

DATE: 19 July 2023

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

12.00PM WEDNESDAY, 26 JULY 2023

QUORUM: Three Panel members.

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

AGENDA

WLPP-2307.A Apologies

WLPP-2307.DI Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-2307.1

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122 Francis Street, BONDI BEACH NSW 2026 - Alterations and additions to Strata Titled 3 storey residential flat building. (DA-540/2022)

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

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

WLPP-2307.2

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232-234 Campbell Parade, BONDI BEACH NSW 2026 - Alterations and additions to residential flat building including enclosure of terraces and increase floor space at eastern side of Level 2. (DA-132/2023)

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

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

WLPP-2307.3

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6 Pacific Avenue, TAMARAMA NSW 2026 - Demolition of dwellings and construction of two threestorey semidetached dwellings and one detached dwelling with integrated garage parking. (DA-435/2022)

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

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

WLPP-2307.4

11 Pembroke Street, BRONTE NSW 2024 - Review of refusal decision seeking alterations to extend existing attic space to unit 1. (DA-417/2022/1)

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

Council Recommendation: That the Section 8.2 review application be approved in accordance with the conditions contained in the report.

WLPP-2307.5

45 York Road, QUEENS PARK NSW 2022 - Alterations and additions to dwelling including new first floor addition, double car garage fronting York Lane with a studio above and swimming pool at rear. (DA-487/2022)

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

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

WLPP-2307.6

7 Thompson Street, TAMARAMA NSW 2026 - Modification to garage, bin storage, roof, additional solar panels, additional excavation, and amendments to conditions of consent. (DA-110/2022/A)

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

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

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Report to the Waverley Local Planning Panel

Application number	DA-540/2022			
Site address	122 Francis Street, Bondi Beach			
Proposal	Alterations and additions to Strata Titled 3 storey residential flat building.			
Date of lodgement	18 January 2023			
Owner	Proprietors of Strata Plan 1944			
Applicant	2m4 Pty Ltd			
Submissions	Nil			
Cost of works	\$673,978.00			
Principal Issues	 Breach of the FSR development standard Privacy Does not meet ADG requirements Provision of communal open space 			
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 residential flat building at the site known as 122 Francis Street, Bondi.

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

- Breach of the FSR development standard
- Privacy
- Does not meet ADG requirements
- Provision of communal open space

The assessment finds these issues acceptable for the reasons outlined in this report.

No public or Councillor submissions were received during the assessment and no conflicts of interest were raised.

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 23 May 2023.

The site is identified as SP 1944, known as 122 Francis Street, Bondi Beach.

The site is rectangular in shape with a frontage of 12.19m to Francis Street. It has an area of 445.8m² and falls from the rear towards the front by approximately 1.2m.

The site is occupied by a three storey residential flat building with vehicular access provided from Francis Street.

The site is adjoined by three storey residential flat buildings on either side. The locality is characterised by a variety of low and medium density residential developments.

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



Figure 1: Front of the site facing south-west



Figure 3: Second floor front balcony



Figure 2: Rear of the site facing south-west



Figure 4: Front setback of site



Figure 5: Rear of site facing north-east



Figure 6: South-eastern setback of the site

1.3. Proposal

The development application seeks consent for alterations and additions to a residential flat building, and specifically includes the following:

- Demolition of selected internal walls within each unit
- Reconfiguration of the internal layout of each unit to provide an open plan kitchen, living and dining area, two bedrooms, and a new bathroom.
- Demolition of the rear staircase to facilitate two new ensuite bathrooms at each level.
- Folding arm awnings over the front balconies to Unit 5 and Unit 6.
- Increasing the ceiling height/wall at the rear to facilitate the new ensuites within Unit 5 and Unit
 6.
- Changes to openings
- Roof mounted solar panels
- Balustrades to the front balconies
- Re-instatement of the finial at the front of the building
- Landscaping within the front setback and dedication of the front courtyards to Unit 1 and Unit 2 on the ground floor
- Increasing the height of the front fence
- Rendering and painting of the front façade and fence
- Bicycle and motorbike parking at the rear

1.4. Background

The background of the application is as follows:

- On 7 June 2022, Pre-DA 16/2022 which sought Council's feedback on a proposal for alterations and additions to the existing three storey residential flat building, was not supported on the following grounds:
 - Breach of the building height, wall height, and FSR controls
 - Bulk and scale
 - Four (4) storey buildings uncharacteristic of the locality
 - Design not cohesive with the character and design of the existing building or the surrounding context
 - Incompatible with Interwar building controls
 - Works would overwhelm the traditional elements of the original building's fabric
- On 18 January 2023, the subject application (DA-540/2022) was lodged with Council.
- On 23 January 2023, a Stop the Clock letter was issued to the applicant requesting additional information in relation to GFA and FSR calculations, plan details and documentation.
- On 9 and 10 February 2023, the applicant submitted amended plans and documentation.
- On 26 May 2023, a deferral letter was issued to the applicant requesting amended plans to address concerns raised in relation to GFA and FSR non-compliance, landscaping, building façade, waste, and insufficient plan details and documentation.
- On 6 June 2023, the applicant submitted amended plans.
- On 15 June 2023, an updated Clause 4.6 and internal solar access information was requested from the applicant.
- On 29 June 2023, the applicant submitted amended documentation. The amended plans and documentation submitted on 6 and 29 June are the subject of this assessment.
- On 6 July 2023, additional information associated with affordable housing contributions was requested. Affordable housing contributions were later found to not apply to the proposed development.

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

SEPP (Design Quality of Residential Apartment Design)

The application was referred to the Waverley Design Advisory Excellence Panel (DEAP) on 8 February 2023. The DEAP's comment on the proposed development against the nine design quality principles under Schedule 1 of SEPP 65 and a planning response to each comment are set out in **Table 1** below.

Principle	Panel's Comment	Planning Comment
1. Context and Neighbourhood	To the north of the subject site, along the corner of Simpson Street and Francis Street, is a part 2-storey, part 3-storey semi-detached dwellings at No. 49 and 49A Simpson Street, Bondi Beach. Further along the southern streetscape, various residential developments exist, comprising detached residential dwellings and semi-detached dwellings.	The proposal includes retention of the existing building envelope which will result in minimum change within the streetscape. The proposal will retain and enhance the interwar style of the building and will be in keeping with the context of the streetscape.
	The proposed renewal of this building is intended to maintain the current overall envelope with minor improvements that will have minimal impact on the contextual relationship to immediate neighbours and maintain the interwar Art Deco character of the Francis Street streetscape.	
2. Built form and Scale	Changes are primarily within the existing building for upgrade of the existing units and will not impact scale or built form. Renewal of the original finial above the front parapet is supported by the panel as this will return the façade to a more cohesive expression and relate to the neighbouring building to the west.	The proposal complies with the building height and wall height controls and includes minimal works beyond the existing building envelope. The proposal does not include any discernible changes to the existing bulk and scale and therefore will remain compatible with the context of the locality.
	Minor alterations to the rear involve removal of an existing fire stair with insertion of new ensuite bathrooms for these rear units, a few additional courses of brickwork and infill of	

Principle	Panel's Comment	Planning Comment
	window openings (to match existing) and a new metal deck roof to provide required headroom. These are not considered problematic changes.	
	It is intended to renew render on the street elevation, as this is falling off the façade, and provide retractable fabric awnings to benefit the front balconies of Units 5 and 6.	
3. Density	No issues as density remains the same.	The proposal will enhance the amenity of each unit and the existing provision of dwellings will be maintained.
4. Sustainability	The inclusion of PV solar panels was noted on the roof plan, and this is supported by the panel but need to also be shown on the west elevation. Given the site orientation the north west side could be more beneficial to the generation of energy. The Panel queried where AC condensers might be located if air conditioning is included in the DA, and the Applicant indicated the defunct rear chimney could be utilized. This does not appear sufficient in size so alternative options are needed that avoid balcony or roof locations and take account of visual and acoustic impacts. Inclusion of ceiling fans to all living areas and bedrooms is recommended as a low energy alternative for	All dwellings are capable of being adequately cross ventilated and will have access to adequate natural light. To ensure the proposal complies with Council's DCP controls, a condition of consent has been included which requires ceiling fans to be installed in all habitable rooms. As conditioned, the proposal will satisfy the sustainability requirements.
5. Landscape	ventilation enhancement. Minimal landscape detail was provided but appeared adequate for the proposed upgrade to the private open space on the street frontage.	The landscaping proposed within the front setback of the site will enhance the amenity of the development and the streetscape.
6. Amenity	Improved unit layouts and inclusion of new kitchens and bathrooms were supported for better unit amenity. Access to waste bins for residents was	The reconfiguration of the internal layout, landscaping and inclusion of internal shutters will enhance the amenity of each unit with regard to solar access, privacy, energy efficiency,
	not considered well resolved at the rear given the need to carry all bags around the front and down a shared driveway to get to that location.	ventilation, and general amenity.

Principle	Panel's Comment	Planning Comment
7. Safety	No issues.	The proposal will improve passive surveillance through reconfiguration of the internal layout.
8. Housing Diversity and Social Interaction	As there is minimal change to the overall site configuration, the inclusion of private open space courtyards to the front 2 units is supported in lieu of communal space.	The mix of ground and upper level apartments offers a variety of housing in order to meet different demographic needs. Converting the communal open space at the front of the site to private gardens for Unit 1 and Unit 2 would be contradictory to the Bondi Heights special character area controls under Part E4 of WDCP 2022, and would result in no communal open space being provided which is contrary to the ADG requirements. A condition of consent has therefore been included which requires the front setback area to be maintained as communal open space.
9. Aesthetics	The selection of render colour for the front elevation should be reviewed, and an alternative more in keeping with the art deco character could be considered. New infill bricks must be a suitable match at the rear or use recycled bricks from demolished walls.	The external materials and colours are in keeping with the Art Deco character of the building and will enhance the character of the streetscape.

Apartment Design Guide

Clause 6A of SEPP 65 requires that development control plans (DCPs) cannot be inconsistent with the Apartment Design Guide (ADG) in respect of the following:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

If a DCP contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect. An assessment against the provisions within the ADG is provided in **Table 2** below.

Table 2: Apartment Design Guide

Design Criteria	Compliance	Comment
3F Visual privacy		
 Min separation distances from buildings to side and rear boundaries: Up to 12m (4 storey) – 6m habitable & 3m non- habitable Increased separation of 3m where adjoins a lower density zone 	No (Acceptable on merit)	The proposal will maintain the existing side setbacks which do not comply with the minimum side setback requirements stipulated under Part 3F. An adequate level of visual privacy will be maintained by the internal louvered screens/shutters proposed to all north-west and south-east facing windows, and the existing frosted windows.
4A Solar and daylight access		
 Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid- winter A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter. 	Yes	All units will receive a minimum of 2 hours solar access to the living rooms and private open space on 21 June (winter solstice) between 9am and 3pm. The proposal is consistent with the remaining objectives of this part of the ADG in that daylight access is satisfactory and shading for the warmer months is incorporated.
4B Natural ventilation		· · ·
 All habitable rooms are naturally ventilated Number of units with natural cross ventilation is maximised: At least 60% of units naturally ventilated 	Yes	All habitable rooms are provided with at least one window for natural ventilation. All units have dual aspects and can be naturally cross ventilated.
4C Ceiling heights		
 Habitable rooms – 2.7m Non-habitable rooms – 2.4m 2 storey units – 2.7m main level (living) & 2.4m upper floor where its area does not exceed 50% of the unit area Attics – 1.8m at edge of room with a 30° min ceiling slope 	No (Acceptable on merit)	The existing building comprises floor to ceiling height of 2.65m on each level which does not comply with the 2.7m minimum requirement for habitable rooms. The ceiling height does however satisfy the minimum requirements for non-habitable rooms. As the proposal does not seek to amend the existing floor to ceiling heights and there is only a minor shortfall within the habitable rooms, the proposal is acceptable.

Design Criteria	Compliance	Comment
		The ensuites proposed at the rear of Unit 5 and Unit 6 comprise a floor to ceiling height of 2.2m which does not comply with the 2.4m minimum requirement for non-habitable rooms. The floor to ceiling height complies with the BCA minimum requirements for non-habitable rooms, and therefore are acceptable as they will not result in any adverse amenity impacts.
4D Apartment size and layout		
 The following minimum internal areas apply: Studio = 35 m² 1 Bed = 50 m² 2 Bed = 70 m² 3 Bed = 90 m² Add 5m² for each additional bathroom (above 1) Add 12m² for each additional bedroom Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room	No (Acceptable on merit)	The proposal includes six 2-bedroom units which comprise an area of 65.3m ² (units 2, 4 and 6), and 65.8m ² (units 1, 3 and 5) which does not satisfy the 70m ² minimum requirement for 2 bedroom units. As the proposal is for alterations and additions which are primarily contained within the existing building envelope and the shortfall is minor, the proposal is acceptable. The proposal achieves compliance with the minimum glazed area to each habitable room. All bedrooms meet the minimum requirements in terms of dimensions and area. All kitchens are separate to the circulation spaces.
		All robes are a minimum of 1.5m.
		The proposal is consistent with the objectives of this part of the ADG.
4E Private open space and balco	nies	
All apartments provide primary balcony as follows: 1-bed – 8m ² & 2m depth 2-bed - 10m ² & 2m depth 3+bed - 12m ² & 2.4m depth Ground level, min 15m ² & 3m depth	No (Acceptable on merit)	As discussed further in Table 6 below, a condition of consent has been included which requires the front gardens to be maintained as communal open space, with access from the ground floor units deleted. The front balconies comprise an area of 5.3m ² and a depth of 1.9m and therefore do not satisfy the minimum requirements. The balconies are existing with no change to their size proposed and therefore are acceptable. As a result of the proposal, all units will be provided with access directly from the main living area to the balcony or courtyard which face in

Design Criteria	Compliance	Comment
		The balconies and landscaped communal open space will integrate into and will contribute to the architectural form and detail of the building.
4F Common circulation and spac	es	
 Max of 8 units accessed off a circulation core on a single level 	Yes	The proposal comprises 6 units only.
4G Storage		
In addition to kitchens, bathrooms and bedrooms, the following is provided: • 1-bed – 6m ³ • 2-bed – 8m ³ • 3+bed – 10m ³	No (Acceptable on merit)	The proposal does not include any additional storage beyond that which is provided in the kitchen, bathrooms and bedrooms. As the existing internal configuration of the units is largely maintained, and the internal layout will enable additional free standing storage the proposal is not considered to be unreasonable.

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 3: Waverley LEP 2012 Complia	ance Table	

Provision	Compliance	Comment			
Part 1 Preliminary	Part 1 Preliminary				
1.2 Aims of plan	Yes	The proposal satisfies the aims of the WLEP 2012.			
Part 2 Permitted or prohibited de	velopment				
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is defined as a residential flat building, which is permitted with consent in the R3 zone.			
Part 4 Principal development star	dards				
4.3 Height of buildings • 12.5m	Yes	A building height of 9.9m is proposed.			
4.4 Floor space ratio and • 0.9:1 (401.22m ²)	No	An FSR of 0.94:1 (419.48m ²) is proposed (18.26m ² or 4.55% breach).			
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.			
Part 5 Miscellaneous provisions					
5.6 Architectural roof features	Yes	The proposal includes reinstatement of the finial to the front parapet. The proposal will satisfy the objectives and controls under Clause 5.6 of WLEP 2012.			

Provision	Compliance	Comment	
5.10 Heritage conservation	Yes	The property is located adjacent to the Francis Street Landscape Conservation Area C43 to the north-east, and Landscape Heritage Item I504 "curved street with retaining wall" at 120 Francis Street described as to the south-east. The proposal will not result in any adverse impacts on the significance, setting or character of the heritage item or conservation	
5.21 Flood Planning	Yes	impacts on the significance, setting or	

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 floor space ratio (FSR) development standard in clause 4.4 under Waverley LEP 2012.

The site is subject to a maximum FSR development standard of 0.9:1. The proposed development has a FSR of 0.94:1, exceeding the standard by 18.26m² equating to a 4.55% 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:
 - The proposed works will not alter the building envelope of the existing building. The proposal includes converting the internal stairs at the rear of the building into ensuites. This will increase the GFA of the existing building. However, this increase in GFA is contained wholly within the existing building. The excess FSR will therefore be indiscernible from the neighbouring properties and the streetscape.
 - The additional FSR being wholly within the existing building envelope ensures that the existing building will remain compatible with the bulk and scale of the desired future character of the locality in accordance with the objective of the FSR control.
 - The excess FSR will not generate any greater shadow, privacy, visual bulk or view impacts beyond that of the existing building on the site. The proposed FSR thereby preserves the environmental amenity of neighbouring properties and the locality in accordance with the objective of the FSR control.
 - Considering that the additional FSR will not alter the building bulk of the existing building, the proposed FSR is therefore considered reasonable.
 - *Reducing the proposed FSR would provide an indiscernible benefit to the streetscape and reduce the proposed development's amenity.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - The proposal includes converting the internal stairs at the rear of the building into ensuites. This will increase the GFA of the existing building. However, this increase in GFA is contained wholly within the existing building.
 - The excess FSR will be indiscernible from the neighbouring properties and the streetscape.

- The additional FSR being wholly within the existing building envelope ensures that the existing building will remain compatible with the bulk and scale of the desired future character of the locality.
- The additional FSR will allow for greater amenity to the units by providing an ensuite to the rear bedroom (Bedroom 1) of each dwelling and therefore be a more efficient use of the site.
- The excess FSR will not generate any greater shadow, privacy, visual bulk or view impacts beyond that of the existing building on the site.
- Considering that the additional FSR will not alter the building bulk of the existing building, the proposed FSR is therefore considered reasonable.

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 proposed GFA will be contained within the existing building envelope and will not result in any additional impacts on the streetscape or neighbouring properties with regard to bulk and scale or overshadowing. The proposal will be in keeping with the desired future character of the locality and will preserve the amenity of the neighbouring properties and the streetscape.

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 additional GFA will be contained within the existing building envelope, will not be discernible from neighbouring properties or the streetscape, and will not result in any impacts on amenity.

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 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.

Through retaining the existing building envelope, the proposal will not result in any new or additional impacts associated with FSR and therefore will preserve the amenity of the neighbouring properties and the streetscape and will continue to be in keeping with the desired future character of the locality.

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.
- 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 proposal will be in keeping with the desired future character of the locality and will preserve the amenity of the neighbouring properties and the streetscape by remaining within the existing building envelope.

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 and the R3 zone.

2.1.3. Waverley Development Control Plan 2022 (Waverley DCP 2022)

The relevant matters to be considered under the Waverley DCP 2022 are outlined below:

Table 4: Waverley	v DCP 2022 – Part B	General Provisions	Compliance Table
Table 4. Waveries	y DCF 2022 - Fait D	General Frovisions	compliance rable

Development Control	Compliance	Comment
 Waste Garbage bins are to be stored in an appropriate location. 	Yes	Satisfactory.
 2. Ecologically Sustainable Development Ceiling or wall mounted fans 	Yes (As conditioned)	The response to the deferral letter dated 2 June states that ceiling fans, gas cooking and heating was noted on the plans. The details were not able to be located on the plans and therefore a condition of consent has been included accordingly.

Development Control	Compliance	Comment
 Gas cooktops, gas ovens or gas internal space heating systems. 		
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	Satisfactory.
5.Water Management	Yes	Satisfactory. See Table 3 above regarding flooding.
6. Accessibility and Adaptability	Yes	Satisfactory for alterations and additions to an existing residential flat building. The new works are required to comply with the BCA, including accessibility requirements.
 7. Transport 7.2.2 Parking Rates Minimum parking rate: 0 	Yes	The proposal will maintain the exiting off-site parking arrangements. The site is located within a Parking Zone 2 which
Maximum parking rate: • 1.2 per 2 bedroom dwelling		stipulates that a maximum of 1.2 parking spaces be provided for each 2 bedroom dwelling. A total of 3 car parking spaces are proposed at the rear of the site. The proposal does not exceed the maximum requirement and is acceptable.
 7.2.5 Motorcycle Parking 1 space per 3 parking bays 		At the rear of the site, 1 motorcycle parking space and 7 bicycle parking spaces are proposed, complying with the minimum requirements.
7.2.6 Bicycle Parking1 per dwelling		
8. Heritage	Yes	Satisfactory. The property is located adjacent the Francis Street Landscape Conservation Area C43 to the north-east, and Landscape Heritage Item I504 "curved street with retaining wall" at 120 Francis Street described as to the south-east. The proposal will not result in any adverse impacts on the significance, setting or character
9. Safety	Yes	of the heritage item or conservation area. Satisfactory.
11. Design Excellence	Yes	Satisfactory.
15. Public Domain	Yes	Satisfactory.
16. Inter War Buildings	Yes (As conditioned)	The proposal will retain and enhance the original detailing of the building through retention of the existing building envelope and brick façade (side and rear elevations), incorporating an art deco colour scheme and reinstating the finial at the front of the site.
		Increasing the height of the front boundary fence would however be inconsistent with the fence and gate requirements in Table 9 under Section

Development Control	Compliance	Comment	
		16.1.1 of the DCP, and therefore a condition of consent has been included requiring the front fence to remain at the existing heights.	
		The upgrades proposed to the front balconies in order to achieve compliance with BCA balustrade requirements will be in keeping with character of the building, and the works proposed within the front setback of the site will enhance the landscape setting of the site and the amenity of the streetscape.	

Table 5: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table

Development Control	Compliance	Comment
2.2 Height		
 Maximum external wall height: R3: 12.5m – 9.5m 	No (Acceptable on merit)	The finial proposed at the front of the site comprises a wall height of 9.94m and does not comply with the 9.5m requirement. The finial will enhance the characteristic of the building and will not result in any adverse impacts with regard to bulk and scale and overshadowing and is acceptable.
2.5 Building design and street	scape	
 Respond to streetscape Sympathetic external finishes Removal of original architectural features not supported 	Yes	The proposal will maintain and enhance the character of the existing building and the amenity of the streetscape.
2.7 Fences and walls		
 Front fence: Maximum height 1.2m Maximum 2/3 solid Maximum height of 1.8m and solid when secondary wall set within property if required for traffic noise 	Yes	As conditioned, the front fence will be maintained at the existing height. No side or rear fencing is proposed.
2.8 Pedestrian access and entr	у	
 Entry at street level and respond to pattern within the street Accessible entry Separate to vehicular entry Legible, safe, well-lit 	Yes	The proposal will maintain the existing pedestrian access point at the front of the site.

2.9 Landscaping		
 Comply with part B3- Landscaping and Biodiversity Minimum of 30% of site area landscaped 50% of the above is to be deep soil 	No (Acceptable on merit)	A landscaped area of 40.06m ² (8.98%) is proposed which does not comply with the 30% (133.74m ²) requirement. The proposal will maintain and enhance the existing provision of landscaping and therefor the proposal is acceptable. All proposed landscaping will be deep soil.
2.10 Communal open space		
 Minimum 15% communal (R3 zone): 66.87m² Minimum dimensions: 6m x 6m Minimum of 30% of communal area must receive three hours of sunlight Residential flat building and shop top housing may locate communal open space on rooftops subject to amenity impacts. 	No (Acceptable on merit)	No communal open space is proposed as part of this application. As detailed in Table 6 below, a condition of consent has been included which requires the front setback of the site (approximately 41m ²) to be maintained as communal open space. The provision of communal open space will not meet the 15% minimum requirements. However, as it is as per the existing arrangement and each unit is afforded sufficient private open spaces which will receive adequate solar access, the proposal as conditioned is acceptable.
2.12 Vehicular access and park	ing	
 Car parking to be integrated into the design of the development Max 1 x 2 way vehicle access point Pedestrian safety considered 	Yes	Parking will be provided at the rear of the site, accessed via a shared driveway, as per the existing site arrangement.
2.14 Views and view sharing		
 Minimise view loss through design Views from public spaces to be maintained 	Yes	The proposal will not result in any impacts on public or private views.
2.15 Visual privacy and securit		
 Dwellings to be orientated to the street with entrances and street numbering visible Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened 	No (Acceptable on merit)	The proposal as conditioned will maintain the existing arrangement with regard to privacy within the areas of communal and private open space. Internal shutters and retention of the opaque glazing to the existing bathroom windows is proposed to maintain privacy.

 Privacy be considered in relation to context density, separation use and design Prevent overlooking of more than 50% of private open space of lower-level dwellings in same development 		Given the scope of the proposal and the site context and constraints, the proposal is considered reasonable.
2.19 Acoustic privacy		
Internal amenity by locating noisy areas away from quiet areas	Yes	The proposal will not result in any acoustic impacts beyond that which would be expected within an urban environment.
2.21 Building services		
 Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures Outdoor Communal clothes drying area to be provided Plant rooms away from entry communal and private open spaces and bedrooms. Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge. The maximum volume permitted for a plant room is the minimum required to meet Australian Standards, accommodate typical dimensions of equipment required and the associated circulation space to access the 	Yes	The solar panels proposed on the north-western side of the roof will not be visible from the streetscape and will not result in any impacts on views from neighbouring properties. No changes are proposed to the existing plant and services.

			-
Table 6: Waverley	/ DCP 2022 – F	Part E4 – Special	Character Areas

Development Control	Compliance	Comment
4.1 Bondi Heights		
 Desired Future Character Objectives Dominant landscape character Provide front gardens and mature trees Appropriate response to height and site access responding to high and low sides of the street 	Yes	Substantial planting is proposed within the front setback of the site which will enhance the landscaping setting of the streetscape, satisfying the desired future character objectives.
Controls (a) Garden walls and fences on the low side of the street are to be a maximum height of 1.2m, to allow front gardens to contribute to the streetscape. Garden retaining walls on the high side of the street are to be a maximum of 1.5m. (b) Front setbacks should be predominantly planted or grassed, to allow the elevated view of the front garden to contribute to the streetscape. (d) Communal landscaped gardens are required within the front setback to contribute to the public domain. (e) The private open space is permitted to encroach 2.5m into the communal landscaped front setback provided that the front	Yes (As conditioned)	The proposal seeks to convert the existing communal open space within the front setback to private open space for the two ground floor units (Unit 1 and Unit 2), which would result in the site providing no communal open space. In accordance with controls (d) and (e), communal landscaped areas are required within the front setback of the site, with private open space only able to encroach 2.5m in circumstances where the building is set back a minimum of 6m from the front boundary. The existing arrangement generally accords with these requirements in that there is a mix of communal and private open space within the front setback of the site. To ensure that communal open space is provided, and the proposal is consistent with the Bondi Heights special character area controls, a condition of consent has been included which requires that the front setback be maintained as communal open space, with private access from the ground floor units deleted. It is acknowledged that the proposal is seeking to be consistent with the configuration and design of 124 Francis Street located to the west, in
setback is a minimum of 6m from the street boundary. (f) Roof-top terraces are discouraged due to the greater potential impacts in higher density areas.		 particular with regard to the front setback of the site comprising of private open space associated to the ground floor units. These works were however approved in 2002 and do not comply with the current DCP controls. As conditioned, the front fence/wall will be maintained at the existing height. The front

setback of the site will be predominantly landscaped and will positively contribute to the amenity of the streetscape and the character of the locality.
No rooftop terraces are proposed.

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 between 25 January and 8 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 notified as the amended plans did not include any new or additional impacts on the neighbouring properties or the streetscape. The amended plans and documentation were however publicly available on Council's 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 Parking

Council's Traffic Department raised no objection to the proposal subject to conditions.

3.2. Stormwater

Council's Stormwater Management Department raised no objection to the proposal subject to conditions.

3.3. Tree Management

Council's Tree Management Department raised no objection to the proposal.

3.4. Biodiversity and Environmental Sustainability

Council's Biodiversity and Environmental Sustainability Department raised no objection to the proposal.

3.5. Waste

Council's Waste Department raise no objection to the proposal subject to conditions.

3.6. Fire Safety

Council's Fire Safety officer raised no objection to the proposal subject to conditions.

3.7. Heritage

Council's Heritage Advisor raised no objection to the proposal.

3.8. SEPP 65 and Design Excellence Panel

The Design Excellence Panel raised no objection to the proposal. Refer to section 2.1.1 of this report for their comments.

4. CONCLUSION

The development application seeks consent for alterations and additions to a residential flat building at the site known as 122 Francis Street, Bondi Beach.

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

- Breach of the FSR development standard
- Privacy
- Does not meet ADG requirements
- Provision of communal open space

The assessment finds these issues acceptable for the reasons outlined in the report.

No public or Councillor submissions were received during the assessment, and no conflicts of interest were raised.

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 by:
K.Keenan.	JZancanaw
Karis Keenan	Jo Zancanaro
Senior Development Assessment Planner	A/Manager, Development Assessment
Date: 10 July 2023	Date: 12 July 2023

Reason for WLPP referral:

- 4. Sensitive development:
 - (a) SEPP 65 development

APPENDIX A – CONDITIONS OF CONSENT

Conditions of the development consent

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Trevor Hall Architects including the following:

Plan Number	Plan description	Plan Date	Date received by
and Revision			Council
DA-01 Rev C	BASIX Commitments and Drawing	2 June 2023	6 June 2023
	List		
DA-03 Rev C	Ground Floor Demolition Plan	2 June 2023	6 June 2023
DA-04 Rev C	Fire Floor Demolition Plan	2 June 2023	6 June 2023
DA-05 Rev C	Second Floor Demolition Plan	2 June 2023	6 June 2023
DA-06 Rev C	Roof Demolition Plan	2 June 2023	6 June 2023
DA-07 Rev C	North Elevation (Front) Demolition	2 June 2023	6 June 2023
	Plan		
DA-08 Rev C	South Elevation (Rear) Demolition	2 June 2023	6 June 2023
	Plan		
DA-09 Rev C	East Elevation Demolition Plan	2 June 2023	6 June 2023
DA-10 Rev C	West Elevation Demolition Plan	2 June 2023	6 June 2023
DA-11 Rev C	Section A-A Demolition Plan	2 June 2023	6 June 2023
DA-15 Rev C	Site Plan	2 June 2023	6 June 2023
DA-16 Rev C	Ground Floor Plan	2 June 2023	6 June 2023
DA-17 Rev C	First Floor Plan	2 June 2023	6 June 2023
DA-18 Rev C	Second Floor Plan	2 June 2023	6 June 2023
DA-19 Rev C	Roof Plan	2 June 2023	6 June 2023
DA-20 Rev C	North Elevation (Front)	2 June 2023	6 June 2023
DA-21 Rev C	South Elevation (Rear)	2 June 2023	6 June 2023
DA-22 Rev C	East Elevation	2 June 2023	6 June 2023
DA-23 Rev C	West Elevation	2 June 2023	6 June 2023
DA-24 Rev C	Section AA	2 June 2023	6 June 2023
DA-25 Rev C	Section BB	2 June 2023	6 June 2023
DA-28 Rev C	External Materials and Finishes	2 June 2023	6 June 2023

- (b) Landscape Plan No. DA01-1B to DA01-3B and documentation prepared by Michael Zinn Landscape Designer, dated 30 May 2023 and received by Council on 6 June 2023.
- (c) BASIX Certificates
- (d) Stormwater Details and documentation prepared by Approved Consulting Engineers dated 14 March 2022 and received by Council on 22 December 2022.
- (e) Parking Assessment Report prepared by Fernway Engineering dated December 2022, Issue 1, received by Council on 22 December 2022.
- (f) Design Verification Statement prepared by Trevor Hall Architects dated August 2022 and received by Council on 22 December 2022.

- (g) Fire Safety and Access Update Report P222_029-2 (FSUS) JR prepared by Design Confidence dated 29 November 2022 and received by Council on 22 December 2022.
- (h) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 22 December 2022.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) Ceiling or wall mounted fans detailed on the architectural plans in all habitable rooms (bedrooms and living areas) and on the BASIX Certificates.
- (b) Electric cooking and heating systems detailed on the architectural plans and within the BASIX Certificates.
- (c) The height of the existing front fence maintained. No increase to the height of the front fence is approved.
- (d) The front setback is to be maintained as communal open space and is not to be converted into private open space for the ground floor units. Amended plans are to be submitted which detail the deletion of the access from the Unit 1 and Unit 2 balconies to the front gardens. The amended plans are also to detail how the communal open space at the front of the site will be landscaped and made accessible to all residents via the entry pathway.

The amendments are to be approved by the **Executive Manager, Development Assessment or delegate** prior to the issue of any Construction 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.

3. MULTI UNIT HOUSING DEVELOPMENT DESIGN (SEPP 65 DEVELOPMENT)

The approved design (including any element or detail of that design) or materials, finish or colours of the building must not be changed without the written approval of Council.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

GENERAL REQUIREMENTS

4. 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.

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 <u>full</u> 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 **\$17,250.00** 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.

<u>Note</u>: 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.

PLAN DETAILS

8. VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION (SEPP 65 BUILDINGS)

The preparation of the construction certificate plans shall be supervised and be to the satisfaction of an architect who is registered in accordance with the *Architects Act 2003* (i.e. a qualified designer) in accordance with the requirements of the *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development*.

In accordance with the *Environmental Planning and Assessment Regulation 2000*, the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification statement from a qualified designer which verifies that the construction certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in *State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development*.

CONSTRUCTION & SITE 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. 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.

TRAFFIC MANAGEMENT

12. 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/developm ent_applications __conditions_of_consent

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 Water Management Plan prepared by Approved Consulting Engineers, 4739, SW01 – SW06, dated 14/03/2022 is considered <u>concept only</u>.

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 address the following:

- (a) Any new downpipes are to be located wholly within the property's boundary.
- (b) Provide calculations for gutter sizing for 1% AEP storm event and minimum number of downpipes required.
- (c) Provide pits / risers at all junctions, change of gradient, change of direction, change in diameter, reflux valves, flat valves, orifice plates, debris screenings for maintenance access.
- (d) The base of the drainage pits should be at the same level as the invert of the outlet pipe. All pits must be benched.
- (e) 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.
- (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: <u>assets@waverley.nsw.gov.au</u> 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.

15. FLOODING REQUIREMENTS

The development must have a net neutral effect on flood behaviour. This includes increasing flood effects elsewhere, loss of flood storage, changes in flood levels, flows and velocities caused by alterations to the flood conveyance, and the cumulative impact of neighbouring developments. To ensure this has been considered, the submitted architectural plans will need to be updated to reflect the following:

- A suitably qualified and practicing Engineer must provide a report certifying that development will not increase flood effects elsewhere having regard to loss of flood storage.
- All new building materials must be flood resistant or flood compatible to a height of the design flood level.
- All new internal electrical switches, power points or similar utilities liable to flood damage set to a freeboard level above the design flood level.
- A suitably qualified engineer must certify that any new structure can withstand the forces of floodwater, scour debris, and buoyancy up to and including the design flood level.
- A storage area is to be provided above the height of the design flood level for the storage of goods that can be damaged or mobilized by flooding, or goods that have the potential to cause pollution during flooding.
- Any proposed fencing must be built using flood-compatible material.
- There is to be no filling of the land within the property.

Details and certification must accompany the Construction Certificate and be submitted to Waverley Council.

ENERGY EFFICIENCY & SUSTAINABILITY

16. BASIX

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

<u>WASTE</u>

17. 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.

18. WASTE STORAGE AREAS

The development must have a bin storage area with sufficient space to accommodate the following minimum number of bins for the residential components of the development:

- Residential 6-unit development (6 x 2-bedroom units)
 - 3 x 240L MGBs for general waste collected weekly
 - 3 x 240L MGBs for container recycling collected fortnightly
 - 3 x 240L MGBs for paper recycling collected fortnightly
 - 1 x 240L MGB for garden organics collected fortnightly should this type of waste be generated at the development.

4m² floor space is required to store bulky household waste and problem waste awaiting collection. The doorway (if relevant) of this storage areas must be at least 1.5m.

Additional space is required for recycling problem waste such as textiles or electronic waste.

All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the *Waverley Council Development Control Plan 2022* to the satisfaction of the Principal Certifying Authority.

19. 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 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

20. CONSTRUCTION SIGNS

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

DEMOLITION

21. 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.

22. 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.

23. 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.

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.

If an excavation associated with the erection or demolition or 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

25. CONSTRUCTION HOURS

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

26. 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.

27. 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,* clause 162A of the *Environmental Planning and Assessment Regulation 2000* and the requirements of any other applicable legislation or instruments.

28. WORK OUTSIDE PROPERTY BOUNDARY

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

TREE PROTECTION AND REMOVAL

29. 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.

CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS

30. 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.

31. CERTIFICATION OF BASIX COMMITMENTS

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

32. CERTIFICATION OF APPROVED DESIGN

In accordance with the *Environmental Planning and Assessment Regulations 2000*, the Principal Certifying Authority must not issue an occupation certificate, to authorise a person to commence occupation or use of the development unless it has received a design verification statement from an architect who is registered in accordance with the Architects Act 2003 (i.e. qualified designer) that verifies that the building achieves the design quality of the development as shown in the plans and

specifications in respect of which the construction certificate was issued, having regard to the design quality principles.

33. 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.

34. 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 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 locations for the drainage structures and works.
- b. A suitably qualified and practicing 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.

MANAGEMENT PLANS

35. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE

A Waste Management Plan must be submitted to Council's Executive Manager, Environmental Sustainability (or delegate) and include including the following where relevant.

- (a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)
- (b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.
- (c) The role and responsibility of managing composting facilities (if provided).
- (d) Clear signage identifying the different bin types and storage area for bulky household waste and problem waste must be displayed.
- (e) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.
- (f) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (g) All waste and recycling bins must only be placed out on Council footpath for collection no earlier than 5:30 p.m. on the day prior to the designated waste collection day and retrieved from the kerbside as early as possible.
- (h) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan.
- (i) At no times shall bins be stored on the public domain (e.g. footpaths).

E. OPERATIONAL MATTERS

36. WASTE MANAGEMENT PLAN REVIEW

After 5 years of operation under this development consent, the Approved Waste Management Plan is to be reviewed to ensure that the details including contracts, roles and responsibilities, are current. The updated plan is to supersede the previous plan.

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 <u>info@waverley.nsw.gov.au</u> 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. 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.

		Regulated	Design	Record	
Proje	ct Address: 1	22 Francis St, Bor	ndi Beac	h 2026	
Proje	ct Title:	Adds & Alts to a Re	esidentia	I Flat Building	
Cons	ent No:		Body C	orporate Reg No:	
Draw	ing Title:		Drawing	g No:	
Rev	Date dd.mm.yy	Description		DP Full Name	Reg No
				Trevor Hall	DEP0001398
	-				

RECEIVED Waverley Council

Application No: DA-540/2022

Date Received: 06/06/2023

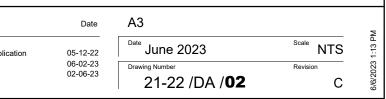


EXISTING PHOTOGRAPH

AMENDED

Trevor	Hall Architects	NSW ARB 6438	Design Practioner Registration NSW Fair Trading Reg. No. DEP0001398 www.hallarchitects.com.au	© Copyright Trevor Hall Architects	Rev. Description
	284 / 221 Sydney Park Rd Erskineville NSW 2043	Tel: 02 9557 6396		Client 2M4 Pty Ltd	A Development App
	trevor@hallarchitects.com.au	Mob: 0414 575 950	122 FRANCIS ST, BONDI BEACH 2026 SP 1944 41 of 356	Adds & Alts to a Residential Flat Building	B Re-issued for DA C Re-issued for DA





		Regulated	Design	Record	
Proje	ct Address: 1	22 Francis St, Bor	ndi Beac	h 2026	
Proje	ct Title:	Adds & Alts to a Re	esidentia	al Flat Building	
Cons	ent No:		Body C	orporate Reg No:	
Draw	ing Title:		Drawing	g No:	
Rev	Date dd.mm.yy	Description		DP Full Name	Reg No
				Trevor Hall	DEP000139

AMENDED

BASIX[°]Certificate

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

Alterations and Additions

Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
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.		~	5
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					
		fs) in accordance with the specifications listed in struction is less than 2m2, b) insulation specified	~	~	V
		induction to top them arrises by induction opposition			
is not required for parts of altered construction		Other specifications			
Construction concrete slab on ground floor.	n where insulation already exists.				
is not required for parts of altered construction	n where insulation already exists. Additional insulation required (R-value)				

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 (INFRC) 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.	~	~	~
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.		~	~
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.	~	~	~

NSW ARB 6438

Certificate number : A451199 : Unit 1 / 122 Francis Street Bondi Beach Project number Lot number : 1 Strata Plan 1944

Unit 1 Glazing requirement

Window / door no.	Orientation	Area of	Oversha	dowing	Shading device	Frame and glass type
	glass inc. frame (m2)	inc. frame	Height (m)	Distance (m)		
W1-01	NE	4.6	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W1-07	SE	0.5	8.2	2.7	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

Certificate number : A451201

: Unit 2 / 122 Francis Street Bondi Beach Project number : 2 Strata Plan 1944 Lot number

Unit 2 Glazing requirement

Windows an	d glazed o	doors g	lazing r	equireme	nts	
Window / door	Orientation	Area of	Oversha	adowing	Shading device	Frame and glass type
		glass inc. frame (m2)	Height (m)	Distance (m)		
W2-01	NE	4.6	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W2-08	NW	0.5	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

Certificate number : A451204

: Unit 3 / 122 Francis Street Bondi Beach Project number

Lot number : 3 Strata Plan 1944

Unit 3 Glazing requirement

Windows and glazed doors glazing requiren

Window / door Oriental			Oversha	dowing	Shading device	Frame and glass type
no.		glass inc. frame (m2)	Height (m)	Distance (m)		
W3-01	NE	4.6	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W3-07	SW	0.6	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

Certificate number : A451205

: Unit 4 / 122 Francis Street Bondi Beach Project number Lot number : 4 Strata Plan 1944

Unit 4 Glazing requirement

Windows and glazed doors glazing require

Window / door	Orientation		Overshadowing		Shading device	Frame and glass type
		glass inc. frame (m2)	Height (m)	Distance (m)		
W4-01	NE	4.6	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W4-08	NW	0.6	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

Certificate number : A451209

Project number : Unit 5 / 122 Francis Street Bondi Beach Lot number : 5 Strata Plan 1944

Unit 5 Glazing requirement

Windows and glazed doors glazing requirements

Window / door Orientation		Area of	Oversha	dowing	Shading device	Frame and glass type
		glass inc. frame (m2)	Height (m)	Distance (m)		
W5-01	NE	4.6	0	0	awning (adjustable) >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W5-07	SW	0.6	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

Certificate number : A451210

: Unit 6 / 122 Francis Street Bondi Beach Project number I of number · 6 Strata Plan 1944

Unit 6 Glazing requirement

2

-

Windows and glazed doors glazing requirements

Window / door	Orientation	Area of	Overshadowing		Shading device	Frame and glass type	
		glass inc. frame (m2)	Height (m)	Distance (m)			
W6-01	NE	4.6	0	0	awning (adjustable) >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	
W6-08	NW	0.6	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)	

NTS



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UNIT 1-6

Rev. Description

Development App

Re-issued for DA

Adds & Alts to a Residential Flat Building

BASIX COMMITMENTS 1 NTS -

Trevor Hall Architects

284 / 221 Sydney Park Rd Tel: 02 9557 6396 Erskineville NSW 2043

trevor@hallarchitects.com.au Mob: 0414 575 950

SP 1944

Project

122 FRANCIS ST, BONDI BEACH 2026

Project type 42 of 356

BASIX COMMITMENTS

	DRAWING LIST	
Drawing Number	Drawing Name	Scale
DA/01	Cover & BASIX Committments Units 1-4&5	NA
DA/02	Perspective - Proposed	NA
DA/03	Existing Ground Floor Plan	1:100
DA/04	Existing First Floor Plan	1:100
DA/05	Existing Second Floor Plan	1:100
DA/06	Existing Roof Plan	1:100
DA/07	Existing North Elevation	1:100
DA/08	Existing South Elevation	1:100
DA/09	Existing East Elevation	1:100
DA/10	Existing West Elevation	1:100
DA/11	Existing Section AA	1:100
DA/12	Existing Section BB	1:100
DA/13	Existing Area Calculations	1:200
DA/14	Existing Site Analysis	1:250
DA/15	Proposed Site Plan	1:200
DA/16	Proposed Ground Floor Plan	1:100
DA/17	Proposed First Floor Plan	1:100
DA/18	Proposed Second Floor Plan	1:100
DA/19	Proposed Roof Plan	1:100
DA/20	Proposed North Elevation	1:100
DA/21	Proposed South Elevation	1:100
DA/22	Proposed East Elevation	1:100
DA/23	Proposed West Elevation	1:100
DA/24	Proposed Section AA	1:100
DA/25	Proposed Section BB	1:100
DA/26	Proposed Area Calculations	1:200
DA/27	Ventilation Diagrams	1:200
DA/28	External Materials and Finishes	NA
	Survey	
	Landscape Plan	
	Hydraulic Engineering Plan	

RECEIVED Waverley Council

Application No: DA-540/2022

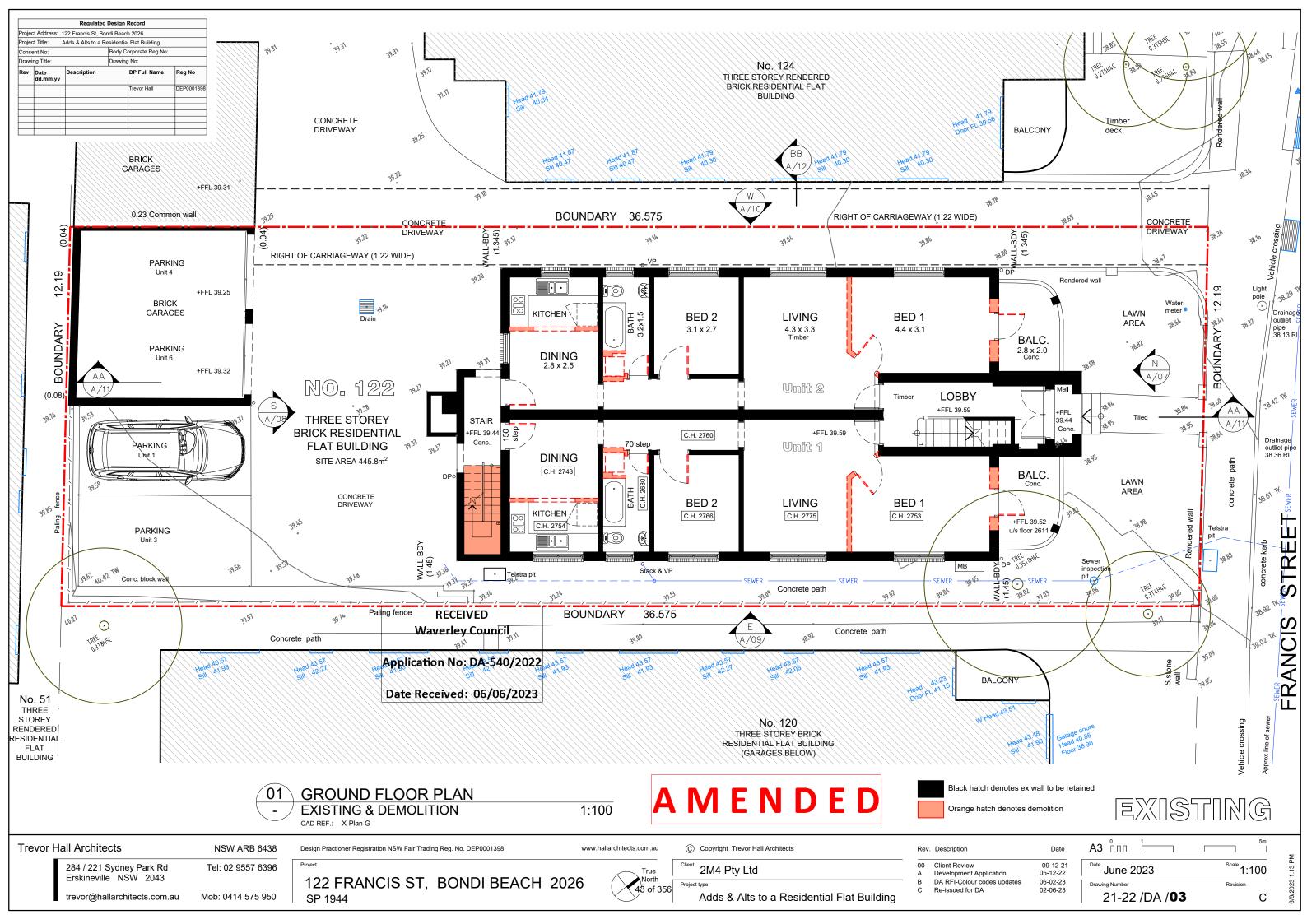
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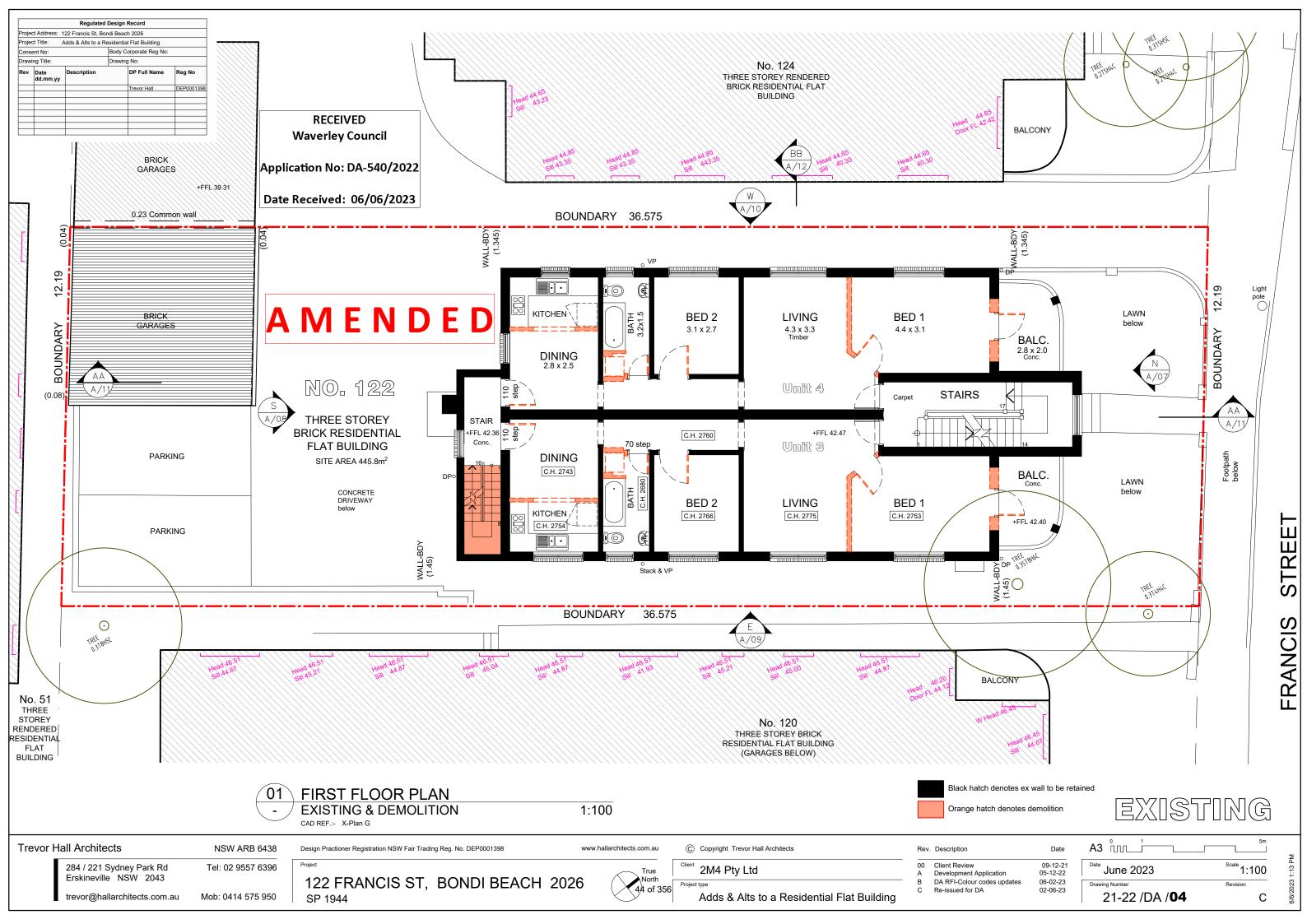


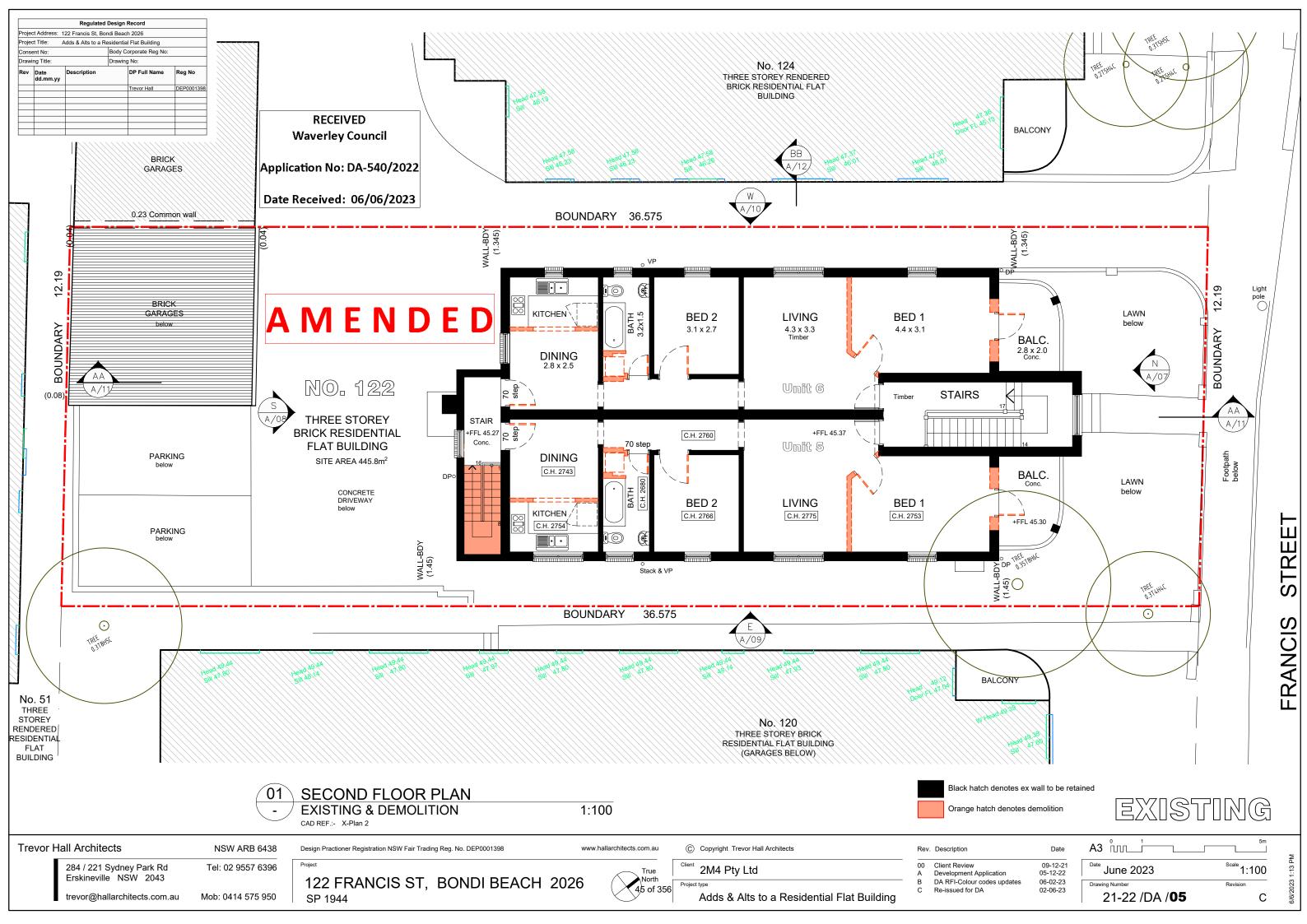
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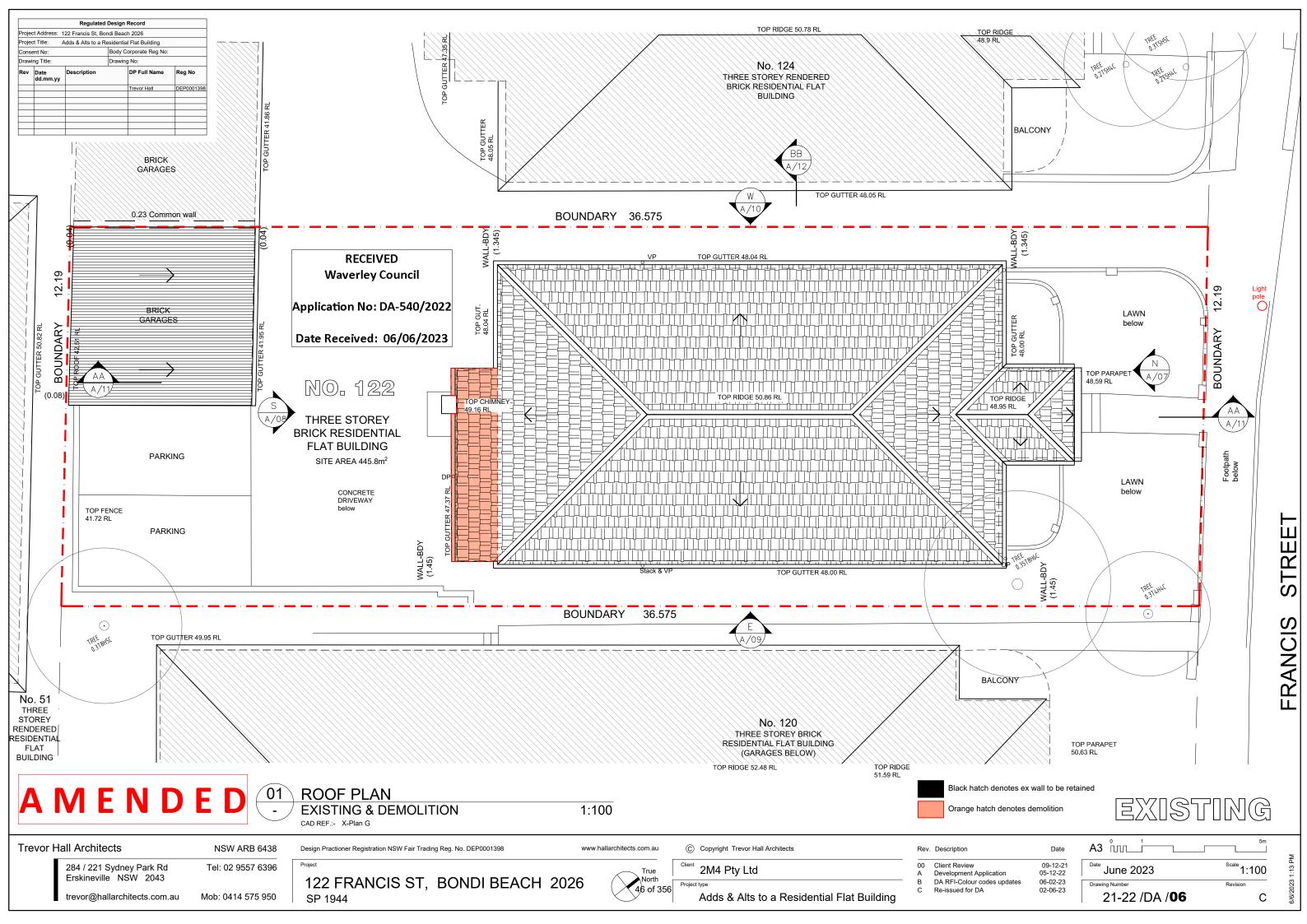
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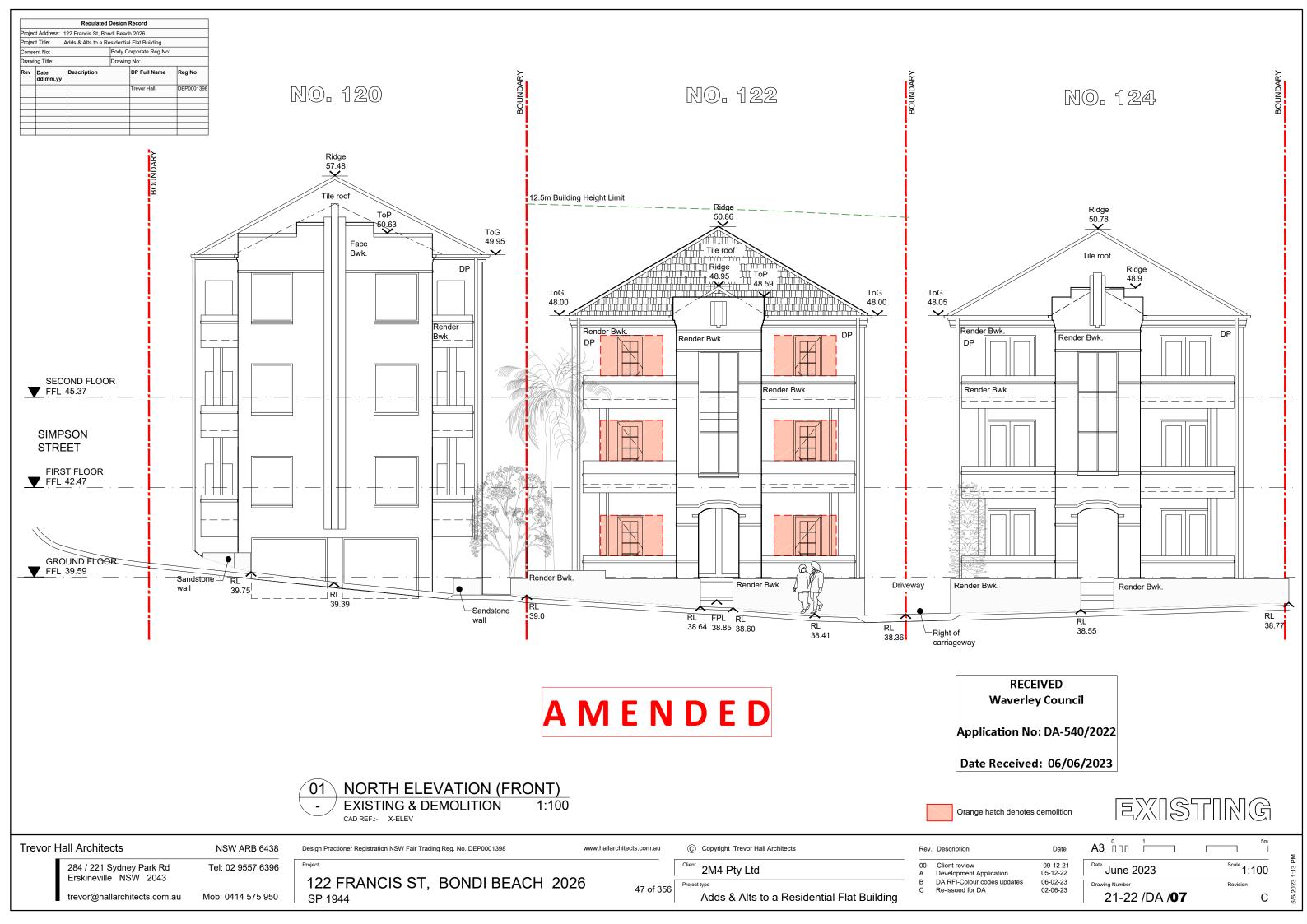
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	06-02-23 02-06-23	Drawing Number 21-22 /DA / 01	Revision	6/6/2023

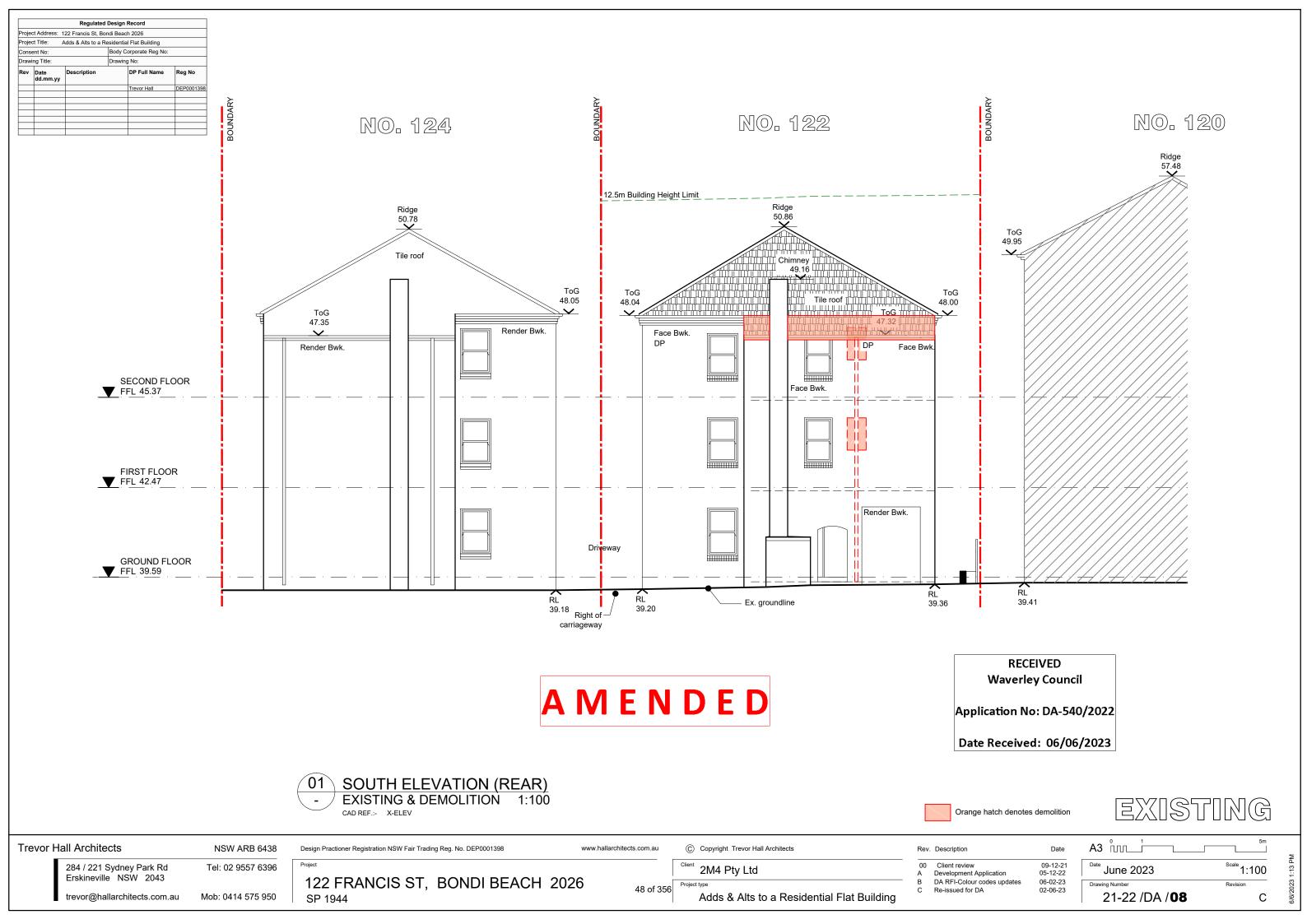


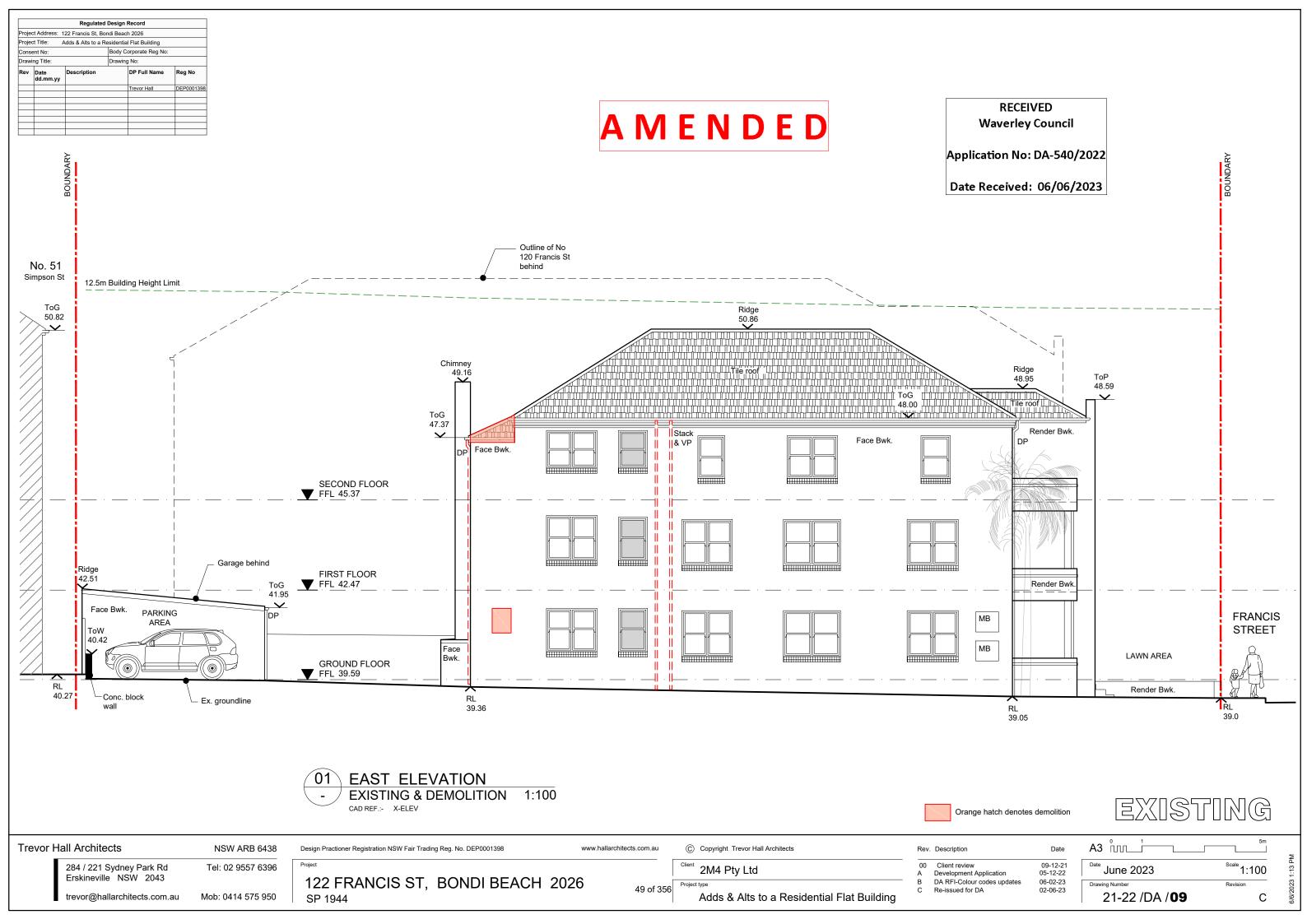


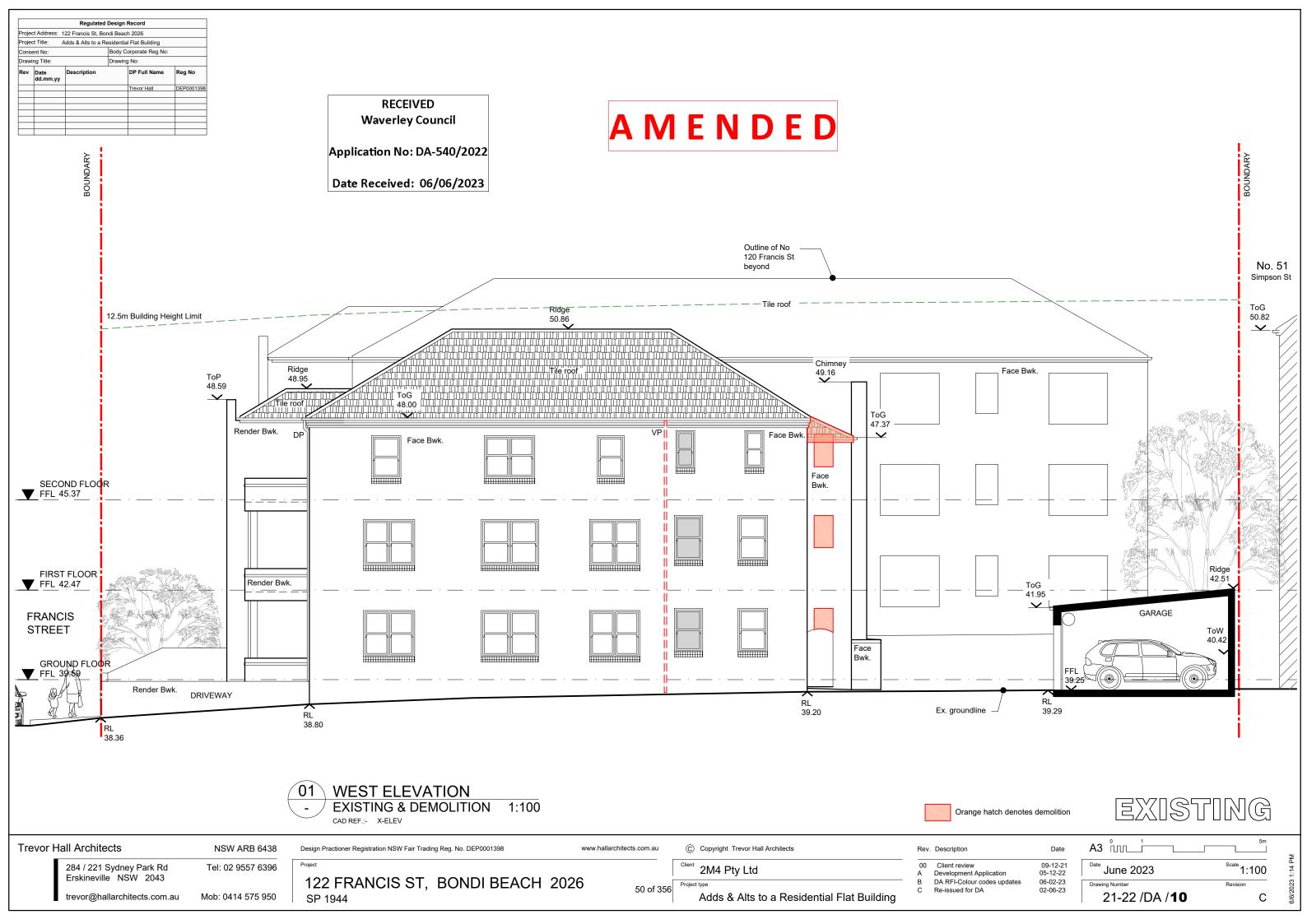


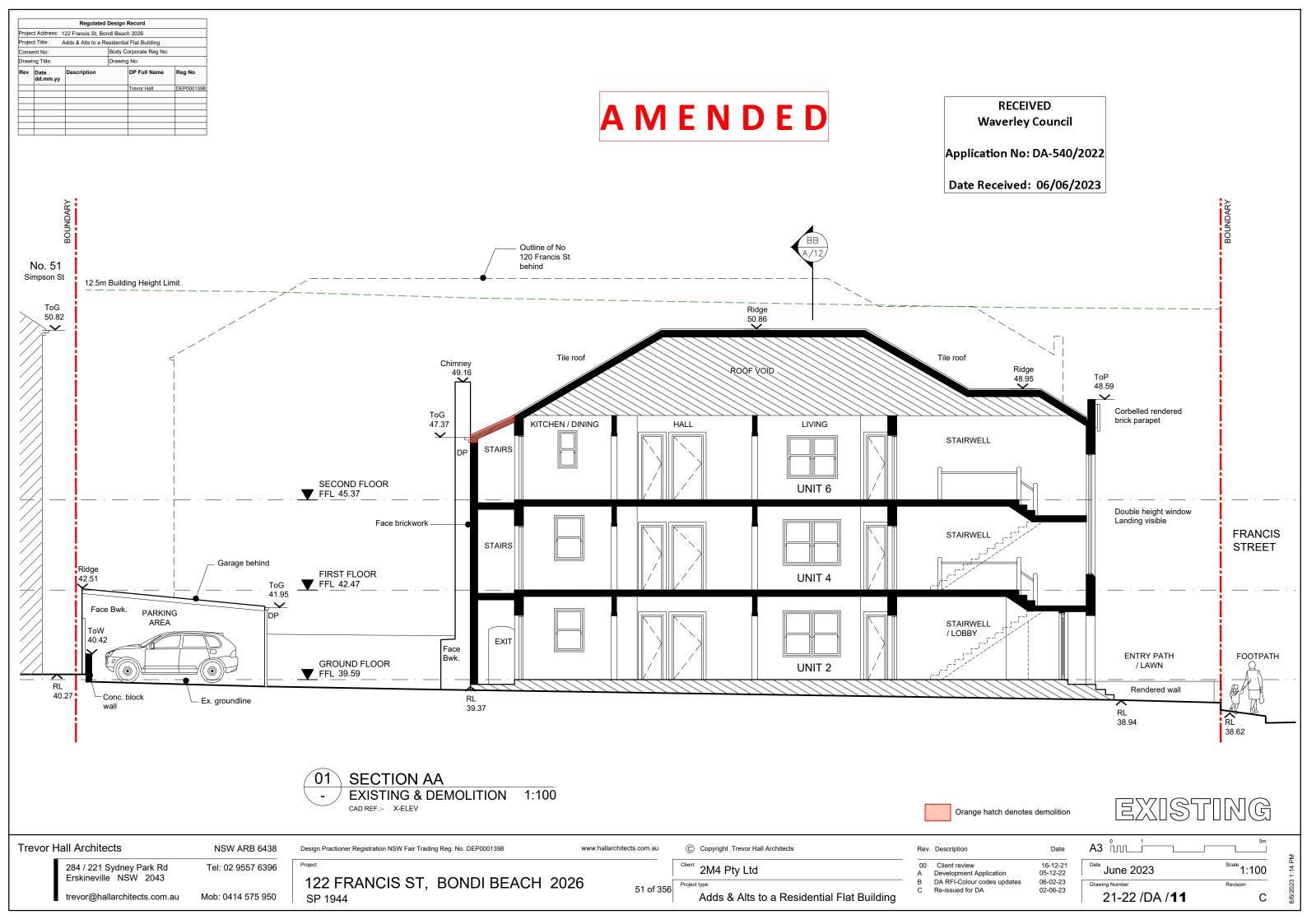


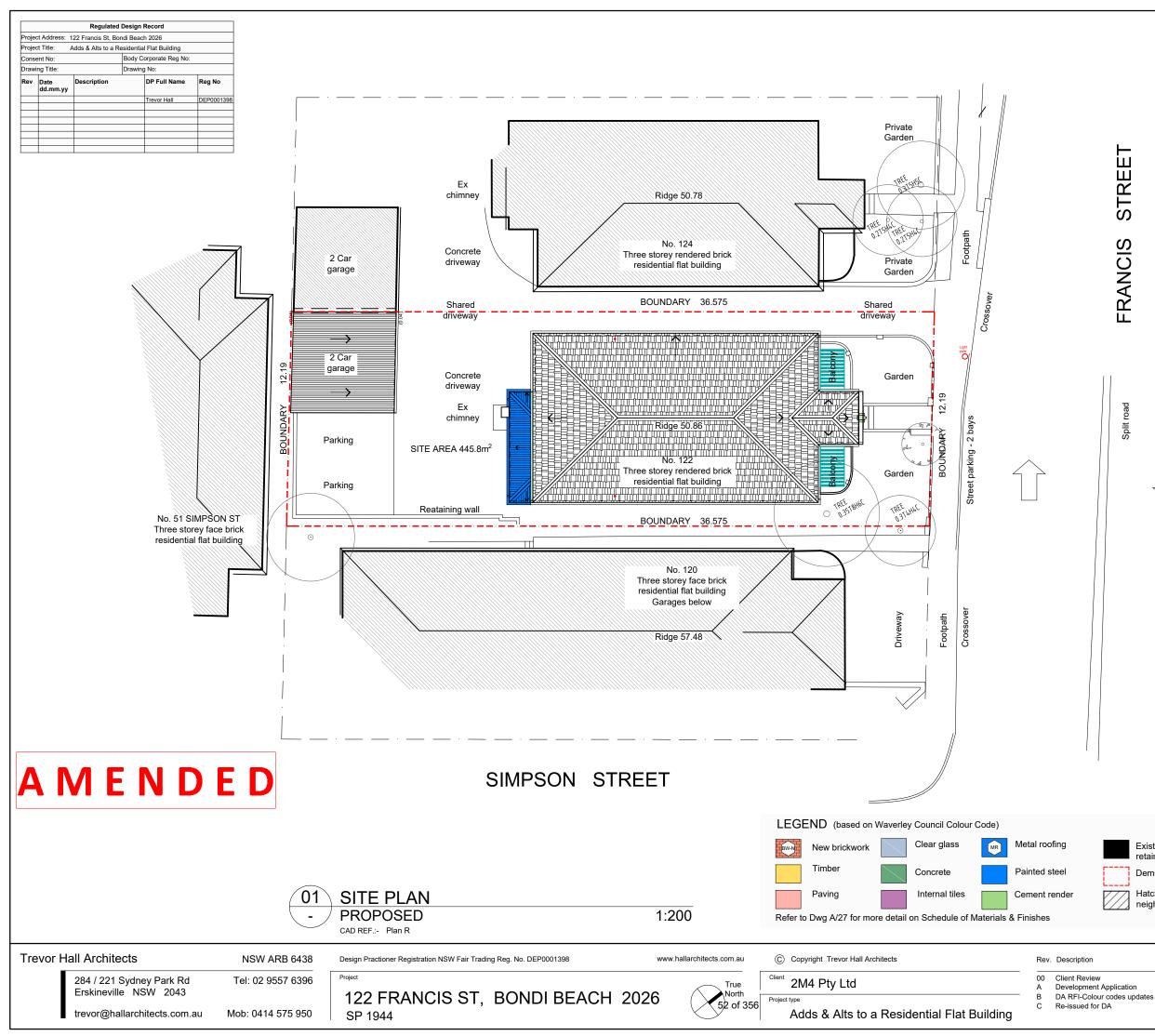












STREET FRANCIS

> oad Split

No. 49a SIMPSON ST Two storev residentialbuilding

No. 49 SIMPSON ST Two storey residentialbuilding

RECEIVED **Waverley** Council

Application No: DA-540/2022

Existing wall to be retained

Date

Demolished Walls Hatch denotes

Date Received: 06/06/2023





17-01-22 05-12-22 06-02-23 02-06-23

Date June 2023 Drawing Number

Scale 1:200

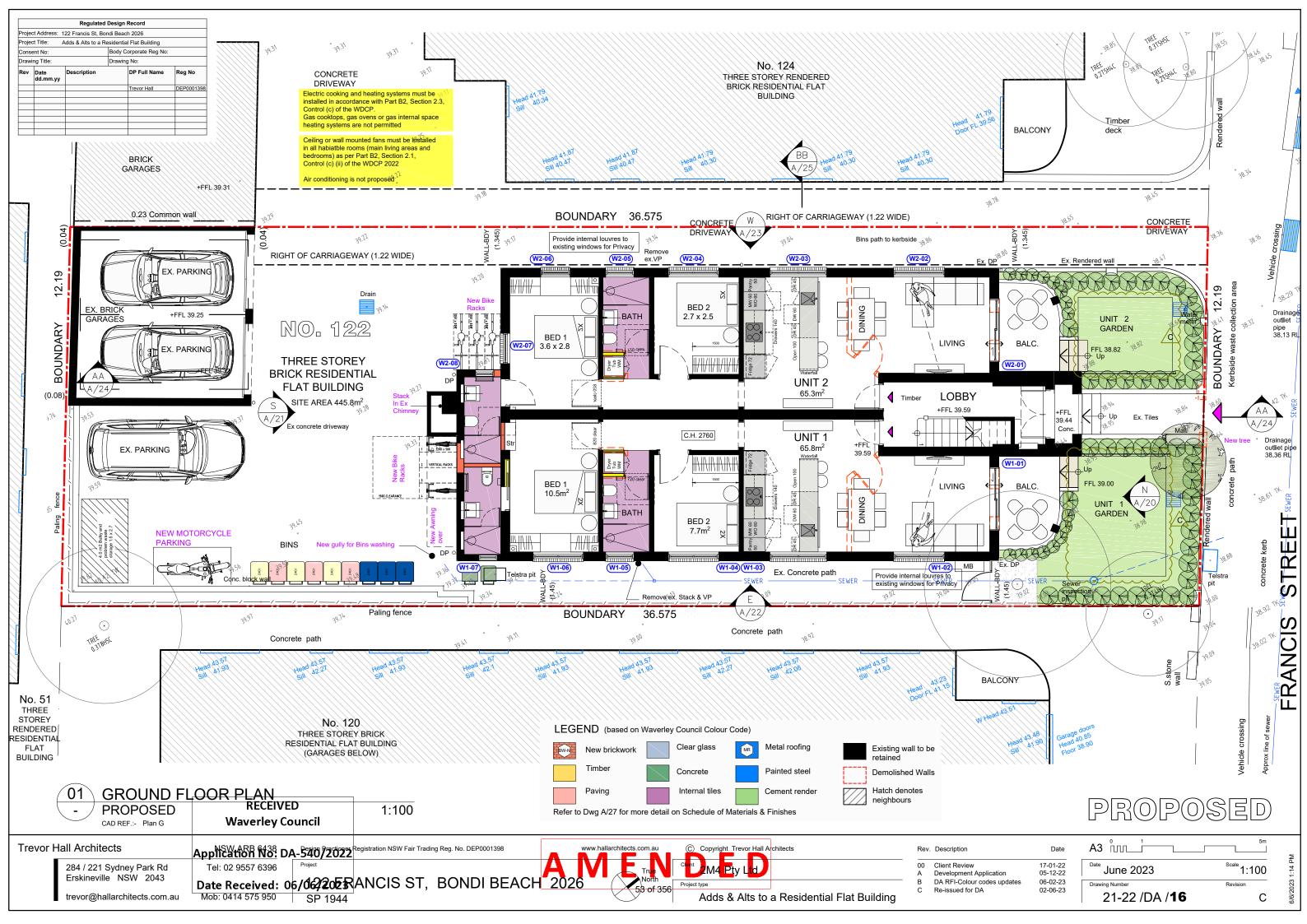
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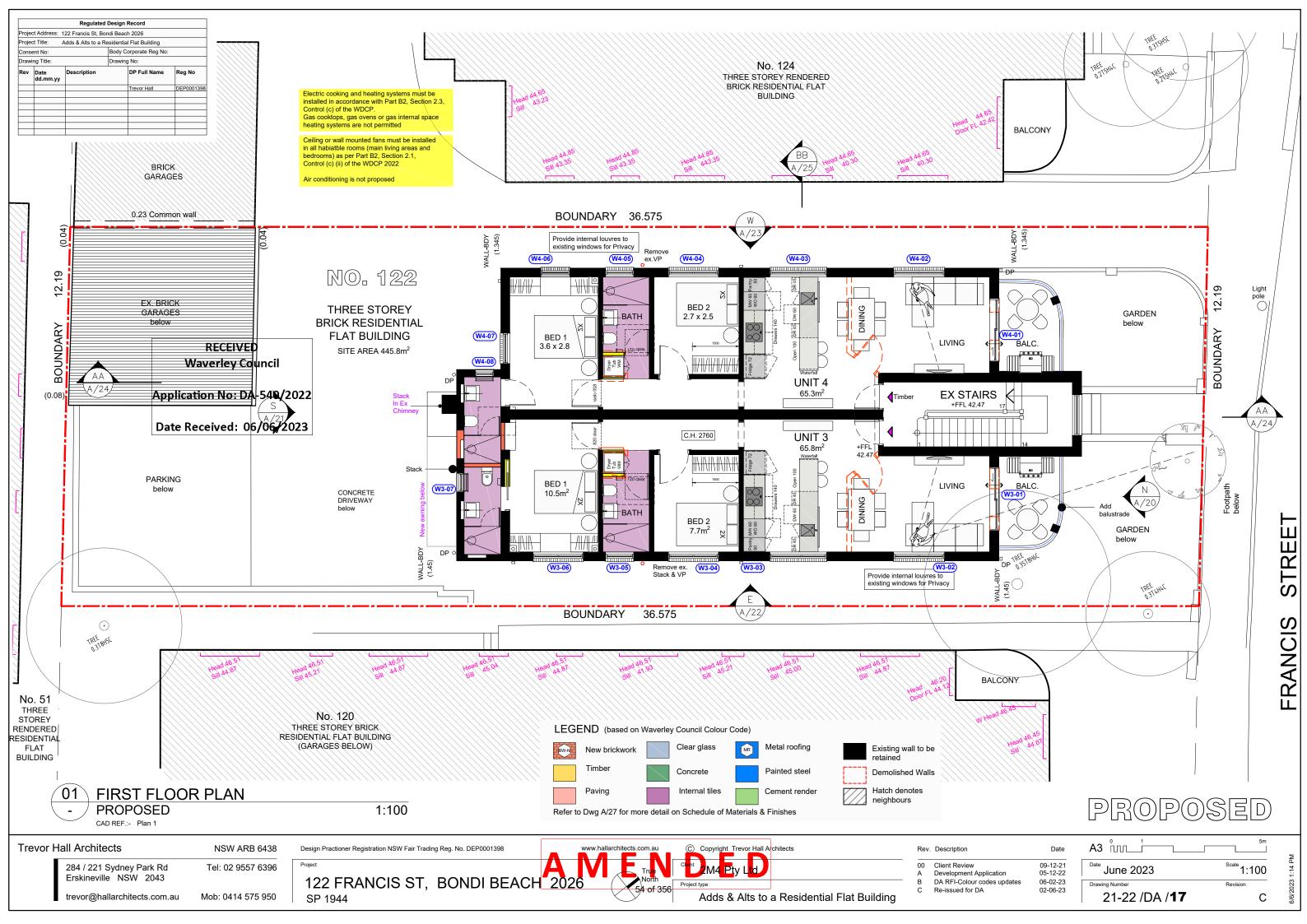
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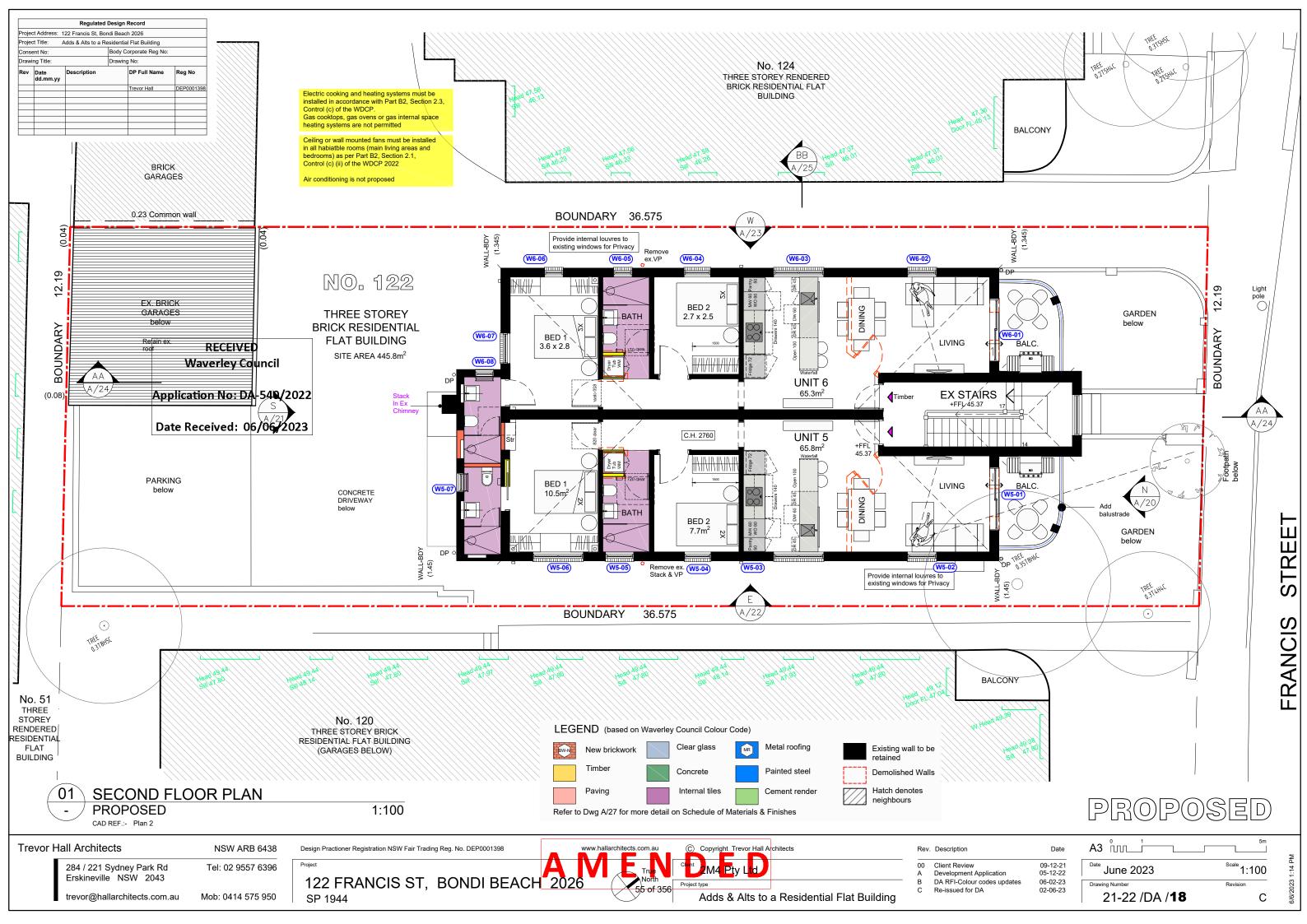
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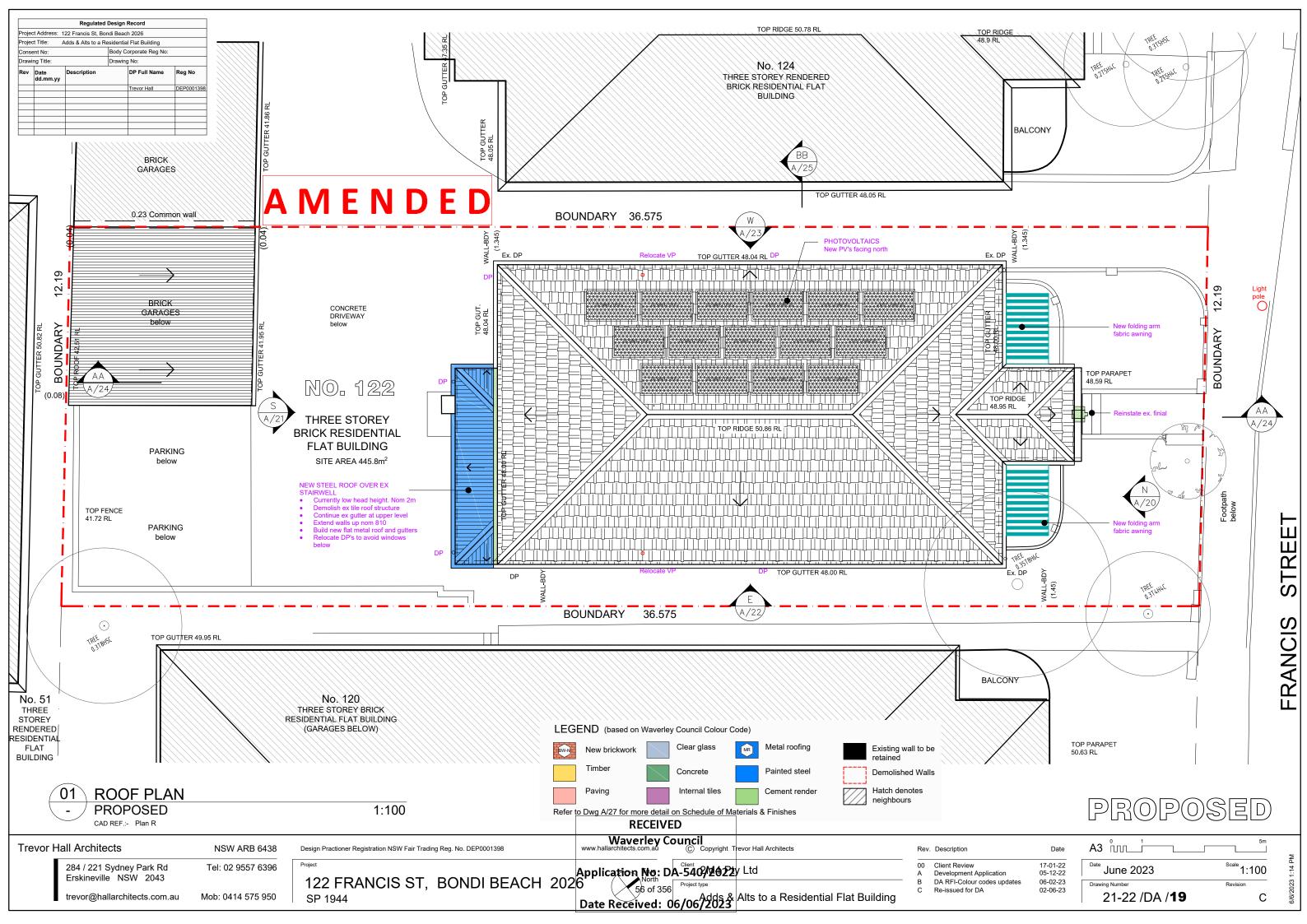
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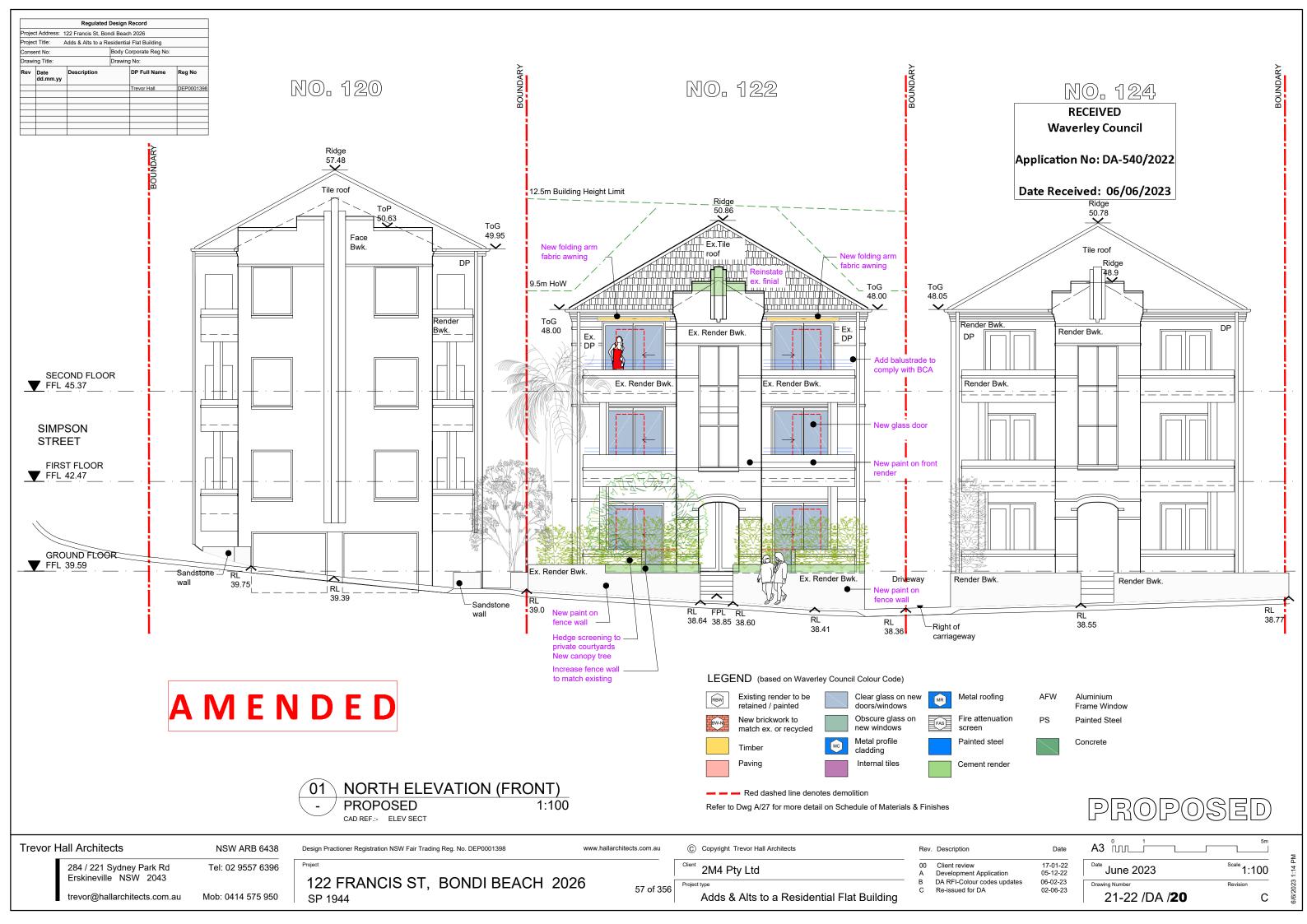
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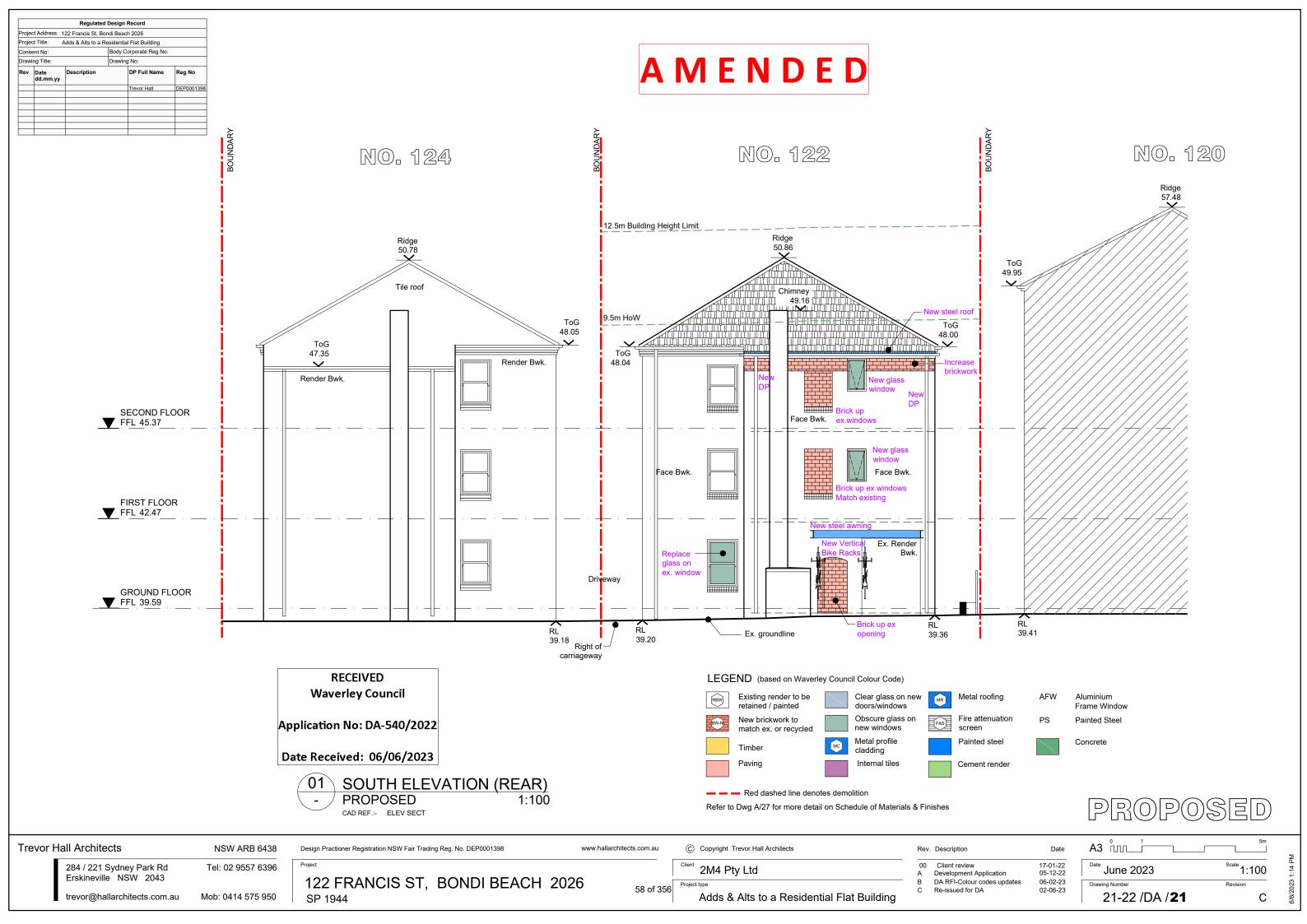


