



18 March 2020

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

12.00 PM WEDNESDAY 22 APRIL 2020

QUORUM: Three Panel members.

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

OR

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

AGENDA

WLPP-2003.A Apologies

WLPP-2003.DI Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-2003.1 PAGE 4 62 St James Street, Bondi Junction - Review previous refusal decision seeking alterations and additions to semi-detached dwelling, including partial demolition, new first and second levels (DA-3/2019/1)

Report dated 9 March 2020 from the Development and Building Unit.

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

WLPP-2003.2 PAGE 35 9 Tipper Avenue, Bronte - Alterations and additions to existing detached single dwelling (DA-286/2019)

Report dated 12 March 2020 from the Development and Building Unit.

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

WLPP-2003.3 PAGE 96 119 MacPherson Street, Bronte - Demolition of existing garages and construction of new garages with two x studio apartments above, at the rear of the site on Chesterfield Lane. (DA-298/2019)

Report dated 9 March 2020 from the Development and Building Unit.

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

WLPP-2003.4**PAGE 138****8/197 Birrell Street, Waverley - Alterations and additions to Unit 8 at ground level (DA-351/2019)**

Report dated 10 March 2020 from the Development and Building Unit.

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

WLPP-2003.5**PAGE 174****15-17 Lamrock Avenue, Bondi Beach - Demolition of two detached dwellings and construction of a four-storey boarding house and integrated carparking (DA-170/2019)**

This item is scheduled to be considered separately on **Wednesday, 22 April 2020 at 11am.**

WLPP-2003.6**PAGE 303****156 Glenayr Avenue Bondi Beach - Demolition of existing mechanics workshop and construction of shop top housing comprising 6 units and commercial premises on ground floor (DA-257/2019)**

Report dated 12 March 2020 from the Development and Building Unit.

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

WLPP-2003.7**PAGE 380****11 Hardy Street, North Bondi - Section 4.55(2) modification to the approved dual occupancy including internal reconfiguration, increasing floor space and materiality changes (DA-20/2019/A)**

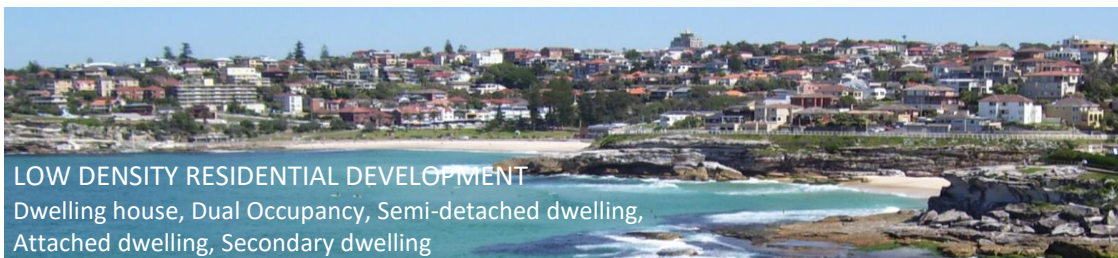
Report dated 11 February 2020 from the Development and Building Unit.

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

WLPP-2003.8**PAGE 432****2/79 Oceanview Avenue, Dover Heights - Alterations and additions to attached dual occupancy unit 2 (DA-379/2019)**

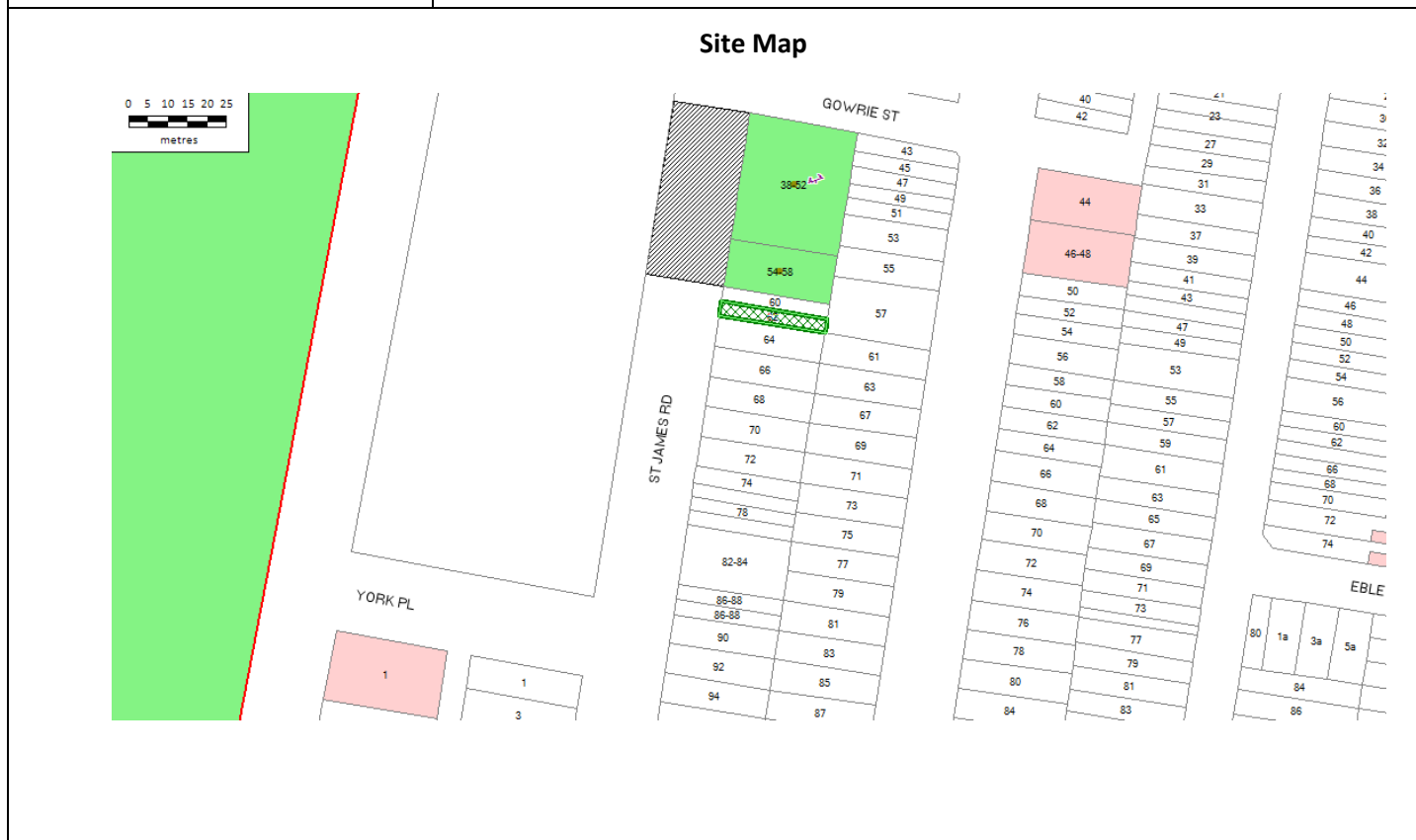
Report dated 12 March 2020 from the Development and Building Unit.

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



Report to the Waverley Local Planning Panel

Application number	DA-3/2019/1
Site address	62 St James Street, Bondi Junction
Proposal	Review previous refusal decision seeking alterations and additions to semi detached dwelling, including partial demolition, new first and second levels.
Date of lodgement	28 November 2019
Owner	Davette Pty Ltd
Applicant	Pyramid Consulting Pty Ltd
Submissions	Seven (7) unique submissions
Cost of works	\$479,600.00
Issues	FSR and height non-compliance with no clause 4.6 written request for the height, impact on HCA, wall height, setbacks, design of addition not cohesive with adjoining semi-detached dwelling, adverse impact on Mill Hill Conservation Area.
Recommendation	That the application be REFUSED



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 23 January 2020 date.

The site is identified as Lot 91 in DP 252258, known as 62 St James Road BONDI JUNCTION. The site is rectangular in shape with a front western boundary measuring 3.685m, a rear eastern boundary measuring 3.55m and a site length of 27m. The site has an area of 99.9m² and has a gradual slope from the rear boundary to the street of 1.4m.

The site is occupied by a single storey with attic room semi-detached dwelling. The site has no vehicular access.

The subject site is adjoined by a semi-detached dwellings to the north and a detached dwelling to the south. The locality is characterised by a variety of residential developments including semi-detached, dwellings, town houses and terraces. Directly north of the site locates St James Reserve.



Figure 1: Site viewed from St James Road (subject site is second dwelling from the left).



Figure 2: Front façade of subject site.

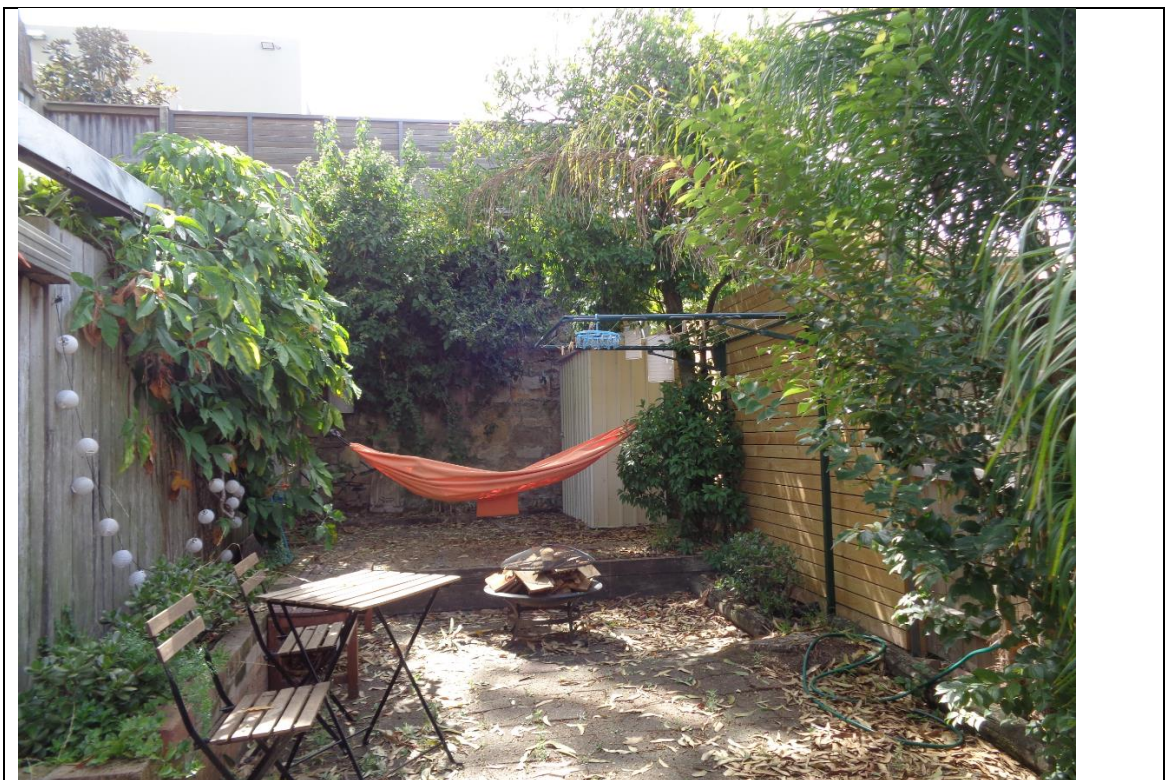


Figure 3: Easterly view of the rear back yard and boundary fences from properties on Ruthven Street.



Figure 4: Westerly view of the subject site and surrounding roof structures.



Figure 5: Rear first floor addition at 64 St James Road (DA-473/2017 – approved on 30 May 2018).



Figure 6: Southerly view from St James Reserve of the semi-detached dwelling pair at 60-62 St James Road.

1.2 Relevant History

Original application:

DA-3/2019: The original application sought consent for the alterations and additions to the semi-detached dwelling, including partial demolition, new first and second levels and garage in the front façade. The application was lodged 14 January 2019.

On the 12 August 2019, the applicant was advised that the application would not be supported as the demolition of the existing semi-detached residence is not supported as it is identified as a contributory item to the Mill Hill Conservation Area and the construction of a new three storey residence is unrelated to the attached residence at 60 St James Road. Furthermore, the demolition of the existing façade for the proposed garage is not supported and vehicular access would result in an unacceptable impact on the existing street trees located within Council's road reserve. The applicant was advised to withdraw the application or alternatively, the application would be recommended for refusal.

In the absence of a withdrawal, the application was refused by the Development and Building Unit on 30 September 2019 for the following reasons:

1. *The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (g) as the proposal does not promote good design and amenity in the built environment.*
2. *The proposal is in breach of section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, in particular the following provisions:*
 - a. *Waverley Local Environmental Plan 2012 (WLEP 2012) 2012 Clause 4.3(1)(a) and (d) and (2) as the proposal exceeds the maximum building height standard.*

- b. *WLEP 2012 Clause 4.4(1)(b) to (d) and (2) as the proposal exceeds the maximum floor space ratio (FSR) standard.*
 - c. *Clause 4.6 of the WLEP 2012, as a written request has not been submitted to justify the breach of the Height of buildings and FSR development standard. In the absence of a well-founded Clause 4.6 written request, justifying the contravention of the Height of buildings and FSR development standard, it is not possible for the proposed development to be approved.*
- 3. *The proposal does not satisfy section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy the WLEP 2012, in particular, the following provisions:*
 - a. *Clause 4.3(1)(a) and (d) and (2) as the proposal will exceed the maximum building height, which results in a building that is not compatible with the bulk and scale of the desired future character of the locality.*
 - b. *Clause 4.4(1)(b) to (d) and (2) as the proposal will exceed the maximum FSR permitted for the site and have unacceptable impacts on the overall scale of the development.*
 - c. *Clause 4.6(4)(a)(i) and (ii) as the proposal is inconsistent with the objectives of the height of building and FSR development standards.*
- 4. *The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:*
 - a. *Part B5 – Tree Preservation*
 - i. *Section 5.1, in particular Objectives (a) and (b), as the proposed driveway will result in a detrimental impact on existing street trees located on the road reserve adjacent to the subject site as well as the adjoining semi-detached dwelling at No. 60 St James Road.*
 - b. *Part C2 – Low Density Residential Development.*
 - i. *Section 2.0 General Objectives, specifically objectives (a), (b), (d) & (e), as the as the alterations and additions are not sympathetic in bulk, scale and character with the desired future character of the area.*
 - ii. *Section 2.1 Height, specifically objectives (a), (b) and (d), and control (c) as wall height is not sympathetic to surrounding development, particularly the adjoining semi-detached dwelling and does not relate to the street character.*
 - iii. *Section 2.2.1 Front and rear building lines, specifically objectives (b) and (d) and controls (a) and (b) as the proposal extends beyond the predominant rear building line and does not relate to surrounding buildings.*
 - iv. *Section 2.2.2 Side Setbacks, specifically control (a), as the proposal does not comply with side setback controls.*

- v. *Section 2.3 Streetscape and Visual Impact, specifically control (a), as the proposal is not visually compatible with its streetscape context with regard to bulk, scale and height.*
- vi. *Section 2.5 Visual and Acoustic Privacy, specifically objective (a), as increased privacy impacts arise from the proposed balconies located at the first and second floor addition.*
- i. *Section 2.6 Solar Access, specifically objectives (a), (b) and (d) and controls (b) and (c), as the additional shadowing results in an unacceptable impact to the adjoining property at No. 64 St James Road.*
- ii. *Section 2.8 Car Parking, specifically objectives (a), (b) and (d), as the proposal does not achieve a high standard of urban design and retain the visual quality of lower density residential accommodation, streetscapes and landscapes.*
- iii. *Section 2.8.1 Design Approach, specifically controls (a)-(c), as the proposed garage does not complement the semi-detached dwelling pair as well as the streetscape.*
- iv. *Section 2.8.3, specifically control (b) as the proposal is not consistent with the hierarchy of preferred car parking locations.*
- i. *Section 2.8.4 Design, specifically controls (a)-(c), and (f) as the proposal garage does not complement the semi-detached dwelling pair and a portion of the façade of the semi-detached dwelling is proposed to be demolished, which is not supported.*
- ii. *Section 2.9 Landscaping and Private Open Space, specifically objective (a) and control (f), as inadequate landscaping is provided within the front setback, which will reduce the amenity and visual setting of the site.*
- iii. *Section 2.13 Semi-detached dwellings and terrace style development, specifically objectives (a)-(f), as the proposed alterations and additions do not maintain the appearance of the pair of semi-detached dwellings and alterations and additions are not visually read as a cohesive part of the existing dwelling from the streetscape.*
- iv. *Section 2.13.1 Built Form, specifically controls (a)-(c) and (d), as the additions do not match the original style of the semi-detached dwelling, and the existing roof form is not maintained forward of principle ridgeline.*
- v. *Section 2.13.2 First Floor Additions to Semi-detached Dwellings, specifically controls (a), (b), (f), (h), (j) and (n), as the proposed upper level additions are not complementary to the overall building size and style and are not setback from the principle street frontage.*
- vi. *Section 2.13.3 Material Finishes and Detail for Semi-detached Dwellings, specifically controls (a) – (c) and (e) – (g) as the proposed additions are not cohesively integrated with the finishes and detail of the existing building, the style, pitch, profile and colour of the proposed roof does not match and*

complement the existing roof form of the dwelling, and new windows are not proportionate to the original windows of the semi-detached dwelling.

5. *The proposal does not satisfy Section 4.15 (1)(a)(iv) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy Schedule 1, Part 1 of the Environmental Planning and Assessment Regulation 2000, as insufficient documentation has been provided to properly assess the application, including but not limited to:*
 - a. *A report prepared by a practicing structural engineer, which demonstrates that the structural integrity of the adjoining semi-detached dwelling can be adequately maintained during demolition and construction of the proposed dwelling, has not been submitted.*
 - b. *The impact upon the attached residence and the contributory value of both residences to the Conservation Area has not been addressed in the Heritage Impact Report.*
6. *The proposed development does not satisfy section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality as it represents an overdevelopment of the subject site, is excessive in terms of bulk and scale and has an undesirable and unacceptable impact on the streetscape and surrounding properties.*
7. *The proposal is contrary to 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the proposal is not suitable for the site due to adverse amenity impacts on surrounding properties, as well as adverse impacts on the Mill Hill Conservation Area.*
8. *The proposal is not considered to be in the public interest for the reasons outlined above and contrary to Section 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979.*

Subject application:

DA-3/2019/1: The Section 8.2 review application was lodged on the 28 November 2019. On the 13 February 2020, the applicant was advised that the application would not be supported and again recommended withdrawal or alternatively, the application would be recommended for refused. On the 14 February 2020, the applicant submitted an amended Statement Environmental Effects including a Clause 4.6 justification for the FSR variation but did not mention the height variation and an amended Heritage Impact Statement. The application is assessed having regard to these documents.

1.3 Proposal

The subject Section 8.2 application seeks a review of the determination made under DA-3/2019. In response to the refusal of the application, the applicant has made the following amendments:

Ground Floor:

- Delete the driveway off St James Road and convert the front façade formerly proposed as an integrated single garage into a family room. This room however remains a compliant garage length and the front façade presents as a metal panel finish.

Overall, the amendments have only addressed the driveway component from the original application. The height, floor space non-compliances or front façade of the proposed development remain unchanged.

2. ASSESSMENT

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

2.1 Section 8.2 Considerations

Section 8.2 of the Act enables Council to review a previous determination of a development application subject to the following provisions:

(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 development application was made on 30 September 2019. The period of the right of appeal for the applicant to exercise (referenced in section 8.3(2)(a) of the Act), is six months after the date of determination. The application is scheduled to be determined by the Waverley Local Planning Panel on 25 March 2020, which satisfies the statutory timeframe to determine this review application.

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

2.2 Planning Instruments and Development Control Plans

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

2.2.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the review development application. However, the certificate has not been updated since the original application dated 19 December 2018 and is no longer valid.

2.2.2 SEPP 55 Remediation of Land

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

2.2.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The relevant matters to be considered under the Waverley LEP 2012 for the 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		
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is defined as alterations and additions to an existing semi-detached dwelling, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	No	<p>According to the section plan, when measured from existing ground level, the overall height of the building is 9.8m, resulting in a 3.16% variance.</p> <p>Additionally, the plans have not accurately shown the height of the building measured from natural ground level.</p>
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio – lots with an area less than 100m ² <ul style="list-style-type: none"> 1:1 (99.9m²) 	No	<p>Proposed GFA: 119.9m² Proposed FSR: 1.2:1, non-compliant.</p> <p>The calculated gross floor area on the submitted Architectural Plans and in the Statement of Environmental Effects has not been updated since the original application, whereby the garage (previously excluded as GFA) is now proposed as a family room (and now included as GFA). In effect, the proposal exceeds the FSR standard by 20m² or 20%.</p>
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the floor space ratio development standard but no written request has been submitted with regard to the height variation. A detailed discussion of the variation to these development standards is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	No	The property is considered a contributory item that is located within the Mill Hill Heritage Conservation Area. The proposed alterations and additions and partial demolition of the semi-detached dwelling is not supported by

Provision	Compliance	Comment
		Council's Heritage Advisor, as discussed in greater detail below.

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

Clause 4.6 Exceptions to Development Standards

Building Height

The application seeks to vary the building height development standard in Clause 4.3.

The site is subject to a maximum building height of 9.5m. The proposed development has a building height proposed of 9.8m, equating to a 3.16% variation.

A written request has not been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Waverley Local Environmental Plan 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.

In the absence of a written request, the application cannot be approved.

Floor Space Ratio

The application seeks to vary the floor space ratio (FSR) development standard in Clause 4.4.

The site is subject to a maximum FSR of 1:1 (99.9m²). The proposed development has an FSR of 1.2:1 (119.9m²) equating to a 20% variation.

A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Waverley Local Environmental Plan 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.

Applicants 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 total floor area of 98.3m² (Ground – 38.6m², first floor – 37.35m², second Floor – 22.35m²) increases the floor space by an additional 8.39m². The increase in floor space is*

generated by the additional attic floor level on the second floor level however wholly contained within the existing building footprint.

- (ii) *The proposed development retains the medium density dwelling character of the zone and is consistent with the Bondi Junction Centre housing needs.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:

 - (i) *The proposed increase in area of 8.39m² is contained wholly within the existing building footprint. The additional floor area is generated from the additional attic level on the Second Floor Level as shown on the plans below. The additional space is needed for the growing family needs and achieves the housing needs of the family and thus to the population growth of the area.*
 - (ii) *There is a concern that the remaining semi-detached part of the house will remain at 2 storey level, but there is a future proposal to alter and add to No. 60 and therefore it should not limit No.62 in pursuing an additional height and space for the growing family. It is also noted that the adjoining dwellings at No.66, 68, and No.70 have been approved with similar height and increase in floor space area for their site. The proposed height, design along with the proposed material and colours mirrors these properties and maintains a consistent correlation between these dwellings heights and density.*
 - (iii) *The proposed dwelling has been redesigned under Section 8.2(1A) Review application and is within the 9.5m height limit. The proposal will not affect the amenity of surrounding properties or impact on the development as viewed from the street as it neighbouring dwellings at No.66, No.68, and No.70 have similar height, built form and building materials and finishes. The existing adjoining buildings all build to boundary and do not have rear setbacks and built to the front setback with fronting garages. The required side setback compromise can't be achieved as it is existing.*
 - (iv) *The variation of the FSR represents a marginal increase of 8.63m² in the attic area. This increase will provide habitable space to the proposed dwelling. This space is needed to accommodate the growing family. This area is within a space which is wholly within the existing building footprint and within the building envelope. The proposal will not adversely affect the street scape. The appearance of the building, from the outside will not change as a result of the inclusion of the additional storage area.*
 - (v) *The variation of the FSR is not a significant departure from the FSR permitted under cl. 4.4(2). The additional floor space of less than 8.39m² is minor and in itself does not warrant refusal of the application. It is found that the proposal generally satisfies the objectives of the FSR controls in cl. 4.4 WLEP.*

Consideration of Applicants 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 does not adequately address 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 not be in the public interest because it is inconsistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

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

It is considered that the applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

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

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

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard nor referencing the significant impacts to the locality or the amenity of neighbouring properties. The applicant's calculation of the proposed GFA does not include the family room which was previously excluded as a garage and should now be included as GFA. It is inappropriate to rely on one 3 storey dwelling at 70 St James Road to justify a similar height or built form for a FSR variation because the three dwellings closest to the subject site maintain a single or two storey front facade. The proposal is not comparable to 70 St James Road because it is a semi-detached dwelling with characteristic architectural feature, whereas 60 and 64 St James Road are both contributory buildings to the streetscape. All development is to respect contributory features such as verandahs and dormer windows. Should increased development for this site be sought, then ideally, the additions should be located to the rear of the building, similar to the recent development at 64 St James Road.

Is the development in the public interest?

The proposed development will not be in the public interest because it is inconsistent with both the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out including:

Clause 4.4, Objective (b)

- a) *to provide an appropriate correlation between maximum building heights and density controls,*

Comment:

There is no correlation between the proposed 3 storey semi-detached dwelling breaching the maximum height control by 3.16% just because it is located on R3 Medium Density Residential zoned land.

Clause 4.4, Objective (c)

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

Comment:

The subject site is a contributory item of the Mill Hill Conservation Area and a three storey semi-detached dwelling that is not compatible with the surrounding bulk, scale, streetscape or character of the locality. The first and second floor addition is 3.4m higher than neighbouring properties at 60 and 64 St James Road, which offers no gradual height or bulk increase.

Clause 4.4, Objective (b)

- (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.*

Comment:

The subject site is small in size and is therefore limited in the scale of development available to it. Furthermore, it is located within the Mill Hill Conservation Area and accordingly considerations of the heritage character must be considered. In this instance, the proposal is not considered to preserve the amenity of the neighbouring properties and minimise the adverse impact on the streetscape and heritage character of the area. A two storey addition with no front setback would cause detrimental overshadowing, privacy, view loss and be an eyesore from St James Reserve.

Conclusion

For the reasons provided above the requested variation to the Floor Space Ratio is not supported as the applicant's written request has not adequately addressed the matters required to be addressed by cl 4.6(3) of the Waverley Local Environmental Plan 2012. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of floor space ratio and the R3 Medium Density Residential zone.

2.2.4 Waverley Development Control Plan 2012 (Amendment 6)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. In the event the application was being supported, a condition of consent would be imposed regarding ongoing waste on site.
2. Ecologically sustainable Development	No	An out-of-date BASIX Certificate was submitted in support of the application.
5. Tree preservation	Yes	The modified application has deleted the proposed driveway and garage, preserving the existing street trees on the road reserve.
6. Stormwater	No	The stormwater plans submitted with the application are not satisfactory and do not comply with the Water Management Technical Manual.
9. Heritage	No	The site is in a Heritage Conservation Area and is considered a contributory building. The amended proposal does not follow the guidance of this part of the DCP. Council's Heritage Architect has reviewed the proposal and maintains issues with the proposal and recommends a complete redesign of the proposal. The scale and bulk of the additions to the contributory building is not sympathetic or respectful to the heritage character

Table 3: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table

The proposal is defined as a "Semi-detached dwelling" in the LEP.

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none"> • Appropriate scale • Does not detract from amenity of other dwellings or view corridors • ESD has been considered • Alterations & additions are sympathetic in bulk & scale to the character of the area • High design standard 	No	The proposal does not comply with the general objectives for low density residential development as the alterations and additions are not sympathetic in bulk, scale and character with the desired future character of the area. The proposed materials for the front elevation are not consistent with the surrounding properties.
2.1 Height		
Pitched Roof dwelling house	No	Wall height at the rear of the dwelling is 8.75m and is not sympathetic to surrounding

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Maximum external wall height of 7m 		development, particularly the adjoining semi-detached dwelling.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	No	<p>Proposal will extend beyond the front building line of the adjoining semi-detached dwelling at No. 60 St James Road, as well as the detached cottage at No. 64 St James Road.</p> <p>Upper levels do not appear to be consistent with the predominant rear building line.</p>
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m 	No	The existing dwelling has nil side setbacks and the proposal would maintain this building alignment. While there may be scope for this at lower levels, the effect of this at upper levels does create unreasonable impacts including overshadowing and loss of privacy.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context 	No	The amended proposal is not consistent or compatible with the streetscape context. The development is over the maximum building height and does not maintain adequate setbacks from the front boundary. The amended proposal has changed the garage into a family room, however no windows are included in this area and the façade is a fixed colourbond panel on ground level.
2.4 Fences		
<i>Front:</i> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high 	Yes	The proposal includes demolition of the front fence and the extension of the ground level and family room so that there is no setback or fence.
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design. External stairs are not acceptable. Maximum size of balconies: <i>10m² in area</i> 	No	<p>Privacy impacts from the balconies off bedroom 1 and 2 would overlook surrounding neighbouring properties rear yard and are not supported.</p> <p>The adjoining dwellings have not been clearly shown on site plan, floor plans or survey plan, including side facing windows and rear setbacks. Accordingly, it is difficult to accurately assess the impact of the proposal on neighbouring properties.</p>

Development Control	Compliance	Comment
1.5m deep		
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	<p>Yes</p> <p>No</p>	<p>According to the submitted shadow diagrams, the subject site will receive compliant solar access.</p> <p>According to the submitted shadow diagrams, adjoining properties to the south will be substantially overshadowed throughout the day. Notwithstanding the above, adjoining dwellings have not been clearly shown on site and floor plans, including side facing windows and rear setbacks. Accordingly, it is difficult to accurately assess the impact of the proposal on neighbouring properties.</p>
2.8 Car parking		
<p>2.8.2 Design Approach</p> <ul style="list-style-type: none"> Parking only allowed where site conditions permit 	Yes	This application has removed the driveway and replaced the garage with a family room on the ground floor. Despite this, it is noted that the front façade maintains metal cladding to the front (ie no openings) and the dimensions of the room meet carparking standards (ie length of 5.4m).
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided Outdoor clothes drying area to be provided 	<p>No</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>No</p>	<p>30% open space proposed.</p> <p>According to the architectural plans, 15% landscaped area is proposed. 25m² POS is provided.</p> <p>The garage is proposed to be located 250mm from the front property boundary, resulting in a significant loss of open space within the front setback.</p> <p>Inadequate landscaping is provided within the front setback, which will reduce the amenity and visual setting of the site.</p>
2.13 Semi-detached dwellings and terrace style development		
<p>2.13.1 - Built form</p> <ul style="list-style-type: none"> Additions to match the style of the original semi-detached dwelling Existing roof form maintained forward of principle ridgeline Use of roof as an attic permitted provided 	<p>No</p> <p>No</p> <p>No</p>	<p>Additions do not match the original style of the semi-detached dwelling.</p> <p>Existing roof form is not maintained forward of principle ridgeline.</p> <p>Front verandah not maintained and a nil front setback is proposed.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Front verandahs to be maintained. 		
<p>2.13.2 - First floor additions to semi-detached dwellings</p> <ul style="list-style-type: none"> First floor addition to be setback from the principle street frontage and maintain the existing front roof slope Additions to be located a minimum of 1m behind the front main gable Limit the rise of the interface with adjoining semi-detached dwelling to 600mm First floor additions should match the style of the additions on the adjoining semi (if relevant). 	<p>No</p> <p>No</p> <p>No</p> <p>No</p>	<p>The proposal does not maintain the existing front roof slope or ridge line and reduces the front setback.</p> <p>Additions are not located a minimum of 1m behind the front main gable</p> <p>The rise of the interface with adjoining semi-detached dwelling exceeds 600mm.</p> <p>The proposed additions do not match the style of the additions on the adjoining semi which includes a single level with an attic space with a dormer window facing St James Road.</p>
<p>2.13.3 - Material finishes and detail for semi-detached dwellings</p> <ul style="list-style-type: none"> Finishes and detailing are to be cohesive with the existing dwelling Historic features of the roofscape are to be incorporated into the addition Dormer roof forms are to match the style of the original dwelling New windows to have a similar proportion to the existing Upper wall finishes to reflect the style & character of the original building. 	<p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p>	<p>Finishes and detailing are not cohesive with the existing dwelling. The proposed colourbond sheet on ground level off the amended family room is unsympathetic to the streetscape.</p> <p>Historic features of the roofscape including the attic and the dormer window are not maintained.</p> <p>The existing dormer roof is not maintained and is replaced with a balcony.</p> <p>New windows are not proportionate to the existing.</p> <p>Upper wall finishes do not reflect the style & character of the original building.</p>
<p>2.13.5- Streetscape and visual impact controls for terraces</p> <ul style="list-style-type: none"> Additional storey reflects character of terrace Extensions no higher than the existing ridge 	No	<p>There is a mix of 1 and 2 storey terrace style dwellings within the immediate streetscape so a 3 storey building form is unacceptable and does not reflect the heritage character or preserve the contributory building elements. The applicant compares the proposal with a 3 storey dwelling located at 70 St James Road, which is a</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Attic conversions maintain existing roof envelope with only dormers 		<p>detached dwelling and therefore does not need to meet development controls for semi-detached dwellings.</p> <p>The extension demolishes the existing ridge line and proposes an unrelated 3 storey structure. This proposal would be detrimental to the heritage conservation area and the streetscape.</p>

2.3 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal will have significant detrimental effect relating to environmental, social or economic impacts on the locality, and subsequently the application is recommended for refusal.

2.4 Suitability of the Site for the Development

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

2.5 Any Submissions

The application was notified for 21 days, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

Seven (7) submissions were received. The issues raised in the submissions are summarised and discussed below.

Table 4: Summary of property addresses that lodged a submission

Property
60 St James Road, Bondi Junction
64 St James Road, Bondi Junction
66 St James Road, Bondi Junction
68 St James Road, Bondi Junction
84 St James Road, Bondi Junction
55 Ruthven Street, Bondi Junction
57 Ruthven Street, Bondi Junction

Issue: No clause 4.6 submitted to justify Height and FSR breach

Response: A Clause 4.6 Report was submitted after the lodgement date and only proposed a variance of the FSR control. The maximum building height breach was not mentioned in this report due to the applicant incorrectly calculating the maximum height from the ground floor, not the natural ground level across the site. Both of these development control variations are not supported.

Issue: A site analysis plan has not been submitted

Response: Agreed. The adjoining dwellings have not been clearly shown, including side facing windows and rear setbacks. Accordingly, it is difficult to accurately assess the impact of the proposal on neighbouring properties.

Issue: Inadequate information provided in Heritage Report

Response: Council's Heritage Advisor has advised that impact upon the attached residence and the contributory value of both residences to the Conservation Area has not been adequately addressed in the Heritage Impact Report.

Issue: Adverse impact on Mill Hill Conservation Area

Response: Agreed, the proposal results in an unacceptable impact upon the subject residence and the attached residence at 60 St James Road, both being contributory items to the Mill Hill Conservation Area.

Issue: The structural integrity of the adjoining semi-detached dwelling at No 60. St James Road

Response: Agreed, if the application were to be supported, standard conditions would be imposed dealing with structural / engineering components including the requirement for the preparation of a dilapidation report of adjoining properties.

Issue: Overshadowing impacts

Response: Agreed, as discussed in Section 2.1.4.

Issue: Privacy impacts

Response: Agreed, as discussed in Section 2.1.4.

Issue: Wall height

Response: Agreed, as discussed in Section 2.1.4.

Issue: Bulk and scale

Response: Agreed, as discussed in Section 2.1.4.

Issue: Setbacks

Response: Agreed, as discussed in Section 2.1.4.

Issue: Time of public notification during the Christmas Holiday period

Response: The Section 8.2 Review was notified for 21 days, which is one week longer than the minimum 14 days, as outlined in Council's DCP. This application was lodged on the 28 November 2019 and must be notified soon after this date and by chance this occurred in December.

2.6 Public Interest

It is considered that the proposal will have detrimental effects on the public interest including the surrounding Mill Hill Heritage Conservation Area, the St James Road streetscape and the neighbouring semi-detached dwelling. The maximum building height and FRS for the site would be significantly breached and act as a precedent for surrounding properties, which is not supported.

3. REFERRALS

3.1 Heritage – Shaping Waverley

The Section 8.2 Review was referred to the Heritage Advisor who wrote the following comments:

“The applicant’s heritage report remains of limited and inaccurate content. No additional investigation of the history and fabric of the building has been provided. The indicated construction date of the 1930’s has not been supported. There remains no identified basis for this date in the report. The residence appears on the 1943 aerial survey and appears to be listed in Sands Directory at least as early as 1910 when the site was within Randwick Municipality. The history of the site needs to be more thoroughly researched.

As previously noted:

- The demolition of the existing semi -detached residence and construction of a new three storey residence is unrelated to the attached residence at 60 St James Road. The impact upon the attached residence and the contributory value of both residences to the Conservation Area has not been addressed in the Heritage Impact Report or in the design.*
- Demolition of the contributory building and construction of a new residence is not supported due to the impact upon the contributory form of the residence and the impact upon the adjoining contributory building at 60 St James Road.*
- Reference to construction of upper floors to adjacent residences to the south is not accepted as a basis for the proposed works, this construction predating establishment of the Mill Hill Conservation Area.*

Recommendations

The application is not supported due to impact upon the subject residence and the attached residence at 60 St James Road, both being contributory to the Mill Hill Conservation Area. It is recommended that the application is withdrawn and an alternate design based upon conservation of the existing contributory residence and cohesive with the attached residence at 60 St James Road is prepared.”

3.2 Stormwater Design and Flooding – Infrastructure Services

The Section 8.2 Review was referred to Council’s Engineering department for comment, however the stormwater plans were not updated. Therefore, the plans are still considered not satisfactory with respect to stormwater details.

4. SUMMARY

The application seeks a review of the refusal of DA-3/2019, which sought consent for the partial demolition of the existing single semi-detached dwelling and alterations and additions including a first and second level and a single garage. In response to the refusal of the application, the applicant has made one amendment to replace the single garage with a family room to preserve the street trees. However, the applicant has not included the family room in the overall FSR resulting in a 20% variation of the standard, nor updated the elevations (maintained as metal cladding to front with no openings).

The proposal exceeds the maximum building height and FSR prescribed in Waverley LEP 2012. The applicant has stated that the proposal is compliant in the original application but submitted a Clause 4.6 written request to vary the FSR after the lodgement of the Section 8.3 Review. The building height development standard was not mentioned within this report, nor has justification or a written request pursuant to clause 4.6 been submitted with regard to the breach in height.

The proposal is not supported on the basis that the written Clause 4.6 request relating to FSR does not meet the minimum requirements or demonstrate whether compliance is unreasonable or unnecessary. The proposal would result in additional bulk that will dominate the streetscape and overshadow surrounding buildings. Further, in the absence of a written Clause 4.6 request relating to building height, the application cannot be approved.

The proposal does not comply with wide range controls contained within the Waverley DCP 2012, including, but not limited to, setback controls, overshadowing, visual privacy, car parking and design controls relating to alteration and additions to semi-detached dwellings. The non-compliances stated in this report result in a development that is not appropriate for the site. In this regard, the proposal, in the current form, is not supported.

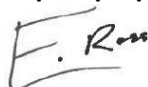
The proposal was notified and seven submissions were received. The matters raised are discussed in this report.

The application is recommended for refusal.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:



Edwina Ross
Development Assessment Planner

Date: 6 March 2020

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



Angela Rossi
Manager, Development Assessment (Central)

Date: 9 March 2020

Reason for referral:

- 1 Departure from any development standard in an EPI by more than 10%
- 2 Section 8.2 Review

APPENDIX A – REASONS FOR REFUSAL

1. The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (g) as the proposal does not promote good design and amenity in the built environment.
2. The proposal does not satisfy the State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004, as the supporting BASIX Certificate is greater than three months out of date and therefore no longer valid.
3. The proposal does not satisfy section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy the Waverley Local Environmental Plan (WLEP) 2012, in particular, the following provisions:
 - a. Clause 4.3(1)(a) and (d) and (2) as the proposal will further exceed the maximum building height which will result in unreasonable amenity impacts and be incompatible with the character of the locality.
 - b. Clause 4.4(1)(b) to (d) and (2) as the proposal exceeds the maximum floor space ratio (FSR) permitted for the site and have unacceptable impacts.
 - c. Clause 4.6 of the WLEP 2012, as the written request to justify the proposed FSR variance is unsatisfactory and does not meet the minimum requirements raised in *Wehbe v Pittwater Council* [2007] NSWLEC 827 case. In the absence of a well-founded Clause 4.6 written request, justifying the contravention of the FSR development standard is not possible and development consent must not be granted.
 - d. No written clause 4.6 request has been submitted to justify the breach in building height development standard.
4. The proposal does not satisfy section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy the WLEP 2012, in particular, the following objectives:
 - a. Clause 4.3(1)(a) and (d) and (2) as the proposal will exceed the maximum building height, which results in a building that is not compatible with the bulk and scale of the desired future character of the locality.
 - b. Clause 4.4(1)(b) to (d) and (2) as the proposal will exceed the maximum FSR permitted for the site and have unacceptable impacts on the overall scale of the development.
 - c. Clause 4.6(4)(a)(i) and (ii) as the proposal is inconsistent with the objectives of the height of building and FSR development standards.
5. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
 - a. Part B6 – Stormwater

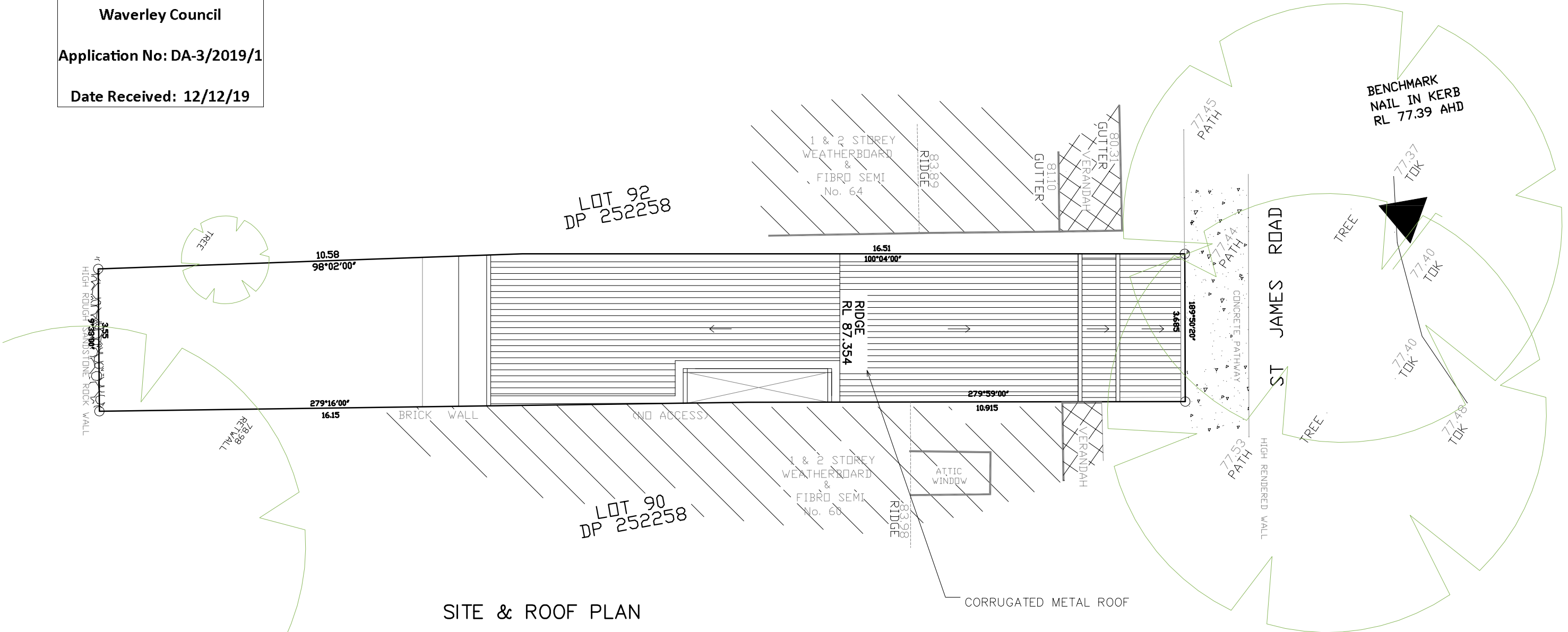
- i. Section 6.1 Stormwater Management and WSUD Objectives, in particular (a), (c), (e), (f), (g), (i), (j) and (k), as the submitted Stormwater Management Plans are not satisfactory to Waverley Council's Water Management Technical Manual.
- b. Part B9 – Heritage
 - ii. Section 9 General Objectives, in particular Objectives (e), (f) and (g), as the proposed extension does not enhance the character and significance of the conservation area or reflect the appreciation of heritage significance or promote the retention and repurposing of the existing building stock.
 - iii. Section 9.4 Heritage Conservation Area, in particular Objectives (a), (b), (c) and (d), as the development does not respect the original built form or character and that the contributory item is retained and improved.
 - iv. Section 9.6 Character and Streetscape, in particular Objectives (a), (b), (c) and (d), as the infill development does not respect the existing character, dwelling facades, building setbacks, fences and landscapes.
 - v. Section 9.8 Scale and Proportion, in particular Objective (a), (b) and (c), as the alterations to the contributory building is not consistent with the scale or proportion of the streetscape.
- c. Part C2 – Low Density Residential Development.
 - vii. Section 2.0 General Objectives, specifically objectives (a), (b), (d) & (e), as the alterations and additions are not sympathetic in bulk, scale and character with the desired future character of the area.
 - viii. Section 2.1 Height, specifically objectives (a), (b) and (d), and control (c) as wall height is not sympathetic to surrounding development, particularly the adjoining semi-detached dwelling and does not relate to the street character.
 - ix. Section 2.2.1 Front and rear building lines, specifically objectives (b) and (d) and controls (a) and (b) as the proposal extends beyond the predominant rear building line and does not relate to surrounding buildings.
 - x. Section 2.3 Streetscape and Visual Impact, specifically control (a), as the proposal is not visually compatible with its streetscape context with regard to bulk, scale and height.
 - xi. Section 2.5 Visual and Acoustic Privacy, specifically objective (a), as increased privacy impacts arise from the proposed balconies located at the first and second floor addition.
 - v. Section 2.6 Solar Access, specifically objectives (a), (b) and (d) and controls (b) and (c), as the additional shadowing results in an unacceptable impact to the adjoining property at No. 64 St James Road.
 - vi. Section 2.8.1 Design Approach, specifically controls (a)-(c), as the proposed garage does not complement the semi-detached dwelling pair as well as the streetscape.
 - vii. Section 2.9 Landscaping and Private Open Space, specifically objective (a) and control (f), as inadequate landscaping is provided within the front setback, which will reduce the amenity and visual setting of the site.
 - viii. Section 2.13 Semi-detached dwellings and terrace style development, specifically objectives (a)-(f), as the proposed alterations and additions do not maintain the appearance of the pair of semi-detached dwellings and alterations and additions are not visually read as a cohesive part of the existing dwelling from the streetscape.

- ix. Section 2.13.1 Built Form, specifically controls (a)-(c) and (d), as the additions do not match the original style of the semi-detached dwelling, and the existing roof form is not maintained forward of principle ridgeline.
 - x. Section 2.13.2 First Floor Additions to Semi-detached Dwellings, specifically controls (a), (b), (f), (h), (j) and (n), as the proposed upper level additions are not complementary to the overall building size and style and are not setback from the principle street frontage.
 - xi. Section 2.13.3 Material Finishes and Detail for Semi-detached Dwellings, specifically controls (a) – (c) and (e) – (g) as the proposed additions are not cohesively integrated with the finishes and detail of the existing building, the style, pitch, profile and colour of the proposed roof does not match and complement the existing roof form of the dwelling, and new windows are not proportionate to the original windows of the semi-detached dwelling.
6. The proposal does not satisfy Section 4.15 (1)(a)(iv) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy Schedule 1, Part 1 of the Environmental Planning and Assessment Regulation 2000, as insufficient documentation has been provided to properly assess the application, including but not limited to:
 - a. The impact upon the attached residence and the contributory value of both residences to the Conservation Area has not been addressed in the Heritage Impact Report.
 7. The proposed development does not satisfy section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality as it represents an overdevelopment of the subject site, is excessive in terms of bulk and scale, overshadowing and has an undesirable and unacceptable impact on the streetscape and surrounding properties.
 8. The proposal is contrary to 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the proposal is not suitable for the site due to adverse amenity impacts on surrounding properties, as well as adverse impacts on the Mill Hill Conservation Area.
 9. The proposal is not considered to be in the public interest for the reasons outlined above and contrary to Section 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979.

RECEIVED
Waverley Council

Application No: DA-3/2019/1

Date Received: 12/12/19



SITE & ROOF PLAN

BASIX NOTES

- Plant indigenous or low water use species of vegetation throughout a square metres of the site
 - Show on the plans accompanying the development application for the proposed development, all matters which the Assessor Certificate requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor to certify that this is the case. Show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.
 - Construct the floors and walls of the dwelling in accordance with the specifications listed in the table below
- | | |
|--------------------------------------|---|
| Floor and wall construction | Area |
| floor – concrete slab on ground | All or part of floor area square metres |
| floor – suspended floor above garage | All or part of floor area |
- Install the following hot water system in the development, or a system with a higher energy rating: has instantaneous with a performance of 4 stars

NOTES		amendments	
		D	19.11.2018
		E	22.11.2018
		G	13.12.2018

CHECKED DATE



ANTHONY JOHN LARKINGS + ASSOCIATES
PYRAMID CONSULTING P/L

Level 3, 619 Pacific HWY ST LEONARDS NSW 2065
PO BOX 359 ST LEONARDS 2065
TEL: 9460 2888
EMAIL: info@pyramidconsulting.com.au

PROJECT
62 St James Road
BONDI JUNCTION

DRAWING
SITE & ROOF PLAN

DRAWING REFERENCE

JOB NUMBER
16240

DRAWING NUMBER
DA00 G

SCALE
1:100 on A3

DATE
10 Apr 18



AMENDMENT

SITE AREA	99.9 m ²
GROUND FLOOR	38.6 m ²
FIRST FLOOR	37.35 m ²
SECOND FLOOR	22.35 m ²
TOTAL FLOOR AREA	98.3 m ²
TOTAL AREA ALLOWED	89.91 m ²
SEPP 1	8.39 m ²
FSR ALLOWED	0.9:1
FSR PROVIDED	0.98:1
GF REAR BALCONY	6.73 m ²
1F FRONT BALCONY	3.52 m ²
1F REAR BALCONY	5.28 m ²
2F REAR BALCONY	3.17 m ²
Max. Building Ht	9.5 m

Date Received: 12/12/19

[illegible]

SCALE 1:100

 EXISTING WALL
 NEW WALL

NOTES	amendments		
	E	22.11.2018	REV DA ISSUE
	F	06.12.2018	REV DA ISSUE
	G	13.12.2018	REV DA ISSUE
	H	27.11.2019	FOR COUNCIL REVIEW



AMENDMENT

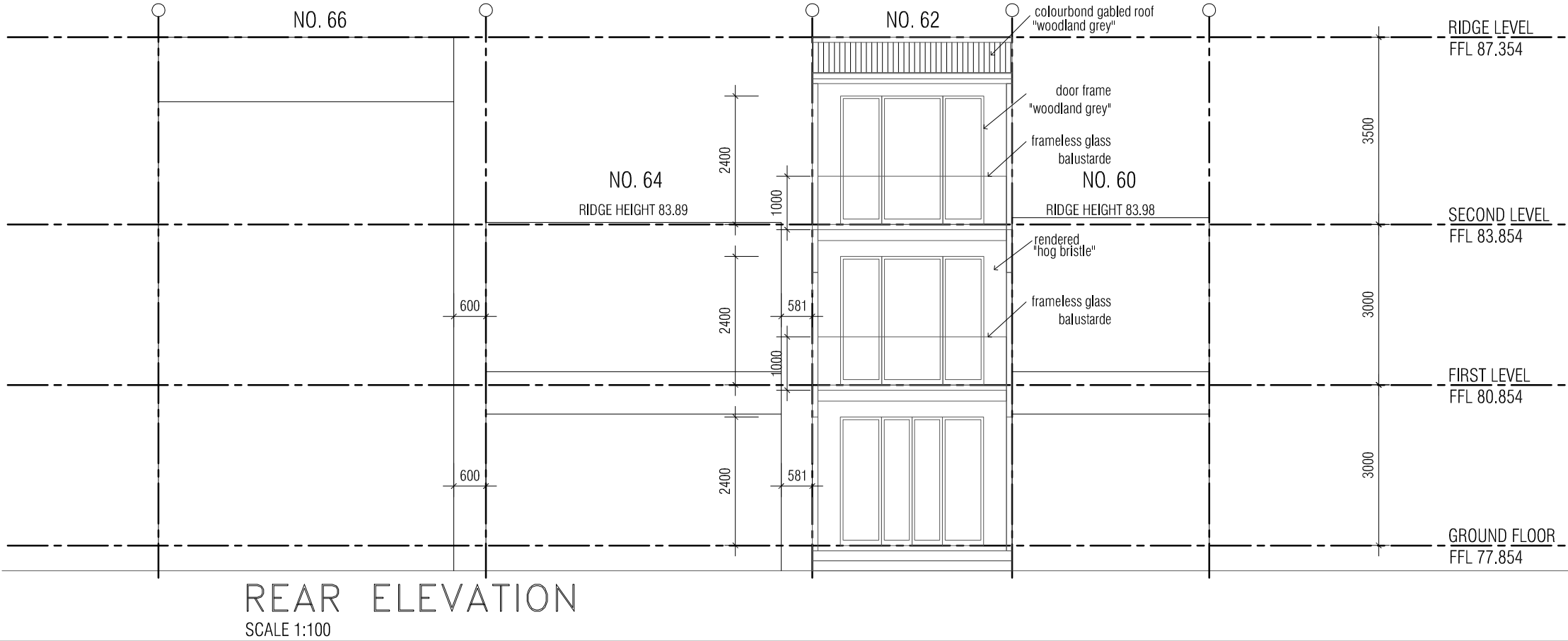
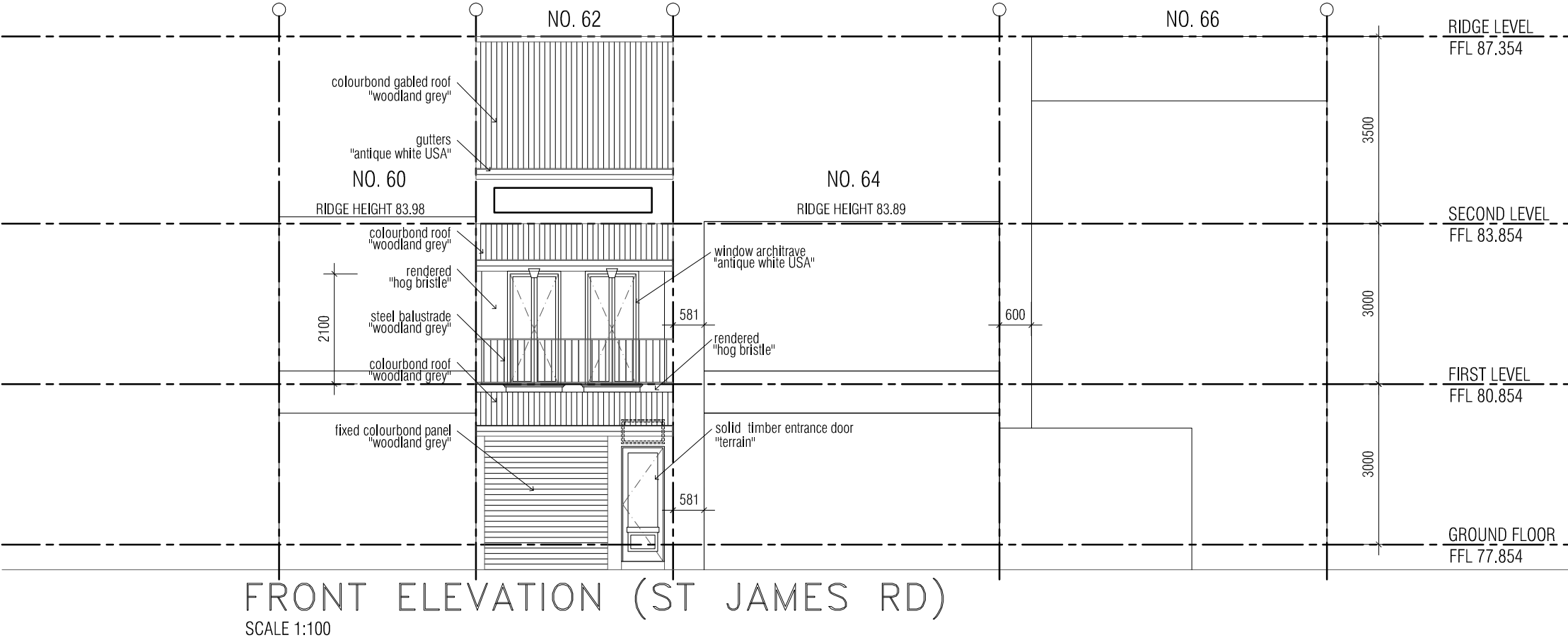
16 risers @ 188mm with
240mm goings

16 risers @ 188mm with
240mm goings

16 risers @ 188mm with
240mm goings

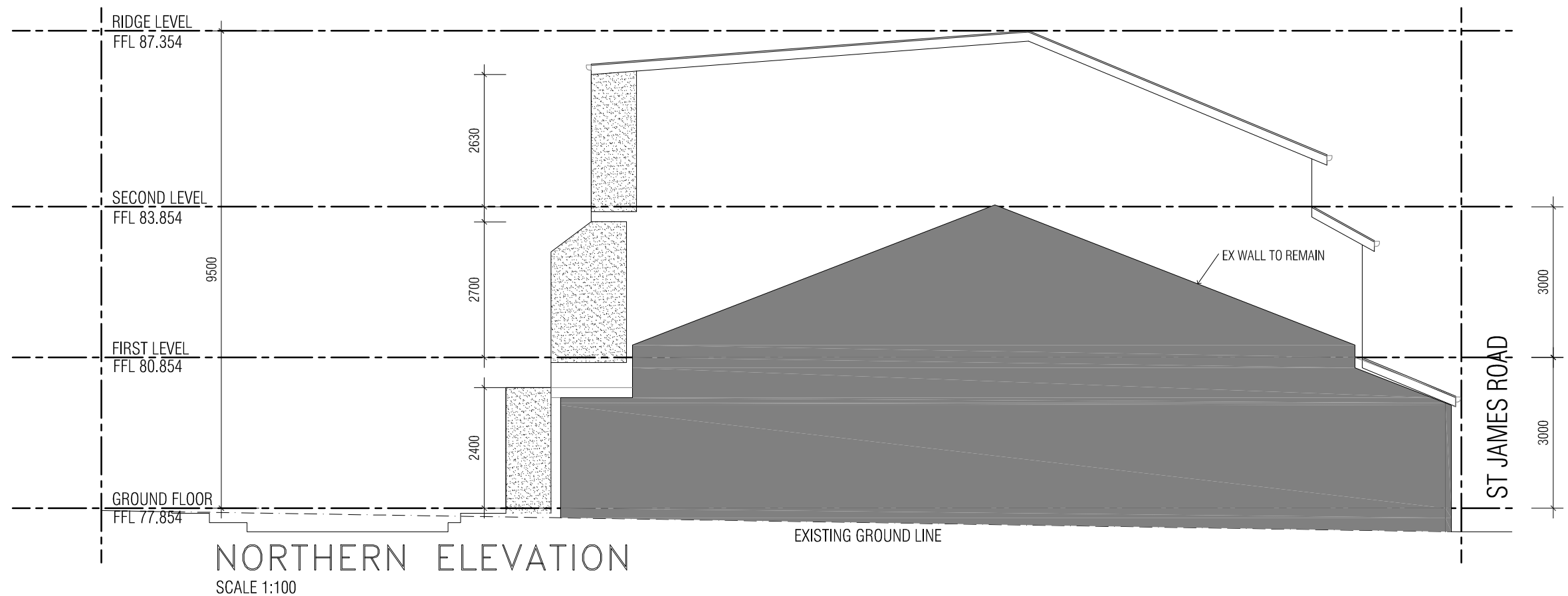
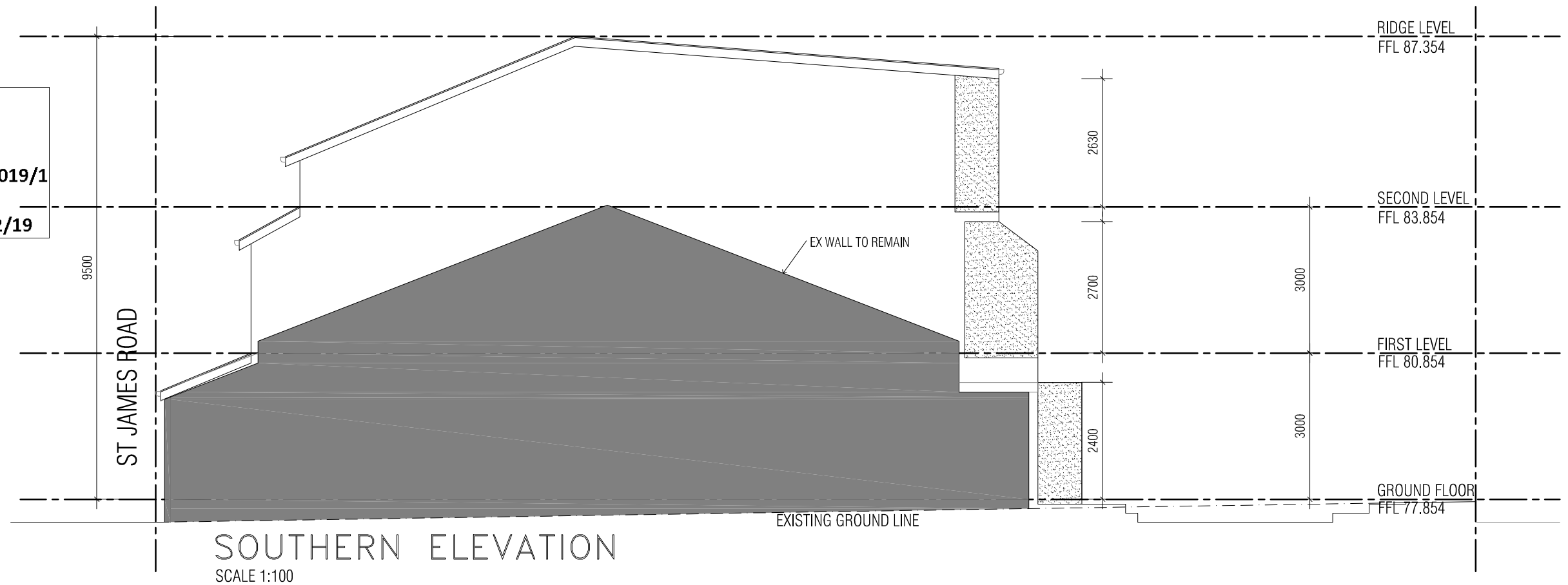
STAIR PLAN

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Application No: DA-3/2019/1
Date Received: 12/12/19



NOTES	amendments			ANTHONY JOHN LARKINGS + ASSOCIATES PYRAMID CONSULTING P/L Level 3, 619 Pacific HWY ST LEONARDS NSW 2065 PO BOX 359 ST LEONARDS 2065 TEL: 9460 2888 EMAIL: info@pyramidconsulting.com.au	PROJECT 62 St James Road BONDI JUNCTION DRAWING FRONT & REAR ELEVATIONS	DRAWING REFERENCE	
	E	22.11.2018	REV DA ISSUE			JOB NUMBER	DRAWING NUMBER
	F	06.12.2018	REV DA ISSUE			16240	DA03 H
	G	13.12.2018	REV DA ISSUE			SCALE	DATE
	H	27.11.2019	FOR COUNCIL REVIEW			as shown on A3	10 Apr 18
CHECKED	DATE					AMENDMENT	

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Application No: DA-3/2019/1
Date Received: 12/12/19



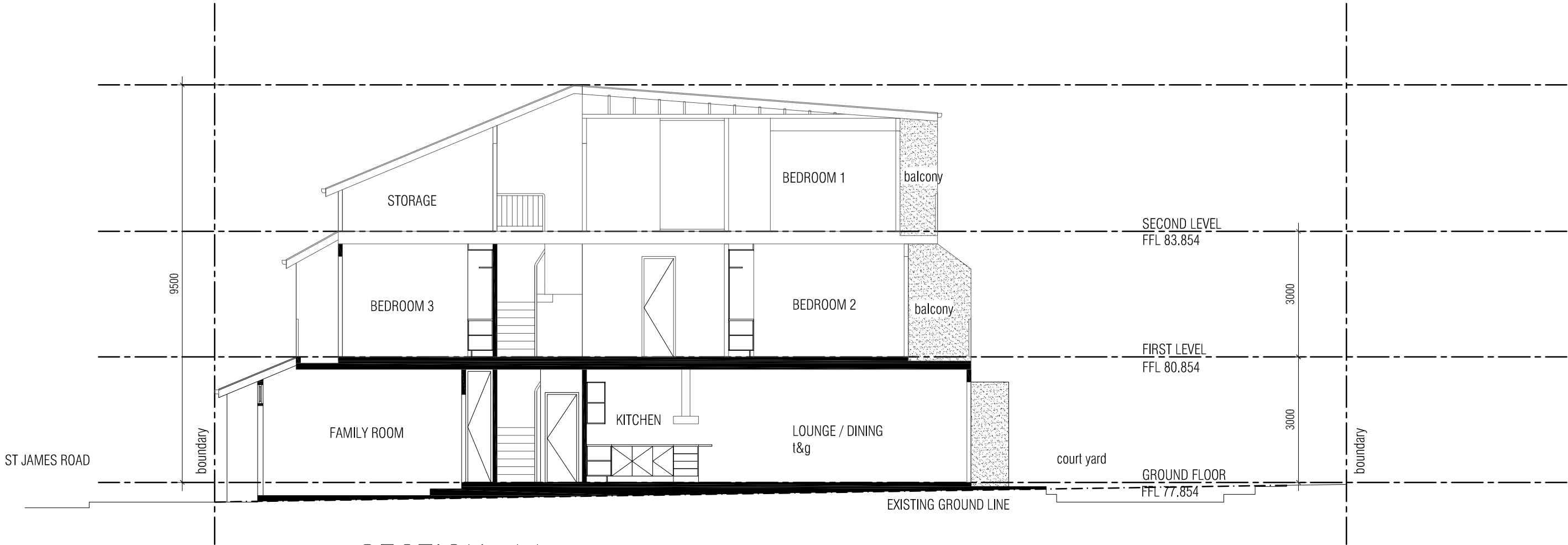
EXISTING WALL
NEW WALL

NOTES	amendments				ANTHONY JOHN LARKINGS + ASSOCIATES PYRAMID CONSULTING P/L Level 3, 619 Pacific HWY ST LEONARDS NSW 2065 PO BOX 359 ST LEONARDS 2065 TEL: 9460 2888 EMAIL: info@pyramidconsulting.com.au	PROJECT 62 St James Road BONDI JUNCTION DRAWING NORTH & SOUTH ELEVATIONS	DRAWING REFERENCE	
	E	22.11.2018	REV DA ISSUE				JOB NUMBER	DRAWING NUMBER
	F	06.12.2018	REV DA ISSUE				16240	DA04 G
	G	13.12.2018	REV DA ISSUE				SCALE	DATE
							as shown on A3	10 Apr 18
CHECKED	DATE						AMENDMENT	

RECEIVED
Waverley Council

Application No: DA-3/2019/1

Date Received: 12/12/19



SECTION AA
SCALE 1:100

EXISTING WALL
NEW WALL

NOTES	amendments			ANTHONY JOHN LARKINGS + ASSOCIATES PYRAMID CONSULTING P/L Level 3, 619 Pacific HWY ST LEONARDS NSW 2065 PO BOX 359 ST LEONARDS 2065 TEL: 9460 2888 EMAIL: info@pyramidconsulting.com.au	PROJECT 62 St James Road BONDI JUNCTION	DRAWING REFERENCE	
	E	22.11.2018	REV DA ISSUE			JOB NUMBER 16240	DRAWING NUMBER DA05 H
	F	06.12.2018	REV DA ISSUE		DRAWING SECTION AA	SCALE as shown on A3	DATE 10 Apr 18
	G	13.12.2018	REV DA ISSUE			AMENDMENT	34
	H	27.11.2019	FOR COUNCIL REVIEW				
CHECKED	DATE						



Report to the Waverley Local Planning Panel

Application number	DA-286/2019
Site address	9 Tipper Avenue, BRONTE
Proposal	Alterations and additions to existing detached single dwelling
Date of lodgement	2 September 2019 (amended plans received on 10 December 2019 and 17 February 2020)
Owner	Mr A & Mrs N Fry
Applicant	Mr A & Mrs N Fry
Submissions	11 Objections / 2 in support (original) 4 Objections (amended)
Cost of works	\$2,143,073
Issues	Building height, view loss and heritage
Recommendation	That the application be APPROVED

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 2 October 2019. View loss inspections were carried out on 13 and 14 November 2019.

The site is identified as Lot 26 in DP 977743, known as 9 Tipper Avenue BRONTE. The site is rectangular in shape with north and south (side) boundaries measuring 50.28m, and front and rear boundaries measuring 12.19m. The site has an area of 612.9m². There is a steep fall across the width of the site (from south to north) of approximately 7 metres (from RL45 to RL38).

The site is occupied by a detached single dwelling with vehicular access provided from Tipper Avenue across the front boundary to a hard stand and lower ground floor garage.

The subject site is adjoined by residential flat buildings on either side and to the rear. Across the road on Tipper Avenue are single dwellings. The locality is characterised by a mix of residential development including flat buildings, single dwellings and dual occupancies.

The subject site is identified as a heritage item of local significance (#347) *“Inter-war Californian Bungalow”* in Schedule 5 of Waverley Local Environmental Plan 2012. Opposite the site is 10 Tipper Avenue, which is also identified as a heritage item (#348) *“Late Federation Queen Anne/Inter-war Californian bungalow”*.



Figure 1: Site viewed from Tipper Avenue



Figure 2: Site viewed from corner of Macpherson Street and Tipper Avenue

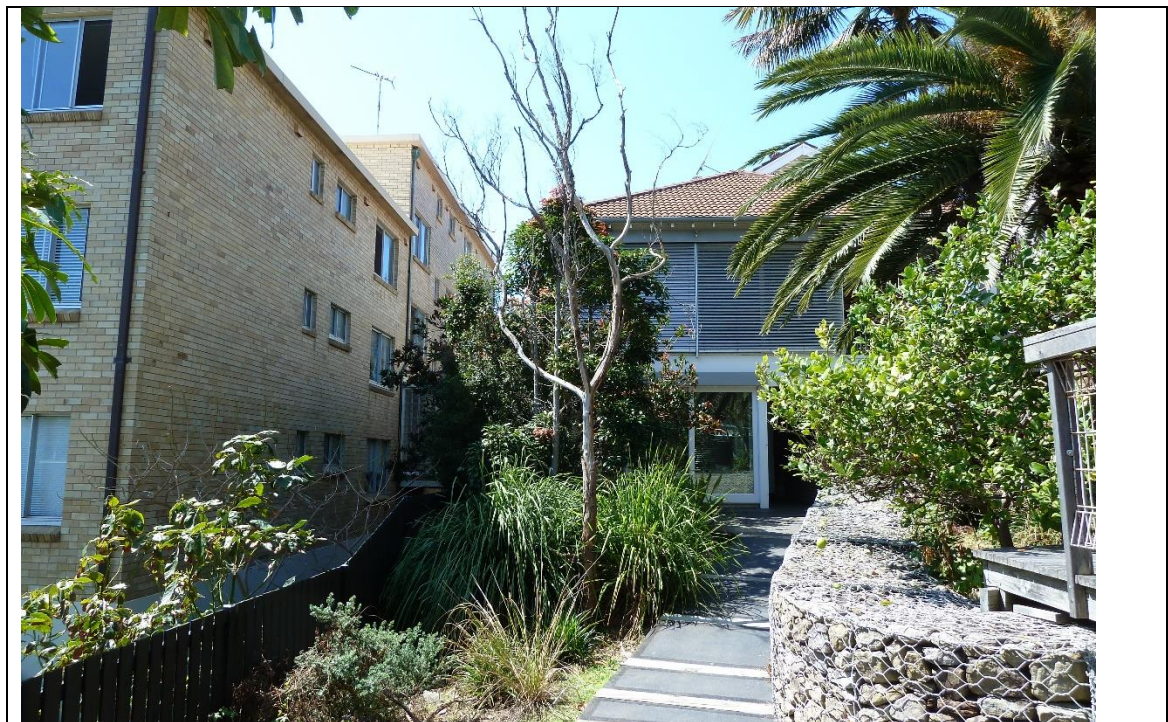


Figure 1: Existing dwelling viewed from the rear yard (standing adjacent to the existing studio building)



Figure 4: Existing terrace balcony off the first floor master bedroom, to be retained.



Figure 5: Looking south from the rear yard toward 11 Tipper Avenue (flat building), showing living room windows and rear balconies



Figure 6: Looking across the southern boundary from the rear yard towards the single dwelling (white building) at 166 Macpherson (aka 13 Tipper Ave) and the flat building at 162 Macpherson Street.

1.2 Relevant History

A search of Council records revealed the following applications relating to the site:

- DA-136/2007 (approved on 28 August 2007) granted consent for alterations and additions including an additional storey and studio within the rear yard and retaining wall. It is noted that condition 22 required the landscaping within the lower terrace of the northern retaining walls to be a maximum height of 3 metres. In response to neighbour's complaints, Council's Compliance Team taken action to ensure that a maximum height of 3m is maintained for the landscaping along the northern boundary.
- DA-136/2007/A (approved on 3 July 2008) to modify the above consent including internal changes, alterations to the garage door, reposition the rainwater tank and increase height of retaining wall.
- TPO-174/2014 (approved on 23 June 2014) to remove one palm tree adjacent to the left (assumed southern) boundary.
- TPO-168/2018 (refused on 23 August 2018) removal of one *Phoneix Caranensis* located in the rear yard and one *Banksia Intergolia* located on the north side of the front boundary. While removal of the tree was refused, permission was granted for pruning of the trees. The current DA proposes removal of these trees. The application was referred to Council's Tree Management Officer who has advised that their removal is supported as per the Arborist's Report.

1.3 Proposal

The application seeks consent for alterations and additions to the existing detached single dwelling, including:

Lower ground floor:

- Lower garage floor level to allow for floor to ceiling of 2.2m;
- Internal reconfiguration to the lower ground floor level;
- Rear lower ground floor addition comprising laundry, bathroom, bedroom and living area;
- Landscaping works (including removal of some trees) and excavation for pool;
- Demolition of existing studio building and construction of new studio building with pool plant equipment beneath.

Ground floor:

- Internal reconfiguration to provide an open plan living and kitchen area;
- Elevated deck off the living area;
- Restore the eaves on the southern side of the original ground floor roof.

First floor:

- Rebuild first floor addition providing greater setback from the southern boundary;
- Retain the existing first floor balcony off the master bedroom;
- Attic addition to provide robe and storage space;
- External vertical timber cladding.

During the assessment period, the application was deferred requesting the height of the studio be reduced to minimise view impacts, and concern was raised about the height and bulk of the first floor addition, particularly with regards to view loss impacts from the living room of 5/11 Tipper Avenue.

Amended plans were received on 10 December 2019, which reduced the height of the studio structure by 300mm and reduced the extent of the first floor addition, so that it extended only 300mm above the height of the existing first floor roof. These amended plans were renotified.

The amended application was discussed with Council's Development and Building Unit, who advised that the first floor addition should not be any higher than the existing first floor roof. Therefore, further amended plans were received on 17 February 2020. The only change made to this set of plans was the lowering of the first floor roof, as such they were not required to be renotified.

The final set of amended plans (received by Council on 17 February 2020) form the basis of the assessment in this report.

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

2.1.2 SEPP 55 Remediation of Land

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

2.1.3 Waverley Local Environmental Plan 2012 (WLEP)

The relevant matters to be considered under the WLEP for the proposed development are outlined below:

Table 1: WLEP Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the Aims of the WLEP.
Part 2 Permitted or prohibited development		
Land Use Table R2 Zone	Yes	The proposal is defined as alterations and additions to a single dwelling, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none">8.5m	No	The existing height of the building is 9.72m. The proposed development is the same height as the existing development, and therefore has a maximum height of 9.72m. The exceedance is 1.22m or 14.4%.
4.4 Floor space ratio and <ul style="list-style-type: none">0.5:1 (306.45sqm)	Yes	The existing GFA on site is 282.5m ² , or a FSR of 0.46:1. The proposed development has a total GFA of 306.2m ² , which equates to a FSR of 0.49:1, which complies.

Provision	Compliance	Comment
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of WLEP to vary the height development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is listed as a local heritage item under WLEP Schedule 5. The application was referred to Council's Heritage advisor and the proposed alterations and additions are considered acceptable from a heritage perspective. This is discussed in further detail below.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is identified as Class 5 with regards to Acid Sulfate Soils. A sediment control plan and geotechnical investigation have been submitted with the application. The site is not located within 500m of Class 1,2,3 or 4 land, nor will the proposed development lower the water table. Therefore, no further acid sulfate soils management plans are required in order to grant consent to the works.
6.2 Earthworks	Yes	The proposal includes excavation for the lower ground floor and the swimming pool. The application was accompanied by a geotechnical investigation. The proposed earthworks are considered acceptable and will not have an impact on surrounding properties, subject to a condition of consent requiring dilapidation reports for adjoining properties.

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

Clause 4.6 Exceptions to Development Standards

The application seeks to vary the height development standard in Clause 4.3.

The site is subject to a maximum height control of 8.5m. The proposed development has a height of 9.72m, exceeding the standard by 1.22m or a 14.4% variation.

A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the WLEP 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.

Applicants Written Request - Clause 4.6(3)(a) and (b)

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
- (i) The existing building departs from the standard, and the dwelling's maximum height is not altered. The existing ridge heights are retained;
 - (ii) The new works above the height standard are typically not visible from the surrounding public domain and do not add to the dwelling's perceived height, bulk and scale;
 - (iii) Compliance would require demolition of the heritage listed built form which is highly unlikely and economically impractical;
 - (iv) The works successfully retain the dwelling's heritage significance through the largely unaltered presentation to Tipper Avenue and most visible elements from the surrounding public domain. The modern and contemporary rear additions do not detract from the site's heritage significance and have no adverse environmental impacts. The dwelling's overall contribution to the streetscape and locality's built form character is maintained;
 - (v) The proposal complies with the WLEP 2012 FSR standard and the WDCP 2012 landscaped area and open space guidelines;
 - (vi) The desired future character of the locality is determined by the relevant (existing) planning controls. The proposal presents as a two storey dwelling to the street with an integrated part basement level garage. The built form generally follows the fall of the land and the height variation is located at the northern side of the dwelling where the site falls sharply. Notwithstanding the unaltered departure from the height standard, the resultant built form is expected and anticipated and is therefore consistent with the desired future character of the area as expressed by the relevant planning controls;
 - (vii) The scale is broken down by the articulation of a traditional and integrated façade design. Setbacks and the use of different materials reduces the perception of any apparent bulk. The retained 'cottage' aspect of the dwelling and its new integrated contemporary designed rear addition will positively contribute to the likely future built form character;
 - (viii) The proposed built form sits comfortably in the site's wider visual context as viewed from the surrounding public domain, given the scale and form of other hillside developments in the vicinity;
 - (ix) Following a rigorous merit based (rather than compliance based) assessment, approval of the proposed works above the height standard that unquestionably relates to the site's existing character but which exceeds the WLEP 2012 height standard will not set a precedent for other non-conforming applications;

- (x) The works to the rear of the dwelling and not visible from the public domain that exceed the height limit will not result in additional adverse environmental impacts to adjacent properties and the surrounding public domain. In this regard the resultant built form provides for an acceptable and equitable planning outcome in relation to:
 - a. Solar access and overshadowing;
 - b. Access to natural daylight and ventilation;
 - c. Aural and visual privacy;
 - d. Views and vistas; and
 - e. Visual impact.
- (xi) The height of the building does not preclude (and hasn't done so in the past) redevelopment of the adjacent properties.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The non-compliance with the height standard allows for the existing ridge heights to be retained along with reasonable additions to a built form which is characteristic of Tipper Avenue;
 - (ii) The proposed works maintain the site's heritage significance which does not cause any quantifiable environmental impacts. A reasonable extension can be expected on this site and which has already been permitted on neighbouring land;
 - (iii) That part of the dwelling that departs from the standard is characteristic of traditional design and adds to its visual interest whilst still maintaining a human scale relative to the adjacent built form;
 - (iv) The existing built form which departs from the standard provides a generally consistent height, bulk and scale with the neighbouring and nearby built form;
 - (v) The proposed departure is a function of the site's topography, not the size of the built form in terms of GFA, which is relatively modest (and LEP compliant) given today's requirements;
 - (vi) The works to the rear of the dwelling are not visible from the public domain that exceed the height standard to not result in material environmental impacts to neighbouring properties and the surrounding public domain. In this regard the resultant built form provides for an acceptable and equitable planning outcome in relation to:
 - a. Solar access and overshadowing;
 - b. Access to natural daylight and ventilation;
 - c. Aural and visual privacy;
 - d. Views and vistas; and
 - e. Visual impact.
 - (vii) The development provides for an appropriate environmental planning outcome and is not an overdevelopment;
 - (viii) The proposal complies with the WDCP landscaped area and open space guidelines;
 - (ix) Appropriate environmental initiatives are proposed;

- (x) The built form curtilage to adjacent residential properties has generally been maintained or improved; and
- (xi) The proposal exhibits a benchmark architectural, urban design and landscape design solution that positively contributes to the local streetscape character.

Consideration of Applicants 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 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 justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

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

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 standard as the objectives of the standard are achieved despite the non-compliance, in reference to one of the justifications/tests arising from *Wehbe v Pittwater Council* (2007) 156 LGERA 446.

The written request has outlined the minimal consequences of the non-compliance upon the environmental amenity of surrounding properties and the streetscape and has sufficiently argued that these consequences are reasonable. The written request has also highlighted that the extent of the non-compliance relates to the slope of the site and provides a convincing argument that strict

compliance would be burdensome on the proposal achieving orderly and economic use of the site given the existing height non-compliance. Discussion below justifies how the development achieves the objectives of the development standard and the zone objectives despite the non-compliance with the development standard.

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 standard and the objectives for development within the zone in which the development is proposed to be carried out.

Clause 2.1 – Land Use – R2 Low Density Residential

- *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*

The proposal is consistent with the relevant objectives of the R2 zoning in that it provides for the housing needs of the community with a single detached dwelling (and potentially a secondary dwelling with the multi-purpose studio at the rear).

Clause 4.3 Height of Buildings

Note: Objectives (b) and (c) do not apply as they relate only to land in Bondi Junction centre.

- (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,*

The proposed development does not exceed the height of the existing dwelling. The height variation is located where the site falls sharply. In assessing the breach, consideration needs to be given as to whether the overall height of the development preserves the environmental amenity of neighbouring properties. Shadow diagrams submitted with the application demonstrate that the height non-compliance will not give rise to unreasonable additional overshadowing or impact upon amenity in terms of privacy. A view loss inspection was carried out determining that the portion of the development that exceeds the height development standard may impact views from 3/11 Tipper Avenue, which resulted in the amended proposal, which reduced the height of the development to be no higher than the existing ridge. The landmark or iconic views from 3/11 Tipper Avenue, which are to the north where Bronte Beach and the water/land interface at Tamarama Point can be seen, are not at all impacted by the proposed development. The proposed development is considered consistent with objective (a) of the height development standard.

- (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 height non-compliance is due to the sloping topography of the site from south to north. The height of the proposed development is consistent with the height of the existing ridge. The height non-compliance will not result in a building with increased bulk and scale beyond that envisioned by the controls and the resultant building will be consistent with the desired character of the locality. The proposal is considered consistent with objective (d) of the height development standard.

Conclusion

For the reasons provided above the requested variation to the height development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the WLEP and the proposed development would be in the public interest because it is consistent with the objectives of the Height Development Standard and the R2 Low Density Zone.

2.1.4 Waverley Development Control Plan 2012 (Amendment 6) (WDCP)

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

Table 2: WDCP – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. Condition of consent will be imposed regarding ongoing waste on site. The waste and recycling storage area is located in the garage.
2. Ecologically sustainable Development	Yes	The proposal is BASIX compliant and incorporates passive design and a rainwater tank. Given the low scale of this development, these mechanisms are considered to address the objectives of Part B2 of the DCP.
3. Landscaping and Biodiversity	Yes	The landscaping plan and arborist report has been reviewed by Council's Tree Management Officer and is considered acceptable, maintaining as much existing vegetation as possible and is cohesive with the site and streetscape.
5. Tree preservation	Yes	The landscaping plan and arborist report has been reviewed by Council's Tree Management Officer and is considered acceptable. The proposal includes the removal of six trees, which has been supported by Council's Tree Management Officer. There are seven trees on site that can be retained and protected during construction and one tree that can be transplanted as per the Arborist Report.
6. Stormwater	No, condition recommended	The stormwater plans submitted with the application are not satisfactory and do not comply with the Water Management Technical

Development Control	Compliance	Comment
		Manual. This matter can be addressed as a condition of consent.
8. Transport	Yes	The proposal includes retention of the existing garage and driveway access across the front of the site from Tipper Avenue, which is considered acceptable. The internal portion of the garage is being lowered to achieve a floor to ceiling height of 2.2m, and the driveway rebuilt to accommodate the lowering of the garage floor level. The vehicle cross over and width of the garage opening is to remain as existing.
9. Heritage	Yes	The subject site is a Heritage item and the proposed development follows the guidance of this part of the DCP. Council's Heritage Architect has reviewed the proposal and raised no issues with the proposal, subject to conditions of consent.
12. Design Excellence	Yes	The applicant has provided a context plan which demonstrates that the proposal has an acceptable design given the surrounding context of the area and is a suitable response to the site and streetscape. The proposed development is of a high design standard and incorporates quality materials and finishes.
14. Excavation	Yes	The proposed excavation is not excessive and does not add to the scale of the building. A condition of consent relating to dilapidation reports for neighbouring properties is recommended.

Table 3: WDCP – Part C2 Low Density Residential Development Compliance Table

The proposal is defined as a "Dwelling House" in the WLEP.

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none"> • Appropriate scale • Does not detract from amenity of other dwellings or view corridors • ESD has been considered • Alterations & additions are sympathetic in bulk 	Yes	The proposal does not contravene the general objectives of this part of the DCP.

Development Control	Compliance	Comment
& scale to the character of the area <ul style="list-style-type: none"> High design standard 		
2.1 Height		
Pitched Roof dwelling house <ul style="list-style-type: none"> Maximum external wall height of 7m 	No	The proposal retains the existing external wall heights, 5.5 metres on the southern elevation and 8.15 metres on the northern elevation. This is considered appropriate given the topology of the site and the existing lower ground floor garage level. The proposed development is in keeping with the surrounding streetscape maintains the appearance of a single dwelling when viewed from the street.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes	The proposal maintains the existing front setback, which is acceptable. The rear building line is extended at the elevated ground floor level, however the building does not extend beyond the rear building alignment established by the neighbouring properties at 5-7 Tipper Avenue and 11 Tipper Avenue. The studio within the rear yard is a similar location as the existing studio; however, has a reduced footprint, maintaining a 1.2m setback from the rear and side setbacks of 2m to the north and 2.6m to the south.
2.2.2 Side setbacks <ul style="list-style-type: none"> Where a 2-storey dwelling exceeds the maximum height building standard in Clause 4.3 of the WLEP 2012, the side setback for the building is to be 1.2m. 	Yes	The lower ground floor maintains the existing setback of 1.2m to the northern side and varies between 1.7m and 2.5m to the southern side. The ground floor maintains the existing setback of 1.2m to the northern side and varies between 1.2m and 1.9m. to the southern side. The first floor maintains a northern side setback of 2.8m to the existing balcony, and 4.5m to the attic extension. A 1.7m setback is provided on the southern side.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style & 	Yes	The proposal is considered to complement the streetscape and the existing dwelling. The amended first floor results in the dwelling being largely unaltered from the street. The contemporary rear addition is not visible from Tipper Avenue.

Development Control	Compliance	Comment
		<p>adjoining apartments. The proposed elevated deck off the ground floor does not pose any further visual privacy impacts than already exists within the immediate context of the site.</p> <p>A number of submissions raised concern about the studio rooftop being used as open space. The applicant has confirmed this is not the case, and a condition of consent is recommended to ensure that the rooftop remains non-trafficable.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	Yes	<p>The submitted shadow diagrams demonstrate that the proposal does not result in adverse overshadowing impacts on the winter solstice.</p> <p>The adjoining flat building to the south (11 Tipper Avenue) includes living rooms and balconies towards the rear of the site (to the west), which are not impacted by the proposed development. The subject site and neighbouring properties maintain three hours of sunlight to the principle open space on the 21 June.</p>
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	<p>A number of objections raised view loss as a concern. All objectors who raised view loss as a concern were contacted for an inspection. The following properties were inspected:</p> <ul style="list-style-type: none"> 3/11 Tipper Avenue 4/162 Macpherson Street 5/162 Macpherson Street 166 Macpherson Street (13 Tipper Ave) <p>The proposed development is designed to enable the sharing of views with surrounding dwellings. This is discussed in further detail below.</p>
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area 	Yes	<p>The proposal complies in that it provides:</p> <ul style="list-style-type: none"> 378m² of open space (61%) 141m² of landscaped area (23%) 25.2m² private open space in the form of the elevated deck off the primary living area. A further 150sqm is provided at natural ground level.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Front landscaped area: 50% of front open space provided 		<ul style="list-style-type: none"> 58m² (100%) of the front building setback area is open 24m² (50%) of the front open space is landscaped
2.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property Pool decks on side boundaries must consider visual privacy 	Yes	<p>The pool is located within the rear yard and is setback setbacks greater than 3m from the side boundaries.</p> <p>The pool plant equipment is to be housed underneath the rear studio building, which provides adequate setback from the boundaries and minimises acoustic impacts.</p>
2.16 Secondary dwellings and ancillary buildings		
<p>2.16.1 - Secondary dwellings</p> <ul style="list-style-type: none"> Comply with Clause 5.4(9) of the LEP. Read as a secondary structure If not to a laneway be max 3m in height 	Yes	<p>The submitted SEE states that the studio in the rear yard may or may not be used as a secondary dwelling. It has been designed as a multi-functional space. Notwithstanding this ambiguity, it is understood that the housing needs of Waverley residents can alter overtime. The studio has been assessed as being a secondary dwelling to ensure compliance should it be used as such.</p> <p>There is an existing studio within the rear yard on site, which has a gross floor area of 42m². The proposed studio has a gross floor area of 40.2m², which complies with Clause 5.4(9) which requires secondary dwellings to be a maximum of 60m² or 30% of the floor area of the principle dwelling.</p> <p>The studio reads as a secondary structure and does not impact upon the privacy and amenity of neighbouring properties. It maintains generous setbacks from the side and rear boundaries, as discussed in Part 2.2 Setbacks above. The studio does not exceed 3m in height.</p>
<p>2.16.2 - Ancillary buildings</p> <ul style="list-style-type: none"> Floor area not to exceed 10% of site area Maximum wall height when on a property boundary of 2.1m Maximum overall height of 2.4m 	Yes	<p>The studio building is a secondary structure, which is integrated into the landscaped open space. It is considered to be sympathetic to the principle dwelling and the surrounding context.</p> <p>The floor area is 40.2m², or 6.5% of the site area. The proposal exceeds 2.4m in height, however it has significant setbacks from the boundaries (as discussed in Part 2.2 above) and does not impact on views, as discussed below.</p>

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

Heritage

The existing dwelling has been heavily altered as a result of DA-136/2007 and the subsequent Section 4.55 modification. A search of Council records revealed photos on file of the dwelling prior to the works approved under DA-136/2007. The photos indicate that the dwelling consisted of face brickwork with an enclosed verandah. As a result of DA-136/2007, the face brick has been painted, the garage opening widened, front elevated ground floor verandah has been opened and extended towards the front and a first floor addition constructed with a gable roof on the southern side and an inset balcony with solid masonry walls on the northern side. Photo comparisons provided below:



Figure 7: Photo from file prior to DA-136/2007 approval:
View of dwelling from Tipper Avenue showing sketch of first floor addition. The original dwelling consists of face brick, a single garage and enclosed verandah



Figure 8: Current dwelling viewed from Tipper Avenue showing built first floor addition, widened garage, modified verandah and painted brickwork



Figure 9: Sketch of proposed built form viewed from Tipper Avenue



Figure 10: Photo from file prior to DA-136/2007 approval:
View of dwelling from corner of Macpherson Street and Tipper Avenue showing
original roof prior to first floor addition



Figure 11: Existing dwelling from corner of Macpherson Street and Tipper
Avenue showing built first floor addition and painted brickwork



Figure 12: Sketch of proposed southern elevation of proposed built form showing the increased first floor setback



Figure 13: Photo from file prior to DA-136/2007 approval, dwelling viewed from Tipper Avenue along northern boundary showing enclosed verandah and face brick



Figure 14: Existing dwelling viewed from Tipper Avenue along northern boundary showing front balcony addition, painted face brick and first floor balcony addition (white solid wall above roof)

The proposed alterations and additions have been discussed with regards to the heritage issues below:

Reconstruction of the first floor addition

Council's Heritage Advisor notes that the existing first floor addition consists of *"a rarely successful repetition of the main gable form rather than acknowledging the established form of first floor construction employed in the Californian prototypes of the Inter War Bungalow"*.

The current first floor addition is not proportionally cohesive to the existing dwelling. It resulted in the removal of a large portion of the original roof and eaves along the southern elevation. The heritage advisor was not supportive of the original proposal, recommending that the first floor be reorientated towards the rear. However, since the amendments have been made, they have revised their comments supporting the proposal, stating that *"the amended proposal reducing the height of the first floor addition generally improves the relationship of these works to the remaining original residence"*.

Furthermore, the proposed first floor addition will result in a greater setback from the southern boundary, which allows the eaves and a portion of the original roof line to be reconstructed. This will result in a first floor that is more proportionate to the original dwelling and less visually dominating when viewed from the corner of Macpherson Street and Tipper Avenue, in accordance with WDCP Part B9 Clause 9.8.1.

Rear alterations and additions

The majority of the proposed alterations and additions are not largely visible from Tipper Avenue and relate to the lower ground and rear ground floor of the dwelling, which has already been significantly altered. As such, the proposed works to the rear of the dwelling are considered acceptable. See excerpt below from the applicant's Heritage Impact Statement by Zoltan Kovacs Architect showing the integrity of the different portions of the dwelling. The proposed development does not impact the areas of high, original integrity.

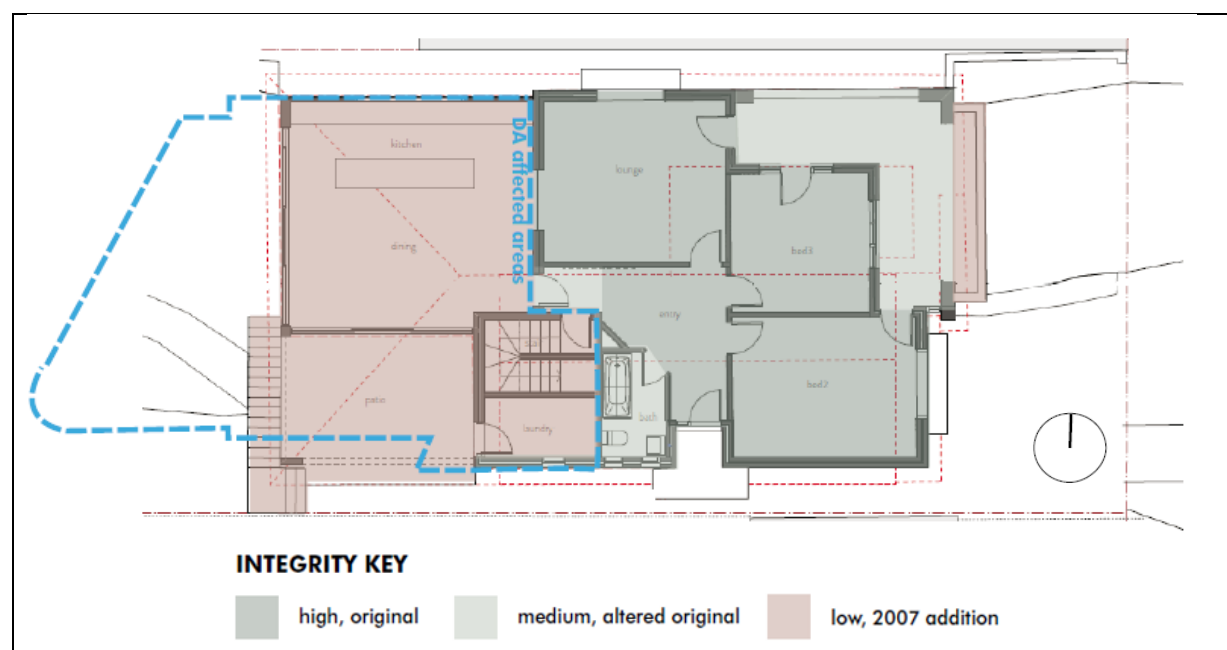


Figure 15: Excerpt from the submitted Heritage Impact Statement

Architectural style, materials and finishes

WDCP Part B9 Clause 9.9 seeks to reinforce the various established architectural styles of dwellings through sensitive alterations and additions. Control (c) states that alteration and additions to existing dwellings must incorporate appropriate or compatible architectural vocabulary. The proposed addition is considered appropriate given the altered state of the existing dwelling. The proposal is well-designed and includes high quality finishes and materials.

The proposed finishes to the front façade consist of white timber batten screening to the external face of the first floor addition and the garage door. While this finish would generally not be supported for a brick heritage item, given that the existing dwelling has been painted and significantly altered overtime, the timber batten screening provides a high standard or architectural design in accordance with WDCP Part B12 Design Excellence.

View Loss

Objections were received stating that the proposed development will impact views. The submissions specifically relate to the studio building at the rear, with the exception of the submission from 3/11 Tipper Avenue, which is concerned about the view loss above the existing roof across the eastern boundary. The applicant has provided a view impact analysis demonstrating that the proposed development provides equitable view sharing, see **Figure 16** below:

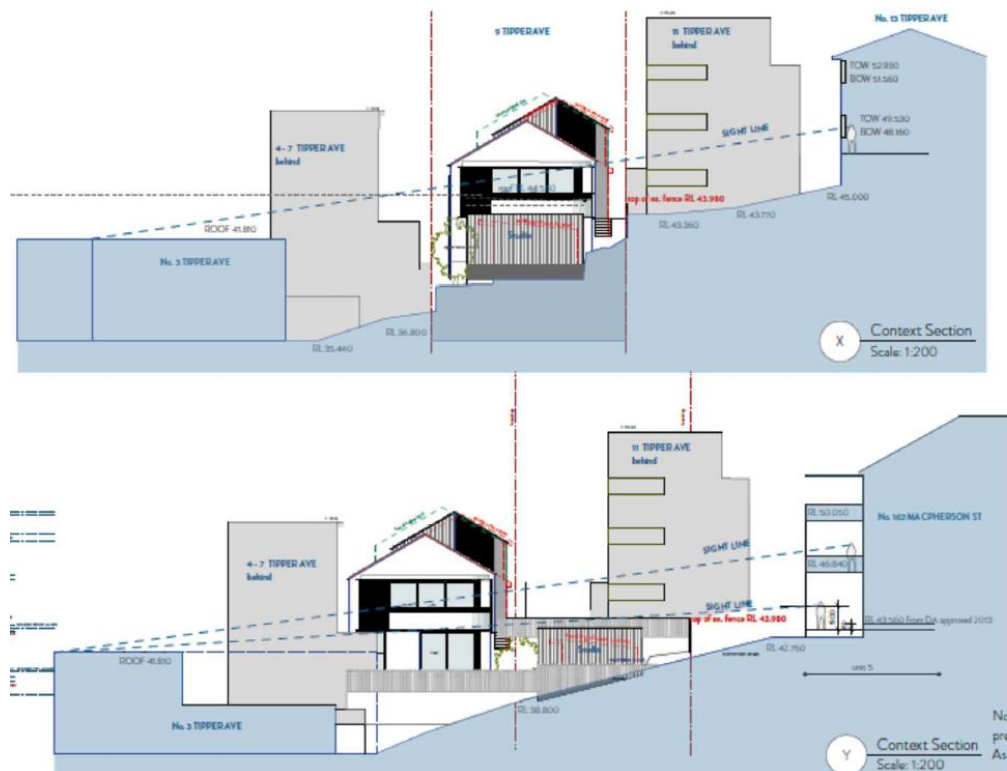


Figure 16: View impact analysis provided by the applicant demonstrating view impacts to 166 Macpherson (aka 13 Tipper) and 5/162 Macpherson Street.

The assessing officer contacted all objectors who raised view loss as a concern. The following properties agreed to provide access, and view loss inspections were carried out:

- 3/11 Tipper Avenue
- 166 Macpherson Street (aka 13 Tipper Avenue)

- 4/162 Macpherson Street
- 5/162 Macpherson Street

The photos below were taken at the view loss inspections from the above addresses across the subject site in a northerly direction towards Bronte Beach.

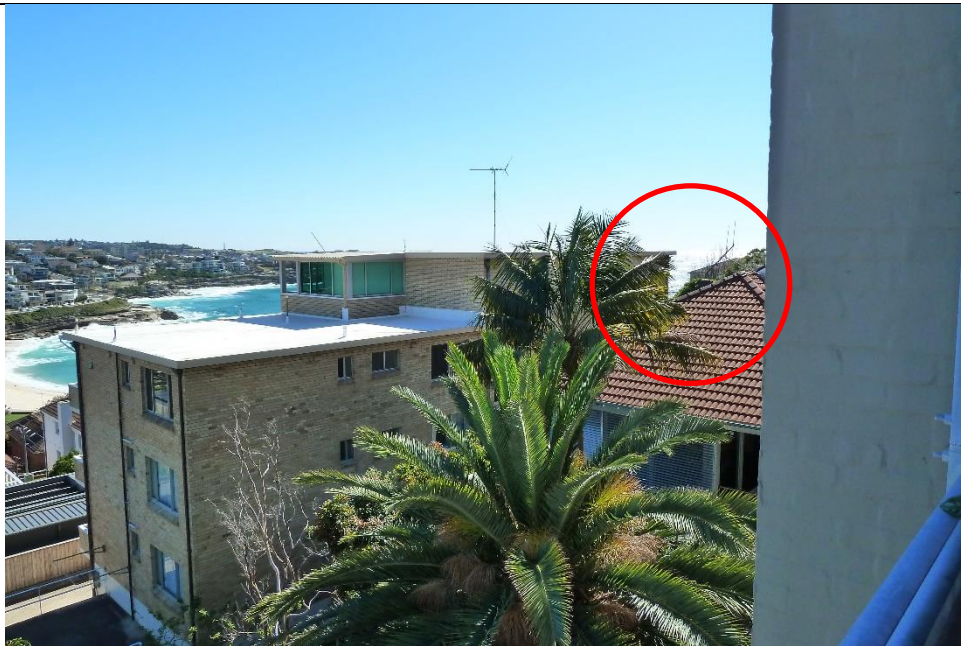


Figure 17: View from the balcony of **3/11 Tipper Avenue**. The views of Bronte Beach and the water/land interface to the left of the photo will not be impacted. The objector is raising concern about losing the ocean view across the roof of the subject dwelling (circled)



Figure 18: View from living room of **3/11 Tipper Avenue**. The objector is raising concern about losing the ocean view across the roof of the subject dwelling (circled)



Figure 19: View from living/dining area window of **166 Macpherson Street** looking north across 11 Tipper Avenue and the existing studio building at the subject site towards Bronte Beach. The proposed studio building (as amended) is 400mm higher than the existing building, however, is a reduced footprint so the north eastern corner portion (circled) is removed. This view will not be impacted because of the existing flat roof dwelling at 3 Tipper Ave.



Figure 20: View from the balcony of **4/162 Macpherson Street** looking north east across the existing studio building (grey roof) at the subject site towards Bronte Beach, Tamarama Point and Mackenzies Point. The proposed studio building (as amended) is 400mm higher than the existing building. This view will not be impacted because of the existing flat roof dwelling at 3 Tipper Ave and the flat building at 5-7 Tipper Ave.



Figure 21: View from the rear open space of **5/162 Macpherson Street** looking north east across the existing studio building (grey roof) at the subject site towards Tamarama Point and Mackenzies Point. The proposed studio building (as amended) is 400mm higher than the existing building. The trees shown on the far side of the grey studio building roof are the trees the subject of Condition 22 of DA-136/2007, which are required to be no greater than 3m in height.

As a result of the view loss inspection carried out and the amendments made to reduce the studio building by 400mm, it is determined that the proposed development does not impact views from 166 Macpherson Street or 4/162 Macpherson Street. The remaining properties (3/11 Tipper Avenue and 5/162 Macpherson Street) are discussed below.

3/11 Tipper Avenue

As shown in Figure 17 above, the proposed development will not impact views from the balcony and living room towards Bronte Beach or the land/water interface at Tamarama Point. The objector is raising concerns about the loss of ocean views between the roof of the subject dwelling and the flat building at 5-7 Tipper Avenue (as shown in **Figure 18** above). This was discussed with the applicant, who has made amendments to the proposal to reduce the extent of the new first floor roof. This is demonstrated below in excerpts from the roof plans, showing the extent of new roof is reduced to extend no further towards the north than the existing first floor roof.

The amendments will reduce the impact on the view loss from the living room of 3/11 Tipper Avenue. However, the objectives of WDCP Part C2 Clause 2.7 are met in that view sharing is demonstrated as 3/11 Tipper Avenue retains the entirety of its landmark / iconic view from the living room and balcony across to Bronte Beach and Tamarama Point. The new first floor roof is within the height of the existing first floor roof, as demonstrated from the plan excerpts below. As such, the amended proposed development and view impacts to 3/11 Tipper Avenue are considered appropriate.

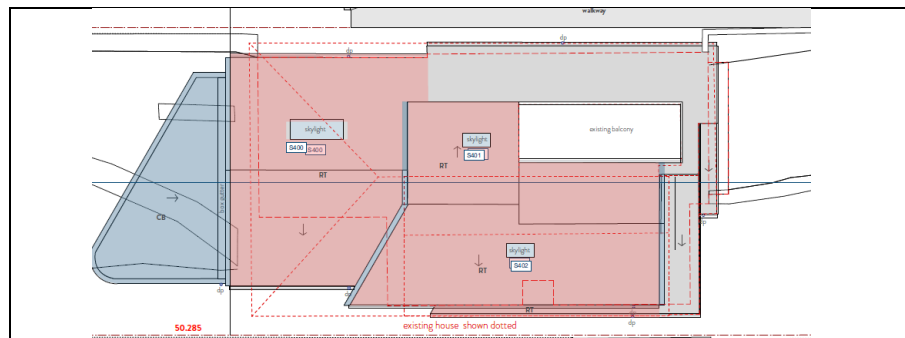


Figure 22: Revision A showing proposed first floor roof extends towards the north over the existing ridge

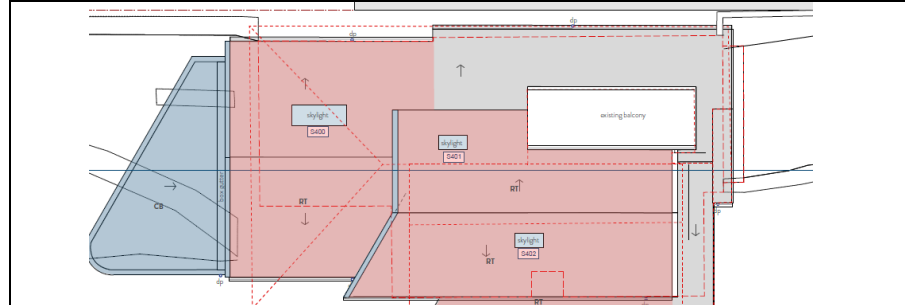


Figure 23: Revision B showing proposed first floor roof reduced

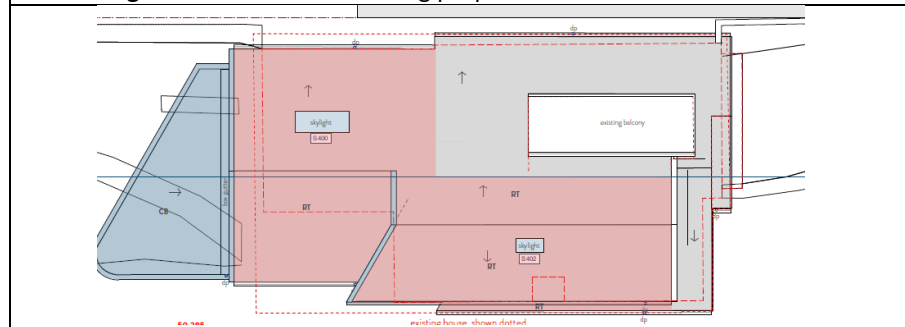


Figure 24: Revision C (amended plans subject of this report) showing proposed first floor roof does not extend further to the north than the existing ridge

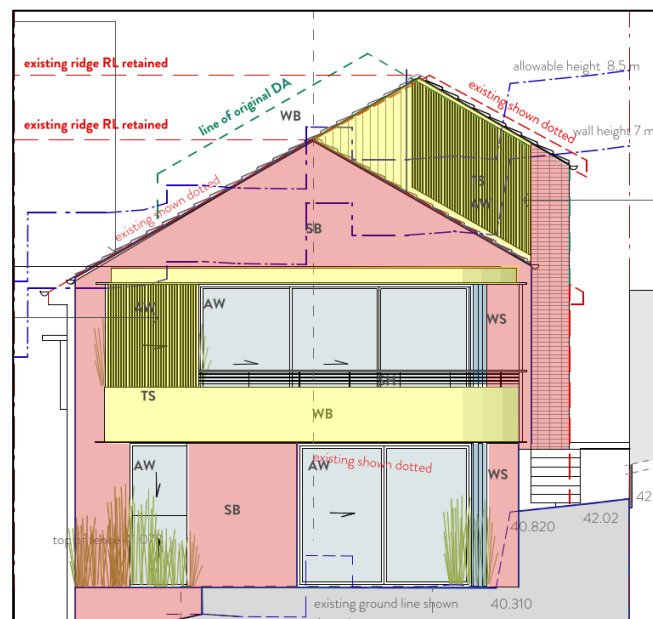


Figure 25: Revision C (amended plans subject of this report) south elevation (left) and rear west elevation (right) showing proposed first floor roof is no higher than the existing first floor roof.

5/162 Macpherson Street

As shown in **Figure 21** above, the view from the private open space and living room of 5/162 Macpherson Street is largely obscured by the banksia trees along the northern boundary of the subject site. The 400mm additional height to the studio building will not have a significant impact on views because its footprint is being reduced, so the north eastern corner of the structure will be deleted. Furthermore, the existing flat roof dwelling at 3 Tipper Avenue and the flat building at 5-7 Tipper Avenue, shown in other view loss inspection photos obscure the view. As such, the proposed studio building (being 400mm higher than the existing building) is considered appropriate and does not have adverse view impacts.

The banksia trees along the northern boundary of the subject site are required to be no higher than 3 metres in accordance with Condition 22 of DA-136/2007. The owner of 5/162 Macpherson Street has raised concern several times with Council's compliance team about the height of the banksia trees, which has resulted in compliance action. Limiting the height of vegetation via a condition of consent is undesirable as it requires consistent compliance action. It is not recommended that a further condition be placed on the subject DA to restrict the height of vegetation. If a certain species is capable of reaching a height that it will restrict views, then it is not considered to be appropriate for the site and should be replaced with more a suitable species. As such, the applicant is amenable to removing the Banksia trees along the northern boundary and replacing them with a more suitable native plant should the proposed studio building be approved. This is considered to resolve the view loss impact from 5/162 Macpherson Street. Relevant conditions have been recommended.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

The original application was notified for 14 days in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

13 submissions were received (11 objections and 2 in support) to the original application.

Following the lodgement of amended plans on 10 December 2019, the application was re-notified for 21-days to those people who had previously lodged a submission.

4 submissions were received to the amended application.

The final set of amended plans received on 17 February 2020 were not required to be re-notified as they included lowering the first floor addition and therefore resulted in a lesser impact.

Table 3: Summary of property addresses that lodged a submission

Property
10 Tipper Avenue, BRONTE (support)
19 Tipper Avenue, BRONTE (support)
1/11 Tipper Avenue, BRONTE (original and amended)
3/11 Tipper Avenue, BRONTE
4/11 Tipper Avenue, BRONTE
5/11 Tipper Avenue, BRONTE (original and amended)
7/5-7 Tipper Avenue, BRONTE (original and amended)
4/162 Macpherson Street, BRONTE
5/162 Macpherson Street, BRONTE (original and amended)
1/164 Macpherson Street, BRONTE
3/164 Macpherson Street, BRONTE
166 Macpherson Street (aka 13 Tipper Avenue), BRONTE
Bronte Beach Precinct

Issue: View loss

Response: This is discussed in detail in the report. The proposal is considered to meet the objectives of ‘view sharing’ and do not have an adverse impact on existing views from surrounding residential development.

Issue: The studio should be the same height as the existing studio

Response: The amended proposal is 400mm higher than the existing studio. The studio does not have an impact on views and is considered appropriate in the context. It is lower than the height of the southern boundary fence.

Issue: The studio roof might be reflective, or include solar panels, construct a second story, include a green roof or become a trafficable terrace in the future

Response: The studio includes a membrane gravel roof which will not have reflectivity impacts. The applicant advises that the roof cannot accommodate planting because of its slimline design. A standard condition requiring the roof to be non-trafficable will be included. The application does not include solar panels, second storey, green roof or a trafficable area. Solar panels are the subject of different legislation and will be required to comply with that legislation.

Issue: The trees on the entire site should be limited in height to retain views

Response: The approved landscape plan includes planting along the western boundary with a height of 0.3m, which will sit below the boundary fence and cannot impact views. The applicant has agreed to remove the banksia trees along the northern boundary should the studio be approved. This will improve views (and the need for compliance action). New planting will be provided at a height lower than the studio building. The landscaping is considered suitable for the site.

Issue: Removing too many trees which were previously not supported for removal

Response: Noted. The application has been referred to Council’s Tree Management Officer who recommended the landscape plan and arborist report be approved.

Issue: Heritage concerns

Response: The application was referred to Council’s Heritage advisor who supports the amended proposal. This is discussed in further detail above.

Issue: The extension should extend no further than the building at 5-7 Tipper Avenue

Response: The proposal does not extend beyond the flat buildings on either side (including 5-7 Tipper Avenue).

Issue: Overdevelopment of the site, non-compliance with height and FSR

Response: The proposed development complies with the maximum FSR. A Clause 4.6 has been submitted for the height non-compliance, which is discussed in the above report.

Issue: Visual and acoustic privacy impacts

Response: The new window openings and elevated ground floor terrace include sufficient privacy screening. The rear open space of the subject site is overlooked by residential flat buildings on both sides and to the rear, as well as from the large window at 166 Macpherson Street. The proposal is considered to provide adequate privacy given the surrounding context.

2.5 Public Interest

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

3. REFERRALS

3.1 Heritage

The application was referred to Council’s heritage advisor. The comments have been discussed in the *Heritage* section above. The amended proposal is considered appropriate from a heritage perspective.

3.2 Tree Management

The application was referred to Council’s Tree Management Officer who recommends that the landscape plan and arborist report submitted with the development application be approved. Appropriate conditions have been recommended.

3.3 Stormwater

The application was referred to Council’s Stormwater Engineer who advised that the submitted stormwater drawings do not comply with the Water Management Technical Manual. This matter can be addressed as a condition of consent. Relevant conditions have been recommended.

4. SUMMARY

The application seeks consent for alterations and additions to the existing heritage listed dwelling. The proposal includes works to the lower ground floor level, ground floor extension including an elevated deck off the living area, rebuild the first floor addition with greater setbacks from the southern boundary, rebuild the single storey studio within the rear yard, landscaping and a pool.

During assessment the application was deferred requesting the height of the studio be reduced and the first floor addition be lowered. Amended plans were received on 10 December 2019, and a further set on 17 February 2020.

The amended proposal does not exceed the height of the existing ridge; however, it exceeds the maximum building height control of 8.5m by 1.22 or 14.4%. The proposal complies with the maximum FSR of 0.5:1

The existing dwelling has been significantly altered overtime, specifically as a result of DA-136/2007 approved in 2007. As such, the proposed works are considered acceptable from a heritage perspective and demonstrate design excellence.

View loss concerns were raised from a number of objectors. View loss inspections were carried out, and it was determined that the proposal will not impact views, subject to a condition relating to removing the existing banksia trees.

13 submissions were made (11 objections and 2 in support). The application is recommended for approval, subject to conditions.

DBU Decision

The amended proposal was reviewed by the DBU at the meeting on 4 February 2020 and the DBU determined:

- (a) The proposal should be amended to ensure that the first floor addition is no higher than the existing first floor roof.

Amended plans ensuring the proposed first floor is no higher than the existing first floor roof were provided by the applicant on 17 February 2020 and form the basis for the recommendation of approval.

DBU members: M Reid, A Rossi, B McNamara, B Matlawski

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:

Emma Finnegan
Senior Development Assessment Planner

Date: 9 March 2020

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

Bridget McNamara
**Manager, Development Assessment
(North/South)**

Date: 12 March 2020

Reason for referral:

- 1 Contentious development (10 or more objections)
- 2 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 Clayton Orszaczky including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA000 Rev C	Cover sheet	17 February 2020	17 February 2020
DA001 Rev C	Site plan	17 February 2020	17 February 2020
DA003 Rev C	Context plan	17 February 2020	17 February 2020
DA100 Rev C	Lower ground floor front	17 February 2020	17 February 2020
DA101 Rev C	Lower ground floor rear	17 February 2020	17 February 2020
DA102 Rev C	Ground floor	17 February 2020	17 February 2020
DA103 Rev C	First floor	17 February 2020	17 February 2020
DA104 Rev C	Roof plan	17 February 2020	17 February 2020
DA105 Rev C	Roof plan rear	17 February 2020	17 February 2020
DA200 Rev C	East elevation	17 February 2020	17 February 2020
DA201 Rev C	West elevation	17 February 2020	17 February 2020
DA202 Rev C	West elevation with studio	17 February 2020	17 February 2020
DA203 Rev C	North and south elevation	17 February 2020	17 February 2020
DA204 Rev C	South elevation front	17 February 2020	17 February 2020
DA205 Rev C	South elevation rear	17 February 2020	17 February 2020
DA206 Rev C	North elevation front	17 February 2020	17 February 2020
DA207 Rev C	North elevation rear	17 February 2020	17 February 2020
DA208 Rev C	Section front	17 February 2020	17 February 2020
DA209 Rev C	Section rear	17 February 2020	17 February 2020
DA300 Rev A	Materials and finishes schedule	5 July 2019	2 September 2019

(b) Landscape Plan No. LP01-D4419, LP02-D4419 and LP03-D4419 and documentation prepared by Dangar Barin Smith, dated 12 August 2019 and received by Council on 2 September 2019;

(c) BASIX and NatHERs Certificate/s;

(d) Arborist Report prepared by Jacksons Nature Works dated 5 August 2019, and received by Council on 2 September 2019;

(e) Geotechnical Report Ref: 32563YC by JKGeotechnics dated 12 August 2019 and received by Council on 2 September 2019;

(f) The Site Waste and Recycling Management Plan (SWRMP) Part 1

Except where amended by the following conditions of consent.

2. BANKSIA

The three existing banksia trees along the northern boundary (T4, T6, T7) are to be removed and replaced with three x native species trees that are not capable of exceeding the height of the studio building (without the need for pruning) to promote view sharing. The tree species are to be approved by the Private Certifier prior to the issue of a Construction Certificate and are to be planted prior to the issue of any Occupation Certificate

3. USE OF STUDIO ROOF

No approval is granted, or implied, for use of the studio roof as a trafficable area or a green roof.

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.

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 & 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.

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 applicant requirements of Part 6, before any work commences.

6. SECTION 7.12 CONTRIBUTION

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

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

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

"Waverley Council Cost Summary Report"; or,

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

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

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

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

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

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

7. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of \$26,650 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.

8. LONG SERVICE LEVY

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

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

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 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 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.

11. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works.

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

12. ENGINEERING DETAILS

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

13. ENGINEERING CERTIFICATE OF ADEQUACY

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

14. STRUCTURAL 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, such as building facades are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

15. STORMWATER MANAGEMENT

- (a) Stormwater plans and details shall be prepared by a suitably qualified hydraulics engineer to ensure the management of stormwater runoff from the development is undertaken without impact to the subject site, neighbouring properties or receiving drainage system.
- (b) The development will require the installation of an On-Site Detention (OSD) system. Details of the tank are required (e.g. location, dimensions, cross & long sections, top water level, details of orifice plate including orifice diameter & depth of water above centreline of orifice etc). A completed checklist as set out in page 22 of Council's Water Management Technical Manual is required as part of the plan submission.
- (c) The plans and details shall be prepared in accordance with Council's *Water Management Technical Manual* and must be submitted to and approved by Council's Executive Manager, Infrastructure Services (or delegate), prior to the issue of any Construction Certificate. For

further information regarding this, please contact assets@waverley.nsw.gov.au, phone 9083 8886 or visit Council's website for details:

https://www.waverley.nsw.gov.au/_data/assets/pdf_file/0010/2503/WaterManagementTechnicalManual2014-FINAL.pdf

16. BASIX

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

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.

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.

18. CONSTRUCTION SIGNS

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

19. DILAPIDATION REPORT

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

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

20. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

21. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

22. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

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

23. EXCAVATION AND BACKFILLING

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

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land. The excavation is to be managed by a practising structural engineer.

24. CONSTRUCTION HOURS

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

- (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 Environment Operations (Noise Control) Regulation 2017.

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

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

26. CONSTRUCTION INSPECTIONS

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

27. CERTIFICATE OF SURVEY - LEVELS

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

28. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

29. 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.

30. 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.

31. 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.

32. 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.

33. CERTIFICATION OF BASIX COMMITMENTS

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

34. 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.

35. CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA

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

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

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

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.

1. SYDNEY WATER REQUIREMENTS

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

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

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since

building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

2. 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.

3. 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.

4. 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.

5. EXCAVATION TO BE LIMITED

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

6. 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.

7. WORK OUTSIDE PROPERTY BOUNDARY

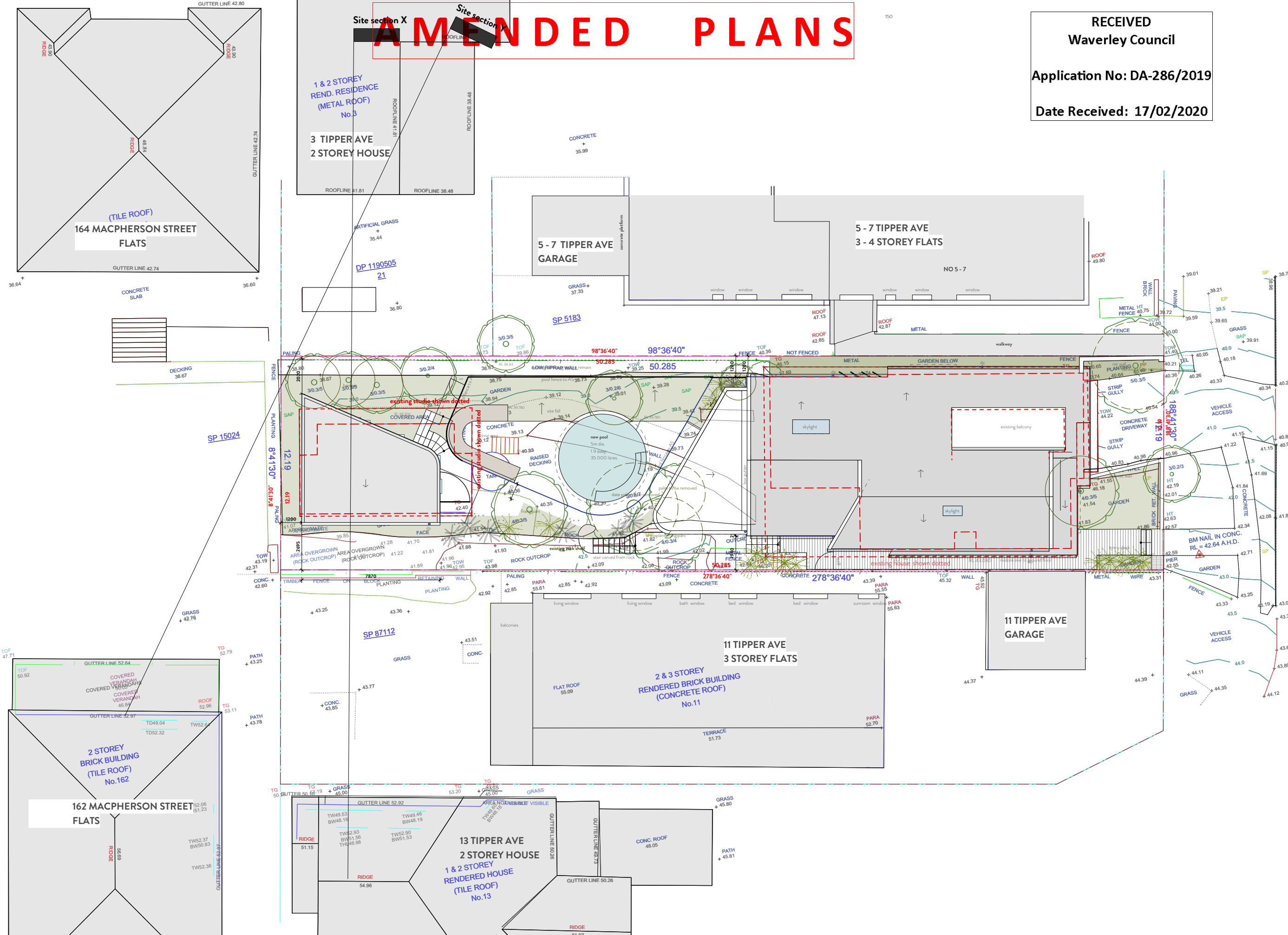
This consent does not authorise any work outside the property boundary.

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Waverley Council
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Date Received: 17/02/2020

07

08

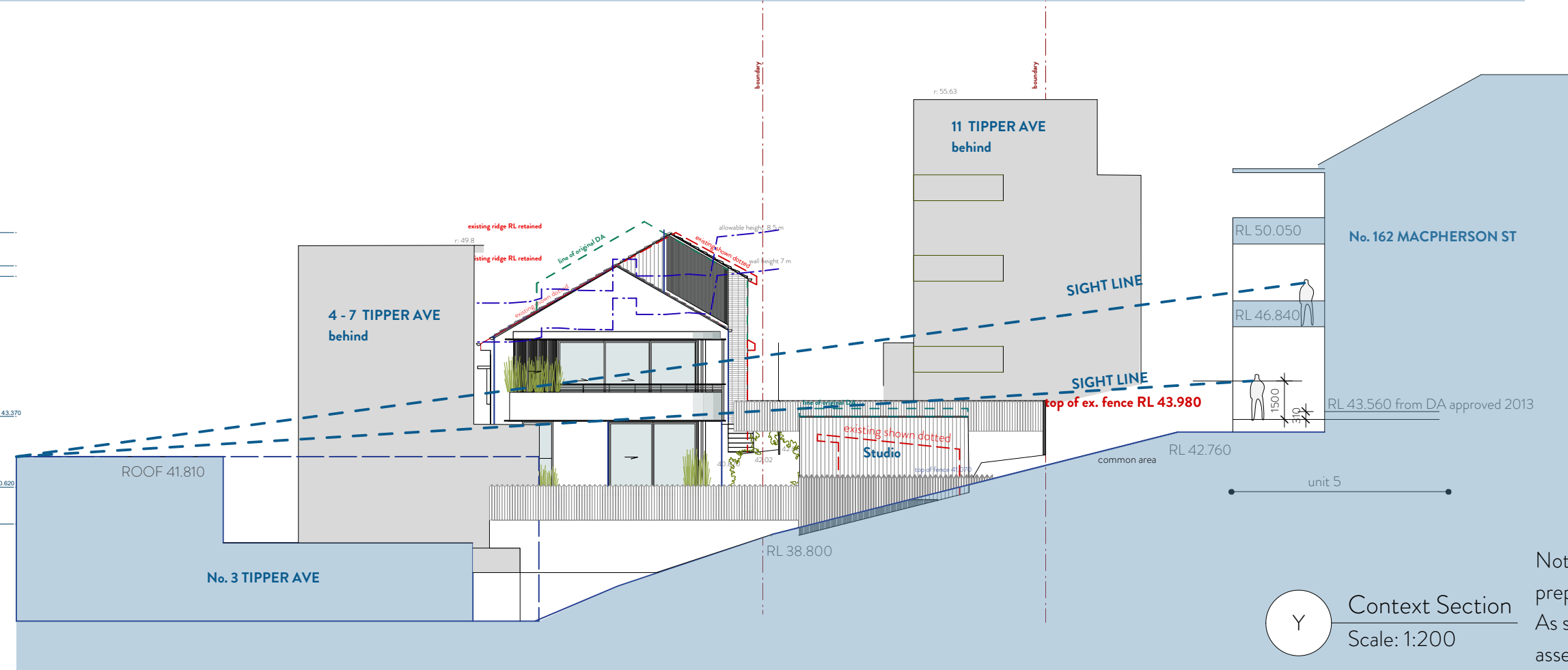
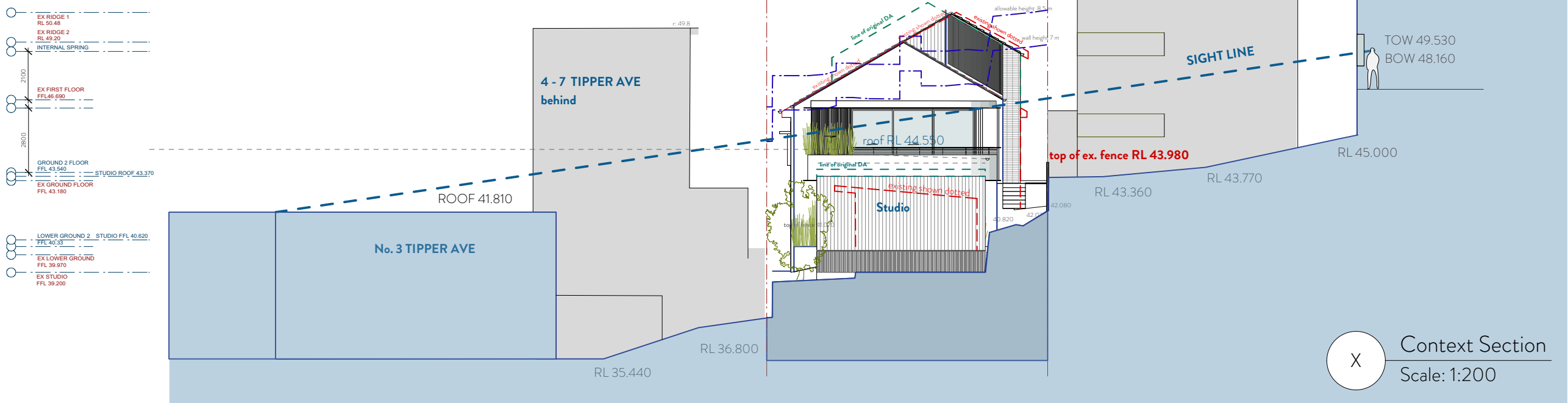


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Application No: DA-286/2019

Date Received: 17/02/2020



Note: these sections have been prepared from survey data only. As such it provides a limited assessment of view impact.

