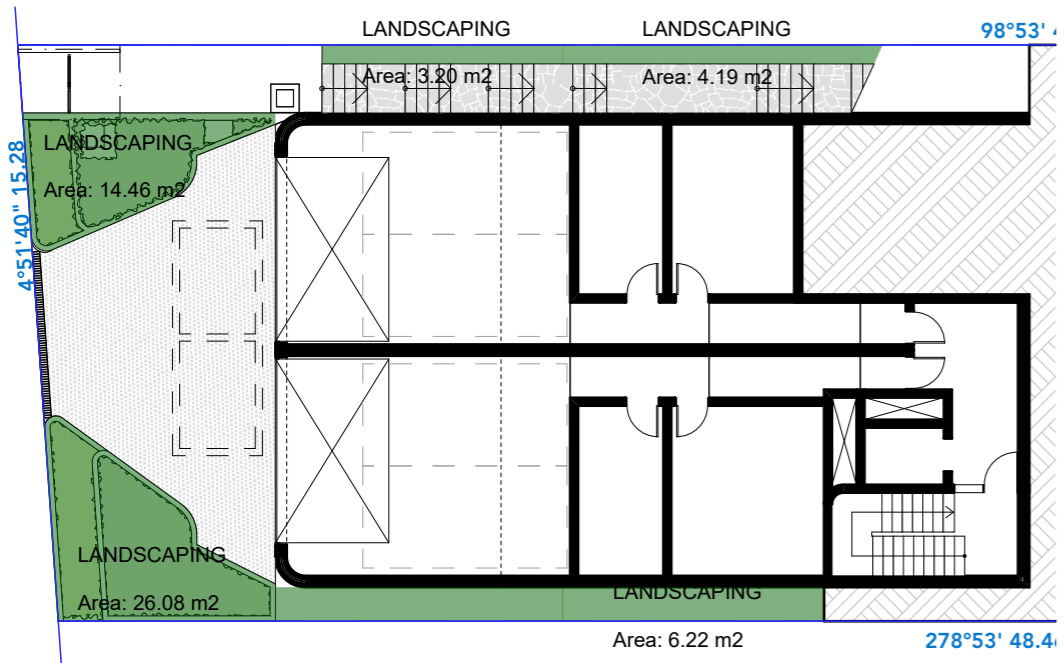
PROJECT: **PROPOSED DUPLEX**
 68 Gilbert St
 Dover Heights NSW 2030
 DRAWING: **PROPOSED GFA**

PROJECT NO: 21023
 SCALE: 1:200 @A3
 DRAWING NO: REV:
 PLOTTED: 4/7/22

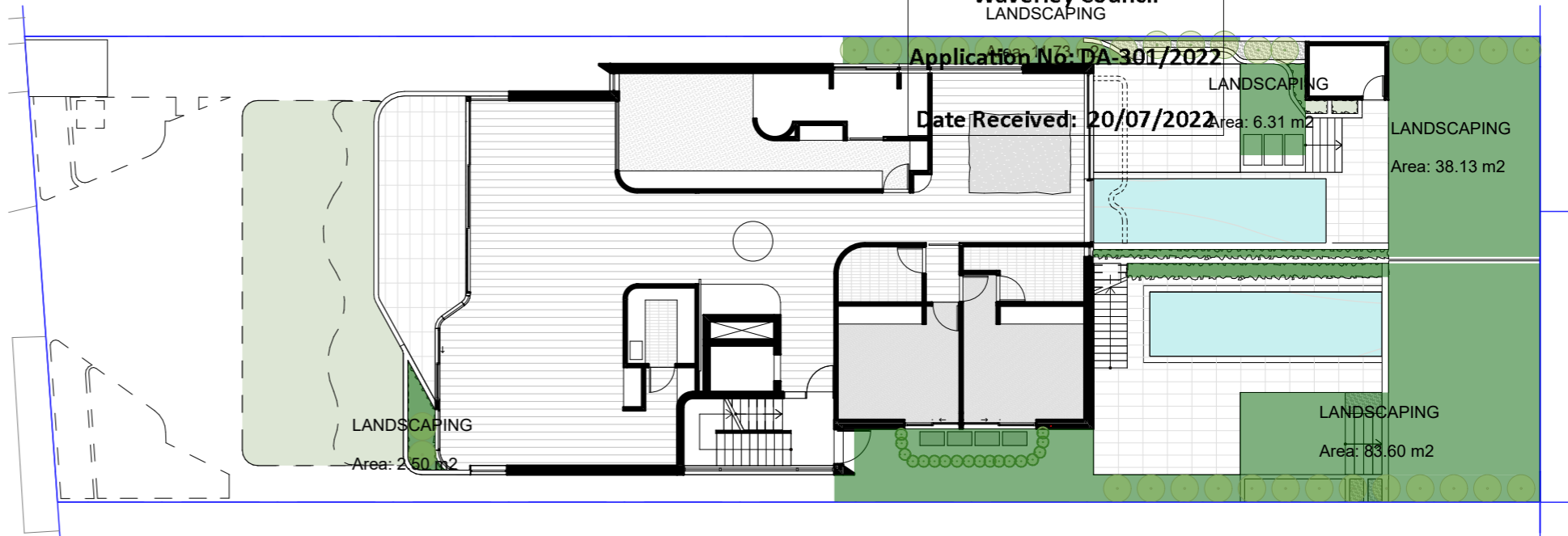
DA9001 A

Application No: DA-301/2022

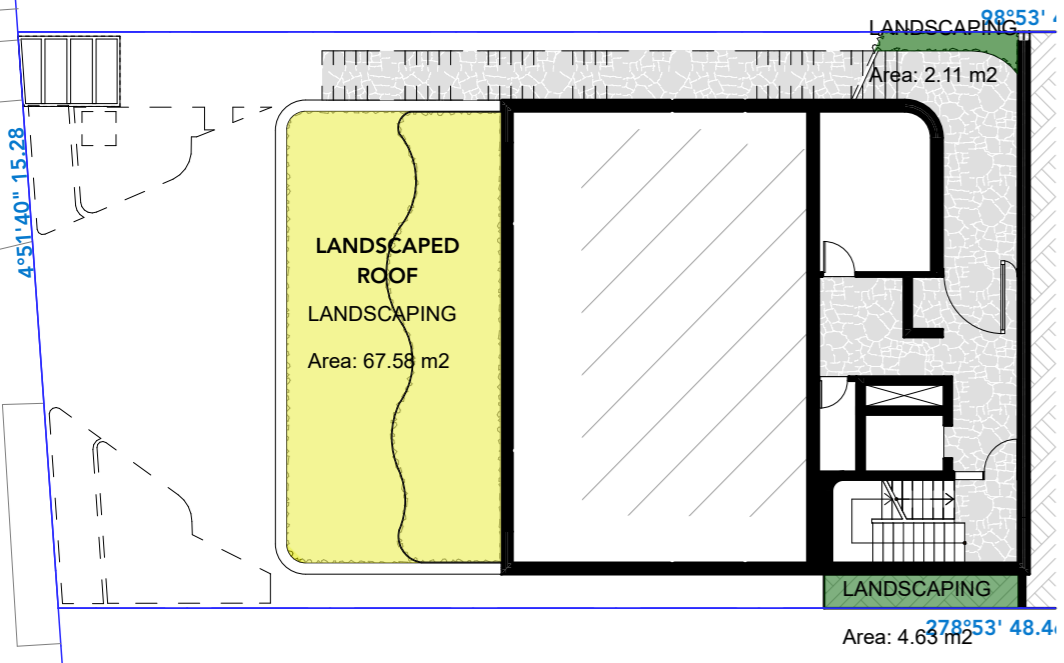
Date Received: 20/07/2022



1 BASEMENT FLOOR LANDSCAPING
1:200



3 GROUND FLOOR LANDSCAPING
1:200



2 LOWER GROUND FLOOR LANDSCAPING
1:200

WAVERLEY COUNCIL DCP REQUIREMENTS

SITE AREA	746.8m²
15% LANDSCAPE REQUIREMENT	112.02m ²
FRONT OF SITE LANDSCAPING *	67m ²

*A minimum of 50% of the open space provided at the front of the site is to be landscaped area.

LANDSCAPING AREA	Area	Area as % of Site
FRONT LANDSCAPING *NOT INCLUDING LANDSCAPED ROOF LANDSCAPING	43.74	
	159.42	
	203.16 m²	27%

LANDSCAPED AREA	Area	Area as % of Site
FRONT LANDSCAPING * INCLUDING LANDSCAPED ROOF LANDSCAPING	111.32	
	159.42	
	270.74m²	36.25%

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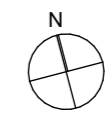
ISSUE	DATE	REVISION
A	30/6/22	DA SUBMISSION

BASIX COMMITMENTS
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	ENERGY OPTIONS
SHOWERHEADS: 4 STAR	COOLING: 1-Phase Airconditioning 2.5 Star
TOILETS: 4 STAR	HEATING: 1-Phase Airconditioning 2.5 Star
CLOTHES WASHERS: - STAR	VENTILATION: Each Bathroom, Kitchen & Laundry individual fan ducted to facade or roof
KITCHEN TAPS: 4 STAR	Gas Instantaneous 5.5 STAR
BATHROOM TAPS: 5 STAR	Dedicated Induction Cooktop & Electric Oven (Dwelling 1)
DISHWASHERS: 4.5 STAR	Gas Cooktop & Electric Oven (Dwelling 2)
RAIN WATER TANK/ OSD: 12000 L	COOKING: 3 STAR
POOL/SPA: 47890 L x 2	No
LANDSCAPED AREA TO IRRIGATE: 125 sqm	Yes
	Solar only

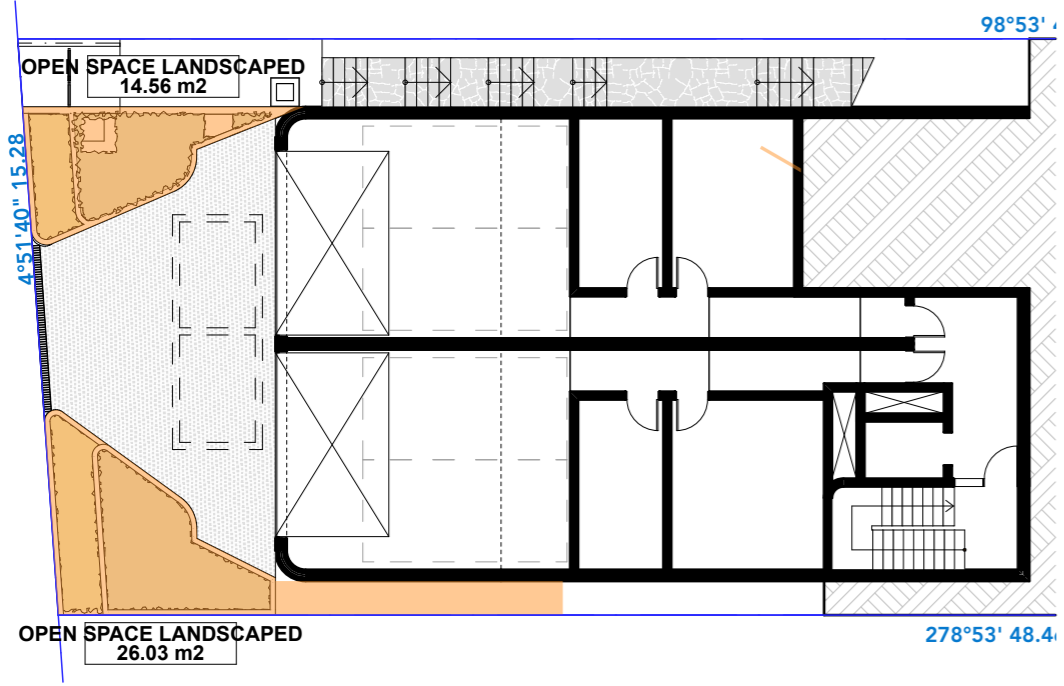
ENERGY OPTIONS - COMMON AREAS

VENTILATION:	WC - Exhaust Only:
COMMON AREA LIGHTING:	WC - Store - Light emitting diode; Manual on/off switch.
ALTERNATE ENERGY SUPPLY:	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
CENTRAL RWT OR OSD:	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
	To collect run-off from at least 290m ² of roof area of building; Connection of 125m ² of Common Landscaped area on the site.

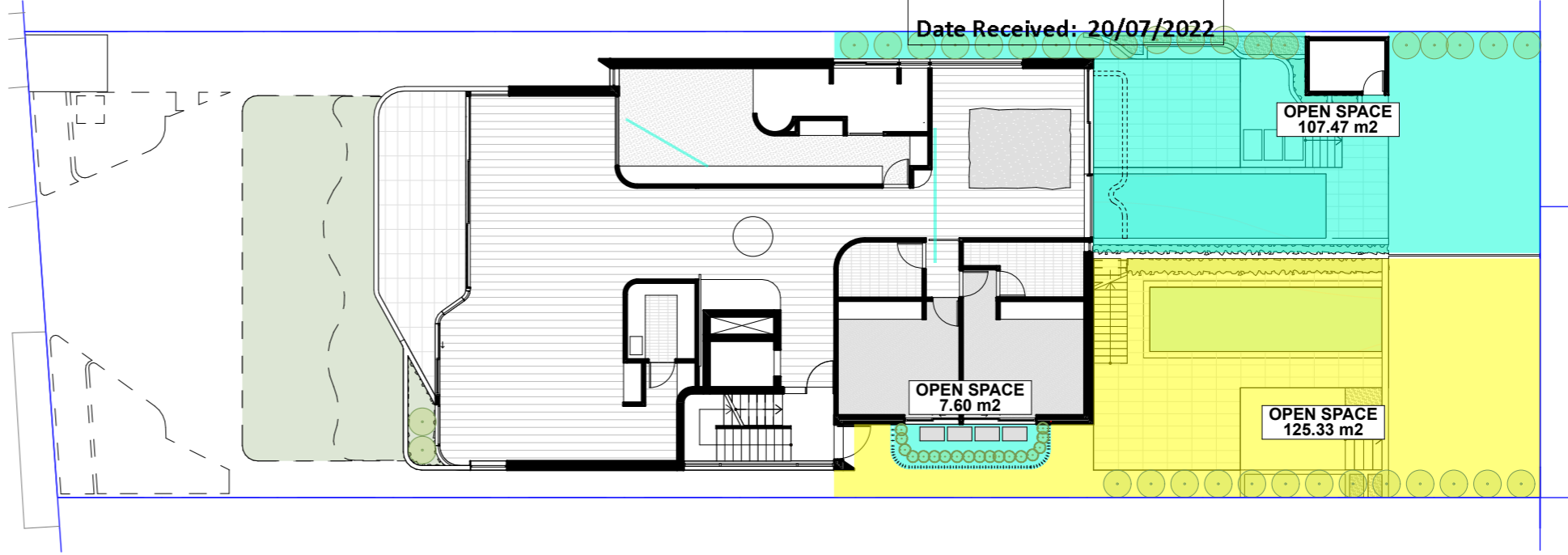


PROJECT: **PROPOSED DUPLEX**
68 Gilbert St
Dover Heights NSW 2030
DRAWING: **LANDSCAPING AREAS**

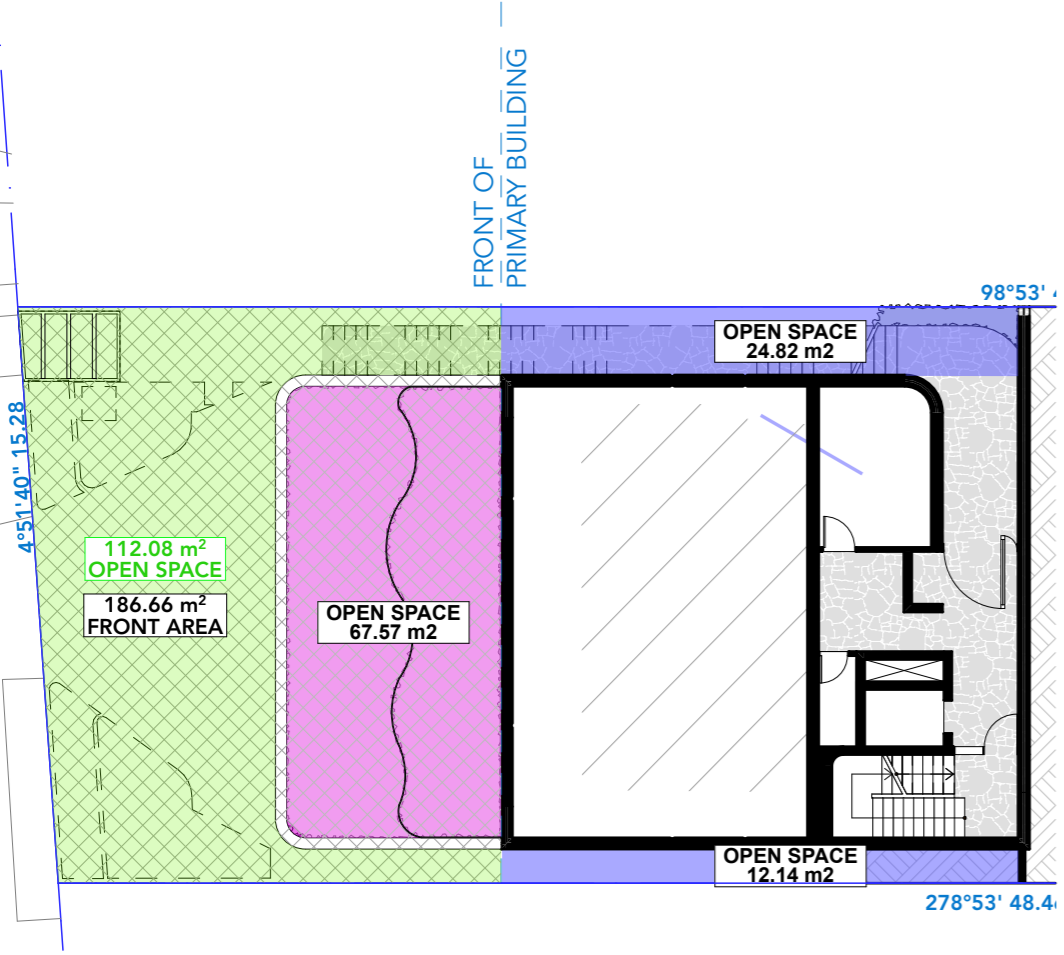
PROJECT NO: 21023
SCALE: 1:200 @A3
DRAWING NO: REV:
PLOTTED: 4/7/22
DA9002 A



1 BASEMENT FLOOR OPEN SPACE
1:200



3 GROUND FLOOR OPEN SPACE
1:200



2 LOWER GROUND FLOOR OPEN SPACE
1:200

WAVERLEY COUNCIL DCP REQUIREMENTS

SITE AREA	746.8m²
40% OPEN SPACE REQUIRED	298.72m ²
55% OPEN SPACE PROPOSED	385.52m ²
FRONT OPEN SPACE REQUIRED *(AREA =186.66m2)	93.33m ²
FRONT OPEN SPACE PROPOSED	112.08m ²
*A minimum of 50% of the area between the front of the primary building and the street alignment is to be open space.	
50% OPEN SPACE AT FRONT OF SITE LANDSCAPED REQUIRED *(AREA =112.08m2)	56.04m ²
36% OPEN SPACE AT FRONT OF SITE LANDSCAPED PROPOSED	40.59m ²
*A minimum of 50% of the Open space provided at the front of the site is to be landscaped area	

OPEN SPACE

COMMON	36.96
DWELLING 1	115.07
DWELLING 2	125.33
FRONT AREA LANDSCAPED	40.59
GARAGE ROOF LANDSCAPED	67.57
TOTAL	385.52 m² (55%)

KEY:

- FRONT AREA BETWEEN THE PRIMARY BUILDING & THE STREET ALIGNMENT
- OPEN SPACE BETWEEN THE PRIMARY BUILDING & THE STREET ALIGNMENT

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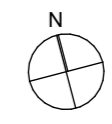
A	30/6/22	DA SUBMISSION
ISSUE	DATE	REVISION

BASIX COMMITMENTS
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

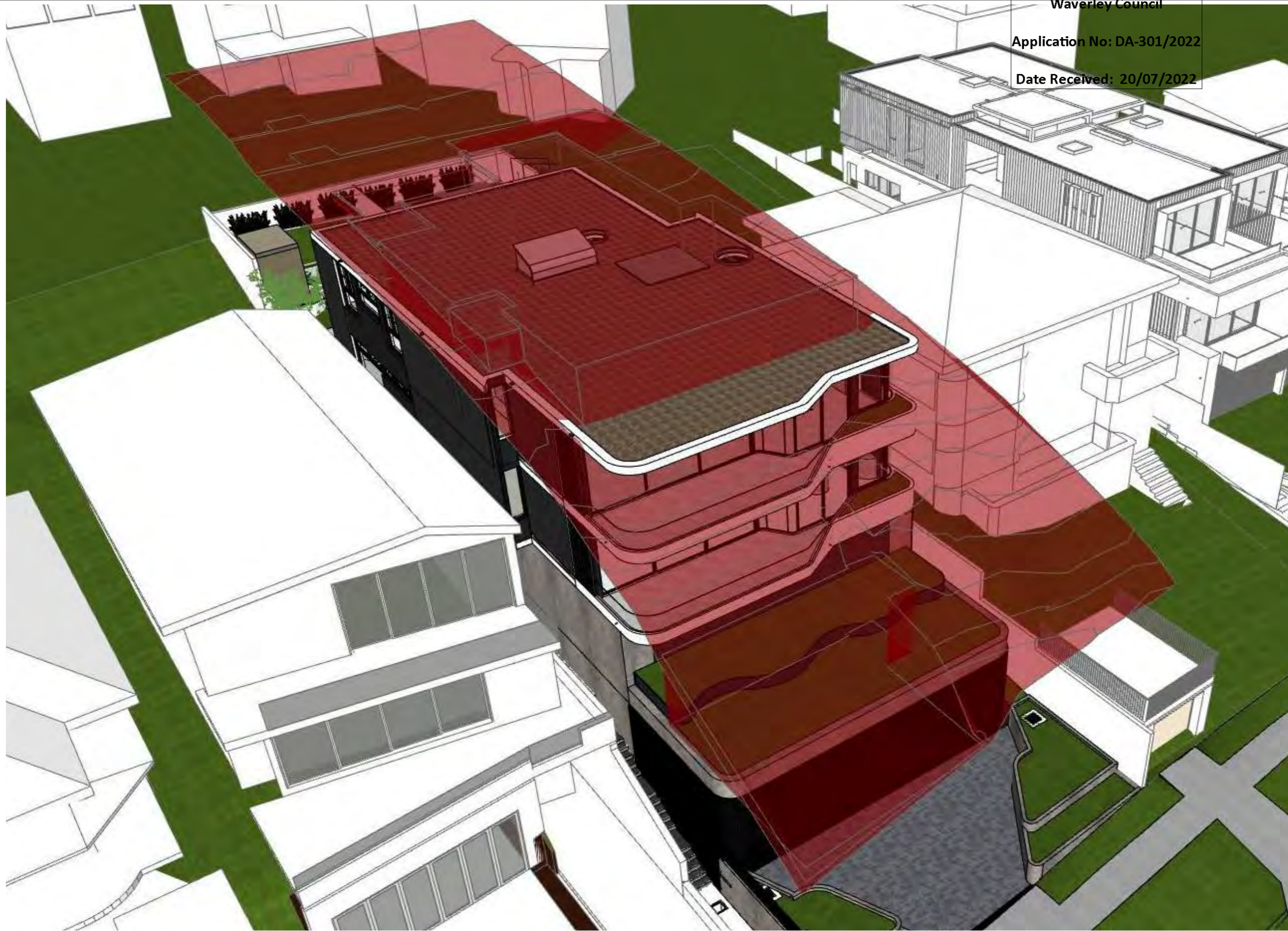
WATER OPTIONS	4 STAR	ENERGY OPTIONS	1-Phase Airconditioning 2.5 Star
SHOWERHEADS:	4 STAR	COOLING:	1-Phase Airconditioning 2.5 Star
TOILETS:	4 STAR	HEATING:	Each Bathroom, Kitchen & Laundry
CLOTHES WASHERS:	4 STAR	VENTILATION:	Individual fan ducted to facade or roof
KITCHEN TAPS:	4 STAR	WATER HEATING:	Gas Instantaneous 5.5 STAR
BATHROOM TAPS:	5 STAR	ARTIFICIAL LIGHTING (UNITS):	Dedicated
DISHWASHERS:	4.5 STAR	COOKING:	Induction Cooktop & Electric Oven (Dwelling 1)
RAIN WATER TANK/ OSD:	12000 L		Gas Cooktop & Electric Oven (Dwelling 2)
POOLS/SPA:	47890 L x 2	DISHWASHER:	3 STAR
LANDSCAPED AREA TO IRRIGATE:	125 sqm	REFRIGIGATOR SPACE:	No
		CLOTHES DRYING LINES:	Yes
		POOL HEATING SYSTEM:	Solar only

ENERGY OPTIONS - COMMON AREAS

VENTILATION:	WC - Exhaust Only.
COMMON AREA LIGHTING:	WC - Store - Light emitting diode; Manual on/off switch.
	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor.
ALTERNATE ENERGY SUPPLY:	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
CENTRAL RWT OR OSD:	To collect run-off from at least 290m ² of roof area of building; Connection of 125m ² of Common Landscaped area on the site.



RECEIVED
Waverley Council
Application No: DA-301/2022
Date Received: 20/07/2022



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ISSUE	DATE	REVISION
A	30/6/22	DA SUBMISSION

BASIX COMMITMENTS
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	ENERGY OPTIONS
SHOWERHEADS: 4 STAR	COOLING: 1-Phase Airconditioning 2.5 Star
TOILETS: 4 STAR	HEATING: 1-Phase Airconditioning 2.5 Star
CLOTHES WASHERS: 4 STAR	VENTILATION: Each Bathroom, Kitchen & Laundry individual fan ducted to facade or roof
KITCHEN TAPS: 4 STAR	WATER HEATING: Gas Instantaneous 5.5 STAR
BATHROOM TAPS: 5 STAR	ARTIFICIAL LIGHTING (UNITS): Dedicated Induction Cooktop & Electric Oven (Dwelling 1)
DISHWASHERS: 4.5 STAR	COOKING: Gas Cooktop & Electric Oven (Dwelling 2)
RAIN WATER TANK/ OSD: 12000 L	POOL SPA: 3 STAR
LANDSCAPED AREA TO IRRIGATE: 47890 L x 2	DISHWASHER: No
	REFRIGERATOR SPACE: Yes
	CLOTHES DRYING LINES: Yes
	POOL HEATING SYSTEM: Solar only

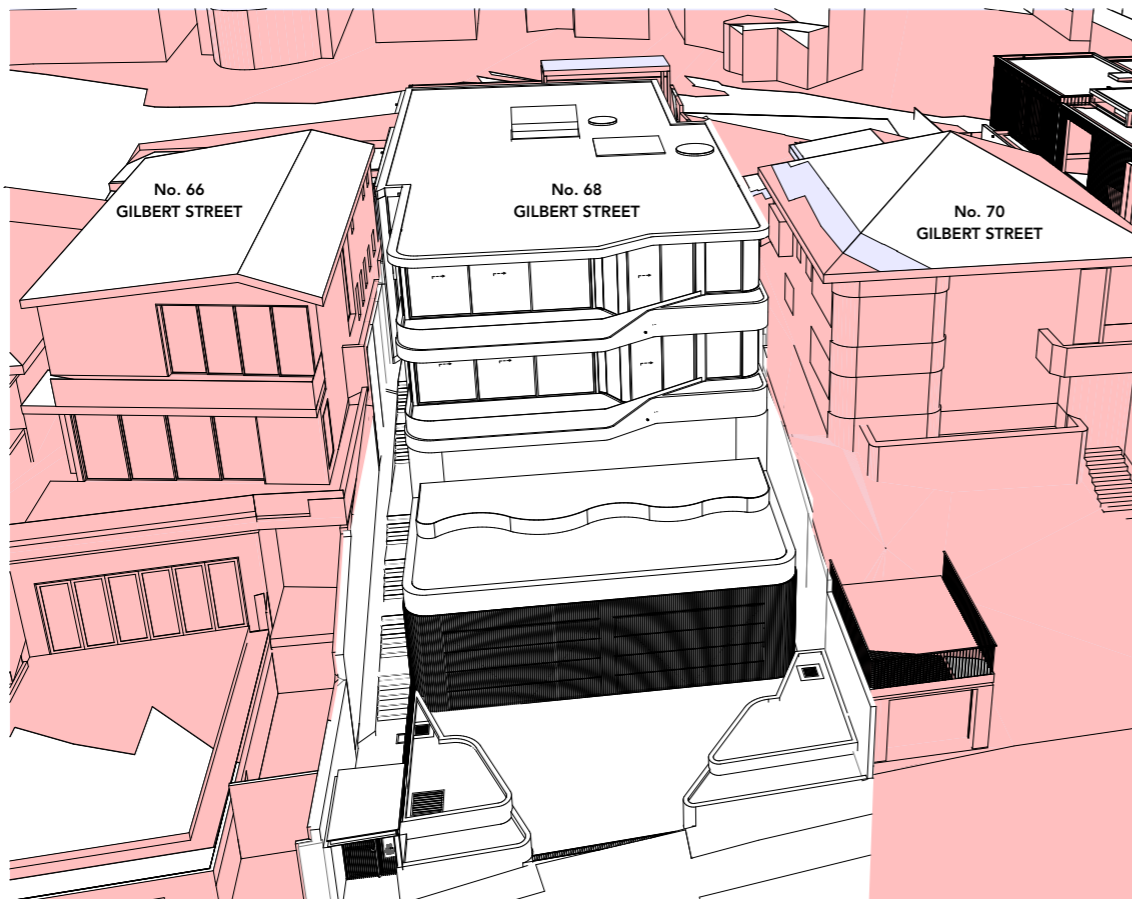
ENERGY OPTIONS - COMMON AREAS

VENTILATION:	COMMON AREA LIGHTING:	ALTERNATE ENERGY SUPPLY:	CENTRAL RWT OR OSD:
WC - Exhaust Only.	WC - Store - Light emitting diode; Manual on/off switch.	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor	No
		Photovoltaic System; Rated electrical output (min): 1.4 peak kW	
		To collect run-off from at least 290m ² of roof area of building; Connection of 125m ² of Common Landscaped area on the site.	

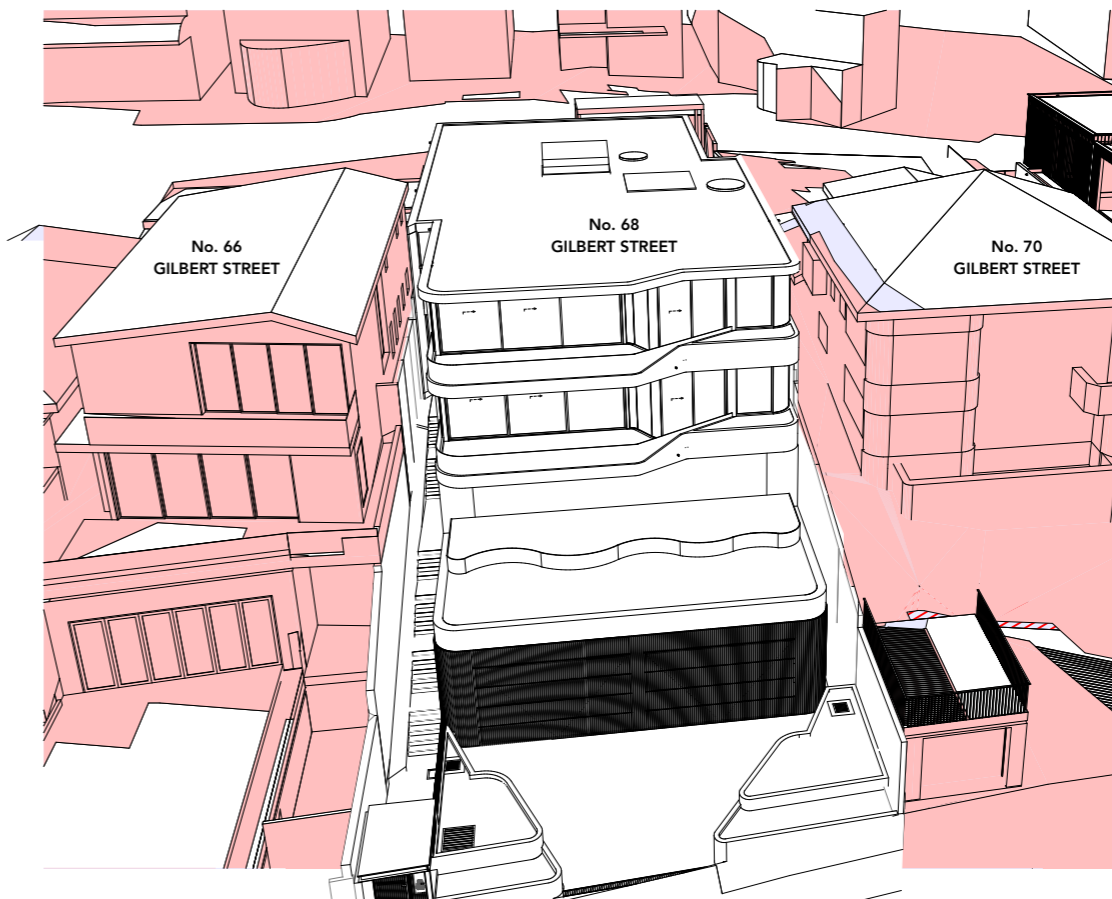
PROJECT: **PROPOSED DUPLEX**
68 Gilbert St
Dover Heights NSW 2030
DRAWING: **HEIGHT PLANE DIAGRAM**

PROJECT NO: 21023
SCALE: @A3
DRAWING NO: REV:
PLOTTED: 4/7/22
DA9004 A

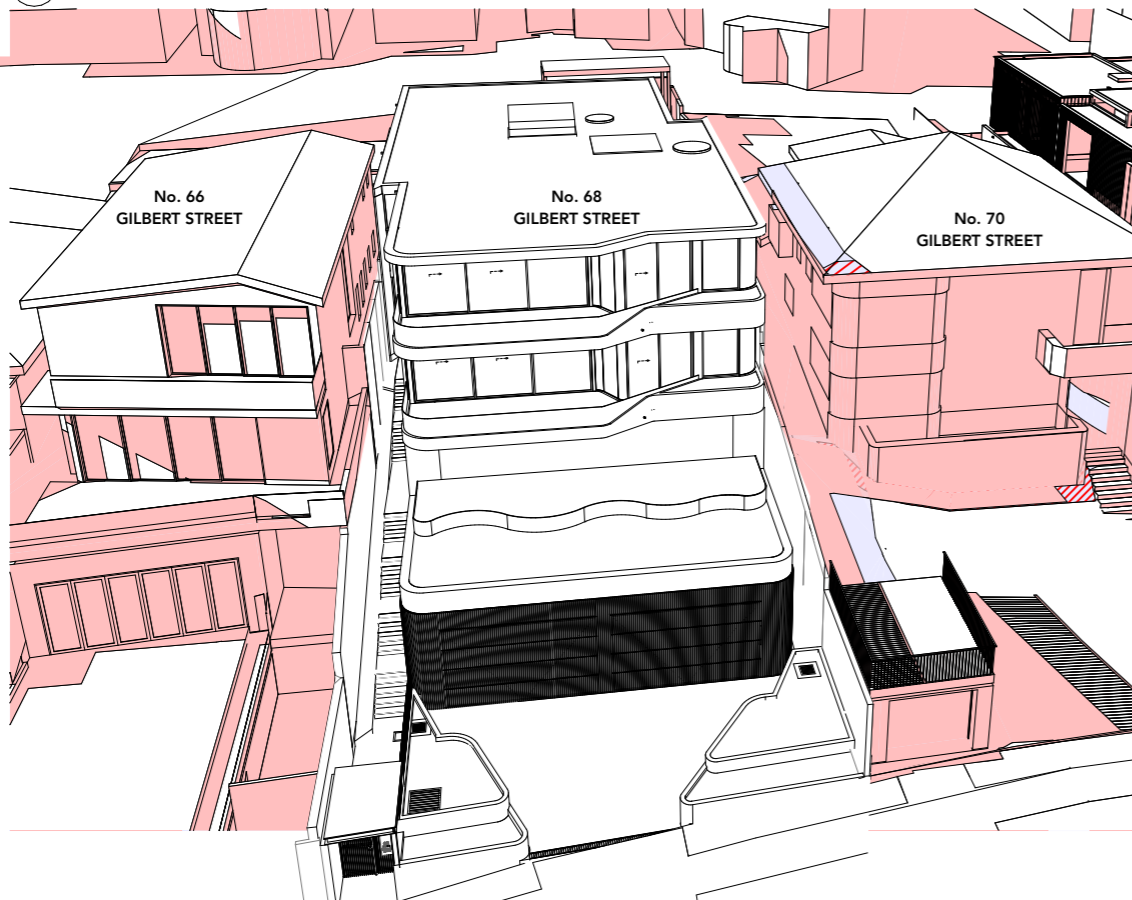
RECEIVED
Waverley Council
Receipt No: DA-301/2022
Date Received: 10/08/2022



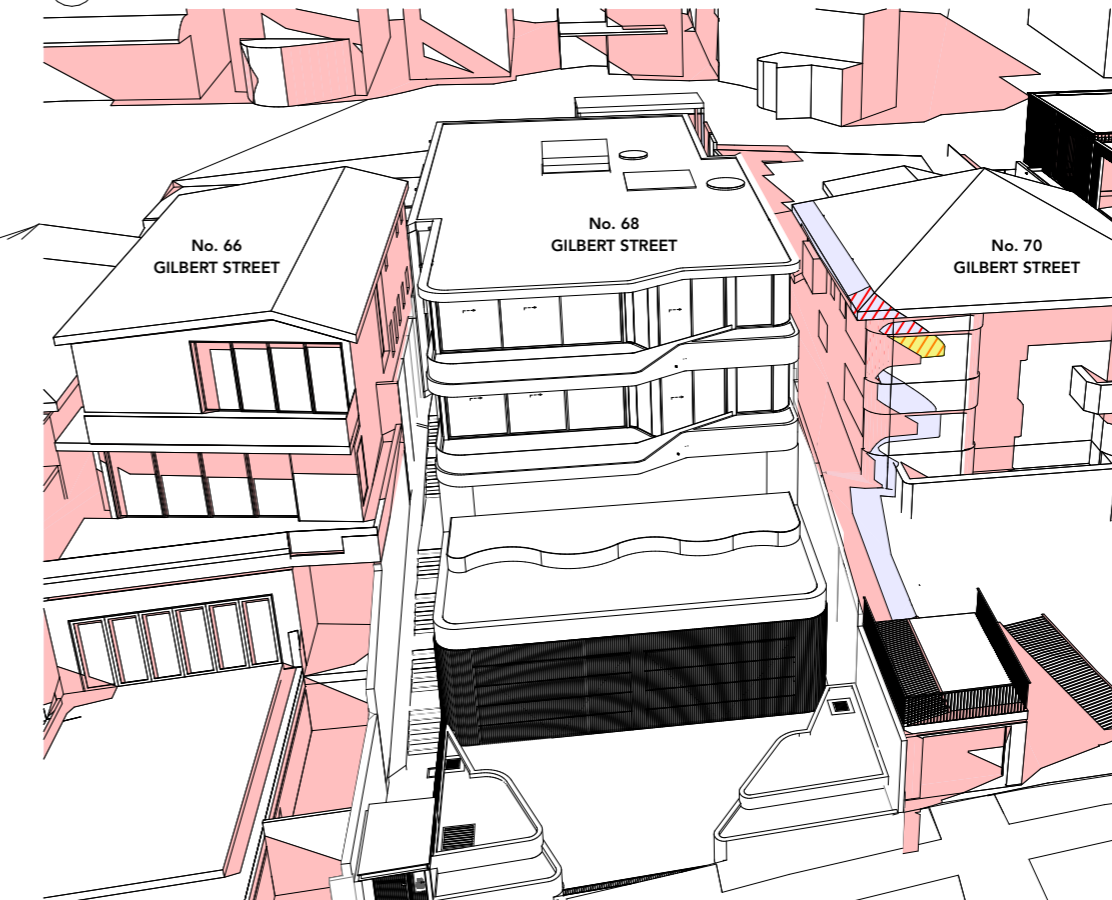
1 9am JUNE 21 - PROPOSED SHADOWS



2 10am JUNE 21 - PROPOSED SHADOWS



3 11am JUNE 21 - PROPOSED SHADOWS



4 12pm JUNE 21 - PROPOSED SHADOWS

- EXISTING SHADOWS
- PROPOSED SHADOWS
- WINDOW AFFECTED BY NON-COMPLIANCE WITH HT. OF BUILDINGS DEVELOPMENT STANDARD
- EXTRA SHADOW CREATED BY NON-COMPLIANCE WITH HT. OF BUILDINGS DEVELOPMENT STANDARD

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ISSUE	DATE	REVISION
B	5/8/22	DA SUBMISSION
A	30/6/22	DA SUBMISSION

BASIX COMMITMENTS

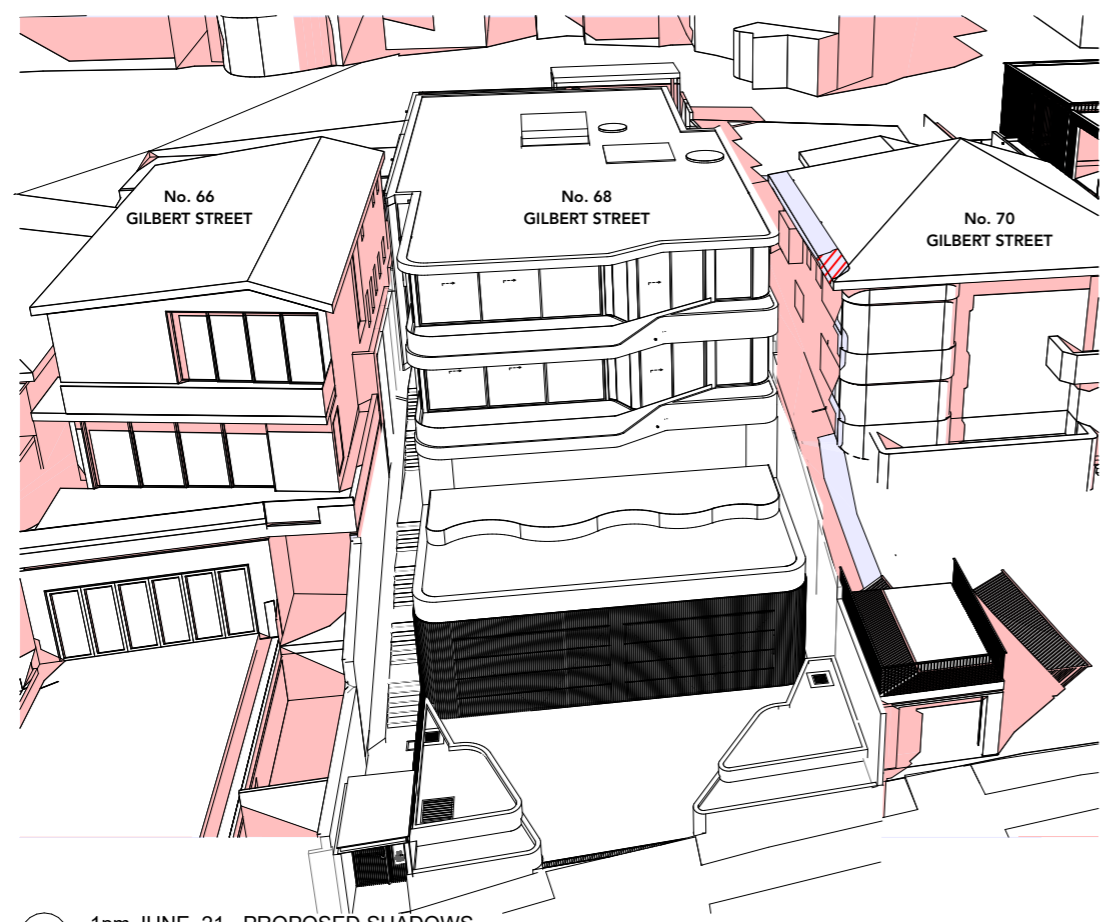
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	ENERGY OPTIONS	ENERGY OPTIONS - COMMON AREAS
SHOWERHEADS: 4 STAR	COOLING: 4 STAR	VENTILATION: WC - Exhaust Only.
TOILETS: 4 STAR	HEATING: 4 STAR	COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
CLOTHES WASHERS: 4 STAR	VENTILATION: individual fan ducted to facade or roof	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor.
KITCHEN TAPS: 4 STAR	WATER HEATING: Gas instantaneous 5.5 STAR	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
BATHROOM TAPS: 5 STAR	ARTIFICIAL LIGHTING (UNITS): Dedicated Induction Cooktop & Electric Oven (Dwelling 1)	To collect run-off from at least 290m ² of roof area of building. Connection of 125m ² of Common Landscaped area on the site.
DISHWASHERS: 4.5 STAR	COOKING: Gas Cooktop & Electric Oven (Dwelling 2)	
RAIN WATER TANK/ OSD: 12000 L		
POOLS/SPA: 47890 L x 2	DISHWASHER: No	
LANDSCAPED AREA TO IRRIGATE: 125 sqm	REFRIGERATOR SPACE: Yes	
	CLOTHES DRYING LINES: Solar only	
	POOL HEATING SYSTEM: No	

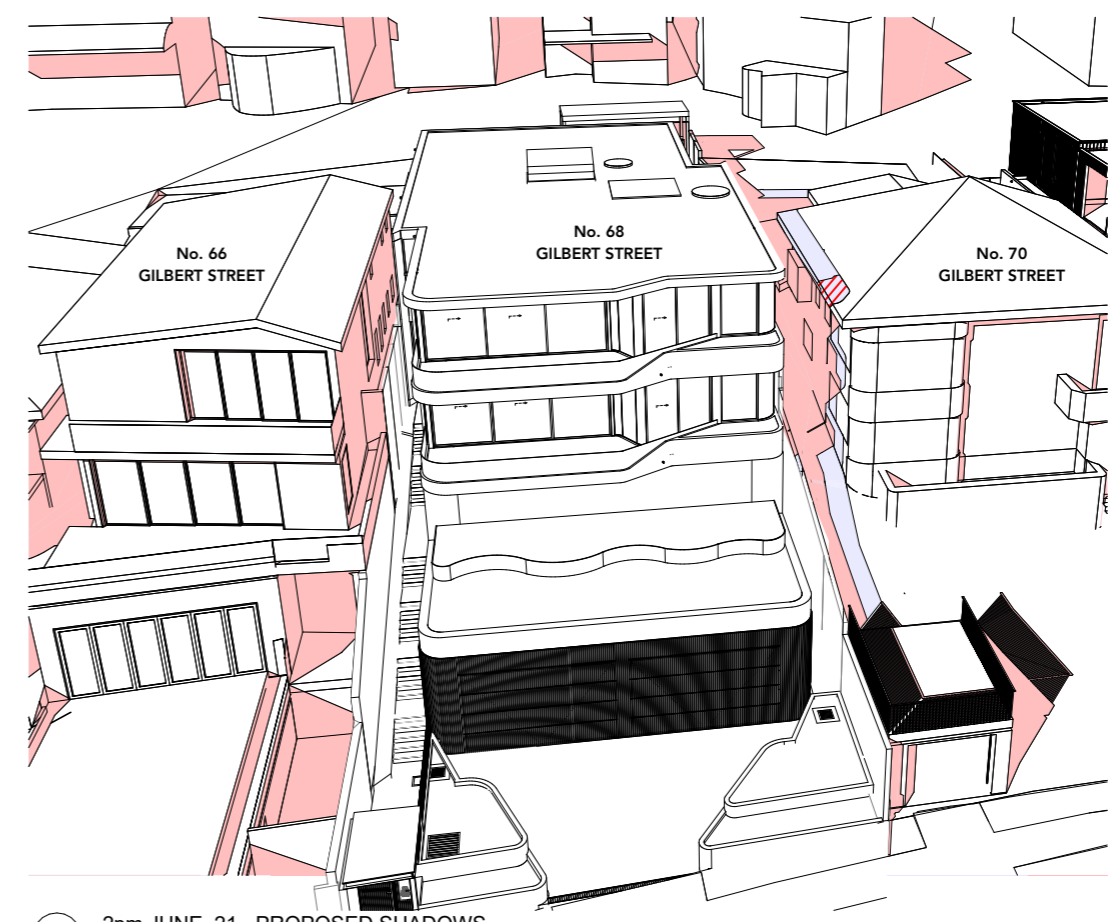
ALTERNATE ENERGY SUPPLY: 3 STAR
CENTRAL RWT OR OSD:

PROJECT: 21023
PROPOSED DUPLEX
68 Gilbert St
Dover Heights NSW 2030
DRAWING: ELEVATIONAL SHADOW DIAGRAMS 1
PROJECT NO: 21023
SCALE: @A3
DRAWING NO: REV:
PLOTTED: 5/8/22
DA9102 B

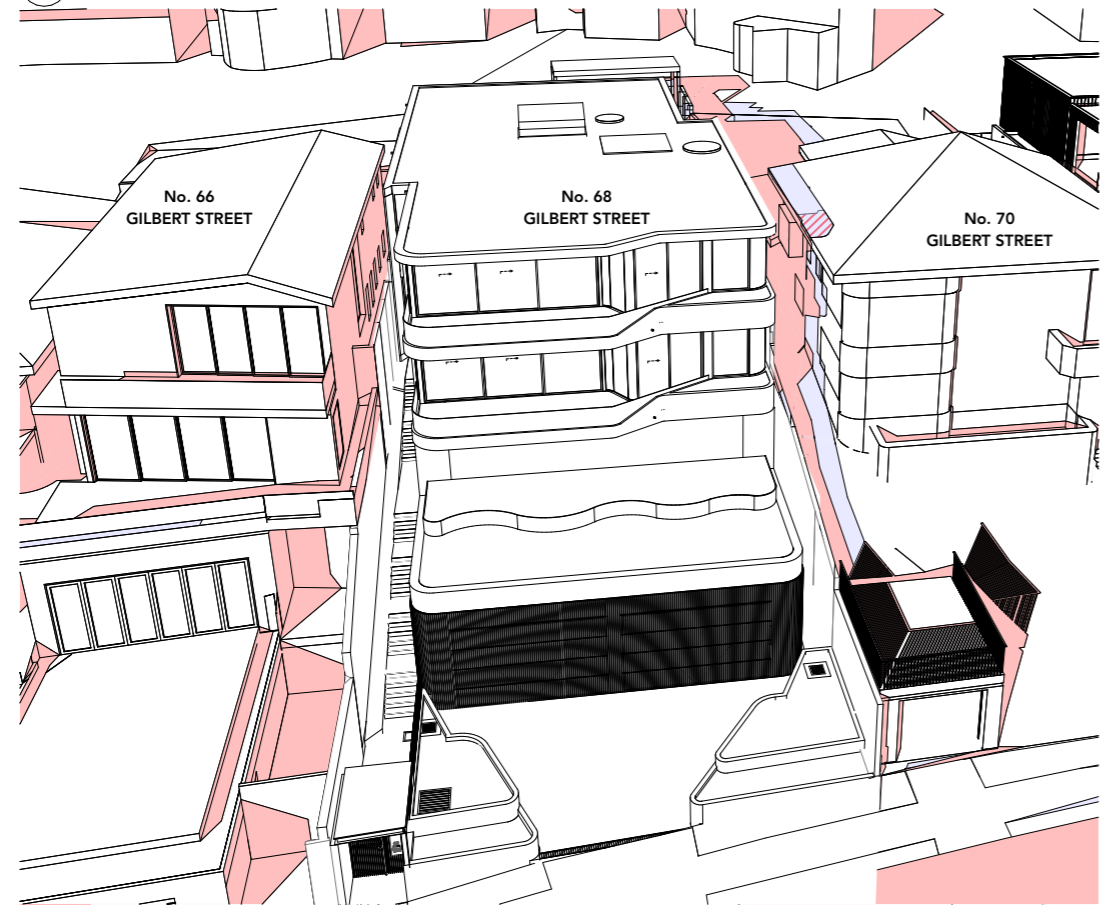
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Receipt No: DA-301/2022
Date Received: 10/08/2022



1 1pm JUNE 21 - PROPOSED SHADOWS



2 2pm JUNE 21 - PROPOSED SHADOWS



3 3pm JUNE 21 - PROPOSED SHADOWS

- EXISTING SHADOWS
- PROPOSED SHADOWS
- WINDOW AFFECTED BY NON-COMPLIANCE WITH HT. OF BUILDINGS DEVELOPMENT STANDARD
- EXTRA SHADOW CREATED BY NON-COMPLIANCE WITH HT. OF BUILDINGS DEVELOPMENT STANDARD

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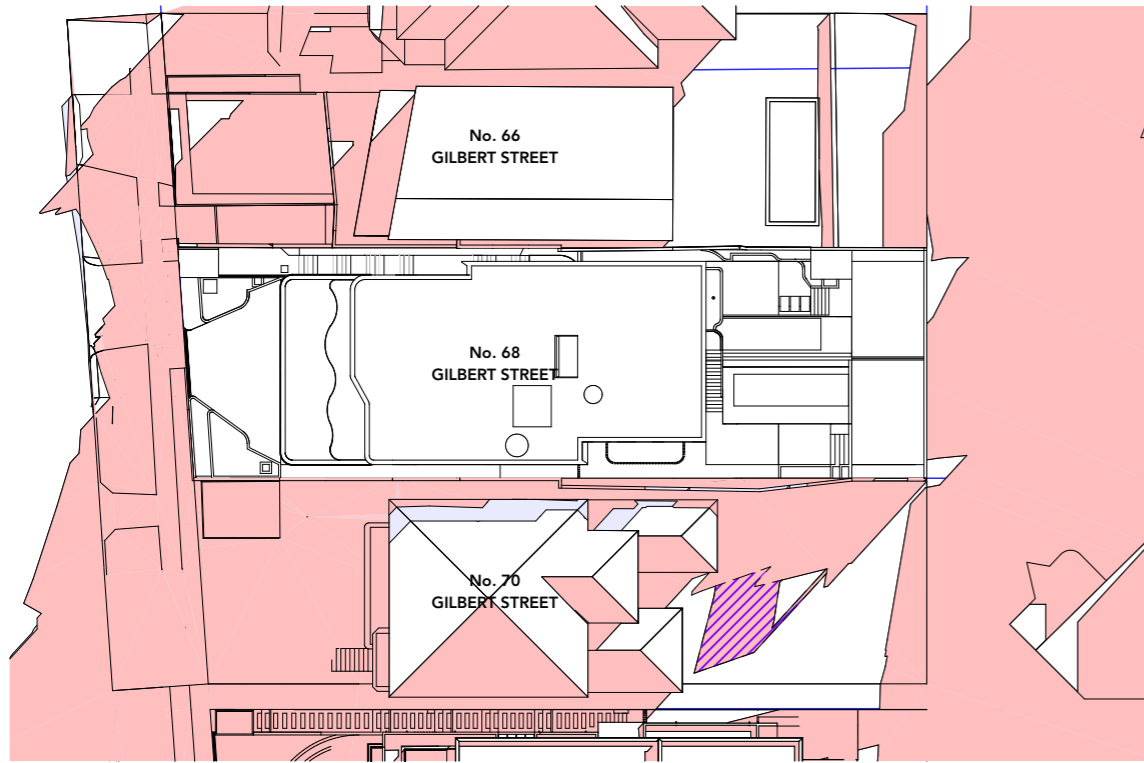
BASIS COMMITMENTS
(ALL OTHER BASIS COMMITMENTS AS PER BASIS CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	4 STAR	ENERGY OPTIONS	1-Phase Airconditioning 2.5 Star
SHOWERHEADS:	4 STAR	COOLING:	1-Phase Airconditioning 2.5 Star
TOILETS:	- STAR	HEATING:	Each Bathroom, Kitchen & Laundry
CLOTHES WASHERS:	4 STAR	VENTILATION:	individual fan ducted to facade or roof
KITCHEN TAPS:	5 STAR	WATER HEATING:	Gas Instantaneous 5.5 STAR
BATHROOM TAPS:	4.5 STAR	ARTIFICIAL LIGHTING (UNITS):	Dedicated
DISHWASHERS:	12000 L	COOKING:	Induction Cooktop & Electric Oven (Dwelling 1)
RAIN WATER TANK/ OSD:	47890 L x 2		Gas Cooktop & Electric Oven (Dwelling 2)
POOLS/SPA:	125 sqm	DISHWASHER:	No
LANDSCAPED AREA TO IRRIGATE:		REFRIGERATOR SPACE:	Yes
		CLOTHES DRYING LINES:	Solar only
		POOL HEATING SYSTEM:	

ENERGY OPTIONS - COMMON AREAS

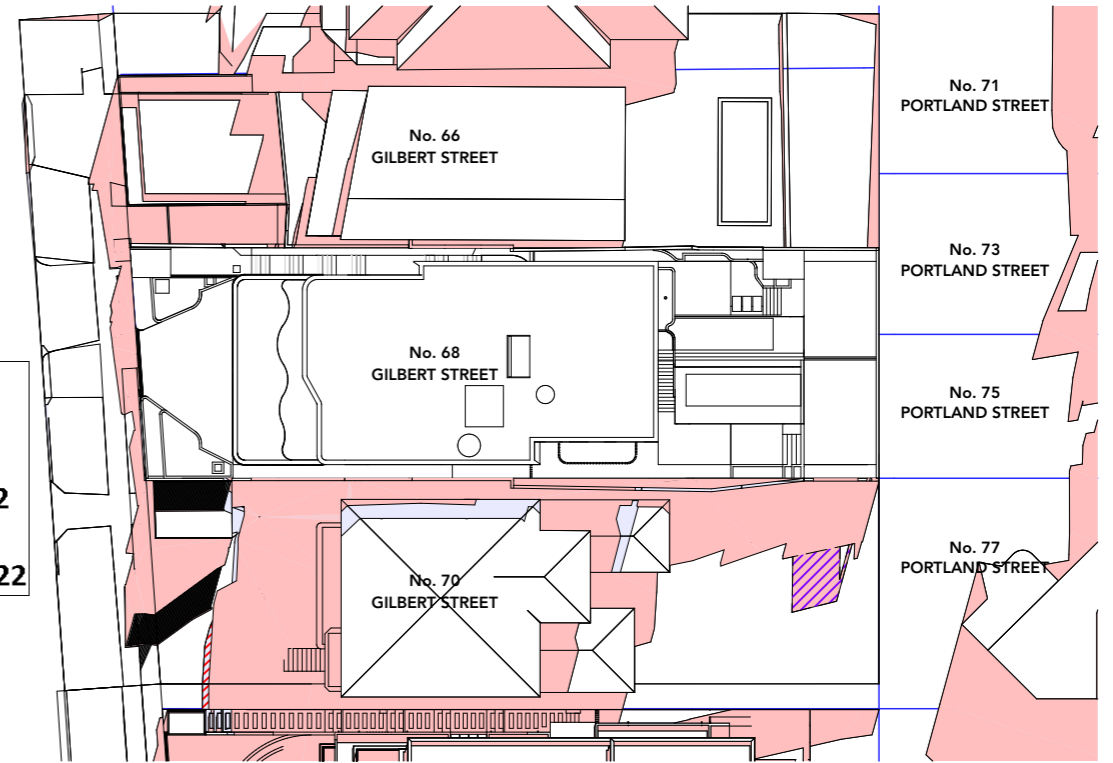
VENTILATION:	WC - Exhaust Only.
COMMON AREA LIGHTING:	WC - Store - Light emitting diode; Manual on/off switch.
	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor.
ALTERNATE ENERGY SUPPLY:	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
CENTRAL RWT OR OSD:	To collect run-off from at least 290m2 of roof area of building. Connection of 125m2 of Common Landscaped area on the site.

PROJECT: **PROPOSED DUPLEX**
68 Gilbert St
Dover Heights NSW 2030
DRAWING: **ELEVATIONAL SHADOW DIAGRAMS 2**
PROJECT NO: 21023
SCALE: @A3
DRAWING NO: REV:
PLOTTED: 5/8/22
DA9103 A

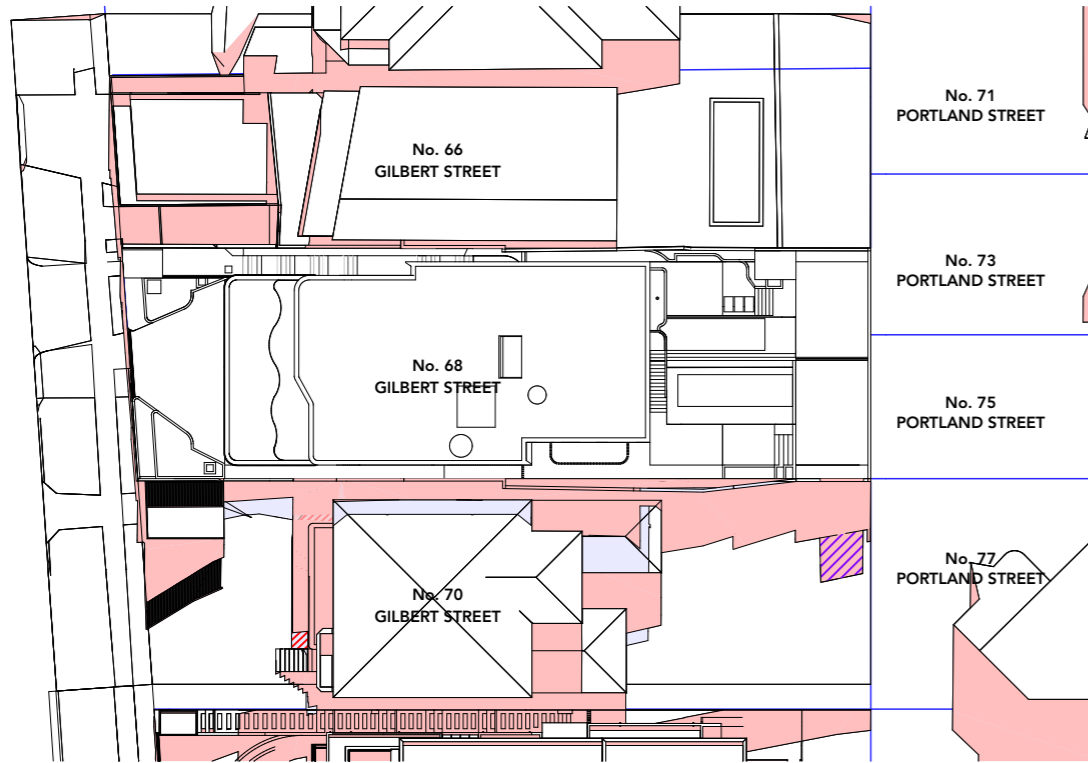


1 9am June 21 - Proposed Shadows 1:500

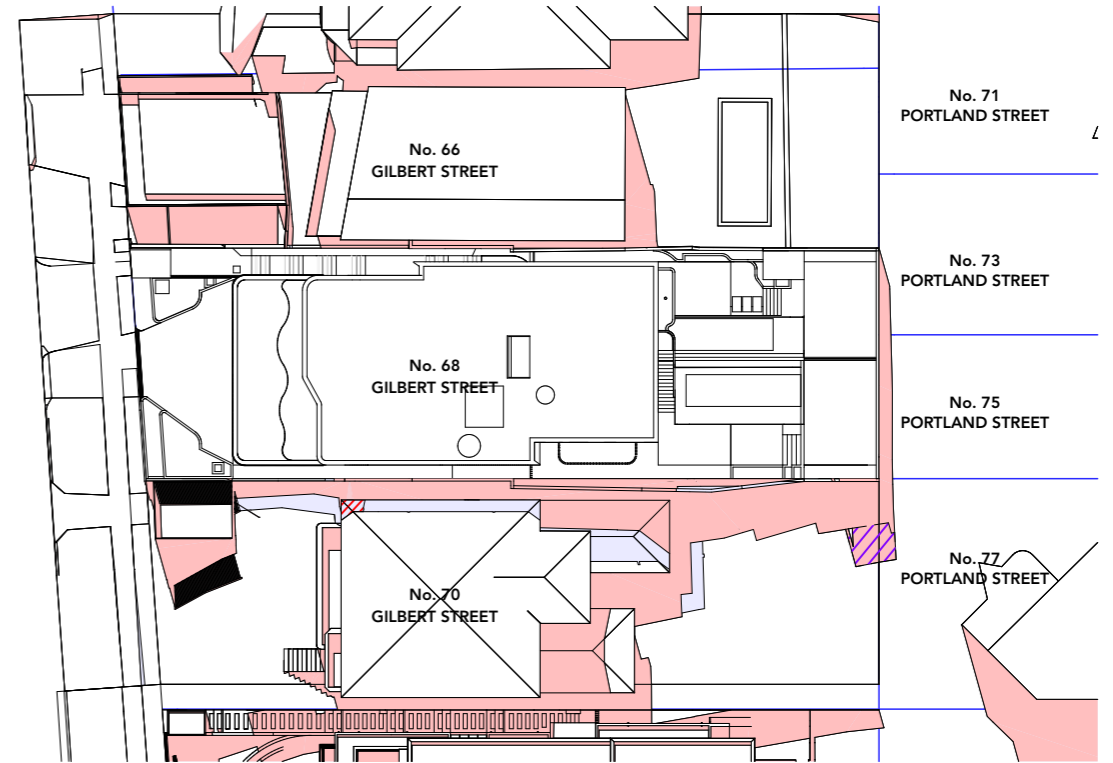
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Waverley Council
Receipt No: DA-301/2022
Date Received: 10/08/2022



2 10am June 21 - Proposed Shadows 1:500



3 11am June 21 - Proposed Shadows 1:500



4 12pm June 21 - Proposed Shadows 1:500

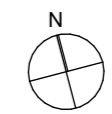
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PROPOSED SHADOWS
REDUCED SHADOW
EXTRA SHADOW CREATED BY NON-COMPLIANCE WITH HEIGHT OF BUILDINGS DEVELOPMENT STANDARD

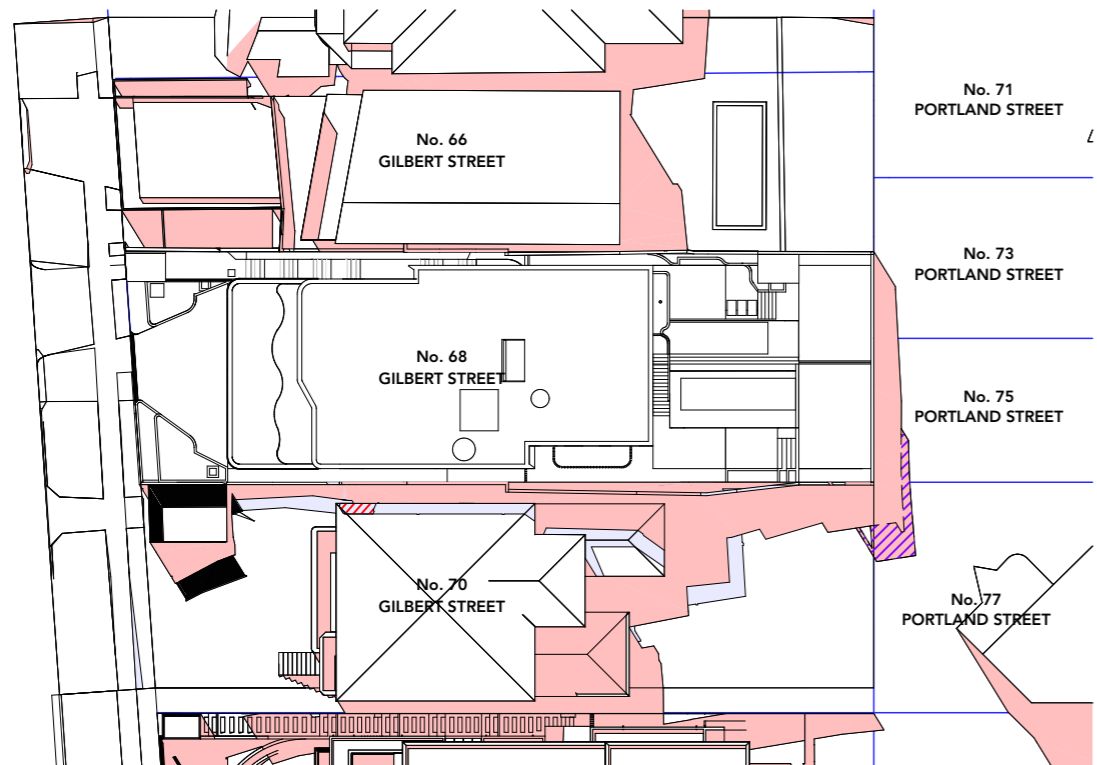
ISSUE	DATE	REVISION
B	5/8/22	DA SUBMISSION
A	30/6/22	DA SUBMISSION

BASIX COMMITMENTS
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

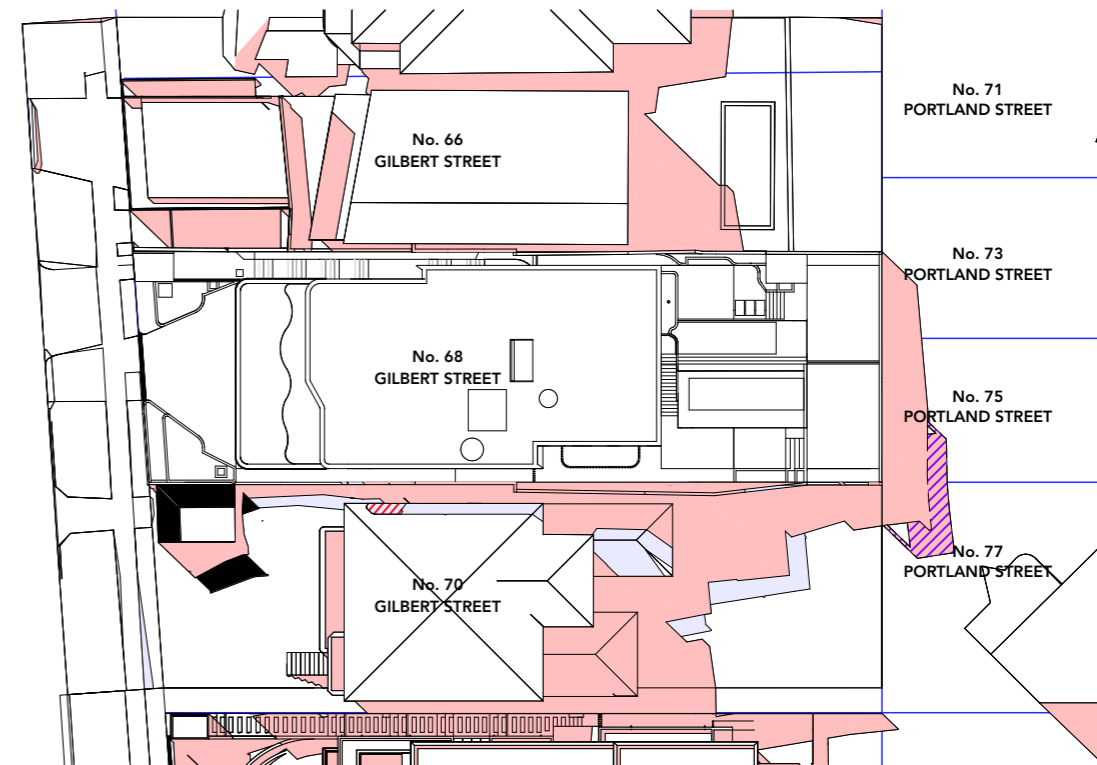
WATER OPTIONS	ENERGY OPTIONS	ENERGY OPTIONS - COMMON AREAS
SHOWERHEADS: 4 STAR	COOLING: 1-Phase Airconditioning 2.5 Star	VENTILATION: WC - Exhaust Only
TOILETS: 4 STAR	HEATING: 1-Phase Airconditioning 2.5 Star	COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
CLOTHES WASHERS: 4 STAR	VENTILATION: Each Bathroom, Kitchen & Laundry individual fan ducted to facade or roof	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
KITCHEN TAPS: 4 STAR	WATER HEATING: Gas Instantaneous 5.5 STAR	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
BATHROOM TAPS: 5 STAR	ARTIFICIAL LIGHTING (UNITS): Dedicated Induction Cooktop & Electric Oven (Dwelling 1)	To collect run-off from at least 290m ² of roof area of building; Connection of 125m ² of Common Landscaped area on the site.
DISHWASHERS: 4.5 STAR	COOKING: Gas Cooktop & Electric Oven (Dwelling 2)	
RAIN WATER TANK/ OSD: 12000 L	POOL/SPA: 3 STAR	
LANDSCAPED AREA TO IRRIGATE: 125 sqm	DISHWASHER: No	
	REFRIGERATOR SPACE: Yes	
	CLOTHES DRYING LINES: Yes	
	POOL HEATING SYSTEM: Solar only	

ENERGY OPTIONS - COMMON AREAS
VENTILATION: WC - Exhaust Only
COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
Photovoltaic System; Rated electrical output (min): 1.4 peak kW
To collect run-off from at least 290m² of roof area of building; Connection of 125m² of Common Landscaped area on the site.

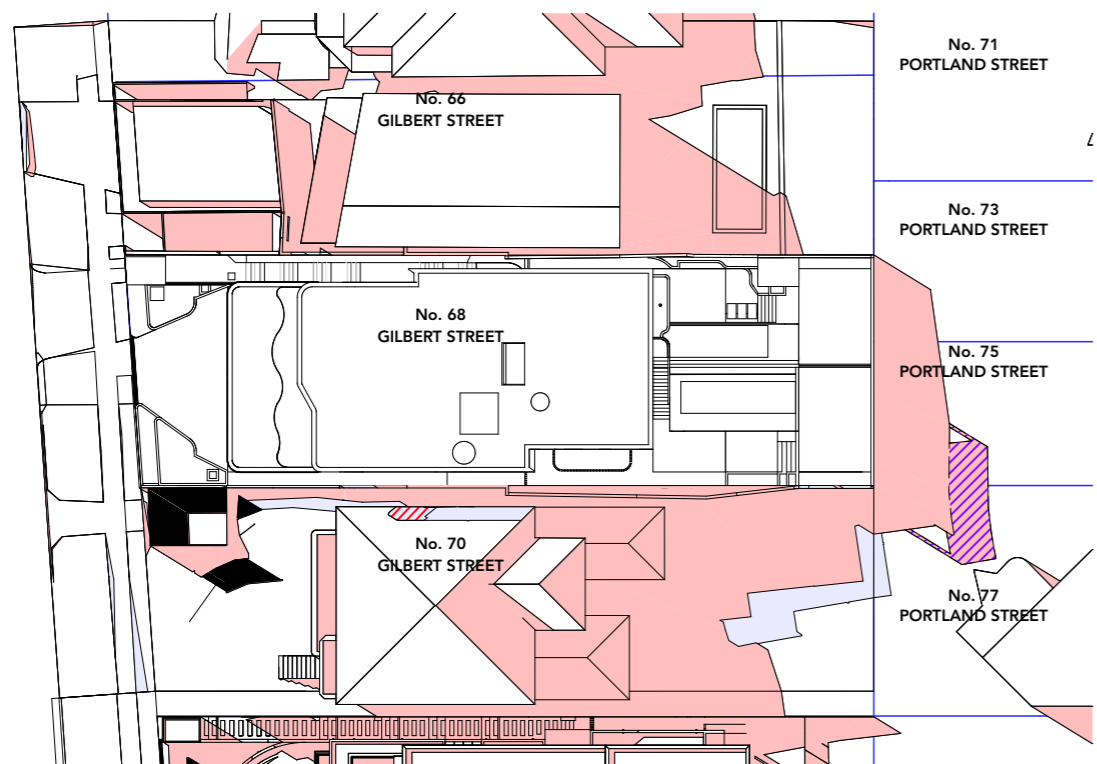




1pm June 21 - Proposed Shadows
1:500



2pm June 21 - Proposed Shadows
1:500



3pm June 21 - Proposed Shadows
1:500

RECEIVED
Waverley Council
Receipt No: DA-301/2022
Date Received: 10/08/2022

■ EXISTING SHADOWS ■ PROPOSED SHADOWS
▨ REDUCED SHADOW ▨ EXTRA SHADOW CREATED BY NON-COMPLIANCE WITH HEIGHT OF BUILDINGS DEVELOPMENT STANDARD

MARK SHAPIRO ARCHITECTS
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ISSUE	DATE	REVISION
A	5/8/22	DA SUBMISSION

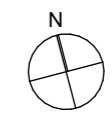
BASIS COMMITMENTS
(ALL OTHER BASIS COMMITMENTS AS PER BASIS CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	4 STAR	COOLING:	1-Phase Airconditioning 2.5 Star
SHOWERHEADS:	4 STAR	HEATING:	1-Phase Airconditioning 2.5 Star
TOILETS:	4 STAR	VENTILATION:	Each Bathroom, Kitchen & Laundry individual fan ducted to facade or roof
CLOTHES WASHERS:	4 STAR	WATER HEATING:	Gas Instantaneous 5.5 STAR
KITCHEN TAPS:	4 STAR	ARTIFICIAL LIGHTING (UNITS):	Dedicated Induction Cooktop & Electric Oven (Dwelling 1)
BATHROOM TAPS:	5 STAR	COOKING:	Gas Cooktop & Electric Oven (Dwelling 2)
DISHWASHERS:	4.5 STAR		
RAIN WATER TANK/ OSD:	12000 L		
POOL/SPA:	47890 L x 2		
LANDSCAPED AREA TO IRRIGATE:	125 sqm	DISHWASHER:	No
		REFRIGERATOR SPACE:	Yes
		CLOTHES DRYING LINES:	Yes
		POOL HEATING SYSTEM:	Solar only

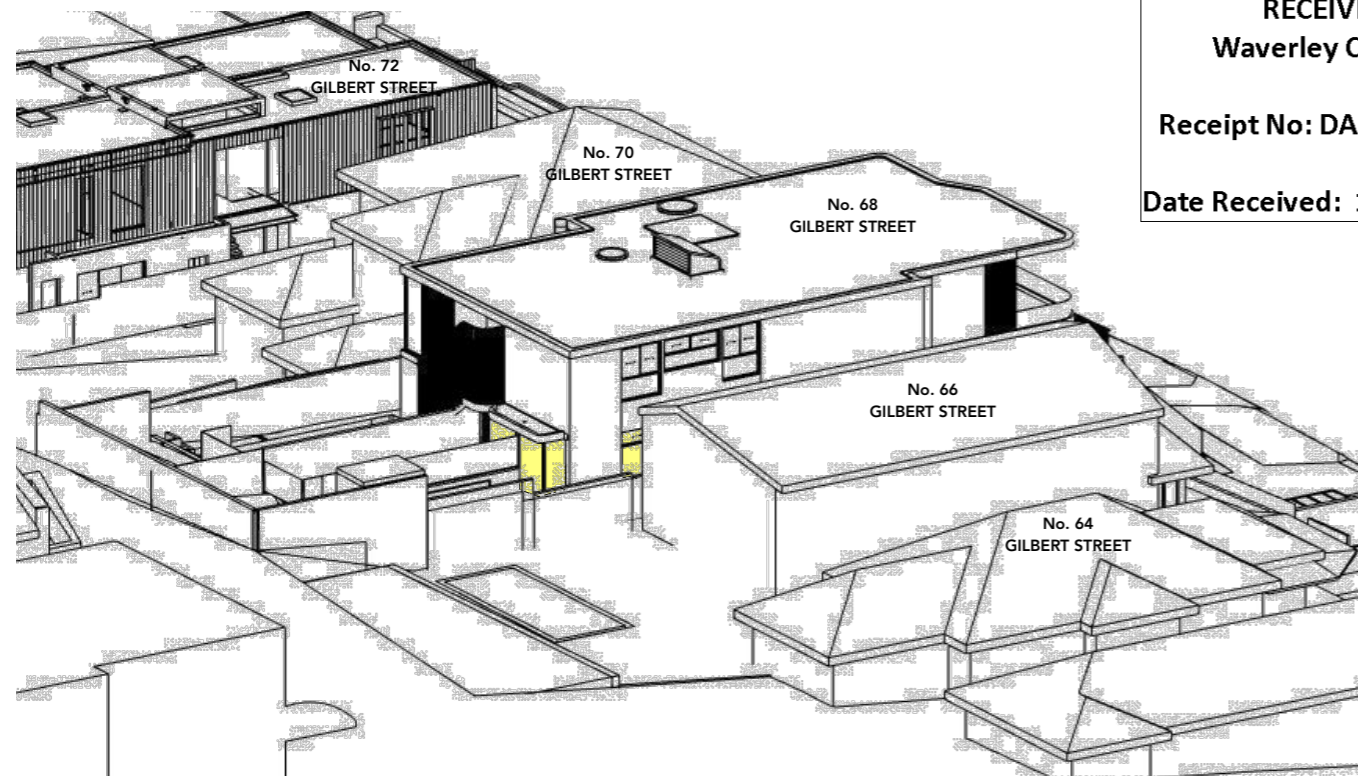
ENERGY OPTIONS - COMMON AREAS

VENTILATION: WC - Exhaust Only.
COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor.
ALTERNATE ENERGY SUPPLY: Photovoltaic System; Rated electrical output (min): 1.4 peak kW
To collect run-off from at least 290m2 of roof area of building; Connection of 125m2 of Common Landscaped area on the site.

CENTRAL RWT OR OSD:

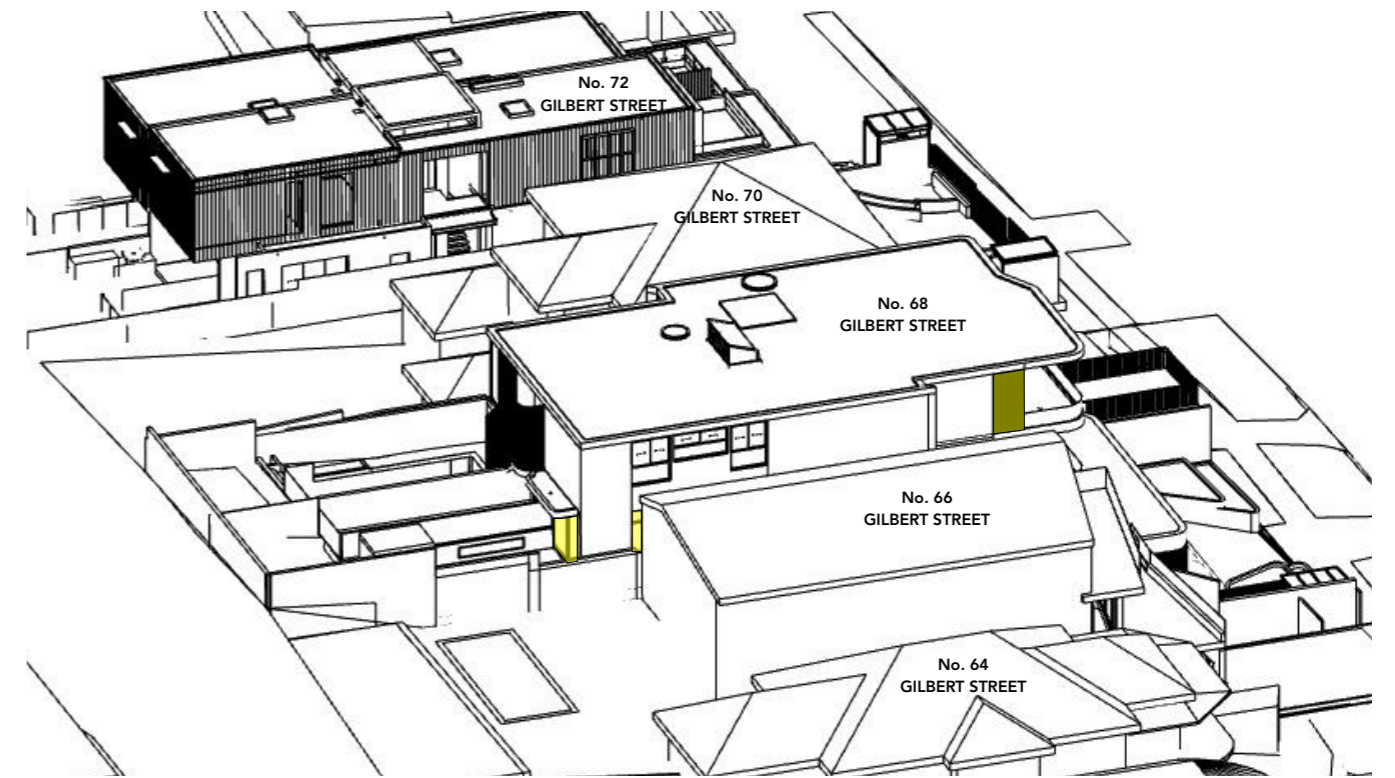


PROJECT: **PROPOSED DUPLEX**
PROJECT NO: 21023
68 Gilbert St
Dover Heights NSW 2030
SCALE: 1:500 @A3
DRAWING NO: REV:
SHADOW DIAGRAMS 2
PLOTTED: 5/8/22
DA9101 A



1 9am - SUN'S EYE DIAGRAM

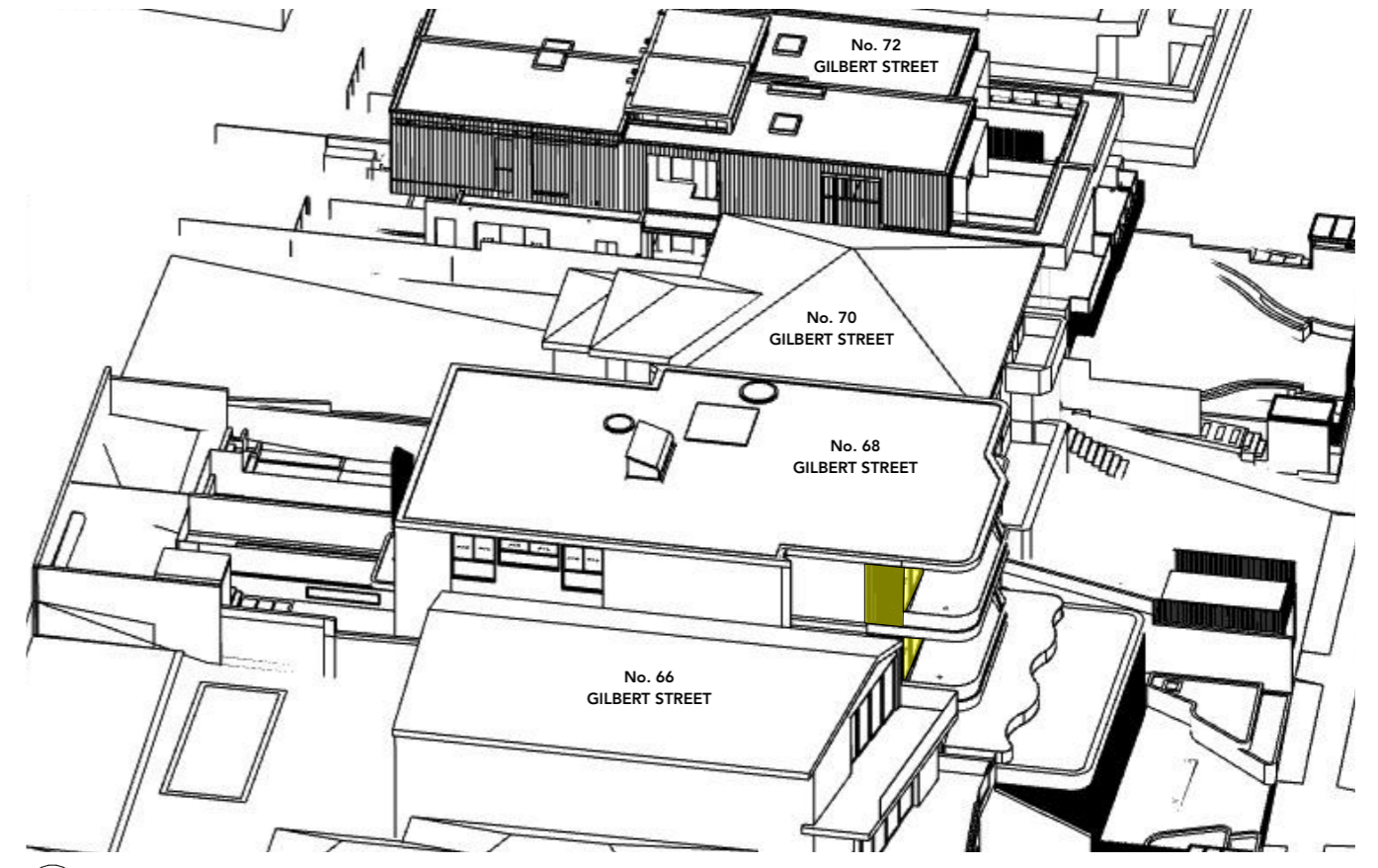
RECEIVED
Waverley Council
Receipt No: DA-301/2022
Date Received: 10/08/2022




2 10am - SUN'S EYE DIAGRAM



3 11am - SUN'S EYE DIAGRAM



4 12pm - SUN'S EYE DIAGRAM

 SOLAR ACCESS TO INTERNAL LIVING AREAS
NOTE: ALL AREAS VISIBLE IN THE DIAGRAMS ARE CONSIDERED AS BEING IN THE SUNLIGHT. AREAS NOT VISIBLE ARE CONSIDERED AS BEING IN THE SHADE.



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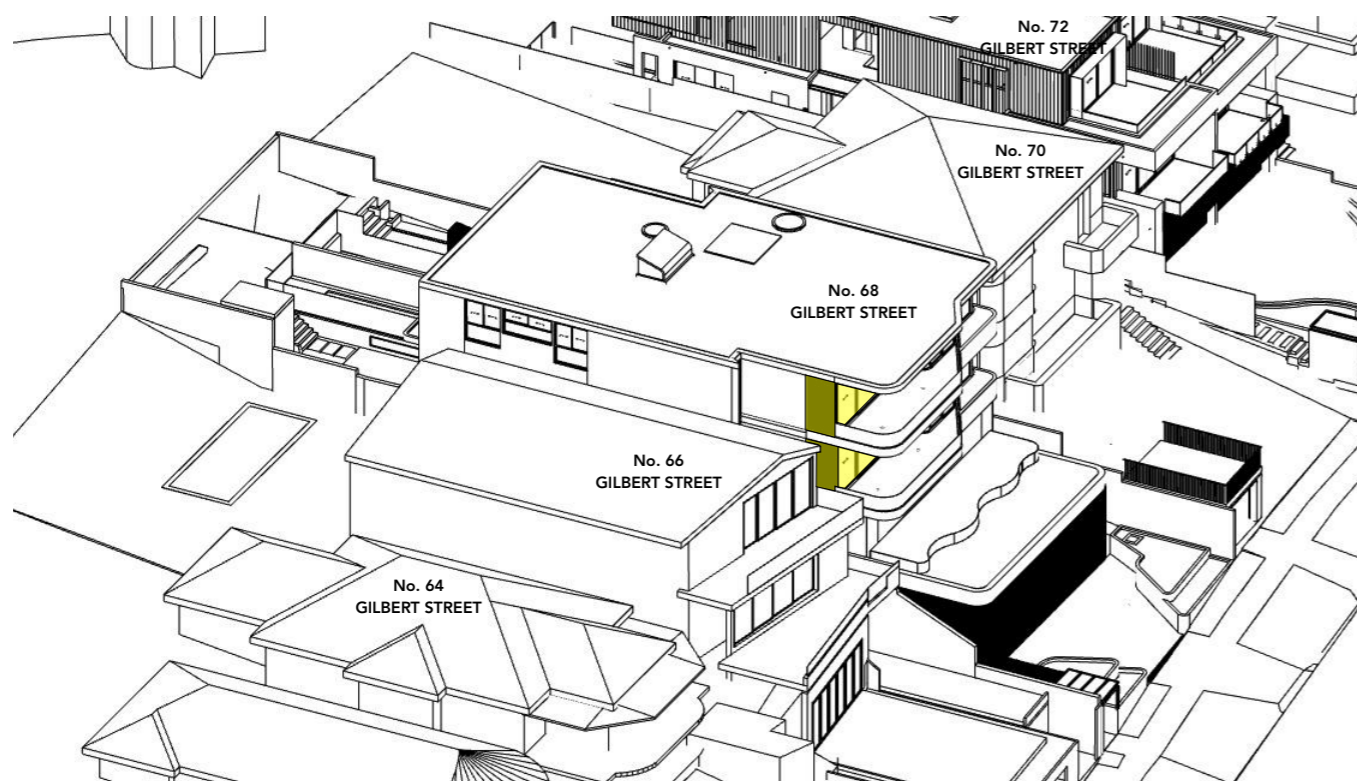
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ISSUE	DATE	REVISION
A	5/8/22	DA SUBMISSION

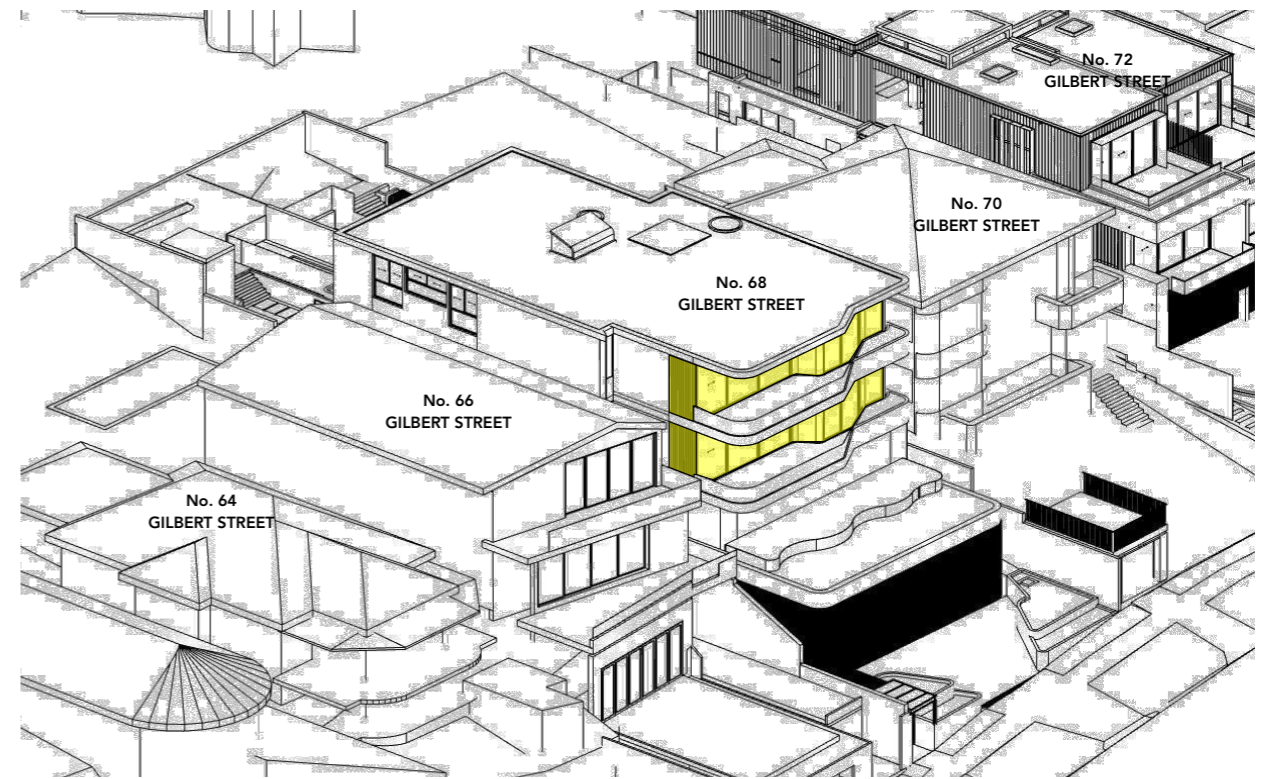
BASIX COMMITMENTS
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS	ENERGY OPTIONS	ENERGY OPTIONS - COMMON AREAS
SHOWERHEADS: 4 STAR	COOLING: 1-Phase Airconditioning 2.5 Star	VENTILATION: WC - Exhaust Only
TOILETS: 4 STAR	HEATING: 1-Phase Airconditioning 2.5 Star	COMMON AREA LIGHTING: WC - Store - Light emitting diode; Manual on/off switch.
CLOTHES WASHERS: 4 STAR	VENTILATION: Each Bathroom, Kitchen & Laundry individual fan ducted to facade or roof	Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
KITCHEN TAPS: 4 STAR	WATER HEATING: Gas Instantaneous 5.5 STAR	Photovoltaic System; Rated electrical output (min): 1.4 peak kW
BATHROOM TAPS: 5 STAR	ARTIFICIAL LIGHTING (UNITS): Dedicated Induction Cooktop & Electric Oven (Dwelling 1)	To collect run-off from at least 290m ² of roof area of building; Connection of 125m ² of Common Landscaped area on the site.
DISHWASHERS: 4.5 STAR	COOKING: Gas Cooktop & Electric Oven (Dwelling 2)	ALTERNATE ENERGY SUPPLY: 3 STAR
RAIN WATER TANK/ OSD: 12000 L	POOL/SPA: 47890 L x 2	CENTRAL RWT OR OSD:
LANDSCAPED AREA TO IRRIGATE: 125 sqm	DISHWASHER: No	
	REFRIGERATOR SPACE: Yes	
	CLOTHES DRYING LINES: Solar only	
	POOL HEATING SYSTEM:	

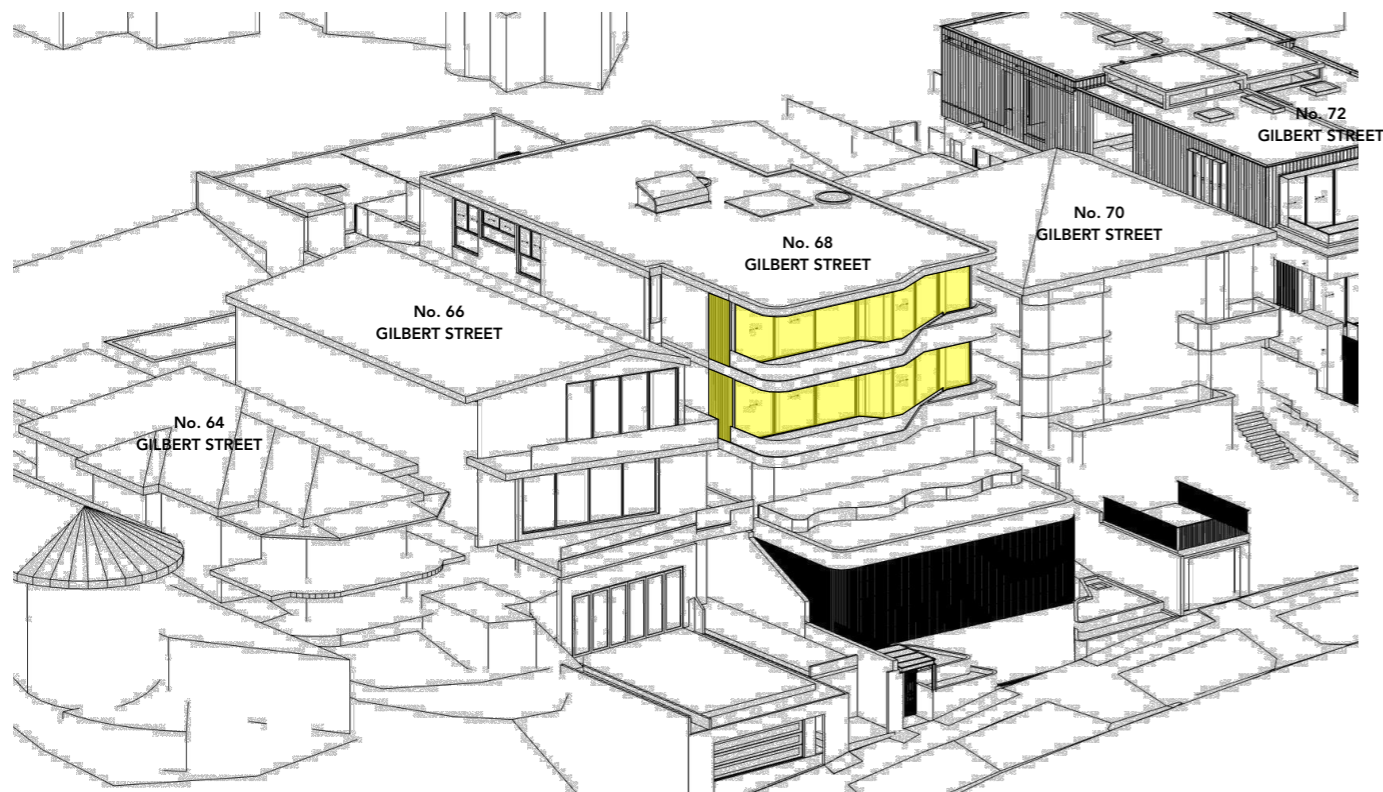
PROJECT: 21023
PROJECT NO: 21023
DRAWING NO: @A3
REV: @A3
PLOTTED: 5/8/22
PROJECT: 68 Gilbert St
Dover Heights NSW 2030
DRAWING: SOLAR ACCESS DIAGRAMS 1
DA9104 A



1 1pm - SUN'S EYE DIAGRAM



2 2pm - SUN'S EYE DIAGRAM



3 3pm - SUN'S EYE DIAGRAM

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Waverley Council
 Receipt No: DA-301/2022
 Date Received: 10/08/2022

SOLAR ACCESS TO INTERNAL LIVING AREAS
 NOTE: ALL AREAS VISIBLE IN THE DIAGRAMS ARE CONSIDERED AS BEING IN THE SUNLIGHT. AREAS NOT VISIBLE ARE CONSIDERED AS BEING IN THE SHADE.

ISSUE	DATE	REVISION
A	5/8/22	DA SUBMISSION

BASIX COMMITMENTS
 (ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

WATER OPTIONS		ENERGY OPTIONS	
SHOWERHEADS:	4 STAR	COOLING:	1-Phase Airconditioning 2.5 Star
TOILETS:	4 STAR	HEATING:	1-Phase Airconditioning 2.5 Star
CLOTHES WASHERS:	4 STAR	VENTILATION:	Each Bathroom, Kitchen & Laundry individual fan ducted to facade or roof
KITCHEN TAPS:	4 STAR	WATER HEATING:	Gas Instantaneous 5.5 STAR
BATHROOM TAPS:	5 STAR	ARTIFICIAL LIGHTING (UNITS):	Dedicated
DISHWASHERS:	4.5 STAR	COOKING:	Induction Cooktop & Electric Oven (Dwelling 1) Gas Cooktop & Electric Oven (Dwelling 2)
RAIN WATER TANK/ OSD:	12000 L	DISHWASHER:	No
POOLS/SPA:	47890 L x 2	REFRIGERATOR SPACE:	Yes
LANDSCAPED AREA TO IRRIGATE:	125 sqm	CLOTHES DRYING LINES:	Yes
		POOL HEATING SYSTEM:	Solar only

ENERGY OPTIONS - COMMON AREAS	
VENTILATION:	WC - Exhaust Only.
COMMON AREA LIGHTING:	WC - Store - Light emitting diode; Manual on/off switch. Basement Lobby, LG Lobby - Light emitting diode; Time clock & motion sensor
ALTERNATE ENERGY SUPPLY:	Photovoltaic System; Rated electrical output (min): 1.4 peak kW To collect run-off from at least 290m ² of roof area of building; Connection of 125m ² of Common Landscaped area on the site.
CENTRAL RWT OR OSD:	



Modification of Consent



Report to the Waverley Local Planning Panel

Application number	DA-243/2017/B
Site address	7 Portland Street DOVER HEIGHTS
Proposal	Modification to extend each dwelling at the rear into the approved balconies at first floor level.
Description of Approved Development	Demolition of existing dwelling and construction of dual occupancy and two swimming pools.
Date of lodgement	10/11/2022
Owner	Ms H and Mr S Assouline
Applicant	Ms H Assouline
Submissions	One objection
Principal Issues	<ul style="list-style-type: none"> • Height • FSR
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The modification application seeks to modify development consent, DA-243/2017 for the demolition of the existing dwelling and construction of dual occupancy and two swimming pools at 7 Portland Street, Dover Heights. In summary, the proposed modifications are for modifications to extend each dwelling at the rear into the approved balconies at first floor level.

The principal issues arising from the assessment of the application are as follows:

- The proposed modifications result in a net increase of building height of 170mm, resulting in an overall building height of 9.47m. This culminates in an overall exceedance of the height of buildings development standard by 970mm or 11.4%.
- The proposed modifications result in a net increase of gross floor area (GFA) of 23.09m², resulting in an overall FSR of 0.61:1. This culminates in an overall exceedance of the FSR development standard by 88.92m² or 22.7%.

The assessment finds these issues acceptable. The modified proposal will not result in additional unreasonable impacts upon surrounding properties by way of overshadowing, loss of private and public domain views and privacy. As such, the proposal will preserve the amenity of surrounding properties. Additionally, the modified proposal is not out of character with surrounding properties or the desired future character of the area. The additional floor space is contained within the approved envelope of the building by extending into approved oversized balconies at the upper floor level.

One submission was received during notification and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation. A briefing note to the Mayor via the Director, Planning Sustainability and Compliance in relation to the proposal was provided by Senior Development Assessment staff.

The application has been assessed against the relevant matters for consideration under section 4.55 (2) the *Environmental Planning and Assessment Act 1979* and is recommended for approval subject to conditions of consent.

1.2. Site and Surrounding Locality

A site visit was carried out during the assessment of the original development application.

The site is identified as Lot 30 in DP 6242, known as 7 Portland Street, Dover Heights. The site is rectangular in shape with north and south (side) boundaries measuring 51.76m and 51.51m respectively, and east (front) and west (rear) boundaries measuring 15.245m. The site has an area of 784.1m² and falls from the front towards the rear by approximately 4m.

The site is occupied by a part one and two-storey dwelling with vehicular access to an integrated carport from Portland Street.

The subject site is adjoined by the Turkish Consulate to the north (No. 5), a three-storey building with a large undercroft parking area at the lower ground floor level. The adjoining property to the south (No. 9) is a part one and two-storey detached dwelling which has a recent development consent for the construction of an upper floor addition and carport (DA-384/2021). Opposite the site on Portland Street is Dudley Page Reserve and Sydney Water facilities. The surrounding area is characterised by large part two and three-storey dwellings.

Figures 1 and 2 are photos of the site and its context.



Figure 1: Site viewed from Portland Street



Figure 2: Rear elevation of existing dwelling

1.3. Details of Approved Development

DA-243/2017, the original development application, for demolition of the existing dwelling and construction of a dual occupancy and two swimming pools was approved on 23/05/2018 by the Waverley Local Planning Panel (WLPP). During the assessment of this application, it was deferred to address height and FSR exceedance for the rear section of the building. Although the amended plans marginally lowered the height of the building and slightly increased the rear setback of the first floor level, this was not considered adequate. In order to address amenity impacts upon adjoining properties and view impacts from Dudley Page Reserve, the following condition was imposed upon the consent:

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) *The height of the building shall be reduced by 495mm and shall not exceed RL 77.11 at any point of the building to reduce view impacts from the public domain.*
- (b) *The rear setback of the entire first floor level of the building, including the balcony balustrades, dividing and fin walls and roof over, shall be increased by a further 2 metres to reduce view impacts from the public domain.*

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

DA-243/2017/A for modifications to alter the internal layout, window changes, enclosure of the front balconies and various other alterations was approved under delegated authority on 04/08/2022. This modification application initially sought the deletion of condition 2 however when further information was requested in relation to this matter, this aspect was removed from the application and plans were submitted to satisfy condition 2(b). Condition 2 was therefore modified as follows:

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) *The height of the building shall not exceed RL 77.11 at any point of the building to reduce view impacts from the public domain. In this regard, the domed skylights on the roof shall be flush with the roof. AMENDED BY DA-243/2017/A*
- (b) *SATISFIED BY DA-243/2017/A*

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

1.4. Proposal

Although the application has been lodged by the Applicant under Section 4.55 (1A), it is Council's opinion that the modification application should be considered under section 4.55 (2) of the *Environmental Planning and Assessment Act 1979*. It seeks consent for the following modifications to the approved development:

- The proposal seeks to extend the first floor level 2m into the approved balconies at the rear by reducing the depth and area of each balcony. This will increase the gross floor area of the proposal by 23.09m² and increase the height by 235mm. The resulting balconies will be 16.46m² in area (approved are 25m² and 23m²) with a maximum depth of 3.167m.

1.5. Background

The modification application was lodged on 10/11/2022 and a request for further information was made on 22/11/2022 for elevational shadow diagrams showing any additional impact upon the windows of adjoining properties. The further information was provided to Council on 07/12/2022.

After preliminary assessment of the application, on 06/03/2023 amended plans were requested to address the overshadowing impact upon the adjoining property to the south. Amended plans were provided to Council on 03/04/2023 which address the overshadowing (discussed later in this report) by setting back the roof over the proposed terrace. These plans form the subject of the assessment within this report.

2. ASSESSMENT

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

2.1. Section 4.55 – Modification of consents – generally

The application is assessed under section 4.55(2) of the Act.

The quantitative and qualitative elements and impacts between the approved development and the development, as proposed to be modified, are not considered overly dissimilar as demonstrated in the following sections of this report. In this regard, the proposal is considered to be *substantially the same* as the originally approved development with regard to matters arising from the NSW Land and Environment Court case of *Moto Projects (No 2) Pty Ltd v North Sydney Council (1999) 106 LGERA 298*.

The application was publicly notified and one submission was received. The issues and matters raised in public submissions are discussed in section 2.3.4 of this report.

2.2. Evaluation of Matters for Consideration under Section 4.15

In accordance with section 4.55(3) of the Act the following is an assessment of the proposed modifications of the development consent against the relevant matters for consideration under section 4.15(1) of the Act.

2.2.1. Planning Instruments and Development Control Plans

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

Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The land use definition of the approved development as a 'dual occupancy' remains unchanged and continues to be permitted development in the R2 low density residential zone under Waverley LEP 2012.

The quantities of the approved development, as proposed to be modified, have changed as outlined in **Table 1** of this report in relation to the principal development standards under Waverley LEP 2012. All other relevant provisions of Waverley LEP 2012 remain compliant.

Table 1: Waverley LEP 2012 Compliance Table

Provision	Approved	Proposed Modified	Compliance
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	9.3m [lowered by condition 2(a)]	9.47m	No
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.5:1 (392.05m²) 	0.58:1 (457.88m ²) exceeding by 74m ² or 18.8%	0.61:1 (480.97m ²)	No

The following is a detailed discussion of exceedances of particular development standards under Waverley LEP 2012 as a result of the approved development, as proposed to be modified.

Height of Buildings

The proposed modifications result in a net increase of building height of 170mm, resulting in an overall building height of 9.47m. This culminates in an overall exceedance of the height of buildings development standard by 970mm or 11.4%. The net increase of building height due to the proposed modifications represents 17% of the overall exceedance of the standard.

The applicant has provided some written justification for the non-compliance with the height of buildings development standard and has based the justification on the performance of the proposal against the

objectives of the development standard. The relevant objectives of the development standard are as follows:

- (a) to ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*
- (b) to accommodate taller buildings on land in Zone B3 Commercial Core in the Bondi Junction Centre and establish a transition in scale between adjoining zones to protect local amenity,*
- (c) to maintain satisfactory solar access to existing buildings and public areas,*
- (d) to establish building heights that are consistent with the desired future character of the locality.*

The justification provided by the applicant to support the increased exceedance of the height of buildings development standard is summarised as follows:

- The proposal has been carefully designed to preserve neighbour's amenity and are generally located within the approved building envelope.
- The approved terrace and internal living area will retain the same FFL as previously approved. The terrace roof to be extended will be at the same RL as the approved roof structure. For this reason, the area of technical non-compliance would not result in any privacy impacts to the neighbouring properties.
- No additional overshadowing is proposed to neighbouring dwellings. As such, the modification will maintain the approved levels of solar access and therefore amenity is preserved.
- Due to the location of the modifications to the rear and retention of the approved roof RL, views from Dudley Park Reserve are preserved.
- The proposed height non-compliance is considered a technicality and results from the sloping topography of the land.
- The building height will remain compatible with the approved design, surrounding area and will not be visible from the streetscape.