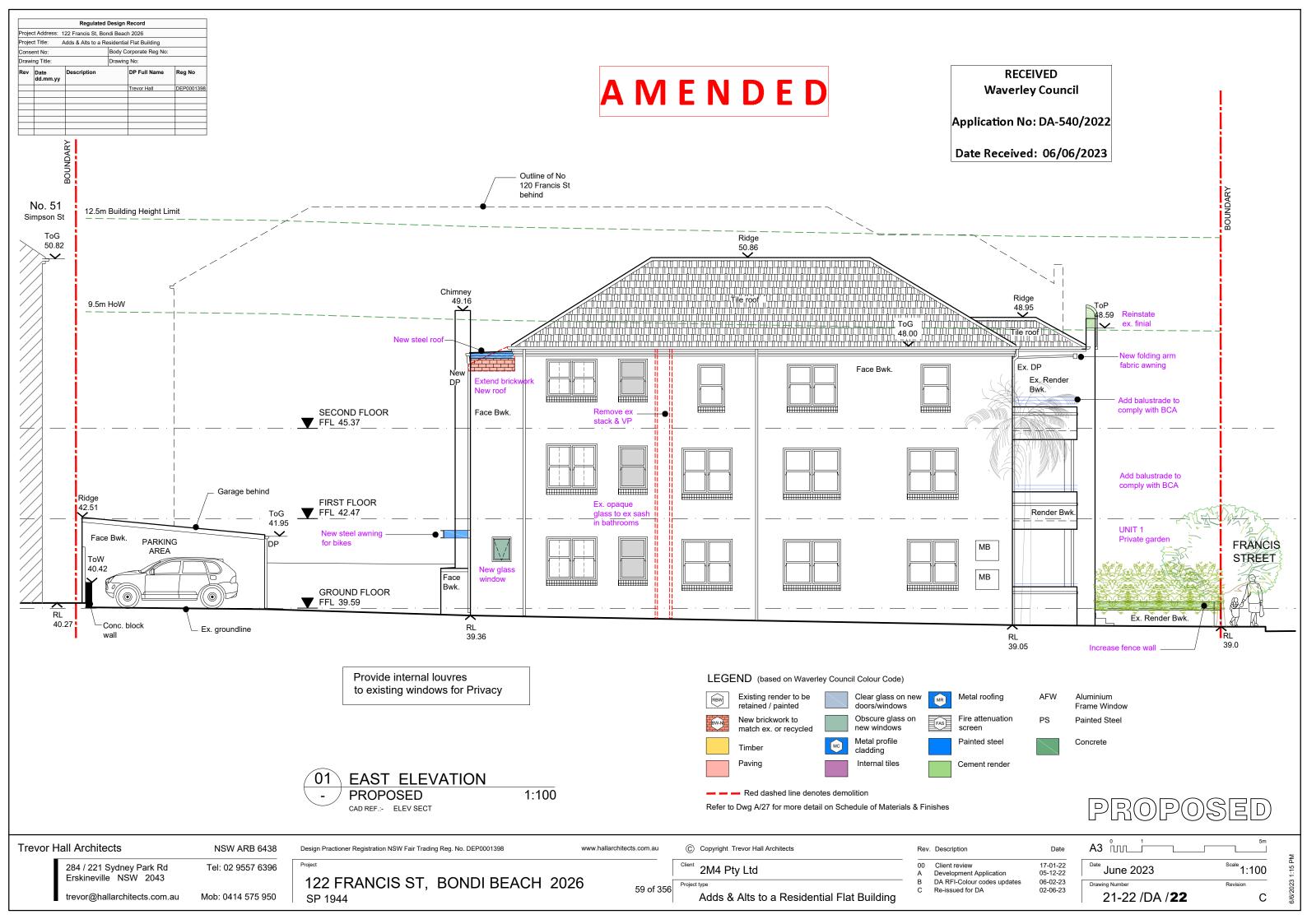


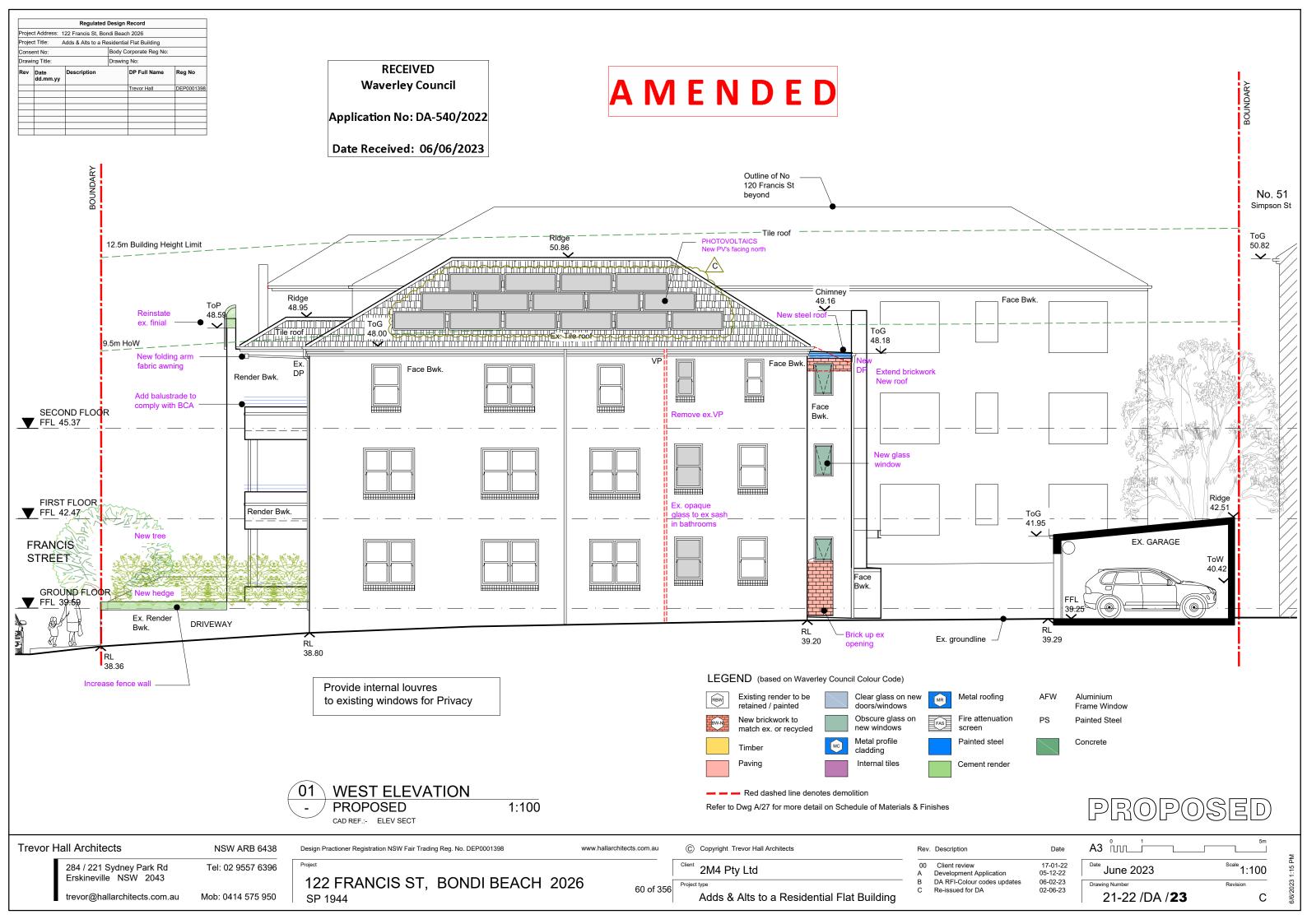


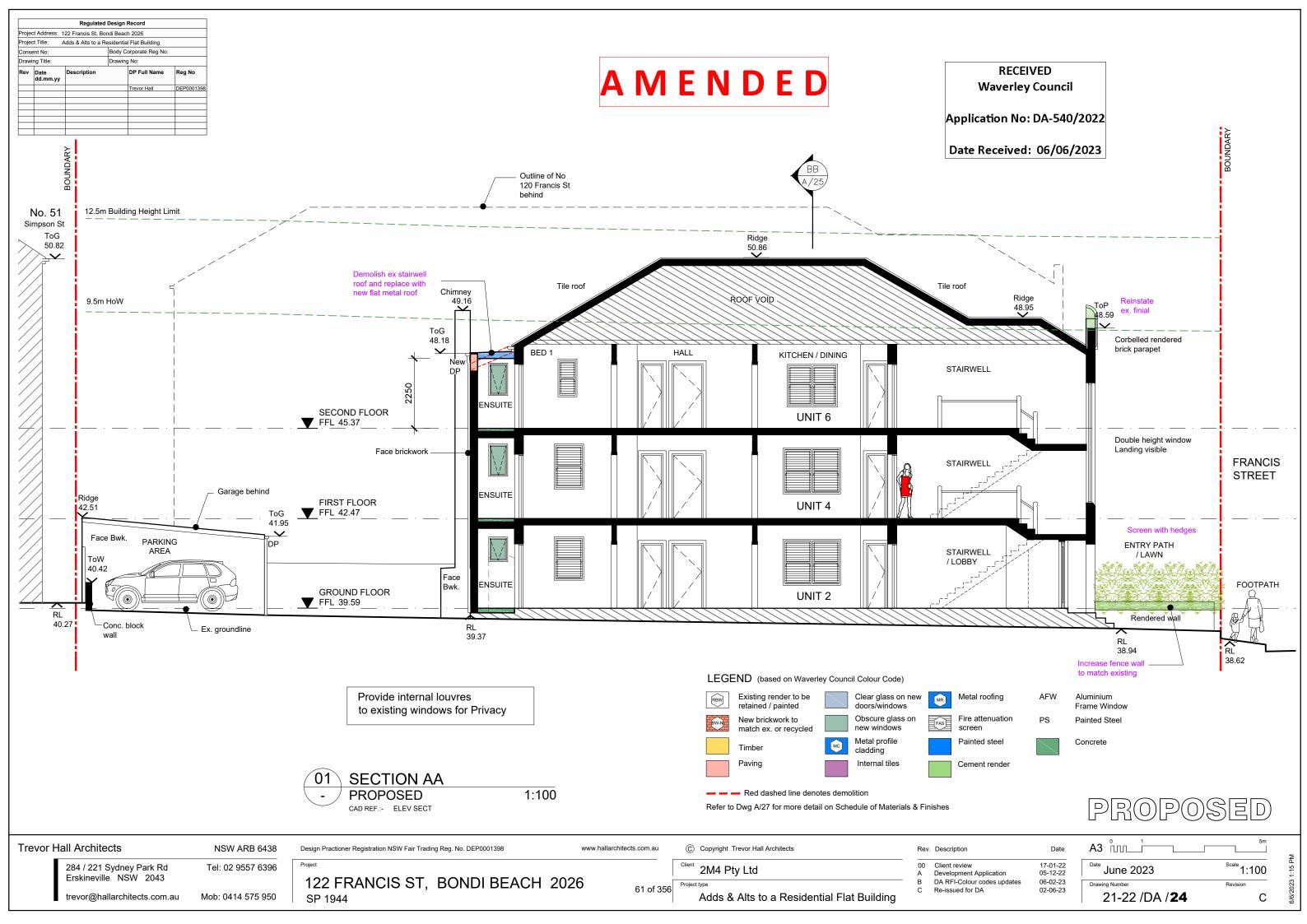


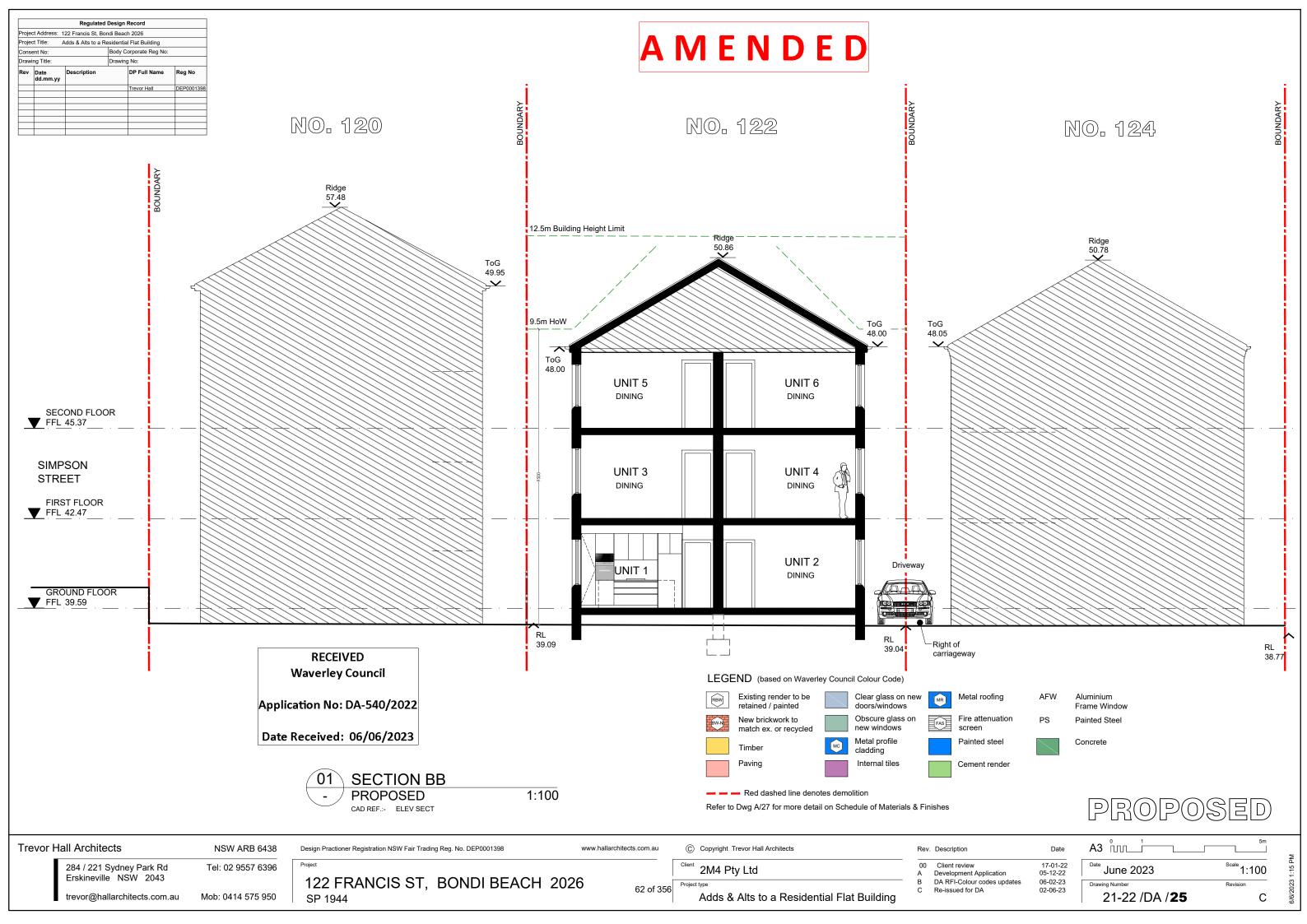












		Regulated	Design	Record	
Proje	ct Address: 1	22 Francis St, Bo	ndi Beac	h 2026	
Proje	ct Title:	Adds & Alts to a R	esidentia	al Flat Building	
Cons	ent No:		Body C	orporate Reg No:	
Draw	ing Title:		Drawing	g No:	
Rev	Date dd.mm.yy	Description		DP Full Name	Reg No
				Trevor Hall	DEP000139
					_

RECEIVED Waverley Council

Application No: DA-540/2022

Date Received: 06/06/2023



EXISTING ROOF TILES Terracotta roof tiles to be replaced as required with similar to match existing



AMENDED

NEW FLAT ROOFING & RAINWATER GOODS Colorbond *Basalt* Solar Absorbance 0.69 / NCC D / Basix D



REAR BIKE AWNING Sheet metal in painted metal frame



EXISTING FACE BRICKWORK Existing face brickwork with string courses and shaped sill bricks to be retained and repointed as required. New brickwork to be from carefully recycled from on site demolition



EXISTING RENDERED BRICKWORK String courses on main elevation Front elevation only

Dulux Peanut Butter P11.H6



EXISTING RENDERED BRICKWORK Main entry string courses, balconies string courses and new horizontal balustrades, finial Front elevation only

Dulux Mintos P27. G3

EXISTING RENDERED BRICKWORK Front elevation, balconies, soffits and columns Front elevation only

Dulux Lyonnaise PW2.A4

EXISTING RENDERED BRICKWORK FENCE Make good and repaint with a standard colour paint that is easy to repair match and graffiti resistant

Bond Basalt



Trevor	Hall Architects	NSW ARB 6438	Design Practioner Registration NSW Fair Trading Reg. No. DEP0001398	www.hallarchitects.com.au	© Copyright Trevor Hall Architects	Rev. Description	Date	A3 mm		5
	284 / 221 Sydney Park Rd Erskineville NSW 2043	Tel: 02 9557 6396	Project		Client 2M4 Pty Ltd	00 Client Review A Development Application	17-01-22 05-12-22	June 2023	Scale	1:13 PI
	trevor@hallarchitects.com.au	Mob: 0414 575 950	122 FRANCIS ST, BONDI BEACH 202 SP 1944	63 of 35	Adds & Alts to a Residential Flat Building	B Re-issued for DA C Re-issued for DA	06-02-23 02-06-23	Drawing Number 21-22 /DA / 28	Revision	6/6/2023



FRONT AWNING - TOP LEVEL BALCONIES Folded arm fabric awning



PAINTED STEEL / POWDERCOATED ALUMINIUM Bond Night Sky

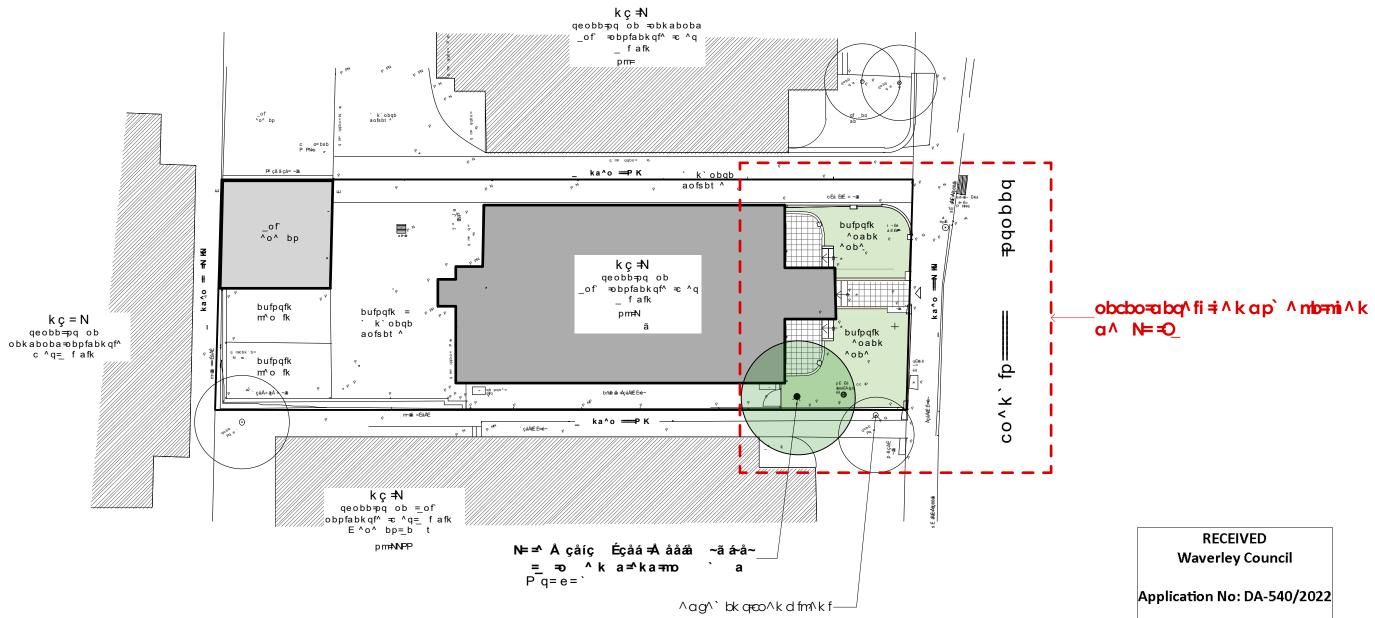


GLASS DOOR & WINDOW FRAMES *Night Sky* powdercoat to frames Clear Glass generally



PAVING - FRONT ENTRY Gosford Stone *Mt White* 40mm pavers

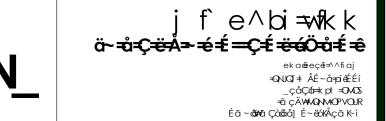


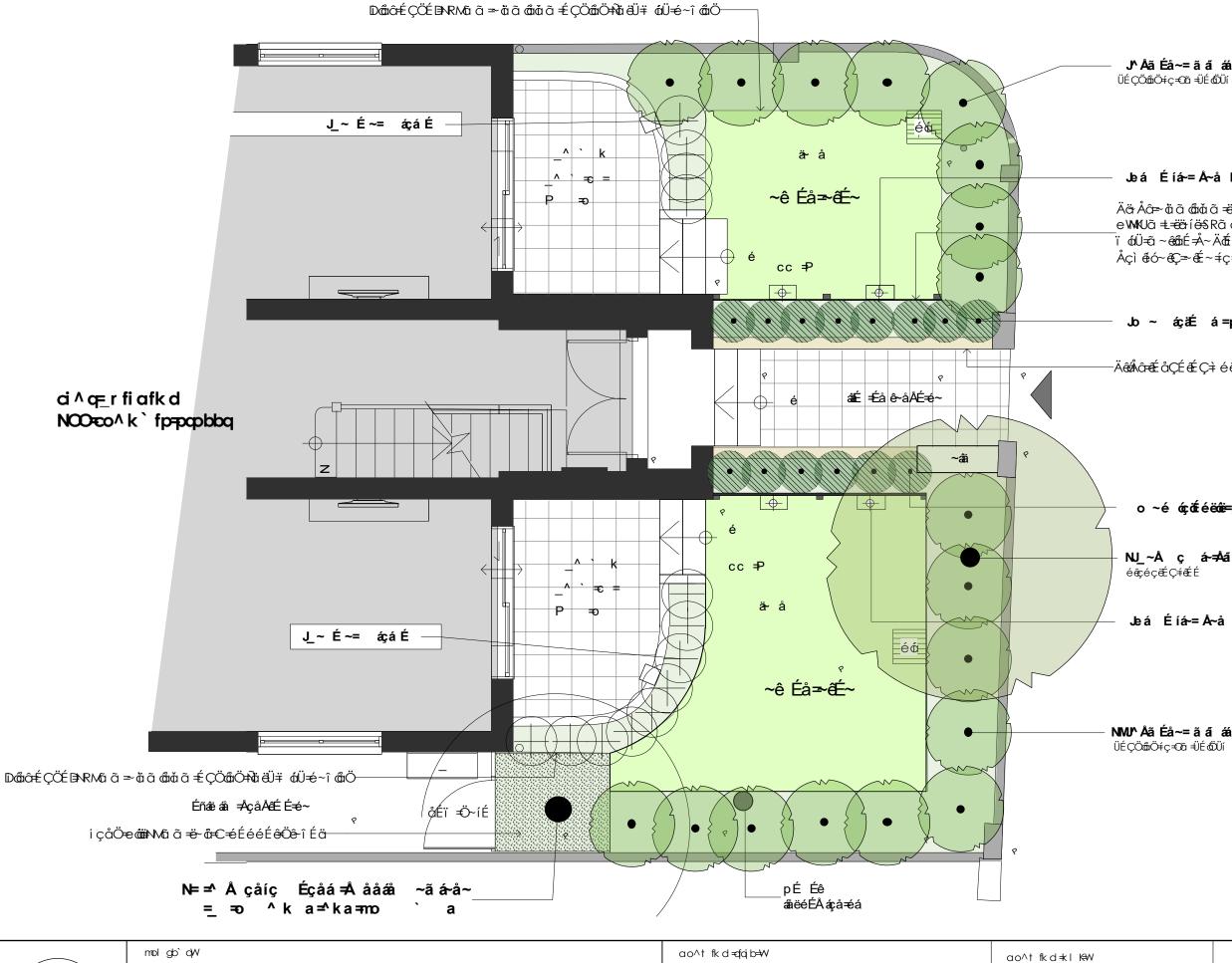


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Date Received: 06/06/2023





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Application No: DA-540/2022

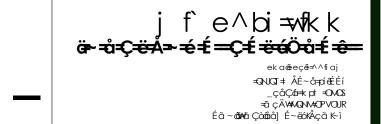
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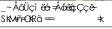














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Application No: DA-540/2022

Date Received: 06/06/2023

AMENDED

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- ïóÜ=^pèçÇÉëiŧ`^=ÖqĘÉœõnÉë≈åÇŧÜÉ=_ól~ïë≈åÇŧéÇôon~åÅÉë =çÑŧÜÉ=éÉóÉî ∼åí=_ìó¢Çô¢Ö=^ìíÜçê¢ó=∼åÇLçêĕi∼åìÑ+ÅíìéÉéèè =éÉÅçã ÉåC~íócåë~ë~ééöðå~ÄóÉk∈
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- UK dÜÉ≓Åçåíê≻ÅíçêëÜ~öö⊯í≖oñéóná éóná éóná éóní≃ ÇÉèì~íÉ≢êçëóçå= ~åÇ=ēÉÇôni Éἀĺ=Åçåíêçëa É~ëi éÉëï ÜÉéÉ=~ééöðÁ~ÄóÉK
- VK qÜÉ=éçëbóçů=çÑëÉêrởλÉë=ôcÅ<ïÉÇ=çů=Çê-ï ôbÖë=Ĕ ÜÉů=~ééöå~ÄðÉ用= 삐≕éé¢çñón ∼íÉ≕åÇ=ãìë=≍ÄÉ=ÅçåÑóbã ÉÇ=çå=eóbÉ=éé¢çê∔ç∔ÜÉ= ≠Åçã ã ÉåÅÉã Éåí cNtr åóëúÉ ≒ çêûëK

pfcp=mobm1o^cflk

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plfi=mobm∿o^qlk

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(الله = جَمْرَةَ اللَّهُ اللَّهُ اللَّهُ اللَّهُ اللَّهُ عَلَيْهُ اللَّهُ عَلَيْهُ اللَّهُ اللَّهُ اللَّهُ اللَّهُ اللَّهُ اللَّهُ اللَّهُ اللَّهُ اللَّهُ عَلَيْهُ عَلَيْهُ عَلَيْهُ اللَّهُ عَلَيْهُ عَلَيْقُولُ اللَّهُ عَلَيْهُ اللَّهُ عَلَيْهُ عَلَيْ عَلَيْهُ عَلَيْ عَلَيْهُ عَلَيْهُ عَلَيْهُ عَلَيْ ع اللَّذَا عَلَيْنَا عَلَيْهُ عَلَيْهُ عَلَيْهُ عَلَيْهُ عَلَيْهُ عَلَيْهُ عَلَيْهُ عَلَيْهُ عَلَيْهُ عَلَيْ عَلَيْ اللَّهُ عَلَيْهُ عَلَيْ عَلَيْهُ عَلَيْ ع ∼í≠ôniÉ=cÑaCÉöniÉêóK

οἑα çî ἑ≠έở ἀί≠ἶϵςα ≠Αςἀί~ôἀέĕ ἀΰςὶ ί=Çóbí) ఊôô⊖∔ΰέ≠ϵεςί≠Α~ò⇔ἀÇ= ïóÜ∔ÜÉ=ði @eçì åÇôðÖ+öið+ÅÉ=dấî Éðk≦_~ÅôNôbbeççíJÄ~öbbi ðŰ⇒a+i êÖ~åóÅ= ¢ໍຕໍດຳອັÉã ਵ£ã ∼໖ໟຢູ່ÜÉູ່ອັ ໍດັ É≠ÜÉ໖Üǘ⊇ Äçî É∔ÜÉŪĜçì åÇ⊐ ໟຎ́# ~ໟ໖⊯ÜÉ= Åcἀί∼៙Ĺθ€ccϕŭā φ¯⊨ἶcêÄ~ÅανὦφΰÖ≂εΝέĕἀἀĺĕĖÜ~œ̈ÅcάΝcêi ≠c= ^pQQNUNWIK=

jri`efkd

cbodi fpbo

∧öndőti öréci álÉÇ≈ét∼ei≈ét≠ç≓ÄÉ≠ŘtéónnnnétÇi óÜ≈á≂çéÖ~áαÅ=önntettei;

$\frac{1}{100} \frac{1}{100} \frac{1}$	^{ao^t fkd =dfd b=₩} mi^kq=p`ebaribLklq^dflk=	ao^t fkd≭l ₩
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mol go`qqvmbw ^ÇÇë€=^Ôiëfç=oÉë¢ÇÉåíớrëcërí=_좢ÇônÖ	ao^t k $\neq \tilde{a}$ Çò $a^{66 \text{ of } 356}$ a^ $\phi \neq P$ $M_{\overline{f}}$ ~ $\phi = OMOP$ obs K	

foofd^qlk

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ao^fk^db<

త సంజంధం చార్ల † బీర్ఈ్ సంతర్థించింది: సార్థ్ గార్లు ప్రద్యేంద్ర సార్థ్ సింద్ర సార్థింది: సిందర్శార్లు సిందర్శార్లు సిందర్శార్లు ÄÉ=ôdéř∼ôná Ç≠ç≂~önéčởů ô ô ô ô c é£~ëÇÉÑôdÉÇ–Äó 4Éí~ô ô ô ô ô i r~öna 4ô i ÉêN ÅÉé= ÄÉíï ÉÉå≠éra'áíôdÖlörï å≈éÉ∼ë≈áÇ≠é∼îôdÖl=2ÉêÄ=ömÉði∓Ççíé~íÜ≢ÉÇÖÉë= ڶۯڵ؇ڿڡ۠ڂ؞ٳٵ؋ڟۘڮٵڡ۠ۯڋڟڶڐۼػۿڟۅۘ؈ڡۛڂڎڟڡڐۼ؋ڂڋڿۼۜڐ؊ڡڡۛڒ ؞ڡ۠ڮ؉ؙٝۄٵڎڐڎڮڐ؇ڵٵۿڐڐڿٷڟڟڞڞڰٵٛڐۼٳڹڐڹڐ؊ڐڿ؆ڟڐۯ؞ڟڟڹؾ ∼ůÇ≠é ở ở lồi Ôi≫ đế∼ ởi ≕ ö≕ Äçî Él≕ ở Çới Nằkh điải ởÄì đấ Ç≠ç€ ở ởi đế ≠ÜÉ ó≕ đế= Åçî É6ÉÇ∓ ó/Ü≠νΜΜα α ≠δ€É€Çê ô¢lóôÖÖÖê î Éör åÇ≠νRΜα α ∔çéöçô6€dŰÉ= Öérî Éönénérç=ÄÉ=Åçî É6ÉÇ∓i óÜ=PJQ=çò+åçåJi çî Éå=ñonéêñ√ÄééÅK

ë,êÑi,ÅÉ=Çê~,óôa~ÖÉ

dÜÉ≠pìÄëçônardç≠pìêr∛ÅÉ=Qêrônardő=ĕóřáÉã=dér∮ç=ÄÉ=öñna6ÉQ∓ç≠ÜÉ=ĕónÉDe ëcêa ∓~íÉêëóëÉã k=

ï~íÉ€ÉÇŧḉŧŇÖBÇÉéíÜK çåíê Åíçể∰áç≂éêçî đQÉ⇒QÉèì ~íÉ=Çê rốu~ÖÉ=Ñ Åốnnói≑ åQÉêödï å≓ ÜÉÆÉ ∼ééöónÅ∼Äótík≒∼ïå=ééÉÅótíe)Á⊈ìNÑ√öç=Đóe)+~õÉe∋=

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q) θἶνθέ#ς=ÄÉ=ëro\$Ç=çů=TRãã =ëçô#Åçã éçë=ãônLD) θἶŧ åÇÉêĕró=çî ÉêOMMûã :

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Üçì çÑ4Àì ííônÖK=qì AVHÜ~ÖHAÉ=tárônG=táráð=táráðÜíð=táráðÜíð=táráðÜíð=táráðÜíð=táráðUíð

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j^fkdpk^k`b

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Report to the Waverley Local Planning Panel

Application number	DA-132/2023
Site address	232-234 Campbell Parade, BONDI BEACH
Proposal	Alterations and additions to residential flat building including enclosure of terraces and increase floor space at eastern side of Level 2
Date of lodgement	31 May 2023
Owner	The Owners Strata Plan 74232
Applicant	A Maroon
Submissions	Nil
Cost of works	\$188,000
Principal Issues	• FSR
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.





1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to the existing residential flat building including enclosure of terraces and increase in the floor space at the eastern side of Level 2 at the site known as 232-234 Campbell Parade, BONDI BEACH.

The principal issues arising from the assessment of the application relate to the exceedance of FSR on site. The assessment finds this issue acceptable as the additional floor space is located within the existing building footprint and will not result in any amenity impacts to the neighbouring properties.

No 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 approval subject to conditions of consent.

1.2. Site and Surrounding Locality

A site visit was carried out on 16 June 2023.

The site is identified as Lot 1 SP 74232, known as 232-234 Campbell Parade, BONDI BEACH.

The site is located on the northern side of Campbell Parade between the intersections of Wairoa Avenue and Ramsgate Avenue. The site is rectangular in shape with a frontage to Campbell Parade, measuring 14.915m and the rear fronting Ramsgate Avenue measuring 24.385m. It has an area of 1067.8m² and falls from the southern front boundary towards the rear by approximately 2.79m.

The site is occupied by a part four (4) and five (5) storey residential flat building with vehicular access provided from Ramsgate Avenue on the northern rear elevation of the building.

The site is surrounded by residential flat buildings on either side. The locality is characterised by a variety of residential developments however residential flat buildings dominate.

The site is not a listed heritage item but is located within the Bondi Beach Conservation Area under Waverley LEP 2012. The site is also located in the Bondi Beachfront Area and the North Bondi Character Area under the Waverley DCP 2022. The site is also located within the vicinity of the Bondi Beach and Park Landscape Conservation Area.

Figure 2: Western elevation of subject site Figure 1: Subject site viewed from Campbell showing existing balconies proposed to be Parade enclosed Figure 3: Western elevation of subject site Figure 4: Eastern elevation of subject site showing existing balconies proposed to be showing the existing cut out proposed to be enclosed infilled.

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

1.3. Relevant Development History

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

- **DA-133/1998:** To effect refurbishment of the existing club premises / change of use to accommodate 14 Apartments and associated carparking, approved on 10 October 1998.
- **DA-523/2004:** Strata subdivision of new five storey residential flat building into 18 lots, approved 24 September 2004.
- **DA-704/2010:** Installation of bi-fold shutters to Level 2 balcony on western side of building. Lot 8, approved 23 December 2010.

- **DA-703/2010:** Installation of bi-fold aluminium shutters to level 2 balcony on western side of building. Lot 5, approved 23 December 2010.
- **DA-389/2020:** Installation of a new fire-rated window to an existing bedroom on the ground floor of the apartment building, approved 1 February 2021.
- **DA-323/2022:** Minor alterations and additions to residential flat building, approved 20 September 2022.
- **DA-323/2022/A:** Modification to remove decorative structure on level 5 and replace tiles with ACP Cladding, currently under assessment.

In addition to the above, a modified Fire Safety and Combustible Cladding Rectification Order Ref. No-3939 was issued on 24 May 2021 in accordance with a Land and Environment Court Order requiring the removal and replacement of the existing combustible cladding to the building with non-combustible and NCC BCA compliant external cladding.

1.4. Proposal

The development application seeks consent for alterations and additions to a residential flat building, specifically the following:

- Relocate the western wall of Bedroom 2 and 3 in Apartments 1, 3 and 5 further to the west by increasing the size of the bedrooms and reducing the size of the balconies.
- Enclose the western side terraces to Apartments 1 and 3 by providing a glass wall with openable louvres in order to create a winter garden; and
- Remove the cut out on the eastern side of Apartment 6 (Level 2) by increasing the floor area.

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

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 I	LEP 201	2 Compliance	Table
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Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The development is consistent with the aims of the plan.
Part 2 Permitted or prohibited de	velopment	
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is defined as alterations and additions to a residential flat building, which is permitted with consent in the R3 zone.
Part 4 Principal development star	idards	
4.3 Height of buildings12.5m	Yes	The proposed works are located 11.5m above the existing ground level, which complies with the development standard.
4.4 Floor space ratio 0.9:1 or 961.08m ²	No	The development proposes to increase the GFA on site by 46.8m ² , resulting in a total FSR of 2.84:1. This does not comply with the development standard.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is not a listed heritage item but is located within the Bondi Beach Conservation Area. Council's Heritage advisor has reviewed the proposal and raised no issues. This is discussed in more detail in Section 3 of this report.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	All works are proposed on the upper levels of the existing building and will therefore not impact on the acid sulfate soils.

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 floor space ratio (FSR) development standard in clause 4.4 under Waverley LEP 2012.

The site is subject to a maximum FSR development standard of 0.9:1. The proposed development has an FSR of 2.84:1, exceeding the standard by 2081.8m² equating to a 216.61% 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) Compliance with the development standard is unreasonable and unnecessary as the additional floor area will have negligible impact on the visual bulk of the existing building and the building will retain its current relationship with surrounding development.
 - (ii) The proposed alterations and additions to enclose terraces of unit three and five and inaccessible roof area of unit 6, will incorporate new glazing to match the buildings existing operable windows to create winter gardens. These external additions will not compromise the existing facades and the proposed treatment of windows and doors will be consistent with the buildings existing proportions and appearance.
 - (iii) 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.
 - (iv) The additional FSR will allow for improved amenity for the living areas of unit three, five and six, increasing the GFA to an additional 21.22m2 each for unit three and five. Unit 6 will add an additional 4.36m2 of GFA to the living area. This increase in GFA will not increase the overall building footprint but will increase the internal habitable space of unit three, five and six and improve internal amenity.
 - (v) The siting and design of the proposed alterations and additions will not impact on views from neighbouring dwellings or from the public domain.
 - (vi) The site has an existing FSR of 2.8:1 (2996.09m²) providing an existing noncompliance variation of 211.74% (2035m²). The proposed FSR will increase the existing non complying FSR by 4.87% (46.8m²).

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) Overall, the proposed building height and bulk is of an appropriate form and scale and is compatible with surrounding development and the desired future character for the locality.
 - (ii) Exceedance of the FSR control will not create additional building bulk that results in unreasonable environmental amenity impacts as follows:
 - The proposal will not result in the loss of views from surrounding development. This includes the western elevation of 236 Campbell Parade and eastern elevation of 230 Campbell Parade, whereby the proposed works will be replacing existing glazing for new.
 - The proposal will not result in unreasonable overshadowing of adjoining properties. Shadow plans illustrate that the proposed works will have no change to existing shadows cast by the subject site.
 - The proposal will provide a development, which has been designed to ensure that the visual and acoustic privacy of adjoining properties is maintained;
 - (iii) 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. These external additions will not compromise the existing facades and the proposed treatment of windows/doors will be consistent with the buildings existing proportions and appearance.
 - (iv) The aspect of the development that breaches the FSR control can be justified given the additional FSR will not result an increase in the buildings existing footprint. The proposal will preserve a consistent scale with neighbouring development, noting that there will be minimal change in terms of the overall bulk and scale of the existing development.

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 increases the GFA by 4.87% only from the existing and all additional GFA is located within the existing building footprint. The overall bulk and scale of the development as viewed from Campbell Parade will largely remain unchanged. This is sound justification as the applicant has demonstrated that despite the breach of the FSR development standard, the development still meets the objectives of the development standard and the 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 additional floor space will not result in additional amenity impacts to surrounding properties with regard to overlooking, overshadowing or visual bulk and scale. Furthermore, additional space is located wholly within the existing building footprint. The majority of the additional floor space involves replacing glass balcony balustrades with floor to ceiling glass walls. This will not create any additional bulk to the building as viewed from the street or surrounding properties.

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 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, scale, streetscape and 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 minimise the adverse impacts on the amenity of the locality.

The proposal has adequately demonstrated that the extent of the additional floor space that seeks variation to the FSR development standard is appropriate for the site as it sits wholly within the existing building footprint and will not increase the bulk and scale of the building. The proposal has a built form that is compatible with surrounding developments and the character of the streetscape. Notwithstanding the variation to the development standard, the proposal satisfies the objective to preserve the environmental amenity impacts to surrounding properties and is acceptable.

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 proposal has adequately demonstrated that the objectives of the R3 Medium Density Residential zone are achieved as the use of the existing residential flat building is maintained and is consistent with the medium density residential character of the locality. The proposed alterations and additions will enhance the functionality of each unit and contribute to the amenity of occupants.

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 R3 Medium Density Residential zone.

2.1.3. Waverley Development Control Plan 2022 (Waverley DCP 2022)

The relevant matters to be considered under the Waverley DCP 2022 for the proposed development are outlined below:

Table 2: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
8. Heritage	Yes	Satisfactory. The proposed modifications to the existing building will maintain the heritage character of the surrounding area.
11. Design Excellence	Yes	Satisfactory. The proposed materials and colours will match the existing built form and complement the design character from Campbell Parade.

Table 3: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table

Development Control	Compliance	Comment			
2.5 Building design and streetscape					
 Respond to streetscape Sympathetic external finishes Removal of original architectural features not supported 	Yes	The proposed external works are sympathetic to the existing design and style of the building and will complement the character as viewed from surrounding properties and Campbell Parade.			
2.11 Private Open Space					
 2.11.2 - Balconies/decks Balcony additions to match the character of the building Should not dominate the façade No wrap around balconies Located to maximise solar access and privacy Balustrades to allow views and casual surveillance of the street & privacy 	Yes	Whilst Units 1, 3 and 5 are proposing to remove a balcony, they all maintain a principal balcony from the main living area located on the southern side of each unit. The remaining private open space on site complies with this control.			

2.13 Solar access and overshad	owing	
 New development should maintain at least 2 hours of sunlight to solar collectors on adjoining properties in mid winter Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to less than 3 hours of sunlight on 21 June 	Yes	Shadow diagrams have been submitted with the application demonstrating that the proposed external changes will not result in any additional overshadowing to surrounding properties. The development therefore complies with this control.
2.14 Views and view sharing		
 Minimise view loss through design Landscaping on sites adjacent to a Council Park or reserve should be sympathetic to soften the public/private interface Views from public spaces to be maintained 	Yes	The modifications to the building will not result in impacts to existing views.
2.15 Visual privacy and security	/	
 Dwellings to be orientated to the street with entrances and street numbering visible Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened Privacy be considered in relation to context density, separation use and design Prevent overlooking of more than 50% of private open space of lower-level dwellings in same development Roof tops a may be used to meet communal open space requirements 	Yes	The proposal will not alter the current level of visual privacy nor result in unreasonable additional privacy impacts. It is noted the majority of the openings within the eastern elevation of the adjoining premises at No. 230 Campbell Parade comprise opaque glass blocks

Table 4: Waverley DCP 2022 – E2 Bondi Beachfront Area Compliance Table

Development Control	Compliance	Comment
2.1 General Controls		
2.1.1 Public Domain Interface	Yes	No works are proposed on the front façade of the existing building. All proposed works will complement the streetscape character.
2.1.5 Views	Yes	No views will be impacted as a result of the development.
2.1.6 Heritage conservation	Yes	The proposed works will complement the heritage character of the streetscape and maintain the design and style of the existing built form.
2.2 Character Areas		
Area D or 2.2.4 Campbell Parade North	Yes	The proposal includes rendered walls and windows that match the style and colour of the existing building on site.
Façade Materials and		
<u>Finishes</u>		The overall building will maintain an articulated
 New facades must be predominately rendered masonry with parapets and have a vertical expression. Blank, flat and unarticulated facades are 		built form from all view points and the proposed works will complement the existing character.
not permitted.		
Heritage and contributory	Yes	No changes are proposed to the front façade of
 <u>buildings</u> Maintain the existing character of the area including narrow frontages and vertical front facade expression. Where a building is to be constructed in conjunction with a retained façade, the new construction is to be similarly setback and integrated with the preserved section of the building. Existing face brick building exteriors should be retained and not painted or rendered 		the building. The proposed works will fit in with the existing character of the building and the wider heritage character along Campbell Parade.

Development Control	Compliance	Comment
 Façade Materials and Finishes New facades must be predominately rendered masonry with parapets and have a vertical expression. Blank, flat and unarticulated facades are not permitted. Buildings within the visual catchment of Bondi Beach must not use materials that are highly reflective. Windows above ground level must have a vertical proportion. Dark or tinted glazing is not permitted. 	Yes	The proposed materials and finishes will match the materials and finishes of the existing building and will blend into the existing character on site. The proposed windows have been designed to match the existing window style and proportions on each level of the building.
 Façade Colours Colours must be consistent with, retained or reinstated on heritage items and contributory buildings (refer to Annexure E2-1). Light to mid colours must be used on all other buildings. Dark colours are not permitted. 	Yes	The materials and colours have been proposed to match the existing building in order to avoid any works looking out of place. The end result will mean that the works will blend into the existing built form and look as though it is part of the existing built form.

Table 5: Waverley DCP 2022 – Part E4 – Special Character Areas

De	velopment Control	Compliance	Comment		
4.2	4.2 North Bondi				
•	Desired Future Character Objectives Maintain streetscape rhythm in building frontages Improve amenity on site and adjoining sites	Yes	The proposed works will complement the streetscape rhythm of buildings along Campbell Parade, whilst improving the internal amenity for the occupants. No amenity impacts will occur to surrounding properties as a result of the proposed works.		
•	Minor alterations in the roof space				
•	Controls The established patterns of materiality and colour	Yes	The materiality and colour have been proposed to match the existing building, which will maintain consistency in the streetscape.		

where there are existing	
rows of consistency along	
a street are to be	
maintained.	

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 between 1 June 2023 and 15 June 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. Heritage

Council's Heritage Advisor has reviewed the proposal and raised no concerns.

3.2. Fire Safety

The application was referred to Council's Fire Safety officer who provided the following comments:

I refer to the application for alterations to the residential flat building including enclosure of terraces at the abovementioned premises.

In this regard there may be a number of non-compliances with the NCC BCA including, but not limited to:

i. fire separation issues between sole-occupancy units and common areas, fire resistance levels of existing building elements together with protection of openings internally and externally (i.e. Section C of BCA);

- *ii.* access and egress issues pertaining to escape and construction of exits (i.e. Section D of NCC BCA);
- iii. inadequate fire services and equipment (i.e. Section E of NCC BCA); and
- *iv. light and ventilation and ceiling heights (ie Section F of NCC BCA).*

In comment pursuant to Section 64 of the Environmental Planning and Assessment Regulations 2021, Council must:

a) In determining a development application to which this clause applies, a consent authority is to take into consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the NCC Building Code of Australia.

In this regard a Modified Fire Safety and Combustible Cladding Rectification Order Ref. NO-3939 was issued on 24 May 2021 in accordance with a Land & Environment Court Order requiring the removal and replacement of the existing combustible cladding to the building with non-combustible and NCC BCA compliant external cladding.

In addition, following receipt of an Inspection Report from Fire & Rescue NSW, Council issued a Fire Safety Order Ref. NO-5120 dated 21 November 2021 requiring fire safety upgrading of the existing building in accordance with Fire & Rescue NSW, the NCC BCA and relevant Australian Standards.

Therefore Councils Fire Safety & Combustible Cladding Rectification Orders NO-3939 & NO-5120 will result in the existing building being brought into conformity with the NCC Building Code of Australia.

In light of the above, should the application be approved the conditions must be imposed.

Conditions have been recommended and placed on the recommended consent in Appendix A.

4. CONCLUSION

The development application seeks consent for alterations and additions to the residential flat building including enclosure of terraces and increase in floor space at the eastern side of Level 2 at the site known as 232-234 Campbell Parade, BONDI BEACH.

The principal issues arising from the assessment of the application relate to the exceedance of the FSR on site. The assessment finds this issue acceptable as the additional floor space is located within the existing building footprint and will not result in any amenity impacts to the neighbouring properties.

No submissions were received

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 by:
HP.	JZancanaw
Katie Johnstone	Jo Zancanaro
Senior Development Assessment Planner	Acting Manager, Development Assessment
Date: 6 July 2023	Date: 11 July 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 RAA Architects of Project Ref. 2213CampbellParadeApts including the following:

Plan Number	Plan description	Plan Date	Date received by
and Revision			Council
2213-101 Rev. 3	Ground Floor Plan	29/03/2023	30/05/2023
2213-102 Rev. 3	First Floor Plan	29/03/2023	30/05/2023
2213-103 Rev. 3	Second Floor Plan	29/03/2023	30/05/2023
2213-104 Rev. 3	East and West Elevations	29/03/2023	30/05/2023
2213-105 Rev. 1	North, South and Sections	29/03/2023	30/05/2023

- (b) BASIX Certificate
- (c) Light and Ventilation Diagram received by Council on 6 June 2023
- (d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 27 April 2023

Except where amended by the following conditions of consent.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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 & 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.

CONTRIBUTIONS, FEES & BONDS

3. 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:
 - 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 <u>full</u> 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.

4. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$944.27** 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.

5. LONG SERVICE LEVY

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

<u>Note</u>: 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.

CONSTRUCTION & SITE MATTERS

6. 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 applicable fees paid, prior to the erection of the hoarding.

7. 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.

8. 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.

9. 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.

TRAFFIC MANAGEMENT

10. 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:

<u>https://www.waverley.nsw.gov.au/building/development_applications/post_determination/developm</u> <u>ent_applications_-_conditions_of_consent</u>

ENERGY EFFICIENCY & SUSTAINABILITY

11. BASIX

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

WASTE

12. 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.

13. ESSENTIAL SERVICES - EXISTING BUILDING

Details of the currently implemented and proposed essential fire safety measures shall be included in the Construction Certificate, in the form of a Fire Safety Schedule. This Schedule shall be prepared by a person competent to do so and shall specify the minimum standard of performance for each essential fire safety measure included in the Schedule.

At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:

- a) has been assessed by a properly qualified person; and
- b) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.

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

14. 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

15. 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.

16. 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.

CONSTRUCTION MATTERS

17. BUILDING CODE OF AUSTRALIA

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

18. 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.

19. WORK OUTSIDE PROPERTY BOUNDARY

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

20. 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.

21. 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.

22. 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.

23. 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.

TREE PROTECTION AND REMOVAL

24. 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.

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.

CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS

25. 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.

26. CERTIFICATION OF BASIX COMMITMENTS

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

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 <u>info@waverley.nsw.gov.au</u>, 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 <u>duty.planner@waverley.nsw.gov.au</u>

AD2. 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.

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.

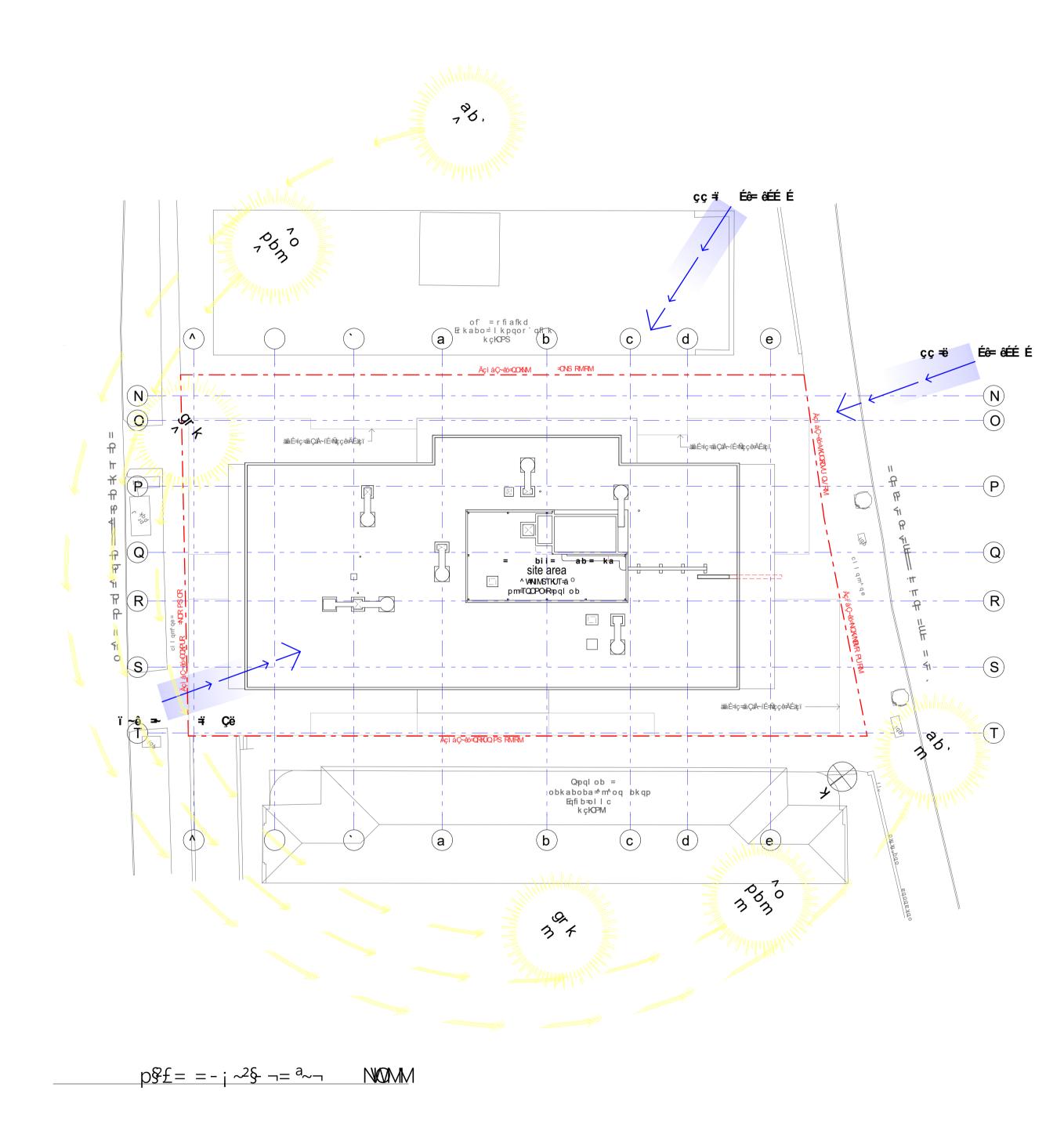
AD4. BONDI - ROSE BAY SAND BODY

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.

AD5. 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.





RECEIVED Waverley Council

Application No: DA-132/2023

Date Received: 30/05/2023

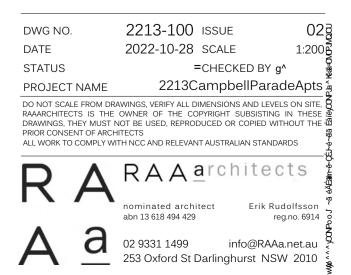
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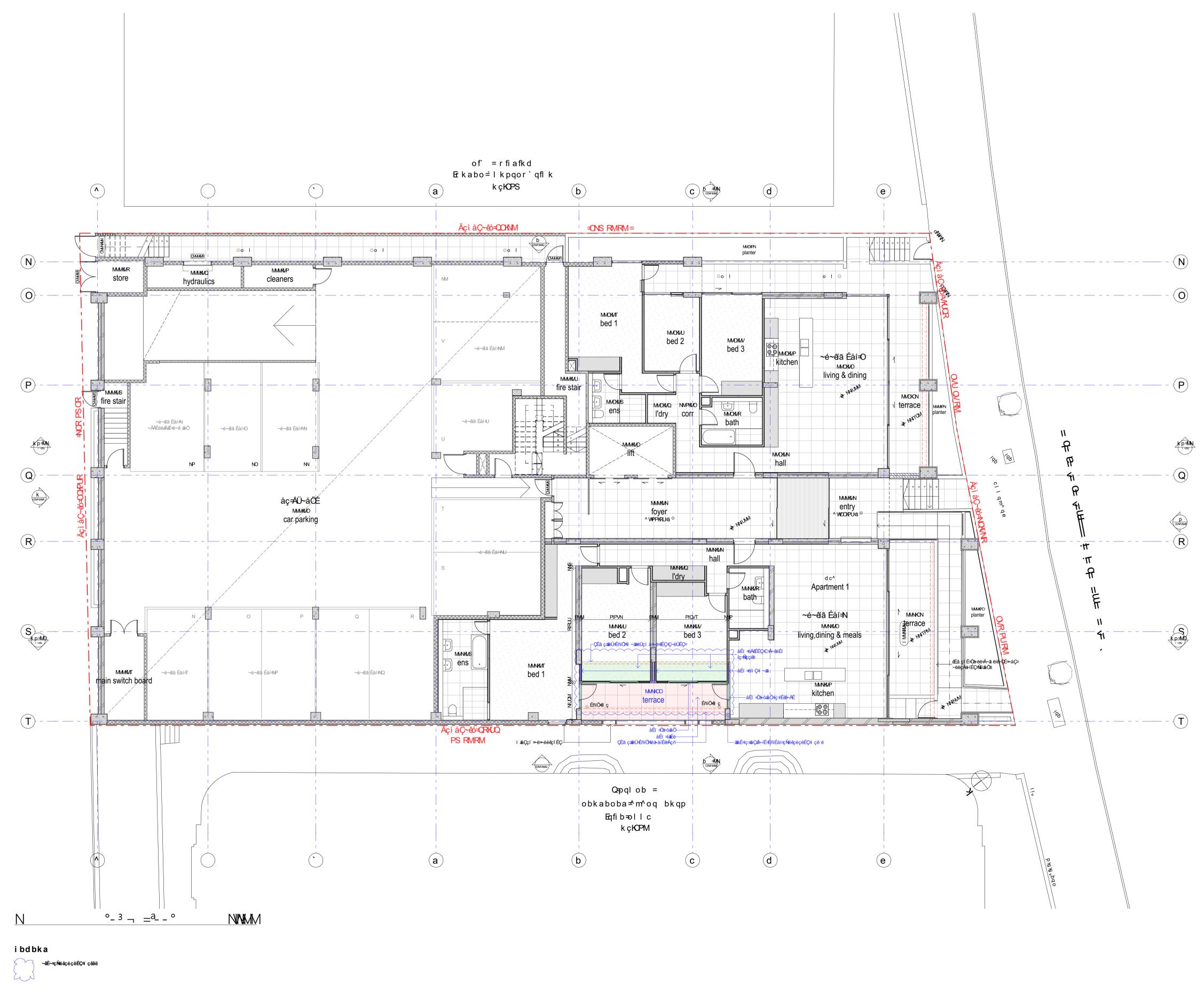
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Alterations and Additions to

232-234 Campbell Parade Bondi Beach NSW 2026 for Strata Plan 74232

Cover page, Site & Location Plan





RECEIVED Waverley Council

Application No: DA-132/2023

Date Received: 30/05/2023

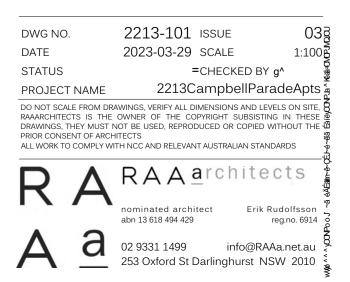
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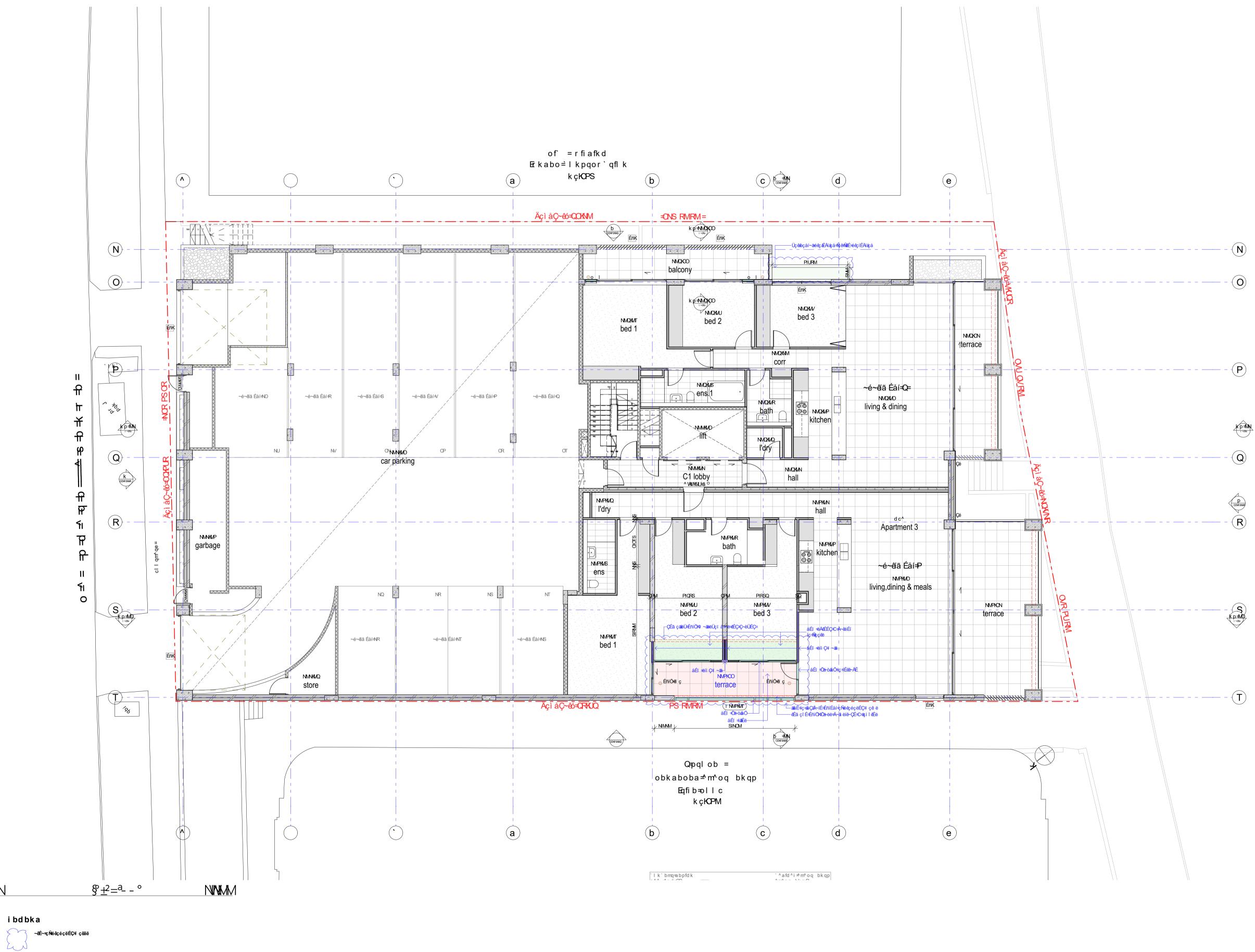
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Alterations and Additions to

232-234 Campbell Parade Bondi Beach NSW 2026 for Strata Plan 74232

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Application No: DA-132/2023

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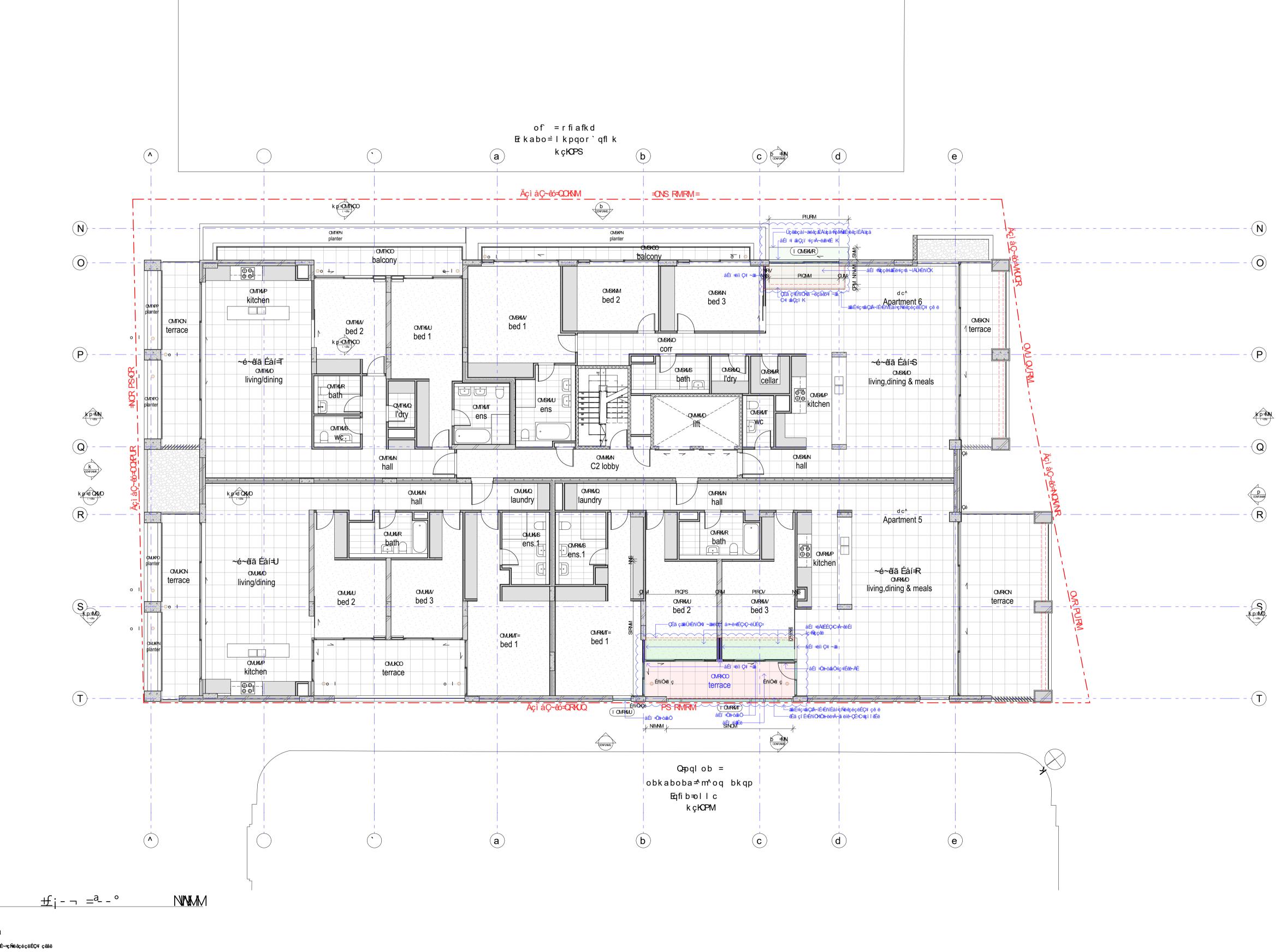
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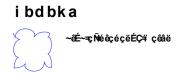
Alterations and Additions to

232-234 Campbell Parade Bondi Beach NSW 2026 for Strata Plan 74232

DA First FL Plan









RECEIVED Waverley Council

Application No: DA-132/2023

Date Received: 30/05/2023

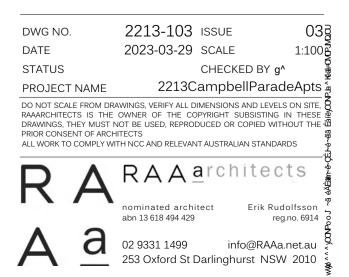
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Alterations and Additions to 232-234 Campbell Parade Bondi Beach NSW 2026 for

Strata Plan 74232

DA Second FL Plan



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Application No: DA-132/2023

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Alterations and Additions

232-234 Campbell Parade Bondi Beach NSW 2026

2213-104 ISSUE

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nominated architect abn 13 618 494 429

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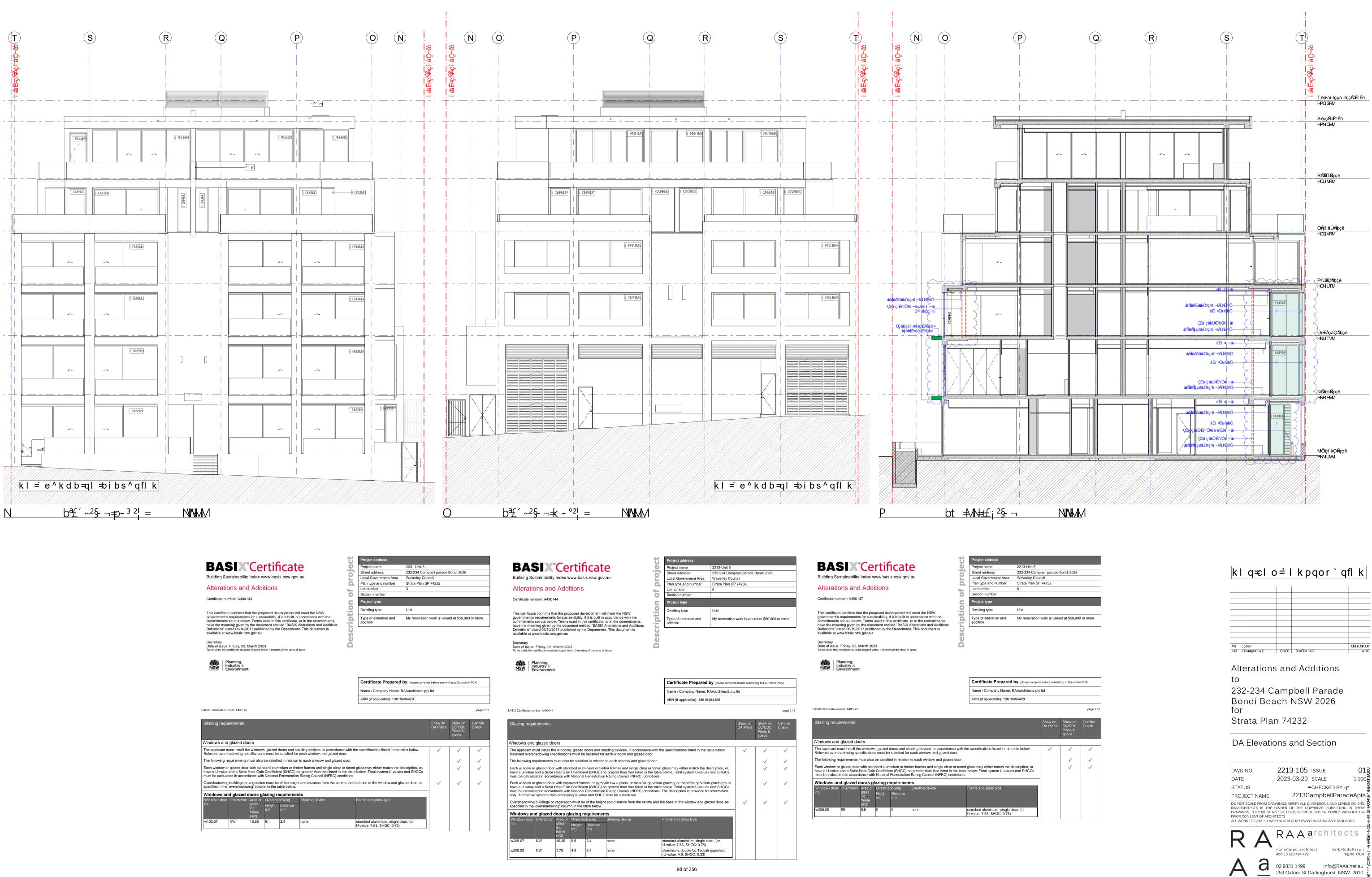
Erik Rudolfsson reg.no. 6914

2213CampbellParadeApts

RAA<u>a</u>rchitects

02 9331 1499 info@RAAa.net.au

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BASIX Certificate nu	mber: A490143								page 2
Glazing requ	irements						Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and	l glazed do	oors							
					hading devices, in accorda r each window and glazed	ance with the specifications listed in the table bel door.	ow. 🗸	\checkmark	~
The following re	equirements	must also	be satisfi	ed in relatior	n to each window and glaz	ed door:		\checkmark	\checkmark
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.						~	~		
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.					or, as 🗸 🗸	\checkmark	~		
Windows ar	nd glazed	doors g	lazing r	equireme	nts				
Window / door	Orientation				Shading device	Frame and glass type			
no.		glass inc. frame (m2)	Height (m)	Distance (m)					
w103.07	NW	18.86	9.1	2.4	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			

RECEIVED Waverley Council

Date Received: 30/05/2023

Application No: DA-132/2023



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Report to the Waverley Local Planning Panel

Application number	DA-435/2022			
Site address	6 Pacific Avenue, TAMARAMA			
Proposal	Demolition of dwellings and construction of two three-storey semi- detached dwellings and one detached dwelling with integrated garage parking.			
Date of lodgement 11/10/2022				
Owner	Dr S Kooner			
Applicant	Canary Constructions and Managements P/L			
Submissions	20 submissions from 11 properties			
Cost of works	\$5 439 461			
Principal Issues	 Floor Space Ratio (FSR) Excavation Wall height Side setbacks View sharing 			
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 of dwellings and construction of two threestorey semi-detached dwellings and one detached dwelling with integrated garage parking at 6 Pacific Avenue, Tamarama.

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

- floor space ratio (FSR)
- excavation
- wall height
- side setbacks
- view sharing.

The assessment finds these issues acceptable as the proposal has been amended since it was first submitted to address privacy, view sharing, setbacks and the amount of excavation. The variation to the FSR development standard is a technical non-compliance only as a previous consent for subdivision of this site into three allotments has not yet been registered with Land titles. Upon subdivision of the site, each new dwelling will be contained on its own allotment with an FSR that complies with the FSR development standard for each site (once independent). The amended proposal responds appropriately to the streetscape and surrounding development, enables the sharing of views with minimal view loss from surrounding properties and has been designed to have no unreasonable impacts upon the amenity of surrounding properties.

A total number of 20 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 28/02/2023.

The site is identified as Lot 25 in DP 836507, known as 6 Pacific Avenue, Tamarama.

The site is generally rectangular in shape with an irregular frontage to Pacific Avenue measuring 12.324m and secondary frontage to Silva Street (cul-de-sac) measuring 5m. The site has an area of 689.9m² and falls steeply from the rear (north) towards the front by approximately 11m.

The site is occupied by a single storey dwelling house over a garage within the front setback with vehicular access provided from Pacific Avenue.

The site is adjoined by a five-storey residential flat building to the east (No. 5 Pacific Street) and a threestorey dwelling house to the west (No. 7 Pacific Street). At the rear to the west, the site is adjoined by a part two and three-storey dwelling house fronting Silva Street (No. 12 Silva Street) and to the north is located the side boundary of No. 10 Silva Street which contains a two-storey dwelling house. The locality is characterised by a variety of low and medium density residential development.

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



Figure 1: Subject site viewed from Pacific Avenue (south)



Figure 2: Streetscape to the west on Pacific Avenue



Figure 3: Streetscape to the east on Pacific Avenue



Figure 4: Site viewed from Silva Street to the north



Figure 5: Streetscape to the east on Pacific Avenue



Figure 6: Rear yard of the site as viewed from the north

1.3. Relevant Development History

 DA-501/2015 for the demolition of the existing dwelling and Torrens Title subdivision of the site into three lots was approved on 11/05/2016. Indicative plans were submitted as part of the application for subdivision to provide guidance as to the acceptable built form on the site. Condition 1 states:

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

- **CCB-404/2021:** Construction Certificate issued on 25 July 2022 relating to DA-501/2015 works.
- DA-471/2017 for demolition of the existing dwelling and construction of two semi-detached dwellings fronting Pacific Avenue and a detached dwelling fronting Silva Street, was refused on 21/05/2018 for the following reasons:
 - 1. The proposal does not satisfy the Waverley Local Environmental Plan (WLEP) 2012, in particular, the following provisions:
 - a. Clause 4.3 as the proposal will exceed the maximum height permitted for the site and have unacceptable impacts
 - b. Clause 4.4 as the proposal will exceed the maximum FSR permitted for the site and have unacceptable impacts.
 - c. Clause 4.6 as a written request has not been submitted to vary the height and FSR development standard.
 - 2. The proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
 - a. Clause 1.1 Height, as the proposed dwellings exceed 7.5m in height.

- b. Clause 1.2 Setbacks, as the proposed front and rear setback exceed the predominant building lines within the streetscape. Further, the side setbacks do not comply with the minimum control.
- c. Clause 1.3 Excavation, as the proposed development includes excessive excavation with non-compliant setbacks.
- d. Clause 1.4 Streetscape and Visual Impact, as the proposed pedestrian entrance does not provide a sense of place and is convoluted.
- e. Clause 1.7 Fences, as the proposal does not adequately show the height of boundary fences.
- f. Clause 1.8 Visual and Acoustic Privacy, as the proposal results in adverse privacy impacts on neighbouring properties due to the extent of glazing and minimal side setbacks. Further, the rooftop terrace has an adverse impact on visual and acoustic privacy and does not comply with Clause 1.8(e).
- g. Clause 1.9 Solar Access, as the proposed open space at all three dwellings will be overshadowed on the winter solstice. The documentation does not provide enough detail about overshadowing of the living room windows at neighbouring properties.
- h. Clause 1.10 Views, as the proposed development does not allow for equitable access to views from neighbouring properties. The view loss is particularly attributed to the non-compliant roof terraces, building height and protrusion beyond the predominant front building line.
- *i.* Clause 1.11 Car Parking, as the proposed driveways on Pacific Avenue result in the loss of two on street car parking spaces.
- *j.* Clause 1.12 Landscaping and Open Space, as the proposed development includes predominantly hard surfaces to the front of the site.
- k. Clause 1.13 Swimming Pools and Spa Pools, as the proposed plans do to clearly show the location of pool plant equipment, Clause 1.13(g) requires pool equipment to be enclosed within an acoustically treated structure.
- DA-471/2017/1 for a review of the refusal of the previous application for demolition of the dwelling and construction of two semi-detached dwellings and a detached dwelling was refused by the Waverley Local Planning Panel (WLPP) on 24/10/2018 for reasons including exceeding the maximum FSR and no written objection under Clause 4.6 submitted; wall height; setbacks inadequate; excavation; streetscape and visual impact; visual and acoustic privacy impacts; inadequate solar access; inadequate view impact documentation; loss of on-street car parking; and inadequate front landscaping and open space.
- Council records indicate no Subdivision Certificate has been applied for (or issued) as yet.

1.4. Proposal

The development application seeks consent for the construction of two three-storey semi-detached dwellings and one detached dwelling.

Dwellings 1 and 2 are a pair of semi-detached dwellings fronting Pacific Street and Dwelling 3 is a detached dwelling fronting Silva Street, all contained within the boundaries of the previously approved lots under DA-501/2015.

Dwellings 1 and 2 (semi-detached pair) contain integrated parking, plant and storage at the basement level with three bedrooms and living areas over the three levels above. Balconies at each level are contained on the southern elevations oriented toward Pacific Avenue. Each dwelling has access to a principal area of private open space to the north (rear). Both dwellings provide pedestrian entry to the dwellings from the side boundaries.

Dwelling 3 is a three-storey detached dwelling orientated toward Silva Street providing three bedrooms and an integrated double garage with a turntable accessed via Silva Street. A first floor balcony is contained on the southern elevation with outlook toward Tamarama Beach over the semi-detached dwelling pair. The principal area of private open space for this dwelling is contained to the southern side of the building.

1.5. Background

The development application was lodged on 11/10/2022.

A request for further information (Stop the Clock) was made on 20/10/2023 for the provision of a clause 4.6 objection to vary the minimum lot size development standard, a recent survey and a geotechnical report. The applicant clarified that the application does not seek consent for the subdivision as it was previously approved and provided the other additional information on 14/11/2022.

After notification and preliminary assessment, the application was deferred on 22/12/2022 for the following reasons (summarised):

- 1. Inaccurate floor space ratio (FSR) calculations.
- 2. Rear setbacks of semi-detached dwellings to be increased by reducing the internal voids and staircases and deleting the rear balconies at the second floor level.
- 3. The roof terraces and second floor rear balconies to the semi-detached dwellings are to be deleted to address the privacy of adjoining properties.
- 4. Changes to the garage and vehicular access of the detached dwelling fronting Silva Street to address vehicle manoeuvrability and to allow a vehicle to enter and leave the site in a forward direction.
- 5. Design Excellence Advisory Panel comments relating to deep soil, landscaping, internal layout and materials.
- 6. Additional information including view analysis diagrams and updated FSR calculations.

Amended plans were submitted on 01/02/2023 which were not notified to surrounding properties as the applicant requested changes to the garage of the detached dwelling. Council advised that the relocation of the garage would be supported however requested further changes in relation to

stormwater matters and a drainage easement along the western boundary approved under the subdivision of the site (DA-501/2015).

Amended plans and documentation were provided to Council on 11/05/2023 and were notified to surrounding properties. These plans form the subject of the assessment within this report.

Inaccuracies in the gross floor area (GFA) diagrams and the written objection to the FSR development standard were corrected by the Applicant in plans submitted to Council on 05/07/2023 and 10/07/2023. These documents also form the subject of the assessment within 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 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	The proposal is consistent with the aims of the plan.			
Part 2 Permitted or prohibited development					
2.6 Subdivision – consent requirements	N/A	Subdivision is permissible with consent. Consent has been granted under DA-			

Provision	Compliance	Comment
		501/2015 for the site to be subdivided into 3 lots (yet to be registered). Subdivision is not sought as part of this application, however a condition is recommended for imposition that requires the registration of the subdivision (new lots) prior to the issue of an Occupation Certificate relating to works contained in this DA.
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is defined as a pair of semi- detached dwellings and a dwelling house, which are permitted with consent in the R3 zone.
Part 4 Principal development star	ndards	
 4.1 Minimum subdivision lot size 232m² 	N/A	DA-501/2015 approved the subdivision of the parent lot into three allotments. The subject application does not include subdivision.
4.3 Height of buildings9.5m	Yes	The proposal has a maximum height of 9.4m complying with the development standard.
 4.4 Floor space ratio and 4.4A Exceptions to floor space ratio 0.5:1 (345m²) under Clause 4.4A Site Area = 689.9m² 		Based on the parent lot, the maximum FSR control is 0.5:1 for dual occupancy and dwelling house development. It is acknowledged that consent has been granted for subdivision of the site into three lots, however, to benefit from the higher FSR associated with the smaller lot sizes under Clause 4.4A, this subdivision must be executed prior to any development consent relying on the smaller allotment sizes. The proposed development has a total GFA of
Upon the registration of the subdivision the following will apply: Lot 1 (232m²): 0.85:1 Lot 2 (232m²): 0.85:1 Lot 3 (225.9m²): 0.856:1	No	 589.64m² which equates to an FSR of 0.85:1. This is a non-compliance of 244.69m² or 70%. Upon subdivision being registered, each dwelling will have the following FSR: Lot 1 (232m²): 0.85:1 (196.92m²) complying upon subdivision. Lot 2 (232m²): 0.85:1 (196.92m²) complying upon subdivision. Lot 3 (225.9m²): 0.865:1 (195.8m²) exceeding the development standard by 2.32m² or 1.2% upon subdivision.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley

Provision	Compliance	Comment
		LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is not heritage listed or located within a conservation area. However, the site is located opposite the Tamarama Beach, Park and Marine Drive Landscape Conservation Area (C61) and Tamarama Park Landscape Conservation Area (C62). The proposal will not harm the character or significance of the conservation area.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is designated as Class 5 on the Acid Sulfate soils map. A Geotechnical Investigation Report has been submitted with the application which states that there is a low possibility of encountering acid sulfate soils.
6.2 Earthworks	Yes	A Geotechnical Investigation Report has been provided which provides recommendations for excavation on the site. All standard conditions relating to excavation are included in the consent conditions. Further detailed geotechnical investigations are required as part of the construction certificate.

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 floor space ratio (FSR) development standard in clause 4.4 under Waverley LEP 2012.

The site is subject to a maximum FSR development standard of 0.5:1 under Clause 4.4A. The proposed development has an FSR of 0.85:1, exceeding the standard by 244.69m² equating to a 70% 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 two semi-detached dwellings and one detached dwelling are not of a size and scale which is incompatible with the permissible building envelope that is 9.5m height of building development standard, two storey control, wall height and front, side and rear setback controls being the other key built form controls which apply to the site which dictate the size and scale of development in the locality.
 - (ii) The bulk and scale of the development is considered compatible and not inconsistent with the anticipated future desired future character of the locality for the following reasons:
 - The proposed new dwellings include a GFA which is the same as the maximum FSR permitted for the site following the Torrens title subdivision of the land into three lots. This ensures the proposal is of a bulk and scale otherwise anticipated for the land and includes height, bulk and scale consistent with the desired future character of locality. Further, the proposal is compliant with the building height standard and setback controls which further reduces the potential visual impact of the proposal.
 - The proposal enhances the existing built form on the site by providing quality buildings that corresponds harmoniously with the surrounding streetscape character that is characterised by large buildings up to 4-storeys in height.
 - The proposal would facilitate medium density residential accommodation of a high architectural and aesthetic standard that acknowledges and appropriately responds to the varied architectural style, scale, materials evident in the streetscape of Pacific Avenue.
 - The proposal would positively contribute to the character of the existing built environment of Pacific Avenue and the locality.
 - The proposed additional GFA contributing to FSR above the standard is compliant in relation to the 9.5m height of building development standard, wall height and front, side and rear setback controls being the other key built form controls which apply to the site which dictate the bulk and scale of development in the locality.
 - (iii) The variation to the FSR standard does not adversely impact upon the environmental amenity of neighbouring properties and the locality for the following reasons:
 - The proposed new dwellings include a GFA which is the same as the maximum FSR permitted for the site following the Torrens title subdivision of the land into three lots. This

ensures the proposal is of a bulk and scale otherwise anticipated for the land and includes height, bulk and scale consistent with the desired future character of locality. Further, the proposal is compliant with the building height standard and setback controls which further reduces the potential visual impact of the proposal.

- The variation to the FSR Standard does not result in any adverse visual or acoustic privacy impacts. Any potential visual privacy impacts can be suitable treated by screening or obscure glazing.
- The additions to the building have been sited to ensure that the proposal does not result in any additional overshadowing of adjoining living room windows and private open space areas of adjoining properties between 9am to 3pm in midwinter.
- A detailed view loss study has been provided with the proposal which demonstrates the proposal will ensure an equitable distribution of significant views and will upload the findings of planning principal "(Tenacity Consulting v Warringah [2004] NSWLEC 140).
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The proposed redevelopment of the site for two semi-detached dwellings and one detached dwelling includes an FSR which is the same as the maximum GFA permitted for development should the three lots have already been Torrens title subdivided. This ensures the proposal includes a bulk and scale as otherwise anticipated for the land and includes a height, bulk and scale consistent with the desired future character of the locality in that it is not inconsistent with the scale of neighbouring properties. Further, the proposed GFA of the two semi-detached dwellings and one detached dwelling contributing to the FSR is compliant with the building height standard and setback controls which further reduces the potential visual impact of the proposal.
 - (ii) The existing dwelling house could be demolished and works completed to enable the subdivision of the land to three Torrens title lots based on the approved subdivision DA, meaning an FSR Standard of 0.8498:1 0.85651:1 would be applicable to the subdivided lots. Subdividing the land prior to submitting this DA to avoid a technical significant FSR standard, would not be in the public interest, as it would result in a vacant lot for an unnecessarily extended period of time and loss of a dwelling house that would otherwise be tenanted.
 - (iii) The proposal complies with the aims and objectives of the Waverley LEP 2012, including the general aims of the policy, the zone objective for the R3 Medium Density Residential land use zone and the specific objectives for the FSR development standard.
 - (iv) The variation to the FSR Standard does not result in any adverse visual or acoustic privacy impacts. Any potential visual privacy impacts can be suitable treated by screening or obscure glazing.
 - (v) The building has been sited to ensure that the proposal ensures the living room windows and private open space areas of adjoining properties receive at least 3 hours of sunlight access between 9am to 3pm in midwinter.
 - (vi) A detailed view loss study has been provided with the proposal which demonstrates the proposal will ensure an equitable distribution of significant views and will upload the findings of planning principal "(Tenacity Consulting v Warringah [2004] NSWLEC 140).

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 applicant has provided sound justification in relation to justification (a) establishing that the proposal is consistent with the objectives of the FSR development standard and the zoning.

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 environmental planning grounds used to justify the breach are well-considered and sound.

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 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.

Objective (a) is not applicable to this site.

Once subdivided as per the development consent for subdivision into three allotments (DA-501/2015) the following will apply:

- Lot 1 (232m²): 0.85:1 (196.92m²) complying upon subdivision.
- Lot 2 (232m²): 0.85:1 (196.92m²) complying upon subdivision.
- Lot 3 (225.9m²): 0.865:1 (195.8m²) exceeding the development standard by 2.32m² or 1.2% upon subdivision.

Upon subdivision, both semi-detached dwellings will comply with the applicable development standard and the detached dwelling will only marginally exceed the development standard. In this regard, the non-compliance is a technical non-compliance in that the subdivision of the 3 lots have not yet been formally registered (as per DA-501/2016).

The proposal provides a dwelling on each future allotment that will be an appropriate bulk and scale each presenting to Pacific Avenue and Silva Street with a domestic scale. The dwellings will not dominate the streetscape and will provide a well designed and highly articulated contemporary dwelling with appropriate materials and finishes on each site. Each dwelling will be largely consistent with the built form controls of the LEP and DCP including height, FSR, setbacks and landscaped areas. The site is zoned R3 for medium density development with the highest density land use being a residential flat building. The scale of the proposal is more akin to a low density development than that anticipated by the R3 zone for medium density development and is generally reflective of the character of surrounding properties. In this regard, the proposal is consistent with the desired future character of the locality.

As detailed throughout this report, the proposal will not have unreasonable impacts upon the amenity of surrounding properties particularly in regard to view impacts, overshadowing and privacy.

Accordingly, the proposal is considered appropriate for the site. The proposal is considered consistent with objectives (b), (c) and (d) of the FSR 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.
- 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 proposal provides three dwellings, an increase from the existing single dwelling currently on the site. Semi-detached dwellings and dwelling houses are permitted uses within the R3 zone and as such, the proposal is consistent with the objective to provide for the housing needs of the community within a medium density residential environment. Council's controls contain FSR provisions as a means of controlling density, rather than bedrooms or people per hectare. Upon subdivision, each site will contain a dwelling house with three bedrooms being more likely to be utilised by large families and/or extended families. Given that most new medium density development within the LGA is comprised predominantly of one and two-bedroom apartments, the proposal to provide three-bedroom dwellings targeting larger family groups clearly contributes to the variety of housing types being offered within the area.

As discussed throughout this report, the proposal is compatible with the desired future character and amenity of the surrounding neighbourhood. Maximisation of public transport use, walking and cycling will be encouraged by the provision of compliant parking spaces on site and sufficient area on site for the storage of bicycles.

The proposal incorporates design measures that reduce the urban heat island effect, including sufficient open space and landscaped area, light colour palette of material and finishes, landscaped planters throughout the site and landscaped roof terrace with photovoltaic solar panels to reduce the urban heat load. The number of trees and plants on site is also being increased.

As such the proposal is considered to be consistent with the relevant objectives of the R3 zone.