AMENDED PLANS

colour key

black

red dashed

light red

red

light yellow

dark green

light green

light blue

light brown

light purple

dark blue

olive

existing wall

outline of existing house

roof tiles, paving

brick

timber

concrete

cement render, cement sheets

glass, glass bricks

natural stone, earth

internal tiles, marble

steel, galvanised iron, aluminium

garden

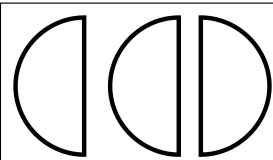
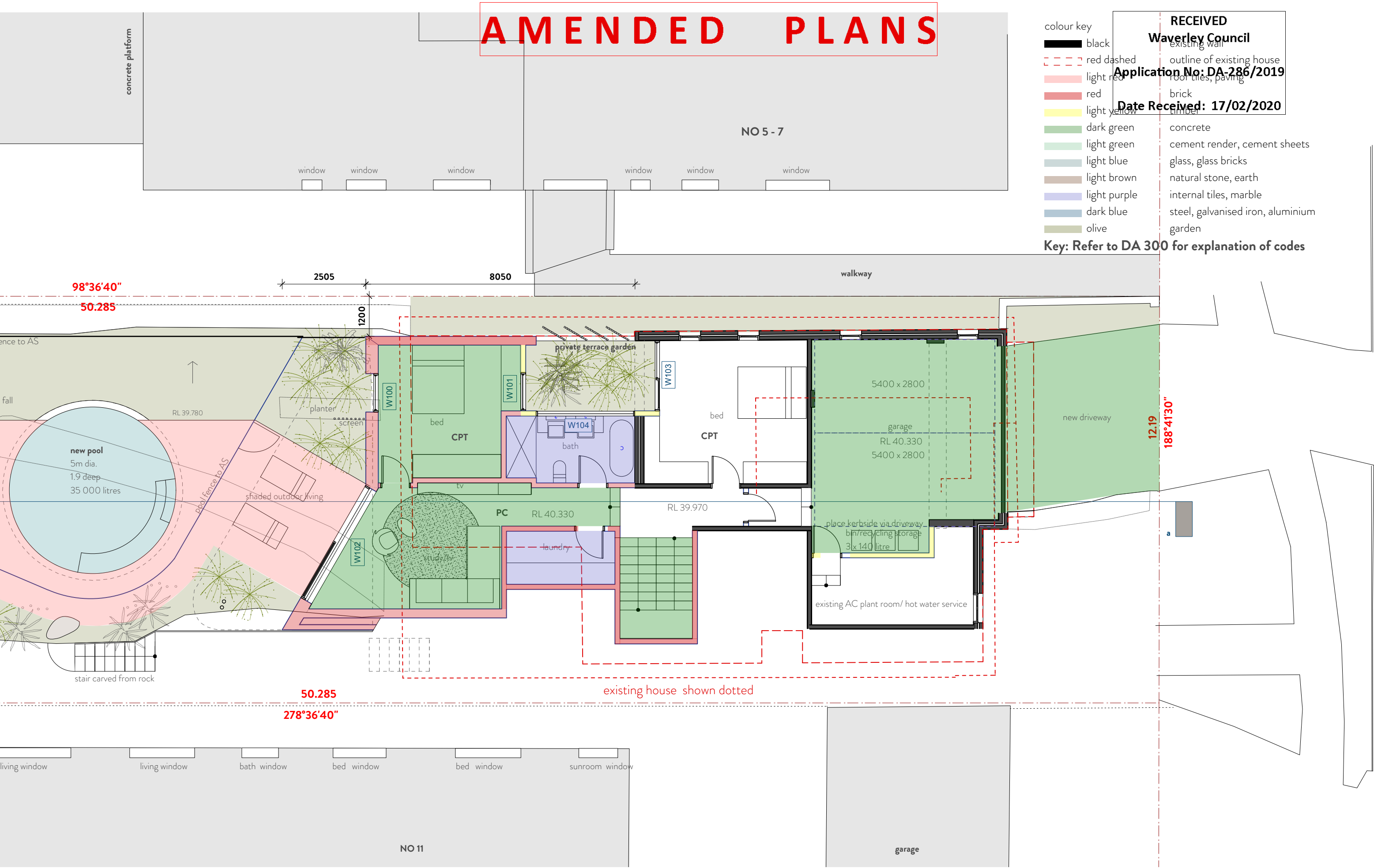
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Application No: DA-286/2019

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project
Fry Residence
9 Tipper Ave,
Bronte NSW 2014

revision

A	5/7/19	A
B	5/12/19	DA revision
C	17/2/20	DA revision

date
project no.
scale
drawn by
checked by

feb 2019
32.19
1: 100 @ A3
mo
rc

drawing title

lower ground floor front

drawing no.

DA 100

revision

C 80

AMENDED PLANS

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Waverley Council
Application No: DA-286/2019
Date Received: 17/02/2020

- colour key

black

red dashed

light red

red

light yellow

dark green

light green

light blue

light brown

light purple

dark blue

olive

existing wall

outline of existing house

roof tiles, paving

brick

timber

concrete

cement render, cement sheets

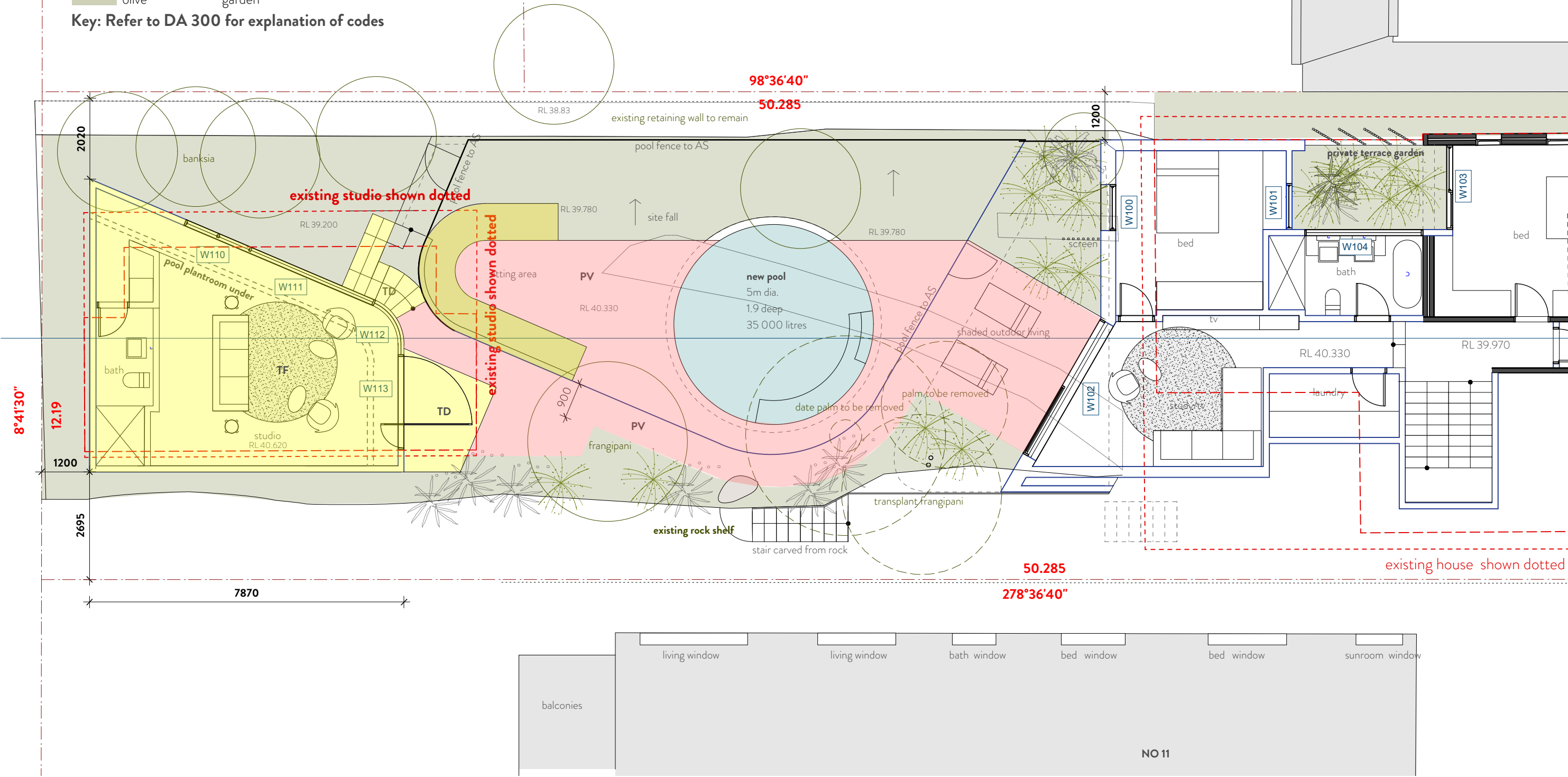
glass, glass bricks

natural stone, earth













internal tiles, marble

steel, galvanised iron, aluminium

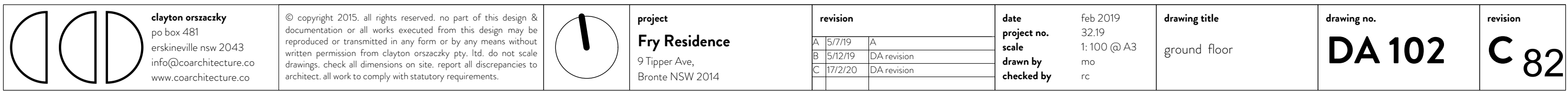
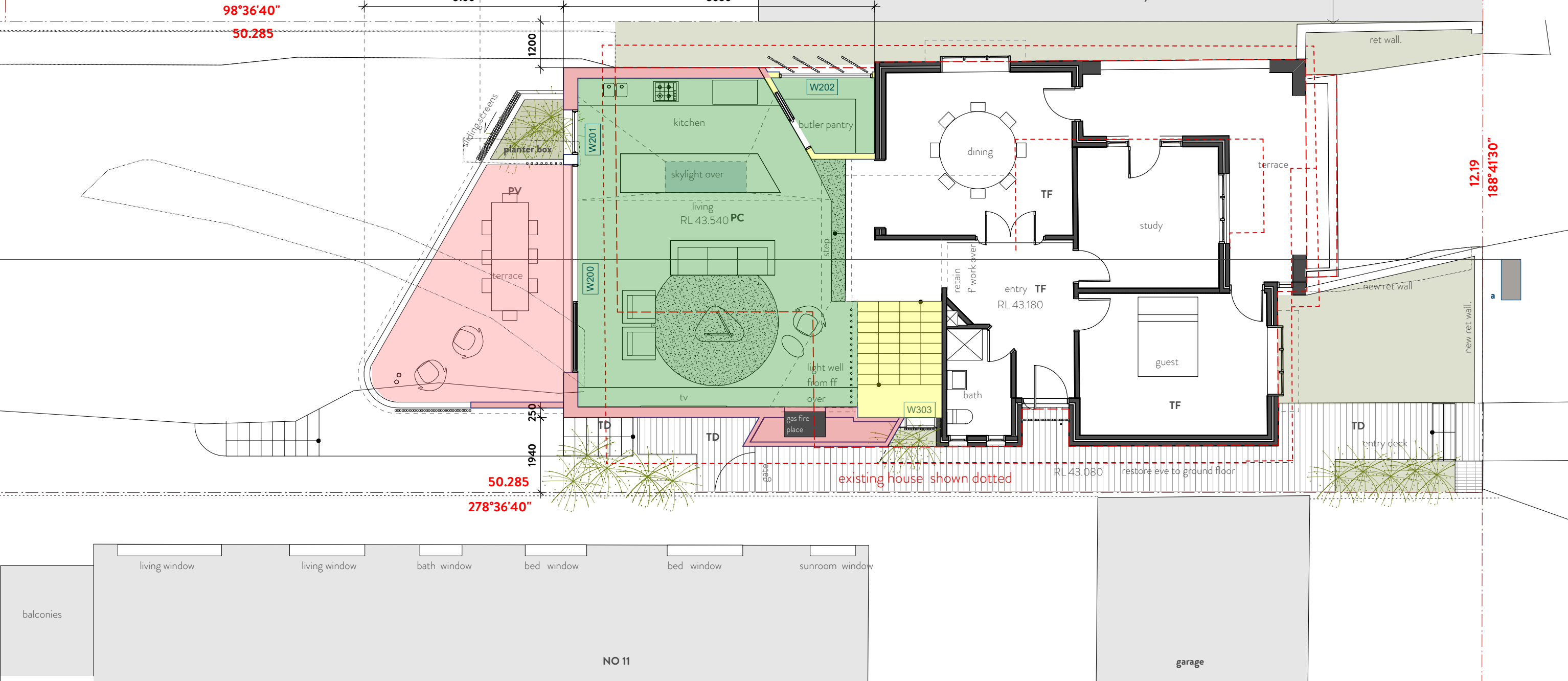
garden
- Key: Refer to DA 300 for explanation of codes

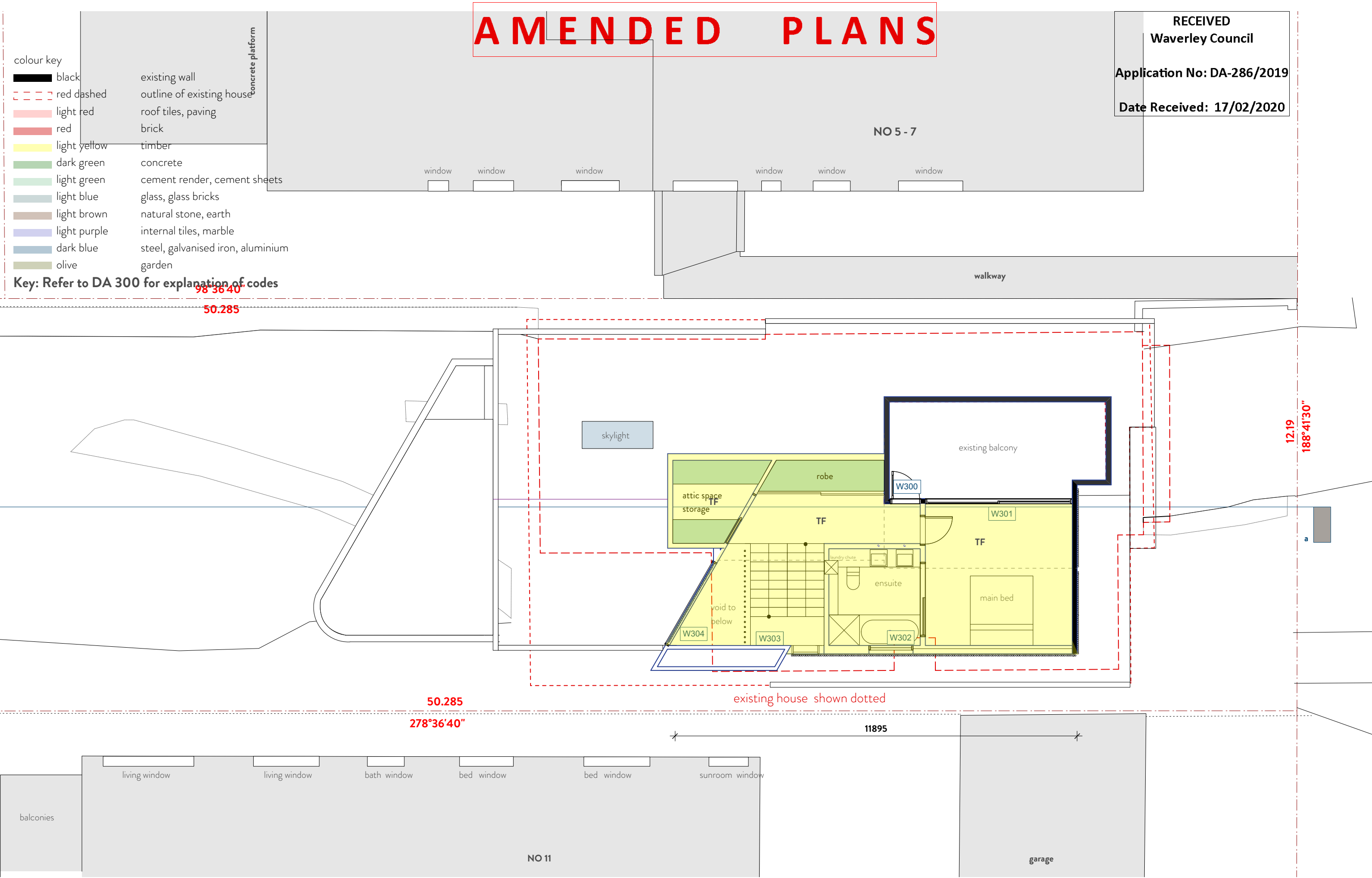


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Date Received: 17/02/2020

colour key		concrete platform
	black	existing wall
	red dashed	outline of existing house
	light red	roof tiles, paving
	red	brick
	light yellow	timber
	dark green	concrete
	light green	cement render, cement sheets
	light blue	glass, glass bricks
	light brown	natural stone, earth
	light purple	internal tiles, marble
	dark blue	steel, galvanised iron, aluminium
	olive	garden

Key: Refer to DA 300 for explanation of codes





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colour key	
	black
	red dashed
	light red
	red
	light yellow
	dark green
	light green
	light blue
	light brown
	light purple
	dark blue
	olive
	existing wall
	outline of existing house
	roof tiles, paving
	brick
	timber
	concrete
	cement render, cement sheets
	glass, glass bricks
	natural stone, earth
	internal tiles, marble
	steel, galvanised iron, aluminium
	garden

Key: Refer to DA 300 for explanation of codes
98°36'40"
50.285

window

window

window

window

window

window

NO 5 - 7

walkway

skylight

S400

existing balcony

RT

RT

dp

RT

skylight

S402

RT

dp

dp

50.285

278°36'40"

existing house shown dotted

12.19

188°41'30"

a

living window

living window

bath window

bed window

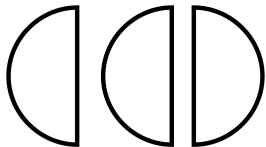
bed window

sunroom window

balconies

NO 11

garage



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project
Fry Residence
9 Tipper Ave,
Bronte NSW 2014

revision

A	5/7/19	A
B	5/12/19	DA revision
C	17/2/20	DA revision

date
project no.
scale
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feb 2019
32.19
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mo
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drawing title
roof plan

drawing no.

DA 104

revision

C 84

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- colour key
- black

red dashed

light red

red

light yellow

dark green

light green

light blue

light brown

light purple

dark blue

olive

existing wall

outline of existing house

roof tiles, paving

brick

timber

concrete

cement render, cement sheets

glass, glass bricks

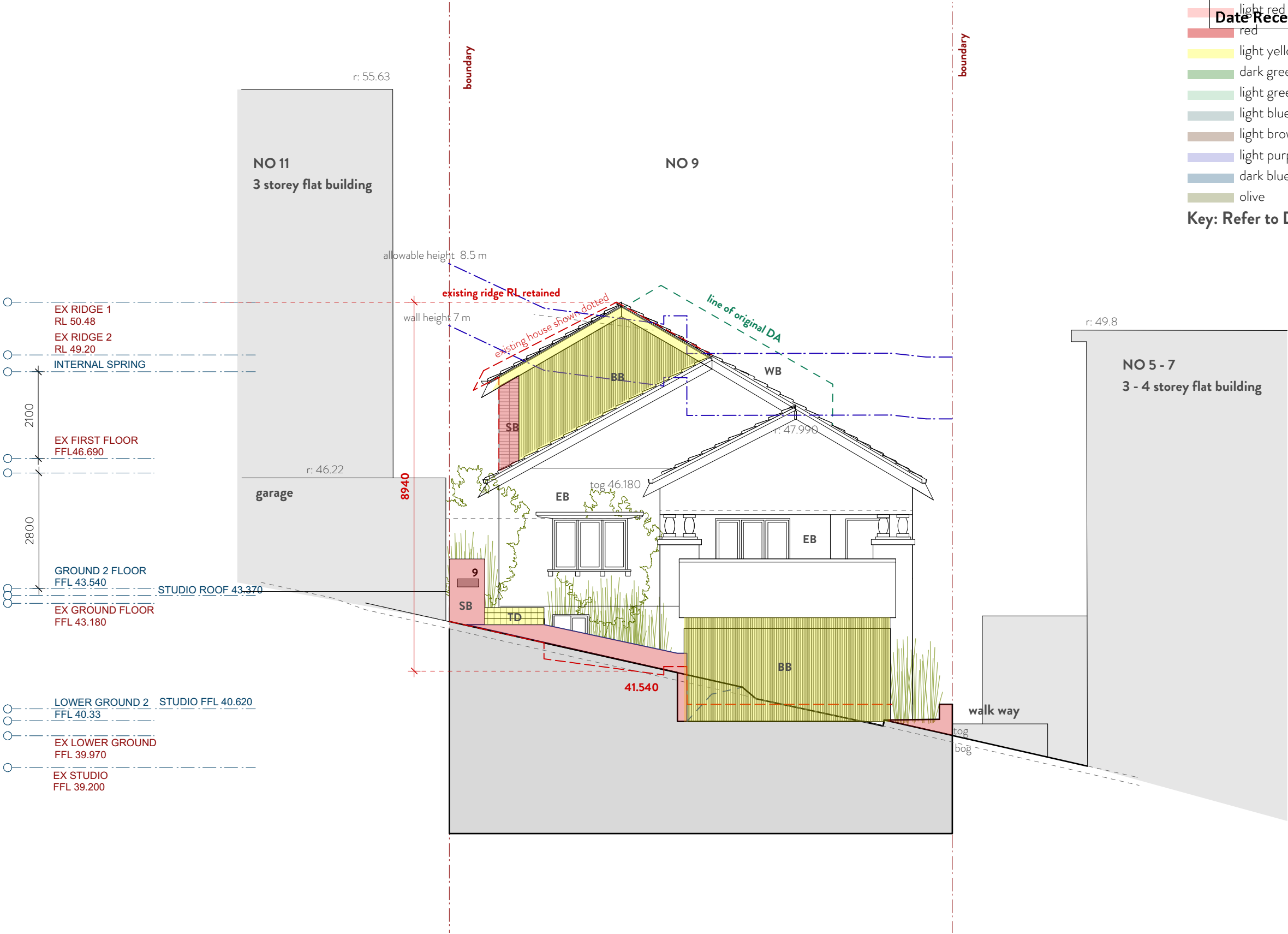
natural stone, earth

internal tiles, marble

steel, galvanised iron, aluminium

garden

Key: Refer to DA 300 for explanation of codes



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date
project no.
scale
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mo
rc

drawing title

east elevation

drawing no.

DA 200

revision

C 86

AMENDED PLANS

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Waverley Council

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colour key


black
App

red dashed

light red

 red

 light yellow

 dark green

 light green

light blue

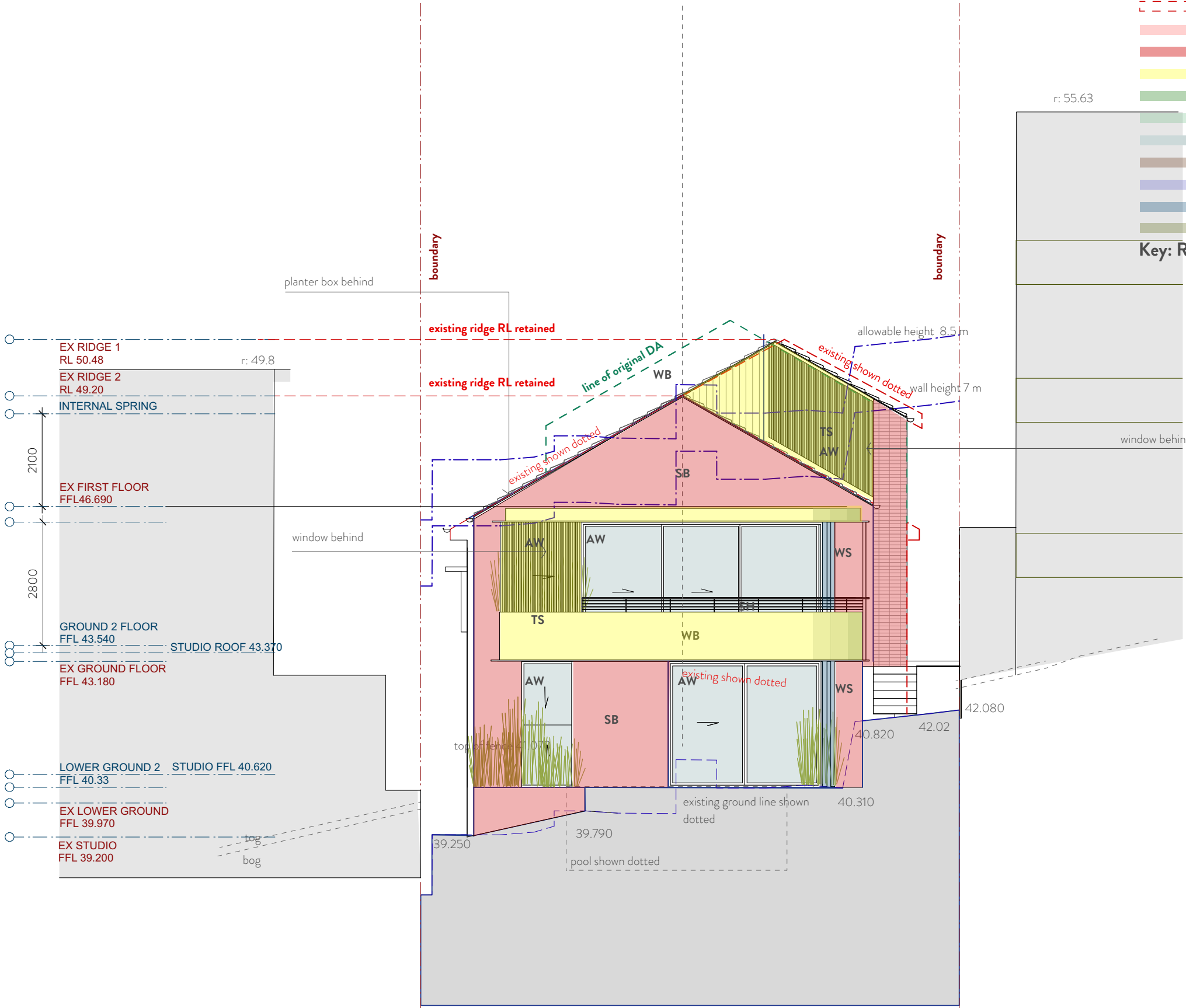
 light brown

 light purple

 dark blue

olive

Key: Refer to DA 300 for explanation of codes



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9 Tipper Ave,
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revision

A	5/7/19	A
B	5/12/19	DA Revision
C	17/2/20	DA revision

date	feb 2019
project no.	32.19
scale	1: 100 @ A3
drawn by	mo
checked by	rc

drawing title

west elevation

drawing no.

DA 201

Revision

C 87

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colour key

black

red dashed

light red

red

light yellow

dark green

light green

light blue

light brown

light purple

dark blue

olive

existing wall

outline of existing house

roof tiles, paving

brick

timber

concrete

cement render, cement sheets

glass, glass bricks

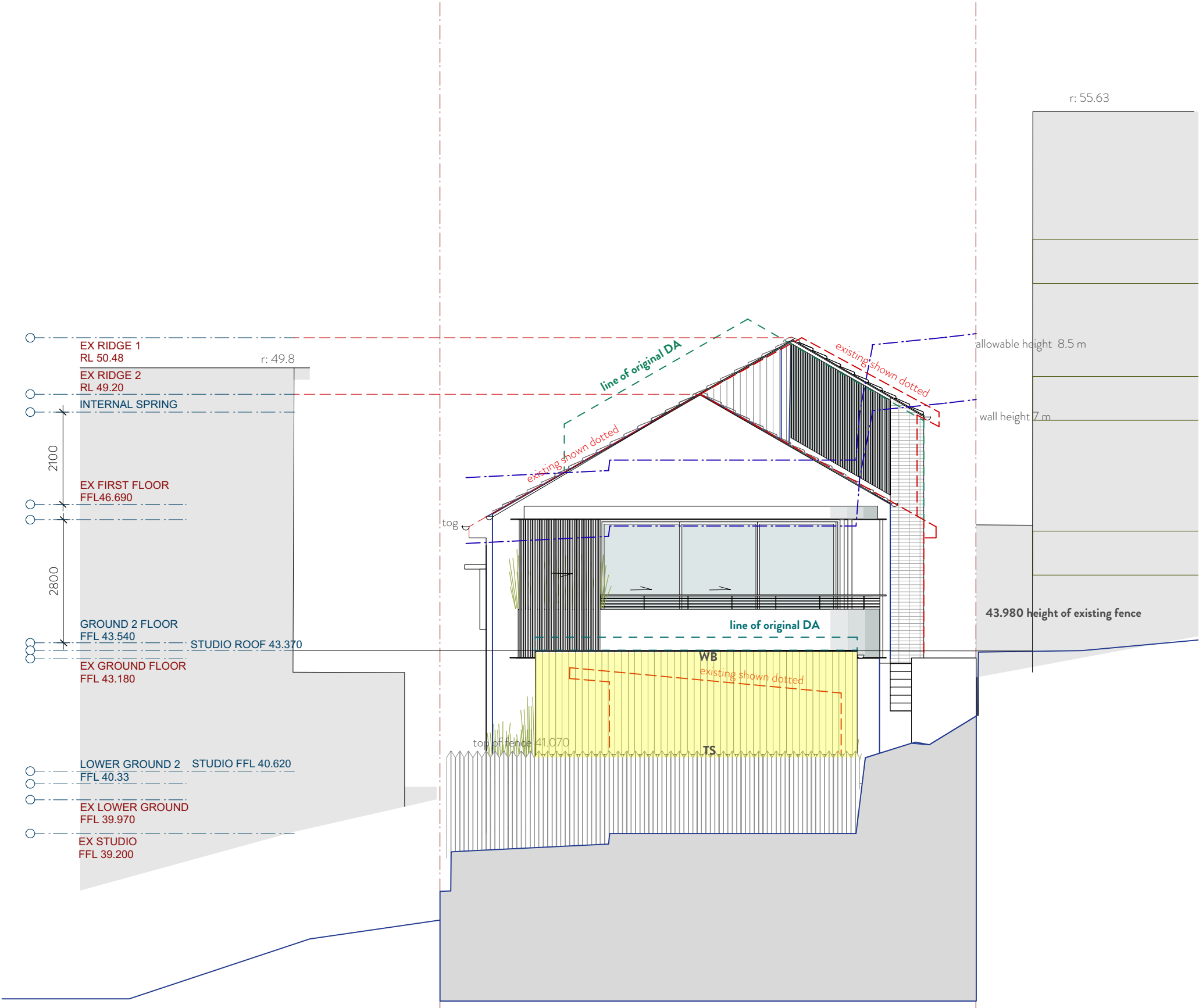
natural stone, earth

internal tiles, marble

steel, galvanised iron, aluminium

garden

Key: Refer to DA 300 for explanation of codes



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revision		
A	5/7/19	A
B	5/12/19	DA Revision
C	17/2/20	DA revision

date
project no.
scale
drawn by
checked by

feb 2019
32.19
1: 100 @ A3
mo
rc

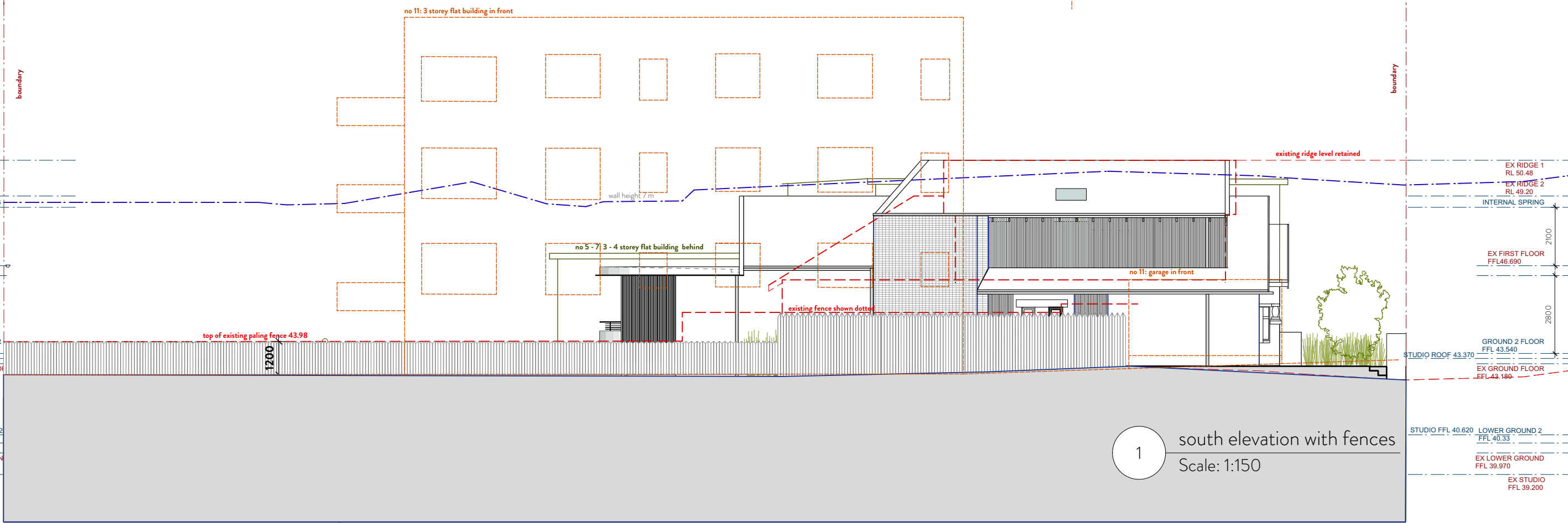
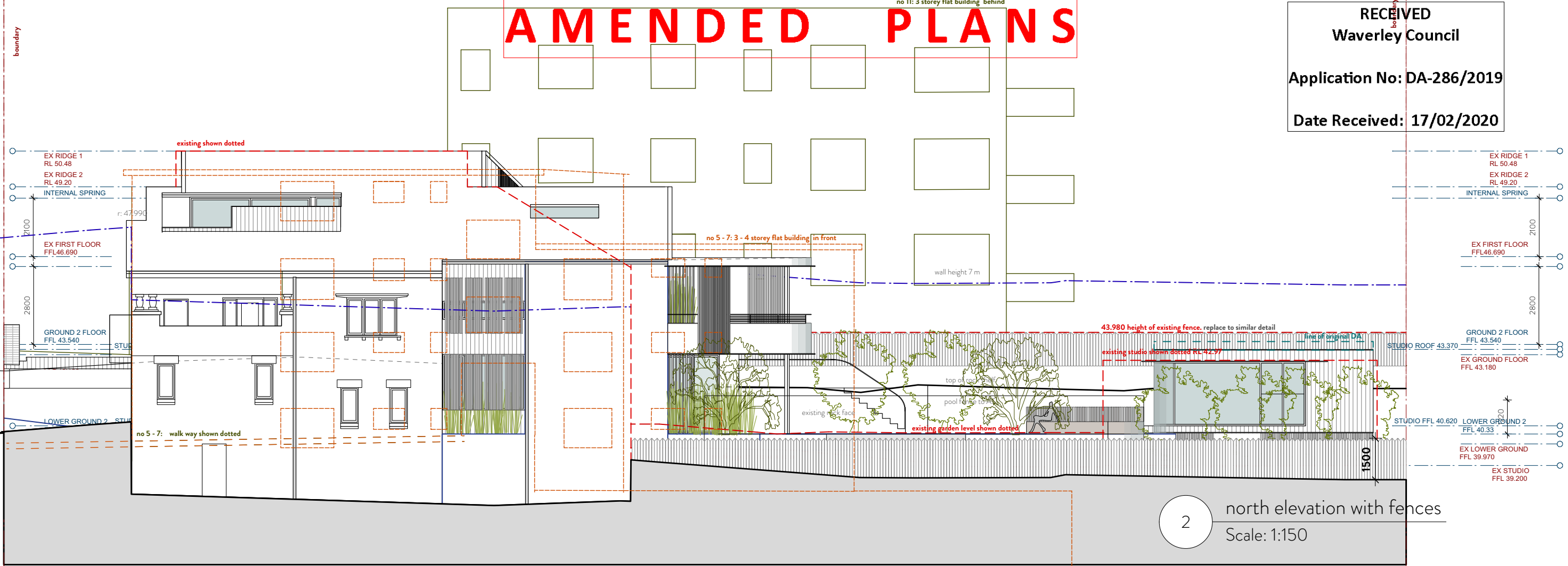
drawing title
west elevation with studio

drawing no.
DA 202

revision
C 88

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Application No: DA-286/2019

Date Received: 17/02/2020

- colour key

black

black

red dashed

red dashed

light red

light red

red

red

light yellow

light yellow

dark green

dark green

light green

light green

light blue

light blue

light brown

light brown

light purple

light purple

dark blue

dark blue

olive

olive

existing wall

outline of existing house

roof tiles, paving

brick

timber

concrete

cement render, cement sheets

glass, glass bricks

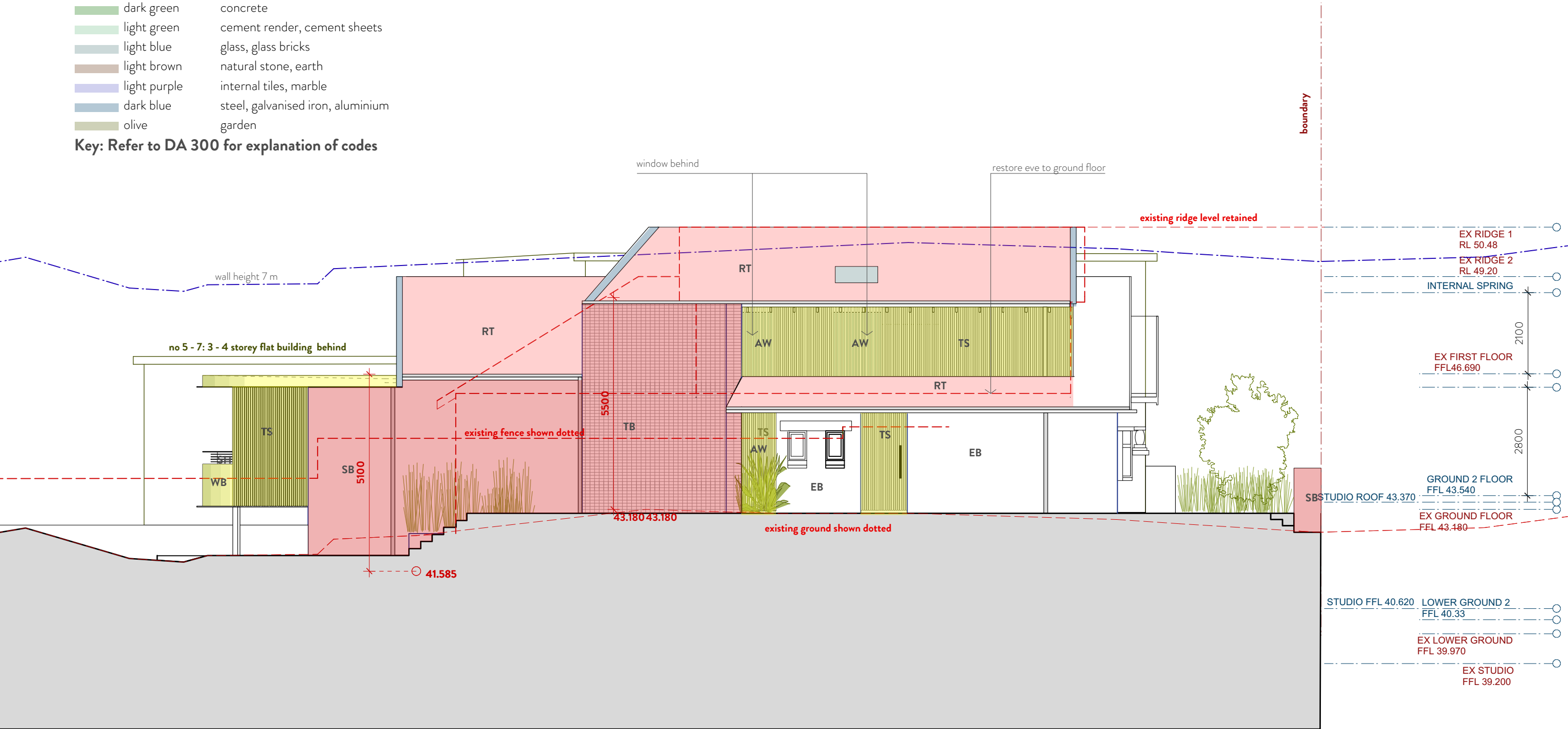
natural stone, earth

internal tiles, marble

steel, galvanised iron, aluminium

garden

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C	17/2/20	DA revision

date
project no.
scale
drawn by
checked by

feb 2019
32.19
1: 100 @ A3
mo
rc

drawing title
south elevation front

drawing no.
DA 204









revision
C 90

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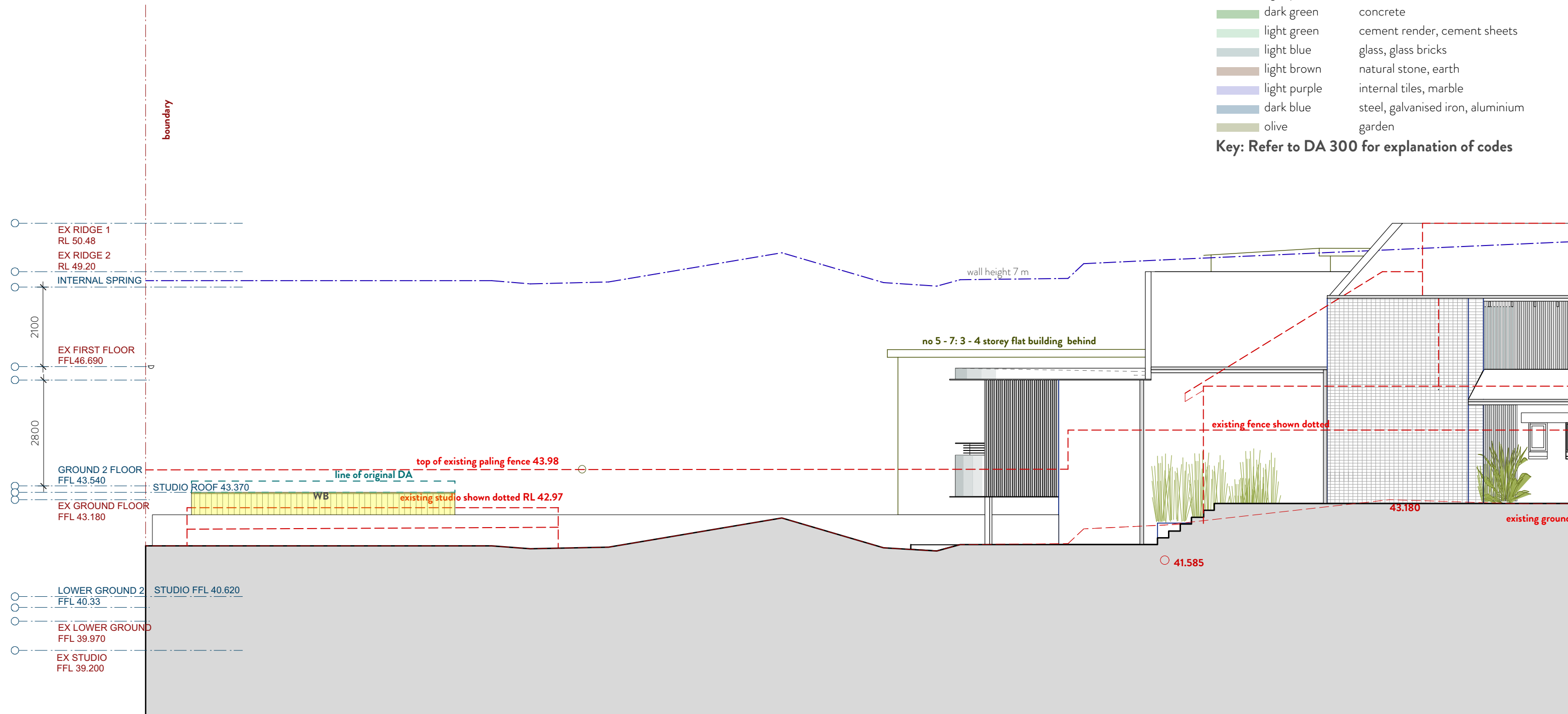
RECEIVED
Waverley Council

colour key

Application No: DA-286/2019
Date Received: 17/02/2020

	light yellow	timber
	dark green	concrete
	light green	cement render, cement sheets
	light blue	glass, glass bricks
	light brown	natural stone, earth
	light purple	internal tiles, marble
	dark blue	steel, galvanised iron, aluminium
	olive	garden

Key: Refer to DA 300 for explanation of codes



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C	17/2/20	DA revision

date feb 2019
project no. 32.19
scale 1: 100 @ A3
drawn by mo
checked by rc

drawing title

south elevation rear

drawing no.

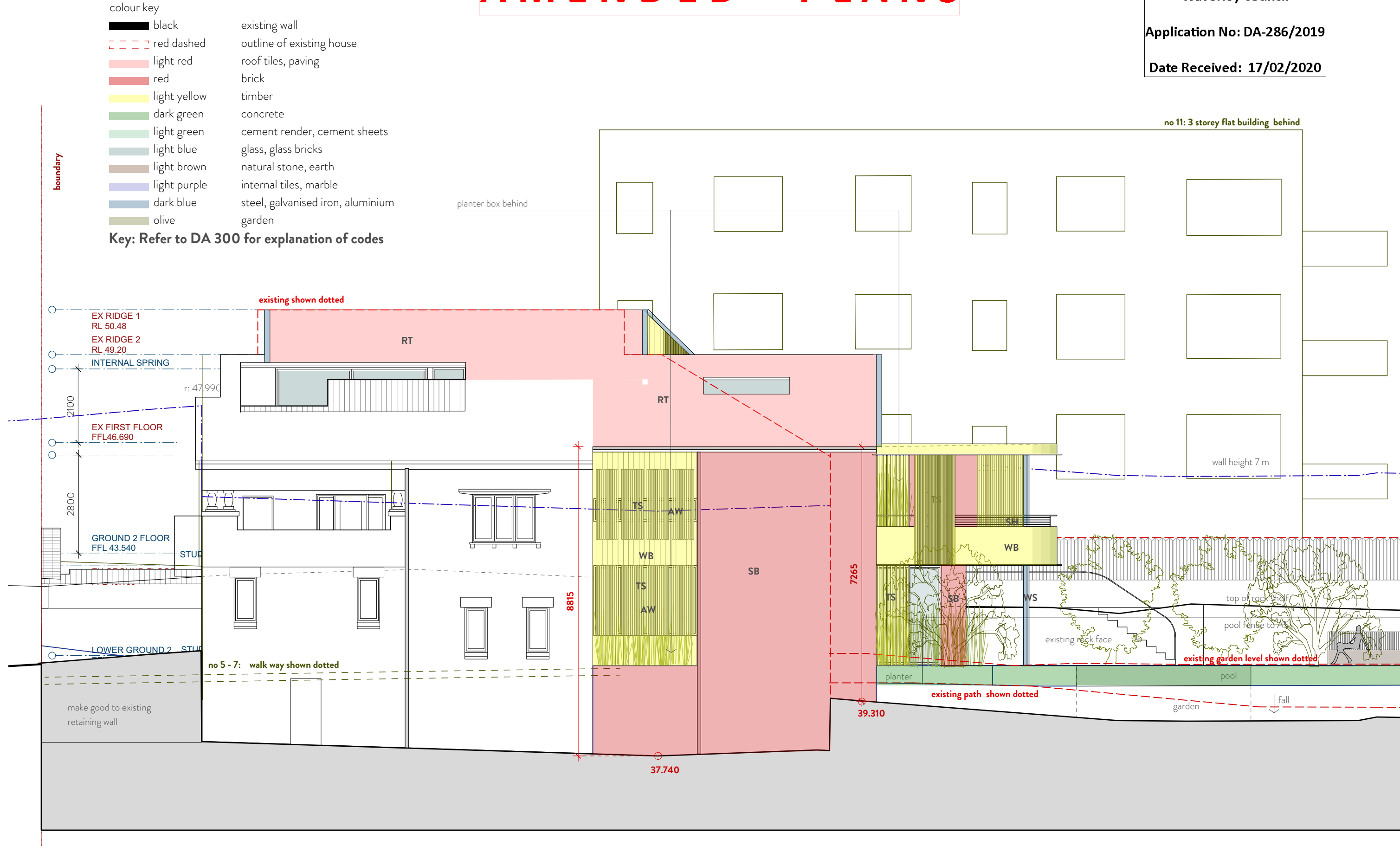
DA 205

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C 91

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Date Received: 17/02/2020



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Application No: DA-286/2019
Date Received: 17/02/2020

colour key

black

red dashed

light red

red

light yellow

dark green

light green

light blue

light brown

light purple

dark blue

olive

existing wall

outline of existing house

roof tiles, paving

brick

timber

concrete

cement render, cement sheets

glass, glass bricks

natural stone, earth

internal tiles, marble

steel, galvanised iron, aluminium

garden

boundary

Key: Refer to DA-300 for explanation of codes

allowable height 8.5 m

INTERNAL SPRING

EX RIDGE 1
RL 50.48

EX RIDGE 2
RL 49.20

EX FIRST FLOOR
FFL 46.690

GROUND 2 FLOOR
FFL 43.540

EX GROUND FLOOR
FFL 43.180

41.150

LOWER GROUND 2
FFL 40.33

EX LOWER GROUND
FFL 39.970

EX STUDIO
FFL 39.200

40.340

EX STUDIO
FFL 39.200

40.730

EX STUDIO
FFL 39.200

40.730

EX STUDIO
FFL 39.200

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EX STUDIO
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EX STUDIO
FFL 39.200

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AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-286/2019
Date Received: 17/02/2020

- colour key

black

red dashed

light red

red

light yellow

dark green

light green

light blue

light brown

light purple

dark blue

olive
- existing wall

outline of existing house

roof tiles, paving

brick

timber

concrete

cement render, cement sheets

glass, glass bricks

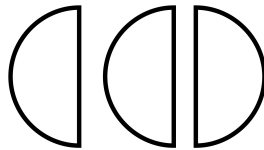
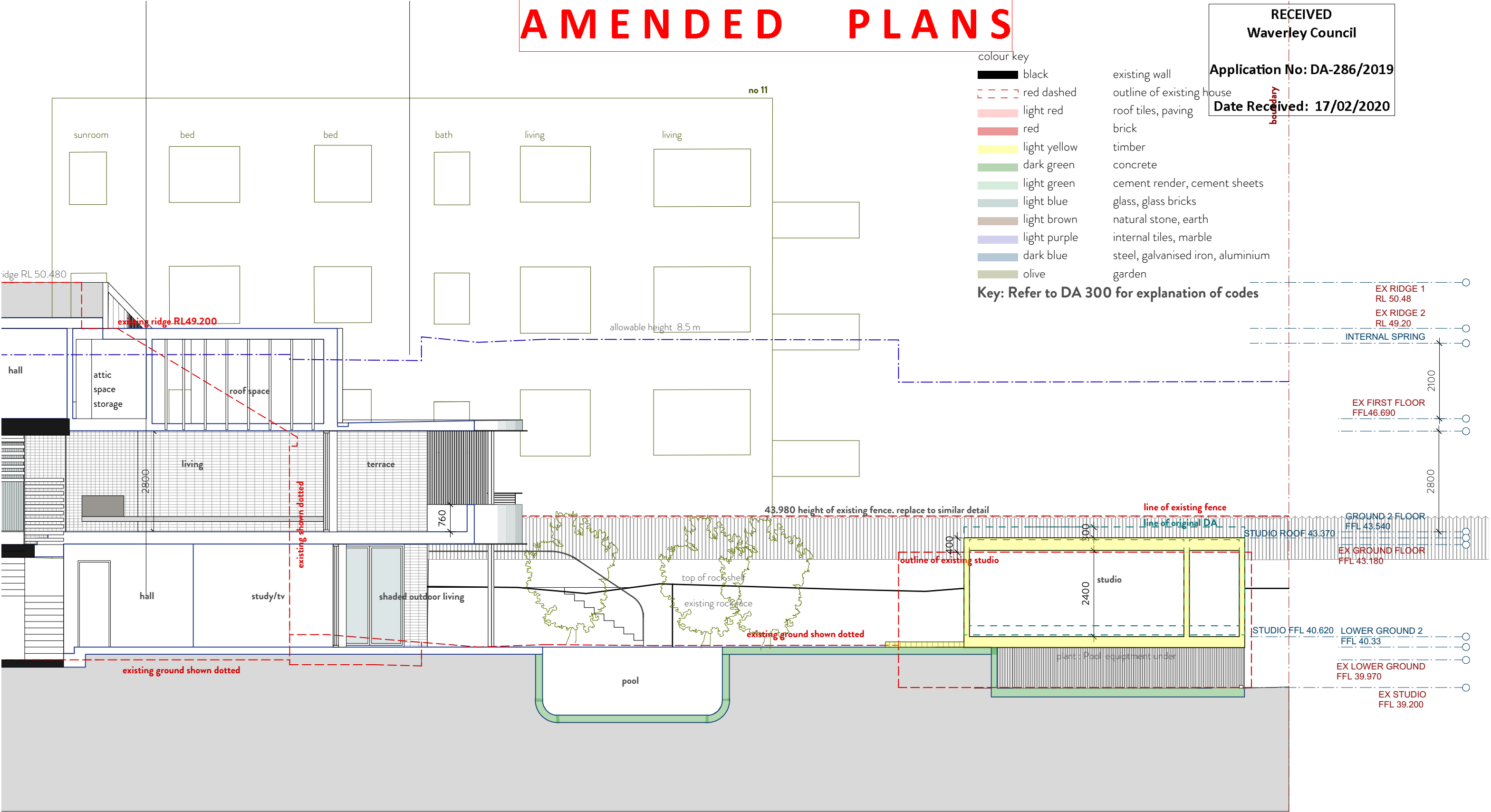
natural stone, earth

internal tiles, marble

steel, galvanised iron, aluminium

garden

Key: Refer to DA 300 for explanation of codes



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project
Fry Residence
9 Tipper Ave,
Bronte NSW 2014

revision

A	5/7/19	A
B	5/12/19	DA Revision
C	17/2/20	DA revision

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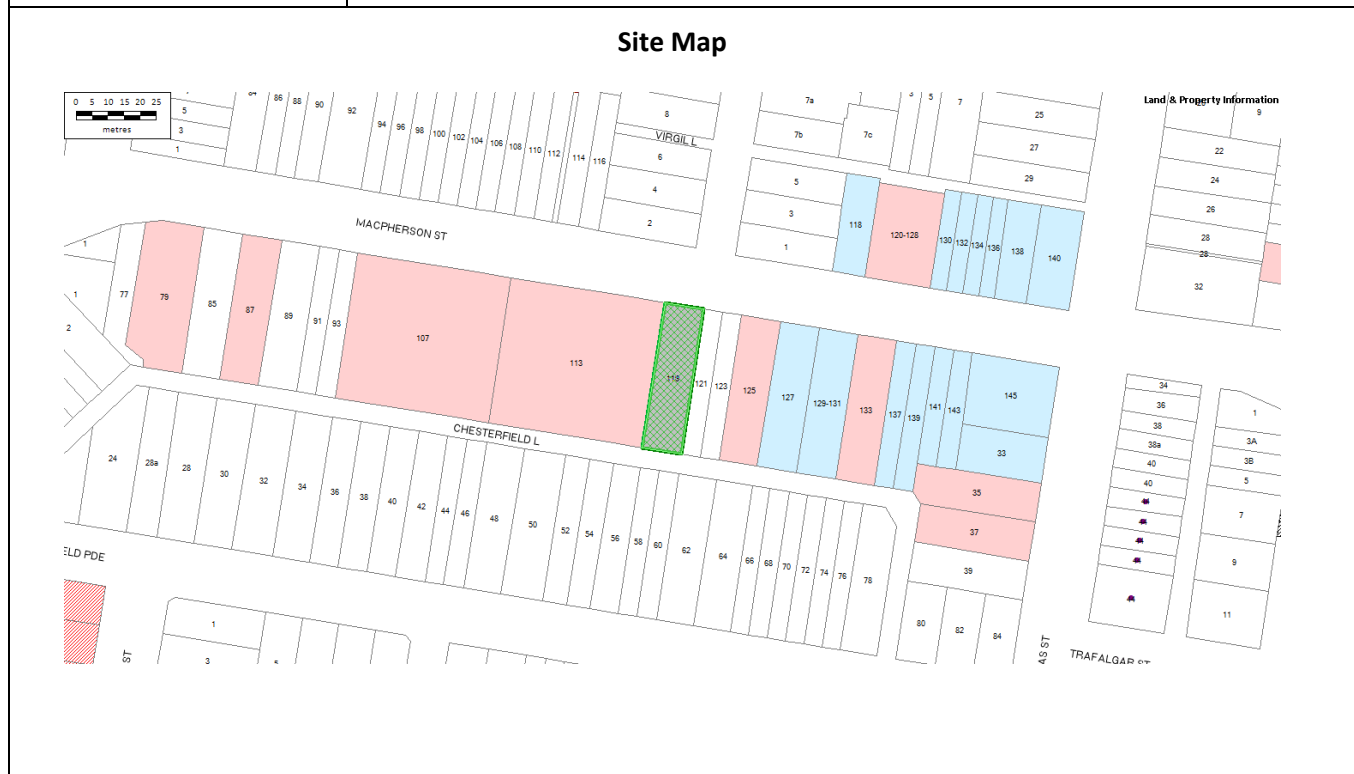
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Report to the Waverley Local Planning Panel

Application number	DA-298/2019
Site address	119 MacPherson Street, Bronte
Proposal	Demolition of existing garages and construction of new garages with two x studio apartments above, at the rear of the site on Chesterfield Lane.
Date of lodgement	11 September 2019
Owner	Dundee Home Units P/L
Applicant	David Fleeting Architects
Submissions	Nil
Cost of works	\$649 000
Issues	FSR exceedance
Recommendation	That the application be APPROVED



1. PREAMBLE

1.1 Site and Surrounding Locality

The site is identified as Lot 23 in DP 1087208, (community title), known as 119 Macpherson Street, Bronte. It is located on the southern side of Macpherson Street opposite Yanko Avenue.

The site is rectangular in shape with north (front) and south (rear) boundaries measuring 12.305m and 11.925m, respectively, and east and west (side) boundaries measuring 45.765m. The site has an area of 551m² and falls from the front towards the rear by approximately 4m.

The site is occupied by a two-storey residential flat building comprised of two separate buildings. The building toward the front of the site is a two-storey building containing Units 5 and 6 with frontage to Macpherson Street. The building located centrally on the site is a two-storey building containing four units (Units 1-4). The buildings are connected via an external stair in the centre of the two buildings. At the rear of the site, fronting Chesterfield Lane, is a double garage and a single garage separated by an open walkway from the lane.

The subject site is adjoined by a detached dwelling to the east. To the west is the former Bronte RSL redevelopment site, on which there is a recently constructed five-storey mixed use development. The locality is characterised by a variety of residential and commercial developments.



Figure 1: Existing rear garages fronting Chesterfield Lane (view toward the east)



Figure 2: Laneway streetscape toward the west in Chesterfield Lane (NB: adjoining mixed use development at the former RSL site)



Figure 3: Streetscape in Chesterfield Lane to the south (opposite the site)

1.2 Relevant History

- **DA-225/2018:** Alterations and additions to a residential flat building including construction of an attic addition and amalgamation of Units 5 and 6 was approved on 27 November 2018. The works were contained to the front part of the site and have been completed.

After preliminary assessment of the **subject application**, it was deferred to address a number of matters including floor space ratio (FSR), the northern setback, privacy and amenity.

Amended plans were received by Council on 8 January 2020 and renotified to surrounding properties. These amended plans form the subject of the assessment within this report.

1.3 Proposal

The proposal seeks consent for the demolition of the rear garages on Chesterfield Lane and reconstruction of garages with two studio apartments above.

The existing garages are configured as a double garage on the western side of the Chesterfield Lane frontage and a third single garage on the eastern side. The garages are separated by an open passageway to the rear yard of the site from Chesterfield Lane. The subject application will reconstruct the garages with changes to the setback to align with Chesterfield Lane, minor alteration to the finished floor levels and increased dimensions of each garage. The passageway between will provide access to the garages, bin storage area and stairs to each apartment.

At first floor level, the proposal includes two new studio apartments over the garages each containing a bathroom, kitchenette and large open room. Each apartment will have enclosed stairs from the northern side of the building accessed from Chesterfield Lane or from Macpherson Street via an existing pathway along the eastern boundary of the site.

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

2.1.2 SEPP 55 Remediation of Land

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

2.1.3 SEPP 65 Design Quality of Residential Flat Development

Clause 4(1) of SEPP 65 states:

This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:

- a) *the development consists of any of the following:*
 - (i) *the erection of a new building,*
 - (ii) *the substantial redevelopment or the substantial refurbishment of an existing building,*
 - (iii) *the conversion of an existing building, and*
- b) *the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and*
- c) *the building concerned contains at least 4 or more dwellings.*

The existing residential flat building on the site contains five dwellings; however, is not more than two-storeys. Additionally, the proposed works are not considered to be substantial works. In this case, it is considered that the provisions of SEPP 65 do not apply to this proposal. In this regard, the proposal is assessed against the provisions of Part C3 *Medium Density Residential Development* of Waverley Development Control Plan 2012 (refer to Table 3).

2.1.4 Waverley Local Environmental Plan 2012 (WLEP)

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 WLEP.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Residential Zone	Yes	The land use of the proposal is defined as a residential flat building, which is permitted with consent in the R3 zone. The proposal is consistent with the zone objectives.

Provision	Compliance	Comment
Part 4 Principal development standards		
4.3 Height of buildings • 9.5m	Yes	The proposal has a maximum height of 6.43m.
4.4 Floor space ratio • 0.6:1	No	The proposal has an FSR of 0.78:1 exceeding the development standard by 100m ² or 30%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of WLEP 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. The site is in the vicinity of heritage-listed buildings, directly opposite at 2-6 Yanko Road (designated at I349-I351 in the WLEP) to the north. The proposal will not harm the significance of these buildings.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is designated Class 5 on the Acid Sulfate Soils Map. However, given there is no excavation proposed, the proposal is unlikely to result in disturbance to acid sulfate soils. No further action is required in this regard.

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

Clause 4.6 Exceptions to Development Standards

The application seeks to vary the FSR development standard in Clause 4.4.

The site is subject to a maximum FSR control of 0.6:1. The proposed development has an FSR of 0.78:1, exceeding the standard by 100m², equating to a 30% variation.

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

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

A copy of the applicant's written request has been provided to the Waverley Local Planning Panel (WLPP) 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 development is generally consistent with, or not antipathetic to, the objectives of the FSR control, notwithstanding the numerical variation.*
 - (ii) *Strict compliance with the FSR control would effectively prevent the construction of the studio apartments in circumstances where the building adjacent to Chesterfield Lane will not be visible from Macpherson Street, and the proposed building will have no immediate physical or visual relationship with the building fronting Macpherson Street.*
 - (iii) *The proposed development will maintain an appropriate streetscape contribution, and not impose any significant or unreasonable impacts on either the public domain, or the amenity of any surrounding properties.*
- b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) *The proposed development complies with the 9.5 metre building height control that applies to the site, circumstances in which the variation to the FSR control is not associated with, or related to, a variation to the building height control;*
 - (ii) *the building adjacent to Chesterfield Lane will not be visible from Macpherson Street, and the proposed building will have no immediate physical or visual relationship with the building fronting Macpherson Street;*
 - (iii) *the overall, height, bulk and scale of the proposed building is compatible with the existing and emerging form of development along Chesterfield Lane, which includes multiple examples of similar buildings in the immediate vicinity of the site;*
 - (iv) *the scale of the building when viewed from the public domain will not be antipathetic to the existing buildings in the locality, or visually jarring when viewed from either the public domain or the adjoining properties;*
 - (v) *the proposed development will not impose any significant or unreasonable impacts on the amenity of surrounding land in terms of the key considerations of visual bulk, overshadowing, loss of privacy or loss of views;*
 - (vi) *the proposed development is consistent with, or not antipathetic to, the relevant objectives of the R3 – Medium Density Residential zone; and*
 - (vii) *the proposed development is generally consistent with, or not antipathetic to, the objectives of the FSR control, notwithstanding the numerical variation.*

Consideration of Applicants 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 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 justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

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

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 standard.

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 standard and the objectives for development within the zone in which the development is proposed to be carried out including;

The objectives of the R3 – Medium Density Residential zone are:

- *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.*

The proposal is consistent with the relevant objectives of the R3 zone in that it contributes to the housing choice and variety within a medium density residential environment by improving the mix of units on the site and within the locality. The provision of two studio apartments contributes to the housing needs of the community, particularly as studio apartments are considered a more affordable type of accommodation.

The objectives of the FSR development standard are:

- (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.*

Objective (a) is not relevant to the subject site as it is not located within the Bondi Junction Centre.

In terms of objective (b), the height development standard for the site is 9.5m and the subject development will achieve a maximum height of 6.43m. Only the front unit on Macpherson Street reaches the maximum height under the WLEP, with the remaining buildings on site, and the subject proposal, being contained within two storeys. The existing buildings have an FSR of 0.65:1 with an attic level to the front building being the most recently approved addition to the site, exceeding the development standard by 9%. The proposal for an additional level over the garages is not out of character with the streetscape in Chesterfield Lane and will not present as overly bulky or out of scale within the laneway. The proposal is consistent with objective (b).

The subject site is one of four properties that sit between two areas of Macpherson Street, which comprise part of the Bronte (Macpherson Street) Neighbourhood Centre, which encourage a two-storey form on the rear laneway with a maximum height of 7.8m. No. 113 Macpherson Street, adjoining to the west, contains a recently constructed five-storey shop-top housing development with a two-storey street wall on the laneway (refer to **Figures 2 and 3**). Properties on the opposite side of the laneway and those to the east, provide two-storey buildings and rear laneway developments. The subject proposal, at two-storeys built up to Chesterfield Parade, provides a commensurate bulk and scale to the existing laneway streetscape. The Waverley Development Control Plan 2012 (WDCP) provides enabling controls for laneway development to encourage activity and passive surveillance of an often disused and neglected area. The proposal to provide studio apartments addressing the laneway is in character with surrounding development and the desired future character of the locality. The proposal is consistent with objective (c).

The impact of the proposal on the amenity of surrounding properties against the key considerations of loss of views, overshadowing, visual bulk and privacy impacts is discussed in detail in Table 3 of this report. As detailed in Table 3, the proposal will not impact unreasonably upon the amenity of surrounding properties and is considered to be consistent with objective (d).

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 cl 4.6 of the WLEP. The proposed development would be in the public interest as it is consistent with the objectives of FSR and the R3 zone.

2.1.5 Waverley Development Control Plan 2012 (WDCP)

The relevant matters to be considered under the WDCP for the proposed development are outlined below:

Table 2: WDCP – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
<p>1. Waste</p> <p>1.4.1.1 Storage</p> <ul style="list-style-type: none"> Bin storage area to be provided with rates in B1-2 <p>1.4.1.2 – Residential</p> <ul style="list-style-type: none"> Bulky waste storage area <p>To be provided and bulky problem waste area with rates.</p>	Yes	<p>A Site Waste and Recycling Management plan has been submitted with the application to address waste disposal during construction.</p> <p>The waste and recycling storage area is located in an area convenient for users of the site. However, the bin storage area shown on the plan provides for only four bins. Given that the number of units on site has increased with each successive application, the number of bins now required for the site overall is ten bins.</p> <p>There is sufficient area elsewhere on the site, including within the communal yard, for the storage of the additional required number of bins and a condition to this effect is recommended.</p>
2. Ecologically sustainable Development	Yes	Given the scale of the development, the proposal is considered to adequately consider the design of the building in relation to ecologically sustainable development and achieves the objectives of Part B2.
3. Landscaping and Biodiversity	N/A	The site is located in Habitat Corridor. Notwithstanding, the proposal will extend no further at the ground level than the existing garages on the site and as such will not result in increased built upon area on site; retaining the existing internal landscaping. In this regard, no impacts upon the habitat corridor are expected.
7. Accessibility and adaptability	Yes	Conditions of consent are recommended to ensure that the proposed works comply with the access standards.
<p>8. Transport</p> <p>8.1 – Streetscape</p> <p>8.2 – On Site Parking</p> <p>Zone 2</p> <ul style="list-style-type: none"> Vehicle Access Car Parking Provision Rates Motorcycle Parking Bike Parking 	Yes	<p>The DCP does not permit additional parking spaces for studio apartments. The proposal retains the existing three garage spaces as part of this proposal. No additional parking is required as part of the proposed development.</p> <p>The existing single and double garages will be rebuilt as part of this proposal and integrated into the design of the new structure on the rear lane.</p> <p>The car parking proposed complements the design of the building and rear lane streetscape, is behind the front building line, does not reduce the number of on street spaces or exceed the</p>

Development Control	Compliance	Comment
		maximum rate of parking permitted in the parking zone. A condition will require the provision of two bicycle parking spaces.
10. Safety	Yes	The proposal does not contravene the objectives of this part of the DCP.
12. Design Excellence	Yes	The proposal will contribute to the overall design quality of Waverley.

Table 3: WDCP – Part C3 Medium Density Residential Development Compliance Table

The proposal is defined as a “Residential Flat Building” that is not subject to assessment under SEPP 65 Design Quality of Residential Apartment Development” in the WLEP.

Development Control	Compliance	Comment
3.2 Height		
<ul style="list-style-type: none">Maximum external wall height: 7m	Yes	The proposal has a maximum wall height of 6.43m.
3.3 Setbacks		
3.3.2- Side and rear setbacks		
<ul style="list-style-type: none">Minimum side setback: 1.5m	No	The proposal will be built up to the side boundaries of the site; however this is consistent with the pattern of development within the laneway.
<ul style="list-style-type: none">Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback	Yes	The proposal has been amended to retain the footprint of the existing garages on the site, limiting the upper level to this footprint. This is considered to have a reduced impact upon surrounding properties.
<ul style="list-style-type: none">Deep soil along side boundary min 2m wide	No	There is no deep soil zone along the side boundary; however this is the existing situation on this site. The proposal does not extend the footprint of built structures on the site retaining all existing landscaping and deep soil.
3.4 Length and depth of buildings		
<ul style="list-style-type: none">Maximum building length: 24m	Yes	The proposal complies with the maximum length and depth controls.
<ul style="list-style-type: none">Façade to be articulated	Yes	
<ul style="list-style-type: none">Maximum unit depth: 18m	Yes	
3.5 Building design and streetscape		
<ul style="list-style-type: none">Respond to streetscapeSympathetic external finishes	Yes	The design of the rear lane structure complements the character of existing similar buildings within Chesterfield Lane. Two-storey

Development Control	Compliance	Comment
		structures built to side boundaries are characteristic of the laneway. The materials and finishes respond to the recently constructed development to the west.
3.8 Pedestrian access and entry		
<ul style="list-style-type: none"> • Entry at street level and respond to pattern within the street • Accessible entry • Separate to vehicular entry • Legible, safe, well-lit 	Yes	The existing entry from Macpherson Street to the separate residential flat buildings on the site is to be retained. Additionally, the existing alternative accessible pedestrian access from Chesterfield lane is also to be retained.
3.9 Landscaping		
<ul style="list-style-type: none"> • Comply with part B3-Landscaping and Biodiversity 	N/A	The proposal does not reduce the existing landscaping on site, retaining the footprint of the existing garages.
3.10 Communal open space		
<ul style="list-style-type: none"> • Minimum 15% communal (R3 zone) • Minimum dimensions: 6m x 6m • Minimum of 30% of communal area must receive three hours of sunlight • Accessible 	Yes	The existing communal open space is to be retained on site. The communal open space is located between the existing residential flat building and the new rear lane structure. The proposal will afford some privacy to the communal open space inhibiting views from the laneway.
3.11 – Private Open Space		
<p>3.11.2 – Balconies/decks</p> <ul style="list-style-type: none"> • Balcony additions to match the character of the building • Should not dominate the façade • Located to maximise solar access and privacy • Balustrades to allow views and casual surveillance of the street and privacy 	No	<p>The proposed studio apartments will not be provided with a private balcony; however each apartment will have direct access to the communal open space via stairs. Given the constraints of the site, and the potential for overlooking impacts, this arrangement is considered satisfactory.</p> <p>The amended proposal has increased the transparency of the balustrades on Chesterfield Lane providing greater casual surveillance whilst allowing privacy for the subject site and those opposite.</p>
3.12 Vehicular access and parking		
<ul style="list-style-type: none"> • Car parking to be integrated into the design of the development 	Yes	The car parking continues to be provided from the laneway at the rear. The design of the garages complements the character of similar structures within the laneway.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Max 1 x 2 way vehicle access point Provided from secondary street or lane Pedestrian safety considered 	<p>Existing</p> <p>Yes</p> <p>Yes</p>	<p>The existing vehicular access to the site will be retained and as such will not result in loss of on-street parking.</p>
3.13 Solar access and overshadowing		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to a minimum of 70% of units on 21 June. New development should maintain at least 2 hrs 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. 	<p>Acceptable</p> <p>Yes</p> <p>Yes</p>	<p>The main windows of the apartments are south facing to overlook the laneway. There are limited opportunities for north facing windows due to the access stair;s however the proposal incorporates skylights at the roof for improved solar access.</p> <p>Shadow diagrams were provided with the application which indicate that the additional overshadowing as a result of the proposal will fall over Chesterfield Lane, the roof of the adjoining property to the east and the ground floor level of structures on the opposite side of the lane (south) throughout the day.</p> <p>The majority of the structures opposite provide vehicular access doors and non-habitable windows at the ground level. In this regard, proposed additional overshadowing will not have unreasonable impacts upon windows to habitable rooms and the private open space of surrounding properties.</p>
3.15 Visual privacy and security		
<ul style="list-style-type: none"> Dwellings to be orientated to the street with entrances and street numbering visible Privacy be considered in relation to context density, separation use and design. 	<p>Yes</p> <p>Yes</p>	<p>The proposed apartments will be orientated toward Chesterfield Lane.</p> <p>The windows on the laneway are screened for privacy. New windows on the internal elevation of the new studios are limited in size and orientation to ensure the privacy of the adjoining property to the east.</p>
3.16 Dwelling size and layout		
<ul style="list-style-type: none"> Max habitable room depth for single aspect dwelling is 8m from a window All habitable rooms to have a window Provide a range of dwelling types and sizes 	<p>Yes</p>	<p>The studio apartments are both 35m² and provide windows on the front and rear elevations. The depth of each unit does not exceed 7m overall.</p> <p>The proposal is consistent with the applicable controls within this part of the WDCP. The provision of additional studio units adds to the range of dwelling types on the site overall.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Min sizes: studio = 35m² Flexible design Accessible and Adaptable 		
3.17 Ceiling Heights		
<ul style="list-style-type: none"> Min 2.7m floor to ceiling height residential floors 	Yes	The proposal provides varied floor-to-ceiling heights within the apartments; however, the majority of the room will exceed 2.7m.
3.18 Storage		
<p>In addition to kitchen cupboards and bedroom wardrobes, min storage required is:</p> <ul style="list-style-type: none"> Studio and 1 bed = 6m³ All to provide bulk storage area in basement or ancillary structure 	No	The apartments provide approximately 3m ³ within each of additional storage. Ordinarily the other 3m ³ would be provided within a carpark. Given this is an existing building without a carpark, the additional storage specifically allocated to each unit, is not possible to be provided without unreasonably impacting upon the usable space within each unit. On balance, the storage, as proposed, is considered acceptable.
3.19 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	The proposed new apartments are located within a separate building to the remaining units on site.
3.20 Natural Ventilation		
<ul style="list-style-type: none"> All dwellings to be naturally cross-ventilated 	Yes	The proposal provides windows on the front and rear of the studio apartments ensuring natural ventilation is achieved.
<ul style="list-style-type: none"> Building to be orientated to maximise breezes 	Yes	A condition will require ceiling fans for habitable rooms.
<ul style="list-style-type: none"> Ceiling fans are to be provided in all habitable rooms. 	Yes	

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

The original and amended proposals were notified for 14 days in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. No submissions were received during either notification period.

2.5 Public Interest

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

3. REFERRALS

3.1 Stormwater

The stormwater plans were considered unsatisfactory. An appropriate condition is included to address this matter post-consent.

3.2 Waste Management

The following comments were provided:

The Site Waste and Recycling Management Plan (SWRMP) submitted by the applicant is insufficient. The applicant has underestimated the bins and space required for the proposed development.

The applicant must apply Waverley Council's Development Control Plan 2012 (Amendment 6), which has up to date waste and recycling generation rates on a per bedroom basis in order to calculate the bin numbers required.

Recommended conditions are included to address this matter.

3.3 Traffic and Parking

Conditions are recommended to be included regarding construction management and vehicle crossing.

4. SUMMARY

The proposal seeks consent for the demolition of existing garages and construction of new garages with two x studio apartments above at the rear of the site.

The proposal is under the height development standard; however exceeds the FSR development standard by 30%. The proposal is for new studio apartments over rebuilt garages at the rear of an existing residential flat building, resulting in an improved laneway streetscape presentation that is consistent with the bulk and scale of surrounding development. The proposal will not harm the amenity of surrounding properties and as such, the variation to the FSR is supported.

The proposal was notified no submissions were received.

The application is recommended for approval.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:

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

Kylie Lucas
Senior Development Assessment Planner

Bridget McNamara
**Manager, Development Assessment (North/
South)**

Date: 27 February 2020

Date: 9 March 2020

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

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 / Rev	Name	Plan Date	Date received by Council
A-E03 3	Proposed Site Plan	08/01/2020	08/01/2020
A-E04 3	Proposed Site Section	08/01/2020	08/01/2020
A-G03 3	Proposed Ground Floor Plan – Garage	08/01/2020	08/01/2020
A-G03.1 1	Existing vs Proposed Garage Overlay	08/01/2020	08/01/2020
A-G04 3	Proposed First Flor Plan Garage	08/01/2020	08/01/2020
A-G05 3	Proposed Roof Plan Garage	08/01/2020	08/01/2020
A-G06 3	Proposed Section AA - Garage	08/01/2020	08/01/2020
A-G07 3	Proposed Section BB – Garage	08/01/2020	08/01/2020
A-G08 3	Proposed Section CC - Garage	08/01/2020	08/01/2020
A-G09 3	Proposed Section DD – Garage	08/01/2020	08/01/2020
A-G10 3	Proposed Section EE - Garage	08/01/2020	08/01/2020
A-G11 3	Proposed Section FF - Garage	08/01/2020	08/01/2020
A-G12 3	Proposed North Elevation – Garage	08/01/2020	08/01/2020
A-G13 3	Proposed East Elevation – Garage	08/01/2020	08/01/2020
A-G14 3	Proposed South Elevation - Garage	08/01/2020	08/01/2020
A-G15 3	Proposed West Elevation – Garage	08/01/2020	08/01/2020
A-H06 1	Schedule of External Finishes	29/08/2019	11/09/2019

(b) BASIX Certificate;

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

(a) Ceiling fans are to be provided within each apartment.

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

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.

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

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

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

4. SECTION 7.12 CONTRIBUTION

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

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

A copy of the required format for the cost reports 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;
 - (a) A development valued at \$100,000 or less will be exempt from the levy.
 - (b) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR
 - (c) A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

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

5. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of \$15,785 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.

6. LONG SERVICE LEVY

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

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

7. 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.

8. 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.

9. 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.

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:

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

11. RECONSTRUCT VEHICLE CROSSINGS

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

12. VEHICULAR ACCESS - FINISHED LEVEL TO FOOTPATH

The finished level at the property boundary on **both** sides of the vehicle crossing is to be **110mm above** the level of the existing road level.

13. STORMWATER MANAGEMENT

- (a) Stormwater plans and details shall be prepared by a suitably qualified hydraulics engineer to ensure the management of stormwater runoff from the development is undertaken without impact to the subject site, neighbouring properties or receiving drainage system.
- (b) The development will require the installation of an On-Site Detention (OSD) system. Details of the tank are required (e.g. location, dimensions, cross & long sections, top water level, details of orifice plate including orifice diameter & depth of water above centreline of orifice etc). A completed checklist as set out in page 22 of Council's Water Management Technical Manual is required as part of the plan submission.
- (c) The plans and details shall be prepared in accordance with Council's *Water Management Technical Manual* and must be submitted to and approved by Council's Executive Manager, Infrastructure Services (or delegate), prior to the issue of any Construction Certificate. For further information regarding this, please contact assets@waverley.nsw.gov.au, phone 9083 8886 or visit Council's website for details:

https://www.waverley.nsw.gov.au/_data/assets/pdf_file/0010/2503/WaterManagementTechnicalManual2014-FINAL.pdf

14. BASIX

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

15. 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.

16. 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 and/or commercial components of the development;

(a) Residential (2 x Studios units and 5 x 2 Bedroom Units)

- i. 3 x 240L Mobile Garbage Bins (MGBs) for general waste
- ii. 3 x 240L MGBs for container recycling
- iii. 3 x 240L MGBs for paper and cardboard
- iv. 1 x 240L MGB for garden organics should this type of waste be generated at the property

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 2012* to the satisfaction of the Principal Certifying Authority.

17. CONSTRUCTION SIGNS

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

18. DILAPIDATION REPORT

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

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

19. 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.

20. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

21. EXCAVATION AND BACKFILLING

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

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land. The excavation is to be managed by a practising structural engineer.

22. 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.

23. 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.

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.

24. 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.

25. FIRE SAFETY SCHEDULE (NEW AND EXISTING MULTI UNIT BUILDINGS)

Fire safety upgrading works are to be undertaken in accordance with the BCA Fire Safety Assessment Australia Report, prepared by [insert],

The Occupation Certificate is not be issued until all fire safety works are completed and a Final Fire Safety Certificate has been 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.

27. 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.

28. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE

A Waste Management Plan must be submitted the Principal Certifying Authority and include 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, space for reusable items such as crates and pallets, 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. An additional copy of the plan is be available on site when requested.
- (i) At no times shall bins be stored on the public domain (e.g. footpaths).

29. BICYCLE PARKING

A total of 2 bicycle parking spaces are to be provided within the development, designed in accordance with Australian Standard AS2890.3 - 2015 Parking Facilities - Bicycle Parking.

The bicycle spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks. Details are to be submitted to the Principle Certifying Authority.

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.

A. SYDNEY WATER REQUIREMENTS

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

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

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

B. 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.

C. 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.

D. 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.

E. WORK OUTSIDE PROPERTY BOUNDARY

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

F. SYDNEY WATER CERTIFICATE

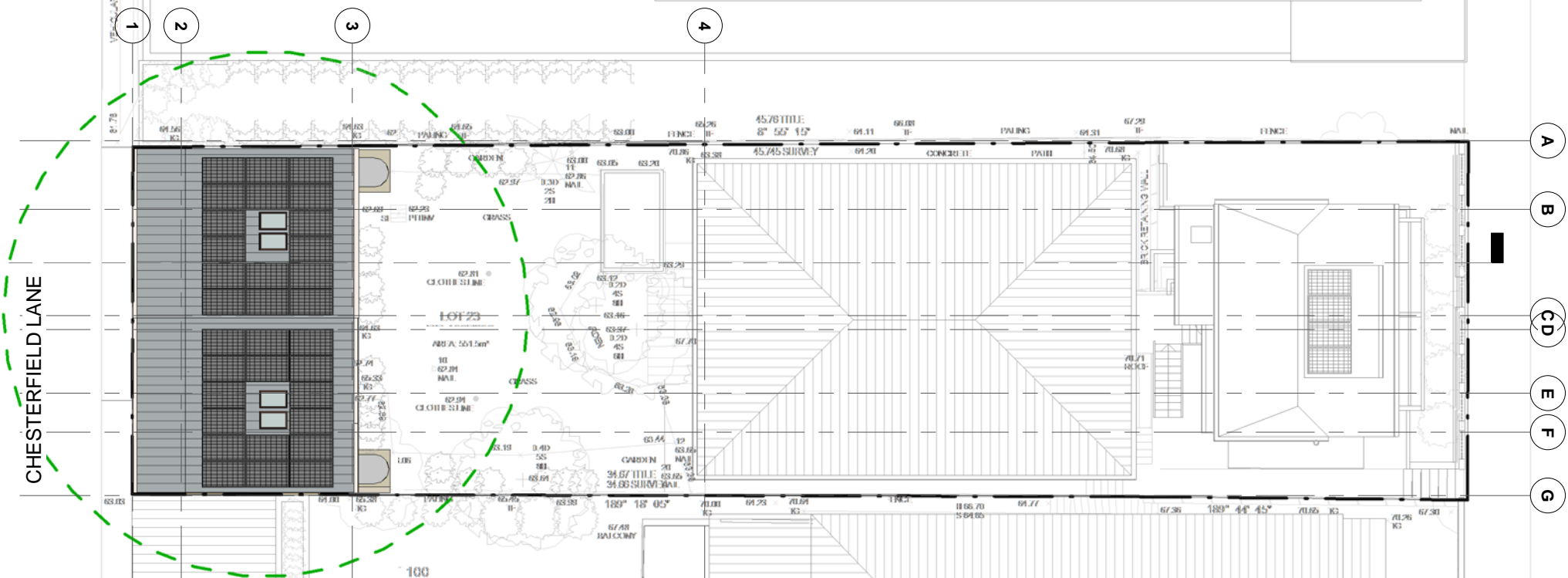
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CHESTERFIELD LANE

MACPHERSON STREET



DEVELOPMENT APPLICATION



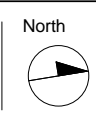
DAVID FLEETING
ARCHITECTS
PO BOX 364 WAVERLEY NSW 2024
AUSTRALIA
M: 0407 414 755
E: david@dfarchitects.com.au



ARCHITECT PTY LTD TRADING AS DAVID FLEETING ARCHITECTS ABN 5651657645
Nominated Architect: David Fleeting NSW ARB5145

Rev.	Date	Revision Description
1	29-08-2019	DEVELOPMENT APPLICATION
2	17/09/2019	Boundary Correction
3	08/01/2020	Amended Development Application

DO NOT SCALE.
CHECK DIMENSIONS ON SITE.
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IF CONTRADICTIONS OCCUR CONTACT
THE ARCHITECT



PROJECT ADDRESS
119 MACPHERSON ST BRONTE
Lot 23 DP 1087208

PROPOSED SITE PLAN

Drw: RF
Chk: DF

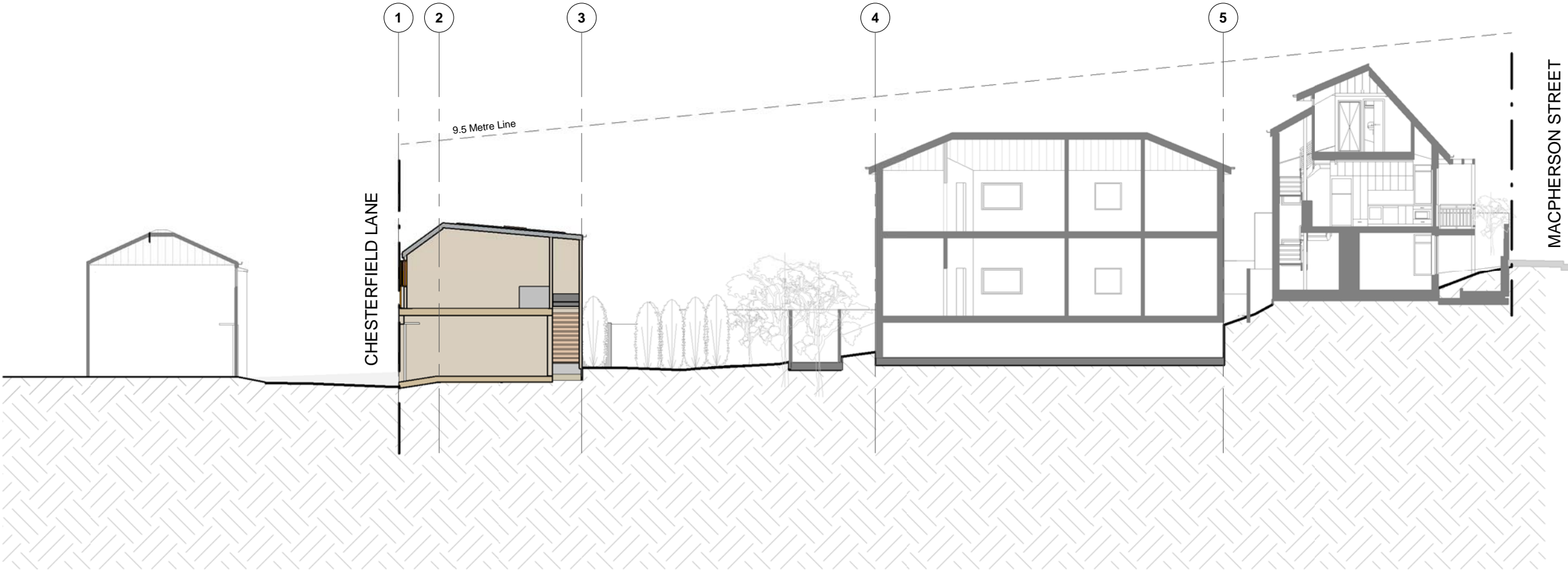
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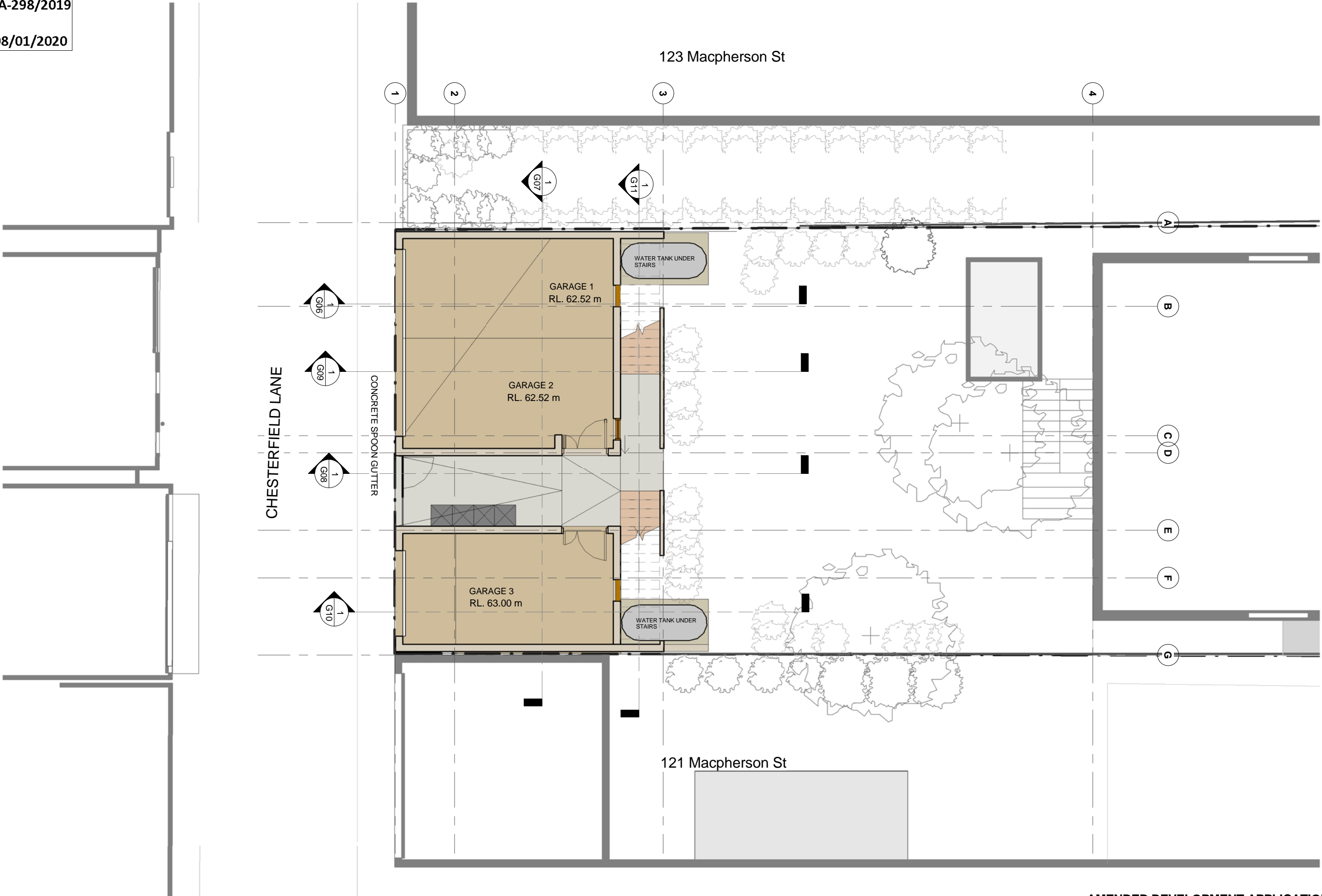
Drawing Number
A- E03

Rev
3



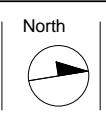
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PROJECT ADDRESS
119 MACPHERSON ST BRONTE

Lot 23 DP 1087208

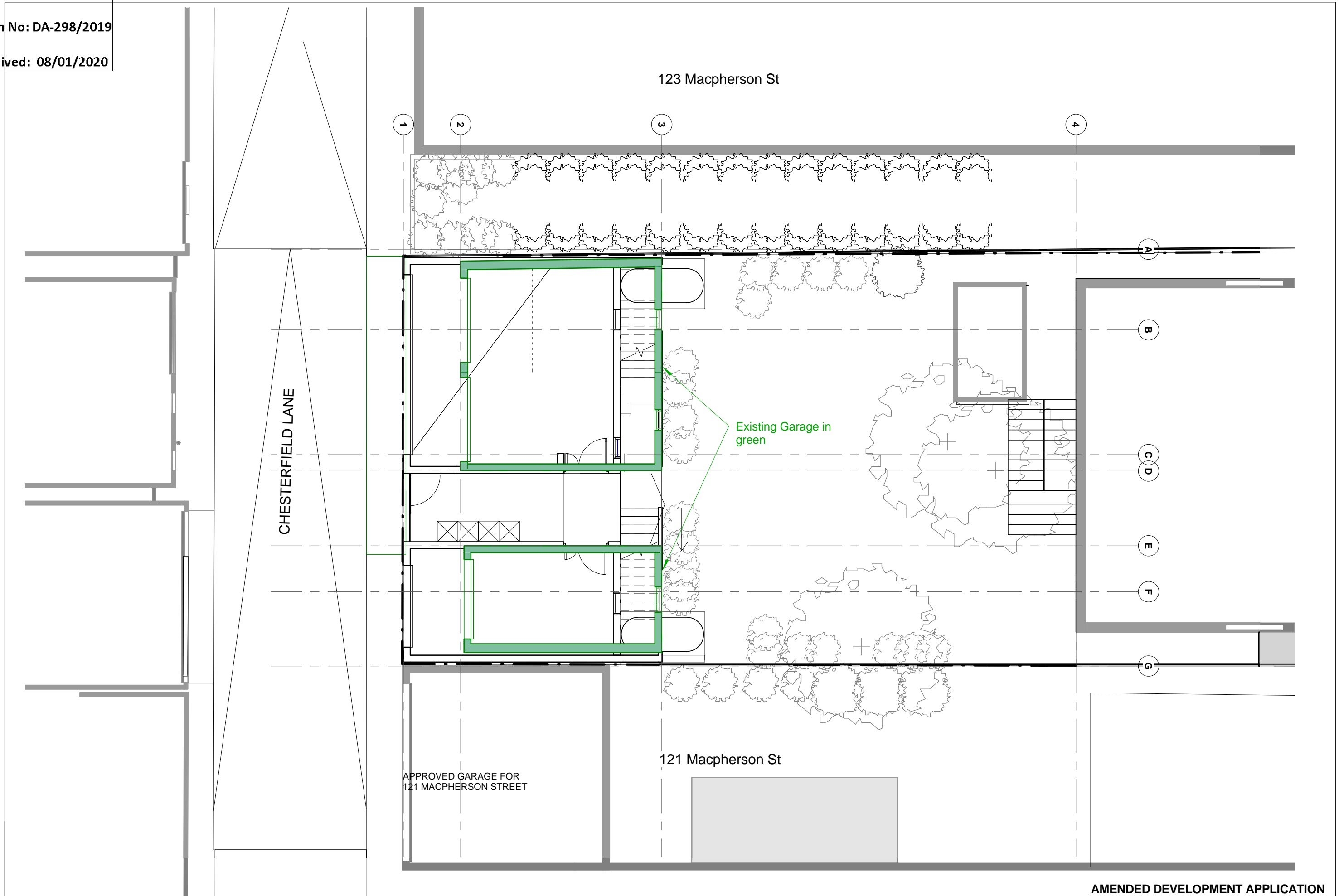
**PROPOSED GROUND FLOOR PLAN -
GARAGE**

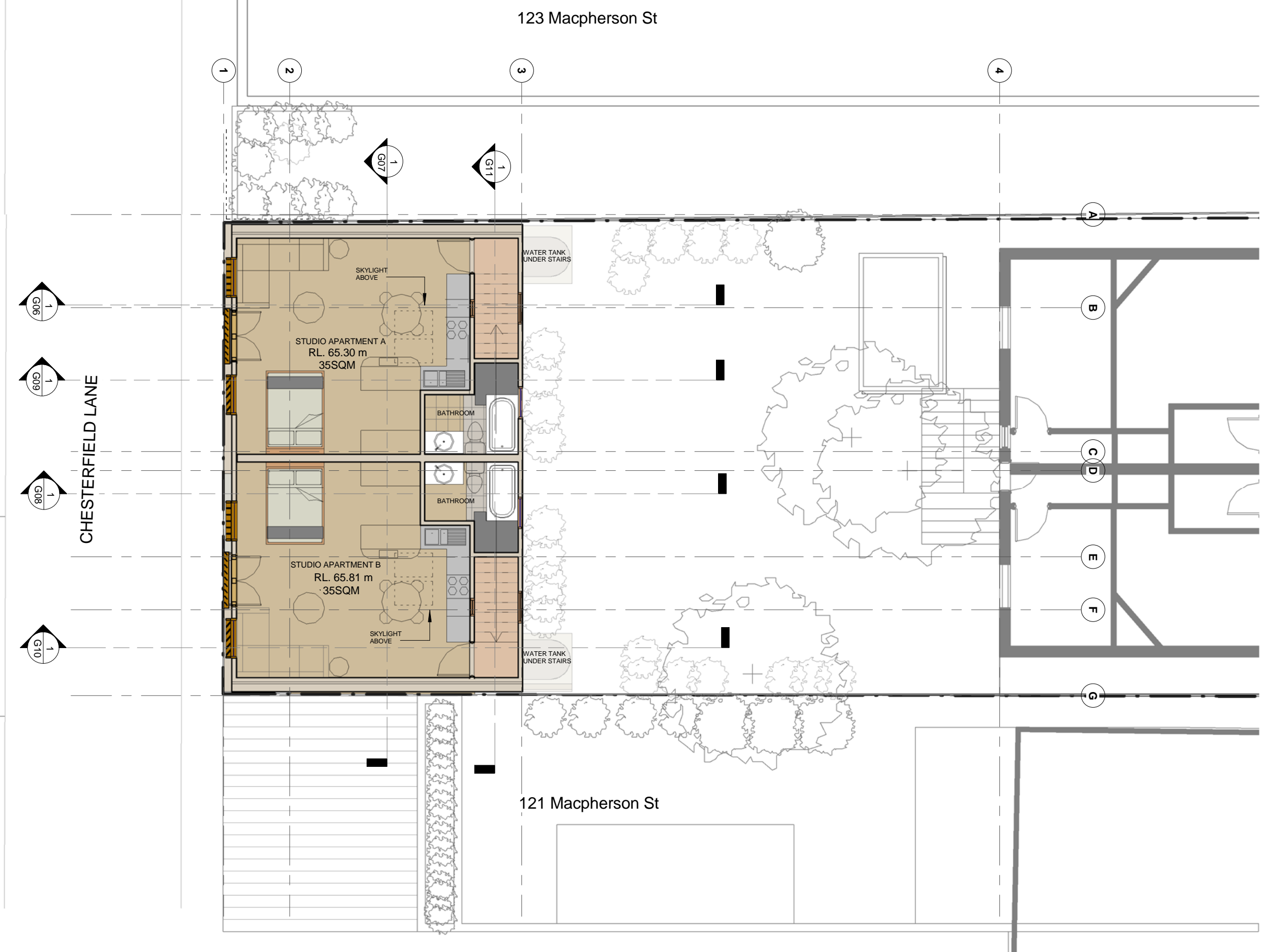
Drw: RF
Chk: DF
Proj Date: 29-08-19
Scale 1 : 100 @A3

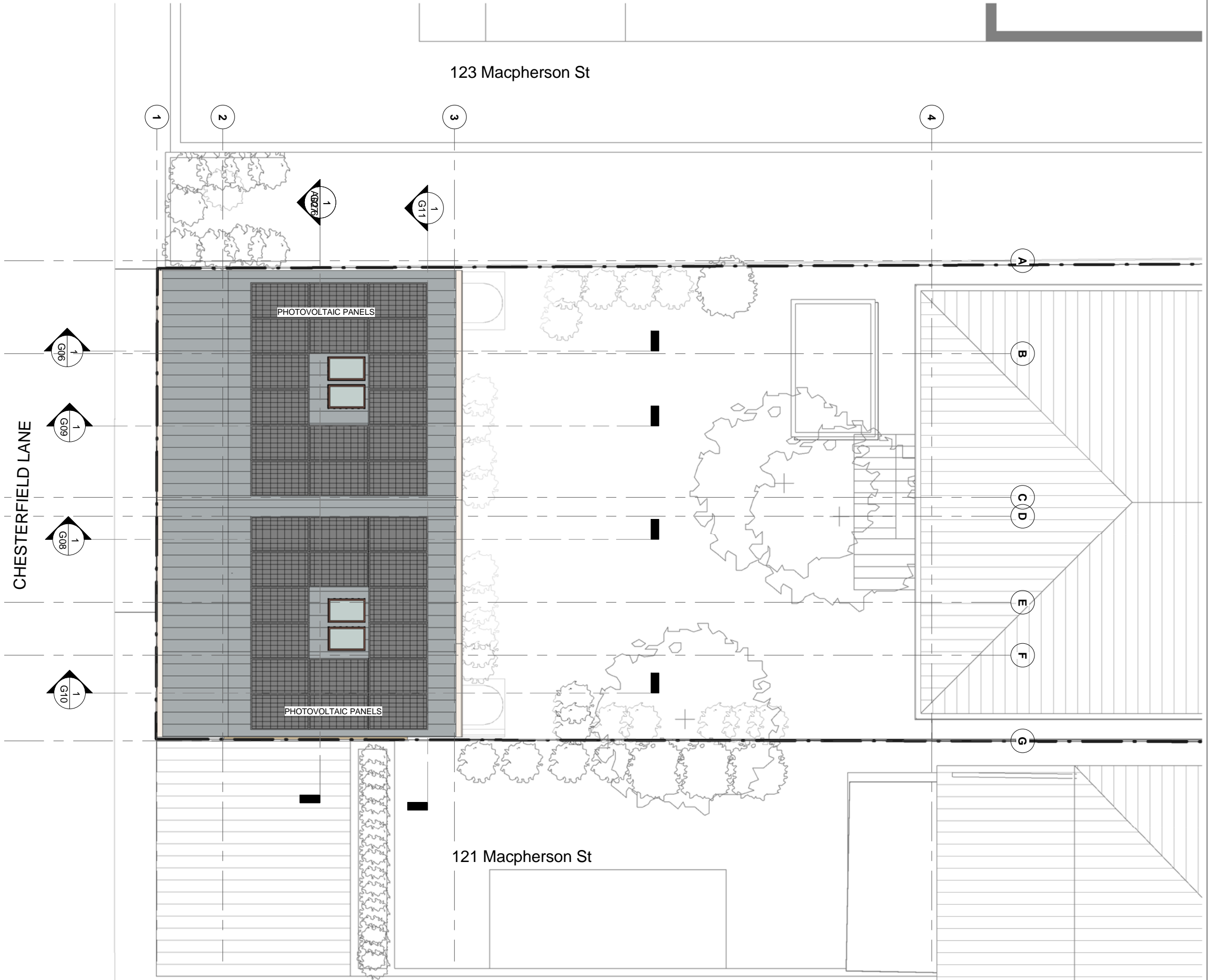
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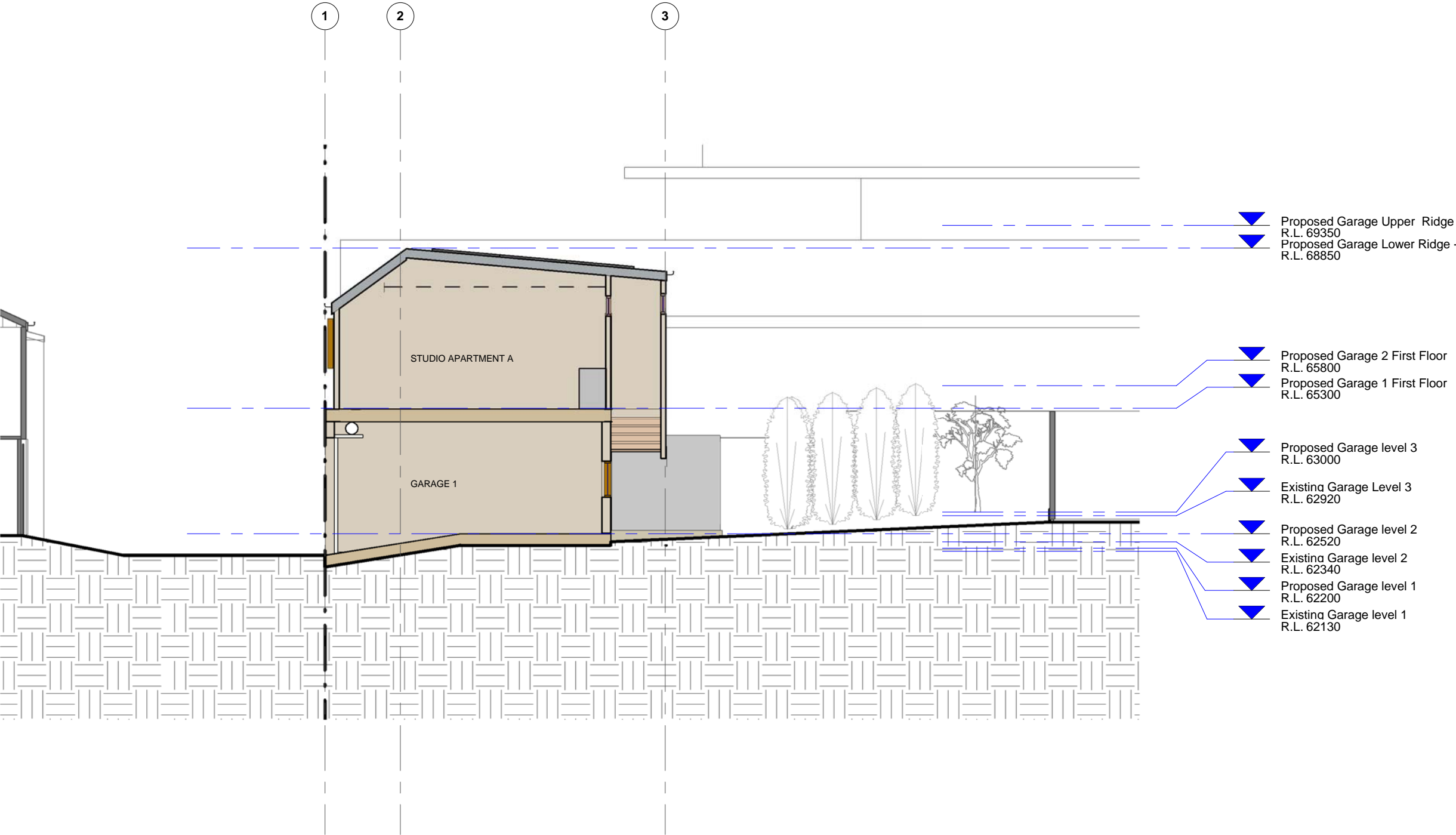
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AMENDED DEVELOPMENT APPLICATION



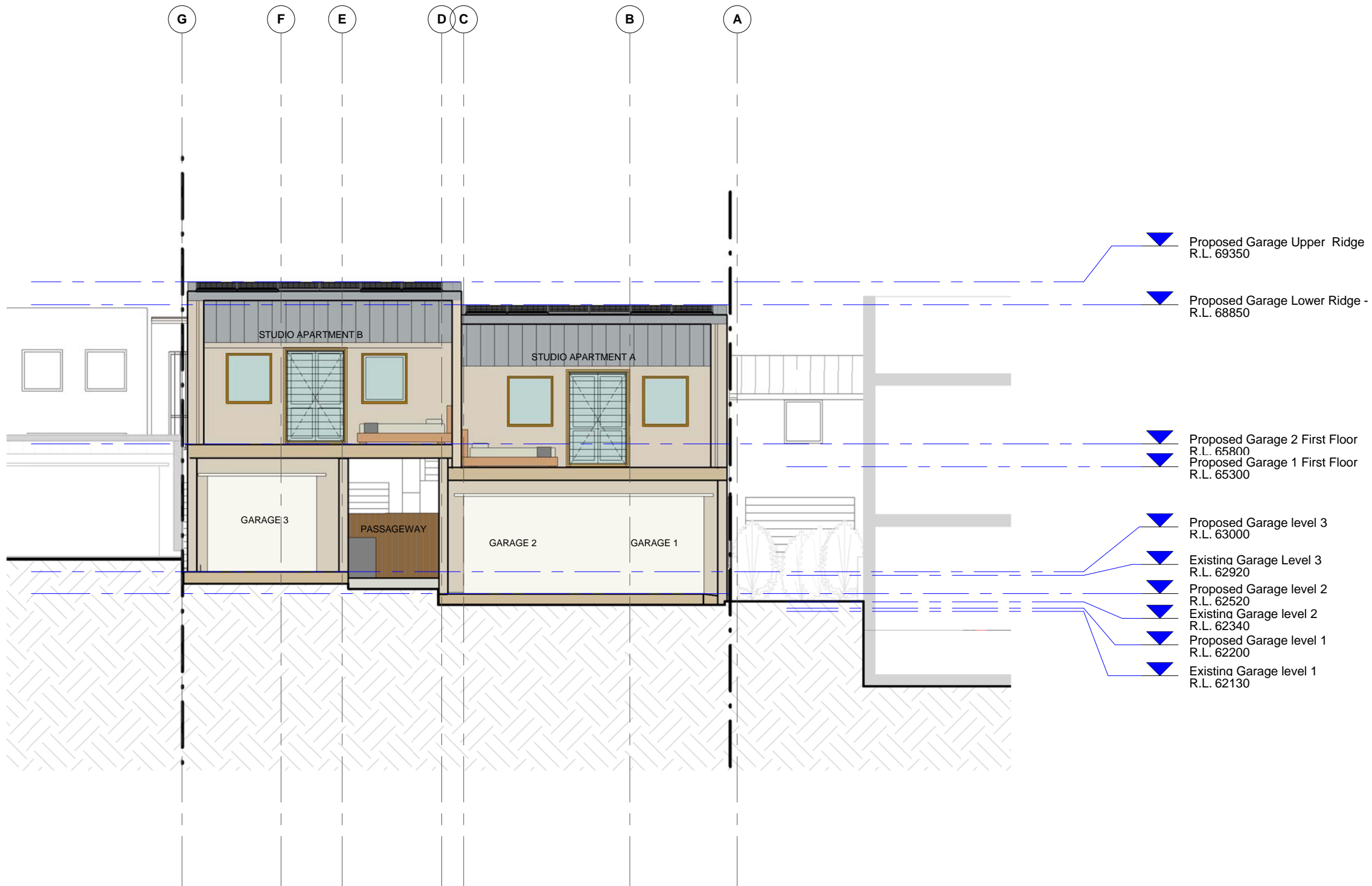






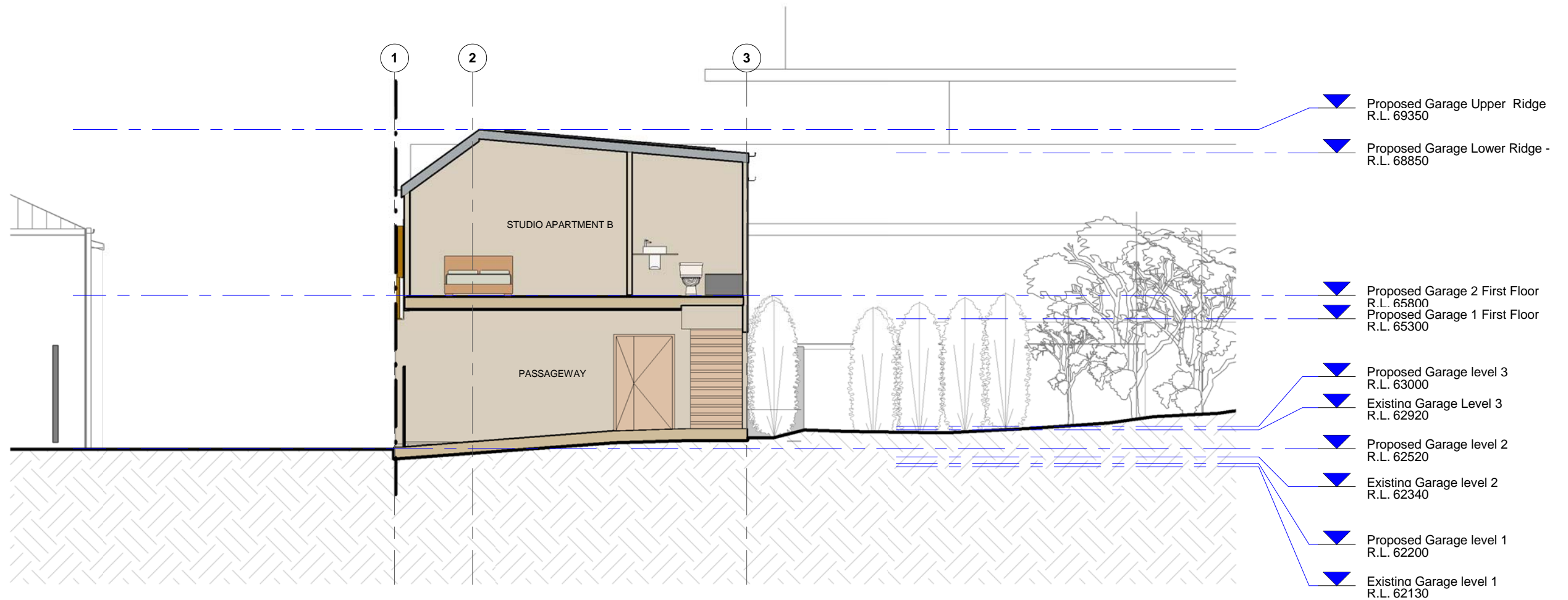
Rev.	Date	Revision Description
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2	17/09/2019	Boundary Correction
3	08/01/2020	Amended Development Application

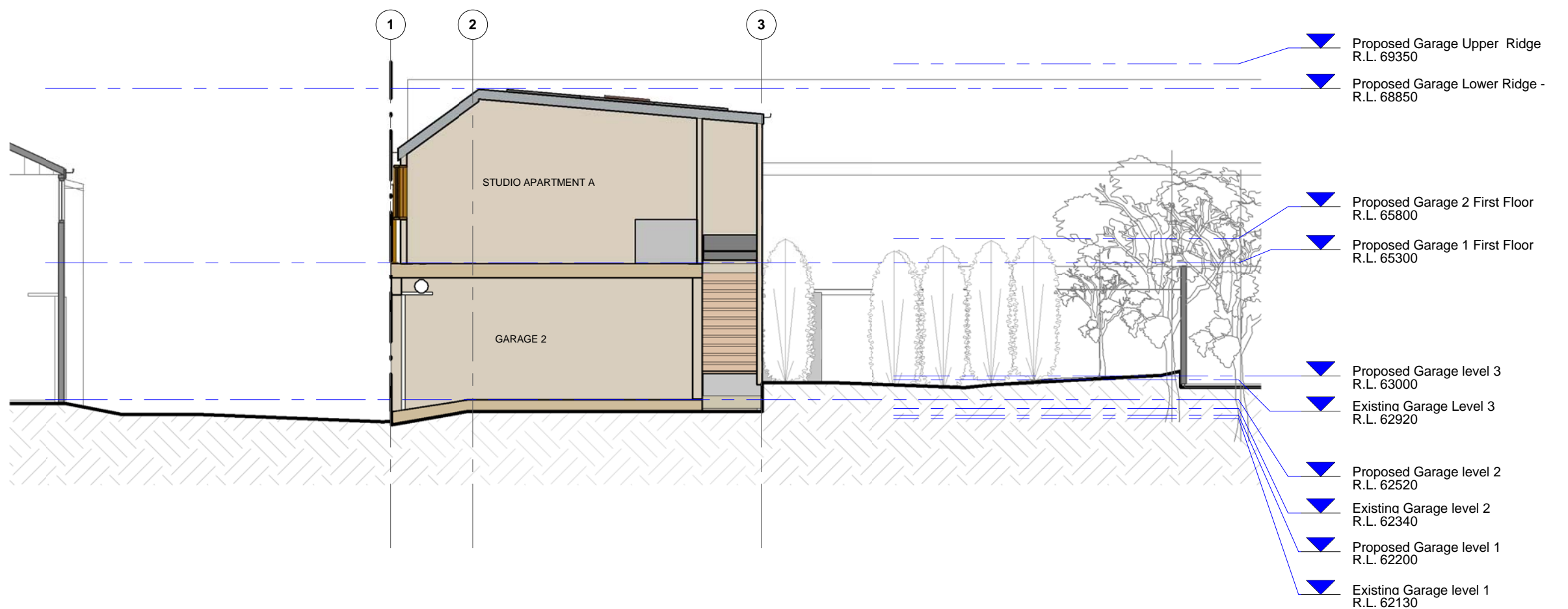
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2	17/09/2019	Boundary Correction
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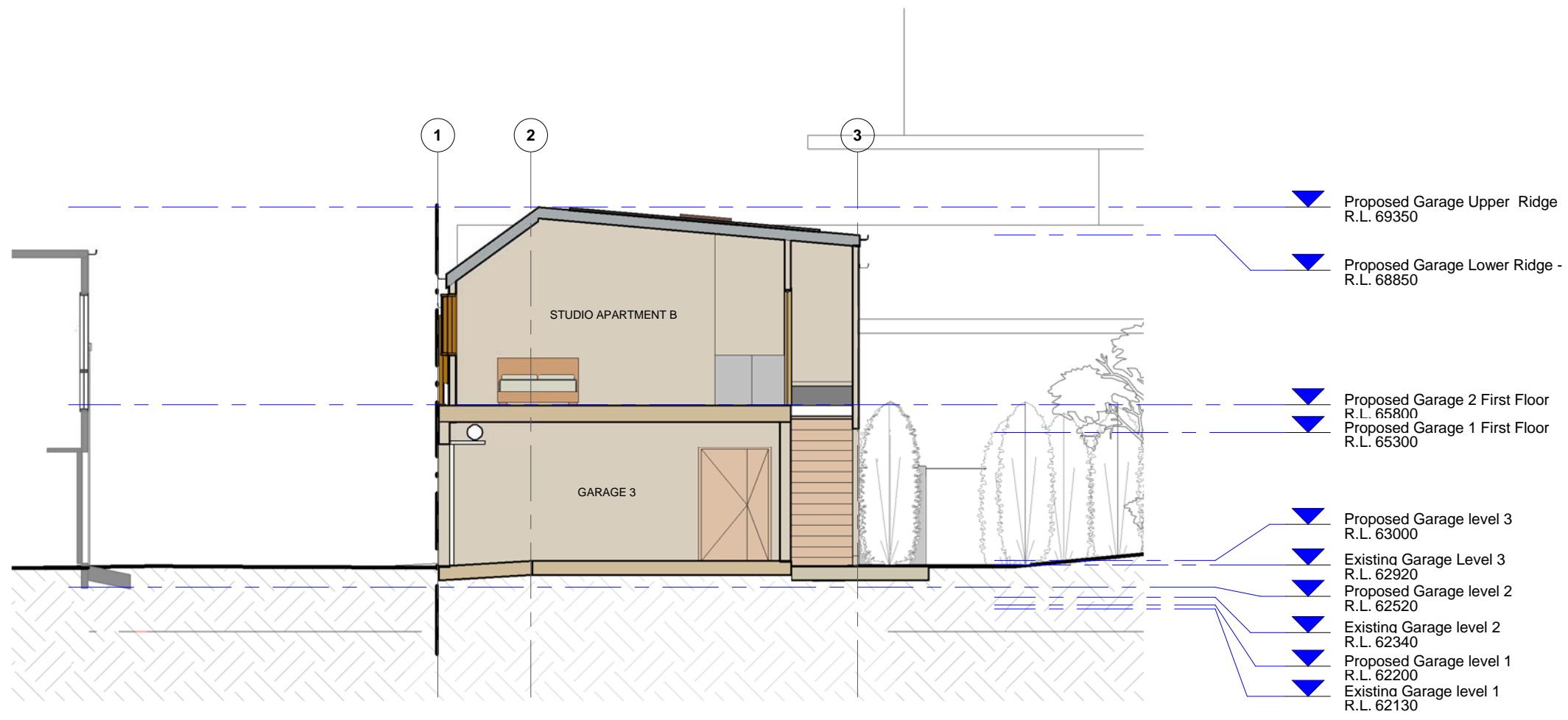
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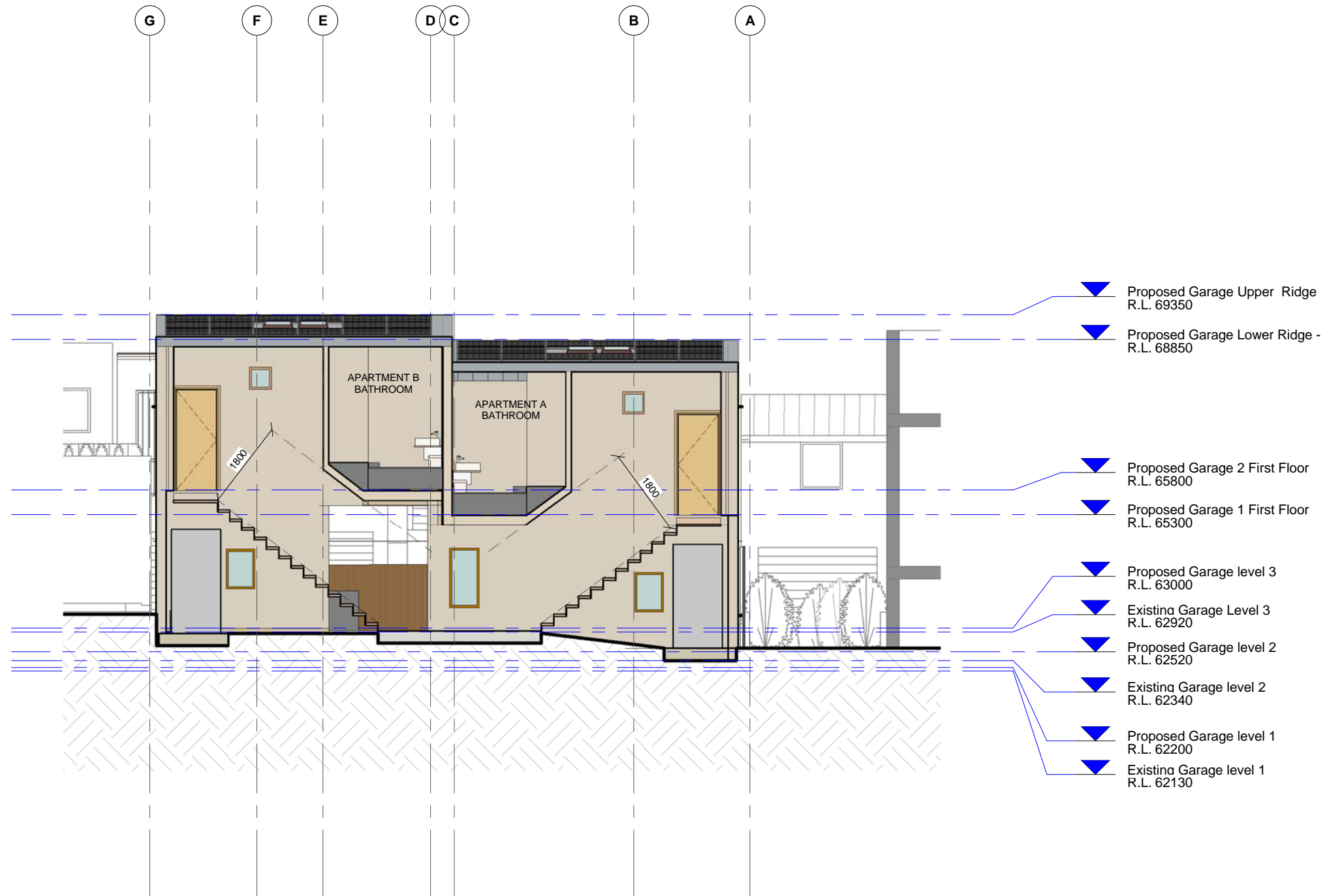
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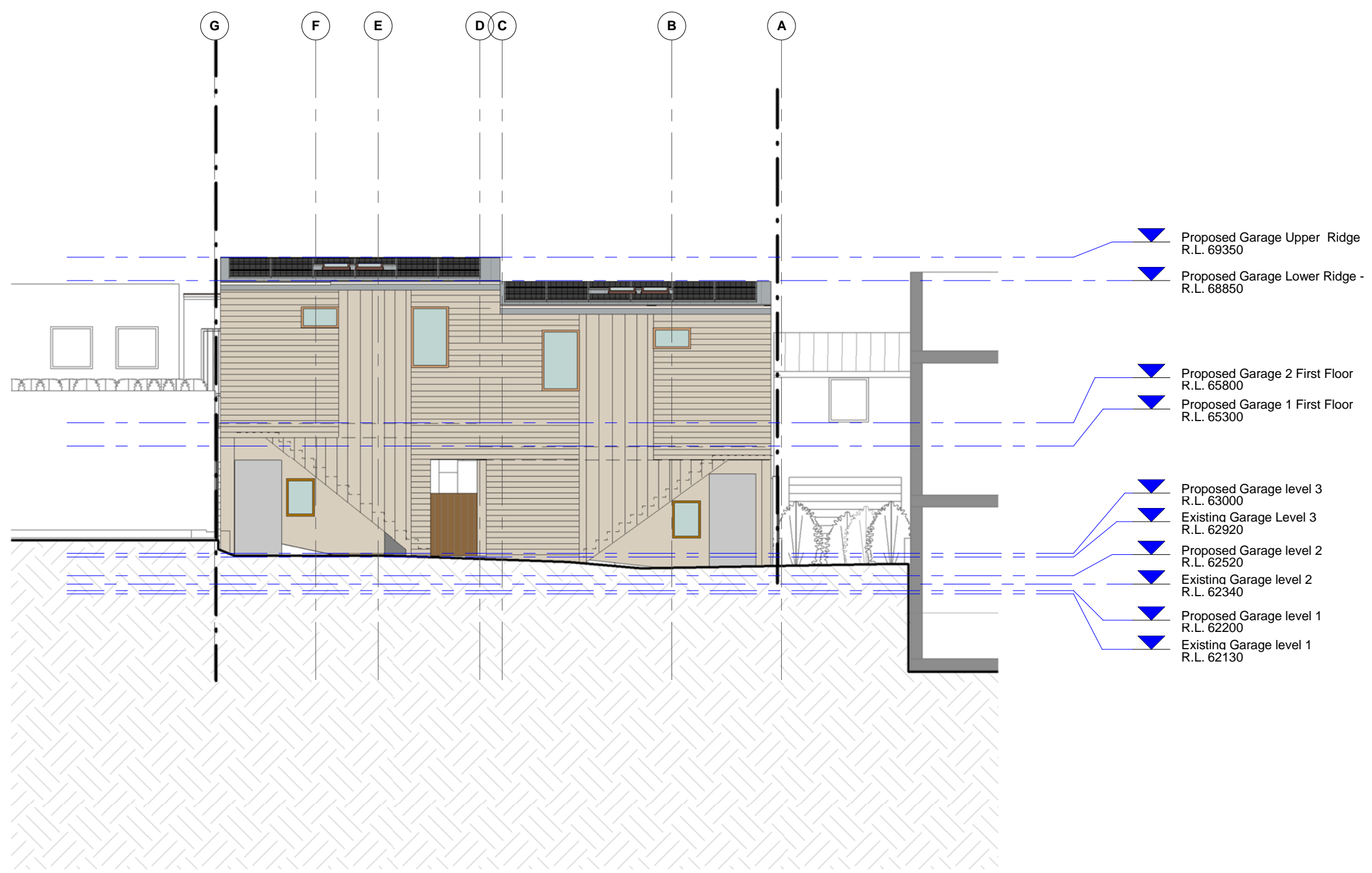
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North
PROJECT ADDRESS
119 MACPHERSON ST BRONTE
Lot 23 DP 1087208

**PROPOSED NORTH ELEVATION -
GARAGE**
Drw: RF
Chk: DF
Proj Date: 29-08-19
Scale 1 : 100 @A3

Dwg Set
Drawing Number
DA A- G12

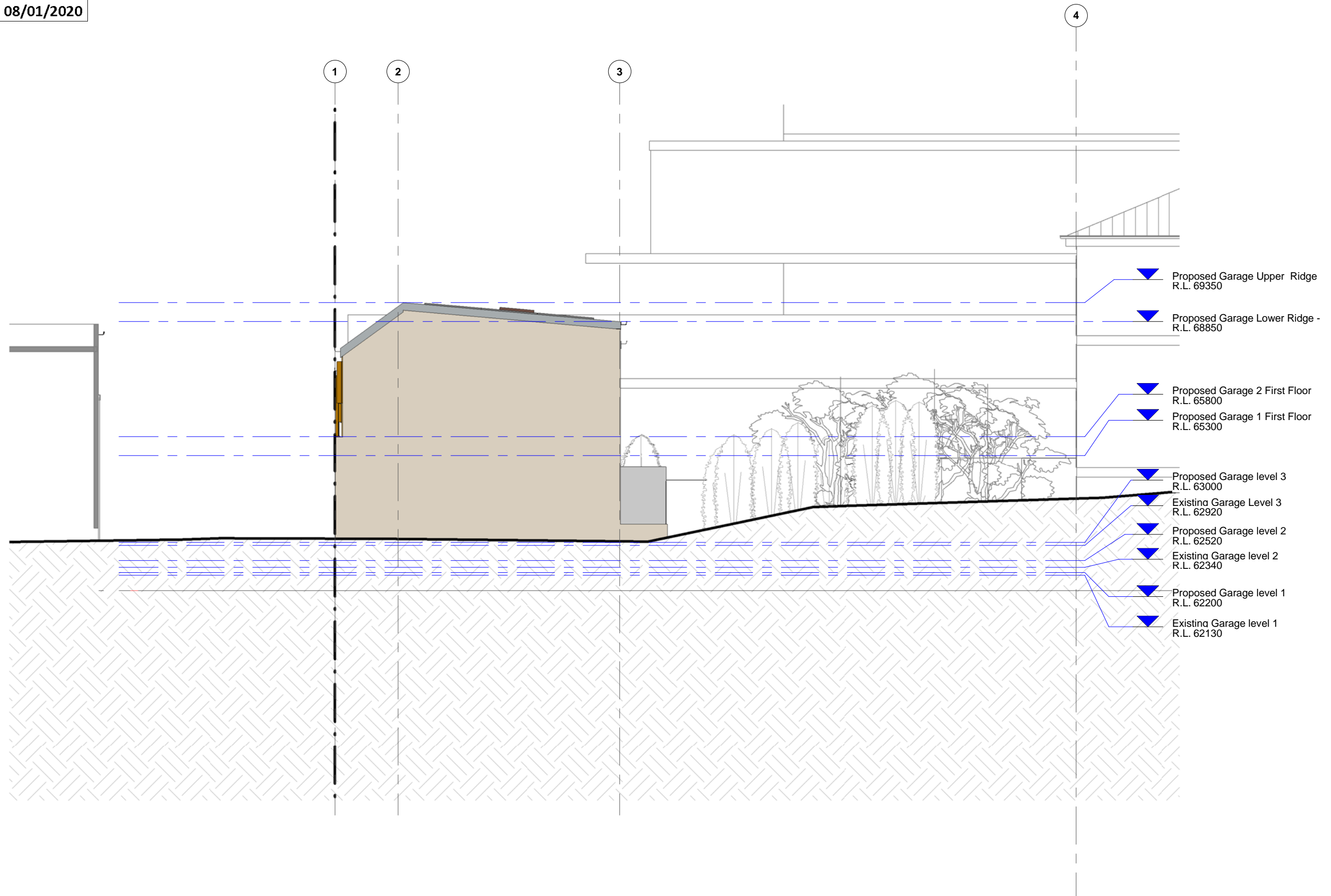
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AMENDED DEVELOPMENT APPLICATION

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Application No: DA-298/2019

Date Received:	08/01/2020
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AMENDED DEVELOPMENT APPLICATION

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Nominated Architect David Fleeting NSW ARB5145

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2	17/09/2019	Boundary Correction
3	08/01/2020	Amended Development Application

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North

PROJECT ADDRESS
119 MACPHERSON ST BRONTE

Lot 23 DP 1087208

**PROPOSED EAST ELEVATION -
GARAGE**

Drw: RF
Chk: DF

Proj Date: 29-08-19

Scale 1 : 100 @A3

Dwg Set
DA

Drawing Number
A-

G13

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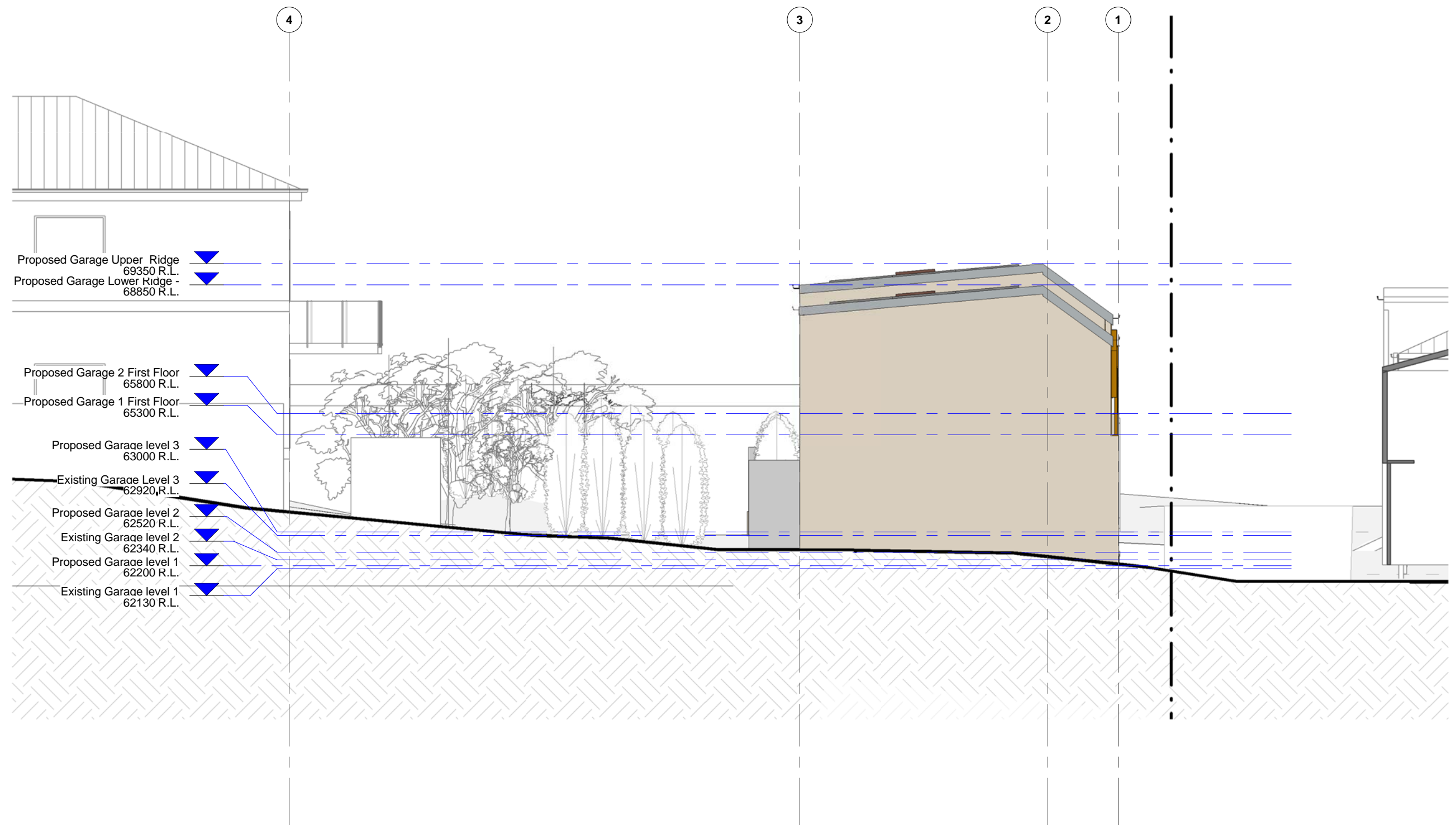
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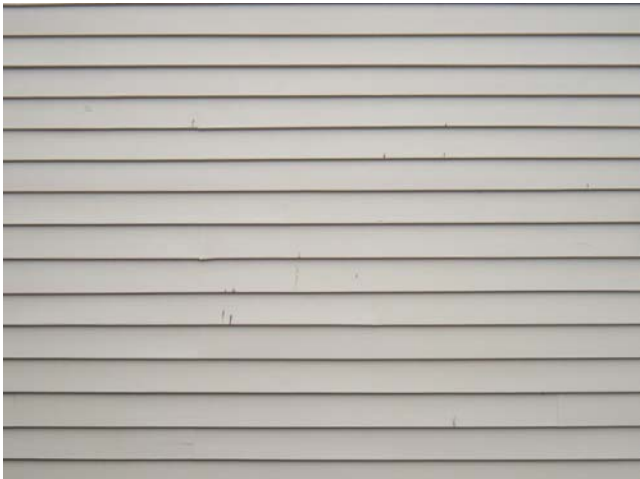
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Report to the Waverley Local Planning Panel

Application number	DA-351/2019
Site address	8/197 Birrell Street, Waverley
Proposal	Alterations and additions to Unit 8 at ground level
Date of lodgement	29 October 2019
Owner	Kali and Niki Bellear
Applicant	Kali and Niki Bellear
Submissions	Two (2)
Cost of works	\$342,100.00
Issues	FSR breach, privacy
Recommendation	That the application be APPROVED



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 5 December 2019.