The proposal has been amended since it was first submitted to reduce the extent of the roof over the rear balconies in order to reduce the overshadowing impact upon the property to the south. Shadow elevations were provided which indicate that the additional overshadowing at mid-winter will predominantly fall upon the roof of the adjoining property except at 3pm where there will be a slight increase to the overshadowing of a staircase window (refer to **Figure 3**). Given that the window is to a non-habitable space (staircase) and there is an alternative window to this area that is unaffected, the additional overshadowing is not considered unreasonable.

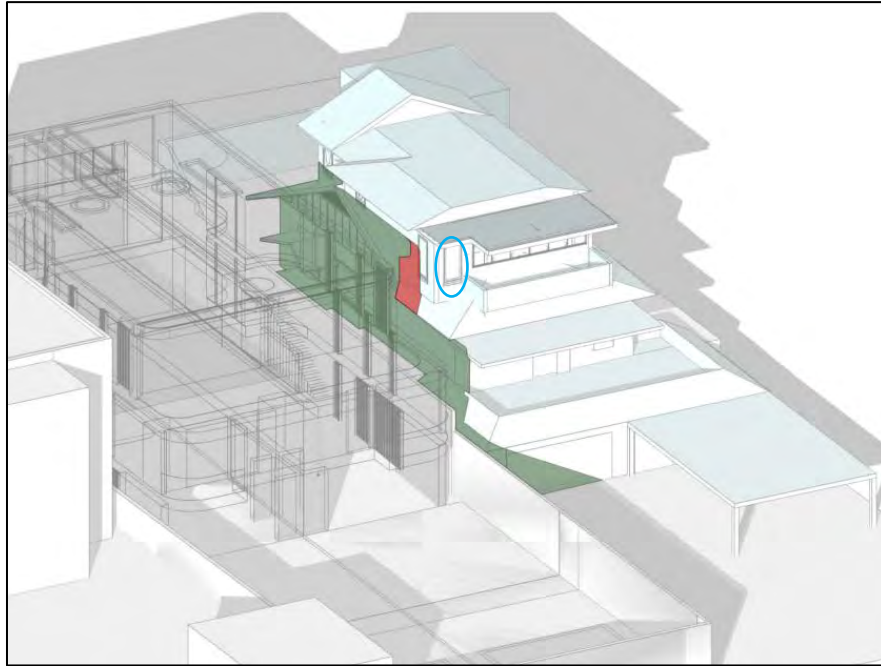


Figure 3: Elevational shadow diagram at 3pm in midwinter with additional shadows as a result of the proposal indicated in red. The circled window in blue is the secondary window to the staircase.

During the assessment of the original application, the increased balcony sizes were considered appropriate given the pattern of surrounding development and the degree of mutual overlooking in exchange for views. In this regard, there was no side boundary screening required to each of the balconies. The proposal will reduce any privacy impacts simply by reducing the size of the balconies at the upper floor level. Additionally, windows on the side elevation are suitably screened for privacy.

The bulk and scale of the proposal at the rear are commensurate with surrounding development with a stepped rear façade reducing height at the rear and lessening overshadowing of the adjoining properties. The proposal exceeds the height development standard only at the rear of the site, being well under the height control at the front, presenting as two storeys within the streetscape.

The modified proposal will not impact upon private views or those from the public domain. View analysis diagrams were provided with the application which indicate that the proposal will have no greater impact upon public domain views from Rodney Page Reserve (opposite the site) than the approved development (refer to **Figure 4** below). It is apparent from the view analysis diagrams that the part of the development which impacts, albeit marginally, on the public domain view is the front elevation of the building which is well below the 8.5m height development standard. The non-compliant form at the rear has no greater impact than the front elevation.



Figure 4: View analysis diagram from Rodney Page Reserve opposite the site indicating that the alterations at the rear have no greater impact upon views than the approved development

Given the above analysis, the modified proposal will achieve and be consistent with the relevant objectives of the height of buildings development standard. Therefore, the net exceedance is deemed acceptable and is supported.

Floor Space Ratio (FSR)

The proposed modifications result in a net increase of gross floor area (GFA) of 23.09m², resulting in an overall FSR of 0.61:1. This culminates in an overall exceedance of the FSR development standard by 88.92m² or 22.7%. The net increase of FSR due to the proposed modifications represents 26% of the overall exceedance of the standard.

The applicant has provided some written justification for the non-compliance with the FSR development standard and has based the justification on the performance of the proposal against the objectives of the development standard. The relevant objectives of the development standard are as follows:

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

The justification provided by the applicant to support the increased exceedance of the FSR development standard is summarised as follows:

- The modified design retains the approved roof RL. The front, rear, and side setback density controls will remain unchanged and will continue to be consistent with development in the area.
- As the proposed floor space addition will utilise an approved terrace area, the proposed variation will remain compatible with the surrounding area and not visible from the streetscape.
- The modified design would not greatly alter the overall appearance of the approved dual occupancy and would be generally located within the approved building envelope.
- The change to the first floor level of each dwelling will improve the amenity and functionality of each dwelling and provide an improved design that would cater for the future occupants of the site.
- The proposal has been carefully designed to preserve neighbour's amenity. Whilst minor adjustments are proposed, the bulk and scale of the building would not differ substantially from the approved design.
- The location of the approved terrace will remain the same. Therefore, privacy impacts for adjoining dwellings to the rear would remain unchanged and amenity is preserved.
- No additional overshadowing is proposed to neighbouring dwellings. As such, the modification will maintain the approved levels of solar access subject to DA No. 243/2017 and therefore amenity is preserved.
- The impact upon public domain views from Dudley Page Reserve will be negligible as views from the reserve are preserved, in particular views of icons.

As discussed under the discussion relating to the variation to the height development standard, the modified proposal will not result in additional unreasonable impacts upon surrounding properties by way of overshadowing, loss of private and public domain views and privacy. As such, the proposal will preserve the amenity of surrounding properties. Additionally, the modified proposal is not out of character with surrounding properties or the desired future character of the area. The additional floor space is contained within the approved envelope of the building by extending into approved oversized balconies at the upper floor level. The amendment to the roof over the remaining balconies reduces overshadowing of adjoining properties and lessens the bulk of the structure at the rear to ensure that the rear elevation presents with a commensurate scale to surrounding properties.

The modified proposal will achieve and be consistent with the relevant objectives of the FSR development standard. Therefore, the net exceedance is deemed acceptable and is supported.

Waverley Development Control Plan 2012 (Waverley DCP 2012) – Amendment No.9

The approved development, as proposed to be modified, continues to comply with the relevant parts and sections of Waverley DCP 2012. Only the following parts and sections of Waverley DCP 2012 that apply to the proposed modifications are outlined in **Tables 2** and **3** of this report and detailed discussion below these tables.

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

Development Control	Compliance	Comment
12. Design Excellence	Yes	Satisfactory as discussed previously in this report.

Table 3: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
2.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> Maximum wall height of 7.5m 	Yes	The upper floor level continues to be set in from the level below resulting in a maximum wall height of 6.5m.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes	<p>There is no change to the front building line.</p> <p>The rear setback of No. 5 Portland Street extends further toward the rear than the subject site and the upper floor addition recently constructed at No. 9 Portland Street. The proposal provides a staggered rear setback at the upper floor level between both adjoining properties.</p> <p>The modified proposal will result in a stepped rear elevation lessening the bulk and scale of the building from the rear and from adjoining properties.</p>
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context 	Yes	The proposed modifications will not be visible from the street being contained at the rear of the dual occupancy.
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design External stairs are not acceptable. 	Yes	<p>The modification includes a reduction to the size of the balconies at the rear and a new screened window on each side elevation.</p> <p>During the assessment of the original application, the increased balcony sizes were considered appropriate given the pattern of surrounding development and the degree of mutual overlooking in exchange for views. In this regard, there was no side boundary screening required consistent with surrounding properties. The proposal will reduce any privacy impacts simply</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 		by reducing the size of the balconies at the upper floor level. Additionally, windows on the side elevation are suitably screened for privacy.
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	Yes	<p>The living areas will continue to be contained at the rear and will receive sufficient solar access.</p> <p>Overshadowing of adjoining properties has been discussed previously in this report.</p>
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	Refer to previous discussion in this report.
2.13 Semi-detached dwellings and terrace style development		
<p>2.13.1 - Built form</p> <ul style="list-style-type: none"> The style of the built form must be identified and maintained across the pair or group of buildings. 	Yes	The dual occupancy development will continue to present as a pair of dwellings to the street and at the rear.

2.2.2. Other Impacts of the Development

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

2.2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.2.4. Any Submissions

The application was notified for a minimum of 14 days between 07/12/2022 and 11/01/2023 (extended notification applicable in December) in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not re-notified as the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified, for the following reasons:

- The amended proposal reduces the roof over the rear terraces.

Having regard to the nature of the amendments, there is a lesser impact on all properties.

One unique submission was received from the adjoining property at 9 Portland Street (Turkish Consulate).

The following issue raised in the submission have already been discussed and addressed in the body of this report and/or the Recommendation:

- Increased GFA/FSR and height
- Loss of privacy

All other issues raised in the submissions are summarised and discussed below.

Issue: Insufficient detail on the plans.

Response: The detail on the plans is sufficient for assessment purposes. A briefing note to the Mayor via the Director, Planning Sustainability and Compliance in relation to the proposal and specifically this issue was provided by Senior Development Assessment staff.

2.2.5. Public Interest

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

3. REFERRALS



No internal or external referral comments were sought.

4. CONCLUSION

The application has been assessed against relevant sections of the Act and is recommended for approval subject to conditions of consent.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the modification application be APPROVED by the Waverley Local Planning Panel subject to modified and new conditions in Appendices A and B.

Report prepared by:	Application reviewed and agreed by:
	
Kylie Lucas	Ben Magistrale
Senior Development Assessment Planner	Manager, Development Assessment
Date: 03/04/2023	Date:13/04/2023

Reason for WLPP referral:

The consent authority for the original development application was the WLPP, this modification is made under section 4.55(2) of the Act and relates to:

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

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/Deleted Conditions

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) Architectural Plans, tables and documentation prepared by BKH, including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA.01.00-C	SITE PLAN	27/07/2022	27/07/2022
DA.01.01- D X E	LOWER GROUND FLOOR PLAN	27/07/2022 06/09/2022	27/07/2022 03/04/2023
DA.01.02- F G	GROUND FLOOR PLAN	27/07/2022 06/09/2022	27/07/2022 03/04/2023
DA.01.02- E G	FIRST FLOOR PLAN	27/07/2022 06/09/2022	27/07/2022 03/04/2023
DA.01.03- D G	ROOF	27/07/2022 30/03/2022	27/07/2022 03/04/2023
DA.03.01- C G	SECTION AA	27/07/2022 30/03/2023	27/07/2022 03/04/2023
DA.03.02- D E	SECTION BB	27/07/2022 06/09/2022	27/07/2022 03/04/2023
DA.04.01- G -K	NORTH ELEVATION	27/07/2022 30/03/2023	27/07/2022 03/04/2023
DA.4.02- F J	SOUTH ELEVATION	27/07/2022 30/03/2023	27/07/2022 03/04/2023
DA.4.02- G H	WEST ELEVATION	27/07/2022 05/09/2022	27/07/2022 03/04/2023
DA.4.02- G H	EAST ELEVATION	27/07/2022 06/09/2022	27/07/2022 03/04/2023
DA.10.1- D E	WINDOW SCHEDULE A	27/07/2022 06/09/2022	27/07/2022 03/04/2023
DA.10.2- D F	WINDOW SCHEDULE B	27/07/2022 06/09/2022	27/07/2022 03/04/2023
DA.10.3-C Issue D	EXTERNAL DOOR SCHEDULE A	27/07/2022 06/09/2022	27/07/2022 03/04/2023
DA.30.01-A	FINISHES SCHEDULE	06/09/2022	03/04/2023

(b) Landscape Plan No. C001, C002, C003, C004, C005, C006 and C007 and documentation prepared by Bates Landscape, dated 15/03/2022, and received by Council on 17/03/2022;

(c) BASIX Certificate;

(d) Arboricultural Impact Assessment Report prepared by Sydney Landscape Consultants dated 21/2/17 and received by Council on 20 June 2017;

(e) ~~Schedule of external finishes and colours indicated Plan No. DD33, DD34 – DD36 (inclusive), all Revision C, prepared by Stukel Stone, dated 13/12/2017 and received by Council on 20 December 2017; DELETED DA-243/2017/B~~ and

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

except where amended by the following conditions of consent.

AMENDED DA-243/2017/A
AMENDED DA-243/2017/B

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) Architectural Plans, tables and documentation prepared by BKH, including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA.01.00-C	SITE PLAN	27/07/2022	27/07/2022
DA.01.01-E	LOWER GROUND FLOOR PLAN	06/09/2022	03/04/2023
DA.01.02-G	GROUND FLOOR PLAN	06/09/2022	03/04/2023
DA.01.02-G	FIRST FLOOR PLAN	06/09/2022	03/04/2023
DA.01.03-G	ROOF	30/03/2022	03/04/2023
DA.03.01-G	SECTION AA	30/03/2023	03/04/2023
DA.03.02-E	SECTION BB	06/09/2022	03/04/2023
DA.04.01-K	NORTH ELEVATION	30/03/2023	03/04/2023
DA.4.02-J	SOUTH ELEVATION	30/03/2023	03/04/2023
DA.4.02-H	WEST ELEVATION	05/09/2022	03/04/2023
DA.4.02-H	EAST ELEVATION	06/09/2022	03/04/2023
DA.10.1-E	WINDOW SCHEDULE A	06/09/2022	03/04/2023
DA.10.2-F	WINDOW SCHEDULE B	06/09/2022	03/04/2023
DA.10.3-C Issue D	EXTERNAL DOOR SCHEDULE A	06/09/2022	03/04/2023
DA.30.01-A	FINISHES SCHEDULE	06/09/2022	03/04/2023

(b) Landscape Plan No. C001, C002, C003, C004, C005, C006 and C007 and documentation prepared by Bates Landscape, dated 15/03/2022, and received by Council on 17/03/2022;

(c) BASIX Certificate;

(d) Arboricultural Impact Assessment Report prepared by Sydney Landscape Consultants dated 21/2/17 and received by Council on 20 June 2017;

(e) *DELETED DA-243/2017/B*; and

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

except where amended by the following conditions of consent.

AMENDED DA-243/2017/A
AMENDED DA-243/2017/B

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The height of the building shall not exceed RL 77.11 at any point of the building to reduce view impacts from the public domain. In this regard, the domed skylights on the roof shall be flush with the roof. *AMENDED BY DA-243/2017/A*
- (b) SATISFIED BY DA-243/2017/A

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

3. STREET TREE BOND

A bond of \$10,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the street tree at the front of the property. The bond is to be lodged prior to the issue of a Construction Certificate.

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

4. EXCAVATION TO BE LIMITED

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

5. INSTALLATION OF AIR CONDITIONING

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

- (a) Be located a minimum of 1.5 metres from a boundary.
- (b) Be located behind the front building line and if visible suitable screened and located in an appropriate location.
- (c) Not be adjacent to neighbouring bedroom windows.
- (d) Not reduce the structural integrity of the building.
- (e) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day.

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

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

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

8. LONG SERVICE LEVY

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

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

9. NO BUILDING WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

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

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

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

10. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

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

11. LONG SECTIONS OF DRIVEWAY

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

The long section drawings shall:

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

12. HOARDING

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

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

13. GEOTECHNICAL ENGINEERS REPORT

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

14. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

15. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Part B1, Waverley DCP 2012 prior to the issue of

the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

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

16. EROSION, SEDIMENT AND POLLUTION CONTROL

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

17. STORMWATER MANAGEMENT

- (a) The plans prepared by Adcar Consulting, Job No. ADC-170315, Drawing No. SW-000B, SW-100C, SW-101B, SW-102B, SW-103B, SW-104B, SW-200B, dated 03 May 2017 have been checked and considered ***not satisfactory*** with respect to stormwater details.

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

- A separate mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required for each of the properties.
- To design the pump capacity and determine the storage volume requirements, a full hydraulic design is required for a range of events up to and including 1 in 100 ARI storm. Refer to section 3.1.4 of Water Management Technical Manual.
- As a minimum, the pump system must consist of one duty and one standby pump with the capacity of each being equal.

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

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

18. ENGINEERING DETAILS

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

19. BASIX

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

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

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

20. USE OF RENEWABLE TIMBERS

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

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

21. PRIOR TO SITE WORKS

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

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

22. HOME BUILDING ACT

The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the Home and Building Act, 1989. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in

relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicant requirements of Part 6, before any work commences.

23. CONSTRUCTION SIGNS

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

24. 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.

25. 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.

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 REPORTS

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

These properties must include (but are not limited to) **9 and 5 Portland Street, Dover Heights**, and any others identified to be in the zone of influence in the Dilapidation Survey.

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

Please note the following:

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

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. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

31. SKIPS AND BINS

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

32. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

33. SOIL AND WATER MANAGEMENT PLAN

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

34. STOCKPILES

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

35. LOCATION OF BUILDING OPERATIONS

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

36. ALL BUILDING MATERIALS STORED ON SITE

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

37. CONSTRUCTION HOURS

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

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

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

38. 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.

39. BUILDING CODE OF AUSTRALIA

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

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

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

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

The specified **MANDATORY** inspections are:

In the case of a Class 1 and 10 building:

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

- (g) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

41. 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.

42. 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.

43. 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.

44. IN-SINK WASTE DISPOSAL SYSTEMS

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

45. WATER PROOFING

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

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

46. 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.

47. 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.

48. SERVICE PIPES

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

49. CONSTRUCTION OF SWIMMING POOLS

The following applies to the construction of swimming pools:

- (a) Reinforcement is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete;
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool being installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) The finished level of the proposed pool is not to exceed a maximum height of 200mm above the existing natural ground level;
- (d) To minimise the likelihood of accidental drowning, the swimming pool is to be provided with a child resistant safety fence, designed and constructed in accordance with the requirements of Australian Standard AS 1926.1-2012 Swimming pool safety - Safety barriers for swimming pools. This fencing is to be erected and inspected by the Principal Certifying Authority prior to the pool being filled with water; and
- (e) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority prior to the pool being filled with water.

50. POOL DRAINAGE

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

51. NEW VEHICLE CROSSING

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

52. EXISTING VEHICLE CROSSINGS IS TO BE CLOSED

The existing vehicle crossings are to be closed and all work associated with the closure is to be carried out with the approval of, and in accordance with, the requirements of Council.

53. WORK OUTSIDE PROPERTY BOUNDARY

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

54. TREE PROTECTION

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

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

The **retention** of T1, *Melaleuca quinquenervia*, located within the front nature strip of 7 Portland Street, Dover Heights, shall be in accordance to – Australian Standards, *Protection of trees on development sites, AS 4970 – 2009*. The following measures shall also be implemented in regards to this tree:

- The hand digging of the proposed driveway initially, to proposed depths required.
- The erection of temporary fencing, 75 - 100mm thick mulch laid within and geo fabric laid up against temporary fencing (northern sides only) to prevent soil and mulch erosion during heavy rainfall with signs "Tree Protection Zone – do not enter" to be erected on all four sides of the fencing.
- Plywood sheeting to be laid over 100mm of mulch, within proposed driveway, so as builder can use for storage of **dry product only**, and then locked off at night. No vehicles within this zone.
- The use of the existing driveway during the demolition and building phase and temporary fencing of the nature strip, until the new driveway is ready for concreting. Then the temporary fencing shall be placed back to the northern side of the proposed driveway.
- The installation of a new tree in the location of the existing driveway after the removal of the old driveway. Tree protection measures and a maintenance regime shall be implemented, in accordance with Australian Standards and Waverley Councils preferred plant list.

No existing street trees shall be removed without Council approval. A 1.8m high chain link wire fence or the like shall be erected around the existing street trees to protect them from damage during construction.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

55. 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.

56. 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*.

57. STREET NUMBER

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. The street number is to be positioned on the site prior to the issue of the Occupation Certificate.

58. POOL SIGN

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

59. INSPECTION OF POOL

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

60. SWIMMING/SPA POOL PUMP - RESTRICTIONS

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

61. SWIMMING POOL REGISTRATION

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

62. SWIMMING POOLS

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

- (a) The pool water being treated by an approved water treatment and filtration unit.

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

63. STORMWATER MANAGEMENT

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

64. SYDNEY WATER

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

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

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

ADVICE TO APPLICANT

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

SYDNEY WATER REQUIREMENTS

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

DIAL BEFORE YOU DIG

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

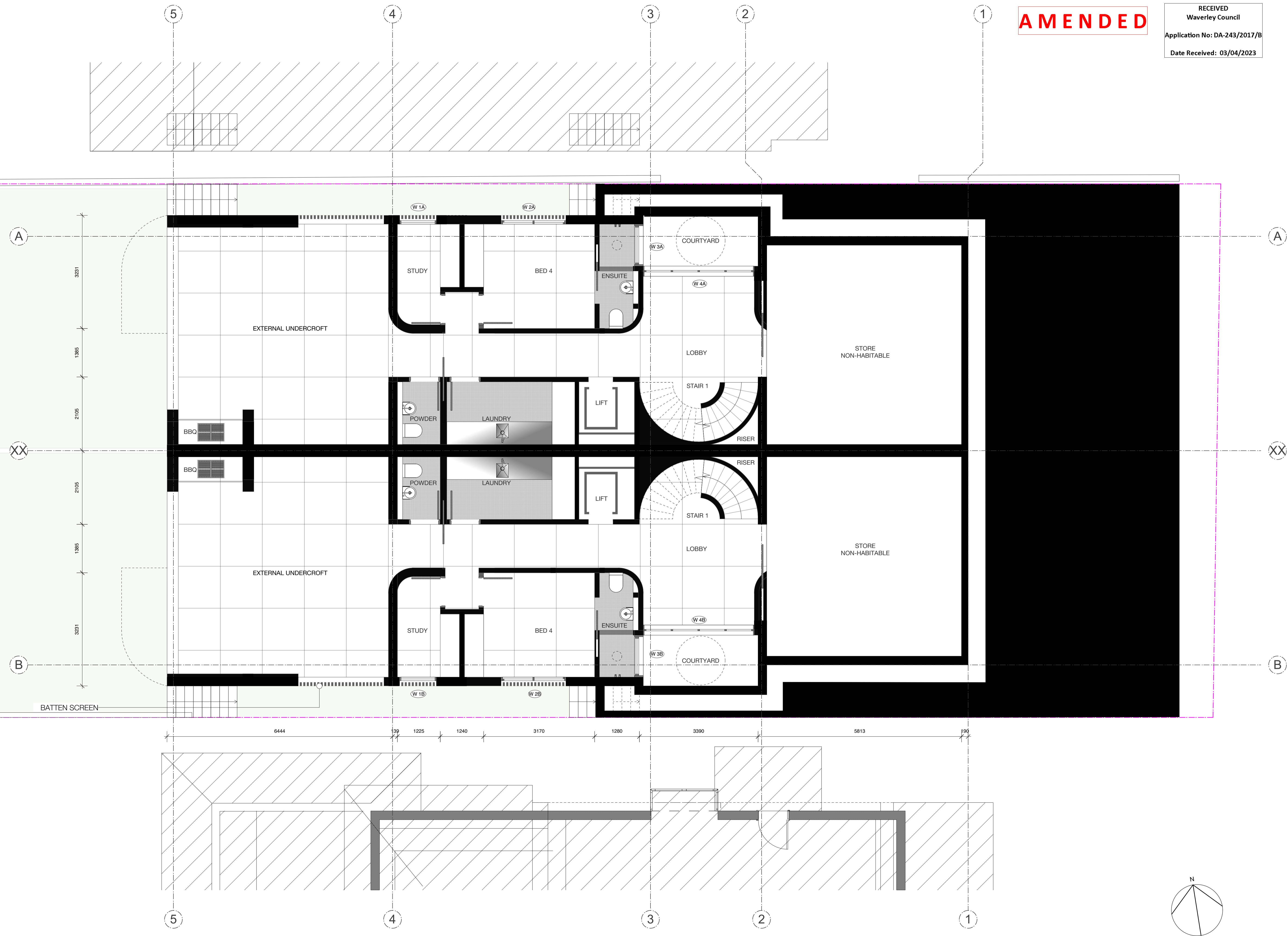
TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AMENDED

RECEIVED
Waverley Council
Application No: DA-243/2017/B
Date Received: 03/04/2023

- GENERAL NOTES**
- All works to be in accordance with Building Code of Australia, and the relevant Australian Standards
 - Contractor to ensure consistency between similar materials is maintained
 - Contractor to notify BKH of any discrepancies, dimensional inconsistencies or the need for clarification prior to manufacture
 - BKH to approve all contractors detailed drawings/setting out prior to construction
 - Contractor to confirm stability and feasibility of all units/components prior to manufacture
 - Contractor to liaise with Electrical contractors to ensure all power/data/communication requirements are accessible
 - All drawings to be verified on site - do not scale
 - Dimensions indicated on general arrangement plans are of finished surfaces, not structural surfaces



E	UPDATE	06.09.2022
D	UPDATE	30.03.2022
C	UPDATE	20.01.2022
B	UPDATE	17.01.2022
A	FIRST ISSUE	19.11.2021

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North Arrow

HSN
7A & 7B Portland St, Dover Heights

SECTION 4.55
Drawing
GENERAL ARRANGEMENT PLAN
LOWER GROUND FLOOR PLAN

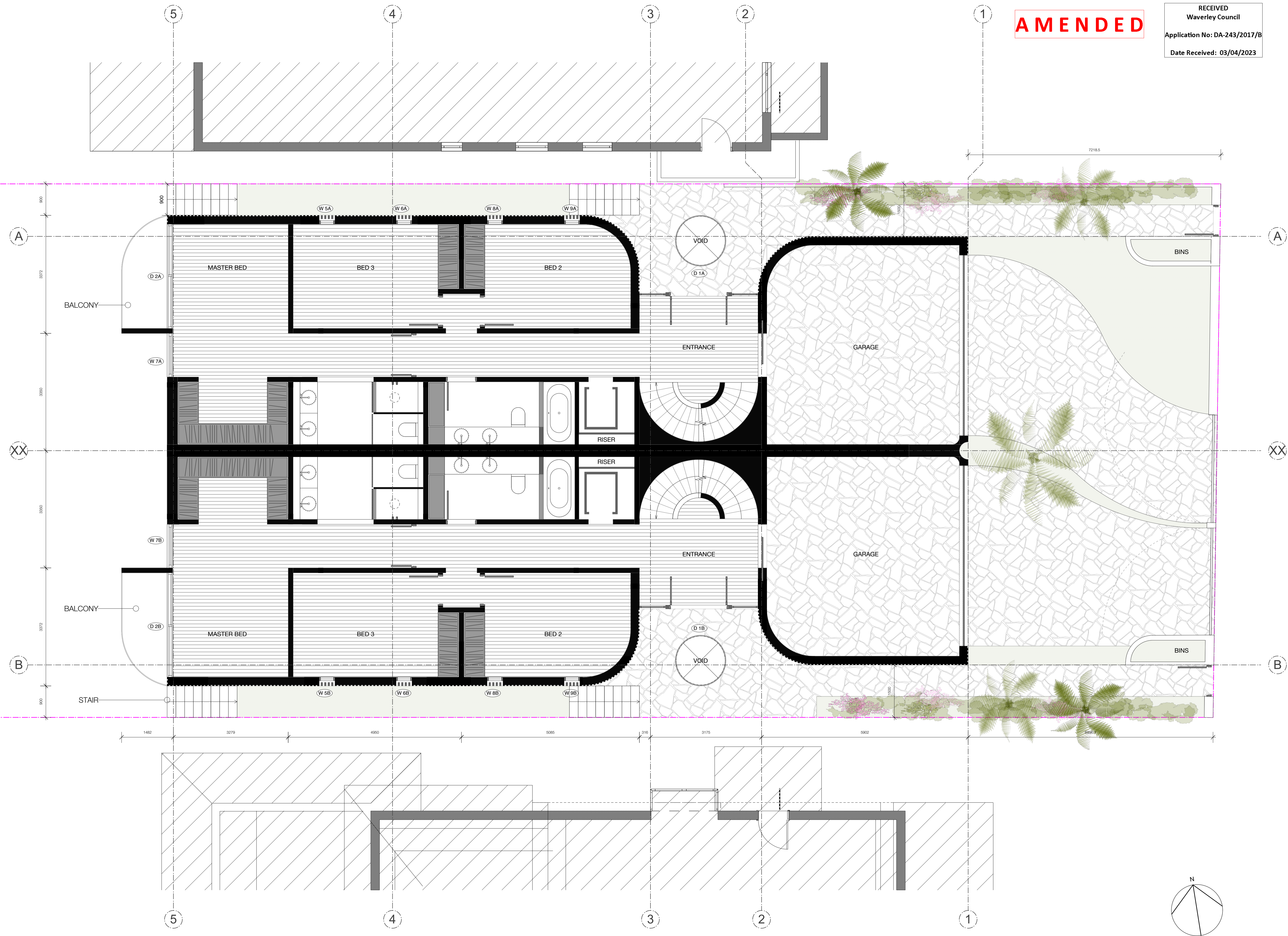
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G	UPDATE	06.09.2022
F	UPDATE	30.03.2022
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D	UPDATE	31.01.2022
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A	FIRST ISSUE	19.11.2021

AMENDMENTS

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North arrow symbol

HSN
7A & 7B Portland St, Dover Heights

SECTION 4.55
Drawing
GENERAL ARRANGEMENT PLAN
GROUND FLOOR PLAN

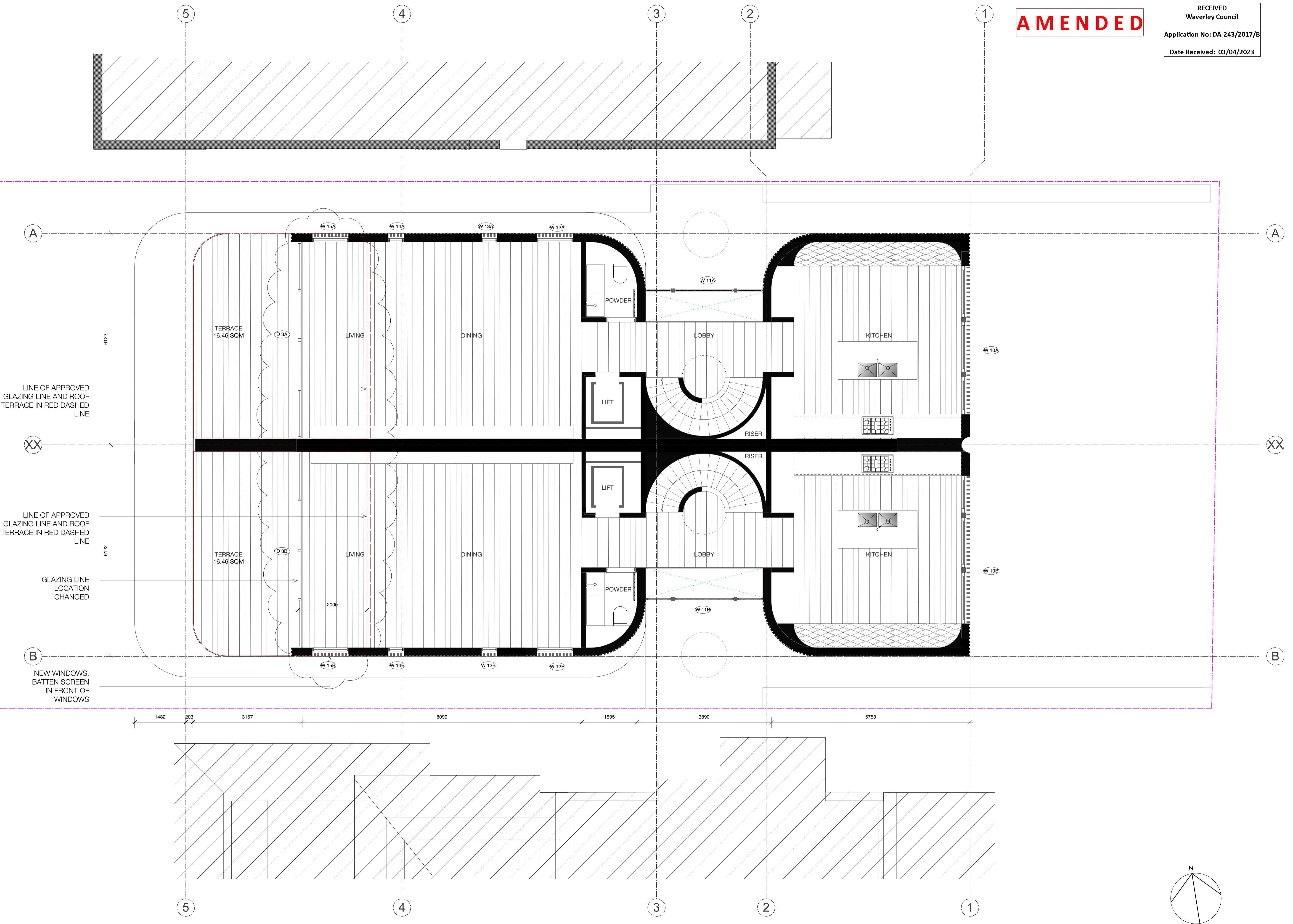
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G	UPDATE	06.09.2022
F	UPDATE	22.08.2022
E	UPDATE	25.07.2022
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AMENDMENTS

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North Arrow

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SECTION 4.55
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GENERAL ARRANGEMENT PLAN
FIRST FLOOR PLAN

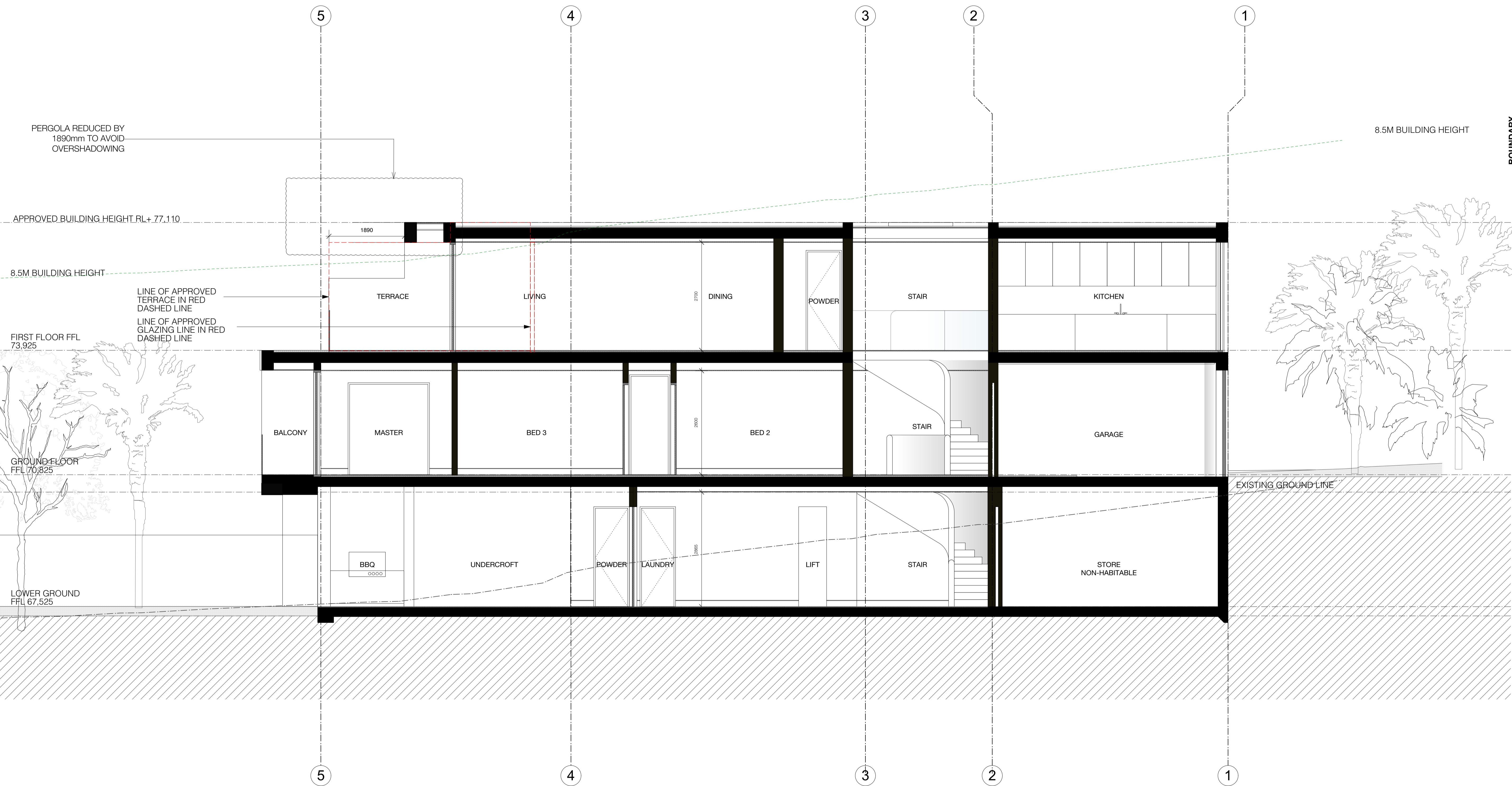
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Date: 06.09.2022
Project No: 3527
Drawing: **DA.01.02-G**

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G	PERGOLA UPDATE	30.03.2023
F	PERGOLA UPDATE	09.03.2023
E	UPDATE	06.09.2022
D	UPDATE	22.08.2022
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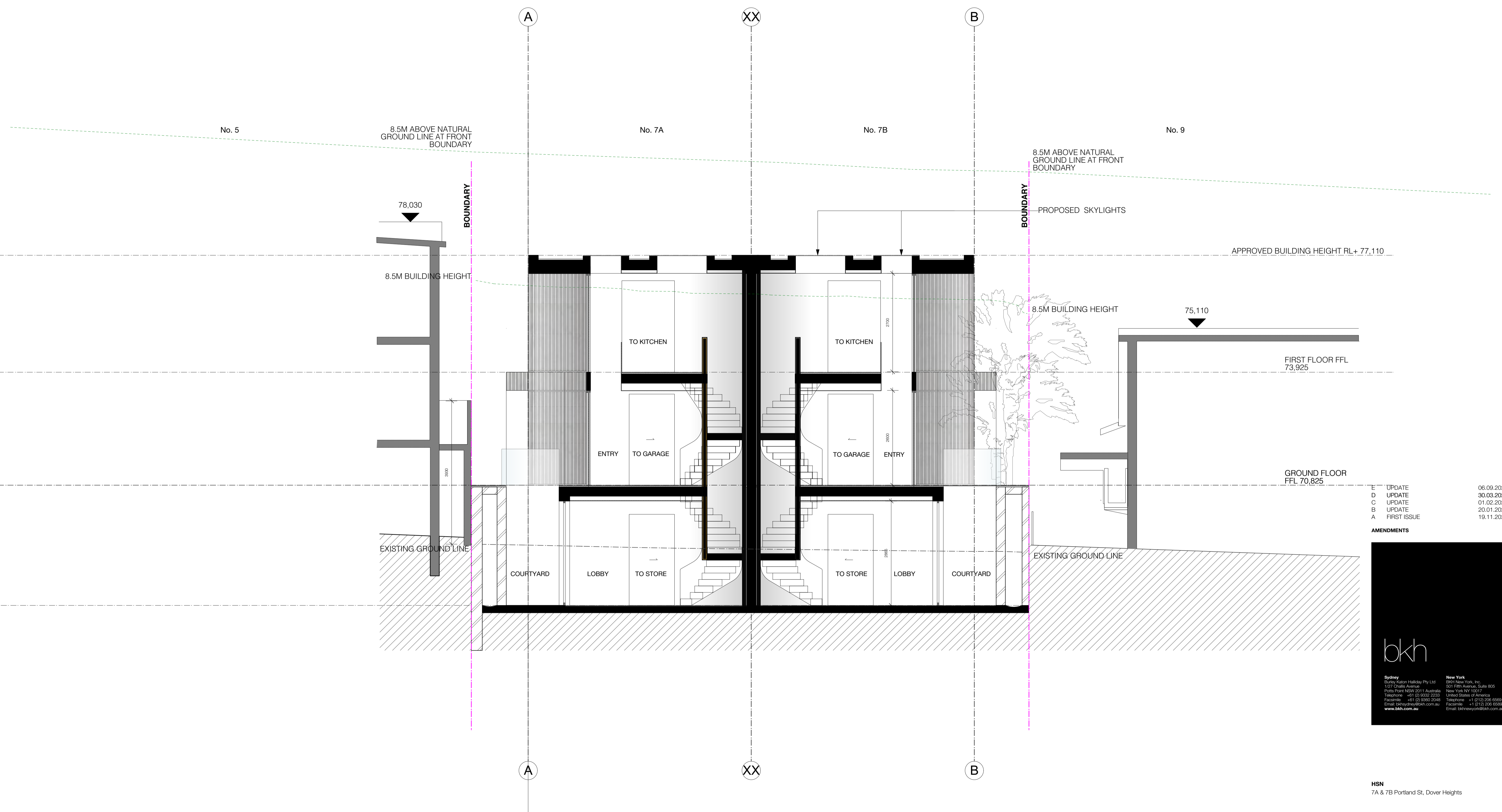
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Date: 30.03.2023
Project No: 3527
Drawing: DA.03.01-G

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SECTIONS
SECTION BB

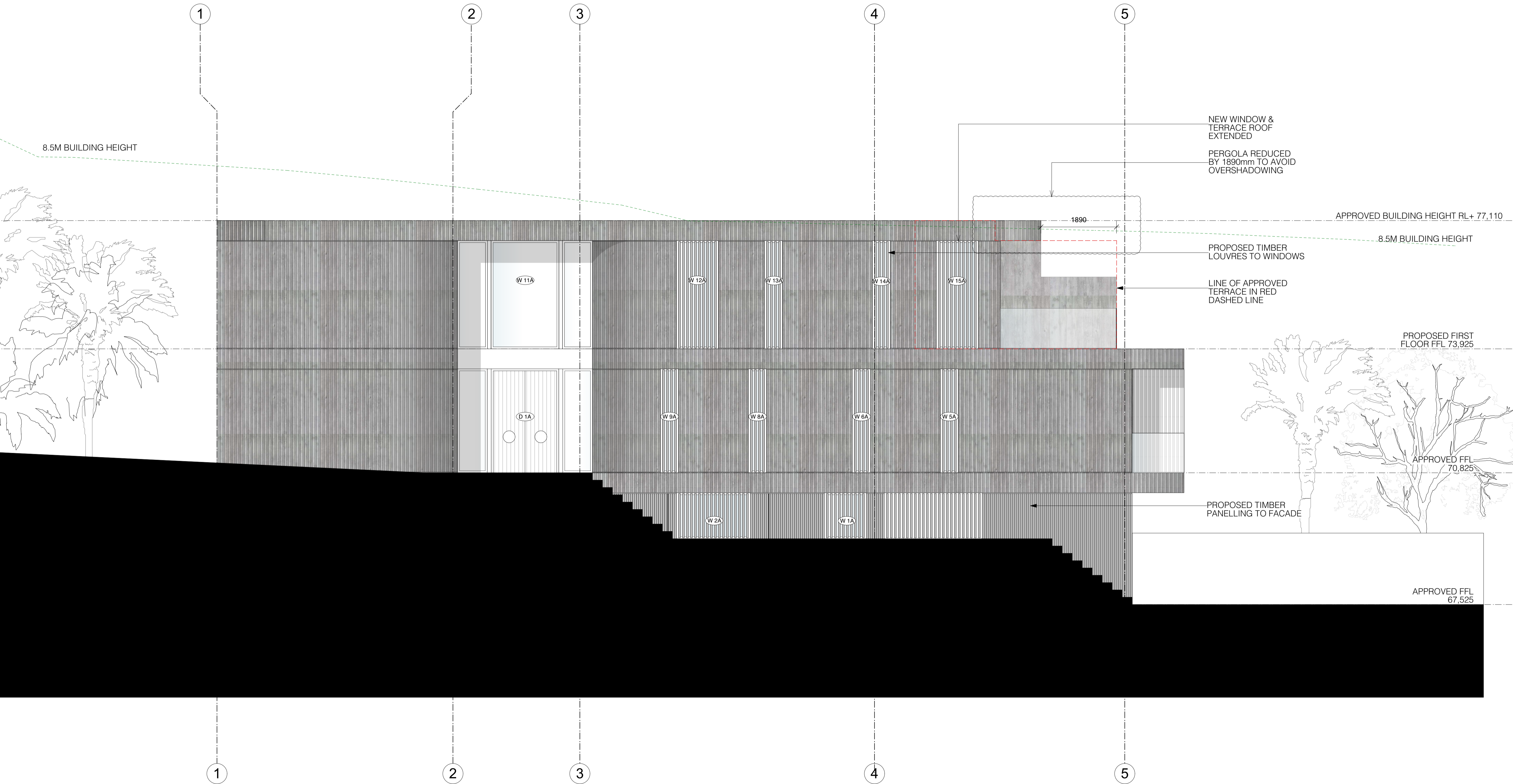
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 - All drawings to be verified on site - do not scale
 - Dimensions indicated on general arrangement plans are of finished surfaces, not structural surfaces



FINISHES KEY

	RIBBED CONCRETE
	TIMBER PANELLING
	WHITE TIMBER PANELLING
	WHITE RENDER
	TIMBER LOUVRES
	GLAZING

K	PERGOLA UPDATE	30.03.2023
J	PERGOLA UPDATE	09.03.2023
I	UPDATE	06.09.2022
H	UPDATE	22.06.2022
G	UPDATE	27.07.2022
F	UPDATE	30.03.2022
E	UPDATE	01.02.2022
D	UPDATE	31.01.2022
C	UPDATE	20.01.2022
B	UPDATE	17.01.2022
A	FIRST ISSUE	19.11.2021

AMENDMENTS

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HSN
7A & 7B Portland St, Dover Heights

SECTION 4.55
Drawing
ELEVATIONS
NORTH ELEVATION

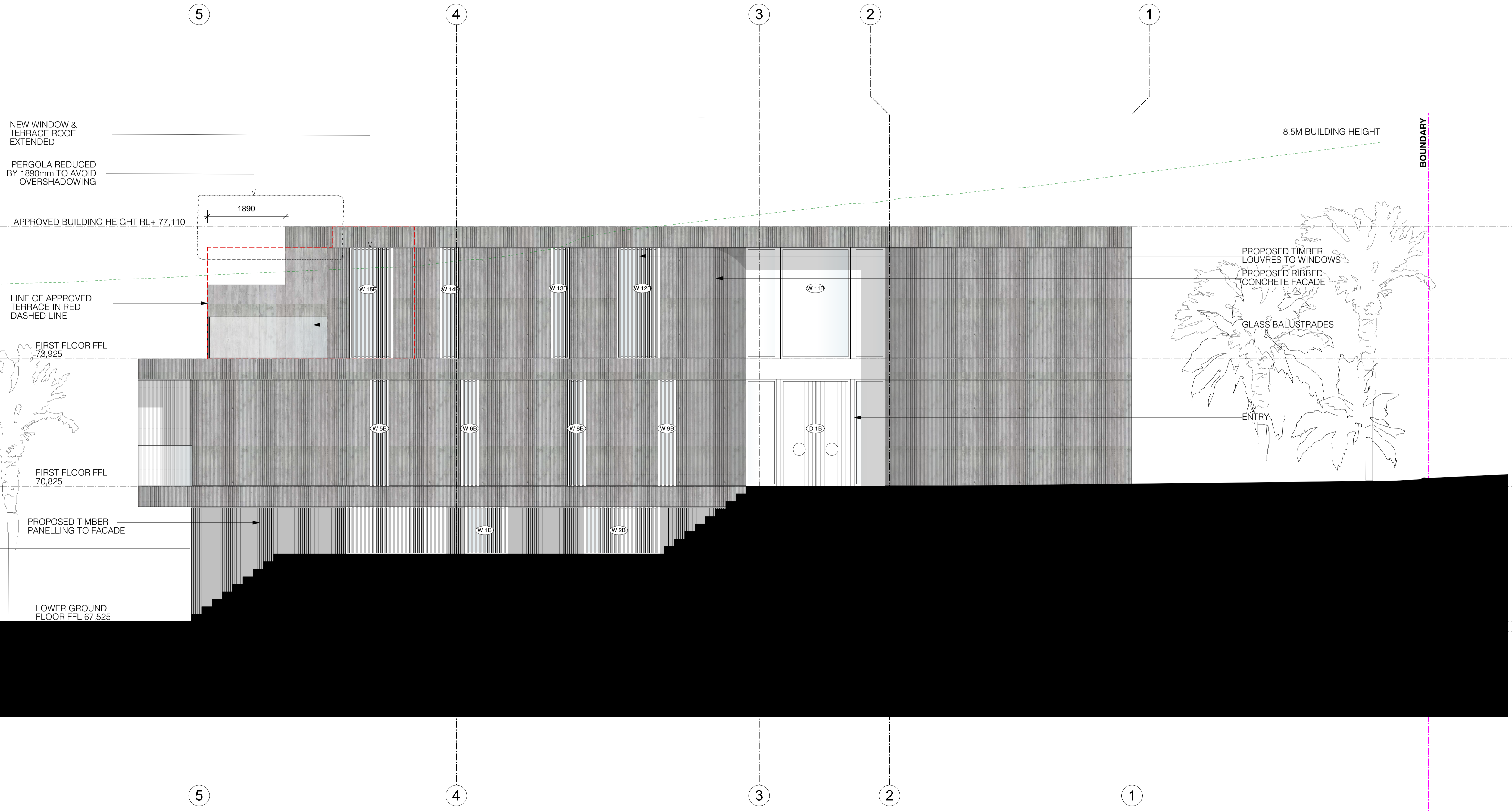
Scale	Drawn	Date	Project No.	Drawing
1:50@A1	JJO	30.03.2023	3527	DA.4.01-K

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AMENDED

RECEIVED
Waverley Council
Application No: DA-243/2017/B
Date Received: 03/04/2023

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	RIBBED CONCRETE
	TIMBER PANELLING
	WHITE TIMBER PANELLING
	WHITE RENDER
	TIMBER LOUVRES
	GLAZING

J	PERGOLA UPDATE	30.03.2023
I	PERGOLA UPDATE	09.03.2023
H	UPDATE	06.09.2022
G	UPDATE	22.08.2022
F	UPDATE	27.07.2022
E	UPDATE	30.03.2022
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C	UPDATE	31.01.2022
B	UPDATE	20.01.2022
A	FIRST ISSUE	19.11.2021

AMENDMENTS

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7A & 7B Portland St, Dover Heights

SECTION 4.55
Drawing
ELEVATIONS
SOUTH ELEVATION

Scale	Drawn	Date	Project No.	Drawing
1:50@A1	JIO	30.03.2023	3527	DA.4.02-J

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Date Received: 03/04/2023

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FINISHES KEY

	RIBBED CONCRETE
	TIMBER PANELLING
	WHITE TIMBER PANELLING
	WHITE RENDER
	TIMBER LOUVRES
	GLAZING

H	UPDATE	05.09.2022
G	UPDATE	27.07.2022
D	UPDATE	01.02.2022
C	UPDATE	31.01.2022
B	UPDATE	20.01.2022
A	FIRST ISSUE	19.11.2021

AMENDMENTS

bkh

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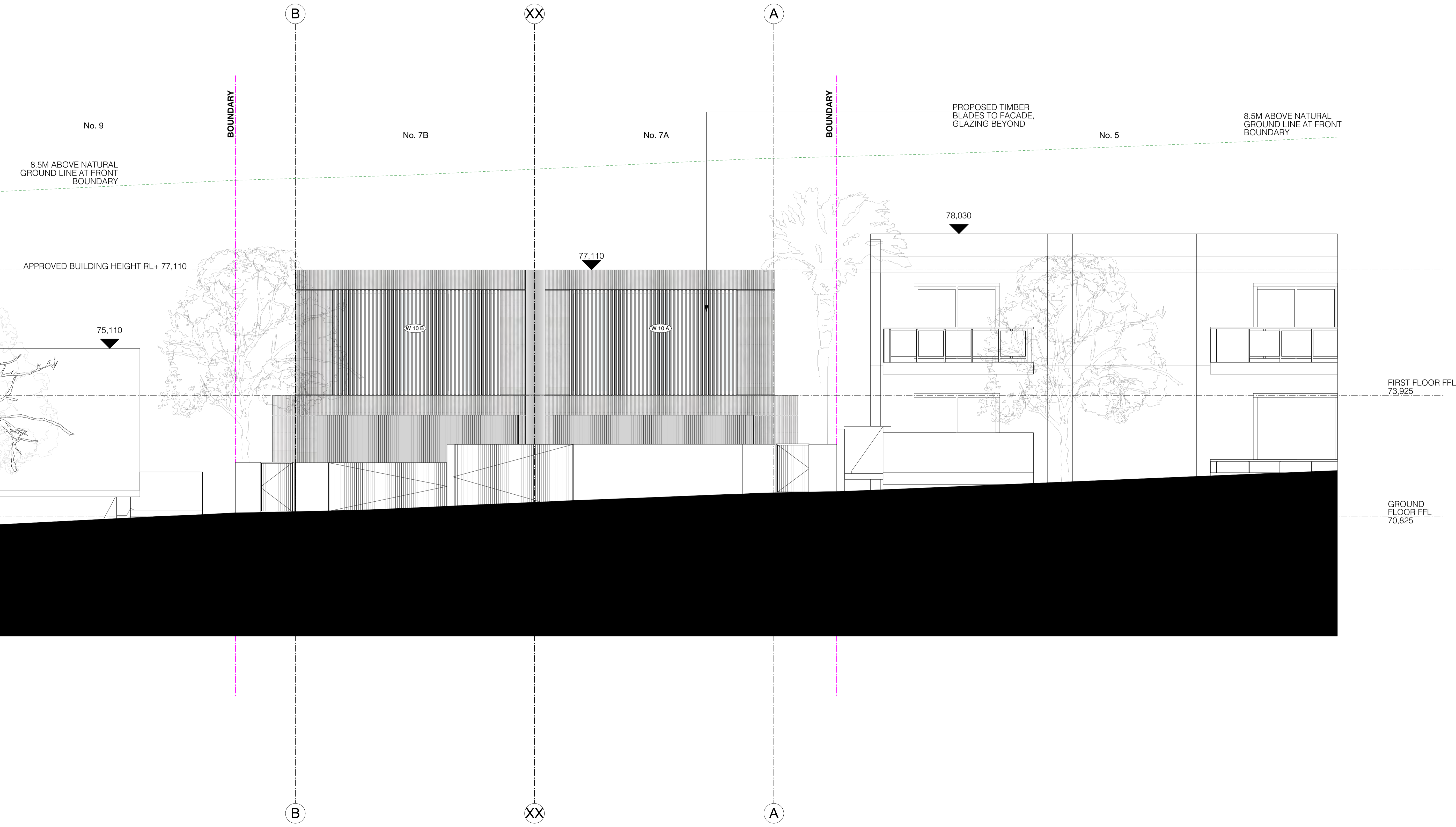
SECTION 4.55
Drawing
ELEVATIONS
WEST ELEVATION

Scale: 1:50
Drawn: LG
Date: 06.09.2022
Project No: 3527
Drawing: DA.4.02-H

AMENDED

RECEIVED
Waverley Council
Application No: DA-243/2017/B
Date Received: 03/04/2023

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FINISHES KEY

	RIBBED CONCRETE
	TIMBER PANNELLING
	WHITE TIMBER PANNELLING
	WHITE RENDER
	TIMBER LOUVRES
	GLAZING

G	UPDATE	06.09.2022
G	UPDATE	27.07.2022
D	UPDATE	01.02.2022
C	UPDATE	31.01.2022
B	UPDATE	20.01.2022
A	FIRST ISSUE	19.11.2021

AMENDMENTS

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HSN
7A & 7B Portland St, Dover Heights

SECTION 4.55
Drawing
ELEVATIONS
EAST ELEVATION

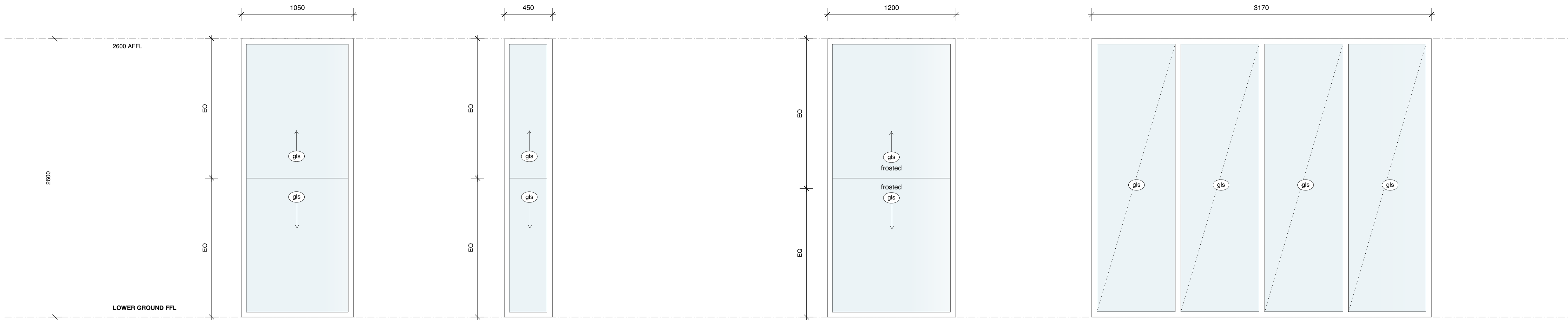
Scale	Drawn	Date	Project No.	Drawing
1:50@A1	LG	06.09.2022	3527	DA.4.02-H

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Waverley Council
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Date Received: 03/04/2023

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W 1A W 1B

STUDY
MATERIAL/FRAME:
FINISH: BRONZE ALUMINIUM FRAMED
GLAZING: DOUBLE GLAZED
OPERATION: ANEETA SASH
HARDWARE:

W 2A W 2B

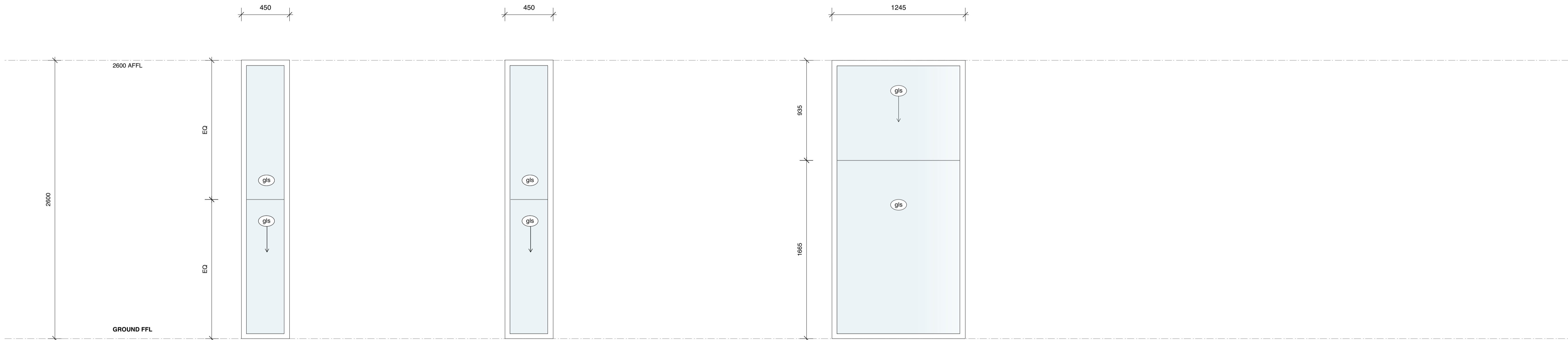
BED 4
MATERIAL/FRAME:
FINISH: BRONZE ALUMINIUM FRAMED
GLAZING: DOUBLE GLAZED
OPERATION: ANEETA SASH
HARDWARE:

W 3A W 3B

BED 4 ENSUITE
MATERIAL/FRAME:
FINISH: BRONZE ALUMINIUM FRAMED
GLAZING: DOUBLE GLAZED - FROSTED
OPERATION: ANEETA SASH
HARDWARE:

W 4A W 4B

LOBBY
MATERIAL/FRAME:
FINISH: BRONZE ALUMINIUM FRAMED
GLAZING: DOUBLE GLAZED
OPERATION: FIXED
HARDWARE:



W 5A W 5B W 6A W 6B

BED 3
MATERIAL/FRAME:
FINISH: BRONZE ALUMINIUM FRAMED
GLAZING: DOUBLE GLAZED
OPERATION: ANEETA SASH
HARDWARE:

W 8A W 8B W 9A W 9B

BED 2
MATERIAL/FRAME:
FINISH: BRONZE ALUMINIUM FRAMED
GLAZING: DOUBLE GLAZED
OPERATION: ANEETA SASH
HARDWARE:

W 7A W 7B

MASTER BED
MATERIAL/FRAME:
FINISH: BRONZE ALUMINIUM FRAMED
GLAZING: DOUBLE GLAZED
OPERATION: ANEETA SASH
HARDWARE:

E	UPDATE	06.09.2022
D	UPDATE	27.07.2022
C	UPDATE	20.01.2022
B	UPDATE	17.01.2022
A	FIRST ISSUE	19.11.2021

AMENDMENTS

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HSN
7A & 7B Portland St, Dover Heights

SECTION 4.55

Drawing
WINDOW SCHEDULE A

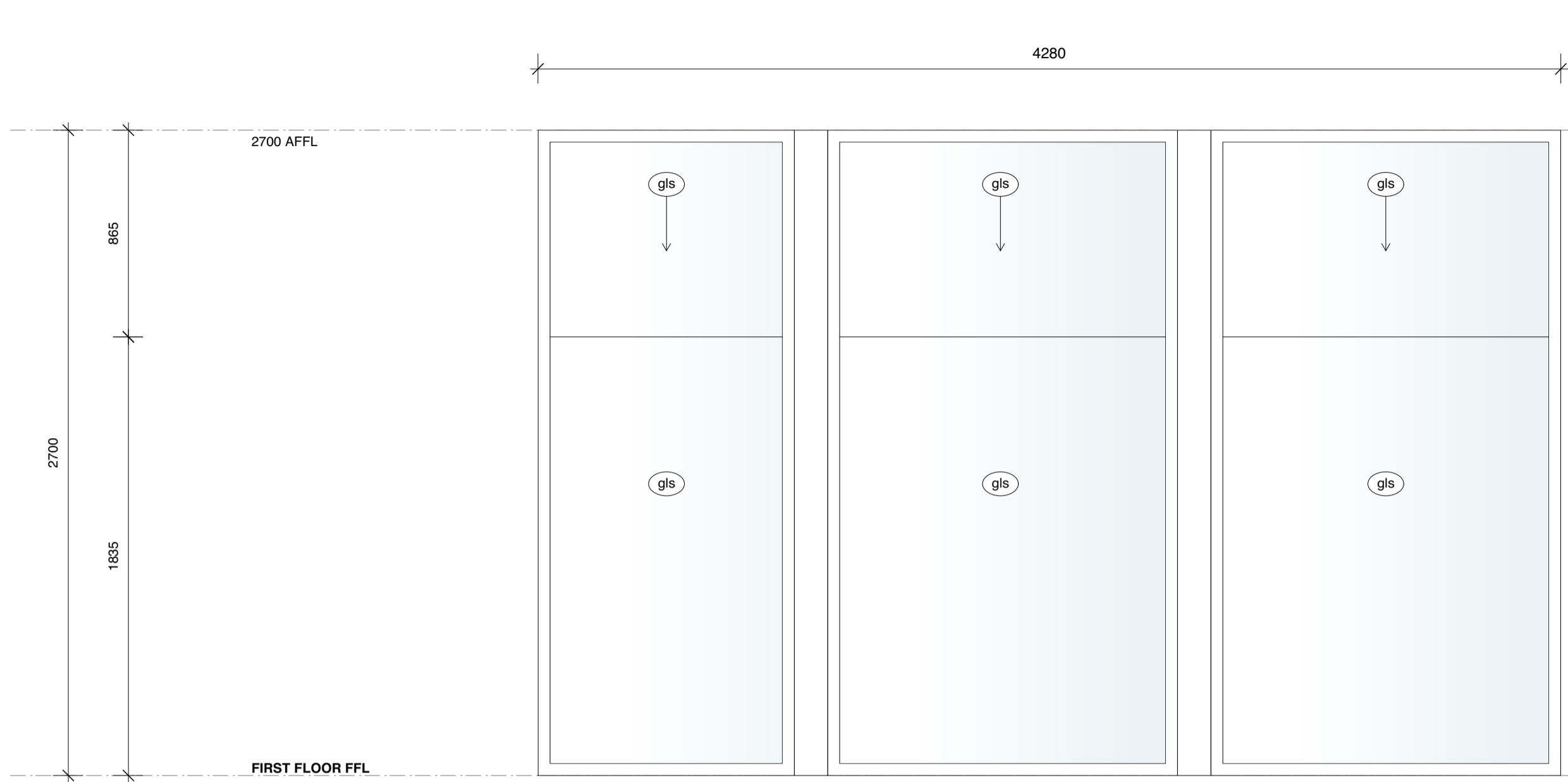
Scale	Drawn	Date	Project No.	Drawing
1:20 @A1 LG		06.09.2022	3527	DA.10.1-E

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W 10A W 10B

KITCHEN

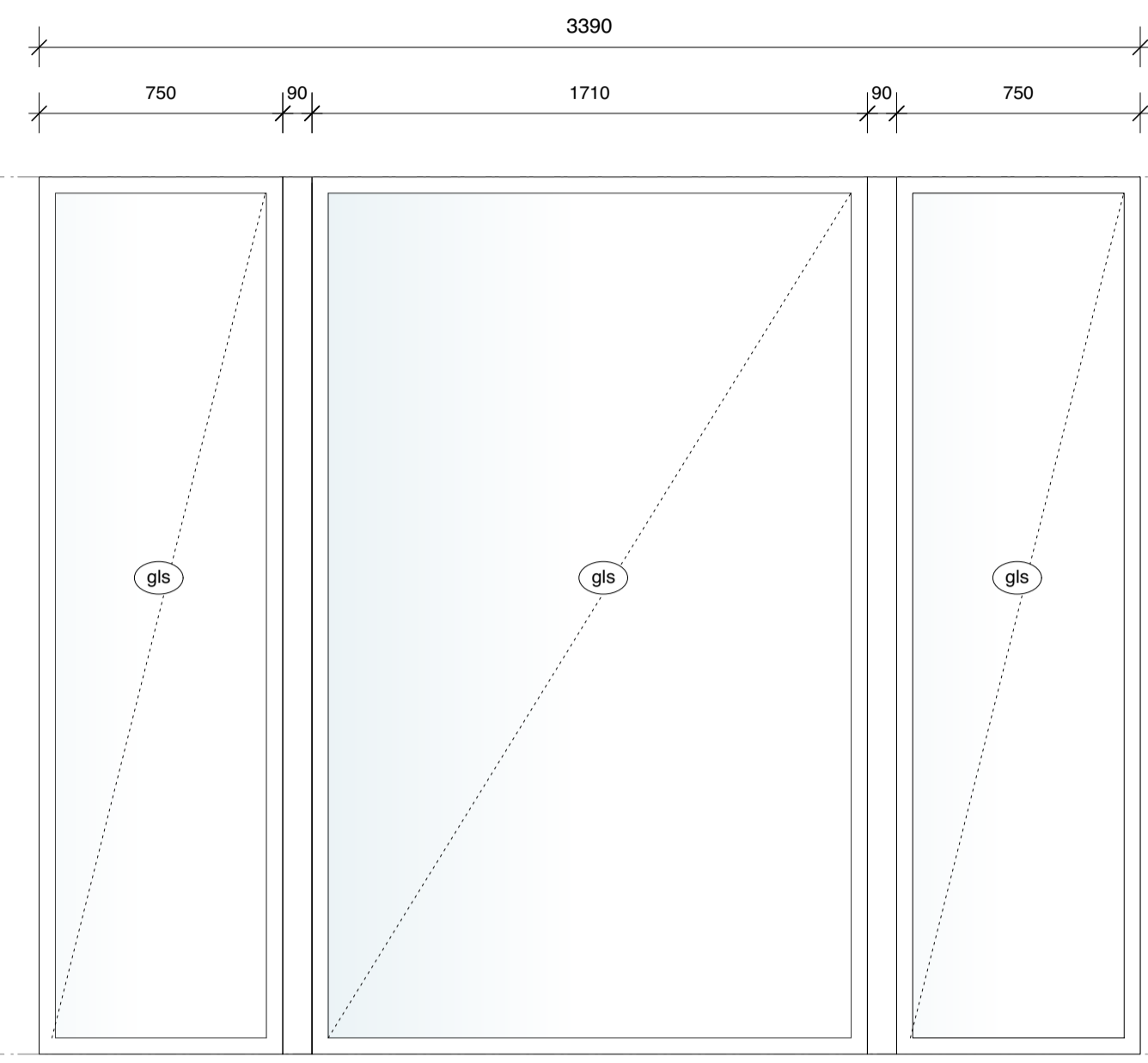
MATERIAL/FRAME: _____

FINISH: BRONZE ALUMINIUM FRAMED

GLAZING: DOUBLE GLAZED

OPERATION: ANEETA SASH

HARDWARE: _____



W 11A W 11B

LOBBY

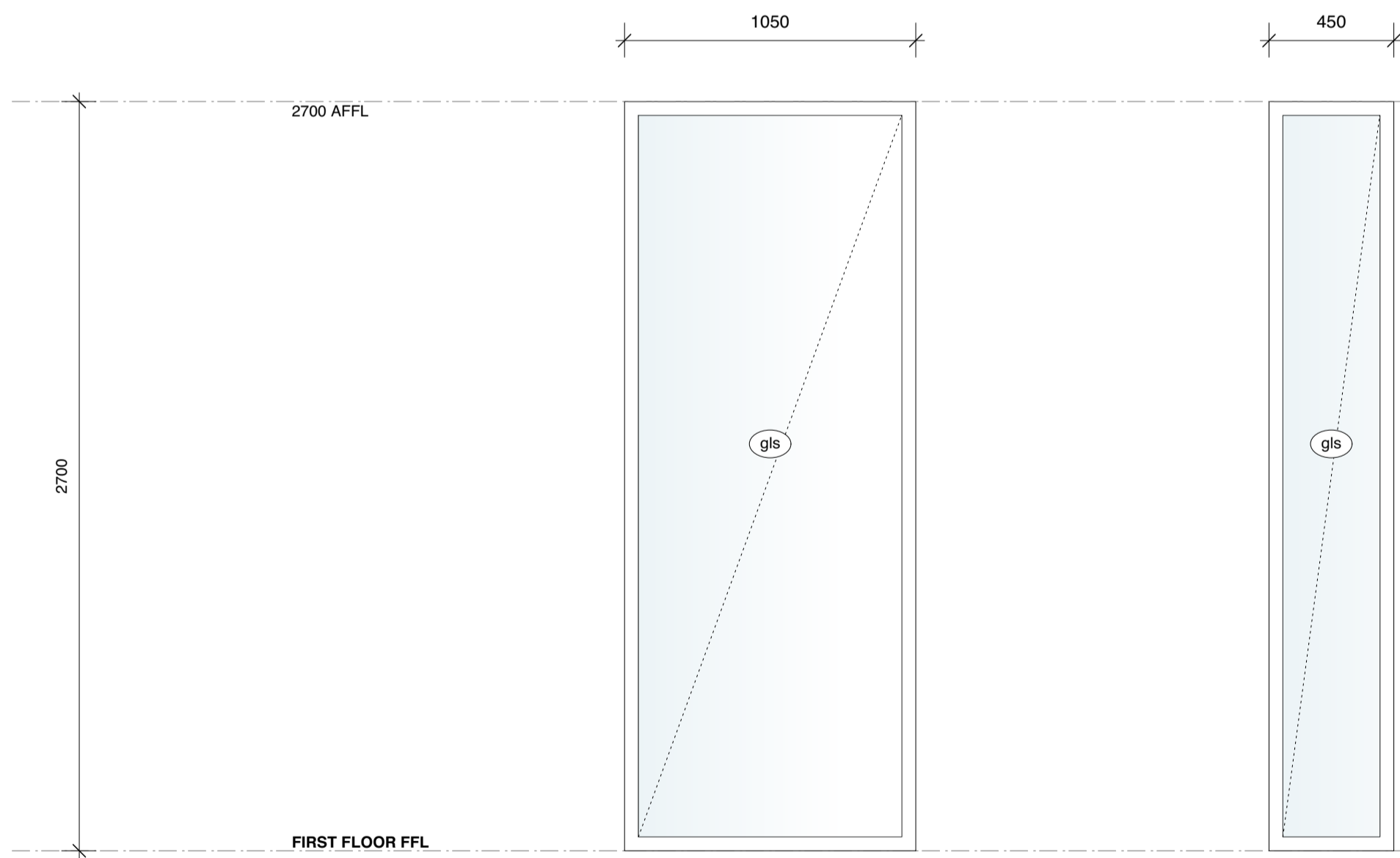
MATERIAL/FRAME: _____

FINISH: BRONZE ALUMINIUM FRAMED

GLAZING: DOUBLE GLAZED

OPERATION: FIXED

HARDWARE: _____



W 12A W 12B W 15A W 15B

LOBBY

MATERIAL/FRAME: _____

FINISH: BRONZE ALUMINIUM FRAMED

GLAZING: DOUBLE GLAZED

OPERATION: FIXED

HARDWARE: _____

W 13A W 13B W 14A W 14B

LOBBY

MATERIAL/FRAME: _____

FINISH: BRONZE ALUMINIUM FRAMED

GLAZING: DOUBLE GLAZED

OPERATION: FIXED

HARDWARE: _____

F	UPDATE	06.09.2022
E	UPDATE	22.08.2022
D	UPDATE	27.07.2022
C	UPDATE	20.01.2022
B	UPDATE	17.01.2022
A	FIRST ISSUE	19.11.2021

AMENDMENTS

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Email: bkhnewyork@bkh.com.au

HSN
7A & 7B Portland St, Dover Heights

SECTION 4.55
Drawing
WINDOW SCHEDULE B

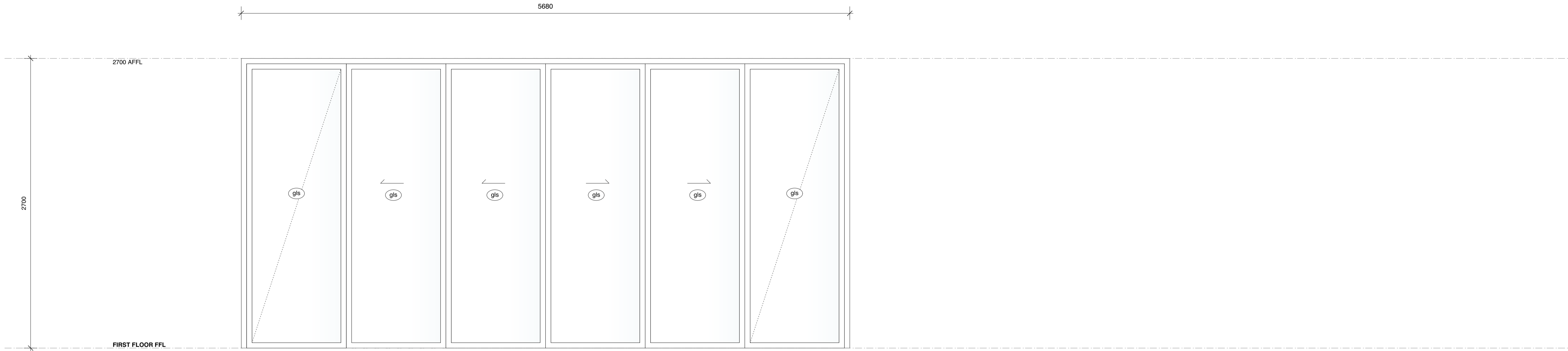
Scale	Drawn	Date	Project No.	Drawing
1:20 @A1	LG	06.09.2022	3527	DA.10.2-F

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Date Received: 03/04/2023

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D 3A D 3B

MASTER BED

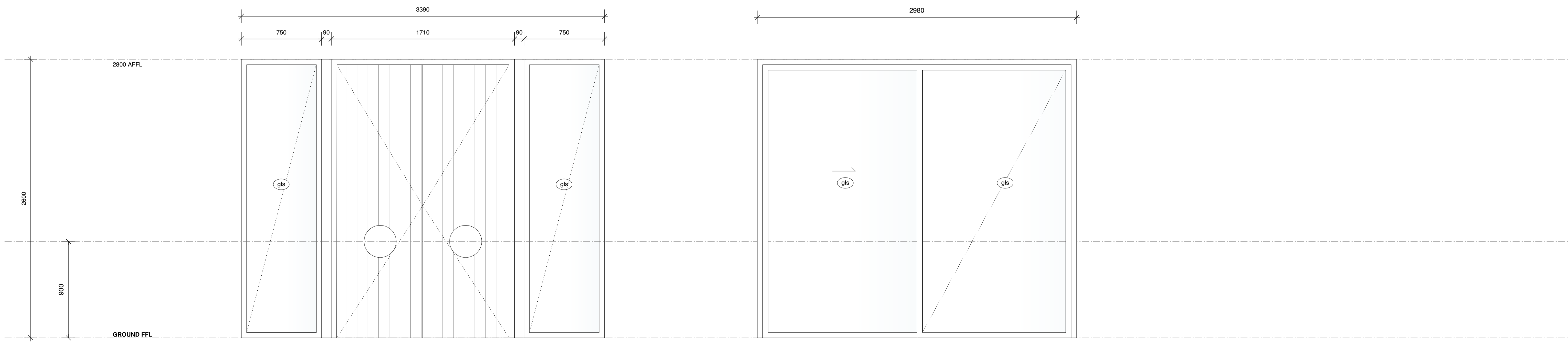
MATERIAL FRAME: _____

FINISH: BRONZE ALUMINIUM FRAMED

GLAZING: DOUBLE GLAZED

OPERATION: SLIDING

HARDWARE: _____



D 1A D 1B

ENTRY

MATERIAL FRAME: _____

FINISH: SHADOW LINE TIMBER PANELL ED DOOR WITH BRONZE ALUMINIUM FRAMED SIDELIGHTS

GLAZING: DOUBLE GLAZED

OPERATION: FRENCH DOORS, FIXED SIDELIGHTS

HARDWARE: _____

D 2A D 2B

MASTER BED

MATERIAL FRAME: _____

FINISH: BRONZE ALUMINIUM FRAMED

GLAZING: DOUBLE GLAZED

OPERATION: SLIDING

HARDWARE: _____

- D UPDATE 06.09.2022
- C UPDATE 27.07.2022
- B UPDATE 20.01.2022
- A FIRST ISSUE 19.11.2021

AMENDMENTS

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HSN
7A & 7B Portland St, Dover Heights

SECTION 4.55
Drawing
EXTERNAL DOOR SCHEDULE A

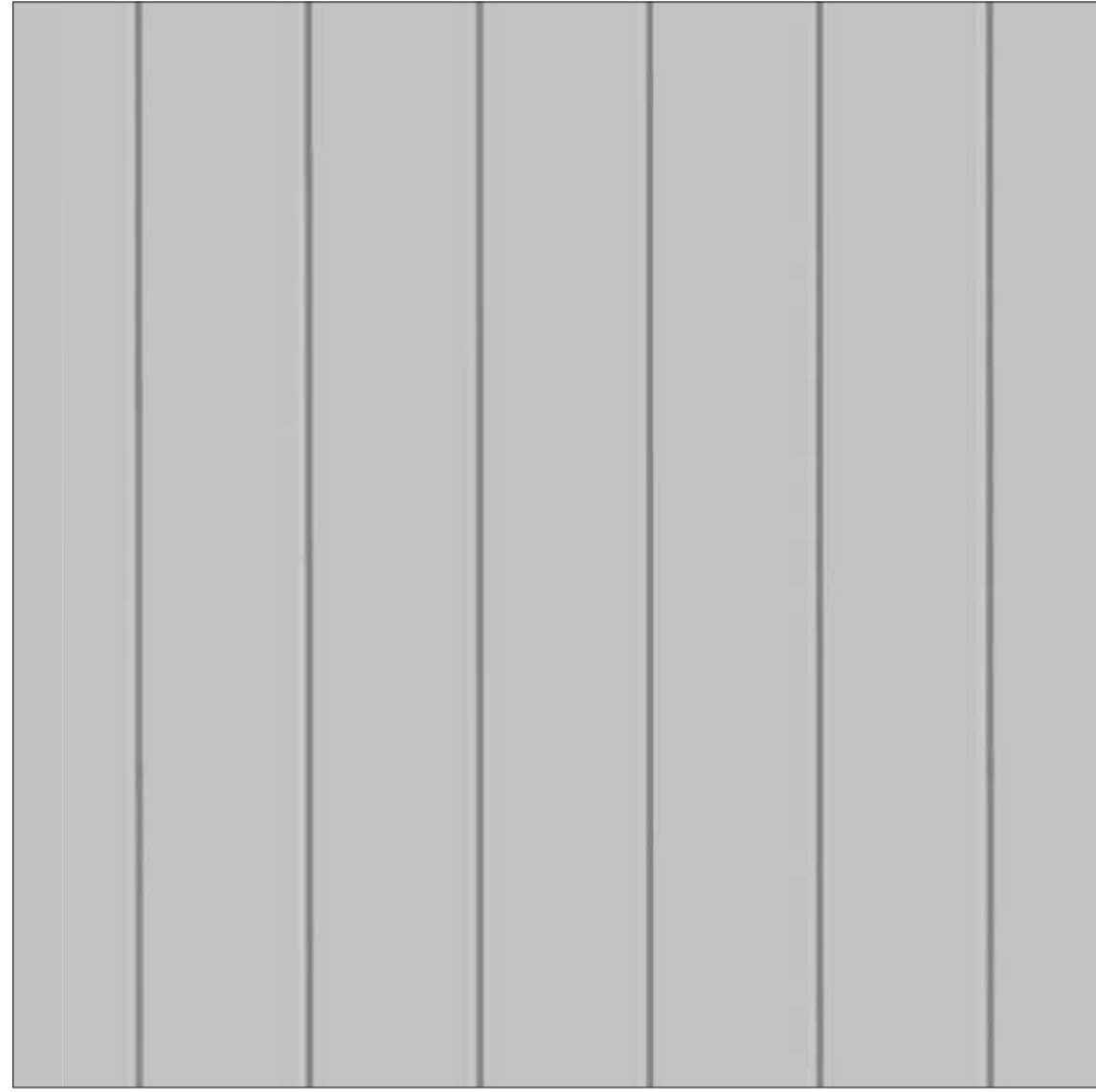
Scale: 1:20 @A1 LG
Date: 06.09.2022
Project No: 3527
Drawing: DA.10.3-C

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AMENDED

RECEIVED
Waverley Council
Application No: DA-243/2017/B
Date Received: 03/04/2023

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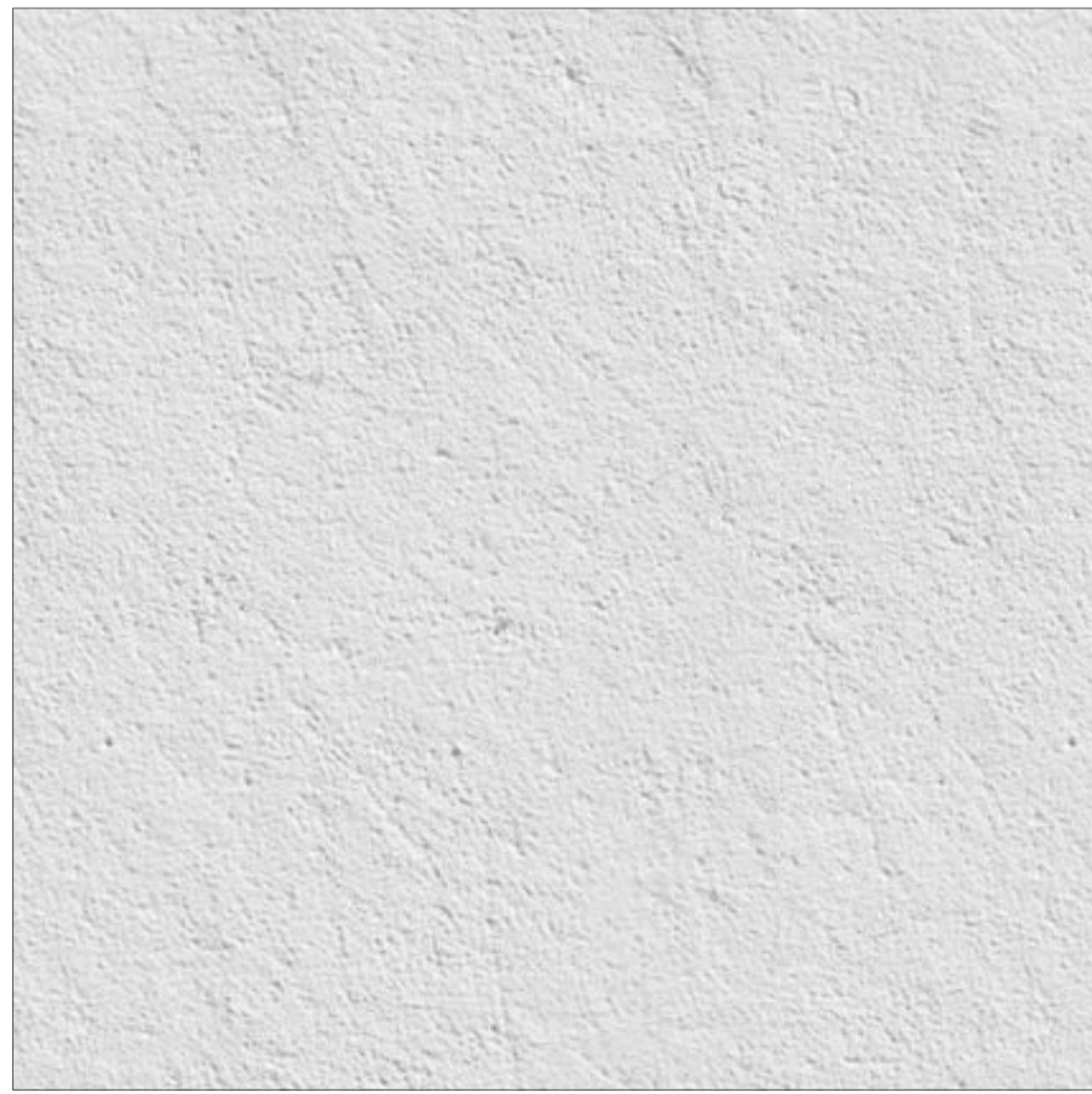
White Painted Shadow Clad



Crazy Paver



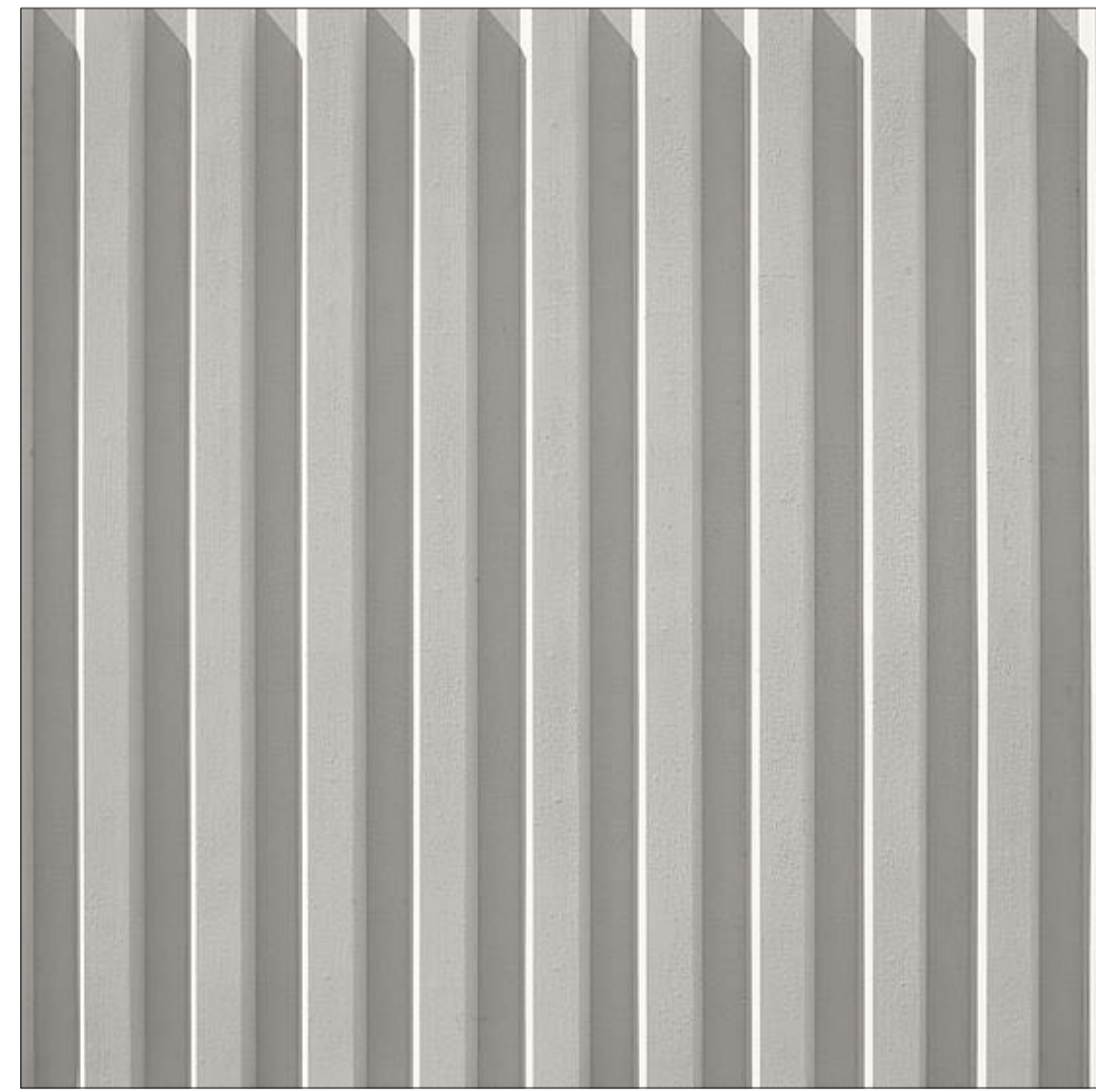
Grey Terrazzo



White Render



Timber panelling



Ribbed concrete

A FIRST ISSUE 01.02.2022

AMENDMENTS

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HSN
7A & 7B Portland St, Dover Heights

SECTION 4.55
Drawing

FINISHES SCHEDULE

Scale	Drawn	Date	Project No.	Drawing
-	LG	06.09.2022	3527	DA.30.01-A

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AMENDED

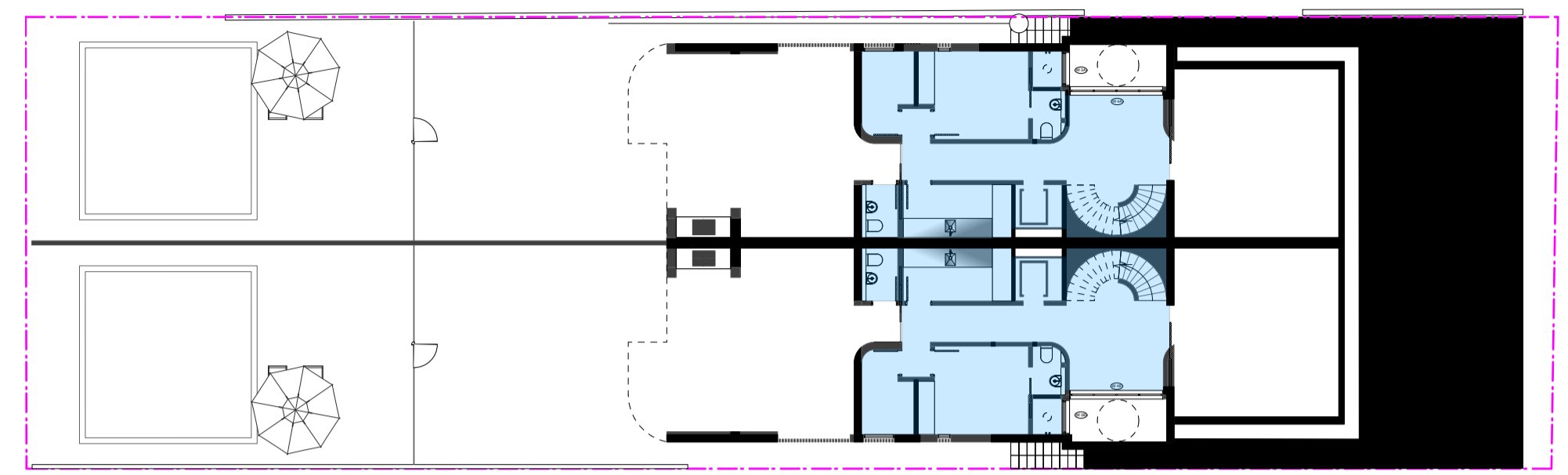
RECEIVED
Waverley Council
Application No: DA-243/2017/B
Date Received: 03/04/2023

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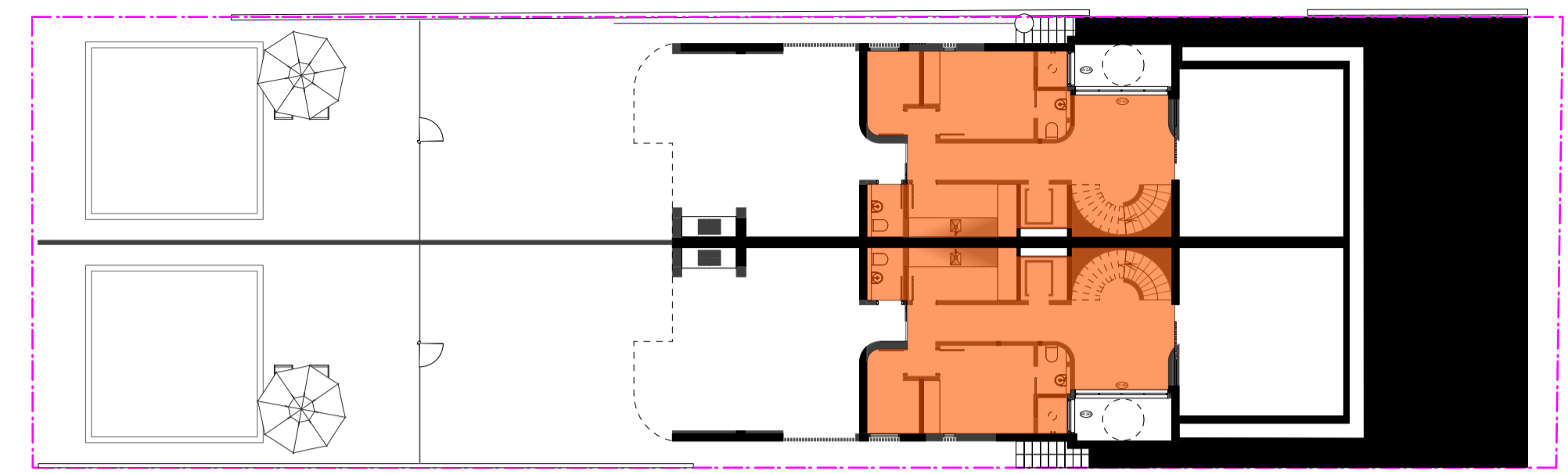
DRAWING LEGEND

Approved GFA

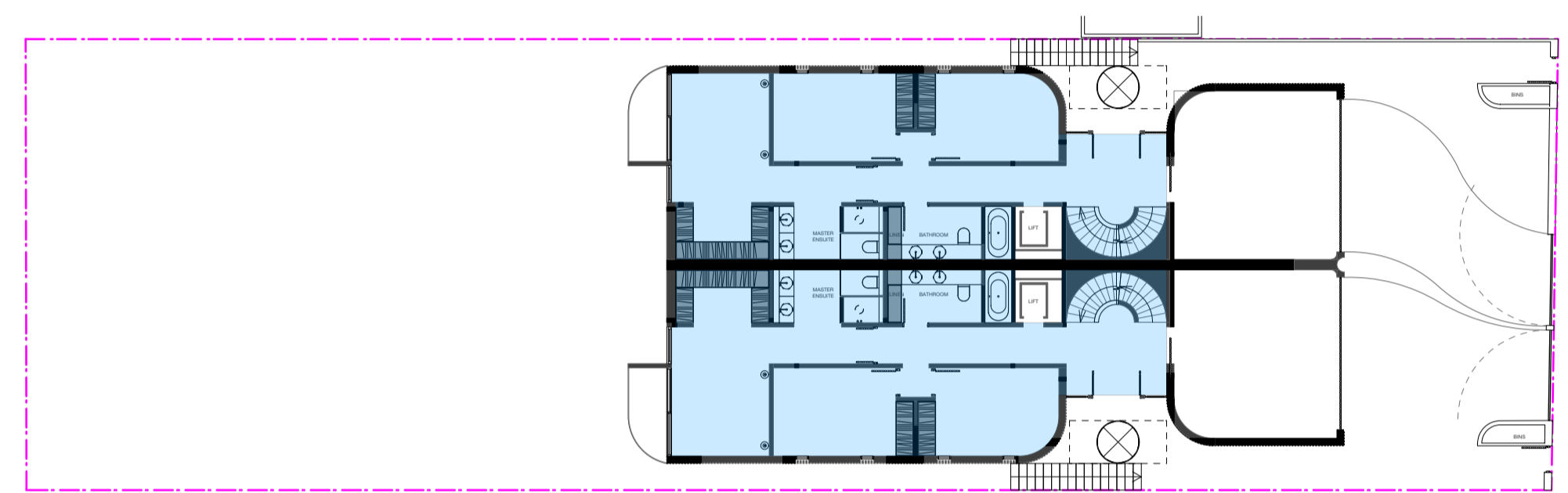
Proposed GFA



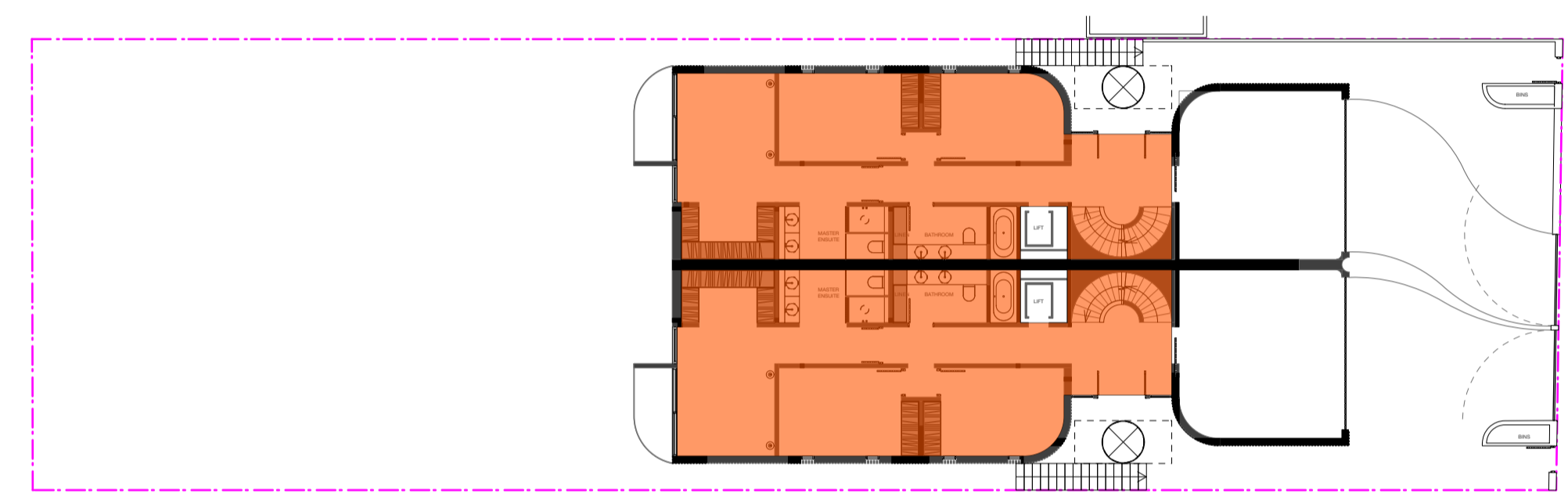
01 APPROVED LOWER GROUND FLOOR GFA
113.7 sqm



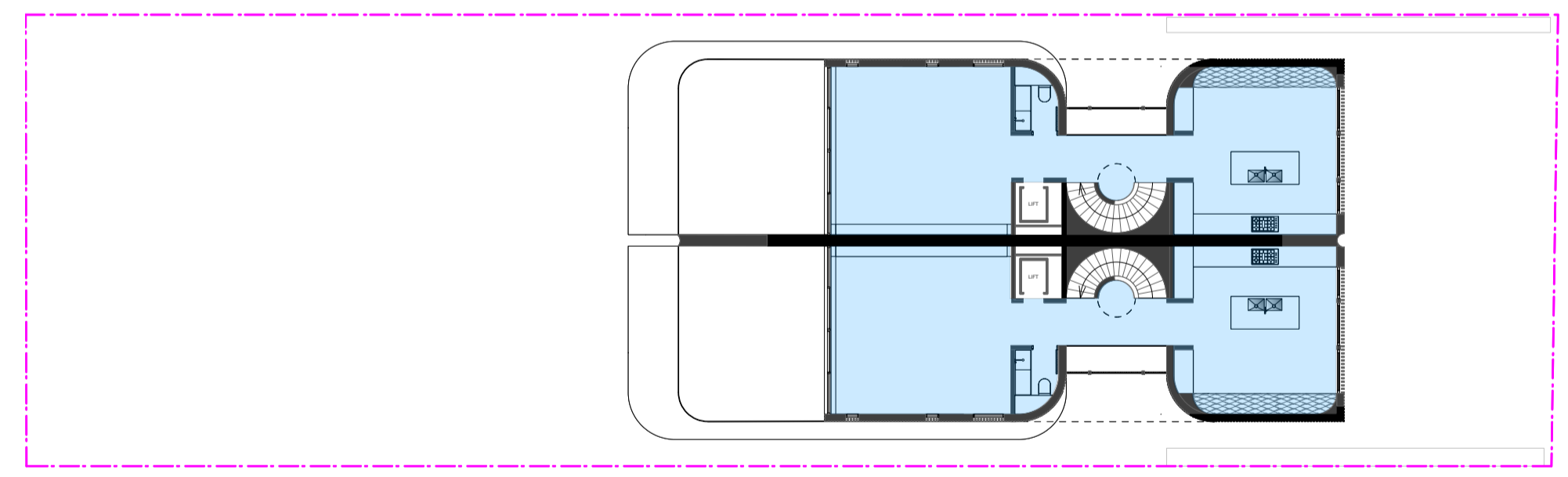
04 PROPOSED LOWER GROUND FLOOR GFA
113.7 sqm



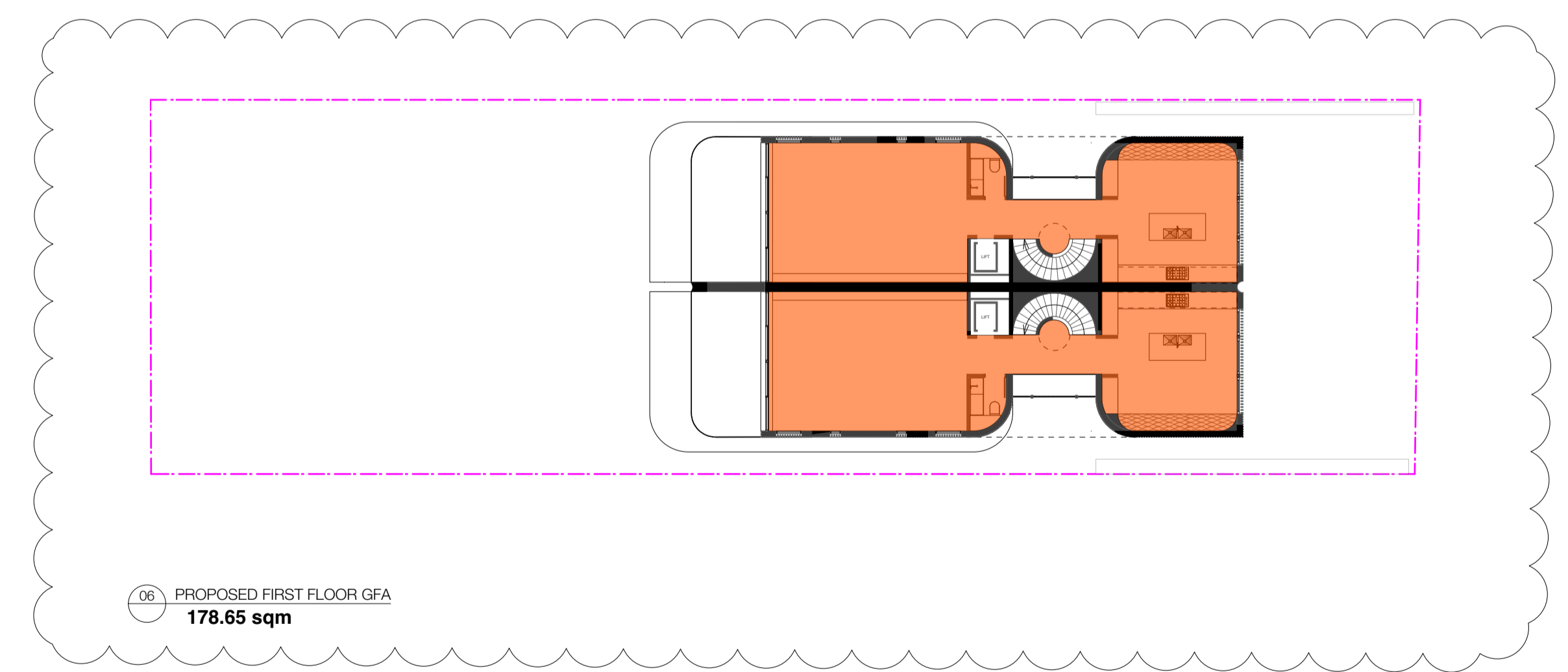
02 APPROVED GROUND FLOOR GFA
188.62 sqm



05 PROPOSED GROUND FLOOR GFA
188.62 sqm



03 APPROVED FIRST FLOOR GFA
155.56 sqm



06 PROPOSED FIRST FLOOR GFA
178.65 sqm

AREA SCHEDULE:

APPROVED		PROPOSED	
LOWER GROUND FLOOR	113.70 m ²	LOWER GROUND FLOOR	113.70 m ²
GROUND FLOOR	188.62 m ²	GROUND FLOOR	188.62 m ²
FIRST FLOOR	155.56 m ²	FIRST FLOOR	178.65 m ²
TOTAL	457.88 m²	TOTAL	480.97 m²

- F UPDATE 06.09.2022
E UPDATE 22.08.2022
D UPDATE 25.07.2022
C UPDATE 16.03.2022
B UPDATE 15.03.2022
A FIRST ISSUE 11.03.2022

AMENDMENTS

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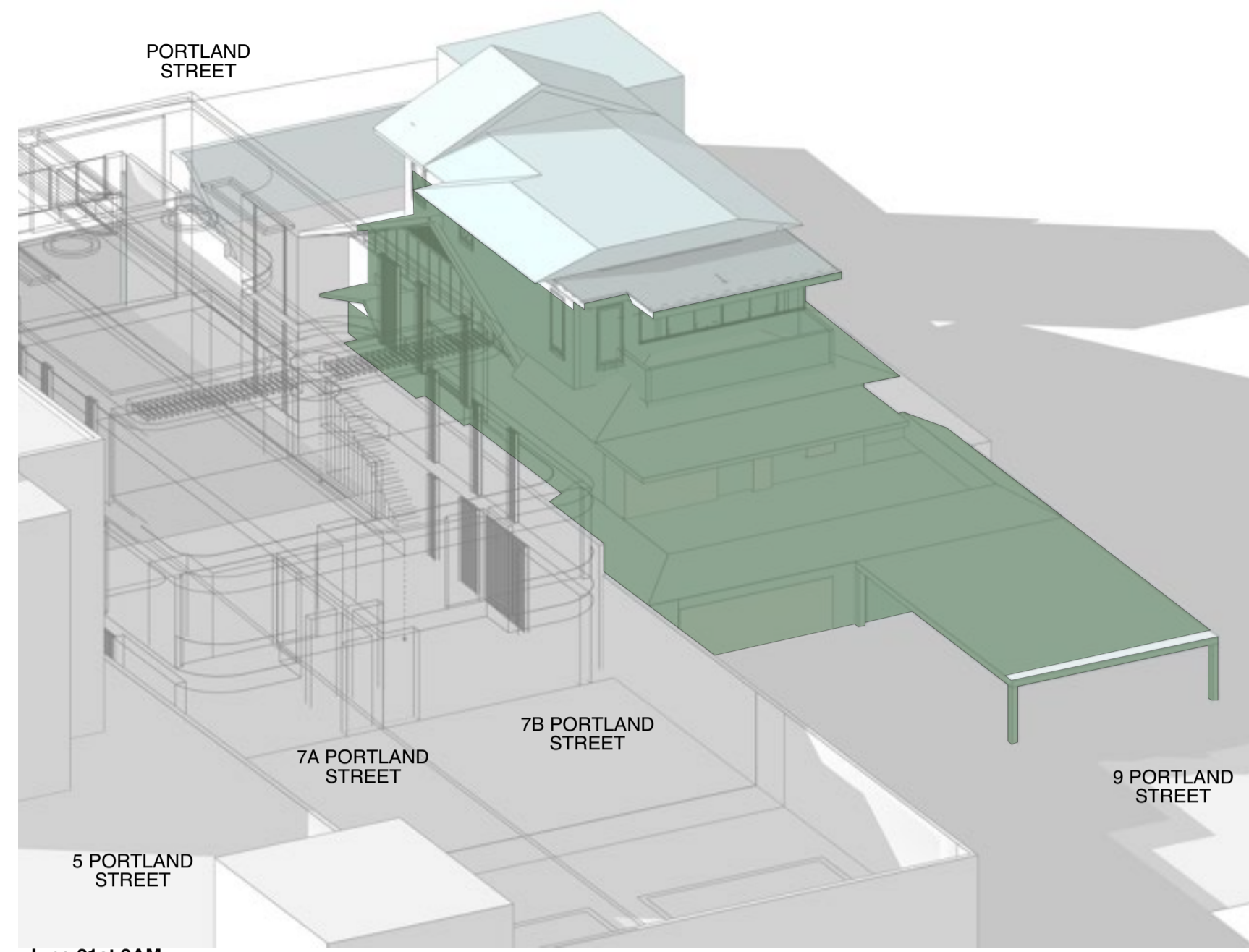
New York
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7A & 7B Portland St, Dover Heights

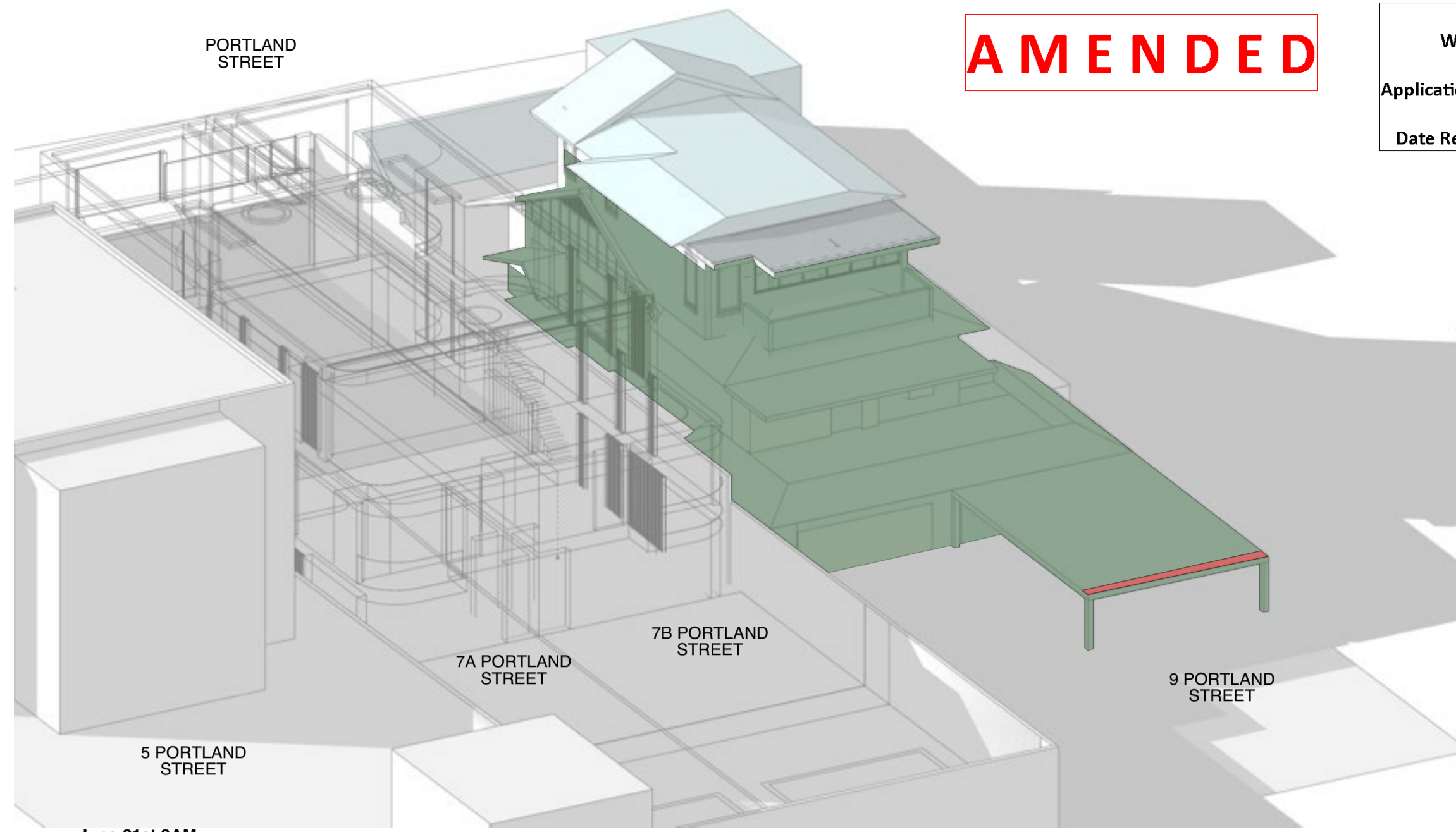
SECTION 4.55
Drawing
DIAGRAMS
AREA CALCULATIONS

Scale: 1:100
Drawn: JO
Date: 06.09.2022
Project No: 3527
Drawing: **A.40.01-F**

All works to be in accordance with Australian Standards, The Building Code of Australia, other relevant codes, and with Manufacturers' recommendations and instructions. Do not scale from drawings. Verify all dimensions on site prior to construction. This drawing is copyright and may not be used without written consent from Burley Katon Halliday Pty Ltd.