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 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:

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory
2. Ecologically Sustainable Development	Yes	Satisfactory
3. Landscaping and Biodiversity	Yes	Satisfactory
5. Vegetation Preservation	Yes	The proposal includes the removal of a Hills Weeping Fig tree from the rear yard of the property. The tree was inspected by Council's Tree Management Officer who advised that removal is supported as the tree possesses no outstanding attributes worthy of retention. Refer to Section 3 of this report on referral commentary in relation to tree removal. The site is located within a Habitat Corridor as defined by the DCP. The proposal includes two replacement Coastal Banksia trees and four Kentia Palms over the three sites. The landscape plan also includes extensive landscaping and use of shrubs and groundcovers, most of which are local native species recommended for use in the DCP (Annexure B2-1).
6. Stormwater	Yes	Satisfactory - refer to section 3 of this report on referral commentary in relation to stormwater.
 8. Transport Minimum parking rate: Nil Maximum parking rate: 	Yes	The proposal provides for two car spaces for Dwellings 2 and 3 and one car space and one motorcycle space for Dwelling 1. The design and location of the garages are satisfactorily being integrated into the design of each dwelling.

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

Development Control	Compliance	Comment
 1 space for 2 or less bedrooms 2 spaces for 3 or more bedrooms. 		The proposal has been amended since it was first submitted to address concerns with vehicle manoeuvrability to and from Dwelling 3 which fronts Silva Street. Silva Street is a narrow street with parking on either side of the street which limits the ability of vehicles to turn around when reversing out of parking spaces onto the street. To address this matter, the amended plans have repositioned the garage to the eastern side boundary adjoining a garage at 10 Silva Street and provided a turn table within the front setback. This will allow vehicles entering and leaving the site to do so in a forward direction. Further conditions have been recommended by Council's Traffic Engineers which are included in Appendix A.
9. Heritage	Yes	Satisfactory
10. Safety	Yes	Satisfactory
12. Design Excellence	Yes	The original proposal was referred to the Waverley Design Excellence Advisory Panel (DEAP) for comments in relation to design excellence. Refer to Section 3.1 of this report for detailed comments.
13. Subdivision	N/A	The subdivision was previously approved and does not form part of this development application.
14. Excavation	Yes	The amended proposal has reduced the amount of excavation to Dwellings 1 and 2 (semi- detached pair) in response to the deferral matter that the building be set back from the western side boundary due to the approved stormwater easement along this boundary benefiting Dwelling 3. Notwithstanding, the basement garage is built up to the eastern boundary whereas the DCP requires that excavation not occur within 900mm of the boundary. This issue is discussed in detail following the tables within this report. Dwellings 1 and 3 provide the minimum 900mm setback from all boundaries for excavation consistent with the DCP. The excavation is also contained within the footprint of the buildings above

Development Control	Compliance	Comment
		The excavation does not add to the bulk and scale of the dwellings. The basement garage level protrudes above the ground level at the front however this is consistent with the character of the streetscape along this part of Pacific Avenue which is a mixture of garages built up to the street boundary and integrated garages consistent with that proposed.

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 Maximum wall height of 7.5m 	No	 <u>Dwellings 1 and 2 (semi-detached pair):</u> These dwellings have varying setbacks to separate sections of the building to provide articulation and reduce the bulk of the building when viewed from surrounding properties and the public domain. The building steps with the slope of the land from the rear to the front and provides articulation through setbacks and recesses. These dwellings comply with the wall height control due to the stepped form from the side boundaries. <u>Dwelling 3 (detached):</u> The proposal has a varying wall height across the site with the maximum being 9.4m at the rear elevation. Refer to detailed discussion following this table.
2.2 Setbacks		
 2.2.1 Front and rear building lines Predominant front building line Predominant rear building line at each floor level 	Yes	The proposal provides an angled front setback on Pacific Avenue splaying between the front setbacks of both adjoining properties. The front setback of the dwelling on Silva Street is consistent with the only other adjoining property with a dwelling fronting the street at No. 12 Silva Street.

Development Control	Compliance	Comment
		The rear setbacks are within the logical area given the subdivision pattern approved under the previous consent with rear yards contained to the north of the pair of semi-detached dwellings and to the south of the dwelling fronting Silva Street. The proposal has been amended to increase the setback at the rear however the internal courtyards push the dwellings further back on the site. However, this is so that the dwellings can comply with the height development standard and limit impact upon views from No. 12 Silva Street. The rear setback of the Silva Street dwelling is less than the adjoining property that also fronts this street which is considered acceptable.
 2.2.2 Side setbacks Minimum of 1.5m (height up to 12.5m) 	No	 <u>Dwellings 1 & 2 (semi-detached pair)</u>: The following side setbacks are provided: Garage level: Nil (Dwelling 2) and 900mm (Dwelling 1) Ground floor level: 900mm to 1.5m Upper levels: 1.5m <u>Dwelling 3 (detached):</u> The following side setbacks apply: Lower ground floor level: 900mm Ground floor level: nil to the garage and 1.5m for the dwelling First floor level: 1.5m Refer to detailed discussion following this table.
2.3 Streetscape and visual imp	pact	
 New development to be compatible with streetscape context Significant landscaping to be maintained. 	Yes	As previously discussed, the proposal achieves design excellence and provides an appropriately articulated building that responds to the bulk and scale of surrounding properties. The proposal, when viewed from the public domain, will contribute to the character of the street and will provide an appropriate level of landscaping within the front setback.
2.4 Fences		
 Front: Maximum height of 1.2m Solid section no more than 0.6m high 	Yes	<u>Dwellings 1 & 2 (semi-detached pair)</u> : The front boundary fencing is low forward of the building line consistent with the DCP.
Side and Rear:		<u>Dwelling 3 (detached)</u> :

Development Control	Compliance	Comment
Maximum height of 1.8m		The garage will be built up to the front boundary with Silva Street. The front boundary adjoins the side boundary of 10 Silva Street and will adjoin the side wall of a garage and an existing high boundary fence on this property. Accordingly, there is little front boundary presenting to Silva Street. The front boundary treatment is therefore acceptable. The plans are not clear regarding new side boundary fencing. A condition will require that any new side boundary fences are to be no higher than 1.8m from the ground level.
2.5 Visual and acoustic privacy	/	
 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: 10m² in area 1.5m deep Roof tops to be non-trafficable unless predominant in the immediate vicinity 	Yes	 <u>Dwellings 1 & 2 (semi-detached pair)</u>: On the western side elevation of Dwelling 1 the windows are to non-habitable rooms, including bathrooms, hallways, stairs and robes, which have lesser privacy impacts. The kitchen window is a lowlight window ensuring privacy impacts are minimised. The windows are also offset from windows on the adjoining dwelling to the west. The main windows to habitable rooms are contained on the front elevation or are internal facing the central courtyard. Where windows wrap around to the side boundaries at the front, a condition will require that these are screened. The side windows to bathrooms are large and it is not clear how these windows will be treated for privacy. Given these overlook the adjoining properties, a condition will require that they are obscure glazed or have external screening protecting the privacy of the neighbouring properties and the subject site itself. The windows in the inset central courtyards are considered to have sufficient setbacks from adjoining properties and given they have outlook to the landscaped courtyard, these are considered acceptable. On the eastern elevation of Dwelling 2 a similar window arrangement as described for Dwelling 1 arises and the same conditions are recommended. The only change on this elevation is that a bedroom window with outlook toward the side boundary rather than to the internal courtyard. Given it is at ground floor level and bedrooms are rooms of low use with fewer

Development Control	Compliance	Comment
		occupants and less privacy impacts, this window is considered acceptable.
		Both dwellings contain recessed entries from the side elevation. These entries will not have unreasonable privacy impacts upon adjoining properties given they are recessed being set back from the side boundaries by 3m.
		The proposed dwellings include balconies on the front elevations at all levels. The balconies exceed the maximum requirements of the DCP however this is characteristic of balconies on surrounding properties where extensive views of Tamarama beach are achieved. The front balconies overlook the street and Tamarama Park opposite the site where privacy levels are low. The proposal has been amended since it was first submitted to remove large roof terraces accessed from Level 2. These have been replaced by a non- trafficable area for solar panels surrounded by planters. Conditions will require that this area is non-trafficable and is only to be accessed for maintenance purposes.
		Dwelling 3 (detached): The windows on the side boundaries are to non- habitable rooms with lesser privacy impacts. Conditions will require that these are screened or obscure glazed to further protect the privacy of adjoining properties. The main habitable windows are located on the front and rear and, where wrapping around to the side elevations, are screened.
		The proposed dwelling provides a balcony at the first floor level on the rear which will be screened on the side elevation to inhibit overlooking of the adjoining site. The balcony marginally exceeds the depth requirements of the DCP however this is characteristic of the area. Balconies on the front and rear can reasonably be expected in areas with views and the proposal is consistent with surrounding buildings where there is a mutual degree of overlooking in exchange for views over neighbouring sites.
		Given the above analysis, it is considered that the proposal is characteristic of the area and will not result in unreasonable privacy impacts upon

Development Control	Compliance	Comment
		surrounding properties, subject to recommended conditions of consent.
2.6 Solar access		
 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% I of principal open space areas of adjoining properties on 21 June. Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	Yes	Living areas and private open spaces will receive solar access with the exception of the principal private open space of Dwelling 3. The rear yard of Dwelling 3 is south facing due to the orientation of this site limiting solar access to this area. This is consequence of the orientation of the site and is accepted. The proposal will result in additional overshadowing of adjoining properties, particularly those south of the site. Despite this, the reasonableness of the overshadowing impact is considered based on the performance and compliance of the development with relevant built form development standards and controls as well as the site's orientation. As demonstrated in this report, the development generally complies with the building height and FSR development standards under the LEP (upon subdivision being formalised), and with front and rear setbacks and open space/landscaped area controls under the DCP. The side setbacks to the upper floor levels also comply with the DCP. Given the previously approved subdivision of this site into three allotments, each dwelling is positioned as would be reasonably expected upon redevelopment of the site. Based on the proposal's compliance with the key built form controls, any additional overshadowing impact caused by the proposed development is deemed reasonable and non- adverse and anticipated for any compliant redevelopment of the subject site. Three dwellings that comply with the FSR and height development standards is not unreasonable given the bulk and scale of surrounding development and although the proposal results in additional overshadowing of adjoining sites, this impact is not considered unreasonable.
 Views from the public domain are to be maintained 	Yes	Refer to detailed discussion following this table.

Development Control	Compliance	Comment
 Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 		
2.8 Car parking		
 2.8.1 Design Approach Parking only allowed where site conditions permit Designed to complement the building and streetscape Car parking structures to be behind the front building line Driveways are to be located to minimise the loss of on street parking Parking to be provided from secondary streets or lanes where possible. 	Yes	All garages are integrated into the design of the dwellings. As previously discussed, the provision of a turntable to Dwelling 3 will allow adequate manoeuvrability from the site. Dwellings 1 and 2 have a combined driveway to ensure that loss of on-street parking is minimised. The driveway to Dwelling 3 will not result in any loss of on-street parking as signage prohibits on- street parking on this frontage.
2.8.2 Parking rates	Yes	The number of parking spaces per dwelling does not exceed the maximum rate of 2 spaces stipulated by the DCP.
 2.8.3 Location Behind front building line for new dwellings Existing development to be in accordance with the hierarchy of preferred car parking locations 	Yes	Dwellings 1 and 2 provide integrated parking behind the front building line. Dwelling 3 provides integrated parking which extends within the front setbacks however this is consistent with surrounding properties and is supported.
 2.8.4 Design Complement the style, massing and detail of the dwelling Secondary in area and appearance to the design of the residences 	Yes	All garages complement the style, massing and detailing of the dwellings and are also secondary in appearance to the dwelling designs.
2.8.5 Dimensions5.4m x 2.4m per vehicle	Yes	Each parking space provides the minimum dimensions.

Development Control	Compliance	Comment
 2.8.6 Driveways 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	Dwellings 1 and 2 have a combined driveway to ensure that loss of on-street parking is minimised. This driveway will result in the loss of one on-street space, with a gain of three off- street spaces. Given the existing dwelling on the site only provides one space, the proposal will not result in a net loss of parking. The driveway to Dwelling 3 will not result in any loss of on-street parking as signage prohibits on- street parking on this frontage. This will also result in a net gain of two parking spaces.
2.9 Landscaping and open spa	ce	
 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 	Partial	 Dwelling 1: Open space: The proposal provides >46% of the site (as excludes upper level balconies). Landscaped area: The proposal provides 27% of the site as landscaped area (excludes planters). Principal area of POS: 35m² (rear yard) Front setback: 100% open space Front setback: 42% landscaped area Dwelling 2: Open space: The proposal provides >42% of the site (as excludes upper level balconies). Landscaped area: The proposal provides 29% of the site (as excludes upper level balconies). Landscaped area: The proposal provides 29% of the site as landscaped area (excludes planters). Principal area of POS: 38m² (rear yard) Front setback: 100% open space Front setback: 39% landscaped area Dwellings 1 and 2 meet the requirements of the DCP with the exception of the front landscaped areas. The front landscaping has been maximised by combining the vehicular access into a single entry for both semi-detached dwellings and providing pavers with landscaping to the front dwelling entry (not included in calculations). Given the width of the site, the front landscaping is considered acceptable and increases the landscaping on this frontage from the existing. Dwelling 3: Open space: The proposal provides >43% of the site (as excludes upper level balconies).

Development Control	Compliance	Comment
		 Landscaped area: The proposal provides 22% of the site as landscaped area (excludes planters). Principal area of POS: 50m² (rear yard) Front setback: 53% open space Front setback: 0% landscaped area Dwelling 3 is compliant with the landscaping controls of the DCP with the exception of front landscaped area. The limited frontage on Silva Street and the requirement to provide a turntable to enable vehicles to leave the site in a forward direction limits the provision of landscaping in the front setback. To offset this, the proposal includes a green roof over the garage which will contribute to the landscaping on this frontage. This is considered acceptable given the constraints of the site.
2.14 Dual Frontage Developme	ent	
 2.14.1 - General Controls Primary and secondary frontage to be defined Appropriate forms to be provided to each street 	Yes	The proposal appropriately responds to the Pacific Avenue frontage and the Silva Street frontage. Each dwelling addresses the street on which it is contained.

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 largely complies with the DCP controls and objectives for excavation except that the DCP requires that excavation is not to occur within a 900mm setback from side boundaries and shall only occur within the building footprint except where access to a basement car park is required.

The proposed basement garage is to be set back 900mm from the western boundary (Dwelling 1) and is to be built up to the eastern boundary (Dwelling 2). Although the minimum 900mm setback is not achieved on the eastern side, this is generally consistent with the pattern of development within the street, where excavation and garages built up to one side boundary has been considered acceptable.

The nil side boundary setback is only for part of the basement level with the remainder set back 900mm in accordance with the DCP. The reduced setback is to provide the required width for two parking spaces.

A Geotechnical Investigation Report has been provided which provides initial recommendations in relation to the protection of adjoining properties and conditions will require more detailed geotechnical

investigations as part of the construction certificate and certification. The geotechnical report will provide the means for ensuring the protection of the adjoining properties as required by conditions. Accordingly, the excavation is considered acceptable particularly as it is only for a small part of the boundary.

Wall height

Dwelling 3 has a maximum wall height of 9.4m at the rear elevation of the building. However, this dwelling also includes varied setbacks from the side boundaries reducing the bulk and scale of the structure when viewed from the rear. The varied setbacks provide appropriate articulation to the built form of the building particularly when viewed from the public domain.

The bulk of the building is not out of scale with surrounding residential flat buildings typically containing bulk toward the front of the site. The subject development steps with the slope of the land similar to surrounding low scale residential dwellings.

The proposed development is not out of character with the bulk and scale of surrounding development, does not unreasonable impact upon the amenity of surrounding properties (as discussed throughout this report) and complies with the higher order height development standard stipulated in the LEP, and as such the wall height variation, as a consequence of the sloping nature of the site, is not considered unreasonable.

Side setbacks

Dwellings 1 & 2 (semi-detached pair):

Dwellings 1 and 2 provide 900mm side setbacks for part of the ground floor level increasing to 1500mm toward the centre and rear of the dwellings. The ground floor setback accommodates the garages and entry at the front of each of the semi-detached dwellings. The variation at the ground floor level will not result in increased amenity impacts upon surrounding properties such as overshadowing and privacy impacts as this section sits low on the site. The variation to the setback at ground level of the semi-detached dwellings will not have an unacceptable impact upon the streetscape.

Dwelling 3 (detached):

The detached dwelling on Silva Street also provides 900mm side setbacks at the lower ground floor level increasing at the ground and first floor levels to compliant 1500mm side setbacks. The exception to this is the garage at the ground level which has a nil side boundary setback on the eastern side.

The 900mm side setbacks at the lower ground floor level will not unreasonably increase overshadowing of adjoining sites or impact upon privacy. This part of the building is concealed from view from the public domain and will not impact upon the streetscape appearance of the dwelling. The garage built up to the side boundary is consistent with surrounding development and will adjoin a garage at the adjoining property at the rear. The proposed garage will not result in unreasonable amenity impacts upon surrounding properties or impact upon the streetscape.

Given the above analysis, the variations to the side setbacks controls throughout the site are considered reasonable and are supported.

View sharing

The NSW Land and Environment Court has articulated general principles with regard to views (see <u>Tenacity Consulting v Warringah Council [2004] NSWLEC 140</u>). This case states:

The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.) To decide whether or not view sharing is reasonable, a four-step assessment should be used:

- 1. The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.
- 2. The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.
- 3. The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.
- 4. The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Objections were received from two properties in relation to loss of views, No. 7 Pacific Avenue and No. 12 Silva Street. Both properties adjoin the subject site along the western boundary. Site visits were carried out at both properties as these views are considered to be the most likely impacted by the subject

development. **Figures 7 to 10** demonstrate the view analysis diagrams provided by the Applicant and are indicative of the views achieved from these properties and the impact of the proposed development upon those views.

No. 12 Silva Street:

No 12 Silva Street achieve views from the rear and eastern side elevations of the dwelling. The main views are from the first floor level balcony and living areas and from the bedroom level at the elevated ground floor level and are indicated in the figures below. The views are partial views of Tamarama Beach, the Pacific Ocean and the cliffs to the south toward Bronte and beyond. The views are of land and water interface and include breaking waves. This property also has a small partial view directly to the east from the front balcony and down the side boundary from a balcony off the laundry used for drying (this view is of sand and rock faces at Tamarama Beach). All views from the property are angled over the side boundary of the subject site. The following figures show the impact of the development on the main views from this property.



Figure 7: Existing view from the first floor level in a southerly direction from the rear balcony accessed from the main living areas at 12 Silva Street (outline is indicative of the proposed building)



Figure 8: Proposed view from the first floor level in a southerly direction from the rear balcony accessed from the main living areas at 12 Silva Street (outline is indicative of the existing building)

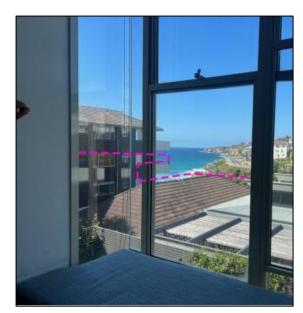


Figure 9: Existing view from the ground floor level in a southerly direction from the rear elevation from bedrooms at 12 Silva Street (outline is indicative of the proposed building)



Figure 10: Proposed view from the ground floor level in a southerly direction from the rear elevation from bedrooms at 12 Silva Street (outline is indicative of the existing building)

The above images indicate that only a small portion of the views from 12 Silva Street will be impacted by the proposed development with the majority of views being retained from both the ground and first floor levels of the dwelling. The proposal will retain the land and water interface, the cliffs to the south and the breaking waves, particularly from the first floor balcony which is accessed from the main living areas and kitchen. The impact of the proposed development upon the views from this property is categorised as minor.

The fourth principal of Tenacity is assessing the reasonableness of the proposal that is causing the impact and ascertaining if a more skilful design would have a lesser impact upon views. As discussed throughout this report, the proposal complies with the key built form controls of both the LEP and DCP and as such, the view impact upon surrounding properties from a compliant development form is not considered unreasonable. Notwithstanding, the proposal has been amended since it was first submitted resulting in the removal of roof terraces at the second floor level of the semi-detached dwellings.

As demonstrated in **Figure 11** below which is an extract of the section of the plan, although this part of the building is below the height development standard of 9.5m, the use of the area with tables, chairs and potential shelters (umbrellas) may have impacted upon views and the privacy of surrounding properties and as such, it was deleted. The proposal now includes photovoltaic (PV) solar panels in this area with a perimeter of planters to soften the roofscape when viewed from surrounding properties above and the street. Solar panels are highly encouraged in the DCP and can be carried out as complying development subject to meeting prescribed criteria under SEPP (Transport and Infrastructure) 2021. Details of the solar panels have not been shown on the plans including the height they will project above the roof. To ensure limited impact upon views, a condition will require that they are no higher than the

parapet surrounding the roof at RL 24.02. A further condition will also ensure that all plants within the planters are low growing species.

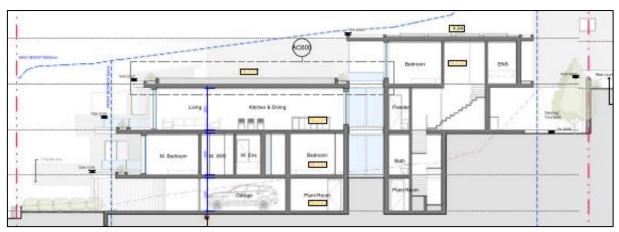


Figure 11: Extract of the section through the pair of semi-detached dwellings showing that the part that impacts upon views from 12 Silva Street is well below the height development standard in this section

Given that the proposal will have only limited impact upon the significant views achieved from 12 Silva Street, the views are achieved over an underdeveloped site and that the amended proposal is a development which complies with the key built form controls, the view loss is not considered unreasonable.

No. 7 Pacific Avenue:

No. 7 Pacific Avenue has extensive uninterrupted views of Tamarama Park and Beach, the Pacific Ocean and the cliffs to the south. These views are achieved from the front elevation of the building which contains windows and balconies orientated toward the views as shown in the **Figures 12 and 13** below.



Figure 12: Existing view from the first floor level front balcony accessed from the main living areas in a south-easterly direction at 7 Pacific Avenue



Figure 13: Existing view from the first floor level front balcony accessed from the main living areas in an easterly direction at 7 Pacific Avenue. This view looks directly over the side boundary

with the subject site with the terracotta roof of the existing building on the subject site being visible in the background beyond the potted plants.

The only view that will be impacted by the proposed development are views achieved directly over the side boundary of the site with the extensive views of the ocean, beach and cliffs in a southerly and southeasterly direction being retained. The impact of the proposed development upon the views from this property is categorised as negligible.

Notwithstanding, the applicant provided view impact diagrams demonstrating the impact upon views from the eastern side windows of this property as shown in **Figures 14 to 17** below. These diagrams demonstrate that the proposal will actually result in an improvement of views from No. 7 Pacific Avenue.



Figure 14: Existing view from the first floor level side window in an easterly direction from the main living areas at 7 Pacific Avenue (outline is indicative of the proposed building)



Figure 15: Proposed view from the first floor level side window in an easterly direction from the main living areas at 7 Pacific Avenue (outline is indicative of the existing building)



Figure 16: Existing view from the first floor level side window in an south-easterly direction from the main living areas at 7 Pacific Avenue (outline is indicative of the proposed building)



Figure 17: Proposed view from the first floor level side window in an south-easterly direction from the main living areas at 7 Pacific Avenue (outline is indicative of the original building)

In summary, the proposal has been sensitively designed to comply with the height and FSR development standards applicable to the site and to consider views from surrounding properties. The proposal will improve views from No. 7 Pacific Avenue and will have only a minor impact upon views from No. 12 Silva Street. In this regard, the proposal is considered to have no unreasonable impact upon views from surrounding 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 original application was notified for 14 days in accordance with the *Waverley Community Development Participation and Consultation Plan*. Thirteen (13) submissions were received during this notification.

Following receipt of amended plans and additional information, the application was re-notified for 14 days in accordance with the *Waverley Community Development Participation and Consultation Plan*. Seven (7) submissions were received during this notification.

A total of 20 unique submissions were received from the following 11 properties:

Count	Property Address
1.	6 Carlisle Street, Tamarama
2.	8 Carlisle Street, Tamarama
3.	7 Silva Street, Tamarama (2 submissions)
4.	8 Silva Street, Tamarama (2 submissions)
5.	9 Silva Street, Tamarama (2 submissions)
6.	10 Silva Street, Tamarama
7.	12 Silva Street, Tamarama (3 submissions)
8.	5 Pacific Avenue, Tamarama (2 submissions)
9.	7 Pacific Avenue, Tamarama (3 submissions)
10.	39 Lamrock Avenue, Bondi Beach
11.	15/3 Pacific Avenue, Tamarama
12.	No address details provided 1

Table 4: Number of and where submissions were received from.

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

- Traffic and parking
- FSR and height (bulk and scale)
- Wall height
- Garage on Silva Street is difficult for manoeuvring
- Out of character with the area
- View impacts
- Privacy impacts
- Loss of trees/vegetation
- Front building line
- Stormwater
- Setbacks
- Loss of habitat corridor

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

Issue: Construction issues such as noise and disturbance, works to different properties occurring concurrently; damages during construction; dilapidation reports; adequate building insurances.

Response: Council cannot refuse the application due to potential construction impacts. All standard conditions are included on the consent, including a condition regarding dilapidation reports for

surrounding properties. There are separate construction, property, insurance and civil laws that apply to the construction.

Issue: Overdevelopment of the site.

Response: A proposal which complies with the key built form controls such as height, FSR (upon subdivision), setbacks and landscaping is not an overdevelopment of the site. The proposal is for a pair of semi-detached dwellings and a separate dwelling which are permitted in the zone. The site is zoned for medium density development (ie, residential flat buildings) up to three-storeys in height (9.5m). The proposal is for a three-storey low density development. Upon enacting the subdivision, the height and FSR will generally comply with the development standards. Therefore, this is a technical non-compliance with the FSR development standard in that the subdivision consent has not yet been registered with Land Titles. This proposal is not an overdevelopment of this site.

Issue: Traffic and parking in Silva Street; difficulty manoeuvring within the street due to the narrow width; no traffic and parking assessment undertaken; cars currently park in their driveway and they won't be able to do that if the subject site needs to access their driveway; occupants may not use the turntable.

Response: The proposal has been amended since it was first submitted to relocate the garage and provide a turntable within their own site so that vehicles can enter and exit the site in a forward direction. In this regard, there will be no need for vehicles leaving this property to manoeuvre into and out of the site within the street.

It was noted in a site visit that a number of properties park multiple vehicles in their driveways with some parking on the kerb and gutter crossings on Council's footpath. These vehicles are actually illegally parking and if those vehicles were to park within the confines of their own sites, then neighbouring properties would be able to turn around by utilising the kerb and gutter crossings that are on Council owned land. The fact that vehicles will no longer be able to park illegally on Council footpaths to allow access to the detached dwelling on Silva Street is not a reason for which this application can be refused and/or modified.

The parking arrangements have been reviewed by Council's Traffic Engineers who are satisfied with the proposed development subject to conditions as contained within Appendix A.

A condition will require that vehicles enter and exit the site in a forward direction to ensure the turntable is utilised.

Issue: The proposal is not in accordance with the plans submitted for the subdivision consent.

Response: The plans which indicated what could be constructed on site as part of the subdivision consent were rudimentary and not a thorough application. The current proposal has been designed to comply with both the LEP development standards and the DCP controls with only minor variations. A

development which complies with the applicable controls is suitable for the site, regardless of the undeveloped plans submitted with the subdivision application.

Issue: The dwellings along the street present a three-storey frontage to Pacific Avenue; no four storey dwellings within the area.

Response: The proposal will present to the street as three storeys consistent with surrounding dwellings. There is no fourth storey as all proposed dwellings do not exceed three storeys <u>above existing ground</u> <u>level</u>. The proposed dwellings fronting Pacific Avenue have been designed to step with the land form with the second floor level (ie, topmost storey) being set back over 16m from the front setback of the levels below. In this regard, the proposal will be three-storeys at the Pacific Avenue frontage.

Issue: Increased noise from three dwellings on the site.

Response: The site is zoned for medium density development and if developed to the full potential of the site as a residential flat building, would likely result in more than three dwellings. In this regard, three dwellings would have no greater acoustic impact than the density anticipated by the zoning or that of surrounding properties.

Issue: Roof terrace is out of character with the area; there is no predominance for roof terraces within the area; noise and privacy impacts.

Response: The amended proposal has removed the large terraces over the roof of the semi-detached dwellings from the scheme. Noise and privacy impacts have been discussed in detail throughout this report. A condition is recommended to ensure that the roof area remains non-trafficable.

Issue: Inadequate information provided (view loss diagrams may not be accurate, Arborist report, swept path diagrams, easements, sections, shadow diagrams – 9am may be inaccurate).

Response: Adequate information has been provided for the assessment of the application. No contrary evidence has been provided to show that the shadow diagrams or view analysis diagrams are not accurate. A photograph taken of the position of the sun was provided as evidence of inaccurate shadow diagrams, however the photograph was taken on 02/06/2023 rather than on the winter solstice which was 20 days later.

The proposal is considered to be a reasonable development for this site given it complies with the key built form controls of the LEP and DCP. As discussed in this report, overshadowing and view impacts as a result of the redevelopment of the site within the parameters set by the development controls is not considered unreasonable.

Issue: Inadequate notification as properties within Silva Street were not notified and no site notice was displayed on site.

Response: Multiple properties in Silva Street and Carlisle Street to the north of the site were notified with the notification area extending well beyond the immediate surrounds of the site to ensure that any properties who may have views over the site were included. There is no requirement for site notices for this development. The proposal was notified extensively and in accordance with the requirements of the *Waverley Community Development Participation and Consultation Plan.*

Issue: Location of bin storage to the Silva Street dwelling is unsightly and will impact the use of the garage.

Response: The bin storage area to the detached dwelling is adjacent to the front setback within a concealed area. The bins will not be readily or easily visible from Silva Street. The bin location is considered reasonable and acceptable.

Issue: The deep soil calculations are incorrect.

Response: There is no requirement for deep soil for dwellings, only landscaped area. The calculations within this report have been carried out separately by the Assessment Officer with no reliance upon calculations presented by the applicant.

Issue: Privacy diagrams are inaccurate and should be updated.

Response: There is no requirement for privacy diagrams and these were submitted as additional plans by the Applicant. The privacy assessment is undertaken by the Assessment Officer using the plans, survey data and site visits. Privacy has been addressed previously in this report.

Issue: Loss of property value.

Response: This is not a planning matter.

Issue: Impact upon district views.

Response: District views are not significant views under the NSW Land and Environment Court view sharing planning principle arising from the case of *Tenancy Consulting vs. Warringah* [2004] LEC 140.

Issue: Objections to subdivision of the site into three allotments.

Response: The subdivision has been previously approved and is not being considered as part of this application. A condition will link this consent to the subdivision consent to ensure that this development cannot be enacted without the subdivision of the site.

Issue: Stormwater experts and Sydney Water should be engaged.

Response: Conditions of consent in relation to stormwater and Sydney Water approval are included in Appendix A.

Issue: The proposal is overbearing and dominating of surrounding properties and increases the height and bulk of the existing dwelling on the site.

Response: The subject site is underdeveloped and as discussed in detail in this report, a development which complies with the FSR, height, setbacks and landscaped area controls of both the LEP and DCP is considered reasonable for the subject site.

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. Waverley Design Excellence Advisory Panel (DEAP)

The original proposal was referred to the Waverley Design Advisory Excellence Panel (DEAP) on 10/11/2022 for comment in relation to design excellence. The DEAP's comment of the proposed development against the nine design quality principles under Schedule 1 of SEPP 65 and a planning response to each comment, where relevant, are set out in **Table 5** of this report.

The residential units are located within separate subdivision lots and while not subject to the ADG/SEPP 65, the guidelines of that policy are still applicable to the expectations of Waverley LEP and DCP 2012 for design excellence and development sustainability.

Table 5: Assessment against the Nine Design Quality Principles under SEPP 65

Principle 1: Context and Neighbourhood

- There is a dual frontage to Silva Street on the north-east and to Pacific Avenue on south-west overlooking Tamarama Beach. The streetscape is characterised by a variety of styles, materials, colours and shapes of the houses, some of which retain a more classic aspect while others are more contemporary new builds or modifications.
- The development envelope facing Pacific Ave fits into the pattern of rectangular grain division between Tamarama Gully to the West and Tamarama Beach to the East and the duplex on 6 Pacific Avenue has an appropriate contemporary character appropriate to the open aspect highly visible from the distance.
- From Silva St there is a narrow site access and frontage, and the single residence has a small street exposure and subtle character with minimal impact on context.

Principle 2: Built Form and Scale

- Given the urban coastal context the proposed envelope is contained within the planning control limits in a manner that minimises the potential for issues with view and amenity impacts both within the site and for neighbouring properties.
- The built form and scale respond to the nature of the steeply sloping site and surrounding development envelopes, with indented facades to both sides of the duplex that assist in augmenting natural light and ventilation while providing relief to the long side elevations. However, the Panel recommended review of the configuration of the duplex planning to see if a tighter envelope could be achieved to allow scope for more shared open space at the rear.

Planning comment: The amended proposal has increased the area of the rear private open space for the semi-detached dwellings by decreasing the width of the recessed central courtyards. Additionally, the floor plate has been replanned to increase the rear setback of the upper floor level and delete the rear balconies. The proposed dwellings have been designed to step with the slope of the land to ensure that no part of the proposal exceeds the height development standard. If the semi-detached dwellings and upper floor levels were set further forward on the site it would result in a non-compliant height and would impact further upon views from surrounding properties, particularly 12 Silva Street. Additionally, the proposal meets the minimum requirements for open space and landscaped area, even without including the various balconies at the upper floor levels. In this regard, the amended plans are considered to have satisfied this matter raised by the DEAP.

Principle 3: Density

The density is appropriate for the site and location, with the increase from a single existing house to 3 new residences on the same subdivided site.

Principle 4: Sustainability

- The Panel was impressed with the commitment to a passive low energy approach for the overall development, with inclusion of PV solar panels to maximum roof areas and consideration of geothermal and heat pump systems for environmental management.
- To help minimise the need for use of a/c systems, the Panel recommends inclusion of ceiling fans to all living areas and bedrooms.
- Rainwater capture should be considered to enable use for landscape irrigation.
- Scope for recycling materials from demolition (eg. bricks) should be considered.

Planning comment: Conditions regarding ceiling fans are included in Appendix A. The remaining issues are covered by Stormwater and Waste Management conditions.

Principle 5: Landscape

- Loss of a significant existing tree was noted by the Panel, and if supported with an arborist report there should be inclusion for replacement with site specific new planting that will offset this loss and help mitigate urban heat gain.
- The current landscape plans are difficult to read and should comply with minimum Council drawing standards.
- A full arborists report is required and must correlate with trees to be removed and retained.
- A clear plan outlining deep soil zones and soils over structure is required.
- Typical detail sections of planters on roof terraces are required for a landscape package indicating soil depth and width.
- The Panel suggested that rather than the noted gravel on the roof garden on Level RL 23.625 a planted non habitable roof garden with suitable endemic ground covers could provide more amenity for residents and potential habitat for fauna and insect habitat.
- The Panel noted that the proposal has very little canopy trees and suggest evergreen native trees be specified throughout the site and on the ground level of the car park entry and driveway off Pacific Avenue.
- Locations of open space with deep soil are quite restricted and will require careful choice of trees that are suitable for these tight spaces. The retaining wall between the duplex and house should allow for vertical landscape planting to improve its visual outlook. The use of endemic palms was suggested as a suitable species in confined courtyards.
- Extensive roof top landscaping is supported but must be based on selection of planting that is suitable for this exposed site context, and appropriate maintenance. Allowance for suitable privacy screening between duplex roof terraces should be considered, along with possible issues with overlooking from the adjacent units at 5 Pacific Ave.

Planning comment: Council's Tree Management Officer has reviewed the application and supports the removal of the tree as detailed in this report. The Tree Management Officer has not requested that an Arborist Report be provided for this tree.

The proposal includes two replacement Coastal Banksia trees and four Kentia Palms over the three sites. The landscape plan also includes extensive landscaping and use of shrubs and groundcovers, most of which are local native species recommended for use by the DCP (Annexure B2-1). A further condition is recommended to ensure that 50% of the species are local natives. Additionally, the amended proposal has removed the roof terraces and now includes planters surrounding solar panels on the roof over the semi-detached dwellings. It should be noted that deep soil is not required for low density development and the proposal provides sufficient areas of open space and landscaped area to meet the controls of the DCP.

Principle 6: Amenity

- The duplex planning locates the dining areas quite a distance from the kitchen, and reconsideration of the floor plan configuration should consider a more efficient layout.
- Privacy between the rear open spaces of the duplex units and the bedroom and living area of the separate dwelling should be considered with potential acoustic and cross viewing issues assessed. The same issues would also be of concern between duplex roof terraces and in relation

to the adjacent units at 5 Pacific Ave so there should be consideration of how some appropriate separation could be integrated.

Planning comment: The amended plans have reconfigured the floor plans of the semi-detached dwellings to have the dining areas closer to the kitchens.

The amended proposal has removed the roof terrace and the rear balconies to the semi-detached dwellings. The rear of the semi-detached dwellings contains a recessed/covered courtyard for part of the rear yard at the first floor level and bathroom windows at the second floor level. This results in reduced privacy impacts between dwellings on the subject site. The detached dwelling on Silva Street also contains hedge planting and fencing along the rear boundary to further inhibit the ability to look down into the adjoining semi-detached dwellings.

Principle 7: Safety

- The long side entries may have CPTED issues with exposure to a very popular public coastal walk, and a secure gate should be included at the building line.
- With the very tight car access from Silva St, the swept paths for vehicles to access the garage requires careful consideration even with the proposed turntable.

Planning comment: A condition will require gates on both side boundaries to the semi-detached dwellings. The amended plans have reconfigured the parking to address concerns regarding maneuverability which has been reviewed by Council's Traffic and Development Manager.

Principle 8: Housing Diversity and Social Interaction

No comment.

Principle 9: Aesthetics

- There is an increasing predominance of ubiquitous white clad or rendered buildings in many areas, and these often have maintenance issues will deterioration or mould growth due to site location with exposure to elements.
- Incorporation of more local and natural materials that have more resilience should be considered that will also assist with improved contextual fit.

Planning comment: The amended proposal includes a variation of materials and landscaping to enhance the light colour palette. The materials and finishes are considered appropriate to the emerging character of the area with a lighter colour palette.

3.2. Traffic and Development

The following comments were provided in addition to recommended conditions which are included in Appendix A:

The amended plans have reduced the width of the driveway to Pacific Avenue to 3.0 metres as recommended. This is satisfactory.

The amended plans have added a turntable to the garage accessed off Silva Street. It retains a 2 car garage. This is satisfactory. It is a noted that the driveway is wider than the standard 3.0 metres at the property boundary. This is necessary due to manoeuvrability constraints. It leads on to a shared driveway.

Traffic and parking requirements are satisfied subject to the conditions.

3.3. Stormwater

The final proposal was reviewed by Stormwater Engineers and conditions were provided which are included in Appendix A.

3.4. Tree Management

The following comment was provided by Council's Tree Management Officer:

On inspection, it was noted that on site there is one (1) Ficus microcarpa var hilli (hills weeping fig), this tree is possessing no outstanding attributes worthy of retention and its removal is supported.

3.5. GIS (Land Information)

A condition in relation to street numbering was recommended which is included in Appendix A.

3.6. Biodiversity/Environmental Sustainability

The following comment was provided:

The property lies within the identified coastal biodiversity corridor, and in an area where fauna habitat, especially for small birds, is rapidly diminishing. 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 submitted do not comply with the abovementioned control. Several of the proposed plant species have been mis-classified, and agaves have not been included in any of the three categories (trees/shrubs/grasses and groundcovers).

An appropriate condition is included in Appendix A to rectify this issue.

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.

Development and Building Unit (DBU) Decision:

The application was reviewed by the DBU at the meeting on 20/12/2022 and the DBU determined:

(c) The application should be deferred and amendments required as set out in the deferral letter.
 Upon satisfaction of those matters, the application is acceptable and should be approved.

DBU members: M Reid, A Rossi, B Magistrale and P Wong

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:	
Huce		
Kylie Lucas	Angela Rossi	
Senior Development Assessment Planner	Manager, Development Assessment	
	(Reviewed and agreed on behalf of the	
	Development and Building Unit)	
Date: 10/07/2023	Date: 14/07/2023	

Reason for WLPP referral:

2. Contentious development (10 or more objections)

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

OFFICE USE ONLY

Clause 4.6 register entry required	70% variation to FSR (Clause 4.4)
(For the purposes of reporting to the planning portal, if the %	
approved is different to the % proposed in the original submission, please state what the variation initially proposed	
was – Planning Portal Requirement)	
Determining Authority	Local Planning Panel
(Concurrence Authority for Clause 4.6 variation)	
Affordable Rental Housing Units?	No
*This is a planning portal reporting requirement	
Secondary Dwelling	No
*This is a planning portal reporting requirement	
Boarding House	No
*This is a planning portal reporting requirement	
Group Home	No
*This is a planning portal reporting requirement	
Trial Period database entry required	No

VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Other (please specify):	No

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 ARCNRY including the following:

Plan Number and	Plan description	Plan Date	Date
Revision			received by
			Council
AC100 Revision A	SITE ANALYSIS	23/04/2021	02/05/2023
AC110 Revision A	SITE & ROOF PLAN LOT 1,2 & 3	23/04/2021	02/05/2023
AC111 Revision A	BASEMENT & GROUND FLOOR PLANS	23/04/2021	02/05/2023
AC112 Revision A	FIRST & SECOND FLOOR PLANS	23/04/2021	02/05/2023
AC113 Revision A	LOT 3 GROUND & FIRST FLOOR PLANS	23/04/2021	02/05/2023
AC201 Revision A	ELEVATIONS – EAST & WEST LOT 1 & 2	23/04/2021	02/05/2023
AC202 Revision A	ELEVATIONS – EAST & WEST LOT 3	23/04/2021	02/05/2023
AC203 Revision A	ELEVATIONS - SOUTH	23/04/2021	02/05/2023
AC204 Revision A	ELEVATIONS - NORTH	23/04/2021	02/05/2023
AC301 Revision A	SECTIONS	23/04/2021	02/05/2023
AC302 Revision A	SECTIONS	23/04/2021	02/05/2023
AC600 Revision A	SECOND LEVEL PLANTER	23/04/2021	02/05/2023
AC700 Revision A	WINDOW SCHEDULE	23/04/2021	02/05/2023
AC701 Revision A	GLAZED DOOR SCHEDULE	23/04/2021	02/05/2023
AC702 Revision A	MATERIAL BOARD	23/04/2021	02/05/2023
AD101 Revision A	DEMOLITION PLAN	23/04/2021	02/05/2023

- (b) Landscape Plan No. LA110, LA111, LA112, all Issue C and LA113 Issue B, and documentation prepared by Archisquad, dated 02/05/2023 and received by Council on 10/05/2023.
- (c) BASIX and NatHERs Certificate/s
- (d) Report on Geotechnical Site Investigation prepared by Crozier Geotechnical Consultants Project No: 2017-176.1 Issue 1 dated 16/09/2022 and received by Council on 14/11/2022.
- (e) The Site Waste and Recycling Management Plan (SWRMP) Part 1.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) To mitigate privacy impacts upon surrounding properties, Dwellings 1, 2 (semi-detached pair) and Dwelling 3 (detached) are to implement the following:
 - i. Where windows on the front elevation of Dwellings 1 and 2 wrap around to the side elevations, screening is to be provided. The screens are to be designed to mitigate

overlooking of adjoining properties and are to be consistent with screening indicated on the approved materials and finishes.

- ii. The bathroom, robe and stairway windows on the side elevations directly facing the side boundaries are to be obscure glazed or fitted with external privacy screens designed to mitigate overlooking of adjoining properties and are to be consistent with screening indicated on the approved materials and finishes. To avoid any doubt, the windows orientated toward the central recess/courtyard to Dwellings 1 and 2 are not required to be screened.
- (b) To ensure limited impact upon views from surrounding properties, the photovoltaic (PV) solar panels are to be no higher than the top of roof parapet. All plants within the surrounding planters and between PV panels are to be low growing species with a mature height no greater than 300mm.
- (c) Side boundary fencing is to be no higher than 1800mm from (new) ground level.
- (d) Ceiling fans are required in all habitable rooms and are to be shown on the plans.
- (e) For security, a pedestrian gate is required to be provided at the building line of each of the semidetached dwellings (Dwellings 1 and 2).

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

3. DOMESTIC HEATERS

The provision of solid fuel heating is prohibited.

4. SUBDIVISION

No approval is granted or implied for subdivision as part of this development consent. Separate development consent is required (DA-501/2015 where applicable or otherwise).

The registration of the site into three allotments shall occur prior to the issue of any Occupation Certificate for works contained in this development consent.

5. GREEN ROOF

The green roof at the second floor level of Dwellings 1 and 2 (semi-detached pair) 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 and there shall be no external lighting of this area at night.

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

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

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with 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.

7. 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

8. 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 <u>full</u> 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.

9. SECURITY DEPOSIT

A deposit (cash or cheque) for the amount of **\$108,789** 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.

10. LONG SERVICE LEVY

A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986,* is to be paid in respect 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.

<u>Note</u>: 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

11. 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.

12. 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.

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.

STORMWATER & FLOODING

15. STORMWATER AND 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 Arcnry, Project No. 19027, Drawing No. AC820, Issue A, dated 30/01/2023, 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) An individual stormwater drainage system is required for each dwelling.
- (b) The plans shall provide details of any required On-Site Stormwater Detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. Council's checklist as set out in Council's Water Management Technical Manual shall be completed and submitted.
- (c) The OSD and internal drainage system is to be designed for the 1% Annual Exceedance Probability (AEP) storm event.
- (d) Details of any rainwater reuse system 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. The rainwater tank for each dwelling must have a minimum capacity of $2500m^3$.

- (e) 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.
- (f) The pits/inspection openings must be provided at all junctions, change in gradient, change in direction, and change in diameter for access and maintenance purposes.
- (g) Show sub-soil drainage restricted from entering the basement areas of the building and the stormwater drainage system by waterproofing and tanking the basement areas of the building in accordance with a Registered Structural Engineer's design.
- (h) 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 300mm wide by 100mm deep at the shallow end and have a "bottom" slope of 2%. This trench drain shall be connected to an approved drainage system.
- (i) Any proposed pipeline within Council's footpath must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and fall by gravity at 1% minimum.
- (j) A sediment control stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- (k) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- (I) Any new downpipes are to be located wholly within the property's boundary.
- (m) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- (n) 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 any OSD system).
- (o) 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.
- Since a sewer main runs through the property, plans must also be presented to a Sydney Water Tap in[™] for their approval.
- 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: <u>assets@waverley.nsw.gov.au</u> 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.

<u>WASTE</u>

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 DCP (see Annexure B2 1). All plants must be low growing species with a mature height no greater than 300mm.
- (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.

20. 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.

21. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION

An application to obtain a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be made prior to the issue of the relevant Construction Certificate. The application must be made through an authorised Water Servicing Coordinator.

For more information about making an application to obtain a Section 73 Compliance Certificate, please consult Sydney Water's website.

Following this application, a "Notice of Requirements" will be provided by Sydney Water that outlines any requirements of works to be completed prior to the issue of the Section 73 Compliance Certificate. Please make early contact **with the Coordinator**, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.

TRAFFIC MANAGEMENT

22. 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/developm ent_applications - conditions_of_consent

23. 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 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

24. CONSTRUCTION SIGNS

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

DEMOLITION & EXCAVATION

25. 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.

26. 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.

27. 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.

28. EXCAVATION AND BACKFILLING

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

If an excavation associated with the erection or demolition or 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

29. CONSTRUCTION HOURS

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

30. 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.

31. 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.

32. 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.

33. 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.

34. WORK OUTSIDE PROPERTY BOUNDARY

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

TREE PROTECTION AND REMOVAL

35. 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.

36. 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

37. RECONSTRUCT VEHICLE CROSSING (PACIFIC AVENUE)

The existing vehicle crossing to Pacific Avenue is to be demolished and a new crossing constructed to provide access to 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.

The crossing is to be 3.0 metres wide at the property boundary. The width at the street is to be 3.0 metres plus 0.45 metre splays.

38. NEW VEHICLE CROSSING (SILVA STREET)

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

The crossing is to merge with the existing driveways to Nos. 10 and 12 Silva Street. The extent of works is to be determined by Council's Executive Manager Infrastructure Services or delegate.

39. VEHICULAR ACCESS - FINISHED LEVEL TO FOOTPATH (PACIFIC AVENUE)

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

40. VEHICULAR ACCESS - FINISHED LEVEL (SILVA STREET)

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

41. HEADROOM CLEARANCE

The headroom clearance on the entry and within the garages for the three properties is to be a minimum of 2.2 metres.

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.

42. 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.

43. CERTIFICATION OF BASIX COMMITMENTS

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

44. CERTIFICATION OF CONSTRUCTED STORMWATER DRAINAGE SYSTEM

Prior to the issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practicing Engineer, 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. A copy of the aforementioned letter of certification must be submitted to Council.

45. 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, basement pump-out facility, any detention facility, any 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.

46. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD SYSTEM AND RAINWATER TANK

Prior to the issue of an Occupation Certificate, a "Positive Covenant" and "Restriction on the Use of Land" shall be created for the On-Site Stormwater Detention (OSD) system and rainwater tank, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the Title that the OSD system and

rainwater tank are 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 and rainwater tank 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 OSD system and rainwater tank, including its relationship to the building footprint. Electronic colour photographs of the OSD system and rainwater tank 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.

47. INTERALLOTMENT DRAINAGE EASEMENT

Construction of any fixed structure other than the proposed staircase and encroachments over the existing inter-allotment drainage easement or within the confines of the easement is not permitted. The construction of soft landscaping and/or hard paving is permitted over the easement. The landscaping over the easement is restricted to ground covers and shrubs/turfing, and plantation of trees is not permitted.

48. CREATION OF INTERALLOTMENT DRAINAGE EASEMENT

A minimum of 700mm wide interallotment drainage easement shall be created burdening Lot No. 1 in the favour of Lot No. 3. The interallotment drainage easement with a Restriction to User along the full length of the property boundary of Lot No. 1 must be established in accordance with Council's requirements for the development to legally drain via gravity to the downstream public drainage infrastructure.

The Restriction to User and interallotment drainage easement must be registered with Land Registry Services NSW. Documentary evidence of registration of the drainage easement with the Land & Property Information Authority, including the terms of the drainage easement and its location on the burdened Lot No. 1 must be submitted to Council to demonstrate the requirements of this condition have been satisfied.

The detail of the easement is to be located and shown on the stormwater management design plans.

49. INTERALLOTMENT DRAINAGE EASEMENT REGISTRATION

Proof of registration of the easement shall be furnished to the Principal Certifying Authority prior to completion of the development and prior to the issue of an Occupation Certificate/use of the building. The wording of the Instrument shall be submitted and approved by Council prior to lodgement at Land & Property Information NSW.

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.

50. ALLOCATION OF STREET NUMBER

The subdivision of the properties has led to the following allocation of primary address numbers:

- No. 6B Pacific Avenue for the allotment of Lot 1 (front north-eastern lot)
- No. 6A Pacific Avenue for the allotment of Lot 2 (front south-western lot)
- No. 10A Silva Street for the allotment Lot 3 (rear south-eastern lot)

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 Pacific Avenue & Silva 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.

51. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE

A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.

52. DWELLING 3 – VEHICLES ENTERING AND EXISTING SITE

All vehicles entering and exiting the site for Dwelling 3, being the detached dwelling fronting Silva Street, are do so in a forward direction.

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 <u>info@waverley.nsw.gov.au</u> 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. 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 of any construction or planning activities.

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. EXCAVATION TO BE LIMITED

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

AD5. 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.

AD6. 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.

AD7. SITE RECTIFICATION WORKS

The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the permitter 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 6months (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:

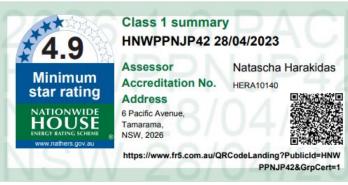
- (i) Require certain works including but not limited to:
 - (a) make the building/site safe and of an appearance acceptable to Council.
 - (b) Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - (c) For the hole to be covered to allow 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.

AD8. 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.



AC.024.DA25 Jan 2023Deferral LetterAC.014.DA15 July 2022Development A		Client Review Client Review	20 Feb 2022 20 Sept 2021	2.DD 1.PR	AB001 AA001
·	nt Application	Development Applicat	15 July 2022 20 May 2022	4.DA	AC.01
		Deferral Letter 221222 Deferral Letter 221222	21 Apr 2023 25 Jan 2023	4.DA 4 DA	AC.03



Certificate number: 1337041M_02

This certificate confirms that the

government's requirements for sustainability, if it is built in accordance with commitments set out below. Terms used in this certificate, or in the committ have the meaning given by the document entitled "BASIX Definitions" dated www.basix.nsw.gov.au Secretary Date of issue: Friday, 28 April 2023 To be valid, this certificate must be lodged within 3 months of the date of issue.

NSW Planning, Industry & Environment

GRAPHIC SCALE

Ζ 4

SET NOTES: For Development Application only, NOT FOR CONSTRUCTION. Plans to be read in conjunction with other disciplines documentation issued for the subject DA. All dimensions to be verified on site - do not scale. In case of discrepancy contact ARCANARY

Level 1 | 9-13 Bronte Rd | Bondi Junction | NSW 2022 | ABN: 93 165 813 221

studio@arcanary.com | www.arcanary.com | 1800 19 00 33 | +61 (0) 4 004 84 371

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PROJECT NAME 6 Pacific Ave



e	;		
	PROJECT D	ETAILS	
	P. Number: P. Code: Account: Address:		SCALE
	Description:	Construction of two semi-detached dwellings and one detached dwelling, following the approval for the demolition of a detached dwelling and a subdivision.	NTS@A1

6.Pacific Ave, Tamarama **NSW 2026**

4.DA - DEVELOPMENT APPLICATION SET

ISSUE AC.03 - For Deferral Letter 221222

Plan#	Name	Scale	Revisio
AC - General			
AC001	DA - INDEX	NTS@A1	А
Architectural S		4 400 0 1 4	
AC100	SITE ANALYSIS	1:100@A1	A
AC110	SITE & ROOF PLAN LOT 1, 2 & 3	1:100@A1	Α
AC111	BASEMENT & GROUND FLOOR PLANS	1:100@A1	A
AC112	FIRST & SECOND FLOOR PLANS	1:100@A1	A
AC113	LOT 3 GROUND & FIRST FLOOR PLANS	1:100@A1	A
AC201	ELEVATIONS - EAST & WEST LOT 1 & 2	1:100@A1	A
AC202	ELEVATIONS -EAST & WEST LOT 3	1:100@A1	A
AC203	ELEVATIONS - SOUTH	1:100@A1	А
AC204	ELEVATIONS - NORTH	1:100@A1	А
AC301	SECTIONS	1:100@A1	А
AC302	SECTIONS	1:100@A1	А
AC600	SECOND LEVEL PLANTER	1:100@A1	А
AC700	WINDOW SCHEDULE	NTS@A1	А
AC701	GLAZED DOOR SCHEDULE	NTS@A1	А
AC702	MATERIAL BOARD	NTS@A1	А
AC901	3D VIEWS	NTS@A1	А
AC902	RENDERS	NTS@A1	А
AC903	RENDERS	NTS@A1	А
AD101	DEMOLITION WORKS	1:100@A1	А
Compliance Se	et		
AC810	WASTE MANAGEMENT PLAN	1:100@A1	А
AC820	CONCEPT DRAINAGE PLAN	1:100@A1	А
AC830	SHADOW DIAGRAMS JUNE	1:100@A1	А
AC840	GFA CALCULATION	1:200@A1	А
AC850	LANDSCAPE CALCULATIONS	1:100@A1	А
AC860	PRIVACY DIAGRAMS	1:100@A1	А
AC870	EXCAVATION PLANS	1:100@A1	А
AC904	SURVEY POINTS DIAGRAMS	1:100@A1	А

RECEIVED Waverley Council Application No: DA-435/2022



Date Received: 02/05/2023



SHEET TITLE **DA - INDEX**

NORTH

CHECKED

Street address

Thermal Comfort

Energy

Local Government Area

Plan type and plan number

No. of units in residential flat buildings

of multi-dwelling houses

Certificate Prepared by

Name / Company Name: AENEC - Office: 02 9994 89 ABN (if applicable): 32612556377

Waverley Council

¥ 41

V Pass

v 50

Target 40

Target Pass

Target 50

SHEET NUMBER

SHEET REVISION

FIV

DRAWN

MGP

AC001

CONCRETE

DRIVEWAY

14.23

14.28

14.40

GRASS

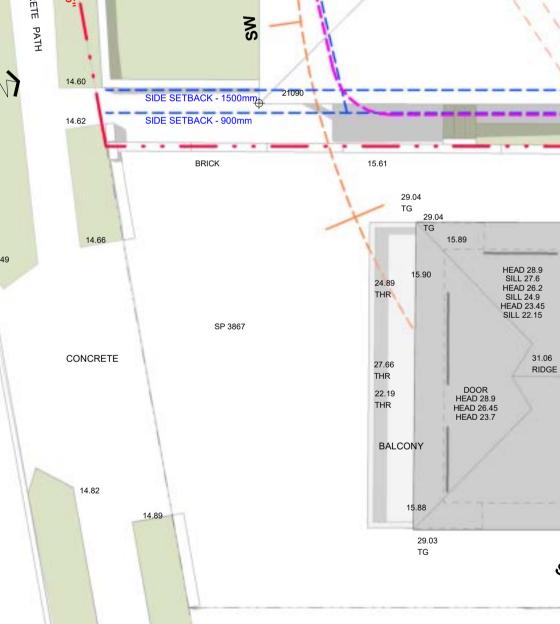
MM

 $\rightarrow \rightarrow$

CONCRETE DRIVEWAY

14.22

14.12



23.11

PERGO

PERGOLA

Sewer main at: 6.3m tie front wall cnr 2.0m to invert

H 19.65 S 18.1

H 22.9 S 21.3

3 STOREYED BRICK RESIDENCE FLAT METAL ROOF No.7

H 19.7 S 18.2

S 18.2

H 22.9 S 21.75

TG 23.20

SITE DETAIL LEGEND

Cadastral: DP836507 LGA: Waverley

Area: 689.9 sqm Frontage: 12.32 m Depth: 55.43 m Frontage orientation: Southwest Frontage RL: 15.28 m Drop: 10 m

PLANNING LEGEND

LEP Instrument: - Waverley 2021 LEP map index: - R3 DCP Instrument: -Zoning: Lot size: 689.9 sqm Height of Buildings: 9.5m Floor Space Ratio: 0.6:1 Land Res. Acqul: - N/a Heritage: - N/a Foreshore Buildings: - N/a Acid Sulfate Soils: Class 5 Flood Planning: N/a Other: -

GENERIC COLOUR KEY

e. / n. Vegetation | Grass

e. / n. Glazing

Cavity | Terrain

e. / n. Water

Planting



n.

e.

d. r. $\odot \odot \odot \odot \odot$ \square \approx \rightarrow \rightarrow

SITE ANALYSIS LEGEND

Sun Acces

Potential Privacy Issue

Views

Wind

Noise

Access

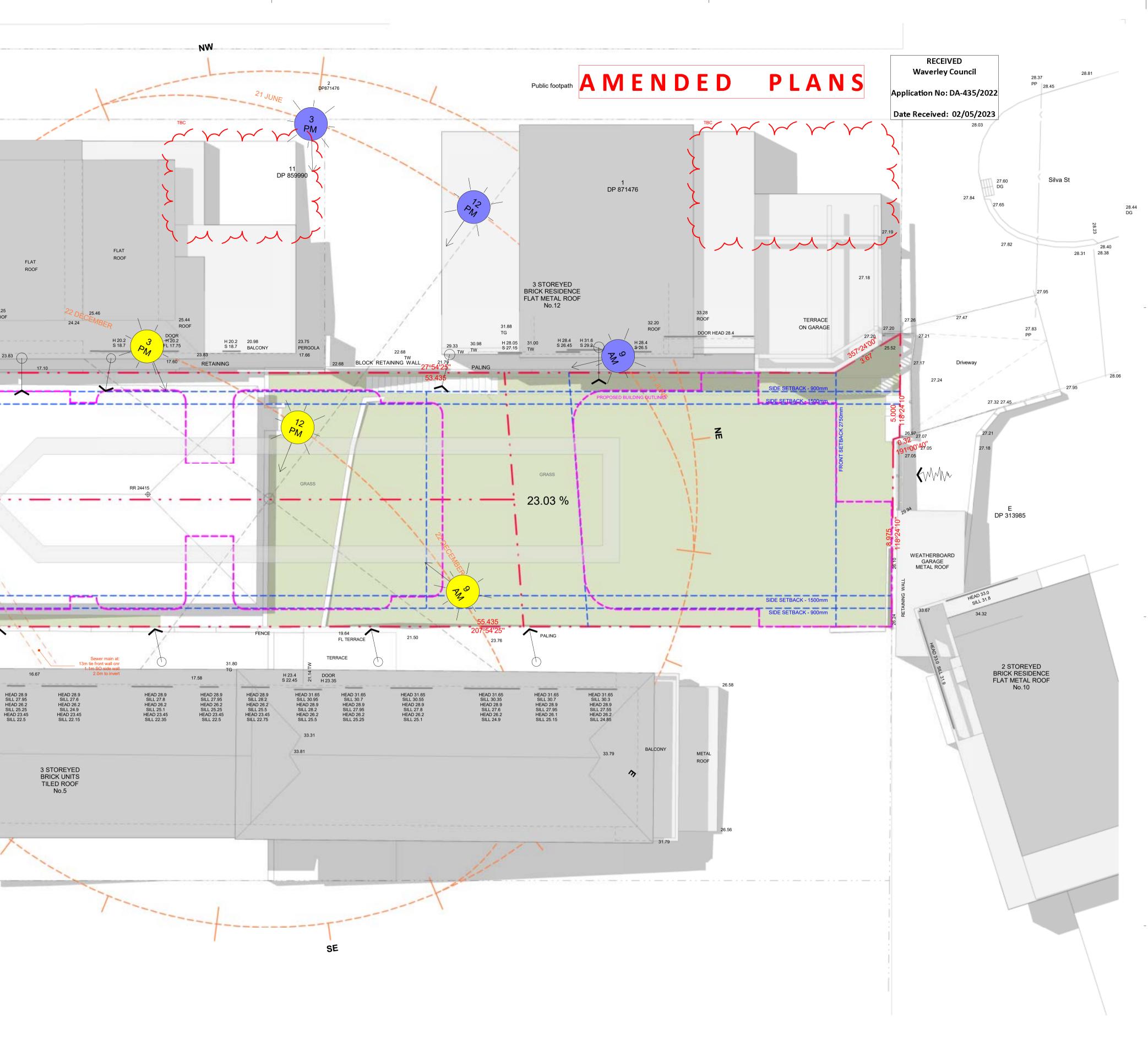
Fall

Image View



Class 1 summary HNWPPNJP42 28/04/2023 Natascha Harakidas HERA10140 https://www.fr5.com.au/QRCodeLanding?PublicId=HNW PPNJP42&GrpCert=1


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### SET NOTES:

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PROJECT NAME 6 Pacific Ave



P. Number: 19027 P. Code: 6.PCF.A Account:Raji Kooner and Gillian LamouryAddress:6.Pacific Ave, Tamarama NSW 2026

subdivision.

Description: Construction of two semi-detached dwellings and one detached dwelling, following the approval for the demolition

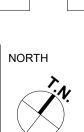
of a detached dwelling and a

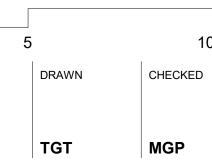
GRAPHIC SCALE

0 1 SCALE

1:100@A1

**ISSUE AC.03 - For Deferral Letter 221222** SHEET TITLE SITE ANALYSIS





SHEET NUMBER

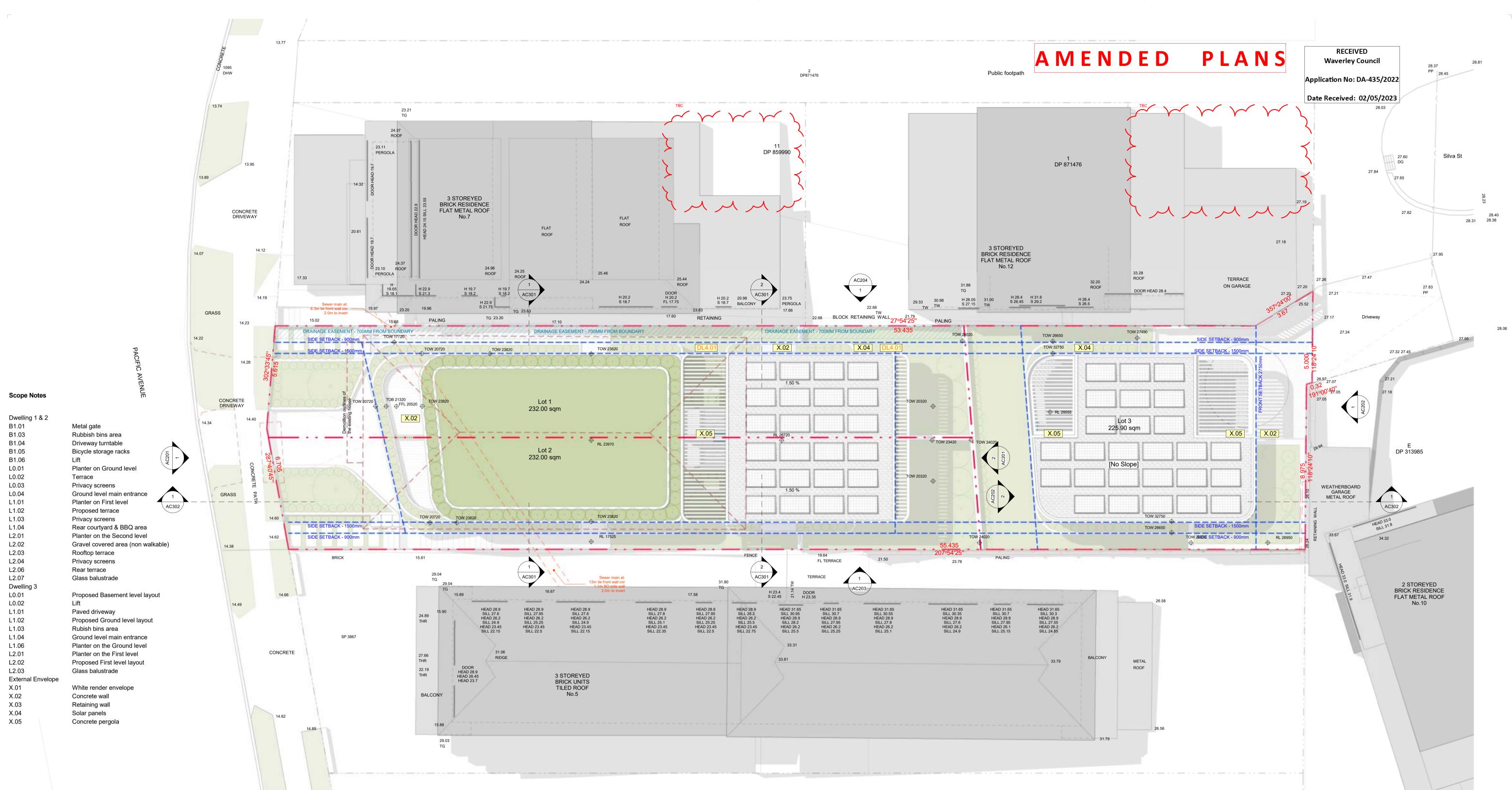
SHEET REVISION

Α

10 m







### Deferral Scope Notes 221222

| DL0.00  | Driveway crossing with splays over council land             |
|---------|-------------------------------------------------------------|
| DL0.01  | Shared driveway to be 3m wide                               |
| DL0.02  | Redesigned stairs & new secure gate preventing CPTED issues |
| DL0.03  | Proposed Basement level layout                              |
| DL1.01  | Proposed Ground level layout                                |
| DL1.03  | Redesigned courtyard on the Ground Floor                    |
| DL2.01  | Proposed First level layout                                 |
| DL2.02  | Rear courtyard & BBQ area                                   |
| DL2.03  | New vegetation as per council suggestion                    |
| DL2.04  | Green roof                                                  |
| DL3.01  | Non trafficable planter on the Second level                 |
| DL3.02  | Proposed Second level layout                                |
| DL3.03  | New Planter                                                 |
| DL4.01  | Redesigned Concrete pergola                                 |
| DL5.01  | Car turning table                                           |
| DL.6.01 | Sandstone envelope                                          |
|         |                                                             |

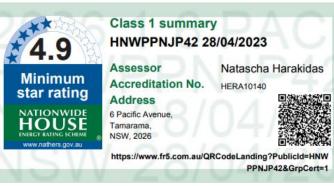
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e.E

Ca

Pla

| ENERIC CO       | LOUR KE  | Y       |    |         |
|-----------------|----------|---------|----|---------|
| Existing To Be  | Retained |         |    |         |
| / n. Vegetation | Grass    |         |    | 12:     |
| / n. Glazing    |          |         |    | 1       |
| / n. Water      |          |         | -  | 1-      |
| ivity   Terrain |          |         |    |         |
|                 | e.       | n.      | d. | r.      |
| anting          | $\odot$  | $\odot$ | 0  | $\odot$ |
|                 |          |         |    |         |





SET NOTES:

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PROJECT NAME **6** Pacific Ave



P. Number: 19027 P. Code: 6.PCF.A

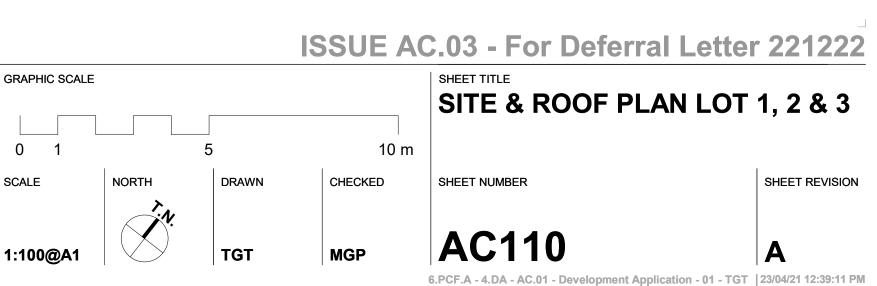
Account:Raji Kooner and Gillian LamouryAddress:6.Pacific Ave, Tamarama NSW 2026

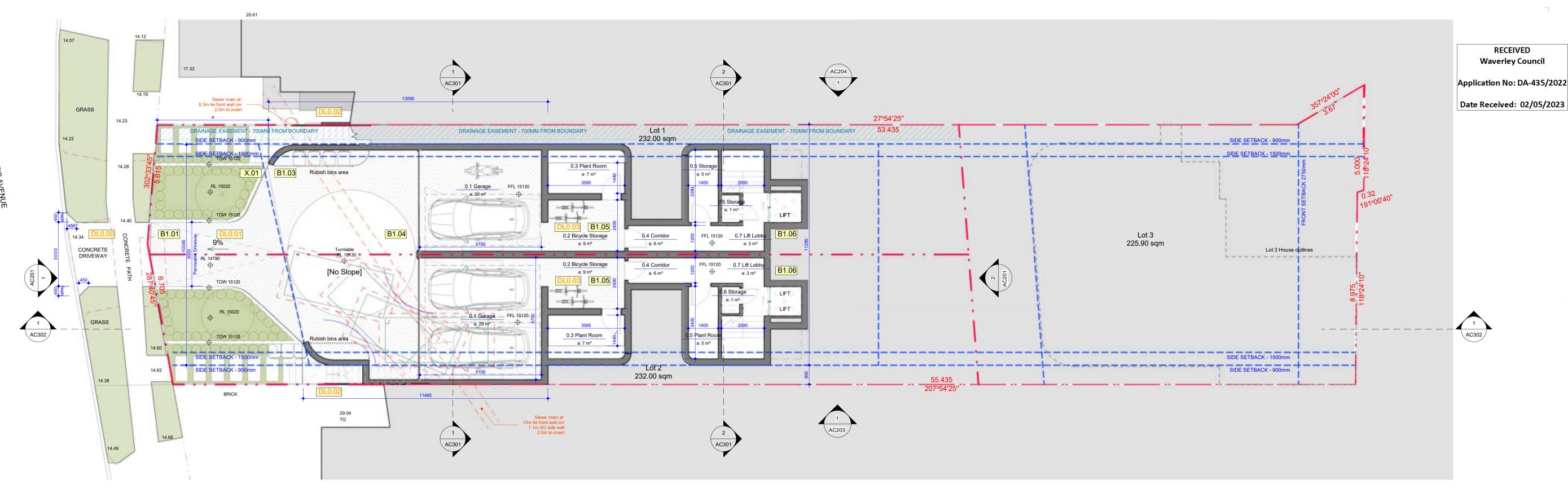
Description: Construction of two semi-detached dwellings and one detached dwelling, following the approval for the demolition of a detached dwelling and a

subdivision.

GRAPHIC SCALE

0 1 SCALE





 Garage Floor Plan Lot 1 & 2

 1 : 100@ A1



### Scope Not

| Dwelling 1 & 2    |                                   |
|-------------------|-----------------------------------|
| B1.01             | Metal gate                        |
| B1.03             | Rubbish bins area                 |
| B1.04             | Driveway turntable                |
| B1.05             | Bicycle storage racks             |
| B1.06             | Lift                              |
| L0.01             | Planter on Ground level           |
| L0.02             | Terrace                           |
| L0.03             | Privacy screens                   |
| L0.04             | Ground level main entrance        |
| L1.01             | Planter on First level            |
| L1.02             | Proposed terrace                  |
| L1.03             | Privacy screens                   |
| L1.04             | Rear courtyard & BBQ area         |
| L2.01             | Planter on the Second level       |
| L2.02             | Gravel covered area (non walkable |
| L2.03             | Rooftop terrace                   |
| L2.04             | Privacy screens                   |
| L2.06             | Rear terrace                      |
| L2.07             | Glass balustrade                  |
| Dwelling 3        |                                   |
| L0.01             | Proposed Basement level layout    |
| L0.02             | Lift                              |
| L1.01             | Paved driveway                    |
| L1.02             | Proposed Ground level layout      |
| L1.03             | Rubish bins area                  |
| L1.04             | Ground level main entrance        |
| L1.06             | Planter on the Ground level       |
| L2.01             | Planter on the First level        |
| L2.02             | Proposed First level layout       |
| L2.03             | Glass balustrade                  |
| External Envelope |                                   |
| X.01              | White render envelope             |
| X.02              | Concrete wall                     |
| X.03              | Retaining wall                    |
| X.04              | Solar panels                      |
| X.05              | Concrete pergola                  |
|                   |                                   |

#### Deferral Scope Notes 221222

| DL0.00  | Driveway crossing with splays over council land     |
|---------|-----------------------------------------------------|
| DL0.01  | Shared driveway to be 3m wide                       |
| DL0.02  | Redesigned stairs & new secure gate preventing CPTE |
| DL0.03  | Proposed Basement level layout                      |
| DL1.01  | Proposed Ground level layout                        |
| DL1.03  | Redesigned courtyard on the Ground Floor            |
| DL2.01  | Proposed First level layout                         |
| DL2.02  | Rear courtyard & BBQ area                           |
| DL2.03  | New vegetation as per council suggestion            |
| DL2.04  | Green roof                                          |
| DL3.01  | Non trafficable planter on the Second level         |
| DL3.02  | Proposed Second level layout                        |
| DL3.03  | New Planter                                         |
| DL4.01  | Redesigned Concrete pergola                         |
| DL5.01  | Car turning table                                   |
| DL.6.01 | Sandstone envelope                                  |
|         |                                                     |
|         |                                                     |

### **GENERIC C**

| GENERIC C         | OLOUR KE   | Y       |                      |         |
|-------------------|------------|---------|----------------------|---------|
| e. Existing To B  | e Retained |         |                      |         |
| e. / n. Vegetatio | n  Grass   |         |                      | 122     |
| e. / n. Glazing   |            |         |                      | 1       |
| e. / n. Water     |            |         |                      | 1-      |
| Cavity   Terrain  |            |         |                      |         |
|                   | e.         | n.      | d.                   | r.      |
| Planting          | $(\cdot)$  | $\odot$ | $(\overline{\cdot})$ | $\odot$ |

## SURVEY POINTS

f Solid Wall Finish at First Level

**Distance to WEST Boundary Corner** a Front of Garage and Awning of Ground Level - 5205mm RL 15320 b Awning at First Level - 7835mm RL 15785 c Glazed Frontage at Ground Level RL 15925 - 8580mm d Glazed Frontage at First Level - 9130mm RL 16020 e Solid Wall Finish at Ground Level - 9900mm RL 16150

- 10680mm

RL 16275

| +49                                                               | Class 1 summar<br>HNWPPNJP42 2              |                                               |
|-------------------------------------------------------------------|---------------------------------------------|-----------------------------------------------|
| Minimum<br>star rating                                            | Assessor<br>Accreditation No.<br>Address    | Natascha Harakidas<br>HERA10140<br>回激活感       |
| NATIONWIDE<br>HOUSE<br>ENERGY RATING SCHEME<br>www.nathers.gov.au | 6 Pacific Avenue,<br>Tamarama,<br>NSW, 2026 |                                               |
| ISM                                                               | https://www.fr5.com.au/Q                    | RCodeLanding?PublicId=HNV<br>PPNJP42&GrpCert= |



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PROJECT NAME 6 Pacific Ave



P. Number: **19027** P. Code: **6.PCF.A** 

Account:Raji Kooner and Gillian LamouryAddress:6.Pacific Ave, Tamarama NSW 2026

Description: Construction of two semi-detached

dwellings and one detached dwelling, following the approval for the demolition of a detached dwelling and a subdivision.

0 1 SCALE NORTH 1:100@A1



**ISSUE AC.03 - For Deferral Letter 221222** SHEET TITLE **BASEMENT & GROUND FLOOR PLANS** 10 m SHEET REVISION CHECKED SHEET NUMBER DRAWN AC111 TGT MGP Α

6.PCF.A - 4.DA - AC.01 - Development Application - 01 - TGT | 23/04/21 12:39:19 PM



| Cavity   Terrain |    |    |
|------------------|----|----|
|                  | e. |    |
| Planting         | -  | 12 |

GENERIC COLOUR KEY

e. Existing To Be Retained

e. / n. Vegetation | Grass

Scope Notes

Dwelling 1 & 2

B1.01

B1.03

B1.04

B1.05

B1.06

L0.01

L0.02

L0.03

L0.04

L1.01

L1.02

L1.03

L1.04

L2.01

L2.02

L2.03

L2.04

L2.06

L2.07

L0.01

L0.02

L1.01

L1.02

L1.03

L1.04

L1.06

L2.01

L2.02

L2.03

X.01

X.02

X.03

X.04

X.05

DL0.00

DL0.01

DL0.02

DL0.03

DL1.01

DL1.03

DL2.01

DL2.02

DL2.03

DL2.04

DL3.01 DL3.02

DL3.03

DL4.01

DL5.01

DL.6.01

e. / n. Glazing

e. / n. Water

External Envelope

Dwelling 3

- - +)(+)[+]

d.

r.

Solid Wall Finish at First Level

c Glazed Frontage at Ground Level

d Glazed Frontage at First Level

e Solid Wall Finish at Ground Level

- 9130mm RL 16020 - 9900mm RL 16150 - 10680mm RL 16275

RL 15925

- 8580mm

| XXXXXX                                     | Class 1 summar           | у                         |
|--------------------------------------------|--------------------------|---------------------------|
| 49                                         | HNWPPNJP42 2             | 8/04/2023                 |
|                                            | Assessor                 | Natascha Harakidas        |
| Minimum                                    | Accreditation No.        | HERA10140                 |
| star rating                                | Address                  |                           |
| NATIONWIDE                                 | 6 Pacific Avenue,        |                           |
| HOUSE                                      | Tamarama,                |                           |
| ENERGY RATING SCHEME<br>www.nathers.gov.au | NSW, 2026                |                           |
| ICIN                                       | https://www.fr5.com.au/Q | RCodeLanding?PublicId=HNW |
|                                            | 101                      | PPNJP42&GrpCert=1         |
|                                            |                          |                           |



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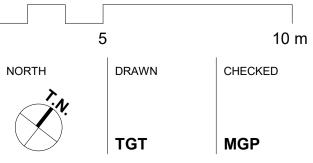
P. Number: 19027 P. Code: 6.PCF.A

subdivision.

Account:Raji Kooner and Gillian LamouryAddress:6.Pacific Ave, Tamarama NSW 2026

Description: Construction of two semi-detached dwellings and one detached dwelling, following the approval for the demolition of a detached dwelling and a

0 1 SCALE 1:100@A1



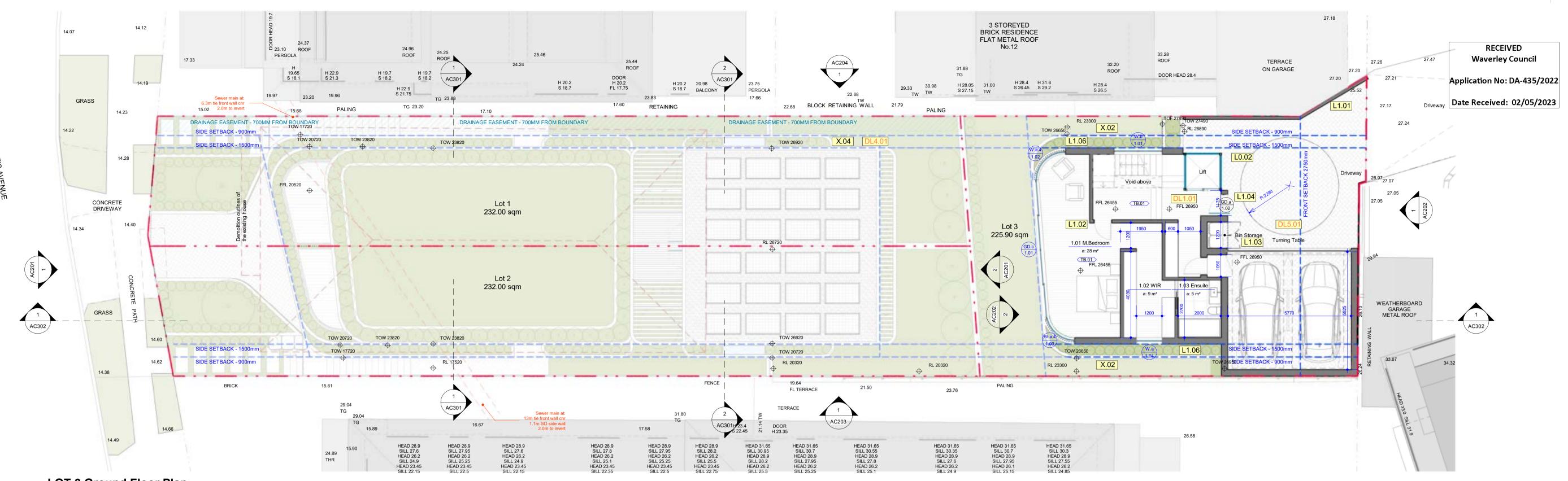
SHEET NUMBER

AC112

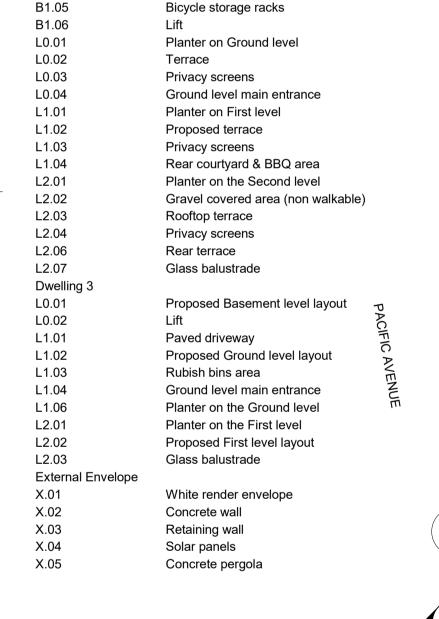
SHEET REVISION



6.PCF.A - 4.DA - AC.01 - Development Application - 01 - TGT | 23/04/21 12:39:24 PM



# 5 LOT 3 Ground Floor Plan 1 : 100@ A1



Metal gate

Rubbish bins area

Driveway turntable

Scope Notes

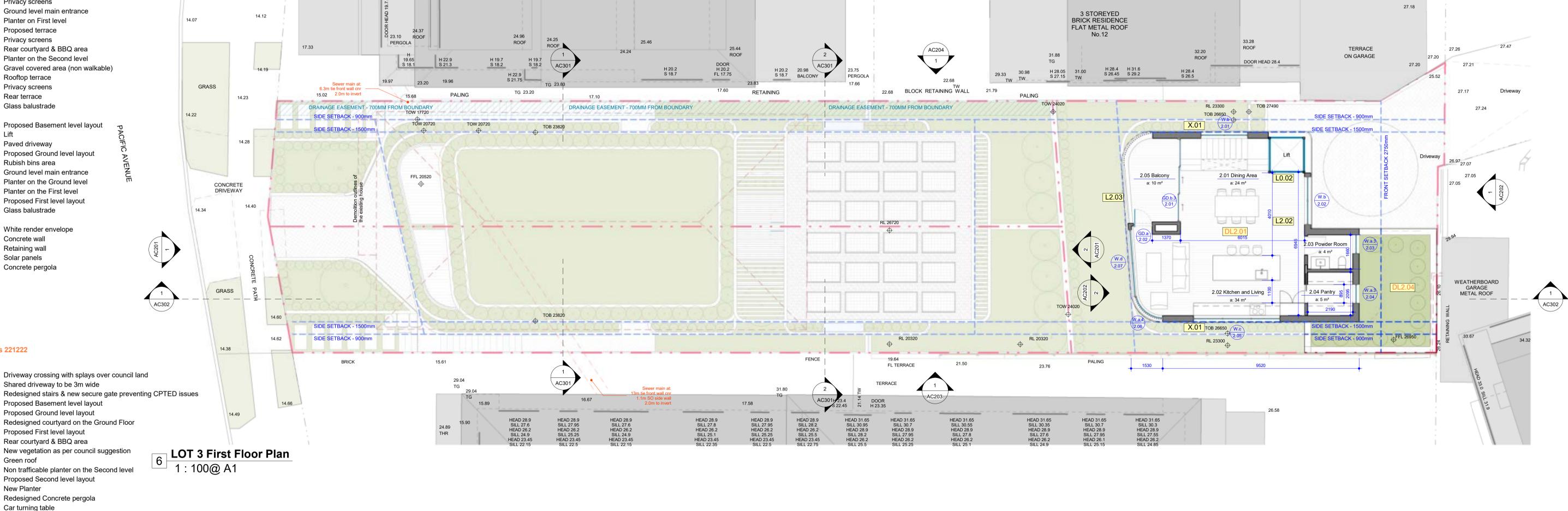
Dwelling 1 & 2

B1.01

B1.03

B1.04





Deferral Scope Notes 221222

DL0.00

DL0.01

DL0.02

DL0.03

DL1.01

DL1.03

DL2.01

DL2.02

DL2.03

DL2.04

DL3.01

DL3.02 DL3.03

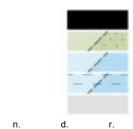
DL4.01

DL5.01

DL.6.01

**GENERIC COLOUR KEY** e. Existing To Be Retained e. / n. Vegetation | Grass e. / n. Glazing e. / n. Water Cavity | Terrain

e.



Proposed First level layout

Green roof

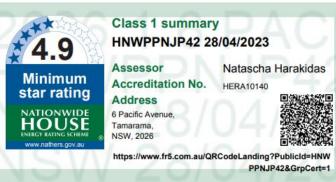
New Planter

(+) (+)

Car turning table

Sandstone envelope

Rear courtyard & BBQ area



Planting



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### Level 1 | 9-13 Bronte Rd | Bondi Junction | NSW 2022 | ABN: 93 165 813 221

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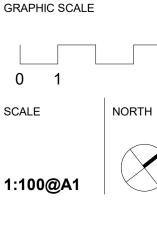
## **6** Pacific Ave

PROJECT NAME



PROJECT DETAILS P. Number: 19027 P. Code: 6.PCF.A Account: Raji Kooner and Gillian Lamoury 6.Pacific Ave, Tamarama NSW 2026 Address:

Description: Construction of two semi-detached dwellings and one detached dwelling, following the approval for the demolition of a detached dwelling and a subdivision.