The subject site is identified as Lot 8 in SP 65762, known as 8/197 Birrell Street (Unit 8) and is located within a residential flat building (RFB), known as 197 Birrell Street. The site is located on southern side of Birrell Street, opposite the Bennett Street intersection and contains 32 units. Unit 8 is located on the ground floor at the rear of the RFB in the south western corner and contains three bedrooms, two bathrooms and a large private open space including a garden and courtyard.

The site is rectangular in shape and has a total area of 3217.1m². Unit 8 is irregular in shape and has a total area of 135m². The site is situated on a ridgeline at the highest point of Birrell Street. The site falls gently to the east.

Vehicular access to the basement car park is provided via a driveway located on the eastern boundary.

The subject site is adjoined by an RFB to the east and the Illowra Aged Care Hospital to the west. The locality is characterised by a variety of residential development, including detached dwellings and RFBs.



Figure 1: Subject site frontage – 197 Birrell Street. Source: Google maps

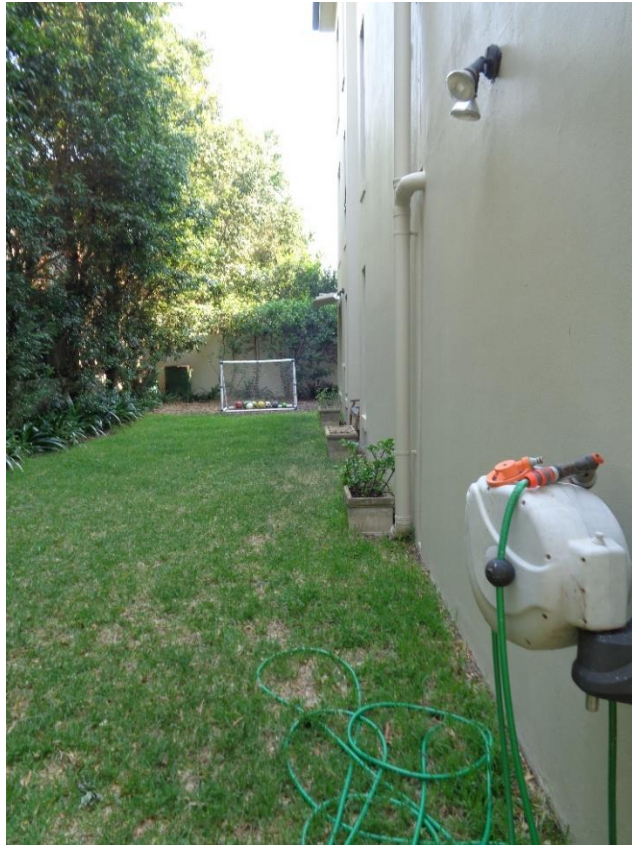


Figure 2: Site viewed from western elevation, showing area subject to the proposed extension.



Figure 3: Site viewed from rear yard showing the proposed area of the master bedroom extension



Figure 4: Rear courtyard facing west showing area of the proposed extension into the terrace



Figure 5: Rear courtyard facing east showing area of the proposed extension into the terrace

1.2 Relevant History

The subject RFB was approved on 24 November 1998 (LD-122/98). According to the applicant's Statement of Environmental effects (SEE), the subject site was built in 1999.

With respect to the current application, the applicant sought approval from the owners corporation, proposing a by-law at the Extraordinary General Meeting (EGM) held on 10 April 2019, for the proposed works to common property, being the demolition of the existing western external walls of the Lot, and installation of new external walls in the courtyard of the Lot. The proposed by-law was not passed by the owners corporation.

The applicant brought the application before the NSW Civil Administrative Tribunal (NCAT), which found: *"the owners corporation has unreasonably refused to make a common property rights by-law proposed by the applicant at the April EGM...and concluded that there will be very minimal impact on the use and enjoyment of the lots of the other 31 lot owners and no impact at all on the use by the other lot owners on common property"* (Notice of Order, NCAT File No: SC 19/20753, dated 4 October 2019).

Accordingly, NCAT ordered the owners corporation to affix its common seal to the applicant's development application, which was completed and dated 16 October 2019.

1.3 Proposal

The proposed development includes a 35m² addition into the private open space of the unit, in order to provide additional space to existing bedrooms and provision of one additional bedroom by reconfiguring the internal unit layout.

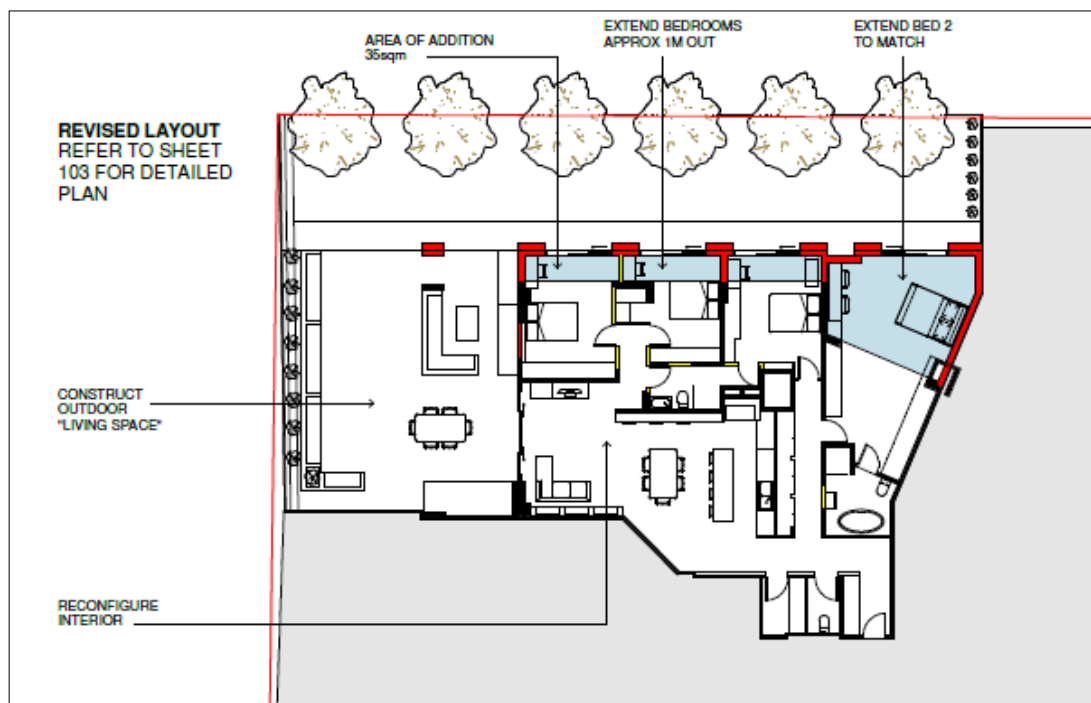


Figure 6: Proposed addition and internal reconfiguration to accommodate the extension

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 Policy (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

2.1.2 State Environmental Planning Policy No 55 – Remediation of Land

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

2.1.3 State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

SEPP 65 applies to development for the purpose of an RFB, if the development consists of:

- the erection of a new building,
- the substantial redevelopment or the substantial refurbishment of an existing building, and/or
- the conversion of an existing building.

Given that the proposed development would not be visible from the public domain and the relatively minor nature of the works, the application was not referred to the Waverley Design Excellence Advisory Panel. Notwithstanding, Council considers that the proposal meets the design quality principles set out in SEPP 65, as the proposal is consistent with the context and neighbourhood character of the Waverley area. The design is responsive to the existing built form and scale of the RFB and provides an appropriate response to be the changing needs of the family that resides there, without unduly impacting on neighbouring properties. The proposal continues to meet the minimum landscape controls under the ADG and would significantly enhance unit amenity by creating a larger more usable living space.

Council has undertaken an assessment of the application against the relevant provisions of the Apartment Design Guide (ADG) as set out below.

Clause 6A Development control plans cannot be inconsistent with ADG

Clause 6A of SEPP 65 requires that DCP's cannot be inconsistent with the ADG in respect of the following:

- (a) visual privacy,
- (b) solar and daylight access,

- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

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

Table 1: ADG

Design Criteria	Compliance	Comment
3F Visual privacy		
Min separation distances from buildings to side and rear boundaries: <ul style="list-style-type: none"> Up to 12m (4 storey) – 6m habitable & 3m non-habitable Increased separation of 3m where adjoins a lower density zone 	Yes	<p>The proposal includes extension of the ground floor level into the private open space of the subject site. The subject development would maintain a 4.6m setback from the western wall to the property boundary. The setback is considered adequate and would ensure visual privacy of adjoining neighbours is maintained.</p> <p>The subject site adjoins the R2 Low Density Residential Zone, to the south, facing Blandford Avenue. However, the proposed extension is on the western side of the property and therefore would not directly adjoin the low density residential zone to the south. In addition, the properties fronting Blandford Avenue have a significant rear setback and would not be adversely impacted by the proposed works.</p>
4A Solar and daylight access		
<ul style="list-style-type: none"> Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter. 	Yes	<p>The proposed development is a small extension and does not adversely impact solar access provision. The proposal would comply with the solar and daylight access provisions, with the existing RFB casting a shadow during the morning periods and western side of the building gaining solar access in the afternoon period.</p> <p>The proposal is consistent with the remaining objectives of this part of the ADG.</p>
4B Natural ventilation		
<ul style="list-style-type: none"> All habitable rooms are naturally ventilated 	Yes	<p>All rooms subject to the proposed extension are proposed to be fitted with sliding doors to provide natural ventilation and direct access to the private open space of Unit 8, providing</p>

Design Criteria	Compliance	Comment
4G Storage		
In addition to kitchens, bathrooms and bedrooms, the following is provided: <ul style="list-style-type: none"> • 3+bed – 10m³ 	Yes	The proposal does not alter the provision of storage within the unit; however all bedrooms contain built in wardrobes and internal storage space in accordance with the requirements and objectives of the ADG.

2.1.4 Waverley Local Environmental Plan 2012 (WLEP)

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

Table 2: WLEP Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the WLEP.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Residential	Yes	The proposal includes alterations and additions to a RFB, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> • 12.5m 	Yes	The proposed development would not alter the height of the existing RFB.
4.4 Floor space ratio (FSR) <ul style="list-style-type: none"> • 0.9:1 	No	The existing RFB has a non-compliant FSR of 1.036:1. The proposal seeks to increase the gross floor area (GFA) by 35m ² , equating to a proposed FSR of 1.047:1. See discussion below.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of WLEP to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.

Clause 4.6 Exceptions to Development Standards

The application seeks to vary the FSR development standard in Clause 4.4.

The site is subject to a maximum FSR control of 0.9:1. The existing RFB has a total GFA of 3,591m², equating to an FSR of 1.128:1. The proposed development seeks to increase the GFA of Unit 8 by 35m²,

with a total GFA across the site of 3,626m², and an FSR of 1.139:1, exceeding the standard by 760.94m² equating to a 26.55% variation.

A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the WLEP 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.

Applicants 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 standards is unreasonable and unnecessary as the overall character and bulk and scale of the development will not be altered as it is read from the public domain.*
 - (ii) *Exceedance of the FSR control will not create additional bulk he 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.*
- b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) *The FSR breach does not result in any additional loss of solar access that is detrimental to the amenity of adjoining properties, as the additional floor area is to be located at ground floor level.*
 - (ii) *The proposed increase in the number of bedrooms for the existing unit increases the variety of housing types within the locality providing suitable residential accommodation for families. This provides better housing choice in accordance with the LEP objective.*
 - (iii) *The proposal will not affect views, given its location at ground level and will not impact adjoining properties in terms of acoustic or visual privacy of adjoining properties as it is seeking to alter part of an existing outdoor space to internal space.*

Consideration of Applicants 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 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;*
- 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.*

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 standard referencing that *"noncompliance with the standard does not contribute to adverse environmental impacts...Reduction in the FSR will not result in improved amenity for adjoining properties. The lack of impact on adjoining properties in terms of solar access, privacy, view loss and visual bulk establishes sufficient planning grounds"*.

Accordingly, the applicant has adequately addressed the issues set out in Clause 4.6(3)(b). The objections raised by neighbours at Units 13 and 29, located above Unit 8 are acknowledged, however Council finds that there are sufficient planning grounds to justify the contravention in this instance, as the proposal would not impact on solar access or privacy of neighbouring properties. Views from above looking directly down may be altered as a result of the proposal, but it is considered that this would be minimal and would not unduly impact on the amenity of adjoining properties.

Is the development in the public interest?

The proposed development will be in the public interest because it is consistent with both the relevant objectives of the standard and the objectives for development within the R3 Medium Density Residential Zone, as set out in the applicant's Clause 4.6 report, including:

Consistency with the relevant FSR objective

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

Council's assessment: Whilst the proposed 35m² extension into the private open space of Unit 8 would further breach the overall FSR control for the site, the proposal would continue to provide an appropriate nexus between the permissible building height and the relevant density control. The proposal is consistent with this FSR objective.

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

Council's assessment: The additional GFA is proposed within the private open space of Unit 8 and therefore the breach in FSR would not unduly impact neighbouring properties, with respect to bulk and scale and visual impacts. The proposal would not be visible from the streetscape and is not inconsistent with 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 minimise the adverse impacts on the amenity of the locality.*

Council's assessment: Council notes the established limits on scale and the objective of preserving the amenity of neighbouring properties and the broader locality. However, the proposed 35m² extension is a minor addition which would greatly improve the amenity of the occupants of the Unit 8 whilst not unduly impacting on neighbouring properties. On balance, the proposal is considered appropriate in this instance.

Consistency with the relevant Zone objective

- *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.*

Council assessment: The additional GFA is proposed within the private open space of Unit 8 and therefore the breach in FSR would not unduly impact neighbouring properties, with respect to bulk and scale and visual impacts. The proposal would not impact solar access of the subject site or impact on the solar access of neighbouring properties and open space provision would remain compliant with the minimum size requirements under the ADG and the WDCP.

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 WLEP. Council considers that the proposed development would be in the public interest because it is consistent with the relevant FSR development standard objectives and the relevant R3 Medium Density Residential Zone objectives.

2.1.5 Waverley Development Control Plan 2012 (WDCP)

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

Table 1: WDCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. A condition of consent is recommended regarding ongoing waste on site.
2. Ecologically sustainable Development	Yes	Given the scale of the development, the proposal is considered to adequately consider the design of the building in relation to ecologically sustainable development and achieves the objectives of Part B2.
3. Landscaping and Biodiversity	Yes	The landscaping plan has been reviewed and is considered acceptable, maintaining as much existing vegetation as possible and is cohesive with the site.
6. Stormwater	Yes	Council's Engineer reviewed the plans submitted with the application and advised that on-site stormwater detention is not required for this development. Standard conditions of consent relating to stormwater are recommended.
7. Accessibility and adaptability	Yes	The proposal does not alter current access to the site and is therefore acceptable.
8. Transport	N/A	There are no changes proposed to the provision of parking on the site.
10. Safety	Yes	The proposal does not contravene the objectives of this part of the WDCP.
12. Design Excellence	Yes	Council is satisfied that the proposal has been designed to be consistent with the existing building. A condition of consent is recommended to require the materials and finishes selected to match the existing building.

Part C4 High Density Residential Development applies to development that is subject to SEPP 65, including residential flat buildings, shop top house or mixed use developments that are three or more storeys and contain four or more dwellings.

Table 4: WDCP – Part C4 High Density Residential Development Compliance Table

Development Control	Compliance	Comment
4.5 Building Design and Streetscape		
<ul style="list-style-type: none">Building design is to respond to the existing streetscape character of the area.	Yes	The proposed design is consistent with the streetscape character of the area. The proposed works would not be visible from the streetscape.
<ul style="list-style-type: none">Alterations and additions should demonstrate architectural compatibility with the existing building.	Yes	The alterations would be architecturally compatible with the design of the existing building.
<ul style="list-style-type: none">The colour and finish of external finishes should be sympathetic to the street and contribute to the overall appearance of the building.	Yes	A condition of consent is recommended to require the materials and finishes selected to match the existing building.
4.9 Landscaping		
<ul style="list-style-type: none">Comply with part B3- Landscaping and Biodiversity	Yes	The application has been accompanied by a detailed Landscape Plan, which includes a schedule of plant species. The western side of the yard and the planting therein would be retained as existing.
<ul style="list-style-type: none">Minimum of 30% of site area landscaped: 114m²	Yes	The site contains in excess of the minimum 30% of landscaped area and in excess of the deep soil landscaped area requirement. The proposal retains the existing landscaped area along the western side boundary and new replacement planting is proposed along the southern boundary fence line. A condition of consent is recommended requiring the replacement landscaping to include trees capable of reaching a height of at least 5 metres at maturity (see discussion below).
<ul style="list-style-type: none">50% of the above is to be deep soil: 57m²	Yes	
4.10 Views and view sharing		
<ul style="list-style-type: none">Minimise view loss through design	Yes	The proposal would not result in view loss for neighbouring properties or the site itself.
4.11 Visual privacy and security		
<ul style="list-style-type: none">Prevent overlooking of more than 50% of private open space of lower level dwellings in same developmentPrivacy be considered in relation to context	Yes	Council considers that visual privacy would be enhanced as a result of the proposed development. Currently, the neighbouring units above the subject site are able to look down onto the private open space of Unit 8. Whilst overlooking of the private open space would still be possible from the units above, the extent of

Development Control	Compliance	Comment
density, separation use and design.	Yes	overlooking would be reduced as a result of the roofing over a portion of the private open space (see discussion below).
	Yes	
3.19 Acoustic privacy		
<ul style="list-style-type: none"> • Sound proofing through acoustic glazing • Internal amenity by locating noisy areas away from quiet areas 	Yes	A condition of consent is recommended to require that the new sliding doors match the acoustic attenuation level as the existing doors. This would ensure that appropriate acoustic attenuation of Unit 8 is maintained as a result of the proposed extension.

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

Landscaping

The proposal complies with the minimum landscaping requirements under the WDCP, providing 107m² of landscaped area, which is 7m² in excess of the requirement and 97m² of deep soil landscaping, which is 40m² in excess of the requirement.

The proposal retains the existing landscaped area along the western side boundary and new replacement planting is proposed along the southern boundary fence line. A condition of consent is recommended requiring replacement landscaping along the southern boundary fence line to include at least three local native trees of 45 litre pot size and capable of growth to a minimum height of 5 metres at maturity. This will ensure protection of privacy for units within the RFB and for properties to the south. It would also preserve the outlook for properties above that have a south facing balcony.

Visual privacy and security

It is considered that the visual privacy of units above the subject site would not be unduly impacted by the proposed extension. It is acknowledged that the units directly would be able to see the roof of the proposed extension if these occupants were looking directly downwards. However, it is considered that direct overlooking would be infrequent and that the extension is likely to provide a greater level of privacy than the existing situation.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the Building Code of Australia (BCA).

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

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

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

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

Table 5: Summary of property addresses that lodged a submission

Property
13/197 Birrell Street, Waverley
29/197 Birrell Street, Waverley

Issue: Structural integrity and potential for damage to building

Response: Conditions of consent are recommended requiring structural details to be prepared and certified by a practising Structural Engineer and a Certificate of Adequacy is also required certifying the adequacy of the existing building structure to carry the extra load of the proposed additions. These elements are required to be provided prior to the issue of the Construction Certificate.

Issue: Breach of permitted FSR

Response: The breach in FSR has been assessed by Council and is considered acceptable in this instance. The additional GFA is proposed within the private open space of Unit 8 and therefore the breach in FSR would not unduly impact neighbouring properties, with respect to bulk and scale and visual impacts. The proposal would not impact solar access of the subject site or impact on the solar access of neighbouring properties and open space provision would remain compliant with the minimum size requirements under the ADG and the WDCP.

Issue: Appearance, design and external finishes of the building

Response: The applicant's SEE and architectural drawings demonstrate that the proposed development would include materials and finishes that are consistent with the existing building. A condition of consent is recommended to ensure that materials and finishes and the external appearance of the building is consistent with the existing building.

Issue: Approval of the application will create a precedent

Response: Council considers that the potential for a precedent to be created is unlikely. Unit 8 comprises one of the largest private open space areas within the development, situated in the corner of the lot, and is able to accommodate a small extension of additional GFA, without having an unacceptable impact on the adjoining neighbours. It is considered that the opportunity for other ground floor units within the development to extend into areas of private open space would likely be limited, given the smaller areas of private open space. Notwithstanding, any future development application would be assessed on its own merits.

Issue: The addition of a bedroom requires an additional car parking space

Response: It is acknowledged that the application to extend the living areas within Unit 8 is in response to the changing needs of the family residing there and notes that the WDCP does not contain minimum requirements for car parking provision. The site has good public transport links and is within walking distance to Bondi Road and near Bondi Junction. Accordingly, no additional car parking is required on the site.

2.5 Public Interest

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

3. REFERRALS

3.1 Fire safety referral

The application was referred to Council's Fire Safety officer. The comments received are provided below:

Pursuant to Clauses 94 of the Environmental Planning and Assessment Regulation 2000, it is necessary for Council to determine whether the measures contained in the existing building are inadequate:

- a) to protect persons using the building, and to facilitate their egress from the building, in the event of fire, or*
- b) to restrict the spread of fire from the building to other buildings nearby.*

An assessment of proposal revealed that there may be a number of non-compliances with the BCA including, but not limited to: -

- a) possible fire separation issues between existing residential sole occupancy units and common areas (i.e. Section C of BCA).*

All new building works must comply with the BCA protection of openings and fire resistance levels of building elements. The Certifying Authority must ensure subject works can comply with the BCA prior to the issue of a Construction Certificate.

In light of the above, conditions of consent relating to fire safety upgrade works are recommended.

3.2 Tree Management

The application was referred to Council's Tree Management officer, suitable conditions are recommended regarding pruning and landscaping.

4. SUMMARY

The proposal includes an extension into the private open space of Unit 8, in order to provide additional space to existing bedrooms and provision of one additional bedroom by reconfiguring the internal unit layout.

The application proposes an increase in GFA and subsequently the FSR on the site. The permissible FSR control on the site is 0.9:1. The existing RFB breaches the FSR, which is currently 1.128:1, as approved in November 1998 under LD-122/98. The proposal seeks to increase the GFA by 35m² and increase the FSR from 1.128:1 to 1.139:1, which represents a 26.55% increase in the permissible FSR. It is considered that the proposed increase in FSR is acceptable in this instance given the low scale of the proposed development. As set out above, the proposed works would not unduly impact adjoining neighbours and would not impact solar access of the subject site or impact on the solar access of neighbouring properties.

The concerns of neighbouring properties are acknowledged and the issues raised in the assessment of the application have been considered; It is noted that views from above looking directly down may be altered as a result of the proposal; however, it is considered that this would be minimal and would not unduly impact on the amenity of adjoining properties.

The application was notified for a period of 14 days and two submissions were received. Council considered the issues raised in submissions as set out in section 2.4.

The proposal is recommended for approval, subject to the conditions of consent.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:

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

Alana Jelfs
Senior Development Assessment Planner

Bridget McNamara
Manager, Development Assessment (South)

Date: 27/02/20

Date: 10/03/2020

Reason for referral:

- 1 Departure from any development standard in an EPI by more than 10%
- 2 Sensitive development:
 - (a) SEPP 65 development

APPENDIX A – CONDITIONS OF CONSENT - DA-351/2019

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- a) Architectural Plans prepared by Cracknell & Lonergan Architects Pty Ltd as follows:

Plan description	Rev No /Date	Date received by Council
Demolition Plan – DA100	Rev B / February 2020	27.02.20
Site Plan – DA101	Rev A / July 2017	29.10.19
Site Plan – Ex. Architectural Plan - DA102	Rev A / July 2017	29.10.19
Ground Floor Plan – DA103	Rev A / July 2017	29.10.19
Landscape Concept Plan – DA104	Rev A / July 2017	29.10.19
South Elevation – DA200	Rev A / July 2017	29.10.19
West Elevation – DA201	Rev A / July 2017	29.10.19
Section 1 – DA300	Rev A / July 2017	29.10.19
Section 2 – DA301	Rev A / July 2017	29.10.19

- b) The Site Waste and Recycling Management Plan (SWRMP) Part 1 and Checklist (29.10.19).
- c) BASIX and NatHERs Certificate/s (29.10.19).

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- a) Replacement landscaping along the southern boundary fence line must include at least three local native trees of 45 litre pot size and capable of growth to a minimum height of 5 metres at maturity.
- b) The architectural detailing, selected materials and finishes must be consistent with the existing architectural detailing, material and finishes of the existing building.
- c) The new sliding doors must match the acoustic attenuation level as the existing doors to ensure appropriate acoustic attenuation of Unit 8 is maintained as a result of the proposed extension.

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

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

- a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act, 1979*; and
- 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.

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

4. SECTION 7.12 CONTRIBUTION

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

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

A copy of the required format for the cost reports 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;

Advisory Note

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

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

- c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended.

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

5. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$15,785.00** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

6. LONG SERVICE LEVY

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

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

7. SITE WASTE AND RECYCLING MANAGEMENT PLAN

Demolition and excavated material to be reused and/or recycled wherever possible and detailed in a Site Waste and Recycling Management Plan (SWRMP) Checklist 2 which is to be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate.

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

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 DETAILS - CERTIFICATE OF ADEQUACY

A Certificate of Adequacy prepared by a practicing Structural Engineer, certifying the adequacy of the existing building structure to carry the extra load of the proposed additions is to be provided to and be to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.

10. BASIX

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

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

11. PRIOR TO SITE WORKS

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

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

12. HOME BUILDING ACT

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

13. 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.

14. NATIONAL CONSTRUCTION CODE (NCC)

All building work must be carried out in accordance with the requirements of the National Construction Code.

15. CONSTRUCTION HOURS

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

- a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- b) Sundays and public holidays
- c) 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 2000.

16. CONSTRUCTION INSPECTIONS

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

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

The specified MANDATORY inspections for a DWELLING HOUSES including (Class 1 and 10 Buildings) are:

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

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

17. COMPLIANCE WITH SAFE WORK NSW

All site works are to comply with the occupational health and safety requirements of SAFE WORK NSW.

18. DEMOLITION & SITE PREPARATION

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

- a) *Work Health & Safety Act 2011*;
- b) *Work Health & Safety Regulation 2017*;
- c) *Protection of the Environment Operations Act 1997 (NSW)*; and
- d) NSW EPA Waste Classification Guidelines 2014.

19. ALL BUILDING MATERIALS STORED ON SITE

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.

20. CERTIFICATE OF SURVEY – LEVELS

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

21. SERVICE PIPES

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

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

22. FIRE SAFETY UPGRADING WORKS

- a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, **UNIT 8** must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):
 - i. The subject units must be separated from other adjoining sole occupancy units and internal common areas by building elements that comply with the fire resistance performance requirements set out in CP2 and CP8 of Volume 1 of the Building Code of Australia;
 - ii. Smoke hazard management - Part E2;
 - iii. Sanitary and other facilities - Part F2;
 - iv. Room heights - Part F3; and
 - v. Light and ventilation - Part F4.
- b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with

Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.

- c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 4.55 of the Act to be lodged with Council to amend this consent.

Note: The provisions of Clause 94 of the Environmental Planning and Assessment Regulation 2000 have been considered in the assessment of the proposed development.

23. AMENDED STRATA PLAN AND SUBDIVISION CERTIFICATE

An amended strata plan and subdivision certificate must be provided to Council prior to occupation.

24. FINAL OCCUPATION CERTIFICATE

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

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.

SYDNEY WATER REQUIREMENTS

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

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

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

DIAL BEFORE YOU DIG

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

TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

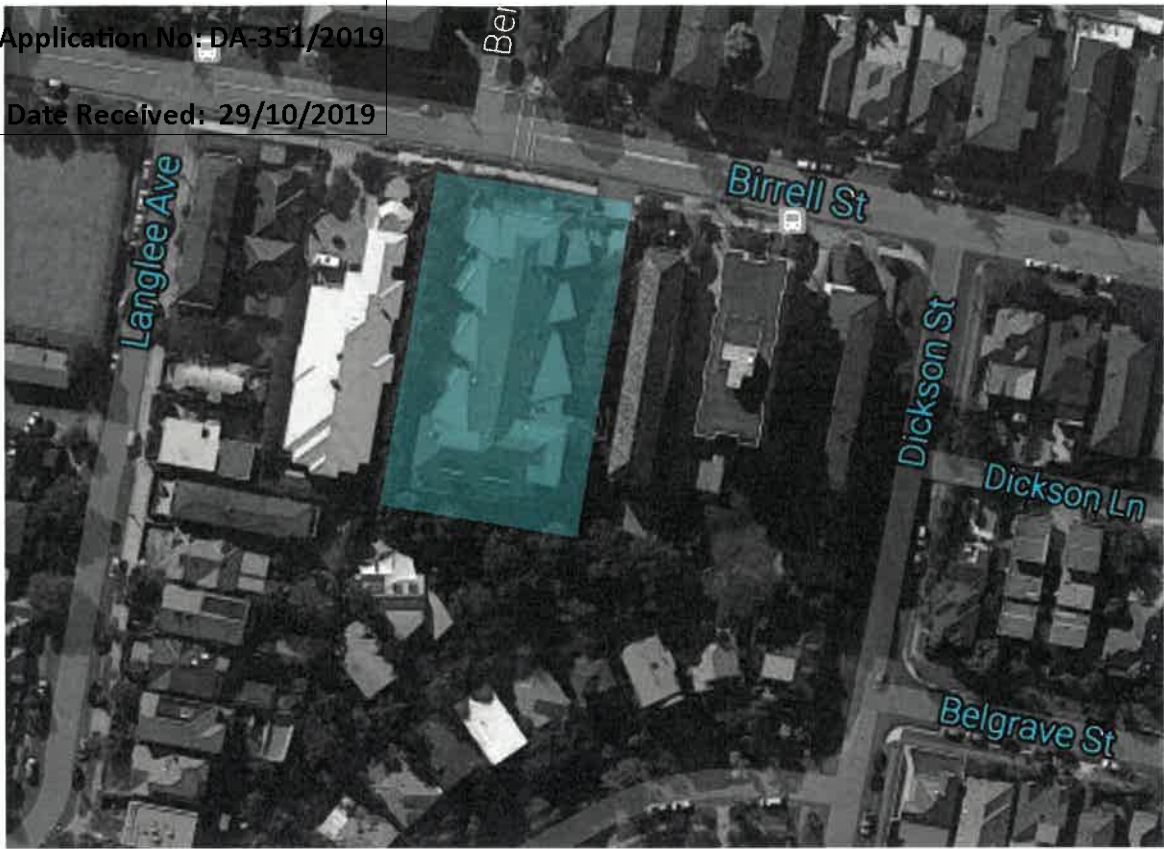
ALTERATIONS AND ADDITIONS ONLY

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.



RECEIVED
Waverley Council

Application No: DA-351/2019
Date Received: 29/10/2019



8/197 BIRRELL STREET, WAVERLEY
ALTERATIONS & ADDITIONS
TO EXISTING APARTMENT

COVER PAGE	DA 000
DEMOLITION PLAN	DA 100
SITE PLAN	DA 101
SITE PLAN - EXISTING ARCHITECTURAL PLAN	DA 102
GROUND FLOOR PLAN	DA 103
LANDSCAPE CONCEPT PLAN	DA 104
SOUTH ELEVATION	DA 200
WEST ELEVATION	DA 201
SECTION 1	DA 300
SECTION 2	DA 301
EXISTING SHADOW DIAGRAMS 1	DA 400
EXISTING SHADOW DIAGRAMS 2	DA 401
EXISTING SHADOW DIAGRAMS 3	DA 402
SITE SURVEY 1	DA 500
SITE SURVEY 2	DA 501
TABLE OF BASIX COMMITMENTS	DA601

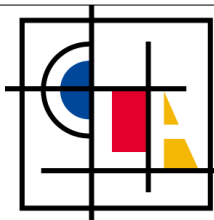
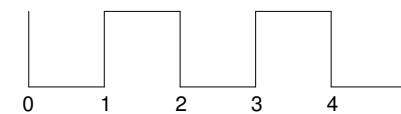
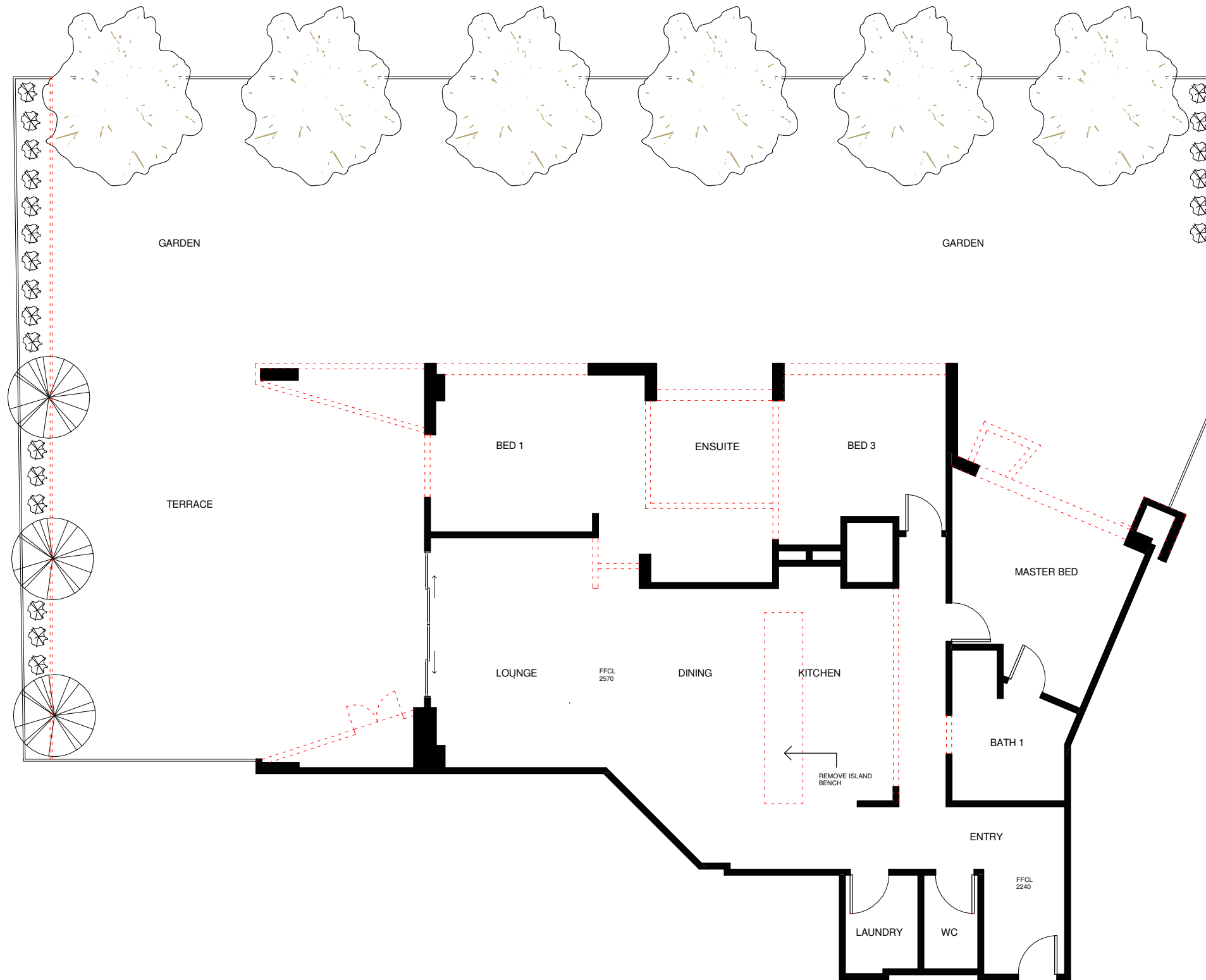
Cracknell & Lonergan Architects
The Owners - Strata
Plan No. 65762
ABN 45 965 522 981
Robert Anderson
16/10/19

NOTES:	DATE	ISSUE

Cracknell & Lonergan Architects
156A Church St
Camperdown NSW 2050
email@cracknelltonergan.com.au
ph: +612 9565 1554 // fax: +612 9550 1224



TITLE	COVER PAGE
PROJECT	8/197 BIRRELL ST, WAVERLEY
ADDRESS	8/197 BIRRELL ST, WAVERLEY
CLIENT	KALI & NIKI BELLEAR
SCALE	on A3
DATE	JULY 2017



**CRACKNELL
&
LONERGAN**
ARCHITECTS PTY LTD

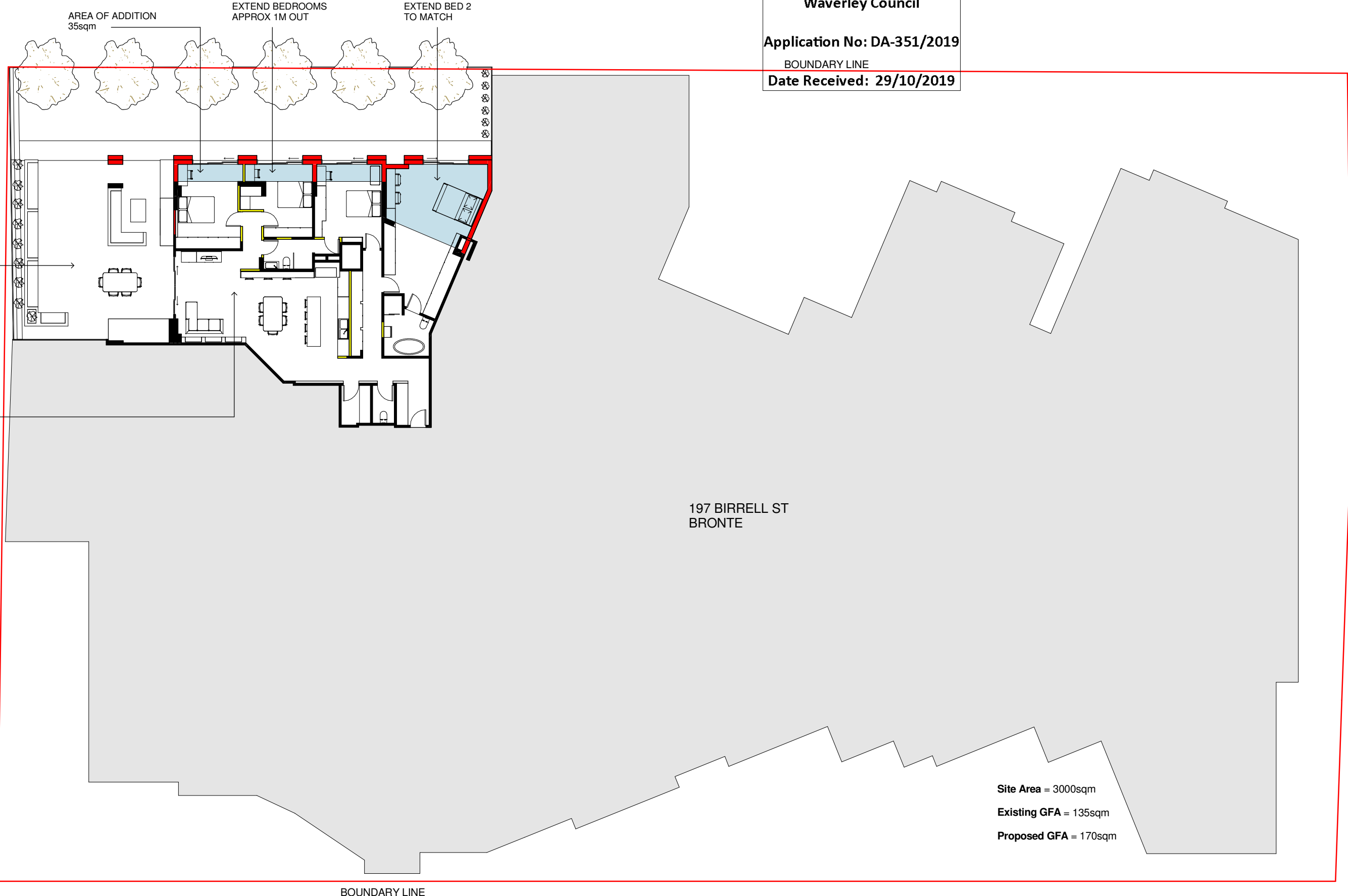
ABN 55 100 940 501
Nominated Architect: Peter J LonerGAN
NSW Architects Registration No. 5983
156A CHURCH STREET
NEWTOWN NSW 2042
PHONE +61 2 9565 1554
email@cracknellonerGAN.com.au

NOTES:

LEGEND:

- EXISTING MASONRY WALL
- NEW MASONRY WALL
- NEW TIMBER WALL
- STEEL COLUMN
- PROPOSED TO DEMOLISH

DATE	ISSUE	TITLE	DEMOLITION PLAN	DA 100
		PROJECT	8/197 BIRRELL ST, WAVERLEY	REV 105
		ADDRESS	8/197 BIRRELL ST, WAVERLEY	
		CLIENT	KALI & NIKI BELLEAR	
		SCALE	1 : 100 on A3	
		DATE	FEBRUARY 2020	



RECEIVED
Waverley Council
Application No: DA-351/2019
BOUNDARY LINE
Date Received: 29/10/2019

REVISED LAYOUT
REFER TO SHEET
103 FOR DETAILED
PLAN

CONSTRUCT
OUTDOOR
"LIVING SPACE"

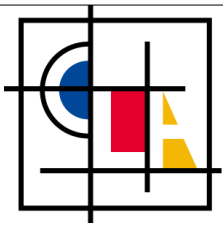
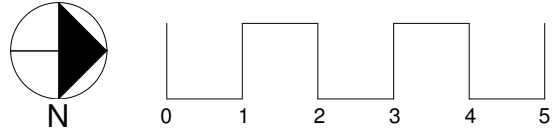
RECONFIGURE
INTERIOR

197 BIRRELL ST
BRONTE

Site Area = 3000sqm
Existing GFA = 135sqm
Proposed GFA = 170sqm

BOUNDARY LINE

BIRRELL STREET



**CRACKNELL
&
LONERGAN**
ARCHITECTS PTY LTD
ABN 55 100 940 501
Norminated Architect: Peter J Lonerган
NSW Architects Registration No. 5983
156A CHURCH STREET
NEWTOWN NSW 2042
PHONE +61 2 9565 1554
email@cracknellonerган.com.au

NOTES:

LEGEND:

- EXISTING MASONRY WALL
- NEW MASONRY WALL
- NEW TIMBER WALL
- STEEL COLUMN
- PROPOSED TO DEMOLISH
- AREA OF EXTENDED PLAN

DATE	ISSUE	TITLE	SITE PLAN
		PROJECT	8/197 BIRRELL ST, WAVERLEY
		ADDRESS	8/197 BIRRELL ST, WAVERLEY
		CLIENT	KALI & NIKI BELLEAR
		SCALE	1 : 200 on A3
		DATE	JULY 2017

DA
101

REV

166

REVISED LAYOUT
REFER TO GROUND FLOOR PLAN
103 FOR DETAILED PLAN

EXTEND BEDROOMS
APPROX 1M OUT

EXTEND BED 2
TO MATCH

Waverley Council


Application No: DA-351/2019

Date Received: 29/10/2019

AREA OF
EXTENDED PLAN

CONSTRUCT OUTDOOR
"LIVING SPACE"

RECONFIGURE
INTERIOR








**CRACKNELL
&
LONERGAN**
ARCHITECTS PTY LTD

ABN 55 100 940 501
Norminated Architect: Peter J LonerGAN
NSW Architects Registration No. 5983
156A CHURCH STREET
NEWTOWN NSW 2042
PHONE +61 2 9565 1554
email@cracknellonerGAN.com.au

NOTES:

- All demolition to be carried out in accordance with AS2601-2001 Demolition of Structures

LEGEND:

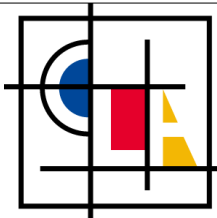
	EXISTING MASONRY WALL		STEEL COLUMN
	NEW MASONRY WALL		PROPOSED TO DEMOLISH
	NEW TIMBER WALL		

DATE	ISSUE	TITLE	SITE PLAN - EX. ARCHITECTURAL PLAN
		PROJECT	8/197 BIRRELL ST, WAVERLEY
		ADDRESS	8/197 BIRRELL ST, WAVERLEY
		CLIENT	KALI & NIKI BELLEAR
		SCALE	1 : 200 on A3
		DATE	JULY 2017

DA
102

REV

167



**CRACKNELL
&
LONERGAN**
ARCHITECTS PTY LTD

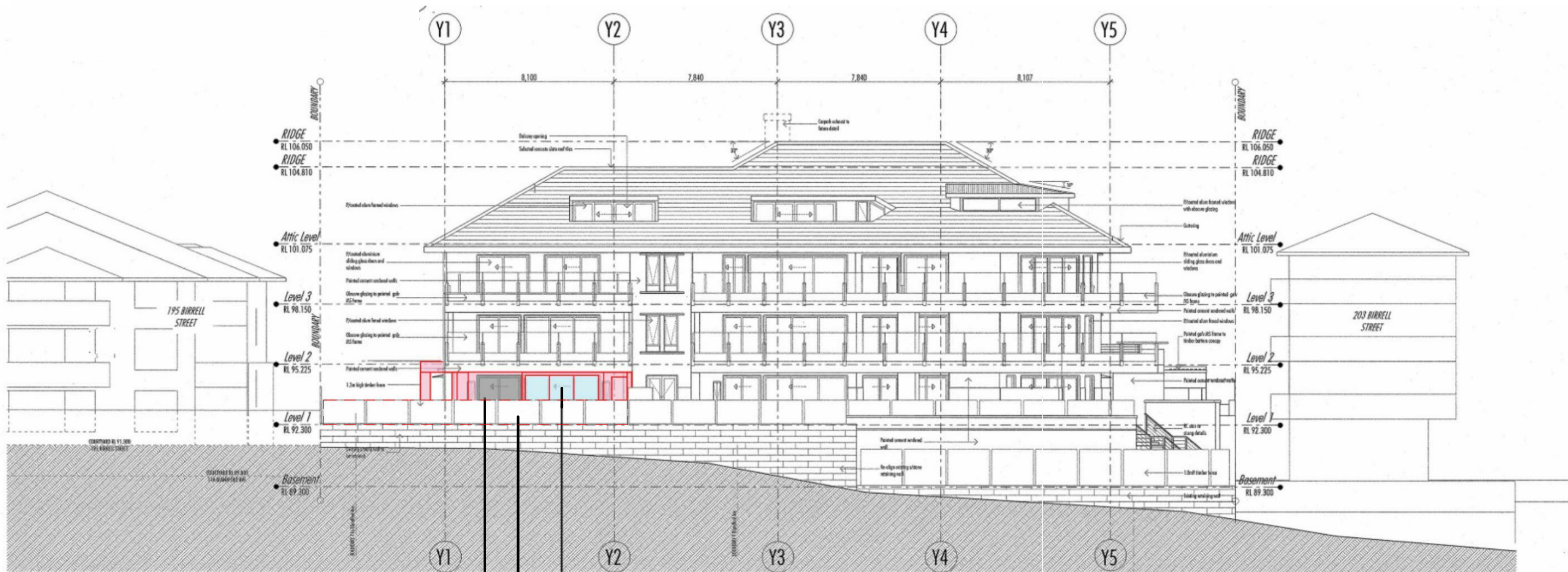
ABN 55 100 940 501
Nominated Architect: Peter J LonerGAN
NSW Architects Registration No. 5983
156A CHURCH STREET
NEWTOWN NSW 2042
PHONE +61 2 9565 1554
email@cracknellonerGAN.com.au

NOTES:
1. VERIFY ALL DIMENSIONS ON SITE

LEGEND:

	EXISTING MASONRY WALL		STEEL COLUMN
	NEW MASONRY WALL		PROPOSED TO DEMOLISH
	NEW TIMBER WALL		

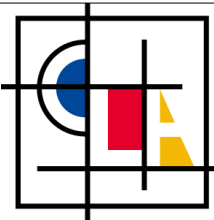
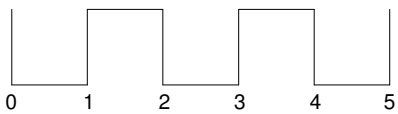
DATE	ISSUE	TITLE	GROUND FLOOR PLAN	DA 103
		PROJECT	8/197 BIRRELL ST, WAVERLEY	REV 168
		ADDRESS	8/197 BIRRELL ST, WAVERLEY	
		CLIENT	KALI & NIKI BELLEAR	
		SCALE	1 : 100 on A3	
		DATE	JULY 2017	



EXISTING DOORS TO
BE DEMOLISHED

OUTLINE OF PROPOSED
EXTENSION

NEW FENCE TO EXISTING
STONE RETAINING WALL



**CRACKNELL
&
LONERGAN**
ARCHITECTS PTY LTD

ABN 55 100 940 501
Nominated Architect: Peter J Lonerган
NSW Architects Registration No. 5983
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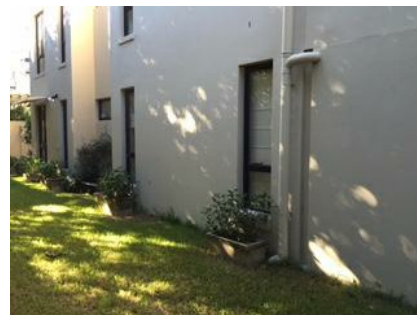
NOTES:

LEGEND:

	EXISTING MASONRY WALL		STEEL COLUMN
	NEW MASONRY WALL		PROPOSED TO DEMOLISH
	NEW TIMBER WALL		OUTLINE OF PROPOSAL

DATE	ISSUE	TITLE	SOUTH ELEVATION	DA 200 REV 169
		PROJECT	8/197 BIRRELL ST, WAVERLEY	
		ADDRESS	8/197 BIRRELL ST, WAVERLEY	
		CLIENT	KALI & NIKI BELLEAR	
		SCALE	1 : 200 on A3	
		DATE	JULY 2017	

MATERIALS REFERENCE



RENDERED BRICK / PAINTED TO MATCH EXISTING



BEIGE STONE PAVING



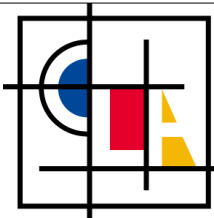
BIFOLD DOORS



COLORBOND STEEL ROOF

RECEIVED
Waverley Council
Application No: DA-351/2019
Date Received: 29/10/2019





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NOTES:

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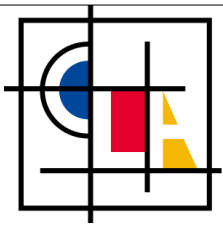
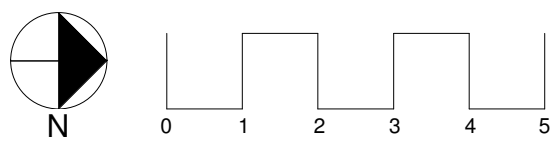
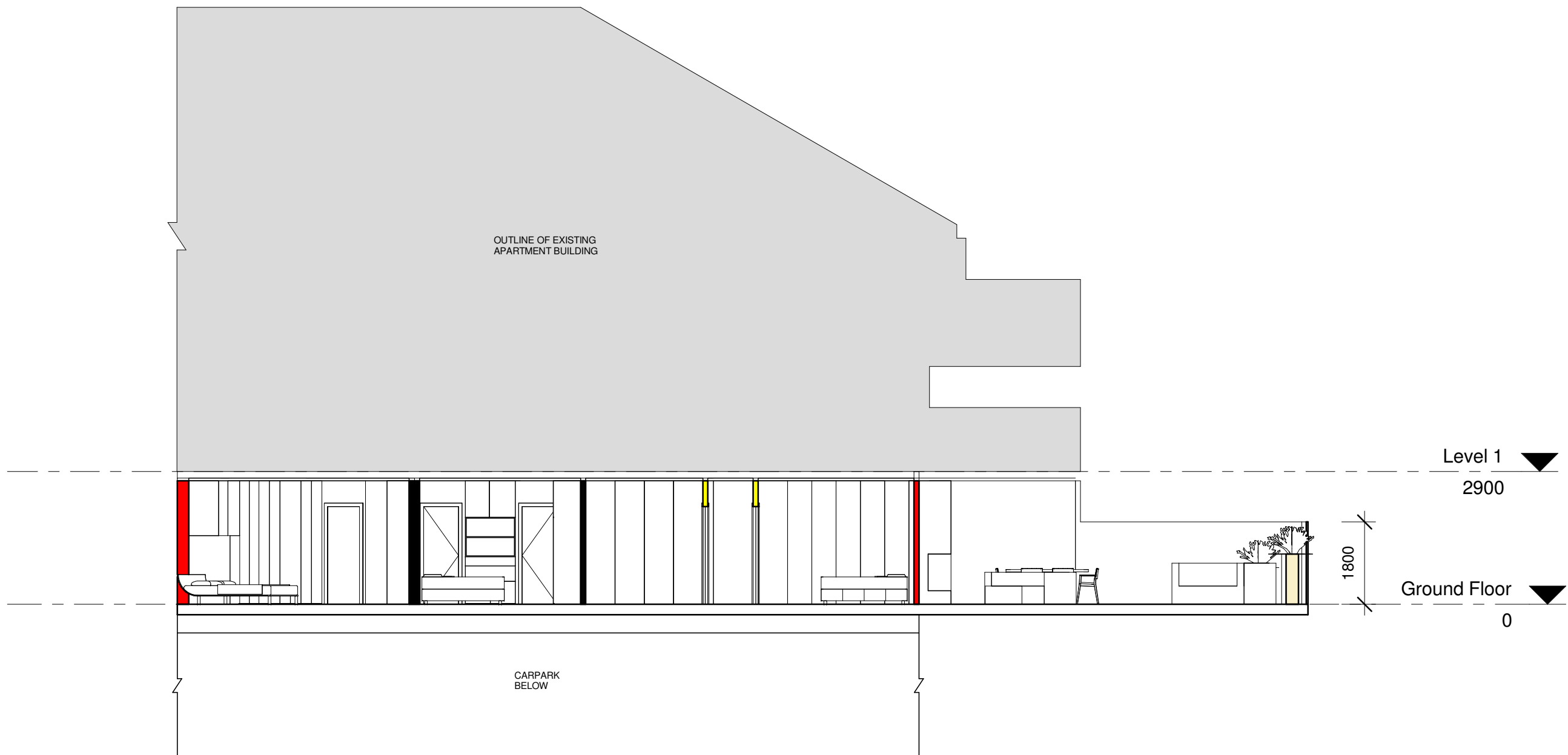
- EXISTING MASONRY WALL
- NEW MASONRY WALL
- NEW TIMBER WALL
- STEEL COLUMN
- PROPOSED TO DEMOLISH
- OUTLINE OF PROPOSAL

DATE	ISSUE	TITLE	WEST ELEVATION
		PROJECT	8/197 BIRRELL ST, WAVERLEY
		ADDRESS	8/197 BIRRELL ST, WAVERLEY
		CLIENT	KALI & NIKI BELLEAR
		SCALE	1 : 200 on A3
		DATE	JULY 2017

DA 201

REV

170



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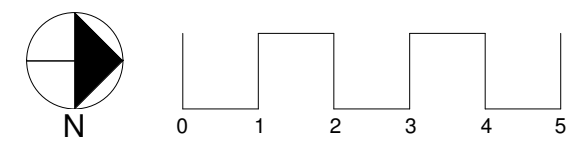
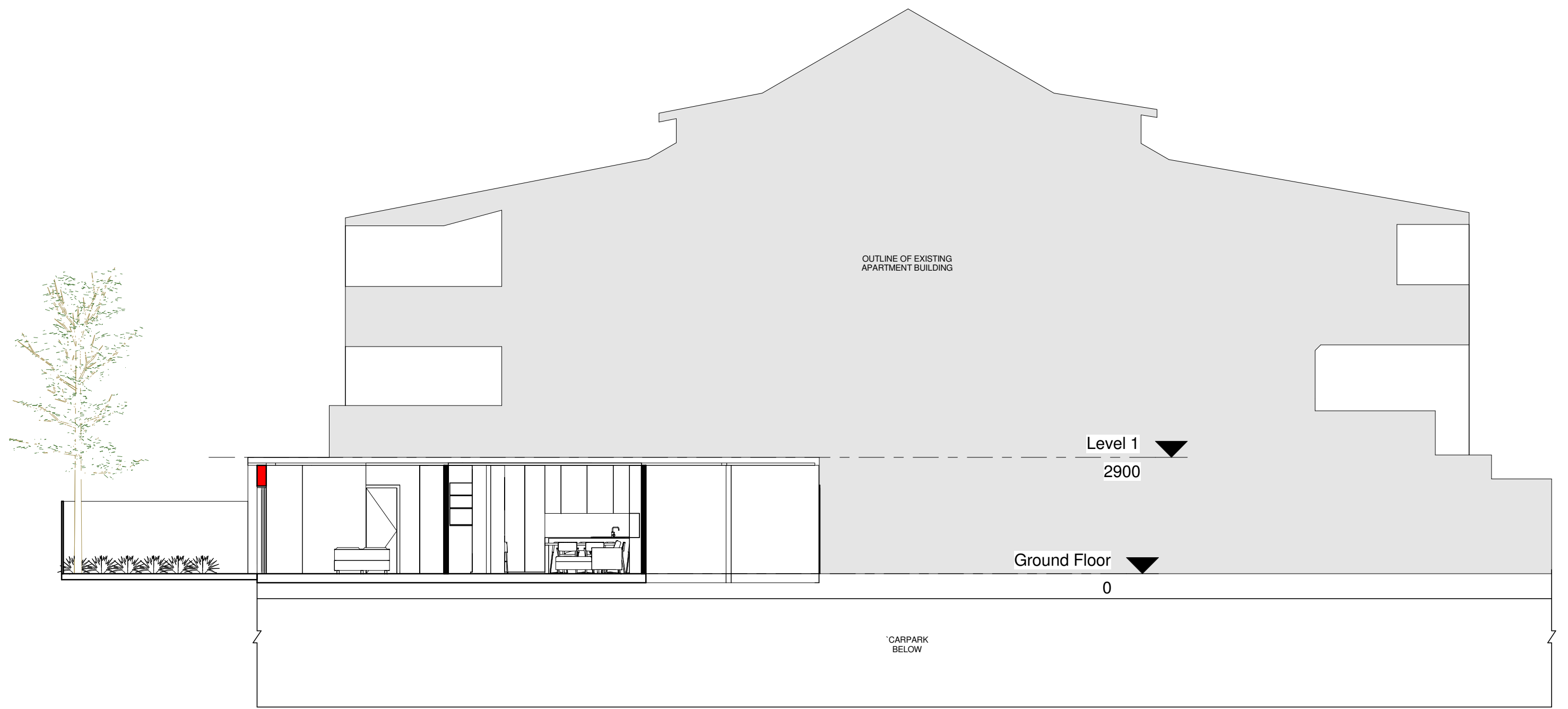
- LEGEND:**
- EXISTING MASONRY WALL
 - NEW MASONRY WALL
 - NEW TIMBER WALL
 - STEEL COLUMN
 - PROPOSED TO DEMOLISH

DATE	ISSUE	TITLE	SECTION 1
		PROJECT	8/197 BIRRELL ST, WAVERLEY
		ADDRESS	8/197 BIRRELL ST, WAVERLEY
		CLIENT	KALI & NIKI BELLEAR
		SCALE	1 : 100 on A3
		DATE	JULY 2017

**DA
300**

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171



BASIX®Certificate

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

Alterations and Additions

Certificate number: A283928

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: Monday, 28, October 2019
To be valid, this certificate must be lodged within 3 months of the date of issue.



Description of project

Project address	
Project name	8/197 Birrell Street Bronte
Street address	197 Birrell Street Waverley 2024
Local Government Area	Waverley Council
Plan type and number	Strata Plan 65762
Lot number	8
Section number	
Project type	
Dwelling type	Unit
Type of alteration and addition	My renovation work is valued at \$50,000 or more.

Certificate Prepared by (please complete before submitting to Council or PCA)
Name / Company Name: Cracknell & Lonergan Architects Pty Ltd
ABN (if applicable): 55100940501

Legend
In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a "✓" in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a "✓" in the "Show on CC/CDC plans & specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a "✓" in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the development may be issued.

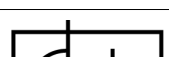
page 1 / 5

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Waverley Council

Fixtures and systems	Application No: DA-351/2019		Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Lighting	Date Received: 29/10/2019				
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.				✓	✓
Fixtures					
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.				✓	✓
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.				✓	✓
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.				✓	

Construction		Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check	
Insulation requirements					
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.		✓	✓	✓	
Construction	Additional insulation required (R-value)				Other specifications
concrete slab on ground floor.	nil				
external wall: cavity brick	nil				
flat ceiling, flat roof: framed	ceiling: R1.58 (up), roof: foil backed blanket (55 mm)				medium (solar absorptance 0.475 - 0.70)

Glazing requirements		Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check		
Windows and glazed doors						
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.		✓	✓	✓		
The following requirements must also be satisfied in relation to each window and glazed door:			✓	✓		
Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.			✓	✓		
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.		✓	✓	✓		
Windows and glazed doors glazing requirements						
Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing		Shading device	Frame and glass type
			Height (m)	Distance (m)		
W1	W	5.2	0	0	awning (adjustable) >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W2	W	5.2	0	0	awning (adjustable) >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W3	W	5.2	0	0	awning (adjustable) >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W4	W	5.2	0	0	awning (adjustable) >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

ARCHITECT		BASIX / NATHERS CERTIFICATION		NOTES		DATE		REVISION		TITLE		TABLE OF BASIX COMMITMENTS		DA 601	
	CRACKNELL & LONERGAN ARCHITECTS PTY LTD	ABN 55 100 940 501 Norminated Architect: Peter J Lonergan NSW Architects Registration No. 5983 156A CHURCH STREET NEWTOWN NSW 2042 PHONE +61 2 9565 1554 email@cracknellonergan.com.au	FOR DEVELOPMENT APPLICATION ONLY NOT FOR CONSTRUCTION - Drawings are to be read in conjunction with other consultants drawings and reports. - All survey information and proposed building and finished surface levels shown are based on levels obtained from Surveyors drawing.	JULY 2017		ISSUE FOR DA LODGEMENT		PROJECT		ALTERATIONS AND ADDITIONS		DRAWN BY [HC] 173		ISSUE	
				00/00/0000		[insert progress text here]		ADDRESS		8/197 BIRRELL STREET, WAVERLEY					
				00/00/0000		[insert progress text here]		STAGE		DEVELOPMENT APPLICATION					
				00/00/0000		[insert progress text here]		CLIENT		KALI AND NIKI BELLEAR					
				00/00/0000		[insert progress text here]		SCALE		NOT TO SCALE					



Report to the Waverley Local Planning Panel

Application number	DA-170/2019
Site address	15-17 Lamrock Avenue, Bondi Beach
Proposal	Demolition of two detached dwellings and construction of a four-storey boarding house and integrated carparking.
Date of lodgement	29 May 2019 (amended on 8 October 2019)
Owner	STM123 No. 9 Pty Ltd
Applicant	STM123 No. 9 Pty Ltd
Submissions	Original scheme: 61 submissions from individual properties and one petition including 245 signatories Amended scheme: 29 submissions from individual properties.
Cost of works	\$5,052,181
Issues	Character compatibility; car parking; non-compliance with height of buildings development standard; external wall height; overshadowing and privacy; operational aspects.
Recommendation	That the application be APPROVED subject to conditions of consent.

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 2 September 2019.

The site is comprised of two existing lots that are identified as Lots 40 and 41 in DP 5953, known as 15-17 Lamrock Avenue, Bondi Beach. It is located on the north-eastern side of Lamrock Avenue between Consett Avenue to the north-west and Jaques Avenue to the south-east.

The combined sites (the site) are rectangular in shape with a street frontage measuring 24.38m. The site has an area of 893.4m² and gradually falls from the front towards the rear by approximately 1.5m.

The site is presently occupied by two single storey dwelling houses and its vehicular access is via a single width shared driveway with garages and carports at the rear of the site.

The subject site is in the residential suburb of Bondi Beach. The site is adjoining by:

- a three, part four storey building that is used as 'backpacker accommodation' and its operations known as 'The Village' to the north-west at 19 Lamrock Avenue
- a four storey residential flat building to the north-east at 1 Consett Avenue
- a four storey residential flat building to the south-east at 11A Lamrock Avenue.

The immediate locality is characterised by a variety of low and medium density residential development, ranging from dwelling houses to residential flat buildings of three to four storey scale. The site is in relative walking distances to the Bondi Beach Commercial Centre to the east of the site.



Figure 1: Bird's eye aerial photo view of the site (outlined in red) and its surrounds, looking north-east (Google Maps)



Figure 2: Existing dwelling house on part of the site known as 15 Lamrock Avenue



Figure 3: Existing dwelling house on part of the site known as 17 Lamrock Avenue



Figure 4: Rear of site, looking west



Figure 5: Rear of site, looking south-east

1.2 Relevant History

A search of Council's records revealed no recent and relevant development history of the site.

In relation to the adjoining property to the north-west of the site at 19 Lamrock Avenue (i.e. backpackers), the following development history is worth noting:

- DA-126/2006 for alterations and additions to existing three/four storey backpacker hostel was approved on 2 June 2006 and subsequently modified as follows:
 - DA-126/2006/A to add ensuites to rooms (to replace kitchenettes) and communal bathroom converted to four additional double rooms was approved on 20 August 2007
 - DA-126/2006/B to change skill in roofing material from tiles to *colorbond* metal roofing was approved on 18 June 2008
 - DA-126/2006/C to provide addition of two loft rooms to the top level of backpacker building was approved on 27 January 2009.
- DA-215/2011 for part third floor addition to rear of building for a caretaker's unit to a backpackers accommodation was refused on 22 November 2011.

- DA-472/2012 for second floor extension to provide a caretaker's unit to existing backpackers was approved on 29 January 2013.

1.3 Relevant Background

The subject application was submitted with Council on 29 May 2019.

Following its preliminary assessment and discussions with Council's internal development assessment review body, known as the Development and Building Unit, the application was deferred on 12 September 2019 to provide the applicant an opportunity to resolve and address issues with the form of the application as originally submitted.

The reasons, terms and suggested design changes of the deferral were outlined in a letter to the applicant on 12 September 2019 and are extracted as follows:

1. **Breezeways/corridors and calculation of gross floor area/floor space ratio of development**

Concern is raised with the breezeways/corridors of the development for the following reasons:

- (a) *The breezeways/corridors on each floor level of the development have been excluded from the applicant's calculable gross floor area (GFA) as these areas are claimed to be open. In this regard, additional details are required and are to include:*
 - (i) *Detail of the metal slat/louvre screening at the end of each walkway, at a scale of 1:50. The screens should be at least 50% open.*
 - (ii) *If these areas are open, confirmation that the walls and flooring will be appropriately waterproofed and preliminary detail that this has been considered as part of the design submitted.*
- (b) *The proximity, orientation and aspect of the north-eastern ends of the breezeways/corridors requires greater consideration in terms of their impact on the visual and acoustic privacy of the west-facing side balconies of the adjoining residential flat building to the east of the site at 11A Lamrock Avenue. Direct and unobstructed sightlines between the corridors and balconies are expected should be minimised/mitigated.*

These breezeways contribute to the bulk of the building and may impact on amenity through transmission of noise and overlooking.

*If the breezeways/corridors are not found to be excluded from calculable GFA, then the development should be redesigned to comply with the maximum floor space ratio (including the bonus afforded to by the SEPP). Please note that an exceedance of the maximum FSR permitted for this site and development will **NOT** be accepted. Suggestions for a redesign of the development should consider the following points:*

- *Deletion of the rooms on Level 3 of the northern (rear) wing of the development (i.e. rooms denoted as '3.06 - 3.08' on the plans).*
- *Relocation of the pedestrian street entrance from the western side to the front of the development in a more central location. This would involve locating the entry foyer in the location of the room denoted as 'G.03' on ground floor level.*

If the breezeways are demonstrated to be excluded from calculable GFA, then only areas of genuine breezeways will be excluded and any corridor space will be included as calculable GFA.

2. **Communal indoor living and outdoor space**

Inadequate information has been submitted to demonstrate the duration and amount of solar access received by the indoor common living room during the winter solstice. Further, the 'breakout spaces' on Levels 1 and 2 are not considered communal living rooms and should not be counted when assessing/considering clause 29(2)(c) of SEPP (Affordable Rental Housing) 2009.

In this regard, the common living room and its associated common terrace (communal open space) could be relocated to the north-eastern corner of the development/site in order to achieve the minimum duration and amount of solar access during the winter solstice.

The size of the communal indoor living area should be increased to accord with the rate of 1.25m²/resident specified in control (b) under Part F1 of Waverley Development Control Plan 2012.

3. Design revisions recommended by the Design Excellence Panel

Following on from the meeting of the Design Excellence Panel held in August 2019, the following design revisions recommended by the Panel should be adopted:

- a. The depth of the front ground floor terraces should be reduced to align with the southern edge of the basement car park in order to increase the amount of deep soil planting within the front area of the site and increase overall landscaped area provided on the site.*
- b. Utilise skillion skylights across southern end of the development to better capture sunlight/daylight for the south-facing rooms.*
- c. The depth of the rear balconies on Level 3 should be reduced.*
- d. A separate elevation drawing be prepared that depicts the height, profile and materiality of any new side and rear boundary fences.*
- e. Further consideration of weather protection devices for sliding doors serving balconies and terraces (particularly protection against wet weather).*
- f. Revision of room layouts to improve useability, for instance Type C rooms have potential for more storage space if the washing machine is relocated and corner space accessible and ensuring double beds are accessible from both sides.*
- g. Further details on the effectiveness of privacy treatment used across side balconies of the development to ensure privacy impacts upon surrounding properties are mitigated.*
- h. An automatic rollerdoor for the basement car park should be included to ensure secured access to and from the basement car park.*
- i. A roof covering over part of the driveway (head clearance permitting) to improve outlook and appearance. Opportunities should be explored to accommodate plants on this roof covering.*

4. Plan of Management

The Plan of Management (PoM) is to be updated to provide contact details that are available 24/7 for complaints and incidents that may occur outside the hours the manager is available.

The PoM is to provide further detail on how the amenity of adjoining occupants will be managed, such as the provision of information packages to adjoining properties containing relevant contact information.

The PoM should also state the prohibition of smoking outside or devote an outdoor space that will not be bothersome to lodgers in the development itself and nearby residents.

5. Flooding

Council's Manager, Design of the Creating Waverley department has advised that automatic flood gates are required for the basement car park given its finished floor level is below the flood planning level. Therefore, the design of the basement car park should be reconsidered in order to accommodate automatic flood gates. The PoM mentioned in Item 4 above should include details on flood gate management.

6. Parking

In terms of parking arrangements, the following should be accommodated in the revision of the design of the development:

- a. Bicycle parking spots should be located above ground for easy and convenient access for bike users.*
- b. Opportunities for one of the car parking spaces to be devoted for car share to be explored.*

7. Documentation

In response to the matters outlined between Items 1 and 6 of this deferral letter, the following amended plans and documents are expected:

- a. A cover letter outlining amendments/revisions made to the application/development in response to this deferral.*

- b. *Full set of architectural plans, including amended photomontage, shadow and solar access diagrams (including angle from the sun diagrams to demonstrate duration/amount of solar access received by the communal living area during the winter solstice) and GFA calculation diagram.*
- c. *Full set of landscape plans.*
- d. *Full set of stormwater plans and details.*
- e. *Amended Plan of Management.*
- f. *Amended acoustic report to reflect the revised design of the development.*

Council received amended plans and additional information on 8 October 2019, which were publicly notified. The amended plans and additional information generally satisfied, clarified and addressed the deferral matters.

The design amendments to the proposed development are summarised in section 2.4 of this report. The amended plans received on 8 October 2019 form the basis for the assessment of this application.

The application was registered with the Sydney Eastern City Planning Panel in November 2019 following revelation that the proposed development was, at that time, thought to classify as 'regionally significant' under State Environmental Planning Policy (State and Regional Development) 2011. However, in February 2020, the applicant clarified with Council that they did not wish to have the proposed development considered under clause 6 of the State Environmental Planning Policy (Affordable Rental Housing) 2009. This therefore meant that the development should not be declared 'regionally significant' and that Council (specifically being the Waverley Local Planning Panel) is the relevant consent authority to determine this application.

The applicant submitted a BASIX Certificate on 5 March 2020 following on from a request by Council.

1.4 Proposal

The application, as amended on 8 October 2019, seeks development consent for the following:

- demolition of existing structures
- earthworks, including excavation and provision of fill
- tree removal
- construction of a four-storey boarding house development comprising 47 boarding rooms and one basement level of car parking to comprise the following:
 - on basement level, 14 car parking spaces (including one car share space), 10 motorcycle parking spaces and 19 bicycle parking spaces
 - on ground floor level, 11 boarding rooms, including manager's room, common living room, common outdoor living terrace
 - on first floor level, 13 boarding rooms
 - on second floor level, 13 boarding rooms
 - on third floor level, 10 boarding rooms
- consolidation of two lots into one single lot.

The operational aspects of the proposed boarding house are documented in a plan of management (hereafter known as the 'PoM') submitted with the application and amended on 8 October 2019. The key aspects are as follows:

- A maximum of 93 lodgers (inclusive of the manager and their partner/guest).
- Hours of operation of the outdoor communal area 7am and 6pm, 7 days per week
- A maximum of 18 residents at any time within the common terrace and common open space on at the rear of the ground level.

The key design amendments to the proposed development, as originally submitted, are as follows:

- height, profile, functionality and arrangement of the louvre screens at the ends of the common breezeways have changed to ensure the breezeways are external spaces and not calculable gross floor area
- the depth of deep soil planting zone across the street frontage of the site has been increased to align with the outside edges of the basement wall below
- inclusion of north-facing skillion skylights above dining spaces of Units 3.01-3.03
- reduction of depth of rear balconies on third floor level
- weather protection hoods included above balconies on second and third floor levels
- reconfiguration of internal room layouts to better rationalise space
- further details on privacy treatment for east-facing balconies, including further indentation of the eastern ends of the breezeways to protect the visual privacy of the adjoining residential flat building to the east of the site
- a vegetated roof covering above the garage door and driveway
- inclusion of a car share space.

Figures 6 and 7 are photomontages that visualise the proposed development from two different perspectives.



Figure 6: Photomontage of proposed development, looking north-east (Source: Mark Shapiro Architects)



Figure 7: Photomontage of proposed development, looking north-west (Source: Mark Shapiro Architects)

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

SEPP BASIX applies to the proposed development as this SEPP defines a '*BASIX affected building*' being any building that contains one or more dwellings. A dwelling is defined in Waverley Local Environmental Plan 2012 (Waverley LEP 2012) as meaning *a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile*. The proposal comprises boarding rooms that contain kitchenettes, bathroom and laundry facilities, which are capable of being domiciles. Therefore, the proposed development is considered a '*BASIX affected building*', which would require a BASIX Certificate.

The applicant submitted a BASIX Certificate, accompanied by a set of floor plans that show BASIX commitments implements, on 5 March 2020. The changes to the plans only relate to inclusion of a hot water unit within the basement level and the inclusion of ceiling fans within the units.

2.1.2 SEPP 55 Remediation of Land

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

2.1.3 SEPP (Affordable Rental Housing) 2009

Part 2 Division 3 – Boarding houses

Part 2, Division 3 of SEPP (Affordable Rental Housing) 2009 (known as the ARH SEPP) relates to development for the purposes of boarding houses.

The subject site is zoned R3 Medium Density Residential under Waverley Local Environmental Plan 2012 and 'boarding houses' are permissible with development consent. Accordingly, this Division, and the following clauses, apply to the assessment of this development application.

Clause 29 - Standards that cannot be used to refuse consent

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

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

Development Standard	Compliance	Comment
<p>Clause 29(1) of ARH SEPP Density and scale <i>(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:</i> <i>(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:</i> <i>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less,</i></p>	Yes	<p>The proposal is located within the R3 zone and ‘residential flat buildings’ are permitted within that zone under Waverley LEP 2012. The maximum permissible floor space ratio (FSR) under the provisions of Waverley LEP 2012 is 0.9:1. In this regard, the ARH SEPP allows a bonus floor space of 0.5:1 for boarding houses, which equates to an FSR of 1.4:1.</p> <p>The proposal seeks an FSR of 1.395:1 (i.e. an overall gross floor area of 1,246.4m²), which complies with the provisions of the ARH SEPP.</p>
<p>Clause 29(2)(a) of ARH SEPP Building height if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,</p>	No	<p>The proposal has an overall building height of 13.714m, which exceeds the height of buildings development standard of 12.5m under Waverley LEP 2012 by 1.214m or 9.7%.</p> <p>This issue is discussed in further detail in Table 2 relating to Waverley LEP 2012.</p>
<p>Clause 29(2)(b) of ARH SEPP Landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</p>	Yes	<p>The proposal has been amended to include genuine deep soil planting within the front setback area of the proposed development. The deep soil area will accommodate palms, shrubs and groundcovers and climbers. This is consistent with landscape treatments within the front setback areas of properties on Lamrock Avenue.</p>
<p>Clause 29(2)(c) of ARH SEPP Solar access</p>	No (acceptable on merit)	<p>The proposal provides a communal living room within the north-western corner on the ground floor level of the development.</p>

Development Standard	Compliance	Comment
<p>where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p>		<p>The solar access diagrams (in the form of 'sun eye views') demonstrate that the communal living room will receive less than three hours of direct sunlight between 9am and 3pm in mid-winter.</p> <p>The application was deferred in part to give the applicant the opportunity to address this non-compliance with a possible relocation of the communal living room to the north-eastern corner of the development. The applicant submitted solar access diagrams to demonstrate the difference in the amount and duration of direct sunlight received by the current and possible relocated locations of the communal living room. That difference has been proven to be nominal. The applicant has expressed that relocating the communal living space (and associated outdoor space) to the eastern side of the building would be problematic as it would increase perceived and probable noise and privacy impacts upon surrounding residential flat building to the north and east of the site. This is considered a valid and accepted reason. Given this and the fact that there is a nominal difference in access to sunlight between locations, the current form and location of the communal living room are deemed acceptable and would not be a reasonable means to refuse development consent to the proposed development.</p> <p>Further, each room includes has ample internal space for living/indoor recreational activities and private open space (in the form of terraces and balconies). This would fulfil the needs of the lodgers and further demonstrates that the non-compliance with this standard is reasonable.</p>
<p>Clause 29(2)(d) of ARHSEPP Private open space if at least the following private open space areas are provided (other than the front setback area):</p>	<p>Yes</p>	<p>A communal open space area is provided at ground at the rear of the site with an area of 34.1m² with a minimum dimension of 4.6m.</p>

Development Standard	Compliance	Comment
<p>(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</p> <p>(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,</p>		The boarding house manager's room of the development is provided on ground floor level with a terrace with an area of 11m ² in area and a minimum dimension of 2.7m.
<p>Clause 29(2)(e) of ARHSEPP Parking if:</p> <p>(iia) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and</p> <p>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site</p>	<p>No (acceptable on merit)</p> <p>Yes</p>	<p>The proposal comprises 14 car parking spaces whereas the development requires 24 car parking spaces. This is discussed against the transport considerations under Waverley Development Control Plan 2012 in section 2.1.5 of this report.</p> <p>Of the 14 spaces, one space is devoted to the site manager. Another space is devoted to car share.</p>
<p>Clause 29(2)(f) of ARHSEPP Accommodation size (if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</p> <p>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16 square metres in any other case.</p>	Yes	<p>All single and double boarding rooms have a gross floor area (excluding private kitchen and bathroom facilities) in excess of 12m² and 16m², respectively.</p> <p>The proposal complies with this clause of the ARHSEPP.</p>

Clause 30 Standards for boarding houses

The ARHSEPP requires that a consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following matters outlined in **Table 2** below.

Table 2: Standards that must be satisfied under clause 30 of the ARHSEPP

Development Standard	Compliance	Comment
(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,	Yes	The proposal provides one internal communal living area in the north-western corner of the ground floor level of the development. Communal open space is also provided adjacent to the internal communal living area.
(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,	Yes	All rooms comply with this minimum provision standard with the exception of the largest rooms being 30.92m ² for 'Type E' (accessible) albeit they are less than 25m ² when excluding bathroom and kitchen facilities.
(c) no boarding room will be occupied by more than 2 adult lodgers,	Yes	The boarding rooms do not contain bedding for more than two lodgers. An operational condition of consent to this effect is recommended.
(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	Yes	Each boarding room provides private bathroom and kitchen facilities.
(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,	Yes	The boarding room denoted as 'G.01' on the plans on the ground floor level of the development is devoted to a site manager.
(f) (Repealed)	N/A	N/A
(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,	N/A	The subject site is zoned R3 Medium Density Residential and commercial uses are not permitted within this zone.
(h) at least one parking space will be provided for a bicycle, and one will be provided for a	Yes	The proposal provides 47 boarding rooms which requires the provision of 10 bicycle and 10 motorcycle spaces.

motorcycle, for every 5 boarding rooms.		The proposal provides 10 motorcycle spaces and 18 bicycle spaces within the basement car park.
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Clause 30A Character of local area

Clause 30A of the ARHSEPP states the following:

A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

The planning principle of ‘compatibility of proposal with surrounding development’ arising from the NSW Land and Environment Court case of *Venture Developments v Pittwater Council [2005] NSWLEC 191* provides a framework in considering the design compatibility of proposal development with the character of the surrounding local area. Two key questions asked in that planning principle to test the compatibility of a development within its context are as follow:

- *Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- *Is the proposal’s appearance in harmony with the buildings around it and the character of the street?*

The application was referred to the Waverley Design Excellence Panel (the DEP) on 19 August 2019 and Council’s Urban Designer for comment on the urban design, context and aesthetical aspects of the development. The commentary received from these referral bodies also consider physical impacts that arise from the detailed design of the development, While SEPP65 does not technically apply to the proposed development as it is not a residential flat building defined under that SEPP, the design quality principles of SEPP 65 have been adopted and considered in responding to the two questions mentioned above in relation to character and compatibility tests of the proposed development.

The DEP comments are provided in **Table 3** below with a planning comment below, where necessary.

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

Principle
Principle 1: Context and Neighbourhood
<p><i>The surrounding urban fabric is predominantly 3-4 storey flat buildings that have established built form setbacks and increase in height to 4-5 storeys towards Campbell Parade to the east. To the west is an existing four storey hostel of 64 rooms catering to backpackers.</i></p> <p><i>Side setbacks of 2.08m to the west and 4.104m to the east are generally compliant, and the rear setback should align with its neighbours and not protrude into the aggregated deep soil area that is a characteristic of the entire block.</i></p> <p><i>The proposal has been prepared under the provisions of the ARH SEPP (Affordable Rental Housing) 2009 and includes provision of additional permitted floor space. The proposal is of suitable character within its context and is assessed as having qualities that can contribute to design excellence, albeit with some impacts on neighbours and amenity issues that are capable of resolution.</i></p>

Planning comment:

The application was amended to reduce the depth of the rear balconies on the upper most floor level (i.e. Level 3 or third floor level) in order to better respect the predominant rear building line within the surrounding area and to lessen potential amenity impacts upon adjoining properties. Further, the area of deep soil planting has been increased in the front (southern) setback area of the site in the amended form of the development.

In terms of amenity impacts on neighboring properties, greater details have been provided in the amended form of the application that resolve potential overlooking issues from eastern side balconies and the east-west breezeways upon the adjoining residential flat building to the south-east of the site at 11A Lamrock Avenue.

Principle 2: Built Form and Scale

The proposal is based on FSR of 1.39:1 that includes 0.5:1 as the Affordable Housing bonus area. This extra floor space is exclusive of the access corridors on all floors that was questioned by the Panel and will need clarification from Council on its permissibility. Other issues raised included:

- *For the top floor skylights are proposed for natural light to corridors, but internalised corridor access and lift areas for lower levels will need artificial lighting at all times*
- *The proposed skylights are commendable, but as they may also add to summer heat load it is recommended that scope for raised skillion roof forms or sky tubes be investigated to provide some sun and natural light to south facing Level 3 rooms*
- *A minor exceedance of the height limit is noted, and so if roof changes are made these could be included as part of a Cl 4.6 variation*
- *Privacy between side facing rooms and neighbouring units is compromised by the proximity of balconies to the boundary, and even with the louvred screens there may be acoustic issues to be resolved. The side balconies might be more useful if squared up, minimised, and appropriate screening applied.*
- *There is scope to set back the breezeway corridors on upper levels to help improve privacy issues at both side boundaries, and alternative room layouts and entry door positions are possible to achieve this. The recessed balconies would also reduce the possibility of water ingress to the lift.*
- *The configuration of the driveway to boundary could result in safety impacts for pedestrians approaching from the east, but may be acceptable with proposed STOP sign and speed hump*
- *The predominant rear yard setback is observed, but attention needs to be given to acoustic privacy issues for the fairly constrained outdoor common terrace area, and upper floor balconies could be reduced in size.*
- *Over the driveway and basement entry a pergola should be introduced to extend the landscaping from the adjacent planter over this void, and this would also improve the streetscape appearance and outlook from adjacent rooms or units.*
- *The heights of some walls on the boundaries should be checked for impacts on neighbours*

Planning comment:

The amended form of the development adopted the following recommendations by the DEP:

- Inclusion of raised skillion skylights within the southern portion of the development.
- Increase of deep soil areas within the front (south-western) setback area of the development.

- Greater and amended details of the louvre screens across the ends of the east-west breezeways and the side balconies of the development that aim to terminate sightlines between breezeways/balconies and adjoining properties, especially the side balconies across the western elevation of the adjoining residential flat building at 11A Lamrock Avenue.
- Reduction of the depth of the rear uppermost balconies.
- Inclusion of a vegetated pergola over part of the driveway.
- Separate elevation drawings submitted to clearly detail new side and rear boundary walls and fences.

Council's Traffic Engineers have recommended that a speed hump be installed inside the site on the exit portion of the internal driveway ramp to control and mitigate safety issues for pedestrians walking past the driveway. A condition of consent is recommended to this effect.

The acoustic privacy matter regarding the outdoor common area is discussed later in this report.

Principle 3: Density

Based on the site area of 893.42m², the FSR under the AHR SEPP is 1.39:1 and the Gross Floor Area 1,046m². Within this context of the Bondi Beach area the density is appropriate for the short-term accommodation proposed.

The Panel considers that the increased density under the SEPP is justified for this proposal which is supported by appropriate response to context, well resolved architectural and landscape design, and reasonable amenity to most rooms. Given the tight urban character of this densely populated precinct it is anticipated that there will be some impacts on neighbours that require careful attention as noted above.

Planning comment:

The application was deferred to seek further details in order to carefully consider privacy impacts upon the adjoining residential flat building to the south-east of the site at 11A Lamrock Avenue. The details provided in the amended form of the application satisfy this information request and demonstrate that the proposed development will not unreasonably impact upon the visual and acoustic privacy of this adjoining property nor surrounding residential development.

Principle 4: Sustainability

The Applicant advised their intent to avoid mechanical ventilation, and the Panel appreciated this strategy. Natural cross ventilation is to be through windows via vents over doors and details will need to be resolved to satisfy relevant BCA and fire compliance. Ceiling fans must be provided to all habitable rooms and clearly shown on the plans and located for safety due to the 3m ceiling heights.

Sliding doors to balconies on the top floor are shown to have pergola shading, but these openings will also be subject to rain penetration so weather protection needs to be addressed.

A photovoltaic solar panel installation is indicated on the roof and could be further supplemented if room permits.

Planning comment:

The amended application is accompanied by a BASIX assessment to demonstrate its thermal comfort, water and energy efficient credentials. The development incorporates ceiling fans and greater weather protection measures (such as awnings, coverings and pergolas) as shown in the amended form of the development.

Principle 5: Landscape

The landscape plan is well conceived with the intent to optimise use of the limited site perimeter, but it is noted there is a deficiency in landscaped area. Some of this could be regained by increasing the extent of deep soil planting to improve scope for planting. The retention of street trees and other mature planting is to be commended.

It is recommended that the terraces to street front rooms behind the fence are cut back for around 1m to align with the basement wall below and enable more generous landscaping integrated with the fence.

With relocation of the basement waste management room to below the communal terrace and reconfiguration of the OSD, there is also potential to improve the amount of deep soil for planting in the north-east corner of the site to complement the retention of the existing mature planting there.

Some areas of hard surface could be changed to planting.

The outlook from rooms looking over the driveway could be improved by introduction of a pergola and greenery that would also improve the appearance of the basement access from the street.

Planning comment:

The amended form of the development incorporates reduced hard paved terraces and increased deep soil planting within the front (south-western) setback area of the development to address the shortfall of landscaped and deep soil areas. The amended form of the development also incorporates a vegetated pergola above part of the driveway to improve on the outlook of adjacent rooms.

The applicant chose not to enlarge the communal open space area, which is explained in further detail later in this report.

Principle 6: Amenity

The Panel notes the Applicant's advice that management of any acoustic problems from communal or shared access areas would be dealt with under the Plan of Management.

Amenity of room design for the occupants generally appears to be well conceived in communal areas, but concern was raised on the layout of some rooms where cleaning and making beds enclosed on three sides would be difficult. Room layouts with all beds having access from both sides should be tested.

Internal layouts will need to be revised in relation to the spatial requirements for washing machines.

Layouts such as Type C have potential for more storage space if the washing machine is relocated and corner space accessible.

Planning comment:

The amended form of the development has rearranged internal layout for Types C, F and H rooms by reorientating washing machine, storage and bed spaces to bolster the usability and spatial efficiency of these rooms.

Principle 7: Safety

The site configuration and access provisions appear satisfactory from CPTED overview, but as noted above the detail of traffic management from the basement ramp across the footpath needs attention.

An automatic roller shutter should be installed at the bottom of the ramp to provide secure access with provision for defensible space.

Planning comment:

The amended form of the development incorporates an automatic roller door at the bottom of the driveway/ramp of the basement car park.

Principle 8: Housing Diversity and Social Interaction

The Panel notes the Applicant's assessment that provision of short-term rental housing is an important need in this area and is appreciative of how amenity concerns for occupants and for neighbours have been considered. Given the proximity to Bondi Beach and surrounds that attract the backpacker tourists, the standard and configuration of accommodation that is intended appears to be well suited to the perceived market.

Planning comment:

For abundant clearness, the application is for a boarding house and not for backpackers' accommodation. Operational aspects of the development are discussed later in this report.

Principle 9: Aesthetics

There has been an effort to create a strong design in which the aesthetics and material palette have been well resolved, and the scheme makes a positive contribution to its urban context.

The provision of sun and weather protection to openings needs to be appropriate to orientation and integrated into the design response.

Planning comment:

The amended form of the development incorporates covered awnings and roof overhangs above balconies on Levels 2 and 3 for greater weather protection. Pergolas are also included for balconies on the uppermost floor level of the development.

The commentary above by the DEP demonstrated that the proposed development, as amended, satisfactorily complies with Clause 30A as the proposal is compatible and generally harmonious with the local character of the immediate surrounds of the site. The 'physical' impacts of the development are considered in greater detail in the following sections of this report in relation to relevant development standards and controls under Waverley Local Environmental Plan 2012 and Waverley Development Control Plan 2012, respectively. The overall assessment finds these physical impacts of the development reasonable to demonstrate that the proposed boarding house is compatible and harmonious with the surrounding local character.

2.1.4 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 4: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the LEP.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Residential Zone	Yes	<p>The proposal is defined as a 'boarding house', which is permitted with consent in the R3 zone.</p> <p>A boarding house is defined under the LEP as:</p> <p><i>... a building that—</i></p> <p><i>(a) is wholly or partly let in lodgings, and</i></p> <p><i>(b) provides lodgers with a principal place of residence for 3 months or more, and</i></p> <p><i>(c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and</i></p> <p><i>(d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,</i></p> <p><i>but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.</i></p> <p>The proposal satisfies this definition, and as such, is defined as a boarding house. Should the application be approved, a condition of consent is recommended to ensure that the development operates in accordance with this definition. If the use of the development were to change in the future, that change would be subject to separate development consent (if required by relevant legislation that would apply at the time of the prospective change of use). The uses shown</p>

Provision	Compliance	Comment
		<p>in bold in the above definition are explicitly excluded from the 'boarding house' definition of the LEP, which should allay surrounding residents of their concern of the development potentially morphing into backpackers' accommodation or a hotel or motel accommodation or serviced apartments in the future.</p> <p>The development is consistent with the objectives of the zone.</p>
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 12.5m 	No	The proposal has an overall building height of 13.714m, which exceeds the height of buildings development standard of 12.5m by 1.214m or 9.7%.
4.4 Floor space ratio <ul style="list-style-type: none"> 0.9:1 	Yes	<p>The proposal provides an FSR of 1.35:1. This has been discussed previously in this report under the provisions of the ARHSEPP which allows a bonus of up to 0.5:1.</p> <p>The applicant has successfully clarified that the breezeways are genuinely outdoor spaces and do not count as 'internal' area that would be classified as calculable gross floor area.</p>
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.1 Acid Sulfate Soils	Yes	The subject site is identified as being Class 5 acid sulfate soils. No significant excavation is proposed for the subject site that would disturb acid sulfate soils. The proposal complies with this clause of Waverley LEP 2012.
6.2 Earthworks	Yes	The proposal includes excavation of the site to provide a basement car park. The application is accompanied by a geotechnical report that assesses potential impacts on site disturbance and recommends safeguards on

Provision	Compliance	Comment
		how to manage excavation to minimise any disturbance. The car park provides appropriate setbacks from adjoining properties and all standard conditions of consent are recommended. The excavation is considered acceptable in this regard.
6.3 Flood planning	Yes	The site is identified as 'flood prone' on the 'Flood Planning Map' of the LEP. The application is accompanied by flood assessment to demonstrate that the and the amended form of the development incorporates a flood gate system at the entry of the basement car park. The operations of the flood gates are outlined in the Plan of Management for the development. The proposal satisfies the requirements of this clause of Waverley LEP 2012.

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

Clause 4.6 Exceptions to Development Standards

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

The site is subject to a maximum building height development standard of 12.5m. The proposed development has an overall building height of 12.714m exceeding the standard by 1.214m or equating to a 9.7% variation.

Figure 8 below is a visualisation of the extent and specific location of where the proposed development exceeds the height of buildings development standard.

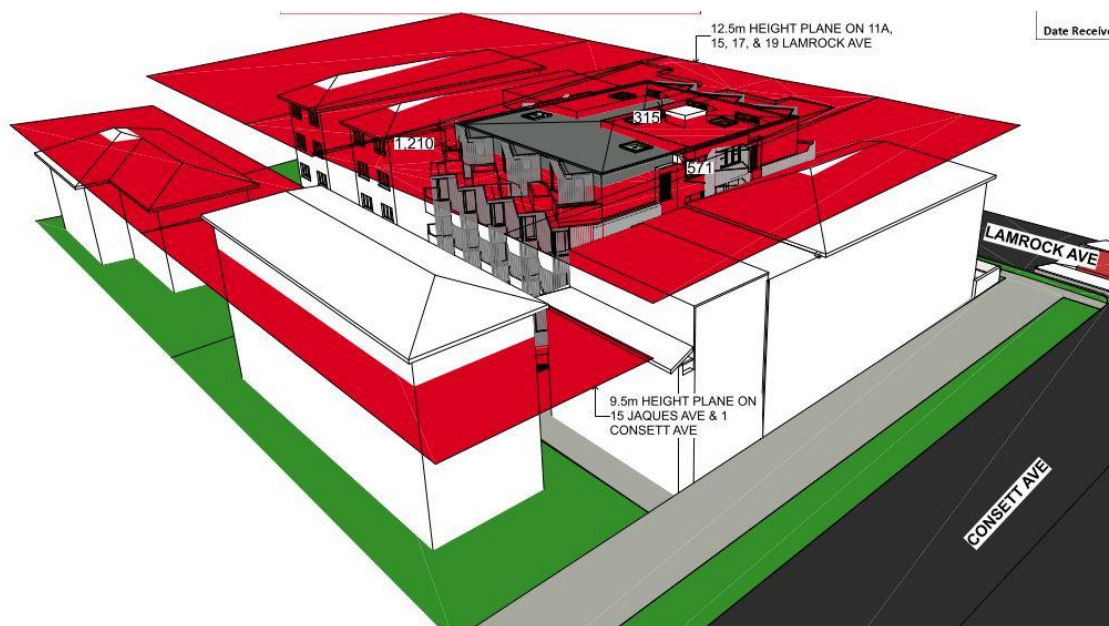


Figure 8: Extract of 3D Model of the height plane and area of where the development exceeds the height of buildings development standard (Source: Mark Shapiro Architects)

A written request has been submitted to Council in accordance with clause 4.6(3)(a) and (b) of the Waverley Local Environmental Plan 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.

Applicants Written Request - Clause 4.6(3)(a) and (b)

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) The proposed development satisfies the relevant objectives of the height of buildings development standard despite the non-compliance.
 - (ii) The proposed development preserves the environmental amenity of public spaces and the sharing of views despite the non-compliance with the development standard as the non-compliance will not be discernible from the public domain and there are no view impacts associated with the non-compliance.
 - (iii) The non-compliance occurs within the rear portion of the development (as shown in **Figure 8**) and its extent is considered minor and inconsequential. The environmental amenity of neighbouring properties is preserved as the non-compliance will not manifest in adverse impacts on solar access, visual and acoustic privacy, visual bulk, views and

other considerations that contribute to environmental amenity for these neighbouring properties.

- (iv) The building height of the proposed development, as read in building storeys (i.e. four storeys), is compatible with the desired future height of the site and its surrounds as envisaged by the building height development standard of 12.5m.
 - (v) The side and rear setbacks of the development assist to offset the non-compliance with the development standard, particularly across the south-eastern side of the development.
 - (vi) The bulk of the development is articulated across its street façade to provide a series of bays that responds to the existing character of the streetscape that comprises a level of articulation within the built form character of the streetscape. The uppermost floor level provides for greater articulation compared to the levels below to reduce associated visual impact of that level where it partially breaches the height of buildings development standard.
 - (vii) The front portion of the development complies with the height of buildings development standard and therefore the non-compliance does not have any impact on the building's positive contribution to the physical definition of the street network.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) The component of the development that varies the development standard is towards the rear of the development where the site falls away 1.5m to the rear. The development is below the development standard at the front and the extent and area of variation is not discernible from the street.
 - (ii) The non-compliance does not manifest in view loss, does not introduce unreasonable privacy impacts, and does not have any impact on the streetscape or the character of the locality.
 - (iii) The unique nature of the flood prone constraint of the site requires the basement level to have a crest height above the possible maximum flood level. The development has been designed to be buried into the site as far as possible while dealing with flooding issues. The non-compliance reflects the modest fall in topography on the site towards the rear.
 - (iv) Setbacks on both sides of the development reduce visual bulk impacts upon adjoining properties.
 - (v) The nearest adjoining residential neighbour that has an aspect of part of the building that breaches the development standard (i.e. 1 Consett Avenue) currently turns its back to the subject site with limited and secondary windows facing the subject site.
 - (vi) The overshadowing impact of the proposed development compared with that of a development that is strictly compliant with FSR, height and setbacks and has a three storey form achieves a better solar access outcome because of the generous side setbacks of the proposed development.
 - (vii) The proposed development and the adjoining residential flat building to the rear of the site at 1 Consett Avenue is separated by distances of 11-12m.

Consideration of Applicants 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 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 justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

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

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 standard by referencing the 'First Method' or justification in the Wehbe test by demonstrating that the objectives of the height of buildings development standard are achieved notwithstanding the non-compliance of the development standard. The non-compliance is a product of the site's topography and its flood prone constraints. The area where the non-compliance occurs is inconsequential to the perceived building height of the development from Lamrock Avenue and its adjoining properties to the south-east and north-west. The overall building height of the development will be largely perceived as compliant from the street, given that the majority of the development, particularly within the front (south-western) part complies with the development standard. The environmental impacts associated with the non-compliance have been adequately demonstrated to be inconsequential to the environmental amenity of neighbouring properties. While some view loss was claimed in certain objections from units on the opposite side of Lamrock Avenue, a desktop study and analysis of photos included in these objections revealed that these views are of the district and do not contain water and iconic views that would trigger an assessment against the NSW Land and

Environment Court planning principle on view sharing. The written request has adequately addressed how the proposed development is consistent with the relevant objectives of the development standard despite the technical non-compliance. In this regard, the written request successfully demonstrates that there are sufficient environmental planning grounds to justify the non-compliance with the development standard.

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 standard and the objectives for development within the zone in which the development is proposed to be carried out.

The proposal is consistent with the relevant objectives of the R3 Medium Density Residential Zone, which 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.*

The proposed 'boarding house' is part of the broader 'residential accommodation' land use, is expected to provide for the housing needs of the community and will contribute to the variety of housing types within the medium density residential part of the locality.

The objectives of the height of buildings development standard are as follows:

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

The subject site is not contained within the area designated as the Bondi Junction Centre and as such, objectives (b) and (c) do not apply.

An assessment against each objective of the height of buildings development standard is provided below.

- (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,*

The non-compliance will not be overly discernible from Lamrock Avenue and other public spaces, and, for the most part, from adjoining properties. Therefore, the non-compliance will not manifest in adverse visual and streetscape impacts. Further, the non-compliance will not result in adverse overshadowing, privacy and view impacts upon neighbouring properties, thereby preserving the environmental amenity these neighbouring properties enjoy.

- (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 non-compliance will not render the proposed development being incompatible with the height, bulk and scale of the desired future character of the locality given that it will not be perceived or discerned from Lamrock Avenue given it occurs towards the rear of the development. The proposed development complies with the bonus FSR afforded under the ARH SEPP and its front, rear and side setbacks are sufficient to well modulate and articulate the overall perceived building massing of the development, especially when viewed from Lamrock Avenue. In this regard, the proposed development positively complements and contributes to the physical definition of the street network, particularly having regard to the existing and desired future character of Lamrock Avenue as envisaged by the R3 zone and applicable development standards.

Overall, the proposal satisfies the relevant objectives of the height of buildings development standard.

Conclusion

For the reasons provided above the requested variation to the height of buildings development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Waverley Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of height of buildings development standard and the R3 Medium Density Residential zone.

2.1.5 Waverley Development Control Plan 2012 - Amendment No 6 (Waverley DCP 2012)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	The proposal provides a garbage storage room in the basement car park. The plans indicating space for 25 x 240L bins. The DCP requires 24 bins and the proposal provides space for a surplus of one bin. Council's Sustainable Waste Officer has reviewed and said an overall minimum of 24 bins is required. Conditions of consent are recommended to ensure this commitment is carried out in the development and to devote bins to store general waste and comingled recycling.

		<p>The garbage room is within vicinity of the driveway or entry/exit ramp of the basement carpark that provides direct access to the street for collection. A condition will require that provision is made at each level of the building for the storage of one day of waste.</p> <p>The proposal is considered to be consistent with the objectives and controls of this part of the DCP.</p>
2. Ecologically Sustainable Development	Yes	<p>Appropriate openings are included for natural ventilation where possible. Some corner rooms are dual aspect with openings on either aspect to enable natural cross-ventilation. Weather protection and shadowing devices (in the form of pergolas and awnings) are incorporated in the design of the development.</p> <p>The proposed development will NOT incorporate an air-conditioning system. The operator of the development may install this at a later stage and that would be subject to separate development consent (if required). The development in the meantime includes ceiling fans in all rooms to fulfil its mandated BASIX commitments.</p> <p>Adequate deep soil planting has been provided to ensure sufficient planting is provided and stormwater infiltration.</p> <p>Clothes drying area is provided within the north-eastern area of the site, which is part of the site that is most exposed to sunlight.</p> <p>The development is not considered 'commercial development' and therefore an energy assessment report is not required.</p> <p>The proposal is considered generally consistent with the objectives and controls of this part of the DCP.</p>
3. Landscaping and Biodiversity	Yes	<p>The landscaping plan has been reviewed and is considered acceptable. It maintains the Paperbark street trees and introduces a range of trees, shrubs, ferns and ground covers that are cohesive with the site and the vegetated streetscape.</p>

		<p>Some planting is provided on built structures, such as pergola above the driveway/ramp of the basement carpark and in breakout spaces on all floor levels. Detailed sections on the landscape plan demonstrate soil depths of planters on built structures and appear satisfactory.</p> <p>Should the application be approved, the landscape plan will become an approved document as part of the consent.</p> <p>The site is not within a known nor mapped biodiversity or habitat corridor.</p>
5. Tree preservation	Yes	<p>The proposal involves the removal of all existing trees within the front yards of the existing sites. Council's Tree Management Officer has no objection to the proposed removal of trees onsite. The two Paperbark Street trees are being retained and Council's Tree Management Officer has recommended for these to be protected. Appropriate conditions of consent are recommended to this effect.</p>
6. Stormwater	Yes (subject to condition)	<p>The submitted stormwater plans were referred to Council's Stormwater Engineer and were unsatisfactory (refer to section 2.8 of this report for full comments). A condition is recommended to address this as a post-consent matter.</p> <p>A Council-owned stormwater main traverses the rear edge of the site and an existing easement is on title regarding this stormwater main.</p> <p>The site is flood prone and the finished ground floor level is 300mm above the flood planning level for this site. Further, flood gates have been incorporated in the basement carpark.</p>
7. Accessibility and adaptability	Yes	<p>A lift is provided to all levels of the building. Three accessible boarding room are provided on Ground Floor, Level 1 and Level 2 and in close proximity to the lift. An accessible car space is also within the car park.</p> <p>Additionally, the development is required to comply with the National Construction Code (NCC), which includes compliance with the Disability Discrimination Act (DDA).</p>

		The proposal is considered to be consistent with the objectives and controls of this part of the DCP.
<p>8. Transport</p> <ul style="list-style-type: none"> Motorbike: 1 space per 3 car spaces (minimum of 5 motorcycle spaces) Bicycle parking 	Yes	<p>The provisions of Waverley DCP 2012 in regard to car parking spaces are not relevant in the assessment of boarding house development. The provisions of the ARHSEPP override this control. Notwithstanding, discussion on car parking is provided below this table.</p> <p>In terms of the design of the car park, it is located within the basement level of the development and integrated cohesively within the building footprint and envelope of the development.</p> <p>The proposal provides 10 motorbike spaces, which is in excess of the DCP requirement.</p> <p>The proposal provides 19 bicycle racks within the basement car park. Given that a boarding house provides rooms rather than dwellings and does not strictly fit into the land use categories in Table 4: Bicycle Parking Rates in section 8.2.6 of this part of the DCP, there is no requirement for bicycle parking for the proposed development. In this regard, the amount of bicycle parking proposed is considered reasonable and contributes to the development's green travel credentials.</p> <p>The amended form of the development incorporates a car share space. This would also contribute to the development's green travel credentials.</p>
10. Safety	Yes	<p>The pedestrian entry is located at the north-western side of the building and is accessed from Lamrock Avenue and is clear and legible.</p> <p>The proposal provides balconies on the front and rear elevations for passive surveillance of the street and the rear common area.</p> <p>The boarding house will also have an on-site caretaker with the Manager's room being located at the front and on ground floor level.</p> <p>A detailed Plan of Management (PoM) has been submitted outlining procedures for the boarding</p>

		<p>house use. This is referenced in the conditions and will form part of the consent. The PoM stipulates that the communal outdoor area shall only be used between 7am to 6pm, seven days, with a maximum capacity of 18 residents/lodgers. There will be no amplified music or alcohol allowed in communal areas after these hours.</p> <p>The proposal is considered to be consistent with the objectives and controls of this part of the DCP.</p>
11. Design Excellence	Yes	<p>The applicant has provided a context plan which demonstrates that the proposal has an acceptable design given the surrounding context of the area and is a suitable response to the site and streetscape. The application was also referred to the Waverley Design Excellence Panel and that Panel generally commended the design of the development in relation to design excellence considerations.</p>
<p>14. Excavation</p> <ul style="list-style-type: none"> • No fill to raise levels • Minimum setback of 900mm from side boundaries • Under building footprint except main access ramp • Basements no more than 1.2m out of the ground <p>Geotechnical report required when > 3m in depth or 25% slope</p>	Yes	<p>Fill is not used to raise the levels of the land.</p> <p>Excavation (in the amended form of the development) is set back for the most part by 2.08m from the north-western boundary and 1.5m from the south-eastern boundary of the site. Encroachments within these side setbacks are for a fire stair on the north-western side and driveway/ramp on the south-eastern side. This is considered appropriate and conditions are recommended to ensure adjoining properties are safeguarded for any site disturbance during excavation works.</p> <p>The application is accompanied by a geotechnical report that assesses potential impacts on site disturbance and recommends safeguards on how to manage excavation to minimise any disturbance.</p>
16. Public Domain	Yes	<p>The proposal will improve the public domain interface of the site.</p> <p>The overshadowing impacts upon the footpath and road reserve are considered reasonable. Street trees are being retained and protected. Council's Infrastructure Services department has recommended a condition of consent, requiring a series of public domain upgrade works, including new footpath, kerb and gutter and</p>

		installation of new street lights, to embellish part of the public domain area of Lamrock Avenue that is directly in front of the site.
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Although SEPP 65 does not apply to boarding house development, Waverley DCP 2012 specifies that Part C of the DCP applies to boarding houses within applicable zones. In this regard, given the site is zoned R3 Medium Density Residential Development and SEPP 65 does not apply to the development, Part C3 of the DCP that typically relates to multi unit and multi dwelling housing typologies will be applied in the assessment of this application. The following table addresses the relevant sections of the DCP noting that those provisions which are standards within the ARH SEPP have been deleted from **Table 6** as the ARH SEPP overrides these controls.

Table 6: Waverley DCP 2012 – Part C3 Multi Unit and Multi Dwelling Housing Compliance Table

Development Control	Compliance	Comment
3.1 Site, scale and frontage		
<ul style="list-style-type: none"> Minimum frontage: 15m 	Yes	The site has frontage of 24.38m.
3.2 Height		
<ul style="list-style-type: none"> Maximum external wall height: 9.5m (within R3 zone with a height standard of 12.5m). 	No (acceptable on merit)	<p>The proposal has a maximum wall external height across the centre of the side elevations of the development measuring 13.55m, which is between the roof level at RL28.700 and existing ground level of RL15.150.</p> <p>The non-compliance with this control will not render the development incompatible with the desired scale and character of the street and local area. The adjoining buildings when viewed from Lamrock Avenue have a perceived four storey presentation and the perceived height of the proposed development, while having a flat roof form, will appear compatible with the prevailing built form character of the street. The Design Excellence Panel commented on the development being of suitable character to its context (refer to section 2.1.3 of this report). Additionally, as discussed throughout this report, amenity impacts upon surrounding properties are not unreasonable. It is considered that the variation to the wall height control can be supported in this instance.</p>
3.3 Setbacks		
<p>2.5.1 Street setbacks</p> <ul style="list-style-type: none"> Consistent street setback 	Yes	The minimum front setback of the proposed development is 3.58m, which aligns with the Lamrock Street setback of the adjoining building to the north-west of the site at 19 Lamrock Avenue. The proposed development is slightly

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Deep soil along side boundary min 2m wide 	<p>No (acceptable on merit)</p>	<p>encroaching within this side setback).</p> <p>The development is compliant and provides side setbacks greater than those stipulated and anticipated by the controls in the DCP.</p> <ul style="list-style-type: none"> The development appropriately responds to control (c) under section 3.3.2 of the DCP, which gives Council the ability to require additional setbacks to protect solar access and privacy of adjoining properties. The south-eastern side setback of the development is rather generous to protect the solar access and privacy of the adjoining residential flat building to the south-east of the site at 11A Lamrock Avenue. The overshadowing impact and the side balconies of the development and the eastern ends of the breezeways are discussed later in this report in relation to privacy impacts. Overall, the side setbacks of the development are reasonable. Some deep soil areas are provided within the side setbacks of the development, however not to the minimum dimensions required by control (d). Despite this non-compliance, the proposed development provides for adequate screen planting within the side setback areas of the development. The development overall provides sufficient deep soil planting across the site.
3.4 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length along the street : 24m 	<p>Yes</p>	<p>The maximum building width is 20.8m. The controls relating to maximum building depth do not apply to boarding houses, but rather, residential flat buildings.</p>
3.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes Corner sites to address both streets as primary frontages Removal of original architectural features not supported. 	<p>Yes</p>	<p>The proposed development is architecturally designed that encompasses skilful building articulation and modulation across all its facades. The materiality of the development is akin to contemporary architecture too and incorporates contextual and historical cues, such as the use of sandstone cladding. The development is expected to make a positive contribution to the range of architectural styles within Lamrock Avenue, ranging from</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> 50% of the above is to be deep soil: 134.01m² 	Yes	<p>the building envelope and vines on pergola, which would not satisfy the definition of 'landscaped area'.</p> <p>The proposal provides for 152.45m² of deep soil planting area, including within the front building setback area.</p> <p>The shortfall in overall landscaped area is not deemed unreasonable in that the proposed development provides for sufficient deep soil planting area and a variety of plants, ranging from shrubs to trees. The development also provides on-site stormwater detention, which would assist to minimise stormwater runoff from the site. The development satisfies the relevant objectives of the landscaping controls and therefore the non-compliance with the minimum provision of landscaped area is acceptable.</p>
3.12 Vehicular access and parking		
<ul style="list-style-type: none"> Integrated into the design Secondary to pedestrian entrance Maximum of 1 x 2-way driveway From rear of side where possible Pedestrian safety Basement parking should not contravene deep soil zone controls 	Yes	<p>Satisfactory. Appropriate conditions of consent have been recommended by Council's Traffic Engineer to require a speed hump at the top of the driveway/ramp in order to protect pedestrian safety on the footpath.</p>
3.13 Solar access and overshadowing		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to a minimum of 70% of units on 21 June. New development should maintain at least 2 hrs 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 	<p>N/A</p> <p>See discussion</p>	<p>The provisions of the ARHSEPP apply in regard to solar access to communal living rooms and open space areas of boarding houses— refer to Table 1 of this report.</p> <p>Refer to discussion below the tables of compliance.</p>

Development Control	Compliance	Comment
of adjacent dwellings to less than 3 hours of sunlight on 21 June.		
3.14 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss 	Yes	<p>View loss was raised in some objections. A desktop study and analysis of photos accompanying objections that claimed view loss revealed views claimed to be affected were of district available northwards over the site and that the view composition did not include water or icons. In relation the NSW Land and Environment Court planning principle on view sharing, the impact of the development on district views are not deemed unreasonable.</p>
3.15 Visual privacy and security		
<ul style="list-style-type: none"> Minimise overlooking of adjoining properties 	Yes	<p>The main windows and balconies for the boarding rooms are located on the front and rear elevations of the building. There is sufficient separation from the properties on the opposite side of Lamrock Avenue and balconies are encourage on front elevations to ensure passive surveillance of the entry to the building and the street.</p> <p>The rear balconies are set back by a minimum of 6m from the rear boundary of the site that is shared with the adjoining property comprised of a residential flat building at 1 Consett Avenue. The south-western elevation of this adjoining residential flat building comprises minimal window openings that serve bathrooms and kitchens and could be characterised as ‘turning its back’ on the subject site. Therefore, the rear balconies of the development are not expected to unreasonably affect the visual and acoustic privacy of this adjoining property.</p> <p>The outdoor communal area on ground level terrace has been carefully designed and located to ensure that the privacy impacts are reduced. In this regard, the privacy impacts from the rear balconies are not considered unreasonable.</p> <p>The side elevations of the development contain the following:</p> <ul style="list-style-type: none"> ends of the common breezeways balconies accessed by rooms within the centre of the development.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Prevent overlooking of more than 50% of private open space of lower level dwellings in same development 	Yes	<p>The applicant has modelled the louvre screening devices for the north-eastern side balconies and ends of the breezeways through 3D view images and detailed sections and plans (refer to Drawing Nos DA9300B, DA9301B and DA9302B). The amended form of the development sets in the north-eastern ends of the breezeways further to discourage direct overlooking of the adjoining residential flat building. The combination of this and the angle, height and orientation of the louvres demonstrate that the screening devices will successfully terminate sightlines from the balconies/breezeways, as evident in the 3D view images.</p> <p>The common rooms and areas have been previously discussed and amended and will not impact unreasonably upon the privacy of adjoining properties.</p> <p>There are no 'dwellings' within the proposed development as only boarding rooms are provided. Notwithstanding, the balconies to each of the boarding rooms are stacked over each other and as such overlooking of lower levels will not be possible.</p>
3.17 Ceiling Heights		
<ul style="list-style-type: none"> Minimum height of 2.7m for residential floors 	Yes	Each level provides 3m floor to floor and ceiling heights for the most part of 2.7m (factoring in bulk heads) and areas that are less than 2.7m are kitchens and ensuite bathrooms.
3.19 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	Given that only boarding rooms are provided, all areas have the same use to those above and below.
3.20 Natural Ventilation		
<ul style="list-style-type: none"> Minimum of 60% of units cross-ventilated 	N/A	<p>There are no 'units' within the proposed development as only boarding rooms are provided. There is no requirement that boarding rooms are naturally cross-ventilated.</p> <p>Nonetheless, some corner rooms have dual aspect with openings on either aspect that would enable some natural cross-ventilation.</p>
3.21 Building services		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> 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) 	Yes	<ul style="list-style-type: none"> Fire hydrant booster is provided within the front setback area and concealed behind aluminium vertical blades.
<ul style="list-style-type: none"> Outdoor Communal clothes drying area to be provided 	Yes	<ul style="list-style-type: none"> Clothes drying area is provided in the north-eastern area of the site.
<ul style="list-style-type: none"> Plant rooms away from entry communal and private open spaces and bedrooms. 	Yes	<ul style="list-style-type: none"> Plant is obscured and/or located in the basement level.
<ul style="list-style-type: none"> Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge 	Yes	<ul style="list-style-type: none"> There is no plant equipment, other than a reserved area for solar panels within the rear north-eastern end of the roof.
3.22 Interwar Flat Buildings		
	N/A	The proposal is not replacing nor altering existing Interwar Flat Buildings.

