



20 October 2020

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

12.00 PM WEDNESDAY, 28 OCTOBER 2020

QUORUM: Three Panel members.

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

AGENDA

WLPP-2010.A Apologies

WLPP-2010.DI Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-2010.1 PAGE 6 427 Bronte Road, Bronte – Review of refusal for alterations and additions to a dwelling including enclosing existing garage boundary wall and constructing a new floor level within the existing dwelling (DA-92/2020/1)

Report dated 8 October 2020 from the Development and Building Unit.

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

WLPP-2010.2 PAGE 34 105 Military Road, Dover Heights – Modification to alter internal layout, including additional floor space to the rear, new gate, new bin area, and various other alterations. (DA-425/2018/A)

Report dated 8 October 2020 from the Development and Building Unit.

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

WLPP-2010.3 PAGE 81 4 Forest Knoll Avenue, Bondi Beach – Review of decision seeking alterations and additions to existing garage including a first floor studio addition and entry portico (DA-70/2020/1)

Report dated 13 October 2020 from the Development and Building Unit.

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

WLPP-2010.4**PAGE 112**

8/3 Pacific Avenue, Tamarama – Alterations and additions to unit 8 including internal reconfiguration, conversion of the roof space into an attic level with installation of skylights and amendment to strata plan (DA-233/2020)

Report dated 13 October 2020 from the Development and Building Unit.

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

WLPP-2010.5**PAGE 166**

447 Bronte Road, Bronte – Demolition of existing dwelling, earthworks and construction of a part four, part five storey dwelling with integrated garage and swimming pool (DA-131/2020)

Report dated 13 October 2020 from the Development and Building Unit.

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

WLPP-2010.6**PAGE 202**

5 Carlisle Street, Tamarama – Alterations and additions to the existing residential flat building including use of the garage as habitable space, and extension of the roof and balconies to the front and rear (DA-68/2020)

Report dated 15 October 2020 from the Development and Building Unit.

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

WLPP-2010.7**PAGE 250**

3 Weonga Road, Dover Heights – Demolition of a dwelling and construction of a part two, part three storey dwelling with integrated parking and swimming pool to rear (DA-241/2020)

Report dated 16 September 2020 from the Development and Building Unit.

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

WLPP-2010.8**PAGE 290**

62 Military Road, Dover Heights – Substantial demolition works and alterations to the existing dwelling, to form a part two, part three storey dwelling with integrated parking, and new swimming pool at rear (DA-212/2020)

Report dated 16 October 2020 from the Development and Building Unit.

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

WLPP-2010.9**PAGE 365**

12 Blake Street, Rose Bay – Demolition of existing dwelling and construction of two semi-detached dwellings including integrated garage, swimming pools at rear and boundary adjustment (DA-247/2020)

Report dated 16 October 2020 from the Development and Building Unit.

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

WLPP-2010.10**PAGE 454**

19 Darling Street, Bronte – Alterations and additions to semi-detached dwelling including substantial demolition works, rear extension, internal reconfiguration and first floor addition (DA-207/2020)

Report dated 16 October 2020 from the Development and Building Unit.

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

WLPP-2010.11**PAGE 503**

132 Hewlett Street, Bronte – Alterations and additions to the existing residential flat building including increase in roof height and pitch to accommodate 'attic' floor level (DA-205/2020)

Report dated 16 October 2020 from the Development and Building Unit.

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

Bondi Pavilion, Queen Elizabeth Drive, Bondi Beach – Modification including additional slab demolition, reconfiguration of plant and equipment, redesign of theatre, removal of solar panels, update to roof and various other alterations (DA-105/2019/A)

Report dated 19 October 2020 from the Development and Building Unit.

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



Report to the Waverley Local Planning Panel

Application number	DA-92/2020/1
Site address	427 Bronte Road, BRONTE
Proposal	Review of refusal for alterations and additions to a dwelling including enclosing existing garage boundary wall and constructing a new floor level within the existing dwelling.
Date of lodgement	30 June 2020
Owner	T Charara
Applicant	T Charara
Submissions	Six
Cost of works	\$40,700
Issues	Amend CDC via a DA, Non-compliance with FSR development standard; public interest
Recommendation	That the application be REFUSED

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

The site is identified as Lot 5 in DP 12755, known as 427 Bronte Road, Bronte. The site is irregular in shape with an area of 366.7m² and the site falls steeply from the south (Gardyne Street) towards the north (Bronte Rd) by approximately 10m.

The site is comprised of a multi-level dwelling house with a double (tandem) garage accessed from Gardyne Street.

On either side of the site are detached dwellings and a public stair connecting Gardyne Street with Bronte Road runs along the eastern side of the site.

The site adjoins the landscape conservation areas along Bronte Road and Gardyne Street at the rear.



Figure 1: Site viewed from Bronte Road



Figures 2 & 3: Site viewed from Gardyne Street, indicating garage wall to be enclosed (above) and from Bronte Rd showing the 5.5m high ceiling between ground and first floor levels (below).



1.2 Relevant History

Complying development

The following complying development approvals apply to the site:

CD-215/2013

Complying Development Certificate (CDC) issued by a private certifier for the construction of a new 2 storey dwelling house in 2013.

Comments: The CDC was subject to significant local community complaints questioning its validity, particularly in respect to the height of the dwelling and the certifiers determination of what constituted *ground level existing*, the number of levels of the dwelling (only 2 storey's may be approved by way of CDC) and a number of other matters. Council officers subsequently sought legal advice from senior counsel in relation to this issue and whilst there was some question as to the CDC's validity, based on the legal advice Council decided not to commence legal proceedings.

Of relevance to this current application, the provisions of the SEPP under which the CDC for the dwelling was approved - State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 – only allowed for the erection of a 1 or 2 storey dwelling house. The house that was approved and subsequently built arguably met the definition of 2 storeys, however the sloping nature of the site meant that the building had the appearance when viewing in elevation of a 3-4 storey building.

The ground floor level above which it is proposed to construct a new level under this application was curiously constructed with an extremely high internal floor to ceiling level (5.5m internal height) and unusual window configuration that clearly lends itself to the subsequent installation of an additional internal level – an outcome that would not have been allowed under the complying development criteria provided for under the SEPP.

CD-225/2013

Complying development consent was issued for the demolition of the existing dwelling and retention of the garage.

Development Consents

The following development applications (and subsequent modification applications) apply to the site:

DA-132/2016

This application sought development consent for the demolition of the existing garage (already undertaken – see Notice NO-2690 referred above)) and the construction of a new single garage in its place. This was approved on 24 August 2016 by the Waverley Development Assessment Panel.

DA-132/2016/A

This application was for modification to the garage ceiling level. This was approved on 7 June 2017 by Council Planning staff under delegation.

Notices and Orders

The site has been subjected to the following **Notices** and **Orders** served by Council's Compliance department:

NO-2690

Notice of Intention to Serve an Order (stop work order) was issued on 23 February 2015 in relation to works undertaken without approval. This related to the demolition of the garage to Gardyne Street.

NO-3912

Notice of Intention to Serve an Order was issued on 19 September 2018 in relation to size of decks at Levels 2, 3 and 4 (the SEPP only allows for 12m² each) and installation of planter boxes and balustrades not complying with the NCC.

1.3 Current Development Application

DA-92/2020 – Subject Development application

This development application proposed alterations and additions to the existing dwelling house approved under CDC-215/2013.

The works included constructing a new floor level within the substantial existing building void between the ground floor and first floor level at the front of the building. This area has an internal ceiling height of approximately 5.5m. It is also proposed to infill the western boundary wall of the garage.

This application was refused on 30 May 2020, primarily due to lack of information. The reasons for refusal were as follows:

1. *The application does not satisfy section 4.15 (1)(a)(i) of the Act as it does not satisfy the Waverley Local Environmental Plan (WLEP) 2012, in particular the following provisions:*
 - a. *Clause 4.6 Exceptions to Development Standards, as no written request has been made to contravene the floor space ratio (FSR) development standard.*
 - b. *Clause 4.4A Exceptions to Floor Space Ratio, as the proposal exceeds the floor space ratio development standard applying to the development and subject site.*
2. *The application does not satisfy section 4.15 (1)(a)(iv) of the Act with respect to the Environmental Planning and Assessment Regulation 2000 (the Regulations), as insufficient documentation has been provided to properly assess the application with respect to Part 1 of Schedule 1 of the Regulations, including but not limited to:*
 - a. *Absence of diagrams or plans to demonstrate the measurement and calculation of the overall gross floor area (GFA) of the development, including the net increase of GFA caused by the proposal.*
 - b. *Absence of a written request pursuant to clause 4.6 of WLEP to justify the exceedance of the FSR development standard.*
3. *The application does not satisfy section 4.15 (1)(b) of the Act, as the proposal exceeds the FSR development standard and the exceedance has not been adequately justified under clause 4.6*

of WLEP. In this regard, the proposal is likely to result in adverse environmental impacts upon the locality.

4. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable as the development represents an overdevelopment of the site by virtue of the exceedance of the FSR development standard not being adequately justified under clause 4.6 of WLEP.
5. The application does not satisfy section 4.15 (1)(d) of the Act as the issues raised in the submissions relating to the exceedance of the FSR development standard and the absence of a clause 4.6 written request to justify the exceedance are valid.
6. The application is not considered to be in the public interest for the reasons outlined above, contrary to section 4.15 (1)(e) of the Act.

1.4 Review of Previous Determination and Proposed Works

The subject application is a review pursuant to section 8.3 of the Environmental Planning & Assessment Act 1979 of the refusal of DA-92/2020. The review is referred to the Panel as the FSR will exceed the maximum allowable FSR under clause 4.4 of Waverley LEP 2012 by 12.7%.

The proposed works comprise:

- The construction of a new level to the dwelling located between the existing ground floor level and the first floor level in an area that has a 5.5m ceiling height. The applicant has described this new level as a 'mezzanine'; and
- Infill a small section of open area within the western boundary wall of the garage.

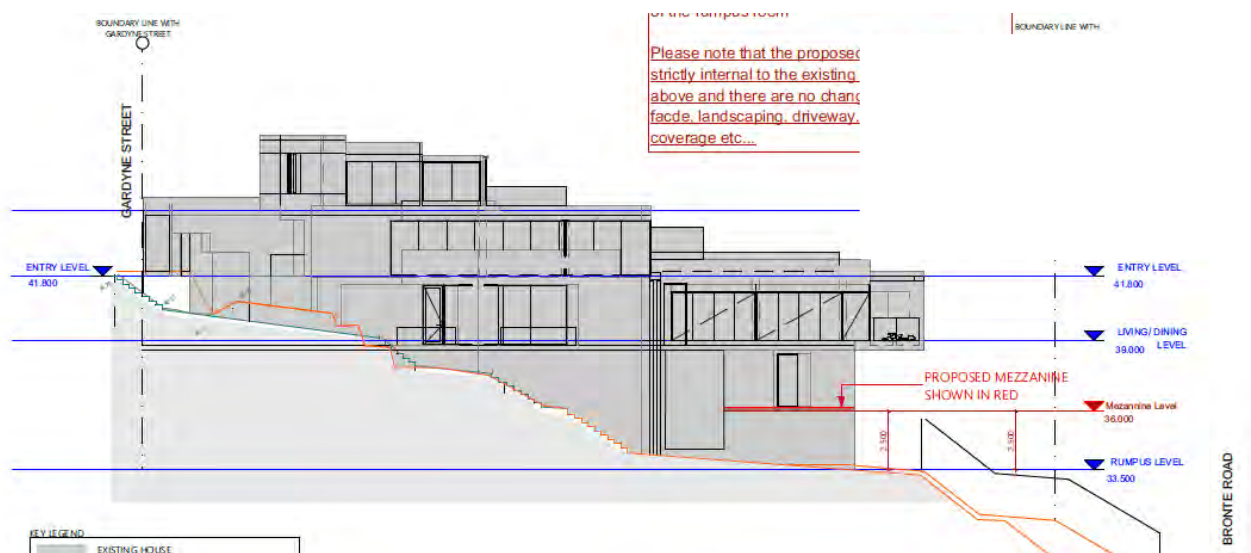


Figure 4: Section showing the proposed mezzanine level.

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 8.3

Section 8.3 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 May 2020. The period of the right of appeal for the applicant to exercise (referenced in section 8.3(2)(a) of the Act), is usually six months after the date of determination; however, a recent Ministerial Direction has extended this time to 12 months.

The application satisfies the statutory timeframe to determine this review application.

2.2 Complying Development and Development that needs consent (except complying development)

The EPA Act provides separate pathways for obtaining consent for certain types of development, including the construction of a dwelling house. Consent can be obtained via an application for complying development (a CDC) pursuant to Division 4.5 or via an application for development consent pursuant to Division 4.3.

The dwelling house was constructed as Complying Development pursuant to Division 4.5 of the EPA Act. This sets out the provisions concerning the carrying out of complying development including the obtaining of a CDC.

Division 4.5 Complying development

4.25 Application of this Division

This Division applies to complying development.

This division of the Act is separate to that for which a development consent would apply for a similar development. A development consent can only be obtained pursuant to Division 4.3 of the Act and relevantly this division “*does not apply to complying development*”:

Division 4.3 Development that needs consent (except complying development)

4.9 Application of Division

This Division—

- (a) applies to development that may not be carried out except with development consent, but*
- (b) does not apply to complying development.*

The approval pathways are separate and distinct and there are numerous examples within the Act where the clear distinction between the two consent types (CDC and development consent) are discovered:

- Division 4.3 sections 4.9 – 4.20 all relate to matters regarding ***“Development that needs consent (except complying development)”***
- Division 4.5 sections 4.25 – 4.31 all relate to matters regarding ***“complying development”*** including how applications for complying development may be made and how complying developments may be modified.
- Section 4.58 requires that Council maintain a register of ***“consents and certificates”***
- Section 4.59 deals with the validity of ***“development consents and complying development certificates”***.

There is no explicit power for a consent authority to modify a CDC via a development application.

This premise is supported by the existence of a specific and explicit power to modify a CDC within the Act:

s4.30 Modification of complying development

- (1) A person who has made an application to carry out complying development and a person having the benefit of a complying development certificate may apply to modify the development the subject of the application or certificate.*
- (2) This Division applies to an application to modify development in the same way as it applies to the original application.*

Should the applicant wish to modify the CDC, this is the proper course to be taken and this would require an assessment against the relevant provisions including the applicable development standards of the environmental planning instrument under which the construction of the dwelling was approved - State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

It is on this basis that this application should be refused.

Should the Panel disagree with this, the following assessment is provided:

2.3 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.

2.3.1 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 not inconsistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is a permitted use with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	N/A	No change to overall building height of the development.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.7:1 • 257.29m ² Max GFA • Site Area = 366.7m ²	No	The development proposes to add an additional 34.7m ² to the existing GFA, resulting in a total floor space area of 290.795m ² or 0.786:1. This does not comply with the maximum allowable FSR under the development standard by 12.7%.
4.6 Exceptions to development standards	No	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The subject property is not a heritage item itself. However, both streets bordering the property at the front and rear are identified as landscape conservation areas. The proposal does not include works that relate to any street trees. Therefore, the proposal is not considered to impact upon the landscape conservation area.

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

Clause 4.6 Exceptions to Development Standards

The application seeks to vary the floor space ratio (FSR) development standard in Clause 4.4. This assessment is based solely on whether the provisions under clause 4.6 have been satisfied to the requisite degree as this is a jurisdictional pre-requisite to the granting of development consent. There are separate reasons outlined elsewhere in this report that refusal of this application is recommended.

The site is subject to a maximum FSR control of 0.7:1 or 257.29m² total GFA. The proposed development has an FSR of 0.786:1, exceeding the standard by 33.5m² equating to a 12.7% variation.

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

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

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

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 does not alter the existing building and complies with the maximum permitted height stipulated in the LEP and all of the relevant built form controls under Council's DCP. The additional GFA, being completely internal, will not alter in any perceivable way the visual bulk and scale of the existing dwelling house.*
 - (ii) *The site is in the R2 Low Density Residential Zone and the locality is characterised by a mix of dwelling houses and residential flat buildings of varying scales and architectural styles. Most of the dwellings, particularly the more recent developments including both immediate neighbours, have a similar visible bulk and scale when viewed from Bronte Road.*
 - (iii) *It is relevant to note that the immediately adjoining building to the east at 429 Bronte Road involves an FSR breach of over 60% being over 1.1:1. In addition, the proposed development is in keeping with the character of other recent developments within the broader Bronte locality.*
 - (iv) *The proposal, and specifically the additional proposed FSR, does not change the existing height, bulk, scale and streetscape appearance or built form whatsoever. As such, there is no perceptible environmental impact arising from the increased floor space.*
 - (v) *Notwithstanding the variation, the proposal has been designed to maintain amenity of neighbouring dwellings. No new windows are proposed, and the area of the mezzanine has been limited to existing double height voids.*
 - (vi) *The additional floor space will not affect the privacy, solar access and views enjoyed by neighbouring properties and will not adversely impact on the amenity of the locality.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) *The proposed development is compatible with the bulk and scale of the surrounding development with no significant adverse effects on amenity of neighbouring or the locality.*
 - (ii) *There is an absence of any unreasonable impacts, arising from the proposed non-compliance, on the character of the area or on the amenity enjoyed by neighbouring properties.*
 - (iii) *Given that the FSR of the proposed building is similar to or less than that of the immediate neighbouring and other recent approvals in this locality, it is considered that there are sufficient and strong environmental planning grounds to justify a contravention of the development standard in the circumstance of this case.*

- (iv) *On balance, the development proposal is considered to achieve a planning purpose of enhancing residential amenity whilst ensuring that built form is compatible with existing development and without resulting in any significant amenity impacts on the neighbouring properties or the locality.*

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.

The relevant objectives of the FSR development standard under Waverley LEP 2012 is to provide an appropriate correlation between maximum building heights and density controls; to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality, to establish limitations on the overall scale of development, to preserve the environmental amenity of neighbouring properties and to minimise the adverse impacts on the amenity of the locality.

The proposal results in a non-compliance of approximately 33.5m² above the development standard. The proposed FSR is acceptable in this situation, given that the development proposes the infill of an existing void. As the proposed works are completely internal, it is considered that there will no impacts on views from neighbouring properties or solar access as a result of the proposal.

2.3.2 Waverley Development Control Plan 2012

The proposed works have been assessed against relevant matters to be considered under the Waverley DCP 2012 and are considered acceptable in this context.

2.4 Any Submissions

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

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

Table 2: Summary of property addresses that lodged a submission

Property
429 Bronte Road, BRONTE
Bronte Beach Precinct Committee
38A Gardyne Street, Bronte (4 submissions received from this property)

Issue: *Non-compliance with the FSR development standard and the absence of a clause 4.6 written request.*

Response: The applicant has submitted a Clause 4.6 written request to vary the FSR standard. The Clause 4.6 request has been assessed in the body of the report.

Issue: *The proposed mezzanine confirms the dwelling is three storeys.*

Response: This issue relates to the discussion at 2.2 of this report as to whether the development which proposes to modify the complying development can be approved.

Issue: *Approval history of the redevelopment of the site and compliance matters.*

Response: Council has previously investigated the validity of the complying development certificate and taken relevant building compliance action relating to certain works. This is not a relevant consideration in the assessment of this application.

Issue: *Privacy concerns due to the mezzanine window facing east*

Response: The east facing mezzanine window directly faces the solid wall of the neighbouring property at No. 429 Bronte Road. As there are no west facing windows on the neighbouring property, there are no concerns relating to overlooking and privacy. This is discussed in the body of this report.

2.5 Public Interest and Summary

There is a strong public interest in ensuring that development occurs in an orderly fashion and is undertaken in accordance with the statutory regime that applies to that development. It would be

incongruous to accept the principle that an applicant should be able to 'pick and choose' from what is clearly different and separate development approval pathways to bypass the relevant assessment process. A CDC is subject to specific development controls and cannot be approved if it does not accord with these. A CDC does not involve a merit assessment in the same way that a development application does.

In this case, the development the subject of the CDC (the original dwelling house) technically met the specified criteria that allowed it to be constructed as complying development and was constructed to this. It could not have been approved as complying development had it included the floor level that is the subject of this development application.

On any reasonable interpretation of the provisions within the EPA Act relating to development consent and complying development, it is clear that they are two distinguishable and separate approval (and modification) pathways and therefore this application should be refused.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the application be refused for the following reasons:

1. The dwelling house was approved as complying development under a complying development certificate and the proposed works can only be approved by a modification application pursuant to section 4.30 *Modification of complying development* of the Environmental Planning & Assessment Act.

Application prepared by:



Mitchell Reid
Executive Manager, Development Assessment

Date: 8 October 2020

Should the Panel grant development consent, the following conditions are recommended:

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 RCO Engineering Pty Ltd of Project No: 20-04 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
A.02.1 Rev. A	Site and Analysis Plan	12.06.2020	30/06/2020
A.03.1 Rev. A	Floor Plan (Rumpus Room)	12.06.2020	30/06/2020
A.03.2 Rev. A	Floor Plan Kitchen Level	12.06.2020	30/06/2020
A.03.3 Rev. A	Floor Plan Entry Level	12.06.2020	30/06/2020
A.03.4 Rev. A	Floor Plan M.bed Level	12.06.2020	30/06/2020
A.04.1 Rev. A	East Elevation	12.06.2020	30/06/2020
A.04.2 Rev. A	North Elevation	12.06.2020	30/06/2020
A.04.3 Rev. A	West Elevation	12.06.2020	30/06/2020
A.04.4 Rev. A	South Elevation	12.06.2020	30/06/2020
A.05.1 Rev. A	Section 1-1	12.06.2020	30/06/2020

Except where amended by the following conditions of consent.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

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

3. HOME BUILDING ACT

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

CONTRIBUTIONS, FEES & BONDS

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:

(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.

5. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of \$2,152.50 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.

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.

CONSTRUCTION MATTERS

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.

WASTE

10. 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.

PRIOR TO ANY WORKS

11. 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.

CONSTRUCTION MATTERS

12. 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.

13. 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.

14. 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.

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.

15. 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.

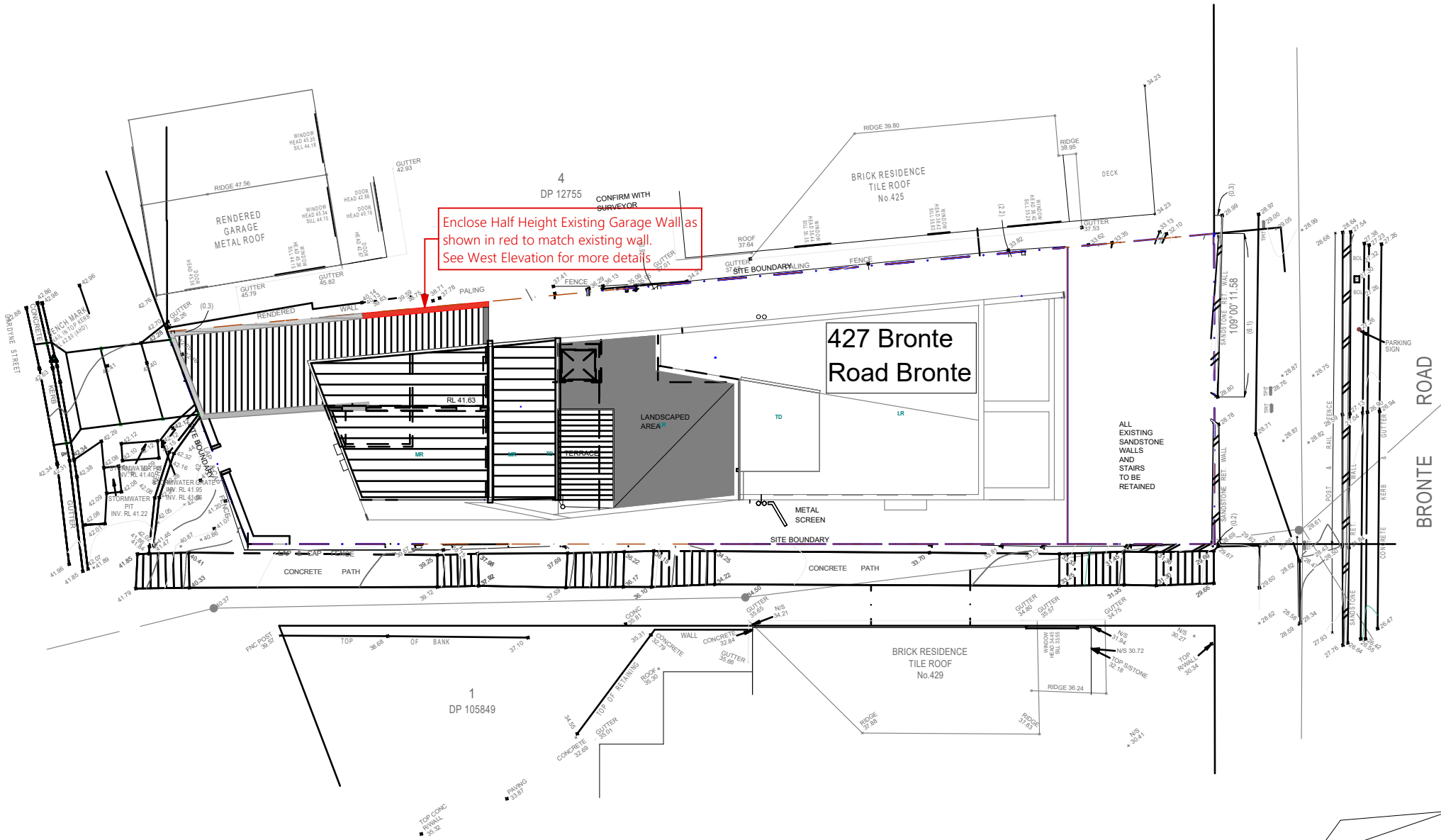
16. CERTIFICATION OF BASIX COMMITMENTS

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

RECEIVED
Waverley Council

Application No: DA-92/2020/1

Date Received: 30/06/2020




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2) Installation of internal Mezzanine on top of the rumpus room

Please note that the proposed alterations are strictly internal to the existing house as listed above and there are no changes or addition to the facade, landscaping, driveway, stormwater, site coverage etc...

LOT 5 DP12755
AREA=366.7m²


SITE PLAN & SITE ANALYSIS PLAN
1:200

NOTES AND INSTRUCTIONS:			REVISIONS				
<p>The contractor and / or subcontractors shall be responsible for all levels and dimensions prior to commencing on site or off site constructions and / or fabrications. These drawings must not be scaled. These drawings are dimensioned in (mms).These drawings must be read in conjunction with all other drawings and / or instructions as may be issued during the course of the project. These drawings are copyright and must not be retained, copied, developed or amended without a written consent from RCO ENGINEERING. All works resulting of these drawings are to be in accordance with 1- The Building Code of Australia. 2- All codes and regulations of LOCAL AUTHORITY REQUIREMENTS. 3- All related Trades Australian Standards. These drawings are site specific and can only be used for the address as listed in these drawings.</p> <p>These drawings are site specific and can only be used for the address as listed in these drawings. 1. All works to be in accordance with the Building Code of Australia, Australian Standards, statutory regulations and local authority requirements. 2. Consistency between similar materials to be maintained. RCO Engineering to be notified of any discrepancies, dimensional inconsistencies or the need for clarification prior to manufacture. 3. RCO Engineering to approve all detailed drawings/setting out prior to construction. 5. Contractors to confirm stability and leasability of all units/components prior to manufacture. 6. All drawing measurements to be verified on site - do not scale from documents. 7. Refer to, and read this document in conjunction with Specification or any other plans such as structural, hydraulic and electrical (if applicable) for further information.</p>			DATE	COMMENTS			
			12-6-20	Rev-A			
Project: Internal alterations to existing double height space and enclosing existing garage wall	City Council:Waverly Council DP.No: 12755 Lot.No: 5 Zoning:R2	<div><div>R C O ENGINEERING PTY LTD</div><div>ENGINEERS. DESIGNERS . PROJECT MANAGERS.</div><div>5/125 GREAT NORTH ROAD FIVE DOCK 2046</div><div>TEL: 0297121100</div></div>			<div></div>	ISSUE DATE: 21-2-2020	
					SCALE: 1:200 A3		
Client: Mr Tony Cherara	Project address: No: 427 Bronte Road Suburb: Bronte	Site Plan & Site Analysis Plan			Project Number 20-04	Sheet.No. A.02.1	DESIGNED BY: R.O
							DRAWN BY: R.O.
							CHECKED BY: R.O.

Architectural site plan showing a proposed mezzanine on the Rumpus Room. The plan includes a landscaped area, service areas, a ramp, a terrace, and a concrete path. A purple shaded area indicates the 34.7m² additional mezzanine on top of the 36.00m² Rumpus Room. The plan also shows existing sandstone walls and stairs to be retained, and a sewer inspection pipe. Elevation markers and a north arrow are present.

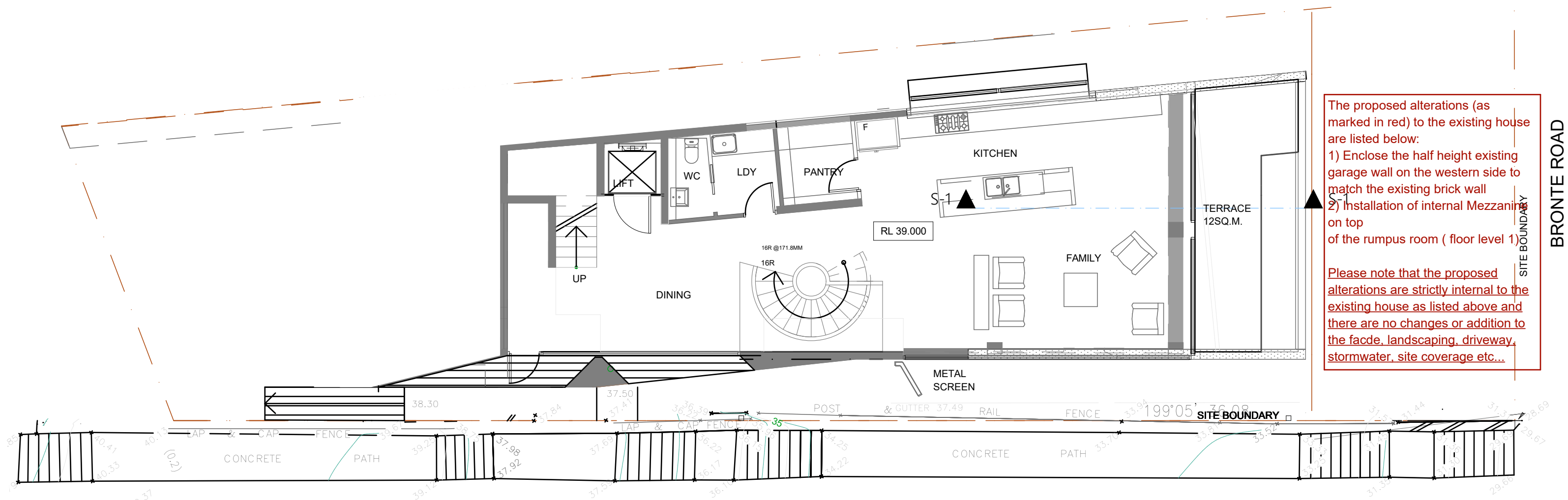
Rampus Level
59.039 m²
FSR

Project: Internal alterations to existing double height space and enclosing existing garage wall	City Council:Canda Bay Council DP.No: 12755 Lot.No: 5 Zoning:R2
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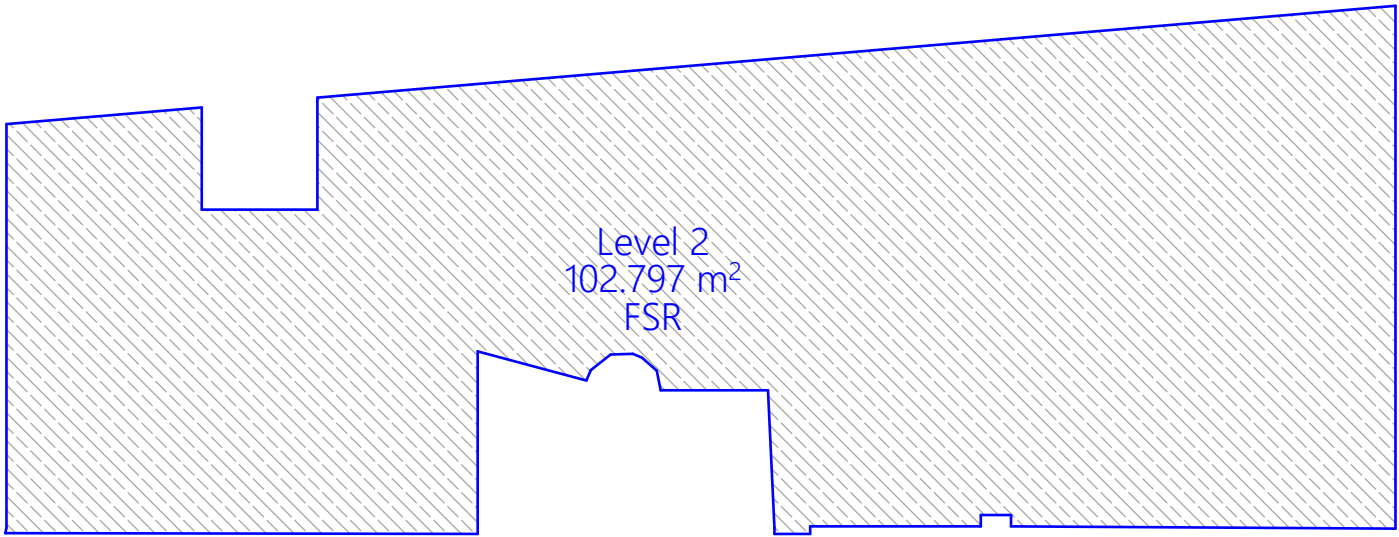
<p>R C O ENGINEERING PTY LTD</p> <p>ENGINEERS. DESIGNERS . PROJECT MANAGERS.</p>	
<p>5/125 GREAT NORTH ROAD FIVE DOCK 2046</p>	<p>TEL: 0297121100</p>

Floor Plan (Rumpus Room)

ISSUE DATE: 21-2-2020
SCALE: 1:100 A2
DESIGNED BY: R.O
DRAWN BY: R.O.
CHECKED BY: R.O.



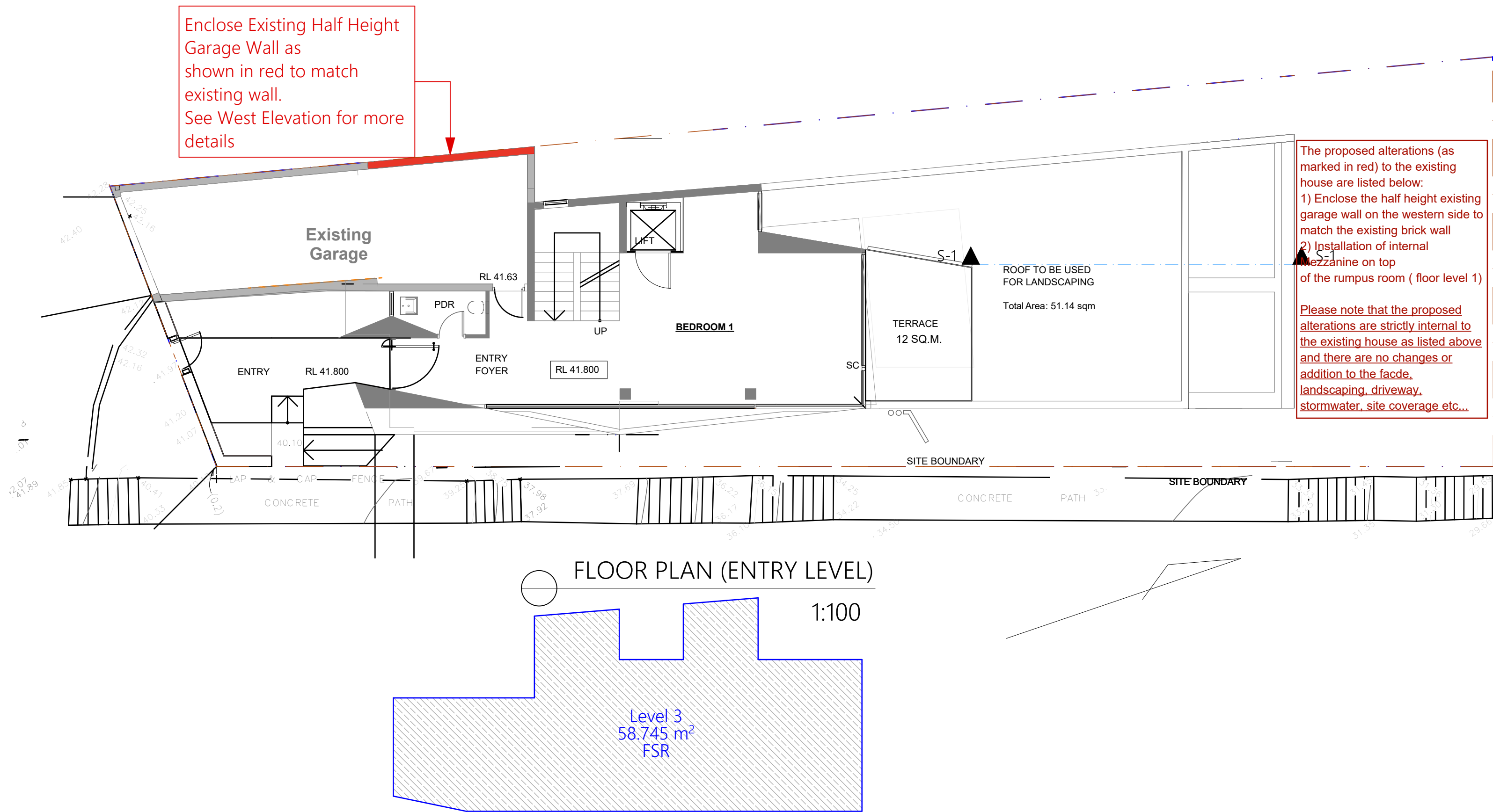
FLOOR PLAN (KITCHEN LEVEL)
1:100



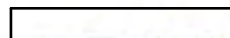
NOTES AND INSTRUCTIONS:

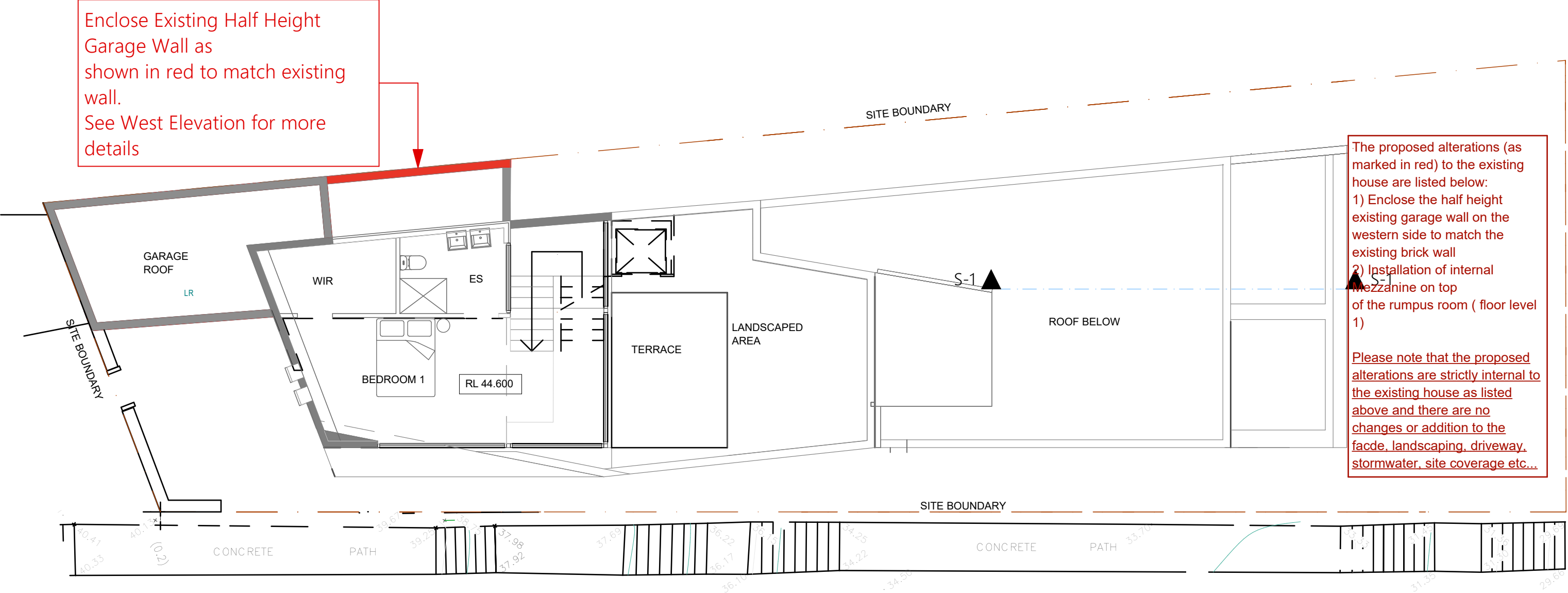
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DATE	COMMENTS	DATE	COMMENTS		
12-6-20	Rev-A				

Project: Internal alterations to existing double height space and enclosing existing garage wall		City Council:Canda Bay Council DP No: 12755 Lot.No: 5 Zoning:R2		R C O ENGINEERING PTY LTD ENGINEERS. DESIGNERS . PROJECT MANAGERS.		TEL: 0297121100		ISSUE DATE: 21-2-2020	
Client: Mr Tony Cherara		Project address: No: 427 Bronte Road Suburb: Bronte		5/125 GREAT NORTH ROAD FIVE DOCK 2046		Project Number 20-04		Sheet.No. A.03.2	
				Floor Plan kitchen Level				SCALE: 1:100 A2	
								DESIGNED BY: R.O	
								DRAWN BY: R.O.	
								CHECKED BY: R.O.	



NOTES AND INSTRUCTIONS:			REVISIONS	
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			12-6-20	Rev-A

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		5/125 GREAT NORTH ROAD FIVE DOCK 2046 TEL: 0297121100				SCALE: 1:100 A2
Client: Mr Tony Cherara	Project address: No: 427 Bronte Road Suburb: Bronte	Floor Plan Entry Level			Project Number 20-04	DESIGNED BY: R.O.
						DRAWN BY: R.O.
						CHECKED BY: R.O.
					Sheet.No. A.03.3	

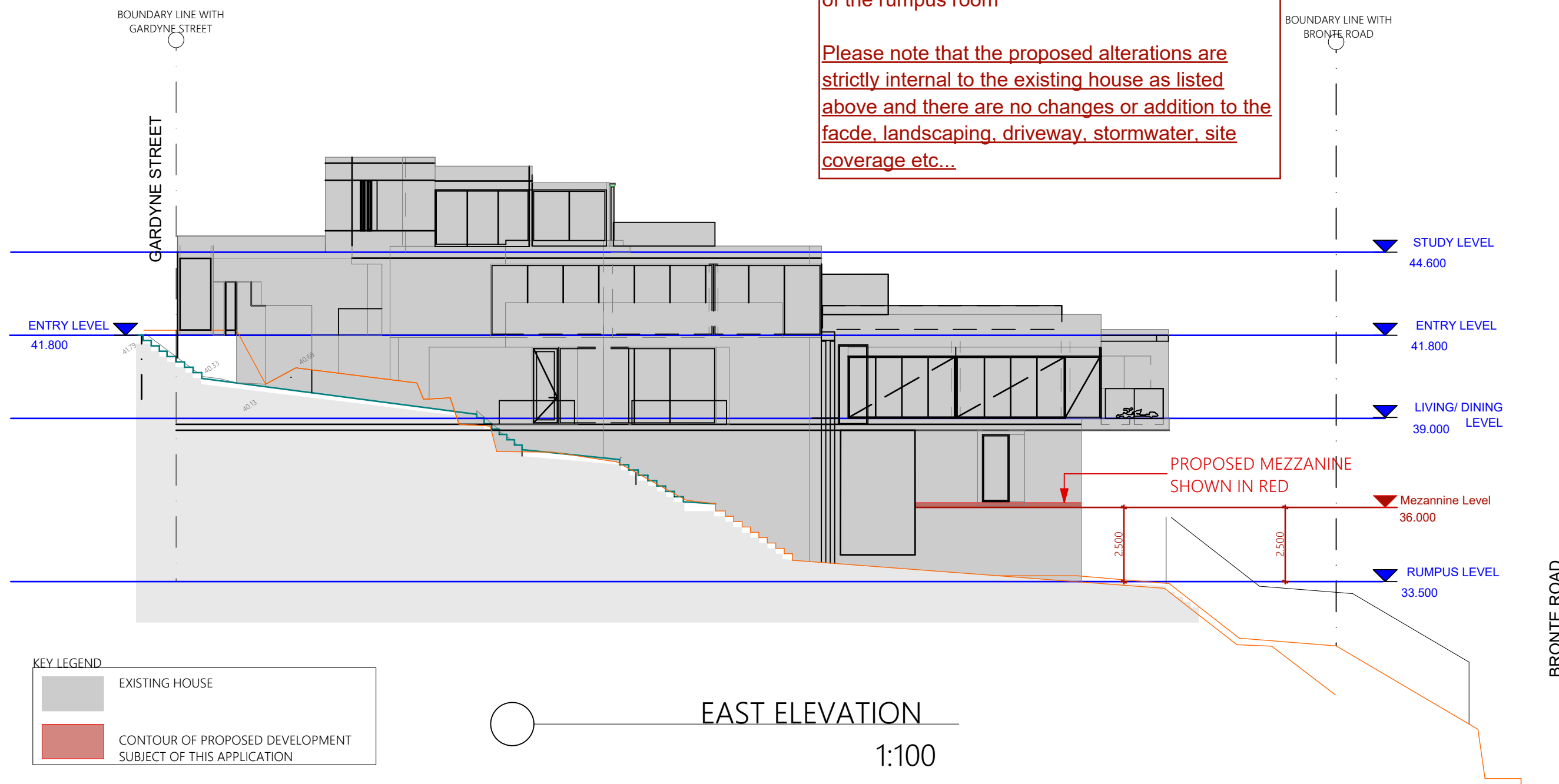


Project: Internal alterations to existing double height space and enclosing existing garage wall		City Council:Canda Bay Council DP No: 12755 Lot.No: 5 Zoning:R2		R C O ENGINEERING PTY LTD ENGINEERS. DESIGNERS . PROJECT MANAGERS.		TEL: 0297121100		ISSUE DATE: 21-2-2020	
Client: Mr Tony Cherara		Project address: No: 427 Bronte Road Suburb: Bronte		Floor Plan M.bed Level		Project Number 20-04		Sheet.No. A.03.4	
								DESIGNED BY: R.O	
								DRAWN BY: R.O.	
								CHECKED BY: R.O.	

RECEIVED
Waverley Council
Application No: DA-92/2020/1
Date Received: 30/06/2020

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2) Installation of internal Mezzanine on top of the rumpus room

Please note that the proposed alterations are strictly internal to the existing house as listed above and there are no changes or addition to the facade, landscaping, driveway, stormwater, site coverage etc...



NOTES AND INSTRUCTIONS:

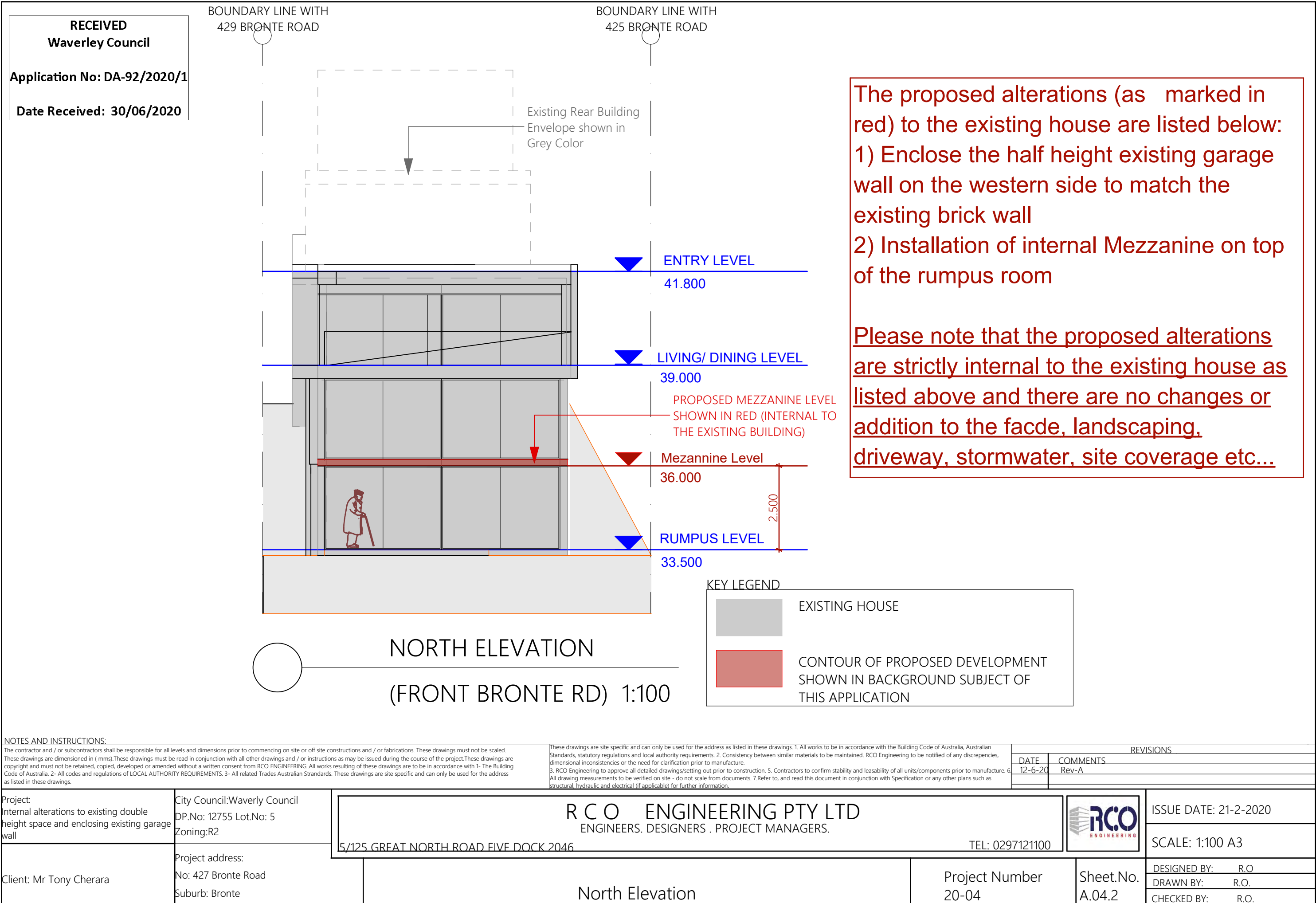
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REVISIONS

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12-6-20	Rev-A

Project: Internal alterations to existing double height space and enclosing existing garage wall	City Council:Waverly Council DP.No: 12755 Lot.No: 5 Zoning:R2	R C O ENGINEERING PTY LTD ENGINEERS. DESIGNERS . PROJECT MANAGERS. 5/125 GREAT NORTH ROAD FIVE DOCK 2046 TEL: 0297121100	RCO ENGINEERING	ISSUE DATE: 21-2-2020	SCALE: 1:150 A3
Client: Mr Tony Cherara	Project address: No: 427 Bronte Road Suburb: Bronte	East Elevations	Project Number 20-04	Sheet.No. A.04.1	DESIGNED BY: R.O
					DRAWN BY: R.O.
					CHECKED BY: R.O.



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Waverley Council

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Enclose Existing Half Height Garage wall as shown in red to match existing wall

BOUNDARY LINE WITH GARDYNE STREET

TOP OF PARAPET
RL 45.125

STUDY LEVEL 44.600

STUDY LEVEL 44.600

ENTRY LEVEL 41.800

ENTRY LEVEL 41.800

LIVING/ DINING LEVEL 39.000

LIVING/ DINING LEVEL 39.000

RUMPUS LEVEL
33.500

RUMPUS LEVEL
33.500

PROPOSED MEZZANINE
SHOWN IN RED

Mezzanine Level
36.000

RUMPUS LEVEL
33.500

KEY LEGEND



EXISTING HOUSE



CONTOUR OF PROPOSED DEVELOPMENT
SUBJECT OF THIS APPLICATION

WEST ELEVATION

1:100

NOTES AND INSTRUCTIONS:

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REVISIONS

DATE	COMMENTS
12-6-20	Rev-A

Project:
Internal alterations to existing double height space and enclosing existing garage wall

City Council: Waverley Council
DP.No: 12755 Lot.No: 5
Zoning: R2

Client: Mr Tony Cherara

Project address:
No: 427 Bronte Road
Suburb: Bronte

RCO ENGINEERING PTY LTD
ENGINEERS, DESIGNERS, PROJECT MANAGERS.

5/125 GREAT NORTH ROAD FIVE DOCK 2046

TEL: 0297121100



ISSUE DATE: 21-2-2020

SCALE: 1:150.00 A3

DESIGNED BY: R.O.

DRAWN BY: R.O.

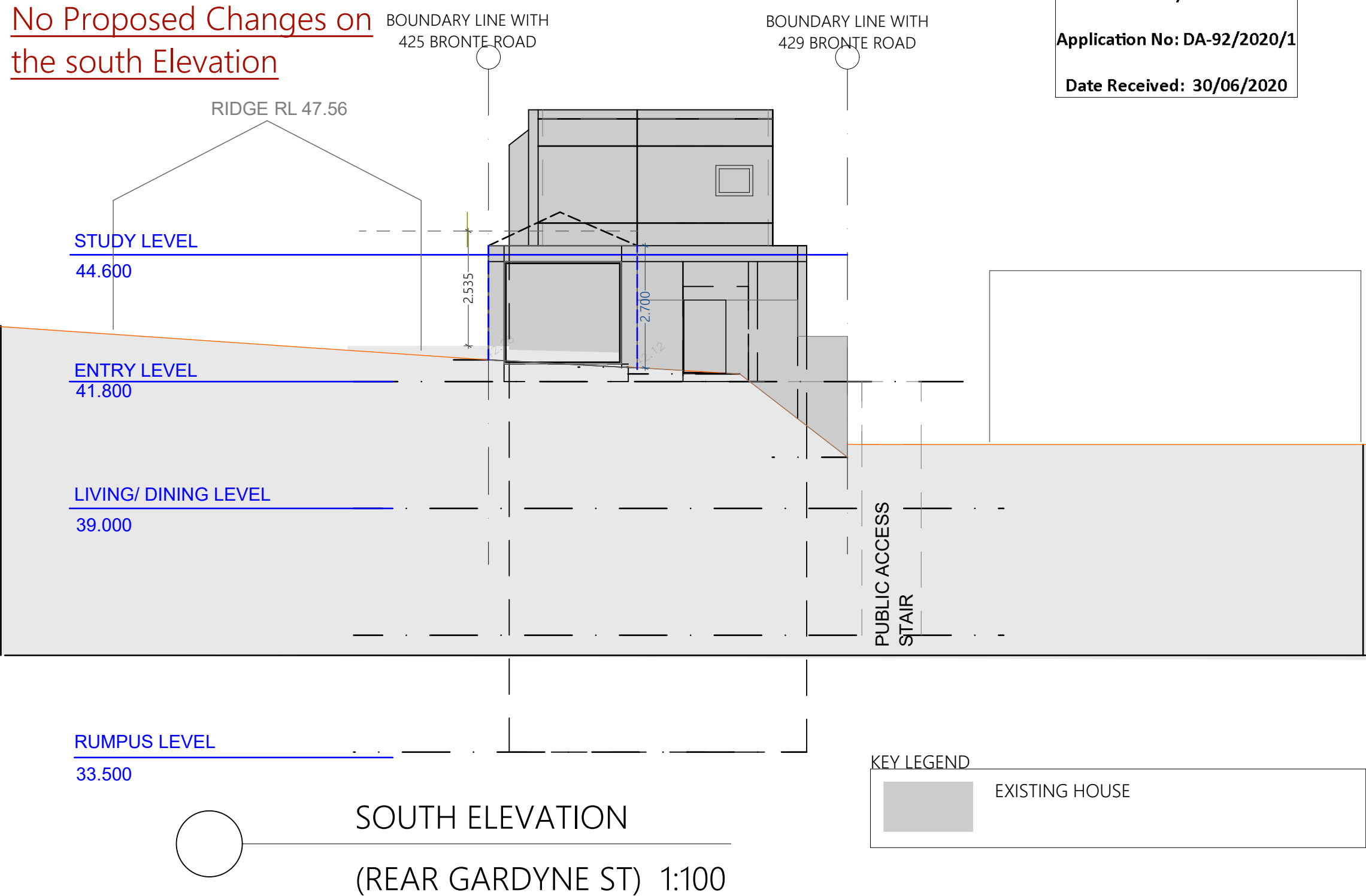
CHECKED BY: R.O.

Project Number
20-04

Sheet.No.
A.04.3

West Elevation

No Proposed Changes on the south Elevation



RECEIVED
Waverley Council
Application No: DA-92/2020/1
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NOTES AND INSTRUCTIONS:			REVISIONS		
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Client: Mr Tony Cherara	Project address: No: 427 Bronte Road Suburb: Bronte			SCALE: 1:100 A3	
South Elevation		Project Number 20-04	Sheet.No. A.04.4	DESIGNED BY:	R.O.
				DRAWN BY:	R.O.
				CHECKED BY:	R.O.

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Waverley Council

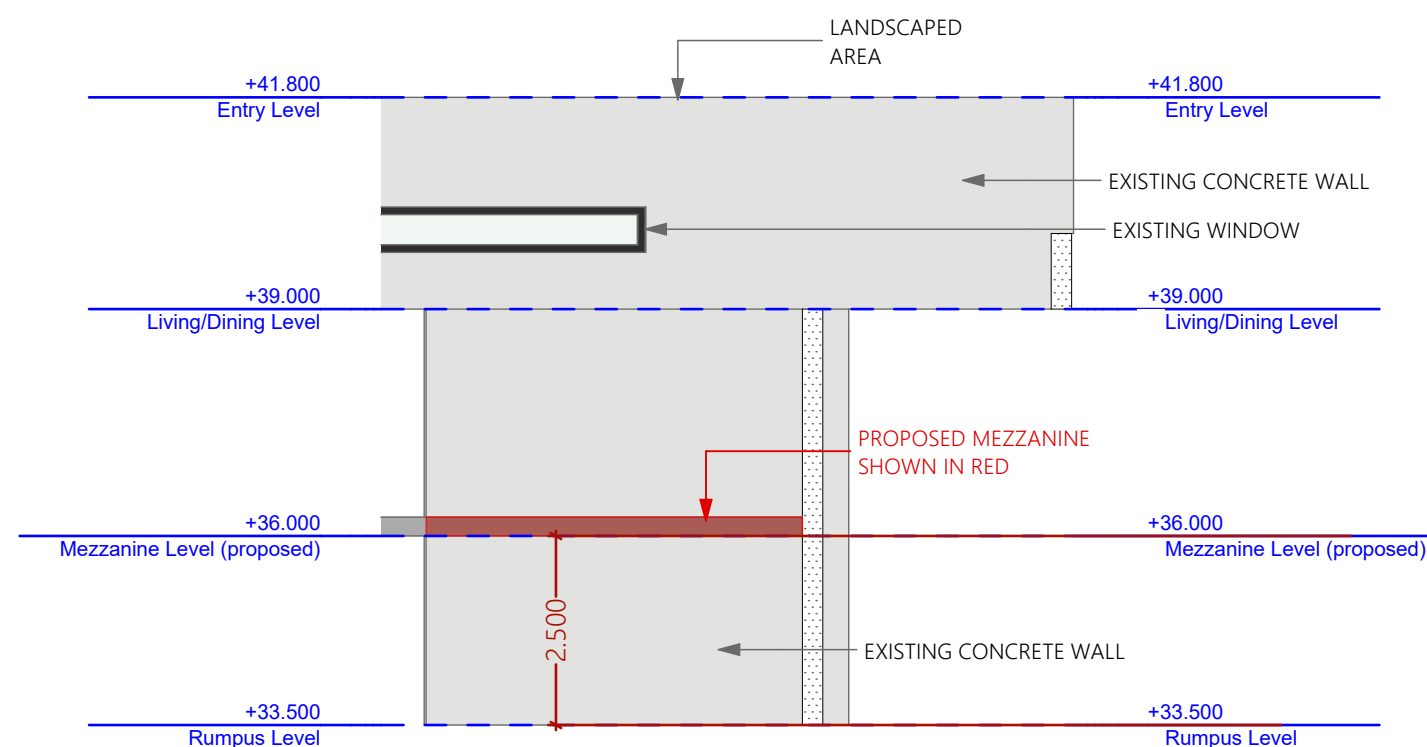
Application No: DA-92/2020/1

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SECTION 1-1
1:100

KEY LEGEND

	EXISTING HOUSE
	CONTOUR OF PROPOSED DEVELOPMENT SUBJECT OF THIS APPLICATION

NOTES AND INSTRUCTIONS:

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Client: Mr Tony Cherara	Project address: No: 427 Bronte Road Suburb: Bronte				SCALE: 1:100 A3
Section 1-1		Project Number 20-04	Sheet.No. A.05.1	DESIGNED BY: R.O. DRAWN BY: R.O. CHECKED BY: R.O.	



Report to the Waverley Local Planning Panel

Application number	DA-425/2018/A
Site address	105 Military Road, Dover Heights
Proposal	Modification to alter internal layout, including additional floor space to the rear, new gate, new bin area, and various other alterations.
Approved development description	Demolition of existing dwelling house and the erection of a three storey dual occupancy, swimming pools and strata subdivision.
Date of lodgement	30 June 2020
Owner	Mrs G M and Mr G Kosmin
Applicant	Van Rooijen Meyers & Partners
Submissions	None received.
Amended Cost of Works	\$2,255,316.05
Issues	Non-compliance with floor space ratio development standard.
Recommendation	That the application be APPROVED .

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out in March and September 2019, when the original development application was assessed.

The site is identified as Lot 145 DP 11822 and is known as 105 Military Road, Dover Heights. The site is rectangular in shape with a western frontage to Military Road of 12.8m and an area of 585.3m². The site falls from the rear towards the street by approximately 3m.

The site is occupied by a three storey dwelling house, being two residential levels over ground level parking. Construction is yet to commence on the site.

The subject site is adjoined by three storey dwelling houses (with the lower levels being ground level parking). To the rear in Lord Howe Street, are dwelling houses and opposite, across Military Road, are part two and three storey dwelling houses. The locality is characterised by a variety of residential developments mainly large dwelling houses and dual occupancies.



Figure 1: Site viewed from Military Road, looking east.



Figure 2: Rear of site, looking east.

1.2 Details of Approved Development

The original development application, known as DA-425/2018 for demolition of existing dwelling house and the erection of a three storey dual occupancy, swimming pools and strata subdivision, was approved by the Waverley Local Planning Panel on 25 September 2019.

Condition 2 of the development consent provides for required general modifications to the approved development, and they are as follows:

2. **GENERAL MODIFICATIONS**

The proposal shall be amended as follows:

- (a) *The depth of the rear first floor balconies of the development shall be reduced to a maximum of 1.5m in depth. The blade wall is to be reduced to match.*
- (b) *The landscape plan shall be amended to reflect the amended form of the development shown in condition 1(a).*
- (c) *The draft Strata Plan shall be amended to reflect the amended form of the development shown in condition 1(a).*
- (d) *Details of the materials, including privacy screens.*

*The amendments are to be approved by the **Executive Manager, Building Waverley (or delegate)** prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.*

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.

1.3 Proposal

The application has been lodged as a section 4.55 (2) modification application and provides for the following modifications to the approved development:

Basement level

- New bin enclosure in the front yard area for the northern dwelling; and
- New pedestrian gates on either side of the street frontage of the site.

Ground floor level

- Additional floor space to the rear of both dwellings, thereby slightly reducing the rear ground floor setback of the development;
- Reconfigured kitchen in northern dwelling; and
- Provision of flueless fireplaces for both dwellings.

First floor level

- Additional floor space to the front of the southern dwelling, thereby aligning its front (western) external wall with that of the northern dwelling. This maintains the current front building line of the overall development;
- Reduction of depth and area of the rear balconies of both dwellings in accordance with condition 2(a) of the development consent;
- Inclusion of a floor to ceiling window wrapping around from the southern to the western elevations of the southern dwelling; and
- Minor reconfiguration of the internal layout of both dwellings.

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

The application has been made under section 4.55(2) of the Act. The proposed modifications are considered to be substantially the same development as the original consent given the land use and essential nature of the development are unchanged. The modifications result in a modest increase of the overall gross floor area of the development to the front and rear of the development. However, the overall building height of the development remains unchanged. Therefore, the perceived building height, bulk and scale of the approved development, as proposed to be modified, remains unchanged.

The environmental impacts of the proposed modifications are discussed later in this report.

Council has consulted any relevant Minister or Authority and publicly notified the application to surrounding properties. 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

Amended BASIX Certificate commitments have been notated on the architectural plans that reflect the approved development, as proposed to be modified.

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 (WLEP)

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	Satisfactory.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	Yes	Development consent has already been granted for Strata subdivision of the approved development and site.
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as ‘dual occupancy (attached)’, which is permitted with consent in the R2 zone. It satisfies the relevant zone objectives.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	N/A	The approved development has an overall building height of 8.66m and the proposed modifications do not change the overall building and wall heights of the development.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.5:1 (a maximum GFA of 292.65m ²)	No	<p>The approved development has an overall gross floor area (GFA) of 387m², which provides a floor space ratio (FSR) of 0.66:1. The development exceeds the development standard by 94.35m² or 32%.</p> <p>The approved development, as proposed to be modified, has an overall GFA of 406.4m², achieving a FSR of 0.694:1. The net increase</p>

Provision	Compliance	Comment
		of GFA is 19.4m² . The overall exceedance is 113.75m² or 38% .
4.6 Exceptions to development standards	See discussion	The approved development, as proposed to be modified, exceeds the FSR development standard. While clause 4.6 of the WLEP does not apply to modification applications made under section 4.55 of the Act, the exceedances are discussed below Table 1 of this report.

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

Floor Space Ratio

The proposed modifications result in an increase of the overall GFA of the approved development. The net increase of GFA is 19.4m², culminating in the approved development, as proposed to be modified, comprising an overall GFA of 406.4m² and an FSR of 0.694:1, which results in an exceedance of the FSR development standard by 113.75m² or 38%.

The applicant has provided written justification (in the form of a clause written request, despite not being technically required for a modification application) for the non-compliance with the development standard and has based the justification on the performance of the proposal against the objectives of the FSR development standard. The relevant objectives of the development standard are as follows:

- (a) *to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,*
- (b) *to provide an appropriate correlation between maximum building heights and density controls,*
- (c) *to ensure that buildings are compatible with the bulk, 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 irrelevant to the assessment of this application as the subject site is outside the Bondi Junction Centre.

The applicant has provided detailed justification to support the increased exceedance of the FSR development standard. In summary, the justification is as follows:

- The proposed modifications do not change to the overall building height of the approved development.
- The further exceedance of FSR directly relates to improving the habitable areas of the development.

- The FSR in numerical terms and the perceived building envelope (i.e. bulk and scale) in qualitative terms are consistent with surrounding buildings.
- The proposed net exceedance will not result in any significant impact on the amenity of neighbouring properties.

The points raised in the applicant's justification are sufficient and acceptable to support the modest increase of GFA to the approved development.

The additional GFA is manifested at the rear of the ground floor level and the front of the first floor level of the approved development, as proposed to be modified. The additional GFA to the front will not be discernible from Military Road and neighbouring properties given that it will align with the front first floor building line of the northern dwelling of the development, and therefore, provides a consistent building line at this component of the development. The additional GFA at the rear of the ground floor level will also not be discernible in that the rear building line of the ground floor level will remain consistent with the predominant rear building line established by neighbouring and surrounding buildings to the north and south of the subject site.

The information provided in this modification application is sufficient to determine that the additional GFA will not manifest in unreasonable amenity impacts on neighbouring properties. The shadow diagrams (when compared to those prepared for the originally approved development) will manifest in negligible additional overshadowing impact upon the neighbouring property to the south of the site on 21 June, thereby not discernibly affecting the amount and duration of sunlight received to the neighbouring property. Further, the additional GFA will not result in unreasonable privacy and visual bulk/amenity issues given the building envelope of the approved development, as proposed to be modified, is largely maintained to that of the originally approved development.

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

2.2.4 Waverley Development Control Plan 2012 - Amendment No 7 (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	A new bin enclosure is provided in the centre of the front yard and immediately adjacent to the front of the development. The height of the bin enclosure is seen in the elevation drawings to not extend higher than the front fence and will therefore be obscured from the street for the most part. The bin enclosure is 600mm wide. It is unlikely to result in adverse streetscape impacts and can be accepted.
2. Ecologically sustainable Development	Yes	Satisfactory.

Development Control	Compliance	Comment
3. Landscaping and Biodiversity	N/A	No change.
5. Vegetation Preservation	N/A	No additional tree removal.
6. Stormwater	N/A	No change.
8. Transport	N/A	No change.
10. Safety	Yes	Satisfactory.
11. Design Excellence	Yes	The proposal maintains its architecturally designed appearance.
14. Excavation	N/A	No additional excavation.

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

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none"> • 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 	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.2 Setbacks		
2.2.1 Front and rear building lines		The front basement and ground floor levels of the development remain unchanged.
<ul style="list-style-type: none"> • Predominant front building line • Predominant rear building line at each floor level 	Yes	The front building line of the first floor level of the southern dwelling is proposed to be brought forward to align with that of the northern dwelling. Therefore, the front first floor level of the development remains unchanged.
	Yes	The rear building line of the ground floor level of the development is slightly reduced, however, it remains consistent with the predominant rear building line of neighbouring and surrounding buildings to the north and south of the site. It also will not extend further than the rear building line of the neighbouring building to the north of the site at 107 Military Road.

Development Control	Compliance	Comment
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>Yes</p>	<p>No change to the amount and duration of sunlight received to living areas and private open space areas of the dwellings of the development on the subject site.</p> <p>The shadow diagrams (when compared to those prepared for the originally approved development) will manifest in negligible additional overshadowing impact upon the neighbouring property to the south of the site on 21 June, thereby not discernibly affecting the amount and duration of sunlight received to the neighbouring property. Given that the overall building height, wall height and setbacks (for the most part) of the development remain unchanged, any additional overshadowing would be deemed reasonable.</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	The proposal does not change the overall building height or the side setbacks of the approved development, as proposed to be modified. The application was publicly notified and no submissions were received. In this regard, the proposal is not expected to result in additional impacts on views that are available over and across the site.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided Outdoor clothes drying area to be provided 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal generally maintains 298.8m² of overall open space area (51% of site area) that is already approved.</p> <p>The new bin enclosure slightly reduces the overall landscaped area to 157.3m² of (26.8% of site area).</p> <p>The proposal provides for more than 25m² of private open space.</p> <p>The approved development provides for all its front building setback area as open space (89.3m²). The new bin enclosure slightly reduces this to 86.2m², maintaining 97% of the front building setback area as open space.</p> <p>The new bin enclosure slightly reduces the front landscaped area to 41.2m² of, which is just under 50% of the proposed front open space</p>

Development Control	Compliance	Comment
		area. The net loss of 3.1m ² of landscaped area is inconsequential and can be supported. Outdoor clothes drying areas are provided in rear yards of each dwelling.
2.10 Swimming pools and spa pools		
	N/A	No change to swimming pools.
2.15 Dual Occupancy Development		
	Yes	No change.

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

No internal and external referrals were sought.

4. SUMMARY

The application seeks to modify the approved dual occupancy development at 105 Military Road, Dover Heights, specifically moderately increasing the GFA of the development. The proposal will further the exceedance of the FSR development standard under WLEP, however, the additional GFA will be largely indiscernible and will not result in unreasonable additional environmental amenity impacts upon neighbouring properties. The applicant has also justified the net increase of the GFA and exceedance of the FSR development standard sufficiently and the exceedance can be supported.

The application was publicly notified and no submissions were received.

The application is made under section 4.55(2) of the Act and will exceed the FSR development standard under WLEP by more than 10%. Therefore, the application is referred to the Waverley Local Planning Panel for determination.

The application has been assessed against the matters for consideration under sections 4.15 and 4.55 of the Act, and is recommended for approval, subject to modified conditions of consent.

DBU Decision

The application was reviewed by the DBU at the meeting on 22 September 2020 and the DBU determined:

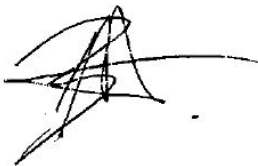
- (a) The application is acceptable and should be approved, subject to the conditions in Appendix A.

DBU members: *M Reid, A Rossi, B McNamara and E Finnegan.*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Section 4.55 Modification Application be **APPROVED** by the Waverley Local Planning Panel subject to the Conditions in Appendix A:

Report prepared by:



Ben Magistrale
Senior Development Assessment Planner

Date: 24 September 2020

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



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

Date: 8 October 2020

Reason for referral:

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

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APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/Deleted Conditions

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plans prepared by Van Rooijen Meyers Architects and received by Council on 27 June 2019 as follows:

Drawing Number/ rev	Plan description	Date
A00-RevA	Site Plan	29/5/19
A01-RevA	Proposed Basement	29/5/19
A02-RevA	Proposed Ground Floor	29/5/19
A03-RevA	Proposed First Floor	29/5/19
A04-RevA	Proposed Elevation (North)	29/5/19
A05-RevA	Proposed Elevation (South)	29/5/19
A06-RevA	Proposed Elevation (East)	29/5/19
A07-RevA	Proposed Elevation (West)	29/5/19
A08-RevA	Proposed Section (1 & 3)	29/5/19
A09-RevA	Proposed Section (2)	29/5/19

- (i) *As amended by the architectural plans prepared by Van Rooijen Meyers Architects and received by Council on 30 June 2020 as follows:*

Drawing Number/ rev	Plan description	Date
A00-RevB	Site Plan	22/06/20
A01-RevB	Proposed Basement	22/06/20
A02-RevB	Proposed Ground Floor	22/06/20
A03-RevB	Proposed First Floor	22/06/20
A04-RevB	Proposed Elevation (North)	22/06/20
A05-RevB	Proposed Elevation (South)	22/06/20
A06-RevB	Proposed Elevation (East)	22/06/20
A07-RevB	Proposed Elevation (West)	22/06/20
A08-RevB	Proposed Section (1 & 3)	22/06/20
A09-RevB	Proposed Section (2)	22/06/20
A15-RevB	Door and Window Schedule	22/06/20

(MODIFIED BY DA-425/2018/A)

- (b) Landscape Plan Nos L01-L04 (Project No. 873-18) prepared by Discount Landscape Plans, dated 16 October 2018 and received by Council on 20 November 2018;
- (c) Draft Strata Plan dated 19 November 2018, and received by Council on 20 November 2018;
- (d) BASIX Certificates; and

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

except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The depth of the rear first floor balconies of the development shall be reduced to a maximum of 1.5m in depth. The blade wall is to be reduced to match.
(SATISFIED BY DA-425/2018/A)
- (b) The landscape plan shall be amended to reflect the amended form of the development shown in condition 1(a).
- (c) The draft Strata Plan shall be amended to reflect the amended form of the development shown in condition 1(a).
- (d) Details of the materials, including privacy screens.

The amendments are to be approved by the ~~Executive Manager, Building Waverley (or delegate)~~ **appointed Principal Certifying Authority** prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

~~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.~~

(MODIFIED BY DA-425/2018/A)

B. New Conditions

Nil.

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plans prepared by Van Rooijen Meyers Architects and received by Council on 27 June 2019 as follows:

Drawing Number/ rev	Plan description	Date
A00-RevA	Site Plan	29/5/19
A01-RevA	Proposed Basement	29/5/19
A02-RevA	Proposed Ground Floor	29/5/19
A03-RevA	Proposed First Floor	29/5/19
A04-RevA	Proposed Elevation (North)	29/5/19
A05-RevA	Proposed Elevation (South)	29/5/19
A06-RevA	Proposed Elevation (East)	29/5/19
A07-RevA	Proposed Elevation (West)	29/5/19
A08-RevA	Proposed Section (1 & 3)	29/5/19
A09-RevA	Proposed Section (2)	29/5/19

- (i) As amended by the architectural plans prepared by Van Rooijen Meyers Architects and received by Council on 30 June 2020 as follows:

Drawing Number/ rev	Plan description	Date
A00-RevB	Site Plan	22/06/20
A01-RevB	Proposed Basement	22/06/20
A02-RevB	Proposed Ground Floor	22/06/20
A03-RevB	Proposed First Floor	22/06/20
A04-RevB	Proposed Elevation (North)	22/06/20
A05-RevB	Proposed Elevation (South)	22/06/20
A06-RevB	Proposed Elevation (East)	22/06/20
A07-RevB	Proposed Elevation (West)	22/06/20
A08-RevB	Proposed Section (1 & 3)	22/06/20
A09-RevB	Proposed Section (2)	22/06/20
A15-RevB	Door and Window Schedule	22/06/20

(MODIFIED BY DA-425/2018/A)

- (b) Landscape Plan Nos L01-L04 (Project No. 873-18) prepared by Discount Landscape Plans, dated 16 October 2018 and received by Council on 20 November 2018;
- (c) Draft Strata Plan dated 19 November 2018, and received by Council on 20 November 2018;
- (d) BASIX Certificates;

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

except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The depth of the rear first floor balconies of the development shall be reduced to a maximum of 1.5m in depth. The blade wall is to be reduced to match.
(SATISFIED BY DA-425/2018/A)
- (b) The landscape plan shall be amended to reflect the amended form of the development shown in condition 1(a).
- (c) The draft Strata Plan shall be amended to reflect the amended form of the development shown in condition 1(a).
- (d) Details of the materials, including privacy screens.

The amendments are to be approved by the appointed Principal Certifying Authority prior to the issue of a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.

(MODIFIED BY DA-425/2018/A)

3. 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.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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.

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.

5. SECTION 7.12 CONTRIBUTION

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

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

A copy of the required format for the cost reports may be obtained from Waverley Council Customer Service Centre or downloaded from:

www.waverley.nsw.gov.au/publications/

- (b) Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.
- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

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

Advisory Note

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

6. 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.

7. LONG SERVICE LEVY

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

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

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

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

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

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

9. HOARDING REQUIRED

To ensure the site is contained during construction and if required, a hoarding 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.

10. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works. The Report shall be submitted to the Principal Certifying Authority, Council and the owners of adjoining properties prior to the issue of a Construction Certificate.

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

11. EROSION AND 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).

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. ENGINEERING DETAILS

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

14. 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.

15. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

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

16. STORMWATER MANAGEMENT

The stormwater management plans prepared by ALAN.L.WRIGHT & ASSOC, Project No. 1089, Sheet No. A1 (Rev 0), dated September 2018 are not satisfactory with respect to stormwater details. In this regard, amended stormwater plans are to be submitted for the approval of Council's Executive Manager, Creating Waverley prior to the release of the relevant

construction certificate. The amended stormwater plans should comply with Waverley Council's Water Management Technical Manual and shall address the following matters:

- (a) An updated Stormwater Management Plan including On-site Stormwater Detention (OSD) and its details are required (e.g. Location, cross & long sections and dimensions of OSD tank, top water level, orifice centreline level) along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required.
- (b) Pump details are to be provided including pump curves.
- (c) Details are to be for the overflow from rain water tank to be discharged into the O.S.D tank. All levels are to be provided.
- (d) Surface levels and invert levels of all pits to be provided. Slope and invert levels of all pipes are to be included on the updated Stormwater Management Plan.
- (e) Provide details of how the pump is connected between the On-Site Detention Tank and Water Reuse Tank.

17. 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 a vehicle entering and exiting each of the garages from Military Road shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

The swept wheel path drawings shall:

- (a) Be drawn for the B85, standard design vehicle as described in AS/NZS 2890.1: 2004 Part 1 Off Street Car Parking.
- (b) Accurately show the kerb and gutter, driveways and vehicles parked kerbside on Military Road to the immediate north and south of the proposed driveways.
- (c) Show the minimum length of driveway laybacks considered necessary to gain satisfactory access to and from the proposed garages in order to minimise the loss of on-street parking.
- (d) Show the minimum length of opening and clearances required at the property boundary to cater for the design vehicle swept wheel path.
- (e) Accurately show the length of the Council's kerb and gutter remaining between the southern side wing of the existing driveway at No.107 and the northern side wing of the proposed driveway at No.105 as well as between the northern side wing of the existing driveway at No.103 and the southern side wing of the proposed driveway at No.105.

18. BASIX

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

result from changes to the BASIX Certificate or conflict with conditions of consent require Council's consent.

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

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

19. LANDSCAPED SLABS

Details shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of water-proofing and drainage of the concrete slabs over which landscaping is proposed.

20. 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.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

21. PRIOR TO SITE WORKS

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

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

22. HOME BUILDING ACT

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

23. CONSTRUCTION SIGNS

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a

telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

24. TOILET FACILITIES

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

25. OBSTRUCTION TO PUBLIC AREAS

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building then a hoarding, fencing or awning must be provided to prevent injury and appropriately lit between sunset and sunrise.

26. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

27. DEMOLITION & SITE PREPARATION

Hazardous or intractable wastes arising from the demolition process 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;

28. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice

on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.

- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 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.

29. 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.

30. 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.

31. 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.

32. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER

Bulk excavation is to be managed by a practising structural engineer, in accordance with the specification for shoring and support, as detailed in the approved Construction Certificate.

33. COMPLIANCE WITH SAFE WORK NSW

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

34. 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.

35. 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.

36. NATIONAL CONSTRUCTION CODE (NCC)

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

37. 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) 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; and
- (f) 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.

38. 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 roof parapet levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.

39. 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.

40. TREE PRESERVATION

A tree preservation order exists in the Waverley Local Government Area. Before any site can be developed, an application must be made in writing to Council prior to removal of tree/trees. Should permission be granted, the applicant will receive a permit to proceed.

41. STREET TREES TO BE RETAINED

No existing street trees shall be removed without Council approval, (other than those shown for approval in this consent, where relevant). A 1.8m high chain link wire fence or the like shall be erected around the existing street trees to protect them from damage during construction.

42. TREE PROTECTION

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

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

43. NEW VEHICLE CROSSING

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

44. 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.

45. VEHICULAR ACCESS - FINISHED LEVEL

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

46. 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 fourteen **(14) days prior** to commencement of building operations.

47. NO WORKS BEYOND BOUNDARIES

No portion of the proposed fence, including the footings, is to encroach beyond the boundaries of the subject property.

48. SIDE AND REAR FENCE HEIGHT

The overall height of any new side and rear fence shall not exceed 1.8m above ground level (finished) along the rear and side boundaries of the site, when measured from the adjoining property. Note: Ground level (finished) means the ground surface after completion of any earthwork (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

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

49. FINAL OCCUPATION CERTIFICATE

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

50. SUBDIVISION

Prior to the registration of the linen plans, a Subdivision Certificate must be obtained from Council or an Accredited Certifier in accordance with section 6.4(d) of the *Environmental Planning and Assessment Act 1979*.

Linen plans and six copies of these plans are to be submitted to Council or Accredited Certifier in accordance with section 6.4(d) of the *Environmental Planning and Assessment Act 1979*.

51. ALLOCATION OF STREET NUMBER

The redevelopment of the property has led to the following allocation of primary address and sub- address numbering for a strata subdivisions dual occupancy:

- No. 105 - primary address site number (common property strata)
- Military Road - primary address location.

As the redevelopment has sub-address sites the following sub-addressing will apply;

- No. 105A for the north allotment - proposed Lot 1 on the draft plans for the building,

- Nos. 105B for the south allotment - proposed Lot 2 on the draft 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 sub-address numbers for the properties shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundaries located near the entry points and clearly visible from Military Road. The 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 to be lodged with Council.

52. STORMWATER MANAGEMENT

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

53. 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.

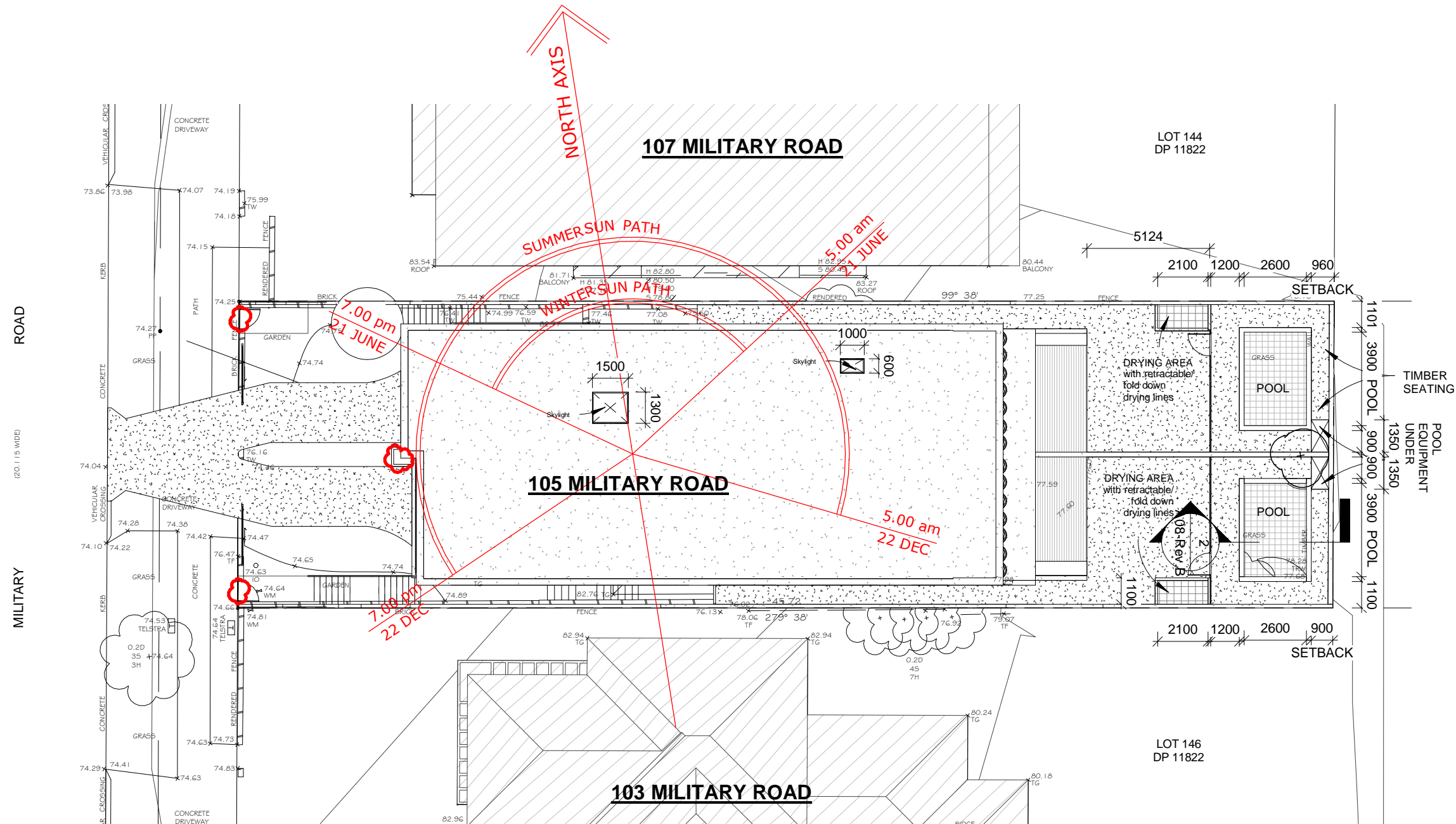
A final inspection of the completed pool is to be carried out by the Principal Certifying Authority to

1 : 200

1

Proposed Site Plan

RECEIVED
Waverley Council
Application No: DA-425/2018/A
Date Received: 30/06/2020



PROJECT: Mr G & Mrs R Kosmin
New Dual Occupancy Residential
105 Military Road,
Dover Heights

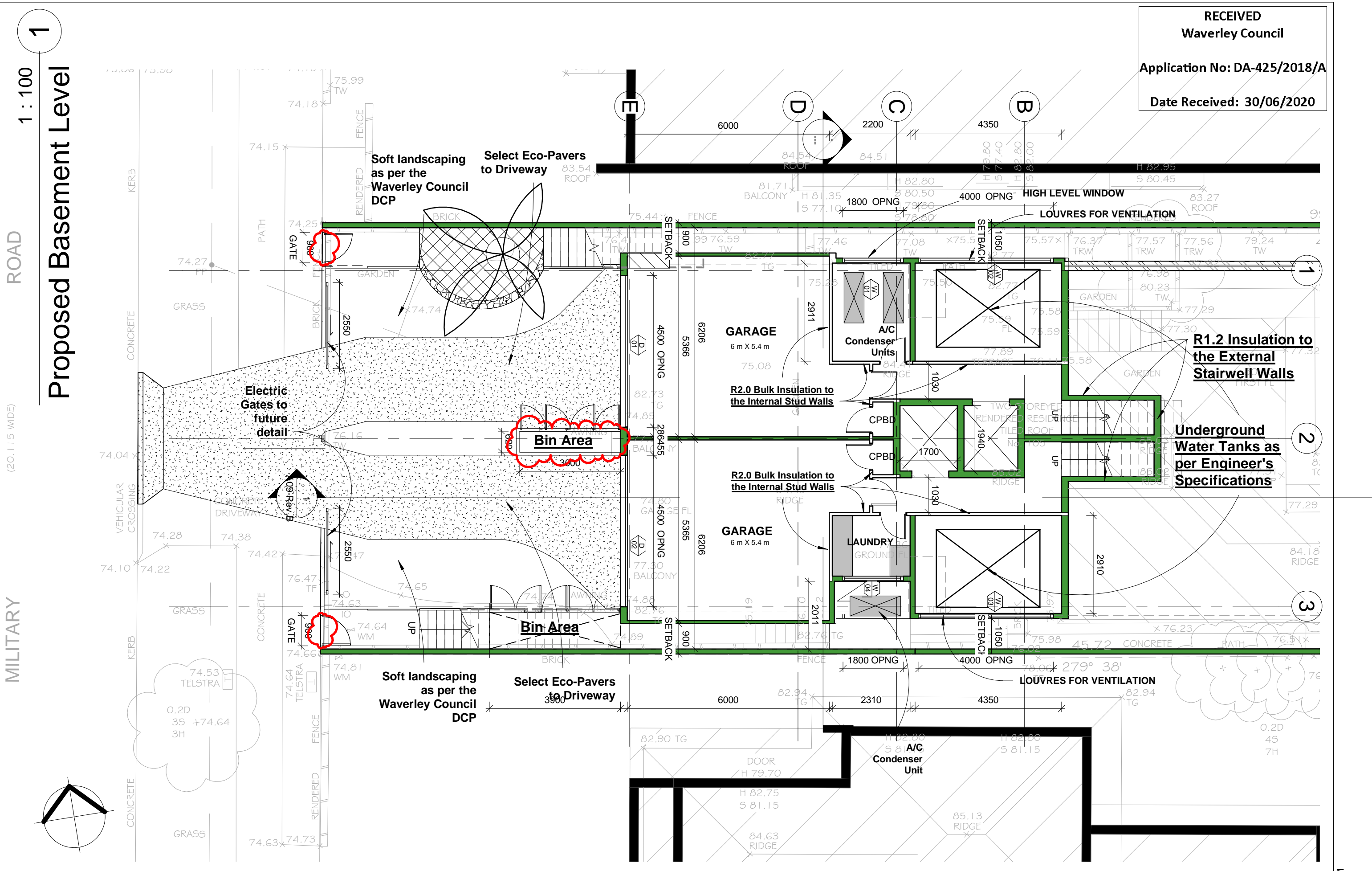
Site Plan	
SCALE: 1 : 200	DRAWN: SM
DATE: 22 JUN 20	JOB NO: 873-18
DRAWING NO: A00-Rev.B	

NO.	DESCRIPTION	DATE

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ROSE BAY NSW 2029
TEL: (02) 9371 9677
FAX: (02) 9371 0114
ARNOLD VAN ROOIJEN, AIA
GARY MEYERS, AIA #4980

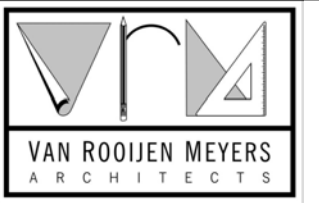


PROJECT: Mr G & Mrs R Kosmin
New Dual Occupancy Residential
105 Military Road,
Dover Heights

Proposed Basement
SCALE: 1 : 100
DATE: 22 JUN 20
DRAWN: SM
JOB NO: 873-18
DRAWING NO: A01-Rev.B

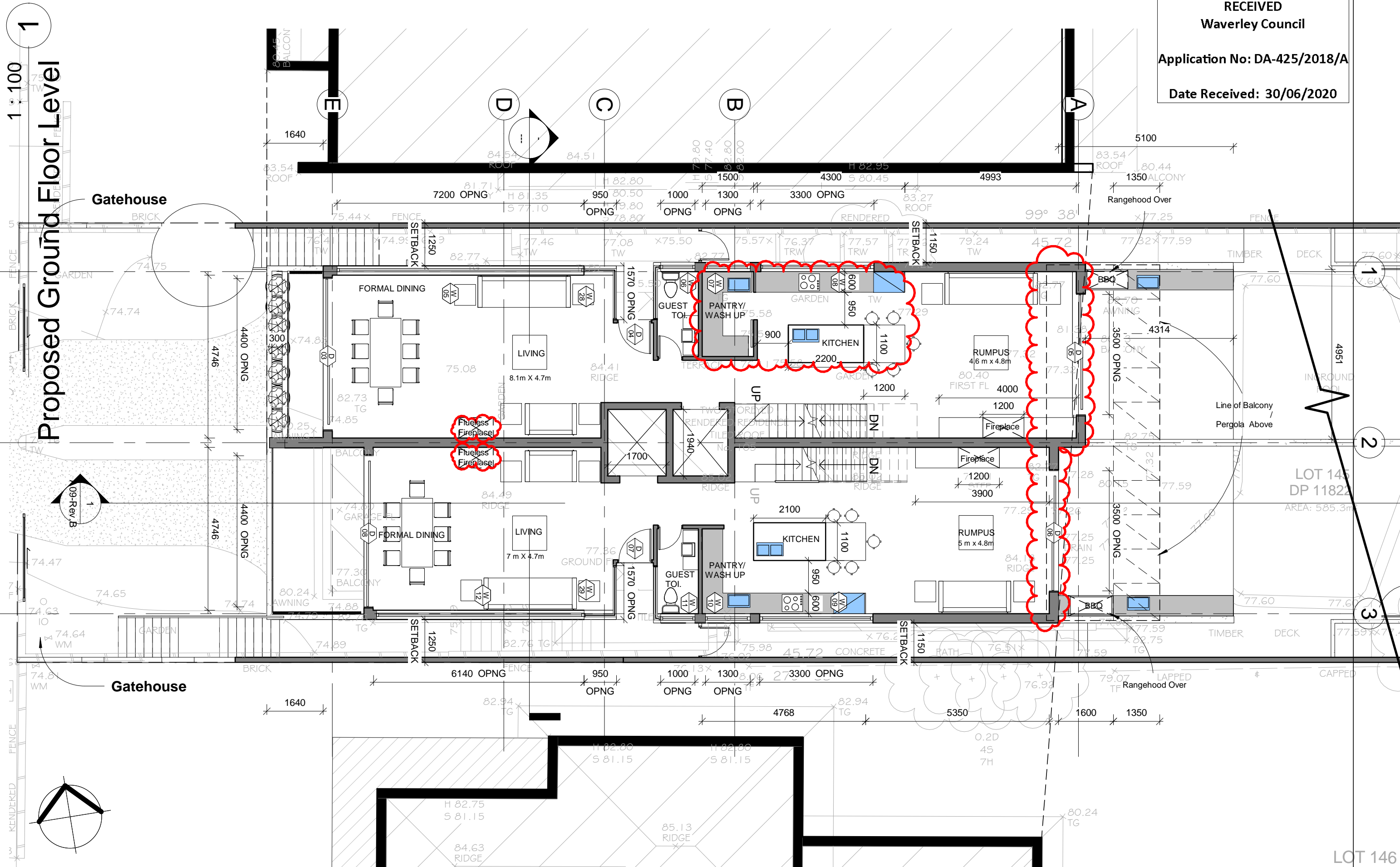
NO.	DESCRIPTION	DATE

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ROSE BAY NSW 2029
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FAX: (02) 9371 0114
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GARY MEYERS, AIA #4980

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Waverley Council
Application No: DA-425/2018/A
Date Received: 30/06/2020



PROJECT: Mr G & Mrs R Kosmin
New Dual Occupancy Residential
105 Military Road,
Dover Heights

Proposed Ground Floor
SCALE: 1 : 100
DATE: 22 JUN 20
DRAWN: SM
JOB NO: 873-18
DRAWING NO: A02-Rev.B

NO.	DESCRIPTION	DATE

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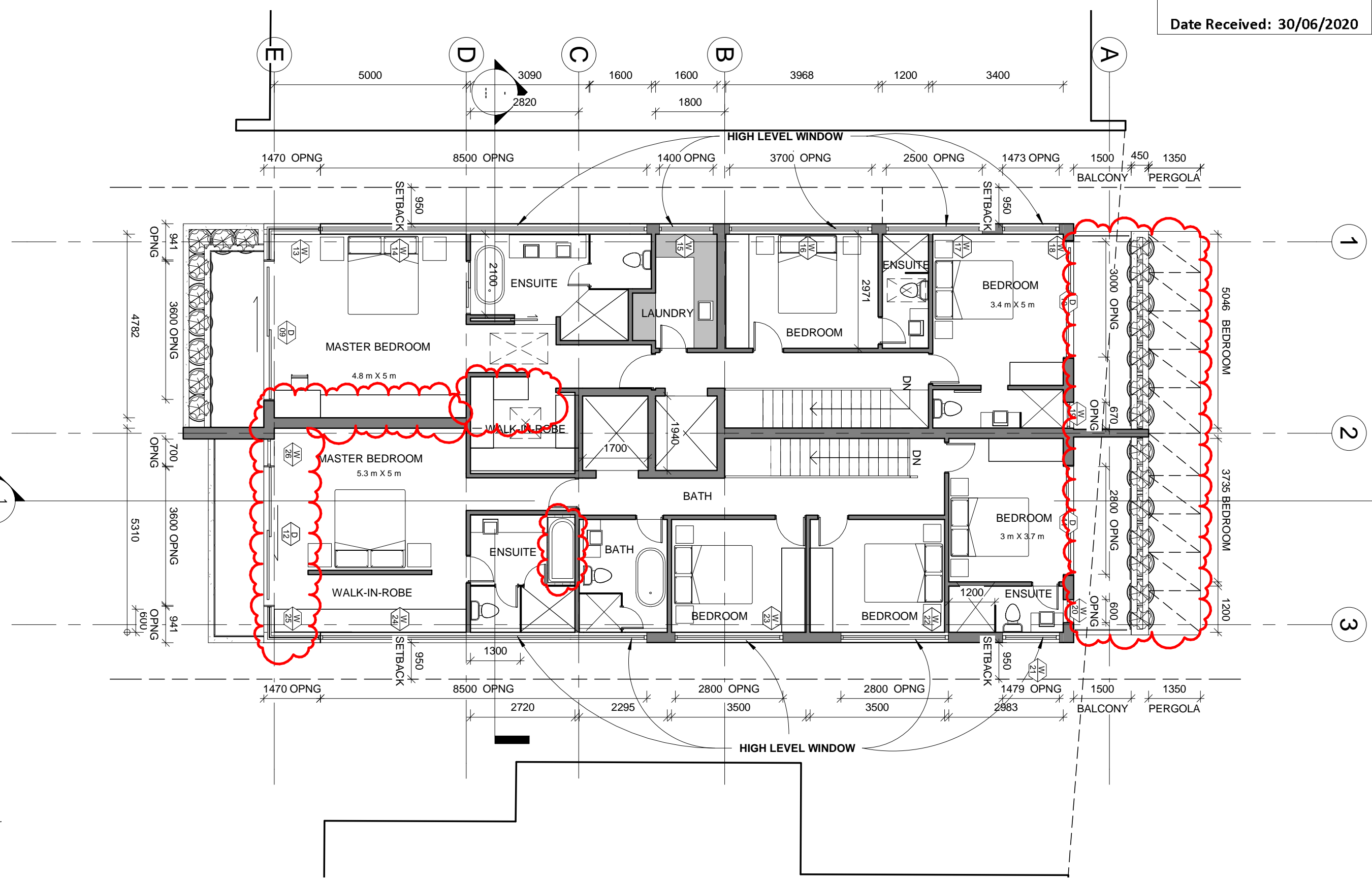
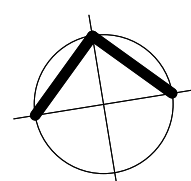
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ROSE BAY NSW 2029
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1 : 100

Proposed First Floor Level

RECEIVED
Waverley Council
Application No: DA-425/2018/A
Date Received: 30/06/2020

1
09-Rev.B



PROJECT: Mr G & Mrs R Kosmin
New Dual Occupancy Residential
105 Military Road,
Dover Heights

Proposed First Floor
SCALE: 1 : 100
DATE: 22 JUN 20
DRAWING NO: A03-Rev.B

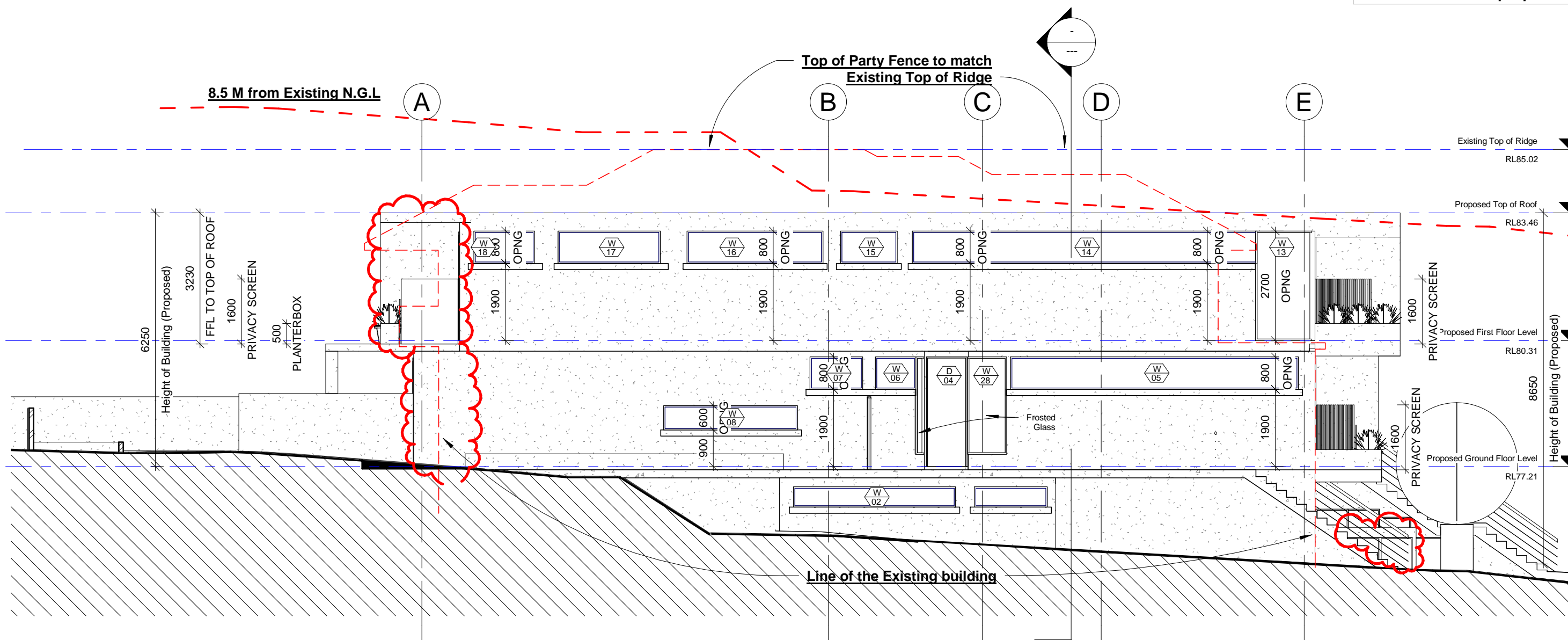
NO.	DESCRIPTION	DATE

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P.O. BOX 114,
ROSE BAY NSW 2029
TEL: (02) 9371 9677
FAX: (02) 9371 0114
ARNOLD VAN ROOIJEN, AIA
GARY MEYERS, AIA #4980

23/06/2020 9:41:43 AM



1 Proposed Northern Elevation
1 : 100

PROJECT: Mr G & Mrs R Kosmin
New Dual Occupancy Residential
105 Military Road,
Dover Heights

Proposed Elevation
SCALE: 1 : 100
DATE: 22 JUN 20
DRAWN: SM
JOB NO: 873-18
DRAWING NO: A04-Rev.B

NO.	DESCRIPTION	DATE

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ROSE BAY NSW 2029
TEL: (02) 9371 9677
FAX: (02) 9371 0114
ARNOLD VAN ROOIJEN, AIA
GARY MEYERS, AIA #4980

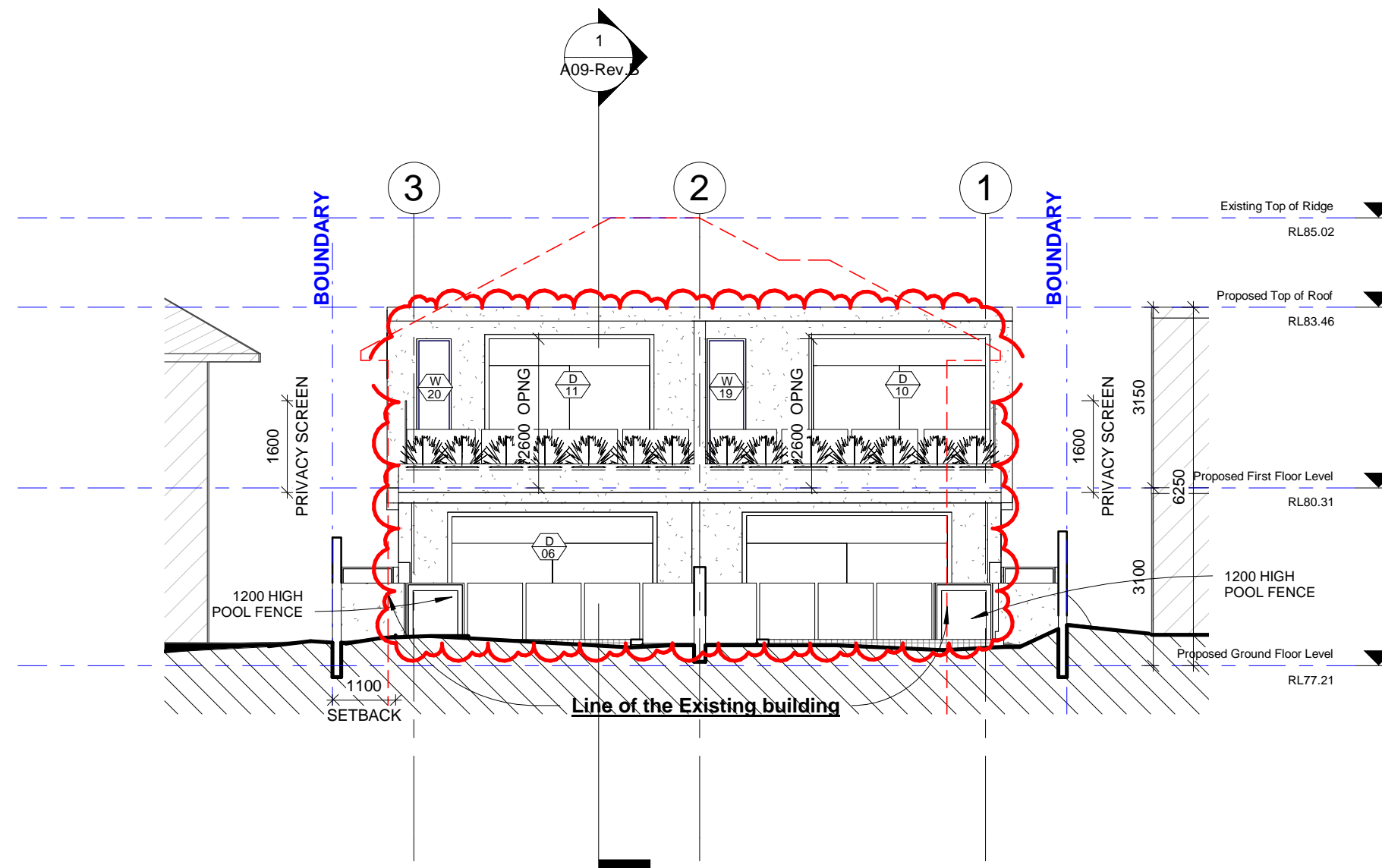


Proposed Elevation		NO.	DESCRIPTION	DATE
SCALE: 1 : 100	DRAWN: SM			
DATE: 22 JUN 20	JOB NO: 873-18			
DRAWING NO: A05-Rev.B				



VAN ROOIJEN MEYERS
ARCHITECTS

P.O. BOX 114,
ROSE BAY NSW 2029
TEL: (02) 9371 9677
FAX: (02) 9371 0114
ARNOLD VAN ROOIJEN, AIA
GARY MEYERS, AIA #4980



1 Proposed Eastern Elevation
1 : 100

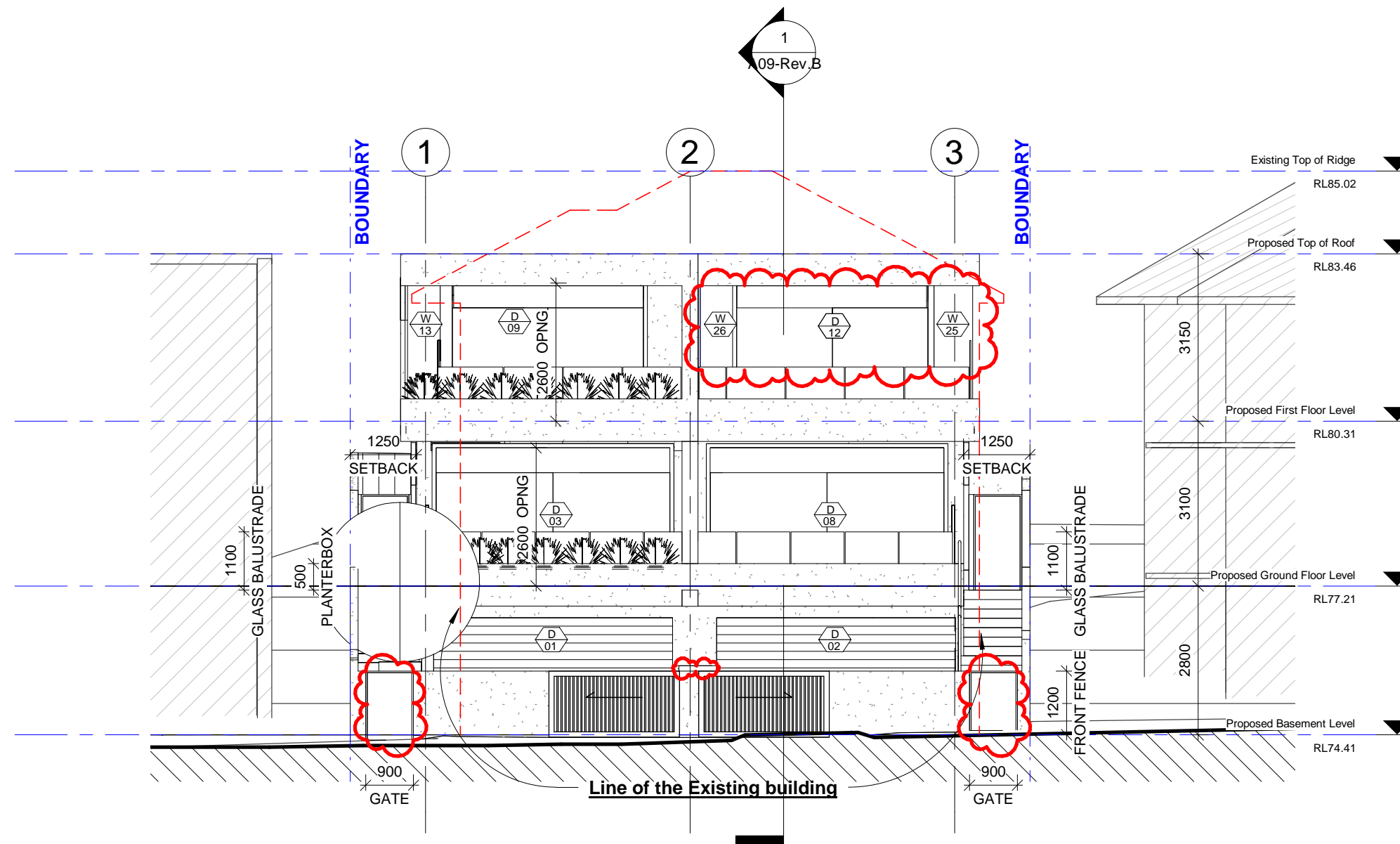
PROJECT: Mr G & Mrs R Kosmin
New Dual Occupancy Residential
105 Military Road,
Dover Heights

Proposed Elevation		NO.	DESCRIPTION	DATE
SCALE: 1 : 100	DRAWN: SM			
DATE: 22 JUN 20	JOB NO: 873-18			
DRAWING NO: A06-Rev.B				

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FAX: (02) 9371 0114
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GARY MEYERS, AIA #4980



2 Proposed Western Elevation
1 : 100

PROJECT: Mr G & Mrs R Kosmin
New Dual Occupancy Residential
105 Military Road,
Dover Heights

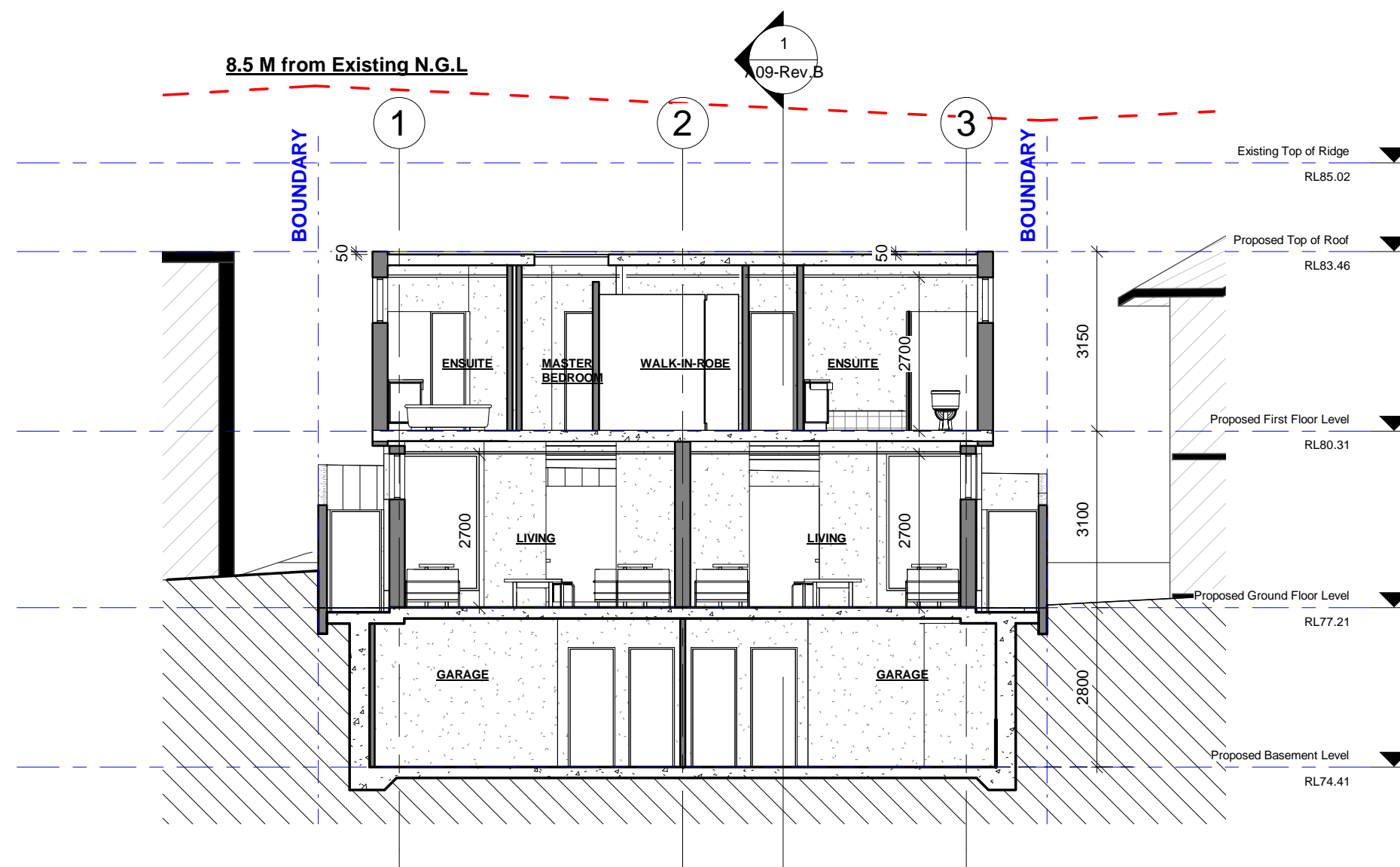
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SCALE: 1 : 100
DATE: 22 JUN 20
DRAWN: SM
JOB NO: 873-18
DRAWING NO: A07-Rev.B

NO.	DESCRIPTION	DATE

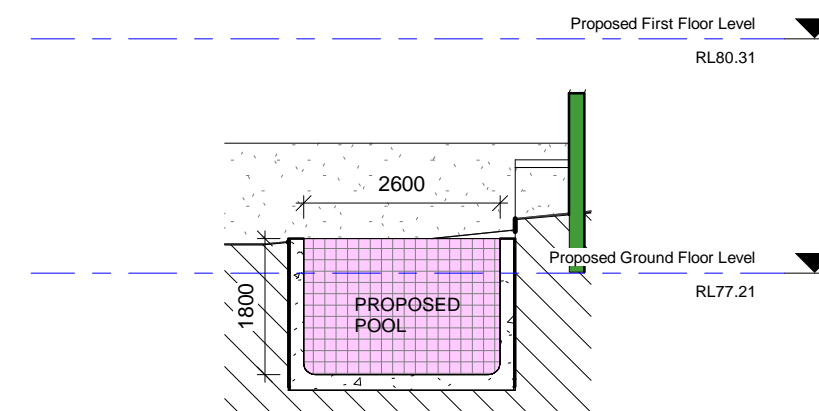
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1 Section 1
1 : 100



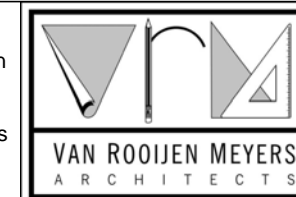
2 Section 3 - Pool
1 : 100

PROJECT: Mr G & Mrs R Kosmin
New Dual Occupancy Residential
105 Military Road,
Dover Heights

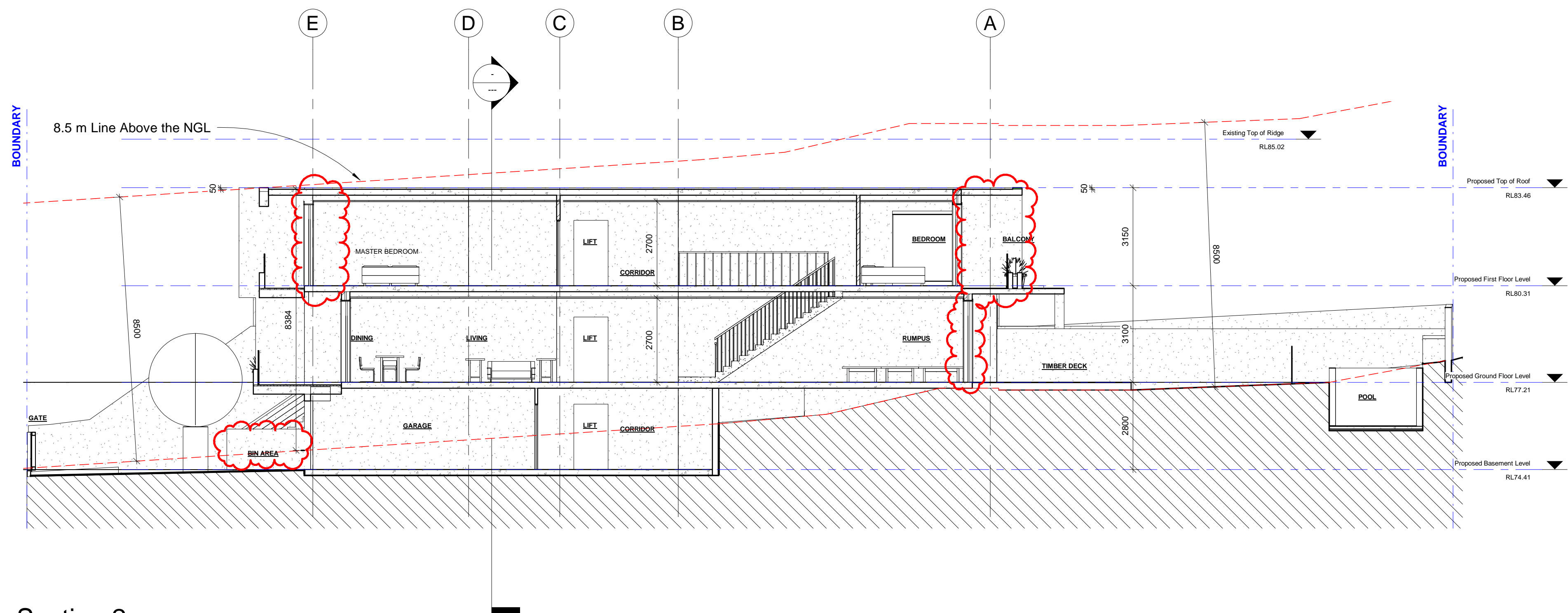
Proposed Section
SCALE: 1 : 100
DATE: 22 JUN 20
DRAWN: SM
JOB NO: 873-18
DRAWING NO: A08-Rev.B

NO.	DESCRIPTION	DATE

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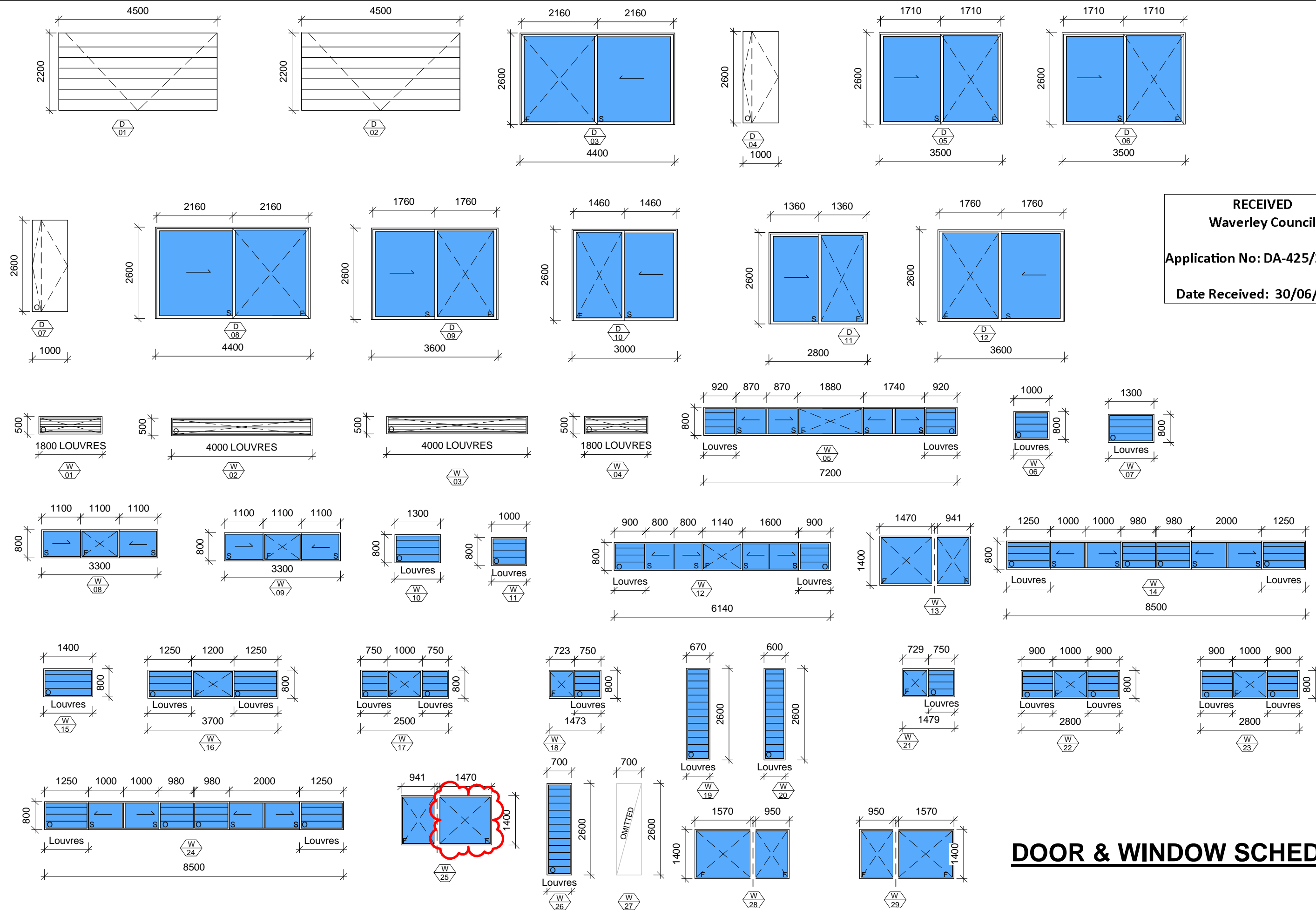


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ROSE BAY NSW 2029
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1

Section 2
1 : 100



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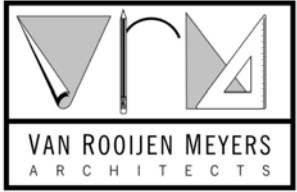
DOOR & WINDOW SCHEDULE

PROJECT: Mr G & Mrs R Kosmin
New Dual Occupancy Residential
105 Military Road,
Dover Heights

Door/ Window Schedule
SCALE: 1 : 100
DATE: 22 JUN 20
DRAWN: SM
JOB NO: 873-18
DRAWING NO: A15-Rev.B

NO.	DESCRIPTION	DATE

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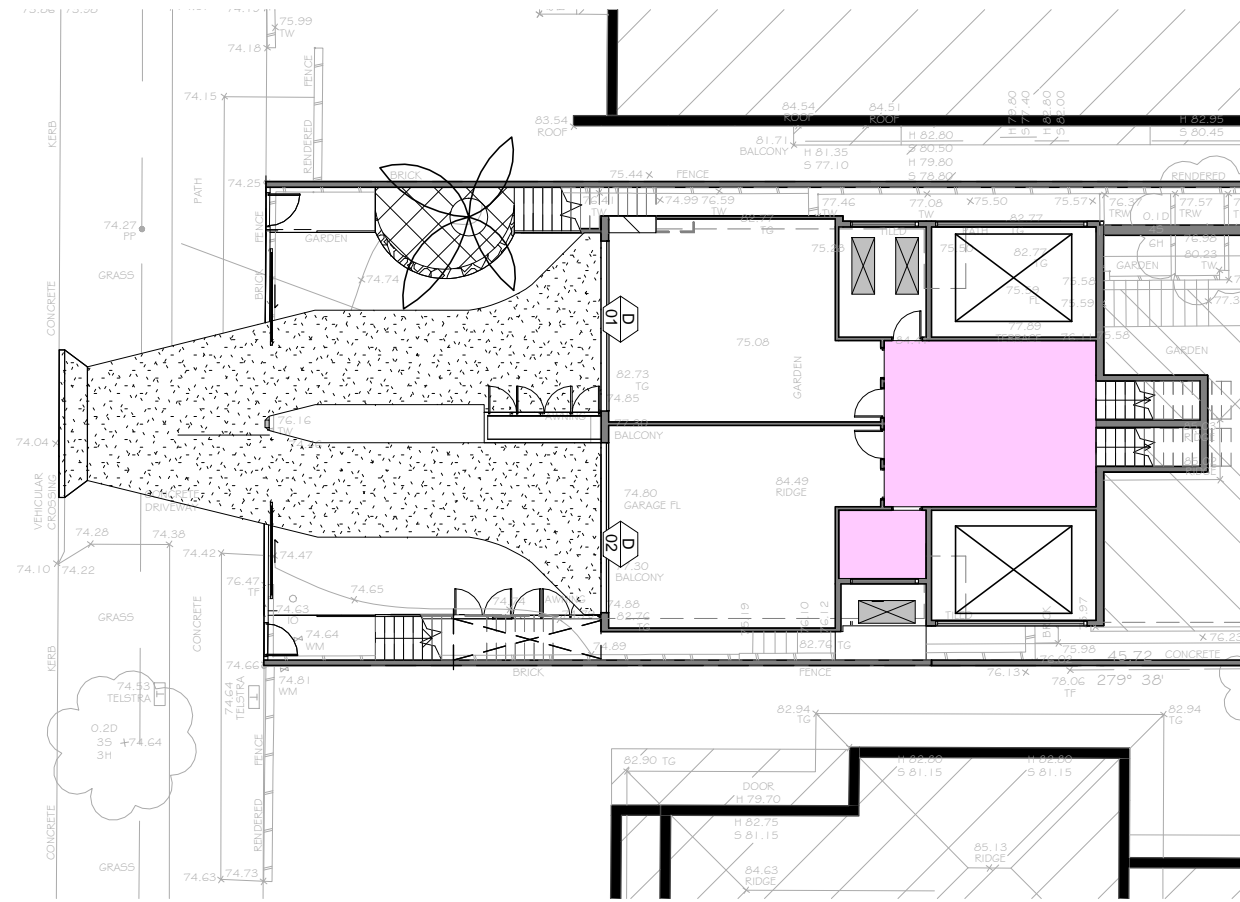