## AMENDED PLANS

**ISSUE AC.03 - For Deferral Letter 221222** SHEET TITLE LOT 3 GROUND & FIRST FLOOR **PLANS** 10 m CHECKED SHEET REVISION DRAWN SHEET NUMBER **AC113** MGP TGT A 6.PCF.A - 4.DA - AC.01 - Development Application - 01 - TGT | 23/04/21 12:39:35 PM



Front Elevation Lot 1 & 2 - Pacific Ave1 : 100@ A1

### Scope Notes

Dwelling 1 & 2

| B1.01 | Metal gate                         |
|-------|------------------------------------|
| B1.03 | Rubbish bins area                  |
| B1.04 | Driveway turntable                 |
| B1.05 | Bicycle storage racks              |
| B1.06 | Lift                               |
| L0.01 | Planter on Ground level            |
| L0.02 | Terrace                            |
| L0.03 | Privacy screens                    |
| L0.04 | Ground level main entrance         |
| L1.01 | Planter on First level             |
| L1.02 | Proposed terrace                   |
| L1.03 | Privacy screens                    |
| L1.04 | Rear courtyard & BBQ area          |
| L2.01 | Planter on the Second level        |
| L2.02 | Gravel covered area (non walkable) |
| L2.03 | Rooftop terrace                    |
| L2.04 | Privacy screens                    |
| L2.06 | Rear terrace                       |
| L2.07 | Glass balustrade                   |
|       |                                    |

### Dwelling 3 L0.01 L0.02

| L0.02             | Lift                         |
|-------------------|------------------------------|
| L1.01             | Paved driveway               |
| L1.02             | Proposed Ground level layout |
| L1.03             | Rubish bins area             |
| L1.04             | Ground level main entrance   |
| L1.06             | Planter on the Ground level  |
| L2.01             | Planter on the First level   |
| L2.02             | Proposed First level layout  |
| L2.03             | Glass balustrade             |
| External Envelope |                              |
| X.01              | White render envelope        |
| X.02              | Concrete wall                |
| X.03              | Retaining wall               |
| X.04              | Solar panels                 |
| X.05              | Concrete pergola             |
|                   |                              |

Proposed Basement level layout

### Deferral Scope Notes 221222

| DL0.00  | Driveway crossing with splays over council la |
|---------|-----------------------------------------------|
| DL0.01  | Shared driveway to be 3m wide                 |
| DL0.02  | Redesigned stairs & new secure gate prever    |
| DL0.03  | Proposed Basement level layout                |
| DL1.01  | Proposed Ground level layout                  |
| DL1.03  | Redesigned courtyard on the Ground Floor      |
| DL2.01  | Proposed First level layout                   |
| DL2.02  | Rear courtyard & BBQ area                     |
| DL2.03  | New vegetation as per council suggestion      |
| DL2.04  | Green roof                                    |
| DL3.01  | Non trafficable planter on the Second level   |
| DL3.02  | Proposed Second level layout                  |
| DL3.03  | New Planter                                   |
| DL4.01  | Redesigned Concrete pergola                   |
| DL5.01  | Car turning table                             |
| DL.6.01 | Sandstone envelope                            |
|         |                                               |

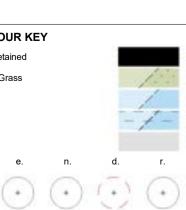
### GENERIC COLOUR KEY

e.

e. Existing To Be Retained e. / n. Vegetation | Grass e. / n. Glazing e. / n. Water

Cavity | Terrain

Planting

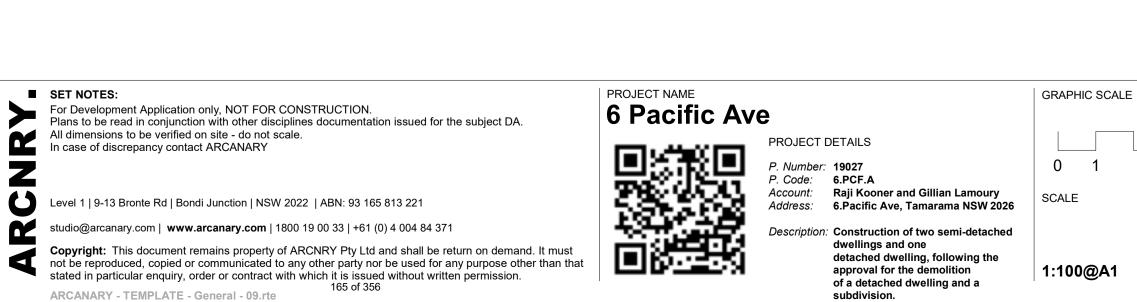


4.9 Class 1 summary HNWPPNJP42 28/04/2023 Natascha Harakidas Assessor Minimum Accreditation No. HERA10140 star rating Address NATIONWIDE HOUSE ENERGY RATING SCHEME 6 Pacific Avenue, Tamarama, NSW, 2026 https://www.fr5.com.au/QRCodeLanding?PublicId=HNW PPNJP42&GrpCert=1 2 Rear Elevation Lot 1 & 2 1 : 100@ A1

ncil land

eventing CPTED issues

vel

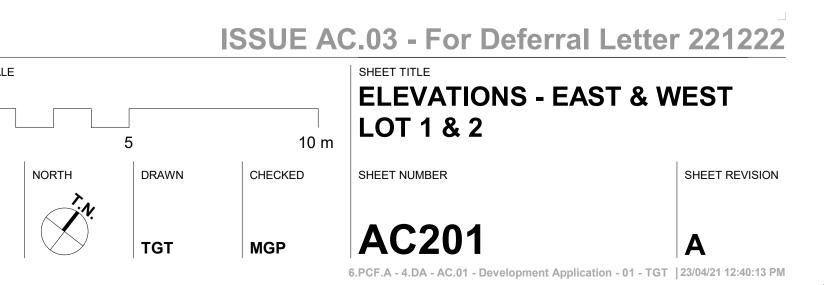


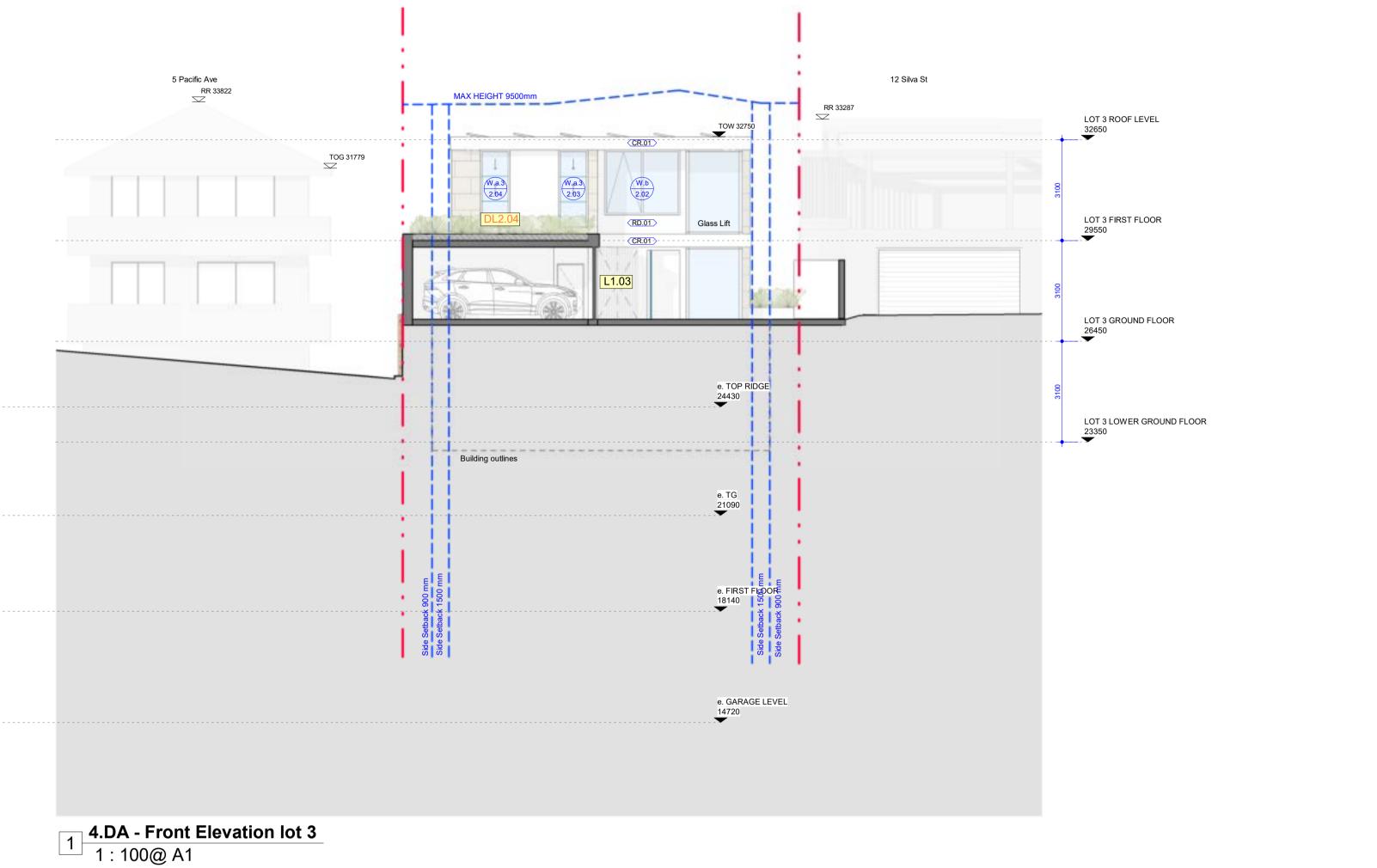


Application No: DA-435/2022

### Date Received: 02/05/2023

## AMENDED PLANS





| B1.01Metal gateB1.03Rubbish bins areaB1.04Driveway turntableB1.05Bicycle storage racksB1.06LiftL0.01Planter on Ground levelL0.02TerraceL0.03Privacy screensL0.04Ground level main entranceL1.01Planter on First levelL1.02Proposed terraceL1.03Privacy screensL1.04Rear courtyard & BBQ areaL2.01Planter on the Second levelL2.03Rooftop terraceL2.04Privacy screensL2.05Rear terraceL2.06Rear terraceL2.07Glass balustrade | Dwelling 1 & 2 |                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|------------------------------------|
| B1.04Driveway turntableB1.05Bicycle storage racksB1.06LiftL0.01Planter on Ground levelL0.02TerraceL0.03Privacy screensL0.04Ground level main entranceL1.01Planter on First levelL1.02Proposed terraceL1.03Privacy screensL2.01Planter on the Second levelL2.02Gravel covered area (non walkable)L2.03Rooftop terraceL2.04Privacy screensL2.06Rear terrace                                                                   | B1.01          | Metal gate                         |
| B1.05Bicycle storage racksB1.06LiftL0.01Planter on Ground levelL0.02TerraceL0.03Privacy screensL0.04Ground level main entranceL1.01Planter on First levelL1.02Proposed terraceL1.03Privacy screensL1.04Rear courtyard & BBQ areaL2.01Planter on the Second levelL2.03Rooftop terraceL2.04Privacy screensL2.06Rear terrace                                                                                                   | B1.03          | Rubbish bins area                  |
| B1.06LiftL0.01Planter on Ground levelL0.02TerraceL0.03Privacy screensL0.04Ground level main entranceL1.01Planter on First levelL1.02Proposed terraceL1.03Privacy screensL1.04Rear courtyard & BBQ areaL2.01Planter on the Second levelL2.02Gravel covered area (non walkable)L2.03Rooftop terraceL2.04Privacy screensL2.06Rear terrace                                                                                      | B1.04          | Driveway turntable                 |
| L0.01Planter on Ground levelL0.02TerraceL0.03Privacy screensL0.04Ground level main entranceL1.01Planter on First levelL1.02Proposed terraceL1.03Privacy screensL1.04Rear courtyard & BBQ areaL2.01Planter on the Second levelL2.02Gravel covered area (non walkable)L2.03Rooftop terraceL2.04Privacy screensL2.06Rear terrace                                                                                               | B1.05          | Bicycle storage racks              |
| L0.02TerraceL0.03Privacy screensL0.04Ground level main entranceL1.01Planter on First levelL1.02Proposed terraceL1.03Privacy screensL1.04Rear courtyard & BBQ areaL2.01Planter on the Second levelL2.02Gravel covered area (non walkable)L2.03Rooftop terraceL2.04Privacy screensL2.06Rear terrace                                                                                                                           | B1.06          | Lift                               |
| L0.03Privacy screensL0.04Ground level main entranceL1.01Planter on First levelL1.02Proposed terraceL1.03Privacy screensL1.04Rear courtyard & BBQ areaL2.01Planter on the Second levelL2.02Gravel covered area (non walkable)L2.03Rooftop terraceL2.04Privacy screensL2.06Rear terrace                                                                                                                                       | L0.01          | Planter on Ground level            |
| L0.04Ground level main entranceL1.01Planter on First levelL1.02Proposed terraceL1.03Privacy screensL1.04Rear courtyard & BBQ areaL2.01Planter on the Second levelL2.02Gravel covered area (non walkable)L2.03Rooftop terraceL2.04Privacy screensL2.06Rear terrace                                                                                                                                                           | L0.02          | Terrace                            |
| L1.01Planter on First levelL1.02Proposed terraceL1.03Privacy screensL1.04Rear courtyard & BBQ areaL2.01Planter on the Second levelL2.02Gravel covered area (non walkable)L2.03Rooftop terraceL2.04Privacy screensL2.06Rear terrace                                                                                                                                                                                          | L0.03          | Privacy screens                    |
| L1.02Proposed terraceL1.03Privacy screensL1.04Rear courtyard & BBQ areaL2.01Planter on the Second levelL2.02Gravel covered area (non walkable)L2.03Rooftop terraceL2.04Privacy screensL2.06Rear terrace                                                                                                                                                                                                                     | L0.04          | Ground level main entrance         |
| L1.03Privacy screensL1.04Rear courtyard & BBQ areaL2.01Planter on the Second levelL2.02Gravel covered area (non walkable)L2.03Rooftop terraceL2.04Privacy screensL2.06Rear terrace                                                                                                                                                                                                                                          | L1.01          | Planter on First level             |
| L1.04Rear courtyard & BBQ areaL2.01Planter on the Second levelL2.02Gravel covered area (non walkable)L2.03Rooftop terraceL2.04Privacy screensL2.06Rear terrace                                                                                                                                                                                                                                                              | L1.02          | Proposed terrace                   |
| L2.01Planter on the Second levelL2.02Gravel covered area (non walkable)L2.03Rooftop terraceL2.04Privacy screensL2.06Rear terrace                                                                                                                                                                                                                                                                                            | L1.03          | Privacy screens                    |
| L2.02Gravel covered area (non walkable)L2.03Rooftop terraceL2.04Privacy screensL2.06Rear terrace                                                                                                                                                                                                                                                                                                                            | L1.04          | Rear courtyard & BBQ area          |
| L2.03Rooftop terraceL2.04Privacy screensL2.06Rear terrace                                                                                                                                                                                                                                                                                                                                                                   | L2.01          | Planter on the Second level        |
| L2.04Privacy screensL2.06Rear terrace                                                                                                                                                                                                                                                                                                                                                                                       | L2.02          | Gravel covered area (non walkable) |
| L2.06 Rear terrace                                                                                                                                                                                                                                                                                                                                                                                                          | L2.03          | Rooftop terrace                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                             | L2.04          | Privacy screens                    |
| I 2 07 Glass balustrade                                                                                                                                                                                                                                                                                                                                                                                                     | L2.06          | Rear terrace                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                             | L2.07          | Glass balustrade                   |

### Scope Notes

| Dwelling 3        |                      |
|-------------------|----------------------|
| L0.01             | Proposed Baseme      |
| L0.02             | Lift                 |
| L1.01             | Paved driveway       |
| L1.02             | Proposed Ground      |
| L1.03             | Rubish bins area     |
| L1.04             | Ground level main    |
| L1.06             | Planter on the Gro   |
| L2.01             | Planter on the First |
| L2.02             | Proposed First leve  |
| L2.03             | Glass balustrade     |
| External Envelope |                      |
| X.01              | White render enve    |
| X.02              | Concrete wall        |
| X.03              | Retaining wall       |
| X.04              | Solar panels         |
| X.05              | Concrete pergola     |
|                   |                      |

### Proposed Basement level layout Lift Paved driveway Proposed Ground level layout Rubish bins area Ground level main entrance Planter on the Ground level Planter on the First level Proposed First level layout Glass balustrade White render envelope Concrete wall Retaining wall

## Deferral Scope Notes 221222

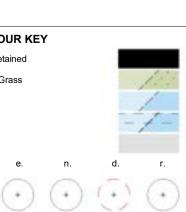
| DL0.00  | Driveway crossing with splays over council I |
|---------|----------------------------------------------|
| DL0.01  | Shared driveway to be 3m wide                |
| DL0.02  | Redesigned stairs & new secure gate preve    |
| DL0.03  | Proposed Basement level layout               |
| DL1.01  | Proposed Ground level layout                 |
| DL1.03  | Redesigned courtyard on the Ground Floor     |
| DL2.01  | Proposed First level layout                  |
| DL2.02  | Rear courtyard & BBQ area                    |
| DL2.03  | New vegetation as per council suggestion     |
| DL2.04  | Green roof                                   |
| DL3.01  | Non trafficable planter on the Second level  |
| DL3.02  | Proposed Second level layout                 |
| DL3.03  | New Planter                                  |
| DL4.01  | Redesigned Concrete pergola                  |
| DL5.01  | Car turning table                            |
| DL.6.01 | Sandstone envelope                           |
|         |                                              |

### GENERIC COLOUR KEY

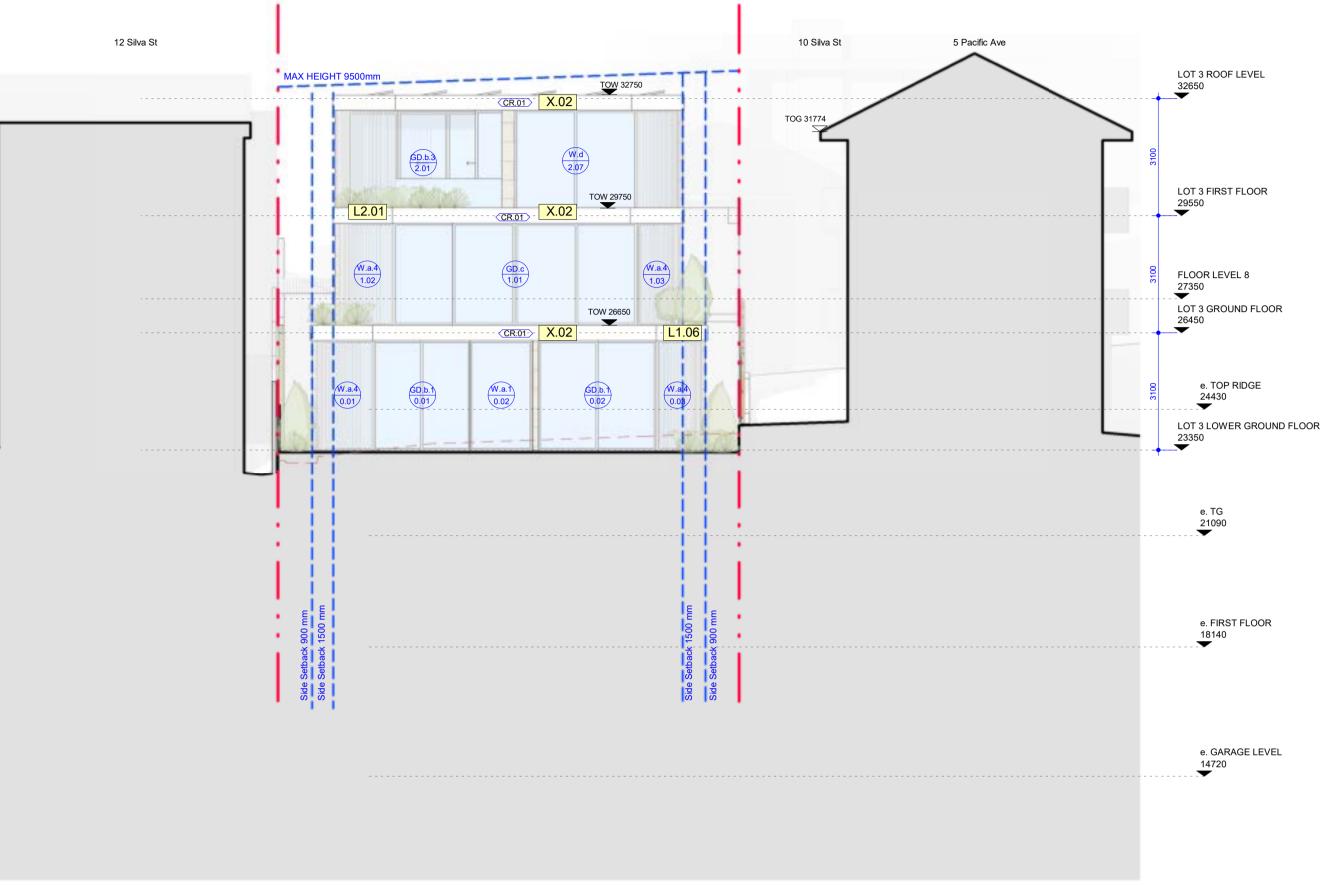
e. Existing To Be Retained e. / n. Vegetation | Grass e. / n. Glazing e. / n. Water

Cavity | Terrain

Planting



4.9 Class 1 summary HNWPPNJP42 28/04/2023 Natascha Harakidas Assessor Minimum Accreditation No. HERA10140 star rating Address NATIONWIDI HOUSE 6 Pacific Avenue, Tamarama, NSW, 2026 https://www.fr5.com.au/QRCodeLanding?PublicId=HNW PPNJP42&GrpCert=1



# 2 Rear Elevation Lot 3 1 : 100@ A1

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SET NOTES:

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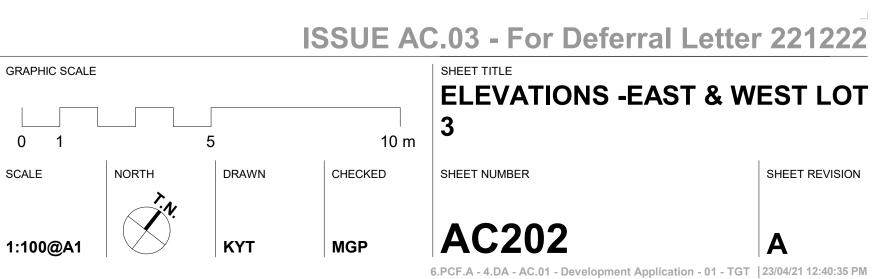
166 of 356 ARCANARY - TEMPLATE - General - 09.rte

PROJECT NAME **6** Pacific Ave



PROJECT DETAILS P. Number: 19027 P. Code: 6.PCF.A Account:Raji Kooner and Gillian LamouryAddress:6.Pacific Ave, Tamarama NSW 2026

Description: Construction of two semi-detached



dwellings and one detached dwelling, following the approval for the demolition of a detached dwelling and a subdivision.



Application No: DA-435/2022

### Date Received: 02/05/2023

## AMENDED PLANS



| Dwelling 1 & 2 |                                    |
|----------------|------------------------------------|
| B1.01          | Metal gate                         |
| B1.03          | Rubbish bins area                  |
| B1.04          | Driveway turntable                 |
| B1.05          | Bicycle storage racks              |
| B1.06          | Lift                               |
| L0.01          | Planter on Ground level            |
| L0.02          | Terrace                            |
| L0.03          | Privacy screens                    |
| L0.04          | Ground level main entrance         |
| L1.01          | Planter on First level             |
| L1.02          | Proposed terrace                   |
| L1.03          | Privacy screens                    |
| L1.04          | Rear courtyard & BBQ area          |
| L2.01          | Planter on the Second level        |
| L2.02          | Gravel covered area (non walkable) |
| L2.03          | Rooftop terrace                    |
| L2.04          | Privacy screens                    |
| L2.06          | Rear terrace                       |
| L2.07          | Glass balustrade                   |
|                |                                    |

### Scope Notes

| Dwelling 3        |
|-------------------|
| L0.01             |
| L0.02             |
| L1.01             |
| L1.02             |
| L1.03             |
| L1.04             |
| L1.06             |
| L2.01             |
| L2.02             |
| L2.03             |
| External Envelope |
| X.01              |
| X.02              |
| X.03              |
| X.04              |
| X.05              |
|                   |

### Proposed Basement level layout Lift Paved driveway Proposed Ground level layout Rubish bins area Ground level main entrance Planter on the Ground level Planter on the First level Proposed First level layout Glass balustrade White render envelope Concrete wall

Concrete wall Retaining wall Solar panels Concrete pergola

### Deferral Scope Notes 221222

| DL0.00  | Driveway crossing with splays over counci  |
|---------|--------------------------------------------|
| DL0.01  | Shared driveway to be 3m wide              |
| DL0.02  | Redesigned stairs & new secure gate prev   |
| DL0.03  | Proposed Basement level layout             |
| DL1.01  | Proposed Ground level layout               |
| DL1.03  | Redesigned courtyard on the Ground Floc    |
| DL2.01  | Proposed First level layout                |
| DL2.02  | Rear courtyard & BBQ area                  |
| DL2.03  | New vegetation as per council suggestion   |
| DL2.04  | Green roof                                 |
| DL3.01  | Non trafficable planter on the Second leve |
| DL3.02  | Proposed Second level layout               |
| DL3.03  | New Planter                                |
| DL4.01  | Redesigned Concrete pergola                |
| DL5.01  | Car turning table                          |
| DL.6.01 | Sandstone envelope                         |
|         |                                            |

## 

e. Existing To Be Retained e. / n. Vegetation | Grass e. / n. Glazing e. / n. Water Cavity | Terrain

Planting

|         |         | -                    | 7-      |
|---------|---------|----------------------|---------|
| e.      | n.      | d.                   | r.      |
| $\odot$ | $\odot$ | $(\overline{\cdot})$ | $\odot$ |

### SURVEY POINTS

| a Front of Garage and Awning of Ground Level |           | T Boundary Corner<br>RL 15320 |
|----------------------------------------------|-----------|-------------------------------|
| b Awning at First Level                      | - 7835mm  | RL 15785                      |
| c Glazed Frontage at Ground Level            | - 8580mm  | RL 15925                      |
| d Glazed Frontage at First Level             | - 9130mm  | RL 16020                      |
| e Solid Wall Finish at Ground Level          | - 9900mm  | RL 16150                      |
| f Solid Wall Finish at First Level           | - 10680mm | RL 16275                      |



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PROJECT NAME 6 Pacific Ave



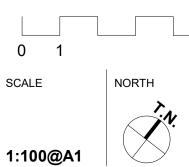
P. Number:19027P. Code:6.PCF.AAccount:Raji Kooner and Gillian LamouryAddress:6.Pacific Ave, Tamarama NSW 2026

subdivision.

Description: Construction of two semi-detached dwellings and one detached dwelling, following the approval for the demolition

of a detached dwelling and a

GRAPHIC SCALE



RECEIVED Waverley Council Application No: DA-435/2022 Date Received: 02/05/2023





## **ELEVATIONS - SOUTH**

| TGT   |       |
|-------|-------|
| DRAWN | CHECK |
| 5     |       |

10 m CHECKED

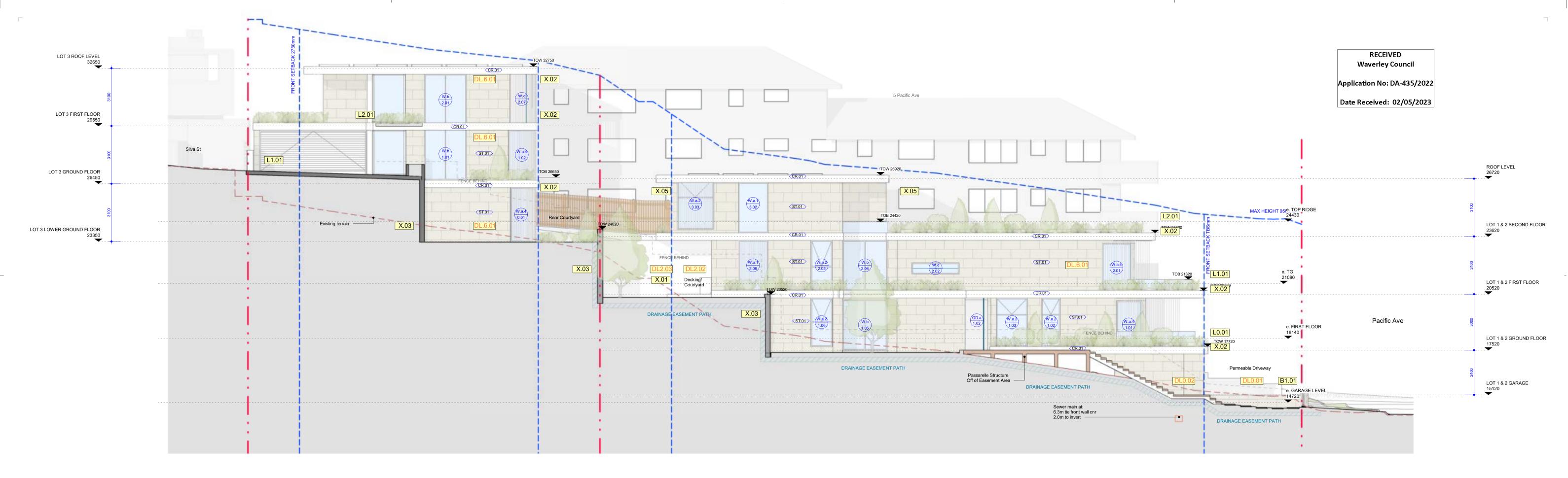
SHEET NUMBER

SHEET REVISION





6.PCF.A - 4.DA - AC.01 - Development Application - 01 - TGT | 23/04/21 12:40:54 PM



| Dwelling 1 & 2 |                                    |
|----------------|------------------------------------|
| B1.01          | Metal gate                         |
| B1.03          | Rubbish bins area                  |
| B1.04          | Driveway turntable                 |
| B1.05          | Bicycle storage racks              |
| B1.06          | Lift                               |
| L0.01          | Planter on Ground level            |
| L0.02          | Terrace                            |
| L0.03          | Privacy screens                    |
| L0.04          | Ground level main entrance         |
| L1.01          | Planter on First level             |
| L1.02          | Proposed terrace                   |
| L1.03          | Privacy screens                    |
| L1.04          | Rear courtyard & BBQ area          |
| L2.01          | Planter on the Second level        |
| L2.02          | Gravel covered area (non walkable) |
| L2.03          | Rooftop terrace                    |
| L2.04          | Privacy screens                    |
| L2.06          | Rear terrace                       |
| L2.07          | Glass balustrade                   |

### Scope Notes

### Proposed Basement level layout Lift Paved driveway Proposed Ground level layout Rubish bins area Ground level main entrance Planter on the Ground level Planter on the First level Proposed First level layout Glass balustrade White render envelope Concrete wall

Retaining wall Solar panels Concrete pergola

### Deferral Scope Notes 221222

| DL0.00  | Driveway crossing with splays over council I |
|---------|----------------------------------------------|
| DL0.01  | Shared driveway to be 3m wide                |
| DL0.02  | Redesigned stairs & new secure gate preve    |
| DL0.03  | Proposed Basement level layout               |
| DL1.01  | Proposed Ground level layout                 |
| DL1.03  | Redesigned courtyard on the Ground Floor     |
| DL2.01  | Proposed First level layout                  |
| DL2.02  | Rear courtyard & BBQ area                    |
| DL2.03  | New vegetation as per council suggestion     |
| DL2.04  | Green roof                                   |
| DL3.01  | Non trafficable planter on the Second level  |
| DL3.02  | Proposed Second level layout                 |
| DL3.03  | New Planter                                  |
| DL4.01  | Redesigned Concrete pergola                  |
| DL5.01  | Car turning table                            |
| DL.6.01 | Sandstone envelope                           |
|         |                                              |

### GENERIC COLOUR KEY

e. Existing To Be Retained e. / n. Vegetation | Grass e. / n. Glazing e. / n. Water Cavity | Terrain

Planting

|         |         | -                    | 7-      |
|---------|---------|----------------------|---------|
| e.      | n.      | d.                   | r.      |
| $\odot$ | $\odot$ | $(\mathbf{\hat{O}})$ | $\odot$ |

### SURVEY POINTS

| a Front of Garage and Awning of Ground Level |           | F Boundary Corner<br>RL 15320 |
|----------------------------------------------|-----------|-------------------------------|
| b Awning at First Level                      | - 7835mm  | RL 15785                      |
| c Glazed Frontage at Ground Level            | - 8580mm  | RL 15925                      |
| d Glazed Frontage at First Level             | - 9130mm  | RL 16020                      |
| e Solid Wall Finish at Ground Level          | - 9900mm  | RL 16150                      |
| f Solid Wall Finish at First Level           | - 10680mm | RL 16275                      |
|                                              |           |                               |



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SET NOTES: For Development Application only, NOT FOR CONSTRUCTION. Plans to be read in conjunction with other disciplines documentation issued for the subject DA. All dimensions to be verified on site - do not scale. In case of discrepancy contact ARCANARY

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PROJECT NAME 6 Pacific Ave



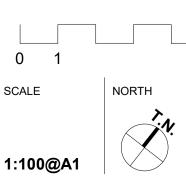
P. Number: 19027 P. Code: 6.PCF.A Account:Raji Kooner and Gillian LamouryAddress:6.Pacific Ave, Tamarama NSW 2026

subdivision.

Description: Construction of two semi-detached dwellings and one detached dwelling, following the approval for the demolition

of a detached dwelling and a

GRAPHIC SCALE



# AMENDED PLANS



## **ELEVATIONS - NORTH**

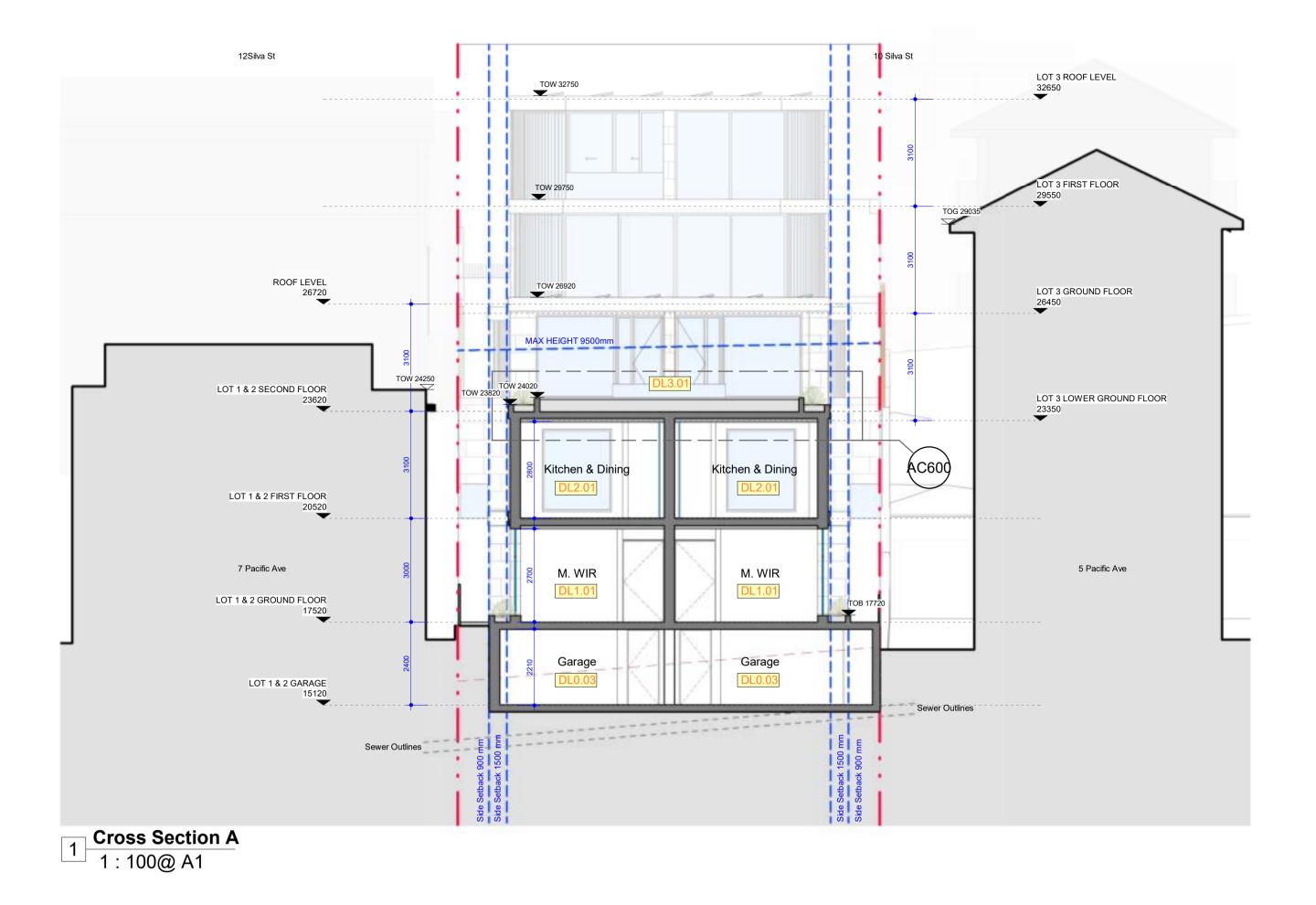
10 m CHECKED DRAWN TGT MGP

SHEET NUMBER

SHEET REVISION







| Dwelling 1 & 2 |                                    |
|----------------|------------------------------------|
| B1.01          | Metal gate                         |
| B1.03          | Rubbish bins area                  |
| B1.04          | Driveway turntable                 |
| B1.05          | Bicycle storage racks              |
| B1.06          | Lift                               |
| L0.01          | Planter on Ground level            |
| L0.02          | Terrace                            |
| L0.03          | Privacy screens                    |
| L0.04          | Ground level main entrance         |
| L1.01          | Planter on First level             |
| L1.02          | Proposed terrace                   |
| L1.03          | Privacy screens                    |
| L1.04          | Rear courtyard & BBQ area          |
| L2.01          | Planter on the Second level        |
| L2.02          | Gravel covered area (non walkable) |
| L2.03          | Rooftop terrace                    |
| L2.04          | Privacy screens                    |
| L2.06          | Rear terrace                       |
| L2.07          | Glass balustrade                   |

#### Scope Notes

| Dwelling 3        |                                |
|-------------------|--------------------------------|
| L0.01             | Proposed Basement level layout |
| L0.02             | Lift                           |
| L1.01             | Paved driveway                 |
| L1.02             | Proposed Ground level layout   |
| L1.03             | Rubish bins area               |
| L1.04             | Ground level main entrance     |
| L1.06             | Planter on the Ground level    |
| L2.01             | Planter on the First level     |
| L2.02             | Proposed First level layout    |
| L2.03             | Glass balustrade               |
| External Envelope |                                |
| X.01              | White render envelope          |
| X.02              | Concrete wall                  |
| X.03              | Retaining wall                 |
| X.04              | Solar panels                   |
| X.05              | Concrete pergola               |
|                   |                                |

### Deferral Scope Notes 221222

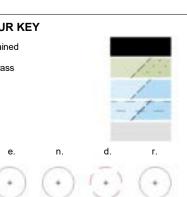
| DL0.00  | Driveway crossing with splays over council land             |
|---------|-------------------------------------------------------------|
| DL0.01  | Shared driveway to be 3m wide                               |
| DL0.02  | Redesigned stairs & new secure gate preventing CPTED issues |
| DL0.03  | Proposed Basement level layout                              |
| DL1.01  | Proposed Ground level layout                                |
| DL1.03  | Redesigned courtyard on the Ground Floor                    |
| DL2.01  | Proposed First level layout                                 |
| DL2.02  | Rear courtyard & BBQ area                                   |
| DL2.03  | New vegetation as per council suggestion                    |
| DL2.04  | Green roof                                                  |
| DL3.01  | Non trafficable planter on the Second level                 |
| DL3.02  | Proposed Second level layout                                |
| DL3.03  | New Planter                                                 |
| DL4.01  | Redesigned Concrete pergola                                 |
| DL5.01  | Car turning table                                           |
| DL.6.01 | Sandstone envelope                                          |
|         |                                                             |

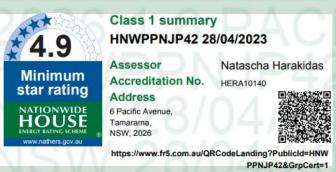
### GENERIC COLOUR KEY

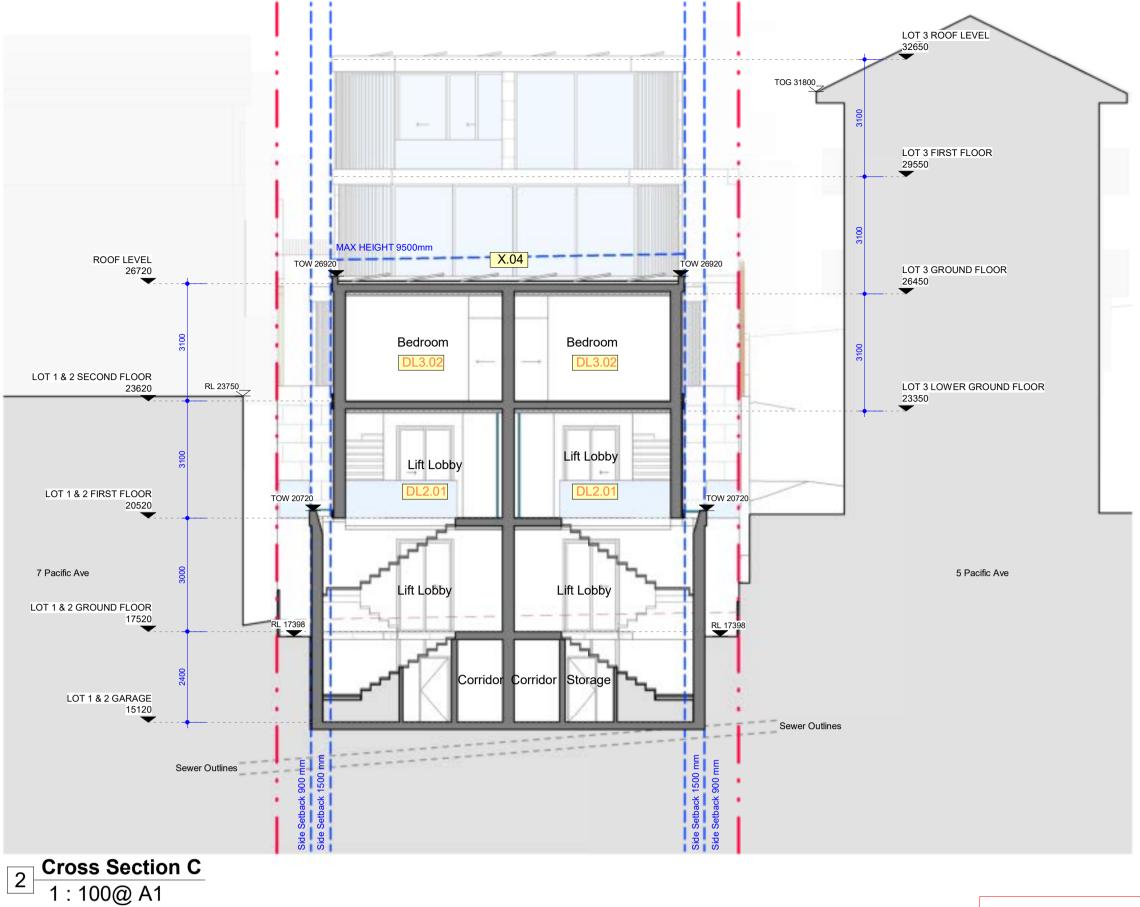
e. Existing To Be Retained e. / n. Vegetation | Grass e. / n. Glazing e. / n. Water

Cavity | Terrain

Planting







Form # AE0.5 Australian Energy Efficiency Consulting Project AENEC P:0416 316 204 E:info@aenec.com.au Specification Project Address: 6 Pacific Avenue, Tamarama BASIX CERTIFICATION NUMBER: 1337041M 02 This Project Specification outlines ONLY some of the NatHERS commitments. For the full list of specifications and construction allocations, you must refer to the corresponding NatHERS document that has been provided. www.aenec.com.au External Walls Specification: Added Insulation Colour\*\* Material Detail ype Concrete Block As per drawings - Basement level U1/U2 Light Masonry Earth Retaining Wall N.A As per drawings - all units Masonry As per drawings - .Foilboard green 30mm with 20mm R0.80 Cavity Brick Light Masonry reflective airgaps on ether side of it R2.0 Medium As per drawings Framed Framed Internal Walls specification: Material Added Insulation Colour\*\* Detai ype U1-U2 basement internal walls and lift shaft Concrete lasonry Partition Wall betweein U1 and U2, U3 adjacent to garage Cavity Brick Masonry R1.50 Plasterboard All internal Walls U1 and U2 ramed All internal Walls U3 Plasterboard ramed Roof Specification: Added Insulation Colour\*\* Material Туре Detail Top Floor Ceilings/ ceilings with outdoor space above External Slab suspended R3.00 Framed Light Floors/Ceilings Specification: Material Added Insulation Covering Detail ype Slab on ground - Basement level U1 and U2, garage U Concrete 100mm Concrete As per drawings 
 As ber drawings
 Stab of ground - basement level U1 and Lower GF floor U3

 As per drawings
 Floor above basement level U1 and U2

 As per drawings
 Above dwelling - all units
 Masonrv 75 Waffle Pod Masonrv Suspended slab Framed R3.00 R2.00 ramed As per Drawings Window Specification\* U Value Frame material Glazing SHG Detai Refer to NatHERS for more info Aluminum, dark frames Aluminum, dark frames Refer to NatHERS for more info \* NOTE: WINDOW PERFORMANCE IS DETEMINED BY U-VALUE AND SHGC NOT THE SYSTEM DESCRIPTION. THESE PERFORMANCE FIGURES CAN BE ACHIEVED BY MULTIPLE WINDOW/DOOR SYSTEMS AND THEIR DESCRIPTION IN THE NATHERS IS SECONDARY. FOCUS OF THE PERFORMANCE VALUES. LIGHT COLOR INSTALLATIONS HAVE SOLAR ABSORBTANCE BEING LOWER THAN 0.475, MEDIUM COLOR INSTALLATIONS HAVE SOLAR ABSORBTANCE BEING

BETWEEN 0.476 AND 0.700. DARK COLOR INSTALLATIONS HAVE SOLAR ABSORBTANCE BEING HIGHER THAN 0.701. IT IS ILLEGAL TO COPY/PASTE NATHERS STAMPS FROM STAMPED DRAWINGS TO ANOTHER DRAWING SET, EVEN IF THIS IS FOR THE SAME PROJECT. NATHERS CERTIFICATES ARE ISSUED FOR THE SPECIFIC DRAWING VERSION AND DATE OF ISSUE AND ARE VALID ONLY FOR THIS PARTICULAR VERSION. IF YOU UPDATE DRAWINGS, YOU MUST UPDATE THE NATHERS CERTIFICATE AS WELL.



### SET NOTES:

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### PROJECT NAME **6** Pacific Ave



P. Number: 19027 P. Code: 6.PCF.A

Account: Raji Kooner and Gillian Lamoury Address: 6.Pacific Ave, Tamarama NSW 2026

Description: Construction of two semi-detached dwellings and one detached dwelling, following the

subdivision.

approval for the demolition of a detached dwelling and a

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SCALE

GRAPHIC SCALE

0 1



RECEIVED Waverley Council

Application No: DA-435/2022

Date Received: 02/05/2023



The NCC's requirements for NatHERS-rated houses are detailed in 3.12.0(a)(i) and 3.12.5 of the NCC Volume Two. For apartments the requirements are detailed in J0.2 and J5 to J8 of the NCC Volume One. In NCC 2019, these requirements include minimum star ratings and separate heating and cooling load limits that need to be met by buildings and apartments through the NatHERS assessment. Requirements additional to the NatHERS assessment that must also be satisfied include, but are not limited to: insulation installation methods, thermal breaks, building sealing, water heating and pumping, and artificial lighting requirements. The NCC and NatHERS Heating and Cooling Load Limits (Australian Building Codes Board Standard) are available at www.abcb.gov.au. State and territory variations and additions to the NCC may also apply.

> **ISSUE AC.03 - For Deferral Letter 221222** SHEET TITLE **SECTIONS** 10 m CHECKED

NORTH

DRAWN TGT MGP

SHEET NUMBER

**AC301** 

SHEET REVISION

Α



6.PCF.A - 4.DA - AC.01 - Development Application - 01 - TGT | 23/04/21 12:41:25 PM



Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

### 1. Commitments for multi-dwelling houses

(a) Dwellings

| i) Water                                                                                                                                                                                                                                                                                                                                                                                                       | Show on<br>DA plans | Show on CC/CDC<br>plans & specs | Certifier<br>check |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------------------|--------------------|
| (a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.                                                                                                                                                                                                                                                                         |                     |                                 |                    |
| (b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling<br>in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation<br>is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).    | ~                   | ~                               |                    |
| (c) If a rating is specified in the table below for a fixture or appliance to be installed in the dwelling, the applicant must ensure that<br>each such fixture and appliance meets the rating specified for it.                                                                                                                                                                                               |                     | ~                               | ~                  |
| (d) The applicant must install an on demand hot water recirculation system which regulates all hot water use throughout the dwelling,<br>where indicated for a dwelling in the "HW recirculation or diversion" column of the table below.                                                                                                                                                                      |                     | ~                               | ~                  |
| (e) The applicant must install:                                                                                                                                                                                                                                                                                                                                                                                |                     |                                 |                    |
| (aa) a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in<br>the "HW recirculation or diversion" column of the table below; and                                                                                                                                                                                                        |                     | ~                               | ~                  |
| (bb) a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant<br>must connect the hot water diversion tank to all toilets in the dwelling.                                                                                                                                                                                                      |                     | ~                               | ~                  |
| (e) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the<br>table below.                                                                                                                                                                                                                                                       | ~                   | ~                               |                    |
| (f) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).                                                                                                                                                                                                                                                                                                         |                     | ~                               |                    |
| (g) The pool or spa must be located as specified in the table.                                                                                                                                                                                                                                                                                                                                                 | ~                   | ~                               |                    |
| (h) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in<br>the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies<br>any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified. | ~                   | ~                               | ~                  |

4.5 but <= 6 L/min) dwellings gas instantanes, star

> NOTE: CEILING FANS HAVE BEEN NOMINATED WHEN PERFORMED THE NATHERS CALCULATIONS AND EACH **CERTIFICATION HAS BEEN ISSUED** ACCORDINGLY. ENSURE THAT THE **INSTALLATIONS ARE CARRIED OUT.**

### Scope Notes

Metal gate

Lift

Terrace

Privacy screens

Planter on First level

Proposed terrace

Privacy screens

Rooftop terrace

Privacy screens

Glass balustrade

Rear terrace

Rubbish bins area

Driveway turntable

Bicycle storage racks

Planter on Ground level

Ground level main entrance

Rear courtyard & BBQ area

Planter on the Second level

Gravel covered area (non walkable)

Dwelling 1 & 2

B1.01

B1.03

B1.04

B1.05

B1.06

L0.01

L0.02

L0.03

L0.04

L1.01

L1.02

L1.03

L1.04

L2.01

L2.02

L2.03

L2.04

L2.06

L2.07

### Scope Notes

| Dwelling 3        |                                |
|-------------------|--------------------------------|
| L0.01             | Proposed Basement level layout |
| L0.02             | Lift                           |
| L1.01             | Paved driveway                 |
| L1.02             | Proposed Ground level layout   |
| L1.03             | Rubish bins area               |
| L1.04             | Ground level main entrance     |
| L1.06             | Planter on the Ground level    |
| L2.01             | Planter on the First level     |
| L2.02             | Proposed First level layout    |
| L2.03             | Glass balustrade               |
| External Envelope |                                |
| X.01              | White render envelope          |
| X.02              | Concrete wall                  |
| X.03              | Retaining wall                 |
| X.04              | Solar panels                   |
| X.05              | Concrete pergola               |
|                   |                                |

### driveway ed Ground level layout bins area l level main entrance on the Ground level on the First level ed First level layout alustrade ender envelope te wall ng wall

DL0.03 DL1.01 DL1.03 DL2.01 DL2.02 DL2.03 DL2.04 DL3.01 DL3.02 DL3.03 DL4.01 DL5.01 DL.6.01

DL0.00

DL0.01

DL0.02

Deferral Scope Notes 221222

Driveway crossing with splays over council Shared driveway to be 3m wide Redesigned stairs & new secure gate prev Proposed Basement level layout Proposed Ground level layout Redesigned courtyard on the Ground Floo Proposed First level layout Rear courtyard & BBQ area New vegetation as per council suggestion Green roof Non trafficable planter on the Second level Proposed Second level layout New Planter Redesigned Concrete pergola Car turning table Sandstone envelope

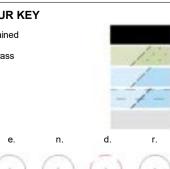
### GENERIC COLOUR KEY

e. Existing To Be Retained e. / n. Vegetation | Grass e. / n. Glazing

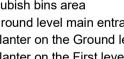
e. / n. Water

Planting

Cavity | Terrain



Class 1 summary 4.9 HNWPPNJP42 28/04/2023 Assessor Natascha Harakidas Minimum Accreditation No. HERA10140 star rating Address HOUS 6 Pacific Avenue, Tamarama, NSW, 2026 https://www.fr5.com.au/QRCodeLanding?PublicId=HNW PPNJP42&GrpCert=1



| oilet<br>ning<br>ems                                                                                | All<br>kitchen<br>taps | All<br>bathroom<br>taps                                                         | HW<br>recirculation<br>or diversion | All<br>clothes<br>washers                                           | All dish-<br>washers | Volume<br>(max<br>volume) | Pool<br>cover                               | Pool<br>location         | Pool<br>shaded       | Volume<br>(max<br>volume) | cover             | Spa<br>shaded |
|-----------------------------------------------------------------------------------------------------|------------------------|---------------------------------------------------------------------------------|-------------------------------------|---------------------------------------------------------------------|----------------------|---------------------------|---------------------------------------------|--------------------------|----------------------|---------------------------|-------------------|---------------|
| r                                                                                                   | 4 star                 | 4 star                                                                          | no                                  | -                                                                   |                      | -                         | -                                           | -                        | -                    | -                         | -                 | -             |
|                                                                                                     |                        |                                                                                 |                                     |                                                                     | Alternative wa       | ater source               |                                             |                          |                      |                           |                   |               |
| wate<br>tems                                                                                        | r                      | Size                                                                            | Configuration                       | on                                                                  |                      |                           | andscape<br>onnection                       | Toilet<br>connect<br>(s) | Laundr<br>ion connec |                           |                   | Spa top-up    |
| ater tank (no. Tank size (min) 2500.0 [litres] To collect run-off from at 200.0 square metres of ro |                        |                                                                                 | y                                   | es                                                                  | no                   | no                        | no                                          |                          | no                   |                           |                   |               |
|                                                                                                     |                        |                                                                                 |                                     | -                                                                   |                      | -                         |                                             | -                        |                      | -                         |                   |               |
|                                                                                                     |                        |                                                                                 |                                     |                                                                     |                      |                           |                                             |                          |                      |                           |                   |               |
| r                                                                                                   |                        | Bathroom                                                                        | ventilation syst                    | lation system Kitchen ventilation system Laundry ventilation system |                      |                           |                                             |                          |                      | tem                       |                   |               |
| əm                                                                                                  | Each                   | bathroom                                                                        | Operation                           | control                                                             | Each kitchen         | (                         | Operation control                           |                          | Each laundry         |                           | Operation control |               |
| us 5                                                                                                |                        | to façade or roof manual switch on/off individual fan, ducted to façade or roof |                                     |                                                                     | manual switch on/off |                           | individual fan, ducted<br>to façade or roof |                          | manual switch on/off |                           |                   |               |

Appliances

| ncil land             | CAUTION – ALL OF THE ITEMS BELOW MUST BE ADHERED BY                                  |
|-----------------------|--------------------------------------------------------------------------------------|
|                       | FOR NATHERS TO BE VALID                                                              |
| eventing CPTED issues | NOTES:                                                                               |
|                       | 1. ALL DOWNLIGHTS TO BE:                                                             |
| oor                   | a. APPROVED NON-VENTILATED                                                           |
|                       | b. WITH FIRE-RATED COVER/SHIELD TO ALLOW CONTINUOUS INSULATION                       |
|                       | c. LED TYPE. IF HALOGEN LIGHT ARE TO BE INSTALLED THIS CERTIFICATION IS<br>NOT VALID |

### FOR NATHERS TO BE VALID TES:

- ALL DOWNLIGHTS TO BE:
- a. APPROVED NON-VENTILATED
- b. WITH FIRE-RATED COVER/SHIELD TO ALLOW CONTINUOUS INSULATION c. LED TYPE. IF HALOGEN LIGHT ARE TO BE INSTALLED THIS CERTIFICATION IS NOT VALID
- 2. ALL VENTS AND WALL OPENINGS INSTALLED TO BE "THE SEALED" TYPE
- 3. ALL INSULATION IS TO BE INSTALLED IN ACCORDANCE NCC PART 3.12.1.1
- a. CREATION OF CONTINUOUS THERMAL BARRIER b. COMPLIANCE WITH AS4859
- c. MAINTAINING THICKNESS OF BULK INSULATION AND AIR GAPS FOR
- REFLECTIVE INSULATION
- 4. BUILDING SEALING AS PER NCC PART 3.12.3 a. WEATHER SEALS AND DRAFT EXCLUDERS
- b. DRAFT STOPPER CAPS
- 5. SERVICES AS RER NCC PART 3.12.5 a. INSULATION OF SERVICES, PIPING AND DUCTWORK

|                           | Cooling                                                           |                                                                   | Heating                                                           |                                                                   | Artificial lighting              |                                          |                    |                              |                    | Natural lighting   |                                        |                |
|---------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------|----------------------------------|------------------------------------------|--------------------|------------------------------|--------------------|--------------------|----------------------------------------|----------------|
| Dwelling<br>no.           | living areas                                                      | bedroom<br>areas                                                  | living areas                                                      | bedroom<br>areas                                                  | No. of<br>bedrooms<br>&/or study | No. of<br>living &/or<br>dining<br>rooms | Each<br>kitchen    | All<br>bathrooms/<br>toilets | Each<br>Iaundry    | All<br>hallways    | No. of<br>bathrooms<br>&/or<br>toilets | Main<br>kitche |
| 3                         | 1-phase<br>airconditioning<br>4 star<br>(average<br>zone) (zoned) | 1-phase<br>airconditioning<br>4 star<br>(average<br>zone) (zoned) | 1-phase<br>airconditioning<br>4 star<br>(average<br>zone) (zoned) | 1-phase<br>airconditioning<br>4 star<br>(average<br>zone) (zoned) | 3<br>(dedicated)                 | 1<br>(dedicated)                         | yes<br>(dedicated) | yes<br>(dedicated)           | yes<br>(dedicated) | yes<br>(dedicated) | 2                                      | yes            |
| All<br>other<br>dwellings | 1-phase<br>airconditioning<br>4 star<br>(average<br>zone) (zoned) | 1-phase<br>airconditioning<br>4 star<br>(average<br>zone) (zoned) | 1-phase<br>airconditioning<br>4 star<br>(average<br>zone) (zoned) | 1-phase<br>airconditioning<br>4 star<br>(average<br>zone) (zoned) | 3                                | 1                                        | yes                | yes                          | yes                | yes                | 4                                      | yes            |

|                                                                          | Individual pool        |               | Individual spa        |                                   | Appliances & other efficiency measures |                 |                                       |                 |                   |                  |                                                  |                                                                |
|--------------------------------------------------------------------------|------------------------|---------------|-----------------------|-----------------------------------|----------------------------------------|-----------------|---------------------------------------|-----------------|-------------------|------------------|--------------------------------------------------|----------------------------------------------------------------|
| Dwelling<br>no.                                                          | Pool heating<br>system | Timer         | Spa heating<br>system | Timer                             | Kitchen<br>cooktop/oven                | Refrigerator    | Well<br>ventilated<br>fridge<br>space | Dishwasher      | Clothes<br>washer | Clothes<br>dryer | Indoor or<br>sheltered<br>clothes<br>drying line | Private<br>outdoor or<br>unsheltered<br>clothes<br>drying line |
| 1                                                                        | -                      | -             | -                     | -                                 | gas cooktop & gas oven                 | -               | no                                    | -               | -                 | -                | yes                                              | yes                                                            |
| All other dwellings                                                      | -                      | -             | -                     | -                                 | gas cooktop & electric oven            | -               | no                                    | -               | -                 | -                | yes                                              | yes                                                            |
|                                                                          |                        |               |                       |                                   |                                        |                 |                                       |                 |                   |                  |                                                  |                                                                |
|                                                                          |                        |               |                       |                                   |                                        |                 |                                       | Alternative e   | nergy             |                  |                                                  |                                                                |
| Dwelling r                                                               | no.                    |               |                       |                                   | Photovoltaic s                         | ystem (min rate | d electrical o                        | utput in peak k | W)                |                  |                                                  |                                                                |
| All dwellings                                                            |                        |               |                       | 0.0                               |                                        |                 |                                       |                 |                   |                  |                                                  |                                                                |
|                                                                          |                        |               |                       |                                   |                                        |                 |                                       |                 |                   |                  |                                                  |                                                                |
| Common                                                                   | area Show              | orheads ratio | ng                    | Toilets rati                      | ng                                     | Taps ra         | ting                                  |                 | Clothes wa        | shers rating     | 9                                                |                                                                |
| All common area on common facility no common facility no common facility |                        |               | facility              | 4 star no common laundry facility |                                        |                 |                                       |                 |                   |                  |                                                  |                                                                |

|               |                    |               | Alternative energy |                                                                     |                        |   |  |
|---------------|--------------------|---------------|--------------------|---------------------------------------------------------------------|------------------------|---|--|
| Dwelling no.  |                    |               | Photovoltaic s     | Photovoltaic system (min rated electrical output in peak kW)<br>0.0 |                        |   |  |
| All dwellings |                    |               | 0.0                |                                                                     |                        |   |  |
|               |                    |               |                    |                                                                     |                        |   |  |
|               |                    |               |                    |                                                                     |                        |   |  |
| Common area   | Showerheads rating | Toilets ratio | ng                 | Taps rating                                                         | Clothes washers rating | - |  |



## For Development Application only, NOT FOR CONSTRUCTION. Plans to be read in conjunction with other disciplines documentation issued for the subject DA.

All dimensions to be verified on site - do not scale. In case of discrepancy contact ARCANARY

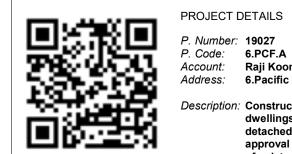
Level 1 | 9-13 Bronte Rd | Bondi Junction | NSW 2022 | ABN: 93 165 813 221

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ARCANARY - TEMPLATE - General - 09.rte

### PROJECT NAME **6** Pacific Ave



P. Number: 19027 P. Code: 6.PCF.A

Account:Raji Kooner and Gillian LamouryAddress:6.Pacific Ave, Tamarama NSW 2026

Description: Construction of two semi-detached dwellings and one detached dwelling, following the approval for the demolition of a detached dwelling and a subdivision.

0 1 SCALE

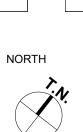
GRAPHIC SCALE

1:100@A1



**ISSUE AC.03 - For Deferral Letter 221222** 

## SHEET TITLE SECTIONS



CHECKED DRAWN TGT

SHEET NUMBER

SHEET REVISION

MGP

10 m



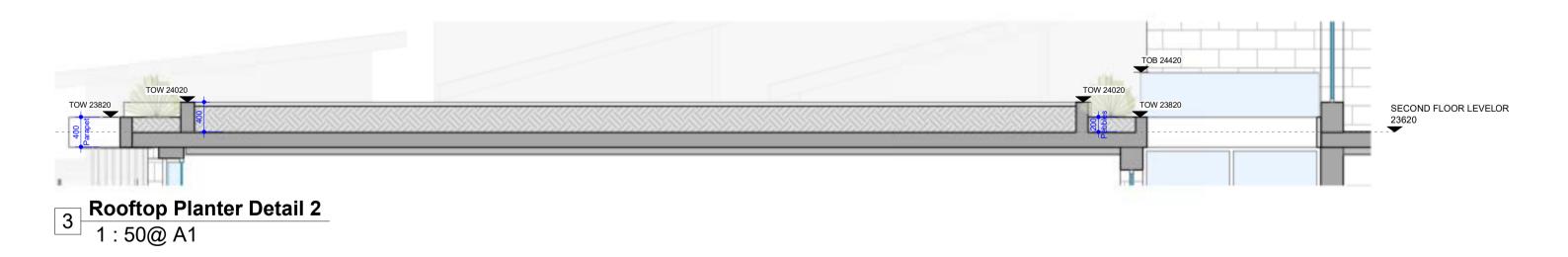


6.PCF.A - 4.DA - AC.01 - Development Application - 01 - TGT | 23/04/21 12:41:32 PM

## AC301 23820 TOW \_ \_\_ \_\_ \_\_ \_ RL 23820 $\oplus$ TOW 24020 565 RL 23620 $\oplus$ Lot 1 232.00 sqm Planter Area : 92.12 sqm Planter Volume : 50.66m3 ...... Non trafficable roof garden Lot 2 232.00 sqm 1 AC302 Landscape as per Landscape plan TOW 24020 ↔ RL 23820 23820 TOW Second Floor Planter Plan 1:50@ A1 1 AC301

### Scope Note

| Dwelling 1 & 2    |                                    |
|-------------------|------------------------------------|
| B1.01             | Metal gate                         |
| B1.03             | Rubbish bins area                  |
| B1.04             | Driveway turntable                 |
| B1.05             | Bicycle storage racks              |
| B1.06             | Lift                               |
| L0.01             | Planter on Ground level            |
| L0.02             | Terrace                            |
| L0.03             | Privacy screens                    |
| L0.04             | Ground level main entrance         |
| L1.01             | Planter on First level             |
| L1.02             | Proposed terrace                   |
| L1.03             | Privacy screens                    |
| L1.04             | Rear courtyard & BBQ area          |
| L2.01             | Planter on the Second level        |
| L2.02             | Gravel covered area (non walkable) |
| L2.03             | Rooftop terrace                    |
| L2.04             | Privacy screens                    |
| L2.06             | Rear terrace                       |
| L2.07             | Glass balustrade                   |
| Dwelling 3        |                                    |
| L0.01             | Proposed Basement level layout     |
| L0.02             | Lift                               |
| L1.01             | Paved driveway                     |
| L1.02             | Proposed Ground level layout       |
| L1.03             | Rubish bins area                   |
| L1.04             | Ground level main entrance         |
| L1.06             | Planter on the Ground level        |
| L2.01             | Planter on the First level         |
| L2.02             | Proposed First level layout        |
| L2.03             | Glass balustrade                   |
| External Envelope |                                    |
| X.01              | White render envelope              |
| X.02              | Concrete wall                      |
| X.03              | Retaining wall                     |
| X.04              | Solar panels                       |
| X.05              | Concrete pergola                   |
|                   |                                    |



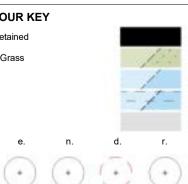
### Deferral Scope Notes 221222

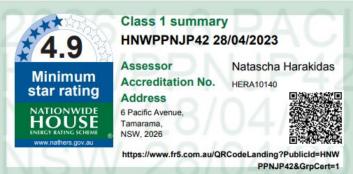
DL0.00 Driveway crossing with splays over council land DL0.01 Shared driveway to be 3m wide DL0.02 Redesigned stairs & new secure gate preventing CPTED issues DL0.03 Proposed Basement level layout DL1.01 Proposed Ground level layout DL1.03 Redesigned courtyard on the Ground Floor DL2.01 Proposed First level layout Rear courtyard & BBQ area DL2.02 DL2.03 New vegetation as per council suggestion DL2.04 Green roof DL3.01 Non trafficable planter on the Second level DL3.02 Proposed Second level layout DL3.03 New Planter DL4.01 Redesigned Concrete pergola DL5.01 Car turning table DL.6.01 Sandstone envelope

### GENERIC COLOUR KEY

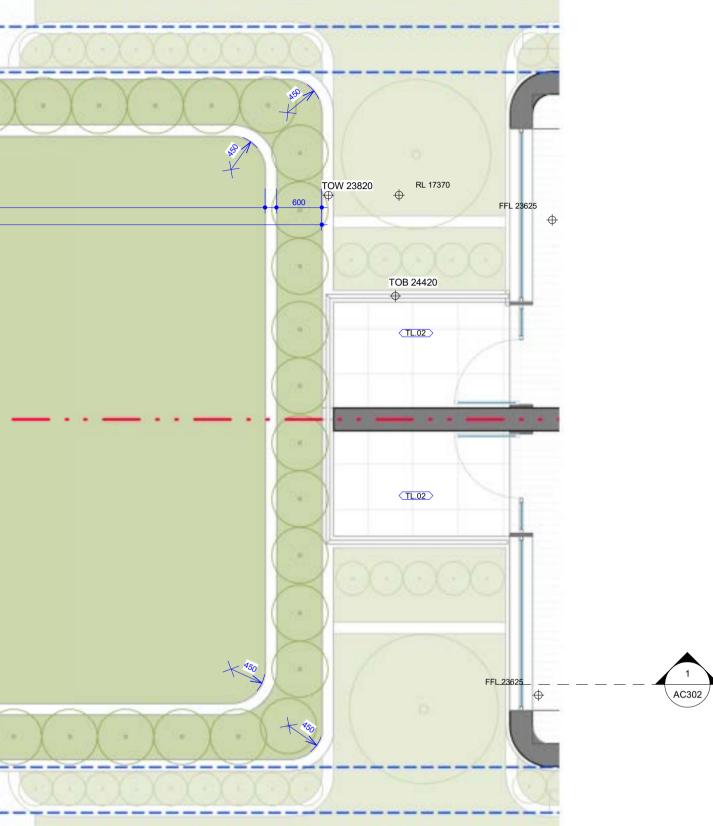
| e. Existing To Be Retained |  |
|----------------------------|--|
| e. / n. Vegetation   Grass |  |
| e. / n. Glazing            |  |
| e. / n. Water              |  |
| Cavity   Terrain           |  |
| P                          |  |

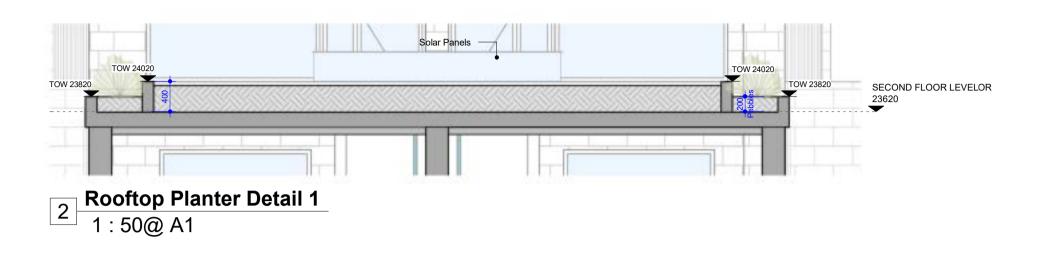
Planting













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ARCANARY - TEMPLATE - General - 09.rte

PROJECT NAME 6 Pacific Ave



PROJECT DETAILS P. Number: 19027 P. Code: 6.PCF.A Account:Raji Kooner and Gillian LamouryAddress:6.Pacific Ave, Tamarama NSW 2026

Description: Construction of two semi-detached dwellings and one detached dwelling, following the approval for the demolition

GRAPHIC SCALE

| 0 1      |    |
|----------|----|
| SCALE    | NO |
| 1:100@A1 |    |

of a detached dwelling and a subdivision.



RECEIVED Waverley Council

Application No: DA-435/2022

Date Received: 02/05/2023

**ISSUE AC.03 - For Deferral Letter 221222** 

### SHEET TITLE SECOND LEVEL PLANTER



10 m CHECKED DRAWN KYT MGP

SHEET NUMBER

SHEET REVISION

Α

**AC600** 6.PCF.A - 4.DA - AC.01 - Development Application - 01 - TGT | 23/04/21 12:41:41 PM

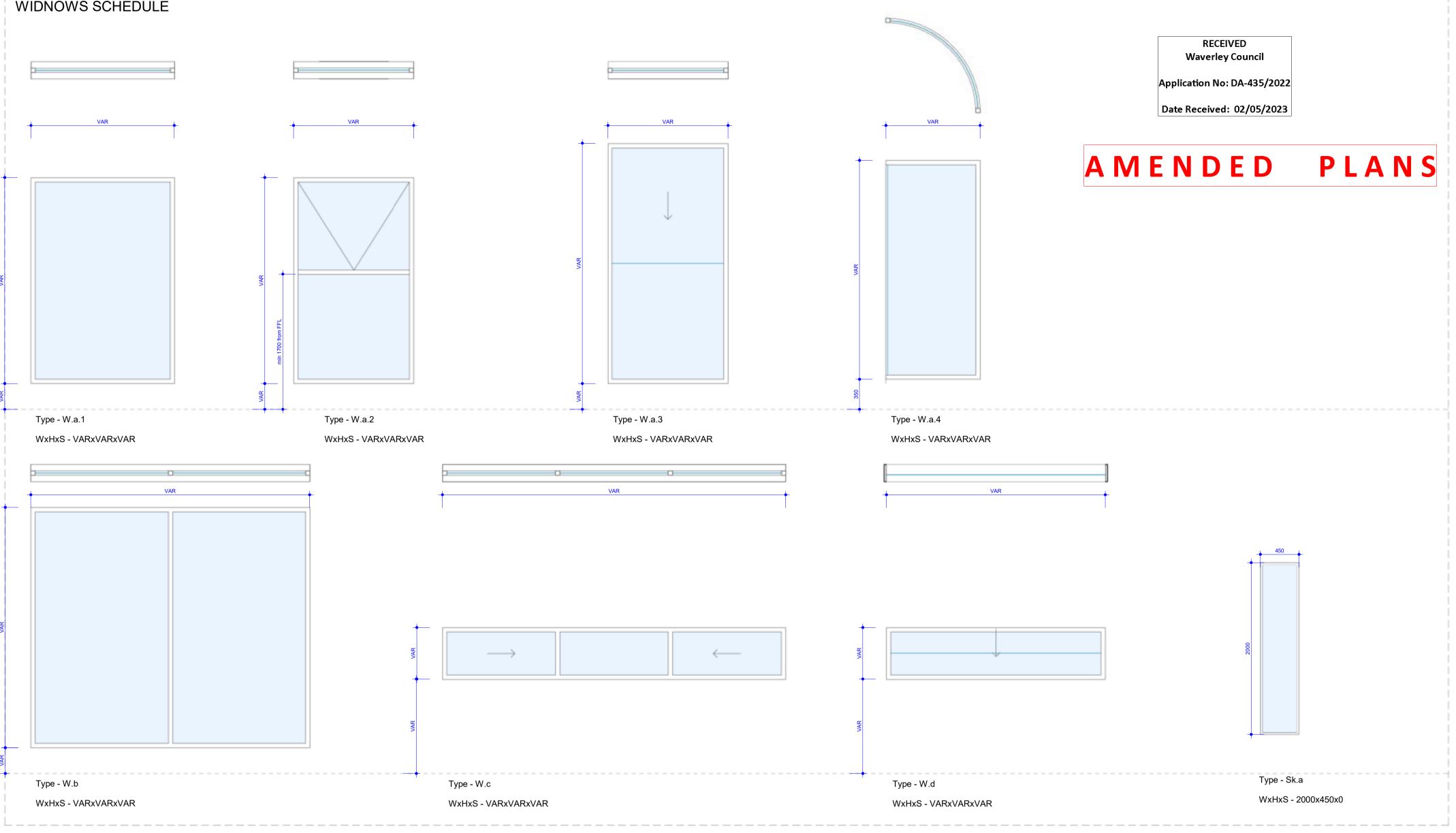


| WINDO  | OW SCHEDUL     | E        |        |      |                               | WIDNOWS SCHE                            |
|--------|----------------|----------|--------|------|-------------------------------|-----------------------------------------|
| D      | TYPE           | WIDTH    | HEIGHT | SILL | COMMENTS                      |                                         |
| D1     |                |          |        |      |                               |                                         |
|        | & 2 GROUND     | FLOOR    |        |      |                               |                                         |
| 1.01   | W.a.4          | N/A      | 2550   | 100  | Curved window TBS by supplier | 2                                       |
| 1.02   | W.a.2          | 1000     | 2600   | 200  |                               |                                         |
| 1.03   | W.a.2          | 1670     | 2600   | 200  |                               |                                         |
| 1.04   | W.b            | 1990     | 2700   | 0    |                               |                                         |
| 1.05   | W.b            | 2390     | 2700   | 0    |                               | VAR                                     |
| 1.06   | W.a.2          | 1150     | 2600   | 200  |                               |                                         |
|        | & 2 FIRST FLO  |          |        |      |                               |                                         |
| 2.01   | W.a.4          | N/A      | 2650   | 100  | Curved window TBS by supplier |                                         |
| 2.02   | W.d            | 2550     | 600    | 1100 | ,                             |                                         |
| 2.03   | W.a.1          | 2000     | 2400   | 200  |                               | • · · · · · · · · · · · · · · · · · · · |
| 2.04   | W.b            | 2390     | 2700   | 200  |                               |                                         |
| 2.05   | W.a.2          | 1150     | 2700   | 200  |                               |                                         |
| 2.06   | W.a.1          | 1600     | 2700   | 200  |                               |                                         |
|        | & 2 SECOND     |          | 2100   | 200  |                               |                                         |
| 3.01   | W.a.1          | 2290     | 2400   | 400  |                               |                                         |
| 3.02   | W.a.1          | 1600     | 2700   | 200  |                               |                                         |
| 3.03   | W.a.2          | 1940     | 2700   | 400  |                               |                                         |
| 3.04   | W.a.1          | 600      | 2400   | 400  |                               | ~                                       |
|        | vv.a. i        | 000      | 2100   | 100  |                               | A                                       |
| 02     |                |          |        |      |                               |                                         |
|        | & 2 GROUND     | FLOOR    |        |      |                               |                                         |
| 1.07   | W.a.2          | 1150     | 2600   | 200  |                               |                                         |
| 1.08   | W.b            | 2390     | 2700   | 0    |                               |                                         |
| 1.09   | W.a.1          | 1000     | 2600   | 200  |                               |                                         |
| 1.10   | W.a.1<br>W.a.2 | 1670     | 2600   | 200  |                               |                                         |
| 1.11   | W.a.2<br>W.a.2 | 1000     | 2600   | 200  |                               |                                         |
| 1.12   | W.a.4          | 1000     | 2550   | 200  | Curved window TBS by supplier |                                         |
|        | & 2 FIRST FLC  | OR       | 2000   |      |                               | щ                                       |
| 2.07   | W.a.1          | 1600     | 2700   | 200  |                               | <                                       |
| 2.08   | W.a.1<br>W.a.2 | 1150     | 2700   | 200  |                               | Type - W.a.1                            |
| 2.09   | W.b            | 2390     | 2700   | 200  |                               | Type - W.a.T                            |
| 2.10   | W.a.1          | 2000     | 2400   | 200  |                               | WxHxS - VARxVARxVA                      |
| 2.11   | W.d            | 2550     | 600    | 1100 |                               |                                         |
| 2.12   | W.a.4          | 2000     | 2650   | 1100 | Curved window TBS by supplier |                                         |
|        | & 2 SECOND     |          | 2000   |      |                               |                                         |
| 3.05   | W.a.1          | 600      | 2400   | 400  |                               |                                         |
| 3.06   | W.a.2          | 1940     | 2700   | 200  |                               |                                         |
| 3.07   | W.a.1          | 1600     | 2700   | 200  |                               | +                                       |
| 3.08   | W.a.1          | 2290     | 2400   | 400  |                               |                                         |
|        | vv.a. i        | 2200     | 2400   | -100 |                               |                                         |
| 03     |                |          |        |      |                               |                                         |
| OT 3 I | LOWER GROU     | JND FLOO | R      |      |                               |                                         |
| ).01   | W.a.4          | N/A      | 2900   | 0    | Curved window TBS by supplier |                                         |
| 0.02   | W.a.1          | 1650     | 2900   | 0    |                               |                                         |
| 0.03   | W.a.4          | N/A      | 2900   | 0    | Curved window TBS by supplier |                                         |
| ).04   | W.a.1          | 970      | 2800   | 0    |                               |                                         |
| OT 3   | GROUND FLC     | OR       |        |      |                               | α d                                     |
| 1.01   | W.b            | 2250     | 2800   | 200  |                               | AR                                      |
| 1.02   | W.a.4          | N/A      | 2700   | 100  | Curved window TBS by supplier |                                         |
| 1.03   | W.a.4          | N/A      | 2700   | 100  | Curved window TBS by supplier |                                         |
| 1.04   | W.a            | 1200     | 2800   | 0    |                               |                                         |
| OT 3   | FIRST FLOOR    | 2        |        |      |                               |                                         |
| 2.01   | W.b            | 2250     | 2800   | 0    |                               |                                         |
| 2.02   | W.b            | 2300     | 2000   | 800  |                               |                                         |
| 2.03   | W.a.3          | 900      | 2400   | 400  |                               |                                         |
| 2.04   | W.a.3          | 900      | 2400   | 400  |                               |                                         |
| 2.05   | W.c            | 4190     | 600    | 900  |                               |                                         |
| 2.06   | W.a.4          | N/A      | 2700   | 100  | Curved window TBS by supplier |                                         |
| 2.07   | W.d            | 3230     | 2700   | 100  |                               | AR                                      |
|        |                |          |        |      |                               |                                         |
|        |                |          |        |      |                               | Type - W.b                              |
|        |                |          |        |      |                               |                                         |
|        |                |          |        |      |                               | WxHxS - VARxVARxVA                      |

#### SKYLIGHT SCHEDULE WIDTH HEIGHT SILL COMMENTS ID TYPE D1 LOT 1 & 2 FIRST FLOOR 2.01 Sk.a 450 2000 D2 LOT 1 & 2 FIRST FLOOR 2.02 Sk.a 450 2000







REFER TO CORRESPONDING NATHERS CERTIFICATE(S) FOR CORRECT WINDOW SPECIFICATIONS / ALLOCATIONS (SEE AE.05 FORM FOR DETAIL)

SET NOTES: For Development Application only, NOT FOR CONSTRUCTION. Plans to be read in conjunction with other disciplines documentation issued for the subject DA. All dimensions to be verified on site - do not scale. In case of discrepancy contact ARCANARY

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PROJECT DETAILS P. Number: **19027** P. Code: **6.PCF.A** Account: Raji Kooner and Gillian Lamoury Address: 6.Pacific Ave, Tamarama NSW 2026 SCALE Description: Construction of two semi-detached dwellings and one detached dwelling, following the approval for the demolition NTS@A1 of a detached dwelling and a subdivision.

### **ISSUE AC.03 - For Deferral Letter 221222** SHEET TITLE

## WINDOW SCHEDULE

NORTH

GRAPHIC SCALE

CHECKED

SHEET NUMBER

SHEET REVISION

TGT

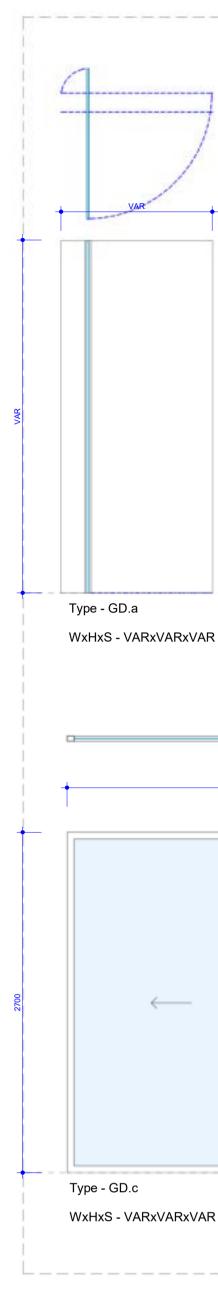
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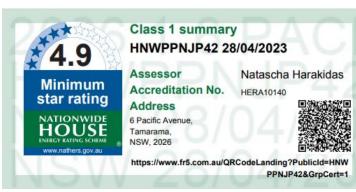
MGP

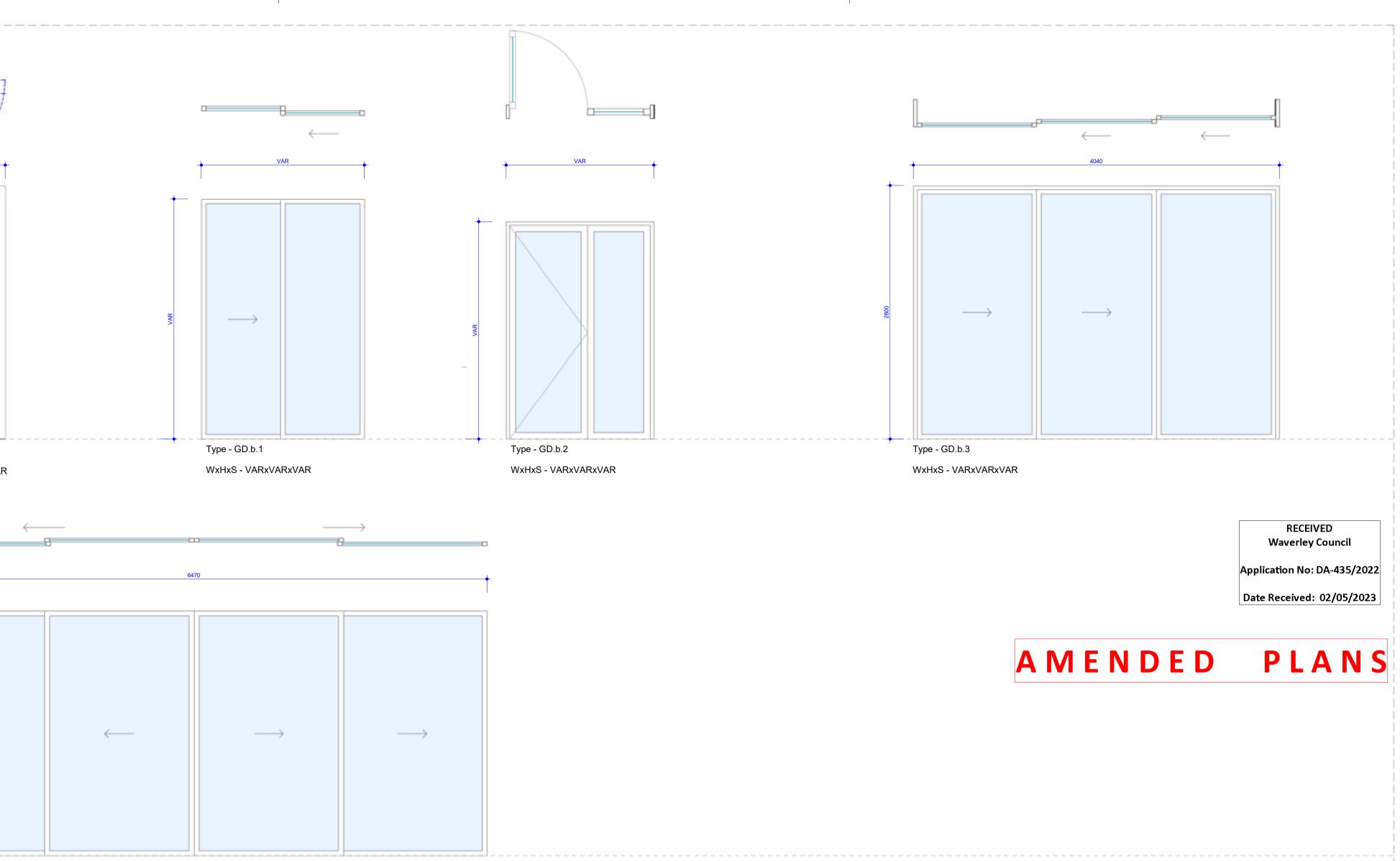




| 1.01 GD.b.1 2900 2550                           |
|-------------------------------------------------|
|                                                 |
| 1.02 GD.a 1200 2800                             |
|                                                 |
| LOT 1 & 2 FIRST FLOOR                           |
| 2.01 GD.b.1 2650 2650                           |
| 2.02 GD.a 1050 2800                             |
| LOT 1 & 2 SECOND FLOOR                          |
| 3.01 GD.b.2 1400 2800                           |
|                                                 |
|                                                 |
| LOT 1 & 2 GROUND FLOOR                          |
| 1.03 GD.a 1200 2800                             |
| 1.04 GD.b.1 3100 2550                           |
| LOT 1 & 2 FIRST FLOOR                           |
| 2.03 GD.a 1050 2800<br>2.04 GD.b.1 2650 2650    |
| 2.04 GD.b.1 2650 2650<br>LOT 1 & 2 SECOND FLOOR |
| 3.02 GD.b.2 1400 2800                           |
| 3.02 GD.b.2 1400 2000                           |
| D3                                              |
| LOT 3 LOWER GROUND FLOOR                        |
| 0.01 GD.b.1 2580 2900                           |
| 0.02 GD.b.1 3134 2900                           |
| LOT 3 GROUND FLOOR                              |
| 1.01 GD.c 6550 2700                             |
| 1.02 GD.a 1000 2300                             |
| LOT 3 FIRST FLOOR                               |
| 2.01 GD.b.3 4000 2800                           |
| 2.02 GD.a 900 2800                              |







REFER TO CORRESPONDING NATHERS CERTIFICATE(S) FOR CORRECT WINDOW SPECIFICATIONS / ALLOCATIONS (SEE AE.05 FORM FOR DETAIL)



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PROJECT NAME 6 Pacific Ave



PROJECT DETAILS P. Number: **19027** P. Code: **6.PCF.A**  
 Account:
 Raji Kooner and Gillian Lamoury

 Address:
 6.Pacific Ave, Tamarama NSW 2026
 SCALE Description: Construction of two semi-detached dwellings and one detached dwelling, following the approval for the demolition of a detached dwelling and a NTS@A1 subdivision.

**ISSUE AC.03 - For Deferral Letter 221222** SHEET TITLE

## **GLAZED DOOR SCHEDULE**

NORTH

GRAPHIC SCALE

CHECKED

SHEET NUMBER

SHEET REVISION

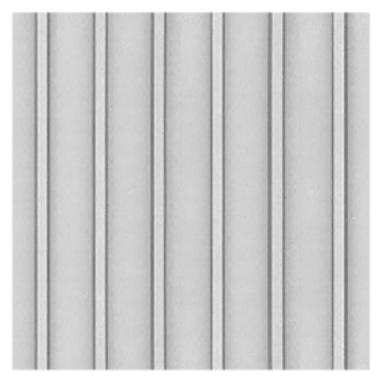
TGT

DRAWN

MGP







MS.01 - LIGHT METAL SHEET ROOF



**RD.01 - WHITE RENDERED EXTERIOR WALL** 



AL.01 - DARK ALUMINIUM WINDOW FRAME

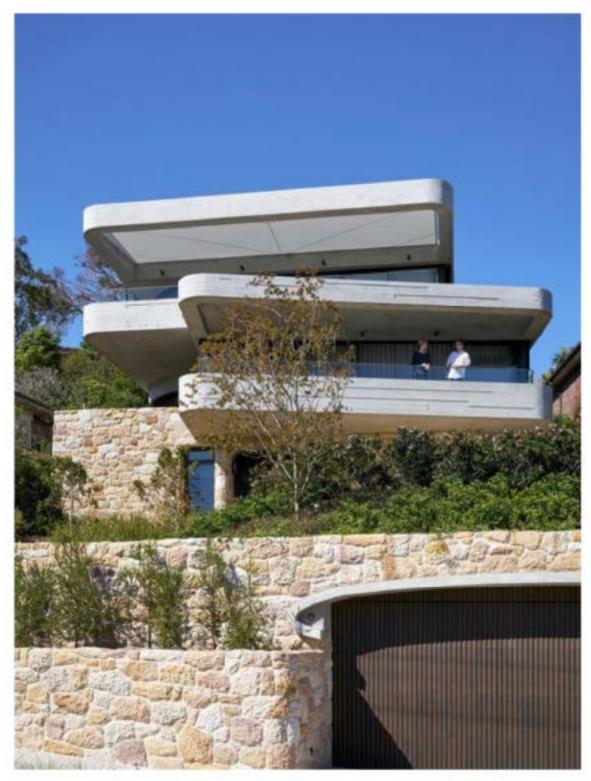


**RD.02 - WHITE RENDERED INTERIOR WALL** 





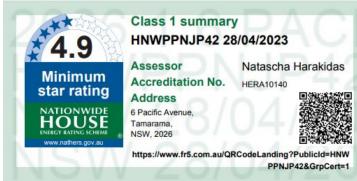
TB.02 - TIMBER DECK



Curved facade



Roof top terrace



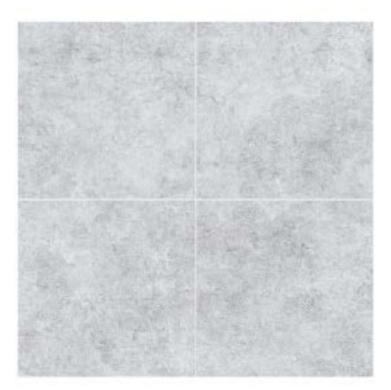




TB.01 - TIMBER FLOOR FINISH



**CP.01 - CARPET FLOOR FINISH** 



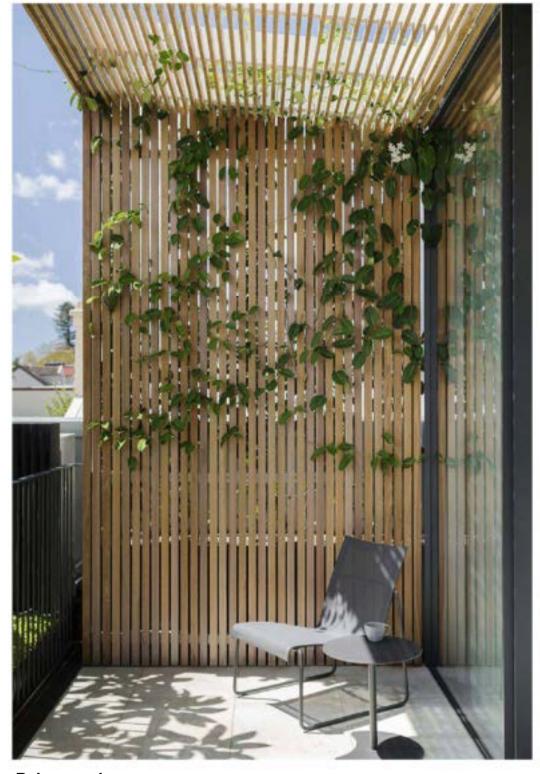
TL.01 - TILE FLOOR FINISH





ST.01 - SANDSTONE





Balcony privacy screens



Permeable driveway

|                | 6 Pacific Av | /e                                             |                                                                                                                                                                           | GRAPHIC SCALE |       |
|----------------|--------------|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------|
|                |              | PROJECT D                                      | DETAILS                                                                                                                                                                   |               |       |
|                |              | P. Number:<br>P. Code:<br>Account:<br>Address: | 19027<br>6.PCF.A<br>Raji Kooner and Gillian Lamoury<br>6.Pacific Ave, Tamarama NSW 2026                                                                                   | SCALE         | NORTH |
| nust<br>n that | o: S         | Description:                                   | Construction of two semi-detached<br>dwellings and one<br>detached dwelling, following the<br>approval for the demolition<br>of a detached dwelling and a<br>subdivision. | NTS@A1        |       |



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GL.01 - CLEAR GLASS

RECEIVED Waverley Council Application No: DA-435/2022 Date Received: 02/05/2023

# AMENDED PLANS

**ISSUE AC.03 - For Deferral Letter 221222** SHEET TITLE

MATERIAL BOARD

ΤН

DRAWN

SHEET NUMBER

SHEET REVISION

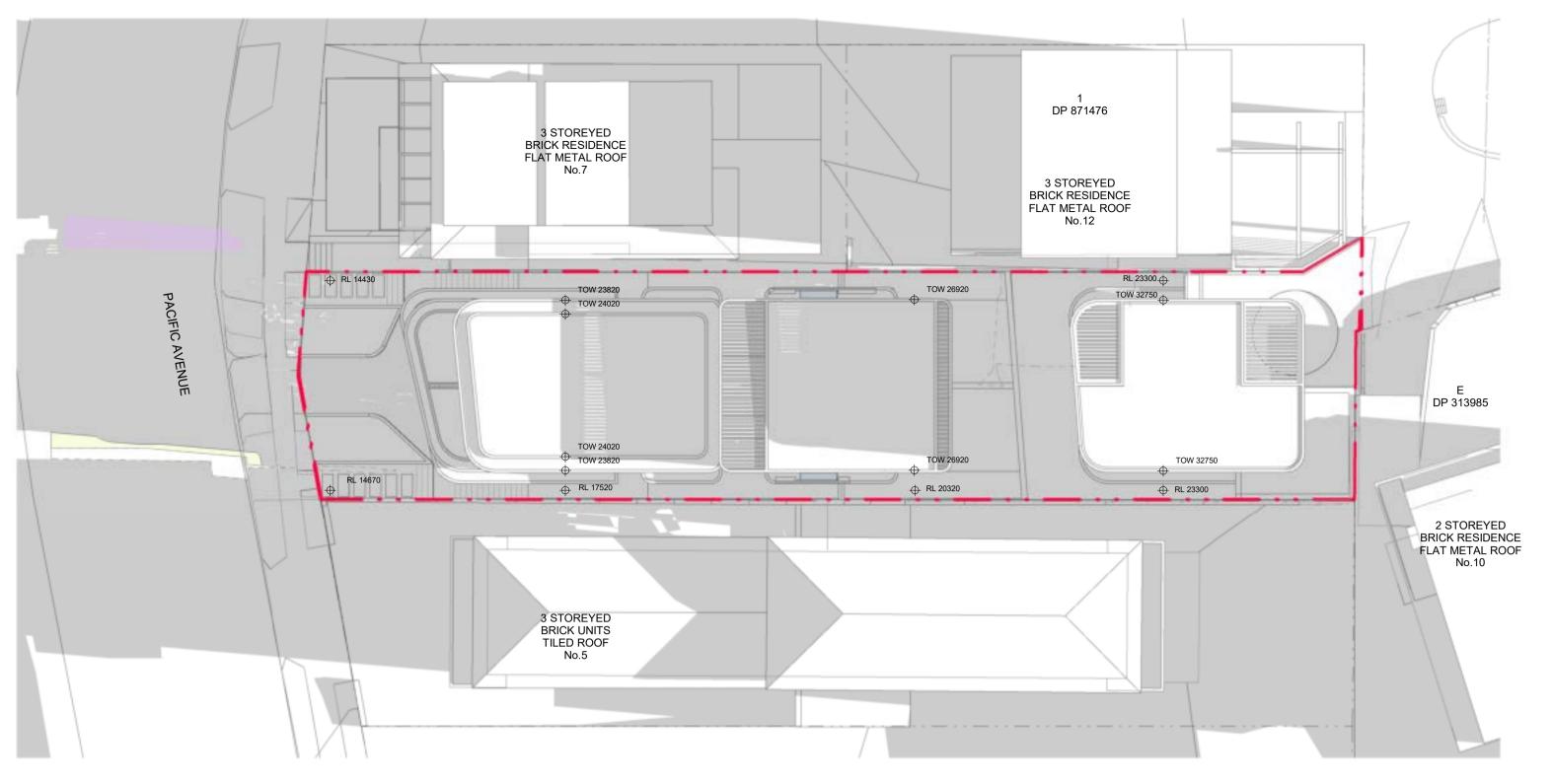
TGT

MGP

CHECKED

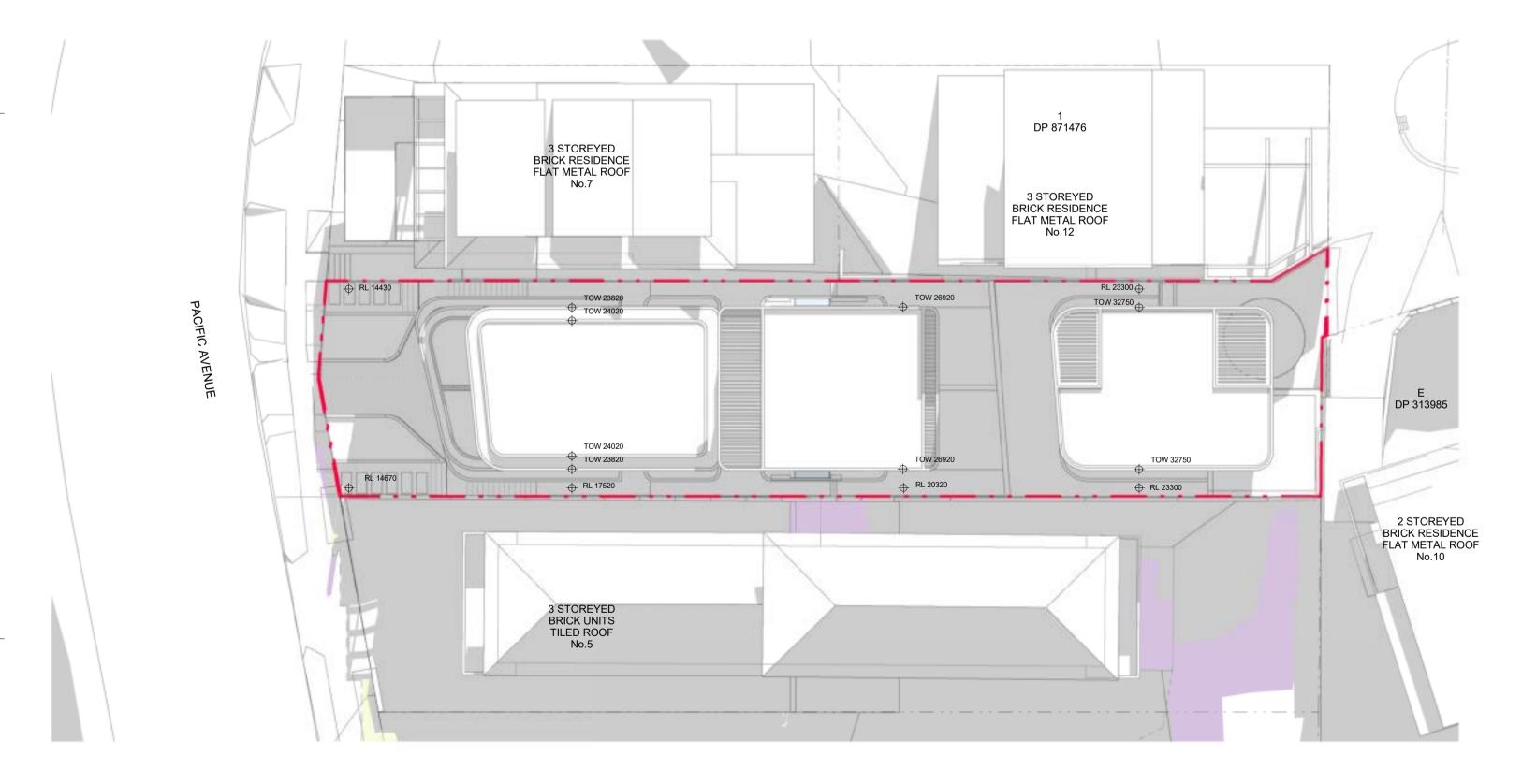


A 6.PCF.A - 4.DA - AC.01 - Development Application - 01 - TGT | 23/04/21 12:41:47 PM



Shadow Diagram - 21 June 9AM

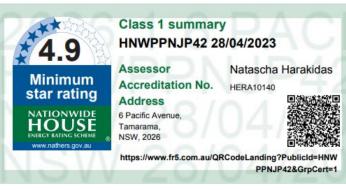
 1 : 200@ A1

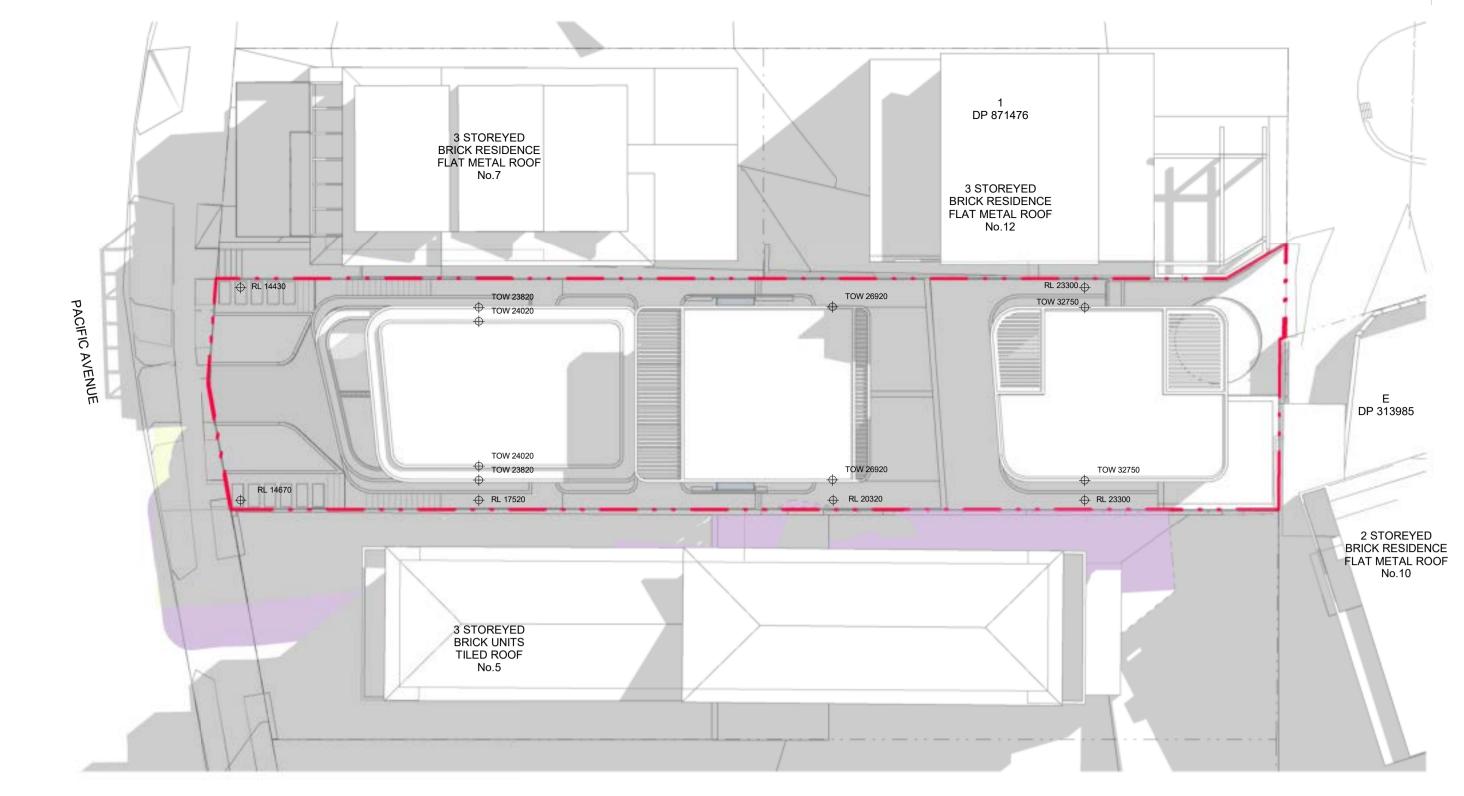


2 Shadow Diagram - 21 June 3PM 1 : 200@ A1









3 Shadow Diagram - 21 June 12PM 1 : 200@ A1



### SET NOTES:

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PROJECT NAME 6 Pacific Ave

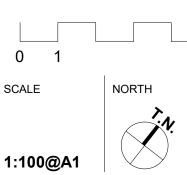


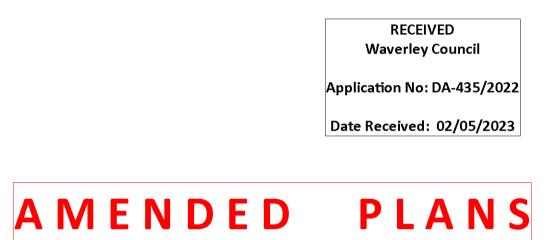
PROJECT DETAILS P. Number: 19027 P. Code: 6.PCF.A Account:Raji Kooner and Gillian LamouryAddress:6.Pacific Ave, Tamarama NSW 2026

Description: Construction of two semi-detached

dwellings and one detached dwelling, following the approval for the demolition of a detached dwelling and a subdivision.