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

Development Control	Compliance	Comment
<ul style="list-style-type: none"> A Plan of Management is required. 	Yes	<ul style="list-style-type: none"> A Plan of Management is included with the application. Refer to discussion below.
<ul style="list-style-type: none"> Minimum area for indoor communal living of 12.5m² or 1.25m² per resident (whichever is greater) The requirement for this development is: 116.25m² based on 93 lodgers 	<p>No (acceptable on merit)</p> <p>Yes</p>	<ul style="list-style-type: none"> The development provides for the following: <ul style="list-style-type: none"> a principal indoor communal living area in the north-western corner of ground floor level of the development with an area of 42m² break out spaces on Levels 1 and 2, each measuring 8.8m². <p>This non-compliance or shortfall can be justified by the provision of private open space provided to each room and the site's close proximity to public recreational areas, such as Bondi Beach. The applicant's argument that increasing the indoor communal living areas may give rise to potentially greater noise impacts compared to what is proposed is reasonable and accepted.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> A combined communal kitchen and dining area should have a minimum area of 15m² with an additional 1m² for each room greater than 12 rooms. 		<ul style="list-style-type: none"> The development provides for a total of 59.6m² of communal living area. No combined kitchen and dining area is proposed. Each room provides kitchenette facilities for basic reheating and cooking. Additionally, the communal living area provides cupboards and a sink that is intended to be used in conjunction with the outdoor barbeque facilities. The outdoor barbeque area would address the intent of the control to provide spaces for social interaction and within the appropriate hours of operation nominated in the Plan of Management.
<ul style="list-style-type: none"> Communal storage space provided. 	Yes	<ul style="list-style-type: none"> The communal living area comprises cupboards for communal storage (notated on Drawing No. DA2001B).
<ul style="list-style-type: none"> Each room should contain adequate storage facilities. 	Yes	<ul style="list-style-type: none"> Each room provides for storage in the form of cupboards, space for large bulky items and wardrobes.
<ul style="list-style-type: none"> Balconies should be provided for each individual room where site and locality conditions permit. 	Yes	<ul style="list-style-type: none"> Each boarding room incorporates a balcony or terrace.
<ul style="list-style-type: none"> Laundry facilities provided for every 12 residents. 	Yes	<ul style="list-style-type: none"> Each room has space for a washing machine. The SEE mentions that laundry basins or separate sinks are not provided as per National Construction Code requirements. This would be a certification matter and should not be a reason to not support the layout of the rooms.
<ul style="list-style-type: none"> Clothes drying facilities are to be provided for occupants, including an outdoor clothes line. 	Yes	<ul style="list-style-type: none"> A clothes drying area is provided adjacent to the north-eastern end of the northern-most breezeway on ground floor level.
<ul style="list-style-type: none"> A room with a kitchenette should contain a stove, sink, oven, refrigerator and a bench top with a minimum area of 1m². 	Yes	<ul style="list-style-type: none"> The detailed floor plans of the rooms (scaled at 1:50) demonstrate that each room will contain a stove, sink, refrigerator, oven and benchtop.
<ul style="list-style-type: none"> Minimum area of 5m² for bathrooms. 	No (acceptable on merit)	<ul style="list-style-type: none"> The bathrooms are generally 2.6m², however provide a large shower, toilet, vanity and sufficient circulation space. This is considered satisfactory.
<ul style="list-style-type: none"> Well ventilated rooms. 	Yes	<ul style="list-style-type: none"> Each room is provided with full-height openable doors to a balcony and secondary windows, ensuring sufficient ventilation.

The ARH SEPP provides for minimum car parking rates for boarding houses (as outlined in **Table 1** of this assessment report) on the basis of enabling a consent authority to use this standard to refuse development consent to boarding houses if it is not met. The proposed development requires a minimum of 24 car parking spaces and it provides for a total of 14 car parking spaces, which is deficient of 10 car spaces. Waverley DCP 2012 does not specifically nominate minimum and maximum car parking rates for boarding houses. Notwithstanding, the proposed development could be akin to residential parking rates (while not being considered a 'low density residential' development) that provides for a minimum nil car parking rate. To apply this control in a merit assessment of the provision of car parking, the shortfall in car parking would be deemed reasonable and not be expected to adversely affect the supply of on-street car parking within the surrounding road network.

The site is in walking distance to amenities, retail and employment activities and public transport services available at the Bondi Beachfront area. This would reduce the demand for car parking for the development given its location and context. Further, the development provides for sufficient (in some cases, excess) bicycle and motorcycle parking that would promote alternative modes of travel to and from the development. The development also incorporates a car share space in the basement car park that would only be used for lodgers/residents. A condition of consent is recommended to this effect.

The shortfall in car parking is deemed reasonable and would not warrant refusal of development consent to this application.

Overshadowing

The site has a south-west/north-east orientation and is adjoining by residential flat buildings to the north-east at 1 Consett Avenue and south-east at 11A Lamrock Avenue, while the hostel/backpackers' accommodation adjoins the site to the south-west at 19 Lamrock Avenue. The most affected adjoining property would be the residential flat building at 11A Lamrock Avenue and the application includes detailed solar access and shadow diagrams. The remaining two properties are not expected to be affected by the proposed development, noting that the level of solar access protection for a hostel/backpackers' accommodation is not as significant/warranted compared to residential flat buildings.

The elevational and plan form shadow diagrams reveal that the south-western elevation of the adjoining residential flat building at 11A Lamrock Avenue is presently heavily overshadowed between 9am and 10am on 21 June due to site orientation. The diagrams (in hourly increments) depict that the additional overshadow will not obscure the majority of presently available solar access to the side-facing balconies of the adjoining residential flat building generally between 11am and 2pm on 21 June. The diagrams also depict additional shadowing impact caused by a 'compliant envelope' (specifically, a development that achieves the minimum side setback control of 1.5m). The 'compliant envelope' is depicted on Drawing No. DA9102B.

The applicant argues that the proposed development provides better solar access protection to the adjoining residential flat building than a 'compliant envelope', principally due to the generous north-eastern side setback of the development that has a maximum of 4m from the north-eastern boundary of the site. This argument is accepted in terms of considering the reasonableness of the additional overshadowing impact of the development as the side setback is considered to be key contributing factor to moderating overshadowing impact. The non-compliance with the height of buildings development standard has been demonstrated to have a limited effect on and contribution

to the extent and duration of overshadowing impact given where it occurs within the building envelope of the development.

The proposed development reasonably maintains solar access to the adjoining residential flat building in mid-winter, particularly between 11am and 1pm on 21 June. The site orientation plays a role in contributing to the overall overshadowing impact and the applicant has been cognisant of site orientation in providing a generous side setback from the north-eastern boundary of the site. In this regard, the overshadowing impact of the development is deemed reasonable.

Plan of Management

The Plan of Management (PoM) sets out the necessary operational aspects of the proposed boarding house, as required by Waverley DCP 2012. Should the application be approved, the PoM will be an approved and enforceable document by way of development consent. The PoM is considered to include all relevant operational details and procedures for a boarding house, including rules for residents to abide by with the intention of minimising disturbances to adjoining and adjacent residents. Conditions of consent are recommended to ensure that the PoM is enforced during the life of the consent and occupation of the development. One of which requires that the PoM be amended to include the exact contact details, including phone number and email address, of the on-site manager so that they are readily available to be immediately aware of any issues and complaints as they arise so that they can be quickly resolved (where possible).

2.2 Other Impacts of the Development

The proposal is considered against section 4.15(1)(b) of the Act relating to environmental, social or economic impacts on the locality.

2.2.1 Impacts on the natural and built environment

The proposal is not expected to result in adverse amenity impacts upon the natural and built environment of the locality for the reasons explained in this report.

2.2.2 Social impacts

The proposal is not expected to result in adverse social impacts on the locality. The development is in accordance with the ARH SEPP, that is intended to encourage and enable the provision and increase of a variety of affordable rental housing stock across NSW. In this regard, the social impacts of the proposal are deemed reasonable, particularly given that housing affordability is a prevailing urban planning issue in Sydney, and specifically, within the Waverley local government area.

2.2.3 Economic impacts

The proposal is not expected to result in adverse economic impacts on the locality.

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

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

The initial notification period attracted a total of 61 submissions from individual properties (NB: the count is not based on the overall number of submissions received from each individual, including multiple submissions from the same individual or property) and a petition containing 245 signatories that express opposition to this application.

The amended form of the application was publicly notified and attracted a total of 29 submissions, including a submission from the Bondi Beach Precinct Committee.

All the submissions have been read, considered and analysed. Most submissions were received from properties within the suburb of Bondi Beach, specifically in Lamrock Avenue.

The principal issues that emerged from the analysis of the submissions and that are deemed planning related in accordance with the matters for consideration under section 4.15(1) of the Act are for the most part addressed in the body of this report. Notwithstanding, the principal matters expressed in the submissions are summarised and discussed in **Table 8** below.

Table 1: Summary of and response to principal issues raised in the public submissions during the initial notification of the application

Issue	Response
The development is not a genuine boarding house and will become backpackers' accommodation.	<p>The application seeks development consent for a boarding house, which is a permitted use in the R3 zone under Waverley LEP 2012 and is consistent with the relevant provisions of ARH SEPP. Conditions of consent are recommended to ensure the operations of the development are for a boarding house only and in accordance with relevant legislation and regulations. Should the use of the development change in the future, that change would be subject to separate development consent (if required under relevant legislation).</p> <p>Submitters have expressed the perceived 'loop hole' and exploitation of the ARH SEPP by developers in past examples within the area and across Sydney. The proposed boarding house is required to operate in accordance with Schedule 2 (Standards Enforceable by Orders) of the Local Government (General) Regulation. Standard conditions imposed also restrict future use of the development and ensure that the minimum lodging period is three months. Notwithstanding, the ARH SEPP does not stipulate that boarding houses are rent controlled and no condition in this regard is recommended. This is consistent with a recent judgement by Commissioner Gray of the NSW Land and Environment Court following the hearing of <i>Micro Nest No 1 Pty Ltd on behalf of Micro Nest Ashfield Trust v Inner West Council [2019] NSWLEC 1320</i>. The size of the boarding rooms and market forces will determine the lower rents for such establishments. This is not a reason that Council can refuse development consent to the application.</p>

Issue	Response
The proposed development is a commercial or hotel-like operation.	The development is NOT a commercial operation. A 'boarding house' use is part of and a type of the broader 'residential accommodation' use under Waverley LEP 2012. The proposal performs adequately against the objectives of the R3 zone as discussed earlier in this report and is a compatible and permitted use within the zone.
Adjacency of the existing backpackers' accommodation development, known as 'The Village' at 19 Lamrock Avenue.	<p>Most submissions have referenced the adjoining backpackers' accommodation development in opposing the proposed development, specifically in relation to claims of anti-social behaviour, noise and other nuisances caused by this development to surrounding residences and fears that these would be exacerbated by the proposed development. This adjoining development has consent to operate as 'backpackers' accommodation' (as outlined in section 1.2 of this report) and has not been compared to the proposed development for a boarding house. It cannot be used to prejudice the assessment of the proposed development given their differing land uses.</p> <p>The PoM and recommended conditions of consent will ensure that the proposed development does not cause unreasonable and adverse impacts on the amenity and safety of surrounding residences. The boarding house has an onsite manager who will be available between 9am and 6pm, Monday to Saturday. However, they can be contacted outside these hours. The PoM is referenced in the conditions of consent and forms a part of the approval documents that must be adhered to during operation. Any breach of the POM is a compliance matter and the terms of the POM are enforceable by Compliance Officers.</p>
The PoM is inadequately drafted. It should explicitly state that residents/lodgers of the boarding house can only be Australian residents to prevent international tourists from staying at the boarding house. A resident committee should be established.	<p>The PoM is considered adequately detailed for a boarding house. The recommended operational conditions of consent will complement the PoM to ensure the boarding house operates appropriately.</p> <p>The request to require that lodgers/resident must be Australian residents is simply unreasonable and unjust for Council to require and enforce. It would also be considered discriminatory. The development is NOT a backpackers' accommodation nor motel or hotel accommodation. Conditions of consent are recommended to ensure the occupancy of the boarding house is in accordance with mandated State Government policies and regulations.</p> <p>A resident committee is requested to be mandated to ensure that any resident complaints are addressed and resolved by Council and the operator. In the first instance, the on-site manager can be contacted for any complaints and can act accordingly to resolve these. A condition of consent is recommended to require the PoM to be amended prior to the issue of an occupation certificate to include the exact contact details of the on-site manager so that</p>

Issue	Response
	they can be contacted 24/7 when issues and complaints arise. Existing avenues exist for residents to make immediate complaints to the Police (if deemed criminal)/unlawful or Council (if deemed non-compliant with the development consent). A resident committee is not considered necessary.
The built form, urban design and streetscape elements of the proposed development are out of character and incompatible with Lamrock Avenue and the local area.	The compatibility and harmony of the proposed development within the local area in relation to the ARH SEPP have been tested and discussed previously in this report, which includes referral commentary from the Waverley Design Excellence Panel. The assessment finds that the proposed development is considered compatible and harmonious with the existing and desired future character of Lamrock Avenue and the local area.
The proposed development exceeds the height of buildings development standard and the clause 4.6 written request is inadequate.	Noted. Refer to discussion in section 2.1.4 of this report. The exceedance is considered acceptable.
The FSR of the proposed development has not been calculated in accordance with the 'gross floor area' (GFA) definition under Waverley LEP 2012.	Noted. The application was deferred in part to address this matter. The applicant provided detailed sections and plans to demonstrate that the louvre screens at the ends of the breezeways are open to enable the breezeway to function as one and not enable the breezeway to be enclosed and be classified as calculable GFA. The GFA and FSR of the development has been calculated properly and the development complies with the maximum FSR permitted by the ARH SEPP and Waverley LEP 2012, collectively.
The proposal provides insufficient communal open space and will consequently encourage lodgers/residents to spill onto the street footpath and cause disturbances.	Disagreed. The development meets the minimum area and dimensions for communal open space under the ARH SEPP and each room is provided with private open space. This would therefore discourage any cases of lodgers/residents spilling onto the street footpath. A PoM provides operational rules that all lodgers/residents are bound to abide by, including consumption of alcohol and use of smoking and prohibition of use of illegal drugs.
Impact of the built form of the proposed development on environmental amenity of	This matter has been comprehensively addressed in sections 2.1.3 and 2.1.4 of this report.

Issue	Response
<p>neighbouring properties, including:</p> <ul style="list-style-type: none"> • Visual and acoustic privacy • Solar access • Visual bulk. 	
<p>Waste and garbage disposal – pick-up should be between working hours to minimise disruption.</p>	<p>Times for collection of garbage would be difficult to enforce. Conditions are recommended requiring the submission of a Waste Management Plan addressing waste management and collection matters.</p>
<p>Inadequate car parking provided, which will generate further demand for on-street car parking and increase vehicular trips on the surrounding road network.</p> <p>The proposed driveway is too close to the adjoining property.</p>	<p>Noted. The application was accompanied by a traffic and parking assessment, which was referred to Council's Infrastructure Services department and they did not object to the development on this basis. Discussion on car parking and modes of travel are set out in section 2.4 of this report.</p> <p>Council's Traffic Engineer did not object to the location of the proposed driveway and has recommended that a speed hump and</p>
<p>The proposal lacks landscaping and involves tree removal, including removal of the street trees.</p>	<p>Landscaping has been addressed in section 2.4 of this report.</p> <p>The existing street trees are not proposed to be removed. Conditions of consent are recommended to ensure the trees are protected during site works. Council's Tree Management Officer supports removal of trees within the site.</p>
<p>Noise impacts, specifically from air conditioning</p>	<p>The noise impacts of the development have been considered in an acoustic report submitted with the application. This report was reviewed by Council's Environmental Health team who expressed their satisfaction with the proposal in relation to noise, subject to conditions. The development does NOT include an air-conditioning system, but rather internal ceiling fans.</p>
<p>Demolition, excavation and construction matters, including:</p> <ul style="list-style-type: none"> • Dust • Noise 	<p>Issues during construction are not matters for consideration under the Act. All standard conditions in relation to construction management are recommended to ensure demolition, excavation and construction phases of the development do not adversely affect surrounding properties.</p>

Issue	Response
<ul style="list-style-type: none"> • Geotechnical/soil stability disturbance • Safety. 	
Adjoining property will devalue	This matter cannot be quantified and is not a matter for consideration under section 4.15 of the Act.

2.5 Public Interest

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

3. REFERRALS

3.1 Waverley Design Excellence Panel

The application was referred to the Waverley Design Excellence Panel (the DEP) for comment on 19 August 2019. The DEP commented on the proposed development against the nine design quality principles of SEPP 65 to aid the local area character/compatibility test of the development that is required by the ARH SEPP. That commentary has been outlined in section 3.1.3 of the report and considered in the assessment of this application.

3.2 Urban Planning, Policy and Strategy – Urban Design

Council's Urban Design team provided commentary on the application in relation to the contextual relationship, built form, façade and interface and landscape aspects of the development. The commentary focuses on planning assessment matters, compliance with LEP/DCP controls and the application of the Apartment Design Guide, which does **NOT** apply in the assessment of this application as the development is not subject to SEPP 65. The DEP has provided appropriate commentary in relation to the urban design and contextual relationship of the development and this commentary prevails over that provided by Council's Urban Design team.

3.3 Urban Planning, Policy and Strategy – Green Travel

A Green Travel Plan is technically required; however, the development provides for car share, bicycle and motorcycle parking and is in walking distances to public transport, amenities and employment., and provides less car parking than is expected for the scale of this development. Therefore, the development is considered to encourage green methods of travel despite the absence of a formal green travel plan.

3.4 Urban Planning, Policy and Strategy – Strategic Town Planning

Council's Strategic Planning considered the application under the ARH SEPP and confirms that the proposed development is compliant with the relevant provisions of the ARH SEPP.

3.5 Compliance and Rangers - Environmental Health

Council's Senior Environmental Health Officer considered the application satisfactory, subject to conditions of consent.

3.6 Environmental Sustainability - Sustainable Waste

Council's Sustainable Waste Officer has recommended conditions of consent to ensure the waste storage, management and collection aspects of the development are sound. These conditions have been adopted.

3.7 Infrastructure Assets - Driveways

Council's Professional Engineer – Traffic and Development considered the application satisfactory, subject to conditions of consent.

3.8 Infrastructure Assets- Stormwater and Flooding and Public Domain

Council's Stormwater Engineers made a series of comments regarding the stormwater and flood prone constraint matters of this application while the assessment.

Council's new Infrastructure Services team advised that an existing easement for Council's stormwater main is on title and is proposed to be maintained.

Conditions of consent are recommended to address stormwater, flooding and public domain improvements directly in front and outside of the site.

3.9 Clean and Attractive - Tree Management

Council's Tree Management Officer supports the proposed tree removal and has recommended tree protection measures, including payment of a street tree bond. Conditions of consent are recommended to this effect.

3.10 Digital Waverley – GIS and eplanning

Council's GIS Officer has allocated street numbering for the development. A condition of consent is recommended to this effect.

4. SUMMARY

The application seeks development consent for the redevelopment of the site, known as 15-17 Lamrock Avenue, Bondi Beach for a new four-storey boarding house comprising 47 boarding rooms, including one boarding manager's room, basement car park and amalgamation of lots into one Torrens title lot.

The main issues raised in the assessment of this application are as follows:

- character compatibility
- car parking
- non-compliance with height of buildings development standard
- external wall height
- overshadowing and privacy
- operational aspects.

The assessment finds these issues acceptable on planning merit.

The development has ultimately been designed to comply with the provisions of State Environmental Planning Policy (Affordable Rental Housing) (ARH SEPP), Waverley Local Environmental Plan 2012 and Waverley Development Control Plan 2012. The development is architecturally designed and is not considered to be out of character with the street and surrounding local area. Further, the proposal will not have unreasonable amenity impacts upon surrounding properties as discussed in detail within this report. A boarding house is a permissible use within the zoning and permitted through the enabling controls of the ARH SEPP.

The application initially attracted a total of 61 public submissions from individual properties and a signed petition including 245 signatories that all expressed objection and opposition to the proposal. The amended form of the application was publicly notified and attracted a total of 29 submissions. All principal issues raised in the objections have been considered in the assessment of this application, as demonstrated in section 2.4 of this report.

The application is referred to the Waverley Local Planning Panel on the basis that the application is considered 'contentious' as it attracted more than 10 unique objections.

The application has been considered against the matters for consideration under section 4.15 of the Act, and is recommended for approval, subject to conditions of consent.

DBU Decision

The application was reviewed by the DBU at the meeting on 3 September 2019 and the DBU determined:

- (c) The application was deferred for the reasons outlined in section 1.3 of this report. Amended plans and information were received that adequately address the reasons for deferral. The application is therefore acceptable and should be approved, subject to the conditions in Appendix A

DBU members: *M Reid, A Rossi, B McNamara 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:**



Ben Magistrale
Senior Development Assessment Planner

Angela Rossi
Manager, Development Assessment (North)

Date: 6 March 2020

Date: 11 March 2020

Reason for referral:

2(b) Contentious development (10 or more objections)

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 Mark Shapiro Architects of Project No: 19006 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA1001B	Site Analysis Plan	8 October 2019	8 October 2019
DA2000B	Basement	8 October 2019	8 October 2019
DA2001B	Ground Floor	8 October 2019	8 October 2019
DA2002B	Level 1	8 October 2019	8 October 2019
DA2003B	Level 2	8 October 2019	8 October 2019
DA2004B	Level 3	8 October 2019	8 October 2019
DA2005B	Roof Plan	8 October 2019	8 October 2019
DA2300B	Sections A and B	8 October 2019	8 October 2019
DA2400B	NE and SW Elevations	8 October 2019	8 October 2019
DA2401B	SE and NW Elevations	8 October 2019	8 October 2019
DA2402B	NE and SW Elevations - Finishes	8 October 2019	8 October 2019
DA2403B	Fence Elevations	8 October 2019	8 October 2019
DA2500B	Unit Plans 1	8 October 2019	8 October 2019
DA2501B	Unit Plans 2	8 October 2019	8 October 2019
DA2502B	Unit Plans 3	8 October 2019	8 October 2019
DA9300B	Breezeway Corridor and Balcony Eave Details	8 October 2019	8 October 2019
DA9303B	Bicycle Parking Concept	8 October 2019	8 October 2019

- (b) Landscape Plans and documentation titled '15-17 Lamrock Ave, Bondi Landscape Development Application', Sheets 00-11 (Revision B), prepared by CTLA Landscape Architect, dated September 2019 and received by Council on 8 October 2019.
- (c) Plan of Management, titled 'Boarding House Management Plan for Boarding House at 15-17 Lamrock Avenue Bondi Beach 2026', undated and received by Council on 8 October 2019.
- (d) BASIX Certificate prepared by Gradwell Consulting and associated BASIX Commitment Plans, DA2000, DA2001, DA2002, DA2003, DA2004, DA2005, DA2500, DA2501 and DA2502, all Revision B, all dated 08/10/19, prepared by Mark Shapiro Architects, all received on 5 March 2020.
- (e) BCA Compliance Assessment Report, Report No. BCA 19/014, prepared by Aramini + Leedham Consulting, dated 24 May 2019 and received by Council on 29 May 2019.
- (f) Site Flood Assessment (Reference No. SY190947) prepared by Northrop, dated 1 October 2019, and received by Council on 1 October 2019.

- (g) Acoustic Assessment (Report No. BA190338) prepared by Blackett Acoustics Noise and Vibration Consultants, dated May 2019, and received by Council on 29 May 2019.
- (h) Geotechnical and Hydrogeological Investigation prepared by JK Geotechnics (Report No. 32328PHrpt), dated 6 May 2019 and received by Council on 29 May 2019.
- (i) Arboricultural Impact Assessment prepared by Advanced Treescape Consulting (Report Reference 19-092a 01 15-17 Lamrock Road Bondi Beach) and dated 13 May 2019, and received by Council on 29 May 2019.
- (j) The Site Waste and Recycling Management Plan (SWRMP) Part 1 dated 29 May 2019.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATION

- (a) To eliminate discrepancies during the building certification of this development, the relevant architectural plans shall be amended to reflect the amendments made in the basement car park of the development in response to the BASIX Certificate requirements, specifically the modification of the bulky goods store to accommodate the hot water unit.

The amendments are to be made to the satisfaction of the Principal Certifying Authority prior to the release of the relevant construction certificate.

3. BOARDING HOUSE

- (a) The use and operation of the premises shall comply with the requirements of the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and the *Boarding House Act 2012*.
- (b) The boarding house must NOT accommodate any more than **93 people (including residents and on-site manager and their guests/partners)** in the building.
- (c) All lodgers shall be required to reside on the premises for a minimum period of three (3) months in accordance with the definition of a Boarding House under the *Waverley Local Environmental Plan 2012*.
- (d) All lodgers shall be provided with and sign the Standard Occupancy agreement for general boarding houses under the *Boarding Houses Act 2012*.
- (e) An on-site manager shall be provided for the operation of the boarding house in accordance with *State Environmental Planning Policy (Affordable Rental Housing) 2009*. The on-site manager shall be provided with a room to reside in (known as 'Room G.01' on Drawing No. DA2001B) and be responsible for the day to day management of the boarding house.
- (f) Management are responsible for ensuring the number of patrons in the premises does not exceed the approved capacity. A copy of the register of persons accommodated must be kept on the premises at all times and provided to Council upon request.

4. PLAN OF MANAGEMENT (POM)

The PoM accompanying this Development Application and identified in condition 1 of this development consent has been approved and becomes operational and enforceable during the occupation of the development.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

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

CONTRIBUTIONS, FEES AND BONDS

6. SECTION 7.12 CONTRIBUTION

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

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

A copy of the required format for the cost reports 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;
 - (a) A development valued at \$100,000 or less will be exempt from the levy.
 - (b) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR
 - (c) A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

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

7. TREE PRESERVATION BOND

A bond of **\$8,000** 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 two Paperbark tree on the nature strip of Lamrock Avenue and directly outside of the property. The bond is to be lodged prior to the issue of any 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 Final Occupation Certificate subject to the satisfaction of Council.

8. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$200,000** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

9. LONG SERVICE LEVY

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

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

10. LOSS OR MODIFICATION OF CAR SPACE CONTRIBUTION

The construction of the vehicle crossing requires the modification to existing parking meter spaces. The applicant/owner is to compensate Council for the cost of modifying the parking meters and its infrastructure in accordance with Council's Pricing Policy, Fees and Charges. A contribution of **\$1,230** is to be paid prior to the issue of the Construction Certificate.

The parking meter is to be relocated in accordance with the requirements of Waverley Council and to the satisfaction of Council's Parking Services Manager. The parking meter is to be relocated prior to the issue of the Construction Certificate.

CONSTRUCTION AND SITE 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 applicable fees paid, prior to the erection of the hoarding.

12. EROSION & SEDIMENT CONTROL

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

13. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works.

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

14. ENGINEERING DETAILS

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

TRAFFIC MANAGEMENT

15. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

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

16. LONG SECTIONS OF DRIVEWAY

Long sections drawn along both edges of the driveway shall be submitted to Council for the approval of the Executive Manager, Infrastructure Services (or delegate) prior to issue of the Construction Certificate.

The long section drawings shall:

- (a) Be drawn at a scale of 1:25.
- (b) Include reduced levels (RL's) of the Lamrock Avenue carriageway, the kerb and gutter, footpath and paving within the property.
- (c) Include existing and design levels.
- (d) Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
- (e) Show all paving on Council's land being sloped/ drained towards the roadway.
- (f) Include a separate drawing of any adjustments required to Councils footpath area to provide suitable vehicular access to and from the garage.

17. CAR PARKING ALLOCATIONS

A total of 14 car vehicle parking spaces are to be provided, allocated in the following manner:

- 11 residential parking space;
- 1 car share parking space;
- 1 on-site manager parking space
- 1 residential visitor parking spaces ;

Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

18. BICYCLE PARKING

A total of 18 bicycle parking spaces are to be provided, 15 as residential and 3 as visitor bicycle spaces.

The residential and retail spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the basement car parking area.

At least 3 of these spaces (including the visitor space) are to be located within the ground floor foyer or adjacent within any forecourt or within the rear yard area, with the remaining to be located within the basement level.

Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

19. MOTORCYCLE PARKING

A total of 10 motorcycle parking spaces are to be provided within the basement car parking area. Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

STORMWATER, FLOODING AND PUBLIC DOMAIN

20. STORMWATER MANAGEMENT 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 to the Executive Manager, Infrastructure Services prior to the issue of the Construction Certificate.

The submitted stormwater civil plans prepared by ITM Design Pty Ltd, Job No. 18/221, Drawing No. H-DA-00, H-DA-01 and H-DA-02 (all Revision A), dated 23 May 2019 are considered unsatisfactory. 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 to include:

- (a) Existing Stormwater Easement: Council's records indicate an existing 600m stormwater drainage line traversing the subject development site. In addition there is an easement 1.83m from the rear property boundary. The applicant is required to engage a surveyor to investigate the exact location of the existing stormwater pipe within the existing easement (this shall include the pipe size, invert, any necessary levels needed as part of this proposal) and submit to Council for further assessment.

The existing pipeline and easement to be overlayed onto the stormwater plans. Detailed sections are to be provided to demonstrate that all structural support elements are located away from the zone of influence of the existing stormwater pipe.

- (b) OSD Details: The provided OSD shall be designed to be away from the zone of influence of the existing stormwater pipe. The structure shall be designed and built to be self-supporting to allow excavation of the Council's pipe without the need of any supplementary support structures.
 - (c) Flood Freeboard Level: As the property falls within a flood prone area, the habitable floor level should be a minimum 15.82m (WSL 15.52m AHD + 300mm minimum freeboard).
 - (d) Flood Model: As the property falls within a flood prone area, a catchment analysis is to be undertaken to ensure the pipe(s) and pits in the existing easement have enough capacity to accommodate additional flows from the site. Please submit details to Council.
 - (e) Since the calculated site discharge is more than 25L/s, the site stormwater shall be connected directly to Council's trunk drainage system.
 - (f) A non-return valve to be installed at the outlet pipe at the connection point with Council's stormwater line so that stormwater cannot surcharge back into the property disposal system.
 - (g) All proposed conduits within the public domain shall be constructed using 375mm RCP pipes and a junction pit shall be installed at all changes of gradient and changes of direction in the pipeline.
 - (h) During construction of the proposed stormwater connection to the existing Council line, any infrastructure within the Council easement shall be constructed to the satisfaction of Council, with all costs borne by the applicant.
 - (i) Since a sewer main runs through the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday)

Council must be notified when the connection has been made to the Council pipeline and an inspection must be made by a Council officer prior to backfill at the point of connection. An inspection fee will apply for each inspection visit required by a Council officer, payable prior to any site inspection. Minimum 48 hour's notice must be provided to Council prior to inspection.

21. PUBLIC INFRASTRUCTURE WORKS

Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed, prior to the issue of an Occupation Certificate to Council's satisfaction at no cost to Council.

The public domain is to be upgraded on the Lamrock Avenue Street frontage for the development site in accordance with the current Waverley Council Development Control Plan 2012 (DCP), and Public Domain Technical Manual (PDTM) at the time of engineering plan approval.

Full design engineering drawings to be prepared by a suitably qualified and experienced engineering professional and be submitted to Council for the approval of the Executive Manager, Infrastructure Services prior to the issue of the Construction Certificate.

The following plans and specifications to be submitted to Council for assessment:

- (a) Footpath: Replace the footpath traversing the Lamrock Street frontages. The proposed footpath material, profile and street furniture details traversing the frontage to be advised by Council at the time of engineering plan approval.
- (b) Kerb and Gutter: Replace kerb and gutter traversing the Lamrock Street frontage. Any stormwater kerb lintel infrastructure within the extent of kerb and gutter works shall be replaced. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along the street frontage.
- (c) Street Trees: All trees proposed and existing within the Council verge will require installation of the suitable tree pits, surrounds and root barriers.

The tree species and location shall not interfere with the local pedestrian and/or traffic activities. All the proposed tree species, locations and sizes are to be approved by Council's Officer prior to commencement of public domain works.

- (d) Street Lights: Make provision for new street lights serviced by metered underground power. The consultant shall liaise with Council in obtaining Council's requirements and specifications for the street columns and components, including the appropriate LED luminaire to service the development frontages. LED luminaire columns shall be supplied and installed to meet pedestrian compliance standards.

The associated overhead power/utility lines shall be routed underground.

- (e) Any existing or proposed utility pillars on the site frontages to be either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works.

- (f) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Council's public domain to support the new development.

Notes:

- Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks.
- 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 public domain design submissions; however Council's title block shall not be replicated.
- Council's contact for public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday)

22. FLOOD AFFECTED / PONDING AREA

The works are to be carried out in accordance with the recommendations of Site Flood Assessment prepared by Northrop, doc no. SY190947 and dated 1 October 2019.

Egress in the case of an emergency shall be provided to any area of the building affected by flooding /ponding. Internal access (including from any basement or lower ground floor levels of a building) is to be available in the event that flood gates are in operation so that any person can exit the building safely. Any electrical board/s including power points are to be located above the identified flood level.

The design of the proposed automatic flood gates to be approved by Council, prior to construction.

ENERGY EFFICIENCY AND SUSTAINABILITY

23. BASIX

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

WASTE

24. 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.

25. WASTE STORAGE AREAS

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

- 12 x 240L Mobile Garbage Bins (MGBs) for general waste with a weekly collection.
- 12 x 240L MGBs for paper and cardboard recycling with a weekly collection.

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 2012* to the satisfaction of the Principal Certifying Authority.

Specifically, the plans must address the following:

- (a) Details of ongoing waste management strategy are to be documented within the SWRMP, and reviewed every 5 years to employ updated waste reduction strategies and technologies.
- (b) The transport route to the point for waste and recycling bin collection must be marked on the drawings.

NOISE

26. NOISE – ACOUSTIC REPORT

An Acoustic Assessment Report prepared by a suitably qualified acoustic consultant shall be prepared to assess the impacts of the development (internal and external areas) including any mechanical plant, refrigeration motors and air conditioning units and make recommendations to ensure that the noise from the development will be within the acceptable limits of the Protection of the Environment Operations Act 1997 and relevant legislation. The plan must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate).

Note: Any management measures recommended in the acoustic report shall be incorporated into a Plan of Management, which will be required to be submitted to Council for approval prior to the issue of an Occupation Certificate.

For further information on the requirements, refer to Council's website:

[https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications - conditions of consent](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

C. COMPLIANCE PRIOR TO 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

27. CONSTRUCTION SIGNS

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

28. DILAPIDATION REPORT

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

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

29. PRE-CONSTRUCTION DILAPIDATION REPORT

To ensure Council's infrastructure is adequately protected a pre-construction dilapidation report on the existing public infrastructure within the vicinity of the proposed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable:

- Road pavement
- Kerb and gutter
- Footpath
- Drainage pits and lintels
- Traffic signs
- CCTV Closed Circuit Television – Stormwater Conduits
- Any other relevant infrastructure.

The report is to be dated, submitted to, and accepted by Council's Public Domain Engineer, prior to any work commencing on the site.

30. PUBLIC DOMAIN PRE-CONSTRUCTION MEETING

To ensure all public infrastructure works approved under this consent will be completed to Council's satisfaction and a program of required inspections is established, a preconstruction meeting shall be arranged with Council's engineering inspector/s prior to works commencing on site.

At this meeting Council will outline requirements for inspections of works within the public domain and required construction hold points.

The Principal Certifying Authority shall not issue any Occupation Certificate until Council has conducted a final inspection of the completed works and has issued a final compliance certificate certifying satisfactory completion of the works.

31. USE OF FILL ON SITE

All fill imported on to the site shall be free of building and other demolition waste, and contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 of the Protection of the Environment Operations Act, 1997.

Sampling and analysis of the fill material should be conducted in accordance with the NSW EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

Any other waste derived material the subject of a resource recovery exemption under cl. 51A of the *Protection of the Environmental Operations (Waste) Regulations 2014* that is permitted to be used as fill material.

Any waste derived material the subject of resource exemption received at the development site must be accompanied by documentation as to the materials compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

DEMOLITION AND EXCAVATION

32. 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.

33. 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.

34. 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.

35. EXCAVATION AND BACKFILLING

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

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land. The excavation is to be managed by a practising structural engineer.

CONSTRUCTION MATTERS

36. CONSTRUCTION HOURS

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

- (a) 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.

37. 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.

38. 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 clause 162A Critical stage inspections for building work of the *Environmental Planning and Assessment Regulation 2000*.

39. 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.

40. 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

41. 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.

42. TREES PERMITTED TO BE REMOVED

All trees on the site and identified in the Arboricultural Impact Assessment Report and landscape plans identified in condition 1 of this development consent are approved to be removed.

43. 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.

44. STREET TREES ROOT MAPPING

The location of the driveway crossover would be within Tree 1's SRZ. As per recommendations made in the Arboricultural Impact Assessment identified in condition 1 of this consent, root mapping shall be conducted along the edge of the proposed driveway, to see how many roots are in the proposed construction zone. It is possible that there may not be many roots in this area, but root mapping will clearly identify the level of impact.

A root mapping report is required from a qualified arborist (AQF Level 5) detailing the impact of constructing a driveway within the structural root zone of the *Melaleuca quinquenervia* (paperbark tree). The report must outline measures to minimise damage to the tree's root system or detail alternate solutions.

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

45. NEW VEHICLE CROSSING

A new vehicle crossing is to be provided to access the proposed basement car park. 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.

Note: Prior to the submission of the vehicle crossing application, works as executed drawings shall be submitted to Council for the approval of the Executive Manager, Infrastructure Services confirming the finished levels of the internal driveway between the property boundary and the garage floor comply with the approved driveway long sections.

46. EXISTING VEHICLE CROSSING IS TO BE CLOSED

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

47. INTERNAL RAMP - SPEED HUMP

A speed hump shall be installed inside the site on the exit portion of the internal driveway ramp.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

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

48. 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.

49. CERTIFICATION OF ACOUSTIC PERFORMANCE

An acoustic report/certificate prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority and the Council, certifying that all acoustic recommendations (including noise from mechanical plant) as outlined in the acoustic report prepared by Blackett Acoustics Noise & Vibration Consultants [Reference No. BAS190338] dated May 2019 and conditions of consent (including the operational conditions) have been incorporated into the development and can be satisfied.

50. CERTIFICATION OF ALL MECHANICAL PLANT

A Certificate of Test of all mechanical plant together with a copy of the final test figures, conducted by a suitably qualified person, certifying that the system complies with the conditions of this consent, National Construction Code (NCC) and relevant Australian Standards.

51. CERTIFICATION OF BASIX COMMITMENTS

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

52. CERTIFICATION OF LANDSCAPING

At the completion of all works a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboriculture Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. If relevant, the waterproofing on any green roof is to be tested and evidence of the test is to be provided with the certification.

53. CERTIFICATION OF STORMWATER SYSTEM

(a) 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.

- (b) The submission of certification by a suitably qualified Civil 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 the Subdivision Certificate.

54. REGISTRATION OF BOARDING HOUSE PREMISES

Prior to the issue of any Occupation Certificate, the proprietor of the boarding house shall:

- (a) Provide an outdoor clothes line and cleaning and cooking items in the kitchen for the use of boarding room occupants.
- (b) Arrange for an inspection by Council's Environmental Health Officer.
- (c) Be registered as a Boarding House with Council.
- (d) Provide to Council and the Principle Certifying Authority details of trade waste removal arrangements.
- (e) Pay any fees incurred by the carrying out of health regulation inspections as determined by Council's Pricing Policy, Fees and Charges.
- (f) Prior to the commencing operations, forward a notification letter to the Council and adjoining neighbours (within 50m radius of the site) providing contact details of the onsite Manager so that any issue regarding the operation of the premises can be addressed promptly. The Manager is to be contactable at all times by mobile phone and the mobile phone number of the Manager is to be clearly displayed externally adjacent to the front door of the premises.

55. POSITIVE COVENANT - AUTOMATIC FLOOD GATES

A covenant to the approval of Council is to be placed on the Certificate of Title of the property acknowledging that the site has an automatic flood gate system and that the implementation and the management of flood protection shall be at the responsibility of the building owners. Council is neither responsible nor liable to any damages caused as a result of any flooding of the property and/or neighbouring properties. Evidence of the creation of the covenant is to be submitted to Council prior to issue of any Occupation Certificate. The covenant shall not be revoked or modified without the prior approval of Council. All legal costs associated with the registration of the restriction is to be borne by the applicant and/or owners.

56. POSITIVE COVENANT – ON-SITE DETENTION SYSTEM

A positive covenant shall be created for the On-Site 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 Council's Public Domain Engineer prior to lodgement at NSW Land Registry Services. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate/use of the building. All legal costs associated with the registration of the restriction is to be borne by the applicant and/or owner.

For more information on how to satisfy this condition of consent, please contact Council's Infrastructure Department via email assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4.00pm Monday to Friday).

57. SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN

Prior to the issue of any Occupation Certificate for the works, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved plans and Waverley Council standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.

STORMWATER AND PUBLIC DOMAIN UPGRADE MATTERS

58. POST-CONSTRUCTION STORMWATER PIPE CCTV DILAPIDATION REPORT

Prior to the issue of the Occupation Certificate, a post-construction CCTV report shall be submitted to Council on the existing pipeline at least up to the next pit downstream of the proposed works. This is to ensure Council's stormwater infrastructure is adequately protected and there are no damages due to proposed construction activities and property drainage connections.

An electronic closed circuit television report (track mounted CCTV camera footage) prepared by an accredited operator that assesses the condition of the existing drainage line adjacent to the site is required. The report is to be dated and submitted to, and accepted by Council's public domain engineer with written approval by Council's Engineers.

59. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

The applicant is to pay 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.

60. WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN

To ensure public infrastructure works required under the consent are completed in accordance with approved plans and specifications, a Work-as-Executed plan of the works, prepared by a registered surveyor is to be submitted to the Principal certifying Authority and Council for review with any required rectification works completed and approved by Council prior to issue of any Occupation Certificate.

The W.A.E plans are to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from an experienced chartered civil engineer shall be submitted to support all variations from approved plans.

61. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

To ensure public infrastructure works required under the consent are completed to Council's satisfaction a final inspection of the completed works is required from Council's engineer. The Occupation Certificate shall not be issued until certification has been obtained from Council confirming the public infrastructure works have been constructed to Council's satisfaction.

Notes:

- The issue of a Compliance Certificate from the Council officer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but not limited to fees applicable for engineering plans assessment and work inspection fees.
- The refund of any damage and/or security deposits will be subject to satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent.

To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works completed by the applicant/developer following completion of the development. The defects liability period shall commence from the date of issue of the Occupation Certificate for the development. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined

MANAGEMENT PLANS

62. PLAN OF MANAGEMENT – SHARED ACCOMMODATION

The Plan of Management (PoM) identified in condition 1 of this development consent shall be amended as follows:

- (a) Contact details, including phone number and email address, of the on-site manager shall be identified so that the on-site manager is readily contactable 24 hours a day and available to be made immediately aware of any issues and complaints as they arise so that they can quickly resolve any issue to the best of their ability.

The amended PoM shall be submitted to and approved by Council's Executive Manager, Compliance (or delegate) prior to the issue of any Occupation Certificate.

The PoM shall be reviewed every two years (at minimum) to determine whether any change to it should be made to address any incidents or complaints and/or improve the operations to eliminate anti-social behaviour. A copy of the amended PoM shall be submitted to Council's Executive Manager, Compliance (or delegate) for review and approval prior to the issue of any Occupation Certificate. Changes to the PoM must be in accordance with the approved conditions of consent.

VEHICLE ACCESS AND PARKING

63. CONVEX MIRRORS

Convex mirrors shall be installed inside the site at the applicant's expense on both sides of the car park entry/exit driveway to improve driver sightlines of both approaching vehicles and pedestrians in Lamrock Avenue.

64. VEHICULAR ACCESS CONTROL SYSTEM

An electronically operated vehicular access control system shall be provided on the access ramp in order to minimise the incidence of more than one vehicle being on the ramp at any one time and to give priority to those entering the site. Details are to be submitted to the Principal Certifying Authority for approval prior to the release of the occupation certificate.

OTHER MATTERS

65. ALLOCATION OF STREET NUMBERS

The redevelopment of the property has led to the following allocation of premises numbers:

- No. 15 - primary address site number
- Lamrock Avenue - primary address location.

The primary premises number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level, located near the entry point and be clearly visible on the site boundary that fronts Lamrock Ave.

- As the redevelopment has multi-level sub addressing the following sub addressing will apply;
 - All sub premises numbers must be unique,
 - The floor/level number will represent the first number of the sub address and the last two digits in the sub address shall be unique on each level,
 - For clarity, a zero will be interposed in the number of the first nine sub address levels ie Level 3 unit 7 =307,
 - Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie Ground =G, Lower Ground = LG Basement + B, B1 Etc
 - Commercial premises will be identified with an address identifier ie Shop 101, Office 102 ,

The primary and sub-address numbers are to be positioned on the site prior to the issue of the Occupation Certificate and Council notified of the corresponding sub-address numbers prior to the issue of the Occupation Certificate.

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

66. WAVERLEY DIGITAL MODEL

An accurate 'as built' 3D digital model of the building must be submitted to be used in the Waverley Digital Model, to the satisfaction of Council's Digital Urban Designer which complies with the requirements outlined in on Council's website at:

https://www.waverley.nsw.gov.au/building/development_applications/decision_makers/3d_modeling

E. OPERATIONAL MATTERS

The following operational conditions must be complied with at all times, throughout the use and operation of the development or use.

67. BOARDING HOUSE – USE, OPERATION AND MANAGEMENT

- (a) Within 28 days of commencing operations in accordance with Part 2, Division 1 of the Boarding Houses Act 2012, the boarding house must be registered with NSW Fair Trading.
- (b) The use and operation of the premises shall comply with the requirements of the Local Government Act 1993 and the Boarding House Act 2012.
- (c) All lodgers shall be required to reside on the premises for a minimum period 3 months in accordance with the definition of Boarding House under Waverley Local Environmental Plan 2012.
- (d) All lodgers shall be provided with and sign the Standard Occupancy agreement for general boarding houses under the Boarding Houses Act 2012.
- (e) All tenancy/occupation agreements and house rules must outlined specific provisions requiring residents of the premises and their guests to comply with the requirements of this consent.
- (f) There must be a manager appointed to manage the premises.
- (g) The name address and contact phone number for the appointed manager and any newly appointed manager must be provided to Waverley Council within 48 hours of the manager's appointment.
- (h) The manager must ensure that the plan of management is complied with at all times, including ensuring the number of patrons in the premises does not exceed the approved capacity.
- (i) The boarding house shall be registered and inspected by Council on an annual basis.
- (j) Rooms with a gross floor area, as defined by *State Environmental Planning Policy (Affordable Rental Housing) 2009*, less than 16m² shall accommodate only a single lodger. For all other rooms the maximum lodgers per room is limited to 2 people.

68. BOARDING OPERATION IN ACCORDANCE WITH PLAN OF MANAGEMENT (POM)

- (a) The operation and management of the premises shall be in accordance with a Council approved Plan of Management (PoM) at all times.
- (b) The approved PoM shall be adopted by the Management of the premises.
- (c) The plan shall be reviewed (at minimum) every two years, and at any time there is a change in business ownership of the premises.

69. COPIES OF CONSENTS AND MANAGEMENT PLANS

A full copy of all current development consents (including approved plans) for the operation of the premises, any compliant registers (or other) required and any required Plan of Managements must

be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or OLGR Authorised Officers.

70. COMMUNAL OPEN SPACE OF THE DEVELOPMENT

- (a) The use of the communal open space on the ground level of the site shall be restricted to the following hours:

7am to 6pm, seven (7) days a week.

- (b) The maximum capacity of the communal open space on ground floor level of the site shall be **18 residents** at any given time.
- (c) The 'breakout spaces' on Levels 1 and 2 of the development shall only be used for passive and quiet activities. The maximum capacity for each breakout space is **5 residents** at any given time.

71. AMENITY

The management of the premises is to:

- (a) Ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood.
- (b) Record in a formal register full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided.
- (c) Respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in the register.

72. NOISE EMISSIONS

The use of the premises shall not give rise to the transmission of "Offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.

73. BOARDING REFRIGERATION UNITS AND MECHANICAL PLANT

Refrigeration motors/units and other mechanical plant (i.e. air conditioning) are not to be installed outside the building without the prior consent of Council in order to assess the cumulative impacts of noise to adjoining properties. All plant is to be installed within the confines of the building and be acoustically treated to ensure that it within the acceptable limits.

74. SURVEILLANCE CAMERAS TO BE MAINTAINED ON THE PREMISES

The Management must install and maintain a closed-circuit television (CCTV) system on the premises. The CCTV system must comply with the requirements of Waverley Council and the Local Area Command. Please refer to Council's website for further information.

75. MAXIMUM FLOOD/PONDING AFFECTED LAND

The building owner/s are responsible for undertaking maintenance checks of the automatic flood gate system at least every 12 months to ensure flood mitigation measures are in proper working order. The building owner/s are responsible for keeping a register of such checks that are available for inspection upon request by an authorised Council Officer.

76. MAXIMUM 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, commercial tenants (if relevant) are current. The updated plan is to supersede the previous plan.

PARKING AND ACCESS

77. CAR SHARE SPACE

The car share space within the basement car park and nominated on the relevant plans identified in condition 1 of this development consent shall be occupied by a car share or pool car service for only the use of residents of the development and NOT be available to the general public.

78. VEHICLE ACCESS

All vehicles including service vehicles entering and exiting the building are to do so in a forward direction.

Any vehicle utilising a car, motorcycle or bicycle space is to be parked fully within the confines of the site and is not to park over the public footway at any time.

79. ADJUSTMENTS TO STREET SIGNS

Any street signs required to be removed as a result of the works shall be relocated at the applicant and/or owner's expense in accordance with Council's requirements.

80. PARKING PERMITS

In accordance with Council's Policy, Residents Preferred Parking permits will **not** be issued for this development when completed.

81. DELIVERY OF GOODS

Loading and unloading of vehicles and delivery of goods to the building are to be carried out within the site.

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.

I. SYDNEY WATER REQUIREMENTS

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

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

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

II. 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.

III. 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.

IV. EXCAVATION TO BE LIMITED

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

V. BONDİ - 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.

VI. 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.

VII. WORK OUTSIDE PROPERTY BOUNDARY

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

VIII. 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.

IX. SUITABLY QUALIFIED ACOUSTIC CONSULTANT

In these conditions, reference to a suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who is employed by a member firm of the Association of Australian Acoustic Consultants.

15-17 Lamrock Ave Bondi Beach NSW 2026

DRAWING No	DRAWING NAME	SCALE	REV
DA0000	COVERPAGE		B
DA1000	LOCATION PLAN		A
DA1001	SITE ANALYSIS PLAN	1:400	B
DA1002	CONCEPT DIAGRAMS		A
DA2000	BASEMENT	1:200	B
DA2001	GROUND FLOOR	1:200	B
DA2002	LEVEL 1	1:200	B
DA2003	LEVEL 2	1:200	B
DA2004	LEVEL 3	1:200	B
DA2005	ROOF PLAN	1:200	B
DA2300	SECTIONS A & B	1:200	B
DA2400	NE & SW ELEVATIONS	1:200	B
DA2401	SE & NW ELEVATIONS	1:200	B
DA2402	NE & SW ELEVATIONS - FINISHES	1:200	B
DA2403	FENCE ELEVATIONS	1:200	B
DA2500	UNIT PLANS 1	1:50	B
DA2501	UNIT PLANS 2	1:50	B
DA2502	UNIT PLANS 3	1:50	B
DA9000	GROSS FLOOR AREA	1:300	B
DA9001	DEEP SOIL & LANDSCAPED AREAS	1:300	B
DA9002	3D HEIGHT PLANE DIAGRAM		B
DA9100	SHADOW DIAGRAMS	1:500	B
DA9101	3D SHADOW DIAGRAMS	1:500	B
DA9102	11A LAMROCK SHADOW 10AM - 11AM	1:200	B
DA9103	11A LAMROCK SHADOW 7 12PM - 3PM	1:200	B
DA9104	SUN EYE VIEWS 9AM -12PM		B
DA9105	SUN EYE VIEWS 1PM - 3PM		B
DA9200	PHOTOMONTAGE 1 - EXISTING VIEW FROM WEST		A
DA9201	PHOTOMONTAGE 1 - PROPOSED VIEW FROM WEST		A
DA9202	PHOTOMONTAGE 2 - EXISTING VIEW FROM EAST		A
DA9203	PHOTOMONTAGE 2 - PROPOSED VIEW FROM EAST		A
DA9300	BREEZEWAY CORRIDOR & BALCONY EAVE DETAILS	1:20	B
DA9301	BREEZEWAY 3D VIEWS		B
DA9302	EAST BALCONY DETAILS & 3D VIEWS	1:50	B
DA9303	BICYCLE PARKING CONCEPT	1:50	B
DA9400	NOTIFICATION PLAN		B



DEVELOPMENT APPLICATION

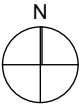
AMENDED PLANS

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Waverley Council

Application No: DA-170/2019

Date Received: 8/10/2019



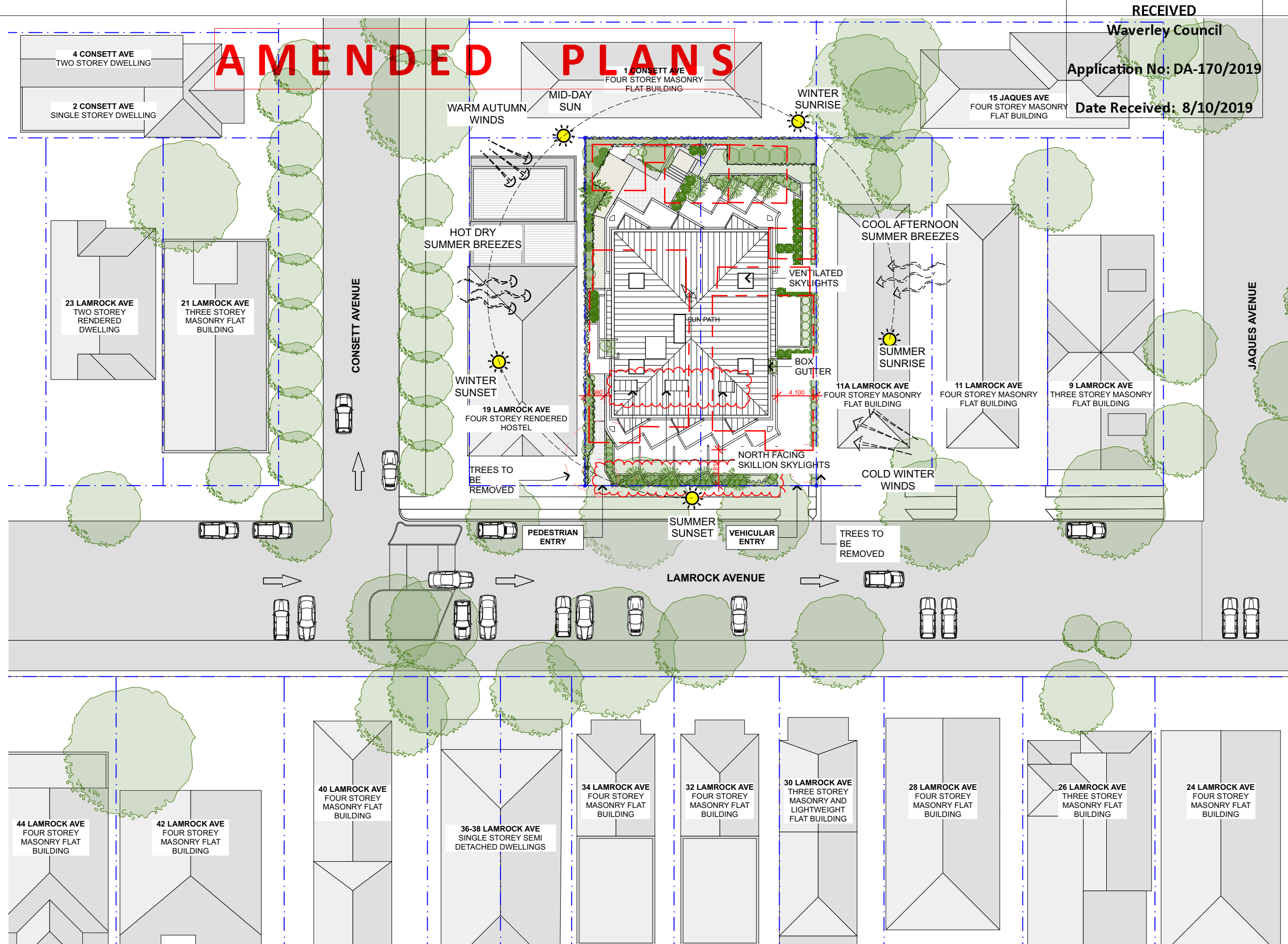
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SITE ANALYSIS PLAN
1:400



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B	08/10/2019	AMENDED DA
A	24/05/2019	DEVELOPMENT APPLICATION ISSUE
ISSUE	DATE	REVISION

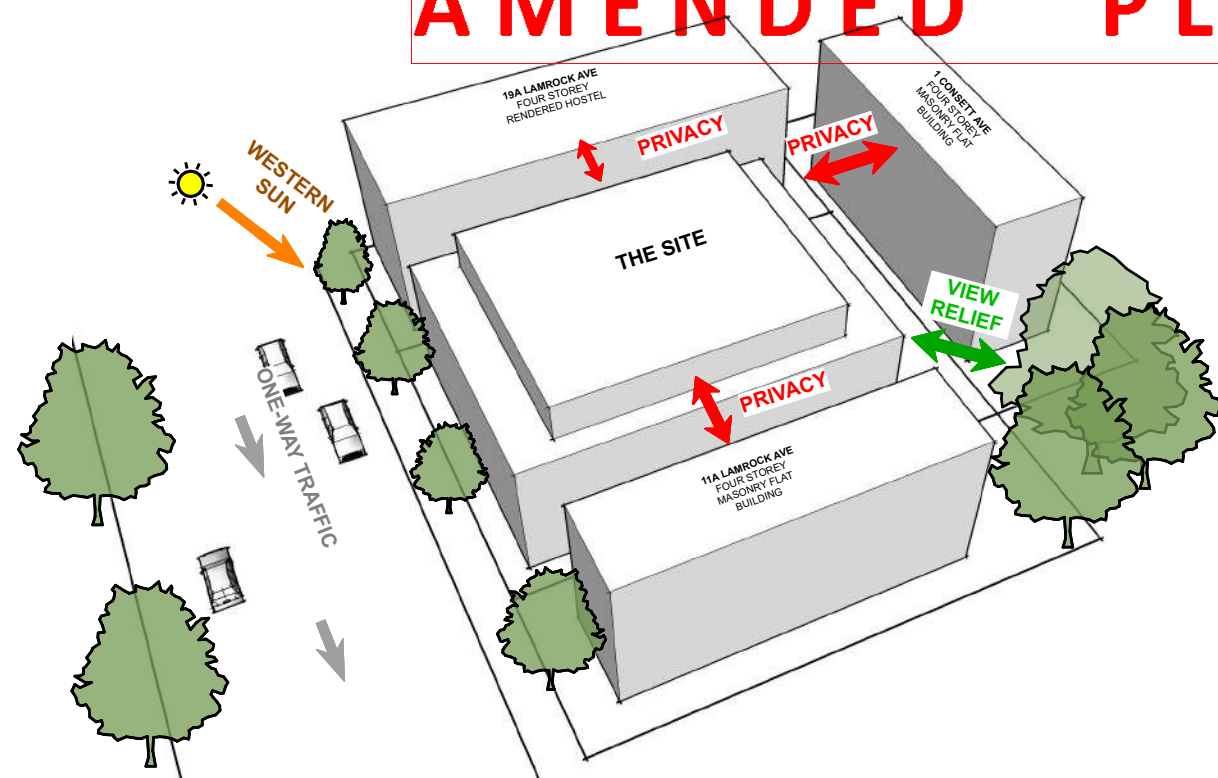
PROJECT:
Bondi Pod Co-Living
15-17 Lamrock Ave
Bondi Beach NSW 2026
DRAWING:
SITE ANALYSIS PLAN

PROJECT NO: 19006
SCALE: 1:400 @A3
DRAWING NO: REV:
PLOTTED: 3/10/19

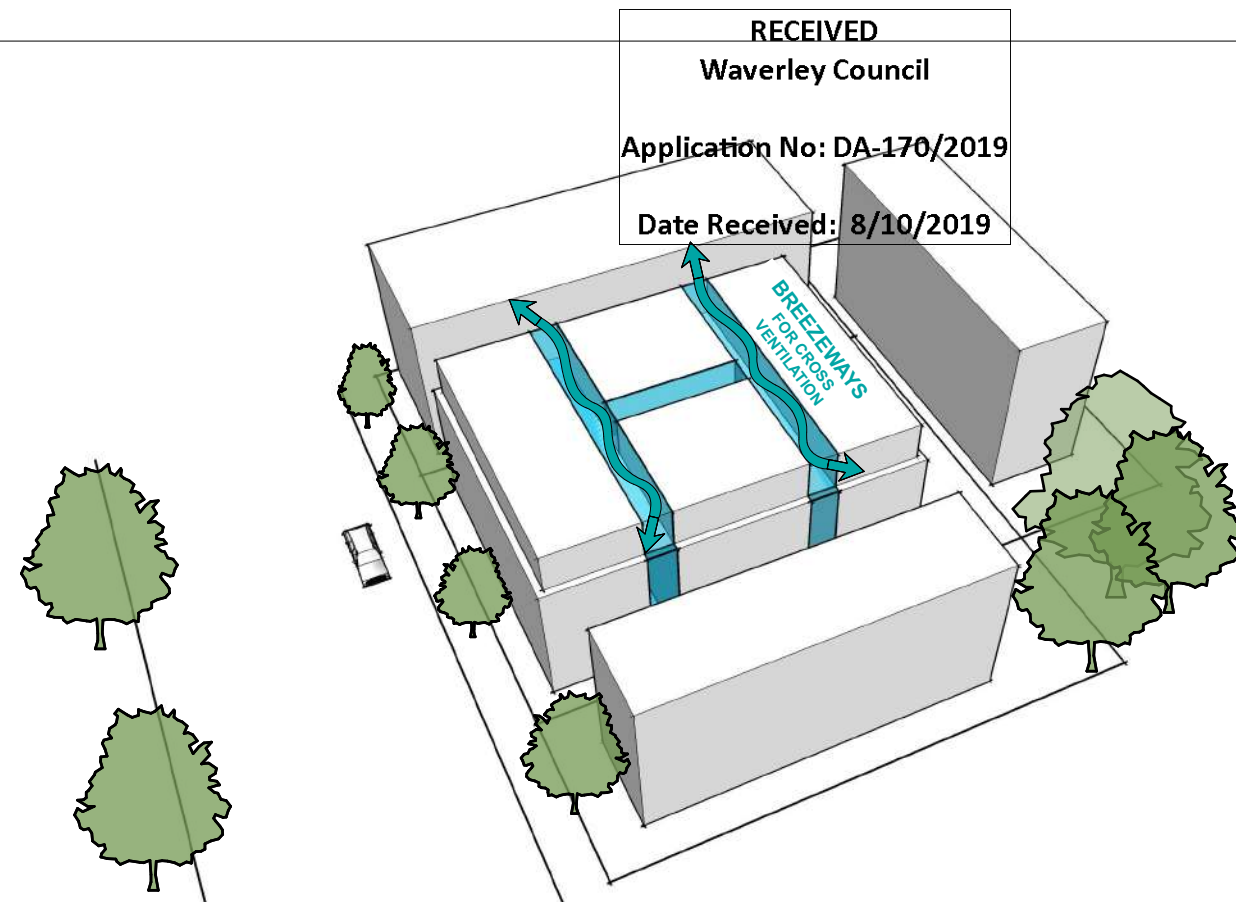
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252

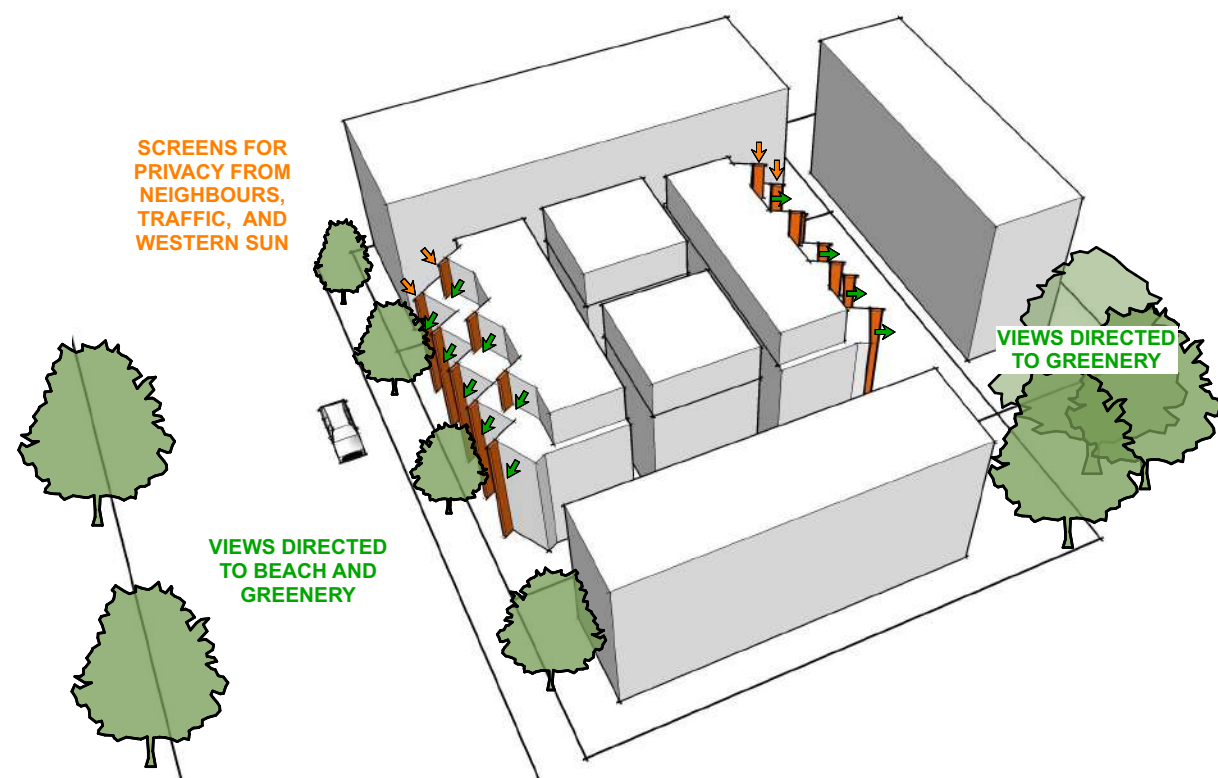
AMENDED PLANS



1. MASSING SET BY WAVERLEY COUNCIL DCP CONTROLS & SITE CONSTRAINTS



2. GENEROUS BREEZEWAY CORRIDORS ARTICULATE THE BUILDING MASS, ALLOWING FOR NATURAL VENTILATION & INFORMAL SOCIAL SPACES



3. UNITS ARE 'CRANKED' & TO THE EAST & SCREENED TO THE WEST IN ORDER TO
 - TAKE ADVANTAGE OF VIEWS AND VISUAL RELIEF,
 - CREATE PRIVACY FROM ADJOINING BUILDINGS & ON-COMING TRAFFIC
 - SHIELD FROM THE WESTERN SUN



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ISSUE	DATE	REVISION

PROJECT:
Bondi Pod Co-Living
 15-17 Lamrock Ave
 Bondi Beach NSW 2026
 DRAWING:
CONCEPT DIAGRAMS

PROJECT NO: 19006
 SCALE: @A3
 DRAWING NO: REV:
 PLOTTED: 3/10/19

DA1002A

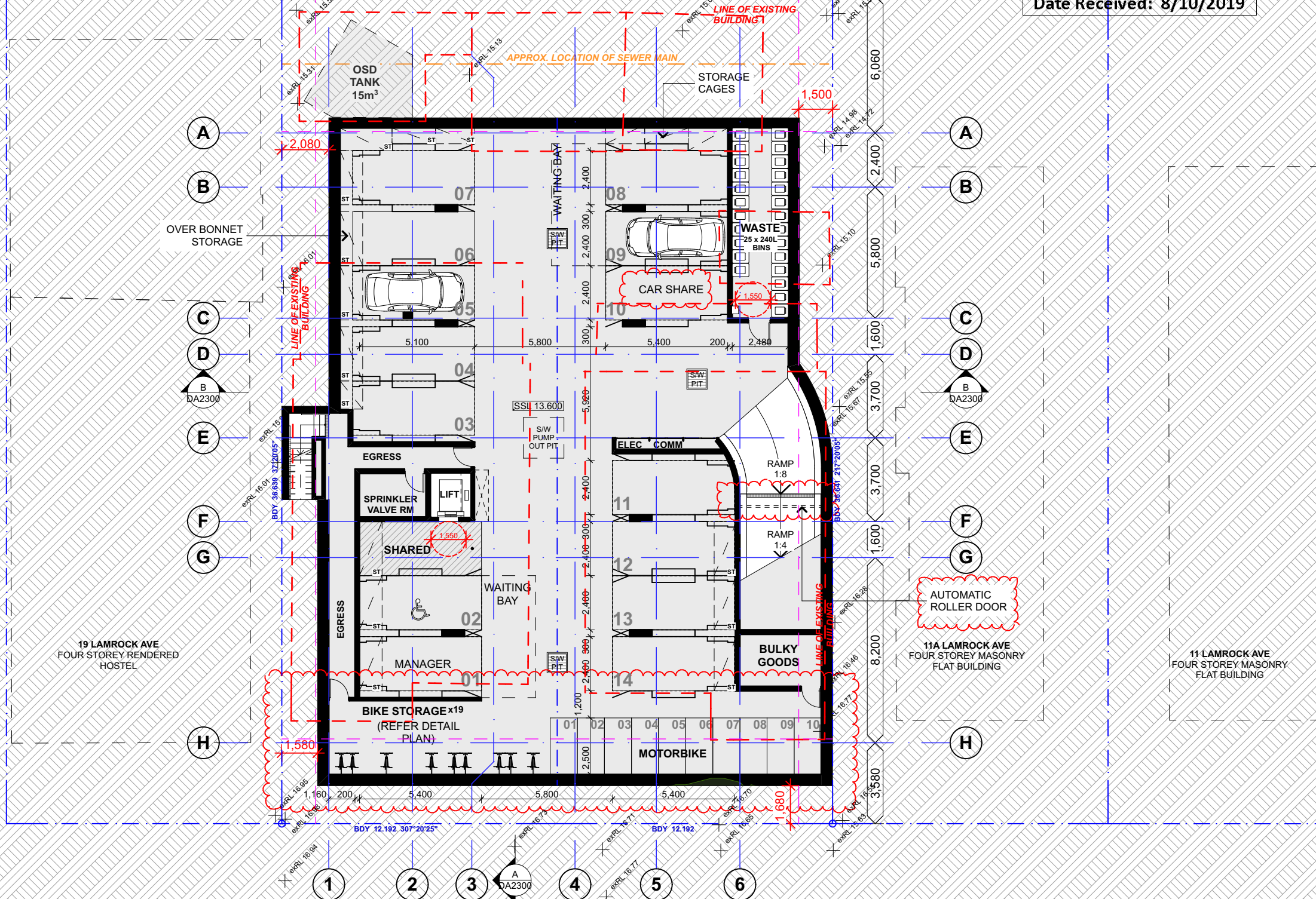
253

AMENDED PLANS

RECEIVED
Waverley Council
TWO STOREY MASONRY
FLAT BUILDING

Application No: DA-170/2019

Date Received: 8/10/2019

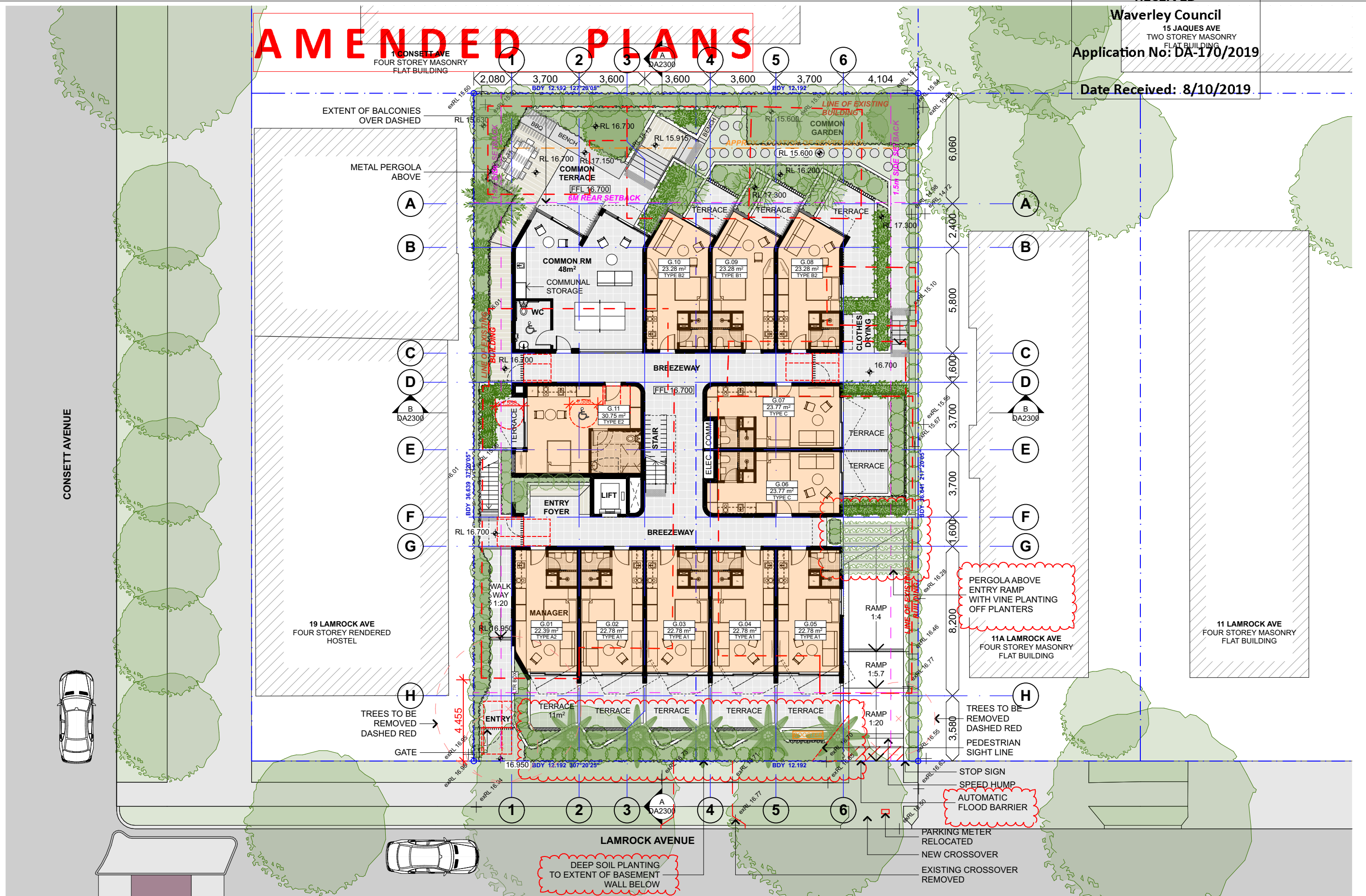


1 BASEMENT FLOOR
1:200



AMENDED PLANS

RECEIVED
Waverley Council
15 JAKES AVE
TWO STOREY MASONRY
FLAT BUILDING
Application No: DA-170/2019
Date Received: 8/10/2019



GROUND FLOOR
1:200

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ISSUE	DATE	REVISION
B	08/10/2019	AMENDED DA
A	24/05/2019	DEVELOPMENT APPLICATION ISSUE

PROJECT:
Bondi Pod Co-Living
15-17 Lamrock Ave
Bondi Beach NSW 2026
DRAWING:
GROUND FLOOR

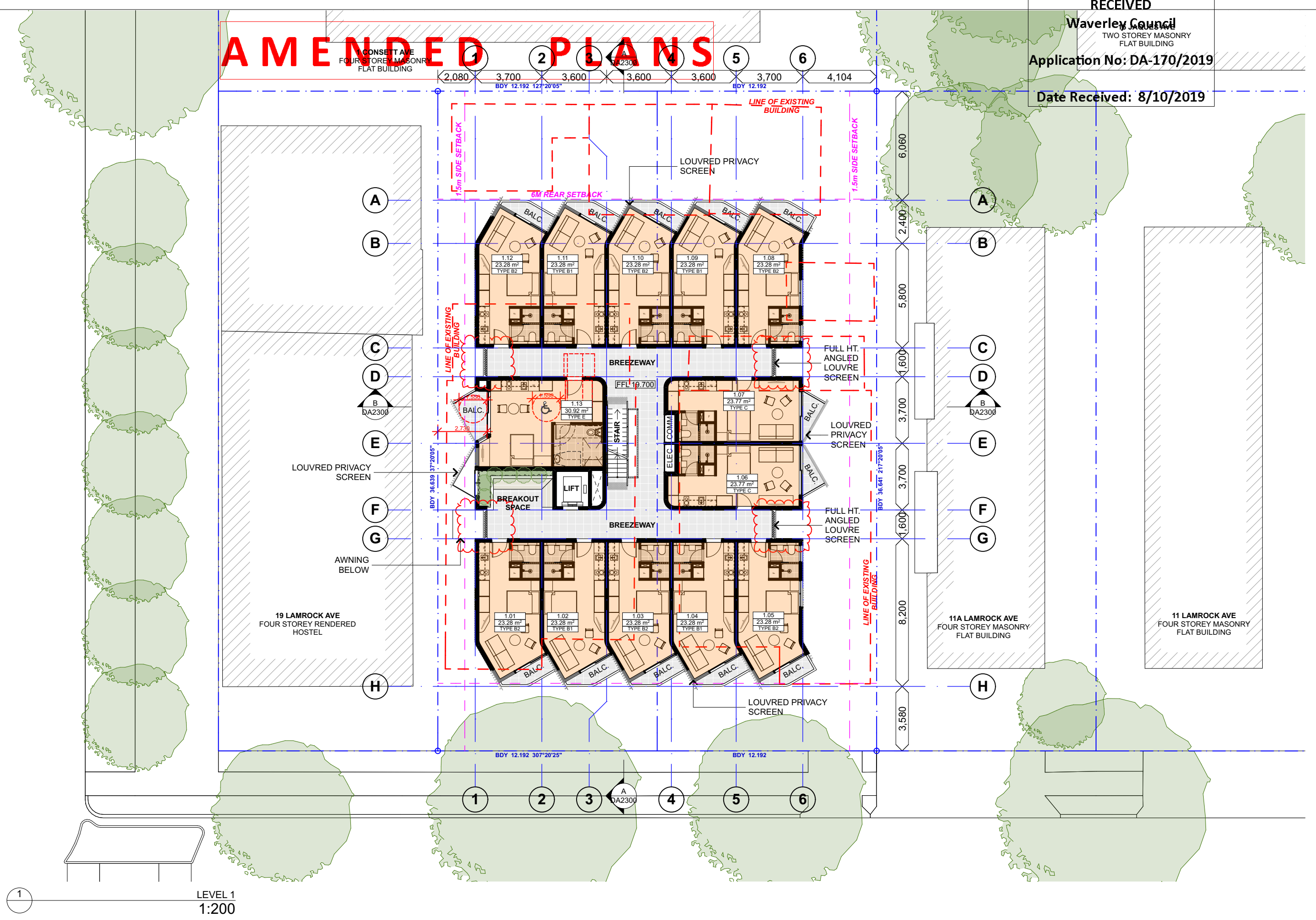
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PLOTTED: 3/10/19

DA2001B

255

AMENDED PLANS

RECEIVED
Waverley Council
TWO STOREY MASONRY
FLAT BUILDING
Application No: DA-170/2019
Date Received: 8/10/2019

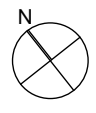


1
LEVEL 1
1:200

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ISSUE	DATE	REVISION



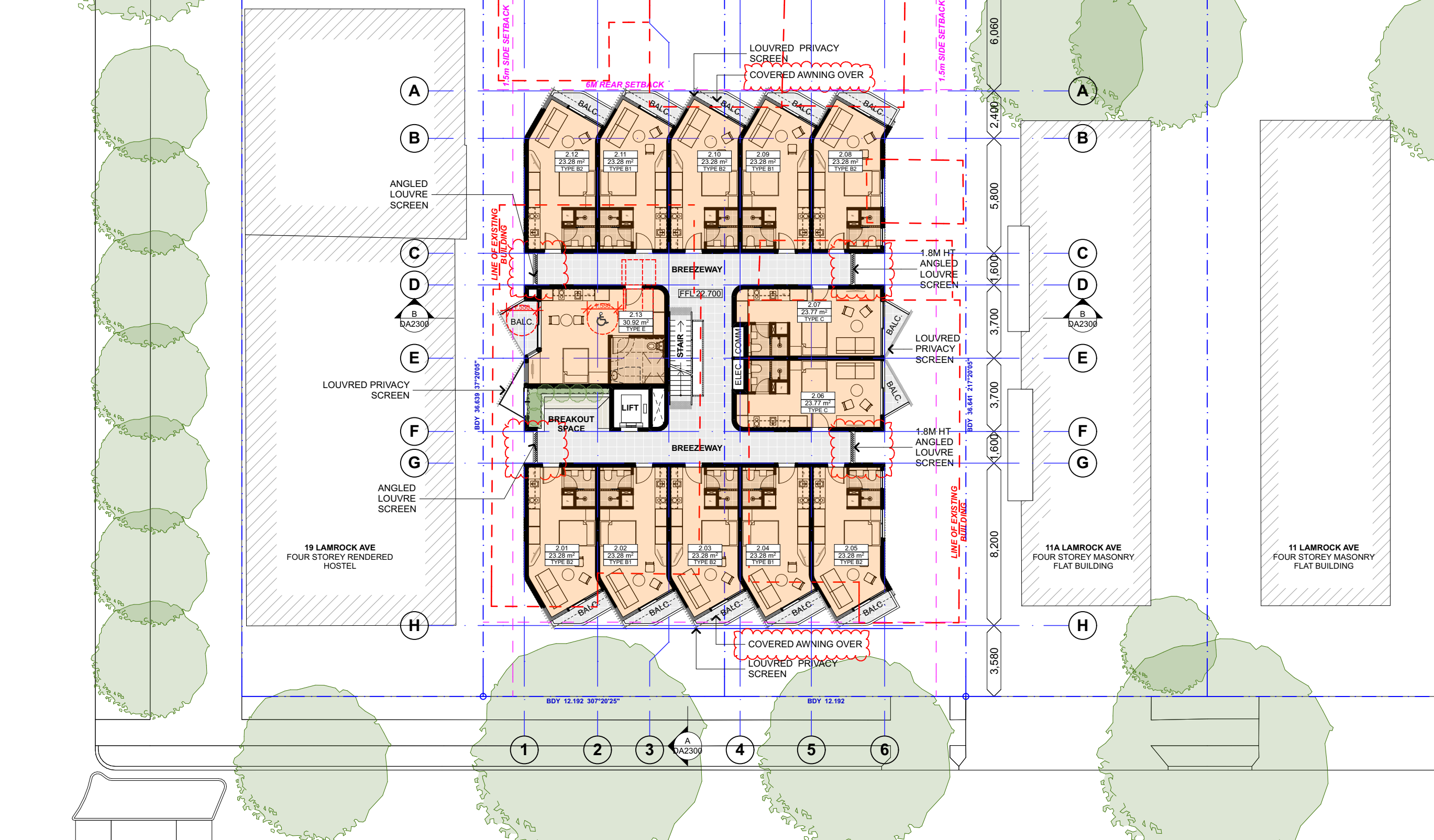
PROJECT:
Bondi Pod Co-Living
15-17 Lamrock Ave
Bondi Beach NSW 2026
DRAWING:
LEVEL 1

PROJECT NO: 19006
SCALE: 1:200 @A3
DRAWING NO: REV:
PLOTTED: 3/10/19

DA2002B

AMENDED PLANS

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TWO STOREY MASONRY
FLAT BUILDING
Application No: DA-170/2019
Date Received: 8/10/2019



1
LEVEL 2
1:200

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B	08/10/2019	AMENDED DA
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PROJECT:
Bondi Pod Co-Living
15-17 Lamrock Ave
Bondi Beach NSW 2026
DRAWING:
LEVEL 2

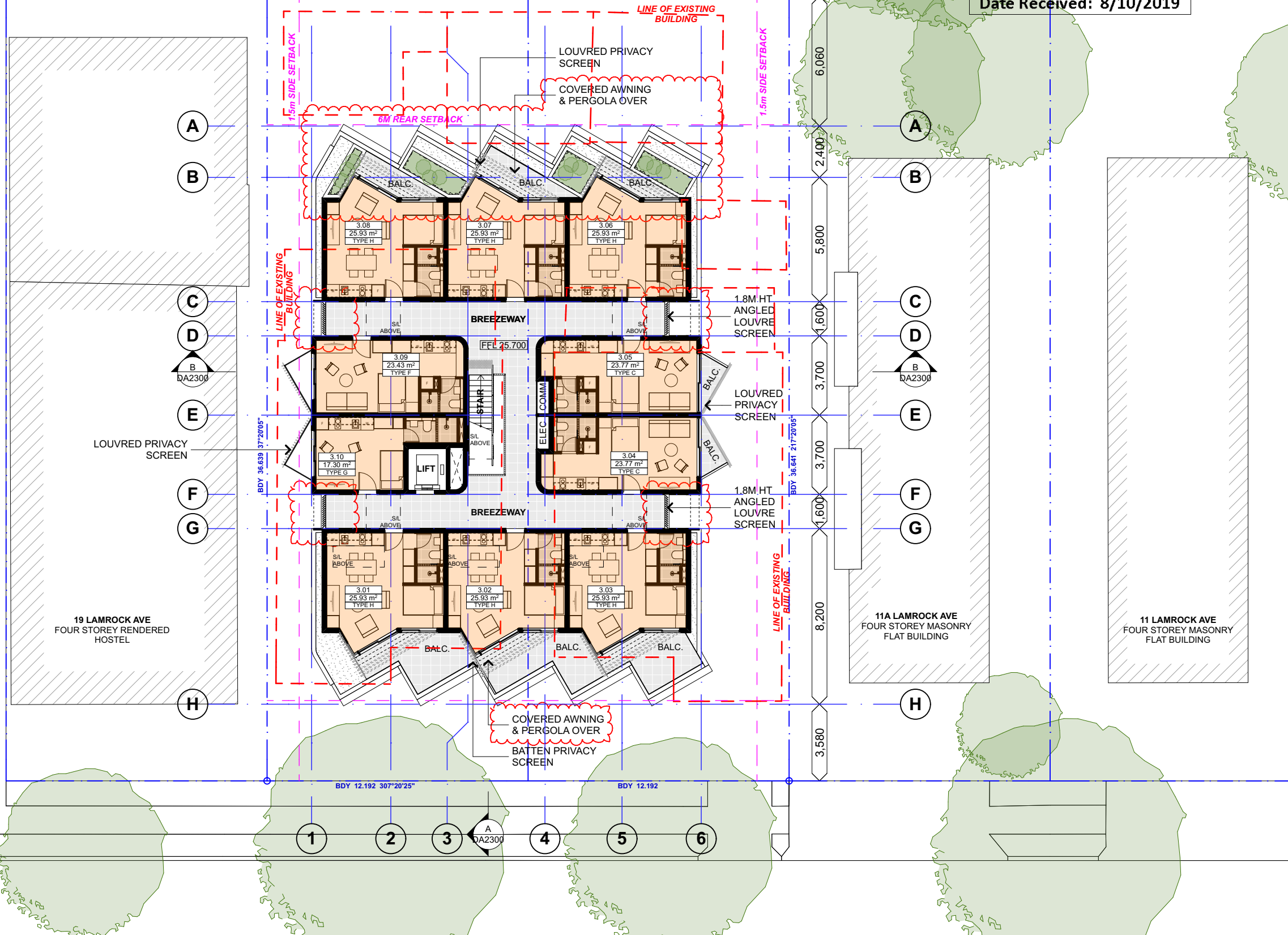
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DRAWING NO: REV:
PLOTTED: 3/10/19

DA2003B

257

AMENDED PLANS

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Waverley Council
15 JACQUES AVE
Application No: DA 170/2019
Date Received: 8/10/2019



LEVEL 3
1:200



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ISSUE	DATE	REVISION



PROJECT:
Bondi Pod Co-Living
15-17 Lamrock Ave
Bondi Beach NSW 2026
DRAWING:
LEVEL 3

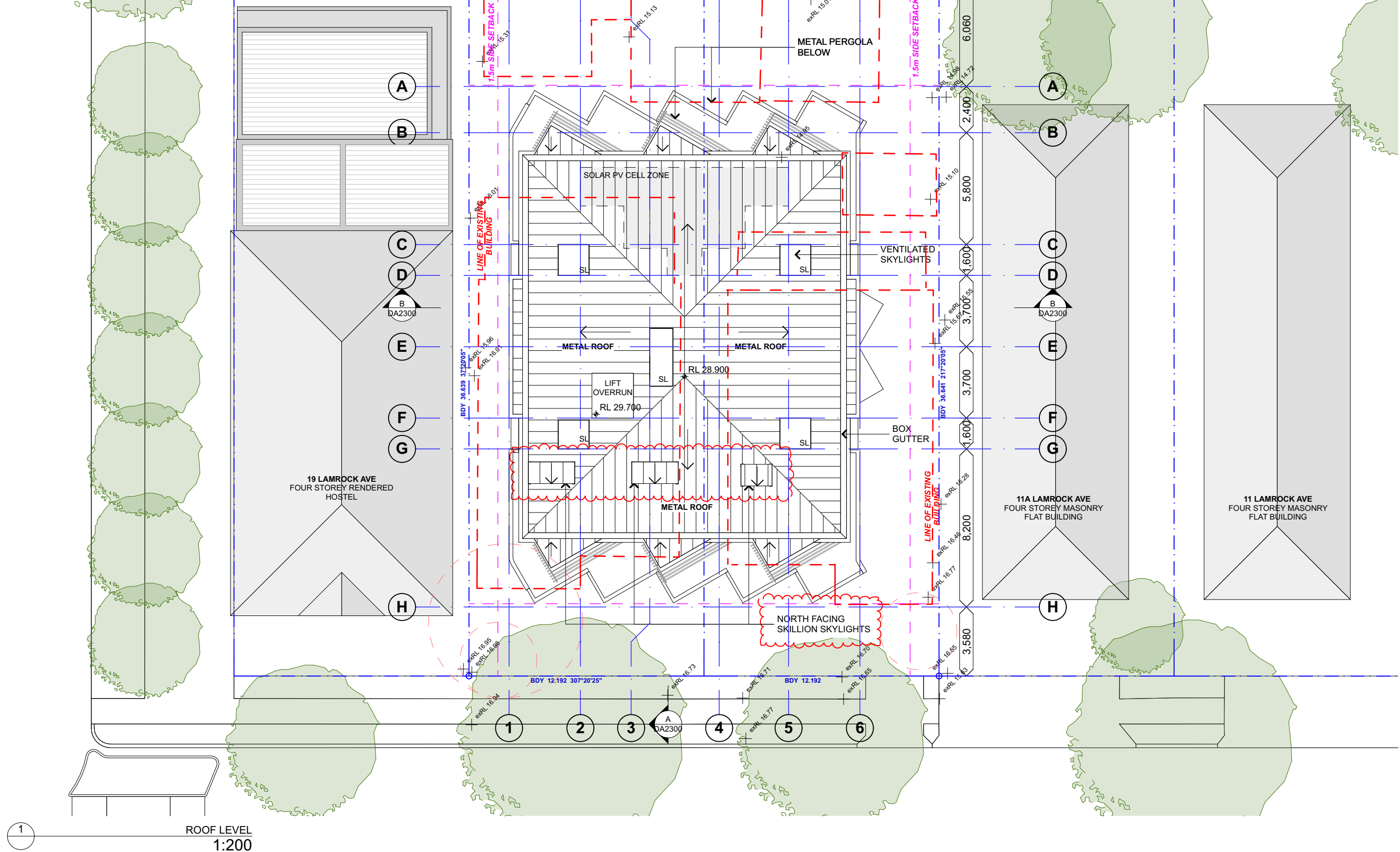
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DRAWING NO: REV:
PLOTTED: 3/10/19

DA2004B

258

AMENDED PLANS

RECEIVED
Waverley Council
15 JACQUES AVE
Application No: DA 170/2019
Date Received: 8/10/2019



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ISSUE	DATE	REVISION
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A	24/05/2019	DEVELOPMENT APPLICATION ISSUE

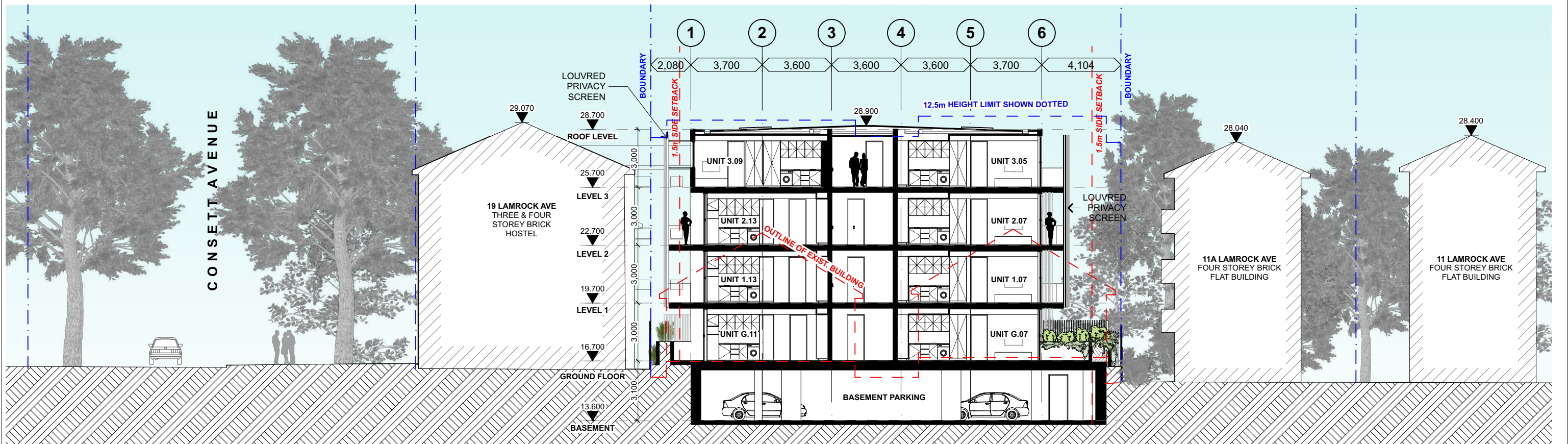
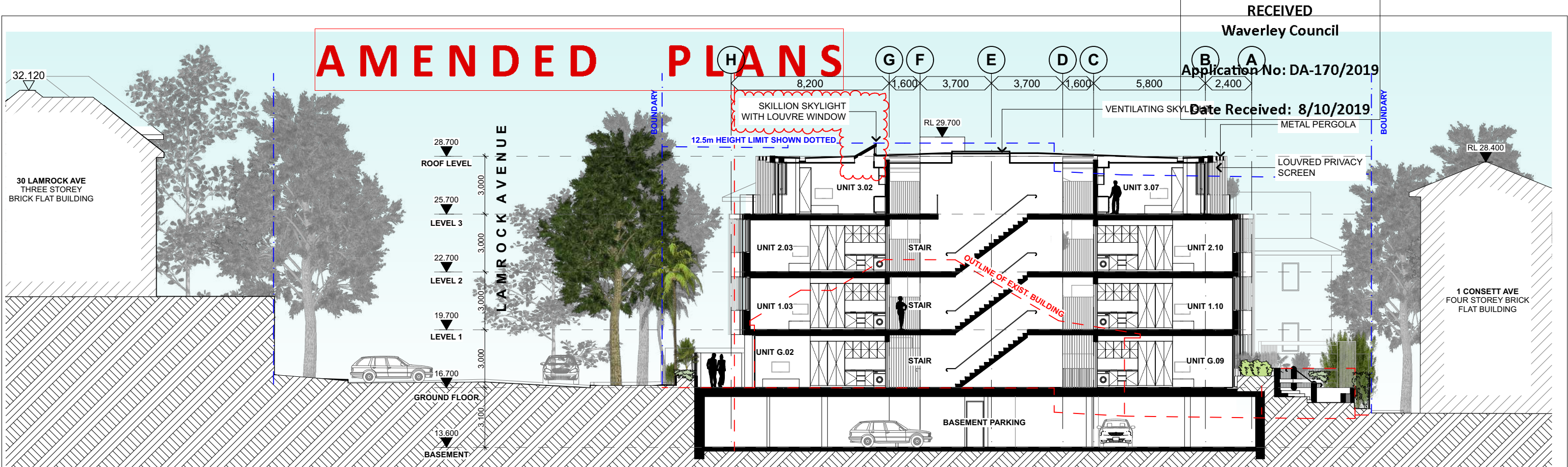


PROJECT:
Bondi Pod Co-Living
15-17 Lamrock Ave
Bondi Beach NSW 2026
DRAWING:
ROOF PLAN

PROJECT NO: 19006
SCALE: 1:200 @A3
DRAWING NO: REV:
PLOTTED: 3/10/19

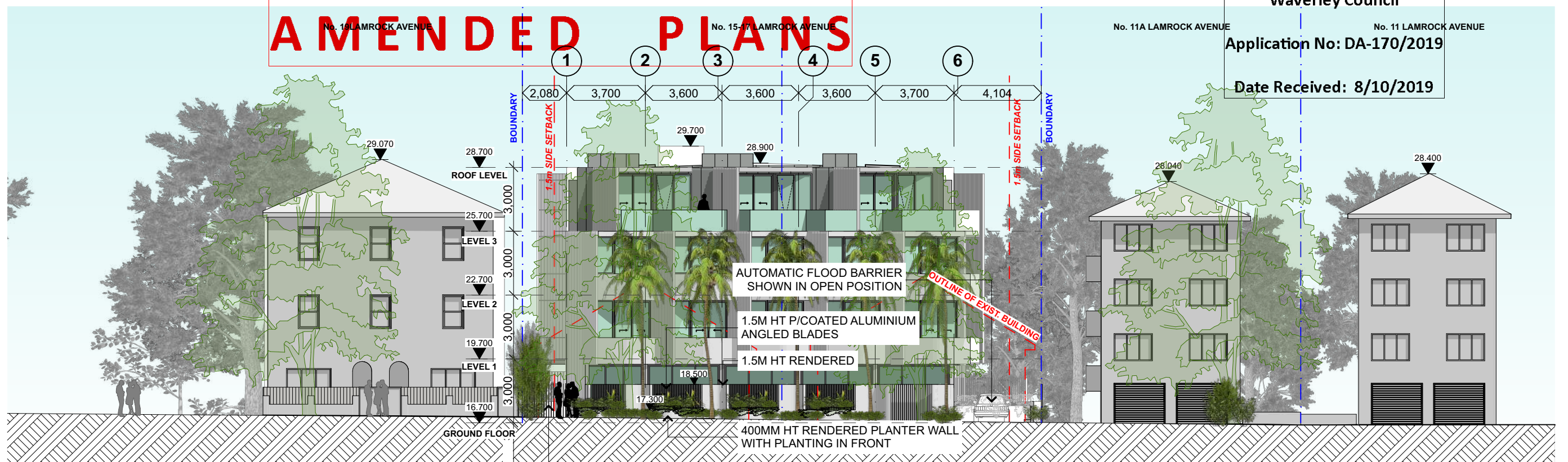
DA2005B

259



AMENDED PLANS

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Waverley Council
Application No: DA-170/2019
Date Received: 8/10/2019



1 SOUTH WEST (LAMROCK AVE)
1:200



2 NORTH EAST
1:200

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ISSUE	DATE	REVISION
B	08/10/2019	AMENDED DA
A	24/05/2019	DEVELOPMENT APPLICATION ISSUE

PROJECT:
Bondi Pod Co-Living
15-17 Lamrock Ave
Bondi Beach NSW 2026
DRAWING:
NE & SW ELEVATIONS

PROJECT NO: 19006
SCALE: 1:200 @A3
DRAWING NO: REV:
PLOTTED: 3/10/19

DA2400B

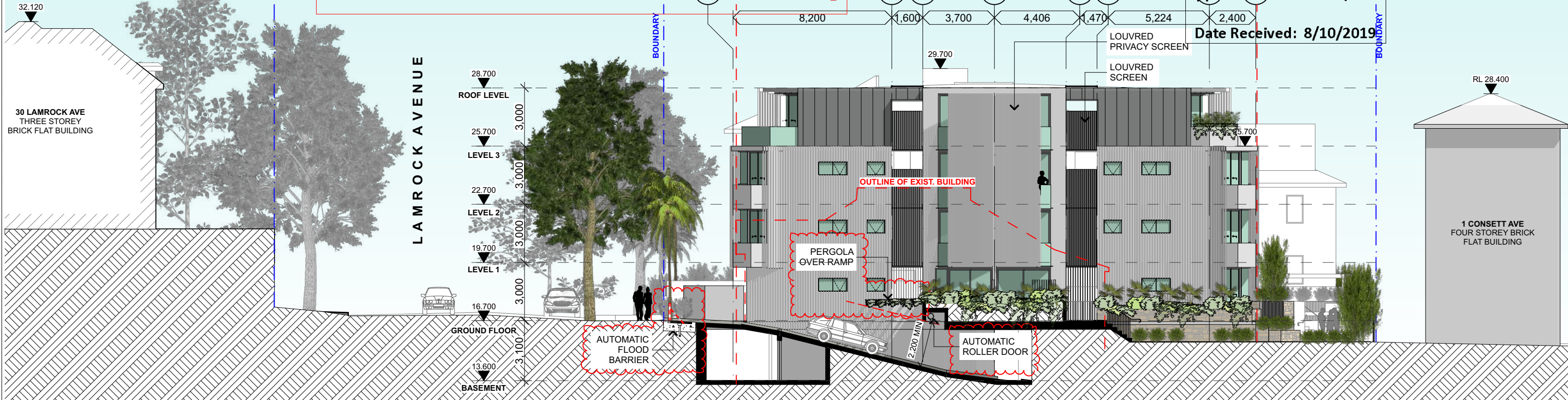
261

AMENDED PLANS

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Application No: DA-170/2019

Date Received: 8/10/2019



1
SOUTH EAST
1:200



2
NORTH WEST
1:200



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ISSUE	DATE	REVISION
B	08/10/2019	AMENDED DA
A	24/05/2019	DEVELOPMENT APPLICATION ISSUE

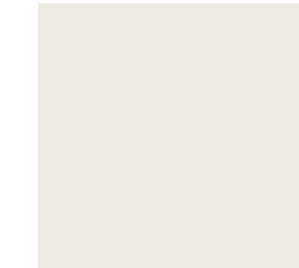
PROJECT:
Bondi Pod Co-Living
15-17 Lamrock Ave
Bondi Beach NSW 2026
DRAWING:
SE & NW ELEVATIONS

PROJECT NO: 19006
SCALE: 1:200 @A3
DRAWING NO: REV:
PLOTTED: 3/10/19

DA2401B

262

AMENDED PLANS



① RENDER AND PAINT



② SANDSTONE CLADDING



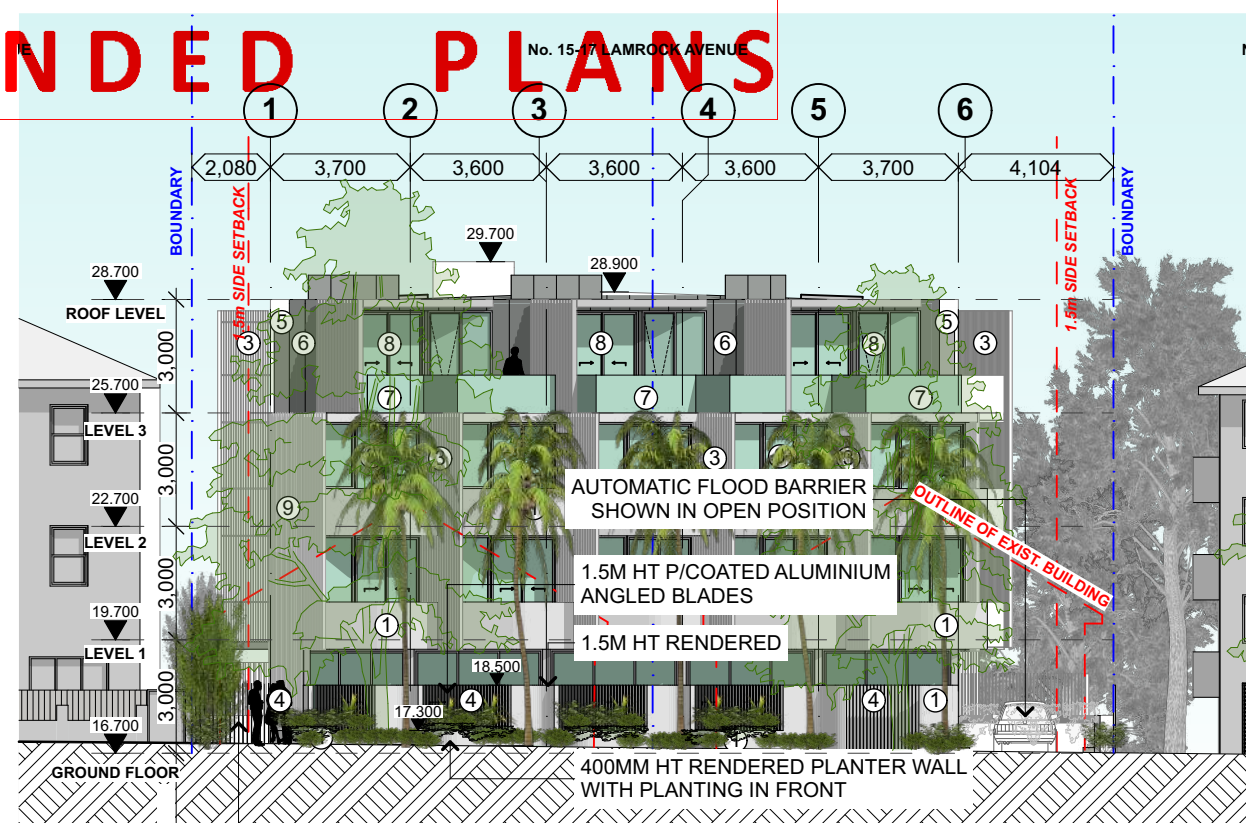
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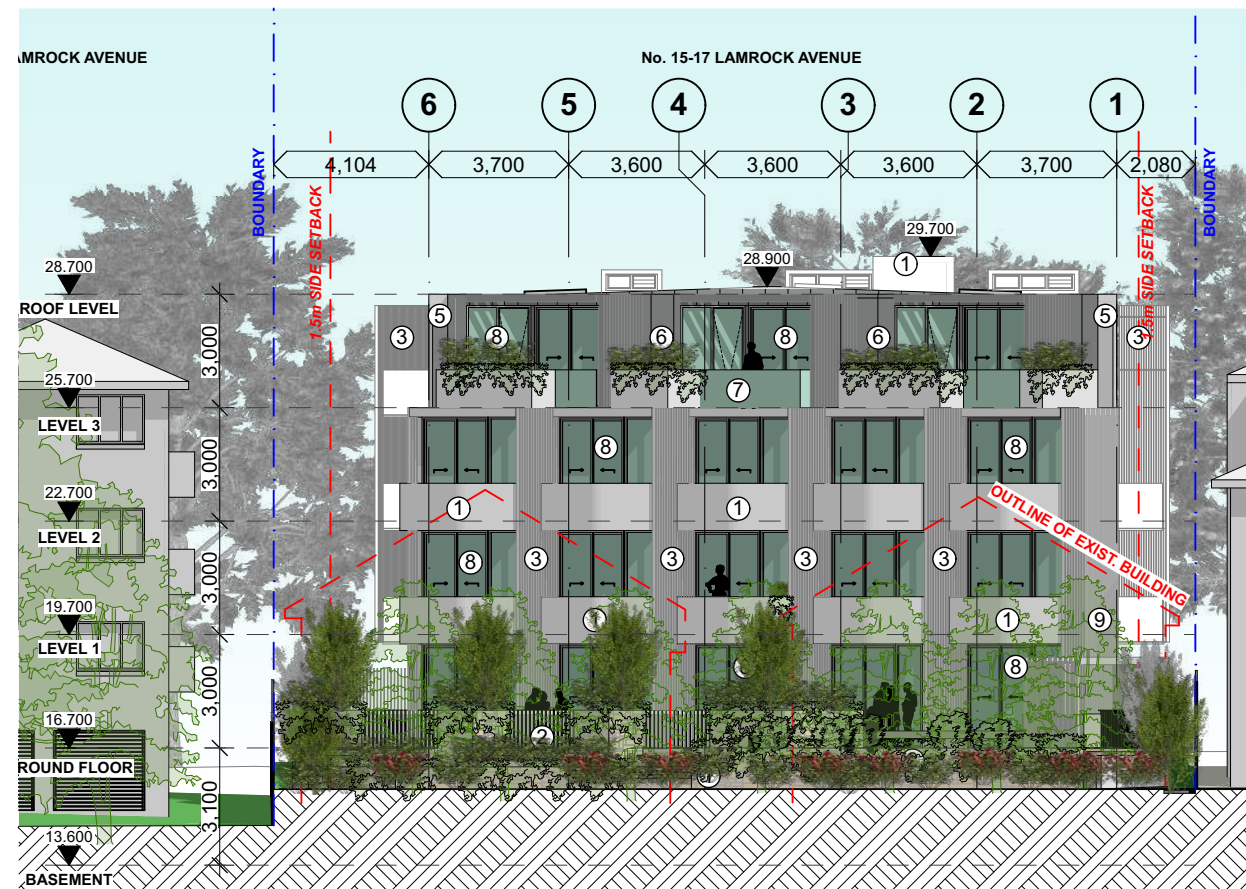
④ METAL FENCE - WHITE



⑤ STEEL FRAME



1 SOUTH WEST (LAMROCK AVE) - FINISHES
1:200



2 NORTH EAST - FINISHES
1:200

RECEIVED
Waverley Council
Application No: DA-170/2019
Date Received: 8/10/2019



⑥ METAL CLADDING



⑦ GLASS BALUSTRADE



⑧ ALUMINIUM FRAMED GLAZING



⑨ WHITE BATTEN CLADDING



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B 08/10/2019 AMENDED DA
A 24/05/2019 DEVELOPMENT APPLICATION ISSUE
ISSUE DATE REVISION

PROJECT:
Bondi Pod Co-Living
15-17 Lamrock Ave
Bondi Beach NSW 2026
DRAWING:
NE & SW ELEVATIONS - FINISHES

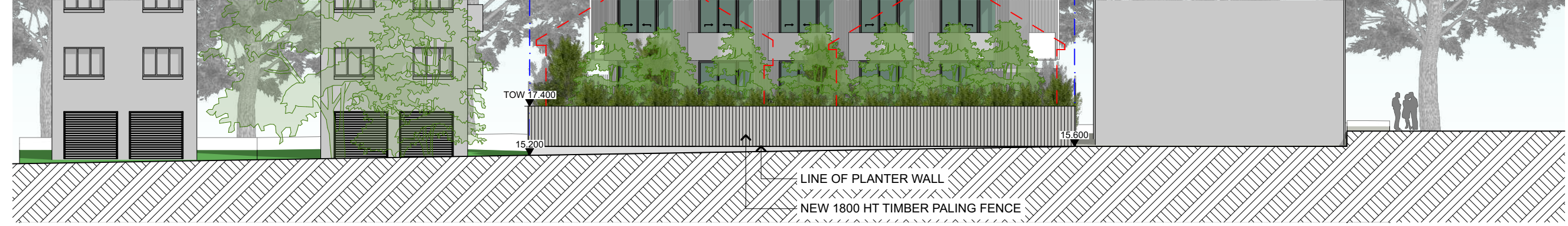
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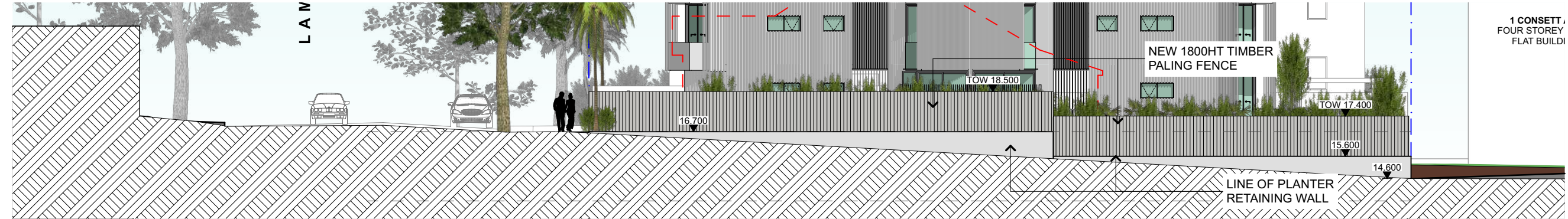
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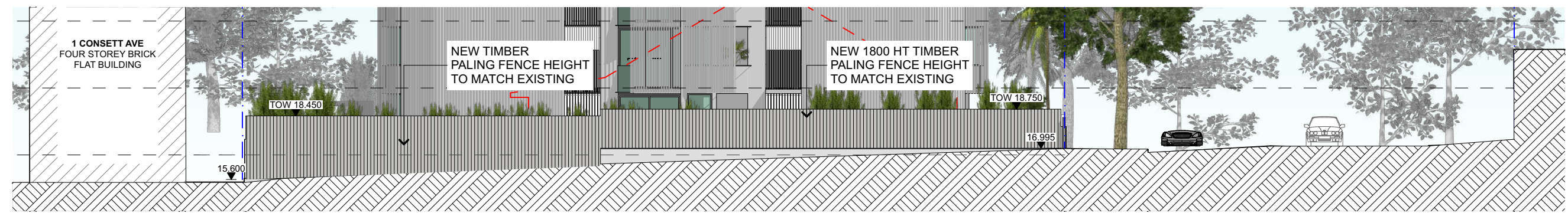
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1:200



2 NORTH EAST FENCE ELEVATION
1:200



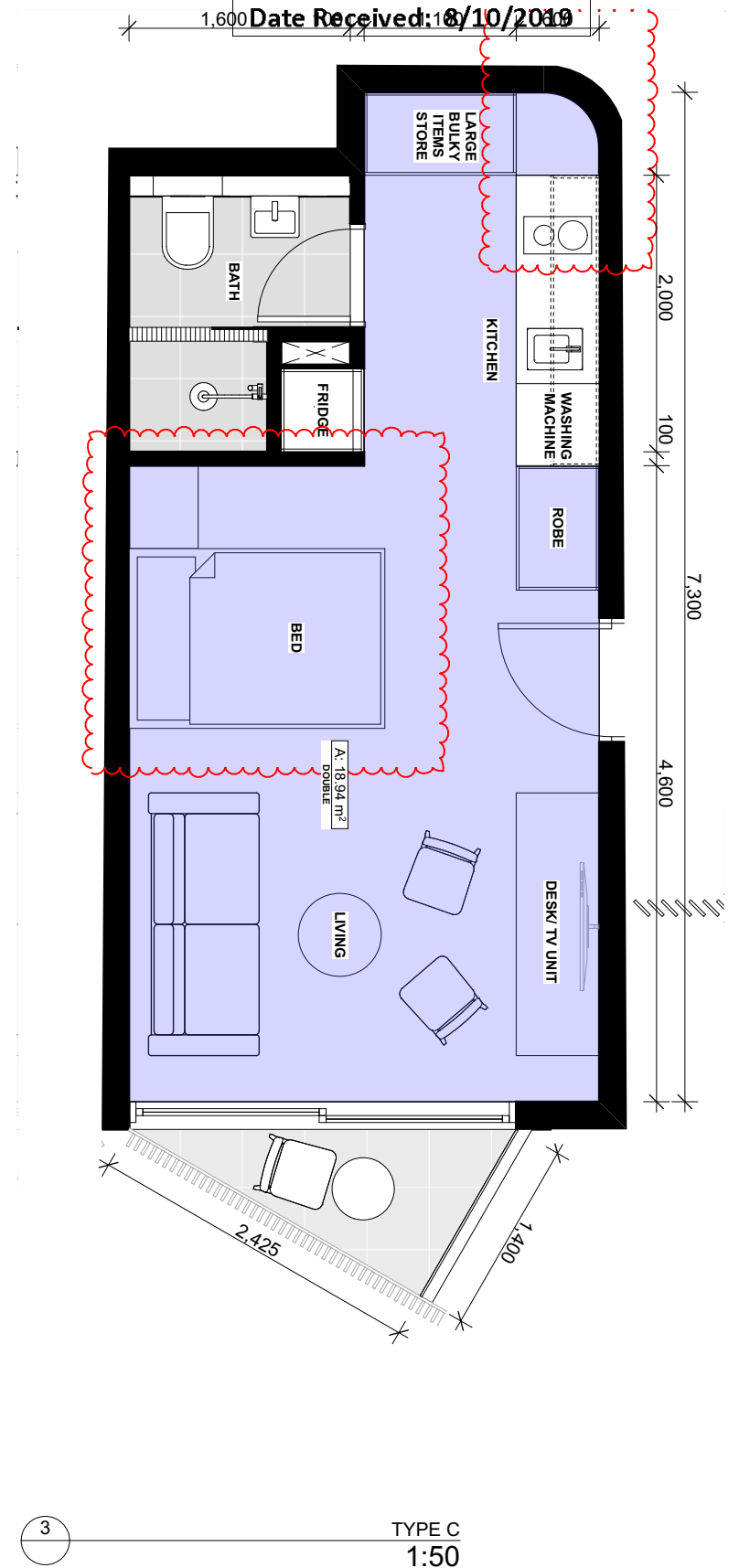
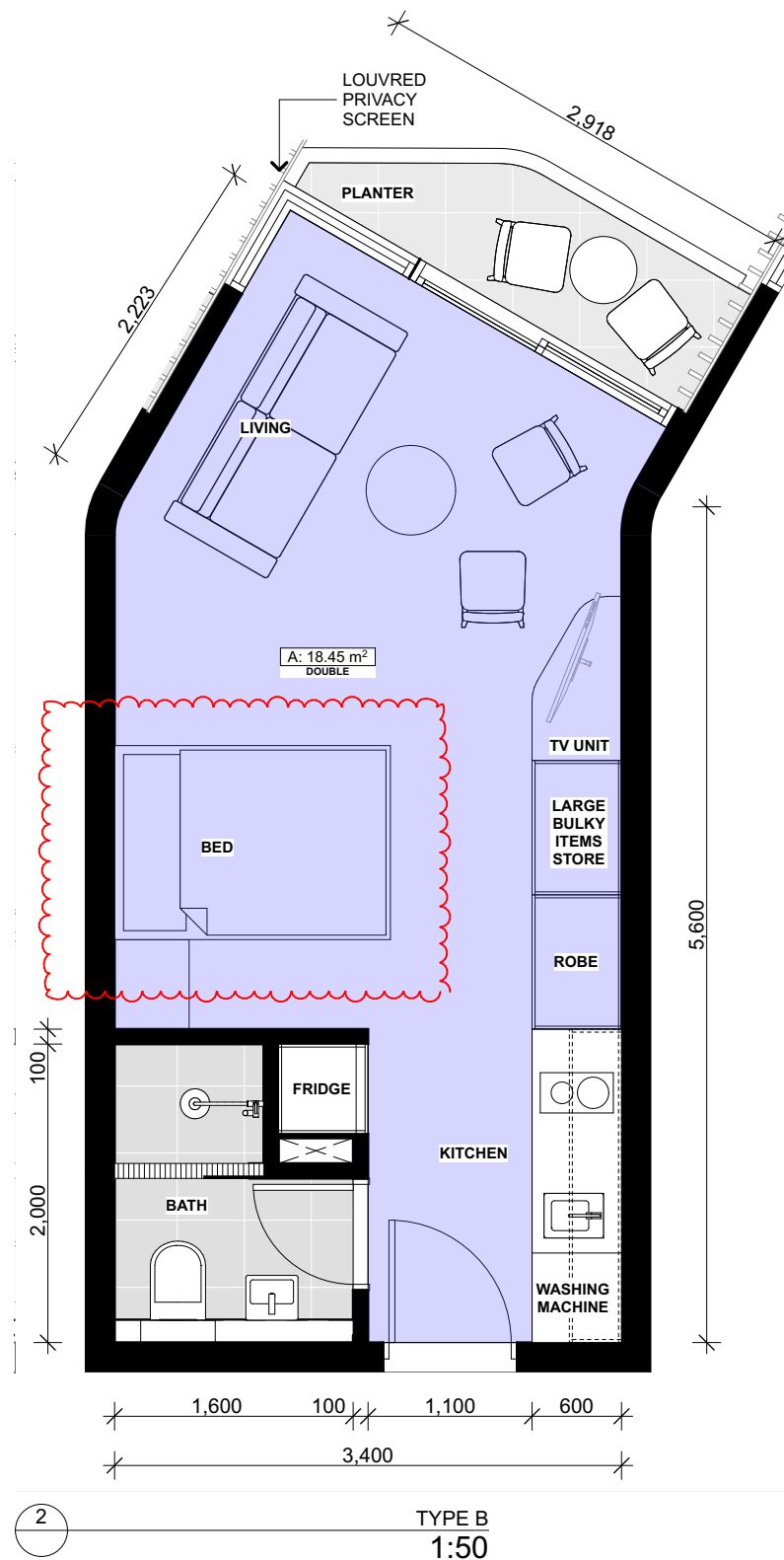
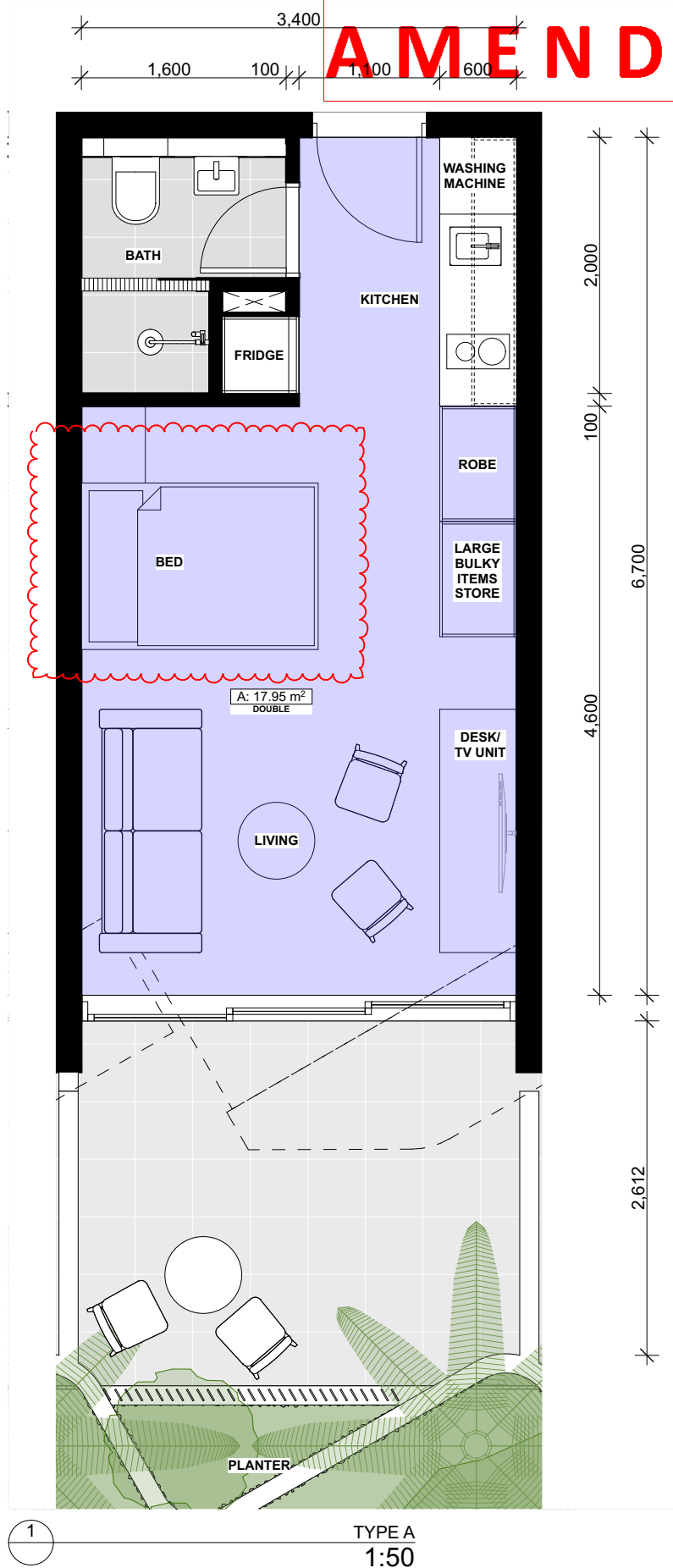
3 SOUTH EAST FENCE ELEVATION
1:200



4 NORTH WEST FENCE ELEVATION
1:200

AMENDED PLANS

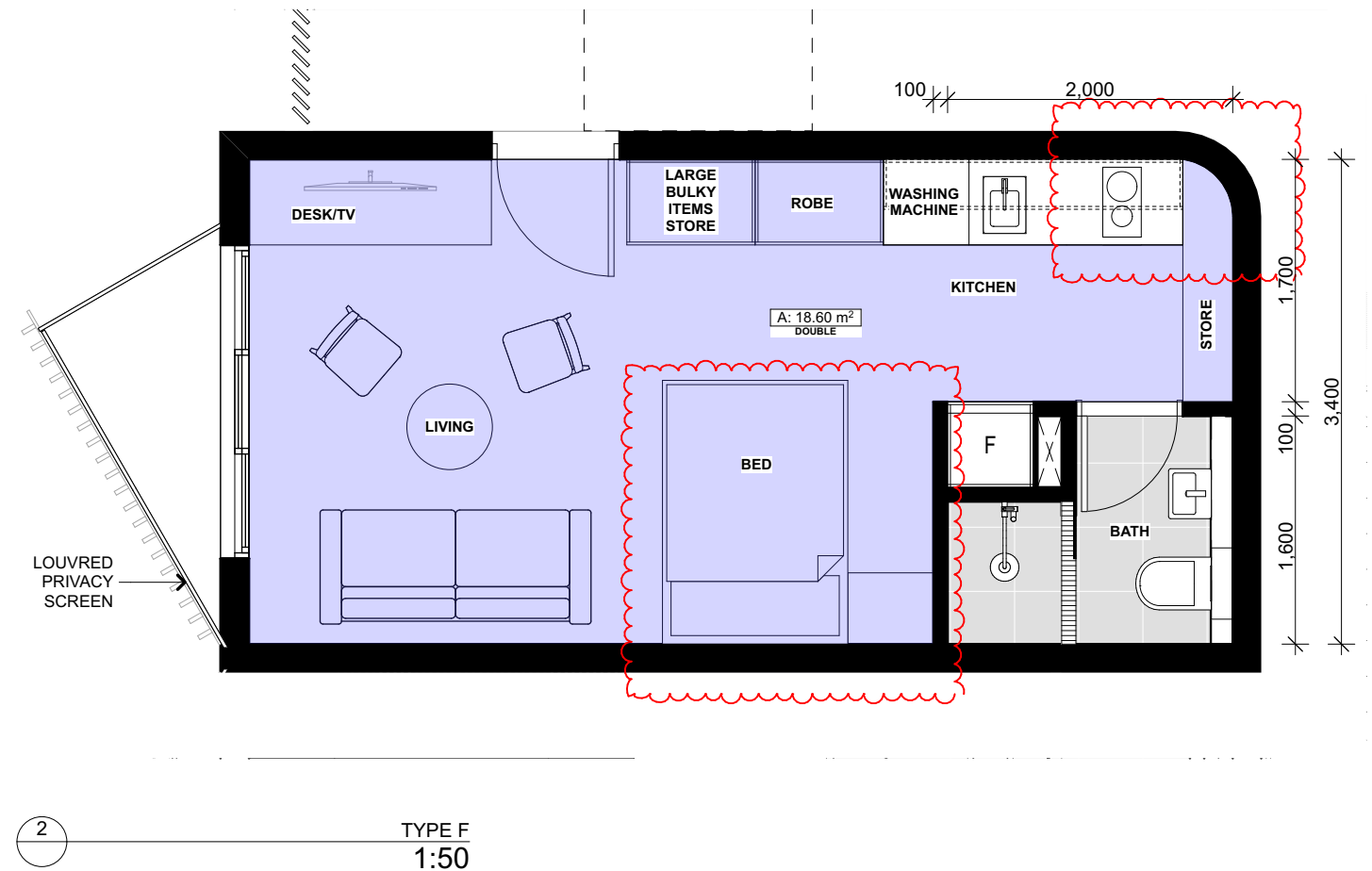
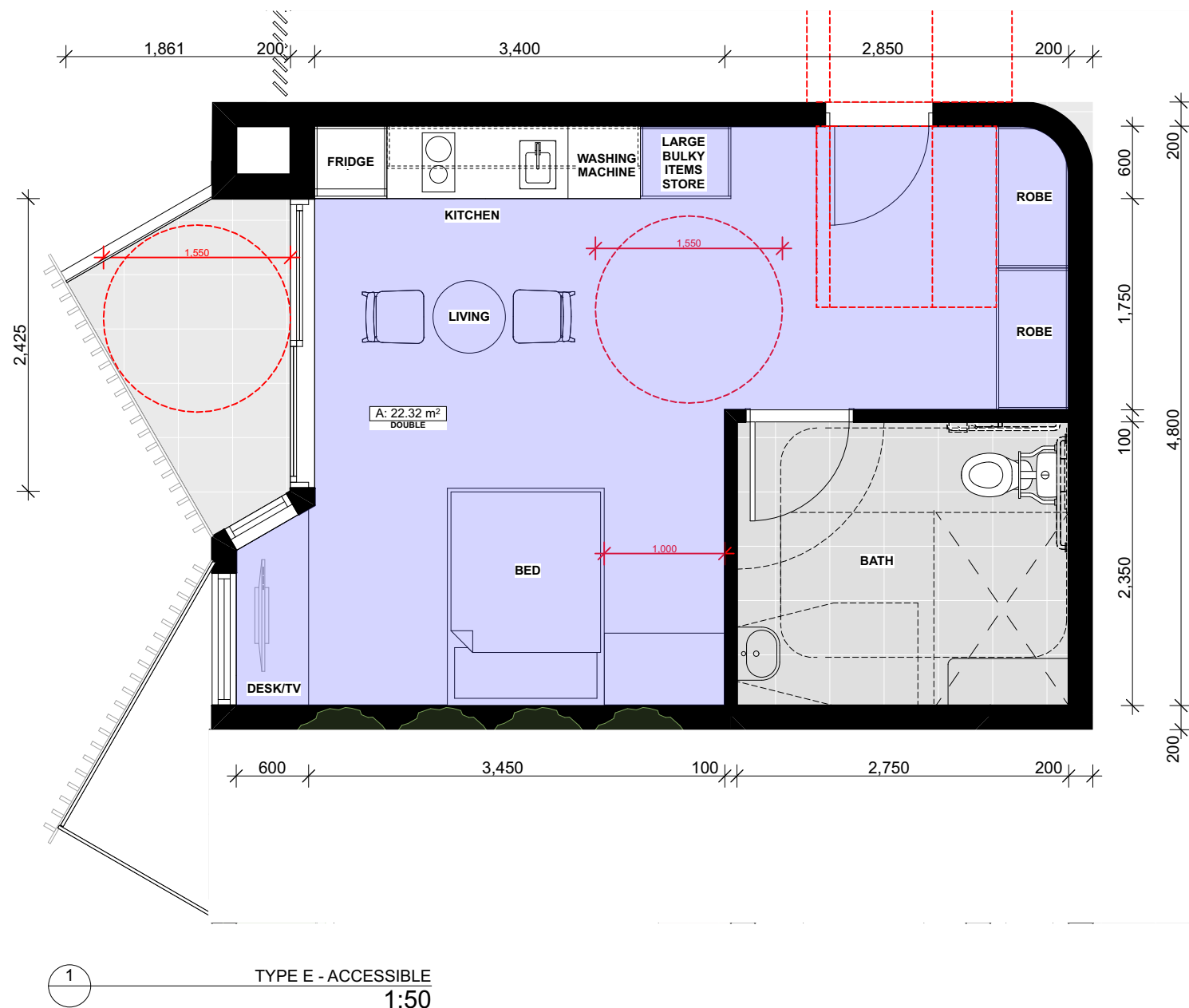
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Waverley Council
Application No: DA-170/2019
Date Received: 18/10/2019



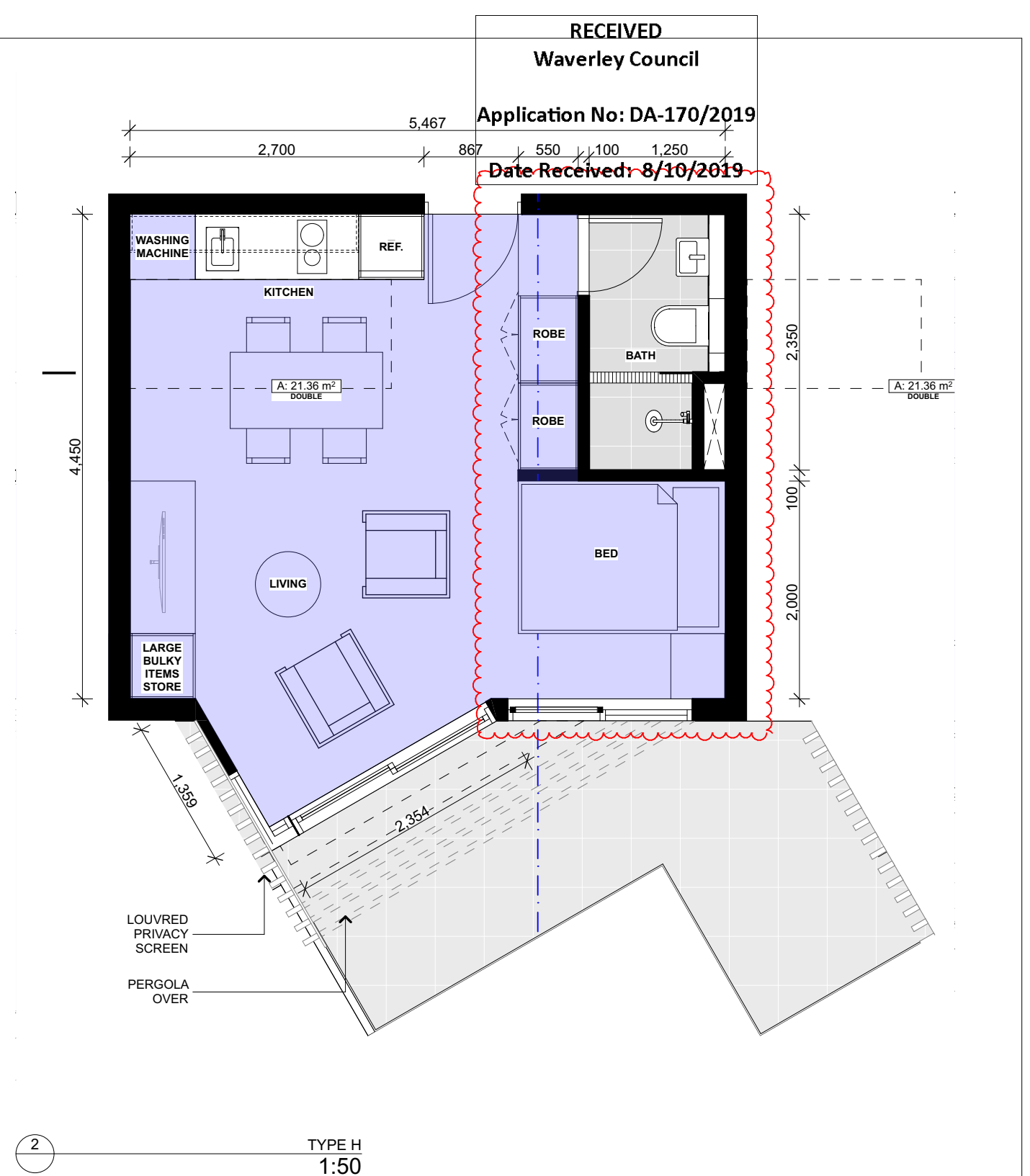
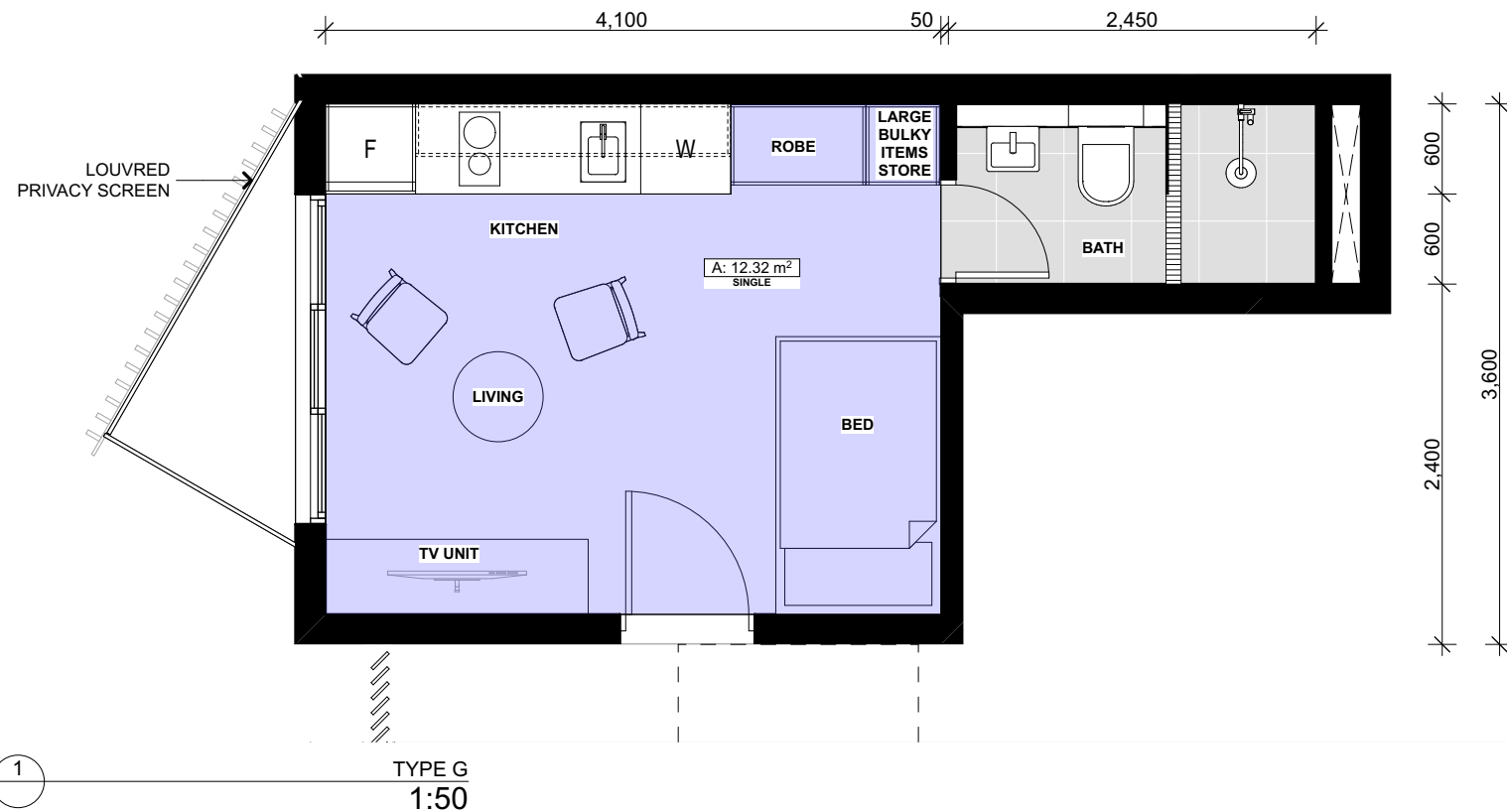
PURPLE AREAS DENOTE AREAS
EXCLUDING KITCHENS AND BATHROOMS,
AS DEFINED IN THE AFFORDABLE
HOUSING SEPP.