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1 : 200

1

Proposed Basement - GFA



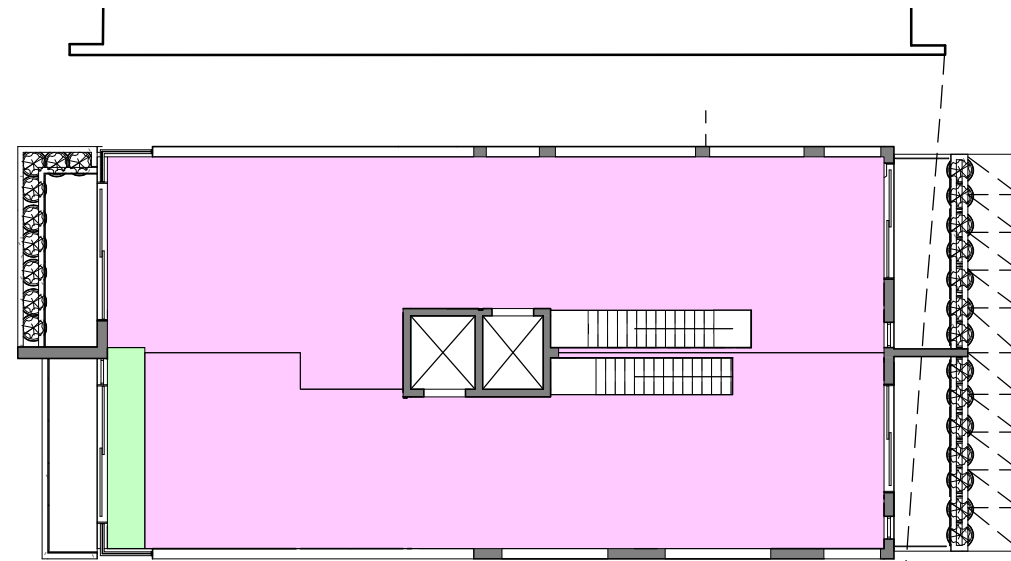
26.7 Sq.M - Total Floor Area (DA Approved)

26.7 Sq.M - Total Floor Area (DA Approved + Section 4.55)

1 : 200

3

Proposed First Floor - GFA



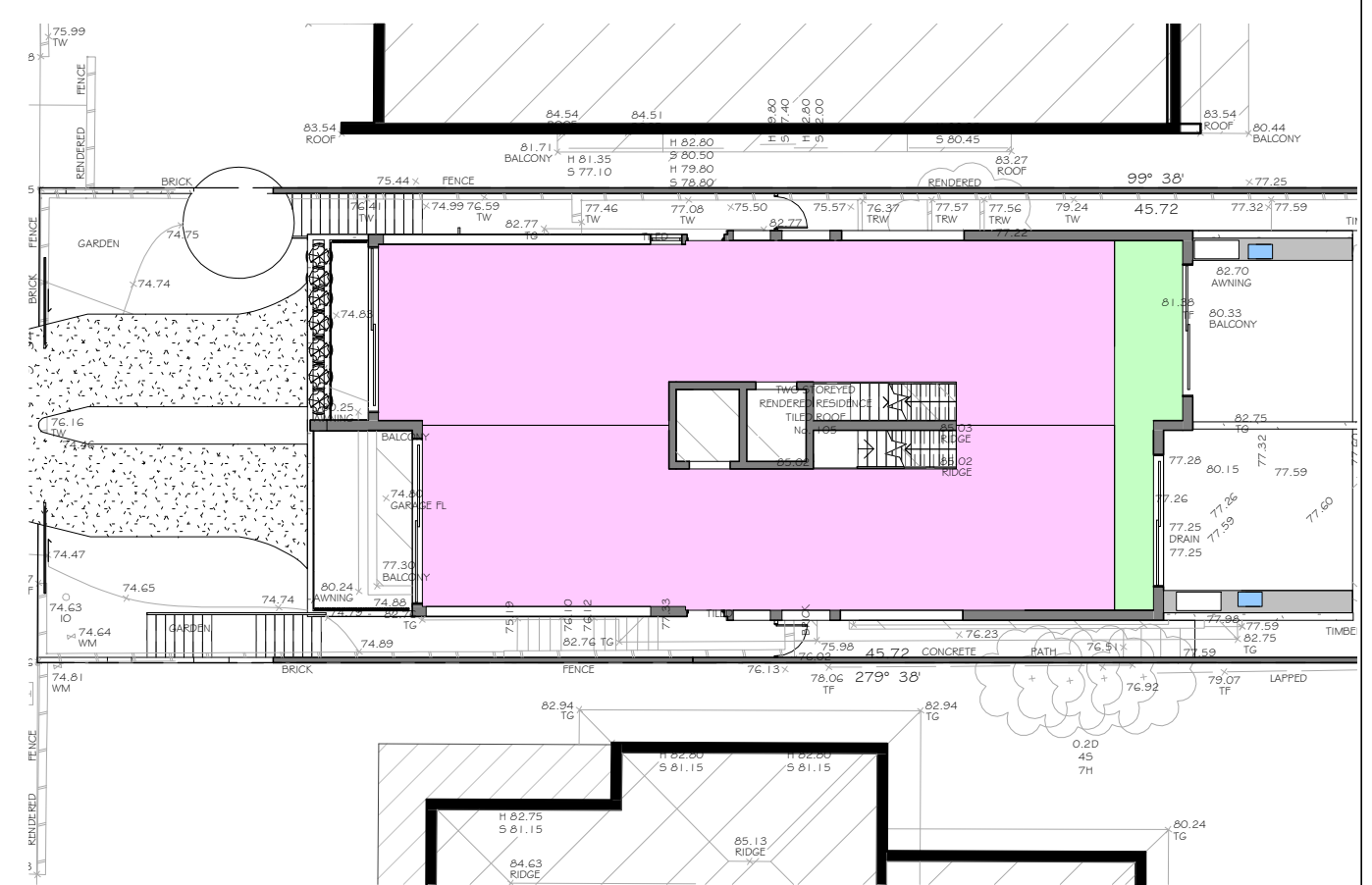
188.6 Sq.M - Total Floor Area (DA Approved)

193.8 Sq.M - Total Floor Area (DA Approved + Section 4.55)

1 : 200

2

Proposed Ground Floor - GFA



171.7 Sq.M - Total Floor Area (DA Approved)

185.9 Sq.M - Total Floor Area (DA Approved + Section 4.55)



DA APPROVED GFA



SECTION 4.55 GFA (ADDED)

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Date Received: 30/06/2020

PROJECT: Mr G & Mrs R Kosmin
New Dual Occupancy Residential
105 Military Road,
Dover Heights

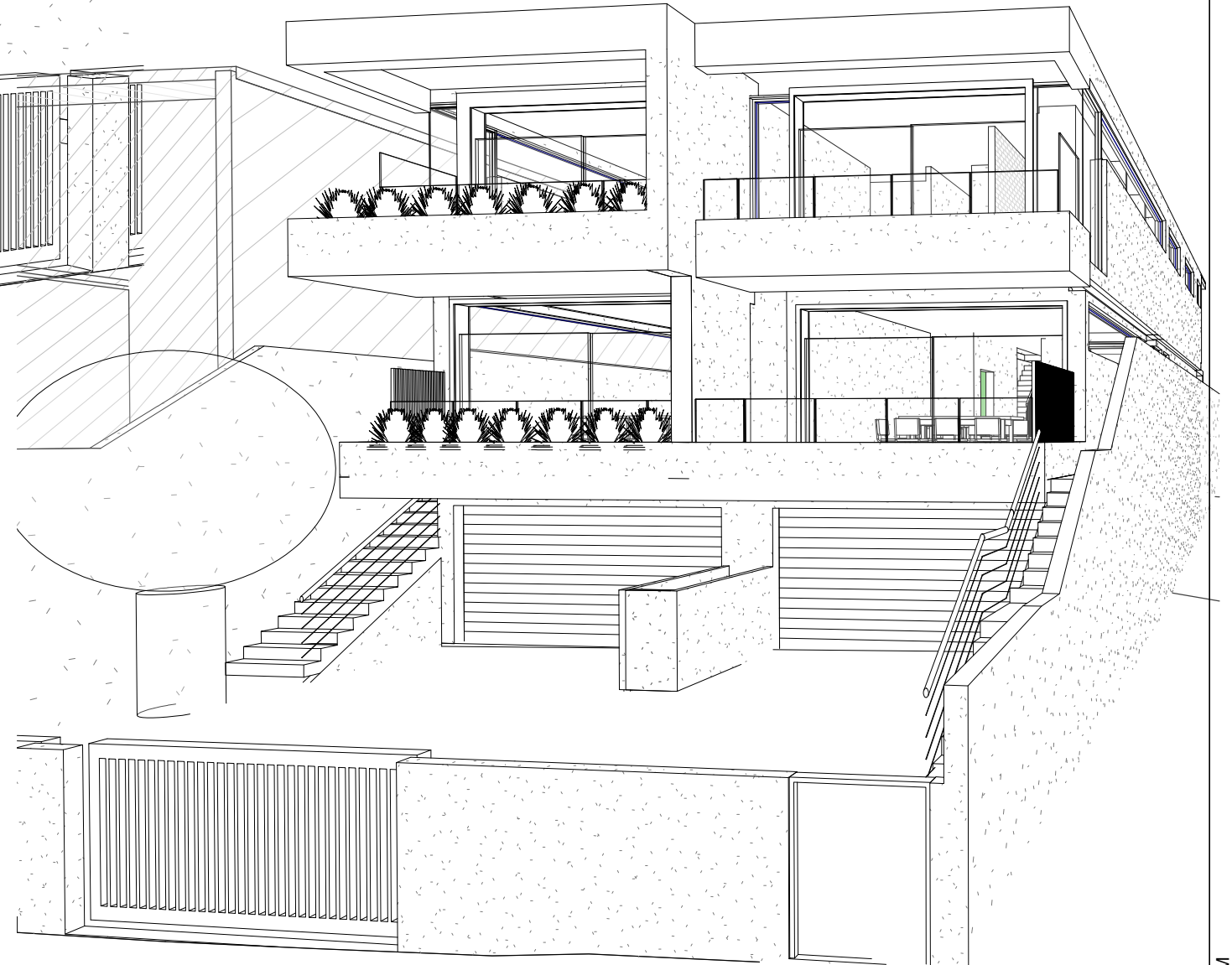
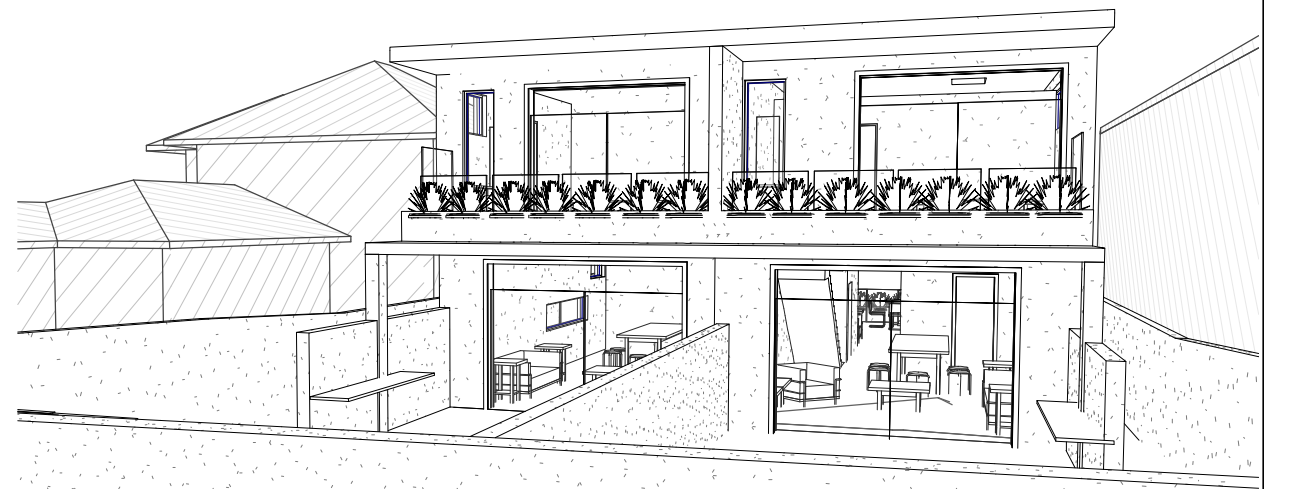
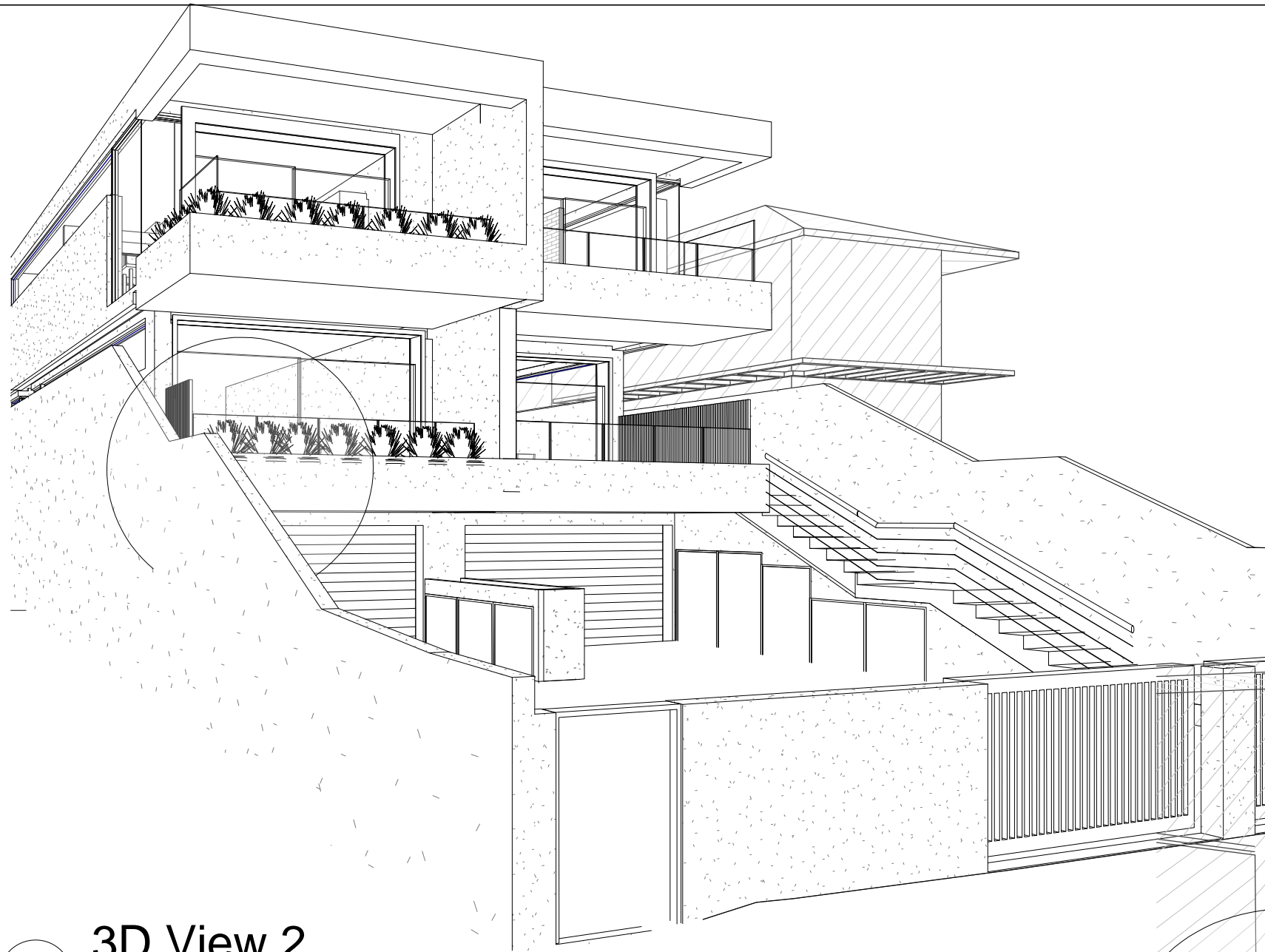
GFA Calculations
SCALE: 1 : 200
DATE: 22 JUN 20
DRAWN: SM
JOB NO: 873-18
DRAWING NO: A21-Rev.B

NO.	DESCRIPTION	DATE

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2 3D View 2

3 3D View 3

1 3D View 1

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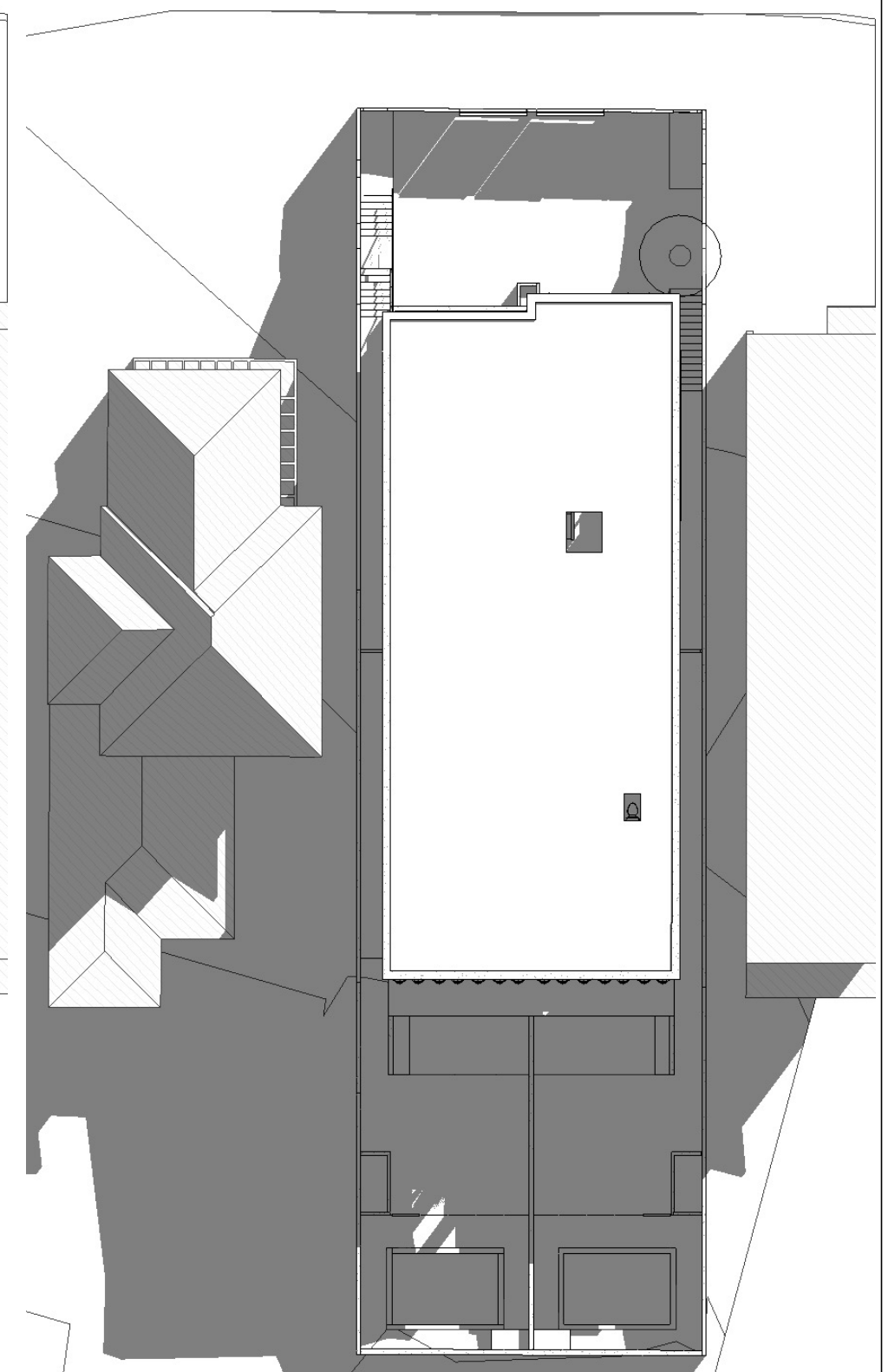
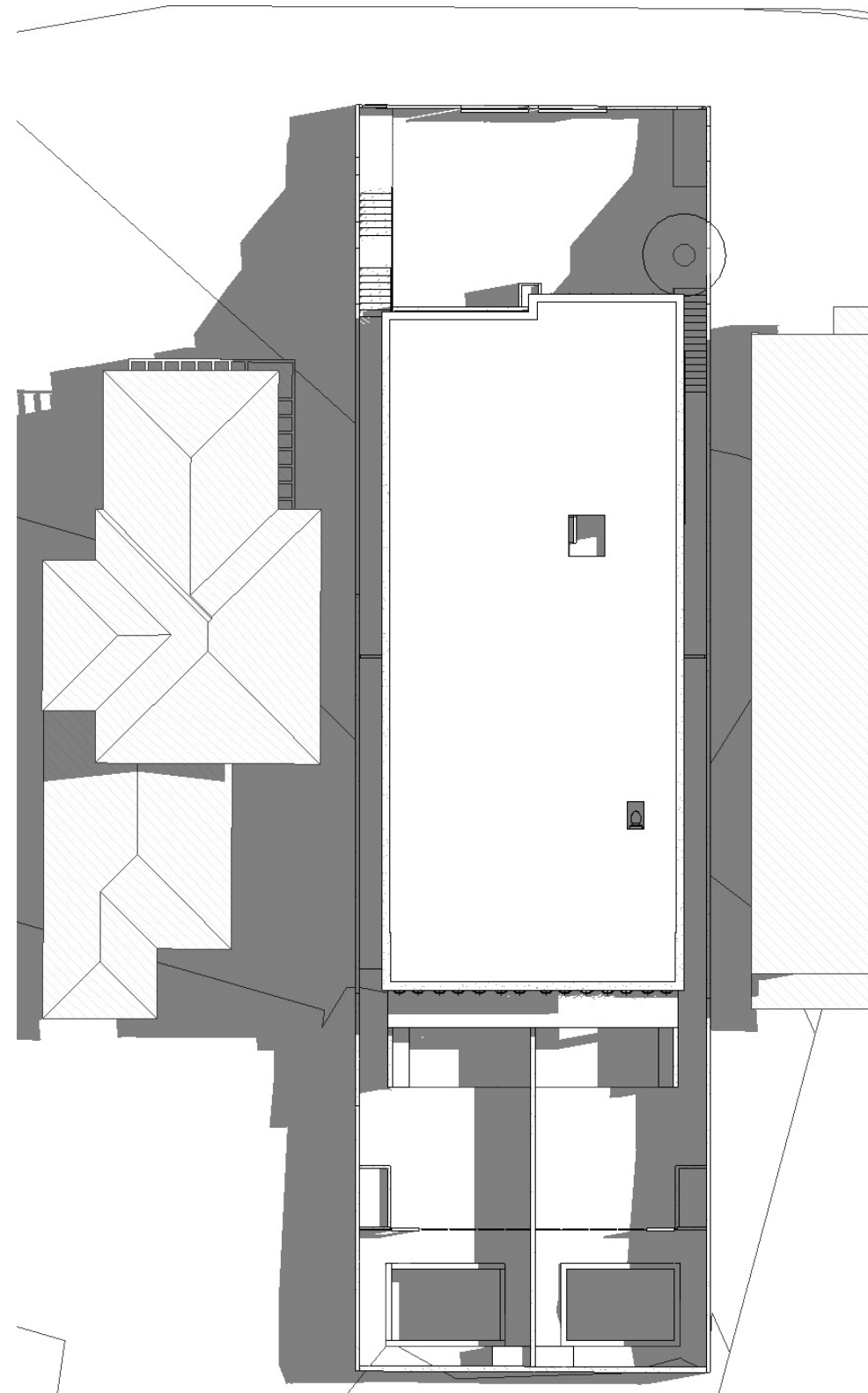
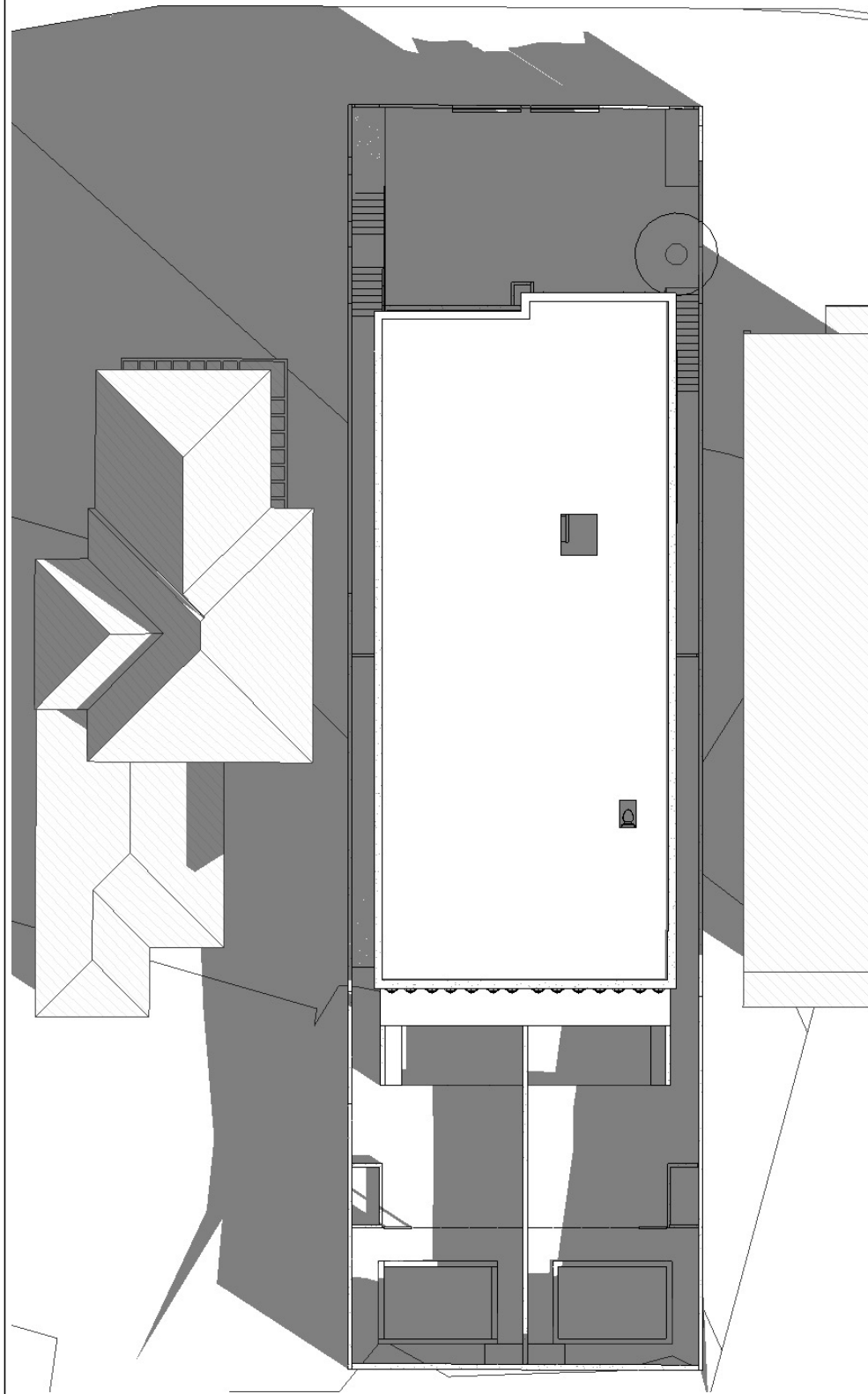
PROJECT: Mr G & Mrs R Kosmin
New Dual Occupancy Residential
105 Military Road,
Dover Heights

3D		NO.	DESCRIPTION	DATE
SCALE:	DRAWN: SM			
DATE: 22 JUN 20	JOB NO: 873-18			
DRAWING NO: A12				

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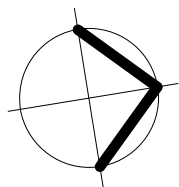
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PROPOSED WINTER SOLSTICE - 9 AM

PROPOSED WINTER SOLSTICE - 12 PM

PROPOSED WINTER SOLSTICE - 3 PM



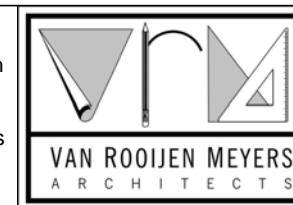
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Application No: DA-425/2018/A
Date Received: 30/06/2020

PROJECT: Mr G & Mrs R Kosmin
New Dual Occupancy Residential
105 Military Road,
Dover Heights

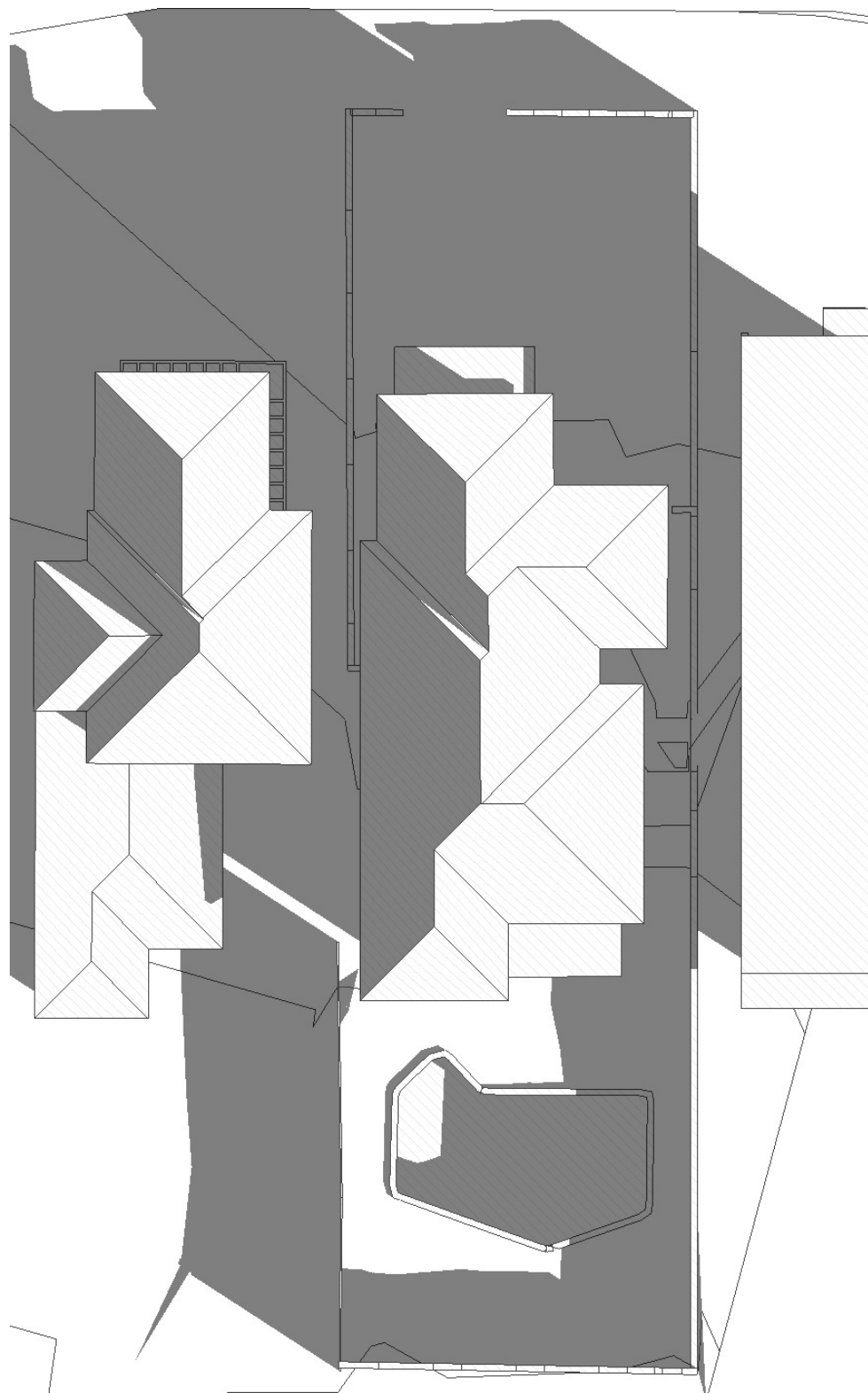
Proposed Shadows - Winter
Solstice
SCALE: DRAWN: SM
DATE: 22 JUN 20 JOB NO: 873-18
DRAWING NO: A10-Rev.B

NO.	DESCRIPTION	DATE

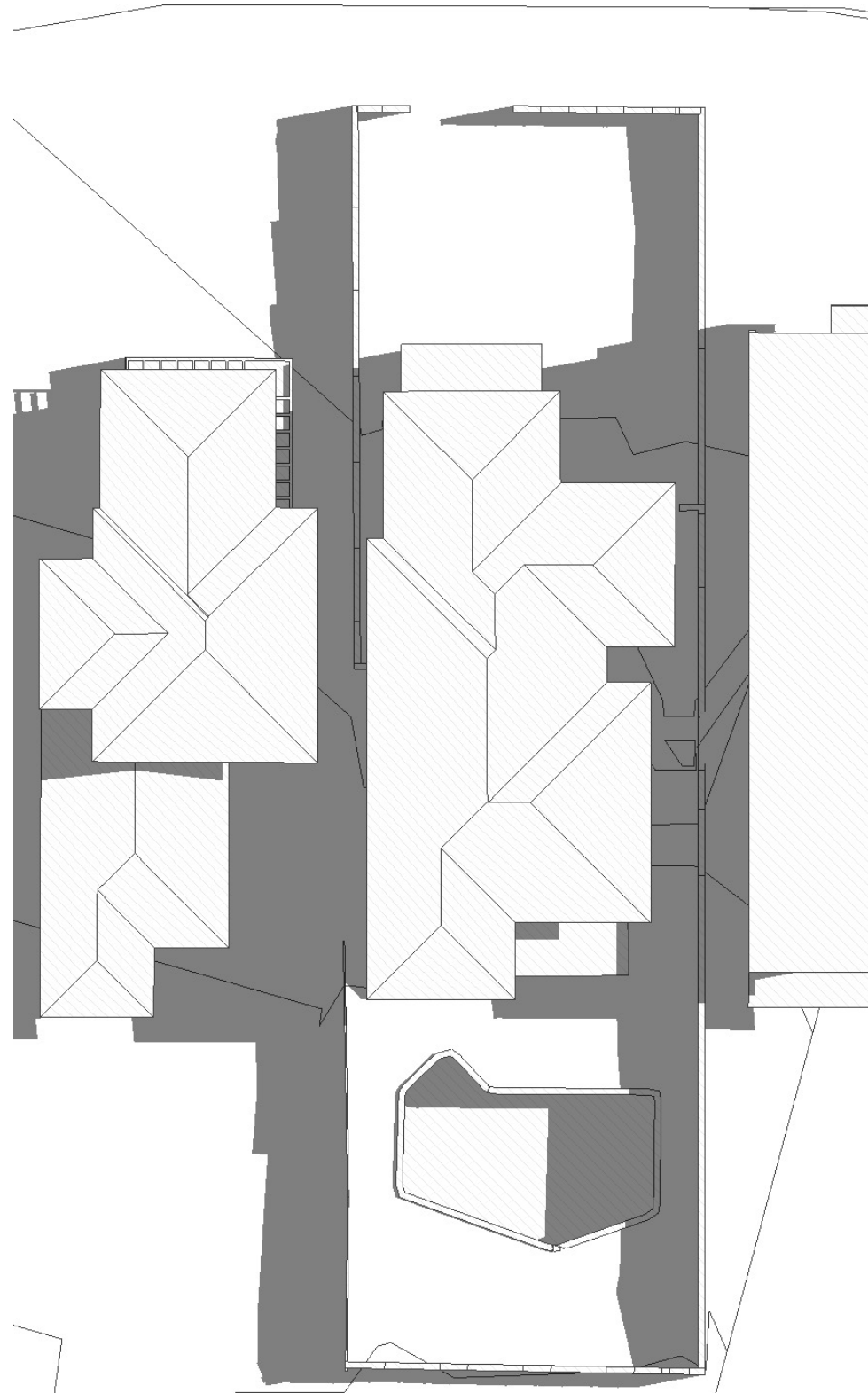
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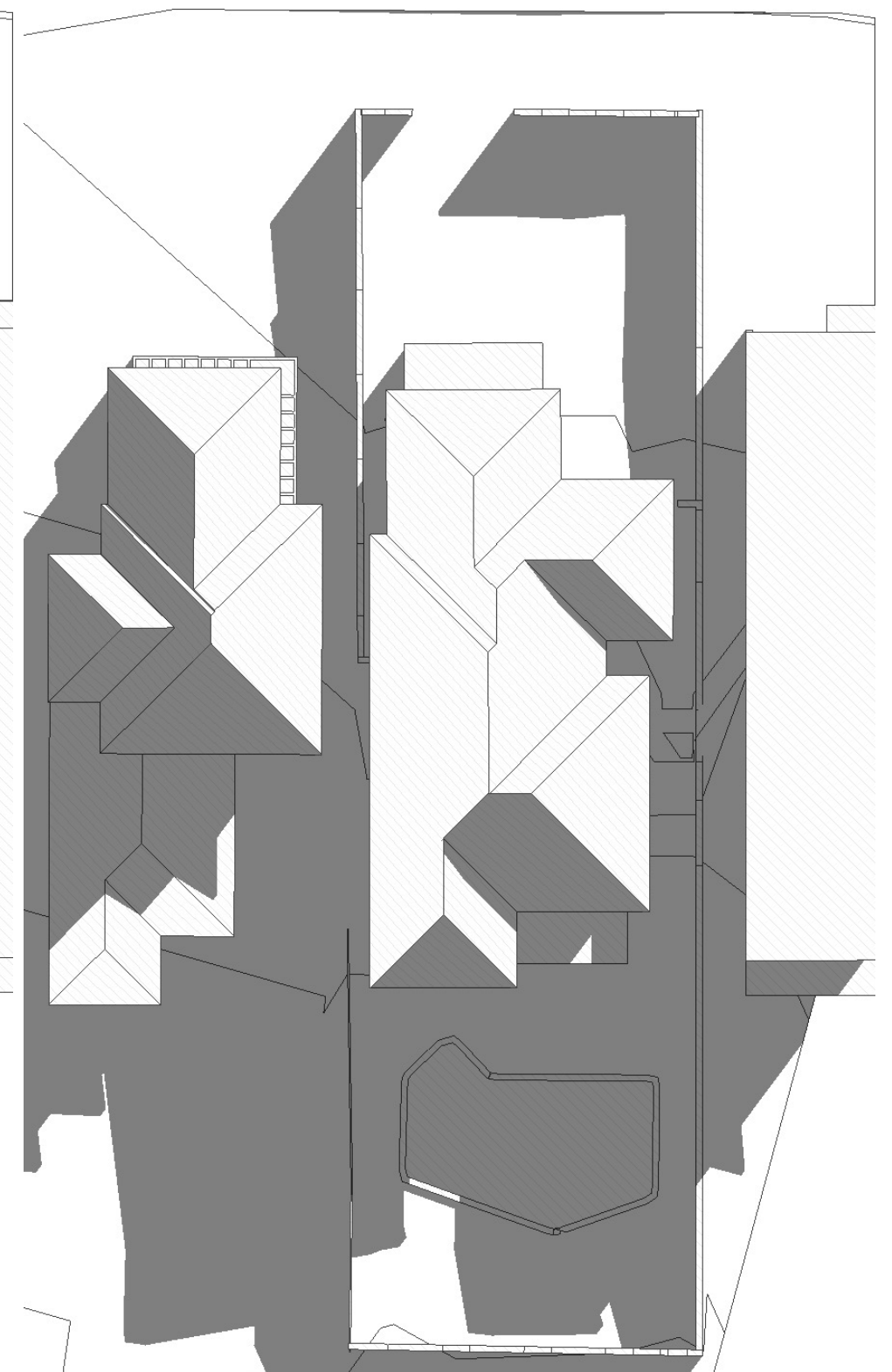
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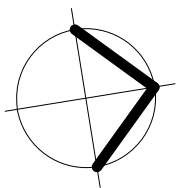
EXISTING WINTER SOLSTICE - 9 AM



EXISTING WINTER SOLSTICE - 12 PM



EXISTING WINTER SOLSTICE - 3 PM



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New Dual Occupancy Residential
105 Military Road,
Dover Heights

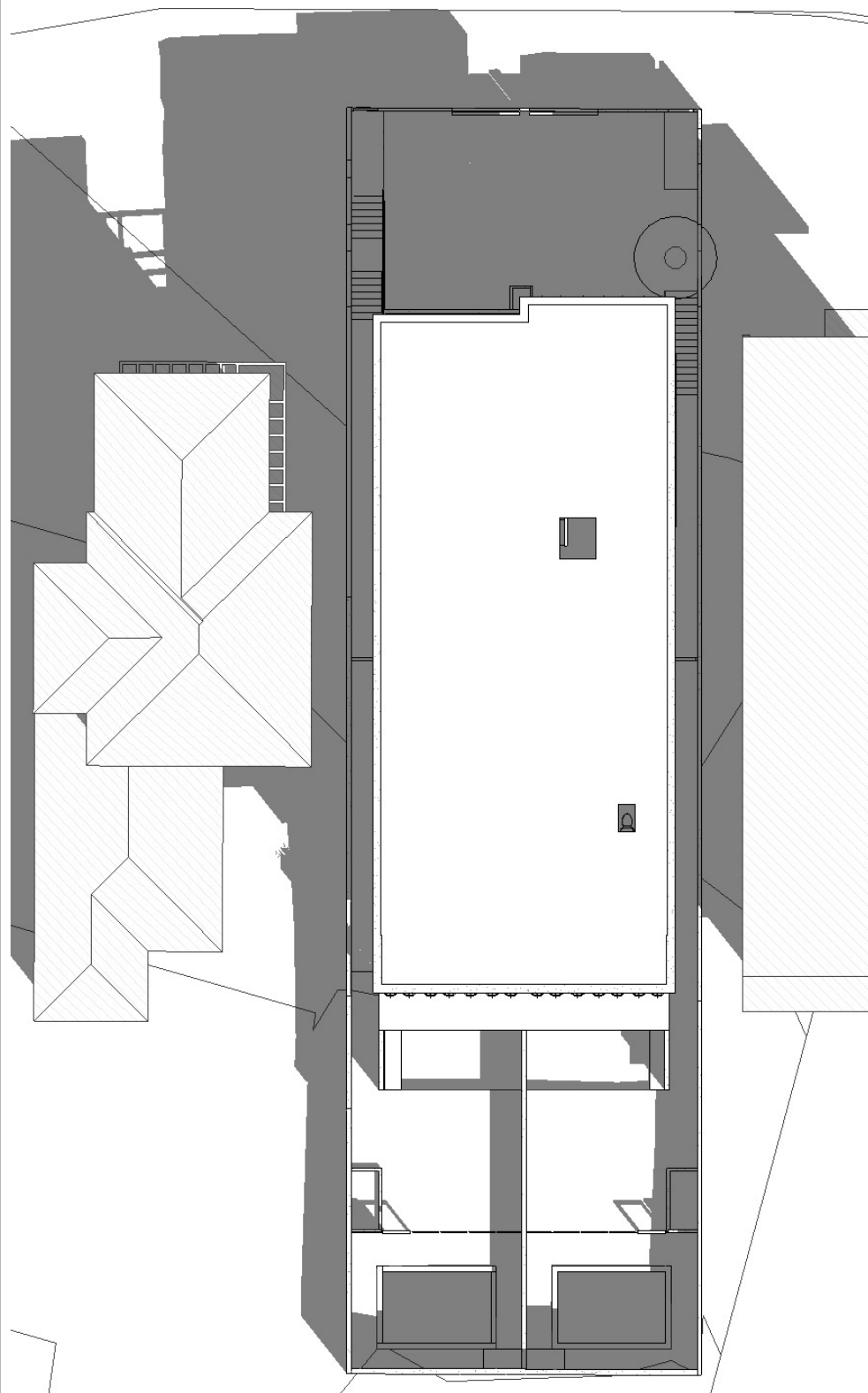
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SCALE: DRAWN: SM
DATE: 22 JUN 20 JOB NO: 873-18
DRAWING NO: A10A-Rev.B

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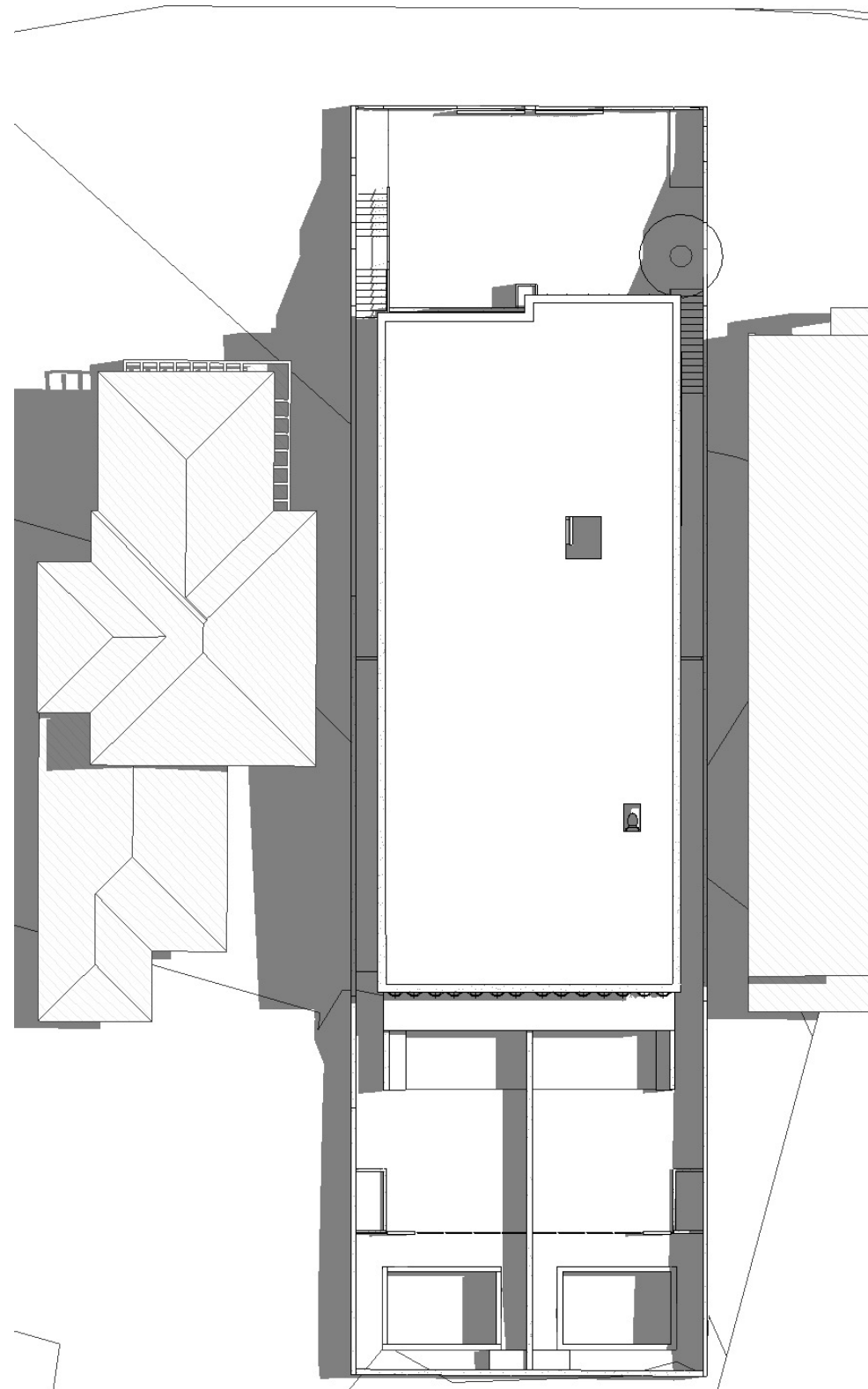
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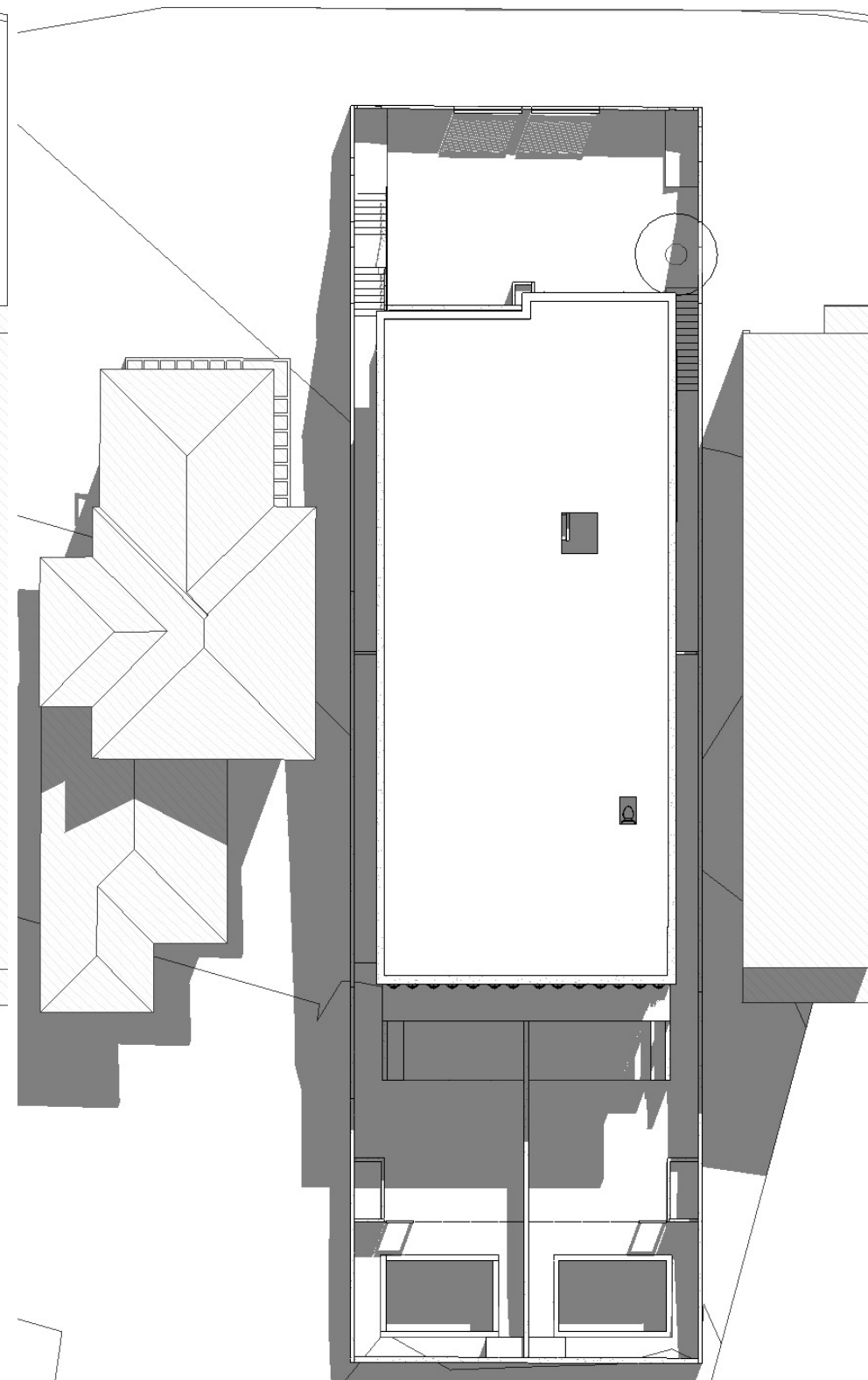
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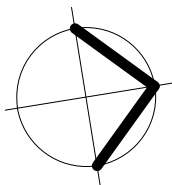
PROPOSED AUTUMN EQUINOX - 9 AM



PROPOSED AUTUMN EQUINOX - 12 PM



PROPOSED AUTUMN EQUINOX - 3 PM



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New Dual Occupancy Residential
105 Military Road,
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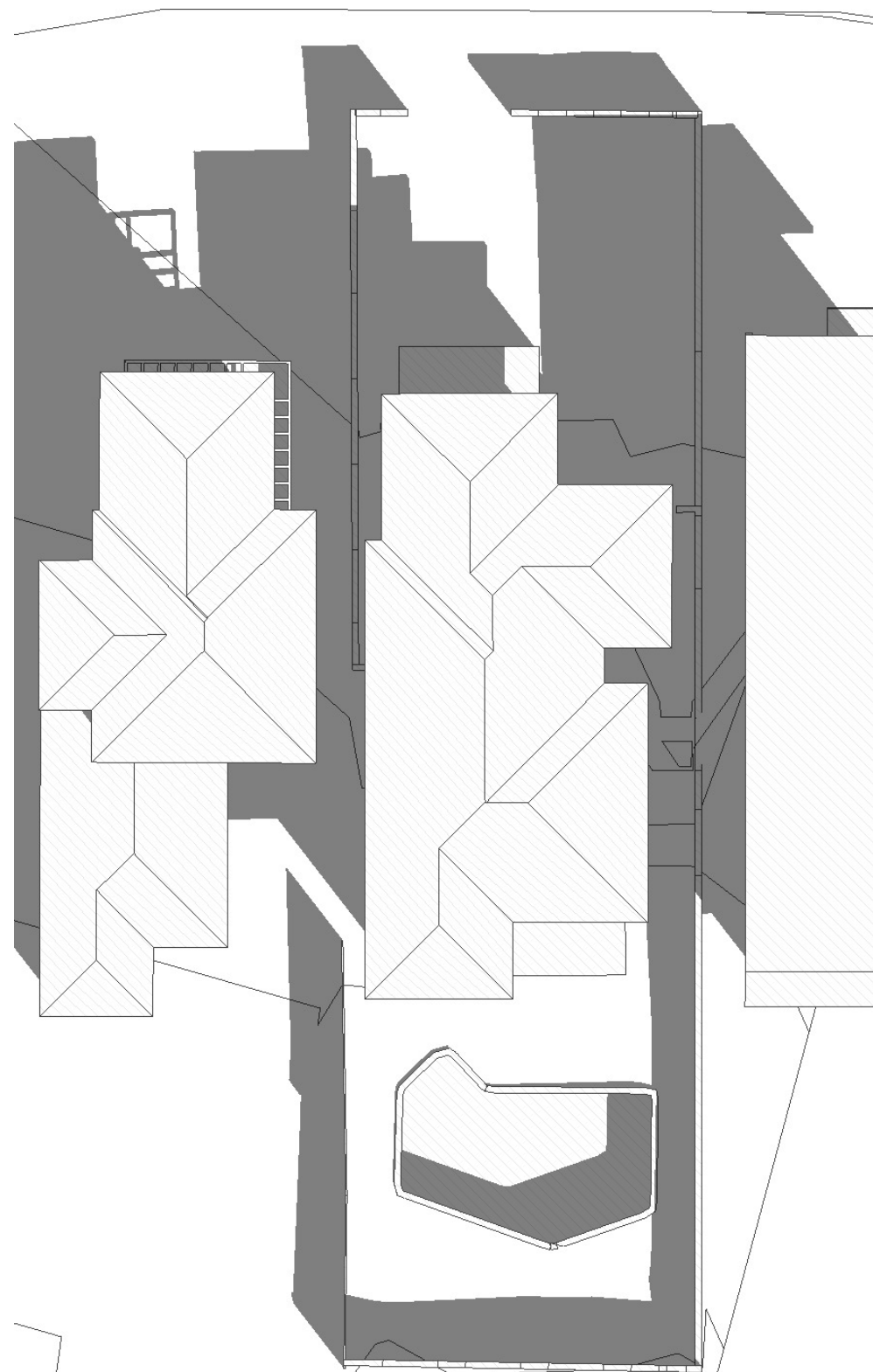
Proposed Shadows - Autumn
Equinox
SCALE: DRAWN: SM
DATE: 22 JUN 20 JOB NO: 873-18
DRAWING NO: A11-Rev.B

NO.	DESCRIPTION	DATE

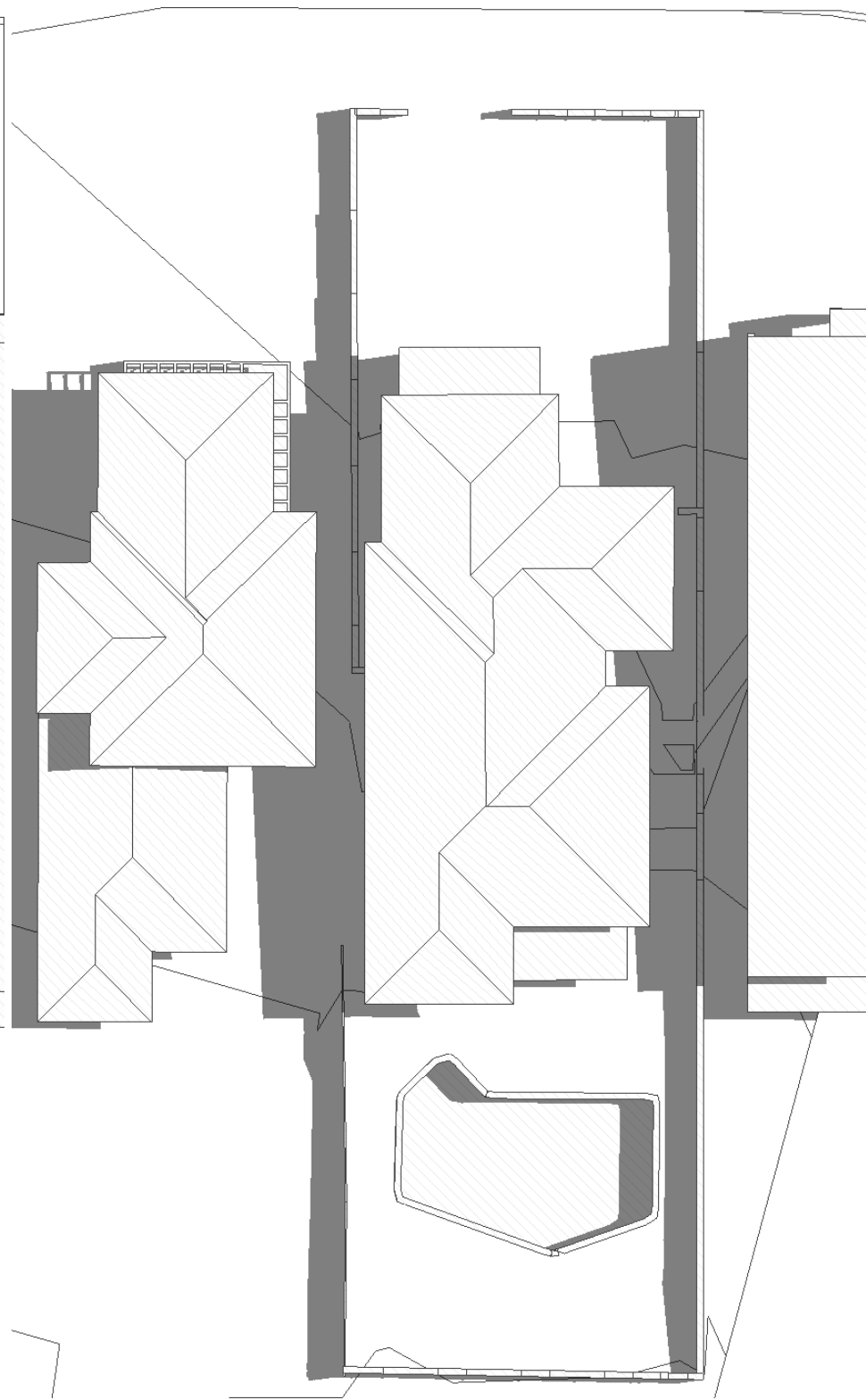
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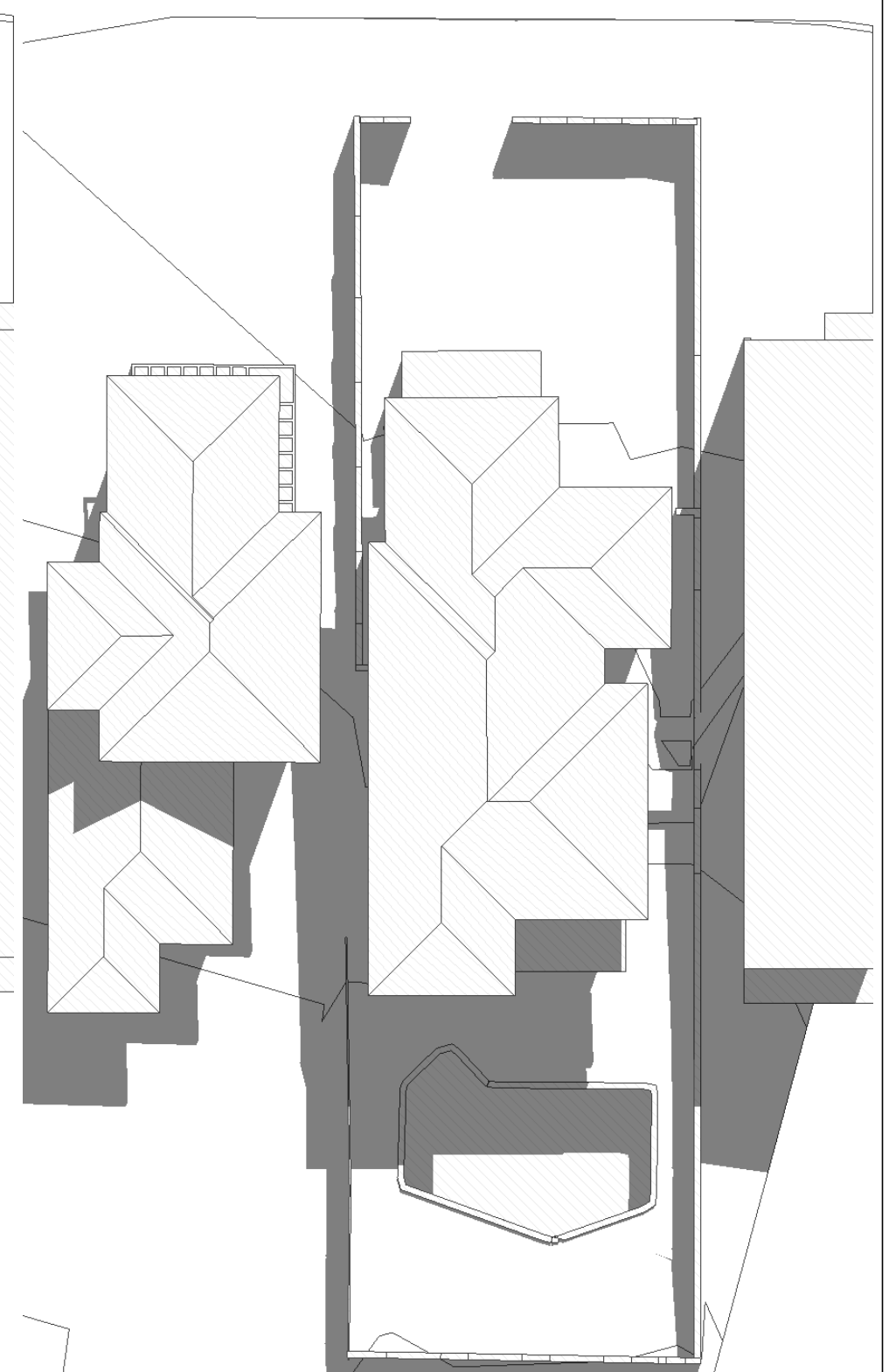
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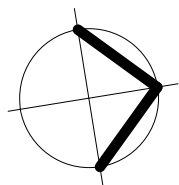
EXISTING AUTUMN EQUINOX - 9 AM



EXISTING AUTUMN EQUINOX - 12 PM



EXISTING AUTUMN EQUINOX - 3 PM



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Date Received: 30/06/2020

PROJECT: Mr G & Mrs R Kosmin
New Dual Occupancy Residential
**105 Military Road,
Dover Heights**

Existing Shadows - Autumn
Equinox

SCALE:

DRAWN: SM

DATE: 22 JUN 20

JOB NO: 873-18

DRAWING NO: A11a-Rev.B

NO.	DESCRIPTION	DATE

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GARY MEYERS, AIA #4980



Report to the Waverley Local Planning Panel

Application number	DA-70/2020/1
Site address	4 Forest Knoll Avenue, BONDI BEACH
Proposal	Review of decision seeking alterations and additions to existing garage including a first floor studio addition and entry portico
Date of lodgement	17 August 2020
Owner	Mrs L Du Bois
Applicant	Mr B Du Bois
Submissions	Nil
Cost of works	\$80,000
Issues	Front building line, bulk and scale, streetscape impacts
Recommendation	That the application be REFUSED



1. PREAMBLE

1.1 Site and surrounding locality

A site visit was carried out on 10 September 2020.

The site is identified as Lot 4 in DP 10439, known as 4 Forest Knoll Avenue, Bondi Beach. The site is irregular in shape with a northern site frontage measuring 15.24m, an eastern side boundary measuring 51.78m, a southern rear boundary measuring 10.67m and a western side boundary measuring 49.65m. According to the site survey submitted with the application, the site has an area of 581.1m² and falls from the southwest towards the front of the property by approximately 7m.

The site is occupied by a freestanding two storey brick and fibro cottage. Vehicular access is provided from Forest Knoll Avenue and a double garage is located at the front of the site, built to the front boundary.

The subject site is adjoined by a residential flat building to the east and a detached dwelling to the west. The locality is characterised by a variety of residential developments including semi-detached and detached dwellings and residential flat buildings.



Figure 1: Subject site frontage



Figure 1: East elevation of the existing single storey garage



Figure 2: View looking northwest over the top of the existing garage and property frontage



Figure 3: View towards garage with main dwelling beyond

1.2 Relevant History

A search of Council's records identified the following recent development applications applicable to the subject site:

DA-197/2016 - Construction of a swimming pool to the rear was approved on 28 July 2016.

PD-17/2018 - On 31 May 2018, the applicant sought Pre-DA advice for a proposed new studio over the existing garage at the front of the site. Council's advice was finalised on 20 July 2018, which concluded that *"the proposal is unlikely to be supported by Council due to the detrimental impact on the character of the street"*.

The applicant made some amendments to the proposal based on this Pre-DA advice under PD-17/2018 before submitting the development application, including:

- Change of the proposed use from a secondary dwelling to a games room for the use of the residents of the main dwelling;
- Reduction in floor area and height;
- Increase in the western side and front setbacks; and
- Planters introduced across the front terrace of the games room.

DA-70/2020 – Development application seeking alterations and additions to the existing garage including a first floor studio addition and entry portico was refused by the Development and Building Unit (DBU) on 17 June 2020. The reasons for refusal are as follows:

Having regard to section 4.15(1) of the Environmental Planning and Assessment Act 1979 (the Act), the development application is refused for the following reasons:

- 1. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Act, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:*
 - (a) Part C2 – Setbacks*
 - (i) Section 2.2, Clause 2.2.1 Front and rear building lines, specifically objective (a), (b), (f) and control (a), as the proposal extends forward of the predominant front building line and would adversely impact on the rhythm and character of the residential street.*
 - (b) Part C2 – Streetscape and Visual Impact*
 - (i) Section 2.3, specifically objective (a) and control (a) as the proposal is not visually compatible with its streetscape context and would not correspond harmoniously with the surroundings.*
 - (c) Part C2 – Secondary Dwellings and Ancillary Buildings*
 - (i) Section 2.16.2 Ancillary Development, specifically objectives (a), (b) and (e) and controls (c) and (d) as the proposed games room would exceed the maximum building height and conflict aesthetically with the design of the principal dwelling.*
- 2. The proposed development does not satisfy section 4.15 (1)(b) of the Act, as the proposal is excessive in terms of building height, bulk and scale, and consequently results in unacceptable streetscape impacts and would adversely affect the surrounding built environment.*
- 3. The proposal is contrary to 4.15 (1)(c) of the Act, as it relies on being able to develop within the front setback, which is incompatible and inconsistent with the existing streetscape and surrounding built environment. The proposal is therefore considered unsuitable for the site.*
- 4. The proposal is not considered to be in the public interest for the reasons outlined above, contrary to Section 4.15 (1)(e) of the Act.*

1.3 Proposal

The development application seeks to review the DBU's decision relating to the refusal of the construction of a first floor addition comprising a games room above the existing garage including a bathroom and a roof terrace and a new entry portico at the front boundary. The application also seeks alterations to the front garage by altering it from two separate garage doors to one combined double entry door and also an increase in the garage wall height at the property frontage.

The plans lodged with the review application differ from the originally determined plans as follows:

- Games room reduced in depth by 300mm and moved closer towards the main building by 500mm;
- Front setback increased by 740mm to 2.07m;
- Bay window reduced by 400mm deep to 300mm;
- Side windows of bay deleted;
- Games room reduced in width to increase the western side setback from 900mm to 1.050m;
- Side walls of games room reduced by 600mm to 1.8m;
- Ridge height reduced by 800mm to RL 26.90;

- Dormer windows deleted;
- Planter area increased to reduce total terrace area to 10m²;
- Height of proposed plantings increased;
- Building Plan added in the form of an aerial view indicating existing trafficable garages in yellow and existing or approved structures over garages in red;
- External finishes indicate darker colours proposed; and
- BASIX amended indicating reduction in floor area and windows.



Figure 5: Comparison floor plans from DA-70/2020 (top) and DA-70/2020/1 (bottom)

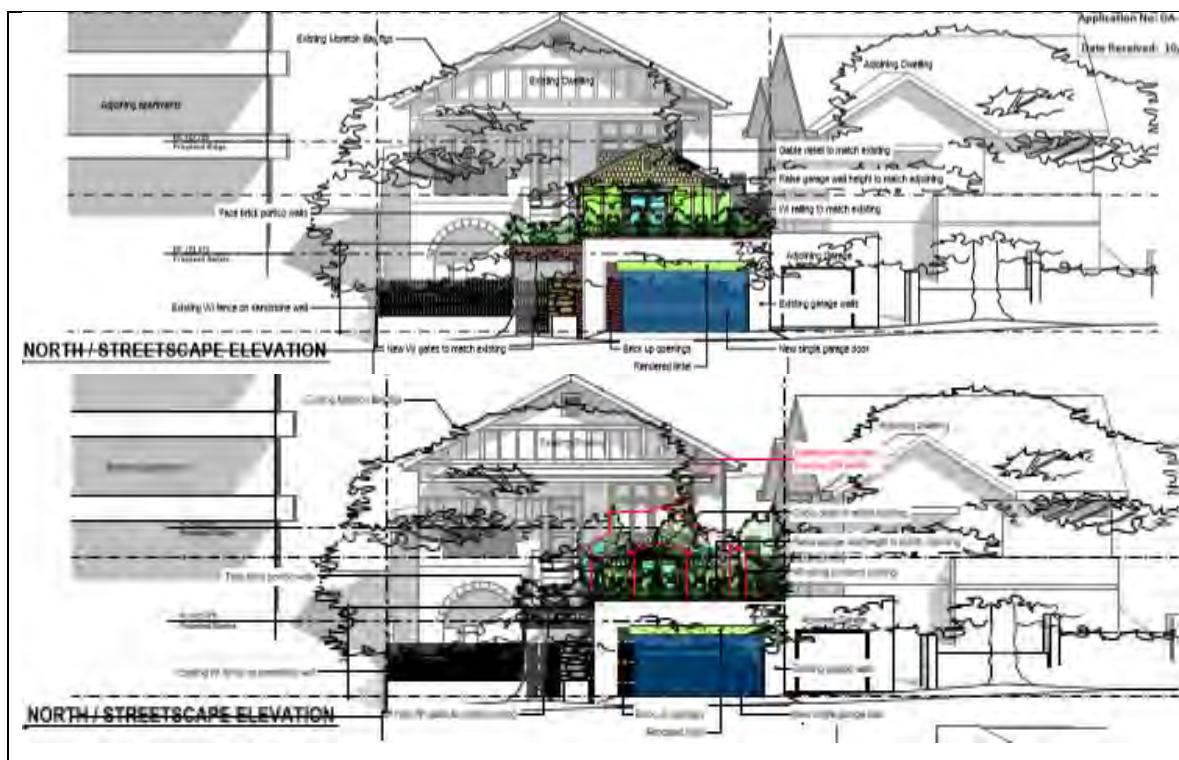


Figure 6: Comparison streetscape elevation from DA-70/2020 (top) and DA-70/2020/1 (bottom)

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).

The application has been submitted as a Section 8.3 Review application of the previous decision. The original application for alterations and additions to the existing garage including a first floor studio addition and entry portico was refused by the Development and Building Unit (DBU) on 17 June 2020.

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.

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 would be necessary.

2.1.3 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 1: Waverley LEP 2012 (WLEP) Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is not inconsistent with the aims of the WLEP.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as alterations and additions to an existing dwelling house, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	Yes	The proposed height of the garage/ games room is 5.66m which complies with the height of buildings development standard in the WLEP.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio (FSR) <ul style="list-style-type: none"> 0.5:1 or 290.55m² 	Yes	The proposed games room has a gross floor area (GFA) of 29.13m ² and would bring the overall site GFA to 258.07m ² or an FSR of 0.44:1.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site has an acid sulfate soil classification of 5. The proposal would be unlikely to disturb acid sulfate soils.

2.1.4 Waverley Development Control Plan 2012 (Amendment 8) Effective 1 August 2020

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste and Recycling Management plan has been submitted with the application which would address waste disposal during construction.
2. Ecologically sustainable Development	Yes	The proposal incorporates passive design and a BASIX Certificate has been issued for the proposal Given the scope of the development, these mechanisms are considered to address the objectives of Part B2 of WDCP.

Development Control	Compliance	Comment
3. Landscaping and Biodiversity	Yes	The proposal maintains much of the existing vegetation and garden area. The landscaping component of the proposal would be cohesive with the site and streetscape and does not form part of the reasons for refusal.
6. Stormwater	Yes	The stormwater plans submitted with the application are satisfactory.
8. Transport	N/A	No changes are proposed to the car parking arrangements on the site. The existing double garage would remain unaltered under the proposal.
10. Safety	Yes	The proposal does not contravene the objectives of this part of the WDCP.
12. Design Excellence	No	The proposed development does not achieve design excellence as it does not appropriately consider the context and streetscape, street frontage and the relationship of the development to other development on neighbouring sites.

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

The proposal is defined as alterations and additions to 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 & scale to the character of the area • High design standard 	No	<p>The proposed games room is still not of an appropriate scale for the location. The addition of a structure above the garage would detract from the presentation of the built form to the streetscape, amenity of the main dwelling and would impact on views towards the street.</p> <p>The proposal is not sympathetic in bulk and scale to the character of the street, which comprises a number of similarly configured single storey garages within the front setback built to the front building line. The addition atop the garage presents additional bulk to the streetscape, which is contrary to this part of the WDCP.</p>
2.1 Height		
Pitched Roof dwelling house <ul style="list-style-type: none"> • Maximum external wall height of 7m 	Yes	The proposal comprises an overall height of 5.66m. The proposed overall wall height is approximately 5.2m. The proposal complies with the height control for a house, but is not compliant with the relevant height controls for ancillary buildings (see below).
2.2 Setbacks		
2.2.1 Front and rear building lines		The proposal is still not consistent with the predominant front building line in the street and

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	<p>No</p> <p>N/A</p>	<p>is contrary to section 2.2 of the WDCP (see further discussion below).</p> <p>There is no change proposed to the rear building line.</p>
<p>2.2.2 Side setbacks</p> <ul style="list-style-type: none"> Minimum of 0.9m 	Yes	The proposal comprises a western side setback of 1.05m. The eastern side setback between the garage and the eastern side boundary is 6.7m.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Development not dominate or erode the character of the streetscape Significant landscaping to be maintained. Porticos only permitted where a character of the streetscape 	<p>No</p> <p>No</p> <p>Yes</p> <p>Yes</p>	<p>The existing streetscape is characteristic of single storey garages built to the front boundary, which visually dominate the streetscape. The proposed two storey structure is still incompatible with the streetscape context and therefore contrary to WDCP (see further discussion below). The increase in the front garage wall height and altering the garage configuration from two separate singular doors to one double door is also inconsistent with the existing streetscape character.</p> <p>The proposal maintains the existing landscaped area.</p> <p>Whilst not a dominant feature of the streetscape, the proposed portico is considered acceptable as it would be complementary to the style of the main dwelling.</p>
2.4 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	N/A	The existing sandstone and wrought iron front fence would be retained with new gates proposed to match the existing. Side and rear fencing would also be retained as existing.
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. 	<p>N/A</p> <p>No</p>	<p>The proposed development does not include windows facing habitable rooms to neighbouring properties.</p> <p>The proposal includes external stairs along the eastern and western side of the garage to provide access from the ground level to the proposed games room. Whilst external stairs are not generally permitted due to potential privacy impacts, the proposed stairs would be unlikely to impact on privacy of neighbours in this instance, due to the positioning and orientation of the neighbouring dwelling to the west and the residential flat building to the east.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> Roof tops to be non-trafficable unless predominant in the immediate vicinity 	<p>Yes</p> <p>Yes</p>	<p>The proposed terrace wraps around the games room and provides an overall area of 10m². The terrace proposes planter boxes along the front boundary.</p> <p>The terrace component of the roof top would be trafficable. Other garages in the vicinity of the site comprise trafficable garage roof tops.</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	The proposal would comply with the solar access provision under the WDCP. Given the orientation of the proposed works within the front setback of the site, the works would not impact on the living areas and principal open space areas of the main dwelling or neighbouring properties during the winter solstice.
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>The proposal would not impact views from the public domain.</p> <p>It is considered that the proposal would have minimal impact on views from habitable rooms of neighbouring dwellings. However, it is likely that the proposal would be visible and may impede views northeast towards the street from the front of the neighbouring property at 6 Forest Knoll Avenue. However, Council considers that the overall impact on views would be low.</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 Designed to complement the building and streetscape Car parking structures to be behind the front building line 	<p>Yes</p> <p>No</p> <p>As existing</p>	<p>There is no change to the car parking arrangement on the site, however, it is proposed to increase the wall height of the front garage wall to 3.3m and alter the garage configuration from two single width doors separated by a central brick column to one double width garage door. This is inconsistent with the existing streetscape context which predominantly comprises single width garage doors.</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. 	Yes	Additional landscaping is proposed within the property to the terrace area. The proposal complies with the minimum requirements for open space and landscaped area.
2.11 Dormer Windows		

proposed habitable games room with an overall height of 5.66m and sited 2.07m from the front boundary within the property frontage, as is proposed as part of the subject application.

Control 2.2.1 (d) of WDCP sets out matters for consideration where a development proposes to build beyond the predominant front and/or rear building line, including compliance with applicable development standards, landscape and open space controls, side setback controls, location and retention of existing vegetation, visual aspect of bulk and scale viewed from adjoining properties and acceptability of amenity impacts, regarding solar access and visual and acoustic privacy. Control (d) also states that consideration must be given to the *“emergence of new front and/or rear building alignment beyond the dwellings either side of the subject site (note that any reliance on an emerging front and/or rear building alignment as a precedent can only be justified where the emerging alignment is itself based on compliant development with respect to building height, FSR and side setback controls)”*.

Council notes that the street does not feature an emerging new front building alignment that would be precedent setting in this instance. Forest Knoll Avenue is characterised by single level garage structures within the front setback, predominantly built to the front boundary, with the main dwelling to the rear of the garage structure. Some of these garages provide a trafficable roof above and used as informal areas of private open space, with dwellings at Nos.8 and 12 incorporating lightweight pergola structures. The subject site would be the first in the street to divert from the predominant front building alignment control, in terms of introducing a solid built form at first floor level (ie. above garage level) within the front setback and is likely to detract from the presentation of the principal dwelling. Council does not support a variation to the front building alignment in this instance due to the impact on the streetscape character. Council is also concerned that the proposal may create an undesirable precedent that is contrary to its development controls, particularly given the number of existing garages of single level form within the front setback along this part of the street.

As set out above, while the proposal is not likely to impact solar access or privacy of neighbouring dwellings, the addition of the structure in the current streetscape context would give rise to visual amenity impacts and streetscape impacts (see further discussion below).

Council is also concerned how the relationship of the games room and the main dwelling has been resolved spatially. The two elements are separated approximately 2m apart and given the height of the structure within the front setback, views from the main dwelling to the streetscape are likely to be impeded by the proposed games room. The games room also presents as a secondary dwelling with a clearly defined separate street entry via the new front portico and bathroom facilities proposed.

Streetscape and visual impact

Part C2, Section 2.3 of the WDCP sets out the following objective for streetscape and visual impact, relevant to the proposed development:

(a) To enhance the built form by encouraging quality design that corresponds harmoniously with the surroundings.

Council is of the view the proposal does not correspond harmoniously with the surroundings, given that the development would be inconsistent with the predominant building line for structures (or lack of) above garage level. Council considers that the built form of the main dwelling and that of the street would not be enhanced by the addition of the proposed games room.

The proposal is contrary to WDCP Control 2.3(a), in that the proposed games room structure over the garage would visually dominate the streetscape context and would not be visually compatible. The WDCP controls do not envisage such a large secondary form forward of the front building line and fronting the streetscape. The proposal is representative of 'laneway development' but on a primary street frontage. Council is therefore concerned that the proposal would give rise to unacceptable bulk and scale impacts and may lead to an inappropriate precedent being set.

As noted above, the proposed portico, whilst not a dominant feature of the streetscape, would be acceptable as it is considered to complement to the style of the main dwelling.

Ancillary buildings

Part C2, Section 2.16 of the WDCP sets out the following objectives for secondary dwellings and ancillary buildings, relevant to the proposed development (the proposed games room has been assessed as an ancillary building):

- (a) To ensure secondary dwellings and ancillary development achieve acceptable levels of building design, amenity, landscaping, access and security.*
- (b) To limit the bulk and scale of secondary dwellings and ancillary development.*
- (d) To minimise the adverse amenity impacts of secondary dwellings and ancillary buildings on adjoining properties.*
- (e) To ensure secondary dwellings and ancillary development enhances the streetscapes of laneways and primary streets.*

Council is of the view that the proposal is not appropriate in terms of bulk and scale for an ancillary building. Council also considers that the proposal would not enhance the streetscape of Forest Knoll Avenue but would rather detract from it.

The proposal complies with WDCP Control 2.16.2 (a), in that the proposed games room does not exceed 10% of the allotment size. However, the proposal is contrary to control (c), exceeding the maximum height of 2.4m, with an overall height of 5.66m proposed.

2.2 Other Impacts of the Development

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

However, Council considers that the proposal would have significant streetscape impacts arising from the bulk and scale of a structure of this kind within the front setback. The proposal would detract from the main dwelling and would lead to an inappropriate planning outcome.

2.3 Suitability of the site for the development

The site is not considered suitable for the development proposed.

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*. No submissions were received.

2.5 Public Interest

It is considered that the proposal is not in the public interest, for the reasons set out above and is therefore not supported.

3. REFERRALS

3.1 Stormwater (Infrastructure Services)

The application was referred to Council's Stormwater Engineer and no objections were raised subject to conditions should the application be approved.

3.2 Tree Management Officer

The application was referred to Council's Tree Management officer and no objections were raised subject to conditions should the application be approved.

4. SUMMARY

The application seeks a review of the DBU's previous decision of refusal issued on 17 June 2020 to construct a games room above the existing garage, which includes a bathroom, terrace and a new entry portico at the front boundary. Alterations are also proposed to the front garage configuration.

The review application was notified and received no submissions. The plans lodged with the review application incorporate minor amendments, however, the main issues still remain unresolved, which include the non-compliances with the front building line, streetscape impacts, visual bulk and scale impacts and non-compliances with controls relating to ancillary buildings.

The application has been assessed against the matters for consideration under section 4.15 of the Act and is recommended for refusal.

DBU Decision

The application and assessment report was reviewed by the DBU at the meeting on 22 September 2020 and the DBU determined:

- (a) *The application is not acceptable and should be refused for the reasons in Appendix A.*

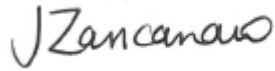
DBU members: *M Reid*, A Rossi, B McNamara, E Finnegan*

*M Reid declared a conflict of interest and recused himself from the DBU discussion

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:



Jo Zancanaro
Senior Development Assessment Planner

Application determined by:



Angela Rossi
Manager, Development Assessment (Central)

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

Date: 30 September 2020

Date: 13 October 2020

Reason for referral:

Section 8.3 Review of Determination

APPENDIX A – REASONS FOR REFUSAL

Having regard to section 4.15(1) of the Environmental Planning and Assessment Act 1979, the development application is refused for the following reasons:

1. The proposal does not satisfy the objects 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 of the built environment.
2. The proposal does not satisfy Section 4.15 (1)(a)(iii) of the Act, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
 - a. Part B12 – *Design Excellence*, 12.1 *Design*, specifically objective (a) controls (b) and (e) and 12.2 *Context Analysis* objectives (b), (c) and (d), as the proposal does not improve the quality and amenity of the public domain and has failed to consider the suitability of the land for development in regards to the relationship of the development to other development (existing or proposed) on the same site or on neighbouring sites in terms of setbacks, amenity and urban form and the overall bulk and massing of the development.
 - b. Part C2 – Low Density Residential Development:
 - i. *Section 2.2 Setbacks, 2.2.1 Front and Rear Building Lines*, specifically objectives (a), (b) and (f) and control (a), as the proposal extends forward of the predominant front building line and would adversely impact on the rhythm and character of the residential street.
 - ii. *Section 2.3 Streetscape and Visual Impact* specifically objective (a) and control (a) as the proposal is not visually compatible with its streetscape context and would not correspond harmoniously with the surroundings.
 - iii. *Section 2.16 – Secondary Dwellings and Ancillary Buildings, 2.16.2 Ancillary Development*, specifically objectives (a), (b) and (e) and control (c) as the proposed games room would exceed the maximum building height control for ancillary development.
3. The proposed development does not satisfy Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal is excessive in terms of building height, bulk and scale, and consequently results in unreasonable impacts on the streetscape, the amenity of the locality and surrounding built environment.
4. The proposal is contrary to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, as it relies on being able to develop within the front setback, which is incompatible and inconsistent with the existing streetscape and surrounding built environment. The proposal is therefore considered unsuitable for the site.
5. The proposal is not considered to be in the public interest for the reasons outlined above, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979.

BASIX Certificate

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

Alterations and Additions

Certificate number: A369674_02

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Alterations and Additions Definitions" dated 06/10/2017 published by the Department. This document is available at www.basix.nsw.gov.au

This certificate is a revision of certificate number A369674 lodged with the consent authority or certifier on 10 Mar 2020 with application DA-70/2020.

It is the responsibility of the applicant to verify with the consent authority that the original, or any revised certificate, complies with the requirements of Sch 1 Cl.2A, 4A or 5A of the Environmental Planning and Assessment Regulation 2000.

Secretary
Date of issue: Wednesday, 12, August 2020
To be valid, this certificate must be lodged within 3 months of the date of issue.



Description of project

Project address	
Project name	17P1887 Du Bois_02
Street address	4 Forest Knoll Avenue Bondi Beach 2026
Local Government Area	Waverley Council
Plan type and number	Deposited Plan 10439
Lot number	4
Section number	
Project type	
Dwelling type	Separate dwelling house
Type of alteration and addition	My renovation work is valued at \$50,000 or more, and does not include a pool (and/or spa).

Certificate Prepared by (please complete before submitting to Council or PCA)	
Name / Company Name:	House Plans By Design
ABN (if applicable):	38213203432

Hot water						
The applicant must install the following hot water system in the development: gas instantaneous.						
Lighting						
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.						
Fixtures						
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.						
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.						
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.						
Construction		Additional insulation required (R-value)		Other specifications		
suspended floor above garage: concrete (R0.6).		nil				
external wall: framed (weatherboard, fibro, metal clad)		R1.30 (or R1.70 including construction)				
raked ceiling, pitched/skillion roof: framed		ceiling: R1.74 (up), roof: foil backed blanket (55 mm)		dark (solar absorptance > 0.70)		
Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing		Shading device	Frame and glass type
			Height (m)	Distance (m)		
W1	N	2.1	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
Skylight number	Area of glazing inc. frame (m2)		Shading device		Frame and glass type	
S1	0.6		no shading		timber, double clear/air fill, (or U-value: 4.3, SHGC: 0.5)	
S2	0.6		no shading		timber, double clear/air fill, (or U-value: 4.3, SHGC: 0.5)	

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Application No: DA-70/2020/1

Date Received: 17/08/2020

DRAWING SCHEDULE

01	COVER SHEET / BASIX NOTES
02	BUILDING LINE PLAN (NOT TO SCALE)
03	EXISTING SITE / SITE ANALYSIS PLAN 1:200
04	PROPOSED SITE / WATER MANAGEMENT / LANDSCAPE PLAN 1:200
05	EXISTING FLOOR PLAN 1:100
06	PROPOSED FLOOR PLAN 1:100, SCHEDULES
07	EXISTING BASEMENT PLAN 1:100
08	PROPOSED BASEMENT PLAN 1:100
09	ROOF PLAN 1:100
10	ELEVATIONS 1:100
11	ELEVATIONS 1:100
12	SECTIONS 1:100
13	EXISTING SHADOW DIAGRAMS 1:300
14	PROPOSED SHADOW DIAGRAMS 1:300





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ISSUE	DATE	PURPOSE	DRWN	CHKD
STG 4	12/08/20	Section 8.2 Review Issue	NP	NP
STG 4	06/08/20	Amended for Client Review	NP	NP
STG 3	02/03/20	DA ISSUE	NP	NP
STG 3	10/02/20	DA Preparation	NP	NP
STG 2	16/01/19	Stage 2 Amended	NP	NP
STG 2	22/05/18	Council Pre-DA Meeting Issue	NP	NP
STG 2	20/02/18	Amended for Client Review	NP	NP
STG 1	25/01/18	Stage 1 Completed	NP	NP

01
COVER SHEET / BASIX
NOTES

PROPOSED GAMES & PORTICO ADDITION at
4 FOREST KNOLL AVENUE, BONDI BEACH NSW 2026
for MR B DU BOIS
LOT 4, DP 10439
Ref:17P1887
Thursday, 13 August 2020

**house
plans
by design**

ABN 39 723 283 432
PO Box 224 Leichhardt NSW 2040
T 02 9568 6502
E nporter@houseplansbydesign.com.au
W houseplansbydesign.com.au

STAGE 4 SECTION 8.2 REVIEW - NOT FOR CONSTRUCTION

- INDICATES EXISTING TRAFFICABLE GARAGES
- INDICATES EXISTING OR DA APPROVED STRUCTURES OVER GARAGES



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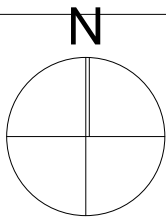
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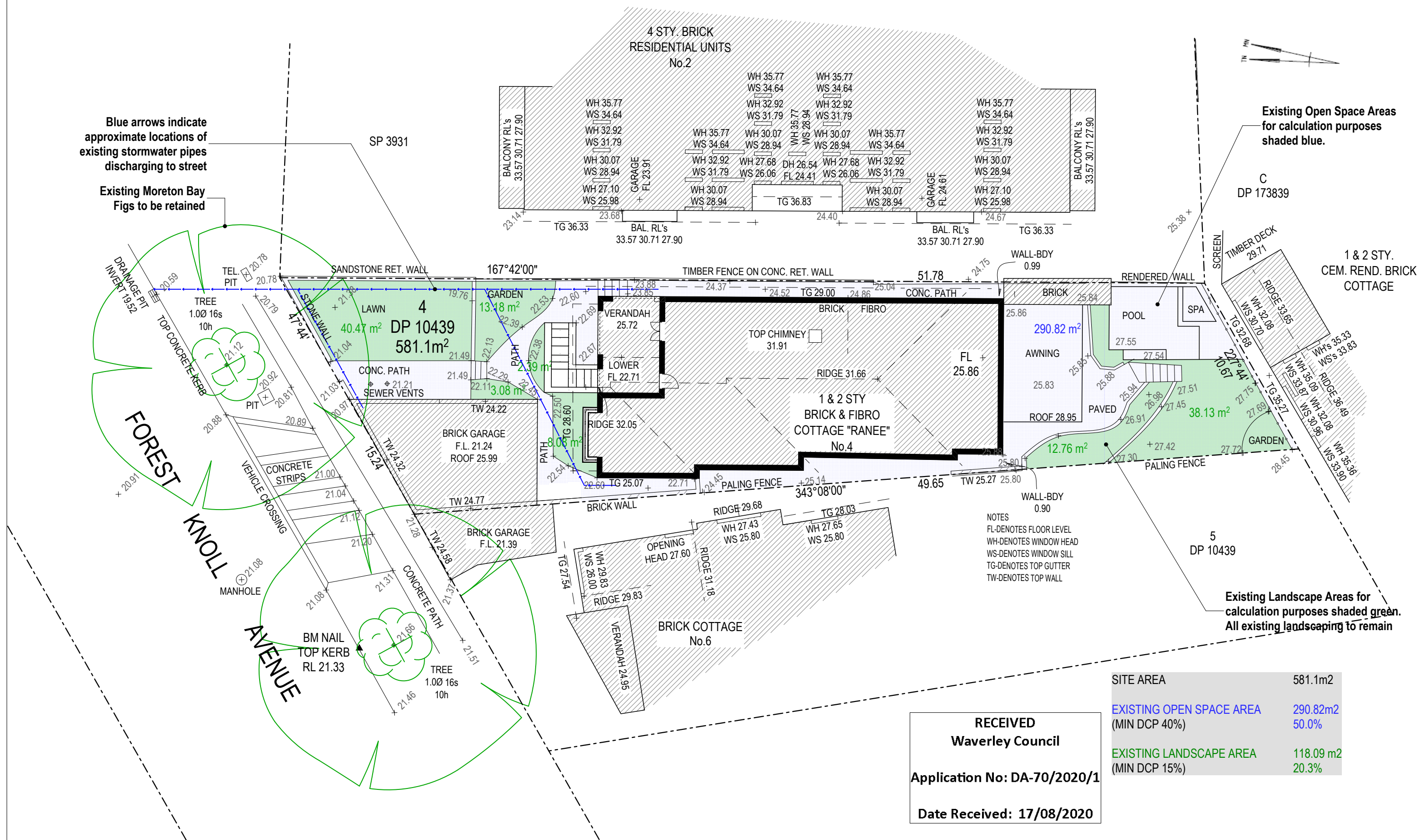
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ISSUE	DATE	PURPOSE	DRWN	CHKD

02
BUILDING LINE PLAN
(NOT TO SCALE)

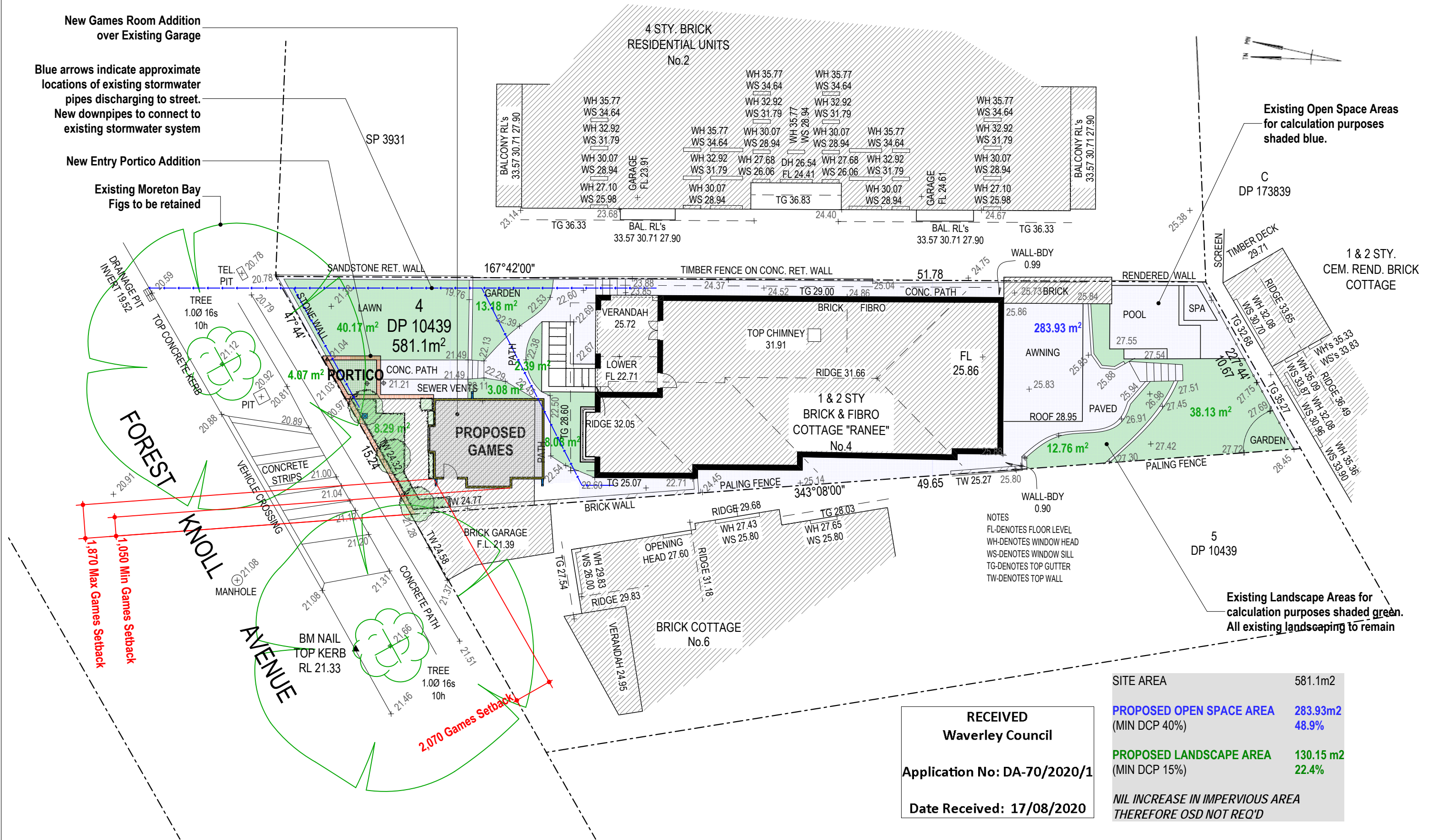
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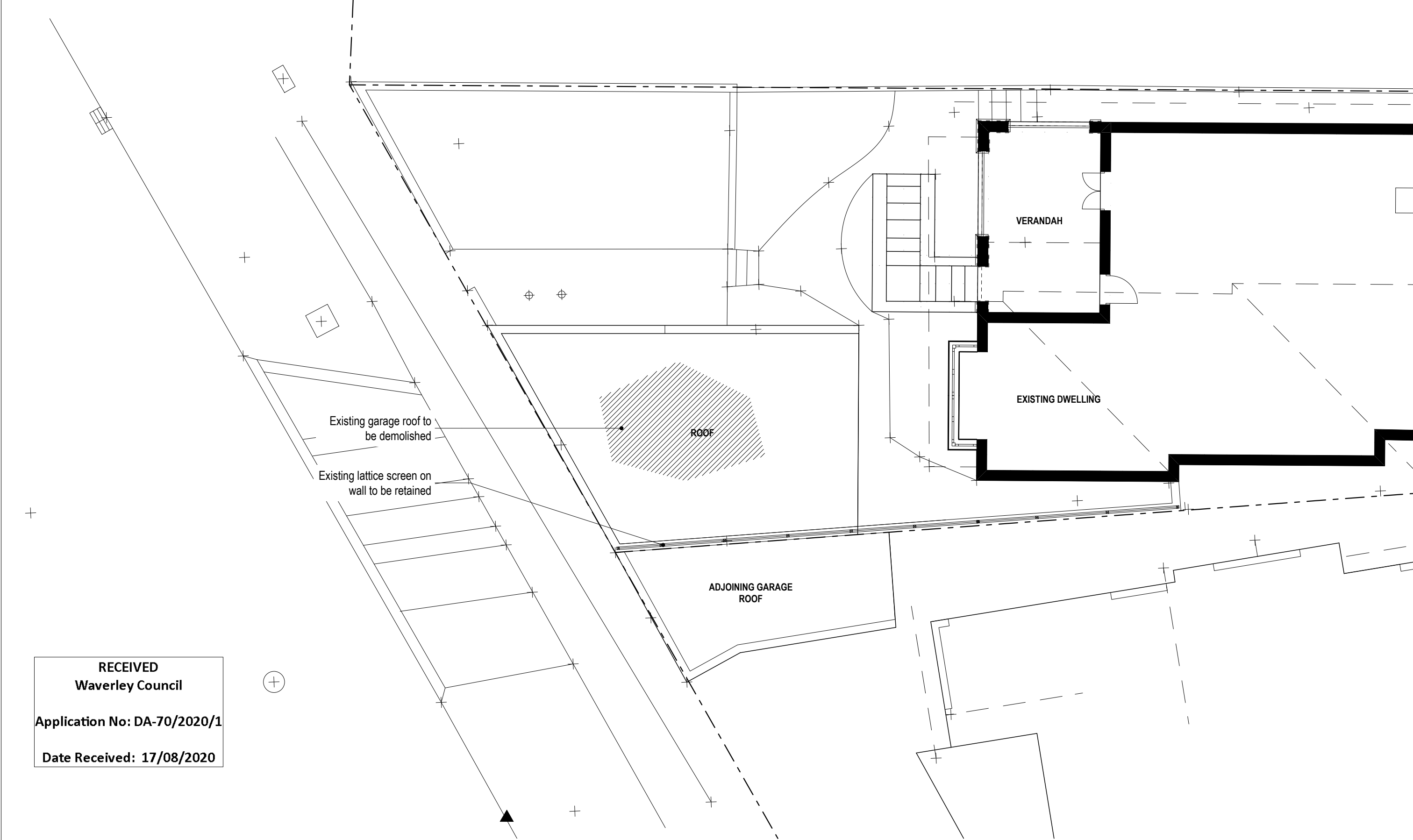
ABN 59 725 283 432
PO Box 224 Leichhardt NSW 2040
T 02 9568 6502
E reporter@houseplansbydesign.com.au
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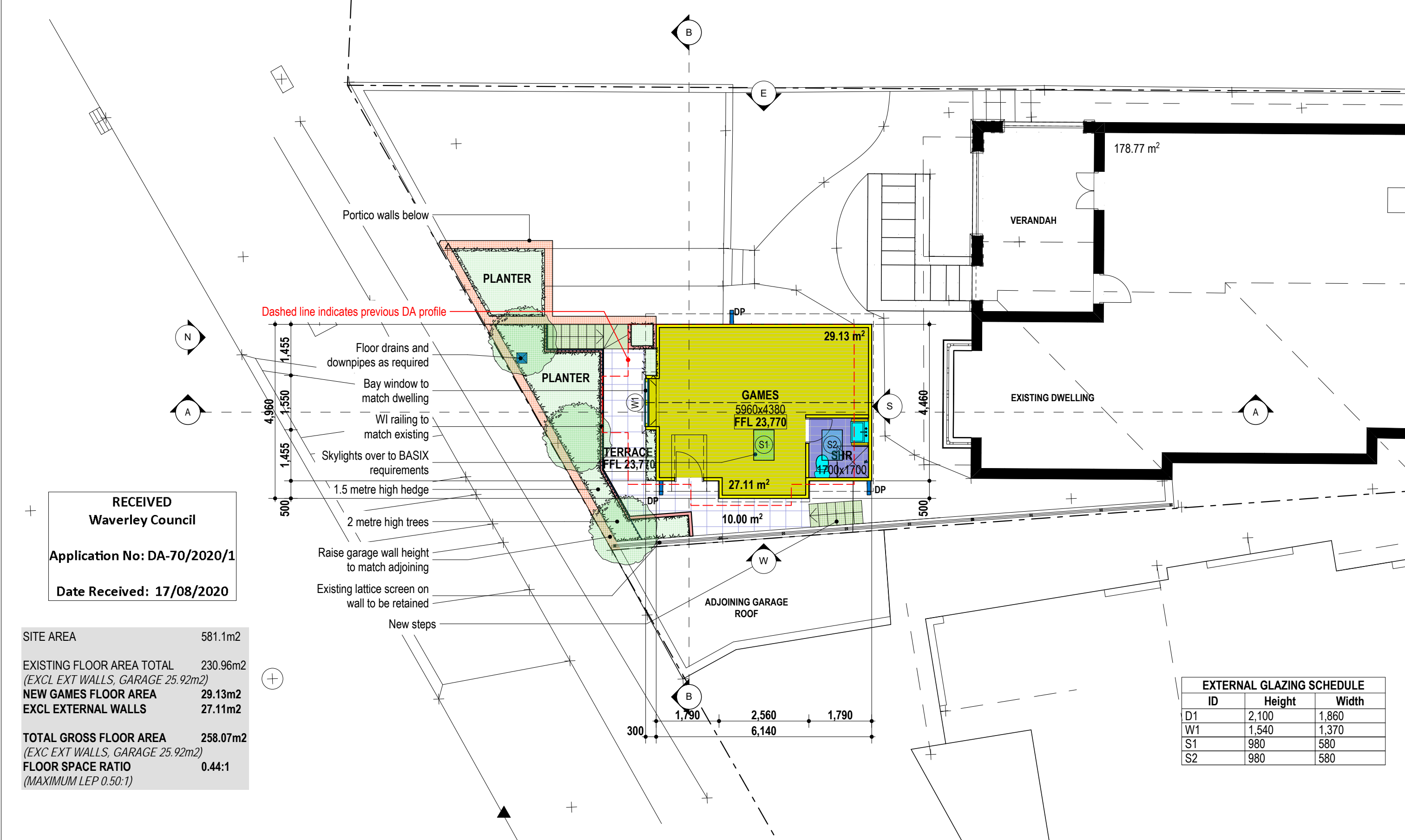
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ISSUE	DATE	PURPOSE	DRWN	CHKD

05
EXISTING FLOOR PLAN
1:100

PROPOSED GAMES & PORTICO ADDITION at
4 FOREST KNOLL AVENUE, BONDI BEACH NSW 2026
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house plans by design
ABN 59 723 283 432
PO Box 224 Leichhardt NSW 2040
T 02 9568 6502
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STAGE 4 SECTION 8.2 REVIEW - NOT FOR CONSTRUCTION



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SITE AREA	581.1m2
EXISTING FLOOR AREA TOTAL	230.96m2
(EXCL EXT WALLS, GARAGE 25.92m2)	
NEW GAMES FLOOR AREA	29.13m2
EXCL EXTERNAL WALLS	27.11m2
TOTAL GROSS FLOOR AREA	258.07m2
(EXC EXT WALLS, GARAGE 25.92m2)	
FLOOR SPACE RATIO	0.44:1
(MAXIMUM LEP 0.50:1)	

EXTERNAL GLAZING SCHEDULE		
ID	Height	Width
D1	2,100	1,860
W1	1,540	1,370
S1	980	580
S2	980	580

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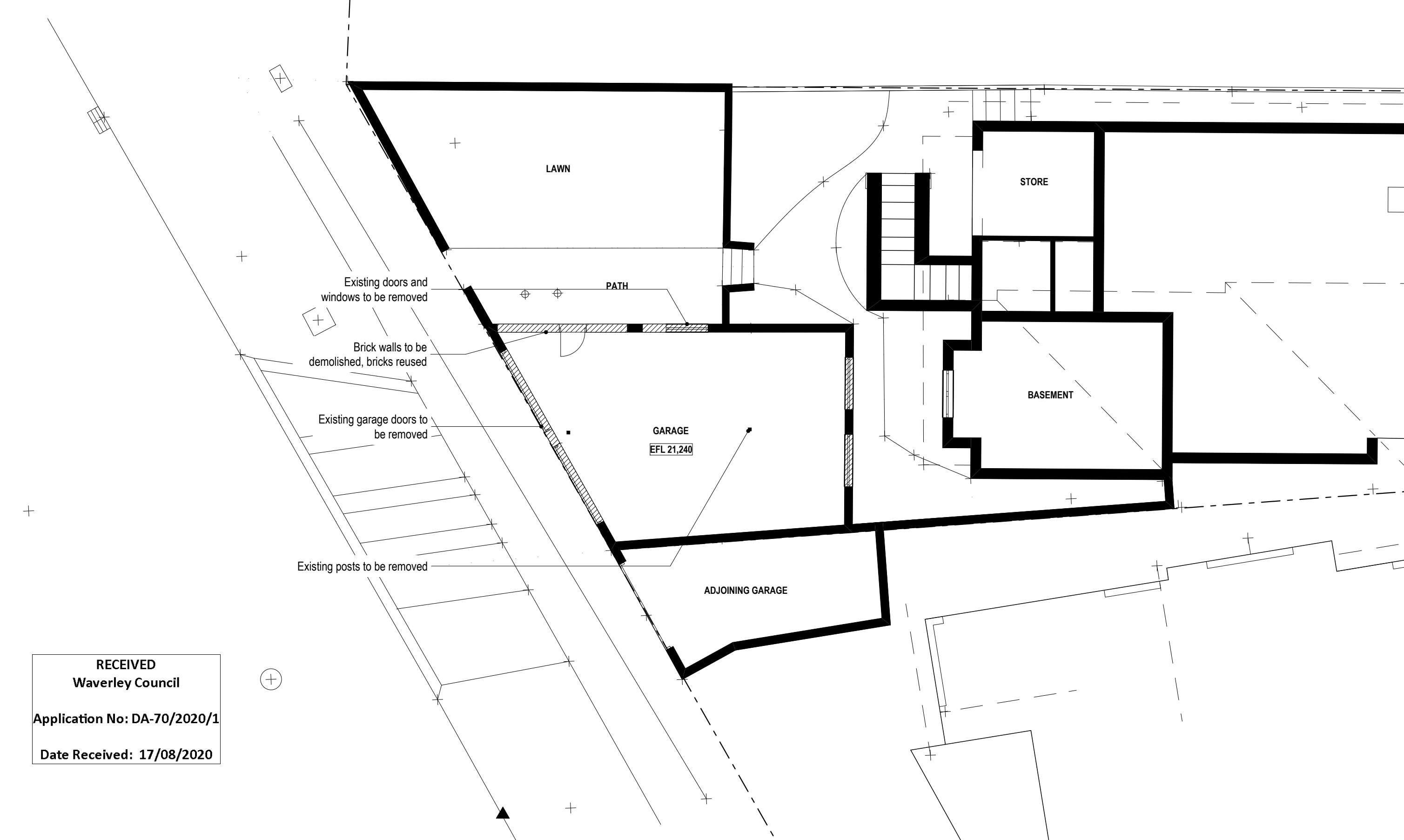
06
PROPOSED FLOOR
PLAN 1:100,
SCHEDULES

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07

EXISTING BASEMENT

PLAN 1:100

PROPOSED GAMES & PORTICO ADDITION at

4 FOREST KNOLL AVENUE, BONDI BEACH NSW 2026

for **MR B DU BOIS**

LOT 4, DP 10439

Ref:17P1887

Thursday, 13 August 2020

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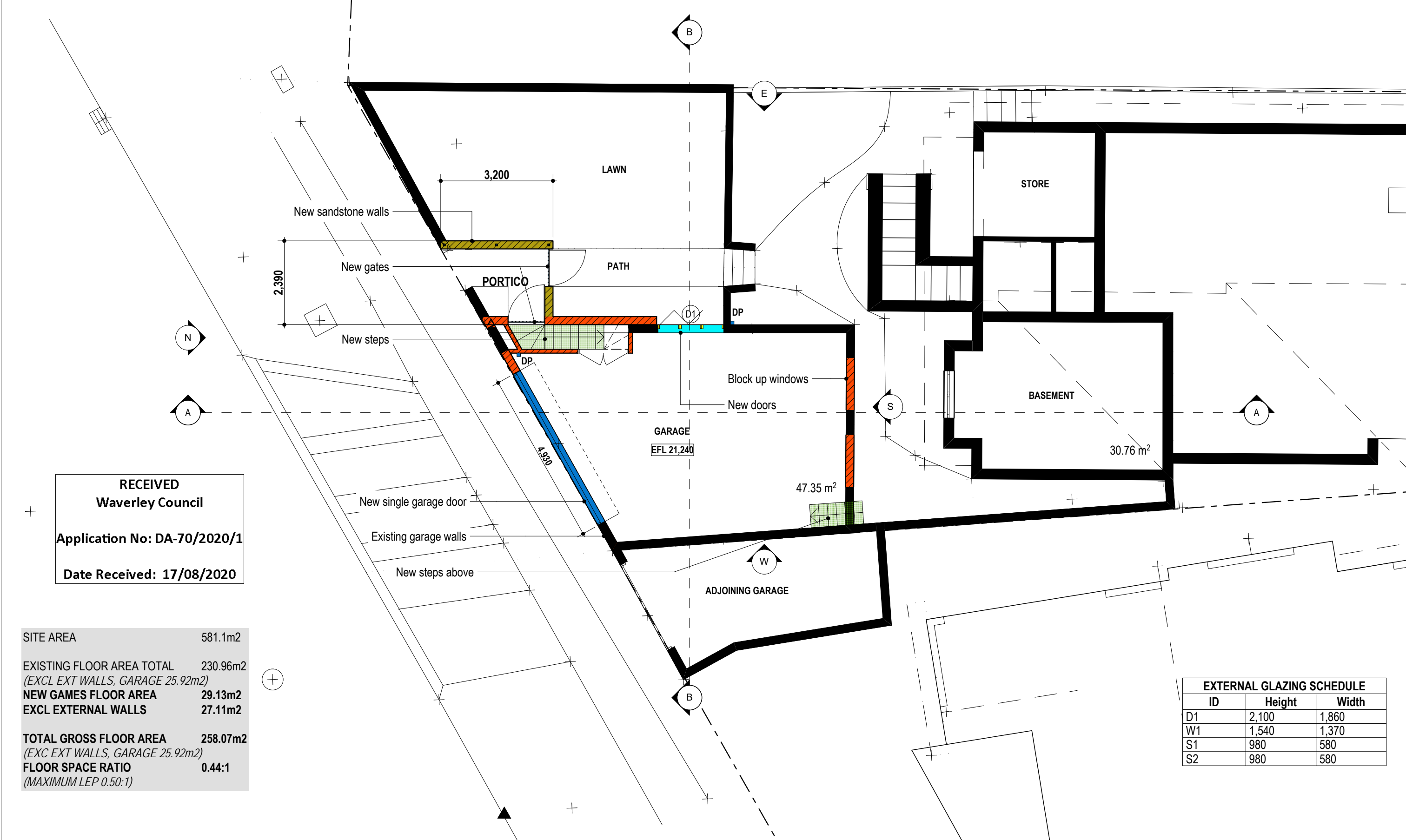
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T 02 9568 6502

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STG 4	06/08/20	Amended for Client Review	NP	NP
STG 3	02/03/20	DA ISSUE	NP	NP
STG 3	10/02/20	DA Preparation	NP	NP
STG 2	16/01/19	Stage 2 Amended	NP	NP
STG 2	22/05/18	Council Pre-DA Meeting Issue	NP	NP
STG 2	20/02/18	Amended for Client Review	NP	NP
STG 1	25/01/18	Stage 1 Completed	NP	NP

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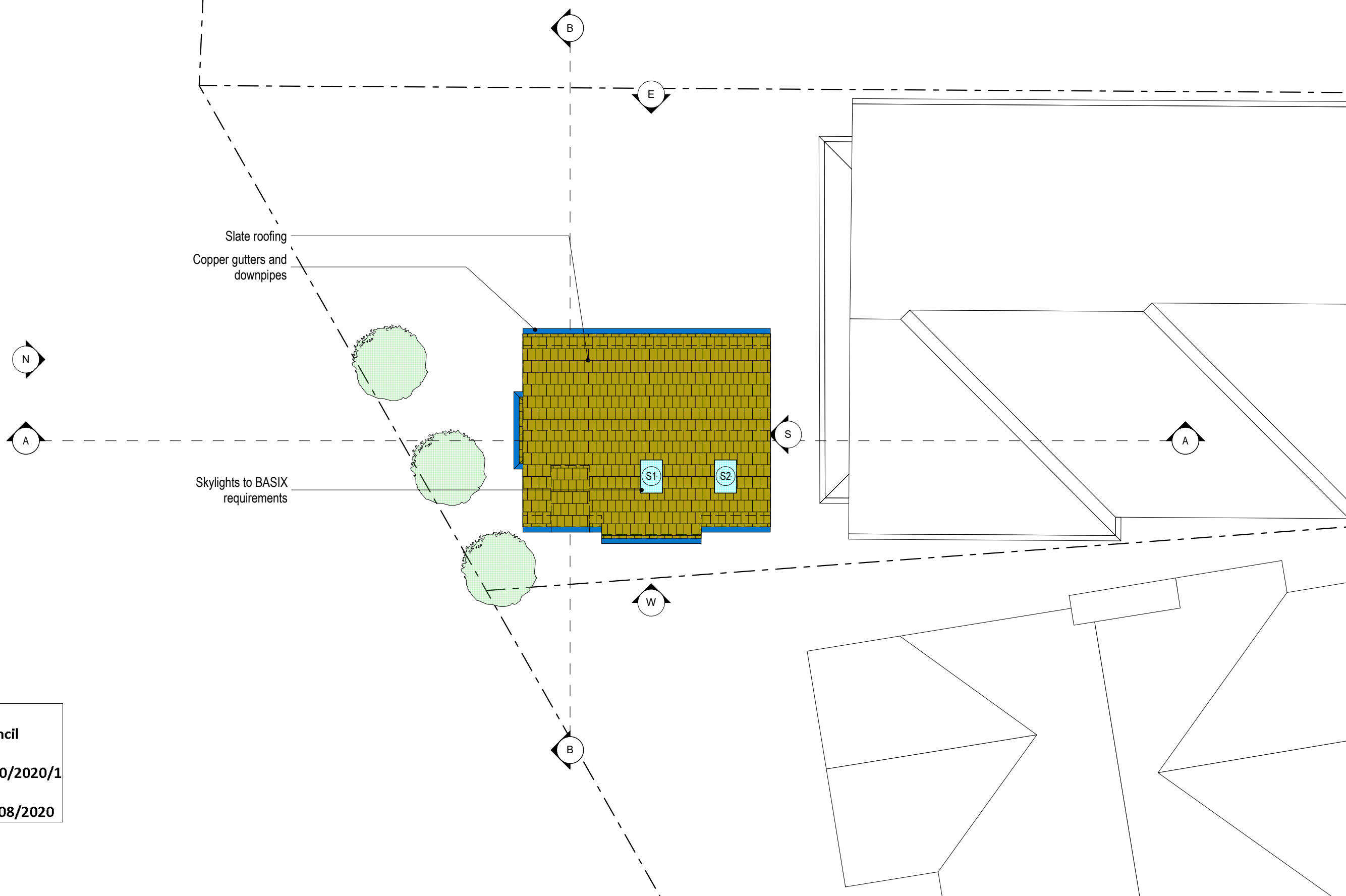
PROPOSED BASEMENT PLAN 1:100

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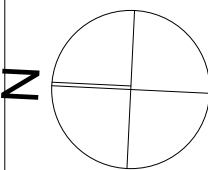
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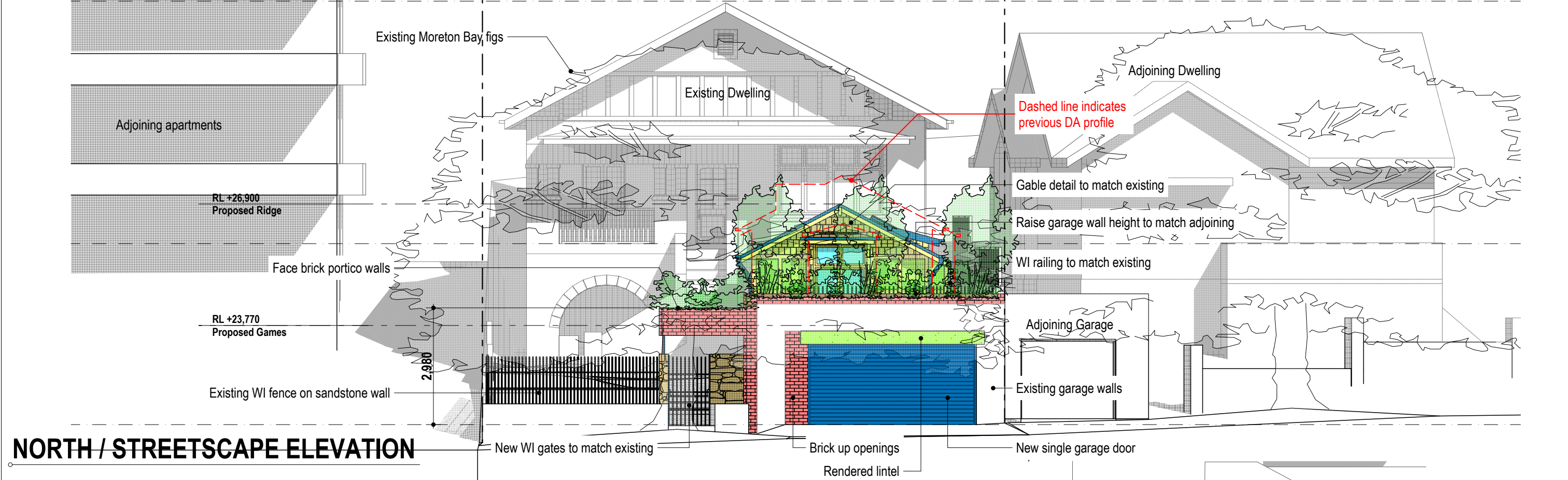
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ROOF PLAN 1:100

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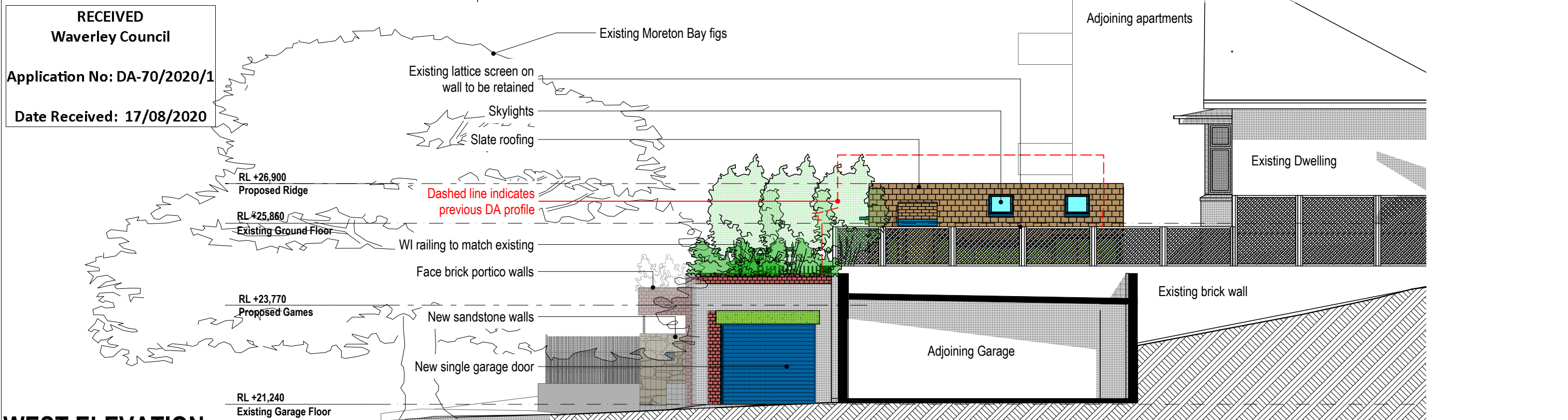
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NORTH / STREETSCAPE ELEVATION



WEST ELEVATION



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ELEVATIONS 1:100

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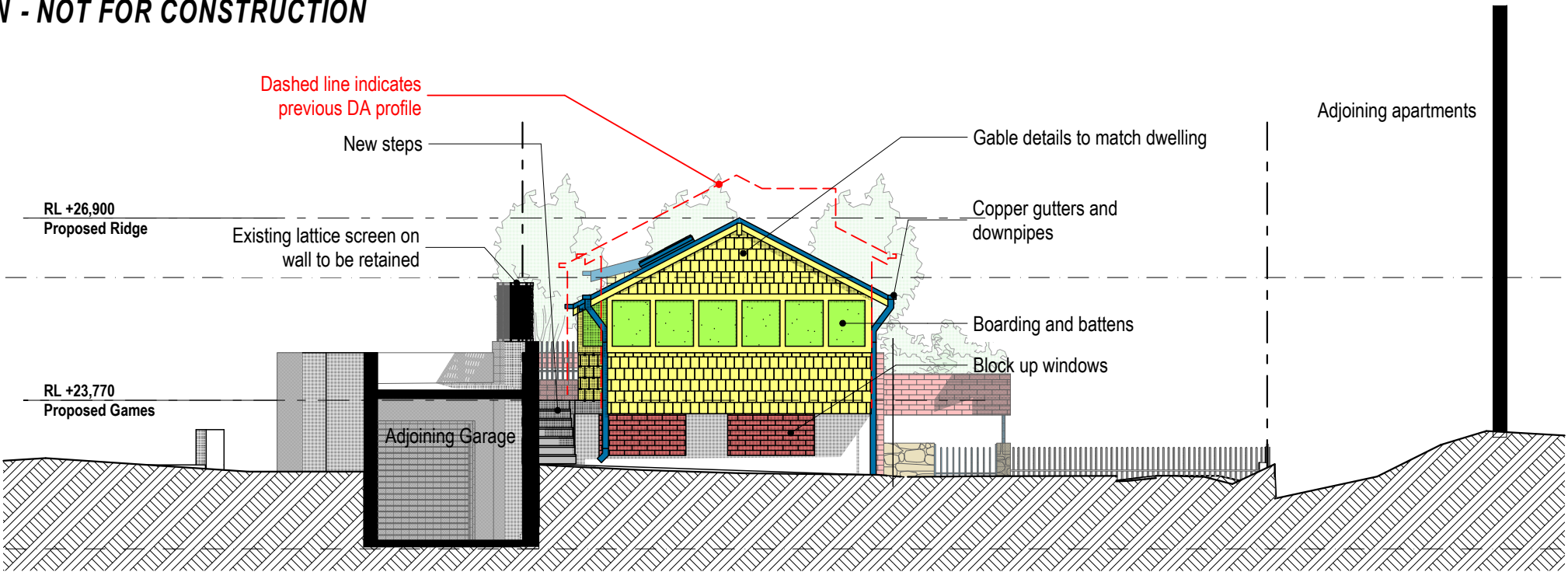
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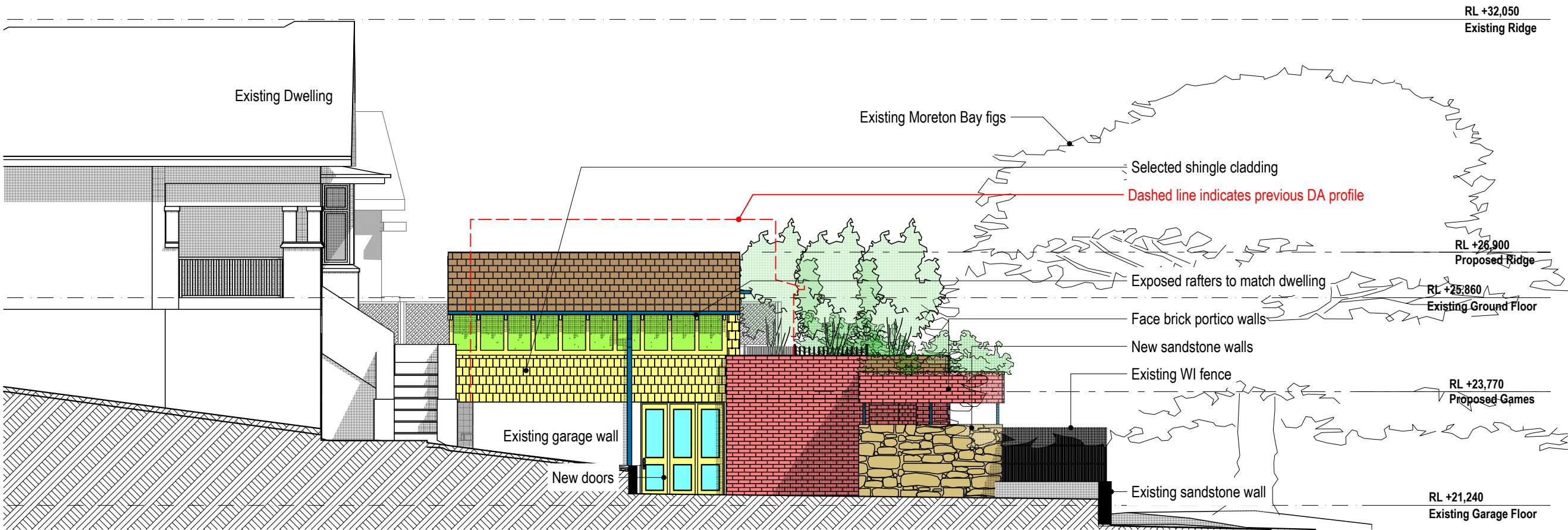
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SOUTH ELEVATION



EAST ELEVATION





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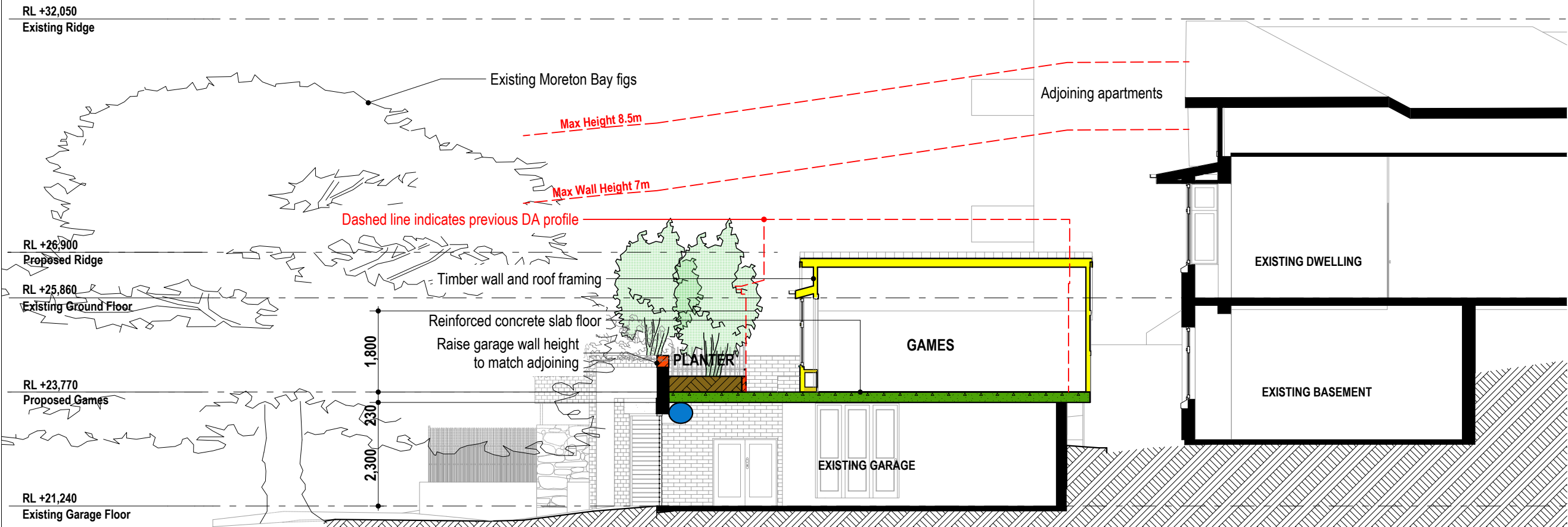
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ELEVATIONS 1:100