GRAPHIC SCALE





**ISSUE AC.02 - For Deferral Letter 221222** 

### SHEET TITLE SHADOW DIAGRAMS JUNE

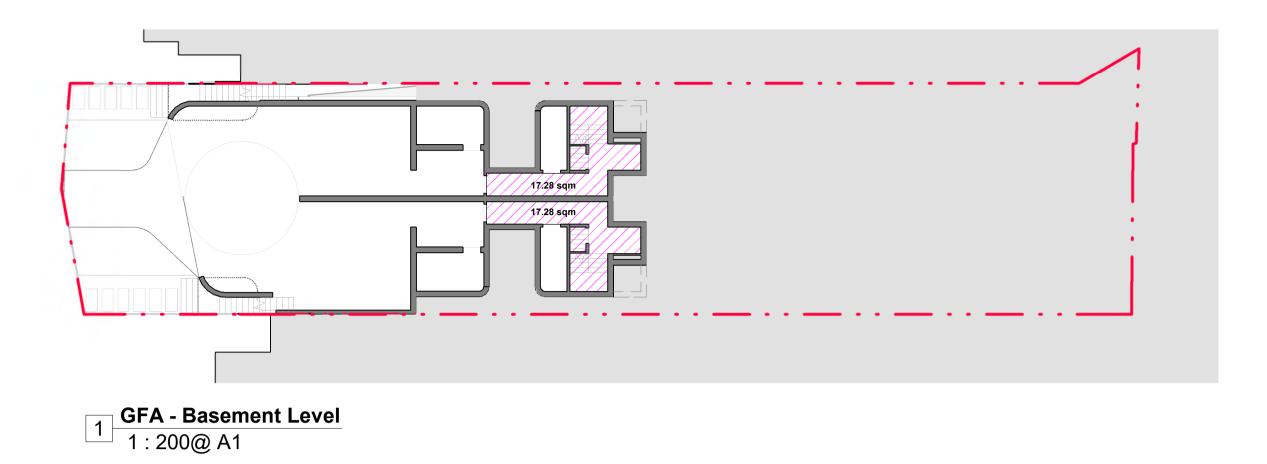
10 m CHECKED DRAWN TGT MGP

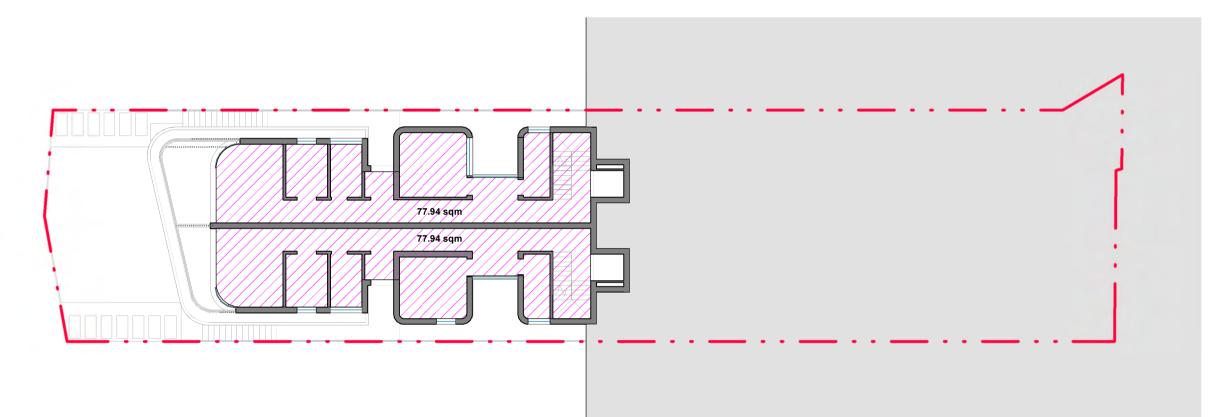
SHEET NUMBER

SHEET REVISION

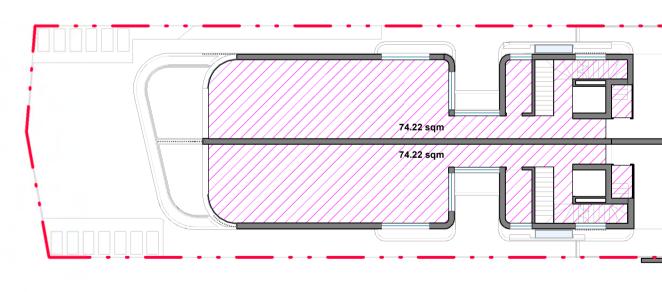
AC830







**GFA - Ground Level** 1 : 200@ A1



**GFA - First Level** 1 : 200@ A1

GFA CALCULATIONS

MAX GFA allowed: MAX FSR allowed:

GFA PROPOSED:

Basement Level: Ground Level: First Level:

MAX GFA allowed:

MAX FSR allowed:

GFA PROPOSED:

Basement Level:

MAX GFA allowed:

MAX FSR allowed:

GFA PROPOSED:

Ground Level: First Level:

TOTAL:

Lower Ground Level:

Ground Level:

Second Level:

First Level:

TOTAL:

LOT 3 AREA:

Second Level: TOTAL:

LOT 2 AREA: **232.00** sqm

**197.15** sqm 0.8498:1

17.28 sqm 77.94sqm 74.22 sqm

27.48 sqm

**232.00** sqm

**197.15** sqm

0.8498:1

17.28 sqm

77.94 sqm

74.22 sqm

27.48 sqm

**225.9** sqm

**193.48** sqm

0.85651:1

72.10 sqm

58.70 sqm

65.00 sqm

**195.80** sqm

**196.92** sqm (complies)

196.92 sqm (complies)

LOT 1

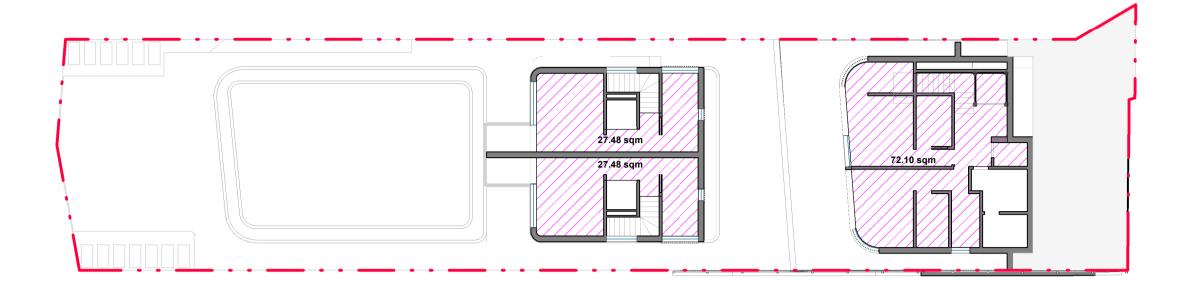
AREA:

GFA LEGEND KEY

Proposed GFA

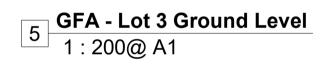


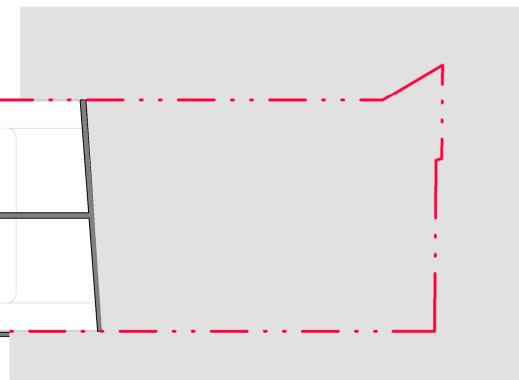
# AMENDED



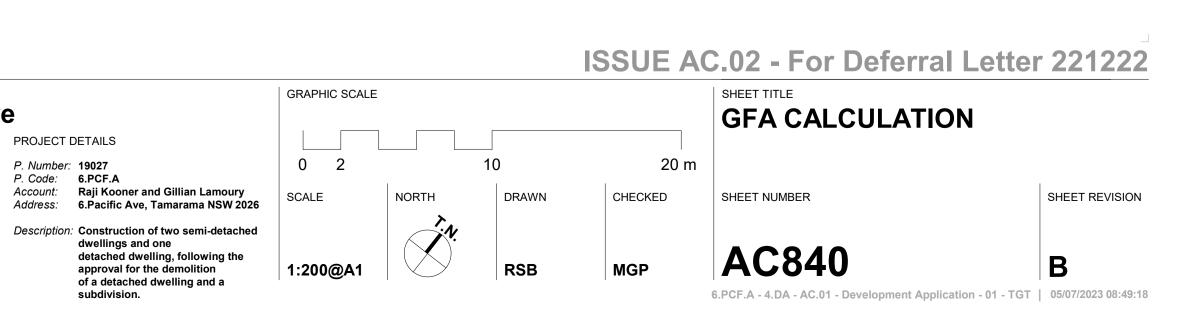


|  | <br> |
|--|------|











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### PROJECT NAME 6 Pacific Ave

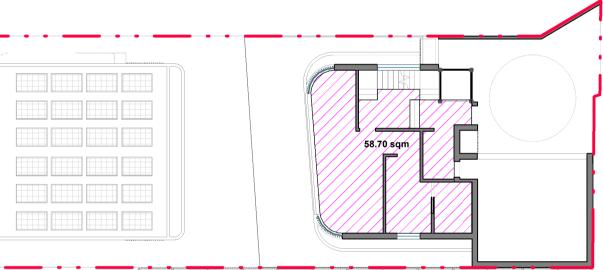


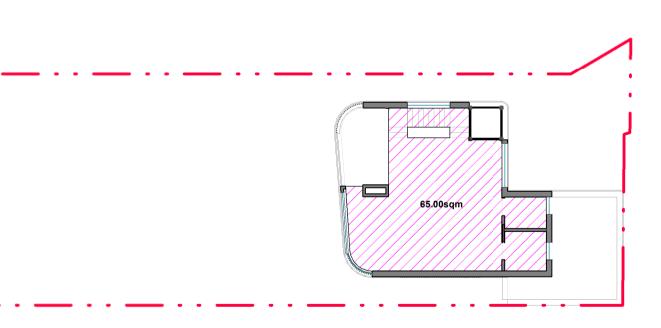


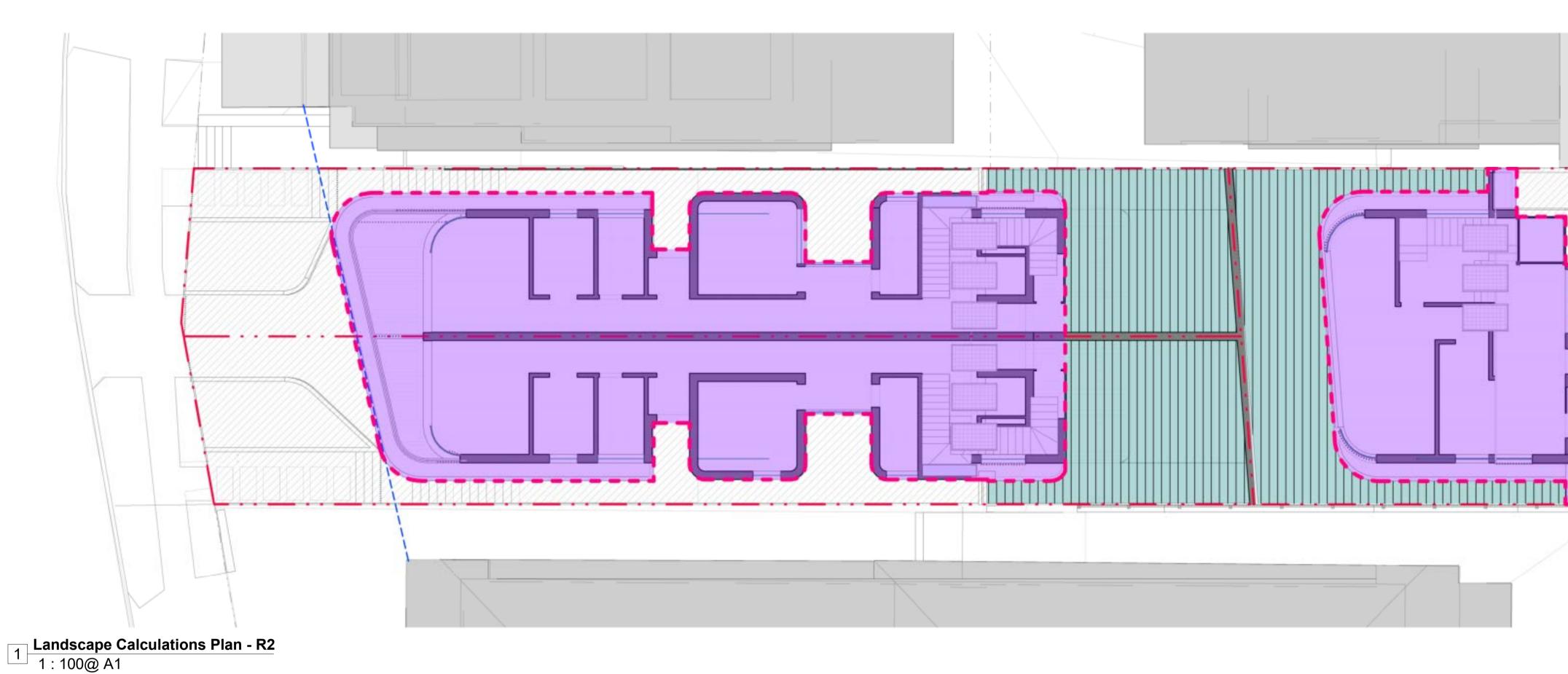
RECEIVED Waverley Council

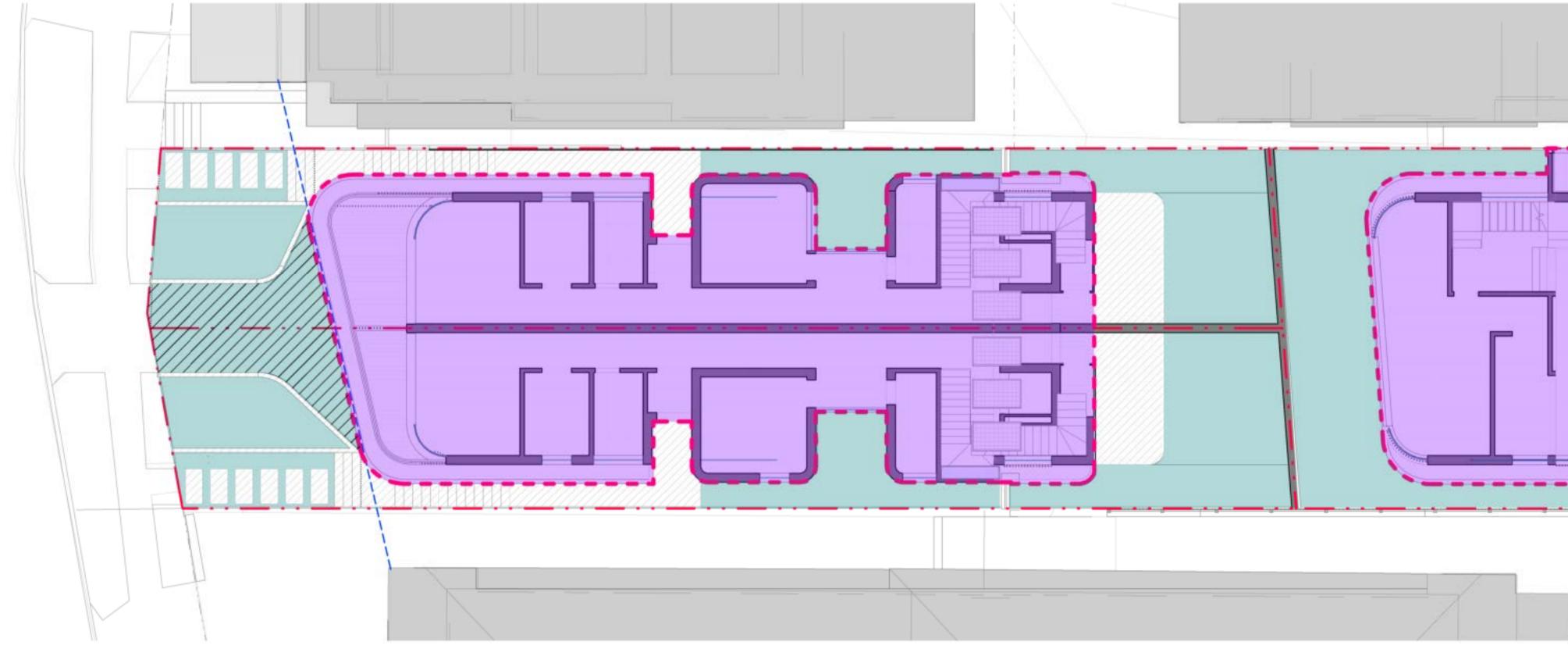
Application No: DA-435/2022

Date Received: 05/07/2023









### LANDSCAPE CALCULATIONS R2

LANDSCAPE: Min 15% of Site PRIVATE OPEN SPEACE Min 25 sqm LOT 1

### SITE AREA: 232 sqm LANDSCAPE: 100.65 sqm (43.38 % COMPLIES)

PRIVATE OPEN SPACE: 37.92 sqm (COMPLIES) LOT 2

#### SITE AREA: 232 sqm LANDSCAPE: 106.47 sqm (45.89 %COMPLIES) PRIVATE OPEN SPACE: 40.70 sqm (COMPLIES)

LOT 3 SITE AREA: 225.9 sqm

LANDSCAPE: 91.75 sqm (40.61% COMPLIES) PRIVATE OPEN SPACE: 48.65 sqm (53.02% COMPLIES)

LANDSCAPE CALCULATIONS R3

LANDSCAPE: Min 30% of Site DEEP SOIL: Min 50% of Ladscape Area

LOT 1 **AREA:** 232 sqm

LANDSCAPE: 89.13 sqm (38.41% COMPLIES) DEEP SOIL: 57.57 sqm (69.25% COMPLIES) LOT 2

**AREA:** 232 sqm LANDSCAPE: 93.52 sqm (40.31% COMPLIES) DEEP SOIL: 62.49 sqm (66.82% COMPLIES)

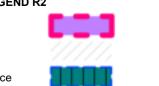
LOT 3

AREA: 225.9 sqm LANDSCAPE: 91.75 sqm (40.61% COMPLIES) DEEP SOIL: 48.65 sqm (53.02% COMPLIES)

### LANDSCAPE LEGEND R2

| Building Footprint |
|--------------------|
| Landscape          |

Private Open Space



2 Landscape Calculations Plan - R3 1 : 100@ A1

### LANDSCAPE LEGEND R3

Hard Landscape

Permeable Area

Deep Soil

Pool Area



23.35 sqm

Class 1 summary \$4.9 HNWPPNJP42 28/04/2023 Assessor Natascha Harakidas Minimum Accreditation No. HERA10140 star rating Address NATIONWID HOUSI 6 Pacific Avenue, Tamarama, NSW, 2026 https://www.fr5.com.au/QRCodeLanding?PublicId=HNW PPNJP42&GrpCert=1



### SET NOTES:

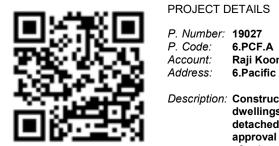
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PROJECT NAME 6 Pacific Ave



P. Number: 19027 P. Code: 6.PCF.A

Account:Raji Kooner and Gillian LamouryAddress:6.Pacific Ave, Tamarama NSW 2026

subdivision.

Description: Construction of two semi-detached dwellings and one detached dwelling, following the approval for the demolition of a detached dwelling and a

0 1 SCALE

GRAPHIC SCALE

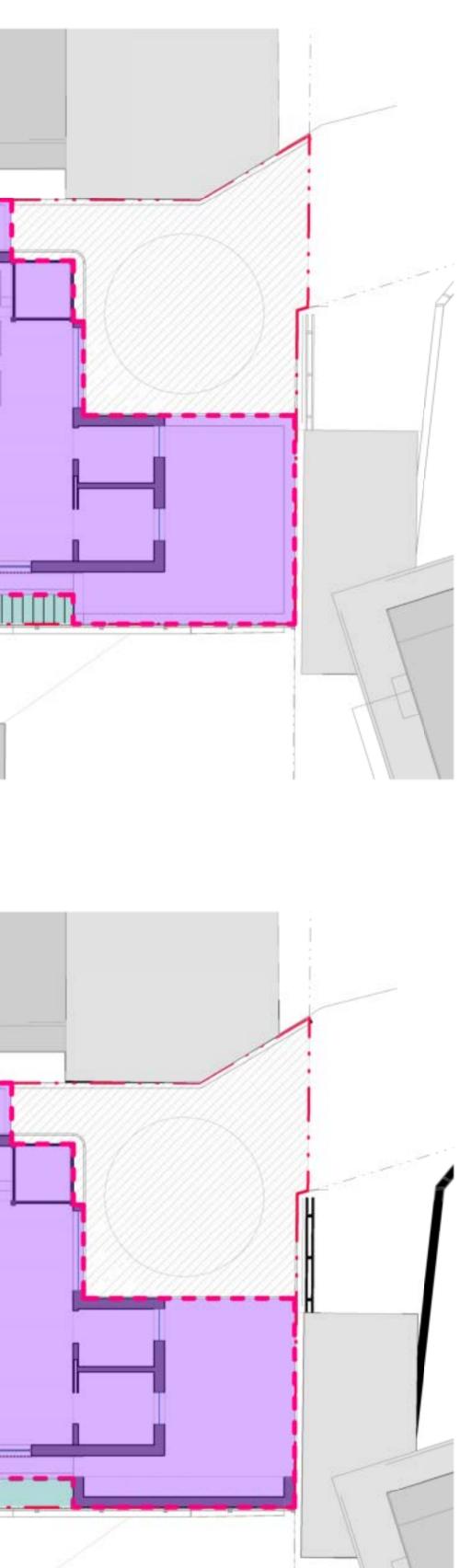
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# AMENDED PLANS

RECEIVED Waverley Council

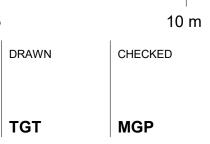
Application No: DA-435/2022

Date Received: 02/05/2023



**ISSUE AC.02 - For Deferral Letter 221222** SHEET TITLE LANDSCAPE CALCULATIONS

NORTH



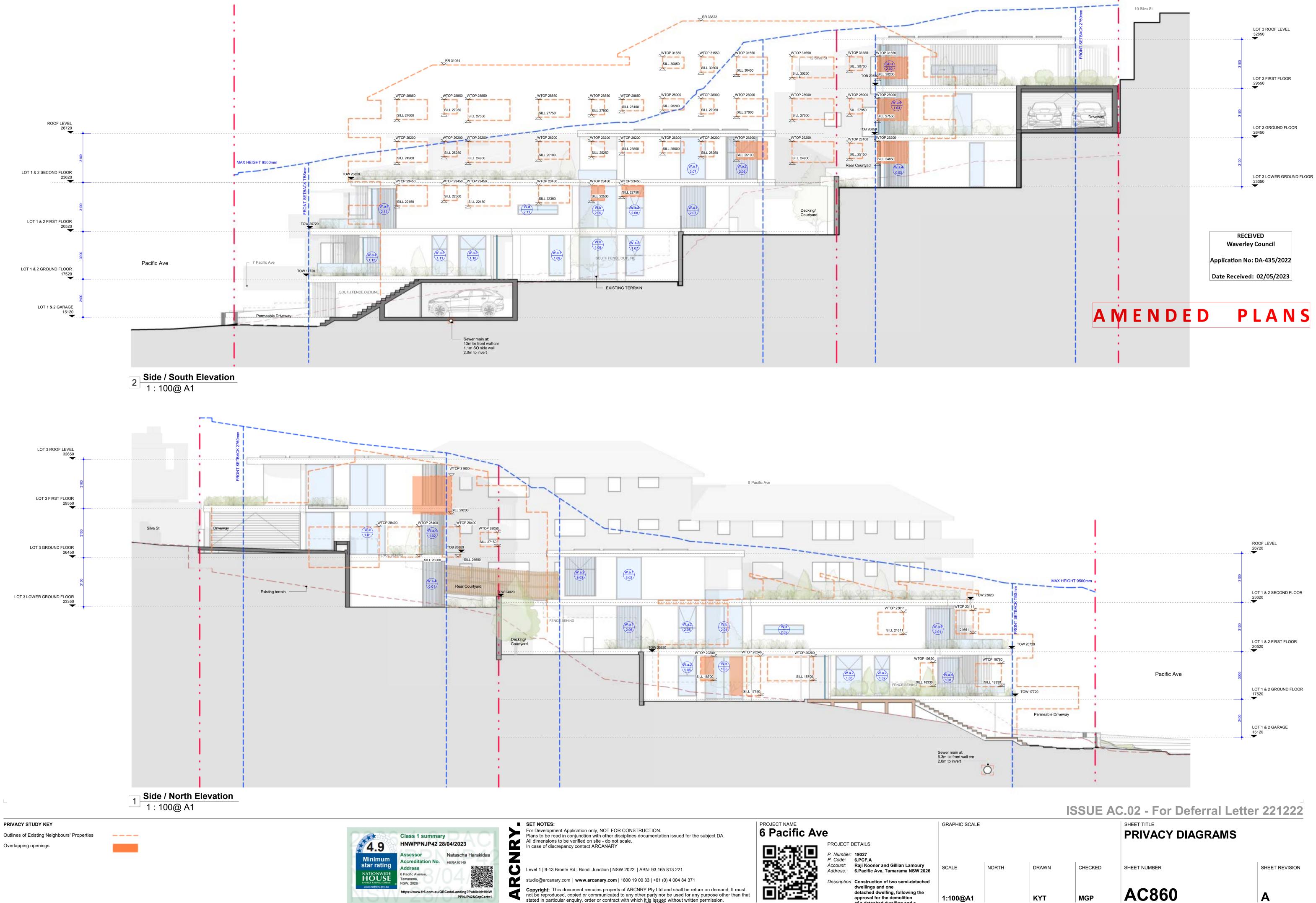
SHEET NUMBER

**AC850** 

SHEET REVISION

Α

6.PCF.A - 4.DA - AC.01 - Development Application - 01 - TGT | 23/04/21 12:42:23 PM



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PPNJP42&GrpCert=1

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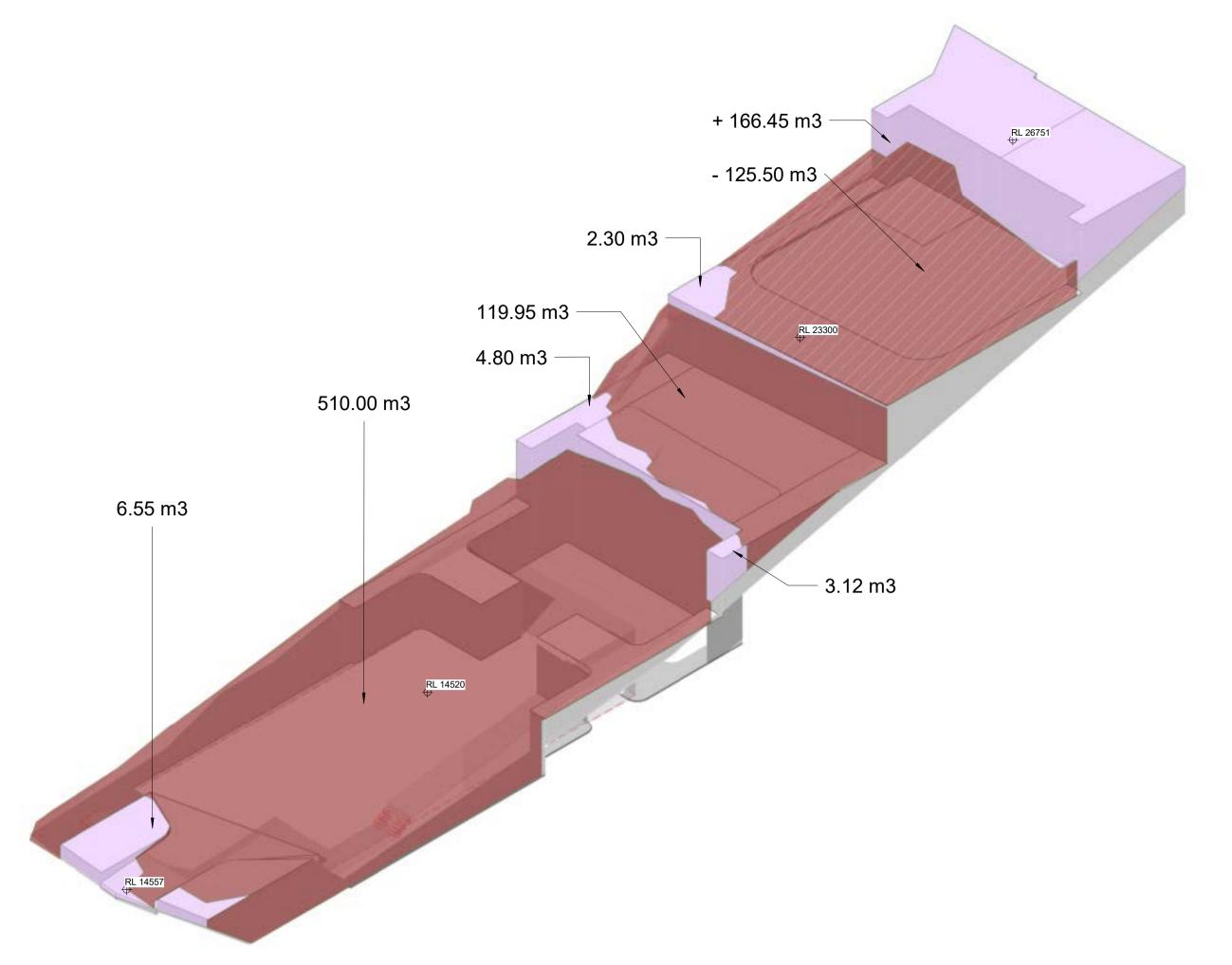
| OJECT D                              | DETAILS                                                                                                                                                                   |          |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Number:<br>Code:<br>count:<br>dress: | 19027<br>6.PCF.A<br>Raji Kooner and Gillian Lamoury<br>6.Pacific Ave, Tamarama NSW 2026                                                                                   | SCALE    |
| scription:                           | Construction of two semi-detached<br>dwellings and one<br>detached dwelling, following the<br>approval for the demolition<br>of a detached dwelling and a<br>subdivision. | 1:100@A1 |

MGP

ΚΥΤ



Α 6.PCF.A - 4.DA - AC.01 - Development Application - 01 - TGT | 23/04/21 12:43:00 PM



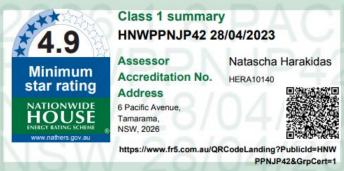
## @



Excavation Plan - Cut & Fill1 : 100@ A1

EXCAVATION CALCULATIONS

| EXCAVATION CALCULATIONS |                       |                       |                         |  |  |  |
|-------------------------|-----------------------|-----------------------|-------------------------|--|--|--|
|                         | Cut                   | Fill                  | Net Cut / Fill          |  |  |  |
|                         | /                     |                       |                         |  |  |  |
| Lot 1 & Lot 2:          | 629.95 m <sup>3</sup> | 14.47 m <sup>3</sup>  | - 615.48 m <sup>3</sup> |  |  |  |
| Lot 3:                  | 125.50 m <sup>3</sup> | 168.75 m <sup>3</sup> | + 43.25m <sup>3</sup>   |  |  |  |
| Total:                  | 755.45m <sup>3</sup>  | 183.22 m³             | - 572.23m³              |  |  |  |
| Lot 3:                  | 125.50 m <sup>3</sup> | 168.75 m <sup>3</sup> | + 43.25m <sup>3</sup>   |  |  |  |





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PROJECT NAME 6 Pacific Ave



P. Number: **19027** P. Code: **6.PCF.A** 

Account:Raji Kooner and Gillian LamouryAddress:6.Pacific Ave, Tamarama NSW 2026

Description: Construction of two semi-detached dwellings and one detached dwelling, following the approval for the demolition of a detached dwelling and a subdivision.

0 1

SCALE

GRAPHIC SCALE

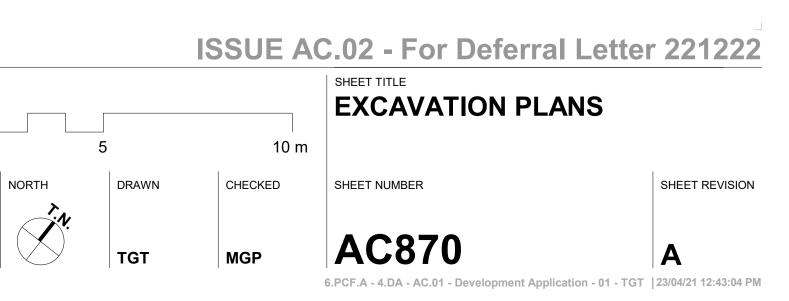
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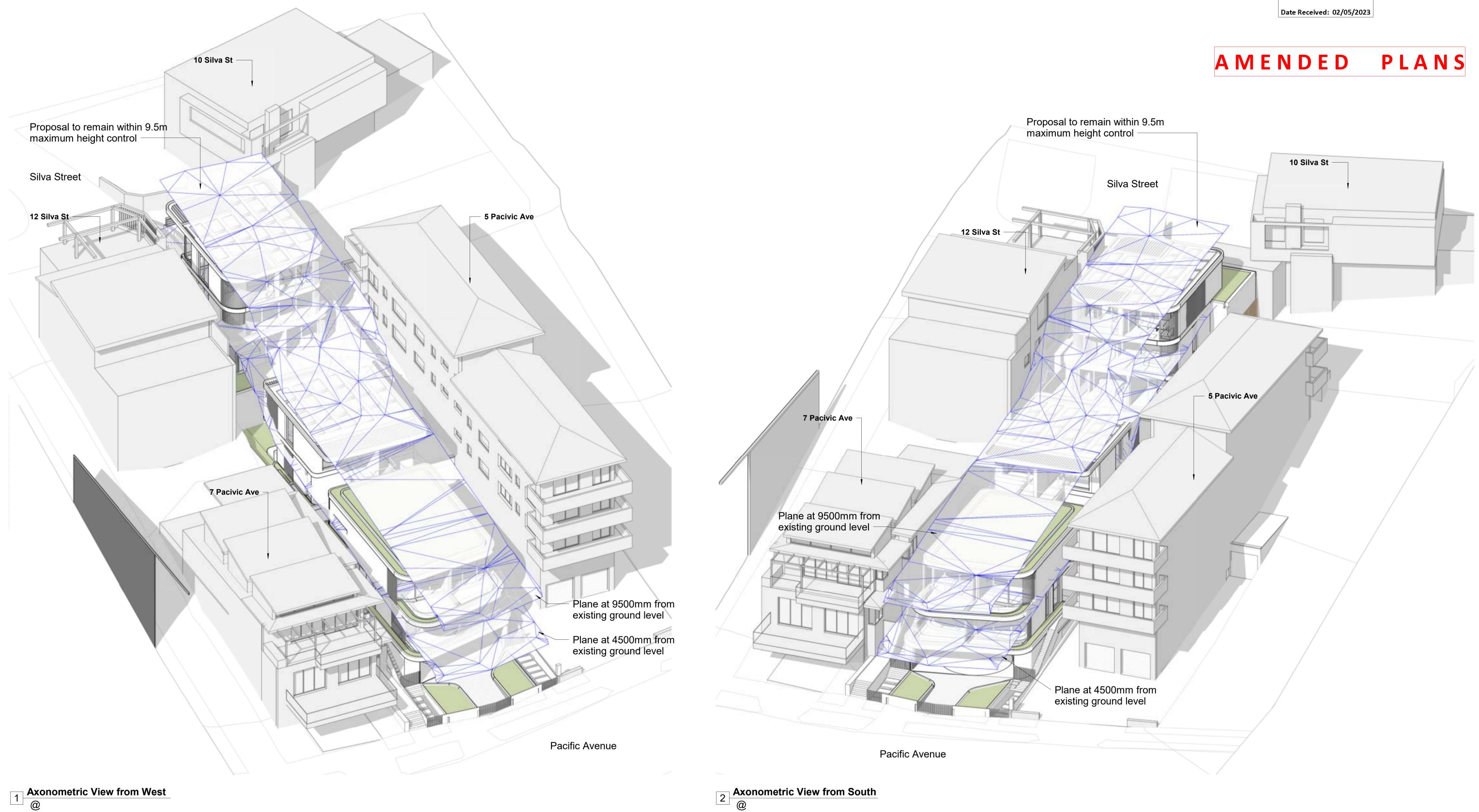
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Application No: DA-435/2022

Date Received: 02/05/2023









2 Axonometric View from South @



SET NOTES: For Design Development Intent, NOT FOR CONSTRUCTION. In case of discrepancy contact ARCANARY

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# PROJECT NAME 6 Pacific Ave



GRAPHIC SCALE PROJECT DETAILS P. Number: **19027** P. Code: **6.PCF.A** Account:Raji Kooner and Gillian LamouryAddress:6.Pacific Ave, Tamarama NSW 2026 SCALE Description: Construction of two semi-detached dwellings and one detached dwelling, following the approval for the demolition of a detached dwelling and a NTS@A1 subdivision.

RECEIVED Waverley Council

Application No: DA-435/2022

**ISSUE AC.03 - For Deferral Letter 221222** SHEET TITLE

# **3D VIEWS**

NORTH

CHECKED

MGP

SHEET NUMBER

SHEET REVISION

TGT

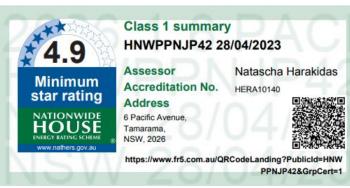
DRAWN







View from Pacific Ave





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## PROJECT NAME 6 Pacific Ave



PROJECT DETAILS P. Number: **19027** P. Code: **6.PCF.A** Account:Raji Kooner and Gillian LamouryAddress:6.Pacific Ave, Tamarama NSW 2026

Description: Construction of two semi-detached dwellings and one detached dwelling, following the approval for the demolition of a detached dwelling and a

subdivision.

SCALE NTS@A1

GRAPHIC SCALE



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Date Received: 02/05/2023

**ISSUE AC.03 - For Deferral Letter 221222** SHEET TITLE RENDERS

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SHEET REVISION

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View from Silva St



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PROJECT NAME 6 Pacific Ave



PROJECT DETAILS P. Number:19027P. Code:6.PCF.AAccount:Raji Kooner and Gillian LamouryAddress:6.Pacific Ave, Tamarama NSW 2026 Description: Construction of two semi-detached dwellings and one detached dwelling, following the approval for the demolition of a detached dwelling and a

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SCALE NTS@A1

GRAPHIC SCALE

# AMENDED PLANS

# RECEIVED Waverley Council

Application No: DA-435/2022

Date Received: 02/05/2023

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### SHEET TITLE RENDERS

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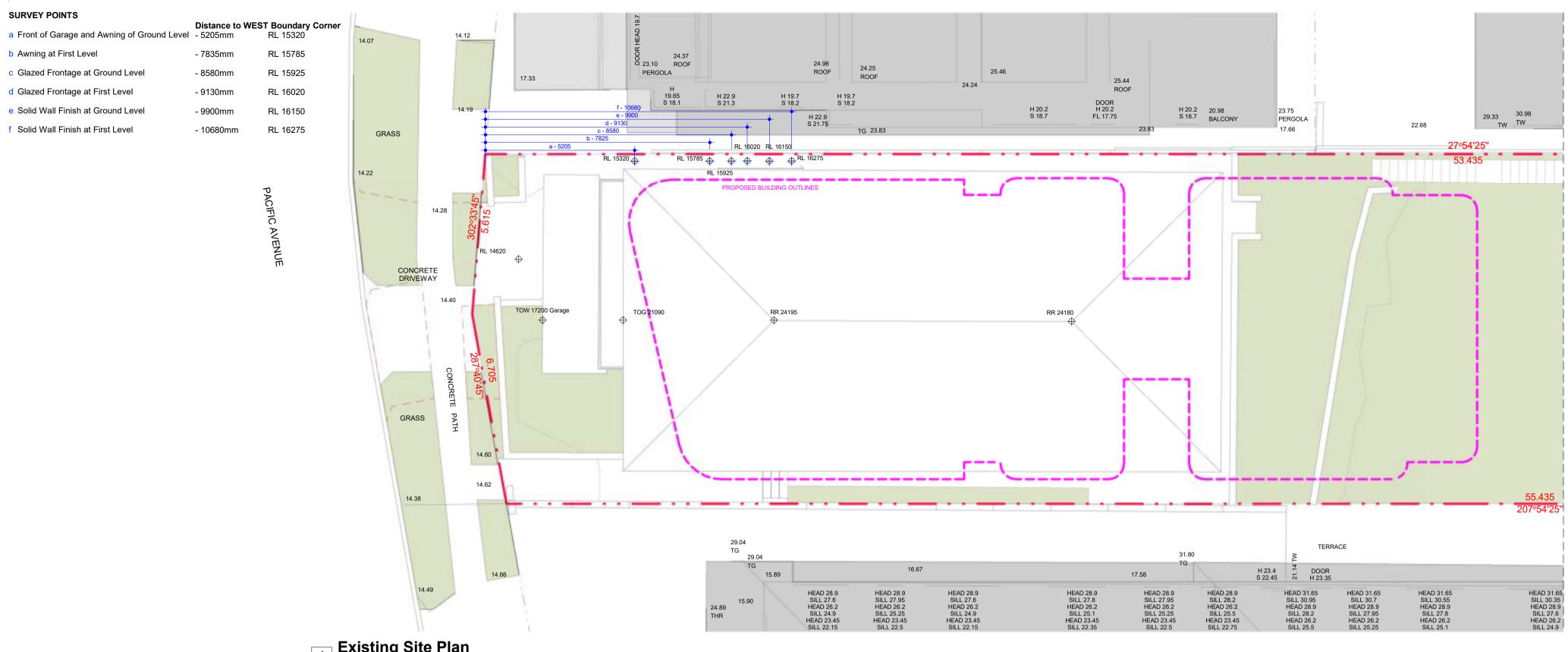
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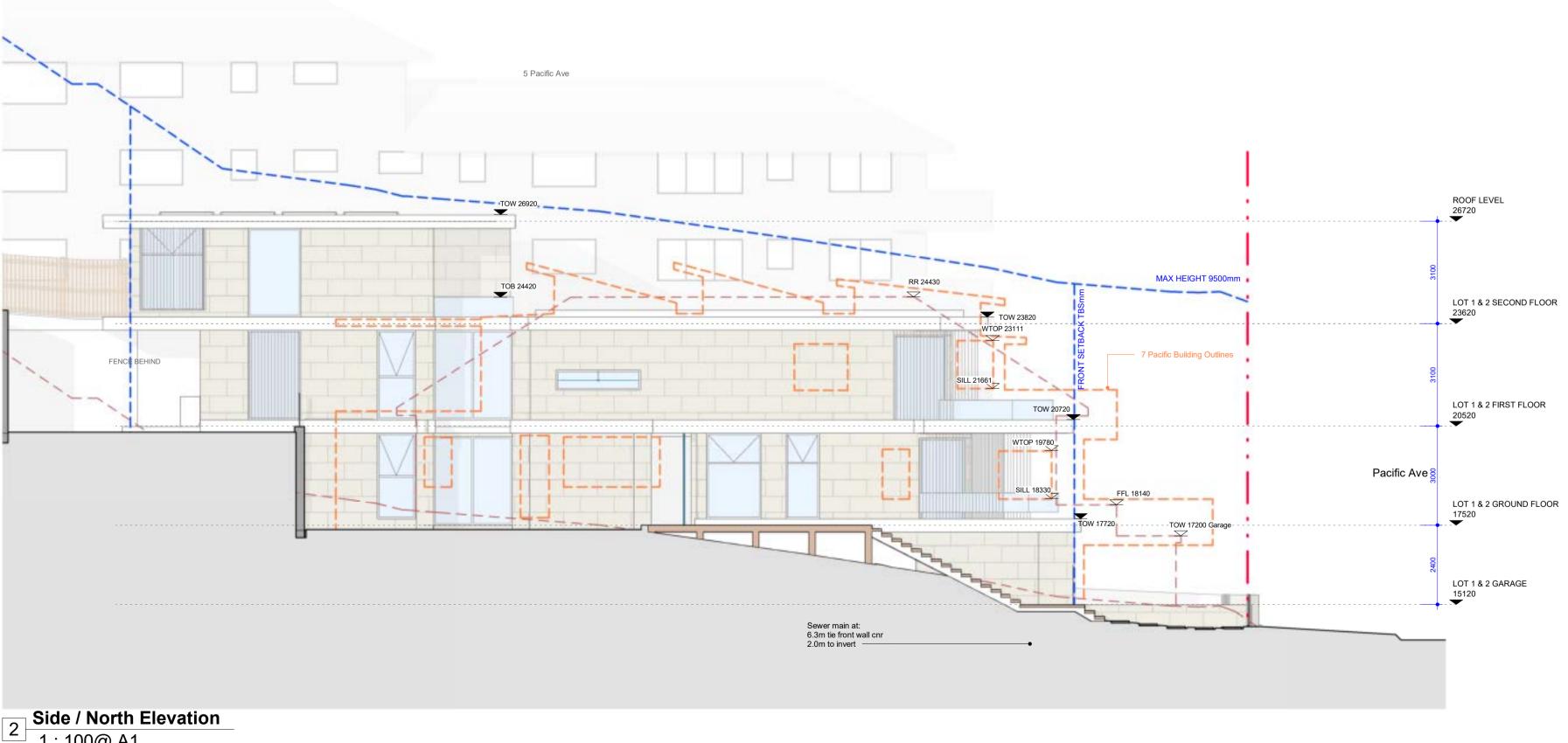
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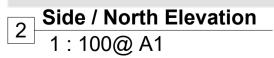










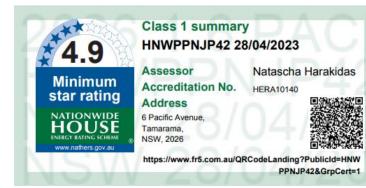


#### BUILDING OUTLINES

Outlines of Existing Neighbours' Properties

Outlines of Existing House

\_\_\_\_ \_ \_ \_ \_

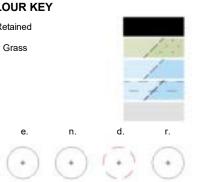


#### GENERIC COLOUR KEY

e.

e. Existing To Be Retained e. / n. Vegetation | Grass e. / n. Glazing e. / n. Water Cavity | Terrain

Planting





SET NOTES:

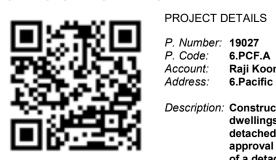
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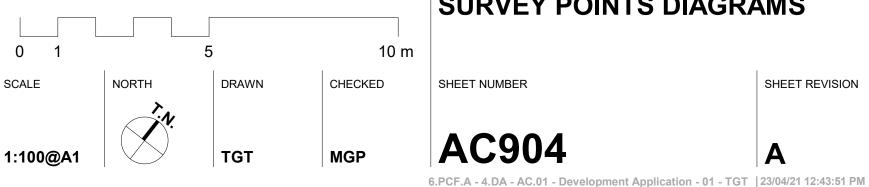
#### PROJECT NAME 6 Pacific Ave

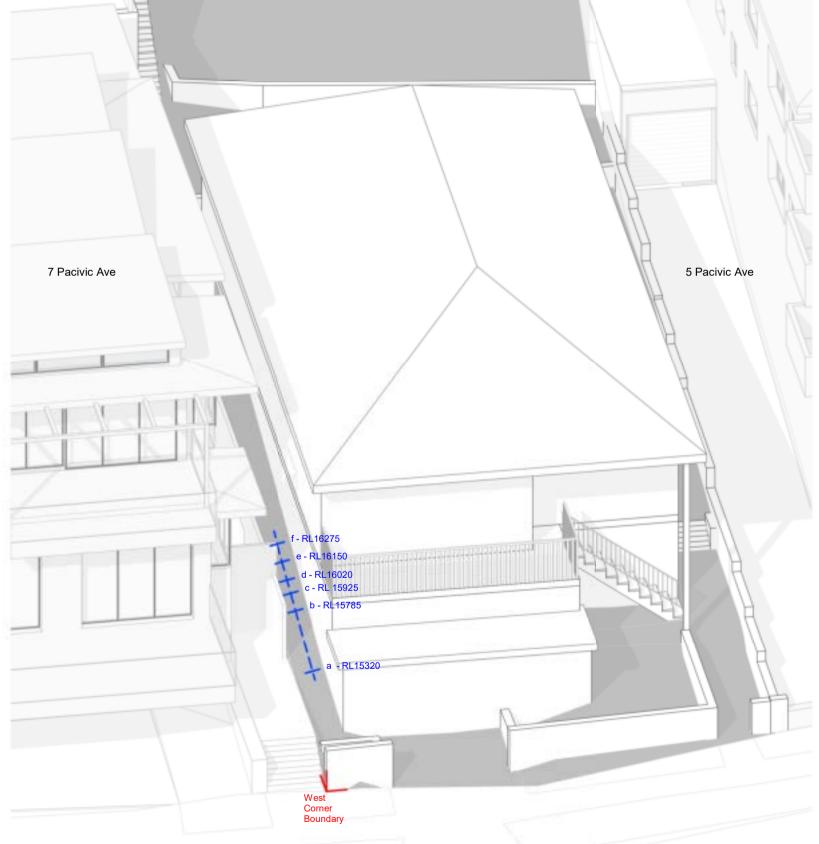


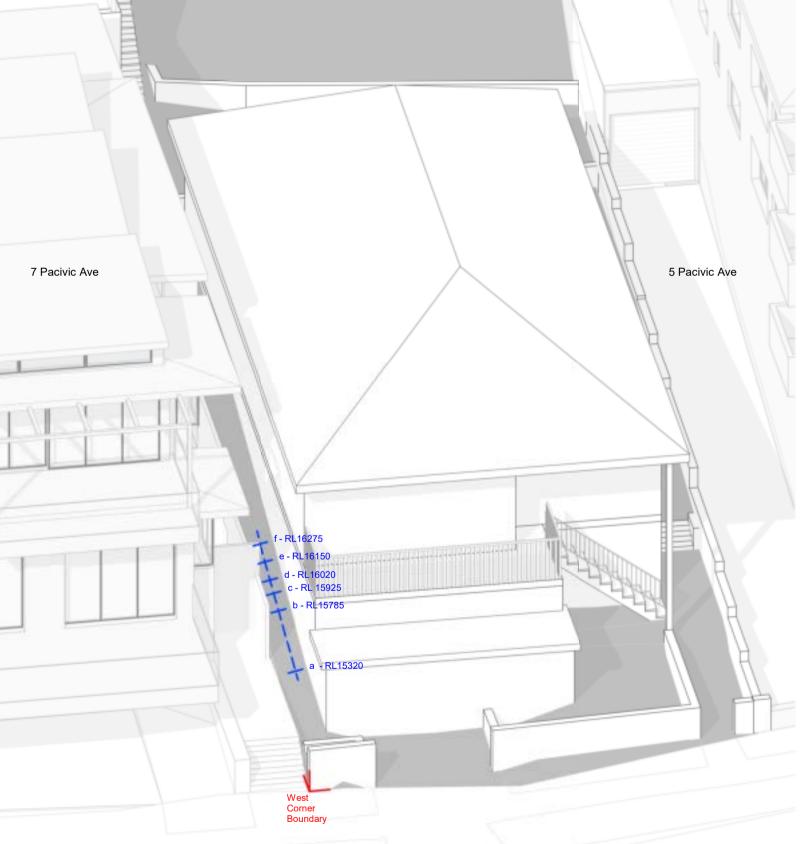
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3 @ GRAPHIC SCALE









Application No: DA-435/2022

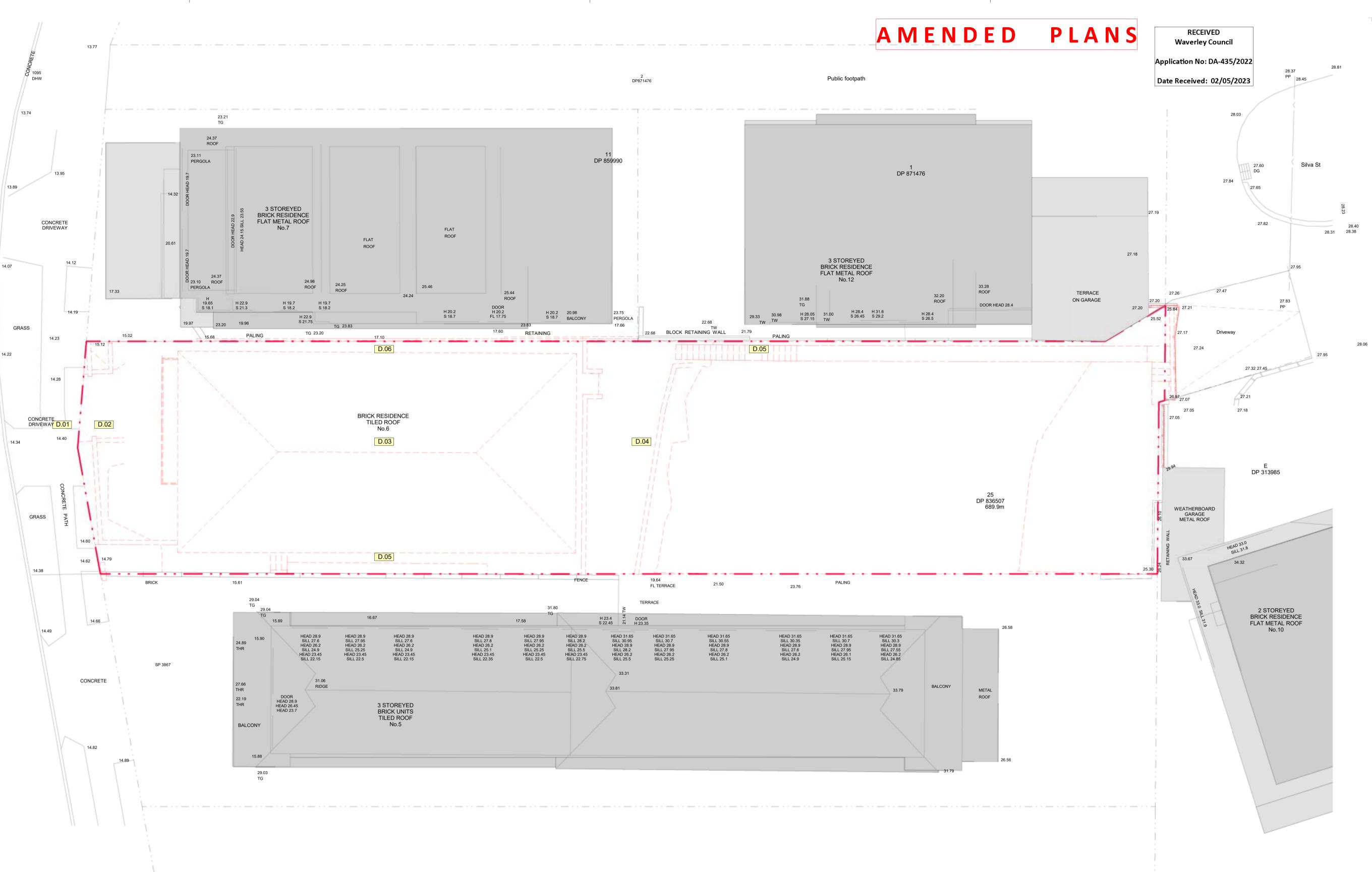
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### Axonometric Diagram

Pacific Avenue

### **ISSUE AC.02 - For Deferral Letter 221222** SHEET TITLE SURVEY POINTS DIAGRAMS



Demolition Notes

D.01

D.02

D.03

D.04

D.05

D.06

#### Scope Note Text Scope Note Number

Demolition of the front fence Demolition of the existing driveway Demolition of the existing house Demolition of the retaining wall Demolition of side walk and stairs Demolition of the north-west fence

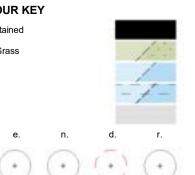
#### GENERIC COLOUR KEY

e.

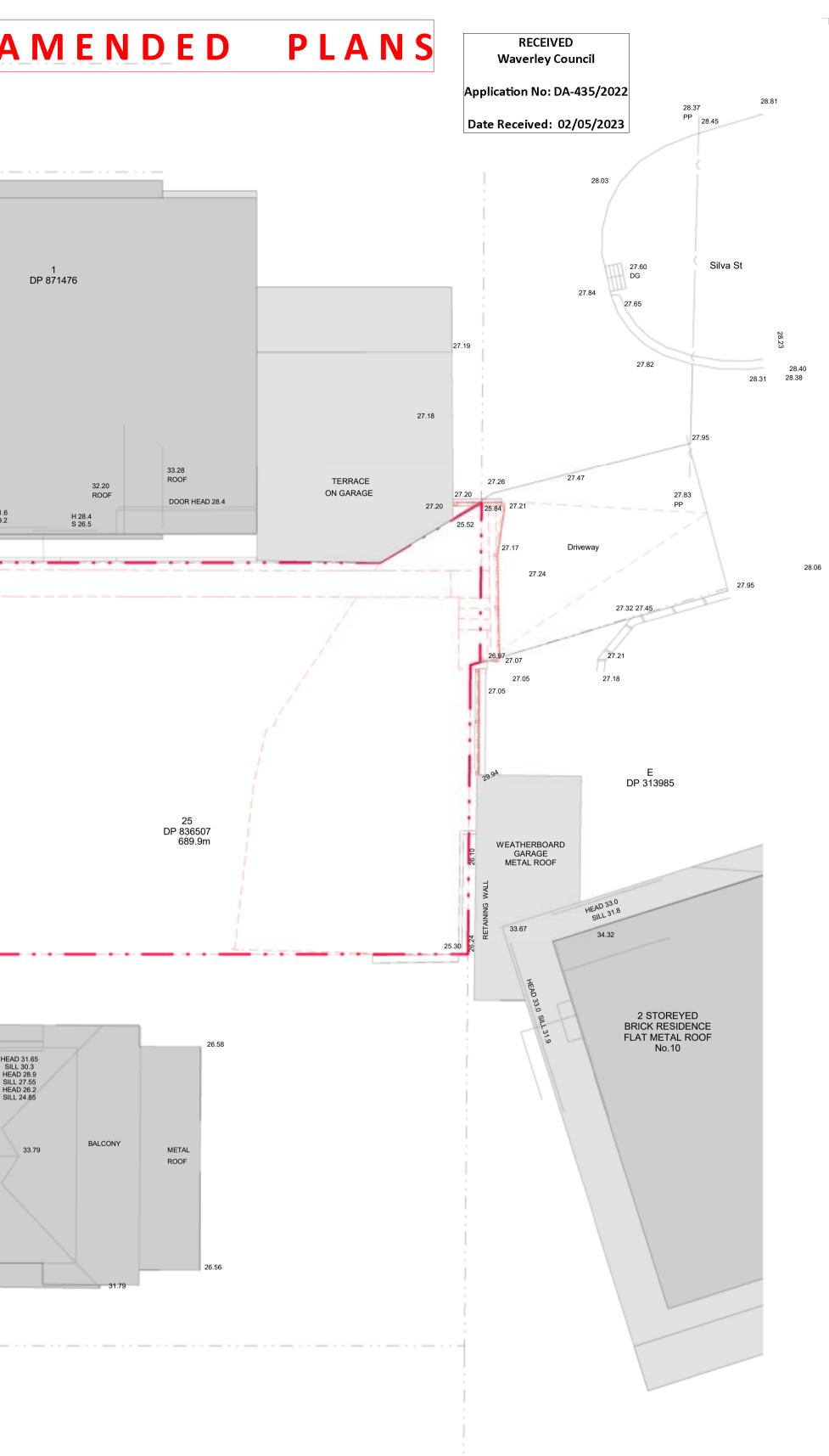
e. Existing To Be Retained e. / n. Vegetation | Grass e. / n. Glazing e. / n. Water

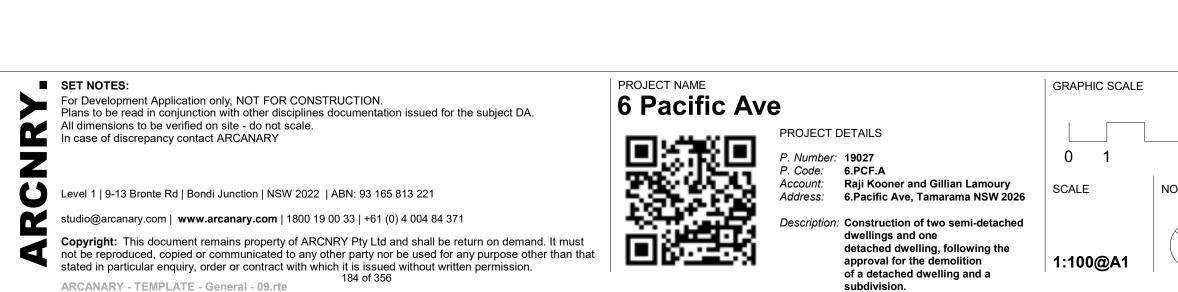
Cavity | Terrain

Planting



Class 1 summary 4.9 HNWPPNJP42 28/04/2023 Assessor Natascha Harakidas Minimum Accreditation No. HERA10140 star rating Address NATIONWIDI HOUSE 6 Pacific Avenue, Tamarama, NSW, 2026 https://www.fr5.com.au/QRCodeLanding?PublicId=HNW PPNJP42&GrpCert=1







NORTH

CHECKED DRAWN TGT MGP

SHEET NUMBER

**AD101** 

SHEET REVISION



6.PCF.A - 4.DA - AC.01 - Development Application - 01 - TGT | 23/04/21 12:43:53 PM

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Application No: DA-435/2022

Date Received: 15/02/2023

## 12 Silva Street

Visibility Analysis

### Visibility Analysis Map



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Application No: DA-435/2022

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186 of 356

#### 12 Silva Street

View towards Tamarama Beach RL +28.84

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Application No: DA-435/2022

Date Received: 15/02/2023



Proposed Building Outlines

**Existing Building Outlines** 

187 of 356

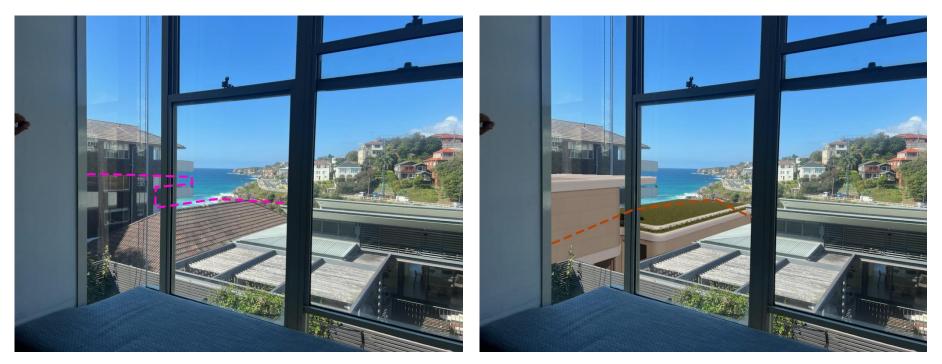
#### 12 Silva Street

View towards Tamarama Beach RL +25.84

RECEIVED Waverley Council

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Date Received: 15/02/2023



Proposed Building Outlines

**Existing Building Outlines** 

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#### 12 Silva Street

View towards the ocean RL +29.70

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Date Received: 15/02/2023



Proposed Building Outlines

RECEIVED Waverley Council

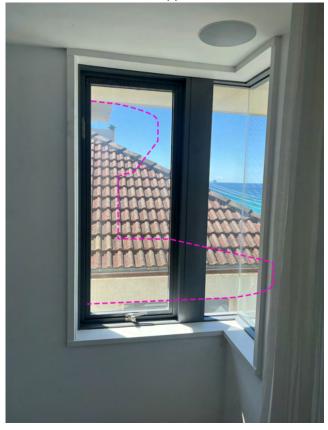
Application No: DA-435/2022

Date Received: 15/02/2023

## 7 Pacific Ave

Visibility Analysis

#### View towards the ocean approx.RL 20.40





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Date Received: 15/02/2023

Proposed Building Outlines CAPABILITY STATEMENT 2022

#### View towards the ocean approx.RL 20.40





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Application No: DA-435/2022

Date Received: 15/02/2023

**Proposed Building Outlines** CAPABILITY STATEMENT 2022 192 of 356 Existing Building Outlines

#### View towards the ocean approx.RL 20.40



Proposed Building Outlines CAPABILITY STATEMENT 2022



193 of 356 Existing Building Outlines RECEIVED Waverley Council

Application No: DA-435/2022

Date Received: 15/02/2023

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Application No: DA-435/2022

Date Received: 15/02/2023

## External Views

Visibility Analysis

#### View from the beach

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Application No: DA-435/2022

Date Received: 15/02/2023



Proposed Building Outlines CAPABILITY STATEMENT 2022 195 of 356 Existing Building Outlines

#### View from the Pacific Avenue

Application No: DA-435/2022

Date Received: 15/02/2023



Proposed Building Outlines CAPABILITY STATEMENT 2022 196 of 356 Existing Building Outlines

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Application No: DA-435/2022

Date Received: 15/02/2023

#### 7 Pacific Ave

#### Views from the beach





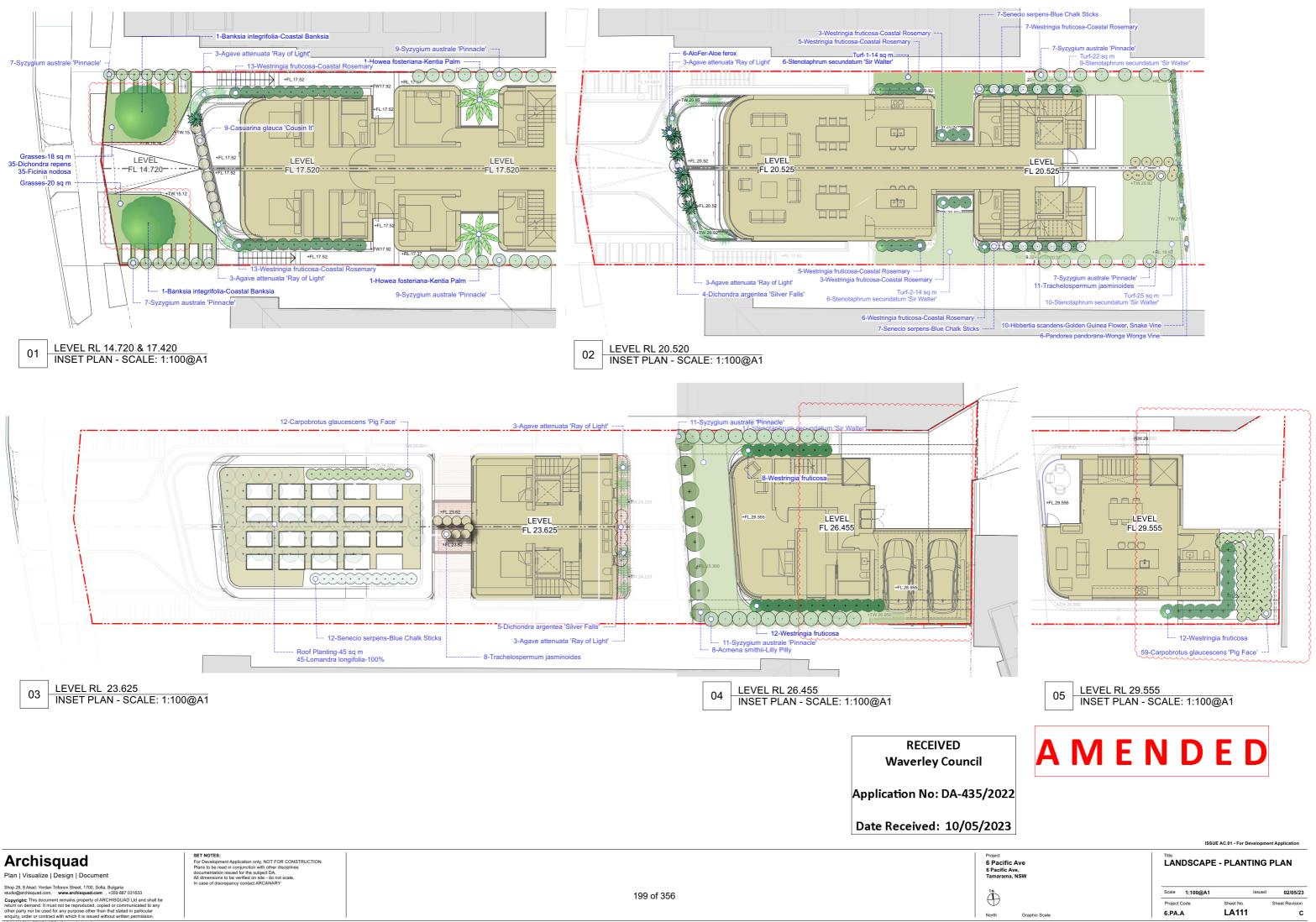




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| LANDSCAP       |           |                |  |
|----------------|-----------|----------------|--|
| Scale 1:100@A1 | Issue     | 02/05/23       |  |
| Project Code   | Sheet No. | Sheet Revision |  |
| 6.PC.A         | LA110     | С              |  |
|                |           |                |  |



ARCANARY - TEMPLATE - General - Landscape

North

Graphic Scale

С

TREES

PALMS

#### **GROUNDCOVERS / CLIMBERS / GRASSES**



BANKSIA INTEGRIFOLIA COASTAL BANKSIA



HOWEA FOSTERIANA 'KENTIA PALM'



DICHONDRA REPENS - KIDNEY WEED



FICINIA NODOSA - KNOBBY CLUB RUSH



HIBBERTIA SCANDENS 'SNAKE VINE

| BOTANICAL NAME                                                                                                   | COMMON NAME           | HEIGHT (m) | SPREAD (m) | POT SIZE     | QUANTITY |
|------------------------------------------------------------------------------------------------------------------|-----------------------|------------|------------|--------------|----------|
| TREES                                                                                                            |                       |            |            |              |          |
| Banksia integrifolia                                                                                             | Coastal Banksia       | 8          | 3.5        | 75L          | 2        |
| PALMS                                                                                                            |                       |            |            |              |          |
| Howea fosteriana                                                                                                 | Kentia Palm           | 10         | 3          | 75 L         | 4        |
| GROUNDCOVERS CLIMBERS GRAS                                                                                       | SSES                  |            |            |              | dev.     |
|                                                                                                                  |                       |            |            |              | 252      |
| Carpobrotus rossii 'White Hot'                                                                                   | Pig Face              | 0.2        | 0.8        | 140mm        | 60       |
| Dichondra argentea 'Silver Falls'                                                                                | Silver falls          | 0.2        | 1          | 200mm        | 8        |
| Dichondra repens                                                                                                 | Kidney Weed           | 0.3        | 0.5        | 140mm        | 50       |
| Ficinia nodosa                                                                                                   | Knobby club-rush      | 0.5        | 0.4        | 140mm        | 35       |
| Hibbertia scandens                                                                                               | Snake Vine            | 0          | 1.2        | 200mm        | 10       |
| Lomandra longifolia                                                                                              | Spiny-headed Mat-Rush | 0.70       | 1          | 140mm        | 45       |
| Pandorea pandorana                                                                                               | Wonga Wonga Vine      | 5          | 1          | 200mm        | 6        |
| Senecio serpens                                                                                                  | Blue Chalk Sticks     | 0.3        | 0.8        | 140mm        | 16       |
| Trachelospermum jasminoides                                                                                      | Star Jasmine          | 1.2        | 0.6        | 200mm        | 22       |
| SUCCULENTS                                                                                                       |                       |            |            | le e         | ينه کې   |
| and the second second second second second second second second second second second second second second second | - I Same in the -     |            |            | 11777 A 10   | 25       |
| Agave attenuata 'Ray of Light'                                                                                   | Fox Tail Agave        | 1          | 1.2        | 300mm        | 18       |
| Aloe ferox                                                                                                       | Cape aloe             | 1.2        | 1.2        | 300mm        | 7        |
| SHRUBS                                                                                                           |                       |            |            | training and |          |
|                                                                                                                  | 0.01                  |            |            |              | 172      |
| Casuarina glauca 'Cousin It'                                                                                     | Swamp Oak             | 0.2        | 3          | 200mm        | 9        |
| Westringia fruticosa                                                                                             | Coastal Rosemary      | 0.9 - 1.5  | 0.9 - 1.2  | 200mm        | 87       |
| Syzygium australe 'Pinnacle'                                                                                     | Pinnacle Lilly Pilly  | 0.0 - 0.3  | 0.9 - 1.2  | 300mm        | 68       |
| Acmena smithii                                                                                                   | Lilly Pilly           | 45049      | 1          | 45L          | 8        |
| TURF                                                                                                             |                       | The set of |            |              | 83 sq.m  |
|                                                                                                                  | 1 1                   |            | 0.05       |              |          |
| Stenotaphrum secundatum 'Sir Walter'                                                                             | Sir Walter Buffalo    | 0.050      | 0.05       | Turf Roll    | 83       |



LOMANDRA LONGIFOLIA ' TANIKA'



PANDOREA PANDORANA 'WONG



TRACHELOSPERMUM JASMINOIDES STAR JASMINE

SUCCULENTS

SHRUBS



AGAVE ATTENUATA - RAY OF LIGHT



ALOE FEROX - CAPE ALOE



SENECIO SERPENS - BLUE CHALKS



CORPOBROTUS ROSSII - PIG FACE



CASUARINA GLAUCA - COUSIN IT

Archisquad

Plan | Visualize | Design | Document

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WESTRINGA FRUTICOSA COASTAL ROSEMARY



SYZYGIUM AUSTRALE - PINNACLE LILLY PILLY

TURF



TURF - SIR WALTER



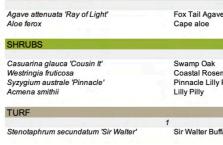
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# 

#### PLANT SCHEDULE DA

| BOTANICAL NAME                       | COMMON NAME           | HEIGHT (m) | SPREAD (m) | POT SIZE       | QUANTITY |
|--------------------------------------|-----------------------|------------|------------|----------------|----------|
| TREES                                |                       |            |            |                |          |
| Banksia integrifolia                 | Coastal Banksia       | 8          | 3.5        | 75L            | 2        |
| PALMS                                |                       |            |            |                |          |
| Howea fosteriana                     | Kentia Palm           | 10         | 3          | 75 L           | 4        |
| GROUNDCOVERS CLIMBERS GRAS           | SSES                  |            |            |                | due.     |
|                                      |                       |            |            |                | 252      |
| Carpobrotus rossii 'White Hot'       | Pig Face              | 0.2        | 0.8        | 140mm          | 60       |
| Dichondra argentea 'Silver Falls'    | Silver falls          | 0.2        | 1          | 200mm          | 8        |
| Dichondra repens                     | Kidney Weed           | 0.3        | 0.5        | 140mm          | 50       |
| Ficinia nodosa                       | Knobby club-rush      | 0.5        | 0.4        | 140mm          | 35       |
| Hibbertia scandens                   | Snake Vine            | 0          | 1.2        | 200mm          | 10       |
| Lomandra longifolia                  | Spiny-headed Mat-Rush | 0.70       | 1          | 140mm          | 45       |
| Pandorea pandorana                   | Wonga Wonga Vine      | 5          | 1          | 200mm          | 6        |
| Senecio serpens                      | Blue Chalk Sticks     | 0.3        | 0.8        | 140mm          | 16       |
| Trachelospermum jasminoides          | Star Jasmine          | 1.2        | 0.6        | 200mm          | 22       |
| SUCCULENTS                           |                       |            |            |                |          |
|                                      |                       |            |            |                | 25       |
| Agave attenuata 'Ray of Light'       | Fox Tail Agave        | 1          | 1.2        | 300mm          | 18       |
| Aloe ferox                           | Cape aloe             | 1.2        | 1.2        | 300mm          | 7        |
| SHRUBS                               |                       |            |            |                | 470      |
| Converting aloung Coupin #           | Swamp Oak             | 0.2        | 3          | 200mm          | 172<br>9 |
| Casuarina glauca 'Cousin It'         |                       | 0.2        | 0.9 - 1.2  | 200mm<br>200mm | 87       |
| Westringia fruticosa                 | Coastal Rosemary      |            |            |                |          |
| Syzygium australe 'Pinnacle'         | Pinnacle Lilly Pilly  | 0.0 - 0.3  | 0.9 - 1.2  | 300mm          | 68       |
| Acmena smithii                       | Lilly Pilly           | 45049      | 1          | 45L            | 8        |
| TURF                                 |                       | 1          |            |                | 83 sq.m  |
|                                      | •                     | 1 0.050    | 0.05       |                |          |
| Stenotaphrum secundatum 'Sir Walter' | Sir Walter Buffalo    | 0.050      | 0.05       | Turf Roll      | 83       |



# AMENDED

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Application No: DA-435/2022

Date Received: 10/05/2023

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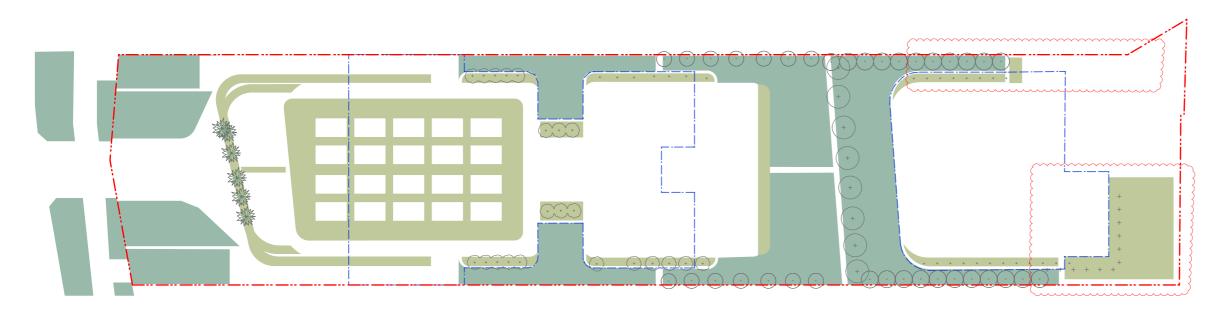
#### PLANTING SCHEDULE

| Scale   | 1:100@A1 |           | Issued | 02/05/23       |
|---------|----------|-----------|--------|----------------|
| Project | Code     | Sheet No. |        | Sheet Revision |
| 6.P. A  | v        | LA112     |        | С              |

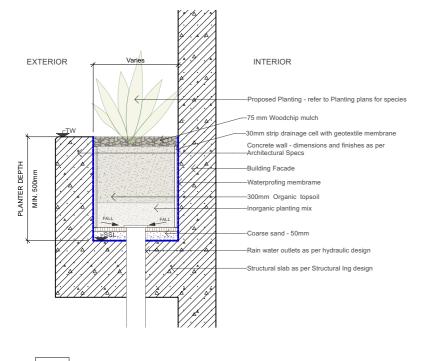
Project 6 Pacific Ave 6 Pacific Ave, Tamarama, NSW



Graphic Scale



SOIL PLAN 01 SCALE: 1:100@A1



TYPICAL PLANTER BOX DETAIL ON ROOF TERRACES 02 SCALE: 1:10@A1

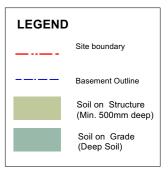
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Plan | Visualize | Design | Document

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#### RECEIVED **Waverley** Council

Application No: DA-435/2022

Date Received: 10/05/2023



ISSUE AC.01 - For Deve

#### LANDSCAPE DETAILS

| Scale   | 1:100@A1 | 1:10@A1   | Issued | 02/05/23       |
|---------|----------|-----------|--------|----------------|
| Project | Code     | Sheet No. |        | Sheet Revision |
| 6.P. AV |          | LA113     |        | В              |

Project 6 Pacific Ave 6 Pacific Ave, Tamarama, NSW

Graphic Scale

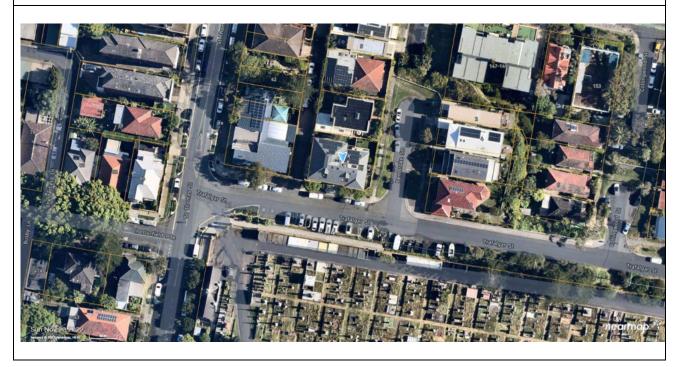




### Report to the Waverley Local Planning Panel

| Application number             | DA-417/2022/1                                                                               |  |  |  |
|--------------------------------|---------------------------------------------------------------------------------------------|--|--|--|
| Site address                   | 11 Pembroke Street, BRONTE NSW 2024                                                         |  |  |  |
| Description of Development     | Review of refusal decision seeking alterations to extend existing attic space to unit 1.    |  |  |  |
| Date of Original Determination | 22 February 2023                                                                            |  |  |  |
| Date of lodgement              | 24 May 2023                                                                                 |  |  |  |
| Owner                          | Strata Plan No 94480<br>Unit 1: L Hall                                                      |  |  |  |
| Applicant                      | Mr D Fleeting                                                                               |  |  |  |
| Submissions                    | Nil                                                                                         |  |  |  |
| Cost of works                  | \$ 56,822.70                                                                                |  |  |  |
| Principal Issues               | <ul><li>Floor space ratio Exceedance</li><li>Building Height Exceedance</li></ul>           |  |  |  |
| Recommendation                 | That the application be APPROVED in accordance with the conditions contained in the report. |  |  |  |

#### SITE MAP



#### 1. PREAMBLE

1.1.

#### **Executive Summary**

The section 8.2 review application seeks to review the refusal determination of DA-417/2022 at the site known as 11 Pembroke Street, Bronte. The original application that was refused sought to undertake alterations and additions to unit 1 to extend the attic space. The principal issues arising from the assessment which led to a refusal determination related to exceedances to development standards (height and floor space), the size of the dormer and the resultant impacts that found the proposal to have an unacceptable bulk and presentation to the streetscape and surrounding locality.

This review application has amended the original development application to reduce the attic extension so it is more in keeping with the existing roof form. The dormer extension has also been reduced in size and designed to complement the existing dormers. Revised Clause 4.6 Variation Written Requests for building height and floor space have also been submitted with the review application.

The assessment finds these issues have been addressed in this review application as the applicant has submitted Revised Clause 4.6 Written Requests that more accurately justify the proposal's non compliances and the design has been amended to reduce in size and complement the existing dormer and roof form (in terms of style and pitch).

No submissions were received.

No councillor submissions were received.

No declared conflicts of interest.

The application has been assessed against the relevant matters for consideration under sections 8.2 the *Environmental Planning and Assessment Act 1979*. It is recommended to support the application and change the determination of refusal to approval, subject to conditions of consent.

#### Site and Surrounding Locality

A site visit was carried out on 9 November 2022 in association with the original application.

The site is identified as Lot 1 in SP 94480, known as 1/11 Pembroke Street, Bronte.

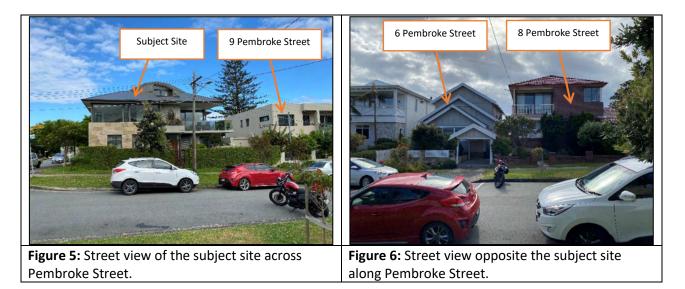
The site is rectangular in shape with a frontage to Pembroke Street, measuring 18.29m, a secondary frontage to Trafalgar Street, measuring 23.775m and a tertiary frontage to a lane off Trafalgar Street, measuring 18.29m. The site has an area of 434.8m<sup>2</sup> and is generally flat.

The site is occupied by a pair of semi-detached dwellings. The subject application relates to Unit 1, which is located fronting Pembroke Street with vehicular access to a double garage from Trafalgar Street. Unit 2 has frontage to Trafalgar Street and the laneway. There are no works proposed for Unit 2.

The site is adjacent to Waverley Cemetery to the south, two-storey detached dwellings to the north and east and a single-storey early education centre to the west. A variety of low-density residential development and a neighbourhood centre to the northwest characterises the locality.



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



Details of the Original Determination Subject to Review

1.3. The original development application, known as DA-417/2022, for alterations to extend the existing attic space to Unit 1 was refused on 22 February 2023 by the Waverley Local Planning Panel.

The proposal was 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) (a) and (d) of WLEP.

b. Clause 4.4 Floor Space Ratio

The application exceeds the maximum allowable Floor Space Ratio (FSR) of 0.63:1 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 does not preserve the surrounding locality as required under clause 4.4 (1) (d) of WLEP. Furthermore, the applicant's FSR calculations contained within the written request to vary the development standard under Clause 4.6 are incorrect.

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. Controls (e) (iv) and (v) under this Part, as the proposal increases the bulk of the building in relation to other developments on adjoining neighbouring sites. Further increasing the overdeveloped nature of the site compared to adjacent sites.

#### Part C2 Low Density Residential Development

- a. Section 2.0 General Objectives, specifically objectives (a), (d) and (e) as the proposed development increases the scale and bulk of the already overly developed site beyond other dwellings in the vicinity and is inconsistent with the desired future character of the area.
- b. Section 2.3 Streetscape and Visual Impacts, specifically objective (a) and (b) and control
  (a) as the increase in bulk is incompatible with the streetscape. At the same time, it introduces a new and incompatible dormer style to the existing development.
- c. Section 2.11 Dormer Windows, specifically objective (a) and (b) and control (c) and (d) as the proposed dormer window roof abutment is within 300mm of the existing roof ridge and the style of the proposed dormer window does not match the existing development and is greater than 25% of the width of the roof.
- d. Section 2.13 Semi-detached dwellings & Terrace Style Dwellings, specifically objective (a) and (c) as the proposed dormer extension does not match the style of the existing development.
- e. Section 2.13.1 Built Form, specifically control (d) as the style of the existing dormer window is not maintained across the proposed development.
- f. Section 2.13.1 First Floor Additions to Semi-detached Dwellings, specifically control (j) as the proposed development does not limit the rise of the wall along the adjoining semi-detached dwelling to be within 600mm.
- g. Section 2.13.3 Material Finishes and Detail for Semi-Detached Dwellings, specifically control (a) and (d) as the proposed addition style does not cohesively integrate with the existing building as the proposed dormer window does not match the characteristic of the original style of the subject dwelling.
- 3. The application does not satisfy section 4.15 (1)(a)(iv) of the Act with respect to the Environmental Planning and Assessment Regulation 2000 (the Regulations), as insufficient documentation has been provided to properly assess the application with respect to Part 1 of Schedule 1, including but not limited to:
  - a. The written request to vary the FSR development standard includes incorrect calculations and as such the document is inaccurate. The applicant has incorrectly excluded the gross floor area of lot 2 of the approved Strata scheme for the subject site in FSR calculations.
- 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.

#### Proposal

1.4.

The review application was lodged on 24 May 2023 and seeks to review the determination of the original development application.

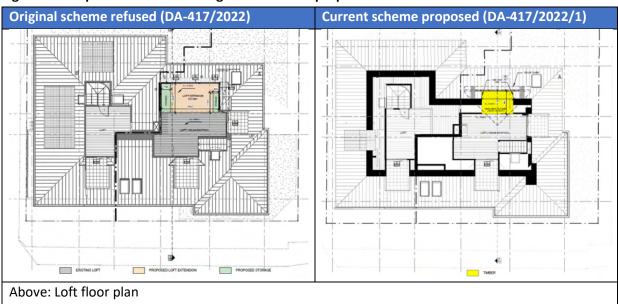
The original application sought development consent for alterations to extend existing attic space to unit 1, specifically the following:

• Extending the second-floor attic space of unit 1 by adding a dormer window.

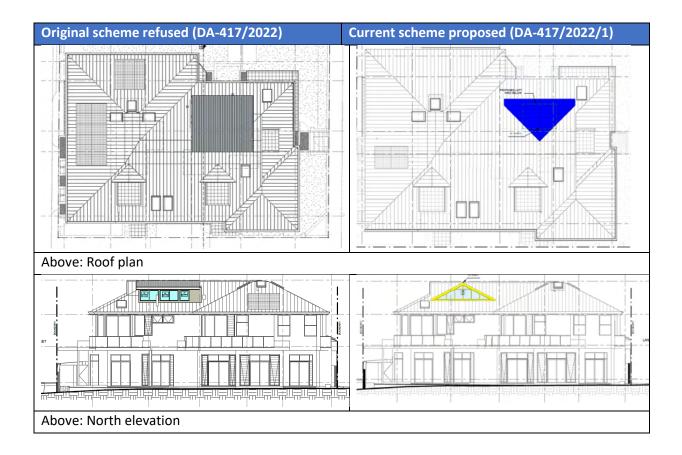
The review application has made design amendments to the original application, which are summarised as follows:

- Dormer form and design amended to match existing dormers.
- Proposed attic/loft extension has been reduced in scale and bulk.
- Dormer window offset from the strata boundary line.
- Revised clause 4.6 letters with correct figures.

A comparison of original to current proposal are demonstrated below (Figure 7):



#### Figure 7: Comparison of refused original scheme to proposed current scheme



#### 2. ASSESSMENT

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

#### 2.1.

#### Section 8.3 Considerations

Section 8.3 of the Act enables the consent authority (i.e. Council) to review a previous determination of a development application subject to provisions, such as:

(2) A determination or decision cannot be reviewed under this Division-

- (a) after the period within which any appeal may be made to the Court has expired if no appeal was made, or
- (b) after the Court has disposed of an appeal against the determination or decision.
- (3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.

The determination of the original application DA-417/2022 was made on 22 February 2023. The period of right of appeal for the applicant to exercise (referenced in section 8.3(2)(a) of the Act) is six (6) months

after the date of determination. The application is scheduled to be determined by the Waverley Local Planning Panel on 26 July, which satisfies the statutory timeframe to determine this review application.

Council is satisfied that the essential elements of the original application are substantially the same as those of the amended development that is the subject of the review application. The overall scope and description of the development between the two applications remain unchanged.

The review application is assessed against the relevant matters for consideration under section 4.15(1) of the Act, as discussed in the succeeding sections of this report.

#### 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.

#### 2.2.1. State Environmental Planning Policies (SEPPs)

2.2.

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

#### 2.2.2. 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                | Part 1 Preliminary                     |                                                |  |  |  |
| 1.2 Aims of Plan                  | Yes                                    | The proposal is considered consistent with the |  |  |  |
|                                   | 163                                    | aims of the plan.                              |  |  |  |
| Part 2 Permitted or prohibited de | velopment.                             |                                                |  |  |  |
| Land Use Table                    |                                        | The land use is defined as a semi-detached     |  |  |  |
| R2 low-density residential        | Yes                                    | dwelling, which is permitted with consent in   |  |  |  |
| zone                              |                                        | the R2 zone.                                   |  |  |  |
| Part 4 Principal development star | Part 4 Principal development standards |                                                |  |  |  |
| 4.3 Height of buildings           |                                        | The proposal has an overall building height of |  |  |  |
| • 8.5m                            | No                                     | 9.2m, measured to the roof ridge at RL75.830   |  |  |  |
|                                   | INO                                    | above the existing ground level. The proposal  |  |  |  |
|                                   |                                        | will exceed the development standard by        |  |  |  |

| Provision                                              | Compliance        | Comment                                                                                                                                                                                                                                                                |
|--------------------------------------------------------|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                        |                   | 0.7m or 8%, however will be no higher than the existing building height.                                                                                                                                                                                               |
| <ul><li>4.4 Floor space ratio</li><li>0.63:1</li></ul> | No                | The proposal has a gross floor area (GFA) of 399.5m <sup>2</sup> or an FSR of 0.918:1, equating to a 46.4% variation to the FSR development standard.                                                                                                                  |
| 4.6 Exceptions to development standards                | See<br>discussion | The application is accompanied by a written<br>request pursuant to clause 4.6 of Waverley<br>LEP 2012 to vary the height and FSR<br>development standards. A detailed discussion<br>of the variation to the development standards<br>is presented below this table.    |
| Part 6 Additional local provisions                     |                   |                                                                                                                                                                                                                                                                        |
| 6.1 Acid sulfate soils                                 | Yes               | The subject site is classified as Acid Sulfate soil<br>class 5 in the relevant soil lands map. As the<br>proposed development does not seek consent<br>for earthworks on the site, the proposal is<br>considered acceptable regarding the<br>provisions of clause 6.1. |

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 (HOB)

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 building height of 9.2m, exceeding the standard by 0.7m, equating to an 8% 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 HOB development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - (*i*) Consistent with the existing approved roof ridge height.
  - (ii) Matches the ridge heights of south-facing dormers
  - (iii) Pitched roof dormer shape has the least volume to achieve floor area outcome.
  - (iv) Form character is consistent with existing roof forms.
  - (v) Dormer ridge setback behind the gutter line.
  - (vi) Proposed ridge is lower than the existing ridge line.
  - (vii) No extension of the building footprint
  - (viii) No overshadowing impacts on neighbours' amenities
  - *(ix)* No privacy impact on neighbouring properties.
  - (x) No View loss
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
  - (i) Proposed ridge is lower than the existing ridge line.
  - (ii) No extension of the building footprint
  - (iii) No overshadowing impacts on neighbours' amenities
  - (iv) No privacy impact on neighbouring properties.
  - (v) No View loss

#### 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 accepts that the proposal is below the existing roof ridge line with no overshadowing impacts on surrounding adjoining properties.

#### 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 applicant notes that the proposal is below the existing ridge line and is minor in scale. The amended dormer window is of a minor bulk increase and causes no amenity impact on neighbouring dwellings.

#### 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 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 amended application maintains the overall height of the existing development while preserving the amenity of neighbouring properties and public spaces. The amended application is a compatible height, bulk and scale of the desired future character of the locality. Further, the revised scheme has removed the shadow impact, ensuring the proposal preserves the environmental amenity.

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 amended application improves and meets the day-to-day needs of residents and the housing needs of the community.

#### <u>Conclusion</u>

For the reasons provided above, the requested variation to the HOB 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 standard and the R2 low-density residential zone.

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

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 development standard of 0.627:1. The proposed development has an FSR of 0.918:1, exceeding the standard by 126.8m<sup>2</sup>, equating to a 46.4 % variation. This represents an increase of 5.5m<sup>2</sup>, equating to a 1.4% variation increase from the existing site development.

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:

- (c) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (d) 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) Proposed addition is 5.5m<sup>2</sup>.
- (ii) No practical privacy impact.
- (iii) No overshadowing impacts
- (iv) No view impacts
- (v) Consistent with the overall development and no significant increase in bulk.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
  - (i) Proposed addition is 5.5m<sup>2</sup>.
  - (ii) No practical privacy impact.
  - (iii) No overshadowing impacts
  - (iv) No view impacts
  - (v) Consistent with the overall development and no significant increase in bulk.

#### 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:

- (c) 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
- (d) 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 amended proposal causes no additional amenity impact in terms of privacy and overshadowing. The dormer addition is minor and scale and consistent with the existing development and streetscape.

#### 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 amended dormer window is minor in bulk and causes no amenity impact on neighbouring dwellings.

#### 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 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 amended proposal dormer height is similar to the existing south-facing dormer window and below the existing building height. Furthermore, the proposed amended dormer window is a similar style and is of a minor increase in overall bulk and scale for the development. Moreover, the proposal preserves the environmental amenity of neighbouring properties.

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 amended application improves and meets the day-to-day needs of residents and the housing needs of the community.

#### **Conclusion**

For the reasons provided above, the requested variation to the FSR 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 floor space ratio standard and the R2 low density residential zone.