June 21st 9AM
APPROVED



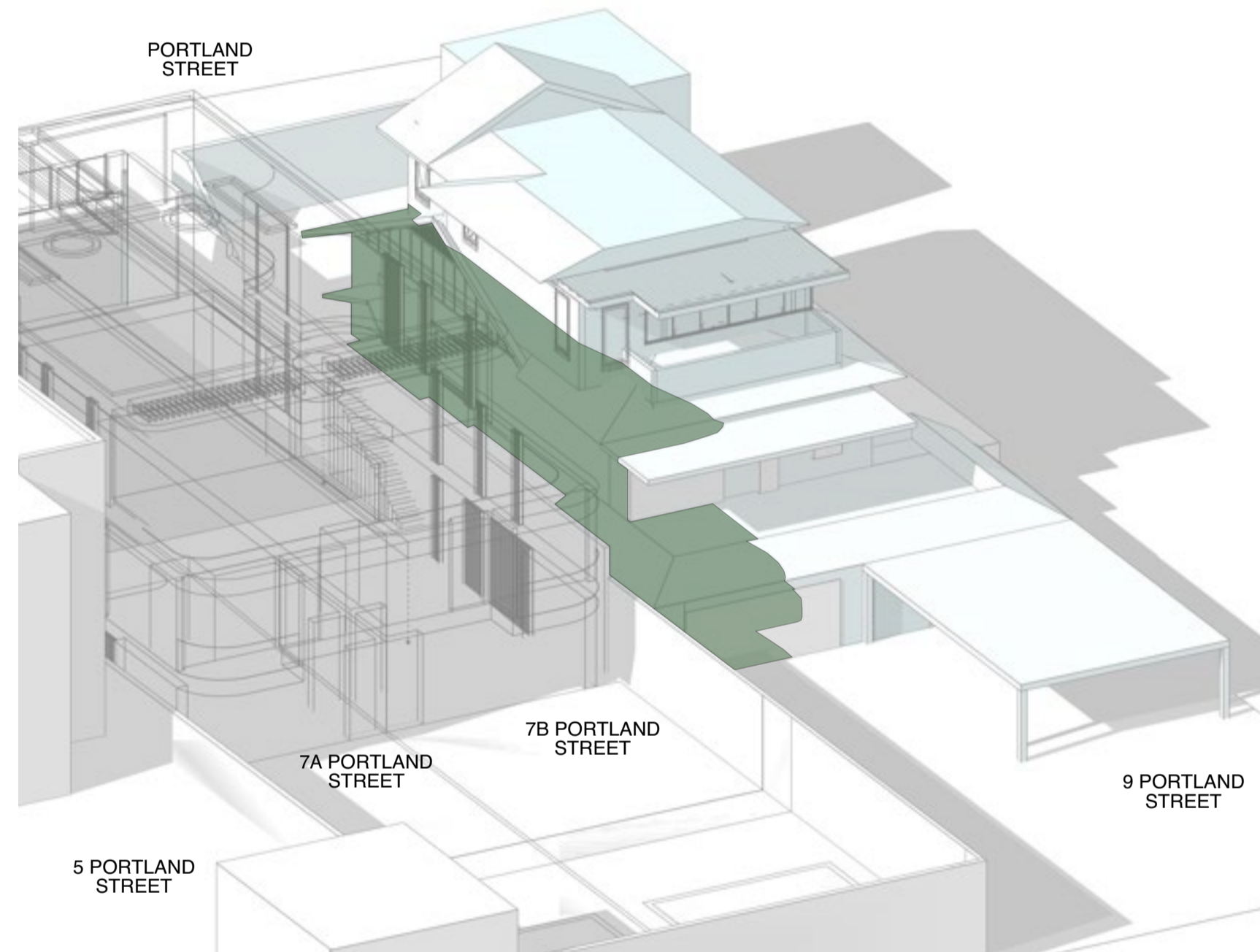
June 21st 9AM
PROPOSED 1m PERGOLA

AMENDED

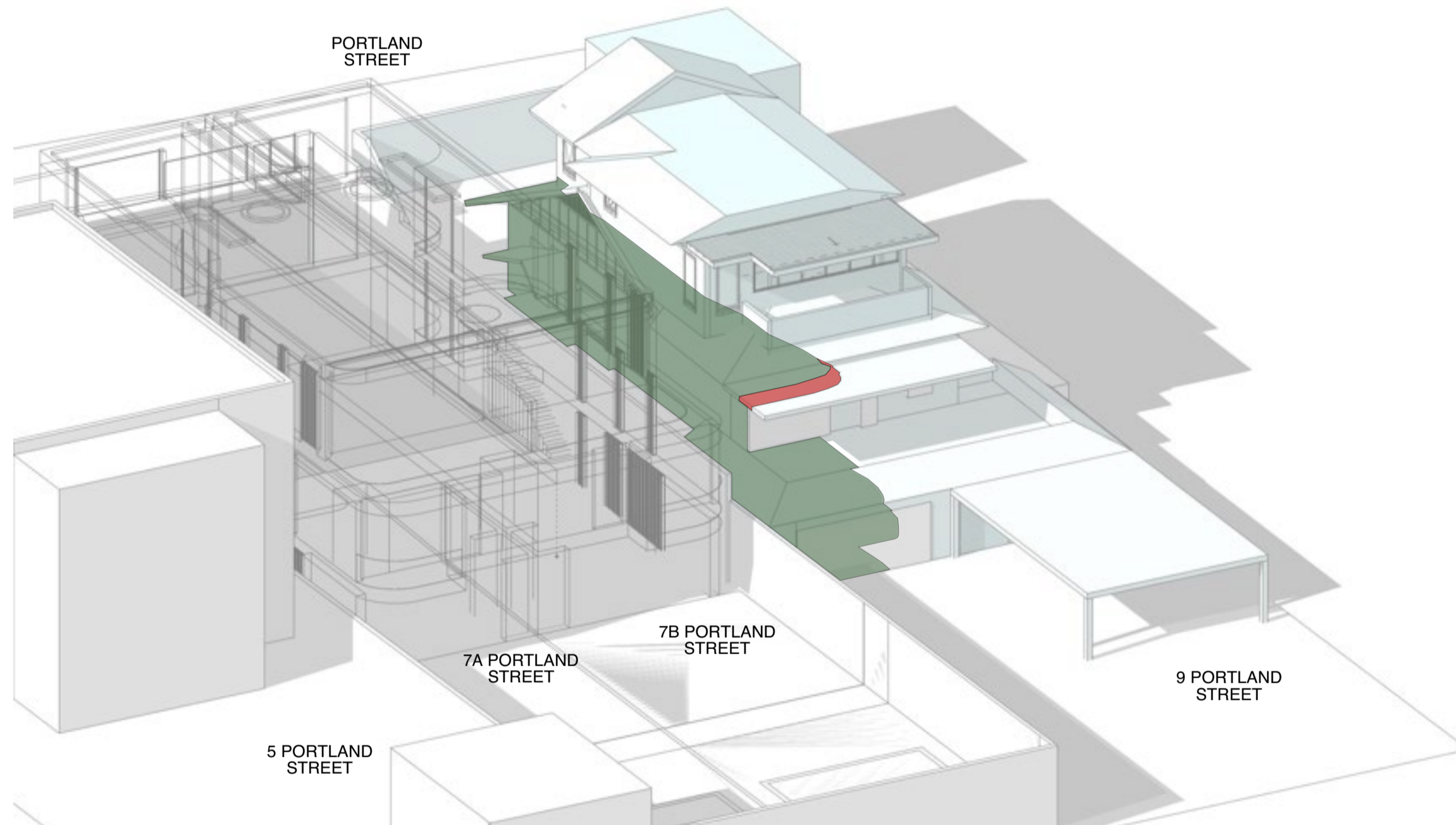
RECEIVED
Waverley Council
Application No: DA-243/2017/B
Date Received: 03/04/2023

- GENERAL NOTES**
- All works to be in accordance with Building Code of Australia, and the relevant Australian Standards
 - Contractor to ensure consistency between similar materials is maintained
 - Contractor to notify BKH of any discrepancies, dimensional inconsistencies or the need for clarification prior to manufacture prior to construction
 - BKH to approve all contractors detailed drawings/testing out prior to construction
 - Contractor to confirm stability and feasibility of all units/components prior to manufacture
 - Contractor to liaise with Electrical contractors to ensure all power/data/communication requirements are accessible
 - All drawings to be verified on site - do not scale
 - Dimensions indicated on general arrangement plans are of finished surfaces, not structural surfaces

- DRAWING LEGEND**
- Additional shadow
 - Reduced Shadow
 - Approved Shadow



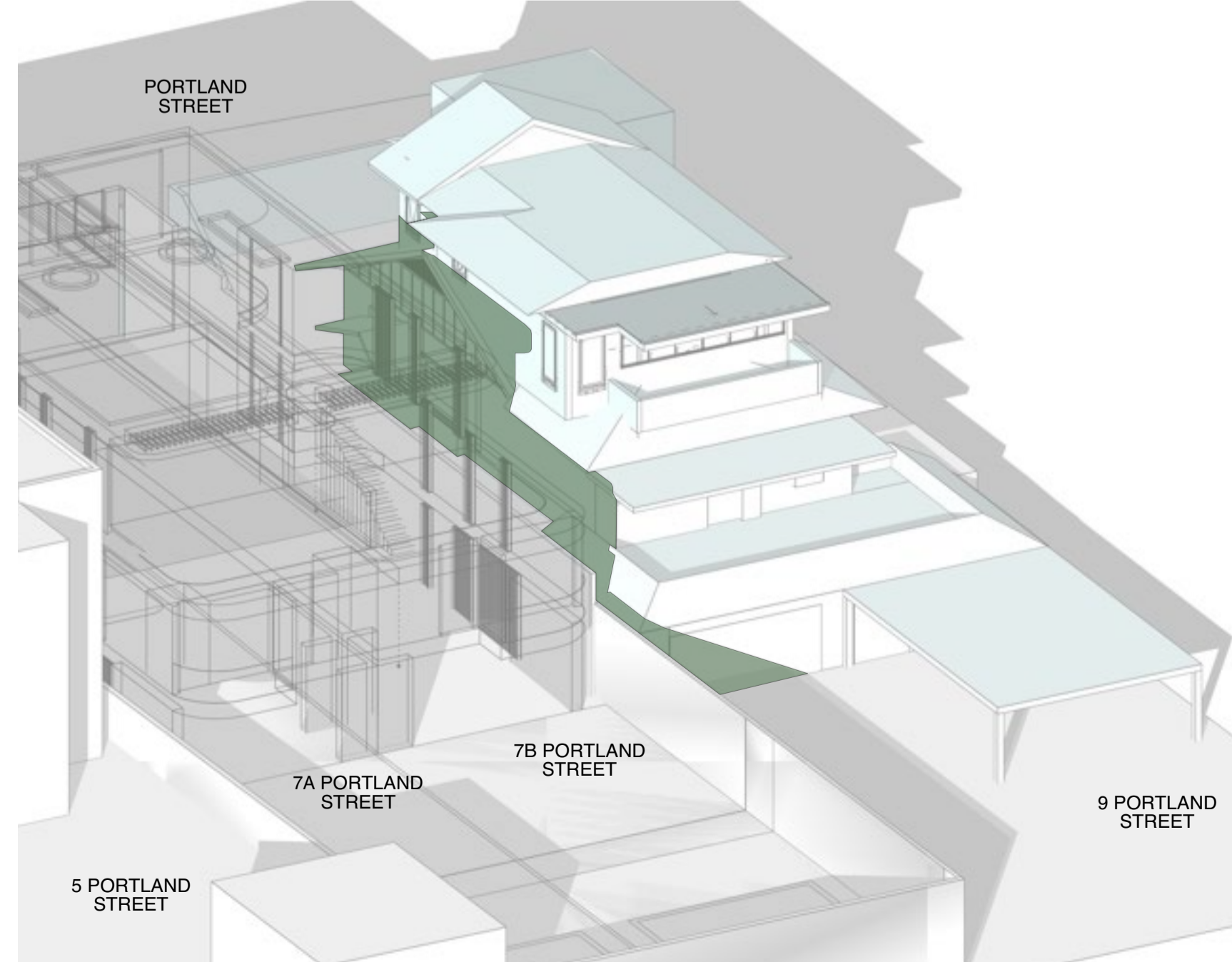
June 21st 12PM
APPROVED



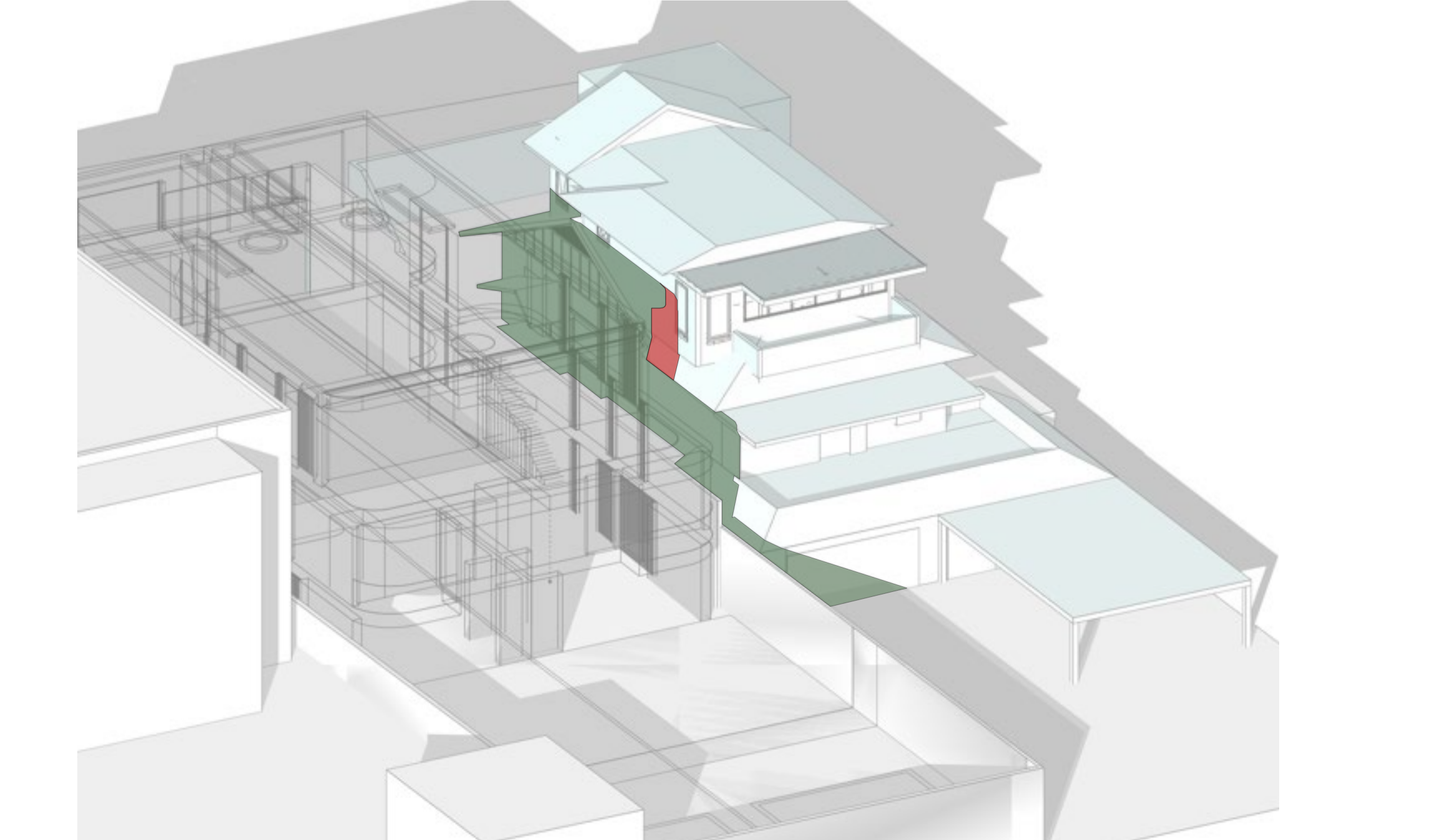
June 21st 12PM
PROPOSED 1m PERGOLA

- C PERGOLA UPDATED 30.03.2023
- B PERGOLA UPDATED 09.03.2023
- A FIRST ISSUE 03.12.2022

AMENDMENTS



June 21st 3PM
APPROVED



June 21st 3PM
PROPOSED 1m PERGOLA

bkh

Sydney: Buryly Katon Halliday Pty Ltd, 127 Crane Avenue, Pitts Point NSW 2511 Australia. Telephone: +61 (0) 9592 2253, Facsimile: +61 (0) 9590 2348, Email: bkh@sydney@bkh.com.au, www.bkh.com.au

New York: BKH New York, Inc., 501 East Avenue, Suite 905, New York, NY 10017, United States of America. Telephone: +1 (212) 206 6569, Facsimile: +1 (212) 206 6589, Email: bkhnewyork@bkh.com.au

HSN
7A & 7B Portland St, Dover Heights

SECTION 4.55
Drawing: SHADOW DIAGRAMS - 3D

Scale	Drawn	Date	Project No.	Drawing
1:20 @A1	JO	09.03.2023	3527	DA.50.4-C

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Subdivision



Report to the Waverley Local Planning Panel

Application number	DA-505/2022
Site address	5 Tamarama Street, TAMARAMA NSW 2026
Proposal	Torrens Title Subdivision into Two (2) Lots
Date of lodgement	22 November 2022
Owner	5 Tamarama Street Pty Ltd, B Meyerson
Applicant	MHN Design Union
Submissions	Nil
Cost of works	Nil
Principal Issues	<ul style="list-style-type: none"> • Non-compliance with the minimum lot size
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for a Torrens title subdivision into two (2) lots, with an area of 183.7m² and 188.6m², at the site known as 5 Tamarama Street, Tamarama.

The principal issues arising from the assessment of the application are as follows:

- Non-compliance with the minimum lot size of Waverley Local Environmental Plan (LEP) 2012

The proposed lots do not meet the minimum subdivision lot size of 325m² as required by Waverley LEP 2012. The assessment finds this issue acceptable on merit having regard to the subdivision pattern in the immediate area.

The proposed subdivision will maintain the established character of the area as a low-density residential environment given each lot will contain a single semi-detached dwelling. The sites surrounding the subject site are characterised by a variety of low-density development forms with small sites containing semi-detached dwelling houses, particularly on Tamarama Street and a residential flat building (20 Illawong Avenue) at the rear of the site.

No objections were received to this application.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. It is recommended for approval subject to conditions of consent.

1.2. Site and Surrounding Locality

A site visit was carried out on 22 March 2023.

The site is identified as Lots 1 and 2 in DP1188291, known as 5 Tamarama Street, Tamarama.

The site is irregular in shape with a frontage to Tamarama Street, measuring 12.19m. It has an area of 368m² and is generally flat. The site is currently vacant. A 1-metre-wide easement runs along the northern boundary of the subject site benefitting the rear Lot 3 DP1188291.

The site is adjoined by semi-detached dwellings on either side. The locality is characterised by a variety of low to medium density residential development with predominantly undersized lots containing semi-detached dwellings along Tamarama Street.



Figure 1: Subject site frontage to Tamarama Street



Figure 2: Subject site viewed from 20 Illawong Ave (from the rear) (Source: Google maps, 2023)

1.3. Relevant Development History

A search of Council’s records revealed the following recent and relevant development history of the site:

- **SC-8/2022:** Land subdivision to create three (3) lots subdivided from the property at 20 Illawong Avenue, Tamarama, approved on 5 May 2022.

1.4. Proposal

The development application seeks consent to subdivide the lot at 5 Tamarama Street, Tamarama, into two (2) Torrens title allotments.

The northern allotment (hereafter referred to as Lot 12) will have an area of 183.7m². The southern allotment (hereafter referred to as Lot 11) will have an area of 188.6m². Both lots will have a frontage to Tamarama Street of 6.095m in width. A proposed 900mm wide easement for services is proposed to run along the northern side of Lot 12 servicing No.20 Illawong Avenue.

A building envelope diagram has been submitted to demonstrate that the proposed allotments can accommodate a compliant building envelope for a semi-detached dwelling on each lot created by this application.

1.5. Background

The development application was lodged on 22 November 2022 and notified between 16 December 2022 and 20 January 2023. The application was then deferred on 28 February 2023 for the following reasons:

1. The proposed subdivision has an easement for services (at the northern side), for 20 Illawong Avenue, Tamarama beneath the ground, therefore details of this easement/services were requested to be provided as part of this application.
2. The proposed potential building envelope design was requested to be submitted to ensure its compatibility in the vicinity.
3. An explanation/notation is required for the annotation "(A)" of the proposed subdivision plan shown on proposed Lot 12 (northern side).

The amended set of documents to address the above matters was submitted on 16 March 2023. It is noted that the documentation submitted to address item 1 above demonstrates that a 1-metre-wide easement runs along the northern boundary of the subject site benefitting the rear Lot 3 DP1188291, however, the proposed subdivision plans show the width of this easement to be 0.9m only.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

The following SEPPs apply from the 1 March 2022 and have been considered acceptable in the assessment of this development application:

- SEPP (Resilience and Hazards) 2021

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	Yes	The application seeks consent for Torrens title subdivision of the site into two allotments.
Land Use Table R3 Zone	Yes	The proposal is defined as Torrens title subdivision, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.1 Minimum subdivision lot size <ul style="list-style-type: none"> • 325m² 	No	The proposed lot sizes are less than the minimum subdivision lot size of 325m ² prescribed by this development standard. This is discussed in more detail below this table.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the minimum subdivision lot size development standard. A detailed discussion of the variation to the

Provision	Compliance	Comment
		development standard is presented below this table.

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

Clause 4.6 Exceptions to Development Standards - Minimum Subdivision Lot Size (Clause 4.1)

The application seeks to vary the minimum subdivision lot size in clause 4.1 under Waverley LEP 2012.

The site is subject to a minimum subdivision lot size development standard of 325m². The proposed subdivision has a lot size of 183.7m² (Lot 12) and 188.6m² (Lot 11), not meeting the standard by 141.3m² and 136.4m², equating to a 43% and 42% variation, respectively.

A written request has been submitted to Council in accordance with clause 4.6(3)(a) and (b) of Waverley LEP 2012 seeking to justify the contravention of the development standard by demonstrating:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (b) That there are sufficient environmental planning grounds to justify contravening the standard.

A copy of the applicant's written request has been provided to the Waverley Local Planning Panel for consideration.

Applicant's Written Request - Clause 4.6(3)(a) and (b)

The applicant seeks to justify the contravention of the minimum subdivision lot size development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - *It is our opinion that the proposal satisfies Test 1 established in Wehbe and for that reason, the development standard is unreasonable and unnecessary in this instance.....Test 1 - The objectives of the standard are achieved notwithstanding non-compliance with the standard.*
 - *Despite the non-compliance with the applicable lot size development standard, the proposal is consistent with the area's low to medium density character. The proposal provides two allotments that can support future development of a height, bulk and scale which is generally consistent with that envisaged by Council's controls. The proposal is also consistent with the objectives of the minimum lot size standard, which are addressed below.*

- (i) to ensure that subdivisions reflect and reinforce the predominant subdivision pattern of the area,

As indicated, the proposed subdivision of the subject site is consistent with the surrounding context. Development to the north, south and west predominantly consists of semi-detached dwellings, with numerous properties along Tamarama Street (see Figure 3), Phillip Street and Tasma Street comprising similarly sized lots well below the minimum standard. Therefore, the proposal is consistent with the existing nearby subdivision pattern. Additionally, the proposed shapes, dimensions and orientation is consistent with predominant subdivision pattern in the area.



Source: MHNDU

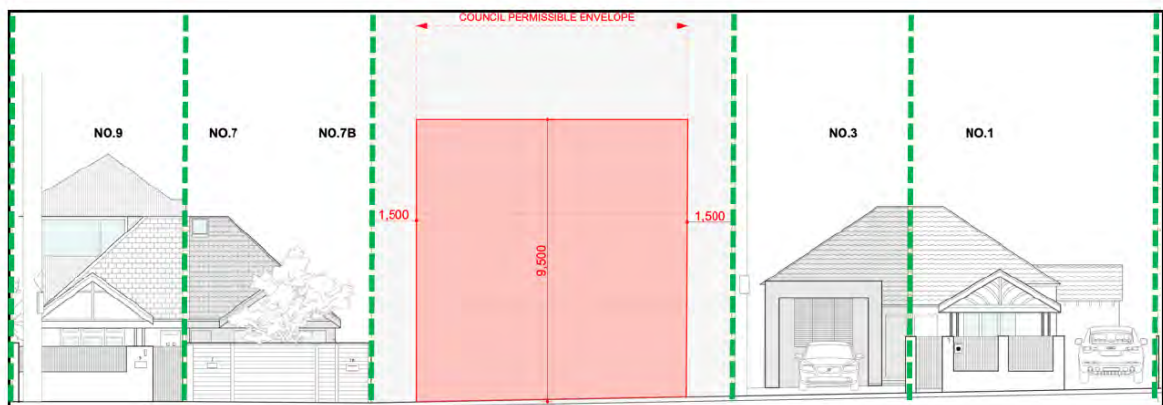
Figure 3: Existing Streetscape (Existing Lot Boundaries in Green and Subject Site - Vacant) (source: applicant's submission)

- There is an abundance of examples in the vicinity of the site which already have similar non-compliances with the minimum lot size standard. (The applicant has provided numerous examples in their Clause 4.6 submission, and some of these in the immediate locality are listed below. For the full list, please refer to the applicant's Clause 4.6 submission):
 - No. 7 Tamarama Street, Tamarama – Approximately 176.56m² lot size - 46% variation;
 - No. 9 Tamarama Street, Tamarama – Approximately 180.8m² lot size - 44% Variation;
 - No. 1 Tasman Street, Bondi – Approximately 131.66m² lot size - 59% variation;
 - No. 3 Tasman Street, Bondi – Approximately 140.78m² lot size - 57% variation;
 - No. 5 Tasman Street, Bondi – Approximately 142.99m² lot size - 56% variation;
 - No. 7 Tasman Street, Bondi – Approximately 144.41m² lot size - 56% variation;
 - No. 9 Tasman Street, Bondi – Approximately 142.94m² lot size - 56% variation;
 - No. 11 Tasman Street, Bondi – Approximately 142.38m² lot size - 56% variation;
 - No. 13 Tasman Street, Bondi – Approximately 143.94m² lot size - 56% variation;
 - No. 15 Tasman Street, Bondi – Approximately 148.17m² lot size - 54% variation;
 - No. 17 Tasman Street, Bondi – Approximately 137.17m² lot size - 58% variation;
 - No. 19 Tasman Street, Bondi – Approximately 142.7m² lot size - 56% variation;
 - No. 11 Philip Street, Bondi – Approximately 140.08m² lot size - 57% variation;
 - No. 13 Philip Street, Bondi – Approximately 129.92m² lot size - 60% variation;
 - No. 15 Philip Street, Bondi – Approximately 136.79m² lot size - 58% variation;
 - No. 17 Philip Street, Bondi – Approximately 132.17m² lot size - 59% variation;
 - No. 19 Philip Street, Bondi – Approximately 134.89m² lot size - 58% variation;
- The above Torrens titled lots have similar or even greater non-compliances with the minimum lot size development standard of 325m². Given the above examples, it is in our opinion, the proposed

42% and 43% variations are appropriate in these circumstances. Regardless of the numerical departure, the proposed allotments can readily accommodate semi-detached dwellings and the Torrens title subdivision is reflective of the surrounding subdivision pattern. It is an efficient use of an R3 zoned land that would be difficult to accommodate a higher-density permissible use such as a residential flat building, given the overall site area of 372.4m². In other words, the proposed subdivision facilitates two semi-detached dwellings that are more in line with the low to medium-density character of the area and more feasible on the site, compared to the existing subdivision.

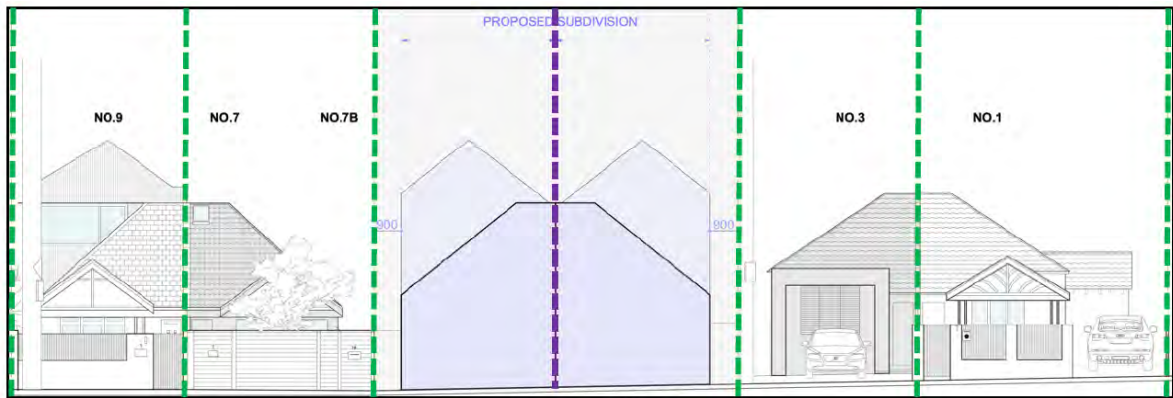
(ii) to minimise the likely impact of subdivision and development on the amenity of neighbouring properties.

- The proposal will enhance the site's development potential, by providing two rationalised allotments which are able to positively contribute to the residential character of the area, especially by remaining contextually compatible within the streetscape that is characterised by low-density, semi-detached dwellings. Similar to adjoining development along Tamarama Street, the subdivision can facilitate two semi-detached dwellings, subject to future approval. These dwellings can be of a height, bulk and scale which is consistent with that envisaged by Council controls, as demonstrated in Figures 4 and 5 below and on the following page. Further, as the proposal is merely for Torrens title subdivision, there are no impacts on neighbour amenity. Any future DA will be required to appropriately address solar access, visual and aural privacy and views.



Source: MHNDU

Figure 4: Council Envelope in Streetscape (Existing Lot Boundaries in Green) (Source: applicant's submission)



Source: MHNDU

Figure 5: Potential Built Form of Future Semi-Detached Dwellings in Streetscape (Source: applicant's submission)

- *Accordingly, although the proposal will not meet the minimum lot size control, it will not have any impacts on streetscape character or neighbour amenity in the current DA. No unreasonable amenity impact is envisaged in future DAs, as the new lots are consistent with the surrounding subdivision pattern and can readily accommodate small-scale development such as semi-detached dwellings compatible with nearby existing properties, recent approvals and Council's built form controls.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- *The proposal is permissible in the R3 Medium Density Residential Zone, is consistent with the relevant zone objectives and satisfies an 'unreasonable and unnecessary' test established by the Court in Wehbe.*
 - *Consistency with the subdivision pattern – as indicated, the proposed lot sizes are compatible with the surrounding subdivision pattern in the locality. Additionally, the lot shapes, dimensions and orientation align with existing lots along Tamarama Street and surrounding streets.*
 - *Good Design and Amenity -The Torrens title subdivision will facilitate residential development, replacing a vacant lot with compatible buildings that are envisaged to be semi-detached dwellings, subject to future approval. There are numerous examples of existing semi-detached dwellings on similarly sized lots to the proposal in the area. This demonstrates the variation's compatibility with the existing subdivision pattern. The capacity to accommodate a compliant future development has also been demonstrated by applying Council's envelope controls (see Figure 4 on the previous page). Given the proposed subdivision is consistent with the surrounding context and can comfortably support a high-quality development, the proposal will contribute positively to the locality.*
 - *Lack of Amalgamation Opportunities - Strict compliance with the lot size development standard would require an increase to the total land holding by 327.7m². This would be very difficult to achieve considering the subject site is the result of recent subdivision of the R3 zoned land, and*

adjoining sites are already developed and undergoing further development. While it is zoned R3, the subject site's limited area is more suited to lower density development such as semi-detached dwellings and hence the subdivision is proposed to appropriately maximise the economic use of the land. In other words, the site as it stands is constrained in accommodating meaningful medium density development. The proposed variation ensures compatibility within Tamarama Street, which is predominantly zoned R2.

- *Economic Use of Land - Further, a 'do nothing' approach would be of no benefit to the streetscape or surrounding area as the site is currently vacant. The proposed lot sizes are consistent with the nearby subdivision pattern and can readily accommodate two semi-detached dwellings. Enforcing compliance would unnecessarily complicate future orderly and economic development of the land in accordance with the intentions of the zoning and the objects of the EPA Act.*
- *Accordingly, in our opinion, despite the departure from the lot size standard, the proposal will be consistent with the existing and desired future planning objectives for the locality.*

Consideration of Applicant's Written Request - Clause 4.6(4) (a) (i) and (ii)

Development consent must not be granted unless the consent authority is satisfied that:

- (a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
- (b) The proposed development will be in the public interest because it is consistent with the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at clause 4.6(3)(a)?

It is considered that the applicant has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

- (a) *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
- (b) *to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;*
- (c) *to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;*

- (d) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and*
- (e) to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.*

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The development proposes to subdivide an existing lot into two (2) Torrens title allotments, which is more consistent and characteristic of lot sizes in the locality. The proposed subdivision will not result in any amenity impacts to the neighbouring properties or the locality. It will be aligned with the surrounding subdivision pattern within the vicinity, which consists of modest semi-detached dwellings.

Does the written request adequately address those issues at clause 4.6(3)(b)?

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. As mentioned above, the proposed subdivision is aligned with the surrounding subdivision pattern of the locality. The proposed Torrens title subdivision will facilitate residential development in a compatible built form of semi-detached dwellings with no environmental impact to the neighbouring properties or the locality. For this reason, the variation is considered acceptable.

Is the development in the public interest?

The proposed development will be in the public interest because it is consistent with both the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.

The objectives of the minimum subdivision lot size development standard are as follows:

- (a) to ensure that subdivisions reflect and reinforce the predominant subdivision pattern of the area,*
- (b) to minimise the likely impact of subdivision and development on the amenity of neighbouring properties.*

The objectives of the R3 zone are as follows:

- To provide for the housing needs of the community within a medium density residential environment.*
- To provide a variety of housing types within a medium density residential environment.*

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To increase or preserve residential dwelling density.*
- *To encourage the supply of housing, including affordable housing, that meets the needs of the population, particularly housing for older people and people with disability.*
- *To provide development that is compatible with the desired future character and amenity of the surrounding neighbourhood.*
- *To promote development that incorporates planning and design measures that reduce the urban heat island effect.*
- *To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.*

The proposed Torrens title subdivision of an existing lot achieves the objectives of the development standard and the objectives of the R3 zone. The subdivision will not impact on the existing pattern within the area and will provide better amenity across both the properties overall. The development will maintain the housing needs within a medium density residential environment. The Torrens title subdivision is compatible with surrounding lot sizes in the area and is supported.

Conclusion

For the reasons provided above, the requested variation to the minimum subdivision lot size is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the minimum subdivision lot size and the R3 medium density residential zone.

2.1.3. Waverley Development Control Plan 2012 (Waverley DCP 2012) – Amendment No.9

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

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

Development Control	Compliance	Comment
6. Stormwater	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
13. Subdivision	Yes	Satisfactory subject to the imposition of a condition requiring the provision of at least a 1 metre wide easement for services to benefit existing Lot 3 DP1188291. The approval recommendation is conditioned accordingly.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for at least 14 days between 16 December 2022 and 20 January 2023 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

No submissions were received.

2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Land information/GIS Analysis

This application has been referred to Council's GIS Analyst who has recommended the following:

Should the application be supported, the following conditions are recommended to be imposed:

ALLOCATION OF STREET NUMBER

The subdivision of the properties has led to the following allocation of primary address numbers:

- No. 5A Tamarama Street for the fill in North allotment - Lot 12*
- No. 5 Tamarama Street for the fill in South allotment - Lot 11*

The primary address numbers for the properties shall be a minimum of 75mm high, shall be positioned 600mm-1500mm above ground level on the site boundaries, located near the entry points and clearly visible from Tamarama Street.

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

Any variation to the above premises numbering requires a new application for a Change of street number and/or location to be lodged with Council.

3.2. Stormwater

The application has been referred to Council's Stormwater Engineer who raised no objections to the proposal.

4. CONCLUSION

The development application seeks consent for the Torrens title subdivision into two (2) lots at the site known as 5 Tamarama Street, Tamarama.

The principal issues arising from the assessment of the application are as follows:

- Non-compliance with the minimum lot size of Waverley LEP 2012


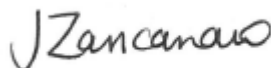
The assessment finds this issue acceptable as the proposed Torrens title subdivision will maintain the predominant subdivision pattern in the area and it will have minimal environmental impact to the neighbouring properties or streetscape.

No objections were received to this application.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the Act. It is recommended for approval subject to conditions of consent.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be **APPROVED** by the Waverley Local Planning Panel subject to the conditions in Appendix A.

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Saumya Shah	Jo Zancanaro
Development Assessment Planner	Acting Manager, Development Assessment (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 05/04/2023	Date: 12/04/2023

Reason for WLPP referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Draft Subdivision plan prepared by Vaughan Adam Wady dated 15/06/2022 and received by Council on 22/11/2022 as follows:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
Unspecified	PLAN OF SUBDIVISION OF LOT 1 & 2 DP1188291 (UNREGISTERED)	15/06/2022	22/11/2022

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments:

- (a) A 1 metre wide easement for services is to be provided along the northern boundary of proposed Lot 12 to service the rear lot known as Lot 3 DP1188291 as burdened on the existing Lot 1 DP1188291.

The amendments are to be approved by the **Executive Manager, Development Assessment or delegate** prior to the issue of any Subdivision Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

B. PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever applies.

3. SUBDIVISION CERTIFICATE

A Subdivision Certificate must be obtained from Council in accordance with the Environmental Planning and Assessment Act 1979 prior to the registration of the subdivision plans.

4. ALLOCATION OF STREET NUMBER

The subdivision of the properties has led to the following allocation of primary address numbers:

- No. 5A Tamarama Street for the fill in North allotment - Lot 12
- No. 5 Tamarama Street for the fill in South allotment - Lot 11

The primary address numbers for the properties shall be a minimum of 75mm high, shall be positioned 600mm-1500mm above ground level on the site boundaries, located near the entry points and clearly visible from Tamarama Street.

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

Any variation to the above premises numbering requires a new application for a Change of street number and/or location to be lodged with Council.

C. ADVISORY MATTERS

The following advisory matters are provided as additional information to ensure compliance with the relevant legislation and requirements. You must also check other Commonwealth and NSW Acts and Regulations which may apply to the works or use approved in this application.

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au or via the NSW Planning Portal (if required).
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition).
- Include DA reference number.
- Include condition number/s seeking to be addressed.
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to ‘Electronic lodgement guidelines’ on Council’s website. Failure to adhere to Council’s naming convention may result in documentation being rejected.

- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note, in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council's standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

AD2. SYDNEY WATER REQUIREMENTS

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

Contact Sydney Water for more information.

AD3. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

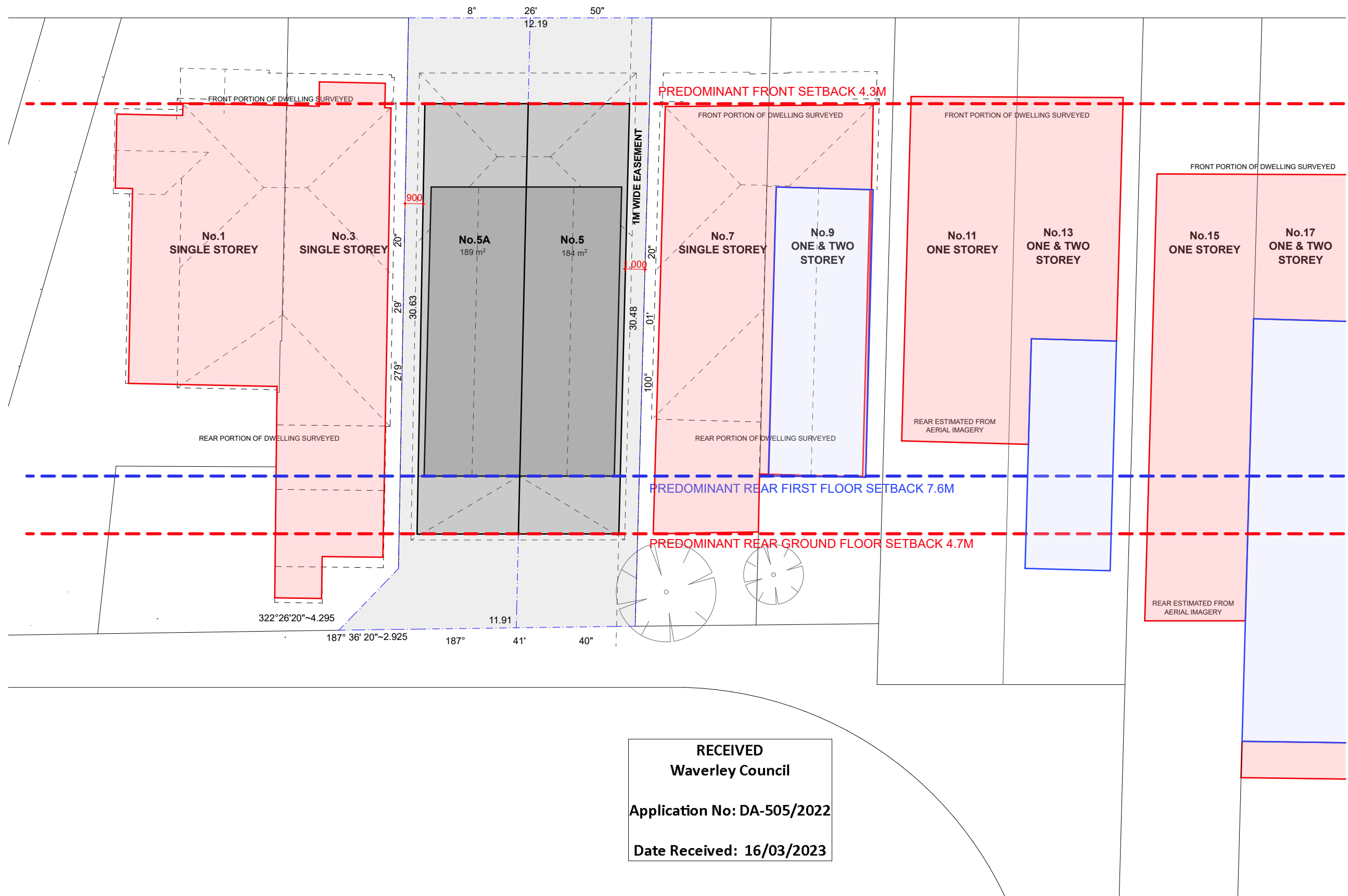
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore,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

AD4. SYDNEY WATER CERTIFICATE

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.**

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

TAMARAMA STREET

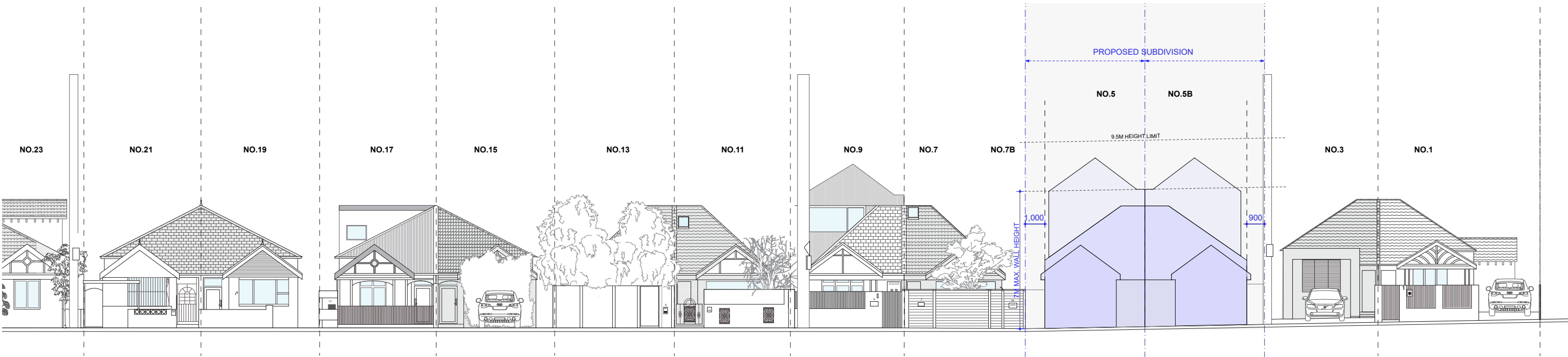


RECEIVED
Waverley Council

Application No: DA-505/2022

Date Received: 16/03/2023

RECEIVED
Waverley Council
Application No: DA-505/2022
Date Received: 16/03/2023

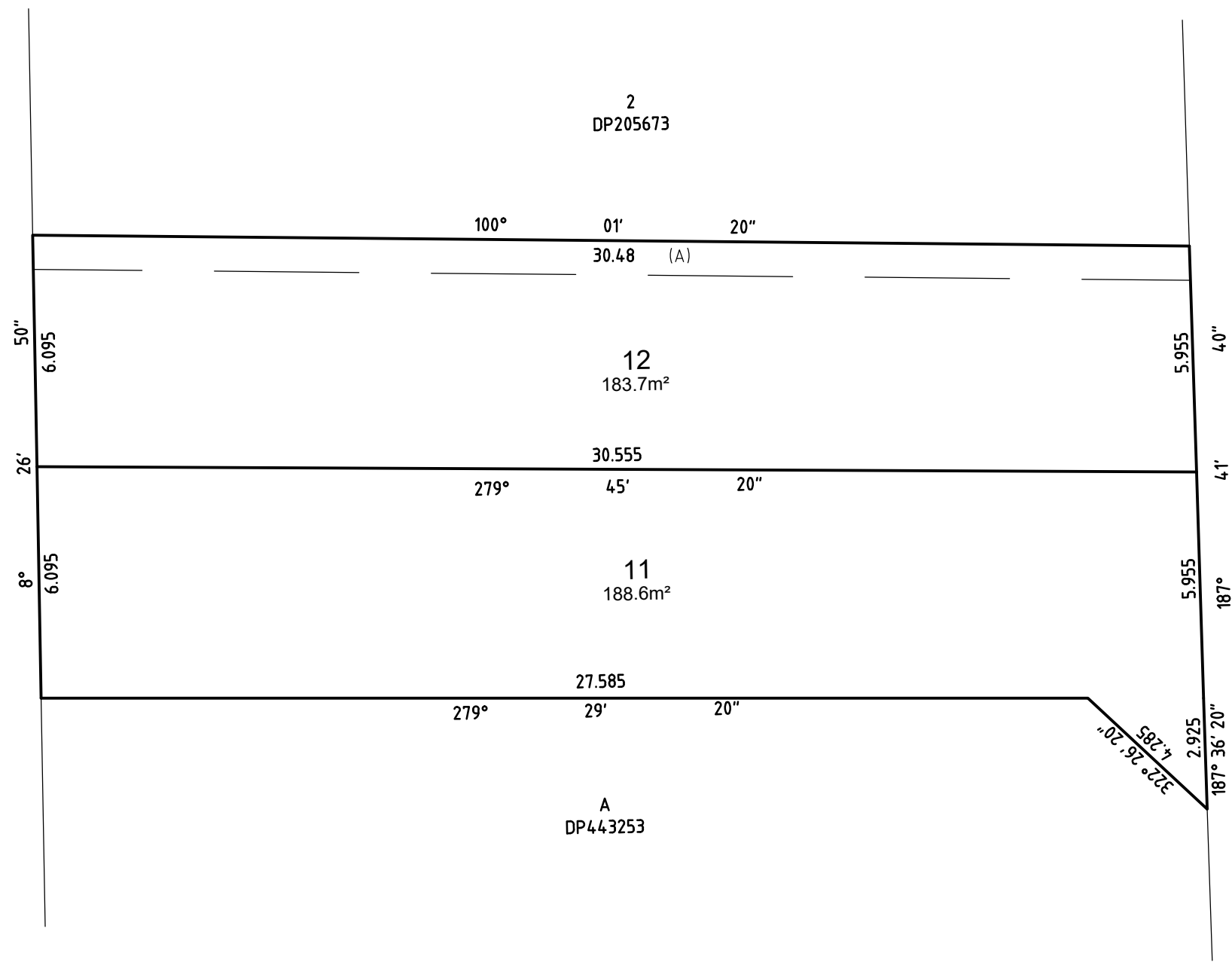


RECEIVED	Sheet 1 of 1 sheets
Waverley Council	
Application No: DA-505/2022	
Date Received: 22/11/2022	

UNREGISTERED
DP 1188291

TAMARAMA STREET

(A)-EASEMENT FOR SERVICES 0.9 WIDE (VIDE UNREGISTERED DP118291)



SP1731
(LOT 3 DP1188291)

Surveyor: VAUGHAN ADAM WADY Date of Survey: 15/06/2022 Surveyor' Ref: 22-335 DRAFT DP	PLAN OF SUBDIVISION OF LOT 1 & 2 DP1188291 (UNREGISTERED)	LGA: WAVERLEY LOCALITY: TAMARAMA SUBDIVISION No: Lengths are in metres. Reduction Ratio: 1:150	REGISTERED	DP PROPOSED
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Low Density Residential Development



Report to the Waverley Local Planning Panel

Application number	DA-242/2022
Site address	13 Dellview Street, TAMARAMA NSW 2026
Proposal	Alterations and additions to the dwelling, including a new first-floor addition and installation of solar panels
Date of lodgement	17 June 2022
Owner	Mrs L N McCabe and Mr S McCabe
Applicant	Mrs L N McCabe
Submissions	Three submissions
Cost of works	\$492,250.00
Principal Issues	<ul style="list-style-type: none"> • Breach to Floor Space Ratio (FSR) • View loss impacts • Overshadowing
Recommendation	That the application be REFUSED for the reasons contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to the dwelling, including a new first floor addition and installation of solar panels at the site known as 13 Dellview Street, Tamarama.

The principal issues arising from the assessment of the application are as follows:

- Breach to FSR
- View loss impacts
- Overshadowing

The assessment finds these issues unacceptable. The view loss impact resulting from the first floor addition can be categorised as severe to devastating. Shadow impacts are also unacceptable.

A total of two submissions were received and the issues raised in the submissions have been considered and addressed in this report and the recommendation.

No Councillor submissions were received.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. It is recommended for refusal.

1.2. Site and Surrounding Locality

A site visit was carried out on 01 August 2022.

The site is identified as Lot 110 in DP 592469, known as 13 Dellview Street, Tamarama NSW 2026.

The site is rectangular in shape with a frontage to Dellview Street, measuring 6.72m. It has an area of 263.2m² and falls from Dellview Street towards the rear of the site by approximately 2.32m.

The site is occupied by a double-storey semi-detached dwelling with vehicular access provided from Dellview Street.

The site is adjoined by 2-3 storey semi-detached dwellings on either side and a residential flat building to the rear. The locality is characterised by a variety of low and medium residential developments.

Figures 1 to 6 are photos of the site and its context.

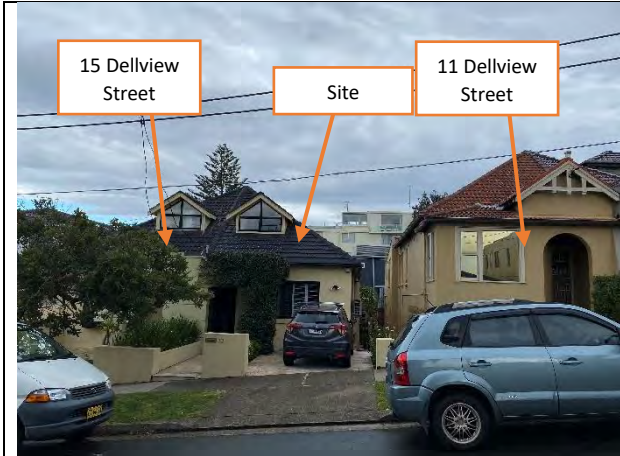


Figure 1: Subject site street frontage.



Figure 2: View across Dellview street.



Figure 3: Rear view of the subject site.



Figure 4: Rear view of the subject site.



Figure 5: View of Residential Flat Building at the rear.



Figure 6: View of 9 Dellview Street.

1.3. Relevant Development History

A search of the Council's records revealed no recent and relevant development history for the site.

1.4. Proposal

The development application seeks consent for alterations and additions to a semi-detached dwelling, specifically the following:

- Lower Ground Floor:
 - New internal staircase.
 - Internal wall reconfiguration.
- Ground Floor:
 - Internal wall reconfiguration.
 - Replacement of existing and new windows.
 - New internal staircase.
- First Floor Addition:
 - Primary Bedroom with attached walk-in robe and ensuite.
 - Study.
 - Green roof.

1.5. Background

The development application was lodged on 17 June 2022 and deferred on 2 September 2022 for the following reasons:

1. Incorrect FSR calculations.
2. View loss impacts from adjoining properties.
3. Solar access impacts.
4. Missing information - Site Waste and Recycling Management Plan (SWRMP) Part 1
5. Streetscape impacts - new windows were to match the appearance of its semi-detached pair at 15 Dellview Street.
6. Boundary wall interface.

The applicant submitted amended architectural drawings, amended Clause 4.6 submission, view loss analysis, SWRMP and amended shadow diagrams on 24 February 2023.

Key design amendments include the following:

- A maximum 0.6m rise has been implemented at the boundary interface;
- Rearrangement of the first floor;
- Green roof shape has been amended;
- Gutter condition along boundary wall revised, keeping edge gutter and overflow within the subject site;
- FSR calculation has been amended.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

The following SEPPs apply from the 1st March 2022 and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is considered consistent with the aims of the plan.
Part 2 Permitted or prohibited development.		
Land Use Table R3 Medium Density Zone	Yes	The proposal is defined as alterations and additions to a semi-detached dwelling, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> • 9.5m 	Yes	The original proposal had an overall height of 9.2m and has been reduced in the amended design to a height of 9.0m measured above the existing ground level of (RL35.11) to the ridge (RL 44.45).
4.4 Floor Space Ratio (FSR) and 4.4A Exceptions to FSR <ul style="list-style-type: none"> • Max FSR: 0.82:1 • Max GFA: 215.82m² 	No	The amended proposal has a gross floor area (GFA) of 237.4m ² or an FSR of 0.9:1, exceeding the development standard by 21.58m ² or 10%.

Provision	Compliance	Comment
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	Satisfactory. The proposed works are not likely to lower the water table.

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

Clause 4.6 Exceptions to Development Standards – FSR

The application seeks to vary the FSR development standard in clause 4.4 and 4.4A under Waverley LEP 2012.

The site is subject to a maximum FSR development standard of 0.82:1 (215.82m²). The proposed development has an FSR of 0.90:1 (237.4m²), exceeding the standard by 21.58 m², equating to a 10% variation. Contrary to the Clause 4.6 submission, the actual variation sits at 10% and not 9.9%.

A written request has been submitted to Council in accordance with clause 4.6(3)(a) and (b) of Waverley LEP 2012 seeking to justify the contravention of the development standard by demonstrating:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (b) That there are sufficient environmental planning grounds to justify contravening the standard.

A copy of the applicant's written request has been provided to the Waverley Local Planning Panel for consideration.

Applicant's Written Request - Clause 4.6(3)(a) and (b)

The applicant seeks to justify the contravention of the FSR development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *The 9.9% breach is considered minor and has little bearing on the resulting building mass, bulk and height, which is contained within the existing building footprint;*

- (ii) *Below maximum building height;*
- (iii) *The additional floor space does not result in additional view loss;*
- (iv) *The form and scale is not inconsistent with the scale of the other large dwellings in the immediate vicinity.*

(b) That there are sufficient environmental planning grounds to justify contravening the standard:

- *The proposed FSR (0.9:1) for the development represents a 9.9% (21.4m²) increase above the development standard prescribed under Waverley Local Environmental Plan 2012;*
- *The additional FSR is considered to be a relatively minor departure that has negligible effect to the overall bulk and scale of the proposed development;*
- *Despite the proposed development exceeding the FSR principal development standard, a comprehensive design process has been implemented to ensure that the development outcome responds effectively to its surroundings and minimises potential impacts to surrounding properties.*
- *Requiring the development to strictly adhere to the development standard would not enhance the relationship between the proposed building and its immediate surrounds; and*
- *The proposed development is consistent with the overarching FSR and zoning objectives for the site.*

Consideration of Applicant's Written Request - Clause 4.6(4) (a) (i) and (ii)

A development consent must not be granted unless the consent authority is satisfied that the:

- (a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of clause 4.6, being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the standard; and
- (b) The proposed development will be in the public interest because it is consistent with the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at clause 4.6(3)(a)?

It is considered that the applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

- (a) *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
- (b) *to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;*

- (c) to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;*
- (d) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and*
- (e) to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard, in that case, would also be unreasonable or unnecessary.*

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012.

Council does not accept that the objectives have been met as a severe view loss impact is noted from the resulting bulk and volume of the proposed development. This is discussed in further detail under Table 3, where a view sharing assessment has been undertaken in accordance with the view sharing planning principle arising from *Tenacity Consulting v Waringah [2004] NSWLEC 140*. Shadow impacts also arise from the proposed development specifically the rear dormer of No. 15 Dellview Street which is deemed to be unacceptable. The large volume of the internal void proposed at first floor level is a contributing factor to the unacceptable bulk and massing proposed.

Does the written request adequately address those issues at clause 4.6(3)(b)?

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard as a severe view loss is noted as a result of the increased bulk and scale of the development caused through the FSR non-compliance. The view loss significantly impacts the amenity of the surrounding properties.

Is the development in the public interest?

The proposed development will not be in the public interest because it is inconsistent with the objectives of the particular development standard.

The objectives of the FSR development standard are as follows:

- (a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,*
- (b) to provide an appropriate correlation between maximum building heights and density controls,*
- (c) to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality,*

- (d) *to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality.*

While the proposed building height is within the maximum allowed, the proposal's added bulk and scale severely impacts the views currently enjoyed by neighbouring properties. Furthermore, the proposed development causes overshadowing and does not preserve the environmental amenity of neighbouring properties. As such, the proposal does not meet the objectives of the development standard.

The objectives of the R3 Medium Density Residential zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*

While it is acknowledged that the proposed development does provide for the housing needs of the community by retaining the site for residential purposes, the overall planning outcome for the site is unacceptable and cannot be supported.

Conclusion

For the reasons provided above, the requested variation to the FSR development standard is not supported as the applicant's written request has not adequately addressed the matters required to be addressed by clause 4.6(3) of the Waverley LEP 2012. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of the FSR development standard.

2.1.3. Waverley Development Control Plan 2012 (Waverley DCP 2012) – Amendment No.9

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory.

Development Control	Compliance	Comment
5. Vegetation Preservation	Yes	The proposal has been reviewed by the Council's Tree Management Officer, who supports the removal of trees. Refer to section 3 of this report for referral commentary.
6. Stormwater	Yes	Council's Stormwater Design Engineers do not object to the proposal. Refer to section 3 of this report for referral commentary.

Table 3: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none"> • The scale of lower density residential accommodation is appropriate for allotment sizes and other dwellings in the vicinity. • Lower density residential accommodation does not significantly detract from the amenity, privacy and views of other dwellings and public view corridors. • Alterations and additions to existing lower density residential accommodation is sympathetic in bulk, scale and character with the desired future character of the area. • To encourage lower density residential accommodation to have high design standards and are built in accordance with the objectives and controls of this Part. 	No	The original and amended proposal contravenes the general objectives of this part of the DCP.
	No	While the amended proposal is of a similar scale and bulk of adjacent developments when viewed in the context of the streetscape, the additional bulk causes significant and unsatisfactory impacts on neighbouring dwellings ranging from overshadowing to view loss.
	No	
	No	
2.1 Height		
Pitched roof dwelling house <ul style="list-style-type: none"> • Maximum external wall height of 7m 	Yes	The external wall height is approximately 6.1m from the existing ground line.
Flat roof dwelling house <ul style="list-style-type: none"> • Maximum wall height of 7.5m 	Yes	The external wall height of the green roof is approximately 4.7m from the existing ground line.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> • Predominant front building line 	Yes	Satisfactory front setback.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Predominant rear building line at each floor level 	Partial	Unsatisfactory. The rear setback is proposed to remain the same on the lower ground floor and ground floor, while the first floor volume extends beyond the predominant rear building line established by Nos. 9 and 17 Dellview Street.
<p>2.2.2 Side setbacks</p> <ul style="list-style-type: none"> Minimum of 0.9m (for height up to 8.5m) 	Yes	Satisfactory. The side setback remains unchanged on the lower ground floor and ground floor. The amended first floor addition is proposed to have a 1.3m side setback along the northern side boundary and a nil side setback along the southern boundary. A nil setback along the common boundary with the adjoining semi is an acceptable outcome for additions to semi-detached dwellings.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context 	Yes	The amended first floor bulk follows the existing roof slope and is recessed behind the front roof plane, minimising its visual impact on the streetscape.
<ul style="list-style-type: none"> Replacement windows to complement the style and proportions of existing dwelling 	Yes	The application was amended over the proposed replacement windows. The amended drawings show the replacement window as matching the appearance and proportions of the existing one.
<ul style="list-style-type: none"> Significant landscaping to be maintained. 	N/A	Unchanged
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> Roof tops to be non-trafficable unless predominant in the immediate vicinity 	<p>Yes</p> <p>N/A</p> <p>Yes</p>	<p>Satisfactory. The new ground floor window (W3) is located to not directly face the habitable windows of the neighbouring dwellings. While the windows of the first floor addition (W9 and W10) do sit directly opposite the habitable windows of 11 Dellview, they sit above with a 1.5m sill height preventing a direct line of sight addressing privacy concerns.</p> <p>As existing</p> <p>The amended green rooftop location next to the first floor void means the roof is effectively non-trafficable.</p>

2.6 Solar access		
<ul style="list-style-type: none"> • Minimum of three hours of sunlight to living areas and principal open space areas on 21 June • Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. Where a development does not comply with a development standard and causes a reduction in direct sunlight to adjoining properties, any reduction may be considered unacceptable. • Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	Yes	The amended proposal achieves a minimum of three hours of sunlight access to living areas and principal open space.
	No	Unsatisfactory. The proposed development does not comply with the FSR development standard and causes a reduction in direct sunlight to adjoining properties which is unacceptable.
	No	Unsatisfactory. The first floor addition causes significant overshadowing of the rear dormer of 15 Dellview Street. Effectively blocking all solar access that it presently experiences from 1 pm onwards.
2.7 Views		
<ul style="list-style-type: none"> • Views from the public domain are to be maintained • Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	Unsatisfactory. Views from the public domain are not expected to be impacted, however, multiple submissions regarding potential view loss have been received, including from Nos. 3 and 9 Dellview Street. A detailed discussion can be found below this table.
	No	
2.9 Landscaping and open space		
<ul style="list-style-type: none"> • Overall open space: 40% of site area • Overall landscaped area: 15% of site area • Minimum area of 25m² for private open space • Front open space: 50% of front building setback area • Front landscaped area: 50% of front open space provided • Outdoor clothes drying area to be provided 	Yes	• Satisfactory. The proposal maintains the existing 52% of open space.
	Yes	• Satisfactory. The proposal maintains 25% of landscaping.
	Yes	• Satisfactory. The proposal maintains over 25m ² of private open space.
	Yes	• Satisfactory. The proposal maintains 60% of the front open space.
	Yes	• Satisfactory. The proposal maintains 53% of landscaping to the front open space.
	Yes	• There is an outdoor clothesline shown on the lower ground floor.

2.13 Semi-detached dwellings and terrace style development		
<p>2.13.1 - Built form</p> <ul style="list-style-type: none"> • Additions to match the style of the original semi-detached dwelling • Existing roof form maintained forward of principal ridgeline • Use of roof as an attic permitted provided • Front verandahs to be maintained. 	<p>Yes (acceptable on merit)</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The application was deferred over the style of the proposed window replacement. The amended dormer window is now shown to be in the same style and proportion as its existing pair.</p> <p>However, the proposed style and form of the first floor additions sharply contrasts with the original semi-detached dwelling. The existing semi-detached dwelling is a federation style, while the proposal is of a modernist style. However, this contrast is acceptable as the interaction of massing and materiality presents a modern and contemporary addition that is harmonious with the existing building fabric. Yet easily identifiable as separate and allows an easily readable visual history of the site over the years.</p> <p>The first-floor addition sits behind the principal roof ridge line.</p> <p>The front section of the roof is currently being used as an office space with a dormer window facing the street. No external changes are proposed besides a window replacement.</p> <p>No changes to the front verandah are proposed.</p>
<p>2.13.2 - First floor additions to semi-detached dwellings</p> <ul style="list-style-type: none"> • First floor addition to be setback from the principal street frontage and maintain the existing front roof slope • Limit the rise of the interface with adjoining semi-detached dwelling to 600mm • First floor additions should match the style of the additions on the adjoining semi (if relevant). 	<p>Yes</p> <p>Yes</p> <p>N/A</p>	<p>As discussed, the first-floor addition is setback behind the principal street frontage and maintains the existing front roof.</p> <p>The application was deferred to comply with a maximum 600mm interface. The amended proposal complies with a 600mm maximum rise to No 15 Dellview Street.</p>
<p>2.13.3 - Material finishes and detail for semi-detached dwellings</p> <ul style="list-style-type: none"> • Finishes and detailing are to be cohesive with the existing dwelling 	<p>Yes</p>	<p>The selection of materials for the proposed first-floor addition appropriately complements the existing fabric. They provide matching tones of the existing roof yet provide differing textures.</p>

<ul style="list-style-type: none"> • Historic features of the roofscape are to be incorporated into the addition 	Yes	
<ul style="list-style-type: none"> • Dormer roof forms are to match the style of the original dwelling 	Yes	The amended dormer window is now shown to be in the same style and proportion as its existing pair.
<ul style="list-style-type: none"> • New windows to have a similar proportion to the existing 	Yes	The front window replacements were deferred and amended to be of a similar proportion to the existing windows.
<ul style="list-style-type: none"> • Upper wall finishes to reflect the style and character of the original building. 	Yes	The upper wall finishes do not match the style and character of the original dwelling; they complement and, as discussed before, allows for a visual history of the alteration and addition.

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

View Sharing

The application was deferred due to the two submissions received from adjacent properties, including Nos. 3 and 9 Dellview Street identifying potential view loss. The amended proposal includes a view sharing assessment in accordance with the view sharing planning principle arising from *Tenacity Consulting v Waringah [2004] NSWLEC 140*. **Figures 7 to 14** shown below are extracted from the said report.



Figure 7: View from 1 Carlisle Street, first floor kitchen



Figure 8: View from 11 Dellview Street, ground floor balcony



Figure 9: View from 11 Dellview Street, ground floor dining room (left) and lounge (right)



Figure 10: View from 9 Dellview Street, ground floor balcony



Figure 11: View from 9 Dellview Street, first floor balcony



Figure 12: View from 3 Dellview Street, courtyard (left) and ground floor deck (right)



Figure 13: View from 3 Dellview Street, first floor balcony (left) and first floor study (right)



Figure 14: View from 3 Dellview Street, first floor living.

Step One – Assessment of the views to be affected

From the location of the site and the surrounding topography, the principal views which can be experienced from the neighbouring sites are of water views, either the ocean horizon or the interface between land and water south of Tamarama Beach. The figures above show no impact can be noted on Figures 7, 9, 12, 13 and 14, from No. 3 Dellview Street and 1 Carlisle Street while the proposal was amended to resolve the view impact initially caused by the proposed green roof on the whole view of the land and sea cliff interface, shown in Figures 8 and 10 from No 9 and 11 Dellview Street. However, Figure 11 shows a view impact on a whole existing view of the ocean horizon line from No 11 Dellview Street.

Step Two – Consideration from what part of the property the views are obtained

The location and direction of the view shown in the above Figure 11 from No 9 Dellview Street can be seen in Figure 15 below. The whole ocean view is seen across the side boundary from the rear of the property on the first floor balcony. The existing view shown is from a standing position.

The views shown in Figures 8 and 10 above are seen across the side boundary from a standing position from the rear ground floor balconies of Nos.11 Dellview and 9 Dellview Street, respectively as shown in Figure 15 below.



Figure 15: View location and direction from 9 and 11 Dellview Street

Step Three – Assessment of the extent of the impact

The initial design proposal had a view loss impact on No. 9 Dellview Street when viewed from the balconies on the first floor and ground floor levels, while No. 11 Dellview Street experienced view loss from the rear ground floor level balcony. However, during the deferral process, this impact was reduced to only No. 11 Dellview Street. The impact of the ground floor balcony has been resolved, while the impacts from the first floor balcony of No.11 Dellview Street accessed from the main bedroom can still be summarised as severe to devastating, which is unacceptable.

Step Four – Assessment of the reasonableness of the proposal that is causing the impact

The proposed development breaches the FSR development standard by 10% and other Waverley DCP 2012 controls. The nature of the view loss is from the proposed and amended first floor addition, specifically the proposed new roof ridge. This non-compliance, combined with the severe to devastating view loss impact, results in an unreasonable view sharing outcome which is not supported.

2.2. Other Impacts of the Development

The proposal is considered to have a significant detrimental effect relating to environmental, social or economic impacts on the locality and is recommended for refusal.

2.3. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days from 5 July 2022 to 22 July 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not notified as the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified for the following reasons:

- The amended proposal was of a reduced bulk and scale than the original design proposal.

A total of two unique submissions were received from the following properties:

- 9 Dellview Street
- 3 Dellview Street

The following issues raised in the submissions have already been discussed and addressed in the body of this report and the Recommendation:

- View loss
- Bulk and scale

2.5. Public Interest

The proposal is considered to have a detrimental effect on the public interest and is recommended for refusal.

3. REFERRALS

The following internal referral comments were sought:

3.1. Stormwater

Council's Stormwater Engineers advised that they raise no objections to the proposal.

3.2. Tree Management

Council's Tree Management Officer has reviewed the proposal and raises no objections.

4. CONCLUSION

The development application seeks consent for alterations and additions to the dwelling, including new first floor addition and installation of solar panels at the site known as 13 Dellview Street, Tamarama.

The principal issues arising from the assessment of the application are as follows:

- Breach to Floor Space Ratio
- View loss impacts
- Overshadowing

The assessment finds these issues unacceptable. The view loss impact resulting from the first floor addition can be categorised as severe to devastating.

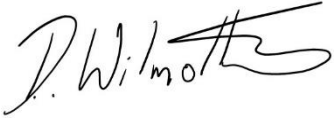
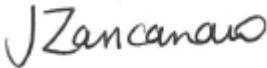
A total number of two submissions were received and the issues raised in the submissions have been considered and addressed in this report and the Recommendation.

No Councillor submissions were received.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. It is recommended for refusal.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Damien Wilmotte	Jo Zancanaro
Development Assessment Planner	Acting Manager, Development Assessment (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 14 April 2023	Date: 14 April 2023

Reason for WLPP referral:

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

APPENDIX A – REASONS FOR REFUSAL

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

1. The application does not satisfy section 4.15 (1)(a)(i) of the Act as it is contrary to the following provisions of *Waverley Local Environmental Plan (LEP) 2012*:

- a. *Clause 4.4 Floor Space Ratio and 4.4A Exceptions to Floor Space Ratio*

The application exceeds the maximum allowable Floor Space Ratio (FSR) of 0.82:1 and the applicant's written request under clause 4.6 of Waverley LEP 2012 has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of Waverley LEP 2012.

Details: The proposal is considered to be an overdevelopment of the site and does not preserve the environmental amenity of neighbouring properties and the surrounding locality as required under clause 4.4 (1) (d) of WLEP.

2. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to *Waverley Development Control Plan (DCP) 2012*, with respect to the following provisions:

Part C2 Low Density Residential Development

- a. *Section 2.0 General Objectives*, specifically objectives (a), (b) and (e) as the proposed development is of an inappropriate scale that adversely impacts the view from adjoining properties.
 - b. *Section 2.6 Solar Access*, specifically objectives (a), (c) and (d) and control (e) as the proposal provides unreasonable overshadowing to the windows of its semi-detached pair at No.15 Dellview Street.
 - c. *Section 2.7 Views*, specifically objectives (a) and (b) and control (c) as the proposed development causes a severe to devastating view loss from No.11 Dellview Street, Tamarama.

3. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk and scale relative to the site area and dimensions, and consequently results in unacceptable amenity impacts upon the locality and surrounding built environment — specifically the severe to devastating view loss impact experienced from neighbouring dwellings.

4. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development. The standalone redevelopment of the subject site (to the scale and density proposed) could consequently affect the orderly future redevelopment of adjoining sites.
5. The application is contrary to section 4.15 (1)(d) of the Act in relation to matters raised in the public submissions received that object to the proposed development.
6. The application is contrary to section 4.15 (1)(e) of the Act in relation to the public interest as it is not compatible with the existing and desired future character of the locality and the broader Waverley local government area.

AMENDED PLANS

DEVELOPMENT APPLICATION CHECKLIST

Floor Space Ratio

SITE AREA	= 263.2m ²
MAX FLOOR SPACE	= 0.82:1 = 216m ²
EXISTING FLOOR SPACE	= 224.1m ²
PROPOSED FLOOR SPACE	= 237.4m² = FSR 0.9:1

Building Height

MAXIMUM BUILDING HEIGHT	= 9.5m
PROPOSED BUILDING HEIGHT - EAST ELEVATION	=existing 7.2m
PROPOSED BUILDING HEIGHT WEST ELEVATION	=8.79m

Landscaped Area

MINIMUM OPEN SPACE	=40%
	=105.28m ²
EXISTING OPEN SPACE	=154.1m ²
PROPOSED OPEN SPACE	=existing 154.1m²
MINIMUM LANDSCAPED AREA	=15%
	=39.48m ²
EXISTING LANDSCAPED AREA	= 56.5m ²
PROPOSED LANDSCAPED AREA	=existing 56.5m²
	=21.5%



MATERIAL LEGEND

STEEL STRUCTURE	SETBACKS OF 9 DELLVIEW STREET
TIMBER STUD WALL	GF ROOF SETBACK
DEMOLITION	FF BALCONY ROOF SETBACK
NEW WORK	FF 1st BUILDING LINE SETBACK

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Waverley Council

Application No: DA-242/2022

Date Received: 24/02/2023

Architects Statement

Architects Philosophy

The client brief was to provide a contemporary, sustainable dwelling to accommodate a growing family. The existing dwelling requires an improved connection to the private open space at the rear in a way that increases the internal thermal comfort but also provides shade and shelter.

The rear yard is overlooked by a number of adjoining properties, the project seeks to enhance the existing landscaped area at the rear by introducing a green roof extending from the proposed first floor addition.

A holistic approach to the design of the proposed alterations and additions has been adopted, that seeks to enhance and be sympathetic to the existing built form. This is reflected in the internal configuration of space, as well as the massing and scale of the proposed addition.

Sustainability

The existing construction lacks an efficient thermal envelope, which results in a building that fluctuates from extreme heat to extreme cold.

The new thermal envelope will be insulated to a high level, cross ventilation has been maximised, and all windows have been shaded effectively to minimise energy consumption.

The western elevation has been designed to add more light into the living and study areas of the home. Fixed and sliding external louvres have been incorporated to protect from strong western summer sun but allow low winter sun to penetrate the interior.

The dormers have been designed to open only to the habitable spaces, minimising energy consumption which may have otherwise been wasted on storage or ancillary spaces. A solar array will also be installed on the roof.

Green Roof Design Statement

The rear yard is overlooked by a number of adjoining properties and lends itself in a visual sense to the notion of a communal green space. To this end, the client sought to enhance the existing landscaped area at the rear by introducing another layer of landscape in the form of a green roof extending from the proposed first floor addition. While the green roof was derived from the need to have a covered threshold from the living area to the rear verandah, it will make a positive contribution to the outlook from adjoining properties.

Moreover, the green roof provides shade, removes heat from the air, and reduces temperatures of the roof surface, aiding to regulate the thermal comfort of the building.

DEVELOPMENT APPLICATION

13 DELLVIEW STREET
TAMARAMA NSW 2026

LOT 110/ DP 592469

CLIENT

LEAH AND STEPHEN MCCABE

DRAWING LIST

DA 00	COVER SHEET	NTS
DA 01	EXISTING SITE ANALYSIS PLAN	1:200
DA 02	SITE PLAN	1:200
DA 03	LOWER FLOOR PLAN	1:100
DA 04	GROUND FLOOR PLAN	1:100
DA 05	FIRST FLOOR PLAN	1:100
DA 06	ROOF PLAN	1:100
DA 07	SECTION AA + BB + CC	1:100
DA 08	SECTION DD	1:100
DA 09	EAST + NORTH ELEVATION	1:100
DA 10	WEST + SOUTH ELEVATION	1:100
DA 11	SHADOW DIAGRAMS - 9AM JUNE	1:200
DA 12	SHADOW DIAGRAMS - 10AM JUNE	1:200
DA 13	SHADOW DIAGRAMS - 11AM JUNE	1:200
DA 14	SHADOW DIAGRAMS - NOON JUNE	1:200
DA 15	SHADOW DIAGRAMS - 1PM JUNE	1:200
DA 16	SHADOW DIAGRAMS - 2 PM JUNE	1:200
DA 17	SHADOW DIAGRAMS - 3PM JUNE	1:200
DA 18	GREEN ROOF PLAN AND DETAIL	1:10
DA 19	BASIX COMMITMENTS	NTS

LEGEND			
AC	AIR CONDITIONING	OV	OVEN
BRK	BRICK	PXX	PAINT TYPE XX
BSNXX	BASIN TYPE XX	PB	PLASTERBOARD
BTH	BATH	PCN	PLASTER CEILING CORNICE
CH	CEILING HEIGHT	PCR	PLASTER CEILING ROSE
CTX	CERAMIC TILE TYPE XX	POLYXX	POLYURETHANE TYPE XX
D	DATA OUTLET	PTRY	PANTRY
DP	DOWNPIPE	R	RENDER
DXX	DOOR NO. XX	RBRK	RENDERED BRICK
DRY	DRYER	RC	REINFORCED CONCRETE
DW	DISHWASHER	REF	REFRIGERATOR
DWR	DRAWER	RH	RANGEHOOD
e	EXISTING	S.ENG	STRUCTURAL ENGINEER
EQ	EQUAL	SHWXX	SHOWER TYPE XX
FABXX	FABRIC TYPE XX	SKXX	SKYLIGHT NO. XX
FC	FIBRE CEMENT	SNKXX	SINK TYPE XX
FRZ	FREEZER	STXX	STONE TYPE XX
FXD	FIXED	SWXX	LIGHT SWITCH NO. XX
GPO	GENERAL PURPOSE OUTLET	TAPXX	TAP TYPE XX
GU	GUTTER	TIMXX	TIMBER TYPE XX
HK	ROBE HOOK	TRLXX	TOWEL RAIL NO. XX
JNRY	JOINERY	WXX	WINDOW NO. XX
MIC	MICROWAVE	WCPP	WATER CLOSET PUSH PLATE
MR	METAL ROOF	WM	WASHING MACHINE
NGL	NATURAL GROUND LINE	WT	STORM WATER TANK
		WRPB	WATER RESISTANT PLASTERBOARD

D	24/2/23	Revised first floor plan, FSR and green roof.
C	24/11/22	Revised FSR calculations as per council request via email on 23 November 2022.
B	29/9/22	Revised application as per deferral letter dated 2 Sept 2022.
A	29/9/22	Revised application as per deferral letter dated 2 Sept 2022.

ISSUE	DATE	REVISION
PROJECT	Alterations and Additions	
PROJECT #	2125	
CLIENT	Leah and Stephen McCabe	DATE # 30 AUG 2021
ADDRESS	13 Dellview Street, Tamarama NSW 2026	DWG #
DWG	Cover page	DA 00 D
CHKD	JM	REVISION D

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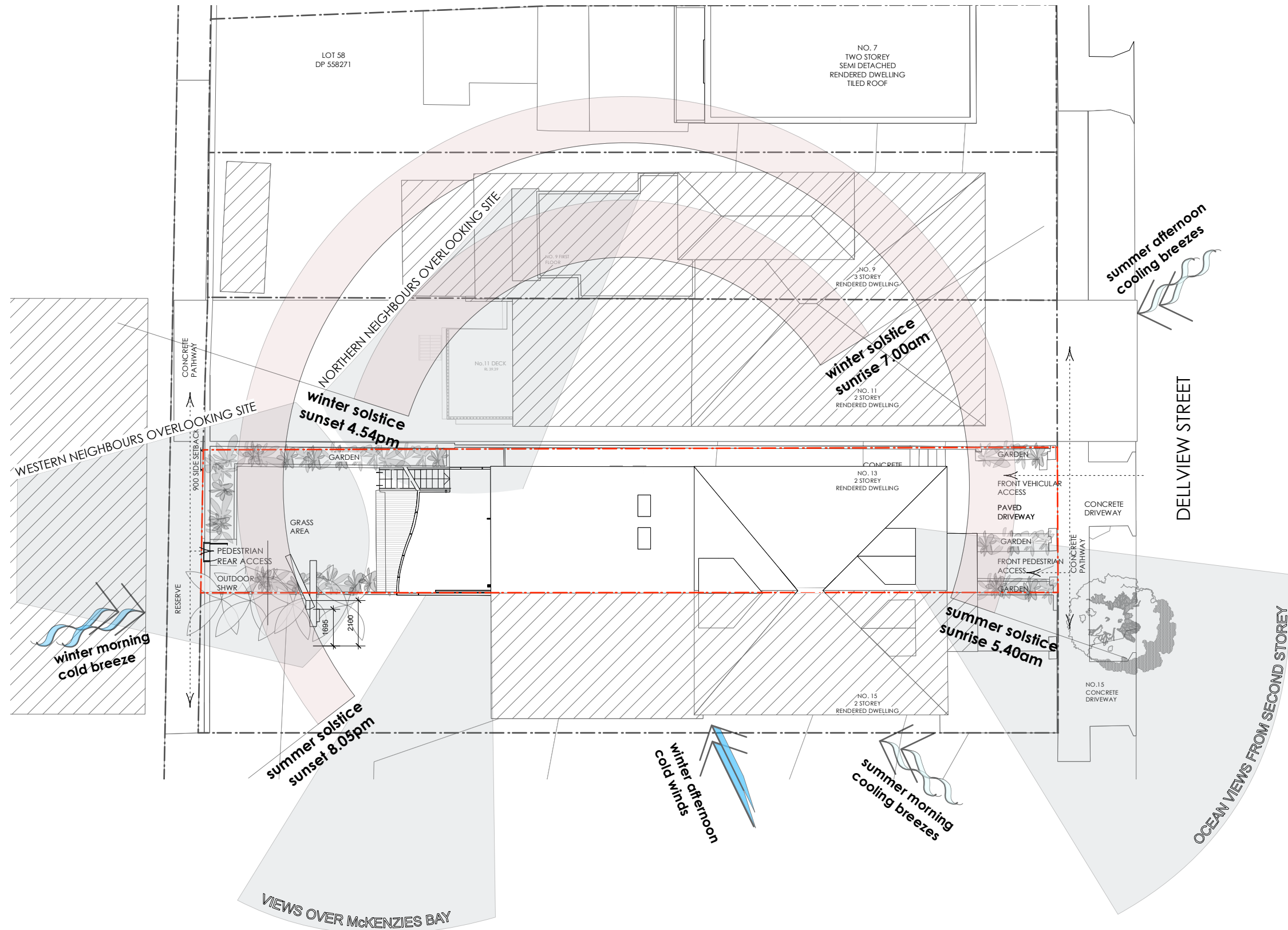
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LOT 110/ DP 592469



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ISSUE	DATE	REVISION	PROJECT #
PROJECT	Alterations and Additions		2125
CLIENT	Leah and Stephen McCabe	DATE # 30 AUG 2021	DWG #
ADDRESS	13 Dellview Street, Tamarama NSW 2026	SCALE @ A3 1:200	DA 01
DWG	Existing Site Analysis Plan	DRAWN AB	
		CHKD JM	REVISION

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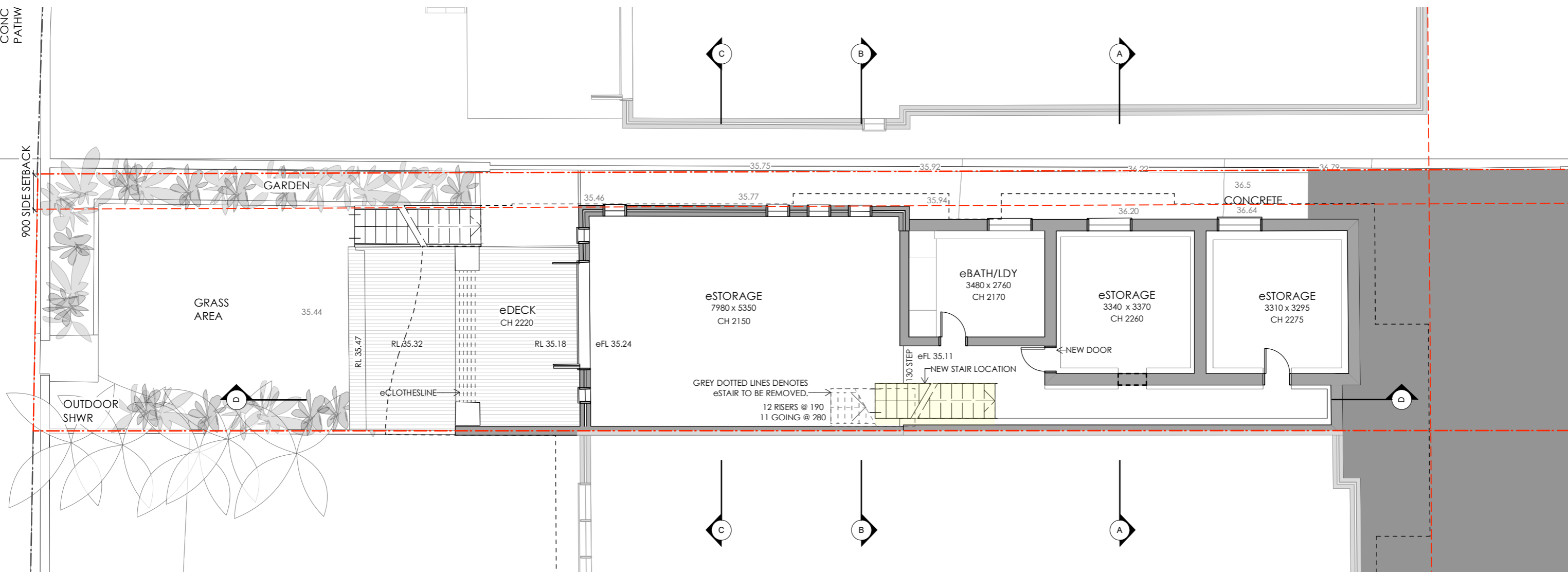
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99.9m²

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01 lower floor GFA diagram
1:500

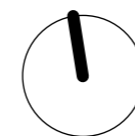


02 lower floor plan
1:100

- MATERIAL LEGEND
- STEEL STRUCTURE
 - TIMBER STUD WALL
 - DEMOLITION
 - NEW WORK



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ISSUE	DATE	REVISION
C	24/11/22	Revised FSR calculations as per council request via email on 23 November 2022.
B	29/9/22	Revised application as per deferral letter dated 2 Sept 2022.
A	24/6/22	Side setback dimensioned.

PROJECT	Alterations and Additions	PROJECT #	2125
CLIENT	Leah and Stephen McCabe	DATE #	30 AUG 2021
ADDRESS	13 Dellview Street, Tamarama NSW 2026	SCALE @ A3	1:100
DWG	Lower Floor Plan option 01	DRAWN	AB
		CHKD	JM
		REVISION	C
		DWG #	DA 03 C

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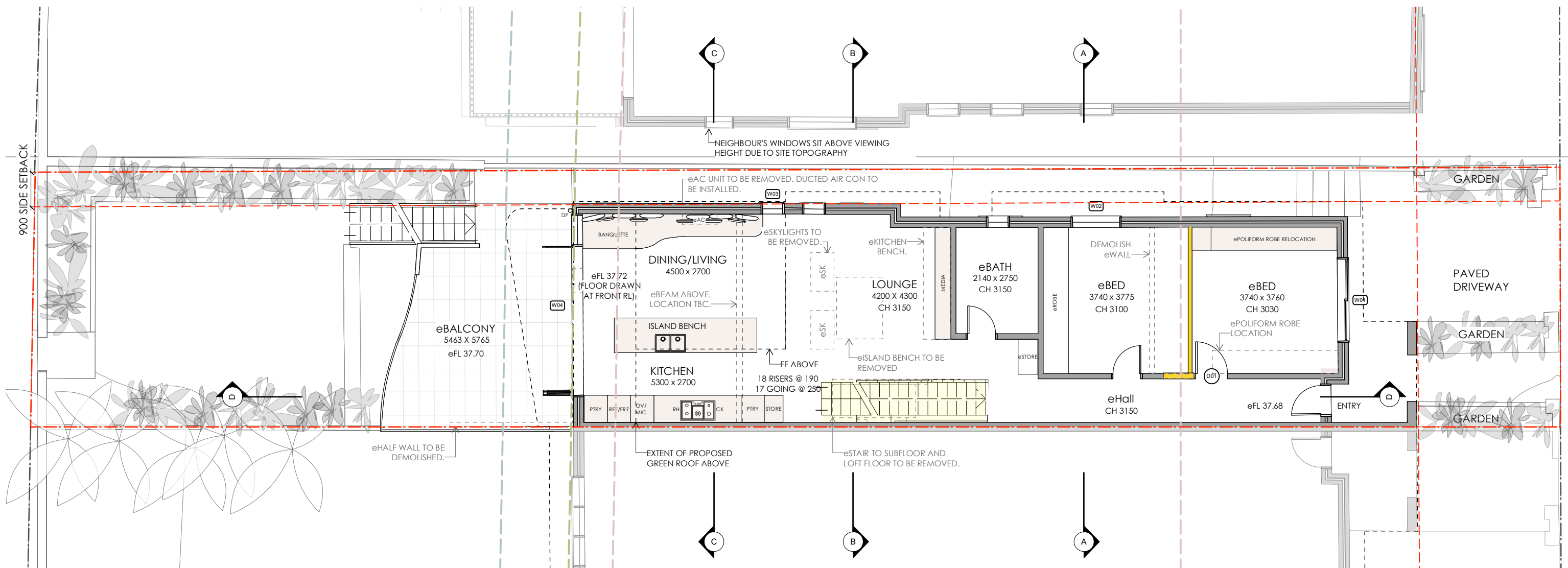
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100.7m²

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01 ground floor GFA diagram
1:500

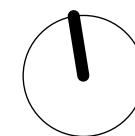


02 ground floor plan
1:100

- MATERIAL LEGEND
- STEEL STRUCTURE
 - TIMBER STUD WALL
 - DEMOLITION
 - NEW WORK
- SETBACKS OF 9 DELLVIEW STREET
- GF ROOF SETBACK
 - FF BALCONY ROOF SETBACK
 - FF 1st BUILDING LINE SETBACK



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CLIENT	Leah and Stephen McCabe	DATE #	30 AUG 2021
ADDRESS	13 Dellview Street, Tamarama NSW 2026	SCALE @ A3	1:100
DWG	Ground Floor Plan option 01	DRAWN	AB
		CHKD	JM
		REVISION	C
		DWG #	DA 04 C

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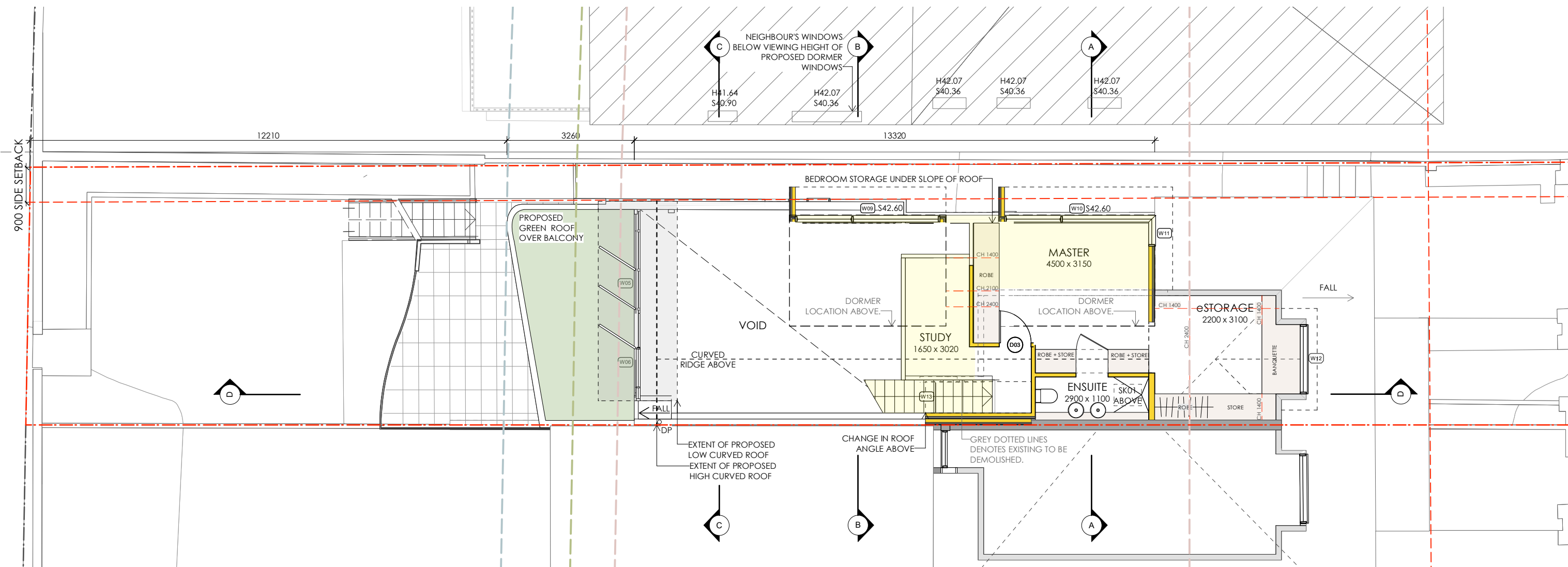
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36.8m²

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Date Received: 24/02/2023

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01 first floor GFA diagram
1:500

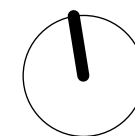


02 first floor plan
1:100

- MATERIAL LEGEND
- STEEL STRUCTURE
 - TIMBER STUD WALL
 - DEMOLITION
 - NEW WORK
- SETBACKS OF 9 DELLVIEW STREET
- GF ROOF SETBACK
 - FF BALCONY ROOF SETBACK
 - FF 1st BUILDING LINE SETBACK



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ISSUE	DATE	REVISION
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B	29/9/22	Revised application as per deferral letter dated 2 Sept 2022.
A	24/6/22	Side setback dimensioned.

PROJECT	Alterations and Additions	PROJECT #	2125
CLIENT	Leah and Stephen McCabe	DATE #	30 AUG 2021
ADDRESS	13 Dellview Street, Tamarama NSW 2026	SCALE @ A3	1:100
DWG	Proposed First Floor Plan option 01	DRAWN	AB
		CHKD	JM
		REVISION	D
		DWG #	DA 05 D

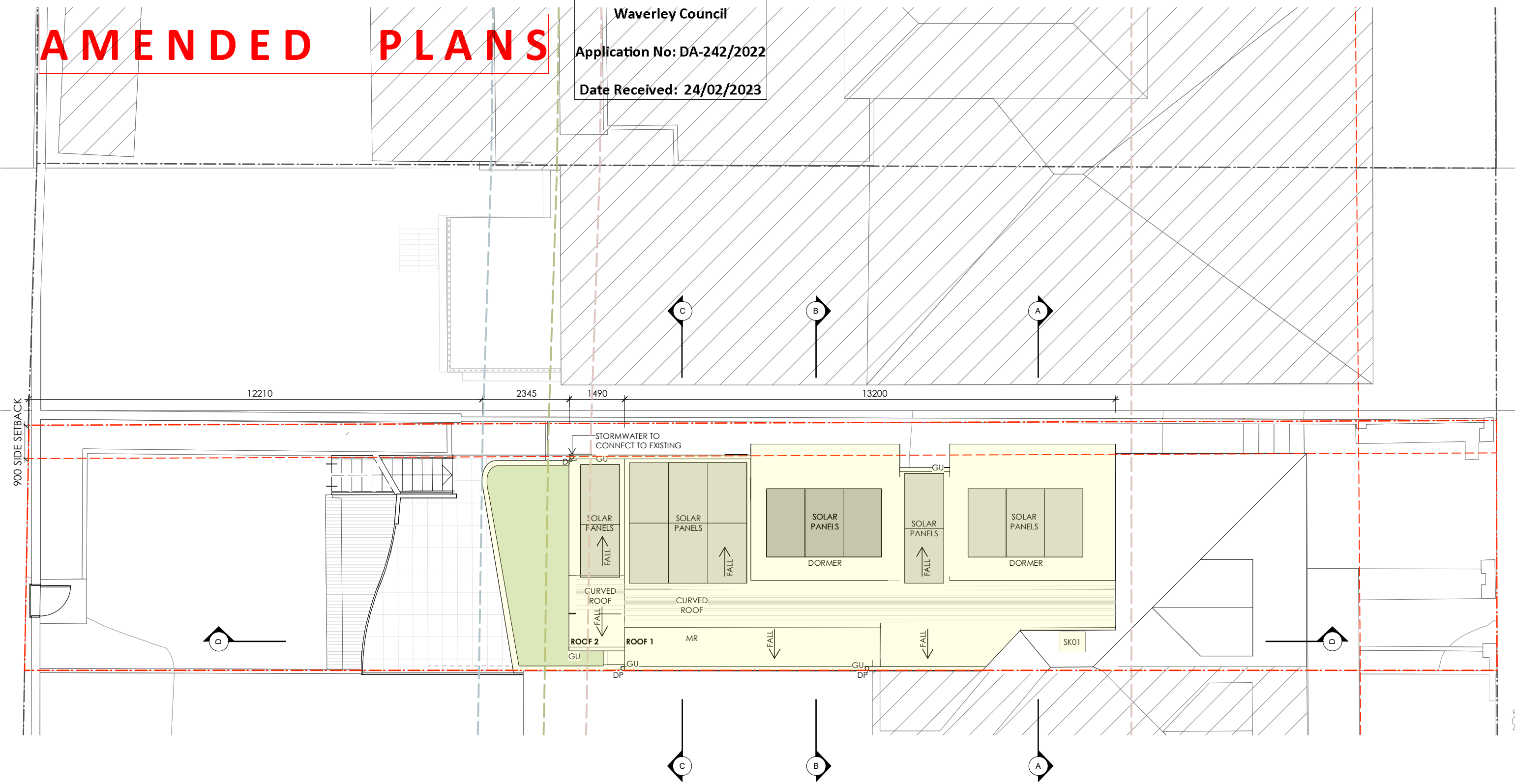
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- MATERIAL LEGEND**
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CLIENT	Leah and Stephen McCabe	DATE #	30 AUG 2021
ADDRESS	13 Dellview Street, Tamarama NSW 2026	SCALE @ A3	1:100
DWG	Roof Plan and Concept Drainage	DRAWN	AB
		CHKD	JM
		REVISION	C
		DWG #	DA 06 C

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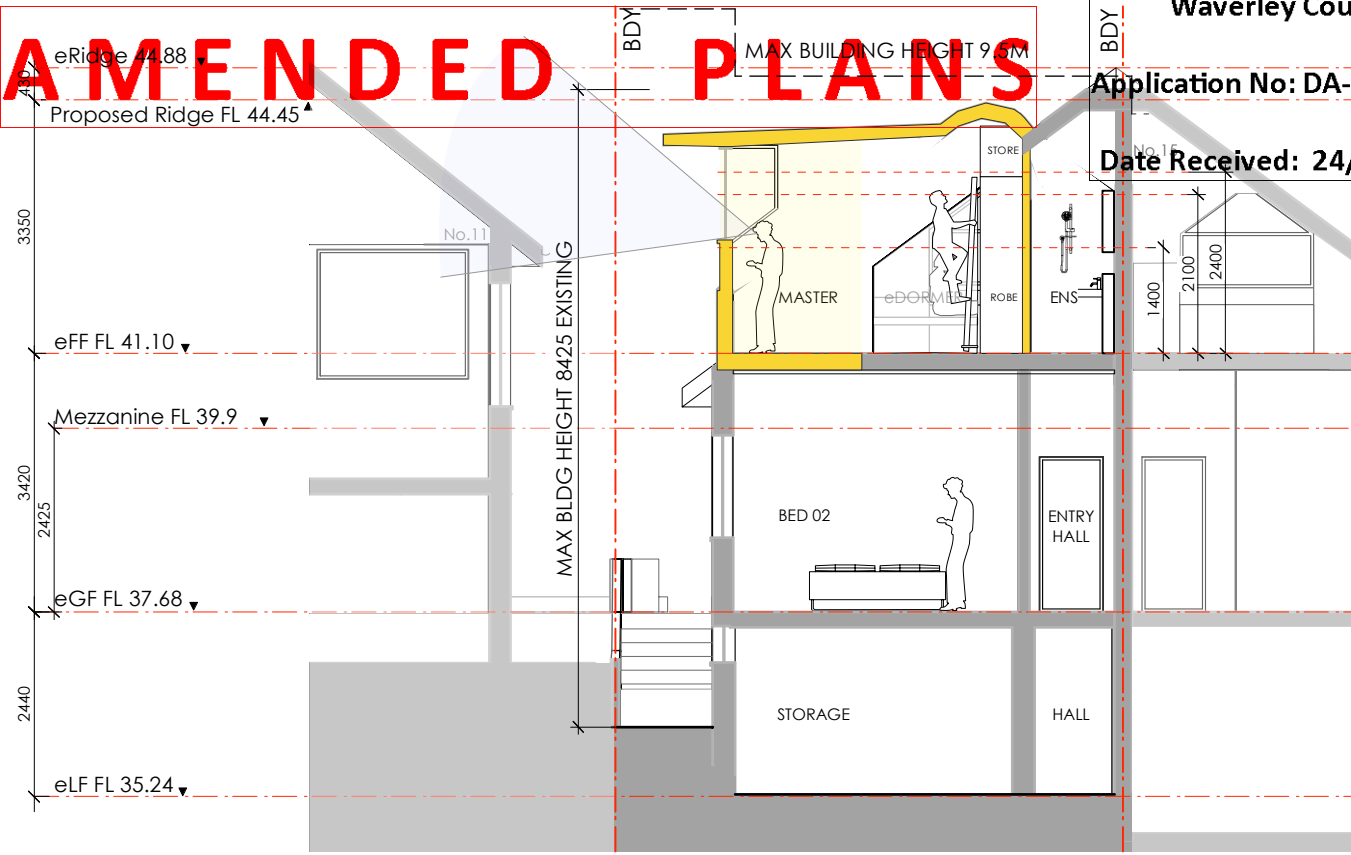
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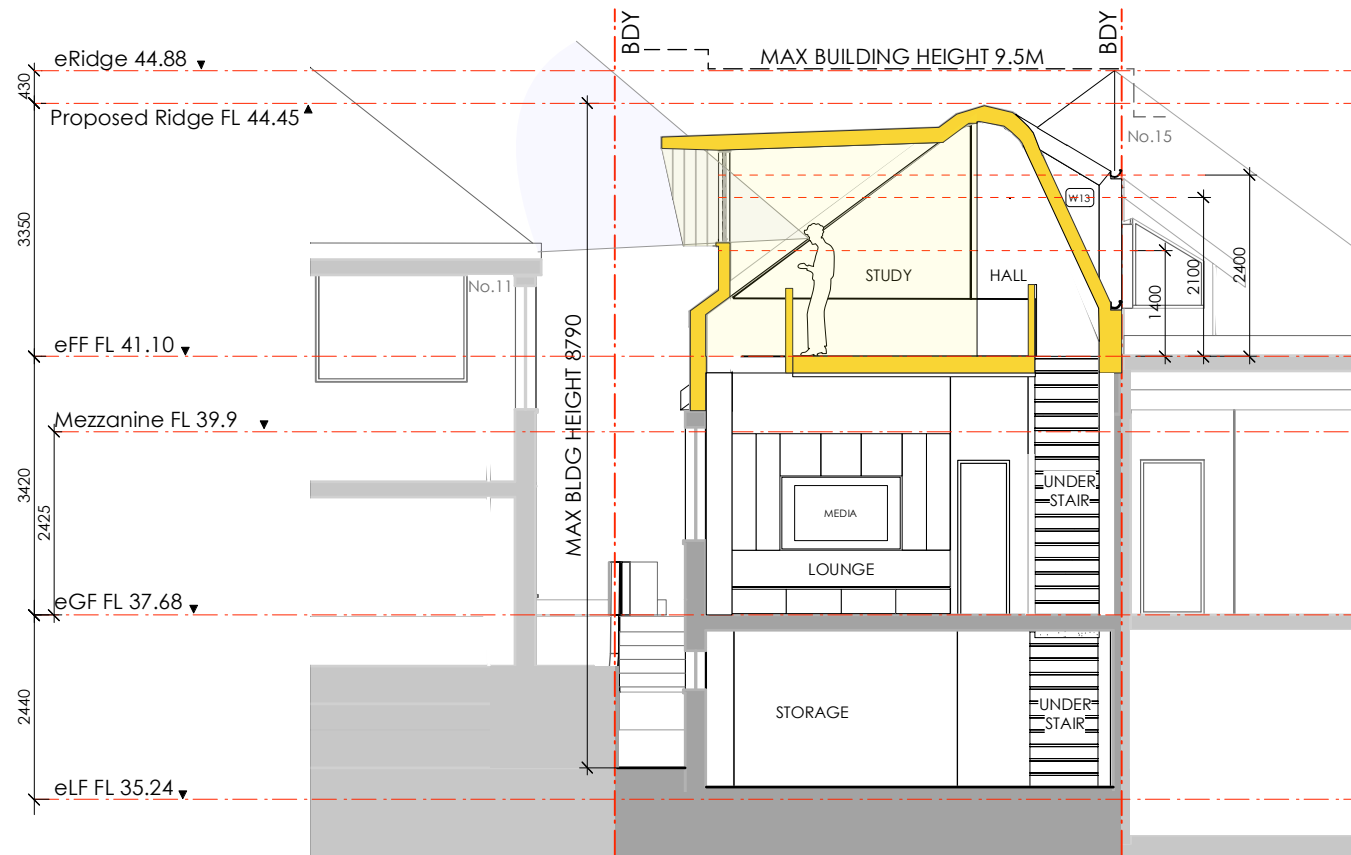
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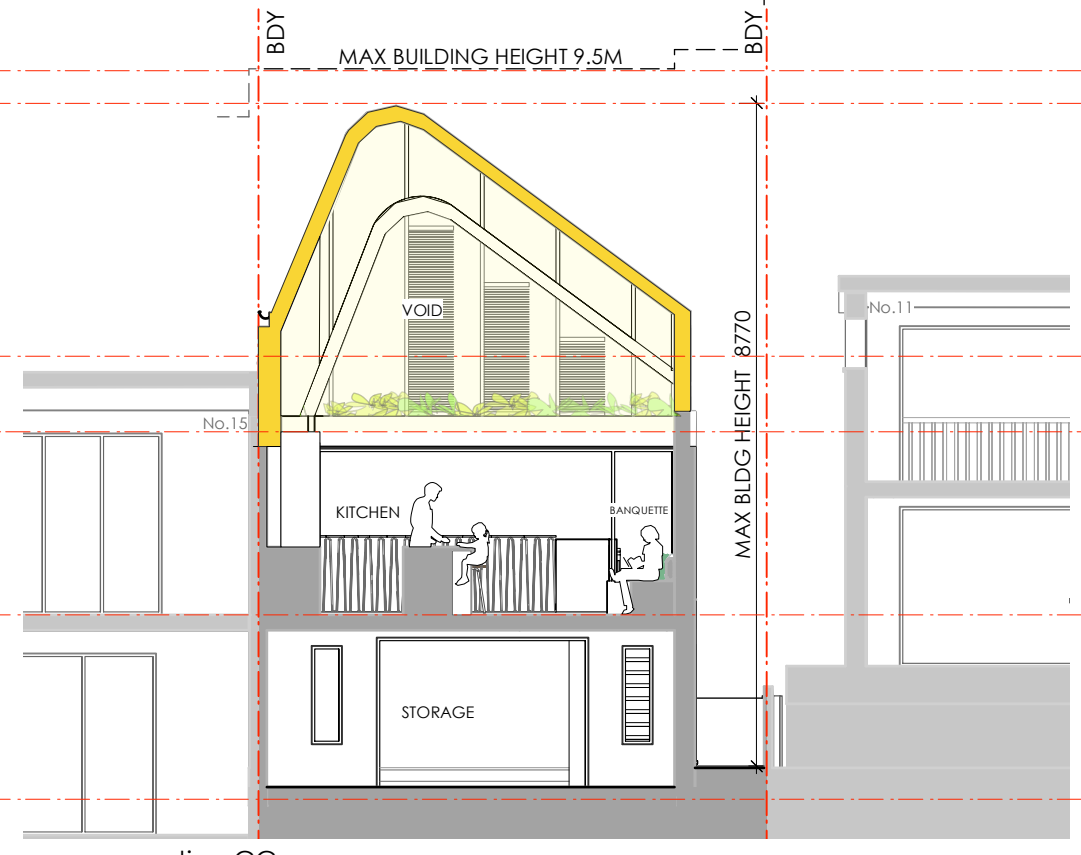
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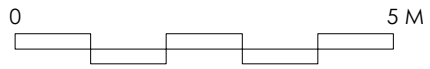
01 section AA



02 section BB



03 section CC



ISSUE	DATE	REVISION
C	23/2/23	Revised first floor plan, FSR and green roof.
B	29/9/22	Revised application as per deferral letter dated 2 Sept 2022.
A	24/6/22	Maximum building heights added.