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-170/2019
Date Received: 8/10/2019



AMENDED PLANS



AMENDED PLANS

NE BREEZEWAY

VOID

CONCRETE
WALL TO ENG. SPEC
PAINT FINISH

SELECTED PAVING TILES
ON TILE SUPPORTS
TO MIN. P4 SLIP RESISTANCE

CONCRETE
WALL TO ENG. SPEC
PAINT FINISH

150 X 20mm P/COATED ALUMINIUM
FIXED LOUVRES @100 CTRS ANGLED
45DEG TOWARDS THE EAST
FULL HEIGHT ON L1 (67% OPEN AREA)
AND 1800HT AFFL ON
L2 & L3 (83% OPEN AREA)

1 NE BREEZEWAY DETAIL PLAN
1:20

SE BREEZEWAY

VOID

CONCRETE
WALL TO ENG. SPEC
PAINT FINISH

SELECTED PAVING TILES
ON TILE SUPPORTS
TO MIN. P4 SLIP RESISTANCE

150 X 20mm P/COATED ALUMINIUM
FIXED LOUVRES @100 CTRS ANGLED
45DEG TOWARDS THE SOUTH
FULL HEIGHT ON L1 (67% OPEN AREA)
AND 1800HT AFFL ON
L2 & L3 (83% OPEN AREA)

CONCRETE
WALL TO ENG. SPEC
PAINT FINISH

4 SE BREEZEWAY DETAIL PLAN
1:20

2 BREEZEWAY SECTION
1:20

WEATHER SEALED
FIRE DOOR

P/COATED ALUMINIUM
FIXED LOUVRES 1800 HT ON L2 & L3
(83% OPEN AREA) - REFER PLAN DETAIL
FOR ORIENTATION

DRAINAGE
TO SW ENG.
DETAIL

WATERPROOF MEMBRANE

SELECTED PAVING TILES
ON TILE SUPPORTS
TO MIN. P4 SLIP RESISTANCE

PAINTED GALV.
EQUAL ANGLE TO
ENG. DETAIL

RC SLAB SET
DOWN IN CORRIDORS
FOR DRAINAGE

FC SHEET LINING
OR EQUIVALENT

P/COATED ALUMINIUM
FIXED LOUVRES FULL HEIGHT ON L1
(67% OPEN AREA) - REFER PLAN
DETAIL FOR ORIENTATION

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BOX GUTTER TO SW ENG. DETAIL
Application No: DA-170/2019
SELECTED ROOF SHEETING
TO FALL

Date Received: 8/10/2019

P/COATED ALUMINIUM
PERGOLA

400 MIN

BALC.

2.03

50MM SETDOWN
TO BALCONY FOR
DRAINAGE

SELECTED
PAVERS ON TILE
SUPPORTS

300 MIN

BALC.

ALUM. LOUVRE
SCREEN BEYOND

EAVE OVERHANG
TO ENG. DETAIL
PAINT FINISH

P/COAT ALUM.
FRAME SLIDING DOOR

SELECTED
PAVERS ON TILE
SUPPORTS

50MM SETDOWN
TO BALCONY FOR
DRAINAGE

3 FRONT & REAR BALCONY SECTIONAL DETAIL
1:50



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Contractor to verify all
dimensions on site prior
to commencing work.
MSA is to be notified of
any discrepancies in the
dimension and setting out
of the work.

B	08/10/2019	AMENDED DA
A	24/05/2019	DEVELOPMENT APPLICATION ISSUE
ISSUE	DATE	REVISION

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W markshapiro.com.au
E mark@markshapiro.com.au

NSW REG. 9789
ABN 646 2000 7678

PROJECT:
Bondi Pod Co-Living
15-17 Lamrock Ave
Bondi Beach NSW 2026
DRAWING:
**BREEZEWAY CORRIDOR &
BALCONY EAVE DETAILS**

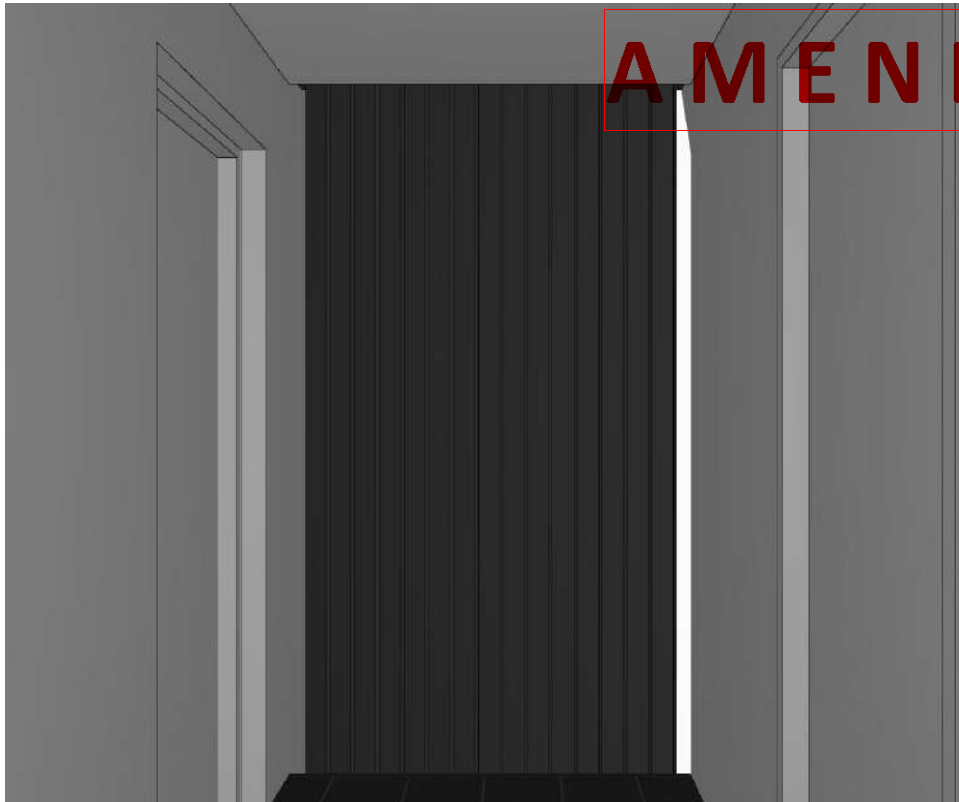
PROJECT NO: 19006
SCALE: 1:20 @A3
DRAWING NO: REV:
PLOTTED: 3/10/19

DA9300B

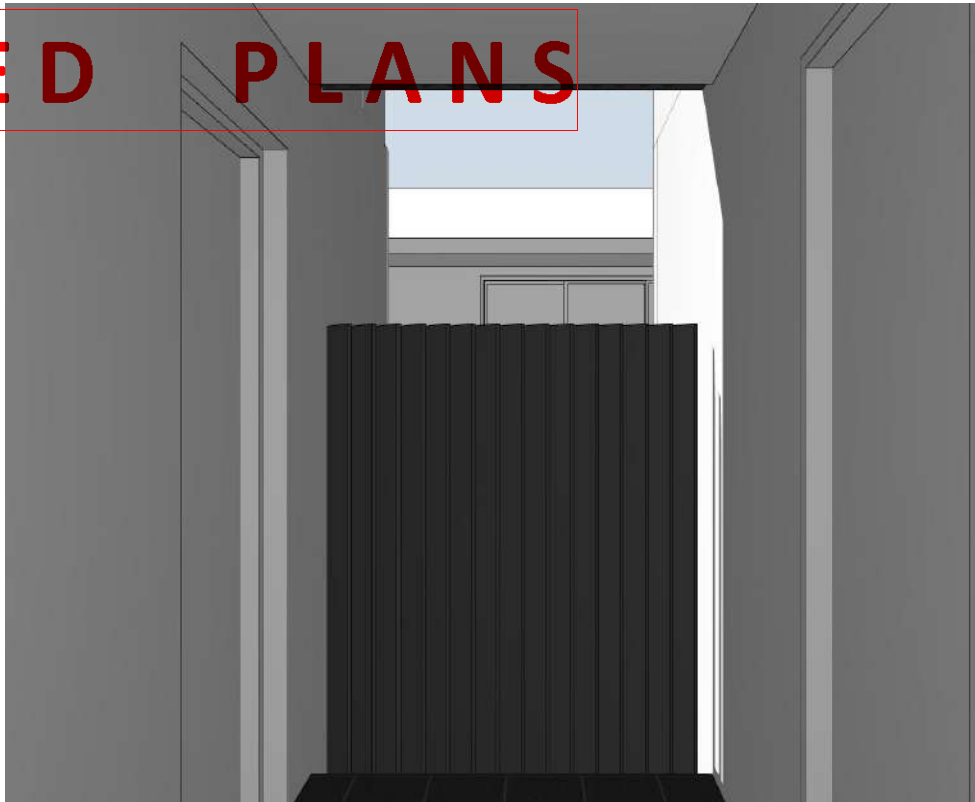
268

AMENDED PLANS

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Application No: DA-170/2019
Date Received: 8/10/2019



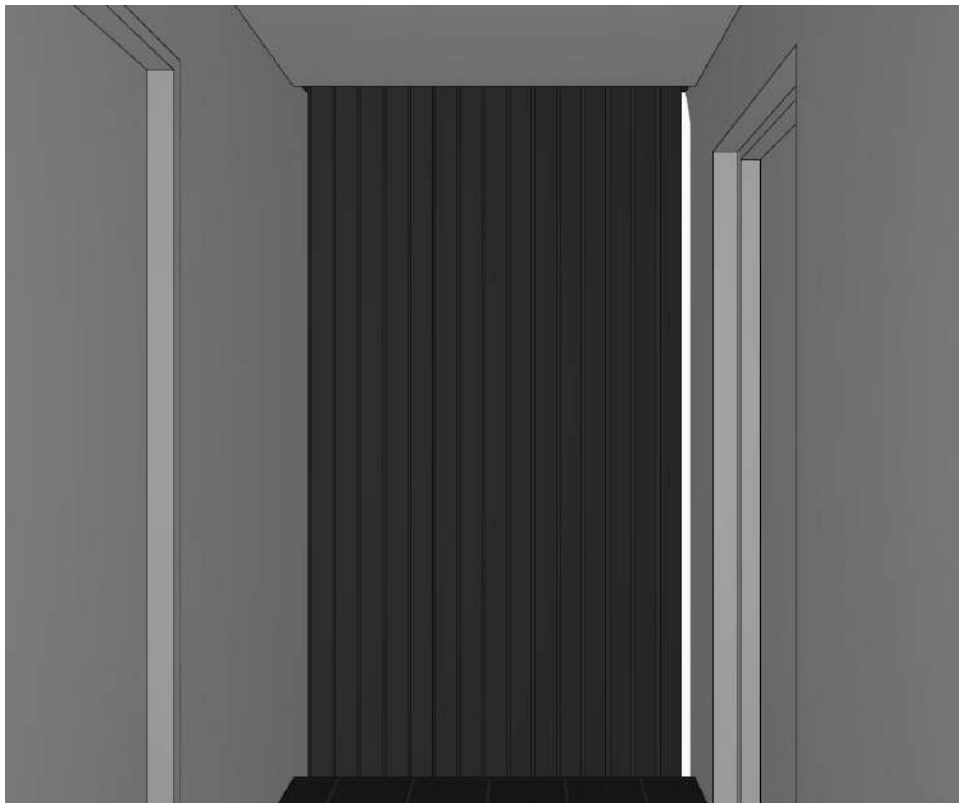
1 L1 BREEZEWAY NE



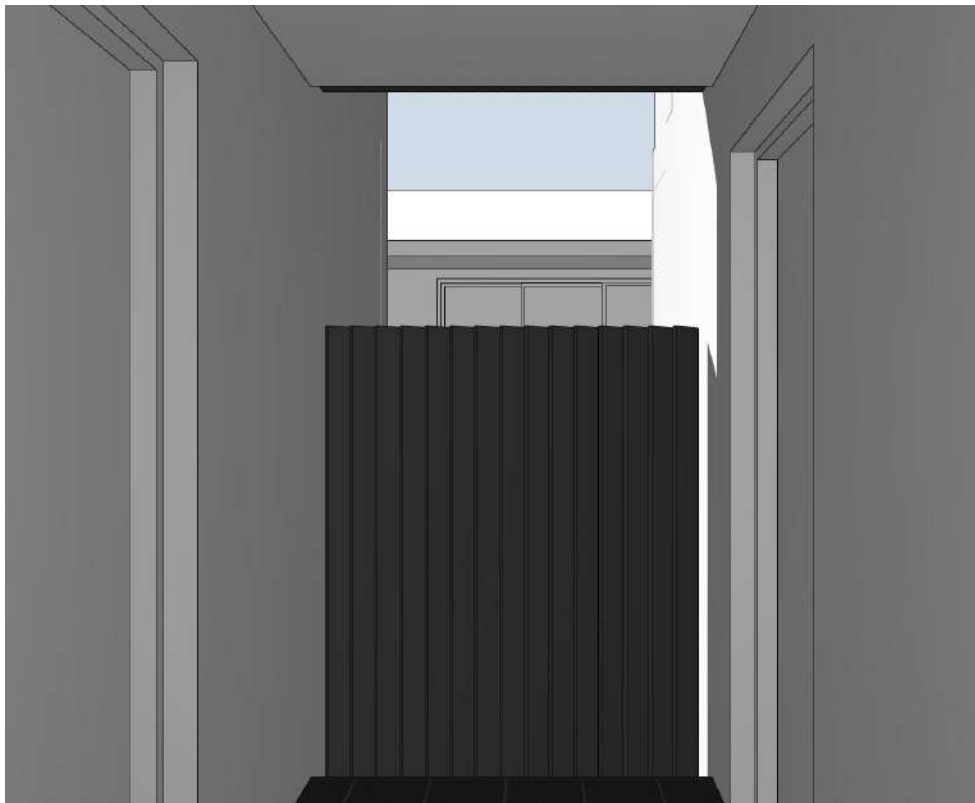
2 L2 BREEZEWAY NE



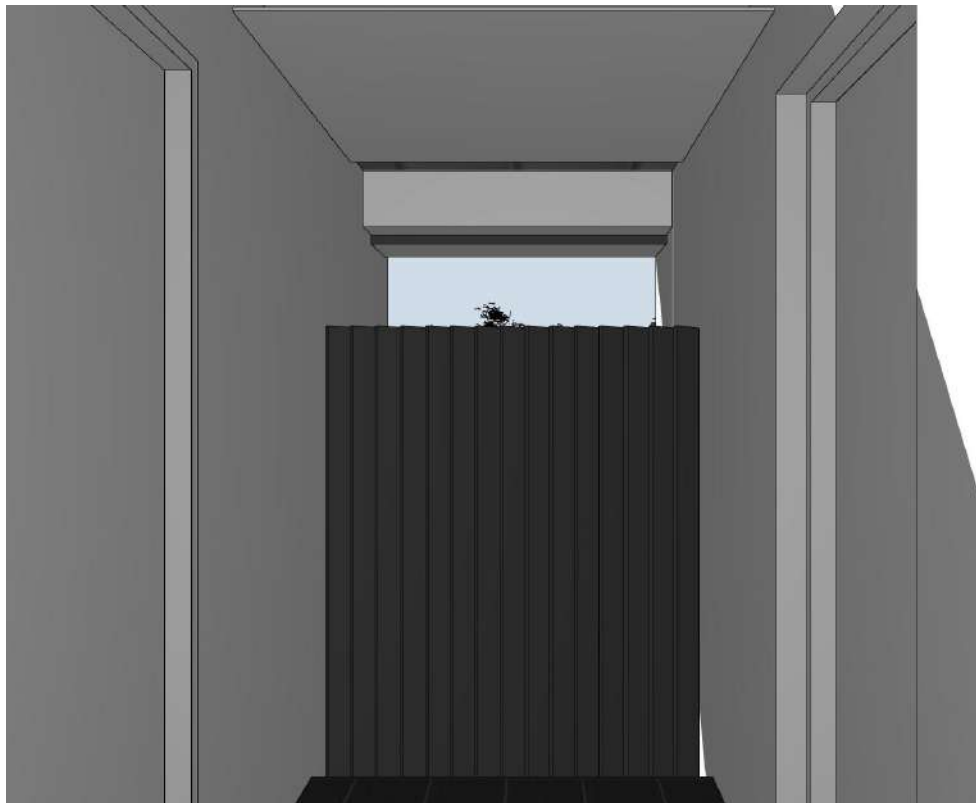
3 L3 BREEZEWAY NE



4 L1 BREEZEWAY SE



5 L2 BREEZEWAY SE



6 L3 BREEZEWAY SE

3D VIEWS TAKEN FROM EYE LEVEL



MARK SHAPIRO
ARCHITECTS

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ABN 646 2000 7678

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B	08/10/2019	AMENDED DA
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ISSUE	DATE	REVISION

PROJECT:
Bondi Pod Co-Living

15-17 Lamrock Ave
Bondi Beach NSW 2026

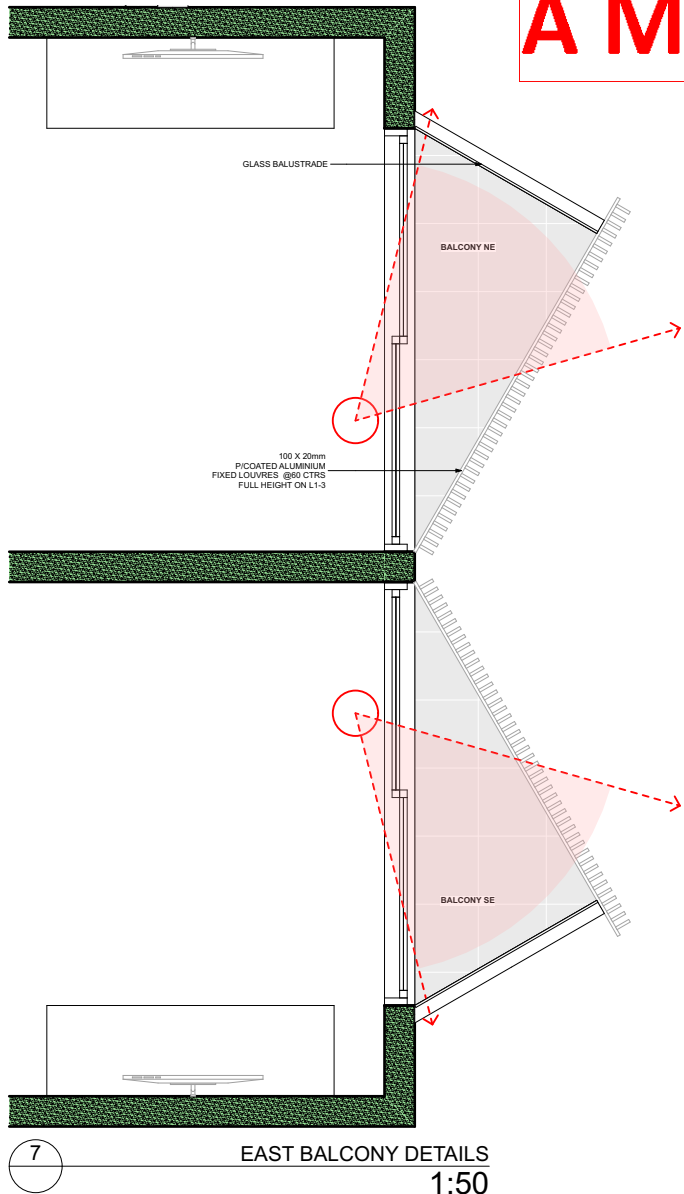
DRAWING:
BREEZEWAY 3D VIEWS

PROJECT NO: 19006

SCALE: @A3
DRAWING NO: REV:
PLOTTED: 3/10/19

DA9301B

AMENDED PLANS



1 L1 BALCONY NE



2 L1 BALCONY SE



3 L2 BALCONY NE



4 L2 BALCONY SE



5 L3 BALCONY NE



6 L3 BALCONY SE

3D VIEWS TAKEN FROM EYE LEVEL



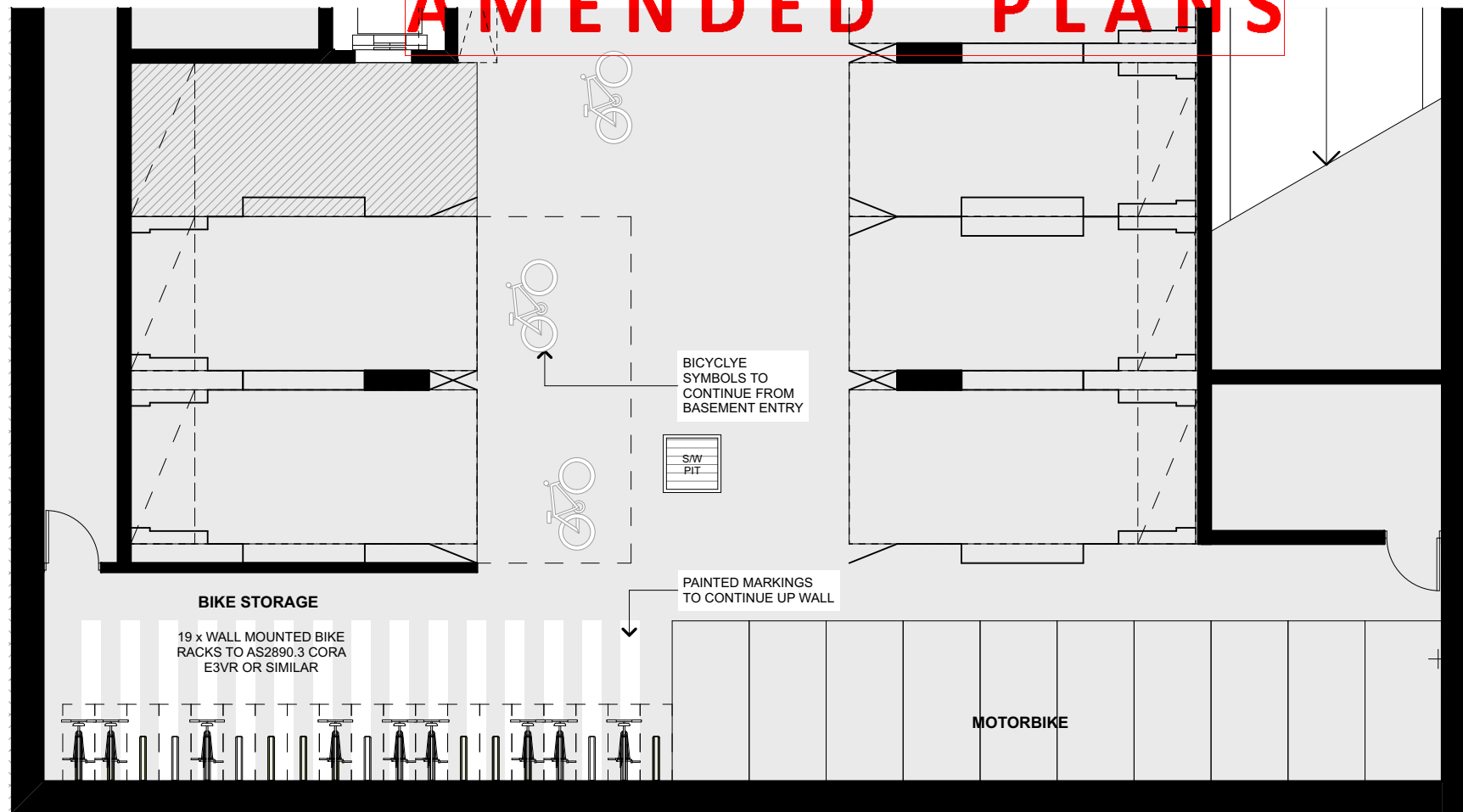
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ISSUE	DATE	REVISION
B	08/10/2019	AMENDED DA
A	24/05/2019	DEVELOPMENT APPLICATION ISSUE

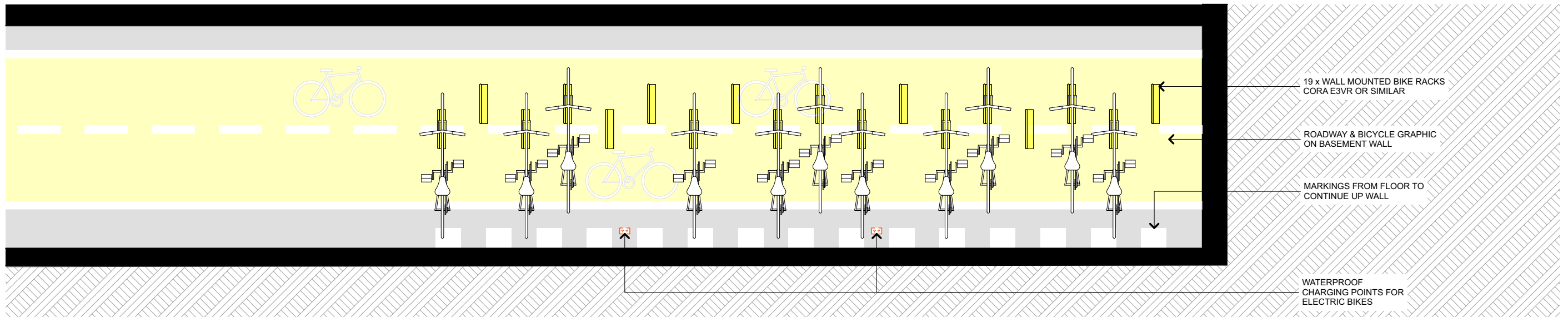
PROJECT: Bondi Pod Co-Living
15-17 Lamrock Ave
Bondi Beach NSW 2026
DRAWING: EAST BALCONY DETAILS & 3D VIEWS
PROJECT NO: 19006
SCALE: 1:50 @A3
DRAWING NO: REV:
PLOTTED: 3/10/19
DA9302B

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1 BICYCLE PARKING DETAIL PLAN
1:100



2 BICYCLE PARKING ELEVATION 1
1:50



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ISSUE	DATE	REVISION
B	08/10/2019	AMENDED DA
A	24/05/2019	DEVELOPMENT APPLICATION ISSUE

PROJECT:
Bondi Pod Co-Living
15-17 Lamrock Ave
Bondi Beach NSW 2026
DRAWING:
BICYCLE PARKING CONCEPT

PROJECT NO: 19006
SCALE: 1:50 @A3
DRAWING NO: REV:
PLOTTED: 3/10/19

DA9303B

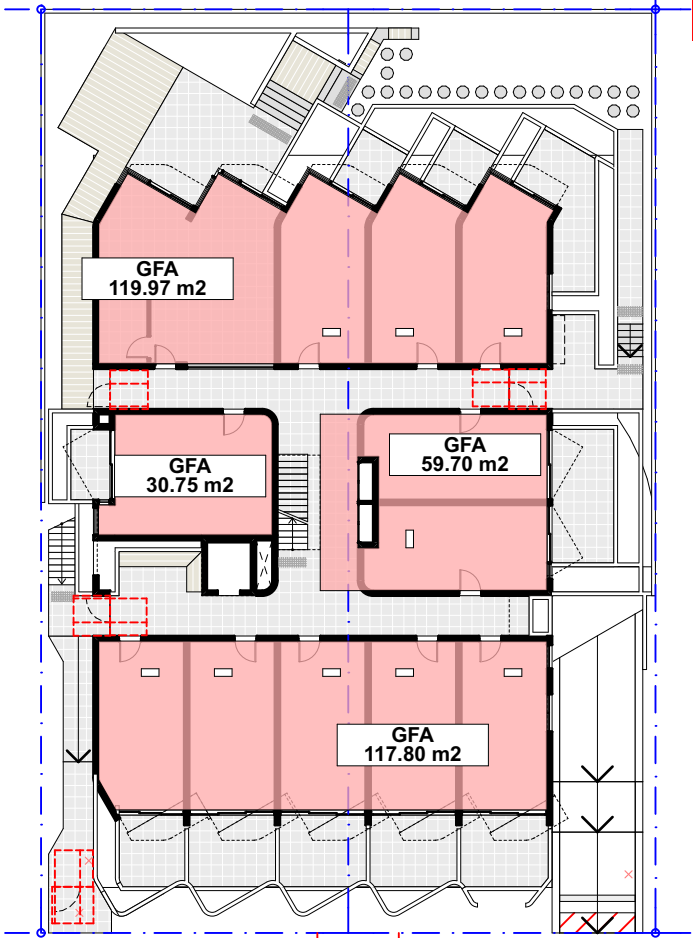
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AMENDED PLANS

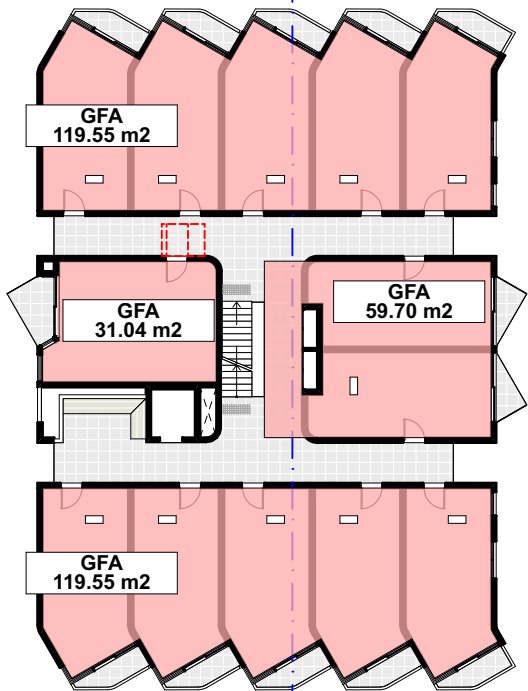
RECEIVED
Waverley Council

Application No: DA-170/2019

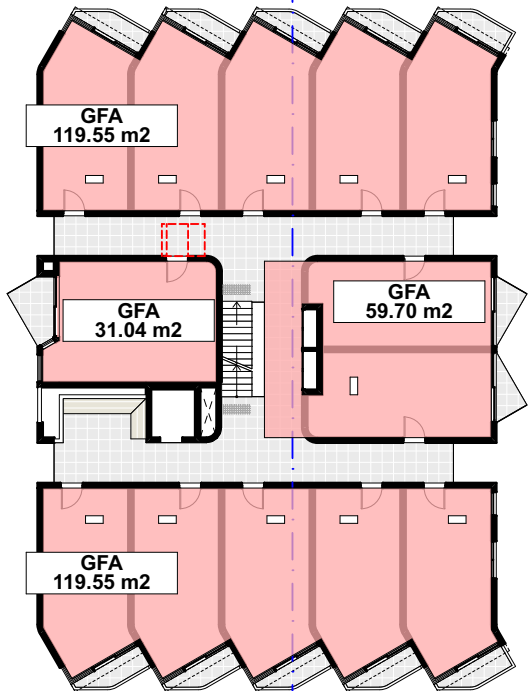
Date Received: 8/10/2019



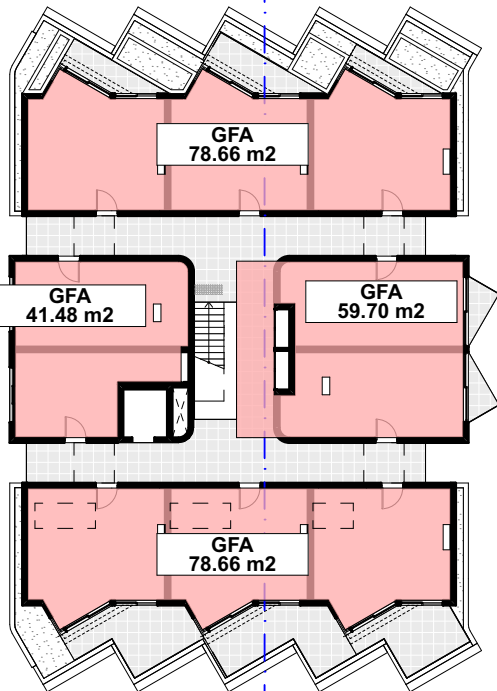
1 GFA GROUND FLOOR
1:300



2 GFA LEVEL 1
1:300



3 GFA LEVEL 2
1:300



4 GFA LEVEL 3
1:300

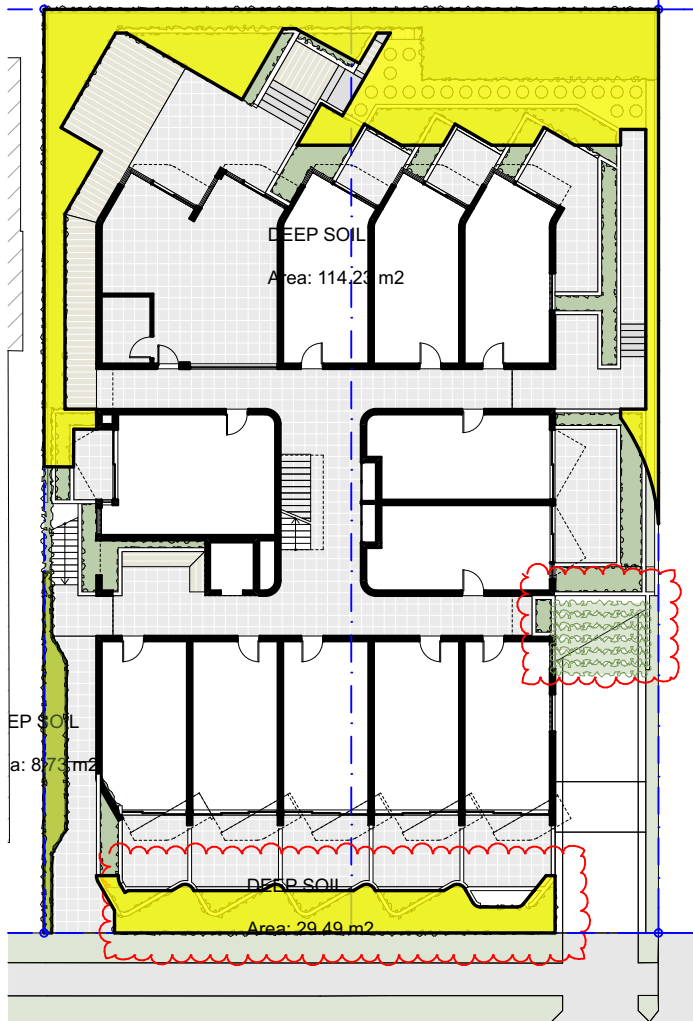
SITE AREA : 893.4m²
ALLOWABLE HEIGHT : 12.5m
ALLOWABLE FSR : 0.9:1
ALLOWABLE FSR (AHSEPP BONUS) : 1.4:1
ALLOWABLE GFA : 1250.60 m²

GROSS FLOOR AREA (GFA)	
GROUND FLOOR	328.22
LEVEL 1	329.84
LEVEL 2	329.84
LEVEL 3	258.50
1,246.40 m ²	

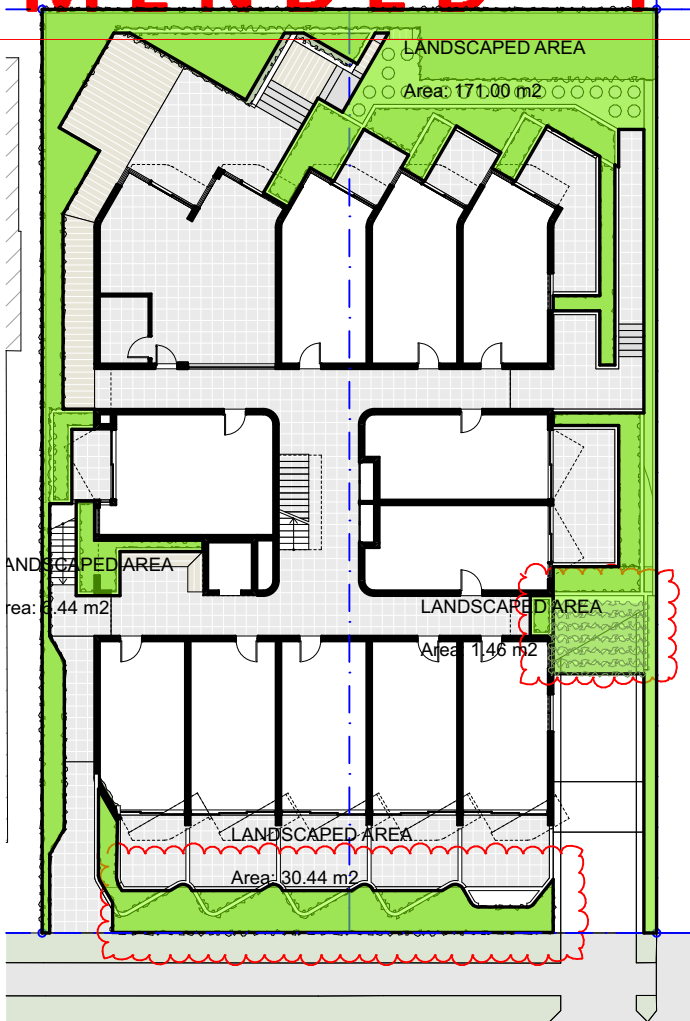


AMENDED PLANS

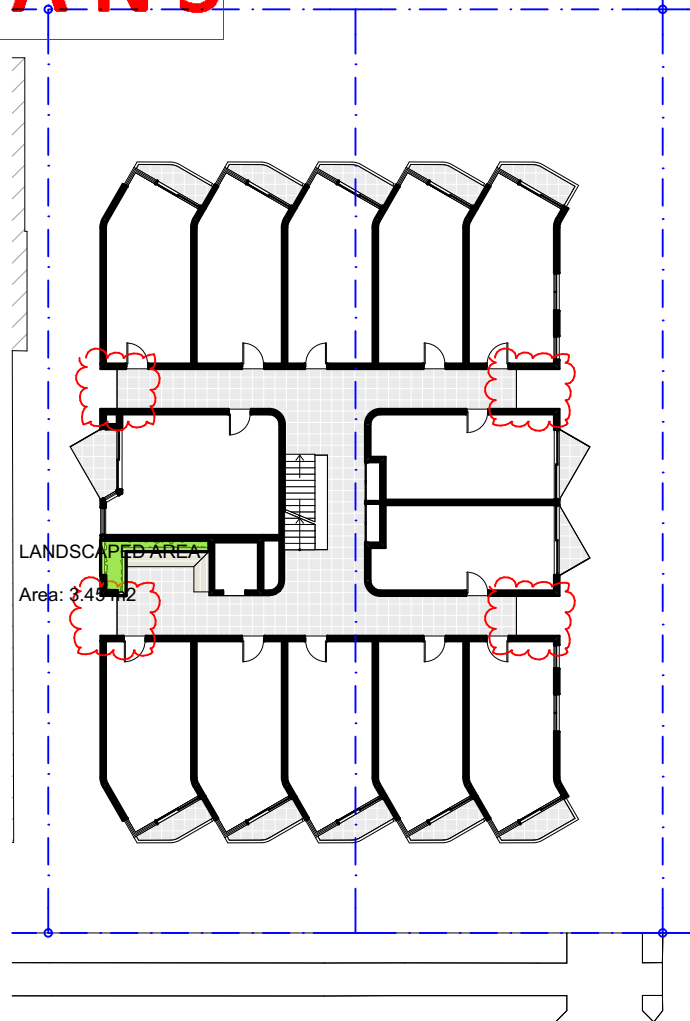
RECEIVED
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Application No: DA-170/2019
Date Received: 8/10/2019



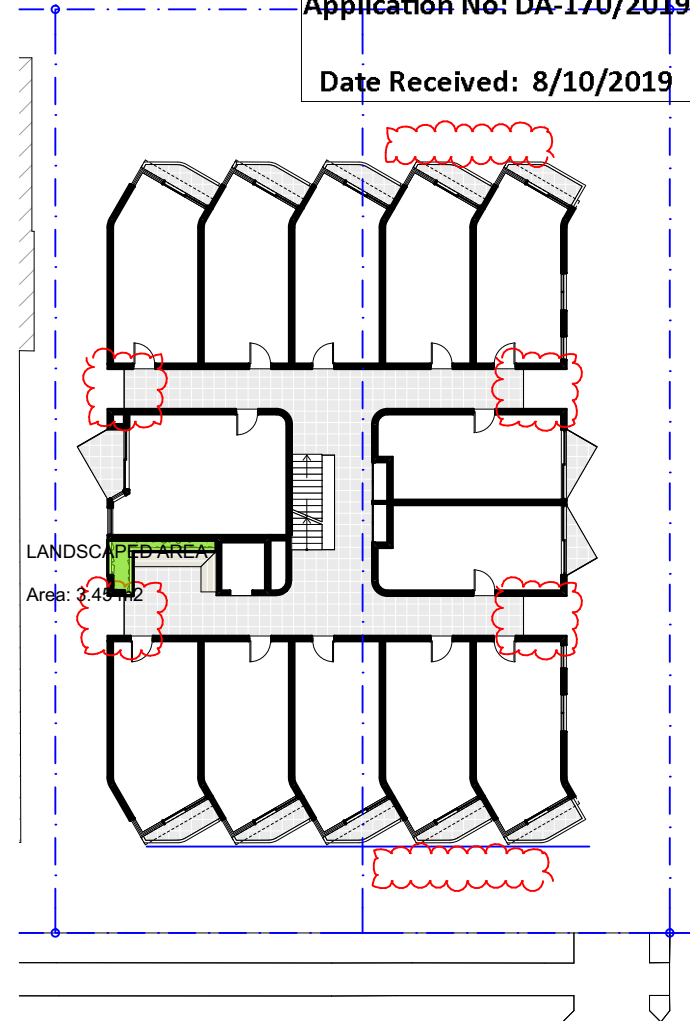
1 DEEP SOIL AREAS
1:300



2 GROUND FLOOR LANDSCAPE
1:300



3 LEVEL 1 LANDSCAPE
1:300



4 LEVEL 3 LANDSCAPE
1:300

LANDSCAPING

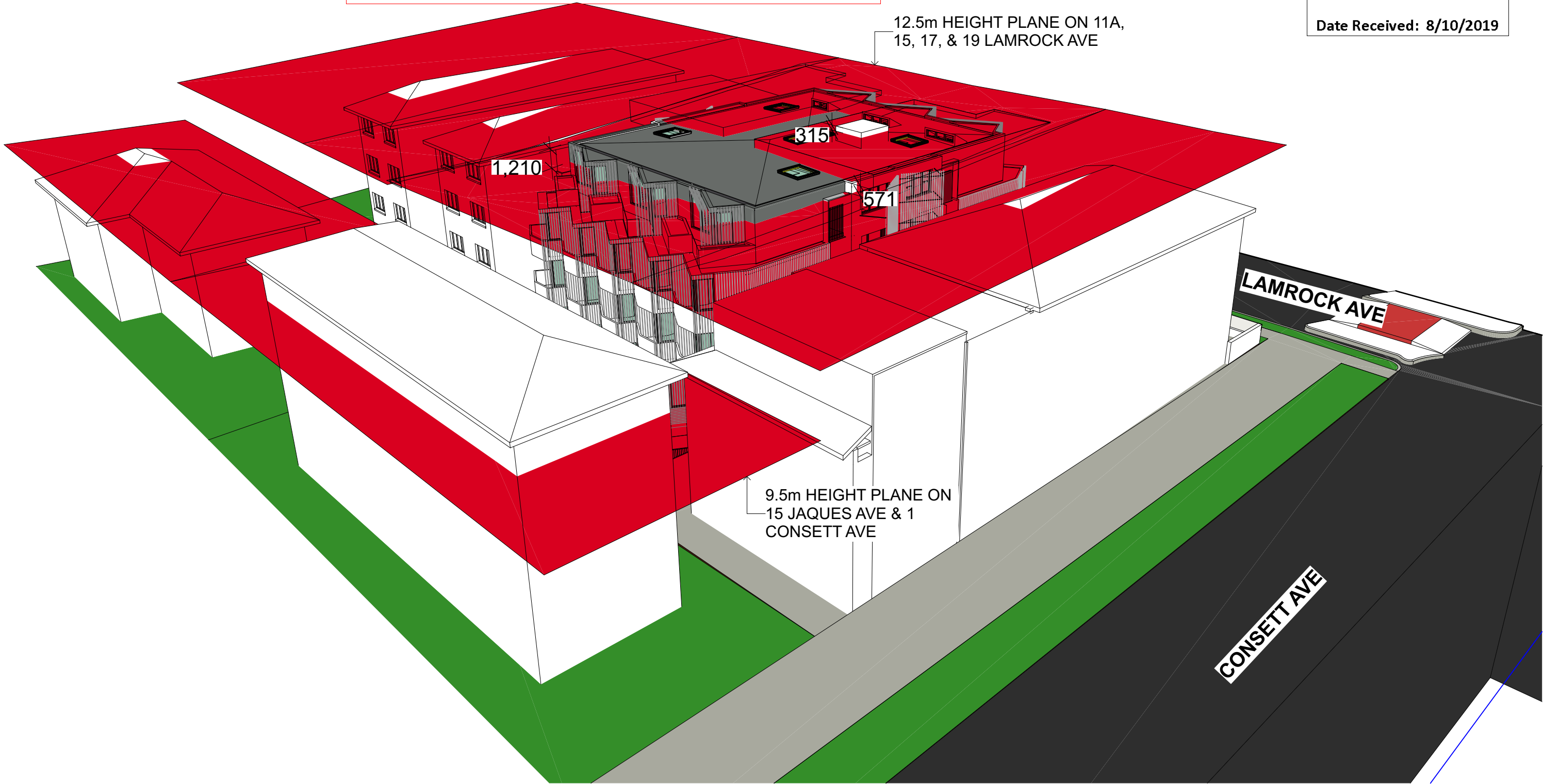
	Area
DEEP SOIL	152.45
LANDSCAPED AREA	207.88

CONTROL - AS PER RESIDENTIAL DEVELOPMENT DCP - PART C3.9	REQUIRED	COMPLIANCE
30% of the site area is to be provided as landscaped area.	268.02m ²	Shortfall - 60m ²
50% of the landscaped area must be deep soil zone.	134.01m ²	✓ Excess - 18.5m ²



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1 3D HEIGHT PLANE

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1 JUNE 21 0900

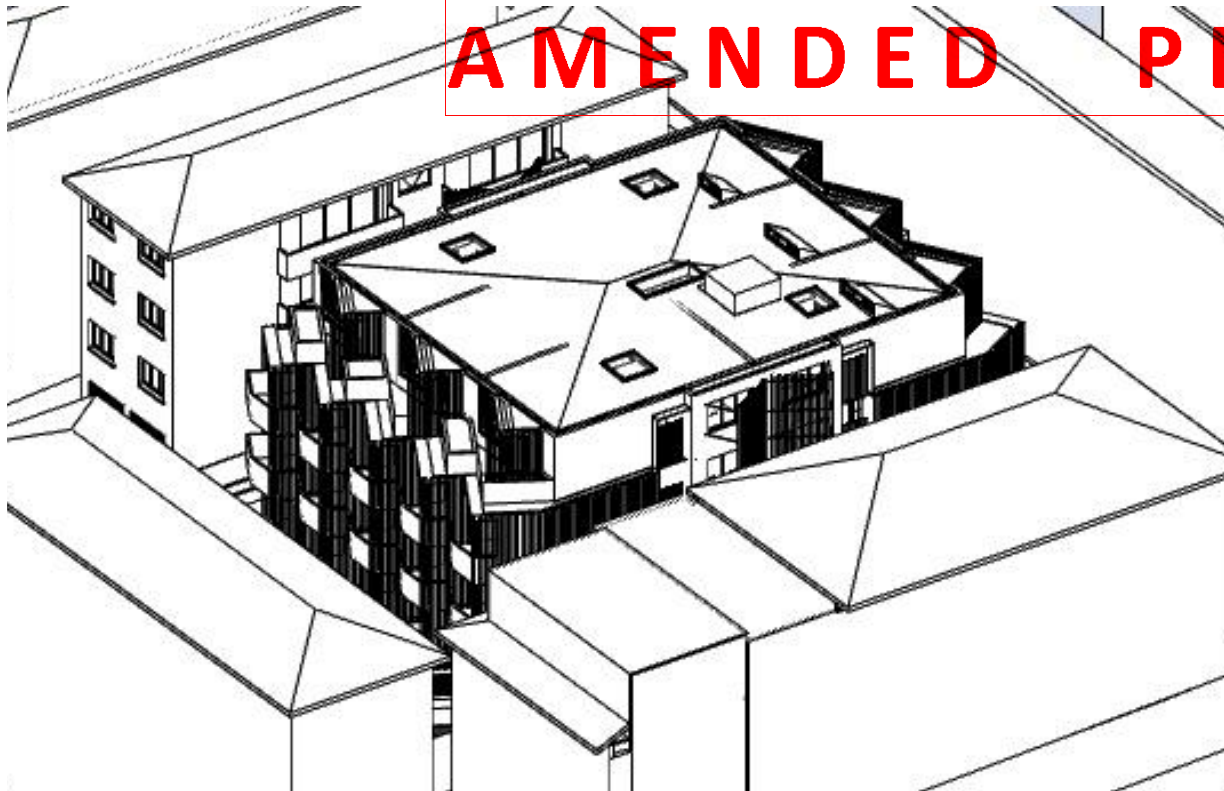
2 JUNE 21 1000

3 JUNE 21 1100

4 JUNE 21 1200

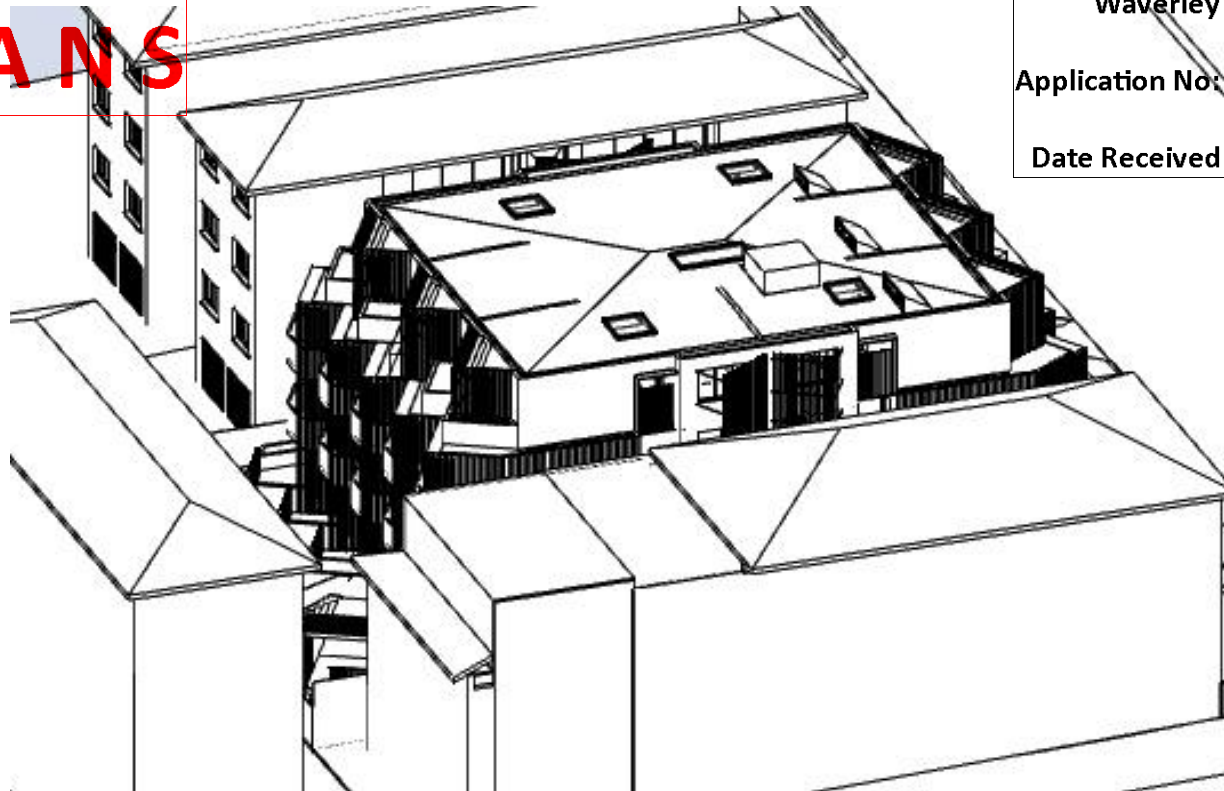
AMENDED PLANS

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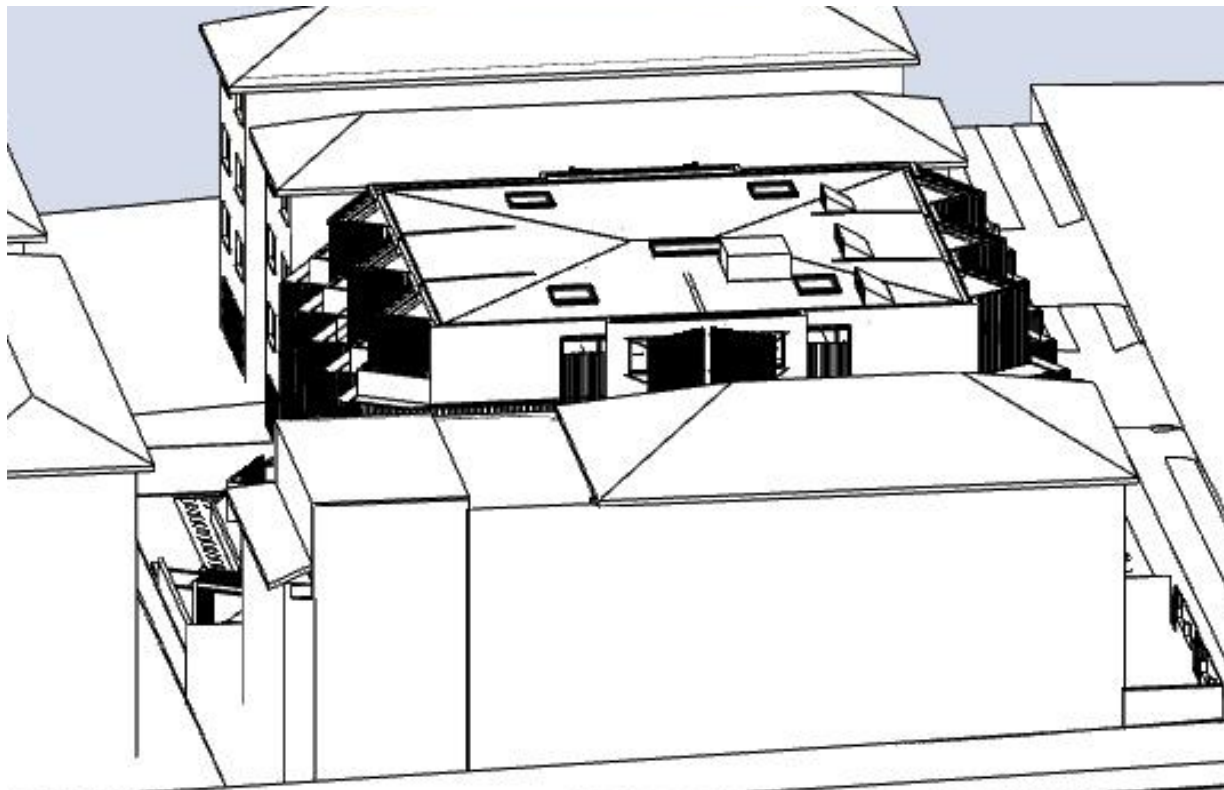
1

JUNE 21 1300



2

JUNE 21 1400



3

JUNE 21 1500



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A	24/05/2019	DEVELOPMENT APPLICATION ISSUE
ISSUE	DATE	REVISION

PROJECT:
Bondi Pod Co-Living
15-17 Lamrock Ave
Bondi Beach NSW 2026
DRAWING:
SUN EYE VIEWS 1PM - 3PM

PROJECT NO: 19006
SCALE: @A3
DRAWING NO: REV:
PLOTTED: 3/10/19

DA9105B

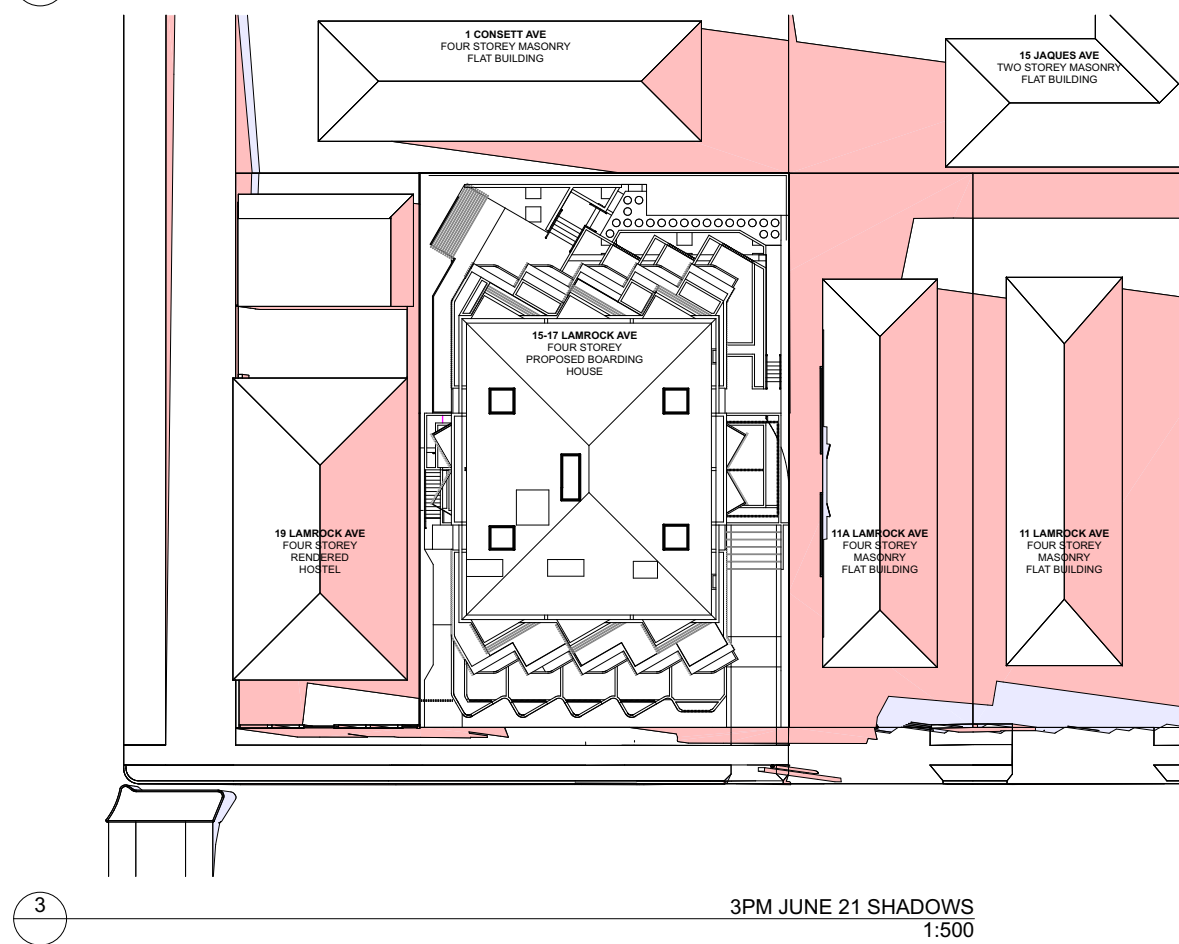
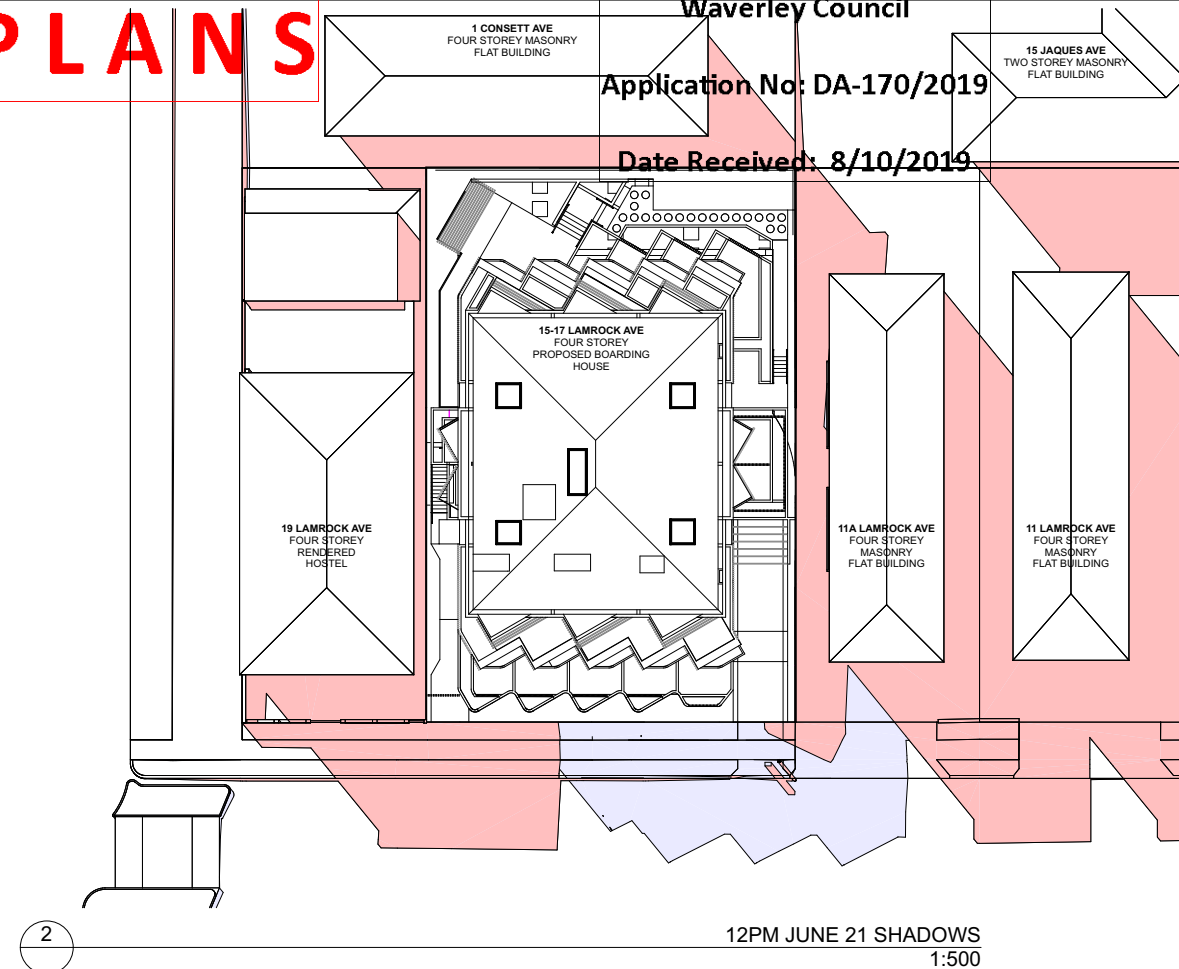
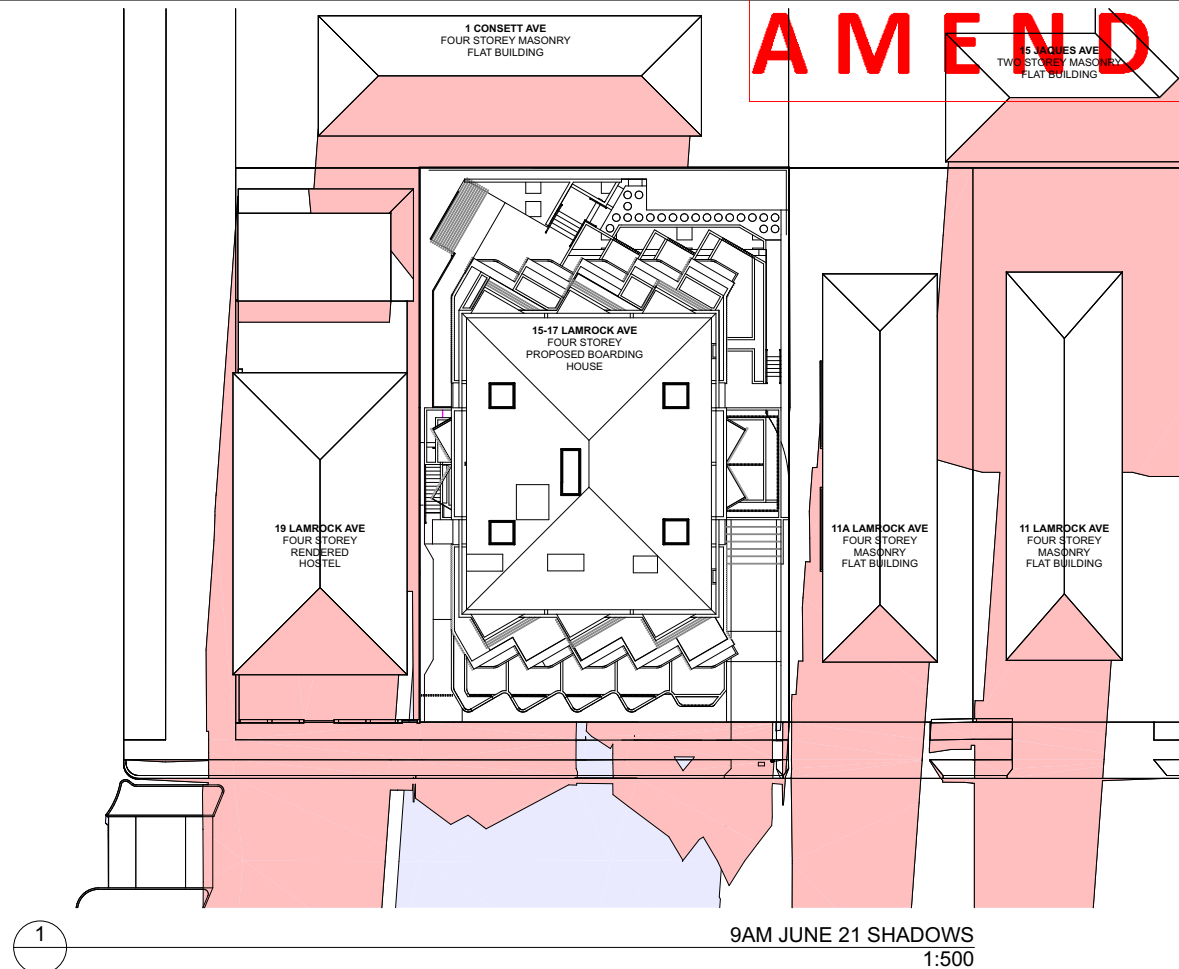
AMENDED PLANS

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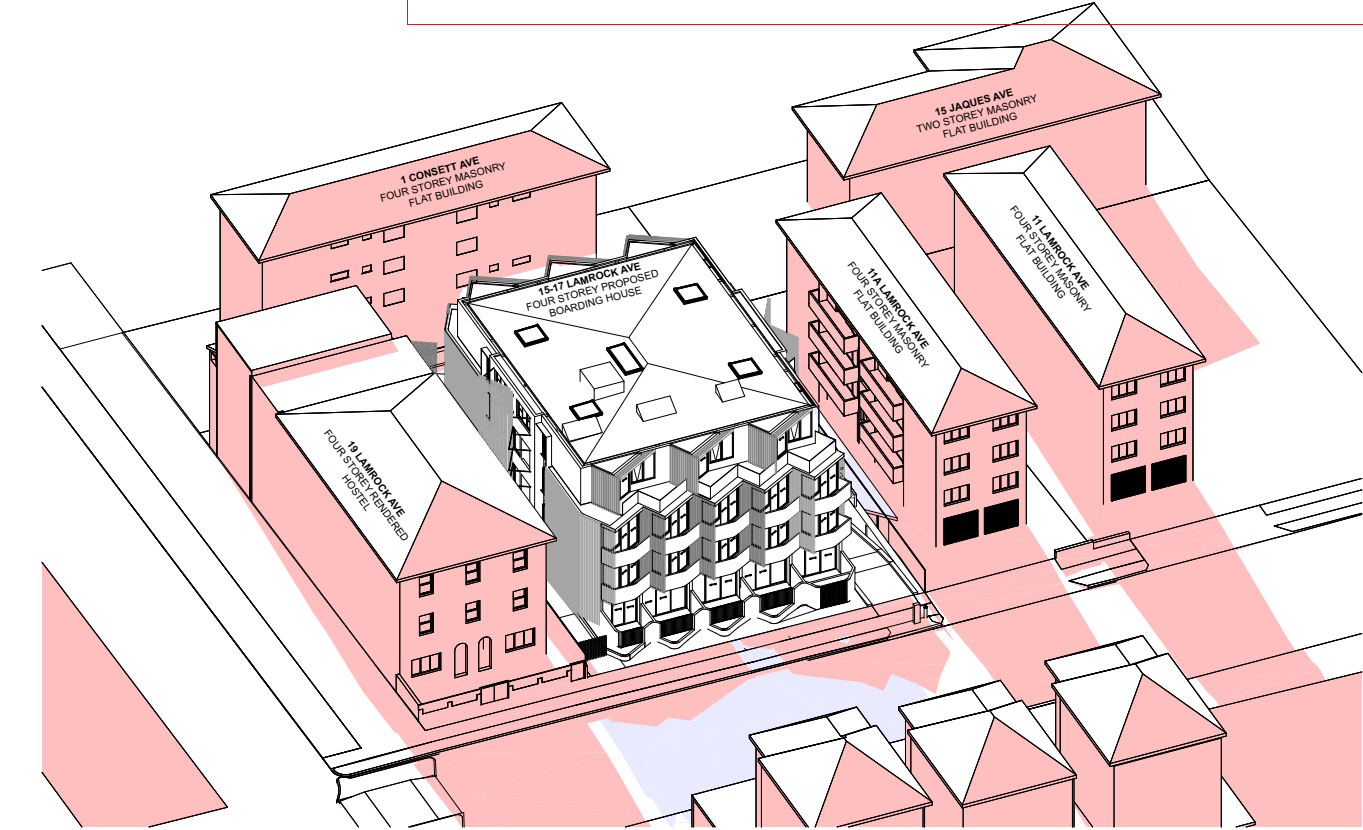
Application No: DA-170/2019

Date Received: 8/10/2019

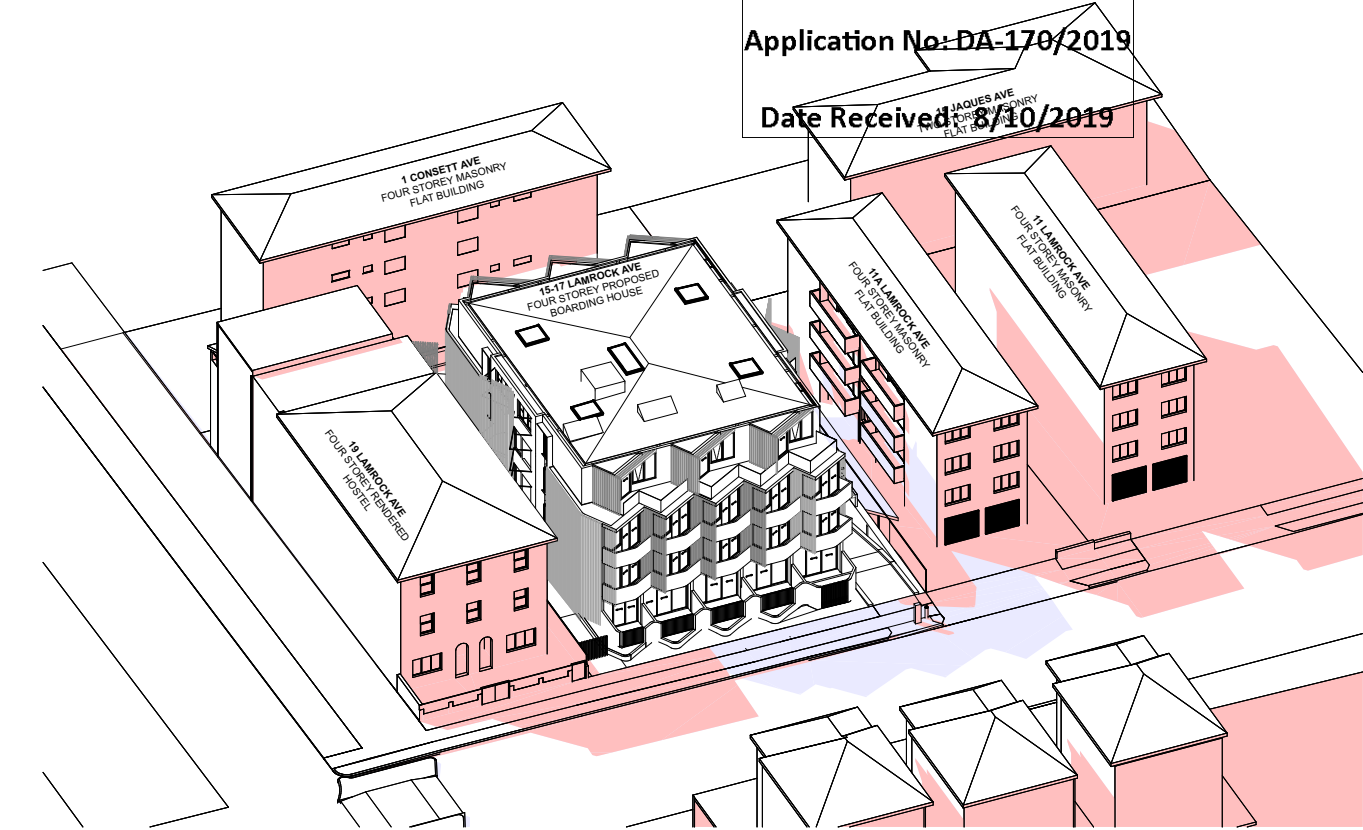


AMENDED PLANS

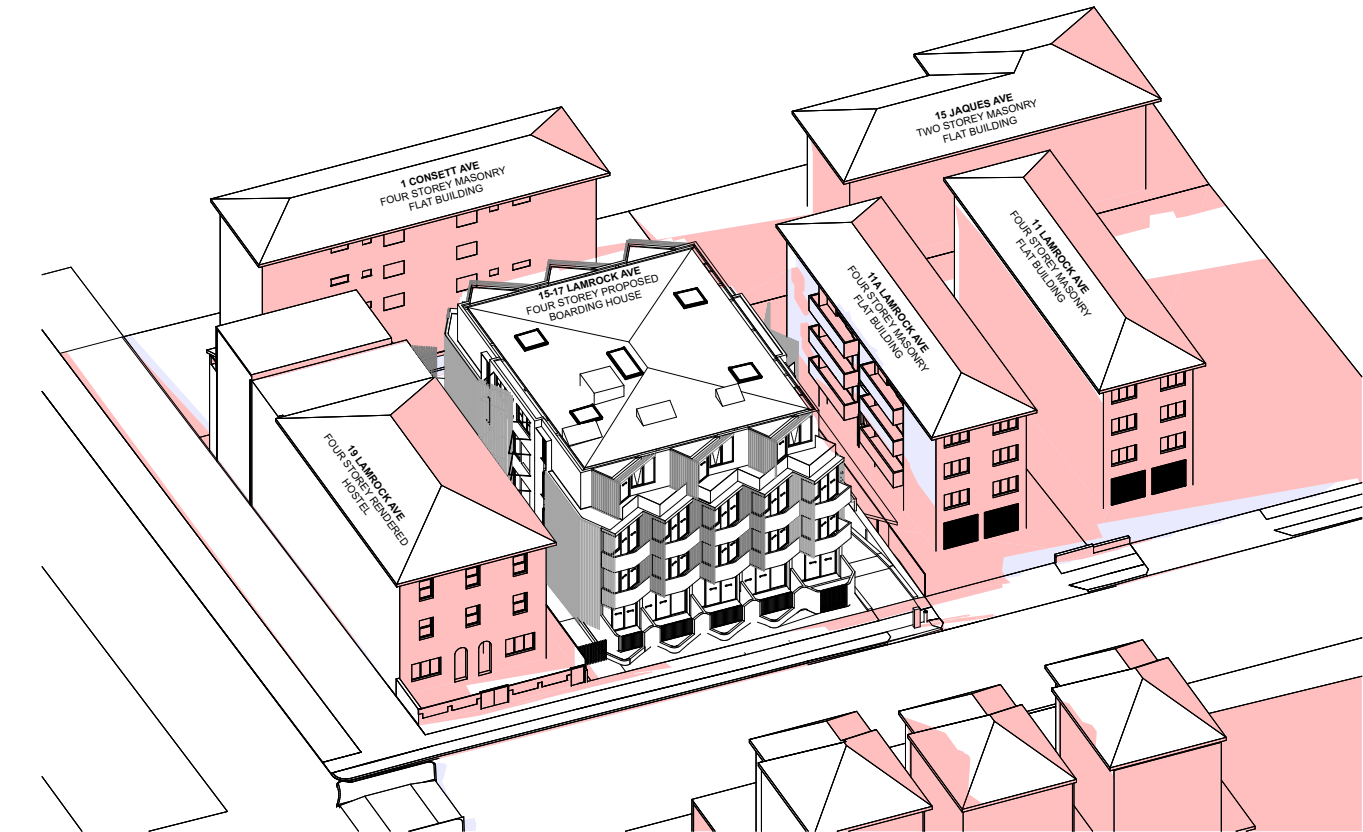
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Application No: DA-170/2019
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1 3D - 9AM JUNE 21 SHADOWS
1:500



2 3D - 12PM JUNE 21 SHADOWS
1:500



3 3D - 9PM JUNE 21 SHADOWS
1:500

MARK SHAPIRO ARCHITECTS
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ABN 646 2000 7678

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B	08/10/2019	AMENDED DA
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ISSUE	DATE	REVISION

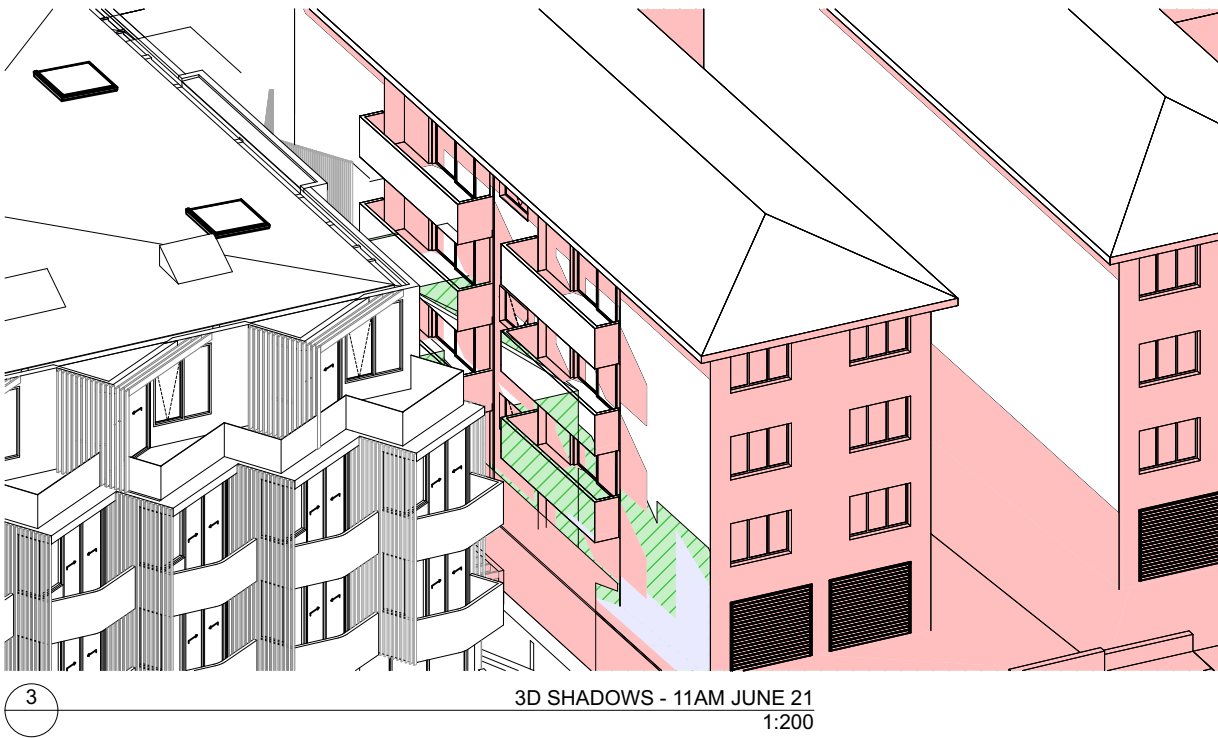
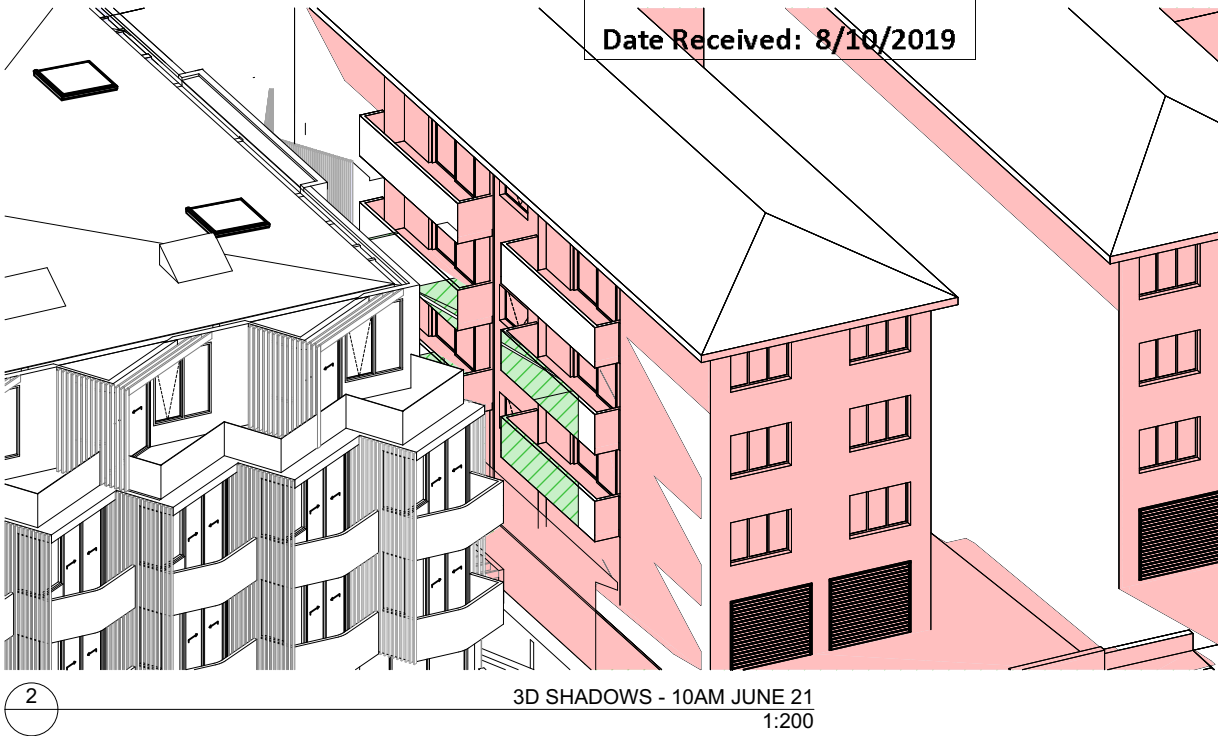
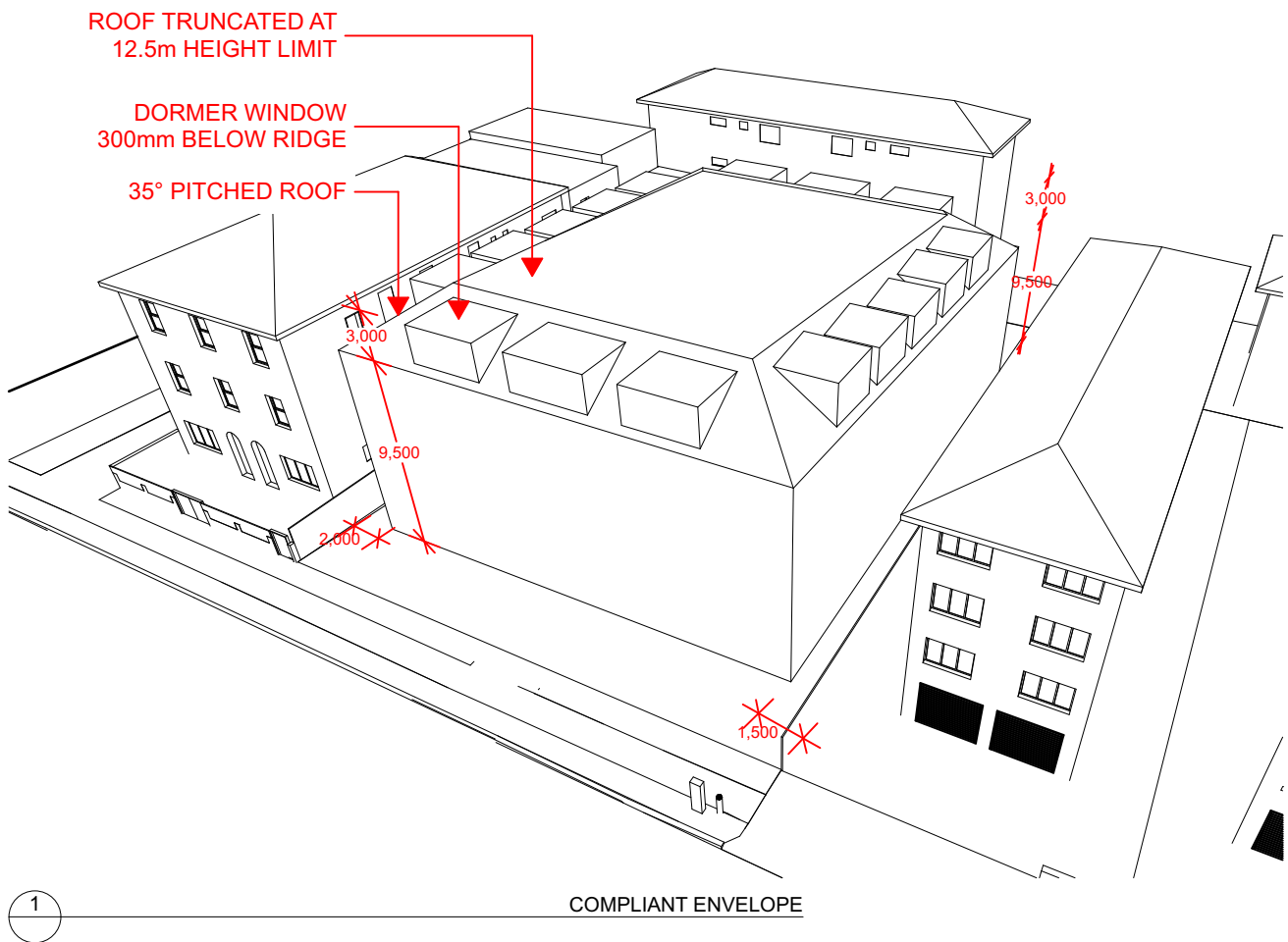
EXISTING SHADOWS
PROPOSED ADDITIONAL SHADOWS

PROJECT:
Bondi Pod Co-Living
15-17 Lamrock Ave
Bondi Beach NSW 2026
DRAWING:
3D SHADOW DIAGRAMS

PROJECT NO: 19006
SCALE: 1:500 @A3
DRAWING NO: REV:
PLOTTED: 3/10/19

DA9101B

AMENDED PLANS

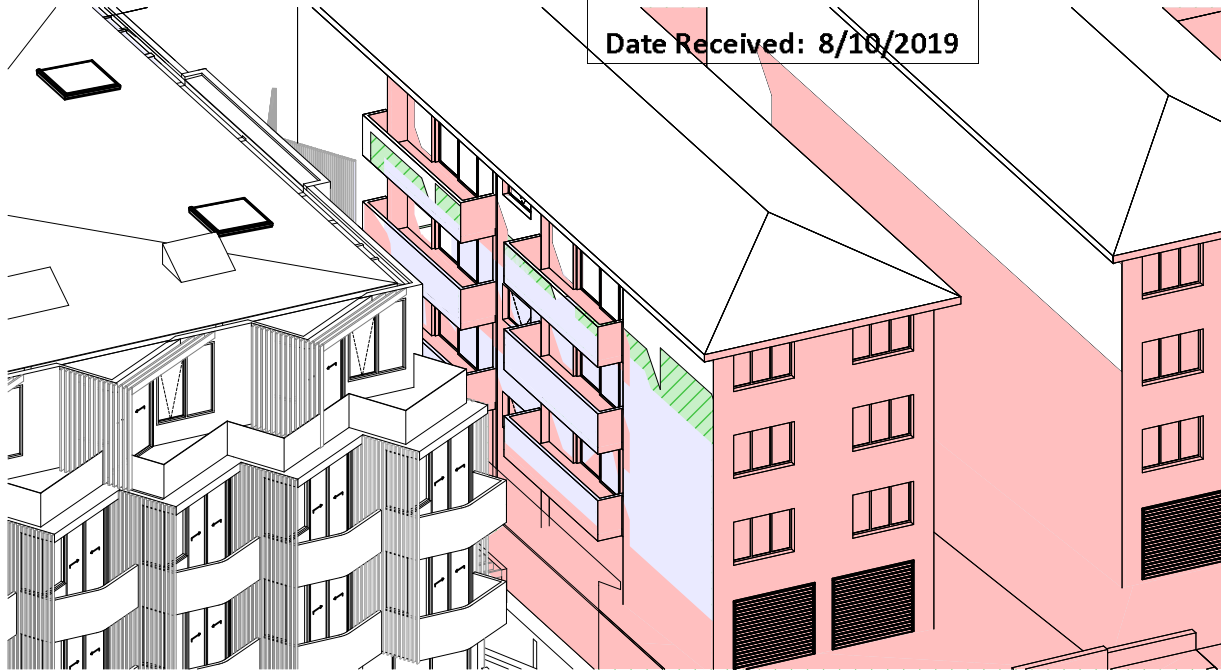


AMENDED PLANS

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1 3D SHADOWS - 12PM JUNE 21
1:200



2 3D SHADOWS - 1PM JUNE 21
1:200



3 3D SHADOWS - 2PM JUNE 21
1:200



4 3D SHADOWS - 3PM JUNE 21
1:200

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Date Received: 8/10/2019



15-17 LAMROCK AVE, BONDI
LANDSCAPE DEVELOPMENT APPLICATION

SEPTEMBER 2019

DRAWING LIST

SHEET NO.	DWG NAME	REVISION
00	COVERSHEET	B
01	LANDSCAPE MASTER PLAN	B
02	LANDSCAPE PLAN ~ GROUND LEVEL	B
03	LANDSCAPE DETAIL PLAN - GROUND FLOOR	B
04	LANDSCAPE SECTIONS	B
05	LANDSCAPE SECTIONS	B
06	PLANTING PLAN GROUND 1 OF 2	B
07	PLANTING PLAN GROUND 2 OF 2	B
08	PLANTING PLAN L3	B
09	PLANT SCHEDULE + IMAGES	B
10	LANDSCAPE DETAILS	B
11	LANDSCAPE SPECIFICATIONS	B



AMENDED PLANS

Legend

- 01. Pedestrian entry from Lamrock Ave
- 02. Vehicle entry to basement carpark
- 03. Street front planting with feature palms
- 04. Private terraces
- 05. Boundary planting
- 06. Upper level terraces
- 07. External upper communal space with bbq zone
- 08. External lower communal space
- 09. Private terrace planting
- 10. Street trees to be retained
- 11. Trees to remove
- 12. Arbour structure above basement entry (Rev Cloud)
- 13. Raised planters at rear balconies of L3 (Rev Cloud)
- 14. Extended deep soil zone (Rev Cloud)



Refer detail plan page 03

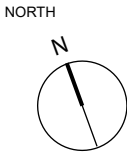


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Application No: DA-170/2019
Date Received: 8/10/2019

CHARACTER

CONCRETE PAVERS

COMMUNAL OPEN SPACE

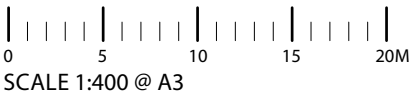


AMENDED PLANS

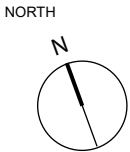
RECEIVED
Waverley Council
Application No: DA-170/2019
Date Received: 8/10/2019

Legend

- 01. Pedestrian entry and gate from Lamrock Ave
- 02. Vehicle entry to basement carpark
- 03. Street front planting with feature palms
- 04. Private terraces
- 05. Boundary planting
- 06. Breezeways
- 07. External upper communal space with zone
- 08. External lower communal space
- 09. Private terrace planting
- 10. Street trees to be retained
- 11. Arbour structure above basement entry (Rev Cloud)
- 12. Extended deep soil zone (Rev Cloud)



Landscape Plan - Ground Level





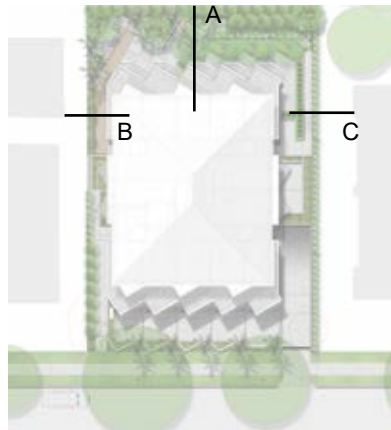
Location Plan

Legend

- 01. Communal break out space with pavers
- 02. Common room
- 03. Outdoor bbq / eating area
- 04. BBQ and bench
- 05. Concrete seating element
- 06. Timber decking
- 07. Buffer planting in feature planter
- 08. Steps with handrails / tactiles
- 09. Lower concrete seating element
- 10. Stepping stones
- 11. Lower level planting
- 12. Boundary planting / screening
- 13. Private terrace buffer planting
- 14. Elevated deck walkway
- 15. Dry river bed / fern garden below path
- 16. Overhead structure
- 17. Feature shade trees
- 18. Batten balustrade to break wall height
- 19. Concrete side path
- 20. Entry to breezeway to Architect design
- 21. Private terraces
- 22. Private terrace trees / buffer
- 23. External clothesline
- 24. 1.8m ht boundary fence
- 25. Light canopy trees overhanging private terraces
- 26. Intermediate planter



LANDSCAPE SECTIONS



Section Reference Plan

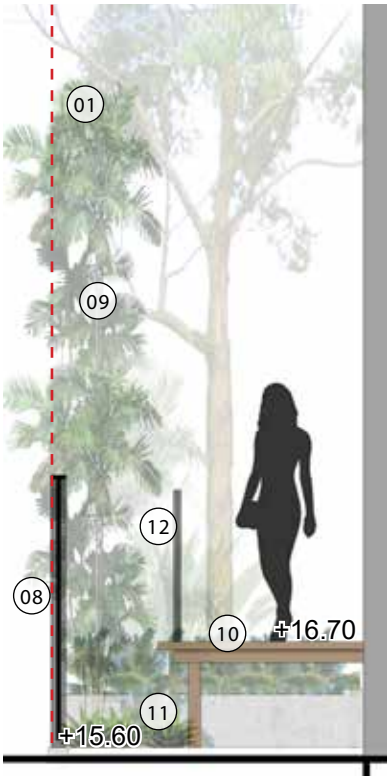
AMENDED PLANS

Legend

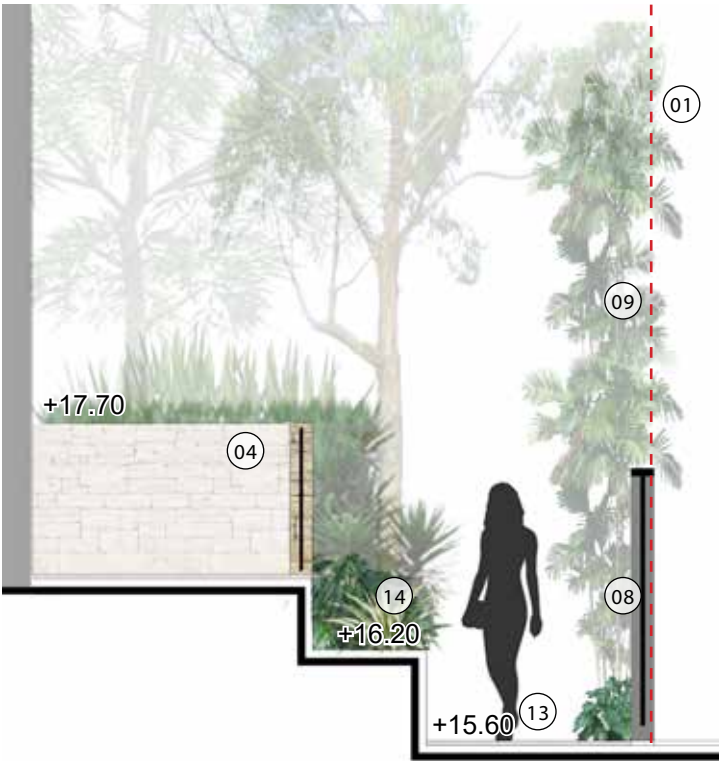
- 01. Boundary line
- 02. Screening planting
- 03. Seating element
- 04. Sandstone feature walls
- 05. Private terrace balustrade 1.0m ht
- 06. Communal space planting
- 07. Native trees
- 08. 1.8m ht timber fence
- 09. Bamboo planting
- 10. Timber deck / side access (1200mm wide)
- 11. Fern garden
- 12. Path balustrade 1.0m ht
- 13. Side access path (1000mm wide)
- 14. Intermediate planter (600mm ht)



Section A - Northern Boundary Interface



Section B - Western Boundary Interface

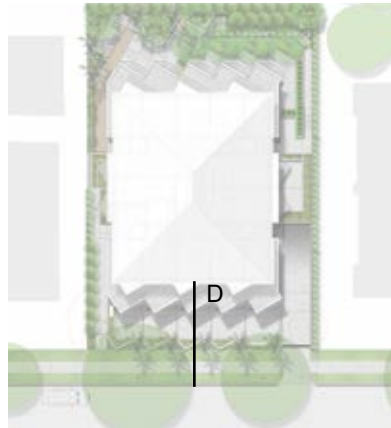


Section C - Eastern Boundary Interface



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Date Received: 8/10/2019

LANDSCAPE SECTIONS

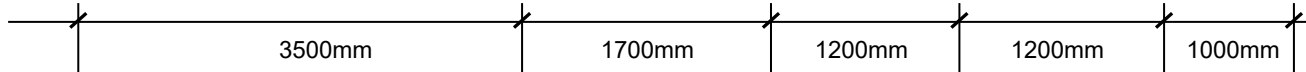


Section Reference Plan

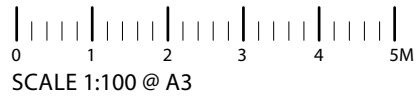
AMENDED PLANS

Legend

- 01. Boundary line
- 02. Screening planting
- 03. Feature Palm Tree
- 04. Sinuous front wall by Architects
- 05. 1800mm privacy battens
- 06. Existing footpath made good
- 07. Existig turf verge
- 08. Private planting
- 09. 1800mm high privacy wall
- 10. Building facade
- 11. Existing street trees to be retained



Section D - Lamrock Ave Interface



LANDSCAPE ARCHITECT



ADDRESS

LEVEL 12
64 YORK STREET, SYDNEY
NSW 2000
AUSTRALIA

0424769049
www.ctladesigngroup.com.au
craig@ctladesigngroup.com.au

COUNCIL

WAVERLEY COUNCIL

CLIENT

STM 123 No 9 Pty Ltd

ARCHITECT

MARK SHAPIRO ARCHITECTS

NORTH

PROJECT

RESIDENTIAL DEVELOPMENT

ADDRESS

15-17 LAMROCK AVE
BONDI, NSW
SYDNEY, AUSTRALIA

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RLA #1826



DRAWN

J.L

CHECKED

C.T

SCALE

AS SHOWN

DATE

APRIL 2019

STAGE

DEVELOPMENT APPLICATION

PAGE NO.

05

PAGE TITLE
LANDSCAPE SECTIONS

ISSUE

B

LANDSCAPE PLANTING PLAN - GROUND FLOOR

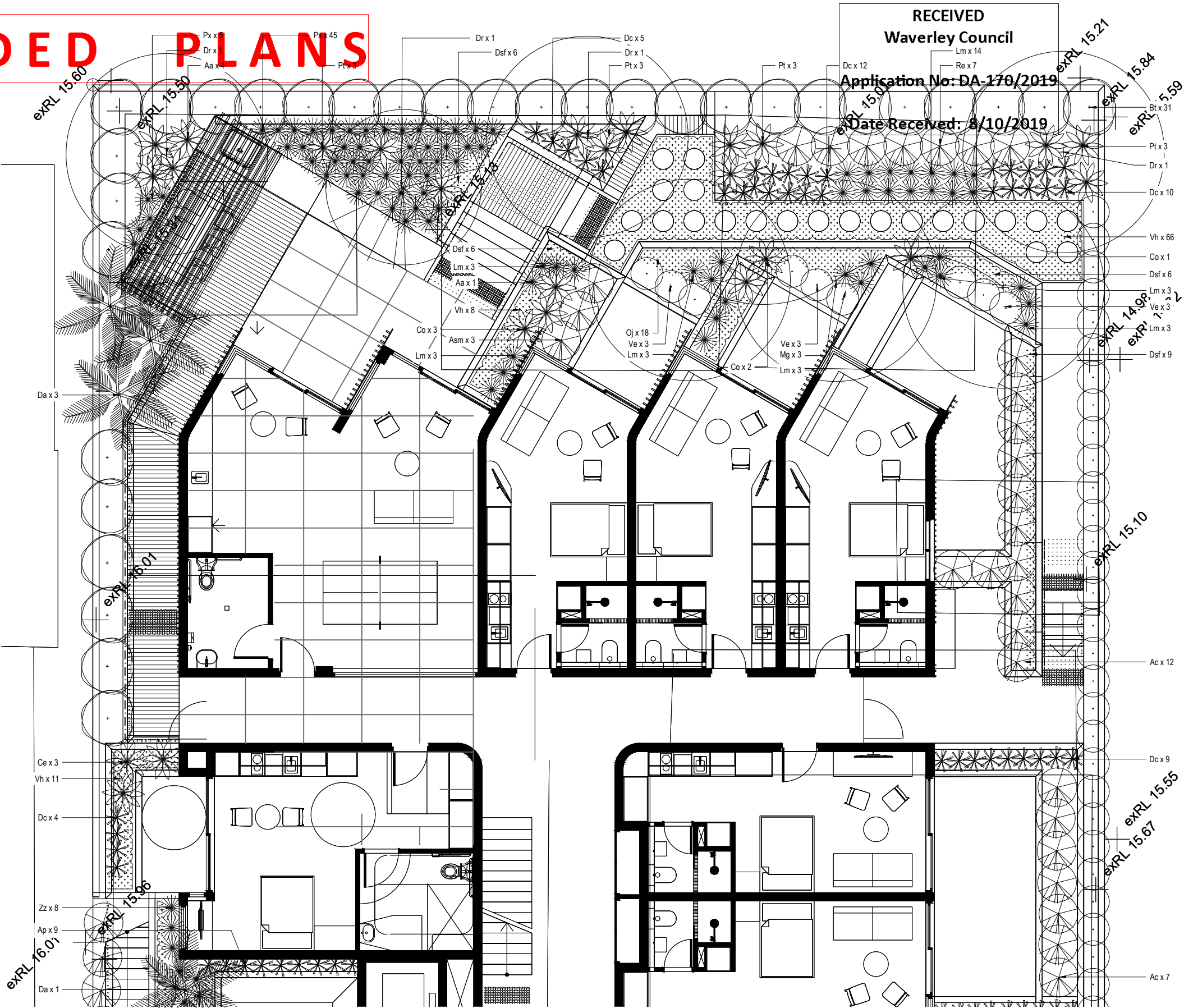
AMENDED PLANS



Location Plan

Legend

- EXISTING TREES TO BE RETAINED
- EXISTING TREES TO BE REMOVED
- PROPOSED TREE PLANTING
- PROPOSED SHRUB AND ACCENT PLANTING
- PROPOSED GROUNDCOVER PLANTING



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Application No: DA-176/2019
Date Received: 8/10/2019

LANDSCAPE ARCHITECT



ADDRESS

LEVEL 12
64 YORK STREET, SYDNEY
NSW 2000
AUSTRALIA
0424769049
www.ctladesigngroup.com.au
craig@ctladesigngroup.com.au

COUNCIL

WAVERLEY COUNCIL

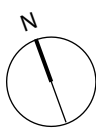
CLIENT

STM 123 No 9 Pty Ltd

ARCHITECT

MARK SHAPIRO ARCHITECTS

NORTH



PROJECT

RESIDENTIAL DEVELOPMENT

ADDRESS

15-17 LAMROCK AVE
BONDI, NSW
SYDNEY, AUSTRALIA

GENERAL NOTE

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RLA #1826



DRAWN

J.L

CHECKED

C.T

SCALE

AS SHOWN

DATE

APRIL 2019

STAGE

DEVELOPMENT APPLICATION

PAGE NO.

06

PAGE TITLE

PLANTING PLAN 1 OF 2

ISSUE

B

LANDSCAPE PLANTING PLAN - GROUND FLOOR

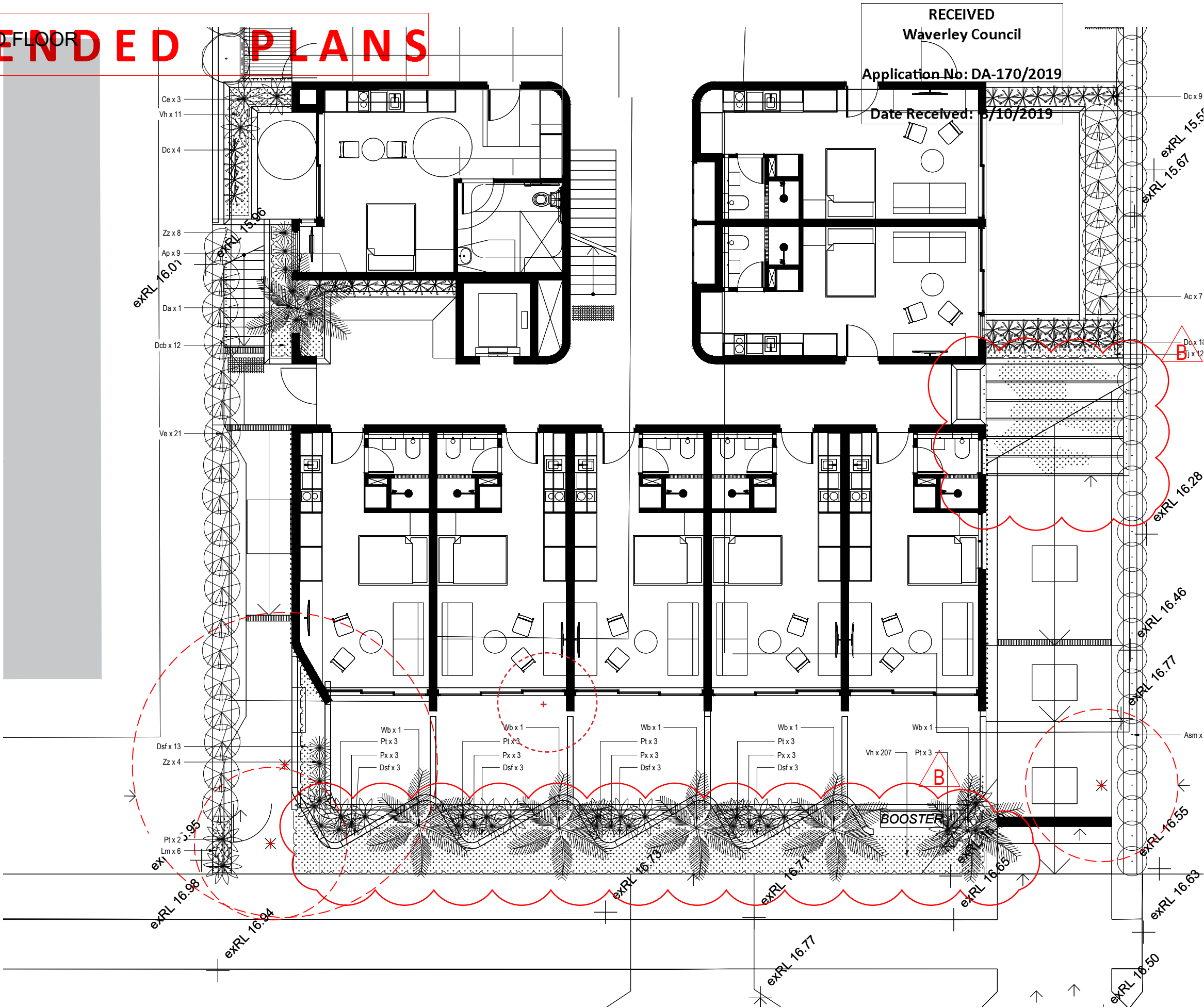
AMENDED PLANS



Location Plan

Legend

- EXISTING TREES TO BE RETAINED
- EXISTING TREES TO BE REMOVED
- PROPOSED TREE PLANTING
- PROPOSED SHRUB AND ACCENT PLANTING
- PROPOSED GROUNDCOVER PLANTING



LANDSCAPE ARCHITECT



ADDRESS

LEVEL 12
64 YORK STREET, SYDNEY
NSW 2000
AUSTRALIA

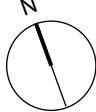
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COUNCIL
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PAGE NO.
07

PAGE TITLE
PLANTING PLAN 2 OF 2

ISSUE
B

AMENDED PLANS

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Waverley Council
Application No: DA-170/2019
Date Received: 8/10/2019



Location Plan

- Legend
- EXISTING TREES TO BE RETAINED
 - EXISTING TREES TO BE REMOVED
 - PROPOSED TREE PLANTING
 - PROPOSED SHRUB AND ACCENT PLANTING
 - PROPOSED GROUNDCOVER PLANTING



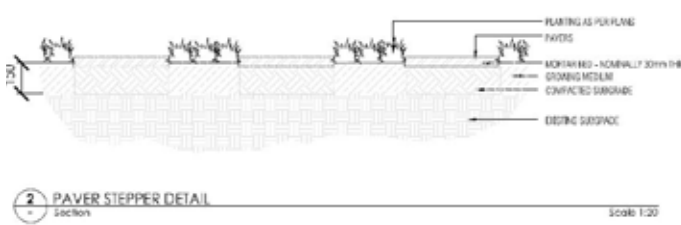
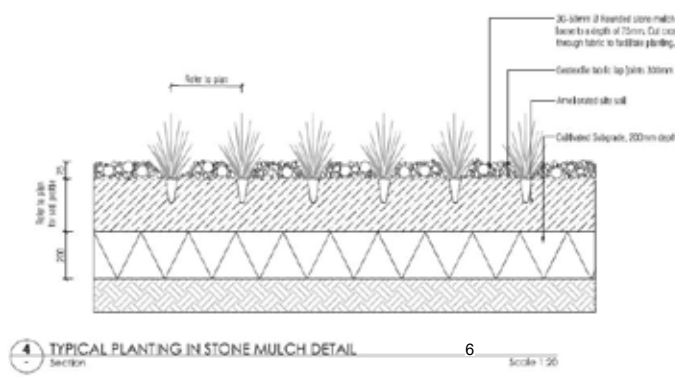
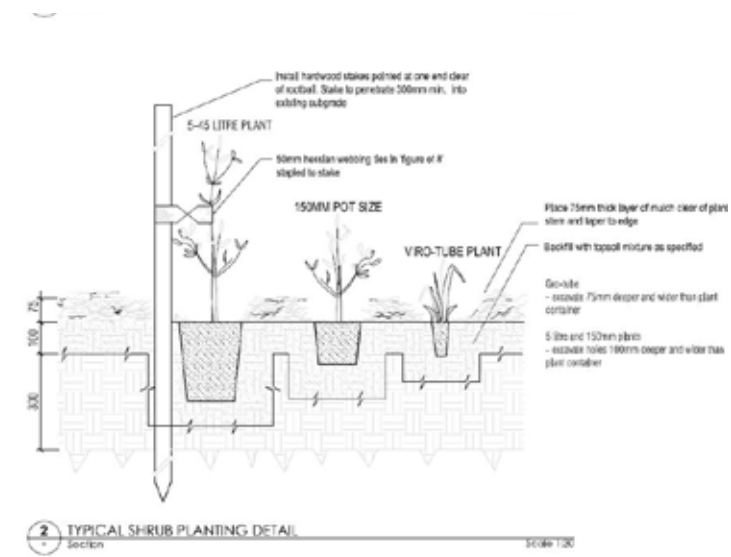
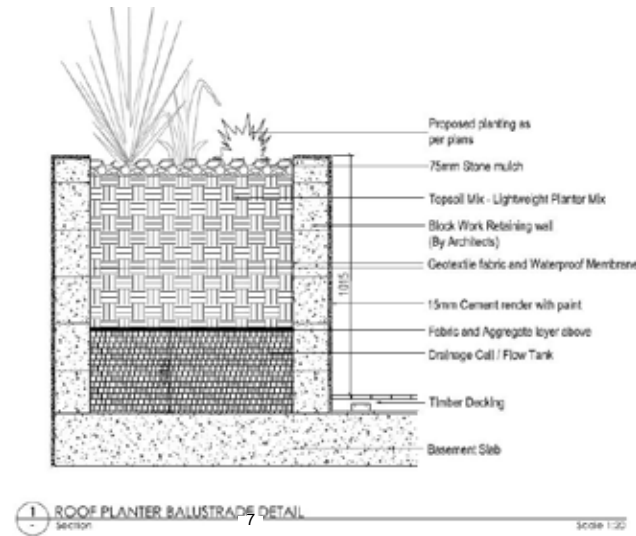
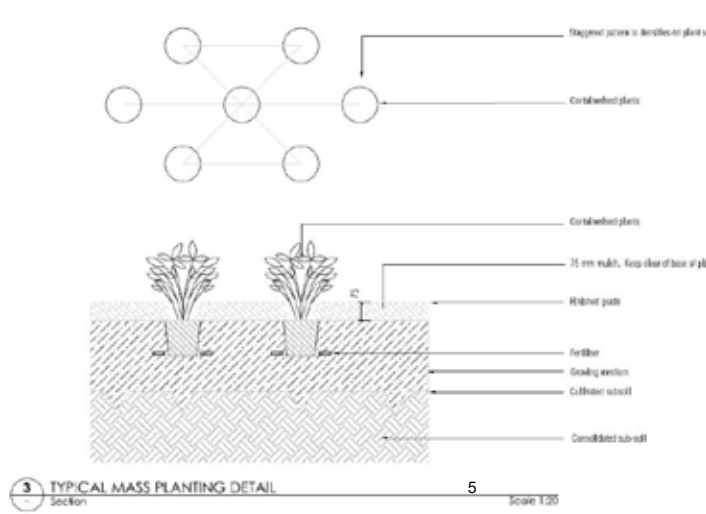
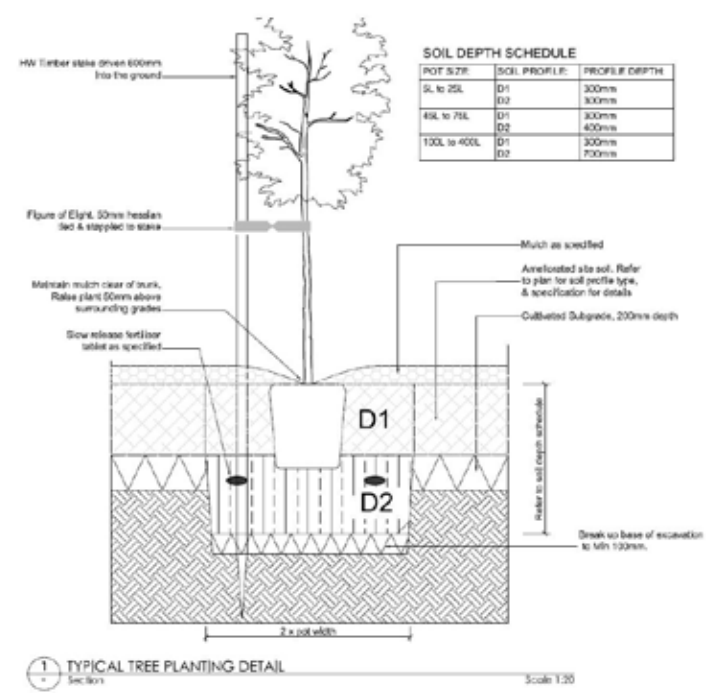
MASTER PLANT SCHEDULE

CODE	BOTANNICAL NAME	COMMON NAME	MATURE SIZE (h x w) (m)	PROPOSED POT SIZE	QUANTITY
TREES & PALMS					
Dr	Delonix regia	Flame Tree	10 x 8	200L	4
Mg	Magnolia grandiflora 'Little Gem'	Dwarf Magnolia	8 x 5	200L	3
Wb	Wodyetia bifurcata	Foxtail Palm	10 x 5	200L	5
SHRUBS & ACCENTS					
Ac	Alpinia caerulea	Native Ginger	2 x 2	200mm	19
Ap	Agapanthus praecox 'Dwarf White'	Dwarf White Agapanthus	0.5 x 0.5	200mm	19
Asm	Acmena smithii minor	Dwarf Lilly Pilly	3 x 2	200mm	54
Bt	Bambusa textilis gracilis	Slender Weavers Bamboo	6 x 2	300mm	31
Co	Cordyline 'Torbay Dazzler'	Cordyline	1.5 x 1.5	200mm	10
Dc	Dianella caerulea	Flax Lily	0.5 x 0.5	200mm	58
Dcb	Dianella caerulea 'Cassa Blue'	Cassa Blue Flax Lily	0.5 x 0.5	200mm	12
Lm	Liriope muscari	Lilyturf	0.5 x 0.5	200mm	59
Px	Philodendron 'Xanadu'	Xanadu	1 x 1	200mm	62
Pt	Phormium tenax	Flax	1.1.5	200mm	29
Re	Rhapis excelsa	Lady Palm	3 x 3	200mm	7
Ve	Viburnum 'Emerald Lustre'	Emerald Lustre	3 x 2	200mm	30
FERNS & CYCADS					
Aa	Asplenium nidus	Birds Nest Fern	1.5 x 1.5	200mm	5
Ce	Chamaedorea elegans	Parlor Palm	1 x 1.5	200mm	3
Da	Dicksonia antarctica	Scaly Tree Fern	9 x 4	300mm	4
Zz	Zamioculcas zamiifolia	Zanzibar Gem	1 x 1	200mm	12
GROUNDCOVERS & CLIMBERS					
Dsf	Dichondra repens 'Silver Falls'	Kidney Weed	0.2 x spreading	150mm	105
Oj	Ophiopogon japonicus	Mondo Grass	0.3 x 0.3	150 mm	18
Vh	Viola hederacea	Native Violet	0.2 x 0.5	150mm	292
Tj	Trachelospermum jasminoides	Star Jasmine	0.2 x 0.5	150mm	12



AMENDED PLANS

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Landscape specification notes

Services
Before landscape work is commenced the landscape contractor is to establish the Position of all service lines and ensure tree planting is carried out at least 3 metres Away from these services. Service lids, vents and hydrants shall be left exposed and not Covered by any landscape finishes (turfing, paving, garden beds etc.) Finish adjoining Surfaces flush with pit lids.