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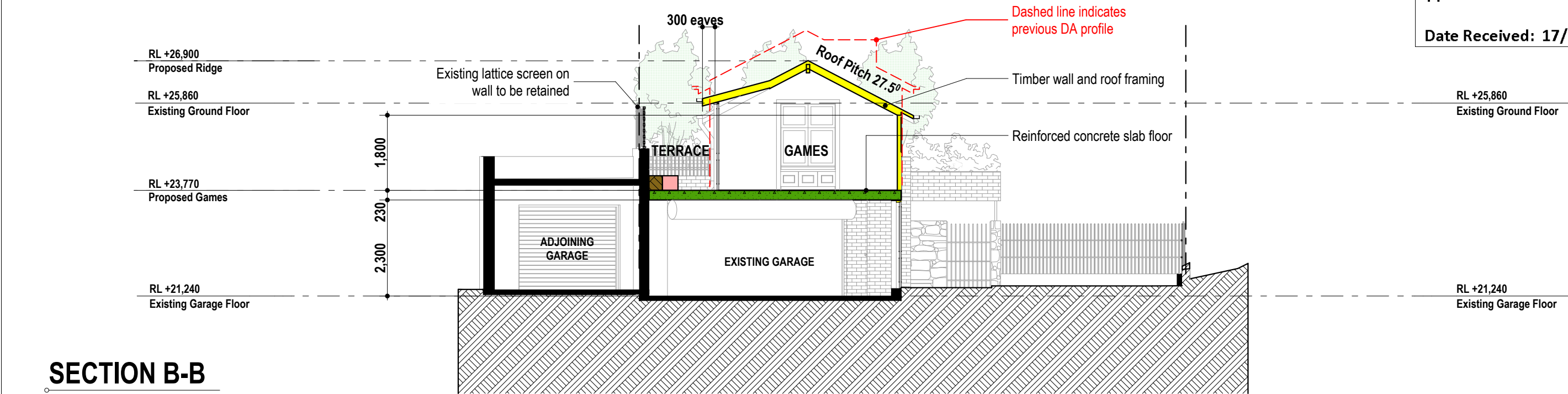


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SECTION B-B

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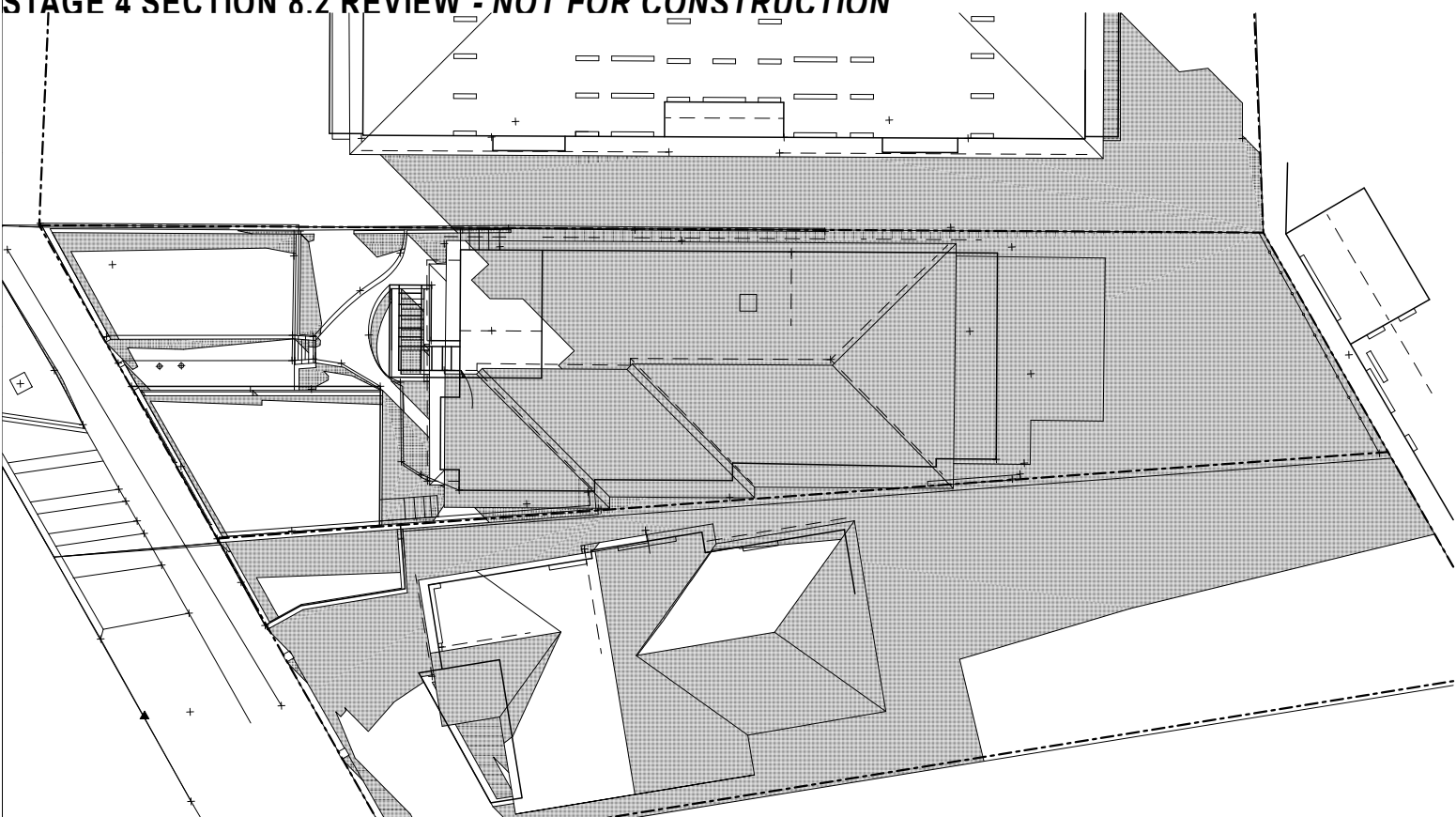
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SECTIONS 1:100

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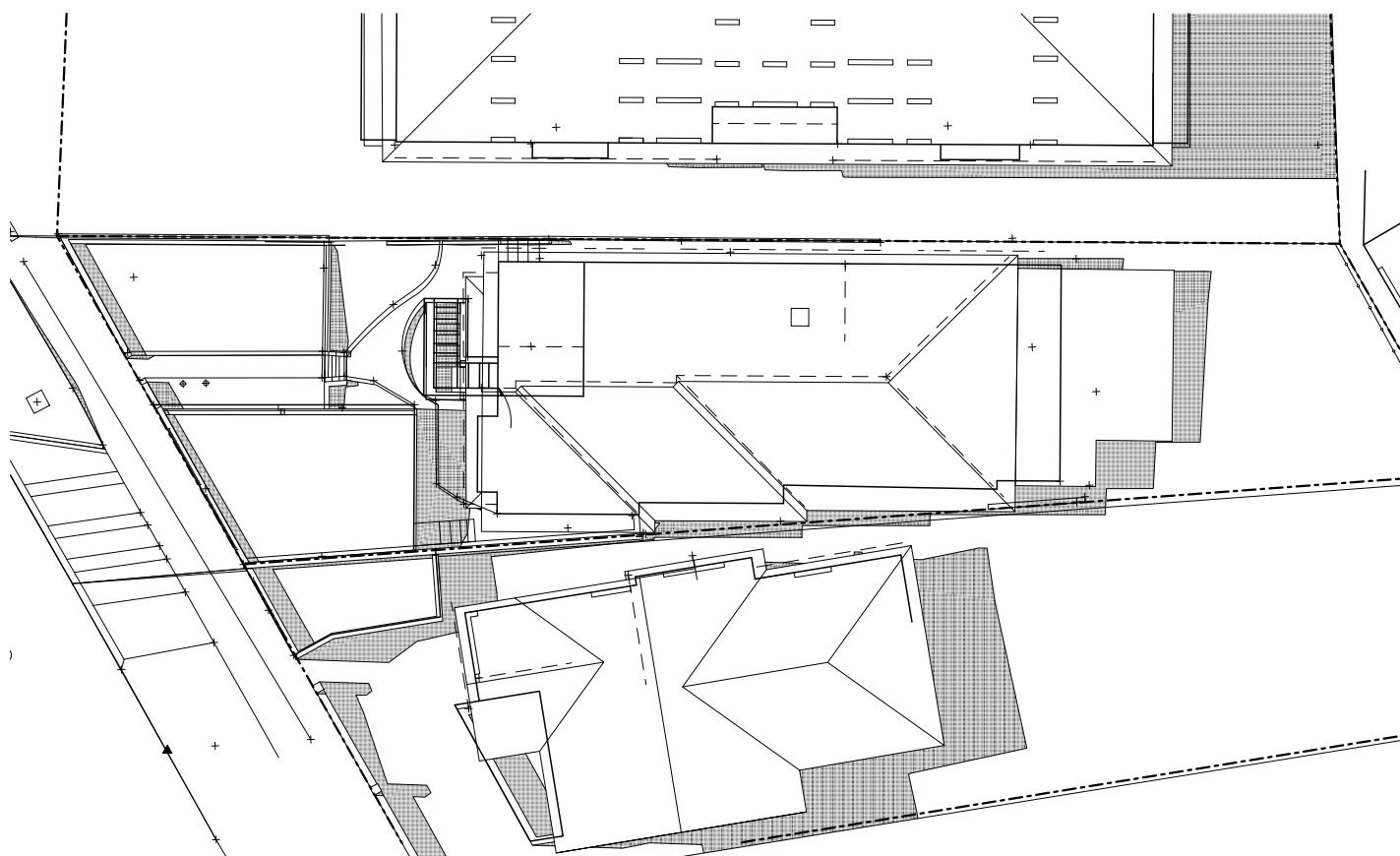
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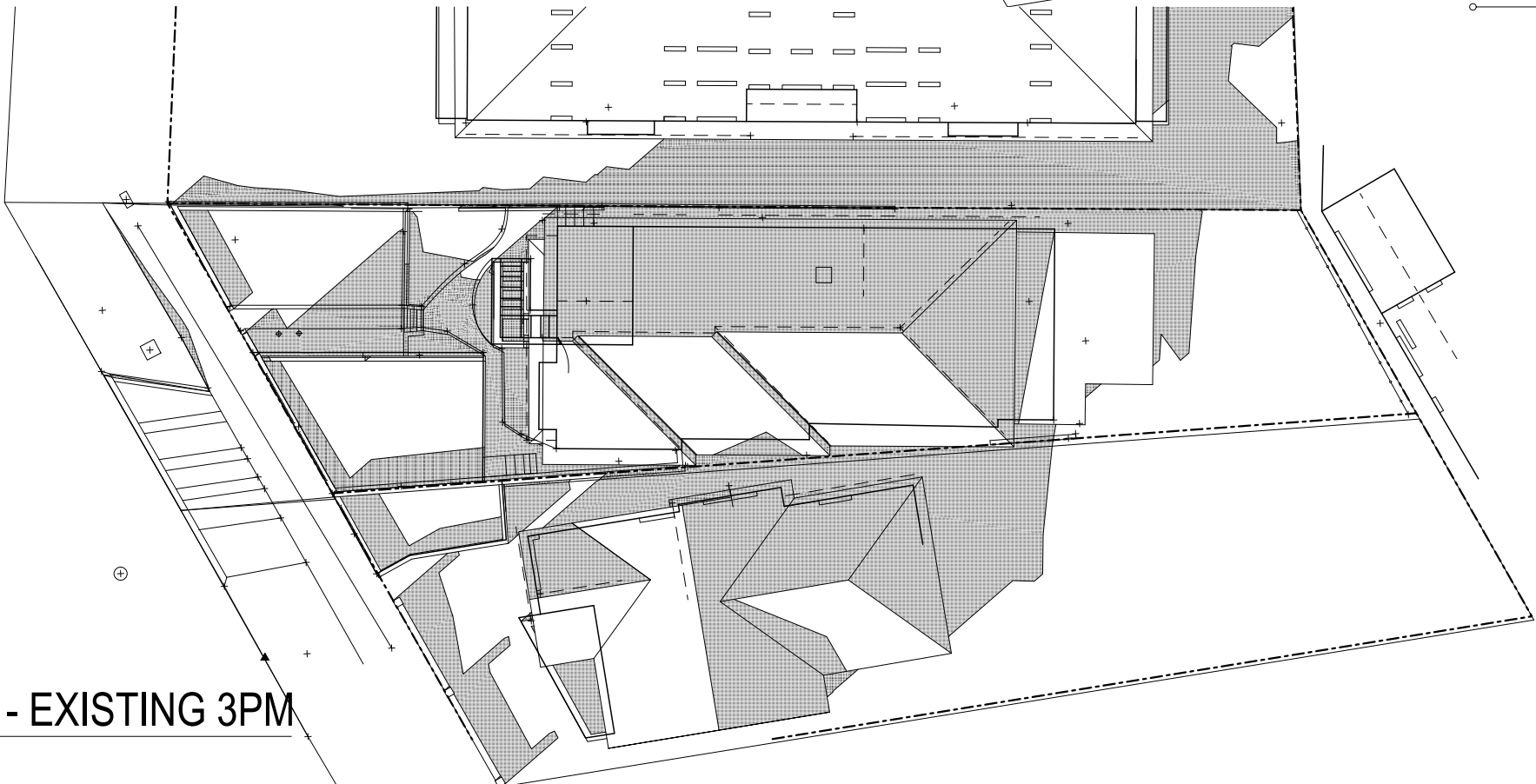
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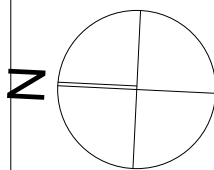
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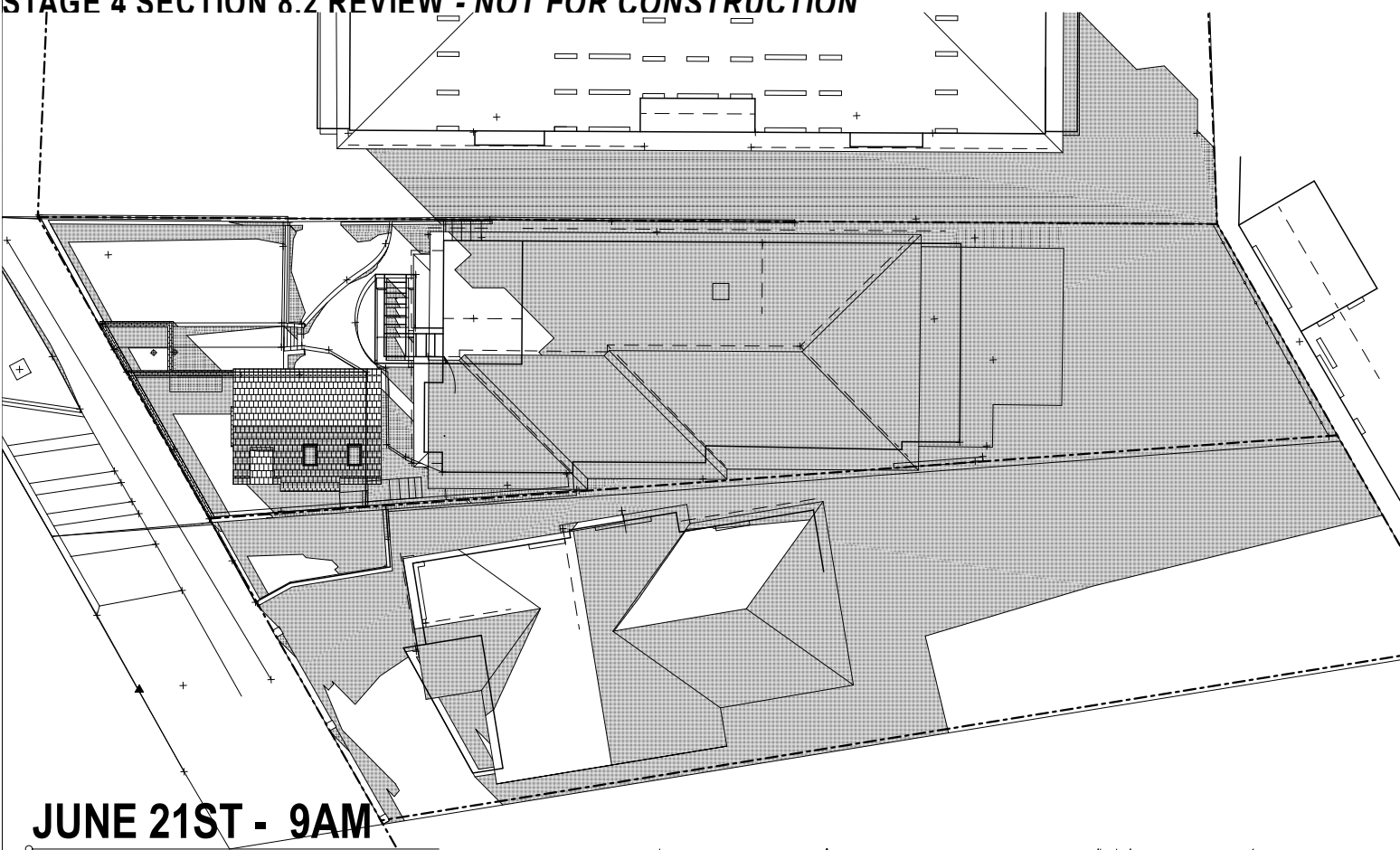
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13
EXISTING SHADOW
DIAGRAMS 1:300

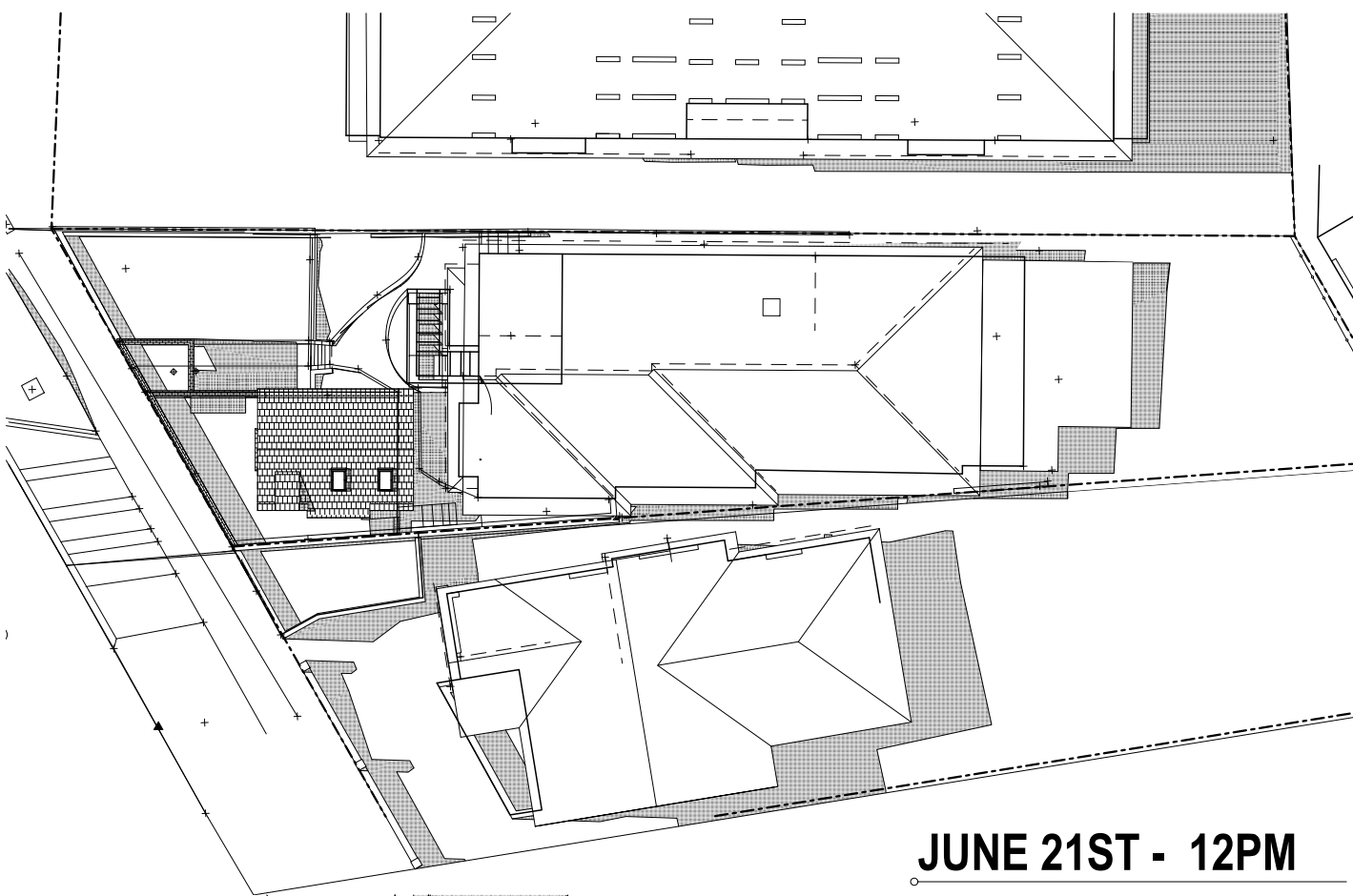
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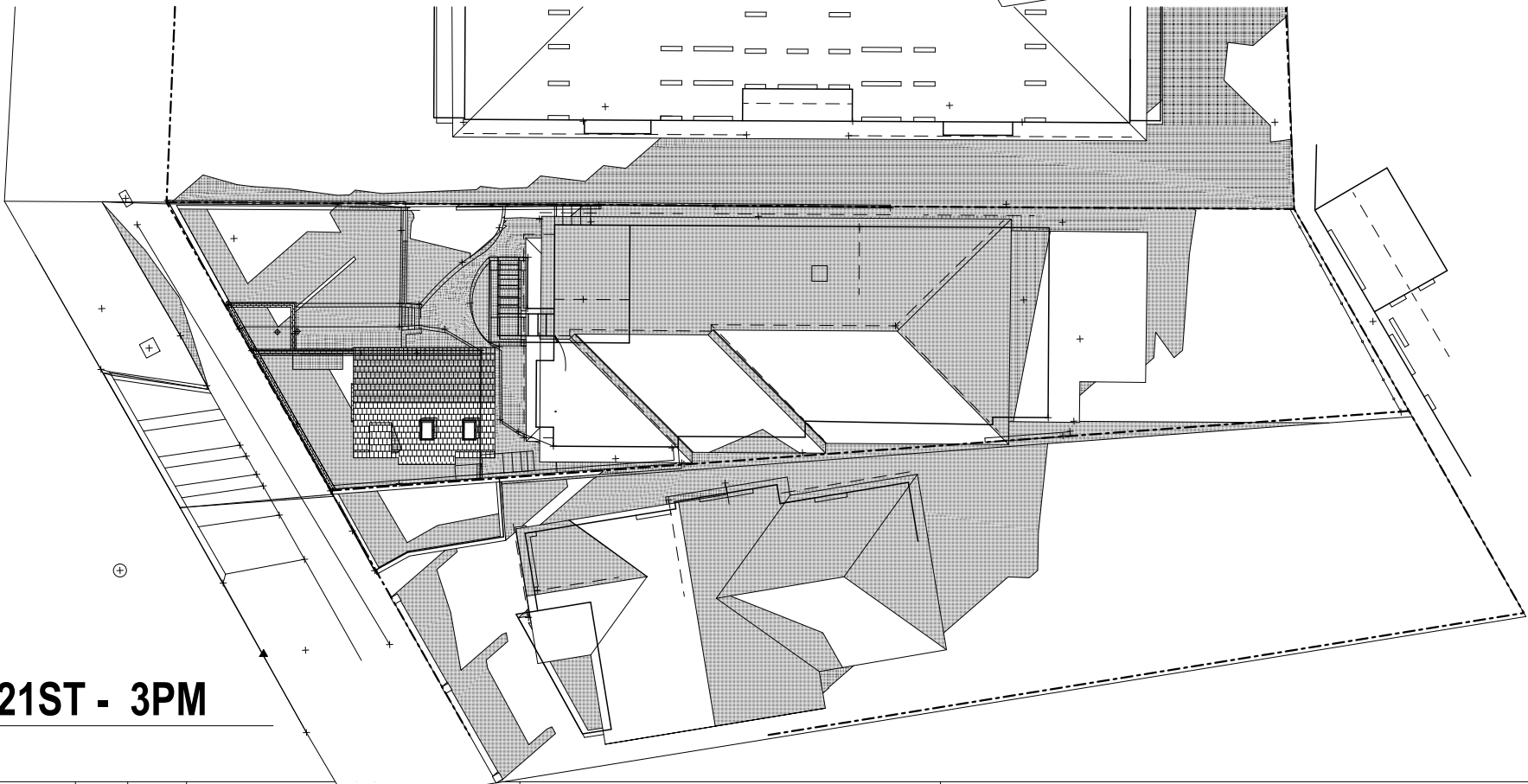
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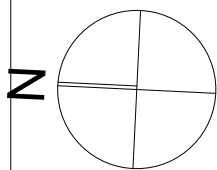
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14
PROPOSED SHADOW
DIAGRAMS 1:300

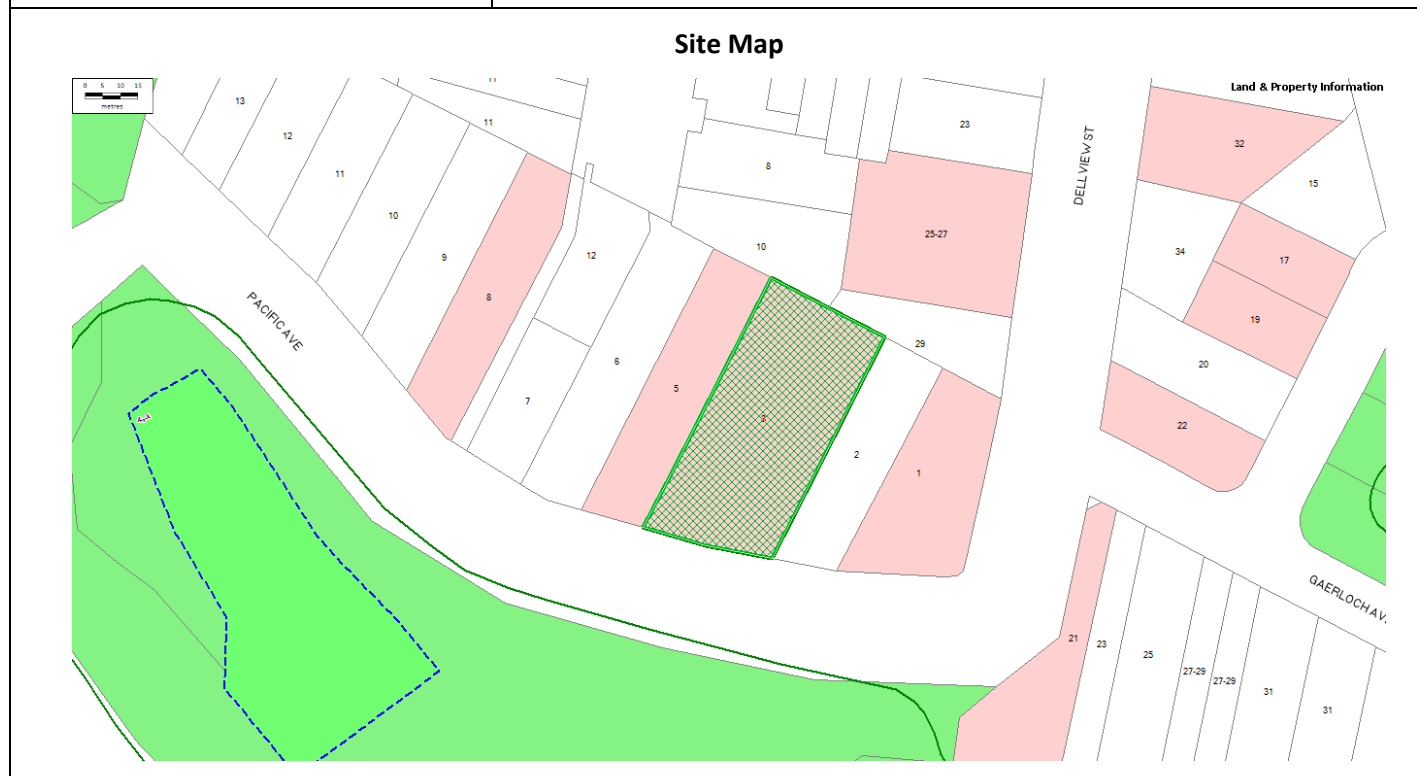
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PO Box 224 Leichhardt NSW 2040
T 02 9568 6502
E nporter@houseplansbydesign.com.au
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Report to the Waverley Local Planning Panel

Application number	DA-233/2020
Site address	8/3 Pacific Avenue, TAMARAMA
Proposal	Alterations and additions to unit 8 including internal reconfiguration, conversion of the roof space into an attic level with installation of skylights and amendment to strata plan
Date of lodgement	29/07/2020
Owner	Mr D K Handley
Applicant	Ms K Hay
Submissions	One (1)
Cost of works	\$267,723.34
Issues	Non-compliance with height and floor space ratio, view impacts
Recommendation	That the application be APPROVED



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 12 August 2020.

The site is identified as Lot 8 in SP5140, known as Unit 8, 3 Pacific Avenue, Tamarama. The site is located on the northern side of Pacific Avenue, opposite Tamarama Beach Park.

The site is generally rectangular in shape, with a southern (front) boundary to Pacific Avenue of 25.107m, a northern (rear) boundary of 24.385m, a western (side) boundary of 57.13m and an eastern (side) boundary of 47.025m, resulting in a total area of 1227.3m². The site falls significantly from the north (rear) to the south (Pacific Avenue frontage) by approximately 11m.

The site is currently occupied by two 4-storey residential flat buildings (RFB), of brick construction. Semi-subterranean garage parking is located at ground level. Vehicular access is provided from Pacific Avenue. The southern RFB, fronting Pacific Avenue, comprises nine (9) residential units. The northern RFB, comprises six (6) residential units. The site does not comprise any significant vegetation or trees.

Unit 8, to which this application relates, is located in the southern RFB. Unit 8 is positioned at the south-west corner of the RFB, with a balcony overlooking Pacific Avenue. Unit 9 is positioned at the north-west corner of the RFB, behind Unit 8 and approximately a half storey higher, creating a large roof cavity directly above Unit 8.

The site is adjoined by a 3-storey RFB, with street level garage parking, at 2 Pacific Avenue, to the east, and a part 4-part 5-storey RFB, with street level garage parking, at 5 Pacific Avenue, to the west, and a detached dwelling to the north (rear) in Silva Street. The locality is characterised by a variety of residential dwellings and coastal open space.



Figure 1: Site viewed from Pacific Avenue Street (front), looking north (Unit 8 shown in yellow)



Figure 2: Existing RFB viewed from Pacific Avenue (front), looking north-east (Unit 8 shown in yellow)



Figure 3: Existing RFB and adjoining RFB at 5 Pacific Avenue, looking south-west (Unit 8 shown in yellow)



Figure 4: Existing RFB viewed from 6/5 Pacific Avenue, looking south (Unit 8 shown in yellow)



Figure 5: Existing roof cavity, location of proposed bathroom, looking north-east



Figure 6: Existing roof cavity location of proposed study and large skylight, looking south-west



Figure 7: Pacific Avenue streetscape, looking north-east

1.2 Relevant History

Details of approved development

Nil.

Application history

- **29 July 2020:** the subject application was lodged with Council.
- **5 August 2020:** the subject application was notified to surrounding properties for a period of 14 days. One (1) submission was received. Refer to Section 2.4 for further discussion.
- **12 August 2020:** a site inspection was undertaken by the assessing officer.
- **15 September 2020:** the application was reviewed by Council's Building Development Unit (DBU), who raised concerns, particularly for the non compliance with development standards and resultant view impacts.
- **23 September 2020:** the application was deferred for the following reasons:
 - The proposed attic design was not supported, including the dormer window, due to view loss impacts. Design amendments were recommended.
 - Further information was requested by Council's Senior Building Surveyor – Fire Safety, to demonstrate the proposals compliance with the deemed-to-satisfy (DtS) provisions of the Building Code of Australia (BCA).
 - Clarification of existing gross floor area (GFA) and the existing and proposed building height was required.
- **6 October 2020:** amended plans and additional information was submitted by the applicant addressing all the additional information requests and recommended amendments. Specifically, the proposed was amended to:
 - Remove the large attic dormer window on the western elevation;
 - Reconfigure the proposed attic layout to provide for storage, a bathroom and a study in the place of the previously proposed bedroom;
 - Reconfigure the stairwell to the proposed attic;
 - Reconfigure the proposed laundry and kitchen layout;
 - Relocate attic skylights and provide an additional attic skylight above study; and
 - Provide a large ceiling void over living and dining area.

The amended plans did not warrant re-notification of the application as there were no design changes that would result in a greater impact.

- **8 October 2020:** a BCA Compliance Report was submitted by the applicant. The BCA report was re-referred to Council's Senior Building Surveyor – Fire Safety for review.
- **12 October 2020:** amended GFA plans and Clause 4.6 Variation Requests for floor space ratio and height were submitted by the applicant.

1.3 Proposal

The proposal seeks consent for alterations and additions to Unit 8, including:

- Demolition of internal walls, to provide for a new enlarged kitchen, dining and living area;
- Demolition of ceiling and construction of new ceiling / attic floor, with a large void above the living and dining areas;
- Reconfiguration of existing laundry and bathroom, to accommodate construction of attic stairs;
- Conversion of the attic space, to provide for a study, bathroom and storage area;
- Installation of attic skylights (fixed and operable); and
- Amendment of the Strata Plan to reflect new attic space and adjust entitlements between existing Units.

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 (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.

The proposal comprises alterations and additions to an existing building. The proposal will not cause an adverse impact upon the matters outlined in clause 13.

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.

The proposal will not cause adverse impacts upon the matters outlined in clause 14(a) as it is designed, sited within an existing building and will be managed in accordance with clause 14(b)(i).

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.

The proposal is not likely to cause increased risk of coastal hazards on the site or other land, being located within an existing building.

2.1.4 SEPP 65 Design Quality of Residential Apartment Development

SEPP 65 does not apply to the proposal as the proposed works are minor alterations and additions to an existing dwelling, and do not constitute “the substantial redevelopment or the substantial refurbishment of an existing building” per clause 4(1)(a)(ii), despite the existing building being more than 3 storeys and containing more than 4 dwellings.

2.1.5 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 WLEP 2012.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	N/A	The proposal does not seek consent for subdivision, rather the amendment of the existing Strata Plan SP5140 to reflect the proposed attic conversion.
Land Use Table R3 Medium Density Residential	Yes	The proposal is defined as a residential flat building, which is permitted with consent, by not being strictly prohibited, in the R3 medium density residential zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	No	<p>The existing RFB has a maximum height of 11.71m, measured from the existing ground level of Unit 2 (RL 19.24) to the existing ridgeline (RL 30.95), being directly below and above the proposed attic space. The existing RFB exceeds the development standard by 2.21m or 23.26%.</p> <p>Whilst the proposal does not seek to increase the height of the building, it is inevitable that that any alteration or additions to the roof space of Unit 8 will exceed the maximum height of buildings development standard.</p> <p><i>A detailed discussion of the variation to the development standard is presented below this table.</i></p>
4.4 Floor space ratio <ul style="list-style-type: none"> 0.6:1 	No	The site has an area of 1227.3m ² and a maximum FSR of 0.6:1 and GFA of 736.38m ² .

Provision	Compliance	Comment
		<p>The existing buildings on the site have a GFA of 1233m² and an FSR of 1.00:1 (rounded) which exceeds the development standard by 496.62m² or 67.44%.</p> <p>The proposed works seek to increase the GFA by 21m², following the conversion of the attic to habitable space. This results in a total GFA of 1254m² and an FSR of 1.02:1 (rounded) for the site, which exceeds the development standard by 517.62m² or 70.29%.</p> <p><i>A detailed discussion of the variation to the development standard is presented below this table.</i></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 and floor space ratio development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is not a local or State listed heritage item nor located within a heritage conservation area. The site is located adjacent the Tamarama Beach, Park and Marine Drive Landscape Conservation Area (LCA). The proposal will not contravene the objectives of this clause and will not result in adverse impacts on the adjacent LCA.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is identified as comprising 'Class 5' acid sulfate soils. No excavation is proposed for the site. The proposal complies with this clause.

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

Clause 4.6 Exceptions to Development Standards – Height

The application seeks to vary the maximum height of buildings (HOB) development standard in Clause 4.3.

The site is subject to a maximum HOB control of 9.5m. The existing RFB has a maximum height of 11.71m, measured from the existing ground level of Unit 2 (RL 19.24) to the existing ridgeline (RL 30.95), being directly below and above the proposed attic space. The existing RFB exceeds the development standard by 2.21m or 23.26%.

Whilst the proposal does not seek to increase the height of the building, it is inevitable that that any alteration or additions to the roof space of Unit 8 will exceed the maximum height of buildings development standard.

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 HOB development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *We submit that the proposal satisfies at least one of the five tests established in Wehbe v Pittwater Council (2007) [42]- [51] and consequently, in this instance, the development standard is unreasonable and unnecessary. The 5 tests are outlined below, with emphasis placed on number 1 for the purposes of this Clause 4.6 variation (our underline):*
 - 1. The objectives of the standard are achieved notwithstanding non-compliance with the standard; ...*
 - (ii) *As per Clause 4.6(4)(a)ii despite the non-compliance, the proposal is consistent with the desired medium density character of the area. The height, bulk and scale of the proposal remains unchanged.*
 - (iii) *Clause 4.3 (1)(a) - It is contended that the objectives in Clause 4.3 (1)(a) are maintained by the design of the proposed alteration and the addition of an attic level above Unit 8. That is, the environmental amenity of neighbouring properties is maintained and so the objectives of the standard are achieved notwithstanding non-compliance with the standard. The reasons for this are addressed in the following paragraphs.*

- (iv) *The extent of non-compliance will not have privacy or overshadowing impacts. The proposal will retain the existing maximum ridge height and there will be no additional overlooking to adjoining properties from the skylights, the skylight to the south east does not overlook private property, the skylights face Tamarama Beach.*
 - (v) *The proposal does not alter the overall maximum building height of the existing building so there will not be unreasonable view impacts. 10 Silva Street is to the north west of the subject property and potentially has views of Tamarama Beach over the subject property. However, 10 Silva Street is sited above the subject property and as seen in the photo below, figure 3, the views from 10 Silva Street are across Unit 9 and Unit 7, rather than across the roof of Unit 8 which sits further west.*
 - (vi) *The alterations and additions will not be visible from the streetscape but will be visible from the other side of Tamarama Beach. The front façade and building form will be retained, the streetscape will be predominantly maintained.*
 - (vii) *The proposed non-compliance will not result in significant adverse amenity impacts relating to views, overlooking or solar access. Accordingly, in our opinion, the amenity of neighbouring dwellings will be maintained, and the proposal complies with the objective of the height control.*
 - (viii) *Clause 4.3 (1) (b) and (c) - The objectives are not applicable.*
 - (ix) *Clause 4.3 (1)(d) – It is submitted that the objectives in Clause 4.3 (1)(d) are fulfilled by the proposed alteration and the addition of an attic level above Unit 8. That is, the proposed development is compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space. The proposed works are largely contained within the building envelope.*
 - (x) *Strict compliance to Clause 4.3 of the LEP would require the removal of the existing roof and that would not be desirable or reasonable.*
 - (xi) *Based on the above, the extent of non-compliance will not create unreasonable amenity or environmental impacts. On this basis we contend that the proposed works comply with all relevant objectives of the development standard and are appropriate in this particular instance.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The proposal for alterations and additions to Unit 8 is permissible in the R3 Medium Density Residential Zone and meets the planning objectives. This is done by retaining the existing residential flat buildings on the site and providing an alternative unit design type to those already existing.*
 - (ii) *As the existing front building exceeds the 9.5m height limit, it is inevitable that any works on the upper levels would also not comply. As previously noted, the non-compliance is the result of an existing situation and strict adherence to the development standard would limit the opportunities for any improvement on the upper level of the building. Non-compliance is inevitable if any development or improvement is to be made to the units above the height limit but also necessary in order to meet the amenity standards that are emerging in the area.*

- (iii) *The works above the height limit will improve amenity for the residents by creating a home office, bathroom and storage cupboard in the attic level, allowing the existing apartment to be transformed by creating a larger, more practical open plan living space, along with increased access to sunlight, ventilation and views. By creating a different unit design there will be an increased range of housing through the provision of an alternative type within the building.*
- (iv) *The alterations and additions proposed over the height limit have been demonstrated to have no adverse impacts on the amenity of neighbouring development with regard to overshadowing, privacy and views.*
- (v) *The only external alterations are proposed on the attic level and roof, the primary building façade, that which is visible from the street will be retained.*
- (vi) *It is our opinion that the non-compliance will not be inconsistent with existing and desired future planning objectives for the locality. For the reasons contained in this application, there are sufficient environmental planning grounds to justify the minor variation to the development standard, as required in Clause 4.6(3)(b).*

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 noting that the proposal does not seek to increase the building height and that the non-compliance is the result of an existing situation. The proposal is wholly contained within the existing building form and maximum ridge height and will have no additional adverse impacts on the amenity of neighbouring development with regard to overshadowing, privacy and views.

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 HOB development standard are:

- (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.*

Objectives (b) and (c) is not relevant to the proposal as the subject site is not contained within the Bondi Junction Centre.

Notwithstanding the existing non-compliance, the proposal achieves objectives (a) and (d) of clause 4.3 in that:

- The proposed alterations and additions are wholly located within the existing building form and will therefore preserve the existing environmental amenity of neighbouring properties and public spaces, including solar access and views. The proposed skylights are located on the existing roof planes and whilst visible from adjoining dwellings and public space, are positioned to ensure no adverse privacy or visual impact will result.
- The existing building exceeds the HOB and floor space ratio development standards under the WLEP 2012 and is therefore incompatible with the desired future character of the locality. Notwithstanding, the proposed alterations and additions, do not alter the existing built form or result in an increase in height, bulk or scale. The proposal seeks utilise existing space within the building envelope to improve the amenity of the occupants. The proposal will not alter the existing buildings contribution to the street or surrounding public space.

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 zone objectives as it will improve an existing dwelling, located within a medium density building and area. The proposal provides an alternative dwelling design and layout than what currently exists within the building and that will cater to different household types within the community. The third objective is not relevant to this application.

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 zone.

Clause 4.6 Exceptions to Development Standards – Floor space ratio

The application seeks to vary the floor space ratio (FSR) development standard in Clause 4.3.

The subject site has an area of 1227.3m² and a maximum FSR of 0.6:1 and resulting GFA of 736.38m².

The two existing buildings on the site have a combined GFA of 1233m² and an FSR of 1.00:1 (rounded), which exceeds the development standard by 496.62m² or 67.44%. The proposed attic conversion will increase the total GFA by 21m². This results in a total GFA of 1254m² and an FSR of 1.02:1 (rounded) for the site, which exceeds the development standard by 517.62m² or 70.29%.

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:

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

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

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

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

- That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - We submit that the proposal satisfies at least one of the five tests established in Wehbe v Pittwater Council (2007) [42]- [51] and consequently, in this instance, the development*

standard is unreasonable and unnecessary. The 5 tests are outlined below, with emphasis placed on number 1 for the purposes of this Clause 4.6 variation (our underline):

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard; ...

- (viii) As per Clause 4.6(4)(a)ii despite the non-compliance, the proposal is consistent with the desired medium density character of the area. The height, bulk and scale of the proposal remains unchanged.*
- (ix) Clause 4.4 (a) – Is not applicable.*
- (x) Clause 4.4 (b) – The existing buildings exceed the FSR control and the LEP height control. Consequently, the relevant development standards are not appropriate for this site as any redevelopment would result in an exceedance. It is submitted that the proposed FSR is appropriate given the height of the existing buildings on the site. In addition, the proposed attic level complies with Council's floor to ceiling heights. Accordingly, in this particular case the proposed FSR and density is appropriate.*
- (xi) Clause 4.4 (c) – It is important to note that the proposed works retain the existing building envelope, the front facade and existing roof form and will not be readily visible from the street. As seen in figure 1 [below] showing the Pacific Avenue streetscape from the southern side of Tamarama Beach, the existing and proposed building development is compatible with the bulk and scale of the streetscape and the desired future character of the locality.*



Figure 1: View from the opposite side of Tamarama Beach showing the subject building and neighbouring properties with number of storeys

- (xii) Clause 4.4 (d) – The proposal sits within the roof structure, with no change to the existing building height.*

- (xiii) *10 Silva Street is to the north west of the subject property and potentially has views of Tamarama Beach over the subject property. However, 10 Silva Street is sited above the subject property and as seen in the photo below, figure 3, the views from 10 Silva Street are across Unit 9 and Unit 7, rather than across the roof of Unit 8 which sits further west.*
 - (xiv) *The proposed non-compliance will not result in adverse amenity impacts relating to views, overlooking or solar access. Accordingly, although the proposal will exceed FSR control, this is unlikely to have any significant adverse impacts and the proposal complies with the objective of the FSR standard.*
 - (xv) *Based on the above, the extent of non-compliance is unlikely to create unreasonable amenity or environmental impacts. Accordingly, we contend that the proposed works comply with all relevant objectives of the development standard and are appropriate in this particular instance.*
- (c) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *As the existing buildings exceed the FSR limit, any additional GFA will not comply. In this proposal the additional GFA is infill of an unused roof space. As previously noted, the non-compliance is the result of an existing situation and strict adherence to the development standard would result in the empty roof space remaining unutilised. Non-compliance is inevitable if use is to be made of the roof space above Unit 8 but also appropriate in order to meet the amenity standards that are emerging in the area.*
 - (ii) *The proposed works will improve amenity for the residents by creating a home office, bathroom and storage cupboard in the attic level, allowing the existing apartment to be transformed by creating a larger, more practical open plan living space, along with increased access to sunlight, ventilation and views. By creating a different unit design there will be an increased range of housing through the provision of an alternative type within the building. Thus, the proposed FSR will improve the economic use of the Unit by providing an alternative house design, otherwise not available on the site.*
 - (iii) *The alterations and additions that are proposed to increase the FSR have been demonstrated to have no adverse impacts on the amenity of neighbouring development with regard to overshadowing, privacy and views. It is our opinion that the non-compliance will not be inconsistent with existing and desired future planning objectives for the locality. For the reasons contained in this application, there are sufficient environmental planning grounds to justify the minor variation to the development standard, as required in Clause 4.6(3)(b).*

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 noting that the non-compliance is the result of an existing situation and that the additional floor space is wholly contained within the existing building envelope and will therefore not result in adverse impacts on the amenity of neighbouring properties with regard to overshadowing, privacy and views.

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 HOB 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.*

Objectives (a) is not relevant to the proposal as the subject site is not contained within the Bondi Junction Centre.

Notwithstanding the existing non-compliance, the proposal achieves objectives (b), (c) and (d) of clause 4.4 in that:

- Despite resulting in a minor increase to overall GFA / FSR on the site, the proposed floor space is wholly located within the existing building form and will not result in an increase in height, bulk or scale of the existing building.
- The existing building exceeds the HOB and floor space ratio development standards under the WLEP 2012 and is therefore incompatible with the desired future character of the locality. However, the proposed floor space does not alter the existing building form and will therefore not alter the existing buildings contribution to the streetscape or locality.
- As outlined above, the additional floor space is wholly located within the existing building form and will therefore preserve the existing environmental amenity of neighbouring properties and public spaces, including solar access and views. The proposed skylights are located on the existing roof planes and whilst visible from adjoining dwellings and public space, are positioned to ensure no adverse privacy or visual impact will result to and from adjoining properties or surrounding open space.

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 zone objectives as it will improve an existing dwelling, located within a medium density building and area. The proposal provides an alternative dwelling design and layout than what currently exists within the building and that will cater to different household types within the community. The third objective is not relevant to this application.

Conclusion

For the reasons provided above the requested variation to the floor space ratio 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 floor space ratio development standard and the R3 zone.

2.1.6 Waverley Development Control Plan (DCP) 2012 – Amendment 7 – Effective 2 March 2020

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

It is noted that the DCP (Amendment 8), adopted on 7 July 2020 and effective on 1 August 2020 and subsequently the DCP (Amendment 9), adopted on 1 September 2020 and effective from 1 October 2020 do not apply to the proposal as it was lodged on 27 July 2020.

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

Development Control	Compliance	Comment
1. Waste	Yes	<p>A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. Conditions of consent will be imposed regarding ongoing waste on site.</p> <p>The waste and recycling storage and collection area remains unchanged.</p>
2. Ecologically sustainable Development	Yes	A BASIX Certificate has been submitted with the application. The proposed alterations and additions seek to improve cross ventilation and solar access to the dwelling. Given the low scale of this development, the proposal is considered to adequately address the objectives of this part of the DCP.
7. Accessibility and adaptability	Yes	The proposal will not alter the existing access to the dwelling. The proposed internal stairs will provide access to the attic space.
9. Heritage	Yes	The site is located adjacent the Tamarama Beach, Park and Marine Drive Landscape Conservation Area (LCA). The proposal will not contravene the objectives of this part of the DCP and will not result in adverse impacts on the adjacent LCA.
10. Safety	Yes	The proposal does not contravene the objectives of this part of the DCP.
11. Design Excellence	Yes	The proposal demonstrates design excellence.

Table 3: Waverley DCP 2012 – Part C4 High Density Residential Development Compliance Table

This part applies to development that is subject to State Environmental Planning Policy (SEPP) 65 – Design Quality of Residential Apartment Development, including residential flat buildings, shop top house or mixed-use developments, that are 3 or more storeys and contain 4 or more dwellings.

As outlined in Section 2.1.4 above, SEPP 65 does not apply to the proposal as the works are minor in nature, however this Part of the DCP still applies as the building to which the proposal relates is more than 3 storeys and contains more than 4 dwellings.

Development Control	Compliance	Comment
4.1 Site, Scale and Frontage		
<ul style="list-style-type: none"> The maximum FSR is set out in Clause 4.4 of the WLEP 2012 	Yes (on merit)	<p>The proposal will not result in changes to the siting, scale or frontage of the existing building. The proposed alterations and additions are wholly located within the existing building form.</p> <p>As outlined in Table 1: Waverley LEP 2012 Compliance Table, the existing building exceeds the maximum GFA and FSR development standard for the site. The proposal will result in an increase of GFA, from the proposed attic conversion, resulting in a further exceedance of the maximum GFA an FSR standard.</p> <p>This matter is addressed in detail via a Clause 4.6 Variation Request and is considered acceptable in the circumstances of the case.</p>
4.2 Height		
<ul style="list-style-type: none"> Refer to the WLEP 2012 	Yes (on merit)	<p>As outlined in Table 1: Waverley LEP 2012 Compliance Table, the existing building exceeds the maximum height of building development standard under the WLEP 2012.</p> <p>Whilst the proposal does not seek to increase the height of the existing building, it is inevitable that that any alteration or addition to the roof space of Unit 8 will exceed the maximum height of buildings development standard.</p> <p>This matter is addressed in detail via a Clause 4.6 Variation Request and is considered acceptable in the circumstances of the case.</p>
4.6 Building Design and Streetscape		
<ul style="list-style-type: none"> Building design is to respond to the existing streetscape character of the area 	Yes	<p>The proposal will not have any material impact on the streetscape. The alterations and additions are wholly located within the existing building envelope and as such will not alter the appearance of the building from the street.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • Alterations and additions should demonstrate architectural compatibility with the existing building. • The colour and finish of external finishes should be sympathetic to the street and contribute to the overall appearance of the building. 		<p>The proposed skylights are not visible from the northern side of Pacific Street, adjacent the site (refer to Figure 8). However, the large skylight (SK01) on the south-west roof plane will be visible, at quite a distance, at the southern side of Pacific Avenue and Tamarama Gully (refer to Figure 9). It is noted that the introduction of a skylight in this location has a negligible impact on the streetscape or the public domain. Skylights are common within the locality and the colour and finish of the proposed skylights are sympathetic to the existing and surrounding buildings, making them barely discernible at a distance.</p> <div data-bbox="833 824 1401 1249" data-label="Image"> <p>A photograph of a multi-story residential building with a light-colored facade and dark window frames. The building is viewed from a low angle on a street. A silver SUV and a motorcycle are parked in the foreground. The sky is clear and blue.</p> </div> <p>Figure 8: Existing building viewed from Pacific Avenue, looking north-east -skylights not visible (Source: Architectural Plans, Seed Consultants, 2020)</p> <div data-bbox="833 1395 1412 1809" data-label="Image"> <p>A zoomed-in photograph of the same building, showing a large, dark, rectangular skylight on the roof. A yellow box highlights the skylight. The building is surrounded by other residential structures and a stone wall in the foreground.</p> </div> <p>Figure 9: Existing building as viewed from the southern side Pacific Avenue (zoomed view), looking north-east – large skylight visible (Source: Architectural Plans, Seed Consultants, 2020)</p>

Development Control	Compliance	Comment
4.10- Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss through design Landscaping on sites adjacent to a Council park or reserve should be sympathetic to soften the public/private interface. Views from public spaces to be maintained 	Yes	<p>The proposal will not impact any significant public or private domain views.</p> <p>The original proposal included a dormer window to the attic on the western elevation of the building. A view analysis provided by the applicant and confirmed by the assessing officer, showed that the dormer window would reduce views of the coastline (land / water interface) from the living area of the neighbouring dwelling at 6/5 Pacific Avenue, Tamarama. The dormer window was not supported.</p> <p>The amended proposal deletes the dormer window. With the exception of the proposed skylights, the proposed alterations and additions are wholly contained within the existing envelope of the building.</p> <p>The small skylights (SK02 / SK03) located on the western roof plane will be visible from Unit 6/5 Pacific Avenue, however, will have a negligible visual impact. As outlined above, the large skylight (SK01) located on the south-west roof plan will be visible at a distance from the public domain. It will also be visible from the balcony of Unit 5/5 Pacific Avenue (looking north-east), however, will have a negligible visual impact from both locations.</p>
4.11 Visual privacy and security		
<ul style="list-style-type: none"> To have adequate privacy levels To maximise outlook and views without compromising visual privacy Privacy be considered in relation to context density, separation use and design 	Yes	<p>The proposal does not alter the location, size or treatment of existing windows. The proposed skylights do not result in overlooking or privacy impacts to and from surrounding dwellings. Views from the study are directed out through the large skylight towards the coastline and distant buildings.</p>
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	<p>The proposal will not result in adverse acoustic privacy impacts. The proposed study is directly above and open to the living and dining area. The proposed bathroom is directly above the existing bathroom. The proposed skylights are to be</p>

Development Control	Compliance	Comment
		double glazed, further reducing noise impacts. Storage and circulation zones buffer noise from the building's common stairwell.

In addition to the relevant matters under Part C4 of the WDCP 2012, the following aspects of the proposal are addressed for completeness:

Attic and roof design

Section 3.6, Part C3 of the WDCP (Amendment 7) 2012 is applied as a guide. The proposed attic space is located wholly within the existing pitched roof form, above Unit 8. The attic has a minimum width of 3m, a minimum floor to ceiling height of 2.4m (for at least two thirds of the floor area), tapering to a height of 2.2m, and does not exceed 50% of the area of the floor below. To accommodate the attic space, the ceiling height of the dwelling will be lowered to approximately 2.55m. The ceiling above the kitchen, living and dining will be removed to create a large void, revealing the pitched roof above. The attic floor area below the large skylight (SK01) has been tapered to meet skylight, ensuring this area is inaccessible and non-habitable. The proposed skylights will provide adequate natural ventilation and solar access to the attic space. No dormer windows are proposed. No part of the existing roof form is proposed to be altered.

Solar access and overshadowing

Section 3.13, Part C3 of the WDCP (Amendment 7) 2012 The proposed alterations and additions are wholly located within the existing building envelope and will not result in additional overshadowing of adjoining dwellings or open space. The existing windows and proposed skylights will ensure adequate solar access to the dwelling.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA, subject to recommended conditions of consent.

It is considered that the proposal will have no other 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 the *Waverley Community Participation Plan 2019 (Amendment 1)*.

One (1) submission was received from the owner of the adjacent property, 5 Pacific Avenue.

The submission raised the matter of view loss, particularly the lack of detail on the view loss images, which did not accurately detail the proposed additions and potential impacts on view as well as

privacy on the adjoining units 6/5 and 5/5 Pacific Avenue. This matter has been addressed in the deletion of the proposed dormer window on the western elevation and reconfiguration of the attic space as discussed throughout this report.

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 (Compliance)

The application was referred to Council's Senior Building Surveyor – Fire Safety. The referral concluded that the proposed alterations and additions were not supported and requested the applicant provide a BCA Compliance Report to demonstrate the proposals compliance with the DtS provisions of the BCA. The proposal was subsequently amended and a BCA Compliance Report submitted.

The amended proposal, including the BCA Compliance Report, was referred to Council's Senior Building Surveyor – Fire Safety. The referral concluded that there may be a number of non-compliances with the BCA, including, but not limited to, possible fire separation issues between the dwelling and common areas. It is noted that all new building works must comply with the BCA. No objection was raised to the amended proposal, subject to conditions of consent, ensuring the proposals compliance with the BCA.

3.2 Land Information / GIS (Waverley Digital)

The application was referred to Council's Land Information Officer. The referral raised no objection to the proposal, subject to recommended conditions of consent.

4. SUMMARY

The proposal seeks consent for alterations and additions to Unit 8 including internal reconfiguration, conversion of the roof space into an attic level with installation of skylights and amendment to strata plan.

The proposal has been amended since first submitted to remove the proposed dormer window on the western elevation and reconfigure the proposed attic and ground level layout. These amendments seek to mitigate view loss impacts and ensure compliance with the BCA.

The existing building exceeds the maximum height of buildings and floor space ratio development standards under the WLEP 2012. Whilst the proposal will not result in an increase to the height of the building, it does seek to increase the GFA by 21m², following the conversion of the attic space. The existing and proposed non-compliances have been assessed against Clause 4.6 of the WLEP 2012 and are considered acceptable in the circumstances of the case.

The amended proposal generally complies with the controls of the WDCP 2012, with minor variations considered acceptable as discussed throughout this report.

The original application was notified and one (1) submission was received. This submission raised concerns over view loss and privacy impacts. These matters have been adequately addressed by the

amended proposal, as detailed in this report. The amended plans did not warrant re-notification of the application as there were no design changes that would result in a greater impact.

There was no declared conflict of interest on the application.

The proposal is recommended for approval.

DBU Decision

The application and assessment report were reviewed by the DBU at the meeting on 6 October 2020 and the DBU determined:

(a) *The application is acceptable and should be approved, subject to the conditions in Appendix A.*

DBU members: *M Reid, B McNamara, 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:



Alicia Baker
Senior Development Assessment Planner

Date: 12 October 2020

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



Angela Rossi
Manager, Development Assessment (Central)

Date: 13 October 2020

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

DA-233/2020

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Seed Consultants, Project No. 300, including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA05 / Rev A	Existing + Demolition Apartment Plan	1/10/20	02/10/2020
DA06 / Rev A	Proposed Apartment + Attic Level Plans	1/10/20	02/10/2020
DA07 / Rev A	Proposed Sections G + C	1/10/20	02/10/2020
DA08 / Rev A	Proposed Roof Plan – front building	1/10/20	02/10/2020
DA11 / Rev A	Proposed South West Elevation	1/10/20	02/10/2020
DA12 / Rev A	Proposed North West Elevation	1/10/20	02/10/2020
DA13 / Rev A	Proposed South East Elevation	1/10/20	02/10/2020
DA14 / Rev A	Proposed North East Elevation	1/10/20	02/10/2020
DA18 / Rev A	BASIX Certificates pages 1-5	1/10/20	02/10/2020

(b) BASIX Certificate;

(c) BCA Compliance Assessment, prepared by Building Certificates Australia Pty Ltd, dated 07 October 2020, and received by Council on 09/10/2020;

(d) Draft Subdivision Plan, prepared by Andrew P. Mason, received by Council on 29/07/2020;

(e) The Site Waste and Recycling Management Plan (SWRMP) Part 1, received by Council on 29/07/2020.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments:

(a) The draft Subdivision Plan, prepared by Andrew P. Mason is to be amended to reflect the approved Architectural Plans.

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

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

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.

CONTRIBUTIONS, FEES & BONDS

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:
 - (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.

5. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$6,457.90** 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.

CONSTRUCTION & SITE MATTERS

7. HOARDING

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

8. ENGINEERING DETAILS

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

9. ENGINEERING CERTIFICATE OF ADEQUACY

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

FIRE SAFETY

10. 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.
- d) Prior to the commencement of any required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate and Strata Subdivision Certificate.

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

ENERGY EFFICIENCY & SUSTAINABILITY

11. BASIX

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

WASTE

12. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for

recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

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

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. DILAPIDATION REPORT

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

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

DEMOLITION & EXCAVATION

15. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

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

16. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

17. 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.

CONSTRUCTION MATTERS

18. CONSTRUCTION HOURS

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

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

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

19. 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.

20. 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.

21. 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. 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

22. 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.

23. SUBDIVISION CERTIFICATE

A Subdivision Certificate must be obtained in accordance with of the *Environmental Planning and Assessment Act, 1979* prior to the registration of the subdivision plans.

24. CERTIFICATION OF BASIX COMMITMENTS

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

OTHER MATTERS

25. ALLOCATION OF STREET NUMBER

The redevelopment of the property has led to the following allocation of sub-address numbers for a strata subdivision:

The following sub-addressing will apply:

- No. 8/3 Pacific Street for the sub-addresses within the building correlating with Nos. 16 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 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.

E. ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2. SYDNEY WATER REQUIREMENTS

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

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

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

AD3. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD4.ALTERATIONS AND ADDITIONS ONLY

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

AD5. WORK OUTSIDE PROPERTY BOUNDARY

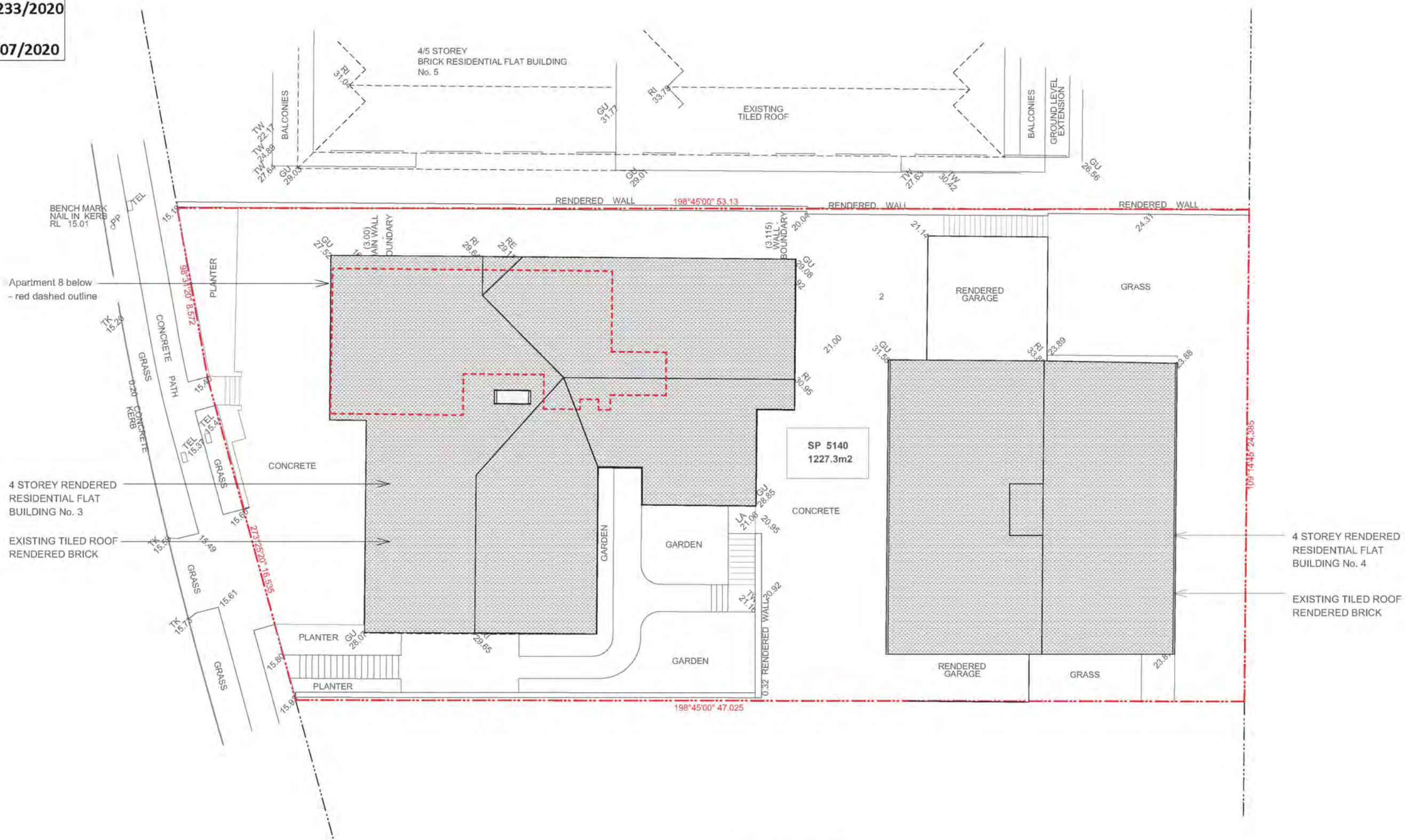
This consent does not authorise any work outside the property boundary.

CONTENTS

DA01	SITE PLAN
DA02	SURVEY PLAN
DA03	SITE ANALYSIS PLAN
DA04	CALCULATION GROSS FLOOR AREA
DA05	EXISTING APARTMENT + DEMOLITION PLAN
DA06	PROPOSED APARTMENT + ATTIC LEVEL PLAN
DA07	PROPOSED SECTION A, C + D
DA08	PROPOSED ROOF PLAN
DA09	EXISTING SOUTH WEST + NORTH WEST ELEVATIONS
DA10	EXISTING SOUTH EAST + NORTH EAST ELEVATIONS
DA11	PROPOSED SOUTH WEST ELEVATIONS 1:100
DA12	PROPOSED NORTH WEST ELEVATIONS 1:100
DA13	PROPOSED SOUTH EAST ELEVATIONS 1:100
DA14	PROPOSED NORTH EAST ELEVATIONS 1:100
DA15	SHADOW DIAGRAMS
DA16	VIEW ANALYSIS
DA17	PHOTOMONTAGE
DA18	BASIX CERTIFICATE PAGES 1-3
DA19	BASIX CERTIFICATE PAGES 4-6

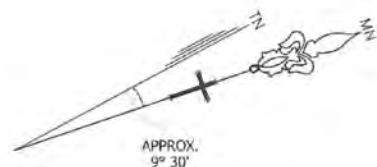
DA ONLY

ISSUE	DATE	REVISION	PROJECT	300
PROJECT	APARTMENT 8/ 3-4 PACIFIC AVE TAMARAMA			DA00
CLIENT	KIRSTEN HAY			DWG
	DATE	March 2020		
	SCALE	B A3		
DWG	Contents Page			
	DRAWN	KMH		
	CHKD	KMH	REVISION	
<div> <div> KIRSTEN HAY 8/3 Pacific Avenue Tamarama </div> <div> T: 0409 811 540 Kirsten@seedconsultants.com.au </div> </div>				



DA ONLY

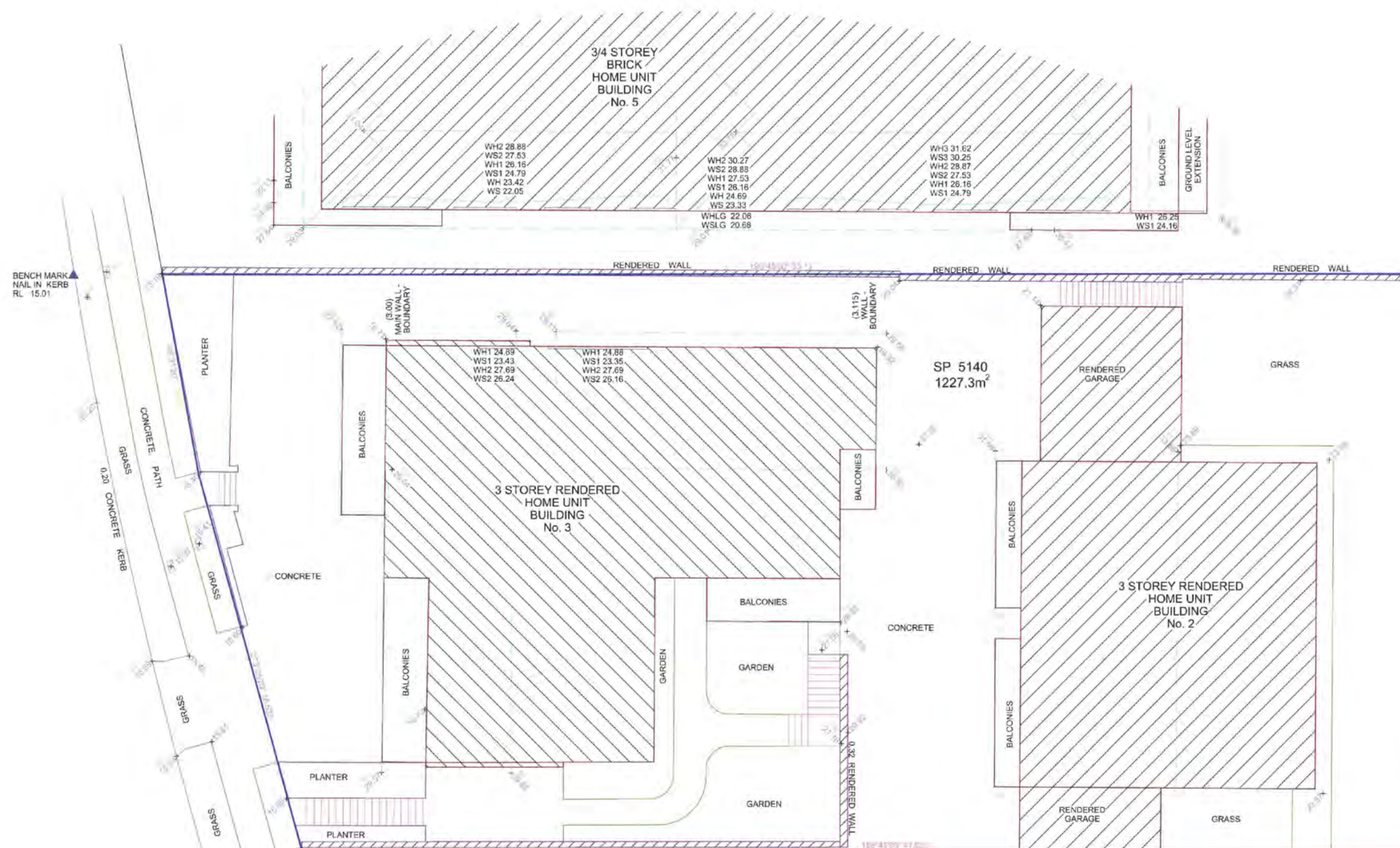
ISSUE	DATE	REVISION	PROJECT	300
PROJECT	APARTMENT 8/ 3-4 PACIFIC AVE TAMARAMA			DA01
CLIENT	KIRSTEN HAY			REVISION
DWG	Site Plan			
KIRSTEN HAY		T: 0409 811 540		
8/3 Pacific Avenue Tamarama		Kirsten@seedconsultants.com.au		



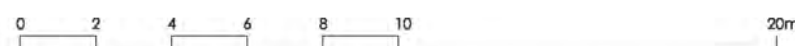
RECEIVED
Waverley Council

Application No: DA-233/2020

Date Received: 29/07/2020



DA ONLY



The boundary definition shown on this plan represents our opinion and may be affected by subsequent registered plans in the area. The Survey revealed minor differences only to the Title dimensions, as shown on the Plan. The records of the service authorities have not been investigated. Only those services that were visible and accessible at the date of survey have been shown. Services shown are indicative only. Other services may exist that are not shown. Therefore field confirmation of their exact position should be made prior to commencement of construction. Any point or feature critical to the preparation of plans or construction should be accurately located prior to the completion of those plans or commencement of construction. Some roof ridge locations may be indicative only, being shown in order to demonstrate where a roof ridge has been ascertained. Tree spreads are diagrammatic only and may not be symmetrical. Tree spreads and heights are by estimation only. Location and details of trees on adjoining properties may be by estimation only due to access and / or visibility restrictions. Star roses, steps and landings have not been individually located, and are diagrammatic only. Outer levels refer to the top of the gutter.

WHLG - Window Head at lower ground floor level ; WSLG - Window Sill at lower ground floor level ; WHUG - Window Head at upper ground floor level ; WSLG - Window Sill at upper ground floor level ; WH - Window Head at ground floor level ; WS - Window Sill at ground floor level ; WH1 - Window Head at first floor level ; WS1 - Window Sill at first floor level ; WH2 - Window Head at second floor level ; WS2 - Window Sill at second floor level ; DH - Door Head at ground floor level ; DS - Door Sill at ground floor level ; BA - Balcony ; BAW - Bottom of Awning ; BS - Bottom of Steps ; CL - Centreline ; DE - Docking ; FL - Floor Level ; FP - Flagpole ; GC - Gas service cover ; GM - Gas Meter ; GU - Gutter ; HYD - Hydrant ; IL - Invert level ; LA - Landing ; LP - Light Pole ; NS - Natural Surface PA - Top of Parapet wall ; PE - Pool Edge ; PO - Post ; PP - Power Pole ; RA - Railing ; RE - Roof Edge ; R - Ridge ; SC - Service Cover ; SMH - Sewer Manhole ; SV - Stop Valve ; TAW - Top of Awning ; TC - Top of Chimney ; TEL - Telecommunications Pole ; TF - Top of Fence ; TI - Tiles ; TK - Top of Kerb ; TL - Traffic Lights ; TS - Top of Steps ; TW - Top of wall ; UE - Underside of eaves ; WM - Water Meter

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ISSUE	DATE	REVISION
PROJECT	APARTMENT 8/ 3-4 PACIFIC AVE TAMARAMA	
CLIENT	KIRSTEN HAY	
DWG	Survey Plan	
DATE	March 2020	DWG
SCALE @ A3	1:200	
DRAWN	KMH	
CHKD	KMH	

KIRSTEN HAY		T: 0409 811 540	
8/3 Pacific Avenue Tamarama		Kirsten@seedconsultants.com.au	
HOR. SCALE 1 : 100	DATE 01-12-2014		
VERT. SCALE N/A	REF No. 30885-1		
DATUM : AHD	DWG No. 30885-1-1		
ORIENTATION :	SHEET 1 of 1		
MAGNETIC NORTH	PLAN SIZE : A1		
ISSUE		DATE	AMENDMENTS
0	10	20	30 40 50 60 70 80 90 100
TABLE OF		BY	

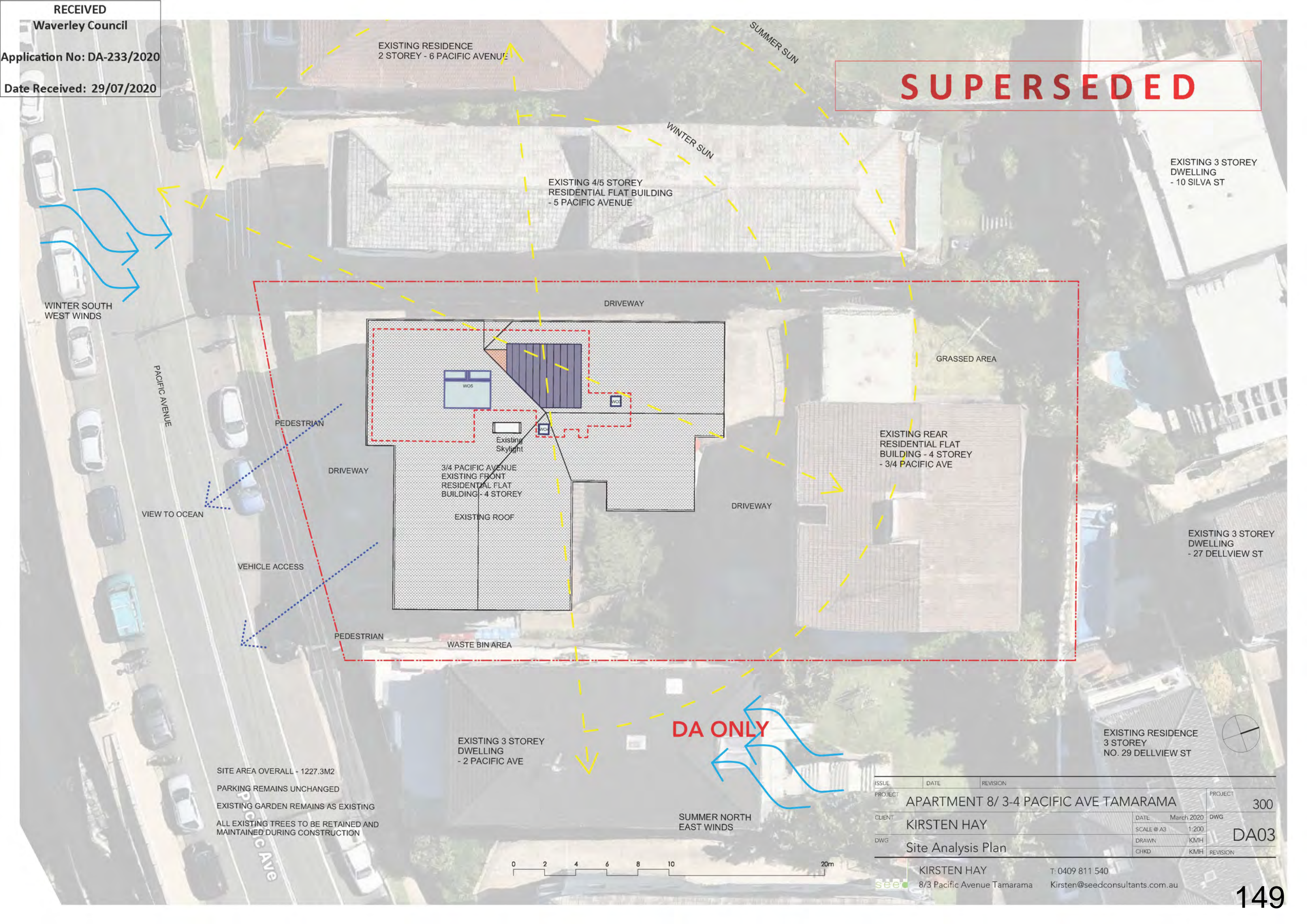
JOHN B. STEPHEN	
SURVEYING SERVICES	
Land Surveyors Development Consultants	
Ph: 1300 933 086	Mob: 0462 040 669
Email: jstephen@jbsm.com.au	
PO Box 1311, Green Valley NSW 2168	

PLAN SHOWING
+ WALL TO BOUNDARY
UNIT 8, 3 PACIFIC AVENUE
LOT 8

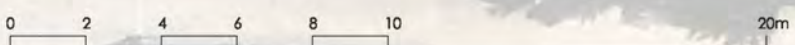


PLAN SHOWING LEVELS AND DETAIL
+ WALL TO BOUNDARY DISTANCES AT
UNIT 8, 3 PACIFIC AVENUE, TAMARAMA
LOT 8 IN SP 5140

SUPERSEDED

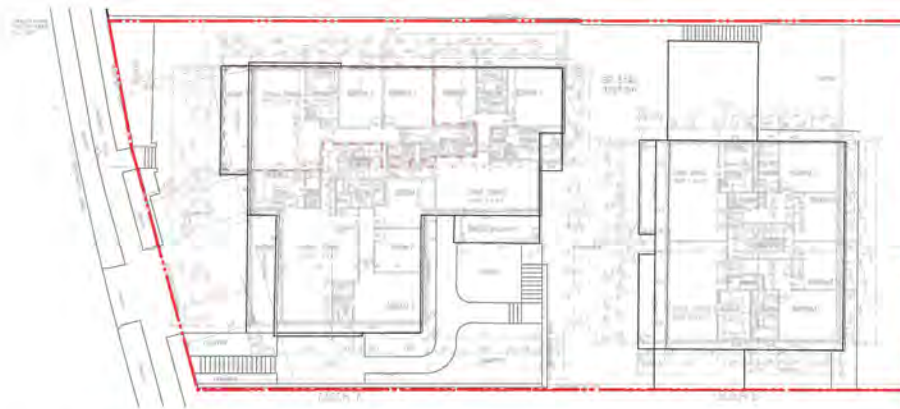


SITE AREA OVERALL - 1227.3M2
PARKING REMAINS UNCHANGED
EXISTING GARDEN REMAINS AS EXISTING
ALL EXISTING TREES TO BE RETAINED AND
MAINTAINED DURING CONSTRUCTION



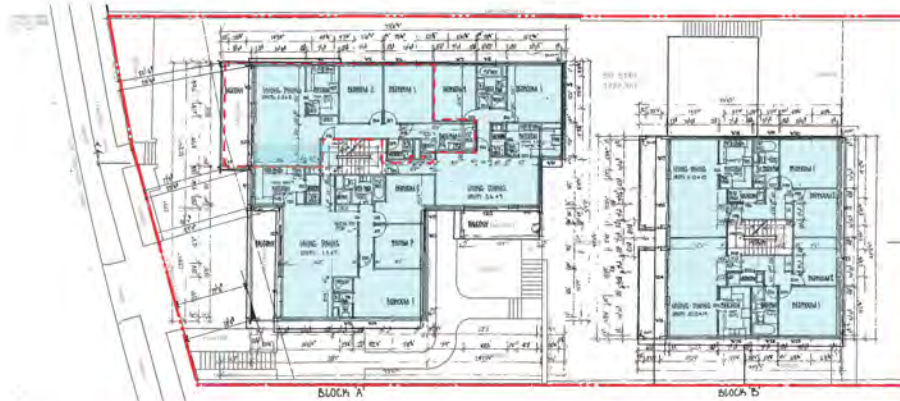
ISSUE	DATE	REVISION	PROJECT	PROJECT
PROJECT	APARTMENT 8/ 3-4 PACIFIC AVE TAMARAMA		PROJECT	300
CLIENT	KIRSTEN HAY	DATE March 2020	DWG	DA03
DWG	Site Analysis Plan	SCALE @ A3 1:200	DRAWN KMH	
		CHKD KMH	REVISION	

KIRSTEN HAY
8/3 Pacific Avenue Tamarama
T: 0409 811 540
Kirsten@seedconsultants.com.au



EXISTING ATTIC LEVEL PLAN
GFA = 0M2

SCALE 1 : 500



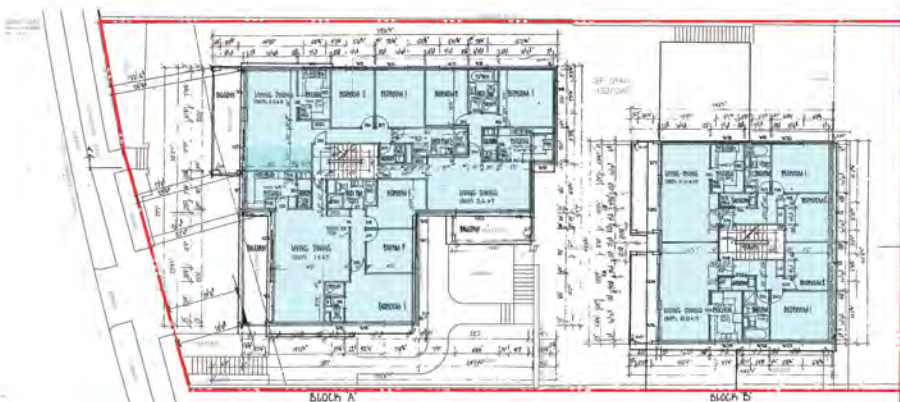
EXISTING THIRD FLOOR PLAN
GFA 400M2 - REMAINS UNCHANGED

SCALE 1 : 500



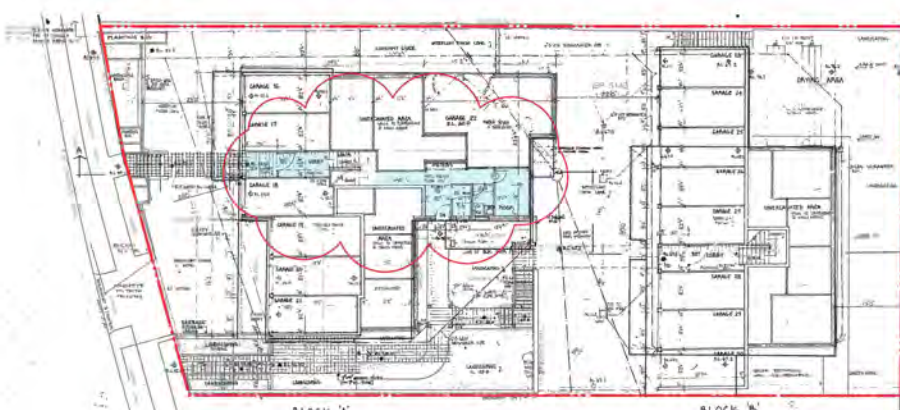
EXISTING SECOND FLOOR PLAN - REMAINS UNCHANGED
GFA 400M2 - REMAINS UNCHANGED

SCALE 1 : 500



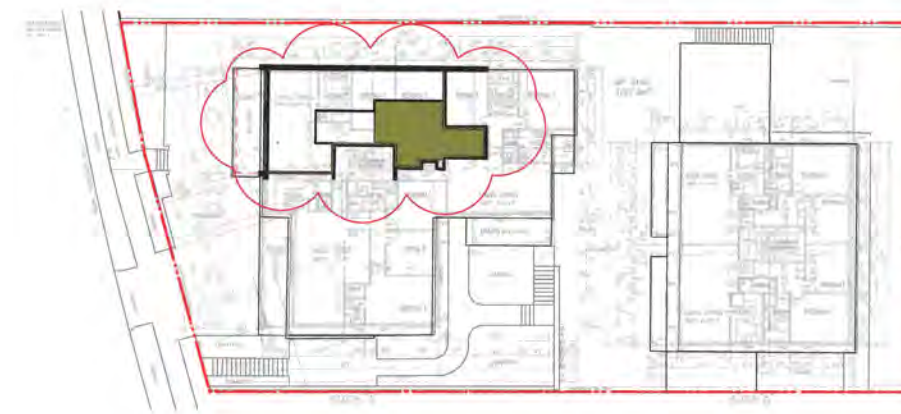
EXISTING FIRST FLOOR PLAN - REMAINS UNCHANGED
GFA 400M2 - REMAINS UNCHANGED

SCALE 1 : 500



EXISTING GROUND FLOOR PLAN - GARAGE LEVEL
GFA 33m2 - REMAINS UNCHANGED

SCALE 1 : 500



PROPOSED ATTIC LEVEL PLAN
GFA = 21M2

SCALE 1 : 500

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-233/2020

Date Received: 12/10/2020

AREA CALCULATIONS

EXISTING SITE AREA 1227.30M2
PERMISSABLE FSR 0.6 : 1

GROSS FLOOR AREA

EXISTING GFA 1233M2
PROPOSED ADDITIONAL GFA 21M2
PROPOSED TOTAL GFA 1254M2

EXISTING FSR (1233/1227.30) 1.00 : 1
PROPOSED FSR (1254/1227.30) 1.02 : 1

LEGEND

- Outline of existing Apartment 8 including balcony
- Existing GFA
- Proposed new GFA in attic level above Apartment 8 = 21m2

0 5 10 15 20 25 50m

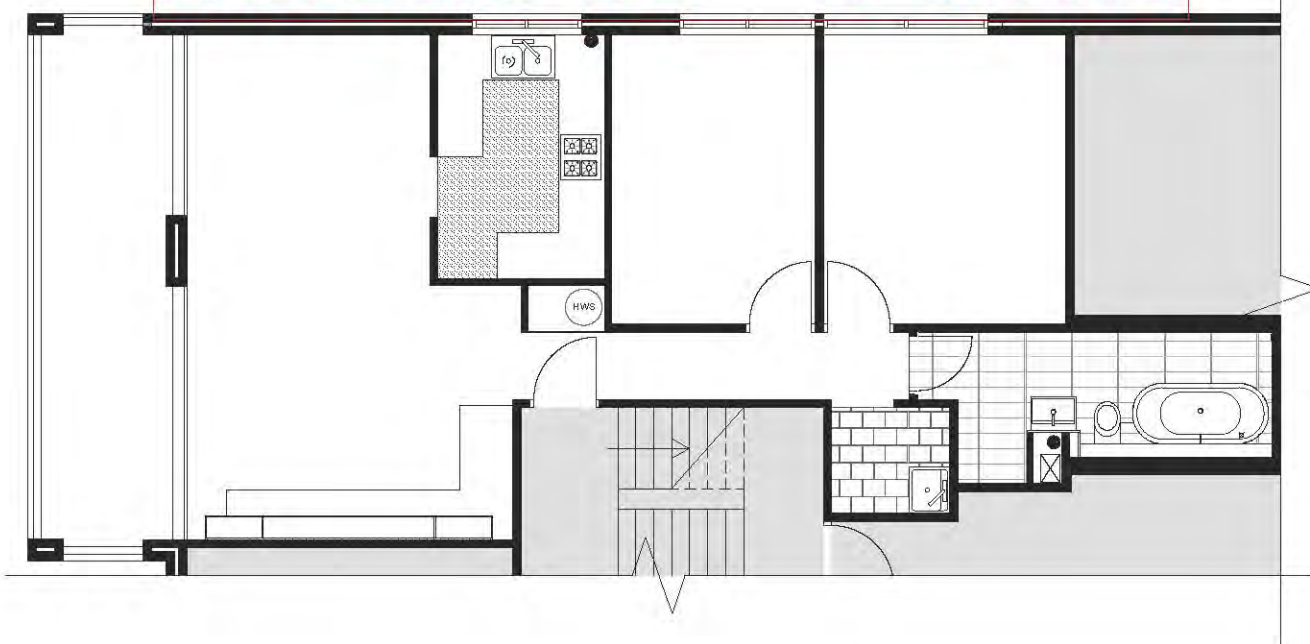
AMENDED DRAWINGS - 9/10/20

B 9/10/20 DA - Amendments
A 1/10/20 DA - Amendments

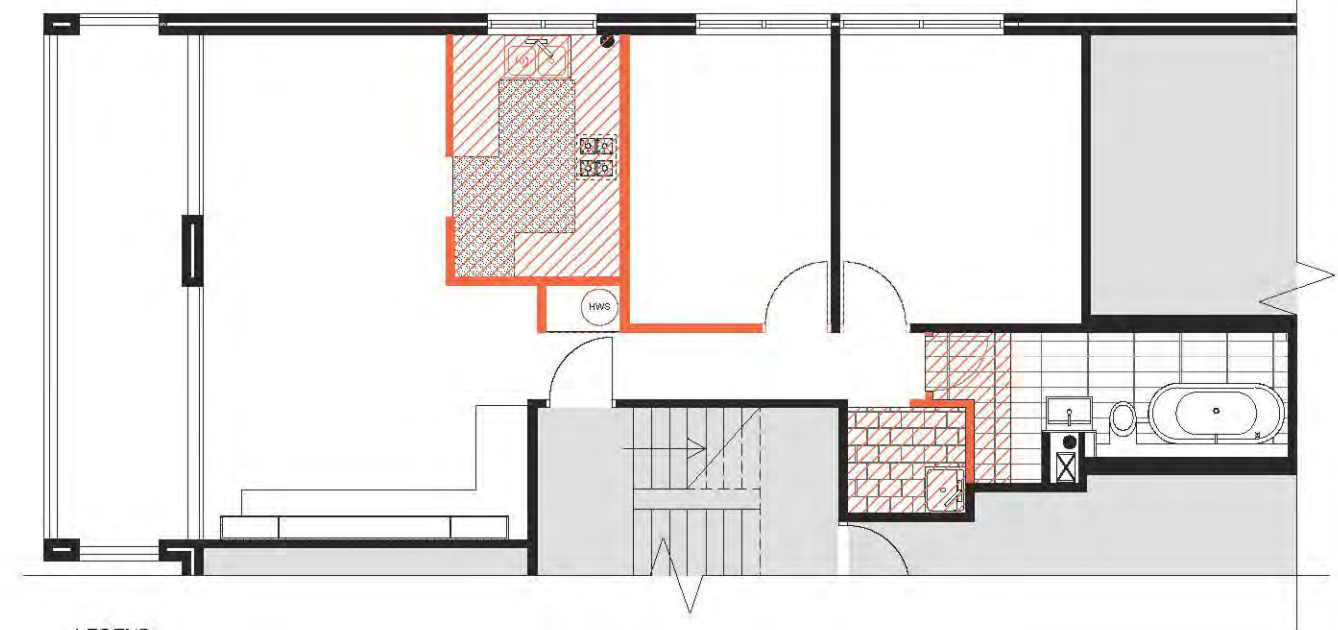
ISSUE	DATE	REVISION	PROJECT	PROJECT
			APARTMENT 8/ 3-4 PACIFIC AVE TAMARAMA	300
CLIENT			KIRSTEN HAY	DWG
DWG			Calculation Gross Floor Area	DA04
			DATE March 2020	SCALE @ A3 1:500
			DRAWN KMH	CHKD KMH
				REVISION B

KIRSTEN HAY T: 0409 811 540
8/3 Pacific Avenue Tamarama Kirsten@seedconsultants.com.au

AMENDED PLANS



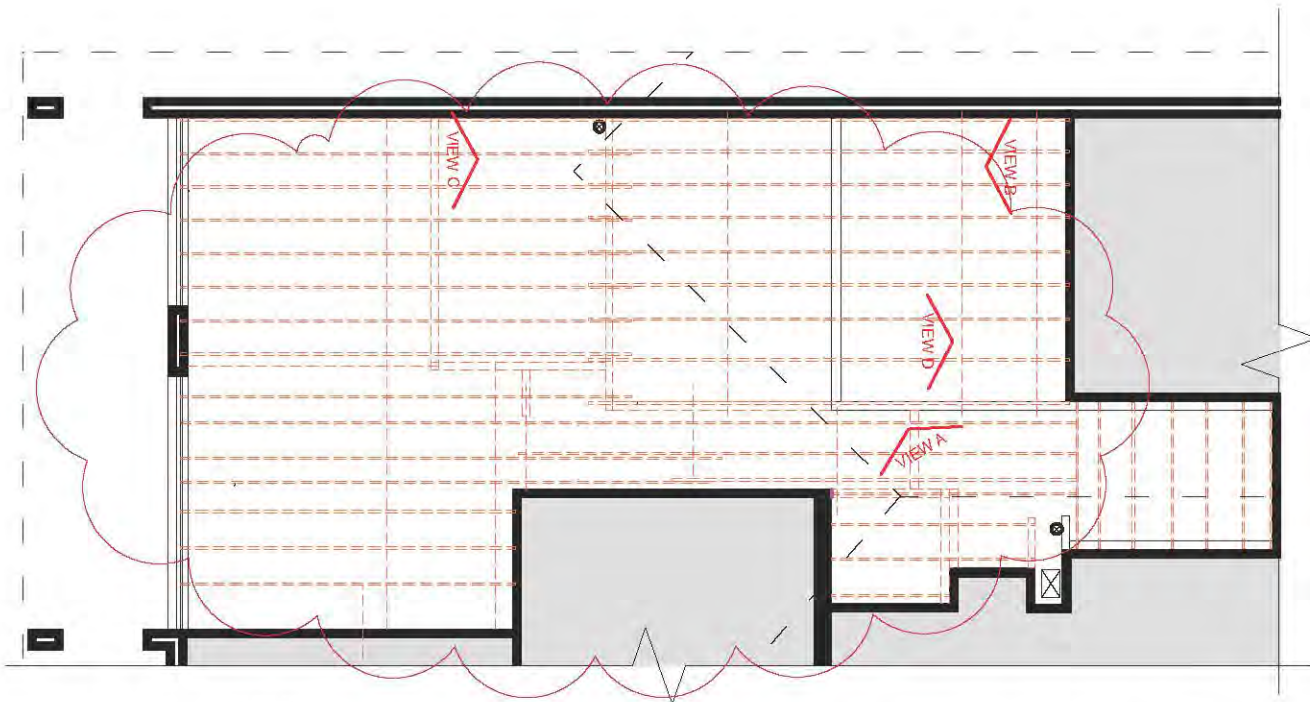
EXISTING APARTMENT 8



DEMOLITION PLAN EXISTING APARTMENT 8

LEGEND

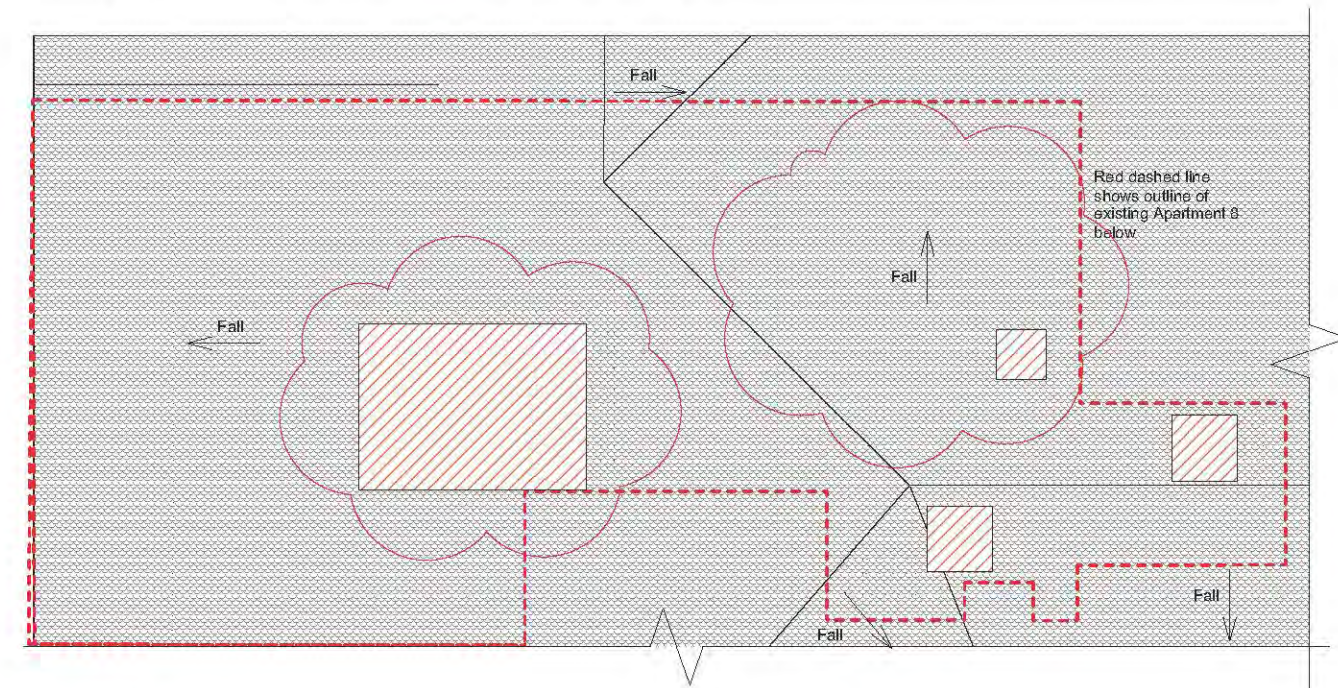
- Existing brick wall
- Neighbour's apartments
- Existing plumbing pipework
- Demolish walls
- Demolish flooring
- Remove fixtures + fittings



EXISTING ATTIC LEVEL ABOVE APARTMENT 8
- VIEWS OF EXISTING ROOF SPACE

LEGEND

- Existing brick wall to be retained
- Existing brick wall under to be retained
- Existing brick wall under to be demolished
- Existing timber roof + ceiling structure to be demolished



DEMOLITION ROOF PLAN EXISTING APARTMENT 8

LEGEND

- Existing tiled roof
- Demolish tiled roof

AMENDED DRAWINGS - 1/10/20



VIEW A

VIEW B

VIEW C

VIEW D

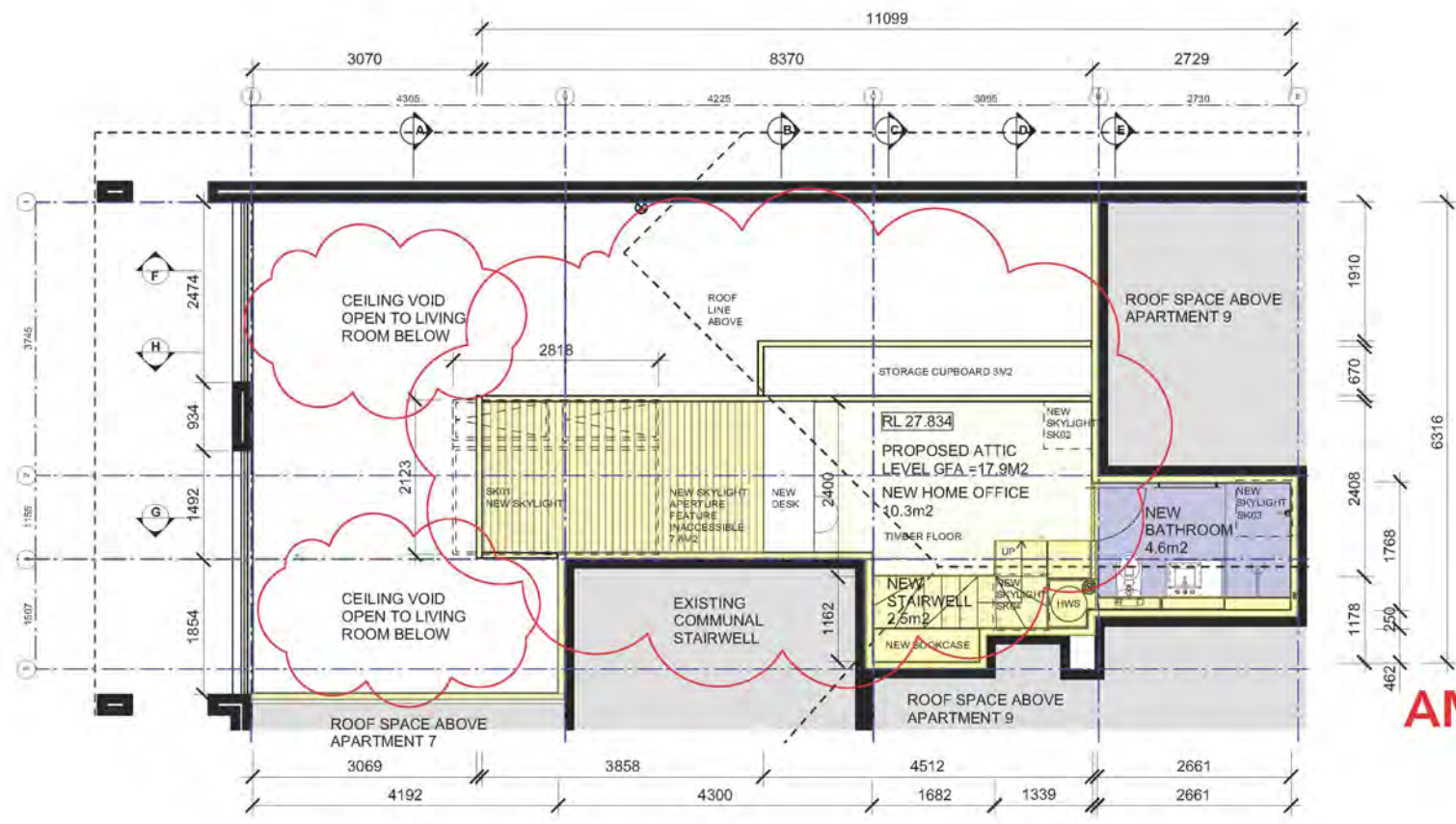
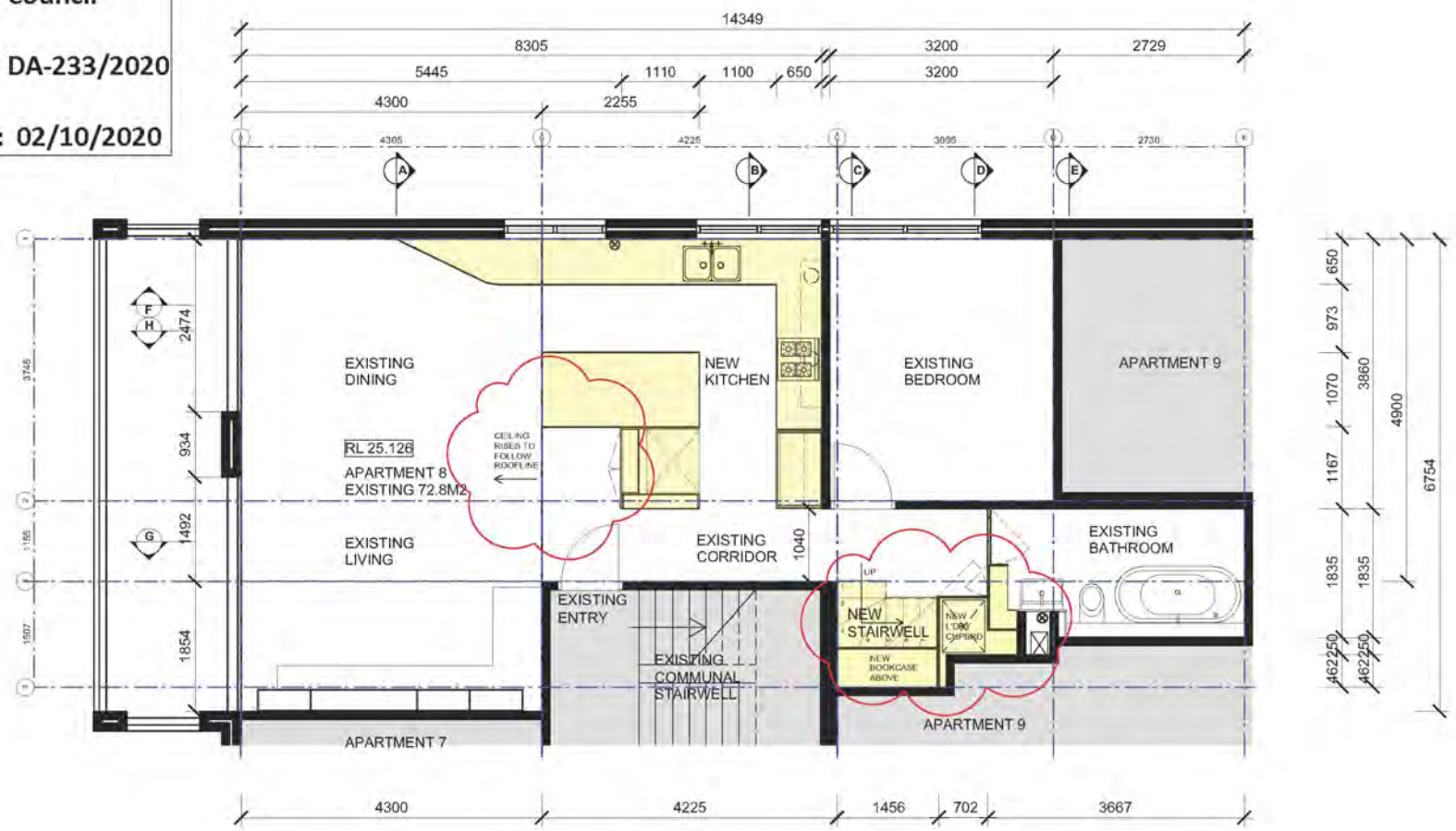
0		1		2		3		4		5		10m					
A		1/10/20				DA Amendments											
ISSUE		DATE		REVISION													
PROJECT		APARTMENT 8/ 3-4 PACIFIC AVE TAMARAMA										PROJECT		300			
CLIENT		KIRSTEN HAY								DATE		March 2020		DWG			
DWG		Existing + Demolition Apartment Plan								SCALE @ A3		1:50		DA05			
										DRAWN		KMH					
										CHKD		KMH		REVISION		A	
		KIRSTEN HAY								T: 0409 811 540							
		8/3 Pacific Avenue Tamarama								Kirsten@seedconsultants.com.au							

RECEIVED
Waverley Council

Application No: DA-233/2020

Date Received: 02/10/2020

AMENDED PLANS



ATTIC LEVEL AREAS

GFA with ceiling > 2.4m for 2/3's of space and >2.2m = 14.9m2 (ie. bathroom + home office)

New home office - 10.3m2

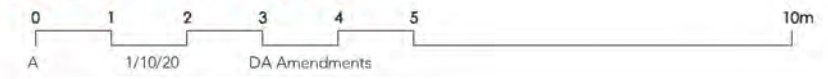
New bathroom - 4.6m2

New stairwell - 2.5m2

New storage cupboard - 3m2

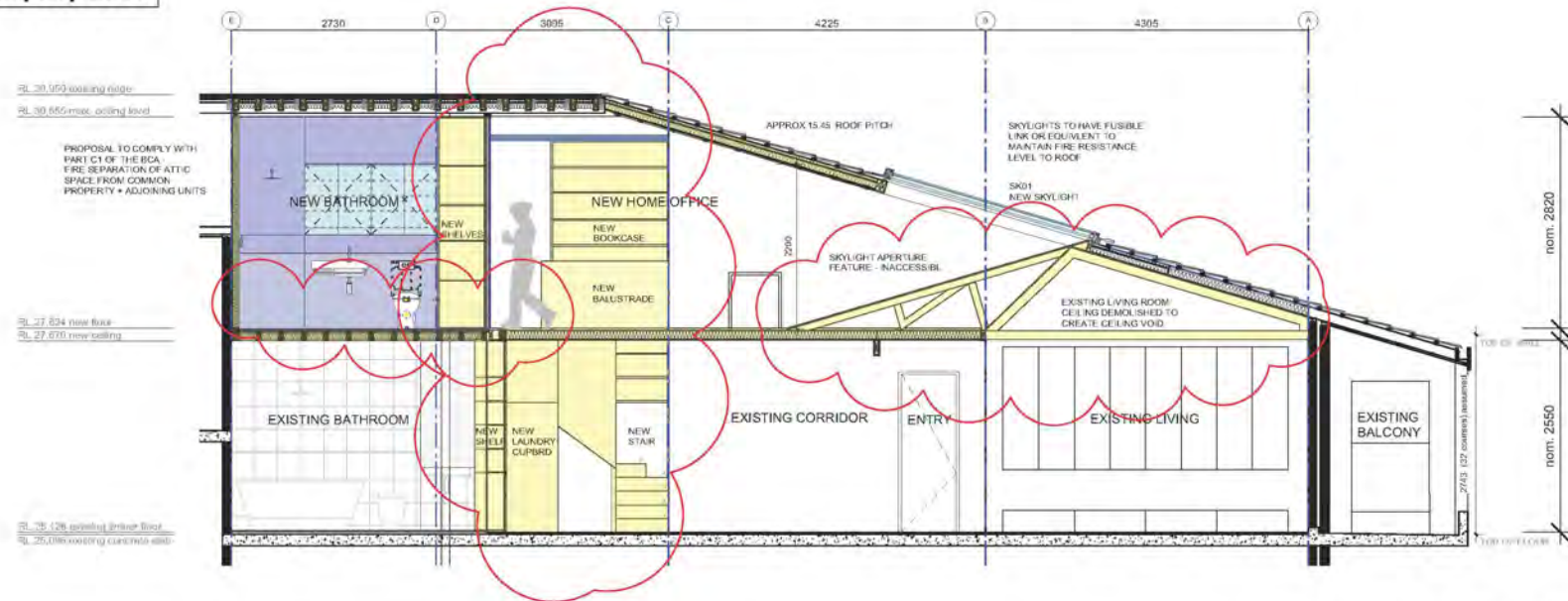
PROPOSAL TO COMPLY WITH
PART C1 OF THE BCA -
FIRE SEPARATION OF ATTIC
SPACE FROM COMMON
PROPERTY + ADJOINING UNITS

AMENDED DRAWINGS - 1/10/20

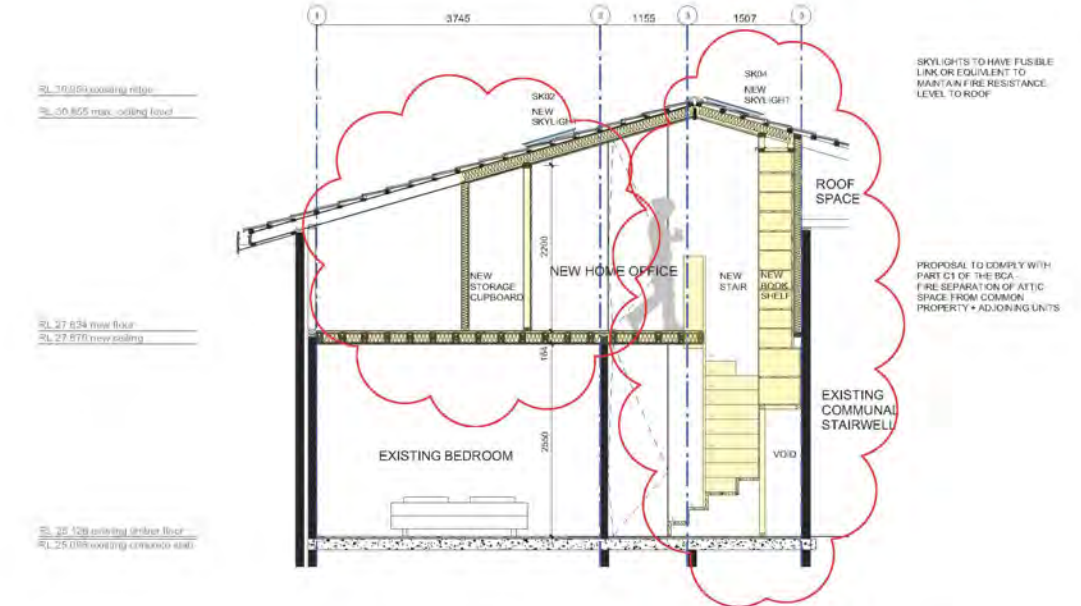


ISSUE	DATE	REVISION	PROJECT	PROJECT
A	1/10/20	DA Amendments	APARTMENT 8/ 3-4 PACIFIC AVE TAMARAMA	300
CLIENT	KIRSTEN HAY	DATE March 2020	DWG	DA06
DWG	Proposed Apartment + Attic Level	SCALE @ A3 1:100	DRAWN KMH	REVISION A
	KIRSTEN HAY	CHKD KMH		

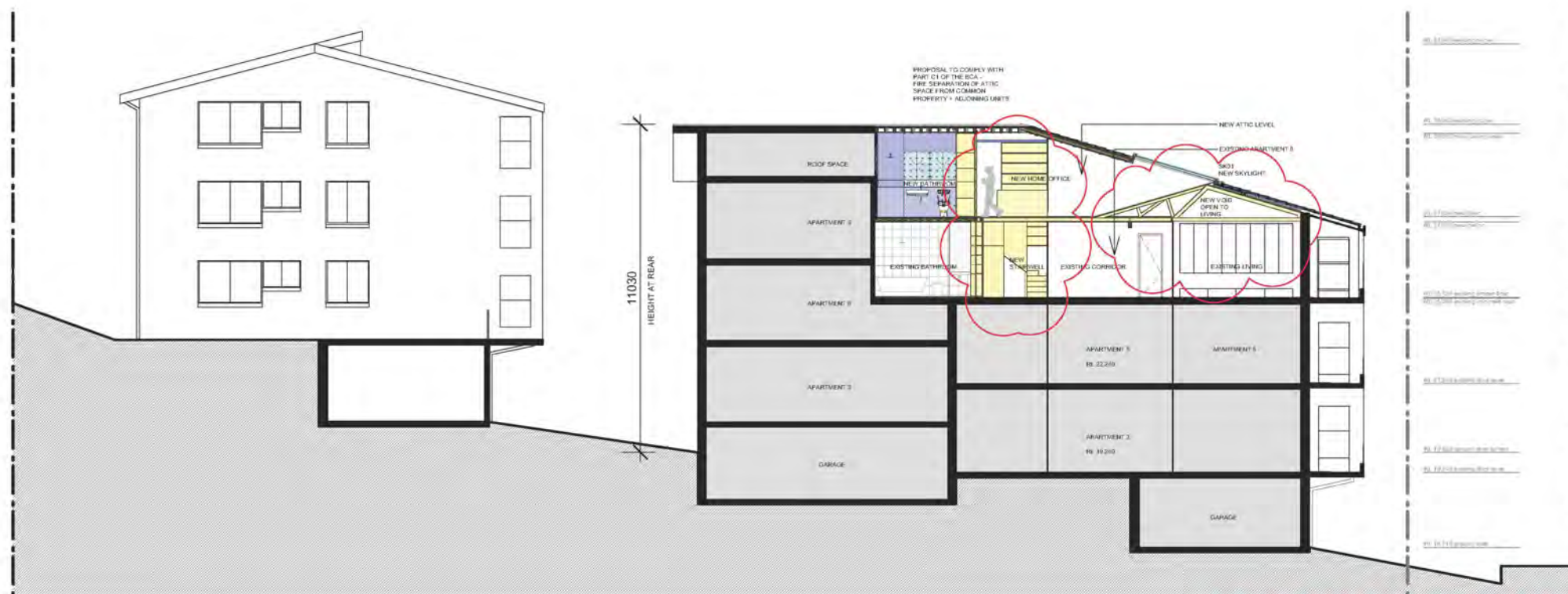
AMENDED PLANS



SECTION G
SCALE 1:100

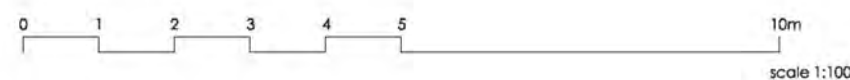


SECTION C
SCALE 1:100



SECTION G
SCALE 1:200

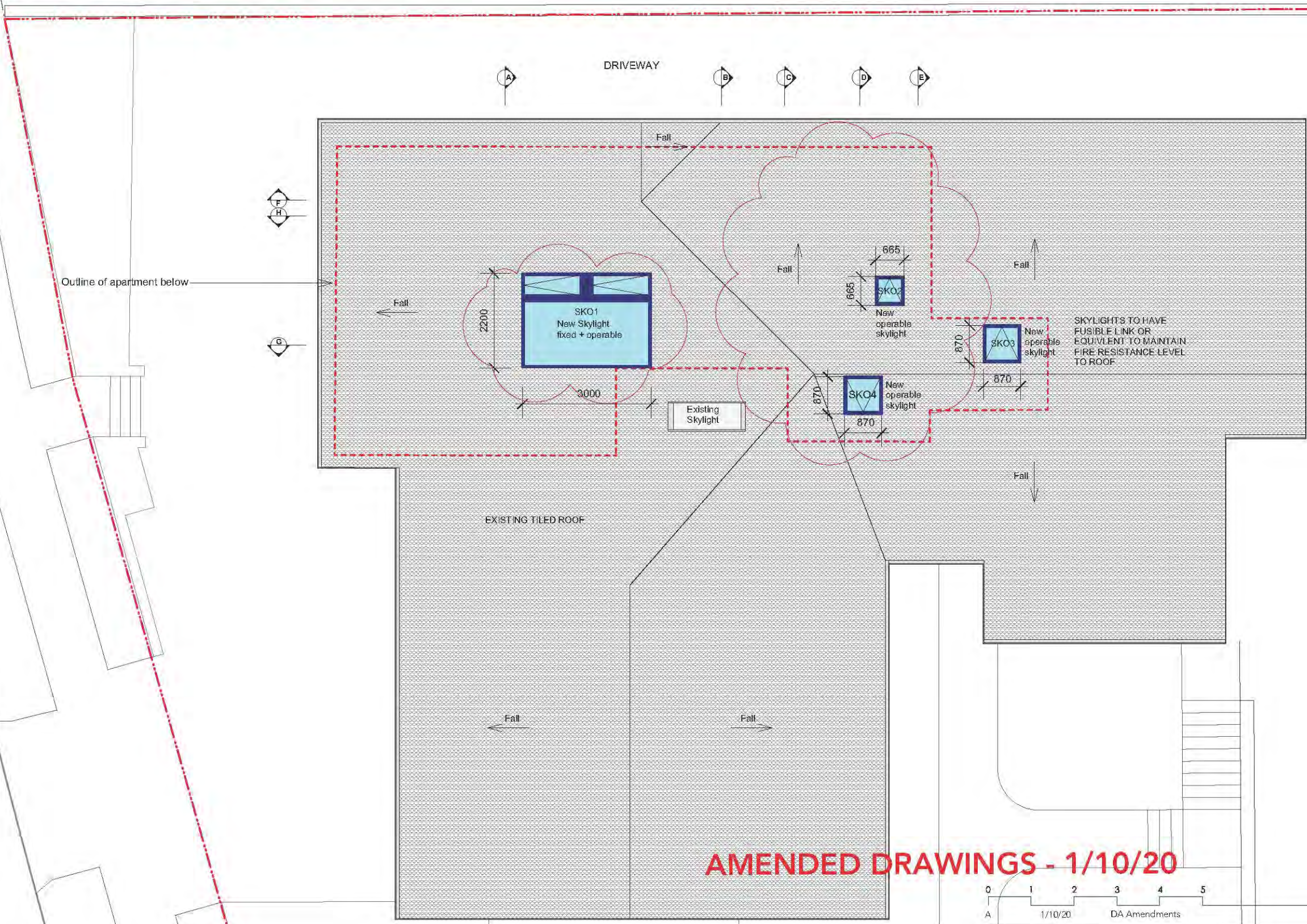
AMENDED DRAWINGS - 1/10/20



A	1/10/20	DA Amendments
ISSUE	DATE	REVISION
PROJECT	APARTMENT 8/ 3-4 PACIFIC AVE TAMARAMA	
CLIENT	KIRSTEN HAY	
DWG	Proposed Sections G + C	
DATE	March 2020	PROJECT 300
SCALE @ A3: 100 + 1:200		DWG DA07
DRAWN	KMH	REVISION A
CHKD	KMH	

KIRSTEN HAY
8/3 Pacific Avenue Tamarama
T: 0409 811 540
Kirsten@seedconsultants.com.au

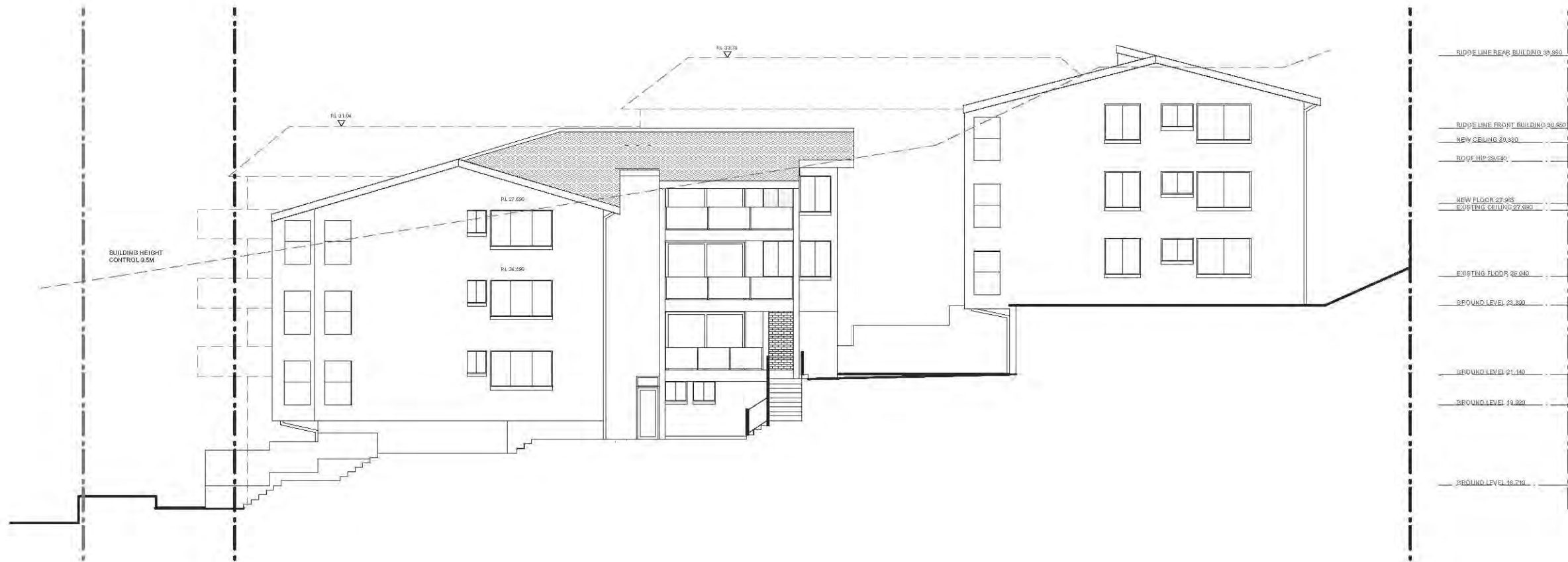
AMENDED PLANS



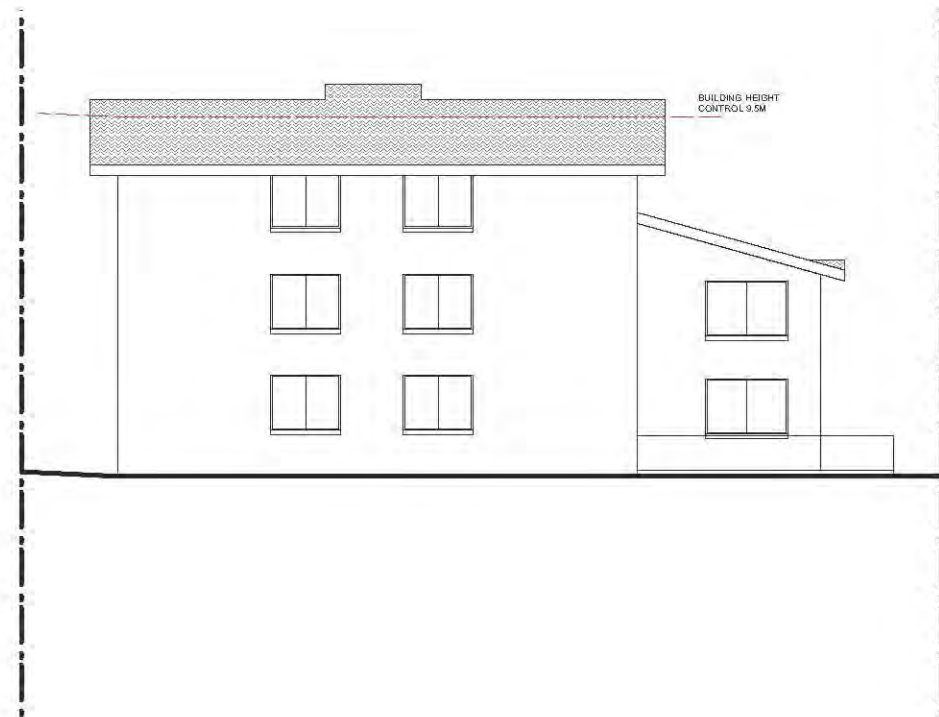
AMENDED DRAWINGS - 1/10/20

RECEIVED
Waverley Council
Application No: DA-233/2020
Date Received: 02/10/2020

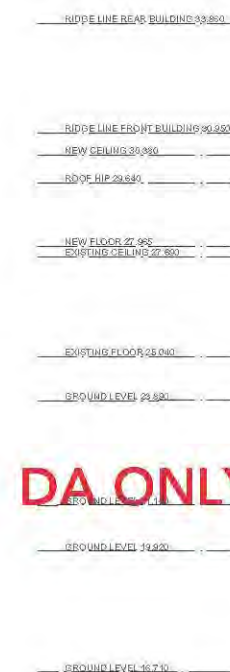
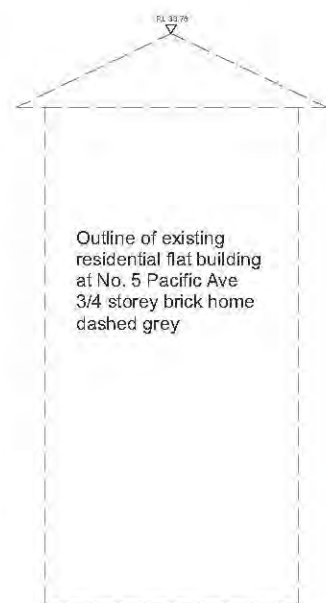
0 1 2 3 4 5			10m	
A	1/10/20	DA Amendments		
ISSUE	DATE	REVISION		
PROJECT	APARTMENT 8/ 3-4 PACIFIC AVE TAMARAMA			PROJECT 300
CLIENT	KIRSTEN HAY			DWG DA08
DWG	Proposed Roof Plan - front building			REVISION A
KIRSTEN HAY			1: 0409 811 540	
8/3 Pacific Avenue Tamarama			Kirsten@seedconsultants.com.au	



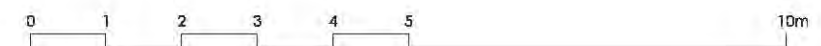
SOUTH EAST ELEVATION - EXISTING



NORTH EAST ELEVATION - EXISTING



DA ONLY



ISSUE	DATE	REVISION	PROJECT
PROJECT	APARTMENT 8/ 3-4 PACIFIC AVE TAMARAMA	PROJECT	300
CLIENT	KIRSTEN HAY	DATE	March 2020
DWG	Existing South East + North East	SCALE @ A3	1:200
		DRAWN	KMH
		CHKD	KMH
		REVISION	