PROJECT	Alterations and Additions	PROJECT #	2125
CLIENT	Leah and Stephen McCabe	DATE #	30 AUG 2021
ADDRESS	13 Dellview Street, Tamarama NSW 2026	DWG #	DA 07 C
DWG	Sections AA+BB+CC	SCALE @ A3	1:100
		DRAWN	AB
		CHKD	JM
		REVISION	C

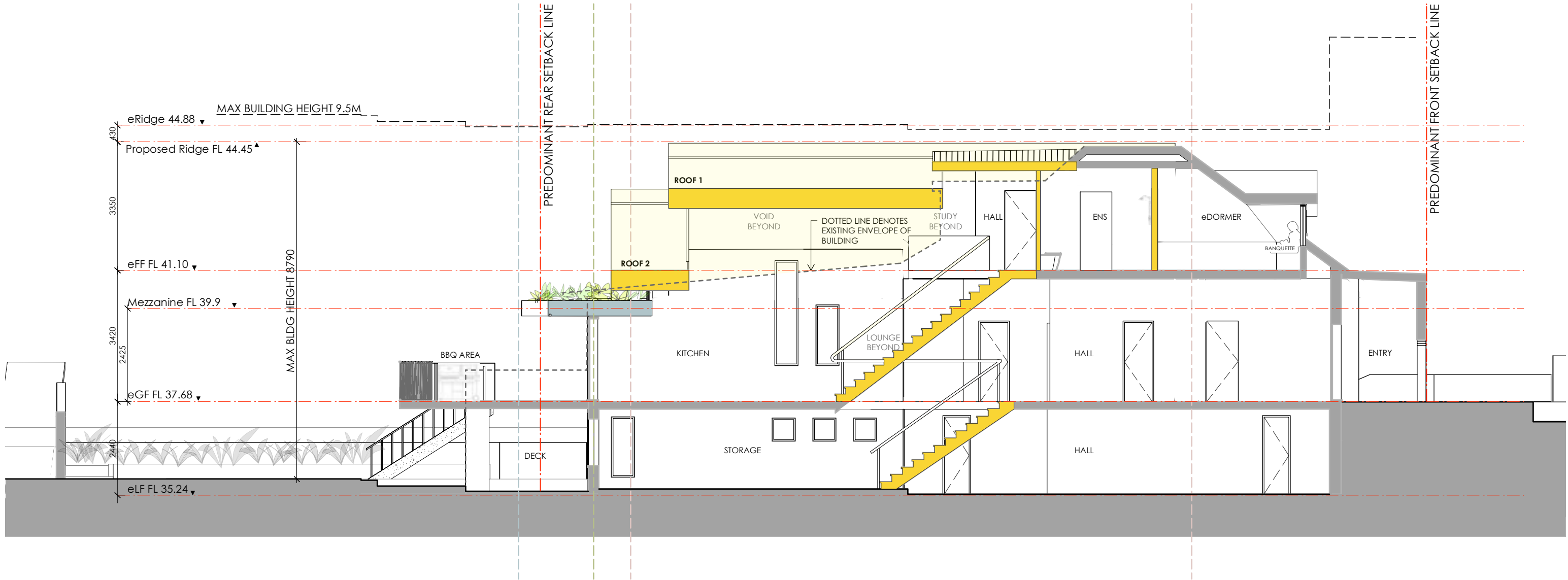
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- MATERIAL LEGEND
- STEEL STRUCTURE
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CLIENT	Leah and Stephen McCabe	DATE #	30 AUG 2021
ADDRESS	13 Dellview Street, Tamarama NSW 2026	SCALE @ A3	1:100
DWG	Section DD	DRAWN	AB
		CHKD	JM
		REVISION	C
		DWG #	DA 08 C

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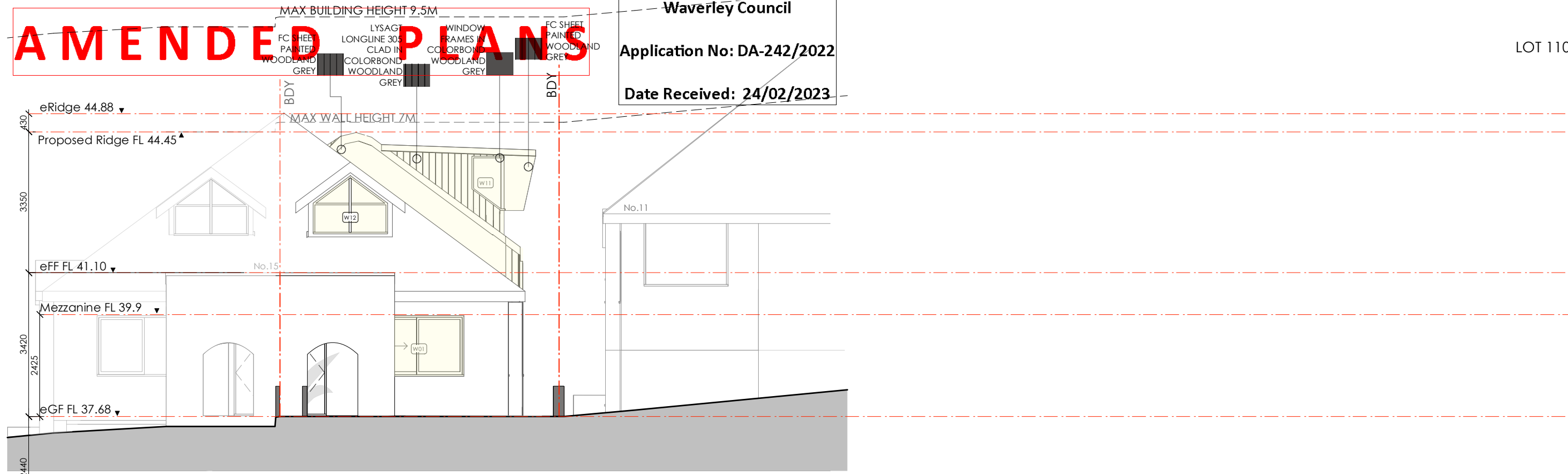
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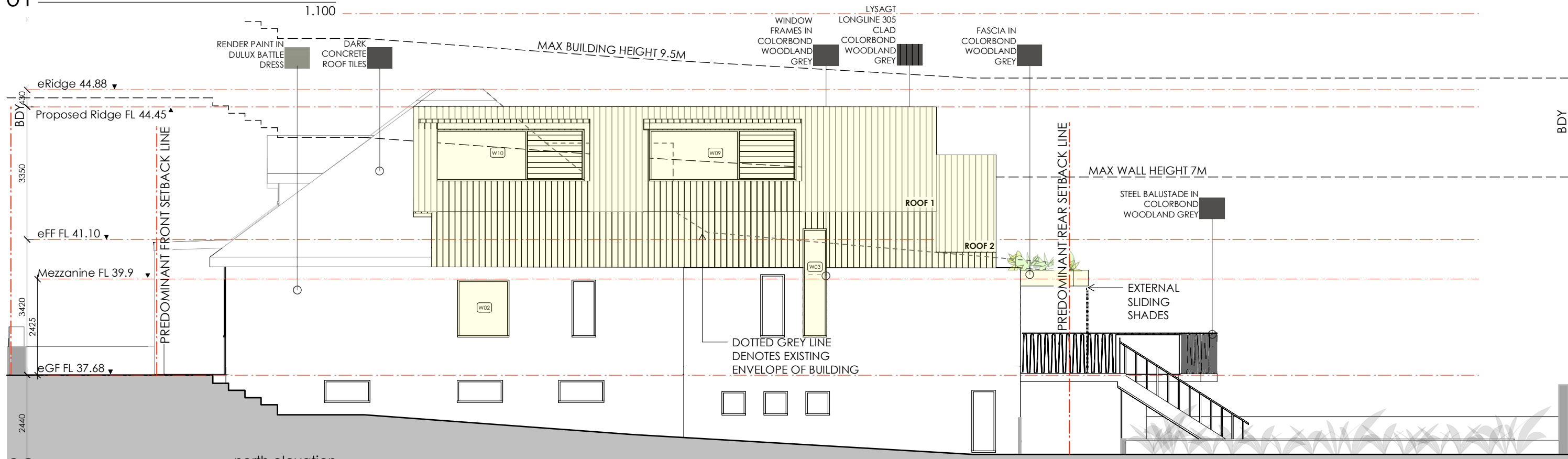
AMENDED PLANS

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LOT 110/ DP 592469

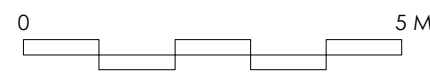


01 east elevation
 1:100



02 north elevation
 1:100

- MATERIAL LEGEND
- STEEL STRUCTURE
 - TIMBER STUD WALL
 - DEMOLITION
 - NEW WORK



ISSUE	DATE	REVISION	PROJECT	PROJECT #
A	29/9/22	Revised application as per deferral letter dated 2 Sept 2022.	Alterations and Additions	2125
CLIENT	ADDRESS	DWG	DATE #	DWG #
Leah and Stephen McCabe	13 Dellview Street, Tamarama NSW 2026	East + North Elevations	30 AUG 2021	DA 09 A
DRAWN	CHKD	REVISION	SCALE @ A3	
AB	JM	A	1:100	

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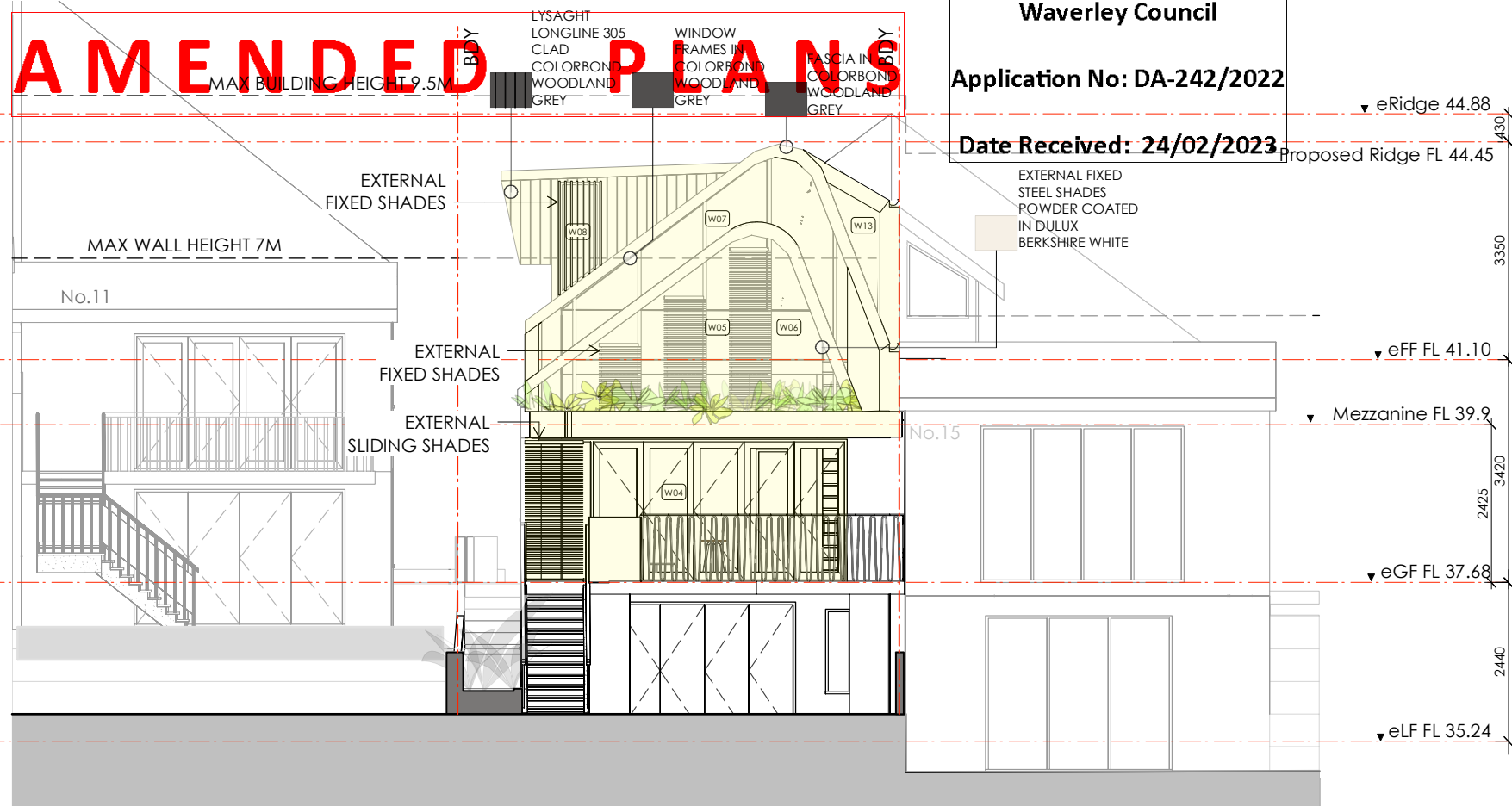
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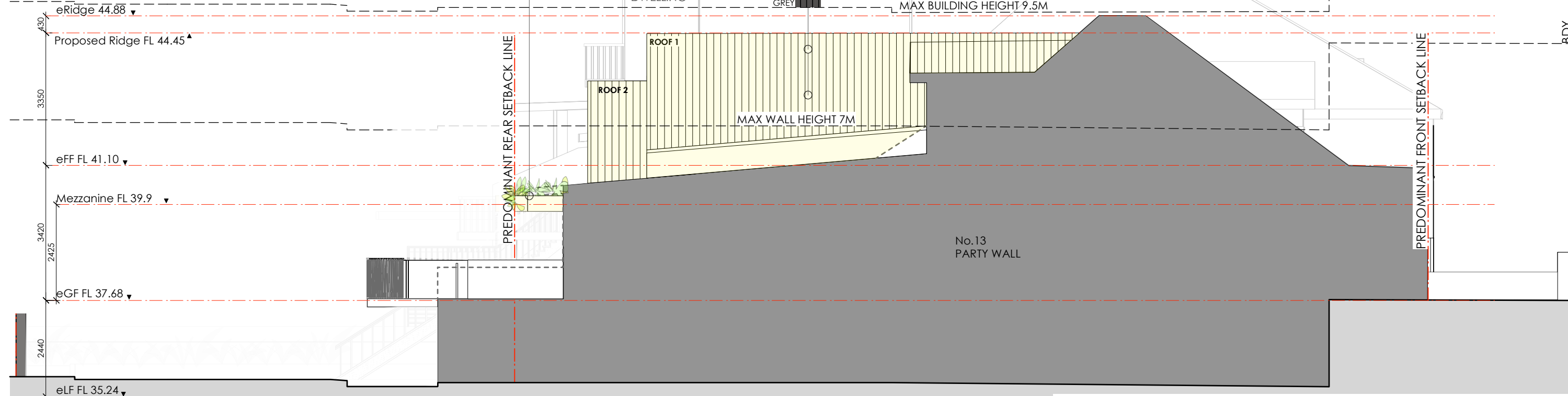
Application No: DA-242/2022

Date Received: 24/02/2023

LOT 110/ DP 592469



01 west elevation
1.100



02 south elevation
1.100

MATERIAL LEGEND

- STEEL STRUCTURE
- TIMBER STUD WALL
- DEMOLITION
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PROJECT Alterations and Additions		
CLIENT	Leah and Stephen McCabe	PROJECT # 2125
ADDRESS	13 Dellview Street, Tamarama NSW 2026	DATE # 30 AUG 2021
DWG	West + South Elevations	DWG # DA 10 B
		SCALE @ A3 1:100
		DRAWN AB
		CHKD JM
		REVISION B

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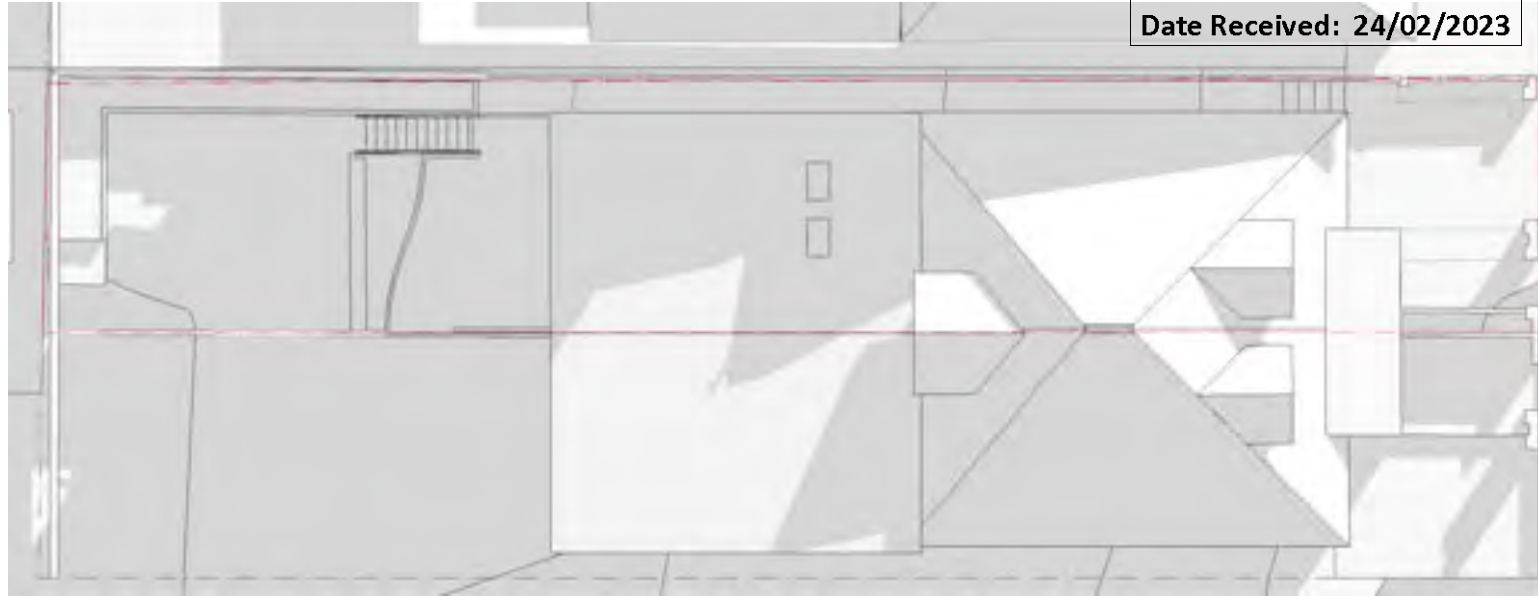
justine money AIA ARN: NSW 9602 QLD 5926 DBP: DEP2240
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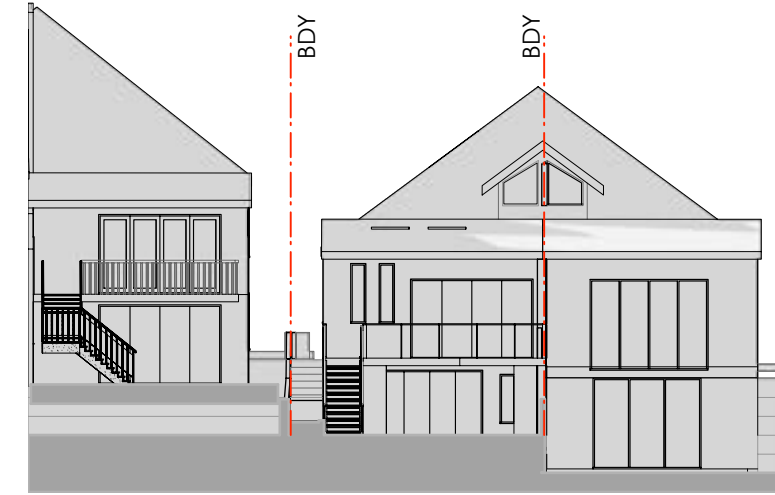
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LOT 110/ DP 592469



01 existing 9am june
1.200

NOTES: at 9am in June, significant shadows are already cast across private open space (POS) due to block orientation.



03 existing 9am june
1.200



02 proposed 9am june
1.200

NOTES: at 9am in June, overshadowing after development remains unchanged to the adjoining properties' private open space.



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04 proposed 9am june
1.200

ISSUE	DATE	REVISION	PROJECT #
B	23/2/23	Revised first floor plan, FSR and green roof.	2125
A	29/9/22	Revised application as per deferral letter dated 2 Sept 2022.	
PROJECT Alterations and Additions			PROJECT # 2125
CLIENT	Leah and Stephen McCabe	DATE # 30 AUG 2021	DWG #
ADDRESS	13 Dellview Street, Tamarama NSW 2026	SCALE @ A3 1:200	DA 11 B
DWG	Shadow Diagrams - 9am June Existing Vs Proposed	DRAWN AB	REVISION B
		CHKD JM	

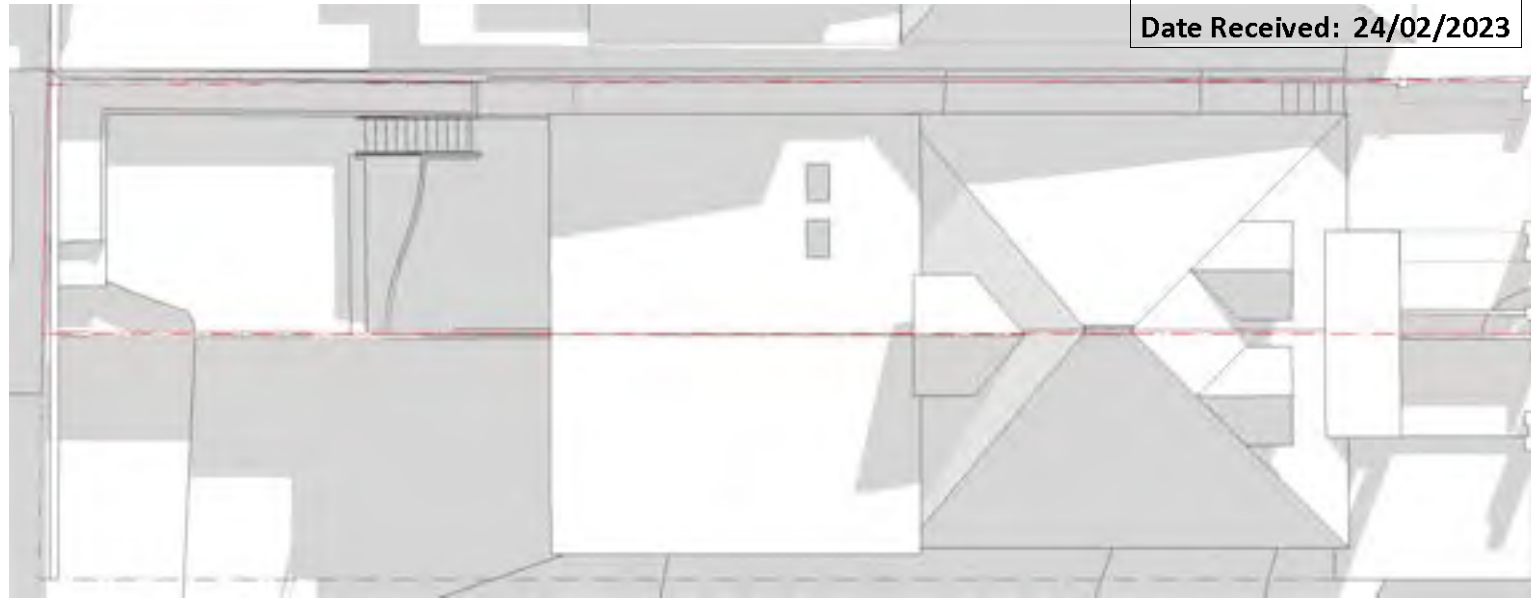
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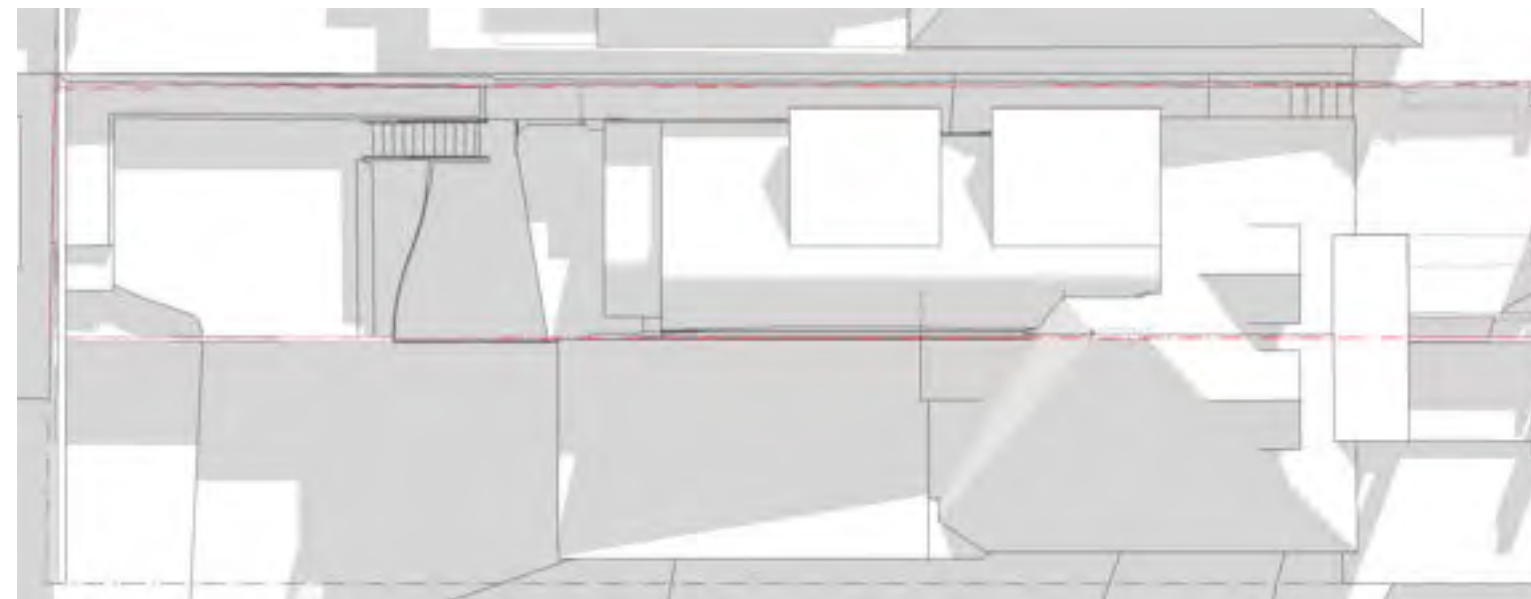


01 existing 10am june
1.200

NOTES: at 10am in June, the adjoining private open space has existing overshadowing by fence and balcony.



03 existing 10am june
1.200



02 proposed 10am june
1.200

NOTES: at 10am in June, shadows remain unchanged to the private open space, and the proposed roof design casts shadows on adjoining roof areas only.



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04 proposed 10am june
1.200

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ISSUE	DATE	REVISION		
PROJECT Alterations and Additions			PROJECT # 2125	
CLIENT	Leah and Stephen McCabe		DATE #	30 AUG 2021
ADDRESS	13 Dellview Street, Tamarama NSW 2026		SCALE @ A3	1:200
DWG	Shadow Diagrams - 10am June Existing Vs Proposed		DRAWN	AB
			CHKD	JM
			REVISION	B
			DWG #	DA 12 B

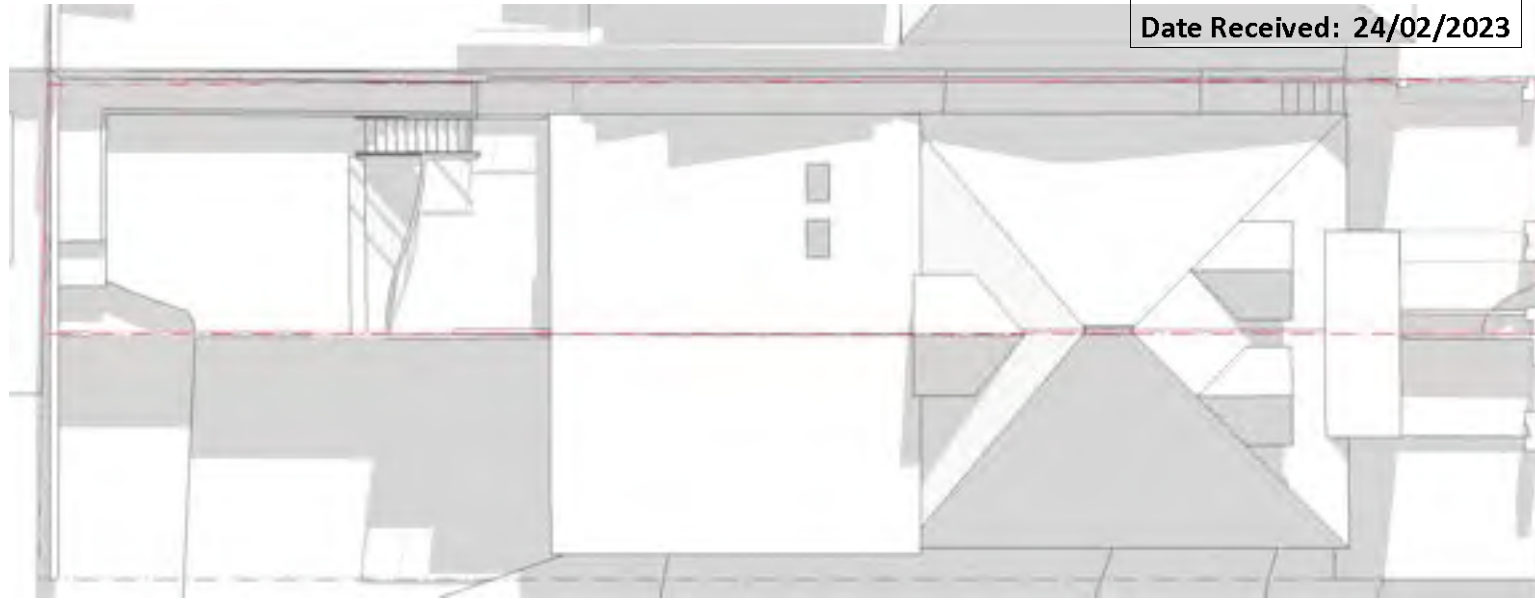
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01 existing 11am june
1.200

NOTES: at 11am in June, the adjoining private open space has existing overshadowing by fence and balcony.



03 existing 11am june
1.200



02 proposed 11am june
1.200

NOTES: at 11am in June, shadows remain unchanged to the private open space, and the proposed roof design casts shadows on adjoining roof areas only.



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04 proposed 11am june
1.200

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ISSUE	DATE	REVISION
PROJECT Alterations and Additions		PROJECT # 2125
CLIENT Leah and Stephen McCabe	DATE # 30 AUG 2021	DWG # DA 13 B
ADDRESS 13 Dellview Street, Tamarama NSW 2026	SCALE @ A3 1:200	
DWG Shadow Diagrams - 11am June Existing Vs Proposed	DRAWN AB	
	CHKD JM	REVISION B

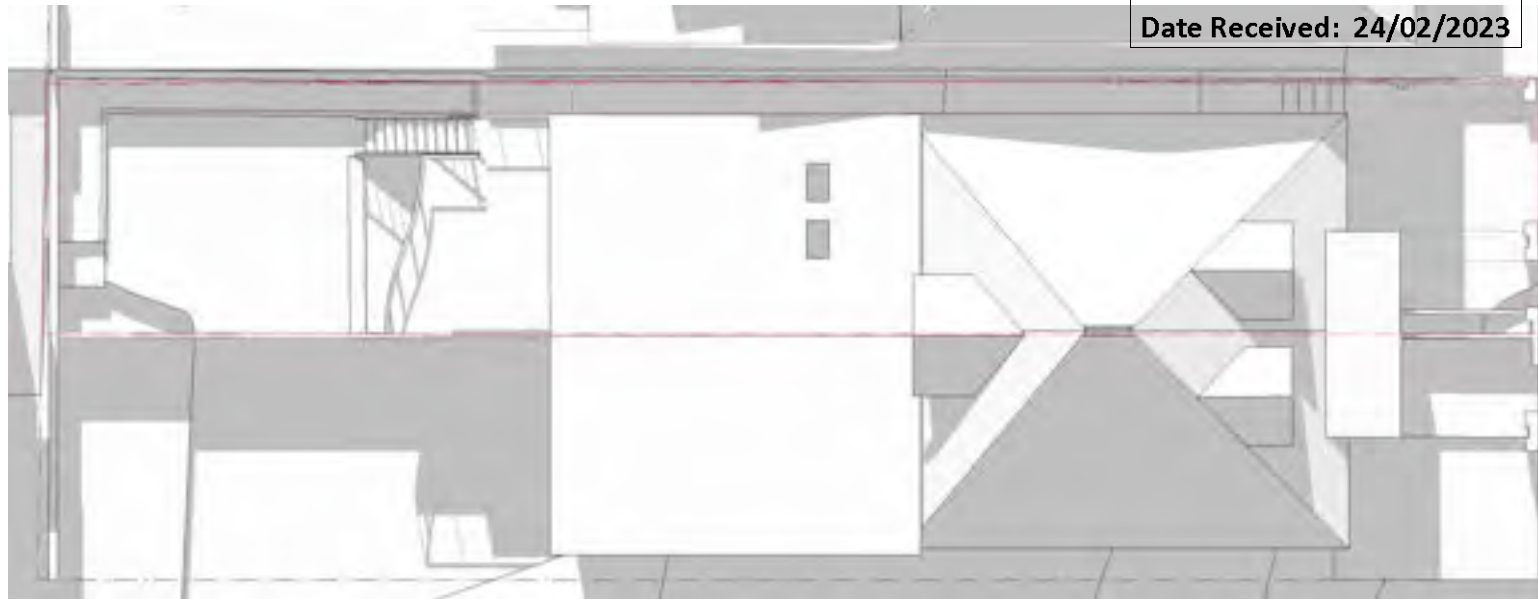
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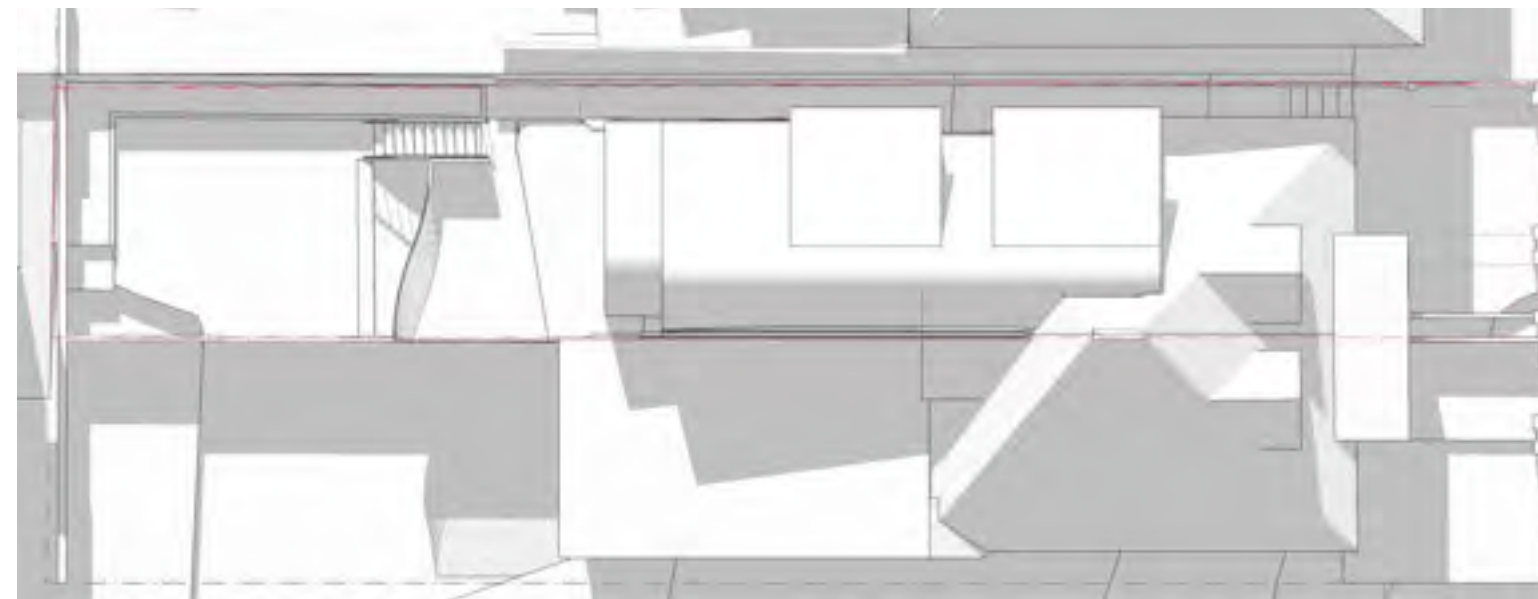


01 existing noon june
1.200

NOTES: at 12pm in June, the adjoining private open space has existing overshadowing by fence and balcony.



03 existing noon june
1.200



02 proposed noon june
1.200

NOTES: at 12pm in June, shadows remain unchanged to the private open space, and the proposed roof design casts shadows on adjoining roof areas only.



04 proposed noon june
1.200



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ISSUE	DATE	REVISION		
PROJECT Alterations and Additions			PROJECT # 2125	
CLIENT Leah and Stephen McCabe	DATE # 30 AUG 2021	DWG #	DA 14 B	
ADDRESS 13 Dellview Street, Tamarama NSW 2026	SCALE @ A3 1:200	DRAWN AB		
DWG Shadow Diagrams - Noon June Existing Vs Proposed	CHKD JM	REVISION B		

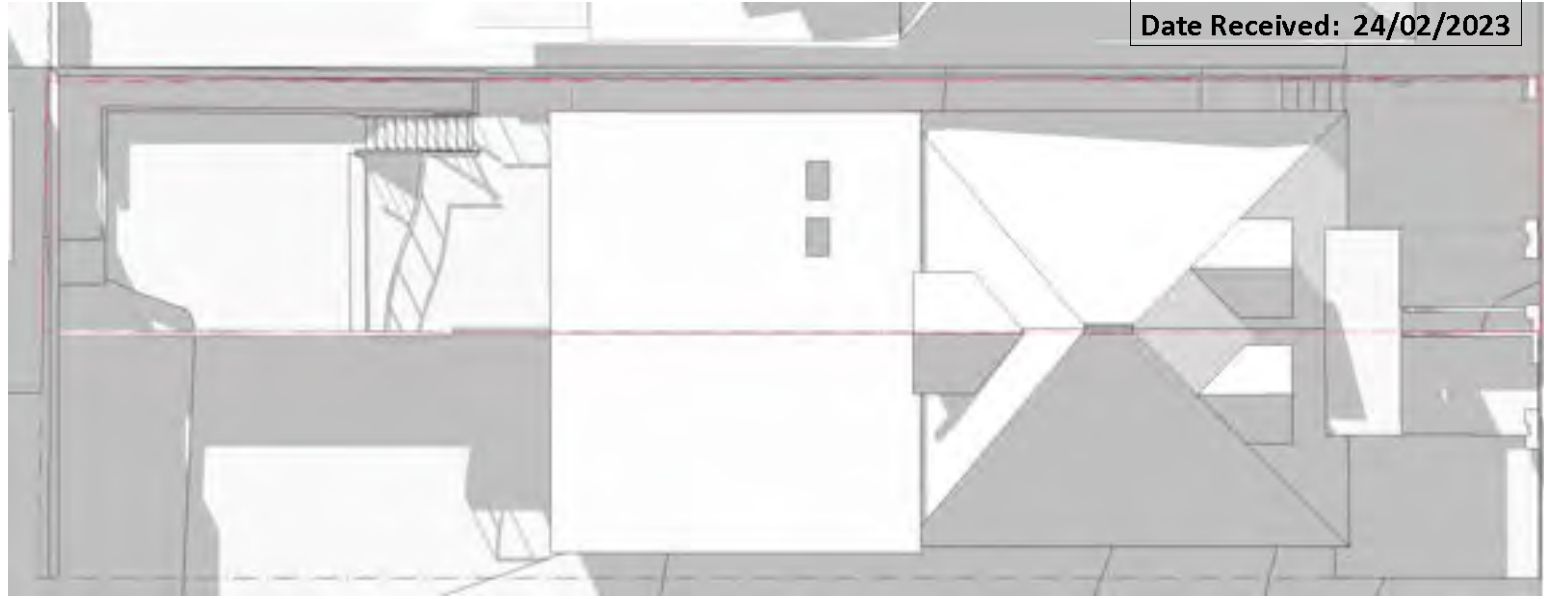
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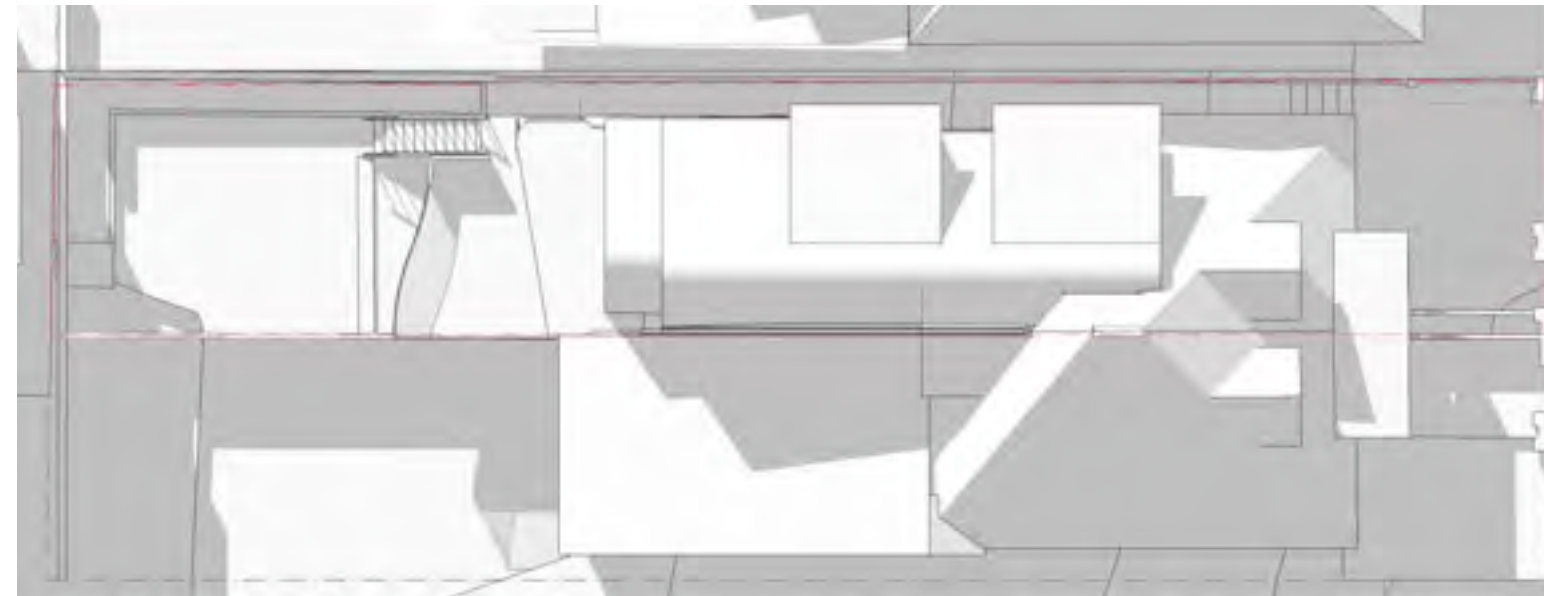
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01 existing 1pm june
1.200



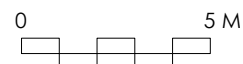
03 existing 1pm june
1.200



02 proposed 1pm june
1.200



04 proposed 1pm june
1.200



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ISSUE	DATE	REVISION		
PROJECT Alterations and Additions			PROJECT # 2125	
CLIENT	Leah and Stephen McCabe		DATE #	30 AUG 2021
ADDRESS	13 Dellview Street, Tamarama NSW 2026		SCALE @ A3	1:200
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			CHKD	JM
			REVISION	B
			DWG # DA 15 B	

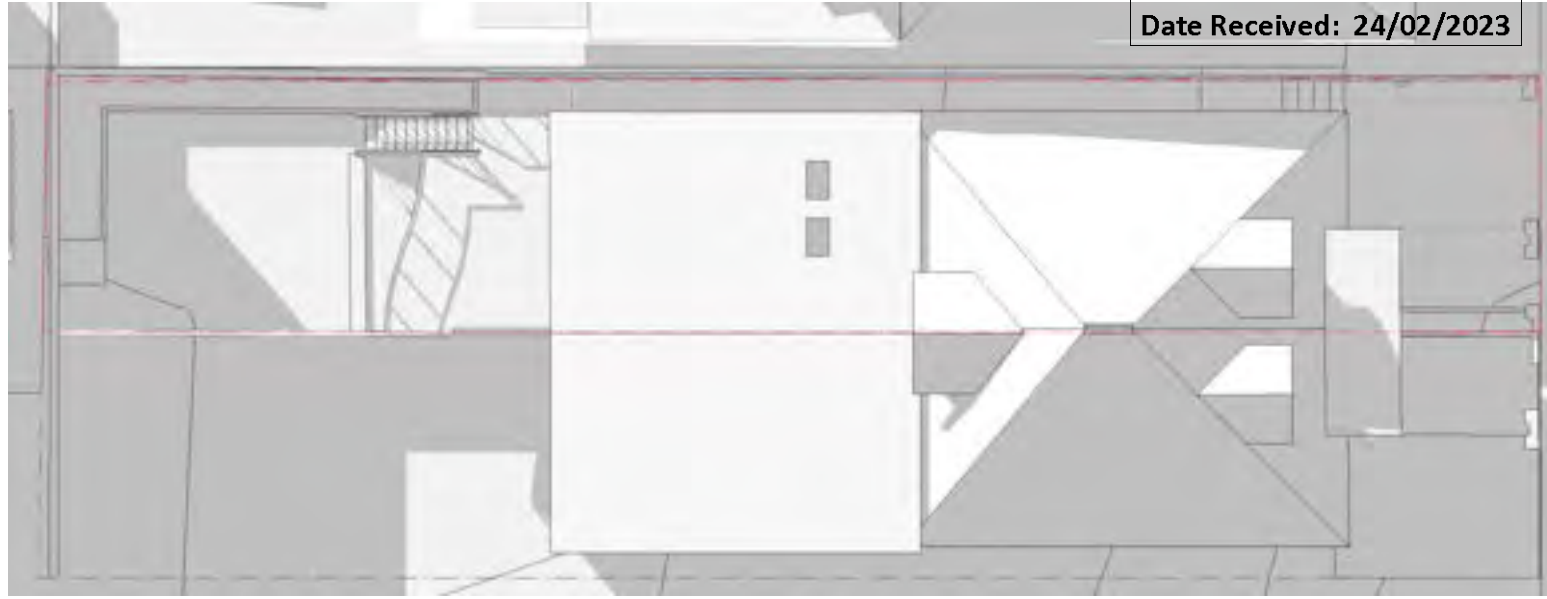
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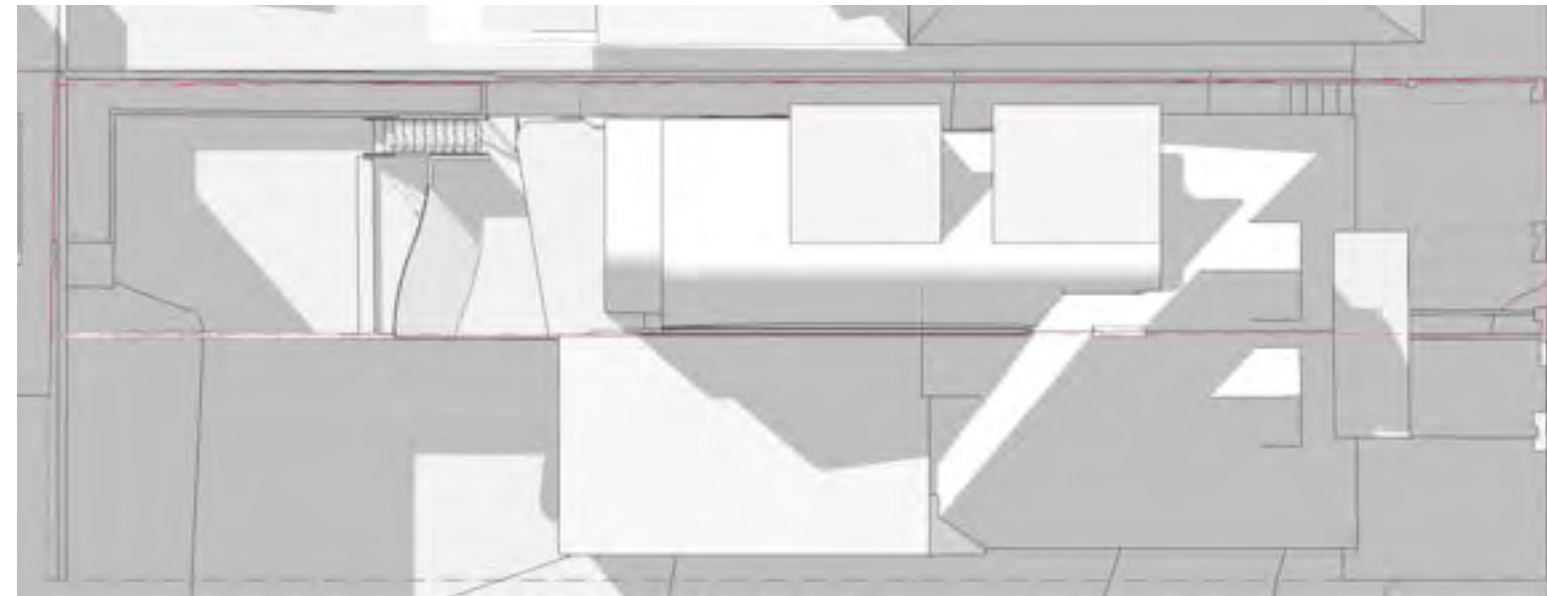
LOT 110/ DP 592469



01 existing 2pm june
1.200



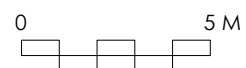
03 existing 2pm june
1.200



02 proposed 2pm june
1.200



04 proposed 2pm june
1.200



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ISSUE	DATE	REVISION		
PROJECT Alterations and Additions			PROJECT # 2125	
CLIENT	Leah and Stephen McCabe		DATE #	30 AUG 2021
ADDRESS	13 Dellview Street, Tamarama NSW 2026		SCALE @ A3	1:200
DWG	Shadow Diagrams - 2pm June Existing Vs Proposed		DRAWN	AB
			CHKD	JM
			REVISION	B
			DWG #	DA 16 B

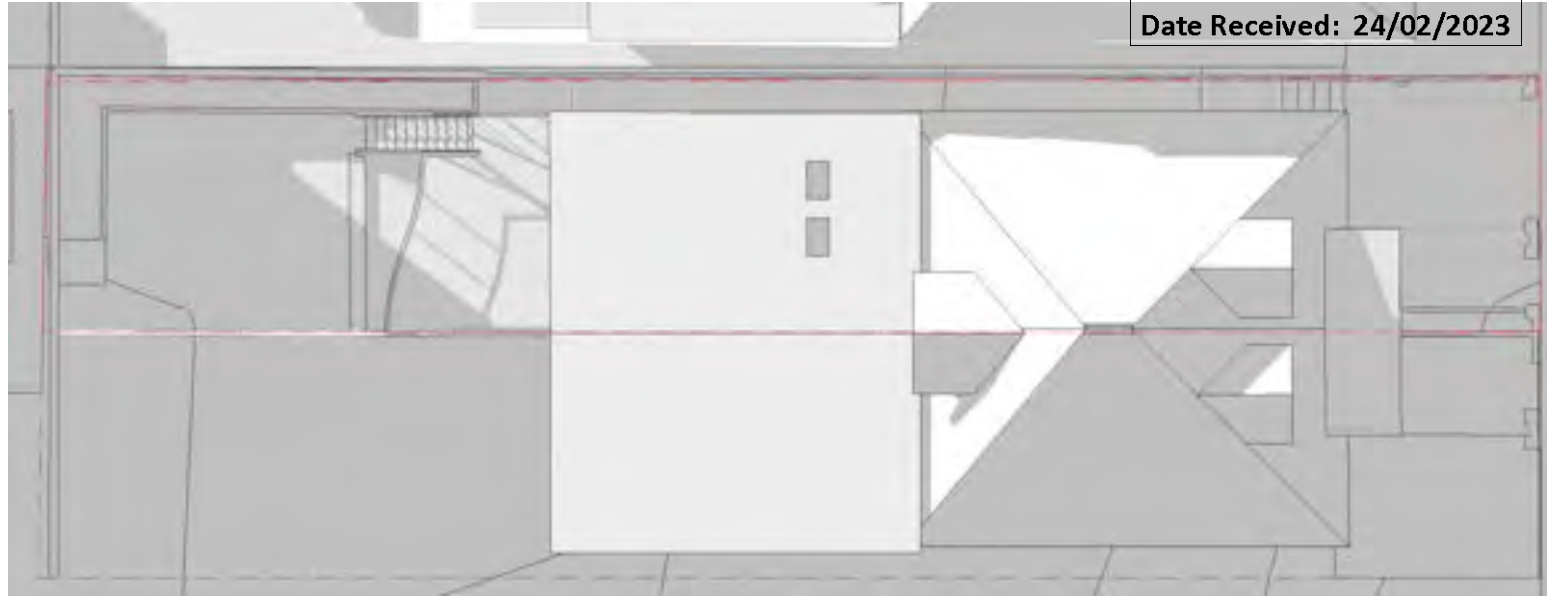
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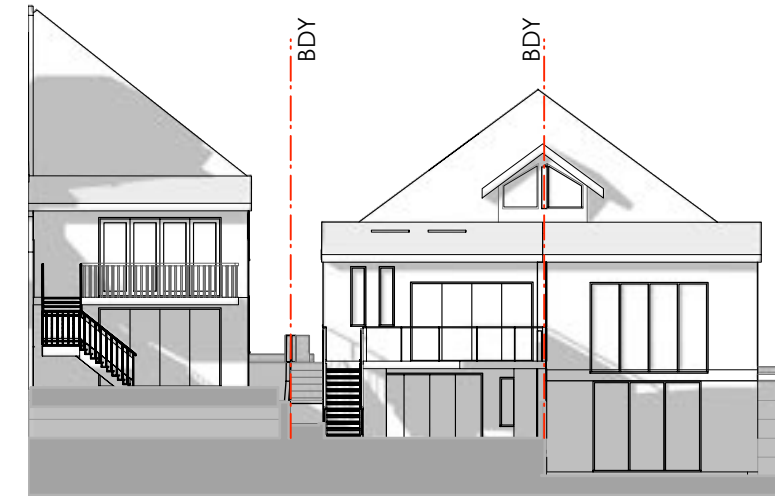
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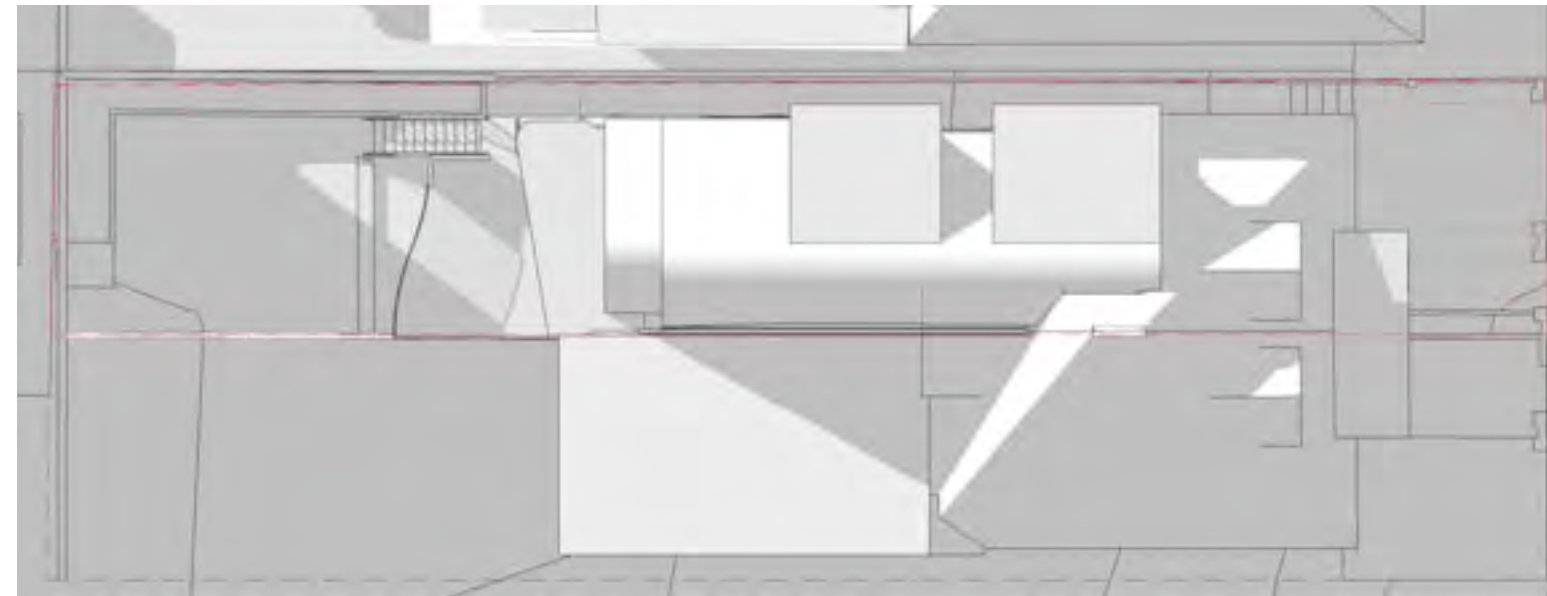
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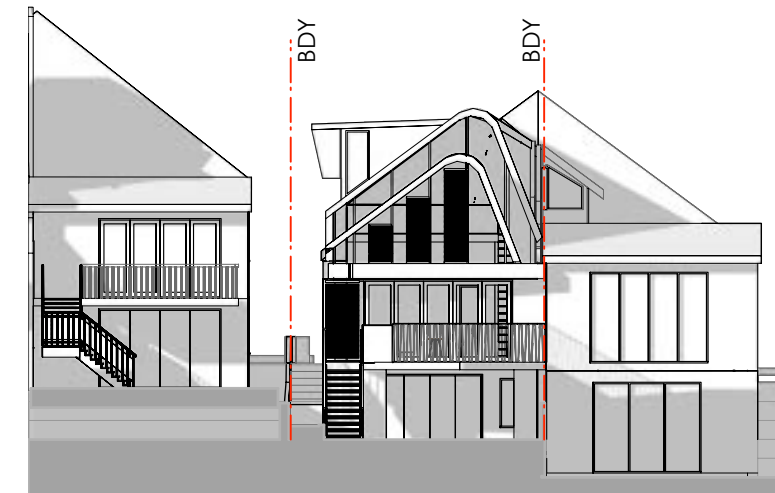
01 existing 3pm june
1.200



03 existing 3pm june
1.200



02 proposed 3pm june
1.200



04 proposed 3pm june
1.200



FOR DEVELOPMENT APPLICATION ONLY



B	23/2/23	Revised first floor plan, FSR and green roof.
A	29/9/22	Revised application as per deferral letter dated 2 Sept 2022.
ISSUE	DATE	REVISION
PROJECT Alterations and Additions		PROJECT # 2125
CLIENT Leah and Stephen McCabe	DATE # 30 AUG 2021	DWG # DA 17 B
ADDRESS 13 Dellview Street, Tamarama NSW 2026	SCALE @ A3 1:200	
DWG Shadow Diagrams - 3pm June Existing Vs Proposed	DRAWN AB	
	CHKD JM	REVISION B

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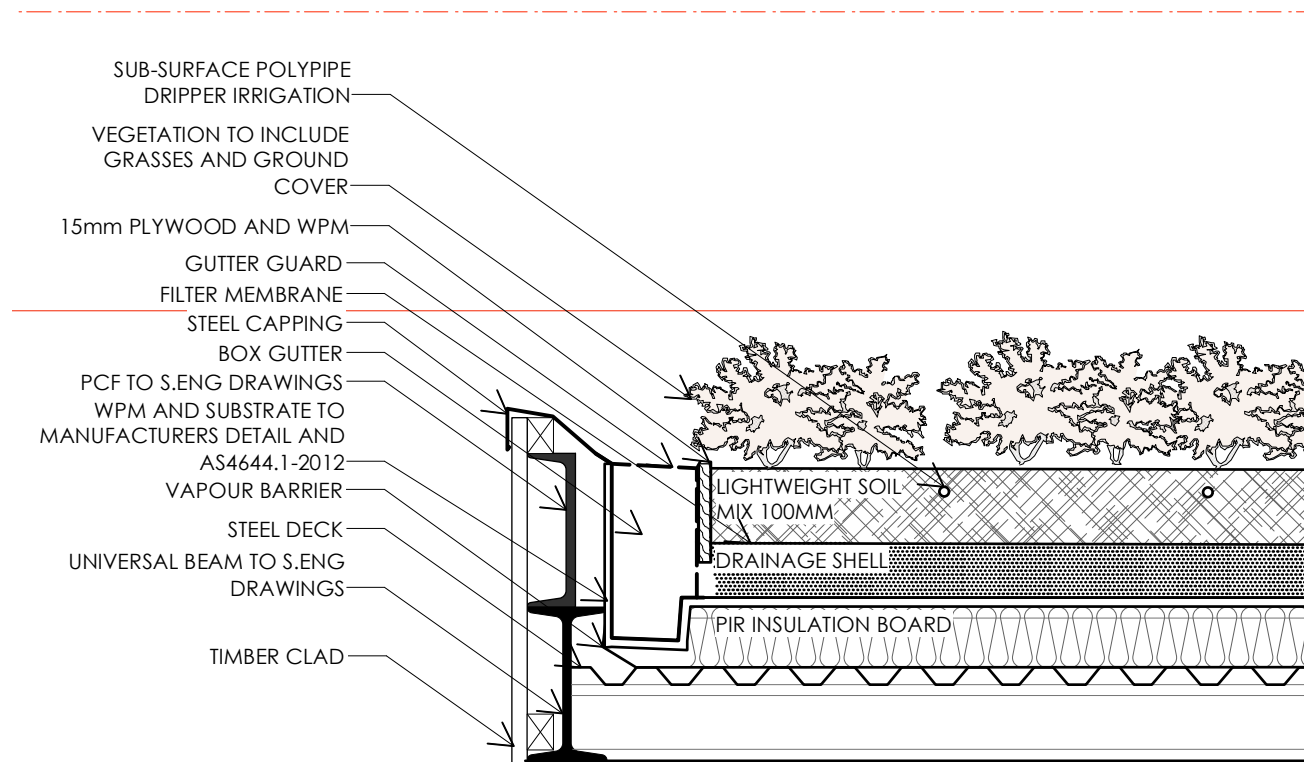
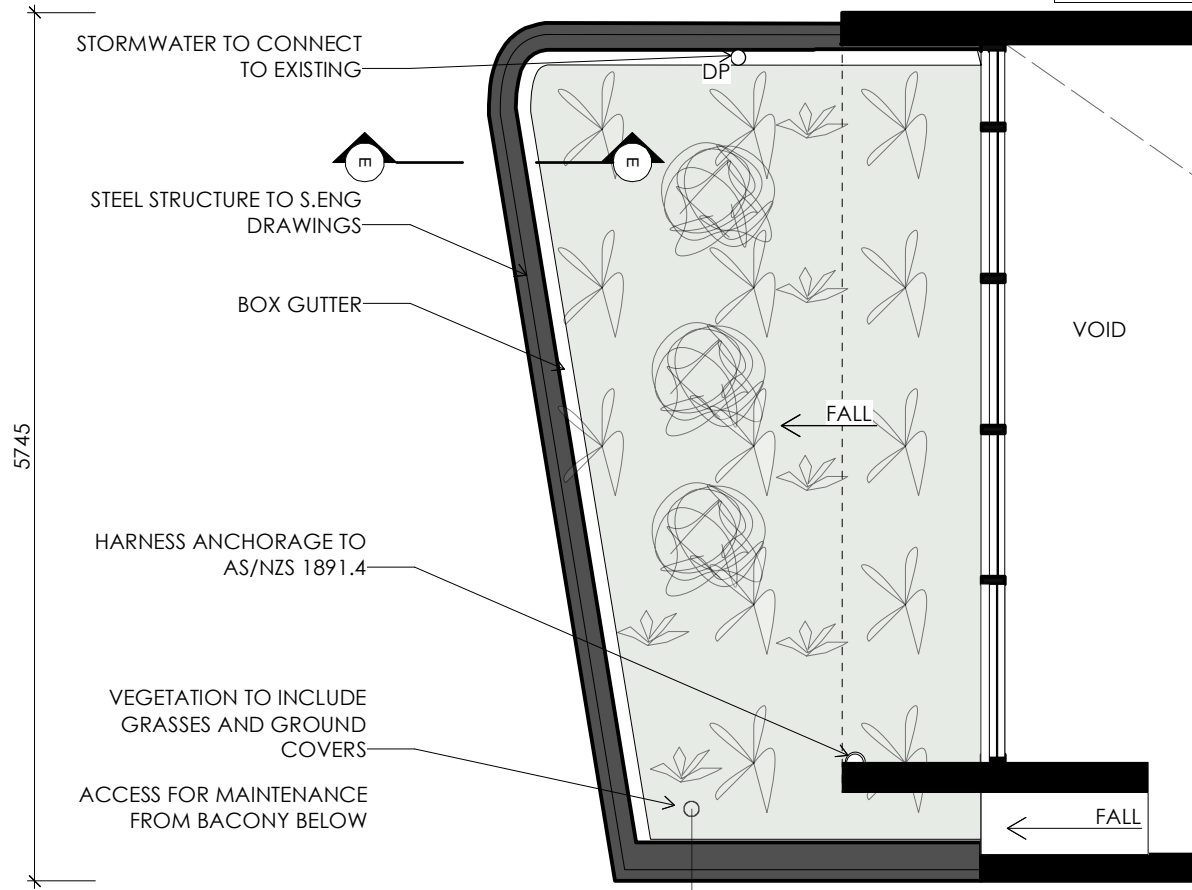
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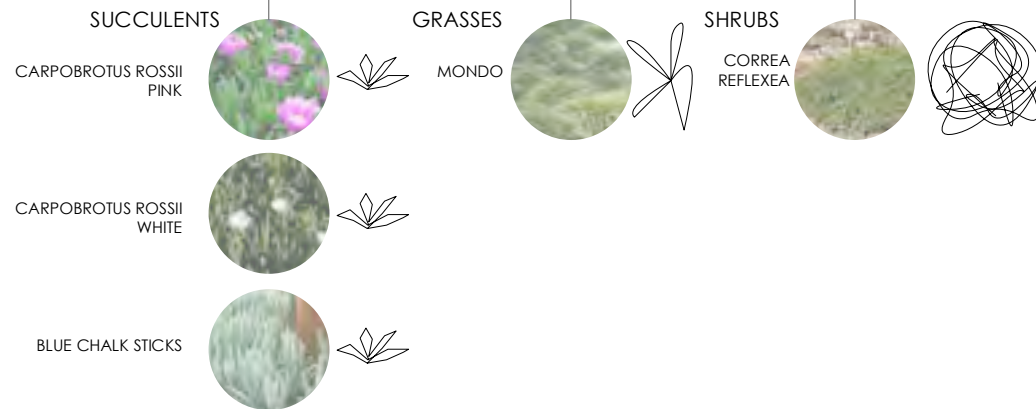
Application No: DA-242/2022

Date Received: 24/02/2023

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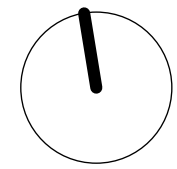


02 section detail EE
1.10



01 green roof plan
1.50

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ISSUE	DATE	REVISION	PROJECT #
B	23/2/23	Revised first floor plan, FSR and green roof.	2125
A	29/09/22	Revised application as per deferral letter dated 2 Sept 2022.	
PROJECT Alterations and Additions			PROJECT # 2125
CLIENT	Leah and Stephen McCabe	DATE # 30 AUG 2021	DWG #
ADDRESS	13 Dellview Street, Tamarama NSW 2026	SCALE @ A3 1:10	DA 18 B
DWG	Green Roof Plan and Section Detail	DRAWN AB	REVISION B
		CHKD JM	

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LOT 110/ DP 592469

BASIX Requirements

Construction

Insulation requirements

The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m², b) insulation specified is not required for parts of altered construction where insulation already exists.

Construction	Additional insulation required (R-value)	Other specifications
floor above existing dwelling or building.	nil	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
raked ceiling, pitched/skillion roof: framed	ceiling: R2.50 (up), roof: foil/sarking	medium (solar absorptance 0.475 - 0.70)

Glazing requirements

Windows and glazed doors

The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.

The following requirements must also be satisfied in relation to each window and glazed door:

Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.

For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.

For projections described as a ratio, the ratio of the projection from the wall to the height above the window or glazed door sill must be at least that shown in the table below.

Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.

External louvres and blinds must fully shade the window or glazed door beside which they are situated when fully drawn or closed.

Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.

Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.

Windows and glazed doors glazing requirements

Window / door no.	Orientation	Area of glass inc. frame (m ²)	Height (m)	Distance (m)	Overshadowing	Shading device	Frame and glass type
W1	E	3	2.39	1.7		none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W2	N	1.9	8.5	2.6		none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W3	N	1.6	8.5	2.6		none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W4	W	11.3	4.3	16.5		eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W5	W	5.9	0	0		eave/verandah/pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W6	W	1.9	0	0		eave/verandah/pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W7	W	5	0	0		projection/height above sill ratio >=0.36	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W8	W	0.9	0	0		external louvre/blind (fixed)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W9	N	4.8	3.7	8		eave/verandah/pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W10	N	4.8	4	7.2		eave/verandah/pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W11	E	0.9	0	0		projection/height above sill ratio >=0.36	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W12	E	1.9	0	0		projection/height above sill ratio >=0.36	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W13	W	0.7	0	0		none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

Skylights

The applicant must install the skylights in accordance with the specifications listed in the table below.

Glazing requirements

The following requirements must also be satisfied in relation to each skylight:

Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below.

Skylights glazing requirements

Skylight number	Area of glazing inc. frame (m ²)	Shading device	Frame and glass type
S1	0.4	no shading	timber, double clear/air fill, (or U-value: 4.3, SHGC: 0.5)

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A	29/09/22	Revised application as per deferral letter dated 2 Sept 2022.
ISSUE	DATE	REVISION
PROJECT	Alterations and Additions	
PROJECT #	2125	
CLIENT	Leah and Stephen McCabe	DATE # 30 AUG 2021
ADDRESS	13 Dellview Street, Tamarama NSW 2026	SCALE @ A3 N/A
DWG	BASIX Requirements	DRAWN AB
CHKD	JM	REVISION A
DWG #		DA 19 A

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Waverley Council

Application No: DA-242/2022

Date Received: 24/02/2023

DA-242/2022 - VIEW LOSS ANALYSIS - REVISION C

13 DELLVIEW STREET, TAMARAMA
NSW 2026

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3	ASSESSMENT OF VIEWS - No. 1 CARLISLE STREET AND No. 11 DELLVIEW STREET
4	ASSESSMENT OF VIEWS - No. 9 DELLVIEW STREET AND No. 3 DELLVIEW STREET
5	SITE PLAN
6	VIEW A - 1 CARLISLE STREET
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8	VIEW C - 11 DELLVIEW STREET
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INTRODUCTION

This View Loss Analysis Report has been prepared by Noho Architecture on behalf of the owners of 13 Dellview Street, Tamarama. The report is based on photography and photo-montages by Noho Architecture to document the impact of the proposed alterations and additions.

The view loss analysis illustrates the views from the adjoining properties north and west of the site as requested in Council's deferral letter dated 2 September 2022. The report includes an assessment against the Land and Environment Court "Tenacity" Planning Principles.

METHODOLOGY

The methodology used for the view loss analysis has been based on desktop and field analysis and involves the following main steps:

1. Viewpoints: Viewpoints were taken from the residences located north (Nos. 11, 9 and 3 Dellview Street) and west (No. 1 Carlisle Street) of the site as requested by Council's correspondence of 2 September 2022.
2. Visual impact: a qualitative assessment identifying the characteristics of the existing and the magnitude of view loss as a result of the proposed development in accordance with the Land and Environmental Court Tenacity Principles.

Central to the assessment of visual impact are the below criteria:

1. Characteristics

It is important to identify the existing nature of the viewpoint to determine its value. Characteristics of the view include:

- Location
- Orientation
- Distance from site
- Viewing level
- Use at the viewpoint
- Purpose of being at the viewpoint
- Dominant elements of the existing viewpoint

The viewpoints will be assessed against the below matrix:

Rating	Common Influences
Negligible	The proposal cannot be seen
Minor	Long, above, few viewers, industry, passing through, short period, valued and not dominant, not-valued, obstructed or general
Moderate	Medium, level, moderate viewers, business or special use, passing through, short period, highly valued and not dominant, valued, general, focal or panoramic
Severe	Close, below, many viewers, residential or recreation, dwelling, long period, highly valued and dominant, focal or panoramic

2. Magnitude

Factors of magnitude include:

- Area of new fabric visible compared to the existing situation
- Changes to the composition of the view
- Prominence of the new fabric

The viewpoints will be assessed against the below matrix:

Rating	Common Influences
Negligible	The proposal cannot be seen
Minor	Limited amount of fabric added or lost, low change to view composition, visible in the field of view but not noticeable to the casual observer
Moderate	Moderate amount of fabric added or lost, moderate change to view composition, visible in the field of view but not prominent
Severe	Large amount of fabric added or lost, high change to view composition in particular with regard to focus of view, highly prominent in the field of view

3. Visual Impact Matrix

The below visual impact matrix acknowledges the context of the viewpoint and the magnitude of the impact. This matrix has been used as a guide to provide an overall qualitative rating of the impacted views.

Characteristics	Magnitude			
	Severe	Moderate	Minor	Negligible
Severe	Severe	Severe-Moderate	Moderate	Negligible
Moderate	Severe-Moderate	Moderate	Moderate-Minor	Negligible
Minor	Moderate	Moderate - Low	Minor	Negligible
Negligible	Negligible	Negligible	Negligible	Negligible

ASSESSMENT OF VIEWS

1 Carlisle Street, Tamarama - Views A and B	
View Sharing Assessment Step	Proposed Development
<p>Assessment of views to be affected</p> <p>Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons.</p> <p>Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.</p>	<p>The view from the eastern facade of 1 Carlisle Street looks towards no.9 Delview St. The views from the first floor and the terrace are dominated by built form. A small section of street tree canopy is visible in the distance and a vista of ocean views are apparent above the road where no dwellings are located. Existing palm trees located on No.7 backyard obstructs most of the first floor level window distant views.</p>
<p>Consider from what part of the property the views are obtained</p> <p>The protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries.</p> <p>In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.</p>	<p>The views that look toward the proposed alterations and additions are side views of 1 Carlisle Street. The views that are most valuable to this property are the front views that look south towards McKenzies Bay and Bronte's coastline.</p>
<p>Assess the extent of the impact</p> <p>This should be done for the whole of the property, not just for the view that is affected.</p> <p>The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House.</p> <p>It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.</p>	<p>The proposed dormers of the subject site will block some of the distant view of the street canopy of a tree on Delview Street from both the first floor window and terrace level. The ocean views to the south are maintained. The extent of the impact is minor.</p>
<p>Assess the reasonableness of the proposal that is causing the impact</p> <p>A development that complies with all planning controls would be considered more reasonable than one that breaches them.</p> <p>Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.</p> <p>With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.</p>	<p>The proposed dormers open to the north to allow natural light and head clearance for spaces which are currently not habitable. The proposed green roof, which sits within the existing envelope, will enhance No. 1 Carlisle's eastern views adding to the existing visuals of vegetation.</p>

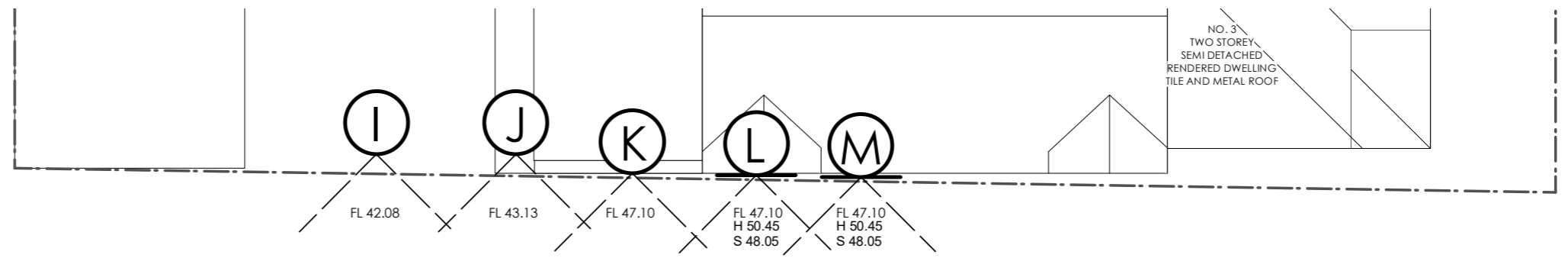
11 Delview Street, Tamarama - Views C, D, E and F	
View Sharing Assessment Step	Proposed Development
<p>Assessment of views to be affected</p> <p>Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons.</p> <p>Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.</p>	<p>The rear balcony of No. 11 Delview Street has partial views to the south of McKenzie's Bay and the coastline (Bronte) across the rear yards of Nos. 13, 15 and 17. (See View C.) The other views that look south are side views (see view D to F) between No.11 and No.13 Delview Street. These existing visuals from the interior of No. 11 are the sides of the building of No.9 Delview Street.</p>
<p>Consider from what part of the property the views are obtained</p> <p>The protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries.</p> <p>In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.</p>	<p>The balcony at the rear of No. 11 provides the primary vantage point for views from that property. None of the other windows (in the southern elevation) of the semi-detached dwelling at No. 11 have views of the water / coastline. The view is currently available from a standing position. In the seated position, the view, particularly of the water, is impeded by intervening buildings and vegetation. It is noted that views of the water / coastline are also available from the front yard of the property.</p>
<p>Assess the extent of the impact</p> <p>This should be done for the whole of the property, not just for the view that is affected.</p> <p>The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House.</p> <p>It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.</p>	<p>As indicated above, the rear balcony (private open space) provides a vantage point for views from the adjoining property at No. 11. The proposed development from a standing position allows the views of McKenzies Bay and the coastline of Bronte. The impact of the view from the balcony is minor.</p> <p>The series of views D to F illustrates the existing views from three internal locations and the extent to which those views are impacted by the proposed development. These views are all side views dominated by the existing building of No. 9 Delview street. The existing views of the sky above are impacted from the proposed dormers. The extent of impact is moderate considering side views are difficult to maintain.</p>
<p>Assess the reasonableness of the proposal that is causing the impact</p> <p>A development that complies with all planning controls would be considered more reasonable than one that breaches them.</p> <p>Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.</p> <p>With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.</p>	<p>The green roof is proposed to be constructed at the western end of the first floor addition, across the width of the dwelling and projects over the living room threshold below, providing a cool thermal mass effect to protect the spaces above and below. The vegetation is also a non-reflective element as opposed to a metal roofing material which would typically be used in an awning / weather protection. Whilst it is not accessible as private open space, the green roof contributes to the soft landscaping on the site and also provides a more pleasant outlook for neighbouring properties (including No. 11) which look over the site. The proposed dormers that face north allow natural light into the first floor creating habitable rooms.</p>

ASSESSMENT OF VIEWS

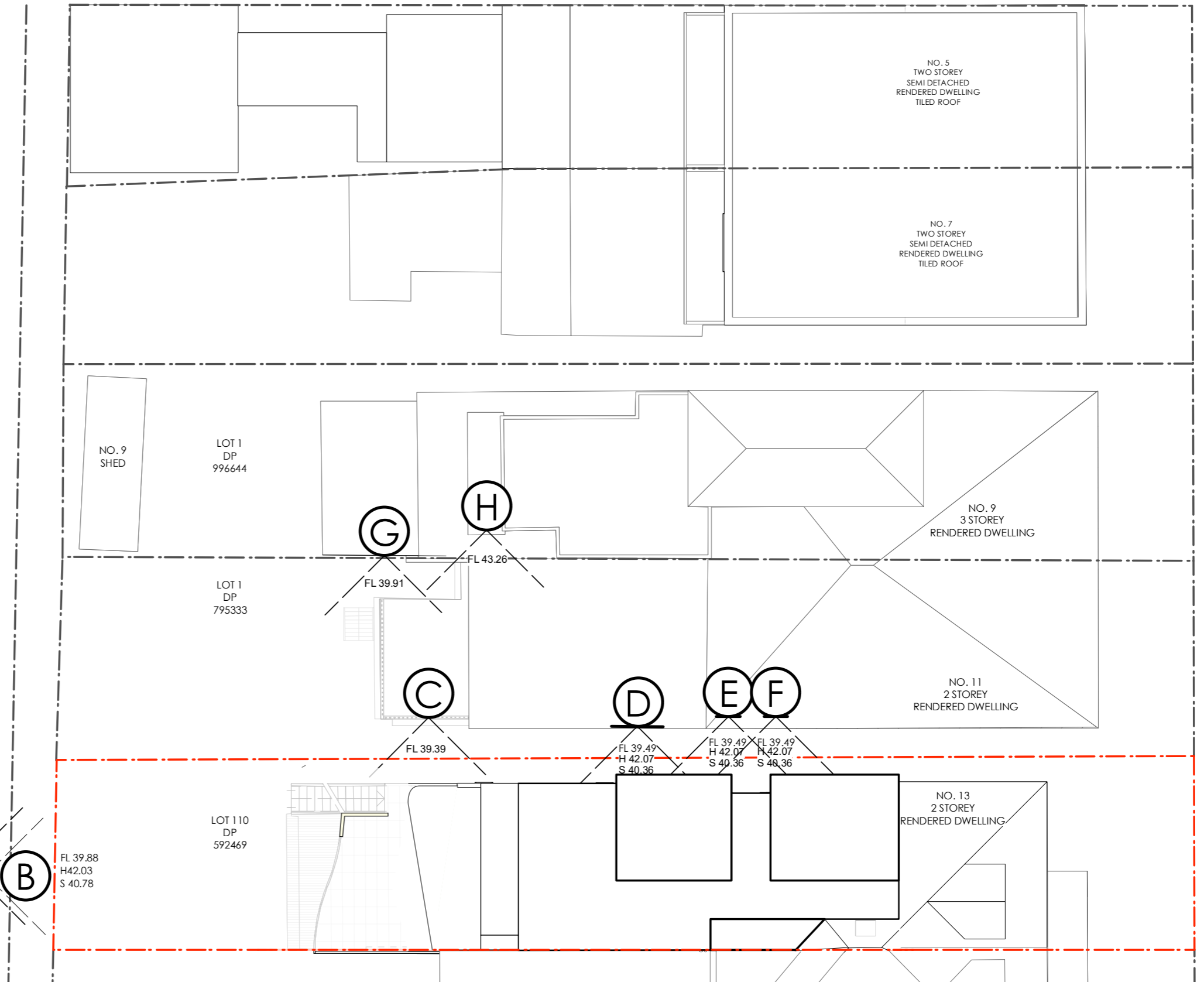
9 Dellview Street, Tamarama - Views G and H	
View Sharing Assessment Step	Proposed Development
<p>Assessment of views to be affected</p> <p>Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons.</p> <p>Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.</p>	<p>The rear balconies of No. 9 Dellview Street has partial views to the south of McKenzie's Bay and the coastline (Bronte) across the rear yards of Nos. 11, 13, 15 and 17 (see View G and H).</p>
<p>Consider from what part of the property the views are obtained</p> <p>The protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.</p>	<p>The ground floor balcony at the rear of No. 9 provide the primary vantage point for ocean views from that property. In the seated position, the view, particularly of the water, is impeded by intervening buildings and vegetation. The view from the first floor balcony has a higher elevation however is more dominated by roofs and the built form No. 15 Dellview Street.</p>
<p>Assess the extent of the impact</p> <p>This should be done for the whole of the property, not just for the view that is affected.</p> <p>The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.</p>	<p>The view loss from the most vantage point (stated above) of the property is minor. Existing built form obstruct the potential for further ocean views. The proposed rear additions of No.13 Dellview Street impact very slightly taking visuals of the sky. The distant visuals of the sea that meets Bronte's coastline remains.</p>
<p>Assess the reasonableness of the proposal that is causing the impact</p> <p>A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.</p> <p>With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.</p>	<p>The proposed green roof of No.13 Dellview Street will enhance the occupants view from both the private outdoor spaces of No.9 Dellview Street.</p>

3 Dellview Street, Tamarama - Views I, J, K, L and M	
View Sharing Assessment Step	Proposed Development
<p>Assessment of views to be affected</p> <p>Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons.</p> <p>Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.</p>	<p>The rear first floor (interior and exterior) and ground floor deck and courtyard of No. 3 Dellview Street has partial views to the south of McKenzie's Bay and the coastline (Bronte) across the rear yards of dwellings to the south.</p>
<p>Consider from what part of the property the views are obtained</p> <p>The protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.</p>	<p>The first floor balcony and study provide the primary vantage point for ocean views from no.3 Dellview Street. The ground floor views to the ocean are impeded by existing built form and vegetation.</p>
<p>Assess the extent of the impact</p> <p>This should be done for the whole of the property, not just for the view that is affected.</p> <p>The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.</p>	<p>The view loss from the most vantage points (stated above) of the property is minor to nil. The proposed rear additions of no. 13 sits within the existing built form and adds to the existing green landscape. The distant visuals of the sea that meets Bronte's coastline are not disturbed. The extent of the impact is minor to none.</p>
<p>Assess the reasonableness of the proposal that is causing the impact</p> <p>A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.</p> <p>With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.</p>	<p>There is no impact to the existing ocean or distant coastline views. The proposed green roof, where seen from the viewpoints of no.3, will enhance the outlook.</p>

SITE PLAN



DELLVIEW LANE



LEGEND

- FL FLOOR LEVEL RL
- H HEAD OF WINDOW RL
- S SILL OF WINDOW RL
- (A) VIEW



A



EXISTING



PROPOSED

	Characteristic	Comment
Characteristic	Location of view	1 Carlisle Street, Tamarama - terrace level.
	Orientation	West of site.
	Date photo was taken	19-Sep-22
	Distance from site	14.7m between terrace balustrade and rear setback of site (existing ground floor balcony).
	Relative viewing level	1.5m above terrace level (terrace FL 42.33).
	Use at viewpoint	Outdoor private space.
	Purpose of being at viewpoint	Private recreation.
	Dominant elements - existing	The view to the existing property is dominated by sheet roofing elements and a hipped roof beyond. The view is dominated by built form with views of the ocean where there are no dwellings and Dellview Street turns. There is also a small vista view of the ocean between the roofs of 15 and 17 Dellview St.
Magnitude	Amount of fabric change	Minor - The proposed envelope in this view has increased by the size of the dormer windows. This triangulated addition will block a distant view of the street canopy of a tree on Dellview St. Within view context this is a change of about 5% of the overall view.
	View composition change	Minor - The built form sits mostly within the the existing envelope. The additional quantum of built form does not impede any significant views.
	Prominence	The built form and green roof will enhance this view which sits predominantly within the the existing envelope.
	Overall Rating	Minor.

B



EXISTING



PROPOSED

Characteristic	Characteristic	Comment
Characteristic	Location of view	1 Carlisle Street, Tamarama - first floor level (kitchen).
	Orientation	West of site.
	Date photo was taken	19/9/22
	Distance from site	14.7m between first floor window and rear setback of site (existing ground floor balcony).
	Relative viewing level	1.5m above first floor level (FL 39.88).
	Use at viewport	Kitchen.
	Purpose of being at viewpoint	Residential - kitchen space.
Magnitude	Dominant elements	The view towards the existing property is dominated by overlooking into the backyards and entertainment decks of 13 and 11 Dellview St. The overall view is dominated by built form with a small section street tree canopy in view. 50% of the view is dominated by 2 trees at the rear of 15 Dellview St. The removal of these trees will be replaced with a view of built form.
	Amount of fabric change	Minor - The proposed envelope in this view has increased by the size of the dormer windows and the roof of the rear form. This form will block a small portion of the visual canopy of street trees on Dellview St. Within view context this is a change of about 5% of the overall view.
	View composition change	Minor - The built form sits mostly within the the existing envelope. The additional quarter of built form does not impede any significant views.
	Prominence	The built form and green roof will enhance this view which sits predominantly within the the existing envelope.
	Overall Rating	Minor.

C



EXISTING



PROPOSED

	Characteristic	Comment
Characteristic	Location of view	11 Dellview Street, Tamarama - ground floor balcony level.
	Orientation	North of site.
	Date photo was taken	19/0/22
	Distance from site	2.2m between balcony (at balustrade of No.11) and northern side setback of site (ground floor balcony).
	Relative viewing level	1.5m above balcony level (FL 39.39).
	Use at viewpoint	Outdoor dining/seating.
	Purpose of being at viewpoint	Private recreation.
	Dominant elements	Built form (as for View 1). Middleground is dominated by structures and landscaping in rear yards of properties to the south. Partial view of ocean, small section of coastline and Bronte in the background.
Magnitude	Amount of fabric change	Minor.
	View composition change	Minor - The composition of this view is partially replaced by the close built form rather than the built form two properties to the South. Loss of sky by approximately 10%.
	Prominence	The green roof is noticeable, however its landscaped nature will soften its appearance and introduce a positive green element in the viewscape.
	Overall Rating	Minor.

D



EXISTING



PROPOSED

	Characteristic	Comment
Characteristic	Location of view	11 Dellview Street, Tamarama - ground floor level (dining).
	Orientation	North of site.
	Date photo was taken	19/9/22
	Distance from site	2.2m between window of No.11 and northern external wall of site.
	Relative viewing level	1.5m above ground floor level (FL 39.49).
	Use at viewport	Indoor dining/seating.
	Purpose of being at viewpoint	Sitting for dining.
	Dominant elements	The existing built form dominates this view, with a small vista of distant district views on the horizon.
Magnitude	Amount of fabric change	Moderate - A moderate amount of fabric change due to the orientation being a side boundary view.
	View composition change	Moderate - A moderate amount of composition change with a 65% loss of sky + district views.
	Prominence	The prominence of the new fabric will be of similar material to the current built form within the locality.
	Overall Rating	Moderate - as to be expected from a side boundary view loss.

E



EXISTING



PROPOSED

	Characteristic	Comment
Characteristic	Location of view	11 Dellview Street, Tamarama - ground floor level (lounge).
	Orientation	North of site
	Date photo was taken	19/9/22
	Distance from site	2.4m between window of No.11 and northern external wall of site.
	Relative viewing level	1.5m above ground floor level (FL 39.49).
	Use at viewport	Indoor seating
	Purpose of being at viewpoint	Private recreation
	Dominant elements	The existing built form dominates this view, and some sky.
Magnitude	Amount of fabric change	Moderate - A moderate amount of fabric change due to the orientation being a side boundary view.
	View composition change	Moderate - A moderate amount of composition change.
	Prominence	The prominence of the new fabric will be of similar material to the current built form within the locality.
	Overall Rating	Moderate - as to be expected from a side boundary view loss.

F



EXISTING



PROPOSED

	Characteristic	Comment
Characteristic	Location of view	11 Dellview Street, Tamarama - ground floor level (lounge).
	Orientation	North of site
	Date photo was taken	19/9/22
	Distance from site	2.4m between window of No.11 and northern external wall of site.
	Relative viewing level	1.5m above ground floor level (FL 39.49).
	Use at viewport	Indoor seating
	Purpose of being at viewpoint	Private recreation
	Dominant elements	The existing built form dominates this view, and some sky.
Magnitude	Amount of fabric change	Moderate - A moderate amount of fabric change due to the orientation being a side boundary view.
	View composition change	Moderate - A moderate amount of composition change.
	Prominence	The prominence of the new fabric will be of similar material to the current built form within the locality.
	Overall Rating	Moderate - as to be expected from a side boundary view loss.

G



EXISTING



PROPOSED

	Characteristic	Comment
Characteristic	Location of view	9 Dellview Street, Tamarama - ground floor balcony level
	Orientation	North of site
	Date photo was taken	19/9/22
	Distance from site	7.9m between ground floor balcony (at balustrade of No.9) and northern side setback of site (ground floor balcony).
	Relative viewing level	1.5m above ground floor balcony level (RL 39.91).
	Use at viewport	Outdoor dining/seating
	Purpose of being at viewpoint	Private recreation
	Dominant elements	A combination of built form, a landscaped vista that terminates at district views and distant ocean bay views.
Magnitude	Amount of fabric change	Minor - 70% of the built fabric sits within the existing built form, 30% of the built fabric takes some sky view, equating to a small slice of sky in the overall view.
	View composition change	Minor.
	Prominence	Minor.
	Overall Rating	Minor.

H



EXISTING



PROPOSED

	Characteristic	Comment
Characteristic	Location of view	9 Dellview Street, Tamarama - first floor balcony level
	Orientation	North of site
	Date photo was taken	19/9/22
	Distance from site	8.7m between first floor balcony (at balustrade of No.9) and northern external wall of site.
	Relative viewing level	1.5m above first floor balcony level (RL 43.26).
	Use at viewport	Outdoor viewing area.
	Purpose of being at viewpoint	Private recreation.
	Dominant elements	Mainly built form, a slice of ocean view along the horizon, a small landscaped vista and district views.
Magnitude	Amount of fabric change	Low - 95% of the built fabric sits within the existing built form, 5% of the built fabric takes a small section of ocean view. No impact to district and ocean bay views.
	View composition change	Minor - as per above.
	Prominence	Minor - as per above.
	Overall Rating	Minor.



EXISTING



PROPOSED

	Characteristic	Comment
Characteristic	Location of view	3 Dellview Street, Tamarama - ground floor courtyard level
	Orientation	North of site
	Date photo was taken	7/11/2022
	Distance from site	33m between southern boundary fence (at no.3 dellview) and northern side setback of site (ground floor balcony).
	Relative viewing level	1.5m above ground floor lawn level (RL 42.08)
	Use at viewport	Outdoor recreation
	Purpose of being at viewpoint	Private recreation
	Dominant elements	A combination of built form and landscape vistas. Tall boundary fence breaking up distant ocean bay views.
Magnitude	Amount of fabric change	Minor - 98% of the built fabric sits within the existing built form from this viewpoint.
	View composition change	Minor.
	Prominence	Minor - The green roof will be noticeable between the fence line. Its landscaped nature will add and blend in to the existing landscape vistas.
	Overall Rating	Minor.

J



EXISTING



PROPOSED

	Characteristic	Comment
Characteristic	Location of view	3 Dellview Street, Tamrama - ground floor deck level
	Orientation	North of site
	Date photo was taken	7/11/2022
	Distance from site	33m between southern boundary fence (at no.3 dellview) and northern side setback of site (ground floor balcony).
	Relative viewing level	1.5m above ground floor deck level (43.13)
	Use at viewport	Outdoor recreation
	Purpose of being at viewpoint	Private recreation
	Dominant elements	Built form, landscape vistas and distant ocean bay views.
Magnitude	Amount of fabric change	Negligible - proposal cannot be seen.
	View composition change	Negligible
	Prominence	Negligible
	Overall Rating	Negligible

K



EXISTING



PROPOSED

	Characteristic	Comment
Characteristic	Location of view	3 Dellview Street, Tamarama - first floor balcony
	Orientation	North of site
	Date photo was taken	7/11/2022
	Distance from site	33m between first floor balcony (at balustrade of No.3) and northern external wall of site.
	Relative viewing level	1.5m above first floor balcony level (RI 47.10)
	Use at viewport	Outdoor viewing area.
	Purpose of being at viewpoint	Private recreation
	Dominant elements	A combination of built form, landscape, sky and distant ocean bay views.
Magnitude	Amount of fabric change	Minor - 98% of built fabric sits within existing built form. 2% of the proposed green roof blocks some distant street views. No impact to district and ocean bay views.
	View composition change	Minor.
	Prominence	Minor.
	Overall Rating	Minor.

L



EXISTING

	Characteristic	Comment
Characteristic	Location of view	3 Dellview Street, Tamarama - first floor study
	Orientation	North of site
	Date photo was taken	7/11/2022
	Distance from site	33m between first floor southern external wall (No.3) and northern external wall of site.
	Relative viewing level	1.5m above first floor level (RL 47.10)
	Use at viewport	Indoor seating.
	Purpose of being at viewpoint	Private recreation.
	Dominant elements	A combination of built form, landscape, sky and distant ocean bay views.
Magnitude	Amount of fabric change	Minor - 100% of built fabric sits within existing built form. Only the proposed green roof is seen adding to the landscape.
	View composition change	Minor.
	Prominence	Minor.
	Overall Rating	Minor.

M



EXISTING



PROPOSED

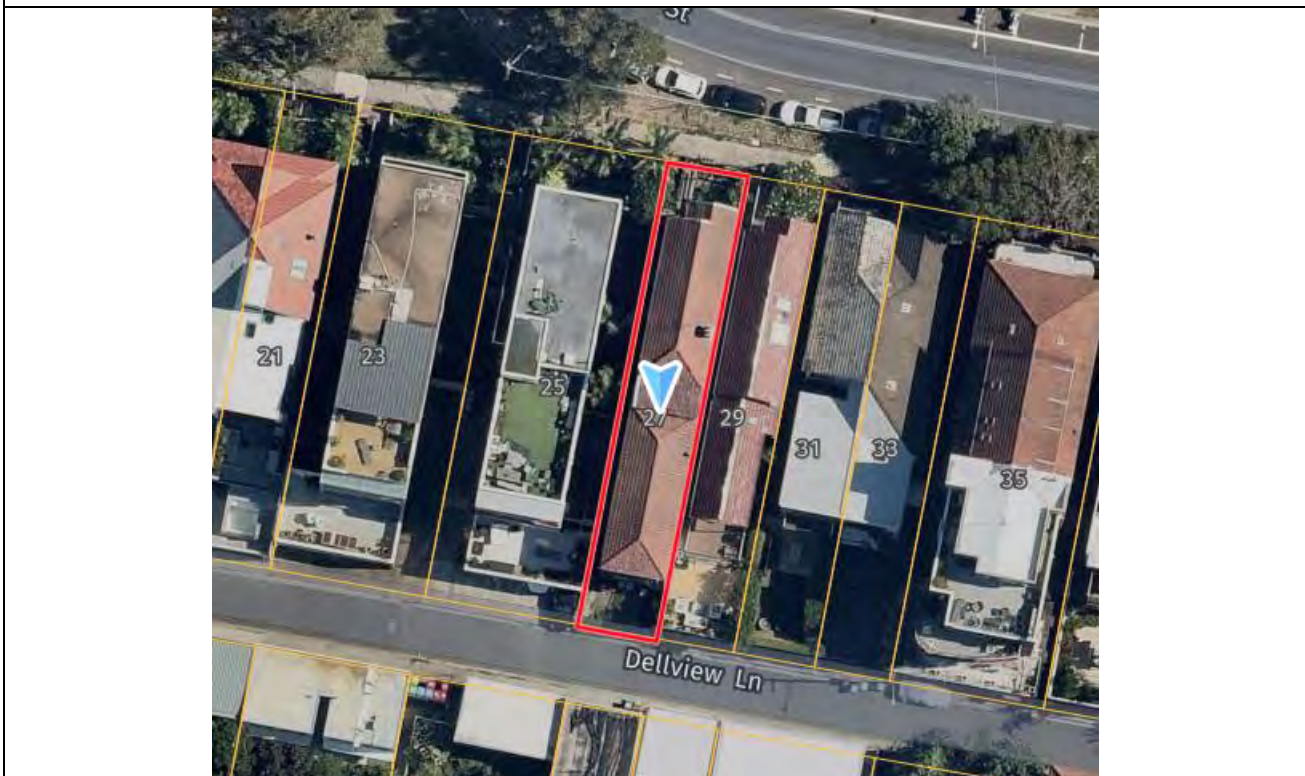
	Characteristic	Comment
Characteristic	Location of view	3 Delview Street, Tamarama - first floor living
	Orientation	North of site
	Date photo was taken	7/11/2022
	Distance from site	33m between first floor southern external wall (No.3) and northern external wall of site.
	Relative viewing level	1.5m above first floor level (RL 47.10)
	Use at viewport	Indoor seating.
	Purpose of being at viewpoint	Private recreation.
	Dominant elements	A combination of built form, landscape, sky and distant ocean bay views.
Magnitude	Amount of fabric change	Minor to nil - 100% of built fabric sits within existing built form.
	View composition change	Minor to nil.
	Prominence	Minor to nil.
	Overall Rating	Minor.



Report to the Waverley Local Planning Panel

Application number	DA-420/2022
Site address	27 Fletcher Street, Tamarama
Proposal	Alterations and additions to existing building including double car space and new roof terrace and change of use to a single dwelling PAN-266737
Date of lodgement	29 September 2022
Owner	Mr J S R Michael & Mr L J R Michael
Applicant	Mr J S R Michael & Mr L J R Michael
Submissions	Two unique submissions from five properties
Cost of works	\$1,784,304
Principal Issues	<ul style="list-style-type: none"> • Floor space ratio non-compliance • Height of building and wall height non-compliances • Excavation setbacks
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to the existing building including double car space and new roof terrace and change of use from a residential flat building to a single dwelling at the site known as 27 Fletcher Street, Tamarama.

The principal issues arising from the assessment of the application are as follows:

- Floor space ratio non-compliance
- Height of building and wall height non-compliances
- Excavation setbacks
- Loss of affordable housing

The assessment finds these issues acceptable subject to conditions of consent.

A total number of two unique submissions were received from five properties, and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. It is recommended for approval subject to conditions of consent.

1.2. Site and Surrounding Locality

A site visit was carried out on 17 January 2023.

The site is identified as Lot 9 in DP 4827, known as 27 Fletcher Street, Tamarama.

The site is rectangular in shape with a frontage of 6.1m to Fletcher Street. It has an area of 221.3m² and falls steeply from north (front) to south (rear) by approximately 6.6m measured from adjacent street levels. The northern front setback is excavated and is approximately 2m below street level.

The site is occupied by a part two, part three-storey residential flat building containing four one-bedroom units. A single-space parking garage is located at lower ground floor level, accessed from Dellview Lane.

The site is adjoined by a residential flat building at 25 Fletcher Street to the west, and a dwelling house at 29 Fletcher Street to the east. The locality is characterised by a variety of low and medium density residential developments.

Figures 1 to 3 are photos of the site and its context.



Figure 1: Site viewed from Fletcher Street, looking south



Figure 2: Site viewed from Dellview Lane, looking north



Figure 3: View from western side setback, looking south. The subject building is at the left of the photo, and 25 Fletcher Street is at the right of the photo

1.3. Relevant Development History

A search of Council's records revealed no relevant development history for the site.

1.4. Proposal

The development application seeks consent for change of use of the residential flat building to a dwelling house, and alterations and additions to the building consisting of:

Garage floor level (Dellview Street level):

- Demolition of western walls
- Construction of integrated two-car garage, bike storage, mud room, and laundry room
- Excavation to create lift, stairs and circulation area

Lower ground floor level:

- Alterations to western elevation windows, including introduction of new windows
- Lift addition
- Internal alterations to create three bedrooms, two bathrooms, and an “au pair suite” containing a bedroom and bathroom,
- New folding glazed doors to northern elevation, to provide access between “au pair suite” and front courtyard
- Excavation to create front courtyard
- Rear balcony accessed from new glazed doors

Upper ground floor level (Fletcher Street level)

- Alterations to western elevation windows, including introduction of new windows
- Lift addition
- Internal alterations to create living room, kitchen, dining room, bathroom, media room, and bedroom with ensuite
- Front covered balcony accessed from new sliding glazed door
- Rear balcony accessed from new folding glazed door
- External stairs to roof top
- Replacement of existing access bridge adjacent to Fletcher Street incorporating planter

Roof level

- Re-roofing of northern (front) part of roof
- Changes to the roof form of the rear part of the roof, including lowering the maximum height to create a flat roof, and addition of rear overhang
- Roof terrace
- Green roof

1.5. Background

The development application was lodged on 29 September 2022 and was notified from 4 November until 22 November 2022.

On 27 January 2023, the application was deferred and amended plans and additional information was requested to address issues including the following:

1. The proposed excavation was considered excessive. The extent of excavation was requested to be reduced, and an amended geotechnical report provided.
2. A statement was requested to be provided regarding whether dewatering is proposed as the submitted Geotechnical report identified that there may be groundwater seepage and that pumping of groundwater may be required ie. dewatering. This was requested to determine whether the development application should be considered as integrated development.
3. The proposed roof was requested to be amended to eliminate the proposed overshadowing on neighbours.
4. The proposed roof terrace was requested to be deleted to protect neighbouring privacy.
5. The rear balconies were requested to be deleted or reduced in scale to protect neighbouring privacy.

On 6 March 2023, amended plans and additional information was provided. The applicant also confirmed the proposal does not involve dewatering. The amended plans and documentation form the basis of the assessment in this report.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

The following SEPPs apply from the 1st March 2022 and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP (Housing) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

A detailed discussion is provided for SEPP (Housing) 2021 as follows:

SEPP (Housing) 2021.

The proposal results in the loss of four x one bedroom units which have been leased at prices at or below the median rental price for one bedroom dwellings for the Waverley local government area within the five years prior to lodgement. This represents a reduction in affordable housing under the provisions of clause 47 of the SEPP (Housing) 2021.

A monetary contribution of \$231,000 is required to mitigate the reduction of affordable housing, and a condition of consent to achieve this is included at Appendix A.

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	Satisfactory.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is defined as a <i>dwelling-house</i> , which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	No	The proposal has a maximum height of 9.9m, representing a 4.2% exceedance of the development standard. The proposed roof terrace privacy screening is the only part of the building which exceeds the standard. See the <i>Clause 4.6 Exceptions to Development Standards</i> section of this report below for further discussion.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.86:1 FSR 190.3m² GFA 	No	The existing building has a gross floor area (GFA) of 226.9m ² and a floor space ratio (FSR) of 1.03:1. The proposal has a GFA of 252.2m ² , and an FSR of 1.14:1, representing a 32.5% exceedance of the development standard.

Provision	Compliance	Comment
		See the <i>Clause 4.6 Exceptions to Development Standards</i> section of this report below for further discussion.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings and floor space ratio development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is located on class 5 land. The proposal does not involve works requiring an acid sulfate soil management plan.
6.2 Earthworks	Yes	The applicant has provided a geotechnical report which recommends that care must be taken to ensure the proposed excavation does not endanger the existing building on site or neighbouring structures. Conditions of consent are included at Appendix A requiring excavation to be supervised by structural engineers.

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

Clause 4.6 Exceptions to Development Standards – Height of buildings

The application seeks to vary the height of buildings development standard in clause 4.3 under Waverley LEP 2012.

The site is subject to a maximum building height of 9.5m. The proposed development has a maximum height of 9.9m, exceeding the standard by 400mm equating to a 4.2% exceedance. The exceedance of the development standard is limited to the proposed rooftop privacy screening.

A written request has been submitted to Council in accordance with clause 4.6(3)(a) and (b) of Waverley LEP 2012 seeking to justify the contravention of the development standard by demonstrating:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (b) That there are sufficient environmental planning grounds to justify contravening the standard.

A copy of the applicant's written request has been provided to the Waverley Local Planning Panel for consideration.

Applicant's Written Request – Clause 4.6(3)(a) and (b)

The applicant seeks to justify the contravention of the height of buildings development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the objectives of the development standard are achieved notwithstanding non-compliance with the standard as follows:
- (i) Objective (a), to ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views, is achieved as the proposed privacy screen which exceeds the development standard is set-in from the sides and rear of the building and will not result in any loss of views or overshadowing for neighbours. The proposed screening will inhibit sightlines toward 25 Fletcher street and will therefore protect privacy of neighbours.*
 - (ii) Objective (b), to accommodate taller buildings on land in Zone B3 Commercial Core in the Bondi Junction Centre and establish a transition in scale between adjoining zones to protect local amenity, is not relevant as the proposal is not located within Bondi Junction.*
 - (iii) Objective (c), to maintain satisfactory solar access to existing buildings and public areas, is achieved as the exceedance does not result in any overshadowing.*
 - (iv) Objective (d), to establish building heights that are consistent with the desired future character of the locality, is achieved as the proposal is set-in from the side walls of the building and will not be visible from the public domain.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) Compliance with the development standard is unreasonable and unnecessary as the proposed privacy screen will not unduly add to the overall bulk and scale of the dwelling, given its location and dimensions and the building will remain compatible with surrounding development and the desired future character for the locality.*
 - (ii) The component of the development above the height control is limited to upper section of the privacy screen, which is a minor component of the dwelling overall and set in from the edges of the building.*
 - (iii) Exceedance of the height control by the privacy screen will not create additional unreasonable environmental amenity impacts in terms of overshadowing, loss of views, loss of privacy or loss of visual amenity:*
 - The proposed privacy screen will not result in the loss of views from surrounding development given its location and size;*
 - The proposed privacy screen will not create any additional overshadowing over adjoining properties as demonstrated in the submitted sun-eye diagrams;*

- *The proposed privacy screen will ensure that sightlines are inhibited towards the west, protecting the privacy of No. 25 Fletcher Street; and*
- *The proposed privacy screen will not impact on the visual bulk of the building given it is set in from the edges of the building including the rear.*

Consideration of Applicant's Written Request - Clause 4.6(4) (a) (i) and (ii)

Development consent must not be granted unless the consent authority is satisfied that:

- The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
- The proposed development will be in the public interest because it is consistent with the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at clause 4.6(3)(a)?