#### 2.2.3. 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:

| Development Control                        | Compliance | Comment                                                                                 |
|--------------------------------------------|------------|-----------------------------------------------------------------------------------------|
| 1. Waste                                   | Yes        | Satisfactory.                                                                           |
| 2. Ecologically Sustainable<br>Development | Yes        | Satisfactory.                                                                           |
| 12. Design Excellence                      | Yes        | Satisfactory. The proposal will result in a more integrated and well-designed building. |

#### 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.                                                                   |  |  |  |
| 2.2 Setbacks                                                                                                                                                 |            |                                                                                                                                                    |  |  |  |
| <ul> <li>2.2.1 Front and rear building lines</li> <li>Predominant front building line</li> <li>Predominant rear building line at each floor level</li> </ul> | N/A        | The proposal will not alter the front and rear setbacks.                                                                                           |  |  |  |
| <ul> <li>2.2.2 Side setbacks</li> <li>Minimum of 1.5m</li> </ul>                                                                                             | Yes        | Remains unchanged on the ground and first floor.<br>The attic or third-floor side setback complies with<br>the side boundary setback of 6.9m.      |  |  |  |
| 2.3 Streetscape and visual impact                                                                                                                            |            |                                                                                                                                                    |  |  |  |
| New development to be<br>compatible with the<br>streetscape context                                                                                          | Yes        | Satisfactory. The amended proposed addition has<br>been designed to minimise the increase of visual<br>bulk and maximum internal floor space while |  |  |  |

| Development Control                                                                                                                                                                                                                         | Complianc                                                      | ce Comment                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul> <li>Replacement wind<br/>complement the s<br/>and proportions o<br/>existing dwelling</li> <li>Significant landsca<br/>be maintained.</li> <li>Porticos are only<br/>permitted where a<br/>character of the<br/>streetscape</li> </ul> | style<br>of the<br>aping to N/A<br>N/A                         | maintaining the established style of the<br>development.<br>The additional minor bulk is also located to not<br>be visually intrusive within the streetscape.                                                                                                     |
| 2.5 Visual and acoust                                                                                                                                                                                                                       |                                                                |                                                                                                                                                                                                                                                                   |
| <ul> <li>Habitable window<br/>not to directly face<br/>habitable window<br/>open space of<br/>neighbouring dwe<br/>unless direct view<br/>screened, or othe<br/>appropriate meas<br/>are incorporated i<br/>design</li> </ul>               | vs are Yes<br>e Yes<br>rs or<br>ellings<br>rs are<br>r<br>ures | Satisfactory. The proposed loft extension's<br>proposed windows do not directly face the<br>habitable windows of neighbouring dwellings and<br>will not result in additional unreasonable privacy<br>impacts to adjoining properties.                             |
| 2.6 Solar access                                                                                                                                                                                                                            |                                                                |                                                                                                                                                                                                                                                                   |
| <ul> <li>Minimum of three<br/>of sunlight to livin<br/>and principal oper<br/>areas on 21 June</li> </ul>                                                                                                                                   | g areas                                                        | Satisfactory. A minimum of 3 hours of sunlight is expected for the living areas and principal open space.                                                                                                                                                         |
| <ul> <li>Minimum of three<br/>of sunlight mainta<br/>at least 50% l of p<br/>open space areas<br/>adjoining properti<br/>21 June.</li> </ul>                                                                                                | ined to<br>rincipal<br>of                                      | Satisfactory. The proposal is not expected to<br>reduce solar access to either open space or<br>windows of the adjacent properties to less than 3<br>hours.                                                                                                       |
| <ul> <li>Avoid unreasonab<br/>overshadowing of<br/>collectors (includin<br/>habitable window</li> </ul>                                                                                                                                     | solar<br>ng                                                    |                                                                                                                                                                                                                                                                   |
| 2.7 Views                                                                                                                                                                                                                                   |                                                                |                                                                                                                                                                                                                                                                   |
| <ul> <li>Views from the pudomain are to bemaintained</li> <li>Development to bedesigned and sites to enable a sharing views with surrour dwellings, particul from habitable roc decks.</li> </ul>                                           | e<br>I so as<br>g of<br>nding<br>arly<br>oms and               | Satisfactory. No impacts on views have been<br>identified, and no submissions have been<br>received that raise an issue with view loss. As<br>such, the proposal is not expected to result in<br>impacts on any known views enjoyed by<br>surrounding properties. |
| 2.11 Dormer window                                                                                                                                                                                                                          | /S                                                             |                                                                                                                                                                                                                                                                   |

| Development Control                                                                                                                                                                                                                                                                                                                                        | Compliance       | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| <ul> <li>If &lt; 2.5m from the gutter<br/>to the ridge, flush to the<br/>roof and maximum of<br/>one per single-fronted<br/>dwelling or one pair on a<br/>double-fronted dwelling</li> <li>Minimum 0.3m below<br/>the main roof ridge</li> <li>Skillion dormer permitted<br/>at the rear of the roof,<br/>provided ridge line is<br/>maintained</li> </ul> | Yes<br>No<br>No  | The amended dormer window is proposed to<br>extend from the existing ridge and does not<br>comply with the 300mm setdown. However, the<br>skillion dormer meets in a similar location as<br>other existing dormer windows.<br>The proposed dormer window is located on the<br>northern roof of the dwelling and will be visible<br>from Pembroke Street. The proposed dormer is a<br>similar size and design to the existing dormers on<br>the dual occupancy dwellings and will appear as<br>part of the original building.<br>The proposed dormer will be greater than 25% of<br>the roof width. However, it is deemed acceptable<br>due to its location and design, which minimise |  |  |
|                                                                                                                                                                                                                                                                                                                                                            |                  | visual impact.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |  |
| 2.13 Semi-detached dwellings                                                                                                                                                                                                                                                                                                                               | and terrace styl | e development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |  |
| <ul> <li>2.13.1 - Built form</li> <li>Additions to match the style of the original semi-detached dwelling</li> </ul>                                                                                                                                                                                                                                       | Yes              | Satisfactory. The proposed dormer window, as mentioned above, does match the style and form of the building and its adjacent pair.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |  |
| <ul> <li>Existing roof form<br/>maintained forward of<br/>principal ridgeline</li> </ul>                                                                                                                                                                                                                                                                   | Yes              | Satisfactory. The extension is located behind the principal ridgeline.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |  |
| <ul> <li>Use of roof as an attic<br/>permitted provided</li> </ul>                                                                                                                                                                                                                                                                                         | Yes              | Satisfactory. The proposal is an extension of an existing attic.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |  |
| <ul> <li>Front verandahs to be maintained.</li> </ul>                                                                                                                                                                                                                                                                                                      | N/A              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |  |
| 2.13.2 – First-floor additions<br>to semi-detached dwellings                                                                                                                                                                                                                                                                                               |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |  |
| <ul> <li>First-floor addition to be<br/>setback from the<br/>principal street frontage<br/>and maintain the existing<br/>front roof slope</li> </ul>                                                                                                                                                                                                       | Yes              | Satisfactory. The proposed attic/loft extension occurs behind the principal street frontage and the existing front roof slope.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |  |
| <ul> <li>Additions to be located a<br/>minimum of 1m behind<br/>the front main gable</li> </ul>                                                                                                                                                                                                                                                            | N/A              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |  |
| <ul> <li>Flat roofs should be only<br/>used when not seen in a<br/>Heritage Conservation<br/>Area</li> </ul>                                                                                                                                                                                                                                               | N/A              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |  |
| <ul> <li>Limit the rise of the<br/>interface with adjoining<br/>semi-detached dwelling<br/>to 600mm</li> </ul>                                                                                                                                                                                                                                             | N/A              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |  |
|                                                                                                                                                                                                                                                                                                                                                            | N/A              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |  |

| Development Control                                                                                                                    | Compliance | Comment                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul> <li>First-floor additions<br/>should match the style of<br/>the additions on the<br/>adjoining semi (if<br/>relevant).</li> </ul> |            |                                                                                                                                                    |
| 2.13.3 - Material finishes and detail for semi-detached                                                                                |            |                                                                                                                                                    |
| dwellings                                                                                                                              |            |                                                                                                                                                    |
| • Finishes and detailing are to be cohesive with the                                                                                   | Yes        | Satisfactory. The proposed addition matches the finishes and detailing of the existing development and will lead to a cohesive whole. Furthermore, |
| <ul> <li>existing dwelling</li> <li>Historic features of the roofscape are to be incorporated into the addition</li> </ul>             | N/A        | the proposed dormer roof form matches the style south facing dormers.                                                                              |
| <ul> <li>Dorms roof forms are to<br/>match the style of the<br/>original dwelling</li> <li>New windows to have a</li> </ul>            | Yes        |                                                                                                                                                    |
| similar proportion to the existing                                                                                                     | Yes        |                                                                                                                                                    |
| <ul> <li>Upper wall finishes to<br/>reflect the style and<br/>character of the original<br/>building.</li> </ul>                       | Yes        |                                                                                                                                                    |

2.3.

### 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.

### Suitability of the Site for the Development

2.5.

2.4.

The site is considered suitable for the proposal.

#### Any Submissions

2.6. The application was notified for 14 days between 30 May 2023 and 15 June 2023 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

No submissions were received.

#### 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:

#### **Fire Safety Officer**

Council's Fire Safety Engineer reviewed the application and advised that they have no objections to the proposal and provided conditions of approval.

# <sup>3.1.</sup> Strategic

Council's Strategic planers raised no issues with the proposed development.

#### 3.2.

#### 4. CONCLUSION

The section 8.2 review application seeks to review the determination of DA-417/2022 at the site known as 11 Pembroke Street. The review application has amended the original development application. The amendments are as follows:

- Dormer styled to match existing dormers.
- Proposed attic/loft extension has been reduced in scale and bulk.
- Dormer window offset from the strata boundary line.
- Revised clause 4.6 written requests, included updated numerics.

The principal reasons why the original development application was refused were as follows:

- Height of building exceedance;
- Floor space ratio exceedance;
- Design excellence;
- Low-density residential developments:
  - Bulk and scale;
  - Dormer windows controls;
  - Window style;
  - Semi-detached controls.

The assessment finds these issues have been addressed in this review application as the Clause 4.6 written requests have adequately justified the exceedances to development standards and the scheme has redesigned the dormer window to be similar in style and pitch to the existing dormer windows.

No submissions were received.

No councillor submissions were received.

No declared conflicts of interest.

The application has been assessed against the relevant matters for consideration under Sections 8.2 of the *Environmental Planning and Assessment Act 1979*. It is recommended to change the determination of refusal to approval, subject to conditions of consent.

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

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

| Report prepared by:            | Application reviewed and agreed on behalf of the Development and Building Unit by: |
|--------------------------------|------------------------------------------------------------------------------------|
| P. Wilmoth                     |                                                                                    |
| Assessment Officer Name        | Angela Rossi                                                                       |
| Development Assessment Planner | Manager, Development Assessment                                                    |
| Date: 11/07/2023               | Date: 14/07/2023                                                                   |

#### Reason for WLPP referral:

The original application was determined by the WLPP due to one or more reasons:

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 David Fleeting Architects including the following:

| Plan Number  | Plan description           | Plan Date  | Date received by |
|--------------|----------------------------|------------|------------------|
| and Revision |                            |            | Council          |
| A-P01 Rev 9  | Proposed Site Plan         | 29/05/2023 | 30/05/2023       |
| A-P04 Rev 9  | Proposed Ground Floor Plan | 29/05/2023 | 30/05/2023       |
| A-P05 Rev 9  | Proposed First Floor Plan  | 29/05/2023 | 30/05/2023       |
| A-P06 Rev 9  | Proposed Loft Floor Plan   | 29/05/2023 | 30/05/2023       |
| A-P07 Rev 9  | Proposed Roof Plan         | 29/05/2023 | 30/05/2023       |
| A-P10 Rev 9  | Proposed Section 1         | 29/05/2023 | 30/05/2023       |
| A-P20 Rev 9  | Proposed North Elevation   | 29/05/2023 | 30/05/2023       |
| A-P21 Rev 9  | Proposed East Elevation    | 29/05/2023 | 30/05/2023       |
| A-P22 Rev 9  | Proposed West Elevation    | 29/05/2023 | 30/05/2023       |
| A-P23 Rev 9  | Proposed South Elevation   | 29/05/2023 | 30/05/2023       |

- (b) BASIX and NatHERs Certificate/s
- (c) Schedule of external finishes and colours received by Council on 22/05/2023
- (d) The Site Waste and Recycling Management Plan (SWRMP) Part 1.

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 that 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. SECURITY DEPOSIT

A deposit (cash or cheque) for the amount of **\$ 3,235.00** 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.

#### 5. LONG SERVICE LEVY

A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986,* is to be paid in respect 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 & SITE MATTERS**

#### 6. 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.

#### 7. 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.

#### 8. 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.

#### 9. 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.

#### **ENERGY EFFICIENCY & SUSTAINABILITY**

#### 10. BASIX

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

#### **WASTE**

#### 11. 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.

# 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 that the approval of Council or a Council Officer is required.

#### PRIOR TO ANY WORKS

#### 12. 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.

#### **13. 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 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.

#### **DEMOLITION & EXCAVATION**

#### 14. 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.

#### 15. 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.

#### **CONSTRUCTION MATTERS**

#### 16. 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.

#### 17. 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.

#### **18. 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,* clause 162A of the *Environmental Planning and Assessment Regulation 2000* and the requirements of any other applicable legislation or instruments.

#### **19. 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 the construction of a higher level of the building.

#### 20. STRUCTURAL STABILITY OF ADJOINING SEMI-DETACHED DWELLING'S ROOF

Adequate measures are to be undertaken to ensure structural stability and water proofing of the existing roof over the adjoining semi-detached dwelling having particular regard to the following:

- (a) Adequate measures are undertaken to secure the existing rafters and ridge to the brickwork of the party wall; and
- (b) Adequate measures are undertaken to ensure that the roof where it abuts the extended party wall is water proofed.

#### 21. WORK OUTSIDE PROPERTY BOUNDARY

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

# D. PRIOR TO THE ISSUE OF AN OCCUPATION 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 that the approval of Council or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever applies.

#### **CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS**

#### 22. 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.

#### 23. CERTIFICATION OF BASIX COMMITMENTS

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

#### 24. 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.

#### 25. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE

A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.

#### 26. SMOKE ALARM

An interconnected smoke alarm system is to be installed throughout the building and certified by a licensed electrical contractor for compliance with the NCC Building Code of Australia and AS 3786 prior to issue of an Occupation Certificate.

#### 27. STRATA PLAN

The Strata Plan shall be updated to incorporate the approved works and registered prior to the issue of an Occupation Certificate.

# 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 <u>info@waverley.nsw.gov.au</u> 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 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.

#### 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 1800 810 443.

#### AD4 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.

#### AD5 EXCAVATION TO BE LIMITED

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

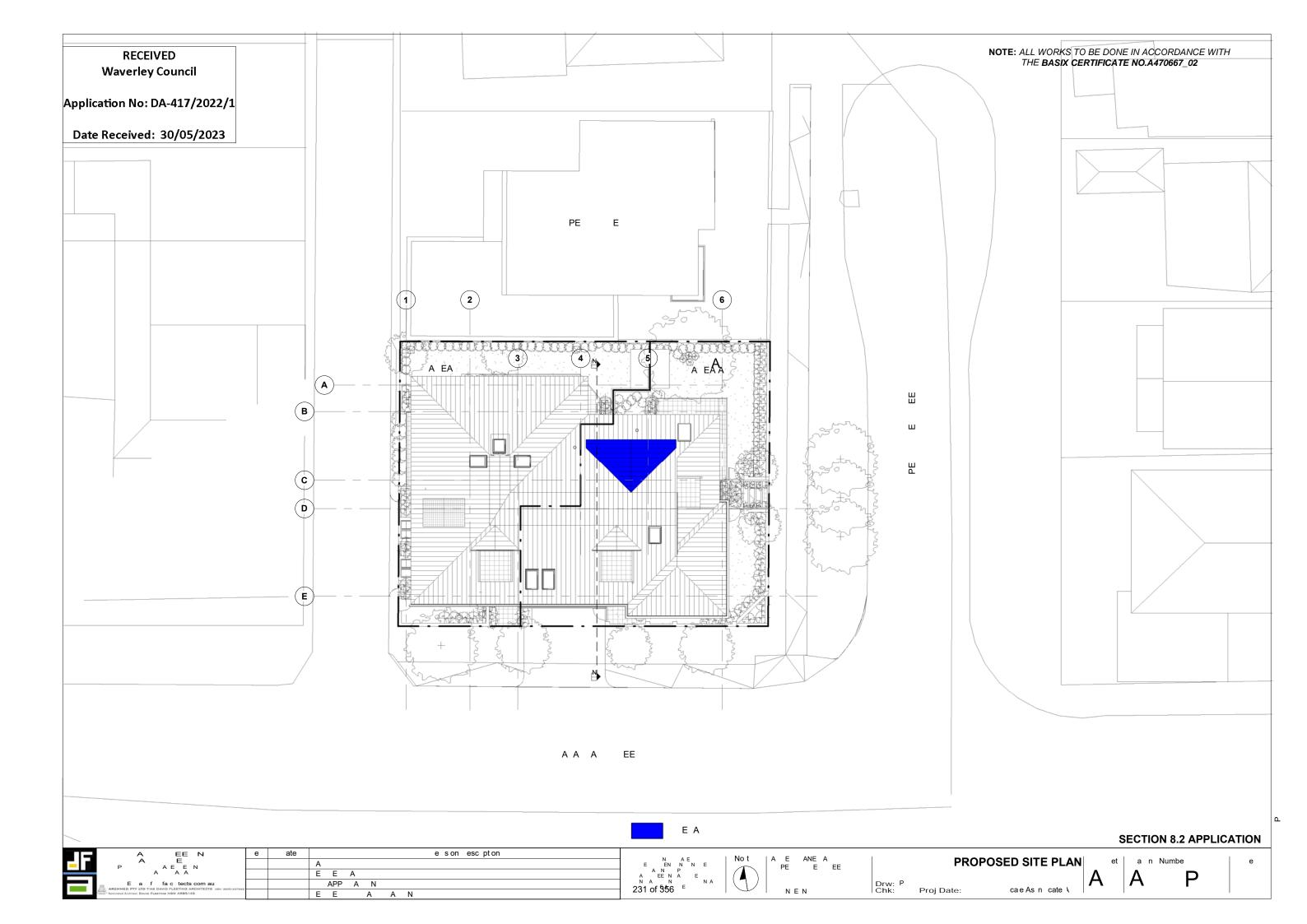
#### AD6 BONDI - ROSE BAY SAND BODY

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.

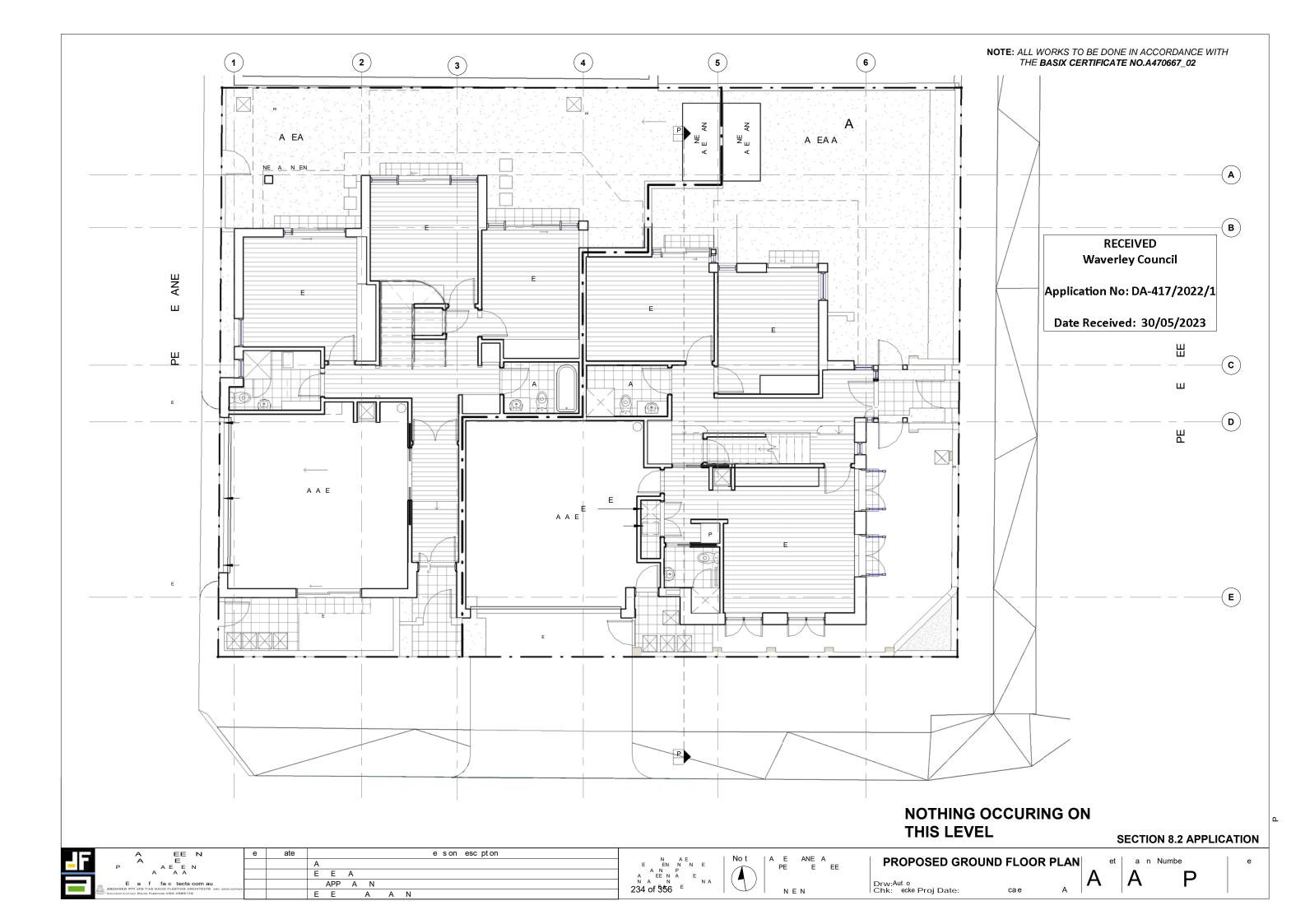
#### AD7 TREE REMOVAL/PRESERVATION

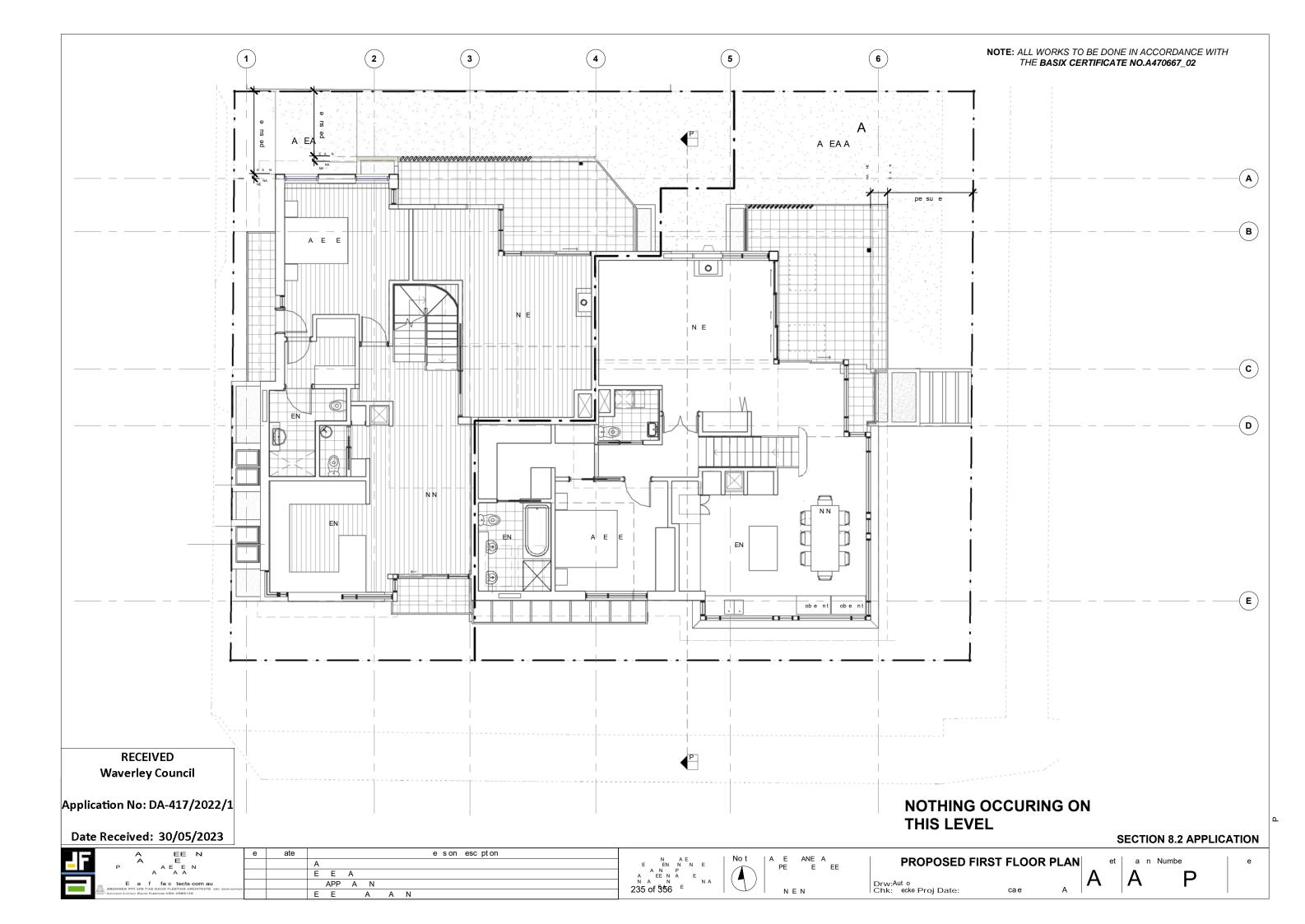
Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.

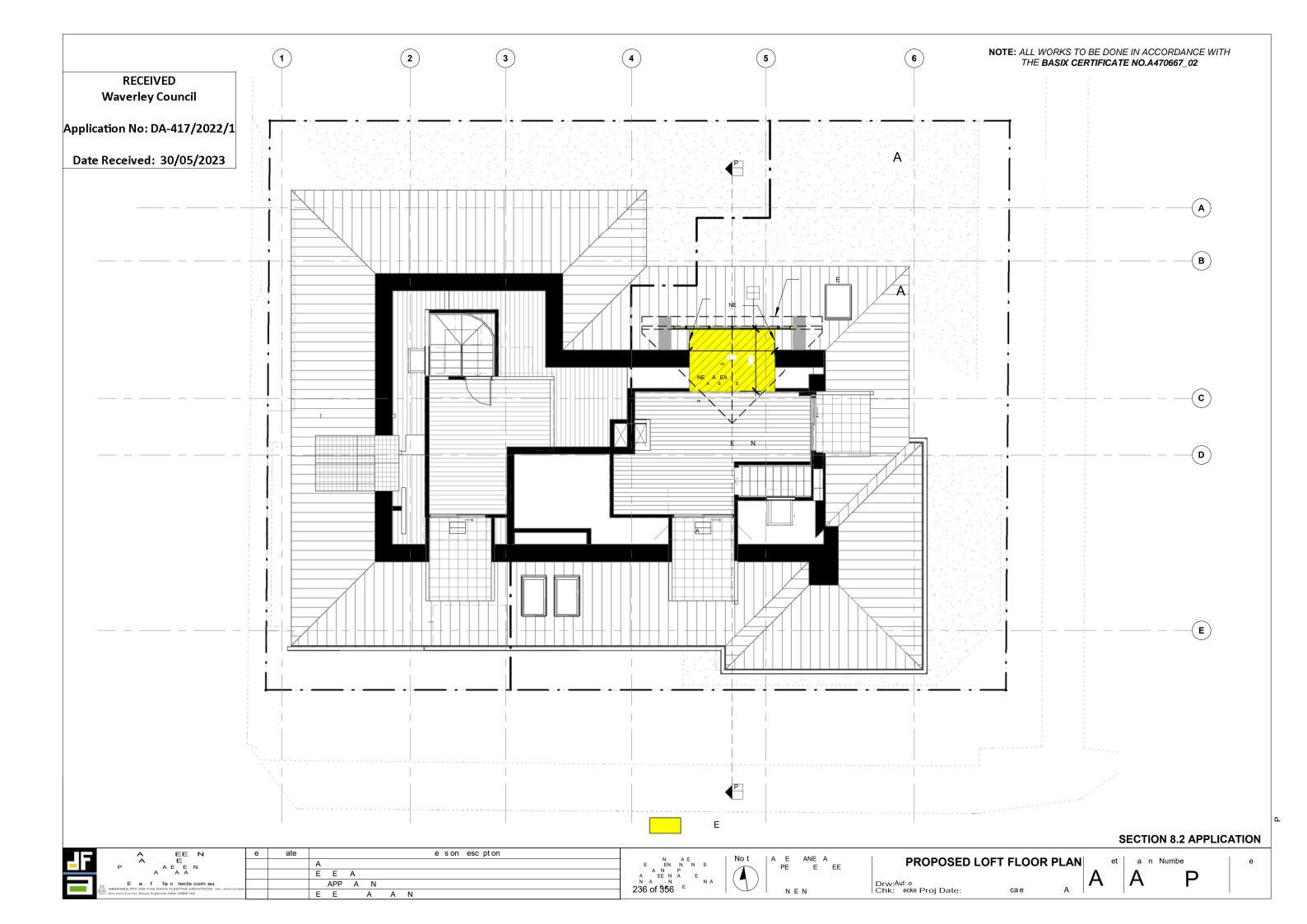


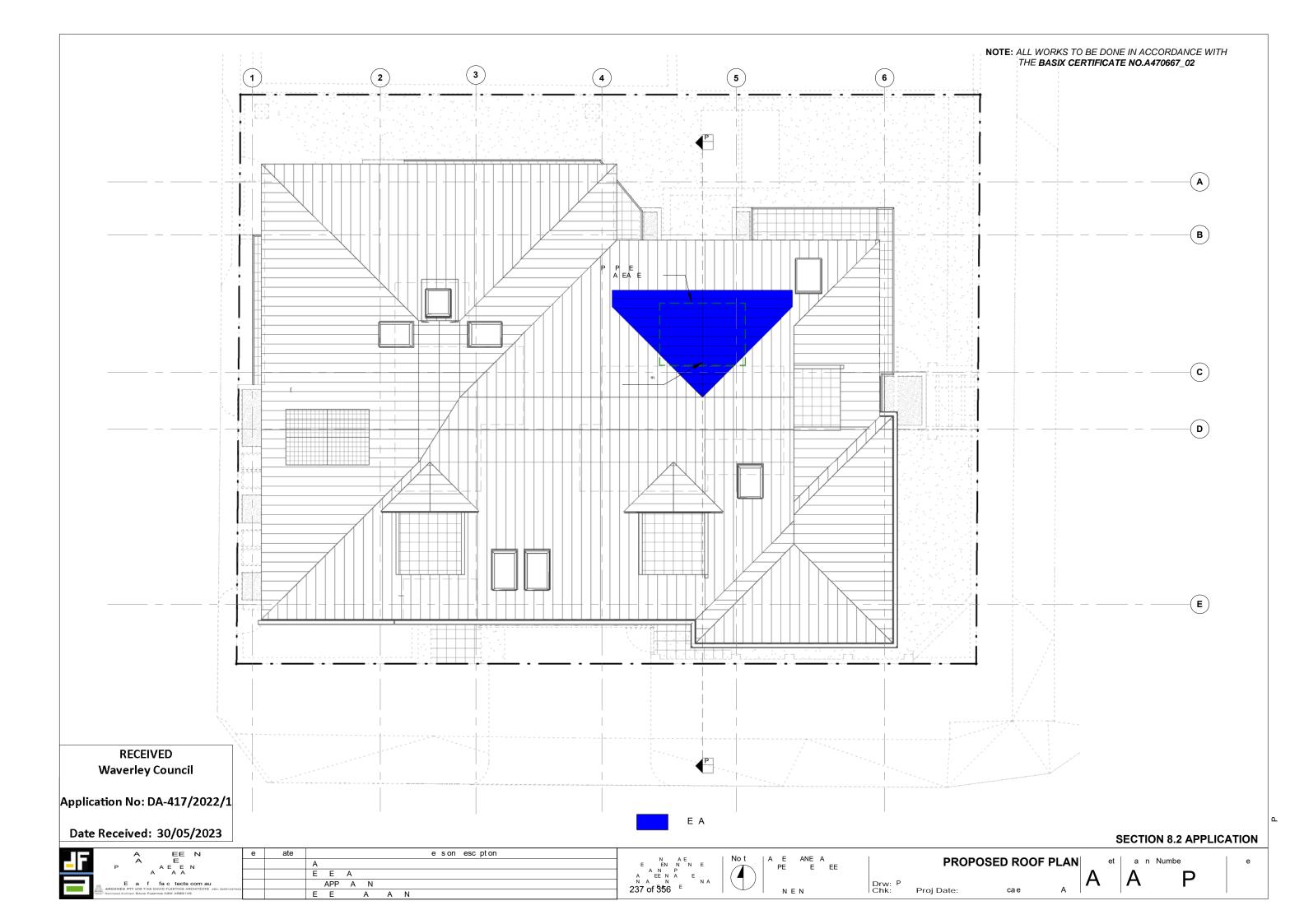


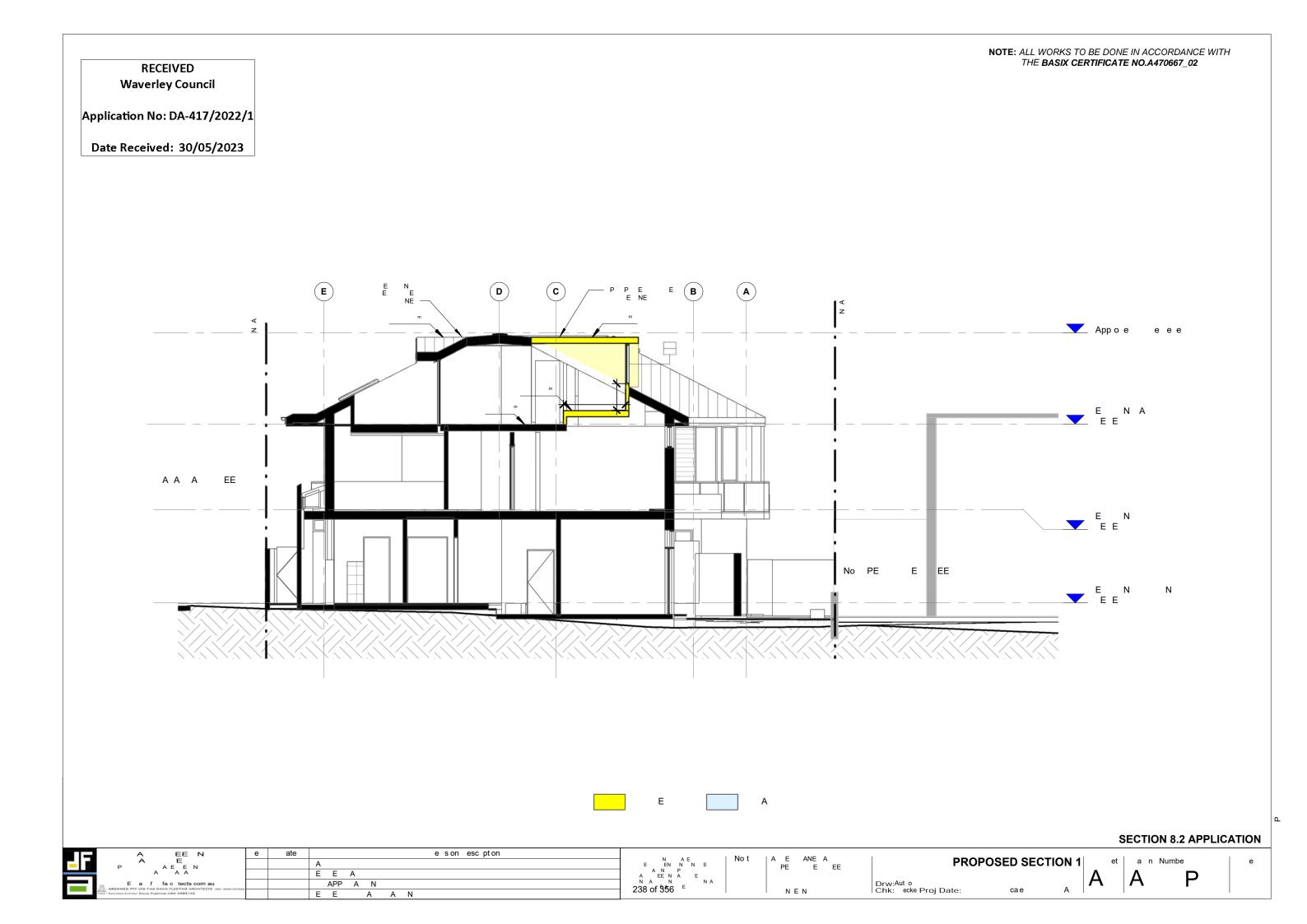


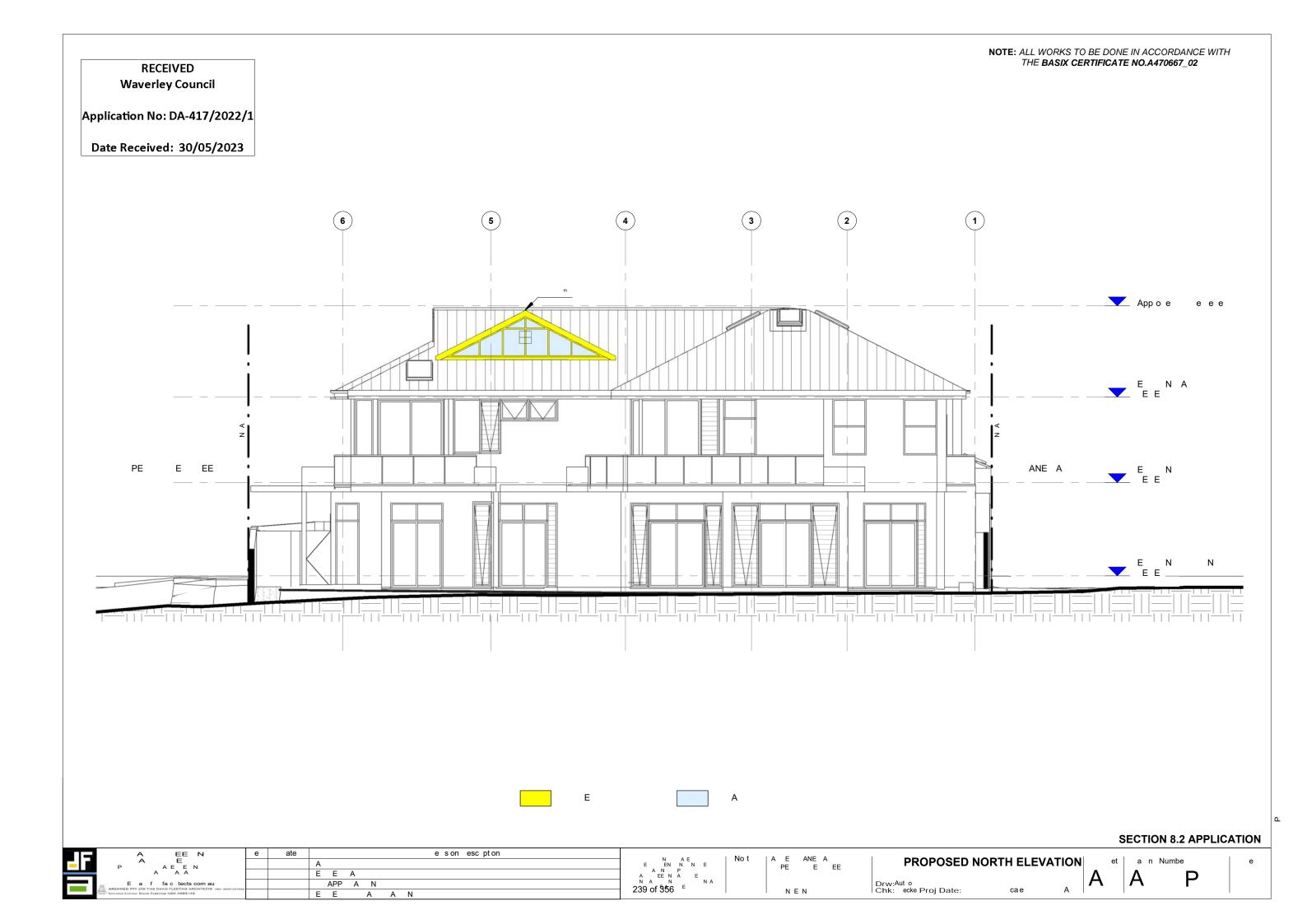


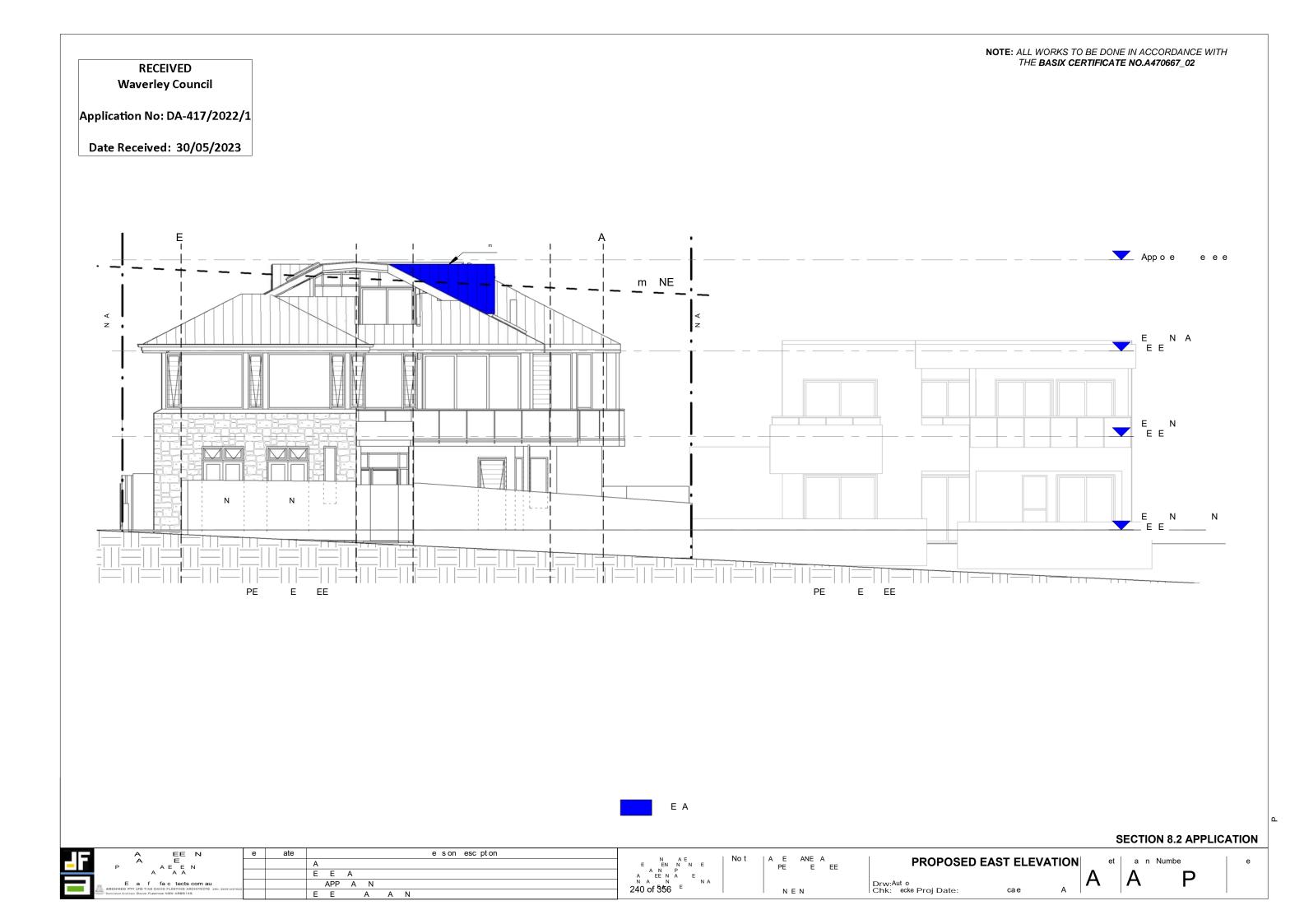


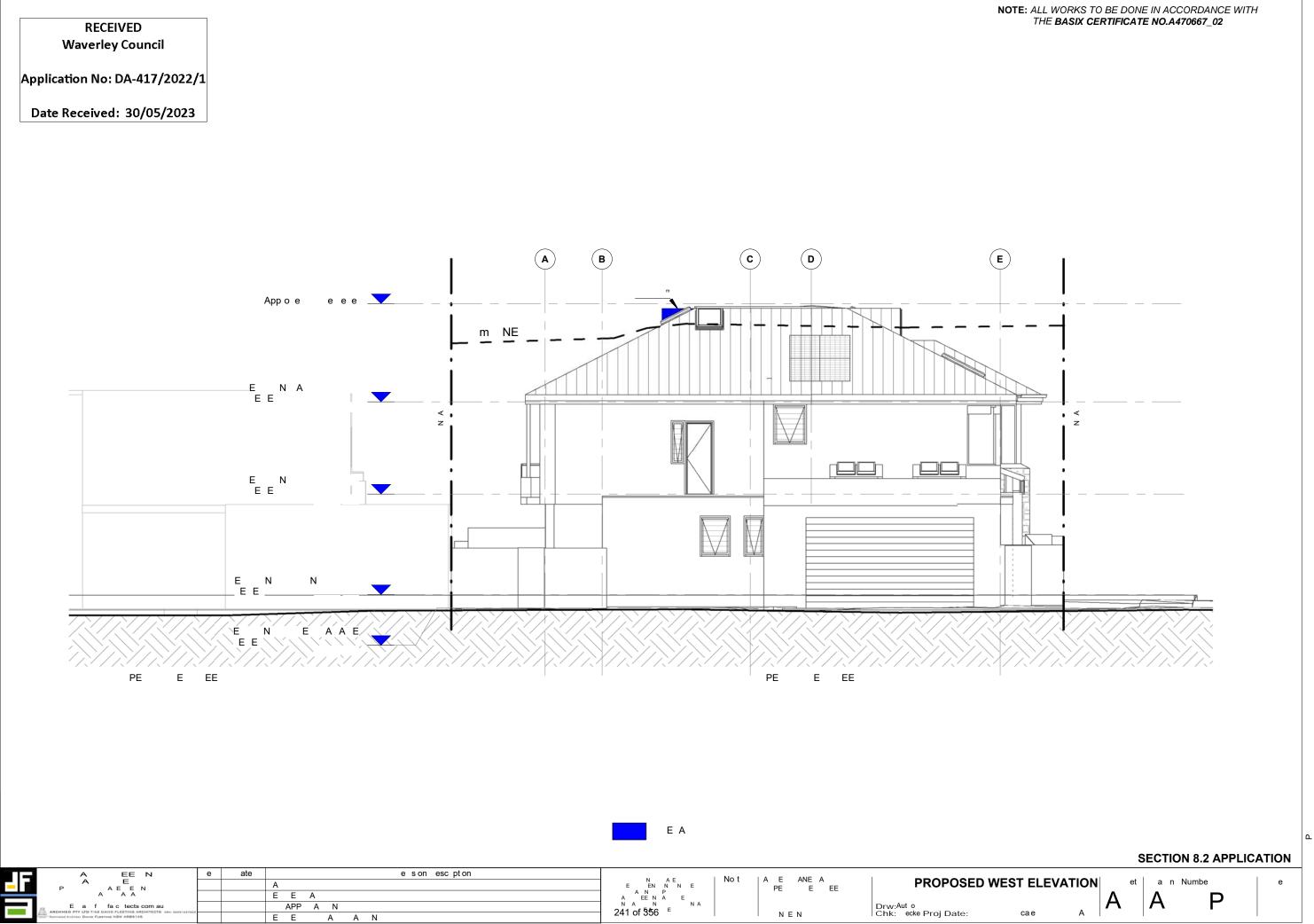
















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#### PROPOSED LOFT LEVEL PLAN

The gross floor area is calculated by the sum of the floor area of

the building measured from the internal face of external walls and

• habitable rooms in a basement or an attic

• any area for common vertical circulation, such as stairs

- any basement, storage area or voids
- vehicular access, loading areas, garbage and services

• car parking to meet any requirements of the consent authority

• terraces and balconies with outer walls less than 1.4 metres

# AMENDED

| A EE N                                                | е | ate | e son esc pton                        |                     | No t |      |    | ^  |                      |
|-------------------------------------------------------|---|-----|---------------------------------------|---------------------|------|------|----|----|----------------------|
|                                                       |   |     | APP A N                               | E EN N N E          |      | PE   | E  | EE | PROPOSED             |
| A A A                                                 |   |     | E E A A N                             | A N P<br>A EE N A E |      |      |    |    | DWELLING A           |
| E a f fac tects com au                                |   |     | E E E E E E E E E E E E E E E E E E E | 243 of 556          |      |      |    |    | Drw:Aut o            |
| Renter Nominated Architect DAVID FLEETING NEW ARE5145 |   |     |                                       | 243 01 330          | I    | I NI | ΕN |    | Chk: ecke Proj Date: |

#### NOTE: ALL WORKS TO BE DONE IN ACCORDANCE WITH THE BASIX CERTIFICATE NO.A470667\_02

#### AREA SUMMARY : 435 SQM : A 232 SQM + B 203 SQM

#### REQUIRED:

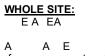
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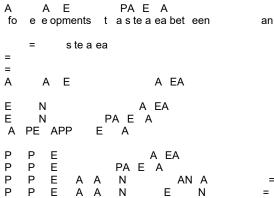
#### OVERALL ΡΝΑΕΑ

AN APE A EA

#### DWELLING A : 232 SQM ΡΝΑΕΑ AN APEA EA AN APE

DWELLING B : 203 SQM ΡΝΑΕΑ AN APEA EA AN APE





RECEIVED Waverley Council

### Application No: DA-417/2022/1

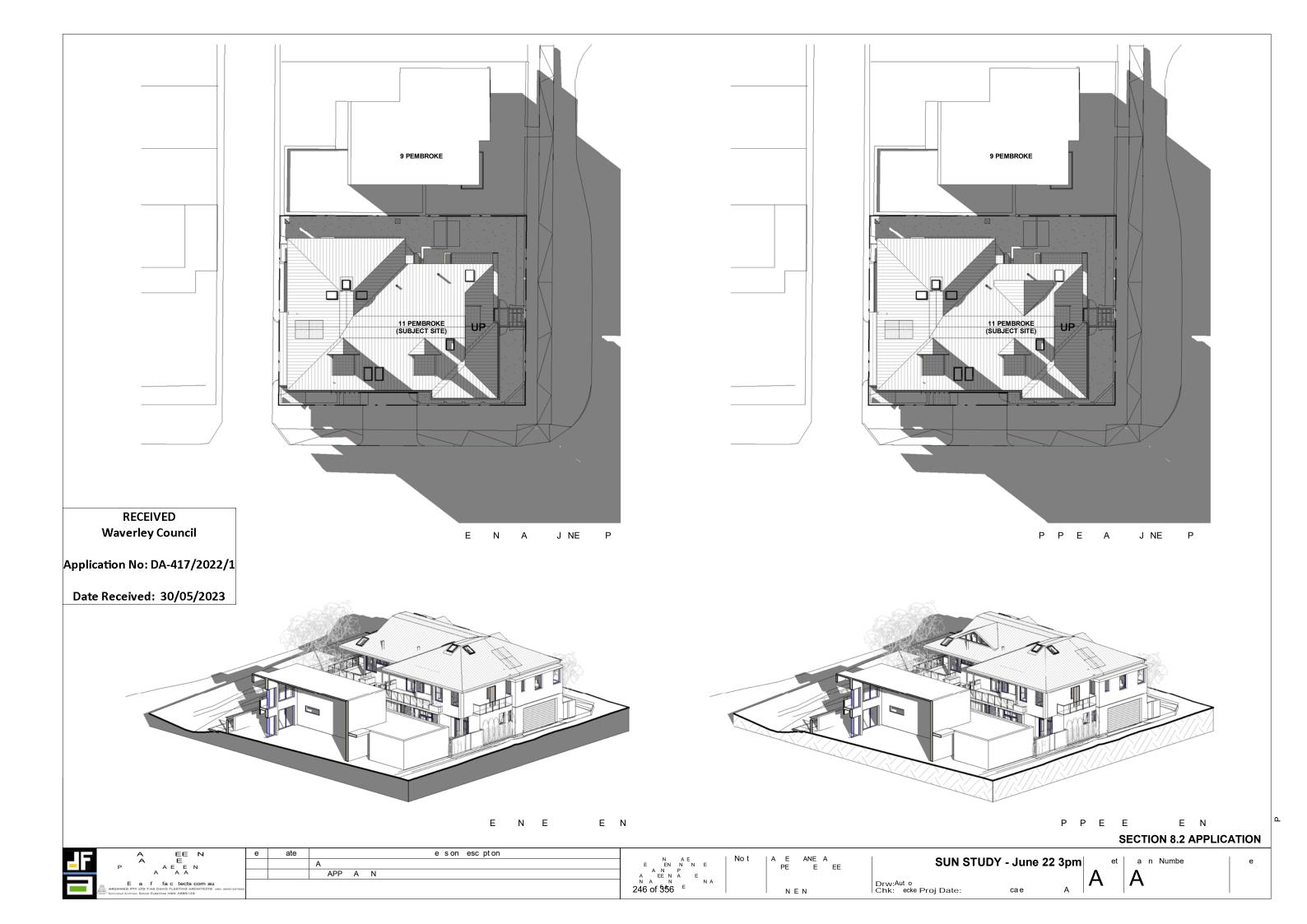


#### **SECTION 8.2 APPLICATION**

D AREA PLANS a n Numbe et е A&B - LOFT DA A cae А











# Report to the Waverley Local Planning Panel

| Application number | DA-487/2022                                                                                                                                                         |  |  |  |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| Site address       | 45 York Road, Queens Park                                                                                                                                           |  |  |  |
| Proposal           | Alterations and additions to dwelling including new first floor addition,<br>double car garage fronting York Lane with a studio above and swimming<br>pool at rear. |  |  |  |
| Date of lodgement  | 10 November 2022                                                                                                                                                    |  |  |  |
| Owner              | Doctor B C Teoh and Mrs N I M Teoh                                                                                                                                  |  |  |  |
| Applicant          | Carla Middleton Architecture                                                                                                                                        |  |  |  |
| Submissions        | Three (3)                                                                                                                                                           |  |  |  |
| Cost of works      | \$2,076,125.00                                                                                                                                                      |  |  |  |
| Principal Issues   | <ul> <li>Breach of FSR development standard</li> <li>Landscaping</li> <li>Privacy</li> </ul>                                                                        |  |  |  |
| Recommendation     | That the application be APPROVED in accordance with the conditions contained in the report.                                                                         |  |  |  |

## SITE MAP



#### 1. PREAMBLE

#### **Executive Summary**

The development application seeks consent for alterations and additions to a dwelling house including a new first floor addition, a double car garage fronting York Lane with a studio above and swimming pool at rear of the site known as 45 York Road, Queens Park.

1.1.

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

- Breach of the FSR development standard
- Landscaping
- Privacy

The assessment finds these issues acceptable for the reasons outlined in the report.

A total number of three (3) submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation. No Councillor submission or conflicts of interest were received or raised.

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.

Site and Surrounding Locality

A site visit was carried out on 12 April 2023.

The site is identified as Lot 9, Section 9 in DP 4600, known as 45 York Road, Queens Park.

The site is rectangular in shape with a primary frontage of 12.19m to York Road and a secondary frontage of 12.19m to York Lane. It has an area of 520.3m<sup>2</sup> and falls from the rear towards the front by approximately 800mm.

The site is occupied by a two storey dwelling house with vehicular access provided from York Lane at the rear. The site is identified as locally listed heritage item I517 pertaining to the front garden and fence and is located within the C14 Queens Park Heritage Conservation Area.

The site is adjoined by a two storey dwelling house to the north, and a four storey residential flat building to the south. The locality is characterised by a variety of low and medium density residential developments.

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



Figure 1: Front of the existing dwelling



Figure 3: Existing rear setback/garden



Figure 2: Front of the site on York Road



Figure 4: Existing garage, rear setback and landscaping



**Figure 5:** View from existing first floor towards the neighbouring property at 47-49 York Road



Figure 6: Rear view of the site from York Lane

#### Relevant Development History

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

- On 24 March 2000, Development Application L-823/1999 was granted consent for an addition to an existing residence.
- 1.3.
- On 23 July 2003, Development Application DA-994/2002 was granted consent for alterations and additions including an additional storey and garage alterations.
- On 24 May 2005, Modification Application DA-004/2002/A was granted consent for alteration and additions including changes to the roof.

#### Proposal

The development application seeks consent for alterations and additions to a dwelling house, and 1.4. specifically includes the following:

#### Ground Floor

- Demolition of the existing kitchen, dining and living area, laundry, stairs, shed and selected internal walls and windows.
- New rear addition comprising an open plan living, dining and kitchen area, pantry, new bathroom and laundry, and a hall connecting to new garage/studio.
- New garage with access to the study above.

#### <u>First Floor</u>

- Demolition of existing rear bedrooms, bathroom, void, and internal walls and fittings to master bedroom.
- First floor addition and reconfiguration of internal layout to comprise four bedrooms with walkin and built-in robes, en-suite and bathroom, storage areas, and a second living area.
- Changes to openings
- Roof gardens at the rear (non-trafficable)
- Gable roof addition over second living area
- New roof with skylights, AC unit and solar panels

#### <u>External</u>

- Removal of all existing trees
- Demolition of the rear boundary fence
- New rear boundary fence
- Demolition of the existing garage
- Swimming pool
- Demolition of existing retaining walls
- Paving and landscaping

#### Background

The following background is relevant to the application:

- On 10 November 2022, the subject Development Application (DA-487/2022) was lodged with Council.
- On 25 November 2022, a Stop the Clock letter was issued to the applicant requesting additional information in relation to the GFA and FSR calculations, the external stair to the studio, landscaping, insufficient plan detailed and documentation. A Structural Engineering Report was also requested.
- On 16 December 2022, the applicant submitted amended plans and documentation.
- On 19 December 2022, further amended plans were requested from the applicant as not all points in the Stop the Clock letter were fully addressed.
- On 19 December 2022, the applicant submitted amended plans.
- On 18 May 2022, a deferral letter was issued to the applicant requesting amended plans to address concerns raised in relation to whether a secondary dwelling was proposed, the GFA/FSR breach, garage/laneway development, overshadowing and shadow diagram details, privacy, landscaping, heritage, the southern boundary wall, and plan details and documentation.
- On 1 June 2023, the applicant submitted amended plans and documentation.
- On 13 June 2023, further amended plans and additional information was requested from the application in relation to the proposed secondary dwelling, the breach of the FSR development standard, and the design of the garage/studio at the rear.
- On 22 June 2023, the applicant submitted amended plans and documentation.
- On 26 June 2023, further information was requested from the applicant in relation to the proposed external materials and finishes, and the Clause 4.6.
- On 27 June 2023, the applicant submitted amended documentation.
- On 7 July 2023, an amended Clause 4.6 was requested.
- On 9 July 2023, the applicant submitted amended Clause 4.6.
- On 10 July 2023, a further amended Clause 4.6 was requested.
- On 11 July 2023, the applicant submitted an amended Clause 4.6. The amended plans and documentation are the subject of this assessment.

1.5.

#### 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).

#### 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.

#### 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 (Transport and Infrastructure) 2021
- 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 3.4 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 WLEP 2012.                                                             |  |  |  |  |  |  |
| Part 2 Permitted or prohibited development             |            |                                                                                                           |  |  |  |  |  |  |
| Land Use Table<br>R2 Low Density Residential<br>Zone   | Yes        | The proposal is defined as <i>dwelling house</i> ,<br>which are permitted with consent in the R2<br>zone. |  |  |  |  |  |  |
| Part 4 Principal development standards                 |            |                                                                                                           |  |  |  |  |  |  |
| <ul><li>4.3 Height of buildings</li><li>8.5m</li></ul> | Yes        | A building height of 7.8m is proposed.                                                                    |  |  |  |  |  |  |

| Provision                                                                                                                         | Compliance                         | Comment                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul> <li>4.4 Floor space ratio and</li> <li>4.4A Exceptions to floor space ratio</li> <li>0.53:1 (277.14m<sup>2</sup>)</li> </ul> | No<br>(See<br>discussion<br>below) | An FSR of 0.65:1 (339.98m <sup>2</sup> ) equating to a 22.67% / 62.84m <sup>2</sup> breach proposed.                                                                                                                                                                                                                                                          |
| 4.6 Exceptions to development standards                                                                                           | See<br>discussion                  | The application is accompanied by a written<br>request pursuant to clause 4.6 of Waverley<br>LEP 2012 to vary the FSR development<br>standard. A detailed discussion of the<br>variation to the development standard is<br>presented below this table.                                                                                                        |
| Part 5 Miscellaneous provisions                                                                                                   |                                    |                                                                                                                                                                                                                                                                                                                                                               |
| 5.4 Controls relating to<br>miscellaneous permissible<br>uses                                                                     |                                    | The secondary dwelling originally proposed<br>over the garage was deleted and now<br>comprises a studio only.                                                                                                                                                                                                                                                 |
|                                                                                                                                   | Yes                                | Conditions of consent have been included<br>which require that access to the studio to be<br>provided internally via the garage, and to<br>ensure the studio is not used as a secondary<br>dwelling.                                                                                                                                                          |
| 5.10 Heritage conservation                                                                                                        | Yes                                | The site is identified as being located within<br>the C14 Queens Park Heritage Conservation<br>Area, and the front garden and fence are<br>identified as a local landscape heritage item.<br>The proposal will not result in adverse impacts<br>on the heritage significant of the heritage<br>item or the setting and character of the<br>conservation area. |
|                                                                                                                                   |                                    | The proposal was referred to Council's<br>Heritage Advisor who raised no objection to<br>the proposal subject to conditions relating to<br>the external materials and colours.                                                                                                                                                                                |
| Part 6 Additional local provisions                                                                                                |                                    |                                                                                                                                                                                                                                                                                                                                                               |
| 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

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 development standard of 0.53:1. The proposed development has a FSR of 0.653:1, exceeding the standard by 62.84m<sup>2</sup> equating to a 22.67% 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) Despite the non-compliance with the FSR control, the proposed development will still generally comply with all other relevant planning controls under WLEP 2012 and WDCP 2012. No departure from the WLEP 2012 height control is proposed.
  - (ii) The majority of the additional floor space will not be visible from the York Road frontage, and is only viewed from properties opposite in York Lane.
  - (iii) The proposed building envelope and additional GFA is consistent with the existing building envelope of the adjoining dwellings and other similar development.
  - (iv) The setback controls have not been exploited to their maximum, and generous side backs are provided to adjoining dwellings.
  - (v) The proposal is consistent with this style of residential building which is common for residential areas.
  - (vi) 'Desired future character' is not defined in the LEP. The meaning of 'desired future character' is derived from the text and context of the provisions of the LEP in which it is used and the other provisions of the LEP that form the urban character and built form of the area. The R2 Low Density Residential zoning permits a wide range of uses and built form on the site, which promotes the eclectic desired future character. The proposal will contribute to the eclectic mix of permissible uses in the R2 zone.
  - (vii) The proposed bulk scale and massing is contextually compatible with the envelope of neighbouring low density developments recently approved and constructed on York Road, and the dwellings on Ashton Street that front York Road.
  - (viii) 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.
  - (ix) The proposal will appear contextually compatible within the streetscape. As desired by objective c the building and garage building with studio is compatible with the bulk, scale streetscape and existing character of this specific section of York Road and York Lane.
  - (x) The proposal has been designed to provide a contemporary built form that will integrate with the established character of the surrounding area and not result in any unacceptable

bulk and scale impacts. The development will appear as two storeys from York Road and York Lane.

- (xi) The proposal satisfies all DCP setback controls and complies with the minimum requirements for landscape area.
- (xii) The proposal will maintain and enhance the residential amenity of the surrounding dwelling houses including their current levels of solar access, visual and acoustic privacy and ventilation.
- (xiii) In light of the proposals contribution to achieving the desired future character of the area, a reduction of gross floor area would serve no material planning purpose, other than numerical compliance with a generic Council control.
- (xiv) The development will not significantly impact on the amenity of adjoining occupiers.
- (xv) The two storey design remains consistent the existing adjacent buildings to the north south and east and the permissible maximum building height, and compliant setbacks, with a high level of articulation and more than compliant landscaping throughout the site.
- (xvi) Potential privacy impacts have been minimised by orientating habitable rooms away from neighbouring properties. Existing and proposed landscaping will also provide natural screening.
- (xvii) The shadow diagrams that accompany the submission also indicate there are no unreasonable impacts in respect of solar access. In addition, there are not likely to be any views that are impeded as a result of the proposal.
- (xviii) The proposed design of the development achieves an appropriate built form in that it enhances the public domain, maintains the character of the streetscape, along with providing good internal amenity and outlook.
- (xix) 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.
- (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, 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.
  - (iv) The proposal will appear contextually compatible within the streetscape. As desired by objective c the building and garage building with studio is compatible with the bulk, scale streetscape and existing character of this specific section of York Road and York Lane.
  - (v) The proposal has been designed to provide a contemporary built form that will integrate with the established character of the surrounding area and not result in any unacceptable bulk and scale impacts. The development will appear as two storeys from York Road and York Lane.

- (vi) The proposal satisfies all DCP setback controls and complies with the minimum requirements for landscape area.
- (vii) The proposal will maintain and enhance the residential amenity of the surrounding dwelling houses including their current levels of solar access, visual and acoustic privacy and ventilation.
- (viii) In light of the proposal's contribution to achieving the desired future character of the area, a reduction of gross floor area would serve no material planning purpose, other than numerical compliance with a generic Council control.

#### 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.

Through infilling of existing voids, increasing the rear setback and reducing the height of the rear addition the works proposed to the dwelling will result in a reduction in bulk and scale compared to the existing development. The reconfiguration of the built form will result in an improved amenity outcome with regard to solar access as well as visual bulk and scale.

The ground floor hallway connecting the dwelling to the garage/studio is single storey, will not result in any adverse impacts on the neighbouring properties with regard to visual bulk and scale, solar access or privacy, and will not be highly visible from the streetscape. The hallway, in conjunction with the landscaping proposed along the southern boundary will serve to provide privacy and acoustic screening between the subject site and the neighbouring residential flat building which has multiple windows and balconies orientated towards the site.

Rear lane garages with studio's/in roof lofts above are common within the vicinity of the site (e.g. 41 York Road, 43 York Road, 53 York Road, 59 York Road, and 6 Ashton Street). The proposed laneway development will be of a lesser height than the property neighbouring to the north, and as conditioned will be reduced in width by 700mm on the ground floor.

The proposal will be of a built form, bulk and scale which is compatible with the context of the streetscape when viewed from York Road and York Lane. The proposal will preserve environmental amenity and will be in keeping with the bulk and scale of surrounding properties and the desired future character of the locality. The proposal satisfies the FSR objectives under Clause 4.4 of WLEP 2012.

# 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. In reconfiguring the built form of the dwelling, the proposal will maintain and enhance solar amenity for the neighbouring properties and will generally reduce visual bulk and scale.

The citing and configuration of the built form will be in keeping with developments within the locality with regard to setbacks, design, and the inclusion of a studio over the garage. Notwithstanding the site's immediate context including a four storey residential flat building, the proposal is compliant with (or will be compliant with by the condition) the controls relating to height, setbacks, minimum landscaping and open space.

The proposal will not appear out of character with the streetscape and will not result in adverse environmental amenity impacts.

# 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 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 proposal complies with the maximum building height and wall height controls, and it has been demonstrated that the amenity of the neighbouring properties will be preserved with regard to solar access, bulk and scale, and privacy. The built form, bulk and scale of the proposal will be in keeping with the existing context and the desired future character of the locality.

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.
- To ensure dwelling character, landscape character, neighbourhood character, streetscapes and amenity are maintained or enhanced over time.
- To encourage the supply of housing that meets the needs of the population, particularly housing for older people and people with disability.
- 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 proposal will provide for the housing needs of the community within the low-density residential zone. The proposal will be in keeping with the character of the locality and will maintain and enhance (preserve) amenity with regard to solar access, landscaping, privacy, as well as bulk and scale.

# 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 Low Density 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<br>Development                                                                                | Yes        | Satisfactory.                                                                                                                                                                                                                               |  |
| 3. Landscaping and<br>Biodiversity                                                                                        | Yes        | The proposal includes removal of the majority of<br>the existing landscaping within site. Landscaping<br>is however included as part of the proposed<br>which will serve to maintain and enhance the<br>landscaped amenity of the locality. |  |
|                                                                                                                           |            | The proposal includes removal of all (15) existing trees within the site. Council's Tree Management Officer's assessment found that:                                                                                                        |  |
| 5. Vegetation Preservation                                                                                                | Yes        | on site there were ten (10) of the trees to be<br>removed that are under 5m and all other trees to<br>be removed possess no outstanding attributes<br>worthy of retention and their <u>removal is</u><br><u>supported.</u>                  |  |
|                                                                                                                           |            | The proposal includes 5 replacement trees<br>capable of achieving a height of 5m to 15m at<br>maturity to offset the 5 existing trees to be<br>removed which are of a height greater than 5m.                                               |  |
|                                                                                                                           |            | The proposed landscaping will provide screening between neighbouring properties and serve to soften the built form.                                                                                                                         |  |
| 6. Stormwater                                                                                                             | Yes        | Satisfactory.                                                                                                                                                                                                                               |  |
| <ul> <li>8. Transport</li> <li>Maximum parking rate: <ul> <li>2 spaces for 3 or<br/>more bedrooms.</li> </ul> </li> </ul> | Yes        | The proposal provides for two (2) car spaces. The design and location are satisfactory.                                                                                                                                                     |  |
| 9. Heritage                                                                                                               | Yes        | Satisfactory. Council's Heritage Advisor raised no<br>objection to the proposal, subject to conditions<br>being imposed relating to the external colours<br>and materials.                                                                  |  |
| 10. Safety                                                                                                                | Yes        | Satisfactory.                                                                                                                                                                                                                               |  |

| Development Control   | Compliance | Comment       |
|-----------------------|------------|---------------|
| 12. Design Excellence | Yes        | Satisfactory. |
| 14. Excavation        | Yes        | Satisfactory. |
| 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                                                                                                                                                                                                                      |                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |
| <ul> <li>Pitched roof dwelling house</li> <li>Maximum external wall<br/>height of 7m</li> </ul>                                                                                                                                 | Yes                        | The pitched roof portion of the proposal comprises a wall height of 5.93m and complies with the 7m control.                                                                                                                                                                                                                                                                                                                                            |  |
| <ul><li>Flat roof dwelling house</li><li>Maximum wall height of 7.5m</li></ul>                                                                                                                                                  | Yes                        | The flat roofed portion of the proposal comprises<br>a wall height of 6.72m and complies with the<br>control.                                                                                                                                                                                                                                                                                                                                          |  |
| 2.2 Setbacks                                                                                                                                                                                                                    |                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |
| <ul> <li>2.2.1 Front and rear building lines</li> <li>Predominant front building line</li> <li>Predominant rear building line at each floor level</li> </ul>                                                                    | Yes                        | The proposal will maintain front and rear<br>setbacks which are consistent with the<br>predominant setbacks of the neighbouring<br>properties.                                                                                                                                                                                                                                                                                                         |  |
| <ul> <li>2.2.2 Side setbacks</li> <li>Minimum of 0.9m (for height up to 8.5m)</li> </ul>                                                                                                                                        | No                         | The principal dwelling and passageway comply<br>with the minimum side setback requirement.<br>The garage is however proposed with a nil<br>setback from the southern boundary, with the<br>studio above proposed with a 600mm setback<br>from the southern boundary. Given the depth of<br>the studio at first floor level and the generous<br>setback to adjacent building, the minor non<br>compliance is considered reasonable in this<br>instance. |  |
| 2.3 Streetscape and visual imp                                                                                                                                                                                                  | pact                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |
| <ul> <li>New development to be<br/>compatible with<br/>streetscape context</li> <li>Replacement windows to<br/>complement the style<br/>and proportions of<br/>existing dwelling</li> <li>Significant landscaping to</li> </ul> | Yes<br>(As<br>conditioned) | The works at the front of the site which are<br>visible from York Street will be compatible with<br>the style of the existing dwelling and the<br>character of the conservation area and will not<br>result in any adverse impacts with regard to bulk<br>and scale.<br>The works proposed at the rear of the site will be<br>in keeping with the style of the dwelling and the<br>context of the locality.                                            |  |

| Development Control                                                                                                                                                                                                                                                                                                                                                                                                               | Compliance                 | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                   |                            | The proposal includes removal of the mature<br>landscaping throughout the site, however does<br>include replacement planting which will serve to<br>soften bulk and scale, provide privacy and<br>enhance the landscaped amenity of the locality.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 2.4 Fences                                                                                                                                                                                                                                                                                                                                                                                                                        |                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <ul> <li>Front:</li> <li>Maximum height of 1.2m</li> <li>Solid section no more than 0.6m high</li> <li>Side and Rear:</li> <li>Maximum height of 1.8m</li> <li>2.5 Visual and acoustic privac</li> </ul>                                                                                                                                                                                                                          | Yes                        | The existing front fence which is identified as a local heritage item will be retained as part of the proposal. Fencing and walls proposed along the side and rear boundaries are proposed at a height of 1.8m in accordance with the stipulated requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| •                                                                                                                                                                                                                                                                                                                                                                                                                                 | 1                          | The proposal doos not include any windows                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <ul> <li>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</li> <li>External stairs are not acceptable.</li> <li>Maximum size of balconies: 10m<sup>2</sup> in area 1.5m deep</li> <li>Roof tops to be non-trafficable unless predominant in the immediate vicinity</li> </ul> | Yes<br>(as<br>conditioned) | The proposal does not include any windows<br>along the southern elevation, and the first floor<br>north facing window will be adequately offset<br>from the neighbouring properties windows.<br>Privacy screens and awnings are proposed to all<br>east facing first floor windows which will<br>minimise impacts on the neighbouring<br>properties.<br>The ensure the privacy screen on the eastern<br>elevation of the studio effectively minimises<br>privacy, a condition of consent has been included<br>which requires the screen to cover the entire<br>window and be fixed at a 45 angle.<br>The assessment has found that the proposal as<br>conditioned, will maintain an acceptable level of<br>privacy for the neighbouring properties.<br>A roof mounted air conditioning unit is detailed<br>at the rear of the dwelling. Given the citing of the<br>residential units to the south, the location is not<br>considered appropriate with regard to visual and<br>acoustic amenity. A condition of consent has<br>therefore been included which requires the air<br>conditioning unit to be relocated to the ground<br>floor and that it be located within a soundproof<br>enclosure.<br>The pool plant is proposed to be located within<br>the garage under the stairs to the studio and will<br>not result in any unreasonable impacts on<br>neighbouring properties. |

| Development Control                                                                                                                                                                                                                                                                                                                                                                                  | Compliance | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                      |            | As conditioned, the proposal will not result in any<br>acoustic amenity impacts beyond that which<br>would reasonably be expected within an urban<br>environment.                                                                                                                                                                                                                                                                                                                                                          |
| 2.6 Solar access                                                                                                                                                                                                                                                                                                                                                                                     |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <ul> <li>Minimum of three hours<br/>of sunlight to living areas<br/>and principal open space<br/>areas on 21 June</li> <li>Minimum of three hours<br/>of sunlight maintained to<br/>at least 50% l of principal<br/>open space areas of<br/>adjoining properties on<br/>21 June.</li> <li>Avoid unreasonably<br/>overshadowing of solar<br/>collectors (including<br/>habitable windows).</li> </ul> | Yes        | As detailed on the elevation shadow diagrams,<br>the proposal will reduce the extent of<br>overshadowing to Unit 3/47-49 York Road and<br>will not result in any additional overshadowing of<br>the other units at 47-49 York Road or other<br>neighbouring properties.                                                                                                                                                                                                                                                    |
| 2.7 Views                                                                                                                                                                                                                                                                                                                                                                                            |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <ul> <li>Views from the public domain are to be maintained</li> <li>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</li> </ul>                                                                                                                                                                       | Yes        | A submission was received from $3/47-49$ York<br>Road which cited that the proposal would impact<br>on their property with regard to views. The<br>assessment has found that the view referred to<br>would be better described as an outlook towards<br>the subject property as this property does not<br>have access to district, water or iconic views (city<br>skyline, Sydney Harbour Bridget etc).<br>The image in Figure 7 below was provided by the<br>objector and is able to be freely viewed online.<br>$\hline$ |

| Development Control                                                                                                                                                                                                                                                                                                                                                                                                                           | Compliance                 | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                               |                            | Figure 8: Outlook from 3/47-49 York Rd bedroom<br>Source: Property sale photos taken from The<br>Property Group real estate website.The proposal will not impact on any public or<br>private views.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 2.8 Car parking                                                                                                                                                                                                                                                                                                                                                                                                                               |                            | private views.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <ul> <li>2.8.1 Design Approach</li> <li>Parking only allowed<br/>where site conditions<br/>permit</li> <li>Designed to complement<br/>the building and<br/>streetscape</li> <li>Car parking structures to<br/>be behind the front<br/>building line</li> <li>Driveways are to be<br/>located to minimise the<br/>loss of on street parking</li> <li>Parking to be provided<br/>from secondary streets<br/>or lanes where possible.</li> </ul> | Yes<br>(As<br>conditioned) | Providing parking at the rear via York Lane<br>accords with the preferred hierarchy for on street<br>parking and will be in keeping with the site's<br>existing on-site parking arrangements and the<br>context of the locality.<br>The assessment has found that there is<br>opportunity for the width of the garage to be<br>reduced by a minimum of 700mm whilst<br>maintaining the 5.4m internal width proposed for<br>parking, by relocating the bin storage area to the<br>western/rear wall of the garage or outside the<br>garage. The garage is proposed with an internal<br>length of 6.585m and therefore is capable of<br>accommodating vehicle parking (5.5m minimum<br>required), bin storage and circulation space.<br>In reducing the width of the garage from<br>approximately 7.68m to approximately 6.98m, it<br>will be more in keeping with the width of similar<br>structures within the vicinity of the site and will<br>minimise bulk and scale and the total FSR<br>exceedance. |
| 2.8.2 Parking rates                                                                                                                                                                                                                                                                                                                                                                                                                           | Yes                        | The proposal accords with the parking rates set                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <ul> <li>2.8.3 Location</li> <li>Behind front building line<br/>for new dwellings</li> <li>Existing development to<br/>be in accordance with<br/>the hierarchy of</li> </ul>                                                                                                                                                                                                                                                                  | Yes                        | out under Part B8 of Waverley DCP 2012.<br>The proposal complies with the stipulated<br>controls.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

| Development Control                                                                                                                                                                                                                                                                                                                                                                            | Compliance                     | Comment                                                                                                                                                                                                                                                                                                                                                               |  |  |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| preferred car parking<br>locations                                                                                                                                                                                                                                                                                                                                                             |                                |                                                                                                                                                                                                                                                                                                                                                                       |  |  |  |
| <ul> <li>2.8.4 Design</li> <li>Complement the style,<br/>massing and detail of the<br/>dwelling</li> <li>Secondary in area and<br/>appearance to the design<br/>of the residences</li> <li>Gates to have an open<br/>design</li> </ul>                                                                                                                                                         | No<br>(Acceptable<br>on merit) | Tree removal is proposed to facilitate the<br>construction of the garage. The removal of the<br>tree is not considered unreasonable. Refer to<br>Table 2 for the landscaping assessment.<br>The rear gate will be of an open design and will<br>not open out over the nature strip/public way.                                                                        |  |  |  |
| <ul><li>2.8.5 Dimensions</li><li>5.4m x 2.4m per vehicle</li></ul>                                                                                                                                                                                                                                                                                                                             | Yes                            | Satisfactory.                                                                                                                                                                                                                                                                                                                                                         |  |  |  |
| <ul> <li>2.8.6 Driveways</li> <li>Maximum of one per property</li> <li>Maximum width of 3m at the gutter (excluding splay)</li> <li>Crossings not permitted where 2 on street spaces are lost</li> </ul>                                                                                                                                                                                       | Yes<br>(On merit)              | A driveway wider than 3m is considered<br>acceptable by Council's Traffic Engineer in this<br>instance as it is providing access from a narrow<br>laneway.<br>A single driveway is proposed, and it will not<br>result in any impact on on-street parking.                                                                                                            |  |  |  |
| 2.9 Landscaping and open spa                                                                                                                                                                                                                                                                                                                                                                   | ce                             |                                                                                                                                                                                                                                                                                                                                                                       |  |  |  |
| <ul> <li>Overall open space: 40%<br/>of site area</li> <li>Overall landscaped area:<br/>15% of site area</li> <li>Minimum area of 25m<sup>2</sup><br/>for private open space</li> <li>Front open space: 50% of<br/>front building setback<br/>area</li> <li>Front landscaped area:<br/>50% of front open space<br/>provided</li> <li>Outdoor clothes drying<br/>area to be provided</li> </ul> | Yes                            | The proposal complies with the minimum open<br>space and landscaped area requirements.<br>All existing trees within the site are however<br>proposed for removal in order to facilitate to the<br>development. At maturity, the replacement<br>planting will minimise bulk and scale, provide<br>privacy and contribute to the landscaped amenity<br>of the locality. |  |  |  |
| 2.10 Swimming pools and spa                                                                                                                                                                                                                                                                                                                                                                    |                                | Caticfactory                                                                                                                                                                                                                                                                                                                                                          |  |  |  |
| <ul> <li>Located in the rear of<br/>property</li> <li>Pool decks on side<br/>boundaries must<br/>consider visual privacy</li> </ul>                                                                                                                                                                                                                                                            | Yes                            | Satisfactory.                                                                                                                                                                                                                                                                                                                                                         |  |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                | 2.14 Dual Frontage Development |                                                                                                                                                                                                                                                                                                                                                                       |  |  |  |
| <ul> <li>2.14.1 - General Controls</li> <li>Primary and secondary frontage to be defined</li> <li>Appropriate forms to be provided to each street</li> </ul>                                                                                                                                                                                                                                   | Yes<br>(As<br>conditioned)     | The proposal includes a new double garage on<br>the York Lane frontage at the rear with a studio<br>above. The structure comprises a height of less<br>than 6m and incorporates landscaping into the<br>design.                                                                                                                                                       |  |  |  |

| Development Control                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Compliance                 | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul> <li>Dormer or roof<br/>projections:         <ul> <li>set a minimum of<br/>0.6m from outer<br/>garage walls;</li> <li>set a minimum of<br/>0.3m below the<br/>garage ridgeline; and</li> <li>not have a maximum<br/>combined width<br/>exceeding 50% of<br/>associated roof width.</li> <li>be detailed to address<br/>overlooking</li> </ul> </li> <li>Privacy treatments to be<br/>provided for first floors<br/>above garages</li> <li>Pedestrian pass door<br/>provided for single width<br/>garage doors</li> <li>Garage studios and rear<br/>lane garage develops are<br/>to be provided with<br/>landscaping</li> <li>2.14.2 - Laneway Design<br/>Provisions</li> <li>Maximum external wall<br/>height of 3.6m</li> <li>Maximum overall height<br/>of 6m to the roof ridge</li> <li>Gable ends not<br/>encouraged</li> <li>Pitched roof form<br/>required</li> <li>Landscape character of<br/>the lane maintained</li> <li>External stairs not<br/>acceptable</li> <li>Garages to employ gable<br/>ended and hipped roof<br/>forms with continues<br/>roof pitch from outer</li> </ul> | Yes<br>(As<br>conditioned) | The studio component does not comply with the minimum side setback requirements from the southern boundary, or the maximum width requirements for dormers. Conditions of consent have been included requiring compliance.<br>As the studio above the garage is no longer proposed to be self-contained, a condition of consent has been included which requires the wall to the south of the stair landing to be deleted to enable internal access from the garage.<br>A condition of consent has been included to prevent the studio from being self-contained.<br>The laneway development proposed on York Lane comprises a height of 5.88m, with a wall height of 3.48m.<br>The proposal incorporates landscaping and a pitched roof form.<br>Conditions of consent have however been included requiring amendments to the design to ensure it better accords with the stipulated controls. |
| <ul> <li>walls to ridgeline</li> <li>2.14.3 Development in</li> <li>Heritage Conservation areas</li> <li>Single width garages or<br/>double with central<br/>divide</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Yes<br>(As<br>conditioned) | As conditioned, the studio will be more<br>appropriately proportioned, and Council's<br>Heritage Advisor did not raise objection to the<br>proposed built form and design.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

| De | velopment Control                                                                                                                                   | Compliance | Comment                                                                                                                                                                                                                  |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| •  | Roof pitch and<br>modulation to reflect the<br>form of the area<br>Finishes and proportions<br>to match the traditional<br>construction in the area |            | To minimise overlooking of the properties<br>neighbouring to the rear, a condition of consent<br>has been included which requires the privacy<br>screen to cover the entire window and be fixed at<br>a 45 degree angle. |
| •  | Window proportions to<br>match the area<br>Overlooking to be<br>mitigated                                                                           |            | No solar panels are proposed on the laneway.                                                                                                                                                                             |
| •  | Box gutters on side<br>boundaries to be<br>avoided.                                                                                                 |            |                                                                                                                                                                                                                          |
| •  | Solar panels not to face the laneway.                                                                                                               |            |                                                                                                                                                                                                                          |

# Other Impacts of the Development

<sup>2.2.</sup> 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.

# Any Submissions

2.4.

The application was notified for 14 days between 19 December 2022 and 23 January 2023, and was renotified for 14 days between 28 April and 12 May 2023 (to correct an error in the proposal description) 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 height of the rear addition to the dwelling was reduced, which resulted in the visual bulk and scale of the proposal being reduced and any additional overshadowing being removed.
- The external stairs to the studio were removed and a privacy screen is now detailed on the eastern (rear) elevation of the studio, minimising impacts on the privacy of the neighbouring properties.
- The secondary dwelling proposed above the garage has been deleted, which will minimise impacts on the amenity of the neighbouring properties.
- The design of the studio/garage structure has been and will be amended to be compatible with the character of the streetscape and as conditioned will be consistent with Council's laneway development controls.

- Additional landscaping is now proposed to offset the proposed tree removal which will minimise privacy impacts on the neighbouring properties, as well as impacts on the character of the locality and surrounding environment.
- Conditions of consent have been included which will further reduce impacts on the amenity of the neighbouring properties with regard to bulk and scale, visual character, and acoustic amenity.
- All amended plans and documentation were uploaded to Council's DA Tracker and were available for public view.

A total of three (3) unique submissions were received from the following properties:

- 3/ 47-49 York Road
- 9/47-49 York Road
- 18 Ashton Street

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

- Views
- Acoustic amenity impacts (including pool plant and AC unit)
- Solar amenity impacts
- Landscape screening for privacy
- Compliance with the building height and wall height controls
- Breach of the FSR development standard
- Privacy
- Air conditioning unit information
- Secondary dwelling
- Visual bulk and scale
- Presentation of the laneway development / compatibility with the conservation area

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

#### Issue: Southern Common Boundary Wall

**Response:** Concerns were raised by the properties neighbouring to the south at 47-49 York Road that the application had not take into consideration potential works that would be required to the southern common boundary wall located between the subject site and 47-49 York Road which is currently reported to be in poor condition (leaning to the south) as a result of works previously undertaken on the site. Amended plans were submitted which detail that the retaining wall will be demolished and rebuilt as part of the works. The coordination of such works are a private matter between the two parties.

#### Issue: Trees

**Response:** Concern was raised that the species of trees proposed to be planted along the southern boundary would be inappropriate on the basis that they have not been given enough space to grow in light of their anticipated size at maturity, and therefore would result in impacts on the boundary fence and wall. Council's Tree Management and Biodiversity and Environmental Sustainability Department raise no objection to the planting proposed.

#### **Public Interest**

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

# 2.5.

3.1.

# 3. REFERRALS

The following internal and external referral comments were sought:

#### Traffic and Development

Council's Traffic Department raised no objection subject to conditions.

# 3.2. Stormwater

Council's Stormwater Management Department was not satisfied with the details provided on the stormwater concept plan and therefore has recommended conditions of consent which require amendments to the stormwater drainage design.

# 3.3.

Heritage

3.4. Council's Heritage Advisor raised no objection subject to conditions.

#### **Tree Management**

#### 3.5.

Council's Tree Management Department raised no objection to the proposal subject to conditions.

# 3.6. Biodiversity and Environmental Sustainability

Council's Biodiversity and Environmental Sustainability Department raised no objection to the proposal.

#### Ausgrid

The application was referred to Ausgrid who raised no objection to the proposed development. Ausgrid provided advice regarding network standards, codes of practice and minimum clearances, which are included as an advisory note in the conditions of consent.

# 4. CONCLUSION

The development application seeks consent for alterations and additions to dwelling including a new first floor addition, double car garage fronting York Lane with a studio above and swimming pool at rear at the site known as 45 York Road, Queens Park.

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

- Breach of FSR development standard
- Landscaping
- Privacy

The assessment finds these issues acceptable for the reasons outlined in the report and as conditioned.

A total number of three (3) submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation. No Councillor submission or conflicts of interest 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.

Development and Building Unit (DBU) Decision:

The application was reviewed by the DBU at the meeting on 4 July 2023 and the DBU determined:

(a) The application is acceptable and should be approved, subject to the conditions in Appendix A.

DBU members: A Rossi, B McNamara, B Magistrale, J Zancanaro, and E Finnegan.

# 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: |
|---------------------------------------|------------------------------------------------------------------------------------|
| K.Keenan.                             |                                                                                    |
| Karis Keenan                          | Angela Rossi                                                                       |
| Senior Development Assessment Planner | Manager, Development Assessment                                                    |
| Date: 11 July 2023                    | Date: 14 July 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 Carla Middleton Architecture of Project No: J042 including the following:

| Plan Number  | Plan description         | Plan Date    | Date received |
|--------------|--------------------------|--------------|---------------|
| and Revision |                          |              | by Council    |
| DA000 Rev 8  | Cover Page               | 21 June 2023 | 22 June 2023  |
| DA001 Rev 8  | Site Analysis Plan       | 21 June 2023 | 22 June 2023  |
| DA002 Rev 7  | Existing Demolition Plan | 31 May 2023  | 1 June 2023   |
| DA100 Rev 8  | Floor Plans              | 21 June 2023 | 22 June 2023  |
| DA101 Rev 8  | Roof Plan                | 21 June 2023 | 22 June 2023  |
| DA102 Rev 8  | Elevations               | 21 June 2023 | 22 June 2023  |
| DA300 Rev 8  | Elevations and Sections  | 21 June 2023 | 22 June 2023  |
| DA500 Rev 6  | Materials Schedule       | 27 June 2023 | 27 June 2023  |

- (b) Landscape Plans and documentation (pages 1 to 8) prepared by Pepo Pty Ltd, dated 31 May 2023 and received by Council on 1 June 2023.
- (c) BASIX Certificate
- (d) Stormwater Details and documentation (22246-SW01 and 22246-SW02 revision B) prepared by Lindsay and Associates dated 26 May 2023, and received by Council on 1 June 2023.
- (e) Landscape Heritage Impact Statement (22-104s) prepared by Taylor Brammer dated August 2022 and received by Council on 10 November 2022.
- (f) Statement of Heritage Impact (Issues A) prepared by GBA Heritage dated 6 October 2022 and received by Council on 10 November 2022.
- (g) Green Roof Structural Statement (CERT-22246.01A) prepared by Lindsay and Associates dated 7 September 2022 and received by Council on 10 November 2022.
- (h) Structural Statement (CERT-22246.02A) prepared by Lindsay and Associates dated 29 November 2022 and received by Council on 16 December 2022.
- (i) Arboricultural Impact Assessment (version 2) prepared by Sydney Arbor Trees Pty Limited dated 7 October 2022 and received by Council on 10 November 2022.
- (j) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 10 November 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 width of the garage is to be reduced by a minimum of 700mm, and the bin storage area is to be relocated to the western side of the garage. The southern external wall to the garage is to remain as proposed (nil setback) or be consistent with the southern external wall of the existing garage.

- (b) The dormers/projections on the east and west elevations of the studio are to be reduced in width so that they comprise a combine width on each elevation which is no greater than 50% of the width of the studio's roof ridge.
- (c) The privacy screen detailed on the eastern elevation of the studio is to cover the entire window and be fixed at a 45 degree angle in order to prevent overlooking of the properties neighbouring to the east.
- (d) The wall to the south of the stair landing within the garage is to be deleted to facilitate internal access to the studio from the garage.
- (e) The air conditioning unit is to be relocated to the ground floor and is to be located within a soundproof enclosure.
- (f) The text "or similar" on the materials schedule is to be deleted.

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

#### 3. APPROVED USE - DWELLING HOUSE WITH STUDIO

This application approves the use of the principle dwelling on site as a single unit dwelling house only, with a studio above the garage at the rear.

No approval is granted or implied for the studio to be used as a domicile.

#### 4. EXTERNAL COLOURS AND MATERIALS

All existing face brick without paint, render or other coating is to be retained and is not to be painted, rendered or the like.

The colour to the upper floor additions change are to be of a light colour and not dark grey, charcoal, black or similar dark tones.

# **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 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.

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

#### **CONTRIBUTIONS, FEES & BONDS**

#### 7. 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 <u>full</u> 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) for the amount of **\$41,522.50** 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.

#### 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 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.

<u>Note</u>: 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.

#### 10. TREE BOND

A bond of \$15,000 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.

### **CONSTRUCTION MATTERS**

#### 11. 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.

# 12. 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.

#### **13.** 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.

# 14. 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.

#### 15. STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

Prior to the issue of a Construction Certificate, a report or certification from a practicing structural engineer must be submitted to the Principal Certifying Authority to explain how the retained building elements are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

#### **STORMWATER & FLOODING**

#### 16. 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 Lindsay & Associates, Drawing No. 22246-SW01, 22246-SW02, Revision B, dated 26.05.2023is considered <u>concept only</u>.

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 comply with the following:

#### OSD DETAILS

- a) OSD system is to be located as close as possible to the lowest point of the site and be designed to collect all piped and surface stormwater runoff from all pervious and impervious areas of the site.
- b) OSD volume requirement is to include the entire site area.
- c) The storage and associated orifice diameter are to be capable of detaining 20% of the predeveloped levels (5 minute storm with fraction imperviousness 0.1), as per Section 6.3 of the Water Management Technical Manual (2021). Redesign accordingly.
- d) A certificate from a registered structural engineer certifying the structural adequacy of any below ground OSD tank structure is to be provided. Any below ground OSD tank structure to be cast in-situ concrete based.
- e) The OSD system is to be designed to ensure the full volume of OSD is utilised. The OSD system is not to results in downstream surcharge from the pits prior to the OSD being full.

#### GENERAL STORMWATER DISPOSAL

- f) Discharge points to the kerb are to use the following galvanised steel box-section, equivalent to a 100 mm diameter outlet pipe, 1 x 125 mm x 75 mm x 4 mm (w x h x t) RHS.
- g) Discharge to the street gutter is to be limited to two outlet points, to be located directly in the front of the site. Where two outlets are proposed, a minimum clear separation of 200 mm is to be provided at the kerb.

#### FINISHED FLOOR LEVELS

h) For adequate drainage purposes, the finished floor level (FFL) of the habitable areas is to be at least 150 mm above the adjacent ground level.

#### GENERAL

i) A grated trench drain is to 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 is to be no less than 300mm wide by 100mm deep at the

shallow end and have a "bottom" slope of 2%. This trench drain is to be connected to an approved drainage system.

- j) Provide calculations of gutter sizing for 1 in 20-year ARI storm event and minimum number of downpipes required.
- k) An Erosion and Sediment Control Plan is to be submitted.
- I) 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 of works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs are to 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: <u>assets@waverley.nsw.gov.au</u> 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.

# 17. 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**

#### 18. BASIX

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

#### <u>WASTE</u>

#### **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.

#### LANDSCAPING & TREES

#### 20. 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.

#### 21. 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

#### 22. 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/developm ent\_applications - conditions\_of\_consent

# 23. 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 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

# 24. CONSTRUCTION SIGNS

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

#### **DEMOLITION & EXCAVATION**

#### 25. 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.

#### 26. 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.

# 27. 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.

#### 28. EXCAVATION AND BACKFILLING

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

If an excavation associated with the erection or demolition or 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**

#### 29. CONSTRUCTION HOURS

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

#### **30.** 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.

#### **31. 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.

#### 32. 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.

#### **33. WORK OUTSIDE PROPERTY BOUNDARY**

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

#### 34. 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

#### **35.** 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.

#### **36.** TREES PERMITTED TO BE REMOVED

The following trees are to be retained or are permitted to be removed as per the Arboricultural Impact Assessment Report prepared by Sydney Arbor Trees Mathew Philips dated 7 October 2022.

| Tree | Species                                         | Location              | Action                                                  |
|------|-------------------------------------------------|-----------------------|---------------------------------------------------------|
| No.  |                                                 |                       |                                                         |
| Τ1   | Eucalyptus nicholii Narrow Leaved<br>Peppermint | On site               | Remove as per arborist report                           |
| Т2   | Diospyros kaki Chinese Persimmon                | Neighbouring property | Retain and protect as per tree protection condition 37. |
| Т3   | Archontophoenix cunninghamii<br>Bangalow Palm   | On site               | Remove as per arborist report                           |

| Т4   | Dracaena marginata Red Edged<br>Dracaena   | On site                  | Remove as per arborist<br>report                        |
|------|--------------------------------------------|--------------------------|---------------------------------------------------------|
| Т 5  | Cordyline sp. Cordyline sp                 | On site                  | Remove as per arborist<br>report                        |
| Т6   | Howea forsteriana Kentia Palm              | On site                  | Remove as per arborist report                           |
| Т7   | Cupressus sp. Hedge of Conifers (15 trees) | Neighbouring<br>property | Retain and protect as per tree protection condition 37. |
| Т8   | Camellia japonica Japanese<br>Camellia     | On site                  | Remove as per arborist report                           |
| Т9   | Camellia japonica Japanese<br>Camellia     | On site                  | Remove as per arborist report                           |
| T 10 | Camellia japonica Japanese<br>Camellia     | On site                  | Remove as per arborist<br>report                        |
| T 11 | Magnolia grandiflora White<br>Magnolia     | On site                  | Remove as per arborist report                           |
| T 12 | Syzygium australe Brush Cherry             | On site                  | Remove as per arborist<br>report                        |
| T 13 | Syzygium australe Brush Cherry             | On site                  | Remove as per arborist<br>report                        |
| Т 14 | Syzygium australe Brush Cherry             | On site                  | Remove as per arborist<br>report                        |
| T 15 | Jacaranda mimosifolia Jacaranda            | On site                  | Remove as per arborist<br>report                        |
| Т 16 | Melaleuca bracteata Black Tea Tree         | On site                  | Remove as per arborist<br>report                        |
| T 17 | Melaleuca bracteata Black Tea Tree         | On site                  | Remove as per arborist<br>report                        |
| T 18 | Waterhousea floribunda Weeping<br>Lilypily | Neighbouring<br>property | Retain and protect as per tree protection condition 37. |
| Т 19 | Waterhousea floribunda Weeping<br>Lilypily | Neighbouring<br>property | Retain and protect as per tree protection condition 37. |
| Т 20 | Jacaranda mimosifolia Jacaranda            | Street tree              | Retain and protect as per tree protection condition 37. |
| Т 21 | Melaleuca bracteata Black Tea Tree         | Street tree              | Retain and protect as per tree protection condition 37. |

| T 22 | Melaleuca bracteata Black Tea Tree | Street tree | Retain and protect as per     |
|------|------------------------------------|-------------|-------------------------------|
|      |                                    |             | tree protection condition 37. |

#### **37.** STREET TREE PROTECTION

The one (1) existing *Jacaranda mimosifolia* (Jacaranda) and two (2) *Melaleuca bracteata* (Black Tea Tree) tree on the naturestrip at the front of the property in York Road are to be protected for the duration of the construction works.