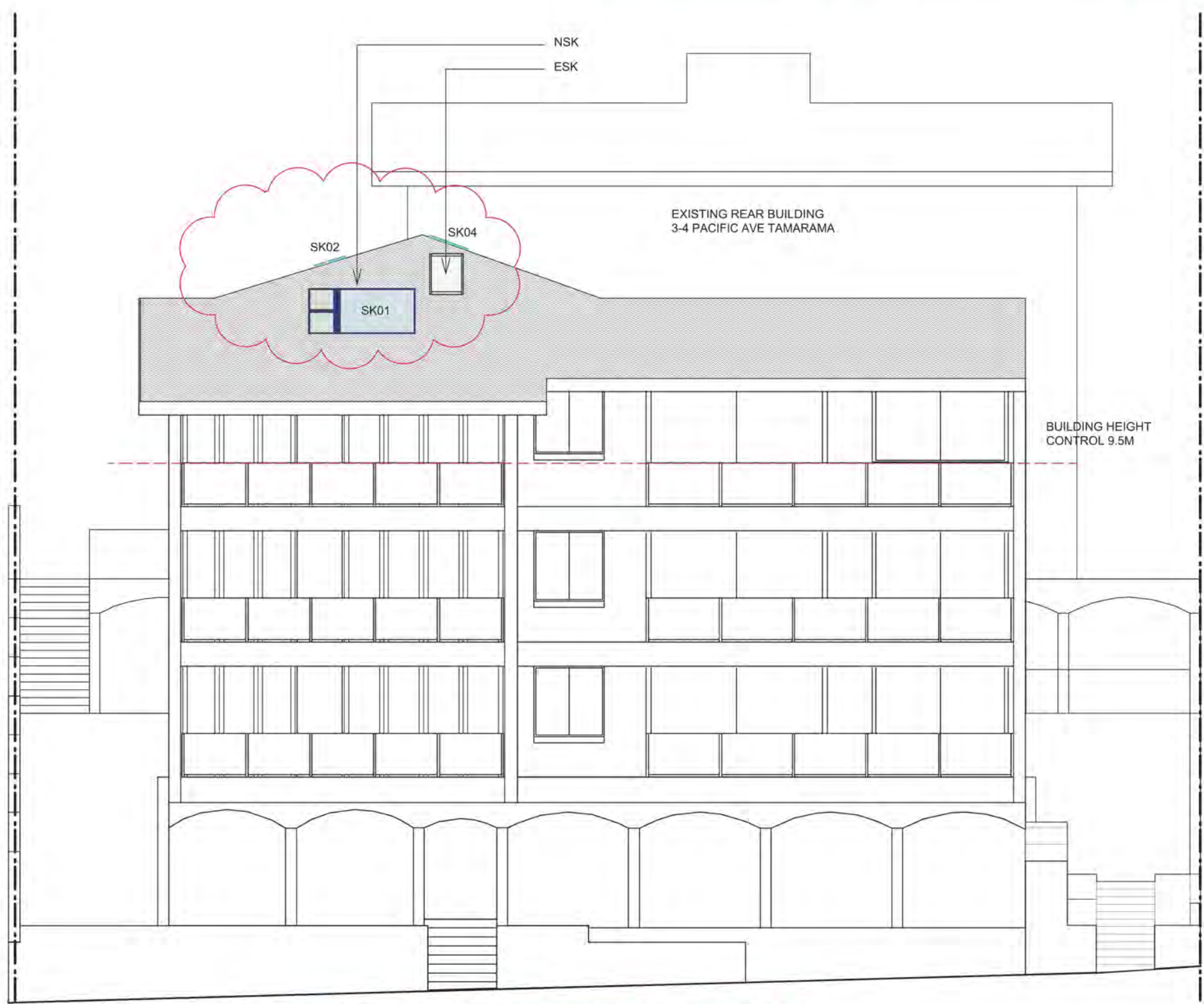
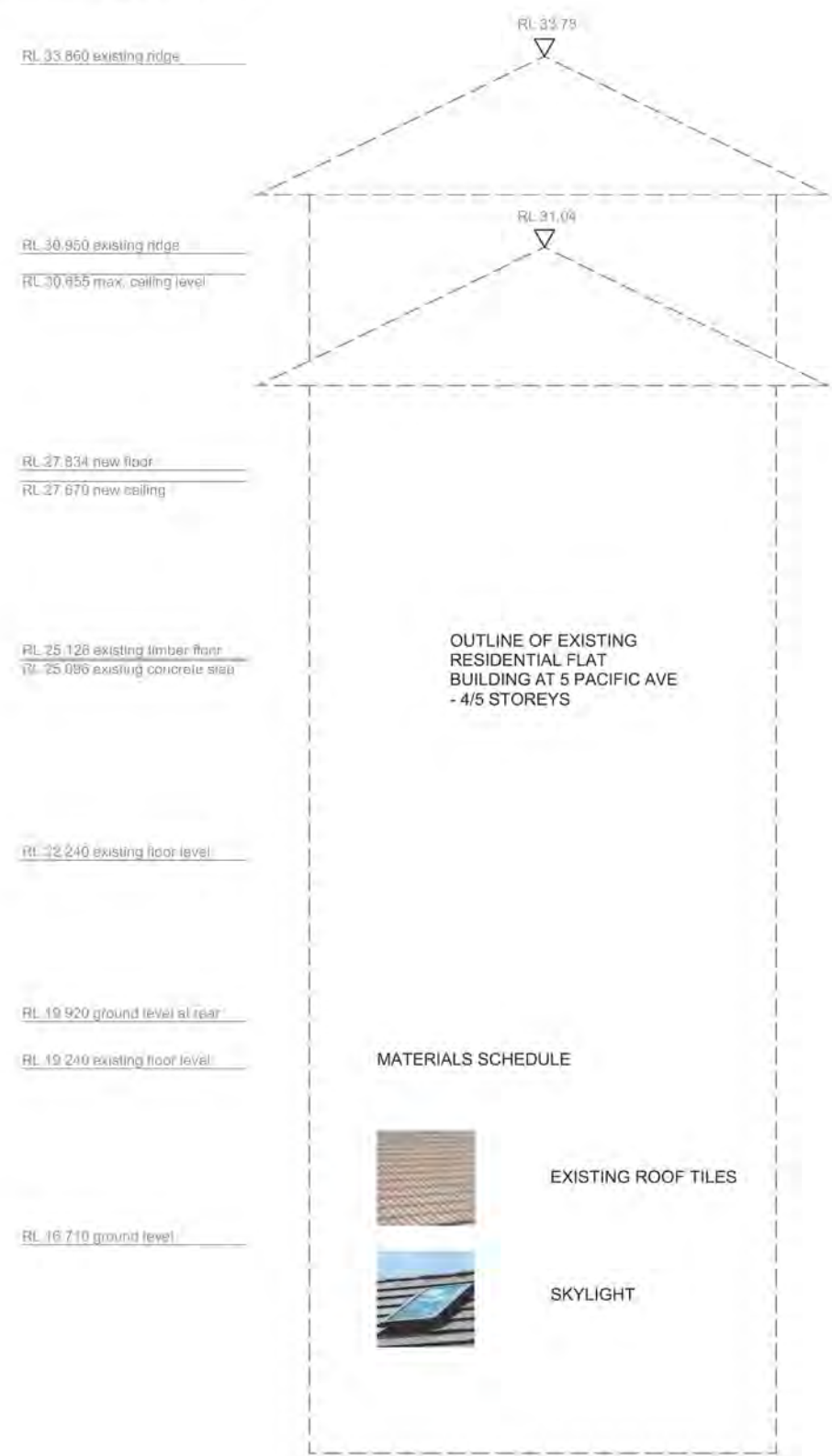
Elevations



KIRSTEN HAY
8/3 Pacific Avenue Tamarama

T: 0409 811 540

Kirsten@seedconsultants.com.au

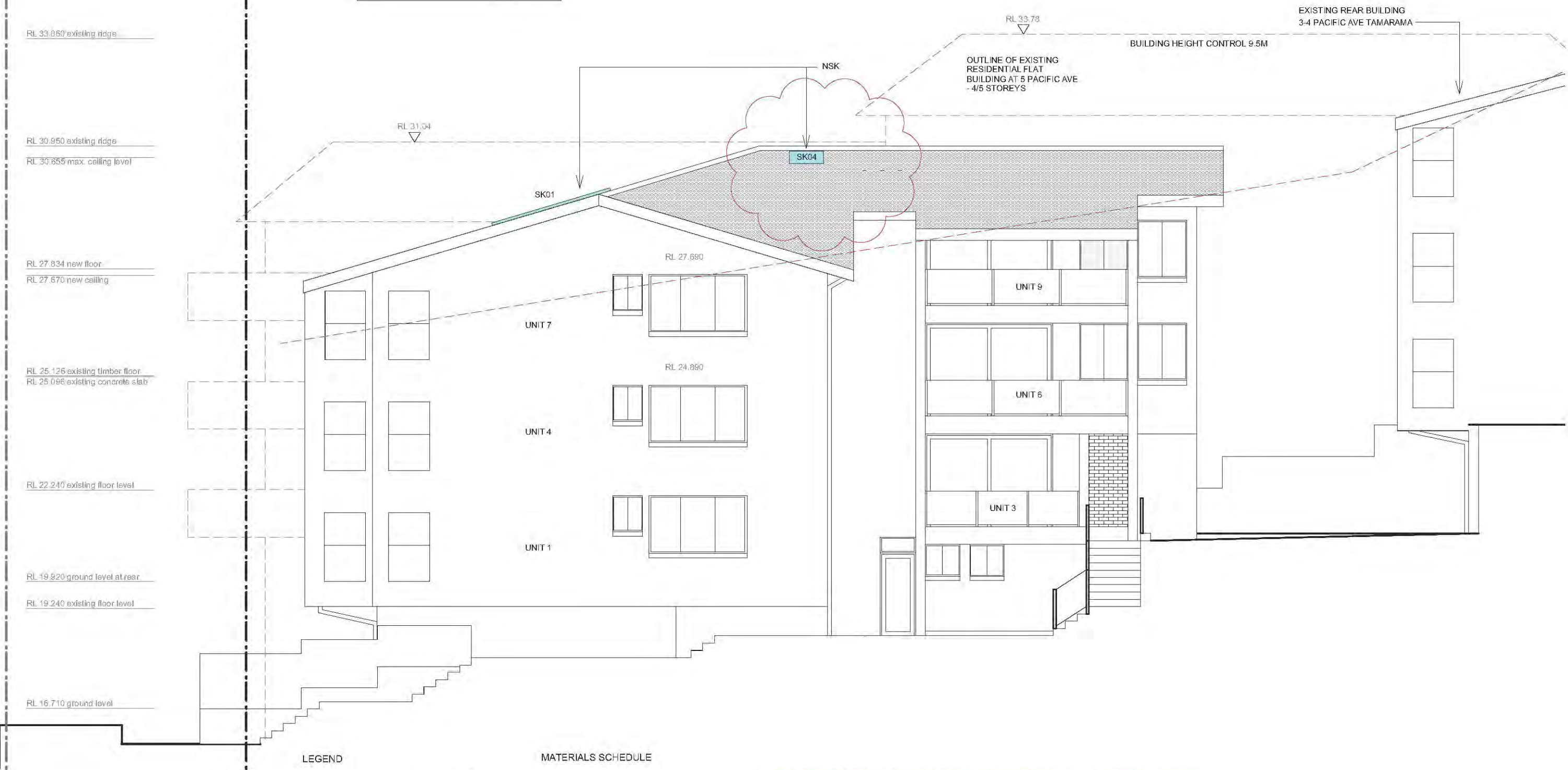


AMENDED DRAWINGS - 1/10/20

<div>012345</div>					10m
A		1/10/20		DA Amendments	
ISSUE		DATE		REVISION	
PROJECT				PROJECT	
APARTMENT 8/ 3-4 PACIFIC AVE TAMARAMA				300	
CLIENT		KIRSTEN HAY		DWG	
		DATE		March 2020	
		SCALE @ A3		1:50	
DWG		Proposed South West Elevation		DA11	
		DRAWN		KMH	
		CHKD		KMH	
		REVISION		A	
KIRSTEN HAY		T: 0409 811 540			
8/3 Pacific Avenue Tamarama		Kirsten@seedconsultants.com.au			

RECEIVED
Waverley Council
Application No: DA-233/2020
Date Received: 02/10/2020

AMENDED PLANS



LEGEND

NSK

ESK

NEW SKYLIGHT

EXISTING SKYLIGHT

MATERIALS SCHEDULE

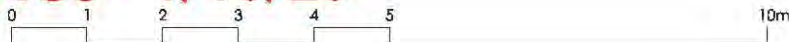


EXISTING ROOF TILES

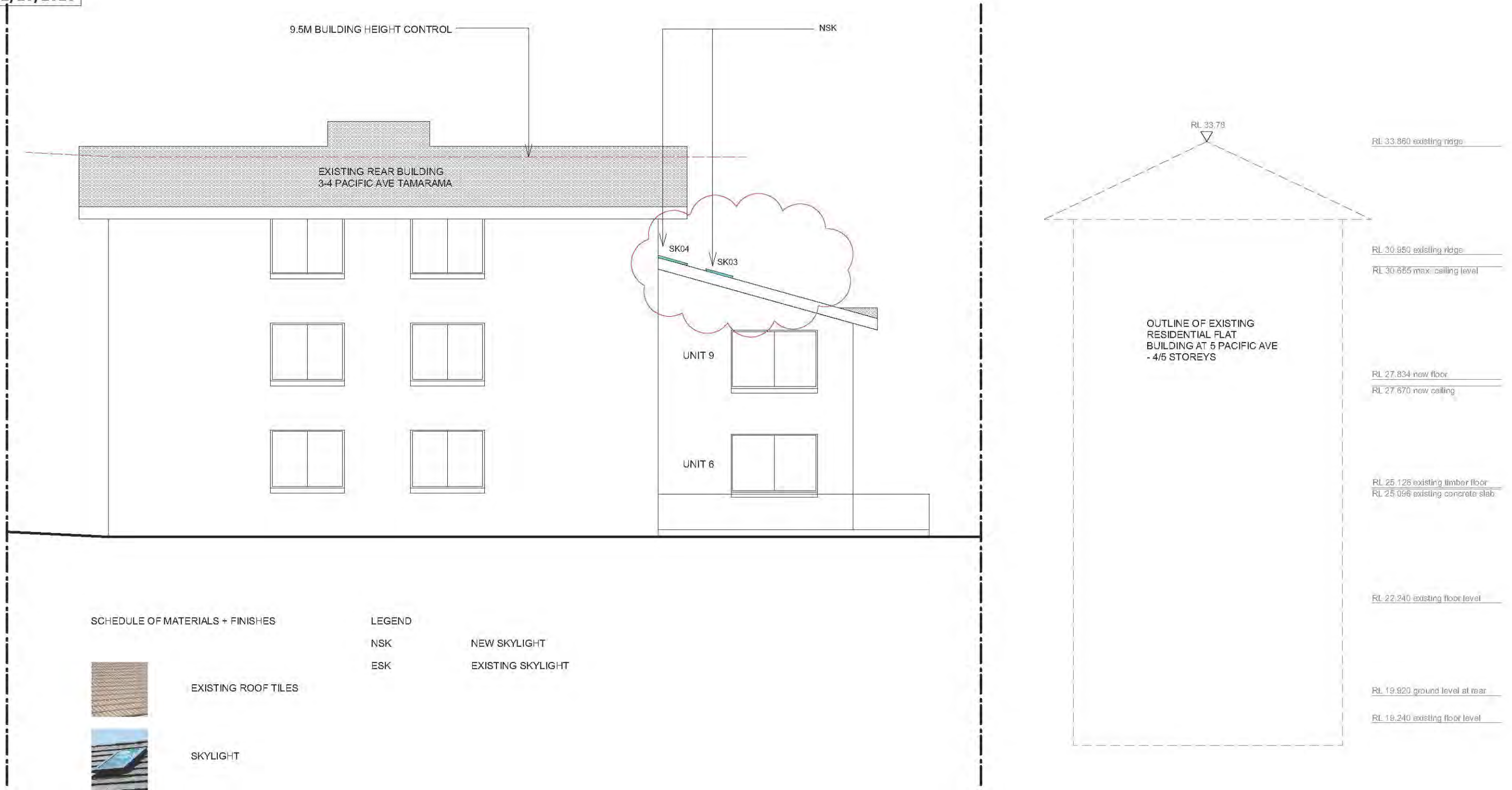


SKYLIGHT

AMENDED DRAWINGS - 1/10/20



A		1/10/20	DA Amendments
ISSUE	DATE	REVISION	
PROJECT	APARTMENT 8/ 3-4 PACIFIC AVE TAMARAMA		PROJECT 300
CLIENT	KIRSTEN HAY		DWG DA13
DWG	Proposed South East Elevation		REVISION A
KIRSTEN HAY		T: 0409 811 540	
8/3 Pacific Avenue Tamarama		Kirsten@seedconsultants.com.au	

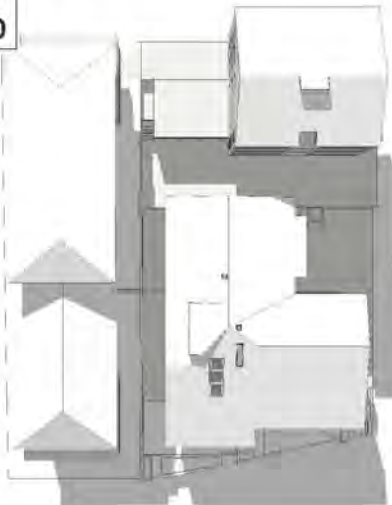


AMENDED DRAWINGS - 1/10/20

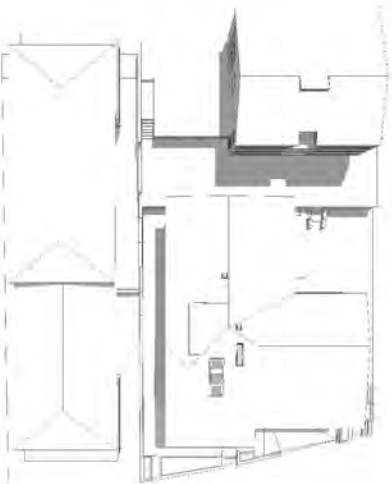
0 1 2 3 4 5 10m

A 1/10/20 DA Amendments

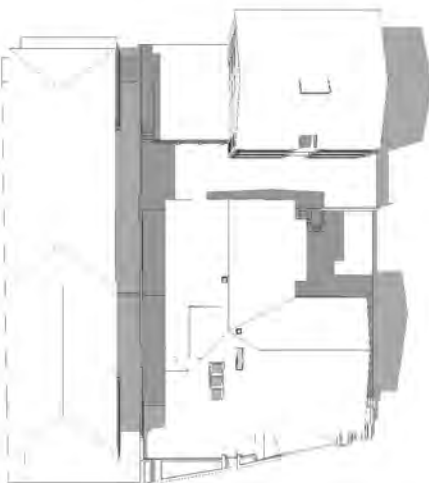
ISSUE	DATE	REVISION
PROJECT	APARTMENT 8/ 3-4 PACIFIC AVE TAMARAMA	
CLIENT	KIRSTEN HAY	
DWG	Proposed North East Elevation	
DATE	March 2020	DWG
SCALE @ A3	1:100	DA14
DRAWN	KMH	
CHKD	KMH	REVISION
KIRSTEN HAY		A
8/3 Pacific Avenue Tamarama		
T: 0409 811 540		
Kirsten@seedconsultants.com.au		



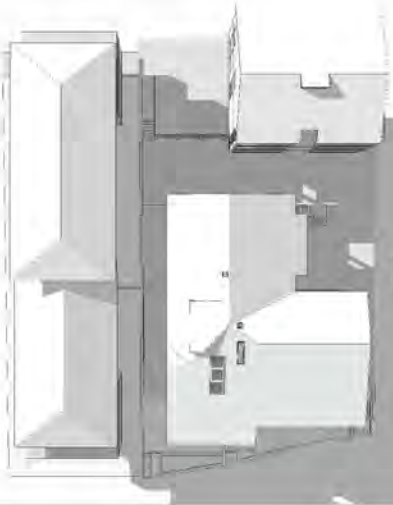
JUNE 21ST 12PM



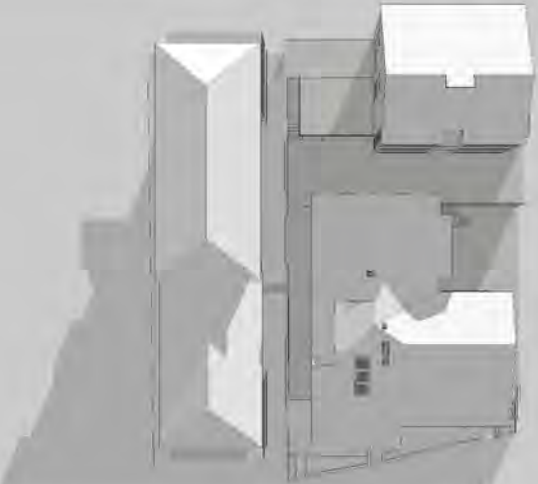
DEC 21ST 12PM



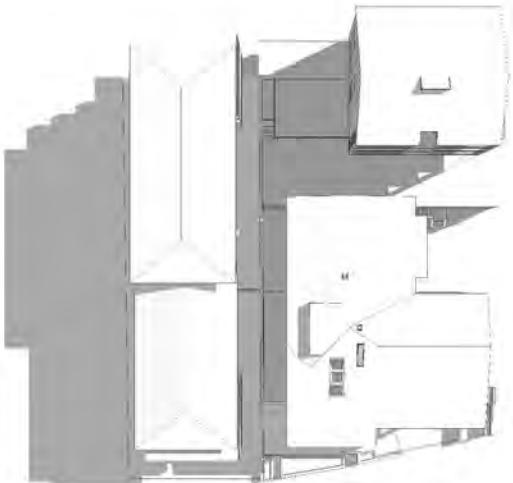
DEC 21ST 3PM



JUNE 21ST 3PM



JUNE 21ST 9AM



DEC 21ST 9AM

ISSUE	DATE	REVISION		
PROJECT	APARTMENT 8/ 3-4 PACIFIC AVE TAMARAMA			PROJECT 300
CLIENT	KIRSTEN HAY		DATE March 2020	DWG
			SCALE @ A3 1:100	DA15
DWG	Shadow Diagrams		DRAWN KMH	
			CHKD KMH	REVISION
 KIRSTEN HAY 8/3 Pacific Avenue Tamarama		T: 0409 811 540 Kirsten@seedconsultants.com.au		

EXISTING RESIDENCE
2 STOREY - 6 PACIFIC AVENUE

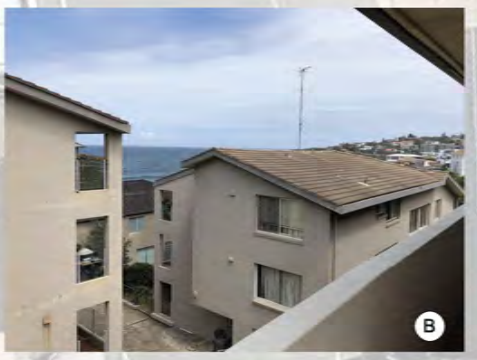
EXISTING 4/5 STOREY RESIDENTIAL
FLAT BUILDING
- 5 PACIFIC AVENUE

Views from apartment 6 - 5 Pacific Ave
- Views B - D remain unaffected by the proposed development
- View E, which is only visible from a very restricted, awkward position is impacted
- View EE shows the area obscured by the proposed development in yellow
- this analysis is based on information from www.realestate.com.au + photographs taken from apartment 6 by the applicant

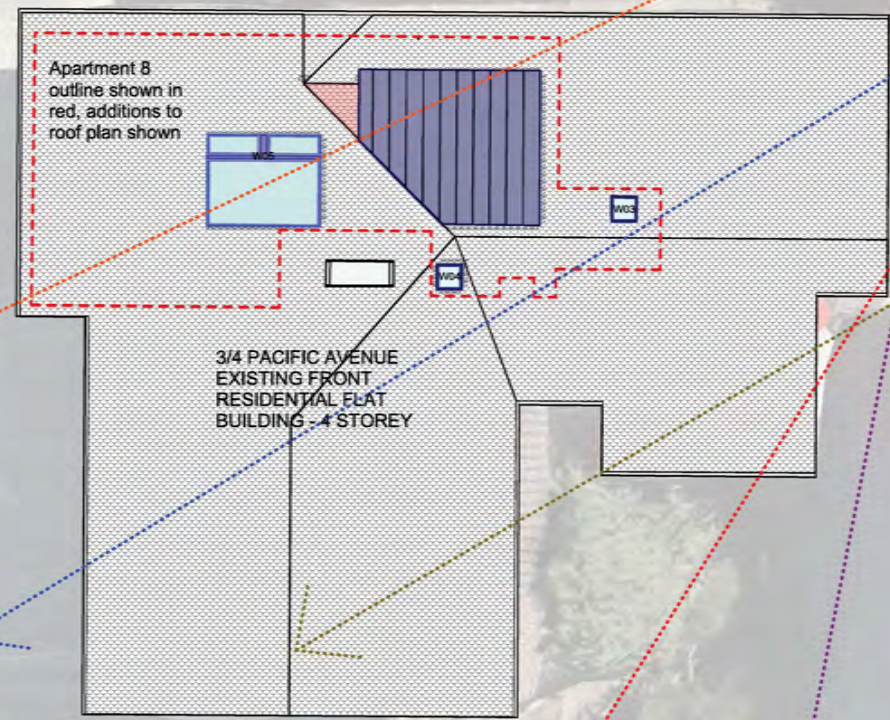
SUPERSEDED

View from 10 Silva St
- the main view is across apartments 7 and 9 see View A for close up view.
- View AA shows the area obscured by the proposed development in yellow
- based on photographs + house plans on www.realestate.com.au

EXISTING 3 STOREY
DWELLING
- 10 SILVA ST



NOTE:
View EE - this view can only be seen when standing hard up against the window and looking down the line of the apartment wall. The view can only be seen from a very unnatural and uncomfortable position, and would therefore rarely be seen.



3/4 PACIFIC AVE
EXISTING REAR FLAT
RESIDENTIAL FLAT
BUILDING - 4 STOREY

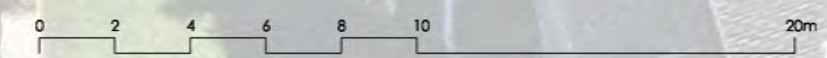
2 PACIFIC AVE EXISTING
DWELLING - 3 STOREY

DA ONLY

1 PACIFIC AVE EXISTING
RESIDENTIAL FLAT BUILDING -
4 STOREY



EXISTING RESIDENCE
3 STOREY
- 29 DELLVIEW ST



ISSUE	DATE	REVISION	PROJECT	PROJECT
PROJECT			APARTMENT 8/ 3-4 PACIFIC AVE TAMARAMA	300
CLIENT			KIRSTEN HAY	DWG
DWG			View Analysis	DA16
	DATE	March 2020		
	SCALE @ A3	1:200		
	DRAWN	KMH		
	CHKD	KMH		
			REVISION	

KIRSTEN HAY
8/3 Pacific Avenue Tamarama
T: 0409 811 540
Kirsten@seedconsultants.com.au







PACIFIC AVENUE APARTMENT VIEW - ADDITION NOT VISIBLE



PACIFIC AVENUE APARTMENT VIEW - ADDITION NOT VISIBLE

MATERIALS SCHEDULE

	EXISTING ROOF TILES
	METAL CLADDING
	ALUMINIUM GLAZED WINDOWS
	SKYLIGHT



SOUTH SIDE OF TAMARAMA BAY - NOT ACTUAL VIEW - ZOOMED IN VIEW
- ADDITION VISIBLE - VIEW A



AERIAL VIEW OF PACIFIC AVENUE SHOWING POSITION OF VIEWER FOR VIEW A
- ACROSS TAMARAMA BAY FROM SUBJECT SITE

ISSUE	DATE	REVISION	PROJECT	PROJECT
PROJECT	APARTMENT 8/ 3-4 PACIFIC AVE TAMARAMA			300
CLIENT	KIRSTEN HAY			DWG
DWG	Photomontage			DA17
	KIRSTEN HAY	T: 0409 811 540		
	8/3 Pacific Avenue Tamarama	Kirsten@seedconsultants.com.au		

BASIXCertificate

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

Alterations and Additions

Certificate number: A384404_02

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Alterations and Additions Definitions" dated 06/10/2017 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary
Date of issue: Thursday, 01, October 2020
To be valid, this certificate must be lodged within 3 months of the date of issue.



Planning,
Industry &
Environment

Description of project

Project address	
Project name	Apartment 8_02
Street address	3-4 Pacific Avenue Tamarama 2026
Local Government Area	Waverley Council
Plan type and number	Strata Plan 5140
Lot number	27+28
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:	ecodweller assessments
ABN (if applicable):	72 967 271 920

BASIX Certificate number: A384404_02

page 2 / 5

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

BASIX Certificate number: A384404_02

page 3 / 5

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check									
Insulation requirements												
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m ² , b) insulation specified is not required for parts of altered construction where insulation already exists.												
<div><table><tr><th>Construction</th><th>Additional insulation required (R-value)</th><th>Other specifications</th></tr><tr><td>external wall: framed (weatherboard, fibro, metal clad)</td><td>R1.30 (or R1.70 including construction)</td><td></td></tr><tr><td>flat ceiling, pitched roof</td><td>ceiling: R0.45 (up), roof: foil backed blanket (100 mm)</td><td>medium (solar absorbance 0.475 - 0.70)</td></tr></table></div>				Construction	Additional insulation required (R-value)	Other specifications	external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)		flat ceiling, pitched roof	ceiling: R0.45 (up), roof: foil backed blanket (100 mm)	medium (solar absorbance 0.475 - 0.70)
Construction	Additional insulation required (R-value)	Other specifications										
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)											
flat ceiling, pitched roof	ceiling: R0.45 (up), roof: foil backed blanket (100 mm)	medium (solar absorbance 0.475 - 0.70)										

BASIX Certificate number: A384404_02

page 4 / 5

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check																				
Skylights																							
The applicant must install the skylights in accordance with the specifications listed in the table below.	✓	✓	✓																				
The following requirements must also be satisfied in relation to each skylight:		✓	✓																				
Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below.		✓	✓																				
Skylights glazing requirements																							
<table border="1"> <tr> <th>Skylight number</th><th>Area of glazing inc. frame (m²)</th><th>Shading device</th><th>Frame and glass type</th></tr> <tr> <td>SK01</td><td>6.6</td><td>no shading</td><td>timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)</td></tr> <tr> <td>SK02</td><td>0.44</td><td>no shading</td><td>timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)</td></tr> <tr> <td>SK03</td><td>0.76</td><td>no shading</td><td>timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)</td></tr> <tr> <td>SK04</td><td>0.76</td><td>no shading</td><td>timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)</td></tr> </table>	Skylight number	Area of glazing inc. frame (m ²)	Shading device	Frame and glass type	SK01	6.6	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)	SK02	0.44	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)	SK03	0.76	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)	SK04	0.76	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)			
Skylight number	Area of glazing inc. frame (m ²)	Shading device	Frame and glass type																				
SK01	6.6	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)																				
SK02	0.44	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)																				
SK03	0.76	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)																				
SK04	0.76	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)																				

BASIX Certificate number: A384404_02

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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.

Planning, Industry & Environment

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

AMENDED DRAWINGS - 1/10/20

A	1/10/20	DA Amendments
ISSUE	DATE	REVISION
PROJECT	APARTMENT 8/ 3-4 PACIFIC AVE TAMARAMA	PROJECT 300
CLIENT	KIRSTEN HAY	DATE March 2020
DWG	BASIX Certificates pages 1-5	SCALE @ A3
		DRAWN KMH
		CHKD KMH
		REVISION A

KIRSTEN HAY
8/3 Pacific Avenue Tamarama
T: 0409 811 540
Kirsten@seedconsultants.com.au

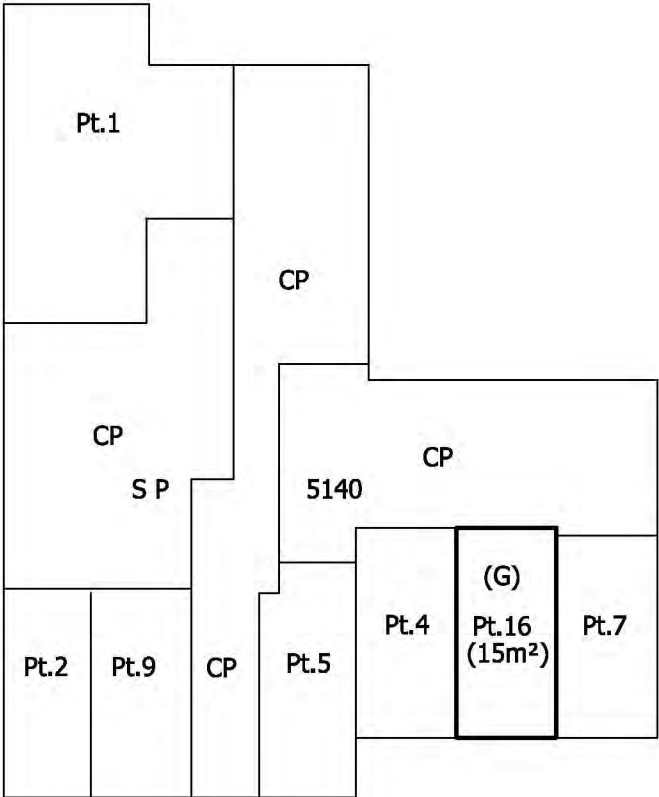
DRAFT PLAN ONLY, SCALED
FROM ARCHITECTURAL PLANS
AND SUBJECT TO SURVEY

RECEIVED
Waverley Council

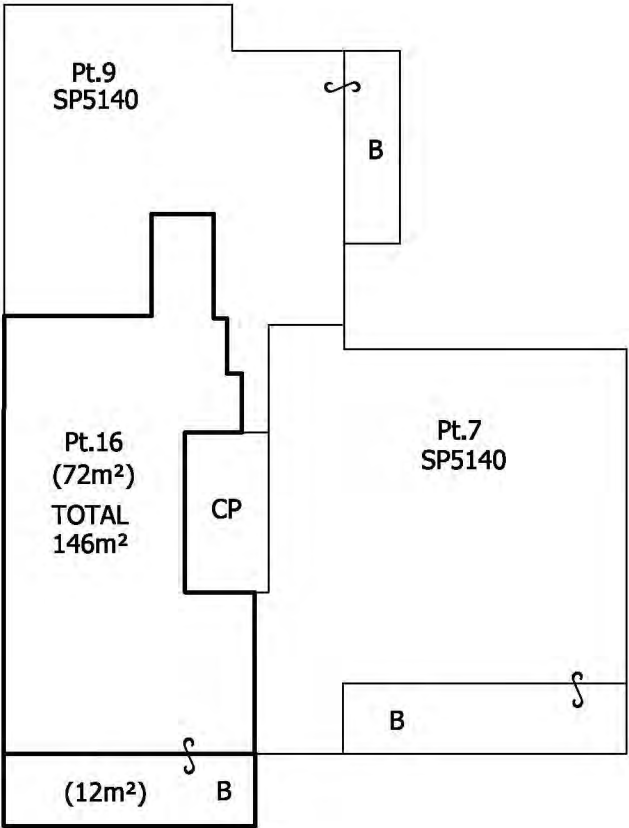
Application No: DA-233/2020

Date Received: 29/07/2020

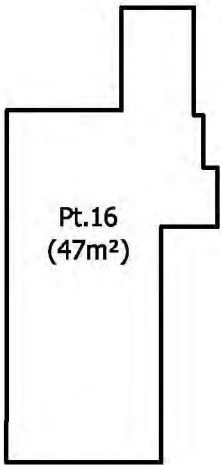
TO BE AMENDED



LOWER GROUND FLOOR



SECOND FLOOR



ATTIC LEVEL

- NOTES:
- 1. AREAS ARE APPROXIMATE AND FOR THE PURPOSES OF THE STRATA SCHEMES MANAGEMENT ACT 2015
 - 2. CP DENOTES COMMON PROPERTY
 - 3. B DENOTES BALCONY
 - 4. (G) DENOTES GARAGE

Surveyor: ANDREW P. MASON Surveyor's Ref: 33406SP Subdivision No: Lengths are in metres. Reduction Ratio 1:200	Registered	
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Report to the Waverley Local Planning Panel

Application number	DA-131/2020
Site address	447 Bronte Road, Bronte
Proposal	Demolition of existing dwelling, earthworks and construction of a part four, part five storey dwelling with integrated garage and swimming pool
Date of lodgement	24 April 2020
Owner	Ms L Laws
Applicant	Walter Barda Design
Submissions	Six (original plans), three (amended plans)
Cost of works	\$3,580,000
Issues	FSR non-compliance, excavation, side setback, visual bulk and scale, overshadowing, size of balconies, location of swimming pool
Recommendation	That the application be REFUSED

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 15 September 2020.

The site is identified as Lot 32 in DP 2232, known as 447 Bronte Road, Bronte. The site is rectangular in shape with a north-eastern street frontage to Bronte Road measuring 15.24m (eastern elevation), a north-western side measuring 34.94m (northern elevation), a south-western rear boundary to Gardyne Street measuring 15.24m (western elevation) and a south-eastern side boundary measuring 34.94m (southern Elevation).

The site has an area of 532.5m² and the site falls from the west towards the east by approximately 14m. The site is occupied by a single storey dwelling with no vehicular access provided.

The locality is characterised by predominantly large residential dwellings on steep sloping residential allotments. The subject site is adjoined to the north-west by a two storey dwelling with lower level garage at 445 Bronte Road and a single storey dwelling to the south-east at 449 Bronte Road. Bronte Beach and Park is located on the opposite side of Bronte Road.



Figure 1: Site viewed from Bronte Road



Figure 2: Site viewed from Gardyne Street showing existing terracotta roof through the trees



Figure 3: View showing the rear of the subject site

1.2 Relevant History

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

BA-441/94 for permission to construct a deck approved on 11 August 1994.

DA-420/2003 for alterations and additions to the existing dwelling approved on 29 July 2003.

DA-131/2020 - The application, the subject of this assessment report, was deferred on 28 July 2020 to give the applicant an opportunity to submit amended plans and additional information to address issues raised in the preliminary assessment of the application. These matters related to the floor space ratio (FSR) (originally proposed at 46.6%), setbacks, streetscape impact, building bulk and scale, view loss, overshadowing and privacy impacts.

Amended plans were submitted on 28 August 2020 to address these matters, which are the subject of this assessment report.

1.3 Proposal

It is proposed to demolish the existing dwelling, undertake earthworks and construct a part four, part five storey dwelling including an integrated basement garage, swimming pool and landscaping works. Details of the proposal are as follows:

Site Earthworks

It is proposed to excavate the site to a depth of up to 9 metres below the existing ground level to accommodate the proposed development.

Lower Ground Floor Garage Level

The Garage Level is at RL 20.25 AHD and is accessed from a new driveway from Bronte Road. This level has car parking for two vehicles, a communication/electrical storage room, battery storage, plant room, rainwater and bin storage. Internal stairs and a lift provide access to the floors above. Separate pedestrian access is provided from a separate gate at the Bronte Road frontage, which leads to the external area of the floor above.

Ground Floor Level

The Ground Floor Level is at RL 24.25 AHD and has a gym, rehabilitation room and powder room. Externally, an undercover terrace and outdoor area and swimming pool. Stairs and a lift provide internal access between floors. In addition, separate external stairs near the southern boundary provide access from this level to the floor above.

First Floor Level

Level 1 is at RL 27.25 AHD and comprises a side entry foyer for visitors arriving from Bronte Road, open plan informal living area, three bedrooms, bathroom and ensuite. A terrace on the eastern side adjoins the bedrooms and living area. Stairs and a lift provide internal access between the floors.

Second Floor level

Level 2 is at RL 30.25 AHD and comprises an open plan kitchen, dining area and formal living/'great room'. A covered terrace is proposed and is accessed from the open plan living areas. This level also

contains the entry courtyard and main entrance from Gardyne Street. These are accessed from a new set of stairs at the Gardyne Street boundary. Internal stairs and a lift provide access between floors.

Third Floor Level

Level 3 is at RL 33.90 AHD and comprises the master bedroom and associated sitting area, ensuite and walk in robe, and an additional bedroom and ensuite. A step-out balcony is located to the east towards Bronte Road and is accessed from the master bedroom.



Figure 4: Proposed Photomontage

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 should the application be approved 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 (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) Any vegetation on Land identified as 'Biodiversity' on the Terrestrial Biodiversity Map in WLEP 2012;
- (ii) Any vegetation on Land identified as 'Biodiversity Habitat Corridor' in WDCP2012; or
- (iii) A tree identified on the Waverley Significant Tree Register; or
- (iv) A tree or vegetation that forms part of a Heritage Item or is within a Heritage Conservation Area;
- (v) Any tree with a height of five metres or greater and trunk width of 300mm or greater at ground level; or
- (vi) Any tree with a canopy spread of five metres or greater and trunk width of 300mm or greater at ground level.

It is proposed to remove vegetation from the subject site including two street trees on Bronte Road. Council's Tree Management officer has reviewed the application and raises no objection subject to conditions regarding replacement trees should the application be approved.

2.1.4 Waverley Local Environmental Plan 2012 (WLEP)

The relevant matters to be considered under the WLEP 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	No	The proposal is not consistent with the aims of the plan particularly 1.2(f) as the development does not enhance or preserve the natural environment through appropriate planning given the extent of excavation proposed.

Provision	Compliance	Comment
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as a dwelling house, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	Yes	The proposed dwelling has an overall height of 8.2m above the existing ground level
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio Site area: 532.5m ² FSR 0.52:1 or 276.9m ²	No	330.92m ² or 0.62:1, a non-compliance of 54.02m ² or 19.5%
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 listed as a heritage item or located in a heritage conservation area. The adjoining road reserves are listed as landscape conservation areas - C30 Bronte Road and C45 Gardyne Street, and the site is opposite to the Bronte Beach and Park Landscape Conservation Area (C29).
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is identified as class 5 acid sulfate soils.
6.2 Earthworks	No	The proposal includes excavation up to a depth of approximately 9m to accommodate the lower floor levels. The application is accompanied by a Geotechnical Investigation Report with identified recommendations. The submitted report underwent a peer review which is discussed in further detail below.

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

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

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

The site is subject to a maximum FSR control of 0.52:1. The proposed development has a FSR of 0.62:1, exceeding the standard by 54.02m² equating to a 19.5% 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:
 - *Despite the non-compliance, the proposal is consistent with the desired low density character of the area. The proposal provides a height, bulk and scale that is consistent with that envisaged by Council's controls.*
 - *As indicated in the SEE, the proposal complies with the maximum building height provided in the LEP. Due to the sloping topography of the site, the garage and ground level are below the existing ground line. As such, while the appropriate areas of these levels have been counted in GFA, they will not contribute to the visual bulk and scale of the proposal.*
 - *If the areas below the existing ground level are excluded from the GFA calculation, the 'above-ground' proposal would have an FSR of 0.35:1 which complies with the development standard. Notwithstanding the additional GFA, the areas of visible floor space provide an appropriate balance of bulk and scale relative to surrounding existing and emerging development.*
 - *Additionally, the proposal provides compliant setbacks at all levels and a recessed third floor, which creates a stepped design, thus minimising the perceived bulk. The proposal complements the scale of surrounding development and is a positive contribution to the character of the street.*
 - *It is noted that there are numerous applications for development in the R2 Low Density Residential Zone with non-compliant FSRs and have been supported by Waverley Council. We note that each DA is assessed on its own merits and the context of the individual site. However, it is relevant to consider similar breaches to the development standard that were accepted by Council.*
 - *The site is in the R2 Low Density Residential Zone and the locality is characterised by a mix of dwelling houses and residential flat buildings of varying scales and architectural styles. Due to the sloping topography of the area, developments near the subject site on the western side of Bronte Road are typically elevated above garages or high retaining walls at the street frontage.*

- The proposal will replace the existing single storey dwelling, which is in an ageing condition, with a high-quality contemporary dwelling that makes a positive contribution to the locality. The proposal presents as three storeys above a garage and retaining wall when viewed from Bronte Road, which is consistent with the pattern of development in the street. It is also consistent with the approved contemporary dwelling houses at Nos. 429 and 435 Bronte Road. While these sites have been approved with garage structures on Gardyne Street, these dwellings have a similar visible bulk and scale when viewed from Bronte Road. In addition, it is also in keeping with the character of other development within Bronte that has been designed by Walter Barda Design, including Nos. 136-140 Hewlett Street.
- This is further demonstrated in a massing study and aerial view prepared by the architect (refer to Figure 5 below). These diagrams indicate that the proposal will result in a better design outcome in respect of volumetric above-ground massing, which is comparable with the predominant surrounding built form.

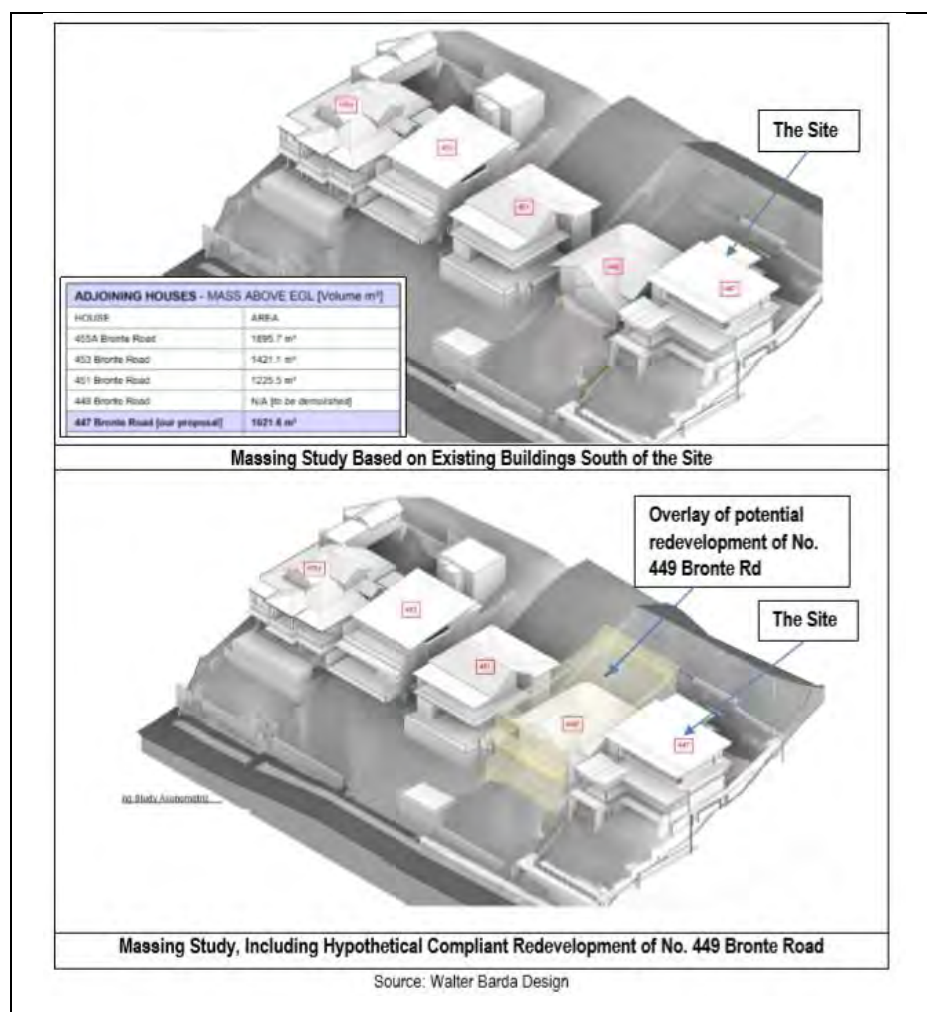


Figure 5: Massing Study – source: Walter Barda Design

- From Gardyne Street, only the roof form of the proposal is partially visible due to its position below street level, and its screening by existing and proposed landscaping. Compliant setbacks on all levels will provide generous separation between the street boundary and the dwelling, providing an appropriate bulk and scale when viewed from Bronte Road.

- *The proposal also presents a modulated design and utilise a range of contemporary materials and finishes to contribute to the recessive appearance. Generous landscaping will soften the appearance of the dwelling when viewed Bronte Road. Accordingly, the proposed dwelling is compatible with the bulk and scale, streetscape and desired future character of the locality.*
- *The proposal has been designed to maintain amenity of neighbouring dwellings. As the additional floor space is predominantly below the existing ground level, it is unlikely to contribute to the perceived bulk of the proposed dwelling. The proposal also complies with the LEP building height development standard and maintains a three storey appearance above a garage and retaining wall, which is compatible with the surrounding development.*
- *Privacy has been maintained through generous building separation, with compliant setbacks at all levels and a recessed third floor. As the additional GFA is mostly located below ground level and does not contribute to visual bulk, the amenity of neighbouring properties is largely preserved. As discussed in the SEE, living areas and private open space are oriented towards the rear of the site and minimal side-facing windows are proposed. Privacy screening for the proposed windows and terraces have been incorporated where necessary to enhance privacy.*
- *Importantly, the shadow diagrams submitted separately demonstrate that the additional GFA will not affect solar access. The adjoining dwellings will continue to receive DCP compliant levels of direct sunlight.*
- *The proposal will not unreasonably affect neighbouring views. Views from surrounding properties are generally obtained from upper levels to the east of Bronte Beach and the Ocean. These views are partially obscured by existing vegetation bounding Bronte Park. Due to the orientation of the subject site and surrounding development, the proposal is unlikely to substantially impact views obtained from properties to the south. Tenacity Consulting v Warringah Council states that the protection of views from across side boundaries is more difficult than the protection of views from front or rear boundaries. As discussed in the SEE, the view diagram demonstrates that potential water and landscape views obtained from the adjoining property to the north at No. 445 Bronte Road will be largely maintained.*
- *Accordingly, the proposed development is an appropriate scale and maintains the environmental amenity of neighbouring properties. The additional floor space is unlikely to affect the privacy, solar access and views obtained by neighbouring properties and the locality.*
- *Enforcing strict compliance with the standard would not provide an improved built form outcome, as the additional GFA is predominantly below existing ground level, is not visible from the street or adjoining properties and does not unreasonably affect neighbouring privacy, solar access and views. The proposal incorporates a modulated built form, variety of materials and substantial vegetation to further soften the bulk and scale of the dwelling.*

(b) That there are sufficient environmental planning grounds to justify contravening the standard:

- *The proposal is permissible within the R2 Low Density Residential Zone satisfies the relevant objective by contributing to the housing needs of the community in the form of a new dwelling house with that complies with the LEP height development standards and a generally compliant building envelope under the DCP. The variation to the FSR does not*

result in non-compliance with other controls and does not affect neighbouring amenity. The proposal is contextually appropriate with surrounding development and the desired future character of the locality.

- *The proposed dwelling is elevated above street level due to the topographic nature of the site and has a compatible built form and scale with other development in the street, including Nos. 429 and 435 Bronte Road. When viewed from Gardyne Street, only the roof form of the proposal is largely screened by existing and proposed vegetation and visible only from select locations in the street.*
- *As discussed, the proposed variation is largely attributed to the areas below the existing ground level being included in the GFA calculation, which are not visible from the street. If these below ground calculations are excluded, the proposal would comply with the FSR standard. The proposal skilfully utilises these areas to provide service areas, a gym and rehab space that is necessary for the owner's specific physical needs. This enhances the accessibility amenity of the site while also maintaining neighbouring amenity in respect of privacy, solar access and views. Given that these areas do not contribute to the perceived bulk and scale of the dwelling, enforcing strict compliance would not noticeably benefit neighbouring sites and would prevent the orderly and economic development of the land.*
- *Accordingly, in our opinion, the non-compliance will not be inconsistent with existing and desired future planning objectives for the locality. For the reasons contained in this application, there are sufficient environmental planning grounds to justify the minor variation to the development standard, as required in Clause 4.6(3)(b).*

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 not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case. The applicant has primarily focused their commentary on the first and third justification/test of *Wehbe vs Pittwater Council (2007) LEC 827*, that is *the objectives of the development standard are achieved despite the non-compliance with that standard* and that *the underlying objective or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable*. The objectives of the FSR development standard are as follows:

Clause 4.4 Floor space ratio

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

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

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

Objective (a) is not applicable to the proposed development.

Council disagrees with the contention that the objectives of the standard are achieved. It is proposed to excavate up to a maximum of 9m in depth to accommodate the proposed dwelling. The applicant argues that the bulk of the FSR is to be sited below the existing ground level and so has no unreasonable impacts, and have provided a massing study to show the extent of the above ground built form (see **Figure 5** above). Whilst the massing study is focused on the structures proposed above the existing ground level, in this context the proposed building does appear to be characteristic of the massing of other nearby developments. The massing study, however, fails to show all of the structure proposed once the site is excavated.

The objective of Clause 6.2 Earthworks of WLEP seeks *to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land*. Control (a) of Part B14 of the Waverley Development Control Plan 2012 (WDCP) states *that excavation should not add to the visual bulk and scale of the building*. The proposed siting of substantial floor space below the existing ground level is a direct correlation and consequence of the proposed excavation which contributes to the buildings overall visual bulk and scale, contrary to control (a) of WDCP. No other building along this section of Bronte Road has resulted in excavation to the depths proposed as part of this application. The proposed development does not satisfy objective (c) of the FSR development standard in that the proposed building is not compatible in bulk, scale and streetscape appearance nor is characteristic of the desired future character of the locality. The visual impact associated with the bulk and massing of the dwelling and the loss of the natural topography when viewed from its surrounds is considered unreasonable. The proposed excavation will substantially alter the existing ground levels and landscaping.

The proposed development results in a number of non-compliances with the WDCP, including the objectives and controls for excavation, the side setback control, wall height, size of balcony/terraces and controls relating to the location of swimming pools, despite the applicant's contention that the proposed FSR is within an appropriate building envelope. While the proposed non-compliant terraces to ground, first and second floor levels are excluded from the calculation of GFA, they do not reduce the bulk and scale of the dwelling, particularly as they present as partially enclosed spaces. The breaches with the development standards and controls of the WLEP and WDCP results in a development that is unreasonable and unacceptable for this site. The proposed FSR non-compliance is contrary to clause 4.4 Floor space ratio (1)(c) and (d), resulting in unreasonable impacts on the amenity of neighbouring properties and the locality particularly given the extent of excavation, the visual bulk and massing of the development, overshadowing and acoustic privacy impacts.

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

The extent of the variation, being 19.5% over the development standard, demonstrates that the building bulk and scale of the development are excessive, requiring a depth of excavation which is unacceptable and damaging. The siting of the dwelling and the excavation required may result in

unreasonable impacts on the natural environment. The variation of the development standard is not in the public interest and the variation is inconsistent with the desired future character of the locality.

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard. The applicant contends that the development envelope is an acceptable outcome for the site but does not address the impacts associated with the extensive excavation proposed, which is inconsistent with the controls for excavation of sites under WDCP. Council does not agree with this contention, with the proposed bulk and massing of the development creating an unacceptable and poor planning outcome for the site.

Is the development in the public interest?

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

Clause 2.1 – Land Use Zone – 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.*

Whilst it is acknowledged that the proposed development does provide for the housing needs of the community by developing the site for low density residential purposes, the overall planning outcome for the site to achieve this objective is unacceptable and cannot be supported.

The proposed noncompliance has failed to address clause 4.6 (1)(b), (3)(a) and (b), and (4)(a). The non-compliance will result in an unacceptable outcome for the site, fails to demonstrate that compliance with the development standard is unreasonable or unnecessary, does not establish sufficient environmental planning grounds to justify the breach, fails to address the objectives of the FSR development standard and is not in the public interest.

Conclusion

For the reasons provided above, the requested variation to the FSR development standard is not supported as the applicant's written request has not adequately addressed the matters required to be addressed by cl 4.6(3) of the WLEP. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of the FSR development standard and the R2 Low Density Residential zone.

Clause 6.2 – Earthworks

The objective of Clause 6.2 Earthworks of WLEP seeks to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Under WLEP, before granting development consent for earthworks (or for development involving ancillary earthworks), Council must consider the following matters:

- (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.*

It is proposed to excavate up to a maximum of 9m in depth to accommodate the proposed dwelling. Whilst a Geotechnical Report has been submitted by the applicant which demonstrates that the development can be accommodated subject to implementation of the identified recommendations, the submitted report is deficient in its assessment.

The submitted Geotechnical Report prepared by Ascent Geotechnical Consulting Group (AGC) dated 12 March 2020, was referred to Council's Infrastructure Services for comment and has been the subject of a peer review by JK Geotechnics (report dated 9 October 2020). A summary of the findings of that review report is provided below:

Based on our review of the provided documentation and our past experience in this area of Sydney, we consider that the proposed development is technically achievable. However, we have concerns in relation to the geotechnical advice presented in the report, namely:

- The AGC report does not demonstrate a thorough understanding of the subsurface profile encountered in the investigation.*
- The risk assessment does not demonstrate a clear understanding of the potential geotechnical hazards that could affect the site nor the application of the AGS2007 risk assessment guidelines. It is not clear if neighbouring property or boundary retaining walls or which persons (within or outside the site) have been considered for the hazard identified. Other hazards such as instability of existing retaining walls, proposed retention systems and permanent retaining walls and global instability of the slope have not been considered.*
- The depth of excavation requires a full depth engineer designed propped or anchored shoring system in order to support the excavation and maintain the stability of the neighbouring buildings and structures and boundary retaining wall to the west. The report does not provide sufficient advice to assist the designers. If the shoring system is not appropriately designed and constructed, then there is a substantial risk that damage to neighbouring buildings and structures will occur.*

For Council to consider consenting this development, as proposed, then we would recommend the following:

- 1. A review of the results of the AGC report be completed by an independent geotechnical consultant and preparation of an updated geotechnical report that is 'fit for purpose'.*
- 2. Further geotechnical investigation to confirm groundwater levels and assess the need for tanking.*
- 3. The designers complete a numerical analysis of a suitable shoring system in order to demonstrate that the stability and integrity of the neighbouring buildings and structures will be maintained. This would require collaboration between the structural and geotechnical consultants.*

Based on the results of the analysis and additional geotechnical investigation, Council could then include consent conditions that require preparation of a construction methodology and monitoring plan.

The submitted AGC report is deficient in its assessment and does not adequately address the requirements of Clause 6.2(3) of WLEP 2012. The proposal is contrary to the objectives for earthworks outlined within WLEP in that it may have a detrimental impact on neighbouring uses and the features of the surrounding land and does not adequately address the matters for Council's consideration under Clause 6.2(3) of WLEP.

The issue of excavation is addressed further under Section 2.1.5 of this report below.

2.1.5 Waverley Development Control Plan 2012 (WDCP) (Amendment 7) - Effective 2 March 2020

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste and Recycling Management plan has been submitted with the application to address waste disposal during construction. Should approval be granted, a condition of consent would be imposed regarding ongoing waste on site. The waste and recycling storage area is located in an area convenient for users of the site.
2. Ecologically sustainable Development	Yes	The proposal incorporates passive design, contains a rainwater tank and solar panels.
3. Landscaping and Biodiversity	Yes	The subject site is located within a habitat corridor. The application was referred to Council's Biodiversity officer who raised no objection subject to a condition regarding the planting of indigenous shrubs should the application be approved.
5. Vegetation Preservation	Yes	The development application involves the removal of trees from the subject site including the removal of two street trees. The application was referred to Council's Tree Management officer who raised no objection subject to conditions should the application be approved.
6. Stormwater	Yes	Stormwater plans were referred to Council's Engineer who raised no objection subject to conditions should the application be approved.
8. Transport	Yes	The application involves the provision of two car spaces provided within an integrated garage at basement floor level accessed from Bronte Road.

Development Control	Compliance	Comment
10. Safety	Yes	The development provides for casual surveillance of the street.
12. Design Excellence	No	The proposed development has not considered the suitability of the land for the development given the extensive excavation required to accommodate the proposed dwelling. The building fails to form with the topography of the existing site, requiring excavation to a maximum depth of 9m. The bulk and massing of the building and its impact on the natural topography as it presents within the streetscape and from the public domain, particularly when viewed from Bronte Park, is unacceptable and is not supported.
14. Excavation	No	See further discussion below.

Table 3: Waverley DCP 2012 – 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 • High design standard 	No No Yes No	The subject development is not of an appropriate scale to the existing development or the desired future character of development in the locality.
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> • Maximum wall height of 7.5m 	No	The proposed wall height at the location of the lift well at the southern elevation is 7.7m. The remainder of the development is compliant.
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 Yes	
2.2.2 Side setbacks		A side setback of 0.95m is proposed for the majority of the development with the exception

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum of 0.9m 	No	of an external access stair leading from Ground Level to Level 1 at the southern elevation, which is to have a nil side setback.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Significant landscaping to be maintained. 	No	The proposed development does not correspond harmoniously with the surrounding environment. The scale of the development is excessive particularly given the exceedance of the FSR development standard and the extent of excavation proposed.
	No	<p>The visual impact associated with the bulk and massing of the dwelling and the loss of the natural topography when viewed from the surrounding public realm is considered unreasonable.</p> <p>The proposed excavation will substantially alter the existing ground levels and landscaping.</p>
2.4 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	No	A new street wall of up to 3m in height is proposed to the Bronte Road frontage.
	Yes	
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> External stairs are not acceptable 	Yes	Whilst not a habitable space, the proposal incorporates extensive transparent glazing to the stairwell at the south elevation over two floor levels, which may impact on the visual privacy of the adjoining property to the south. The proposed location of the south side entry door may result in acoustic privacy impacts to the neighbouring property to the south.
	No	<p>Ground Level Terrace: 62m² Level 1 Terrace: 39m² Level 2 Terrace: 65m² (See further discussion below)</p>
	No	It is proposed to locate external stairs abutting the south side boundary.

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	Not demonstrated	Whilst the areas of private open space may comply, it is unclear as to whether the internal living areas satisfy this control given the depth of terraces and planters proposed which inhibit solar access.
<ul style="list-style-type: none">Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June	No	The submitted shadow diagrams demonstrate that additional shadows will be cast over the rear private open space area and impact the north-western side elevation of No. 449 Bronte Road. The additional shadowing results in an unacceptable impact to the adjoining property.
2.7 Views		
<ul style="list-style-type: none">Views from the public domain are to be maintained	Yes	See further discussion below
<ul style="list-style-type: none">Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.	Yes	
2.8 Car parking		
2.8.2 Design Approach		
<ul style="list-style-type: none">Parking only allowed where site conditions permit	Yes	Basement parking is appropriately integrated into the design of the dwelling accessed from Bronte Road.
<ul style="list-style-type: none">Designed to complement the building and streetscape	Yes	
<ul style="list-style-type: none">Car parking structures to be behind the front building line	Satisfactory	Similar location to other development along this streetscape.
<ul style="list-style-type: none">Driveways are to be located to minimise the loss of on street parking	Yes	
<ul style="list-style-type: none">Parking to be provided from secondary streets or lanes where possible.	No	Parking is proposed from the primary Bronte Road frontage, which is consistent with other developments along Bronte Road.
2.8.2 Parking rates		
<i>Maximum rates:</i> <ul style="list-style-type: none">2 spaces for 3 or more bedrooms	Yes	Two car spaces are proposed
2.8.3 Location		
<ul style="list-style-type: none">Behind front building line for new dwellings	Satisfactory	Parking is proposed at basement level accessed from the primary Bronte Road frontage, which is consistent with other developments along Bronte Road.

2.8.4 Design		
<ul style="list-style-type: none"> Complement the style, massing and detail of the dwelling 	Yes	
<ul style="list-style-type: none"> Secondary in area and appearance to the design of the residences 	Yes	
2.8.5 Dimensions	Yes	
<ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 		
2.8.6 Driveways		
<ul style="list-style-type: none"> Maximum of one per property 	Yes	
<ul style="list-style-type: none"> Maximum width of 3m at the gutter (excluding splay) 	Yes	
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area 	Yes	263m ² or 49%
<ul style="list-style-type: none"> Overall landscaped area: 15% of site area 	Yes	219m ² or 41%
<ul style="list-style-type: none"> Minimum area of 25m² for private open space 	Yes	>25m ²
<ul style="list-style-type: none"> Front open space: 50% of front building setback area 	Yes	
<ul style="list-style-type: none"> Front landscaped area: 50% of front open space provided 	Yes	
<ul style="list-style-type: none"> Outdoor clothes drying area to be provided 	Not shown	
2.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property 	No	The proposed swimming pool is located within the front setback and is not supported due to the adverse impact on the streetscape and acoustic privacy impacts on the adjoining properties.

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

Excavation

The objectives of Part B14 *Excavation* are as follows:

- (a) *To minimise the impact of excavation on the natural environment, neighbouring properties, and streetscape.*
- (b) *To ensure the physical environment is preserved and enhanced through minimal site disturbance and the geotechnical stability of landfill and excavations.*

- (c) To minimise cut and fill on sloping sites.
- (d) To encourage good quality internal environments including natural light and ventilation.
- (e) To prevent use of subterranean spaces as habitable rooms.
- (f) To prevent development exceeding the maximum car parking controls.
- (g) To ensure excavation does not adversely impact land stabilisation, ground water flows and vegetation.
- (h) To minimise structural risks to adjoining structures.

It is proposed to excavate up to a maximum of 9m in depth to accommodate the proposed dwelling. Whilst a Geotechnical Report has been submitted which demonstrates that the development can be accommodated, the proposal is contrary to the objectives and controls for excavation outlined within WDCP. Control (a) of Part B14 of WDCP states *that excavation should not add to the visual bulk and scale of the building*. The submitted Geotechnical Report has been the subject of a peer review which is addressed above under Section 2.1.4 of this report.

The applicant argues that the bulk of the FSR is to be sited below the existing ground level which is a direct correlation and consequence of the proposed excavation which attributes to the buildings overall visual bulk and scale, contrary to control (a).

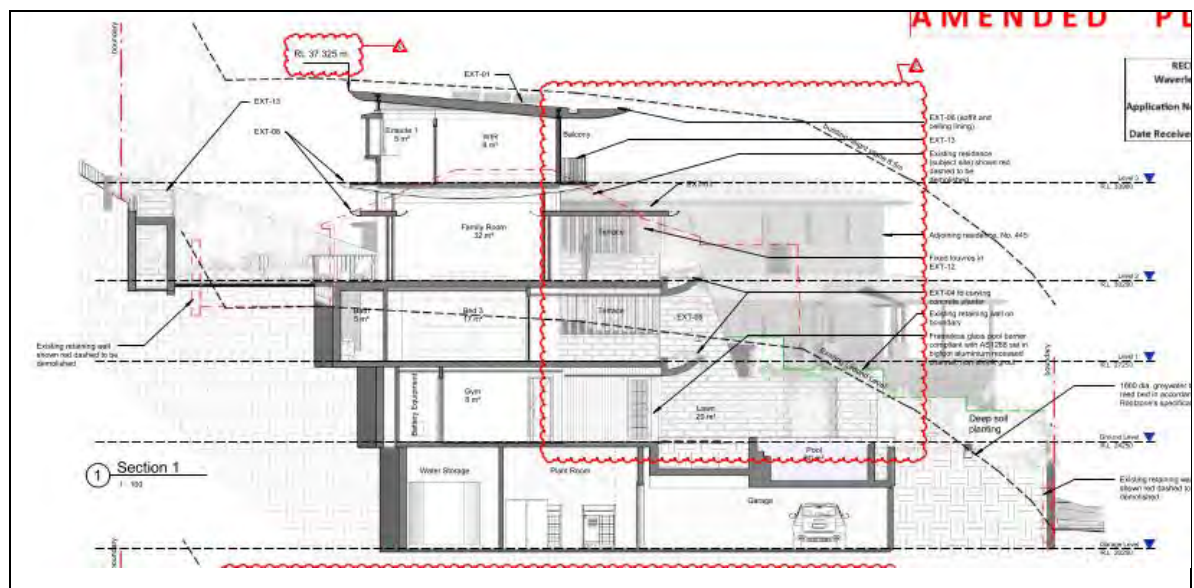


Figure 6: Section showing extent of excavation proposed

The WDCP also seeks to avoid and minimise excavation where possible under control (e) and for sites with significant slopes a split level building design is to be used to minimise excavation and backfilling in accordance with control (h). The development has not been designed as split level, rather as large expanses of useable floor area across all levels, with the depth of excavation to accommodate the Garage Floor Level, Ground Level and Level 1 is significant. Control (l) also does not permit excavation within 900mm of a side boundary. It is proposed to excavate out to the south side boundary to accommodate an external stair connecting the Ground Level to Level 1, which is to have a nil side setback.

The proposed pool level, associated walls and large entertaining terraces to Levels 1 and 2 contribute to the massing. The building has not been designed to mould to the site topography but rather designed as if it were constructed on a flat site. No other dwelling along this immediate section of

Bronte Road has had development consent issued for the extent of excavation and the massing of dwelling proposed under this subject development application. The extent of floor area and the uses proposed at the lower Garage Level is also questionable. Approval of the subject application will set a precedent which will see the natural topography of this hill destroyed.

Terraces

It is acknowledged that large terrace areas are a characteristic of dwelling development within coastal areas like Bronte in order to capture views, however, the proposed size, number and form of the terraces proposed at Ground Level and Levels 1 and 2 are excessive and add to the overall bulk and massing of the development. The proposed terraces comprise a Ground Level Terrace at 62m² in area, Level 1 Terrace at 39m² in area and Level 2 Terrace at 65m² in area. While the terraces are excluded from the calculation of GFA, they do not reduce the bulk and scale of the dwelling, particularly as they present as partially enclosed spaces. The applicant's attempts to present these areas as more open with the provision of adjustable louvered screens to side elevations has not ameliorated the issue of visual bulk and scale. The proposed design of the terraces does not alleviate the impacts of the development on neighbouring properties and may be filled in at a later stage.

The extent of the two sandstone 'columns' which frame the Ground Level entry terrace, Level 1 terrace and which extend to the underside of the Level 2 planter for a height of approximately 6.3m and a depth of nearly 2m, also contributes to the unacceptable bulk and scale of the dwelling as it presents within the streetscape. This is the forward most element of the main building (with the exception of the swimming pool and its associated side walls) which extend forward of the existing building alignment. This element of the design will be particularly prominent within its streetscape context.

Swimming Pool

The location of the proposed swimming pool within the property frontage is contrary to Part C2 2.10 *Swimming Pools* of WDCP. Council notes that this immediate section of Bronte Road does not feature a pool within the property frontage, with the subject proposal being precedent setting in this instance. There are swimming pools located within the rear yards of dwellings only. The only exception is at 389 Bronte Road, approximately 400m to the north-west of the site. The subject site would be the first in this immediate section of Bronte Road to divert from this control. Council does not support a variation to this control as it will result in unacceptable streetscape impacts and acoustic privacy impacts to neighbouring properties. The proposed extent of the north side pool walls at 2.2m in height, which graduate up to 6.8m as they merge with the external building wall at the north elevation also adds to the bulk within this property frontage.

Views

Part C2 2.7 *Views* 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. The proposal has also been assessed against the Land and Environment Court's Tenacity principle for view sharing.

During public notification, the property at 43 Gardyne Street, Bronte indicated that the proposed building will impact on private domain views. Photos taken during a view impact inspection from this property in relation to a previous DA for 435 Bronte Road, to the west of the site, in August 2019, are still relevant and have been used to assess the view impact of the proposed development from this property (see **Figures 7** and **8** below). The view impact analysis taken from the property to the west at 43 Gardyne Street, shows that views enjoyed by this property over Bronte Beach are not obstructed as a result of the proposed development. The proposed dwelling is height compliant and will sit below the level of Gardyne Street obscured by vegetation as is existing. View impacts from

the dwelling at 43 Gardyne Street are not unreasonable as a result of the proposed development and do not provide a reason for refusal of the application.

View Impact Analysis from 43 Gardyne Street, Bronte



Figure 7: View from front balcony (standing) - the subject site is to the left of the photo (terracotta roof)

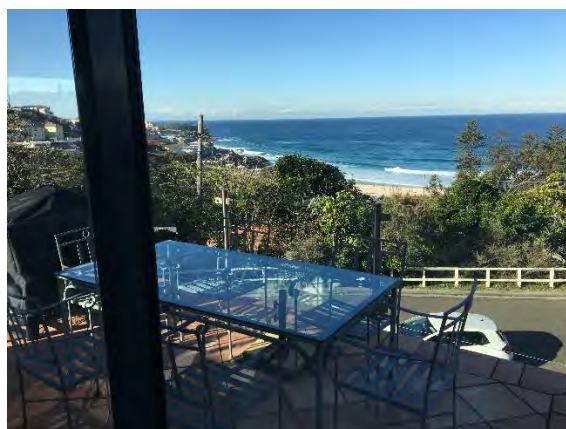


Figure 8: View from front balcony/ living area (standing) - the subject site is to the left of centre of the photo (terracotta roof)

The adjoining property to the north at 445 Bronte Road, raised concerns with the original plans regarding the proposed building being sited forward of the predominant front building line, which would impact on the views obtained towards the east from this property. Amended plans have since been submitted which increases the front setback, addressing the view impact from the adjoining property to the north.

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 significant detrimental effect relating to environmental, social or economic impacts on the locality and is not supported.

2.3 Suitability of the Site for the Development

The site is not suitable for the proposed development.

2.4 Any Submissions

The original development application was notified for 14 days, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. Five submissions were received. The amended plans were also notified for 14 days and two (2) submissions were received in objection and one in support.

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

Table 4: Summary of property addresses that lodged a submission

Property
Bronte Beach Precinct (Original and Amended Plans)
443 Bronte Road, Bronte (Original Plans)
445 Bronte Road, Bronte (Original Plans) (Amended plans - in support)
449 Bronte Road, Bronte (Original Plans)
43 Gardyne Street, Bronte (Original and Amended Plans)

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

- Non-compliance with the FSR development standard under WLEP
- Visual bulk and scale
- View loss
- External wall height
- Visual and acoustic privacy
- Overshadowing impact and solar access
- Streetscape and visual impact
- Extent of Excavation

The following issues are addressed as follows:

Issue: Location of proposed new pedestrian access from Gardyne Street and conflict with neighbouring driveway at No.443 Bronte Road

Response: Noted. Should the application be approved, condition to be imposed for alternative location.

2.5 Public Interest

It is considered that the proposal will have detrimental effect on the public interest and is not supported.

3. REFERRALS

3.1 Infrastructure Services – Geotechnical Report (Peer Review)

The submitted Geotechnical Report prepared by AGC dated 12 March 2020 reference no. AG20041 was referred to Council's Infrastructure Services for comment. The AGC report has been the subject of a peer review by JK Geotechnics (report dated 9 October 2020, reference no. 33579Rlet), which is addressed above under Section 2.1.4 of this report.

3.2 Traffic and Development

The application has been reviewed by Council's Traffic and Development Engineer who raised no objections subject to conditions should the application be approved.

3.3 Public Domain

The application has been reviewed by Council's Public Domain officer given the proposed location of pedestrian access stairs within the Gardyne Street road reserve. Council's Public Domain officer raised no objections subject to conditions should the application be approved. Notwithstanding this, the proposed siting of the pedestrian access stairs is in conflict with the adjoining sites to the north-west, with its proposed location not supported.

3.4 Stormwater

The application has been reviewed by Council's Stormwater Engineer who raised no objections subject to conditions should the application be approved.

3.5 Tree Management Officer

The application was reviewed by Council's Tree Management Officer who raised no objections subject to conditions should the application be approved.

3.6 Biodiversity Officer

The application has been reviewed by Council's Biodiversity officer who advised that the submitted Landscape Plan is not satisfactory as it does not comply with the controls outlined under WDCP having regard to the planting of native species. Should the application be approved, this matter can be addressed by a condition of development consent.

4. SUMMARY

The proposed development involves the demolition of the existing dwelling, excavation and construction of a new part four part five storey dwelling with integrated basement parking, landscaping and swimming pool within the front yard.

The proposal does not comply with WLEP Clause 4.4 FSR development standard applicable to the subject site. The proposed development seeks to exceed the standard by 19.5%. The requested variation to the FSR development standard is not in the public interest because the proposed development is not consistent with the objectives for the development standard. The extent of the earthworks proposed to accommodate the non-compliant FSR is unacceptable resulting in environmental impacts on the amenity of the locality.

The proposal also results in non-compliances with the excavation, maximum wall height, side setback, balcony sizes and swimming pool controls of WDCP. The extent of these breaches and the resultant impacts are unreasonable and are not supported. The development application is recommended for refusal.

DBU Decision

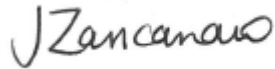
The application was reviewed by the DBU at the meeting on 8 September 2020 and the DBU determined that the application is not acceptable and should be refused for the reasons in Appendix A.

DBU members: M Reid, A Rossi, B McNamara, E Finnegan

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:



Jo Zancanaro
Senior Development Assessment Planner

Date: 9 October 2020

Reason for referral:

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

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



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

Date: 13 October 2020

APPENDIX A – REASONS FOR REFUSAL

Having regard to section 4.15(1) of the Environmental Planning and Assessment Act 1979 the development application is refused 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 (c) and (g) as the proposal does not promote the orderly and economic use and development of land nor promote good design or amenity of the built environment.
2. 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 2012, in particular, the following provisions:
 - a. Clause 1.2 *Aims of Plan* (2)(f) as the proposal does not enhance and preserve the natural environment through appropriate planning.
 - b. Clause 4.4 *Floor space ratio* (1)(c) and (d), as the proposal breaches the floor space ratio development standard which will diminish the environmental amenity of neighbouring properties and the locality. The proposed building will result in adverse impacts on the character of the locality and the amenity of adjoining properties, contrary to objective (c) and (d) of the development standard.
 - c. Clause 4.6 *Exceptions to development standards* (1)(b), (3)(a) and (b), and (4)(a), as the proposed development will not result in a better development outcome for the site. The applicant's clause 4.6 Exceptions to development standards fails to justify that compliance with the development standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds that exist to justify the significant breach to the floor space ratio development standard. The proposed development is contrary to the objectives of the development standard and the proposal is not in the public interest.
 - d. Clause 6.2 *Earthworks* (1) as the proposed extensive earthworks may have a detrimental impact on environmental functions and processes, neighbouring uses and features of the surrounding land. The submitted Geotechnical Report prepared by Ascent Geotechnical Consulting Group dated 12 March 2020 reference no. AG20041 is deficient in its assessment for the Consent Authority to adequately consider the matters identified under Clause 6.2(3) of the Waverley Local Environmental Plan 2012.
3. 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 B – General Provisions
 - (i) Part B12 – *Design Excellence*, 12.1 *Design*, specifically objectives (a) and (d) control (e), and 12.2 *Context Analysis*, specifically objectives (a), (b), (c) and (d) as the proposal has failed to consider the suitability of the land for development given the extent of excavation required, the relationship of the development to other development (existing or proposed) on the same site or on neighbouring sites in terms of setbacks, amenity and urban form, the overall bulk and massing of the

development and environmental impacts such as overshadowing, solar access and acoustic privacy. The development does not demonstrate an understanding of an appropriate response to the specific conditions of the site nor ensure that the opportunities and constraints of a site are fully considered and incorporated into the design proposal.

- (ii) Part B14 – *Excavation*, specifically objectives (a), (b), (c), (e), (g) and (h) and controls (a), (d), (h) and (l) as the proposal has not sought to minimise cut and fill to ensure the physical environment is preserved and enhanced through minimal site disturbance, with the application involving excessive excavation to accommodate the development which adds to the visual bulk and scale of the building.

b. Part C2 – Low Density Residential Development:

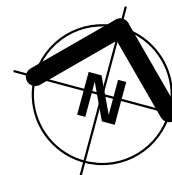
- (i) Section 2.0 *General objectives*, in particular objectives (a), (b), (d) as the proposed development is not of a scale or density that is appropriate for the allotment or other dwellings in the locality, impacts on the amenity of the locality and is not sympathetic in bulk, scale and character with the desired future character of the area.
- (ii) Section 2.1 *Height*, in particular objectives (a), (b), (d) and (f) and controls (b) and (d) as the proposed development exceeds the maximum wall height control of 7.5m at its southern elevation and the proposed building has not been designed to step down the site. The proposed height and scale of the development does not relate to the topography and street character.
- (iii) Section 2.2 *Setbacks*, 2.2.2 *Side Setbacks*, in particular objective (a) and control (a) as the proposed south side stairs and its external walls are built to the south side boundary resulting in a non-compliance with the side setback control.
- (iv) Section 2.3 *Streetscape*, in particular objectives (a) and (b) and controls (a), (d) and (e). The proposed built form dominates the streetscape as the visual appearance, particularly the bulk and scale, do not respond to the site context, its surrounds or the desired future character of the locality. The proposed development does not maintain the existing ground levels.
- (v) Section 2.5 *Visual and Acoustic Privacy*, in particular objective (a) and (c) and control (e), in that the development may provide unacceptable acoustic privacy impacts due to the number, dimensions and size of terraces proposed.
- (vi) Section 2.6 *Solar Access*, in particular objectives (a) and (b) and control (a) in that the proposed dwelling may not receive the required direct sunlight for a minimum of 3 hours to at least 50% of the living areas when measured between 9am and 3pm winter solstice (June 21).
- (vii) Section 2.6 *Solar Access*, in particular objective (d) and control (c), in that the proposal results in unacceptable overshadowing impacts on the adjoining property to the south at 449 Bronte Road, Bronte. Overshadowing arising out of poor design is unacceptable even if it satisfies numerical guidelines, which in this case it doesn't.
- (viii) Section 2.10 *Swimming Pools and Spa Pools*, in particular objectives (b) and (c) and control (a), in that the proposed location of the swimming pool and spa pool within

the property frontage results in unreasonable impacts on the streetscape and the amenity of the adjoining properties.

4. 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 the extent of excavation to accommodate the proposed development results in a poor planning outcome and an overdevelopment of the subject site which would adversely impact upon the amenity of the locality.
5. The proposal is contrary to 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the development is not considered suitable for the subject site, as the proposed excavation contributes to a poor planning outcome, providing for a built form that is excessive in terms of bulk and scale, results in undesirable and unacceptable impact on the streetscape, neighbouring properties and the locality.
6. The proposal is not considered to be in the public interest for the reasons outlined above, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.

Client

Linda & James Laws



RECEIVED
Waverley Council
Application No: DA-131/2020
Date Received: 28/08/2020

E	Amendments made in response to councils letter dated 28.07.2020	27.08.2020
D	ISSUED FOR DA	03.01.2020
C	updated as per client markup	14.02.2020
B	Initial Planner Review Meeting	1.11.2019
A	First Draft CAD phase review	16.10.2019
No.	Description	Date

Revisions

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New Residence

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2019_09	
Project Status	DA

Sheet
Floor Plans 01

Scale @ A2 1 : 100

Drawing Number	Issue
A-201	E

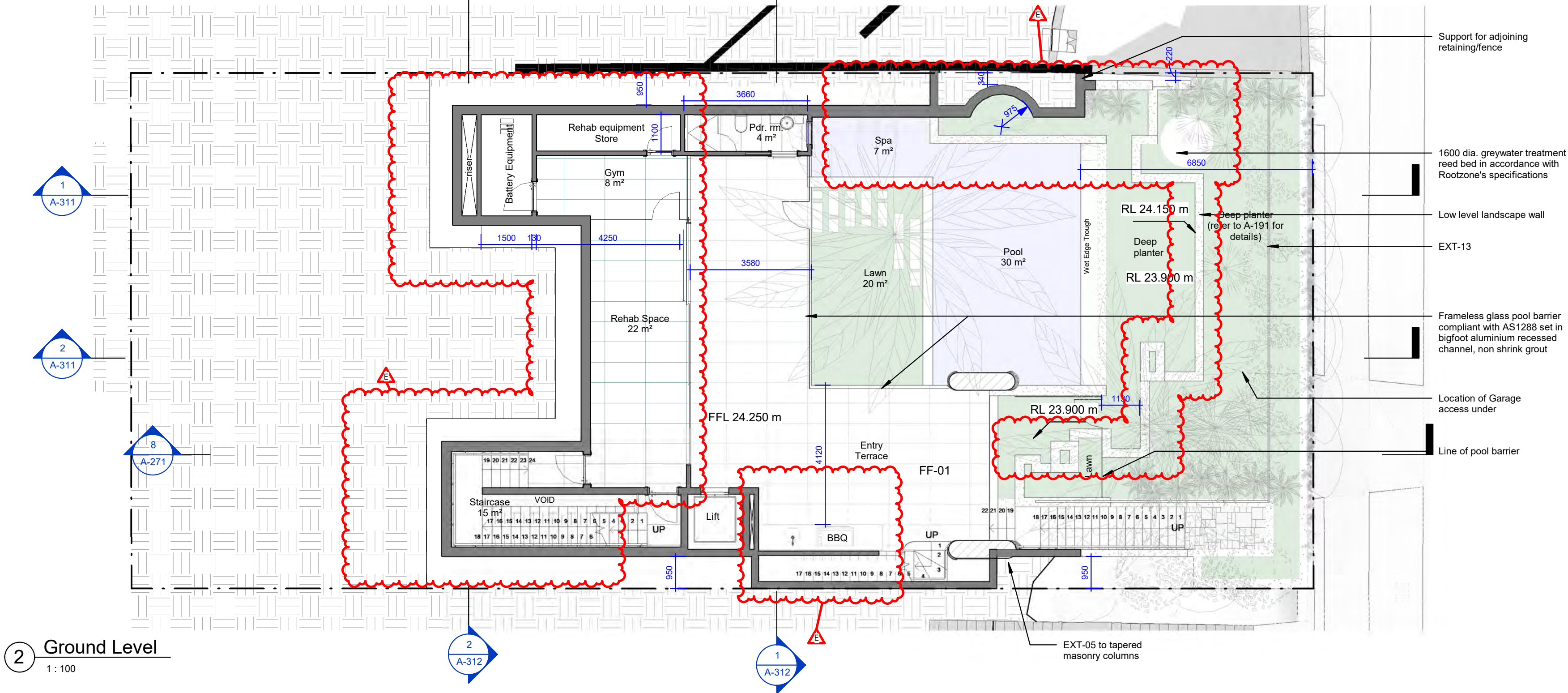
Drawn By	Checked By	Approved By
JM	WB	WB

Print Date & Time 27/08/2020 11:36:58 AM

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1 Garage Level

1 : 100



2 Ground Level

1 : 100



Client

Linda & James Laws



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Waverley Council

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New Residence

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Project Status	DA	

Sheet

Floor Plans 02

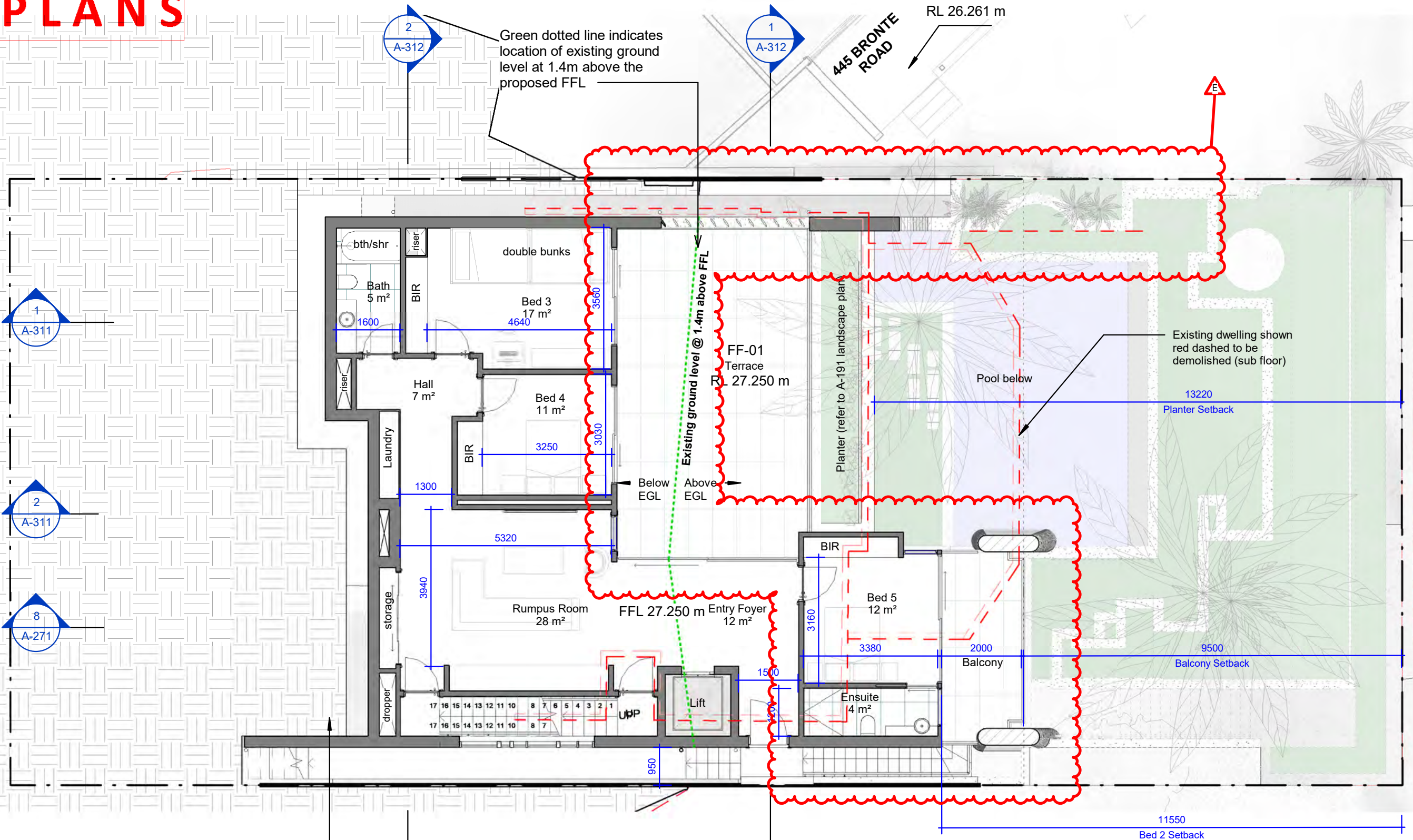
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		Approved By	WB

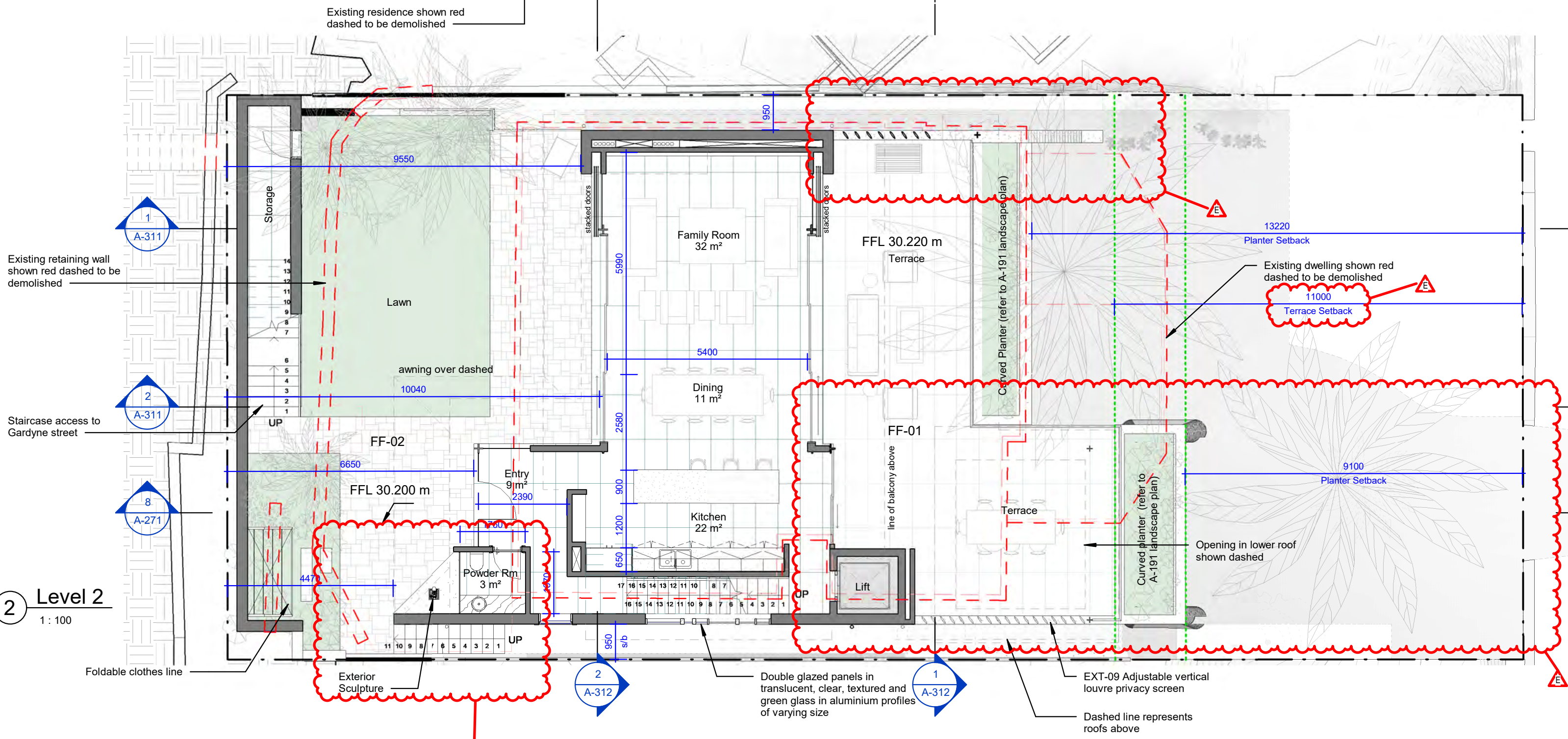
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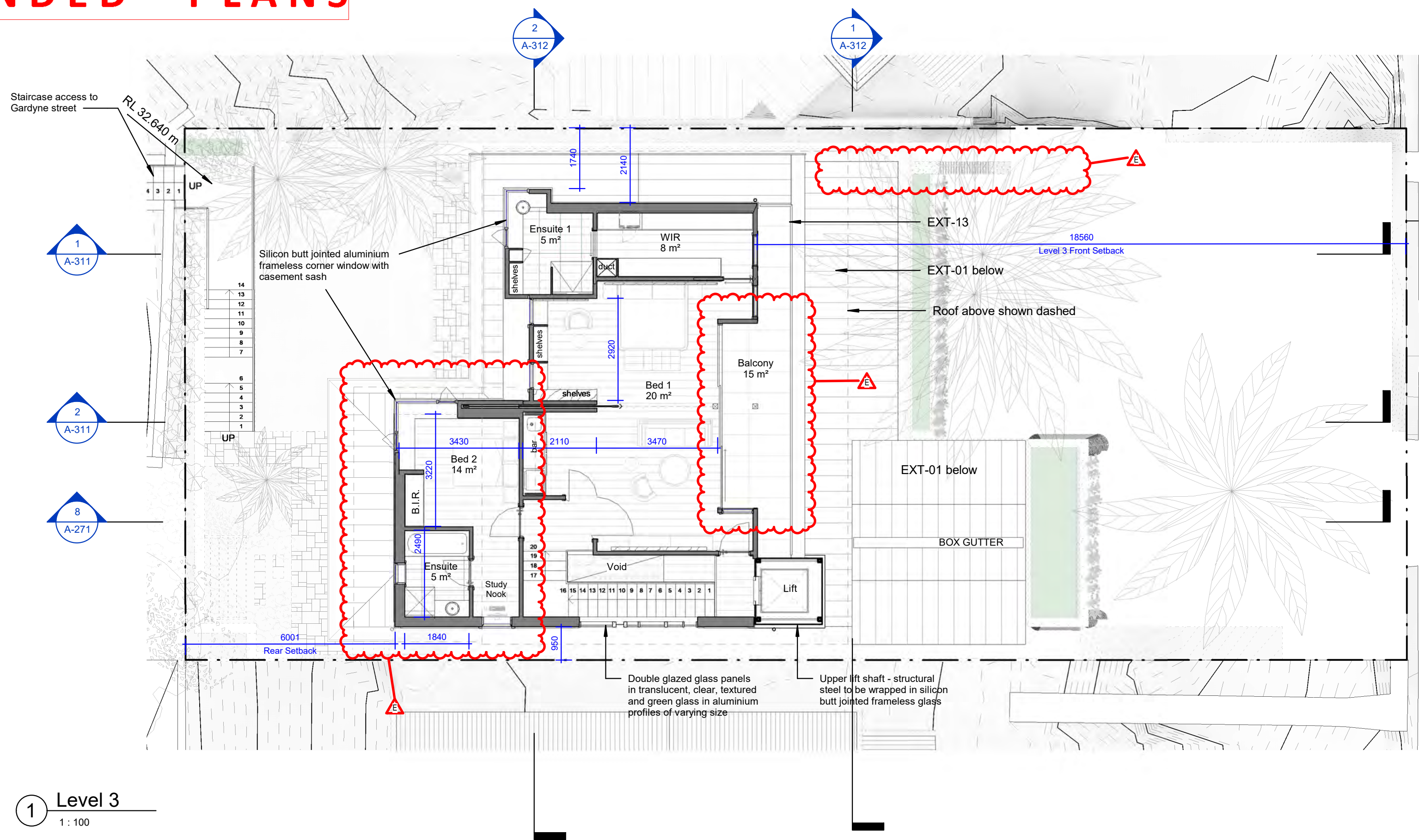
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2 Level 2
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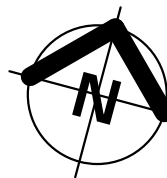




1 Level 3
1 : 100

Client

Linda & James Laws



E	Amendments made in response to councils letter dated 28.07.2020	27.08.2020
D	ISSUED FOR DA	03.01.2020
C	updated as per client markup	14.02.2020
B	Initial Planner Review Meeting	1.11.2019
A	First Draft CAD phase review	16.10.2019
No.	Description	Date

Revisions

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New Residence

Project Number	2019_09	447 Bronte Road, Bronte
Project Status	DA	

Sheet
Floor Plans 03

Scale @ A2 1 : 100

Drawing Number	A-203	Issue	E
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Drawn By	JM	Checked By	WB	Approved By	WB
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RECEIVED
Waverley Council
Application No: DA-131/2020
Date Received: 28/08/2020

Linda & James Laws

FF-01	Backstage 'Ash' Porcelain tile 1200 x 600 from Classic Ceramics	
FF-02	Endicott Granite Filetti from Eco Outdoor	

Code	Description	
EXT-01	Standing seam profile, mill finish copper	
EXT-02	Trendplank 70x18 Burnt Ash, Shou Shugi Ban finish	from Mortlock Timber
EXT-03	Trendplank 120x18 Burnt Ash, Shou Shugi Ban finish	from Mortlock Timber
EXT-04	Rough cast cement render painted in Porters Paints 'Drumbeat' low sheen	
EXT-05	Coursed sandstone split/rock face with random lengths with opposing 'L' corner blocks (min block size 300 x 600 x 60mm) mangrove buff from Gosford quarries - dipped sealed before installation & after with penetrating sealant	
EXT-06	Burnt Ash 90x19 bullnosed T&G boards, stained Cutek Extreme Oil with Colourtone Black Ash colour	
EXT-07	Dulux MIO 'Natural Grey' Exposed steel to engineers details - finish as per Dulux specification	
EXT-08	100mm Copper down pipe & custom gutter	
EXT-09	Adjustable vertical louvre blades with Universal Anodisers 'Satin Charcoal Grey' finish - 25 microns	
EXT-10	Aluminium framed windows (fixed, breezway 152mm louvres, casement) and sliding doors in Universal Anodisers 'Satin Charcoal Grey' finish - 25 microns	
EXT-11	190 x 35 birdsmouthed timber external corners and banding at base & change of material	
EXT-12	120 x 20 Aluminium fixed vertical louvres in Universal Anodisers 'Satin Charcoal Grey' finish - 25 microns	
EXT-13	70 x 10 mild steel railing (balustrade & top/bottom rail) finished in Dulux MIO 'Natural Grey' - see spec	
EXT-14	Frameless clear glazing - Glazing channels to be recessed into the soffit/ceiling/wall junction	
EXT-15	Burnt Ash faced panel lift garage door	

NOTE: All colour's to be confirmed and signed off prior to purchase or coating finished surfaces

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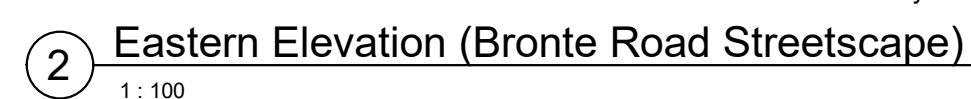
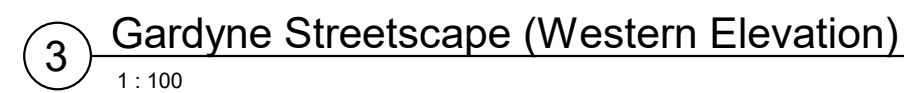
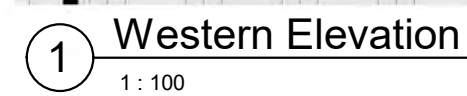
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Project Number	447 Bronte Road, Bronte
2019_09	
Project Status	DA

Drawing Number	A-301	Issue	C
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- Architectural Plans\2020.08.26 - LAWS council amendment\108



AMENDED PLANS

AMENDED PLANS

Walter Barda Design

architecture
landscape
interiors

2.04 13-15 Wentworth Avenue Sydney NSW 2000
www.walterbardadesign.com ABN: 48 072 136 513
Office: 02 9264 4240 Reg. Architect 7745

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Waverley Council

Application No: DA-131/2020

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New Residence

Project Number	2019_09	447 Bronte Road, Bronte
Project Status	DA	

Sheet

Sections 01

Scale @ A2 1 : 100

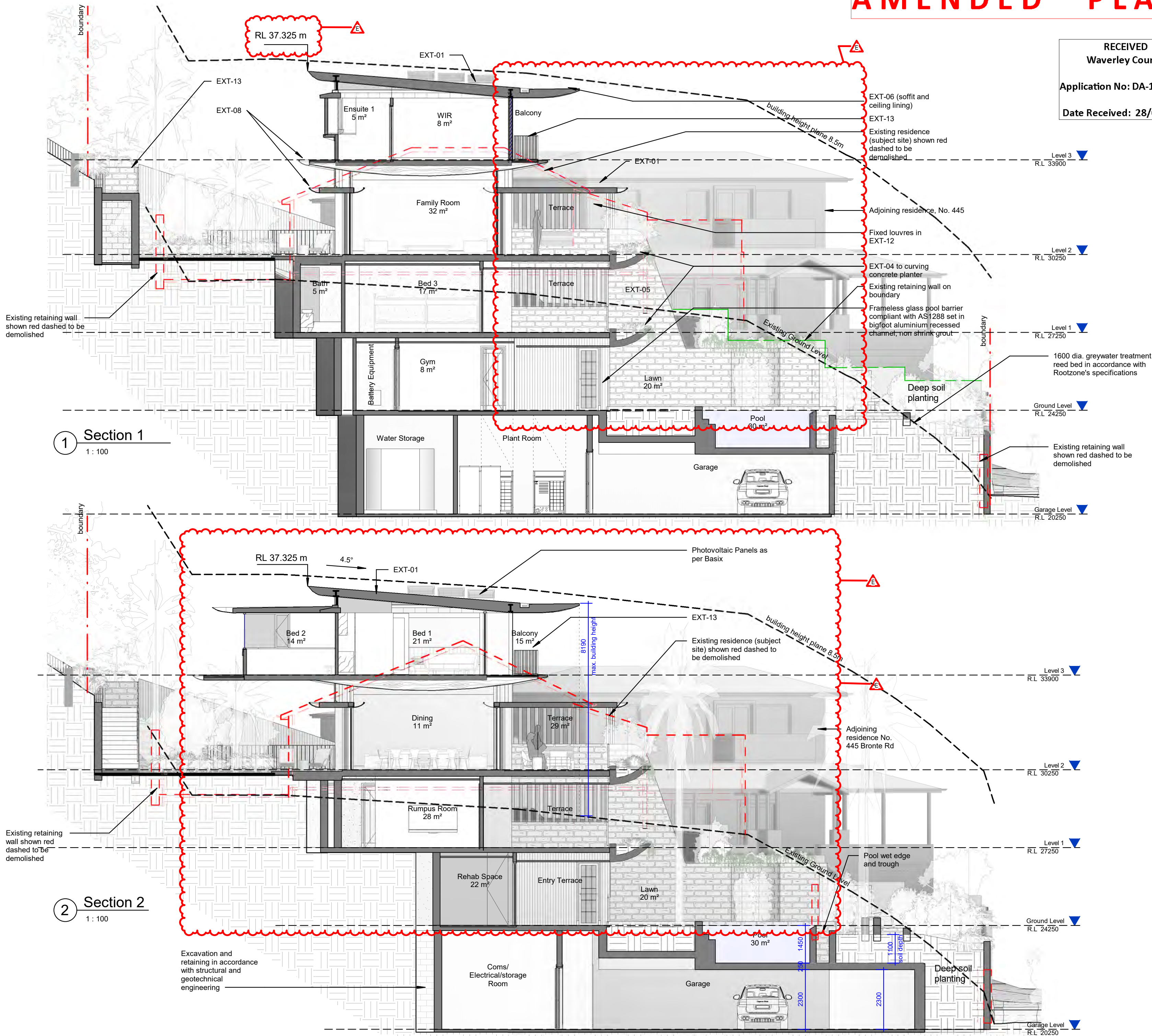
Drawing Number	Issue
A-311	E

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JM	WBD	WB

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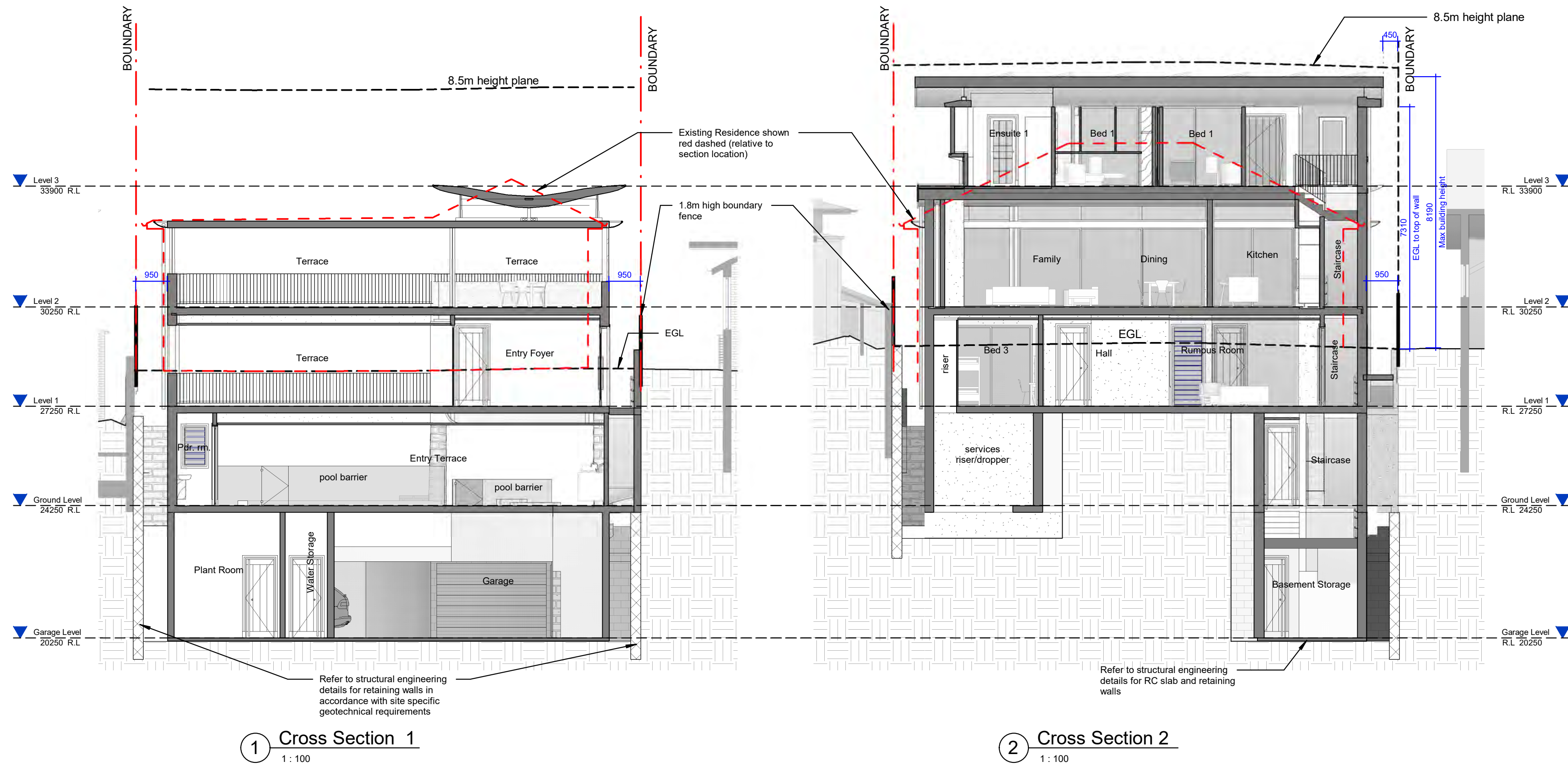


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Application No: DA-131/2020

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New Residence

Project Number	2019_09	447 Bronte Road, Bronte
Project Status	DA	

Sheet
Sections 02

Scale @ A2 1 : 100

Drawing Number	A-312	Issue	D
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Report to the Waverley Local Planning Panel

Application number	DA-68/2020
Site address	5 Carlisle Street, Tamarama
Proposal	Alterations and additions to the existing residential flat building including use of the garage as habitable space, and extension of the roof and balconies to the front and rear.
Date of lodgement	6 March 2020
Owner	Proprietors of Strata Plan 3555
Applicant	Mr C James
Submissions	Four submissions
Cost of works	\$347 050
Issues	Height, FSR
Recommendation	That the application be APPROVED

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 18 April 2020.

The site is identified as SP 3555, known as 5 Carlisle Street, Tamarama. It is located on the northern side of Carlisle Street with secondary frontage to Dellview Lane.

The site is rectangular in shape with a southern frontage to Carlisle Street measuring 12.19m, eastern and western side boundaries measuring 48.21m and 48.22m, respectively and northern frontage to Dellview Lane measuring 12.19m. The site has an area of 587.8m² and falls from the rear towards the front by approximately 3.4m.

The site is occupied by a part three and four-storey residential flat building with vehicular access provided from Dellview Lane to garages at the front and rear and informal parking around the site.

The subject site is adjoined by four-storey residential flat buildings on either side and the rear of residential flat buildings to the rear. Dwellings and smaller scale residential flat buildings are located opposite the site on Carlisle Street. The locality is characterised by a variety of residential development, including semi-detached and detached dwellings and residential flat buildings.



Figure 1: Subject site frontage



Figure 2: Site viewed from rear



Figure 3: Site viewed from the rear (centre building) and adjoining properties

1.2 Relevant History

PD-33/2016: Alterations and additions to a residential flat building, including additional floor level with terraces and balcony additions and extensions. In summary, advice was provided in October 2016 as follows:

The concept proposal is not supported. Accommodating an additional storey or attic floor to the building would be difficult to support on planning grounds. The building currently exceeds the height of buildings and FSR development standards under Waverley LEP 2012, which effectively demonstrates that an additional floor or attic level is not appropriate for the building. As such, in the form submitted, the application would likely be refused should a development application for the concept be pursued.

Opportunities could be explored to accommodate an in-roof, attic addition that maintains the current roof profile of the existing residential flat building with minimal protrusions, such as dormer windows, and does not discernibly add to the perceived overall building bulk and scale of the development. The relevant criteria under the Building Code of Australia and the minimum ceiling height planning controls contained in section 2.20 of Part C2 of Waverley DCP 2012 should be taken into account when considering an in-roof, attic addition for the building in terms of achieving adequate internal amenity for all habitable areas of an attic level.

The subject application was initially deferred after preliminary assessment on 18 June 2020 to address the following:

Bulk and scale

The site is subject to a floor space ratio (FSR) development standard of 0.6:1 under Waverley LEP 2012. The proposal increases the FSR of the overall development to 0.83:1, which exceeds the FSR development standard by 38%.

As advised in the Pre-DA, there is limited scope to add to the building envelope of the existing development. The current envelope of the building is beyond that envisaged for the subject site having regard to the height and FSR development standards applying to the site. Therefore, any discernible addition to the building will not be supported.

In this regard, the additional floor space at the rear at levels 1 and 2 is not supported and must be deleted from the proposal. The Clause 4.6 Objection to the FSR development standard must be updated accordingly to include only the additional floor space at the lower ground floor level to Unit 1.

Shadow Diagrams

As previously advised in email correspondence, please provide corrected shadow diagrams showing the full extent of the overshadowing on all affected properties surrounding the site.

Amended plans and documentation were received 28 August 2020 and notified to surrounding properties. Further information was requested on 3 September 2020 to address view impacts with all amended documentation provided to Council on 30 September 2020.

1.3 Proposal

The proposal seeks consent for alterations and additions to the existing residential flat building specifically involving the following works:

- Excavation of the existing garage below Unit 1 at the front of the building to convert to habitable space connected to Unit 1 above. Internal stairs, walls and windows/doors on the western, eastern and southern elevations at the lower ground floor level are also proposed. A new patio area accessed from the habitable space is proposed within part of the front setback of the site.
- New storage areas at the lower ground floor level with a new door from the eastern elevation.
- Extension of the existing front balconies at the upper levels, enlargement of the glazed doors to these balconies and the provision of privacy screening to part of each side boundary.
- New balcony and glazed door on the eastern side elevation for Unit 2 at ground level. Stairs are proposed from the new balcony to the ground level.
- New fence and gate within the eastern side setback.
- New balconies and glazed doors at the rear at all levels above ground.
- Extension of the hipped roof to provide glazed gable ends at the front and rear of the building.
- Relocation of the gate and stairs from the front boundary.



Figure 4: Photomontage of proposed front elevation



Figure 5: Photomontage of proposed rear 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 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 Apartment Development

The SEPP applies to the substantial redevelopment or the substantial refurbishment of an existing residential flat building development. The amended proposal has been reduced to an additional habitable space, new roof form and balconies on the front and rear. These works are not considered to be substantial and as such SEPP 65 does not apply.

2.1.4 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the LEP.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is defined as a residential flat building, which is permitted with consent in the R3 zone. The proposal is consistent with the objectives of the zone.

Provision	Compliance	Comment
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	No	The proposal has a maximum height of 12.2m exceeding the development standard by 2.7m or 28%.
4.4 Floor space ratio <ul style="list-style-type: none"> 0.6:1 	No	The FSR of the existing building is 0.76:1. The proposal has an FSR of 0.81:1 exceeding the development standard by 120.6m ² or 34%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by written requests pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR and height development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	N/A	The site is classified as zone 5 on the Acid Sulfate Soils map. Only minor excavation is proposed and as such acid sulfate soils are unlikely to be encountered.

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

Clause 4.6 Exceptions to Development Standards (Height)

The application seeks to vary the height of buildings development standard in Clause 4.3 development standard in Clause 4.4.

The site is subject to a maximum height control of 9.5m. The proposed development has a height of 12.2m, exceeding the standard by 2.7m equating to a 28% 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:

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

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

Applicant's 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 proposed variation to the building height standard is a result of the provision of a new roof form to the existing building above the 9.5m height limit. It should be noted that the existing building currently exceeds 9.5m. The proposed new roof form will result in building heights between 10.02m (north elevation) and 12.2m (south elevation) on the building, the equivalent of a 5.4% to 28% increase to the maximum permitted building height standard.*
 - (ii) *The proposal does not result in a building that is higher than the existing building.*
 - (iii) *The proposed building envelope and additional GFA is consistent with the existing building envelope of the adjoining dwellings and other similar development.*
 - (iv) *The proposed design of the development achieves an appropriate built form in that it enhances the public domain, maintains the character of the streetscape, along with providing good internal amenity and outlook.*
 - (v) *The proposal will maintain and enhance the residential amenity of the surrounding dwellings including their current levels of solar access, visual and acoustic privacy and ventilation.*
 - (vi) *The proposal will enhance the existing open space on the site and give provision of a new landscaped garden for the benefit of residents.*
 - (vii) *The new rear works (north elevation) are generally consistent with the existing building line setbacks of neighbouring properties.*
 - (viii) *The new building has limited opportunity to overlook neighbouring habitable rooms.*
 - (ix) *No impacts from the proposed dwellings are anticipated to neighbouring amenity, including to views enjoyed by neighbours.*
- b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The proposed development is consistent with the underlying objectives of the standard for Building Heights and the R3 zone of WLEP 2012.*
 - (ii) *The proposal will maintain and enhance the residential amenity of the surrounding dwellings including their current levels of solar access, visual and acoustic privacy and ventilation.*
 - (iii) *The new rear works (north elevation) are generally consistent with the existing building line setbacks of neighbouring properties, and no loss of views are anticipated.*
 - (iv) *The new building form and height has limited opportunity to overlook neighbouring habitable rooms.*
 - (v) *No impacts from the proposed roof alterations are anticipated to neighbouring amenity, including to views enjoyed by neighbours.*
 - (vi) *The proposed additional building height has also been provided in part as a result of the topography of the site (south elevation), which contributes to any exaggeration of exceeding building heights.*
 - (vii) *The development of the extension and new roof form as a whole is intended to fit comfortably within the existing row of apartments in Carlisle Street and the streetscape in terms of scale and function. The proposed design of the extension will positively complement the existing character of the area.*

- (viii) *The proposed design of the development achieves an appropriate built form in that it enhances the public domain, maintains the character of the streetscape, along with providing improved internal amenity and outlook. The proposal demonstrates a good quality designed addition which achieves the design standards for the locality.*
- (ix) *The proposed massing of the development is considered acceptable with regard to the height controls and intent for the locality, and appropriate building setbacks have been implemented and maintained.*

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

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

- a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
- b) The proposed development will be in the public interest because it is consistent with the objectives of the particular 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 additional height is a result of extending the existing hipped roof further toward the front and the rear to form gable ends. The gable roof, in conjunction with the front and rear balconies, provides a more contemporary appearance to the building. The gable roof will improve the amenity of the apartments below by providing glazing to allow increased light and solar access to the living areas whilst also providing shelter from rain by extending over part of the balcony below.

The proposal will make a positive contribution to the streetscape by contemporising the appearance of a non-descript and dated building. The proposal will not result in unreasonable amenity impacts upon surrounding properties (discussed in detail in subsequent sections of this report).

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 height development standard are as follows—

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

Objectives (b) and (c) are not relevant to the subject site.

The proposal will not be higher than the RL of the existing building. The height variation is a result of extending an already non-compliant roof form to the front and the rear to provide a gable roof, rather than a hipped roof. The front gable will exceed the height development standard by 2.7m (28%) and the rear gable will exceed by 520mm (5.5%). This difference in the height is directly attributable to the slope of the site falling by 2m from the rear elevation to the front elevation.

A view analysis was submitted by the Applicant which indicates that the view impact associated with the front gable will be minor (discussed in detail later in this report). Other amenity impacts are discussed in detail throughout this report and are found to be reasonable. It is noted that the overshadowing of adjoining properties is marginally increased due to the non-compliant roof height at the front of the building. Notwithstanding, the affected properties will continue to receive sufficient solar access as stipulated by the controls of the DCP.

The subject site forms part of the character of this part of Carlisle Street, as do both adjoining buildings which are higher than the subject building. The building was constructed prior to the LEP limiting the height to 9.5m therefore, although the building is already beyond the height of that anticipated by the controls, the building exists and forms part of the character. The proposal is not seeking to add additional height by way of adding another storey, it is simply seeking to contemporise the existing roof of a dated building. The proposed new roof will introduce a beneficial design feature that will contribute to the desired future character of the area without unreasonably impacting upon the amenity of surrounding properties.

Given the above analysis, the proposal is considered to be consistent with objectives (a) and (d).

The proposal is consistent with the objectives of the R3 zone by contributing to the housing needs of the community and the range of housing types with a medium density residential environment.

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 Waverley Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of height development standard] and the R3 zone.

Clause 4.6 Exceptions to Development Standards (FSR)

The application seeks to vary the floor space ratio (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 0.81:1, exceeding the standard by 120.6m² equating to a 34% 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:

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

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

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

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

- a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *It is noted the existing building already exceeds the 0.6:1 FSR standard, and therefore the overall increase in FSR is 5% above the existing FSR of the site.*
 - (ii) *The proposal is consistent with the objectives of the development standard and the zoning.*
 - (iii) *The proposed design of the development achieves an appropriate built form in that it enhances the public domain, maintains the character of the streetscape, along with providing good internal amenity and outlook.*
 - (iv) *The proposal will maintain and enhance the residential amenity of the surrounding dwellings including their current levels of solar access, visual and acoustic privacy and ventilation.*
 - (v) *The proposal will enhance the existing open space on the site and give provision of a new landscaped garden for the benefit of residents.*
 - (vi) *The new rear works (north elevation) are generally consistent with the existing building line setbacks of neighbouring properties.*
 - (vii) *The new building has limited opportunity to overlook neighbouring habitable rooms.*
 - (viii) *No impacts from the proposed dwellings are anticipated to neighbouring amenity, including to views enjoyed by neighbours.*

- b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The proposed maximum FSR for the site of 0.81:1 is appropriate for an R3 Medium Density Residential zone that primarily consists of residential development.*
 - (ii) *It should be considered that the site has a unique opportunity with dual street frontages to provide additional residential accommodation and improvements to the overall appearance of the building.*
 - (iii) *The proposed building envelope is consistent with the existing building envelope of the adjoining buildings and other similar development.*
 - (iv) *The bulk and scale of the proposal is consistent with this style of residential building which is common for residential areas.*
 - (v) *The proposed roof form and additions provides an appropriate height, bulk and scale to the site.*
 - (vi) *In light of the proposals contribution to achieving the desired future character of the area, a reduction of gross floor area would serve no material planning purpose, other than numerical compliance with a generic Council control.*
 - (vii) *The proposal will add to delivering a mix of well-designed housing that meets the needs of Sydney's growing population unique family dwellings to meet the changing population needs.*
 - (viii) *The proposed development will not significantly impact on the amenity of adjoining occupiers.*
 - (ix) *The proposed development will not result in any unreasonable privacy intrusion or loss of daylight access to adjacent properties and maintains adjoining developments views.*

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

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

- c) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
- d) The proposed development will be in the public interest because it is consistent with the objectives of the particular 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:

- f) *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
- g) *to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;*
- h) *to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;*

- i) *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;*
- j) *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 additional floor space is provided by way of changing the use of an existing garage at the lower ground level into habitable space connected to the unit above equating to an addition 30.13m². The garage is accessed via a narrow driveway approximately 2.5m wide along the western boundary of the site. However, given the narrow width of this driveway, there is insufficient area to manoeuvre into the garage and as such, an informal space adjacent to the front setback within the driveway is used for the parking of vehicles, instead of the garage (refer to Figure 6).

The conversion of the garage into habitable space will not result in a loss of parking as it cannot reasonably be used for parking. The additional floor space will be fully contained within the envelope of the building and will not result in increased height, bulk or scale. New windows will have outlook to the front and sides, however being at lower ground level, privacy impacts are minimal. There will be minimal impact upon the amenity of surrounding properties due to the additional floor space.



Figure 6: Western side setback (existing driveway)

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 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.

The additional floor space is contained within the building envelope and will not impact upon surrounding properties. The additional floor space will not impact upon the streetscape being contained at the lower ground floor level concealed by the existing high front fence. Notwithstanding, the conversion of the lower ground level to habitable space and associated windows/doors will provide visual interest and a domestic appearance to an otherwise blank masonry wall. The proposal is consistent with the desired future character of the locality and will not unreasonably impact upon surrounding properties. The proposal is consistent with objectives (b), (c) and (d).

Conclusion

For the reasons provided above the requested variation to the FSR development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by 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 FSR development standard and the R3 zone.

2.1.5 Waverley Development Control Plan (DCP) 2012 –Amendment 7

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

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

Development Control	Compliance	Comment
1. Waste	Yes	<p>A Site Waste and Recycling Management Plan has been submitted with the application. A condition of consent will be imposed regarding the disposal of construction waste.</p> <p>Under the DCP a total of 6 bins is required, 2 for general waste and 4 for recycling. The plans indicate that 9 bins can be stored in the waste storage area.</p> <p>The existing waste storage and collection arrangements on site will continue as part of the proposed development. The only modification to the waste storage area is a new timber enclosure. This will improve the appearance of the waste storage in Dellview Lane and is supported.</p>
2. Ecologically sustainable Development	Yes	<p>The new roof allows increased light and solar access to living rooms and protection for the balconies of the associated units. New windows at the lower ground level and to the new balconies will aid in natural cross-ventilation.</p> <p>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.</p>
3. Landscaping and Biodiversity	Yes	<p>Additional landscaping is being provided within the eastern side setback to replace an extensively concreted area and is cohesive with the site and streetscape.</p> <p>The proposal will increase and enhance the landscaping on site.</p>
8. Transport	Yes	<p>The proposal will result in the loss of a garage space however given the difficulties in manoeuvring into the space, it is unlikely it would have been used for that purpose.</p>

Development Control	Compliance	Comment
		<p>The loss of a parking space will continue to comply with the parking rates of the DCP as these rates are a maximum with a minimum of nil.</p> <p>There are a number of parking spaces shown on the plans which are randomly placed on the site and would not likely be approved under the current DCP. To ensure that the consent does not formalise existing informal parking, a condition of consent is recommended stating that the approval does not relate to existing parking space on site.</p>
10. Safety	Yes	<p>The proposal does not contravene the objectives of this part of the DCP. The new balconies will provide passive surveillance of Dellview Lane at the rear, increasing the security within this area.</p> <p>The improvement of the conditions within the eastern side setback will encourage the use of the area as communal space. The introduction of barriers to access (gates and fencing) through this part of the site will increase the security of the site overall.</p>
11. Design Excellence	Yes	<p>The proposed works will provide a contemporary appearance to an otherwise non-descript building. The works provide a positive upgrade to the building and the streetscape.</p> <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.</p>

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 LEP.

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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 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal will upgrade an existing non-descript residential flat building with little streetscape character. The alterations and additions will provide a contemporary building with improved finishes and greater articulation, that will contribute to the character of the area.</p> <p>Although not on a corner, the site has two street frontages, to Carlisle Street and Dellview Lane. The proposal incorporates works to both street frontages, providing greater visual interest and an improved streetscape presentation on both streets.</p>
3.7 Fences and walls		
<p><i>Side fence:</i></p> <ul style="list-style-type: none"> Maximum height: 1.8m 	<p>Yes</p>	<p>The existing front fence is to be retained.</p> <p>New fencing and gates will be introduced into the front and eastern side setback to create a more private and usable communal area on site. The fencing and gates are consistent with existing fencing and is considered appropriate.</p>
3.9 Landscaping		
<ul style="list-style-type: none"> Comply with part B3-Landscaping and Biodiversity Minimum of 30% of site area landscaped: 176m² 50% of the above is to be deep soil: 88m² 	<p>Yes</p> <p>No</p>	<p>Refer to Table 2.</p> <p>The existing building provides limited landscaping being only 32m² within the front setback of the site. The proposal will increase landscaping on site marginally (approx. 51m²) through the partial landscaping of the eastern side setback which is currently concreted. Given that the landscaping on site is already non-compliant with the DCP controls and that the proposal will improve the landscaping, this is considered acceptable.</p>
3.10 Communal open space		
<ul style="list-style-type: none"> Minimum 15% communal (R3 zone): 88m² Minimum dimensions: 6m x 6m Minimum of 30% of communal area must receive three hours of sunlight Accessible 	<p>Existing</p>	<p>The existing communal open space on site will be retained, located at the front of the site and in the eastern side setback. The proposal will improve the communal open space by increasing the landscaping of this area.</p>
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 No wrap around balconies Located to maximise solar access and privacy Balustrades to allow views and casual surveillance of the street & privacy 	Yes	<p>The proposal provides extended balconies on the front elevation and new balconies on the rear elevation. In this regard, the proposal results in private open space for all apartments within the building, improving the existing situation on site.</p> <p>The new balconies are integrated into the proposed design of the building, contributing to the contemporary refurbishment. The balconies incorporate sufficient screening, where required, to protect the privacy of adjoining properties and are appropriately sized.</p> <p>The new balcony on the eastern elevation is only slightly elevated above ground level and is not located opposite windows on the adjoining property at the same level. This balcony is unlikely to result in privacy impacts to the adjoining residential flat building to the east.</p> <p>As previously discussed, the new windows to the converted garage are located lower than adjoining properties and will not result in privacy impacts.</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. 	Yes	<p>The existing apartments are retained as part of the proposal. Notwithstanding, light and solar access will be improved through the inclusion of solar panels and glazed gables to the new roof over the living areas of the top floor apartments. The new glazed doors to the balconies allow greater light and solar access into all the apartments.</p>
<ul style="list-style-type: none"> Direct sunlight to north facing windows of habitable rooms and all private open space areas of adjacent dwellings to less than 3 hours of sunlight on 21 June. 	Yes	<p>Refer to detailed discussion following this table.</p>
3.14 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss through design 	Yes	<p>Refer to detailed discussion following this table.</p>
<ul style="list-style-type: none"> Views from public spaces to be maintained. 	Yes	<p>Public views will not be impacted by the proposed development.</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 • Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened • Privacy be considered in relation to context density, separation use and design. • Prevent overlooking of more than 50% of private open space of lower level dwellings in same development 	Yes	<p>All apartments are existing and orientated toward the front and rear.</p> <p>The proposal provides extended balconies on the front elevation and new balconies on the rear elevation. In this regard, the proposal results in private open space for all apartments within the building, improving the existing situation on site.</p> <p>The new balconies are integrated into the proposed design of the building, contributing to the contemporary refurbishment. The balconies incorporate sufficient screening, where required, to protect the privacy of adjoining properties and are appropriately sized.</p> <p>The private open spaces of lower level apartments will not be overlooked by those above.</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 	Yes	<p>The apartments are existing. The only change to the internal layout of apartments is the increased size of Unit 01 by converting the garage. The new habitable room will have adequate windows for light and ventilation.</p>
3.20 Natural Ventilation		
<ul style="list-style-type: none"> • All dwellings to be naturally cross-ventilated 	Yes	<p>Ventilation will be improved to Unit 1 by conversion to a double level apartment. The remaining apartments have no changes to the existing internal layout and windows.</p>

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

Overshadowing

Shadow diagrams submitted with the application indicate the overshadowing impact of the proposal on the winter solstice. The diagrams indicate that the majority of overshadowing will fall within shadows cast by existing buildings.

The DCP requires that direct sunlight to north facing windows of habitable rooms and all private open space areas of adjacent dwelling should not be reduced to less than 3 hours between 9.00am and 3.00pm on June 21. The only additional overshadowing will fall over the roofs and front elevations of buildings opposite the site on Carlisle and Dellview Street and on part of the side elevations of the buildings adjoining. The diagrams indicate that the moving shadows will enable these properties to retain sufficient solar access throughout the day to north facing habitable windows and affected

private open spaces. It is noted that the majority of private open space and living area windows for these properties would be located toward the rear of these buildings, which are unaffected by the proposal. Notwithstanding, the properties on Carlisle Street are overshadowed in the morning hours and retain solar access in the afternoon. Nos. 19 and 26-28 Dellview Street will conversely have increased overshadowing in the afternoon, retaining solar access in the morning hours.