It is considered that the applicant has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced the following justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

- the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*

The justification is considered sound, as the objectives of the development standard are achieved as follows:

- Objective (a), *to ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views*, is achieved as the proposed privacy screen will not result in any loss of views or overshadowing for neighbours and will improve visual privacy for occupants of 25 Fletcher Street.
- Objective (b), *to accommodate taller buildings on land in Zone B3 Commercial Core in the Bondi Junction Centre and establish a transition in scale between adjoining zones to protect local amenity*, is not relevant as the proposal is not located within Bondi Junction.
- Objective (c), *to maintain satisfactory solar access to existing buildings and public areas*, is achieved as the exceedance does not result in any overshadowing.
- Objective (d), *to establish building heights that are consistent with the desired future character of the locality*, is achieved as the proposal is set-in from the side walls of the building and will not be visible from the public domain.

Does the written request adequately address those issues at clause 4.6(3)(b)?

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard.

The exceedance of the development standard is limited to part of the proposed privacy screen. The exceedance does not result in any amenity impacts on neighbours, improves visual privacy for occupants of 25 Fletcher Street, and will not be visible from the public domain.

Is the development in the public interest?

The proposed development will be in the public interest because it is consistent with both the objectives of the development standard as set out above and the objectives for development within the R3 Medium Density Residential zone in which the development is proposed to be carried out as set out below:

- The proposal continues to provide for the housing needs of the community, irrespective of the height non-compliance.
- The proposal assists in providing a variety of housing types within a medium density residential environment.
- The proposal will not inhibit the ability for other land uses that provide facilities or services to meet the day to day needs of residents, irrespective of the height non-compliance.
- The proposed breach in the height control will not affect the parking and bicycle parking is provided within the garage.

Conclusion

For the reasons provided above the requested variation to the height of buildings development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the height of buildings development standard and the R3 Medium Density Residential zone.

Clause 4.6 Exceptions to Development Standards - Floor space ratio

The application seeks to vary the floor space ratio (FSR) development standard in clauses 4.4 and 4.4A under Waverley LEP 2012.

The site is subject to a maximum FSR of 0.86:1, or a GFA of 190.3m². The proposed development has an FSR of 1.14:1, a GFA of 252.2m², exceeding the standard by 61.5m² equating to a 32% variation.

The increase in GFA is attributed to the proposed excavated areas at garage-level. The proposed alterations and additions to the upper floor levels result in a reduction of GFA at those levels.

A written request has been submitted to Council in accordance with clause 4.6(3)(a) and (b) of Waverley LEP 2012 seeking to justify the contravention of the development standard by demonstrating:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (b) That there are sufficient environmental planning grounds to justify contravening the standard.

A copy of the applicant's written request has been provided to the Waverley Local Planning Panel for consideration.

Applicant's Written Request - Clause 4.6(3)(a) and (b)

The applicant seeks to justify the contravention of the FSR development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the objectives of the development standard are achieved notwithstanding non-compliance with the standard as follows:
 - (i) *Objective (a), to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs, is not relevant as the site is not located within Bondi Junction Centre.*
 - (ii) *Objective (b), to provide an appropriate correlation between maximum building heights and density controls, is achieved as the proposed built form is compliant with the height of buildings development standard with the exception of the proposed privacy screening to the roof terrace which will not be visible and does not add to the visual bulk of the building.*
 - (iii) *Objective (c), to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality, is achieved as the proposed works are within the footprint of the existing building, and as the maximum height of the building will not be affected with the exception of the proposed privacy screen.*
 - (iv) *Objective (d), to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality, is achieved as no additional overshadowing will occur as a result of the increase in floor space, as the proposal maintains visual and acoustic privacy, as the proposal will not affect any views.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) *The proposal will result in a minor increase from the existing FSR with the increase being additional floor area at the garage level behind the proposed parking.*
 - (ii) *Exceedance of the FSR control will not create additional building bulk that results in unreasonable environmental amenity impacts in terms of overshadowing, loss of views, loss of privacy or loss of visual amenity and a reduction in this bulk would not create additional benefit for adjoining properties or the locality.*

- (iii) The proposal will provide a development, which has been designed to ensure that the visual and acoustic privacy of adjoining properties is improved from that existing.*
- (iv) The proposal will provide a development, which is consistent with the scale of the adjoining developments and is of an appropriate visual bulk for the locality.*

Consideration of Applicant's Written Request - Clause 4.6(4) (a) (i) and (ii)

Development consent must not be granted unless the consent authority is satisfied that:

- (a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
- (b) The proposed development will be in the public interest because it is consistent with the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at clause 4.6(3)(a)?

It is considered that the applicant has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced the following justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

- (a) the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*

The justification is considered sound, as the objectives of the development standard are achieved as follows:

- (a) Objective (a), *to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs*, is not relevant as the site is not located within Bondi Junction Centre.
- (b) Objective (b), *to provide an appropriate correlation between maximum building heights and density controls*, is achieved as the proposed built form is compliant with the height of buildings development standard with the exception of the proposed privacy screening to the roof terrace which will not be visible and does not add to the visual bulk of the building. The increase in GFA is limited to lower ground floor level and will not affect the height of the building.
- (c) Objective (c), *to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality*, is achieved as the proposed works are within the footprint of the existing building. The maximum height of the building will not be affected with the exception of the proposed privacy screen. The increase in GFA is limited to the lower ground floor level and will not affect the overall bulk and scale of the building.

(d) Objective (d), *to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality*, is achieved as no additional overshadowing will occur as a result of the increase in floor space. The proposal also maintains visual and acoustic privacy and will not affect any views.

Does the written request adequately address those issues at clause 4.6(3)(b)?

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard.

The proposed increase in FSR is limited to an increase in GFA at the lower ground floor level which will not result in additional bulk and will not result in any amenity impacts including any overshadowing, view, or privacy impacts. The proposal will remain consistent with the scale of adjoining developments.

Is the development in the public interest?

The proposed development will be in the public interest because it is consistent with both the objectives of the development standard as set out above and the objectives for development within the R3 Medium Density Residential zone in which the development is proposed to be carried out as set out below:

- The proposal continues to provide for the housing needs of the community, irrespective of the FSR non-compliance.
- The proposal assists in providing a variety of housing types within a medium density residential environment.
- The proposal will not inhibit the ability for other land uses that provide facilities or services to meet the day to day needs of residents, irrespective of the FSR non-compliance.
- The proposed breach in the FSR control will not affect the parking and bicycle parking is provided within the garage.

Conclusion

For the reasons provided above the requested variation to the FSR development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of FSR development standard and the R3 Medium Density Residential zone.

2.1.3. Waverley Development Control Plan 2012 (Waverley DCP 2012) – Amendment No.9

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Yes	Satisfactory.
5. Vegetation Preservation	Yes	There are no significant trees on site.
6. Stormwater	Yes	Satisfactory subject to conditions of consent requiring amended stormwater plans.
8. Transport Maximum parking rate: <ul style="list-style-type: none"> • 2 spaces for 3 or more bedrooms. 	Yes	The proposal provides for 2 car spaces. Its design and location are satisfactory.
10. Safety	Yes	Satisfactory.
12. Design Excellence	Yes	Satisfactory.
14. Excavation <ul style="list-style-type: none"> • Excavation to not add to bulk and scale of building • Excavation to be set back 900mm from boundaries 	Acceptable on merit	<p>The proposal includes excavation within 900mm of the side boundaries. The excavation is acceptable on merit for the reasons set out below.</p> <p>The extent of significant excavation is limited to a length of approximately 4.5m along the western boundary to a maximum depth of 1.5m, and to a length of approximately 4.6m along the eastern boundary to a maximum depth of 2.3m.</p> <p>The proposed limited extent and depth of the excavation is considered reasonable in the context of the narrow 6m width of the subject site, in the context of the existing building which is built with a nil setback to the eastern boundary, and in the context of the neighbouring site at 25 Fletcher Street which is already excavated with nil setback to the same depth as the proposed excavation.</p> <p>The applicant has provided a geotechnical report which recommends that care must be taken to ensure the proposed excavation does not endanger the existing building on site or neighbouring structures.</p> <p>Conditions of consent are included at Appendix A requiring excavation to be supervised by structural engineers to mitigate excavation impacts and risks. Subject to the imposition of</p>

Development Control	Compliance	Comment
		the conditions, the objectives of the control are met.
16. Public Domain	Yes	Satisfactory.

Table 3: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
2.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> Maximum wall height of 7.5m 	Acceptable on merit	<p>The proposal exceeds the wall height control at the rear of the site. The non-compliance is supported on merit due to the acceptable impacts of the non-compliance and due to the context of the site, as set out below.</p> <p>The exceedance of the 7.5m wall height control is limited to the rear part of the building due to the steeply sloping nature of the site. The proposal alters the rear roof form from a pitched roof to a flat roof and increases the maximum wall height to 9.1m.</p> <p>The alteration of the roof form reduces the extent of the building which exceeds the WLEP height of buildings development standard, as the existing roof ridge exceeds the standard whereas the proposed flat roof complies with the standard.</p> <p>The amenity impacts of the exceedance of the DCP control are minimal. Solar access to a rear window of a unit at 23 Carlisle Street at 9am at midwinter will be reduced. However, the affected window receives continuous solar access throughout the remainder of the day, and therefore the overall impact is minor. The non-compliance does not result in any other solar access or amenity impacts.</p> <p>The proposed building height, bulk and form is appropriate to the context of the site. The height, wall height, bulk and scale of the proposal is less than neighbouring buildings along the south side of Fletcher Street, including numbers 23, 25, and 35.</p>

Development Control	Compliance	Comment
		For the above reasons, the proposed wall height is supported on merit, and the objectives of the controls are achieved.
2.2 Setbacks		
<p>2.2.1 Front and rear building lines</p> <ul style="list-style-type: none"> • Predominant front building line • Predominant rear building line at each floor level 	<p>Yes</p> <p>Acceptable on merit</p>	<p>Satisfactory.</p> <p>The proposed lower ground floor rear terrace and balustrade adheres to the predominant rear building line.</p> <p>The proposed upper ground floor rear setback is acceptable on merit as set out below.</p> <p>There is no consistent rear building line at upper ground floor level along the northern side of Dellview Lane. The proposed upper ground floor balcony is set back 2.1m from the rear boundary, which is less than the majority of buildings along the lane but is more than the 1.1m setback of upper floor balconies at 35 Fletcher Street.</p> <p>The proposed rear balcony is set back 900mm from the side boundaries, extends only 1.2m from the existing rear wall of the subject site, will have no solar access impacts, and will have minor overlooking impacts. In these circumstances the proposed rear setback is supported on merit, and the objectives of the control are achieved.</p>
<p>2.2.2 Side setbacks</p> <ul style="list-style-type: none"> • Minimum of 900mm for heights up to 8.5m • Minimum of 1.5m for heights up to 12.5m 	<p>Acceptable on merit</p>	<p>The proposal retains the existing nil setback at all levels to the eastern side boundary and retains the existing 946mm side setback to the upper floor levels to the western boundary.</p> <p>The retention of the existing setbacks and minor increases in the building envelope with these setbacks for the proposed garage, for the rear upper ground floor balcony and for the rear flat roof form, are acceptable as they do not have any solar access impacts, do not have any other significant amenity impacts, and respond to the existing context of the site.</p> <p>The proposal also includes a reduction in setbacks from the western side boundary at Dellview Lane level to accommodate the new two-car garage. The nil setback is acceptable in the context of the site as garage structures with nil setbacks are predominant along the lane, and</p>

Development Control	Compliance	Comment
		<p>as the nil-setback has no amenity impacts on neighbours.</p> <p>As set out above, the non-compliance with the control is acceptable on merit, and the objectives of the control are achieved.</p>
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> • New development to be compatible with streetscape context • Replacement windows to complement the style and proportions of existing dwelling • Contemporary alterations and additions should include windows characteristic of the style of the addition 	Yes	<p>The proposal successfully integrates contemporary additions with the existing structure of the building. The proposed windows and details are appropriate for the proportions of the building and are appropriate for the context of the site.</p>
2.4 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> • Maximum height of 1.2m • Solid section no more than 0.6m high 	Yes	Satisfactory
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> • Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design • External stairs are not acceptable, in order to protect privacy and in order to maintain aesthetic quality 	<p>Yes</p> <p>Acceptable on merit</p>	<p>The proposed western side-facing windows retain visual privacy for neighbouring occupants at 25 Fletcher Street. All proposed windows are narrow therefore minimising outlook, with the exception of windows 14 and 15 which feature obscure glazing to prevent overlooking.</p> <p>The proposal includes the removal of an external flight of stairs between lower and upper ground floor levels and the construction of a new external flight of stairs to access the roof terrace. The proposed stairs are screened to prevent overlooking, and do not extend beyond the existing setbacks of the building.</p> <p>The external stairs are acceptable on merit as they retain visual privacy, do not contribute to the visual bulk of the building, and provide access to an external space.</p>

2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June 	Acceptable on merit	<p>The proposed living areas and principal private open space do not receive 3 hours of solar access at midwinter due to the inherent constraints of the site, including the orientation of the site, the narrow dimensions of the site, and the setbacks of buildings at the subject and neighbouring sites.</p> <p>The deficient solar access is acceptable on merit as there is a good level of amenity provided by the remainder of the proposal and due to provision of a roof terrace which does receive continuous solar access at midwinter.</p>
<ul style="list-style-type: none"> Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. 	Yes	The proposal does not have any material impact on solar access to neighbouring private open spaces. The loss of 0.4m ² solar access to the rear balcony at 25 Fletcher Street at 10am at midwinter will have no material impact on the amenity of the affected unit.
<ul style="list-style-type: none"> Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	Yes	The proposal will not cause any additional overshadowing to neighbouring windows at midwinter.
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	The proposal has no known view impacts.
2.8 Car parking		
<p>2.8.1 Design Approach</p> <ul style="list-style-type: none"> Parking only allowed where site conditions permit Designed to complement the building and streetscape Car parking structures to be behind the front building line 	Yes	Satisfactory. The proposed parking is located at the rear of the site, accessed from Dellview Lane. The design and size of the garage is appropriate for the site.

<ul style="list-style-type: none"> • Driveways are to be located to minimise the loss of on street parking • Parking to be provided from secondary streets or lanes where possible. 		
2.8.2 Parking rates	Yes	Satisfactory. Two parking spaces are proposed, in compliance with the controls.
2.8.3 Location <ul style="list-style-type: none"> • Existing development to be in accordance with the hierarchy of preferred car parking locations 	Yes	Satisfactory. The proposed parking within the front setback complies with the parking location hierarchy controls.
2.8.4 Design <ul style="list-style-type: none"> • Complement the style, massing and detail of the dwelling • Secondary in area and appearance to the design of the residences • No part of the façade is to be demolished to accommodate car parking • Gates to have an open design 	Yes	Satisfactory. The proposed parking is at the rear of the site and is of an appropriate size, scale, and appearance.
2.8.5 Dimensions <ul style="list-style-type: none"> • 5.4m x 2.4m per vehicle 	Yes	Satisfactory.
2.8.6 Driveways <ul style="list-style-type: none"> • Maximum of one per property • Maximum width of 3m at the gutter (excluding splay) • Crossings not permitted where 2 on street spaces are lost 	Yes	Satisfactory.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> • Overall open space: 40% of site area 	Yes	Satisfactory. 49% open space is provided inclusive of the proposed green roof and balconies.
<ul style="list-style-type: none"> • Overall landscaped area: 15% of site area 	Yes	Satisfactory. 19% landscaped area is proposed.
<ul style="list-style-type: none"> • Minimum area of 25m² for private open space 	Acceptable on merit	The proposed principal private open space has an area of 7.2m ² , significantly less than the 25m ² minimum control.

<ul style="list-style-type: none"> • Front open space: 50% of front building setback area • Front landscaped area: 50% of front open space provided • Outdoor clothes drying area to be provided 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The non-compliant principal private open space is acceptable on merit due to the constraints of the site and the good level of amenity otherwise provided as set out below.</p> <p>The opportunity to provide private open space is constrained by the site dimensions, the significant footprint of the existing building, the steep slope of the site, the presence of parking at the rear, and the need to limit the size of upper-level balconies to protect neighbouring privacy.</p> <p>Notwithstanding the non-compliance with the control, the proposed dwelling provides good amenity for occupants including good internal amenity through the provision of separate living room, dining room and media rooms, and provides alternative secondary private open space via the proposed rooftop terrace.</p> <p>Satisfactory.</p> <p>Satisfactory.</p> <p>Satisfactory.</p>
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2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for at least 14 days from 4 November until 22 November 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not re-notified as the amended plans reduce impacts on neighbouring properties due to the reduction in the height and bulk of the building, the decrease in the provision of balconies and roof terraces, and the increase in privacy screening.

A total of two unique submissions were received during the original notification, from the following five properties:

Table 4: Number of and where submissions were received from.

Count	Property Address
1.	1/25 Fletcher Street (duplicate of 3/25 Fletcher Street's submission)
2.	3/25 Fletcher Street
3.	4/25 Fletcher Street
4.	5/25 Fletcher Street (duplicate of 3/25 Fletcher Street's submission)
5.	6/25 Fletcher Street (duplicate of 3/25 Fletcher Street's submission)

The following issues raised in the submissions have already been discussed and addressed in the body of this report and/or the Recommendation:

- Proposed building height, rear setbacks, wall height, bulk and scale, and associated solar access impacts on 25 Fletcher Street, and streetscape impacts;
- Proposed rear balconies and roof terrace, and associated privacy impacts;
- Solar access impacts;
- Excavation impacts on number 25 Fletcher Street.

All other issues raised in the submissions are summarised and discussed below.

Issue: The proposal will affect neighbouring property values.

Response: Neighbouring property values is not a relevant planning matter.

Issue: The proposed construction will be lengthy.

Response: Conditions of consent to manage construction impacts are included in Appendix A of this report.

2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Traffic and Development

Council's traffic and development team objected to the proposal on the basis that the proposed garage is too narrow to accommodate two cars and has insufficient head-height.

Notwithstanding the traffic and development team's objection, the garage is considered acceptable on balance. The proposed width of 5.4m complies with the minimum WDCP 2012 width control, and the proposed head height of 2.1m is only 100mm below the Australian Standard of 2.2m. Given the constraints of working within the existing building envelope, the minor non-compliance is considered acceptable on balance.

Conditions of consent requiring construction of the existing vehicle crossing, and conditions managing construction traffic, are included at Appendix A of this report.

3.2. Stormwater

Council's stormwater engineers supported the proposal subject to conditions of consent requiring finalised stormwater plans. The conditions are included at Appendix A of this report.

3.3. Tree Management

Council's tree management officer raised no objections to the proposal.

3.4. Strategic Planning

Council's strategic planning team supported the proposal subject to financial contributions to mitigate the loss of affordable housing. See the SEPP section of this report above for further discussion.

4. CONCLUSION

The development application seeks consent for alterations and additions to the existing building including double car space and new roof terrace and change of use to a single dwelling at the site known as 27 Fletcher Street, Tamarama.

The principal issues arising from the assessment of the application are as follows:

- Floor space ratio non-compliance
- Height of building and wall height non-compliances
- Excavation setbacks
- Loss of affordable housing


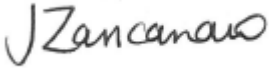
The assessment finds these issues acceptable.

A total number of two unique submissions were received from five properties, and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. It is recommended for approval subject to conditions of consent.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be **APPROVED** by the Waverley Local Planning Panel subject to the conditions in Appendix A.

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
David Knight	Jo Zancanaro
Senior Development Assessment Planner	Acting Manager, Development Assessment (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 22 March 2023	Date: 11/04/2023

Reason for WLPP referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Design Tribe Projects including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA1.00 C	Site plan	17/02/2023	06/03/2023
DA1.01 C	Garage plan	17/02/2023	06/03/2023
DA1.02 C	Lower ground floor plan	17/02/2023	06/03/2023
DA1.03 C	Ground floor plan	17/02/2023	06/03/2023
DA1.04 C	Terrace / roof plan	17/02/2023	06/03/2023
DA1.07 C	East elevation	17/02/2023	06/03/2023
DA1.08 C	West elevation	17/02/2023	06/03/2023
DA1.09 C	North elevation	17/02/2023	06/03/2023
DA1.10 C	South elevation	17/02/2023	06/03/2023
DA1.11 C	Sections	17/02/2023	06/03/2023
DA1.11.1 A	Sections	17/02/2023	06/03/2023
DA1.17 A	Schedule of external finishes	22/02/2023	06/03/2023

(b) Landscape Plan No.DA1.05 and DA1.05.1 prepared by Design Tribe Projects, received by Council on 06/03/2023;

(c) BASIX and NatHERs Certificates;

(d) Stormwater Details and documentation prepared by Quantum Engineers dated 12/07/2022, and received by Council on 29/09/2022;

Except where amended by the following conditions of consent.

2. DOMESTIC HEATERS

The provision of solid fuel heating is prohibited.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required.

GENERAL REQUIREMENTS

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

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

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

4. 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 applicable requirements of Part 6, before any work commences.

CONTRIBUTIONS, FEES & BONDS

5. SECTION 7.12 CONTRIBUTION

A monetary development contribution is payable to Waverley Council pursuant to section 7.12 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:
 - (i) Where the total development cost is less than \$500,000:
"Waverley Council Cost Summary Report"; or,
 - (ii) Where the total development cost is \$500,000 or more:
"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

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

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

Prior to the issue of any 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.

6. AFFORDABLE HOUSING CONTRIBUTION – PAYMENT IN ACCORDANCE WITH STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

The Affordable Housing Contribution is as follows:

- (a) Pursuant to clause 51(2) of State Environmental Planning Policy (Affordable Rental Housing) 2009, the applicant must provide a monetary contribution towards the provision of affordable housing as the proposed development will or is likely to reduce the availability of affordable housing within the area.
- (b) The contribution of **\$231,000** payable for the provision of affordable rental housing under s7.33 of the Environmental Planning and Assessment Act 1979 for the purpose of mitigating the loss of low-rental accommodation proposed by the subject DA, must be paid in one complete payment to Waverley Council prior to the issue of any Construction Certificate.

7. SECURITY DEPOSIT

A deposit (cash or cheque) for the amount of **\$35,686.08** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) 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 of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any 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 0.25% of building work costing \$250,000 or more.

CONSTRUCTION MATTERS

9. HOARDING

To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.

10. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual.

The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.

11. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical 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.

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.

12. ENGINEERING DETAILS

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

13. ENGINEERING CERTIFICATE OF ADEQUACY

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

14. STRUCTURAL DOCUMENTATION

- (a) A construction management plan must be submitted to the project geotechnical engineer for approval. The engineers must have relevant experience, have chartered status with the Institute of Engineers Australia and be registered on the National Engineers Register.

Satisfaction of the project geotechnical engineer that the construction management plan will provide for the retention of the building and its structural integrity must be demonstrated to the consent authority prior to the issue of the relevant Construction Certificate.

- (b) The documentation provided by the principal structural engineer as part of the construction certificate should detail the follow:
- i. Design and documentation of the Strengthening and Stability requirements to ensure the existing building is suitable for the intended alteration and additions, and
 - ii. Provide detailed procedure on the methodology and constructability of the proposed work within the existing / approved building envelope, in particular to the excavation works.

STORMWATER & FLOODING

15. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

The submitted stormwater management plan prepared by Quantum Engineers, Job No. 220289, Drawing No. D1-D6, Revision A, dated 12/07/2022, is considered concept only.

- a) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- b) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.
- c) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- d) All new downpipes are to be wholly located within the property.
- e) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath shall be provided.
- f) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

- The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (Oct 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.

- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

16. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

The Applicant is to pay to Council fees for the assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council.

An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.

ENERGY EFFICIENCY & SUSTAINABILITY

17. BASIX

All requirements of the BASIX Certificate and NatHERS documentation are to be shown on the Construction Certificate plans and documentation.

WASTE

18. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* 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.

LANDSCAPING & TREES

19. GREEN ROOF LANDSCAPING DETAILS

The construction certificate landscape plans are to comply with the controls for green roofs in Part B3.1 of the *Waverley Development Control Plan 2012* including;

- (a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B2 – 1).
- (b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species.
- (c) The green roof is to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof is to be for servicing purposes only.

A qualified landscape architect must review the design and verify that it complies with the above requirements.

TRAFFIC MANAGEMENT

20. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:

https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent

21. DILAPIDATION REPORT

A Dilapidation report is to be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. The dilapidation report is to be made available to affected property owners.

The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.

Note: Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required.

PRIOR TO ANY WORKS

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.

DEMOLITION & EXCAVATION

23. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2017;
- SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
- Australian Standard 2601 (2001) – Demolition of Structures;
- *Protection of the Environment Operations Act 1997*.

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

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

24. CONTROL OF DUST ON CONSTRUCTION SITES

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

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.

25. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste Classification Guidelines 2014.

26. 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.

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 excavation is to be managed by a practising structural engineer.

CONSTRUCTION MATTERS

27. 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 Sundays and public holidays.

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

Noise from construction activities shall comply with the *Protection of the Environmental Operations (Noise Control) Regulation 2017*.

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

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

29. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002 and 162A Critical stage inspections for building work of the Environmental Planning and Assessment Regulation 2000.

30. CERTIFICATE OF SURVEY - LEVELS

All construction works are to be 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. 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 location 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.

32. WORK OUTSIDE PROPERTY BOUNDARY

This consent does not authorise any work outside the property boundary.

TREE PROTECTION AND REMOVAL

33. TREE PROTECTION

All trees on site and adjoining properties, including street trees, are to be retained and protected in accordance with AS4970-2009 'Protection of Trees on Construction Sites' and to be certified by an Arborist with AQF level 5 qualification or above, unless approved to be removed in this development consent.

34. STREET TREES TO BE RETAINED/TREE PROTECTION

No existing street trees shall be removed without Council approval. Precautions shall be taken when working near trees to ensure their retention, including the following:

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) Prevent damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;
- (d) Do not add or remove topsoil from under the drip line;
- (e) Do not compact ground under the drip line;
- (f) Do not mix or dispose of liquids within the drip line of the tree; and
- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 "Protection of trees on construction sites.

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

35. RECONSTRUCT VEHICLE CROSSING

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

Prior to the submission of the vehicle crossing application, works as executed drawings shall be submitted to Council for the approval of the Executive Manager Creating Waverley confirming the finished levels of the internal driveway between the property boundary and the car parking spaces/s comply with the approved levels.

36. VEHICULAR ACCESS - FINISHED LEVELS TO INVERT OF THE GUTTER

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

D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE OR SUBDIVISION CERTIFICATE

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever applies.

37. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, an Occupation Certificate must be obtained.

The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

38. CERTIFICATION OF BASIX COMMITMENTS

The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.

39. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. Similarly any retained stormwater drainage system is unblocked, in good working order and to be repaired/replaced to best practice. A copy of the certification must be submitted to Council.

40. STREET NUMBER

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

E. ADVISORY MATTERS

The following advisory matters are provided as additional information to ensure compliance with the relevant legislation and requirements. You must also check other Commonwealth and NSW Acts and Regulations which may apply to the works or use approved in this application.

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au or via the NSW Planning Portal (if required).
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition).
- Include DA reference number.
- Include condition number/s seeking to be addressed.
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to ‘Electronic lodgement guidelines’ on Council’s website. Failure to adhere to Council’s naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note, in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council’s standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

AD2. SYDNEY WATER REQUIREMENTS

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

Contact Sydney Water for more information.

AD3. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in

NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD5. ALTERATIONS AND ADDITIONS ONLY

This consent is for alterations and additions to the existing building only and should during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment.

AD6. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.

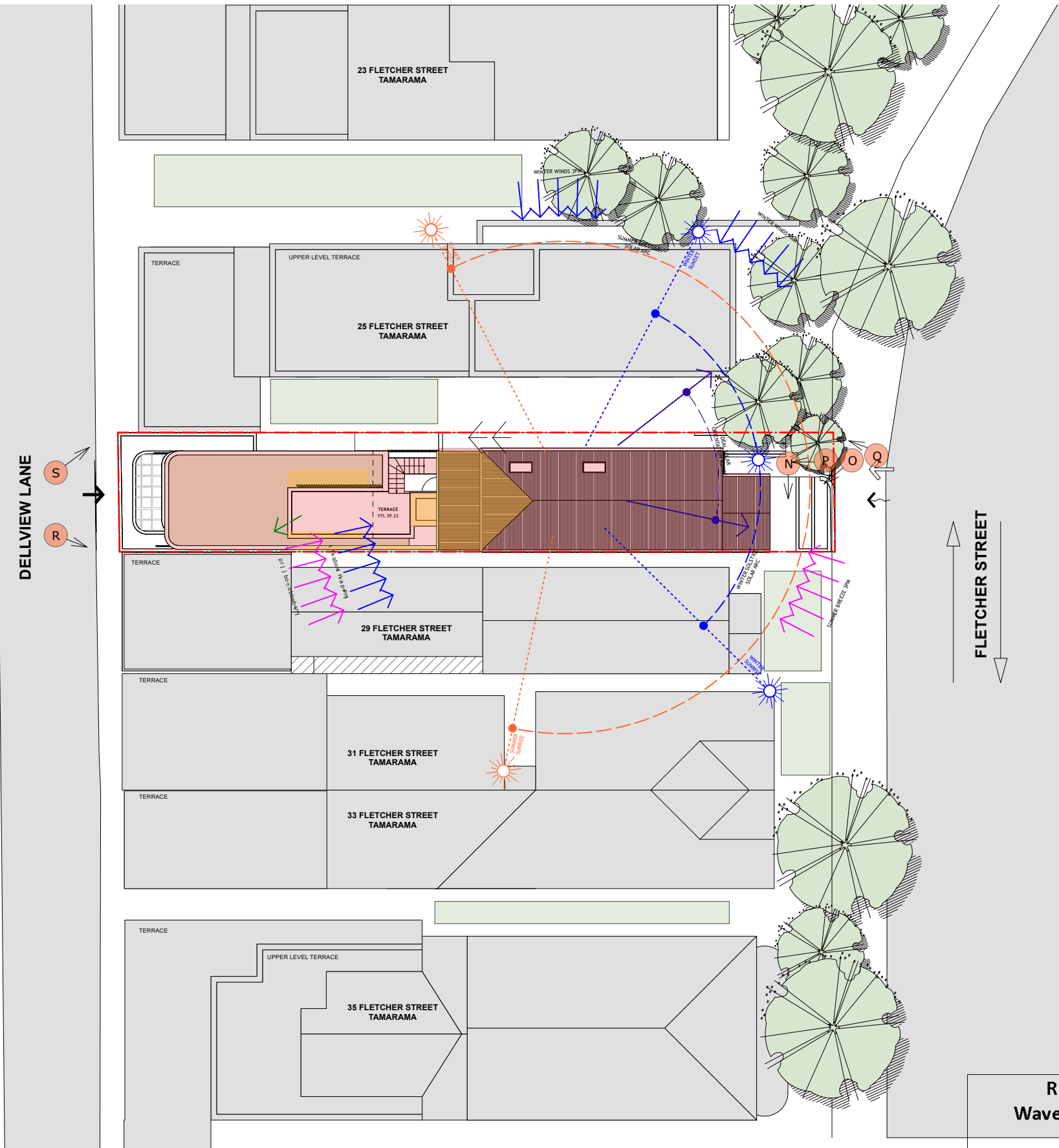
AD7. BONDI - ROSE BAY SAND BODY

This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted.

Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.

AD8. TREE REMOVAL/PRESERVATION

Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.



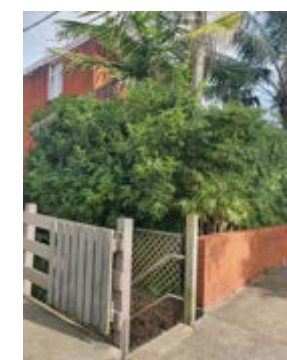
N VIEW TOWARDS No. 25 FLETCHER ST



O SUBJECT SITE



P SUBJECT SITE STREET ACCESS



Q SUBJECT SITE STREET ACCESS VIEW TOWARDS No. 29 FLETCHER ST



R REAR OF SUBJECT SITE SHOWING ADJACENT No. 25 FLETCHER ST.



S REAR OF SUBJECT SITE SHOWING ADJACENT No. 29 FLETCHER ST.

COMPLIANCE TABLE			
CONTROL	REQUIREMENT	PROPOSED	COMPLIANCE
SITE AREA	221.3 M2		
FSR	$((550 - \text{Lot area}) \times 0.0011) + 0.5 : 1$ $((328.7 \times 0.0011 = 0.3615) + 0.5) = 0.86 : 1$ Existing GFA 227.2 M2 / FSR: 1.02:1	GFA: 252.2 (excl. garage and terrace) GFA: 252.2 / FSR: 1.14:1	NO
HEIGHT OF BUILDINGS	Maximum Building Height - 9.5m	9.25 m 9.9 m (screen)	YES NO
FRONT SETBACK	Predominant Building Line	3.3 m	YES
REAR SETBACK	Predominant Building Line	Garage: nil; LGF: 0.68 GF: 2.1; Terrace: 2.3	
EAST SIDE SETBACK	Up to 8.5 m: 0.9 m Height up to 12.5 m: 1.5 m	nil	YES
WEST SIDE SETBACK	Up to 8.5 m: 0.9 m Height up to 12.5 m: 1.5 m	Garage: nil Ground floor/ First Floor: 0.93m	NO
DEEP SOIL / LANDSCAPED AREA	Deep soil 15% of site area Required: 33.19 m2	46.3 m2	YES
	Front setback area: 28.9 m2 . Min. 50% of front setback to be landscaped area: 14.45 m2	20.1 m2	YES
	Front setback deep soil required: 7.2 m2	10.9 m2	
OPEN SPACE	Minimum area: 40% Site Area 88.52 m2	51.3 m2	NO
	Minimum of 50% of the open space between the front of the primary building and the street alignment is to be open space	11.5 m2 (40% of front setback area)	NO
PRIVATE OPEN SPACE	Minimum area: 25 m2	16.1 m ²	NO

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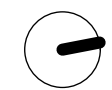
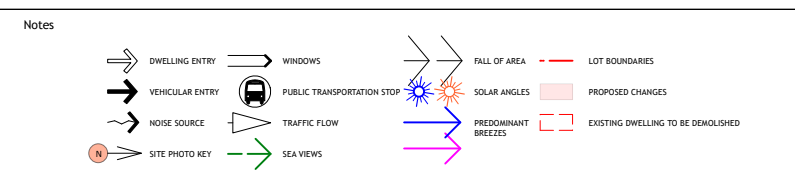
RECEIVED
Waverley Council
Receipt No: DA-420/2022
Date Received: 06/03/2023

1 SITE PLAN AND SITE ANALYSIS PLAN
Scale: 1:250

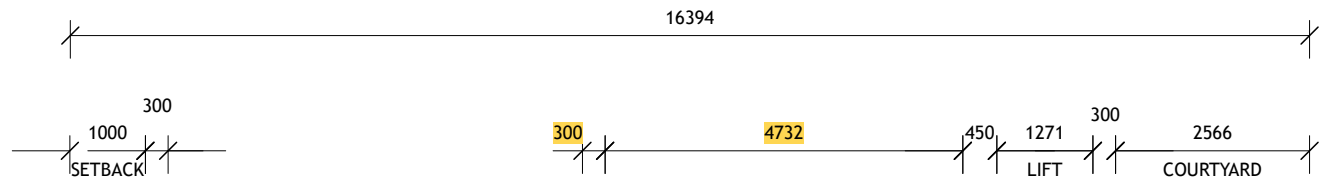
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No.	Date	REVISION	By	Stage	FLETCHER STREET HOUSE	Drawing No. DA1.00
A	19/10/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM	DEVELOPMENT APPLICATION		
B	3/11/22	ADDITIONAL AMENDMENTS AS REQUESTED BY COUNCIL	SM			
C	17/2/23	ADDITIONAL AMENDMENTS IN RESPONSE TO COUNCIL RFI	SF			
Address 27 FLETCHER STREET, TAMARAMA					Drawing Title SITE PLAN	Rev # C SCALE PAGE ISSUE # 1:250 ISO A3
Client ERIN AND JAKE MICHAEL LUKE MICHAEL AND NATALIE VELICKOVICH					Project No. 2321	Dwg Date: 22/8/22 Plot Date: Checked By: MS Drawn By: sm



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cille
 J= l k' obqpi ^ # k= ol rkaWkfi
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 l k pgor' qfl kF
 Jpr pnbkaba= cill o= _l sb= d' o' d' bco' y ba= d= MTRMFKfi
 Jcill o= _l sb= d' ufpqkd= t bli fkd # o= rfi afkdWkfi

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 J= ^sfv= of' hWkfi
 J= co' y ba= d= NPM= o= d= NRMFK' irafkd= l kpor' qfl kF
 Jbuqok' i= i' i' ve' of' h= bkbbo= NS= o= d= NRMFK' irafkd= l kpor' qfl kF

fkobok' i= i' ip
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 J= k' q' b' o' k' i= i' i' p= e' o' ba= f qe= d' o' d' bW= i' ^p' qbo_ l ^oa= d= M' P' S' R' W' k' fi

^bfifkdp' l' c
 J= c' i' q= b' fi fkd' i= m' q' e' ba= o' l i' cW= b' fi fkd' W= N' R' e' r' n' fi= o' l i' cW= l' fi= ^' hba= _
 l' i' ^k' h' b' q' e' r' r' e' j' f' a' j' b' a' f' r' j' e' p' l' i' o= _p' l' o' m' q' k' b' ^M' Q' T' R' ^M' T' M' F

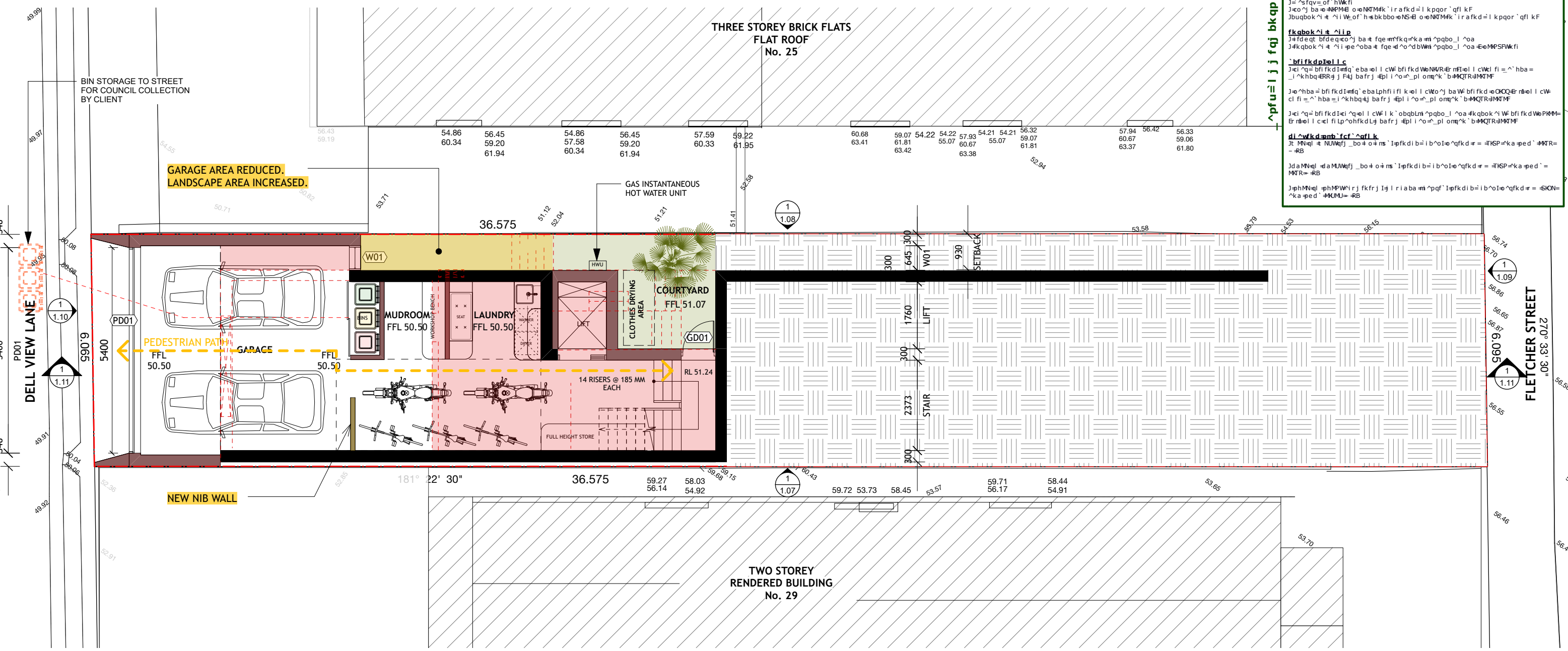
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c' i' f' i= ^' hba= i' ^k' h' b' q' e' j' b' a' f' r' j' e' p' l' i' o= _p' l' o' m' q' k' b' ^M' Q' T' R' ^M' T' M' F

J= c' i' q= b' fi fkd' i= c' i' q= o' l i' cW= l' k' ^o' b' q' b' o' l' i' o= a' f' k' q' b' o' k' i' W= b' fi fkd' W= P' H' M' =
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d' i' c' w' k' d' a' m' b' ^c' f' ^q' f' l' k
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J' d' a' M' N' e' l' e' a' M' U' e' f' j' _b' o' # o' s' n' s' ^p' f' k' d' i= b' i' b' o' i= e' q' f' k' d' = = ^K' S' P= k' a= p' e' d' ^M' T' R= -RB

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1 GARAGE FLOOR PLAN INCORPORATING WASTE MANAGEMENT PLAN
 Scale: 1:100

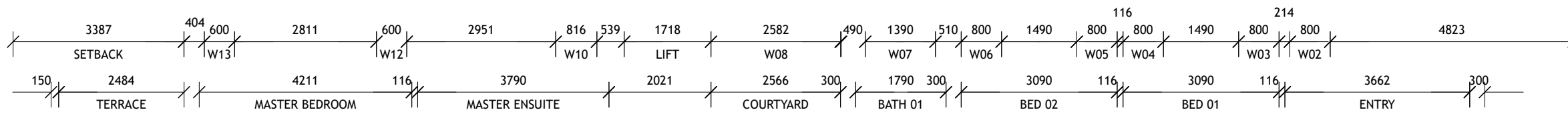
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- Notes
- EXISTING WALLS TO BE RETAINED
 - PROPOSED NEW WALLS
 - WALLS TO BE DEMOLISHED
 - BOUNDARY LINE
 - PROPOSED WORKS
 - PROPOSED AMENDMENTS TO DA IN RESPONSE TO COUNCIL RFI 27.01.23



No.	Date	REVISION	By	Stage	FLETCHER STREET HOUSE	Drawing No. DA1.01
A	19/10/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM	DEVELOPMENT APPLICATION		
B	3/11/22	ADDITIONAL AMENDMENTS AS REQUESTED BY COUNCIL	SM			
C	17/2/23	ADDITIONAL AMENDMENTS IN RESPONSE TO COUNCIL RFI	SF			
No.	Date	ISSUE	By		FLETCHER STREET HOUSE	
				Client	Drawing Title	
				ERIN AND JAKE MICHAEL	GARAGE PLAN	
				LUKE MICHAEL AND NATALIE VELICKOVICH	Address	
					27 FLETCHER STREET, TAMARAMA	
					Project No.	2321
					Rev #	C SCALE PAGE
					ISSUE #	1:100 ISO A3
					Dwg Date:	22/8/22 Plot Date:
					Checked By	MS Drawn By SM



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 ' i k p q o r ' qf k F
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 Jcill o = fqe # ntk pr cill o We Mku = Eal t k F = o = Eo NRMFK ' i r a fkd =

buqbok ^ i k ^ i j
 J = ^ s f q v = o f h W k fi
 Jco ' j ba = o = NRMFK ' i r a fkd = l k p q o r ' qf k F
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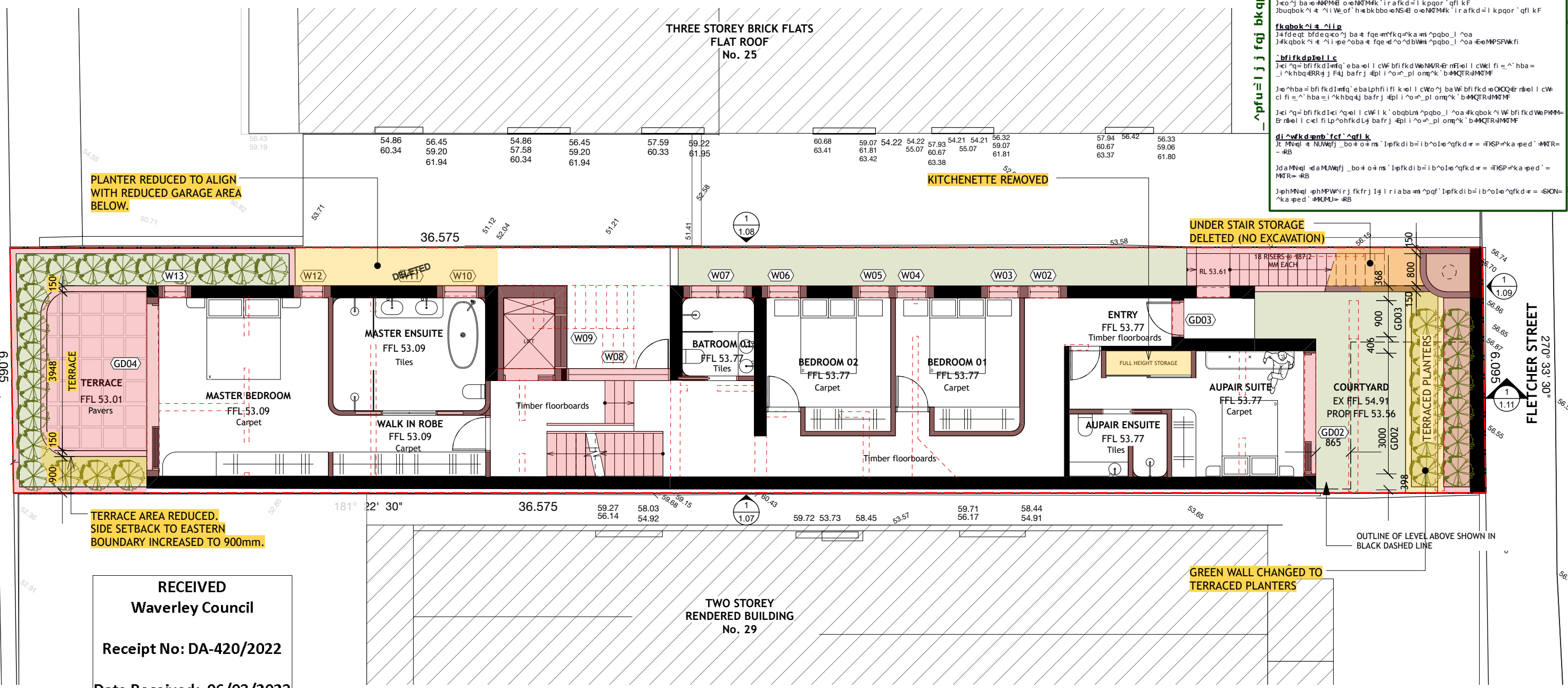
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 J f k q b o k ^ i k ^ i j = o f h W k fi = o = NRMFK ' i r a fkd = l k p q o r ' qf k F

^ b f i k d p t e l l c
 J = l k ' o b q b p i ^ # k = o l r k a W k fi
 J c o ' j b a = o = NRMFK ' i r a fkd = l k p q o r ' qf k F
 J b u q b o k ^ i k ^ i j = o f h W k fi = o = NRMFK ' i r a fkd = l k p q o r ' qf k F

d i ^ w k d p n b ' f c f ^ a q f l k
 J = M N q l ^ N U W f j _ b o = o = n s ' i p f k d i = b i b o i e ' a q f k d = = ^ T S P = k a p e d ' = M T R =
 = R B

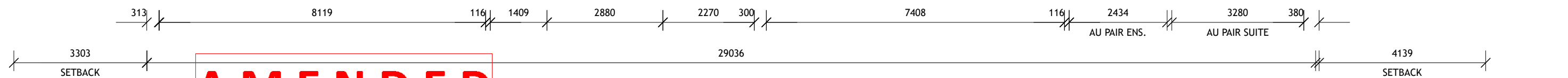
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 = R B

J p h M N q l ^ p h M P W f j r j f k r j i j i r i a b a m ' p a f ' i p f k d i = b i b o i e ' a q f k d = = ^ S I O N =
 ^ k a p e d ' = M U M U = = R B



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1 LOWER GROUND FLOOR
 Scale: 1:100



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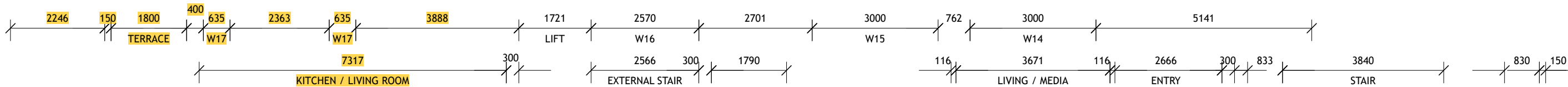


Notes

- EXISTING WALLS TO BE RETAINED
- PROPOSED NEW WALLS
- WALLS TO BE DEMOLISHED
- BOUNDARY LINE
- PROPOSED WORKS
- PROPOSED AMENDMENTS TO DA IN RESPONSE TO COUNCIL RFI 27.01.23

No.	Date	REVISION	By	Stage
A	19/10/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM	DEVELOPMENT APPLICATION
B	3/11/22	ADDITIONAL AMENDMENTS AS REQUESTED BY COUNCIL	SM	
C	17/2/23	ADDITIONAL AMENDMENTS IN RESPONSE TO COUNCIL RFI	SF	
No.	Date	ISSUE	By	

Client ERIN AND JAKE MICHAEL LUKE MICHAEL AND NATALIE VELICKOVICH		Drawing No. DA1.02	
Address 27 FLETCHER STREET, TAMARAMA		Drawing Title LOWER GROUND FLOOR PLAN	
Project No. 2321		Rev # C SCALE PAGE ISSUE # 1:100 ISO A3	
Dwg Date: 22/8/22 Plot Date:		Checked By MS Drawn By sm	



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 I kpaor' qfl kF
 Jpr pnbkaba=cll o# sb'd'o'd'ba=co'j ba=ENRMFKfi
 Jcill o# sb'ou'pafkd=et bil fkd# o=rfi afkdWkfi

buobok'is' ilp
 J=^sfqv=of' hWkfi
 J=co'j ba=ENPM# o=ENMFK' irafkd=I kpaor' qfl kF
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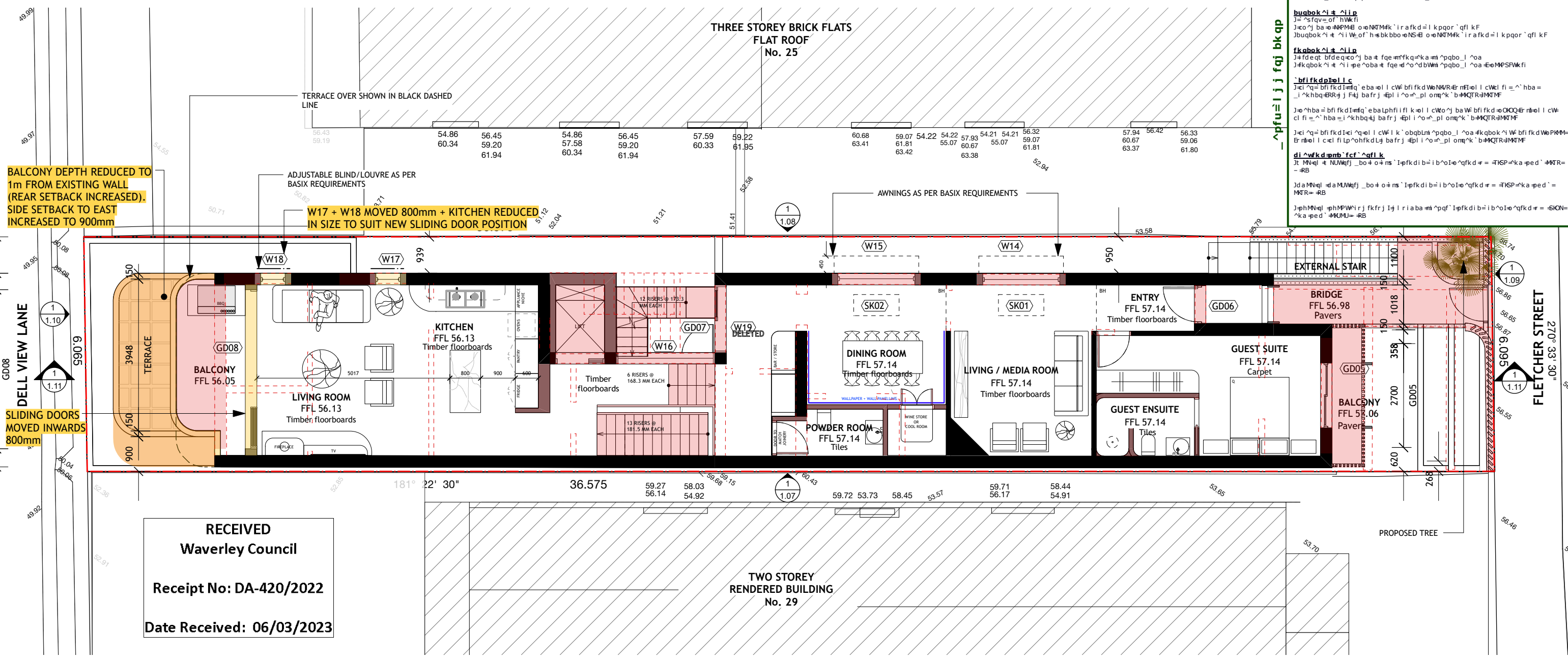
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bfikdp'el' c
 J=el' q= bfi fkd'itq' eba=ol l' cW' bfi fkd'WbNKR' er nfi=ol l' cW' fi =^' hba=
 j' khbq=RR# j' f#j' baf' rj' epl l' o#_pl' omq' k' b#MQR#MNTF

di'afkd'amb' fcf' ^qfl k
 J= MN' q' k' NUW' f' j' _bo# o# ns' l' p' fkd' b= i' b' o' l' e' q' fkd' = =MSP' ka' ped' =
 MTR= #RB

**Jda' MN' q' d' a' M' W' f' j' _bo# o# ns' l' p' fkd' b= i' b' o' l' e' q' fkd' = =MSP' ka' ped' =
 MTR= #RB**

**J' ph' MN' q' d' a' M' W' f' j' f' k' r' j' l' i' a' b' a' m' p' q' l' p' fkd' b= i' b' o' l' e' q' fkd' = =SKON=
 ka' ped' #MUM= #RB**



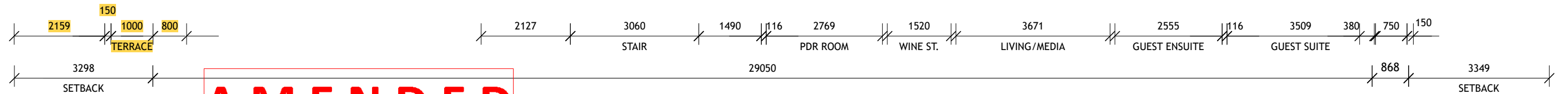
BALCONY DEPTH REDUCED TO 1m FROM EXISTING WALL (REAR SETBACK INCREASED). SIDE SETBACK TO EAST INCREASED TO 900mm

SLIDING DOORS MOVED INWARDS 800mm

W17 + W18 MOVED 800mm + KITCHEN REDUCED IN SIZE TO SUIT NEW SLIDING DOOR POSITION

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1 GROUND FLOOR
 Scale: 1:100



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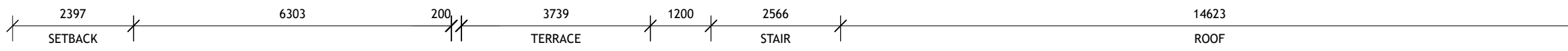
FOR DEVELOPMENT APPLICATION ONLY



- Notes
- EXISTING WALLS TO BE RETAINED
 - PROPOSED NEW WALLS
 - WALLS TO BE DEMOLISHED
 - BOUNDARY LINE
 - PROPOSED WORKS
 - PROPOSED AMENDMENTS TO DA IN RESPONSE TO COUNCIL RFI 27.01.23

No.	Date	REVISION	By	Stage
A	19/10/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM	DEVELOPMENT APPLICATION
B	3/11/22	ADDITIONAL AMENDMENTS AS REQUESTED BY COUNCIL	SM	
C	17/2/23	ADDITIONAL AMENDMENTS IN RESPONSE TO COUNCIL RFI	SF	
No.	Date	ISSUE	By	

Client ERIN AND JAKE MICHAEL LUKE MICHAEL AND NATALIE VELICKOVICH	Address 27 FLETCHER STREET, TAMARAMA	Project No. 2321	Drawing No. DA1.03
		Dwg Date: 22/8/22	Plot Date:
		Checked By: MS	Drawn By: sm



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cille
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 ' l k p q o r ' q f l k F
 Jpr pnbk aba e i l o e _ l s b d ' o d b c o ' y b a e M R F M F i
 Jc i l l o e _ l s b d u f p q k d e t b i l f k d # o e r f a f k d W k fi

buqok i e i i p
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 J b u q o k ' i e i i W e o f ' h e b k b b o e N S e o e N R M F k ' i r a f k d = l k p q o r ' q f l k F

f k o b o k i e i i p
 J f d e q e b d e q e o ' y b a e f q e m y k q e k a m i ' a p q b o _ l ' o a
 J # k q b o k ' i e i i p e ' o b a e f q e d ' o d b W m i ' a p q b o _ l ' o a e M P S F W k fi

^ b f i f k d p e o l c
 J c i ' a q = b f i f k d i m q ' e b a e o l i c W e b f i f k d W e N R e r n e i o l i c W e l f i = ^ ' h b a =
 ' i ^ k h b q e R R e j F a j b a f r j e p l i ' o e _ p l o m q ' k ' b # M Q T R a M T M F

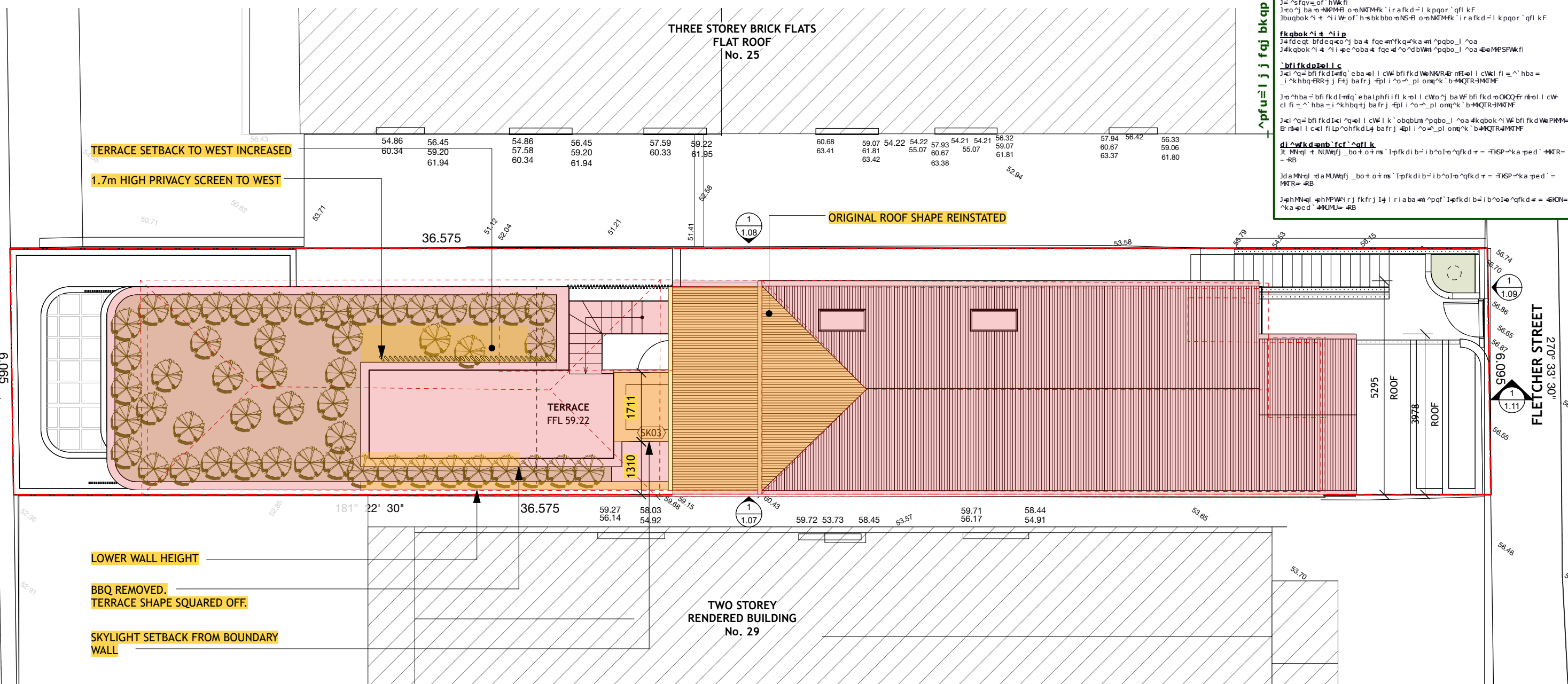
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 c i f i = ^ ' h b a = i ^ k h b q e j b a f r j e p l i ' o e _ p l o m q ' k ' b # M Q T R a M T M F

J e i ' a q = b f i f k d i e i ' a q e l i c W e l k ' o b q b L m i ' a p q b o _ l ' o a # k q b o k ' i W e b f i f k d W e P H M =
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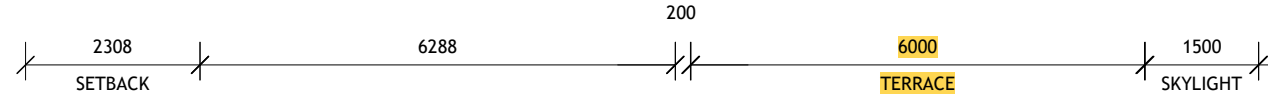
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 - # R B

J d a M N e l e a M U W e f j _ b o # o e n s ' i p f k d i b = i b ' o i e ' a q f k d # = # K S P e k a p e d ' #
 M T R = # R B

J p h M N e l e p h M P W e r j f k f r j I j i r i a b a m i ' a p q ' i p f k d i b = i b ' o i e ' a q f k d # = # S I O N =
 ' k a p e d ' # M U M U = # R B



1 TERRACE / ROOF PLAN
 Scale: 1:100



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Notes

- EXISTING WALLS TO BE RETAINED
- PROPOSED NEW WALLS
- WALLS TO BE DEMOLISHED
- BOUNDARY LINE
- PROPOSED WORKS
- PROPOSED AMENDMENTS TO DA IN RESPONSE TO COUNCIL RFI 27.01.23

No.	Date	REVISION	By	Stage
A	19/10/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM	DEVELOPMENT APPLICATION
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C	17/2/23	ADDITIONAL AMENDMENTS IN RESPONSE TO COUNCIL RFI	SF	
No.	Date	ISSUE	By	

Client ERIN AND JAKE MICHAEL LUKE MICHAEL AND NATALIE VELICKOVICH		Project No. 2321	Drawing No. DA1.04
Address 27 FLETCHER STREET, TAMARAMA		Drawing Title TERRACE / ROOF FLOOR PLAN	Rev # C SCALE PAGE ISSUE # 1:100 ISO A3
Dwg Date: 22/8/22 Plot Date:		Checked By MS Drawn By sm	

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 ' i k p q o r ' q f i k f
 J p r p n b k a b a e i l l o t o t s b d ' o d b e o ' j b a e M T F W k f i
 J c i l l o t o t s b b u f p q f k d e t b i f k d + o e r f i a f k d W k f i

buqbok si t si j p
 J = ^ s f q v = o f ' h W k f i
 J e o ' j b a e a k P M E o e N T M k ' i r a f k d = l k p q o r ' q f i k f
 J b u q b o k ' s i ' i W e o f ' h a b k b o e N S e o e N T M k ' i r a f k d = l k p q o r ' q f i k f

fkqbok si t si j p
 J a f d e t b f d e q e o ' j b a t f q e m f k a n k a m ' a p q b o _ l ' o a
 J f k q b o k ' s i ' i p e ' o b a t f q e d ' o d b W m ' a p q b o _ l ' o a e o M P S F W k f i

' b f i f k d p t e l l c
 J e i ' a q = b f i f k d i m q ' e b a e l l c W e b f i f k d W e N R e r n f e l l c W e l f i = ^ h b a =
 _ l ' a k h b q e R R j j f a j b a f r j e p l i ' o e _ p l o m q ' k ' b ' M Q T R e M T M F

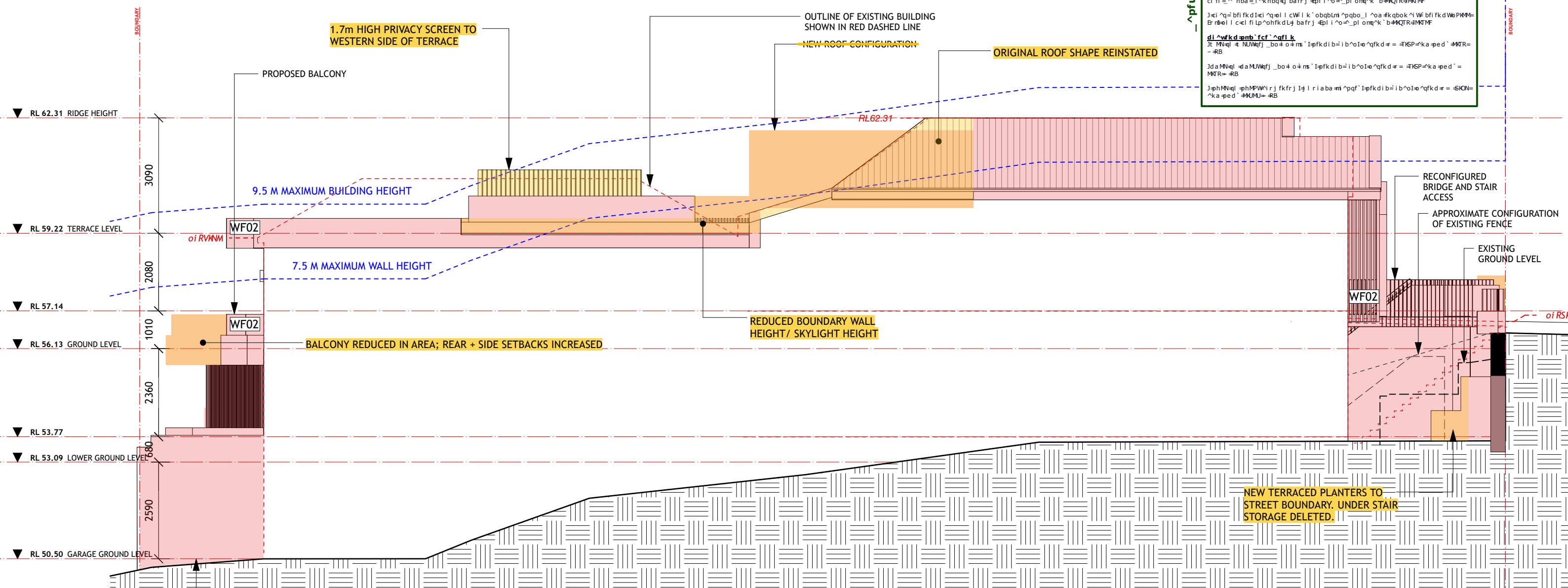
J e ' h b a = b f i f k d i m q ' e b a l p h i f i k e l l c W e ' j b a W e b f i f k d e O O Q e r n e l l c W e
 c l f i = ^ h b a = j ' a k h b q e j b a f r j e p l i ' o e _ p l o m q ' k ' b ' M Q T R e M T M F

J e i ' a q = b f i f k d i e i ' a q e l l c W e l k ' o b q b u n i ' a p q b o _ l ' o a f k q b o k ' i W e b f i f k d W e P M M =
 e r n e l l c e l f i l p ' o h f k d l j b a f r j e p l i ' o e _ p l o m q ' k ' b ' M Q T R e M T M F

d i a w k d e m b ' f c f ' a q f i k
 J t M e i t e N U W e j j _ b o + o a m s ' I p f k d i b = i b ' o I e ' a q f k d = = e I S P e k a p e d ' e M T R =
 - R B

J d a M N e l d a M U W e j j _ b o + o a m s ' I p f k d i b = i b ' o I e ' a q f k d = = e I S P e k a p e d ' =
 M T R = - R B

J p h M N e l p h M P W e j r j f k f r j j i r i a b a m ' a p q f ' I p f k d i b = i b ' o I e ' a q f k d = = e I S O N =
 ' k a p e d ' e M U M U = - R B



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1 EAST ELEVATION
 1:100

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- Notes
- EXISTING WALLS TO BE RETAINED
 - PROPOSED NEW WALLS
 - OUTLINE OF EXISTING DWELLING
 - BOUNDARY LINE

- PROPOSED WORKS
- PROPOSED AMENDMENTS TO DA IN RESPONSE TO COUNCIL RFI 27.01.23
- WF01 EXISTING / NEW BRICK CAVITY WALLS WITH SPANISH RENDER
- WF02 NEW CONCRETE WALLS WITH SPANISH RENDER
- WF03 BRICK WALL WITH STONE CLADDING

No.	Date	REVISION	By	Stage
A	19/10/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM	DEVELOPMENT APPLICATION
B	3/11/22	ADDITIONAL AMENDMENTS	SM	
C	17/2/23	ADDITIONAL AMENDMENTS IN RESPONSE TO COUNCIL RFI	SF	
No.	Date	ISSUE	By	

Client
 ERIN AND JAKE MICHAEL
 LUKE MICHAEL AND NATALIE VELICKOVICH

Drawing No.
DA1.07

Drawing Title
 EAST ELEVATION

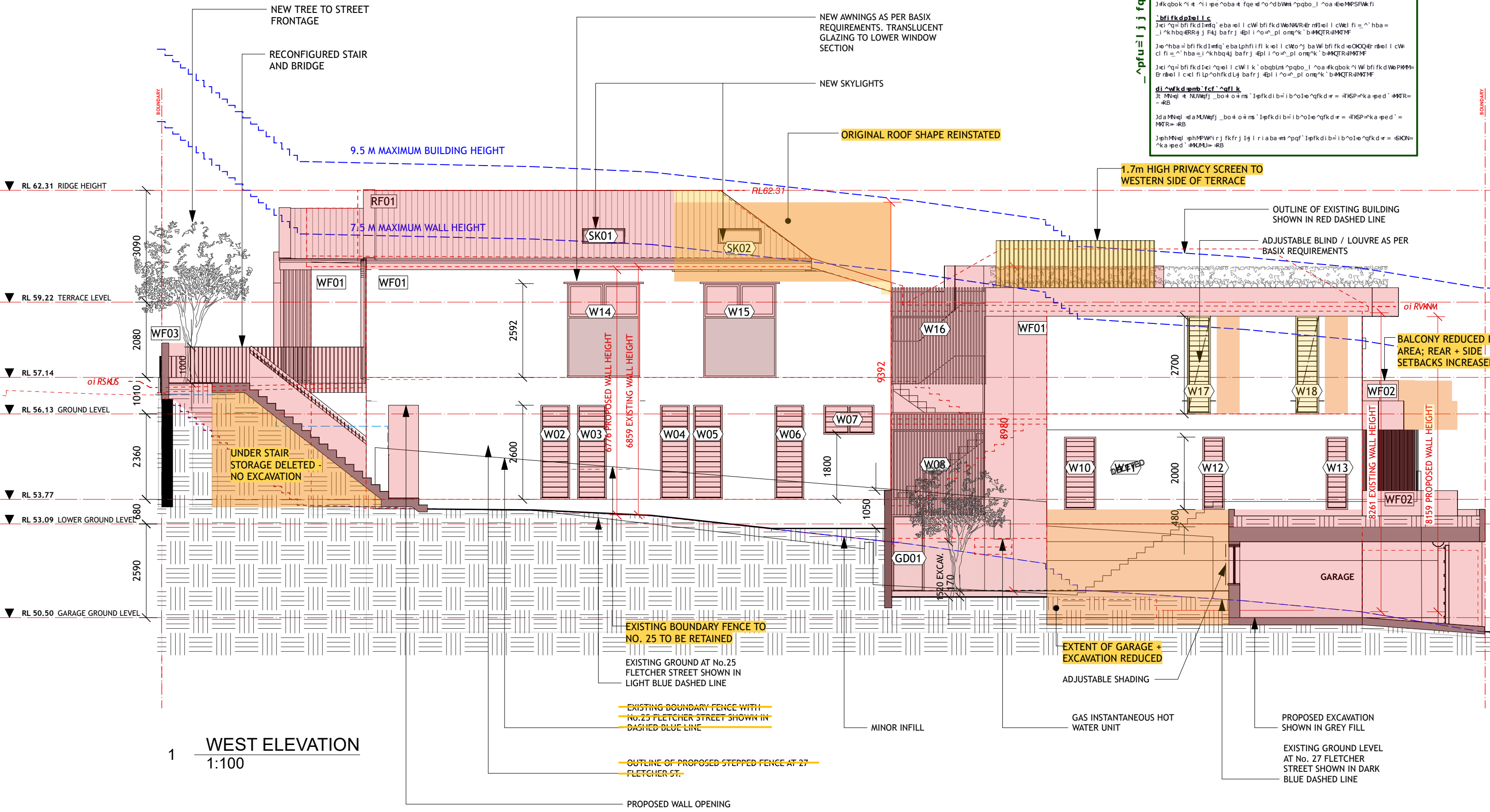
Project No. 2321

Rev #	C	SCALE	PAGE
ISSUE #	1:100	ISO A3	
Dwg Date: 22/8/22	Plot Date:	Checked By: MS	Drawn By: sm

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Date Received: 06/03/2023

obcbo = ^pfu = boqcf ' ^qb @ QUVONN
cillo
J=I k' obqpi ^ # k adol rkaWkfi
Jpr pnbka ba eil i o t fqe # mbk pr_cil i o WeMU eil t kF # o e b NRMfk ' irafkd =
' l kqor ' qfl kF
Jpr pnbka ba eil i o e _ l sb d ' o ' d b e o ' y ba e b MTRWkfi
Jcil i o e _ l sb b u f p q f k d e t b i f k d # o e r f i a r k d Wkfi
bugbok si k si ip
J= ^ s f q v = o f ' h Wkfi
J= e o ' y ba e b MTRWkfi o e NTRMfk ' irafkd = l kqor ' qfl kF
Jbuqbok si k ' si i We of ' h s b k b o e N S e o e NTRMfk ' irafkd = l kqor ' qfl kF
fkabok si k si ip
J= f d e q t b f d e q e o ' y ba e f q e m f k q a m i ' p q b o _ l ' o a
J f k q b o k ' si i ' p e ' o b a t f q e d ' o ' d b W i ' p q b o _ l ' o a e b M P S R W k f i
' b f i f k d p t e l l c
J= e i ' q = b f i f k d i m q ' e b a e l i c W f b i f k d W e N R R e r n f i e l i c W e l f i e ' ^ h b a =
' l ' k h b q e R R j j F a j b a f r j e p l i ' o e _ p l o m q ' k ' b M Q T R e M Q T M F
J= e ' h b a = b f i f k d i m q ' e b a e l p h f i l l k e l i c W o ' y ba W f b i f k d e O Q O e r n e l i c W e
c i f i e ' ^ h b a = j ' k h b q e j b a f r j e p l i ' o e _ p l o m q ' k ' b M Q T R e M Q T M F
J= e i ' q = b f i f k d i e i ' q e l i c W e l k ' o b q l m i ' p q b o _ l ' o a f k q b o k ' si i W f b i f k d W e P h M e
e r n e l i c e l f i l p ' o h f k d j b a f r j e p l i ' o e _ p l o m q ' k ' b M Q T R e M Q T M F
di ^ w f k d e m b ' f c f ' ^ q f l k
Jt M N e l k N U W e j _ b o # o # n s ' I p f k d i b e i b ' o i e ' q f k d = # T S P e k a p e d ' M T R =
- # R B
J d a M N e l d a M U W e j _ b o # o # n s ' I p f k d i b e i b ' o i e ' q f k d = # T S P e k a p e d ' =
M T R = # R B
J p h M N e l p h M P W e r j f k f r j I j l r i a b a m i ' p q f ' I p f k d i b e i b ' o i e ' q f k d = # S I O N =
' k a p e d ' M K U M = # R B



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Notes		PROPOSED WORKS	
	EXISTING WALLS TO BE RETAINED		PROPOSED WORKS
	PROPOSED NEW WALLS		PROPOSED AMENDMENTS TO DA IN RESPONSE TO COUNCIL RFI 27.01.23
	OUTLINE OF EXISTING DWELLING	WF01	EXISTING / NEW BRICK CAVITY WALLS WITH SPANISH RENDER
	BOUNDARY LINE	WF02	NEW CONCRETE WALLS WITH SPANISH RENDER
		WF03	BRICK WALL WITH STONE CLADDING

No.	Date	REVISION	By	Stage
A	19/10/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM	DEVELOPMENT APPLICATION
B	3/11/22	ADDITIONAL AMENDMENTS AS REQUESTED BY COUNCIL	SM	
C	17/2/23	ADDITIONAL AMENDMENTS IN RESPONSE TO COUNCIL RFI	SF	

No.	Date	ISSUE	By

FLETCHER STREET HOUSE		Drawing No. DA1.08	
Address 27 FLETCHER STREET, TAMARAMA		Rev # C SCALE PAGE	
Client ERIN AND JAKE MICHAEL LUKE MICHAEL AND NATALIE VELICKOVICH		ISSUE # 1:100 ISO A3	
Project No. 2321		Dwg Date: 22/8/22 Plot Date:	
		Checked By: MS Drawn By: sm	

obcbo = ^pfu = boqfcf ^qb = QUOVONN

cillo
 J=I k' obqbpi ^ + k adol rka Wkfi
 Jpr pntbka ba eil I o t fqe # mbk apr _cill o WeMU=El t kF# o =EoNRMfk' irafkd =
 'I kpgor ' qfl kF
 Jpr pntbka ba eil I o t sb d' o' d' bco' j' ba =EoMTRWkfi
 Jcill o t sb' b' ufpqfkd et bil fkd + o = r f a fkd Wkfi

buqbok si t si ip
 J= ^sfqv = of' hWkfi
 J=eo' j' ba = o' k' PME o = o' N' M' M' k' i' r' a' f' k' d' = i' k' p' g' o' r' ' q' f' l' k' F
 Jbuqbok si t si i We of' h = b' k' b' b' o' = N' S' = o' = o' N' M' M' k' i' r' a' f' k' d' = i' k' p' g' o' r' ' q' f' l' k' F

fkqbok si t si ip
 J= f' d' e' q' t' b' f' d' e' q' e' o' j' ba t f' q' e' m' f' k' q' n' k' a' m' ^' p' q' b' o' _' l' ^' o' a
 J' f' k' q' b' o' k' si t si i p' e' ^' o' b' a' t' f' q' e' d' ^' o' d' b' W' m' ^' p' q' b' o' _' l' ^' o' a = EoMPSFWkfi

'bfifkdpitel c
 J= e' l' ^' q' = b' f' i' f' k' d' i' m' q' ' e' b' a' e' l' l' c' W' e' b' f' i' f' k' d' W' e' N' k' R' = r' n' f' e' l' l' c' W' e' l' f' i' = ^' h' b' a' =
 _' l' ^' k' h' b' q' = R' R' j' j' f' a' j' b' a' f' r' j' = e' p' l' i' ^' o' = _' p' l' o' m' q' ' k' ' b' = M' Q' T' R' = M' M' T' M' F

J= e' ^' h' b' a' = b' f' i' f' k' d' i' m' q' ' e' b' a' l' p' h' i' f' i' k' e' l' l' c' W' e' o' j' b' a' W' e' b' f' i' f' k' d' = o' Q' O' Q' = r' n' e' l' l' c' W' e' l' f' i' = ^' h' b' a' = _' l' ^' k' h' b' q' = j' j' f' a' j' b' a' f' r' j' = e' p' l' i' ^' o' = _' p' l' o' m' q' ' k' ' b' = M' Q' T' R' = M' M' T' M' F

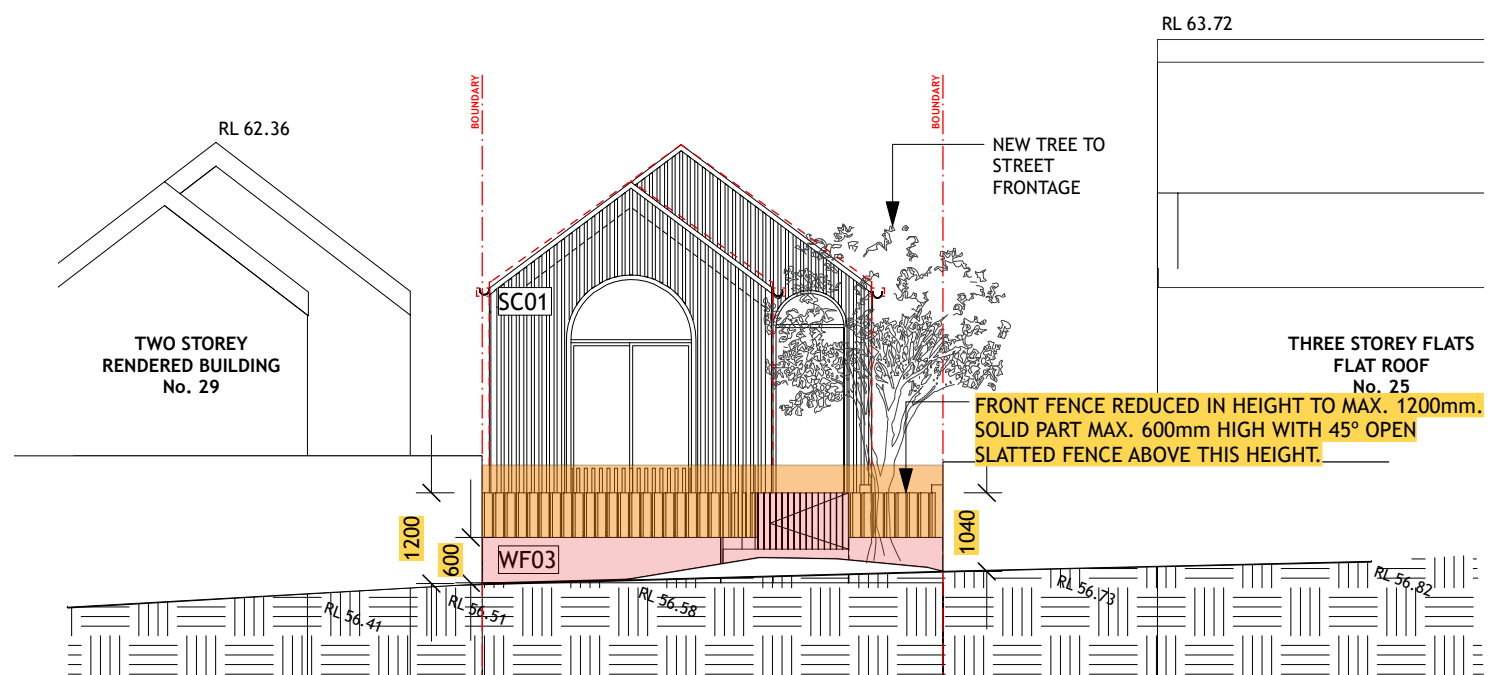
J= e' l' ^' q' = b' f' i' f' k' d' i' e' l' ^' q' e' l' l' c' W' e' l' k' ' o' b' q' b' u' n' i' ^' p' q' b' o' _' l' ^' o' a = f' k' q' b' o' k' si W' e' b' f' i' f' k' d' W' e' P' M' M' =
 E' r' n' e' l' l' c' e' l' f' i' l' p' ^' o' h' f' k' d' j' j' f' a' j' b' a' f' r' j' = e' p' l' i' ^' o' = _' p' l' o' m' q' ' k' ' b' = M' Q' T' R' = M' M' T' M' F

di ^wkd = mb' fcf ^qfl k
 J' t' M' n' e' i' = N' U' W' a' j' _' b' o' t' o' = m' s' ' I' p' f' k' d' i' b' = i' b' ^' o' I' e' ^' q' f' k' d' = = I' S' P' = k' a' p' e' d' ' = M' T' R' = - R' B

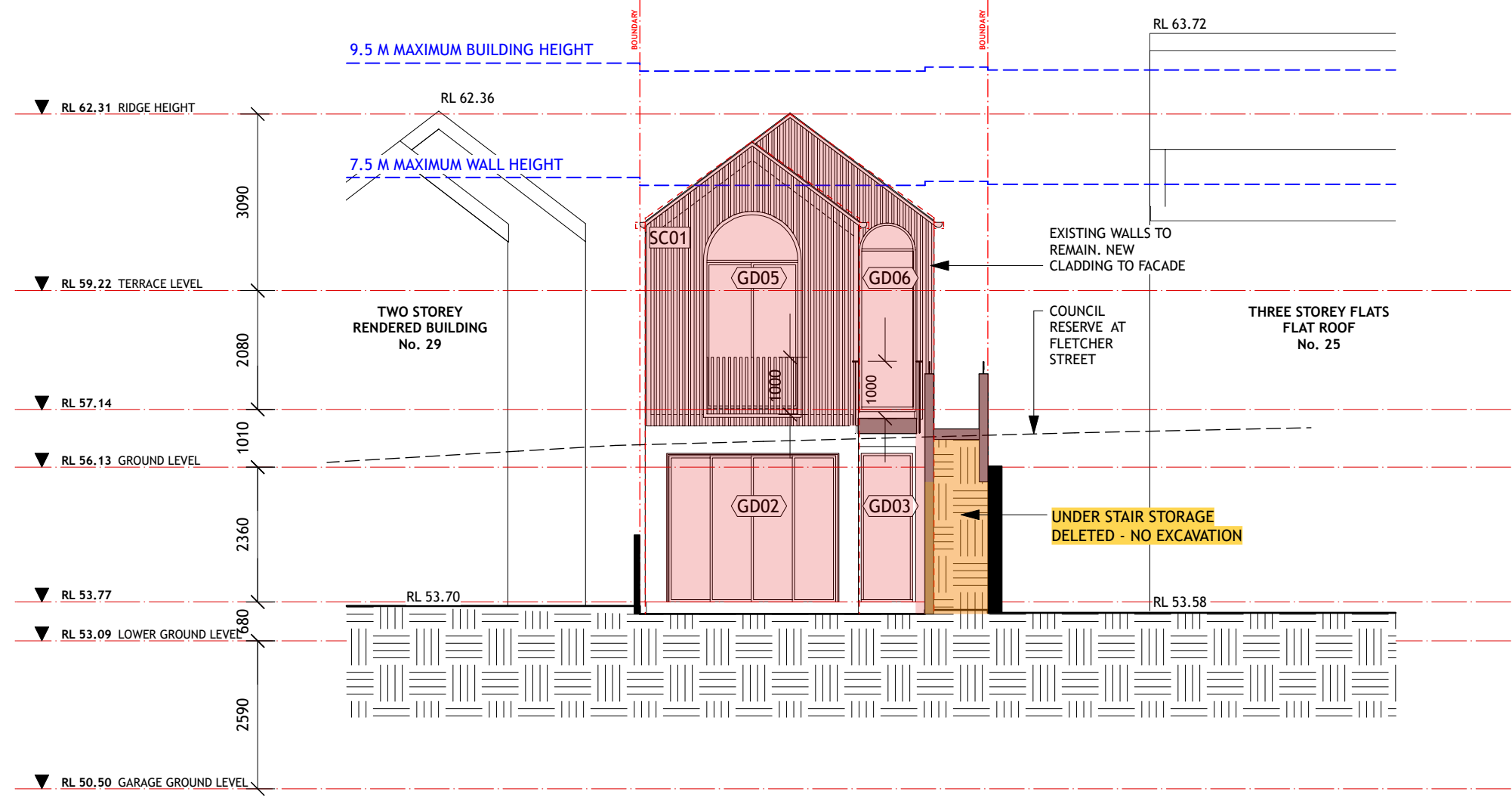
J' d' a' M' N' = e' l' d' a' M' U' W' a' j' _' b' o' t' o' = m' s' ' I' p' f' k' d' i' b' = i' b' ^' o' I' e' ^' q' f' k' d' = = I' S' P' = k' a' p' e' d' ' = M' T' R' = - R' B

J' p' h' M' N' = e' l' p' h' M' P' W' a' j' r' j' f' k' f' r' j' I' j' l' i' a' b' a' m' ^' p' q' f' I' p' f' k' d' i' b' = i' b' ^' o' I' e' ^' q' f' k' d' = = I' S' P' = k' a' p' e' d' ' = M' T' R' = - R' B

1 STREET ELEVATION
1:100



2 NORTH ELEVATION
1:100



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Notes		PROPOSED WORKS	
	EXISTING WALLS TO BE RETAINED		PROPOSED AMENDMENTS TO DA IN RESPONSE TO COUNCIL RFI 27.01.23
	PROPOSED NEW WALLS		EXISTING / NEW BRICK CAVITY WALLS WITH SPANISH RENDER
	OUTLINE OF EXISTING DWELLING		NEW CONCRETE WALLS WITH SPANISH RENDER
	BOUNDARY LINE		BRICK WALL WITH STONE CLADDING

No.	Date	REVISION	By	Stage	FLETCHER STREET HOUSE	Drawing No. DA1.09
A	19/10/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM	DEVELOPMENT APPLICATION		
B	3/11/22	ADDITIONAL AMENDMENTS AS REQUESTED BY COUNCIL	SM			
C	17/2/23	ADDITIONAL AMENDMENTS IN RESPONSE TO COUNCIL RFI	SF			
No.	Date	ISSUE	By	Client	Drawing Title	Rev # C SCALE PAGE
				ERIN AND JAKE MICHAEL LUKE MICHAEL AND NATALIE VELICKOVICH	NORTH ELEVATION	ISSUE # 1:100 ISO A3
					Project No. 2321	Dwg Date: 22/8/22 Plot Date: Checked By MS Drawn By sm

obcbo = ^pfu = boqcf' ^qb = QUOVONN

cillo
 J=I k' obqbpi ^ + k d o l r k a W k f i
 Jpr p n b k a b a e i l l o t o t f q e + m b k p r _ c i l l o W e M U = E a l t k F + o = E b N R M F k ' i r a f k d =
 ' i k p q o r ' q f l k F
 Jpr p n b k a b a e i l l o t o t s b d ' o d b e o ' j b a = M T R W k f i
 J c i l l o t o t s b b u f p q f d e t b i f k d + o = r f i a f k d W k f i

buqbok si t si j p
 J = ^ s f q v = o f ' h W k f i
 J = e o ' j b a = e M P M E o = e N T M F k ' i r a f k d = i k p q o r ' q f l k F
 J b u q b o k s i t ' s i j W e o f ' h = b k b b o = N S = e o = e N T M F k ' i r a f k d = i k p q o r ' q f l k F

fkqbok si t si j p
 J = f d e q t b f d e q e o ' j b a t f q e m f k q n k a m ' p q b o _ l ' o a
 J f k q b o k s i t ' s i j p e ' o b a t f q e d ' o d b W m ' p q b o _ l ' o a = e M P S F W k f i

' b f i f k d p t e l l c
 J e i ' q = b f i f k d i m f q ' e b a = e l l c W e b f i f k d W e N R = E r n f i = e l l c W e l f i = ^ h b a =
 _ l ' k h b q = R R j j F j b a f r j = e p l i ' o = _ p l o m q ' k ' b = M Q T R = M T M F

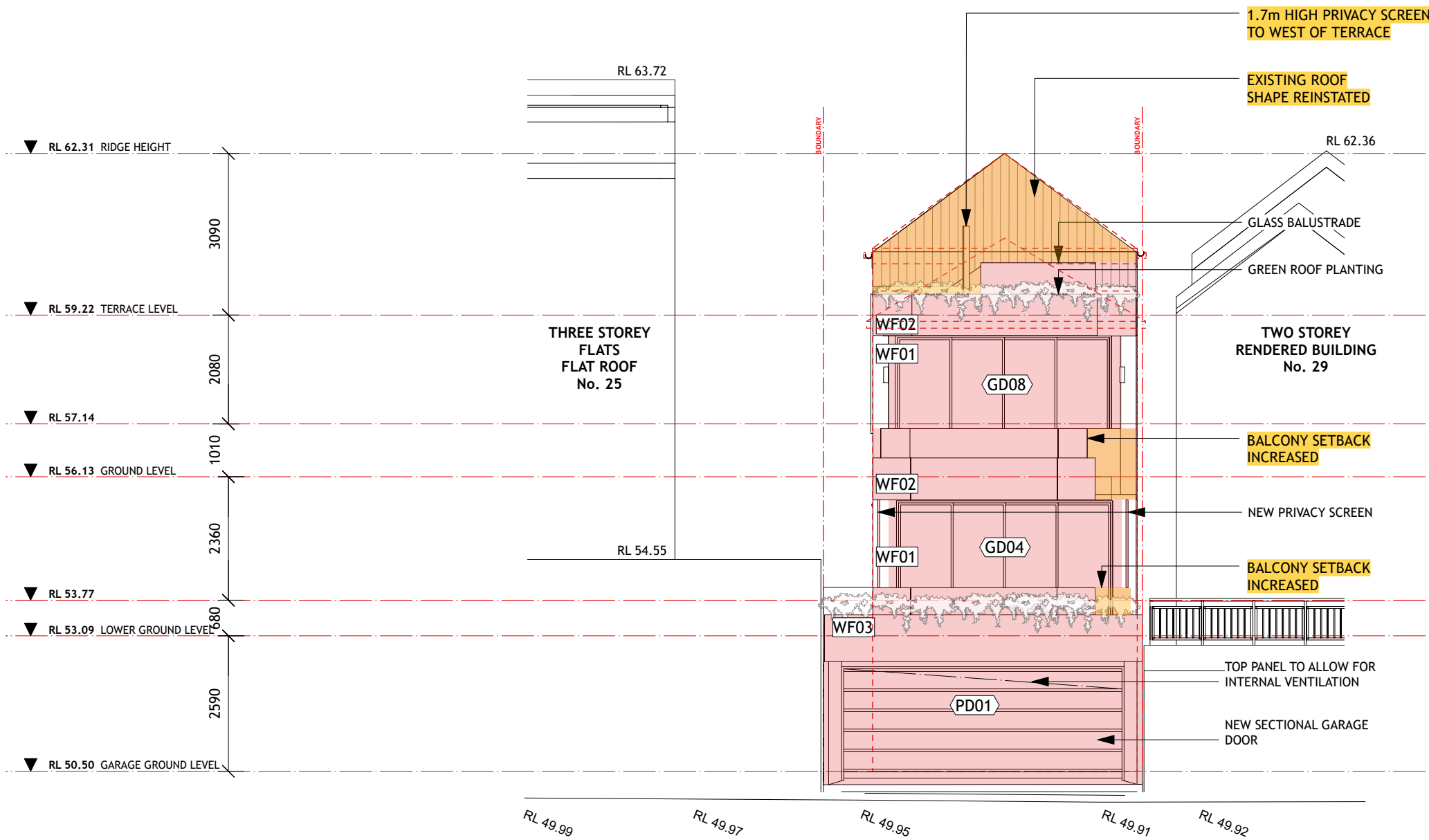
J = e ' h b a = b f i f k d i m f q ' e b a l p h i i f l k = e l l c W e ' j b a W e b f i f k d = O Q Q = E r n e l l c W e
 c l f i = ^ h b a = j ' k h b q j b a f r j = e p l i ' o = _ p l o m q ' k ' b = M Q T R = M T M F

J e i ' q = b f i f k d i e i ' q e l l c W e l k ' o b q b u n i ' p q b o _ l ' o a = f k q b o k ' i W e b f i f k d W e P M M =
 E r n e l l c e l f i l p ' o h f k d l j b a f r j = e p l i ' o = _ p l o m q ' k ' b = M Q T R = M T M F

d i ' w f k d = p b ' f c f ' ^ q f l k
 J t M e i ' k N U W j j _ b o + o = m s ' I p f k d i b = i b ' o I e ' q f k d = = = I S P = k a = p e d ' = M T R =
 = R B

J d a M N = e l d a M U W j j _ b o + o = m s ' I p f k d i b = i b ' o I e ' q f k d = = = I S P = k a = p e d ' =
 M T R = = R B

J p h M N = e l p h M P W ' i r j f k r j I j l r i a b a m ' p q f ' I p f k d i b = i b ' o I e ' q f k d = = = S I O N =
 ' k a = p e d ' = M U M U = = R B



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1 SOUTH ELEVATION
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Notes	
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	OUTLINE OF EXISTING DWELLING
	BOUNDARY LINE
	PROPOSED WORKS
	PROPOSED AMENDMENTS TO DA IN RESPONSE TO COUNCIL RFI 27.01.23
	EXISTING / NEW BRICK CAVITY WALLS WITH SPANISH RENDER
	NEW CONCRETE WALLS WITH SPANISH RENDER
	BRICK WALL WITH STONE CLADDING

No.	Date	REVISION	By	Stage
A	19/10/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM	DEVELOPMENT APPLICATION
B	3/11/22	ADDITIONAL AMENDMENTS	SM	
C	17/2/23	ADDITIONAL AMENDMENTS IN RESPONSE TO COUNCIL RFI	SF	
No.	Date	ISSUE	By	

Client ERIN AND JAKE MICHAEL LUKE MICHAEL AND NATALIE VELICKOVICH		Drawing No. DA1.10
Address 27 FLETCHER STREET, TAMARAMA		Rev # C SCALE PAGE ISSUE # 1:100 ISO A3
Project No. 2321		Dwg Date: 22/8/22 Plot Date: Checked By MS Drawn By sm

obcbo = ^pfu = boqcf ^ qb @ QUVONN

clilo
 J=Ik obqbp ^ k dol rkaWkfi
 Jpr pnbkaba cll i o t fqe + nbk pr_cil i o WeMU eal t kF o e bNRMfk i rakd =
 i kppor qfl kF
 Jpr pnbkaba cll i o t sbad ^ o d beo ^ ba e bMFWkfi
 Jcill i o t sbafupqfkd at bil fkd + o e r f afd Wkfi

buqbok si k siip
 J=stfv = of hWkfi
 J=co ^ ba e bMME o e bNMfk i rakd = i kppor qfl kF
 Jbuqbok si k siip We of h bkbbo e NS e o e bNMfk i rakd = i kppor qfl kF

fkqbok si k siip
 J=fd eqt b fde qco ^ ba e fqe mfk qka m i p qbo _ i o a
 Jfk qbok si k siip e o ba e fqe d ^ o d b Wm i p qbo _ i o a e o bMPSFWkfi

bri fkd p i l c
 J=ei q = b r i f k d i m q e b a e l i c W e b r i f k d W e N R e r n e l i c W e l f i = ^ h b a =
 i ^ k h b q e r r j f a j b a f r j e p l i o a p l o m q k b M Q T R e M T M F

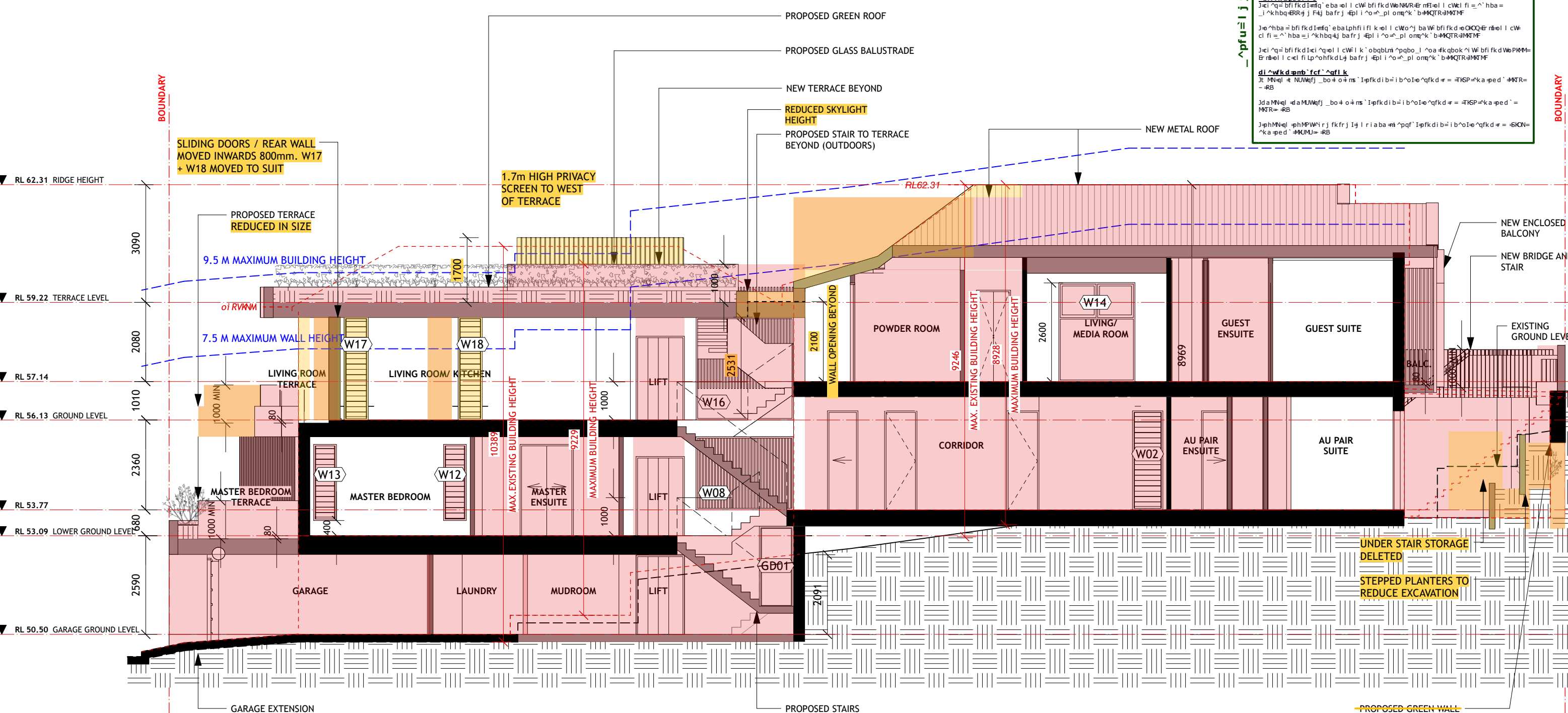
J= o ^ h b a = b r i f k d i m q e b a l p h i f i k e l i c W o ^ ba W e b r i f k d e O C Q e r n e l i c W e
 c l f i = ^ h b a = i ^ k h b q e j b a f r j e p l i o a p l o m q k b M Q T R e M T M F

J=ei q = b r i f k d i e i q e l i c W e l i k o b q b m i p q b o _ i o a f k q b o k s i W e b r i f k d W e P M M =
 e r n e l i c e l f i p o h f k d l a j b a f r j e p l i o a p l o m q k b M Q T R e M T M F

d i ^ w f k d p m b f e f ^ q f l k
 Jt M N e l e N U W e j _ b o + o a n s i p f k d i b e i b o i e ^ q f k d = = f K S P e k a p e d = M T R =
 - R B

J d a M N e l e d a M U W e j _ b o + o a n s i p f k d i b e i b o i e ^ q f k d = = f K S P e k a p e d =
 M T R = - R B

J p h M N e l e p h M W e r j f k f r j i j i r i a b a m i p q f i p f k d i b e i b o i e ^ q f k d = = S K O N =
 ^ k a p e d = K U M J = - R B



1 LONGITUDINAL SECTION
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No.	Date	REVISION	By	Stage
A	19/10/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM	DEVELOPMENT APPLICATION
B	3/11/22	ADDITIONAL AMENDMENTS	SM	
C	17/2/23	ADDITIONAL AMENDMENTS IN RESPONSE TO COUNCIL RFI	SF	

No.	Date	ISSUE	By
WF01		EXISTING / NEW BRICK CAVITY WALLS WITH SPANISH RENDER	
WF02		NEW CONCRETE WALLS WITH SPANISH RENDER	
WF03		BRICK WALL WITH STONE CLADDING	

FLETCHER STREET HOUSE		Drawing No. DA1.11	
Drawing Title SECTIONS		Rev #	C SCALE PAGE
Address 27 FLETCHER STREET, TAMARAMA		ISSUE #	1:100 ISO A3
Client ERIN AND JAKE MICHAEL LUKE MICHAEL AND NATALIE VELICKOVICH		Dwg Date: 22/8/22	Plot Date:
Project No. 2321		Checked By MS	Drawn

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cil lo
 J=i k' obqbpi ^_# k dol r ka Wk fi
 Jpr pnbka ba eil l o# fqe # nbk apr _ cil l o We MU e a l t k F# o e b NRM k' i r afkd =
 ' i k p q o r ' q f i k F
 Jpr pnbka ba eil l o # _ l s b e l ' o d b e o ' j ba e M T F W k fi
 J c i l l o # _ l s b u f p q f k d e t b i f k d # o e r f i a f k d W k fi

buqbok si k si i p
 J= ' s f q v = o f ' h W k fi
 J= e o ' j ba e # N P M e l o e N T M k' i r a f k d = l k p q o r ' q f i k F
 J buqbok si k ' si i W e o f ' h # b k b b o e N S e l o e N T M k' i r a f k d = l k p q o r ' q f i k F

fkqbok si k si i p
 J= f d e q t b f d e q e o ' j ba e f q e m f k q # k a m ' p q b o _ l ' o a
 J= f k q b o k si k ' si i p e ' o b a e f q e d ' o d b W m ' p q b o _ l ' o a e e M P S F W k fi

' b f i f k d p i e l l c
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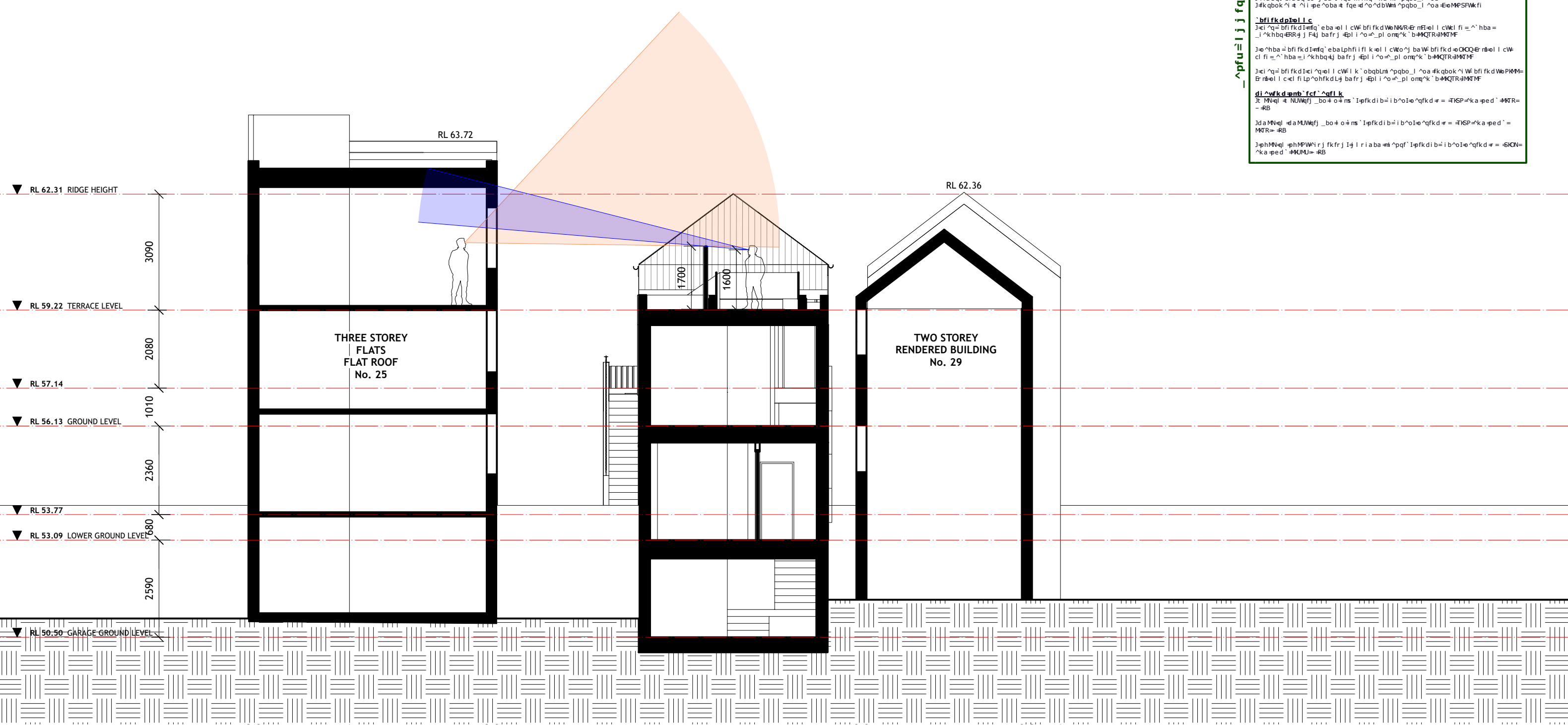
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 c l f i = ' h b a = l ' k h b q e j b a f r j e p l i ' o e _ p l o m q ' k ' b # M Q T R e M T M F

J= e i ' q = b f i f k d i e i ' q e l l c W e l k ' o b q b l n i ' p q b o _ l ' o a # f k q b o k si W e b f i f k d W e P M M =
 e r n e e l l c e l f i l p ' o h f k d l j b a f r j e p l i ' o e _ p l o m q ' k ' b # M Q T R e M T M F

d i ' o w k d a n b ' f c f ' ^ q f l k
 J= M N e l ' e N U W e j _ b o # o # n s ' I p f k d i b = i b ' o l e ' q f k d # = # I S P # k a p e d ' # M T R =
 - # B

J d a M N e l ' e d a M U W e j _ b o # o # n s ' I p f k d i b = i b ' o l e ' q f k d # = # I S P # k a p e d ' =
 M T R # # B

J= p h M N e l ' e p h M P W e j r j f k f r j i j r i a b a m ' p q f ' I p f k d i b = i b ' o l e ' q f k d # = # S K O N =
 ' k a p e d ' # K U M U # # B



1 VIEWLINES SECTION THROUGH TERRACE
 Scale: 1:100

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- Notes
- █ EXISTING WALLS TO BE RETAINED
 - █ PROPOSED NEW WALLS
 - - - OUTLINE OF EXISTING DWELLING
 - - - BOUNDARY LINE
- WF01 EXISTING / NEW BRICK CAVITY WALLS WITH SPANISH RENDER
 - WF02 NEW CONCRETE WALLS WITH SPANISH RENDER
 - WF03 BRICK WALL WITH STONE CLADDING