Aborist management of tree protection
A qualified and approved aborist is to be contracted to undertake or manage the installation of protective fencing, and to undertake such measures as he deems appropriate to preserve the subject trees to be retained. The arborist is to be retained for the entire contract period to undertake ongoing management and review of the Trees.

Drainage cell and filter fabric
For on-slab areas install an approved 'drainage cell' product to comprehensively cover the bottom of all planters. Over drainage cell to on-slab areas, a polyfelt geotextile lining (as supplied by 'polyfelt ts' or approved equivalent) is to be installed to cover the bottom of all planters, turned up 300mm and taped to the planter sides to ensure soil mix does not escape into drainage outlets/holes. Install min. 50Mm coarse river sand over all geotextile lining prior to installation of soil mix.

Planting mixture
Shall be homogenous blend of soil and additives in the following proportions:
Existing site soil if suitable or imported topsoil 50% Compost 30% D/w sand 20% soil testing of existing site soil is to be undertaken to assess suitability of use as planting topsoil and compliance with australian standards.(As4419 - soils for landscaping)

Mulch application
Place mulch to the required depth, (refer to drawings) clear of plant stems, and rake to an even surface finishing 25mm below adjoining levels. Ensure mulch is watered in and tamped down during installation.

Mulch type
Forest litter or pine bark: from mature trees, graded in size from 15mm to 30mm, free from wood slivers. Dark brown in colour and texture.
All mulch to be free of deleterious material such as rock, soil, weeds and sticks

Compost
Shall be well rotted vegetative material or animal manure, or other approved material, free from harmful chemicals, grass and weed growth and with neutral ph. Provide a Certificate of proof of ph upon request.

Plant material
All plants supplied are to conform with those species listed in the plant schedule on the drawings. Generally plants shall be vigorous, well established, hardened off, of good form consistent with species or variety, not soft or forced, free from disease or insect pests with large healthy root systems and no evidence of having been restricted or damaged. Trees shall have a leading shoot. Immediately reject dried out, damaged or Unhealthy plant material before planting. All stock is to be container grown for a Minimum of six (6) months prior to delivery to site

Turf
Shall be soft leaf buffalo. To consist of 25mm depth dense, well rooted, vigorous grass growth with minimum 15mm on an average of 100mm topsoil .
Shirleys no. 17 Or approved equal lawn food shall be thoroughly mixed into the topsoil prior to placing turf. Obtain turf from an approved grower. Furnish a warranty from the grower that the turf is free from weeds and other foreign matter. Deliver turf to the site within 24 hours of being cut, and lay it within 24 hours of being delivered.

Trees in grass and super advanced trees:
Pellets shall be in the form intended to uniformly release plant food elements for a period of approximately nine months equal to shirleys kokei pellets, analysis 6.3:1.8:2.9. Kokei pellets shall be placed at the time of planting to the base of the plant, 50mm minimum From the root ball at a rate of two pellets per 300mm of top growth to a maximum of 8 pellets per tree.
Tree trunks to be a minimum of 700mm from street kerb or guttering.
All tree planting holes are minimum 1.5M diameter and twice the depth of the rootball
Root directors
Install root directors to manufacturers specificatons to protect assets, structures and underground servives

Staking and tying
Stakes shall be straight hardwood, free from knots and twists, pointed at one end. Size shall be 2x38x38x1800mm and shall sit 600mm within ground. Secure the tree firmly with 2no. Hessianties fitted to the stem separately in opposite directions.
Of plants to be staked.
A. 5-15 Litre size plant 1x(1200x25x25mm)
B. 35-75 Litre size plant 2x(1500x38x38mm)
C. 100-Greater than 200litre 3x(1800x50x50mm)
Ties shall be 50mm wide hessian webbing or approved equivalent nailed or stapled to stake. Drive stakes a minimum one third of their length, avoiding damage to the root system, on The windward side of the plant.

Irrigation system
Supply an automatic watering system using 'toro irrigation system' or similar approved, with micro-jet sprinkler heads and low density, rubber modified polypropylene reticulation, to include filters, bends junctions, ends and other ancillary equipment. The Landscaper shall nominate his source of supply for the watering system and obtain approval from the superintendent before placing orders for equipment or supply.
A schematic plan of the proposed irrigation system is to be prepared by the contractor, showing solenoids, pipe diameters, and all nozzle and trickle attachment types (including spray/head angle), for review by the superintendent prior to installation
the contractor is to liaise with the hydraulic engineer and council as necessary, to ensure the irrigation system conforms with all the council and water board codes and requirements.
Provide an automatic controller that provides for two week scheduling and hourly multi-cycle operation. The controller shall manual override. Programming shall be undertaken by the contractor who shall advise on the operation of the system.
provision of secure housing for the automatic irrigation controller to be located in association with the landscape contractor and location confirmed by the superintendent. Wiring to connect remote solenoid locations is to be provided. The controller shall be located in a dry place, protected from the weather, and all cable connections shall be made with waterproof connectors.

Water supply points to be supplied by builder.
It shall be the contractor's responsibility to ensure and guarantee satisfactory operation of the irrigation system. After the system has been installed to the satisfaction of the superintendent, the Installation shall be tested under known working conditions. Acceptance of the installed plant and equipment shall be subject to these being satisfactory.

Timber or steel edging
N/a

Soft edges
All soft edges (mulch, turf, grassed) to be finished to appropriate falls and flush with Adjacent surface treatment.

Turf
Turf all landscape areas as shown on the landscape drawings. Turf is to have To prepare graded areas to receive turf, excavate the area and cultivate so as to allow For importing of 100mm of turf underlay soil. Remove all stones over 50mm ø and remove
All weeds and foreign matter. Spread soil mix a.B.S to a depth of 100mm and grade to appropriate levels to achieve general even grades to drainage outlets installed by others.
Lay the turf along the land contours with staggered, close butted joints, so that the finished turf surface is flush with adjacent finished surfaces of paving and the like. As soon as practicable after laying, roll the turf with a roller weighing not more than 90kg per metre of width for sandy or light soils.
Water as necessary to keep the soil moist to a depth of 100mm. Protect newly turfed areas against traffic until grass is established. Fertilise two weeks after laying fertilise .B.S
'Top dress' the turf when it is established to a depth of 10mm with coarse washed river Sand. Rub the dressing well into the joints and correct any unevenness in the turf Surfaces.

RECEIVED

Waverley Council

Application No: DA-170/2019

Date Received: 8/10/2019

BOARDING HOUSE MANAGEMENT PLAN

for

BOARDING HOUSE

at

15-17 LAMROCK AVENUE BONDI BEACH 2026



1.0 OBJECT OF THIS PLAN

The primary purpose of this plan is to ensure the proposed boarding house maintains a high level of amenity for neighbouring properties and for all lodgers residing the premises. To achieve this, the following matters have been considered:

- General site management
- Amenity of occupants¹
- Amenity of adjoining neighbours
- House rules
- Fire safety of the premises including Emergency Management and Evacuation
- Occupational Health and Safety
- Internal and external cleanliness and appearance, including communal areas and individual units
- Complaints register
- Parking register
- Signage
- Surveillance cameras

2.0 SITE MANAGEMENT

- The boarding house is to be managed by an on site manager appointed by the owner who will be responsible for ensuring that the site is regularly monitored.
- The manager will be responsible for ensuring the House Rules are being adhered to. If any lodger does not respect the House Rules this will be cause for termination of use.
- Business and after hours contact details will be provided to all lodgers and will be displayed on signage in an accessible location on the premises for public and resident information.
- The Manager will require a photo ID (typically either a passport or driver's licence). Where the person is an Australian resident and does not hold a drivers licence, then an alternative ID which may not hold a photo can be accepted.
- Each lodger of the premises is required to sign an Occupancy Agreement and House Rules Agreement upon occupation of the boarding house. The occupancy agreement is to be for a minimum of three months.
- Upon signing the Occupancy Agreement each lodger will be provided with a printed copy of the publication Guide to NSW Services for International Students¹ and Factsheet 14: Boarders and Lodgers². (¹ Available at: <http://www.crc.nsw.gov.au/home> ² Available at: <http://www.tenants.org.au/>)
- A duplicate copy of the relevant publications will be signed by the lodger as

acknowledgement that they have received the publication and is to be kept with the Occupancy Agreement held by the boarding house operator to verify that the material has been issued.

- The publications and factsheets will be updated every 12 months and, where not available, similar information will be provided.
- Upon arrival, lodgers will be issued with an information sheet. This document will provide general information about the premises including the manager's details, after hours contact details, emergency contact numbers for essential services such as fire, ambulance, police and utilities such as gas, electricity, plumbing, house rules as well as a note that there is residential development in the vicinity and that lodgers need to take the neighbours' interests into account when leaving and entering.
- All lodgers are to be provided with a pamphlet outlining the fire excavation procedures for the boarding house. The pamphlet is to contain details of the fire exits, fire hydrants and fire warning devices installed in the boarding house.
- All lodgers will be registered in an electronic accommodation register. This register will provide details of the length of stay and the maximum number of all lodgers in each room. The register will be made available immediately upon demand at the request of Council and/or the Police.
- The site management will be responsible for the logging of any complaints in a "Complaints and Incident Register" and the resolution of those complaints which is also to be documented. The Complaints and Incidence Register will be made available immediately upon demand at the request of Council and/or the Police.
- The premises will be checked monthly to ensure that fire safety and essential fire safety measures in the building are maintained and that all required exits and egress paths are clear and free of obstructions.

3.0 CONTRACT CLEANING AND MAINTENANCE STAFF

The Manager will be responsible for the ongoing cleaning of common areas of the premises on a regular basis.

The Manager will be responsible for the collection and sorting of rubbish and the placement of the Council bins in the garbage collection area for collection.

Common areas and facilities shall be appropriately constructed, maintained and controlled against vermin. An authorized pest control company shall regularly inspect these areas once every 12 months.

Building maintenance/repairs are to occur when required.



4.0 BOARDING ROOM OCCUPANCY

There are 45 double rooms, 1 single room and one manager's (double) room.

A maximum of 93 lodgers (inclusive of the manager and their partner/guest) can be accommodated.

5.0 VISITORS

Any lodger inviting guests to the premises must take full responsibility for them and their behaviour. Visitors must obey the rules of the boarding house.

6.0 USE OF OUTDOOR COMMUNAL AREA

The use of the outdoor communal area shall be restricted to between the hours of 7:00am and 6:00pm, 7 days per week.

A maximum of 18 residents are allowed at any time on the common terrace and common open space on at the rear of the ground level.

No amplified music is permitted at ANY time within the outdoor communal area, the lobby on the ground floor or the breakout spaces on Levels 1 and 2.

The breakout spaces on Levels 1 and 2 are to be used for passive and quiet activities only.

7.0 SAFETY AND SECURITY

Access to Premises

There is one entrances to the building; from Lamrock Avenue. Arrangements for initial access to the premises will be through the Manager.

Access to Entrance/Bike Storage Cage/Basement

Access to the entrance/bike storage/basement will be controlled via key provided to each lodger. Access will not be possible without the key.

Access to boarding rooms

Access to the individual boarding rooms will be via a key (deadbolt style).

Perimeter Lighting

Perimeter lighting shall be provided to ensure that there are no areas of concealment when entering or leaving the property.



8.0 ROOM FURNISHINGS

Combustible furnishings and fittings, such as lounges, desks and display boards are not permitted in public corridors and egress routes from sleeping rooms as they may restrict the safe means of egress from the building and reduce the level of fire safety in the building.

The premises will be checked regularly to ensure that fire safety and essential fire safety measures in the building are maintained and that all required exits and egress paths are clear and free of obstructions.

9.0 LAUNDRY FACILITIES

In addition to the multiple commercially available Laundromats in close proximity, the boarding house will have laundry facilities in each room. The washing machines must not be removed from any of the rooms. Additionally, there is a clothes drying area located on the eastern side of the building.

10.0 HOUSE RULES

House rules will be displayed at entrance of the property, behind each entry door of each room and in all indoor and outdoor common areas. Each lodger on initial entry to the property will sign House Rules as well as the Occupancy Agreement. No signature, no entry policy applies.

Lodgers are to respect other lodgers and neighbouring residents and to keep noise at a reasonable level.

Access Key

The access key to the boarding house shall not be given to anybody other than the occupant(s).

Alcohol

Consumption of alcohol in the indoor or outdoor communal areas is not permitted.

Smoking

Smoking will not be permitted indoors or within the communal open space areas, including the breakout rooms on each level and the rear courtyard area.

Drugs

The boarding house policy is that the use, sale or possession of illegal drugs or any suspicion of such acts being performed in or about the premises or any person found using

drugs shall be immediately reported to the Police.

Misconduct

Any lodger failing to observe the rules and any cases of serious misconduct will be dealt with by the Managing Agent who may require the lodger to vacate the premises.

Examples of serious misconduct include, but are not limited to: drug or alcohol abuse, sexual, racial or religious harassment, theft, or violence. Lodgers are instructed to call the police if the boarder is performing illegal acts on the property.

Visitor Policy

Any lodgers inviting visitors to the premises must accept full responsibility for them and their behaviour. In the event of any serious misconduct by the visitor of a lodger, the lodger may also be asked to vacate the premises and be asked to pay for damages, where required.

Outdoor Communal Area

The use of the outdoor communal area shall be restricted to between the hours of 7:00am and 6:00pm, 7 days per week.

Noise

Live music will not be permissible on the premises at ANY time.

No amplified music is permitted at ANY time within the outdoor communal areas.

Recorded and/or amplified music is permissible indoors during daylight hours between 8:00am and 8:00pm Monday to Thursday and between 8am and 10pm Friday to Sunday.

Disposal of Waste

Lodgers are to ensure all rubbish and recycling is to be deposited within the respective bins provided in the waste bin area.

Pets

No pets are allowed within the boarding house at ANY time.

Nuisance

The carrying out of activities likely to cause a nuisance to other lodgers, the management or neighbours will not be tolerated. This may include, but not limited to theft, use of illegal drugs, violence or noise generating activities outside permissible times.



Any lodger failing to observe the rules and/or involved in serious misconduct will be dealt with by the boarding house manager and may result in the termination of the occupancy agreement.

11.0 WASTE POLICY

Behind each room door there will be a sign encouraging lodgers to recycle. The bins in the waste bin area will be separated for:

- Paper, cardboard;
- General waste; and
- Aluminum cans, glass and plastic bottles.

12.0 FIRE SAFETY

Evacuation Plan

Building layout indicating, position of lodger rooms relative to the rest of the development, location of fire exits and firefighting equipment and emergency evacuation procedures shall be displayed in all rooms and common areas.

Maintenance

A qualified company will maintain emergency systems as part of a maintenance contract. All equipment will be tested and checked in accordance with the relevant Australian Standards. Any faults are documented and rectified immediately.

Certification

Annual certification of Fire Safety Equipment and preparation of the Form 15a is carried out by a fire consultant. Annual certification required of any of the equipment is overseen by the owners.

13.0 OCCUPATIONAL HEALTH AND SAFETY REQUIREMENTS

The Manager and staff must be aware of their responsibilities under such legislation as the OHS Act 2000, OHS Regulation 2001, and the Innkeepers Act.

The WorkCover website lists the OHS Act and Regulations and other helpful information – visit www.workcover.nsw.gov.au for boarding houses NSW.

The following safety guidelines will be observed in the premises and employees must abide by them:-

- All hazards (e.g. broken chairs, loose carpets, missing lights) should be removed, repaired or replaced in consultation with the Managing Agent;



- No item of plant or machinery may be operated unless the safeguards provided are correctly in place, secured and operating effectively and the staff member and/or contract services personnel have been trained;
- Dangerous chemicals are to be handled properly, labeled (MSDS), and locked in a secure storage area when not in use;
- Work areas are to be kept clean and tidy;
- Passageways and aisles are to be kept clear at all times;
- Materials or products are not to be stacked higher than what is considered to be safe;
- Rubbish bins must be used to dispose of all rubbish;
- Excessive alcohol consumption or drugs not prescribed by a doctor are forbidden on the premises; and
- All no smoking rules are to be observed.

14.0 STORAGE OF CHEMICALS

All chemicals and other substances stored for use in workplaces will meet the requirements of certain Acts and Regulations. Chemicals or substances that are labeled Hazardous Goods will have a Materials Safety Data Sheet on site.

All hazardous chemicals/substances are to be securely stored when not in use.

15.0 PUBLIC LIABILITY

The owners will maintain a public liability cover of \$10 million.

16.0 COMPLAINTS AND INCIDENT REGISTER

The Manager will be available between the hours 9:00am to 6:00pm, Monday to Saturday, to deal with any complaints or incidents that occur on the premises. Notwithstanding, **contact details for the purposes of registering complaints and incidents at any time outside the hours the manager must be available.**

The register will contain:-

- Complaint/Incident date and time
- Name of person/police/council making the complaint or notifying of the incident
- Contact details
- Nature of the complaint/incident
- Action taken (by whom and when)
- Outcome and/or further action required
- All complaints shall be dealt with by management with 24 hours of notification. The complaints register is to be made available to Council or Police upon request.
- Any lodger who has a noise or behavior violation issued against them from the manager will receive two warnings. The third noise or bad behavior breach will result in the lodger receiving an eviction notice.



17.0 PARKING ALLOCATION

- Car parking will be recorded in a register
- Motorbike parking will be recorded in a register
- Bicycle parking spots will be recorded in a register.

18.0 SIGNAGE

- Common areas will have signs that display emergency contact numbers
- The entrance of the boarding house will display the conditions of consent for the property that all tenants must comply with.
- The entrance of the boarding house will display contact details that are available 24/7 for complaints and incidents that may occur outside the hours the manager is available.

19.0 SURVEILLANCE CAMERAS

- CCTV will be installed on the premises and signage will be displayed adjacent to the main entry alerting persons entering the premises that CCTV is in operation.
- CCTV will cover:
 - All entry and exit points of the premises
 - All publicly accessible areas on the premises (except for toilets)
 - Footpath immediately adjacent to the premises
- CCTV will record:
 - Continuously
 - Record in digital format at a minimum of 6 frames per second.
 - All recorded images will specify the time and date of the image.
- CCTV recordings will be retained for 30 days.

20.0 PLAN OF MANAGEMENT AVAILABLE AT ALL TIMES

- A copy of the Plan of Management is to be displayed in a position immediately adjacent to the front entrance and available for public inspection at all times.
- The display must be accessible to the lodgers, neighbours and the any relevant authorities from publicly accessible areas of the site, i.e. outside of the security entrance.
- Prior to initial occupation of any rooms within the boarding house upon completion of construction, an information package must be hand delivered to the letterboxes of adjoining properties containing contact information as per Section 16 above and reference to the availability to inspect the publicly displayed Plan of Management referred to in the dot points above.

21.0 FLOOD GATE MANAGEMENT

- A detailed copy of any flood gate management requirements, including any relevant details on how to operate the gate, troubleshooting and manufacturing specifications and contact details of the supplier/installer must be kept by the building manager and available upon request.
- Signage immediately adjacent to the flood gate must be provided that includes a brief summary of the relevant items above and a reference that full details are available upon request from the building manager.



Report to the Waverley Local Planning Panel

Application number	DA-257/2019
Site address	156 Glenayr Avenue BONDI BEACH
Proposal	Demolition of existing mechanics workshop and construction of shop top housing comprising 6 units and commercial premises on ground floor.
Date of lodgement	14 August 2019
Owner	Mr Y Kreyman
Applicant	Mr N C Solomon
Submissions	Five submissions received
Cost of works	\$1,902,733.00
Issues	Bulk, scale, privacy, open space
Recommendation	That the application be APPROVED



1. PREAMBLE

1.1 Site and Surrounding Locality

The site is identified as Lot N in DP 33098, known as 156 Glenayr Avenue, BONDI BEACH. It is located on the south-eastern side of Glenayr Avenue, which intersects with O'Brien Street to the south and Roscoe Street to the north.

The site is irregular in shape with a 'L shape' comprising a northern boundary of 24.29 metres, an eastern boundary of 19.63 metres to 17 O'Brien Street, a southern boundary to 95 Hall Street of 6.02 metres, and a second southern boundary of 18.27 metres, adjacent to 97 Hall Street and 158 Glenayr Avenue.

The site is occupied by mechanics workshop within a single storey building. Vehicular access to the workshop is provided from Glenayr Avenue.

The subject site is adjoined by a four-storey shop top housing development to the north, a residential flat building to the east and numerous two-storey shop top housing developments to the south, which front onto O'Brien Street.

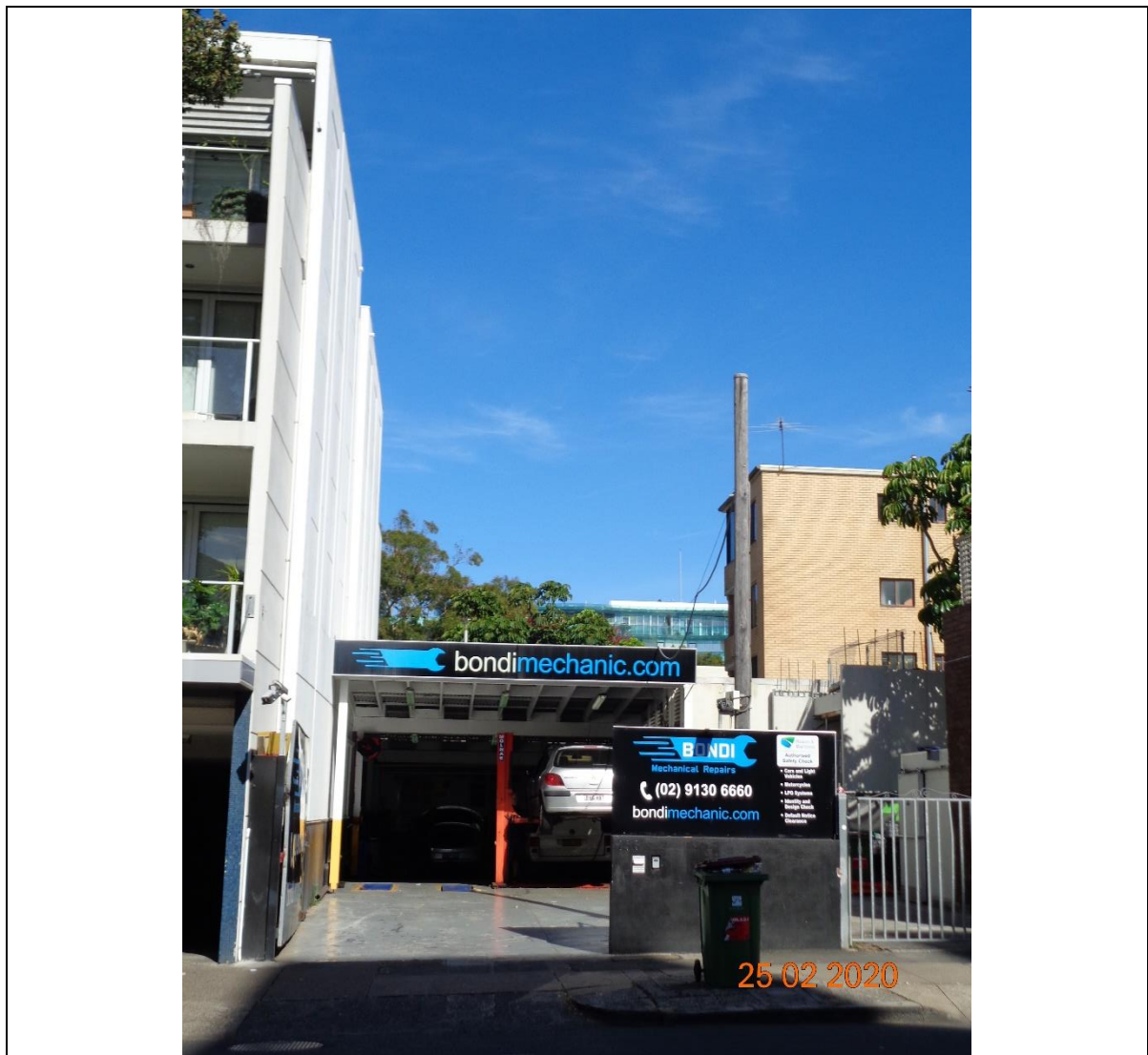


Figure 1: Subject site frontage



Figure 2: Site viewed from front facing southeast showing neighbouring laundrymat



Figure 3: Site viewed from front facing northeast showing neighbouring shop top housing



Figure 4: Adjoining shop-top housing development and shop top housing to the north

1.2 Proposal

The proposal seeks consent for the following works:

- demolition of the existing structure;
- construction of a new four-storey shop-top housing building with retail at ground floor level, comprising:

Ground floor level:

- retail (café) with alcove seating to front façade with the associated kitchen and bathroom to its rear
- retail and residential garbage space to the rear;
- six residential storage cages;
- twelve bicycle spaces for residence and visitors combined;
- communal garden/courtyard space in the southern area of the site;
- enclosed residential corridor, internal fire stairs and lift;

Level 1 – Level 3:

- six one-bedroom apartments each with balcony accessible via partially enclosed walkway. On each level, there is a maximum of 2 units per floor with services in between.

1.3 Relevant History

The following previous Pre-Development Application's (Pre-DA's) and Development Applications (DA's) apply to the site:

- **PD-45/2014** – Pre-DA for demolition of the mechanics workshop and construction of a 4-storey boarding house with 14 rooms. Council recommended a number of amendments.
- **PD-5/2015** – Pre-DA for demolition of the mechanics workshop and construction of four-storey shop top housing. Council raised concern over the proposed floor space ratio (FSR) exceedance, apartment size and layout, private open space, overshadowing, location of plant rooms and services and consistency with the desired future character of the Hall Street Precinct.
- **DA-281/2018** – DA for demolition of the mechanics workshop and construction of a four-storey shop top housing development, including a basement level. The applicant withdrew the DA due to a number of fundamental issues being raised, including FSR exceedance, setbacks, visual privacy, access to sunlight, overshadowing and lack of private open space. The broad range and significance of the issues raised would have required a full redesign and could not be resolved under the existing DA.
- **PD-7/2019** – Pre-DA for demolition of the mechanics workshop and construction of shop top housing comprising six units and commercial premises at ground floor level. Issues were raised over visual privacy, solar and daylight access, FSR compliance and consistency with the desired future character objectives for the Hall Street Precinct.

Subject application:

The subject application was lodged, generally reflecting the scheme presented in Pre DA PD-7/2019. On 28 November 2019, Council sent the applicant a deferral letter and requested clarification of a number of matters. On 29 January 2020, the applicant provided a detailed response to the issues raised and submitted amended plans to address Council's comments:

- ***Gross Floor Area (GFA) and Floor Space ratio (FSR):***
 - Council requested further details regarding the common circulation areas to demonstrate whether these could be excluded from the overall GFA. The applicant confirmed that 56% of the aluminium louvre screening would be open and that the corridors would have a non-slip waterproofed tiled surface and would be fire protected by application of performance solutions set out in the MCD Fire Engineering report submitted with the application.
- ***Unit configuration and layout:***
 - Council requested that the proposed lightwell be reconsidered to maximise its effectiveness, including consideration of a green wall on the northwest facing wall to maximise internal amenity. The applicant increased the size of the light well and included a green wall on the northwest facing wall. Full height glass block windows in the bedrooms of units 01, 03 and 05, positioned opposite the light well in the adjoining shop top housing development were also incorporated on the revised plans to maximise the light penetration and internal amenity of the bedrooms in these units.
 - Council recommended that the layout of units 01, 03 and 05 be reconsidered to be provide direct access from the entry corridors to the bedroom and that the first floor terrace off unit 01 should not be accessible due to the potential for visual and acoustic privacy impacts. The applicant revised the layout to reflect the recommendations.
- ***Balcony and planters:***
 - Council recommended that the front balconies be reconsidered and extended the full length of the front façade and for planter boxes to be included. The applicant realigned the front wall of the study spaces in units 01, 03 and 05 and incorporated

planter boxes in line with the recommendation but resolved to retain the form of the balconies as proposed.

- *Communal open space / Bicycle storage:*
 - Council requested further consideration be given to the configuration and layout of the bicycle storage area at ground floor level with the view of maximising the communal open space area and that the storage cages are compliant with the ADG. The applicant revised the bicycle storage area to provide a dual height stacking system which enabled the communal open space area to be increased. The applicant confirmed that the proposed storage areas are split between internal storage within each unit and the ground floor cages and these elements comply with the ADG.
- *Waste and recycling:*
 - Council requested that the applicant provide additional waste storage area within the proposed ground floor café. The applicant revised the layout to reflect the recommendation.
- *Environmental Health:*
 - Council requested that the Detailed Site Investigation (DSI) report be reviewed by a suitably qualified consultant to determine whether the site is suitable for the proposed use and whether any further investigations are required to determine site suitability. The applicant submitted and revised DS report which addressed Council's comments.
- *Survey plan:*
 - Council requested that the submitted survey plan be checked for discrepancies in the scale of properties and labelling. The applicant provided a revised survey plan addressing Council's comments.
- *Landscaping:*
 - The applicant provided an amended landscape plan to incorporate the various recommendations made by Council.

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application and a revised BASIX Certificate was provided to reflect the amendments made in as set out in section 1.3.

The BASIX Certificate and NatHERs certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A condition of consent is recommended to require the proposed development to undertaken in accordance with the amended BASIX and NatHERs Certificate's.

2.1.2 State Environmental Planning Policy No 55 – Remediation of Land

The subject site has historically been used as a mechanics workshop. There is no known contamination on the site. The application was accompanied by a Detailed Site Investigation (DSI) Report, prepared by Martens Pty Ltd, dated January 2020.

The DSI report stated that: *“elevated PAHs should not pose a risk as only commercial land use is proposed on the ground floor (with residential use on upper floors) and are away from exposed garden areas. if any residential or recreational land uses are proposed on the ground floor of the development, remediation of the hotspot may be necessary.”*

The DSI report concluded that under the proposed development conditions, being mixed use commercial and residential land use, the site is considered suitable for the proposed land use.

2.1.3 State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

The application was referred to the Design Excellence Panel (DEP) on 18 September 2019. The DEP provided comments on the proposed development having regard to the nine design quality principles, under SEPP 65. **Table 1** provides a summary of the DEP comments and a planning response to each.

Table 1: Assessment against the Nine Design Quality Principles under SEPP 65

Principle	Panel's Comment	Planning Comment
1. Context & Neighbourhood	<i>The proposal is considered compatible with the neighbourhood context in terms of height, materials and aesthetics.</i>	When viewed from Glenayr Avenue the proposal is in context with surrounding development.
2. Built form & Scale	<i>The proposed development generally reflects the scale and character of the surrounding mixed-use buildings.</i>	Agreed. However, surrounding mixed use buildings are not located on an L-shaped lot which does constrain development potential on the site. However, the applicant's amended plans provide a more appropriate response to adjoining development and character of the area.
3. Density	<i>The proposed FSR of 1.99:1 is compliant with the 2:1 maximum permissible FSR under the Waverley LEP 2012.</i>	As demonstrated by the submitted Compliance Diagram (GFA) (DWG: DA14), the proposal complies with the permissible FSR. Council sought clarification from the applicant as to whether the external walkways would be at least 50% open to enable them to be excluded from GFA. The applicant confirmed that 56% of the aluminium louvre screening would be open and therefore these areas could be excluded from the calculable GFA.

Principle	Panel's Comment	Planning Comment
4. Sustainability	<p><i>The Panel supported the introduction of light wells/terraces on the northern boundary which will enhance light and ventilation to the apartments although there were concerns about scale and access to the central light well and impacts on the north-eastern terrace associated with vehicle parking at the adjacent 17 O'Brien Street property.</i></p>	<p>The applicant has incorporated a lightwell along the northern boundary to increase solar access. However, the lightwell does not align with the lightwell on the adjoining property to the north at 154 Glenayr Avenue. Council requested that the applicant reconsider the configuration of the lightwell with the view of maximising its utility. In response the applicant provided a lightwell study to demonstrate the extent of daylight access under both scenarios, which demonstrated a minimal difference in the level of daylight access whether the void was directly opposite or offset. The applicant increased the size of the void by 500mm and added full height glass block windows to the bedrooms of units 01, 03 and 05, which are configured directly opposite the lightwell at 154 Glenayr Ave with a north easterly orientation. Council is satisfied with the applicant's revised plans.</p>
5. Landscape	<p><i>A landscaped courtyard of 30sqm has been provided in the southern sector of the site. The proposed landscape does not comply with either the DCP or the ADG requirements in terms of area or communal open space but approach deep soil requirements.</i></p> <p><i>The Panel recommends that further consideration be given to consolidating the visitor bicycle area and stacking systems which would allow the courtyard to be increased by a further 12sqm. This would also enhance the approach to the landscaped courtyard area.</i></p>	<p>Council requested that the applicant consider consolidating the visitor bicycle area and stacking systems to enable the size of the courtyard to increase and to enhance usability. Council also requested that the space allocated to deep soil landscaping be maximised in this part of the site, given the limited open space and landscaped area proposed across the site.</p> <p>The applicant revised the plans to incorporate a bicycle stacking system which enabled the communal open space area to be increased. The applicant also confirmed that the storage units provided at ground floor level are compliant with the ADG.</p> <p>Council is satisfied that the issues raised by DEP and Council, particularly having regard to the constraints of the</p>

Principle	Panel's Comment	Planning Comment
		site have been adequately addressed with respect to landscaping.
6. Amenity	<p><i>The Panel remains concerned about the interface between the approved and recently modified four-storey Mixed Use development at 97 Hall Street which extends to the southern boundary of the subject site. The submitted documentation does not clearly indicate the relationship between the stepped northern balconies at 97 Hall Street which appear to be within 0.5m of the proposed south-facing balconies on the subject site.</i></p> <p><i>The Panel recommended that further design consideration be given to the layouts in Units 1, 3 and 5 to enhance access to the adjacent terrace/light well and reset the relationship between bedroom, bathroom and kitchen with access provided more directly to the bedroom from the entry corridor. This would allow beds to be located such that sliding doors could be provided to the terrace at Unit 1 and provide for ready access to bedroom windows in Units 3 and 5. There is also scope to move the front doors further out to gain more internal space in those units.</i></p> <p><i>The Panel noted that the level of solar access to Units 2, 4 and 6 has not been addressed in the Statement of Environmental Effects and appeared to be totally reliant on west-facing glass block panels on the western boundary of the return leg of the subject site.</i></p>	<p>Council acknowledges the DEP comments with respect to the interface between the subject application and the approved application at 97 Hall Street. With respect to the proposed south facing balconies, Council notes that the eastern and western sides of the balconies have been fitted with 1600mm privacy screens and at Council's request provision of planter boxes along the southern edge of the balcony, to address potential privacy and overlooking issues. Council acknowledges that given the high density of development in this precinct, there is likely to be some impacts on amenity. However, on balance and with the additional measures of planting and privacy screens, Council is of the view that these impacts can be managed.</p> <p>Council requested that the applicant reconsider the layouts in Units 1, 3 and 5 in response to the DEP comments. The applicant's amended plans provide access directly from the entry corridor to the bedrooms and front doors have moved further out to provide more internal space in line with the DEP comments.</p> <p>Council agrees that solar access to Units 2, 4 and 6 has not been addressed in the applicant's SEE. Glass block windows are proposed on the western side of these units and along with the south facing balconies will provide some solar access through the day. The bedrooms within these units would also receive sun in the morning as a result of the proposed void in the north east corner of the site. As noted above, on balance considering the constraints of the site and the surrounding density, level of solar</p>

Principle	Panel's Comment	Planning Comment
		access is deemed adequate across the site.
7. Safety	<i>The Panel noted that street activation and passive surveillance of the Glenayr Avenue would be provided from the café and apartments above. To minimise potential CPTED issues, the Panel suggested that the secure entry gate at the ground floor walkway be relocated as close to Glenayr Avenue as possible.</i>	Council considers that the proposal provides good street activation and surveillance as a result of the café. The entry door to the building is setback approximately 5m to provide adequate space for mailboxes, water and gas meters and other necessary services.
8. Housing Diversity and Social Interaction	<i>The proposal provides for six one-bedroom apartments. The area has high amenity and the proposed unit type is supported.</i>	Agreed. The proposal provides one-bedroom units in excess of the minimum size requirements.
9. Aesthetics	<i>The Panel supported the revised design approach.</i>	Council is of the view the amended plans provide a more architecturally refined built form response. With the addition of balcony planters and other landscaping, the aesthetics of the building have been enhanced as a result of the amended plans.

Clause 6A Development control plans cannot be inconsistent with Apartment Design Guide

Clause 6A of SEPP 65 requires that DCP's cannot be inconsistent with the Apartment Design Guide (ADG) in respect of the following:

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

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

Table 2: Apartment Design Guide

Design Criteria	Compliance	Comment
3F Visual privacy		

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> • Min separation distances from buildings to side and rear boundaries: • Up to 12m (4 storey) – 6m habitable & 3m non-habitable 	Appropriate on merit	<p>The separation distances between the subject site and the properties to the south range from 3.7m to 101 Hall Street, 3m to 99 Hall Street and 5m to the approved rear ground floor of 97 Hall Street.</p> <p>The 97 Hall Street development has an approved rear building setback of 5m at ground floor level. As the development at 97 Hall Street increases in height, the rear building line steps back, providing a 6.9m setback at third floor level to the side of the subject site. It is also noted that the rear of 97 Hall Street, faces the partially external walkway which would be fitted with aluminium louvred screening and would assist in managing potential privacy and overlooking.</p> <p>The proposed south facing balconies to the rear of the subject site would be setback approximately 500mm from the adjoining boundary with 97 Hall Street. In addition, separation distances between the south facing balconies and 17 O'Brien Street to the east is approximately 3m. Council notes that the eastern and western sides of the balconies have been fitted with 1600mm privacy screens and planter boxes along the southern edge of the balcony, to address potential privacy and overlooking issues (see discussion below).</p> <p>The proposed development is separated from the adjoining neighbour to the north, 154 Glenayr Avenue by approximately 300mm, with the exception of the area comprising the void, which increases the setback to 3.9m at first, second and third floor levels. The proposed void on the subject site located directly opposite 154 Glenayr Avenue, provides an increased setback in this location of 2.5m and the void in the north-east corner to the rear of the development provides an increased setback of 3.3m. There is also potential for overlooking of the top floor unit balcony (Unit 5) into the south eastern balcony of the directly adjacent unit at 154 Glenayr Avenue (see discussion below).</p>
4A Solar and daylight access		

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter Overshadowing of neighbouring properties is minimised during mid-winter. 	Yes	<p>The applicant's ADG compliance table indicates that proposal complies with the solar access provisions in the ADG.</p> <p>Due to the orientation of the site, the shop top housing to the north (154 Glenayr Avenue) would continue to receive solar access throughout the day during mid-winter. The proposal would give rise to some loss of solar access in the middle of the day along the north west elevation of 17 O'Brien Street and some additional solar access loss to the south of the subject site at the rear of the properties fronting Hall Street, during the morning. Council notes that the majority of the shadow cast would be over the roofs of existing adjoining properties. The submitted shadow diagrams demonstrate that adjoining properties would continue to receive a minimum of 2 hours of direct sunlight between 9am and 3pm during mid-winter and therefore the proposal would not reduce solar access below the minimum requirement.</p>
4B Natural ventilation		
<ul style="list-style-type: none"> All habitable rooms are naturally ventilated Number of units with natural cross ventilation is maximised: <ul style="list-style-type: none"> At least 60% of units naturally ventilated 	Yes	All habitable rooms are provided with at least one window for natural ventilation and the applicant's ADG compliance table indicates that the proposed development complies with the cross ventilation provision in the ADG.
4C Ceiling heights		
<ul style="list-style-type: none"> Habitable rooms – 2.7m Non-habitable rooms – 2.4m 	Yes	The proposed development provides compliant ceiling heights in accordance with the ADG.
4D Apartment size and layout		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> 1 Bed = 50 m² <p>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.</p>	Yes	<p>All one-bedroom apartments have internal areas in excess of 50m².</p> <p>All habitable rooms include either an operable window or glass brick windows with a total minimum glass area of not less than 10% of the floor area of the room, as confirmed in the ADG compliance table.</p>

Design Criteria	Compliance	Comment
4E Private open space and balconies		
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> • 1-bed – 8m² & 2m depth • Ground level, min 15m² & 3m depth. 	Yes	<p>All units are provided with a balcony or courtyard accessed from the main living areas that meet the minimum requirements of the ADG in terms of area and depth.</p> <p>The proposed balconies and courtyards are integrated in and contribute to the architectural form and detail of the building. The finishes of balconies is consistent with the contemporary palette of materials presented for the overall building. Screens or solid side walls are provided to enhance privacy.</p>
4F Common circulation and spaces		
<ul style="list-style-type: none"> • Max of 8 units accessed off a circulation core on a single level 	Yes	<p>The proposal incorporates access to two units per floor, off a circulation core provided at a single level.</p>
4G Storage		
<p>In addition to kitchens, bathrooms and bedrooms, the following is provided:</p> <ul style="list-style-type: none"> • 1-bed – 6m³ 	Yes	<p>Internal storage is shown in all apartments and storage cages are proposed at ground floor level. The plans indicate that each unit would provide an internal storage area of 3m³ and an external cage with an area of 3m³ per unit. The proposal therefore complies with the ADG.</p>

The following is a detailed discussion of the issues identified in the compliance table above in relation to the SEPP 65 ADG.

Visual privacy

As set out above, the proposal does not strictly comply with the building separation provisions under the ADG. Council acknowledges this is in part due to the narrow L-shaped configuration of the site as well as the density of development within the Hall Street precinct. Council also acknowledges that development on this site is likely to give rise to some impact as a result of visual privacy, overlooking and solar access. However, Council considers that potential impacts are manageable with the appropriate measures.

The separation distances between the subject site and the properties to the south are considered reasonable, particularly given that the southern elevation comprises a wall with no openings and the partially enclosed walkway which would be fitted with aluminium louvred screening to manage potential overlooking and privacy impacts.

The adjoining shop top housing development to the north, is built to the boundary and the proposed development has also been designed to the northern boundary, which is a consistent pattern of development in the area. The exception to this is the proposed voids along the northern elevation

which increase the separation distances by 2.5-3.3m between the subject site the adjoining shop top housing to the north.

There is also potential for overlooking of the top floor unit balcony (Unit 5) into the south eastern balcony of the directly adjacent unit at 154 Glenayr Avenue. To address potential visual privacy impacts, Council recommends a condition of consent to require a privacy screen to be erected along the northern side edge of the balcony at a height of 1600mm measured above finished floor level.

The proposed south facing balconies would be setback approximately 500mm from the adjoining boundary with 97 Hall Street. The eastern and western sides of the balconies have been fitted with 1600mm privacy screens and planter boxes along the southern edge of the balcony, to address potential privacy and overlooking issues. In Council's view, the separation distance of the proposed south facing balconies with the under construction 97 Hall Street development represents the greatest potential risk to visual privacy, given the proximate distance of the balconies with the 97 Hall Street development. To address this issue, Council recommends a condition of consent to require the perimeter of the balcony to be fitted with an opaque glass upturn at a minimum height of 1200mm, to provide an additional privacy measure to prevent overlooking between the two developments.

Council finds that with the additional measures of planting, balcony upturn and privacy screens, on balance, the visual privacy impacts can be managed.

2.1.4 Waverley Local Environmental Plan 2012

The relevant matters to be considered under the Waverley Local Environmental Plan 2012 (WLEP) for the proposed development are outlined below:

Table 3: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is generally consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table B4 Mixed Use Zone	Yes	The proposal is defined as shop top housing, which is permitted with consent in the B4 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 13m 	Yes	The proposal complies with the height control based on max RL of 33.9 and existing ground level (EGL) of 21. The overall proposed height of the building is 12.9m.
4.4 Floor space ratio <ul style="list-style-type: none"> 2:1 	Yes	As demonstrated in the applicant's compliance diagram (DA14), the proposal complies with the FSR control, proposing an FSR of 1.99:1, based on a calculated gross floor area (GFA) of 458m ² (site area is 230m ²).
Part 6 Additional local provisions		

Provision	Compliance	Comment
6.1 Acid sulfate soils	Yes	The development is unlikely to disturb, expose or drain acid sulfate soils and cause environmental damage.
6.9 Design Excellence	Yes	<p>The site is identified as a 'Key Site', therefore Clause 6.9 is applicable to the proposed development.</p> <p>Council notes that the proposed development has been subject to various iterations, which have contributed to reaching an appropriate outcome for the site. Council considers that a suitable balance has achieved between the density sought by the applicant and the constraints of the site, including the narrow L-shaped configuration, potential visual privacy issues and a lack of landscaping potential.</p> <p>Given these constraints, Council is of the view that the proposed development would achieve a high architectural design standard, appropriate to the building type and that the landscaped potential of the site has been maximised to provide planting within the communal open space area, provision of green walls and planters on private balconies. The proposal reasonably addresses the relationship between the subject site and other development within proximity. Council is satisfied that the proposal would contribute to the overall urban design quality of the Bondi area and that the intent of the design excellence provisions would be achieved under the proposed scheme.</p>

2.1.5 Waverley Development Control Plan 2012

The relevant matters to be considered under the Waverley Development Control Plan 2012 (WDCP) for the proposed development are outlined below:

Table 4: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes	Council's Waste and Recycling Officer has reviewed the proposal including the waste management plan submitted with the proposal. Conditions of consent are recommended.

Development Control	Compliance	Comment
2. Ecologically sustainable Development	Yes	<p>The applicant has incorporated two green walls within the proposed voids and has provided additional fenestration in the form of glass block windows in the bedrooms of units 1, 3 and 5 to increase solar and daylight access.</p> <p>Updated BASIX and NatHERs Certificate's were provided to Council on 9 March 2020, to reflect the plan amendments. A condition of consent is recommended to require the proposed development to be undertaken in accordance with the BASIX and NatHERs Certificate's.</p>
3. Landscaping and biodiversity	Yes	The site does not contain remnant vegetation listed as threatened under the Environment Protection and Biodiversity Conservation Act 1999, and in the NSW Biodiversity Conservation Act 2016.
6. Stormwater	Yes	The applicant provided amended stormwater plans, which have been reviewed by Council's Stormwater Engineer and the approach considered satisfactory. A condition of consent has been recommended with respect to stormwater.
7. Accessibility and adaptability	Yes	The application was accompanied by an Access Assessment Report which states that unit 1 on the first floor and unit 3 on the second floor have been designed as liveable units and are designated as such. It is noted that the DCP does not contain a minimum requirement for units to be adaptable as this requirement is only relevant to developments that comprise 10 or more units.
8. Transport	Yes	<p>The development does not propose any on-site car parking spaces. The DCP does not prescribe a minimum rate for high density residential development.</p> <p>Twelve bicycle spaces are proposed.</p>
11. Design Excellence	Yes	As set out above, the proposal is considered to exhibit design excellence and would contribute to the overall urban design quality of the Bondi area.

Development Control	Compliance	Comment
16. Public Domain	Yes	A minor encroachment of balconies at levels 1, 2 and 3 (approx. 300mm) is proposed over the public domain fronting Glenayr Avenue. The DCP permits minor encroachments of balconies as long as the encroachment does not exceed 300mm and do not constitute as GFA.

This part applies to development that is subject to State Environmental Planning Policy (SEPP) 65 – Design Quality of Residential Apartment Development, including the residential flat buildings, shop top housing or mixed use developments that are 3 or more storeys and contain four or more dwellings.

Table 5: Waverley DCP 2012 – Part C4 High Density Residential Development Compliance Table

Development Control	Compliance	Comment
4.1 Site, scale and frontage		
<ul style="list-style-type: none"> Minimum frontage: 15m – R3 zone 20m – R4 zone 	N/A	The site is located in the B4 Mixed Use zone; therefore, this control does not apply.
4.2 Height		
<ul style="list-style-type: none"> Refer to the WLEP 	Yes	The proposed development complies with the 13m height control under the WLEP. The proposal meets the objectives of the DCP height control and responds appropriately to the desired scale and character of the street and local area.
4.4 Streetscape		
<ul style="list-style-type: none"> Setbacks to be consistent with building line along the street. 	Yes	The proposed development is generally consistent with the building line along Glenayr Street.
<ul style="list-style-type: none"> Front setback to provide deep soil landscaping. 	No	The proposal does not incorporate deep soil landscaping within the front setback. However, the provision of deep soil landscaping in this location would not be suitable (see discussion below).
<ul style="list-style-type: none"> Sympathetic external finishes. 	Yes	The proposed external finishes are sympathetic to the surrounding development.
<ul style="list-style-type: none"> Setbacks above street frontage height are to be included where the adjacent building includes upper level setbacks. 	Yes	Units 1 and 3 on levels 1 and 2 comprise 8m ² balconies within the front setback, half the width of the block. Units 1 and 3 contain an internal study space adjacent to the balconies which extends to the front building line reducing the front setback at this part of the building to approximately 300mm.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Max building length to the street is 24m. Buildings to be articulated to respond to the streetscape. 	<p>Yes</p> <p>Yes</p>	<p>The fourth level is setback approximately 2.4m from the front building line. The proposed shop-top housing is consistent in scale with the adjoining development to the north.</p> <p>The building length is 24m to the street.</p> <p>The building provides articulation to respond to the established pattern of existing development along the street.</p>
4.5 Building Design and Streetscape		
<ul style="list-style-type: none"> Building design is to respond to the existing streetscape character of the area. The colour and finish of external finishes should be sympathetic to the street and contribute to the overall appearance of the building. 	<p>Yes</p>	<p>The design of the building generally responds to the existing streetscape character. The appearance of the façade has been revised to provide planter boxes containing a selected mix of 'spillover' plants in planter boxes to extend the length of the front balconies.</p> <p>The external finishes including the colour palette is generally sympathetic to the streetscape and would contribute to the appearance of the building.</p>
4.8 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level and respond to pattern within the street. Accessible entry. Separate to vehicular entry. Legible, safe, well-lit. 	<p>Yes</p>	<p>Entry is provided at grade street level.</p> <p>The entrance walkway has a width of 1.4m and the security door is located 5m along the walkway to provide adequate space for mailboxes, water and gas meters and other necessary services.</p>
4.9 Landscaping		
<ul style="list-style-type: none"> Comply with part B3-Landscaping and Biodiversity. Minimum of 30% of site area landscaped: 69m² 50% of the above is to be deep soil: 34.5m² 	<p>Appropriate on merit</p>	<p>The proposal provides 51m² of landscaped area, which equates to 22% of the site area. Based on the design of the communal open space area, Council calculates that the approximately 17m² of that area would be utilised for deep soil planting, bringing the total of deep soil landscaped area to approximately 26m², or 11% of the site area (see discussion below).</p>
4.10 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss through design Landscaping on sites adjacent to a Council 	<p>Appropriate on merit</p>	<p>There are no specific views that would be impacted as a result of the proposed development. However, views through the development site and between buildings may impact properties fronting Hall Street</p>

Development Control	Compliance	Comment
<p>park or reserve should be sympathetic to soften the public/private interface.</p> <ul style="list-style-type: none"> Views from public spaces to be maintained. 		to the south and 17 O'Brien Street. Given the density of the development in this precinct, Council considers that potential view corridor loss is reasonable in this instance (see discussion below).
4.11 Visual privacy and security		
<ul style="list-style-type: none"> Dwellings to be orientated to the street with entrances and street numbering visible 	Yes	Units 1, 3 and 5 are orientated towards Glenayr Avenue and Units 2, 4 and 6 are orientated toward Hall Street, due to the L-shaped configuration of the site. Street numbering would be visible from the streetscape. A condition of consent is recommended with respect to the positioning of numbering.
<ul style="list-style-type: none"> Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened 	Yes	As discussed above, the proposed south facing balconies would be fitted with 1600mm privacy screens and planter boxes to address potential visual privacy and overlooking of adjoining properties and the balconies of within the development.
<ul style="list-style-type: none"> Prevent overlooking of more than 50% of private open space of lower level dwellings in same development 	Yes	With the proposed privacy screening and planter boxes fitted with upturns, overlooking of private open space of the lower levels would be minimal.
<ul style="list-style-type: none"> Privacy be considered in relation to context density, separation use and design. 	Yes	As discussed above, Council considers that the proposal provides achieves an appropriate balance between achieving a permissible density on the site, whilst managing potential visual privacy and overlooking impacts on adjoining properties.
4.12 Acoustic privacy		
<ul style="list-style-type: none"> Sound proofing through acoustic glazing Internal amenity by locating noisy areas away from quiet areas 	Yes	The proposal includes and certification of acoustic performance of the building would be required prior to the issue of the occupation certificate.
4.13 Building services		
<ul style="list-style-type: none"> Outdoor Communal clothes drying area to be provided. 	Appropriate on merit	Communal open space is provided at the rear of site. Given the limited area of communal open space, and the bedroom mix, (being one-bedroom units), in this instance Council considers that clothes drying should be limited to the units and balconies.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Services are to be integrated into the design of buildings (garbage rooms, mailboxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communication structures). Plant rooms away from entry communal and private open spaces and bedrooms. Building Services setback from walls, edges and front entrances. Services on roof not to be seen from street or impact public or private views and be minimum 2m from the building edge. 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Services have been appropriately integrated in the design of the building, in accordance with the WDCP. With garbage and plant rooms located at ground floor to the rear of the building and water and gas meters, fire hydrant and stormwater pit concealed within the front entrance and setback from the street frontage. Mailboxes would be located adjacent to the front entrance of the building.</p> <p>Plant rooms have been located internally and away from the entry and communal open space.</p> <p>Building services are setback from the street frontage.</p> <p>Services would not be seen from the street and would not impact public or private views from the adjoining properties or the streetscape.</p>

Table 6: Waverley DCP 2012 – Part D1 Commercial and Retail Development Compliance Table

Development Control	Compliance	Comment
1.1 Other Policies, Strategies and Standards		
1.2 Design		
1.1.1 Frontages	Yes	The proposal complies with the frontage provisions in the WDCP, by providing an active street frontage, casual surveillance to Glenayr Avenue and bi-fold glass doors to the street. A condition of consent is recommended with respect to street numbering.
1.1.2 Awnings	Yes	The proposal includes a continuous awning along the length of the shop front.
1.1.3 Lighting	Yes	A condition of consent is recommended to require details of the proposed lighting to be submitted to Council.
1.1.3 General Amenity	Yes	The proposed commercial component complies with WDCP with respect to general amenity. The proposal is consistent in form and scale to adjoining commercial premises.

Development Control	Compliance	Comment
1.1.4 Noise	Yes	A number of noise related conditions of consent are recommended with respect to operation of the café premises and to require an acoustic report to be prepared for approval by Council prior to the issue of the Construction Certificate.
1.3 Hours of operation		
B4 Mixed use Base trading hours <ul style="list-style-type: none"> Monday to Saturday 7.00am to 11.00pm; & Sunday 7.00am to 10.00pm. 	Yes	The applicant's SEE states that the proposed hours of operation for the café would be Monday to Sunday 7.00am to 7.00pm. the proposed trading hours are consistent with the permissible base trading hours under the WDCP. A Plan of Management would be required to be submitted and approved by Council for the operation of the premises, prior to the issue of any Occupation Certificate.

Table 7: Waverley DCP 2012 – Part E3 Local Village Centres Compliance Table

Development Control	Compliance	Comment
3.1 Specific controls		
3.1.7 - Hall Street Town Centre	Yes	The proposed development is consistent with the desired future character objectives of the Hall Street Town Centre, particularly with respect to the providing local commercial space and residential accommodation for the local community. The proposal would integrate well, in terms of built form and scale, into the existing Hall Street Town Centre precinct.
3.2 Generic controls		
3.2.1 Land uses	Yes	The proposal is consistent with the land use controls through provision of a café at ground floor level and residential land uses above.
3.2.2 Public domain interface	Yes	The proposal is consistent with the public domain interface controls in the WDCP, particularly as it would contribute to active street frontage.
3.2.3 Built form	Yes	The proposal is consistent with the built form controls in the WDCP and comply with the minimum and maximum building depth controls. Given the L-shaped site, deep soil zones are provided to the rear of the south eastern elevation in accordance with the WDCP.
3.2.4 Building facade articulation	Yes	The proposal is consistent with the building façade articulation controls in the WDCP. The proposed façade is well modulated at its frontage and provides articulation with the rounded form balconies and planter boxes which will be planted with a spillover plant mix. These elements would provide points of interest and would maximise the aesthetics of the site.
3.2.6 Building services and site facilities	Yes	The proposal complies with the building services and site facilities controls in the WDCP. As set out above, building services have been appropriately integrated in the design of the building, and setback from the street frontage.

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

Streetscape

The front setback does not include deep soil landscaping as required under the WDCP. However, Council acknowledges that the provision of deep soil landscaping in this location would not be suitable given the proposed commercial development at ground floor level.

Landscaping

The proposal provides 51m² of landscaped area, which equates to 22% of the site area. Based on the design of the communal open space area, Council calculates that the approximately 17m² of that area would be utilised for deep soil planting, bringing the total of deep soil landscaped area to approximately 26m², or 11% of the site area. Council is satisfied that the applicant has responded appropriately to Council's requests with respect to provision of more landscaped area with the view of maximising deep soil zones. Council finds that the revised landscape plan is reasonable given the constraints of the site.

Views and view sharing

As set out above, whilst there are no specific views that would be impacted as a result of the proposed development, views through the development site and between buildings may impact properties fronting Hall Street, namely No. 95, 97, 99, 101 and No. 17 O'Brien Street. There are currently some views through the, owing to the existing form of development, being a mechanics workshop, some of the views that may be seen through the site would be removed as a result of the proposed development. However, given the density of the development in this Hall Street precinct, including the directly adjacent properties, Council considers that potential view corridor loss is reasonable in this instance.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

The application was notified for 14 days, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. Three submissions were received.

Following submission of the amended architectural plans, the application was re-notified for a period of 14 days. Two additional submissions were received. One submission noted that some improvements had been made on the previous scheme.

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

Table 8: Summary of property addresses that lodged a submission

Property
54 Curlewis Street, BONDI BEACH
2/54 Glenyar Avenue, BONDI BEACH
13/154 Glenayr Avenue, BONDI BEACH
14/154 Glenayr Avenue, BONDI BEACH

Issue: The proposal is an over development of the site

Response: The proposal does not exceed the permissible FSR for this site and Council is of the view that an appropriate balance can be achieved with respect to the density sought by the applicant and management of potential visual privacy impacts. As set out above, Council acknowledges the potential for visual privacy and overlooking impacts and notes that proposal includes 1600mm privacy screens to the sides of the proposed south facing balconies, as well as planter boxes along the edge of the balconies. A condition of consent is also recommended to require the planter boxes to be fitted with an opaque glass upturn at a minimum height of 1200mm (on outer south-eastern face), to provide an additional privacy measure to prevent overlooking between the subject site and the development under construction at 97 Hall Street.

Issue: No car parking provided

Response: Council's WDCP does not require minimum car parking provision for high density residential development and therefore provision of car parking is not a mandatory requirement for new shop top housing development. Council encourages increased use of public transport and bicycles. The proposal incorporates 12 bicycle parking spots in the undercover communal space to the rear of the proposed development.

Issue: Bulk and scale and top floor setback is inadequate

Response: The proposal is consistent with the WDCP with respect to building design and streetscape controls as well as the local village controls for the Hall Street Town Centre. The proposed fourth floor level of the development is setback approximately 2.4m from the boundary, which is not inconsistent with the adjoining shop top housing. As set out above, the proposal complies with the principal development standards under the WLEP, including FSR and building height.

Issue: Solar access impacts

Response: As set out above, the proposed development would not reduce solar access below the minimum requirement. Due to the orientation of the site, the shop top housing to the north (154 Glenayr Avenue) would continue to receive solar access throughout the day during mid-winter. The proposal would give rise to some loss of solar access in the middle of the day along the north west elevation of 17 O'Brien Street and some additional solar access loss to the south of the subject site at the rear of the properties fronting Hall Street, during the morning. Council notes that the majority of the shadow cast would be over the roofs of existing adjoining properties.

Issue: Privacy impacts

Response: As set out above, Council is of the view that potential privacy impacts have been adequately addressed through the provision privacy screens and planter boxes. To address the potential for overlooking of the top floor unit balcony in the directly adjoining 154 Glenayr Avenue,

as well as the nearby terrace of 101 Hall Street, Council recommends a condition of consent to require privacy screening to be erected along the either side edge of the upper level front balcony at a height of 1600mm.

Issue: Oversupply of shop front development

Response: The proposal is for a mixed use development, which is consistent with the B4 Mixed Use zone objectives. The proposal is also consistent with the Hall Street Town Centre Local Village Centres controls set out in the WDCP.

Issue: Construction noise impacts

Response: A condition of consent is recommended to require a noise management plan to be implemented during construction. The management plan would include identification of nearby residents and sensitive locations, noise monitoring techniques and mitigation measures to control noise from the site.

2.5 Public Interest

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

3. REFERRALS

3.1 Design Excellence Panel

The application was referred to the DEP. Comments were received with regard to the Design Quality Design Principles outlined in SEPP 65. The comments received and Council's response is provided above in Table 1 of this report.

3.2 Environmental Health – Compliance

The application was referred to Council's Environmental Health Officer. The Officer noted:

"An amended Detailed Site Investigation report prepared by Martens Pty Ltd (report no P1504612JROV03) and dated January 2020 concluded that under the proposed development conditions (i.e mixed commercial and residential land use), the site is considered suitable for the proposed land use. Therefore on this advice the requirements of SEPP 55 have been met."

The Environmental Health Officer provided conditions consent which have been recommended as set out in Appendix A.

3.3 Waste and Recycling

The application was referred to Council's Waste and Recycling Officer. The revised Site Waste and Recycling Management Plan (SWRMP) is submitted with the application is adequate. The Officer provided conditions of consent which have been recommended as set out in Appendix A.

3.4 Urban Design

The application was referred to Council's Urban Design Officer. The Officer noted that the revised architectural plan amendments are supported. No conditions of consent were recommended.

3.5 Traffic and Development

The application was referred to Council's Traffic Engineer. The Officer supported the proposed development subject to the conditions of consent which have been recommended as set out in Appendix A.

3.6 Stormwater and Coastal Risk

The application was referred to Council's Stormwater Engineer. The revised stormwater details provided with the amended plans are satisfactory with respect to Council's stormwater requirements, subject to conditions of consent which have been recommended as set out in Appendix A.

3.7 Land Information / GIS

The application was referred to Council's Land Information and GIS Officer. The Officer allocated primary and sub-premises numbering for the development, which have been included in the recommended conditions of consent as set out in Appendix A.

4. SUMMARY

The proposed development includes demolition of the existing mechanics workshop and associated structures and construction of a four-storey shop top housing development. The development proposes a permissible FSR of 1.99:1 and is compliant with the LEP height provisions. The proposed shop top housing is also consistent with the WDCP controls, including the building design and streetscape controls and the Local Village Hall Street Town Centre controls.

To prevent potential overlooking and visual privacy impacts to the south eastern balcony of the directly adjacent unit at 154 Glenayr Avenue and terrace at 101 Hall Street, Council recommends a condition of consent to require privacy screening to be erected along either side edge of the top floor balcony of Unit 5. The privacy screen is to be provided at a height of 1600mm measured above finished floor level.

The proposed south facing balconies would be fitted with 1600mm privacy screens and planter boxes along the southern edge of the balcony, to address potential privacy and overlooking issues to directly adjacent 97 Hall Street, currently under construction. A further condition of consent is also recommended to require the perimeter of the balcony be fitted with an opaque glass upturn at a minimum height of 1200mm, to provide an additional privacy measure to prevent overlooking between the two developments.

Council acknowledges that proposal does not strictly comply with the landscaping provisions under the WDCP. However, Council is satisfied that the applicant has responded appropriately to its requests with respect to provision of more landscaped area with the view of maximising deep soil zones and finds that the revised landscape plan is reasonable given the constraints of the site.

The proposal was notified and three submissions were received in response. Two additional submissions were received during renotification of the amended plans. The matters raised are discussed in this report. Council considered the issues raised in submissions as set out in section 2.4.

The proposal is recommended for approval, subject to the conditions of consent.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:

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



Alana Jelfs
Senior Development Assessment Planner

Angela Rossi
Manager, Development Assessment (Central)

Date: 5 March 2020

Date: 12 March 2020

Reason for referral:

4 Sensitive development:

(b) SEPP 65 development

OFFICE USE ONLY

Clause 4.6 register entry required	No
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	Yes

ADMIN USE ONLY

Trim Ref No of report	
By Whom (initials)	

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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 Larcombe + Soloman Architects of Project No: 1802 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA03 B	Ground Floor Plan	28.01.20	29.01.20
DA04 B	First Floor Plan	28.01.20	29.01.20
DA05 B	Second Floor Plan	28.01.20	29.01.20
DA06 B	Third Floor Plan	28.01.20	29.01.20
DA07 B	Roof Plan	28.01.20	29.01.20
DA08 B	Section A	28.01.20	29.01.20
DA09 B	Section B	28.01.20	29.01.20
DA10 B	Elevation North-West	28.01.20	29.01.20
DA11 B	Elevation South-East	28.01.20	29.01.20
DA12 B	Elevation South-West	28.01.20	29.01.20
DA13 B	Elevation North-East	28.01.20	29.01.20

- b) Landscape Plan No. SK01 – SK04 and documentation prepared by Scape Design, dated 21.01.20 and received by Council on 29.01.20.
- c) The Site Waste and Recycling Management Plan (SWRMP) Part 1 and Checklist, undated and received by Council on 28.02.20.
- d) BASIX Certificate and NatHERs Certificate, dated 08.03.20, and received by Council on 09.03.20.
- e) Stormwater Details and documentation prepared by ITM Design, dated 28.01.20, and received by Council on 29.01.20.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- a) Privacy screening is to be provided on either side of the top floor front balcony of Unit 5 (for the full extent), to be provided at a height of 1600mm measured above finished floor level, in order to prevent overlooking of the adjoining Unit at 154 Glenayr Avenue and 101 Hall Street.
- b) The perimeter of the south facing balconies in Units 2, 4 and 6 are to be fitted with an opaque glass upturn provided at a minimum height of 1200mm measured above finished floor level, to minimise overlooking of the adjoining 97 Hall Street development.

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

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.

4. PUBLIC DOMAIN IMPROVEMENTS

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

- Pedestrian footpath
- Vehicular Crossings
- Road pavement
- Kerb & gutter
- Stormwater infrastructure located within the Council kerb and/or footpath
- Landscape and street tree plantings

5. WORKS ON PUBLIC ROADS

Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road/Footpath Opening Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993.

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.

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 & 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.

7. SECTION 7.12 CONTRIBUTION

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

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

A copy of the required format for the cost reports 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;
 - (a) A development valued at \$100,000 or less will be exempt from the levy.
 - (b) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR
 - (c) A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

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

8. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$26,650.00** 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) or guarantee must be established prior to the issue of any Construction Certificate. The full amount of the difference after recovery of Council's cost for any repair of damage to Council property or rectification of unauthorised works on Council property will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.

9. LONG SERVICE LEVY

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

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

10. 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*.

11. ARCHITECTURAL DETAILING

Further details of the architectural detailing of the building are required to be submitted for review and the satisfaction of Council's Executive Manager, Development Assessment (or delegate) which address the following matters:

- (a) A schedule of external materials and finishes and design details of all elements of the building façade, including materials for structure on the roof terrace;
- (b) Large-scale detailed sections illustrating the construction of the roof, facades, method of fixing privacy screens, shading devices, balconies, planters and balustrades and major junctions between materials;

(c) Detailed drawings of the shop fronts, entry foyers, awnings, window operation.

This may also require a referral to the Waverley Design Excellence Advisory Panel with a referral fee to be paid at the time of lodgement. Please contact the assessment planner to clarify whether this applies in this case, prior to lodging documentation to satisfy this condition.

12. PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES

Adequate provision shall be made within the confines of the building, for the installation of a mechanical exhaust system for future food/commercial use/s within the building.

13. GROUND ANCHORS

Prior to works commencing on site, a plan, showing the location and type of all ground anchors that will be required to extend beyond any of the existing or proposed boundaries of the site shall be submitted to Council for the approval of the Executive Manager, Infrastructure Services (or delegate). Any ground anchors that are proposed to extend beyond the property boundary into adjoining land, must provide Council with written evidence of owner's consent (from affected properties) for such works.

Please note, a fee will be applied for each anchor approved to extend into a road reserve.

14. 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.

15. 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.

16. 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.

17. 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.

18. TELECOMMUNICATIONS IN NEW RESIDENTIAL FLAT BUILDING AND MIXED USE DEVELOPMENTS

Evidence is to be provided to the Principal Certifier that arrangements have been made for;

- (a) The installation of fibre-ready facilities to all individual lots and/or premises to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises demonstrated through an agreement with a carrier.

19. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall provide details of the following:

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

- i. The route required to be taken by pedestrians including signage and any other control measures that will need to be put in place to direct and keep pedestrians on the required route.
- ii. Any obstructions such as street furniture, trees and bollards etc., that may interfere with the safe passage of pedestrians
- iii. The type(s) of material on which pedestrians will be required to walk
- iv. The width of the pathway on the route
- v. The location and type of proposed hoardings
- vi. The location of existing street lighting.

20. BICYCLE PARKING

A total of **12** bicycle parking spaces are to be provided for the development, allocated with 2 spaces for commercial/retail, 2 spaces for visitors and 8 spaces for residential units. Such spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent, within any forecourt or within the basement car parking area.

Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

21. STORAGE

The ground floor level is to provide storage areas, allocated to each unit in the development as indicated on the approved plans. Each individual residential unit is to be allocated at least one storage area, minimum 3m³ in volume.

22. STORMWATER MANAGEMENT

- (a) Stormwater plans and details shall be prepared by a suitably qualified hydraulics engineer to ensure the management of stormwater runoff from the development is undertaken without impact to the subject site, neighbouring properties or receiving drainage system.
- (b) The development will require the installation of an On-Site Detention (OSD) system. Details of the tank are required (e.g. location, dimensions, cross & long sections, top water level, details of orifice plate including orifice diameter & depth of water above centreline of orifice etc). A completed checklist as set out in page 22 of Council's Water Management Technical Manual is required as part of the plan submission.
- (c) The plans and details shall be prepared in accordance with Council's Water Management Technical Manual and must be submitted to and approved by Council's Executive Manager, Infrastructure Services (or delegate), prior to the issue of any Construction Certificate. For further information regarding this, please contact assets@waverley.nsw.gov.au, phone 9083 8886 or visit Council's website for details:

https://www.waverley.nsw.gov.au/_data/assets/pdf_file/0010/2503/WaterManagementTechnicalManual2014-FINAL.pdf

23. NEW FOOTPATH AND KERB & GUTTER ON GLENAYR AVENUE

The existing kerb and gutter and concrete paving on the Glenayr Avenue site frontage shall be demolished and new kerb and gutter, full width pathway shall be installed along the full Glenayr Avenue frontage of the site at the applicant's expense.

A separate design for Kerb and Gutter is required showing longitudinal section with existing Gutter invert levels, propose Gutter invert levels, grade etc. All kerb and gutter to comply with Waverley Council's Std dwg R1.

Detailed engineering drawings of the required works shall be prepared by a suitably qualified and experienced engineering professional and submitted to Council for the approval of the Executive Manager, Creating Waverley prior to the issue of the Construction Certificate.

24. ADJUSTMENTS TO STREET SIGNS

Any street signs to be removed as a result of the works shall be relocated at the applicant's expense in accordance with Council's requirements.

25. PUBLIC INFRASTRUCTURE WORKS

Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.

Full design engineering drawings to be prepared by a suitably qualified and experienced engineering professional and be submitted to Council for approval by the Executive Manager, Infrastructure Services prior to the issue of the Construction Certificate.

The applicant must submit plans and specifications for the following infrastructure works to Councils Public Domain Engineer:

- a) Footpath, Kerb and Gutter: Replace all footpath, kerb and gutter traversing the Glenayr Avenue frontage of the site. Any stormwater kerb lintel infrastructure within the extent of kerb and gutter works shall be replaced. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along the street frontage of the site.

Designs shall be submitted to Council showing the proposed and existing cross sections. The proposed footpath material and street furniture details traversing the site's frontage to be advised by Council at the time of engineering plan approval.

- b) Street Trees: The street trees shall be planted along the Glenayr Avenue frontage. All new trees are to have a minimum pot size of 400 litres and shall be certified as grown to Natspec specifications with a minimum height of 2500mm from the top of the container to the apical tip. The chosen tree species and location shall not interfere with the local pedestrian and/or traffic activities.

All trees existing and proposed within the Council verge will require the installation of suitable tree pits, surrounds and root barriers as per the Waverley Council Public Domain Technical Manual. All proposed tree species, locations and tree sizes to be approved by Council Officer prior to commencement of public domain works.

- c) Any existing or proposed utility pillars on the site frontage to be either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works.
- d) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Council's public domain to support the new development.
- e) Communicate the relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the Public Domain design plans submission. All the requirements of the relevant Public Authority shall be complied with.

Notes:

- Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks.
- 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 public domain design submissions; however Council's title block shall not be replicated.
- Council reserve the right to ask for any additional work required on areas damaged by the construction of the building.
- Council's contact for public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday).

26. BASIX

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

27. 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.

28. 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 and/or commercial components of the development:

- **Residential**
 - 2 x Mobile Garbage Bins (MGBs) for general waste (that is compacted 2:1)
 - 2 x MGBs for paper and cardboard recycling
 - 2 x MGBs for container recycling

- 1 x MGB for garden organics, should that type of waste be generated at the premises.
- **Café**
 - 3 x MGBs collected daily for general waste collected twice weekly
 - 2 x MGBs and collected daily for comingled recycling collected weekly
 - Extra storage for milk and bread crates, and excess cardboard and other packaging materials

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 2012* to the satisfaction of the Principal Certifying Authority.

29. VERMIN AND RAT CONTROL

A *Pest and Vermin Control Management Plan* prepared by a suitable qualified person outlining measures to be taken to reduce rat/vermin populations is to be submitted for the approval of Council's Manager, Health and Compliance (or delegate) prior to the issue of a Construction Certificate for the demolition of existing buildings.

30. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

A site specific Noise Management Plan, prepared by a suitably qualified acoustic consultant (as defined in the advisory section of this consent) must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate) for demolition, excavation and construction works.

For further information on the requirements, refer to Council's website:

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

31. NOISE – ACOUSTIC REPORT

An Acoustic Assessment Report prepared by a suitably qualified acoustic consultant shall be prepared to assess the impacts of the development (internal and external areas) including any mechanical plant, refrigeration motors and air conditioning units and make recommendations to ensure that the noise from the development will be within the acceptable limits of the Protection of the Environment Operations Act 1997 and relevant legislation. The plan must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate).

Note: Any management measures recommended in the acoustic report shall be incorporated into a Plan of Management, which will be required to be submitted to Council for approval prior to the issue of an Occupation Certificate.

For further information on the requirements, refer to Council's website:

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

32. NOISE - MECHANICAL PLANT

Noise associated with mechanical plant shall not give rise to any one or more of the following:

- (a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use. The source noise level must be assessed as a LAeq, 15 minute.
- (c) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.
- (d) A Certificate is to be submitted at the completion of all work and prior to the issue of an Occupation Certificate, from a suitably qualified Acoustic Engineer. The Certificate is to certify all plant and equipment complies with the terms of approval in relation to noise.

33. NOISE EMISSIONS

The use of the premises shall not give rise to:

- (a) Transmission of "Offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;
- (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard 1055.

34. REFRIGERATION UNITS & MECHANICAL PLANT

All refrigeration motors/units and other mechanical plant are to be installed within the building in an acoustically treated plant room. In this regard, adequate provision is to be made within the confines of the building for any plant and equipment associated with the use of the building.

35. LOCATION OF GREASE TRAP

The grease trap is not to be located in areas where food, equipment or packaging materials are handled or stored in accordance with the requirements of AS 4674-2004 "Design, Construction and Fitout of food premises". The grease trap room must have a piped connection to the boundary so that it can be emptied.

Note: Sydney Water also have requirements for grease arrestors that you need to comply with.

36. MECHANICAL VENTILATION SYSTEMS

- (a) The premises are to be ventilated in accordance with the requirements of the Building Code of Australia & relevant Australia Standards.
- (b) Any proposed mechanical ventilation system shall comply with the Australian Standard AS 1668 (Parts 1 and 2). Prior to installation, the design is to be certified by a person competent to do so. At completion of the installation of the system and prior to the issue of the Occupation

Certificate, the work shall be certified by a person competent to do so. The certification shall include:

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

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.

37. 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.

38. DILAPIDATION REPORT

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

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

39. 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.

40. 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.

41. 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.

42. CONSTRUCTION HOURS

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

- (a) 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.

43. 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.

44. 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.

45. 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.

46. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the 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.

47. EXISTING VEHICLE CROSSING IS TO BE CLOSED

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

48. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS

Prior to commencement of the public domain works notice shall be submitted to Councils Public Domain Engineer. This notice shall include the name and insurance details of the Contractor who will be responsible for the construction works, and details of the managing site supervisor/engineer. The applicant is also responsible for obtaining all Road Activity Permits required for the works, from the respective authorities.

49. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, 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 public domain works.

50. PRE-CONSTRUCTION DILAPIDATION REPORT

To ensure Council's infrastructure is adequately protected a pre-construction dilapidation report on the existing public infrastructure within the vicinity of the proposed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable:

- Road pavement
- Kerb and gutter
- Footpath
- Drainage pits and lintels
- Traffic signs

- Any other relevant infrastructure.

The report is to be dated, submitted to, and accepted by Council's Public Domain Engineer, prior to any work commencing on the site.

All fees and charges associated with the collation of this report shall be at the cost of the Applicant.

51. PUBLIC DOMAIN ENGINEERING INSPECTIONS

To ensure all public infrastructure engineering works required by Council under this consent will be constructed to Council satisfaction, inspection(s) will be required and compliance certificates must be obtained from Council's Engineer for the following hold points:

Kerb and Gutter, Stormwater Infrastructure & Footpath Paving

- After completion of formwork and prior to casting of concrete
- After full completion and restoration

Road Pavement

- Subgrade trim and compacted
- Binder course spread & consolidated
- After Wearing course laid and full completion

Landscape

- After the excavation and installation of root cells
- After full completion and restoration

Street Lighting

- Prior to backfilling all underground conduits and casting concrete footings
- After full completion

52. FOOD PREMISES

The following requirements apply to premises that commercially provide food:

- The premises must comply with the Food Act, 2003 and the Food Standards Code there under;
- The applicant must arrange for an inspection by Council's Environmental Health Officer Surveyor prior to Occupation;
- Notification of the businesses Food Safety Supervisor must be provided prior to operation.
- The premises are to be registered with Council prior to the issue of the Occupation Certificate;
- The premises must be constructed in accordance with the requirements of Council's "Policy for fit-out and construction of food premises". Copies of the policy can be purchased at Council's Customer Service Centre; and
- The proprietor must pay any fees incurred by the carrying out of food safety inspections as determined by Council's Pricing Policy, Fees and Charges.

53. CONSTRUCTION AND FITOUT OF CAFE

- (a) The floor of the food premises must be finished in an approved non absorbent material, evenly laid, or graded and drained to a trapped floor waste.
- (b) The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other rigid, smooth-faced impervious material.
- (c) Ceilings within the food preparation and storage areas must be free of gaps and open joints and must be finished with an impervious sealed material. Drop in panels are not permitted in food preparation areas, food storage areas or areas where open food is displayed or served.
- (d) Hand wash basin/s, with hot and cold running water mixed through a common spout, hand wash soap and hand drying facilities must be provided in all food preparation/bar areas.
- (e) A double bowl sink or two compartment tub (the capacity of which must be capable of fitting all food contact equipment) must be provided in the food preparation area, in addition to the hand basin,

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.

54. 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.

55. FIRE SAFETY SCHEDULE

Fire safety upgrading works are to be undertaken in accordance with the BCA Fire Safety Assessment Australia Report, prepared by MCD Fire Engineering assessment.

The Occupation Certificate is not be issued until all fire safety works are completed and a Final Fire Safety Certificate has been submitted to Council.

56. CERTIFICATION OF ACOUSTIC PERFORMANCE

An acoustic report/certificate prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority and the Council, certifying that all acoustic recommendations (including noise from mechanical plant) and conditions of consent (including the operational conditions) have been incorporated into the development and can be satisfied.

57. CERTIFICATION OF ALL MECHANICAL PLANT

A Certificate of Test of all mechanical plant together with a copy of the final test figures, conducted by a suitably qualified person, certifying that the system complies with the conditions of this consent, National Construction Code (NCC) and relevant Australian Standards.

58. CERTIFICATION OF BASIX COMMITMENTS

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

59. CERTIFICATION OF APPROVED DESIGN (SEPP 65 BUILDINGS)

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.

60. WAVERLEY DIGITAL MODEL

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

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

Notes:

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

61. LIGHTING

- (a) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.
- (b) All external lighting fixtures should be vandal resistant.
- (c) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (d) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (e) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.
- (f) All external area lights and carparks to multi-unit dwellings shall be on sensor switches to save energy and reduce light spill to the sky; low voltage solar powered lights to front entry footpaths are acceptable for continuously illuminated lighting.

62. CERTIFICATION OF LANDSCAPING

At the completion of all works a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboriculture Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. If relevant, the waterproofing on any green roof is to be tested and evidence of the test is to be provided with the certification.

63. 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.

64. WORKS AS EXECUTED DRAWINGS – STORMWATER DRAINAGE

Prior to the issue of an Occupation Certificate, Works-As-Executed Drawings prepared and signed by a registered surveyor for the new Council pits, pipes and stormwater connection works, shall be submitted to and approved by Council's Executive Manager, Infrastructure Services (or delegate). 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.

65. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE

A Waste Management Plan must be submitted to Council's Executive Manager, Environmental Sustainability (or delegate) or the Principal Certifying Authority 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) Confer with Sydney Water regarding whether a Trade Waste Agreement is required. A copy of the agreement shall be forwarded to Council if one is entered into with Sydney Water.
- (d) The role and responsibility of managing composting facilities (if provided);
- (e) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky household waste and problem waste must be displayed.
- (f) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.
- (g) 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.
- (h) 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.
- (i) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is be available on site when requested.
- (j) At no times shall bins be stored on the public domain (e.g. footpaths).

66. PLAN OF MANAGEMENT – COMMERCIAL USE

A Plan of Management (PoM) is to be submitted for the operation of the commercial premises and is to include details of the operational and management procedures as well pro-active measures to control the following:

- (a) Amenity impacts to the surrounding neighbourhood of the premises
- (b) Compliance with conditions (relating to patron capacity, approved hours of operation, any trial periods, noise conditions, handling of complaints)
- (c) The behaviour of patrons
- (d) Liquor practices (if licensed, including the responsible service of alcohol)
- (e) Staffing roles and responsibilities (including security personnel if required)
- (f) Management of patrons within the premises and their exit and dispersal from the area and
- (g) Other such operational matters to ensure compliance with relevant regulatory requirements.

The PoM shall be submitted to and approved by Council's Executive Manager, Development Assessment (or delegate) prior to the issue of any Occupation Certificate.

67. MECHANICAL EXHAUST MAINTENANCE

A maintenance program is required for the mechanical exhaust ventilation system that includes the cleaning of the system at six (6) monthly intervals. The maintenance program is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

68. FOOD PREMISES

The premises are to be registered with Waverley Council and inspected by Council's Environmental Health Officer prior to the issue of the Occupation Certificate.

69. PEST CONTROL

A Pest and Vermin Control Management Plan (PVCMP) is to be submitted for the approval of Council's Executive Manager, Compliance (or delegate) prior to the issue of an Occupation Certificate. All recommendations within the PVCMP are to be implemented with the ongoing operations of the premises.

70. ALLOCATION OF STREET NUMBER

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

- No. 156 - primary address site number
- Glenayr Avenue - primary address location.

The primary premises number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level and be clearly visible on the site boundary that fronts Glenayr Avenue.

- Shop 1/156 for the commercial sub-address site located on the ground floor plans for the building,
- Unit Nos. 2-7/156 for the residential sub-address sites located on Level 1,2 and 3 on the floor plans for the building.

The address number for a sub-address site shall not consist of the primary address number on its own.

Sub-address numbers shall be applied in a logical sequence and within a primary address site shall be unique regardless of the type of the address.

The primary and sub-address numbers are to be positioned on the site prior to the issue of the Occupation/Subdivision 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.

71. SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMIAN

Prior to the issue of any Occupation Certificate for the works, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved plans and Waverley Council standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.

72. WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN

To ensure public infrastructure works required under the consent are completed in accordance with approved plans and specifications, a Work-as-Executed plan of the works, prepared by a registered surveyor is to be submitted to the Principal certifying Authority and Council for review with any required rectification works completed and approved by Council prior to issue of any Occupation Certificate.

The W.A.E plans are to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from an experienced chartered civil engineer shall be submitted to support all variations from approved plans.

73. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

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

Notes:

- The issue of a Final Compliance Certificate from the Council Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but not limited to fees applicable for engineering plans assessment and work inspection fees.
- The refund of any damage and/or security deposits will be subject to satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent.
- To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works completed by the applicant/developer following completion of the development. The defects liability period shall commence from the date of issue of the Occupation Certificate for the development. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.

(g)

(h) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.

(i) All external area lights and carparks to multi-unit dwellings shall be on sensor switches to save energy and reduce light spill to the sky; low voltage solar powered lights to front entry footpaths are acceptable for continuously illuminated lighting.

74. PARKING PERMITS

In accordance with Council's Policy, Residents Preferred Parking permits will **not** be issued for this development when completed.

75. STRATA SUBDIVISION

Consent is required for strata subdivision of the development.

In respect to the allocation of bicycle and storage spaces, those spaces are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential allotments or identified as common property. Parts allotments are to be generally allocated in accordance with the parking and storage requirements of Waverley Development Control Plan 2012.

E. OPERATIONAL MATTERS

The following operational conditions must be complied with at all times, throughout the use and operation of the development or use.

76. OPERATION IN ACCORDANCE WITH PLAN OF MANAGEMENT

- (a) The operation and management of the premises shall be in accordance with a Council approved Plan of Management (PoM) at all times.
- (b) The approved PoM shall be adopted by the Management of the premises
- (c) The plan shall be reviewed (at minimum) on an annual basis, and at any time there is a change in business ownership of the premises.

77. COPIES OF CONSENTS AND MANAGEMENT PLANS

A full copy of all current development consents (including approved plans) for the operation of the premises, any compliant registers (or other) required and any required Plan of Managements must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or OLGR Authorised Officers.

78. HOURS OF OPERATION

The hours of operation for the commercial premises are restricted to:

Monday to Saturday: 7.00am to 7.00pm

Sunday: 7.00am to 7.00pm

79. MAXIMUM PATRON CAPACITY

- (a) The approved patron capacity for the premises is limited to:

Total of 40 patrons

- (b) A comfortable dining position must be available for each patron upon the premises. This will include a seat and access to table / bench space generally in accordance with the approved plans.
- (c) Any person/s attending the premises for the purpose of 'takeaway' products / services will not be considered a 'patron' for the purposes of subclause (a), provided no food and or drink is consumed by those persons on the premises.
- (d) Management are responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in sub clause (a).

80. SIGNAGE TO BE DISPLAYED

- (a) Signage (in lettering not less than 150mm in height on a contrasting background) is to be erected in a prominent position near the main principle entry to the premises. The signage shall state:

Approved hours of operation - Indoor Area:

- *Monday to Sunday: 7.00am to 7.00pm*

Approved patron capacity: 40 patrons

- (b) Signage (in lettering not less than 150mm in height on a contrasting background) is to be erected near the main principle entry to the premises, in such manner that it would be reasonable to expect that a person leaving the premises will be alerted to its contents. The signage shall state:

Upon leaving please respect local residents by minimising noise

- (d) Signage specified in sub clauses (a) and (b) is to be erected prior to the commencement of operations.

81. 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, commercial tenants (if relevant) are current. The updated plan is to supersede the previous plan.

82. LITTER CHECKS

Litter patrols are to be undertaken in the general vicinity of the premises (20 metres from the front door of the premises). Such patrols must take place intermittently during the hours of operation with the final check conducted at the end of trade. A register must be maintained and kept on the premises at all times detailing date, time of check, staff member responsible and signature.

83. STORAGE OF BULKY WASTE AWAITING COLLECTION

All bulky household waste awaiting Council Clean Up collection must be stored within each unit of the development, until collection day. This should also be outlined in all new tenancy agreements.

84. NEIGHBOURHOOD AMENITY

The management of the premises:

- (a) Shall ensure patrons do not crowd or loiter in the vicinity of the premises in such manner that pedestrian movement is obstructed or hindered.
- (b) Shall ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by persons and/or premises operations. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.
- (c) Shall record in a Register full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided
- (d) Shall respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in the Register.

85. LIQUOR LICENCE APPLICATION (UNLICENSED)

The primary purpose of the premises is to be an unlicensed use i.e. café. An application to modify this consent under section 4.55 of the Environmental Planning and Assessment Act 1979 is to be submitted to, and approved by Council prior to serving liquor on the premises.

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.

I. SYDNEY WATER REQUIREMENTS

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

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

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

II. 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.

III. 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.

IV. EXCAVATION TO BE LIMITED

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

V. BONDİ - 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.

VI. 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.

VII. WORK OUTSIDE PROPERTY BOUNDARY

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

VIII. 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.

IX. SUITABLY QUALIFIED ACOUSTIC CONSULTANT

In these conditions, reference to a suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who is employed by a member firm of the Association of Australian Acoustic Consultants.

AMENDED PLANS

Waverley Council

Application No: DA-257/2019

Date Received: 29/1/2020

PRE DEVELOPMENT APPLICATION


PROPOSED MIXED USE BUILDING

156 GLENAYR AVENUE BONDI BEACH

Sheet Index DA				
Layout No:	Layout Name	Rev	Description	Date
	Automated Schedules			
DA00	COVER PAGE	A	NTS@A3	11.08.2019
DA01	SITE PLAN	A	SCALE 1:500@A3	11.08.2019
DA02	SITE ANALYSIS PLAN	A	SCALE 1:300@A3	11.08.2019
DA03	GROUND FLOOR PLAN	A	SCALE 1:100@A3	11.08.2019
DA04	FIRST FLOOR PLAN	A	SCALE 1:100@A3	11.08.2019
DA05	SECOND FLOOR PLAN	A	SCALE 1:100@A3	11.08.2019
DA06	THIRD FLOOR PLAN	A	SCALE 1:100@A3	11.08.2019
DA07	ROOF PLAN	A	SCALE 1:100@A3	11.08.2019
DA08	SECTION A	A	SCALE 1:100@A3	11.08.2019
DA09	SECTION B	A	SCALE 1:100@A3	11.08.2019
DA10	ELEVATION NORTH-WEST	A	SCALE 1:100@A3	11.08.2019
DA11	ELEVATION SOUTH-EAST	A	SCALE 1:100@A3	11.08.2019
DA12	ELEVATION SOUTH-WEST	A	SCALE 1:100@A3	11.08.2019
DA13	ELEVATION NORTH-EAST	A	SCALE 1:100@A3	11.08.2019
DA14	COMPLIANCE DIAGRAMS (GFA)	A	SCALE 1:200@A3	11.08.2019
DA15	SITE WASTE MANAGEMENT PLAN	A	SCALE 1:100@A3	11.08.2019
DA16	CONSTRUCTION MANAGEMENT PLAN	A	SCALE 1:200@A3	11.08.2019
DA17	SEPP 65. ASSESSMENT PRINCIPL.1	A	NTS@A3	11.08.2019
DA18	SEPP 65. ASSESSMENT PRINCIPAL.2	A	NTS@A3	11.08.2019
DA19	SEPP 65. ASSESSMENT PRINCIPL.3	A	NTS@A3	11.08.2019
DA20	SCHEDULE OF EXTERNAL FINISHES	A	NTS@A3	11.08.2019
DA21	EXISTING DEVELOPMENT	A	NTS@A3	11.08.2019
DA22	PHOTOMONTAGE.	A	NTS@A3	11.08.2019
DA23	NOTIFICATION PLAN	A	NTS@A4	11.08.2019

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS	
<p> CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS SPEC. C1.1 - FIRE RESISTING CONSTRUCTION SPEC. C1.10 - FIRE HAZARD PROPERTIES SPEC. C1.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE CLAUSE C2.6 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL CLAUSE C2.12 - SEPARATION OF EQUIPMENT CLAUSE C2.13 - ELECTRICITY SUPPLY SYSTEM CLAUSE C.3 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS) CLAUSE C3.8 - OPENING IN FIRE ISOLATED EXITS CLAUSE C3.15 - OPENING FOR SERVICE INSTALLATIONS CLAUSE D1.10 - DISCHARGE FROM EXITS CLAUSE D2.7 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL CLAUSE D2.13 - GOINGS AND RISERS CLAUSE D2.14 - LANDINGS CLAUSE D2.15 - THRESHOLDS CLAUSE D2.16 - BALUSTRADES </p>	<p> CLAUSE D2.17 - HANDRAILS CLAUSE D2.21 - OPERATION OF LATCH CLAUSE D2.23 - SIGNS ON DOORS CLAUSE D3.2 - GENERAL BUILDING ACCESS REQUIREMENTS CLAUSE D3.3 - PARTS OF BUILDING TO BE ACCESSIBLE CLAUSE D3.6 - IDENT. OF ACCESSIBLE FACIL/SERV/FEATURES CLAUSE D3.8 - TACTILE INDICATORS CLAUSE F1.7 - WATERPROOFING OF WET AREAS CLAUSE F1.9(F) - DAMP PROOFING CLAUSE F2.5 - CONSTRUCTION OF SANITARY COMPARTMENTS PART F4 - LIGHTING AND VENTILATION CLAUSE F5.4 - SOUND INSULATION OF FLOORS CLAUSE F5.5 - SOUND INSULATION OF WALLS CLAUSE F5.6 - SOUND INSULATION OF SERVICES CLAUSE F5.7 - SOUND INSULATION OF PUMPS </p>

SPECIFICATIONS (REFER TO SPECIFICATION ATTACHMENT)	BASIS COMMITMENTS									
	[ALL OTHER BASIS COMMITMENTS AS PER BASIS CERTIFICATE AND STAMPED PLANS]									
ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSEF.4.4 & AS1680 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16; DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2 ENERGY EFFICIENCY GLAZING: TO COMPLY WITH J2 OF BCA FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA HOT WATER: SYSTEMS TO COMPLY WITH PART J7 OF BCA MASONRY: TO COMPLY WITH AS3700 MECH/ELEC/HYDRAULIC: BCA CLAUSE C3.15 & AS1530 4-2005 MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART J5 OF BCA MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS68.2 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3786 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH/ELEC/HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530 4-2005 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740	WATER OPTIONS SHOWERHEADS: 3 STAR TOILETS: 3 STAR KITCHEN TAPS: 3 STAR BATHROOM TAPS: 3 STAR DISHWASHERS: 4 STAR RAIN WATER TANKNOT REQUIRED		ENERGY OPTIONS - DWELLINGS COOLING: Ceiling fans to living and bedrooms HEATING: Gas bayonets Bathroom+Laundry+Kitchen:exhaust not ducted;manual switch 'on'/of'. WATER HEATING: Individual gas instantaneous, 5 STAR ENERGY EFFICIENT LIGHTING: Compact fluorescent or LED to all rooms COOKING: Gas cook-top electric oven. REFRIGATOR SPACE: Well ventilated CLOTHES DRYING LINES: Indoor line installed. ALTERNATIVE SUPPLY: DISHWASHERS: 4 STAR		ENERGY OPTIONS - COMMON AREAS COMMON AREAS:ALL GARBAGE ROOMS,PLANT ROOM,BIKE ROOM,BULK STORAGE ROOM,ELECT PLANT ROOM, MECHANICAL PLANT ROOM, STORAGE CAGE ROOM. NO MECHANICAL VENTILATION Gas instantaneous,R0.3 insulation to piping Fluorescent to common spaces Compact fluorescent or LED Hydraulic Motion sensors to bike storage+common areas. Lift manual on/off Photovoltaic, 5.0 kilowatt peak NOT REQUIRED None.		THERMAL COMFORT OPTIONS ROOF: Flat concrete roof, with R2.5 insulation blanket to underside.'Light' colour. CEILING: Unit 6.Mm. R4.0 insulation to ceilings; Minimum R2.5 insulation with roof above. Rated with sealed exhaust ventilation. Not rated with down-lights.. Cavity brick + R1.0 insulation. 'Light' colour. EXTERNAL WALLS INTERNAL WALLS: Cavity brick 'party walls'.		GLAZING: AFRC:Uw = 5.40 SHGC = 0.58 to all glazing. eg aluminium-framed single-glazed "Low-e" clear glass. AFRC:Uw = 7.30 SHGC = 0.79 to skylight glazing, eg aluminium-framed single-glazed clear glass. FLOORS: Concrete to all floors with timber flooring + acoustic mat tile and acoustic mat to bathrooms + laundries; Unit 3:R1.0 insulation to floor with 'outside air' below.	

NOTE	ISSUE	DATE	REVISION	BY	CHK	<div>LARCOMBE + SOLOMON ARCHITECTS</div> <div>a. 26a brown st. bronte caroline larcombe-m. 0414 279 929 nicholas solomon-m. 0425 261 939 email-lsarch@bigpond.net.au</div> <div></div> <div>PROJECT: PROPOSED MIXED USE BUILDING 156 GLENAYR AVENUE BONDI BEACH NSW 2026</div> <div>CLIENT: YEUGENY KREYMAN</div>	<div>DRAWING: COVER PAGE</div>	SCALE: NTS @ A3	PROJECT NO: 1802
Do not scale off this drawing. Use figured dimensions only Verify all dimensions on site prior to any construction or manufacture	REVISION A	2019.12.21	ISSUE FOR DEVELOPMENT APPLICATION					DATE: 2020.01.28	
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								CHECK: NS	
								DWG NO: DA00	358

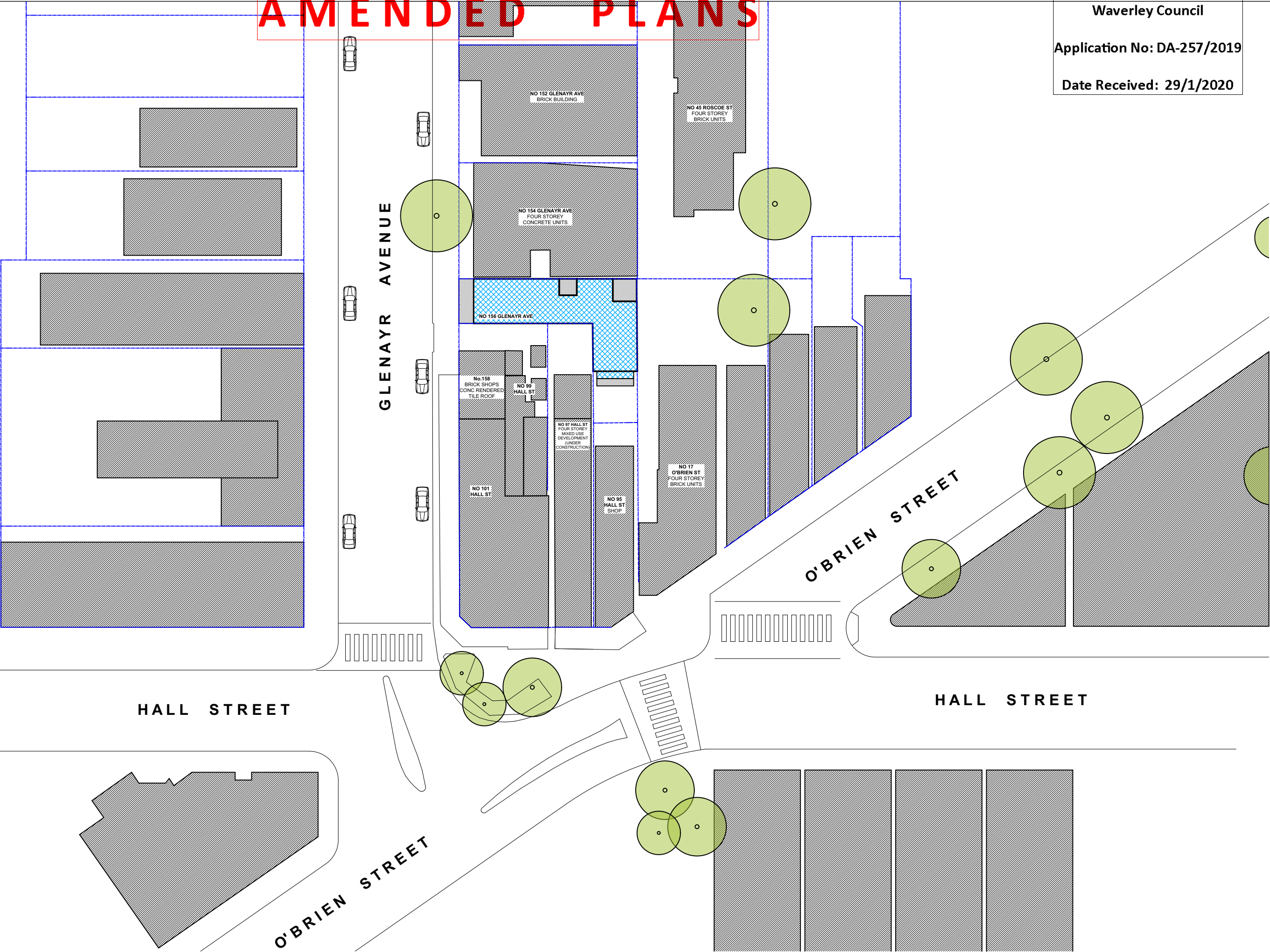
AMENDED PLANS

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Waverley Council

Application No: DA-257/2019

Date Received: 29/1/2020



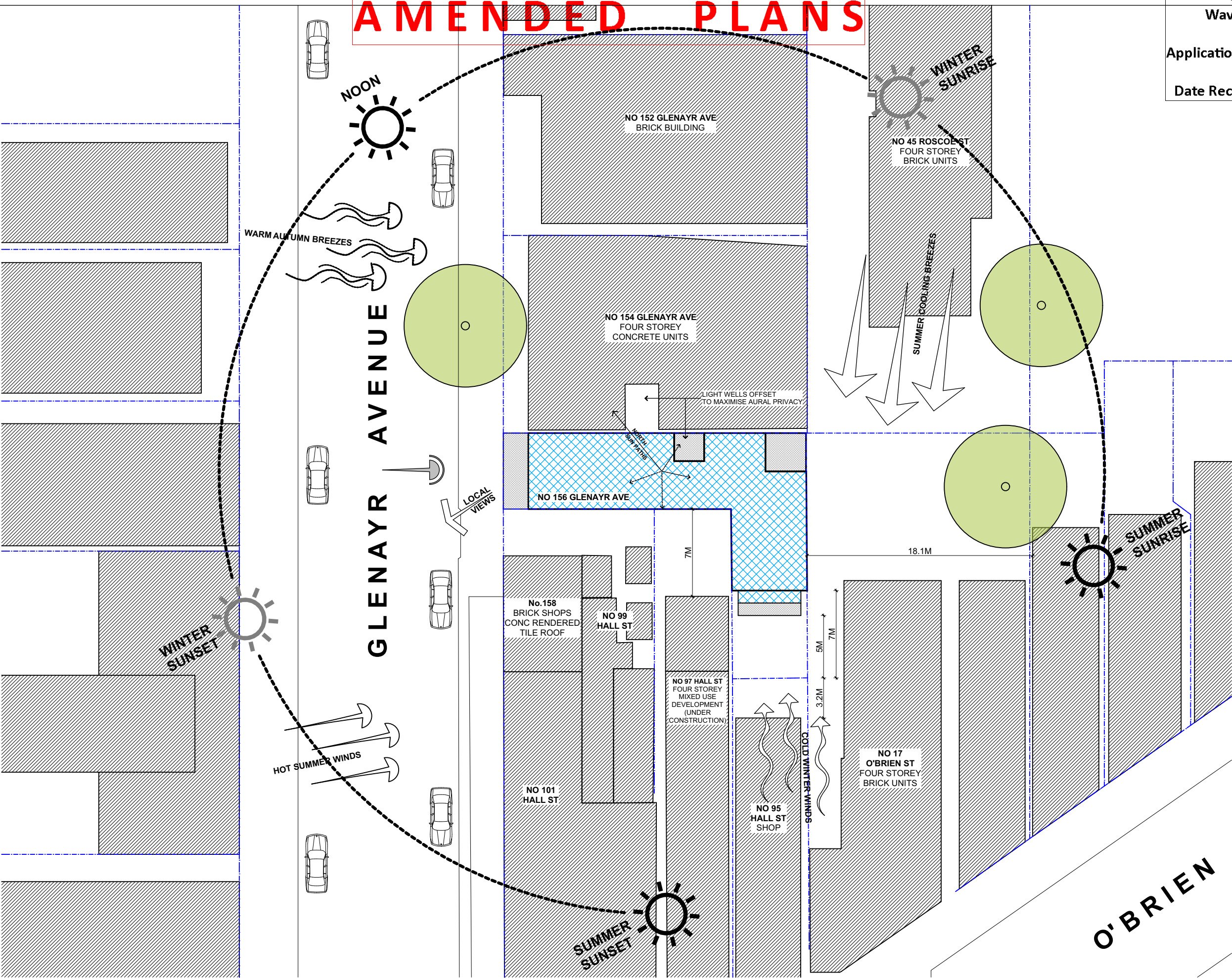
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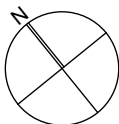
LEGEND

- SOLAR PATH
- VIEWS FROM SITE
- NEIGHBOURING VIEWS
- OVERLOOKING ONTO NEIGHBOURS' PROPERTY
- NEIGHBOURS' WINDOWS FACING SITE
- PEDESTRIAN ACCESS
- VEHICULAR ACCESS
- WARM AUTUMN WINDS
- HOT AND DRY SUMMER BREEZES
- COLD WINTER WINDS
- COOL AFTERNOON SUMMER BREEZES
- NOISE
- EXISTING TREES
- AREA OF PROPOSED DEVELOPMENT

NOTE	ISSUE	DATE	REVISION	BY	CHK
Do not scale off this drawing. Use figured dimensions only. Verify all dimensions on site prior to any construction or manufacture	REVISION A	2019.12.21	ISSUE FOR DEVELOPMENT APPLICATION		
	REVISION B	2020.01.28	VARIOUS DESIGN AMENDMENTS		

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PROJECT:
PROPOSED MIXED USE BUILDING
156 GLENAYR AVENUE
BONDI BEACH NSW 2026
CLIENT: YEVGENY KREYMAN

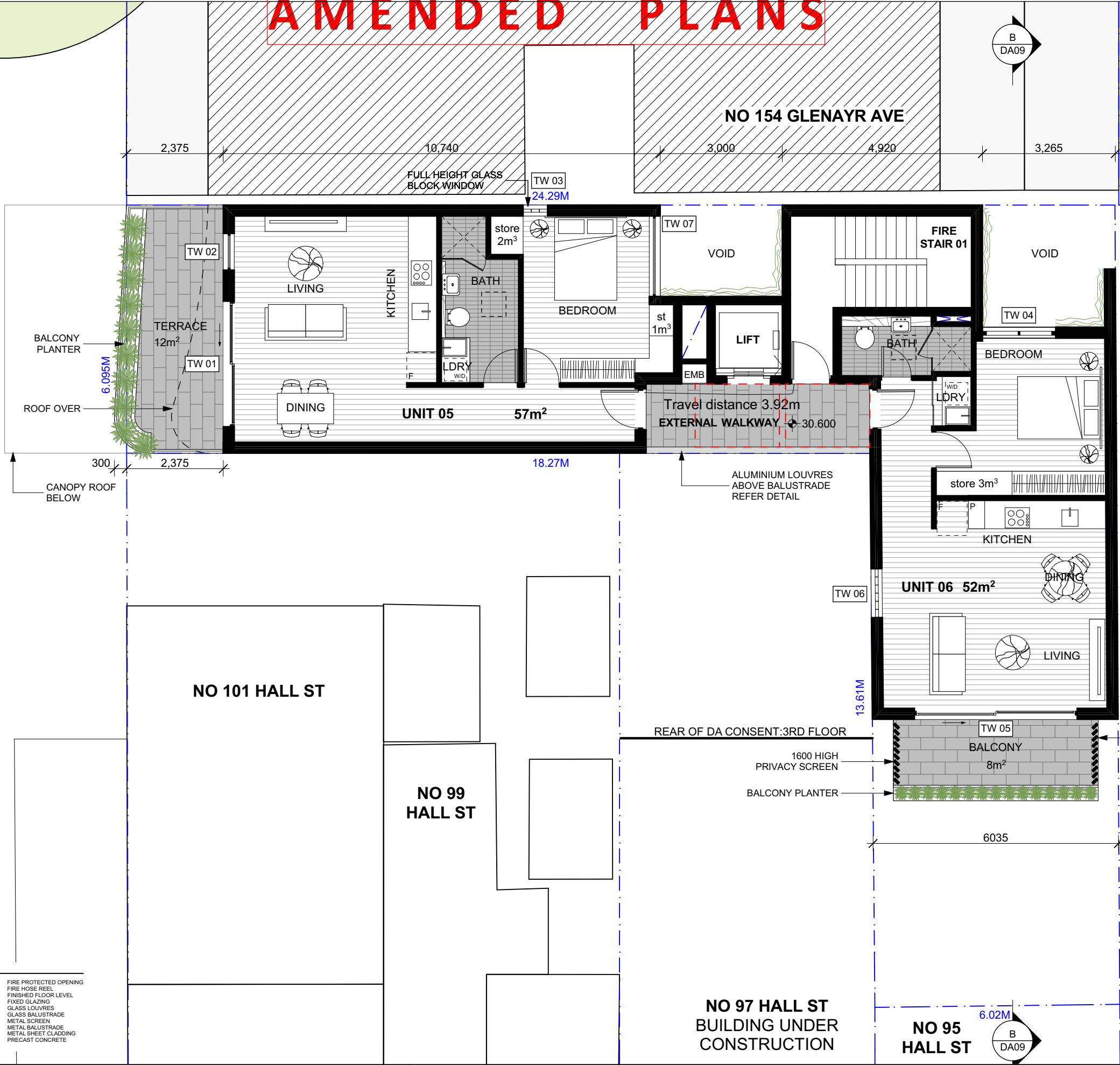
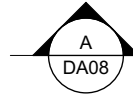
DRAWING:
SITE ANALYSIS PLAN

SCALE: 1 : 300 @ A3	PROJECT NO:
DATE: 2020.01.28	1802
DRAWN: AF	360
CHECK: NS	
DWG NO: DA02	

AMENDED PLANS

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Waverley Council
Application No: DA-257/2019
Date Received: 29/1/2020
NO 45 ROSCOE ST

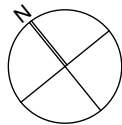
GLENAYR AVENUE



ABBREVIATIONS	
AFL	ALUMINIUM FIXED LOUVRES
ALF	ALUMINIUM FRAMED DOOR / WINDOW
BF	BIFOLD WINDOW / DOORS
BG	BOX GUTTER
C	CONCRETE / PAINT FINISH
CB	CONCRETE BREEZBLOCKS
DW	DISHWASHER
D/H	DOUBLE HUNG WINDOW
FB	BRICKWORK
FB-1	FACE BRICKS-BALMERINO BLEND
FB-2	FACE BRICKS-SEASCAPE SEA-SOLT
FPO	FIRE PROTECTED OPENING
FHR	FIRE HOSE REEL
FFL	FINISHED FLOOR LEVEL
FG	FIXED GLAZING
GL	GLASS LOUVRES
GB	GLASS BALUSTRADE
MS	METAL SCREEN
MB	METAL BALUSTRADE
MC	METAL SHEET CLADDING
PCC	PRECAST CONCRETE

NOTE	ISSUE	DATE	REVISION	BY	CHK
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	REVISION B	2020.01.28	VARIOUS DESIGN AMENDMENTS		

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PROJECT:
PROPOSED MIXED USE BUILDING
156 GLENAYR AVENUE
BONDI BEACH NSW 2026
CLIENT: YEVGENY KREYMAN

DRAWING:
THIRD FLOOR PLAN

SCALE: 1 : 100 @ A3	PROJECT NO: 1802
DATE: 2020.01.28	
DRAWN: AF	364
CHECK: NS	
DWG NO: DA06	

AMENDED PLANS

Overley Council

Date Received: 29/1/2020

NO 45 ROSCOE ST

NO 154 GLENAYR AVE

GLENAYR AVENUE

A
DA08

DA08

A
DA08

DA08

CANOPY ROOF
BELOW

NO 101 HALL ST

**NO 99
HALL ST**

**NO 97 HALL ST
BUILDING UNDER
CONSTRUCTION**

**NO 95
HALL ST**

6.02M

B
DA09

DA09

ABBREVIATIONS

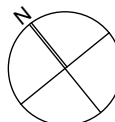
AFL	ALUMINIUM FIXED LOUVRES
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NOTE	ISSUE	DATE	REVISION	BY	CHK
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	REVISION B	2020.01.28	VARIOUS DESIGN AMENDMENTS		

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PROJECT:
PROPOSED MIXED USE BUILDING
156 GLENAYR AVENUE
BONDI BEACH NSW 2026

CLIENT: YEVGENY KREYMAN

DRAWING:
ROOF PLAN

SCALE: 1 : 100 @ A3	PROJECT NO:
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DATE: 2020.01.28

DRAWN: AF

CHECK:	NS
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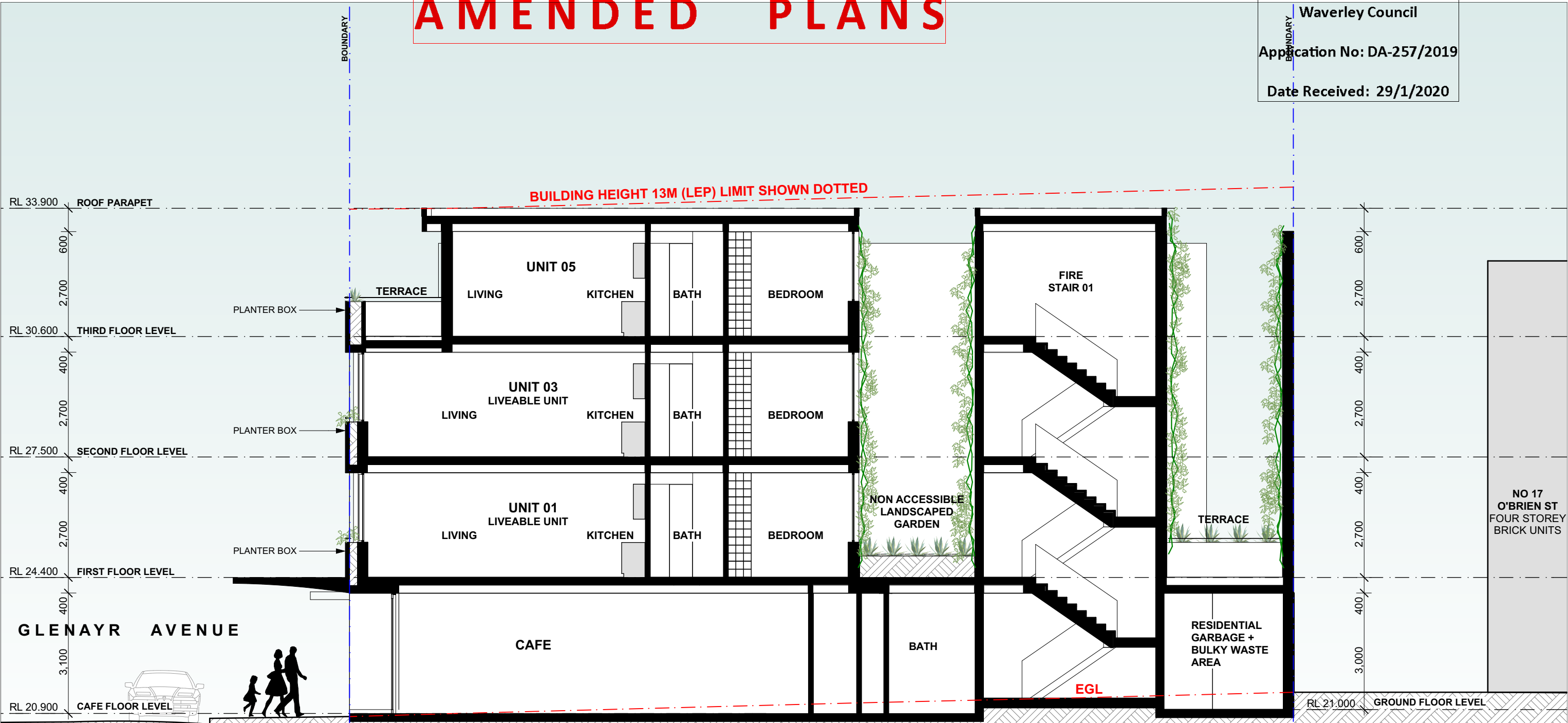
DA20	DA21
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1802

365

AMENDED PLANS

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Waverley Council
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ABBREVIATIONS	
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GL	GLASS LOUVRES
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MS	METAL SCREEN
MB	METAL BALUSTRADE
MC	METAL SHEET CLADDING
PCC	PRECAST CONCRETE

NOTE	ISSUE	DATE	REVISION	BY	CHK	LARCOMBE + SOLOMON ARCHITECTS a. 26a brown st. bronte caroline larcombe-m. 0414 279 929 nicholas solomon-m. 0425 261 939 email-lsarch@bigpond.net.au	PROJECT: PROPOSED MIXED USE BUILDING 156 GLENAYR AVENUE BONDI BEACH NSW 2026 CLIENT: YEVGENY KREYMAN	DRAWING: SECTION A	SCALE: 1 : 100 @ A3	PROJECT NO: 1802 366
Do not scale off this drawing. Use figured dimensions only Verify all dimensions on site prior to any construction or manufacture	REVISION A	2019.12.21	ISSUE FOR DEVELOPMENT APPLICATION						DATE: 2020.01.28	
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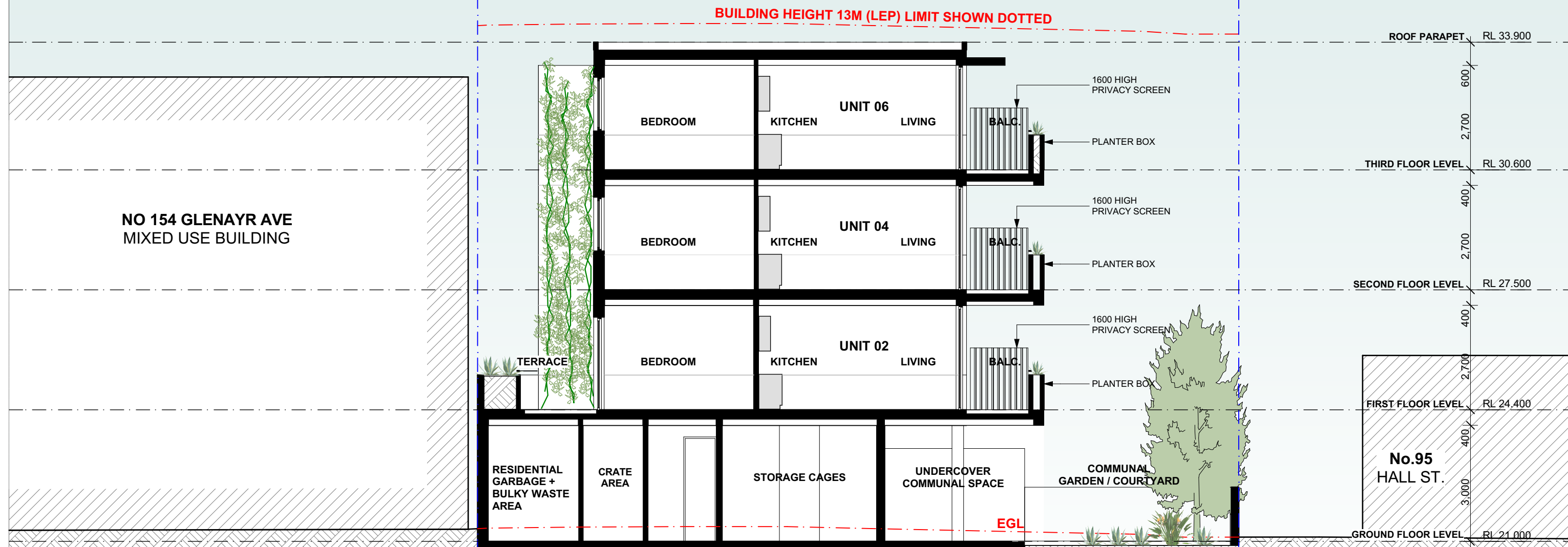
AMENDED PLANS

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Waverley Council

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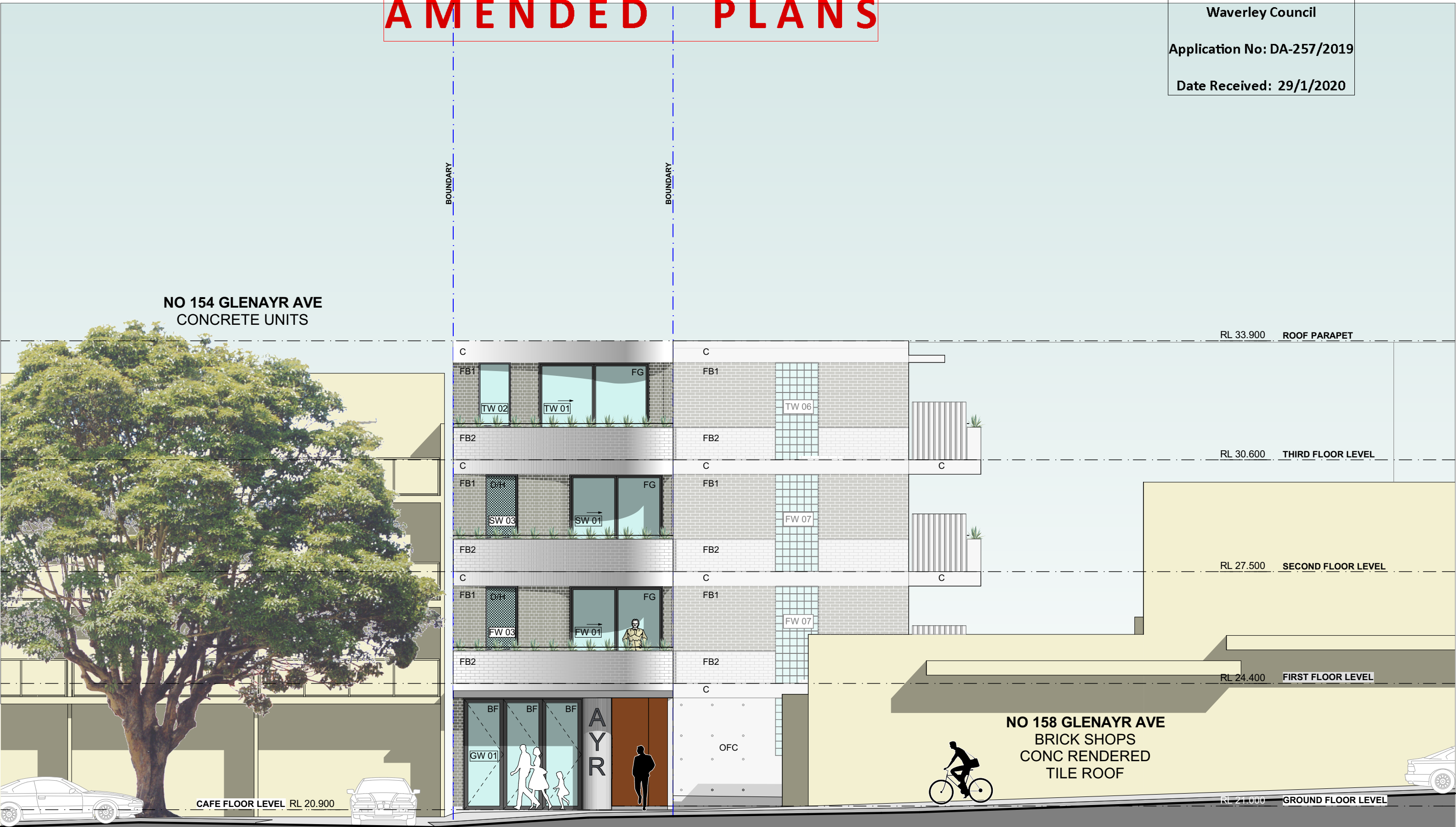
ABBREVIATIONS

AF1	ALUMINIUM FIXED LOUVRES	FPO	FIRE PROTECTED OPENING
ALF	ALUMINIUM FRAMED DOOR / WINDOW	FHR	FIRE HOSE REEL
BF	BUFF WHITE WINDOW / DOORS	FFL	FINISHED FLOOR LEVEL
BG	BOX GUTTER	FG	FIXED GLAZING
C	CONCRETE / PAINT FINISH	GL	GLASS LOUVRES
CB	CONCRETE BREEZBLOCKS	GB	GLASS BALUSTRADE
DW	DISHWASHER	MS	METAL SCREEN
DH	DOUBLE HUNG WINDOW	MB	METAL BALUSTRADE
BRW	BROWN	MSL	METAL SILL SLIDING
FB-1	FACE BRICKS-BALMERINO BLEND	PCC	PRECAST CONCRETE
FB-2	FACE BRICKS-SCAPE SEA-SOILT		

NOTE	ISSUE	DATE	REVISION	BY	CHK	LARCOMBE + SOLOMON ARCHITECTS a. 26a brown st. bronte caroline larcombe-m. 0414 279 929 nicholas solomon-m. 0425 261 939 email- lsarch@bigpond.net.au	PROJECT: PROPOSED MIXED USE BUILDING 156 GLENAYR AVENUE BONDI BEACH NSW 2026 CLIENT: YEVGENY KREYMAN	DRAWING: SECTION B	SCALE: 1 : 100 @ A3	PROJECT NO:
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	REVISION B	2020.01.28	VARIOUS DESIGN AMENDMENTS						DRAWN: AF	
									CHECK: NS	
									DWG NO: DA09	367

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ABBREVIATIONS			
AFL	ALUMINIUM FIXED LOUVRES	FPO	FIRE PROTECTED OPENING
ALF	ALUMINIUM FRAMED DOOR / WINDOW	FHR	FIRE HOSE REEL
BF	BI-FOLD WINDOW / DOORS	FFL	FINISHED FLOOR LEVEL
BG	BOX GUTTER	FG	FIXED GLAZING
C	CONCRETE / PAINT FINISH	GL	GLASS LOUVRES
CB	CONCRETE BREEZBLOCKS	GB	GLASS BALUSTRADE
DW	DISHWASHER	MS	METAL SCREEN
DH	DOUBLE HUNG WINDOW	MB	METAL BALUSTRADE
FB	BRICKWORK	MC	METAL SHEET CLADDING
FB-1	FACE BRICKS-BALMERINO BLEND	PCC	PRECAST CONCRETE
FB-2	FACE BRICKS-SEASCAPE SEA-SOLT		