Given the above analysis it is considered that the proposal will not result in unreasonable additional overshadowing of surrounding properties and is acceptable in regard to overshadowing.

Views and view sharing

During notification view impacts were raised by two properties to the north of the site, Units 3 and 4 at 45 Fletcher Street. Site inspections were carried out at these properties and consequently a view analysis was submitted by the applicant. These views are discussed in detail in relation to the four steps articulated in the Planning Principle *Tenacity Consulting v Warringah [2004] NSWLEC 140* which provides general principles for the assessment of views and view sharing:

*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.*

*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.*

As demonstrated in **Figures 7-10** below, partial views of the Pacific Ocean and headlands at Bronte and beyond are gained across the rear boundary of the affected properties from the living room windows of Units 3 and 4 at 45 Fletcher Street. The images were taken from a standing position.

These properties also enjoy views further to the east at a more oblique angle however it is noted that the principle direct view is that demonstrated by the windows below over the rear boundary of the subject site.



Figure 7: Unit 3/45 Fletcher Street



Figure 8: Unit 4/45 Fletcher Street

The **third step** is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them).

The following images are taken from the 'View Analysis' provided by the applicant:



Figure 9: Unit 3/45 Fletcher Street – impact of proposal indicated in yellow



Figure 10: Unit 4/45 Fletcher Street – impact of proposal indicated in yellow

The images demonstrate that the view loss experienced by Units 3 and 4/45 Fletcher Street will not be significant. That part of the view that will be lost will be a small part of the dwellings and the road at Bronte for Unit 4 and a minor part of the cliffs at Bronte for Unit 3. It appears that very little, to no, water views will be lost as part of the proposal.

*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.*

That part of the proposal that impacts upon views is the alteration of the front hipped roof to a gable. Although it is a continuation of an existing height variation, it further increases the height non-compliance of the subject building due to the slope of the land at the front of the site. For this reason, if the view impact were even moderate, it would be considered unacceptable as per the fourth step of the Tenacity Planning Principle. However, as demonstrated by **Figures 7-10**, the impact of the development upon views is minor.

It is noted that the proposal does not extend the gable roof for the full depth of the balconies at the front of the building (as it does at the rear) leaving part of the balcony exposed to the elements. This reduction in the depth of the gable roof at the front lessens the impact of the development upon the views from those properties to the rear. In this regard, it is considered that a more skilful design to lesson any view impacts has already been considered and implemented by the applicant. Further reducing the depth of the front gable would not result in any significant improvement given that the view impact is so minor.

Therefore, the anticipated view impact of the development is considered to be acceptable and view sharing is reasonable.

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*. Two submissions were received.

The amended application was notified for 14 days, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. Four 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
1/19 Dellview Street, Tamarama
3/19 Dellview Street, Tamarama
3/45 Fletcher Street, Tamarama
4/45 Fletcher Street, Tamarama

Issue:

- **FSR**
- **Height**
- **Bulk and scale**
- **Overshadowing**
- **Design and streetscape impact**
- **View impacts**

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

Issue: Shadow diagrams are not detailed.

Response: More detailed shadow diagrams were provided as part of the amended proposal and notified to surrounding properties.

2.5 Public Interest

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

3. REFERRALS

Fire Safety (Regulatory Services)

Partial comments provided by Council's Senior Building Surveyor are provided below (the recommended conditions are included in Appendix A):

Given the age of the building, there may be a number of non-compliances with the BCA including, but not limited to: -

- possible fire separation issues between sole-occupancy units and common areas, fire resistance levels of existing building elements together with protection of openings internally and externally (i.e. Section C of BCA);*
- access and egress issues pertaining to escape and construction of exits (i.e. Section D of BCA); and*
- inadequate fire services and equipment (i.e. Section E of BCA).*

Pursuant to Clauses 94 of the Environmental Planning and Assessment Regulations 2000, Council must:

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

The application has been accompanied by a Fire and Life Safety Upgrade Strategy prepared by Luke Sheehy of Design Confidence, dated 02/11/2017 with Reference No. P217_336-1 (FLSUS) LS. The subject report identifies existing BCA deficiencies and provides a number of recommendations for the fire safety upgrading of the existing building pursuant to Clauses 94 of the Environmental Planning and Assessment Regulation 2000. The recommendations are considered satisfactory and will need to be undertaken as part of this development consent.

Waste and Recycling (Sustainable Waste)

The application was initially referred to Sustainable Waste as it involved increasing the size of more than just one unit. The amended proposal has substantially reduced the additional floor space to only a single area. Comments from Sustainable Waste indicate that the existing waste arrangements are insufficient. However, the proposal does not increase the number of units within the building (or bedrooms) and the existing waste management practices on site are being retained. As this is the existing situation, it is considered appropriate. Refer to Section 2.1.5 for further discussion.

4. SUMMARY

The proposal seeks consent for alterations and additions to an existing residential flat building including alteration of the roof profile, conversion of a garage to habitable space, extension of the front balconies and new balconies at the rear.

The proposal will increase the FSR and height of a building which already exceeds the development standards. Notwithstanding, the additional height is a result of extending the existing hipped roof further toward the front and the rear to form gable ends. The gable roof, in conjunction with the front and rear balconies, provides a more contemporary appearance to the building. The gable roof will improve the amenity of the apartments below and will not result in unreasonable amenity impacts upon surrounding properties.

The additional floor space is provided by way of changing the use of an existing unusable garage at the lower ground level into habitable space connected to the unit above equating to an additional 30.13m². The additional floor space is contained within the building envelope and will not impact upon surrounding properties. The additional floor space will not impact upon the streetscape being contained at the lower ground floor level concealed by the existing high front fence.

The original and amended applications were notified and submissions from four properties were received. The issues raised are discussed in detail within the report.

The application is recommended for approval.

DBU Decision

The application and assessment report were reviewed by the DBU at the meeting on 16/06/2020 and the DBU determined:

(a) *The application should be deferred and amendments required as follows:*

- *Remove the additional floor space above the lower ground level at the rear and provide a new 'Clause 4.6 Objection to a development standard'.*

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:



Kylie Lucas
Senior Development Assessment Planner

Date: 08/10/2020

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



Angela Rossi
Manager, Development Assessment (Central)

Date: 15/10/2020

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Arcouture of Job No: 1606 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA02 Issue G	Proposed Roof Plan	16/07/2020	11/08/2020
DA03 Issue F	Proposed Site & External Works Plan	07/07/2020	11/08/2020
DA04 Issue F	Proposed Lower Ground Plan	07/07/2020	11/08/2020
DA05 Issue G	Proposed GL	16/07/2020	11/08/2020
DA06 Issue G	Proposed L1	16/07/2020	11/08/2020
DA07 Issue G	Proposed L2	16/07/2020	11/08/2020
DA08 Issue G	Long Section	16/07/2020	11/08/2020
DA09 Issue G	Proposed Southern (Carlisle Street) Elevation	16/07/2020	11/08/2020
DA10 Issue G	Proposed Northern Elevation	16/07/2020	11/08/2020
DA11 Issue G	Proposed West Elevation	16/07/2020	11/08/2020
DA12 Issue G	Proposed East Elevation	16/07/2020	11/08/2020
DA15 Issue G	Colours, Finishes & BASIX	16/07/2020	24/07/2020

(b) BASIX Certificates.

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

Except where amended by the following conditions of consent.

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

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

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

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

CONTRIBUTIONS, FEES & BONDS

3. SECTION 7.12 CONTRIBUTION

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

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

4. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of \$8405.00 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.

5. LONG SERVICE LEVY

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

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.

CONSTRUCTION & SITE MATTERS

6. HOARDING

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

7. EROSION & SEDIMENT CONTROL

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

8. 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.

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. 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.

11. ESSENTIAL SERVICES - EXISTING BUILDING

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

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

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

12. BCA & FIRE SAFETY UPGRADING WORKS

- a) Fire safety upgrading works are to be undertaken in accordance with all recommendations detailed in the Fire and Life Safety Upgrade Strategy prepared by Luke Sheehy of Design Confidence, dated 02/11/2017 with Reference No. P217_336-1 (FLSUS) LS.
- b) Details demonstrating compliance with the BCA and the matters listed in condition (a) must be submitted and approved by the Certifying Authority prior to the issue of a Construction Certificate.
- c) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate.

TRAFFIC MANAGEMENT

13. 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

ENERGY EFFICIENCY & SUSTAINABILITY

14. BASIX

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

WASTE

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.

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

16. CONSTRUCTION SIGNS

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

DEMOLITION & EXCAVATION

17. 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.

18. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

CONSTRUCTION MATTERS

19. 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.

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

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

21. CONSTRUCTION INSPECTIONS

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

22. CERTIFICATE OF SURVEY - LEVELS

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

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

23. 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.

24. CERTIFICATION OF BASIX COMMITMENTS

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

25. SUBDIVISION CERTIFICATE

The Strata Plan shall be amended to take into account the works approved in this development consent. A Subdivision Certificate must be obtained in accordance with of the *Environmental Planning and Assessment Act, 1979* prior to the registration of the subdivision plans.

VEHICLE ACCESS AND PARKING

26. CAR PARKING

This development consent does not formalise the existing informal parking arrangements on site. Those parking spaces surrounding the building as indicated on the approved plans are not approved as part of this consent.

OTHER MATTERS

27. 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

ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2. SYDNEY WATER REQUIREMENTS

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

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

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

AD3. DIAL BEFORE YOU DIG

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

AD4.TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD5.ALTERATIONS AND ADDITIONS ONLY

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

AD6.WORK OUTSIDE PROPERTY BOUNDARY

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

AMENDED

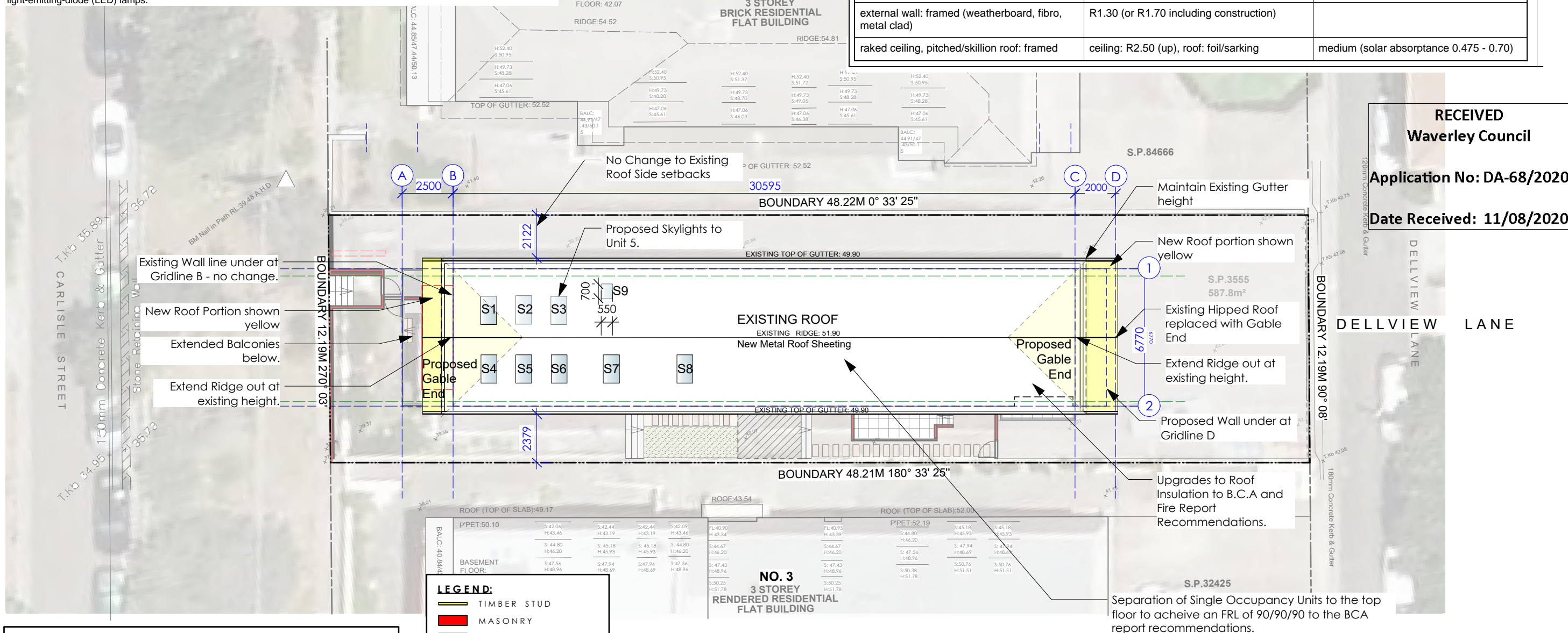
Insulation requirements

Lighting

The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.

Construction	Additional insulation required (R-value)	Other specifications
concrete slab on ground floor with in-slab heating system.	R1.00 (slab edge)	in-slab heating system
floor above existing dwelling or building.	nil	

Construction	Additional insulation required (R-value)	Other specifications
suspended floor with open subfloor: concrete (R0.6).	R0.9 (down) (or R1.50 including construction)	
floor above existing dwelling or building.	nil	
external wall: structural panel system	R1.25 (including construction)	
external wall: cavity brick	nil	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
raked ceiling, pitched/skillion roof: framed	ceiling: R2.50 (up), roof: foil/sarking	medium (solar absorptance 0.475 - 0.70)














All proposed documented works to be read/built in conjunction with the accompanying Fire Safety Report prepared by Building Control Group submitted with this Development Application. This includes, but is not limited to the following proposed essential services:

BCA COMMENTS:

All proposed documented works to be read in conjunction with the accompanying BCA report prepared by Building Control Group submitted with this Development Application.

LEGEND:

	TIMBER STUD
	MASONRY
	CONCRETE
	TILE
	METAL-DOWNSPIPE/ SCREENING/METAL STRUCTURE
	EXISTING BUILDING
	GLASS
	PROPOSED WORKS- (WHEN SHADED)
	TO BE DEMOLISHED
	METAL ROOFING
	NEW LANDSCAPE

Skylights glazing requirements

Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type
S1,2,3	3.03	external adjustable awning or blind	aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)
S4,5,6	3.03	external adjustable awning or blind	aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)
S7,8	2.02	external adjustable awning or blind	aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)
S9	0.4	external adjustable awning or blind	aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)

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5. All work to relevant A.S. - N.C.C. & Australian Standards.
6. Waterproof/ Weatherproofing Details to be in accordance with National Competency Standards, Australian Standards and performance standards of the Master Builders Industry Guidelines.

Issue	Description	Date
B	Schematic Design Options	06/08/16
C	Pre-Development Application	02/09/16
D	Working Drawings Final	20/01/17
E	DA - Consultant Revision	30/05/17
F	Development Application Submission	07/07/17
G	DA Revisions	16/07/20

Development Application

for Strata Body SP:3555
at No. 5 Carlise Street, Tamarama
prepared by **Arcouture**

Title

Proposed Roof Plan



Date 16.07.2020

Scale 1:200@ A3

Drawn IGW

Job No. 1606

Dwg

(DA02)

Issue **G**

239



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Issue	Description	Date
A	Existing Drawings	12/07/16
B	Schematic Design Options	06/08/16
C	Pre-Development Application	02/09/16
D	Working Drawings Final	20/01/17
E	DA - Consultant Revision	30/05/17
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Development Application
for Strata Body SP:3555
at No. 5 Carlise Street, Tamarama
prepared by Arcouture

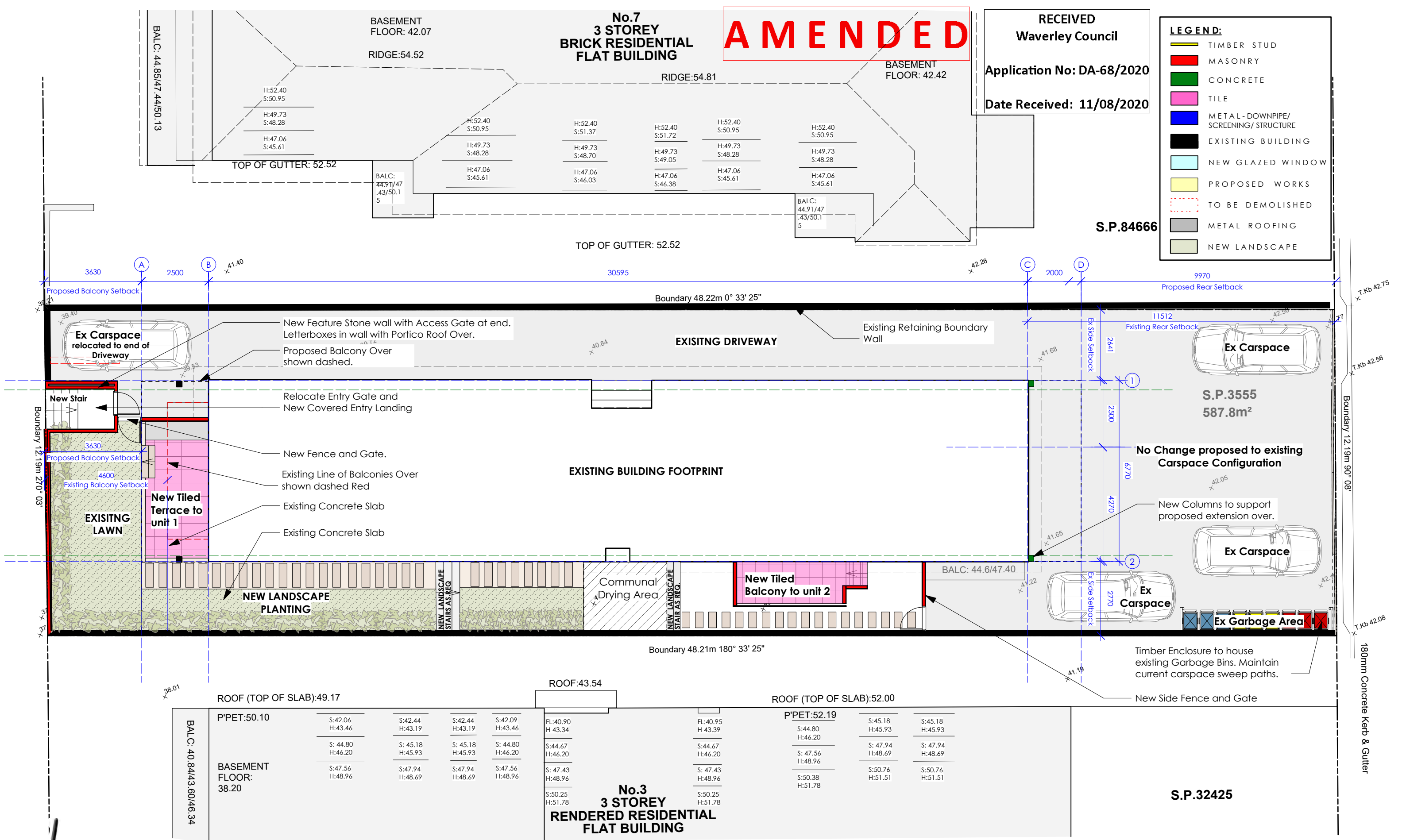
Title
Proposed Site & External Works Plan

0 1000 2000 5000

North Arrow

Date 07.07.2017
Scale 1:125@ A3
Drawn JGW
Job No. 1606

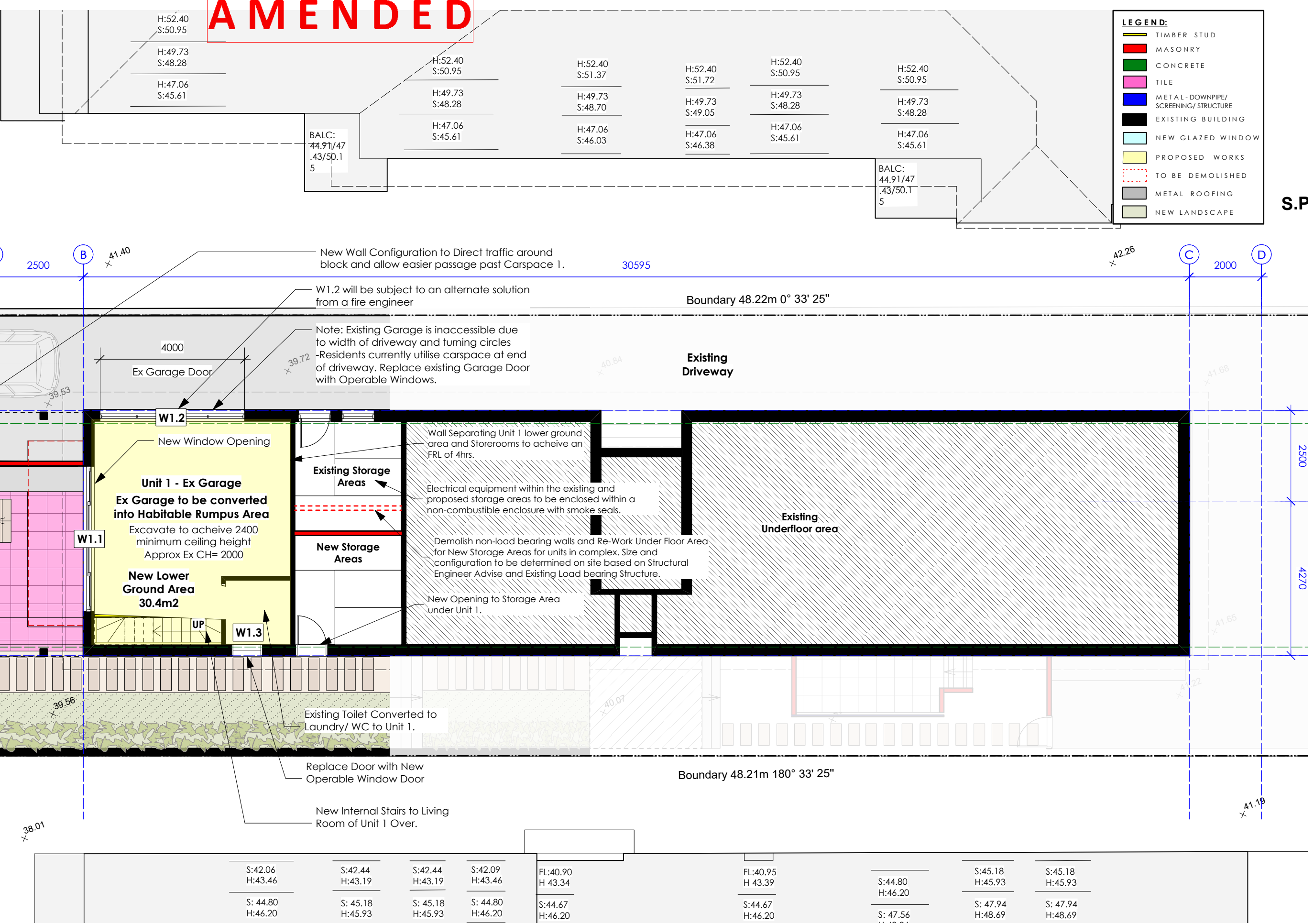
Dwg (DA03)
Issue F

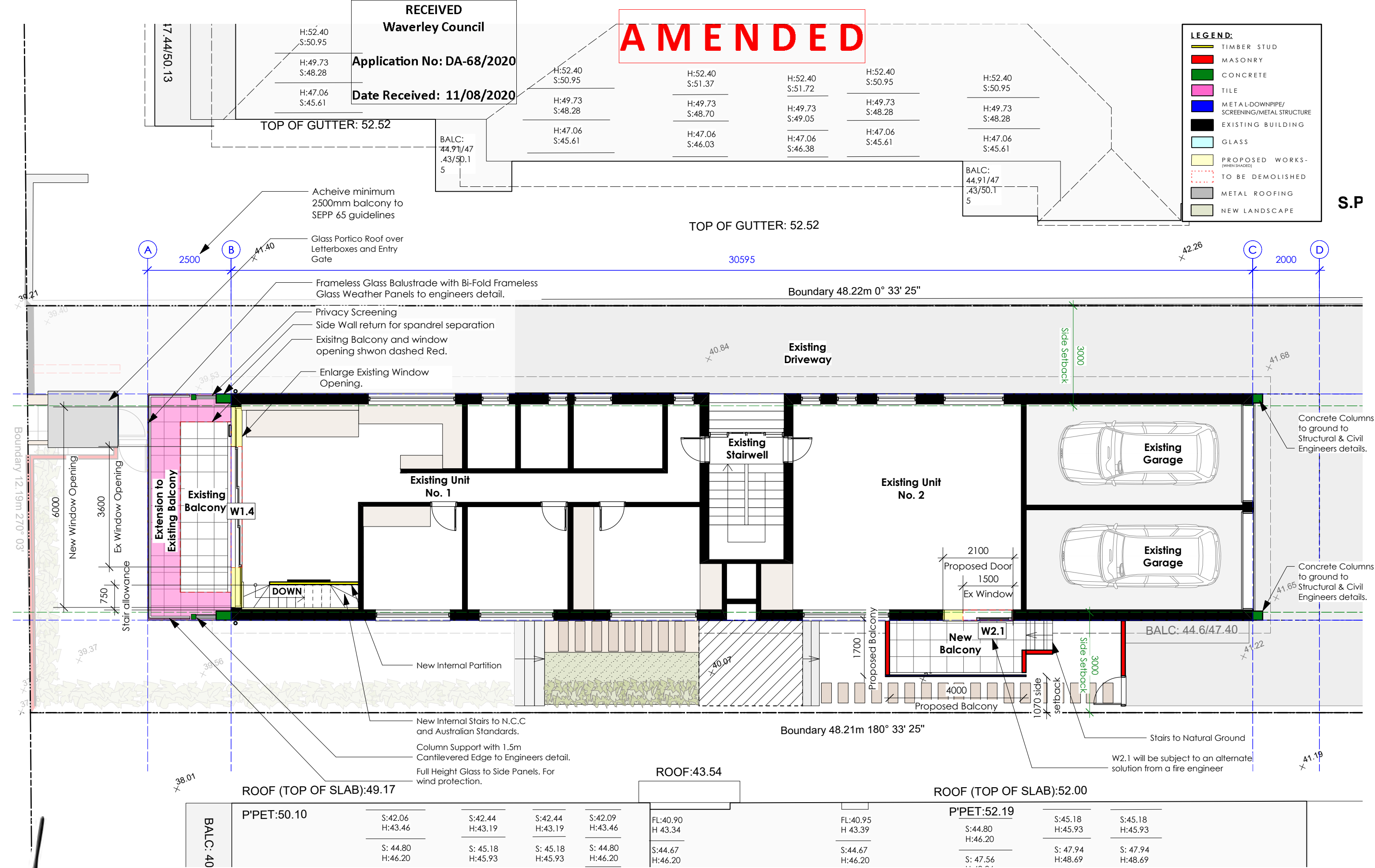


AMENDED

RECEIVED
Waverley Council
Application No: DA-68/2020
Date Received: 11/08/2020

- LEGEND:
- TIMBER STUD
 - MASONRY
 - CONCRETE
 - TILE
 - METAL - DOWNPIPE/ SCREENING/ STRUCTURE
 - EXISTING BUILDING
 - NEW GLAZED WINDOW
 - PROPOSED WORKS
 - TO BE DEMOLISHED
 - METAL ROOFING
 - NEW LANDSCAPE





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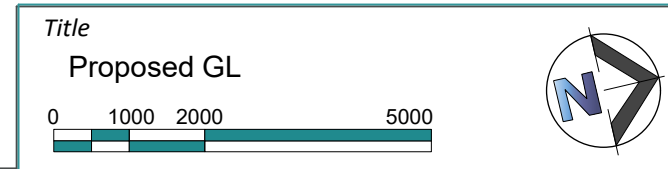
Issue	Description	Date
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G	DA Revisions	16/07/20

Development Application

for Strata Body SP:3555

at No. 5 Carlise Street, Tamarama

prepared by **Arcouture**



Date 16.07.2020

Scale 1:100@ A3

Drawn JGW

Job No. 1606

Dwg (DA05)

Issue G

242

AMENDED

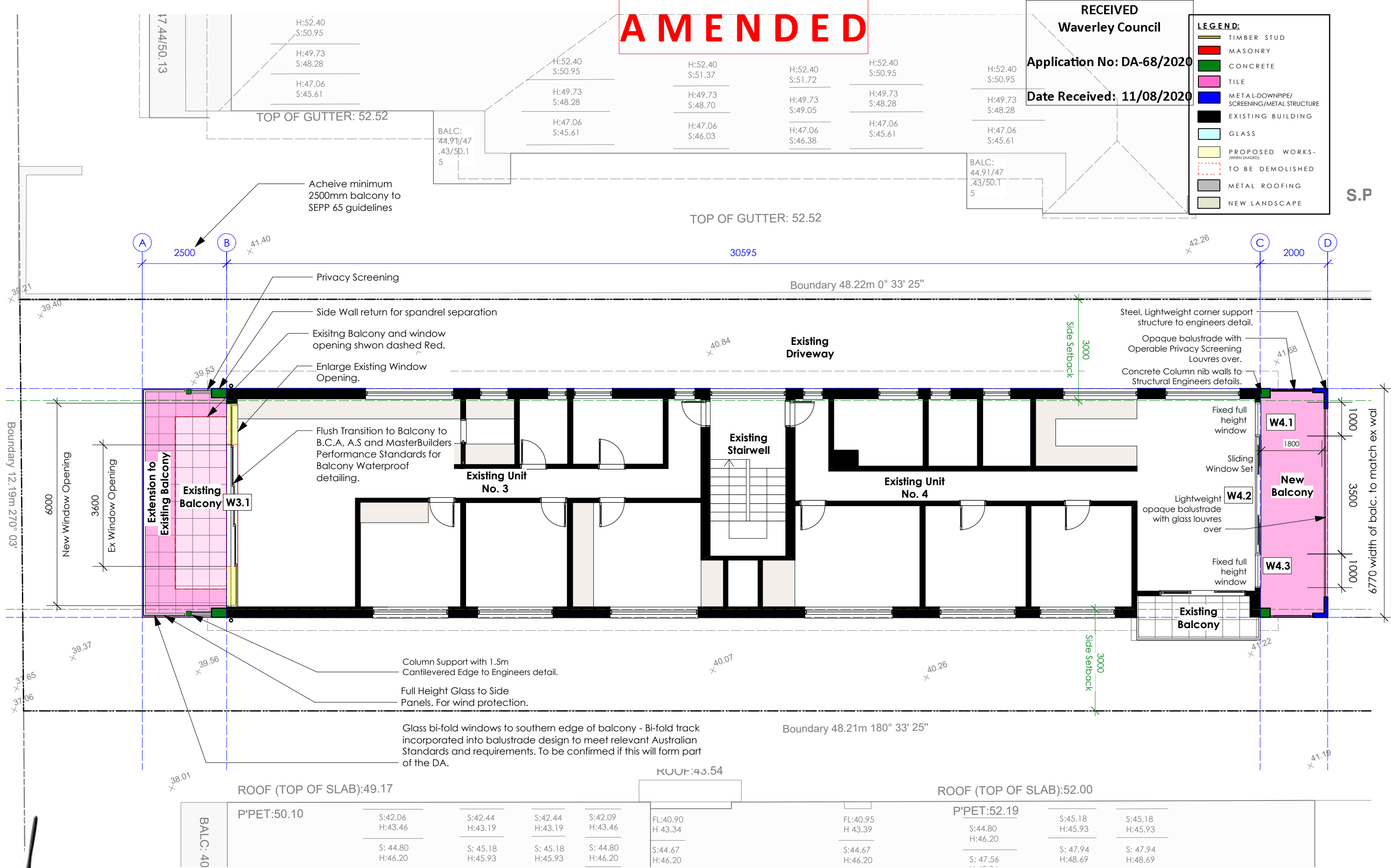
RECEIVED
Waverley Council

Application No: DA-68/2020

Date Received: 11/08/2020

LEGEND:	
	TIMBER STUD
	MASONRY
	CONCRETE
	TILE
	METAL-DOWNSPIPE/ SCREENING/METAL STRUCTURE
	EXISTING BUILDING
	GLASS
	PROPOSED WORKS- (WHEN SHADED)
	TO BE DEMOLISHED
	METAL ROOFING
	NEW LANDSCAPE

S.P



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G	DA Revisions	16/07/20

Development Application

for Strata Body SP:3555
at No. 5 Carlise Street, Tamarama
prepared by Arcouture

Title

Proposed L1



Date 16.07.2020
Scale 1:100@ A3
Drawn JGW
Job No. 1606

Dwg (DA06)
Issue G

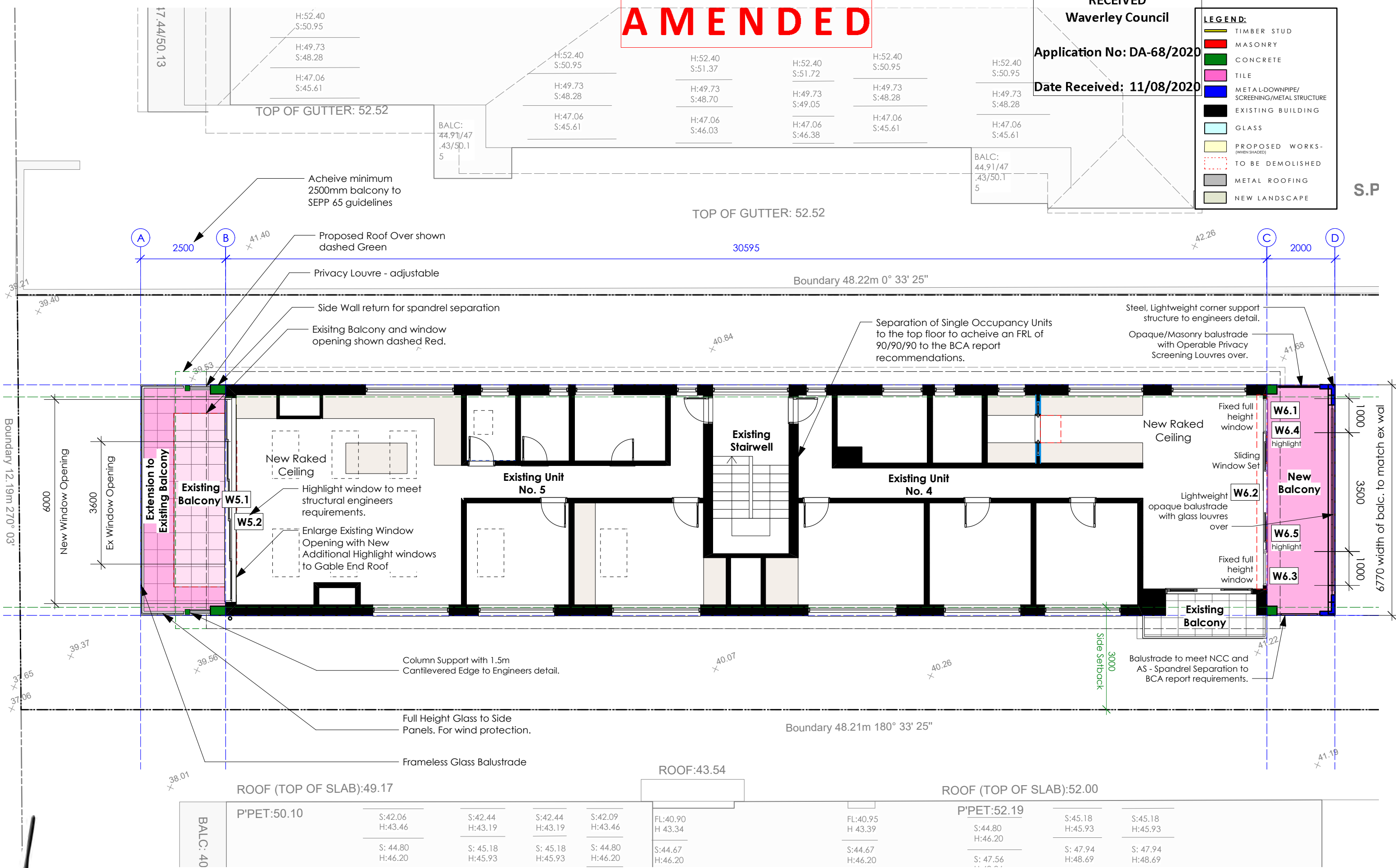


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RECEIVED
Waverley Council
Application No: DA-68/2020
Date Received: 11/08/2020

LEGEND:	
	TIMBER STUD
	MASONRY
	CONCRETE
	TILE
	METAL-DOWNSPIPE/ SCREENING/METAL STRUCTURE
	EXISTING BUILDING
	GLASS
	PROPOSED WORKS- (WHEN SHADED)
	TO BE DEMOLISHED
	METAL ROOFING
	NEW LANDSCAPE

S.P



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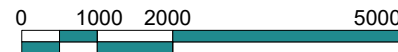
Issue	Description	Date
B	Schematic Design Options	06/08/16
C	Pre-Development Application	02/09/16
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Development Application

for Strata Body SP:3555
at No. 5 Carlise Street, Tamarama
prepared by Arcouture

Title

Proposed L2



Date 16.07.2020
Scale 1:100@ A3
Drawn JGW
Job No. 1606

Dwg

(DA07)

Issue

G

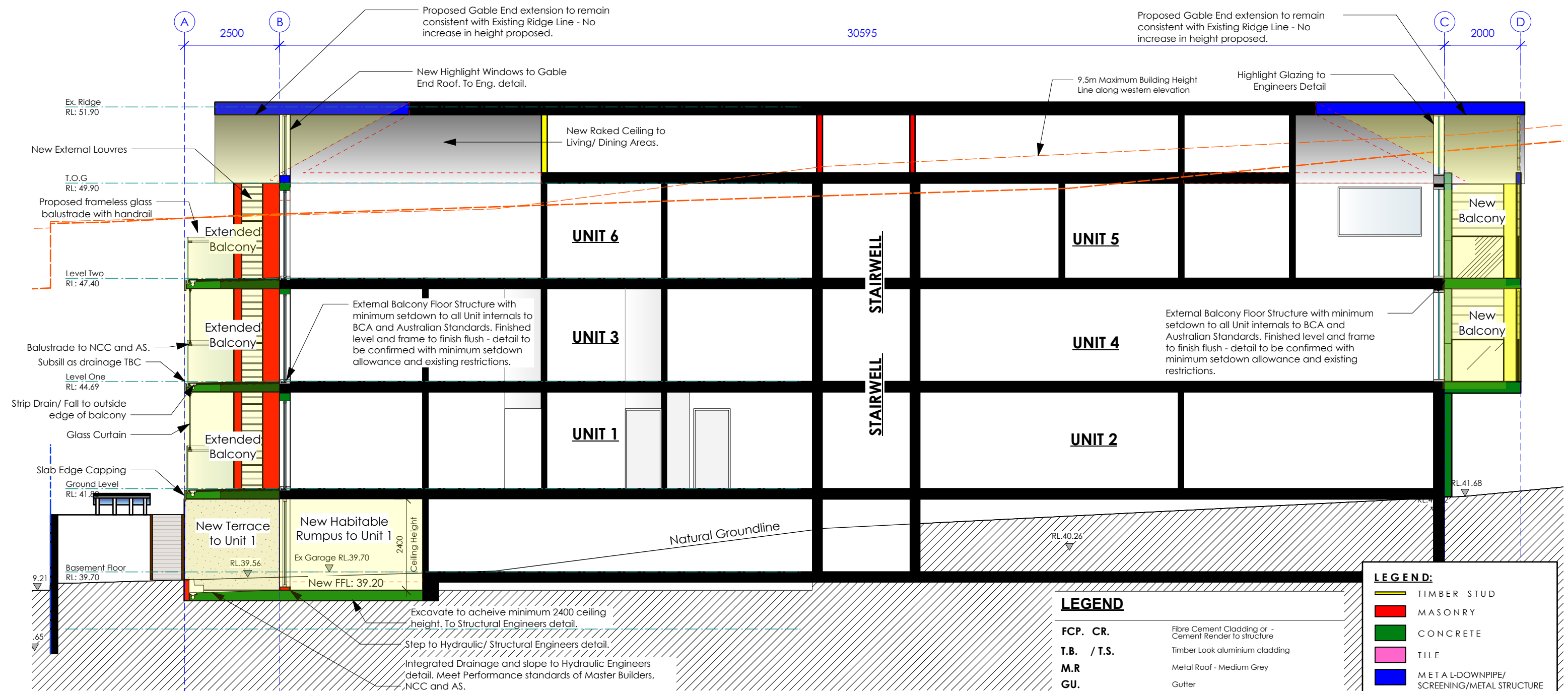
244

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Waverley Council

Application No: DA-68/2020

Date Received: 11/08/2020



LEGEND

FCP.	CR.	Fibre Cement Cladding or -
T.B.	/ T.S.	Cement Render to structure
M.R		Timber Look aluminium cladding
GU.		Metal Roof - Medium Grey
GL.		Gutter
LV.		Glass
T1.		Louvers
ST.		External Floor Tile
PLV.		Feature Stone Cladding
Ex.		Privacy Louvers/ Screening
DP.		Existing
OP.		Downpipe
		Opaque

LEGEND:

	TIMBER STUD
	MASONRY
	CONCRETE
	TILE
	METAL-DOWNSPIPE/
	SCREENING/METAL STRUCTURE
	EXISTING BUILDING
	GLASS
	PROPOSED WORKS-
	(WHEN SHADED)
	TO BE DEMOLISHED
	METAL ROOFING
	NEW LANDSCAPE

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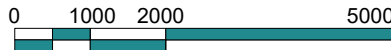
Issue	Description	Date
B	Schematic Design Options	06/08/16
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G	DA Revisions	16/07/20

Development Application

for Strata Body SP:3555
at No. 5 Carlise Street, Tamarama
prepared by Arcouture

Title

Long Section



Date 16.07.2020

Scale 1:100@ A3

Drawn JGW

Job No. 1606

Dwg

(DA08)

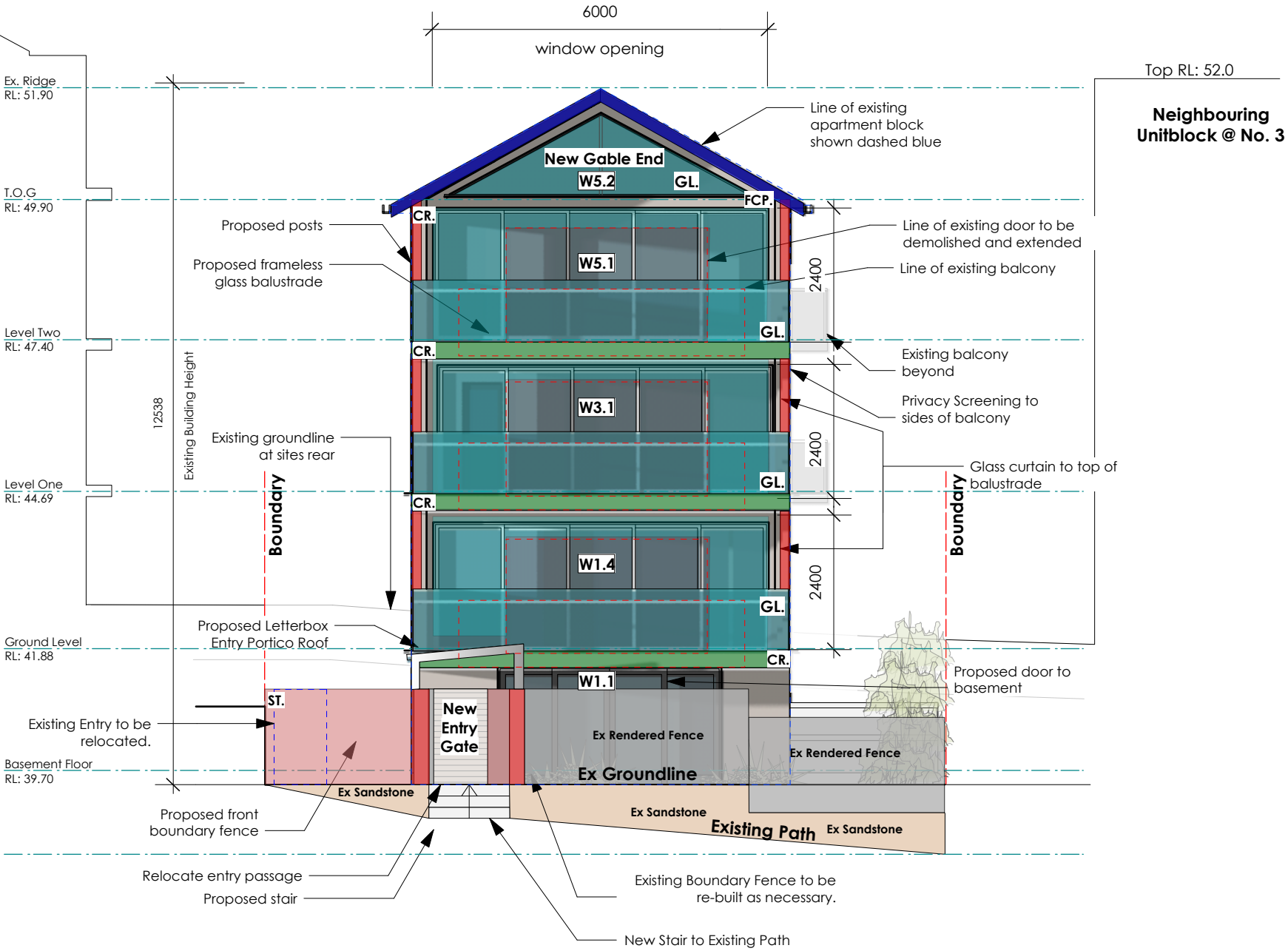
Issue

G



Ridge RL: 54.81

Neighbouring
Unitblock @ No. 7



Proposed South Elevation

LEGEND:

- TIMBER STUD
- MASONRY
- CONCRETE
- TILE
- METAL-DOWNSPIPE/SCREENING/METAL STRUCTURE
- EXISTING BUILDING
- GLASS
- PROPOSED WORKS - (WHEN SHADED)
- TO BE DEMOLISHED
- METAL ROOFING
- NEW LANDSCAPE

LEGEND

- FCP.CR. Fibre Cement Cladding or - Cement Render to structure
- T.B. / T.S. Timber Look aluminium cladding
- M.R. Metal Roof - Medium Grey
- GU. Gutter
- GL. Glass
- LV. Louvres
- T1. External Floor Tile
- ST. Feature Stone Cladding
- PLV. Privacy Louvres/ Screening
- Ex. Existing
- DP. Downpipe
- OP. Opaque

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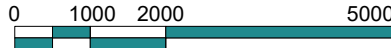
Issue	Description	Date
B	Schematic Design Options	06/08/16
C	Pre-Development Application	02/09/16
D	Working Drawings Final	20/01/17
E	DA - Consultant Revision	30/05/17
F	Development Application Submission	07/07/17
G	DA Revisions	16/07/20

Development Application

for Strata Body SP:3555
at No. 5 Carlisle Street, Tamarama
prepared by Arcouture

Title

Proposed Southern (Carlisle St) Elevation



Date 16.07.2020

Scale 1:100@ A3

Drawn JGW

Job No. 1606

Dwg

(DA09)

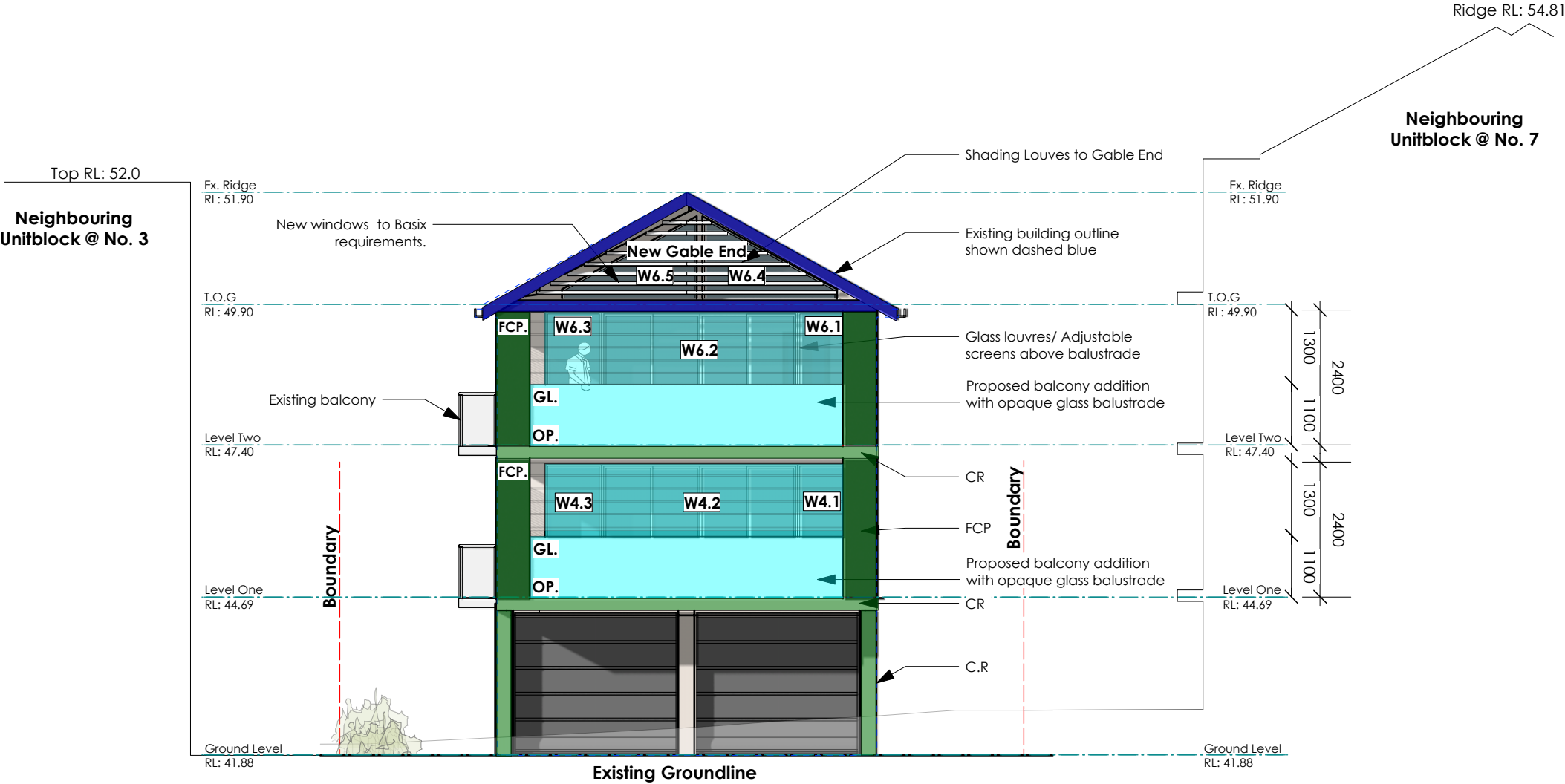
Issue G

AMENDED

RECEIVED
Waverley Council

Application No: DA-68/2020

Date Received: 11/08/2020



Proposed North Elevation

LEGEND:

- TIMBER STUD
- MASONRY
- CONCRETE
- TILE
- METAL-DOWNSPIPE/ SCREENING/METAL STRUCTURE
- EXISTING BUILDING
- GLASS
- PROPOSED WORKS- (WHEN SHADED)
- TO BE DEMOLISHED
- METAL ROOFING
- NEW LANDSCAPE

LEGEND

- FCP.CR. Fibre Cement Cladding or - Cement Render to structure
- T.B. / T.S. Timber Look aluminium cladding
- M.R Metal Roof - Medium Grey
- GU. Gutter
- GL. Glass
- LV. Louvres
- T1. External Floor Tile
- ST. Feature Stone Cladding
- PLV. Privacy Louvres/ Screening
- Ex. Existing
- DP. Downpipe
- OP. Opaque

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- Waterproof/ Weatherproofing Details to BCA - National Competency Standards, Australian Standards and performance standards of the Master Builders Industry Guidelines.

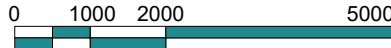
Issue	Description	Date
B	Schematic Design Options	06/08/16
C	Pre-Development Application	02/09/16
D	Working Drawings Final	20/01/17
E	DA - Consultant Revision	30/05/17
F	Development Application Submission	07/07/17
G	DA Revisions	16/07/20

Development Application

for Strata Body SP:3555
at No. 5 Carlise Street, Tamarama
prepared by Arcouture

Title

Proposed Northern (Dellmar Lane) Elevation



Date 16.07.2020

Scale 1:100@ A3

Drawn JGW

Job No. 1606

Dwg

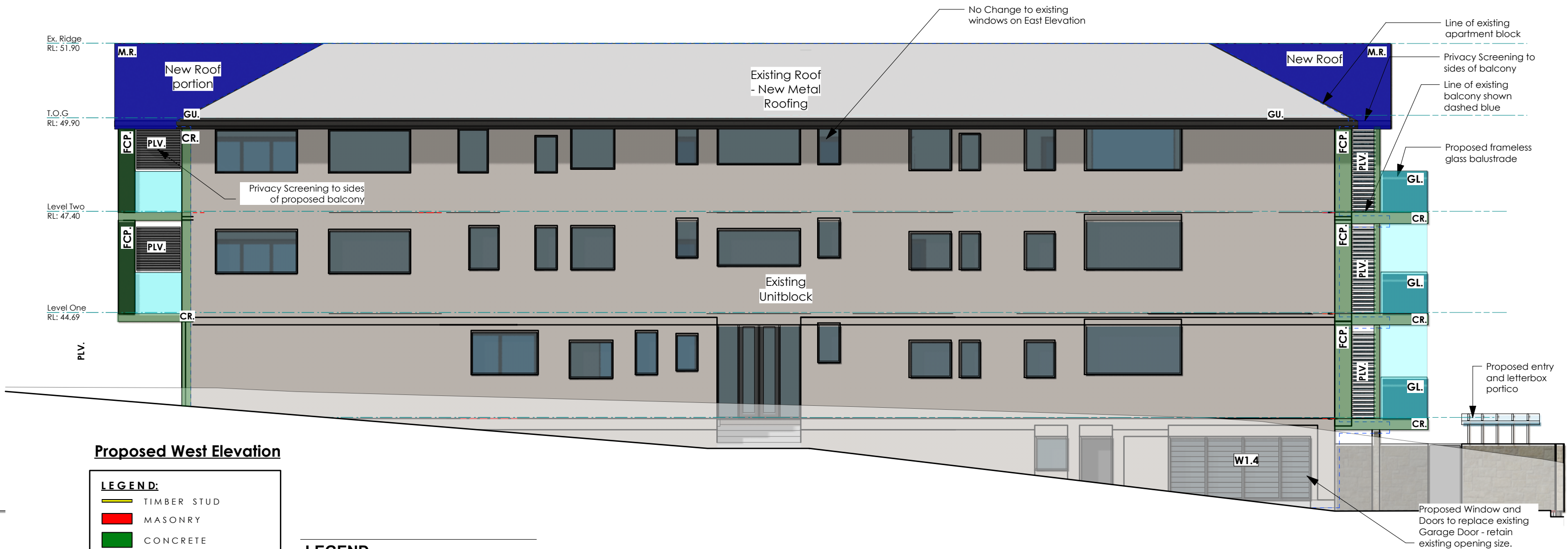
(DA10)

Issue G

247

AMENDED

RECEIVED
Waverley Council
Application No: DA-68/2020
Date Received: 11/08/2020



Proposed West Elevation

LEGEND:

- TIMBER STUD
- MASONRY
- CONCRETE
- TILE
- METAL-DOWNSPIPE/SCREENING/METAL STRUCTURE
- EXISTING BUILDING
- GLASS
- PROPOSED WORKS - (WHEN SHADED)
- TO BE DEMOLISHED
- METAL ROOFING
- NEW LANDSCAPE

LEGEND

FCP.CR.	Fibre Cement Cladding or - Cement Render to structure
T.B. / T.S.	Timber Look aluminium cladding
M.R	Metal Roof - Medium Grey
GU.	Gutter
GL.	Glass
LV.	Louvres
T1.	External Floor Tile
ST.	Feature Stone Cladding
PLV.	Privacy Louvres/ Screening
Ex.	Existing
DP.	Downpipe
OP.	Opaque



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Development Application

for Strata Body SP:3555
at No. 5 Carlise Street, Tamarama
prepared by Arcouture

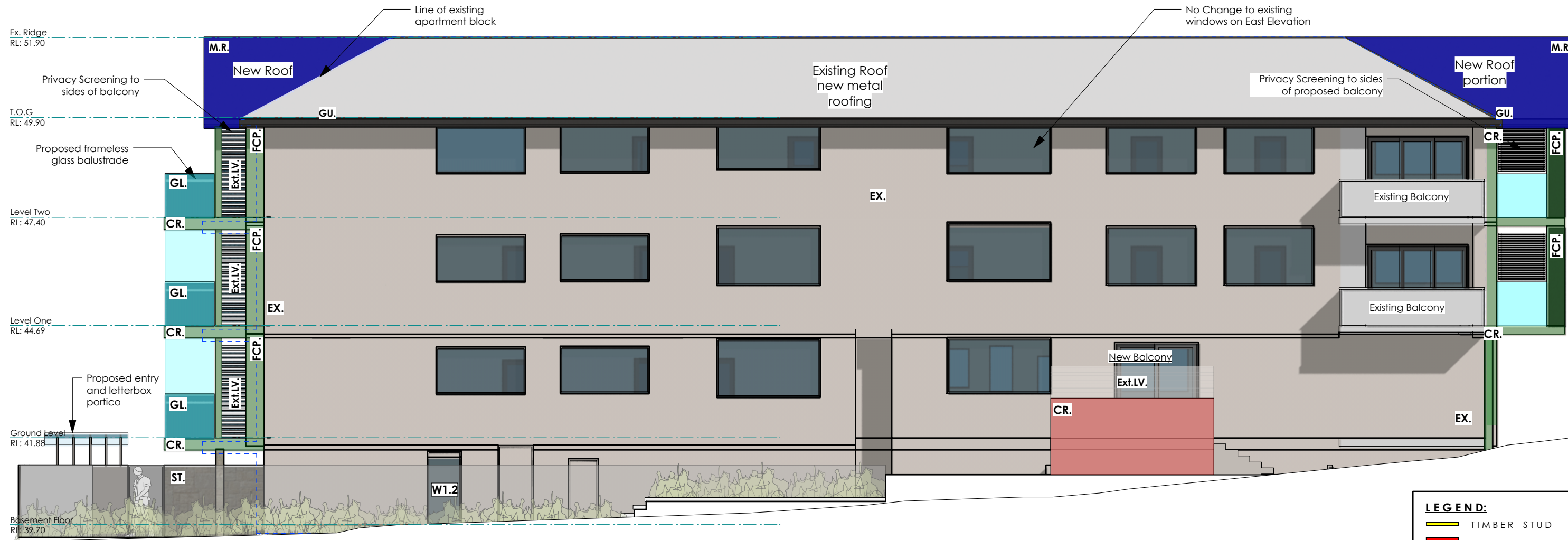
Title
Proposed West Elevation
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Date 16.07.2020
Scale 1:100@ A3
Drawn JGW
Job No. 1606

Dwg
(DA11)
Issue G

AMENDED

RECEIVED
Waverley Council
Application No: DA-68/2020
Date Received: 11/08/2020



Proposed East Elevation

LEGEND

- FCP.CR. Fibre Cement Cladding or - Cement Render to structure
- T.B. / T.S. Timber Look aluminium cladding
- M.R. Metal Roof - Medium Grey
- GU. Gutter
- GL. Glass
- LV. Louvres
- T1. External Floor Tile
- ST. Feature Stone Cladding
- PLV. Privacy Louvres/ Screening
- EX. Existing
- DP. Downpipe
- OP. Opaque

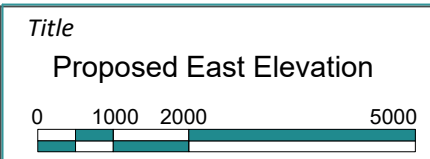
- LEGEND:**
- TIMBER STUD
 - MASONRY
 - CONCRETE
 - TILE
 - METAL-DOWNSPIPE/ SCREENING/METAL STRUCTURE
 - EXISTING BUILDING
 - GLASS
 - PROPOSED WORKS - (WHEN SHADED)
 - TO BE DEMOLISHED
 - METAL ROOFING
 - NEW LANDSCAPE

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Issue	Description	Date
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E	DA - Consultant Revision	30/05/17
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G	DA Revisions	16/07/20

Development Application

for Strata Body SP:3555
at No. 5 Carlise Street, Tamarama
prepared by Arcouture



Date 16.07.2020
Scale 1:100@ A3
Drawn JGW
Job No. 1606

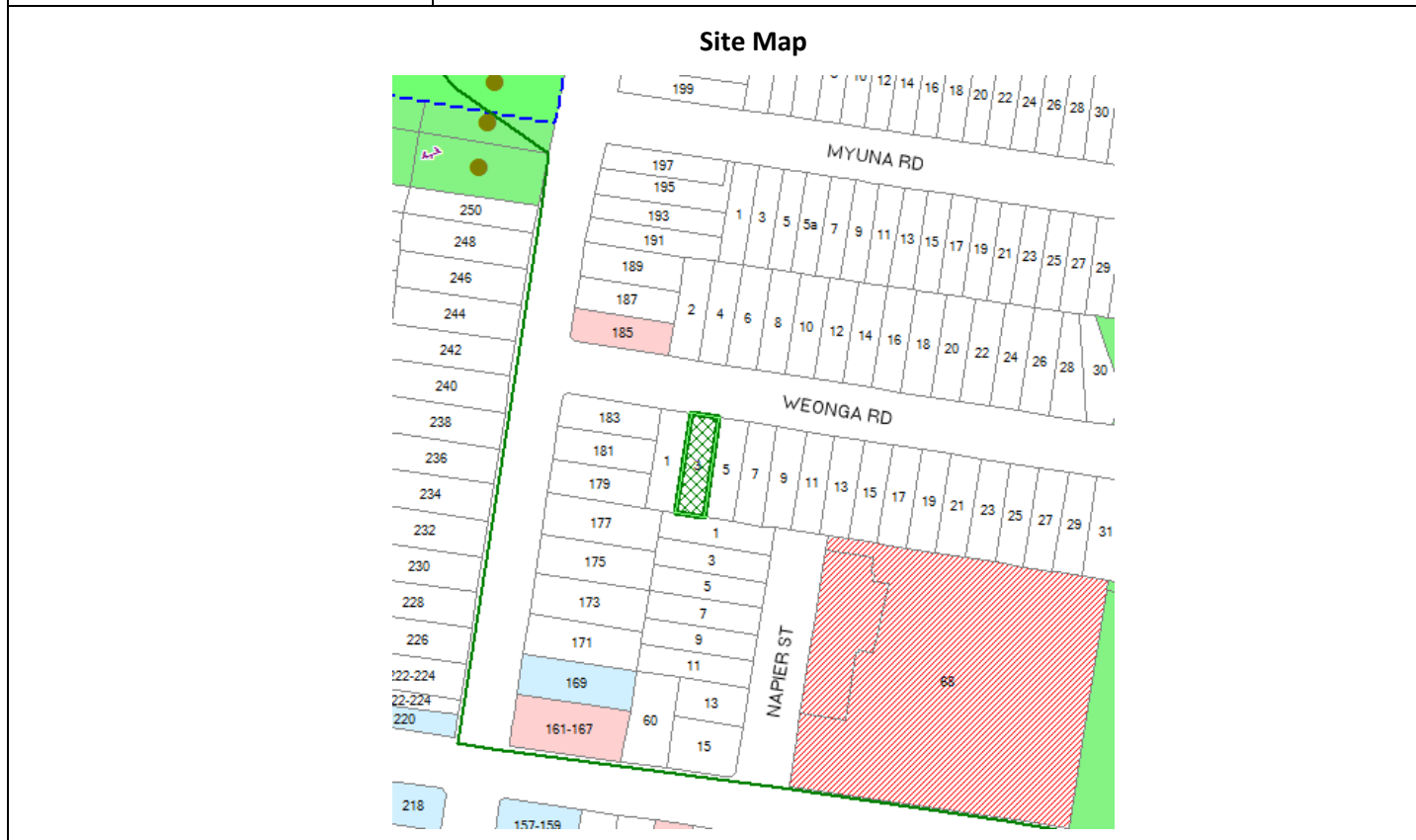
Dwg (DA12)
Issue G





Report to the Waverley Local Planning Panel

Application number	DA-241/2020
Site address	3 Weonga Road, DOVER HEIGHTS
Proposal	Demolition of a dwelling and construction of a part two, part three storey dwelling with integrated parking and swimming pool to rear.
Date of lodgement	3 August 2020
Owner	Mrs L J Dreyer
Applicant	Urban Revolutions Pty Ltd
Submissions	Nil
Cost of works	\$1,819,381
Issues	Exceeds height and FSR, inadequate clause 4.6, excessive excavation, non-compliant wall height, non-complaint setbacks, visual privacy impacts
Recommendation	That the application be REFUSED



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 18 August 2020.

The site is identified as Lot 34 in DP 14520, known as 3 Weonga Road, DOVER HEIGHTS. The site is rectangular in shape with a northern frontage and southern rear boundary of 10.975m and an eastern and western side boundary of 37.215m. The site has an area of 408.4m² and slopes from the front to the rear by approximately 2.24m.

The site is occupied by a detached brick dwelling that is one storey to the front and two storeys to the rear, with vehicular access provided from Weonga Road to a garage located under the house.

The subject site is adjoined by detached dwellings on either side. The locality is characterised by a majority of detached dwellings with a few examples of dual-occupancies.



Figure 1: Site viewed from Weonga Road



Figure 2: Rear of subject site (source: Google Maps, 2020)

1.2 Relevant History

Below is the relevant history associated with the subject site.

PD-22/2020

A Pre-DA for demolition of the existing dwelling and construction of a part two, part three storey dwelling with swimming pool and roof terrace was reviewed and the following advice was provided on 6 July 2020:

Height of Building

- The proposal exceeds the height control of 8.5m and is to comply;
- Delete the roof terrace;
- Reduce floor to ceiling heights; and
- Articulation is to be incorporated into the elevations to avoid a breach in wall height.

Floor Space Ratio (FSR)

- The development is to reduce its Gross Floor Area (GFA) to conform with FSR of 0.66:1.

Front and Rear Building Lines

- A front and rear setback analysis is to be undertaken, taking into account two dwelling to either side.

Visual Privacy

- Ground floor rear balcony is not to exceed a depth of 1.5m and is to incorporate privacy screens to each side, 1.8m from Finished Floor Level (FFL);
- Roof terrace is to be deleted as it exceeds height, contributes to a non-compliant FSR (from stairs) and exceeds 15m²;
- Window location of neighboring windows is to be shown on the floor plans, if issues arise, visual privacy measures are to be incorporated; and
- Any bathroom/ensuite windows are to incorporate privacy measures.

Landscaping

- Front landscaping area is to comply with the Waverley Development Control Plan 2012 (WDCP).

1.3 Proposal

The proposal is for the demolition of all structures on site and the construction of a part two, part three storey dwelling with associated pool and roof terrace. In detail the development will consist of:

Lower Ground Floor

- Alfresco dining area/BBQ area and pool;
- Laundry;
- Wet Bar;
- Plant Room;
- Wine Cellar;
- Powder Room;
- Storage Room/Rumpus Room/Great Room/Media Room (plans show differing room use); and
- Lift to each level.

Ground Floor (street entry level)

- Two x car garage;
- Pantry;
- Open plan kitchen/dining/ living areas with balcony; and
- Powder room.

First Floor

- Four x bedrooms, each with own ensuite.

Roof

- 53.84m² roof terrace.

2. ASSESSMENT

The following matters are to be considered in the assessment of this Development Application (DA) 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 DA.

The BASIX Certificate and NatHERs certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. If approved, a standard condition would be recommended ensuring the measures detailed in the BASIX Certificate and NatHERs 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	No	The proposal does not meet the aims of the WLEP, as detailed within this table and discussed further below.
Part 2 Permitted or prohibited development		
Land Use Table <i>R2 – Low Density Residential Zone</i>	Yes	The proposal is defined as dwelling house, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none">• 8.5m	No. See discussion.	Ground level was taken by averaging existing ground level RL's from the survey. (<i>RL 78.74 and RL 78.17</i>).

Provision	Compliance	Comment
		<p>The proposal will have an overall height of 10.01m.</p> <p>The development will be in breach the development standard by 1.5m or 17.6%.</p>
<p>4.4 FSR and</p> <p>4.4A Exceptions to FSR</p> <ul style="list-style-type: none"> • Site Area: 408.4m² • Max GFA: 267.8m² • Max FSR: 0.66:1 	No. See discussion.	<p>The proposal will have a GFA of:</p> <p><u>GFA Calculations</u></p> <p>Lower Ground Floor GFA: 132.7m²</p> <p>Ground Floor GFA: 89.7m²</p> <p>First Floor GFA: 117.9m²</p> <p>Roof Terrace GFA: Nil</p> <p>TOTAL GFA: 340.3m²</p> <p>FSR: 0.83:1</p> <p>The development will be in breach of the development standard by 72.5m² or 27.1%.</p> <p>It is noted that the room located on lower ground is labelled:</p> <ul style="list-style-type: none"> - 'Storage' on the Floor Plan; - 'Rumpus/Great Room' on Section AA; - 'Media / TV Room' on Section BB. <p>It is unclear what this room will be used as.</p> <p>Habitable rooms in a basement are included as GFA in accordance with the WLEP and therefore, this area is counted as contributing to GFA.</p>
4.6 Exceptions to development standards	See discussion	<p>The application is accompanied by a written request pursuant to clause 4.6 of the WLEP to vary the height of building and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.</p>
Part 6 Additional Local Provisions		
6.2 Earthworks	No	<p>The amount of excavation is considered to be excessive and should be reduced. The building should work with the natural topography of the land to assist in reducing the bulk and scale of the development.</p> <p>It is noted that the neighbouring dwelling at No. 1 Weonga Road has worked with the natural topography of the land, reducing the need for mass excavation.</p>

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

Clause 4.6 Exceptions to Development Standards - Height

The application seeks to vary the height of buildings 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 10m, exceeding the standard by 1.5m equating to a 17.6% 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 of building development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *There are many development controls that constrain bulk and scale of a building including setbacks, site coverage, envelopes, setbacks and overshadowing;*
 - (ii) *The underlying objective/purpose of the standard is to provide diversity in housing typology and housing that is compatible with the environment and built character of the area and we believe these measures are satisfied;*
 - (iii) *The proposal is compliant at the street frontage view. As the land slopes steeply behind the building line, the proposal then encroaches well back from the front setback line and the encroachment parts are in small sections of the proposal rather than a massing;*
 - (iv) *Strict adherence to the standard would not provide a better outcome and would reduce amenity;*
 - (v) *The neighbouring buildings on either side of the proposed are larger and higher than the proposed;*
 - (vi) *The two existing neighbouring properties (1 Weonga) and (3 Weonga) are higher, bulkier and have less articulation than the proposed development;*
 - (vii) *Other existing properties in the street (10 Weonga), (14 Weonga) (183 Military) (2 Weonga) are all larger, higher, bulkier and have less articulation than the proposed development; and*
 - (viii) *Accordingly, it is the opinion of the author that council's own action in granting consents departing from the Standard has been abandoned or destroyed.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:

- (i) *The proposal is a flat roof. Every effort has been made to mitigate the building height.*
- (ii) *The proposed heights appear appropriate considering the neighbouring homes.*
- (iii) *The height of the building is not impacting on views for adjoining properties.*
- (iv) *The proposal does not cause unreasonable overshadowing.*
- (v) *The proposed excavation seeks to cut and therefore does not impact on the massing of the building.*
- (vi) *Accordingly, the objectives of the standard are satisfied.*
- (vii) *The height exceedance is at the rear of the proposed building and accordingly the street massing is not impacted.*
- (viii) *Generous side setbacks and material articulation have been incorporated into the design to offset the modest height encroachment.*

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 not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, although it 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.*

The applicant has primarily focused their commentary on the first justification/test of *Wehbe vs Pittwater Council (2007)*, that is the objectives of the development standard are achieved despite the non-compliance with that standard.

Council does not agree with the justification provided for the following reasons:

- (i) The proposed development exceeds the height of building development standard. It is noted that balustrading is not excluded from the height of building development standard. The WLEP, the definition of building height is:
building height (or height of building) means—
 - (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
 - (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,**including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

This does not exclude balustrading.
- (ii) The excavation is extensive and contributes to the bulk and scale of the dwelling. In accordance with Part B14 *Excavation* of the Waverley Development Control Plan 2012 (WDCP), development should work with the topography of the land to avoid excessive bulk and massing, which the proposal does not.
- (iii) The development results in non-compliant front, rear and side setbacks, along with a breach in wall height, resulting in a dwelling that has a large bulk and scale.

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. The applicant contends that the development envelope is an acceptable outcome for the site. This is despite the non-compliances with the front, rear and side setback controls, overall height control, FSR exceedance and excessive excavation. Council does not agree with this justification, with the proposed bulk and massing of the development creating an unacceptable and poor planning outcome for the site, which results in visual and acoustic privacy impacts from a large roof terrace that exceeds height and overshadowing which could be reduced through compliant height and setbacks. It was advised in the Pre-DA advice, dated 6 July 2020:

The development exceeds the maximum building height development standard under the WLEP. The roof terrace should be deleted from the proposal and the floor to ceiling heights of the remaining levels should be reduced to ensure the development is compliant with the maximum height control.

The current proposal still results in a roof terrace that exceeds the maximum height control and has large floor to ceiling heights.

As discussed further below, the proposal does not meet the objectives of the height of building development standard or the Low Density Residential zone in the WLEP:

Height of Building

- (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,*

Comment

For contemporary dwellings that have the capacity to comply with the control, a height limit is to be established and adhered to. The development exceeds the height, FSR, wall height and front, rear and side setbacks requirements, resulting in visual and acoustic privacy and overshadowing impacts when a more compliant development could avoid this.

- (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.*

Comment

The proposal is not compatible with the height, bulk and scale of the desired future character of the locality. The desired future character of the area is for dwellings that do not grossly exceed the height of building standard.

Low Density Residential Zone

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

Comment

Although the development is for a detached dwelling, which is permissible in the zone, the proposal results in an overdevelopment of the site, exceeding many of the development standards stipulated in the planning instruments (as discussed in this report).

Is the development in the public interest?

The proposed development will not be in the public interest because it is not consistent with both the objectives of the particular standard as outlined above and the objectives for development within the zone in which the development is proposed to be carried out. The proposed is an overdevelopment of the site, resulting in a dwelling that exceeds the height of building development standard, leading to adverse impacts.

Conclusion

For the reasons provided above, the requested variation to the height of building 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 WLEP. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of the Height of building development standard and the Low Density Residential Zone.

Clause 4.6 Exceptions to Development Standards - FSR

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

The site is subject to a maximum FSR control of 0.66:1. The proposed development has an FSR of 0.83:1, exceeding the standard by 72.5m² equating to a 27.1% 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) *There are many development controls that constrain bulk and scale of a building including maximum build height, setbacks, envelopes and overshadowing.*
 - (ii) *The underlying objective/purpose of the standard is to provide diversity in housing typology and housing that is compatible with the environment and built character of the area and we believe these measures are satisfied.*
 - (iii) *The FSR encroachment can be largely attributed to the lower ground floor plan. This space will appear subterranean from the street and therefore is not contributing to bulk/scale of the proposal, when viewed from the front.*
 - (iv) *The floor space encroachment is not adversely impacting on adjoining owners and therefore is not necessary to ensure orderly development of the property.*
 - (v) *Strict adherence to the standard would not provide a better urban outcome.*
 - (vi) *The neighbouring buildings on either side of the proposed site are both larger and higher than the proposed and also have less articulation on south elevations and have lesser setbacks.*
 - (vii) *The two existing neighbouring properties (1 Weonga) and (3 Weonga) are larger, higher, bulkier and have less articulation than the proposed development. Considering that the land size is also similar, the FSR standard has most likely been breached.*
 - (viii) *Other existing properties in the street (10 Weonga), (14 Weonga) (183 Military) (2 Weonga) are all larger, higher, bulkier and have less articulation than the proposed development. Considering that the land size is also similar, the FSR standard has most likely been breached.*
 - (ix) *Accordingly, it is the opinion of the author that council's own action in granting consents departing from the Standard has been abandoned or destroyed.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) *The proposed building is slightly higher than the allowable FSR.*
 - (ii) *The encroachment is 17% in excess of the standard.*
 - (iii) *The reduction would detrimentally impact of the required spaces of the home and would not materially alter the massing of the building at the front of the residence.*
 - (iv) *The building complements the natural topography and landscape to mitigate excavation.*
 - (v) *No impact to daylight to any buildings.*

- (vi) *No view loss.*
- (vii) *No privacy loss.*
- (viii) *No overshadowing impacts.*
- (ix) *No visual impact*
- (x) *There is minimal cumulative impact on future development and the proposed does not undermine the objective of the development standard.*
- (xi) *The FSR encroachment is essentially lower ground space not visible from the street and therefore there is no undue or visible massing/scaling issues.*
- (xii) *There is no loss of amenity for the adjoining properties.*
- (xiii) *The objectives of the standard are satisfied.*

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 not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, although it 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.*

The applicant has primarily focused their commentary on the first justification/test of *Wehbe vs Pittwater Council (2007)* LEC 827, that is the objectives of the development standard are achieved despite the non-compliance with that standard.

Council disagrees with the contention that the objectives of the standard are achieved and the following is noted:

- The proposal exceeds the FSR standard by 27.1%, this is excessive for a new single dwelling on a vacant site.
- The excavation is extensive and contributes to the bulk and scale of the dwelling. The development should work with the topography of the land to avoid excessive bulk and massing as required by in Part B14 of the WDCP.
- The proposal results in privacy impacts from an oversized roof terrace that exceeds the height control and maximum roof terrace size. In addition, the proposed first floor rear balcony does not provide visual privacy screens, which will also impact on the amenity of neighbouring properties.
- While it is noted that a substantial portion of the GFA is situated at lower ground level, it still contributes to a development that is oversized and is not considered to be of an acceptable bulk and scale for the site. The development exceeds the height and FSR standards, provides minimal articulation and provides non-compliant front, rear and side setbacks.

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. The applicant contends that the development envelope is an acceptable outcome for the site. This is despite the non-compliances with the front, rear and side setback controls, overall height controls, FSR exceedance and excessive excavation. This justification is not supported, with the proposed bulk and massing of the development creating an unacceptable and poor planning outcome for the site, which results in visual and acoustic privacy impacts from a large roof terrace that exceeds height and will result in overshadowing which could be reduced through compliant height and setbacks.

Council does not agree with this contention, with the proposed bulk and massing of the development creating an unacceptable and poor planning outcome for the site.

The proposal does not meet the objectives of the FSR development standard or the Low Density Residential zone in the WLEP:

FSR Objectives

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

Comment

The proposal exceeds both the Height and FSR development standards for the site. The breach to both of these standards, results in overdevelopment of the site, which is also contributed to by non-complaint setbacks and extensive excavation. The proposal is for a new dwelling and therefore should comply with the required Height, FSR and setbacks to ensure an appropriate correlation between height and density is achieved and which result in an acceptable bulk and scale within the streetscape.

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

Comment

The proposal grossly exceeds FSR and is therefore not compatible with the desired future character of the area, that being compliant contemporary dwellings. The proposed setbacks result in an unacceptable bulk and scale with the streetscape, and in turn, these non-compliant setbacks contribute to an excessive FSR.

- (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

For contemporary new dwellings that have the capacity to comply with the control, FSR is to be adhered to. The proposal results in a development that exceeds FSR as well as the height and setback controls and will result in visual and acoustic privacy impacts from an oversized roof terrace that is situated above the height limit, as well as additional shadowing which could be avoided through a compliant design.

Low Density Residential Zone

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

Comment

While the development is for a detached dwelling, which is permissible in the zone, it is an overdevelopment of the site, exceeding many of the development standards stipulated in the planning instruments and controls.

Is the development in the public interest?

The proposed development will not be in the public interest because.

The proposed development will not be in the public interest because it is not consistent with both the objectives of the particular standard as outlined above and the objectives for development within the zone in which the development is to be carried out. It is an overdevelopment of the site, resulting in a dwelling that grossly exceeds the FSR development standard and is not appropriate.

Conclusion

For the reasons provided above the requested variation to the FSR standard 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 WLEP. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of FSR development standard and the Low Density Residential Zone.

2.1.4 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
1. Waste	Yes	<p>A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. If approved, conditions of consent would be imposed regarding ongoing waste on site.</p> <p>The waste and recycling storage area is located in an area convenient for users of the site.</p>
2. Ecologically sustainable Development	Yes	A BASIX Certificate and NATHERS Certificate is submitted with the DA, which is acceptable.
3. Landscaping and Biodiversity	Yes	<p>The landscaping plan has been reviewed and is considered acceptable, maintaining as much existing vegetation as possible and is cohesive with the site and streetscape.</p> <p>The site does not contain remnant vegetation which are listed as threatened in the Environment Protection and Biodiversity Conservation Act 1999, and in the NSW Biodiversity Conservation Act 2016.</p>
5. Vegetation Preservation	Yes	<p>The application was reviewed by Council's Tree Officer, as three trees in the existing private open space are proposed to be removed; there is no objection to the removal of these trees.</p> <p>The existing Grevillea 'Coastal Sunset' tree on the nature strip at the front of the property in Weonga Road was recommended to be protected for the duration of the construction works.</p>
6. Stormwater	Yes	The stormwater plans submitted with the application are satisfactory.
8. Transport 8.1 Streetscape 8.2 On-Site Parking 8.2.1 Vehicle Access 8.2.2 Parking Rates	Yes - Yes Yes	<p>Off-street parking is characteristic of the streetscape. The existing tree on the nature strip is to be protected during construction.</p> <p>The subject site is located in parking zone 2.</p> <p>The existing driveway crossover is to be maintained.</p> <p>With the dwelling containing four bedrooms, a maximum of two off-street parking spaces are permitted. Two off-street parking spaces are proposed.</p>

Development Control	Compliance	Comment
12. Design Excellence	No	The bulk massing and modulation of the proposed dwelling is not acceptable. As advised in the Pre-DA letter, the proposal is to comply with the height and setback standards. Complying height, along with a compliant wall height and setbacks will further assist in reducing bulk and scale to enhance the design excellence of the dwelling.
14. Excavation	No	The amount of excavation is excessive. The proposed development should utilise the natural topography of the land to reduce the bulk and scale of the dwelling. In addition, the proposed excavation is less than 0.9m from the side boundaries.

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 • High design standard 	No	<p>The proposal contravenes the general objectives of this part of the WDCP.</p> <p>The proposed scale of the development is not appropriate for the allotment size, breaching height, FSR, wall height and setback controls.</p> <p>The development detracts from the amenity of other neighbouring dwellings from a first floor addition that it too close to the boundary, a roof terrace that is excessive in height resulting in visual and acoustic impacts and non-compliant setbacks which contribute to overshadowing.</p> <p>These non-compliances also result in development having minimal articulation, when a more skilful design could incorporate articulation through compliant setbacks leading to a compliant height and FSR.</p>
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> • Maximum wall height of 7.5m 	No	The proposal will result in a continuous wall height of 9.8m (eastern elevation), this is not acceptable and was advised in the Pre-DA letter of advice.
2.2 Setbacks		
2.2.1 Front and rear building lines	No. See discussion.	Front and rear setbacks are discussed in detail below this table.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 		
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m (<i>height less than 8.5m</i>) Minimum 1.5m (<i>height more than 8.5m</i>) 	Yes Yes Yes Yes No No No Yes	Lower Ground East: 1.097m Lower Ground West: 0.936m Ground Floor East: 0.937m Ground Floor West: 0.936m First Floor East: 0.937m First Floor West: 0.936m Roof Terrace East: 1.17m Roof Terrace West: 2.5m
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Significant landscaping to be maintained. 	Yes	Contemporary dwellings are common in the streetscape. The dwelling reads as a two storey dwelling from the street, which is appropriate.
2.4 Fences		
Front: <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high Side and Rear: <ul style="list-style-type: none"> Maximum height of 1.8m 	Insufficient information.	The proposal lacks fencing details. The plans do not detail the height or finish and materials of proposed fencing. However, if approved, these can be conditioned.
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. 	No Insufficient Information.	The balcony to the rear of the ground floor is of a compliant depth and area at 1.5m (depth) and 8.39m ² (area). However, privacy screens do not run the entire depth of the balcony, as advised in the Pre-DA letter to ensure visual privacy to the neighbouring dwellings private open space. The location of neighbouring windows at each level have not been shown on the plans in order to adequately assess privacy impacts from the proposed windows. This was advised in the Pre-DA letter.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> Roof tops to be non-trafficable unless predominant in the immediate vicinity 	No	<p>The proposed 53.84m² roof terrace is not supported as it:</p> <ul style="list-style-type: none"> Exceeds the height standard; Will contribute to FSR (through the stairs); Exceeds 15m² in area; and Is anticipated to be used as an extension of private open space given its size, which will result in adverse amenity impacts.
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, however a reduced built form will assist in better solar access.	<p>With south facing private open space it is difficult for the proposal to be fully compliant in solar access in terms of the sites own private open space, with it being overshadowed throughout the day.</p> <p>The proposal will impact the private open space of 1 Weonga Road at 9.00am, with no impacts from noon and into the afternoon, compliant with the WDCP.</p> <p>The proposal will impact the private open space of 5 Weonga Road from around 1.00pm onwards, with minimal impacts from 9.00am to noon, compliant with the WDCP.</p> <p>However, a reduction in height along with appropriate setback would assist in reducing overshadowing even further.</p>
2.8 Car parking		
<p>2.8.1 Design Approach</p> <ul style="list-style-type: none"> Parking only allowed where site conditions permit Designed to complement the building and streetscape Car parking structures to be behind the front building line Driveways are to be located to minimise the loss of on street parking 	Yes	<p>The design approach of the proposed parking is acceptable. The garage is well integrated into the building and is set behind the front building line, as set by the first floor.</p>
<p>2.8.2 Parking rates</p> <p><i>Maximum rates:</i></p>	Yes	<p>With the dwelling containing 4 bedrooms, a maximum of 2 off-street parking spaces are</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms 		permitted. 2 off-street parking spaces are proposed.
2.8.3 Location <ul style="list-style-type: none"> Behind front building line for new dwellings 	Yes	The garage is well integrated into the building and is set behind the front building line, as set by the first floor.
2.8.4 Design <ul style="list-style-type: none"> Complement the style, massing and detail of the dwelling Secondary in area & appearance to the design of the residences Gates to have an open design 	Yes	The garage is well integrated into the overall design of the development.
2.8.5 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	The garage will have dimensions of 6m (w) x 6.2m (l), sufficient space for 2 vehicles.
2.8.6 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) Crossings not permitted where 2 on street spaces are lost 	N/A	Driveway crossover is to be retained.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area 	Yes	56.7%
<ul style="list-style-type: none"> Overall landscaped area: 15% of site area 	Yes	18.8%
<ul style="list-style-type: none"> Minimum area of 25m² for private open space 	Yes	Over 25m ²
<ul style="list-style-type: none"> Front open space: 50% of front building setback area 	Yes	96.6%
<ul style="list-style-type: none"> Front landscaped area: 50% of front open space provided 	No, acceptable on merit given near compliance.	49.7%

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Outdoor clothes drying area to be provided 	Yes	There is sufficient space for an outdoor clothes drying area within the private open space.
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 pool is located to the rear of the dwelling, within the private open space.</p> <p>The pool equipment is located within an acoustically sound structure.</p>

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

Front and Rear Building Lines

The proposal exceeds the front and rear building lines for the street. **Figure 4** below, is the applicants site analysis, which has utilised the building lines of dwellings a large distance away from the subject site. This is not an appropriate point of reference to establish building lines for the proposal.



Figure 4: The site and building line analysis provided by the applicant.

As demonstrated in the figures below (indicated in solid green), the front and rear setbacks of the neighbouring dwellings at 1 and 5 Weonga Road should be used to analyse what an appropriate setback is for the proposal.

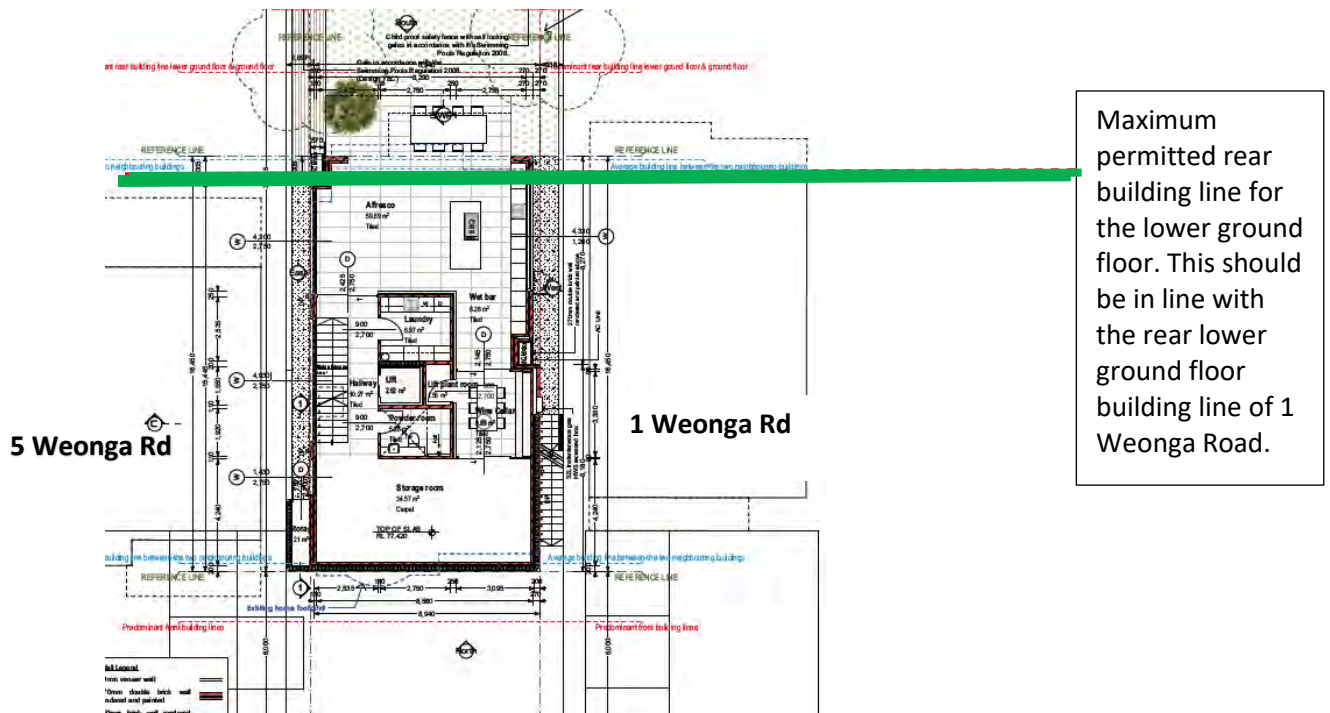


Figure 5: Lower Ground Floor building line

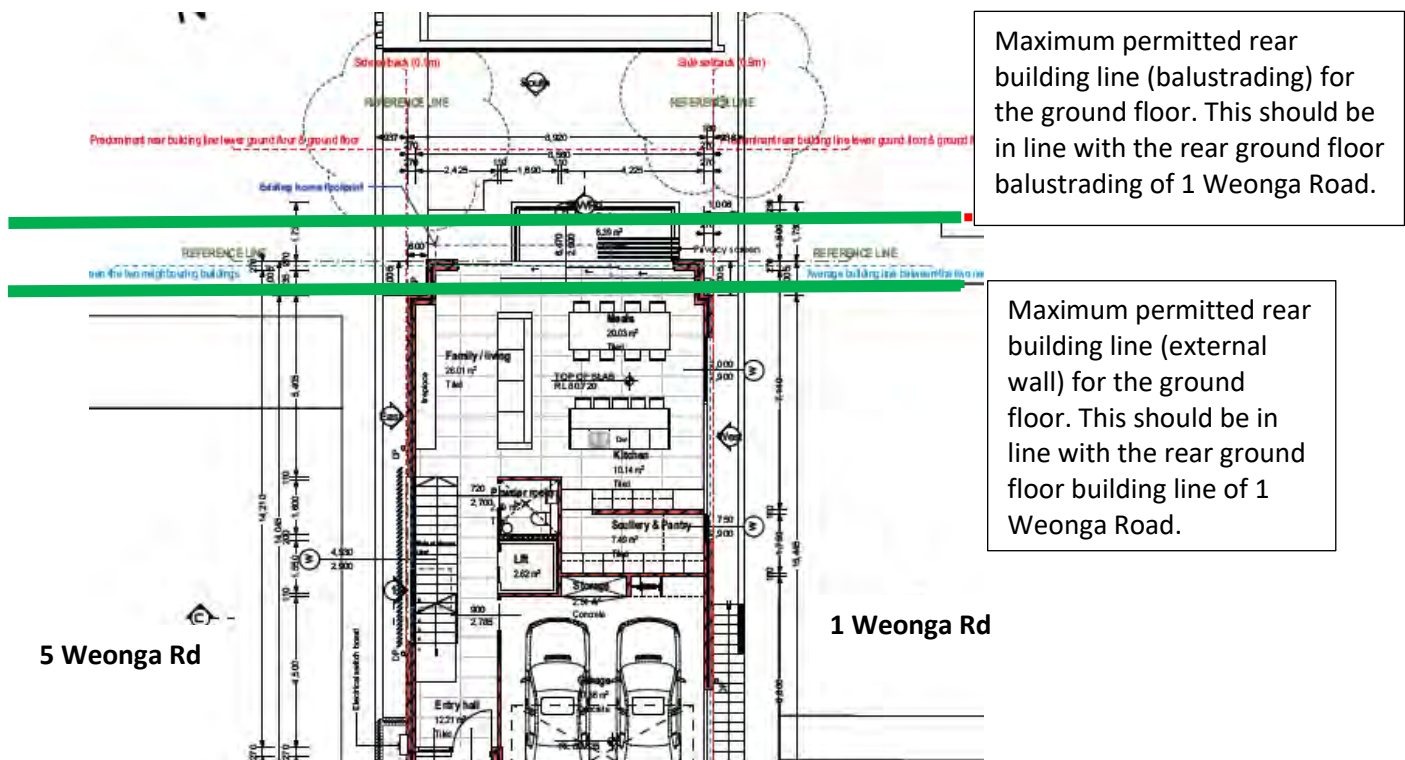


Figure 6: Ground Floor building line

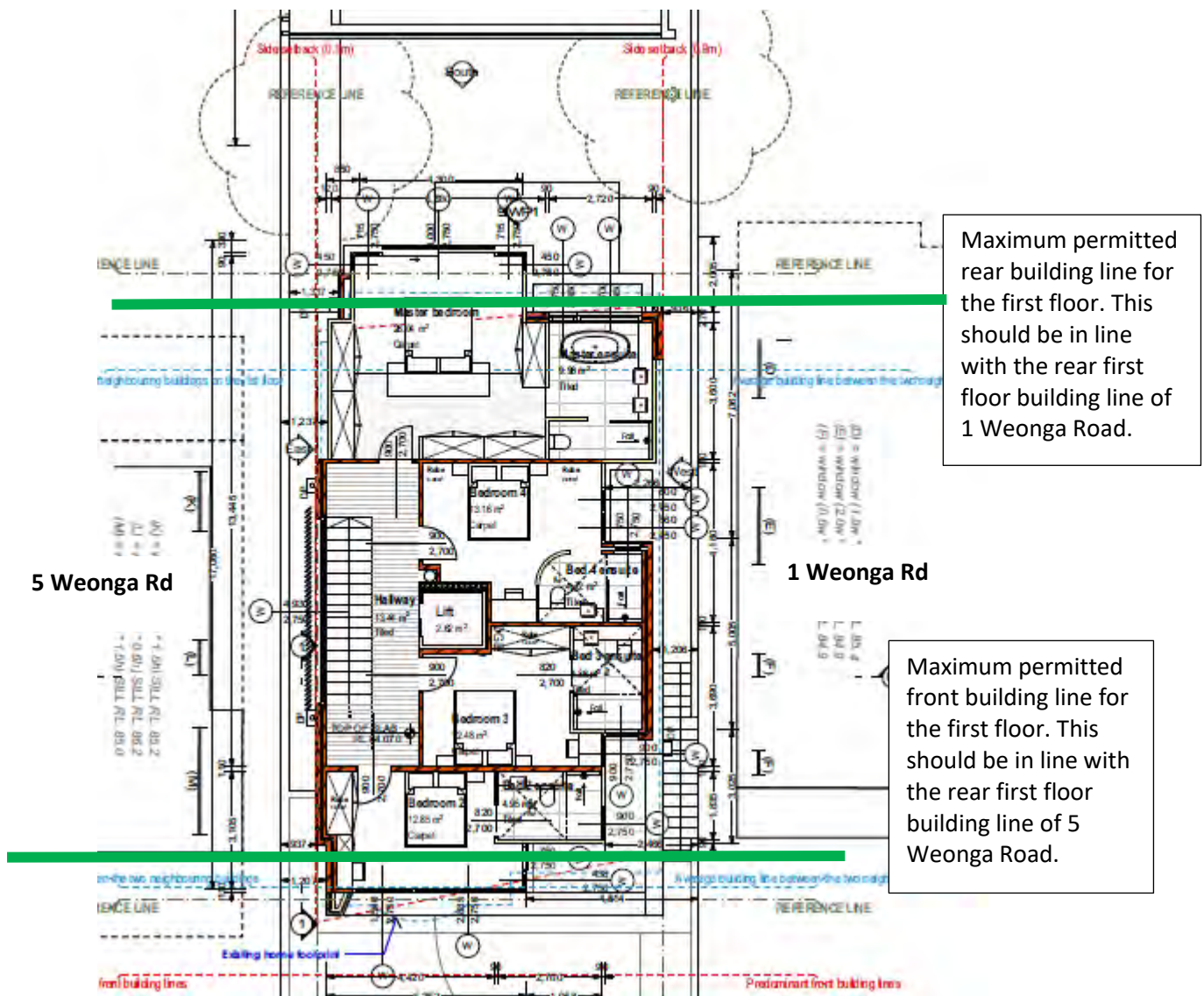


Figure 7: First Floor building line

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA. Despite this, it is considered that the proposal will have significant detrimental effect relating to environmental, social or economic impacts on the locality as discussed throughout this report and is not supported.

2.3 Suitability of the Site for the Development

The site is not considered to be suitable for the proposed development.

2.4 Any Submissions

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

No submissions were received.

2.5 Public Interest

It is considered that the proposal will have a detrimental effect on the public interest, for the reasons outlined within this report and is recommended for refusal.

3. REFERRALS

3.1 Traffic and Development (Infrastructure Services)

An internal referral was sought from Council's Traffic Engineers who supported the proposal subject to conditions of consent. Notwithstanding, the application is recommended for refusal.

3.2 Stormwater (Infrastructure Services)

An internal referral was sought from Council's Traffic Engineers who supported the proposal subject to conditions of consent. Notwithstanding, the application is recommended for refusal.

3.3 Tree Management Officer (Open Space and Sports fields Management)

An internal referral was sought from Council's Traffic Engineers who supported the proposal subject to conditions of consent, relating to the protection of a street tree and payment of a tree bond. Notwithstanding, the application is recommended for refusal.

4. SUMMARY

The application is for demolition of dwelling and construction of a part two, part three storey dwelling with integrated parking and swimming pool to rear.

The development exceeds both the height of building and FSR development standards outlined in the WLEP. Although the application was accompanied by a clause 4.6 variation to address these breaches to the development standards, it is not supported as the proposed dwelling is an overdevelopment of the site grossly exceeding these development standards and not conforming with the objectives of the development standards or the zone. A more skilful design could result in a development that conforms with the development standards and relevant objectives.

The development also breaches the wall height control as well as the front, rear and side setback controls, which contribute to these non-compliant height and FSR development standards. These controls are to assist in an appropriate development that respects the site, fits well within the locality and reduces amenity impacts to neighbouring land uses.

Acoustic and visual privacy impacts also arise from the large roof terrace, which exceeds height and is excessively over the maximum 15m² size limit.

Advice was sought and provided during the Pre-DA stage of the development. However, the development has not followed the advice provided in the Pre-DA letter.

The application received no submissions.

For the reasons outlined above the application is recommended for refusal.

DBU Decision

The application and assessment report was reviewed by the DBU at the meeting on 1 September 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, B McNamara, E Finnegan*

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:



Joseph Somerville
Development Assessment Planner

Date: 16/09/2020

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



Bridget McNamara
Manager, Development Assessment
(North/South)

Date: 16/09/2020

Reason for referral:

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

APPENDIX A – REASONS FOR REFUSAL

Having regard to section 4.15(1) of the Environmental Planning and Assessment Act 1979 the development application is refused 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 on amenity in the built environment.
2. 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 *Height of Building*, specifically objectives (1)(a) and (d) as the proposal will exceed the maximum height permitted for the site and will result in unacceptable impacts in terms of bulk and scale on neighbouring properties and the area in general.
 - b. Clause 4.4 *Floor Space Ratio*, specifically objectives (1) (c) and (d) as the proposal breaches the floor space ratio development standard which will diminish the environmental amenity of neighboring properties and the locality. The proposed building will result in adverse impacts on the character of the locality and the amenity of adjoining properties, contrary to objectives (c) and (d) of the development standard.
 - c. Clause 4.6 *Exceptions to development standards*, specifically objectives (1)(b), 3(a) and (b) and 4(a) as the proposed building will not result in a better development outcome for the site. The applicant's clause 4.6 Exceptions to development standards fails to justify that compliance with the development standards is unreasonable or unnecessary and that there are sufficient environmental planning grounds that exist to justify the significant breaches to the floor space ratio and height development standards. The proposed development is contrary to the objectives of the development standards and the zone and the proposal is not in the public interest.
 - d. Clause 6.2 *Earthworks*, specifically objective (1) as the amount of excavation is excessive, increasing the bulk and scale of the development.
3. 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 (WDGP) 2012, in respect to the following provisions:
 - a. Part B12 – *Design Excellence* - Clause 12.1 *Design*, specifically objectives (a) and (b) and controls (a) and (e)(i) and (v), as the proposal results in an over development of the site and is not suitable in terms of its relationship with neighbouring development in terms of setbacks, amenity, the overall bulk and massing of the development and environmental impacts such as privacy.
 - b. Part B14 – *Excavation*, specifically objectives (a), (b), (c) (e) and controls (a) and (l) , as the amount of excavation is excessive, adding to the overall bulk and scale of the development and impacting neighbouring land uses through the close proximity of excavation to the lot boundaries.

c. Part C2 – *Low Density Residential Development*

- i. Section 2.0 *General Objectives*, specifically objectives (a), (b), (d) and (e) as the proposed development is an overdevelopment of the site, will result in privacy impacts from the rear balcony and roof terrace and it contravenes the general objectives of this section of the WDCP.
 - ii. Section 2.1 *Height*, specifically objectives (a), (b) and (f) and control (b) as the flat roof dwelling exceeds a wall height of 7.5m, much of which is contributed from mass excavation and non-complaint setbacks.
 - iii. Section 2.2 *Setbacks* and 2.2.1 *Front and Rear Setbacks* and 2.3 *Side Setbacks* as the development results in non-compliant setbacks, resulting in a dwelling that is excessive in bulk and scale and dominates the streetscape in terms of visual appearance.
 - iv. Section 2.5 *Visual and Acoustic Privacy*, specifically objectives (a), (b) and (c) and control (d) as the rear balcony does not encompass privacy screens to the full length of either side of the balcony and control (f)(ii), (iii) and (iv) as the proposed roof terrace will exceed 15m², which may result in visual and acoustic privacy impacts. In addition, the roof terrace exceeds the height of building development standard.
4. 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. Fencing Plan; and
 - b. Location of neighbouring windows to be shown on the floor plans, corresponding to the relevant level.
5. 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, which would adversely impact upon the amenity of the locality.
6. The proposal is contrary to 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the development is excessive in bulk and scale and is therefore considered unsuitable for the site.
7. The proposal is not considered to be in the public interest for the reasons outlined above, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.

RECEIVED
Waverley Council

Application No: DA-241/2020

Date Received: 03/08/2020

PROJECT
PROPOSED NEW RESIDENCE

3 Weonga Rd
Dover Heights NSW 2030

DRAWING LIST

ARCHITECTURAL SET

A.000	COVER SHEET		NTS
A.001	SITE PLAN AND BASIX COMMITMENTS	scale	1:150
A.002	SITE ANALYSIS PLAN	scale	1:200
A.003	SOIL EXCAVATION PLAN	scale	1:100
A.100	FLOOR PLANS	scale	1:100
A.110	FLOOR PLANS	scale	1:100
A.200	ELEVATIONS	scale	1:100
A.201	PERSPECTIVES		NTS
A.300	SECTIONS	scale	1:100
A.400	SHADOW LAYOUT	scale	1:150
A.401	SHADOW LAYOUT	scale	1:150
A.600	COLOUR AND MATERIALS SCHEDULE		NTS
L.100	LANDSCAPE PLAN	scale	1:100
L.110	SWIMMING POOL	scale	1:50



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DESIGNER BUILDING

T +61 2 9146 1700 M +61 414 243 292
P PO Box 7430 Baulkham Hills BC NSW 2153
O Suite 2a, Level 4, 5 Talavera Road
Macquarie Park NSW 2113
www.urbanrevolutions.com.au

Quality of Work:

All work carried out must comply with:
(1) Building Code of Australia to the extent required under Environmental Planning Assessment Act 1979, all other relevant codes, standards and specifications that the work is required to comply with under any law and the conditions of any relevant development consent or complying development certificate and any construction certificate.

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Amendments:

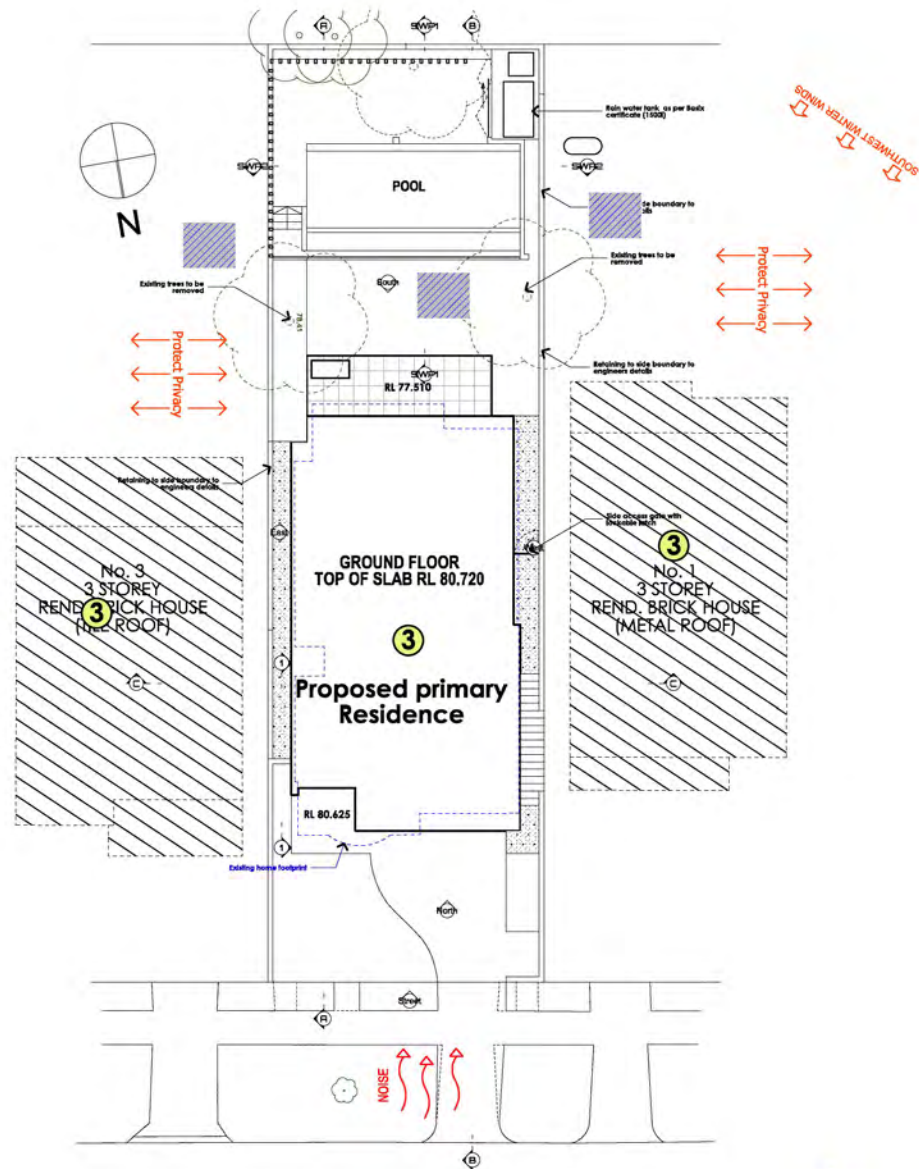
Project Description:

NEW RESIDENCE

Project Address:

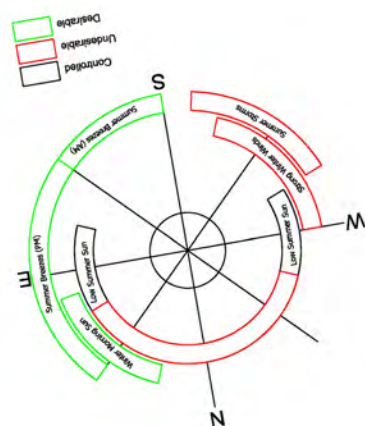
LOT34 DP14520
3 Weonga Road Dover Heights NSW 2030

Client:	Jayland Pty Ltd	Scale:	
Designed By:	Daniel Bakos	Stage:	DA
Checked By:	Russell Garnett	Issue:	B
Date:	24/07/2020		
Plot Date:	24/07/2020		
Drawing Title:	COVER PAGE-3 WEONGA RD DOVER HEIGHTS- KHADI	Drawing No.:	A.000 276

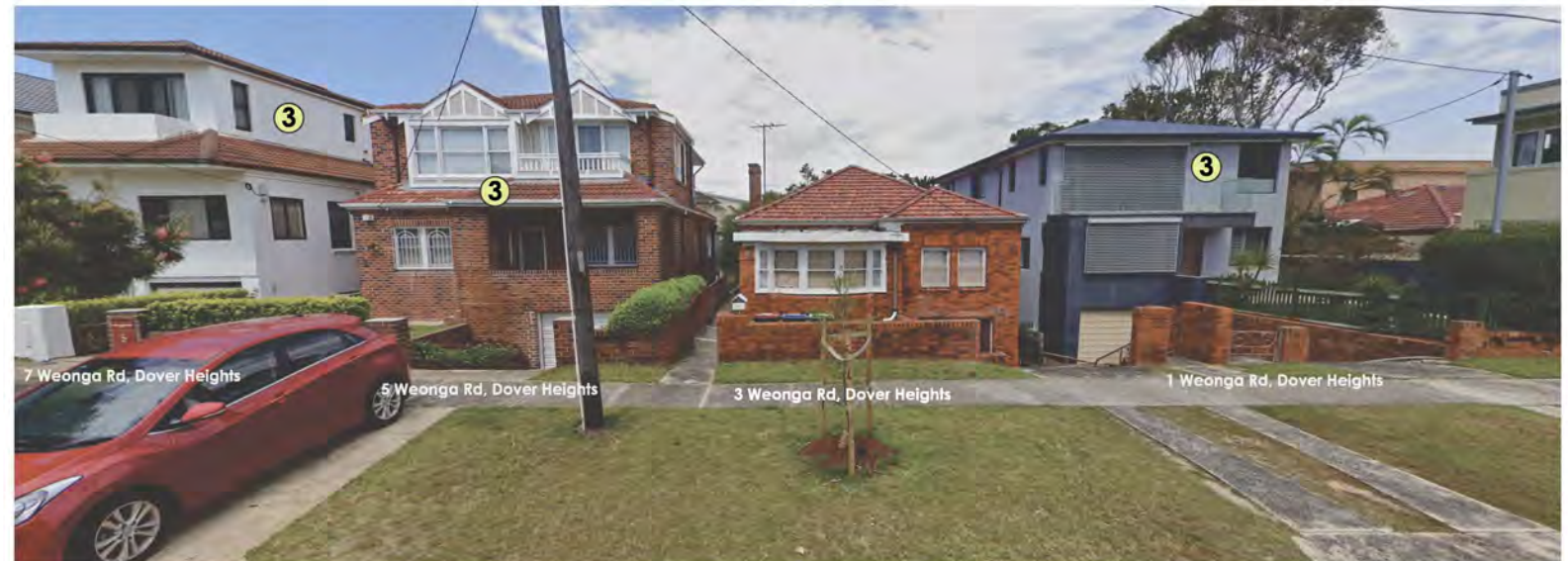


SITE ANALYSIS
Scale 1:150

- Legend**
- ① Single Story Dwelling
 - ② TOWo Story Dwelling
 - ③ TOWo Storey Dwelling Basement under
 - Contour Line
 - Private Open Space and Rear Courtyard
 - Sun Travel and Direction
 - Existing tree
 - Existing tree to be removed



Site



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1141 2 9148 1700 M +61 414 243 292
P.O. Box 7480 Baulkham Hills NSW 2153
O Suite 20, Level 4, 5 Talavera Road
Macquarie Park NSW 2113
www.urbanrevolutions.com.au

Quality of Work:
All work carried out must comply with:
(1) Building Code of Australia to the extent required under
Environmental Planning Assessment Act 1979, all other
relevant codes, standards and specifications that the work
is required to comply with under any law and the
conditions of any relevant development consent or
complying development certificate and any construction
certificate.

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all errors and omissions to the architect. Do not make the
drawing. Drawing shall not be used for construction
purposes until issued by the architect for construction.