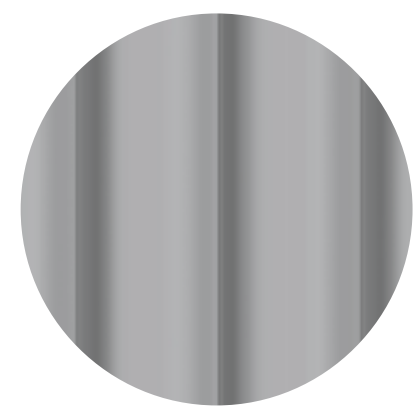
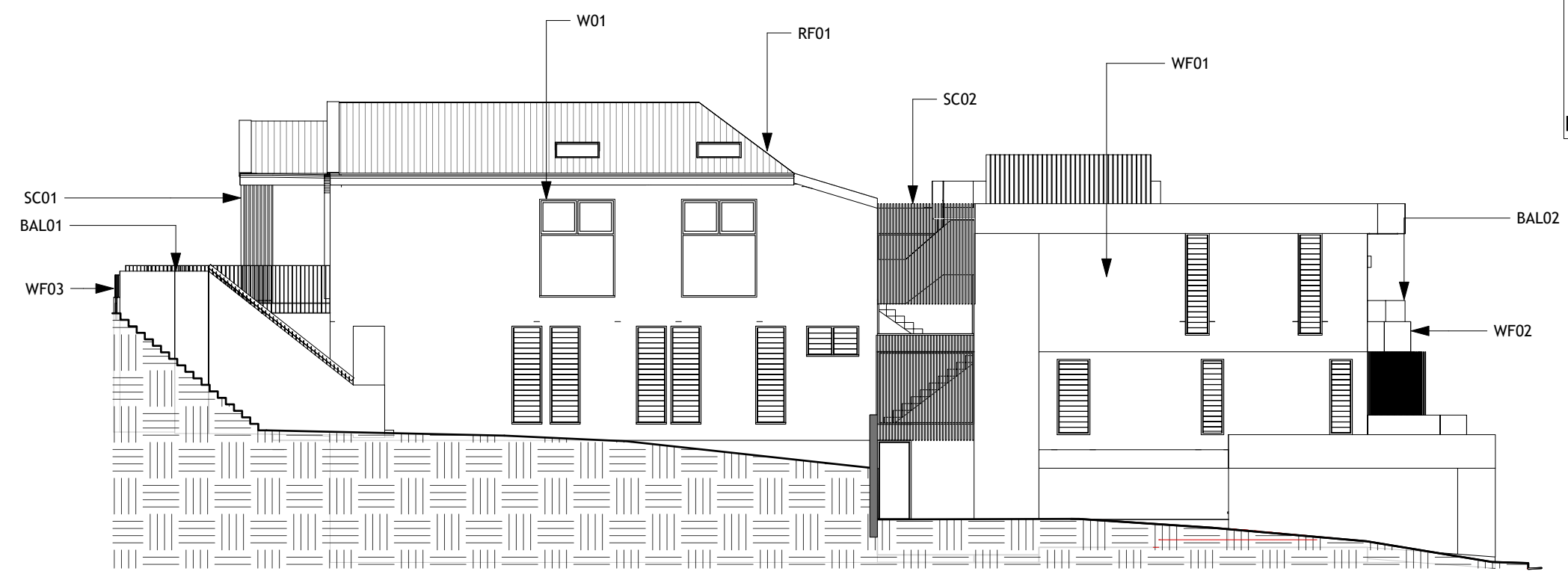
No.	Date	REVISION	By	Stage	FLETCHER STREET HOUSE		Drawing No.
A	17/2/23	ADDITIONAL AMENDMENTS IN RESPONSE TO COUNCIL RFI	SF	DEVELOPMENT APPLICATION	27 FLETCHER STREET, TAMARAMA		DA1.11.1
No.	Date	ISSUE	By	Client	Project No.	2321	Rev # A SCALE PAGE
				ERIN AND JAKE MICHAEL LUKE MICHAEL AND NATALIE VELICKOVICH			ISSUE # 1:100 ISO A3
							Dwg Date: 22/8/22 Plot Date:
							Checked By MS Drawn By sm

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RF01
 LYSAGHT LONGLINE 305
 SOUTHERLY COLORBOND COLOUR



BAL01/SC01
 VERTICAL METAL BALUSTRADE AND SCREEN
 PEARL WHITE



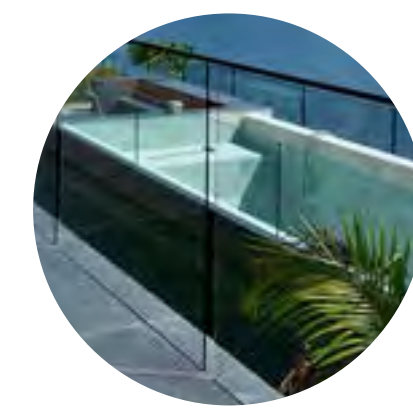
WF01/WF02
 G BRICK WALL / CONCRETE WALL WITH
 SPANISH RENDER



W01
 WHITE POWDER COATED ALUMINIUM
 WINDOWS



SC02
 VERTICAL TIMBER SCREEN
 BLONDE FINISH



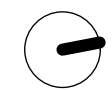
BAL02
 TOUGHENED GLASS BALUSTRADE

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Notes



No.	Date	REVISION	By	Stage	Drawing No. DA1.17
A	22/2/23	ADDITIONAL AMENDMENTS IN RESPONSE TO COUNCIL RFI	SM	DEVELOPMENT APPLICATION	
Address 27 FLETCHER STREET, TAMARAMA					Drawing Title SCHEDULE OF EXTERNAL FINISHES
Client ERIN AND JAKE MICHAEL LUKE MICHAEL AND NATALIE VELICKOVICH					Project No. 2321
Drawing Title SCHEDULE OF EXTERNAL FINISHES					Rev # A SCALE PAGE ISSUE # 1:150 ISO A3
Dwg Date: 22/8/22 Plot Date:					Checked By MS Drawn By sm



1 SHADOW DIAGRAM 9:00 AM @21 JUNE
Scale: 1:100

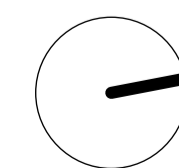
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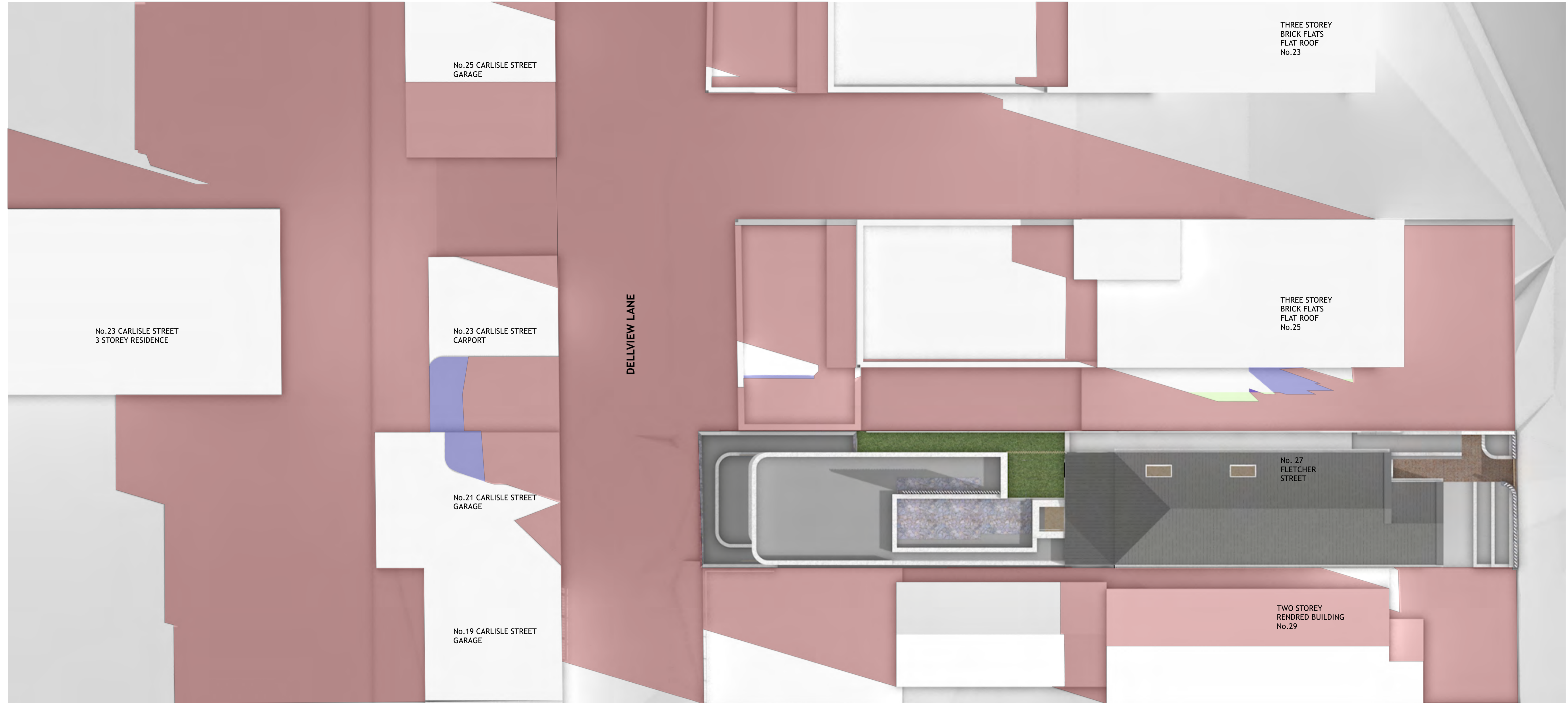
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- Notes
- SHADOW EXTENT
 - ADDITIONAL SHADOWS FROM EXISTING
 - SHADOW REDUCTION



No.	Date	REVISION	By	Stage	Drawing No. DA1.12
A	19/10/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM	DEVELOPMENT APPLICATION	
B	8/11/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM		
C	17/2/23	ADDITIONAL AMENDMENTS IN RESPONSE TO COUNCIL RFI	SF		
No.	Date	ISSUE	By		
				Client ERIN AND JAKE MICHAEL LUKE MICHAEL AND NATALIE VELICKOVICH	Drawing Title FLETCHER STREET HOUSE SHADOW DIAGRAMS - JUNE AT 9:00 AM
				Address 27 FLETCHER STREET, TAMARAMA	Rev # C SCALE PAGE ISSUE # 1:100 ISO A1
				Project No. 2321	Dwg Date: 22/8/22 Plot Date: Checked By MS Drawn By sm



1 SHADOW DIAGRAM 10:00 AM @21 JUNE
Scale: 1:100

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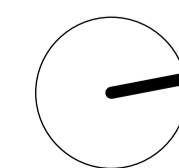
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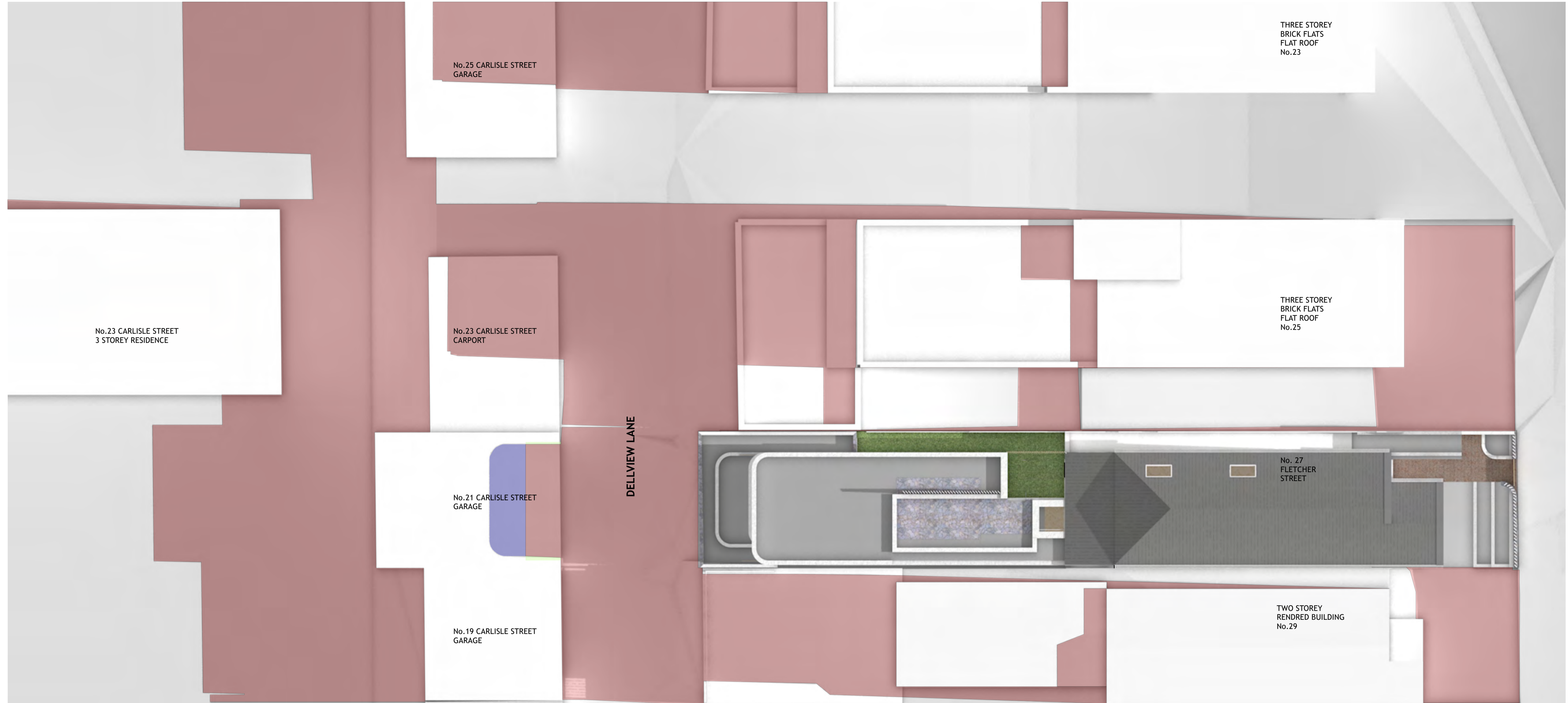
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- Notes
- SHADOW EXTENT
 - ADDITIONAL SHADOWS FROM EXISTING
 - SHADOW REDUCTION



No.	Date	REVISION	By	Stage	Drawing No. DA1.12.1
A	19/10/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM	DEVELOPMENT APPLICATION	
B	8/11/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM		
C	17/2/23	ADDITIONAL AMENDMENTS IN RESPONSE TO COUNCIL RFI	SF		
No.	Date	ISSUE	By		
				Client ERIN AND JAKE MICHAEL LUKE MICHAEL AND NATALIE VELICKOVICH	Drawing Title FLETCHER STREET HOUSE SHADOW DIAGRAMS - JUNE AT 10:00 AM
				Address 27 FLETCHER STREET, TAMARAMA	Project No. 2321
					Rev # C SCALE PAGE ISSUE # 1:100 ISO A1
					Dwg Date: 22/8/22 Plot Date: Checked By MS Drawn By sm



1 SHADOW DIAGRAM 11:00 AM @21 JUNE
Scale: 1:100

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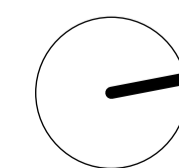
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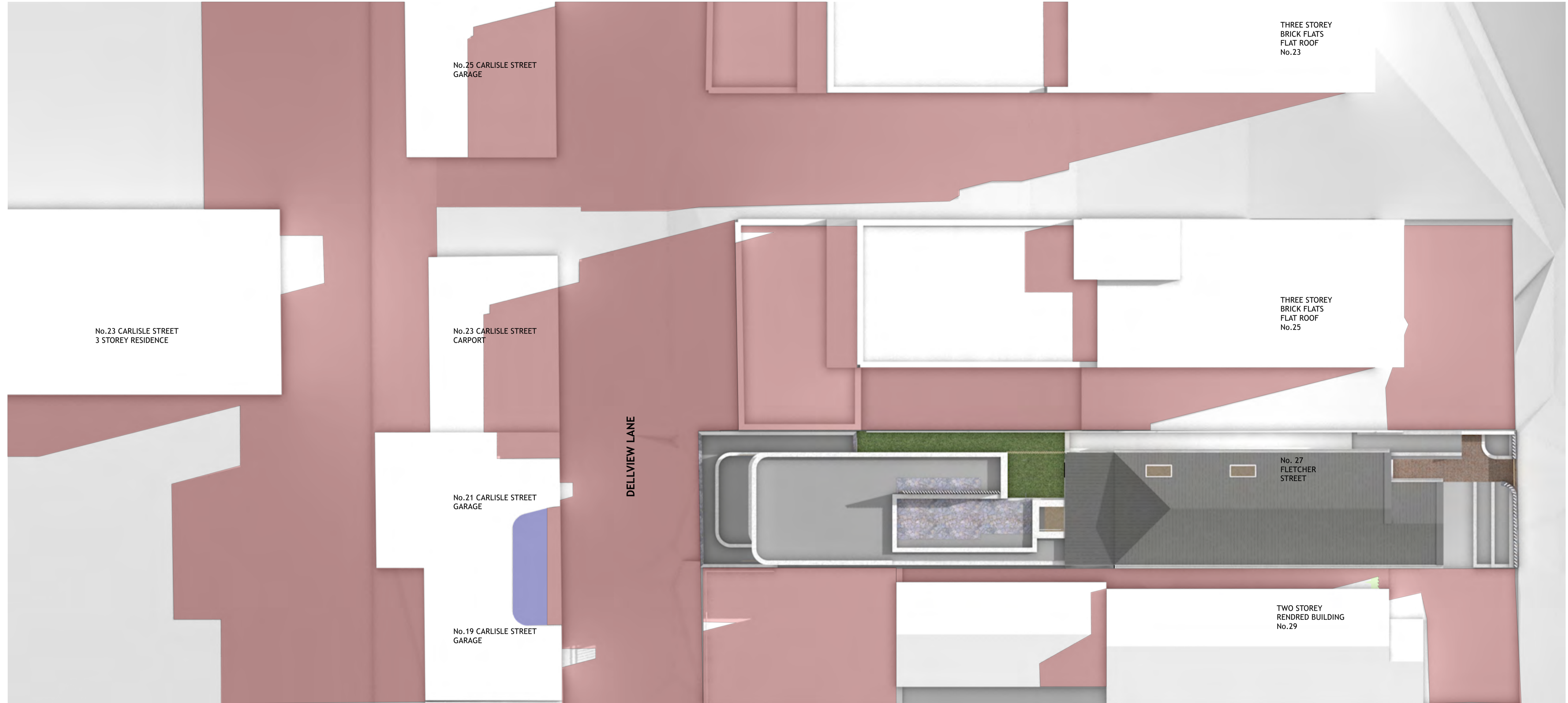
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- Notes
- SHADOW EXTENT
 - ADDITIONAL SHADOWS FROM EXISTING
 - SHADOW REDUCTION



No.	Date	REVISION	By	Stage	Drawing Title	Drawing No.
A	19/10/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM	DEVELOPMENT APPLICATION		
B	8/11/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM			
C	17/2/23	ADDITIONAL AMENDMENTS IN RESPONSE TO COUNCIL RFI	SF			
No.	Date	ISSUE	By	Client	Project No.	Page
				ERIN AND JAKE MICHAEL LUKE MICHAEL AND NATALIE VELICKOVICH	2321	1



1 SHADOW DIAGRAM 12:00 PM @21 JUNE
Scale: 1:100

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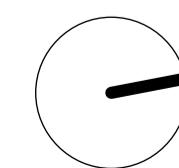
AMENDED PLANS

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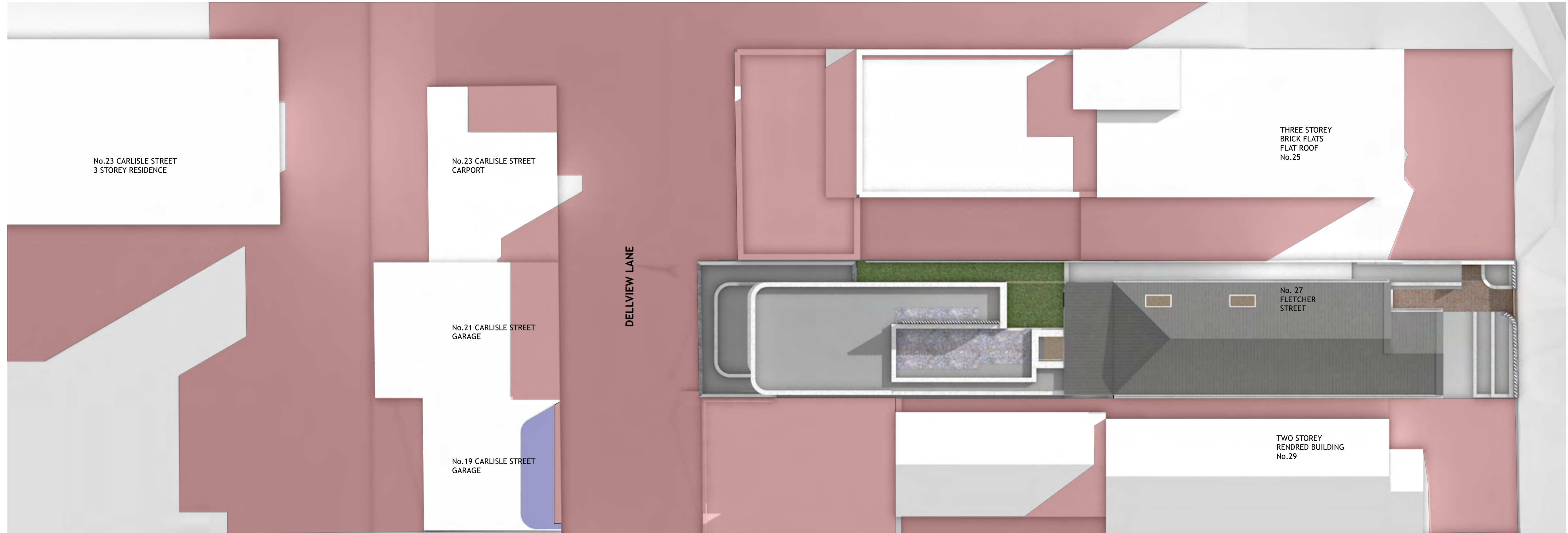
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- Notes
- SHADOW EXTENT
 - ADDITIONAL SHADOWS FROM EXISTING
 - SHADOW REDUCTION



No.	Date	REVISION	By	Stage	Drawing No. DA1.13
A	19/10/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM	DEVELOPMENT APPLICATION	
B	8/11/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM		
C	17/2/23	ADDITIONAL AMENDMENTS IN RESPONSE TO COUNCIL RFI	SF		
No.	Date	ISSUE	By		
				Client ERIN AND JAKE MICHAEL LUKE MICHAEL AND NATALIE VELICKOVICH	Drawing Title FLETCHER STREET HOUSE SHADOW DIAGRAMS - JUNE AT 12:00 PM
				Address 27 FLETCHER STREET, TAMARAMA	Rev # C SCALE PAGE ISSUE # 1:100 ISO A1
				Project No. 2321	Dwg Date: 22/8/22 Plot Date: Checked By MS Drawn By sm



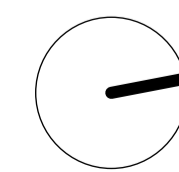
1 SHADOW DIAGRAM 1:00 PM @21 JUNE
Scale: 1:100

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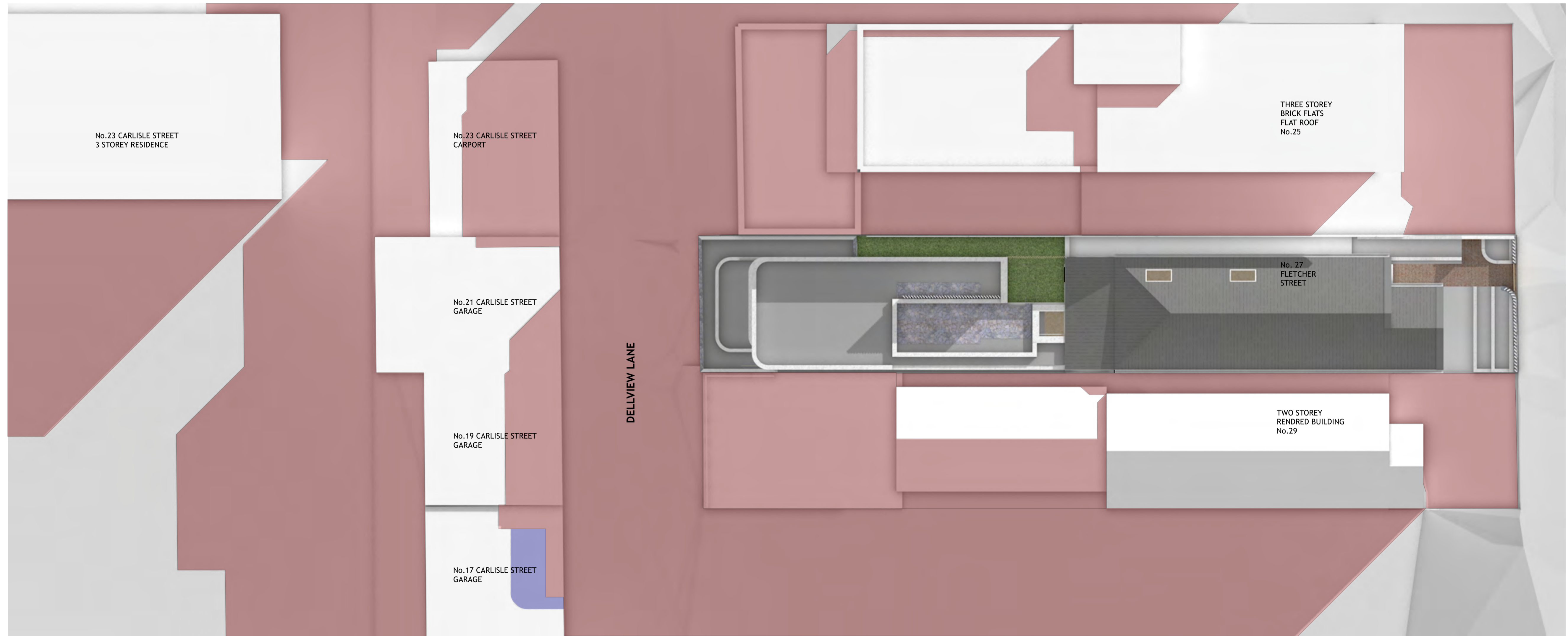
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- Notes
- SHADOW EXTENT
 - ADDITIONAL SHADOWS FROM EXISTING
 - SHADOW REDUCTION



No.	Date	REVISION	By	Stage	Drawing No. DA1.13.1
A	19/10/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM	DEVELOPMENT APPLICATION	
B	8/11/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM		
C	17/2/23	ADDITIONAL AMENDMENTS IN RESPONSE TO COUNCIL RFI	SF		
No.	Date	ISSUE	By		
				Client ERIN AND JAKE MICHAEL LUKE MICHAEL AND NATALIE VELICKOVICH	Drawing Title FLETCHER STREET HOUSE SHADOW DIAGRAMS - JUNE AT 1:00 PM Project No. 2321
				Address 27 FLETCHER STREET, TAMARAMA	Rev # C SCALE PAGE ISSUE # 1:100 ISO A1
				Dwg Date: 22/8/22 Plot Date:	Checked By MS Drawn By sm



1 SHADOW DIAGRAM 2:00 PM @21 JUNE
Scale: 1:100

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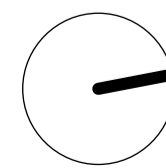
AMENDED PLANS

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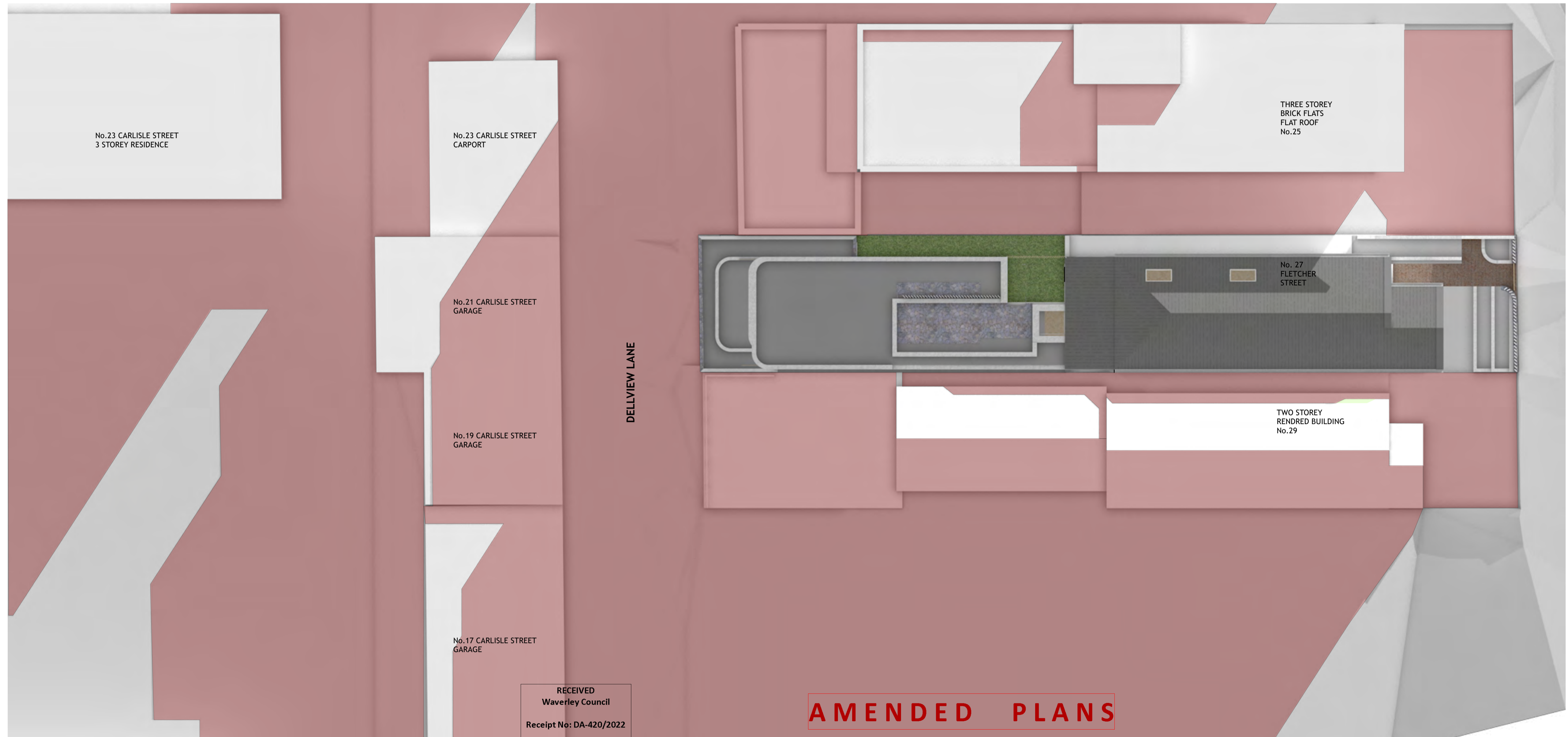
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- Notes
- SHADOW EXTENT
 - ADDITIONAL SHADOWS FROM EXISTING
 - SHADOW REDUCTION



No.	Date	REVISION	By	Stage	Drawing Title	Drawing No.
A	19/10/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM	DEVELOPMENT APPLICATION		
B	8/11/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM			
C	17/2/23	ADDITIONAL AMENDMENTS IN RESPONSE TO COUNCIL RFI	SF			
No.	Date	ISSUE	By	Client	Project No.	Page
				ERIN AND JAKE MICHAEL LUKE MICHAEL AND NATALIE VELICKOVICH	2321	1



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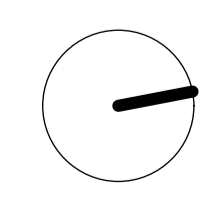
1 SHADOW DIAGRAM 3:00 PM @ 21 JUNE
Scale: 1:100

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- Notes
- SHADOW EXTENT
 - ADDITIONAL SHADOWS FROM EXISTING
 - SHADOW REDUCTION



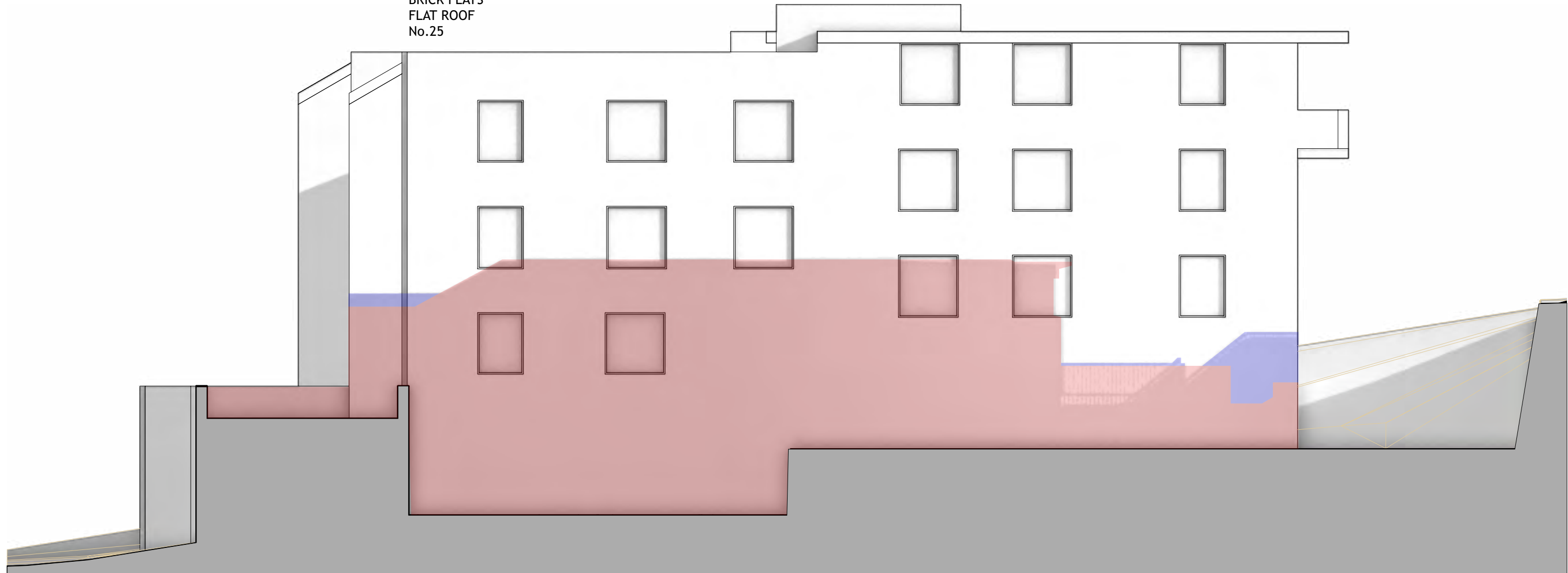
No.	Date	REVISION	By
A	19/10/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM
B	8/11/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM
C	17/2/23	ADDITIONAL AMENDMENTS IN RESPONSE TO COUNCIL RFI	SF
No.	Date	ISSUE	By

Stage	Client
DEVELOPMENT APPLICATION	ERIN AND JAKE MICHAEL LUKE MICHAEL AND NATALIE VELICKOVICH

Drawing No. DA1.14	
Drawing Title	FLETCHER STREET HOUSE
Address	27 FLETCHER STREET, TAMARAMA
Project No.	2321

Rev #	C	SCALE	PAGE
ISSUE #	1:100	ISO A1	
Dwg Date:	22/8/22	Plot Date:	
Checked By	MS	Drawn By	sm

THREE STOREY
BRICK FLATS
FLAT ROOF
No.25



1 ELEVATIONAL SHADOW DIAGRAM/ 21 JUNE @ 9:00 AM
Scale: 1:100

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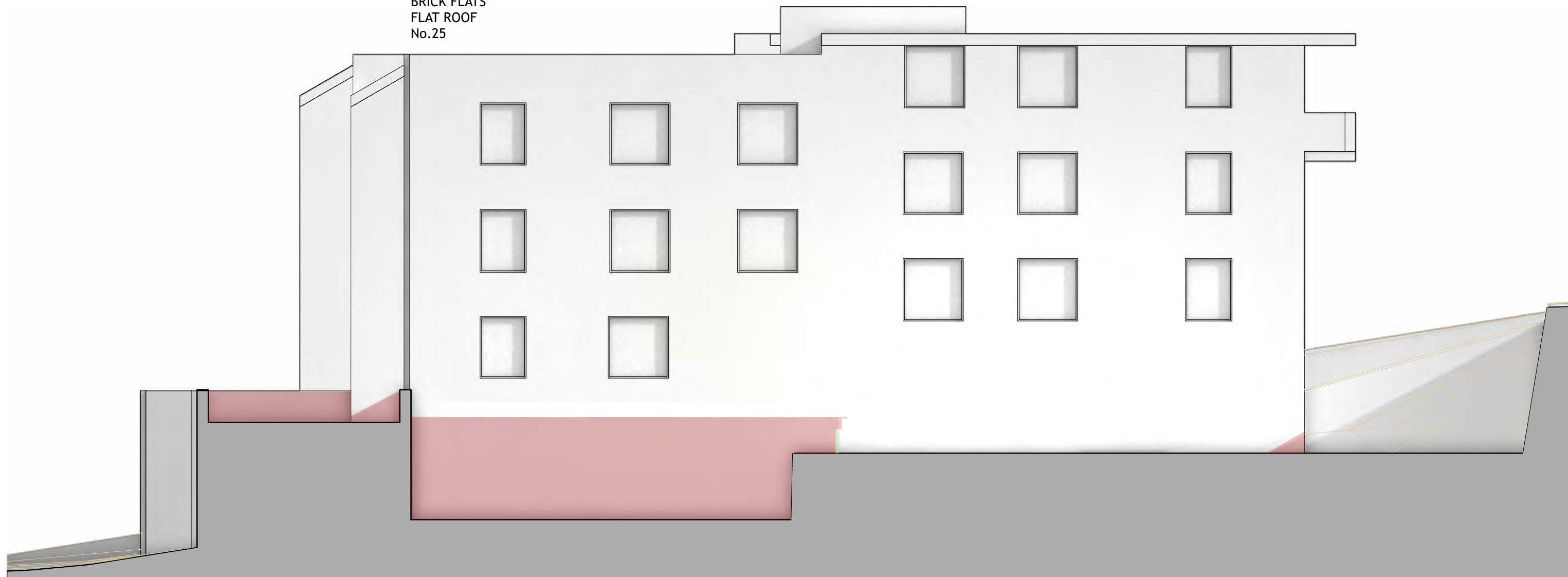
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Notes

- SHADOW EXTENT
- ADDITIONAL SHADOWS FROM EXISTING
- SHADOW REDUCTION

No.	Date	REVISION	By	Stage	Drawing No. DA1.15.0
A	19/10/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM	DEVELOPMENT APPLICATION	
B	17/2/23	ADDITIONAL AMENDMENTS IN RESPONSE TO COUNCIL RFI	SF		
				Address 27 FLETCHER STREET, TAMARAMA	Drawing Title SHADOW DIAGRAM ELEVATIONS No.25 FLETCHER ST -21 JUNE AT 9:00 am
				Client ERIN AND JAKE MICHAEL LUKE MICHAEL AND NATALIE VELICKOVICH	Project No. 2321
					Rev # B SCALE PAGE ISSUE # 1:100 ISO A3 Dwg Date: 22/8/22 Plot Date: Checked By MS Drawn By sm

THREE STOREY
BRICK FLATS
FLAT ROOF
No.25



1 ELEVATIONAL SHADOW DIAGRAM/ 21 JUNE @ 10:00 AM
Scale: 1:100

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Receipt No: DA-420/2022
Date Received: 06/03/2023

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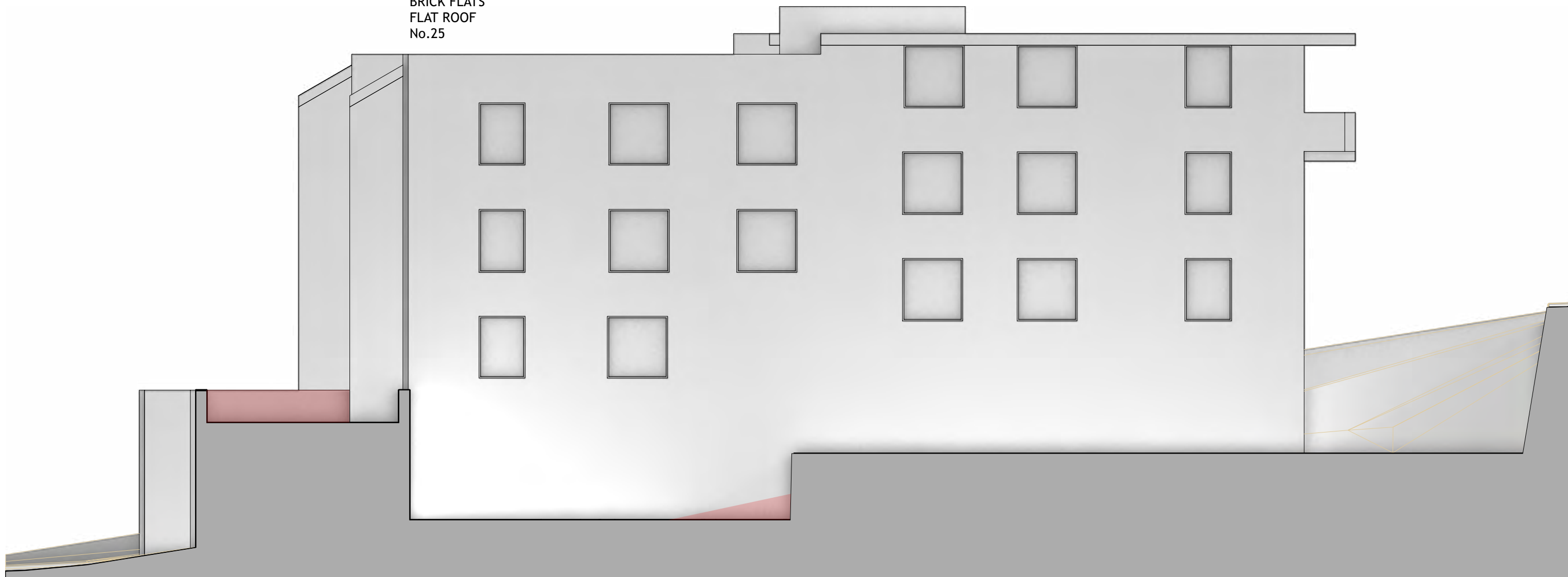
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Notes

- SHADOW EXTENT
- ADDITIONAL SHADOWS FROM EXISTING
- SHADOW REDUCTION

No.	Date	REVISION	By	Stage	Drawing No. DA1.15.1
A	19/10/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM	DEVELOPMENT APPLICATION	
B	17/2/23	ADDITIONAL AMENDMENTS IN RESPONSE TO COUNCIL RFI	SF		
				Address 27 FLETCHER STREET, TAMARAMA	Drawing Title SHADOW DIAGRAM ELEVATIONS No.25 FLETCHER ST -21 JUNE AT 10:00 a
				Client ERIN AND JAKE MICHAEL LUKE MICHAEL AND NATALIE VELICKOVICH	Project No. 2321
					Rev # B SCALE PAGE ISSUE # 1:100 ISO A3
					Dwg Date: 22/8/22 Plot Date: Checked By MS Drawn By sm

THREE STOREY
BRICK FLATS
FLAT ROOF
No.25



1 ELEVATIONAL SHADOW DIAGRAM/ 21 JUNE @ 11:00 AM
Scale: 1:100

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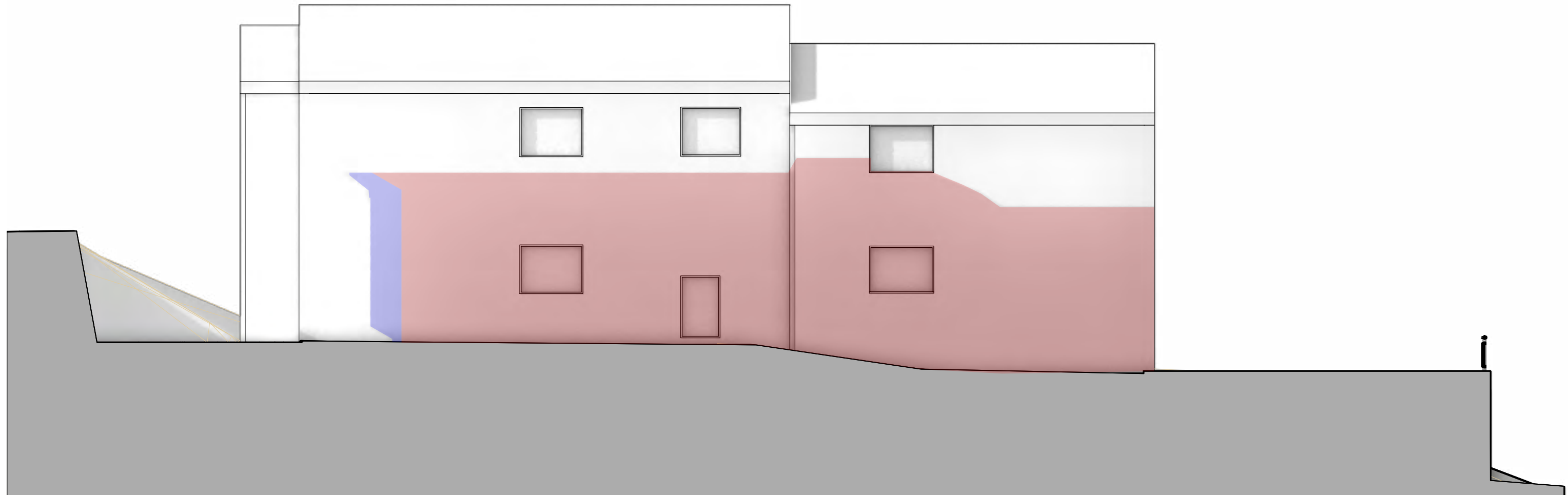
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Notes

- SHADOW EXTENT
- ADDITIONAL SHADOWS FROM EXISTING
- SHADOW REDUCTION

No.	Date	REVISION	By	Stage	Drawing No.
A	19/10/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM	DEVELOPMENT APPLICATION	DA1.15.2
B	17/2/23	ADDITIONAL AMENDMENTS IN RESPONSE TO COUNCIL RFI	SF		
				Address	Drawing Title
				27 FLETCHER STREET, TAMARAMA	SHADOW DIAGRAM ELEVATIONS No.25 FLETCHER ST -21
				Client	Rev # B SCALE PAGE
				ERIN AND JAKE MICHAEL LUKE MICHAEL AND NATALIE VELICKOVICH	ISSUE # 1:100 ISO A3
				Project No.	2321
				Checked By MS	Plot Date:
				Drawn By sm	

THREE STOREY
BRICK FLATS
FLAT ROOF
No.25



1 ELEVATIONAL SHADOW DIAGRAM/ 21 JUNE @ 12:00 PM
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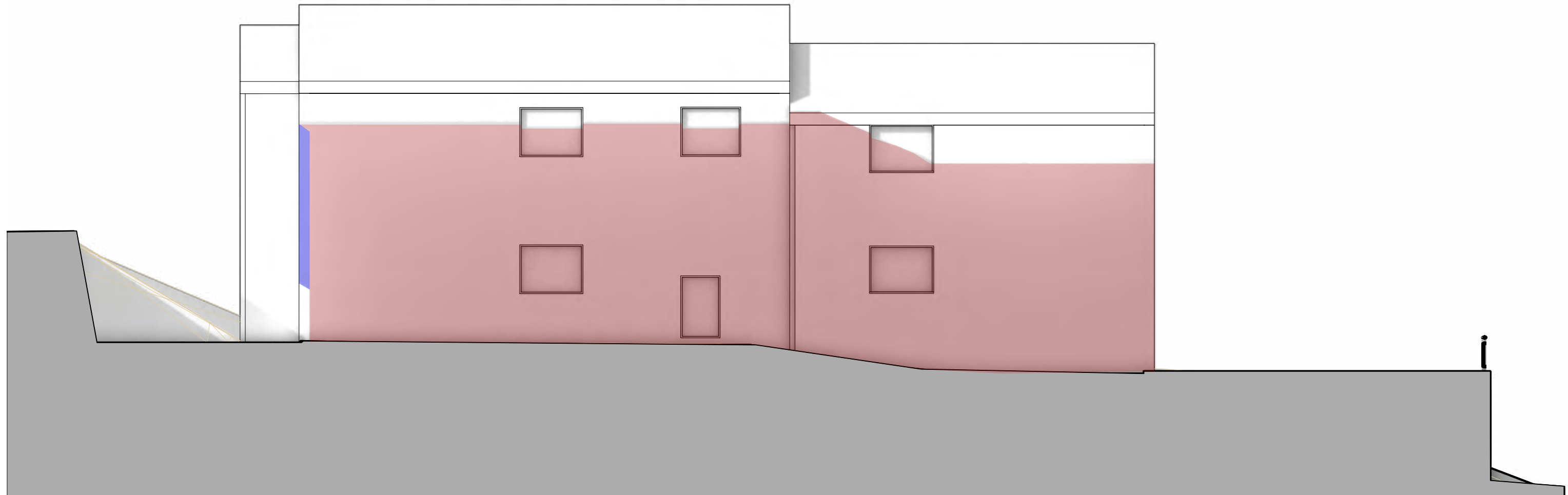
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- SHADOW EXTENT
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No.	Date	REVISION	By	Stage	Drawing No. DA1.16.0
A	19/10/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM	DEVELOPMENT APPLICATION	
B	17/2/23	ADDITIONAL AMENDMENTS IN RESPONSE TO COUNCIL RFI	SF		
No.	Date	ISSUE	By	Drawing Title	
				SHADOW DIAGRAM ELEVATIONS No.29 FLETCHER ST -21	
Client ERIN AND JAKE MICHAEL LUKE MICHAEL AND NATALIE VELICKOVICH				Address 27 FLETCHER STREET, TAMARAMA	Project No. 2321
				Rev # B SCALE PAGE	ISSUE # 1:100 ISO A3
				Dwg Date: 22/8/22 Plot Date:	Checked By MS Drawn By sm

THREE STOREY
BRICK FLATS
FLAT ROOF
No.25



1 ELEVATIONAL SHADOW DIAGRAM/ 21 JUNE @ 1:00 PM
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Receipt No: DA-420/2022
Date Received: 06/03/2023

AMENDED PLANS

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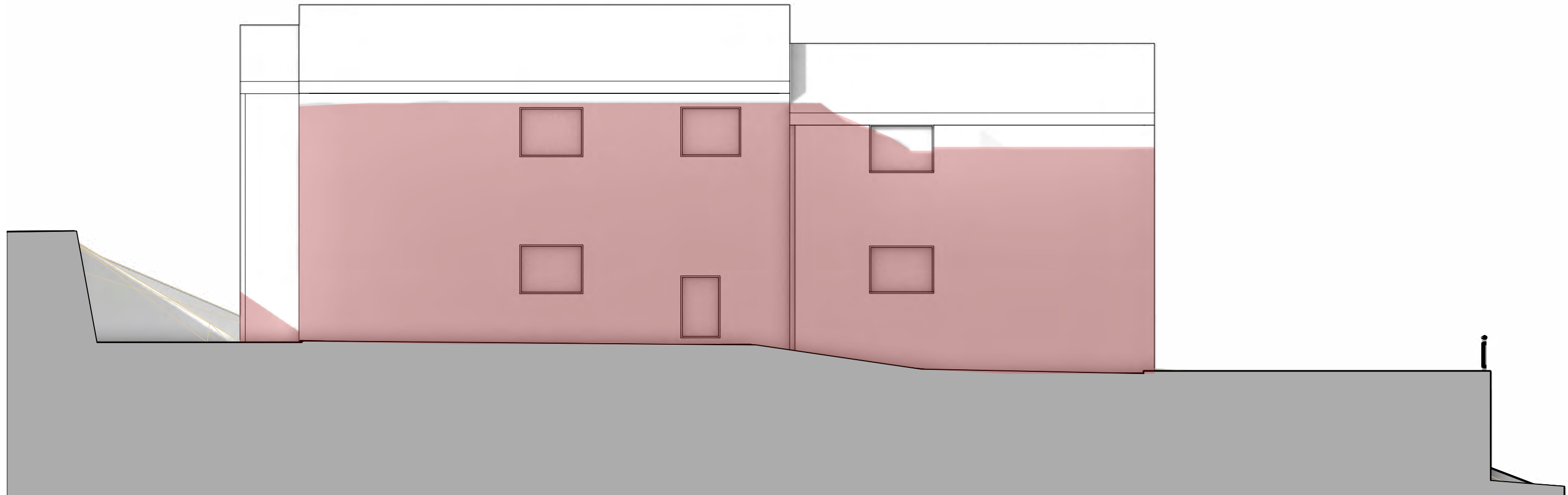
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No.	Date	REVISION	By	Stage	Drawing No. DA1.16.1
A	19/10/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM	DEVELOPMENT APPLICATION	
B	17/2/23	ADDITIONAL AMENDMENTS IN RESPONSE TO COUNCIL RFI	SF		
				Address 27 FLETCHER STREET, TAMARAMA	Drawing Title SHADOW DIAGRAM ELEVATIONS No.29 FLETCHER ST -21
				Client ERIN AND JAKE MICHAEL LUKE MICHAEL AND NATALIE VELICKOVICH	Project No. 2321
					Rev # B SCALE PAGE ISSUE # 1:100 ISO A3
					Dwg Date: 22/8/22 Plot Date: Checked By MS Drawn By sm

THREE STOREY
BRICK FLATS
FLAT ROOF
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1 ELEVATIONAL SHADOW DIAGRAM/ 21 JUNE @ 2:00 PM
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No.	Date	REVISION	By	Stage	Drawing No.
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				27 FLETCHER STREET, TAMARAMA	ISSUE # 1:100 ISO A3
				Client	Dwg Date: 22/8/22 Plot Date:
				ERIN AND JAKE MICHAEL LUKE MICHAEL AND NATALIE VELICKOVICH	Project No. 2321
					Checked By MS Drawn By sm

THREE STOREY
BRICK FLATS
FLAT ROOF
No.25



1 ELEVATIONAL SHADOW DIAGRAM/ 21 JUNE @ 3:00 PM
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Date Received: 06/03/2023

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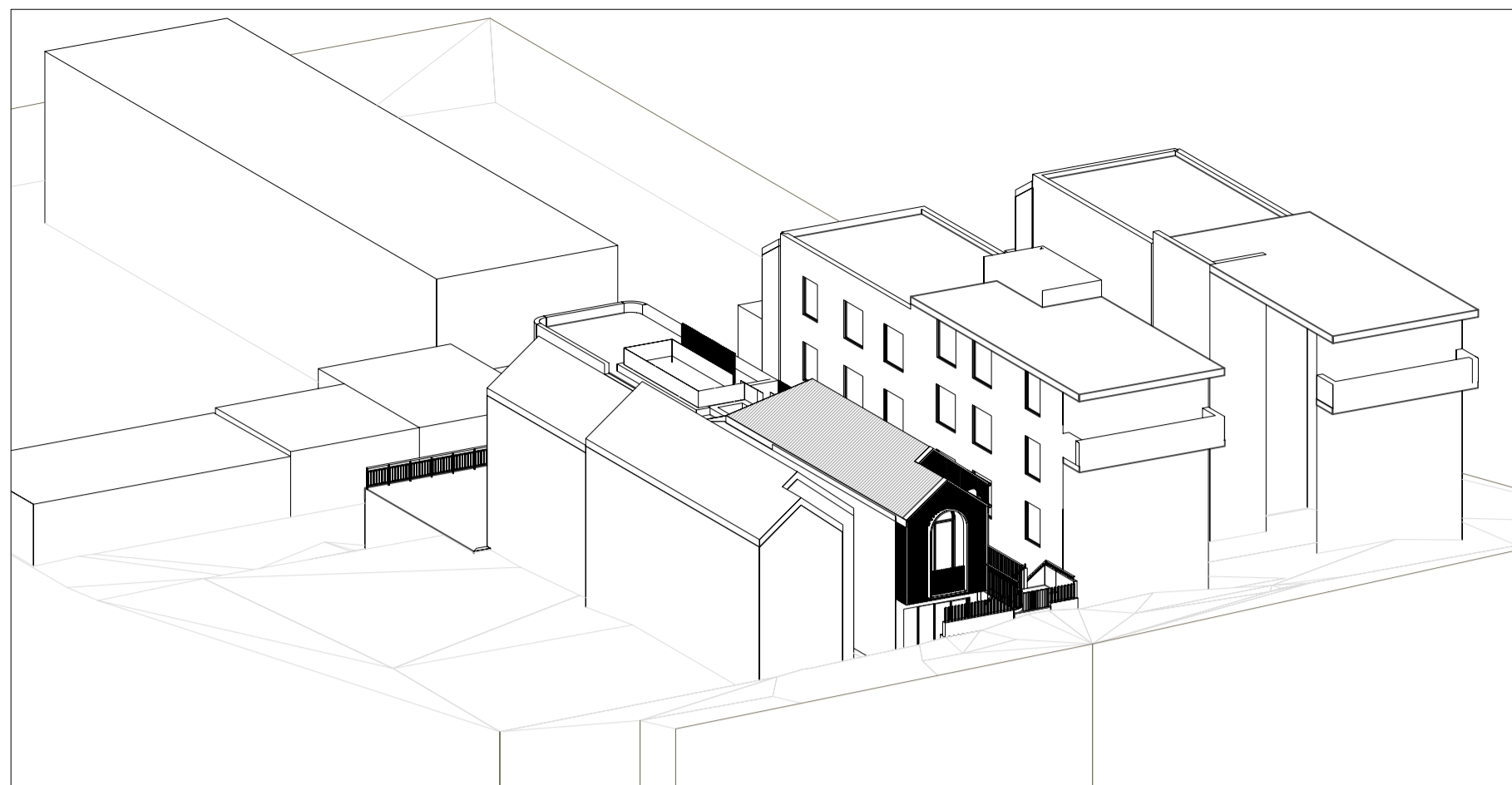


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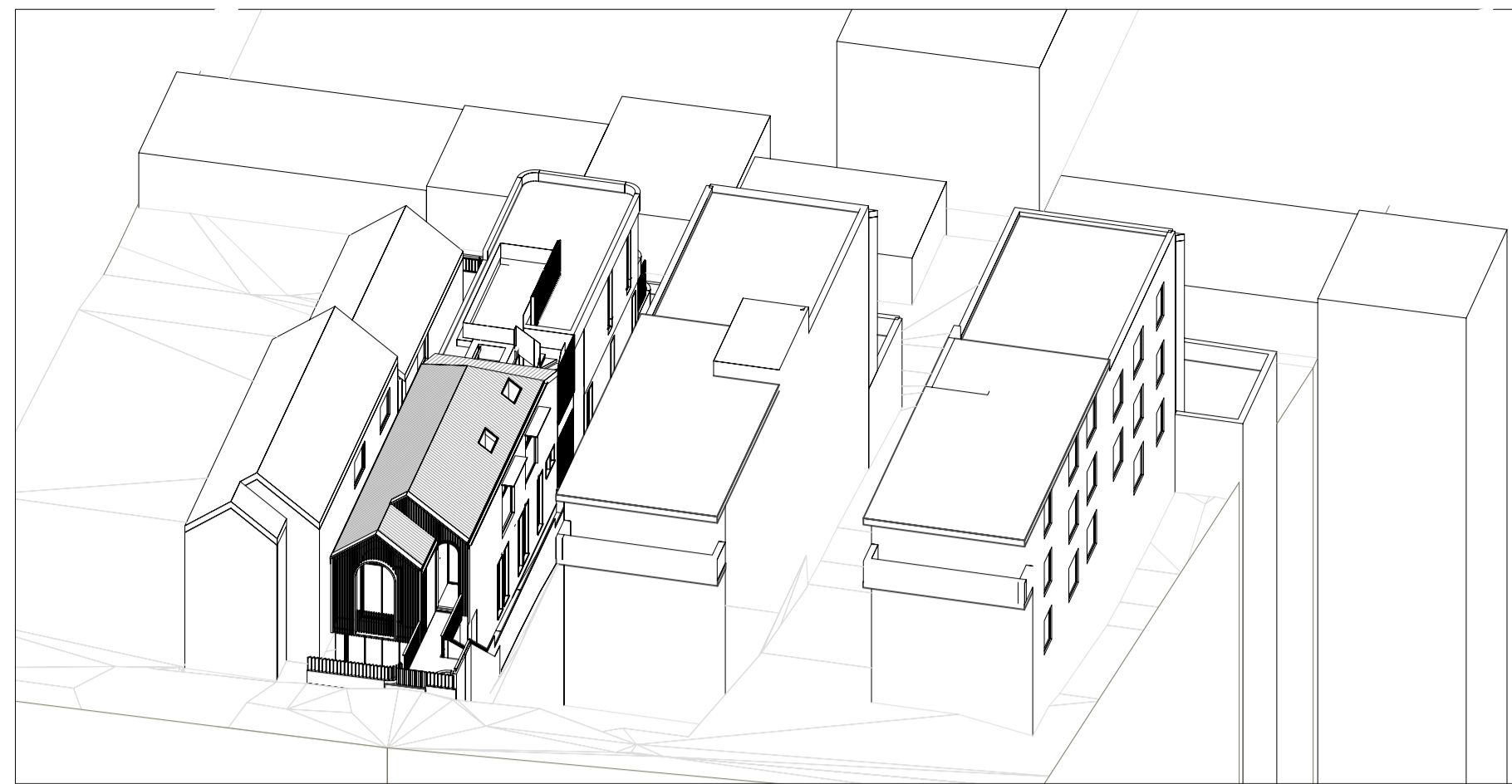
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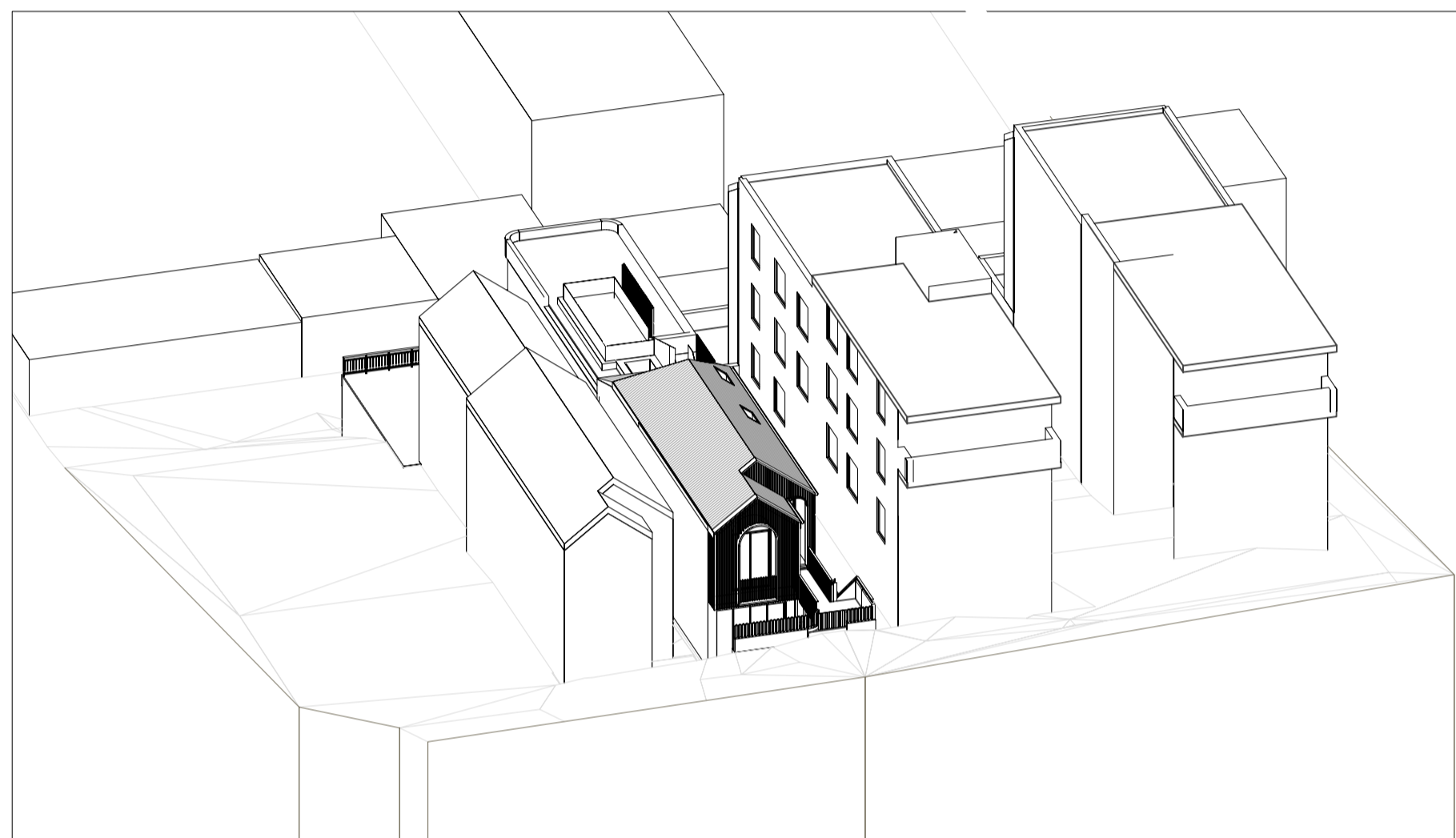
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B	17/2/23	ADDITIONAL AMENDMENTS IN RESPONSE TO COUNCIL RFI	SF		
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				Client ERIN AND JAKE MICHAEL LUKE MICHAEL AND NATALIE VELICKOVICH	Project No. 2321
					Rev # B SCALE PAGE ISSUE # 1:100 ISO A3
					Dwg Date: 22/8/22 Plot Date: Checked By MS Drawn By sm



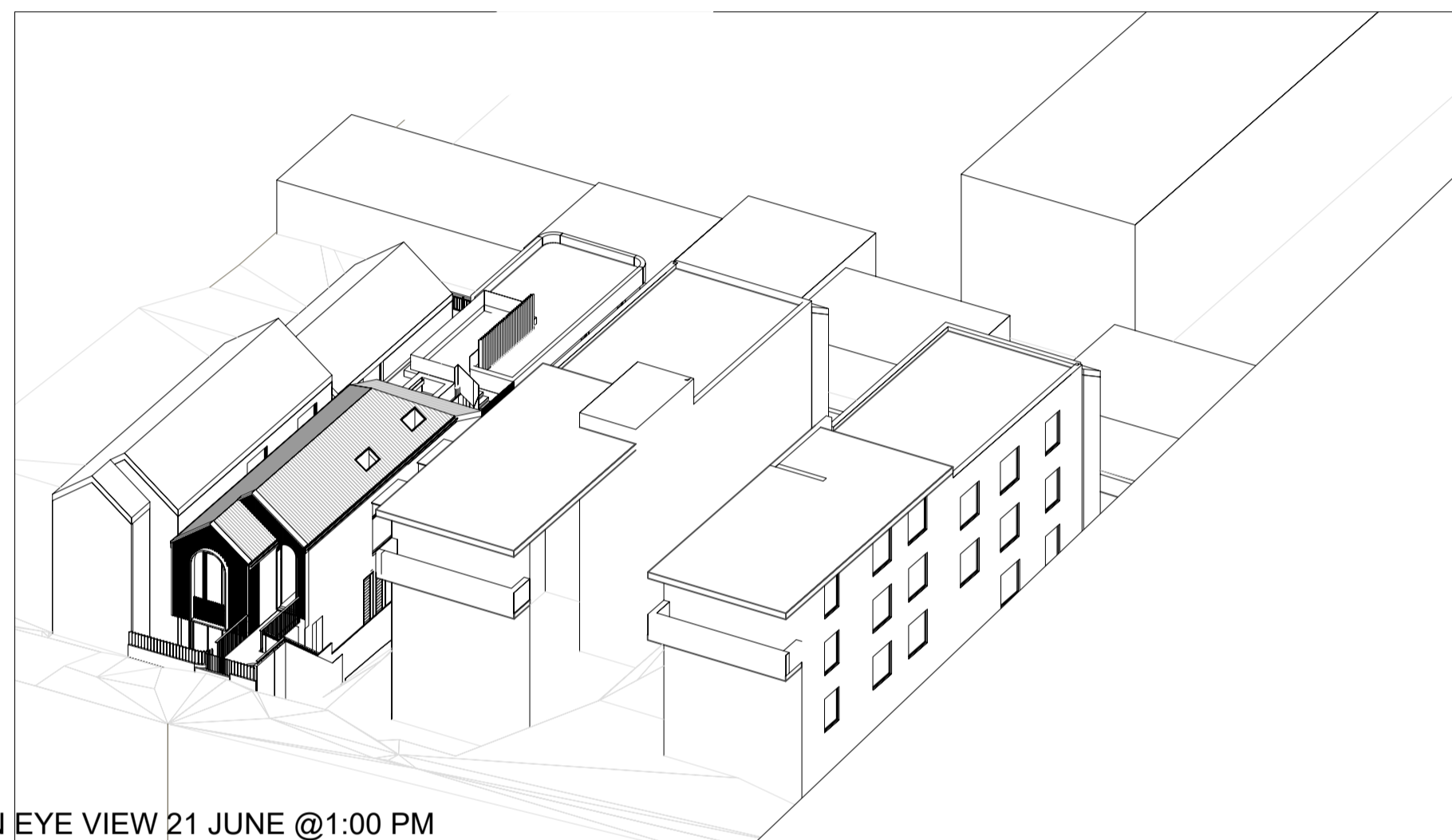
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4 SUN EYE VIEW 21 JUNE @12:00 PM
Scale: 1:250



2 SUN EYE VIEW 21 JUNE @10:00 AM
Scale: 1:250



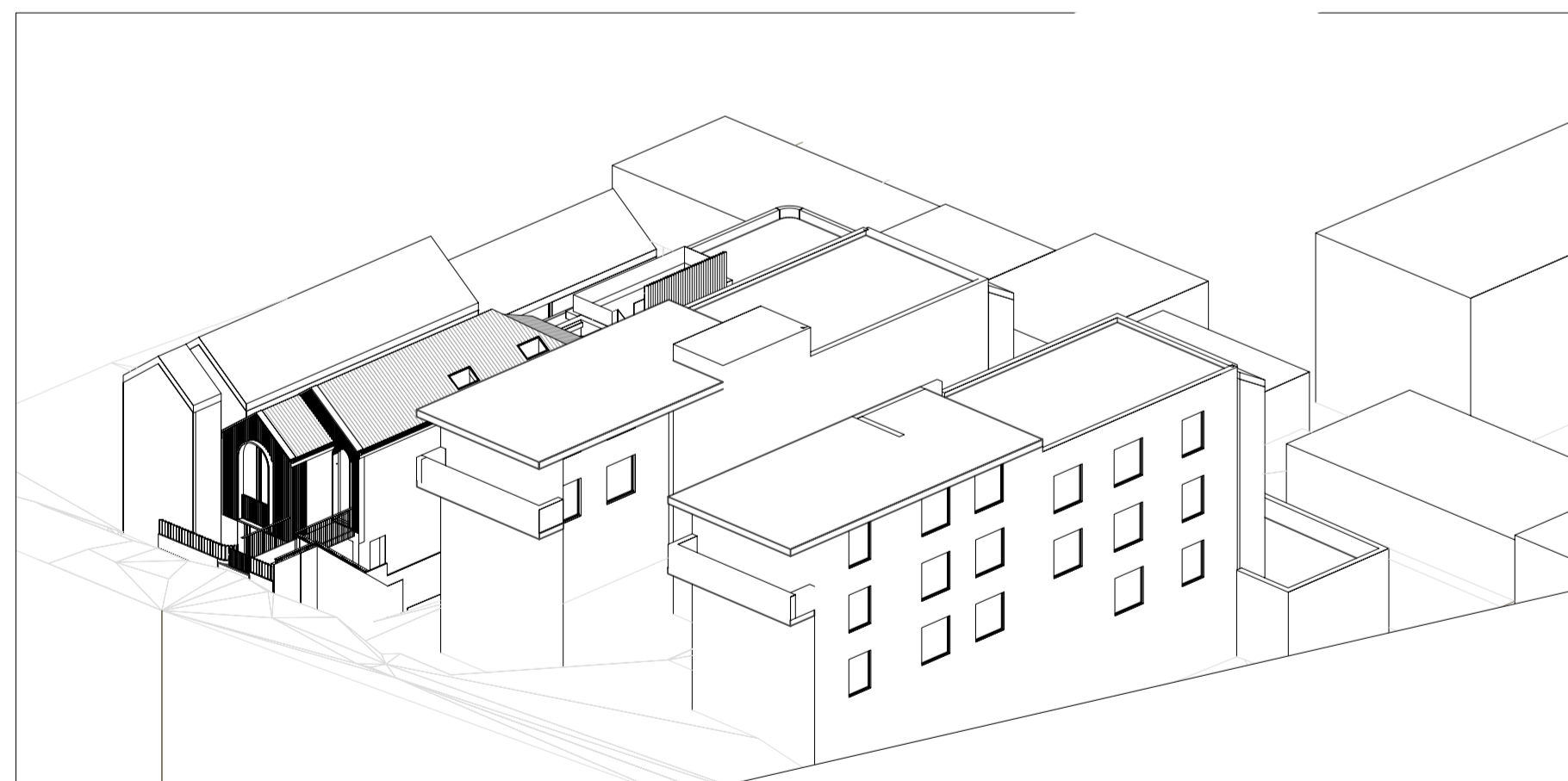
5 SUN EYE VIEW 21 JUNE @1:00 PM
Scale: 1:250



7 SUN EYE VIEW 21 JUNE @3:00 PM
Scale: 1:250



3 SUN EYE VIEW 21 JUNE @11:00 AM
Scale: 1:250



6 SUN EYE VIEW 21 JUNE @2:00 PM
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Notes

No.	Date	REVISION	By	Stage	FLETCHER STREET HOUSE	Drawing No. DA1.18
A	8/11/22	AMENDMENTS AS REQUESTED BY COUNCIL	SM	DEVELOPMENT APPLICATION		
B	17/2/23	ADDITIONAL AMENDMENTS IN RESPONSE TO COUNCIL RFI	SF			
No.	Date	ISSUE	By			
					Address 27 FLETCHER STREET, TAMARAMA	Rev # B SCALE PAGE ISSUE # 1:250 ISO A1
				Client ERIN AND JAKE MICHAEL LUKE MICHAEL AND NATALIE VELICKOVICH	Project No. 2321	Dwg Date: 8/11/22 Plot Date: Checked By MS Drawn By sm



Low Density Residential Development



Report to the Waverley Local Planning Panel

Application number	DA-371/2022
Site address	287 Birrell Street, Tamarama (Address also known as 28 Wolaroi Crescent)
Proposal	Alterations and additions to dwelling including cellar to sub-basement level and new lift
Date of lodgement	5 September 2022
Owner	Mr N P Hedley
Applicant	Mod Urban
Submissions	Nil
Cost of works	\$1,817,104.29
Principal Issues	<ul style="list-style-type: none"> • Breach of building height development standard • Breach of FSR development standard • Breach of wall height control
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to a dwelling house including a cellar within the sub-basement level and a new lift and stairs at the site known as 287 Birrell Street, Tamarama (address also known as 28 Wolaroi Crescent, Tamarama).

The principal issues arising from the assessment of the application are as follows:

- Breach of the building height development standard
- Breach of the floor space ratio (FSR) development standard
- Breach of the wall height control

The assessment finds these issues acceptable for the reasons outlined in the report.

No public or Councillor submissions were received during the notification period.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. It is recommended for approval subject to conditions of consent.

1.2. Site and Surrounding Locality

A site visit was carried out on 17 January 2023.

The site is identified as Lot B in DP 327221, known as 287 Birrell Street (also known as 28 Wolaroi Crescent), Tamarama.

The site is irregular in shape with a frontage of 20.11m to Wolaroi Crescent. It has an area of 419.5m² and falls from the front of the site towards the rear by approximately 10.22m.

The site is occupied by a four-storey dwelling house with vehicular access provided from Wolaroi Crescent.

The site is adjoined by three storey dwelling houses on either side, and Tamarama Gully/ Tamarama Park to the north. The locality is characterised by a variety of low-density residential development and areas of public recreation.

Figures 1 to 6 are photos of the site and its context.



Figure 1: View of the site facing northwest



Figure 2: View of the site facing northeast



Figure 3: Front setback of the site facing southwest (location of proposed addition).

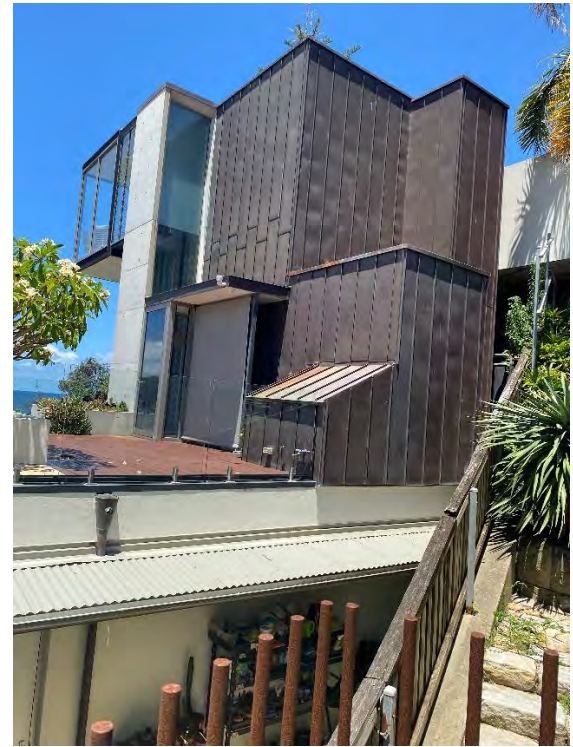


Figure 4: View of 289 Birrell Street (30 Wolaroi Crescent) facing southeast.



Figure 5: Existing roof facing east



Figure 6: View of the site from Tamarama Park facing south.

1.3. Relevant Development History

A search of Council's records revealed the following recent and relevant development history of the site:

- On 6 February 2010, Development Application DA-313/2008 was granted consent for demolition of an existing dwelling and construction of a new three storey dwelling with a double car space at the front of the property.
- On 4 April 2013, Modification Application DA-313-/2008/A was granted consent by the Land and Environment Court for modifications including a new garage, reconfiguration of the southern and western walls, roof and skylight, deletion of the internal lift, new external stairs, privacy screens and windows.
- On 31 January 2014, Modification Application DA-313/2008/B was granted consent for modifications of windows and internal alterations.
- On 7 January 2016, Modification Application DA-313/2008/C was granted consent for modifications to windows, internal alterations, and a fence.
- On 4 April 2016, Modification Application DA-313/2008/D was refused consent for modifications including a roof top terrace, associated seating, garden beds, a deck and covered walkway. The application was refused as the assessment found that the proposed rooftop terrace would result in unreasonable impacts on the amenity of the neighbouring properties (visual and acoustic privacy, and views), and that it would set an undesirable precedent within the locality.

1.4. Proposal

The development application seeks consent for alterations and additions to the dwelling house, which specifically includes the following:

Basement

- Internal walls to create a cellar and storage area
- New staircase
- Excavation to facilitate a skylight/light well

Lower Ground Floor

- New stairs to the existing basement
- Demolition of selected internal walls and the existing staircase
- Reconfiguration of the internal layout to create a new laundry, new bedroom 3, a new master ensuite and walk-in robe, new master bedroom hall
- Excavation to facilitate the stair addition
- Staircase and lift addition
- Wardrobes and cabinetry

- Window to proposed bedroom 3 (WB.03) on the southern façade

Ground Floor

- Demolition of selected internal walls and the internal staircase to the garage and lower level
- Raising the living room floor
- Converting existing bedroom 3 into a study
- New pantry
- New guest bedroom with ensuite
- Reconfiguration of entry
- Wardrobes and cabinetry
- Changes to openings on the western elevation
- Excavation to facilitate the stair addition
- Stair and lift addition
- Creation of a skylight / lightwell on the western elevation (SKL.02)

Garage Level

- East and west extension of garage
- New garage door
- New dwelling entry and hall
- Lift and stair addition
- Accessible roof garden with a privacy screen and open balustrading around
- Decorative ballast to rooftop

External

- Demolition of existing entry steps
- New entry steps
- Replacing existing sliding privacy screens with new

1.5. Background

- On 5 September 2022, the subject Development Application (DA-371/2022) was lodged with Council.
- On 27 September 2022, a Stop the Clock letter was issued to the applicant requesting additional information in relation to breach of building height and wall height controls, breach of the FSR development standard, insufficient plan details and documentation.
- The application was notified for 14 days between 28 September and 12 October 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*. No submissions were received.
- On 15 October 2022, the applicant submitted amended plans and documentation.

- On 21 October 2022, further amended plans were requested to address the items listed in the Stop the Clock letter.
- On 22 November 2022, the applicant submitted amended plans.
- On 21 March 2023, a deferral letter was issued to the applicant requesting amended plans and documentation in relation to GFA/FSR as well as plan details and documentation.
- On 5 April 2023, the applicant submitted amended plans and documentation. The amended plans and documentation is the subject of this assessment.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

The following SEPPs apply from the 1st March 2022 and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021.

The application was referred to Ausgrid for comment in accordance with Clause 2.48 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* as the proposal includes development within 5m of an exposed overhead electricity power line.

Ausgrid raised no objection to the proposal. Refer to section 3.3 for Ausgrid’s comments.

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal satisfies the aims of the plans.
Part 2 Permitted or prohibited development		
Land Use Table <i>R2 Low Density Residential Zone</i>	Yes	The proposal is defined as a <i>dwelling house</i> , which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	No	A building height of 9.62m (1.12m/13.17% breach) is proposed.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.643:1 (269.96m²) 	No	An FSR of 0.809:1 / 339.7m ² (69.74m ² or 25.83% breach) is proposed.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings and FSR development standards. A detailed discussion of the variation to the development standards are presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The proposal does not include any excavation below 5m AHD and will not result in any impact on the watertable. An Acid Sulfate Soils report is not required.
6.2 Earthworks	Yes	Satisfactory.

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

Clause 4.6 Exceptions to Development Standards

Building Height

The application seeks to vary the height of buildings development standard in clause 4.3 under Waverley LEP 2012.

The site is subject to a maximum building height development standard of 8.5m. The proposed development has a building height of 9.62m, exceeding the standard by 1.12m equating to a 13.17% variation.

A written request has been submitted to Council in accordance with clause 4.6(3)(a) and (b) of Waverley LEP 2012 seeking to justify the contravention of the development standard by demonstrating:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (b) That there are sufficient environmental planning grounds to justify contravening the standard.

A copy of the applicant's written request has been provided to the Waverley Local Planning Panel for consideration.

Applicant's Written Request - Clause 4.6(3)(a) and (b)

The applicant seeks to justify the contravention of the building height development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *The overall height is considered to reasonably preserve views from the neighbouring properties to the south and west, and their existing views of the ocean will be maintained by the proposal.*
 - (ii) *The proposal with appropriate side setbacks to the eastern boundary also preserves the solar access to the eastern neighbouring dwelling (no 30) and easily outperforms the requirement of 3 hours within the DCP and is a sympathetic outcome.*
 - (iii) *The proposed height also has no unreasonable privacy impacts noting that the primary orientation of openings to the staircase are sufficiently distanced from the adjoining building and do not directly overlook any habitable rooms.*
 - (iv) *The combination of the above aspects demonstrates that the proposed height satisfies the objectives of the height standard notwithstanding the variation to numeric height.*
 - (v) *The breach of height is in part due to the sloping topography and the location of the additional built form. The proposed overall height is the same as the existing height of part of the building and is noted that part of the existing building already breaches the height control.*
 - (vi) *The proposed infill of the development is consistent with the existing character of the area as it remains single storey in appearance to Wolaroi Crescent and is subservient to the adjacent building envelope of 26 Wolaroi Crescent at the street frontage and does not dominate the front building envelope of 30 Wolaroi Crescent.*
 - (vii) *Therefore, the proposed built form, height and scale along with the streetscape presentation satisfies the objective of the height standard.*

(b) That there are sufficient environmental planning grounds to justify contravening the standard:

- (i) The proposed height is not responsible for any greater environmental impacts beyond that of a compliant development.*
- (ii) The minor nature of the additional height has no significant consequence to the degree of solar access achieved to neighbouring properties, nor does it affect the degree of view or privacy retention.*
- (iii) The distribution of floor space and height on the subject site achieves a desirable streetscape and amenity outcome.*
- (iv) The proposed works match the existing height and condition that occurs at the garage between the existing rock wall and the building.*
- (v) The proposed infill of the development is consistent with the existing character of the area as it remains single storey in appearance to Wolaroi Crescent and is subservient to the adjacent building envelope of 26 Wolaroi Crescent at the street frontage and does not dominate the front building envelope of 30 Wolaroi Crescent.*
- (vi) The breach of height is in part due to the sloping topography and the location of the additional built form. The proposed overall height is largely the same as part of the existing building height, despite the proposed works.*
- (vii) There are no adverse impacts on the amenity of the locality, as the proposal introduces improved urban planning outcomes, greater activation and casual surveillance over the street and a contemporary design reflective of the desired future character of the area.*

Consideration of Applicant's Written Request - Clause 4.6(4) (a) (i) and (ii)

Development consent must not be granted unless the consent authority is satisfied that:

- (a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
- (b) The proposed development will be in the public interest because it is consistent with the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at clause 4.6(3)(a)?

It is considered that the applicant has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

- (a) the objectives of the development standard are achieved notwithstanding non-compliance with the standard;***

- (b) to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;*
- (c) to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;*
- (d) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and*
- (e) to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.*

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012.

The proposal will not result in any adverse impacts on the streetscape or neighbouring properties with regard to bulk and scale, views or overshadowing and will be in keeping with the desired future character of the locality. The proposal, notwithstanding the non-compliance, will demonstrate compliance with the building height objectives under Clause 4.3.

Does the written request adequately address those issues at clause 4.6(3)(b)?

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The proposal will be of a height which is consistent with the existing built form and will not result in any adverse impacts on the amenity of the streetscape or neighbouring properties and will continue to be in keeping with the context of the locality.

Is the development in the public interest?

The proposed development will be in the public interest because it is consistent with both the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.

The objectives of the building height development standard are as follows:

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

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

The proposal will preserve the environmental amenity of the streetscape and neighbouring properties, will not be of a height and scale which is out of character with the desired future character of the locality.

Objectives (b) and (c) are not relevant to this application.

The objectives of the R2 Low Density Residential zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*

The proposal will not be inconsistent with the above objectives.

Conclusion

For the reasons provided above the requested variation to the building height development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the building height development standard and the R2 Low Density Residential zone.

Floor Space Ratio

The application seeks to vary the floor space ratio (FSR) development standard in clause 4.4 under Waverley LEP 2012.

The site is subject to a maximum FSR of 0.643:1. The proposed development has an FSR of 0.809:1, exceeding the standard by 69.74m² equating to a 25.83% variation.

A written request has been submitted to Council in accordance with clause 4.6(3)(a) and (b) of Waverley LEP 2012 seeking to justify the contravention of the development standard by demonstrating:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (b) That there are sufficient environmental planning grounds to justify contravening the standard.

A copy of the applicant's written request has been provided to the Waverley Local Planning Panel for consideration.

Applicant's Written Request - Clause 4.6(3)(a) and (b)

The applicant seeks to justify the contravention of the FSR development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
- (i) The proposed correlation between the FSR as sought and the proposed height have an appropriate correlation as evidence by the appropriate and compatible height, bulk and scale on the subject site which sits comfortably with the pattern of development along this northern side of Wolaroi Crescent between 24-30 Wolaroi Crescent. The 3-4 storey scale of development which steps down from the Wolaroi Crescent frontage is entirely compatible with the height, bulk and scale of dwellings along this section of Wolaroi Crescent which ensures that the proposed FSR provides for a cohesive and desirable infill.*
 - (ii) The majority of the additional floor space will not be visible from the Wolaroi Crescent frontage, and is only viewed from properties opposite in Tamarama Gully. It is not possible to view the proposed built form from Tamarama Marine Drive/Pacific Avenue.*
 - (iii) The setback controls have not been exploited to their maximum, and generous side backs are provided to adjoining dwellings.*
 - (iv) The proposed bulk scale and massing is contextually compatible with the envelope of neighbouring low density developments recently approved and constructed on Wolaroi Crescent. In other words, the height and envelope is compatible with these buildings and the area's desired future character as per the Court judgment of SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1112.*
 - (v) The proposal will appear contextually compatible within the streetscape. As desired by objective c the building is compatible with the bulk, scale streetscape and existing character of this specific section of Wolaroi Crescent.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) There are sufficient environmental planning grounds to justify the FSR non-compliance, especially as all floor space appears as a single storey from street level, with compliant setbacks and more than compliant open space and landscaping.*
 - (ii) The proposal is permissible in the R2 Low Density Residential zone, is consistent with the relevant zone objectives and satisfies an 'unreasonable and unnecessary' test established in Wehbe.*
 - (iii) The contemporary upgraded living space, positively contributes to the local housing stock and character, and is of a similar scale to both existing and desired future developments in the area. The proposal maintains the appearance of a single development when viewed from Wolaroi Crescent.*

- (iv) *The majority of the additional floor space will not be visible from the Wolaroi Crescent frontage, and is only viewed from properties opposite in Tamarama Gully. It is not possible to view the proposed built form from Tamarama Marine Drive/Pacific Avenue.*
- (v) *The proposed density is compatible with several adjacent properties on Wolaroi Crescent, three storey dwellings. The proposed FSR is considered appropriate within the locality, providing a building which fits within the context of surrounding building forms and residential uses and is consistent with the desired future character of the area.*
- (vi) *The preservation of amenity to a reasonable extent to neighbouring properties either side also confirms that the proposal satisfies the objectives of the low density residential zone notwithstanding a variation to the FSR standard.*
- (vii) *There are no adverse impacts on the amenity of the locality, as the proposal introduces improved urban planning outcomes, greater activation and casual surveillance over the street and a contemporary design reflective of the desired future character of the area.*

Consideration of Applicant's Written Request - Clause 4.6(4) (a) (i) and (ii)

Development consent must not be granted unless the consent authority is satisfied that:

- (a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
- (b) The proposed development will be in the public interest because it is consistent with the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at clause 4.6(3)(a)?

It is considered that the applicant has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

- (a) the objectives of the development standard are achieved notwithstanding non-compliance with the standard;**
- (b) to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;*
- (c) to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;*
- (d) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and*

(e) to establish that “the zoning of particular land” was “unreasonable or inappropriate” so that “a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land” and that “compliance with the standard in that case would also be unreasonable or unnecessary.

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012.

The proposal satisfies the objectives of the FSR development standard, notwithstanding the non-compliance and will not result in any adverse impacts on the streetscape or neighbouring properties with regard to bulk and scale, views, or overshadowing.

Does the written request adequately address those issues at clause 4.6(3)(b)?

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The proposal will integrate with the existing built form and will not result in any adverse impacts on the amenity of the streetscape or neighbouring properties. The proposal will be compatible with the desired future character of the locality.

Is the development in the public interest?

The proposed development will be in the public interest because it is consistent with both the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.

The objectives of the floor space ratio (FSR) development standard are as follows:

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

The objectives of the R2 Low Density Residential zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- To maximise public transport patronage and encourage walking and cycling.*

Conclusion

For the reasons provided above the requested variation to the FSR development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the FSR development standard and the R2 Low Density Residential zone.

2.1.3. Waverley Development Control Plan 2012 (Waverley DCP 2012) – Amendment No.9

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Yes	Satisfactory.
6. Stormwater	Yes	Satisfactory.
8. Transport Maximum parking rate: <ul style="list-style-type: none"> 1 space for 2 or less bedrooms 2 spaces for 3 or more bedrooms. 	Yes	The proposal provides for 2 car spaces. The design and location are satisfactory.
10. Safety	Yes	Satisfactory.
12. Design Excellence	Yes	Satisfactory.
14. Excavation	Yes	Satisfactory. The area of excavation will be set back an ample distance from the property boundary and will not result in any adverse impacts.
16. Public Domain	Yes	Satisfactory.

Table 3: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
2.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> Maximum wall height of 7.5m 	No	A wall height of 9.62m is proposed (28.26% departure).

Development Control	Compliance	Comment
		The height of the proposal will be compatible with the height of the existing dwelling and will not result in any adverse impacts on the streetscape or neighbouring properties with regard to bulk and scale, views or overshadowing. The proposal will continue to present as single storey from the streetscape and is considered to be reasonable.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> • Predominant front building line • Predominant rear building line at each floor level 	Yes	The proposal will maintain the existing front building line and does not include any changes to the existing rear building line.
2.2.2 Side setbacks <ul style="list-style-type: none"> • Minimum of 0.9m (for height up to 8.5m) or 1.2m (height non-compliant 2 storey dwelling) or 1.5m (up to 12.5m) 	Yes	The area of proposed non-compliance will be set back from the side property boundary greater than the minimum requirement.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> • New development to be compatible with streetscape context 	Yes	The proposal will remain a single storey built form from the streetscape and will not be incompatible with the context of the streetscape.
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> • Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design • Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> • Roof tops to be non-trafficable unless predominant in the immediate vicinity 	No	<p>Rooftop terraces are not common within the locality, and the proposed terrace would enable new lines of sight into the properties neighbouring to the east and south-east at 289 Birrell Street (30 Wolaroi) and 18 Wolaroi Crescent. In accordance with control (f)(i) as there is not a predominance of rooftop terraces within the locality, and the terrace would impact on the privacy of the neighbouring properties the proposed rooftop terrace is not supported.</p> <p>A condition of consent has been included which requires the rooftop garden to be deleted and replaced with decorative ballast as is proposed for the northern portion of the roof.</p>

Development Control	Compliance	Comment
		The proposal will otherwise not result in any adverse privacy impacts on the neighbouring properties.
2.6 Solar access		
<ul style="list-style-type: none"> • Minimum of three hours of sunlight to living areas and principal open space areas on 21 June • Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. • Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	Yes	The proposal, including the areas of non-compliance will not result in any additional overshadowing of the neighbouring property's windows or private open space. The proposal will maintain reasonable solar access.
2.7 Views		
<ul style="list-style-type: none"> • Views from the public domain are to be maintained • Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	The proposal will not result in any impacts on public or private views.
2.8 Car parking		
<p>2.8.1 Design Approach</p> <ul style="list-style-type: none"> • Parking only allowed where site conditions permit • Designed to complement the building and streetscape • Car parking structures to be behind the front building line 	Yes	The proposal will maintain the existing parking arrangements and will not be incompatible with the context of the streetscape.
2.8.2 Parking rates	Yes	The proposal complies with the parking rates set out under Part B8 of Waverley DCP 2012.
<p>2.8.3 Location</p> <ul style="list-style-type: none"> • Behind front building line for new dwellings • Existing development to be in accordance with the hierarchy of 	Yes	The proposal will be consistent with the existing on-site parking arrangements.

Development Control	Compliance	Comment
preferred car parking locations		
2.8.4 Design <ul style="list-style-type: none"> Complement the style, massing and detail of the dwelling 	Yes	The proposal includes a new garage door which is detailed with a clearance of less than 2.2m which does not comply with the minimum clearance requirements. A condition of consent has been included accordingly. The additions to the garage will complement the existing built form.
2.8.5 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	Satisfactory.
2.8.6 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) 	Yes	No changes are proposed to the existing vehicular crossing.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	Yes	The proposal will maintain a minimum of 40% of the site as open space and will not result in any changes in the provision of deep soil landscaping. The decorative ballast proposed on the roof will improve the amenity of the dwelling and the amenity of the locality by improving the outlook for neighbouring properties.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days from 28 September 2022 until 12 October 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the amended application was not notified as the amended plans did not include any new or additional impacts on the streetscape or neighbouring properties. The amended plans were however made public on Council's online DA Tracker.

No submissions were received.

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Traffic and Development

Council's Traffic Department raised no objection subject to conditions.

3.2. Stormwater

Council's stormwater department raised no objection subject to conditions.

3.3. Ausgrid

The application was referred to Ausgrid who raised no objection to the proposed development. Ausgrid provided advice on working near overhead powerlines, which is included as an advisory note in the conditions of consent at Appendix A.

4. CONCLUSION

The development application seeks consent for alterations and additions to a dwelling house including a cellar within the sub-basement level and a new lift and staircase at the site known as 287 Birrell Street, Tamarama (also known as 28 Wolaroi Crescent, Tamarama).

The principal issues arising from the assessment of the application are as follows:

- Breach of the building height development standard
- Breach of the FSR development standard
- Breach of the wall height control


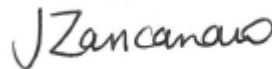
The assessment finds these issues acceptable for the reasons outlined in the report.

No public or Councillor submissions were received during the assessment.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the Act. It is recommended for approval subject to conditions of consent.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be **APPROVED** by the Waverley Local Planning Panel subject to the conditions in Appendix A.

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Karis Keenan	Jo Zancanaro
Senior Development Assessment Planner	Acting Manager, Development Assessment (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 6 April 2023	Date: 12 April 2023

Reason for WLPP referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by Bennett Murada Architects of Project No: 2022 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA02 Rev.3	Site and Roof Plan	3 April 2023	5 April 2023
DA06 Rev.3	Existing Sub Basement	3 April 2023	5 April 2023
DA07 Rev.2	Demolition Plan Basement Level	3 April 2023	5 April 2023
DA08 Rev.2	Demolition Plan Ground Floor	3 April 2023	5 April 2023
DA09 Rev.2	Demolition Plan Garage Level	3 April 2023	5 April 2023
DA10 Rev.4	Basement Level	3 April 2023	5 April 2023
DA11 Rev.4	Ground Floor	3 April 2023	5 April 2023
DA12 Rev.3	First Floor	3 April 2023	5 April 2023
DA13 Rev.3	Proposed Sub Basement	3 April 2023	5 April 2023
DA20 Rev.4	North and East Elevations	3 April 2023	5 April 2023
DA21 Rev.4	South (Street) and West Elevations	3 April 2023	5 April 2023
DA22 Rev.4	Long and Cross Sections	3 April 2023	5 April 2023

- (b) BASIX Certificate
- (c) Geotechnical Assessment prepared by JK Geotechnics (Ref: 35273LFrpt) dated 5 August 2022 and received by Council on 2 September 2022.
- (d) Stormwater Details and documentation (C01 – C03, Rev B) prepared by Intrax Housing dated 10 August 2022, and received by Council on 2 September 2022.
- (e) Schedule of external finishes and colours (DA23, Rev.2) received by Council on 5 April 2023.
- (f) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 2 September 2022.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments:

- (a) The rooftop garden and all associated works (privacy screens, balustrades and the like) are to be deleted from the plans. The area is to comprise decorative ballast, consistent with the remainder of the roof and is to be non-trafficable.

- (b) The headroom clearance on the entry of the garage and within the garage is to be a minimum of 2.2 metres.

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

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required.

GENERAL REQUIREMENTS

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

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

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

4. 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 applicable requirements of Part 6, before any work commences.

CONTRIBUTIONS, FEES & BONDS

5. SECTION 7.12 CONTRIBUTION

A monetary development contribution is payable to Waverley Council pursuant to section 7.12 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:
 - (i) Where the total development cost is less than \$500,000:
"Waverley Council Cost Summary Report"; or,
 - (ii) Where the total development cost is \$500,000 or more:

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

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

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

Prior to the issue of any 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.

6. SECURITY DEPOSIT

A deposit (cash or cheque) for the amount of **\$36,342.00** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) 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 of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any 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 0.25% of building work costing \$250,000 or more.

CONSTRUCTION MATTERS

8. HOARDING

To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.

9. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual.

The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.

10. ENGINEERING DETAILS

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

11. ENGINEERING CERTIFICATE OF ADEQUACY

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

12. EXCAVATION AND BACKFILLING

- (a) All excavations and backfilling are to be managed on-site by a registered and practising geotechnical engineer.
- (b) Vibration emissions must be monitored on-site at all times to ensure compliance with the recommendations of the detailed geotechnical report prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer.
- (c) All excavations and backfilling are to be carried out in accordance with the detailed geotechnical report.
- (d) Any changes to the excavation methodology which deviate from the detailed geotechnical report must be reviewed by a suitably qualified and practising Structural Engineer/Geotechnical Engineer and approved by the Principal Certifying Authority.
- (e) All work 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.

STORMWATER & FLOODING

13. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

The submitted stormwater management plan prepared by Intrax Consulting Group, Reference No. 191714, Drawing No. C01, C02, C03, Revision B, dated 10.08.2022, is considered concept only.

The applicant must submit amended plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer and:

- a) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- b) Detail the location of the existing stormwater drainage system including all pipes, inspection openings, surface drains, pits and their discharge location as well as any new stormwater drainage system.
- c) Any new downpipes are to be located wholly within the property's boundary.
- d) Details of any rainwater tank required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the approved stormwater drainage system are to be submitted.
- e) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- f) Any underground basement shall be protected from possible inundation by surface waters from the street.
- g) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

- The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (Oct 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday. The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission

14. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council.

An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.

ENERGY EFFICIENCY & SUSTAINABILITY

15. BASIX

All requirements of the BASIX Certificate and NatHERS documentation are to be shown on the Construction Certificate plans and documentation.

WASTE

16. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* 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.

TRAFFIC MANAGEMENT

17. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:

https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent

18. DILAPIDATION REPORT

A Dilapidation report is to be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. The dilapidation report is to be made available to affected property owners.

The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.

Note: Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being

carried out. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required.

PRIOR TO ANY WORKS

19. 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.

DEMOLITION & EXCAVATION

20. CONTROL OF DUST ON CONSTRUCTION SITES

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

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.

21. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste Classification Guidelines 2014.

22. 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.

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 excavation is to be managed by a practising structural engineer.

CONSTRUCTION MATTERS

23. 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 Sundays and public holidays.

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

Noise from construction activities shall comply with the *Protection of the Environmental Operations (Noise Control) Regulation 2017*.

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

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

25. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002 and 162A Critical stage inspections for building work of the Environmental Planning and Assessment Regulation 2000.

26. WORK OUTSIDE PROPERTY BOUNDARY

This consent does not authorise any work outside the property boundary.

TREE PROTECTION AND REMOVAL

27. TREE PROTECTION

All trees on site and adjoining properties, including street trees, are to be retained and protected in accordance with AS4970-2009 'Protection of Trees on Construction Sites' and to be certified by an Arborist with AQF level 5 qualification or above, unless approved to be removed in this development consent.

D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE OR SUBDIVISION CERTIFICATE

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever applies.

28. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, an Occupation Certificate must be obtained.

The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

29. CERTIFICATION OF BASIX COMMITMENTS

The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.

30. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. Similarly, any retained stormwater drainage system is unblocked, in good working order and to be repaired/replaced to best practice. A copy of the certification must be submitted to Council.

E. ADVISORY MATTERS

The following advisory matters are provided as additional information to ensure compliance with the relevant legislation and requirements. You must also check other Commonwealth and NSW Acts and Regulations which may apply to the works or use approved in this application.

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au or via the NSW Planning Portal (if required).
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition).
- Include DA reference number.
- Include condition number/s seeking to be addressed.
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to ‘Electronic lodgement guidelines’ on Council’s website. Failure to adhere to Council’s naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note, in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council’s standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

AD2. SYDNEY WATER REQUIREMENTS

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

Contact Sydney Water for more information.

AD3. DIAL BEFORE YOU DIG

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

AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD5. ALTERATIONS AND ADDITIONS ONLY

This consent is for alterations and additions to the existing building only and should during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment.

AD6. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.

AD7. TREE REMOVAL/PRESERVATION

Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.

AD8. AUSGRID

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains

(overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected to be entering and leaving the site.

The “as constructed” minimum clearances to the mains must also be maintained.

These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.