NOTE	ISSUE	DATE	REVISION	BY	CHK	LARCOMBE + SOLOMON ARCHITECTS a. 26a brown st. bronte caroline larcombe-m. 0414 279 929 nicholas solomon-m. 0425 261 939 email-lsarch@bigpond.net.au	PROJECT: PROPOSED MIXED USE BUILDING 156 GLENAYR AVENUE BONDI BEACH NSW 2026 CLIENT: YEVGENY KREYMAN	DRAWING: ELEVATION NORTH-WEST	SCALE: 1 : 100 @ A3	PROJECT NO: 1802 368
Do not scale off this drawing. Use figured dimensions only Verify all dimensions on site prior to any construction or manufacture	REVISION A	2019.12.21	ISSUE FOR DEVELOPMENT APPLICATION						DATE: 2020.01.28	
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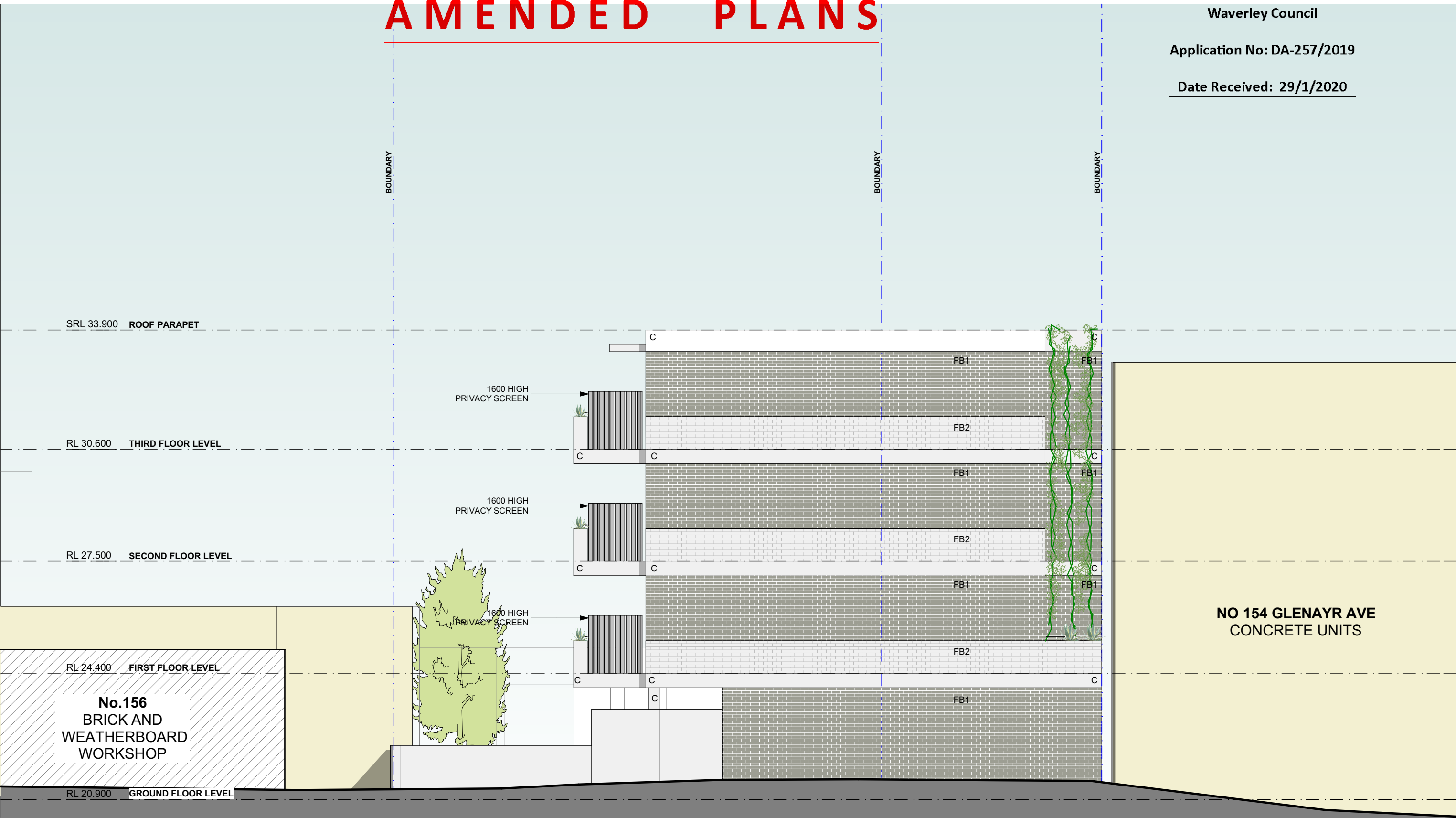
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Application No: DA-257/2019

Date Received: 29/1/2020



ABBREVIATIONS			
AFL	ALUMINIUM FIXED LOUVRES	FPO	FIRE PROTECTED OPENING
ALF	ALUMINIUM FRAMED DOOR / WINDOW	FHR	FIRE HOSE REEL
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NOTE	ISSUE	DATE	REVISION	BY	CHK	LARCOMBE + SOLOMON ARCHITECTS a. 26a brown st. bronte caroline larcombe-m. 0414 279 929 nicholas solomon-m. 0425 261 939 email-lsarch@bigpond.net.au	PROJECT: PROPOSED MIXED USE BUILDING 156 GLENAYR AVENUE BONDI BEACH NSW 2026 CLIENT: YEVGENY KREYMAN	DRAWING: ELEVATION SOUTH-EAST	SCALE: 1 : 100 @ A3	PROJECT NO:
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	REVISION B	2020.01.28	VARIOUS DESIGN AMENDMENTS						DRAWN: AF	369
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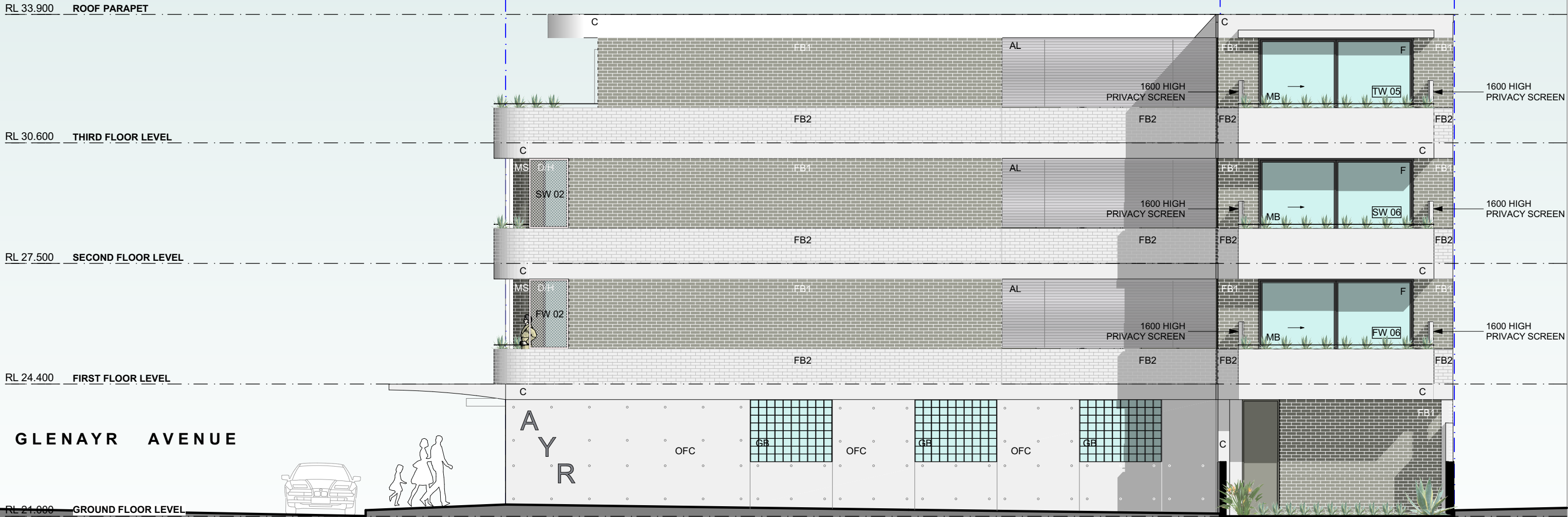
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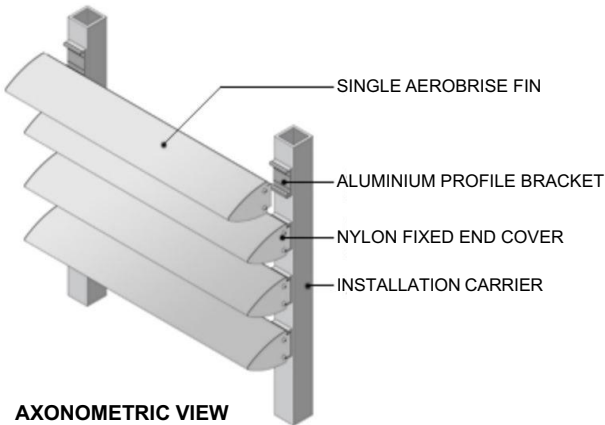
Application No: DA-257/2019

Date Received: 29/1/2020

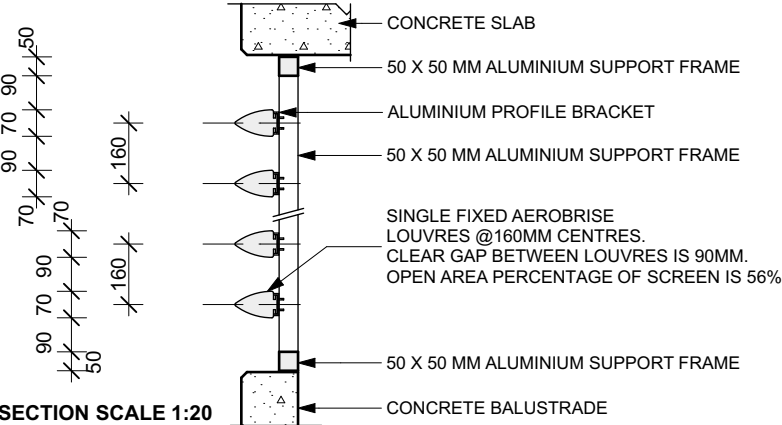


ABBREVIATIONS

AFL	ALUMINIUM FIXED LOUVRES	FPO	FIRE PROTECTED OPENING
ALF	ALUMINIUM FRAMED DOOR / WINDOW	FHR	FIRE HOSE REEL
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C	CONCRETE / PAINT FINISH	GL	GLASS LOUVRES
CB	CONCRETE BREEZBLOCKS	GB	GLASS BALUSTRADE
DW	DISHWASHER	MS	METAL SCREEN
D/H	DOUBLE HUNG WINDOW	MB	METAL BALUSTRADE
FB	BRICKWORK	MC	METAL SHEET CLADDING
FB-1	FACE BRICKS-BALMERINO BLEND	PCC	PRECAST CONCRETE
FB-2	FACE BRICKS-SEASCAPE SEA-SOLT		



AXONOMETRIC VIEW
ALUMINIUM LOUVRE SCREEN DETAIL

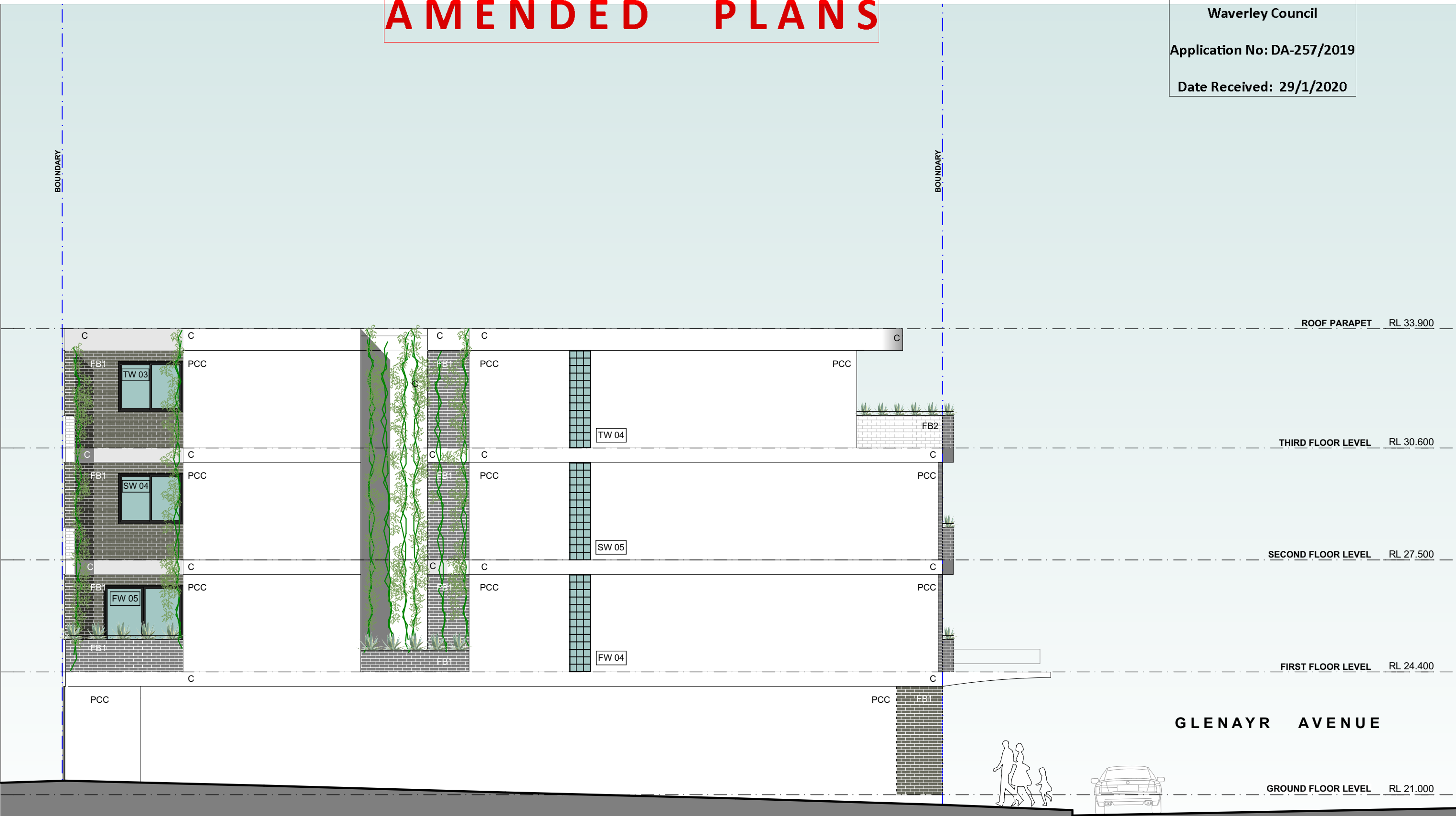


SECTION SCALE 1:20

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	REVISION B	2020.01.28	VARIOUS DESIGN AMENDMENTS						DRAWN: AF	
									CHECK: NS	370
									DWG NO: DA12	

AMENDED PLANS

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ABBREVIATIONS			
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ALF	ALUMINIUM FRAMED DOOR / WINDOW	FHR	FIRE HOSE REEL
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FB-1	FACE BRICKS-BALMERINO BLEND	PCC	PRECAST CONCRETE
FB-2	FACE BRICKS-SEASCAPE SEA-SOLT		

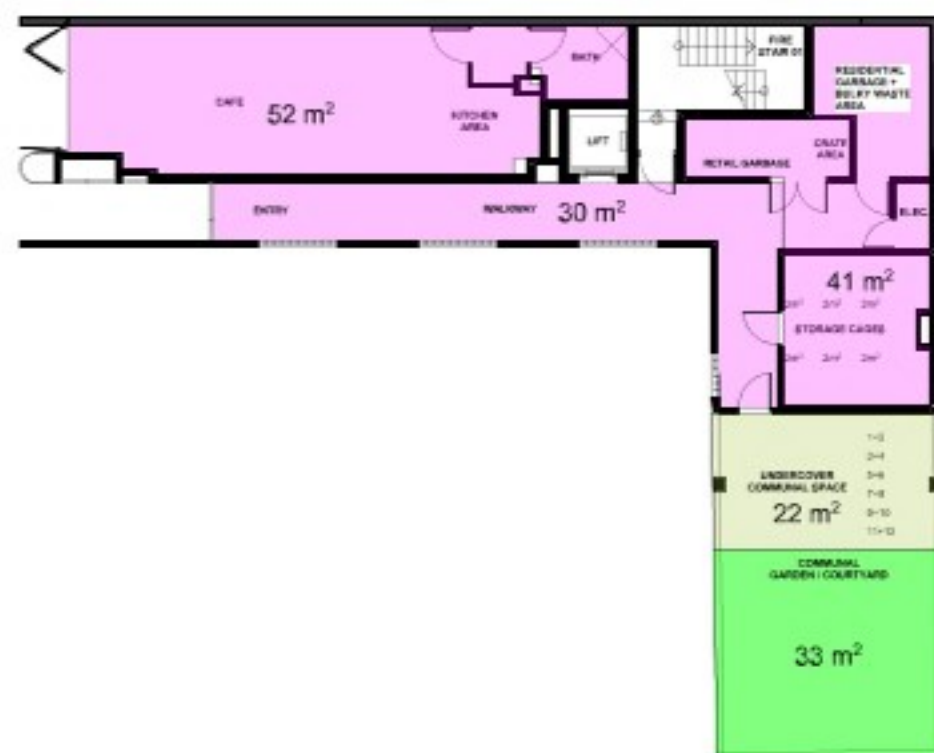
NOTE	ISSUE	DATE	REVISION	BY	CHK	LARCOMBE + SOLOMON ARCHITECTS a. 26a brown st. bronte caroline larcombe-m. 0414 279 929 nicholas solomon-m. 0425 261 939 email-lsarch@bigpond.net.au	PROJECT: PROPOSED MIXED USE BUILDING 156 GLENAYR AVENUE BONDI BEACH NSW 2026 CLIENT: YEVGENY KREYMAN	DRAWING: ELEVATION NORTH-EAST	SCALE: 1 : 100 @ A3	PROJECT NO: 1802 371
Do not scale off this drawing. Use figured dimensions only Verify all dimensions on site prior to any construction or manufacture	REVISION A	2019.12.21	ISSUE FOR DEVELOPMENT APPLICATION						DATE: 2020.01.28	
	REVISION B	2020.01.28	VARIOUS DESIGN AMENDMENTS						DRAWN: AF	
									CHECK: NS	
									DWG NO: DA13	



FIRST FLOOR (GFA) 1:200



SECOND FLOOR (GFA) 1:200



GROUND FLOOR (GFA) 1:200



THIRD FLOOR (GFA) 1:200

COMPLIANCE DIAGRAM (OPEN SPACE)

GROUND FLOOR	22 M2
FIRST FLOOR.....	21 M2
SECOND FLOOR	16 M2
THIRD FLOOR.....	20 M2
TOTAL	79 M2

COMPLIANCE DIAGRAM (LANDSCAPING)

GROUND FLOOR	33 M2
FIRST FLOOR.....	12 M2
SECOND FLOOR	3 M2
THIRD FLOOR.....	3 M2
TOTAL	51 M2

COMPLIANCE DIAGRAM (GFA)

GROUND FLOOR	123 M2
FIRST FLOOR.....	113 M2
SECOND FLOOR	113 M2
THIRD FLOOR.....	109 M2
TOTAL	458 M2

SITE AREA.....	230m2
CONTROL FSR	2.00 :1
PROPOSED GFA	458m2
PROPOSED FSR	1.99 :1

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	REVISION B	2020.01.28	VARIOUS DESIGN AMENDMENTS		
	REVISION C	2020.02.28	CORRECTION TO FIRST FLOOR LANDSCAPE AREA		

LARCOMBE + SOLOMON ARCHITECTS

a. 26a brown st. bronte
caroline larcombe-m. 0414 279 929
nicholas solomon-m. 0425 261 939
email-lsarch@bigpond.net.au



PROJECT:
PROPOSED MIXED USE BUILDING
156 GLENAYR AVENUE
BONDI BEACH NSW 2026
CLIENT: YEVGENY KREYMAN

DRAWING:
COMPLIANCE DIAGRAMS (GFA)

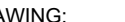
SCALE: 1 : 200 (A3)	PROJECT NO: 1802
DATE: 2020.02.28	
DRAWN: AF	372
CHECK: NS	
DWG NO: DA14	

APARTMENT DESIGN GUIDE – COMPLIANCE TABLE FOR 156 GLENAYR AVE., BONDI BEACH

APARTMENT	PART 4A 2 HOURS OF SUNLIGHT TO LIVING SPACE ON 21 JUNE	PART 4A 2 HOURS OF SUNLIGHT TO PRIVATE OPEN SPACE ON 21 JUNE	PART 4B NATURAL CROSS VENTILATION	PART 4C HABITABLE ROOM CEILING HEIGHTS MIN. 2.7 METRES	PART 4D INTERNAL APARTMENT SIZE AND LAYOUT	PART 4D MINIMUM 10% GLASS AREA FOR HABITABLE ROOMS	PART 4E PRIVATE OPEN SPACE & BALCONIES
01	YES	YES	YES	YES	YES - 61 SQM SIZE & LAYOUT COMPLIES	YES	YES - 8 SQM SIZE & LAYOUT COMPLIES
02	NO	NO	YES	YES	YES - 52 SQM SIZE & LAYOUT COMPLIES	YES	YES - 13 SQM SIZE & LAYOUT COMPLIES
03	YES	YES	YES	YES	YES - 61 SQM SIZE & LAYOUT COMPLIES	YES	YES - 8 SQM SIZE & LAYOUT COMPLIES
04	YES	YES	YES	YES	YES - 52 SQM SIZE & LAYOUT COMPLIES	YES	YES - 8 SQM SIZE & LAYOUT COMPLIES
05	YES	YES	YES	YES	YES - 57 SQM SIZE & LAYOUT COMPLIES	YES	YES - 12 SQM SIZE & LAYOUT COMPLIES
06	YES	YES	YES	YES	YES - 52 SQM SIZE & LAYOUT COMPLIES	YES	YES - 8 SQM SIZE & LAYOUT COMPLIES
OVERALL % COMPLIANCE	83% (5 OF 6 APARTMENTS) <i>SURPASSES 70% OBJECTIVE</i>	83% (5 OF 6 APARTMENTS) <i>SURPASSES 70% OBJECTIVE</i>	100% (6 OF 6 APARTMENTS) <i>SURPASSES 60% OBJECTIVE</i>	100% (6 OF 6 APARTMENTS) <i>OBJECTIVE MET</i>	100% (6 OF 6 APARTMENTS) <i>OBJECTIVE MET</i>	100% (6 OF 6 APARTMENTS) <i>OBJECTIVE MET</i>	100% (6 OF 6 APARTMENTS) <i>OBJECTIVE MET</i>

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Do not scale off this drawing. Use figured dimensions only Verify all dimensions on site prior to any construction or manufacture	REVISION A	2019.12.21	ISSUE FOR DEVELOPMENT APPLICATION					DATE: 2020.01.28			
	REVISION B	2020.01.28	VARIOUS DESIGN AMENDMENTS					DRAWN: AF			
								CHECK: NS			
								DWG NO: DA15			
								CLIENT: YEVGENY KREYMAN			374

AMENDED PLANS

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Application No: DA-257/2019

Date Received: 29/1/2020

NO 154 GLENAYR AVE

1. Sand and soil stockpiles

Place stockpiles wholly on the construction site and behind a sediment barrier.
Soil or cement should be covered at the end of each day if excessive wind or rain is likely.

2. Clean and clear footpath and roadway

Builder / site foreman to ensure that footpath and roadways are clean.

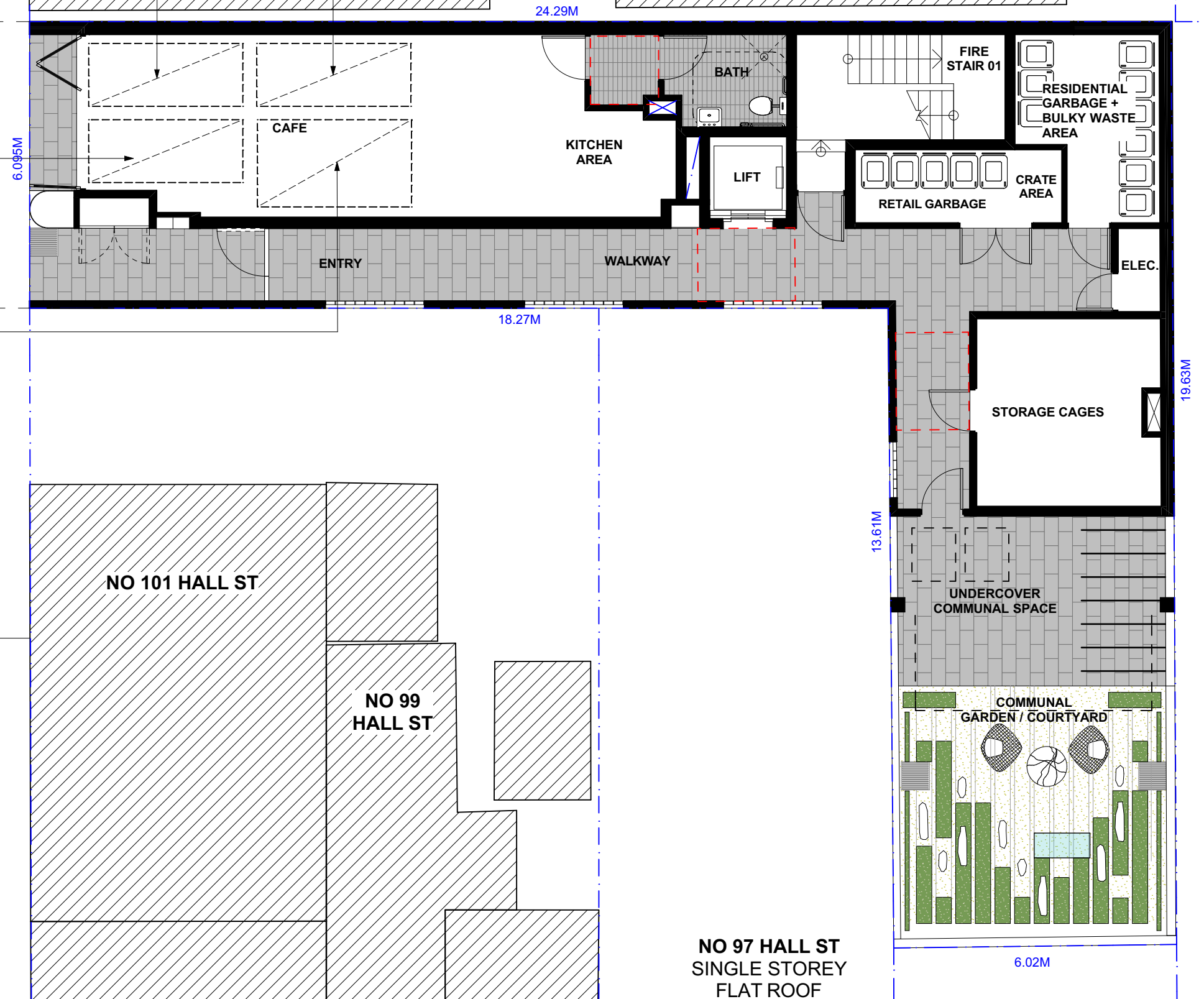
3. Concrete waste and washing

Wash equipment in a designated area of the site that does not drain to the stormwater system.

4. Litter and waste control

All hard waste and litter must be stored on site in a way to prevent any materials from entering the stormwater system and adjacent areas by wind or action.

GLENAYR AVENUE



SEDIMENT CONTROL PLAN NOTES

-THIS DRAWING IS TO BE READ IN CONJUNCTION WITH SURVEY PLAN

Prior to commencement of footing excavation:

- Provide sandbags sediment traps upstream of existing pits
- Construct geotextile filter pit surround all proposed pits as they are constructed.
- On completion of pavements provide sandbag kerb traps around all pits.

Maintenance of soil and water controls

- Soil and water controls should be checked daily to ensure that they are operating effectively.

Maintenance that will be required includes:

- Removing sediment collected by sediment fences and catch drains.
- Topping up the gravel on the stabilised entrance way.
- Repairing roof downpipes and gutters and sweeping up any sediment.

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										DWG NO: DA16	

AMENDED PLANS

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LEGEND
Application No: DA-257/2019
Programme
Date Received: 29/1/2020

1 Pedestrian entry

2 Decorative screen

3 Fern garden

4 Wire trellis on fence with climbing plants

5 Polished granite water / plinth

6 Inground grease arrestor

7 Dual height bike racks

General

--- Site boundary

--- Architecture above

--- Architecture below

+ EL 562.00 Existing level

+ FFL 562.00 Finished floor level

+ RL 562.00 Reduced level

Walls + Edges

--- Steel edge

Pavements

Coarse aggregate

Stone tiles

Composite timber wall cladding

Furniture + Fittings

Table setting

Feature trough pot 1200 x 400mm

Feature pot

Decorative screen

Landscape boulder

Preparation + Groundworks

Stormwater pit

Drainage grate for water plinth

Planting

PM2-Grass Mix-Shade

PM4 - Shrubs and groundcover mix shade

PM8B - Feature planting shade pot

PM9 - Climbers mix

Trees/Specimen shrubs

Proposed tree

Proposed specimen shrub

NOT FOR CONSTRUCTION

DRAWING NUMBER
SK01

PROJECT NUMBER
SD-159-20

DRAWING DATE
21/01/20

DRAWING NAME
Landscape Plan - Ground

SCALE
1:50

SCALE BAR
0 1 2 3 M

REVISION
F

STATUS
FOR DEVELOPMENT APPLICATION

NP

PROJECT NAME AND ADDRESS
RESIDENTIAL MIX USE BUILDING
156 Glenayr Avenue, Bondi Beach, NSW

CLIENT NAME
Y. Kreyman

DRAWN BY
TR

CHECKED BY
CH

CONSULTANTS
Architecture
L+S
Larcombe + Solomon Architects

DRAWINGS BY
scape DESIGN
LANDSCAPE ARCHITECTURE
Suite 5 / 15 The Corso
Manly NSW 2095
www.scapedesign.com.au

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LEGEND

General

Architecture above

Planting Mix

PM2-Grass Mix-Shade

PM4 - Shrubs and groundcover mix shade

PM9 - Climbers mix

Trees

Proposed tree

Proposed specimen shrub

Trees



Elaeocarpus eumundii

PM2 Grass Mix Shade



Dianella tasmanica 'Tasred'



Liriope muscari



Ophiopogon japonicus

PM4 Shrubs and Groundcovers Mix Shade



Dianella caerulea 'Little Jess'



Dichondra repens

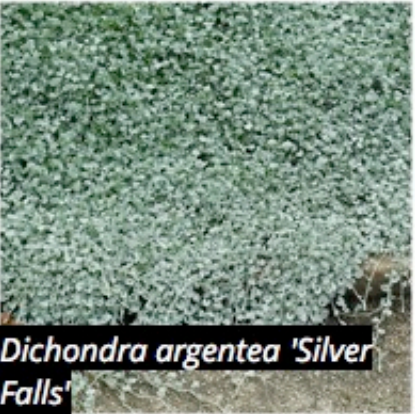


Viola hederacea

PM9 Climbers Mix



Trachelospermum jasminoides

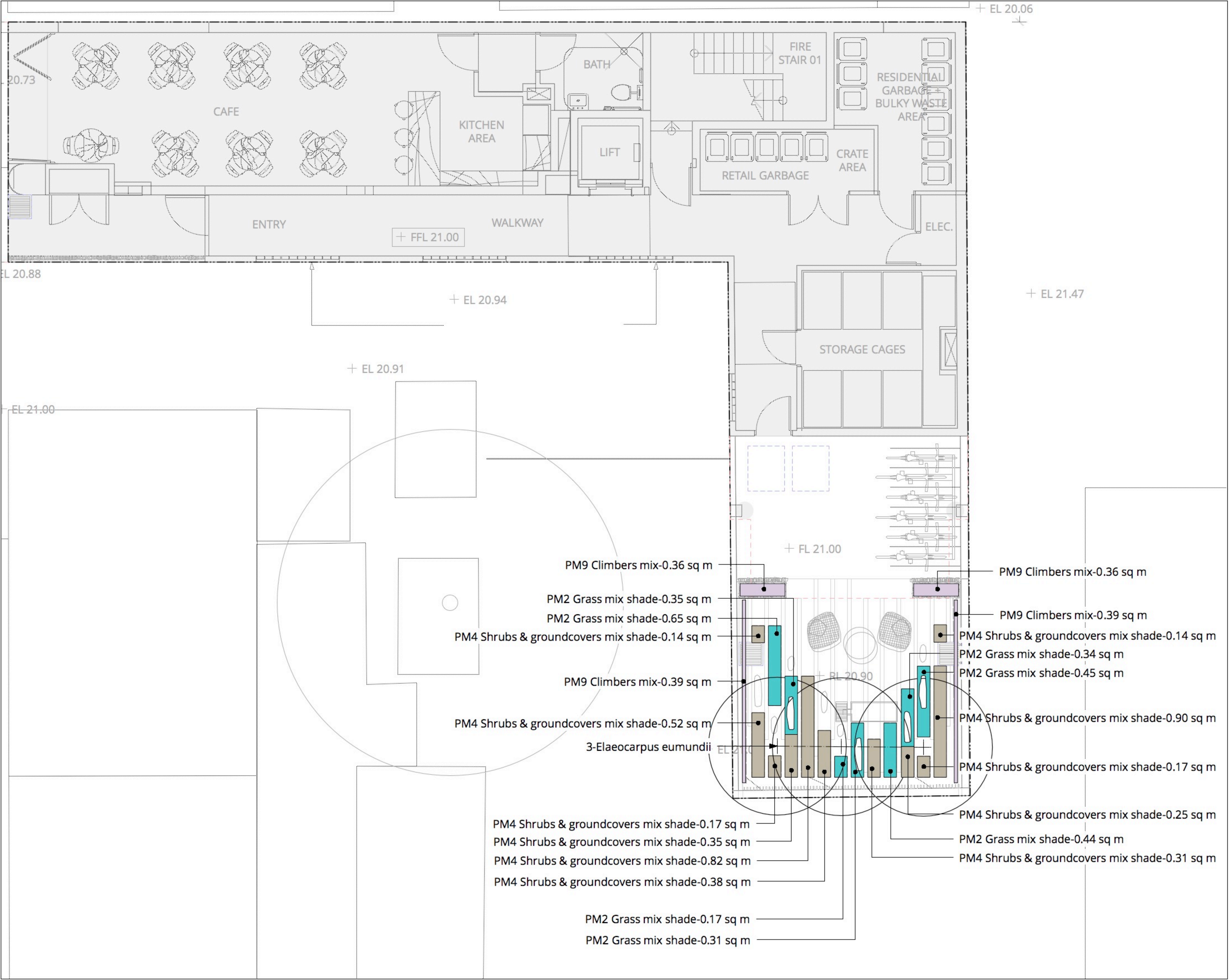


Dichondra argentea 'Silver Falls'



Liriope muscari

NOT FOR CONSTRUCTION



DRAWING NUMBER

SK02

DRAWING NAME

Planting Plan - Ground

REVISION

E

PROJECT NAME AND ADDRESS

RESIDENTIAL MIX USE BUILDING
156 Glenayr Avenue, Bondi Beach, NSW

CONSULTANTS

Architecture



Larcombe + Solomon
Architects

DRAWINGS BY



LANDSCAPE ARCHITECTURE

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Manly NSW 2095
www.scapedesign.com.au

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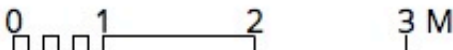
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21/01/20

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STATUS

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APPLICATION

NP



CLIENT NAME

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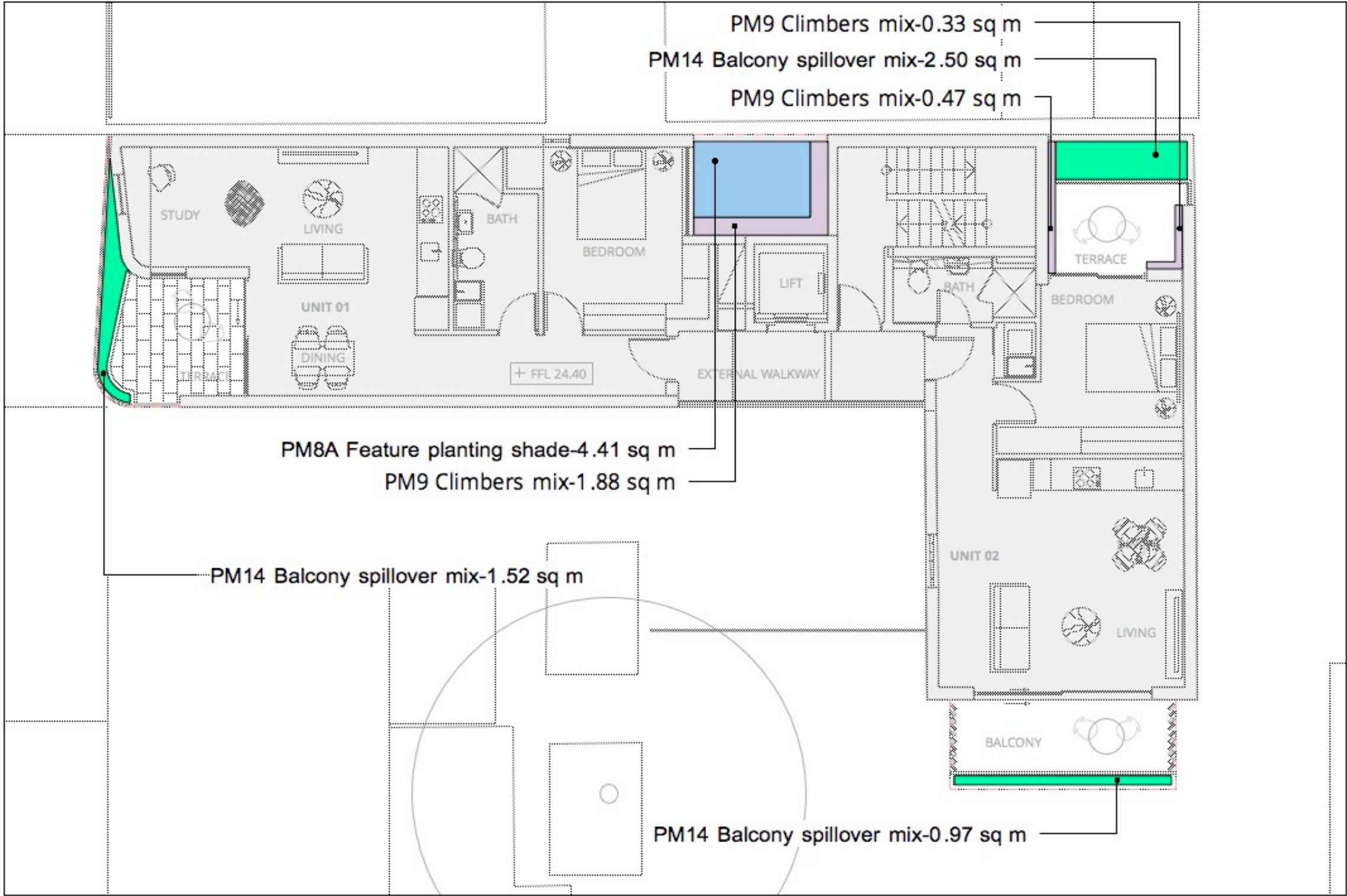
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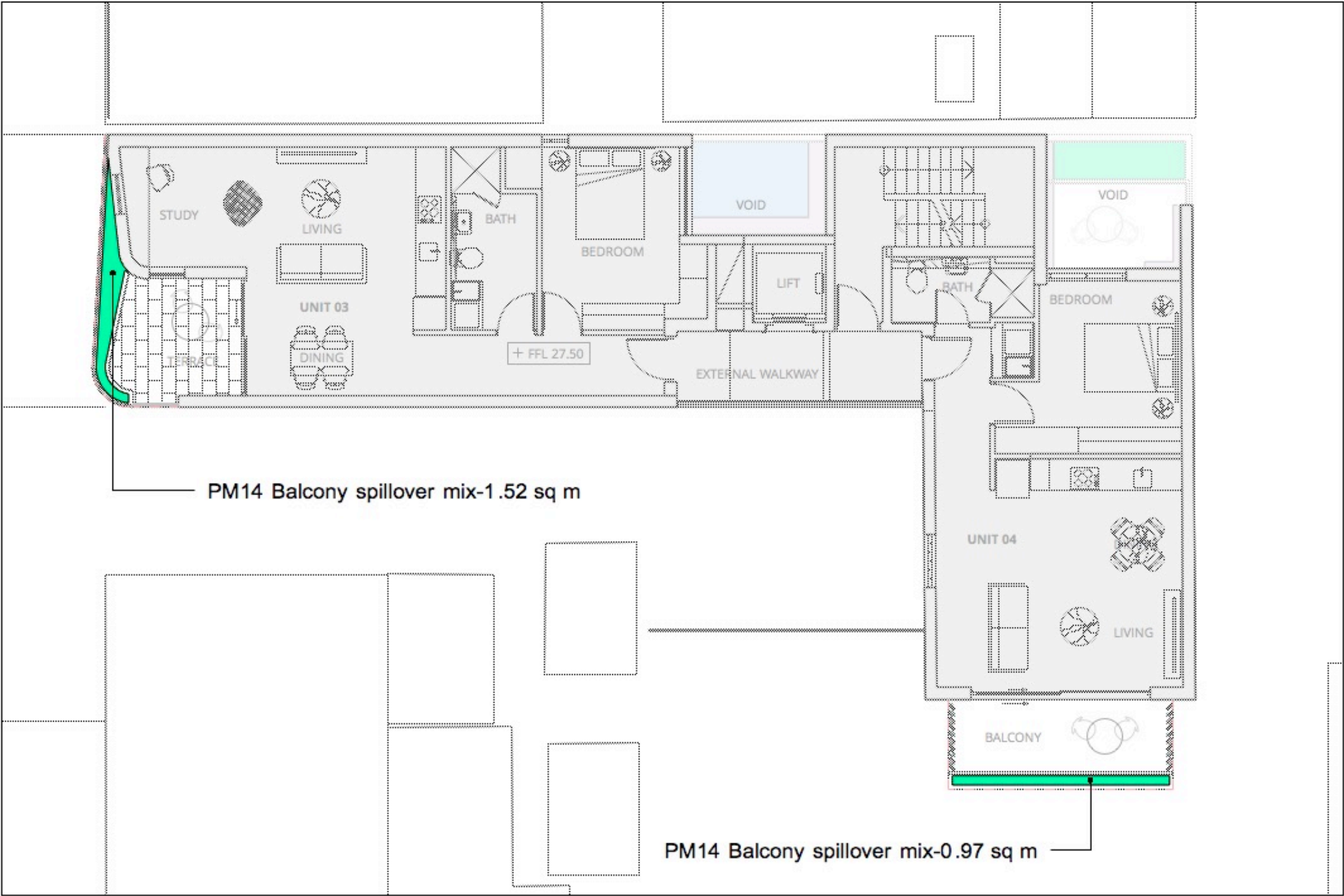
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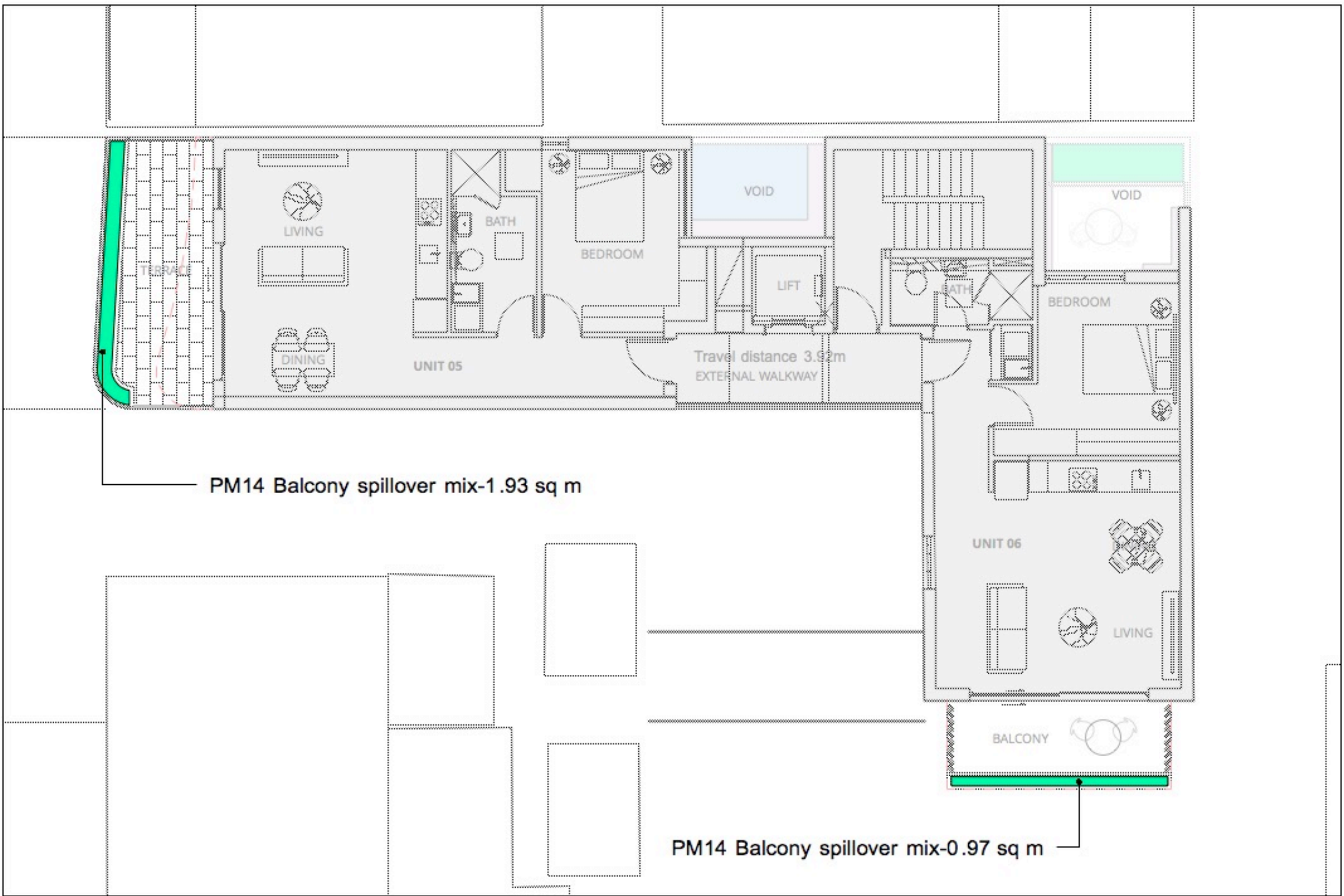
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1 PLANTING PLAN LEVEL 1



2 PLANTING PLAN LEVEL 2



3 PLANTING PLAN LEVEL 3

Architecture above

Planting Mix

- PM8A - Feature planting shade
- PM9 - Climbers mix
- PM14 - Balcony spillover mix

PM8A Feature Planting Mix Shade



PM9 Climbers Mix



PM14 Balcony Spillover Mix



NOT FOR CONSTRUCTION

DRAWING NUMBER
SK03

PROJECT NUMBER
SD-159-20

DRAWING DATE
21/01/20

DRAWING NAME

Planting Plan - Level 1, 2 & 3

SCALE
1:100 @ A1

SCALE BAR
0 1 2 3 4 5 M

STATUS
FOR DEVELOPMENT APPLICATION

REVISION

A

NP

PROJECT NAME AND ADDRESS

RESIDENTIAL MIX USE BUILDING
156 Glenayr Avenue, Bondi Beach, NSW

CLIENT NAME
Y. Kreyman

CONSULTANTS

Architecture

L+S

Larcombe + Solomon Architects

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DESIGN

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AMENDED PLANS

PLANT SCHEDULE

Botanical Name	Common Name	Height (m)	Spread (m)	Pot Size	Rate(m2)	Quantity
Proposed Trees						
<i>Elaeocarpus eumundii</i>	Eumundi Quandong	10	3.5	100L	As Shown	3
PM-2 Grass Mix Shade						
<i>Dianella caerulea</i> 'Little Jess'	Flax Lily	0.4	0.4	140mm	5	2.71 sq.m
<i>Dichondra repens</i>	Kidney Weed	0.3	1	140mm	5	
<i>Viola hederacea</i>	Native Viola	0.1	0.2	140mm	5	
PM-4 Shrubs & Groundcovers Mix Shade						
<i>Dianella caerulea</i> 'Little Jess'	Flax Lily	0.4	0.4	140mm	5	4.16 sq.m
<i>Dichondra repens</i>	Kidney Weed	0.3	1	140mm	5	
<i>Viola hederacea</i>	Native Viola	0.1	0.2	140mm	5	
PM-8A Feature Planting Shade						
<i>Calathea zebrina</i>	Zebra Plant	0.9	0.8	200mm	5	4.41 sq.m
<i>Cordyline Purpurea</i>	Purple Cabbage Tree	0.5	0.5	300mm	5	
<i>Philodendron 'Xanadu'</i>	Xanadu Philodendron	1	1	200mm	5	
<i>Aloe variegata</i>	Tiger Aloe	0.3	0.25	140mm	5	
PM-9 Climbers Mix						
<i>Trachelospermum jasminoides</i>	Star Jasmine	0.9	0.3	200mm	5	4.20 sq.m
<i>Dichondra argentea</i> 'Silver Falls'	Silver falls	0.028	1	140mm	5	
<i>Liriope muscari</i>	Lily Turf	0.3	0.3	140mm	5	
PM-14 Balcony Spillover Mix						
<i>Carpobrotus rossii</i>	Pigface	0.2	1.2	140mm	5	10.38 sq.m
<i>Echeveria elegans</i>	Hen and Chicks	0.1	0.5	140mm	5	
<i>Festuca glauca</i> 'Elijah Blue'	Blue Fescue	0.3	0.3	140mm	5	
<i>Senecio serpens</i>	Blue Chalk Sticks	1	0.3	140mm	5	
<i>Pultenaea pedunculata</i> 'Pyalong Gold'	Pea Bush	0.4	1.5	140mm	5	



NOT FOR CONSTRUCTION

DRAWING NUMBER		DRAWING NAME			REVISION	
SK04		Planting Schedule & Character			A	
PROJECT NUMBER	DRAWING DATE	SCALE	SCALE BAR	STATUS	NP	
SD-159-20	21/01/20	NA		FOR DEVELOPMENT APPLICATION		

PROJECT NAME AND ADDRESS		
RESIDENTIAL MIX USE BUILDING		
156 Glenayr Avenue, Bondi Beach, NSW		
CLIENT NAME	DRAWN BY	TR
Y. Kreyman	CHECKED BY	CH

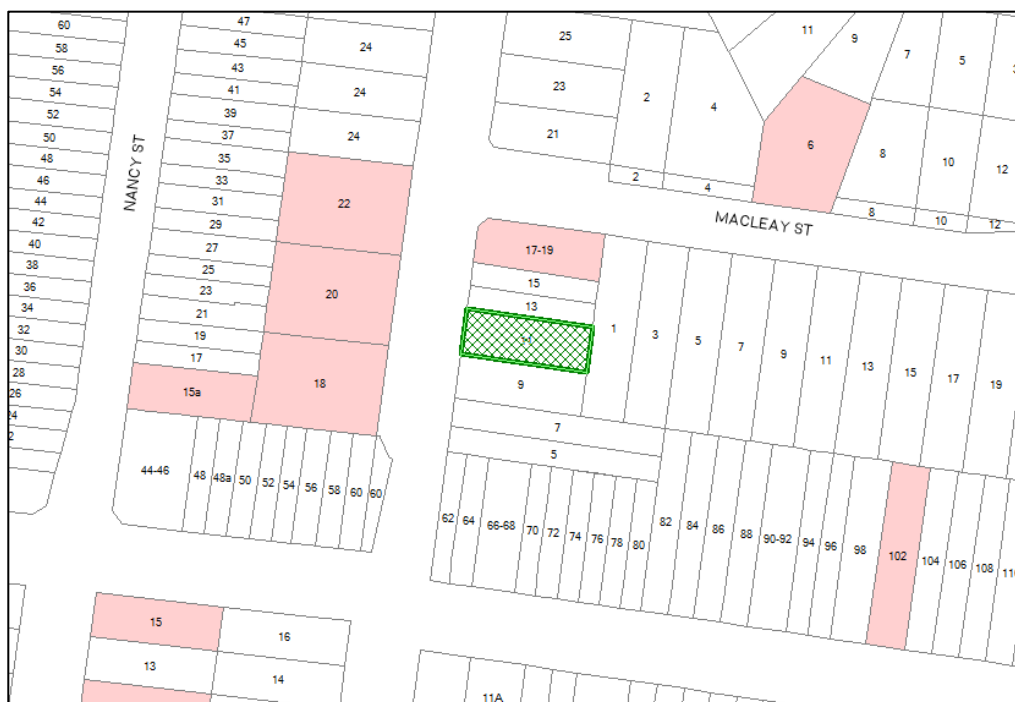
CONSULTANTS	DRAWINGS BY	LANDSCAPE ARCHITECTURE
Architecture	scape	Suite 5 / 15 The Corso
L+S	DESIGN	Manly NSW 2095
Larcombe + Solomon Architects		www.sapedesign.com.au
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Delegated Report

Application number	DA-20/2019/A
Site address	11 Hardy Street, NORTH BONDI
Proposal	Section 4.55(2) modification to the approved dual occupancy including internal reconfiguration, increasing floor space and materiality changes.
Approved development description	Demolition of existing dwelling and construction of an attached dual occupancy, basement car parking and rear swimming pool with strata subdivision.
Date of lodgement	5 November 2019
Owner	Mrs Sarah Weinberg
Applicant	Mr Anthony Weinberg
Submissions	Nil
Cost of Works	\$1,730,632 (original)
Issues	FSR non-compliance
Recommendation	That the application be APPROVED

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 13 March 2019.

The site is identified as Lot 3 in DP 12137, known as 11 Hardy Street, NORTH BONDI. The site is rectangular in shape with a western street frontage and eastern rear boundary measuring 29.95 m, and northern and southern side boundaries measuring 36.575m. The site has an area of 467.9 m² and falls from the western frontage towards the rear by approximately 4.25 m. The majority of the fall is contained at the rear of the site along a series of stepped terraces supported by retaining walls.

The site is occupied by a single storey detached dwelling with vehicular access provided from Hardy Street to a garage and hardstand located at the north western corner of the site. The site contains two Frangipani trees within the front setback area. Within the back garden there are three small to medium size trees and a range of small to medium sized palms and similar vegetation.

The subject site is adjoined by a single storey detached dwelling to the south at No.9 Hardy Street and a three storey dual occupancy building to the north at Nos.13-15 Hardy Street. The rear of the site is adjacent to the side boundary of No.1 Macleay Street. The locality is characterised by a variety of residential developments including semi-detached and detached dwellings, dual occupancy developments and residential flat buildings.



Figure 1: Subject site viewed from Hardy Street.



Figure 2: Rear (east) elevation of subject site.



Figure 3: Rear of adjoining dual occupancy to the north at Nos.13-15 Hardy Street.



Figure 4: Rear garden of adjoining single storey dwelling at No.9 Hardy Street.

1.2 Details of Approved Development

DA-20/2019: The original application sought consent for demolition of the existing dwelling and construction of a new dual occupancy with basement car parking and swimming pools in the rear yards, and strata subdivision into two lots. The original proposal had a FSR of 0.756:1 (an exceedance of 85.89m² or 24%).

The application was deferred following concerns raised by the assessing officer in relation to scale and bulk, FSR non-compliance and impact on the neighbouring amenity. Amended plans were submitted to Council on 5 July 2019. The amendments made the following changes to the proposal:

- Reduced the height and scale of the building;
- Reduced the FSR to be compliant;
- Set the development back at the rear to better follow the predominant building line;
- Stepped the building down along the topography of the site from front to rear; and
- Amended the overall design aesthetics of the development to include pitched roof elements and a simplified palette of materials.

DA-20/2019 was approved by the Waverley Local Planning Panel on 28 August 2019.

1.3 Proposal

The application has been lodged as a section 4.55(2) application and provides for the following modifications to the approved development:

Lower ground floor:

- Additional excavation for an extension below the ground floor level to provide a pantry and WC for each dwelling;
- Delete the windows on the side elevations to the living room of each dwelling;
- Extension of the deck within the rear yard of each dwelling;
- Modification to the east (rear) facing doors to the decking to be a stacking door system; and
- Modifications to size and location of pools and decking proposed.

Ground floor/Entry level:

- Modifications to the access arrangements to Dwelling 2 (northern dwelling) to achieve improved head height for the pedestrian entry;
- Delete the windows on the side elevations to the rear bedroom of each dwelling; and
- Additional bin space to satisfy Council's waste management requirements.

First floor:

- New high-level window on the side elevation to the ensuite of each dwelling.

Attic:

- Enclosure of the west facing balcony to create bathroom within each dwelling; and
- Modify the location of approved skylights and introduction of skylights over the void.

Amendments to conditions:

- Delete Condition 2(b) which was included in error and amend Condition 2(c) which requires the retention of the frangipani on the southern side of the front yard. The modifications seek to transplant the frangipani tree into the rear yard of Dwelling 2 (northern dwelling).

- Modify Condition 62 relating to allocation of address to avoid confusion. The Lot numbering differed on the original plans, and Condition 62 includes the previously proposed Lot numbers. The modification was discussed with Council's Land Information / GIS officer who advised that the wording "proposed Lot 1 / proposed Lot 2" should be deleted from the condition. The remainder of the condition is correct in that the application of addresses as Lot 1/11 Hardy Street for the south allotment and Lot 2/11 Hardy Street for the north allotment.

Further to this, Condition 2(a) regarding the RLs of the rear private open space will need to be modified as it references the dwellings as they were numbered on the original plans.

During the assessment of this Section 4.55 application, the applicant was asked to provide clarification on the plans given that the annotations of the side setbacks indicated 0.9m in parts and 950mm in other parts. The applicant confirmed that the side setbacks are 950mm (and are the same as the approved stamped plans). The annotation of "0.9m" was an indication of Council's minimum setback requirement.

2. ASSESSMENT

The following matters are to be considered in the assessment of this modification application under sections 4.15 and 4.55 of the *Environmental Planning and Assessment Act 1979* (the Act).

2.1 Section 4.55 Considerations

Section 4.55 (2) applications - the modifications if approved are substantially the same development as the original consent. Council has consulted any relevant Minister or Authority and notified the application. No submissions were received.

2.2 Planning Instruments and Development Control Plans

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

2.2.1 SEPP (Building Sustainability Index – BASIX) 2004

An amended BASIX Certificate has been submitted with the Section 4.55 modification.

The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. The BASIX Certification formed part of the approved documentation in Condition 1 to ensure that the measures detailed in the BASIX Certificate are implemented.

2.2.2 SEPP 55 Remediation of Land

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

2.2.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The modifications are consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Zone	Yes	The proposal is defined as a dual occupancy, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	Yes	The approved development has a maximum height of 8.2m. The proposal does not alter the existing building height.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.59:1 (276.2m²) Site 467.9m² 	No	The approved development has a FSR of 0.59:1 (276.1m ²), which complies. The proposed modifications result in an additional 42.9m ² of gross floor area (GFA). This results in a total GFA of 319m ² and a FSR of 0.68:1, which is a non-compliance of 42.8m ² or 15.4%.
4.6 Exceptions to development standards	See discussion	A formal variation request pursuant to Clause 4.6 of the Waverley LEP 2012 is not required because the proposal relates to a modification of an application rather than the granting of consent as per <i>Gann v Sutherland Shire Council [2008]</i> . Notwithstanding this, the applicant has provided a written request to vary the FSR development standard. This is discussed below the table.
Part 5 Miscellaneous provisions		
6.2 Earthworks	Yes	Excavation is required for the provision of lower ground floor habitable space and car parking, and the rear garden swimming pools. The modification increases the extent of excavation to provide for the pantry and WC on the lower ground floor. The additional excavation is within the approved building envelope above. The excavation does not take place within 0.9m of either side boundary. Whilst there may be some disturbance to the natural ground level during construction, it is to be retained at its current level within the side setbacks.

Provision	Compliance	Comment
		<p>The site is not identified as a land slip risk and the depth of excavation is not considered to be excessive.</p> <p>Council's standard conditions of consent were imposed in the original consent to ensure there is no adverse effect from the proposed excavation works.</p>

Floor Space Ratio

As discussed above, the original application was deferred because the assessing officer had concerns with regards to bulk and the FSR non-compliance. The original proposal exceeded the development standard by 85.9m² or 24%. During assessment of the original application, there was considerable discussion between the applicant, council staff and the assessing officer about the FSR non-compliance. Ultimately, the applicant submitted a compliant scheme which was approved by the WLPP.

Notwithstanding this, the applicant is now taking advantage of the fact that the legislation does not require a variation request pursuant to Clause 4.6 of Waverley LEP 2012 for Section 4.55 modifications. The proposed additional 42.9m² of floor space is incorporated within the volume of the approved building form and therefore cannot be attributed to any measurable impacts in terms of overshadowing, view loss or changes to the level of privacy. While it is disingenuous that the floor space was deleted to obtain consent for the development and then reinstated via a Section 4.55, given there are no impacts and no requirement for a Clause 4.6 assessment, there is no reason to not support the proposed additional floor space.

The proposed modifications are consistent with objectives (b) to (d) of the FSR development standard (Waverley LEP 2012 Clause 4.4) in that the increase in floor space does not alter the building height or apparent volume of the building when viewed from the street and surrounding residential properties. The proposal complies with the height, wall height and setback controls in the Waverley DCP 2012.

The proposed modifications are generally consistent with the Waverley LEP 2012 objectives of the R2 Low Density zone in that the development provides for the housing needs of the community. Accordingly, approval of the Section 4.55 modification is not contrary to the public interest.

2.2.4 Waverley Development Control Plan 2012 - Amendment No 6 (Waverley DCP 2012)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	The proposed modifications include additional storage space for bins to comply with conditions imposed on the original consent.

Development Control	Compliance	Comment
2. Ecologically sustainable Development	Yes	An amended BASIX certificate has been submitted with the modification application.
3. Landscaping and Biodiversity	No, but condition recommended	<p>The original application sought consent for removal of the two Frangipani trees within the front yard. Council's Tree Management Officer supported the removal of the two Frangipani trees given they had fungal diseases / sunburn. As such, the assessing officer's report supported the removal of the Frangipani trees.</p> <p>Notwithstanding this, in determining the application at the WLPP on 28 August 2019, the Panel included Condition 2, which required the southern Frangipani tree in the front yard to be retained.</p> <p>The applicant is seeking to modify Condition 2 to allow the southern Frangipani tree to be transplanted into the rear yard of Dwelling 2.</p> <p>The proposed transplanting was discussed with Council's Tree Management Officer who advised that while the Frangipani should transplant well, the trees do have fungal diseases/sunburn.</p> <p>Should they wish to transplant, it would need to be accompanied by a Transplantation Methodology Statement prepared by an arborist with a minimum qualification of AQF 5 level. The Tree Management Officer has reiterated that the removal of both Frangipani trees is supported given their current health.</p> <p>In this regard, it is recommended that Condition 2(b) and 2(c) be deleted, and the amended landscape plan be approved. The amended landscape plan includes a Coastal Banksia in the front yard of each dwelling (two trees in total). The Plant Schedule states that the trees have a height of 8m and spread of 6m. The Coastal Banksia trees are included on the preferred Planting List in Annexure B2-1 of the DCP.</p>
14. Excavation	Yes	The proposed modifications slightly increase the extent of excavation to provide for the W/C and pantry on the lower ground floor. The excavation is considered acceptable as it is within the approved building envelope above and setback at least 900mm from the site boundaries.

Table 3: Waverley DCP 2012 – Part C2 – Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> Maximum wall height of 7.5m 	Yes	The modifications do not alter the height of the approved development.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes	The setbacks of the approved development are retained. The proposed infill of the attic level front balcony will not alter the front building line as it is contained within the balcony footprint.
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m 	Yes	The modification does not alter the approved side setbacks.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style & proportions of existing dwelling 	Yes	<p>The proposed infill of the top floor balcony to provide a bathroom does not have an impact on the streetscape. The approved balcony has existing solid side walls and is set behind the first floor roof. As such, the balcony itself and the proposed infill are not expressly visible from the streetscape.</p> <p>The design of the development is not significantly altered by the infill of the balcony.</p>
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows are not to directly face windows to habitable rooms of neighbouring dwellings unless appropriate measures are incorporated into the design. 	Yes	<p>The modifications delete some windows on the side elevations.</p> <p>An additional window is proposed for the first floor ensuite on the side elevations. The proposed ensuite windows are high level and therefore do not have privacy impacts on the neighbouring properties.</p>
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area 	Yes	Overall open space is 203m ² (including balconies/terraces and landscaped areas). This is 43.3% of the site area.
<ul style="list-style-type: none"> Overall landscaped area: 15% of site area 	Yes	Overall landscaped area is 99.4m ² which is 21.2% of the site area.
<ul style="list-style-type: none"> Minimum area of 25m² for private open space 	Yes	Private open space areas exceed 25m ² for each dwelling.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided Outdoor clothes drying area to be provided 	Yes	<p>The front landscaped area comprises 36.3m² of landscaped area which is 50% of the front setback area.</p> <p>Outdoor clothes drying is provided in the rear garden of each dwelling.</p>
2.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property Pool decks on side boundaries must consider visual privacy 	Yes	<p>The proposed modifications to the pools are supported as the setback from the rear boundaries is increased.</p> <p>Condition 2(a) was imposed on the original consent requiring the pool coping to be lowered to ensure visual privacy is maintained. The plans submitted with the modification application reflect that condition. The condition is to remain on the consent (albeit the dwellings renumbered to reflect the standard numbering imposed).</p> <p>Standard conditions regarding pool equipment were previously imposed and will remain on the consent.</p>

2.3 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.4 Suitability of the Site for the Development

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

2.5 Any Submissions

The modification application was notified for 14 days, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

No submissions were received.

2.6 Public Interest

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

3. REFERRALS

3.1 Tree Management

As discussed in the Waverley DCP table above, the modification application was discussed with Council's Tree Management Officer who advised that they still support removal of the two Frangipani trees in the front yard, given they have signs of diseases/sunburn. A condition requiring the planting of a replacement tree in the front and rear yard is recommended.

4. SUMMARY

DA-20/2019 approved by the Waverley Local Planning Panel on 28 August 2019 granted consent for the demolition of the existing dwelling and construction of an attached dual occupancy. The subject modification has been lodged as a Section 4.55(2) application to modify the approved development. The modifications include extension of the lower ground floor into the existing building envelope, enclosing the front balcony on the attic level for use as an ensuite, modifications to windows on the side elevations, extend the rear ground floor deck of each dwelling, modifications to the pools and the provision of decking. The applicant also seeks to modify Condition 2(c) relating to the retention of the Frangipani tree in the front yard and the Lot numbering.

No submissions were received. The application is recommended for approval.

The applicant is a staff member at Waverley Council. The owner of the property is the staff members' spouse. The original application was assessed by external consultant planners. Given the minor nature of the proposed amendments and that the notification period attracted no submissions, this assessment report was prepared by Development Assessment Staff for determination by the Waverley Local Planning Panel.

DBU Decision

The application and assessment report was reviewed by the DBU at the meeting on 4 February 2020 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 Matlawski, B Magistrale, E Finnegan

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Section 4.55 Modification Application be **APPROVED** by the Waverley Local Planning Panel subject to the Conditions in Appendix A:

Report prepared by:

Emma Finnegan
Senior Development Assessment Planner

Date: 6 February 2020

Reason for referral:

- 1 Conflict of interest
- 2 Review of condition imposed by the Panel

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

Bridget McNamara
Manager, Development Assessment (North)

Date: 11 February 2020

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/Deleted Conditions

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

Plan description	Drawing No.	Date	Date received by Council
Site Plan	DA 1.0 D	18/6/2019	2/7/2019
Site Analysis Plan	DA 1.2 B	18/6/2019	2/7/2019
Lower Ground Floor Plan	DA 2.0 D	18/6/2019	2/7/2019
Ground Floor Plan	DA 2.1 D	18/6/2019	2/7/2019
First Floor Plan	DA 2.2 D	18/6/2019	2/7/2019
Upper First Floor Attic	DA 2.3 D	18/6/2019	2/7/2019
Roof Plan	DA 2.4 D	18/6/2019	2/7/2019
Pool Plan	DA 2.5 D	18/6/2019	2/7/2019
Elevations (North Elevation)	DA 3.0 D	18/6/2019	2/7/2019
Elevations (South Elevation)	DA 3.1 D	18/6/2019	2/7/2019
Elevations (East & West Elevation)	DA 3.2 D	18/6/2019	2/7/2019
Sections	DA 4.0 D	18/6/2019	2/7/2019
Window Schedule	DA 12.0 D	18/6/2019	2/7/2019
Window Schedule	DA 12.1 D	18/6/2019	2/7/2019
Window Schedule	DA 12.2 D	18/6/2019	2/7/2019
Window Schedule	DA 12.3 D	18/6/2019	2/7/2019

(i) As amended by the following drawings by Future Flip:

Plan description	Drawing No.	Date	Date received by Council
Cover Sheet	DA 0.0 Issue F	11/11/2019	15/11/2019
Site Analysis Plan	DA 1.2 Issue B	21/01/2019	15/11/2019
Lower Ground Floor Plan	DA 2.0 Issue F	11/11/2019	15/11/2019
Ground Floor Plan	DA 2.1 Issue F	11/11/2019	15/11/2019
First Floor Plan	DA 2.2 Issue E	30/9/2019	15/11/2019
Upper First Floor Attic	DA 2.3 Issue E	30/9/2019	15/11/2019
Roof Plan	DA 2.4 Issue F	11/11/2019	15/11/2019
Pool Plan	DA 2.5 Issue F	11/11/2019	15/11/2019
Elevations (North Elevation)	DA 3.0 Issue E	30/9/2019	15/11/2019
Elevations (South Elevation)	DA 3.1 Issue E	30/9/2019	15/11/2019
Elevations (East & West Elevation)	DA 3.2 Issue E	30/9/2019	15/11/2019
Sections	DA 4.0 Issue F	11/11/2019	15/11/2019
Section 2	DA4.1 Issue E	30/9/2019	15/11/2019
Front Fence Elevation	DA4.4 Issue E	30/9/2019	15/11/2019

(AMENDED DA-20/2019/A)

- (a) Landscape Plan No. LP01-03 Rev E and documentation prepared by R+M Landscape Architecture dated 20/06/2019, and received by Council on 2/7/2019 ~~as amended by condition 2 (b);~~

(i) As amended by Landscape Plans LP01-03 Issue H and documentation prepared by R+M Landscape Architecture dated 12/11/2019, and received by Council on 15/11/2019.

(AMENDED DA-20/2019/A)

- (b) BASIX and NatHERs Certificate;

- (c) Draft Site Subdivision Plan No. DA 1.3, prepared by Future Flip, dated 18/6/2019, and received by Council on 2/7/2019; and

- (d) Schedule of external finishes drawing No.10.0, dated 18/6/2019, and received by Council on 2/7/2019.

(i) As amended by External Finishes drawing DA10.0 Issue E, prepared by Future Flip dated 30/09/2019, and received by Council on 5/11/2019.

(AMENDED DA-20/2019/A)

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The pool areas and associated lawns are to be lowered to reduce privacy impacts on neighbouring dwellings. Within the rear gardens of each site, the eastern most portions between the retaining wall and the rear boundary (which includes the pool and lawn area) are to have the proposed RLs lowered, as follows:

- i) Unit ~~1~~ **2** – from RL.27.20 to no more than RL.27.00. No part of the pool coping or the garden eastward of the retaining wall shall be above RL.27.00.
- ii) Unit ~~2~~ **1** – from RL.27.05 to no more than RL.26.60. No part of the pool coping or garden eastward of the retaining wall shall be above RL.26.60.

~~**(b) The Frangipani tree on the right hand side of the front street side garden is to be retained, and the landscape plan is to be amended accordingly.**~~

~~**(c) The Frangipani tree to the south of the proposed driveway is to be retained, and the landscape plan is to be amended accordingly.**~~

(AMENDED DA-20/2019/A)

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

62. ALLOCATION OF ADDRESS

The redevelopment of the property has led to the following allocation of primary and sub-address numbers for a strata subdivision:

- 11 Hardy Street, North Bondi- primary address location (common property)

The following sub-addressing will apply:

- No. 1/11 Hardy Street for the south allotment ~~proposed Lot 1~~;
- No. 2/11 Hardy Street for the north allotment ~~proposed Lot 2~~.

(AMENDED DA-20/2019/A)

The premises 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 Hardy Street. The primary address numbers are to be positioned on the site prior to the issue of the Occupation Certificate.

The address number for a sub-address site shall consist of the sub-address followed by the number of the primary address site.

The address number for a sub-address site shall not consist of the primary address number on its own.

The address number for a sub-address site shall not consist of the primary address number with an alpha suffix.

Sub-address numbers shall be applied in a logical sequence and within a primary address site shall be unique regardless of the type of the address.

The primary and sub-address numbers are to be positioned on the site prior to the issue of the Occupation/Subdivision certificate and Council notified of the corresponding sub-address numbers to lot number prior to the issue of the Occupation/Subdivision certificate.

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

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

Plan description	Drawing No.	Date	Date received by Council
Site Plan	DA 1.0 D	18/6/2019	2/7/2019
Site Analysis Plan	DA 1.2 B	18/6/2019	2/7/2019
Lower Ground Floor Plan	DA 2.0 D	18/6/2019	2/7/2019
Ground Floor Plan	DA 2.1 D	18/6/2019	2/7/2019
First Floor Plan	DA 2.2 D	18/6/2019	2/7/2019
Upper First Floor Attic	DA 2.3 D	18/6/2019	2/7/2019
Roof Plan	DA 2.4 D	18/6/2019	2/7/2019
Pool Plan	DA 2.5 D	18/6/2019	2/7/2019
Elevations (North Elevation)	DA 3.0 D	18/6/2019	2/7/2019
Elevations (South Elevation)	DA 3.1 D	18/6/2019	2/7/2019
Elevations (East & West Elevation)	DA 3.2 D	18/6/2019	2/7/2019
Sections	DA 4.0 D	18/6/2019	2/7/2019
Window Schedule	DA 12.0 D	18/6/2019	2/7/2019
Window Schedule	DA 12.1 D	18/6/2019	2/7/2019
Window Schedule	DA 12.2 D	18/6/2019	2/7/2019
Window Schedule	DA 12.3 D	18/6/2019	2/7/2019

(i) As amended by the following drawings by Future Flip:

Plan description	Drawing No.	Date	Date received by Council
Cover Sheet	DA 0.0 Issue F	11/11/2019	15/11/2019
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Ground Floor Plan	DA 2.1 Issue F	11/11/2019	15/11/2019
First Floor Plan	DA 2.2 Issue E	30/9/2019	15/11/2019
Upper First Floor Attic	DA 2.3 Issue E	30/9/2019	15/11/2019
Roof Plan	DA 2.4 Issue F	11/11/2019	15/11/2019
Pool Plan	DA 2.5 Issue F	11/11/2019	15/11/2019
Elevations (North Elevation)	DA 3.0 Issue E	30/9/2019	15/11/2019
Elevations (South Elevation)	DA 3.1 Issue E	30/9/2019	15/11/2019
Elevations (East & West Elevation)	DA 3.2 Issue E	30/9/2019	15/11/2019
Sections	DA 4.0 Issue F	11/11/2019	15/11/2019
Section 2	DA4.1 Issue E	30/9/2019	15/11/2019
Front Fence Elevation	DA4.4 Issue E	30/9/2019	15/11/2019

(AMENDED DA-20/2019/A)

(a) Landscape Plan No. LP01-03 Rev E and documentation prepared by R+M Landscape Architecture dated 20/06/2019, and received by Council on 2/7/2019;

- (i) As amended by Landscape Plans LP01-03 Issue H and documentation prepared by R+M Landscape Architecture dated 12/11/2019, and received by Council on 15/11/2019.

(AMENDED DA-20/2019/A)

- (b) BASIX and NatHERs Certificate;

- (c) Draft Site Subdivision Plan No. DA 1.3, prepared by Future Flip, dated 18/6/2019, and received by Council on 2/7/2019; and

- (d) Schedule of external finishes drawing No.10.0, dated 18/6/2019, and received by Council on 2/7/2019.

- (i) As amended by External Finishes drawing DA10.0 Issue E, prepared by Future Flip dated 30/09/2019, and received by Council on 5/11/2019.

(AMENDED DA-20/2019/A)

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The pool areas and associated lawns are to be lowered to reduce privacy impacts on neighbouring dwellings. Within the rear gardens of each site, the eastern most portions between the retaining wall and the rear boundary (which includes the pool and lawn area) are to have the proposed RLs lowered, as follows:
 - i) Unit 2 – from RL.27.20 to no more than RL.27.00. No part of the pool coping or the garden eastward of the retaining wall shall be above RL.27.00.
 - ii) Unit 1 – from RL.27.05 to no more than RL.26.60. No part of the pool coping or garden eastward of the retaining wall shall be above RL.26.60.

(AMENDED DA-20/2019/A)

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

3. BONDI - ROSE BAY SAND BODY

This site is located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted. Works may resume on the site pending receipt of express written permission from the NSW National Parks and Wildlife Service. Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.

4. TREE PRESERVATION

A tree preservation order exists in the Waverley Local Government Area. Any trees not identified in this application have not been assessed and separate consent will be required. The application must be

made in writing to Council prior to removal of tree/trees. Should permission be granted, the applicant will receive a permit to proceed.

5. NEW VEHICLE CROSSING

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

Note: In accordance with DCP Control 2.8.6 the driveway is to be no wider than 3m at the gutter (excluding the splay) and may splay to the property boundary as required.

B. Compliance Prior to Issue of Construction Certificate

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 & 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.

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

7. SECTION 7.12 CONTRIBUTION

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

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

A copy of the required format for the cost reports 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;

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

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

- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended.

Prior to the issue of the amended Construction Certificate, evidence must be provided that the revised 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 or guarantee satisfactory to Council for the amount of \$ **26,650** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

9. LONG SERVICE LEVY

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

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

10. HOARDING REQUIRED

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**.

The hoarding is to be erected on the street alignments of the property prior to the commencement of building operations and be maintained during the course of building operations. Details of the hoarding are to be provided to Council for record and be to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

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

11. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book). A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be included in the plan for any construction site with vehicles entering and existing the site.

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

12. SITE WASTE AND RECYCLING MANAGEMENT PLAN

Demolition and excavated material to be reused and/or recycled wherever possible and detailed in a Site Waste and Recycling Management Plan (SWRMP) Checklist 2 which is to be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate.

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

13. GEOTECHNICAL ENGINEERS REPORT

A Geotechnical Engineers Report is to be submitted which assesses the following;

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The report must make recommendations and conclude that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works.

The report is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises prior to the issue of a Construction Certificate and commencement of any such works on the site.

14. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

15. ENGINEERING DETAILS

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

16. FENCE NOT TO ENCROACH BEYOND BOUNDARIES

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

17. DILAPIDATION REPORTS

A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. This action is designed to assist all parties should damage occur and is not a preventative action. The dilapidation reports should be completed and submitted to the relevant owner of the affected property, Council and the Principal Certifying Authority prior to undertaking any works that may cause damage

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This is not a condition of consent and cannot be used to prevent the commencement of works or prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.

- (d) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

18. STORMWATER DISPOSAL

The location of the proposed development falls outside the infiltration zone. Disposal of stormwater by infiltration is not permitted (Refer to section 3.1.1 & Annexure B, Water Management Technical Manual).

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

19. ON-SITE STORMWATER DETENTION DETAILS

On-Site Stormwater Detention (OSD) tank and its details are required to be submitted and approval by Council prior to the issue of a Construction Certificate. Details to include dimensions, cross & long sections, top water level, details of discharge control pit, orifice plate including orifice diameter and depth of water above centreline of orifice etc.

20. SYDNEY WATER CHECK

As a sewer runs through the property, plans must be presented to a Sydney Water Quick Check Agent for their approval.

21. BASIX

The undertakings provided in the BASIX Certificate and NatHERS documentation shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate.

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

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

22. INSTALLATION OF AIR CONDITIONING

To ensure that the ecological sustainable objectives of the Waverley DCP 2012 – Amendment 6 are met, any air conditioning unit(s) installed within the building shall:

- (a) Be located behind the front building line and if visible suitably screened
- (b) Not be adjacent to neighbouring bedroom windows.

- (c) Not reduce the structural integrity of the building.
- (d) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (e) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (f) before 7.00am and after 10.00pm on any other day.
- (g) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).
- (h) Have sufficient manual or automated controls so it is used only when required;
- (i) Be an energy efficient reverse cycle air conditioning system that achieves as a minimum one star less than the maximum possible under the Australian Government air conditioning energy rating standard.
- (j) New or replacement air conditioning units are to have a minimum 2-star rating for cooling only. Reverse cycle air conditioning units are to have a minimum of 2-star rating on one cycle and 2-star rating on the alternate cycle.
- (k) Dehumidification from air conditioning systems must be harvested and reused on site provided it is treated to an adequate level suitable for the reuse application, otherwise a piped connection to Council's stormwater drainage system is required and there is to be no discharge to the footpath.

23. DOMESTIC HEATERS/ FIREPLACES

The provision of solid fuel heating/cooking appliances (including wood, coal or other solid fuels) is prohibited. In this regard, use of liquid fuels or gaseous fuels such as gas may be used.

24. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

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

25. SERVICE AUTHORITIES

The applicant is to seek approval from the relevant service authorities regarding any possible modification to the existing infrastructure within the vicinity of the site prior to the issue of a

Construction Certificate. This includes, but not limited to, power poles, pits or other underground services.

26. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

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

27. LONG SECTIONS OF DRIVEWAY

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

The long section drawings shall:

1. Be drawn at a scale of 1:25
2. Include reduced levels (RL's) of the Hardy Street carriageway, the kerb and gutter, footpath, paving within the property and the garage floor.
3. Include existing and design levels.
4. Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
5. Show all paving on Council's land being sloped/ drained towards the roadway.

28. SWEPT WHEEL PATH DRAWINGS

Prior to issue of the Construction Certificate, swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, showing the swept wheel path of vehicles entering and exiting each of the garages from Hardy Street shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

The swept wheel path drawings shall:

1. Be drawn for the B85, standard design vehicle as described in AS/NZS 2890.1: 2004 Part 1 Off Street Car Parking.
2. Show the minimum length of driveway layback considered necessary to gain satisfactory access to and from the proposed garages.
3. Show the minimum length of opening and clearances required at the property boundary to cater for the design vehicle swept wheel paths.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

29. PRIOR TO SITE WORKS

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

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

30. HOME BUILDING ACT

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

31. 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.

32. OBSTRUCTION TO PUBLIC AREAS

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building then a hoarding, fencing or awning must be provided to prevent injury and appropriately lit between sunset and sunrise.

33. COMPLIANCE WITH SAFE WORK NSW

All site works are to comply with the occupational health and safety requirements of SAFE WORK NSW.

34. ALL BUILDING MATERIALS STORED ON SITE

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

35. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED

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

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

36. DEMOLITION & SITE PREPARATION

Hazardous or intractable wastes arising from the demolition process are to be removed and disposed of in accordance with the requirements **SafeWork NSW** and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2017;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2014;

37. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

38. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a Licence in accordance with the requirements of SafeWork NSW. Fire damaged asbestos materials can only be cleaned up by licensed asbestos removalists with a Class A (friable) asbestos removal licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by SafeWork NSW and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

39. EXCAVATION TO BE LIMITED

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

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

40. 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.

41. EXCAVATION BELOW FOOTINGS

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

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

42. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

That prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2014. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

43. MANAGEMENT OF ACIDIC SOIL

Should the subject site show evidence of acid sulphate soils, the following shall apply:

- (a) To address issues arising from the natural acidity of the soil on-site, any concrete that is in contact with this soil is to be designed to restrict acid and sulphate attack. The Cement Concrete & Aggregates Australia Technical Note TN68 is to be adhered to for precautionary measures.
- (b) Prior to the commencement of any works, the applicant shall nominate an appropriately qualified Environmental Scientist to supervise the management of acid sulphate soils. The Scientist shall:
 - i. Provide an acceptance in writing to supervise the aforementioned works to ensure compliance with the relevant conditions of Development Consent.
 - ii. On completion of the works certify that the aforementioned works have been constructed in compliance with the approved plans, specifications and conditions of consent.
- (c) The nominated supervising Environmental Scientist shall certify that the management of acid sulphate soil was undertaken in accordance with the Development Consent. Prior to the use or occupation of the building (or Occupation Certificate being issued), the Principal Contractor / Developer shall submit to Waverley Council a copy of the aforementioned Certificate.

44. CONSTRUCTION HOURS

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays
- (c) 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 2000.

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

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

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.

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

46. NATIONAL CONSTRUCTION CODE (NCC)

All building work must be carried out in accordance with the requirements of the National Construction Code.

47. CONSTRUCTION INSPECTIONS

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

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

The specified **MANDATORY** inspections for **DWELLING HOUSES including (Class 1 and 10 Buildings)** are:

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

- (g) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The following additional inspections are required (if relevant to the development) to be undertaken by the PCA:

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

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

48. CERTIFICATE OF SURVEY – LEVELS

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

49. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

50. SERVICE PIPES

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

51. RECONSTRUCT VEHICLE CROSSING

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

52. WORK OUTSIDE PROPERTY BOUNDARY

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

53. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

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

- (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete;
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit.
- (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.
- (e) The finished level of the proposed pool/spa is not to exceed a maximum height of 550 mm above the existing ground level;
- (f) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans **MUST** be submitted to Sydney Water at least fourteen **(14) days prior** to commencement of building operations.

54. NO WORKS BEYOND BOUNDARIES

No portion of the proposed fence, including the footings, is to encroach beyond the boundaries of the subject property.

55. FENCE HEIGHT

The proposed front boundary fencing is to comply with Part C DCP Control 2.4 (Fences). The front fence is not to exceed 1.2m in height. Any solid upstand section should be limited to 600mm in height. The top half of the fence should be an open design with a minimum open area of 50%.

The proposed new side and/or rear boundary fencing around the site is not to exceed a maximum height of 1.8m above the existing ground level of the adjoining property, unless otherwise agreed by the affected neighbour.

55A TREE PROTECTION

Precautions shall be taken when working near the frangipani tree to be retained, 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.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

56. FINAL OCCUPATION CERTIFICATE

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

57. STORMWATER MANAGEMENT

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.

58. SWIMMING POOL/OUTDOOR SPA CERTIFICATION

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

- (a) The swimming pool/outdoor spa is to be constructed in accordance with the Consulting Engineer's design as shown on the approved plans and is not to be filled with water until a Certificate has been submitted by the construction or consulting engineers design.
- (b) The swimming pool/outdoor spa equipment is to be enclosed in a sound proof enclosure to prevent adverse impacts to adjoining properties.
- (c) An approved sign outlining details of resuscitation techniques for adults, children and infants must be placed in a prominent position, close to the pool/outdoor spa, prior it being filling with water. Signs are available from Council.
- (d) Swimming/spa pool pumps are restricted from being used and operated between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008. On the spot fines may be imposed should breaches occur.
- (e) The swimming pool/outdoor spa is to be registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>) and a Certificate of Compliance obtained for the pool barrier is required to be submitted to Council prior to the issue of an Occupation Certificate.
- (f) The swimming pool/outdoor spa is to be fitted with a cover that shall be fitted when the swimming pool/outdoor spa is not in use to minimise evaporation and conserve water.
- (g) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority to ensure all the above is complied with.

59. TELECOMMUNICATIONS IN NEW DEVELOPMENTS

Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Principal Certifier that arrangements have been made for:

- (a) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

Note: real estate development project has the meanings given in section 372Q of the Telecommunications Act.

60. LIGHTING

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

61. EXISTING VEHICLE CROSSING IS TO BE CLOSED

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

62. ALLOCATION OF ADDRESS

The redevelopment of the property has led to the following allocation of primary and sub-address numbers for a strata subdivision:

- 11 Hardy Street, North Bondi- primary address location (common property)

The following sub-addressing will apply:

- No. 1/11 Hardy Street for the south allotment;
- No. 2/11 Hardy Street for the north allotment.

(AMENDED DA-20/2019/A)

The premises 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 Hardy Street. The primary address numbers are to be positioned on the site prior to the issue of the Occupation Certificate.

The address number for a sub-address site shall consist of the sub-address followed by the number of the primary address site.

The address number for a sub-address site shall not consist of the primary address number on its own.

The address number for a sub-address site shall not consist of the primary address number with an alpha suffix.

Sub-address numbers shall be applied in a logical sequence and within a primary address site shall be unique regardless of the type of the address.

The primary and sub-address numbers are to be positioned on the site prior to the issue of the Occupation/Subdivision certificate and Council notified of the corresponding sub-address numbers to lot number prior to the issue of the Occupation/Subdivision certificate.

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

ADVICE TO APPLICANT

Your Construction Certificate will not be issued until all the conditions of consent are satisfied.

SYDNEY WATER REQUIREMENTS

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

DIAL BEFORE YOU DIG

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

TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

Address: 11 Hardy St.,North Bondi NSW 2026
Council: Waverley Council
Lot: 3 DP: 12137 Zoning: R2

Site Area: 467.9 sqm

GFA ((550 - lot area) × 0.0011] + 0.5):1): = 0.59031 276.2sqm
GFA Proposed: (0.68) 319 sqm

Sheet List		
Sheet	Drawing	Revision
DA 0.0	Cover Sheet	F
DA 1.0	BASIX	E
DA 1.1	Site Plan	F
DA 1.2	Site Analysis	B
DA 1.3	Site Subdivision Plan	D
DA 2.0	Lower Ground Floor Plan	F
DA 2.1	Ground Floor Plan	F
DA 2.2	First Floor Plan	E
DA 2.3	Upper First Floor Attic	E
DA 2.4	Roof Plan	F
DA 2.5	Pool Plan	F
DA 3.0	Elevations	E
DA 3.1	Elevations	E
DA 3.2	Elevations	E
DA 4.0	Sections	F
DA 4.1	Sections	E
DA 4.2	Driveway section	E
DA 4.4	Front Fence Elevation	E
DA 5.0	Construction Management	D
DA 5.1	Waste & Recycling Storage Management Plan	D
DA 6.0	Area Calculation Plan	F
DA 7.0	Shadow Diagrams	E
DA 8.0	Solar Study	D
DA 8.1	Solar Study	D
DA 8.2	Solar Study	D
DA 8.3	Solar Study	D
DA 8.4	Solar Study	D
DA 8.5	Solar Study	D
DA 8.6	Solar Study	D
DA 8.7	Solar Study	D
DA 8.8	Solar Study	D
DA 8.09	Building Envelope Solar Analysis	D
DA 10.0	External Finishes	E
DA 12.0	Window Schedule	E
DA 12.1	Window Schedule	E
DA 12.2	Window Schedule	E
DA 12.3	Window Schedule	E

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-20/2019/A
Date Received: 15/11/2019



FUTUREFLIP

INNOVATIVE | BUILDING | CONSTRUCTION

Project: 11 Hardy Street, North Bondi.

F	11.11.19	REVISION
E	30.09.19	SECTION 4.55(2)
D	04.06.19	REVISION
C	23.04.19	REVISION
B	21.01.19	A.W UPDATES

Drawing: Cover Sheet

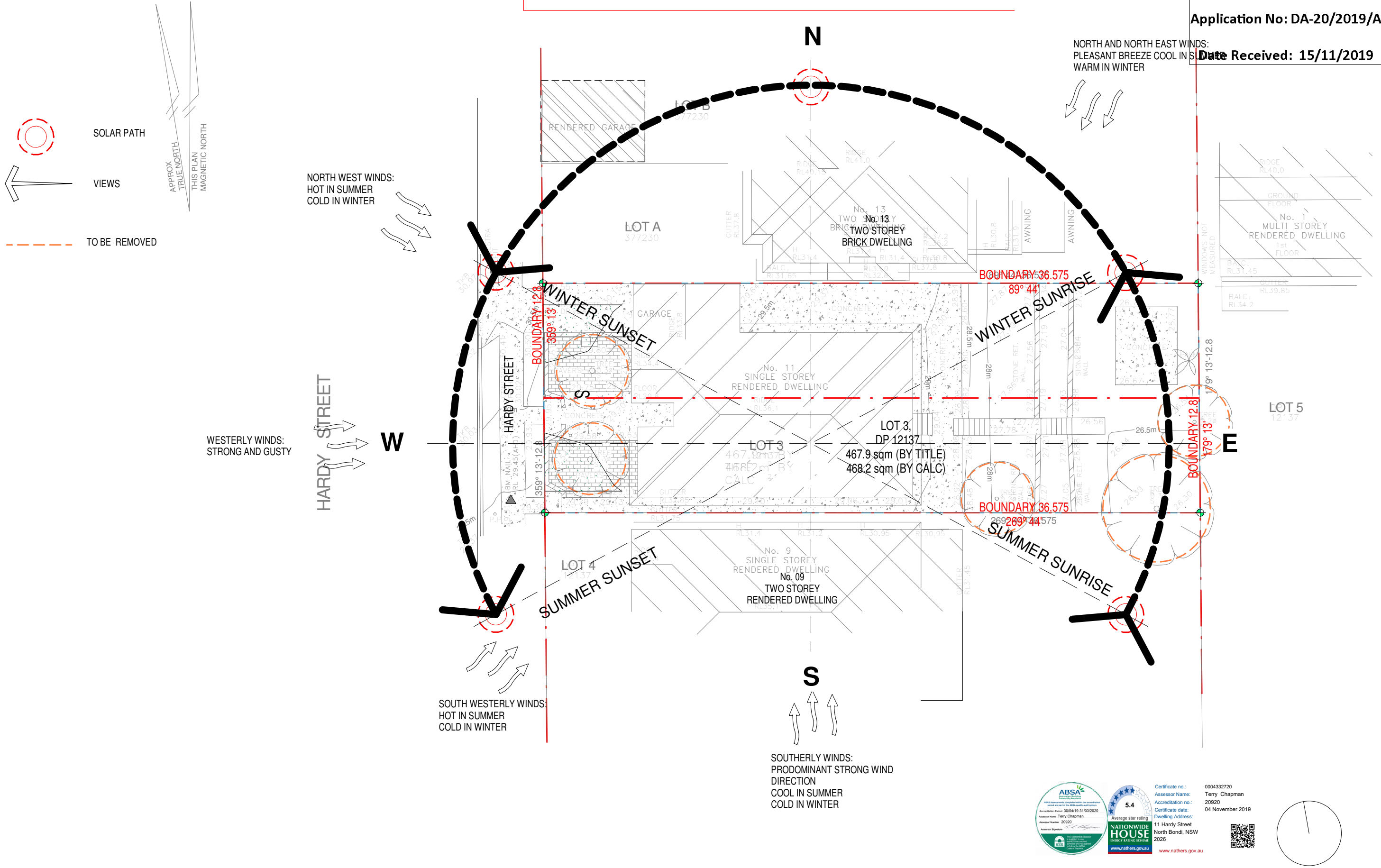
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Date: 11.11.19	18156	DA 0.0	F
Scale:			414

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Date Received: 15/11/2019



FUTUREFLIP

INNOVATIVE | BUILDING | CONSTRUCTION

Project: 11 Hardy Street, North Bondi.

Drawing: Site Analysis

B 21.01.19 A.W UPDATES

Drawn: FF	Project No: 18156	Drawing No: DA 1.2	Issue: B
Date: 11.11.19			
Scale: As indicated			

415

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Application No: DA-20/2019/A
Date Received: 15/11/2019



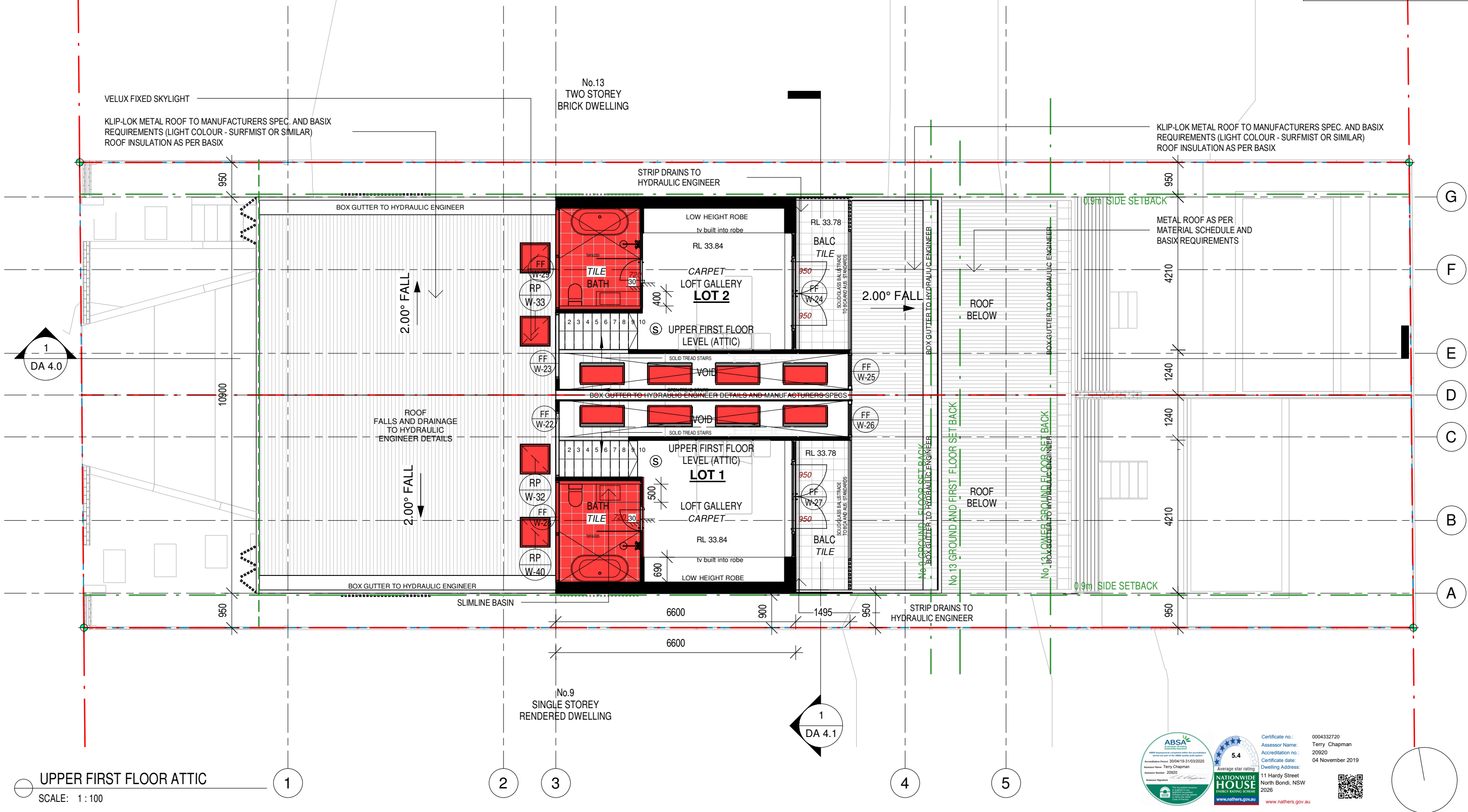
Project: 11 Hardy Street, North Bondi.			Drawing: Lower Ground Floor Plan			
F	11.11.19	REVISION	Drawn: FF	Project No:	Drawing No:	Issue:
E	30.09.19	SECTION 4.55(2)	Date: 11.11.19	18156	DA 2.0	F
D	04.06.19	REVISION	Scale: 1 : 100			

AMENDED PLANS

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Application No: DA-20/2019/A

Date Received: 15/11/2019



UPPER FIRST FLOOR ATTIC

SCALE: 1 : 100

FUTURE FLIP
INNOVATIVE | BUILDING | CONSTRUCTION

Project: 11 Hardy Street, North Bondi.

Drawing:

Upper First Floor Attic

E 30.09.19 SECTION 4.55(2)
D 04.06.19 REVISION

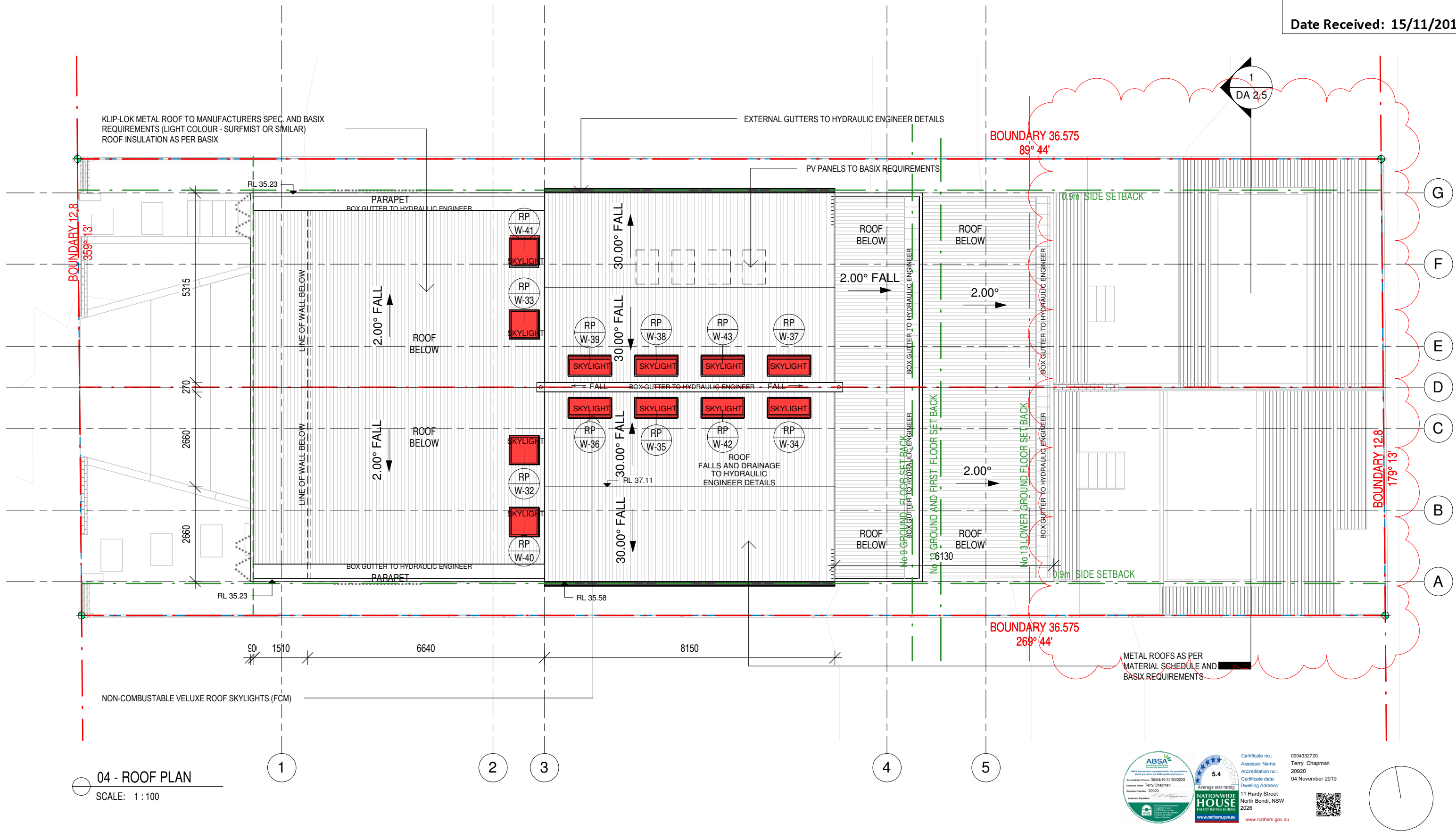
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AMENDED PLANS

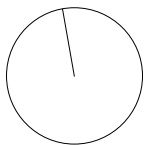
RECEIVED
Waverley Council

Application No: DA-20/2019/A

Date Received: 15/11/2019



Certificate no.: 0004332720
Assessor Name: Terry Chapman
Accreditation no.: 20920
Certificate date: 04 November 2019
Dwelling Address: 11 Hardy Street North Bondi, NSW 2026
www.nathers.gov.au



FUTUREFLIP
INNOVATIVE | BUILDING | CONSTRUCTION

Project: 11 Hardy Street, North Bondi.

Drawing:
Roof Plan

F	11.11.19	REVISION
E	30.09.19	SECTION 4.55(2)
D	04.06.19	REVISION

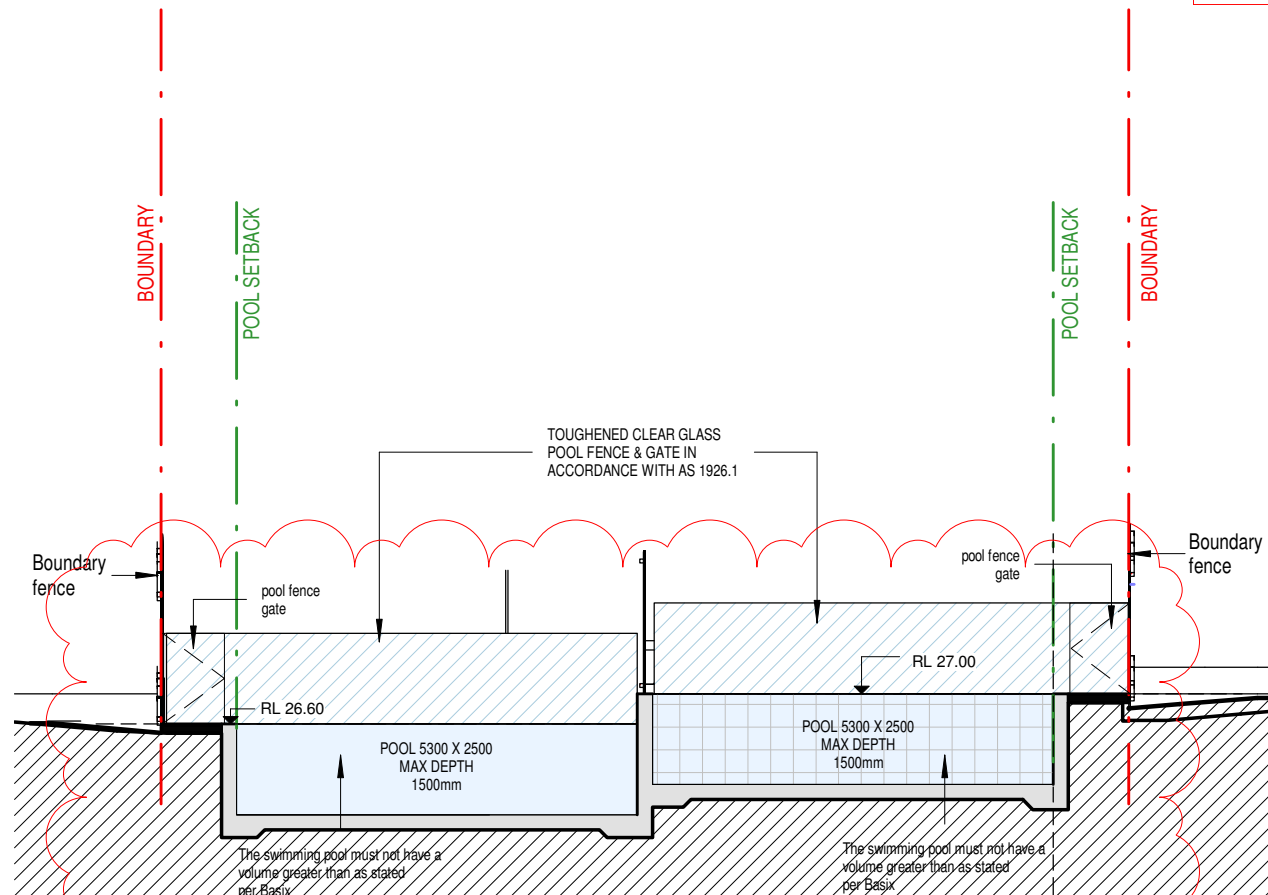
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Scale: 1:100			420

AMENDED PLANS

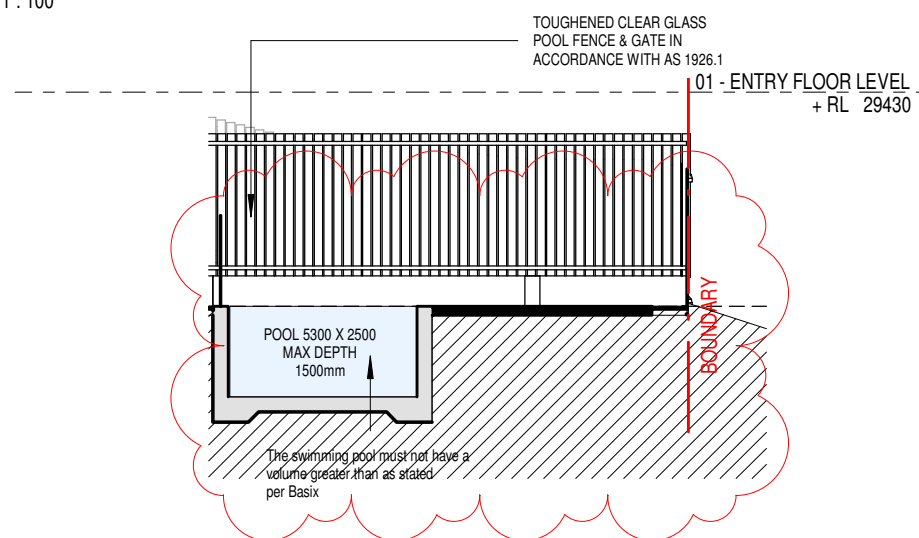
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Application No: DA-20/2019/A

Date Received: 15/11/2019



POOL SECTION 1
SCALE: 1:100

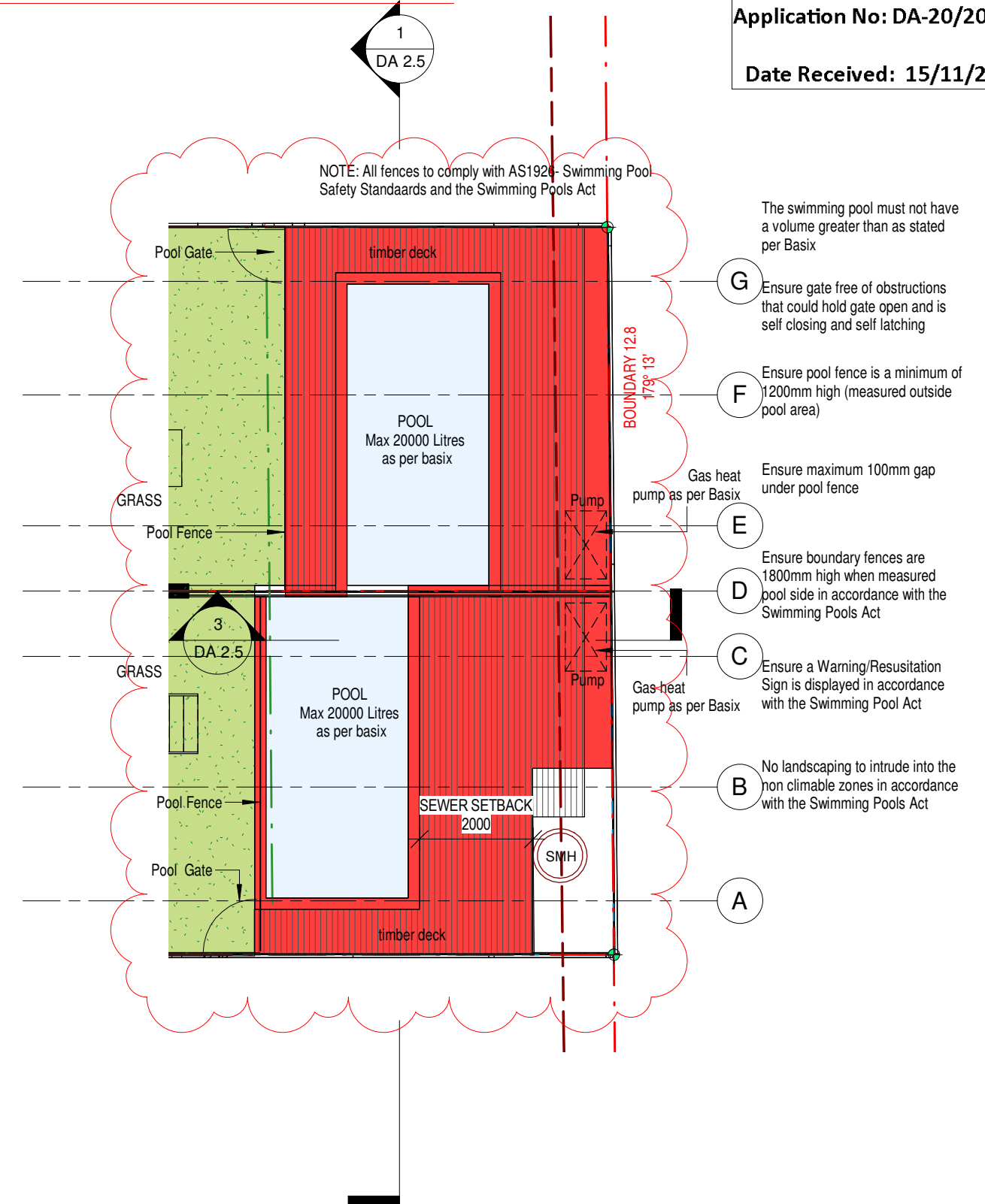


POOL SECTION 2
SCALE: 1:100

Ensure pool fence is a minimum of 1200mm high (measured outside pool area)

Ensure boundary fences are 1800mm high when measured pool side in accordance with the Swimming Pools Act

Ensure a Warning/Resuscitation Sign is displayed in accordance with the Swimming Pool Act



The swimming pool must not have a volume greater than as stated per Basix

G Ensure gate free of obstructions that could hold gate open and is self closing and self latching

F Ensure pool fence is a minimum of 1200mm high (measured outside pool area)

E Ensure maximum 100mm gap under pool fence

D Ensure boundary fences are 1800mm high when measured pool side in accordance with the Swimming Pools Act

C Ensure a Warning/Resuscitation Sign is displayed in accordance with the Swimming Pool Act

B No landscaping to intrude into the non climable zones in accordance with the Swimming Pools Act

A



Certificate no.: 0004332720
Assessor Name: Terry Chapman
Accreditation no.: 20920
Certificate date: 04 November 2019
Average star rating: 5.4
Dwelling Address: 11 Hardy Street North Bondi, NSW 2026
www.nathers.gov.au



FUTURE FLIP
INNOVATIVE | BUILDING | CONSTRUCTION

Project: 11 Hardy Street, North Bondi.

Drawing: Pool Plan

Revision	Date	Description
F	11.11.19	REVISION
E	30.09.19	SECTION 4.55(2)
B	21.01.19	A.W UPDATES

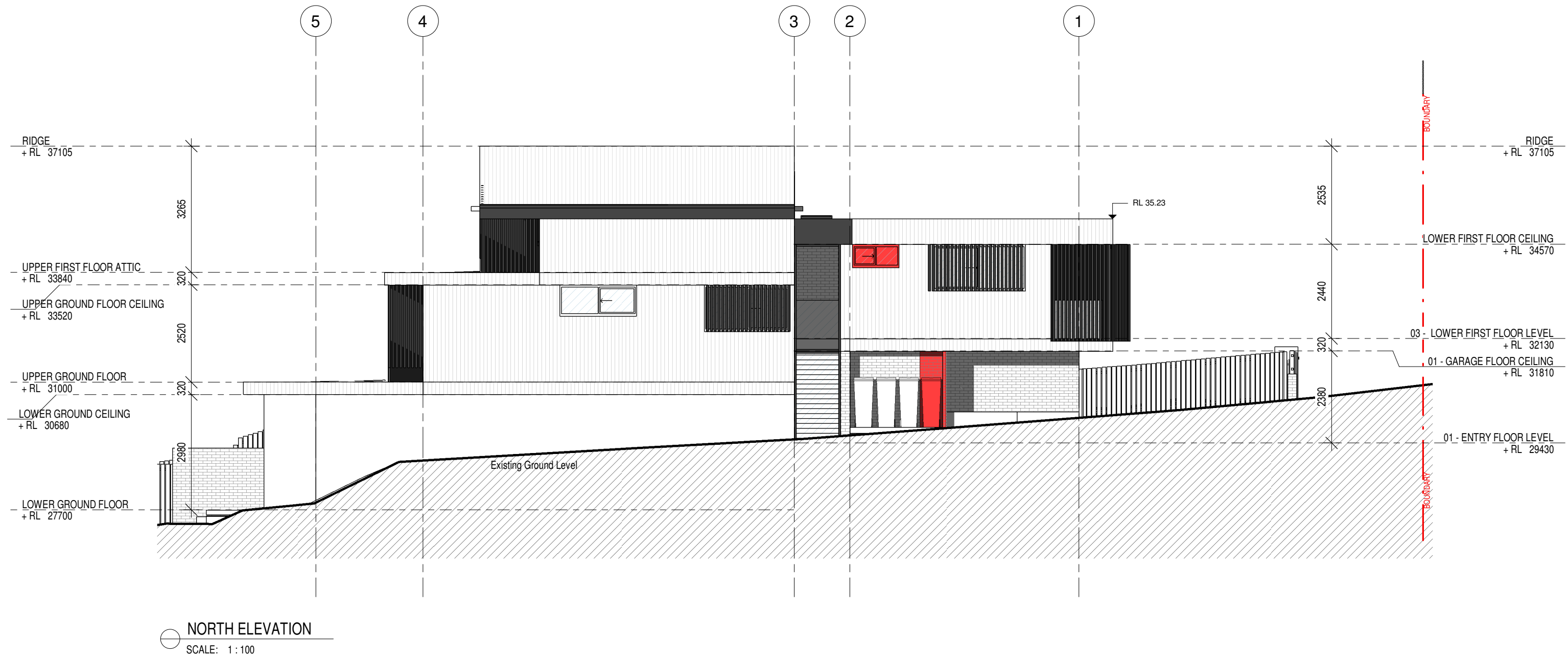
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FF	18156	DA 2.5	F
Date: 11.11.19			
Scale: 1:100			

AMENDED PLANS

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Waverley Council

Application No: DA-20/2019/A

Date Received: 15/11/2019



FUTUREFLIP
INNOVATIVE | BUILDING | CONSTRUCTION

Project: 11 Hardy Street, North Bondi.

Drawing:
Elevations

E	30.09.19	SECTION 4.55(2)
D	04.06.19	REVISION

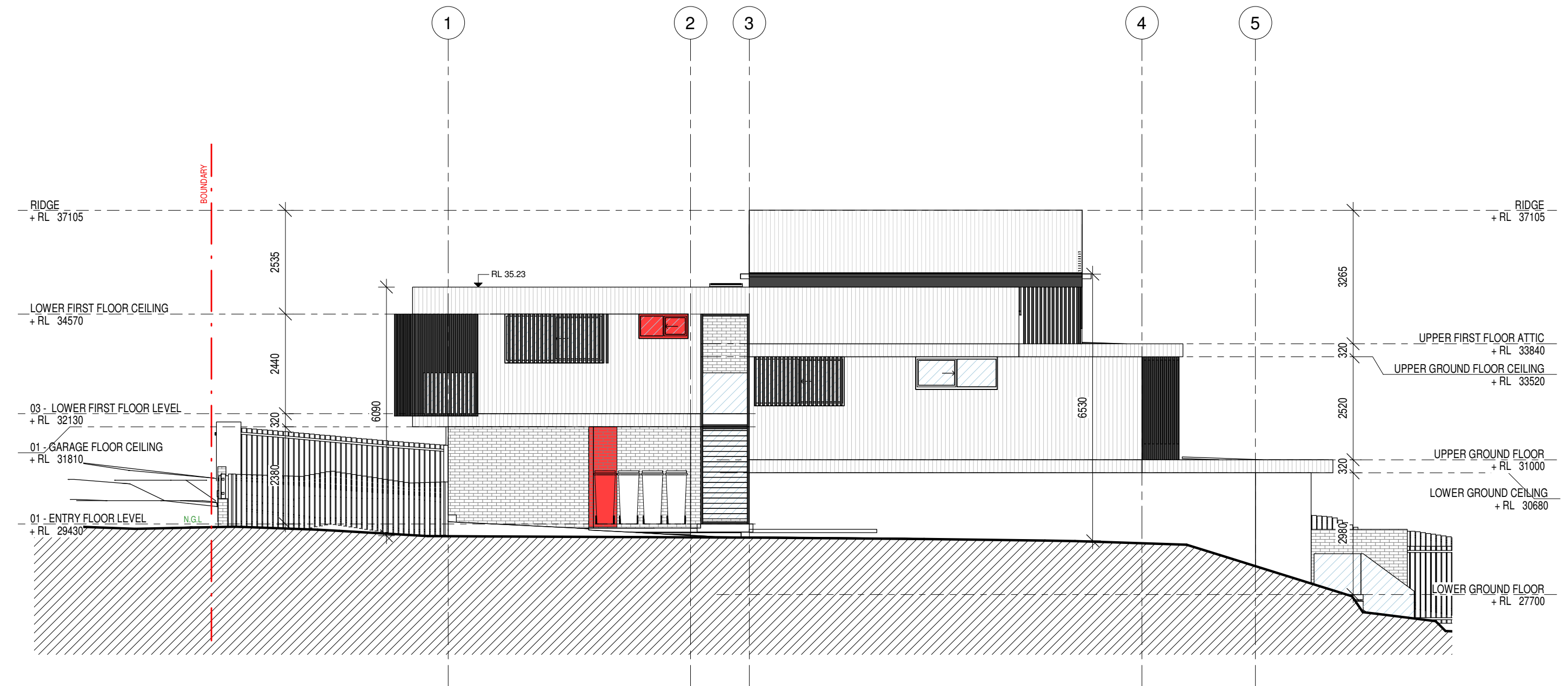
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Date: 11.11.19	18156	DA 3.0	E
Scale: 1:100			422

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Application No: DA-20/2019/A

Date Received: 15/11/2019



SOUTH ELEVATION
SCALE: 1:100



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INNOVATIVE | BUILDING | CONSTRUCTION

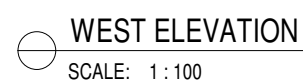
Project: 11 Hardy Street, North Bondi.

Drawing:
Elevations

E	30.09.19	SECTION 4.55(2)
D	04.06.19	REVISION

Drawn: FF	Project No:	Drawing No:	Issue:
Date: 11.11.19	18156	DA 3.1	E
Scale: 1:100			423

EAST ELEVATION
SCALE: 1 : 100

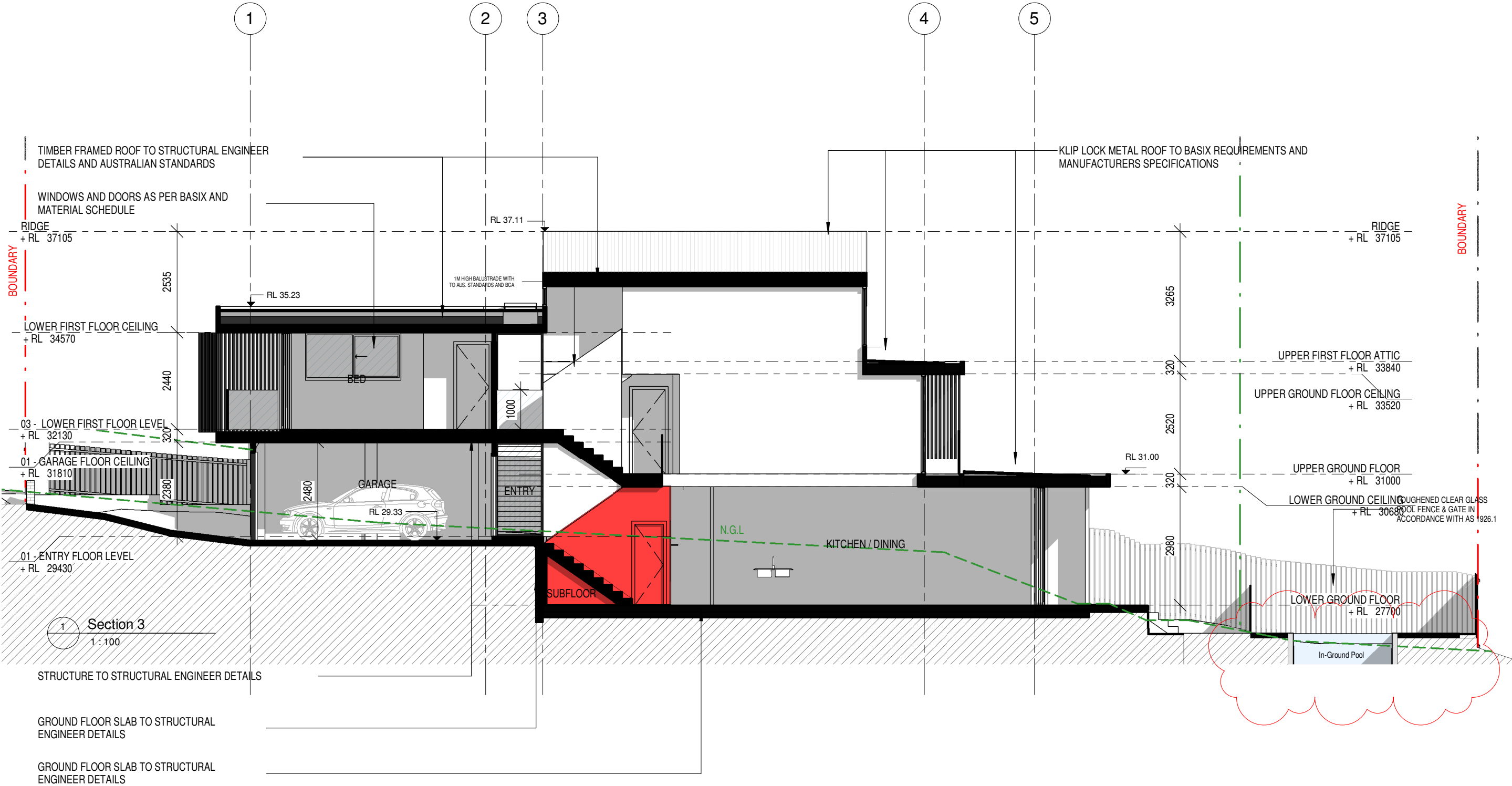


FUTURE FLIP
INNOVATIVE | BUILDING | CONSTRUCTION

Drawn: FF	Project No:	Drawing No:	Issue:
Date: 11.11.19	18156	DA 3.2	E
Scale: 1 : 100			

AMENDED PLANS

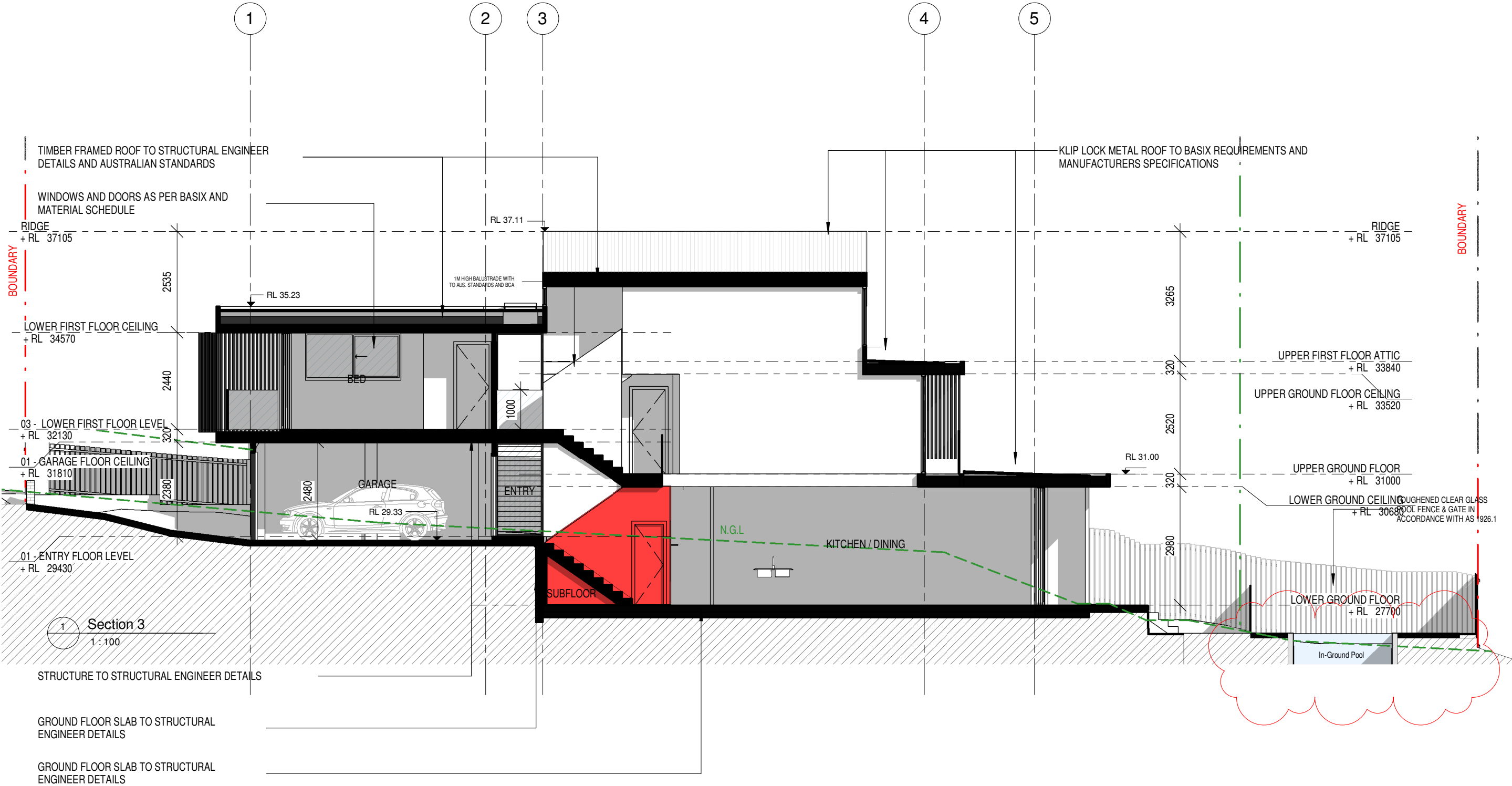
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Waverley Council
Application No: DA-20/2019/A
Date Received: 15/11/2019



Project: 11 Hardy Street, North Bondi.			Drawing: Sections		
F	11.11.19	REVISION	Drawn: FF	Project No:	Drawing No:
E	30.09.19	SECTION 4.55(2)	Date: 11.11.19	18156	DA 4.0
D	04.06.19	REVISION	Scale: 1 : 100		
			Issue:	F	

AMENDED PLANS

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Waverley Council
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Average star rating: 5.4
Dwelling Address: 11 Hardy Street, North Bondi, NSW 2026
www.nathers.gov.au



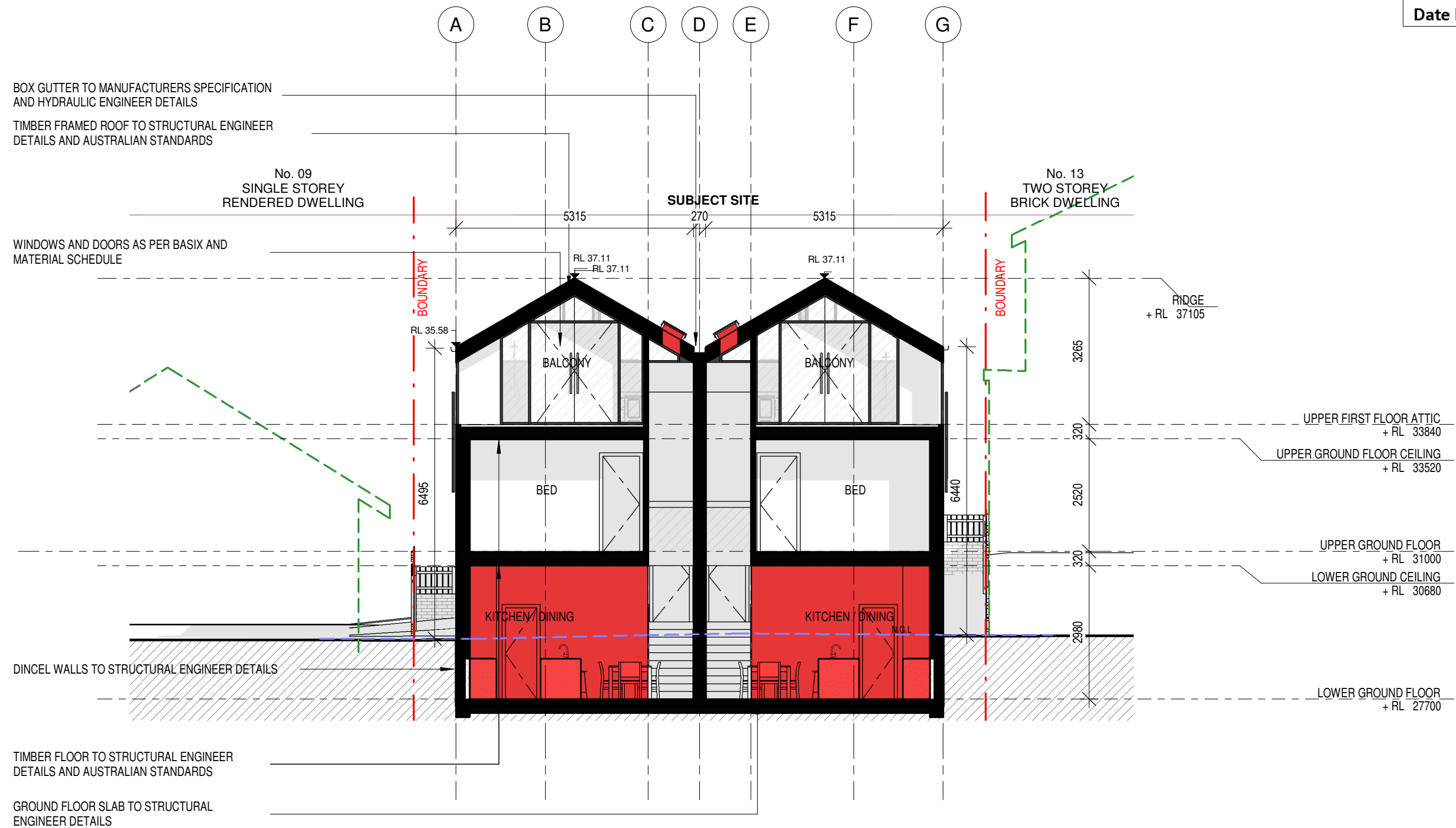
FUTUREFLIP
INNOVATIVE | BUILDING | CONSTRUCTION

Project: 11 Hardy Street, North Bondi.