Amendments:

Project Description:
NEW RESIDENCE

Project Address:
10734 DP14320
3 Weonga Road Dover Heights NSW 2060

Client:
Jayland Pty Ltd

Designed By:
Daniel Bakos

Created By:
Russell Garnett

Date:
24/07/2020

Plot Date:
24/07/2020

Drawn By:
SITE ANALYSIS

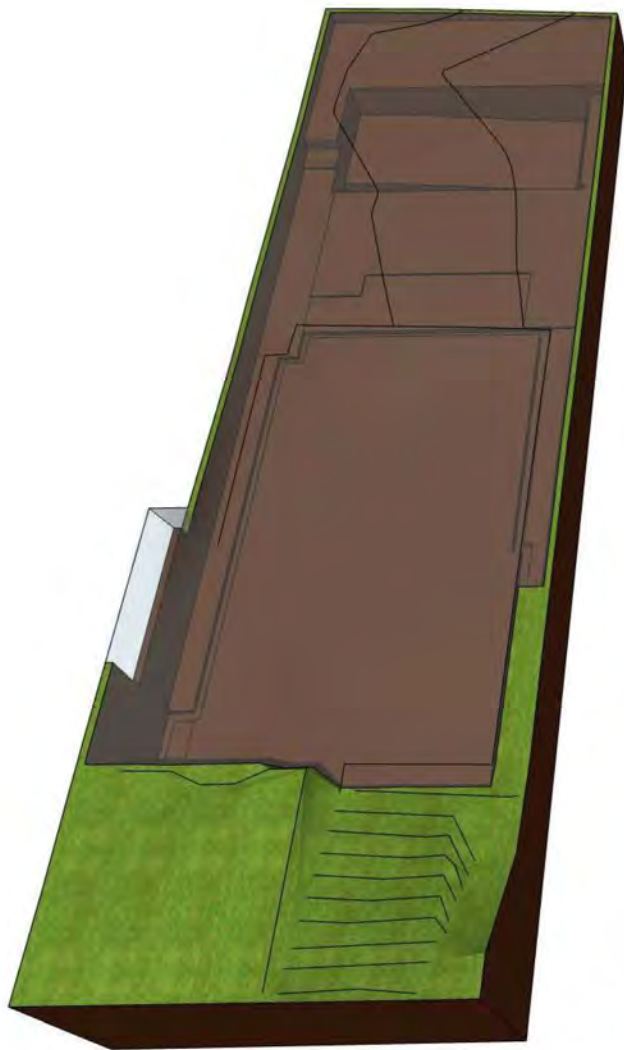
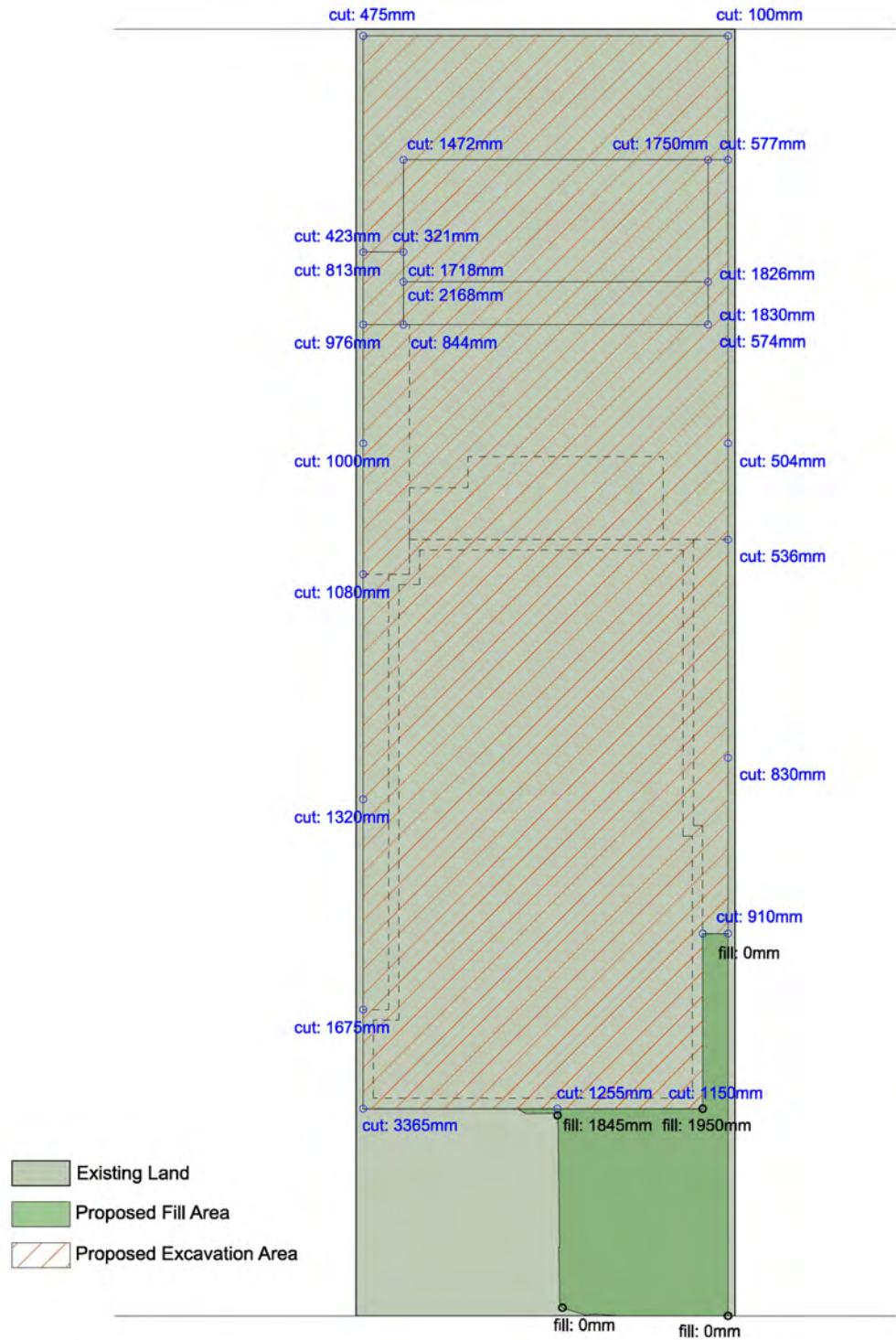
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Stage:
DA

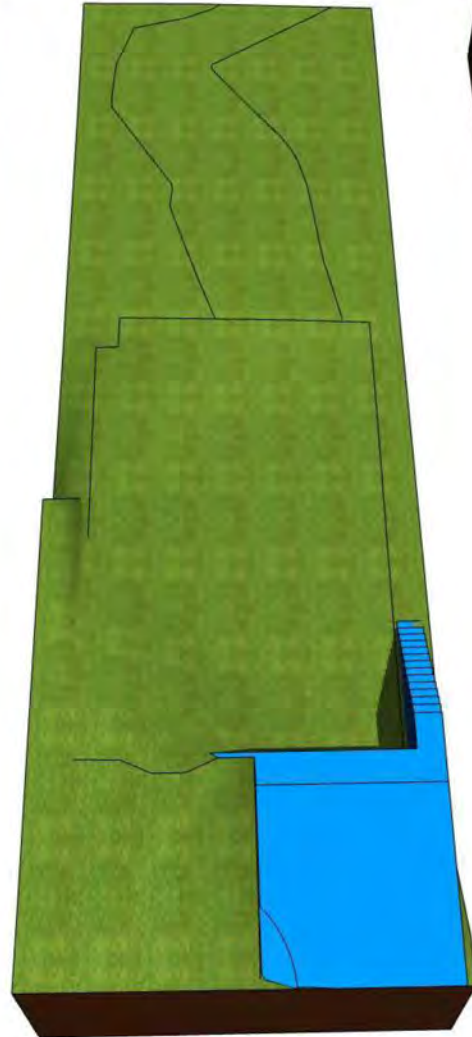
Issue:
B

Sheet No:
278

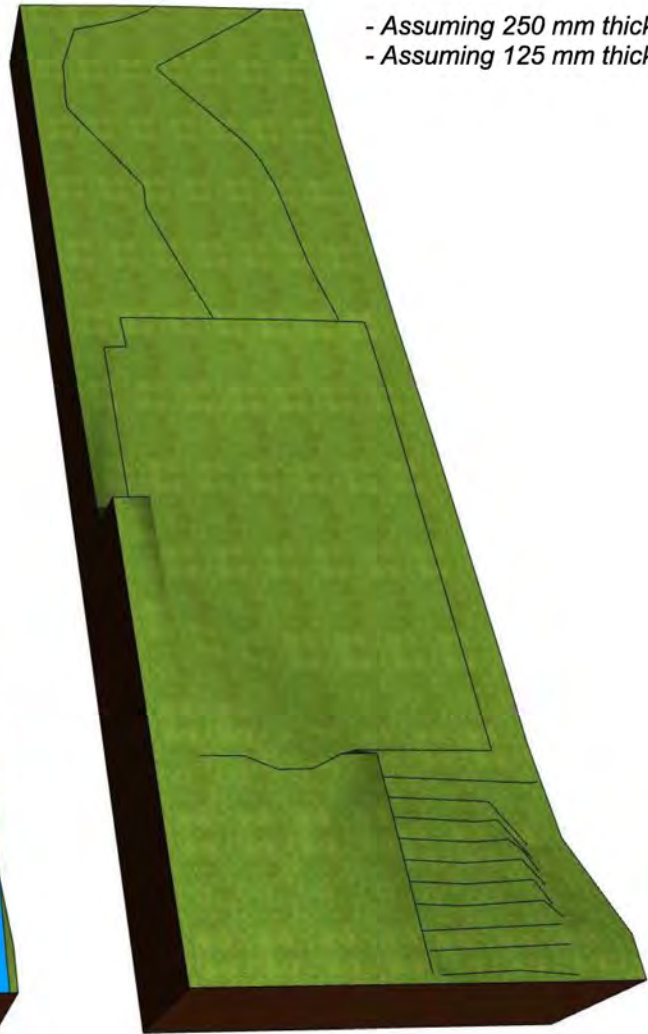
Sheet No:
02



Proposed Excavation Volume:
335 m³



Proposed Fill Volume
36 m³



- Assuming 250 mm thick concrete slab
- Assuming 125 mm thick driveway and path

SOIL EXCAVATION PLAN
Scale 1:100

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Amendments:

Project Description:
NEW RESIDENCE

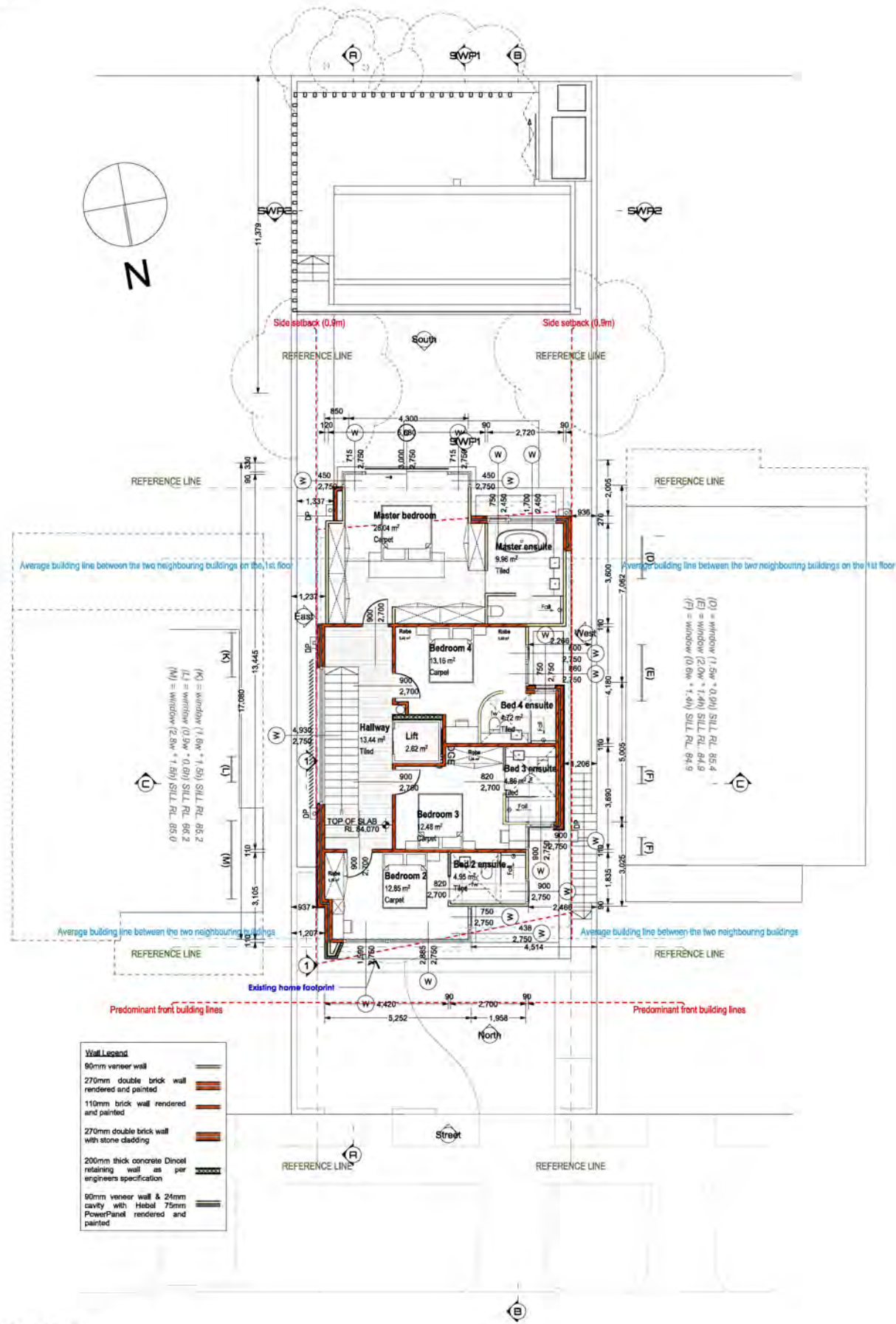
Project Address:
10734 DP14320
3 Woonga Road Dover Heights NSW 2030

Client:	Jayland Pty Ltd	Scale:	1:100
Designed By:	Daniel Bakas	Stage:	DA
Checked By:	Russell Garnett	Issue:	B
Date:	24/07/2020	Plot Date:	24/07/2020
Drawn By:	DA	Drawn By:	DA

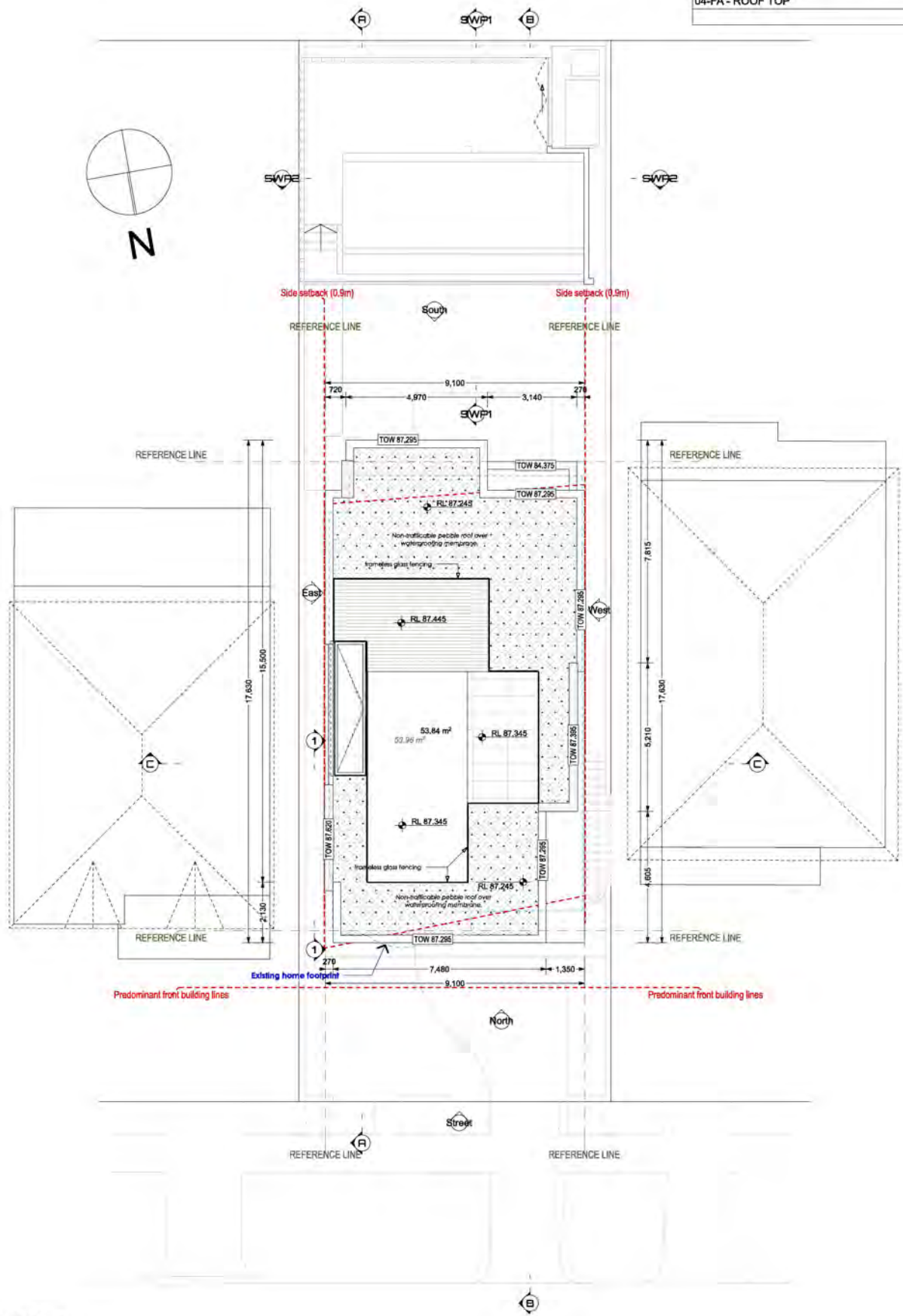
SOIL EXCAVATION PLAN



FLOOR AREA		
	m2	
01-FA - LOWER GROUND FLOOR	93.56	m2
01-FA - LOWER GROUND FLOOR - ALFRESCO	72.58	m2
02-FA - GROUND FLOOR	98.42	m2
02-FA - GROUND FLOOR - BALCONY	8.39	m2
02-FA - GROUND FLOOR - GARAGE	43.21	m2
02-FA - GROUND FLOOR - PORCH	7.05	m2
03-FA - FIRST FLOOR	131.50	m2
04-FA - ROOF TOP	59.57	m2
	514.28	m2



FIRST FLOOR
Scale 1:100



ROOF TOP
Scale 1:100

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ARCHITECTS

T +61 2 9148 1705 M +61 414 343 292
P PO Box 7420 Broadway NSW 1500 2168
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Architects:

Project Name:
NEW RESIDENCE

Project Address:
10/34 DP14320
3 Wongo Road Dover Heights NSW 2060

Client:
Jayland Pty Ltd

Designed By:
Daniel Bakas

Created By:
Russell Gamett

Date:
24/07/2020

Plus Date:
24/07/2020

Drawn By:
FIRST FLOOR PLAN & ROOF TOP

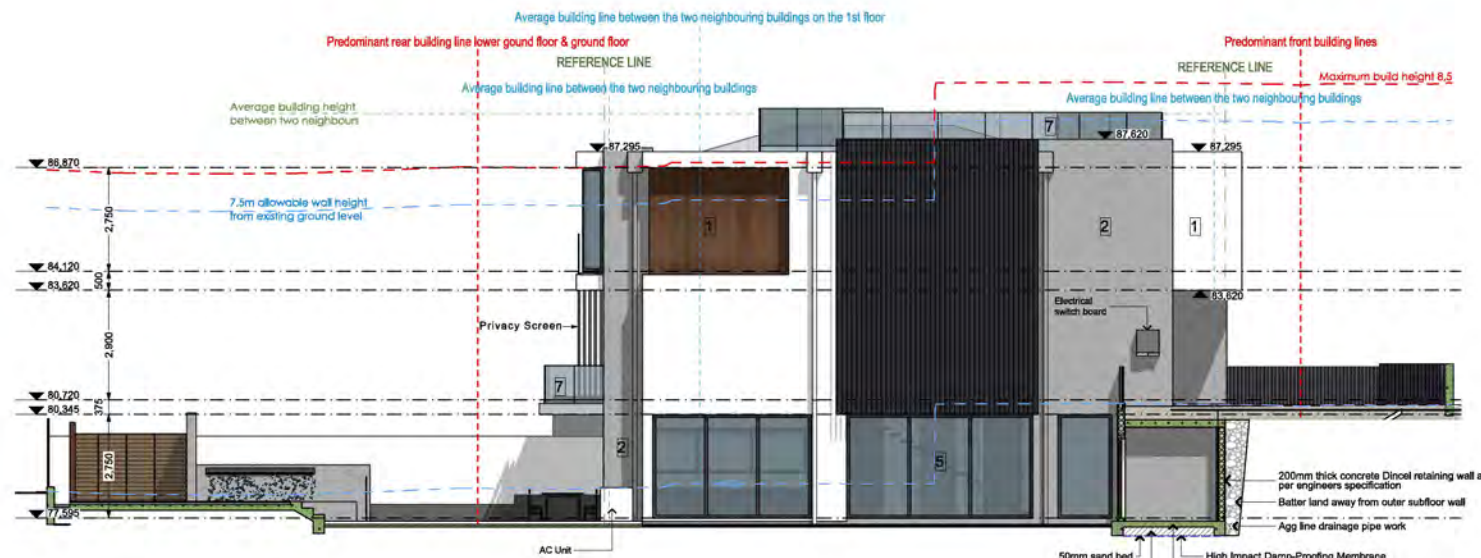
Scale:
1:100

Stage:
DA

Issue:
B



NORTH ELEVATION
Scale 1:100



EAST ELEVATION
Scale



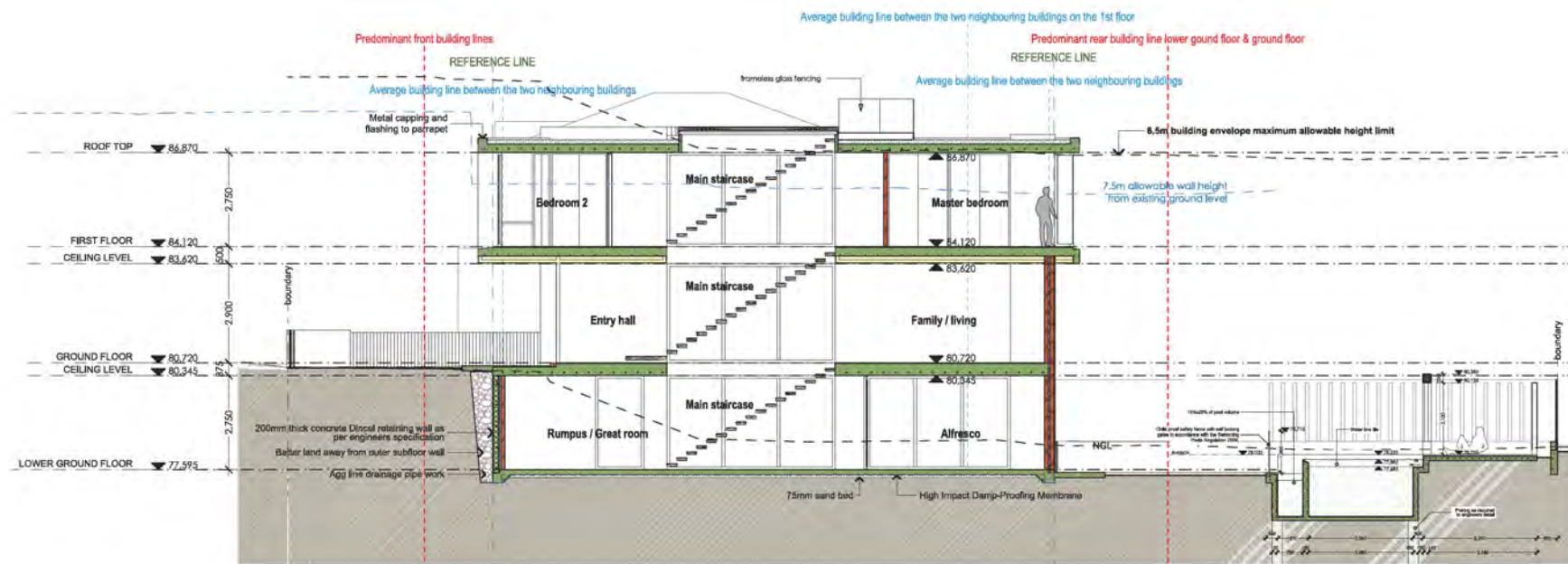
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Scale 1:100



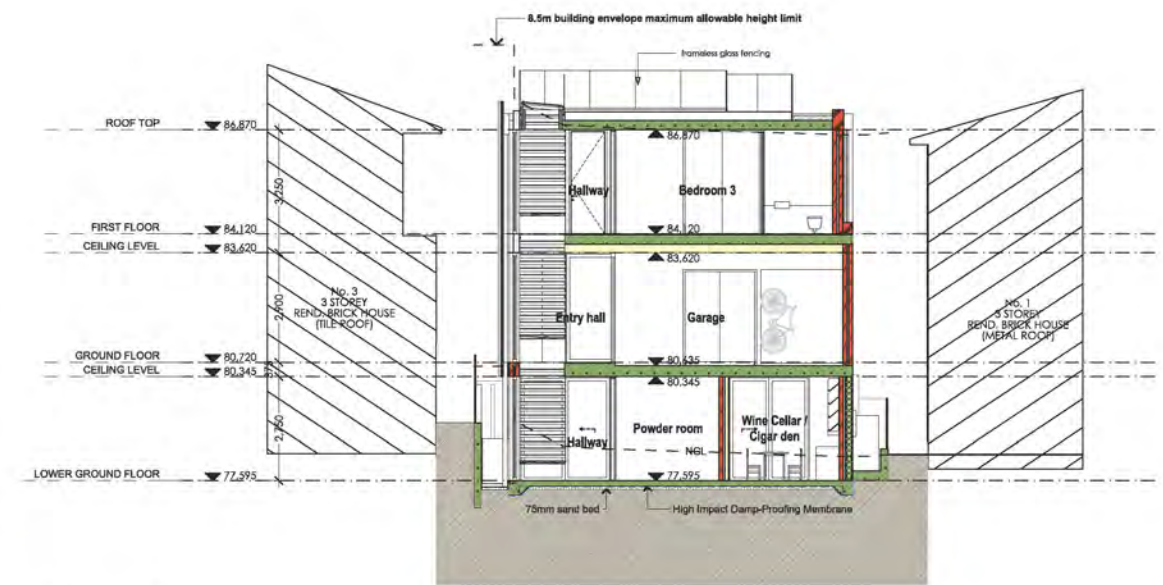
WEST ELEVATION
Scale



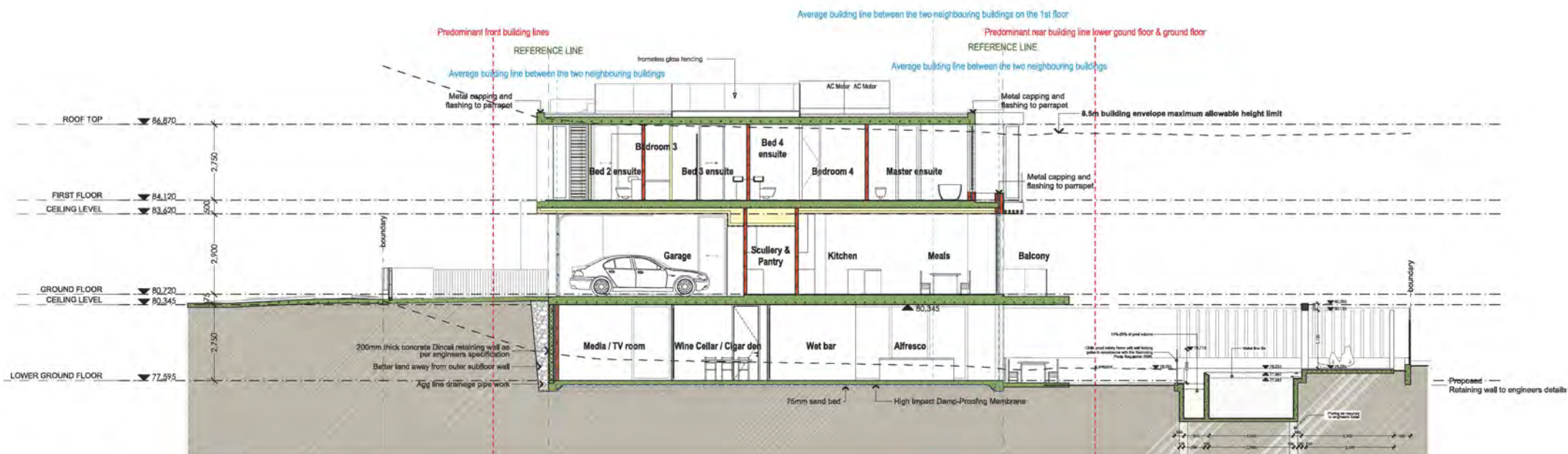




A-A SECTION
Scale 1:100



C-C SECTION
Scale

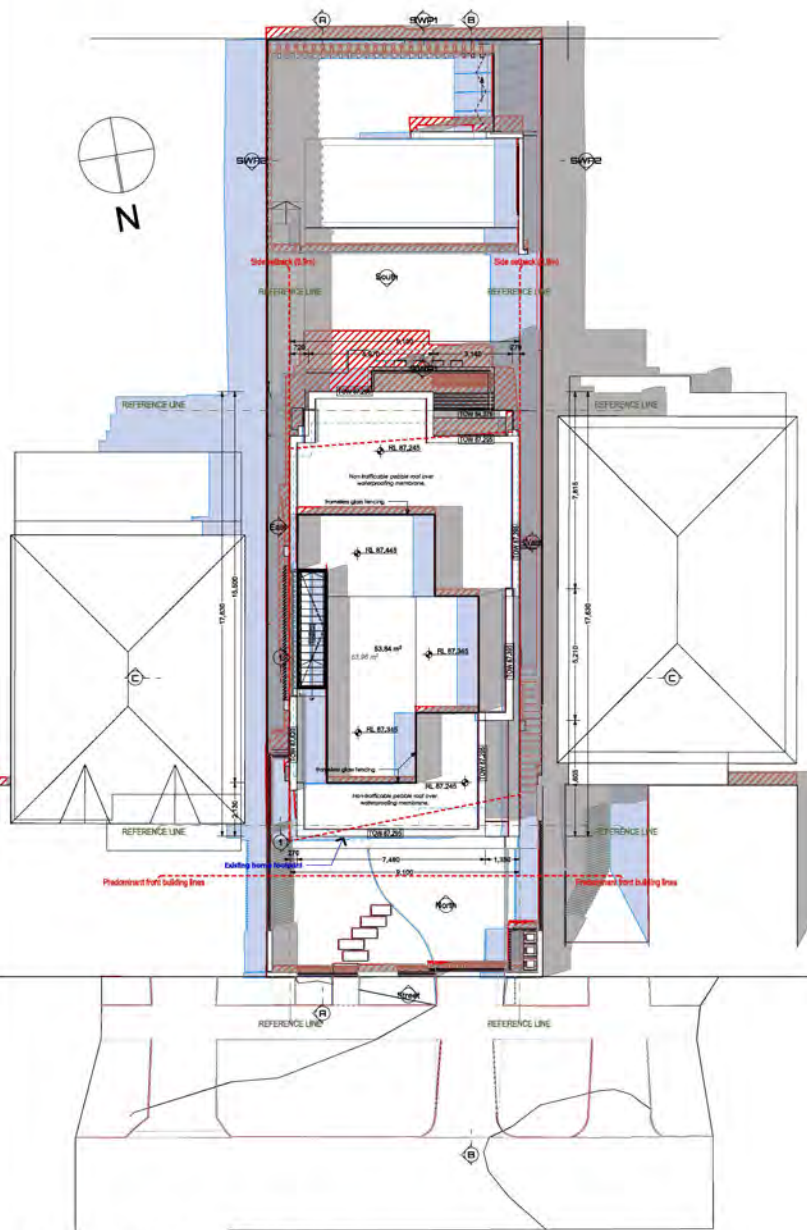


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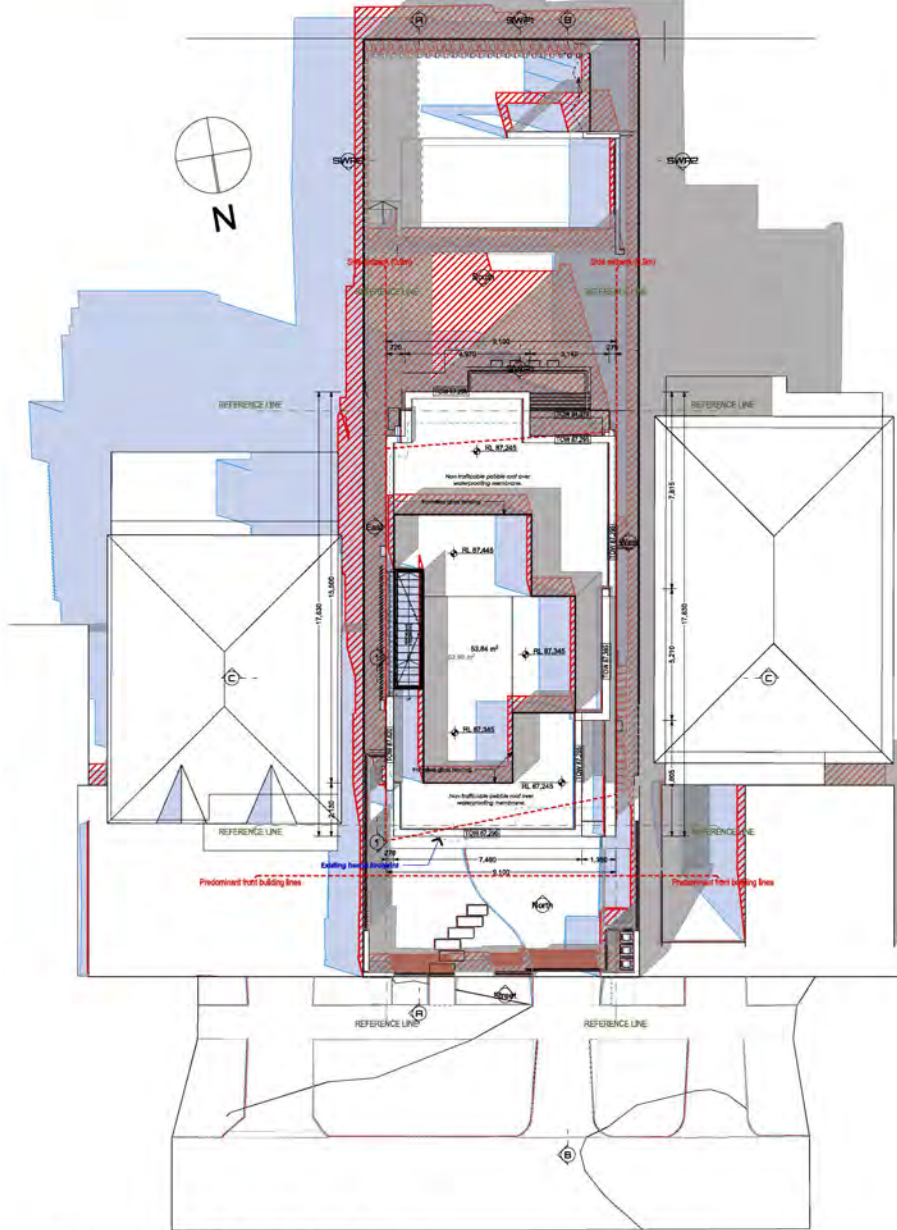
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at 12:00pm
at 3:00pm

at 9:00am
at 12:00pm
at 3:00pm

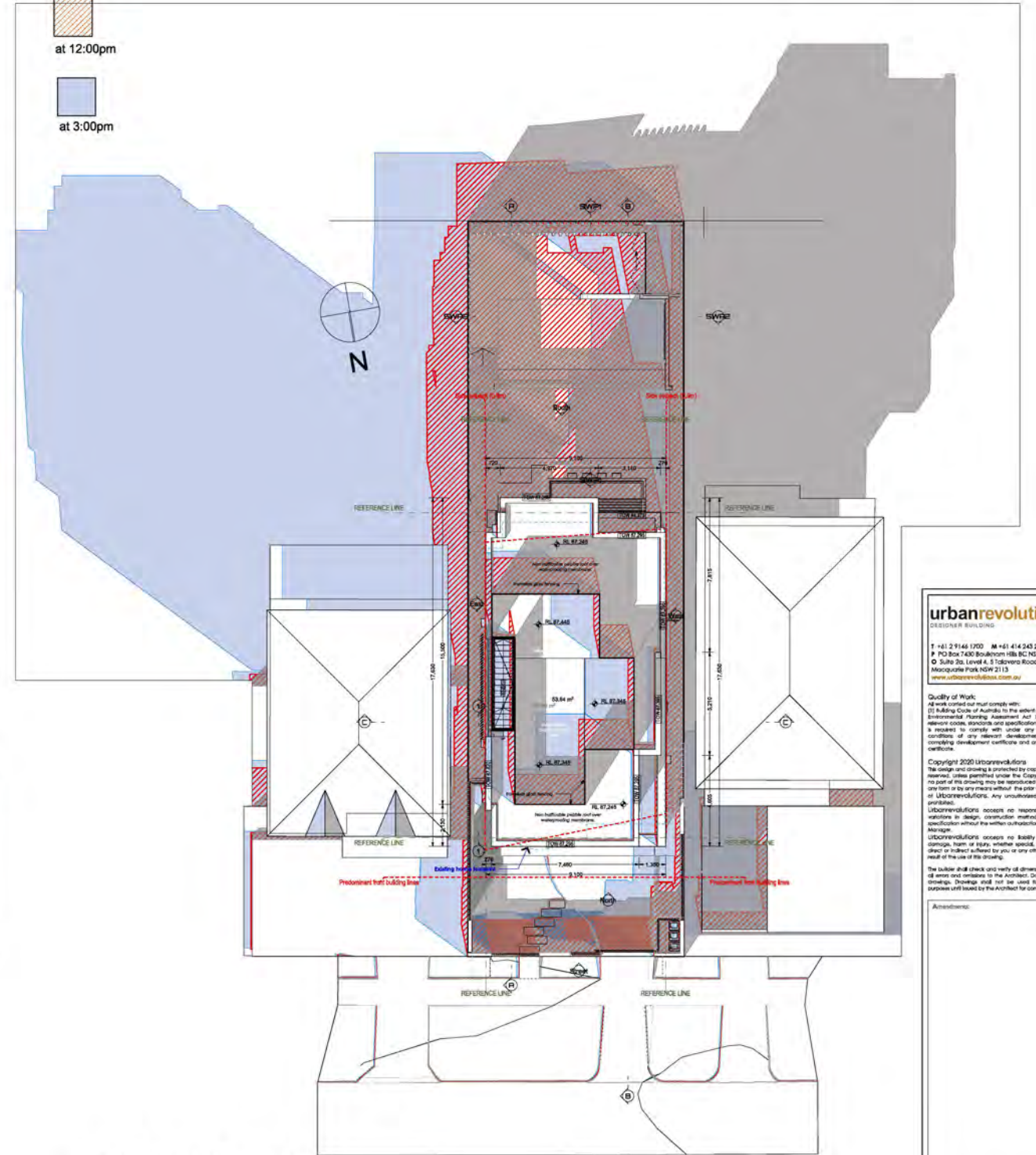
at 9:00am
at 12:00pm
at 3:00pm



SHADOW CAST JANUARY 21ST
Scale



SHADOW CAST MARCH/SEPT 21ST
Scale



SHADOW CAST JUNE 21ST
Scale

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O Suite 20, Level 4, 5 Talavera Road
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Amendments:

Project Description:
NEW RESIDENCE

Project Address:
10734 DP14320
3 Woonga Road Dover Heights NSW 2060

Client:
Jayland Pty Ltd

Designed By:
Daniel Bakos

Created By:
Russell Garnett

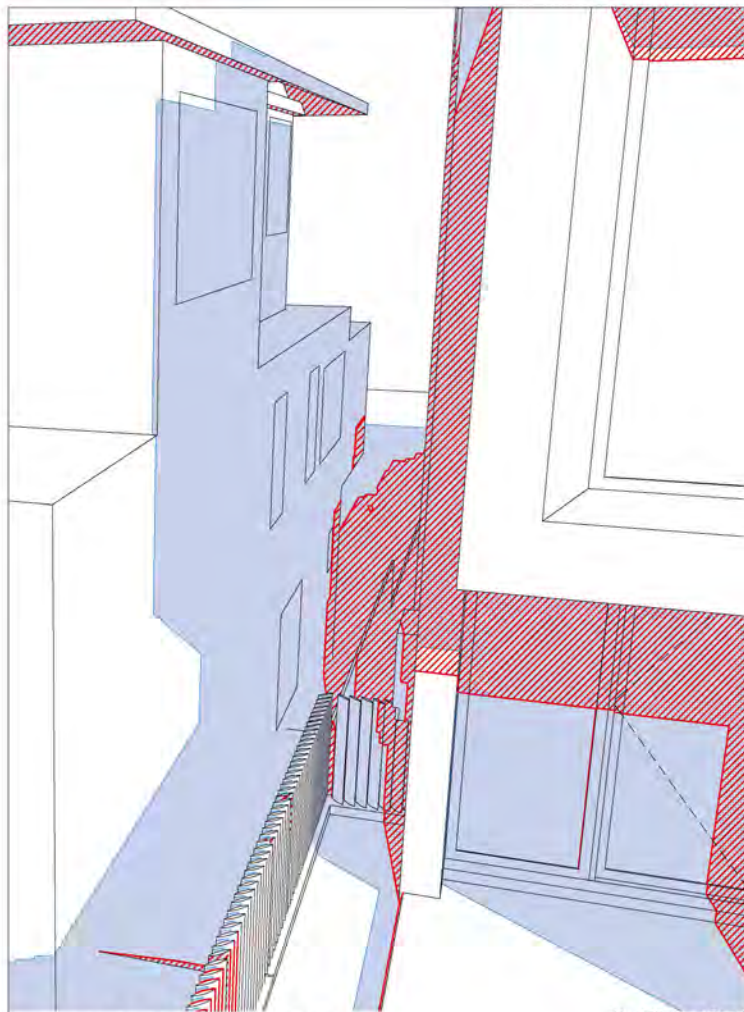
Date:
24/07/2020

Plot Date:
24/07/2020

Drawing No:
SHADOW CAST

Sheet No:
A00

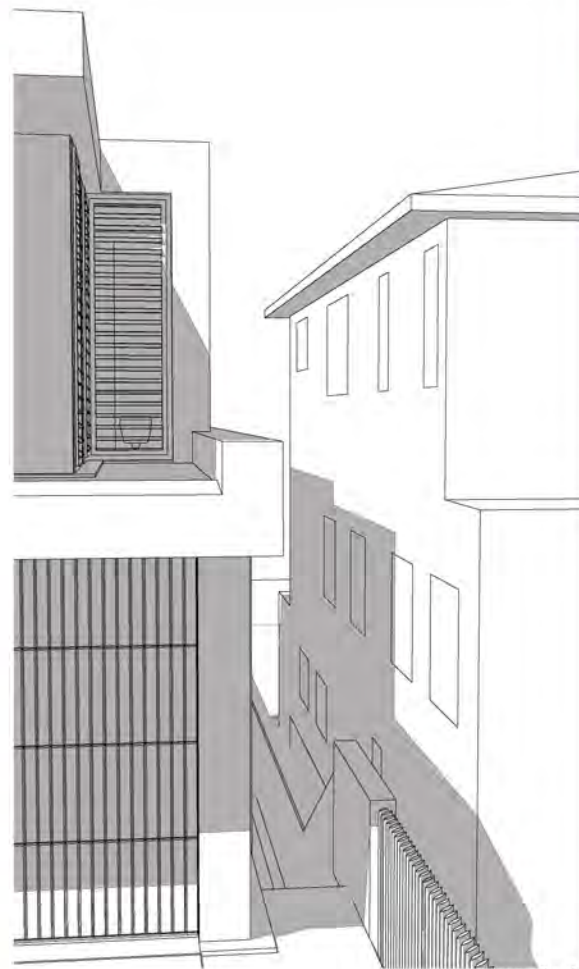
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SHADOW CAST JANUARY 21ST

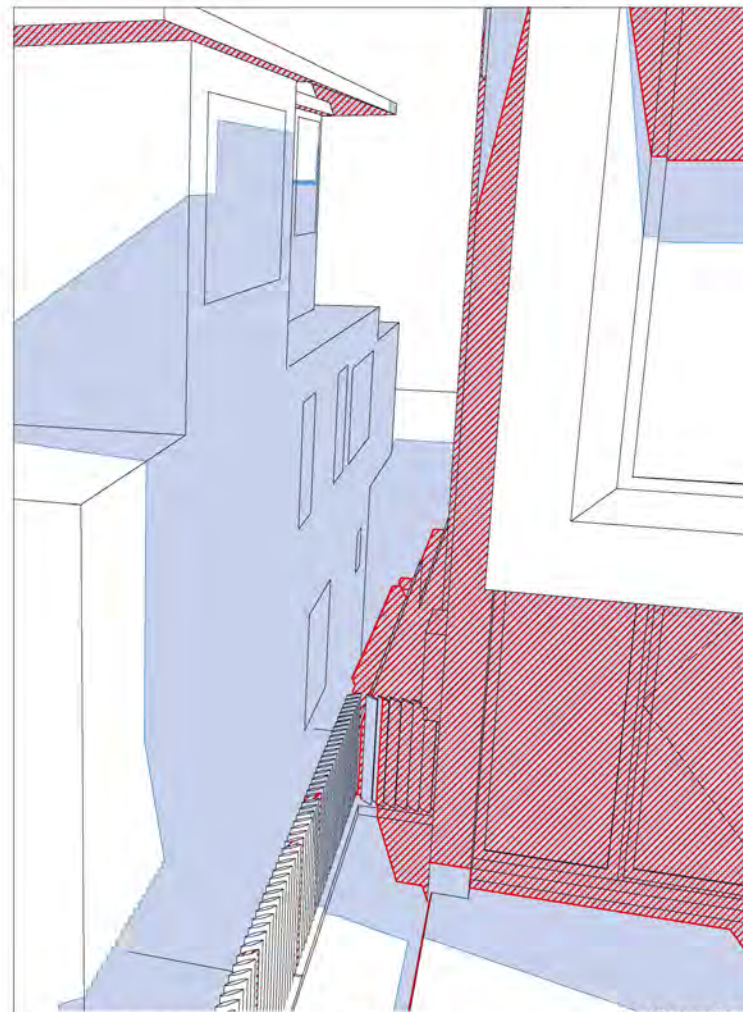
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No. 5 Weonga Road
3 STOREY
REND. BRICK HOUSE
(TILE ROOF)



No. 1 Weonga Road
3 STOREY
REND. BRICK HOUSE
(METAL ROOF)

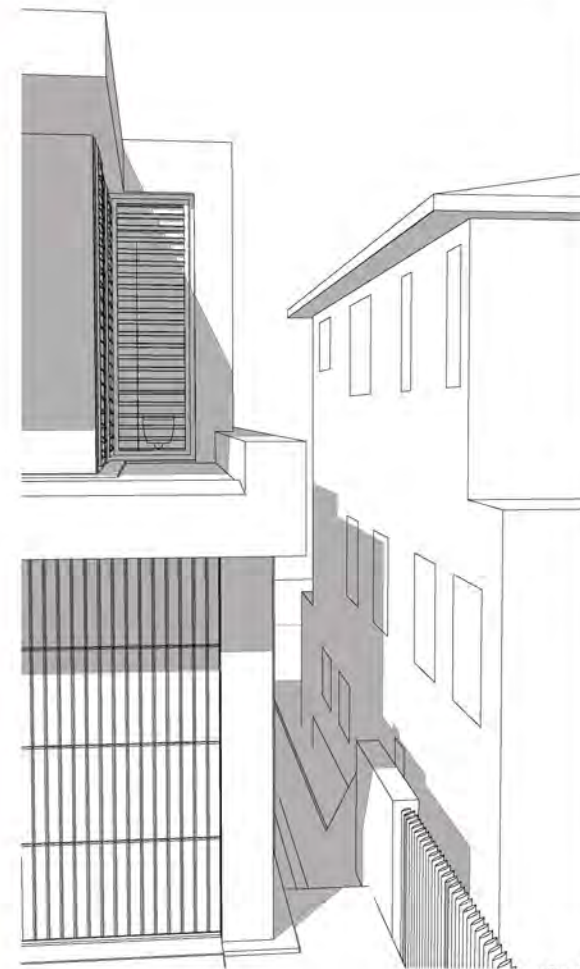
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SHADOW CAST MARCH/SEPT 21ST

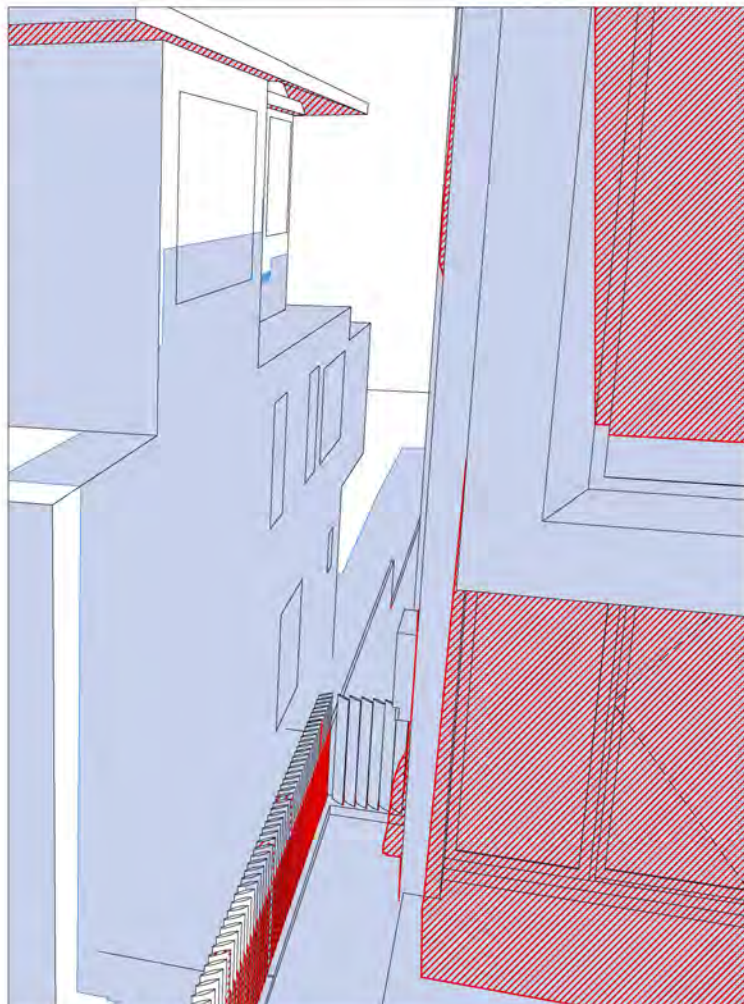
Scale

No. 5 Weonga Road
3 STOREY
REND. BRICK HOUSE
(TILE ROOF)



No. 1 Weonga Road
3 STOREY
REND. BRICK HOUSE
(METAL ROOF)

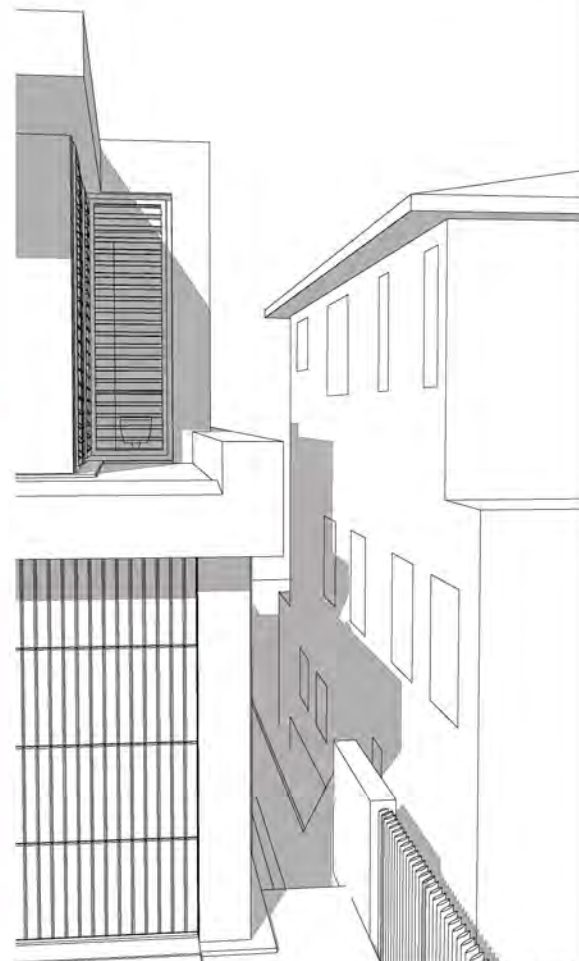
at 9:00am
at 12:00am
at 3:00pm



SHADOW CAST JUNE 21ST

Scale

No. 5 Weonga Road
3 STOREY
REND. BRICK HOUSE
(TILE ROOF)



No. 1 Weonga Road
3 STOREY
REND. BRICK HOUSE
(METAL ROOF)

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Attention:

RECEIVED
Waverley Council
Application No: DA-241/2020
Date Received: 03/08/2020

286
A01

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Amendments:

Project Description:

NEW RESIDENCE

Project Address:

LOT34 DP14520
3 Weonga Road Dover Heights NSW 2030

Client:	Jayland Pty Ltd	Scale:	
Designed By:	Daniel Bakos	Stage:	DA
Checked By:	Russell Garnett	Issue:	B
Date:	24/07/2020		
Plot Date:	24/07/2020		
Drawing Title:	COLOUR AND MATERIALS SCHEDULE	Drawing No.:	A.600

COLOUR AND MATERIALS SCHEDULE

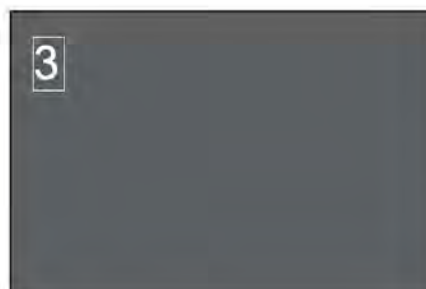
Exterior Walls



1
Render
Dulux Lexicon Quarter



2
Stone cladding



3
Louvre Screen
Dulux Duratec Monument



4
Garage door & feature cladding
Deco Wood - Ironbark



5
Aluminium Doors & Windows
Monument colour



6
Downpipes
Dulux Surf Mist



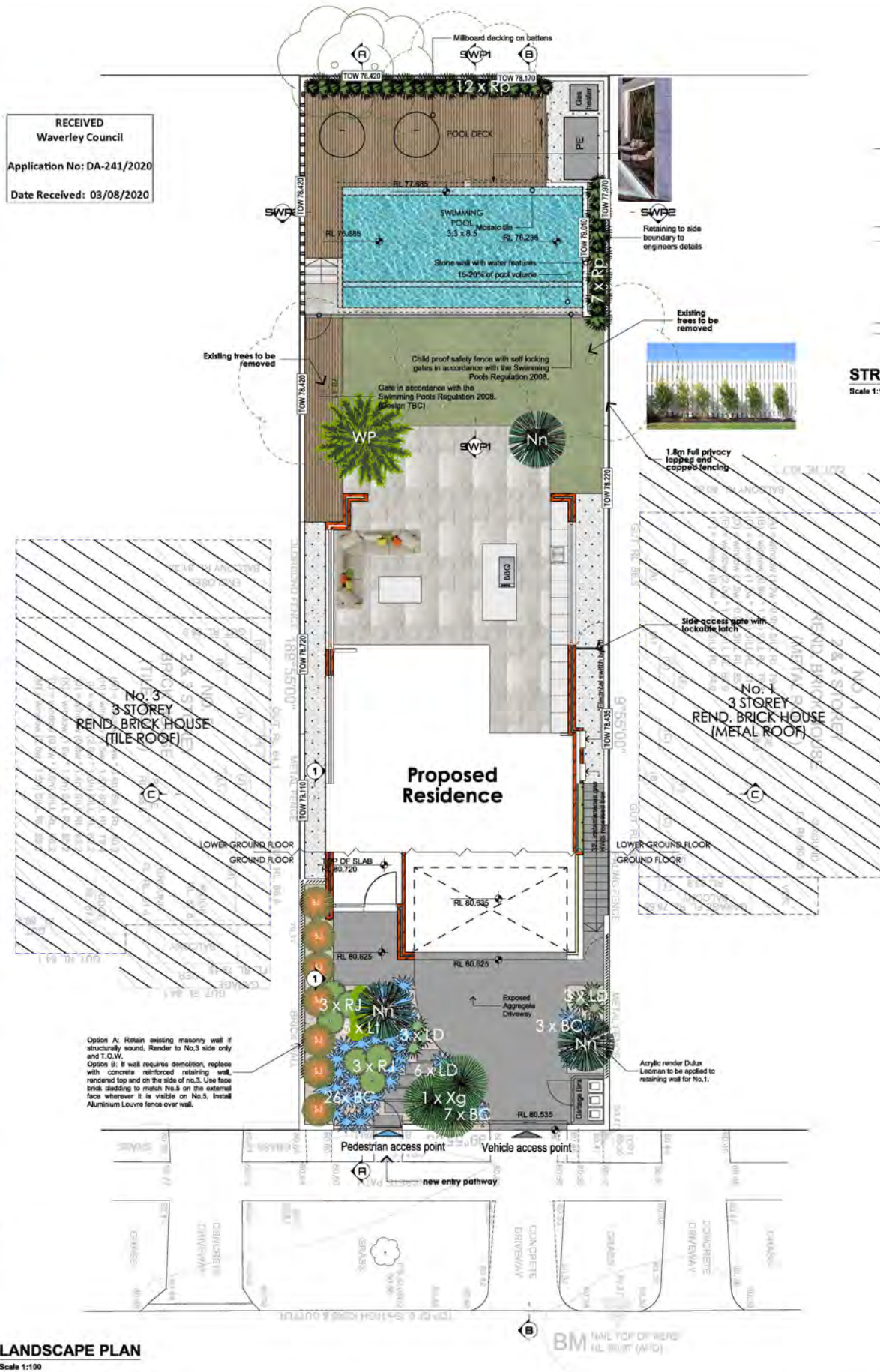
7
Frameless glass fence



8
Duratec Powder Coated Al
Dulux Monument



RECEIVED
Waverley Council
Application No: DA-241/2020
Date Received: 03/08/2020



SOFTWORKS NOTES

GARDEN EDGING

- Garden edging to be brick paver, steel or timber as specified
- Brick edging to be laid on a sand/cement mortar bed and haunched around the edges.
- Bricks to be laid length-ways unless otherwise specified
- Steel to be 5 x 75mm w/ rods welded in-situ every 1.2m
- Timber to be treated pine w/ hardwood pegs screwed every 1.2m

GARDEN BEDS

- Garden beds to have organic garden mix cultivated into site soil
- Imported soil to be free of weeds and toxins
- Excavate holes for plants twice the size of the plants root ball
- Ensure to remove pests from plants prior to installation
- Trees to be staked and tied as required (refer to tree detail if required)
- Water plants after planting
- Install selected mulch to a depth between 50-75mm
- Keep mulch free from touching the stem of the plant
- Plant material showing poor signs of health, poor root to shoot ratio and any signs of pest & diseases or weed infestation should be rejected
- Mulch & garden material is to be kept clear of house slab due to Termguard requirements

LAWN

- Grade areas of lawn removing large stones, rocks & sticks
- Install drainage lines as required and grade lawn toward stormwater pits
- Spread out a high quality top soil mix to a thickness of 75-100mm
- Screen soil to the desired levels & grades
- Roll out selected turf (to be selected by client)
- Water well after installation

IRRIGATION

- All garden beds and planter boxes to have irrigation installed
- Irrigation layout, pipe & fittings to be nominated by qualified tradesperson
- Irrigation to be installed by qualified tradesperson
- Irrigation system to be run as per installers recommendations

PLANT ESTABLISHMENT / MAINTENANCE PERIOD

- Regular maintenance is to be carried out, including the following works:
- Watering to maintain healthy growth, adjusted on regular basis to suit seasons
- Weeding to all garden and lawn areas
- Pest and disease control
- Trim hedge plantings to maintain desired heights
- Tip pruning as required and fertilising to species recommendations
- Mowing and edging of all turfed areas

Latin Name	Common Name	Pot Size	Mature Size	Code	Quantity
Trachycarpus fortunei	Chinese Windmill Palm	150Ltr.	10-15m	WP	1
Nolina nelsonii	Blue Nolina	75Ltr.	2m	Nn	3
Lomandra confertifolia	Lomandra Lime Divine	150mm	0.2-0.3m	LD	12
Senecio Serpens	Blue Chalk Sticks	150mm	0.3m	Bc	36
Lomandra longifolia Tanika	Lomandra Tanika	150mm	0.5-0.65m	LI	5
Miscanthus Sinensis	Morning Light	75Ltr.	1.5 - 2m	Ms	3
Strelitzia Juncea	Leafless bird of paradise	150mm	1.8m	Sj	7
Crassula arborescens Undulatifolia	Ripple Jade	150mm	0.3-0.6m	RJ	6
Rhipis Excelsa	Rhipis Palm	75Ltr.	4m	Rp	24
Xanthorrhoea Glauca	Gross Tree	75Ltr.	1-5m	Xg	1
Hebe buxifolia	White Veronica	150mm	0.6-0.8m	Hb	24

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landscape architects

T +61 2 9148 1700 M +61 414343 292
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Attention:

Project Description:

NEW RESIDENCE

Project Address:
10/34 DP14320
3 Woonga Road Dover Heights NSW 2030

Client:
Jayland Pty Ltd

Scale:
1:100

Designed By:
Daniel Bakas

Scale:
DA

Created By:
Russell Garnett

Date:
24/07/2020

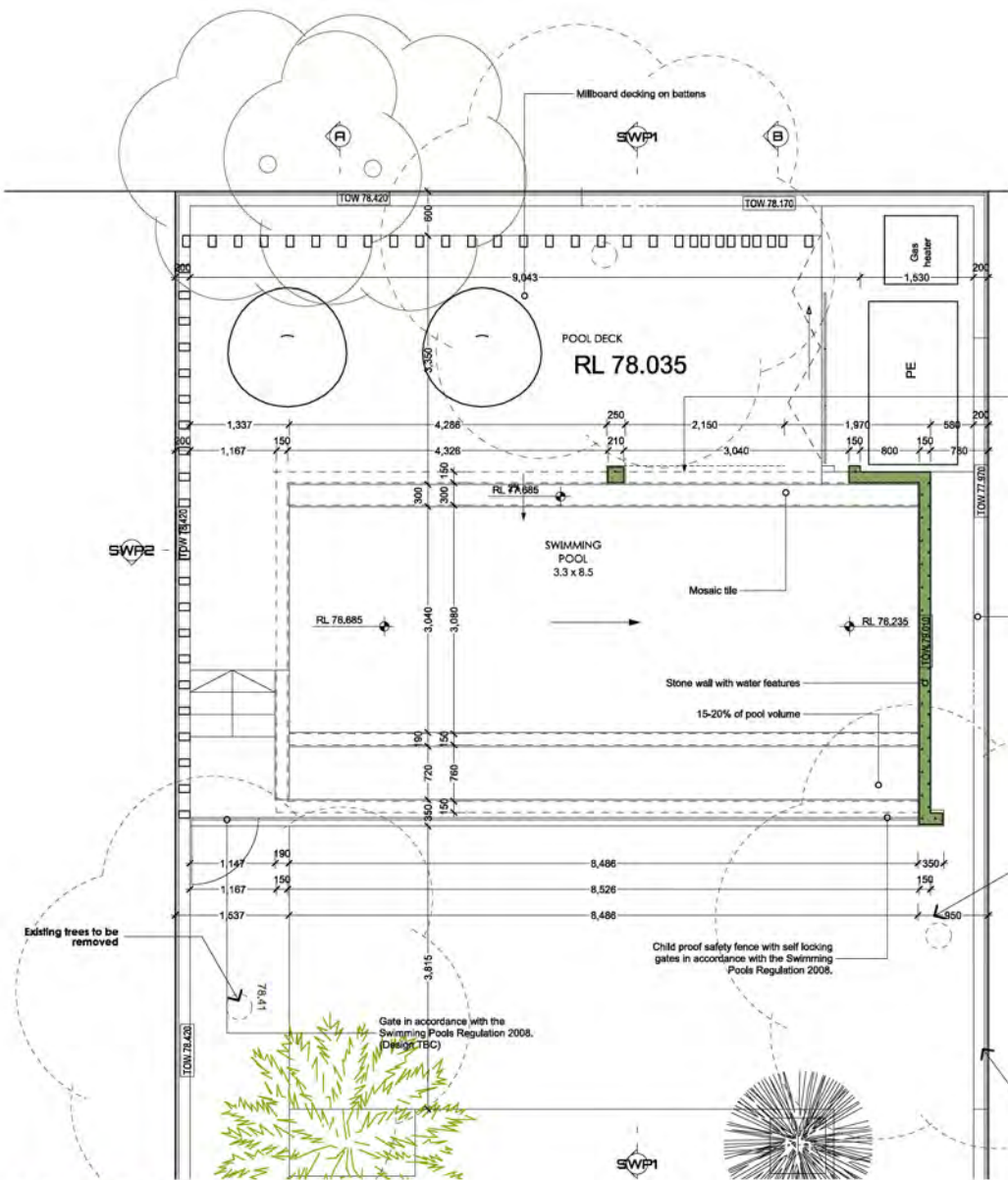
Plot Date:
24/07/2020

Drawn By:
LANDSCAPE

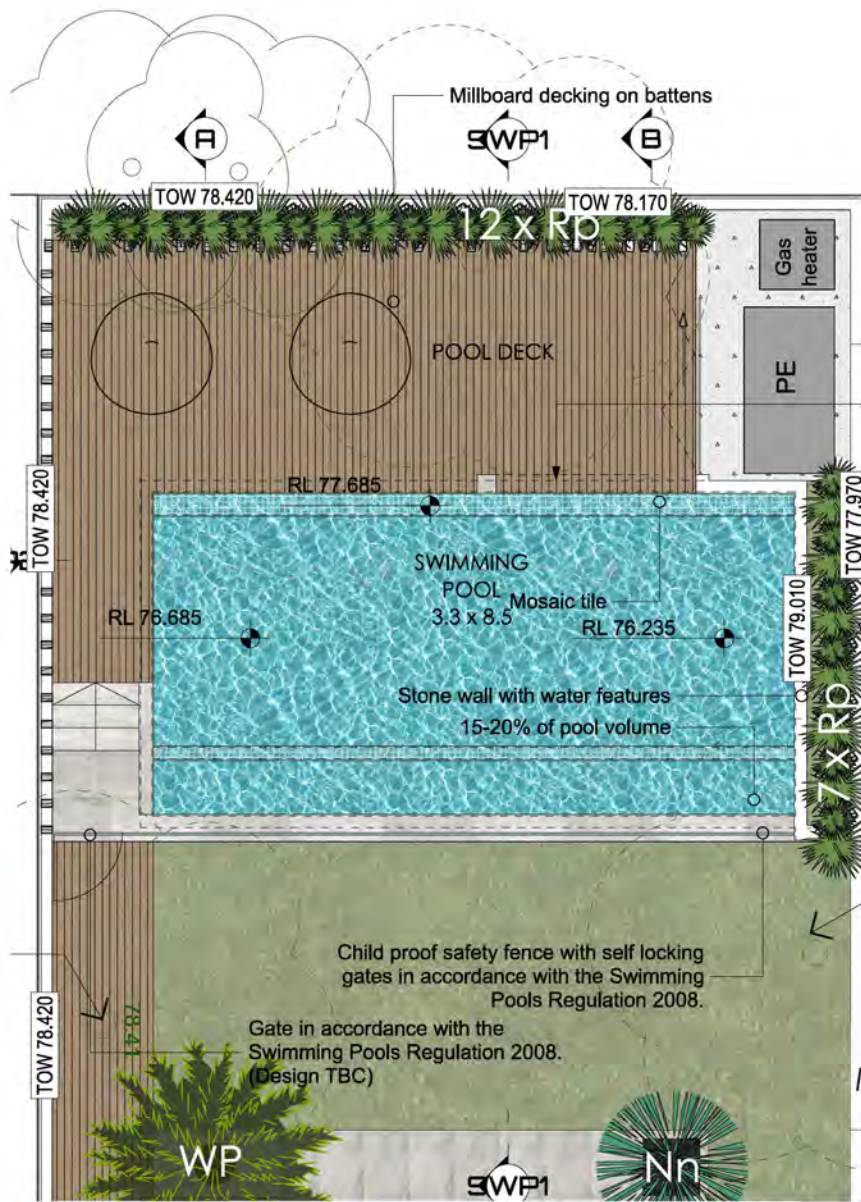
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Scale:
1:100

Scale:
1:100



POOL DIMENSION PLAN
Scale



POOL FINISHES PLAN
Scale 1:50

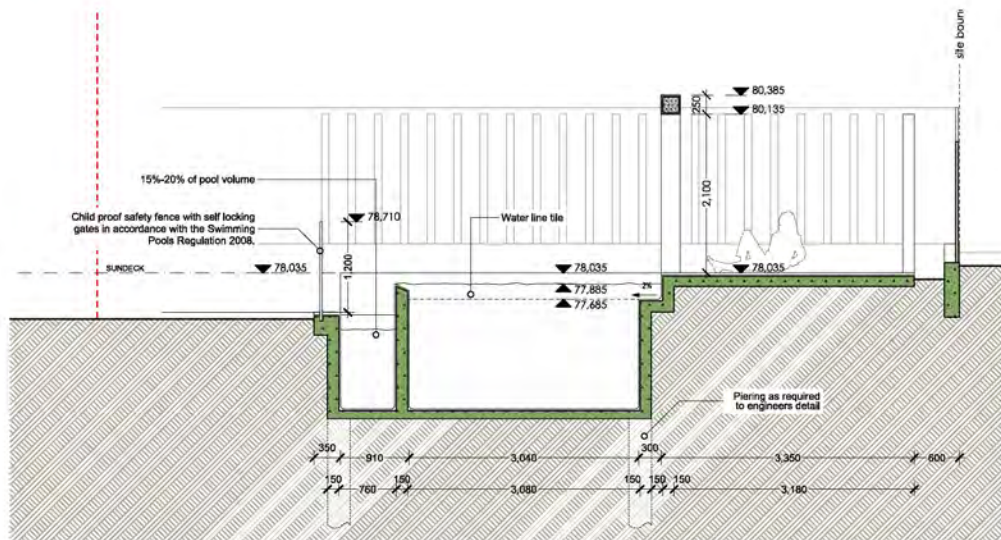


Retaining to side boundary to engineers details

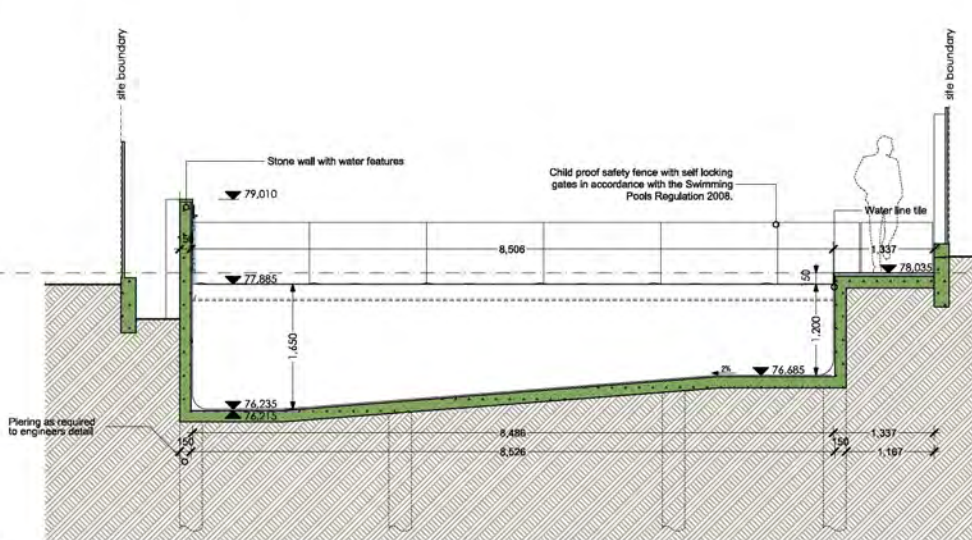
Existing trees to be removed



1.8m Full privacy



SWP1 SECTION
Scale 1:50



SWP2 SECTION
Scale 1:50

Warning notices:

For the purposes of section 17 (1) of the Act, the sign referred to in that subsection must bear a notice that contains all of the following:

- YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL
- POOL GATES MUST BE KEPT CLOSED AT ALL TIMES
- KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES

General requirements for outdoor swimming pools

For the purposes of sections 7 (1) (b) and 12 (d) of the Act, the prescribed standards in accordance with which a child-resistant barrier surrounding a swimming pool is to be designed, constructed, installed and maintained are the standards set out in AS 1926.1—2007

Standards required for certain swimming pools to be exempt from requirement to separate swimming pool from residential building

(1) For the purposes of section 8 (2) of the Act, the prescribed standards in accordance with which the means of access to a swimming pool from a residential building are to be restricted are that:

- each doorway, and each opening portion of a window, that gives access to the swimming pool is to be designed, constructed, installed and maintained in accordance with the standards set out in AS 1926.1—2007, and
 - in relation to each opening portion of a window giving access to the swimming pool—there must not be any footholds wider than 10 millimetres between the bottom of the lowest opening panel of the window and any point within 1.1 metres below the bottom of that panel.
- (2) Subclause (1) (b) does not apply to a window that is:
- of substantial construction and is so fixed (by means of a keyed locking device or other child-resistant device) that it has no opening through which it is possible to pass a testing apparatus, or
 - totally enclosed by a grille (including a fixed grille) that is of substantial construction and is so fixed (by means of a keyed locking device or other child-resistant device) that it has no opening through which it is possible to pass a testing apparatus.

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Annotations:

Project Description:
NEW RESIDENCE

Project Address:
10734 DP14320
3 Wengoe Road Dover Heights NSW 2020

Client:
Jayland Pty Ltd

Designed By:
Daniel Bakas

Checked By:
Russell Garnett

Date:
24/07/2020

Plot Desc:
24/07/2020

Drawn By:
SWIMMING POOL

Scale:
1:50

Sheet:
DA

Rev:
B

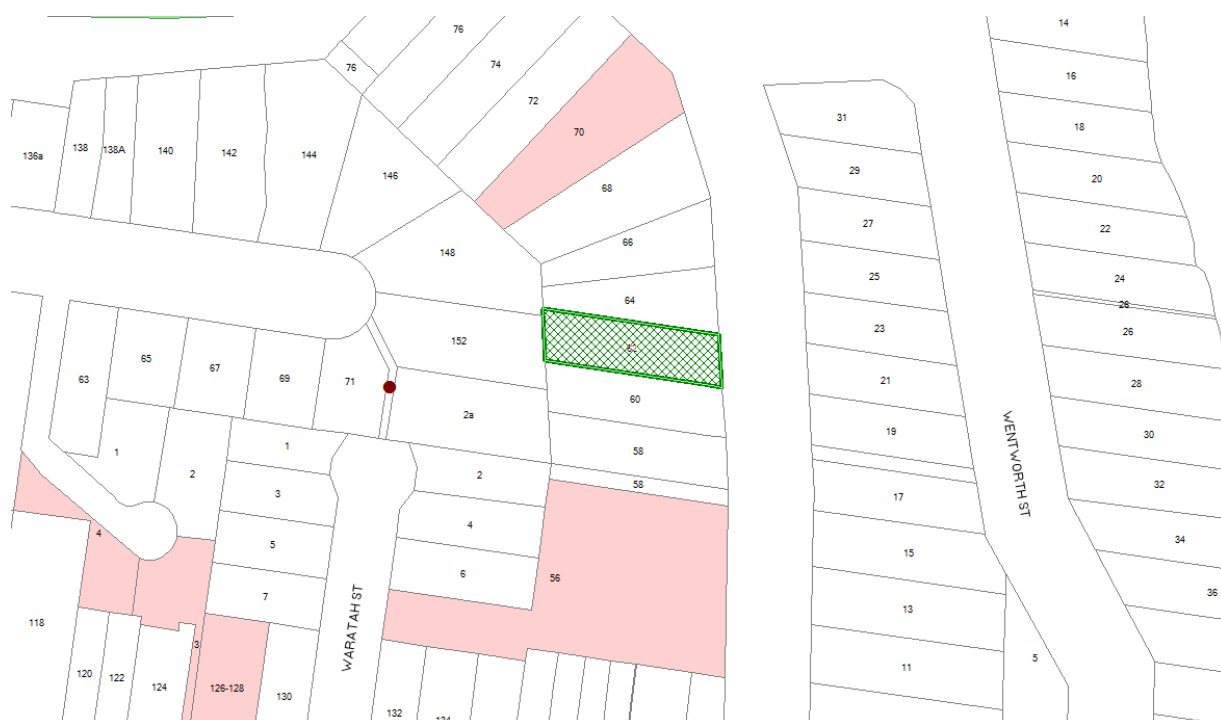
280



Report to the Waverley Local Planning Panel

Application number	DA-212/2020
Site address	62 Military Road, DOVER HEIGHTS
Proposal	Substantial demolition works and alterations to the existing dwelling, to form a part two, part three storey dwelling with integrated parking, and new swimming pool at rear.
Date of lodgement	10 July 2020
Owner	Mr M Gajic & Ms J Gajic
Applicant	Common Office
Submissions	Two (2)
Cost of works	\$487,300
Issues	Building Height, FSR, External Wall Height, Side Setbacks
Recommendation	That the application be APPROVED

Site Map



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 25 August 2020.

The site is identified as Lot 13 in DP 10090, known as 62 Military Road, DOVER HEIGHTS. The site is rectangular in shape with northern and southern side boundaries measuring 42.365m, and an eastern street frontage and western rear boundary measuring 12.190m. The site has an area of 499.5m² (by DP) and 505.6m² (by calculation) and the site falls from the east towards the west by approximately 13.5m.

The site is occupied by a part one and part two storey detached dwelling with vehicular access to the south-eastern corner of the site provided with a single garage gaining access from Military Road.

The subject site is adjoined by detached dwellings on either side. The locality is characterised by a variety of residential developments including semi-detached and detached dwellings, dual occupancies and residential flat buildings.



Figure 1: Subject site boxed in red outline as viewed from Military Road, looking west.



Figure 2: Rear of the existing dwelling as viewed from the rear setback area of the subject site.

1.2 Relevant History

DA-286/2017

A development application for demolition of the existing dwelling and construction of a three-storey attached **dual occupancy** development with swimming pools was approved by the Waverley Development Assessment Panel on 23 May 2018. The development was approved with a FSR of 0.635:1 and a maximum building height of 11.4m at the northern side and 11.2m at the southern side, and was subject to the following special condition:

2. GENERAL MODIFICATIONS

- (a) *The first-floor balcony is to extend no further to the rear than the rear building line of the ground floor below.*
- (b) *The entry forecourt to each dwelling is to be reconfigured to relocate the meter boxes to behind the first set of stairs, the gate is to be relocated to adjacent the garage and the area previously occupied by the gate and meter box is to be landscaped appropriately, including the planting of the canopy tree. The front fence and gate adjoining the garages are to be lowered to a height of 1.2m.*
- (c) *Privacy screening is to be provided between the balconies of each dwelling to a height of 1.7m and are to be of a lightweight material or obscure glazing.*
- (d) *Side and rear boundary fencing is not to exceed 1.8m in height above the existing ground level.*
- (e) *The swimming pool equipment is to be housed within an acoustically treated structure.*

- (f) *The concrete decks, stairs and planter boxes (below the pool deck) located in the rear portion of the town houses are to be deleted and replaced with deep soil landscaped terraces at or near existing ground level.*

The amendments are to be approved by Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

DA-286/2017/A

A modification application was lodged that involved the following works:

- Extension of internal stairs from ground floor to lower ground floor and basement level;
- New basement level including pool cabana and laundry;
- New external stairs to pool area;
- Additional 20m² of soft landscaping; and
- Increase size of swimming pool to 33.5m².

The height of the building remained unchanged; however, the proposed increase in floor area of 108.76m² for the basement level resulted in a further non-compliance of 0.85:1 (429.76m²) or a variation of 108.76m² or 37%.

The application was approved on 27 February 2019 by the Waverley Local Planning Panel (WLPP), subject to the deletion of condition 2(f) detailed above.

DA-286/2017/B

A modification application was lodged that involved the following works:

- New car stackers to create two car parking spaces per dwelling;
- Reconfiguration of the kitchen, dining, living areas to improve efficiency of space; and
- Relocation and addition of windows on the northern and southern elevations to improve natural lighting.

The height and FSR of the building remained unchanged with the proposal.

The application was approved on 25 June 2019, subject to the imposition of a new condition in relation to the car stacker.

1.3 Proposal

The application seeks consent for substantial alterations and additions to the existing building to construct a part two and part three storey dwelling with garage parking, a new swimming pool and associated landscaping. The proposed works involve the following:

Existing Lower Ground Floor Level

- Retention of the existing lower ground floor level containing two storerooms, a playroom, rumpus, living room and bathroom.

Existing Ground Floor Level (Upper Ground Floor)

- Retention of the existing northern wall/façade adjacent to proposed bedrooms 2 and 4; and

- Demolition of all other existing walls for the construction of a double garage, four bedrooms and bathrooms, with a balcony off the master bedroom.

Proposed First Floor Level

- Demolition of the existing roof and construction of a new first floor level to accommodate an open plan living, dining and kitchen area, informal living space, pantry, bathroom and study; and
- Construction of a large balcony (approx. 30m²) with a BBQ adjacent to the open plan living space.

Roof

- Demolition of the existing roof and construction of a contemporary roof form with flat roof elements; and
- Provision of three skylights.

External Works

- Construction of a patio adjacent to the rear of the lower ground floor level;
- Construction of a swimming pool and associated decking; and
- Extensive landscaping works across 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 (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 site is located within the coastal zone but is not identified as having geotechnical risk. The proposed works retain the existing development at the lower ground floor level as well as part of the existing ground floor level and is not considered to cause any adverse impacts to the coastal area.

2.1.4 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Zone	Yes	The proposal involves significant alterations and additions to an existing 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	Front: 6.137m Rear: 9.31m Variation: 0.81m (9.5%)
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.549:1 277.5m² 	No	Site Area: 505.6m ² (by calc.) Proposed FSR: 0.635:1 Proposed GFA: 321m ² Proposed Variation: 43.5m ² (15.7%)
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 building height and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The proposal involves some earthworks to accommodate the development due to the sloping topography of the site and the pool. The works are not anticipated to adversely impact upon soil stability or amenity of surrounding properties and is acceptable. <i>See discussion in section 2.1.5 of this report for further details.</i>

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

Clause 4.3 Height of Buildings & Clause 4.6 Exceptions to Development Standards

The application seeks to vary the height of buildings development standard in Clause 4.3. The site is subject to a maximum building height control of 8.5m. The proposed development has a maximum building height of 9.31m, exceeding the standard by 0.81m equating to a 9.5% 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:

- (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 building height development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *It is our opinion that the proposal satisfies a number of the five tests established in Wehbe and for that reason, the development standard is unreasonable and unnecessary in this instance.*
 - (ii) *Despite the non-compliance, the proposal is consistent with the desired low density character of the area. The proposal provides a bulk and scale that is generally consistent with that envisaged by Council's controls.*
 - (iii) *The variation relates to a minor portion of the roof form and first floor level balcony at the rear of the dwelling and will not be visible from the street. The proposal has been sympathetically designed to ensure that the amenity of neighbouring properties and the public domain is maintained, in respect of views, privacy and solar access.*
 - (iv) *As indicated, the proposal will have a compliant LEP height and DCP wall height when viewed from Military Road. The site is located on the low side of Military Road and there are some district and city views available across the site from the properties located on the eastern side of street at Nos. 19 and 21 Military Road. It should be noted that the subject site is underdeveloped, presenting a single storey built form that is lower than the height envisaged by Council's controls. Therefore, some view impacts should be expected from the orderly and economic development of the land. Notwithstanding this, given the sloping topography, view corridors towards the city skyline will be maintained.*
 - (v) *Furthermore, Council has previously supported a similar extent of view effects in the approval of DA-286/2017. The proposed dwelling has been skilfully designed within the building envelope of the approval, to ensure that views are not further reduced by the proposed works. This is demonstrated in the view analysis diagrams prepared by Common*

Office, which provide a wire overlay of the proposed dwelling over the approved dual occupancy in the streetscape. As shown, Nos. 19 and 21 Military Road will continue to obtain city and district views across the subject site. Accordingly, the proposal is considered to facilitate equitable view sharing.

- (vi) As discussed in the SEE (submitted separately), privacy to neighbouring dwellings and the future residents of the subject site will be preserved. The additional height is limited to the roof form and the first floor balcony of the proposed dwelling and will not comprise any windows. The proposed balcony is oriented towards the rear of the site and incorporates louvred privacy screens at both side elevations. The balcony is substantially elevated above Nos. 148 and 152 Clyde Street to the west. Therefore, potential sightlines to adjoining properties will be prevented. The first floor balcony is considered appropriate given that there is an established pattern of elevated balconies, with most dwellings at the western side of Military Road including balconies at the rear (see Figure 3). It is also noted that there is a large existing elevated rear balcony which would generate similar aural and visual privacy impacts as the proposed.*
- (vii) To assess the effect of the proposed development in terms of solar access, shadow diagrams have been prepared for 9:00 am, 12 noon and 3:00 pm for the winter solstice (June 21). The diagrams confirm that the additional height will not unreasonably affect solar access and adjoining dwellings will continue to receive DCP compliant levels of direct sunlight. Additional overshadowing will occur over one window at the northern elevation of No. 60 Military Road. However, it is noted that this would also occur under a compliant built form. Given the curvature of the street and the resulting lot orientation, and that the north-facing window is oriented across a side boundary, it is difficult to maintain solar access to this window in comparison to windows located on a front and rear elevation.*
- (viii) It should also be noted that Council has previously been satisfied that the amenity of neighbouring properties was maintained despite additional building height, in the approval of DA-286/2017. Accordingly, in our opinion, the proposal appropriately preserves the environmental amenity of neighbouring properties and the public domain, in respect of views, privacy and solar access.*
- (ix) The proposal has been skilfully designed to complement the existing and emerging character of the area. The desired future character is evident in the recent developments in the area, consisting of contemporary dwellings and dual occupancies that respond to the sloping character of the street. The proposal is also consistent with the style of development envisaged by Council's planning objectives and controls for the area.*
- (x) The proposal will be a positive contribution to the locality, replacing an ageing building with an architecturally designed contemporary dwelling that is compatible with surrounding developments. When viewed from Military Road, the dwelling will have a compliant building height and will present as two storeys, which is consistent with development along the western side of the street. The proposal will retain the existing lower ground floor level and present as three storeys from the rear, which is similar to the scale of nearby developments. Importantly, the additional building height is a result of the steep topography of the site and will not be visible in the streetscape.*
- (xi) The dwelling will enhance the streetscape appearance of the site and will provide an appropriate transition in building heights between Nos. 60 and 64 Military Road. The dwelling will have a well-articulated frontage to contribute the physical definition of the*

street network and public space. Visual interest will be also be provided through the single gabled roof form, which complements the character of roof pitches in the street, as well as the well-selected contemporary palette of materials. Landscaping will be provided to further soften the bulk and scale of the dwelling. The proposed works will improve the site's interface with the emerging character of the area, particularly in relation to the adjoining contemporary developments along Military Road.

- (xii) *Council has previously been satisfied with a similar height, bulk and scale in the approval of DA-283/2017. As discussed, the proposal has been carefully designed within the approved envelope and will present a built form that is compatible with surrounding development. Given that the proposed building height is no greater than the approval, in our opinion, it should be supported.*
- (xiii) *Accordingly, although the proposal will exceed the height control, this is unlikely to have any significant adverse impacts as the design is generally contained within a compliant building envelope.*
- (xiv) *In our opinion, the underlying purpose of the development standard is to present a building that is compatible with the height, context and character of the locality whilst preserving the amenity of adjoining properties. The numerical height limit is less relevant on steeply sloping sites, as compliance with the numerical height limit is not necessarily the best indicator of perceived bulk.*
- (xv) *The proposal is a skilful design that appropriately responds to the site's topographical constraints, providing a dwelling that is compatible with the existing and emerging character of the area. The proposal replaces an ageing building with a high-quality contemporary dwelling with enhanced internal and external amenity for the future residents. The dwelling will be a positive contribution to the streetscape and the desired future character of the area. The additional height relates to a limited portion of the rear of the dwelling, is a function of the site's steeply sloping topography and will not be visible from the street. As discussed, the amenity of neighbouring dwellings will be maintained in respect of privacy, solar access and views.*
- (xvi) *Enforcing strict compliance with the numerical standard will inhibit the orderly and economic development of the land. The design incorporates a split level form that relates to the topography of the site. Further stepping of the built form would create a disconnected internal configuration that unreasonably impacts the amenity of the proposed dwelling, without noticeably affecting neighbouring properties. Additionally, the proposal retains the existing lower ground floor level at the rear of the dwelling. Reducing the building height would likely require the demolition and reconstruction of this level, which would unnecessarily complicate the design and would require additional excavation.*
- (xvii) *In addition to the approval for a dual occupancy on the subject site, it is noted that there are numerous applications for development in the R2 Low Density Residential Zone with non-compliant building heights and have been supported by Waverley Council. We note that each development application is assessed on its own merits and the context of the individual site. However, it is relevant to consider similar breaches to the development standard that were accepted by Council. Based on Council's Clause 4.6 Register, these include the following:*
 - *No. 54 Blake Street, Dover Heights (DA-367/2017) – 12% variation*
 - *No. 58 Military Road, Dover Heights (DA-468/2017) – 37% variation*
 - *No. 174 Military Road, Dover Heights (DA-484/2017) – 10% variation*

- No. 7 Portland Street, Dover Heights (DA-243/2017) – 20% variation
- No. 9 Portland Street, Dover Heights (DA-525/2017) – 19% variation
- No. 279 Military Road, Dover Heights (DA-92/2018) – 10% variation

Accordingly, in our opinion, the extent of non-compliance is appropriate in this instance as the proposal will present a building that is appropriate with the height, context and character of the area. This would not be achieved if strict compliance with the building height was required.

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The proposal is permissible in the R2 Low Density Residential Zone and is consistent with the zone objectives, as discussed in this Clause 4.6 Variation and in the SEE, submitted separately.*
 - (ii) *The proposal will provide a well-designed contemporary dwelling that is compatible with the existing and desired future character of the area. The proposed height is also consistent with the surrounding density and scale in the area.*
 - (iii) *The proposal will be consistent with the character of the surrounding low density residential environment, which consists of developments that respond to the steep sloping topography of the area. When viewed in the streetscape, the proposal will present as two storeys with a compliant building height and wall height. The dwelling will appear as three storeys from the rear, with the proposal retaining the existing lower ground floor level. This is consistent with the existing and emerging scale of development in the area, particularly on the western side of Military Road.*
 - (iv) *The proposed dwelling will be a positive contribution to the streetscape, replacing an ageing building with an architecturally designed dwelling. The dwelling will provide an appropriate transition in building heights when viewed from Military Road and the rear. The adjoining property to the north, which is under construction for a dual occupancy, will have a maximum height at RL 68.471 AHD. No. 60 Military Road, adjoining the site to the south, has a maximum RL of 41.07 AHD. The proposed dwelling, which has a maximum RL of 67.65 AHD, will provide a transition in heights between adjoining properties and will be consistent with the scale and density of development in the area. Well-articulated elevations will provide visual interest and will enhance the site's interface with surrounding developments and the street. Generous landscaping throughout the site will soften the bulk, enhance the streetscape presentation and contribute to the established green setting.*
 - (v) *The additional height will occur at the rear of the site and will not be visible from the street. As discussed, the proposal will maintain the amenity of neighbouring dwellings in respect of privacy, solar access and views. The height is a consequence of the steep east to west fall on the site and is necessary to provide a functional internal configuration. Enforcing strict compliance would unreasonably impact the amenity of the dwelling, without noticeably benefitting surrounding properties or the public domain.*
 - (vi) *It should be noted that Council has previously supported an increased building height on the subject site in the approval of DA-286/2017. The proposal does not increase the height or building envelope of the approved dual occupancy. While the proposal is considered appropriate from a planning perspective regardless of the approval, Council has been satisfied that a comparable form was appropriate in the locality.*

- (vii) *Accordingly, in our opinion, the non-compliance will not be inconsistent with existing and desired future planning objectives for the locality. For the reasons contained in this application, there are sufficient environmental planning grounds to justify the minor variation to the development standard, as required in Clause 4.6(3)(b).*

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 a variation of 9.5% that is equivalent to 0.81m of additional building height above the standard that occurs towards the rear of the dwelling. The design of the development is considered to be suitable for the site and surrounds and would present an appropriate bulk and scale when viewed from the Military Road streetscape, as well as from surrounding properties. The proposal is considered to be suitable within the low density residential zone.

Clause 4.3 Height of Buildings Objectives

(1) The objectives of this clause are as follows—

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

Comment: The proposed exceedance of the building height control is limited to 0.81m towards the rear of the dwelling that would not adversely contribute to the overall bulk and scale of the building as viewed from the Military Road streetscape and is supported. The development is of a similar height to approved development in the locality and is sited lower than the approved development at the adjoining property at 64 Military Road. Furthermore, the site has a sloping topography and it is considered that some exceedance of the building height development standard would be inevitable.

It is also noted that the maximum building height is lower than the approved maximum building height on the site of 11.4m at the rear under **DA-286/2017**. Strict compliance with the development standard is unlikely to alleviate the additional overshadowing impacts to 60 Military Road as a result of the development. The proposed breach of the development standard does not cause view loss impacts for properties adjacent to the site at 19 and 21 Military Road. Therefore, despite the minor exceedance, the proposal is considered to be consistent with the objectives of the building height 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 building height is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the building height development standard and the R2: Low Density Residential Zone.

Clause 4.4 & 4.4A Floor Space Ratio & 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 0.549:1. The proposed development has a FSR of 0.635:1, exceeding the standard by 43.5m², equating to a 15.7% variation.

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

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

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

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) *It is our opinion that the proposal satisfies a number of the five tests established in Wehbe and for that reason, the development standard is unreasonable and unnecessary in this instance.*
 - (ii) *Despite the non-compliance, the proposal is consistent with the desired low density character of the area. The proposal provides a bulk and scale that is generally consistent with that envisaged by Council's controls.*
 - (iii) *The proposal largely complies with the maximum building height development standard and has a compliant height when viewed from Military Road. Due to the steeply sloping topography of the site, there will be a minor extent of additional height at the rear of the dwelling. The non-compliance is limited to a portion of the roof form and the first floor balcony and will not be readily discernible as visual bulk. Importantly, the additional height will not unreasonably affect the amenity of neighbouring dwellings This is discussed further in the SEE and the Height of Buildings Clause 4.6 Variation, which are submitted separately.*
 - (iv) *The proposal is a skilful design that appropriately responds to the site's constraints to provide a bulk and scale that is consistent with development in the area. The proposal will have a two storey appearance in the streetscape and will present as three storeys from the rear, due to the retention of the existing lower ground floor level. This is consistent with the character of the western side of Military Road, where developments typically have split level forms in response to the steep topography.*
 - (v) *Council has previously supported a maximum building height of 11.4m and an FSR of 0.85:1 on the subject site (DA-286/2017/A). The proposal has been designed within the envelope of the approved dual occupancy, maintaining a similar correlation between height and density.*
 - (vi) *Given the minor extent of the additional area and the proposal's compatibility with the bulk and scale of surrounding developments, the correlation between the building height and density is considered appropriate.*

- (vii) *The proposal has been skilfully designed to complement the bulk and scale of surrounding developments and maintain consistency with the streetscape and desired future character of the locality.*
- (viii) *The non-compliance is predominantly a function of the sloping topography of the site, which results in the inclusion of the lower ground floor below the natural ground level. Most dwellings on the low side of Military Road present as three storeys from the rear. As indicated, the proposal retains the lower ground floor level of the existing dwelling. If this level were excluded from the GFA, the proposal would have a compliant FSR. This level is not visible from the street and has an increased rear setback from the upper levels, minimising its appearance from neighbouring dwellings. The additional area is unlikely to contribute to visual bulk and the proposal will remain consistent with the scale of developments in the surrounding area.*
- (ix) *As detailed in the SEE, the surrounding area is characterised by low density residential development that displays a mixture of architectural styles. The desired future character is evident in new developments in the locality, with many older buildings being replaced by contemporary dwellings and dual occupancies.*
- (x) *The proposed dwelling will be a positive contribution to the area, providing a contemporary dwelling that complements the character of the streetscape. The dwelling will feature a well-selected palette of materials and varied setbacks to articulate the built form. Plantings within the front and rear setbacks will add further visual interest and contribute to the landscaped character of the area. The proposal will enhance the appearance of the site when viewed from neighbouring dwellings and the streetscape, and will be consistent with the desired future character of the area.*
- (xi) *Accordingly, in our opinion, the development presents an appropriate bulk and scale that is compatible with the existing and desired future character of the streetscape and the locality.*
- (xii) *The additional floor area is not considered to be significant and is unlikely to be readily visible from neighbouring properties. As discussed, the proposal will be compatible with the scale of development in the area, presenting as two storeys from Military Road and three storeys from the rear. The proposal has been sympathetically designed to maintain the amenity of neighbouring properties and the public domain. The dwelling has been designed within the approved building envelope of DA-286/2017, which Council was satisfied was compatible with surrounding developments. It is important to note that a compliant development would have similar effects on neighbouring properties in respect of privacy, solar access and views.*
- (xiii) *The privacy of neighbouring dwellings has been maintained by locating living areas and private open space towards the rear of the site and away from adjoining properties to the north and south. Minimal side-facing windows are proposed and have high sill heights and restricted sizes to prevent direct sightlines. The proposed balcony incorporates screening at the side elevations to maintain privacy. Both the existing dwelling and the approved dual occupancy have elevated balconies towards the rear, which is consistent with the established character of the area. The existing lower ground floor is retained and will be setback further from the rear boundary. Therefore, the additional area will not affect the privacy of neighbouring dwellings.*
- (xiv) *To assess the effect of the proposed development in terms of solar access, shadow diagrams have been prepared for 9:00 am, 12 noon and 3:00 pm for the winter solstice (June 21). These diagrams indicate that regardless of the additional FSR, the proposal complies with Council's solar access requirements and largely maintains the existing levels of solar access. The*

proposal will result in overshadowing to one additional window at the northern elevation of No. 60 Military Road at 12 noon and 3pm. Given the lot orientation and that the north facing window is orientated across a side boundary, it is difficult to maintain solar access to this window in comparison to windows located on a front and rear elevation. Importantly, this would also occur under a compliant built form.

- (xv) As discussed, the proposal has been designed within the building envelope of the approved dual occupancy on the subject site and provides a reduced FSR (DA-286/2017). This is demonstrated in the view analysis diagrams prepared by Common Office, which show the approved built form with a wire overlay of the proposed development (see Figure 2 on the following page).*
- (xvi) Some district and city views are available across the subject site from dwellings along the eastern side of Military Road. The proposal will have a compliant building height at the street frontage and the additional floor area will not be readily visible. Existing city and district view corridors will largely be maintained. Accordingly, the proposal will facilitate equitable view sharing in the locality.*
- (xvii) Council was previously satisfied that the approved built form preserved the amenity of neighbouring dwellings. In Council's assessment of DA-286/2017.*
- (xviii) Given that the proposal is designed within the approved envelope and has a reduced FSR, the bulk and scale is considered appropriate. Despite the additional GFA, the environmental amenity of neighbouring dwellings and the locality is preserved.*
- (xix) Accordingly, although the proposal will exceed the FSR control, this is unlikely to have any significant adverse impacts as the design is generally contained within a compliant building envelope.*
- (xx) In our opinion, the underlying purpose of the development standard is to present a building that is compatible with the height, context and character of the locality whilst preserving the amenity of adjoining properties.*
- (xxi) The proposal replaces the ageing dwelling on the subject site with an elegantly designed contemporary dwelling. The proposed development will contribute low density housing in the R2 Zone and will be consistent with the existing and desired future character of the locality. The proposed FSR will facilitate the provision of a high-quality dwelling with enhanced internal and external amenity for the future residents.*
- (xxii) The additional area is a consequence of the site's steeply sloping topography, which results in the inclusion of the lower ground floor below the natural ground level. As indicated, the proposal retains the existing lower ground floor level, which is not visible from Military Road and has an increased rear setback, minimising its appearance from neighbouring dwellings. If the lower ground floor were excluded from the GFA, the proposal would comply with the FSR standard. Notwithstanding this, the proposal presents a bulk and scale that is consistent with surrounding development and maintains the amenity of adjoining properties.*
- (xxiii) The proposal appropriately responds to the sloping topography of the area by providing a split level design that is consistent with the established pattern of development in the area. Enforcing strict compliance would prevent the orderly and economic development of the land and would unreasonably impact the amenity of the dwelling, without any noticeable benefits to neighbouring properties.*

(xxiv) *Accordingly, in our opinion, the extent of non-compliance is appropriate in this circumstance. The amenity of neighbouring properties will be preserved, and the proposal will provide a built form that is compatible with the height, context and character of the area.*

(b) That there are sufficient environmental planning grounds to justify contravening the standard:

- (i) *The proposal is permissible within the R2 Low Density Residential Zone and is consistent with the objectives of the zone, as detailed in this report and in the SEE (submitted separately). The proposed FSR will facilitate the provision of an architecturally designed contemporary dwelling that will contribute to the provision of housing stock in the low density residential environment.*
- (ii) *The proposal will be compatible with the scale of surrounding developments and will be consistent with the existing and desired future character of the area. The proposal will enhance the appearance of the site, providing visual interest through the well-articulated elevations and varied palette of materials. Landscaping will soften the bulk and contribute to the established green setting of the area.*
- (iii) *Enforcing strict compliance would not provide an improved planning outcome. The proposed design responds to the site's steep topography, which has an east to west fall of 13.89 metres measured along the northern boundary. By retaining the existing lower ground floor level, the proposal provides an appropriate connection between the internal and external areas of the site. This level is not visible in the streetscape and has an increased rear setback, minimising its contribution to visual bulk. As noted, if this level were excluded from the GFA, the proposal would have a compliant FSR. Notwithstanding this, the proposal will maintain the amenity of neighbouring dwelling's in respect of privacy, solar access and views.*
- (iv) *Importantly, any potential impacts would also occur from a compliant built form. Further stepping of the built form to reduce the FSR would unnecessarily complicate the design, without any noticeable benefits to neighbouring sites.*
- (v) *Subsequent modifications to the approved dual occupancy resulted in an approved FSR of 0.85:1 (DA-286/2017). In our opinion, the proposal should be supported, given that it does not increase the building envelope of the approval, provides a reduced FSR and maintains the amenity of neighbouring dwellings.*
- (vi) *Accordingly, in our opinion, the non-compliance will not be inconsistent with existing and desired future planning objectives for the locality. For the reasons contained in this application, there are sufficient environmental planning grounds to justify the minor variation to the development standard, as required in Clause 4.6(3)(b).*

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 a variation of 15.7% that is equivalent to 43.5m² of GFA in the context of the overall development. The design of the development is considered to be suitable for the site and surrounds and would present an appropriate bulk and scale when viewed from Military Road as well as from surrounding properties. The proposal is considered to be suitable within the low density residential zone.

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 would not adversely contribute to the overall bulk and scale of the building as viewed from the streetscape and is supported. The development retains the existing lower ground floor level that has a GFA of 60m², therefore it is considered that majority of the non-compliance would be located at this level that is not visible from the Military Road streetscape.

Furthermore, it is also noted that the proposed variation to the development standard is significantly less compared to the existing approved variation of 37% for a dual occupancy development on site under **DA-286/2017** and subsequent modifications. It is noted that the applicant has incorrectly stated this was a previously approved variation of 55%; however, this figure is irrelevant in justifying the breach of the subject application. The breach of the FSR development standard is not anticipated to result in any adverse amenity impacts to surrounding properties. Therefore, despite the exceedance, the proposal is considered to be consistent with the objectives of the FSR development standard.

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 Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the FSR development standard and the R2: Low Density Residential Zone.

2.1.5 Waverley Development Control Plan 2012 (Amendment 7) Effective 2 March 2020

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. A condition of consent is recommended regarding ongoing waste on site. The waste and recycling storage area is located in an area convenient for users of the site.
2. Ecologically sustainable Development	Yes	The proposal incorporates passive design. Given the low scale of this development, this is considered to address the objectives of Part B2 of the DCP.

Development Control	Compliance	Comment
3. Landscaping and Biodiversity	Yes Recommended conditions	The existing site is relatively clear of vegetation. The landscaping plan has been reviewed and is cohesive with the site and significantly enhances the land. The landscape plan is considered to be acceptable, subject to recommended conditions to maintain views (as discussed further below).
4. Coastal risk management	Yes	The application proposes significant alterations and additions to the existing building and involves the construction of a new swimming pool; however, the land is not affected by 'Coastal Inundation' or 'Geotechnical Risk' and is considered to be satisfactory.
5. Vegetation Preservation	Yes Recommended conditions	Council's Tree Management Officer has reviewed the application and it is considered that there is no vegetation on site of any significance that would be worthy of retention. The landscape plan submitted with the application has been reviewed and is considered to be a suitable landscape design in response to the site context and topographical conditions, subject to recommended conditions as discussed further below in order to retain views.
6. Stormwater	Recommended Conditions	The stormwater plans submitted with the application are not satisfactory and do not comply with the Water Management Technical Manual. This matter can be addressed as a condition of consent.
7. Accessibility and adaptability	Yes	Conditions of consent are recommended to ensure that the proposed works comply with the access standards.
8. Transport	Merit Assessment	<p>The proposed double garage has a satisfactory streetscape impact as it is consistent with existing garage development to the front boundary on surrounding sites.</p> <p>Council's Traffic Engineer has reviewed the proposal and raises no objection to the works, subject to conditions. The vehicular access to the site is limited to one cross over, is satisfactorily located and complies with the minimum required dimensions and other technical requirements.</p> <p>The car parking proposed, compliments the design of the building and streetscape and does not exceed the maximum rate of parking permitted in the parking zone.</p>

Development Control	Compliance	Comment
10. Safety	Yes	The proposal does not contravene the objectives of this part of the DCP.
11. Design Excellence	Yes	The applicant has provided a context plan and streetscape analysis, 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.
14. Excavation	Yes	<i>See discussion below.</i>

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

The proposal is defined as a “Dwelling House” 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 • High design standard 	Yes	The proposal does not contravene the general objectives of this part of the DCP and is considered to be of an appropriate scale.
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> • Maximum wall height of 7.5m 	Merit Assessment	<i>See further discussion below under ‘Wall Height’.</i>
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 subject lot and surrounding subdivision pattern forms an irregular shape. The dwelling under construction on the adjoining property at 64 Military Road is sited on an angle. Despite this, the proposed front and rear building lines of the proposed building are complementary and sympathetic to the front and rear building lines of development on both adjoining lots and is considered to be satisfactory.
2.2.2 Side setbacks <ul style="list-style-type: none"> • Minimum of 1.2m 	Merit Assessment	<i>See discussion below.</i>
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> • New development to be compatible with streetscape context 	Yes	The proposal is of a contemporary, modern design that includes a feature roof with partly pitched forms as viewed from Military Road. This

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Replacement windows to complement the style & proportions of existing dwelling Significant landscaping to be maintained. 		is considered to be an acceptable design approach, given that the streetscape presents a mix of older, traditional styled homes with pitched roof forms and newer, modern development with flat roof forms. The proposal is therefore complementary to the streetscape. <i>See discussion below regarding garage design for further comments.</i>
2.4 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	Merit Assessment	<p><u>Front Fencing</u></p> <p>Noting a double garage is proposed, the proposed front fencing is to have a height between 1.2m and 1.355m that exceeds Council's controls; however, this is considered to be acceptable due to the sloping topography of Military Road. Furthermore, the front fencing proposed at 1.355m immediately adjoins fencing of the same height on the adjoining property at 64 Military Road. Therefore, no adverse streetscape impacts are anticipated from the proposed fencing and is suitable in the site context.</p> <p><u>Side and Rear Fencing</u></p> <p>The proposed side boundary fencing would maintain a maximum height of 1.8m along both side boundaries that is acceptable.</p>
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> <i>1.5m deep</i> Roof tops to be non-trafficable unless 	<p>Yes Recommended Conditions</p> <p>Not proposed</p> <p>No</p> <p>Not proposed</p>	<p><i>See discussion below.</i></p>

Development Control	Compliance	Comment
predominant in the immediate vicinity		
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 	Merit Assessment	<i>See discussion below.</i>
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 Recommended Conditions	<i>See discussion below.</i>
2.8 Car parking		
2.8.2 Design Approach <ul style="list-style-type: none"> Parking only allowed where site conditions permit Designed to complement the building and streetscape Car parking structures to be behind the front building line Driveways are to be located to minimise the loss of on street parking 	Merit Assessment	As previously discussed, the proposed double garage is sited forward of the front building line to the front boundary, which is non-compliant with Council's controls for car parking design. Despite this, similar development has been approved in the locality (such as at the adjoining property at 64 Military Road) and is therefore considered to have a satisfactory streetscape impact. The bulk of the garage complements other garage development in the streetscape and does not adversely impact upon the overall built form of the dwelling.
2.8.2 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms 	Yes	Two car parking spaces are proposed.
2.8.3 Location	Merit Assessment	<i>See comments above.</i>

Development Control	Compliance	Comment
2.8.4 Design	Merit Assessment	<i>See comments above.</i>
2.8.5 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	The garage has a depth of 5.4m and a width of 5.6m (excl. waste bin storage area) and is therefore adequately dimensioned to accommodate two vehicles.
2.8.6 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) Crossings not permitted where 2 on street spaces are lost 	Yes	The existing driveway crossing is to be widened to accommodate two vehicles that is acceptable in the streetscape context which consists of other examples of double width driveway crossings.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area 	Yes	300m ² (59.34%)
<ul style="list-style-type: none"> Overall landscaped area: 15% of site area 	Yes	171.3m ² (33.66%)
<ul style="list-style-type: none"> Minimum area of 25m² for private open space 	Yes	Adequate private open space is provided at the rear.
<ul style="list-style-type: none"> Front open space: 50% of front building setback area 	Yes	24.2m ² (100%)
<ul style="list-style-type: none"> Front landscaped area: 50% of front open space provided 	Yes	24.2m ² (100%)
<ul style="list-style-type: none"> Outdoor clothes drying area to be provided 	Yes	Adequate space would be retained on site to accommodate outdoor clothes drying facilities.
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	The proposed swimming pool is satisfactorily located. See comments below regarding visual and acoustic privacy for further discussion.

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

View Loss

Properties Adjacent to the Subject Site

The previously approved development under **DA-286/2017** as amended, underwent significant modifications to maintain reasonable view sharing for properties located on the opposite side of Military Road (19 and 21 Military Road). These properties have views to the west and north-west over the subject site to the harbour, Harbour Bridge, Sydney Opera House, Centre Point Tower and city skyline. The applicant has prepared a series of view loss diagrams that demonstrate the current proposal would have a slightly lesser view loss impact than already approved on site.

Section 2.7 in Part C2 details all objectives and strategies for public and private domain views and view sharing, which generally seek to reduce impacts on existing views and vistas from the private and public domain. The following view loss assessment has been undertaken below in accordance with the NSW Land and Environment Court Planning Principle based on *Tenacity Consulting v Warringah [2004] NSWLEC 140*.



Figures 3 & 4: View loss montage from the ground floor front balcony (left) and living room (right) at 21 Military Road, standing. The yellow outline depicts the outline of the current proposal, superimposed on the approved development on site.

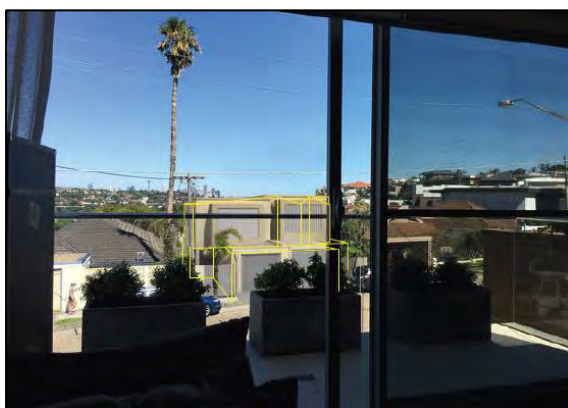




Figure 5, 6 and 7: Views from the ground floor living room (left – sitting, right - standing) and balcony (bottom – standing) at 19 Military Road. The yellow outline depicts the outline of the current proposal, superimposed on the approved development on site.

1. *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

The existing views from the objector's dwellings comprise views across the whole city skyline and entire Harbour Bridge views (No. 19) and partial Harbour Bridge views (No. 21), and partial Opera House views from the front of the ground and first floor levels.

2. *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

The views are obtained across the front of the site across the road, across front setbacks and are viewed from a standing and sitting position.

3. *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

View impacts from 21 Military Road are negligible due to the distance and offset in location from the subject site. Only district views are lost, and the city skyline, Harbour Bridge and Opera House views are all retained. For both the properties, views above the ground floor will be retained. The view impacts to 19 Military Road are moderate given that they will partially lose Harbour Bridge and Opera House views from a standing position, and completely lose Harbour Bridge and Opera House views from a seated position in the lounge room. City skyline views will be retained.

4. *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

The proposal is non-compliant with the maximum FSR and height provisions, however the development is compliant with the front and rear setback controls. The non-compliance with height does not directly affect or further contribute to the view impacts as the height non-compliance is located to the rear of the property and the proposal only presents as a two storey dwelling from the street frontage (with a permissible height at the front). Further the non-compliance with FSR does not contribute to view loss as the bulk of the dwelling is located at the rear, behind the street frontage where the site's topography drops off. If the rear portion of the development were deleted, and the proposal were to comply with height and FSR, view loss would still be evident. The plans submitted with the subject application demonstrate a slightly lesser view loss impact than the approved built form under **DA-286/2017**.

The proposal has a lower maximum RL than the approval at No. 64 Military Road of RL 68.471. It is unreasonable to expect that entire views to be maintained to the properties adjacent to the site, given that the subject dwelling is currently single storey and is not developed to its maximum potential.

Therefore, although it is acknowledged that there would be a view loss impact for the property at 19 Military Road, it is still considered that the proposal is reasonable and that any development of the subject site would likely result in view loss impacts for this adjacent property. Therefore, view sharing is considered to be achieved as the adjacent properties will retain views above the ground floor of their developments.

Adjoining Properties & Proposed Landscaping

Tuckeroo trees with a mature height of 10m-15m are proposed to be planted at the rear of the site that is to maintain the existing natural ground level at approximately RL 54.00. It is noted that panoramic views to the Bondi Junction CBD, the Sydney CBD and surrounds would be present across the rear boundary of adjoining properties, particularly across the rear boundary of the adjoining property at 64 Military Road that is currently under construction (**DA-425/2016**).

A review of the approved plans at this adjoining property, reveal that the lower ground floor level terrace is to be constructed at RL 58.30 and deck adjoining the swimming pool at RL 56.53. It is also noted that the approved landscape plan on this site incorporates relatively low level planting at the rear, with the tallest tree in the vicinity of the rear boundary being a series of Blueberry Ash trees with a mature height of 5m.

Due to the nature of the surrounding sites and iconic views present across the rear boundary of the adjoining properties, it is recommended that the landscape plan be amended to replace the proposed Tuckeroo trees with alternative planting that **do not exceed a maximum mature height of 4m**, in

order to retain views that would be present from the adjoining property at 64 Military Road. Furthermore, it is also noted that sewer pipes (IL 50.47 to IL 50.61) are also located in the immediate vicinity of the proposed trees therefore, it is considered that smaller trees at this location would be less likely to damage the existing infrastructure over time.



Figure 8: Adjoining development under construction at 64 Military Road.



Figure 9: Existing view across the rear boundary as viewed from the existing lower ground floor level deck on the subject site.

Side Setbacks & Overshadowing

The proposal follows the topography of the land and is two storeys when viewed from the Military Road streetscape and three storeys when viewed from the rear. Due to the slope of the land, the proposal breaches the maximum building height standard at the rear therefore, the applicable side setback control is 1.2m in accordance with the WDCP. As a result, a merit assessment on the proposed side setbacks of the development is required and the proposal is considered to be satisfactory in the site circumstances for the following reasons:

- The proposal involves significant alterations and additions to the existing dwelling that includes the retention of the existing lower ground floor level and the northern wall of the existing building. Therefore, strict compliance with the applicable side setback control is unrealistic. In response, the proposal provides for new elements of the development to be setback a minimum of 900mm from the side boundaries at the ground and first floor levels of the dwelling that is largely within the existing building footprint on the subject site. This is considered to be an acceptable outcome for the site and proposed development.
- The shadow diagrams submitted demonstrate increased overshadowing impacts to the windows on the northern elevation of the first-floor level of the adjoining property to the south at 60 Military Road, particularly at 3PM during mid-winter. However, it is considered unlikely that solar access could be retained to the windows on this adjoining property with an increased side setback of 1.2m due to the orientation of lots and the topography of the land.
- The current approval on site under **DA-286/2017** only provides for 900mm side setbacks across the development.
- The current proposal results in a decrease in overshadowing impacts when compared to the approved built form under **DA-286/2017**, whereby the private open space areas (rear

balconies) of the adjoining property at 60 Military Road would not be overshadowed by the proposed development.

Therefore, given that the proposal involves alterations and additions to the existing dwelling, it is considered to be unreasonable and unrealistic for a minimum side setback of 1.2m to be provided for this development. Therefore, the proposed side setbacks and additional overshadowing impacts are considered to be acceptable on merit in the circumstances of the site.

External Wall Height

The proposal exceeds the maximum wall height control of 7.5m for flat roof dwellings towards the rear of the site by approximately 2.7m at the north western corner and approximately 1.64m at the south western corner. This is considered to be acceptable in the site circumstances for the following reasons:

- The exceedance is limited to a portion of the dwelling at the rear that results from the natural sloping topography of the land.
- The proposed development is considered to appropriately respond to the natural topography of the site and is stepped down accordingly where appropriate.
- When viewed from Military Road, the proposal maintains a two storey appearance, is sited below the maximum building height limit and does not exceed the maximum external wall height control.
- The proposed external wall height has been decreased from the currently approved dual occupancy development on the site under **DA-286/2017**.
- The exceedance of the wall height does not result in any unreasonable adverse amenity impacts to surrounding properties with regards to view loss or overshadowing.

Therefore, strict compliance with the external wall height control is considered to be unrealistic in the circumstances of the site and the proposed development is considered to be acceptable on merit.

Visual & Acoustic Privacy

The proposal, as amended by conditions, is unlikely to result in adverse visual and acoustic privacy impacts as discussed below:

- Windows labelled UGW03 and UGW07 on the ground floor level for bathrooms are recommended to be fitted with translucent glazing or external metal privacy louvres to maintain privacy for the residents of the subject site and adjoining properties.
- The proposed balcony at the rear of the ground floor level located off the master bedroom, is proposed have an area of 9.4m² that is compliant with Council's controls. However, use of this balcony is likely to overlook the private open space areas of the adjoining properties and is recommended to be fitted with privacy screens to both side elevations with a minimum height of 1.6m.
- The proposed balcony at the rear of the first-floor level is proposed to have an area of approximately 30m² which is non-compliant with Council's control of 10m². Despite this, the

balcony is considered to be acceptable on merit in the site circumstances for the following reasons:

- Large rear balconies are characteristic of the existing dwelling, as well as characteristic of development in the surrounding locality, as panoramic views to Sydney City and the surrounds is gained over the rear boundary. Large balconies and terraces are present at the rear of the existing dwelling adjoining the subject site at 60 Military Road, which could be developed in the future to a similar scale of the proposed development (see **Figure 10** below).



Figure 10: Existing development adjoining the site at 60 Military Road demonstrating the balcony and terrace.

- It is considered that use of this balcony is likely to generate some noise while in use, given that it is located off the main living space of the dwelling. However, given that the site is located within the R2: Low Density Residential Zone and the proposal involves alterations and additions to a single dwelling house only, any noise generated from the use of this balcony is unlikely to exceed levels that would be unsuitable for the residential zoning of the site and is therefore acceptable in this regard.
 - The balcony is proposed to be fitted with privacy screens to limit overlooking to adjoining properties.
 - Views from the balcony are focused towards the Sydney City skyline and surrounds and it is unlikely that adverse overlooking impacts would occur to adjoining properties to the side and rear of the subject site.
- The proposed patio opposite the rumpus and living room on the lower ground floor level would be elevated due to the sloping topography of the land and would have an area of approximately 52m². This is considered to be suitable in the site circumstances, given that large terrace areas are characteristic of new and existing development in the vicinity. For example, the adjoining property at 64 Military Road has an approved terrace adjacent to their lower ground floor area with an area of approximately 28m² under **DA-425/2016**. Similarly, as evident in **Figure 10** above, the existing lower ground floor terrace/patio on the adjoining property at 60 Military Road is large and could be developed to a similar scale of the proposal in the future. Any noise generated from the use of this space is unlikely to be unreasonable for the low-density residential nature of the surrounds. 1.8m high boundary fencing is retained to maintain reasonable visual privacy to surrounding properties.

- The proposed elevated decking around the swimming pool will have an area of approximately 41m² and will be constructed with a nil setback to both side boundaries. This is considered to be acceptable in the site circumstances, given that the proposal would align with the approved terrace that is also to be constructed with a nil setback to the side boundary at 64 Military Road. The side boundary fencing will be maintained at 1.8m and is acceptable. It is not suitable to introduce planting along the side boundaries of the deck in the vicinity of the swimming pool at risk of them being climbable. It is considered that the adjoining property at 60 Military Road is underdeveloped and could undertake comparable works in the future that would not be hindered by the proposed deck of the swimming pool to the side boundaries.
- Standard conditions are recommended to be imposed for any pool equipment to be located in an acoustically treated structure to maintain acoustic privacy for surrounding properties.

Therefore, the proposal as amended by conditions described above, would maintain reasonable visual and acoustic amenity for surrounding properties in the context of the R2: Low Density Residential Zone.

Excavation

The proposal retains the existing lower ground floor level and part of the existing ground floor level. Some excavation works are proposed that result in the removal of existing rocky outcrops adjacent to the existing deck at the lower ground floor level (see **Figure 11** below).



Figure 11: Existing rocky outcrops at the rear of the subject site.

Despite this, the proposal is considered to be satisfactory with regards to excavation works for the following reasons:

- The proposed excavation works ensure that the development adequately steps down the sloping topography of the site and would not contribute to adverse bulk and scale impacts of the dwelling.
- The development maintains a part two, part three storey design that minimises excavation and backfilling required to accommodate the proposal.

- The existing ground line is largely retained where possible however, fill is proposed to accommodate the rear patio and swimming pool that is considered to be reasonable in the circumstances of the site.
- The proposal incorporates significant landscaping throughout the site to enhance the existing site conditions as no significant vegetation is currently present at the rear.
- The proposed excavation works are considered unlikely to pose a structural risk to adjoining structures.
- The excavation works are unlikely to adversely impact upon the geotechnical stability of the land.

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*.

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

Table 3: Summary of property addresses that lodged a submission

Property
60 Military Road, DOVER HEIGHTS
152 Clyde Street, NORTH BONDI

Issue: Height non-compliance.

Response: See discussion throughout this report.

Issue: Overshadowing to 60 Military Road.

Response: See discussion above.

Issue: Side fence on the southern side of the property should be limited to 1.2m to avoid further shadowing in the front yard to 60 Military Road.

Response: The standard height for side boundary fencing is 1.8m, of which the proposed development is compliant with. It is not reasonable to request that this side boundary fencing be lowered.

Issue: *Garden area between the cement rendered low wall and front yard of 60 Military Road has been maintained and contains established Yass tree and aloe vera plants that should be preserved.*

Response: Works shall only occur within the property boundaries of the subject site. The application proposes detailed landscaping to occur throughout the site that is considered to be reasonable, subject to recommended conditions. Council's Tree Management Officer has raised no objection to the proposed tree removal on site.

Issue: *Trees on the western boundary - there are two existing trees on the western boundary of 62 Military Rd. This area is effectively a 'void' between our properties. I am hoping that several additional trees can be planted in this area. It would have a positive impact on privacy, soil erosion and water run off. There would be no negative impact to the views of 62 Military Rd.*

Response: As discussed throughout this report, additional landscaping is proposed in the vicinity of the rear boundary of the subject site. Majority of the trees proposed are acceptable; however, the tall Tuckeroo trees are recommended to be substituted for a tree with a lower mature height to maintain views for surrounding properties. It is unlikely that adverse overlooking to the property at the rear of the subject site would occur, as significant views to the Sydney CBD and surrounds is gained from the decks and balconies throughout the development, which is where views are likely to be focused.

Issue: *Water drainage / run off - we currently get a significant amount of water run off from this property in heavy rain that leads to minor flooding of my home (typically once a year). I'm wanting to ensure there is adequate drainage to minimise or reduce the amount of water run off to my property.*

Response: Amended stormwater details are requested to be submitted and approved by Council's Stormwater Engineers, prior to the issue of a Construction Certificate.

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

See comments throughout this report. Suitable conditions are recommended where required.

4. SUMMARY

The application seeks consent for substantial demolition works and alterations to the existing dwelling, to form a part two and part three storey dwelling with integrated parking, and new swimming pool at the rear. The application was notified and received two submissions, primarily concerned with overshadowing, privacy and landscaping. The key issues with the proposal are summarised below:

- The proposal results in a breach of the building height development standard towards the rear of the site by 9.5% (0.81m); however, a Clause 4.6 Statement has been submitted and it is considered that it is unreasonable to expect strict compliance with the development standard in the site circumstances.
- The proposal results in a breach of the FSR development standard by 15.7% (43.5m²) however, a Clause 4.6 Statement has been submitted and it is considered that no adverse impacts arise from the proposed non-compliance.

- The proposal also breaches the maximum external wall height control for flat roof dwellings towards the rear of the site; however, no adverse amenity impacts are considered to arise from the proposal. The site has a sloping topography and the development has been adequately stepped down the site where appropriate. The building height and external wall height is also less than the dual occupancy development approved under **DA-286/2017**.
- The proposal results in some view loss impacts for properties across Military Road at 19 and 21 Military Road; however, the view loss impacts would be slightly less than those impacts caused by the approved development under **DA-286/2017**. Furthermore, it is recommended that the proposed Tuckeroo trees at the rear of the site be substituted for planting that has a lower mature height to maintain views across side boundaries for adjoining properties.
- The proposal results in a reduced rear building line when compared to the approved development under **DA-286/2017** and therefore results in reduced overshadowing to surrounding properties. Similarly, the development follows the approved side setbacks on the site under **DA-286/2017** and is satisfactory, given that the proposal involves alterations and additions to the existing dwelling.
- Visual and acoustic privacy is generally maintained for surrounding properties, subject to recommended conditions.

Therefore, the proposal is considered to be acceptable on merit in the site circumstances and is recommended to be approved, subject to recommended conditions.

DBU Decision

The application and assessment report was reviewed by the DBU at the meeting on 15 September 2020 and the DBU determined:

The application is acceptable and should be approved, subject to the conditions in Appendix A.

DBU members: B McNamara, 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:



Judith Elijah
Development Assessment Planner

Date: 13 October 2020

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



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

Date: 16 October 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 Common Office including the following:

Plan Number	Rev	Plan Description	Plan Date	Date received by Council
DA01	00	Site Plans	09/07/2020	10/07/2020
DA04	00	Existing Lower Ground Floor Plan	09/07/2020	10/07/2020
DA05	00	Existing Upper Ground Floor Plan	09/07/2020	10/07/2020
DA06	00	Existing Roof Plan	09/07/2020	10/07/2020
DA07	00	Lower Ground Floor Plan	10/09/2020	10/09/2020
DA08	00	Upper Ground Floor Plan	09/07/2020	10/07/2020
DA09	00	First Floor Plan	09/07/2020	10/07/2020
DA10	00	Roof Plan	09/07/2020	10/07/2020
DA11	00	East Elevation	09/07/2020	10/07/2020
DA12	00	West Elevation	09/07/2020	10/07/2020
DA13	00	South Elevation	09/07/2020	10/07/2020
DA14	00	North Elevation	09/07/2020	10/07/2020
DA15	00	Section A	09/07/2020	10/07/2020
DA16	00	Section B	09/07/2020	10/07/2020
DA19	00	Window Schedule	09/07/2020	10/07/2020
DA20	00	Side Boundary Fences	09/07/2020	10/07/2020

(b) BASIX Certificate

(c) Schedule of external finishes and colours received by Council on 10/07/2020

(d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 (10/07/2020)

Except where amended by the following conditions of consent.

2. AMENDED LANDSCAPE PLAN

The landscape plan is to be amended to replace the *Cupaniopsis anacardioides* (Tuckeroo) trees at the rear with alternative native planting that does not exceed a maximum mature height of 4m in order to retain views present across the rear boundary from surrounding properties and to prevent damage to the existing sewerage infrastructure over time.

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. GENERAL MODIFICATIONS - PRIVACY

The application is approved subject to the following plan amendments to maintain visual privacy;

- (a) Windows labelled UGW03 and UGW07 on the ground floor level for bathrooms are to be fitted with translucent glazing or external metal privacy louvres.
- (b) Privacy screens are to be provided on the side elevations of the rear balcony at the ground floor level and be designed to mitigate overlooking to adjoining properties. The privacy screens are to be of a light weight material and be a minimum of 1.6m high when measured from the finished floor level of the balcony.

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

4. SURRENDER OF DEVELOPMENT CONSENT

Development consent **DA-286/2017** is to be surrendered by the applicant, in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000. The surrender is to be received by Council prior to the issue of any Construction Certificate for works associated with this development consent. The surrender of the consent takes affect when Council receives the notice.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

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

6. HOME BUILDING ACT

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

CONTRIBUTIONS, FEES & BONDS

7. SECTION 7.12 CONTRIBUTION

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

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

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

"Waverley Council Cost Summary Report"; or,

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

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

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

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

(i) A development valued at \$100,000 or less will be exempt from the levy.

(ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR

(iii) A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

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

8. SECURITY DEPOSIT

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

CONSTRUCTION MATTERS

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. 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.

13. ENGINEERING DETAILS

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

14. ENGINEERING CERTIFICATE OF ADEQUACY

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

15. STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

Prior to the issue of a Construction Certificate, a report or certification from a practicing structural engineer must be submitted to the Principal Certifying Authority to explain how the retained building elements, 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.

STORMWATER & FLOODING

16. 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 (or delegate) prior to the issue of the Construction Certificate.

The submitted stormwater civil plans prepared by itmdesign Pty Ltd., job no. 19/197, drawing no. H-DA-00, H-DA-01, H-DA-02 & H-DA-03, revision A, dated 1/07/2020, 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) OSD Details: The provided plans do not provide sufficient details of the On-Site Stormwater Detention (OSD) tank and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and OSD catchment plan. Council's mandatory OSD checklist as set out in page 22 of the Council's Water Management Technical Manual shall be submitted.
- b) Since a sewer main runs through the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval.
- c) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual.

Notes:

- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to insure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4.00pm Monday to Friday).

Council must be notified when the connection has been made to a kerb inlet pit or stormwater pipe and an inspection must be made by a Council officer prior to public domain restoration and 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.

17. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

18. SWEPT WHEEL PATH DRAWINGS

In order to minimise the loss of on street parking and reduce the amount of concrete being poured in the public domain, the proposed layback/gutter crossing shall be reduced in width. In this regard, prior to the 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 a vehicle entering and exiting the each side of the garage from Military Road shall be submitted to Council for the approval of the **Executive Manager, Infrastructure Services**.

The swept wheel path drawings shall:

- (a) Be drawn for the B85, standard design vehicle as described in AS/NZS 2890.1: 2004 Part 1 Off Street Car Parking.
- (b) Accurately show the kerb and gutter, driveways and vehicles parked kerbside on Military Road to the immediate north and south of the proposed driveway.
- (c) Show the minimum length of driveway layback considered necessary to gain satisfactory access to and from the proposed garage.

19. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

In order to minimise the loss of on street parking and reduce the amount of concrete being poured in the public domain, the proposed layback/gutter crossing shall be reduced in width. In this regard,

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

ENERGY EFFICIENCY & SUSTAINABILITY

20. BASIX

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

WASTE

21. 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.

PRIOR TO ANY WORKS

22. CONSTRUCTION SIGNS

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

23. DILAPIDATION REPORT

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

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

DEMOLITION & EXCAVATION

24. 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.

25. 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.

26. 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.

27. 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

28. 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.

29. 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.

30. 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.

31. 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.

32. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the

building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building

33. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

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

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

TREE PROTECTION AND REMOVAL

34. TREE PROTECTION

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

35. STREET TREES TO BE RETAINED/TREE PROTECTION

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

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

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

36. VEHICULAR ACCESS - FINISHED LEVEL

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

37. NEW VEHICLE CROSSING

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

38. 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

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.

39. 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.

40. CERTIFICATION OF BASIX COMMITMENTS

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

41. CERTIFICATION OF STORMWATER SYSTEM

Prior to issue of any 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.

42. ON-SITE STORMWATER DETENTION CERTIFICATION

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 any Occupation Certificate.

43. CREATION OF POSTIVE COVENTANT FOR OSD

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

44. CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA

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

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

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

COMMON OFFICE

DEVELOPMENT APPLICATION

62 MILITARY ROAD DOVER HEIGHTS

09 Jul 2020

ALTERATIONS AND ADDITIONS TO EXISTING DWELLING, TO PROVIDE A PART TWO AND PART THREE STOREY DWELLING WITH GARAGE PARKING, NEW SWIMMING POOL AND ASSOCIATED LANDSCAPING

RECEIVED
Waverley Council

Application No: DA-212/2020

Date Received: 10/07/2020

DA00	COVER PAGE	N/A
DA01	SITE PLANS	1:200
DA02	SITE ANALYSIS PLAN	1:200
DA03	DESIGN CONCEPT	nts
DA04	EXISTING LOWER GROUND PLAN	1:100
DA05	EXISTING UPPER GROUND PLAN	1:100
DA06	EXISTING ROOF PLAN	1:100
DA07	LOWER GROUND FLOOR PLAN	1:100
DA08	UPPER GROUND FLOOR PLAN	1:100
DA09	FIRST FLOOR PLAN	1:100
DA10	ROOF PLAN	1:100
DA11	EAST ELEVATION	1:100
DA12	WEST ELEVATION	1:100
DA13	SOUTH ELEVATION	1:100
DA14	NORTH ELEVATION	1:100
DA15	SECTION A	1:100
DA16	SECTION B	1:100
DA17	COMPLIANCE SUMMARY	1:200
DA18	LANDSCAPE COMPLIANCE	varies
DA19	WINDOW SCHEDULE	1:100
DA20	SIDE BDRY FENCES	1:150
DA21	WASTE MANAGEMENT	1:100
DA22	PHOTOMONTAGE	nts
DA23	FINISHES SCHEDULE	nts
DA24	VIEW ANALYSIS 01	nts
DA25	VIEW ANALYSIS 02	nts
DA26	VIEW ANALYSIS 03	nts
DA27	VIEW ANALYSIS 04	nts
DA28	STREETSCAPE ANALYSIS	1:100



ARTISTS IMPRESSION - MILITARY RD STREETSCAPE



REVISIONS

00 ISSUED FOR DA

LEGEND

09/07/20

AWN	STEEL AWNING	MF	METAL PALISADE FENCE	NEW RENDER + PAINT	EXISTING WALLS TO BE RETAINED
BB	BAGGED BRICK	MR	METAL ROOF	NEW GLAZING	NEW WALLS
DP	DOWN PIPE	PF	POOL FENCE	NEW TIMBER BATONS	EXISTING WALLS TO BE REMOVED
EL	EXTERNAL LOUVRES	RP	RENDER + PAINT	NEW FC CLADDING	
EXG	EXISTING	TD	TRENCH DRAIN		
FG	FIXED GLAZING	TS	TIMBER SCREEN		
FC	FIBRE CEMENT CLADDING	TIM	TIMBER CLADDING		
GLB	GLASS BALUSTRADE	STN	STONE CLADDING		
GLD	GLASS DOOR	SP	SOLAR PANELS	DCP SETBACKS	
MB	METAL BALUSTRADE	SK	SKYLIGHTS	PREV. APPROVED DA	
MC	METAL CLADDING	GD	GLASS DOOR (SLIDING)	OUTLINE OF EXISTING TO BE REMOVED	
		GW	GLASS WINDOW		

NOTES

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ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES AND AUSTRALIAN STANDARDS

BASIX

THERMAL Windows: Aluminium framed, single clear U-value: 7.83 SHGC: 0.75
Sky-Lights: improved Aluminium, U-value: 4.48 SHGCC: 0.46
External Wall: Framed R1.30 (or R1.70 inc. Construction)
Ceiling: Framed raked ceiling; Roof - foil backed blanket (100mm), Col. our light (solar absorptance < 0.475)
POOL: Swimming pool capacity no greater than 24kL
ENERGY OPTIONS: Water Heating: Gas Instantaneous Hot Water System

COMMON OFFICE

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Surry Hills
NSW, Australia, 2029

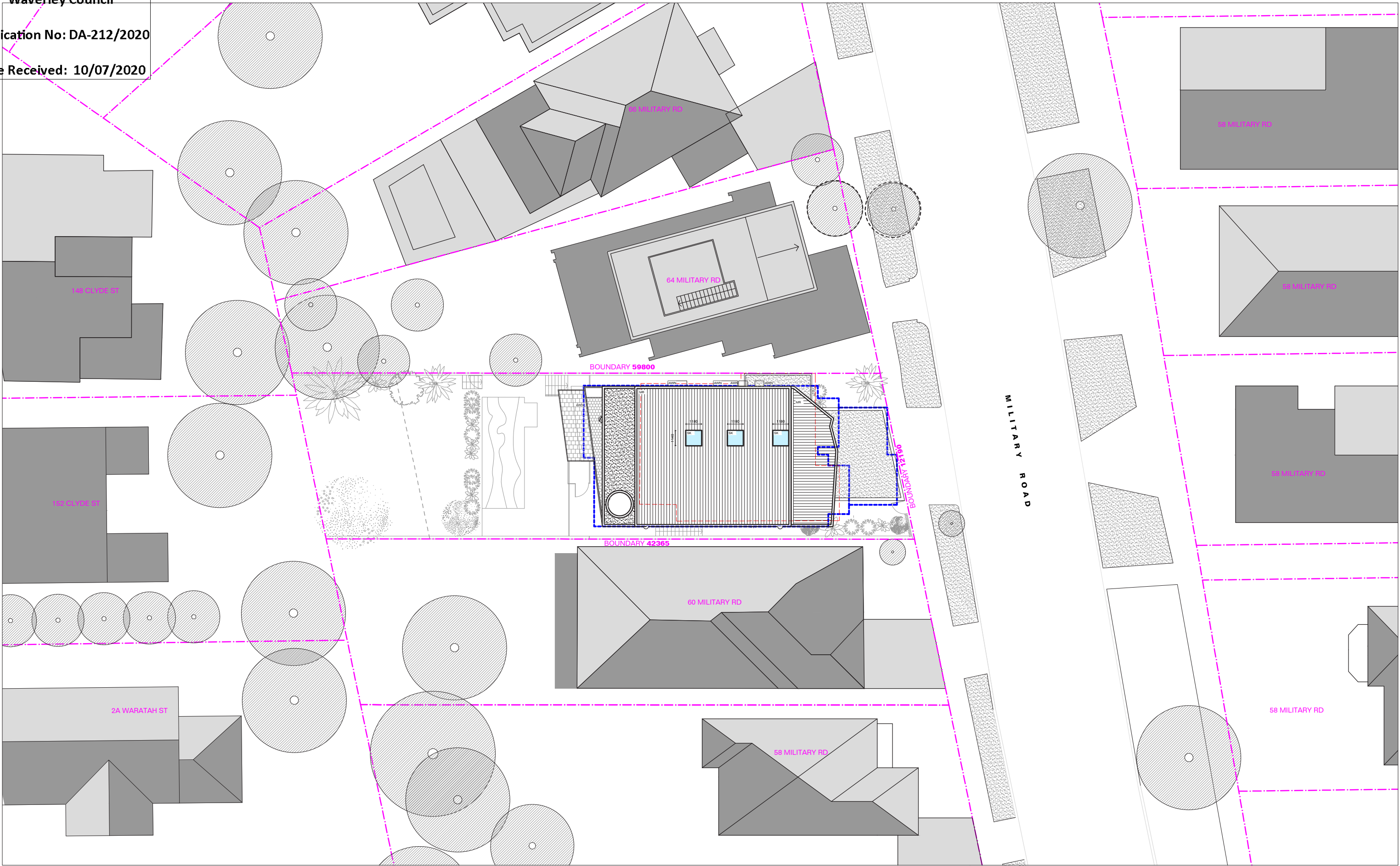
common-office.com
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+61413555547
ABN 47631337472

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62 MILITARY RD, DOVER HEIGHTS
COVER PAGE
09 Jul 2020

DA001/2020
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LEGEND

AWN	STEEL AWNING	MF	METAL PALISADE FENCE	NEW RENDER + PAINT	EXISTING WALLS TO BE RETAINED
BB	BAGGED BRICK	MR	METAL ROOF	NEW GLAZING	NEW WALLS
DP	DOWN PIPE	PF	POOL FENCE	NEW TIMBER BATONS	EXISTING WALLS TO BE REMOVED
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7.63
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improved
Aluminium,
U-value: 4.48
SHGC: 0.46
External Wall:
Framed R1.30
(or R1.70 inc.
Construction)
Ceiling:
Framed raked
ceiling:
Roof - foil
backed blanket
improved
(100mm), Col.
our light (solar
absorbance <
0.475)

POOL:
Swimming pool
capacity no
greater than
24kL.

**ENERGY
OPTIONS:**
Water Heating:
Gas Instantane-
ous Hot Water
System

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common-office.com
office@common-office.com
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ABN 47631337472



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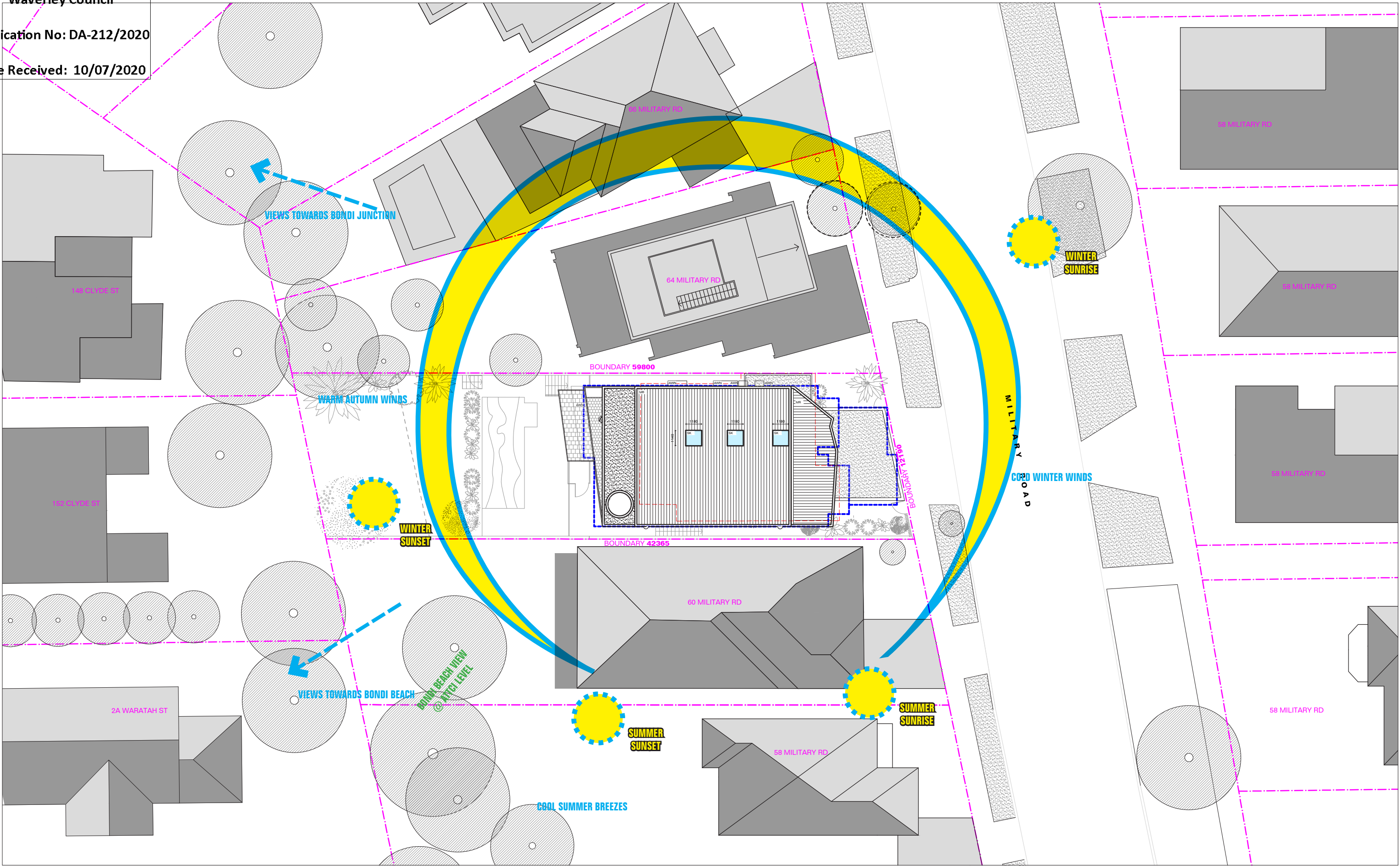
62 MILITARY RD, DOVER HEIGHTS
SITE PLAN

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337



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09/07/20

LEGEND

AWN	STEEL AWNING	MF	METAL PALISADE FENCE	NEW RENDER + PAINT
BB	BAGGED BRICK	MR	METAL ROOF	NEW GLAZING
DP	DOWN PIPE	PF	POOL FENCE	NEW TIMBER BATONS
EL	EXTERNAL LOUVRES	RP	RENDER + PAINT	NEW FC CLADDING
EX	EXISTING	TD	TRENCH DRAIN	DCP SETBACKS
FG	FIXED GLAZING	TS	TIMBER SCREEN	PREV. APPROVED DA
FC	FIBRE CEMENT CLADDING	TIM	TIMBER CLADDING	OUTLINE OF EXISTING TO BE REMOVED
GLD	GLASS BALUSTRADE	STN	STONE CLADDING	
GLD	GLASS DOOR	SP	SOLAR PANELS	
MB	METAL BALUSTRADE	SK	SKYLIGHTS	
MC	METAL CLADDING	GD	GLASS DOOR (SLIDING)	
		GW	GLASS WINDOW	

BASIS

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BASIX

Thermal Windows: Aluminium framed, single clear U-value: 7.83 SHGC: 0.75 Skylights: Improved Aluminium, U-value: 4.48 SHGC: 0.46 External Wall: Framed R1.30 (or R1.70 inc. Construction) Ceiling: Framed raked ceiling: Roof - foil backed blanket improved (100mm), Col. our light (solar absorptance < 0.475)

POOL: Swimming pool capacity no greater than 24kl.