#### **38.** 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.

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.

- Trunk protection to be removed at the issue of the Occupation Certificate subject to the satisfaction of Council.
- 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. <u>Any roots greater than 30mm are to be assessed by a gualified arborist before any pruning is undertaken</u>.

- If tree roots are required to be removed for the purposes of constructing the approved works, <u>they</u> <u>shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).</u>
- 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 neighboring 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.
- If any trees on Council owned land require pruning, the applicant is to supply an tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed.
- If approval is granted the applicant may prune the tree at their expense, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

#### **VEHICLE ACCESS**

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

The gradient from the finished level at the property boundary to the lane shall be a minimum of 2% and a maximum of 5% down towards the lane on both sides of the vehicle crossing.

#### 40. HEADROOM CLEARANCE

The headroom clearance on the entry and within the garage is to be a minimum of 2.2 metres.

# 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, 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.

#### 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 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.

#### 44. 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, 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.

# 45. 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 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.

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 OSD system, including its relationship to the building footprint. Electronic colour photographs of the OSD 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.

# 46. 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 (<u>http://www.swimmingpoolregister.gov.au</u>);
- (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.

#### 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 <u>info@waverley.nsw.gov.au</u> 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

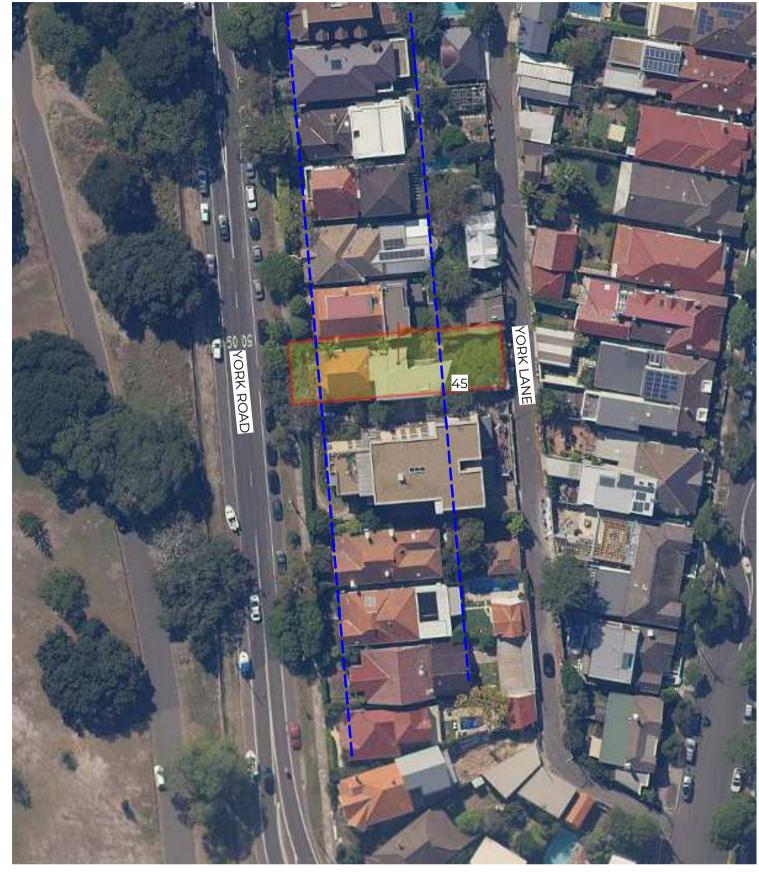
The development is to be undertaken with consideration of the following:

Ausgrid has no objection to this development application, however the design submission must comply with relevant Ausgrid Network Standards and Safe Work NSW Codes of Practice for construction works near existing electrical assets. The "as constructed" minimum clearances to Ausgrid's infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Ausgrid's Network Standards can be sourced from Ausgrid's website, <u>www.ausgrid.com.au</u>

Should you have any enquiries, please contact Ausgrid at Development@ausgrid.com.au

# 45 YORK ROAD, QUEENS PARK



|            | DRAWING SCHEE                  | DULE     |                      |
|------------|--------------------------------|----------|----------------------|
| SHEET NUMB | ER SHEET NAME                  | REVISION | <b>REVISION DATE</b> |
|            |                                |          |                      |
| DA000      | COVER                          | 8        | 21.06.23             |
| DA001      | SITE ANALYSIS PLAN             | 8        | 21.06.23             |
| DA002      | EXISTING & DEMOLITION PLAN     | 7        | 31.05.23             |
| DA100      | PROPOSED FLOOR PLANS           | 8        | 21.06.23             |
| DA101      | PROPOSED ROOF PLAN             | 8        | 21.06.23             |
| DA200      | ELEVATIONS                     | 8        | 21.06.23             |
| DA300      | ELEVATION + SECTIONS           | 8        | 21.06.23             |
| DA400      | SITE CALCULATIONS              | 8        | 21.06.23             |
| DA401      | SHADOW DIAGRAMS 9AM            | 5        | 21.06.23             |
| DA402      | SHADOW DIAGRAMS 12PM           | 5        | 21.06.23             |
| DA403      | SHADOW DIAGRAMS 3PM            | 5        | 21.06.23             |
| DA404      | SHADOW DIAGRAMS #47-49 YORK RD | 6        | 21.06.23             |
| DA405      | SHADOW DIAGRAMS #47-49 YORK RD | 6        | 21.06.23             |
| DA406      | SHADOW DIAGRAMS #47-49 YORK RD | 2        | 21.06.23             |
| DA500      | MATERIAL SCHEDULE              | 3        | 31.05.23             |

TAG

D1 D2 D3 D4 D5

D6 D7 D8 D9 D10 DII D12 D13 D15 D16

D17

D18 D19 D20 D21 D22

D24 EXD1

EXD2 EXD3 EXD4 EXD5 EXD6 EXD8 EXD9 EXD14 EXD15

EXD17

Gl G2

| TAG         | HEIGHT | WIDTH |
|-------------|--------|-------|
|             |        |       |
| 2           |        |       |
| .3          |        |       |
| 51          | 3000   | 500   |
| 2           | 3000   | 500   |
| 3           | 1180   | 1140  |
| V1          | 2400   | 700   |
| V2          | 2333   | 1800  |
| V3          | 2333   | 1800  |
| V4          | 2333   | 1800  |
| V5          | 2173   | 1900  |
| V6          | 2173   | 1061  |
| √7          | 2173   | 1860  |
| V8          | 1600   | 796   |
| V9          | 2400   | 1050  |
| <i>N</i> 10 | 2173   | 1900  |
| <b>√</b> 11 | 1100   | 1800  |
| V12         | 1100   | 1800  |
| V13         | 1100   | 2000  |

45 YORK ROAD. SOURCE: SIX MAPS

# cma

| HEIGHT | WIDTH |
|--------|-------|
|        |       |
| 2376   | 803   |
| 2700   | 800   |
| 1958   | 714   |
| 2700   | 800   |
| 2400   | 820   |
| 2035   | 802   |
| 2900   | 720   |
| 2700   | 920   |
| 2040   | 7256  |
| 2700   | 920   |
| 2700   | 920   |
| 3000   | 920   |
| 2800   | 5400  |
| 2400   | 820   |
| 2400   | 820   |
| 2035   | 802   |
| 2035   | 802   |
| 2035   | 802   |
| 1700   | 802   |
| 2376   | 803   |
| 2500   | 800   |
| 2850   | 820   |
| 2697   | 890   |
| 2700   | 800   |
| 2376   | 803   |
| 2040   | 1064  |
| 2400   | 1910  |
| 2600   | 2100  |
| 2409   | 1665  |
| 3000   | 1297  |
| 2035   | 802   |
| 2370   | 1970  |
| 2500   | 6000  |
| 1800   | 800   |
| 1800   | 850   |

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

Alterations and Additions

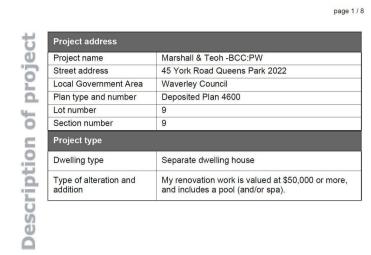
Certificate number: A460294

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: Friday, 07, October 2022 be valid, this certificate must be lodged within 3 months of the date of issue.

Planning, Industry & Environment

BASIX Certificate number: A460294



| Certificate Prepared by (please complete before submitting to Council or PCA) |
|-------------------------------------------------------------------------------|
| Name / Company Name: BASIX Certificate Centre                                 |
| ABN (if applicable): 31 430 367 846                                           |

Planning, Industry & Environme page 2/8

W12

| ASIX Certificate numb                | er: A460294                                          |                            |                            |                                       |                                                                     |                     |                                       | page 7             |  |
|--------------------------------------|------------------------------------------------------|----------------------------|----------------------------|---------------------------------------|---------------------------------------------------------------------|---------------------|---------------------------------------|--------------------|--|
| Glazing require                      | ements                                               |                            |                            |                                       |                                                                     | Show on<br>DA Plans | Show on<br>CC/CDC<br>Plans &<br>specs | Certifier<br>Check |  |
| Window / door C<br>no.               | Drientation Area o<br>glass<br>inc.<br>frame<br>(m2) | f Oversha<br>Height<br>(m) | adowing<br>Distance<br>(m) | Shading device                        | Frame and glass type                                                |                     |                                       |                    |  |
| W13 E                                | 2.2                                                  | 0                          | 0                          | external louvre/blind (adjustable)    | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75) |                     |                                       |                    |  |
| Skylights                            |                                                      |                            |                            |                                       |                                                                     |                     |                                       |                    |  |
| The applicant mu                     | st install the skylig                                | hts in accor               | rdance with th             | he specifications listed in the table | below.                                                              | ~                   | ~                                     | ~                  |  |
| The following requ                   | uirements must als                                   | o be satisf                | ied in relation            | n to each skylight:                   |                                                                     |                     | ~                                     | ~                  |  |
| Each skylight may<br>he table below. | either match the                                     | description                | , or, have a L             | J-value and a Solar Heat Gain Coe     | fficient (SHGC) no greater than that listed in                      |                     | ~                                     | ~                  |  |
| Skylights glaz                       | ing requireme                                        | nts                        |                            |                                       |                                                                     |                     |                                       |                    |  |
| Skylight number                      | Area of glazing inc. frame (m2)                      | Shading                    | g device                   | Frame and                             | l glass type                                                        |                     |                                       |                    |  |
| S1                                   | 1.5                                                  | no shad                    | ling                       |                                       | v-E internal/argon fill/clear external, (or<br>.5, SHGC: 0.456)     |                     |                                       |                    |  |
| S2                                   | 1.5                                                  | no shad                    | ling                       |                                       | v-E internal/argon fill/clear external, (or<br>.5, SHGC: 0.456)     |                     |                                       |                    |  |
| S3                                   | 1.35                                                 | no shad                    | ling                       |                                       | v-E internal/argon fill/clear external, (or<br>.5, SHGC: 0.456)     |                     |                                       |                    |  |
|                                      | 1.35                                                 | no shad                    | ling                       | timber lov                            | v-E internal/argon fill/clear external, (or                         |                     |                                       |                    |  |

| Skylight number | Area of glazing<br>inc. frame (m2) | Shading device |  |
|-----------------|------------------------------------|----------------|--|
| S1              | 1.5                                | no shading     |  |
| S2              | 1.5                                | no shading     |  |
| S3              | 1.35                               | no shading     |  |
| S4              | 1.35                               | no shading     |  |

1.96 0

2.2 0 0

Show on Show on Ce

hese commitments, "applicant" means the person carrying out the de mmitments identified with a " $\checkmark$ " in the "Show on DA plans" column mu levelopment application is to be lodged for the proposed development) Commitments identified with a "</" in the "Show on CC/CDC plans & spec certificate / complying development certificate for the proposed development Commitments identified with a "
"
" in the "Certifier check" column must be development may be issued.

| ABN (if applicable): 31 430 367 846 |
|-------------------------------------|

| Pool and Spa                                                                                                                | Show on<br>DA Plans | Show on<br>CC/CDC<br>Plans &<br>specs | Certifier<br>Check |
|-----------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------------------------|--------------------|
| Dutdoor swimming pool                                                                                                       |                     |                                       |                    |
| The swimming pool must be outdoors.                                                                                         | ~                   | ~                                     | ~                  |
| The swimming pool must not have a capacity greater than 36 kilolitres.                                                      | ~                   | ~                                     | $\checkmark$       |
| The swimming pool must have a pool cover.                                                                                   |                     | ~                                     | $\checkmark$       |
| 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. |                     | ~                                     | ~                  |

| 3ASIX Certificate number: A460294                                                                                                                                  |                     |                              | page 3 / 8         | Each skylight ma<br>the table below. | y either matc             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|------------------------------|--------------------|--------------------------------------|---------------------------|
| Fixtures and systems                                                                                                                                               | Show on<br>DA Plans | Show on<br>CC/CDC<br>Plans & | Certifier<br>Check | Skylights glaz<br>Skylight number    | Area of gla<br>inc. frame |
| Hot water                                                                                                                                                          |                     | specs                        |                    | S1<br>S2                             | 1.5                       |
| The applicant must install the following hot water system in the development: gas instantaneous.                                                                   | ~                   | ~                            | ~                  | S3                                   | 1.35                      |
| 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. |                     | ~                            | ~                  | S4                                   | 1.35                      |
| 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.                                |                     | ~                            | $\checkmark$       |                                      |                           |
| 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.                     |                     | ~                            | ~                  |                                      |                           |
|                                                                                                                                                                    |                     | ~                            |                    |                                      |                           |

|                                                         |                                                                                                                                               |                                         | DA Plans | Plans &<br>specs | Спеск |
|---------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------|------------------|-------|
| Insulation requirements                                 |                                                                                                                                               |                                         |          |                  |       |
|                                                         | I construction (floor(s), walls, and ceilings/roofs)<br>tion is not required where the area of new constr<br>where insulation already exists. |                                         | ~        | ~                | ~     |
| Construction                                            | Additional insulation required (R-value)                                                                                                      | Other specifications                    |          |                  |       |
| concrete slab on ground floor.                          | nil                                                                                                                                           |                                         |          |                  |       |
| suspended floor with open subfloor: framed (R0.7).      | R0.8 (down) (or R1.50 including construction)                                                                                                 |                                         |          |                  |       |
| suspended floor above garage: framed (R0.7).            | nil                                                                                                                                           |                                         |          |                  |       |
| floor above existing dwelling or building.              | nil                                                                                                                                           |                                         |          |                  |       |
| external wall: cavity brick                             | nil                                                                                                                                           |                                         |          |                  |       |
| external wall: framed (weatherboard, fibro, metal clad) | R1.30 (or R1.70 including construction)                                                                                                       |                                         |          |                  |       |
| raked ceiling, pitched/skillion roof: framed            | ceiling: R3.00 (up), roof: foil/sarking                                                                                                       | medium (solar absorptance 0.475 - 0.70) |          |                  |       |
| flat ceiling, flat roof: framed                         | ceiling: R2.32 (up), roof: foil/sarking                                                                                                       | light (solar absorptance < 0.475)       |          |                  |       |

| Glazing requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Show on<br>DA Plans | Show on<br>CC/CDC<br>Plans &<br>specs | Certifie<br>Check |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------------------------|-------------------|
| Nindows and glazed doors                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                     |                                       |                   |
| The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below.<br>Relevant overshadowing specifications must be satisfied for each window and glazed door.                                                                                                                                                                                                                                                                                  | $\checkmark$        | $\checkmark$                          | ~                 |
| 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,<br>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<br>must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.                                                                                                                                   |                     | ~                                     | ~                 |
| Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must<br>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<br>must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information<br>only. Alternative systems with complying U-value and SHGC may be substituted. |                     | ~                                     | ~                 |
| 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.                                                                                                                                                                                                                                                                                          | $\checkmark$        | $\checkmark$                          | ~                 |
| 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.                                                                                                                                                                                                                                                                                                                                      | $\checkmark$        | $\checkmark$                          | $\checkmark$      |
| 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.                                                                                                                                                                                                                                                                                      |                     | $\checkmark$                          | $\checkmark$      |
| Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as<br>specified in the 'overshadowing' column in the table below.                                                                                                                                                                                                                                                                                                                  | $\checkmark$        | $\checkmark$                          | $\checkmark$      |

BASIX Certificate number: A460294



SCALE BAR:

#### NOTES: DO NOT SCALE FROM DRAWINGS. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. COPYING OF THIS DRAWING IS STRICTLY PROHIBITED WITHOUT THE CONSENT OF CMA PTY LTD

CONFIRM DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORKS. WHERE A DISCREPANCY ARISES SEEK DIRECTION PRIOR TO PROCEEDING WITH THE WORKS. DO NOT USE THIS DRAWING FOR CONSTRUCTION UNLESS DESIGNATED.

IN REVIEWING SHOP DRAWINGS, THE ARCHITECT DOES NOT

| RELIEVE THE CONTRACTOR OF THE CONTRACTOR'S        |
|---------------------------------------------------|
| RESPONSIBILITY FOR DIMENSIONS, QUANTITIES,        |
| CALCULATIONS OR METHODS OF MANUFACTURE NOR DOES   |
| THE REVIEW IMPLY THAT ALL RELEVANT INFORMATION IS |
| NECESSARILY SHOWN.                                |
|                                                   |

| DRAWING VIE                                                                                                  | <b>VIEW NAME</b><br>1:100 @ A1 / 1:200 @ A3                                                                                       |
|--------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                              | NORTH POINT                                                                                                                       |
| 1 Ref<br>1 A101<br>1 Ref                                                                                     | 1<br>ELEVATION HEAD<br>(NOTE: NOT SHOWN<br>ON DRAWINGS<br>ELEVATIONS ARE<br>INDICATED BY<br>PROJECT NORTH,<br>SOUTH, EAST & WEST) |
| 1<br>A101                                                                                                    | Ref                                                                                                                               |
|                                                                                                              | SET OUT POINT                                                                                                                     |
| •                                                                                                            | RL MARKER                                                                                                                         |
| тх ——                                                                                                        | • TEXT ARROW:<br>DOT FILLED                                                                                                       |
|                                                                                                              | FALL ARROW:<br>POINTS IN THE<br>DIRECTION OF FALL                                                                                 |
| Ę                                                                                                            | CENTERLINE MARKER:                                                                                                                |
| (W:1.01)                                                                                                     | WINDOW TAG<br>WINDOW NUMBER                                                                                                       |
| (D:1.01)                                                                                                     | DOOR TAG<br>DOOR NUMBER                                                                                                           |
| ?                                                                                                            | MATERIAL TAG<br>REFER MATERIAL<br>SCHEDULE                                                                                        |
| 8 21.06.23<br>7 31.05.23<br>6 25.05.23<br>5 19.12.22<br>4 15.12.22<br>3 05.12.22<br>2 20.10.22<br>1 07.10.22 | CLIENT MEETING                                                                                                                    |
| REV DATE                                                                                                     | AMENDMENT<br>AMENDMENT                                                                                                            |

# architecture

0425365256 carla@carlamiddleton.com www.carlamiddleton.com nom arch carla middleton - AIA reg no 9318 ABN 476 136 819 77

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PROJECT STATUS: **DEVELOPMENT APPLICATION** 

PROJECT: **UEENS PARK** 

**IALL AND BOBBY TEOH** 

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|---------------------------|---------------|
| LIENT:<br>IATASHA I       | MARSH         |
| RAWING TITLE              | :             |
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| ROJECT NO.:<br><b>042</b> | SCALE @A      |
|                           | indicat       |

D BY: | DRAWING ISSUE DATE: 21.06.23 A1: DWG NO.: REV NO.: DA000 8 ted

|                                           |                                                                           | Show on<br>DA Plans | Show on<br>CC/CDC<br>Plans &<br>specs | Certifier<br>Check |
|-------------------------------------------|---------------------------------------------------------------------------|---------------------|---------------------------------------|--------------------|
| Shading device                            | Frame and glass type                                                      |                     |                                       |                    |
| none                                      | standard aluminium, single pyrolytic low-e,<br>(U-value: 5.7, SHGC: 0.47) |                     |                                       |                    |
| eave/verandah/pergola/balcony<br>>=900 mm | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75)       |                     |                                       |                    |
| eave/verandah/pergola/balcony<br>>=600 mm | standard aluminium, single pyrolytic low-e,<br>(U-value: 5.7, SHGC: 0.47) |                     |                                       |                    |
| eave/verandah/pergola/balcony<br>>=600 mm | standard aluminium, single pyrolytic low-e,<br>(U-value: 5.7, SHGC: 0.47) |                     |                                       |                    |
| eave/verandah/pergola/balcony<br>>=600 mm | standard aluminium, single pyrolytic low-e,<br>(U-value: 5.7, SHGC: 0.47) |                     |                                       |                    |
| external louvre/blind (adjustable)        | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75)       |                     |                                       |                    |
| projection/height above sill ratio >=0.23 | standard aluminium, single pyrolytic low-e,<br>(U-value: 5.7, SHGC: 0.47) |                     |                                       |                    |
| external louvre/blind (adjustable)        | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75)       |                     |                                       |                    |
| projection/height above sill ratio >=0.23 | standard aluminium, single pyrolytic low-e,<br>(U-value: 5.7, SHGC: 0.47) |                     |                                       |                    |
| projection/height above sill ratio >=0.23 | aluminium, single Lo-Tsol low-e, (U-value: 5.6, SHGC: 0.36)               |                     |                                       |                    |
| projection/height above sill ratio >=0.23 | standard aluminium, single pyrolytic low-e,<br>(U-value: 5.7, SHGC: 0.47) |                     |                                       |                    |
| eave/verandah/pergola/balcony<br>>=900 mm | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75)       |                     |                                       |                    |
| projection/height above sill ratio >=0.43 | standard aluminium, single clear, (or<br>U-value: 7.63, SHGC: 0.75)       |                     |                                       |                    |

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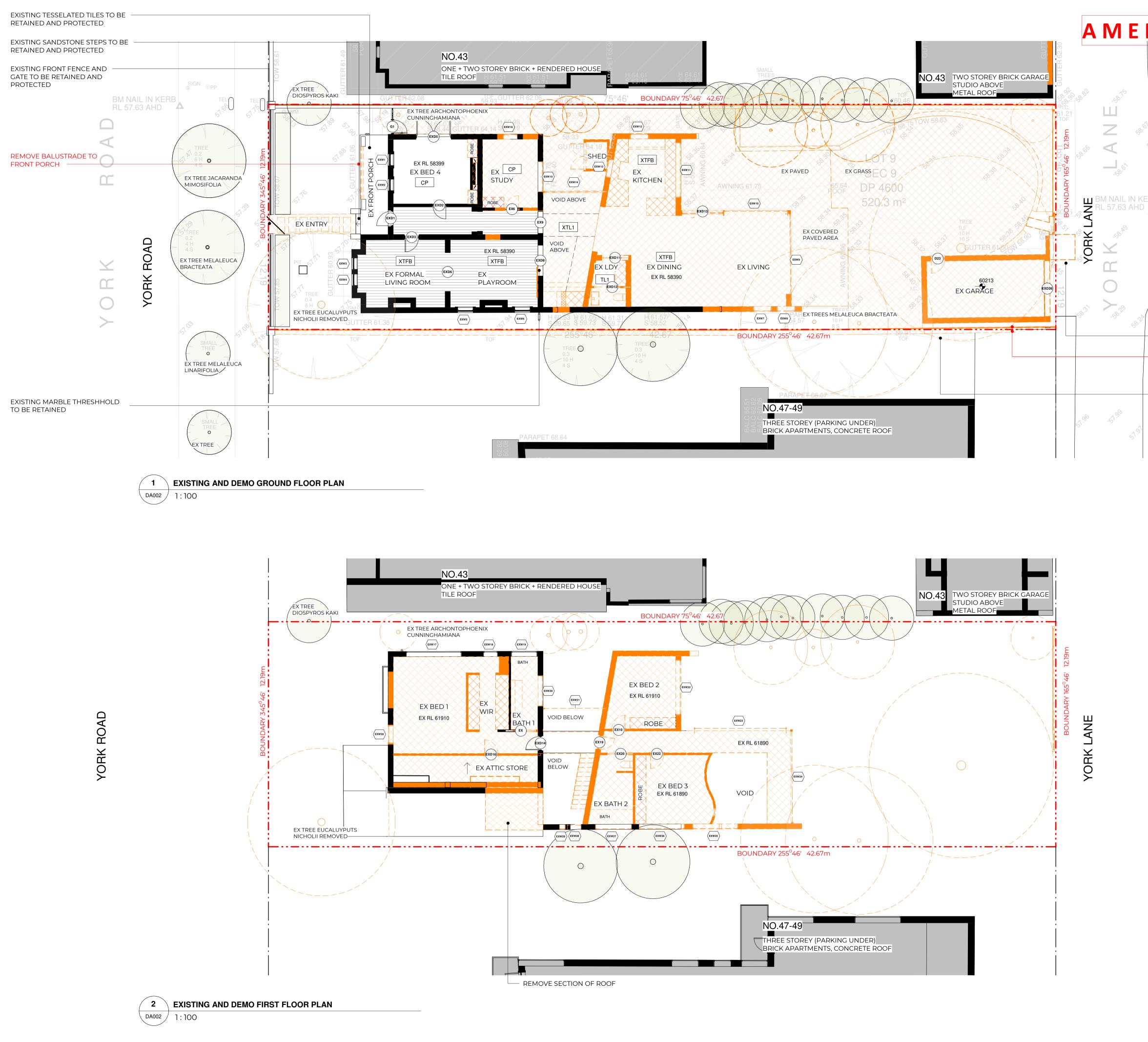
Building Sustainability Index www.basix.nsw

| velopment.                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------|
| ust be shown on the plans accompanying the development application for the proposed development (if a              |
| ecs" column must be shown in the plans and specifications accompanying the application for a construction<br>nent. |
| be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the     |
|                                                                                                                    |

RECEIVED Waverley Council

Application No: DA-487/2022

Date Received: 22/06/2023

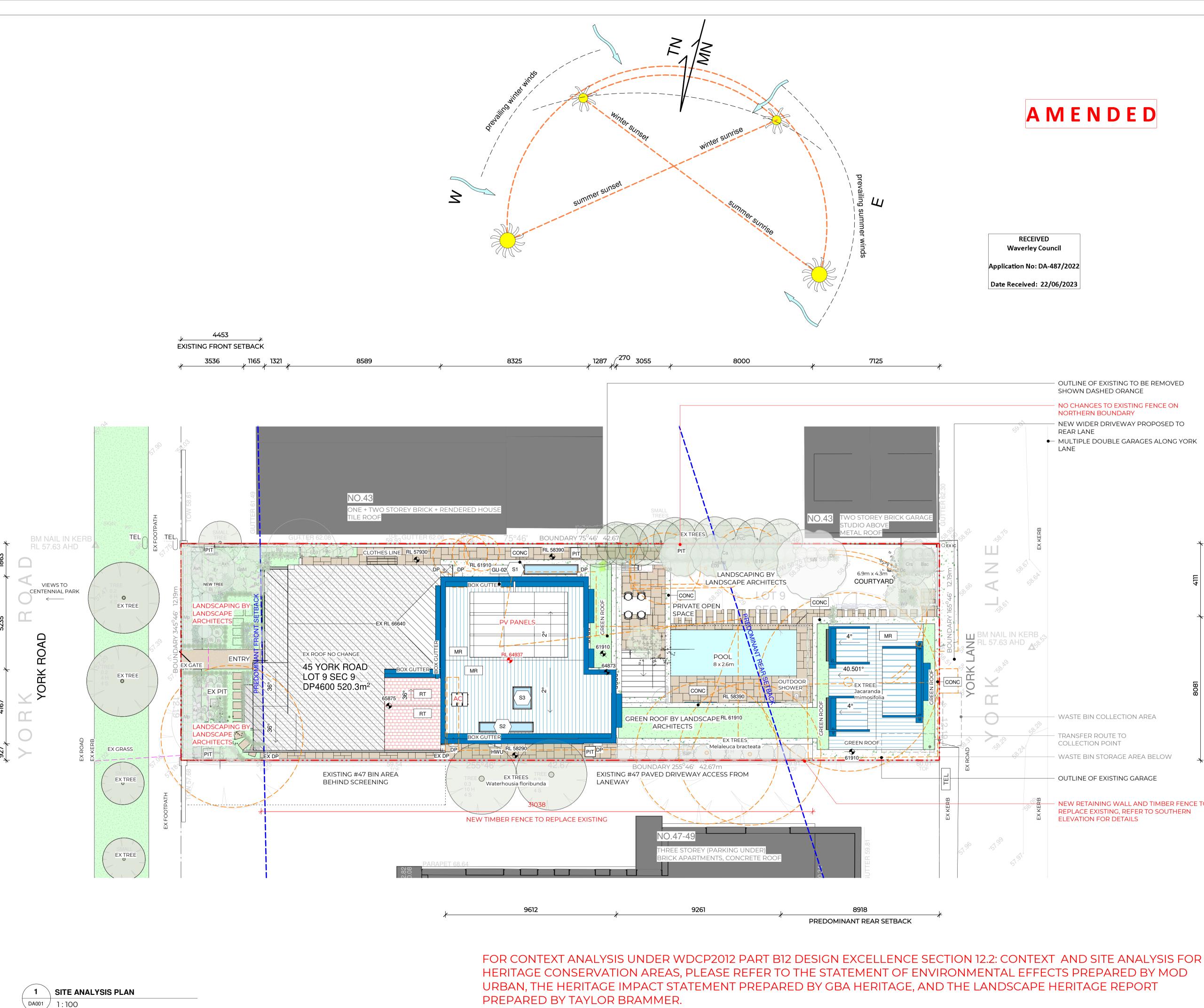


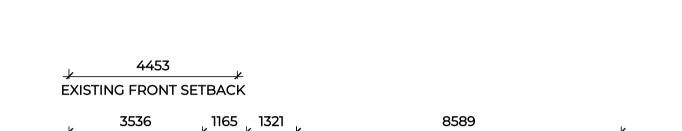
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | N D    | ED PLANS                         | SCALE BAR:                                                                                                                                          |                                                                                                   |                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |        |                                  | 0                                                                                                                                                   |                                                                                                   | 5 6                                                               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |        |                                  | DO NOT SCALE F<br>VERIFY ALL DIM<br>WORK. COPYING                                                                                                   | ENSIONS ON SITE BEFO                                                                              | STRICTLY PROHIBITED                                               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |        |                                  | COMMENCEMEN<br>ARISES SEEK DIE<br>WORKS. DO NO                                                                                                      | NT OF WORKS. WHERE A<br>RECTION PRIOR TO PRO<br>T USE THIS                                        | A DISCREPANCY<br>CEEDING WITH THE                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | S.C.M. |                                  | IN REVIEWING S<br>RELIEVE THE CC<br>RESPONSIBILITY<br>CALCULATIONS                                                                                  | HOP DRAWINGS, THE A<br>INTRACTOR OF THE CO<br>FOR DIMENSIONS, QU<br>OR METHODS OF MANU            | RCHITECT DOES NOT<br>NTRACTOR'S<br>ANTITIES,<br>JFACTURE NOR DOES |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |        |                                  | NECESSARILY SH                                                                                                                                      | HOWN.                                                                                             |                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | RB     |                                  | EXISTING                                                                                                                                            |                                                                                                   | PROPOSED                                                          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 50     |                                  | SITE AREA                                                                                                                                           | 520.3 sqm                                                                                         | 520.3 sqm                                                         |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |        |                                  |                                                                                                                                                     |                                                                                                   | 0.0011]+0.5]:1 = 0.53:                                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |        |                                  |                                                                                                                                                     |                                                                                                   |                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |        |                                  | PRIVATE                                                                                                                                             | 5/15 M <sup>2</sup>                                                                               |                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 2°     |                                  |                                                                                                                                                     | <b>-</b>                                                                                          |                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 3.1    |                                  |                                                                                                                                                     |                                                                                                   |                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |        |                                  |                                                                                                                                                     |                                                                                                   | PTION                                                             |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |        |                                  | CONC                                                                                                                                                | CONCRETE                                                                                          |                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |        | RETAINING WALL AND TIMBER FENCE. | FL-01                                                                                                                                               | METAL FLASHING                                                                                    |                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |        |                                  | GL                                                                                                                                                  |                                                                                                   | ING                                                               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |        |                                  |                                                                                                                                                     |                                                                                                   |                                                                   |
| MT       STONE         PA       STONE         PA       STONE         PA       STONE         PA       STONE         PA       STONE         STONE       STONE         STONE <td< td=""><td></td><th>SHOWN IN ORANGE DASH</th><td></td><td></td><td></td></td<>                                                                                                                                                                                                                                                                                                                                                        |        | SHOWN IN ORANGE DASH             |                                                                                                                                                     |                                                                                                   |                                                                   |
| V       SOLAR PVE PARELS         BPA0       TERPORE         BPA0       THERE         BPA0       THERE <td< td=""><td></td><th></th><td>МТ</td><td>STONE</td><td></td></td<>                                                                                                                                                                                                                                                                                                                                                              |        |                                  | МТ                                                                                                                                                  | STONE                                                                                             |                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |        |                                  |                                                                                                                                                     |                                                                                                   |                                                                   |
| 5T-01       STONE 01         ST-04       TIMBER BOARD 01         TB-01       TIMBER BOARD 01         TF       TIMBER FLOOR BOARD         TJ       THE 91         TM       THE 91         TM       THE 91         TM       THE 91         TT       THE 91         TH       THE 91         TH       THE 91 <td></td> <th></th> <td></td> <td>RENDER</td> <td></td>                                                                                                                                                                                                                                                                                                                                                                                |        |                                  |                                                                                                                                                     | RENDER                                                                                            |                                                                   |
| gr-q2       storke 02         immed e clabbolik       immed e clabbolik                                                                                                     |        |                                  |                                                                                                                                                     |                                                                                                   | ES                                                                |
| IC-01       INVERT FEACE         IF8       INVERT FEACE         IF8       INVERT FEACE         IF8       INVERT FEACE         IL       ILE 03         IL       ILE 03         IL       ILE 03         ILI       ICITUE 10 BE RETANED - PROTECTED         XIL1       ICITUE 10 BE RETANED - PROTECTED         XIL2       ICITUE 10 BE RETANED - PROTECTED         XIL3       ICITUE 10 BE RETANED         XIL3       ICITUE 10 BE RETANED </td <td></td> <th></th> <td>ST-02</td> <td>STONE 02</td> <td></td>                                                                                                                        |        |                                  | ST-02                                                                                                                                               | STONE 02                                                                                          |                                                                   |
| IFB       INMER FLOOR BDARD         IL       THE 03         IL       THE 02         XMTB       EXTIMABER FLOOR TO BE RETAINED         XTL       EXTIMABER FLOOR TO BE RETAINED         XTL       EXTILE TO BE RETAINED + PROTECTED         XTL       EXTILE TO BE REMOVED         XTL       EXTILE TO BE REMOVED         XTL       STRUCTURE TO BE REMOVED         XTL       EXTILE TO BE REMOVED         XTL                                                                                                                                                                                                                    |        |                                  |                                                                                                                                                     |                                                                                                   |                                                                   |
| ILI       THE 00         ITE       EX TIMERE FLOOR TO BE PETAINED         YTD       EX TILE TO SE RETAINED - PROTECTED         YTL2       EX TILE TO SE RETAINED - PROTECTED         XTL2       EX TILE TO SE RETAINED - PROTECTED         XTL2       EX TILE TO SE REMOVED         STRUCTURE TO BE REMOVED       STRUCTURE TO BE REMOVED         XTL2       EX TILE TO SE REMOVED         STRUCTURE TO SERVED       EXISTING STRUCTURE RETAINED         1       151222       DA RESUBMISSION         3       161222       DA RESUBMISSION         4       101.022       DA MOMENT         XTL2       DA LOW       EXISTING STRUCTURE RETAINED                                                                                                                                                              |        |                                  |                                                                                                                                                     |                                                                                                   | ר<br>ר                                                            |
| XTPB       EXTIMABE FLOOR TO BERTIAINED - PROTECTED         XTL1       EXTILE TO BE RETAINED - PROTECTED         XTL2       EXTILE TO BE RETAINED - PROTECTED         XTRUETON LEGEND       TO BE REMOVED         XTRUETON REMOVED       STRUCTURE TO BE REMOVED         XTRUETON STRUCTURE RETAINED       EXTING STRUCTURE RETAINED         YTRUETON STRUETON       EXTING STRUCTURE RETAINED         YTRUETON STRUETON       EXTING STRUETON         YTRUETON       YTRUETON                          |        |                                  | TLI                                                                                                                                                 | TILE 01                                                                                           |                                                                   |
| XIL2       EXTLE TO BE RETAINED + PROTECTED         DEMOLITION LEGEND       TO BE REMOVED         STRUCTURE TO BE REMOVED       STRUCTURE RETAINED         Yestion Structure retained       Str |        |                                  |                                                                                                                                                     |                                                                                                   | BE RETAINED                                                       |
| TO BE REMOVED         STRUCTURE TO BE REMOVED         SUBFACE TO BE REMOVED         SUBFACE TO BE REMOVED         EXISTING STRUCTURE RETAINED                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |        |                                  |                                                                                                                                                     |                                                                                                   |                                                                   |
| 6       25.05.23       CLIENT MEETING         5       19.12.22       DA RE-SUBMISSION         4       15.12.22       DA RE-SUBMISSION         3       06.12.22       DA REI REVIEW         2       20.10.22       DA REI REVIEW         2       20.10.22       DA SUBMISSION         1       07.10.22       DA SUBMISSION         REV       DATE       AMENDMENT         Carlandition of the construction         Water and the construction         MENDMENT         Odd2365266         Construction         Odd296248         MOT FOR CONSTRUCTION         PROJECT STATUS:         DEVELOPMENT APPLICATION         PROJECT:         45 YORK ROAD, QUEENS PARK         CLIENT:         NATASHA MARSHALL AND BOBBY TEOH         DRAVING TITLE:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |        |                                  | s<br>s                                                                                                                                              | TRUCTURE TO BE REMO                                                                               | ED                                                                |
| Michael State       GetSigeSize         CettageCentamiddleton.com       Www.carlamiddleton.com         Nom arch carla middleton.com       Nom arch carla middleton.com         NBN 476 136 819 77       NOT FOR CONSTRUCTION         PROJECT STATUS:       DEVELOPMENT APPLICATION         PROJECT:       45 YORK ROAD, QUEENS PARK         CLIENT:       NATASHA MARSHALL AND BOBBY TEOH         DRAWING TITLE:       DEVENING TITLE:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |        |                                  | 625.05.23519.12.22415.12.22305.12.22220.10.22107.10.22                                                                                              | CLIENT MEETING<br>DA RE-SUBMISSIO<br>DA RE-SUBMISSIO<br>DA RFI REVIEW<br>DA 100%<br>DA SUBMISSION |                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |        |                                  | O425365256<br>carla@carlamiddleton.c<br>nom arch carla middle<br>ABN 476 136 819 77<br>NOT F<br>PROJECT STATU<br>DEVELOPM<br>PROJECT:<br>45 YORK RC | S:<br>S:<br>S:<br>S:<br>S:<br>S:<br>S:<br>S:<br>S:<br>S:                                          | RUCTION<br>N<br>ARK                                               |
| GM CM 31.05.23                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |        |                                  | DRAWING TITLE<br>EXISTING &<br>DRAWN BY:                                                                                                            | DEMOLITION PL                                                                                     | <b>.AN</b><br>ING ISSUE DATE:                                     |

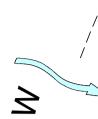
PROJECT NO.: SCALE @A1: DWG NO.:

J042

DA002 7







PREPARED BY TAYLOR BRAMMER.

OUTLINE OF EXISTING TO BE REMOVED

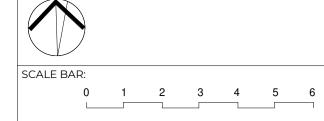
NO CHANGES TO EXISTING FENCE ON

- NEW WIDER DRIVEWAY PROPOSED TO
- MULTIPLE DOUBLE GARAGES ALONG YORK

- WASTE BIN STORAGE AREA BELOW

OUTLINE OF EXISTING GARAGE

NEW RETAINING WALL AND TIMBER FENCE TO REPLACE EXISTING, REFER TO SOUTHERN



#### NOTES: DO NOT SCALE FROM DRAWINGS.

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DRAWING FOR CONSTRUCTION UNLESS DESIGNATED. IN REVIEWING SHOP DRAWINGS, THE ARCHITECT DOES NOT

RELIEVE THE CONTRACTOR OF THE CONTRACTOR'S RESPONSIBILITY FOR DIMENSIONS, QUANTITIES, CALCULATIONS OR METHODS OF MANUFACTURE NOR DOES THE REVIEW IMPLY THAT ALL RELEVANT INFORMATION IS NECESSARILY SHOWN.

#### AREA CALCULATIONS

| EXISTING              | PROPOSED                   |                            |  |
|-----------------------|----------------------------|----------------------------|--|
| SITE AREA             | 520.3 sqm                  | 520.3 sqm                  |  |
| FSR                   | [[(550 – lot area) × 0.0   | 0011]+0.5]:1 = 0.53:1      |  |
| PERMISSIBL            | BLE GFA = $275.76M^2$      |                            |  |
| GFA                   | 276M <sup>2</sup> (0.53:1) | 337M <sup>2</sup> (0.64:1) |  |
| PRIVATE<br>OPEN SPACE | 54.15 M <sup>2</sup>       | 76.9 M <sup>2</sup>        |  |
| LANDSCAPE             | 190.82 M <sup>2</sup>      | 102.0 M <sup>2</sup>       |  |

| MATERIAL TAG | DESCRIPTION                        |  |
|--------------|------------------------------------|--|
| CONC         | CONCRETE                           |  |
|              | CARPET                             |  |
| FL-01        | METAL FLASHING                     |  |
| FS           | FIBRE CEMENT SHEETING              |  |
| GL           | GLASS                              |  |
| GR           | GRASS                              |  |
| GR           | HALF ROUND GUTTER                  |  |
| GU-02        | BOX GUTTER                         |  |
| MR           | METAL ROOF                         |  |
| MR           | STONE                              |  |
| PS-01        | PAINTED STEEL 01                   |  |
| PV           | SOLAR PV PANELS                    |  |
| REND         | RENDER                             |  |
| RP-01        | RENDER                             |  |
| RT           | TERRACOTTA ROOF TILES              |  |
| ST-01        | STONE 01                           |  |
| ST-02        | STONE 01                           |  |
| TB-01        | TIMBER BOARD 01                    |  |
| TC-01        |                                    |  |
| TF           | TIMBER FENCE                       |  |
| TFB          | TIMBER FLOOR BOARD                 |  |
| TLI          | TILE 01                            |  |
| TL2          | TILE 02                            |  |
| XTFB         | EX TIMBER FLOOR TO BE RETAINED     |  |
| XTLI         | EX TILE TO BE RETAINED + PROTECTED |  |
| XTL2         | EX TILE TO BE RETAINED + PROTECTED |  |

SANDSTONE + OTHER NATURAL STONE

METAL ROOF

ROOF TILES

CONCRETE

GLASS, WATER

BRICK

MARBLE

STEEL, GALVANISED IRON

4111 SETBA SIDE 6 006

×, 006+

TIMBER INTERNAL TILES 8 21.06.23 COUNCIL RFI 7 31.05.23 COUNCIL RFI 6 25.05.23 CLIENT MEETING 5 19.12.22 DA RE-SUBMISSION 4 15.12.22 DA RE-SUBMISSION 3 05.12.22 DA RFI REVIEW 2 20.10.22 DA 100%

## 1 07.10.22 DA SUBMISSION REV DATE AMENDMENT carla middleton architecture

### 0425365256 carla@carlamiddleton.com

www.carlamiddleton.com nom arch carla middleton - AIA reg no 9318 ABN 476 136 819 77

### NOT FOR CONSTRUCTION

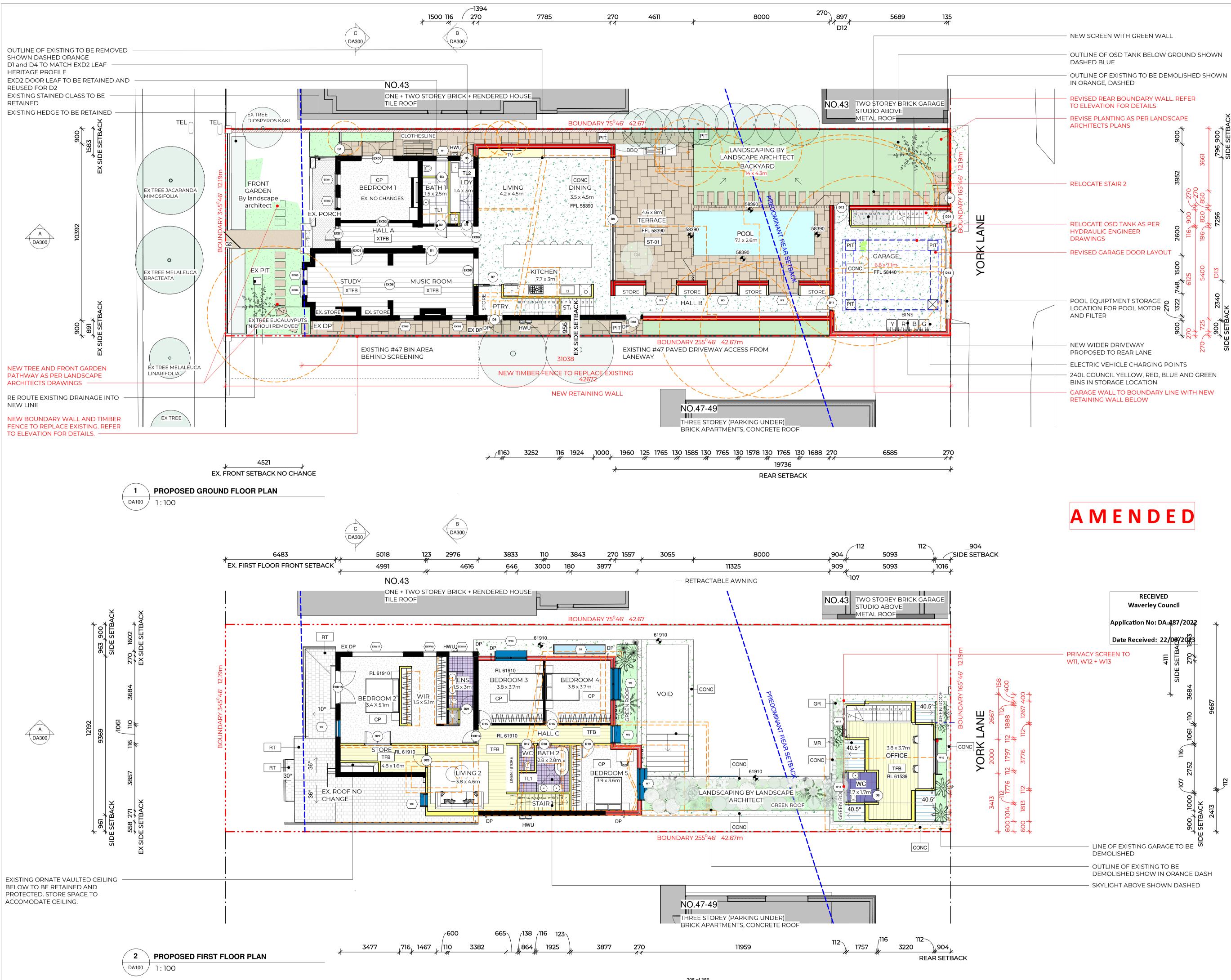
PROJECT STATUS: **DEVELOPMENT APPLICATION** 

PROJECT: 45 YORK ROAD, QUEENS PARK

NATASHA MARSHALL AND BOBBY TEOH DRAWING TITLE:

SITE ANALYSIS PLAN CM GM J042

DRAWN BY: CHECKED BY: DRAWING ISSUE DATE: 21.06.23 PROJECT NO.: SCALE @A1: DWG NO.: REV NO.: DA001 8



| SCALE BA | R: |   |   |   |   |   |   |
|----------|----|---|---|---|---|---|---|
|          | 0  | 1 | 2 | 3 | 4 | 5 | 6 |
|          | L  |   |   |   |   |   |   |

NOTES: DO NOT SCALE FROM DRAWINGS.

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IN REVIEWING SHOP DRAWINGS, THE ARCHITECT DOES NOT RELIEVE THE CONTRACTOR OF THE CONTRACTOR'S RESPONSIBILITY FOR DIMENSIONS, QUANTITIES, CALCULATIONS OR METHODS OF MANUFACTURE NOR DOES THE REVIEW IMPLY THAT ALL RELEVANT INFORMATION IS NECESSARILY SHOWN.

#### AREA CALCULATIONS

| EXISTING              |                              | PROPOSED                           |  |  |
|-----------------------|------------------------------|------------------------------------|--|--|
| SITE AREA             | 520.3 sqm                    | 520.3 sqm                          |  |  |
| FSR                   | [[(550 – lot area) × 0       | .0011]+0.5]:1 = 0.53:1             |  |  |
| PERMISSIBL            | E GFA = 275.76M <sup>2</sup> |                                    |  |  |
| GFA                   | 276M <sup>2</sup> (0.53:1)   | 337M <sup>2</sup> (0.64:1)         |  |  |
| PRIVATE<br>OPEN SPACI | E 54.15 M <sup>2</sup>       | 76.9 M <sup>2</sup>                |  |  |
| LANDSCAPE             | E 190.82 M <sup>2</sup>      | 102.0 M <sup>2</sup>               |  |  |
|                       | MATERIAL SCHEDU              | ILE                                |  |  |
| MATERIAL TA           | G DESCI                      | RIPTION                            |  |  |
| BRK                   | BRICK                        |                                    |  |  |
| CONC                  | CONCRETE                     |                                    |  |  |
| СР                    | CARPET                       |                                    |  |  |
| FL-01                 | METAL FLASHING               |                                    |  |  |
| FS                    | FIBRE CEMENT SHEE            | TING                               |  |  |
| GL                    | GLASS                        |                                    |  |  |
| GR                    | GRASS                        |                                    |  |  |
| GU-01                 | HALF ROUND GUTTE             | HALF ROUND GUTTER                  |  |  |
| GU-02                 | BOX GUTTER                   | BOX GUTTER                         |  |  |
| MR                    | METAL ROOF                   | METAL ROOF                         |  |  |
| MT                    | STONE                        | STONE                              |  |  |
| PS-01                 | PAINTED STEEL 01             | PAINTED STEEL 01                   |  |  |
| PV                    | SOLAR PV PANELS              |                                    |  |  |
| REND                  | RENDER                       | RENDER                             |  |  |
| RP-01                 |                              |                                    |  |  |
| RT                    | TERRACOTTA ROOF 1            |                                    |  |  |
| ST-01                 | STONE 01                     |                                    |  |  |
| ST-02                 | STONE 02                     |                                    |  |  |
| TB-01                 | TIMBER BOARD 01              |                                    |  |  |
| TC-01                 | TIMBER CLADDING              | TIMBER CLADDING                    |  |  |
| TF                    | TIMBER FENCE                 | TIMBER FENCE                       |  |  |
| TFB                   | TIMBER FLOOR BOAR            | RD                                 |  |  |
| TLI                   | TILE 01                      |                                    |  |  |
| TL2                   | TILE 02                      |                                    |  |  |
| XTFB                  |                              | EX TIMBER FLOOR TO BE RETAINED     |  |  |
| XTL1                  |                              | EX TILE TO BE RETAINED + PROTECTED |  |  |
|                       | URS LEGEND                   | NED + PROTECTED                    |  |  |
|                       | SANDSTONE + OTHER N          | ATUDAL STONE                       |  |  |
|                       |                              |                                    |  |  |
|                       | METAL ROOF<br>ROOF TILES     |                                    |  |  |
|                       | STEEL, GALVANISED IRC        |                                    |  |  |
|                       | CONCRETE                     |                                    |  |  |
|                       | GLASS, WATER                 | ASS, WATER                         |  |  |
|                       | BRICK                        |                                    |  |  |
|                       | MARBLE                       |                                    |  |  |

MARBLE TIMBER

INTERNAL TILES

| 8   | 21.06.23 | COUNCIL RFI      |
|-----|----------|------------------|
| 7   | 31.05.23 | COUNCIL RFI      |
| 6   | 25.05.23 | CLIENT MEETING   |
| 5   | 19.12.22 | DA RE-SUBMISSION |
| 4   | 15.12.22 | DA RE-SUBMISSION |
| 3   | 05.12.22 | DA RFI REVIEW    |
| 2   | 20.10.22 | DA 100%          |
| 1   | 07.10.22 | DA SUBMISSION    |
| REV | DATE     | AMENDMENT        |
|     |          |                  |

## carla middleton architecture

0425365256 carla@carlamiddleton.com www.carlamiddleton.com nom arch carla middleton - AIA reg no 9318 ABN 476 136 819 77

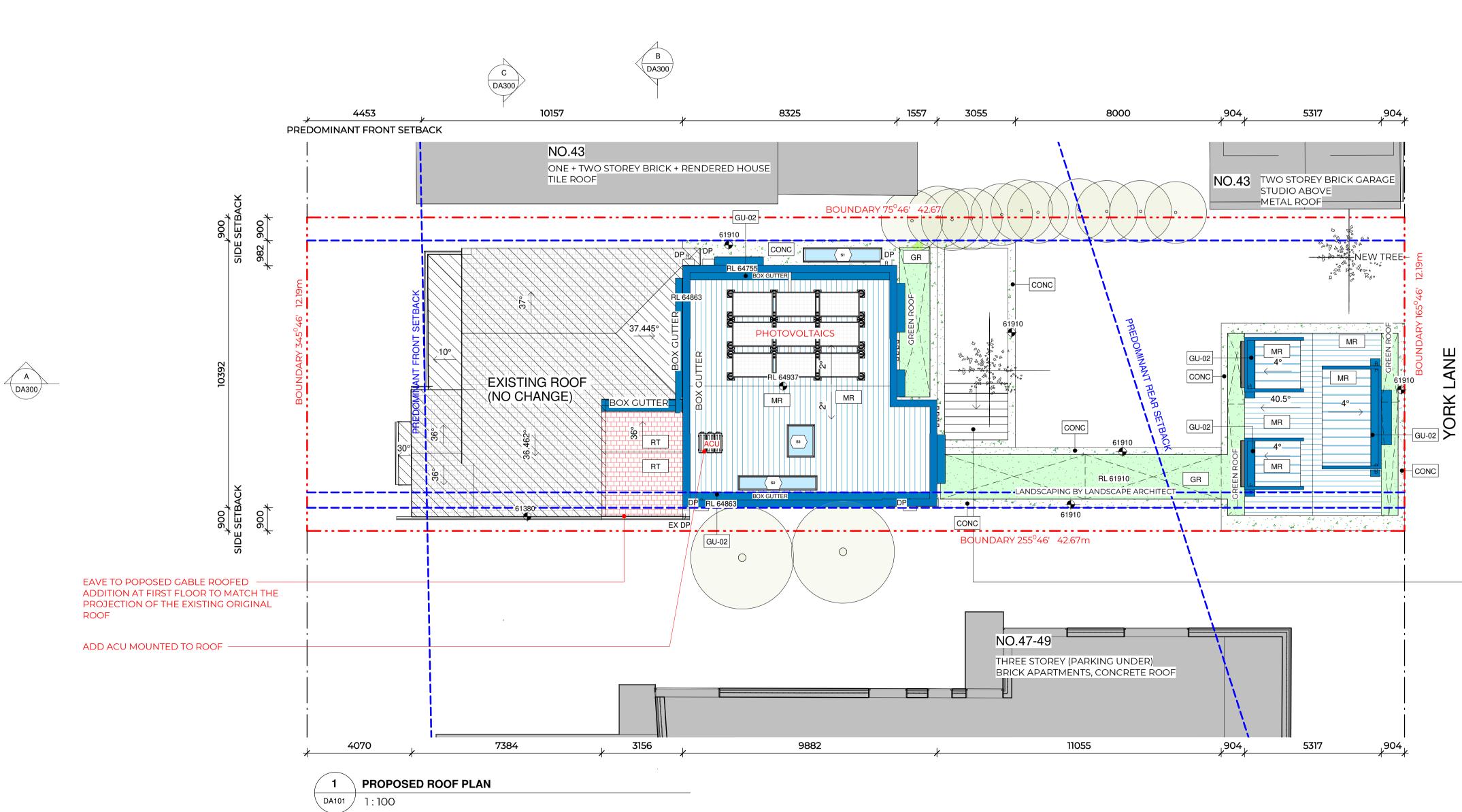
**NOT FOR CONSTRUCTION** 

PROJECT STATUS: **DEVELOPMENT APPLICATION** 

PROJECT: 45 YORK ROAD, QUEENS PARK

NATASHA MARSHALL AND BOBBY TEOH DRAWING TITLE:

PROPOSED FLOOR PLANS DRAWN BY: CHECKED BY: DRAWING ISSUE DATE: CM 21.06.23 GM PROJECT NO .: SCALE @A1: DWG NO.: REV NO.: J042 DA100 8





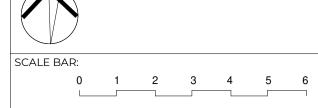
# AMENDED

Waverley Council

Application No: DA-487/2022

Date Received: 22/06/2023





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#### AREA CALCULATIONS

| EXISTING              |                              | PROPOSED                   |  |
|-----------------------|------------------------------|----------------------------|--|
| SITE AREA             | 520.3 sqm                    | 520.3 sqm                  |  |
| FSR                   | [[(550 – lot area) × 0.0     | 0011]+0.5]:1 = 0.53:1      |  |
| PERMISSIBL            | E GFA = 275.76M <sup>2</sup> |                            |  |
| GFA                   | 276M <sup>2</sup> (0.53:1)   | 337M <sup>2</sup> (0.64:1) |  |
| PRIVATE<br>OPEN SPACE | 54.15 M <sup>2</sup>         | 76.9 M <sup>2</sup>        |  |
| LANDSCAPE             | 190.82 M <sup>2</sup>        | 102.0 M <sup>2</sup>       |  |

|                          | MATERIAL SCHEDULE                  |  |  |
|--------------------------|------------------------------------|--|--|
| MATERIAL TAG DESCRIPTION |                                    |  |  |
| BRK                      | BRICK                              |  |  |
| CONC                     | CONCRETE                           |  |  |
| СР                       | CARPET                             |  |  |
| FL-01                    | METAL FLASHING                     |  |  |
| FS                       | FIBRE CEMENT SHEETING              |  |  |
| GL                       | GLASS                              |  |  |
| GR GRASS                 |                                    |  |  |
| GU-01                    | HALF ROUND GUTTER                  |  |  |
| GU-02 BOX GUTTER         |                                    |  |  |
| MR                       | METAL ROOF                         |  |  |
| MT                       | STONE                              |  |  |
| PS-01                    | PAINTED STEEL 01                   |  |  |
| PV                       | SOLAR PV PANELS                    |  |  |
| REND                     | RENDER                             |  |  |
| RP-01                    |                                    |  |  |
| RT                       | TERRACOTTA ROOF TILES              |  |  |
| ST-01                    | STONE 01                           |  |  |
| ST-02                    | STONE 02                           |  |  |
| TB-01                    | TIMBER BOARD 01                    |  |  |
| TC-01                    | TIMBER CLADDING                    |  |  |
| TF                       | TIMBER FENCE                       |  |  |
| TFB                      | TIMBER FLOOR BOARD                 |  |  |
| TLI                      | TILE 01                            |  |  |
| TL2                      | TILE 02                            |  |  |
| XTFB                     | EX TIMBER FLOOR TO BE RETAINED     |  |  |
| XTLI                     | EX TILE TO BE RETAINED + PROTECTED |  |  |
| XTL2                     | EX TILE TO BE RETAINED + PROTECTED |  |  |

#### DA COLOURS LEGEND

|      | SANDSTONE + OTHER NATURAL STONE |
|------|---------------------------------|
|      | METAL ROOF                      |
| ++++ | ROOF TILES                      |
|      | STEEL, GALVANISED IRON          |
|      | CONCRETE                        |
|      | GLASS, WATER                    |
|      | BRICK                           |
|      | MARBLE                          |
|      | TIMBER                          |
|      | INTERNAL TILES                  |
|      |                                 |

| 8   | 21.06.23 | COUNCIL RFI      |
|-----|----------|------------------|
| 7   | 31.05.23 | COUNCIL RFI      |
| 6   | 25.05.23 | CLIENT MEETING   |
| 5   | 19.12.22 | DA RE-SUBMISSION |
| 4   | 15.12.22 | DA RE-SUBMISSION |
| 3   | 05.12.22 | DA RFI REVIEW    |
| 2   | 20.10.22 | DA 100%          |
| 1   | 07.10.22 | DA SUBMISSION    |
| REV | DATE     | AMENDMENT        |
|     |          |                  |

# carla middleton architecture

# 0425365256 carla@carlamiddleton.com www.carlamiddleton.com nom arch carla middleton - AIA reg no 9318 ABN 476 136 819 77

### NOT FOR CONSTRUCTION

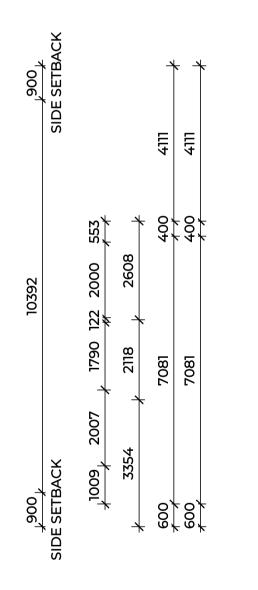
PROJECT STATUS: DEVELOPMENT APPLICATION

PROJECT: 45 YORK ROAD, QUEENS PARK

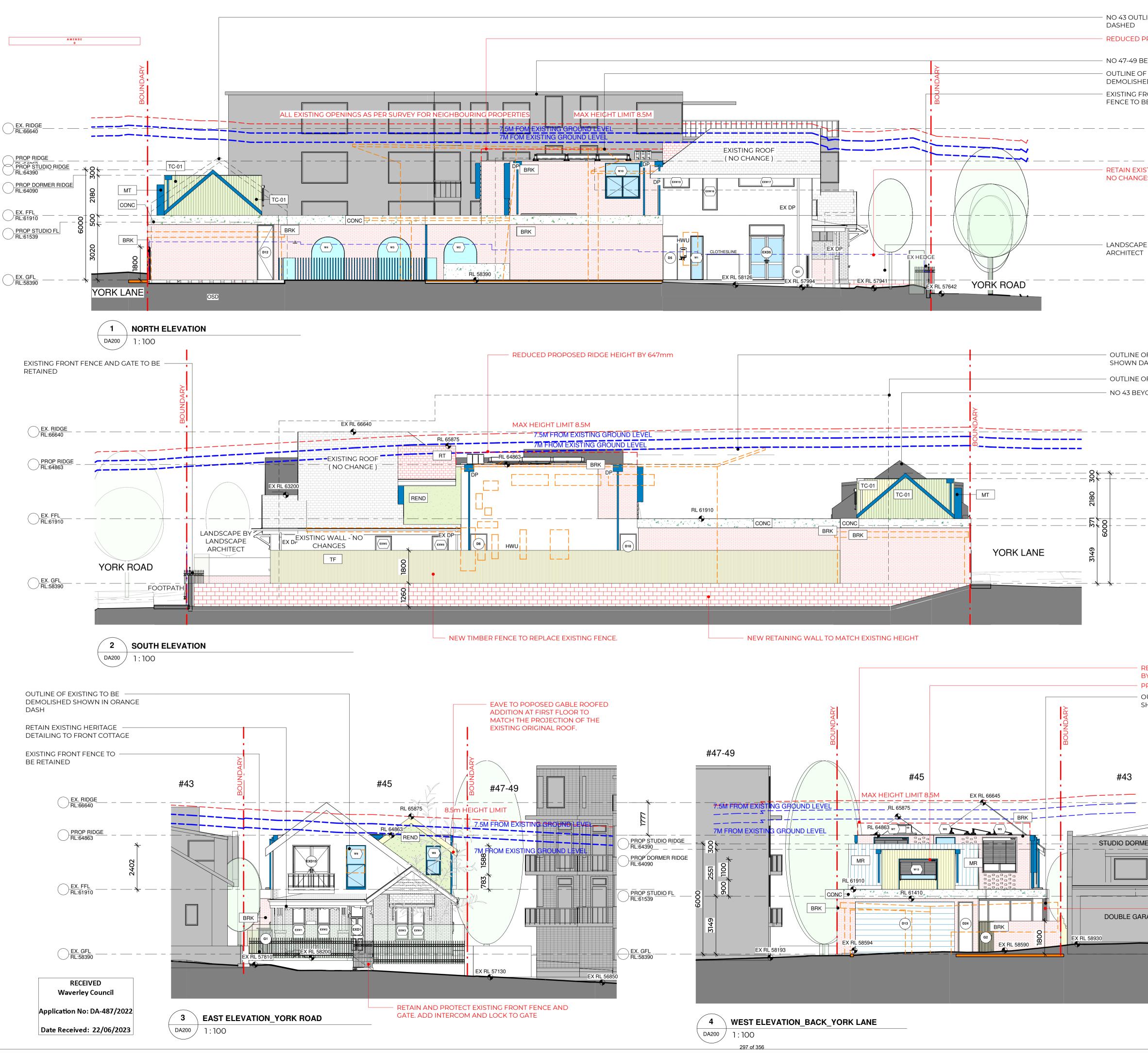
CLIENT NATASHA MARSHALL AND BOBBY TEOH DRAWING TITLE:

PROPOSED ROOF PLAN DRAWN BY:CHECKED BY:DRAWING ISSUE DATE:GMCM21.06.23

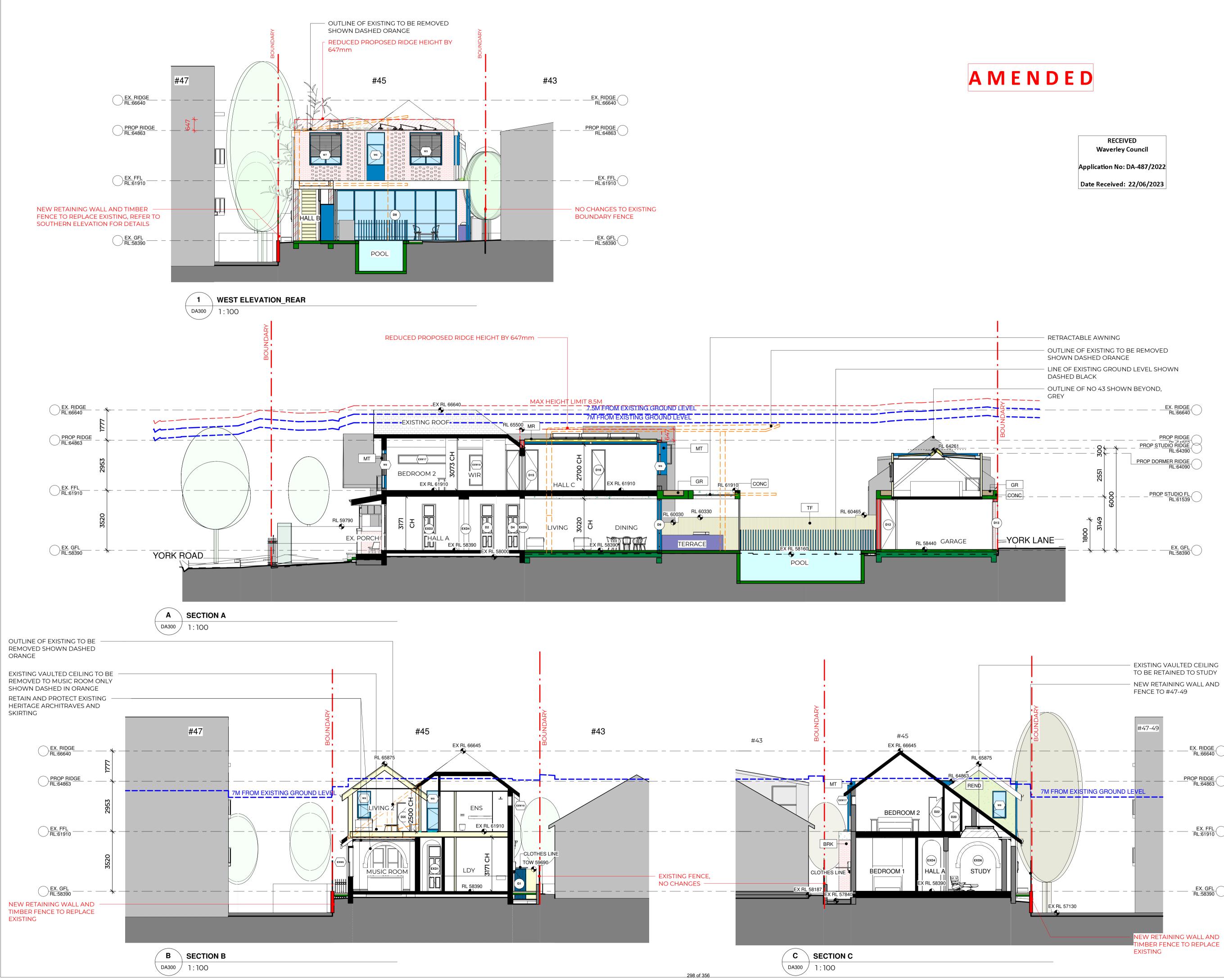
PROJECT NO.: SCALE @A1: DWG NO.: REV NO.: J042 DA101 8



- RETRACTABLE AWNING



| ILINE SHOWN                                                  |                                                 |                                                                       |                                        |
|--------------------------------------------------------------|-------------------------------------------------|-----------------------------------------------------------------------|----------------------------------------|
| PROPOSED RIDGE HEIGHT BY 647mm                               | SCALE BAR:                                      |                                                                       |                                        |
|                                                              |                                                 |                                                                       | 4 5 6                                  |
| BEYOND IN GREY<br>DF EXISTING HOUSE TO BE                    |                                                 | FROM DRAWINGS.                                                        |                                        |
| IED SHOWN IN ORANGE DASH                                     | WORK. COPYIN                                    | /ENSIONS ON SITE BEF<br>IG OF THIS DRAWING IS<br>CONSENT OF CMA PTY I | STRICTLY PROHIBITED                    |
| FRONT AND GATE<br>BE RETAINED                                | CONFIRM DIME                                    | ENSIONS ON SITE PRIOF                                                 | ? TO THE                               |
|                                                              |                                                 | ENT OF WORKS. WHERE<br>IRECTION PRIOR TO PRO<br>DT LISE THIS          |                                        |
| — — <u>EX. RIDGE</u><br>RL:66640                             |                                                 | CONSTRUCTION UNLES                                                    | SS DESIGNATED.                         |
|                                                              | RELIEVE THE C                                   | SHOP DRAWINGS, THE .<br>ONTRACTOR OF THE CO                           | ONTRACTOR'S                            |
| <u>PROP RIDGE</u><br>RL:64863                                | CALCULATIONS                                    | Y FOR DIMENSIONS, QU<br>S OR METHODS OF MAN<br>1PLY THAT ALL RELEVAN  | UFACTURE NOR DOES                      |
| ISTING NORTHERN FENCE.<br>GES                                | NECESSARILY                                     |                                                                       |                                        |
|                                                              | AREA CALC                                       | ULATIONS                                                              | 1                                      |
|                                                              | EXISTING                                        |                                                                       | PROPOSED                               |
| — — <u>EX. FFL</u><br>RL:61910                               | SITE AREA                                       | 520.3 sqm                                                             | 520.3 sqm                              |
|                                                              | FSR                                             | [[(550 - lot area) × 0                                                | 0.0011]+0.5]:1 = 0.53:1                |
| PE BY LANDSCAPE<br>T                                         | PERMISSIB                                       | LE GFA = 275.76M <sup>2</sup>                                         |                                        |
|                                                              | GFA                                             | 276M <sup>2</sup> (0.53:1)                                            | 337M <sup>2</sup> (0.64:1)             |
| — — <u>EX. GFL</u><br>RL:58390                               | PRIVATE<br>OPEN SPAC                            | E 54.15 M <sup>2</sup>                                                | 76.9 M <sup>2</sup>                    |
|                                                              | LANDSCAP                                        | E 190.82 M <sup>2</sup>                                               | 102.0 M <sup>2</sup>                   |
|                                                              |                                                 | MATERIAL SCHEI                                                        | DULE                                   |
|                                                              | MATERIAL T                                      |                                                                       | SCRIPTION                              |
|                                                              | BRK<br>CONC                                     | BRICK                                                                 |                                        |
| OF EXISTING TO BE REMOVED                                    | CP<br>FL-01                                     | CARPET<br>METAL FLASHING                                              |                                        |
| DASHED ORANGE                                                | FS                                              | FIBRE CEMENT SH                                                       | EETING                                 |
| OF NO 47-49 SHOWN DASHED                                     | GL<br>GR                                        | GLASS<br>GRASS                                                        |                                        |
| YOND IN GREY                                                 | GU-01<br>GU-02                                  | HALF ROUND GUT<br>BOX GUTTER                                          | TÉR                                    |
|                                                              | MR<br>MT                                        | METAL ROOF<br>STONE                                                   |                                        |
|                                                              | PS-01<br>PV                                     | PAINTED STEEL 01<br>SOLAR PV PANELS                                   |                                        |
|                                                              | REND<br>RP-01                                   | RENDER                                                                |                                        |
|                                                              | RT                                              |                                                                       | FTILES                                 |
| PROP STUDIO RIDGE<br>RL:64390                                | ST-01<br>ST-02                                  | STONE 01<br>STONE 02                                                  |                                        |
| PROP DORMER RIDGE<br>RL:64090                                | TB-01<br>TC-01                                  | TIMBER BOARD 01<br>TIMBER CLADDING                                    | ;                                      |
|                                                              | TF<br>TFB                                       | TIMBER FENCE                                                          | ARD                                    |
|                                                              | TL1<br>TL2                                      | TILE 01                                                               |                                        |
| PROP STUDIO FL<br>RL:61539                                   | XTFB                                            | EX TIMBER FLOOR                                                       |                                        |
|                                                              | XTL1<br>XTL2                                    |                                                                       | AINED + PROTECTED<br>AINED + PROTECTED |
|                                                              | DA COLO                                         | OURS LEGEND                                                           |                                        |
| – – – <u>EX. GFL</u><br>RL:58390                             |                                                 | SANDSTONE + OTHER                                                     | NATURAL STONE                          |
|                                                              |                                                 | METAL ROOF                                                            |                                        |
|                                                              |                                                 | ROOF TILES<br>STEEL, GALVANISED IR                                    | PON                                    |
|                                                              |                                                 | CONCRETE                                                              |                                        |
|                                                              |                                                 | GLASS, WATER                                                          |                                        |
|                                                              |                                                 | BRICK<br>MARBLE                                                       |                                        |
| REDUCED PROPOSED RIDGE HEIGHT<br>BY 647mm                    |                                                 | TIMBER                                                                |                                        |
| PRIVACY SCREEN TO W13                                        |                                                 | INTERNAL TILES                                                        |                                        |
| OUTLINE OF EXISTING TO BE DEMOLISHED<br>SHOWN DASHED, ORANGE |                                                 |                                                                       |                                        |
|                                                              |                                                 |                                                                       |                                        |
|                                                              | 8 21.06.23<br>7 31.05.23                        |                                                                       |                                        |
|                                                              | 6 25.05.2<br>5 19.12.2                          | 3 CLIENT MEETING                                                      |                                        |
|                                                              | 4 15.12.2                                       | 2 DA RE-SUBMISSIO                                                     |                                        |
|                                                              | 3         05.12.23           2         20.10.23 |                                                                       |                                        |
| EX. RIDGE                                                    |                                                 |                                                                       |                                        |
|                                                              | REV DATE                                        |                                                                       |                                        |
|                                                              | car                                             | la                                                                    |                                        |
|                                                              |                                                 | 'la<br>ddleto                                                         |                                        |
|                                                              |                                                 | laien                                                                 | ווק                                    |
| Image: Prop Dormer Ridge       RL:64090                      | arc                                             | hitec                                                                 | ture                                   |
|                                                              | 0425365256                                      |                                                                       |                                        |
|                                                              | carla@carlamiddleto<br>www.carlamiddleton       |                                                                       |                                        |
| DELETE BREEZEBLOCK WALL                                      | nom arch carla midd<br>ABN 476 136 819 7        |                                                                       |                                        |
| 3149                                                         | NOT                                             | FOR CONST                                                             | <b>FRUCTION</b>                        |
|                                                              | PROJECT STAT                                    |                                                                       |                                        |
| $- + + \frac{EX. GFL}{RL:58390}$                             | PROJECT:                                        |                                                                       |                                        |
|                                                              | 45 YORK R                                       | OAD, QUEENS P                                                         | ARK                                    |
|                                                              | NATASHA                                         | MARSHALL AND                                                          | BOBBY TEOH                             |
|                                                              | DRAWING TITL                                    |                                                                       |                                        |
|                                                              | DRAWN BY:                                       |                                                                       | VING ISSUE DATE:                       |
|                                                              | PROJECT NO.:                                    | SCALE @A1: DWG                                                        | NO.: REV NO.:                          |
|                                                              | J042                                            | DA2                                                                   | 00 8                                   |
|                                                              |                                                 |                                                                       |                                        |



NOTES:

SCALE BAR: 

DO NOT SCALE FROM DRAWINGS. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. COPYING OF THIS DRAWING IS STRICTLY PROHIBITED WITHOUT THE CONSENT OF CMA PTY LTD

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IN REVIEWING SHOP DRAWINGS. THE ARCHITECT DOES NOT RELIEVE THE CONTRACTOR OF THE CONTRACTOR'S RESPONSIBILITY FOR DIMENSIONS, QUANTITIES, CALCULATIONS OR METHODS OF MANUFACTURE NOR DOES THE REVIEW IMPLY THAT ALL RELEVANT INFORMATION IS NECESSARILY SHOWN.

AREA CALCULATIONS

| EXISTING                               |                          | PROPOSED                   |  |  |
|----------------------------------------|--------------------------|----------------------------|--|--|
| SITE AREA                              | 520.3 sqm                | 520.3 sqm                  |  |  |
| FSR                                    | [[(550 – lot area) × 0.0 | 0011]+0.5]:1 = 0.53:1      |  |  |
| PERMISSIBLE GFA = 275.76M <sup>2</sup> |                          |                            |  |  |
| GFA 276M <sup>2</sup> (0.53:1)         |                          | 337M <sup>2</sup> (0.64:1) |  |  |
| PRIVATE<br>OPEN SPACE                  | 54.15 M <sup>2</sup>     | 76.9 M <sup>2</sup>        |  |  |
| LANDSCAPE                              | 190.82 M <sup>2</sup>    | 102.0 M <sup>2</sup>       |  |  |

|                          | MATERIAL SCHEDULE                  |  |  |  |
|--------------------------|------------------------------------|--|--|--|
| MATERIAL TAG DESCRIPTION |                                    |  |  |  |
| BRK                      | BRICK                              |  |  |  |
| CONC                     | CONCRETE                           |  |  |  |
| CP                       | CARPET                             |  |  |  |
| FL-01                    | METAL FLASHING                     |  |  |  |
| FS                       | FIBRE CEMENT SHEETING              |  |  |  |
| GL                       | GLASS                              |  |  |  |
| GR                       | GRASS                              |  |  |  |
| GU-01                    | HALF ROUND GUTTER                  |  |  |  |
| GU-02                    | BOX GUTTER                         |  |  |  |
| MR METAL ROOF            |                                    |  |  |  |
| MT STONE                 |                                    |  |  |  |
| PS-01 PAINTED STEEL 01   |                                    |  |  |  |
| PV SOLAR PV PANELS       |                                    |  |  |  |
| REND                     | RENDER                             |  |  |  |
| RP-01                    |                                    |  |  |  |
| RT                       | TERRACOTTA ROOF TILES              |  |  |  |
| ST-01                    | STONE 01                           |  |  |  |
| ST-02                    | STONE 02                           |  |  |  |
| ТВ-01                    | TIMBER BOARD 01                    |  |  |  |
| TC-01                    | TIMBER CLADDING                    |  |  |  |
| TF                       | TIMBER FENCE                       |  |  |  |
| TFB                      | TIMBER FLOOR BOARD                 |  |  |  |
| TLI                      | TILE 01                            |  |  |  |
| TL2                      | TILE 02                            |  |  |  |
| XTFB                     | EX TIMBER FLOOR TO BE RETAINED     |  |  |  |
| XTLI                     | EX TILE TO BE RETAINED + PROTECTED |  |  |  |
| XTL2                     | EX TILE TO BE RETAINED + PROTECTED |  |  |  |

DA COLOURS LEGEND

| SANDSTONE + OTHER NATURAL STONE |
|---------------------------------|
| METAL ROOF                      |
| <br>ROOF TILES                  |
| STEEL, GALVANISED IRON          |
| CONCRETE                        |
| GLASS, WATER                    |
| BRICK                           |
| MARBLE                          |
| TIMBER                          |
| INTERNAL TILES                  |
|                                 |

| 8                                                                                                                                    | 8 21.06.23 COUNCIL RFI |                      |  |  |  |  |
|--------------------------------------------------------------------------------------------------------------------------------------|------------------------|----------------------|--|--|--|--|
| 7                                                                                                                                    | 31.05.23               | 31.05.23 COUNCIL RFI |  |  |  |  |
| 6                                                                                                                                    | 25.05.23               | CLIENT MEETING       |  |  |  |  |
| 5                                                                                                                                    | 19.12.22               | DA RE-SUBMISSION     |  |  |  |  |
| 4                                                                                                                                    | 15.12.22               | DA RE-SUBMISSION     |  |  |  |  |
| 3                                                                                                                                    | 05.12.22               | DA RFI REVIEW        |  |  |  |  |
| 2                                                                                                                                    | 20.10.22               | DA 100%              |  |  |  |  |
| 1                                                                                                                                    | 07.10.22               | DA SUBMISSION        |  |  |  |  |
| REV                                                                                                                                  | DATE                   | AMENDMENT            |  |  |  |  |
|                                                                                                                                      | architecture           |                      |  |  |  |  |
| 0425365256<br>carla@carlamiddleton.com<br>www.carlamiddleton.com<br>nom arch carla middleton - AIA reg no 9318<br>ABN 476 136 819 77 |                        |                      |  |  |  |  |
| NOT FOR CONSTRUCTION                                                                                                                 |                        |                      |  |  |  |  |
| _                                                                                                                                    |                        |                      |  |  |  |  |
| PROJ                                                                                                                                 | ECT STATUS             |                      |  |  |  |  |
| PROJ<br>DEV                                                                                                                          | ECT STATUS             | :                    |  |  |  |  |

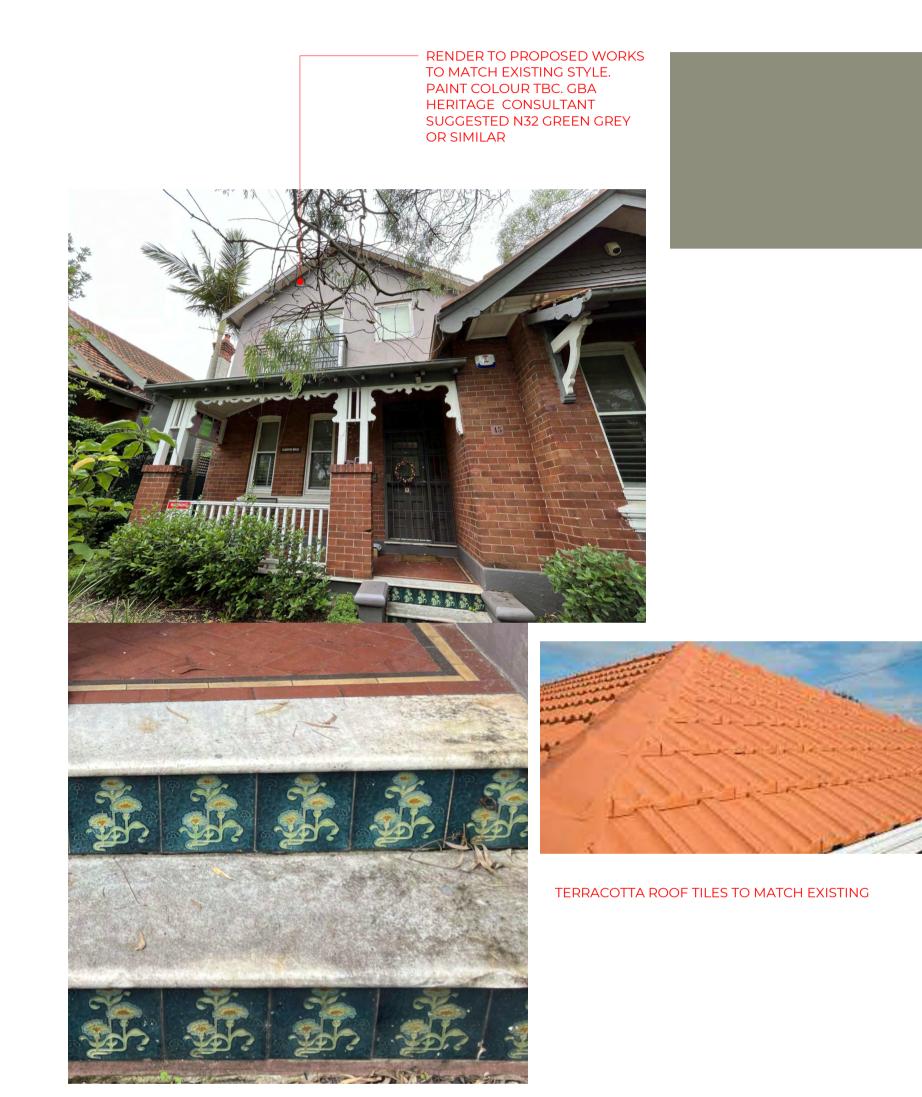
NATASHA MARSHALL AND BOBBY TEOH

DRAWING TITLE: **ELEVATION + SECTIONS** DRAWN BY:CHECKED BY:DRAWING ISSUE DATE:GMCM21.06.23 GM PROJECT NO.: SCALE @A1: DWG NO.: REV NO.: J042 As indicatedDA300 8

EXISTING VAULTED CEILING TO BE RETAINED TO STUDY NEW RETAINING WALL AND

EX. RIDGE RL:66640 PROP RIDGE RL:64863 EX. FFL RL:61910 EX. GFL RL:58390 NEW RETAINING WALL AND

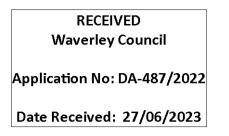


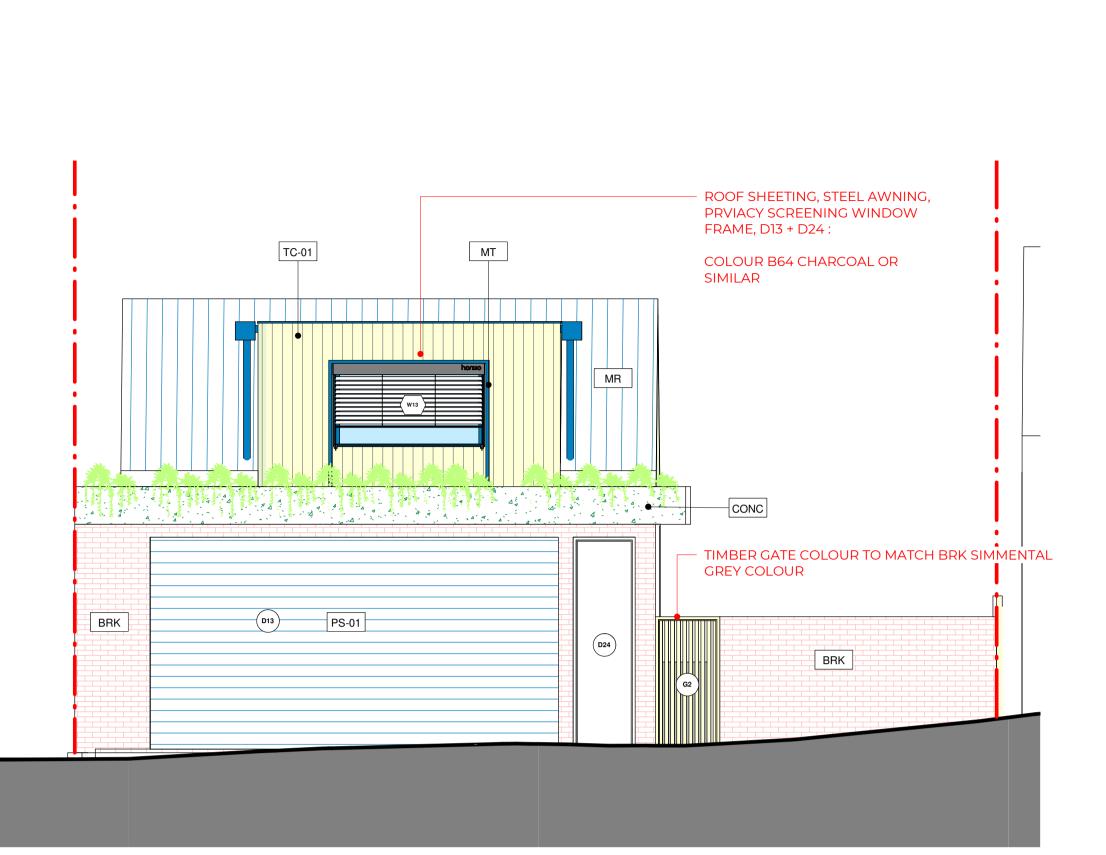


TILING TO FRONT PORCH - RETAIN ORIGINAL HERITAGE



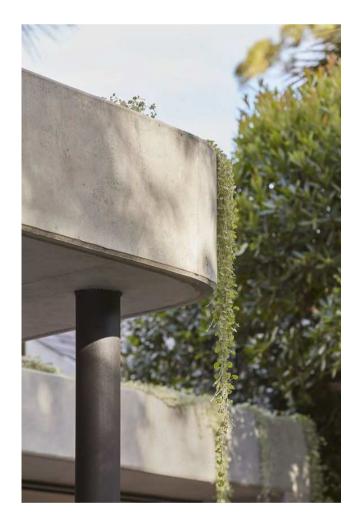
METAL SCREEN / AWNING TO REAR. COLOUR B64 CHARCOAL GREY OR SIMILAR







MR METAL ROOF CLADDING B64 CHARCOAL GREY OR SIMILAR



CONC - EXPOSED CONCRETE EDGE WITH PLANTS



SIMILAR



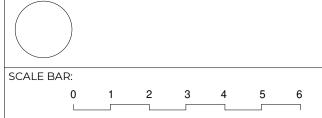
B64 CHARCOAL OR SIMILAR FOR FASCIA BOARDS, TRIMS AND DETAILS



W8 AND W9 TIMBER FRAMED WINDOW. COLOUR WHITE OR SIMILAR

TC-01 CLADDING - TIMBER. COLOUR N32 GREEN GREY OR





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| MATERIAL SCHEDULE        |                                    |  |  |  |
|--------------------------|------------------------------------|--|--|--|
| MATERIAL TAG DESCRIPTION |                                    |  |  |  |
| BRK                      | BRICK                              |  |  |  |
| CONC                     | CONCRETE                           |  |  |  |
| СР                       | CARPET                             |  |  |  |
| FL-01                    | METAL FLASHING                     |  |  |  |
| FS                       | FIBRE CEMENT SHEETING              |  |  |  |
| GL                       | GLASS                              |  |  |  |
| GR                       | GRASS                              |  |  |  |
| GU-01                    | HALF ROUND GUTTER                  |  |  |  |
| GU-02                    | BOX GUTTER                         |  |  |  |
| MR                       | METAL ROOF                         |  |  |  |
| MT                       | STONE                              |  |  |  |
| PS-01                    | PAINTED STEEL 01                   |  |  |  |
| PV                       | SOLAR PV PANELS                    |  |  |  |
| REND                     | RENDER                             |  |  |  |
| RP-01                    |                                    |  |  |  |
| RT                       | TERRACOTTA ROOF TILES              |  |  |  |
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| TFB                      | TIMBER FLOOR BOARD                 |  |  |  |
| TLI                      | TILE OI                            |  |  |  |
| TL2                      | TILE 02                            |  |  |  |
| XTFB                     | EX TIMBER FLOOR TO BE RETAINED     |  |  |  |
| XTLI                     | EX TILE TO BE RETAINED + PROTECTED |  |  |  |
| XTL2                     | EX TILE TO BE RETAINED + PROTECTED |  |  |  |

| 6   | 27.06.23 | COUNCIL RFI     |
|-----|----------|-----------------|
| 5   | 27.06.23 | HERITAGE REVIEW |
| 4   | 26.06.23 | HERITAGE REVIEW |
| 3   | 31.05.23 | COUNCIL RFI     |
| 2   | 25.05.23 | CLIENT MEETING  |
| 1   | 28.10.22 | COUNCIL RFI     |
| REV | DATE     | AMENDMENT       |
|     | or       | •               |

# carla middleton architecture

# 0425365256 carla@carlamiddleton.com www.carlamiddleton.com nom arch carla middleton - AIA reg no 9318 ABN 476 136 819 77

### NOT FOR CONSTRUCTION

PROJECT STATUS: DEVELOPMENT APPLICATION

PROJECT: 45 YORK ROAD, QUEENS PARK

NATASHA MARSHALL AND BOBBY TEOH DRAWING TITLE:

MATERIAL SCHEDULE DRAWN BY:CHECKED BY:DRAWING ISSUE DATE:GMCM27.06.23

 PROJECT NO.:
 SCALE @A1:
 DWG NO.:
 REV NO.:

 J042
 DA500
 6





### Report to the Waverley Local Planning Panel

| Application number                     | DA-110/2022/A                                                                                                                      |  |  |
|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|--|--|
| Site address                           | 7 Thompson Street, Tamarama                                                                                                        |  |  |
| Proposal                               | Modification to garage, bin storage, roof, additional solar panels, additional excavation, and amendments to conditions of consent |  |  |
| Description of Approved<br>Development | Alterations and additions to dwelling house                                                                                        |  |  |
| Date of lodgement                      | 24 March 2023                                                                                                                      |  |  |
| Owner & Applicant                      | Mr D Cottrell<br>Mrs N K Cottrell                                                                                                  |  |  |
| Submissions                            | One objection                                                                                                                      |  |  |
| Amended cost of works                  | No change                                                                                                                          |  |  |
| Principal Issues                       | <ul> <li>Water management impacts</li> <li>Excavation impacts</li> <li>Streetscape impacts</li> </ul>                              |  |  |
| Recommendation                         | ion That the application be APPROVED in accordance with the conditions contained in the report.                                    |  |  |
| SITE MAP                               |                                                                                                                                    |  |  |
|                                        |                                                                                                                                    |  |  |



#### 1. PREAMBLE

#### Executive Summary

The modification application seeks to modify development consent, known as DA-110/2022 for alterations and additions to the existing dwelling house at the site known as 7 Thompson Street, Tamarama. In summary, the proposed modifications are for amendments to the approved garage including deleting the setback from the eastern side boundary, construction of a basement storage room, additional solar panels to the roof, and changes to condition 2 *General Modifications*.

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

- Water management impacts
- Excavation impacts
- Streetscape impacts

The assessment finds these issues acceptable.

One submission was received, and the issues raised in the submission 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 4.55(2) the *Environmental Planning and Assessment Act 1979* and is recommended for approval subject to conditions of consent.

1.1.

#### Site and Surrounding Locality

A site visit was carried out during the assessment of the original development application on 11 May 2022, and a further site visit was carried out on 26 May 2023 to the adjacent property at 9 Thompson Street as part of the assessment of this modification application.

The site is identified as Lot 50 in DP 10771, known as 7 Thompson Street, Tamarama. It is located on the corner of Thompson Street and Wolaroi Crescent.

The site is irregular in shape with a primary street frontage to Thompson Street, and a secondary street frontage to Wolaroi Crescent. It has an area of 578.4m<sup>2</sup> and falls steeply from front (south) to rear (north) by approximately 6.6m.

The site is occupied by a part two-storey part three-storey dwelling house with a roof terrace, and has a detached garage and entrance structure within the front setback. The rear yard features a swimming pool, deck and pergola, and extensive vegetation along the western boundary with Wolaroi Crescent.

To the rear of the site is a Council-owned nature reserve which slopes steeply away from the subject site.

The locality is characterised by a variety of low density residential development.

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



The site is adjoined by a dwelling house to the east at 9 Thompson Street. This neighbouring property, 9 Thompson Street presents as a two storey building at the front of the site, with a double garage and entrance hallway at ground floor level, a habitable room at first floor level, and an excavated basement with habitable rooms below. The dwelling has nil setback from the western boundary with 7 Thompson Street at first floor level, and approximately a 250mm setback from the western boundary at ground floor level.

Nine Thompson Street features an excavated drainage channel along the western boundary with 7 Thompson Street toward the central and northern part of the site.



**Figure 5:** 9 Thompson Street viewed from Thompson Street, looking north-west. 7 Thompson Street is visible at the left of the photo. Image taken from Google Streetview dated March 2022.