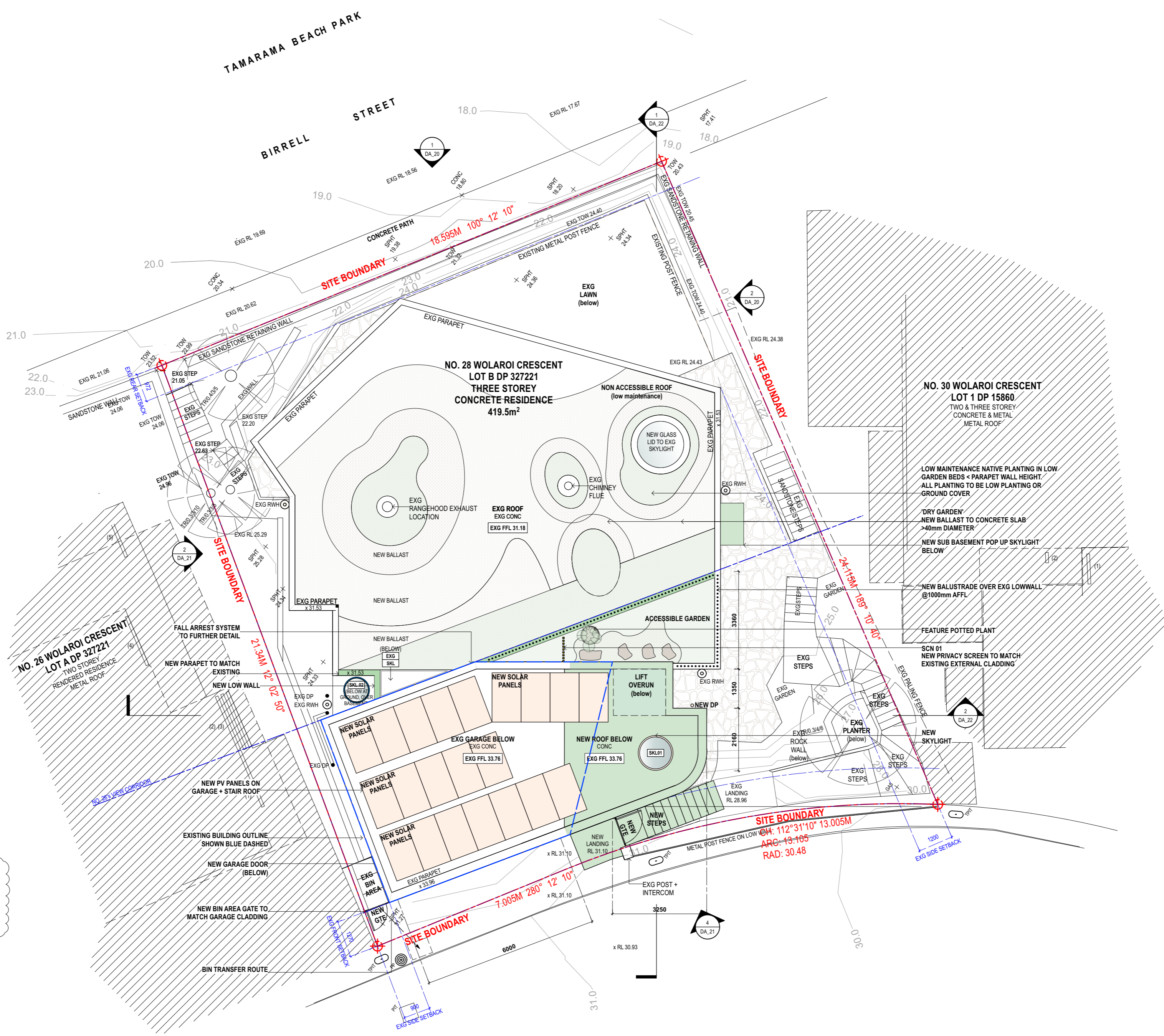
Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

Should you have any enquiries, please contact Ausgrid at development@ausgrid.com.au



'DRY GARDEN' EXAMPLES

AMENDMENTS:
 3 - ADDITIONAL EXISTING SPOT HEIGHTS & GROUND LEVELS ADDED



NOTES
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REVISION SCHEDULE	
Rev.	Date
2	14/10/22
3	3/4/23

LEGEND / KEY	
BRK 1,2,3...	BRICK
BAL 01,02...	BALUSTRADE
CLA 1,2,3...	CLADDING
CT	CERAMIC TILES
EXG	EXISTING
FNC 1,2,3...	FENCE
FRP	FIREPLACE
FP	FIXED PANEL
FT	FLOOR TILE
GTE	GATE
LTV	LOUVRE
MRS	METAL ROOF SHEET
PC/NC	POLISHED CONCRETE
PV	PAVERS
RT	ROOF TILES
SCN 1,2,3...	SCREEN
SP	SLIDING PANEL
TD	TIMBER DECKING
TF	TIMBER FLOORING
TRS	TRANSLUCENT

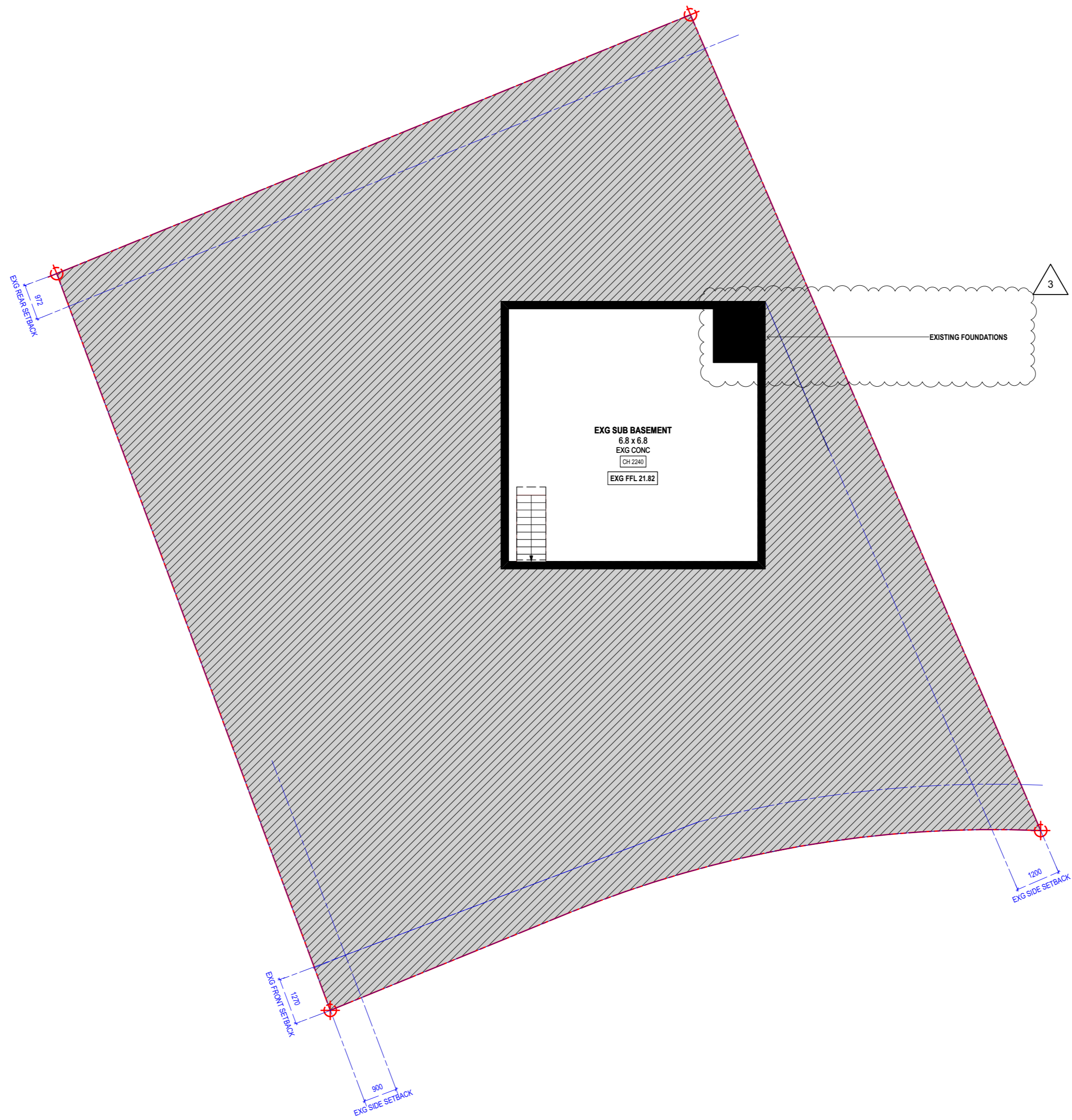
EXISTING ELEMENTS	
[Solid black line]	EXISTING WALLS
[Dashed blue line]	EXISTING BUILDING (no changes)

PROPOSED ELEMENTS	
[Green fill]	CONCRETE
[Yellow fill]	TIMBER
[Blue outline]	TILES (INTERNAL + EXTERNAL)
[Blue outline]	STEEL, GALVANISED IRON, ALUMINIUM
[Grey outline]	WINDOWS, GLASS



Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 / 287 BIRRELL STREET
 Client:
DAPHNE WONG + NATHAN HEDLEY
 Drawing Name:
PROPOSED SITE & ROOF PLAN

Job Number:
2202
 Scale:
1:100 @ A2
 Plot Date:
 Drawn By:
SC
 Drawing Status:
DEVELOPMENT APPLICATION
 Drawing No:
DA_02
 Revision:
3



NOTES
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Rev.	Date
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3	3/4/23

LEGEND / KEY	
BRK 1,2,3...	BRICK
BAL 01,02...	BALUSTRADE
CLA 1,2,3...	CLADDING
CT	CERAMIC TILES
EXG	EXISTING
FNC 1,2,3...	FENCE
FRP	FIREPLACE
FP	FIXED PANEL
FT	FLOOR TILE
GTE	GATE
LV	LOUVRE
MRS	METAL ROOF SHEET
PCONC	POLISHED CONCRETE
PV	PAVERS
RT	ROOF TILES
SCN 1,2,3...	SCREEN
SP	SLIDING PANEL
TD	TIMBER DECKING
TF	TIMBER FLOORING
TRS	TRANSLUCENT

EXISTING ELEMENTS	
[Solid black]	EXISTING WALLS
[Dashed red]	DEMOLISHED
[Solid black]	EXISTING BUILDING (no changes)

PROPOSED ELEMENTS	
[Green]	CONCRETE
[Yellow]	TIMBER
[Blue]	TILES (INTERNAL + EXTERNAL)
[Dark blue]	STEEL, GALVANISED IRON, ALUMINIUM
[Grey]	WINDOWS, GLASS



Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 / 287 BIRRELL STREET

Client:
DAPHNE WONG + NATHAN HEDLEY

Drawing Name:
EXISTING SUB BASEMENT

Job Number:
2202

Scale:
1:100 @ A2

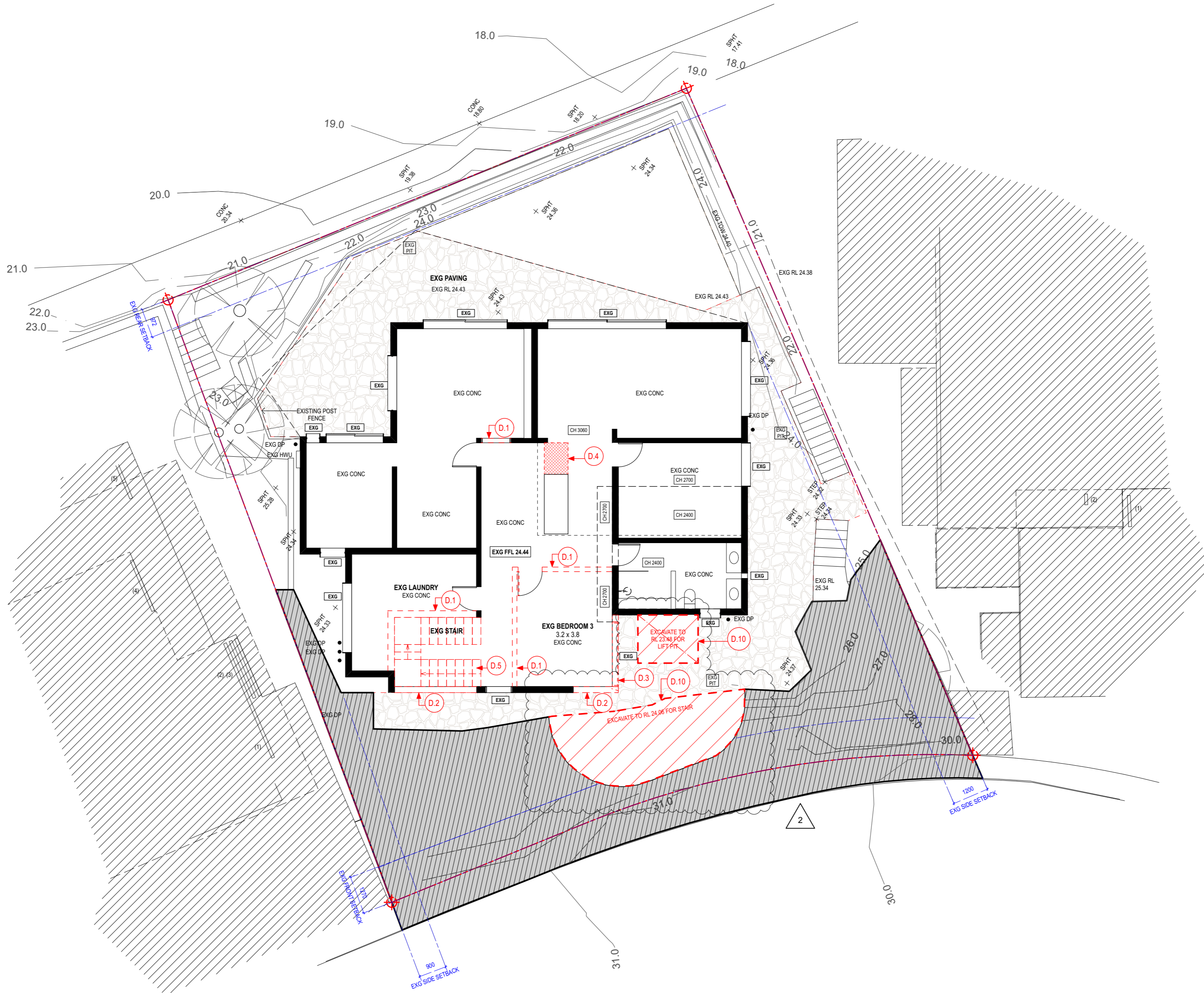
Plot Date:
SC

Drawn By:
SC

Drawing Status:
DEVELOPMENT APPLICATION

Drawing No:
DA_06

Revision:
3



DEMOLITION NOTES:

- D.1** INTERNAL CONCRETE WALL TO BE DEMOLISHED
- D.2** EXTERNAL CONCRETE WALL TO BE DEMOLISHED
- D.3** EXISTING WINDOW TO BE REMOVED
- D.4** EXISTING CONCRETE SLAB TO BE DEMOLISHED
- D.5** EXISTING INTERNAL STAIR TO BE DEMOLISHED
- D.10** CUT AND EXCAVATE EXISTING SANDSTONE ROCK



NOTES
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Rev.	Date
1	14/10/22
2	3/4/23

LEGEND / KEY	
BRK 1,2,3...	BRICK
BAL 01,02...	BALUSTRADE
CLA 1,2,3...	CLADDING
CT	CERAMIC TILES
EXG	EXISTING
FNC 1,2,3...	FENCE
FRP	FIREPLACE
FP	FIXED PANEL
FT	FLOOR TILE
GTE	GATE
LV	LOUVRE
MRS	METAL ROOF SHEET
PCONC	POLISHED CONCRETE
PV	PAVERS
RT	ROOF TILES
SCN 1,2,3...	SCREEN
SP	SLIDING PANEL
TD	TIMBER DECKING
TF	TIMBER FLOORING
TRS	TRANSLUCENT

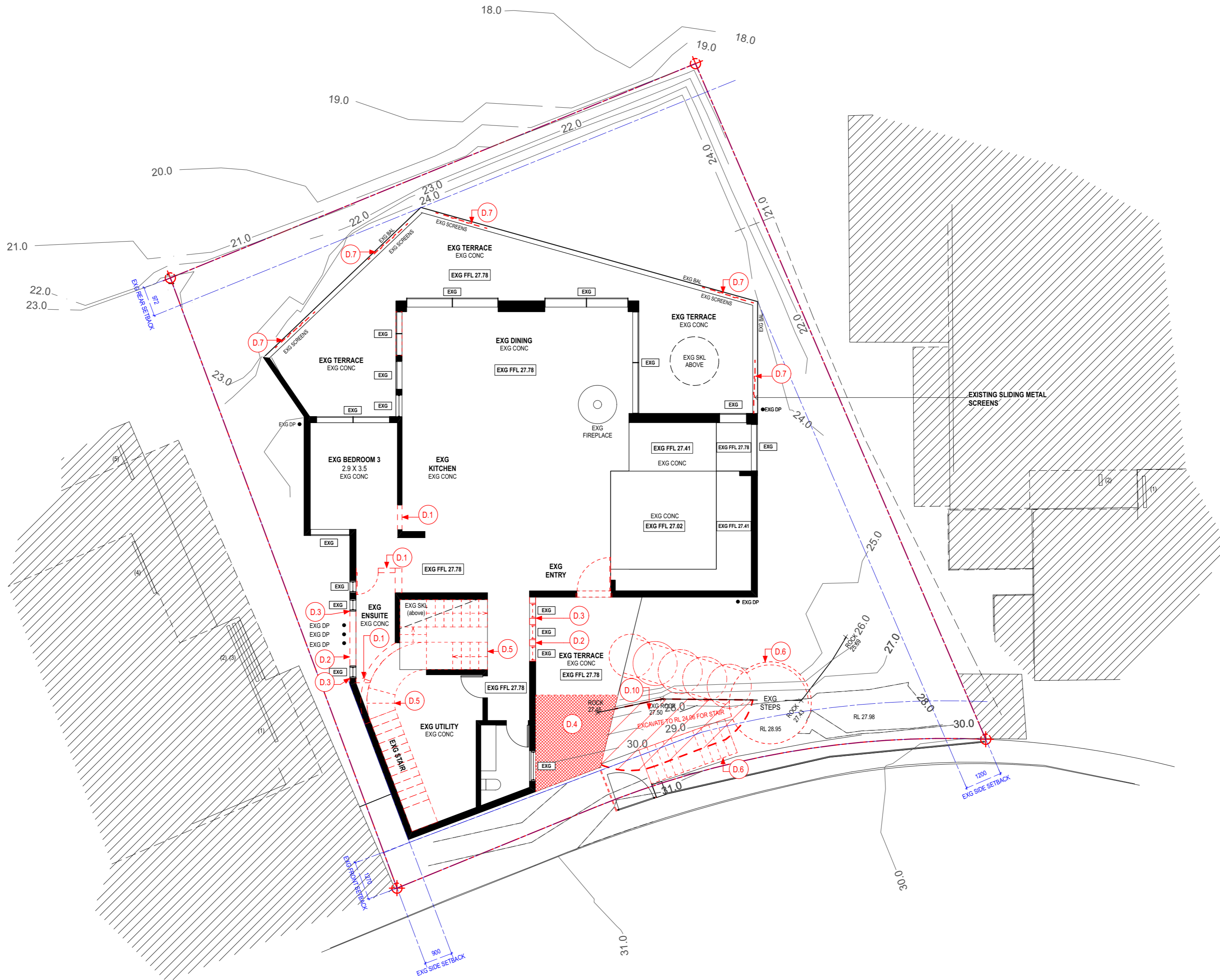
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[Dashed red line]	DEMOLISHED
[Solid black outline]	EXISTING BUILDING (no changes)

PROPOSED ELEMENTS	
[Green fill]	CONCRETE
[Yellow fill]	TIMBER
[Blue outline]	TILES (INTERNAL + EXTERNAL)
[Blue outline]	STEEL, GALVANISED IRON, ALUMINIUM
[Grey outline]	WINDOWS, GLASS



Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 / 287 BIRRELL STREET
 Client:
DAPHNE WONG + NATHAN HEDLEY
 Drawing Name:
DEMOLITION PLAN BASEMENT LEVEL

Job Number:
2202
 Scale:
1:100 @ A2
 Plot Date:
 Drawn By:
SC
 Drawing Status:
 Drawing No:
DA_07
 Revision:
2



- DEMOLITION NOTES:**
- D.1** INTERNAL CONCRETE WALL TO BE DEMOLISHED
 - D.2** EXTERNAL CONCRETE WALL TO BE DEMOLISHED
 - D.3** EXISTING WINDOW TO BE REMOVED
 - D.4** EXISTING CONCRETE SLAB TO BE DEMOLISHED
 - D.5** EXISTING INTERNAL STAIR TO BE DEMOLISHED
 - D.6** EXISTING EXTERNAL STAIR TO BE DEMOLISHED
 - D.7** EXISTING EXTERNAL SLIDING SCREENS TO BE REMOVED AND REPLACED
 - D.10** CUT AND EXCAVATE EXISTING SANDSTONE ROCK

2



NOTES
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Rev.	Date	Issued By	Revision Notes
1	14/10/22	SC	DA ADDITIONAL INFORMATION
2	3/4/23	SC	DA ADDITIONAL INFORMATION

LEGEND / KEY	
BRK 1,2,3...	BRICK
BAL 01,02...	BALUSTRADE
CLA 1,2,3...	CLADDING
CT	CERAMIC TILES
EXG	EXISTING
FNC 1,2,3...	FENCE
FRP	FIREPLACE
FP	FIXED PANEL
FT	FLOOR TILE
GTE	GATE
LV	LOUVRE
MRS	METAL ROOF SHEET
PCONC	POLISHED CONCRETE
PV	PAVERS
RT	ROOF TILES
SCN 1,2,3...	SCREEN
SP	SLIDING PANEL
TD	TIMBER DECKING
TF	TIMBER FLOORING
TRS	TRANSLUCENT

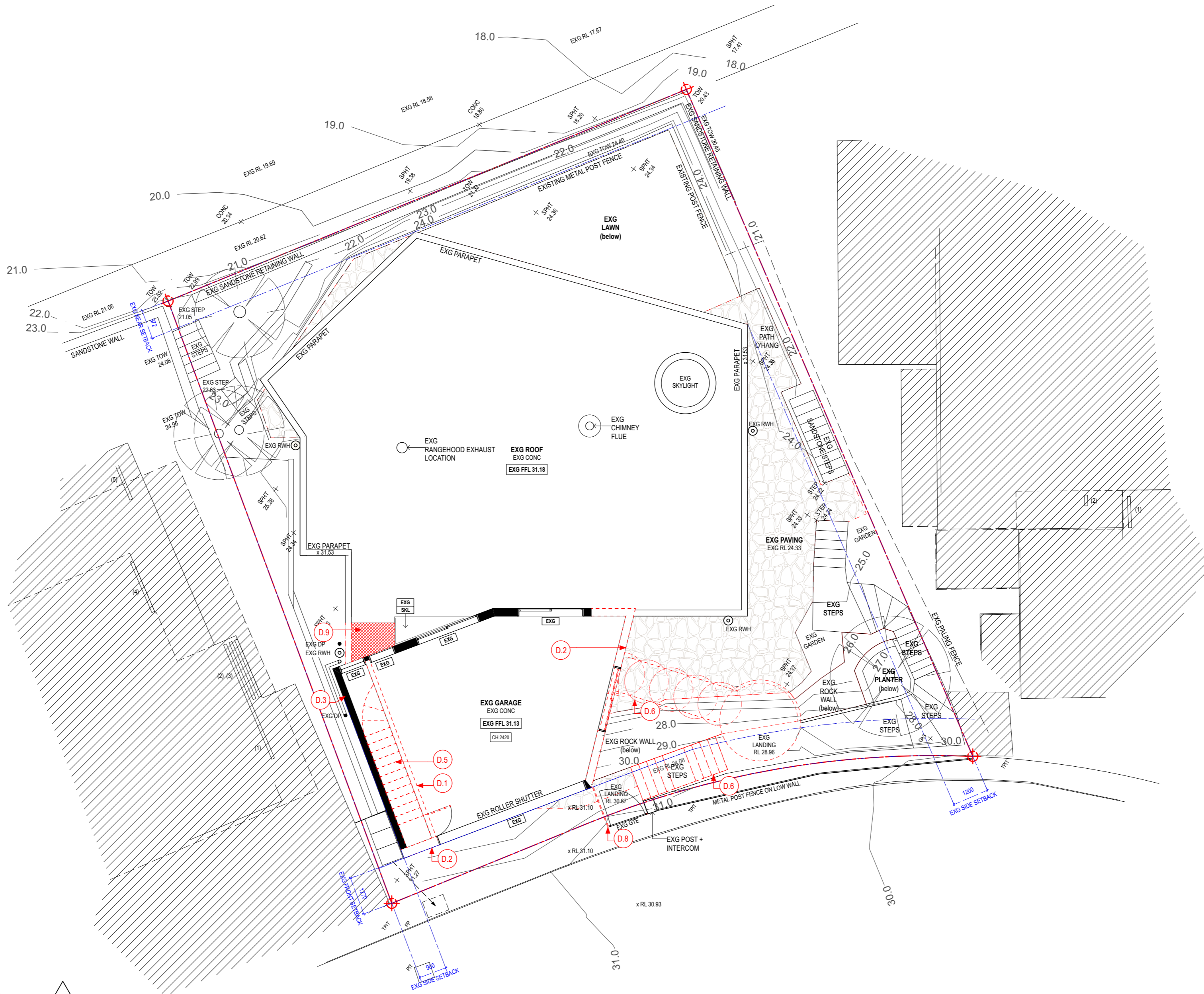
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	EXISTING WALLS
	DEMOLISHED
	EXISTING BUILDING (no changes)

PROPOSED ELEMENTS	
	CONCRETE
	TILES (INTERNAL + EXTERNAL)
	TIMBER
	STEEL, GALVANISED IRON, ALUMINIUM
	WINDOWS, GLASS



Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 / 287 BIRRELL STREET
 Client:
DAPHNE WONG + NATHAN HEDLEY
 Drawing Name:
DEMOLITION PLAN GROUND FLOOR

Job Number:
2202
 Scale:
1:100 @ A2
 Plot Date:
 Drawn By:
SC
 Drawing Status:
 Drawing No:
DA_08
 Revision:
2



DEMOLITION NOTES:

- D.1 INTERNAL CONCRETE WALL TO BE DEMOLISHED.
- D.2 EXTERNAL CONCRETE WALL TO BE DEMOLISHED.
- D.3 EXISTING WINDOW TO BE REMOVED.
- D.4 EXISTING CONCRETE SLAB TO BE DEMOLISHED.
- D.5 EXISTING INTERNAL STAIR TO BE DEMOLISHED.
- D.6 EXISTING EXTERNAL STAIR TO BE DEMOLISHED.
- D.7 EXISTING EXTERNAL SLIDING SCREENS TO BE REMOVED AND REPLACED.
- D.8 REMOVE EXISTING FRONT GATE AND RELOCATE TO PROPOSED POSITION.
- D.9 EXISTING SLAB OVER GROUND FLOOR AND PARAPET TO BE DEMOLISHED



NOTES
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Rev.	Date	Issued By	Revision Notes
1	14/10/22	SC	DA ADDITIONAL INFORMATION
2	3/4/23	SC	DA ADDITIONAL INFORMATION

LEGEND / KEY	
BRK 1,2,3...	BRICK
BAL 01,02...	BALUSTRADE
CLA 1,2,3...	CLADDING
CT	CERAMIC TILES
EXG	EXISTING
FNC 1,2,3...	FENCE
FRP	FIREPLACE
FP	FIXED PANEL
FT	FLOOR TILE
GTE	GATE
LV	LOUVRE
MRS	METAL ROOF SHEET
PCONC	POLISHED CONCRETE
PV	PAVERS
RT	ROOF TILES
SCN 1,2,3...	SCREEN
SP	SLIDING PANEL
TD	TIMBER DECKING
TF	TIMBER FLOORING
TRS	TRANSLUCENT

EXISTING ELEMENTS	
—	EXISTING WALLS
—	EXISTING BUILDING (no changes)

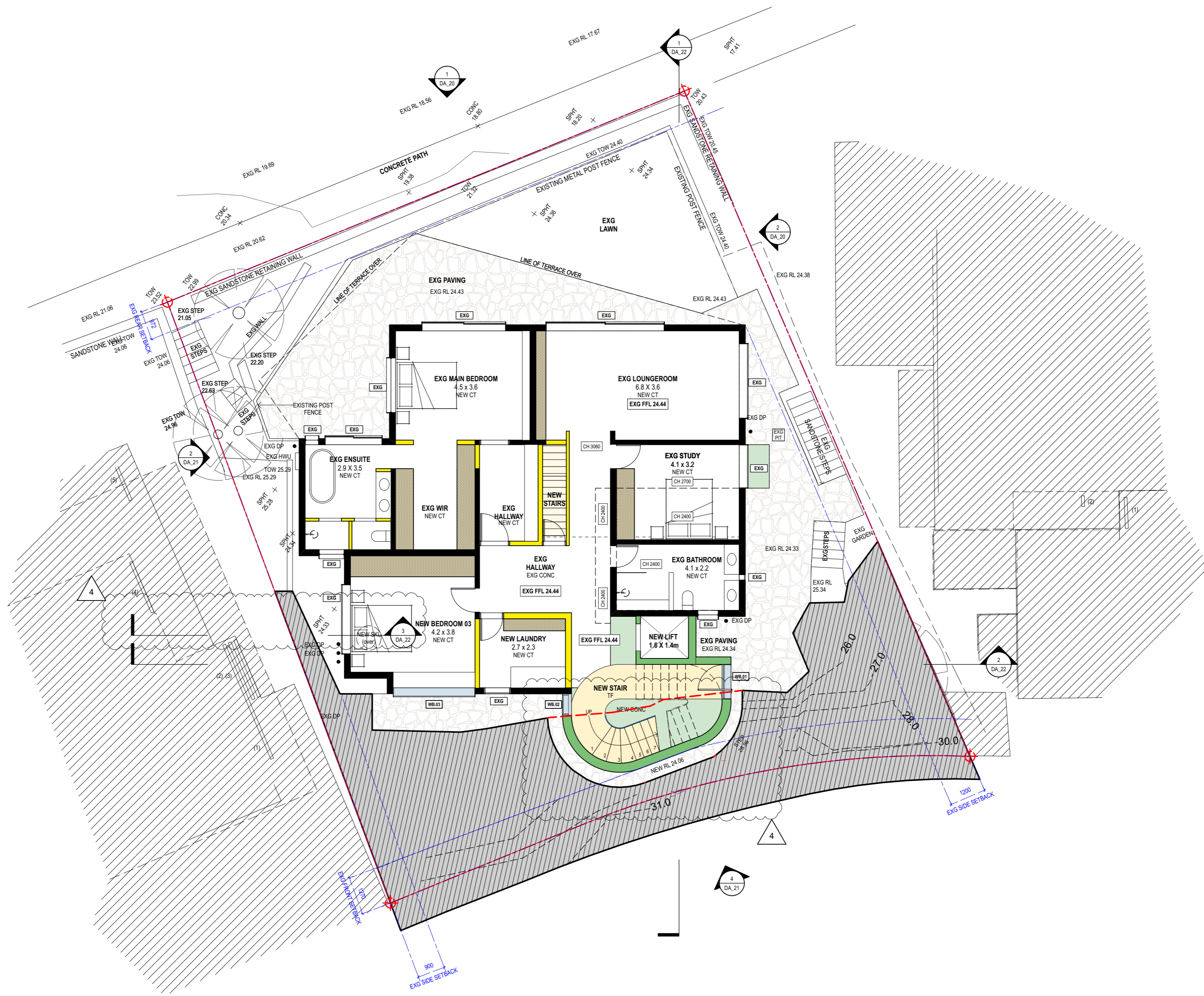
DEMOLISHED

PROPOSED ELEMENTS	
—	CONCRETE
—	TILES (INTERNAL + EXTERNAL)
—	STEEL, GALVANISED IRON, ALUMINIUM
—	WINDOWS, GLASS



Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 / 287 BIRRELL STREET
 Client:
DAPHNE WONG + NATHAN HEDLEY
 Drawing Name:
DEMOLITION PLAN GARAGE LEVEL

Job Number:
2202
 Scale:
1:100 @ A2
 Plot Date:
 Drawn By:
SC
 Drawing Status:
 Drawing No:
DA_09
 Revision:
2



NOTES
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REVISION SCHEDULE	
Rev.	Date
3	25/10/22
4	3/4/23

LEGEND / KEY	
BRK 1,2,3...	BRICK
BAL 01,02...	BALUSTRADE
CLA 1,2,3...	CLADDING
CT	CERAMIC TILES
EXG	EXISTING
FNC 1,2,3...	FENCE
FRP	FIREPLACE
FP	FIXED PANEL
FT	FLOOR TILE
GTE	GATE
LVS	LOUVRE
MRS	METAL ROOF SHEET
PCONC	POLISHED CONCRETE
PV	PAVERS
RT	ROOF TILES
SCN 1,2,3...	SCREEN
SP	SLIDING PANEL
TD	TIMBER DECKING
TF	TIMBER FLOORING
TRS	TRANSLUCENT

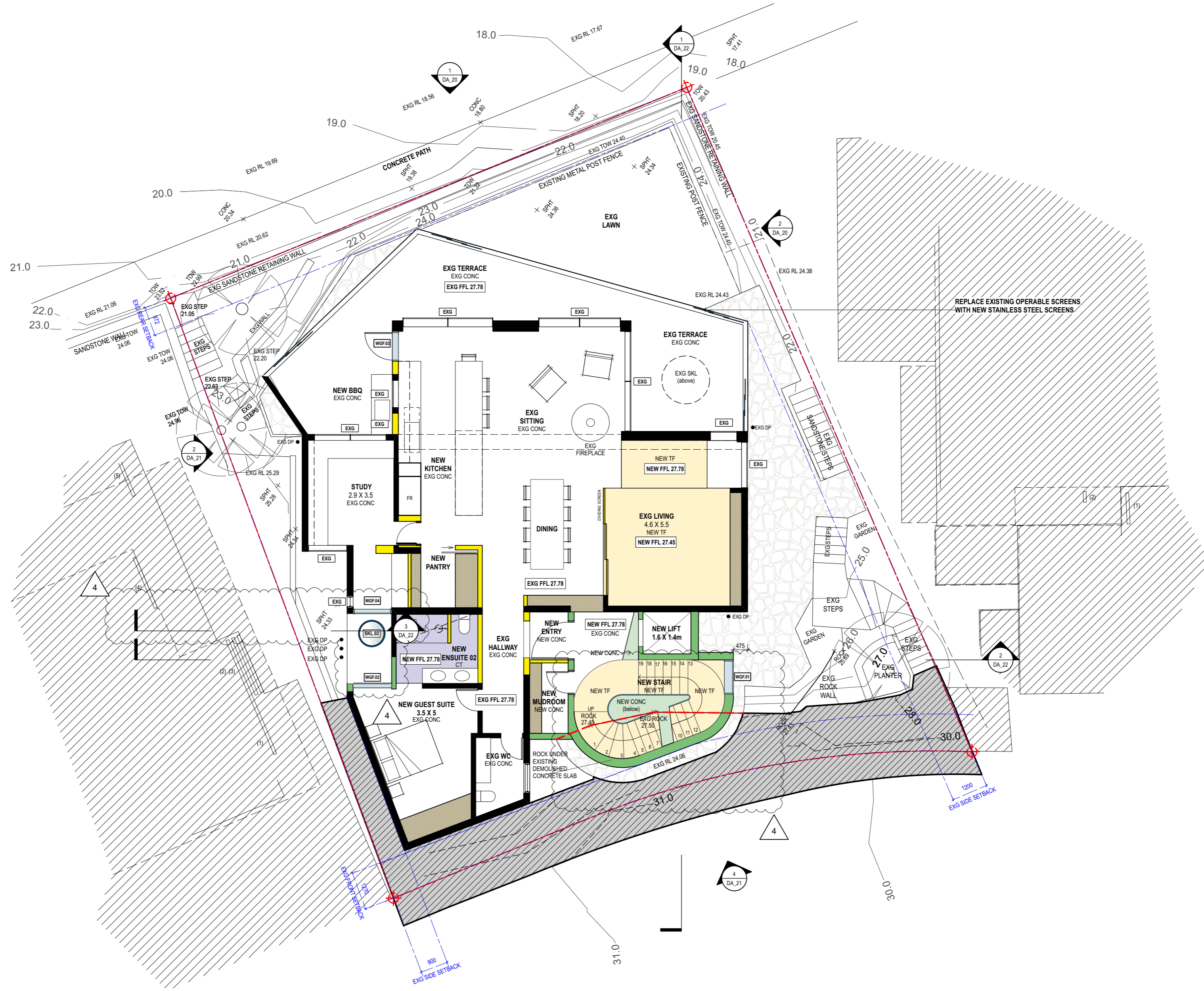
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(Solid black line)	EXISTING WALLS
(Dashed line)	EXISTING BUILDING (no changes)

PROPOSED ELEMENTS	
(Green fill)	CONCRETE
(Yellow fill)	TIMBER
(Blue outline)	TILES (INTERNAL + EXTERNAL)
(Blue outline)	STEEL, GALVANISED IRON, ALUMINIUM
(Grey outline)	WINDOWS, GLASS



Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 / 287 BIRRELL STREET
 Client:
DAPHNE WONG + NATHAN HEDLEY
 Drawing Name:
PROPOSED BASEMENT LEVEL

Job Number:
2202
 Scale:
1:100 @ A2
 Plot Date:
 Drawn By:
SC
 Drawing Status:
DEVELOPMENT APPLICATION
 Drawing No:
DA_10
 Revision:
4



NOTES
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REVISION SCHEDULE	
Rev.	Date
3	25/10/22
4	3/4/23

Issued By	Revision Notes
DA	ADDITIONAL INFORMATION
DA	ADDITIONAL INFORMATION

LEGEND / KEY					
BRK 1,2,3...	BRICK	FP	FIXED PANEL	RT	ROOF TILES
BAL 01,02...	BALUSTRADE	FT	FLOOR TILE	SCN 1,2,3...	SCREEN
CLA 1,2,3...	CLADDING	GTE	GATE	SP	SLIDING PANEL
CT	CERAMIC TILES	LV	LOUVRE	TD	TIMBER DECKING
EXG	EXISTING	MRS	METAL ROOF SHEET	TF	TIMBER FLOORING
FNC 1,2,3...	FENCE	PCONC	POLISHED CONCRETE	TRS	TRANSLUCENT
FRP	FIREPLACE	PV	PAVERS		

EXISTING ELEMENTS	
	EXISTING WALLS
	EXISTING BUILDING (no changes)

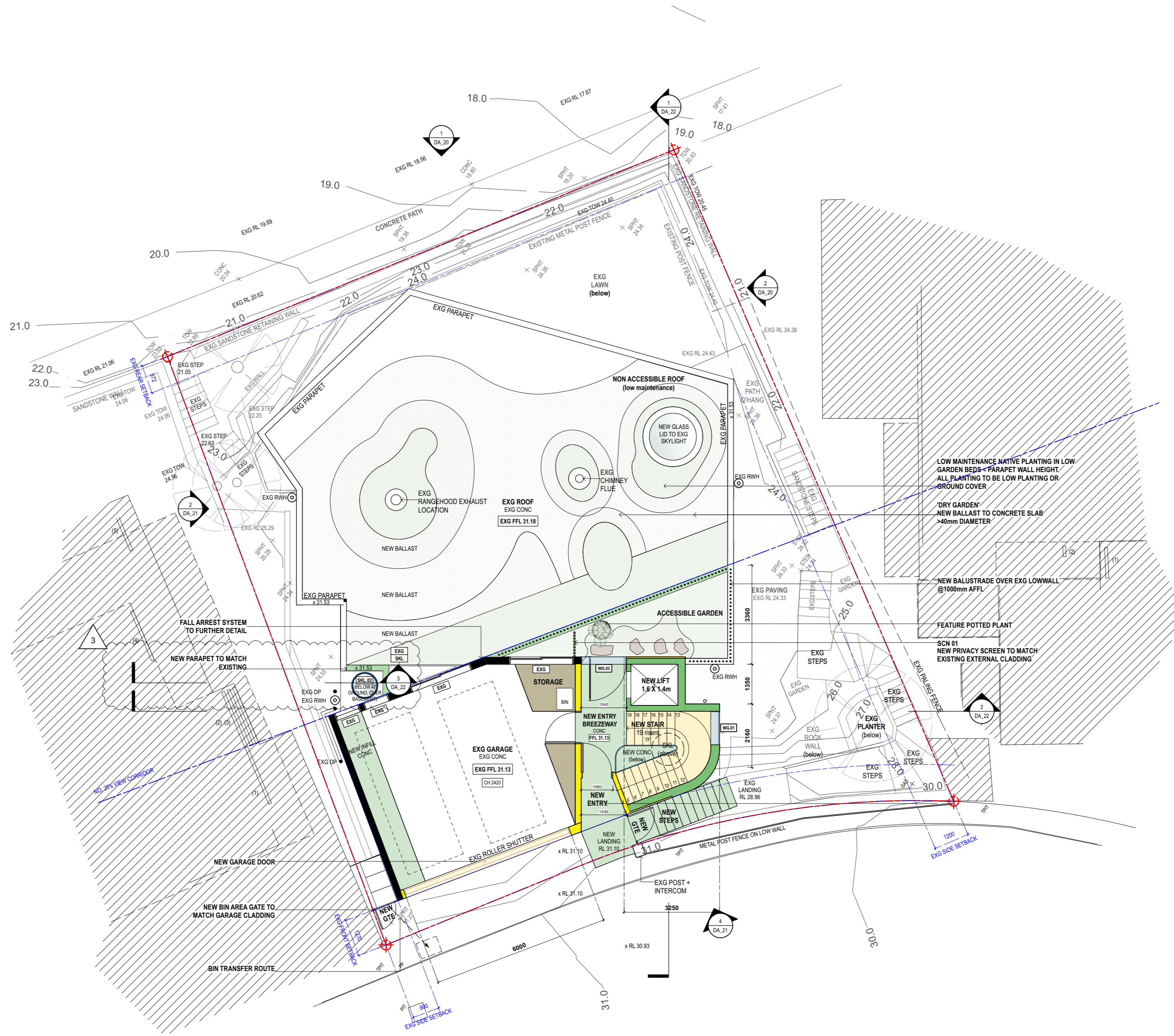
DEMOLISHED	
	DEMOLISHED

PROPOSED ELEMENTS	
	CONCRETE
	TIMBER
	TILES (INTERNAL + EXTERNAL)
	STEEL, GALVANISED IRON, ALUMINIUM
	WINDOWS, GLASS



Project:
 28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 /
 287 BIRRELL STREET
 Client:
 DAPHNE WONG + NATHAN HEDLEY
 Drawing Name:
 PROPOSED GROUND FLOOR

Job Number:
 2202
 Scale:
 1:100 @ A2
 Plot Date:
 Drawn By:
 SC
 Drawing Status:
 DEVELOPMENT APPLICATION
 Drawing No:
 DA_11
 Revision:
 4
 nominated architect: Dominic Bennett 7365 (NSW)



NOTES
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3	3/4/23

LEGEND / KEY	
BRK 1,2,3...	BRICK
BAL 01,02...	BALUSTRADE
CLA 1,2,3...	CLADDING
CT	CERAMIC TILES
EXG	EXISTING
FNC 1,2,3...	FENCE
FRP	FIREPLACE
FP	FIXED PANEL
FT	FLOOR TILE
GTE	GATE
LV	LOUVRE
MRS	METAL ROOF SHEET
PCONC	POLISHED CONCRETE
PV	PAVERS
RT	ROOF TILES
SCN 1,2,3...	SCREEN
SP	SLIDING PANEL
TD	TIMBER DECKING
TF	TIMBER FLOORING
TRS	TRANSLUCENT

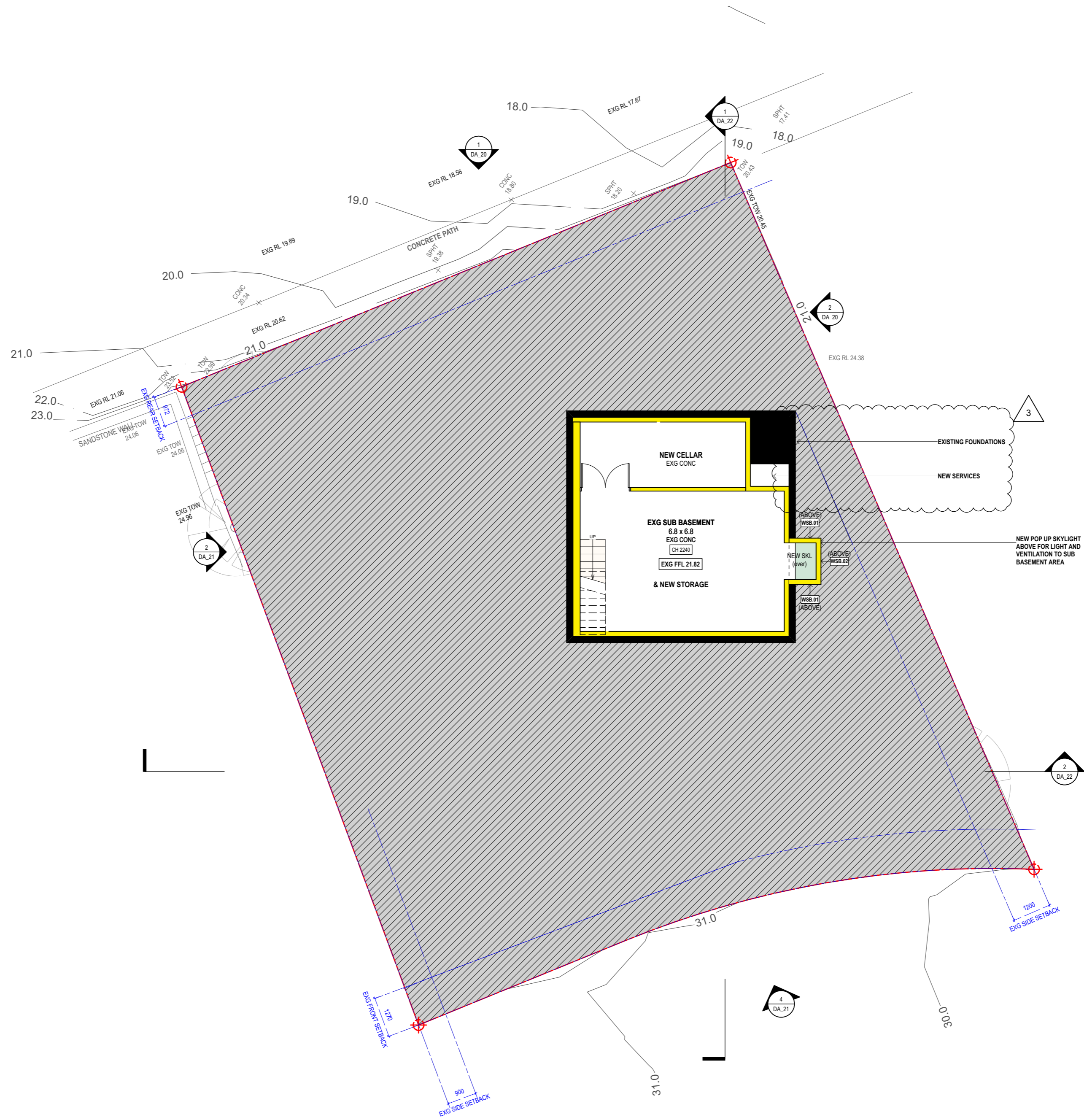
EXISTING ELEMENTS	
[Solid black line]	EXISTING WALLS
[Dashed black line]	EXISTING BUILDING (no changes)

PROPOSED ELEMENTS	
[Red dashed line]	DEMOLISHED
[Green fill]	CONCRETE
[Yellow fill]	TIMBER
[Blue fill]	TILES (INTERNAL + EXTERNAL)
[Blue outline]	STEEL, GALVANISED IRON, ALUMINIUM
[Grey outline]	WINDOWS, GLASS



Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 / 287 BIRRELL STREET
 Client:
DAPHNE WONG + NATHAN HEDLEY
 Drawing Name:
PROPOSED GARAGE LEVEL

Job Number:
2202
 Scale:
1:100 @ A2
 Plot Date:
SC
 Drawing Status:
DEVELOPMENT APPLICATION
 Drawing No:
DA_12
 Revision:
3



NOTES
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REVISION SCHEDULE	
Rev.	Date
2	14/10/22
3	3/4/23

LEGEND / KEY	
BRK 1,2,3...	BRICK
BAL 01,02...	BALUSTRADE
CLA 1,2,3...	CLADDING
CT	CERAMIC TILES
EXG	EXISTING
FNC 1,2,3...	FENCE
FRP	FIREPLACE
FP	FIXED PANEL
FT	FLOOR TILE
GTE	GATE
LV	LOUVRE
MRS	METAL ROOF SHEET
PCONC	POLISHED CONCRETE
PV	PAVERS
RT	ROOF TILES
SCN 1,2,3...	SCREEN
SP	SLIDING PANEL
TD	TIMBER DECKING
TF	TIMBER FLOORING
TRS	TRANSLUCENT

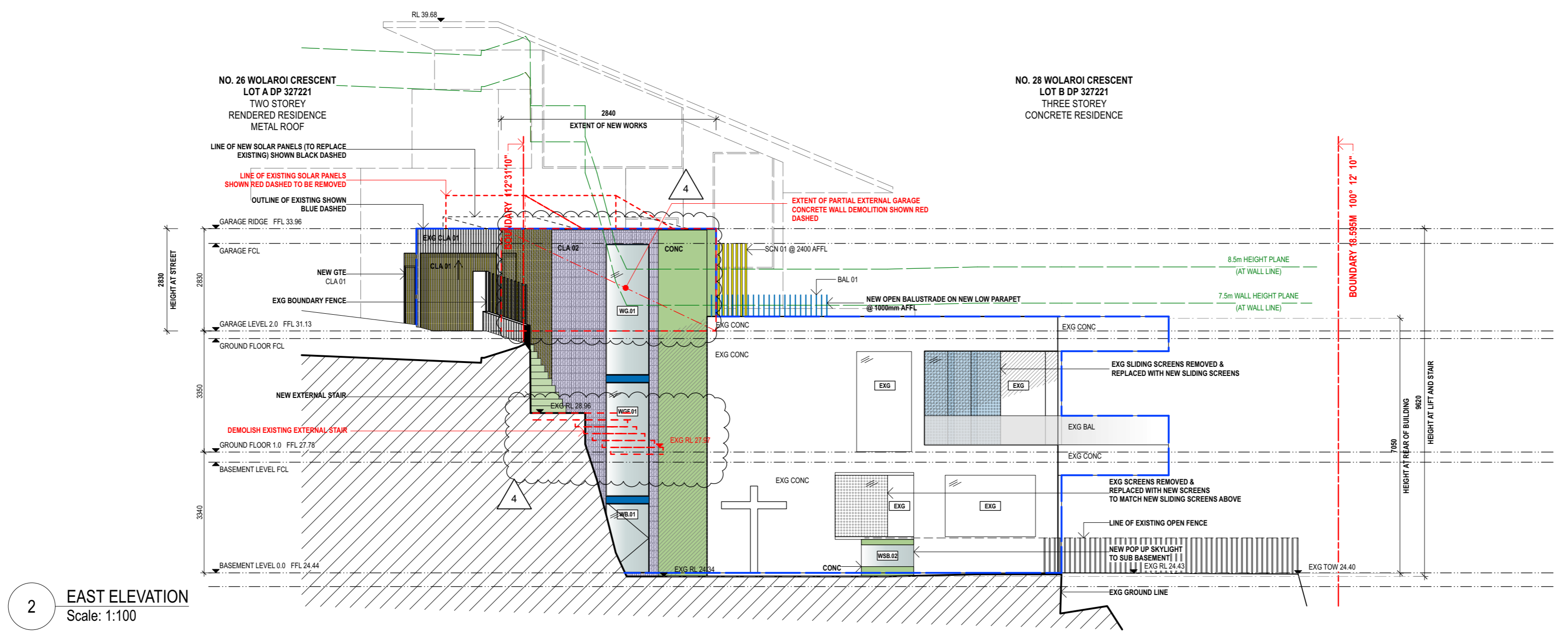
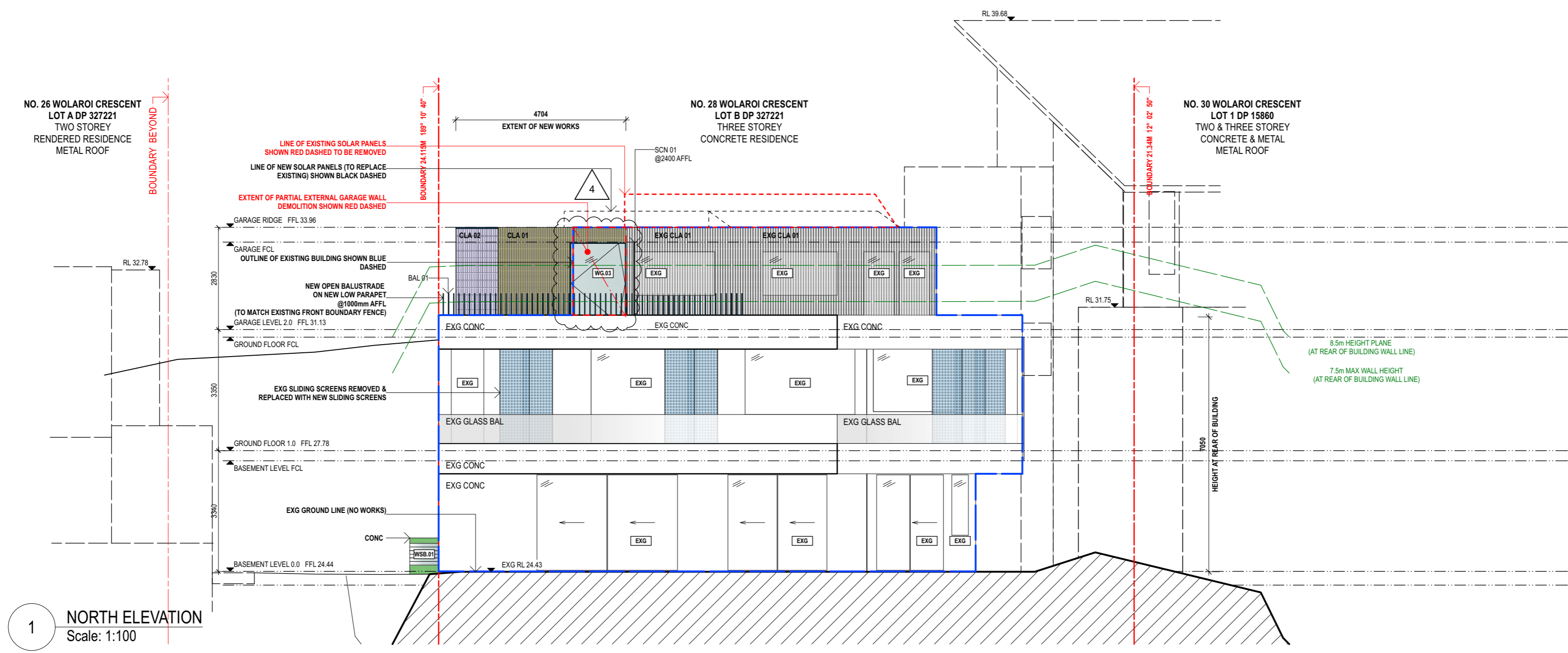
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[Solid black line]	EXISTING WALLS
[Dashed red line]	DEMOLISHED
[Solid black outline]	EXISTING BUILDING (no changes)

PROPOSED ELEMENTS	
[Green fill]	CONCRETE
[Yellow fill]	TIMBER
[Blue fill]	STEEL, GALVANISED IRON, ALUMINIUM
[Purple fill]	TILES (INTERNAL + EXTERNAL)
[Grey fill]	WINDOWS, GLASS



Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 / 287 BIRRELL STREET
 Client:
DAPHNE WONG + NATHAN HEDLEY
 Drawing Name:
PROPOSED SUB BASEMENT

Job Number:
2202
 Scale:
1:100 @ A2
 Plot Date:
 Drawn By:
SC
 Drawing Status:
DEVELOPMENT APPLICATION
 Drawing No:
DA_13
 Revision:
3



NOTES
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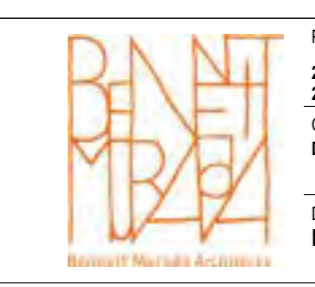
REVISION SCHEDULE

Rev.	Date	Issued By	Revision Notes
3	25/10/22	SC	DA-ADDITIONAL INFORMATION
4	3/4/23	SC	DA-ADDITIONAL INFORMATION

LEGEND / KEY

BRK 1.2.3...	BRICK	FP	FIXED PANEL	RT	ROOF TILES
BAL 01.02...	BALUSTRADE	FT	FLOOR TILE	SP	SCREEN
CLA 1.2.3...	CLADDING	GTE	GATE	SP	SLIDING PANEL
CT	CERAMIC TILES	LV	LOUVRE	TD	TIMBER DECKING
EXG	EXISTING	MRS	METAL ROOF SHEET	TF	TIMBER FLOORING
FNC 1.2.3...	FENCE	PCONC	POLISHED CONCRETE	TRS	TRANSLUCENT
FRP	FIREPLACE	PV	PAVERS		

EXISTING ELEMENTS		PROPOSED ELEMENTS	
	EXISTING WALLS		CONCRETE
	DEMOLISHED		TILES (INTERNAL + EXTERNAL)
	EXISTING BUILDING (no changes)		TIMBER
			STEEL, GALVANISED IRON, ALUMINIUM
			WINDOWS, GLASS



Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 / 287 BIRRELL STREET

Client:
DAPHNE WONG + NATHAN HEDLEY

Drawing Name:
NORTH + EAST ELEVATIONS

Job Number:
2202

Scale:
1:100 @ A2

Plot Date:
SC

Drawn By:
SC

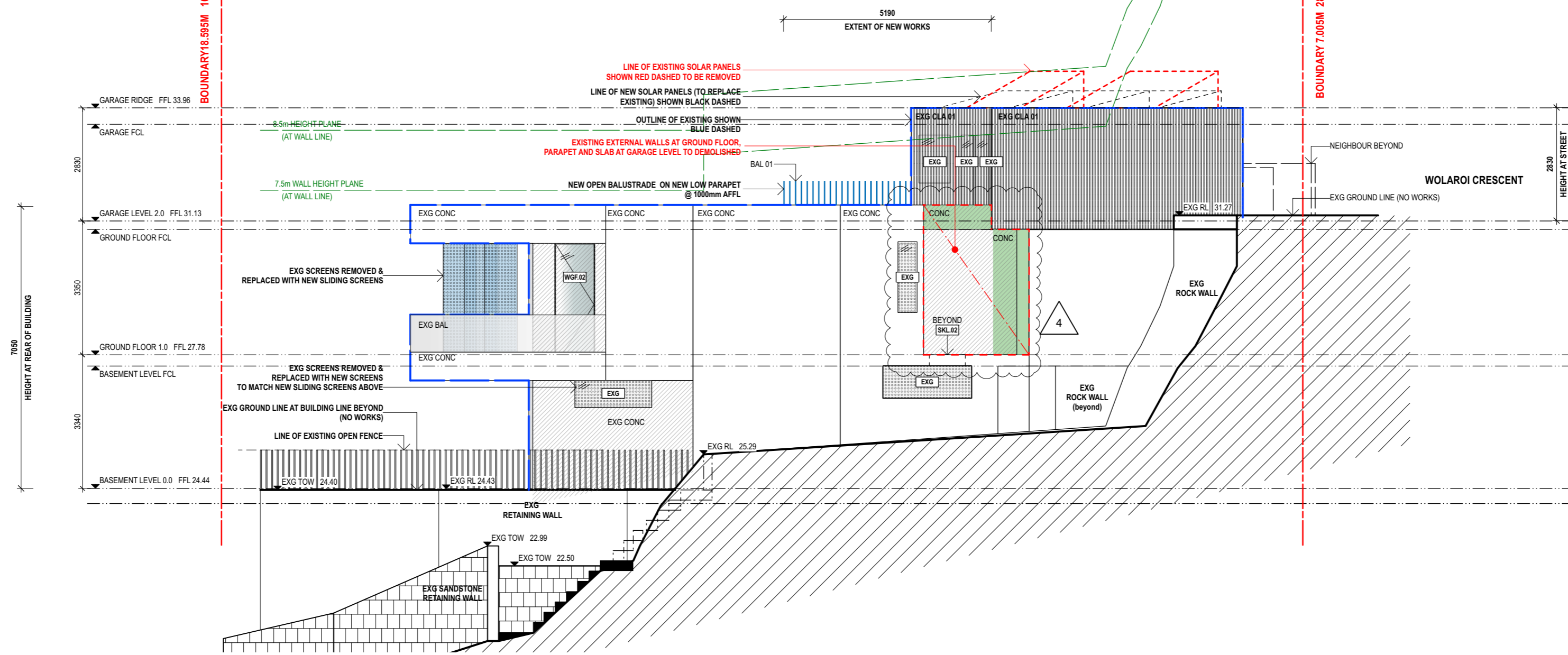
Drawing Status:
DEVELOPMENT APPLICATION

Revision No:
DA_20

Revision:
4

nominated architect: Dominic Bennett 7365 (NSW)

NO. 28 WOLAROI CRESCENT
LOT B DP 327221
THREE STOREY
CONCRETE RESIDENCE

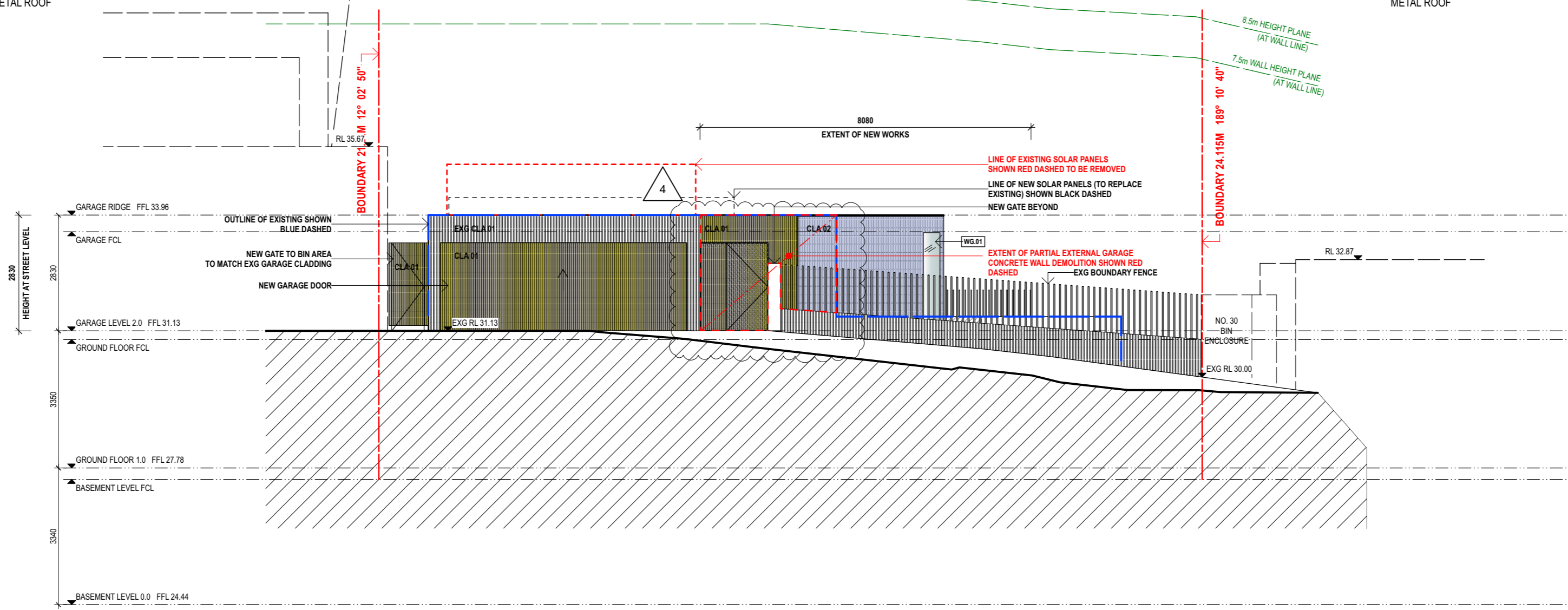


1 WEST ELEVATION
Scale: 1:100

NO. 26 WOLAROI CRESCENT
LOT A DP 327221
TWO STOREY
RENDERED RESIDENCE
METAL ROOF

NO. 28 WOLAROI CRESCENT
LOT B DP 327221
THREE STOREY
CONCRETE RESIDENCE

NO. 30 WOLAROI CRESCENT
LOT 1 DP 15860
TWO & THREE STOREY
CONCRETE & METAL
METAL ROOF



2 SOUTH ELEVATION
Scale: 1:100



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Rev.	Date	Issued By	Revision Notes
3	25/10/22	SC	DA-ADDITIONAL INFORMATION
4	3/4/23	SC	DA-ADDITIONAL INFORMATION

LEGEND / KEY	
BRK 1,2,3...	BRICK
BAL 01,02...	BALUSTRADE
CLA 1,2,3...	CLADDING
CT	CERAMIC TILES
EXG	EXISTING
FNC 1,2,3...	FENCE
FRP	FIREPLACE
FP	FIXED PANEL
FT	FLOOR TILE
GTE	GATE
LV	LOUVRE
MRS	METAL ROOF SHEET
PCONC	POLISHED CONCRETE
PV	PAVERS
RT	ROOF TILES
SCN 1,2,3...	SCREEN
SP	SLIDING PANEL
TD	TIMBER DECKING
TF	TIMBER FLOORING
TRS	TRANSLUCENT

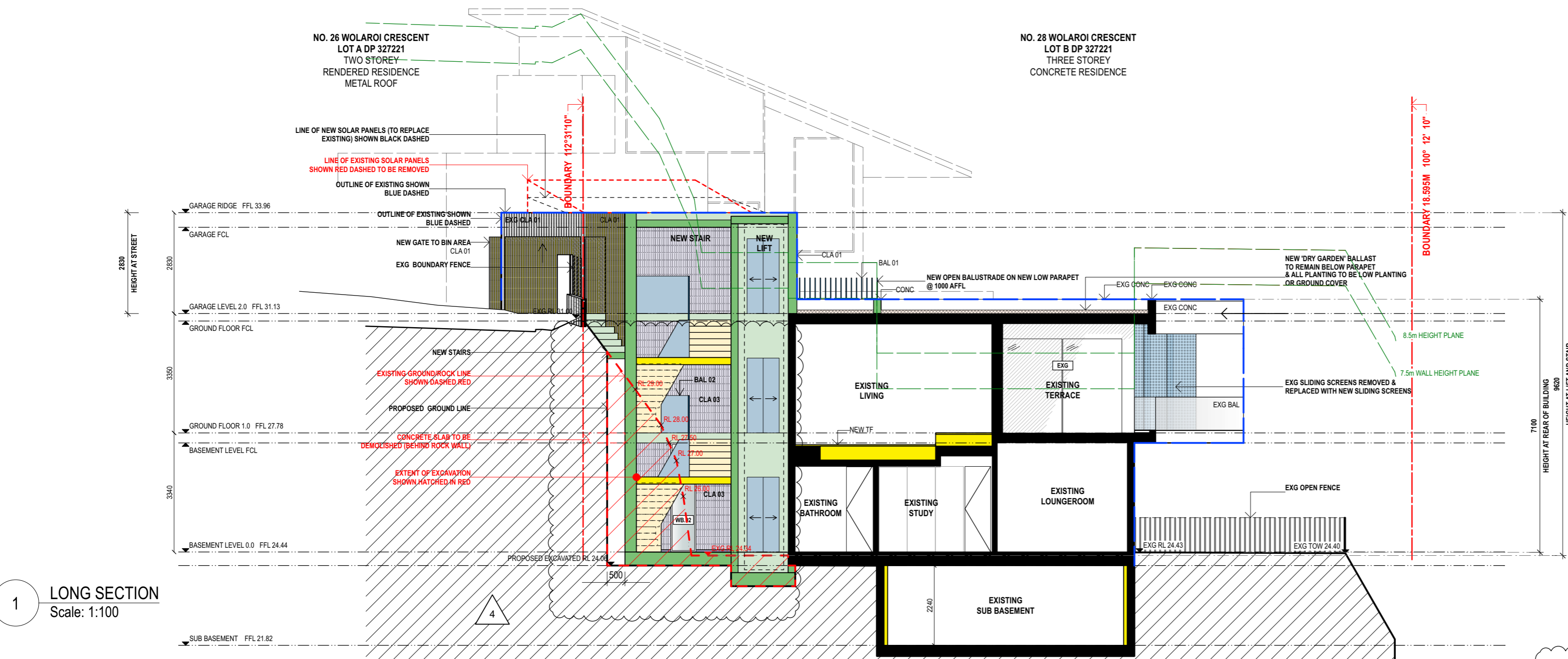
EXISTING ELEMENTS	
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	EXISTING BUILDING (no changes)
	DEMOLISHED

PROPOSED ELEMENTS	
	CONCRETE
	TIMBER
	TILES (INTERNAL + EXTERNAL)
	STEEL, GALVANISED IRON, ALUMINIUM
	WINDOWS, GLASS

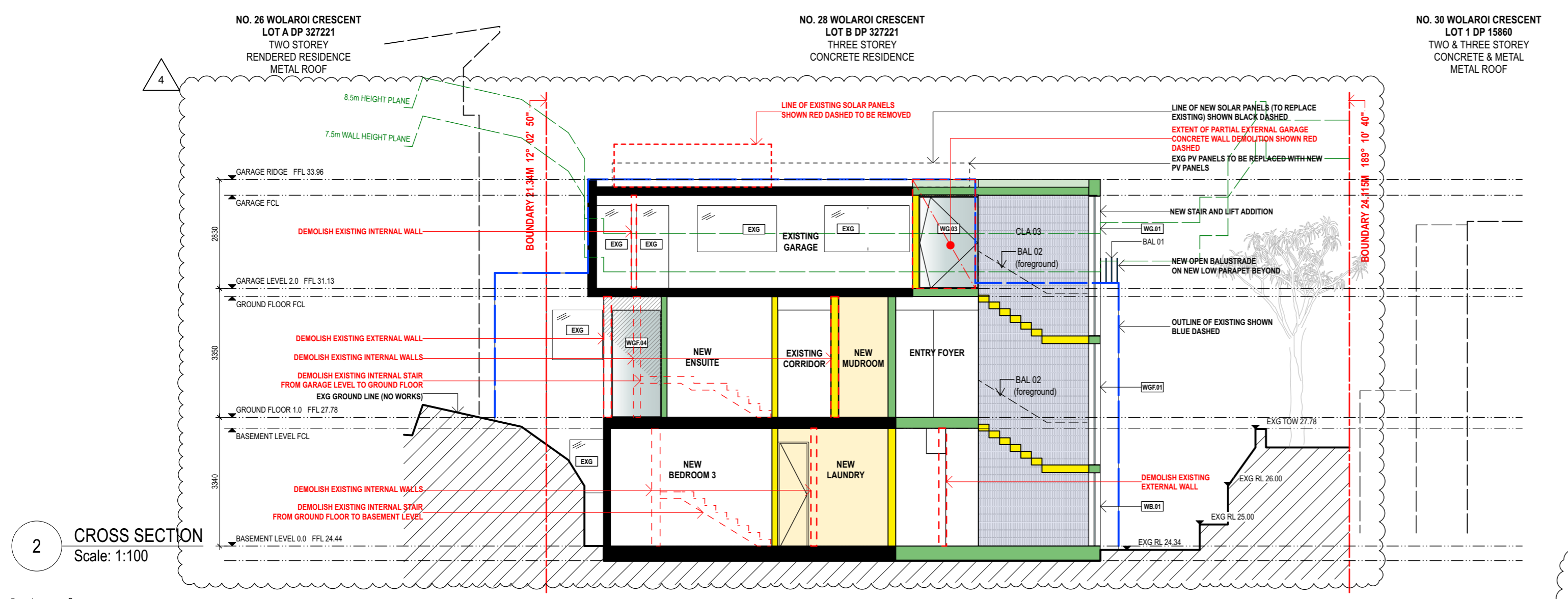


Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 / 287 BIRRELL STREET
Client:
DAPHNE WONG + NATHAN HEDLEY
Drawing Name:
SOUTH (STREET) + WEST ELEVATIONS

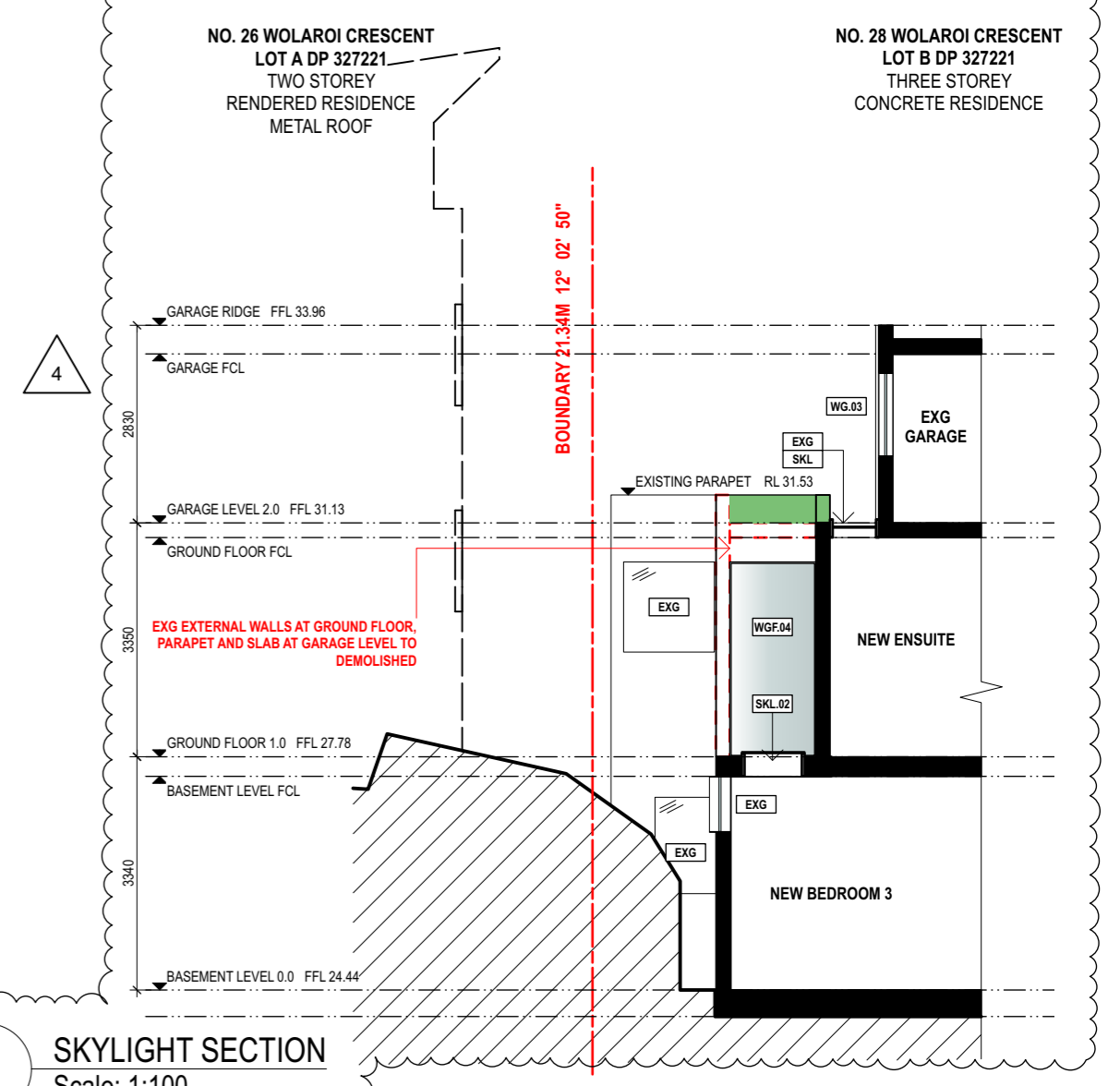
Job Number:
2202
Scale:
1:100 @ A2
Plot Date:
Drawn By:
SC
Drawing Status:
DEVELOPMENT APPLICATION
Drawing No:
DA_21
Revision:
4



1 LONG SECTION
Scale: 1:100



2 CROSS SECTION
Scale: 1:100



3 SKYLIGHT SECTION
Scale: 1:100

NOTES
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Rev.	Date	Issued By	Revision Notes
3	25/10/22	SC	DA-ADDITIONAL INFORMATION
4	3/4/23	SC	DA-ADDITIONAL INFORMATION

LEGEND / KEY	
BRK 1,2,3...	BRICK
BAL 01,02...	BALUSTRADE
CLA 1,2,3...	CLADDING
CT	CERAMIC TILES
EXG	EXISTING
FNC 1,2,3...	FENCE
FRP	FIREPLACE
FP	FIXED PANEL
FT	FLOOR TILE
GTE	GATE
LVE	LOUVRE
MRS	METAL ROOF SHEET
PCONC	POLISHED CONCRETE
PVC	PAVERS
RT	ROOF TILES
SCN 1,2,3...	SCREEN
SP	SLIDING PANEL
TD	TIMBER DECKING
TF	TIMBER FLOORING
TRS	TRANSLUCENT

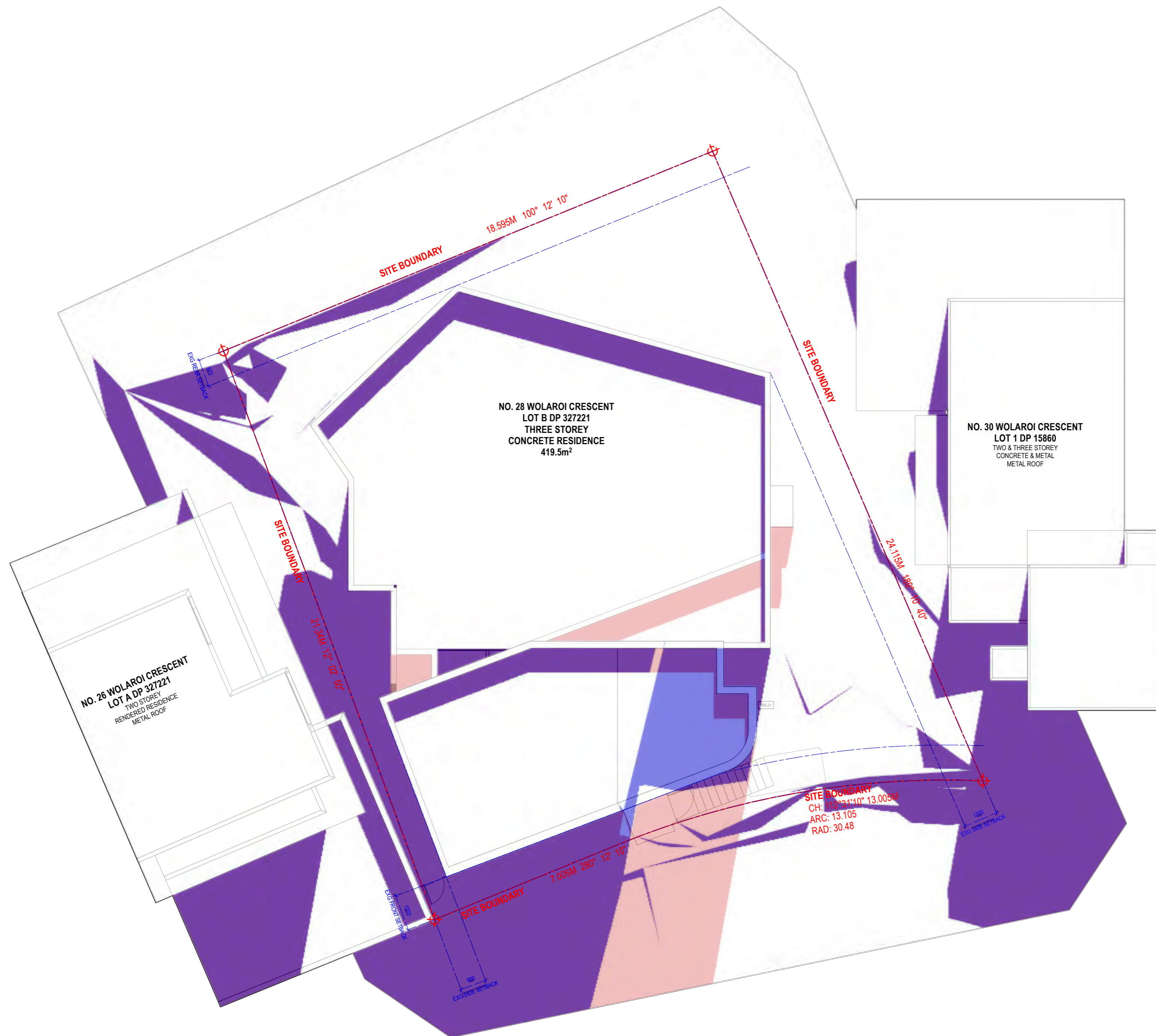
EXISTING ELEMENTS	
	EXISTING WALLS
	DEMOLISHED
	EXISTING BUILDING (no changes)

PROPOSED ELEMENTS	
	CONCRETE
	TILES (INTERNAL + EXTERNAL)
	TIMBER
	STEEL, GALVANISED IRON, ALUMINIUM
	WINDOWS, GLASS



Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 / 287 BIRRELL STREET
Client:
DAPHNE WONG + NATHAN HEDLEY
Drawing Name:
LONG & CROSS SECTIONS

Job Number:
2202
Scale:
1:100 @ A2
Plot Date:
Drawn By:
SC
Drawing Status:
DEVELOPMENT APPLICATION
Drawing No:
DA_22
Revision:
4



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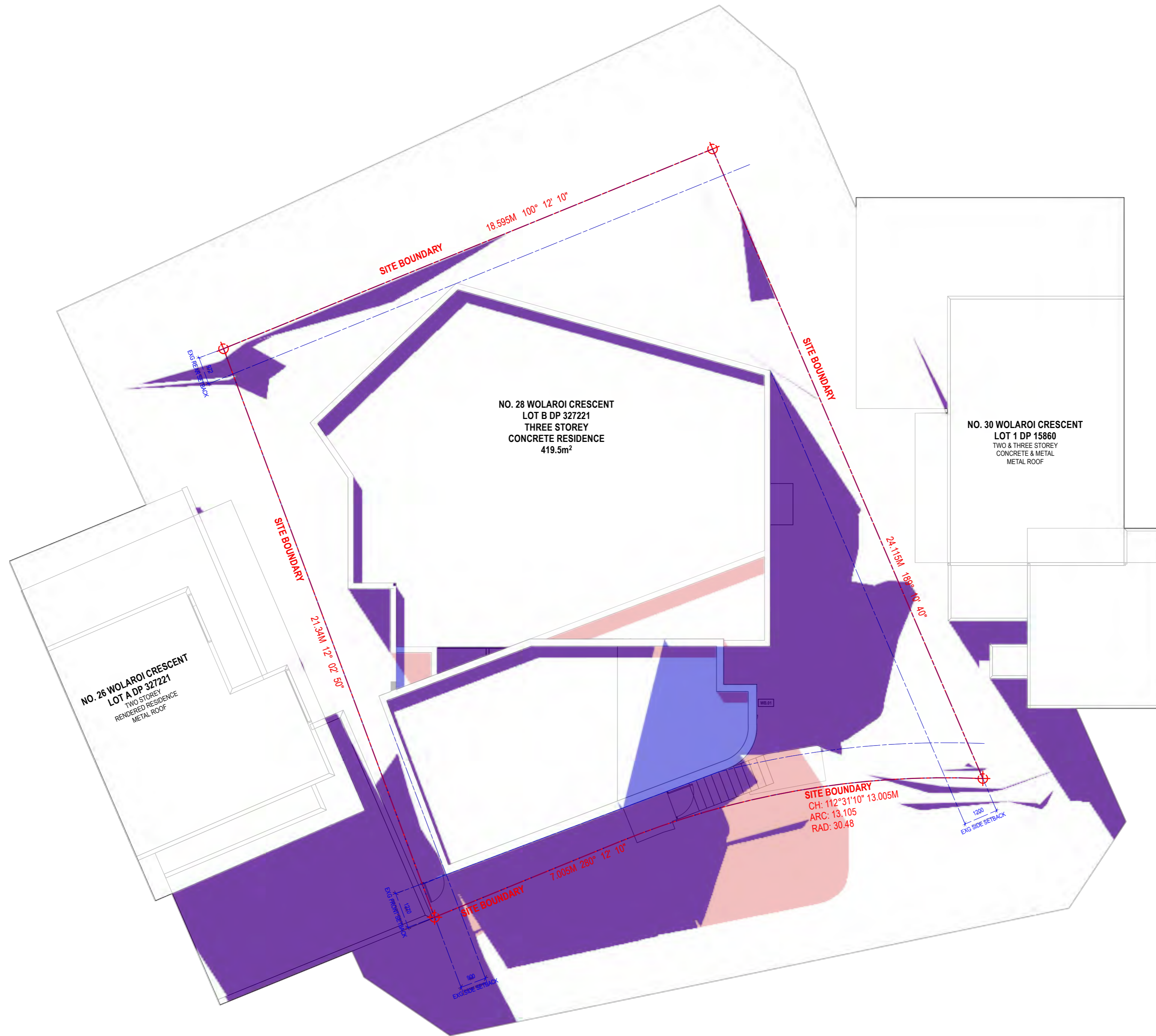
REVISION SCHEDULE			
Rev.	Date	Issued By	Revision Notes
1	3/4/23	SC	DA-ADDITIONAL INFORMATION

LEGEND / KEY	
■	INCREASED OVERSHADOWING FROM THE PROPOSAL (PROPOSED BUILDING SHADOW)
■	REDUCED OVERSHADOWING FROM THE PROPOSAL (EXISTING BUILDING SHADOW)
■	NO CHANGE - EXISTING + PROPOSED SHADOWS COMBINED



Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 / 287 BIRRELL STREET
 Client:
DAPHNE WONG + NATHAN HEDLEY
 Drawing Name:
PLAN SHADOW DIAGRAMS, JUN 21 9am

Job Number:
2202
 Scale:
1:100 @ A2
 Plot Date: _____ Drawn By: SC
 Drawing Status:
DEVELOPMENT APPLICATION
 Drawing No: **DA_33** Revision: **1**
 nominated architect: Dominic Bennett 7365 (NSW)



NOTES
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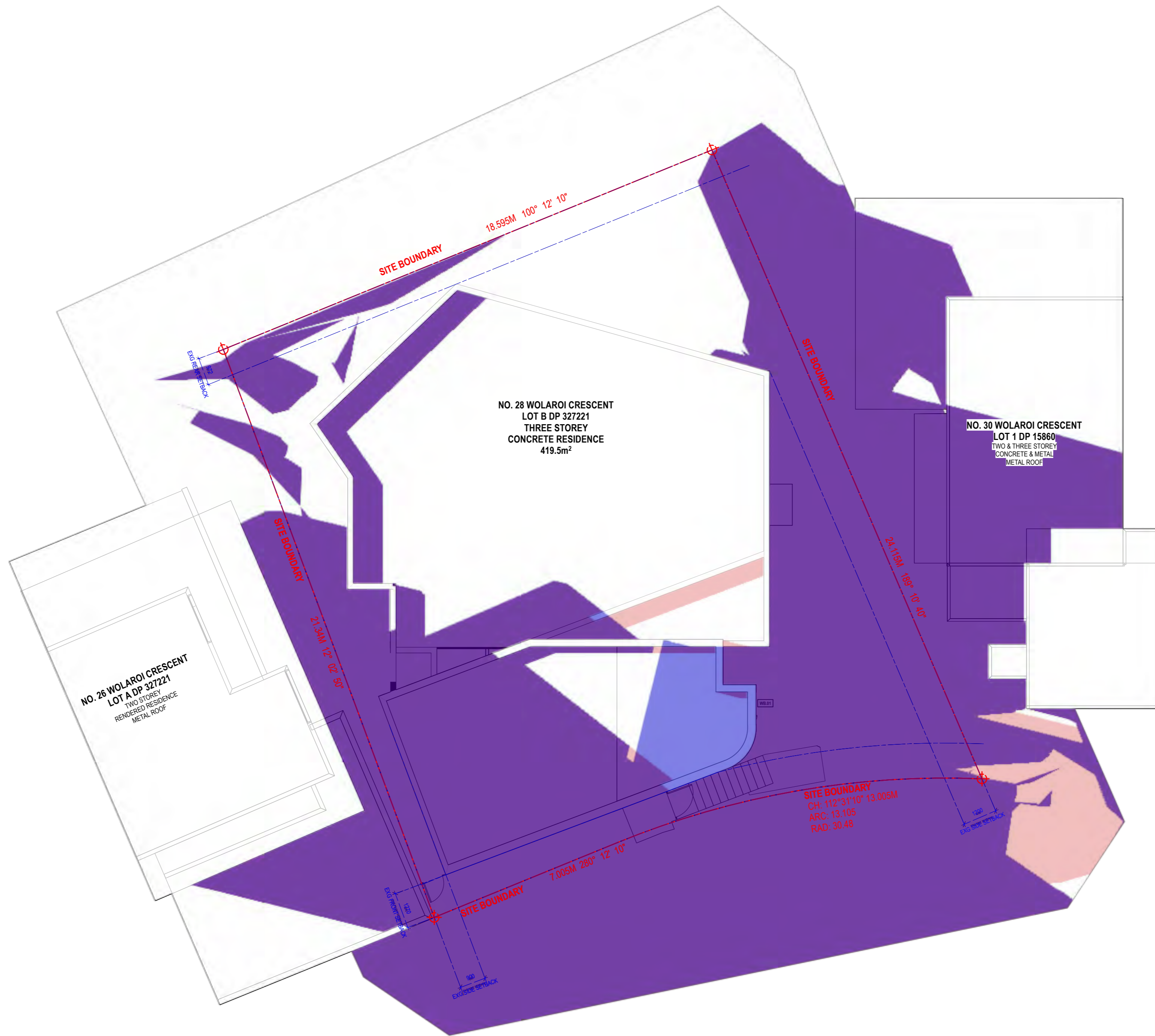
REVISION SCHEDULE			
Rev.	Date	Issued By	Revision Notes
1	3/4/23	SC	DA ADDITIONAL INFORMATION

LEGEND / KEY	
■	INCREASED OVERSHADOWING FROM THE PROPOSAL (PROPOSED BUILDING SHADOW)
■	REDUCED OVERSHADOWING FROM THE PROPOSAL (EXISTING BUILDING SHADOW)
■	NO CHANGE - EXISTING + PROPOSED SHADOWS COMBINED



Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 / 287 BIRRELL STREET
 Client:
DAPHNE WONG + NATHAN HEDLEY
 Drawing Name:
PLAN SHADOW DIAGRAMS, JUN 21 12pm

Job Number:
2202
 Scale:
1:100 @ A2
 Plot Date: _____ Drawn By: SC
 Drawing Status:
DEVELOPMENT APPLICATION
 Drawing No: **DA_34** Revision: **1**
 nominated architect: Dominic Bennett 7365 (NSW)



NOTES
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REVISION SCHEDULE			
Rev.	Date	Issued By	Revision Notes
1	3/4/23	SC	DA-ADDITIONAL INFORMATION

LEGEND / KEY	
■	INCREASED OVERSHADOWING FROM THE PROPOSAL (PROPOSED BUILDING SHADOW)
■	REDUCED OVERSHADOWING FROM THE PROPOSAL (EXISTING BUILDING SHADOW)
■	NO CHANGE - EXISTING + PROPOSED SHADOWS COMBINED



Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 / 287 BIRRELL STREET
 Client:
DAPHNE WONG + NATHAN HEDLEY
 Drawing Name:
PLAN SHADOW DIAGRAMS, JUN 21 3pm

Job Number:
2202
 Scale:
1:100 @ A2
 Plot Date: _____ Drawn By: SC
 Drawing Status:
DEVELOPMENT APPLICATION
 Drawing No: **DA_35** Revision: **1**
 nominated architect: Dominic Bennett 7365 (NSW)

NO. 28 WOLAROI CRESCENT
LOT B DP 327221
THREE STOREY
CONCRETE RESIDENCE

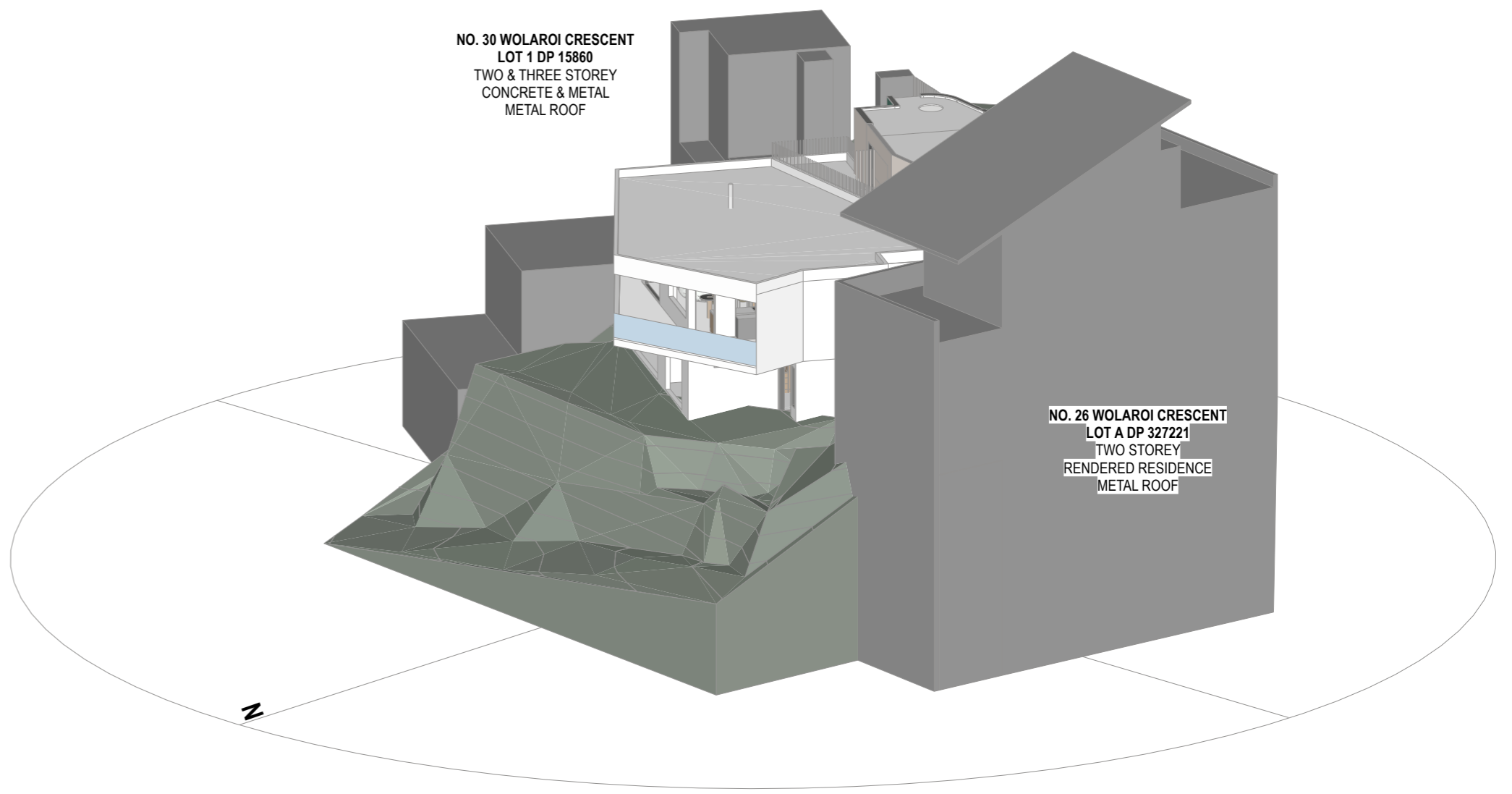
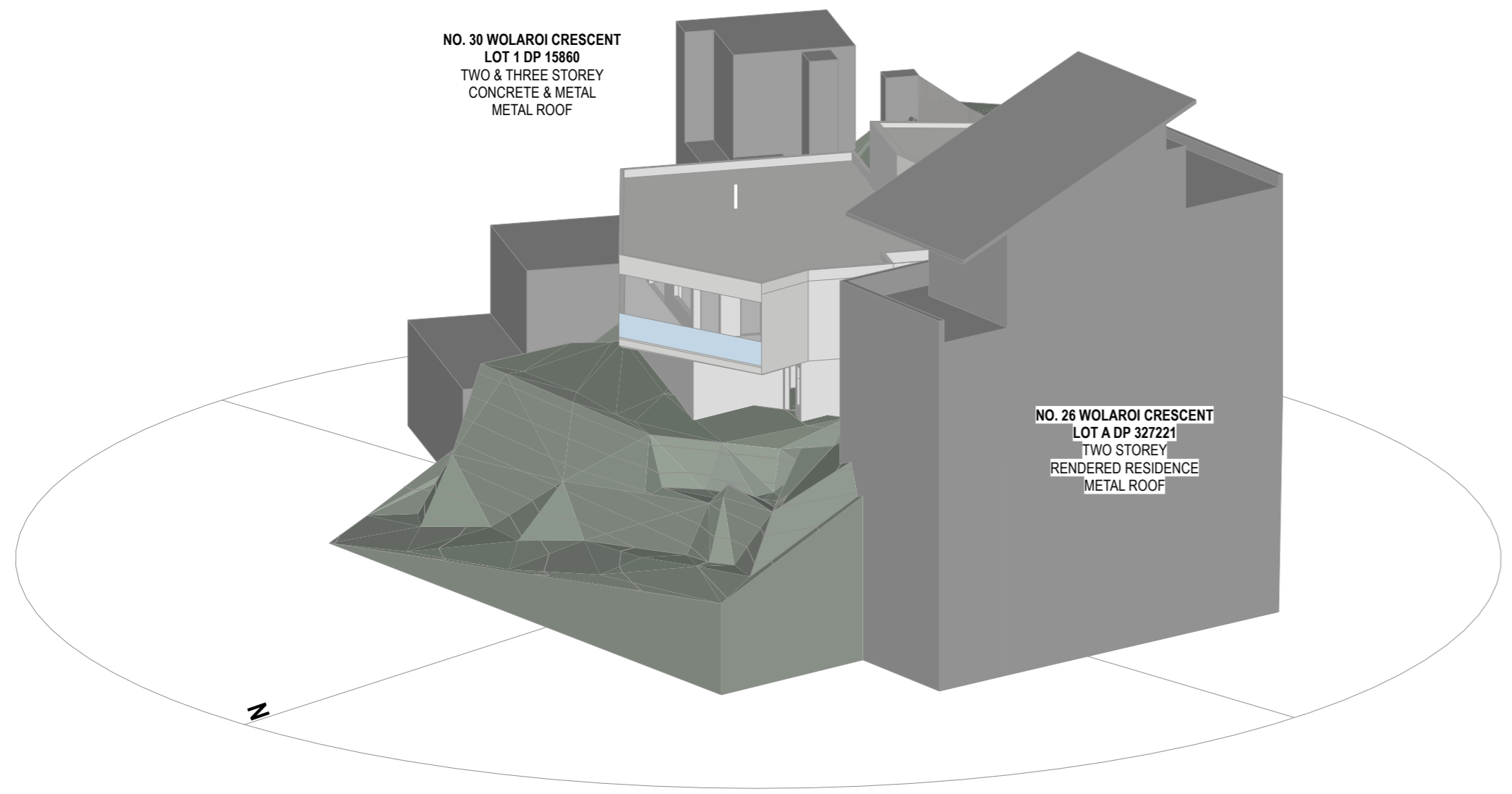
NO. 28 WOLAROI CRESCENT
LOT B DP 327221
THREE STOREY
CONCRETE RESIDENCE

NO. 30 WOLAROI CRESCENT
LOT 1 DP 15860
TWO & THREE STOREY
CONCRETE & METAL
METAL ROOF

NO. 30 WOLAROI CRESCENT
LOT 1 DP 15860
TWO & THREE STOREY
CONCRETE & METAL
METAL ROOF

NO. 26 WOLAROI CRESCENT
LOT A DP 327221
TWO STOREY
RENDERED RESIDENCE
METAL ROOF

NO. 26 WOLAROI CRESCENT
LOT A DP 327221
TWO STOREY
RENDERED RESIDENCE
METAL ROOF



1 EXISTING VIEW FROM SUN
Scale: NTS

2 PROPOSED VIEW FROM SUN
Scale: NTS



NOTES
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Rev.	Date	Issued By	Revision Notes
1	15/8/22	SC	DEVELOPMENT APPLICATION ISSUE

LEGEND / KEY



Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 /
287 BIRRELL STREET
Client:
DAPHNE WONG + NATHAN HEDLEY
Drawing Name:
SHADOW DIAGRAMS, JUN 21 3pm

Job Number:
2202
Scale:
NTS
Plot Date: Drawn By:
SC
Drawing Status:
DEVELOPMENT APPLICATION
Drawing No: Revision:
DA_32 1
nominated architect: Dominic Bennett 7365 (NSW)

NO. 30 WOLAROI CRESCENT
LOT 1 DP 15860
TWO & THREE STOREY
CONCRETE & METAL
METAL ROOF

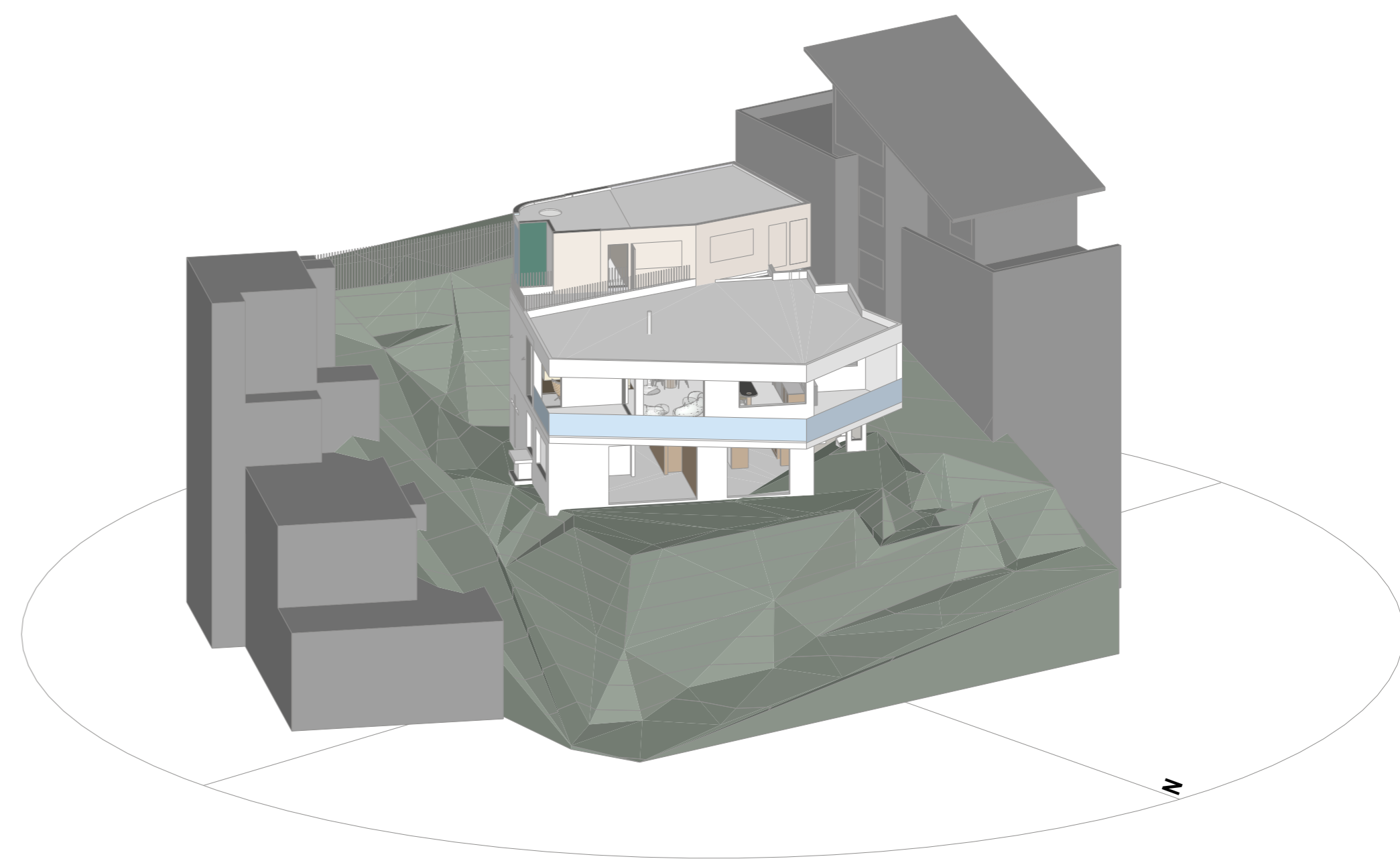
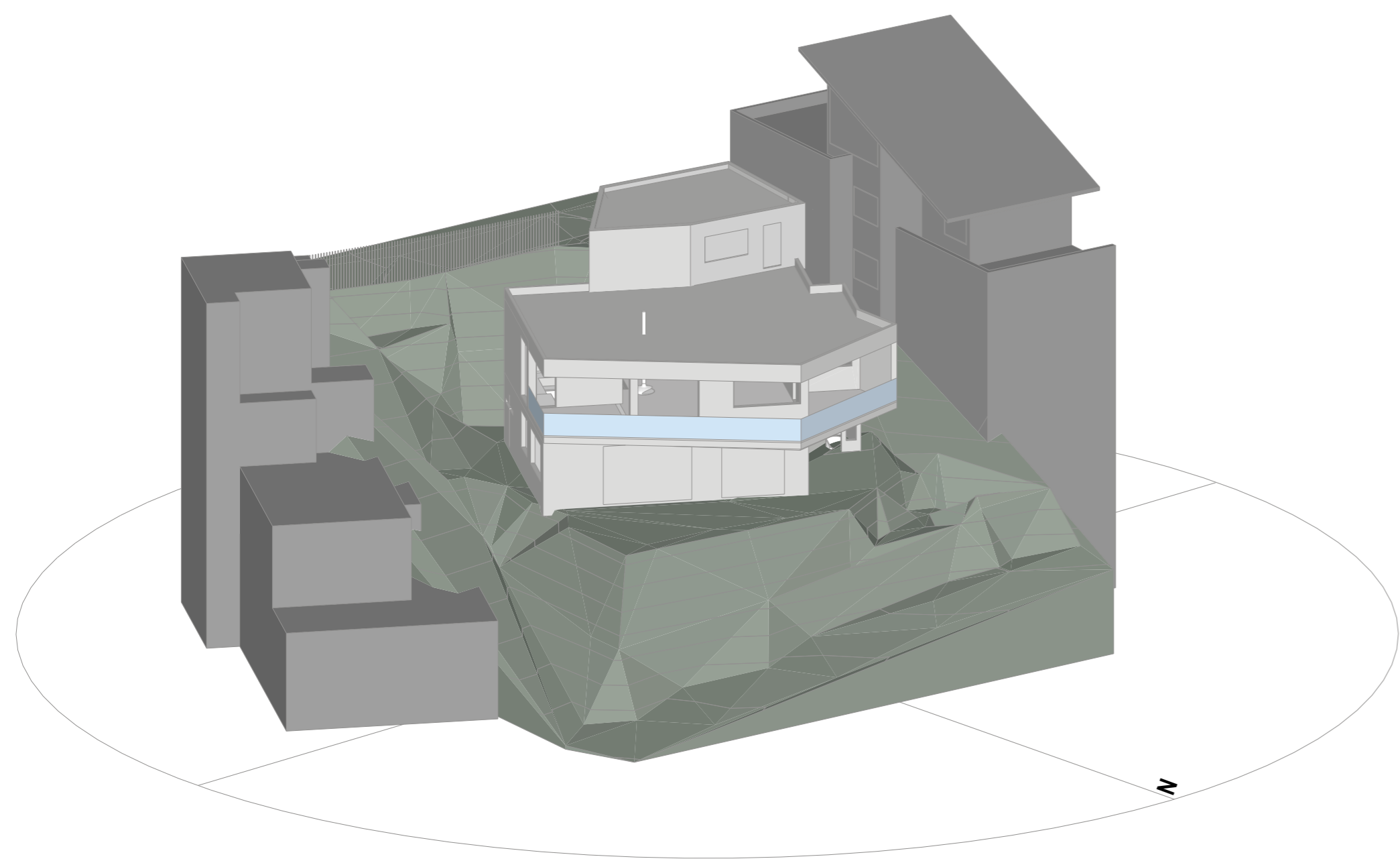
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LOT B DP 327221
THREE STOREY
CONCRETE RESIDENCE

NO. 26 WOLAROI CRESCENT
LOT A DP 327221
TWO STOREY
RENDERED RESIDENCE
METAL ROOF

NO. 30 WOLAROI CRESCENT
LOT 1 DP 15860
TWO & THREE STOREY
CONCRETE & METAL
METAL ROOF

NO. 28 WOLAROI CRESCENT
LOT B DP 327221
THREE STOREY
CONCRETE RESIDENCE

NO. 26 WOLAROI CRESCENT
LOT A DP 327221
TWO STOREY
RENDERED RESIDENCE
METAL ROOF



1 EXISTING VIEW FROM SUN
Scale: NTS

2 PROPOSED VIEW FROM SUN
Scale: NTS

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Rev.	Date	Issued By	Revision Notes
1	15/8/22	SC	DEVELOPMENT APPLICATION ISSUE

LEGEND / KEY



Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 /
287 BIRRELL STREET
Client:
DAPHNE WONG + NATHAN HEDLEY
Drawing Name:
SHADOW DIAGRAMS, JUN 21 9am

Job Number:
2202
Scale:
NTS
Plot Date: Drawn By:
SC
Drawing Status:
DEVELOPMENT APPLICATION
Drawing No: Revision:
DA_30 1
nominated architect: Dominic Bennett 7365 (NSW)

NO. 30 WOLAROI CRESCENT
LOT 1 DP 15860
TWO & THREE STOREY
CONCRETE & METAL
METAL ROOF

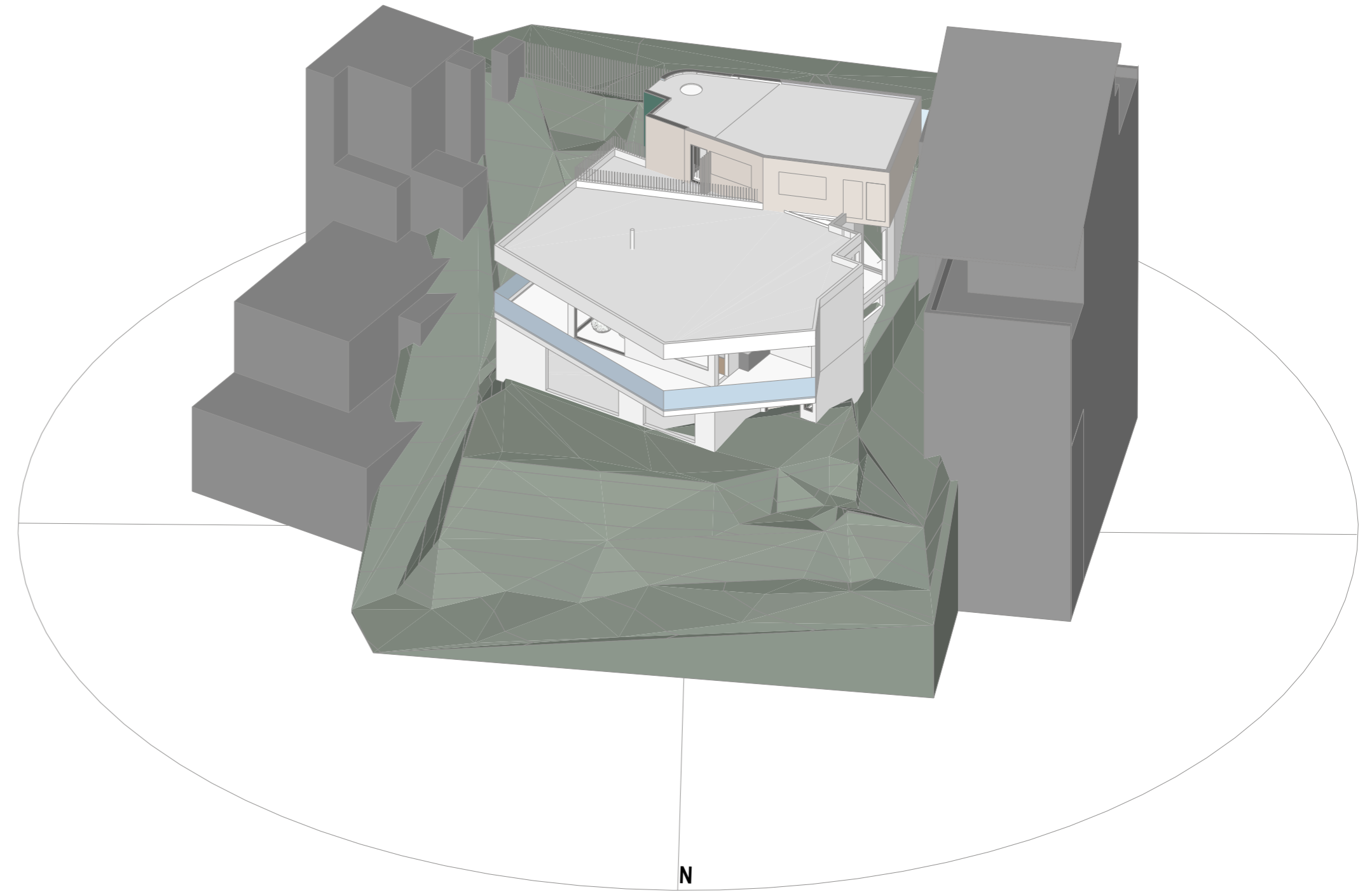
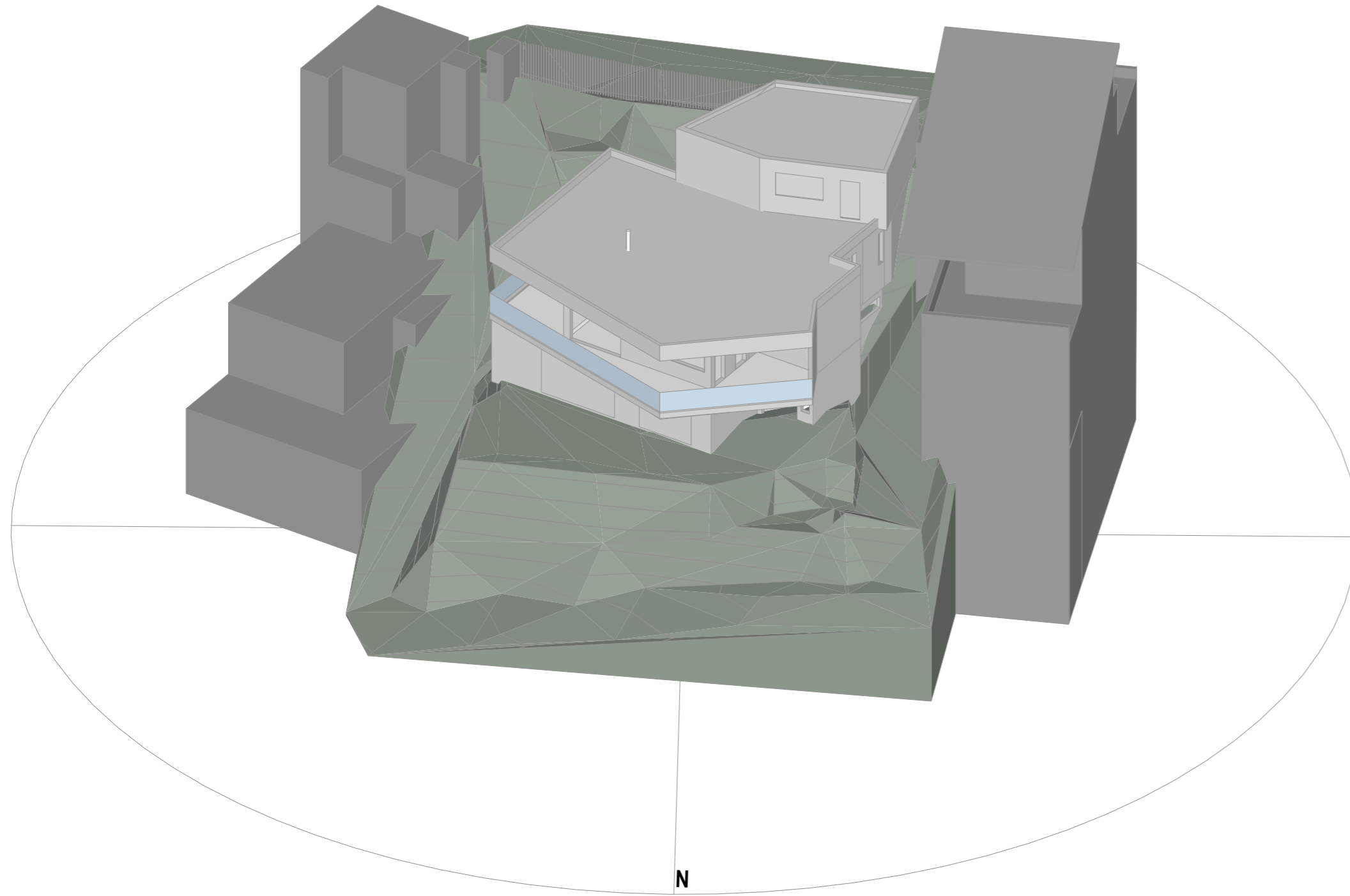
NO. 28 WOLAROI CRESCENT
LOT B DP 327221
THREE STOREY
CONCRETE RESIDENCE

NO. 26 WOLAROI CRESCENT
LOT A DP 327221
TWO STOREY
RENDERED RESIDENCE
METAL ROOF

NO. 30 WOLAROI CRESCENT
LOT 1 DP 15860
TWO & THREE STOREY
CONCRETE & METAL
METAL ROOF

NO. 28 WOLAROI CRESCENT
LOT B DP 327221
THREE STOREY
CONCRETE RESIDENCE

NO. 26 WOLAROI CRESCENT
LOT A DP 327221
TWO STOREY
RENDERED RESIDENCE
METAL ROOF



1 EXISTING VIEW FROM SUN
Scale: NTS

2 PROPOSED VIEW FROM SUN
Scale: NTS



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Rev.	Date	Issued By	Revision Notes
1	15/8/22	SC	DEVELOPMENT APPLICATION ISSUE

LEGEND / KEY



Project:
28 WOLAROI CRESCENT, TAMARAMA, NSW 2026 /
287 BIRRELL STREET
Client:
DAPHNE WONG + NATHAN HEDLEY
Drawing Name:
SHADOW DIAGRAMS, JUN 21 12pm

Job Number:
2202
Scale:
NTS
Plot Date: Drawn By:
SC SC
Drawing Status:
DEVELOPMENT APPLICATION
Drawing No: Revision:
DA_31 1



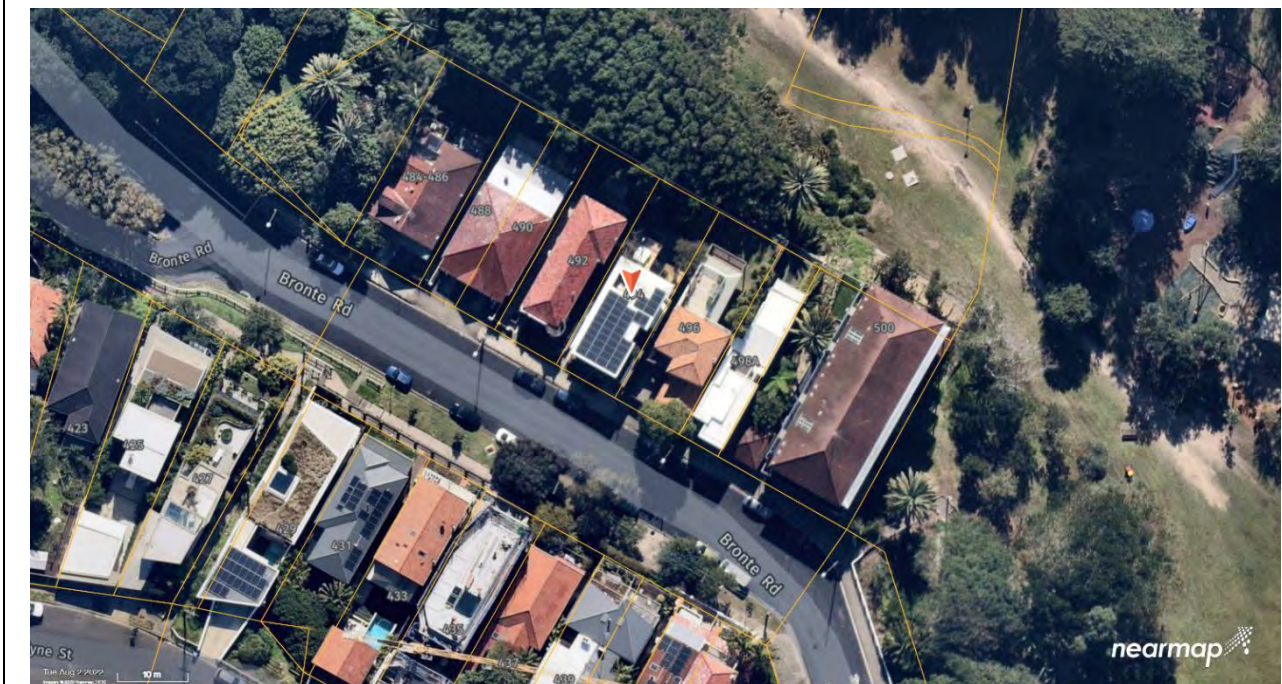
Low Density Residential Development



Report to the Waverley Local Planning Panel

Application number	DA-230/2022
Site address	494 Bronte Road, Bronte
Proposal	Alterations and additions to the dwelling including the construction of a double garage, skylight, new swimming pool and deck at the rear.
Date of lodgement	10 June 2022
Owner	Mr A D Shrimpton and Mrs K A Shrimpton
Applicant	Mr A Shrimpton
Submissions	Two unique submissions
Cost of works	\$1,149,500.00
Principal Issues	<ul style="list-style-type: none"> • Breach to Height of Building development standard • Earthworks • Wall Height • Privacy • Parking
Recommendation	That the application be REFUSED for the reasons contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to a dwelling including the construction of a double garage, skylight, new swimming pool and decks at the rear of the site known as 494 Bronte Road, Bronte.