ENERGY OPTIONS: Water Heating: Gas Instantaneous Hot Water System

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Common Office Pty Ltd
35 Richards Lane
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common-office.com
office@common-office.com
+61413555547
ABN 47631337472

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62 MILITARY RD, DOVER HEIGHTS
SITE ANALYSIS PLAN

09 Jul 2020

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338



1. MILITARY RD STREETSCAPE:
A COMBINATION OF PITCHED ROOFS AND FLAT ROOFS

2. ISOLATE THE ROOF FORMS

3. COMBINE THE VARYING PITCHES INTO
A SINGLE GABLED ROOF

4. RETAIN THE PREDOMINANT FLAT ROOF GARAGE

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Waverley Council

Application No: DA-212/2020

Date Received: 10/07/2020



5. MILITARY RD COMPOSITION

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AWN	STEEL AWNING	MF	METAL PALISADE FENCE	NEW RENDER + PAINT
BB	BAGGED BRICK	MR	METAL ROOF	NEW GLAZING
DP	DOWN PIPE	PF	POOL FENCE	NEW TIMBER BATONS
EL	EXTERNAL LOUVRES	RP	RENDER + PAINT	NEW FC CLADDING
EXG	EXISTING	TD	TRENCH DRAIN	
FG	FIXED GLAZING	TS	TIMBER SCREEN	DCP SETBACKS
FC	FIBRE CEMENT CLADDING	TIM	TIMBER CLADDING	PREV. APPROVED DA
GLB	GLASS BALUSTRADE	STN	STONE CLADDING	OUTLINE OF EXISTING TO BE REMOVED
GLD	GLASS DOOR	SP	SOLAR PANELS	
MB	METAL BALUSTRADE	SK	SKYLIGHTS	
MC	METAL CLADDING	GD	GLASS DOOR (SLIDING)	
		GW	GLASS WINDOW	

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BASIX

THERMAL
Windows: Aluminium framed, single clear U-value: 7.63
Ceiling: Framed raked ceiling
Roof: foil backed blanket (100mm), Col. our light (solar absorptance < 0.475)
External Wall: Framed R1.30 (or R1.70 inc. Construction)

POOL: Swimming pool capacity no greater than 24kL

ENERGY OPTIONS:
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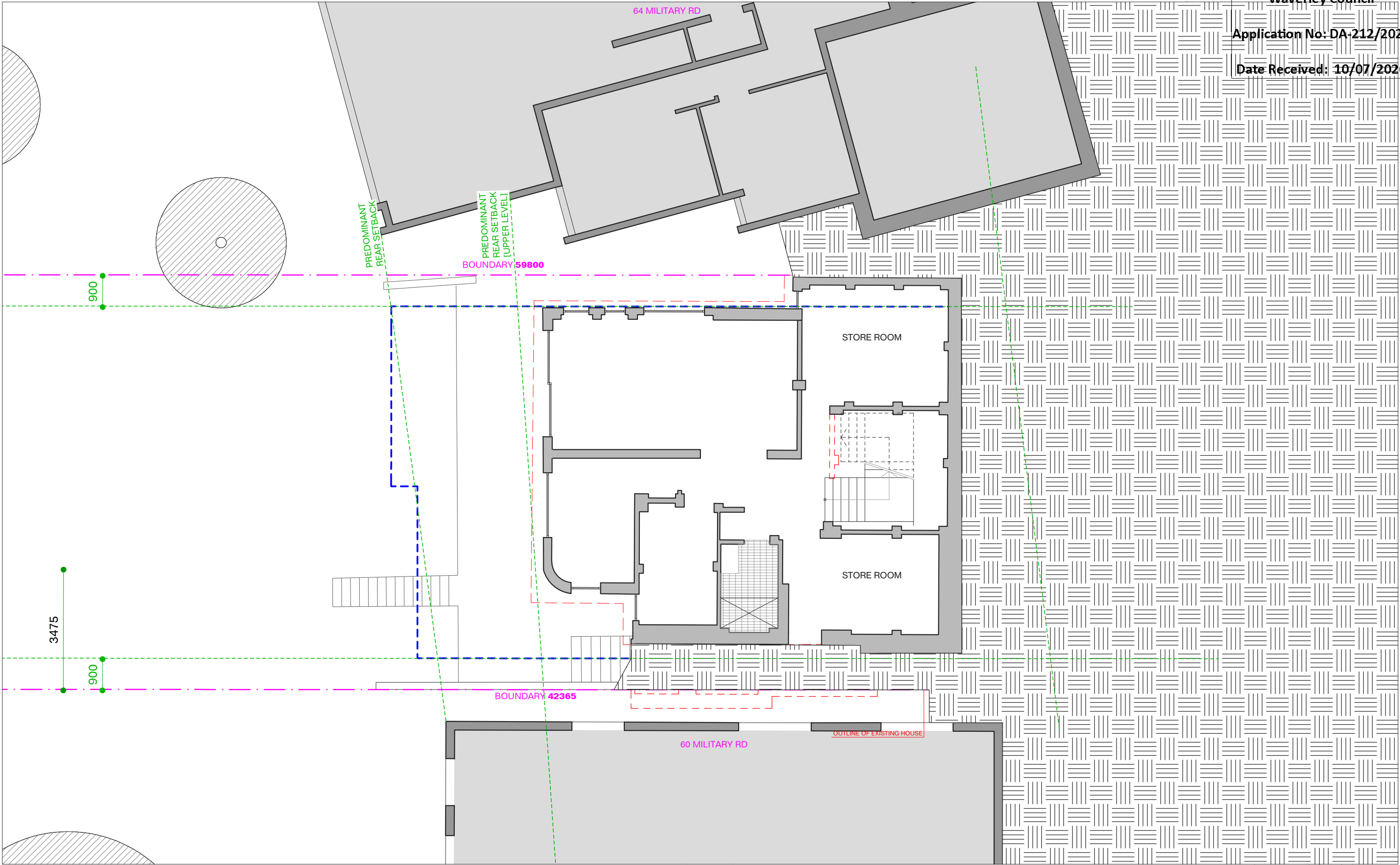
62 MILITARY RD, DOVER HEIGHTS
DESIGN CONCEPT

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09/07/20

LEGEND

AWN	STEEL AWNING	MF	METAL PALISADE FENCE	NEW RENDER + PAINT	EXISTING WALLS TO BE RETAINED
BB	BAGGED BRICK	MR	METAL ROOF	NEW GLAZING	NEW WALLS
DP	DOWN PIPE	PF	POOL FENCE	NEW TIMBER BATONS	EXISTING WALLS TO BE REMOVED
EL	EXTERNAL LOUVRES	RP	RENDER + PAINT	NEW FC CLADDING	
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MB	METAL BALUSTRADE	SK	SKYLIGHTS	PREV. APPROVED DA	
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		GW	GLASS WINDOW		

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SHGC: 0.75
Sky-Lights:
Improved Aluminium, U-value: 4.48
SHGCC: 0.46
External Wall:
Framed R1.30 (or R1.70 inc. Construction)
Ceiling:
Framed raked ceiling:
Roof - foil backed blanket (100mm), Col. our light (solar absorbance < 0.475)

POOL:
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ENERGY OPTIONS:
Water Heating:
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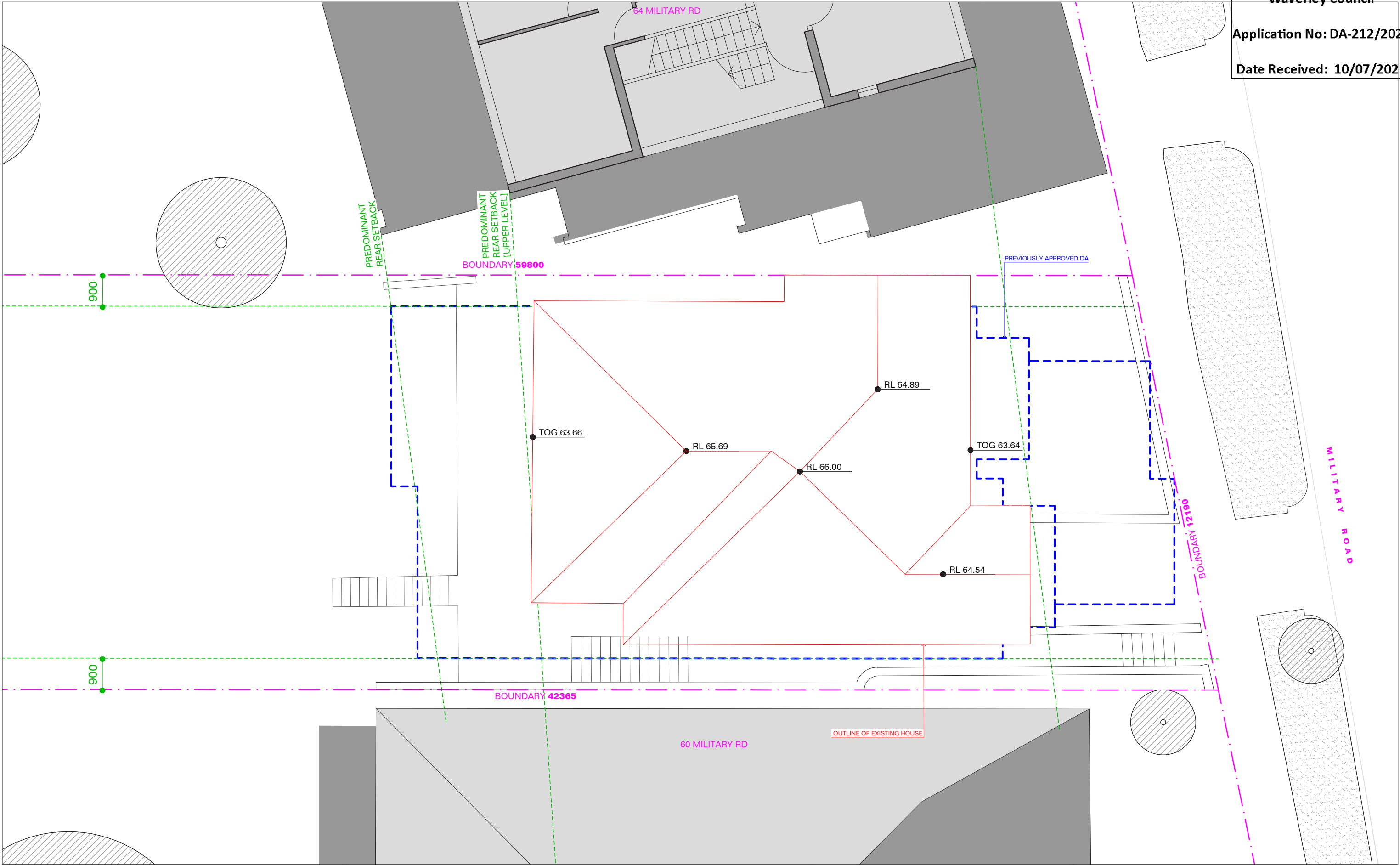
62 MILITARY RD, DOVER HEIGHTS
EXT'G LOWER GROUND PLAN

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09/07/20

LEGEND

AWN	STEEL AWNING	MF	METAL PALISADE FENCE	NEW RENDER + PAINT	EXISTING WALLS TO BE RETAINED
BB	BAGGED BRICK	MR	METAL ROOF	NEW GLAZING	NEW WALLS
DP	DOWN PIPE	PF	POOL FENCE	NEW TIMBER BATONS	EXISTING WALLS TO BE REMOVED
EL	EXTERNAL LOUVRES	RP	RENDER + PAINT	NEW FC CLADDING	
EXG	EXISTING	TD	TRENCH DRAIN		
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		GW	GLASS WINDOW		

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PROJECT

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DATE

SCALE

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62 MILITARY RD, DOVER HEIGHTS

EXT'G ROOF PLAN

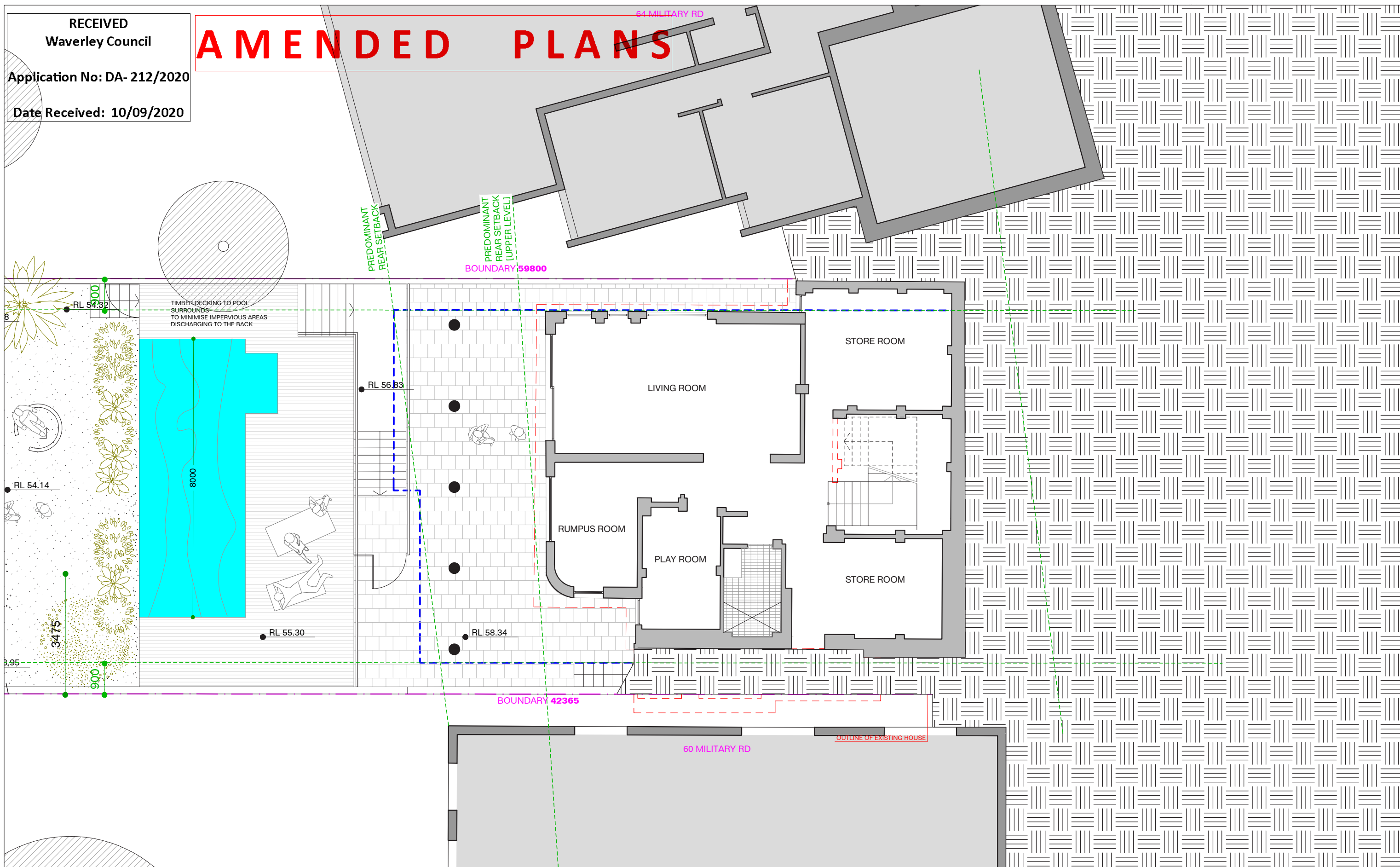
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Date Received: 10/09/2020

AMENDED PLANS



09/07/20

AWN	STEEL AWNING
BB	BAGGED BRICK
DP	DOWN PIPE
EL	EXTERNAL LOUVRES
EXG	EXISTING
FG	FIXED GLAZING
FC	FIBRE CEMENT CLADDING
GLB	GLASS BALUSTRADE
GLD	GLASS DOOR
MB	METAL BALUSTRADE
MC	METAL CLADDING

MF	METAL PALISADE FENCE		NEW RENDER + PAINT
MR	METAL ROOF		NEW GLAZING
PF	POOL FENCE		NEW TIMBER BATONS
RP	RENDER + PAINT		NEW FC CLADDING
TD	TRENCH DRAIN		
TS	TIMBER SCREEN		
G	TIMBER CLADDING		
STN	STONE CLADDING		
SP	SOLAR PANELS		DCP SETBACKS
SK	SKYLIGHTS		
GD	GLASS DOOR (SLIDING)		PREV. APPROVED DA
GW	GLASS WINDOW		OUTLINE OF EXISTING

 EXISTING WALLS TO BE RETAINED
 NEW WALLS
 EXISTING WALLS TO BE REMOVED

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POOL:
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ENERGY
OPTIONS:
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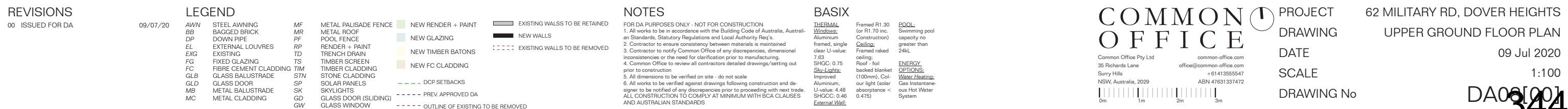
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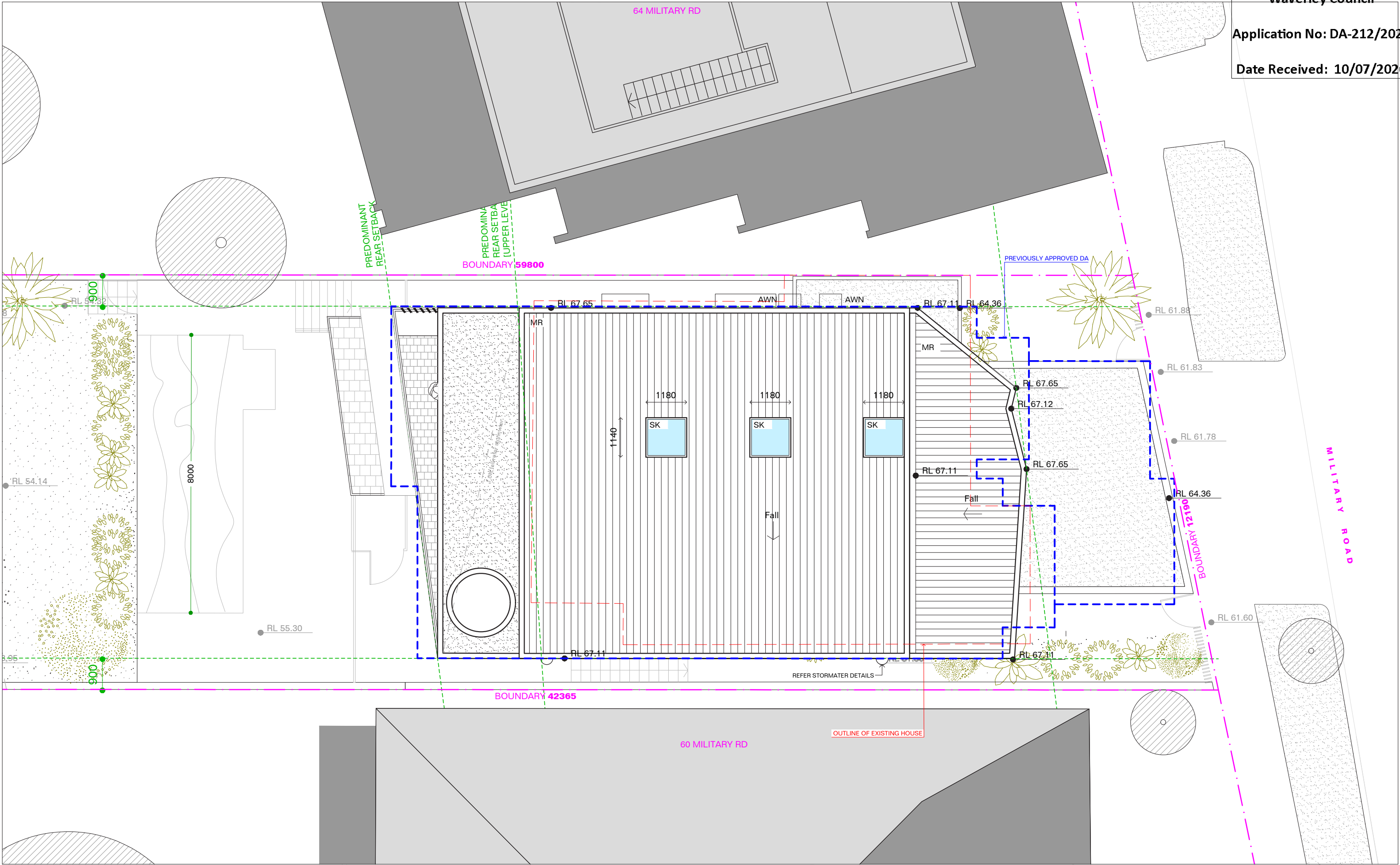
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09/07/20

LEGEND

AWN	STEEL AWNING	MF	METAL PALISADE FENCE	NEW RENDER + PAINT	EXISTING WALLS TO BE RETAINED
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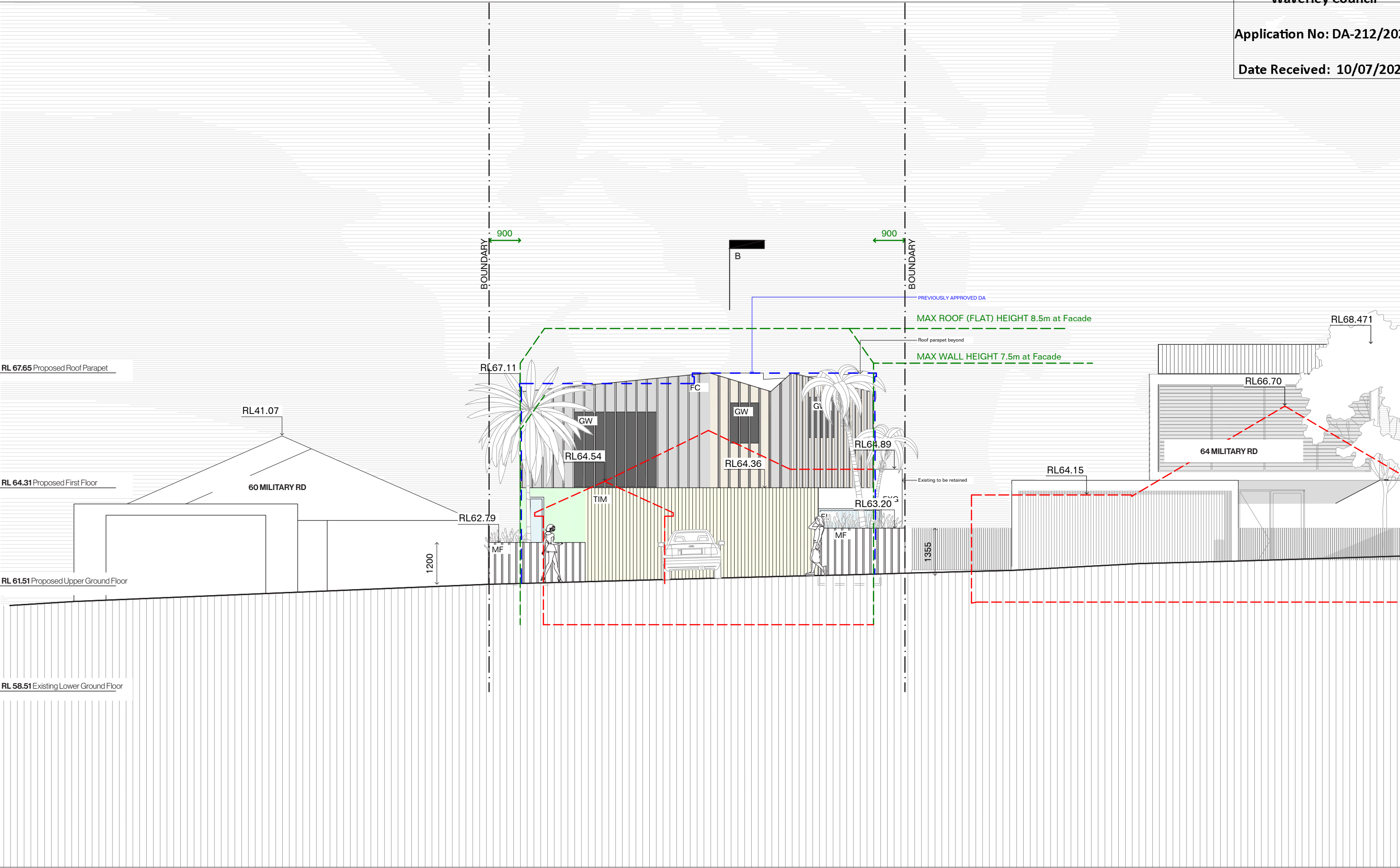
62 MILITARY RD, DOVER HEIGHTS
ROOF PLAN

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09/07/20

LEGEND

AWN	STEEL AWNING	MF	METAL PALISADE FENCE	NEW RENDER + PAINT	EXISTING WALLS TO BE RETAINED
BB	BAGGED BRICK	MR	METAL ROOF	NEW GLAZING	NEW WALLS
DP	DOWN PIPE	PF	POOL FENCE	NEW TIMBER BATONS	EXISTING WALLS TO BE REMOVED
EL	EXTERNAL LOUVRES	RP	RENDER + PAINT	NEW FC CLADDING	
EXG	EXISTING	TD	TRENCH DRAIN		
FG	FIXED GLAZING	TS	TIMBER SCREEN		
FC	FIBRE CEMENT CLADDING	TM	TIMBER CLADDING		
GLB	GLASS BALUSTRADE	STN	STONE CLADDING		
GLD	GLASS DOOR	SP	SOLAR PANELS		
MB	METAL BALUSTRADE	SK	SKYLIGHTS		
MC	METAL CLADDING	GD	GLASS DOOR (SLIDING)		
		GW	GLASS WINDOW		

NOTES

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ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES AND AUSTRALIAN STANDARDS

BASIX

THERMAL Windows:
Aluminium framed, single clear U-value: 7.83 SHGC: 0.75
Sky-Lights:
Improved Aluminium, U-value: 4.48 SHGCC: 0.46
External Wall:
Framed R1.30 (or R1.70 inc. Construction) Ceiling: Framed raked ceiling; Roof - foil backed blanket improved (100mm), Col. our light (solar absorptance < 0.475)

POOL:
Swimming pool capacity no greater than 24kL

ENERGY OPTIONS:
Water Heating: Gas Instantaneous Hot Water System

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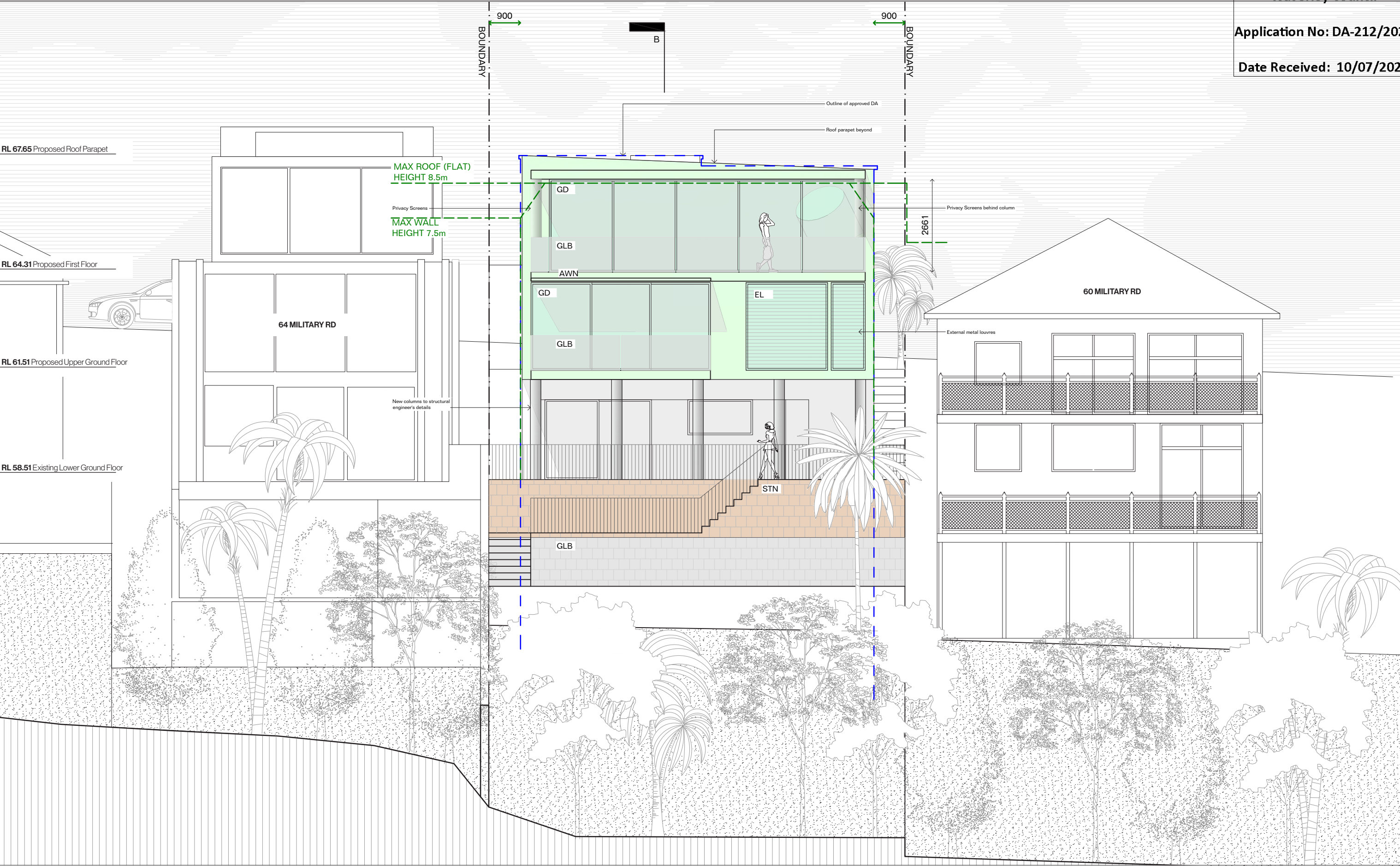
PROJECT 62 MILITARY RD, DOVER HEIGHTS

DRAWING EAST ELEVATION (MILITARY RD)

DATE 09 Jul 2020

SCALE 1:100

DRAWING No DA11/007



REVISIONS

00 ISSUED FOR DA

09/07/20

LEGEND

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PROJECT
DRAWING
DATE
SCALE
DRAWING No

62 MILITARY RD, DOVER HEIGHTS
WEST ELEVATION

09 Jul 2020

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DA12/001

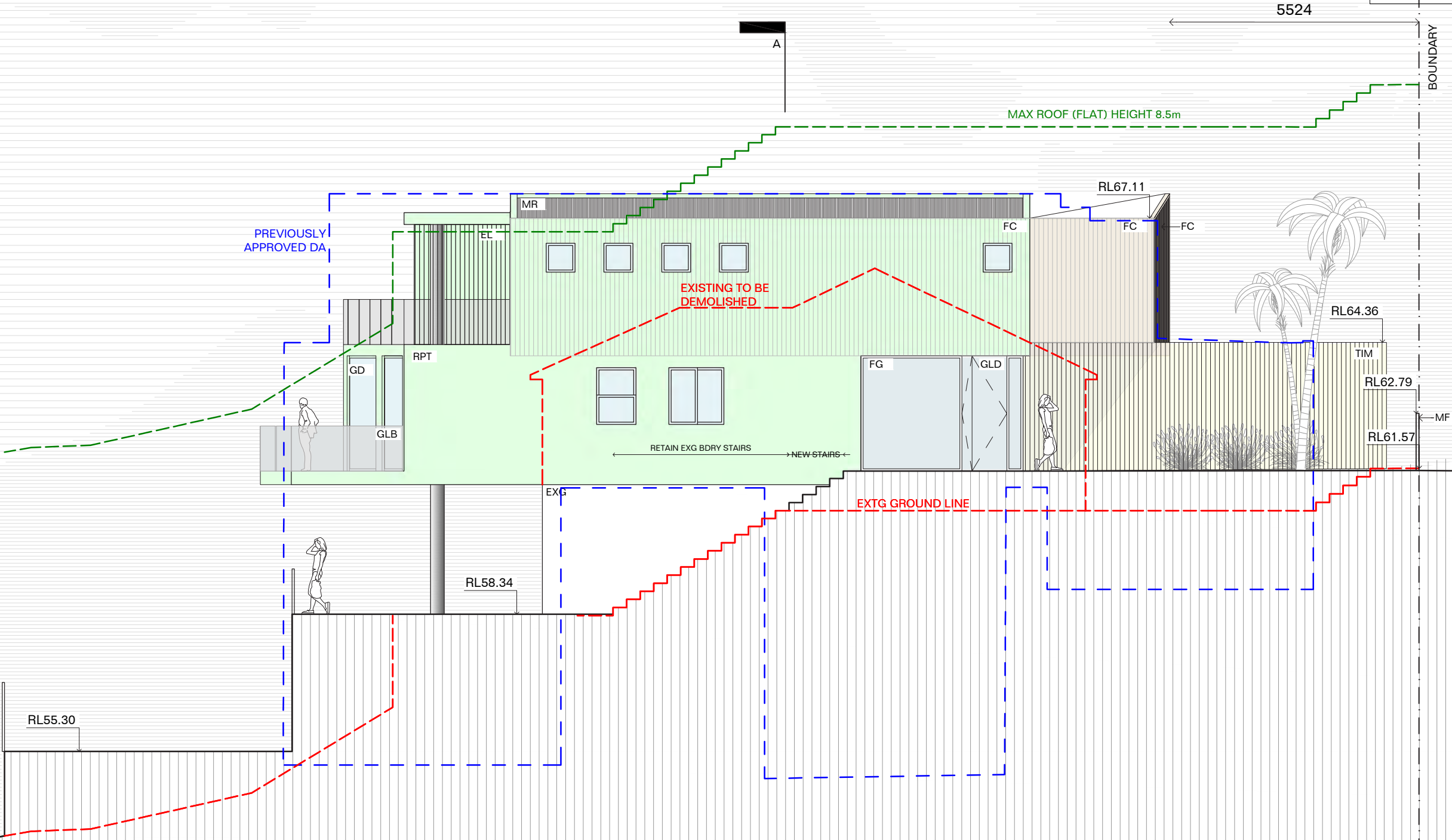
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RL 67.65 Proposed Roof Parapet

RL 64.31 Proposed First Floor

RL 61.51 Proposed Upper Ground Floor

RL 58.51 Existing Lower Ground Floor



REVISIONS

00 ISSUED FOR DA

09/07/20

LEGEND

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Aluminium framed, single clear U-value: 7.63
SHGC: 0.75
Sky-Lights: improved Aluminium, U-value: 4.48
SHGCC: 0.46
External Wall:
Framed R1.30 (or R1.70 inc. Construction) Ceiling: Framed raked ceiling: Roof - foil backed blanket (100mm), Col. our light (solar absorptance < 0.475)

POOL:
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ENERGY OPTIONS:
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PROJECT 62 MILITARY RD, DOVER HEIGHTS

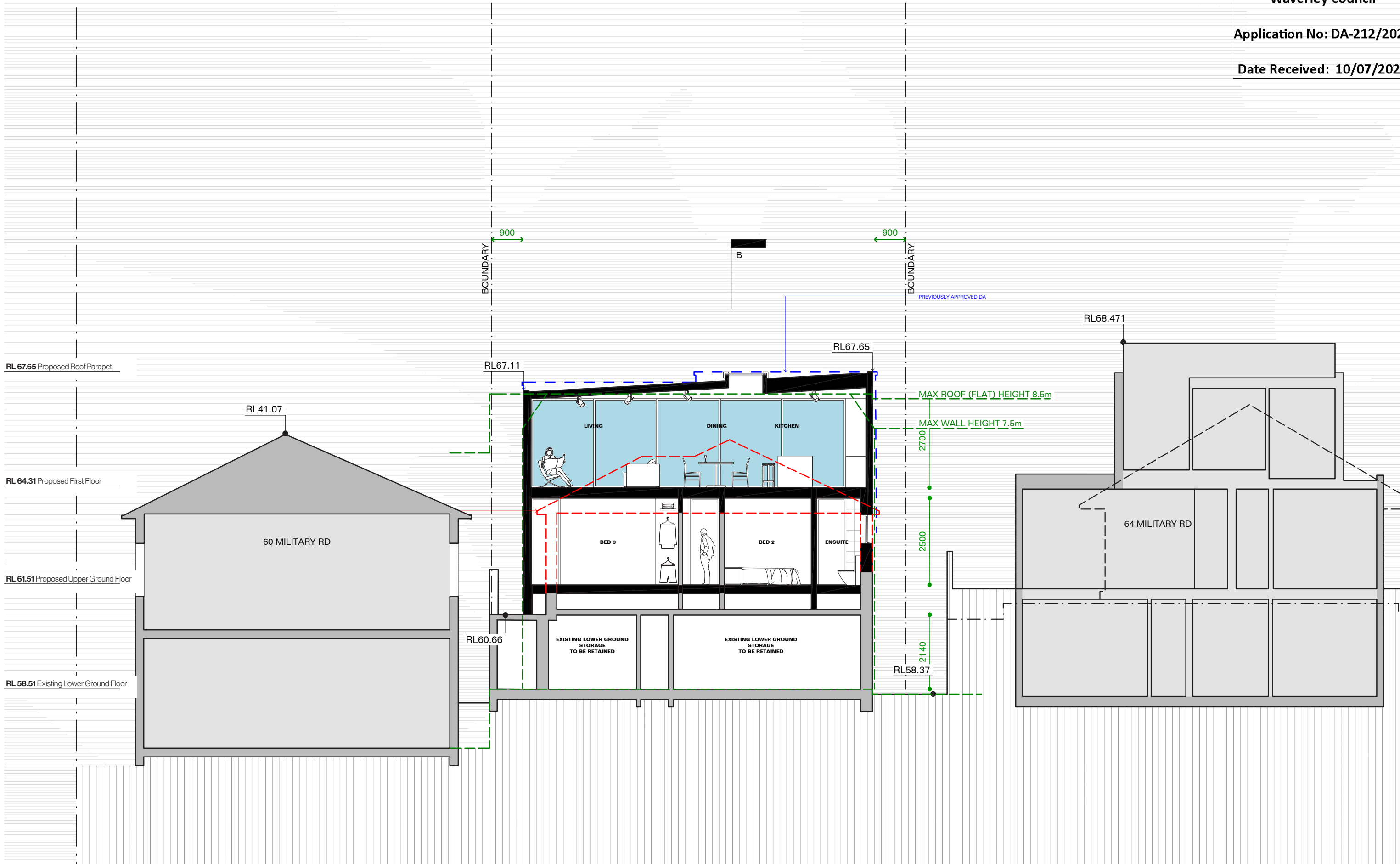
DRAWING SOUTH ELEVATION

DATE 09 Jul 2020

SCALE 1:100

DRAWING No DA161001





REVISIONS

00 ISSUED FOR DA

09/07/20

LEGEND

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GLD	GLASS DOOR	SP	SOLAR PANELS	DCP SETBACKS	
MB	METAL BALUSTRADE	SK	SKYLIGHTS	PREV. APPROVED DA	
MC	METAL CLADDING	GD	GLASS DOOR (SLIDING)	OUTLINE OF EXISTING TO BE REMOVED	
		GW	GLASS WINDOW		

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PROJECT 62 MILITARY RD, DOVER HEIGHTS

DRAWING SECTION A

DATE 09 Jul 2020

SCALE 1:100

DRAWING No DA151/20

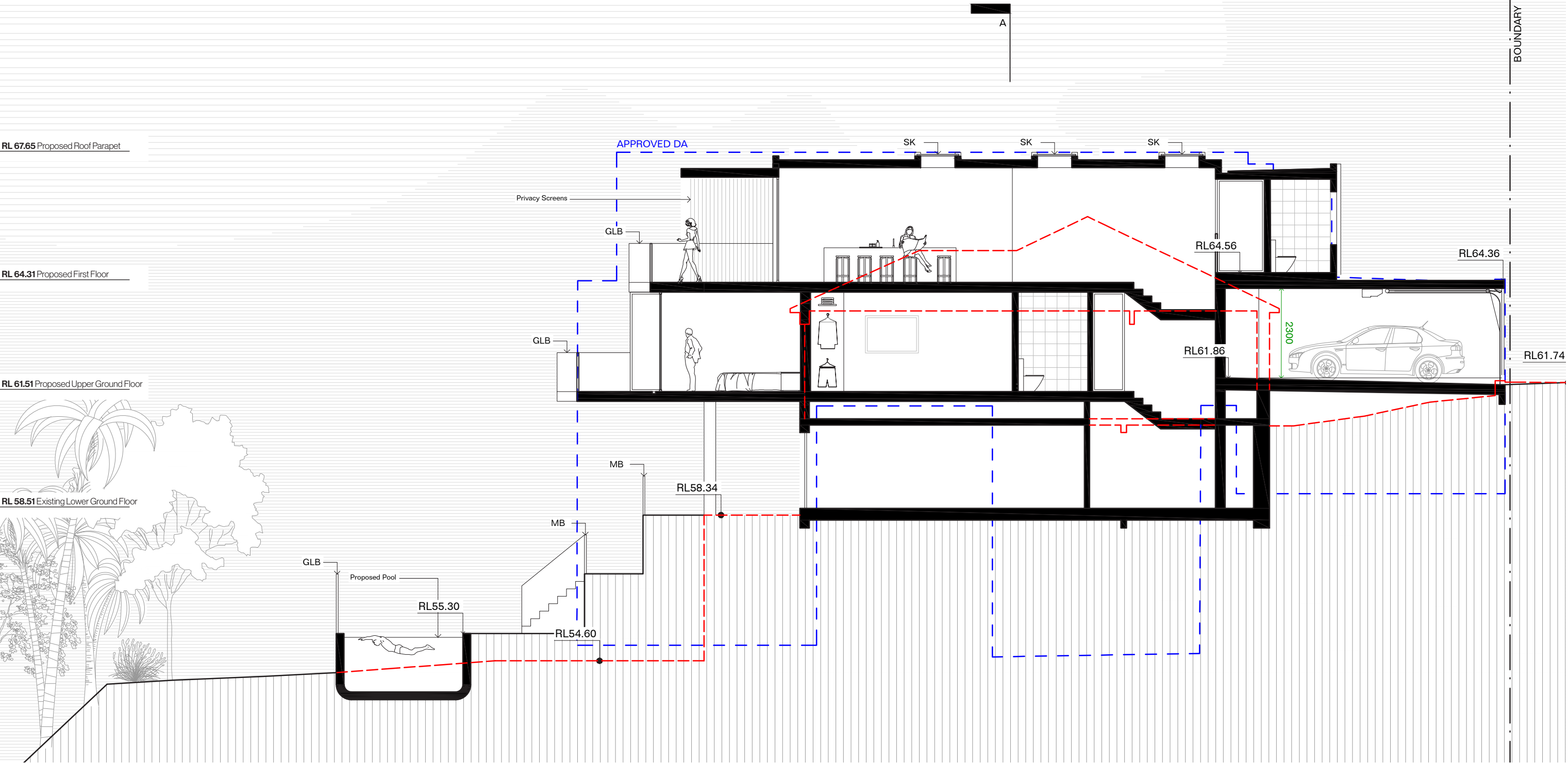
351

RL 67.65 Proposed Roof Parapet

RL 64.31 Proposed First Floor

RL 61.51 Proposed Upper Ground Floor

RL 58.51 Existing Lower Ground Floor



REVISIONS

00 ISSUED FOR DA

09/07/20

LEGEND

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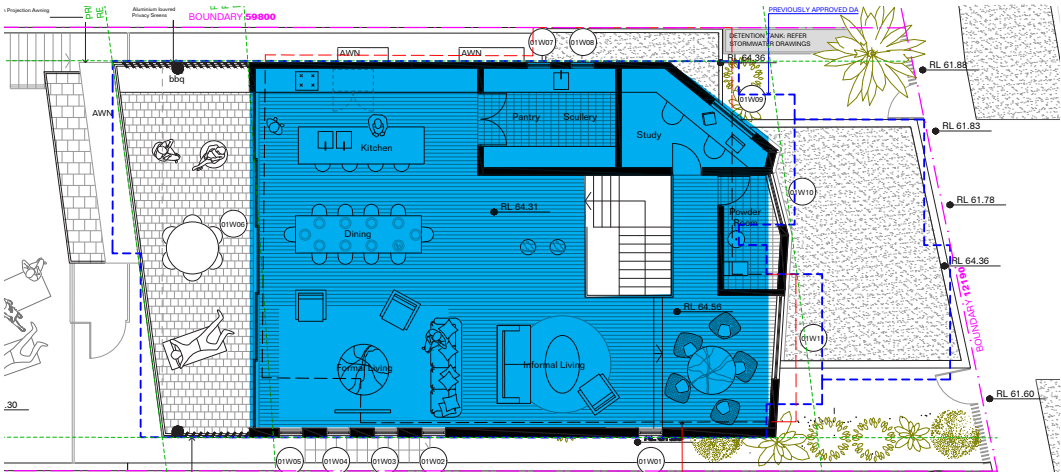
PROJECT 62 MILITARY RD, DOVER HEIGHTS

DRAWING SECTION B

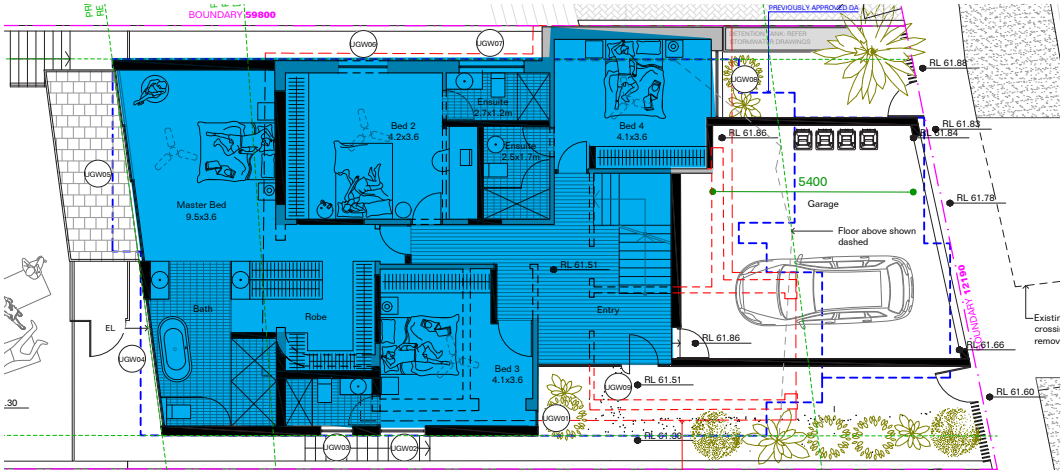
DATE 09 Jul 2020

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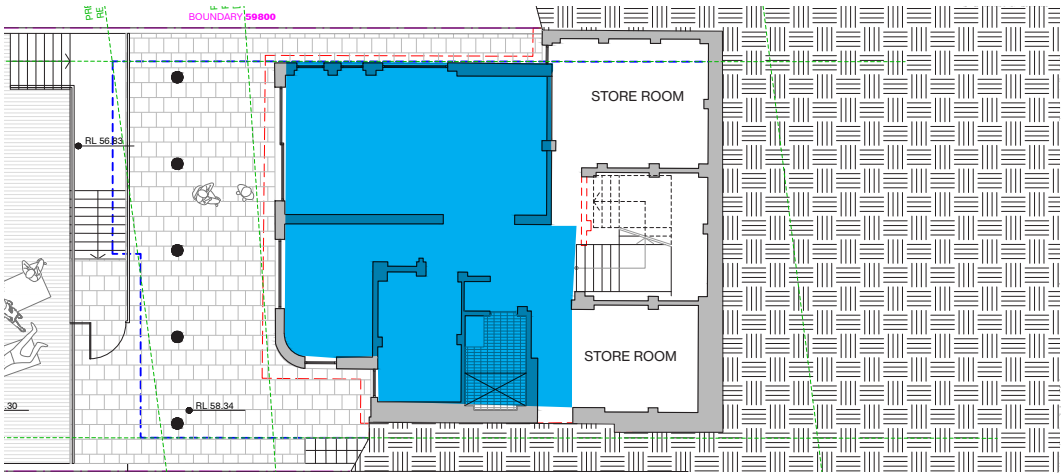
DRAWING No DA161501



First Floor
129m²



Upper Ground Floor
132m²



Lower Ground Floor
60m²

REVISIONS

00 ISSUED FOR DA

09/07/20

LEGEND

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PROJECT
DRAWING
DATE
SCALE
DRAWING No

62 MILITARY RD, DOVER HEIGHTS
PLANNING COMPLIANCE

09 Jul 2020

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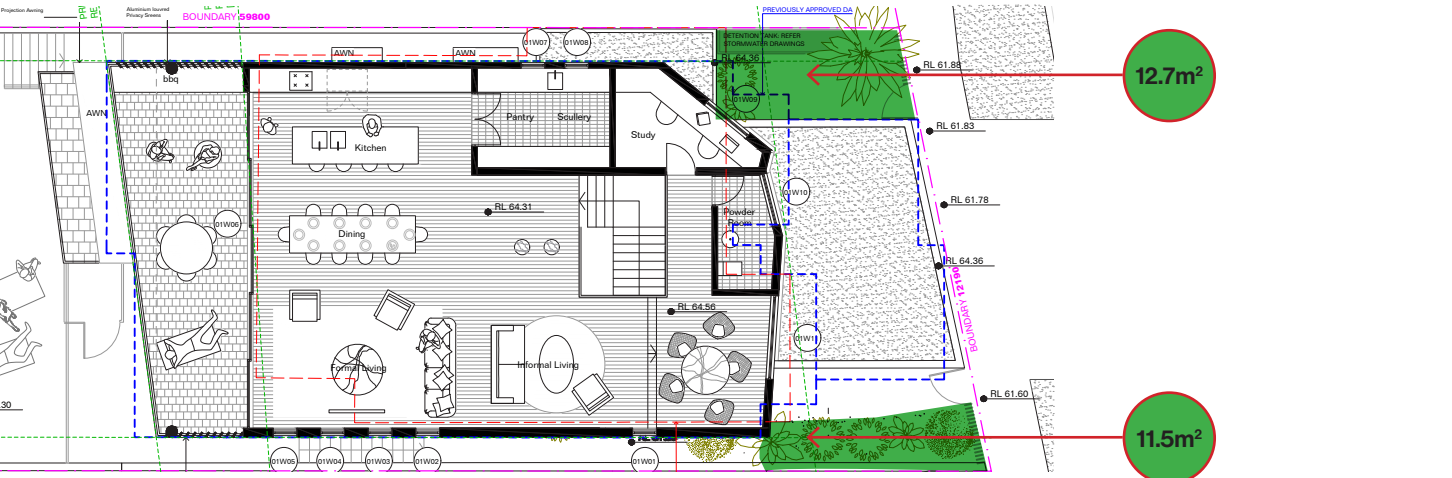
DA171001

353

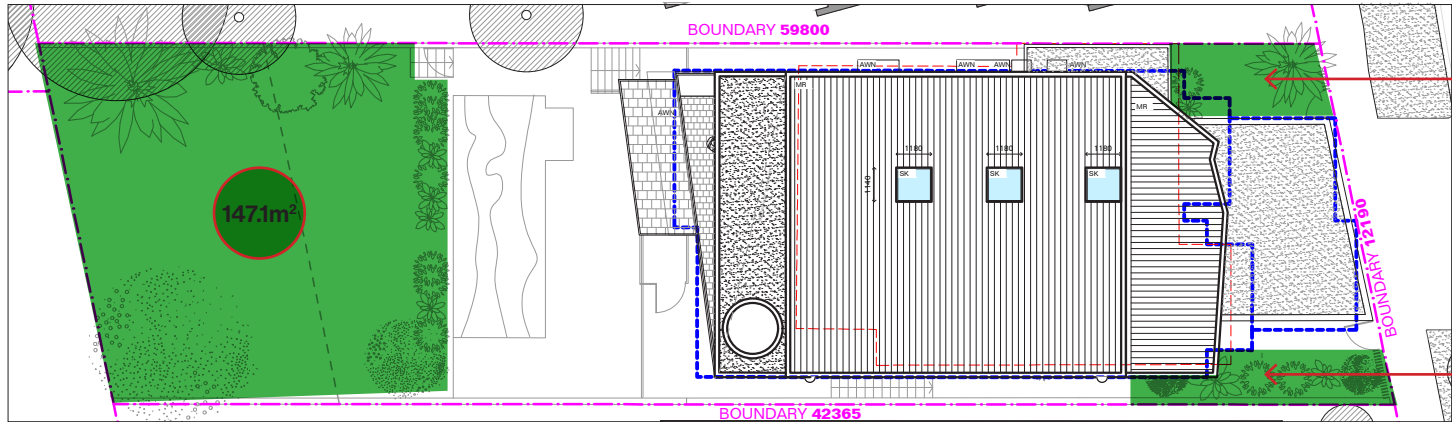
RECEIVED Waverley Council					COMPLIANCE	
CONTROL: SITE AREA: 505.6m²	PREVIOUSLY APPROVED DA 286/2017	ALLOWABLE	PROPOSED	Application No: DA-212/2020	Date Received: 10/07/2020	
					Breach	
FLOOR SPACE	FSR	Original 0.65:1 S96: 0.85:1	for lots with an area of 100 square metres to 550 square metres – $[(550 - \text{lot area}) \times 0.0011] + 0.5$:1 $[(550-505.6) \times 0.0011 + 0.5] :1$ = 0.54884:1 = 277.495m²	129 + 132 + 60 m² = 321m² 0.635:1	Breach	
BUILDING HEIGHT	WALL HEIGHT	Breach	7.5m above EGL (Flat Roof)	Varies	Breach	
	ROOF HEIGHT	Breach	(l): 8.5m above EGL	Varies	Breach	
SETBACKS	SIDE SETBACK	Complies	Up to 8.5 above EGL: 0.9m	900mm (Existing breach in one location, as per existing)	Complies	
	FRONT	Complies	Predominant Front Setback Lime	Predominant Front Setback	Complies	
	REAR	Breach	Predominant Rear Setback Line	Predominat Rear Setback	Complies	

GROSS FLOOR AREA means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

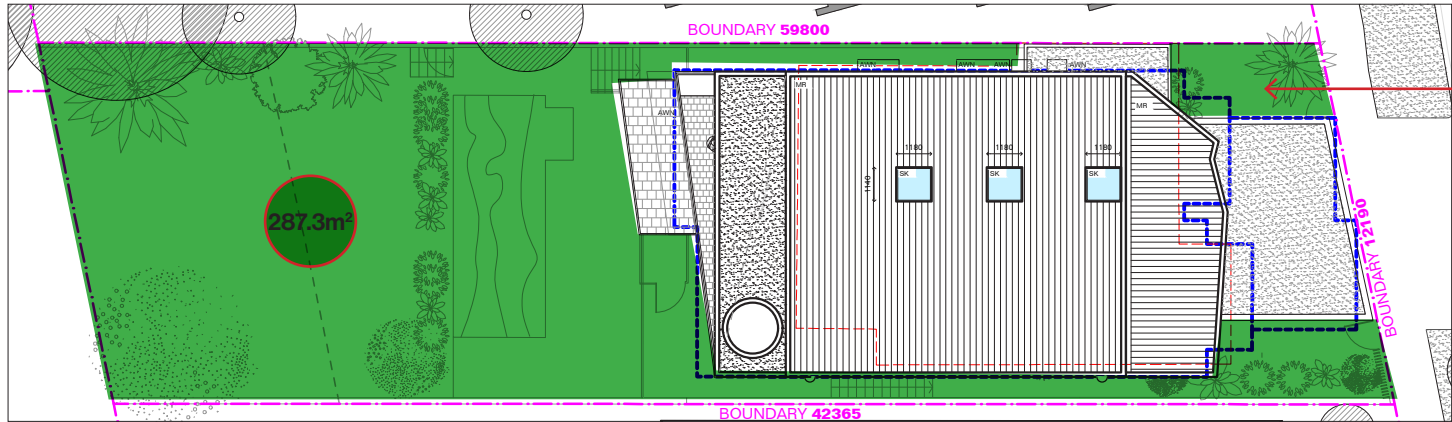
- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes—
- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement—
- (i) storage, and
- (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.



Front Setback Landscaped Area



Landscaped Area



Open Space

			RECEIVED Waverley Council	
CONTROL: SITE AREA: 505.6m²	ALLOWABLE	PROPOSED	Application No: DA-212/2020	COMPLIES
			Date Received: 10/07/2020	
OPEN SPACE	40% OF TOTAL SITE AREA	30% of 505.6 = 151.68m²	300.7m²	Complies
LANDSCAPED AREA	15% OF TOTAL SITE AREA	15% of 505.6 = 75.84m²	159.6m²	Complies
FRONT SETBACK	50% of the area between the front of the primary building and the street alignment is to be open space.	50% of 58m² = 29m²	32.7m²	Complies
	50% of the open space provided at the front of the site is to be landscaped area.	50% of 29m² = 14.5m²	23.7m²	Complies

*Landscaped Area:
A part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area
**Open Space:
TBC

REVISIONS

00 ISSUED FOR DA

09/07/20

LEGEND

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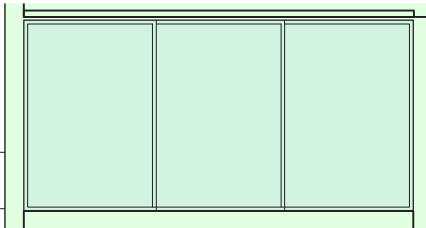

62 MILITARY RD, DOVER HEIGHTS
LANDSCAPE COMPLIANCE

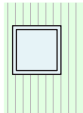
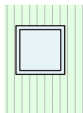
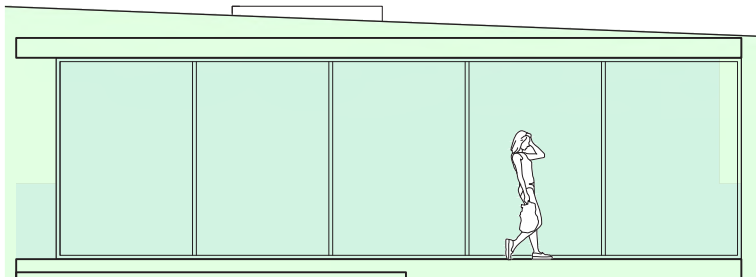
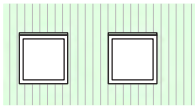
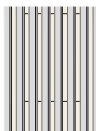
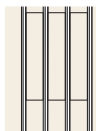
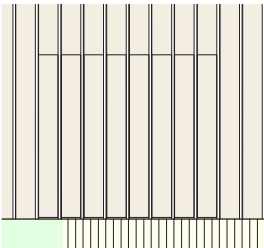
09 Jul 2020

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DA16/2020

354

													
		UGW01	UGW02	UGW03	UGW04	UGW05	UGW06	UGW07	UGW08	UGW09			
OVERALL DIMENSION	width	UGW01	UGW02	UGW03	UGW04	UGW05	UGW06	UGW07	UGW08	UGW09			
	height	435	1217	870	3421	1750	1361	1750	1809	3593			
		2106	1255	1255	2520	2520	1255	1255	1245	2500			
SHADED		Cantilevered Floor Above			External Alumnnium louvres	Awning Above (400mm Projection)		Awning Above (400mm Projection)	Awning Above (400mm Projection)	External Aluminium Louvres	Cantilevered Floor Above		
OPER-ATION		Fixed		Sliding		Double Hung		3x Sliding Doors		Slider	Slider	Slider	2x fixed panels, and pivot door

										
		<div>01W01</div>	<div>01W02</div> <div>01W03</div> <div>01W04</div> <div>01W05</div>	<div>01W06</div>			<div>01W07</div> <div>01W08</div>	<div>01W09</div>	<div>01W10</div>	<div>01W11</div>
OVERALL DIMENSION	width	01W01	01W02,03,04,05	01W06			01W07	01W08	01W09	01W10
	height	640	640	1853			640	1114	1410	2247
		640	640	2661			640	1156	1156	2150
SHADED				Canopy Above				Metallic Screen Infront	Metallic Screen Infront	Metallic Screen Infront
OPER- ATION		Casement	Casement	5 x Sliding Doors			Casement	Fixed	Fixed	Fixed

REVISIONS

00 ISSUED FOR DA

LEGEND

AWN	STEEL AWNING	MF	METAL PALISADE FENCE	NEW RENDER + PAINT	EXISTING WALLS TO BE RETAINED
BB	BAGGED BRICK	MR	METAL ROOF	NEW GLAZING	NEW WALLS
DP	DOWN PIPE	PF	POOL FENCE	NEW TIMBER BATONS	EXISTING WALLS TO BE REMOVED
EL	EXTERNAL LOUVRES	RP	RENDER + PAINT	NEW FC CLADDING	
EXG	EXISTING	TD	TRENCH DRAIN		
FG	FIXED GLAZING	TS	TIMBER SCREEN		
FC	FIBRE CEMENT CLADDING	TIM	TIMBER CLADDING		
GLB	GLASS BALUSTRADE	STN	STONE CLADDING		
GLD	GLASS DOOR	SP	SOLAR PANELS		
MB	METAL BALUSTRADE	SK	SKYLIGHTS		
MC	METAL CLADDING	GD	GLASS DOOR (SLIDING)		
		GW	GLASS WINDOW		

NOTES

FOR DA PURPOSES ONLY - NOT FOR CONSTRUCTION

1. All works to be in accordance with the Building Code of Australia, Australian Standards, Statutory Regulations and Local Authority Req's.

2. Contractor to ensure consistency between materials is maintained

3. Contractor to notify Common Office of any discrepancies, dimensional inconsistencies or the need for clarification prior to manufacturing.

4. Common Office to review all contractors detailed drawings/setting out prior to construction

5. All dimensions to be verified on site - do not scale

6. All works to be verified against drawings following construction and designer to be notified of any discrepancies prior to proceeding with next trade.

ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES AND AUSTRALIAN STANDARDS

BASIX

THERMAL Windows: Aluminium framed, single clear U-value: 7.83 SHGC: 0.75

Roof: improved Aluminium, U-value: 4.48 SHGCC: 0.46

External Wall: Framed R1.30 (or R1.70 inc. Construction) Ceiling: Framed raked ceiling: Roof - foil backed blanket (100mm), Col- our light (solar absorptance < 0.475)

POOL: Swimming pool capacity no greater than 24kL

ENERGY OPTIONS: Water Heating: Gas Instantane- ous Hot Water System

COMMON OFFICE

Common Office Pty Ltd
35 Richards Lane
Surry Hills
NSW, Australia, 2029

common-office.com
office@common-office.com
+61413555547
ABN 47631337472

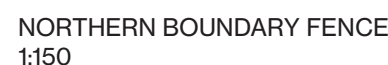
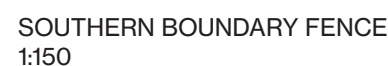
PROJECT
DRAWING
DATE
SCALE
DRAWING No

62 MILITARY RD, DOVER HEIGHTS
WINDOW SCHEDULE

09 Jul 2020

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DA15/007
355



09/07/20

<i>AWN</i>	STEEL AWNING	<i>MF</i>
<i>BB</i>	BAGGED BRICK	<i>MR</i>
<i>DP</i>	DOWN PIPE	<i>PF</i>
<i>EL</i>	EXTERNAL LOUVRES	<i>RP</i>
<i>EXG</i>	EXISTING	<i>TD</i>
<i>FG</i>	FIXED GLAZING	<i>TS</i>
<i>FC</i>	FIBRE CEMENT CLADDING	<i>TM</i>
<i>GLB</i>	GLASS BALUSTRADE	<i>STN</i>
<i>GLD</i>	GLASS DOOR	<i>SP</i>
<i>MB</i>	METAL BALUSTRADE	<i>SK</i>
<i>MC</i>	METAL CLADDING	<i>GD</i>
		<i>GW</i>

MF	METAL PALISADE FENCE	NEW RENDER + PAINT
MR	METAL ROOF	
PF	POOL FENCE	NEW GLAZING
RP	RENDER + PAINT	
TD	TRENCH DRAIN	NEW TIMBER BATONS
TS	TIMBER SCREEN	
G TIM	TIMBER CLADDING	NEW FC CLADDING
STN	STONE CLADDING	
SP	SOLAR PANELS	--- DCP SETBACKS
SK	SKYLIGHTS	
GD	GLASS DOOR (SLIDING)	--- PREV. APPROVED DATA
GW	GLASS WINDOW	--- OUTLINE OF EXISTING

 EXISTING WALLS TO BE RETAINED
 NEW WALLS
 EXISTING WALLS TO BE REMOVED

FOR DA PURPOSES ONLY - NOT FOR CONSTRUCTION

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ALL CONSTRUCTION TO BE IN ACCORDANCE WITH MINIMUM WITH BCA CLAUSES AND AUSTRALIAN STANDARDS

Thermal
Windows:
Aluminium
framed, single
clear U-value:
7.63
SHGC: 0.75
Sky-Lights:
Improved
Aluminium,
U-value: 4.48
SHGC: 0.46
External Wall:

Framed R1.30
(or R1.70 inc.
Construction)
Ceiling:
Framed raked
ceiling;
Roof - foil
backed blanket
(100mm), Col-
our light (solar
absorbance <
0.475)

POOL:
Swimming pool
capacity no
greater than
24kL
ENERGY
OPTIONS:
Water Heating:
Gas Instantane-
ous Hot Water
System

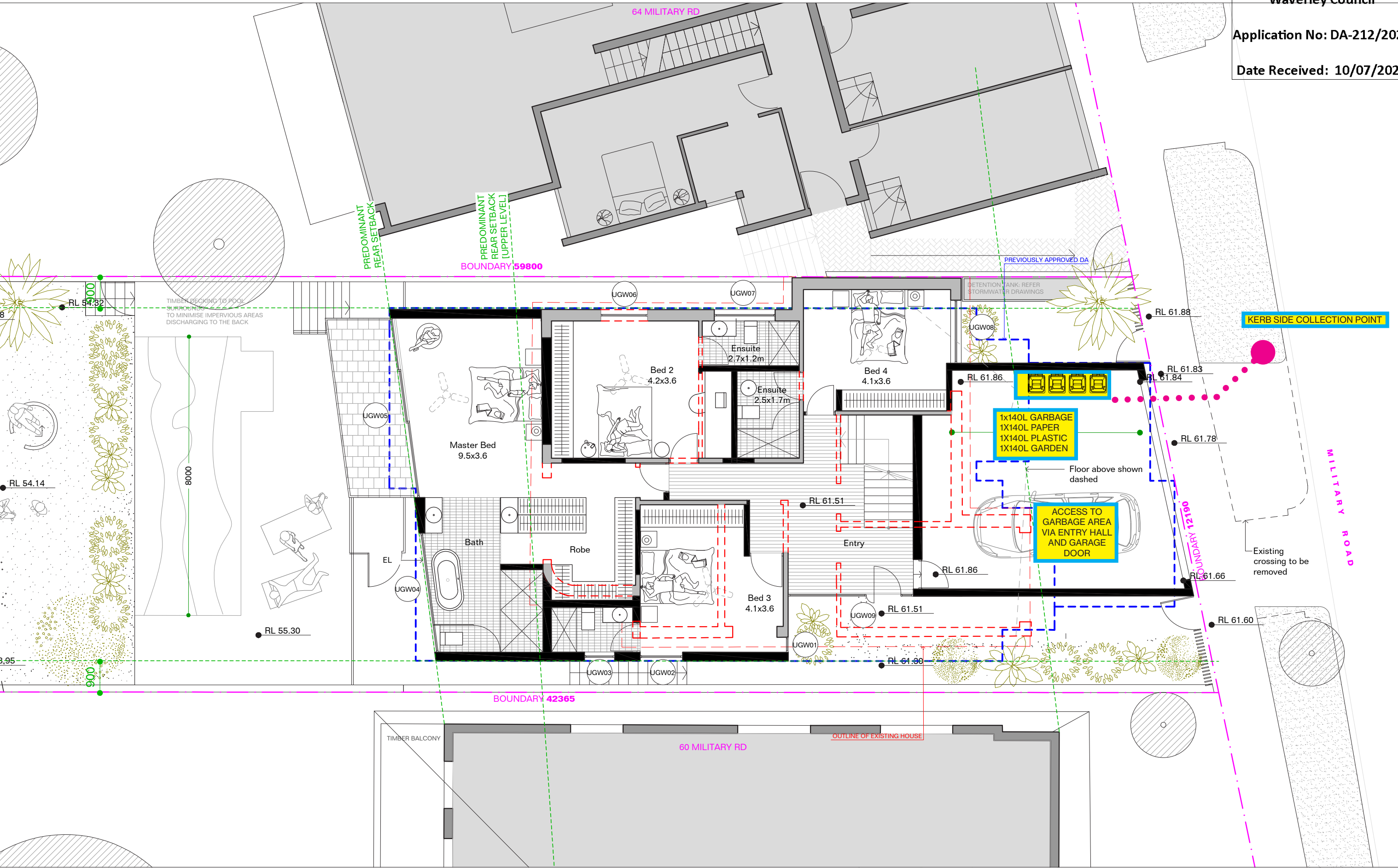
Common Office Pty Ltd
35 Richards Lane
Surrey Hills
NSW, Australia, 2029

common-office.com
office@common-office.com
+61413555547
ABN 47631337472

62 MILITARY RD, DOVER HEIGHTS
SIDE BOUNDARY FENCES

1:150

DA26[001]
356



REVISIONS

00	ISSUED FOR DA	09/07/20
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LEGEND

AWN	STEEL AWNING	MF	METAL PALISADE FENCE	NEW RENDER + PAINT	EXISTING WALLS TO BE RETAINED
BB	BAGGED BRICK	MR	METAL ROOF	NEW GLAZING	NEW WALLS
DP	DOWN PIPE	PF	POOL FENCE	NEW TIMBER BATONS	EXISTING WALLS TO BE REMOVED
EL	EXTERNAL LOUVRES	RP	RENDER + PAINT		
EXG	EXISTING	TD	TRENCH DRAIN		
FG	FIXED GLAZING	TS	TIMBER SCREEN		
FC	FIBRE CEMENT CLADDING	TIM	TIMBER CLADDING		
GLB	GLASS BALUSTRADE	STN	STONE CLADDING		
GLD	GLASS DOOR	SP	SOLAR PANELS	DCP SETBACKS	
MB	METAL BALUSTRADE	SK	SKYLIGHTS	PREV. APPROVED DA	
MC	METAL CLADDING	GD	GLASS DOOR (SLIDING)	OUTLINE OF EXISTING TO BE REMOVED	
		GW	GLASS WINDOW		

NOTES

FOR DA PURPOSES ONLY - NOT FOR CONSTRUCTION

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ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES AND AUSTRALIAN STANDARDS

BASIX

THERMAL Windows:
Aluminium framed, single clear U-value: 7.83
SHGC: 0.75
Sky-Lights:
Improved Aluminium, U-value: 4.48
SHGC: 0.46
External Wall:
Framed R1.30 (or R1.70 inc. Construction) Ceiling: Framed raked ceiling: Roof - foil backed blanket improved (100mm), Col. our light (solar absorptance < 0.475)

POOL:
Swimming pool capacity no greater than 24kL

ENERGY OPTIONS:
Water Heating: Gas Instantaneous Hot Water System

COMMON OFFICE

Common Office Pty Ltd
35 Richards Lane
Surry Hills
NSW, Australia, 2029

common-office.com
office@common-office.com
+61413555547
ABN 47631337472

PROJECT
DRAWING
DATE
SCALE
DRAWING No

62 MILITARY RD, DOVER HEIGHTS
WASTE MANAGEMENT PLAN

09 Jul 2020

1:100

DA212/2020
357



EXISTING



PROPOSED

REVISIONS

00 ISSUED FOR DA

09/07/20

LEGEND

AWN	STEEL AWNING	MF	METAL PALISADE FENCE	NEW RENDER + PAINT	EXISTING WALLS TO BE RETAINED
BB	BAGGED BRICK	MR	METAL ROOF	NEW GLAZING	NEW WALLS
DP	DOWN PIPE	PF	POOL FENCE	NEW TIMBER BATONS	EXISTING WALLS TO BE REMOVED
EL	EXTERNAL LOUVRES	RP	RENDER + PAINT	NEW FC CLADDING	
EXG	EXISTING	TD	TRENCH DRAIN		
FG	FIXED GLAZING	TS	TIMBER SCREEN		
FC	FIBRE CEMENT CLADDING	TIM	TIMBER CLADDING		
GLB	GLASS BALUSTRADE	STN	STONE CLADDING		
GLD	GLASS DOOR	SP	SOLAR PANELS	DCP SETBACKS	
MB	METAL BALUSTRADE	SK	SKYLIGHTS	PREV. APPROVED DA	
MC	METAL CLADDING	GD	GLASS DOOR (SLIDING)	OUTLINE OF EXISTING TO BE REMOVED	
		GW	GLASS WINDOW		

NOTES

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BASIX

THERMAL Windows:
Aluminium framed, single clear U-value: 7.63
SHGC: 0.75
Improved Sky-Lights: Aluminium, U-value: 4.48 SHGCC: 0.46
External Wall:
Framed R1.30 (or R1.70 inc. Construction)
Ceiling:
Framed raked ceiling.
Roof - foil backed blanket (100mm), Colour light (solar absorptance < 0.475)
POOL:
Swimming pool capacity no greater than 24kL.
ENERGY OPTIONS:
Water Heating:
Gas Instantaneous Hot Water System

COMMON OFFICE

Common Office Pty Ltd
35 Richards Lane
Surry Hills
NSW, Australia, 2029

common-office.com
office@common-office.com
+61413555547
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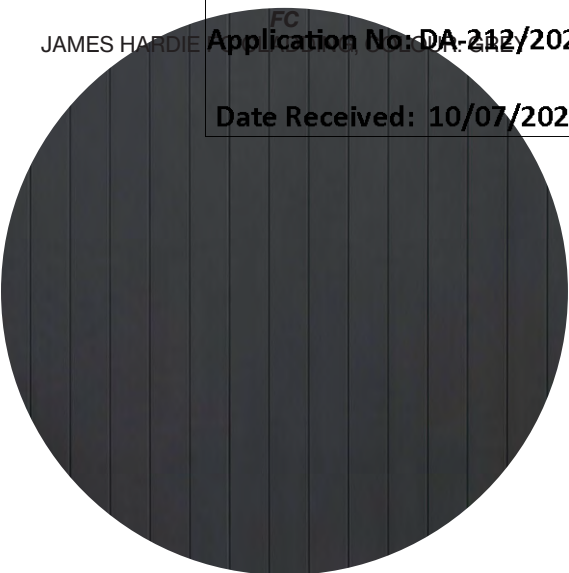
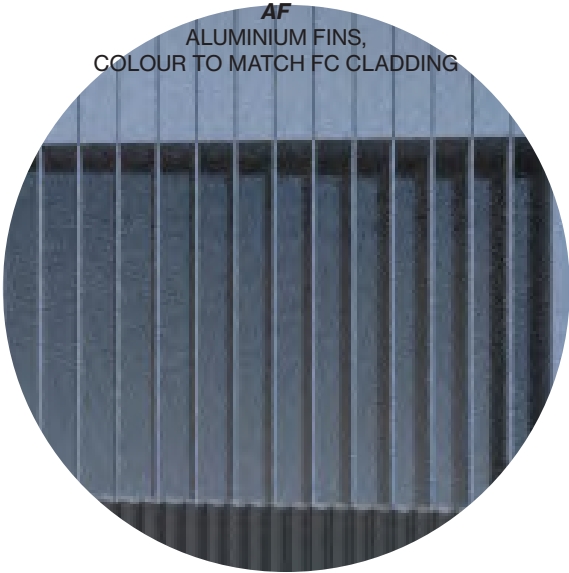
PROJECT
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DRAWING No

62 MILITARY RD, DOVER HEIGHTS
PHOTOMONTAGE

09 Jul 2020

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DA2020/001
358



REVISIONS

00 ISSUED FOR DA

09/07/20

LEGEND

AWN	STEEL AWNING	MF	METAL PALISADE FENCE	NEW RENDER + PAINT	EXISTING WALLS TO BE RETAINED
BB	BAGGED BRICK	MR	METAL ROOF	NEW GLAZING	NEW WALLS
DP	DOWN PIPE	PF	POOL FENCE	NEW TIMBER BATONS	EXISTING WALLS TO BE REMOVED
EL	EXTERNAL LOUVRES	RP	RENDER + PAINT	NEW FC CLADDING	
EXG	EXISTING	TD	TRENCH DRAIN		
FG	FIXED GLAZING	TS	TIMBER SCREEN		
FC	FIBRE CEMENT CLADDING	TIM	TIMBER CLADDING		
GLB	GLASS BALUSTRADE	STN	STONE CLADDING		
GLD	GLASS DOOR	SP	SOLAR PANELS	DCP SETBACKS	
MB	METAL BALUSTRADE	SK	SKYLIGHTS	PREV. APPROVED DA	
MC	METAL CLADDING	GD	GLASS DOOR (SLIDING)	OUTLINE OF EXISTING TO BE REMOVED	
		GW	GLASS WINDOW		

NOTES

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ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES AND AUSTRALIAN STANDARDS

BASIX

THERMAL Windows: Aluminium framed, single clear U-value: 7.83 SHGC: 0.75
Ceiling: Framed raked ceiling
Roof: foil backed blanket (100mm), Colour light (solar absorptance < 0.475)
POOL: Swimming pool capacity no greater than 24kL
ENERGY OPTIONS: Gas Instantaneous Hot Water System

COMMON
OFFICE

Common Office Pty Ltd
35 Richards Lane
Surry Hills
NSW, Australia, 2029

common-office.com
office@common-office.com
+61413555547
ABN 47631337472

0m 1m 2m 3m

PROJECT
DRAWING
DATE
SCALE
DRAWING No

62 MILITARY RD, DOVER HEIGHTS
FINISHES SCHEDULE

09 Jul 2020

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DA212/2020



Yellow outline depicts proposed DA superimposed over previously approved DA

REVISIONS

00 ISSUED FOR DA

LEGEND

09/07/20

AWN	STEEL AWNING	MF	METAL PALISADE FENCE	NEW RENDER + PAINT	EXISTING WALLS TO BE RETAINED
BB	BAGGED BRICK	MR	METAL ROOF	NEW GLAZING	NEW WALLS
DP	DOWN PIPE	PF	POOL FENCE	NEW TIMBER BATONS	EXISTING WALLS TO BE REMOVED
EL	EXTERNAL LOUVRES	RP	RENDER + PAINT	NEW FC CLADDING	
EXG	EXISTING	TD	TRENCH DRAIN		
FG	FIXED GLAZING	TS	TIMBER SCREEN		
FC	FIBRE CEMENT CLADDING	TIM	TIMBER CLADDING		
GLB	GLASS BALUSTRADE	STN	STONE CLADDING		
GLD	GLASS DOOR	SP	SOLAR PANELS	DCP SETBACKS	
MB	METAL BALUSTRADE	SK	SKYLIGHTS	PREV. APPROVED DA	
MC	METAL CLADDING	GD	GLASS DOOR (SLIDING)	OUTLINE OF EXISTING TO BE REMOVED	
		GW	GLASS WINDOW		

NOTES

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ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES AND AUSTRALIAN STANDARDS

BASIX

THERMAL Windows:
Aluminium framed, single clear U-value: 7.63 SHGC: 0.75
Skylights:
Improved Aluminium, U-value: 4.48 SHGCC: 0.46
External Wall:
Framed R1.30 (or R1.70 inc. Construction) Ceiling: Framed raked ceiling: Roof - foil backed blanket (100mm), Col. our light (solar absorptance < 0.475)
POOL:
Swimming pool capacity no greater than 24kL
ENERGY OPTIONS:
Water Heating: Gas Instantaneous Hot Water System

COMMON OFFICE

Common Office Pty Ltd
35 Richards Lane
Surry Hills
NSW, Australia, 2029

common-office.com
office@common-office.com
+61413555547
ABN 47631337472

0m 1m 2m 3m

PROJECT
DRAWING
DATE
SCALE
DRAWING No

62 MILITARY RD, DOVER HEIGHTS
VIEW ANALYSIS 01
09 Jul 2020
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DA212/2020



Yellow outline depicts proposed DA superimposed over previously approved DA

REVISIONS

00 ISSUED FOR DA

09/07/20

LEGEND

AWN	STEEL AWNING	MF	METAL PALISADE FENCE	NEW RENDER + PAINT	EXISTING WALLS TO BE RETAINED
BB	BAGGED BRICK	MR	METAL ROOF	NEW GLAZING	NEW WALLS
DP	DOWN PIPE	PF	POOL FENCE	NEW TIMBER BATONS	EXISTING WALLS TO BE REMOVED
EL	EXTERNAL LOUVRES	RP	RENDER + PAINT	NEW FC CLADDING	
EXG	EXISTING	TD	TRENCH DRAIN		
FG	FIXED GLAZING	TS	TIMBER SCREEN		
FC	FIBRE CEMENT CLADDING	TIM	TIMBER CLADDING		
GLB	GLASS BALUSTRADE	STN	STONE CLADDING		
GLD	GLASS DOOR	SP	SOLAR PANELS	DCP SETBACKS	
MB	METAL BALUSTRADE	SK	SKYLIGHTS	PREV. APPROVED DA	
MC	METAL CLADDING	GD	GLASS DOOR (SLIDING)	OUTLINE OF EXISTING TO BE REMOVED	
		GW	GLASS WINDOW		

NOTES

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ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES AND AUSTRALIAN STANDARDS

BASIX

THERMAL Windows: Aluminium framed, single clear U-value: 7.63 SHGC: 0.75
Ceiling: Framed raked ceiling
Roof: foil backed blanket (100mm), Col. our light (solar absorptance < 0.475)
POOL: Swimming pool capacity no greater than 24kL
ENERGY OPTIONS: Gas Instantaneous Hot Water System

COMMON OFFICE

Common Office Pty Ltd
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Surry Hills
NSW, Australia, 2029

common-office.com
office@common-office.com
+61413555547
ABN 47631337472

0m 1m 2m 3m

PROJECT
DRAWING
DATE
SCALE
DRAWING No

62 MILITARY RD, DOVER HEIGHTS
VIEW ANALYSIS 02

09 Jul 2020

1:100

DA251001

361



Yellow outline depicts proposed DA superimposed over previously approved DA

REVISIONS

00 ISSUED FOR DA

09/07/20

LEGEND

AWN	STEEL AWNING	MF	METAL PALISADE FENCE	NEW RENDER + PAINT	EXISTING WALLS TO BE RETAINED
BB	BAGGED BRICK	MR	METAL ROOF	NEW GLAZING	NEW WALLS
DP	DOWN PIPE	PF	POOL FENCE	NEW TIMBER BATONS	EXISTING WALLS TO BE REMOVED
EL	EXTERNAL LOUVRES	RP	RENDER + PAINT	NEW FC CLADDING	
EXG	EXISTING	TD	TRENCH DRAIN		
FG	FIXED GLAZING	TS	TIMBER SCREEN		
FC	FIBRE CEMENT CLADDING	TIM	TIMBER CLADDING		
GLB	GLASS BALUSTRADE	STN	STONE CLADDING		
GLD	GLASS DOOR	SP	SOLAR PANELS	DCP SETBACKS	
MB	METAL BALUSTRADE	SK	SKYLIGHTS	PREV. APPROVED DA	
MC	METAL CLADDING	GD	GLASS DOOR (SLIDING)	OUTLINE OF EXISTING TO BE REMOVED	
		GW	GLASS WINDOW		

NOTES

FOR DA PURPOSES ONLY - NOT FOR CONSTRUCTION

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ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES AND AUSTRALIAN STANDARDS

BASIX

THERMAL Windows: Aluminium framed, single clear U-value: 7.63 SHGC: 0.75

Sky-Lights: improved Aluminium, U-value: 4.48 SHGCC: 0.46

External Wall: Framed R1.30 (or R1.70 inc. Construction) Ceiling: Framed raked ceiling: Roof - foil backed blanket (100mm), Col. our light (solar absorptance < 0.475)

POOL: Swimming pool capacity no greater than 24kL

ENERGY OPTIONS: Water Heating: Gas Instantaneous Hot Water System

COMMON OFFICE

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35 Richards Lane
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NSW, Australia, 2029

common-office.com
office@common-office.com
+61413555547
ABN 47631337472

0m 1m 2m 3m

PROJECT
DRAWING
DATE
SCALE
DRAWING No

62 MILITARY RD, DOVER HEIGHTS
VIEW ANALYSIS 03
09 Jul 2020
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DA202001



Yellow outline depicts proposed DA superimposed over previously approved DA



REVISIONS

00 ISSUED FOR DA

09/07/20

LEGEND

AWN	STEEL AWNING	MF	METAL PALISADE FENCE	NEW RENDER + PAINT	EXISTING WALLS TO BE RETAINED
BB	BAGGED BRICK	MR	METAL ROOF	NEW GLAZING	NEW WALLS
DP	DOWN PIPE	PF	POOL FENCE	NEW TIMBER BATONS	EXISTING WALLS TO BE REMOVED
EL	EXTERNAL LOUVRES	RP	RENDER + PAINT	NEW FC CLADDING	
EXG	EXISTING	TD	TRENCH DRAIN		
FG	FIXED GLAZING	TS	TIMBER SCREEN		
FC	FIBRE CEMENT CLADDING	TIM	TIMBER CLADDING		
GLB	GLASS BALUSTRADE	STN	STONE CLADDING		
GLD	GLASS DOOR	SP	SOLAR PANELS	DCP SETBACKS	
MB	METAL BALUSTRADE	SK	SKYLIGHTS	PREV. APPROVED DA	
MC	METAL CLADDING	GD	GLASS DOOR (SLIDING)	OUTLINE OF EXISTING TO BE REMOVED	
		GW	GLASS WINDOW		

NOTES

FOR DA PURPOSES ONLY - NOT FOR CONSTRUCTION

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ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES AND AUSTRALIAN STANDARDS

BASIX

THERMAL Windows: Aluminium framed, single clear U-value: 7.63 SHGC: 0.75

Ceiling: Framed raked ceiling

Roof: foil backed blanket (100mm), Col. our light (solar absorptance < 0.475)

POOL: Swimming pool capacity no greater than 24kL

ENERGY OPTIONS: Gas Instantaneous Hot Water System

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NSW, Australia, 2029

common-office.com
office@common-office.com
+61413555547
ABN 47631337472

0m 1m 2m 3m

PROJECT
DRAWING
DATE
SCALE
DRAWING No

62 MILITARY RD, DOVER HEIGHTS
VIEW ANALYSIS 04

09 Jul 2020

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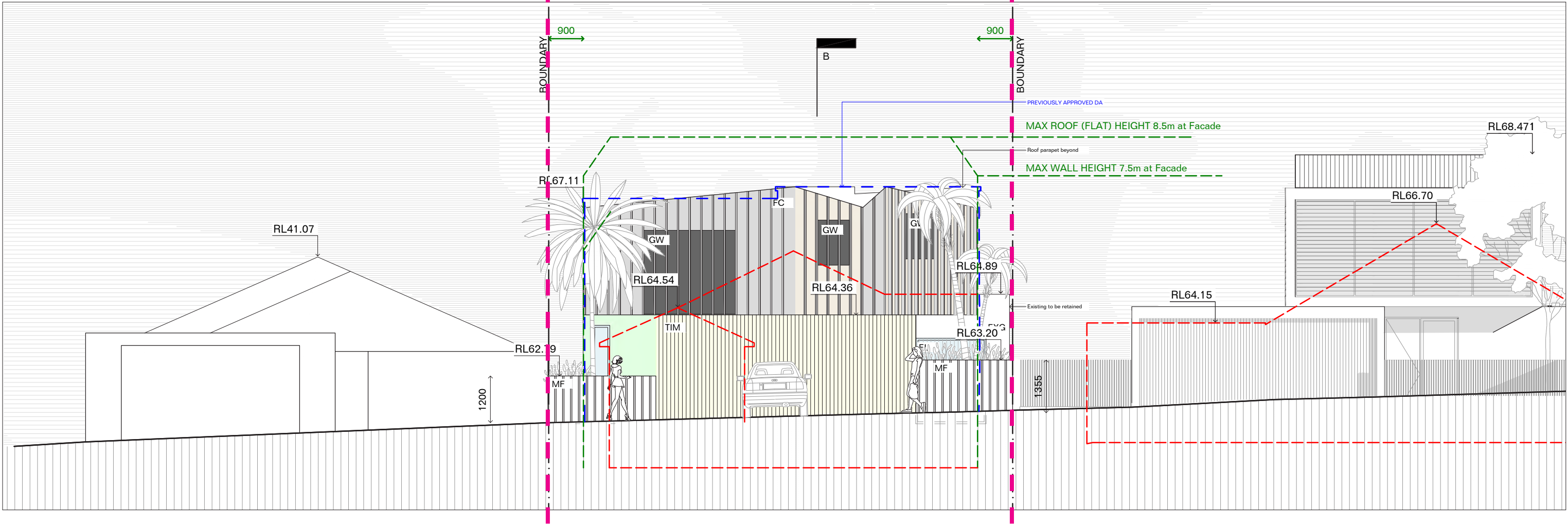
363



60 MILITARY RD

62 MILITARY RD

64 MILITARY RD



REVISIONS

00 ISSUED FOR DA

09/07/20

LEGEND

AWN	STEEL AWNING	MF	METAL PALISADE FENCE	NEW RENDER + PAINT	EXISTING WALLS TO BE RETAINED
BB	BAGGED BRICK	MR	METAL ROOF	NEW GLAZING	NEW WALLS
DP	DOWN PIPE	PF	POOL FENCE	NEW TIMBER BATONS	EXISTING WALLS TO BE REMOVED
EL	EXTERNAL LOUVRES	RP	RENDER + PAINT	NEW FC CLADDING	
EXG	EXISTING	TD	TRENCH DRAIN	DCP SETBACKS	
FG	FIXED GLAZING	TS	TIMBER SCREEN	PREV. APPROVED DA	
FC	FIBRE CEMENT CLADDING	TIM	TIMBER CLADDING	OUTLINE OF EXISTING TO BE REMOVED	
GLB	GLASS BALUSTRADE	STN	STONE CLADDING		
GLD	GLASS DOOR	SP	SOLAR PANELS		
MB	METAL BALUSTRADE	SK	SKYLIGHTS		
MC	METAL CLADDING	GD	GLASS DOOR (SLIDING)		
		GW	GLASS WINDOW		

NOTES

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BASIX

THERMAL Windows:
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SHGC: 0.75
Sky-Lights:
Improved Aluminium, U-value: 4.48
SHGC: 0.46
External Wall:
Framed R1.30 (or R1.70 inc. Construction)
Ceiling:
Framed raked ceiling
Roof - foil backed blanket (100mm), Col. our light (solar absorbance < 0.475)
POOL:
Swimming pool capacity no greater than 24kL
ENERGY OPTIONS:
Water Heating:
Gas Instantaneous Hot Water System

COMMON OFFICE

Common Office Pty Ltd
35 Richards Lane
Surry Hills
NSW, Australia, 2029

common-office.com
office@common-office.com
+61413555547
ABN 47631337472

0m 1m 2m 3m

PROJECT
DRAWING
DATE
SCALE
DRAWING No

62 MILITARY RD, DOVER HEIGHTS
STREETSCAPE ANALYSIS

09 Jul 2020

1:100

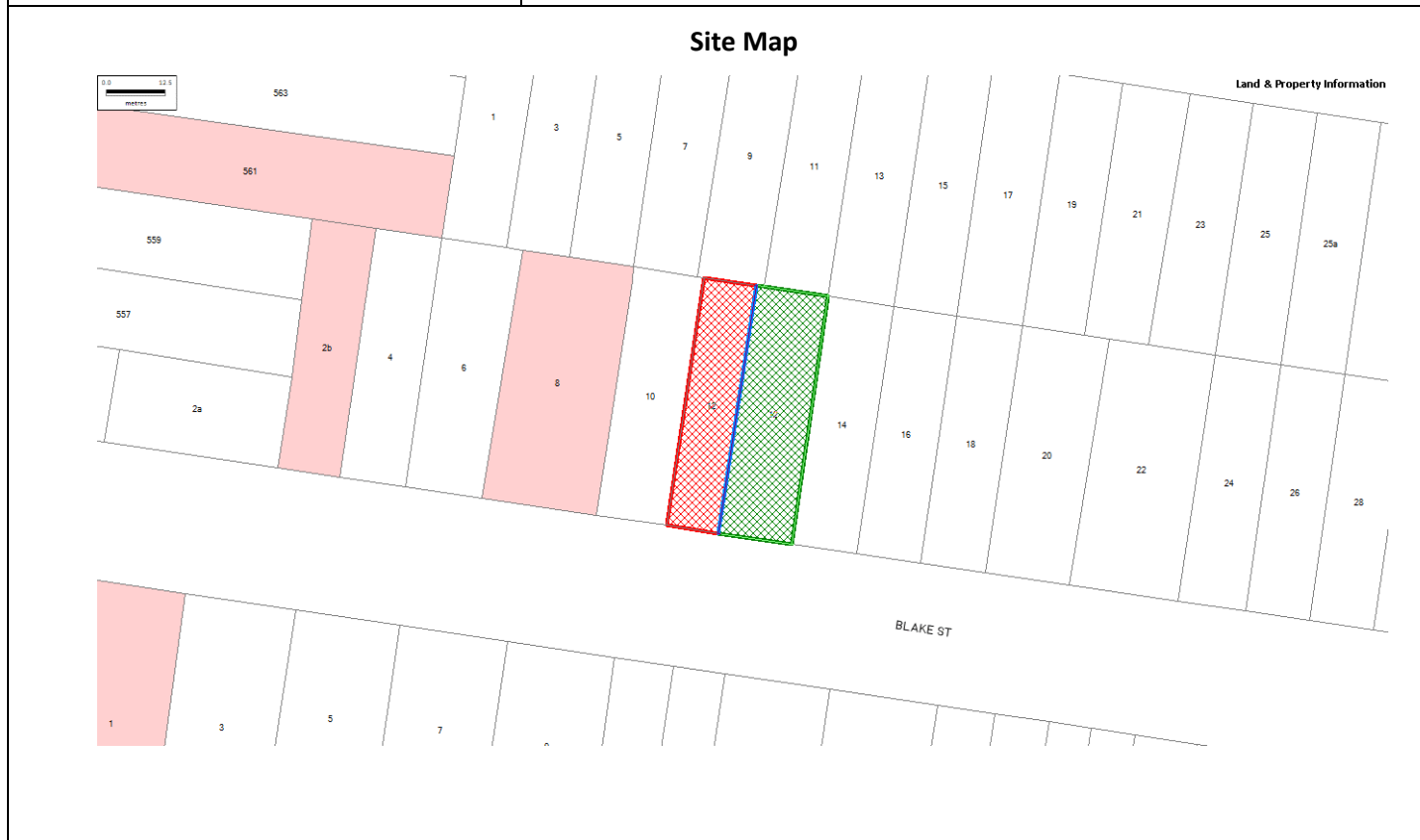
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Report to the Waverley Local Planning Panel

n	Application number	DA-247/2020
	Site address	12 Blake Street, ROSE BAY
	Proposal	Demolition of existing dwelling and construction of two semi-detached dwellings including integrated garage, swimming pools at rear and boundary adjustment.
	Date of lodgement	11/08/2020
	Owner	Mr P E Kennedy, Mr E J Finnane & M J Finnane
	Applicant	MHN Design Union
	Submissions	Five (5)
	Cost of works	\$1,870,000
	Issues	Minimum subdivision lot size, floor space ratio, driveway design
	Recommendation	That the application be APPROVED



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 25 August 2020.

The site comprises two lots, identified as Lot 1 in DP 69987 (the western lot) and Lot 1 in DP 70144 (the eastern lot), together known as 12 Blake Street, Rose Bay. The site is located on the northern side of Blake Street in the block between Old South Head Road (to the west) and Gilbert Street (to the east).

The site is generally rectangular in shape, with a combined southern (front) boundary and northern (rear) boundary of 17.375m and western and eastern (side) boundaries of 35.08m, resulting in a total site area of 609.4m². A detailed breakdown of the two lots is provided in the table below. The site falls from north to south to Blake Street by approximately 1m, with a cross-fall from east to west of approximately 1.31m.

Lot	Lot 1 in DP 69987 (western lot)	Lot 1 in DP 70144 (eastern lot)
Existing southern (front) / northern (rear) boundary	7.315m	10.06m
Existing western / eastern (side) boundary	35.08m	35.08m
Existing area	256.6m ²	352.8m ²

The site is occupied by a single-storey building, of brick construction, which comprises two separate residential dwellings. The building straddles the two lots. Due to the fall of the site, the western portion of the building accommodates an integrated single car garage below the ground floor. A detached single car garage is also located at the western boundary, accessed via a driveway from Blake Street. The rear yards comprise a number of mature trees. The site is not heritage listed nor located within a heritage conservation area. The site is not flood prone.

The site is adjoined by a single-storey detached dwelling at 10 Blake Street, to the west, a two-storey detached dwelling at 14 Blake Street, to the east, and two-storey detached dwellings to the north (rear) in Roberts Street. The locality is characterised by predominantly low-rise semi-detached and detached dwellings and residential flat buildings, fronting Old South Head Road.



Figure 1: Site viewed from Blake Street (front), looking north



Figure 2: Existing dwelling and driveway entry viewed from Blake Street, looking north-east



Figure 3: Rear of existing dwelling and adjoining dwelling at 14 Blake Street, looking south-east



Figure 4: Rear of existing dwelling, looking south



Figure 5: Rear yard of existing dwelling and adjoining dwellings at 14 Blake Street and Roberts Street, looking north-east



Figure 6: Rear of existing dwelling and adjoining dwelling at 10 Blake Street, looking west



Figure 7: Rear yard of existing dwelling and adjoining dwellings in Robert Street, looking north-west



Figure 8: Blake Street streetscape, showing 10, 12 and 14 Blake Street (Source: Google, 2019)

1.2 Relevant History

Details of approved development

- **Subject site:** Nil. There is no previous building and development history on Council's records. The existing dwelling is currently being used as two dwellings, however, there is no record of an approval for this use on Council's Building and Development files.
- **14 Blake Street:** Located to the east of the subject site. DA-11/2017, for alterations and additions to existing dwelling including swimming pool, approved on 24/08/2017 and subsequently constructed.
- **8 Blake Street:** Located to the west of the subject site (separated by 10 Blake Street). DA-379/2016, for demolition of existing dwelling and construction of dual occupancy development and strata subdivision, approved 28/02/2018 and subsequently constructed.

Application history

- **11 August 2020:** the subject application was lodged with Council.
- **12 August 2020:** the subject application was notified to surrounding properties for a period of 21 days. Five submissions were received. Refer to Section 2.4 for further discussion.
- **25 August 2020:** a site inspection was undertaken by the assessing officer.
- **8 September 2020:** the application was deferred for the following reasons:
 - Clarification of maximum gross floor area (GFA) and compliance with the floor space ratio (FSR) development standard was required,
 - Design amendments were recommended to mitigate visual and acoustic privacy impacts to and from adjoining dwellings,
 - Additional shadow diagrams were requested to assess the overshadowing impacts on adjoining dwellings,
 - Additional information on the architectural drawings was requested.
- **23 September 2020:** an internal referral was sought from Council's Traffic and Development department. The draft referral comments sought additional information and amendment of the proposed driveways. An additional information request was sent to the applicant.
- **29 September 2020:** amended plans and additional information was submitted by the applicant addressing all additional information requests and recommended amendments. Specifically, the proposed was amended to:
 - Reduce finished floor levels of the rear living area, deck and yard;
 - Relocate the proposed swimming pools to the central boundary;
 - Retain a mature tree ('Tree 4') at the eastern boundary in the rear yard of dwelling 12B; and
 - Reduce the size of the rear first-floor balconies and replace the glazed balustrade with palisades.

These amendments primarily sought to mitigate privacy impacts to and from adjoining dwellings. The amended plans did not warrant re-notification of the application as there were no design changes that would result in a greater impact.

1.3 Proposal

The proposal seeks consent for the demolition of the existing dwelling, boundary adjustment and construction of two semi-detached dwellings including integrated garages and swimming pools. Specifically, consent is sought for the following works:

- Demolition of all existing structures on the site and removal of existing vegetation and seven trees;
- Adjustment of the central boundary of the existing, irregularly sized lots, by 1.372m to the east, to create two equal lots, known as 12A and 12B Blake Street, as described below:

	Existing		Proposed	
	Frontage	Site Area	Frontage	Site Area
Lot 1 in DP 69987 (western lot) – 12A	7.315m	256.6m ²	8.687m	304.73m ²
Lot 1 in DP 70144 (eastern lot) – 12B	10.06m	352.8m ²	8.686m	304.72 ²

- Earthworks and excavation;
- Construction of two semi-detached dwellings, one on each lot, comprising:
 - Basement level garage parking, bin storage and plant,
 - Ground floor level, comprising, living, dining, kitchen, laundry and bathroom,
 - First flood level, comprising four bedrooms, two ensuites, bathroom and rear balcony off master-bedroom,
 - Rear landscaping and swimming pool.



Figure 9: Photomontage of proposed development viewed from Blake Street (Source: Architectural Drawings, MHNDUNION, 2020)

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 and NatHERS Certificate have been submitted with the application.

The BASIX certificate and NatHERs 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 and NatHERs 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 (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) Any vegetation on Land identified as 'Biodiversity' on the Terrestrial Biodiversity Map in WLEP 2012;
- (ii) Any vegetation on Land identified as 'Biodiversity Habitat Corridor' in WDCP2012; or
- (iii) A tree identified on the Waverley Significant Tree Register; or
- (iv) A tree or vegetation that forms part of a Heritage Item or is within a Heritage Conservation Area;
- (v) Any tree with a height of five metres or greater and trunk width of 300mm or greater at ground level; or
- (vi) Any tree with a canopy spread of five metres or greater and trunk width of 300mm or greater at ground level.

The proposal seeks consent for the removal of seven trees, one located on Council's nature strip at the front of the site and six located within the site boundary. An Arborist Report has been submitted with the application. The Arborist Report provides an assessment of 10 trees surveyed (refer to Figure 10) in and around the site.

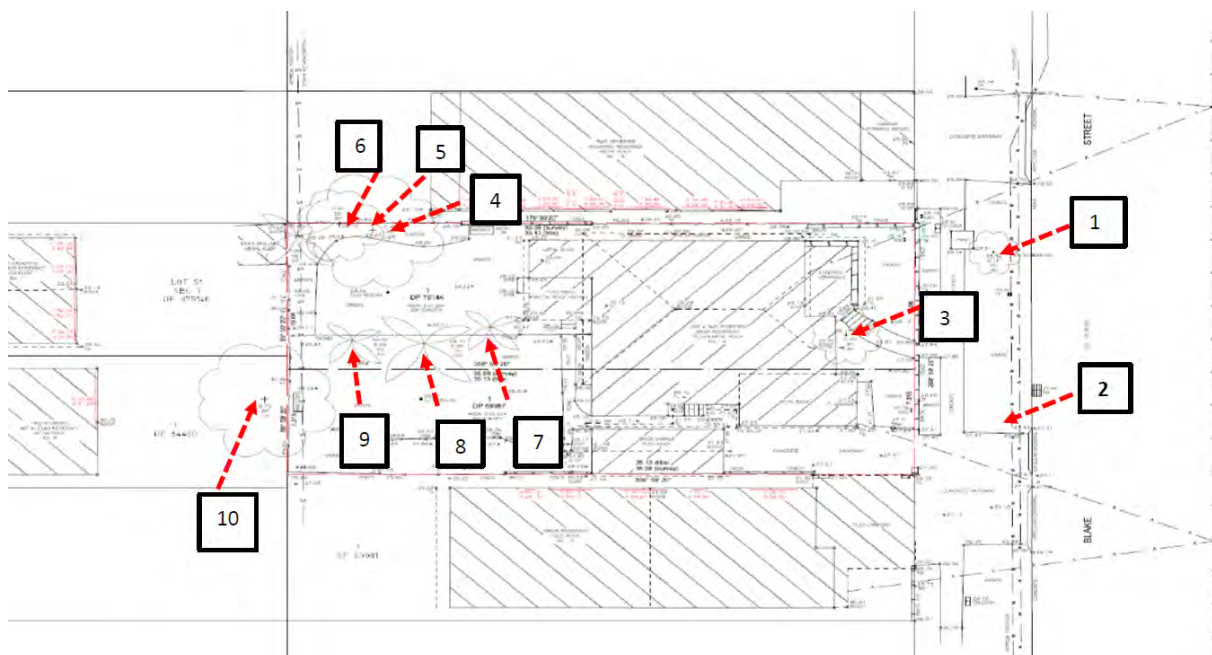


Figure 10: Location of surveyed trees (Source: Arborist Report, Dr Treegood, 2020)

Two trees are located on Council's nature strip. 'Tree 1' is proposed to be retained, whilst 'Tree 2' is proposed to be removed to accommodate construction of the driveway crossing.

Within the site boundary, six of seven trees assessed are proposed to be removed, these include:

- 'Tree 3', a young non-significant tree, infested with mites and located within the footprint of the proposed semi-detached dwellings;
- 'Tree 5', 'Tree 6', 'Tree 7' and 'Tree 8', being mature Celtus and Cocos palms, which are listed weed species on Council's tree preservation orders; and
- 'Tree 9', which does not require consent for removal, being only 2m in height and without sufficient trunk diameter to be considered under the Waverley Development Control Plan 2012 (WDCP 2012).

An additional tree ('Tree 4'), located at the eastern boundary, was originally proposed for removal to accommodate the swimming pool in Lot 12B. This tree is now proposed to be retained following the relocation of the proposed pool to the shared boundary between Lot 12A and Lot 12B.

To offset the proposed tree removal within the site, the landscape plan identifies eight new local native Riberry Lilly Pilly trees (*Syzygium luehmannii*) to be planted along the rear boundary. An additional 103 shrubs, climbers and accent plants are proposed across the site as well as 16m² of Mondo Grass and Aspidistra, and a large lawn area for each dwelling.

One tree ('Tree 10') is located within the neighbouring property at 9 Roberts Street, to the rear of the site. Protection measures have been recommended in the Arborist Report and the swimming pools are located 3m from the rear boundary to mitigate potential impacts.

2.1.4 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the WLEP 2012.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	N/A	The proposal does not seek consent for subdivision, rather a boundary adjustment of the two existing Torrens Title lots to which the application relates.
Land Use Table R2 Low Density Residential	Yes	The proposal is defined ‘semi-detached dwellings’, which is permitted with consent in the R2 zone. The proposal is consistent with the objectives of the zone.
Part 4 Principal development standards		
4.1 Minimum subdivision lot size <ul style="list-style-type: none"> 500m² 	No	<p>The two existing Torrens Title lots are below the minimum lot size, being 256.6m² (Lot 1 in DP 69987, west) and 352.8m² (Lot 2 in DP 70144, east), representing an existing variation to the development standard of 48.7% and 29.4% respectively.</p> <p>The proposal seeks consent for the adjustment of the central lot boundary, by 1.372m towards the east, to the true centre of the site, regularising the existing lots, to have an area of 304.7m² each. This represents a variation to the development standard of 195.3m² or 39% on both lots. The lots would be known as 12A (Lot 1 in DP 69987, west) and 12B (Lot 2 in DP 70144, east).</p> <p>Clause 4.1 applies to ‘a subdivision of any land’ (clause 4.1(2)) and the development standard applies to the size of lots ‘resulting from the subdivision of land’ (clause 4.1(3)). Given that the application does not seek to subdivide land, rather seeks to adjust an existing boundary, the standard has limited application. Notwithstanding, the existing and proposed lots represent a departure from the development standard, and therefore, for abundant caution a Clause 4.6 Variation Request has been provided. A</p>

Provision	Compliance	Comment																																				
		<i>detailed discussion of the variation to the development standard is presented below this table.</i>																																				
4.3 Height of buildings <ul style="list-style-type: none">8.5m	Yes	The proposal has a maximum height of 8.19m (RL 28.17 at the lowest point in the centre of the site, in the front yard area to RL 36.360m at the top of the central dividing wall), which complies.																																				
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio	No (existing lots) Yes (proposed lots following boundary adjustment)	The proposal provides for two semi-detached dwellings with gross floor areas of 233.97m ² (12A – west) and 234.02m ² (12B – east), respectively.																																				
<table><tr><td colspan="2">Existing lot areas</td></tr><tr><td colspan="2">Lot 1 in DP 69987 (west)</td></tr><tr><td>Lot area</td><td>256.6m²</td></tr><tr><td>Max. FSR</td><td>0.823:1</td></tr><tr><td>Max. GFA</td><td>211.18m²</td></tr><tr><td colspan="2">Lot 1 in DP 70144 (east)</td></tr><tr><td>Lot area</td><td>352.8m²</td></tr><tr><td>Max. FSR</td><td>0.717:1</td></tr><tr><td>Max. GFA</td><td>252.96m²</td></tr><tr><td colspan="2">Proposed lot areas</td></tr><tr><td colspan="2">Lot 1 in DP 69987 (west) – 12A</td></tr><tr><td>Lot area</td><td>304.73m²</td></tr><tr><td>Max. FSR</td><td>0.77:1</td></tr><tr><td>Max. GFA</td><td>234.64m²</td></tr><tr><td colspan="2">Lot 1 in DP 70144 (east) – 12B</td></tr><tr><td>Lot area</td><td>304.72m²</td></tr><tr><td>Max. FSR</td><td>0.77:1</td></tr><tr><td>Max. GFA</td><td>234.63m²</td></tr></table>		Existing lot areas		Lot 1 in DP 69987 (west)		Lot area	256.6m ²	Max. FSR	0.823:1	Max. GFA	211.18m ²	Lot 1 in DP 70144 (east)		Lot area	352.8m ²	Max. FSR	0.717:1	Max. GFA	252.96m ²	Proposed lot areas		Lot 1 in DP 69987 (west) – 12A		Lot area	304.73m ²	Max. FSR	0.77:1	Max. GFA	234.64m ²	Lot 1 in DP 70144 (east) – 12B		Lot area	304.72m ²	Max. FSR	0.77:1	Max. GFA	234.63m ²	
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Provision	Compliance	Comment
		Variation Request has been provided. A <i>detailed discussion of the variation to the development standard is presented below this table.</i>
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to Clause 4.6 of the WLEP 2012 to vary the minimum subdivision lot size and the FSR development standards. A <i>detailed discussion of the variation to the development standards is presented below this table.</i>
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The subject site is identified as comprising 'Class 5' acid sulfate soils. No significant excavation is proposed for the subject site that would be expected to disturb acid sulfate soils on the site. The proposal complies with this clause of Waverley LEP 2012.
6.2 Earthworks	Yes	The proposal includes partial excavation of the site by a maximum of approximately 1.7m, to a depth of RL 26.58m, to accommodate the pools, basement garage and storage. The proposed earthworks are acceptable given they will not result in adverse impacts on soil stability, and the existing and likely amenity of adjoining properties. Standard conditions of consent are recommended.

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

Clause 4.6 Exceptions to Development Standards – Minimum subdivision lot size

The application seeks to vary the minimum subdivision lot size in clause 4.1. As outlined in Table 1 above, the site comprises two existing Torrens Title lots which are below the minimum lot size being, 256.6m² (Lot 1 in DP 69987, west) and 352.8m² (Lot 2 in DP 70144, east), representing an existing variation to the development standard of 48.7% and 29.4% respectively. The proposal seeks consent for the adjustment of the central boundary, to regularise the two existing lots, to have an area of 304.7m² each, equating to a 195.3m² or 39% variation on both lots.

Whilst clause 4.1 has limited application given a boundary adjustment is proposed and not subdivision, for abundant caution, a written request has been submitted to Council in accordance with clause 4.6(3)(a) and (b) of the Waverley LEP 2012 seeking to justify the contravention of the development standard by demonstrating:

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

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

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

The applicant seeks to justify the contravention of the minimum subdivision lot size development standard on the following basis:

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

(i) *The position that compliance with the development standard is unreasonable or unnecessary may be demonstrated in one or more of the ways offered by Wehbe V Pittwater Council (2007) NSWLEC 827 Preston CJ. In this particular case, consistent with that decision, it can be demonstrated that the objectives of the development standard are achieved notwithstanding non-compliance with the standard, as below (emphasis added):*

“43 The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).” Wehbe V Pittwater Council (2007) NSWLEC 827 Preston CJ

(ii) *The achievement of the specific objectives is outlined below:*

- *Objective (a) to ensure that subdivisions reflect and reinforce the predominant subdivision pattern of the area.*

The proposal specifically addresses this objective. The existing Lot arrangement provides for the only askew subdivision in this entire street block. The proposed regularisation of the Lot width and size reintroduces a subdivision pattern reflective of the subdivision pattern of the area. This is illustrated overleaf [Figure 2].

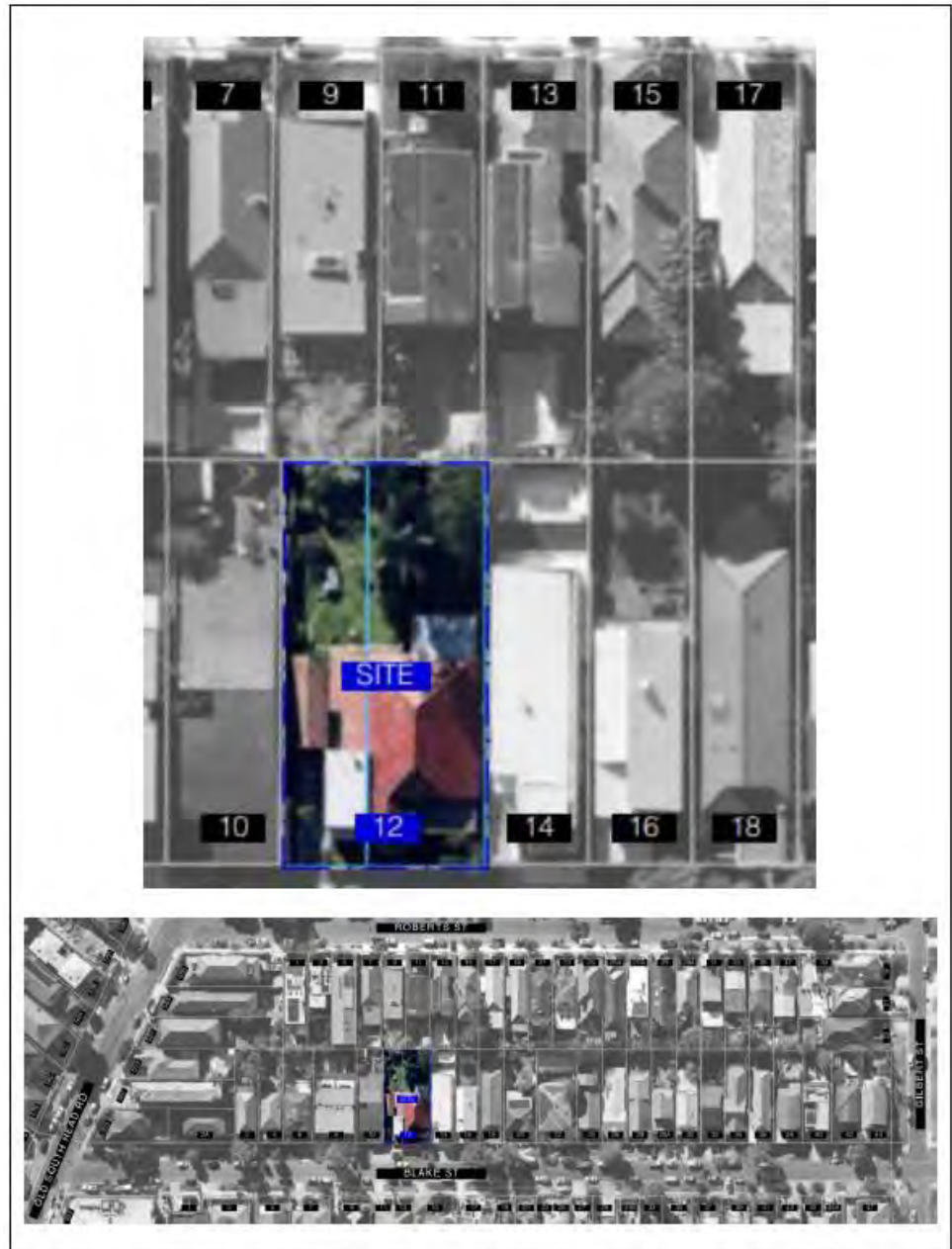


Figure 2: The existing central boundary interrupts the consistent subdivision pattern in the area.

- Objective (b) to minimise the likely impact of subdivision and development on the amenity of neighbouring properties.

The adjustment of the boundary allows for two equivalent sized Lots to deliver a more equitable and desirable built form. A dwelling and/or a pair of semi-detached dwellings of comparable size could be built on the land regardless of the adjustment of the central alignment of the boundary. The amenity of the neighbouring properties is achieved through the proposed built forms' compliance with the development standards for both maximum Floor Space Ratio and Height of Buildings in the Waverley Local Environmental Plan 2012, as well the relevant controls in the Waverley Development Control Plan 2012. The proposed Lot width and size provides for a rational and reasonable conclusion of the surrounding subdivision pattern. It does not introduce any jarring or unusual site boundary characteristics to the street block.

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *A lack of environmental impact does not in itself provide for sufficient environmental planning grounds to vary a standard, however it is noteworthy that the variation to the standard itself does not cause any adverse material impacts on surrounding properties.*
 - (ii) *In this case there are sufficient environmental planning grounds to support a variation, including:*
 - *The regularisation of the Lot width and size of the two properties brings them into conformity with the rest of the street;*
 - *The proposed matching Lot sizes offer the greatest opportunity for the orderly and economic use and development of land, satisfying a key Object of the EP&A Act 1979;*
 - *The proposed Lot widths are compatible with the adjoining and surrounding Lot widths, allowing for appropriately scaled low-density residential development;*
 - *The proposed Lot sizes are consistent with the adjoining and surrounding Lot sizes, which have varied sizes that approximately match than the proposed Lots;*
 - *The provision of equivalent sized Lots with a matching width allows the proposed building to have a more balanced streetscape appearance;*
 - *The provision of equivalent sized Lots with a matching width introduces the opportunity for both dwellings to have the same level of amenity;*
 - *The dwellings proposed on both Lots comply with the Floor Space Ratio and Height of Buildings development standards; and*
 - *The proposal is consistent with the objectives of the development standard and the objectives of the zone.*
 - (iii) *It is also noted that the same outcome could be achieved via repetitive use of the provisions under the SEPP (Exempt and Complying Development Codes) 2008, Subdivision 38, which allows boundary realignments of up to 10% (each time) as exempt development.*

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 noting that the proposal seeks to regularise the width and size of the existing lots to bring them into conformity with the rest of the street, allowing for the delivery of two dwellings of adequate size and amenity, with a balanced streetscape appearance.

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 minimum subdivision lot size development standard are:

- (a) to ensure that subdivisions reflect and reinforce the predominant subdivision pattern of the area,*
- (b) to minimise the likely impact of subdivision and development on the amenity of neighbouring properties.*

As outlined above in Figure 2 provided by the applicant, the existing lots reflect a departure from the predominant subdivision pattern of the area. Despite the technical non-compliance with the development standard, the proposal specifically addresses objective (a), with the proposed boundary adjustment creating two equal lots that reflect and reinforce the predominant subdivision pattern of the area.

The proposed boundary adjustment provides for two lots equal in width and size, supporting the delivery of two semi-detached dwellings of adequate size and amenity, which present to the street as a well-designed pair. The proposed dwellings are of an appropriate bulk and scale, complying with the maximum height of building standard and FSR standard (following the proposed boundary adjustment) under the Waverley LEP 2012 and setbacks under the Waverley DCP 2012. Despite the technical non-compliance with the development standard, the proposed lots and subsequent dwellings meet objective (b) as they will not result in unreasonable amenity impacts on neighbouring properties. Specifically, the proposal will not result in unreasonable visual or acoustic privacy impacts or overshadowing or adjoining dwellings.

The objectives of the R2 – Low Density Residential zone are:

- *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 zone objectives in that it provides two semi-detached dwellings contributing to the low-density residential environment. The remaining objective is not relevant to this application.

Conclusion

For the reasons provided above the requested variation to the minimum subdivision lot size is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the clause 4.1 minimum subdivision lot size and the R2 zone.

Clause 4.6 Exceptions to Development Standards – Floor space ratio

The application seeks to vary the maximum FSR development standard, applying to the existing lots under clause 4.4A of the Waverley LEP 2012.

As outlined in Table 1 above, for abundant caution, the proposals compliance with the FSR standard has been assessed on both the existing and proposed lot areas. When calculated against the area of the existing lots, prior to the proposed boundary adjustment, the proposal exceeds the development standard by 2.39m² or 1.1% for Lot 1 in DP 69987 (west) and 1.46m² or 0.58% for Lot 1 in DP 70144 (east). When calculated against the area of the proposed lots, following the proposed boundary adjustment, the proposal complies with the FSR standard. The applicant maintains this is the correct interpretation.

Existing lot areas						
Lot	Lot area	Max. GFA	Max. FSR	Pro. GFA*	Pro. FSR	Compliance
Lot 1 in DP 69987 (west)	256.6m ²	211.18m ²	0.823:1	213.57m ²	0.832:1	NO
Lot 1 in DP 70144 (east)	352.8m ²	252.96m ²	0.717:1	254.42m ²	0.721:1	NO
Proposed lot areas						
Lot	Lot area	Max. GFA	Max. FSR	Pro. GFA*	Pro. FSR	Compliance
Lot 1 in DP 69987 (west) – 12A	304.73m ²	234.64m ²	0.77:1	233.97m ²	0.768:1	YES
Lot 1 in DP 70144 (east) – 12B	304.72m ²	234.63m ²	0.77:1	234.02m ²	0.768:1	YES

* the amount of the GFA proposed across each lot (existing and proposed)

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

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

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

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

The applicant seeks to justify the contravention of the minimum subdivision lot size development standard on the following basis:

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

(i) *The position that compliance with the development standard is unreasonable or unnecessary may be demonstrated in one or more of the ways offered by Wehbe V Pittwater Council (2007) NSWLEC 827 Preston CJ. In this particular case, consistent with that decision, it can be demonstrated that the objectives of the development standard are achieved notwithstanding non-compliance with the standard, as below (emphasis added):*

“43 The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).” Wehbe V Pittwater Council (2007) NSWLEC 827 Preston CJ

(ii) *The achievement of the specific objectives is outlined below:*

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

Not relevant.

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

The proposed development complies with the height of buildings standard and setback controls. The inclusion of the accessway and access stairs to a subterranean garage, whether included in the GFA calculations or not, has no bearing on the correlation between the density controls and the building height controls. This floor area does not affect the overall building height, does not contribute to any further density on the site and does not affect the setback-compliant building envelope that is proposed.

Despite any variation to the FSR standard, the building is entirely below the height development standard of 8.5m, ranging from 5.52m to 7.63m on the west side elevation, and 5.34m to 7.7m on the east side elevation. The building provides compliant side setbacks and a stepped form at the front and rear to provide a scale that is recessive when viewed from street, appearing as 1.5 storeys in height.

The scale of the building is as anticipated in the desired future character of this locality via compliance with the DCP controls. The proposed quantum of floor area that sits within the maximum height and density controls in this case is appropriately correlated, noting that neither the height nor setback controls have been exploited to their maximum.

The appropriateness of the building's scale and the correlation of the controls is further demonstrated by the fact that it otherwise complies with the development

standard once the correction to the Lot boundaries has taken effect. Having regard to the current Lot arrangement, the variations of 2.39m² and 1.46m² have no detrimental effect providing correlation between the height and density controls.

If compliance with the standard were strictly required, it is achieved by the correction (equalisation) of the subdivision of the Lots. This correction forms part of the Development Application and causes the proposal to comply with the development standard. The location of the central boundary line has no consequence on the overall correlation of the controls and perception of building's scale.

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

The bulk, scale, streetscape and desired future character of the locality is entirely unchanged by the correction of the subdivision. The desired future character of the locality is determined by the LEP/DCP provisions that in this case anticipates the presentation of a two to three-storey dwelling with narrow (900mm) side setbacks. The building is compatible with this character and provides a shorter 1.5 storey building form at the front of the site to minimise the bulk of the structure when viewed from the street.

The controls anticipate side-by-side dual occupancy development on sites greater than 450m², noting the total size of the site in this case is 609.4m². The site then benefits from an existing subdivision into two Lots, allowing the development to be a better characterised as a pair of semi-detached dwellings. The proposal presents to the street as two x 1.5 to 2 storey dwellings in a semi-detached arrangement, with a parking level below the main levels, below the street level.

The proposal will improve the streetscape appeal of the site by providing an architecturally designed pair of dwellings compatible with the emerging character of Blake Street and the locality generally.

In particular, the proposed sinking of the parking under the building minimises the visual dominance of parking accommodation, allowing the ground floor that cantilevers over the driveways to become the prominent feature of the building. This building's appearance is further softened by landscaping in front of the site as well as on the roof of the ground floor, with the first floor set back behind the front building line.

In addition, the semis have different floor levels to accommodate the slope of the site and provide greater compliance with the maximum building height controls. There are also internal stairs on the ground floor levels of both dwellings to the rear living room to the building down at the rear to better align with the levels of the rear yard, further minimising the scale of the building from the rear.

The scale is compatible with the dwellings surrounding and in the immediate vicinity of the site, including new dual occupancy and semi-detached dwelling developments in the street, and compatible with the desired future character of the locality.

The desired future character of the locality is maintained notwithstanding any technical non-compliance with the standard in this case that arises prior to the correction of the subdivision.

- Objective (d) - to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality

The environmental amenity of neighbouring properties is preserved to the same extent that is anticipated by full compliance with the controls. There are no further impacts on solar access, privacy, views, visual bulk or the like caused by any variation to the standard.

The amenity of the locality is unaffected by the variation because it technically arises in the absence of a subdivision correction that can not be perceived and is immaterial to the experience of the building from the neighbouring properties or the locality. In addition, the built form provides compliant setbacks, height and landscaping such that its physical bulk meets the objectives of and complies with Council's building envelope controls.

Whether the subdivision line is corrected or not, the building's scale has been limited to be within the form anticipated by the DCP controls, allowing for the neighbouring properties to receive more than the full extent of solar access and privacy that is expected of the controls.

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 found that is not necessary to demonstrate that a development will result in a "better environmental planning outcome for the site" relative to a development that complies with the development standard. Clause 4.6 does not directly or indirectly establish this test. The requirement in clause 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard.*
 - (ii) *A lack of environmental impact does not in itself provide for sufficient environmental planning grounds to vary a standard, however it is noteworthy that the FSR breach itself does not:*
 - *cause any view loss to neighbouring buildings or from the public domain beyond that which would be occur from a compliant development;*
 - *cause any further privacy impacts on neighbouring buildings as there is no overlooking from areas associated with the floor area breach;*
 - *cause any greater level of density on the site or represent an overdevelopment of the site given the limited extent of variation and noting it does not provide any additional accommodation, but rather a means of access to parking only;*
 - *cause any additional overshadowing onto nearby buildings; or*
 - *manifest in any additional visual bulk or scale when viewed from neighbouring buildings or the public domain.*
 - (iii) *In this case there are sufficient environmental planning grounds to support a variation, as follows:*
 - *The building demonstrates a high level of design excellence by offering parking below the street level to make it a less dominant feature in the streetscape and a stepped form above.*
 - *The scale of the building is consistent with the building envelope controls outlined in the DCP that dictate desired future character;*
 - *The topography of the site lends itself to the utilisation a lower basement level in a built form that responds to the site's incline.*

- *The compressed footprint of the building and arrangement of floor space allows for a larger landscaped area, open space area and front landscaping area than is anticipated by the controls (by 21%, 296% and 86% larger respectively).*
 - *The building height along the side setbacks is modulated between 1, 1.5 and 2 storeys to further reduce its visual scale when viewed from the adjoining properties, whereby the front of the dwelling is 5.34m to 5.52m in height and the rear is 4.31m to 4.38m in height, with the central section of the building attaining the maximum wall heights of 7.5m, allow of which remains below the maximum building height standard of 8.5m.*
 - *The building design introduces passive surveillance over the street.*
 - *The scale of the building is appropriate to the locality, is unaffected by the variation, and meets all other relevant controls for the site;*
 - *The design satisfies the Objects of the EP&A Act 1979 (Section 1.3), in particular by facilitating the promotion of good design and amenity of the built environment;*
 - *The proposal satisfies the Objects of the EP&A Act 1979 (Section 1.3), in particular by facilitating the orderly use of land via the provision of two dwellings that comply with all development standards following the correction of the off-cantered subdivision of the land.; and*
 - *The proposal is consistent with the objectives of the development standard and the objectives of the zone.*
- (iv) *These planning grounds are unique to this particular development and arise from the site's topography and characteristics, specifically its existing subdivision into two Lots that, once equalised into two matching lot sizes, allows for the provision of a pair of semi-detached dwellings compliant with the FSR development standard.*
- (v) *The boundary realignment itself is not genuinely in contention in this application as there are two existing Lots on the site. The Lots are able to be 'equalised' via the SEPP Exempt and Complying Development Codes 2008 without Council approval. If this was to occur, the 'worst case scenario' calculations according to Council's deferral letter would manifest into 8.5m² or 3.6% variation to the standard, attributable entirely to an internal stair and circulation space to the car parking. [It is noted that the 'worst case scenario' refers to the calculation of FSR compliance based on the existing lot areas as well as the inclusion of the basement stairs and accessway as calculable GFA, which is no longer in question].*
- (vi) *The benefits listed above arise from the elements of the building that contravene the standard, not simply from the development as a whole, consistent with the matters set out in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118.*

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 noting that despite the numerical non-compliance, the proposal will deliver two semi-detached dwellings of scale that is consistent with the desired future character of the area, as envisaged under the LEP and DCP controls. The proposed dwellings are of a high architectural standard and present as pair to the street. The proposal will not result in adverse environmental impacts on adjoining properties or the public domain, including overshadowing, privacy.

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 FSR development standard area:

- (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 proposal as the subject site is not contained within the Bondi Junction Centre.