**Figure 6:** View of boundary between 9 Thompson Street (centre and right of photo) and 7 Thompson Street (far left of photo), viewed from Thompson Street looking north.



**Figure 7:** View western side wall of 9 Thompson Street (background) and garage at 7 Thompson Street (foreground) viewed from Thompson Street looking north east.



**Figure 8:** Rear of two storey structure located at the front of 9 Thompson Street, viewed from courtyard of 9 Thompson Street looking south.



**Figure 9:** Excavated drainage channel located adjacent to the western boundary of 9 Thompson Street toward the central and norther part of that site, viewed from 9 Thompson Street looking north. The boundary retaining wall with 7 Thompson Street is at the left of the photo. Thompson Street features numerous garages or other structures built with nil setbacks to side boundaries, including at numbers 9, 11, 15 and 23, and a recent approval at number 27.

#### Details of Approved Development

The original development application, known as DA-110/2022 for alterations and additions to the existing dwelling house, was approved on 2 November 2022 by the Waverley Local Planning Panel, and included the following works:

- Demolition of existing double garage, and construction of new double garage facing Thompson Street
- Replacement of existing 'entry bridge' within front setback, and reconfiguration of lower ground floor level courtyard below.
- Removal of existing pool in rear yard and replacement with smaller pool.
- Lower ground floor level rear addition.
- Internal reconfiguration.
- Solar panels to the main roof.
- Alterations to rear fenestration and balconies.

The following conditions were imposed on the consent by the Waverley Planning Panel:

#### 2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The eastern wall of the garage is to be setback a minimum of 500mm from the eastern boundary shared with 9 Thompson Street. Consequentially, the width of the garage and its opening will be reduced accordingly.
- (b) A Hydraulic Engineers report for the approved works must be prepared in consultation with Sydney Water and submitted to Council for review and approval. The Report shall include the construction of the slab of the garage and the need for piers to allow water to safely flow underneath the slab and not further impact on the adjoining property.
- (c) The 'bulk storage and garden equipment store' shown on Drawing DA-03 issue A is not approved. This area is to be deleted and the associated excavation, including window W1 is to be removed from the plans. Reason: unnecessary excavation contrary to Part B14 Excavation of Waverley DCP 2012.

The amendments are to be approved by the Manager, Development Assessment or delegate prior to the issue of any Construction 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.

No written reasoning for the above conditions exists beyond the wording of the conditions, however the following is understood:

- Conditions (a) and (b) were imposed due to concerns raised by the owners of 9 Thompson Street that a garage built with a nil setback from the eastern boundary would worsen the existing groundwater issues experienced at that site, and additionally that it would make it difficult to access the western elevation of the building at 9 Thompson Street for maintenance.
- Condition (c) was imposed due to a concern that the excavation was unnecessary as the proposed basement room did not have a valid purpose.

#### Proposal

1.4.

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:

#### Garage structure and water management issues

- Deletion of condition 2(a), to permit the approved garage to be constructed with a nil setback from the eastern boundary with 9 Thompson Street. Modified plans are provided which include the garage having a suspended slab-on-pier construction to allow water to pass under.
- Modification to condition (b), to delete the requirement for the hydraulic report to be prepared "in consultation with Sydney Water".
- Relocation of bin storage area from within garage to the front setback area adjacent to 9 Thompson Street.
- Reconfiguration of entry structure to widen the approved garage to enable accessible circulation areas around parked vehicles, provision of accessible platform lift within garage, and replacement of existing entry structure roof with new awning.
- Increase in height to approved garage by 730mm.
- New external maintenance stairway to the low-level landscape area to the north of the garage building.

#### Lower ground floor

• Deletion of condition 2(c), to permit the construction of the excavated bulk storage and garden equipment store with window under the southern part of the existing dwelling. Modified plans are provided to show the proposed uses for the storage area.

Roof

- Removal of existing rooftop solar pool heating system, and replacement with additional solar panels on eastern section of main roof.
- Associated deletion of previously approved solar panels on western section of main roof.

#### Background

The modification application was lodged on 24 March 2023.

On 6 June 2023, Council engaged an external engineering consultant to provide a peer-review of the following applicant's documentation:

- Geotechnical report
- Stormwater report
- Construction impact statement.

The peer review was provided to Council on 26 June 2023.

#### 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).

#### Section 4.55 – Modification of consents – generally

2.1.

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 one submission was received. The issues and matters raised in public submissions are discussed in section 2.3.4 of this report.

#### 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 1<sup>st</sup> 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

#### 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 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 principal development standards under Waverley LEP 2012. All other relevant provisions of Waverley LEP 2012 remain compliant or are non-compliant for the reasons discussed below.

#### Table 1: Waverley LEP 2012 Compliance Table

| Provision                                                                                                                                                                             | Approved                                                                                                                    | Proposed Modified | Compliance                                                                                                                                                                                                                                                                        |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>4.3 Height of buildings</b><br>• 8.5m                                                                                                                                              | N/A – No change                                                                                                             |                   |                                                                                                                                                                                                                                                                                   |  |
|                                                                                                                                                                                       | The proposed solar panels replace existing rooftop solar heating system, and are located below the existing parapet height. |                   |                                                                                                                                                                                                                                                                                   |  |
| <ul> <li>4.4 Floor space ratio and</li> <li>4.4A Exceptions to floor<br/>space ratio</li> <li>0.5:1 floor space<br/>ratio</li> <li>289.2m<sup>2</sup> gross<br/>floor area</li> </ul> | 0.64:1 FSR0.64:1 FSR372.9m² GFA372.9m² GFA27.7% exceedance28.9% exceedance80.1m² exceedance83.7m² exceedance                |                   |                                                                                                                                                                                                                                                                                   |  |
| 6.2 Earthworks                                                                                                                                                                        | N/A                                                                                                                         | N/A               | Yes. The proposed<br>earthworks will not have<br>a material adverse impact<br>on soil stability, drainage<br>patterns or structures.<br>Further discussion<br>regarding excavation and<br>construction impacts is<br>found in this report below<br>the WDCP compliance<br>tables. |  |

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.

#### Floor Space Ratio (FSR)

The proposed modifications result in a net increase of gross floor area (GFA) of 3.6m<sup>2</sup> for the garden storage room at lower ground floor level. The remainder of the proposed garden storage room is classified as "basement" level due to its depth below existing ground level, and is therefore excluded from the gross floor area calculation.

The proposal does not change the approved 0.64:1 FSR, rounded to two decimal places.

The overall exceedance of the control is increased to 83.7m<sup>2</sup>, or 28.9%. The net increase of FSR due to the proposed modifications represents 1.2% of the overall exceedance of the standard.

The applicant has provided 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 objectives of the development standard are achieved as follows:
  - Objective (a) relates to Bondi Junction and is not relevant.
  - Objective (b) is achieved, as the exceedance does not affect the height of the building.
  - Objective (c) is achieved as the proposed increase in GFA is located at lower ground floor level and does not change the bulk or scale of the development.
  - Objective (d) is achieved as the proposed increase in GFA is located at lower ground floor level and does not have any amenity impacts.
- The proposal has no streetscape or amenity impact, and continues to meet the objectives of the R2 Low Density Residential zone.

The approved development, as proposed to be modified, will achieve and be consistent with the relevant objectives of the FSR development standard and the R2 Low Density Residential Zone. The proposed

additional gross floor area is minor, is located at lower ground floor level, and will have no amenity impacts. The net exceedance is therefore 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 2** and **3** of this report and detailed discussion below these tables.

#### Table 2: Waverley DCP 2022 – Part B General Provisions Compliance Table

| Development Control                                                                                                                                                                    | Compliance | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <ol> <li>Waste</li> <li>Garbage bins are to be<br/>stored in an appropriate<br/>location.</li> </ol>                                                                                   | Yes        | Satisfactory.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |
| 3. Landscaping,<br>Biodiversity and<br>Vegetation Preservation                                                                                                                         | Yes        | Satisfactory. The site is located adjacent to a remnant vegetation area, and the requirement for 90% native planting to be provided remains as a condition of consent.                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |
| 5.Water Management                                                                                                                                                                     | Yes        | Satisfactory. Refer to the discussion section<br>below the compliance tables for further<br>information.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |
| 6. Accessibility and<br>Adaptability                                                                                                                                                   | Yes        | Satisfactory. The proposed alterations to the garage will improve accessibility.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |
| 7. TransportYesSatisfactory. The proposal con-<br>two parking spaces.7.2.2 Parking Ratestwo parking spaces.Maximum parking rate:2 parking spaces                                       |            | Satisfactory. The proposal continues to provide two parking spaces.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |
| 11. Design Excellence                                                                                                                                                                  | Yes        | Satisfactory. The proposal continues to respect<br>the existing streetscape, and the modifications<br>do not have any material amenity impacts.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| <ul> <li><b>13. Excavation</b></li> <li>165.7m<sup>3</sup> maximum excavation</li> <li>8m<sup>3</sup> maximum basement storage</li> <li>Set back 900mm from side boundaries</li> </ul> |            | The modification application proposes 180.3m <sup>3</sup><br>of excavation for storage and plant purposes,<br>contrary to the maximum excavation and<br>maximum basement storage controls.<br>The extend of excavation is supported on merit<br>as it achieves the objectives of the DCP as the<br>applicant has demonstrated it will not adversely<br>impact land stabilisation, ground water flows or<br>neighbouring structures, and as it does not<br>involve any underground habitable rooms.<br>Further discussion regarding excavation and<br>construction impacts is found in this report below<br>the compliance tables. |  |

| Table 3: Waverley DCP 2022 – Part C1 | Low Density Residential Development Compliance Table |
|--------------------------------------|------------------------------------------------------|
|                                      | Low Density Residential Development compliance ruble |

| De  | velopment Control                                                                                                                                                                                                                                       | Compliance | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.2 | Setbacks                                                                                                                                                                                                                                                |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| •   | Predominant front<br>building line                                                                                                                                                                                                                      | N/A        | There is not proposed change to the front or rear setbacks.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| •   | Buildings may have nil<br>setback when adjoining a<br>another dwelling with nil<br>setback                                                                                                                                                              | Yes        | The proposed garage complies with the DCP<br>controls as it has a nil setback from the side<br>boundary at 9 Thompson Street adjacent to the<br>two storey structure at 9 Thompson Street that<br>has a 300mm setback at ground floor level and a<br>nil setback at first floor level.<br>It is also noted that the proposed garage<br>responds to the existing pattern of development<br>in the area, as numerous garages and other<br>structures are built with nil setbacks to side<br>boundaries along Thompson Street, including at<br>numbers 9, 11, 15 and 23, and in addition there is                                                     |
|     |                                                                                                                                                                                                                                                         |            | a recent approval with nil setback at number 27.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 1.3 | Streetscape and visual imp                                                                                                                                                                                                                              | pact       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| •   | New development to be<br>compatible with<br>streetscape context                                                                                                                                                                                         | Yes        | Satisfactory. The proposed building form and<br>detailing are appropriate to the surroundings.<br>The garage building retains its single-storey<br>appearance, and continues to be compatible with<br>the existing streetscape, which currently contains<br>numerous garages and other structures built with<br>nil setbacks to side boundaries, including at<br>numbers 9, 11, 15 and 23, and a recent approval<br>at number 27.<br>The proposed garden storage addition is at lower<br>ground floor level, and will have no impact on the<br>bulk and form of the building.<br>The proposed solar panels will not be visible from<br>the street. |
| 1.6 | Solar access                                                                                                                                                                                                                                            |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| •   | Minimum of three hours<br>of sunlight to living areas<br>and principal open space<br>areas on 21 June<br>Minimum of three hours<br>of sunlight maintained to<br>at least 50% of principal<br>open space areas of<br>adjoining properties on<br>21 June. | Yes        | The proposed modifications to the garage are<br>located at the southern part of the site. Shadows<br>will primarily fall onto the public domain, and<br>there will be no material solar access impact to<br>neighbours.                                                                                                                                                                                                                                                                                                                                                                                                                            |

| De       | velopment Control                                                                                                                                                                                                            | Compliance             | Comment                                                                                                                                                                                                                                                                                                                                      |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| •        | Avoid unreasonably<br>overshadowing of solar<br>collectors (including<br>habitable windows).                                                                                                                                 |                        |                                                                                                                                                                                                                                                                                                                                              |
| 1.7      | Views                                                                                                                                                                                                                        |                        |                                                                                                                                                                                                                                                                                                                                              |
| •        | Views from the public<br>domain are to be<br>maintained<br>Development to be<br>designed and sited so as<br>to enable a sharing of<br>views with surrounding<br>dwellings particularly<br>from habitable rooms and<br>decks. | Yes                    | The proposed modifications, including the solar<br>panels located below the existing parapet height,<br>do not affect any views.                                                                                                                                                                                                             |
|          | Car parking                                                                                                                                                                                                                  |                        |                                                                                                                                                                                                                                                                                                                                              |
| 1.8<br>• | 3.1 Design Approach<br>Designed to complement<br>the building and<br>streetscape                                                                                                                                             | Yes                    | Satisfactory. The design of the garage is compatible with the design of existing garages along the street.                                                                                                                                                                                                                                   |
| •        | Car parking structures to<br>be behind the front<br>building line                                                                                                                                                            | Acceptable<br>on merit | The proposed garage is located within the front<br>setback, as previously approved. The location of<br>the garage is acceptable in the context of the<br>locality, which contains numerous garages built<br>within the front setback.                                                                                                        |
| •        | Driveways are to be<br>located to minimise the<br>loss of on street parking                                                                                                                                                  | Yes                    | Satisfactory. The proposal continues to reuse the existing driveway.                                                                                                                                                                                                                                                                         |
| 1.8<br>• | 3.4 Design<br>Complement the style,<br>massing and detail of the<br>dwelling<br>Secondary in area and<br>appearance to the design<br>of the residences                                                                       | Acceptable<br>on merit | The approved and the proposed garage designs<br>are not secondary in appearance to the subject<br>dwelling when viewed from Thompson Street,<br>due to the location of the garage at the front of<br>the site and due to the significant setback of the<br>dwelling from the front boundary combined with<br>the sloping nature of the site. |
| 1 8      | 3.5 Dimensions                                                                                                                                                                                                               | Yes                    | The visual dominance of the garage at the site is<br>acceptable in the context of the significant<br>dwelling setback, the sloping site, and the<br>surrounding development form which includes a<br>two storey structure at 9 Thompson Street.<br>Satisfactory.                                                                             |
| •        | 5.4m x 2.4m per vehicle                                                                                                                                                                                                      | 163                    | Sutistactory.                                                                                                                                                                                                                                                                                                                                |
| 2 0      | <b>2.4</b> Landscaping and open space                                                                                                                                                                                        |                        |                                                                                                                                                                                                                                                                                                                                              |
| •        | Overall open space: 40% of site area                                                                                                                                                                                         | Yes                    | Satisfactory. 55% of the site is proposed as open space.                                                                                                                                                                                                                                                                                     |

| Development Control                                                                 | Compliance | Comment                                                                   |
|-------------------------------------------------------------------------------------|------------|---------------------------------------------------------------------------|
| <ul> <li>Overall landscaped area:<br/>20% of site area</li> </ul>                   | Yes        | Satisfactory. 31% of the site is proposed as landscaped area.             |
| • Minimum area of 25m <sup>2</sup> for private open space                           | Yes        | Satisfactory. 180m <sup>2</sup> of private open space is proposed.        |
| <ul> <li>Front open space: 50% of<br/>front building setback<br/>area</li> </ul>    | Yes        | Satisfactory. 64% of the front setback is proposed as open space.         |
| <ul> <li>Front landscaped area:<br/>50% of front open space<br/>provided</li> </ul> | Yes        | Satisfactory. 50% of the front open space is proposed as landscaped area. |

The following is a detailed discussion of the modifications to condition 2.

#### Deletion of condition 2(a)

The applicant's proposed deletion of condition 2(a), to permit the approved garage to be constructed with a nil setback from the eastern boundary with 9 Thompson Street, is supported as set out below.

As discussed in the compliance tables above, the proposed garage location and design complies with the WDCP 2022 setback and streetscape controls and is acceptable in the context of existing buildings built with nil side setbacks along Thompson Street including at 9 Thompson Street.

Regarding the objectors' concerns that the construction of the garage with nil side setback will result in water management issues at 9 Thompson Street, the proposed garage is designed with a suspended slab-on-pier construction to allow groundwater to pass under, and the applicant has provided stormwater, geotechnical and construction impact statements to demonstrate the proposal will not have adverse groundwater, stormwater or structural impacts on the adjacent site. The applicant's documentation has been peer reviewed by an external engineering consultant engaged by Council, who concluded that the construction would not increase groundwater ingress issues at 9 Thompson Street.

Regarding the objectors' concerns that maintenance of the eastern elevation of 9 Thompson Street will be made difficult in the future, there is currently no easement that permits use of land at 7 Thompson Street for the maintenance of 9 Thompson Street, and therefore there is no legal right of access to land at 7 Thompson Street for maintenance purposes.

The proposed garage with nil setback complies with the WDCP controls, and the applicant has addressed concerns relating to water management. Therefore, the proposed modifications are supported and recommended for approval.

#### Amendment to condition 2(b)

The applicant proposed deletion of the requirement for the hydraulic report to be prepared "in consultation with Sydney Water" is supported.

The proposed garage and basement excavation does not affect Sydney Water assets, and the site is not located within a Sydney Water stormwater catchment area. Consultation with Sydney Water is therefore not relevant to the construction of the garage and basement excavation.

#### Deletion of condition 2(c)

The application's proposed deletion of condition 2(c), to permit the construction of the excavated bulk storage and garden equipment store with window under the southern part of the existing dwelling, is supported.

As discussed in the compliance tables above, the proposal achieves the objectives of the WDCP 2022 excavation controls as it will not adversely impact land stabilisation, ground water flows or neighbouring structures, and as it does not involve any underground habitable rooms subject to conditions of consent.

The applicant has demonstrated acceptable impacts via the submission of stormwater, geotechnical and construction impact statements which have been peer reviewed by an external engineering consultant. The peer review concurred with the applicant's documentation, and concluded the proposal can be built with acceptable impacts subject to the insertion of additional wording to existing condition 11 *Detail of Excavation, Shoring or Pile Construction* requiring that specific consideration is given to underpinning, mitigation of the potential loss of sand between piles, and groundwater flow when preparing the finalised excavation and construction methodology report prior to issuance of a construction certificate. The amended wording to condition 11 is included at Appendix A of this report.

#### 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 12 April and 26 April 2023 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

One unique submission was received from the owners of 9 Thompson Street:

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

- Compliance with WDCP 2022 side setback controls.
- The proposed modifications may exacerbate water damage to 9 Thompson Street, or may alter the volume of stormwater running between 7 Thompson Street and 9 Thompson Street.
- The proposed modifications will make structures at 9 Thompson Street difficult to access for maintenance purposes.

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

*Issue:* The consent authority does not have the legal authority to determine the modification application, as the application does not relate to a change to the development. Instead, the modification application only relates to a change to the wording of conditions.

**Response:** The modification application includes physical changes to the development, including alterations to the design and siting of the garage, and the consent authority is able to determine the application.

*Issue:* The proposed location of the garage is too close to the living area of 9 Thompson Street, and any mechanical works or use of power tools in the garage will have acoustic impacts on 9 Thompson Street. The applicant has not provided an acoustic assessment.

**Response:** The proposed location of the garage is consistent with other garages along Thompson Street, and is similar to the location of the garage at 9 Thompson Street. A garage within the R2 Low Density Residential Zone is considered to be a low-impact use, which does not require the provision of an acoustic impact assessment. Any misuse of the premises which results in unacceptable noise impacts is covered by environmental protection legislation.

*Issue:* The proposal does not contain sufficient information to assess ventilation impacts on 9 Thompson Street.

**Response:** The proposed modifications to the garage are located at the southern part of the site. Shadows will primarily fall onto the public domain, and there will be no material solar access impact to neighbours. The proposal does not materially obstruct airflow to any windows or other openings at 9 Thompson Street.

*Issue:* The garage should be amended to be setback 900mm from the side boundary with 9 Thompson Street to allow for maintenance of 9 Thompson Street, and to minimise acoustic, flooding, and streetscape impacts.

**Response:** The proposed nil side setback is assessed as being acceptable in this report above.

*Issue:* A condition of consent should be added requiring a root barrier system for planting along the boundary adjacent to 9 Thompson Street to protect drainage pipes and structures.

**Response:** The modification application does not propose changes to landscaping adjacent to 9 Thompson Street, and the imposition of such a condition would not be relevant to the modification application.

#### 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

The following internal referral comments were sought:

#### Traffic and Development

Council's traffic and development officer raised no objection to the proposal.

#### Stormwater

3.2. Council's stormwater engineer reviewed the application documentation, and supported the deletion of conditions 2(a) and (b).

The engineer also recommended amendments to the existing stormwater conditions to remove the need for on-site stormwater detention and associated amendments to wording, in accordance with Council's stormwater policies. The amendments are requested as the development does not result in an increase in the impervious area at the site by  $30m^2$  or more, and as the original requirement was placed on the development in error. The amended conditions are included in Appendix A of this report.

3.3.

3.1.

#### Engineering Peer Review

Council engaged external engineer consultants 'JK Geotechnics' to undertake a peer review of the geotechnical issues. As part of their review, consideration was given to the proposed modifications particularly relating to the garage amendments and basement extension. In summary, their review found:

- *"The construction of the garage will not appreciably increase the risk of groundwater ingress into the family room of 9 Thompson Street.*
- Any groundwater flows migrating down the hillside will simply flow past the piles and continue migrating downslope.
- we do not believe that the construction of the garage at 7 Thompson Street with a nil setback from the eastern boundary with 9 Thompson Street will increase the groundwater ingress problems suffered by the below ground family room at the southern end of 9 Thompson Street.
- In addition to the comments and recommendations provided above we also recommend that the following be considered:
  - The successful construction of the proposed bulk storage and garden equipment store will depend on the careful staging of the installation of the contiguous pile wall, the

provision of temporary propping/support to the contiguous pile wall, the underpinning of the building above and the provision of permanent or long term support of the shoring system. The staging of these works needs to be carefully considered and detailed in the structural drawings. This may require further advice from the geotechnical engineer.

- Difficulties may be experienced when installed hand augered piles should groundwater be encountered. Further advice should be provided on how challenge may be mitigated should it be encountered during construction.
- While general comments are provided regarding the potential for groundwater seepage during and following construction, particular care will be required during construction that where groundwater is present above bulk excavation that inflows are controlled such that they do not wash sand into the excavation and thus result in the loosening of the soils behind the retaining wall. Should the washing of sand into the excavation not be controlled, sand will be lost from behind the wall which may potentially damage nearby structures. While we note that no groundwater was encountered during the investigation, should periodic groundwater flows occur over the surface of the sandstone bedrock during and following rainfall events, due to the proposed excavation depth being at or just above bulk excavation level, seepage into the excavation seems likely. Consequently, we feel that more emphasis on this potential risk should be highlighted and means of mitigation discussed.
- As the proposed bulk storage and garden equipment store will be at or just above bedrock level its construction will have a potential damming effect on any groundwater flows migrating downslope. In this regard we recommend that measures be implemented to allow groundwater seepage to flow through the wall and below the slab such that damming and the potential raising of groundwater flows are limited and do not adversely impact 9 Thompson Street. Whether there is any risk to below ground structures at 9 Thompson Street will depend on the location and finished floor level of these structures adjacent to the proposed bulk storage and garden equipment store, which is currently unknown. The hydraulic engineer should provide appropriate details of all below slab and perimeter drainage required to allow groundwater to flow through the contiguous pile wall, below the slab and exfiltrate on the low side of the proposed bulk storage and garden equipment store. The purpose of this detail is so that groundwater levels are maintained within their historical range while at the same time preventing sand from washing through the contiguous pile wall and into the drainage system.
- While we agree with CGC that the proposed works can be safely and satisfactorily completed, we recommend that further input be provided by the structural, geotechnical and hydraulic consultants with regards to our comments made above with regards to the risks posed to 9 Thompson Street. We consider that this input should be provided at Construction Certificate stage".

Amendments have been recommended to conditions of consent, which are incorporated into the recommendation.

#### 4. CONCLUSION

The modification application seeks to modify development consent, known as DA-110/2022 for alterations and additions to the existing dwelling house at the site known as 7 Thompson Street, Tamarama. In summary, the proposed modifications are for amendments to the approved garage including deleting the setback with the eastern side boundary, construction of a basement storage room, additional solar panels to the roof, and changes to condition 2 *General Modifications*.

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

- Water management impacts
- Excavation impacts
- Streetscape impacts

The assessment finds these issues acceptable.

One submission was received, and the issues raised in the submission 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 4.55(2) the *Environmental Planning and Assessment Act 1979* and is recommended for approval subject to conditions of consent.

#### **Development Building Unit (DBU) Review**

The application was reviewed by the DBU at the meeting on 30 May 2023 and the DBU concurred with the Assessment Planner's recommendation.

DBU members: A Rossi, B Magistrale, Jo Zancanaro

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

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

| Report prepared by:                   | Application reviewed and agreed by: |
|---------------------------------------|-------------------------------------|
| Mand Web                              |                                     |
| David Knight                          | Angela Rossi                        |
| Senior Development Assessment Planner | Manager, Development Assessment     |
| Date: 7 July 2023                     | Date: 14 July 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:

• Proposed amendments to a condition of development consent that was not included in the Council assessment report but which was added by the WLPP.

#### **OFFICE USE ONLY**

| Affordable Rental Housing Units?<br>*This is a planning portal reporting requirement | No |
|--------------------------------------------------------------------------------------|----|
| Secondary Dwelling<br>*This is a planning portal reporting requirement               | No |
| Boarding House *This is a planning portal reporting requirement                      | No |
| Group Home<br>*This is a planning portal reporting requirement                       | No |
| Trial Period database entry required                                                 | No |
| VPA submitted – follow up actions required                                           | No |
| Refer to compliance for investigation                                                | No |
| Commercial/liquor operational conditions                                             | No |
| Other (please specify):                                                              | No |

#### 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 Luigi Rosselli Pty Ltd including the following:

| Plan Number  | Plan description        | Plan Date  | Date received by |
|--------------|-------------------------|------------|------------------|
| and Revision |                         |            | Council          |
| DA-02 A      | Site & roof plan        | 13/09/2022 | 22/09/2022       |
| DA-03 A      | Lower ground floor plan | 13/09/2022 | 22/09/2022       |
| DA-03 A      | Ground floor plan       | 13/09/2022 | 22/09/2022       |
| DA-05 A      | First floor plan        | 13/09/2022 | 22/09/2022       |
| DA-06 B      | Elevation west          | 21/09/2022 | 22/09/2022       |
| DA-07 B      | Elevation north         | 21/09/2022 | 22/09/2022       |
| DA-08 A      | Elevation south         | 13/09/2022 | 22/09/2022       |
| DA-09 B      | Elevation east          | 21/09/2022 | 22/09/2022       |
| DA-10 B      | Section AA              | 21/09/2022 | 22/09/2022       |
| DA-17        | External finishes       | 11/03/2022 | 22/09/2022       |

## As amended by architectural plans prepared by Luigi Rosselli Pty Ltd numbers S455-00 to S455-12 dated 03/03/2023 and received by Council on 23/03/2023

- (b) Landscape Plan No. L003 to L010 revision C and documentation prepared by Bates Landscape, dated 22/03/2022 and received by Council on 25/03/2022
- (c) BASIX and NatHERs Certificate/s
- (d) Stormwater Details and documentation prepared by Stellen Consulting dated <del>09/03/2022</del> 22/02/2023, and received by Council on <del>25/03/2022</del> 23/03/2023
- (e) Arborist Report prepared by Jackson Nature Works dated 21/03/2022, and received by Council on 25/03/2022
- (f) Geotechnical Report for Proposed Alteration and Additions at 7 Thompson Street, Tamarama, NSW, by Crozier Geotechnical Consultants dated 22/02/2023 and received by Council on 23/03/2023
- (g) Stormwater Management Report, by Stellen Consulting dated 1 March 2023 and received by Council on 23/03/2023
- (h) Construction Impact Statement by GZ Consulting Engineers dated 14 December 2022 and received by Council on 23/03/2023

AMENDED BY DA-110/2022/A

#### 2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments:

(a) The eastern wall of the garage is to be setback a minimum of 500mm from the eastern boundary shared with 9 Thompson Street. Consequentially, the width of the garage and its opening will be reduced accordingly. (b) A Hydraulic Engineers report for the approved works must be prepared *in consultation with Sydney Water* and submitted to Council for review and approval. The Report shall include the construction of the slab of the garage and the need for piers to allow water to safely flow underneath the slab and not further impact on the adjoining property.

#### (c) The 'bulk storage and garden equipment store' shown on Drawing DA-03 issue A is not approved. This area is to be deleted and the associated excavation, including window W1 is to be removed from the plans. Reason: unnecessary excavation contrary to Part B14 Excavation of Waverley DCP 2012

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

#### AMENDED BY DA-110/2022/A

#### 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 Stellen Consulting Pty Ltd, Drawing ID. DR-000, DR-001, DR-002, DR-003, DR-004, and DR-005, Issue 2, dated 06/03/2023 are considered <u>concept</u> <u>only.</u>

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 plans shall provide details of any required On-Site Stormwater Detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. Council's mandatory OSD checklist as set out in Council's Water Management Technical Manual shall be completed and submitted.
- b) 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. *The minimum of 10,259 litres rainwater tank must be installed.*
- c) The roof guttering and internal drainage system shall be designed to cater for all storms up to and including the 1% Annual Exceedance Probability (AEP) event.
- d) 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 any OSD system).
- e) 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 300mm wide by 100mm deep at the shallow

## end and have a "bottom" slope of 2%. This trench drain shall be connected to an approved drainage system.

- f) 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.
- g) 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.
- h) 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 (October 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- Since a sewer main runs through the property, plans must also be presented to a Sydney Water for their approval.
- 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: <a href="mailto:assets@waverley.nsw.gov.au">assets@waverley.nsw.gov.au</a> 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.

#### AMENDED BY DA-110/2022/A

#### 11. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer/Hydraulic Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including but not limited to the necessary construction staging of the retention and underpinning detail, mitigation of potential loss of sand between the contiguous piles, particularly if groundwater is present above bulk excavation level, details of temporary and permanent support, including toe restraint, collection and diversion of groundwater flows around and below the bulk storage and garden equipment store to prevent an appreciable rise in groundwater, vibration emissions and measures taken to mitigate 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/*Geotechnical Engineer/Hydraulic 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.

AMENDED BY DA-110/2022/A

#### **39. 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.

**DELETED BY DA-110/2022/A** 

#### 40. 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 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.

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 OSD system, including its relationship to the building footprint. Electronic colour photographs of the OSD 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.

**DELETED BY DA-110/2022/A** 

#### B. New Conditions

#### 40A. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM

Prior to the issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practicing 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.

INSERTED BY DA-110/2022/A

#### 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 Luigi Rosselli Pty Ltd including the following:

| Plan Number  | Plan description        | Plan Date  | Date received by |
|--------------|-------------------------|------------|------------------|
| and Revision |                         |            | Council          |
| DA-02 A      | Site & roof plan        | 13/09/2022 | 22/09/2022       |
| DA-03 A      | Lower ground floor plan | 13/09/2022 | 22/09/2022       |
| DA-03 A      | Ground floor plan       | 13/09/2022 | 22/09/2022       |
| DA-05 A      | First floor plan        | 13/09/2022 | 22/09/2022       |
| DA-06 B      | Elevation west          | 21/09/2022 | 22/09/2022       |
| DA-07 B      | Elevation north         | 21/09/2022 | 22/09/2022       |
| DA-08 A      | Elevation south         | 13/09/2022 | 22/09/2022       |
| DA-09 B      | Elevation east          | 21/09/2022 | 22/09/2022       |
| DA-10 B      | Section AA              | 21/09/2022 | 22/09/2022       |
| DA-17        | External finishes       | 11/03/2022 | 22/09/2022       |

As amended by architectural plans prepared by Luigi Rosselli Pty Ltd numbers S455-00 to S455-12 dated 03/03/2023 and received by Council on 23/03/2023

- (b) Landscape Plan No. L003 to L010 revision C and documentation prepared by Bates Landscape, dated 22/03/2022 and received by Council on 25/03/2022
- (c) BASIX and NatHERs Certificate/s
- (d) Stormwater Details and documentation prepared by Stellen Consulting dated 22/02/2023, and received by Council on 23/03/2023
- (e) Arborist Report prepared by Jackson Nature Works dated 21/03/2022, and received by Council on 25/03/2022
- (f) Geotechnical Report for Proposed Alteration and Additions at 7 Thompson Street, Tamarama, NSW, by Crozier Geotechnical Consultants dated 22/02/2023 and received by Council on 23/03/2023
- (g) Stormwater Management Report, by Stellen Consulting dated 1 March 2023 and received by Council on 23/03/2023
- (h) Construction Impact Statement by GZ Consulting Engineers dated 14 December 2022 and received by Council on 23/03/2023

#### AMENDED BY DA-110/2022/A

#### 2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments:

(a) [DELETED].

(b) A Hydraulic Engineers report for the approved works must be prepared and submitted to Council for review and approval. The Report shall include the construction of the slab of the garage and the need for piers to allow water to safely flow underneath the slab and not further impact on the adjoining property.

#### (c) [DELETED]

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

#### AMENDED BY DA-110/2022/A

#### 3. APPROVED USE - DWELLING HOUSE WITHOUT SECONDARY DWELLING

This application approves the use of the dwelling house on site as a single unit dwelling house only.

No approval is granted or implied for part of the building to be used as a secondary dwelling.

# 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**

#### 4. 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.

#### 5. 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

#### 6. 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 <u>full</u> 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.

#### 7. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of \$50,189.78 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 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.

<u>Note</u>: 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.

#### 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/Hydraulic Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including but not limited to the necessary construction staging of the retention and underpinning detail, mitigation of potential loss of sand between the contiguous piles, particularly if groundwater is present above bulk excavation level, details of temporary and permanent support, including toe restraint, collection and diversion of groundwater flows around and below the bulk storage and garden equipment store to prevent an appreciable rise in groundwater, vibration emissions and measures taken to mitigate 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/Geotechnical Engineer/Hydraulic 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.

#### AMENDED BY DA-110/2022/A

#### **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.

#### 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 Stellen Consulting Pty Ltd, Drawing ID. DR-000, DR-001, DR-002, DR-003, DR-004, and DR-005, Issue 2, dated 06/03/2023 are considered <u>concept</u> <u>only.</u>

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) [DELETED].

- b) 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. The minimum of 10,259 litres rainwater tank must be installed.
- c) The roof guttering and internal drainage system shall be designed to cater for all storms up to and including the 1% Annual Exceedance Probability (AEP) event.
- d) 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 any OSD system).
- e) 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 300mm wide by 100mm deep at the shallow end and have a "bottom" slope of 2%. This trench drain shall be connected to an approved drainage system.
- f) 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.
- g) 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.
- h) 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 (October 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- Since a sewer main runs through the property, plans must also be presented to a Sydney Water for their approval.
- 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: <u>assets@waverley.nsw.gov.au</u> 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.

#### AMENDED BY DA-110/2022/A

#### 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.

#### LANDSCAPING & TREES

#### 17. LANDSCAPE WORKS FOR PROPERTIES ADJACENT TO REMNANT VEGETATION

A landscape plan is to be submitted to and approved by Council's Executive Manager, Environmental Sustainability (or delegate) with a minimum of 90% 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*.

#### TRAFFIC MANAGEMENT

#### 18. 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:

<u>https://www.waverley.nsw.gov.au/building/development\_applications/post\_determination/development\_applications - conditions of consent</u>

#### **19. 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 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

#### 20. CONSTRUCTION SIGNS

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

#### **DEMOLITION & EXCAVATION**

#### 21. 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.

#### 22. 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.

#### 23. 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.

#### 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.

If an excavation associated with the erection or demolition or 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

#### 25. CONSTRUCTION HOURS

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

### 26. 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.

#### 27. 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.

#### 28. 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.

#### 29. 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.

#### **30. WORK OUTSIDE PROPERTY BOUNDARY**

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

#### 31. 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

#### **32.** TREES PERMITTED TO BE REMOVED

The following trees are permitted to be removed as per Arboricultural Impact Assessment Report prepared by Ross Jackson, Jackson Nature Works dated 21/03/2022;

| Tree no. | Species                        | Location |
|----------|--------------------------------|----------|
| Т4       | Archontophoenix cunninghamiana | On-site  |
| Т 5      | Archontophoenix cunninghamiana | On-site  |
| T 11     | Viburnum odoratissimum         | On-site  |
| T 13     | Syzygium luehmannii            | On-site  |
| T 15     | Viburnum odoratissimum         | On-site  |
| T 16     | Archontophoenix cunninghamiana | On-site  |
| Т 17     | Syzygium sp                    | On-site  |

#### **33.** TREES PERMITTED TO BE RELOCATED

The following tree is permitted to be relocated within the site as per Arboricultural Impact Assessment Report prepared by Ross Jackson, Jackson Nature Works dated 21/03/2022;

| Tree no. | Species | Location |
|----------|---------|----------|
|          |         |          |

| T 14 | Archontophoenix cunninghamiana | On-site |
|------|--------------------------------|---------|
|      |                                |         |

#### **34.** 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.

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

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) Prevent damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;
- (d) Do not add or remove topsoil from under the drip line;
- (e) Do not compact ground under the drip line;
- (f) Do not mix or dispose of liquids within the drip line of the tree; and

(g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.

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

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

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

•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 neighboring 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.

### **35.** 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

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.

#### **36.** 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.

#### **37.** CERTIFICATION OF BASIX COMMITMENTS

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

#### 38. 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, detention facility, rainwater reuse 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.

39. [DELETED]

**DELETED BY DA-110/2022/A** 

40. [DELETED]

DELETED BY DA-110/2022/A

#### 40A. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM

Prior to the issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practicing 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.

#### INSERTED BY DA-110/2022/A

#### 41. 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 (<u>http://www.swimmingpoolregister.gov.au</u>);
- (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.

# E. OPERATION AND SPECIAL CONDITIONS

#### 42. 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.

# F. 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 <u>info@waverley.nsw.gov.au</u> 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.

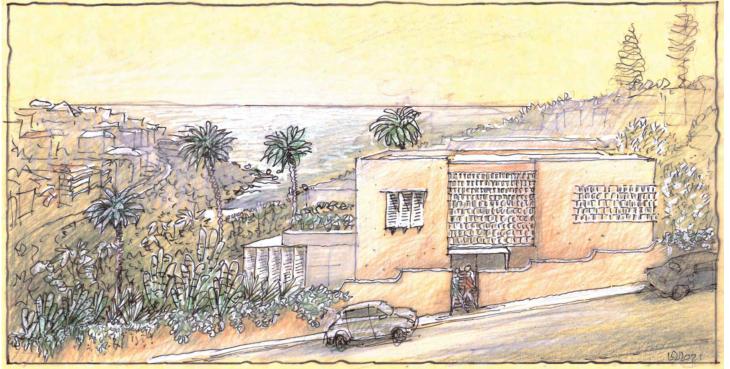
#### AD6. EXCAVATION TO BE LIMITED

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.

# Section 4.55 Application | Alterations & Additions to Existing Dwelling March 2023



#### Site Details

| Address :             |
|-----------------------|
| Lot/Section/Plan no : |
| Council :             |
| LEP zoning :          |
| Site Area :           |

#### Abbreviations

| BDY   | boundary              |
|-------|-----------------------|
| DP    | downpipe              |
| DP(e) | existing downpipe     |
| DR.   | dryer                 |
| EGL   | existing ground level |
| FR.   | fridge                |
| FFL   | finished floor level  |
| HWU   | hot water unit        |
| J     | joinery               |
| NTS   | not to scale          |
| RL    | relative level        |
| RWH   | rainwater head        |
| SK    | skylight              |
| WM.   | washing machine       |
| WL    | water level           |
| FP    | fire place            |
|       |                       |

7 Thompson Street, Tamarama, 2026 Lot 50, DP 10771 Waverley Council R2 Low Density Residential 578.4 m<sup>2</sup>

#### Materials & Finishes

# WOT'ST TO



date

description

-- 03.03.23 S4.55 issue

#### BASIX certificate requirements - Certificate Number: A448796

#### Lighting

A minimum of 40% of new or altered light fixtures must be 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 liter per average flush or a minimum 3 star water rating.
- The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating

Insulation requirements

The applicant must construct new construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table in the BASIX certificate.

Windows, glazed doors and skylights

The Contractor shall verify all dimensions &

Written dimensions to take preference over

Documents & design remain the copyright of

the Architect & cannot be reproduced without

levels on the site.

scaled dimensions

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

cover 122 buckingham Street Surry Hills NSW 2010

**T** + 61 2 9281 1498 + 61 2 9281 0196 E info@luigirosselli.com

**ABN** 80 003 635 372 NOM REG NO. 4895

LUIGI ROSSELLI pty ltd

### RECEIVED **Waverley** Council

### Application No: DA-110/2022/A

## Date Received: 23/03/2023

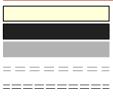
#### DRAWING LIST

| S455-00  |
|----------|
| S455-01  |
| S455-02  |
| S455-03  |
| S455-04  |
| S455-05  |
| S455-06  |
| S455-07  |
| S455-08  |
| S455-09  |
| S455-10  |
| S4.55-11 |
| S4.55-12 |
| S4.55-13 |
| S455-14  |

|                            | 1000 |
|----------------------------|------|
| cover                      | -    |
| site analysis              | -    |
| site & roof plan           | -    |
| lower ground floor plan    | -    |
| ground floor plan          | -    |
| first floor plan           | -    |
| elevation west             | -    |
| Elevation North            | -    |
| Elevations South           | -    |
| Elevation East             | -    |
| Section AA                 | -    |
| basement detailed plan     | -    |
| garage detailed plan       | -    |
| excavation calculations    | -    |
| proposed area calculations |      |
|                            |      |

Issue

## Drawings legend



S4.55 amendments and changes existing walls new walls existing elements to remove ======== outline approved elements changed

# S4.55 amendments and changes

#### GARAGE

- Delete condition 2a and extend width of approved garage 1. by 500mm to the eastern boundary
- 2. Rebuild existing entry/garage wall to allow circulation for disabled access
- 3. Relocate bin storage to bin storage enclosure adjoining garage
- Increase height of approved garage and existing entry 4. portico to RL47.00 matching the height of the primary dwelling

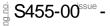
#### LOWER GROUND FLOOR

- 5. Delete condition 2c and allow Basement Bulk storage and garden equipment storage room
- Delete condition 2c and allow Window W01 6.

#### ROOF

- 7. Additional solar panels to replace existing solar pool hearting panel
- Replace existing entry roof with open awning structure 8.

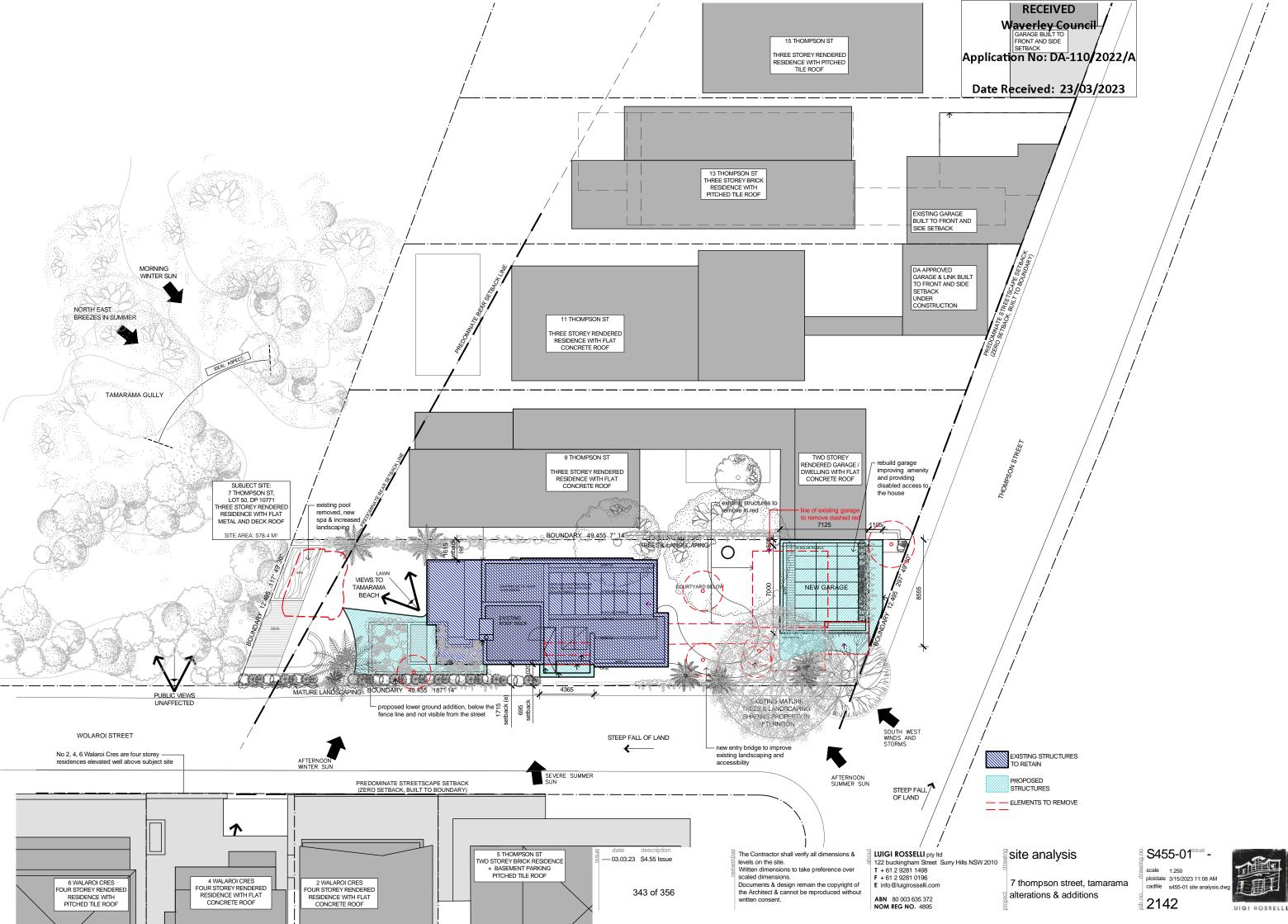
7 thompson street, tamarama alterations & additions

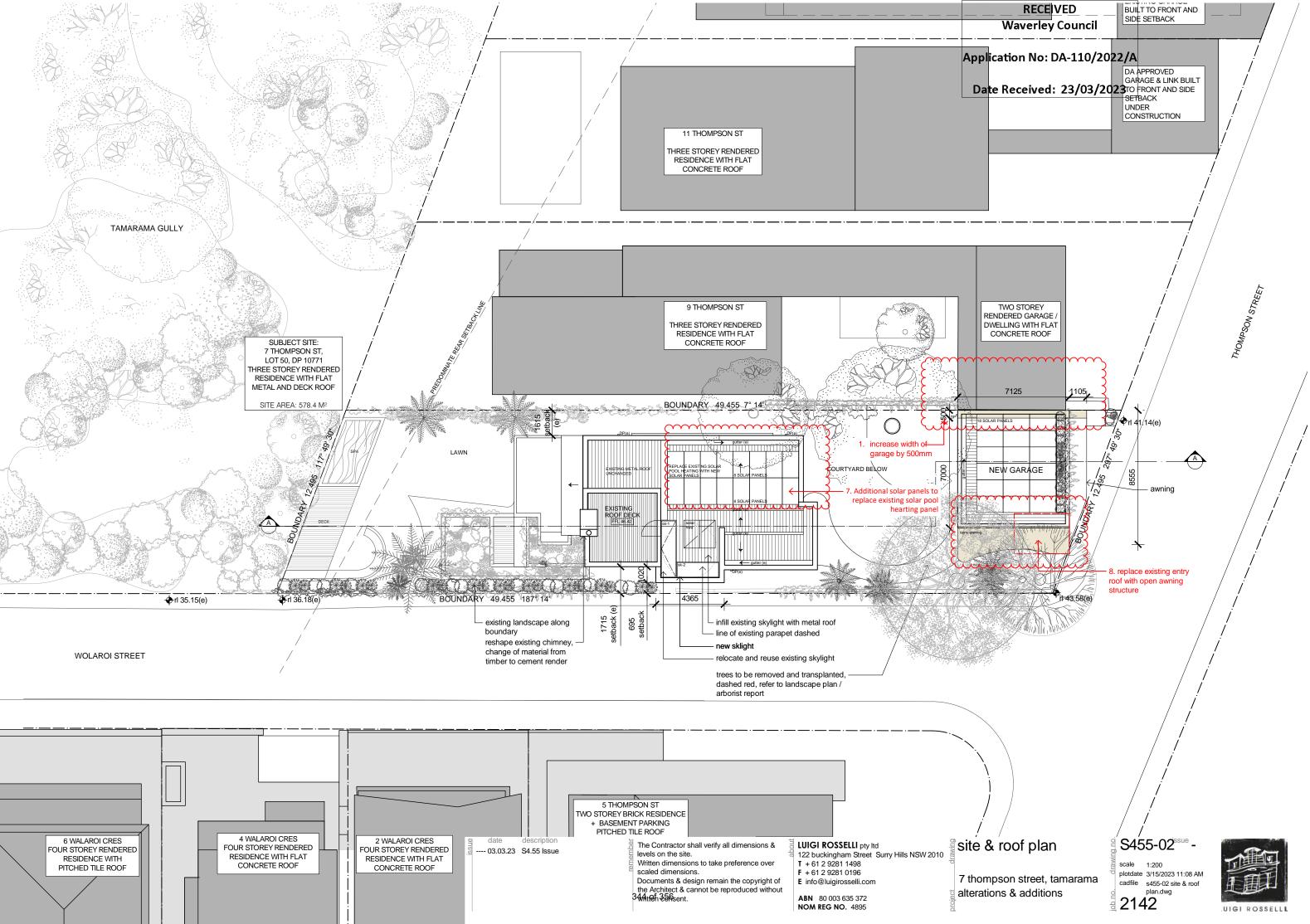


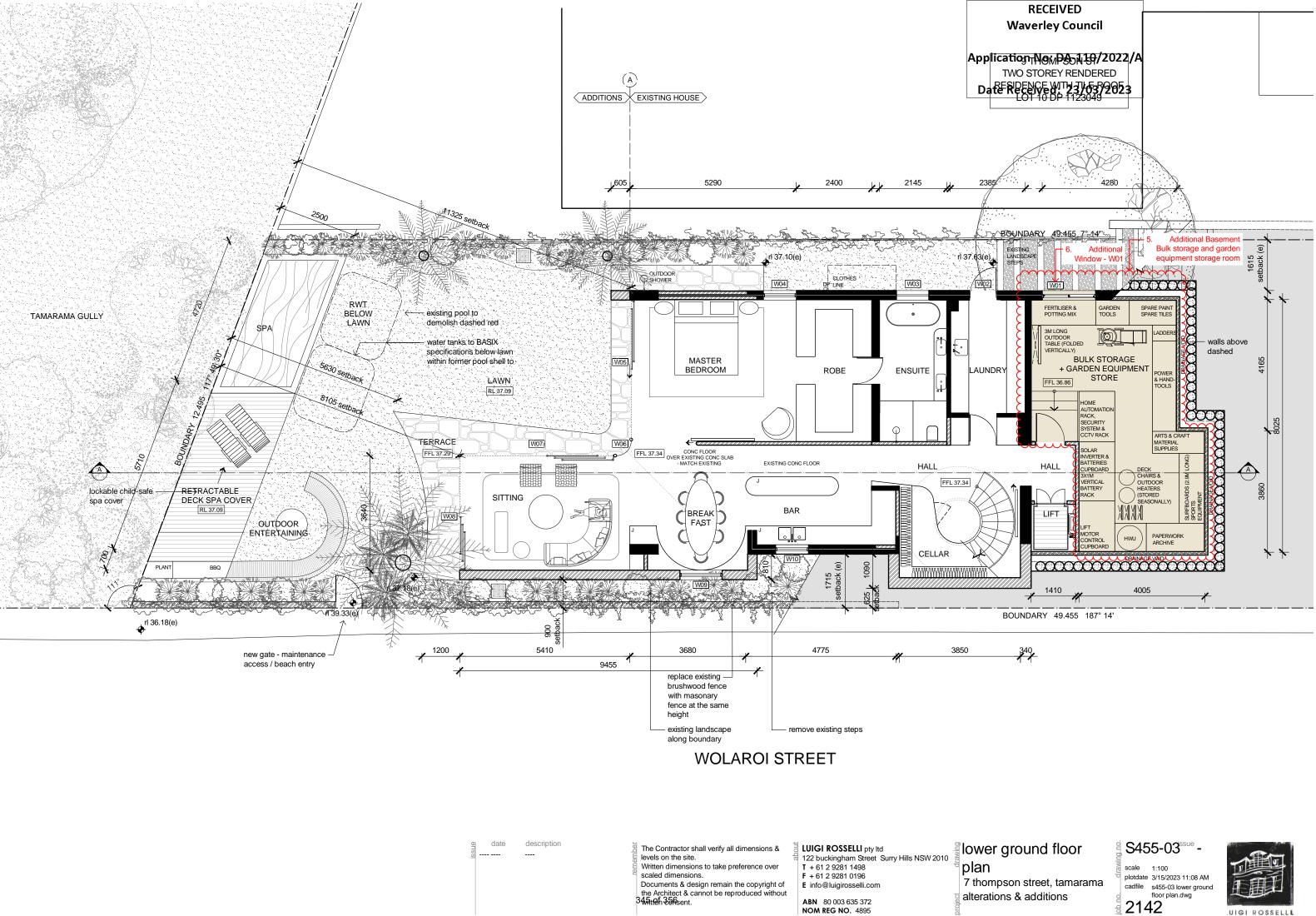
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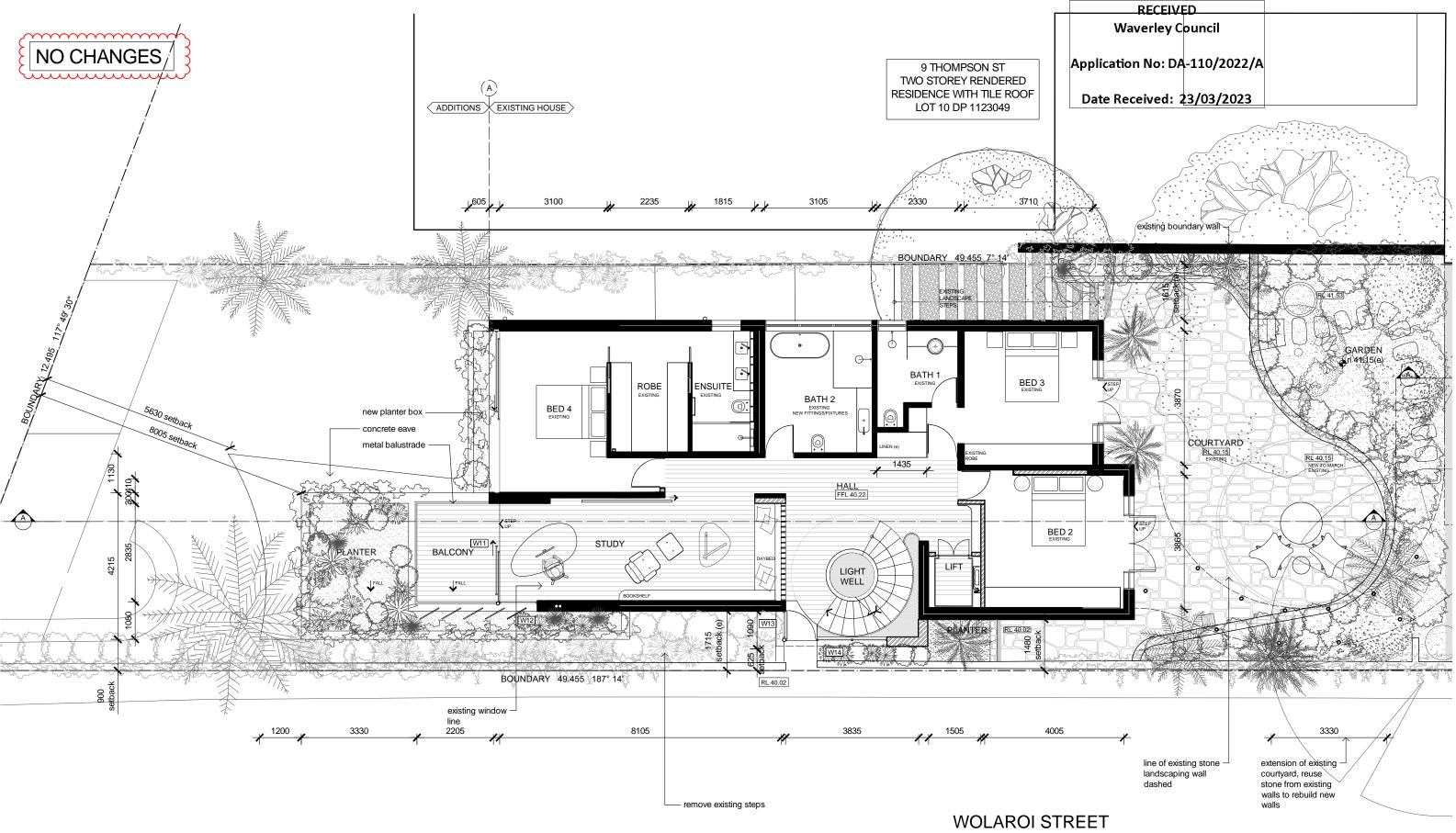


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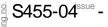




The Contractor shall verify all dimensions & LUIGI ROSSELLI pty ltd 122 buckingham Street Surry Hills NSW 2010 **T** + 61 2 9281 1498 levels on the site. Written dimensions to take preference over scaled dimensions. F + 61 2 9281 0196 Documents & design remain the copyright of the Architect & cannot be reproduced without 3ଐମହେନି ବ୍ୟର୍ଭିହent. E info@luigirosselli.com **ABN** 80 003 635 372 NOM REG NO. 4895

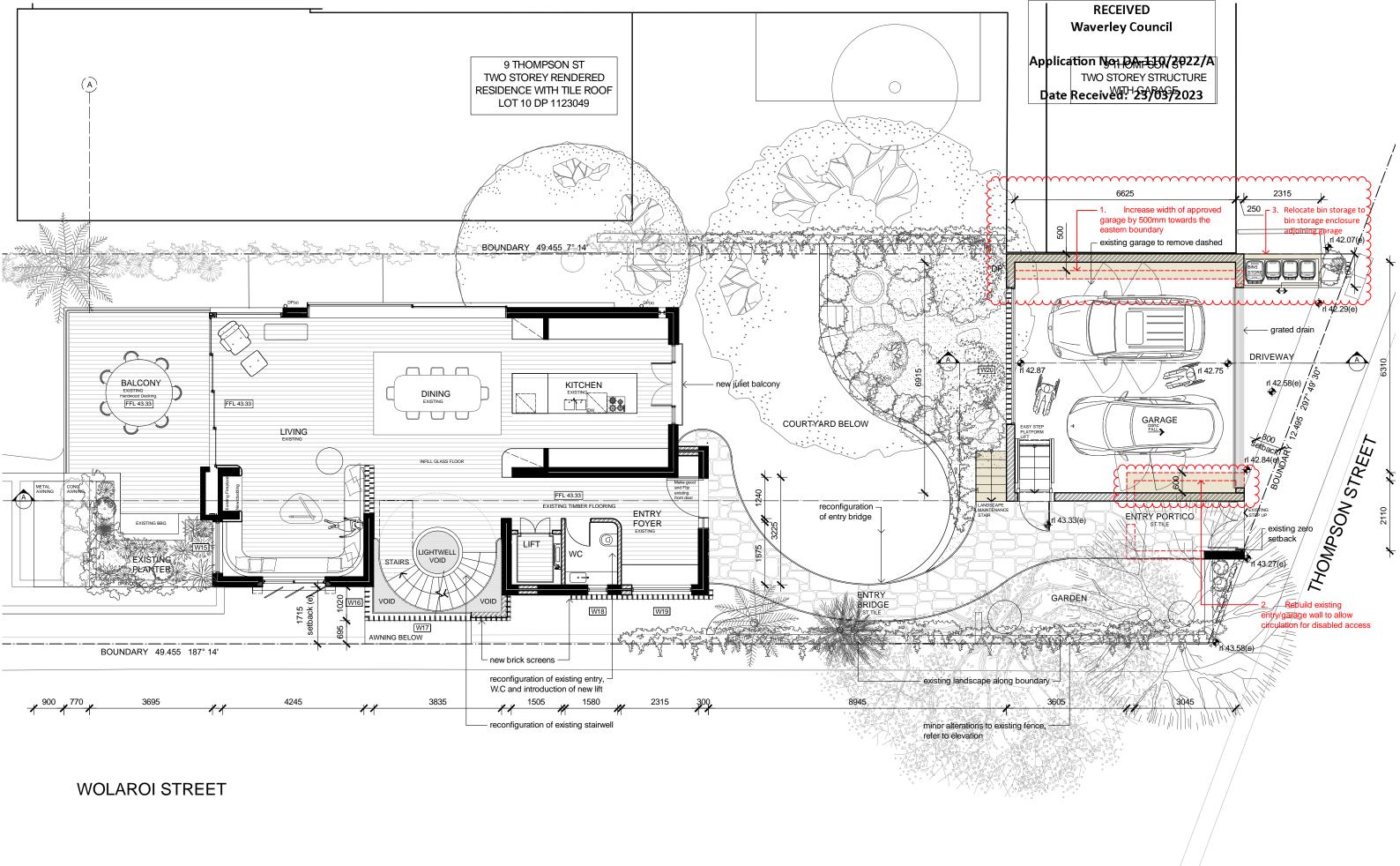
ground floor plan

7 thompson street, tamarama alterations & additions



2142

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|  | Issue | date<br>- 03.03.23 | description<br>S4.55 Issue | remember | The Contractor shall verify all dimensions &<br>levels on the site.<br>Written dimensions to take preference over<br>scaled dimensions.<br>Documents & design remain the copyright of<br>the Architect & cannot be reproduced without |  | LUIGI ROSSELLI pty ltd<br>122 buckingham Street Surry Hills NSW 2010<br>T + 61 2 9281 1498<br>F + 61 2 9281 0196<br>E info@luigirosselli.com<br>ABN 80 003 635 372<br>NOM REG NO. 4895 | dr | fi<br>7<br>a |
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# irst floor plan

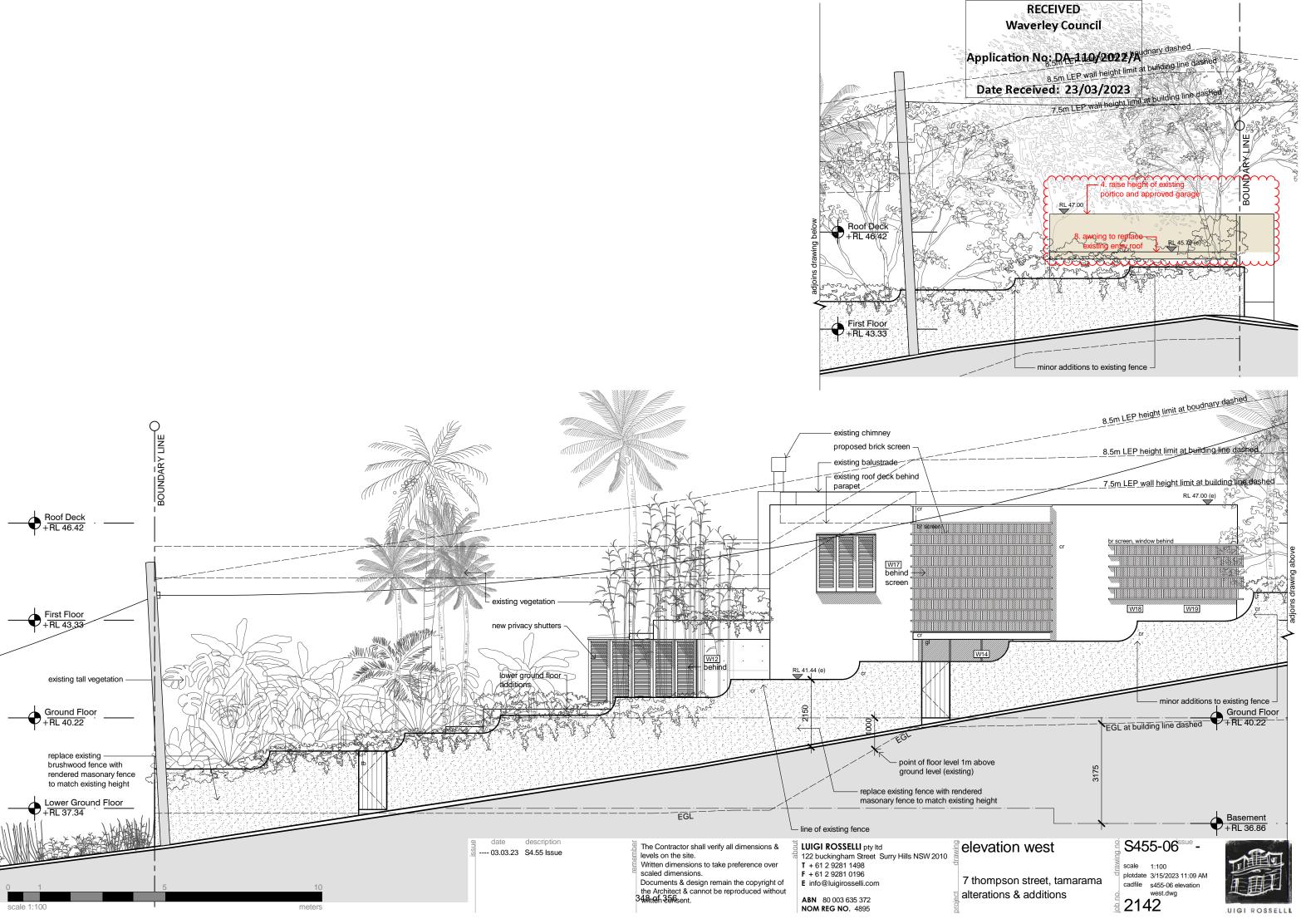
7 thompson street, tamarama alterations & additions



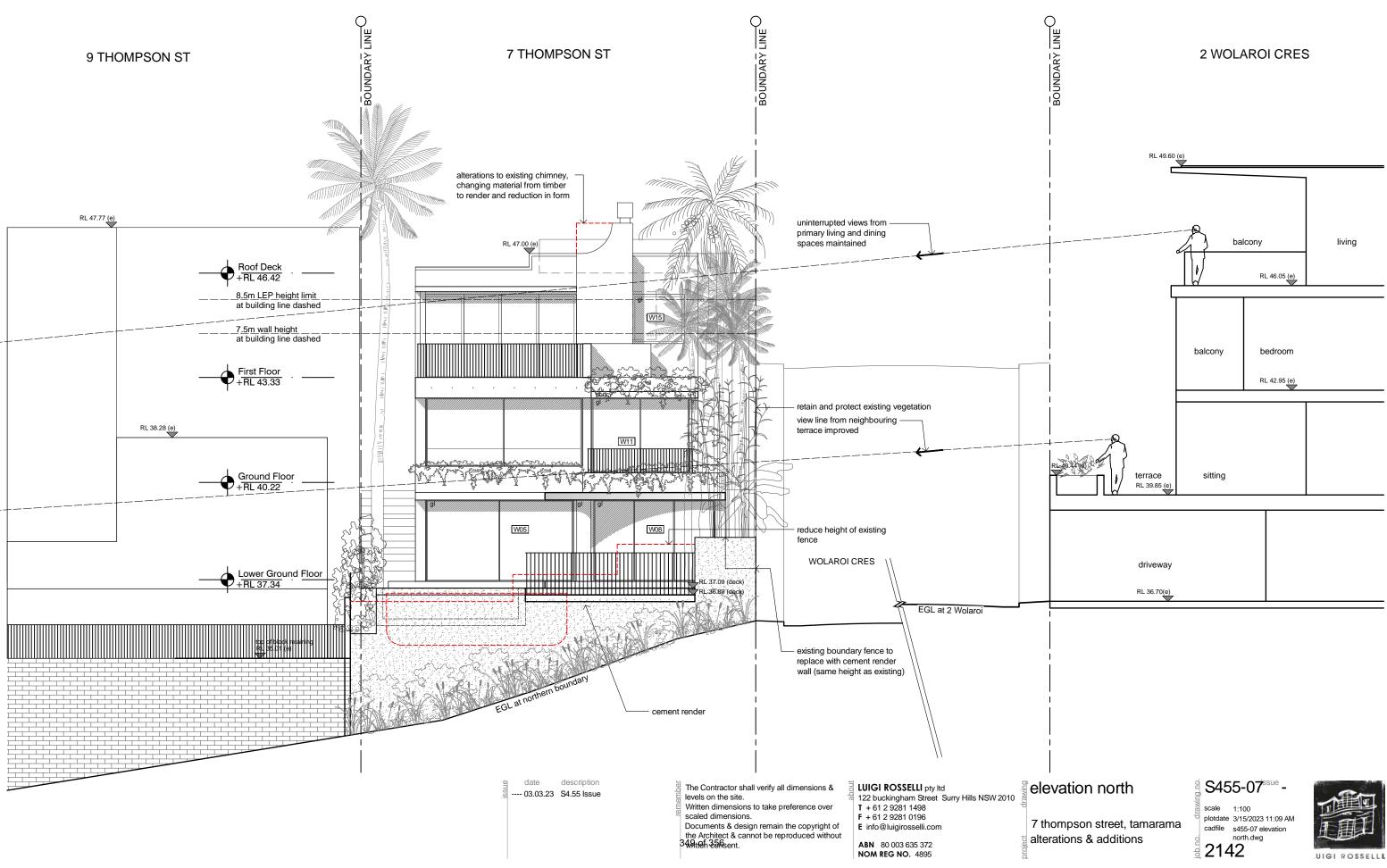
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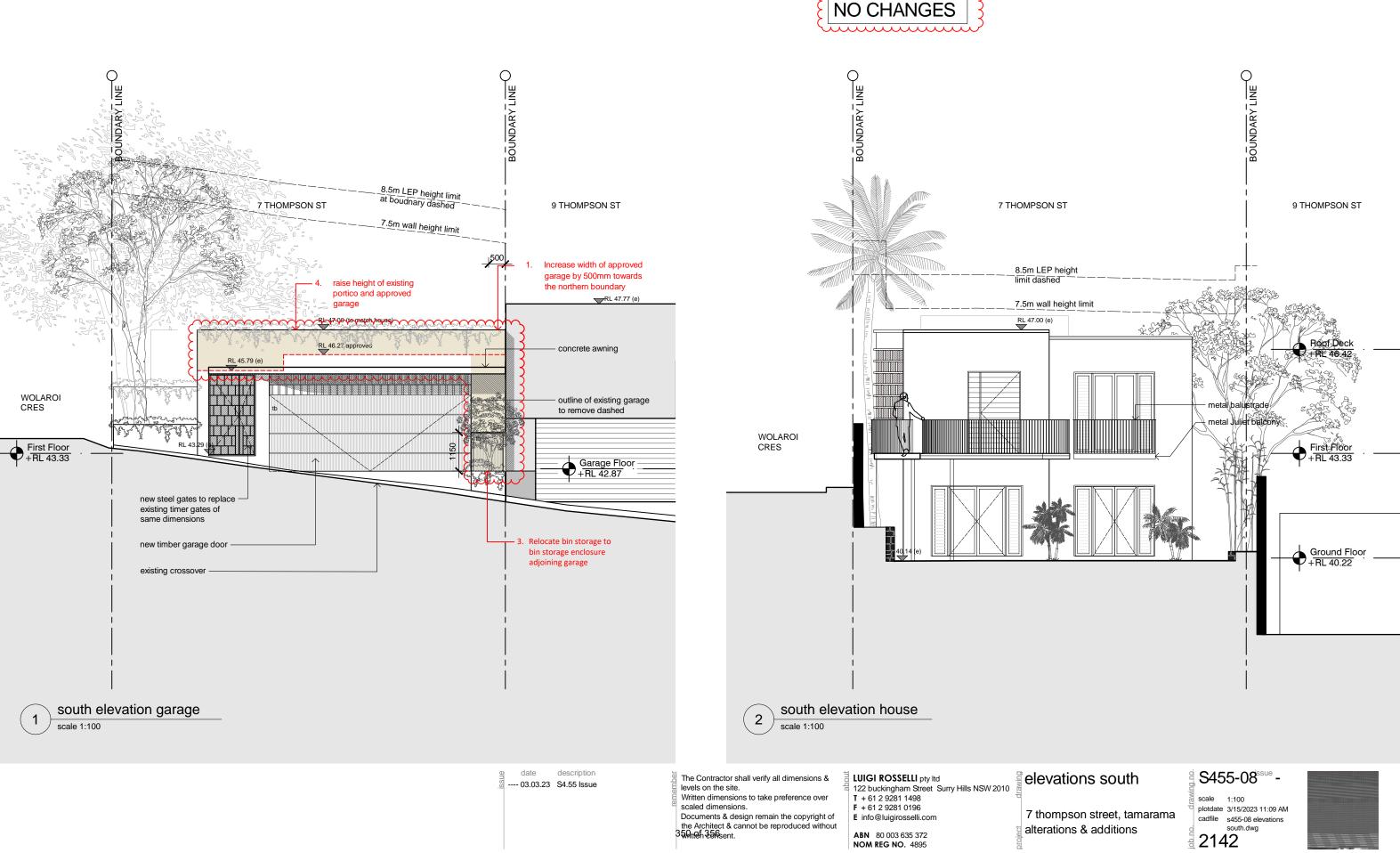
## RECEIVED **Waverley** Council

Application No: DA-110/2022/A

Date Received: 23/03/2023



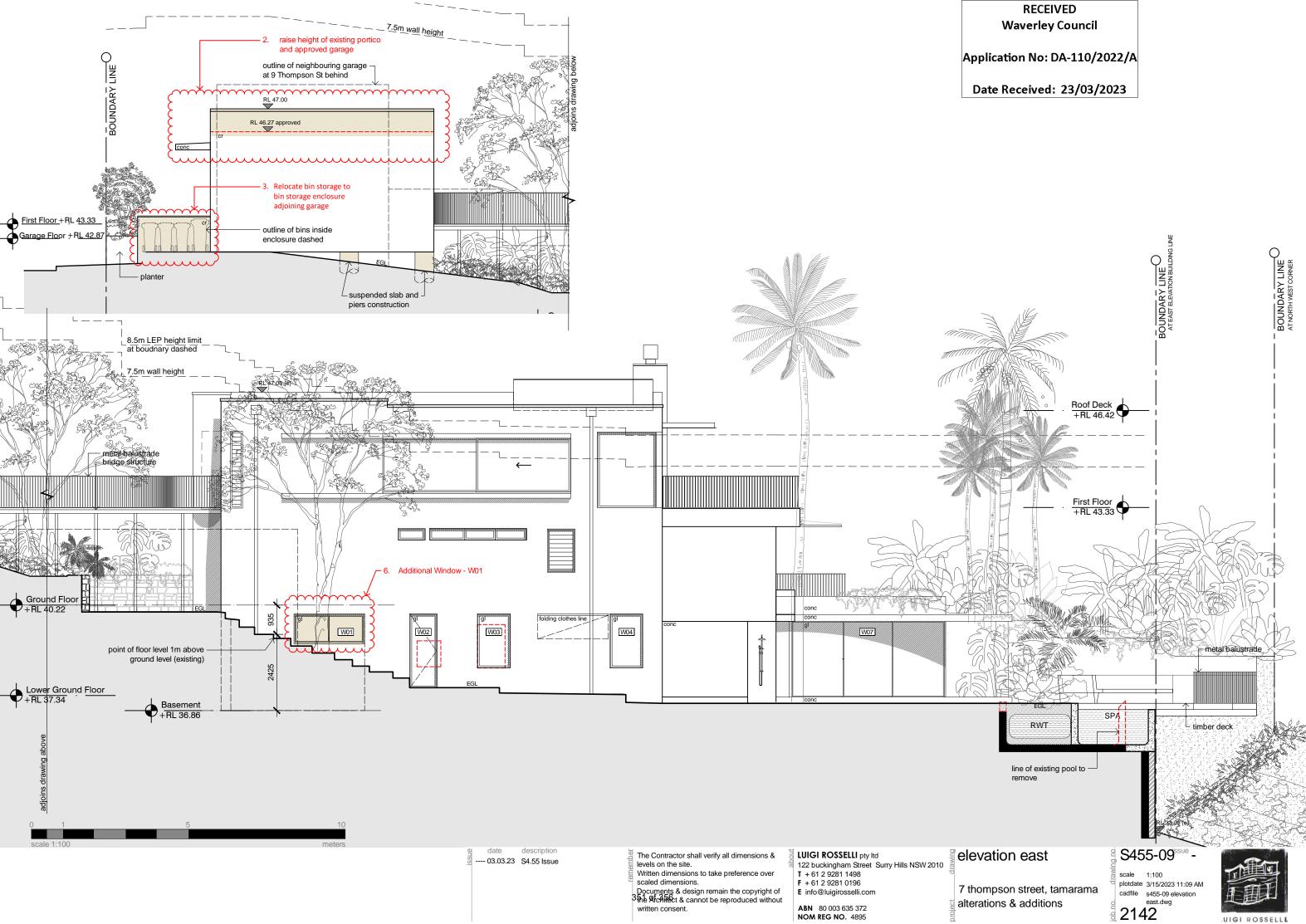


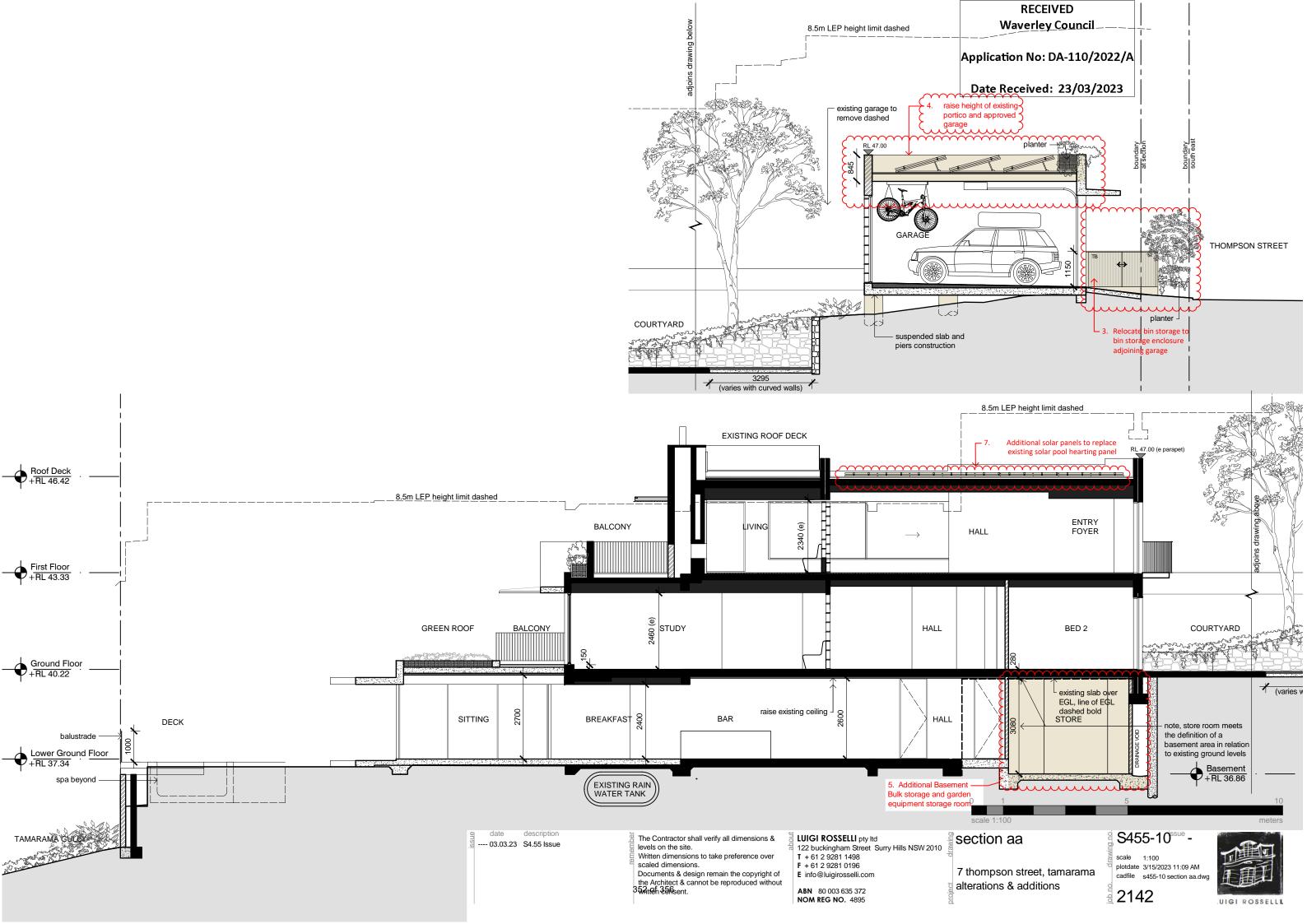


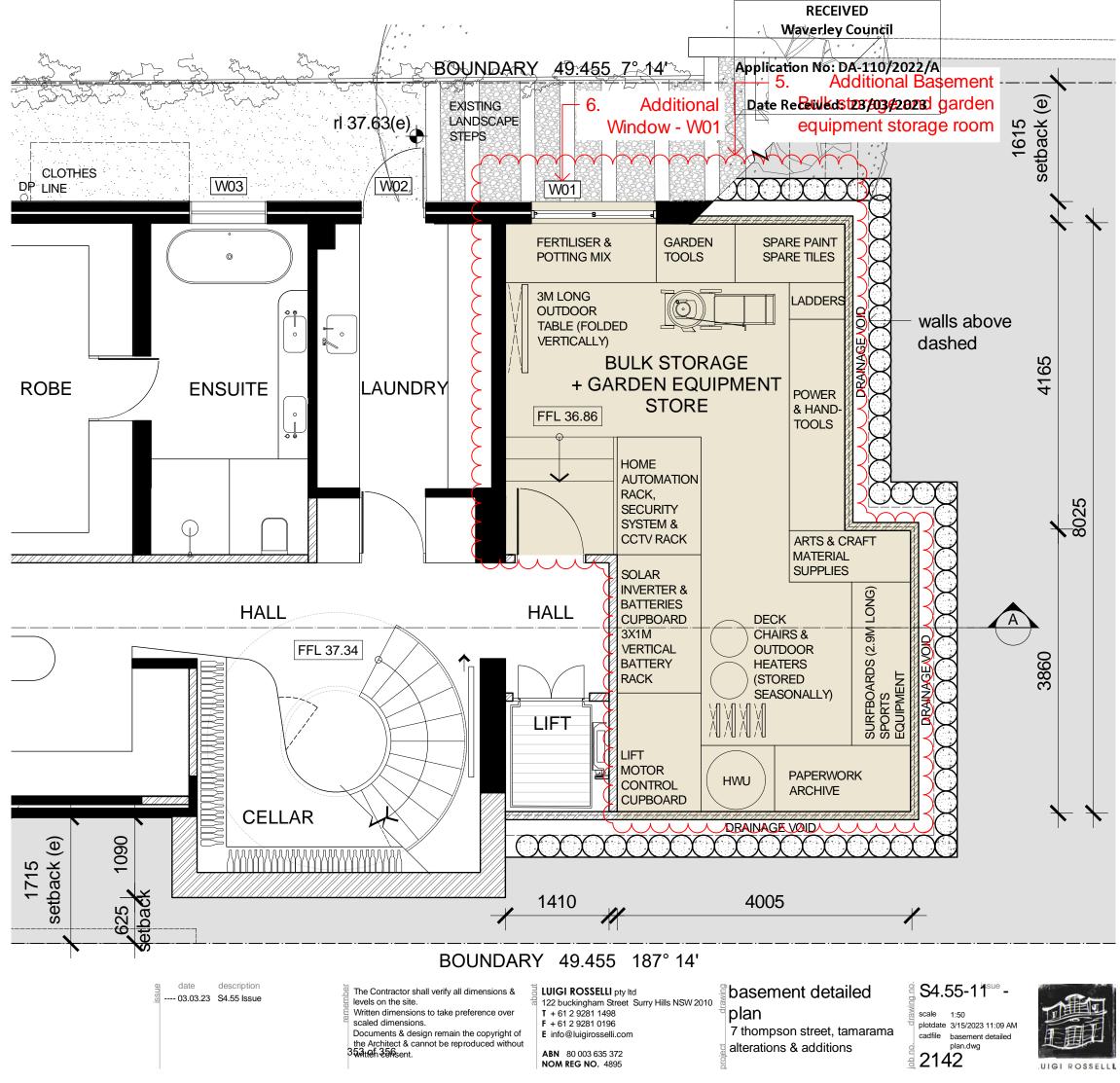
## RECEIVED **Waverley** Council

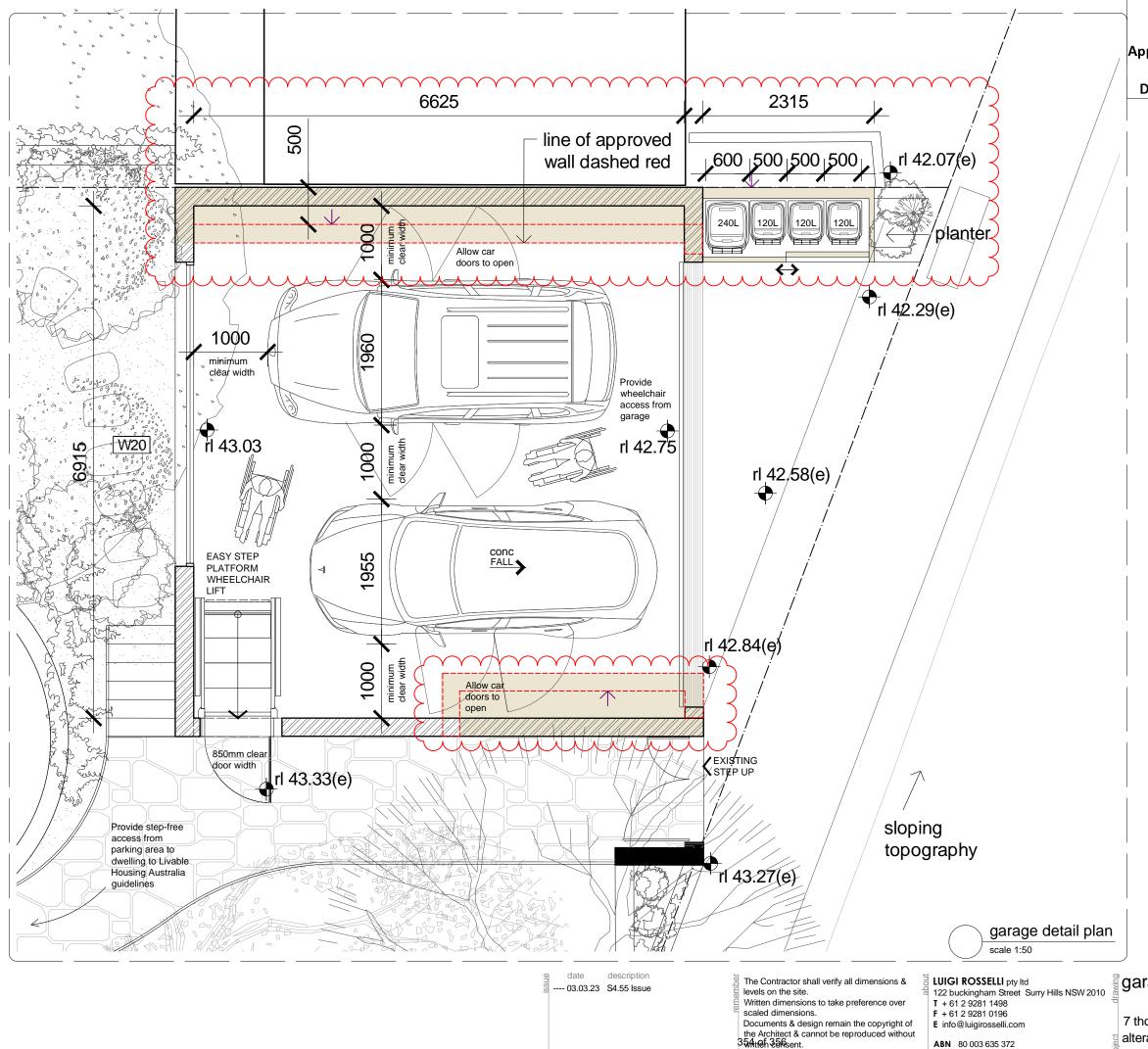
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Date Received: 23/03/2023









NOM REG NO. 4895

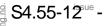
## RECEIVED **Waverley** Council

Application No: DA-110/2022/A

Date Received: 23/03/2023

# garage detailed plan

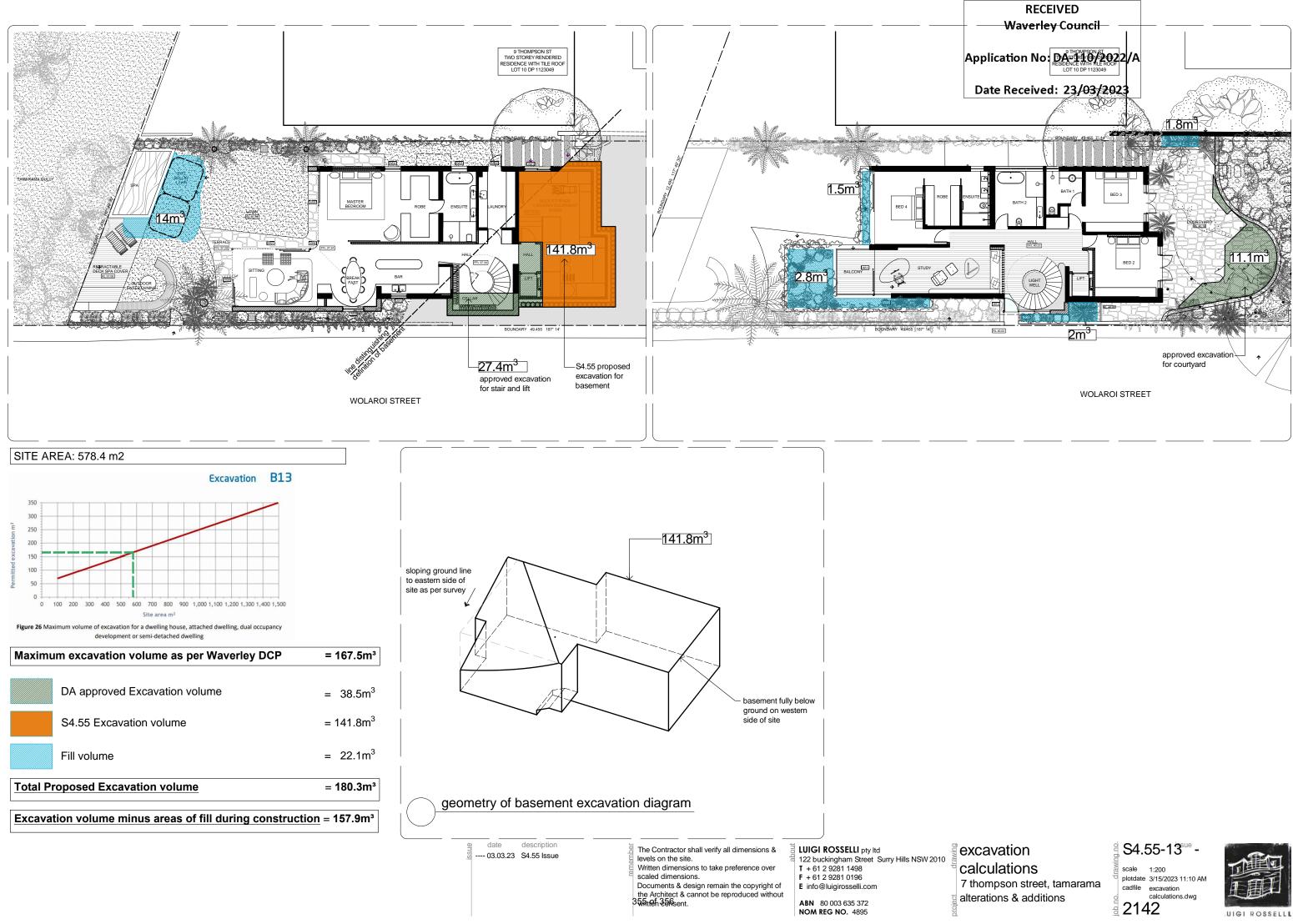
7 thompson street, tamarama alterations & additions

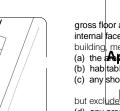


2142

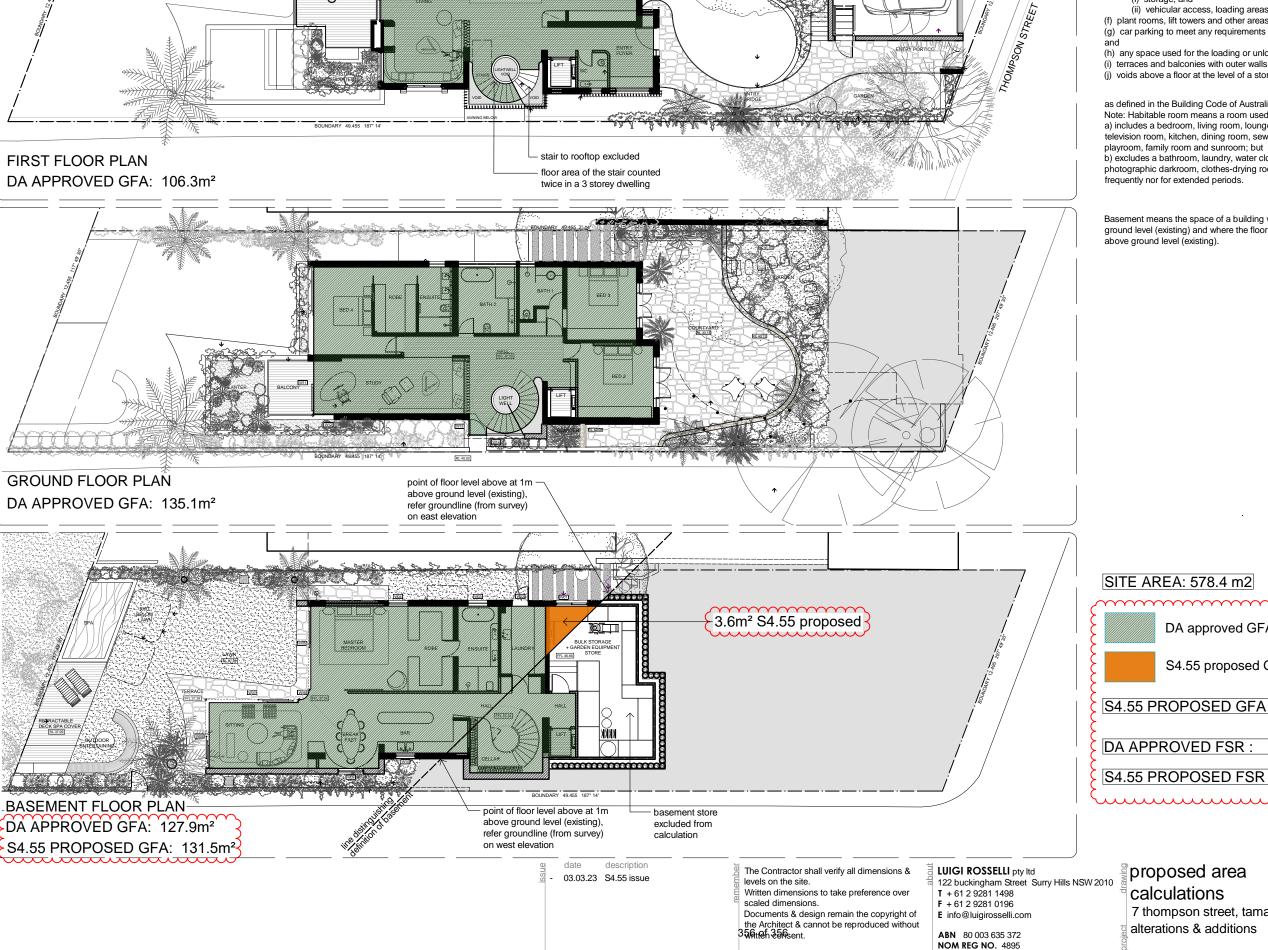
scale 1:50 plotdate 3/15/2023 11:09 AM cadfile garage detailed plan.dv







(e) any basement-(i) storage, and



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gross floor area (GFA) means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other and includes-

building measured at a height of 1.4 metres above the floor, a (a) the Application, No: DA-110/2022/A (b) habitable rooms in a basement or an attic, and (c) any shop, auditorium, cinema, and the like, in a basement or attic,

# but exclude Date Received: 23/03/2023

(d) any area for common vertical circulation, such as lifts and stairs, and

(ii) vehicular access, loading areas, garbage and services, and

(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and (g) car parking to meet any requirements of the consent authority (including access to that car parking),

(h) any space used for the loading or unloading of goods (including access to it), and (i) terraces and balconies with outer walls less than 1.4 metres high, and (j) voids above a floor at the level of a storey or storey above.

as defined in the Building Code of Australia (BCA).

Note: Habitable room means a room used for normal domestic activities, and:

a) includes a bedroom, living room, lounge room, music room,

television room, kitchen, dining room, sewing room, study,

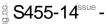
b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither

Basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre

## SITE AREA: 578.4 m2

| *****              | · · · · · · · · · · · · · · · · · · · |
|--------------------|---------------------------------------|
| DA approved GFA    | $= 369.3 \text{m}^2$                  |
| S4.55 proposed GFA | $= +3.6m^2$                           |
| OPOSED GFA TOT     | AL: 372.9m <sup>2</sup>               |
| OVED FSR :         | 0.64 : 1                              |
| OPOSED FSR :       | 0.64 : 1                              |
| ······             | mm                                    |

proposed area calculations 7 thompson street, tamarama alterations & additions



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scale 1:200 plotdate 3/15/2023 11:10 AM cadfile s455-12 proposed area calculations.dwg