The principal issues arising from the assessment of the application are as follows:

- Breach to the height of building development standard
- Earthworks
- Wall Height
- Privacy
- Parking

The assessment finds these issues unacceptable. The proposed alterations and additions are of a bulk and scale outside of the character of the streetscape while proposing an excess amount of fill.

A total number of two unique submissions were received and the issues raised in the submissions have been considered and addressed in this report and the Recommendation.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. It is recommended for refusal.

1.2. Site and Surrounding Locality

A site visit was carried out on 2 August 2022.

The site is identified as Lot D in DP 314150, known as 494 Bronte Road, Bronte.

The site is rectangular in shape with a frontage to Bronte Road, measuring 9.79m. It has an area of 297.5m² and falls from Bronte road towards the rear of the site by approximately 9.42m.

The site is occupied by a three storey detached dwelling house with vehicular access provided from Bronte Road.

The site is adjoined by two to three-storey detached dwelling houses on either side, Bronte Park at the rear and two to three-storey detached dwellings on the opposite side of Bronte Road. The locality is characterised by a variety of low density residential development.

Figures 1 to 8 are photos of the site and its context.



Figure 1: Streetscape view opposite the subject site.



Figure 2: Streetscape view of the subject site.



Figure 3: Subject site viewed from Bronte Park



Figure 4: Rear view of the subject site from Bronte Park



Figure 5: Rear view of the subject site from the rear private open space

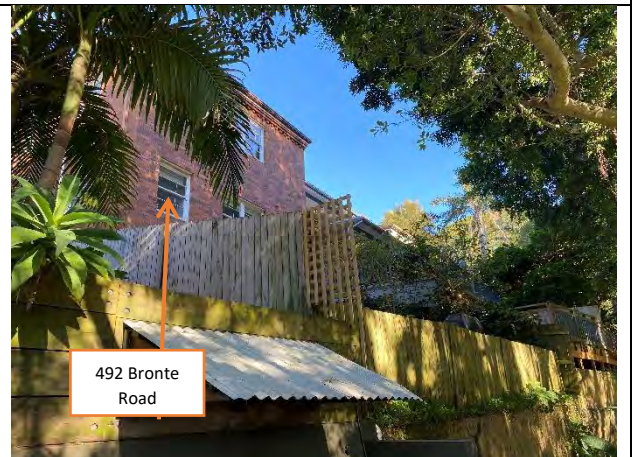


Figure 6: Rear view of 492 Bronte Road



Figure 7: Side passage view between the subject site and 492 Bronte Road.



Figure 8: Rear view of 496 Bronte Road

1.3. Relevant Development History

A search of the Council's records revealed the following recent and relevant development history of the site:

- **DA-597/2009**, Approved 24 August 2010
 - Alterations and additions to dwelling, including additional storey, single garage and swimming pool.
- **DA-597/2009/A**, Approved 03 June 2011
 - Modification of the front balcony and associated awning and windows
- **DA-597/2009/B**, Approved 02 September 2011
 - Modification to correctly reflect new windows in the side elevation of a dwelling.
- **DA-597/2009/C**, Approved 02 January 2014
 - Modification to parking and internal alterations to a dwelling.

1.4. Proposal

The development application seeks consent for alterations and additions to a dwelling house, specifically the following:

- External:
 - Rear Pool
 - Rear lawn terrace
 - Rear paving
 - Site infill
 - New retaining walls
- Lower Ground Floor:
 - Modification to internal floor layout to include:
 - Bedroom 4
 - Bathroom

- Plant and equipment room
 - Rear extension of the rumpus room
- Ground Floor:
 - Double garage
 - Open plan living, dining and kitchen.
 - Rear balcony
 - Study
 - WC
 - First Floor:
 - Three bedrooms
 - Ensuite
 - Robe
 - Laundry
 - Rear Balcony

1.5. Background

The development application was lodged on 10 June 2022 and notified from 28 June until 20 July 2022. The application was then deferred on 31 August 2022 for the following reasons:

- **Floor space ratio (FSR)**

The gross floor area (GFA) was incorrectly calculated, excluding the lower ground floor staircase area, exclusion of internal walls between the staircase, WC and Bedroom 3.

Response: The amended plans have included revised FSR calculations. The proposed FSR has now been reduced with the infill of the front rooms.

- **Building height**

The proposed design extended beyond the existing building height envelope on parts of the first and ground floors, potentially affecting the amenity of neighbouring properties and views.

Response: The amended proposal has lowered the roof height at the location of the first floor ensuite. However, the proposed rear first floor balcony balustrade is still in excess of the maximum building height.

- **Undercroft area/bin store area**

The applicant was advised to retain the external walls of the existing dwelling and make use of the existing habitable space as the majority of these areas were previously habitable rooms and could be retained as such.

Response: Amended documents show the infill of these areas however, the applicants covering letter advises that this infill is required due to the non-compliant ceiling heights caused through the introduction of the pedestrian entry and driveway.

- **Excavation and fill**

The applicant was advised that the earthworks to the rear to raise the existing ground level is not supported.

Response: No changes to the amended architectural drawings. Fill has been increased.

- **Privacy**

Balconies are non-compliant with the controls of Waverley DCP 2012 and are to be reduced with privacy screens to be incorporated. The roof garden from the first-floor balcony is to be non-trafficable.

Response: The amended roof is shown as pebble ballast instead of a green roof. Balconies have been reduced in size.

- **Views**

The applicant was advised of the potential impacts on views from 492 Bronte Road and a view impact analysis was requested.

Response: View impact analysis submitted which is addressed in further detail under Table 3.

Other issues which required addressing as part of the deferral letter also included the streetscape impacts associated with the proposal for a double car garage to Bronte Road and the elevated nature of the proposed rear swimming pool, which have both not been resolved with the amended submission.

Amended plans and documentation were lodged on 3 January 2023 to address these issues as discussed above. These plans and documentation form the basis of the assessment in this report.

During the deferral process, a development application was received for the neighbouring property to the north-west at No. 492 Bronte Road (DA-495/2022). This application reassessment was performed after a preliminary assessment was made of DA-495/2022 for the neighbouring property and is addressed as part of this assessment report.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

The following SEPPs apply from 1 March 2022 and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	Satisfactory.
Part 2 Permitted or prohibited development.		
Land Use Table R2 Low-Density Residential Zone	Yes	The proposal is defined as alterations and additions to a detached dwelling house, which is permitted with consent in the R2 low density residential zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> • 8.5m 	No	<p>Unsatisfactory. The original proposal had an overall building height of 12.56m, measured to the roof ridge at RL31.20 above the existing ground level of RL18.64, being a 48% variation.</p> <p>This was amended to retain the existing building roof, with a maximum building height</p>

Provision	Compliance	Comment
		of 12.61m, while the new roof extension is proposed to have a maximum building height of 9.31m, a proposed 9.5% variation. However, parts of the rear first-floor balcony are proposed to a height of 10.5m, being a proposed 23.5% variation.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> • 0.78:1 (231.38m²) 	Yes	The original application was proposed to have an FSR of 0.80:1, being a 2% variation. This was amended during the deferral process to a proposed FSR of 0.85:1, a 9% variation. The final amended proposal complies, with an FSR of 0.78:1 proposed. However, this is achieved through the extensive use of fill at the lower ground floor level to fill in previously used habitable rooms.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the Height of Building development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.2 Earthworks	No	<p>The original proposal had a significant amount of earthworks proposed to the rear of the site.</p> <p>The amended proposal has increased the amount of earthworks to the front and rear of the site. Parts of the existing lower ground floor are now proposed to be filled along with a large part of the rear landscaped area. This will likely have a disruptive impact on the drainage pattern and soil stability on the site contrary to objective (a) of the LEP. A Geotechnical assessment report was not submitted with the application.</p>

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

Clause 4.6 Exceptions to Development Standards

The application seeks to vary the height of buildings development standard in clause 4.3 under Waverley LEP 2012.

The site is subject to a maximum height of building development standard of 8.5m. The proposed additions will have a building height of 10.5m, exceeding the standard by 2m, equating to a 23.5% variation.

A written request has been submitted to Council in accordance with clause 4.6(3)(a) and (b) of Waverley LEP 2012 seeking to justify the contravention of the development standard by demonstrating:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (b) That there are sufficient environmental planning grounds to justify contravening the standard.

A copy of the applicant's written request has been provided to the Waverley Local Planning Panel for consideration.

Applicant's Written Request - Clause 4.6(3)(a) and (b)

The applicant seeks to justify the contravention of the height of building development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *The height and bulk of the proposed works are of an appropriate form and scale and are compatible with the existing height of the dwelling, surrounding development and the desired future character for the locality, noting that the existing dwelling and surrounding developments exceed the height control.*
 - (ii) *The height of the existing dwelling is 12.6 metres. The height of the proposed works is 9.32 metres and will not extend beyond the current height of the existing dwelling.*
 - (iii) *The proposed height non-compliance relates to the top part of the First Floor and the top part of the rear section of the Ground Floor.*
 - (iv) *Works at the first-floor level will allow for an additional bedroom to better suit family living, as opposed to bedrooms being located at the lower ground-floor level.*
 - (v) *Non-compliance will be indiscernible from the streetscape and surrounding properties, given it is no greater than the existing height.*
 - (vi) *The form and massing of the proposed development respects the topography of the site, which minimises the perception of the height variation.*
 - (vii) *The proposed works are suitably scaled and located to minimise visual bulk impacts when viewed from the adjoining sites and do not detract from the streetscape.*
 - (viii) *The proposed development incorporates articulated facades to avoid a bulky appearance and to create proportions consistent within the streetscape.*
 - (ix) *The proposal includes landscaping along the perimeters of the building. The proposed landscaping will soften the built form, add visual interest and amenity to the area and ensure that the development sits well within the local context.*

- (x) *The proposal complies with the FSR, open space, landscaping and private open space controls and will sit comfortably in the character of the local area.*
 - (xi) *Exceedance of the height control will not create additional unreasonable environmental amenity impacts in terms of overshadowing, loss of views, loss of privacy or loss of visual amenity.*
 - (xii) *The proposed development will not result in any adverse impact on views from the public domain or surrounding properties and therefore is considered acceptable in this regard. The building height noncompliance will not result in any unreasonable view loss impacts.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *Overall, the height and bulk of the proposed works are of an appropriate form and scale and are compatible with the existing height of the dwelling, surrounding development and the desired future character for the locality, noting that the existing dwelling and surrounding developments exceed the height control.*
 - (ii) *The height of the existing dwelling is 12.6 metres. The height of the proposed works is 9.32 metres and will not extend beyond the current height of the existing dwelling.*
 - (iii) *The proposed height non-compliance relates to the top part of the First Floor and the top part of the rear section of the Ground Floor. The remainder of the development complies with the building height development standard.*
 - (iv) *The proposed works at the first-floor level will allow for an additional bedroom to better suit family living, as opposed to bedrooms being located at the lower ground-floor level.*
 - (v) *The proposed building height non-compliance will be indiscernible from the streetscape and surrounding properties, given it is no greater than the existing height.*
 - (vi) *The form and massing of the proposed development respects the topography of the site, which minimises the perception of the height variation.*
 - (vii) *The proposed works are suitably scaled and located to minimise visual bulk impacts when viewed from the adjoining sites and do not detract from the streetscape.*
 - (viii) *The proposed development incorporates articulated facades to avoid a bulky appearance and to create proportions consistent within the streetscape.*
 - (ix) *The proposal includes landscaping along the perimeters of the building. The proposed landscaping will soften the built form, add visual interest and amenity to the area and ensure that the development sits well within the local context.*
 - (x) *The proposal complies with the FSR, open space, landscaping and private open space controls and will sit comfortably in the character of the local area.*
 - (xi) *Exceedance of the height control will not create additional unreasonable environmental amenity impacts in terms of overshadowing, loss of views, loss of privacy or loss of visual amenity.*

Consideration of Applicant's Written Request - Clause 4.6(4) (a) (i) and (ii)

Development consent must not be granted unless the consent authority is satisfied that:

- (a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of clause 4.6, being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the standard; and
- (b) The proposed development will be in the public interest because it is consistent with the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at clause 4.6(3)(a)?

It is considered that the applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

- (a) the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
- (b) to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;*
- (c) to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;*
- (d) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and*
- (e) to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard, in that case, would also be unreasonable or unnecessary.*

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. However, the assessment of the development application has identified the following:

- The proposed building height for the additions is 10.5m and not the stated 9.32m. This is caused by the rear first-floor balcony balustrade, as shown in **Figure 9** below. The submitted height plane analysis does not consider the balcony structure as shown in the long section.

to the closing off of currently habitable rooms in order to shift the building mass northwards. Furthermore, the stated building height sought does not accurately reflect the building height proposed.

Is the development in the public interest?

The proposed development will not be in the public interest because it is inconsistent with the objectives of the height of buildings development standard.

The objectives of the height of buildings development standard are as follows:

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

The proposed development is not in the public interest as it is not compatible with the height, bulk and scale of the desired further character of the locality, nor does it positively complement and contribute to the physical definition of the street and public space.

The objectives of the R2 Low-Density Residential zone are as follows:

- To provide for the housing needs of the community within a low-density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- To maximise public transport patronage and encourage walking and cycling.*

Whilst it is acknowledged that the proposed development does provide for the housing needs of the community by developing the site for low density residential purposes, the overall planning outcome for the site to achieve this objective is unacceptable and cannot be supported.

Conclusion

For the reasons provided above, the requested variation to the height of building development standard is not supported as the applicant's written request has not adequately addressed the matters required to be addressed by clause 4.6(3) of the Waverley LEP 2012. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of the height of building development standard, but is consistent with the objectives of the R2 Low-Density Residential Zone.

2.1.3. Waverley Development Control Plan 2012 (Waverley DCP 2012) – Amendment No.9

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

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

Development Control	Compliance	Comment
1. Waste	Yes	<p>Satisfactory. A Site Waste and Recycling Plan has been submitted.</p> <p>The proposed storage of the bins on the lower ground floor is in a position that is inconvenient to the user. They will experience great difficulty moving the bins up the side passage staircase for council pickup when bins are full.</p> <p>The proposed location is inappropriate, however, there may be space available within the double garage for bin storage. Should the application be approved, this could be addressed by condition.</p>
2. Ecologically Sustainable Development	Yes	Satisfactory. A BASIX certificate has been submitted.
3. Landscaping and Biodiversity	No	Council's Biodiversity Officer has raised an objection to the proposal due to a non-compliance with the WDCP controls for landscaping within a habitat corridor. Refer to section 3 of this report on referral commentary and recommended conditions should the application be approved.
5. Vegetation Preservation	Yes	The Council's Tree Management Officer has reviewed the proposal and raised no objection.
6. Stormwater	Yes	Council's Stormwater Design Engineers raised no objection to the proposal, subject to conditions. Refer to section 3 of this report on referral commentary and recommended conditions should the application be approved.
8. Transport Minimum parking rate:	Yes	The amended proposal provides for two car spaces. The design and location are satisfactory.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • Nil Maximum parking rate: <ul style="list-style-type: none"> • 1 space for 2 or less bedrooms • 2 spaces for 3 or more bedrooms. 		Refer to Table 3 of this report on referral commentary in regards to the design of the driveway.
14. Excavation	No	<p>Unsatisfactory. The proposal was deferred due to the extent of the proposed earthworks. No amendments have been made to resolve this issue.</p> <p>The proposal does not include stepping the retaining walls in response to the landscape but creates a visually intrusive and unacceptable bulk when viewed from Bronte Park.</p> <p>The proposal is not of a split design that minimises excavation and backfilling, but instead includes a large amount of backfilling.</p> <p>The proposed fill will significantly raise the ground level (see further discussion below this table).</p>

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

Excavation

The proposal was deferred due to the proposed earthworks to the rear of the property, including the proposed retaining wall, pool and cantilevered open space as shown in **Figures 10 to 12**.

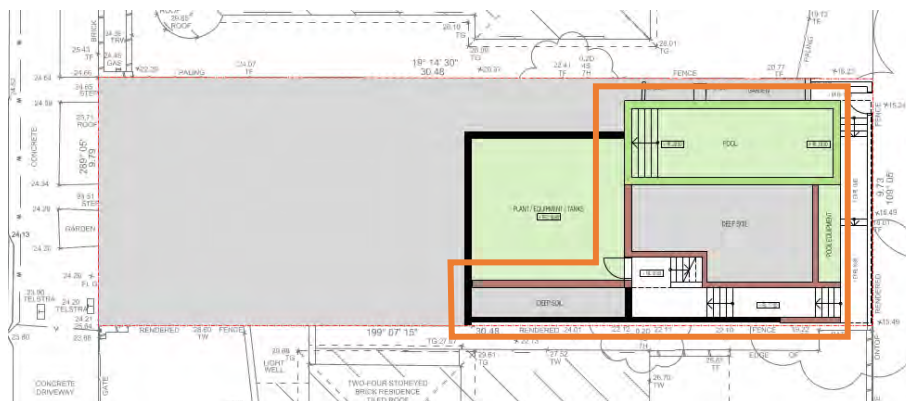


Figure 10: Original basement plan.

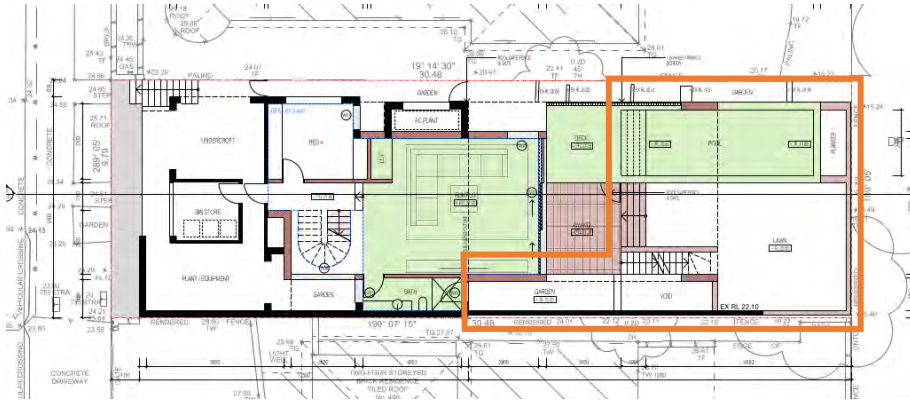


Figure 11: Original proposed lower ground floor plan.

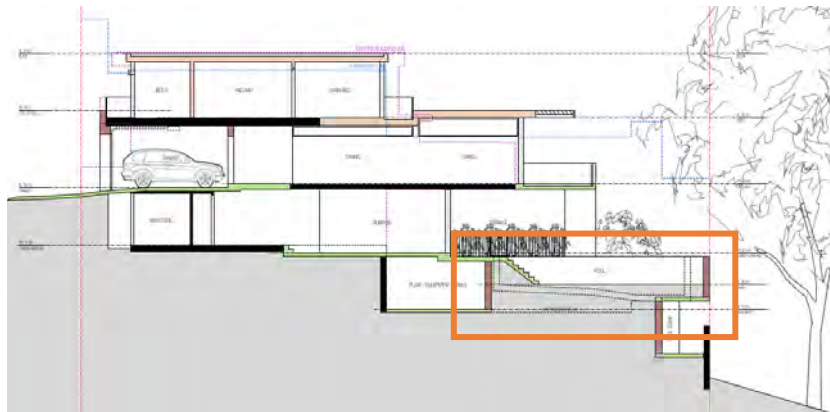


Figure 12: Original proposed Long Section.

During the deferral process, the applicant submitted amended plans to address this issue (see **Figures 13 to 15**). The amended plans include a significant increase of fill, specifically to the subfloor area, while maintaining a large artificial rear platform. The applicant argued that the proposed fill was for *works to raise the rear lawn reinstate natural ground which was excavated as part of a previous renovation* during the first received amendments. Research into the site's history revealed that this is incorrect. The proposed fill is well above the historical ground line (see **Figures 16 and 17**). Notwithstanding, the application must be determined with the currently existing ground line. As a result, the applicant was informed that the deferral was still not being met and asked to submit further amended plans.

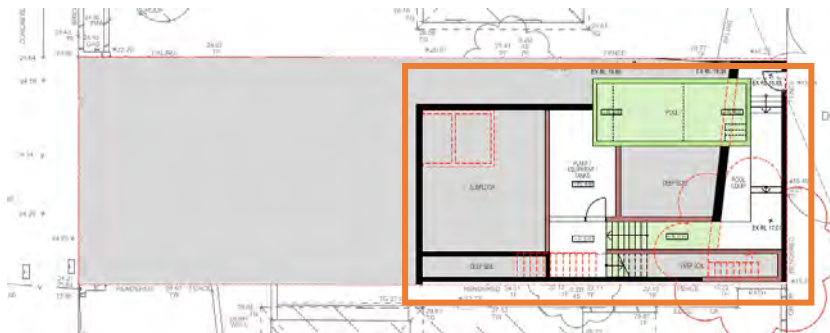


Figure 13: Working amended basement plans submitted 06/10/2022.

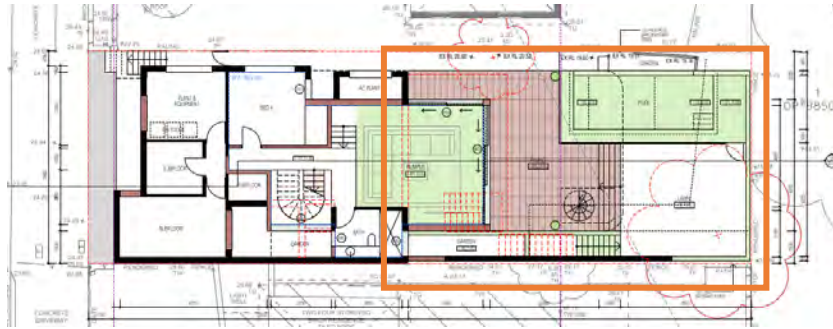


Figure 14: Working amended lower ground floor plans submitted 06/10/2022.

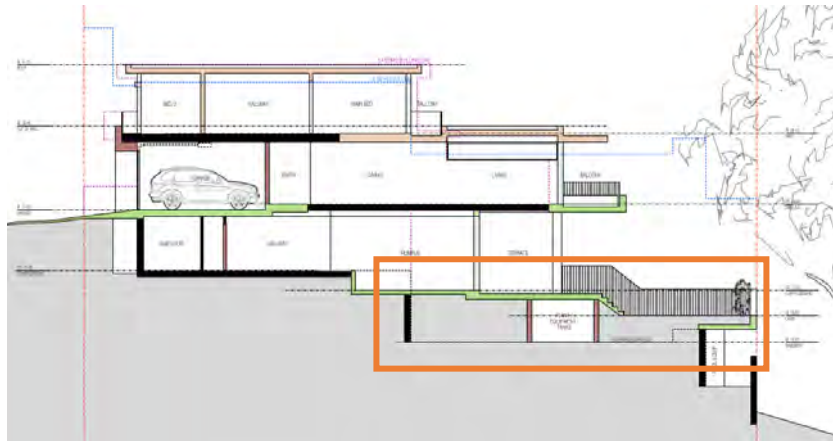


Figure 15: Working amended Long Section submitted 06/10/2022.



Figure 16: Long section from DA-597/2009/C.

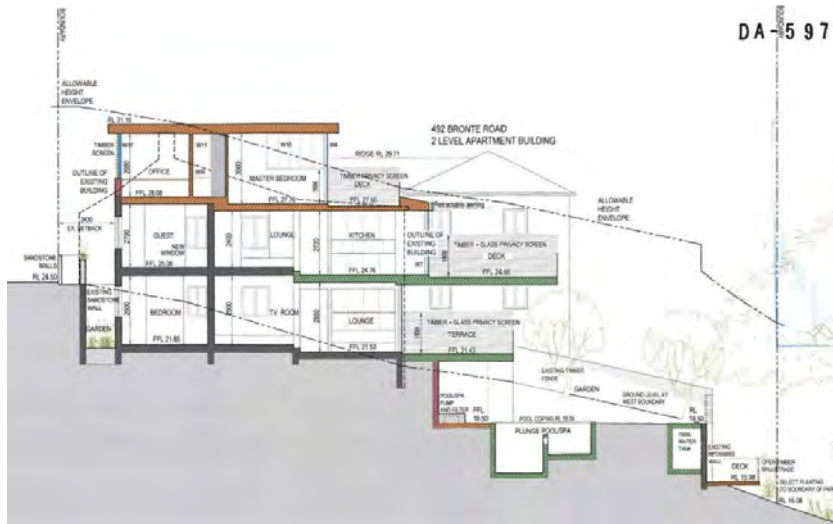


Figure 17: Long section from DA-597/2009.

As a response, the applicant has not agreed to amend as requested and has retained the proposed new ground level, as shown in **Figures 18 to 20**. The applicant has proposed to further increase the amount of fill through the backfilling of the existing bedroom, bathroom and store currently located within the front portion of the lower ground floor to reduce the proposed GFA to ensure compliance with the FSR development standard. This outcome is unacceptable.

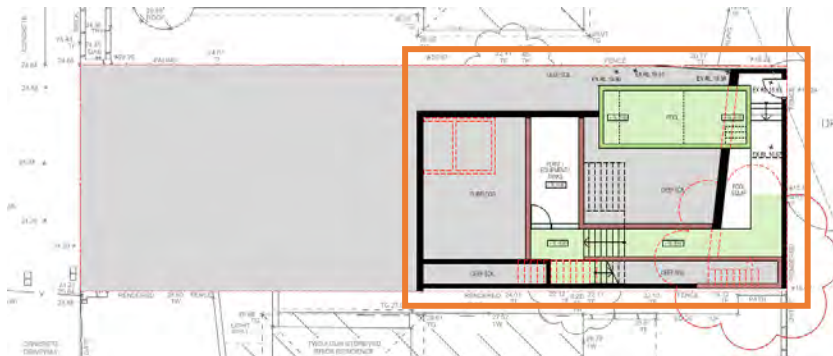


Figure 18: Amended basement plans submitted.

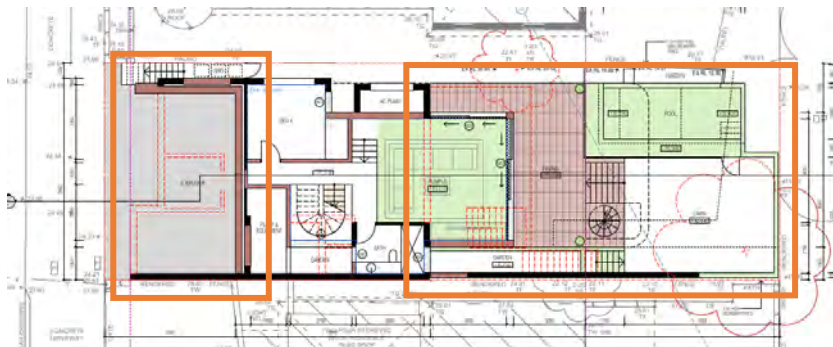


Figure 19: Amended lower ground floor plan submitted.

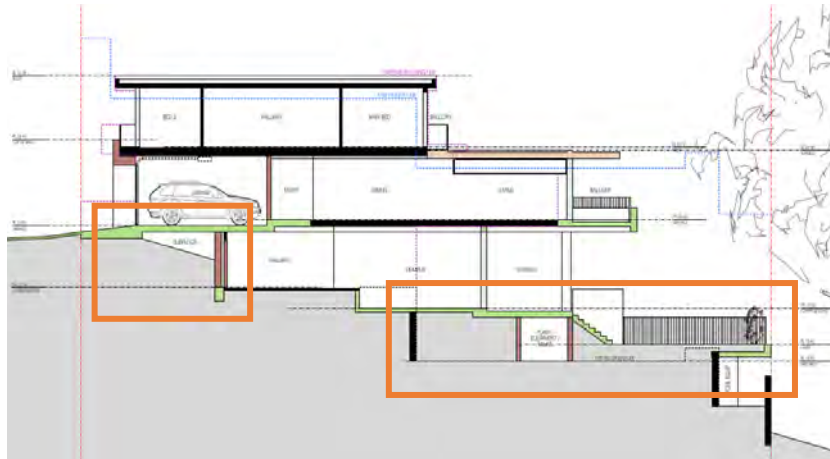


Figure 20: Amended lower ground floor plan submitted.

Table 3: Waverley DCP 2012 – Part C2 Low-Density Residential Development Compliance Table

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none"> The scale of lower density residential accommodation is appropriate for allotment sizes and other dwellings in the vicinity. Lower density residential accommodation does not significantly detract from the amenity, privacy and views of other dwellings and public view corridors. Alterations and additions to existing lower density residential accommodation is sympathetic in bulk, scale and character with the desired future character of the area. To encourage lower density residential accommodation to have high design standards and are built in accordance with the objectives and controls of this Part. 	No	The proposal contravenes the general objectives of this part of the DCP. The scale of the proposed alterations and additions and the earthworks proposed are not sympathetic in bulk, scale and character with the desired future character of the locality.
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> Maximum wall height of 7.5m 	No	Unsatisfactory. The amended design includes a first floor with a maximum external wall height of 9.3m and a ground floor extension, or elevated platform has a wall height of 8.1m with a large undercroft area along the western side of the

Development Control	Compliance	Comment
		proposal when measured from the existing ground level.
2.2 Setbacks		
<p>2.2.1 Front and rear building lines</p> <ul style="list-style-type: none"> • Predominant front building line • Predominant rear building line at each floor level 	<p>Yes (on merit)</p> <p>Yes</p>	<p><i>Front building line:</i></p> <ul style="list-style-type: none"> • The proposal recedes the ground floor building line by 1.2m away from the front boundary, resulting in a proposal which sits 0.7m forward of the predominant front building line. This is satisfactory as the proposal is increasing the front building setback. • The proposal maintains the first-floor building line of the existing development and is satisfactory. <p><i>Rear building line:</i></p> <ul style="list-style-type: none"> • The lower ground floor sits 3.3m behind the predominant lower ground floor building line. • The ground floor rear building line sits in line with the predominant and established building line and is satisfactory. • The first-floor rear building line sits 0.6m beyond the rear building line established by 496 Bronte Road. However, the proposal sits 0.3m behind the existing first-floor rear building line, which is acceptable.
<p>2.2.2 Side setbacks</p> <ul style="list-style-type: none"> • Minimum of 0.9m (for height up to 8.5m) or 1.2m (height non-compliant 2 storey dwelling) 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The amended side setbacks are:</p> <p><i>Lower Ground Floor</i></p> <ul style="list-style-type: none"> • Satisfactory. Retains the majority of the existing side setback and proposes a 2.2m side setback for the rumpus room extension. <p><i>Ground Floor</i></p> <ul style="list-style-type: none"> • Satisfactory. Retains most of the existing side setbacks, including the nil setback along the eastern boundary. The new rear addition is proposed to have a 1.2m and a 1.5m setback on the western and eastern boundaries, respectively. <p><i>First Floor</i></p> <ul style="list-style-type: none"> • Satisfactory. The proposed first-floor addition is proposed to have a 1.5m side setback on the eastern side boundary and 1.25m along the western side boundary.

2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> • New development to be compatible with streetscape context 	No	<p>The amended proposal, while having a reduced building height when viewed from the streetscape, still increases the visual bulk of the development within the streetscape through the first-floor additions. This is contrary to the majority of dwellings in the row which form part of this section of Bronte Road.</p> <p>The replacement windows are complementary in style and proportion to the original development.</p> <p>Unsatisfactory. The amended proposal includes significant fill to alter existing ground levels.</p>
<ul style="list-style-type: none"> • Replacement windows to complement the style and proportions of existing dwelling 	Yes	
<ul style="list-style-type: none"> • Existing ground levels and significant landscaping to be maintained. 	No	
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> • Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design 	No	<p>The proposal was deferred due to non-compliant balcony sizes and trafficable roofs.</p> <p>The amended design proposes the majority of habitable windows to not directly face habitable windows or open spaces of adjacent dwellings, except for W11 where an operable screen is proposed. However, this is an inappropriate privacy measure. A fixed privacy screen is recommended. This can be addressed by condition should the application be approved.</p> <p>External stairs are being proposed. This is deemed acceptable as the existing development currently has a series of exterior stairs to the rear of the property.</p> <p>The amended proposal is satisfactory subject to the following:</p> <p><i>Ground floor</i></p> <ul style="list-style-type: none"> • The rear ground floor balcony was amended as requested to a total of 9.4m² and with a proposed depth of 2.5m, reduced from an original area of 19.2m² and a depth of 3.5m. This outcome is satisfactory on merit as a large rear balcony is present within the existing development. • No privacy screen is being proposed due to existing views (refer below for further discussion) <p><i>First Floor</i></p> <ul style="list-style-type: none"> • The first-floor rear balcony was amended to a total area of 4.5m² and a depth of 1.5m. This has been reduced from an
<ul style="list-style-type: none"> • External stairs are not acceptable. 	Yes	
<ul style="list-style-type: none"> • Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	Partial	

<ul style="list-style-type: none"> Roof tops to be non-trafficable unless predominant in the immediate vicinity 	No	<p>initial 10.6m² with an overall depth of 1.6m. No privacy screens are being proposed, however, should the application be approved this could be conditioned.</p> <p>Unsatisfactory. The proposal was amended with the replacement of the proposed green roof terrace with a pebble ballast roof. This does not, however, reduce the trafficability of the roof. The first-floor rear balcony has an easily converted, accessed and trafficable area of over 34m².</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	Yes	Satisfactory. A minimum of 3 hours of sunlight is expected for the living areas and principal open space.
	Yes	Satisfactory. The proposal is not expected to reduce solar access to either open space or windows of the adjacent windows to less than 3 hours.
	Yes	Satisfactory.
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	Satisfactory. No public domain views are impacted.
	Yes	A submission was received from the neighbouring property at No.492 Bronte Road. A view impact analysis was requested during the deferral process. Please refer to the discussion below this table for a detailed analysis.
2.8 Car parking		
<p>2.8.1 Design Approach</p> <ul style="list-style-type: none"> Parking only allowed where site conditions permit Designed to complement the building and streetscape Car parking structures to be behind the front building line 	Yes	Satisfactory. The amended proposal retains the same parking access from Bronte Road. The site condition only allows on-site parking at the front of the site.
	No	Unsatisfactory. The design has not been amended to a single-car space garage, as requested. There are no other double garages within the visual catchment of the subject site.
	Acceptable on merit	The proposed car structure sits forward of the building line, however, this is deemed acceptable

<ul style="list-style-type: none"> • Driveways are to be located to minimise the loss of on street parking • Parking to be provided from secondary streets or lanes where possible. 	<p>Yes</p> <p>N/A</p>	<p>because the existing development includes a single-car space garage within the property frontage.</p> <p>Satisfactory. The proposal was amended to maintain a singular vehicular crossing at the street.</p>
<p>2.8.2 Parking rates</p>	<p>Yes</p>	<p>The proposal includes two car parking spaces. This is within Parking rates set by Part B8 of Waverley DCP 2012 and is acceptable.</p>
<p>2.8.3 Location</p> <ul style="list-style-type: none"> • Existing development to be in accordance with the hierarchy of preferred car parking locations 	<p>No</p>	<p>While the development is not in accordance with the hierarchy of preferred parking locations. It, however, maintains the existing site condition of an enclosed garage forward of the building line.</p>
<p>2.8.4 Design</p> <ul style="list-style-type: none"> • Complement the style, massing and detail of the dwelling • Secondary in area and appearance to the design of the residences • No part of the façade is to be demolished to accommodate car parking • Gates to have an open design 	<p>No</p> <p>No</p> <p>No</p> <p>Yes</p>	<p>The amended double garage proposal presents as the design’s primary element in massing and detailing. This results in its design being dominant and unsympathetic to the proposed development. Furthermore, no other development that forms part of this row of dwellings has a double garage, with the majority having hardstands.</p> <p>Unsatisfactory as the proposed double garage dominates the dwelling making the dwelling appear to be secondary in design.</p> <p>Unsatisfactory, as a significant portion of the existing front façade will have to be demolished to accommodate a double garage instead of a single garage.</p> <p>Satisfactory.</p>
<p>2.8.5 Dimensions</p> <ul style="list-style-type: none"> • 5.4m x 2.4m per vehicle 	<p>Yes</p>	<p>The amended proposal was reviewed by Council’s traffic engineers, who found the proposal satisfactory. Refer to section 3 of this report on referral commentary in relation to Traffic.</p>
<p>2.8.6 Driveways</p> <ul style="list-style-type: none"> • Maximum of one per property • Maximum width of 3m at the gutter (excluding splay) 	<p>Yes</p>	<p>The proposal seeks to replace the existing driveway, which is deemed satisfactory. Refer to section 3 of this report on referral commentary in relation to Traffic.</p>

<ul style="list-style-type: none"> Crossings not permitted where 2 on street spaces are lost 		
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided Outdoor clothes drying area to be provided 	<p>Yes</p> <p>No</p> <p>Yes</p> <p>No</p> <p>No</p> <p>Yes</p>	<ul style="list-style-type: none"> Satisfactory, the amended proposal includes approximately 172.75m², 48% of open space. Unsatisfactory. The amended proposal includes approximately 24.66m², 7% of landscaped area only. Satisfactory. The amended proposal includes over 25m² of private open space. Satisfactory. The amended proposal includes 34.18m², 58% of front open space. Unsatisfactory. 2.8m² or 8% of the front open space is proposed to be landscaped. There is ample outdoor space for a portable clothesline
2.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property Pool decks on side boundaries must consider visual privacy 	<p>Yes</p> <p>Yes</p>	<p>Satisfactory, the pool is located at the rear of the property.</p> <p>Satisfactory.</p>

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

View Sharing

The application was deferred due to the two submissions received from 492 Bronte Road identifying potential view loss. The amended proposal includes a view-sharing assessment in accordance with the view-sharing planning principle arising from *Tenacity Consulting v Waringah [2004] NSWLEC 140*. **Figures 21 to 25**, shown below, are extracted from the the applicant's submission.

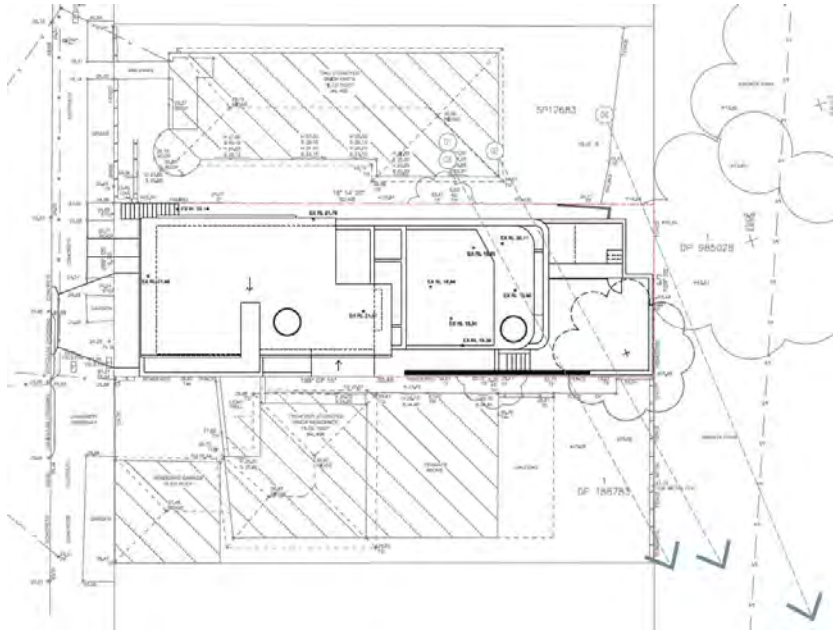


Figure 21: View Locations.



VIEW 1 - GROUND FLOOR KITCHEN WINDOW - EXISTING



VIEW 1 - GROUND FLOOR KITCHEN WINDOW - PROPOSED

Figure 22: View 1 from the ground floor kitchen window (Source: applicant's submission).



Figure 23: View 2 from the ground floor kitchen window (Source: applicant's submission).



Figure 24: View 3 from the lower ground floor kitchen window (Source: applicant's submission).



Figure 25: View 4 from the rear backyard (Source: applicant’s submission).

Step One – Assessment of the views to be affected

From the location of the site and the surrounding topography, the principal views experienced from 494 Bronte Road are of water views, specifically of the Bronte Beach wave break area and horizon line. **Figures 22 to 25** show the existing views on the left-hand side.

Step Two – Consideration from what part of the property

The locations of the views shown in **Figures 22 and 24** are whole views seen across the side boundary from the lower ground floor and ground floor kitchen from a standing position. These are classified as highly valued views. While **Figure 25** is experienced from the rear backyard from a standing position.

Step Three – Assessment of the extent of the impact

The design of the proposal was amended to reduce the impact on the existing views through the redesign of the structural support around the pool and the chamfering of the rear ground floor. The resulting impact can be seen on the right side of **Figures 22 to 25**. The amended skilful design being proposed results in a negligible view loss.

Step Four – Assessment of the reasonableness of the proposal that is causing the impact.

The amended proposal is the result of a skilful design which has reduced view loss to a negligible level and is considered satisfactory in terms of view sharing.

2.2. Other Impacts of the Development

The proposal is considered to have a significant detrimental effect relating to environmental, social or economic impacts on the locality and is recommended for refusal.

2.3. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

2.4. Any Submissions

The application was notified for at least 14 days from 28 June until 20 July 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*. Following receipt of amended plans and additional information, the application was re-notified for 14 days.

A total of two unique submissions were received from the following properties:

- Bronte Beach Precinct
- 492 Bronte Road, Bronte

The following issues raised in the submissions have already been discussed and addressed in the body of this report and the Recommendation:

- Tree Removal
- Elevated deck and balcony
- View Loss

2.5. Public Interest

The proposal is considered to have a detrimental effect on the public interest and is recommended for refusal.

3. REFERRALS

The following internal referral comments were sought:

3.1. Traffic and Development

Council's Traffic Engineers reviewed the original application and requested amendments. The submitted amended proposal has been reviewed and they have subsequently advised the following:

The 5.3 metre driveway width at the property boundary does not comply with Council's maximum of 5.0 metres. A condition has been included as part of the recommendation.

Should the application be approved, this can be addressed by a condition of the development consent.

3.2. Stormwater

The application was referred to Council's Stormwater Engineers who raised no objections to the proposal.

3.3. Tree Management

Council's Tree Management Officer has reviewed the proposal and raises no objection.

3.4. Biodiversity

Council's Biodiversity Officer has reviewed the amended proposal and advised:

*The property lies within the identified coastal biodiversity corridor, so under the **DCP Section 3.2.2 (a)***

A minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2-1.

The landscape plans received on 10 June 2022 were deemed non-compliant and amended plans were requested. The submitted amended landscape plans do not show the proposed numbers of plants so cannot be assessed against this control and are unacceptable.

4. CONCLUSION

The development application seeks consent for alterations and additions to a dwelling including the construction of a double garage, skylight, new swimming pool and decks at the rear of the site known as 494 Bronte Road, Bronte.

The principal issues arising from the assessment of the application are as follows:

- Breach of height of building development standard
- Earthworks
- Wall Height
- Privacy
- Parking

The assessment finds these issues unacceptable. The proposed alterations and additions are of a bulk and scale outside of the character of the streetscape while proposing an excess amount of fill.

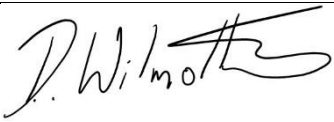
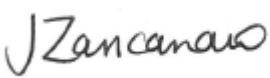
A total number of two unique submissions were received and the issues raised in the submissions have been considered and addressed in this report and the Recommendation.

No declared conflict of interest.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the Act. It is recommended for refusal.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Damien Wilmotte	Jo Zancanaro
Development Assessment Planner	Acting Manager, Development Assessment (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 28/03/2023	Date: 14 April 2023

Reason for WLPP referral:

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

APPENDIX A – REASONS FOR REFUSAL

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

1. The application does not satisfy section 4.15 (1)(a)(i) of the Act as it contrary to the following provisions of *Waverley Local Environmental Plan (LEP) 2012*:

- a. *Clause 4.3 Height of Buildings*

The application exceeds the maximum allowable height of 8.5m and the applicant's written request under clause 4.6 of Waverley LEP 2012 has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of Waverley LEP 2012.

Details: The proposed height is not considered compatible with the height, bulk and scale of the desired future character of the locality.

- b. *Clause 6.2 Earthworks* as the proposed earthworks will have an effect on the likely future use or redevelopment of the land, contravening Clause 6.2 of Waverley LEP 2012.

2. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan (WDCCP) 2012, in respect to the following provisions:

Part B14 Excavation

- a. Objectives (a), (b) and (c) and controls (a), (e), (g), (h), (i) and (l) under this Part, as the proposed development includes excess fill to currently existing front habitable rooms and the rear landscaped area, which results in a development that does not respond to the site topography.

Part C2 Low Density Residential Development

- b. *Section 2.1 Height*, specifically objective (a), (b) and (e) and control (b) and (d) as the proposed development has a wall height in excess of the maximum 7.5m.
 - c. *Section 2.3 Streetscape and Visual Impact*, specifically objectives (a), (b) and control (a) as the proposed development is incompatible with its streetscape context in terms of scale, character and landscaping.
 - d. *Section 2.8 Car Parking*, specifically objectives (a) and (c) and the following controls:
 - i. section 2.8.1 Design Approach control (b)
 - ii. Section 2.8.3 Location control (b)

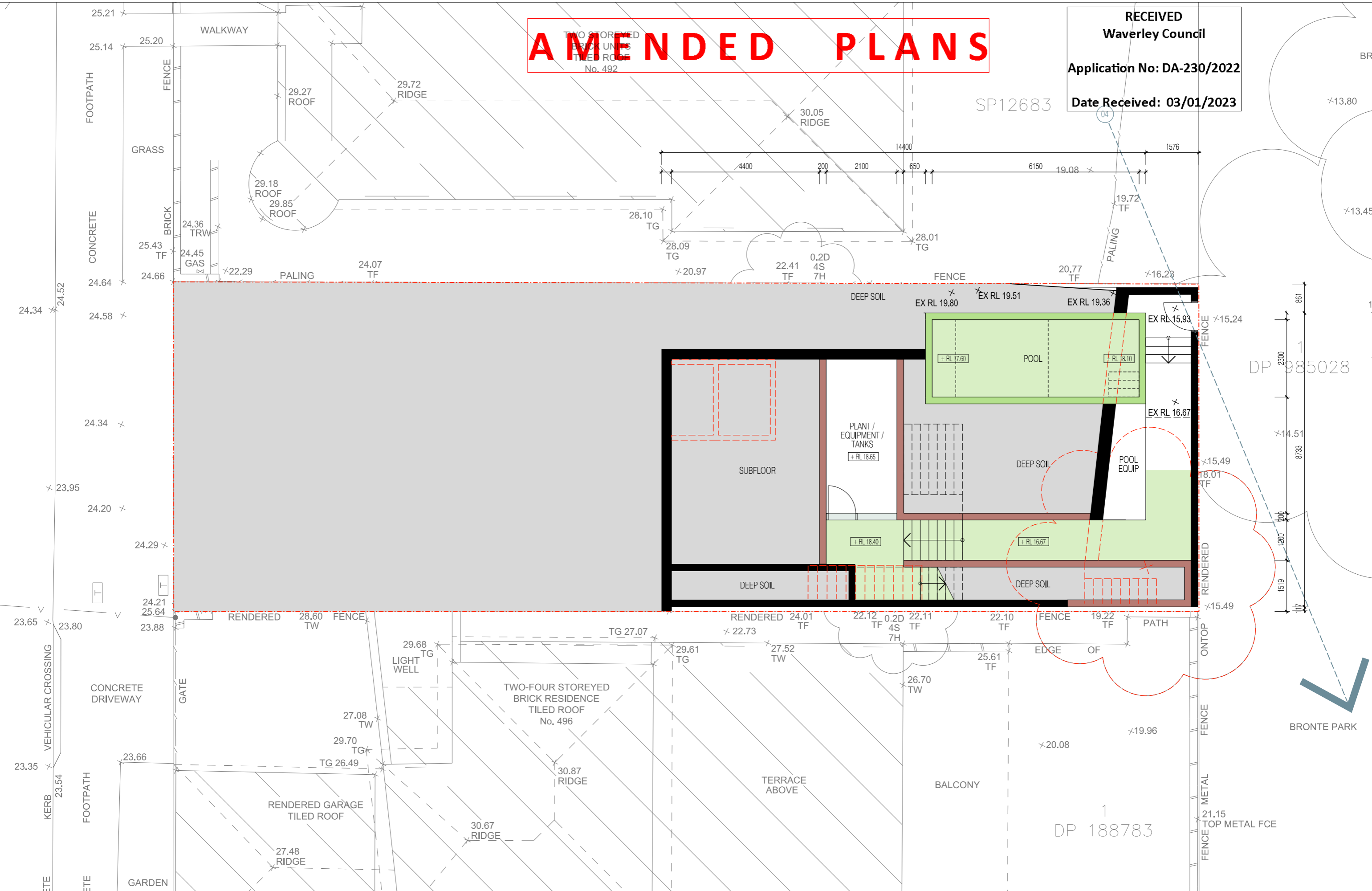
iii. Section 2.8.4 Design controls (a), (b) and (c), as the proposed car parking structure dominates the streetscape and is contrary to the preferred parking hierarchy outlined under the WDCP.

e. Section 2.9 Landscape and Open Space, specifically objectives (a), (b), (c) and (d) and control (a), (c) and (g) as the proposed development does not meet the minimum requirement of 15% landscaping and 50% of landscaping to the front open space area.

3. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk and scale relative to the site area and dimensions, and consequently results in unacceptable amenity and streetscape impacts upon the locality and surrounding built environment.
4. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development. The standalone redevelopment of the subject site to the scale proposed could consequently affect orderly future redevelopment of adjoining sites.
5. The application is contrary to section 4.15 (1)(d) of the Act in relation to matters raised in the public submissions received that object to the proposed development.
6. The application is contrary to section 4.15 (1)(e) of the Act in relation to the public interest as it is not compatible with the existing and desired future character of the locality and the broader Waverley local government area.

AMENDED PLANS

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C	DEVELOPMENT APPLICATION	16.05.2022
DA	ADDITIONAL INFORMATION	24.06.2022
E	ADDITIONAL PRIVACY MEASURES	18.07.2022
F	COUNCIL RR	31.08.2022
G	COUNCIL RR	12.12.2022

LEGEND:			
	SITE BOUNDARY		NEW FRAMED CONSTRUCTION
	GFA (GROSS FLOOR AREA)		NEW MASONRY
	DEEP SOIL PLANTING		NEW CONCRETE
	DEMOLITION		NEW METAL
	EXISTING		NEW GLAZING
	CONCRETE OFF FORM		METAL BALUSTRADE
	FIBRE CEMENT		METAL ROOF
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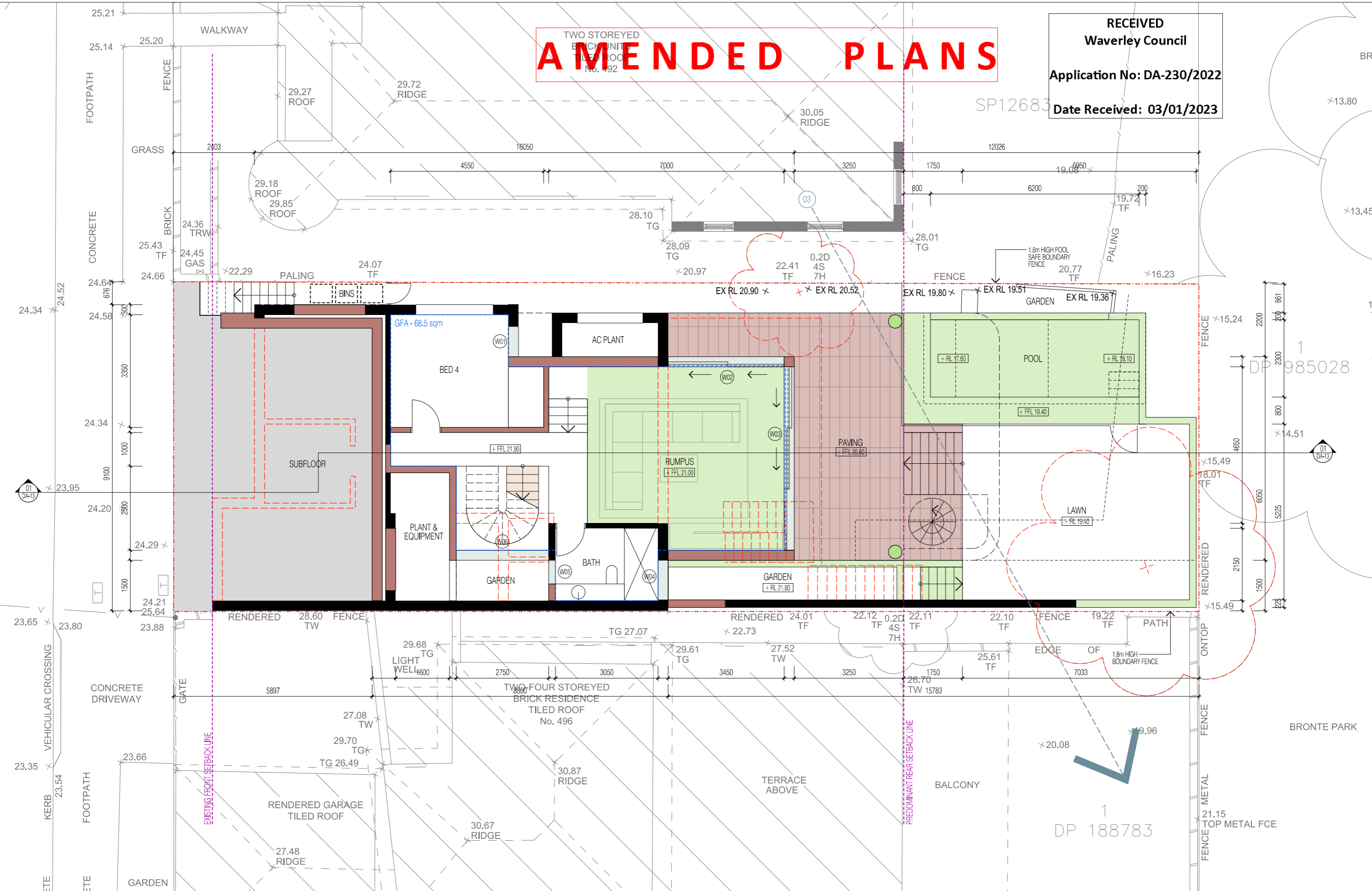
PROJECT:
494 BRONTE RD
 CLIENT:
KIM & ANDREW

DRAWING TITLE:
PROPOSED BASEMENT PLAN
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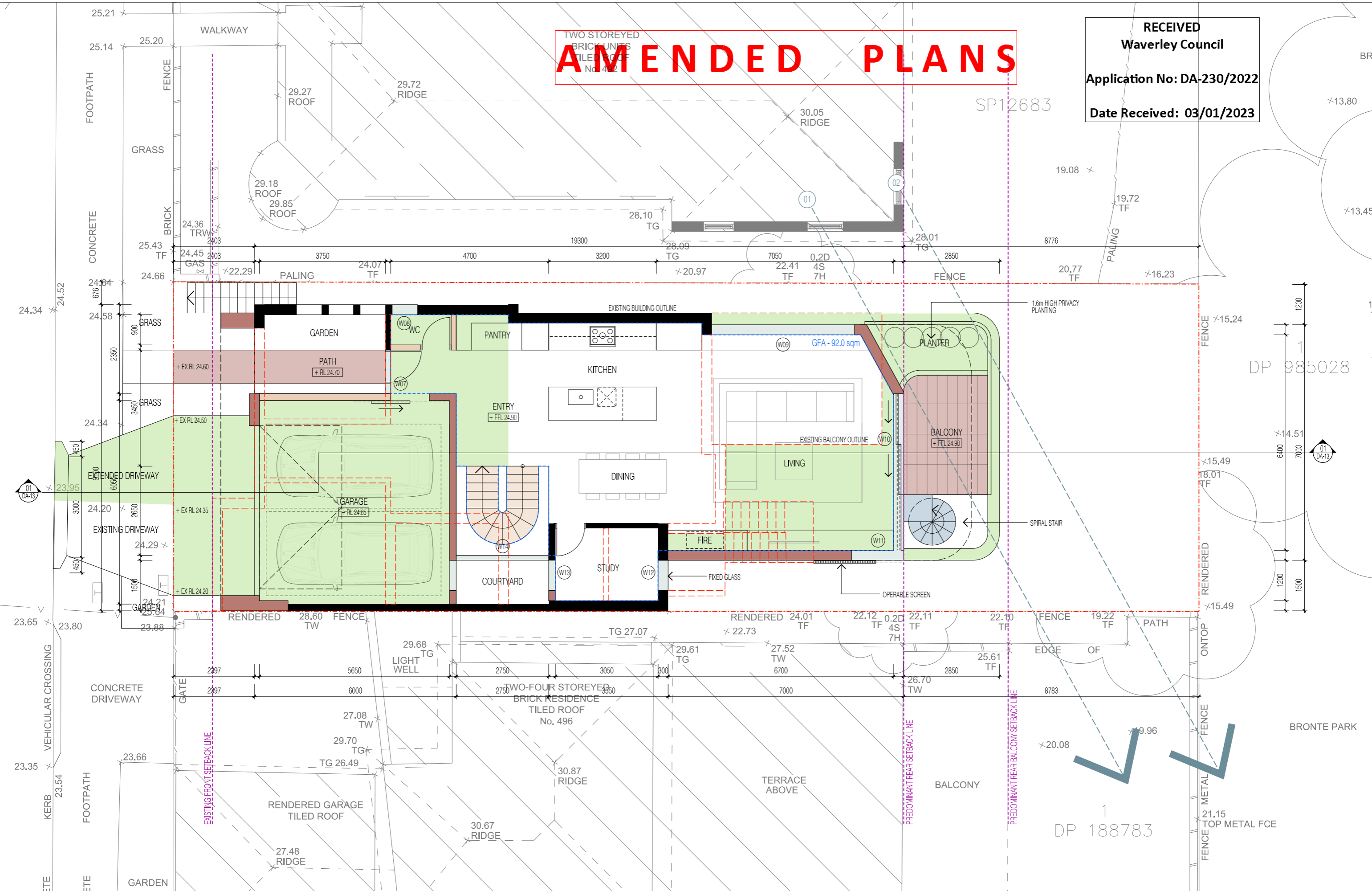
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PROPOSED LOWER GROUND FLOOR PLAN
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PROPOSED GROUND FLOOR PLAN

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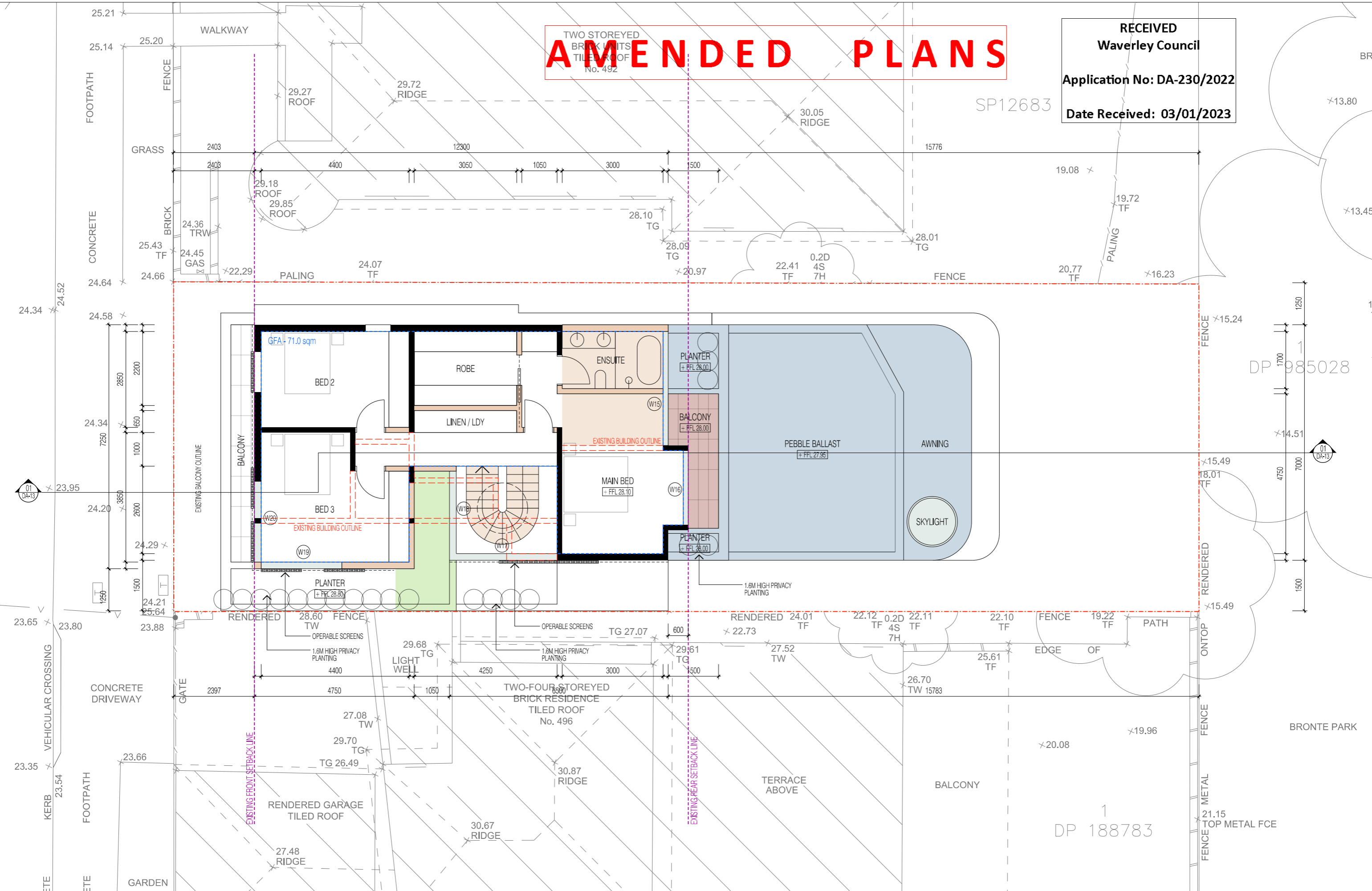
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AMENDED PLANS

TWO STOREYED
BRICK UNITS
TILED ROOF
No. 492

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Application No: DA-230/2022
Date Received: 03/01/2023



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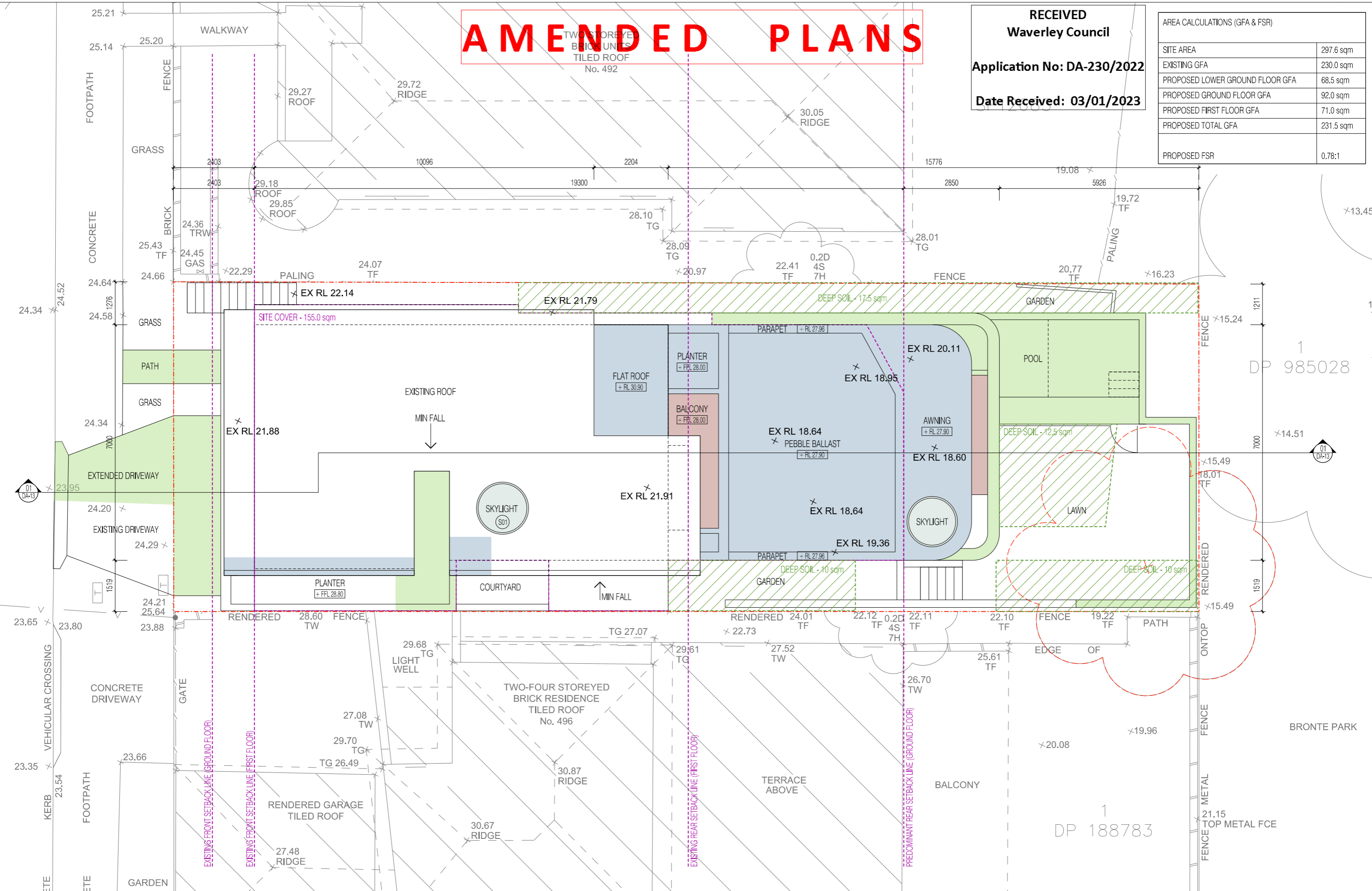
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PROPOSED FIRST FLOOR PLAN
DRAWING NO.: DA-08
REVISION: G
DATE: 12.12.2022

SCALE:
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AMENDED PLANS

RECEIVED
Waverley Council
 Application No: DA-230/2022
 Date Received: 03/01/2023

AREA CALCULATIONS (GFA & FSR)	
SITE AREA	297.6 sqm
EXISTING GFA	230.0 sqm
PROPOSED LOWER GROUND FLOOR GFA	68.5 sqm
PROPOSED GROUND FLOOR GFA	92.0 sqm
PROPOSED FIRST FLOOR GFA	71.0 sqm
PROPOSED TOTAL GFA	231.5 sqm
PROPOSED FSR	0.78:1



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DRAWING TITLE:
 PROPOSED ROOF PLAN
 DRAWING NO.: DA-09
 REVISION: G
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SCALE:
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CN
OFF FORM CONCRETE
PENETRATIVE SEALER



FC
FC CLADDING
SCYON LINEA
PAINT FINISH
LIGHT NEUTRAL COLOUR



GF & GO
FIXED GLAZING &
OPERABLE GLAZING
ALUMINIUM FRAME
WINDOWS & DOORS
LIGHT NEUTRAL COLOUR



RM
METAL ROOF SHEETING
STANDING SEAM
LIGHT NEUTRAL COLOUR



RP
RENDER & PAINT
PAINT FINISH
LIGHT NEUTRAL COLOUR

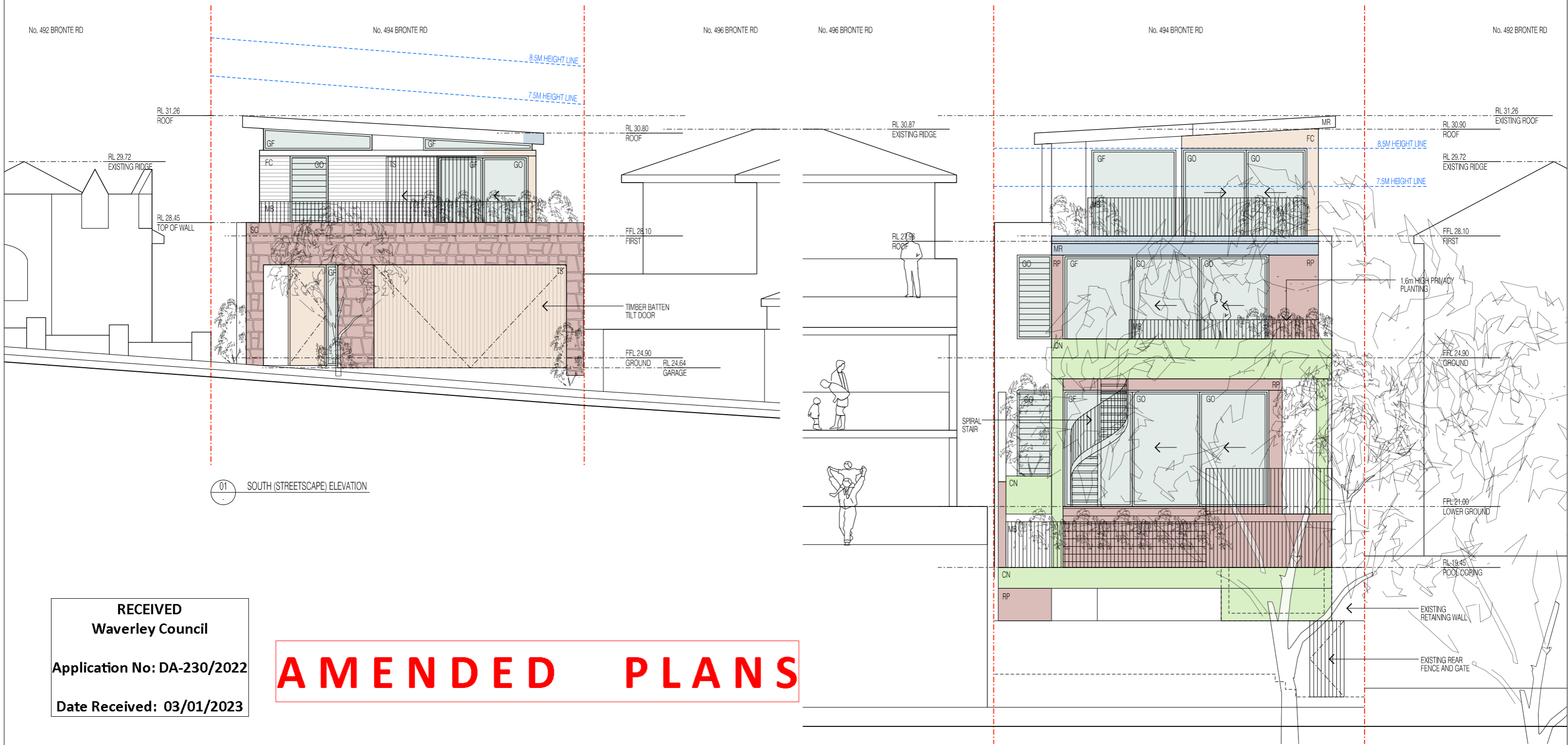


SC
STONE CLADDING
SANDSTONE
RANDOM PATTERN



TS
TIMBER SCREEN
TIMBER BATTENS
PAINT FINISH
LIGHT NEUTRAL COLOUR

02 EXTERNAL FINISHES SCHEDULE



01 SOUTH (STREETSCAPE) ELEVATION

02 NORTH (REAR) ELEVATION

RECEIVED
Waverley Council
Application No: DA-230/2022
Date Received: 03/01/2023

AMENDED PLANS

NOT FOR CONSTRUCTION

REVISION:

A	DRAFT DA DRAWINGS - ISSUE TO CONSULTANTS	16.03.2022
B	DRAFT DA DRAWINGS - PLANNING UPDATES	27.04.2022
C	DEVELOPMENT APPLICATION	16.05.2022
D	DA - ADDITIONAL INFORMATION	24.06.2022
E	ADDITIONAL PRIVACY MEASURES	18.07.2022
F	COUNCIL RR	31.08.2022
G	COUNCIL RH	12.12.2022

LEGEND:

	SITE BOUNDARY		NEW FRAMED CONSTRUCTION	CN	CONCRETE OFF FORM	MB	METAL BALUSTRADE
	GFA (GROSS FLOOR AREA)		NEW MASONRY	FC	FIBRE CEMENT	MR	METAL ROOF
	DEEP SOIL PLANTING		NEW CONCRETE	GF	GLASS FIXED	RP	RENDER & PAINT
	DEMOLITION		NEW METAL	GO	GLASS OPERABLE	SC	STONE CLADDING
	EXISTING		NEW GLAZING	GT	GLASS TRANSLUCENT	TS	TIMBER SCREEN

ARCHITECT:
chapman architecture
PO Box 2051 Clovelly West NSW 2031
T: 0420 382 700
E: info@chapmanarchitecture.com.au

PROJECT:
494 BRONTE RD
CLIENT:
KIM & ANDREW

DRAWING TITLE:
NORTH & SOUTH ELEVATIONS & EXTERNAL FINISHES SCHEDULE
DRAWING NO.: **DA-10** REVISION: **G** DATE: **12.12.2022**

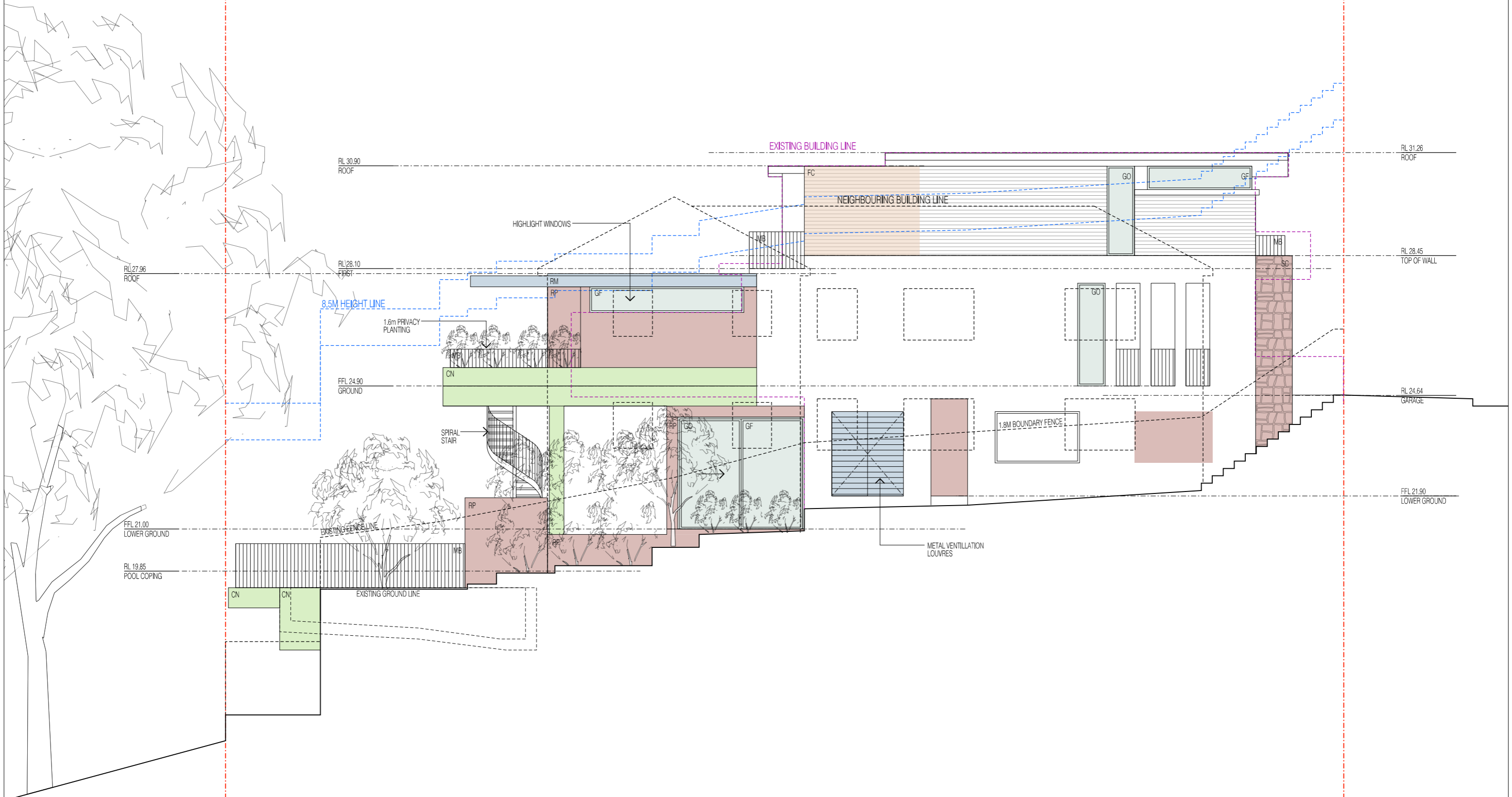
SCALE:
1:100 @ A3

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Waverley Council

Application No: DA-230/2022

Date Received: 03/01/2023

AMENDED PLANS



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LEGEND:	
	SITE BOUNDARY
	GFA (GROSS FLOOR AREA)
	DEEP SOIL PLANTING
	DEMOLITION
	EXISTING
	NEW FRAMED CONSTRUCTION
	NEW MASONRY
	NEW CONCRETE
	NEW METAL
	NEW GLAZING
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	GF GLASS FIXED
	GO GLASS OPERABLE
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	MR METAL ROOF
	RP RENDER & PAINT
	SC STONE CLADDING
	TS TIMBER SCREEN

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PROJECT:
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CLIENT:
KIM & ANDREW

DRAWING TITLE:
WEST ELEVATION
DRAWING NO.: **DA-11** REVISION: **G** DATE: **12.12.2022**

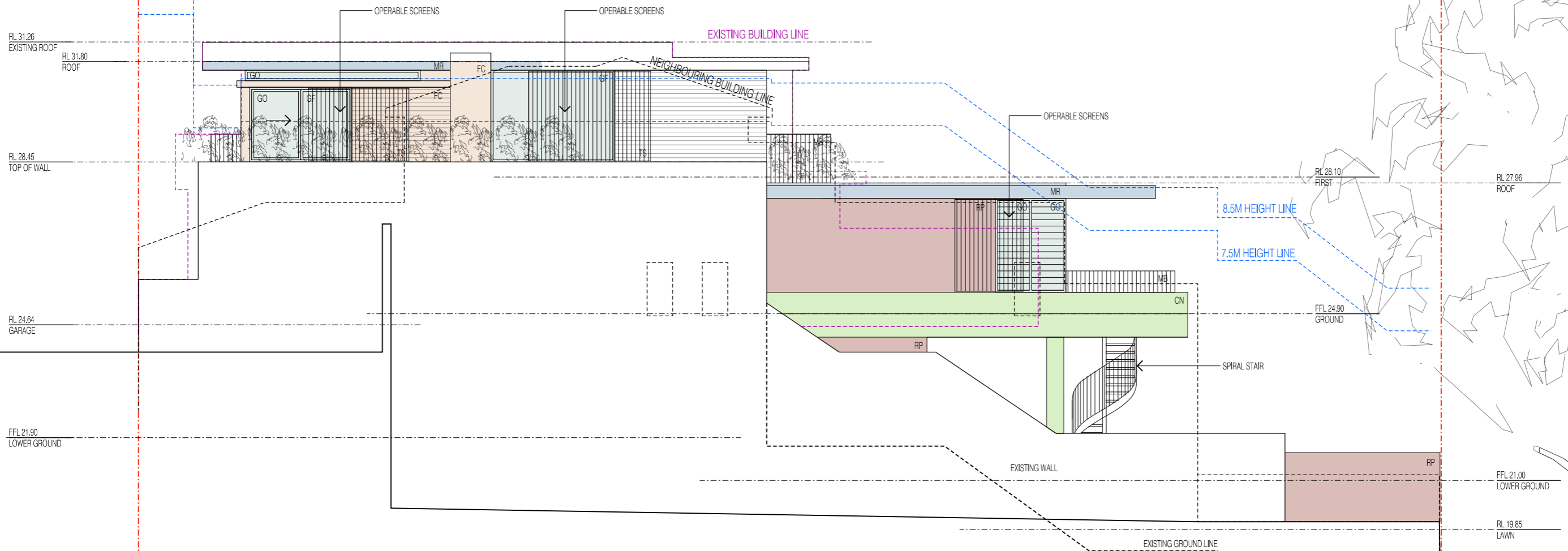
SCALE:
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Application No: DA-230/2022

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G	COUNCIL RH	12.12.2022

LEGEND:	
	SITE BOUNDARY
	GFA (GROSS FLOOR AREA)
	DEEP SOIL PLANTING
	DEMOLITION
	EXISTING
	NEW FRAMED CONSTRUCTION
	NEW MASONRY
	NEW CONCRETE
	NEW METAL
	NEW GLAZING
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	TS TIMBER SCREEN

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PROJECT:
494 BRONTE RD
CLIENT:
KIM & ANDREW

DRAWING TITLE:
EAST ELEVATION
DRAWING NO.: **DA-12** REVISION: **G** DATE: **12.12.2022**

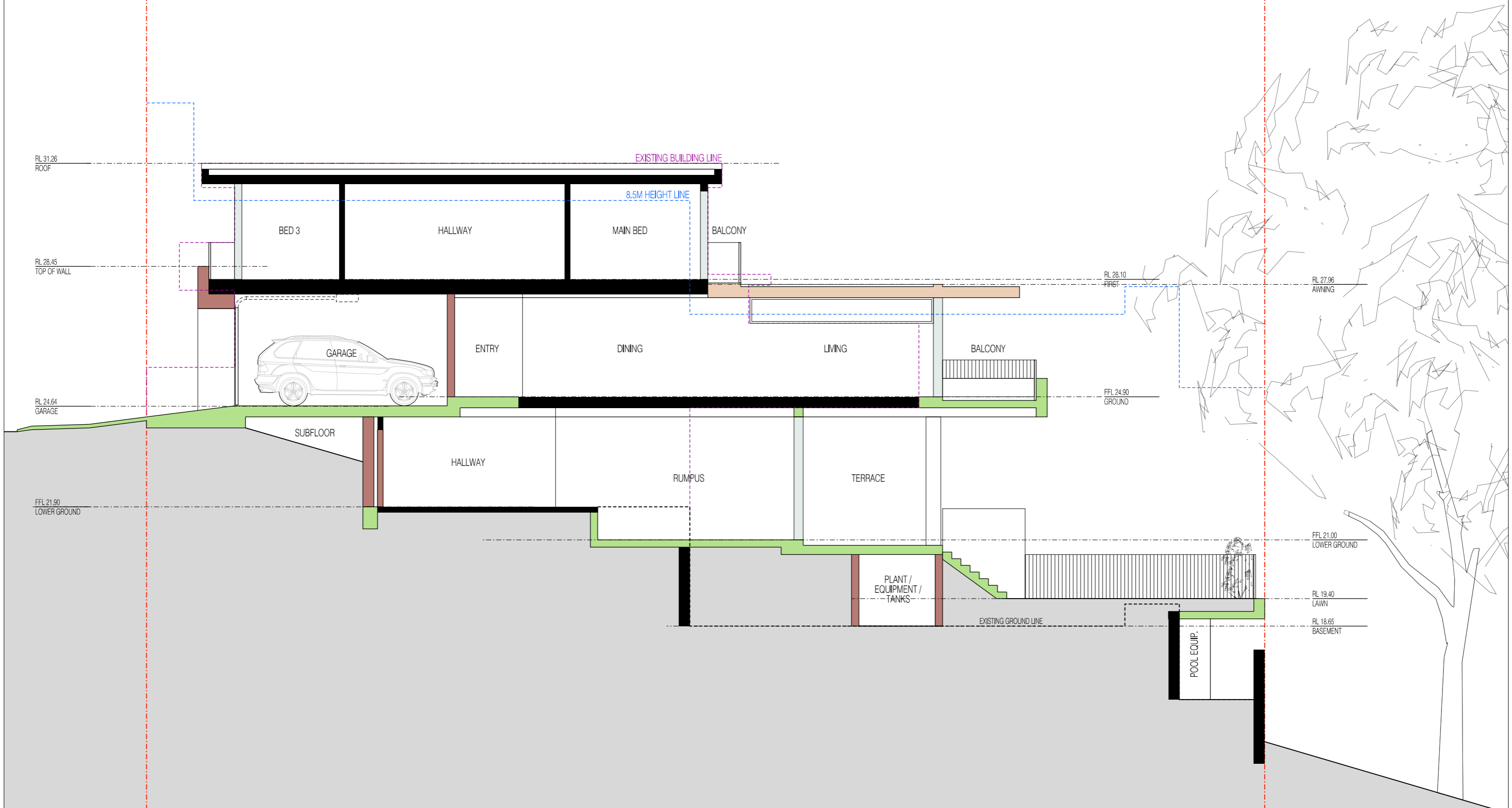
SCALE:
1:100 @ A3

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Waverley Council

AMENDED PLANS

Application No: DA-230/2022

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LEGEND:	
[Red dashed line]	SITE BOUNDARY
[Blue dashed line]	GFA (GROSS FLOOR AREA)
[Green dashed line]	DEEP SOIL PLANTING
[Black dashed line]	DEMOLITION
[Black solid line]	EXISTING
[Brown solid line]	NEW FRAMED CONSTRUCTION
[Red solid line]	NEW MASONRY
[Green solid line]	NEW CONCRETE
[Blue solid line]	NEW METAL
[Light green solid line]	NEW GLAZING
[Grey solid line]	CN CONCRETE OFF FORM
[White solid line]	FC FIBRE CEMENT
[Light blue solid line]	GF GLASS FIXED
[Light green solid line]	GO GLASS OPERABLE
[Light blue solid line]	GT GLASS TRANSLUCENT
[Black solid line]	MB METAL BALUSTRADE
[White solid line]	MR METAL ROOF
[Light blue solid line]	RP RENDER & PAINT
[Light green solid line]	SC STONE CLADDING
[Light blue solid line]	TS TIMBER SCREEN

ARCHITECT:
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PROJECT:
494 BRONTE RD
CLIENT:
KIM & ANDREW

DRAWING TITLE:
LONG SECTION
DRAWING NO.: **DA-13**
REVISION: **G**
DATE: **12.12.2022**

SCALE:
1:100 @ A3
0m 1m 2m 5m

Alterations and Additions

Certificate number: A457473_02

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Alterations and Additions Definitions" dated 06/10/2017 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary
Date of issue: Tuesday, 04, October 2022
To be valid, this certificate must be lodged within 3 months of the date of issue.

Description of project

Project address	
Project name	494 Bronte Rd_02
Street address	494 Bronte Road Bronte 2024
Local Government Area	Waverley Council
Plan type and number	Deposited Plan 314150
Lot number	D
Section number	
Project type	
Dwelling type	Separate dwelling house
Type of alteration and addition	My renovation work is valued at \$50,000 or more, and includes a pool (and/or spa).

Pool and Spa	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Rainwater tank The applicant must install a rainwater tank of at least 1120 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities. The applicant must configure the rainwater tank to collect rainwater runoff from at least 80 square metres of roof area. The applicant must connect the rainwater tank to a tap located within 10 metres of the edge of the pool.	✓	✓	✓
Outdoor swimming pool The swimming pool must be outdoors. The swimming pool must not have a capacity greater than 24 kilolitres. The applicant must install a pool pump timer for the swimming pool. The applicant must install the following heating system for the swimming pool that is part of this development: solar only.	✓	✓	✓

Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Hot water The applicant must install the following hot water system in the development: gas instantaneous.	✓	✓	✓
Lighting The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✓	✓
Fixtures The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating. The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating. The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.		✓	✓

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check																											
Insulation requirements The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m ² , b) insulation specified is not required for parts of altered construction where insulation already exists.	✓	✓	✓																											
<table border="1"> <thead> <tr> <th>Construction</th> <th>Additional insulation required (R-value)</th> <th>Other specifications</th> </tr> </thead> <tbody> <tr> <td>concrete slab on ground floor with in-slab heating system.</td> <td>R1.00 (slab edge)</td> <td>in-slab heating system</td> </tr> <tr> <td>suspended floor above garage: framed (R0.7).</td> <td>nil</td> <td></td> </tr> <tr> <td>floor above existing dwelling or building.</td> <td>nil</td> <td></td> </tr> <tr> <td>external wall: framed (weatherboard, fibro, metal clad)</td> <td>R1.30 (or R1.70 including construction)</td> <td></td> </tr> <tr> <td>external wall: cavity brick</td> <td>nil</td> <td></td> </tr> <tr> <td>external wall: brick veneer</td> <td>R1.16 (or R1.70 including construction)</td> <td></td> </tr> <tr> <td>internal wall shared with garage: single skin masonry (R0.18)</td> <td>nil</td> <td></td> </tr> <tr> <td>flat ceiling, flat roof: framed</td> <td>ceiling: R2.50 (up), roof: foil/sarking</td> <td>medium (solar absorptance 0.475 - 0.70)</td> </tr> </tbody> </table>	Construction	Additional insulation required (R-value)	Other specifications	concrete slab on ground floor with in-slab heating system.	R1.00 (slab edge)	in-slab heating system	suspended floor above garage: framed (R0.7).	nil		floor above existing dwelling or building.	nil		external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)		external wall: cavity brick	nil		external wall: brick veneer	R1.16 (or R1.70 including construction)		internal wall shared with garage: single skin masonry (R0.18)	nil		flat ceiling, flat roof: framed	ceiling: R2.50 (up), roof: foil/sarking	medium (solar absorptance 0.475 - 0.70)			
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AMENDED PLANS

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check																																																																																																																																												
Windows and glazed doors The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door. The following requirements must also be satisfied in relation to each window and glazed door: Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill. For projections described as a ratio, the ratio of the projection from the wall to the height above the window or glazed door sill must be at least that shown in the table below. Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35. External louvres and blinds must fully shade the window or glazed door beside which they are situated when fully drawn or closed. Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm. Pergolas with adjustable shading may have adjustable blades or removable shade cloth (not less than 80% shading ratio). Adjustable blades must overlap in plan view. Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.	✓	✓	✓																																																																																																																																												
Windows and glazed doors glazing requirements																																																																																																																																															
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Orientation	Area of glass inc. frame (m ²)	Height (m)	Distance (m)	Shading device	Frame and glass type	W01	N	2	6	1	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	W02	W	7.5	6	4	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	W03	N	18	12	12	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	W04	N	2	12	12	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	W05	S	2	0	0	projection/height above sill ratio >=0.29	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	W06	E	6	8	1.5	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	W07	S	1	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	W08	W	1.5	0	0	projection/height above sill ratio >=0.43	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	W09	W	2.5	0	0	projection/height above sill ratio >=0.43	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	W10	N	19	0	0	pergola (adjustable shade) >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	W11	E	2.5	2.5	2.5	projection/height above sill ratio >=0.29	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	W12	N	2	0	0	projection/height above sill ratio >=0.36	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	W13	S	2	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	W14	E	6	2.5	2.5	projection/height above sill ratio >=0.36	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	W15	N	18	0	0	projection/height above sill ratio >=0.36	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	W16	E	6	0	0	external louvre/blind (adjustable)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	W17	S	5	0	0	external louvre/blind (adjustable)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	W18	E	5	0	0	external louvre/blind (adjustable)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	W19	S	5	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
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W10	N	19	0	0	pergola (adjustable shade) >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)																																																																																																																																									
W11	E	2.5	2.5	2.5	projection/height above sill ratio >=0.29	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)																																																																																																																																									
W12	N	2	0	0	projection/height above sill ratio >=0.36	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)																																																																																																																																									
W13	S	2	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)																																																																																																																																									
W14	E	6	2.5	2.5	projection/height above sill ratio >=0.36	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)																																																																																																																																									
W15	N	18	0	0	projection/height above sill ratio >=0.36	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)																																																																																																																																									
W16	E	6	0	0	external louvre/blind (adjustable)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)																																																																																																																																									
W17	S	5	0	0	external louvre/blind (adjustable)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)																																																																																																																																									
W18	E	5	0	0	external louvre/blind (adjustable)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)																																																																																																																																									
W19	S	5	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)																																																																																																																																									
Skylights The applicant must install the skylights in accordance with the specifications listed in the table below. The following requirements must also be satisfied in relation to each skylight: Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below.	✓	✓	✓																																																																																																																																												
Skylights glazing requirements																																																																																																																																															
<table border="1"> <thead> <tr> <th>Skylight number</th> <th>Area of glazing inc. frame (m²)</th> <th>Shading device</th> <th>Frame and glass type</th> </tr> </thead> <tbody> <tr> <td>S01</td> <td>4</td> <td>no shading</td> <td>timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)</td> </tr> </tbody> </table>	Skylight number	Area of glazing inc. frame (m ²)	Shading device	Frame and glass type	S01	4	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)																																																																																																																																							
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Application No: DA-230/2022
Date Received: 03/01/2023

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REVISION:		
A	DRAFT DA DRAWINGS - ISSUE TO CONSULTANTS	16.03.2022
B	DRAFT DA DRAWINGS - PLANNING UPDATES	27.04.2022
C	DEVELOPMENT APPLICATION	16.05.2022
D	DA - ADDITIONAL INFORMATION	24.06.2022
E	ADDITIONAL PRIVACY MEASURES	18.07.2022
F	COUNCIL REF	31.08.2022
G	COUNCIL REF	12.12.2022

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PROJECT:
494 BRONTE RD
CLIENT:
KIM & ANDREW

DRAWING TITLE:
BASIX INFORMATION
DRAWING NO.: DA-14
REVISION: G
DATE: 12.12.2022

SCALE:

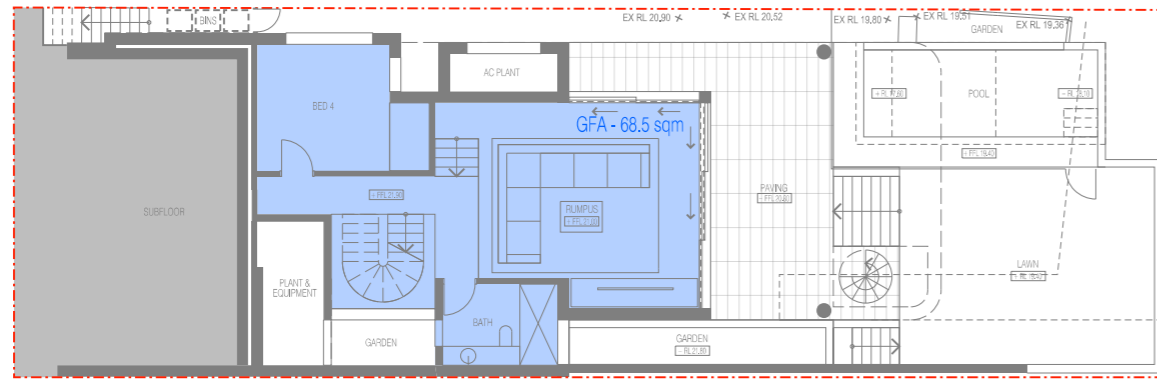

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AMENDED PLANS

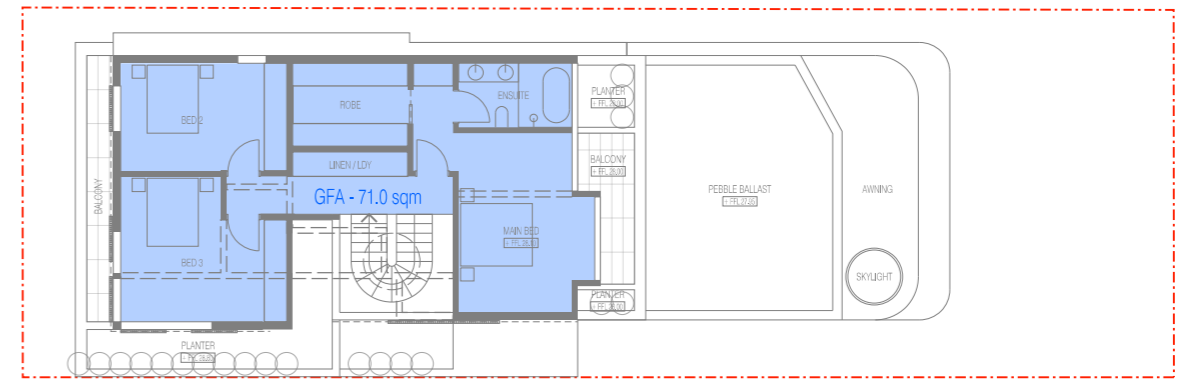
Application No: DA-230/2022

Date Received: 03/01/2023

AREA CALCULATIONS (GFA & FSR)	
SITE AREA	297.6 sqm
EXISTING GFA	230.0 sqm
PROPOSED BASEMENT GFA	0.0 sqm
PROPOSED LOWER GROUND FLOOR GFA	68.5 sqm
PROPOSED GROUND FLOOR GFA	92.0 sqm
PROPOSED FIRST FLOOR GFA	71.0 sqm
PROPOSED TOTAL GFA	232.5 sqm
PROPOSED FSR	0.78:1



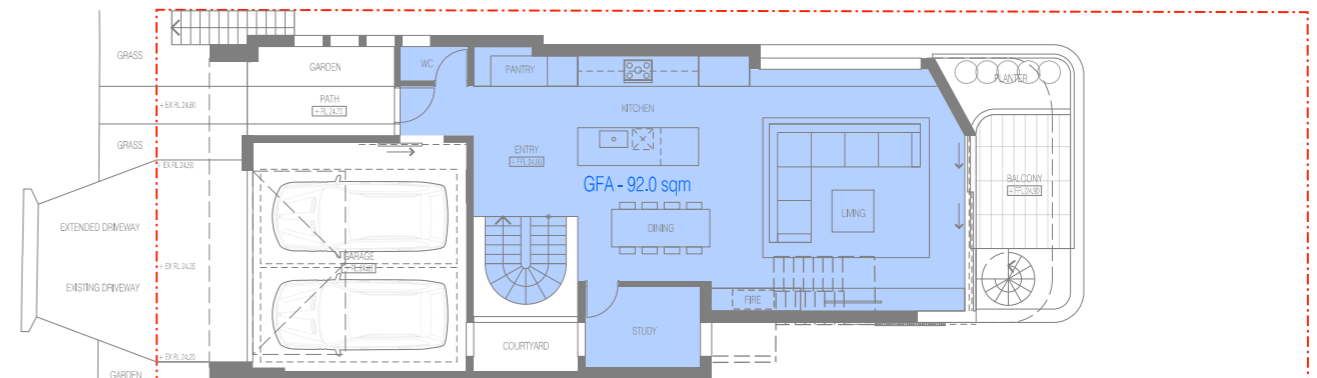
02 LOWER GROUND FLOOR GFA DIAGRAM



04 FIRST FLOOR GFA DIAGRAM



01 BASEMENT GFA DIAGRAM



03 GROUND FLOOR GFA DIAGRAM

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F COUNCIL RH	31.08.2022
G COUNCIL RH	12.12.2022

LEGEND:	
[Red dashed line]	SITE BOUNDARY
[Blue outline]	GFA (GROSS FLOOR AREA)
[Green outline]	DEEP SOIL PLANTING
[Black outline]	DEMOLITION
[Black fill]	EXISTING
[Brown fill]	NEW FRAMED CONSTRUCTION
[Red fill]	NEW MASONRY
[Green fill]	NEW CONCRETE
[Blue fill]	NEW METAL
[Light green fill]	NEW GLAZING
[Grey fill]	CN CONCRETE OFF FORM
[White fill]	FC FIBRE CEMENT
[Light blue fill]	GF GLASS FIXED
[Light green fill]	GO GLASS OPERABLE
[Light blue fill]	GT GLASS TRANSLUCENT
[White fill]	MB METAL BALUSTRADE
[White fill]	MR METAL ROOF
[White fill]	RP RENDER & PAINT
[White fill]	SC STONE CLADDING
[White fill]	TS TIMBER SCREEN

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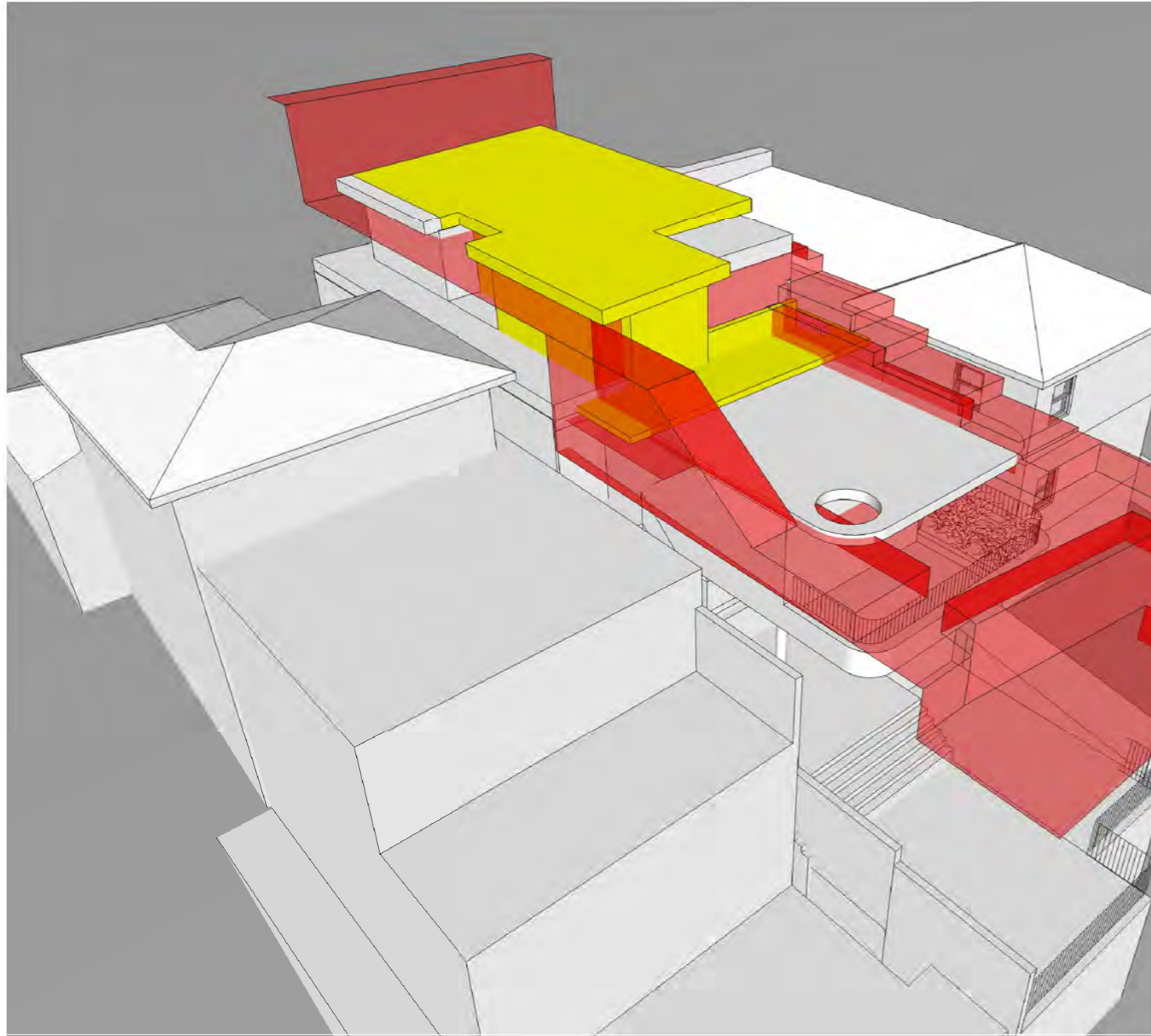
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GFA DIAGRAMS
DRAWING NO.: DA-20
REVISION: G
DATE: 12.12.2022

SCALE:
1:200 @ A3
0m 2m 5m 10m

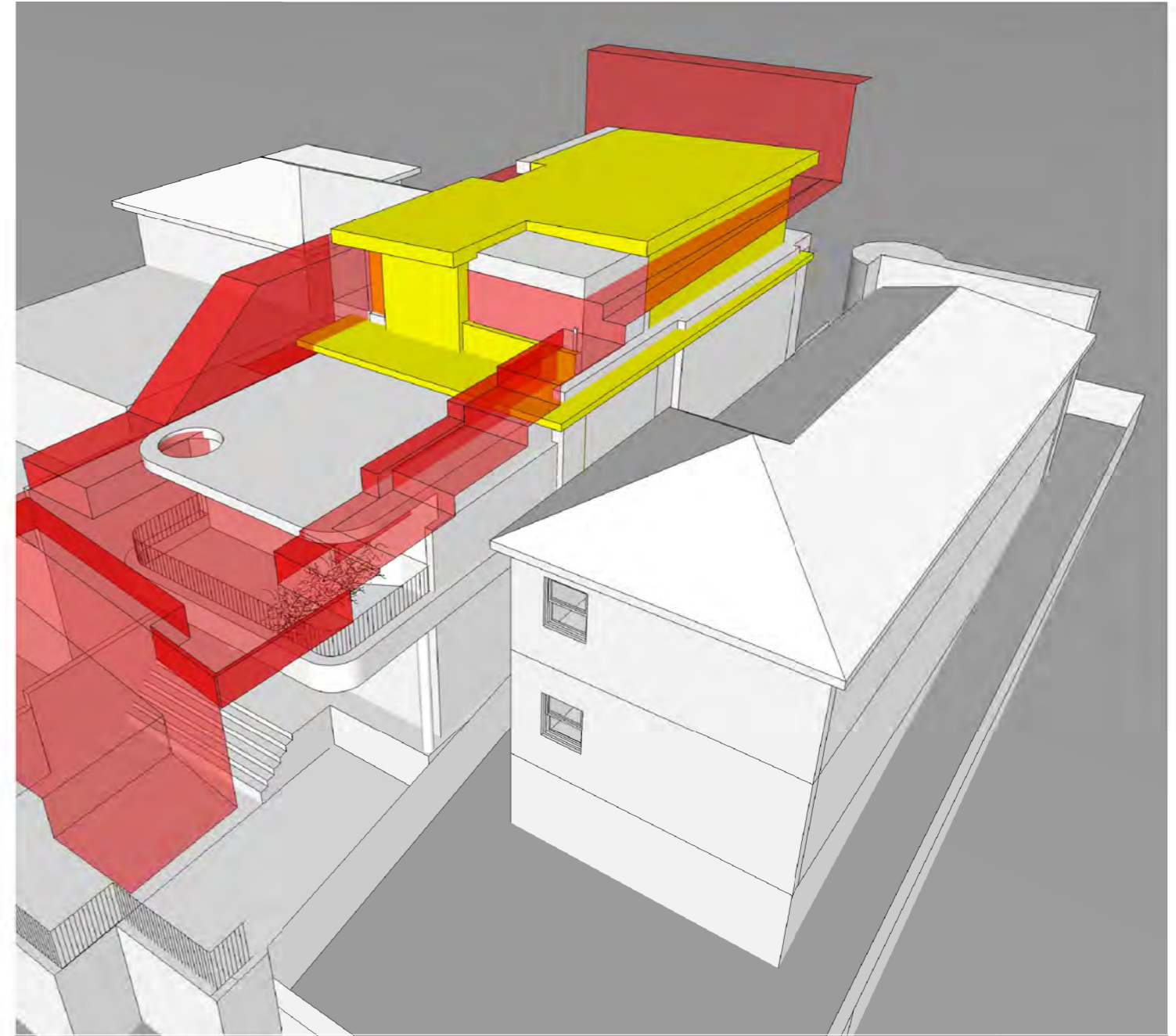
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01 HEIGHT PLANE DIAGRAM



02 HEIGHT PLANE DIAGRAM

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G	COUNCIL RH	12.12.2022

LEGEND:
 PROPOSED DEVELOPMENT
 8.5M HEIGHT PLANE
 EXISTING BUILDING ENVELOPE

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PROJECT:
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CLIENT:
KIM & ANDREW

DRAWING TITLE:
HEIGHT PLANE ANALYSIS
DRAWING NO.: **DA-26**

REVISION: **G**
DATE: **12.12.2022**

SCALE:
NTS