Drawing: Sections

F	11.11.19	REVISION
E	30.09.19	SECTION 4.55(2)
D	04.06.19	REVISION

Drawn: FF	Project No: 18156	Drawing No: DA 4.0	Issue: F
Date: 11.11.19			
Scale: 1:100			



Section 2
SCALE: 1 : 100




ABSA
Accredited Assessor



NATATIONWIDE
HOUSE
ENERGY RATING SCHEME

Certificate no.: 0004332720
Assessor Name: Terry Chapman
Accreditation no.: 20920
Certificate date: 04 November 2019
Dwelling Address: 11 Hardy Street
North Bondi, NSW
2026



AMENDED PLANS

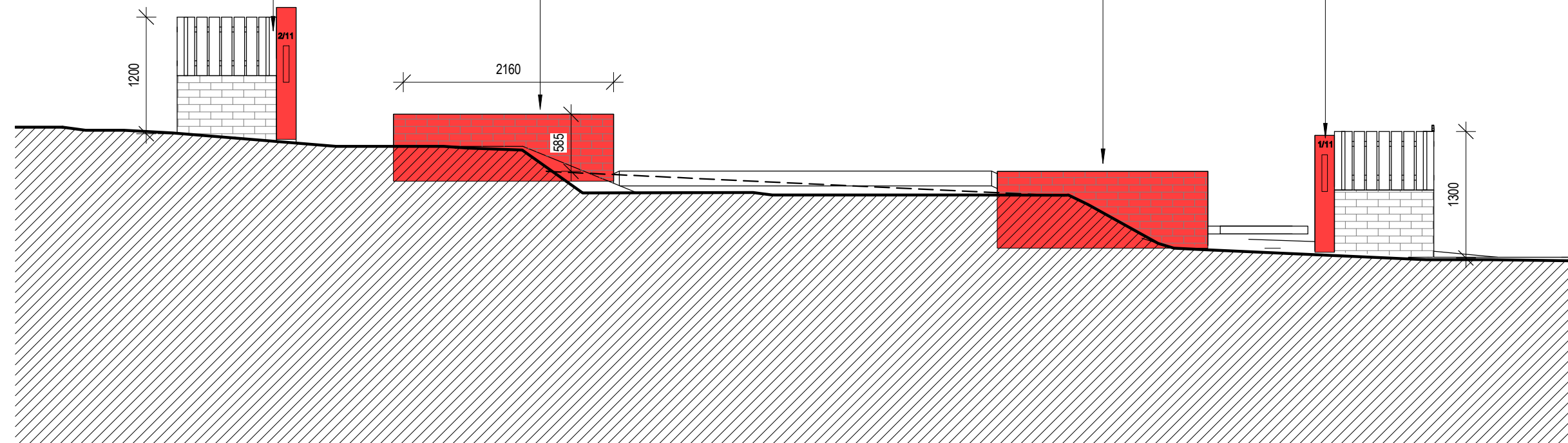
RECEIVED
Waverley Council

Application No: DA-20/2019/A

Date Received: 15/11/2019

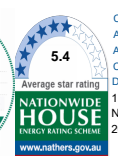
0.6m HIGH FENCE WITHIN 2M
OF DRIVEWAY AS PER
TRAFFIC ENGINEER REPORT

LETTERBOX
AND NUMBER SIGNAGE
AS PER COUNCIL
CONDITIONS



LETTERBOX
AND NUMBER SIGNAGE
AS PER COUNCIL
CONDITIONS

FENCE ELEVATION
SCALE: 1 : 50



Certificate no.: 0004332720
Assessor Name: Terry Chapman
Accreditation no.: 20920
Certificate date: 04 November 2019
Dwelling Address:
11 Hardy Street
North Bondi, NSW
2026
www.nathers.gov.au



FUTURE FLIP
INNOVATIVE | BUILDING | CONSTRUCTION

Project: 11 Hardy Street, North Bondi.

Drawing:

Front Fence Elevation

E 30.09.19 SECTION 4.55(2)
D 04.06.19 REVISION

Drawn: FF
Date: 11.11.19
Scale: 1 : 50

Project No:
18156

Drawing No:
DA 4.4

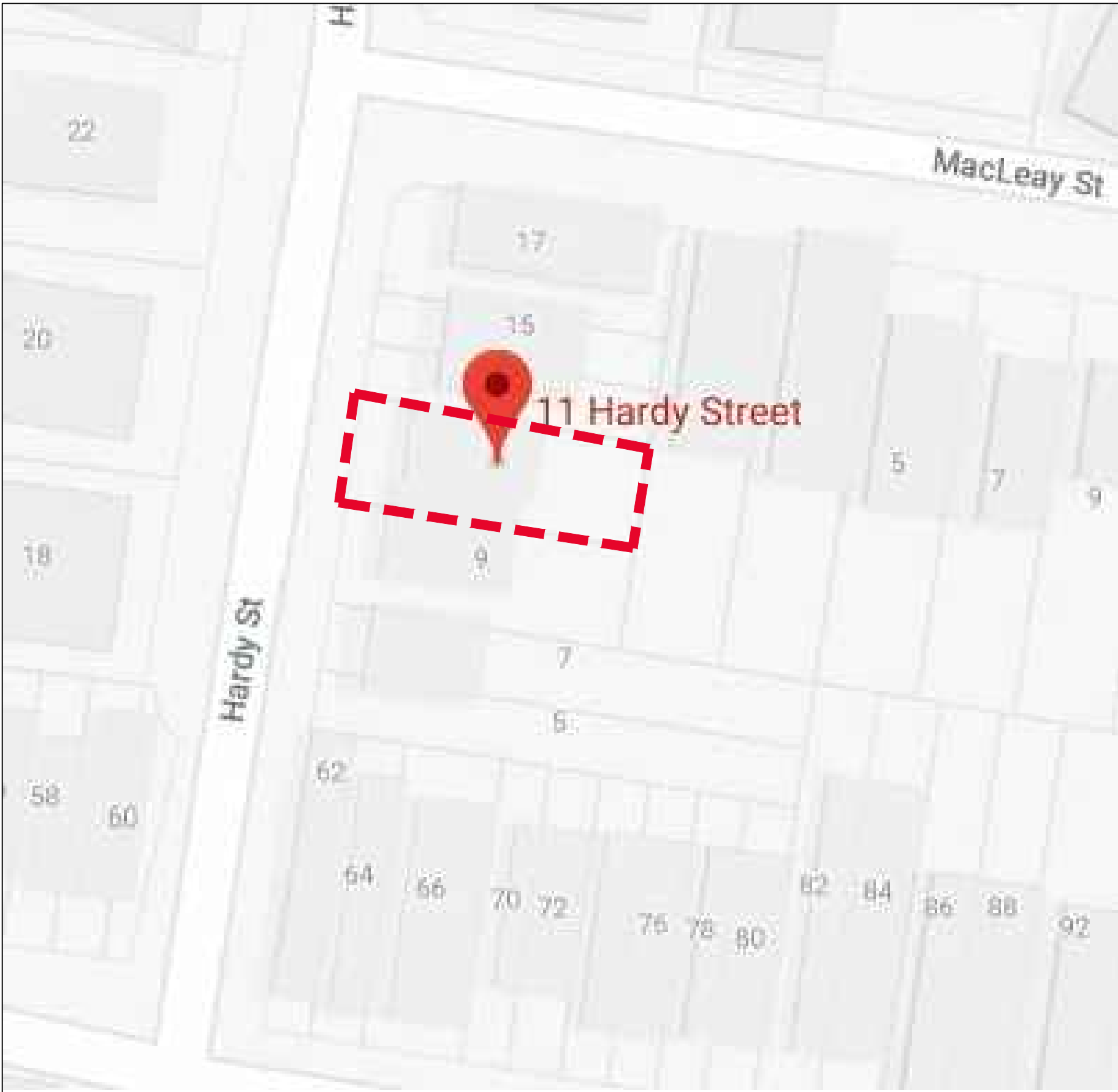
Issue:

E

428

Landscape Development Application

11 Hardy Street North Bondi, NSW



Location Map



LANDSCAPE DRAWING REGISTRY

DRAWING NUMBER	DRAWING TITLE	ISSUE	SCALE	PAGE
LP01	LANDSCAPE TITLESHEET	H	NTS	1 OF 3
LP02	LANDSCAPE PLAN	H	1:100	2 OF 3
LP03	LANDSCAPE DETAILS	H	AS SHOWN	3 OF 3

PROTECTION OF EXISTING TREES

Existing trees are to be protected and maintained during the course of construction. The contractor is to abide by council regulations relating to any trees nominated in DA approval, which will require all on-site trees to be provided with a 1800mm high fully supported chainmesh to minimise disturbance to existing ground conditions within the canopy drip line for the duration of construction works. "Tree Protection Zone" is to be attached to the protective fence.

PLANTS

All plants which have been declared, pursuant to section 7 & 8 of the Noxious Weed Act 1993, to be Noxious Weeds within the area of Waverly Municipal Council shall be removed on site and replaced with appropriate indigenous or native species.

All labels are to remain on plants and delivery receipts or copies of plant purchases, stating the species, amount, and container sizes of plants, shall be made available to Council's Construction Services or Private Certifier to facilitate certification that the landscape plan and conditions of consent have been implemented.

STREET NUMBER

A street number is to be placed on site in a readily visible location, (numbers having a height of not less than 75mm) prior to occupation of the building.

MAINTENANCE SCHEDULE

The consolidation program shall include, but not limited to, the following items:

Routine Maintenance. Provide routine maintenance for a period of six months after practical completion. Program to include but not limited to plant establishment, watering, mowing, fertilising, weeding, staking, pruning, mulching, pest and disease control and generally maintaining the site in a neat and tidy condition.

Watering: Watering of plants and turf should be done in conjunction with current Sydney Water watering restrictions.

Fertilising. Apply an appropriate lawn fertiliser, at manufacturer's rates, after 6 weeks of installation. Ensure fertiliser is adequately watered and evenly dispersed for healthy even lawn growth.

Mulch of garden beds must adhere to Australian Standard AS4454.

Lawns. Repair lawns in all failed areas.

Disease and Pest Control. If pathological disease or insect pests appear, they are to be controlled using organic methods or pest and disease control. Failing this, chemical sprays may be used, at manufacturer's rates, with prior consent of client.

Replacement. Defects including any dead or unhealthy plant must be replaced or treated within 3 weeks. Missing, dead or unhealthy plants are to be replaced with plants of similar size and quality and identical species/variety, unless a substitution has been approved by Council.

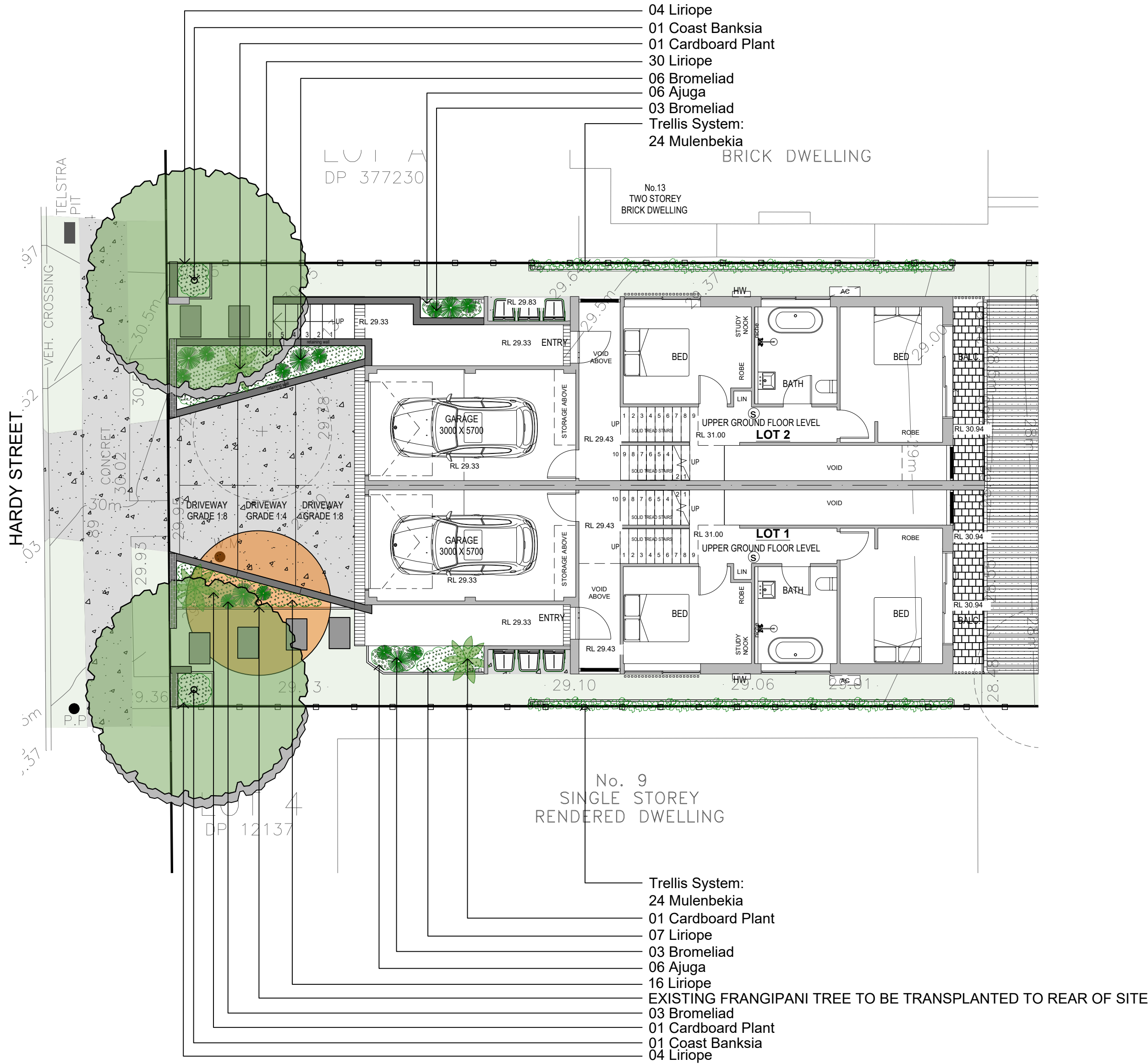
Any Pruning must be carried out to meet Australian Standards AS4373 'Pruning of Amenity Trees' and shall comply with Council's Tree Preservation Order.

Making Good. The contractor shall make good erosion of soil or subsidence which may occur, at no contract variation.

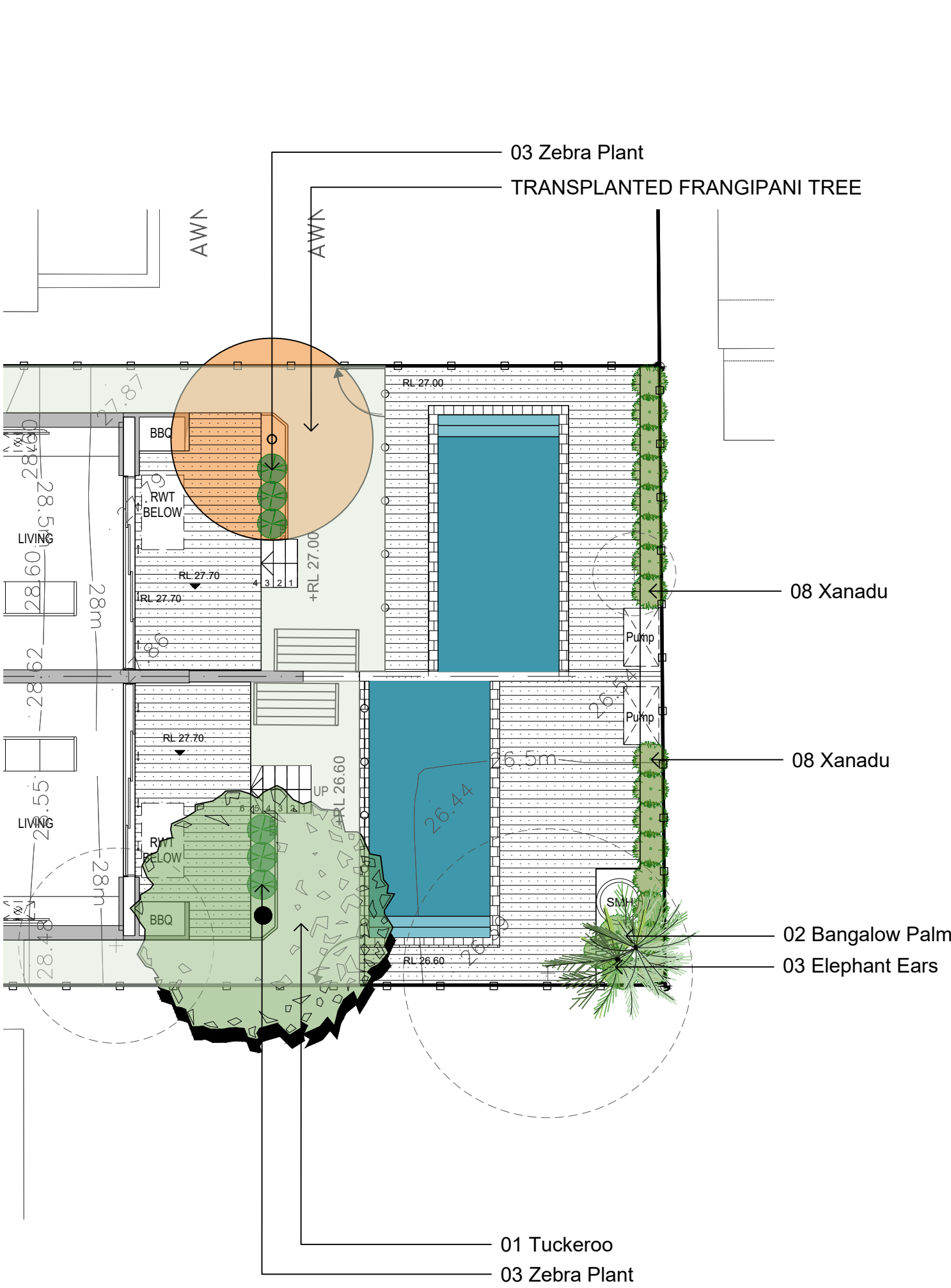
LEGEND

	property boundary
	existing trees to be removed subject to Council approval
	transplanted tree: existing and proposed location, refer to plan
	proposed tree planting, refer to plant schedule
	proposed palm planting, refer to plant schedule
	proposed screen/hedge planting, refer to plant schedule
	accent planting, refer to plant schedule
	climbing plants
	extent of mass planting areas, refer to plant schedule
	extent of new turf areas, soft leaf buffalo
	stairs
	extent of steel garden edging
	proposed 1.2m high pool fence compliant to the relevant pool regulations and standards
	proposed 1.8m boundary fence
	gate to match fence type
	extent of unit paving to architects specification
	concrete pavement to engineers detail: honed and exposed
	timber decking
	masonry retaining walls (900mm high max to engineers detail)
	600 x 900 precast concrete stepping stones on compacted base coarse.
	clothes drying
	pool
	+RL 00.00 proposed RL
	bins storage

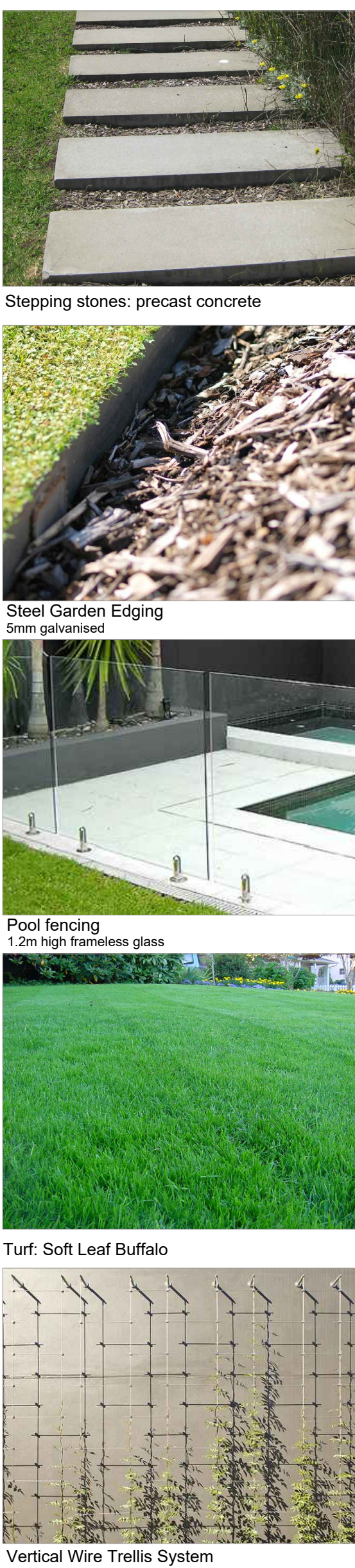
GROUND FLOOR



LOWER GROUND FLOOR



MATERIAL PALETTE

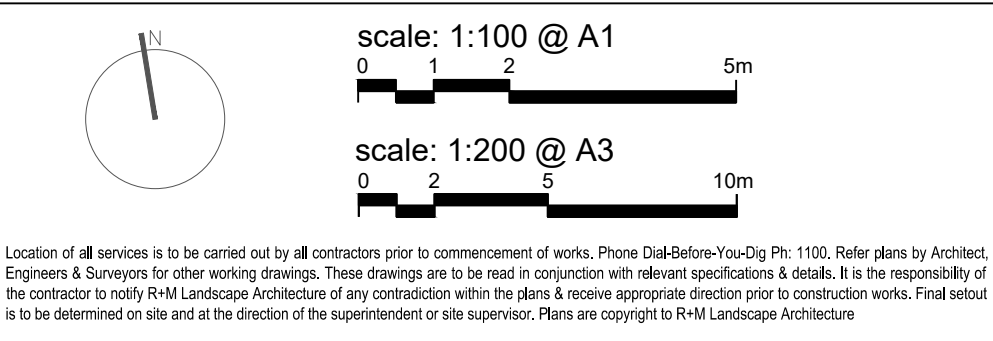


PLANTING PALETTE



Plant Schedule									
Code	Botanical Name	Hybrids/ Cultivars	Common Name	Height (m)	Spread (m)	Indigenous	Pot Size	Spacing	Qty
Trees									
Ba in	Banksia integrifolia		Coast Banksia	8.0	6.0	Y	45 L	as shown	2
Cu an	Cuapniopsis anacardioides		Tuckeroo	7.0	4.0	Y	45L	as shown	1
Palms									
Ar cu	Archontophoenix cunninghamiana		Bangalow Palm	12.0	4.0		100 L	as shown	4
Shrubs									
Br sp	Vrieseas spp		Bromeliad	0.4	0.4		200mm	as shown	15
Ca ze	Calathea Zebrina		Zebra Plant	0.5	0.5		200mm	as shown	6
Co sp	Colocasia spp		Elephant Ears	5.0	5.0		200mm	as shown	3
Ph xa	Philodendron	Xanadu	Xanadu	0.7	0.7		200mm	as shown	16
Za fu	Zamia furfuracea		Cardboard Plant	1.0	1.0		200mm	as shown	3
Groundcovers & Grasses									
Aj re	Ajuga reptans	Catlin's Giant	Bugle Weed	0.2	1.0		Virotube	6 /m ²	12
Lr sp	Liriope spicata	Just Right	Lilly Turf	0.3	0.3		Virotube	5 /m ²	61
Climbers / Scramblers									
Mu co	Muehlenbeckia complexa		Maidenhair Vine	0.2	2.0		Virotube	0.5 centres	48

Issue	Comments	Date
A	draft for client / architect review	28.11.18
B	FOR DA APPROVAL	06.12.18
C	FOR DA APPROVAL	19.12.18
D	FOR DA APPROVAL	18.06.19
E	FOR DA APPROVAL	20.06.19
F	AMENDED FOR APPROVAL	10.09.19
G	AMENDED FOR APPROVAL	04.11.19
H	AMENDED FOR APPROVAL	12.11.19



Client

Architect:



Landscape Architect:

R+M Landscape Architecture
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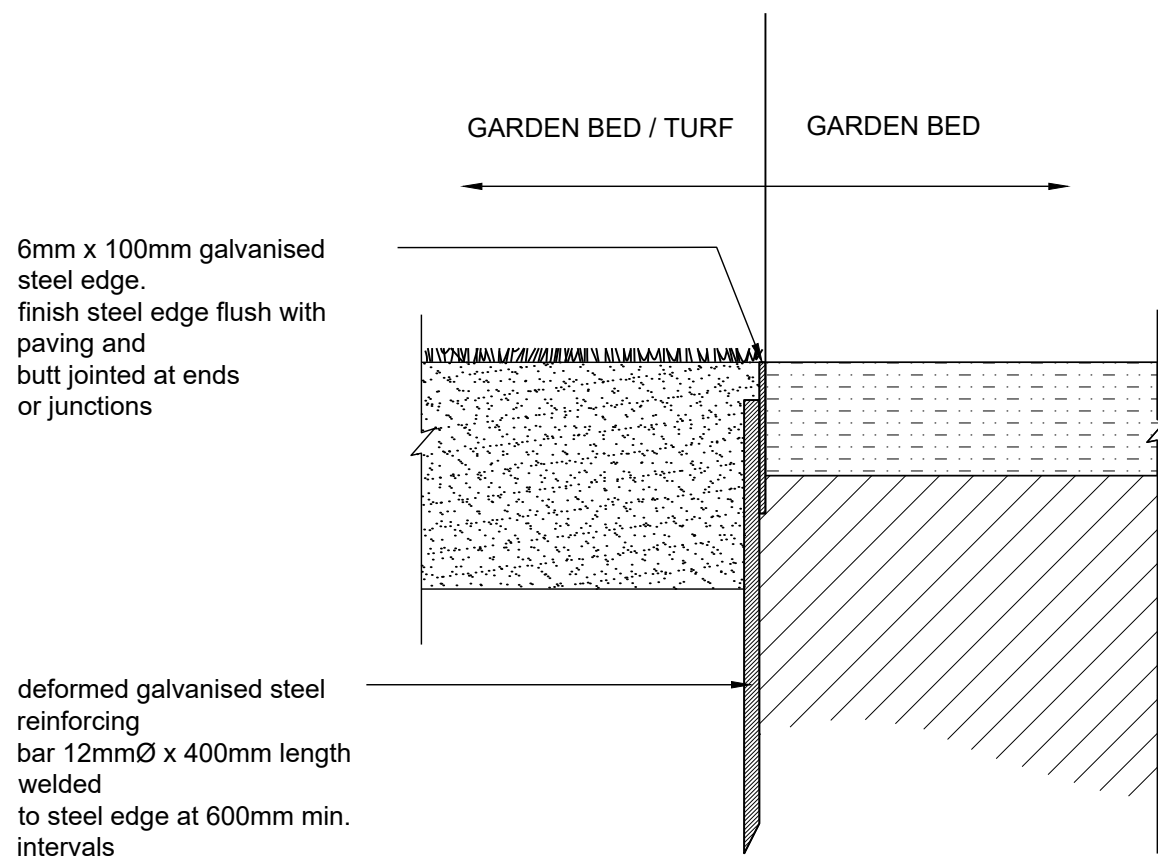
Project:
11 HARDY STREET
NORTH BONDI NSW
Drawing Title:
LANDSCAPE PLAN

Date:
Nov 2018
Scale:
1:100 @ A1

Drawing Number:
LP02

Issue:

H



2 STEEL GARDEN EDGING



Report to the Waverley Local Planning Panel

Application number	DA-379/2019
Site address	2/79 Oceanview Avenue, DOVER HEIGHTS
Proposal	Alterations and additions to attached dual occupancy unit 2.
Date of lodgement	27 November 2019
Owner	Mr A N Lewy
Applicant	DRE Design
Submissions	Nil
Cost of works	\$497,695
Issues	FSR non-compliance, View Loss, Bulk.
Recommendation	That the application be APPROVED IN PART



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 9 January 2020.

The site is identified as Lot 2 in SP 92728, known as 2/79 Oceanview Avenue, DOVER HEIGHTS. The site is irregular in shape with a northern street front boundary measuring 11.125m, eastern side boundary measuring 35.38m fronting the ocean, southern rear boundary measuring 14.73m and western side boundary measuring 35.205m. The site has an area of 457m² and the site falls from the front of the property towards the rear.

The site is occupied by a three storey dual occupancy development with vehicular access to two garages at the front of the site. The subject site is adjoined by a residential flat building at the western side boundary and adjoins Council's coastal reserve at the eastern side boundary. The locality is characterised by a variety of residential developments including dwellings and dual occupancies.



Figure 1: Site viewed from Oceanview Avenue.



Figure 2: Existing rear terrace area.



Figure 3: Site viewed from reserve looking west.

1.2 Relevant History

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

- **L-612/2000** A development application for the construction of alterations to the existing dwelling to convert it to a dual occupancy and strata subdivision into two allotments was approved at a Council meeting held on 23 April 2002, subject to conditions. The following conditions of the consent are of note:
 2. *The length of the ground floor level (upper residential unit) is to be reduced in length to 15.8m to prevent obscuring unit one balcony of the adjoining premises.*
 3. *The length of the garage be reduced by 500mm from the rear (Close to the line with Unit 2/67 window frame closest to the street).*
 4. *Delete trafficable paved area/terrace at the rear of the garages at the first floor level and delete the door opening in the rear walls of the garages.*
 7. *To protect the amenity of the adjoining premises, the proposed steel framed pergola over the terrace at the rear of the ground floor level is to be deleted.*
 8. *To preserve the outlook from adjoining premises and the street, the proposed balustrades to the terraces and the elevated driveway to be an open design comprising of stainless steel post and top rail with stainless steel wire and in this regard, specific details are to be submitted for the approval of Council prior to the issue of construction certificate.*
 9. *To preserve the outlook over the adjacent reserve, no fences or gates are to be constructed across the elevated driveway.*
 6. *To improve the outlook form adjoining premises, the width of the eaves on the eastern side of the garage roof being reduced to a maximum of 500mm.*
 8. *The roof finishes shall be non-reflective so as to reduce impact on adjoining properties.*
 9. *To reduce impact on the adjoining parkland, the proposed driveway access ramp and slab is to be shield by appropriate landscaping.*
 47. *The height of the garage doors are to be a minimum of 2100mm.*
- **DA-248/2003** A development application for the construction of a new dual occupancy development and swimming pool was approved on 27 August 2003, subject to conditions. This application differs from the previous application as it proposed to demolish the entire existing dwelling and construct the development as a new building. It was noted that the height, bulk and scale of the development was much the same as previously approved. The following conditions are of note:
 41. *The height of the garage doors are to be a minimum of 2100mm.*
 54. *To preserve the outlook from adjoining premises and the street, the proposed balustrades to the terraces and the elevated driveway to be*

an open design comprising of stainless steel post and top rail with stainless steel wire and in this regard, specific details are to be submitted for the approval of Council prior to the issue of construction certificate.

55. To preserve the outlook over the adjacent reserve, no fences or gates are to be constructed across the elevated driveway.

56. The roof finishes shall be non-reflective so as to reduce impact on adjoining properties.

57. To reduce impact on the adjoining parkland, the proposed driveway access ramp and slab is to be shield by appropriate landscaping.

- **BC-89/2005** A building certificate was lodged to seek approval for a range of unauthorised works on the premises in relation to **DA-248/2003**. It was resolved that the building certificate could not be issued until the development application and the compliance issues had been resolved. Therefore, the building certificate was deferred.

- **DA-248/2003/A** A modification application was lodged, seeking consent for alterations and additions including new retaining wall and concrete roof changes. The modification application was approved on 30 May 2005, subject to the following:

- 1. Compliance in all respects with Plan No. A 01 to A 04, tables and documentation prepared by Robert Yuen and received by Council on 10 December 2004, except where amended by the following conditions of consent.*
- 2. No approval is expressed or implied to the proposed 200mm increase in height of the garage roof level.*
- 3. No approval is expressed or implied for the provision of a new 1.8m masonry privacy screen to the western elevation of the ground floor deck area.*

The modification application was appealed in the Land and Environment Court and the application was dismissed as follows:

- *The modification to increase the height of the garages by 200 and 350mm is refused consent.*
- *The Court approves a planter box and glass screening in place of the concrete wall currently erected on the edge of the balcony.*

Conditions 58-60 are also noted on the consent:

58. The blade wall on the western elevation of deck No. 1 is to be deleted and replaced with a planter box having a height of 1100mm and a width of 600mm along the full western elevation of deck No. 1. This planter box is to incorporate screen planting which is to be maintained so as not to exceed a height of 1.8m as measured from the floor of the deck.

59. No approval is expressed or implied for any change in height of the garages.

60. *The deck referred to as deck 5 on the approved plans is to be accessed only for cleaning and removal of debris and is not to be used for any other purpose.*

- **DA-248/2003/B**

A modification application was lodged for the following:

- *Vary Condition No. 59 of the development consent to alter the height of the garage roof and provide a R C Roof in lieu of a metal deck roof.*
- *Vary Condition No. 58 to allow for the construction of a masonry screen wall 1.8m in height*

The application was approved on 2 May 2007, and the amended conditions read as follows:

58. *The blade wall on the western elevation of deck No. 1 is to be reduced to a height of 1100mm, as measured from the floor of the deck. A series of planter boxes are to be provided, with a minimum width of 600mm and providing a minimum soil depth of 600mm, shall be installed along the full length of the subject wall, and is to incorporate screen planting. This proposed screen planting, is to be maintained and is not to exceed a height of 1.8m.*

59. *The roof and walls of both garages are to be a maximum height of RL 37.90m.*

- **DA-248/2003/C**

A modification application to include privacy screen to balcony and increase garage height was withdrawn by the Applicant on 27 October 2011.

- **DA-248/2003/D**

A modification application to increase the height of side privacy wall and height of garage roof slab was refused on 10 August 2012 for the following reasons:

1. *With regard to Section 79C(1)(a)(b),(c) and (d) the proposal is considered to negatively impact upon the natural and built environment and is not a suitable form of development for this location.*
2. *The proposal does not satisfy the following provisions of the Waverley Local Environmental Plan, 1996:*
 - a) *Clause 3 – Specific Aims (7[f]);*
 - b) *Clause 10 – Zone Objectives (b)*
3. *The proposal is contradictory to the Waverley Development Control Plan 2010, with regards to the following provisions:*
 - a) *Part D1, Section 2.3: Objectives Specific to the Dover Heights Residential Character Study Area*
 - i) *1.1 Minimise the impact of new development on views and vistas from the public and private domains.*
 - ii) *1.2 Reinforce public views and vistas in street corridors.*
4. *The proposal will adversely impact on views from adjoining properties, in particular the interface of ocean with sky.*
5. *Inadequate Certificate of Surveys have been submitted to properly assess the heights of the proposed works.*

6. *The proposal does not satisfactorily address issues raised previously in two Council determinations and a Land and Environment Appeal (No. 11066 of 2005).*
 7. *The proposal is not in the public interest.*
- **DA-248/2003/E** A modification application to alter the finished roof level of the dual occupancy was approved on 13 February 2014, subject to the following:

Modified condition 59:

59. The overall RL for the garage roof, including parapet is not to exceed RL 38.125 AHD with the slab not exceeding RL 38.085AHD. There are to be no further structures, antennae or communication devices of the like erected on top of the garage roof.

New condition 61

61. The submission of a structural engineers certificate for the new roof slab.
 - **DA-502/2015** A development application to provide a glass balustrade to the external perimeter of the existing ground floor level roof to dual occupancy dwelling was refused on 4 February 2016 for the following reasons:

 1. *The proposal does not satisfy section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:*
 - a. *Part C1 – Dwelling House and Dual Occupancy Development;*
 - i. *Clause 1.7 Visual and Acoustic Privacy, specifically objective (a) to (c) relating minimising the impact of roof terraces, overlooking and noise generation on adjoining properties; and control (d) (i) to (v) as the works essentially create a roof terrace which exceeds 15sqm which will give rise to unreasonable amenity impacts from the potential use as an entertaining area / extension of private open space.*
 2. *The proposed development does not satisfy section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal would adversely impact upon the amenity of adjoining residential development.*
 3. *The proposed development does not satisfy section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as the site is considered unsuitable for the proposed development given the potential adverse amenity impacts from the proximity to other residential development.*

Subject Application

The history of the subject application is provided below:

- **30 January 2020** The Applicant was previously advised that the proposal was unsatisfactory and requested a meeting to discuss the submission of amended plans.

- **3 February 2020** Following discussions at the meeting held on 30 January 2020, the Applicant submitted revised plans to Council, demonstrating the deletion of the proposed addition at the rear terrace of the lower ground floor level and construction of a master bedroom at the lower ground floor level towards the front of the site and a pergola over the rear terrace at the lower ground floor level. The revised plans were discussed with the Area Manager and Executive Manager, Development Assessments.

1.3 Proposal

Original Plans

The original proposal sought consent for alterations and additions to unit 2 of an attached dual occupancy that included the following works:

Basement Floor Plan

No works proposed.

Lower Ground Floor Plan

- Construction of a new dining and lounge room on the existing terrace;
- Installation of a new lift;
- Construction of a pantry.

Ground Floor Plan

- Demolition of the rear garage wall to construct a new entrance, sitting room, storage area, plant room, lift and deck.

Revised Plans

The proposal, as amended, seeks consent for alterations and additions to unit 2 of an attached dual occupancy that includes the following works:

Basement Floor Plan

No works proposed.

Lower Ground Floor Plan

- Construction of a new master bedroom and ensuite with a balcony to the east within an existing void towards the front boundary of the site;
- Installation of a new lift;
- Construction of a pantry;
- Construction of a pergola over the rear terrace area with metal batten screens;
- Construction of an outdoor BBQ under the proposed pergola on the rear terrace.

Ground Floor Plan

- Demolition of the rear garage wall to construct a new entrance, storage area, plant room, lift and deck.

A comparison of the original and revised plans submitted are provided below:

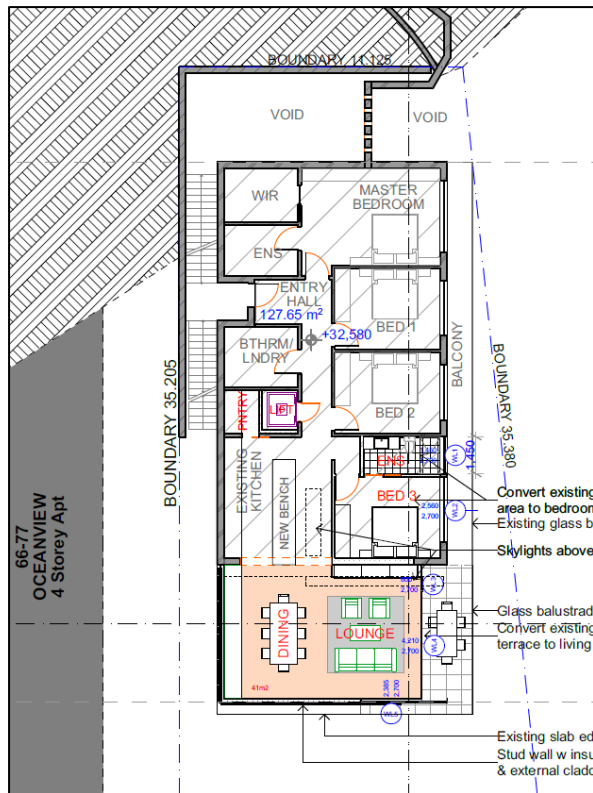


Figure 4: Original Lower Ground Floor Plan

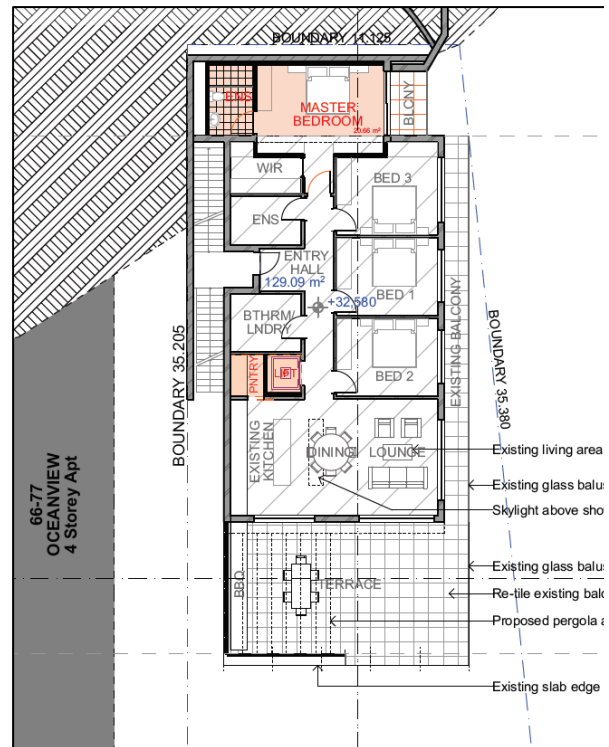


Figure 5: Revised Lower Ground Floor Plan

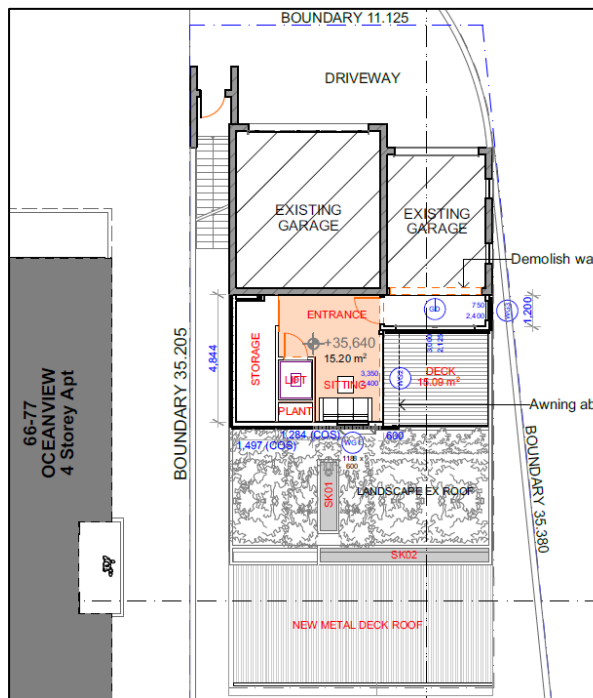


Figure 6: Original Ground Floor Plan

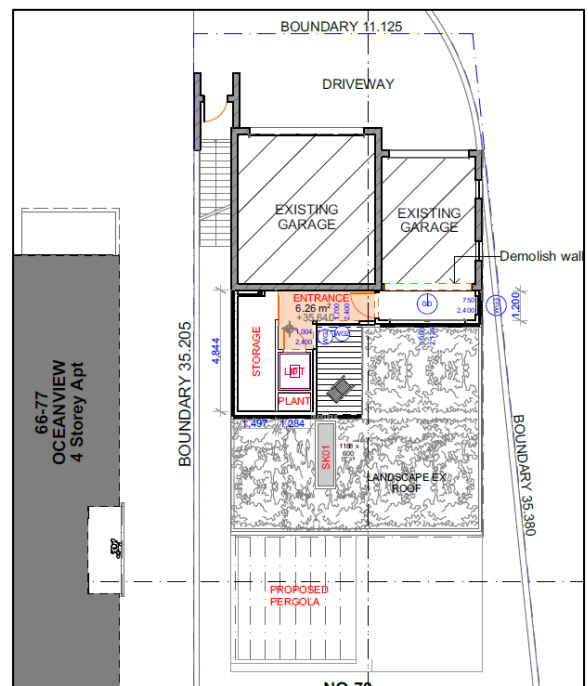


Figure 7: Revised Ground Floor Plan

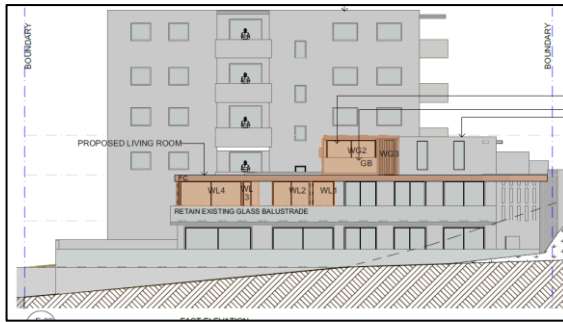


Figure 8: Original East Elevation

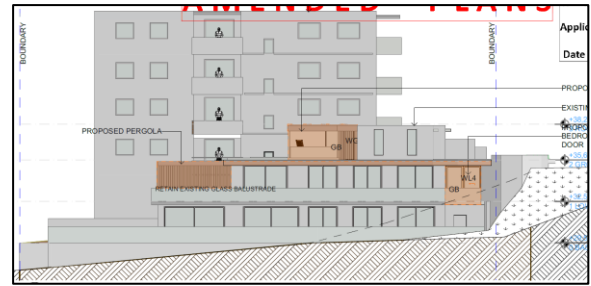


Figure 9: Revised East Elevation

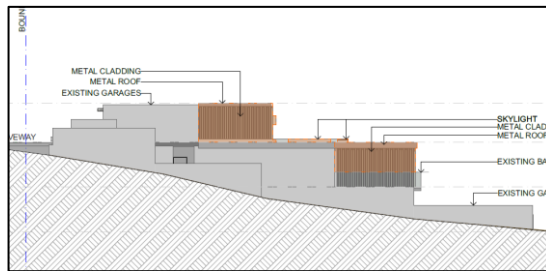


Figure 10: Original West Elevation

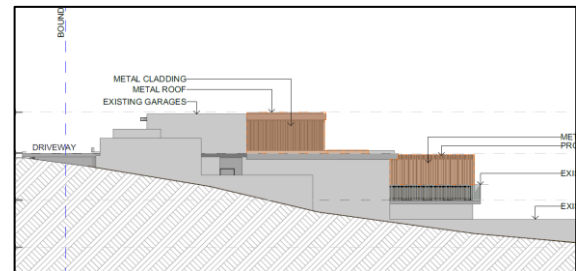


Figure 11: Revised West Elevation

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

2.1.2 SEPP (Coastal Management) 2018

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

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

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
- (b) coastal environmental values and natural coastal processes,

- (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
- (f) Aboriginal cultural heritage, practices and places,
- (g) the use of the surf zone.

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

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

Clause 15 states that development in coastal zone generally is not to increase risk of coastal hazards.

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Planning Comment

The proposed works are largely confined to the existing building footprint on the site and are unlikely to have any adverse impacts upon the coastal zone.

2.1.3 SEPP (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (the Vegetation SEPP) regulates the clearing of vegetation that is below the Biodiversity Offset Scheme threshold referred to in the Biodiversity Conservation Act 2016.

In accordance with Part 3 of the Vegetation SEPP, a permit is required from Council to clear any vegetation in an area identified:

- i. as 'Biodiversity' on the Terrestrial Biodiversity Map in WLEP 2012; and/or
 - as 'Biodiversity Habitat Corridor' in WDCP2012.

Planning Comment

The proposed works are confined to the existing building footprint on the site and are unlikely to impact upon existing biodiversity.

2.1.4 Waverley Local Environmental Plan 2012 (WLEP)

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

Table 1: WLEP Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Zone	Yes	The proposal involves alterations and additions to an existing dual occupancy, which is permitted with consent in the R2: Low Density Residential Zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> • 8.5m 	Yes	The proposed works are to be sited below the maximum building height limit of 8.5m applicable to the site.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> • 0.6:1 • GFA: 275.25m² • SA: 457m² 	Yes	Existing GFA: 296.05m ² Existing FSR: 0.65:1 Variation: 7.55% (20.8m ²) Proposed GFA: 326.5m ² Proposed FSR: 0.71:1 Proposed Variation: 18.61% (51.25m ²)
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of WLEP 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		
5.5 Development within the Coastal Zone	Yes	The proposal is located within the existing building footprint.

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

Clause 4.6 - Exceptions to Development Standards

The application seeks to vary the floor space ratio (FSR) development standard in Clause 4.4A.

The site is subject to a maximum FSR control of 0.6:1. The proposed development, as amended, has a FSR of 0.71:1, exceeding the standard by 51.25m² equating to a 18.61% variation.

A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the WLEP 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.

Applicants 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 proposal is consistent with surrounding development. Recent developments adjacent to the public reserve in the vicinity of the subject property such as 58 Oceanview Avenue and 8 Ray Street have floor space ratios of between 0.75:1 and 0.8:1.
 - (ii) The subject proposal complies with the maximum height limit. The building as modified will still be in-keeping with surrounding development and will remain substantially lower than the RFB to the west.
 - (iii) The proposed development will have minimal impact on surrounding properties. With regard to privacy, the proposal will improve the situation for the properties to the west and south of the site including the adjacent RFB east facing balconies and the outdoor terrace and living area at number 50 Eastern Avenue currently under construction. The proposed screening of the south facing terrace and private open space on the lower ground floor will be of significant benefit to these properties with regard to visual privacy.
 - (iv) The proposed additions will not be visible from Oceanview Avenue. The extensions will be located behind the garage on the ground floor (street level) and below the garage on the lower ground floor, below street level. Whilst the new lift will be partially visible from the public reserve to the east of the site, as mentioned in 2 above, the new addition will be dwarfed by the adjacent residential flat building.
 - (v) With regard to potential view impacts, the view sharing analysis provided in the original application and updated on the latest plans uses the planning principle of *Tenacity vs Warringah Council (NSW LEC) 140* to demonstrate that the proposal is reasonable and that will have minimal impact on unit 1/77 Oceanview Avenue.

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) Bulk and scale – The proposal is in-keeping with the low density and low scale development in the area. The proposed pergola and ground floor lift lobby are substantially set back from the eastern boundary with the park making them less visible from the park.
 - (ii) Privacy – The proposal will not result in any additional loss of privacy. To the contrary, the proposal will improve the privacy for the subject unit and for surrounding properties. The lack of privacy to the living area and open terrace at the rear of the unit has made it difficult for the owners to use the terrace and previous attempts to provide screening have failed to resolve the matter. The subject proposal will resolve the issue with a more appropriately designed pergola and screen structure that will provide necessary private outdoor space with shade directly off the living area. At the same time the alterations will prevent overlooking and improve aural privacy impacts on surrounding properties in particular the adjacent units and rear open space of the houses to the south of the site.
 - (iii) Access – The proposed entry via the garage on the ground floor will provide safe access to the unit for pram use and for elderly family members.
 - (iv) Views – As stated in the view impact analysis, the proposal is considered reasonable with regard to any effects on views from surrounding properties. The view analysis and photographs showing the view from unit 1 on the lowest level of the adjacent RFB demonstrates that the view loss is minor.
 - (v) Overshadowing – As demonstrated in the shadow diagrams provided, the proposal will have minimal impact on the surrounding properties and public reserve.

Consideration of Applicants 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 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 justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

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

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 standard. The proposal is consistent with the objectives of the development standard and objectives of the zone as outlined below:

R2: Low Density Residential Zone Objectives

- *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.*

Comment: The proposal results in additional 30.45m² of GFA for the construction of a new entry at the ground floor level and a master bedroom at the lower ground floor level within an existing void space. The proposal continues to provide for the needs of the development within the low density residential environment. The proposal does not seek to increase the residential density on the site therefore, the proposal is not considered to adversely impact upon other land uses or facilities in the locality. The proposal is considered to be suitable within the low density residential zone, subject to conditions.

Clause 4.4 Floor Space Ratio Objectives

(1) The objectives of this clause are as follows—

- (b) to provide an appropriate correlation between maximum building heights and density controls,*
- (c) to ensure that buildings are compatible with the bulk, 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.*

Comment: The proposed additional floor space is largely contained within an existing void at the lower ground floor level. This does not contribute to the bulk and scale of the building as viewed from the primary streetscape and is supported. Furthermore, only an additional 7m² of GFA is proposed at the ground floor level for the construction of a new entry and lift that would not be highly visible from the primary streetscape. The addition at the ground floor level has the potential to cause adverse amenity impacts with regards to bulk and view loss that is discussed further in this report however, this additional space is considered to be acceptable in the site circumstances. Therefore, despite the further non-compliance of the FSR development standard, the proposal is considered to be consistent with the objectives of the FSR development standard.

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 standard and the objectives for development within the zone in which the development is proposed to be carried out as detailed above.

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 cl 4.6 of the WLEP and the proposed development would be in the public interest because it is consistent with the objectives of the FSR development standard and the R2: Low Density Residential Zone.

2.1.5 Waverley Development Control Plan 2012 (Amendment 6) (WDCP)

The relevant matters to be considered under the WDCP for the proposed development are outlined below:

Table 2: WDCP – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. Condition of consent is recommended regarding ongoing waste on site.
2. Ecologically sustainable Development	Yes	The proposal incorporates passive design.
3. Landscaping and Biodiversity	Yes Recommended Condition	The site is located in Habitat Corridor however, the proposed works are largely contained within the existing building footprint and would not result in the loss of any existing landscaping on the site. The proposal involves the construction of a green roof at the ground floor level. A condition of consent is recommended for a landscape plan to be submitted to demonstrate that 90% of the plant species used on the rooftop are native, to the satisfaction of Council's Biodiversity Department.
4. Coastal risk management	Yes Recommended Conditions	The application proposes alterations and additions to the existing building and is on land affected by 'Coastal Inundation' or 'Geotechnical Risk'. Given that the works are contained within the existing building footprint, a Coastal Risk Assessment or Geotechnical Risk Assessment was not required to be submitted. Standard conditions shall be imposed for a geotechnical assessment to be conducted prior to the issue of a Construction Certificate.

Development Control	Compliance	Comment
7. Accessibility and adaptability	Yes	Conditions of consent are recommended to ensure that the proposed works comply with the access standards.
8. Transport	Yes	The existing car parking arrangement is not altered with the proposal.
10. Safety	Yes	The proposal does not contravene the objectives of this part of the DCP.
11. Design Excellence	Yes Recommended Conditions	The applicant has provided a context plan which demonstrates that the proposal has an acceptable design, subject to recommended conditions to delete the works proposed on the lower ground floor terrace. <i>Refer to discussions below for further detail.</i>
14. Excavation	N/A	No excavation works are proposed.

Table 3: WDCP 2012 – Part C2 Low Density Residential Development Compliance Table

The proposal is defined as a “Dual Occupancy” in the LEP.

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none"> • Appropriate scale • Does not detract from amenity of other dwellings or view corridors • ESD has been considered • Alterations & additions are sympathetic in bulk & scale to the character of the area • High design standard 	No Recommended Conditions	The proposal, as amended by conditions to delete the proposed works at the lower ground floor terrace, does not contravene the general objectives of this part of the DCP. <i>Refer to discussions below for further detail.</i>
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> • Maximum wall height of 7.5m 	Yes	The proposed addition at the ground floor level maintains a maximum wall height that is less than 7.5m and is therefore satisfactory in this regard.
2.2 Setbacks		
2.2.1 Front and rear building lines	Merit Assessment	The proposal retains the existing rear building line at the lower ground level. <i>See discussion</i>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Recommended Conditions	<i>below with regards to the rear building line of the ground floor level.</i>
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m 	Yes	The proposal retains the existing side setbacks of the building.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> Replacement windows to complement the style & proportions of existing dwelling Significant landscaping to be maintained. 	No Recommended Conditions	The proposed addition of the master bedroom, ensuite and balcony located at the lower ground floor level would not be visible from the streetscape or adjoining residential flat building and is acceptable in the site context. <i>See discussion below regarding the proposed pergola and ground floor level addition.</i>
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design. Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> Roof tops to be non-trafficable unless predominant in the immediate vicinity 	Yes Recommended Conditions	The proposal has been designed to improve visual and acoustic privacy impacts for the subject site and adjoining properties. Nevertheless, the proposed partially enclosed pergola at the lower ground floor terrace is unacceptable for reasons discussed below and is not supported. A condition of consent is recommended to be imposed for the green roof proposed at the ground floor level to be non-trafficable.
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to living areas and principal open space 	Yes	No shadow diagrams were submitted with the amended plans however, the proposal, as amended by conditions to delete the works at the lower ground floor level terrace, are not anticipated to result in adverse overshadowing impacts to the adjoining residential flat building.

Development Control	Compliance	Comment
areas of adjoining properties on 21 June		
2.7 Views		
	No Recommended Conditions	<i>See discussion below.</i>
2.8 Car parking		
2.8.1 Design Approach 2.8.2 Parking Rates 2.8.3 Location 2.8.4 Design 2.8.5 Dimensions 2.8.6 Driveways	Yes	The proposal seeks to demolish the rear wall of the single car garage to construct an internal entry, lift, deck and storage room. The existing car parking is retained by the proposal.
2.9 Landscaping and open space		
	Yes	The proposed works are contained within the existing building footprint and landscaping, communal and private open space is not adversely impacted by the proposed development.
2.10 Swimming pools and spa pools		
	N/A	No works are proposed to the existing swimming pool at the rear.
2.14 Dual Frontage Development		
2.14.1 - General Controls <ul style="list-style-type: none"> Primary and secondary frontage to be defined Appropriate forms to be provided to each street 	Yes	The site has a primary frontage to Oceanview Avenue and has a secondary frontage to the landscape reserve adjoining the coast. The proposed works would have limited visibility from the primary streetscape and are not anticipated to unduly impose upon views present from the landscaped reserve.
2.15 Dual Occupancy Development		
	No Recommended Conditions	<i>See discussion below.</i>

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

Proposed Works at Lower Ground Floor Terrace

The revised proposal seeks to construct a pergola with a metal batten screen to the western side boundary at the terrace located on the lower ground floor level. The proposed works at this location are discussed in detail with reference to Council's controls below:

- *Streetscape & Visual Impact*

The proposed works at the terrace would have limited visibility from the streetscape; however, the works are considered to add significant bulk to the building that results in adverse amenity impacts to the adjoining residential flat building and is not supported. An assessment against the objectives and relevant provisions of *Section 2.3 Streetscape & Visual Impact in WDCP* is provided below:

- The proposed works are inconsistent with objectives (a) and (b) as the works add to the bulk of the building and is unsuitable in the site context. In particular, the proposed metal batten screen to the western side elevation adds significant bulk to the structure when viewed from the balcony off the main living space of the unit on the lower level of the adjoining residential flat building.
- The proposed works are inconsistent with objective (d) as the works would impact upon views present from the balconies of the adjoining residential flat building to Council's reserve along the coastline *See discussion below regarding 'view sharing' for further comments.*

Furthermore, the site has significant development history relating to attempts to provide fixed structures at the terrace on the lower ground floor level that have not been supported by Council (as detailed in Section 1.2 of this report). Therefore, the proposal is considered to have adverse visual impacts and is not supported.

- *Dual Occupancy Development Controls*

For reasons discussed above, the proposed works at the terrace of the lower ground floor level result in significant impacts upon neighbouring properties, with particular reference to the adjoining residential flat building at 67-77 Oceanview Avenue and is therefore not considered to be consistent with the objectives of Council's objectives and controls for dual occupancy development.

The proposed works to the terrace are inconsistent with the general objectives of Section 2.0 of WDCP in that the development is inappropriate when considering other development in the vicinity, amenity and views and adds adverse bulk to the building. Given the above, it is considered that any works to the proposed terrace involving the erection of a physical, permanent structure are unacceptable and a condition is recommended to be imposed to delete all proposed works at the terrace.

Proposed Ground Floor Level Addition

The proposal seeks to construct an addition at the rear of the existing ground floor level to accommodate a new entry, lift, storage and balcony. The proposed works at this location are discussed in detail with reference to Council's controls below:

- *Setbacks*

It is noted that development application **L-612/2000** restricted the rear setback of the ground floor level to align with Unit 2/67 window frame closest to the street on the adjoining residential flat building at 67-77 Oceanview Avenue. The proposal seeks to extend this rear setback by 4.844m that would obscure two (2) windows located on the lower level of this adjoining property. This increased rear building line is considered to be satisfactory in the site context for the following reasons:

- The windows on the adjoining residential flat building that would be obscured are windows to the garage of this adjoining property that is not a habitable space.
- The proposed addition would have minimal impact upon views present from the windows of the residential flat building above the garage windows, in the vicinity of the proposed addition, given that they are likely to be bedroom windows. *See discussion below regarding 'view sharing' for further comments.*
- The proposed addition is likely to have a negligible impact upon views present from the balconies of the adjoining residential flat building. *See discussion below regarding 'view sharing' for further comments.*
- The proposed addition would not cause any additional overlooking or visual privacy impacts.

Therefore, the proposed addition at the ground floor level is considered to be satisfactory in the site context.

- *Streetscape & Visual Impact*

The proposed addition at the ground floor level is to be sited behind the existing garage structures and would therefore have limited visibility from the streetscape and is acceptable. However, it is noted that this addition has the potential to impact views to the landscape reserve adjoining eastern side boundary of the subject site that are likely to be present from the bedroom windows of the adjoining residential flat building. *See discussion below regarding 'view sharing' for further comments.*

- *Dual Occupancy Development Controls*

For reasons discussed above, the proposed addition at the rear of the ground floor level is not considered to result in unreasonable impacts upon neighbouring properties, with particular reference to the adjoining residential flat building at 67-77 Oceanview Avenue and is therefore considered to be consistent with the objectives of Council's controls for dual occupancy development.

Therefore, for the reasons discussed above, the proposed addition to the rear of the ground floor level is considered to be acceptable in the site context as it would not detract from the amenity and privacy of the adjoining properties.

View Sharing

Section 2.7 in Part C2 of WDCP details all objectives and strategies for public and private domain views and view sharing, which generally seek to reduce impacts on existing views and vistas from the private and public domain.

View loss impacts are anticipated to result across the eastern side boundary from the proposed development for units on the lower and upper levels of the adjoining residential flat building at 67-77 Oceanview Avenue. Access to these adjoining units could not be obtained at the time of assessment to undertake a detailed view loss assessment with respect to the planning principle based on *Tenacity Consulting v Warringah [2004] NSWLEC 140* which provides general principles for the assessment of views and view sharing. Nevertheless, the proposal has been assessed against the provisions of the test as detailed below.

- a) *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.*
- b) *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.*
- c) *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).*
- d) *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.*

As previously mentioned, access to the residential units adjoining the subject site could not be obtained. The following diagram has been created utilising the plans submitted by the Applicant to refer to three units (referred to as 'Unit A', 'Unit B' and 'Unit C') within the adjoining development that have the potential for view loss impacts:

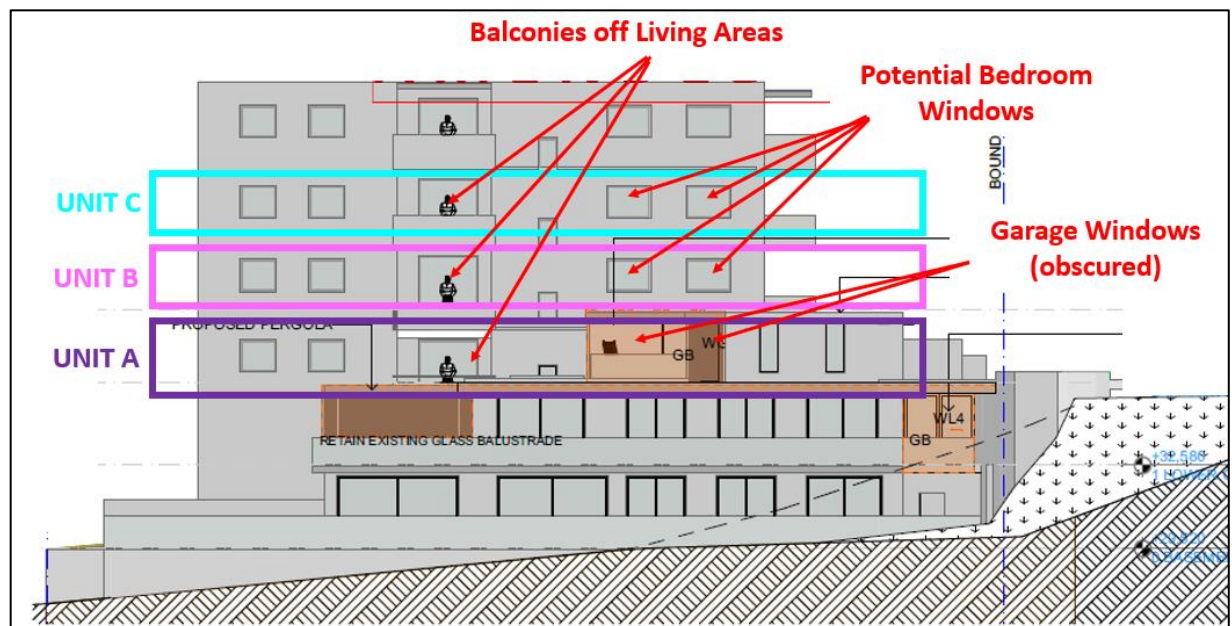


Figure 12: Diagram demonstrating potential view loss impacts.

- Unit A

Unit A is expected to experience significant view loss impacts of views incorporating the land and water interface of the Pacific Ocean from the proposed development across the eastern side boundary.

The proposed addition at the ground floor level would obliterate any views present from the two windows to the garage of this unit. This is considered to be acceptable, given that a garage is not a habitable space and the windows have a high sill height and are fitted with obscured glazing that would indicate they are not utilised for gaining views. However, the proposed addition at the ground floor level has the potential of having a severe impact upon panoramic views that may be present of the land and water interface from the balcony of this unit. Despite this, the proposed addition on the ground floor level is considered to be acceptable, given that the view gained from this unit is across a side boundary and cannot be reasonably protected.

However, the proposed pergola with metal batten screens to the eastern elevation is considered to have a moderate impact upon views present from the balcony of this unit that is unacceptable. It is anticipated that the bulk from the proposed pergola would result in significant view loss from a standing position of Council's reserve along the coast, therefore adversely impacting upon views of the land and water interface. Given that this view is gained from the primary private open space area of this unit, the proposed works to the terrace on the subject site are unacceptable.

Therefore, it is considered that Unit A would experience severe view loss impacts from its primary living space as a result of the proposal that could be reasonably protected with the deletion of physical works to the terrace on the lower ground floor level of the development.

- Units B & C

Unit B is expected to experience some moderate view loss impacts while Unit C is expected to experience some minor view loss impacts. These view loss impacts also incorporates the land and water interface of the Pacific Ocean and Council's reserve.

The proposed addition at the ground floor level is anticipated to have a moderate impact upon the views present from the bedroom windows of Unit B and a minor impact upon views from Unit C. The views to be impacted would be of the land and water interface across the eastern side boundary. Despite this, the proposed addition at the ground floor level is considered to be acceptable bedrooms are not considered to be active living spaces and the views are gained across the side boundary. It is also likely that the panoramic views of the land and water interface from the balcony located off the main living space of Unit B would be moderately impacted by the proposed addition, and Unit C would have a minor impact. Despite this, the proposed addition on the ground floor level is considered to be acceptable, given that the view gained from these units is across a side boundary and cannot be reasonably protected.

The proposed pergola is also anticipated to have a minor impact upon views of the land and water interface obtained from the balcony from Unit B, and negligible impact upon views present from the balcony of Unit C, located off the main living spaces of these units. Given that the bedroom windows of these units are anticipated to be impacted by the development, it is unreasonable for the development to have further adverse impact from works proposed at the terrace on the lower ground floor level.

Therefore, it is considered that Unit B would experience moderate view loss impacts from its primary living space and Unit C would experience minor view loss impacts, as a result of the proposed development, that could be reasonably protected with the deletion of physical works to the terrace on the lower ground floor level of the development.

Given the above, it is considered that any works to the proposed terrace involving the erection of a physical, permanent structure are unacceptable. It is recommended that works to the terrace at the lower ground floor level be deleted to maintain views and amenity for the adjoining residential flat building.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal, as amended by conditions, will have no significant detrimental effect relating to environmental, social or economic impacts on the locality.

2.3 Suitability of the Site for the Development

The site is considered to be suitable for the proposed development, as amended by conditions to delete the proposed works to the lower ground floor level terrace.

2.4 Any Submissions

Original Plans

The plans originally submitted with the application were notified for 14 days in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. No submissions were received.

Revised Plans

The revised plans were considered to be of a lesser impact and were not renotified in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

2.5 Public Interest

It is considered that the proposal, as amended by conditions, will have no detrimental effect on the public interest.

3. REFERRALS

No internal or external referral comments were sought.

4. SUMMARY

The proposal seeks consent for alterations and additions to attached dual occupancy unit 2. The original plans were notified and received no submissions. Revised plans were submitted that were considered to not warrant renotification. The main issues with the proposal are summarised below:

- The revised proposal seeks to further increase the level of non-compliance with Council's FSR development standard; however, the further variation is considered to be acceptable in the site context.

- The proposed works to the terrace at the lower ground floor level are unacceptable and are recommended to be deleted, given that it has adverse view loss impacts, adds significant bulk to the building and is inconsistent with Council's relevant objectives for dual occupancy development. Furthermore, it is considered that any permanent, solid structure on the terrace of Unit 2 would be unacceptable.

Therefore, the proposal is recommended to be approved, in part, subject to the deletion of all works proposed upon the lower ground floor terrace to maintain amenity of the adjoining residential flat building.

DBU Decision

The application and assessment report was reviewed by the DBU at the meeting on 14 January 2020 and the DBU determined:

- (a) The application is not acceptable and should be refused for the reasons in Appendix A.

DBU members: M Reid, A Rossi, A Jelfs

Note: As described above, revised plans were further submitted that were discussed with the Area Manager and Executive Manager and considered acceptable subject to conditions.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:

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

Judith Elijah
Development Assessment Planner
Date: 10 March 2020

Bridget McNamara
Manager, Development Assessment (North)
Date: 12 March 2020

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Dre Design of Project No. 0511 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA-01 Rev C	Site Analysis & Context	03/02/2020	11 February 2020
DA-02 Rev C	Existing Plans/Demolition	03/02/2020	11 February 2020
DA-03 Rev C	Basement & Lower Ground Floor Plans	03/02/2020	11 February 2020
DA-04 Rev C	Ground Floor & Roof Plans	03/02/2020	11 February 2020
DA-05 Rev C	Elevations	03/02/2020	11 February 2020
DA-06 Rev C	Sections	03/02/2020	11 February 2020

(b) BASIX Certificate;

(c) The Site Waste and Recycling Management Plan (SWRMP) Part 1;

Except where amended by the following conditions of consent.

2. NO APPROVAL FOR WORKS TO REAR TERRACE AT LOWER GROUND LEVEL

No approval is granted for all works proposed to the rear terrace on the lower ground floor level. The plans are to be amended to delete all works proposed upon this rear terrace to maintain views and amenity for the adjoining property.

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. GROUND FLOOR LEVEL GREEN ROOF

The green roof at the ground floor level is to be non-trafficable to maintain amenity for surrounding properties.

4. 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)** prior to the issue of a Construction Certificate with a plant species list with

a minimum of 50% of the proposed plantings at the ground floor level to be indigenous or local native plants as listed in Annexure B2 - 1 of the *Waverley Development Control Plan 2012*.

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.

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

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

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

6. HOME BUILDING ACT

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

7. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

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

8. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$10,557.50** 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) or guarantee must be established prior to the issue of any Construction Certificate. The full amount of the difference after recovery of Council's cost for any repair of damage to Council property or rectification of unauthorised works on Council property will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.

9. LONG SERVICE LEVY

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

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

10. 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.

11. 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.

12. ENGINEERING DETAILS

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

13. ENGINEERING CERTIFICATE OF ADEQUACY

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

14. BASIX

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

15. 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.

16. GREEN ROOF LANDSCAPING DETAILS

Prior to the issue of a 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) with a maximum maturity height of 200mm above the roof level.
- (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.

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.

17. CONSTRUCTION SIGNS

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

18. DILAPIDATION REPORT

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

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

19. 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.

20. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

21. 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.

22. 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.

23. 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.

24. 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.

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.

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 all the undertakings in the approved BASIX certificate have been completed.

27. 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.

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.

1. SYDNEY WATER REQUIREMENTS

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

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

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

2. 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.

3. WORK OUTSIDE PROPERTY BOUNDARY

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



AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-379/2019
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BASIX

WATER/ENERGY	
New Toilets, Showerheads, Taps:	★ All '3★' or greater.
Energy Efficient New Lighting:	★ Minimum 40% of new lights to be either fluorescent, compact fluorescent or LED lamps.
New Hot Water System	★ N/A.

INSULATION	
★	Minimum 55mm foil-backed insulation blanket to underside of new metal deck roofs.
★	Minimum R1.58 insulation to new flat ceilings with new roof above.
★	Minimum R1.30 insulation to new metal cladding external walls.
★	'Medium' coloured roof (solar absorptance 0.475-0.70)

GLAZING	
★	Aluminium-framed single-glazed 'Low-e' glass to all new glazing, except WG1, WL5.
★	Aluminium-framed single-glazed clear glass to: WG1, WL5.
★	Additional shading required to: Nil.
★	Aluminium-framed double-glazed toned glass to new skylight glazing.

- DRAWING LIST
- DA-01 SITE ANALYSIS & CONTEXT
 - DA-02 EXISTING PLANS/DEMOLITION
 - DA-03 BASEMENT & LWR GRND FL PLANS
 - DA-04 GRND FL & ROOF PLANS
 - DA-05 ELEVATIONS
 - DA-06 SECTIONS
 - DA-07 MATERIALS + AREA CALCULATIONS
 - DA-08 VIEW ANALYSIS

CONSULTANTS
Shadow Diagrams - CAD Draft Pty Ltd
Basix - House Energy Rating Company of Australia

ISSUE
A - PRE DA FOR CNCL REVIEW 17/05/2019
B - DEVELOPMENT APPLICATION 02/10/2019
C - REVISED DA PLANS 03/02/2020

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DRE DESIGN
ARCHITECTURE PLANNING URBAN DESIGN
(ABN) 9 061 832 313
38 RAWSON AVE QUEENS PARK NSW 2022
P: + 02 93694556
E: INFO@DREDESIGN.COM.AU
NOMINATED ARCHITECT:
DAVID EPSTEIN B.ARCH MCPUD ARCH REG: 9072

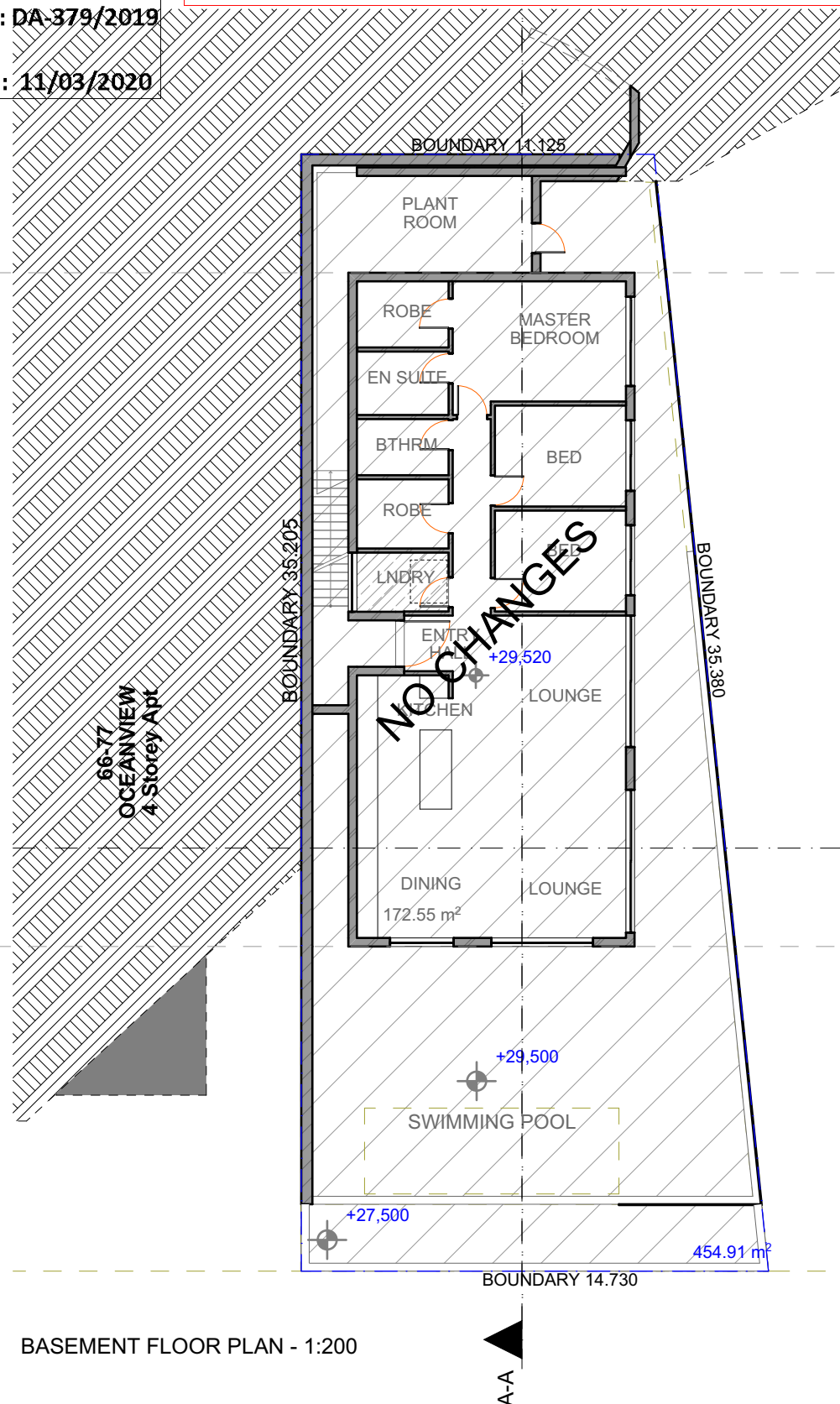
PROJECT NAME :
ALTERATIONS & ADDITIONS
AT: SP92728, 79 OCEANVIEW AVE, DOVER HEIGHTS
FOR: MR & MRS LEWY & FAMILY
DRAWING TITLE :
SITE CONTEXT + GENERAL INFO

DATE:
3 FEBRUARY 2020
SCALE:
AS SHOWN @A3
PROJECT NO.
0511

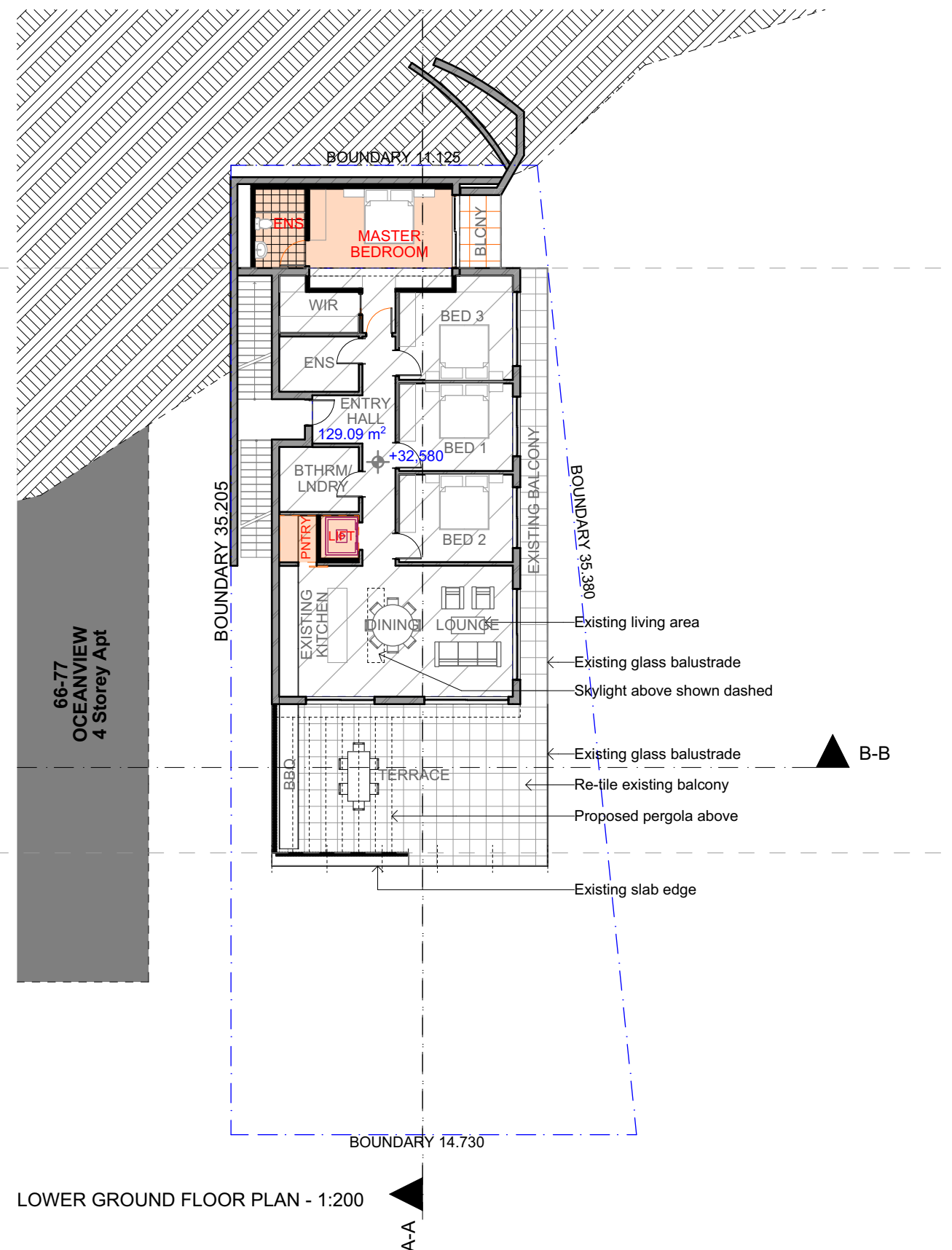
ISSUE.
C
DRAWING NO.
DA-01
465

466

AMENDED PLANS



BASEMENT FLOOR PLAN - 1:200



LOWER GROUND FLOOR PLAN - 1:200

ISSUE

A - PRE DA FOR CNCL REVIEW	17/05/2019
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PROJECT NAME :

ALTERATIONS & ADDITIONS

AT: SP92728, 79 OCEANVIEW AVE, DOVER HEIGHTS
FOR: MR & MRS LEWY & FAMILY

DRAWING TITLE :

SKETCH PLANS

BASEMENT + LWR GRND FL PLANS

DATE:

3 FEBRUARY 2020

SCALE:

AS SHOWN @A3

PROJECT NO.

0511

ISSUE.

C

DRAWING NO.

DA-03

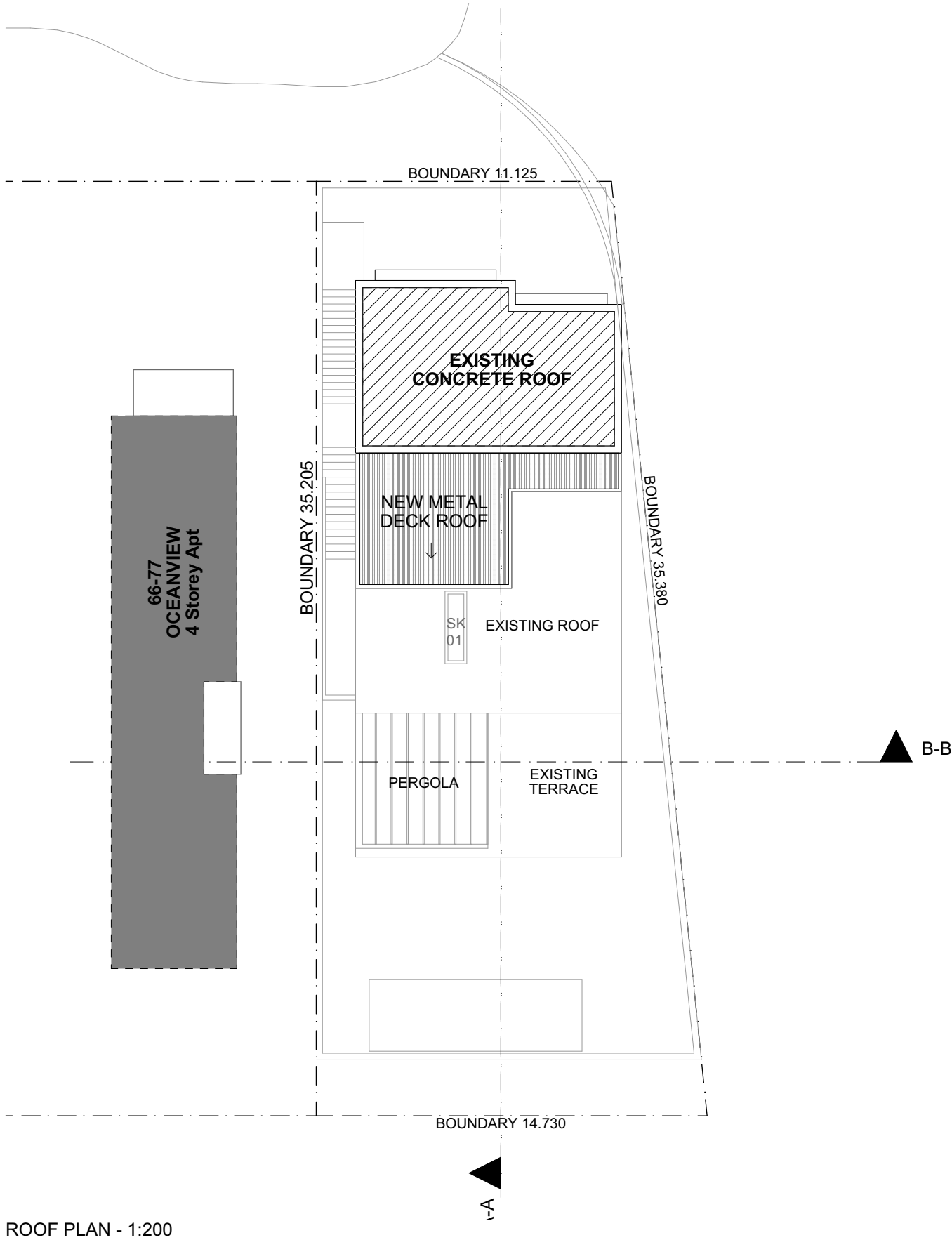
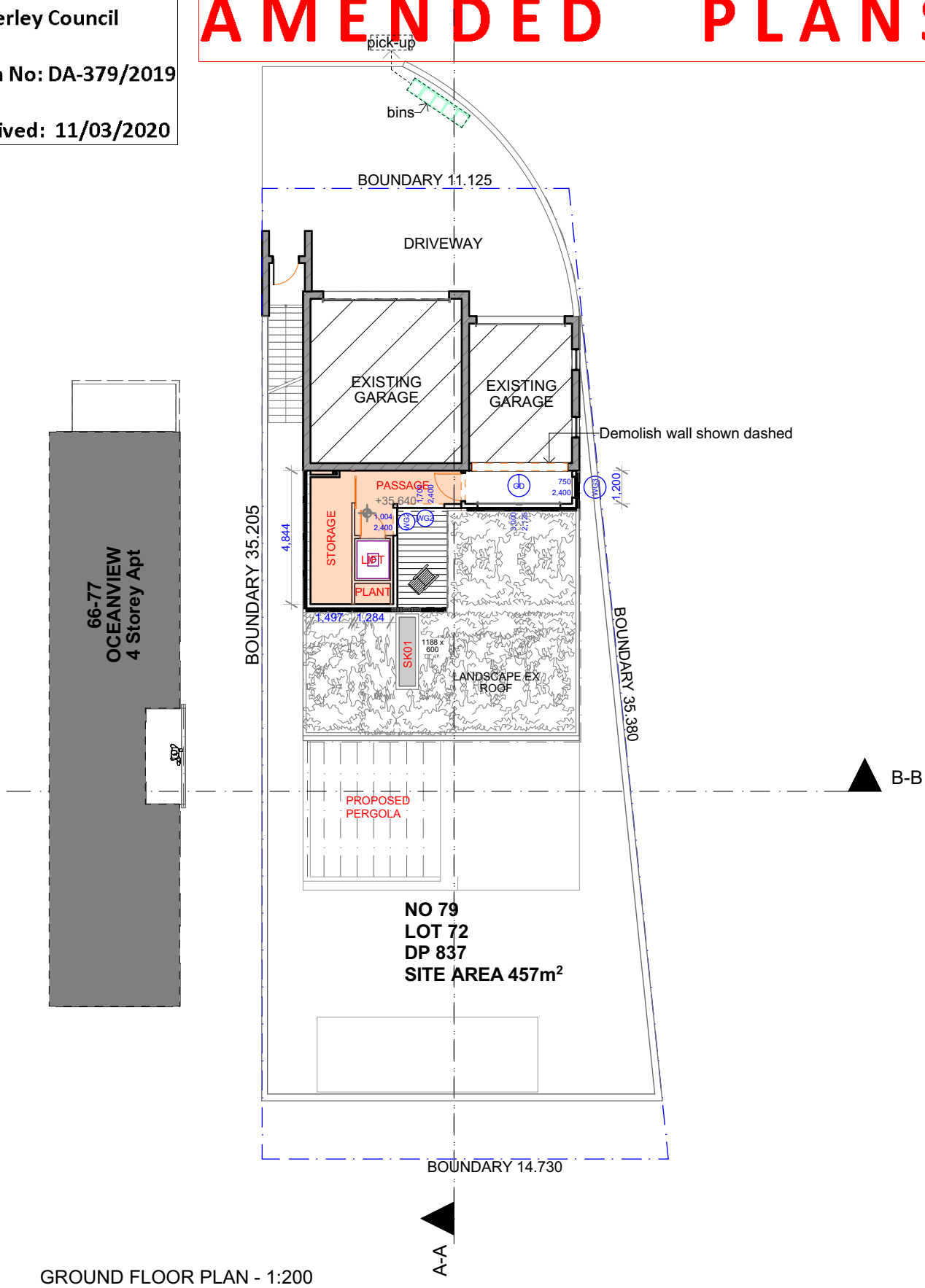
467

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Waverley Council

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Date Received: 11/03/2020

AMENDED PLANS



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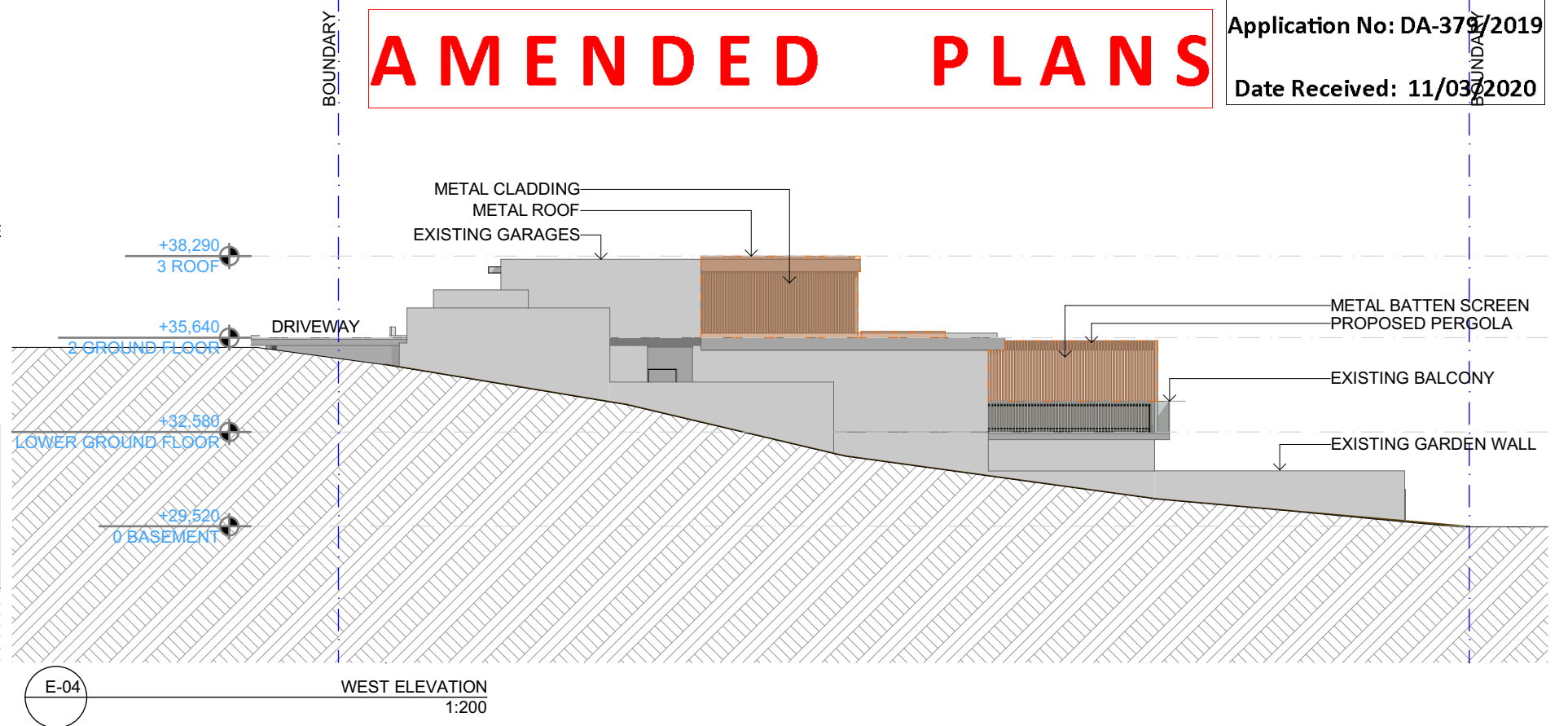
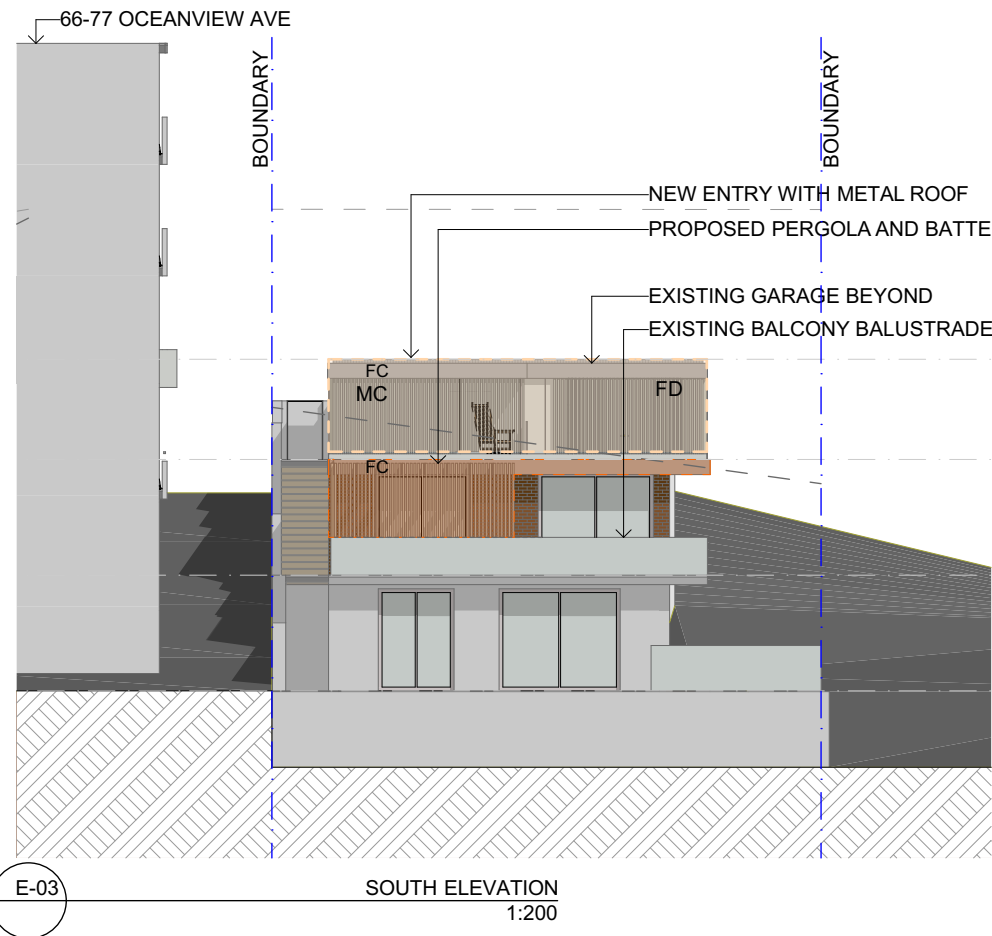
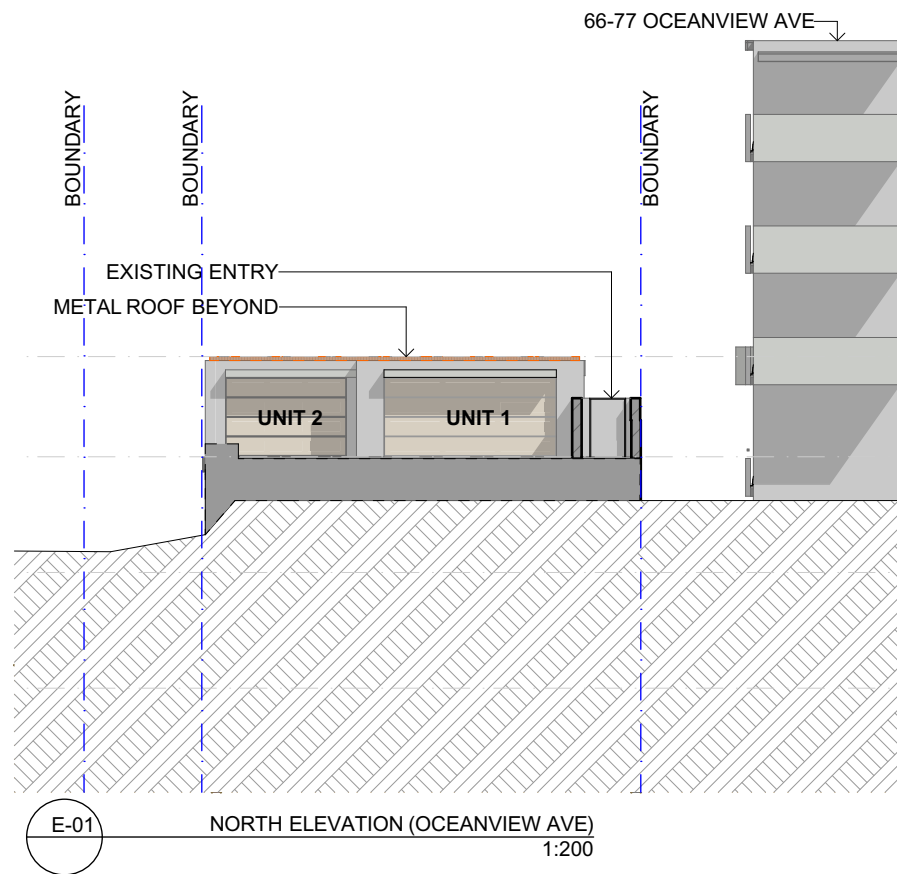


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PROJECT NAME :
ALTERATIONS & ADDITIONS
AT: SP92728, 79 OCEANVIEW AVE, DOVER HEIGHTS
FOR: MR & MRS LEWY & FAMILY
DRAWING TITLE :
SKETCH PLANS
GRND FL + ROOF PLANS

DATE:
3 FEBRUARY 2020
SCALE:
AS SHOWN @A3
PROJECT NO.
0511

ISSUE.
C
DRAWING NO.
DA-04



AMENDED PLANS

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 DAVID EPSTEIN B.ARCH MCPUD ARCH REG: 9072

PROJECT NAME :
ALTERATIONS & ADDITIONS
 AT: SP92728, 79 OCEANVIEW AVE, DOVER HEIGHTS
 FOR: MR & MRS LEWY & FAMILY
 DRAWING TITLE :
DA PLANS
ELEVATIONS

DATE:
3 FEBRUARY 2020
 SCALE:
AS SHOWN @A3
 PROJECT NO.
0511

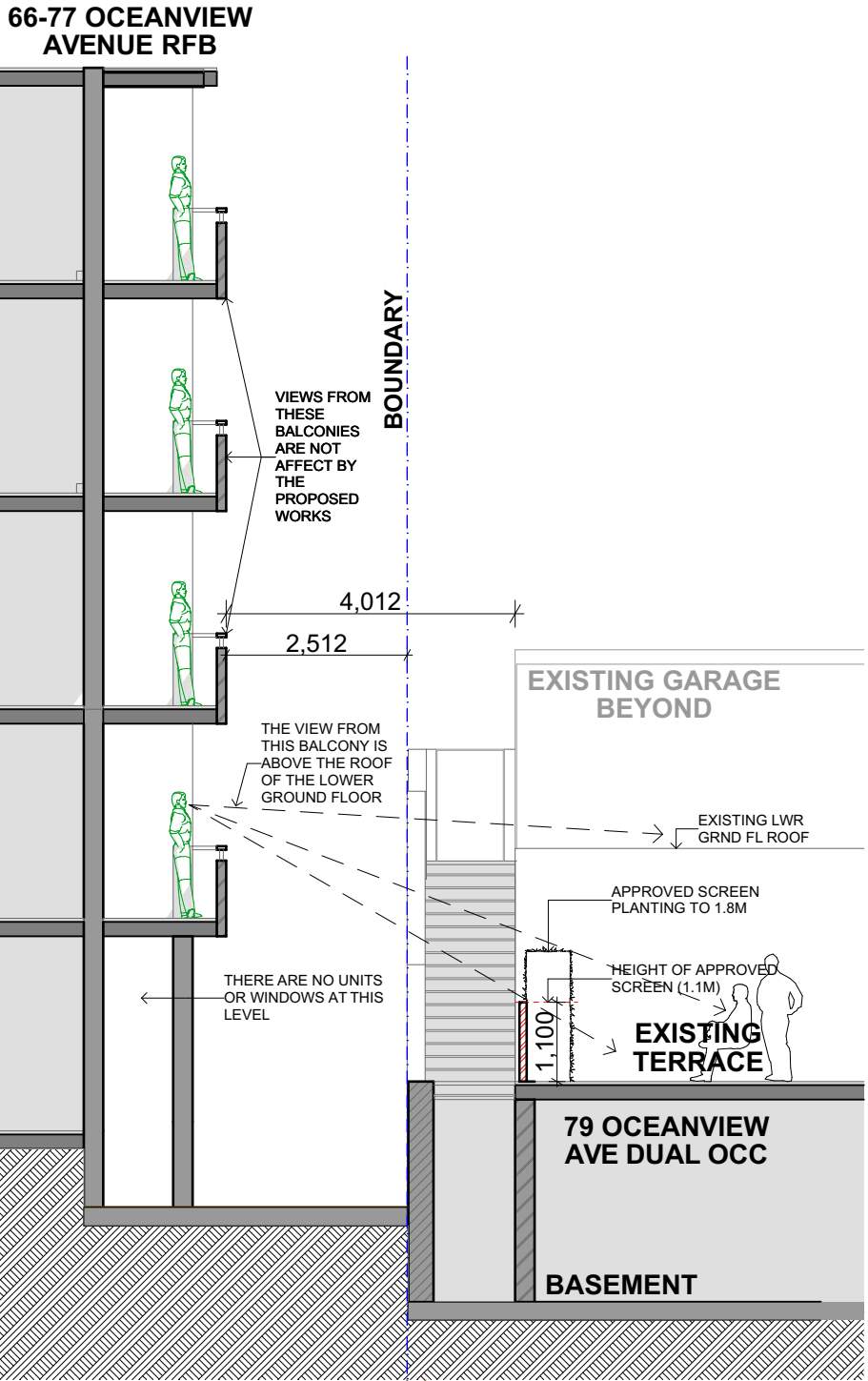
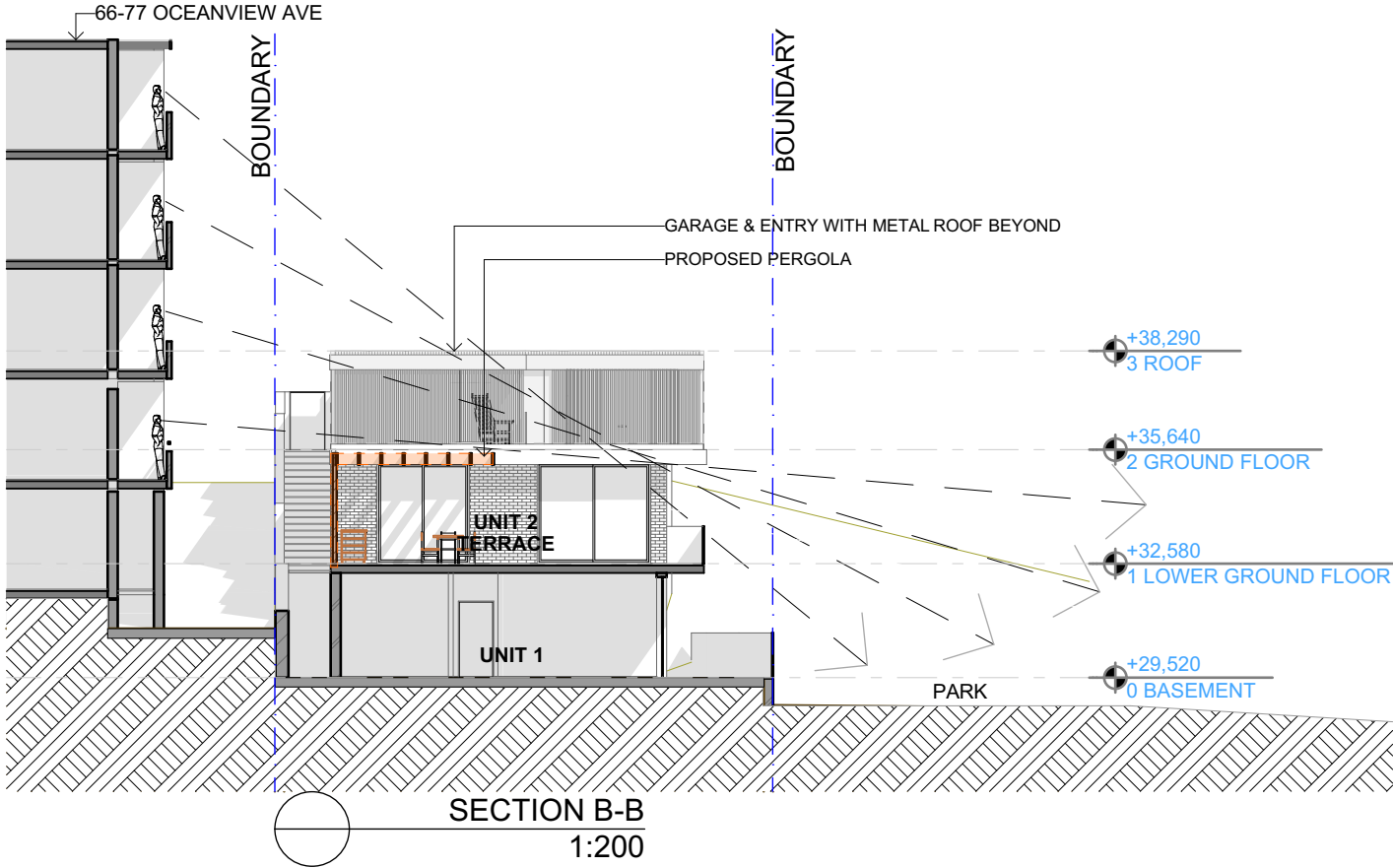
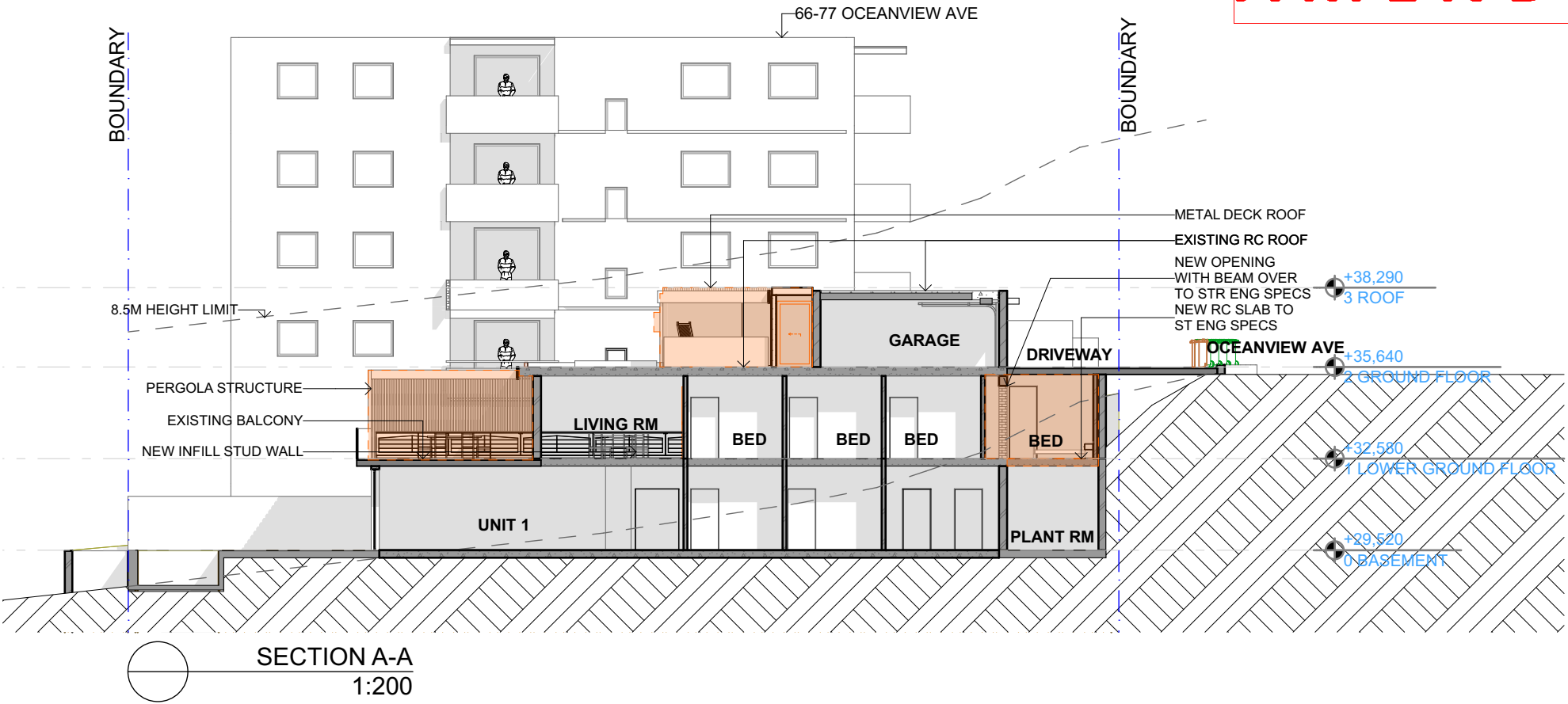
ISSUE.
C
 DRAWING NO.
DA-05

AMENDED PLANS

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Application No: DA-379/2019

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SECTION 1:100 SHOWING DA 248/2003 APPROVED PRIVACY SCREEN AND PLANTING - NOT CAPABLE OF ACHIEVING PRIVACY FOR THE EXISTING TERRACE.

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PROJECT NAME :
ALTERATIONS & ADDITIONS
AT: SP92728, 79 OCEANVIEW AVE, DOVER HEIGHTS
FOR: MR & MRS LEWY & FAMILY
DRAWING TITLE :
SECTIONS
A-A + B-B

DATE:
3 FEBRUARY 2020
SCALE:
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PROJECT NO.
0511

ISSUE:
C
DRAWING NO.
DA-06

AMENDED PLANS

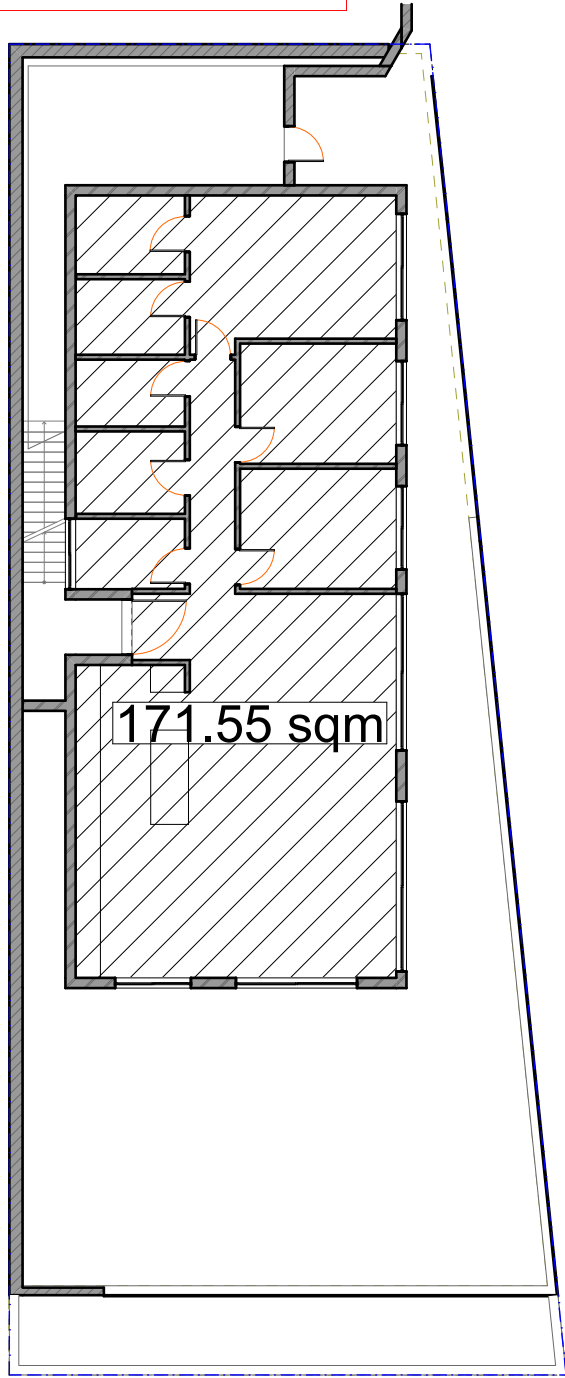
Application No: DA-379/2019

Date Received: 11/03/2020

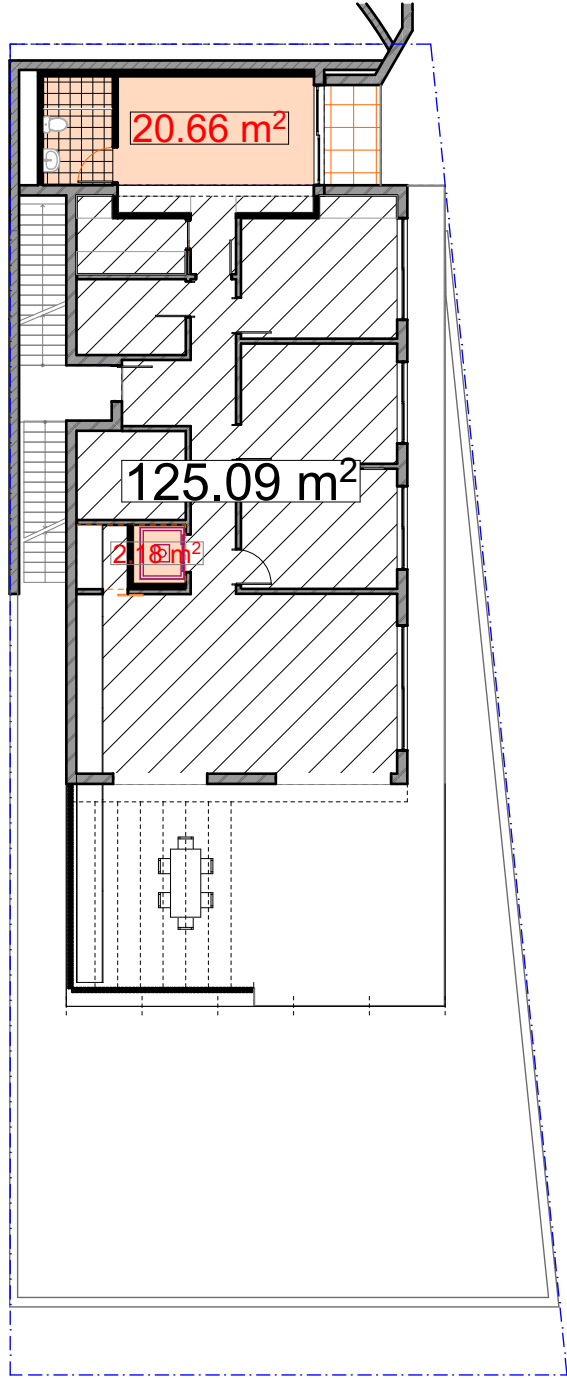
01 - LANDSCAPED ROOF



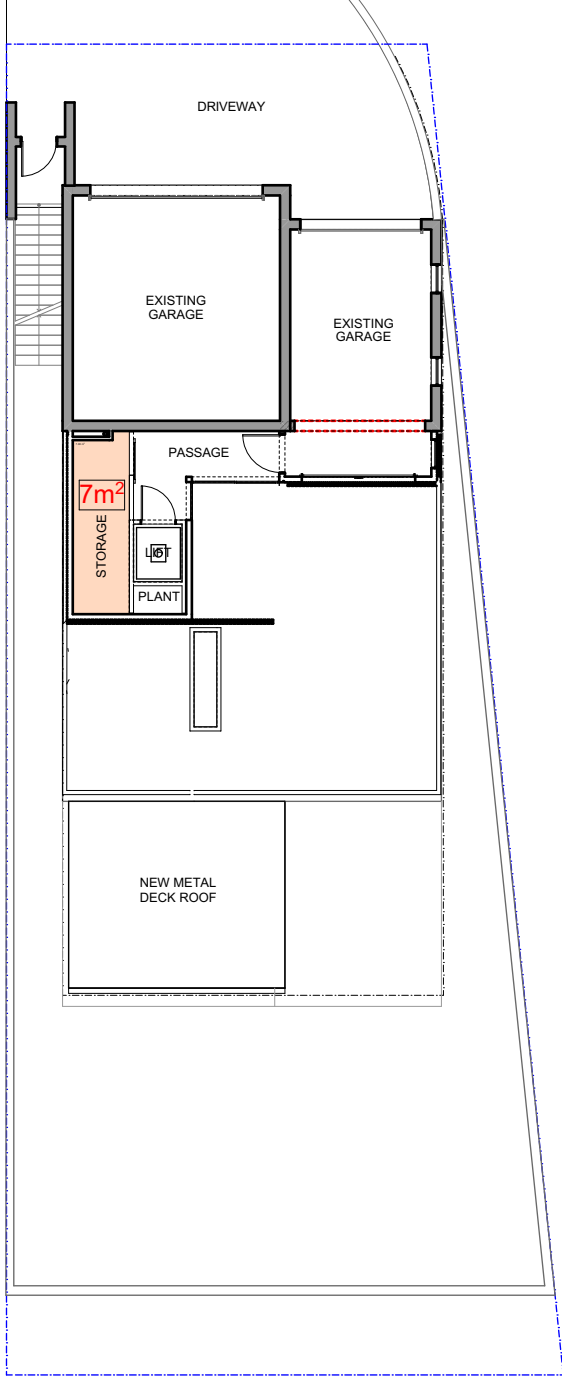
02 - WHITE VERTICAL BATTEN CLADDING



BASEMENT LEVEL

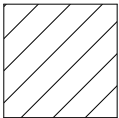


LOWER GROUND FLOOR LEVEL

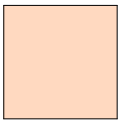


GROUND FLOOR LEVEL

KEY



EXISTING GFA



PROPOSED GFA

AREA CALCULATIONS
Site Area: 457m²
Existing GFA: 296.05m²
Existing FSR: 0.65:1
Max FSR (WLEP): 0.6:1 (275.25m²)
Proposed GFA: 326.5m²
Proposed FSR: 0.71:1

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PROJECT NAME :

ALTERATIONS & ADDITIONS

AT: SP92728, 79 OCEANVIEW AVE, DOVER HEIGHTS
FOR: MR & MRS LEWY & FAMILY

DRAWING TITLE :

DETAILS

AREA CALCULATIONS, MATERIALS

DATE:

3 FEBRUARY 2020

SCALE:

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PROJECT NO.

0511

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C

DRAWING NO.

DA-07

471

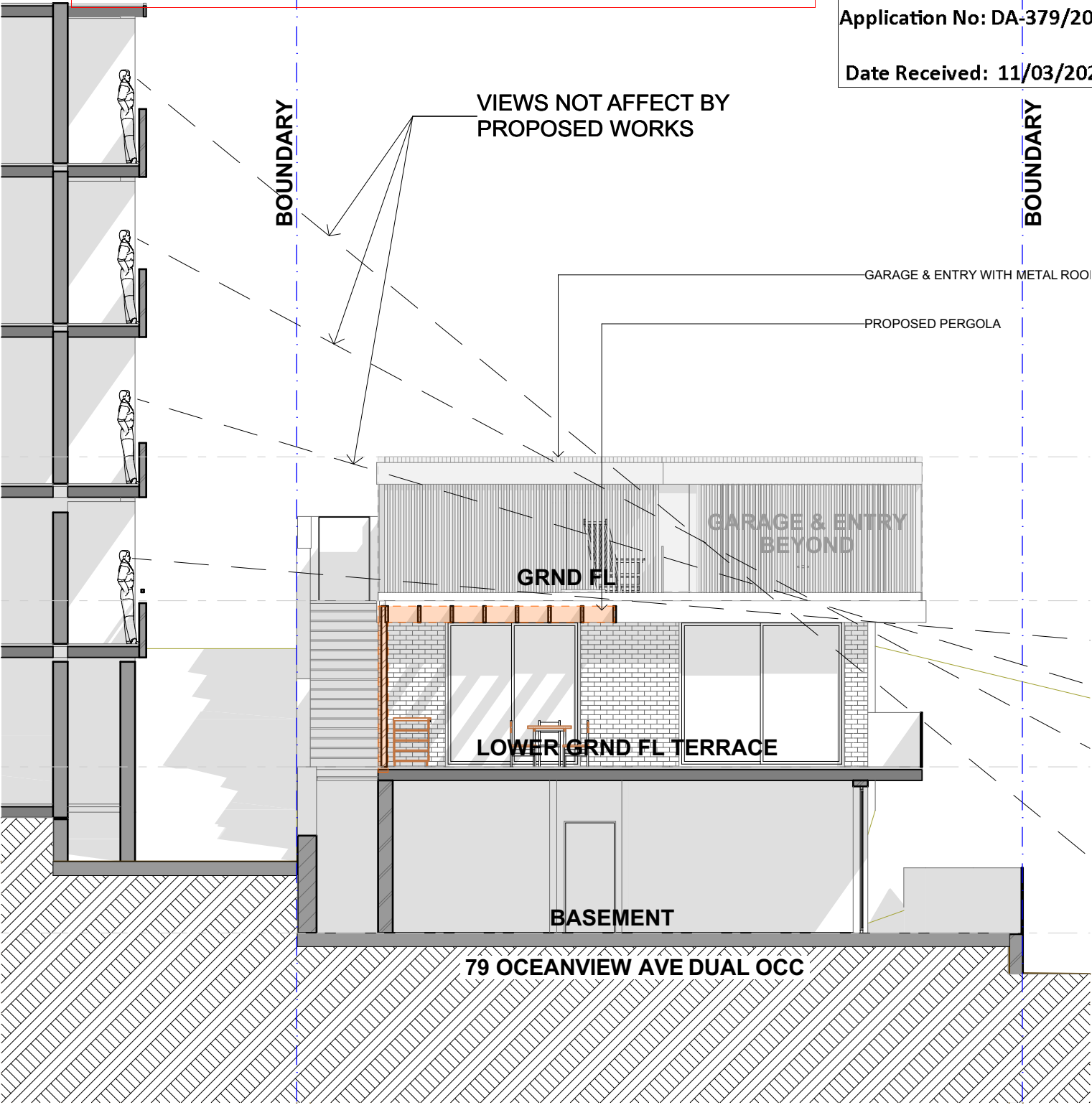


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DRAWING TITLE :
**DETAILS
VIEW ANALYSIS**

DATE:
3 FEBRUARY 2020
SCALE:
AS SHOWN @A3

PROJECT NO.
0511

ISSUE.

C

DRAWING NO.

DA-08

472