Notwithstanding the FSR non-compliance, the proposed development achieves objectives (b), (c) and (d) of clause 4.4, in that:

- The proposal complies with the maximum height of buildings development standard under clause 4.3 of the Waverley LEP 2012, and generally complies with the maximum wall height under the Waverley DCP 2012. The proposed wall heights vary as the building steps at the front and rear, to minimise visual bulk as viewed from the street and adjoining dwellings, and from east to west, responding to fall of the site. The numerical non-compliance resulting from the existing lot sizes and the location of the central boundary line has no consequence on the proposed built form outcome or perceived height, bulk or scale. The proposed development remains compatible with the heights of the adjoining dwellings.
- As outlined above, the numerical non-compliance does not alter the proposals compatibility with the bulk, scale, streetscape and desired future character of the locality. The Waverley LEP 2012 and Waverley DCP 2012 controls envisage two-three storey, detached or semi-detached development on the site as proposed. The proposed semi-detached dwellings rightfully present to the street as a pair, symmetrical in bulk and scale regardless of the location of the central boundary. the wide and low presentation of the dwellings and modulation using vertical and horizontal elements, reflects recently completed development in the vicinity of the site. The proposal will not visually dominate the streetscape, with recessive basement garages and first floors. The proposal incorporates sufficient landscaping.
- The numerical non-compliance, resulting from the existing lot sizes and absence of a subdivision correction, does not alter the proposals potential environmental impacts on adjoining dwellings, with no further impacts on solar access or visual and acoustic privacy by variation to the standard. The location of the central boundary is immaterial to the impacts of the proposed built form. These impacts are not unreasonable as they result from a scale of built form that is envisaged under the WLEP 2012 and WDCP 2012 controls.

The objectives of the R2 – Low Density Residential zone are:

- *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 zone objectives in that it provides two semi-detached dwellings contributing to the low-density residential environment. The remaining objective is not relevant to this application.

Conclusion

For the reasons provided above the requested variation to the FSR development standard, based on the existing lot areas is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of clause 4.4 floor space ratio and the R2 zone.

2.1.5 Waverley Development Control Plan 2012 (Waverley DCP 2012) (Amendment 8) Effective 1 August 2020

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

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

Development Control	Compliance	Comment
1. Waste	Yes	<p>A Site Waste and Recycling Management plan has been submitted with the application to address waste disposal during construction. A condition of consent will be imposed regarding ongoing waste on site.</p> <p>The waste and recycling storage area is conveniently located for users of the site.</p>
2. Ecologically sustainable Development	Yes	<p>A BASIX Certificate has been submitted with the application and is deemed acceptable, achieving compliance with the State regulated energy efficiency and water conservation targets. The proposal incorporates passive design and natural ventilation. Given the low scale of this development, the proposal is considered to adequately address the objectives of this part of the DCP.</p>
3. Landscaping and Biodiversity	Yes	<p>A Landscape Plan has been submitted with the application and is deemed acceptable. The landscape plan identifies eight new local native Riberry Lilly Pilly trees (<i>Syzygium luehmannii</i>) to be planted along the rear of the site. An additional 103 shrubs, climbers and accent plants are proposed across the site as well as 16m² of Mondo Grass and Aspidistra, and a large lawn area, within the front and rear yards and the ground floor roof above the lounge. The proposed landscaping is cohesive with the site and the streetscape.</p> <p>The application was referred to Council's Tree Management Officer who raised no objection to the proposal (refer to Section 3.4).</p>
5. Vegetation Preservation	Yes (subject to conditions of consent)	<p>The site does not contain remnant vegetation which are listed as threatened in the <i>Environment Protection and Biodiversity Conservation Act 1999</i>, and in the <i>NSW Biodiversity Conservation Act 2016</i>.</p> <p>As outlined in Section 2.1.3, the proposal will result in the removal of seven trees, six within the site and one on Council's nature strip.</p>

Development Control	Compliance	Comment
		The application was reviewed by Council's Tree Management Officer who raised no objection to the proposal (refer to Section 3.4).
6. Stormwater	Yes (subject to conditions of consent)	<p>A Stormwater Management Plan and the mandatory checklist of the Waverley Council Water Management Technical Guidelines has been submitted with the application.</p> <p>The application was referred to Council's Stormwater Design and Flood (Infrastructure Services) department. The referral concluded that the stormwater plans are unsatisfactory. Standard conditions of consent are recommended to address this matter post-determination.</p>
8. Transport	Yes (on merit)	<p>The proposed garages have a satisfactory impact on the character of the streetscape, and the proposed dwellings. The garages are appropriately designed and located, behind the front building line and below the proposed two-storey dwellings, making them recessive in appearance. The garages compliment the design of the dwellings, incorporating contemporary materials. The garages comply with the required dimensions and accommodate two spaces, being the maximum rate of parking permitted in the parking zone.</p> <p>Each of the proposed garages are accessed via a single-width driveway crossing. It is noted the existing driveway crossing on the western lot (Lot 1 in DP 69987) will be relocated to service dwelling 12A. Despite representing a non-compliance with the DCP provisions, the separated driveways are considered acceptable in that:</p> <ul style="list-style-type: none"> • They will provide access to two Torrens title lots; • They will not result in the loss of more than one on-street car parking space; • They will avoid creating vehicular and pedestrian conflict between the two dwellings; • They provide for centralised entries to the dwellings, breaking up the appearance of garage doors across the front façade; and • They provide for increased landscaping in the front yard, at the boundaries of each

Development Control	Compliance	Comment
		<p>dwelling which improves streetscape appearance.</p> <p>The application was referred to Council's Traffic and Development team. The proposal was not supported and recommended design amendments, including consolidation to a single driveway crossing and amendment of driveway gradients, were requested. The amended plans / documentation provided a response to these matters. As outlined above, the separated driveway crossings are supported on merit. Further, the gradients of the proposed driveways comply with the relevant Australian Standards and are supported from a planning perspective (refer to Section 3.1 for further discussion).</p>
10. Safety	Yes	The proposal does not contravene the objectives of this part of the DCP.
11. Design Excellence	Yes	The proposal demonstrates design excellence. The proposed dwellings comprise contemporary materials and finishes, compatible with the streetscape character.
13. Subdivision	Yes (on merit)	<p>As outlined in Table 1 above, the site comprises two existing Torrens Title lots which are below the minimum subdivision lot size, representing an existing variation to the development standard. The proposal seeks consent for the adjustment of the central boundary, by 1.372m to the east, regularising the Torrens Title lots. The proposed lot areas seek a variation to the development standard.</p> <p>Given that the application does not seek to subdivide land, rather seeks a boundary adjustment to regularise the existing lots, the subdivision controls have limited application. Notwithstanding, the lots are acceptable in that:</p> <ul style="list-style-type: none"> • They will maintain the established character of low density dwellings; • They will provide for two equal lots that reflect and reinforce the predominant subdivision pattern of the area; • They will provide sufficient lot widths and areas to deliver the proposed dwellings; and • They will not compromise any significant features of the existing or adjoining sites, including streetscape character.

Development Control	Compliance	Comment
14. Excavation	Yes	<p>The proposal includes partial excavation of the site by a maximum of approximately 1.7m, to a depth of RL 26.58m, to accommodate the basement garages and storage areas.</p> <p>The proposed excavation is acceptable in that:</p> <ul style="list-style-type: none"> • It will not add unnecessarily to the scale or visual bulk of the dwellings. The dwellings remain compliant with the maximum height of building and setback controls and appear as 1.5 storeys only when viewed from the street; • It will not result in the removal of significant landform or vegetation; and • It will not result in excavation within 900mm of the side boundaries.

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

The proposal is defined as a 'Semi-detached dwelling' in the WLEP 2012.

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 • High design standard 	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> • Maximum wall height of 7.5m 	No	<i>Refer below table for further discussion.</i>
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> • Predominant front building line • Predominant rear building line at each floor level 	Yes	<p>The proposal extends no further than the predominant front building line of adjoining dwellings at both the ground floor and first floor.</p> <p>The proposal extends no further than the rear building line of the adjoining dwelling, to the east (14 Blake Street) at both the ground floor and first floor. The proposal extends no further than the rear building line of the adjoining dwelling to the west (10 Blake Street) at the ground floor. However, as this dwelling is single</p>

Development Control	Compliance	Comment
<p>are incorporated into the design.</p> <ul style="list-style-type: none"> Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 		
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 (on merit)	<i>Refer below table for further discussion.</i>
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	No significant public or private domain views will be unreasonably impacted by the proposal.
2.8 Car parking		
<p>2.8.2 Design Approach</p> <ul style="list-style-type: none"> Parking only allowed where site conditions permit Designed to complement the building and streetscape Car parking structures to be behind the front building line Driveways are to be located to minimise the loss of on street parking 	Yes	On-site car parking in the form of integrated garages is common within the locality. As outlined in Table 2 above, the proposed garages and driveway crossings are appropriately designed and located and will have a satisfactory streetscape impact.
<p>2.8.2 Parking rates</p> <p><i>Maximum rates:</i></p> <ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms 	Yes	Two car spaces are provided in each garage.

Development Control	Compliance	Comment																		
2.8.3 Location <ul style="list-style-type: none"> Behind front building line for new dwellings Existing development to be in accordance with the hierarchy of preferred car parking locations 	Yes	As outlined above, the proposed garages are located behind the front building line, integrated into the design of the building.																		
2.8.4 Design <ul style="list-style-type: none"> Complement the style, massing and detail of the dwelling Secondary in area & appearance to the design of the residences 	Yes (on merit)	<p>The garages compliment the design of the dwellings, incorporating contemporary materials. Located below the dwellings, the garages are secondary to the proposed dwellings as viewed from the Blake Street.</p> <p>One tree ('Tree 2') located on Council's nature strip is proposed to be removed to accommodate construction of the driveway crossing. Council's Tree Management Officer has reviewed the application and raises no objection (refer to Section 3.4).</p>																		
2.8.5 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	Vehicle spaces achieve the minimum 5.4m x 2.4m.																		
2.8.6 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) Crossings not permitted where 2 on street spaces are lost 	Yes	One driveway is provided to each Torrens Title lot. Each driveway measures 3m in width. Recommended conditions of consent are included to address the delivery of the driveway crossings post-determination. The driveway location will result in the removal of one on-street car space only.																		
2.9 Landscaping and open space																				
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided Outdoor clothes drying area to be provided 	Yes	<p>The amended architectural drawings submitted with the application note the following:</p> <table border="1"> <thead> <tr> <th></th><th>Lot 1, DP 69987 – 12A (western lot)</th><th>Lot 1, DP 70144 – 12B (eastern lot)</th></tr> </thead> <tbody> <tr> <td>Open space (40% / 121.89m²)</td><td>147.89m²</td><td>147.82m²</td></tr> <tr> <td>Landscaped area (15% / 45.71m²)</td><td>60.72m²</td><td>58.29m²</td></tr> <tr> <td>Private open space (25m²)</td><td>97.71m² (including balconies)</td><td>96.62m² (including balconies)</td></tr> <tr> <td>Front open space (50% / 13.03m²)</td><td>26.06m²</td><td>26.06m²</td></tr> <tr> <td>Front landscaped area (50% of 13.03m² – 6.5m²)</td><td>12.08m²</td><td>12.08m²</td></tr> </tbody> </table>		Lot 1, DP 69987 – 12A (western lot)	Lot 1, DP 70144 – 12B (eastern lot)	Open space (40% / 121.89m ²)	147.89m ²	147.82m ²	Landscaped area (15% / 45.71m ²)	60.72m ²	58.29m ²	Private open space (25m ²)	97.71m ² (including balconies)	96.62m ² (including balconies)	Front open space (50% / 13.03m ²)	26.06m ²	26.06m ²	Front landscaped area (50% of 13.03m ² – 6.5m ²)	12.08m ²	12.08m ²
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Development Control	Compliance	Comment
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 pools are located in the rear yard.</p> <p>It is noted that the amended proposal results in the relocation of the pools to the central shared boundary and reduces the finished level of the pool coping and decking, in response to privacy concerns to and from adjoining dwellings.</p> <p>Despite being located on the shared boundary, the central fence is approximately 1.8m above the pool level of dwelling 12B (east), sufficiently mitigating overlooking between the pools and rear open space of each dwelling.</p> <p>A separate and acoustically treated enclosure is proposed for both pools.</p>
2.13 Semi-detached dwellings and terrace style development		
Various objectives and controls	Yes	<p>It is noted that Section 2.13 of the DCP predominantly relates to proposed alterations and additions to existing semi-detached dwellings.</p> <p>Notwithstanding, the proposal achieves objective (d) in that the two dwellings have been designed as a matching pair, symmetrical in form and character, when viewed from the street frontage and rear.</p>

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

Height

The proposal has varying wall heights due to the sloped nature of the site. At their highest points the western elevation has a maximum wall height of 7.9m (RL 35.5 – RL 27.60), the eastern elevation has a maximum wall height of 7.81m (RL 36.36 – RL 28.55) and the central shared wall has a maximum wall height of 8.19m (RL 36.36 – RL 28.17) (refer to Figure 11), resulting in a numeric variation to the DCP.

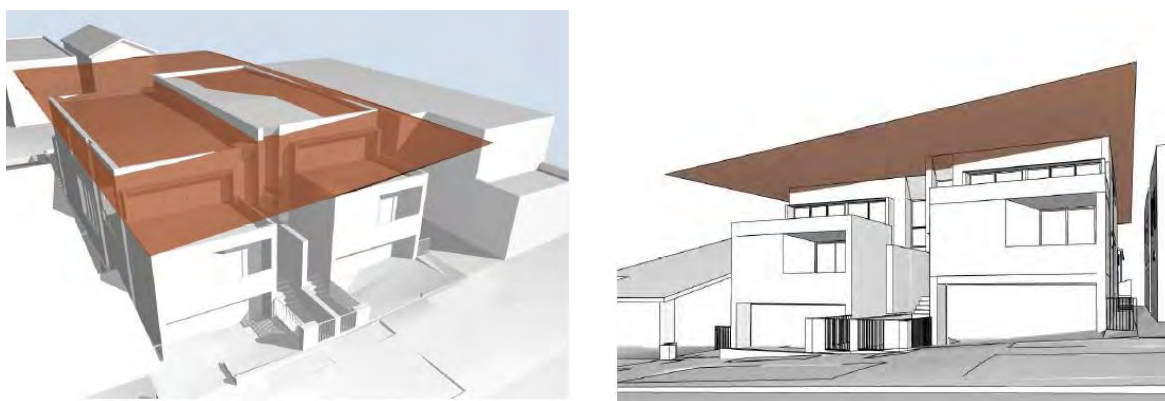


Figure 9: Height study of proposed development viewed from Blake Street (Source: Architectural Drawings, MHNDUNION, 2020)

This variation is considered acceptable given:

- The proposal complies with the maximum building height development standard under the Waverley LEP 2012;
- The proposed height is commensurate with (and lower than) surrounding dwellings, where there is a repeated pattern of non-compliant wall heights, particularly on the western (lower) elevation, caused by the sloped topography;
- The non-compliant wall heights will not result in unreasonable overshadowing impacts to adjoining dwellings;
- The front of the building as it presents to the street is substantially lower than the overall building height, with the first-floor being setback by approximately an additional 4.7m, ensuring that the first-floor form and non-compliant wall sections are recessive in nature when viewed from Blake Street; and
- The central wall of between the two dwellings has a greater numeric non-compliance as the existing ground levels are artificially lower at this point in the middle of the site as compared to the natural topography of the street. However, the non-compliant central wall height will not result material impacts of either dwelling.

Visual and acoustic privacy

Window openings on the eastern and western elevations (side) at the ground floor and first floor are appropriately sized and located to mitigate privacy impacts to and from adjoining dwellings. Highlight or slimline windows are proposed for the ground floor laundries and bathrooms, and first floor bedrooms, bathrooms and walk-in-robos. A larger dining room window is proposed for each dwelling, however, is appropriately offset or screened by louvres from adjoining windows. A recommended condition of consent has been included to ensure these louvres are fixed, upwards, at 45 degrees, to maintain adequate solar access whilst mitigating overlooking between dwellings, particularly the adjoining window at 10 Blake Street.

Window and door openings on the northern (rear) and southern (front) elevations at the ground floor and first floor will not result in unreasonable privacy impacts to and from adjoining dwellings being appropriately setback and screened by fencing, landscaping and existing built form. It is noted that the retention of 'Tree 4' on the eastern boundary, as detailed in this report, will mitigate views to and from the north-east.

The proposal provides for a small rear balcony to the master bedroom at the first floor of each dwelling. The balconies have a depth of approximately 1.2m and an area of 4.73m² (western lot – 12A) and 4.71m² (eastern lot – 12B), which complies with the DCP. It is noted that the amended proposal reduced the depth of the balconies and replaced the glazed balustrades with palisades, to address privacy impacts to and from adjoining dwellings. Whilst it is acknowledged that views to and from adjoining properties may be achieved from the proposed rear balconies windows, the balconies are small in size, adequately setback from the rear and side boundaries, are screened on both sides, are accessible from a room of low use (bedroom), and when combined with the existing and proposed landscaping in the rear yards, the privacy impacts to and from the adjoining dwellings is not considered unreasonable.

In addition to the above, consideration has also been given to potential visual and acoustic privacy impacts from the rear private open space areas and swimming pools. It is noted that the amended proposal reduces the finished level of the internal living area, external rear deck and yard of both dwellings to more closely align with the existing ground level of the site in order to address privacy impacts to and from adjoining dwellings. This is achieved by the inclusion of steps between the dining

and living area and deck and lower yard. Refer to the northern elevation (DA 3101) and ground floor plan (DA 2001). Further, the amended proposal results in the relocation of the pools to the central shared boundary and reduces the finished level of the pool coping and decking, in response to privacy concerns. The proposal will require some excavation and some fill with the rear of the site to ensure level areas for the two dwellings. Taking into consideration these amendments, the location of the rear deck being setback behind the rear building line of the adjoining dwellings, the solid side walls to each deck area, and the existing and proposed landscaping and fencing, it is considered that there are no unreasonable privacy impacts to and from adjoining dwellings from the ground floor or rear yard.

Solar access

The Shadow Diagrams provided with the application indicate that the proposed rear principal open space and ground floor living areas will receive adequate solar access.

The proposal will result in additional overshadowing of the eastern elevation of 10 Blake Street, including windows, at 9am and 10am in mid-winter. It is understood that these windows (from south (front) to north (rear)) adjoin a bedroom, bathroom, bedroom, dining area, and ensuite to a rear bedroom. The DCP controls relate to living areas only. The dining room window is shadowed at 9am, however only partially shadowed at 10am and unshadowed by the proposal at 11am. The proposal will not result in additional overshadowing of the rear principal open space of 10 Blake Street.

The proposal will result in additional overshadowing of the western elevation of 14 Blake Street, including windows, at 12pm to 3pm in mid-winter. These windows (from south (front) to north (rear)) adjoin the entry, study and living / dining area at the ground floor, and bedrooms and bathrooms at the first floor. The DCP controls relate to living areas only. The living / dining area windows are unshadowed at 12pm, partially shadowed at 1pm and shadowed by the proposal at 2pm and 3pm. The living / dining area benefits from full-height glazed doors to the rear (north) which are unshadowed by the proposal. The proposal will not result in additional overshadowing of the rear principal open space of 14 Blake Street.

It is noted that any two-storey development, envisaged under the current controls, would result in additional overshadowing of the adjoining dwellings to some degree. Therefore, the test becomes whether the development is a reasonable expectation for the site. The proposal complies with the maximum building height development standard under the Waverley LEP 2012 and setback controls under the Waverley DCP 2012. In this regard, it is considered that the overshadowing impacts of the proposal are not unreasonable.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

The application was notified for 21 days in accordance with the *Waverley Community Participation Plan 2019 (Amendment 1)*.

Five 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
14 Blake Street, Rose Bay
10 Blake Street, Rose Bay
9 Roberts Street, Rose Bay
11 Roberts Street, Rose Bay
13, Roberts Street, Rose Bay

Issue: Visual privacy

Response: This issue has been addressed in detail above. The proposal will not result in unreasonable visual privacy impacts to and from adjoining dwellings. It is noted that the amended proposal reduces the finished level of the internal living area, rear deck and yard, relocates the proposed swimming pools the central shared boundary and reduces the size of the rear first-floor decks to further mitigate potential privacy impacts.

Issue: Overshadowing

Response: This issue has been above.

Issue: Tree removal

Response: This issue has been addressed above.

Issue: Excavation

Response: This issue has been addressed above. Standard conditions of consent are recommended to further address this issue post-determination.

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 Traffic and Development (Infrastructure Services)

The application was referred to Council's Traffic and Development department. The draft referral concluded that the proposed driveways were not supported on the following grounds:

- 1. The gradients of the driveway do not comply with AS2890.1. In particular, the driveway is to have a 1:20 (5%) gradient for the first 6 metres inside the site. The plans show a 1:8 (12.5%) gradient for the first 2 metres inside the site, 4 metres too short. A variation from the 6 metre requirement to 4.5 metres is acceptable to Council. The reduced length of 4.5 metres can accommodate the front and rear wheels of both a B85 and B99 vehicle. This relaxation is based on professional judgement. It is not specified in AS2890.1.*
- 2. The proposed 2 driveways are not acceptable. A single 3 metre driveway is to be provided from the property boundary to the street.*

On point 1, an additional information request was sent to the applicant to address the driveway design. On review of the applicant's written response and minor amendments to the plans, from a planning perspective, the proposed driveways are supported in their current form, for the following reasons (as outlined in the applicant's response):

- The requirement for the 1:20 (5%) gradient referred to above is a reference to clause 3.3 of the AS2890.1. On review of this clause, these requirements are for larger developments, with clause 2.6 providing a specific exemption for gradients relating to domestic properties. The proposed development is for the construction of a pair of semi-detached dwellings and meets the threshold of being a domestic property under clause 2.6. Therefore, the above requirement does not apply to the proposal.
- If the technical exemption was not accepted, and compliance with the standard applying to larger developments achieved, this would have significant implications for the design of the proposal. These include:
 - To provide an elongated driveway at a reduced gradient, would require additional excavation and the extension of the entire building a further 4.5m to the rear to achieve required clearance heights. This extension would result in non-compliant rear setbacks, deep soil and landscaped areas and likely result in adverse impacts to and from adjoining dwellings, including overshadowing and overlooking. This is an undesirable outcome.
 - To provide an elongated driveway at a reduced gradient but maintain rear setbacks, internal levels would need to be raised upwards of 1 metre, resulting in a non-compliance with the maximum height of building development standard. The non-compliance would raise existing ground levels, result in additional bulk and scale and likely adverse amenity impacts to and from adjoining dwellings, including overshadowing and overlooking. This is also an undesirable outcome.

On point 2, the proposed driveways provide access to two existing Torrens Title lots. From a planning perspective, the driveway crossings are appropriately designed and located as described in Table 2 and Table 3 above.

Therefore, despite not meeting the recommended amendments outlined the draft traffic referral, the proposal, including the driveways, are supported and recommended for approval, subject to conditions of consent.

3.2 Stormwater Design & Flooding (Infrastructure Services)

The application was referred to Council's Stormwater Design and Flooding (Infrastructure Services) department. The referral concluded that the plans are unsatisfactory in regard to stormwater details. Standard conditions of consent are recommended to address this matter post-determination.

3.3 Land Information / GIS (Waverley Digital)

The application was referred to Council's Land Information Officer. The referral raised no objection to the proposal, subject to recommended conditions of consent.

3.4 Tree Management Officer

The application was referred to Council's Tree Management Officer. The referral raised no objection to the proposal, noting that the removal of the oleander on the nature strip is appropriate as it is an exempt species

4. SUMMARY

The proposal seeks consent for the demolition of the existing dwelling, boundary adjustment and construction of two semi-detached dwellings including integrated garage and swimming pools on two existing Torrens Title lots Lot 1 DP 69987 (west) and Lot 1 in DP 70144 (east)).

The proposal has been amended since first submitted to reduce finished floor levels of the rear living area, deck and yard, relocate the proposed swimming pools to the central boundary, retain a mature tree at the eastern boundary of dwelling 12B, and reduce the size of the first-floor rear balconies and replace the glazed balustrade with palisades. These amendments seek to mitigate privacy impacts to and from adjoining dwellings.

The existing lots are below the minimum subdivision lot size development standard. Following the adjustment of the central boundary, both lots will remain below the minimum lot size, representing a variation to the development standard of 195.3m² or 39% on both lots. The amended proposal complies with the FSR development standard when calculated across the proposed lots, following the proposed boundary adjustment. However, when calculated on the existing lot areas, the amended proposal exceeds the FSR standard for each lot by, 2.39m² or 1.1% (Lot 1 in DP 69987) and 1.46m² or 0.58% (Lot 1 in DP 70144). For abundant caution each of these technical non-compliances have been assessed against Clause 4.6 of the Waverley LEP 2012 and are considered acceptable in the circumstances of the case.

The amended proposal generally complies with the controls of the Waverley DCP 2012, with minor variations considerable acceptable as discussed throughout this report.

The original application was notified and five submissions were received from adjoining properties. The primary concern was visual privacy impacts. The matters raised have been adequately addressed by the amended proposal or via recommended conditions of consent, as detailed in this report. The amended plans did not warrant re-notification of the application as there were no design changes that would result in a greater impact.

There was no declared conflict of interest on the application.

The proposal is recommended for approval.

DBU Decision

The application and assessment report were reviewed by the DBU at the meeting on 13 October 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, 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:



Alicia Baker
Senior Development Assessment Planner

Date: 16 October 2020

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



Bridget McNamara
**Manager, Development Assessment
(North/South)**
Date: 16 October 2020

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

Attachment A

DA-247/2020

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by MHNDUNION, Project No. 20-038, including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA 1002 / Rev B	Site & Roof Plan	25/9/20	28/09/2020
DA 1003 / Rev B	Torrens Title Subdivision Plan	25/9/20	28/09/2020
DA 2000 / Rev B	Basement Plan	25/9/20	28/09/2020
DA 2001 / Rev B	Ground Floor Plan	25/9/20	28/09/2020
DA 2002 / Rev B	Level 1 Floor Plan	25/9/20	28/09/2020
DA 2003 / Rev B	Roof Plan	25/9/20	28/09/2020
DA 3000 / Rev B	Section A	25/9/20	28/09/2020
DA 3001 / Rev B	Section B	25/9/20	28/09/2020
DA 3100 / Rev B	South Elevation	25/9/20	28/09/2020
DA 3101 / Rev B	North Elevation	25/9/20	28/09/2020
DA 3102 / Rev B	East Elevation	25/9/20	28/09/2020
DA 3103 / Rev B	West Elevation	25/9/20	28/09/2020
DA 6000 / Rev B	External Finishes	25/9/20	28/09/2020
DA 6002 / Rev B	Windows and Door Schedule	25/9/20	28/09/2020

- (b) Landscape Plans prepared by Conzept Landscape Architects, including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
LPDA 21 – 012/1 / Rev E	Hardscape Plan	06.08.20	11/08/2020
LPDA 21 – 012/1 / Rev E	Landscape Plan	06.08.20	11/08/2020
LPDA 21 – 012/1 / Rev E	Landscape Plan	06.08.20	11/08/2020
LPDA 21 – 012/1 / Rev E	Details	06.08.20	11/08/2020
LPDA 21 – 012/1 / Rev E	Details	06.08.20	11/08/2020
LPDA 21 – 012/1 / Rev E	Specifications	06.08.20	11/08/2020

- (c) BASIX and NatHERs Certificate/s;

- (d) Stormwater Plans and documentation (Revision A) prepared by RTS Civil Consulting Engineers, dated 03.08.20, and received by Council on 11/08/2020;

- (e) The Site Waste and Recycling Management Plan (SWRMP) Part 1, received by Council on 11/08/2020.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments:

- (a) The louvres to the proposed dining room windows on the eastern and western facades are to be fixed, upwards at a 45-degree angle.
- (b) The Landscape Plans prepared by Conzept Landscape Architects are to be amended to reflect the approved Architectural Plans.

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

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

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

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

CONTRIBUTIONS, FEES & BONDS

5. 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.

6. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$37,400.00** 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.

7. LONG SERVICE LEVY

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

CONSTRUCTION & SITE MATTERS

8. HOARDING

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

9. 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.

10. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

11. ENGINEERING DETAILS

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

TRAFFIC MANAGEMENT

12. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

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

STORMWATER & FLOODING

13. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the

development's stormwater management system must be submitted to the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the Construction Certificate.

The submitted stormwater management plan prepared by RTS Civil Consulting Engineers Pty Ltd, project number 200707, Drawing ID: CP100, SW100, SW101, SW102, SW200 & SW201, Issue A, dated 3/08/2020, are considered unsatisfactory.

The applicant shall amend the 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) OSD Details: The provided plans do not provide sufficient details of the On-Site Stormwater Detention (OSD) tank and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and OSD catchment plan. Council's mandatory OSD checklist as set out in page 22 of the Council's Water Management Technical Manual shall be submitted.
- b) Seepage Control: Seepage water from basement car parks and sub surface flows from structures that intersect high ground water flows shall be pumped and harvested onsite or piped to the underground stormwater drainage system. Piped connections to Council's kerb is not permitted. Through geotechnical testing and assessment of the existing water table depth, Council's Public Domain Engineer shall be contacted to determine the required seepage water disposal option.
- c) Since a sewer main runs through the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval.
- d) Details of any rainwater tank required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the Stormwater Drainage System.
- e) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual.

Notes:

- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to insure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4.00pm Monday to Friday).

ENERGY EFFICIENCY & SUSTAINABILITY

14. BASIX

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

WASTE

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.

LANDSCAPING

16. GREEN ROOF LANDSCAPING DETAILS

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

- a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B2 – 1).
- b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species;

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.

PRIOR TO ANY WORKS

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.

DEMOLITION & EXCAVATION

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. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

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

22. EXCAVATION AND BACKFILLING

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

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

CONSTRUCTION MATTERS

23. CONSTRUCTION HOURS

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

- (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.

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

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

25. CONSTRUCTION INSPECTIONS

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

26. 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.

27. 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.

28. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

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

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

TREE PROTECTION AND REMOVAL

29. TREE PROTECTION

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

30. TREES PERMITTED TO BE REMOVED

The following trees are permitted to be removed;

Tree Species & approx. height	Location	To be replaced with
Oleander (2m)	Council's nature strip adjacent existing driveway	N/A
Camellia Japonica (6m)	Front yard of Lot 1 in DP 70144	Refer to landscape plans
Celtus (12m)	Rear yard at eastern boundary of Lot 1 in DP 70144	Refer to landscape plans
Celtus (12m)	Rear yard at eastern boundary of Lot 1 in DP 70144	Refer to landscape plans
Cocos (11m)	Rear yard at western boundary of Lot 1 in DP 70144	Refer to landscape plans
Cocos (11m)	Rear yard at western boundary of Lot 1 in DP 70144	Refer to landscape plans
Pheonix (2m)	Rear yard at western boundary of Lot 1 in DP 70144	Refer to landscape plans

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.

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

32. NEW VEHICLE CROSSING

A new single vehicle crossing is to be provided to access each of 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.

33. 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.

34. VEHICULAR ACCESS – FINISHED LEVEL

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

35. DRIVEWAY DESIGN

The driveways across Council's footpath shall be designed and constructed to provide a kerb length of not less than 5.0m between laybacks.

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

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

CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS

36. 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.

37. SUBDIVISION CERTIFICATE

A Subdivision Certificate must be obtained from Council in accordance with of the *Environmental Planning and Assessment Act, 1979* prior to the registration of the subdivision plans.

38. CERTIFICATION OF BASIX COMMITMENTS

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

39. CERTIFICATION OF STORMWATER SYSTEM

Prior to issue of any 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 for both lots.

40. ON-SITE STORMWATER DETENTION CERTIFICATION

The submission of certification by a suitably qualified and practicing 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 any Occupation Certificate for both lots.

41. CREATION OF POSTIVE COVENTANT FOR OSD

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

42. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE

Prior to the issue of an Occupation Certificate, Works-As-Executed Drawings (WAED) must be prepared and signed by a registered surveyor for each lot. This drawing must detail the alignment of all pipelines, pits and detention facilities. A suitably qualified and practicing Civil Engineer must certify the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent. All documents shall be submitted to and approved by Council's Public Domain Engineer. 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.

43. 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.

OTHER MATTERS

44. ALLOCATION OF STREET NUMBER

The subdivision of the properties has led to the following allocation of premises numbering for a Torrens title subdivision:

- No. 12A Blake Street for the west allotment;
- No. 12B Blake Street for the east allotment.

The primary address numbers for the properties shall be a minimum of 75mm high, shall be positioned 600mm-1500mm above ground level on the site boundaries, located near the entry points and clearly visible from Blake Street. The primary address numbers are to be positioned on the site prior to the issue of the Occupation Certificate.

Any variation to the above premises numbering requires a new application for a Change of street number and/or location to be lodged with Council.

E. ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2. ENGINEERING PLAN ASSESSMENT AND WORKS INSPECTION FEES

The applicant may be required 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.

AD3. 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.

AD4. 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.

AD5. 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.

AD6. EXCAVATION TO BE LIMITED

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

AD7. BONDI - ROSE BAY SAND BODY

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

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

AD8. TREE REMOVAL/PRESERVATION

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

AD9. WORK OUTSIDE PROPERTY BOUNDARY

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

**12 BLAKE ST,
ROSE BAY, NSW 2029**

LAYOUT NO.	LAYOUT NAME	SCALE	DATE
DA 0000	COVERPAGE	NTS	25/9/20
DA 1000	SITE CONTEXT	1:1000	25/9/20
DA 1001	SITE ANALYSIS PLAN	1:300	25/9/20
DA 1002	SITE & ROOF PLAN	1:200	25/9/20
DA 1003	TORRENS TITLE SUBDIVISION PLAN	1:100	25/9/20
DA 2000	BASEMENT PLAN	1:100	25/9/20
DA 2001	GROUND FLOOR PLAN	1:100	25/9/20
DA 2002	LEVEL 1 FLOOR PLAN	1:100	25/9/20
DA 2003	ROOF PLAN	1:100	25/9/20
DA 3000	SECTION A	1:100	25/9/20
DA 3001	SECTION B	1:100	25/9/20
DA 3100	SOUTH ELEVATION	1:100	25/9/20
DA 3101	NORTH ELEVATION	1:100	25/9/20
DA 3102	EAST ELEVATION	1:100	25/9/20
DA 3103	WEST ELEVATION	1:100	25/9/20
DA 6000	EXTERNAL FINISHES	NTS	25/9/20
DA 6001	PHOTOMONTAGE	NTS	25/9/20
DA 6002	WINDOWS AND DOORS SCHEDULE	1:100	25/9/20
DA 9100	GFA CALCULATIONS (OPT. 1)	1:200	25/9/20
DA 9101	GFA CALCULATIONS (OPT. 2)	1:200	25/9/20
DA 9102	GFA CALCULATIONS (OPT. 3)	1:200	25/9/20
DA 9103	GFA CALCULATIONS (OPT. 4)	1:200	25/9/20
DA 9104	LANDSCAPE AREA CALCULATION	1:200	25/9/20
DA 9105	STREETSCAPE ANALYSIS	1:100	25/9/20
DA 9106	WASTE MANAGEMENT PLAN	1:200	25/9/20
DA 9107	HEIGHT STUDY	NTS	25/9/20

Date Received: 28/09/2020



DEVELOPMENT APPLICATION

- 1 WINDOWS AND EXTERNAL GLAZED DOORS SCHEDULE ADDED TO DRAWING SET, WINDOWS AND EXTERNAL GLAZED DOORS LABELLED IN PLANS.
- 2 GROUND FLOOR AMENDED TO ADD ADDITIONAL STEPS, TO LOWER RL OF LIVING.
- 3 STEPS ADDED IN REAR YARD TO LOWER RL OF GARDEN.
- 4 POOLS MOVED TO CENTRE NEXT TO PARTY WALL.
- 5 TREE 4 TO BE RETAINED.
- 6 SECTION LINE ADDED.
- 7 NOTES ADDED TO CLARIFY STEEL HOOD ABOVE WINDOW .
- 8 WINDOWS ON NEIGHBOURING ELEVATIONS SHOWN.
- 9 RAMP RL LEVELS ADDED, RAMP GRADIENTS AMENDED
- 10 NOTES ON 'STEEL PROFILE HOOD' AMENDED TO CLARIFY APPLICATION
- 11 REAR MASTER BALCONY ON LEVEL 1 REDUCED IN DEPTH IN RESPONSE TO PRIVACY ISSUES TO NEIGHBOUR. GLAZED BALUSTRADE REPLACED WITH PALLISADES
- 12 ADDITIONAL GFA CALCULATION OPTIONS PROVIDED. GFA CALCULATION AMENDED AS PER UPDATED PLANS.
- 13 LANDSCAPE CALCULATION AMENDED AS PER UPDATED PLANS.
- 14 SPOT RL'S OF EXISTING GROUND LEVEL OF SITE ADDED

AMENDED PLANS

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RECEIVED
Waverley Council

Application No: DA-247/2020

Date Received: 28/09/2020

NO AMENDMENTS MADE TO THIS DRAWING

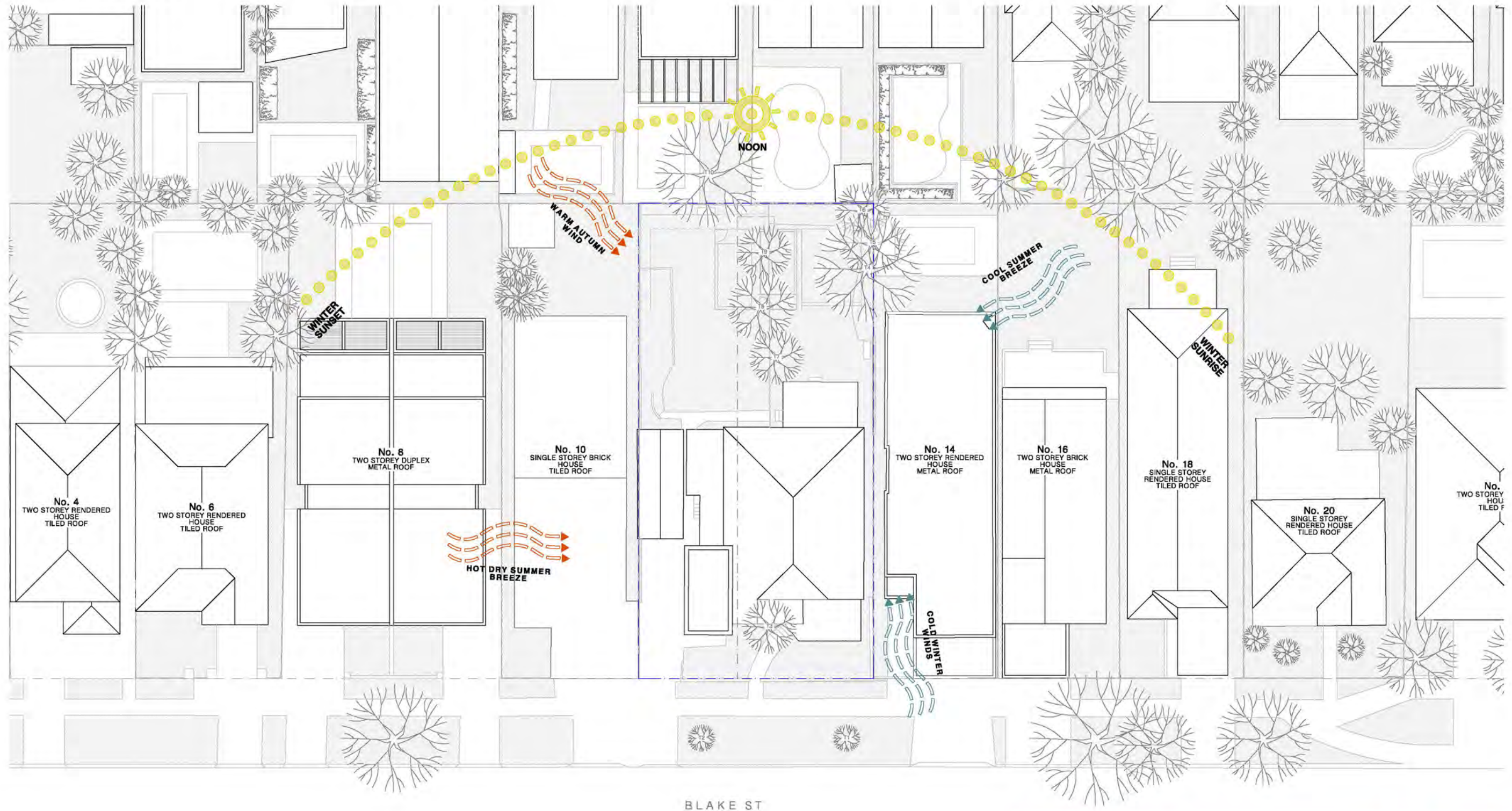


AMENDED PLANS

REV	DESCRIPTION	DATE	ALL CONSTRUCTION TO COMPLY WITH MINIMUM BUILDING CLAUSES & AUSTRALIAN STANDARDS	ARTIFICIAL LIGHTING: TO COMPLY WITH BSCA PART 4.4 & AS1686 BALUSTRADE HEIGHTS: TO COMPLY WITH BSCA CLAUSE 22.16 ENERGY EFFICIENT LIGHTING: TO COMPLY WITH AS/NZS 3600.3.2	BASEL COMMITMENTS (ALL OTHER BASEL COMMITMENTS AS PER BASEL CERTIFICATE AND STAMPED PLANS)	ENERGY EFFICIENT LIGHTING: Compact fluorescent LED in all rooms and common areas. Day lighting, electric, non-ventilating. Outdoor area lighting, 11.5 gpm per dwelling.	NOTES:	ARCHITECT:	DRAWING TITLE:	SCALE:	DRAWN BY:	CHECKED:	
A	DA SUBMISSION	5/8/20	CLAU 8.1.4 MATERIAL & FORMS CONSTRUCTIONS SPEC C.1.1 FIRE RESISTING CONSTRUCTION SPEC C.1.15 FIRE HAZARD PRIORITIES SPEC C.1.1 PERFORMANCE OF EXTERNAL WALLS IN A FIRE CLAU 8.1.2 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL CLAU 8.1.3 SEPARATION OF EQUIPMENT CLAU 8.1.4 ELECTRICAL SUPPLY SYSTEM CLAU 8.1.5 ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS) CLAU 8.1.6 OPENING IN FIRE RATED EXITS CLAU 8.1.7 OPENING FOR SERVICE INSTALLATIONS CLAU 8.1.8 DISCHARGE FROM EXITS CLAU 8.1.9 CORRIDORS AND RISERS CLAU 8.1.10 LANDINGS CLAU 8.1.11 THRESHOLDS CLAU 8.1.12 BALUSTRADES	CLAU 22.17 HANDRAILS CLAU 22.21 OPERATION OF LATCH CLAU 22.23 SIGNS ON DOORS CLAU 22.24 GENERAL BUILDING ACCESS REQUIREMENTS CLAU 22.25 PARTS OF BUILDING TO BE ACCESSIBLE CLAU 22.26 IDENTIFICATION OF ACCESSIBLE FACILITIES/FEATURES CLAU 22.27 TACTILE INDICATORS CLAU 22.28 TACTILE INDICATORS CLAU 22.29 DAMP PROOFING CLAU 22.30 CONSTRUCTION OF SANITARY COMPARTMENTS PART 4.4 LIGHTING AND VENTILATION CLAU 22.31 SOUND INSULATION OF FLOORS CLAU 22.32 SOUND INSULATION OF WALLS CLAU 22.33 SOUND INSULATION OF SERVICES CLAU 22.34 SOUND INSULATION OF PUMPS	CLAU 22.16 BALUSTRADE HEIGHTS: TO COMPLY WITH BSCA CLAUSE 22.16 ENERGY EFFICIENT LIGHTING: TO COMPLY WITH AS/NZS 3600.3.2	WATER OPTIONS SHOWERHEADS TOILETS KITCHEN SINKS BATHROOM SINKS RAIN WATER TANK POOL COLLECT RAIN OFF AREA LANDSCAPED AREA TO BUREAU	3 STAR 4 STAR 5 STAR 6 STAR 7 STAR 8 STAR 9 STAR 10 STAR 11 STAR 12 STAR 13 STAR 14 STAR 15 STAR 16 STAR 17 STAR 18 STAR 19 STAR 20 STAR 21 STAR 22 STAR 23 STAR 24 STAR 25 STAR 26 STAR 27 STAR 28 STAR 29 STAR 30 STAR 31 STAR 32 STAR 33 STAR 34 STAR 35 STAR 36 STAR 37 STAR 38 STAR 39 STAR 40 STAR 41 STAR 42 STAR 43 STAR 44 STAR 45 STAR 46 STAR 47 STAR 48 STAR 49 STAR 50 STAR 51 STAR 52 STAR 53 STAR 54 STAR 55 STAR 56 STAR 57 STAR 58 STAR 59 STAR 60 STAR 61 STAR 62 STAR 63 STAR 64 STAR 65 STAR 66 STAR 67 STAR 68 STAR 69 STAR 70 STAR 71 STAR 72 STAR 73 STAR 74 STAR 75 STAR 76 STAR 77 STAR 78 STAR 79 STAR 80 STAR 81 STAR 82 STAR 83 STAR 84 STAR 85 STAR 86 STAR 87 STAR 88 STAR 89 STAR 90 STAR 91 STAR 92 STAR 93 STAR 94 STAR 95 STAR 96 STAR 97 STAR 98 STAR 99 STAR 100 STAR	EXISTING FLOOR LEVEL REDUCED LEVEL BOUNDARY NEW SUBDIVISION LOT BOUNDARY SETBACK EX BUILDING TO BE DEMOLISHED DCP 7.5M WALL HEIGHT CONTROL LEP 8.5M BUILDING HEIGHT CONTROL	MHNDUNION 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com	SITE CONTEXT PROJECT ADDRESS: 12 BLAKE ST, ROSE BAY NSW 2029	1:1000@A3 ISSUE DATE: 25/9/20 PROJECT NUMBER: 20-038	SL REVISION: B DWG NUMBER: 416	MW REVISION: B DWG NUMBER: 416

Date Received: 28/09/2020

NO AMENDMENTS MADE TO THIS DRAWING

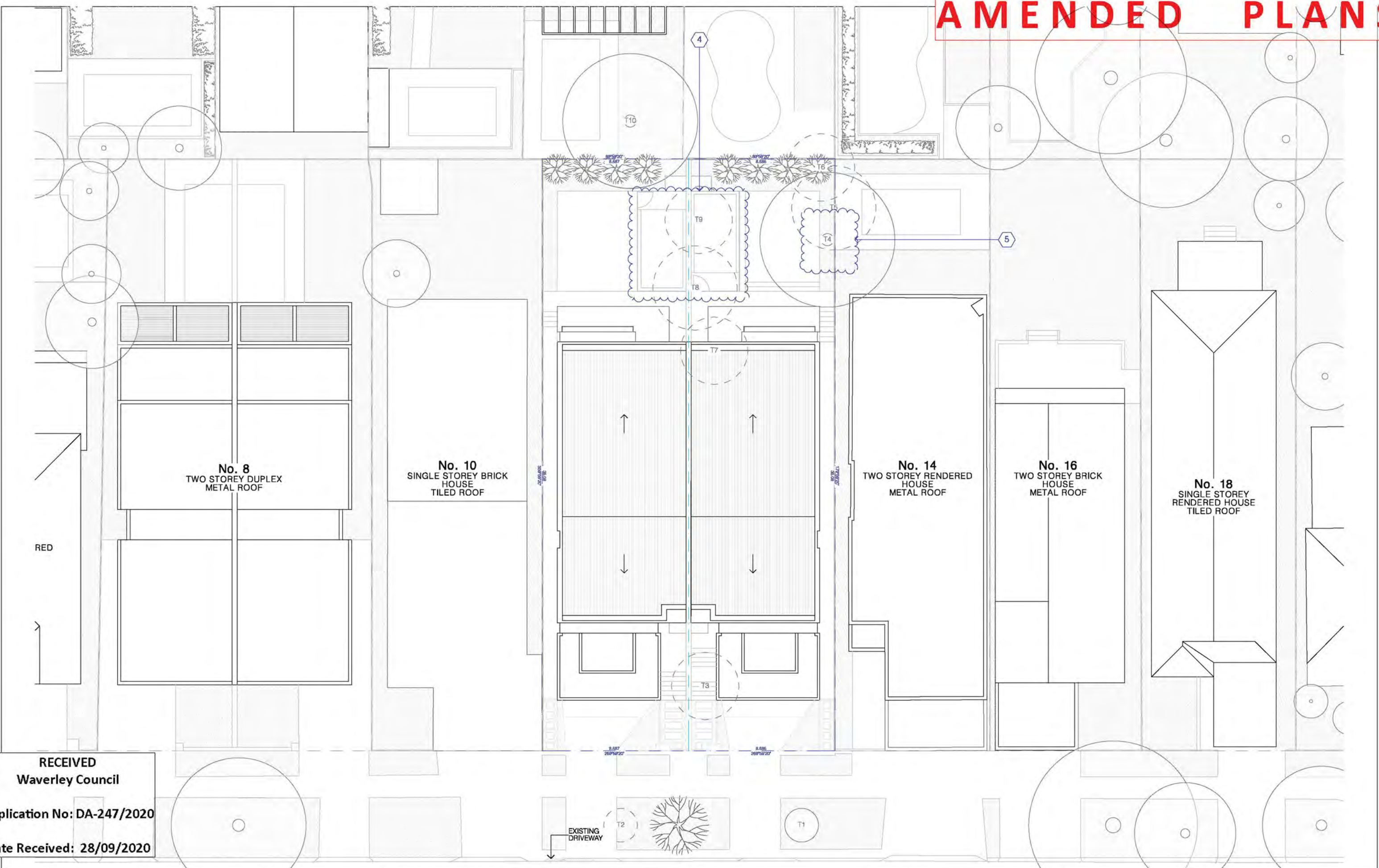


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AMENDED PLANS

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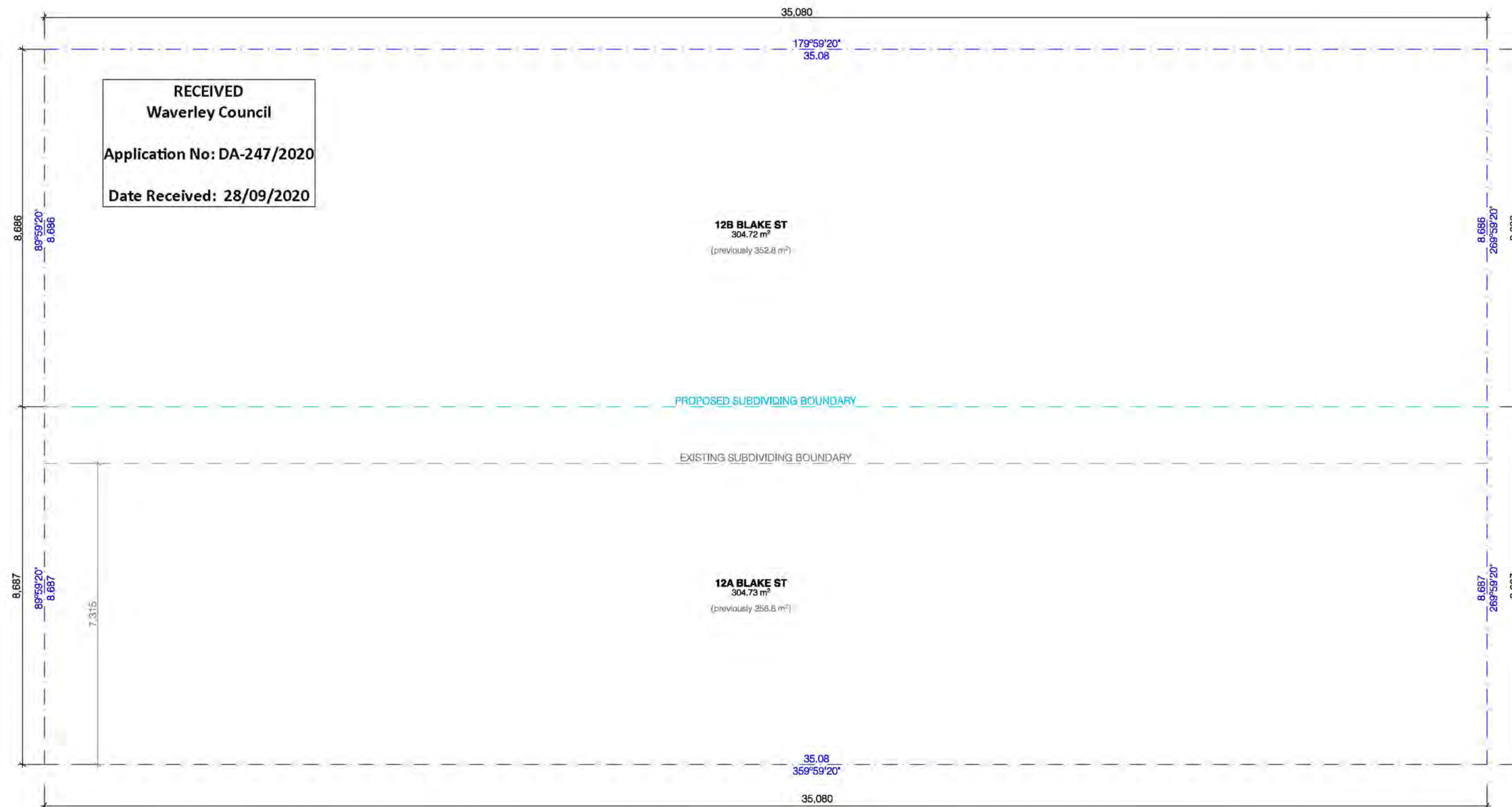
Application No: DA-247/2020

Date Received: 28/09/2020

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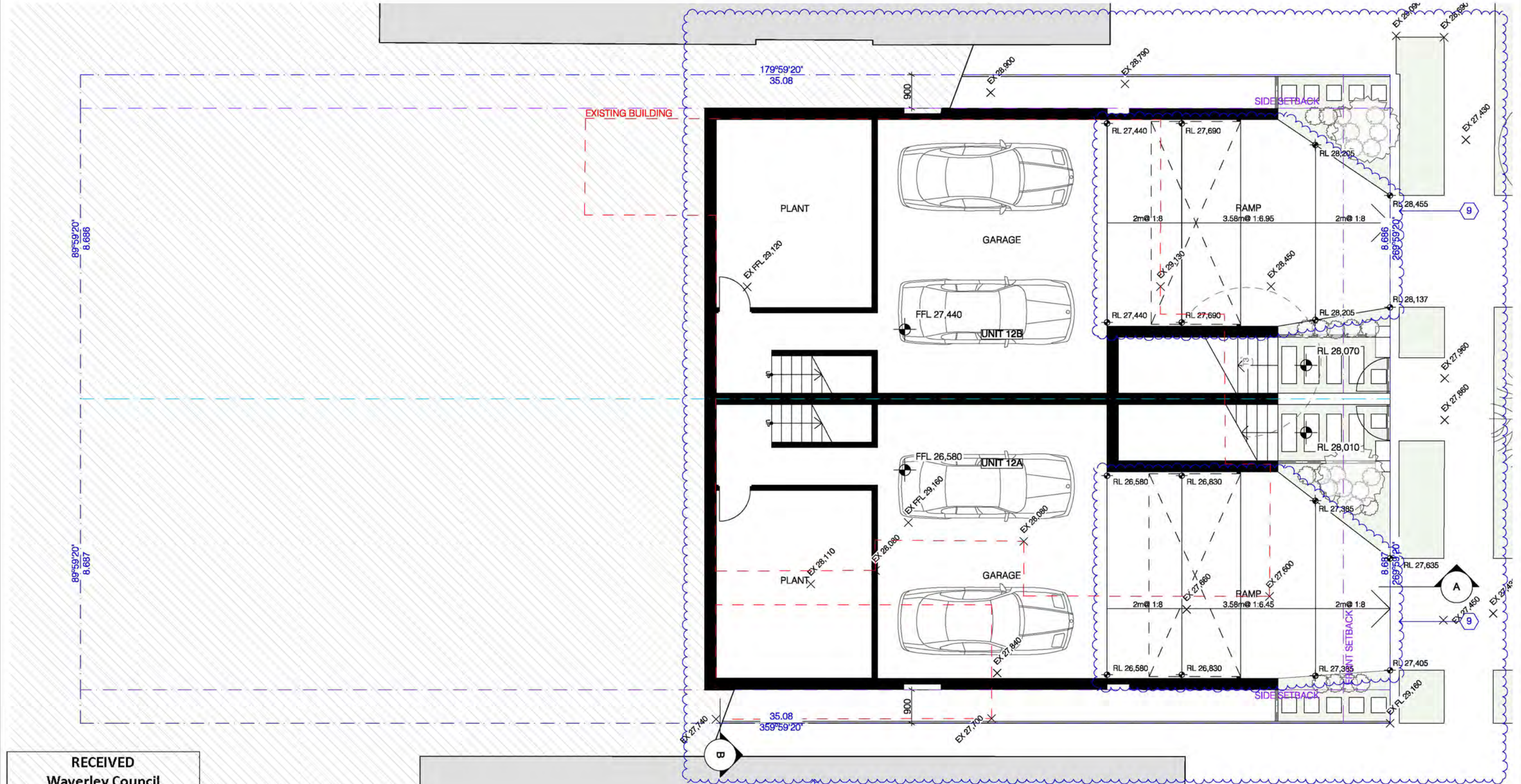
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NO AMENDMENTS MADE TO THIS DRAWING



AMENDED PLANS

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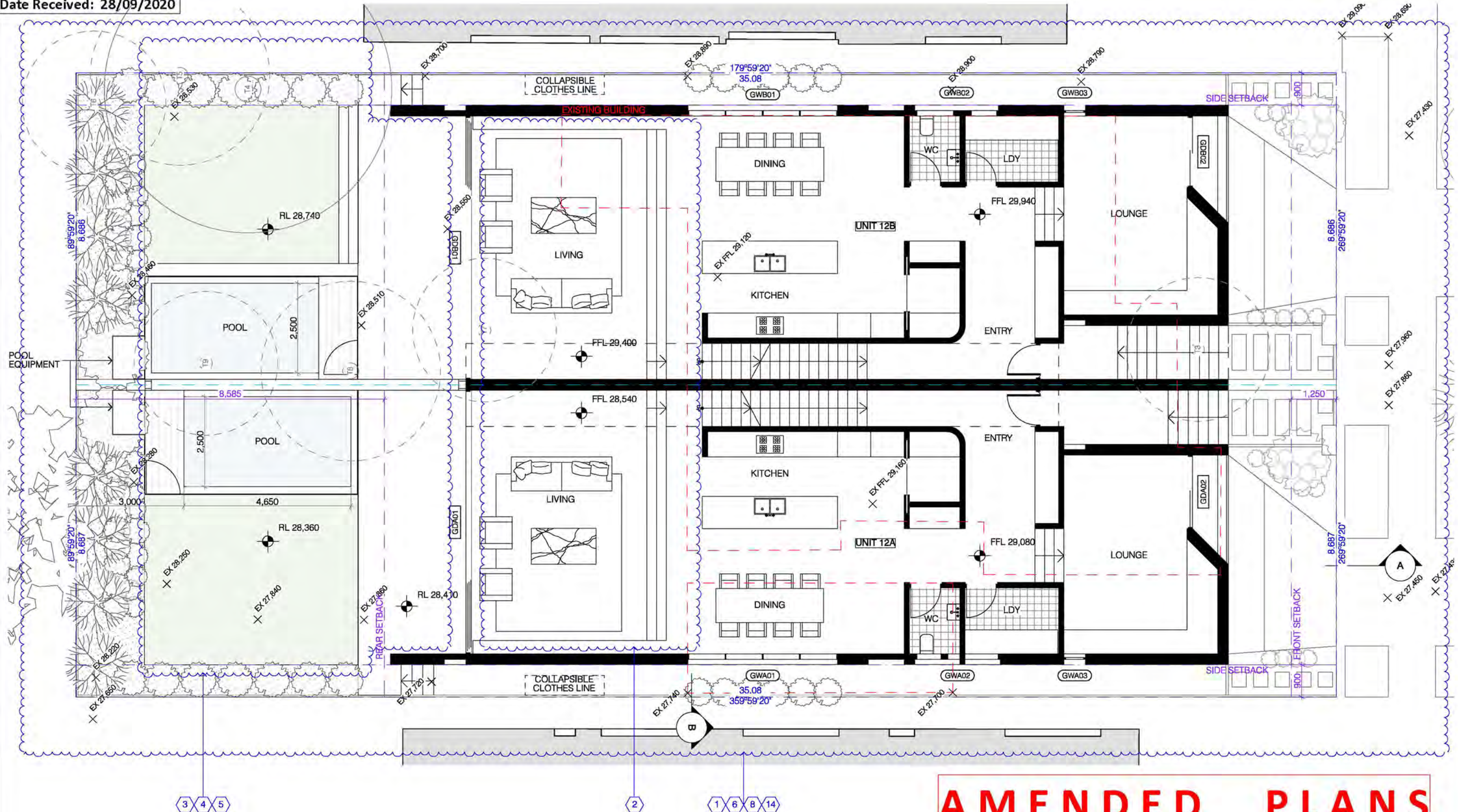
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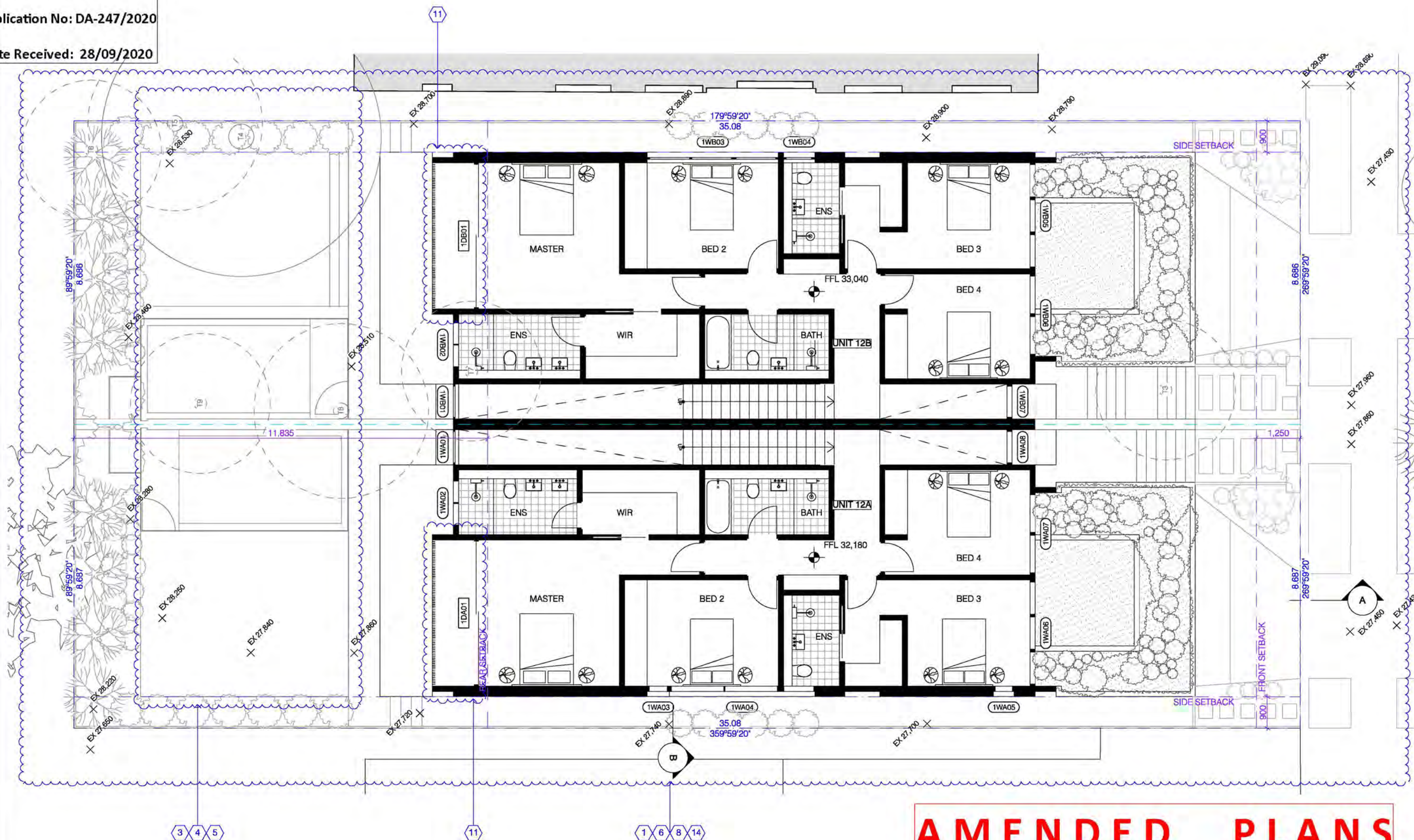
AMENDED PLANS

REV	DESCRIPTION	DATE	ALL CONSTRUCTION TO COMPLY WITH MINIMUM NCC SCA CLAUSES & AUSTRALIAN STANDARDS	ARTIFICIAL LIGHTING: TO COMPLY WITH SCA PART 4.4 & AS 1590 BALUSTRADE HEIGHTS: TO COMPLY WITH SCA CLAUSE 8.1.4 ENERGY EFFICIENT LIGHTING: TO COMPLY WITH 2.1 OF SCA FIRE SERVICES: TO COMPLY WITH SECTION E OF SCA NOTES: SYSTEMS TO COMPLY WITH PART 4.4 OF SCA MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART 4.4 OF SCA MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS 1590 & AS 1590.1 SMOKE ALARMS: TO COMPLY WITH SCA PART 4.4 & SPEC C1.2 & AS 1590	BASEL COMMITMENTS (ALL OTHER BASEL COMMITMENTS AS PER BASEL CERTIFICATE AND STAMPED PLANS) WATER OPTIONS: 1.5 L/s per dwelling TOILETS: 1.5 L/s per dwelling KITCHEN SINKS: 1.5 L/s per dwelling BATHROOMS: 1.5 L/s per dwelling Pools: 1.5 L/s per dwelling COLLECT RUN OFF AREA: 1.5 L/s per dwelling LANDSCAPE AREA TO BE PROTECTED: 1.5 L/s per dwelling	ENERGY EFFICIENT LIGHTING: Compact fluorescent lights to all external and internal areas. One ceiling, three wall, and three floor lights. One ceiling, three wall, and three floor lights. One ceiling, three wall, and three floor lights.	NOTES: EX: EXISTING FFL: FINISHED FLOOR LEVEL RL: REDUCED LEVEL NEW SUBDIVISION LOT BOUNDARY SETBACK EX BUILDING TO BE DEMOLISHED DCP 7.5M WALL HEIGHT CONTROL LEP 8.5M BUILDING HEIGHT CONTROL	ARCHITECT: MHNDUNION 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com MH NI Design Urban Pty Ltd. AHN 04 003 717 602 NPIH Registration Number 4907	DRAWING TITLE: BASEMENT PLAN PROJECT ADDRESS: 12 BLAKE ST, ROSE BAY NSW 2029	SCALE: 1:100@A3 ISSUE DATE: 25/9/20 PROJECT NUMBER: 20-038	DRAWN BY: SL MW REVISION: B DWG NUMBER: 4200	CHECKED: MW REVISION: B DWG NUMBER: 4200	
A	DA SUBMISSION	5/8/20	CLAUSE 8.1.4 MATERIAL & FORM CONSTRUCTIONS SPEC C1.1 FIRE RESISTANT CONSTRUCTION SPEC C1.1.1 FIRE RATED PROPERTIES SPEC C1.1.2 PERFORMANCE OF EXTERNAL WALLS IN A FIRE SPEC C1.1.3 VERTICAL SEGREGATION OF OPENINGS IN EXTERNAL WALL SPEC C1.1.4 SEGREGATION OF EQUIPMENT SPEC C1.1.5 ELECTRICAL SUPPLY SYSTEM SPEC C1.1.6 ACCEPTABLE METHOD OF PROTECTION (OF OPENINGS) SPEC C1.1.7 OPENINGS IN FIRE RATED EXTERIOR WALLS SPEC C1.1.8 DISCHARGE FROM EXITS SPEC C1.1.9 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL SPEC C1.1.10 GROUND AND RISERS SPEC C1.1.11 LANDINGS SPEC C1.1.12 THRESHOLDS SPEC C1.1.13 BALUSTRADES	CLAUSE 8.1.4 MATERIAL & FORM CONSTRUCTIONS SPEC C1.1 FIRE RESISTANT CONSTRUCTION SPEC C1.1.1 FIRE RATED PROPERTIES SPEC C1.1.2 PERFORMANCE OF EXTERNAL WALLS IN A FIRE SPEC C1.1.3 VERTICAL SEGREGATION OF OPENINGS IN EXTERNAL WALL SPEC C1.1.4 SEGREGATION OF EQUIPMENT SPEC C1.1.5 ELECTRICAL SUPPLY SYSTEM SPEC C1.1.6 ACCEPTABLE METHOD OF PROTECTION (OF OPENINGS) SPEC C1.1.7 OPENINGS IN FIRE RATED EXTERIOR WALLS SPEC C1.1.8 DISCHARGE FROM EXITS SPEC C1.1.9 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL SPEC C1.1.10 GROUND AND RISERS SPEC C1.1.11 LANDINGS SPEC C1.1.12 THRESHOLDS SPEC C1.1.13 BALUSTRADES	ARTIFICIAL LIGHTING: TO COMPLY WITH SCA PART 4.4 & AS 1590 BALUSTRADE HEIGHTS: TO COMPLY WITH SCA CLAUSE 8.1.4 ENERGY EFFICIENT LIGHTING: TO COMPLY WITH 2.1 OF SCA FIRE SERVICES: TO COMPLY WITH SECTION E OF SCA NOTES: SYSTEMS TO COMPLY WITH PART 4.4 OF SCA MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART 4.4 OF SCA MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS 1590 & AS 1590.1 SMOKE ALARMS: TO COMPLY WITH SCA PART 4.4 & SPEC C1.2 & AS 1590	BASEL COMMITMENTS (ALL OTHER BASEL COMMITMENTS AS PER BASEL CERTIFICATE AND STAMPED PLANS) WATER OPTIONS: 1.5 L/s per dwelling TOILETS: 1.5 L/s per dwelling KITCHEN SINKS: 1.5 L/s per dwelling BATHROOMS: 1.5 L/s per dwelling Pools: 1.5 L/s per dwelling COLLECT RUN OFF AREA: 1.5 L/s per dwelling LANDSCAPE AREA TO BE PROTECTED: 1.5 L/s per dwelling	ENERGY EFFICIENT LIGHTING: Compact fluorescent lights to all external and internal areas. One ceiling, three wall, and three floor lights. One ceiling, three wall, and three floor lights. One ceiling, three wall, and three floor lights.	NOTES: EX: EXISTING FFL: FINISHED FLOOR LEVEL RL: REDUCED LEVEL NEW SUBDIVISION LOT BOUNDARY SETBACK EX BUILDING TO BE DEMOLISHED DCP 7.5M WALL HEIGHT CONTROL LEP 8.5M BUILDING HEIGHT CONTROL	ARCHITECT: MHNDUNION 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com MH NI Design Urban Pty Ltd. AHN 04 003 717 602 NPIH Registration Number 4907	DRAWING TITLE: BASEMENT PLAN PROJECT ADDRESS: 12 BLAKE ST, ROSE BAY NSW 2029	SCALE: 1:100@A3 ISSUE DATE: 25/9/20 PROJECT NUMBER: 20-038	DRAWN BY: SL MW REVISION: B DWG NUMBER: 4200	CHECKED: MW REVISION: B DWG NUMBER: 4200



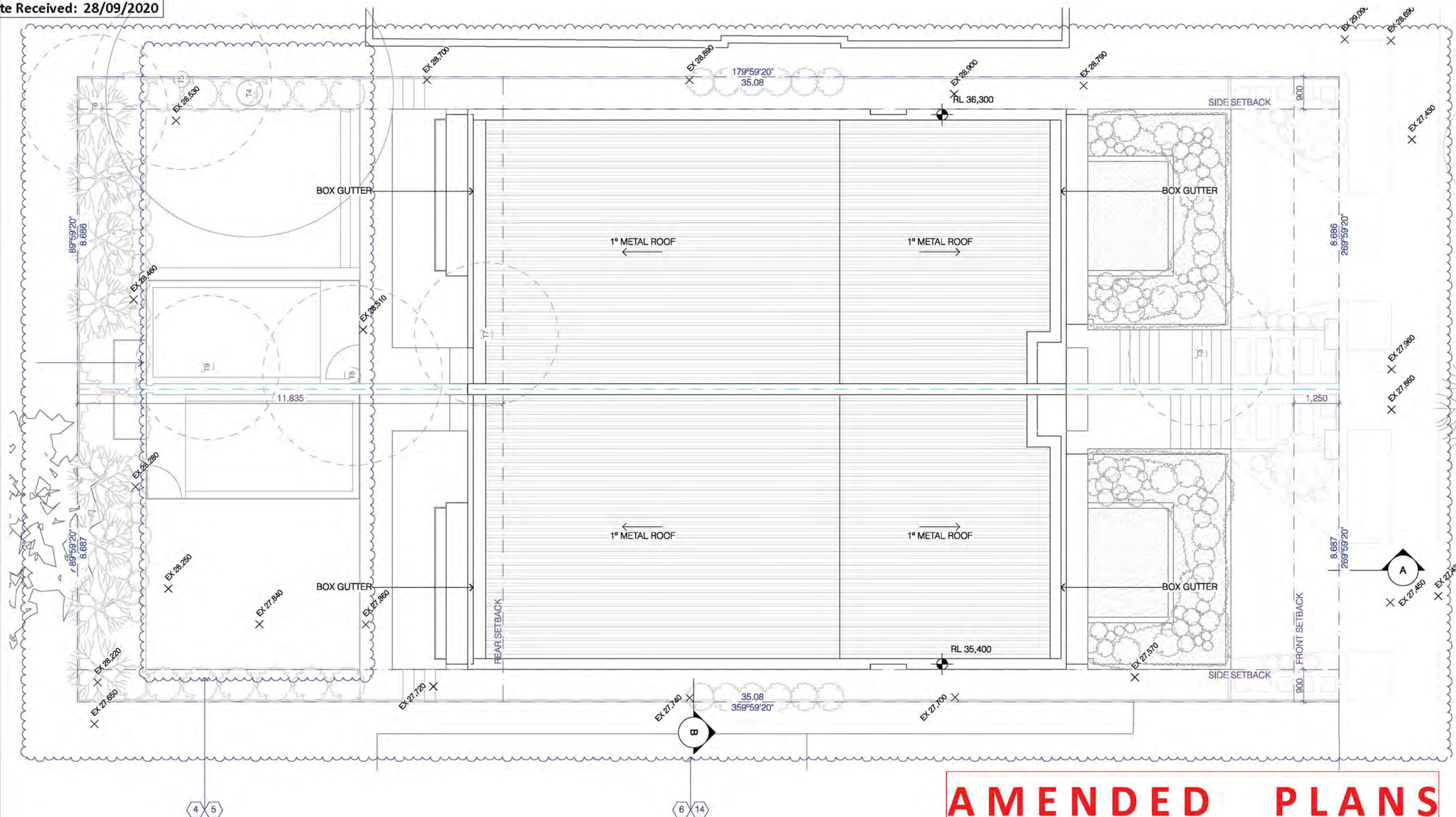
AMENDED PLANS

[illegible]



AMENDED PLANS

[illegible]



AMENDED PLANS

[illegible]

Date Received: 28/09/2020

[illegible]

Date Received: 28/09/2020

[illegible]

Date Received: 28/09/2020

[illegible]

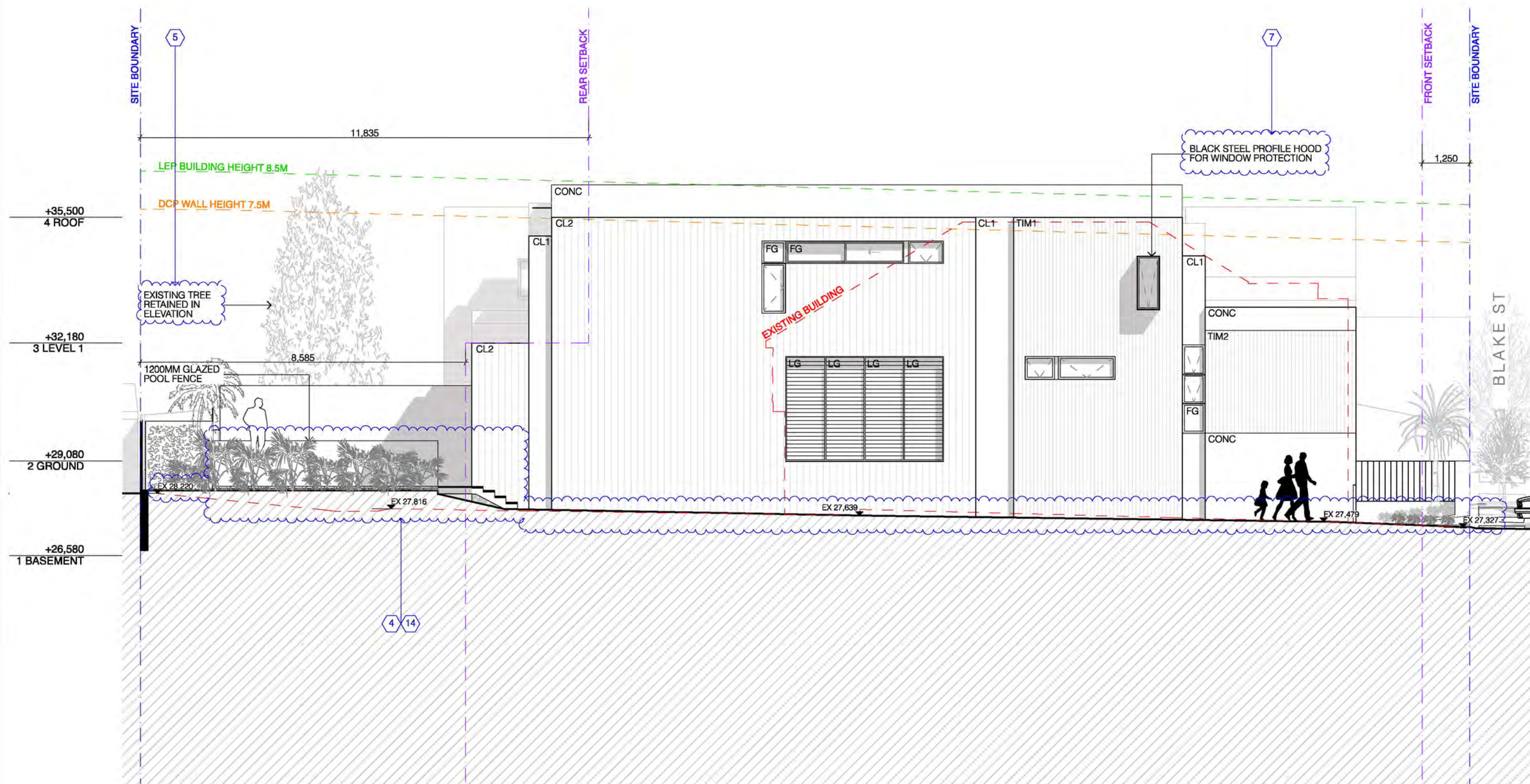
[illegible]

Date Received: 28/09/2020

[illegible]

Date Received: 28/09/2020

AMENDED PLANS

[illegible]



CONC Off-form concrete
Natural

CL1 Cladding, Type 1:
Smooth face cladding
Black

TIM 1 Timber style cladding, Type 1:
Natural

FG Fixed glazing
Glass, clear to suit BASIX requirements, unless
specified otherwise
Framing system, aluminium, powder coat finish.
Framing colour, black

ST Steel profile hood
Black, matching CL1 material

CL2 Cladding, Type 2:
Vertical narrow board
Black

TIM 2 Timber style cladding, Type 2:
Stained black / dark brown

LG Louvred glazing
Glass, clear to suit BASIX requirements, unless
specified otherwise
Framing system, aluminium, powder coat finish.
Framing colour, black

AMENDED PLANS

REV	DESCRIPTION	DATE	ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS	ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4.4 & AS1598 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE 22.15 ENERGY EFFICIENT LIGHTING: TO COMPLY WITH AS/NZS 3603 3.2	BASIX COMMITMENTS (ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)	ENERGY EFFICIENT LIGHTING: Compare & recommended in all courts and common areas. Clear glazing, double-glazed, thermally-breaking, 11.6 sqm per dwelling.	NOTES:	ARCHITECT:	DRAWING TITLE:	SCALE:	DRAWN BY:	CHECKED:		
A	DA SUBMISSION	5/8/20	CLAUSE 8.1.4 MATERIAL & FORM CONSTRUCTIONS SPEC. C1.1 FIRE RESISTING CONSTRUCTION SPEC. C1.10 FIRE HAZARD PROPERTIES SPEC. C1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE CLAUSE 9.2.1 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL CLAUSE 9.2.2 SEPARATION OF EQUIPMENT CLAUSE 9.2.3 ELECTRICAL SUPPLY SYSTEM CLAUSE 9.2.4 ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS) CLAUSE 9.2.5 OPENING IN FIRE RATED EXISTING CLAUSE 9.2.6 OPENING FOR SERVICE INSTALLATIONS CLAUSE 9.2.7 DISCHARGE FROM EXITS CLAUSE 9.2.8 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL CLAUSE 9.2.9 LAUNDRY CLAUSE 9.2.10 THRESHOLDS CLAUSE 9.2.11 BALUSTRADES	CLAUSE 9.2.12 HANDRAILS CLAUSE 9.2.13 OPERATION OF LATCH CLAUSE 9.2.14 SLOPE ON DOORS CLAUSE 9.2.15 GENERAL BUILDING ACCESS REQUIREMENTS CLAUSE 9.2.16 PARTS OF BUILDING TO BE ACCESSIBLE CLAUSE 9.2.17 IDENTIFICATION OF ACCESSIBLE FACILITIES/STRUCTURES CLAUSE 9.2.18 TACTILE INDICATORS CLAUSE 9.2.19 WATERPROOFING OF WET AREAS CLAUSE 9.2.20 DRAIN PROOFING CLAUSE 9.2.21 CONSTRUCTION OF SANITARY COMPARTMENTS PART 14.1 LIGHTING AND VENTILATION CLAUSE 9.2.22 SOUND INSULATION OF FLOORS CLAUSE 9.2.23 SOUND INSULATION OF WALLS CLAUSE 9.2.24 SOUND INSULATION OF SERVICES CLAUSE 9.2.25 SOUND INSULATION OF PUMPS	ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4.4 & AS1598 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE 22.15 ENERGY EFFICIENT LIGHTING: TO COMPLY WITH AS/NZS 3603 3.2	BASIX COMMITMENTS (ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)	ENERGY EFFICIENT LIGHTING: Compare & recommended in all courts and common areas. Clear glazing, double-glazed, thermally-breaking, 11.6 sqm per dwelling.	EXISTING EX FF RL EXISTING RL OF FINISHED FLOOR LEVEL REDUCED LEVEL BOUNDARY NEW SUBSOY VINDING LOT BOUNDARY SETBACK DEMOLISHED TO BE DOP 7.5M WALL HEIGHT CONTROL LEP 8.5M BUILDING HEIGHT CONTROL	MHNDUNION 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com MHd Design Unit Pty Ltd. ABN 54 003 717 682 NSW Registration Number 4907	EXTERNAL FINISHES	NTS SL MW	ISSUE DATE: 25/9/20	REVISION: B	DWG NUMBER: 4300
B	AMENDED DA	25/9/20							PROJECT ADDRESS: 12 BLAKE ST, ROSE BAY NSW 2029	PROJECT NUMBER: 20-038				



AMENDED PLANS

[illegible]

WINDOWS AND DOORS SCHEDULE

AMENDED PLANS

1

NEW DRAWING SHEET ADDED

ID	1DA01	1DB01	1WA01	1WA02	1WA03	1WA04	1WA05	1WA06	1WA07	1WA08
W x H	4,185x2,700	4,185x2,700	1,000x2,700	1,375x1,000	630x1,910	4,170x600	600x1,420	3,035x1,400	2,350x1,400	1,000x2,300
SILL HEIGHT	0	0	350	1,700	790	2,100	880	1,000	1,000	350
HEAD HEIGHT	2,700	2,700	3,050	2,700	2,700	2,700	2,300	2,400	2,400	2,650
2D										
ELEVATION										

ID	1WB01	1WB02	1WB03	1WB04	1WB05	1WB06	1WB07	GDA01	GDA02
W x H	1,000x2,700	1,375x1,000	3,749x600	901x600	3,035x1,400	2,350x1,400	1,000x2,280	7,340x3,290	2,050x2,400
SILL HEIGHT	350	1,700	2,100	2,100	840	840	350	0	119
HEAD HEIGHT	3,050	2,700	2,700	2,700	2,240	2,240	2,630	3,290	2,519
2D									
ELEVATION									

ID	GDB01	GDB02	GWA01	GWA02	GWA03	GWB01	GWB02	GWB03
W x H	7,340x3,290	1,980x2,400	4,170x2,750	2,377x600	600x2,331	4,170x2,750	2,327x600	600x2,080
SILL HEIGHT	0	0	0	2,150	0	0	2,310	200
HEAD HEIGHT	3,290	2,400	2,750	2,750	2,331	2,750	2,910	2,280
2D								
ELEVATION								

RECEIVED
Waverley Council

Application No: DA-247/2020

Date Received: 28/09/2020

REV	DESCRIPTION	DATE
8	AMENDED DA	25/9/20

ALL CONSTRUCTION TO COMPLY WITH MINIMUM WINDOW & AIRTRAFFIC REQUIREMENTS
 CLAUSE 9.1.4 MATERIAL & FORM CONSTRUCTION
 SPEC C1.1 FIRE RESISTANT CONSTRUCTION
 SPEC C1.1.1 FIRE RESISTANT PROPERTIES
 SPEC C1.1.2 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
 CLAUSE 9.1.5 VERTICAL SIGNIFICATION OF OPENINGS IN EXTERNAL WALL
 CLAUSE 9.1.6 SPREAD OF EQUIPMENT
 CLAUSE 9.1.7 ELECTRICAL SUPPLY SYSTEM
 CLAUSE 9.1.8 ACCEPTABLE METHOD OF PROTECTION OF OPENINGS
 CLAUSE 9.1.9 OPENINGS FOR SERVICE INSTALLATIONS
 CLAUSE 9.1.10 DISCHARGE FROM OTTS
 CLAUSE 9.1.11 INSTALLATIONS IN EXTERIOR WALLS OF TUNNEL
 CLAUSE 9.1.12 CARGO AND RISERS
 CLAUSE 9.1.13 LARGES
 CLAUSE 9.1.14 THROUGH GLASS
 CLAUSE 9.1.15 BALUSTRADES

CLAUSE 9.1.17 HANDRAILS
 CLAUSE 9.1.18 OPENING OF LATCH
 CLAUSE 9.1.19 SIGNS ON DOORS
 CLAUSE 9.1.20 ORIGINAL BUILDING ACCESS REQUIREMENTS
 CLAUSE 9.1.21 PARTS OF BUILDING TO BE ACCESSIBLE
 CLAUSE 9.1.22 IDENTIFICATION OF ACCESSIBLE FACILITIES
 CLAUSE 9.1.23 TACTILE INDICATORS
 CLAUSE 9.1.24 WATERPROOFING OF WET AREAS
 CLAUSE 9.1.25 DAMP PROOFING
 CLAUSE 9.1.26 CONSTRUCTION OF SANITARY COMMITMENTS
 PARTIAL LIGHTING AND VENTILATION
 CLAUSE 9.1.27 SOUND INSULATION OF FLOORS
 CLAUSE 9.1.28 SOUND INSULATION OF WALLS
 CLAUSE 9.1.29 SOUND INSULATION OF SERVICES
 CLAUSE 9.1.30 SOUND INSULATION OF PLUMBS

ARTIFICIAL LIGHTING TO COMPLY WITH BALUSTRADE CLAUSE 9.1.1 AND 9.1.2
 BALUSTRADE REQUIREMENTS TO COMPLY WITH BALUSTRADE CLAUSE 9.1.3
 CLAUSE 9.1.4 MATERIAL & FORM CONSTRUCTION
 SPEC C1.1 FIRE RESISTANT CONSTRUCTION
 SPEC C1.1.1 FIRE RESISTANT PROPERTIES
 SPEC C1.1.2 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
 CLAUSE 9.1.5 VERTICAL SIGNIFICATION OF OPENINGS IN EXTERNAL WALL
 CLAUSE 9.1.6 SPREAD OF EQUIPMENT
 CLAUSE 9.1.7 ELECTRICAL SUPPLY SYSTEM
 CLAUSE 9.1.8 ACCEPTABLE METHOD OF PROTECTION OF OPENINGS
 CLAUSE 9.1.9 OPENINGS FOR SERVICE INSTALLATIONS
 CLAUSE 9.1.10 DISCHARGE FROM OTTS
 CLAUSE 9.1.11 INSTALLATIONS IN EXTERIOR WALLS OF TUNNEL
 CLAUSE 9.1.12 CARGO AND RISERS
 CLAUSE 9.1.13 LARGES
 CLAUSE 9.1.14 THROUGH GLASS
 CLAUSE 9.1.15 BALUSTRADES

CLAUSE 9.1.17 HANDRAILS
 CLAUSE 9.1.18 OPENING OF LATCH
 CLAUSE 9.1.19 SIGNS ON DOORS
 CLAUSE 9.1.20 ORIGINAL BUILDING ACCESS REQUIREMENTS
 CLAUSE 9.1.21 PARTS OF BUILDING TO BE ACCESSIBLE
 CLAUSE 9.1.22 IDENTIFICATION OF ACCESSIBLE FACILITIES
 CLAUSE 9.1.23 TACTILE INDICATORS
 CLAUSE 9.1.24 WATERPROOFING OF WET AREAS
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 CLAUSE 9.1.29 SOUND INSULATION OF SERVICES
 CLAUSE 9.1.30 SOUND INSULATION OF PLUMBS

CLAUSE 9.1.31 PARTS OF BUILDING TO BE ACCESSIBLE
 CLAUSE 9.1.32 IDENTIFICATION OF ACCESSIBLE FACILITIES
 CLAUSE 9.1.33 TACTILE INDICATORS
 CLAUSE 9.1.34 WATERPROOFING OF WET AREAS
 CLAUSE 9.1.35 DAMP PROOFING
 CLAUSE 9.1.36 CONSTRUCTION OF SANITARY COMMITMENTS
 PARTIAL LIGHTING AND VENTILATION
 CLAUSE 9.1.37 SOUND INSULATION OF FLOORS
 CLAUSE 9.1.38 SOUND INSULATION OF WALLS
 CLAUSE 9.1.39 SOUND INSULATION OF SERVICES
 CLAUSE 9.1.40 SOUND INSULATION OF PLUMBS

CLAUSE 9.1.41 PARTS OF BUILDING TO BE ACCESSIBLE
 CLAUSE 9.1.42 IDENTIFICATION OF ACCESSIBLE FACILITIES
 CLAUSE 9.1.43 TACTILE INDICATORS
 CLAUSE 9.1.44 WATERPROOFING OF WET AREAS
 CLAUSE 9.1.45 DAMP PROOFING
 CLAUSE 9.1.46 CONSTRUCTION OF SANITARY COMMITMENTS
 PARTIAL LIGHTING AND VENTILATION
 CLAUSE 9.1.47 SOUND INSULATION OF FLOORS
 CLAUSE 9.1.48 SOUND INSULATION OF WALLS
 CLAUSE 9.1.49 SOUND INSULATION OF SERVICES
 CLAUSE 9.1.50 SOUND INSULATION OF PLUMBS

CLAUSE 9.1.51 PARTS OF BUILDING TO BE ACCESSIBLE
 CLAUSE 9.1.52 IDENTIFICATION OF ACCESSIBLE FACILITIES
 CLAUSE 9.1.53 TACTILE INDICATORS
 CLAUSE 9.1.54 WATERPROOFING OF WET AREAS
 CLAUSE 9.1.55 DAMP PROOFING
 CLAUSE 9.1.56 CONSTRUCTION OF SANITARY COMMITMENTS
 PARTIAL LIGHTING AND VENTILATION
 CLAUSE 9.1.57 SOUND INSULATION OF FLOORS
 CLAUSE 9.1.58 SOUND INSULATION OF WALLS
 CLAUSE 9.1.59 SOUND INSULATION OF SERVICES
 CLAUSE 9.1.60 SOUND INSULATION OF PLUMBS

CLAUSE 9.1.61 PARTS OF BUILDING TO BE ACCESSIBLE
 CLAUSE 9.1.62 IDENTIFICATION OF ACCESSIBLE FACILITIES
 CLAUSE 9.1.63 TACTILE INDICATORS
 CLAUSE 9.1.64 WATERPROOFING OF WET AREAS
 CLAUSE 9.1.65 DAMP PROOFING
 CLAUSE 9.1.66 CONSTRUCTION OF SANITARY COMMITMENTS
 PARTIAL LIGHTING AND VENTILATION
 CLAUSE 9.1.67 SOUND INSULATION OF FLOORS
 CLAUSE 9.1.68 SOUND INSULATION OF WALLS
 CLAUSE 9.1.69 SOUND INSULATION OF SERVICES
 CLAUSE 9.1.70 SOUND INSULATION OF PLUMBS

CLAUSE 9.1.71 PARTS OF BUILDING TO BE ACCESSIBLE
 CLAUSE 9.1.72 IDENTIFICATION OF ACCESSIBLE FACILITIES
 CLAUSE 9.1.73 TACTILE INDICATORS
 CLAUSE 9.1.74 WATERPROOFING OF WET AREAS
 CLAUSE 9.1.75 DAMP PROOFING
 CLAUSE 9.1.76 CONSTRUCTION OF SANITARY COMMITMENTS
 PARTIAL LIGHTING AND VENTILATION
 CLAUSE 9.1.77 SOUND INSULATION OF FLOORS
 CLAUSE 9.1.78 SOUND INSULATION OF WALLS
 CLAUSE 9.1.79 SOUND INSULATION OF SERVICES
 CLAUSE 9.1.80 SOUND INSULATION OF PLUMBS

CLAUSE 9.1.81 PARTS OF BUILDING TO BE ACCESSIBLE
 CLAUSE 9.1.82 IDENTIFICATION OF ACCESSIBLE FACILITIES
 CLAUSE 9.1.83 TACTILE INDICATORS
 CLAUSE 9.1.84 WATERPROOFING OF WET AREAS
 CLAUSE 9.1.85 DAMP PROOFING
 CLAUSE 9.1.86 CONSTRUCTION OF SANITARY COMMITMENTS
 PARTIAL LIGHTING AND VENTILATION
 CLAUSE 9.1.87 SOUND INSULATION OF FLOORS
 CLAUSE 9.1.88 SOUND INSULATION OF WALLS
 CLAUSE 9.1.89 SOUND INSULATION OF SERVICES
 CLAUSE 9.1.90 SOUND INSULATION OF PLUMBS

ARCHITECT:
MHNDUNION
 35 RICHARDS LANE
 SURRY HILLS SYDNEY NSW 2010
 T +61 2 9101 1111
 F +61 2 9101 1100
 www.mhndu.com

DRAWING TITLE:
WINDOWS AND DOORS SCHEDULE
 PROJECT ADDRESS:
12 BLAKE ST, ROSE BAY NSW 2029

SCALE: 1:100
 ISSUE DATE: 25/9/20
 PROJECT NUMBER: 20-038
 DRAWN BY: SL
 CHECKED: MW
 REVISION: B
 DWG NUMBER: 432

12

CONTROL

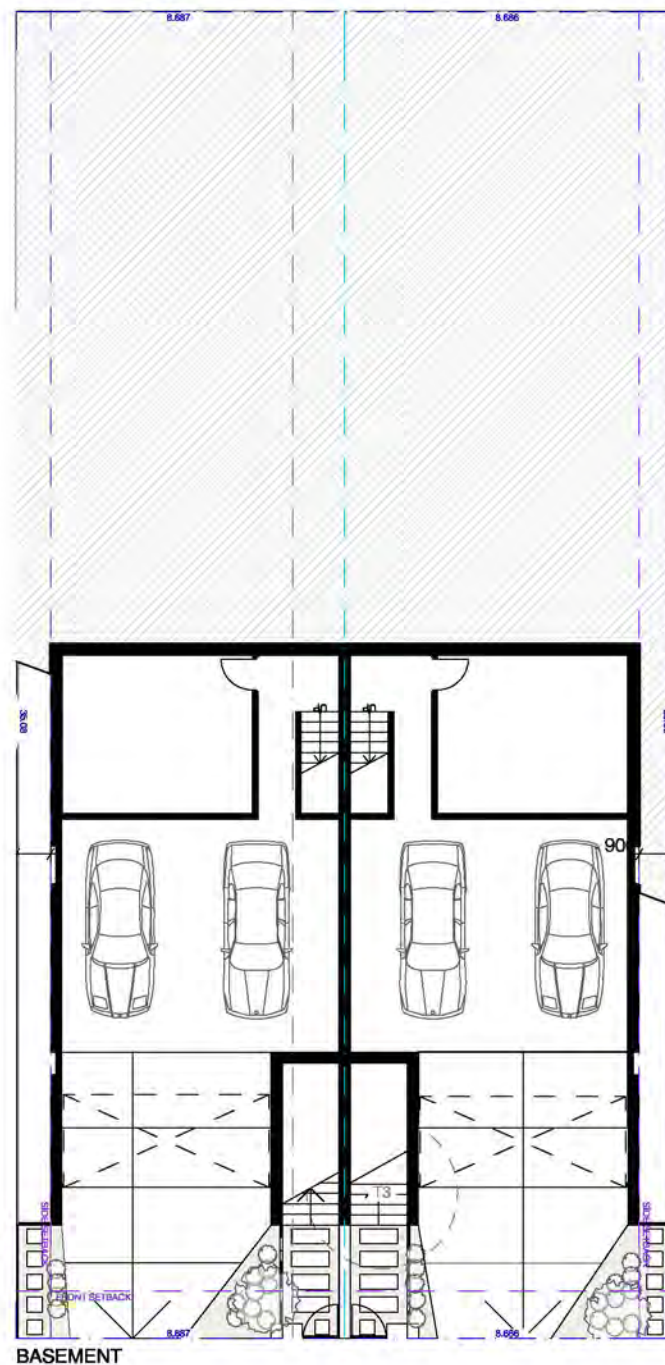
	12A	12B
SITE AREA	256.6 m ²	352.8 m ²
FSR	0.823 : 1	0.717 : 1
ALLOWABLE GFA	211.18 m ²	252.96 m ²

GFA CALCULATION

	12A	12B
BASEMENT	0 m ²	0 m ²
GROUND	119.23 m ²	156.70 m ²
LEVEL 1	94.34 m ²	97.72 m ²
	213.57 m ²	254.42 m ²

Application No: DA-247/2020

Date Received: 28/09/2020



AMENDED PLANS

[illegible]

434

12 NEW DRAWING SHEET ADDED

RECEIVED
Waverley Council
Application No: DA-247/2020
Date Received: 28/09/2020



AMENDED PLANS

[illegible]

12 NEW DRAWING SHEET ADDED

	12A	12B
SITE AREA	256.6 m ²	352.8 m ²
FSR	0.823 : 1	0.717 : 1
ALLOWABLE GFA	211.18 m ²	252.96 m ²

	12A	12B
BASEMENT	4.01 m ²	14.22 m ²
GROUND	119.23 m ²	156.70 m ²
LEVEL 1	94.34 m ²	97.72 m ²
	217.58 m ²	268.64 m ²



Date Received: 28/09/2020





AMENDED PLANS

[illegible]

12A BLAKE ST
SITE AREA 304.73 m²

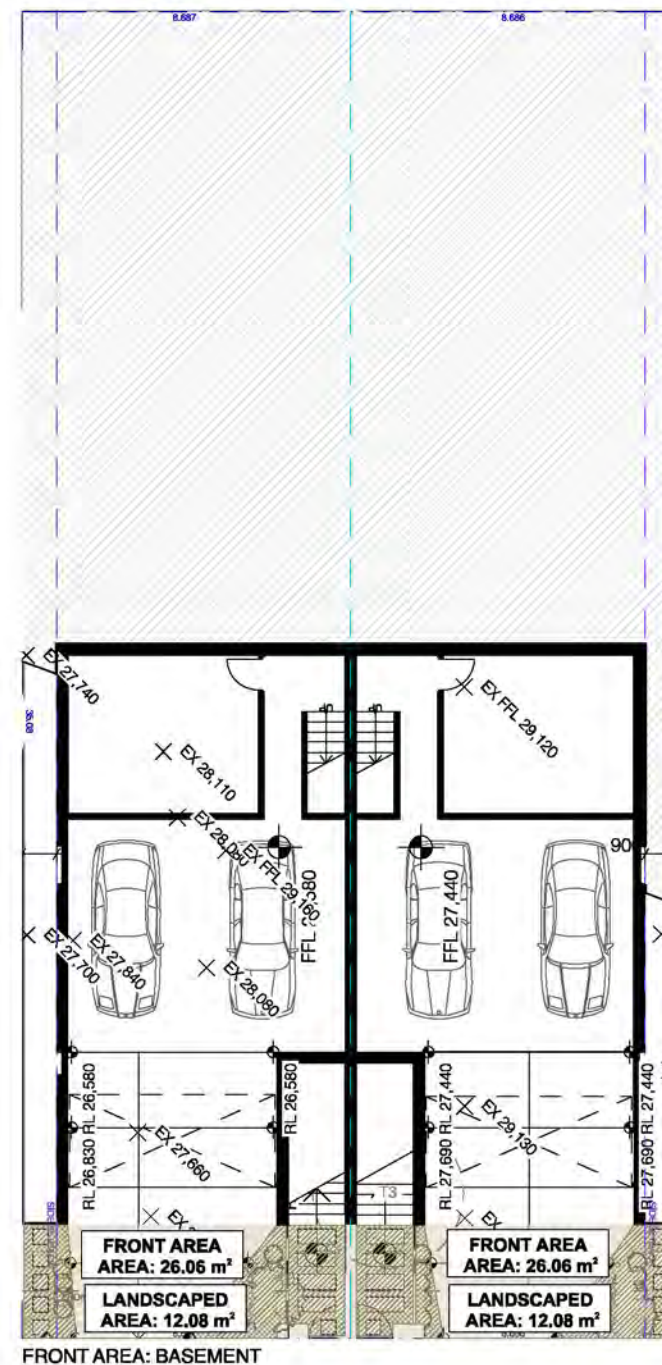
	CONTROL - R2	PROPOSED
TOTAL OPEN SPACE	121.89 m ² (40% OF SITE)	147.89 m ²
PRIVATE OPEN SPACE	25 m ²	96.71 m ²  11
TOTAL LANDSCAPED	45.71 m ² (15% OF SITE)	60.72 m ²  13
FRONT AREA	-	26.06 m ²
OPEN SPACE	13.03 m ² (50% OF FRONT)	26.06 m ²
LANDSCAPED	6.515 m ² (50% OF FRONT OPEN SPACE)	12.08 m ²

12B BLAKE ST
SITE AREA 304.72 m²

	CONTROL - R2	PROPOSED
TOTAL OPEN SPACE	121.89 m ² (40% OF SITE)	147.82 m ²
PRIVATE OPEN SPACE	25 m ²	96.62 m ²  11
TOTAL LANDSCAPED	45.71 m ² (15% OF SITE)	58.29 m ²  13
FRONT AREA	-	26.06 m ²
OPEN SPACE	13.03 m ² (50% OF FRONT)	26.06 m ²
LANDSCAPED	6.515 m ² (50% OF FRONT OPEN SPACE)	12.08 m ²

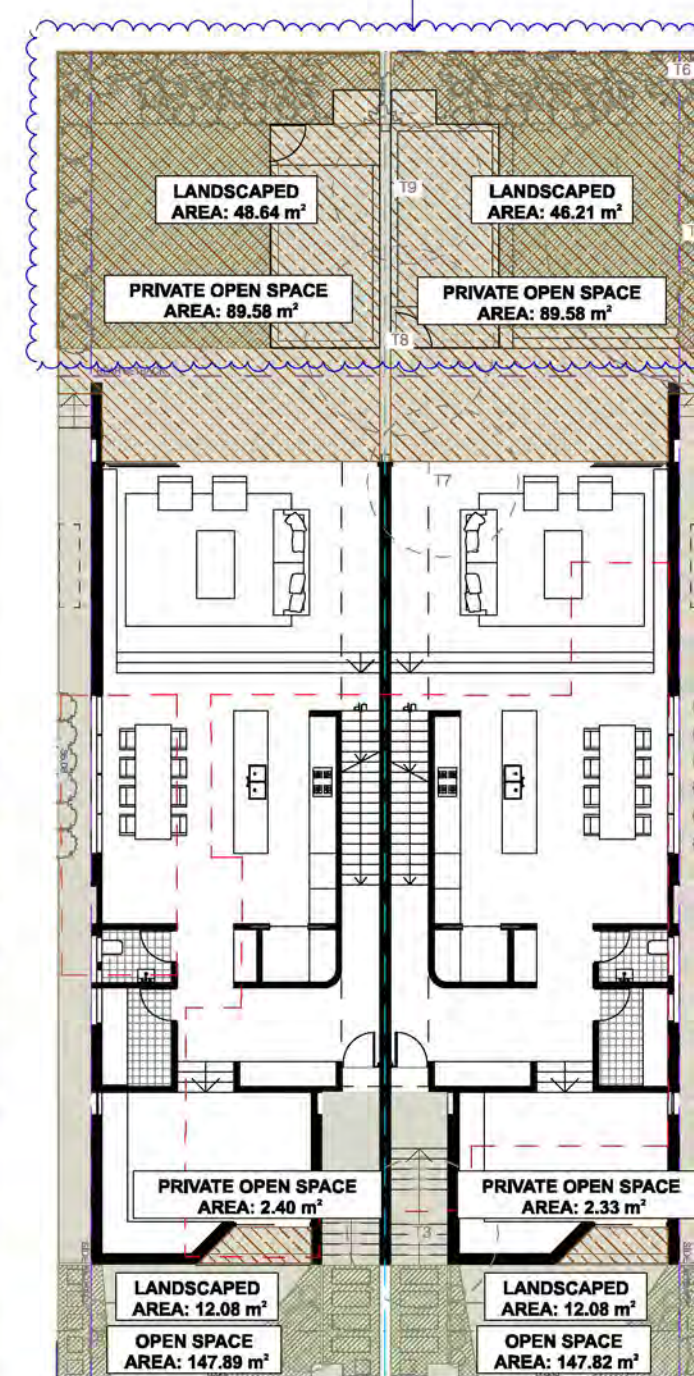
Application No: DA-247/2020

Date Received: 28/09/2020



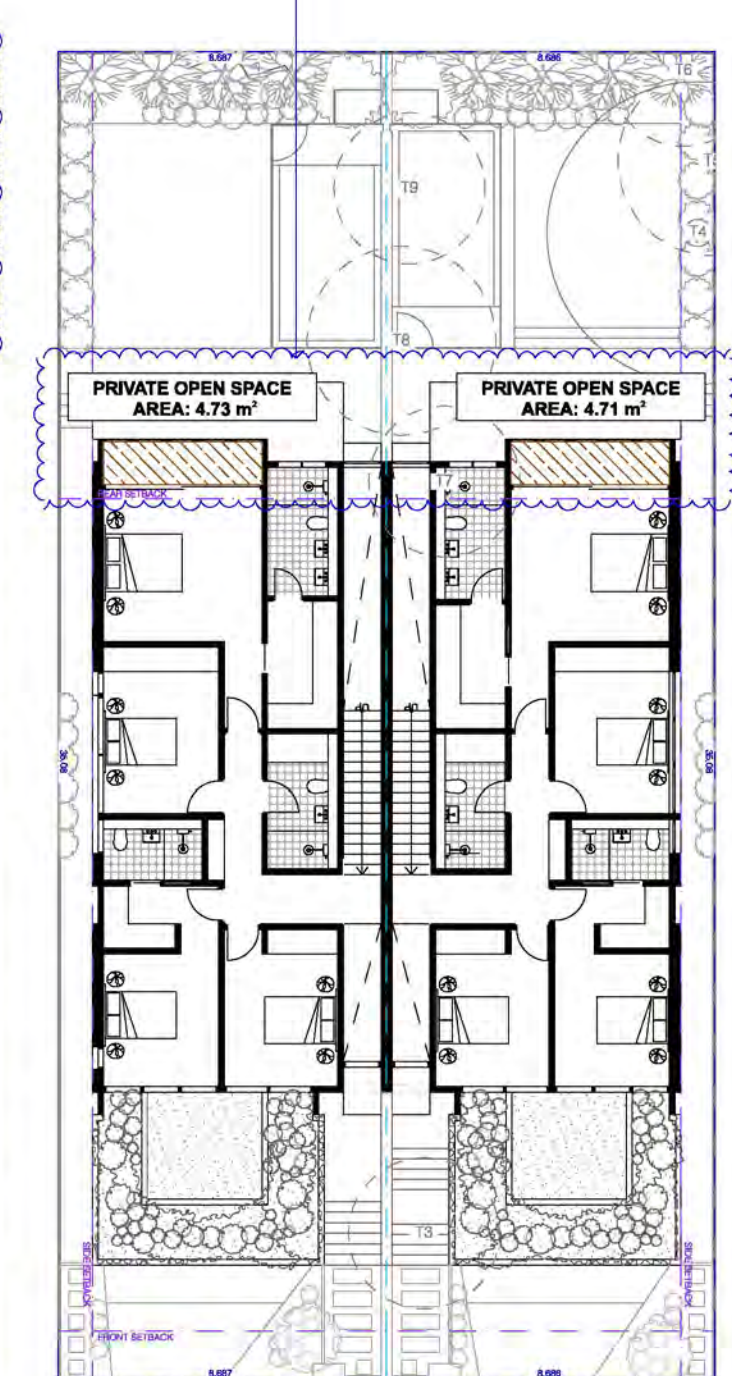
FRONT AREA: BASEMENT

FRONT AREA - OPEN SPACE
LANDSCAPED



LANDSCAPE & PRIVATE OPEN SPACE: GROUND FLOOR

 OPEN SPACE
 LANDSCAPED
 PRIVATE OPEN SPACE



PRIVATE OPEN SPACE: LEVEL 1

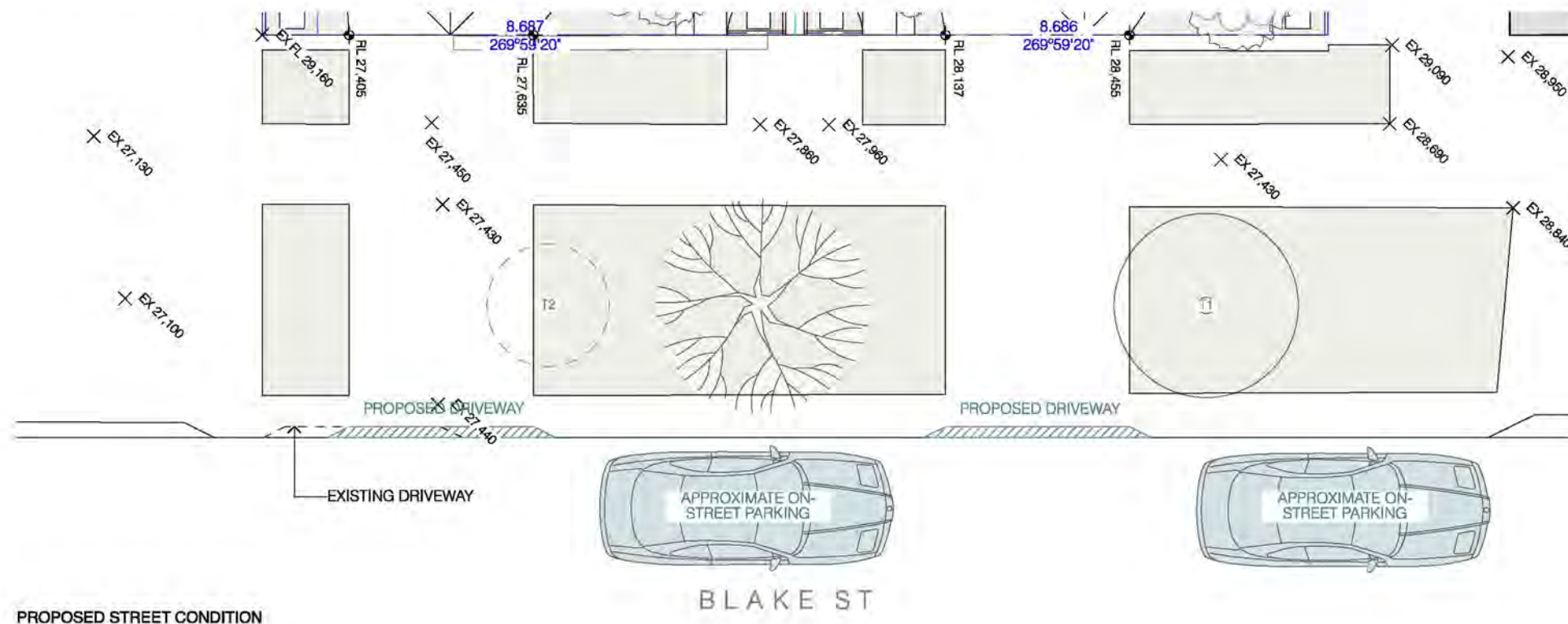
 PRIVATE OPEN SPACE

AMENDED PLANS


[illegible]

AMENDED PLANS

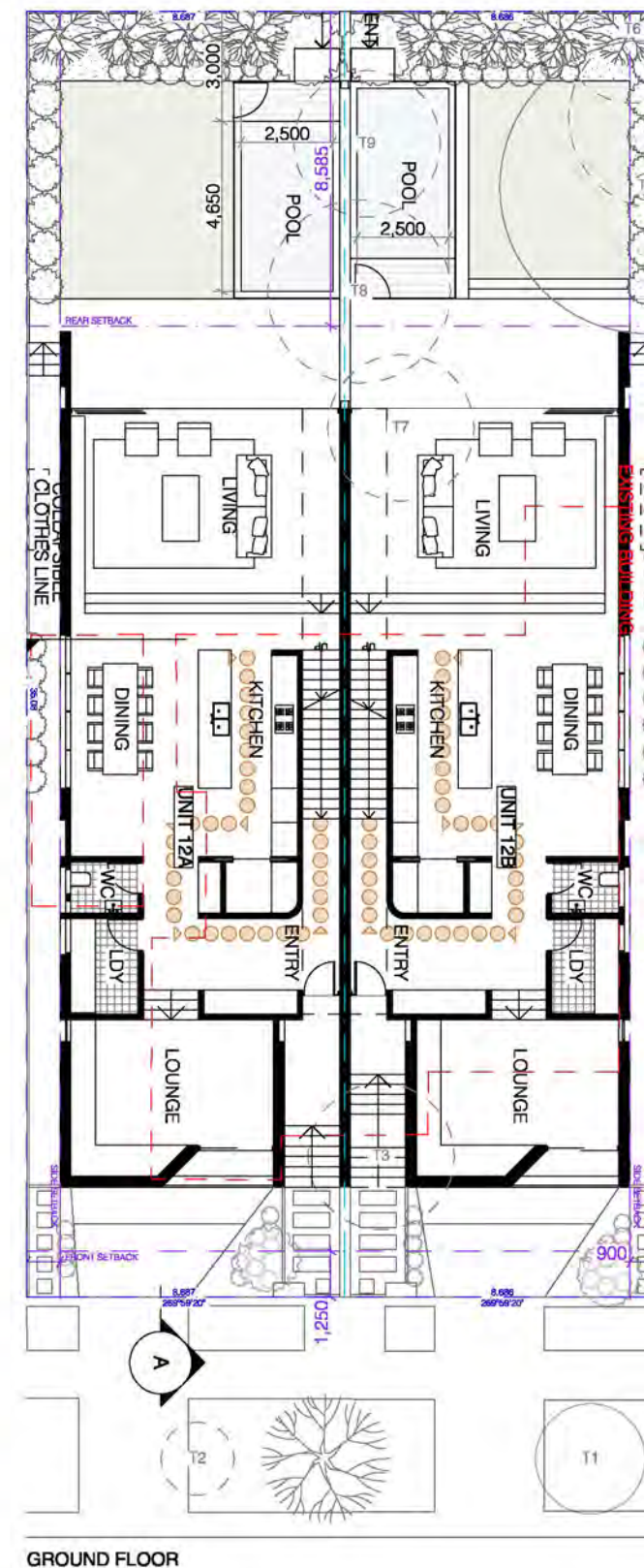
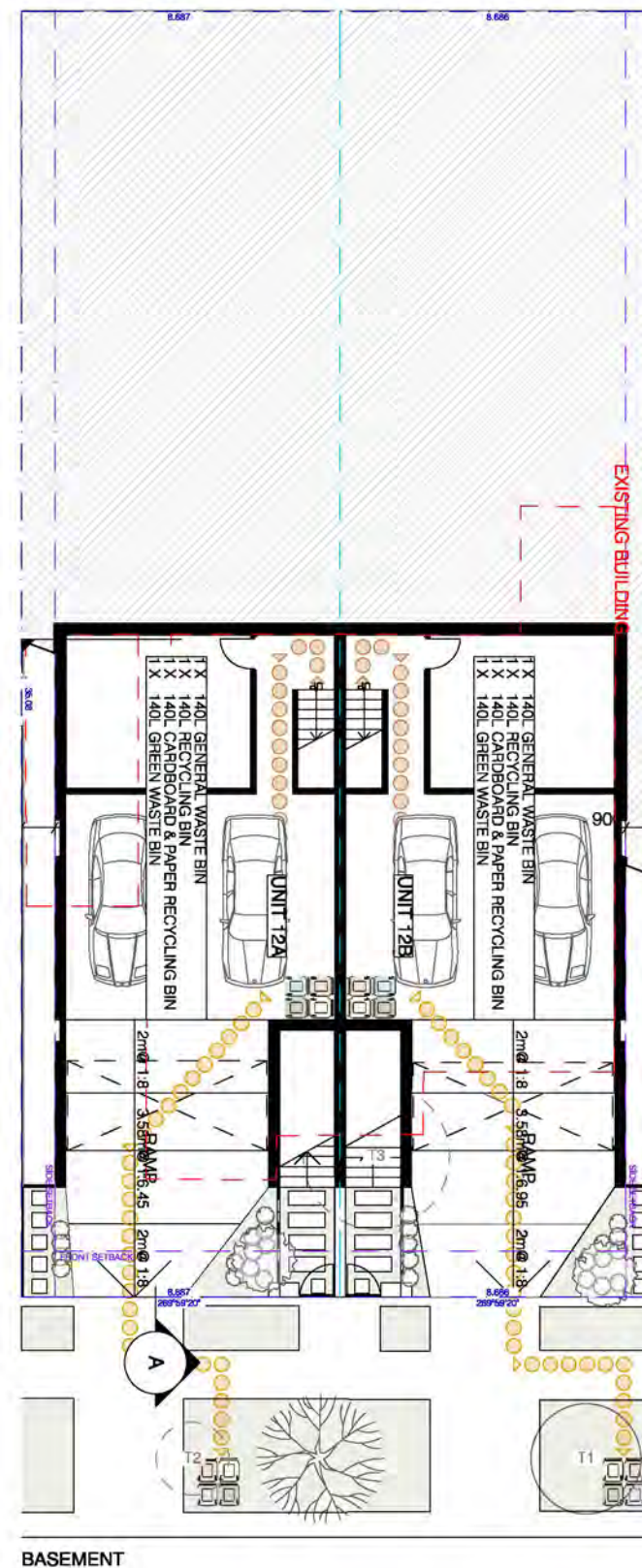
RECEIVED
Waverley Council
Application No: DA-247/2020
Date Received: 28/09/2020

[illegible]

AMENDED PLANS

-  GENERAL WASTE BIN STORAGE
-  CONTAINER RECYCLING BIN STORAGE
-  GARDEN WASTE BIN STORAGE
-  CARDBOARD & PAPER RECYCLING BIN STORAGE
-  BIN COLLECTION
-  PATH OF TRAVEL TO WASTE HOLDING AREA
-  PATH OF TRAVEL FROM WASTE HOLDING AREA TO KERB SIDE COLLECTION

Date Received: 28/09/2020



REV	DESCRIPTION	DATE	ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES 1 AND AUSTRALIAN STANDARDS	ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4 CLAUSES 4.1 AND 4.10 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE 42.1.6 CHIMNEYS, BUTTRESSES & DOWNPIPES: TO COMPLY WITH AS/NZS 3000.32	SAME COMMITMENTS AS ALL OTHER BASIC COMMITMENTS AS FOR BASIC COMMITMENTS AND EXEMPTED FROM THE FOLLOWING:	ENERGY EFFICIENT LIGHTING	NOTES:	ARCHITECT:	DRAWING TITLE:	SCALE:	DRAWN BY:	CHECKED:
A	DA SUBMISSION	5/8/20	CLAUSE 1.4 MATERIALS & FORM CONSTRUCTIONS SPEC. CL1.4 FIRE RESISTING CONSTRUCTION SPEC. CL1.10 FIRE HAZARD PROPERTIES SPEC. CL1.14 PERFORMANCE OF EXTERNAL WALLS AND FIRE	CLAUSE 42.1.7 HANDRAILS SPEC. CL1.10 FIRE RESISTING CONSTRUCTION SPEC. CL1.10 SIGNS ON DOORS SPEC. CL1.14 PERFORMANCE OF EXTERNAL WALLS AND FIRE	CL1.10 FIRE RESISTING CONSTRUCTION CL1.10 SIGNS ON DOORS CL1.14 PERFORMANCE OF EXTERNAL WALLS AND FIRE	CL1.10 FIRE RESISTING CONSTRUCTION CL1.10 SIGNS ON DOORS CL1.14 PERFORMANCE OF EXTERNAL WALLS AND FIRE	EXISTING CL1.10 FIRE RESISTING CONSTRUCTION CL1.10 SIGNS ON DOORS CL1.14 PERFORMANCE OF EXTERNAL WALLS AND FIRE	35 RICHARDS LANE SURREY HILLS SYDNEY NSW 2010 T 61 2 9101 1111 F 61 2 9101 1100 www.mhndun.com	WASTE MANAGEMENT PLAN	1:200@A3	SL	MW
B	AMENDED DA	25/9/20	CLAUSE 1.4 MATERIALS & FORM CONSTRUCTIONS SPEC. CL1.4 FIRE RESISTING CONSTRUCTION SPEC. CL1.10 FIRE HAZARD PROPERTIES SPEC. CL1.14 PERFORMANCE OF EXTERNAL WALLS AND FIRE	CLAUSE 42.1.7 HANDRAILS SPEC. CL1.10 FIRE RESISTING CONSTRUCTION SPEC. CL1.10 SIGNS ON DOORS SPEC. CL1.14 PERFORMANCE OF EXTERNAL WALLS AND FIRE	CL1.10 FIRE RESISTING CONSTRUCTION CL1.10 SIGNS ON DOORS CL1.14 PERFORMANCE OF EXTERNAL WALLS AND FIRE	CL1.10 FIRE RESISTING CONSTRUCTION CL1.10 SIGNS ON DOORS CL1.14 PERFORMANCE OF EXTERNAL WALLS AND FIRE	EXISTING CL1.10 FIRE RESISTING CONSTRUCTION CL1.10 SIGNS ON DOORS CL1.14 PERFORMANCE OF EXTERNAL WALLS AND FIRE	35 RICHARDS LANE SURREY HILLS SYDNEY NSW 2010 T 61 2 9101 1111 F 61 2 9101 1100 www.mhndun.com	WASTE MANAGEMENT PLAN	1:200@A3	SL	MW

Date Received: 28/09/2020

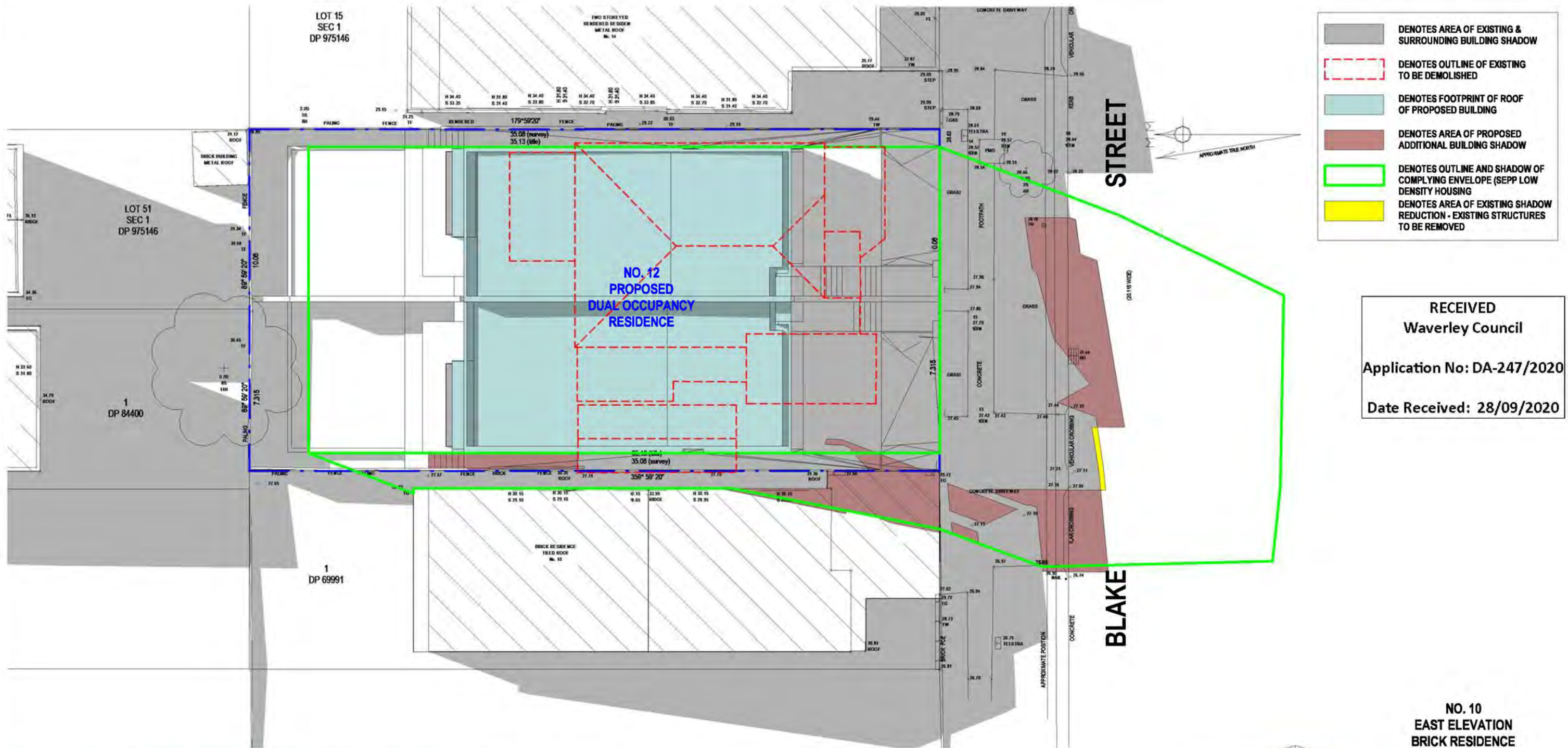
NO AMENDMENTS MADE TO THIS DRAWING

A 3D architectural rendering of a modern building. The building features a prominent, flat, purple roof that contrasts with the light-colored walls. The structure has a stepped design with multiple levels and large, rectangular windows. The building is set against a clear blue sky, and the foreground shows a light-colored ground surface.

An architectural rendering of a modern building. The building features a large, flat, purple roof that extends over a courtyard area. The building is composed of several interconnected volumes with white walls and large windows. A prominent feature is a large, open, rectangular space on the ground floor, possibly a courtyard or a large entrance. The building is situated on a paved area, and a small, dark, rectangular structure is visible in the foreground. The overall style is minimalist and geometric.

This architectural sketch depicts a modern building with a prominent, large, cantilevered roof in a reddish-brown hue. The building's facade is composed of white rectangular volumes. On the left, a smaller white volume features a square window. To its right, a larger white volume has a large, square window and a ground-floor opening. A glass-enclosed staircase is visible between the two main volumes. The building is set on a paved surface, with a small trash can and a fence visible in the foreground. A tall, dark building is partially visible in the background on the right.

440



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Waverley Council

Application No: DA-247/2020

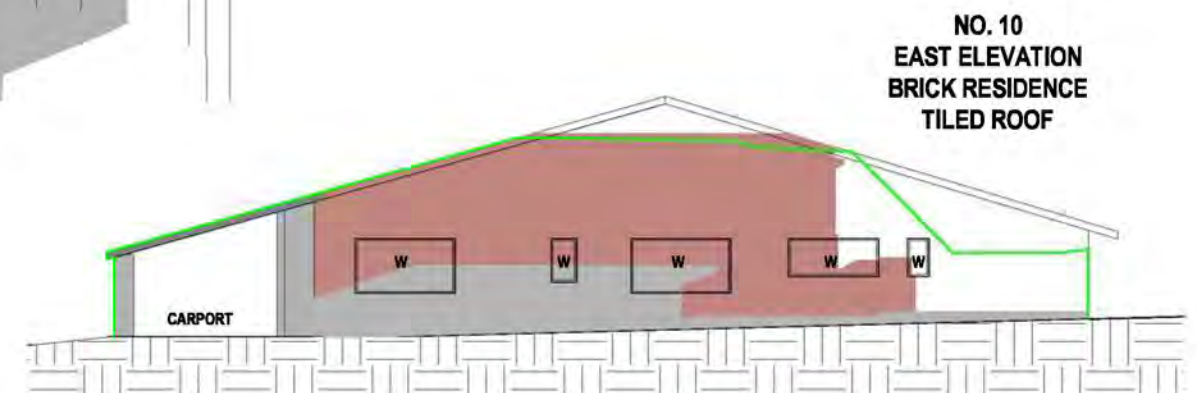
Date Received: 28/09/2020

AMENDED PLANS

1 Shadowing June 21st 10.00am
1 : 200

NOTE:

SHADOWS SHOWN HAVE BEEN COMPILED FROM
DETAIL & LEVEL SURVEY BY ESA SURVEY LAND
SURVEY CONSULTANTS PLAN REF. 4052/20
DATED 23 FEBRUARY 2020 AND ARCHITECTURAL
MODELS SUPPLIED BY MHNDU PROJECT NO. 20-038
REV.A ISSUE DATE 28/7/20



Cad Draft P/L

ABN 27 083 288 153
SUITE 4, 670 DARLING STREET,
ROZELLE, NSW
P.O BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

PH: 9555 8545

info@caddraftnsw.com.au

No.	Description	Date
1	HOURLY SHADOWS ADDED	15-09-20

SHADOW DIAGRAMS
No.12 BLAKE STREET
ROSE BAY

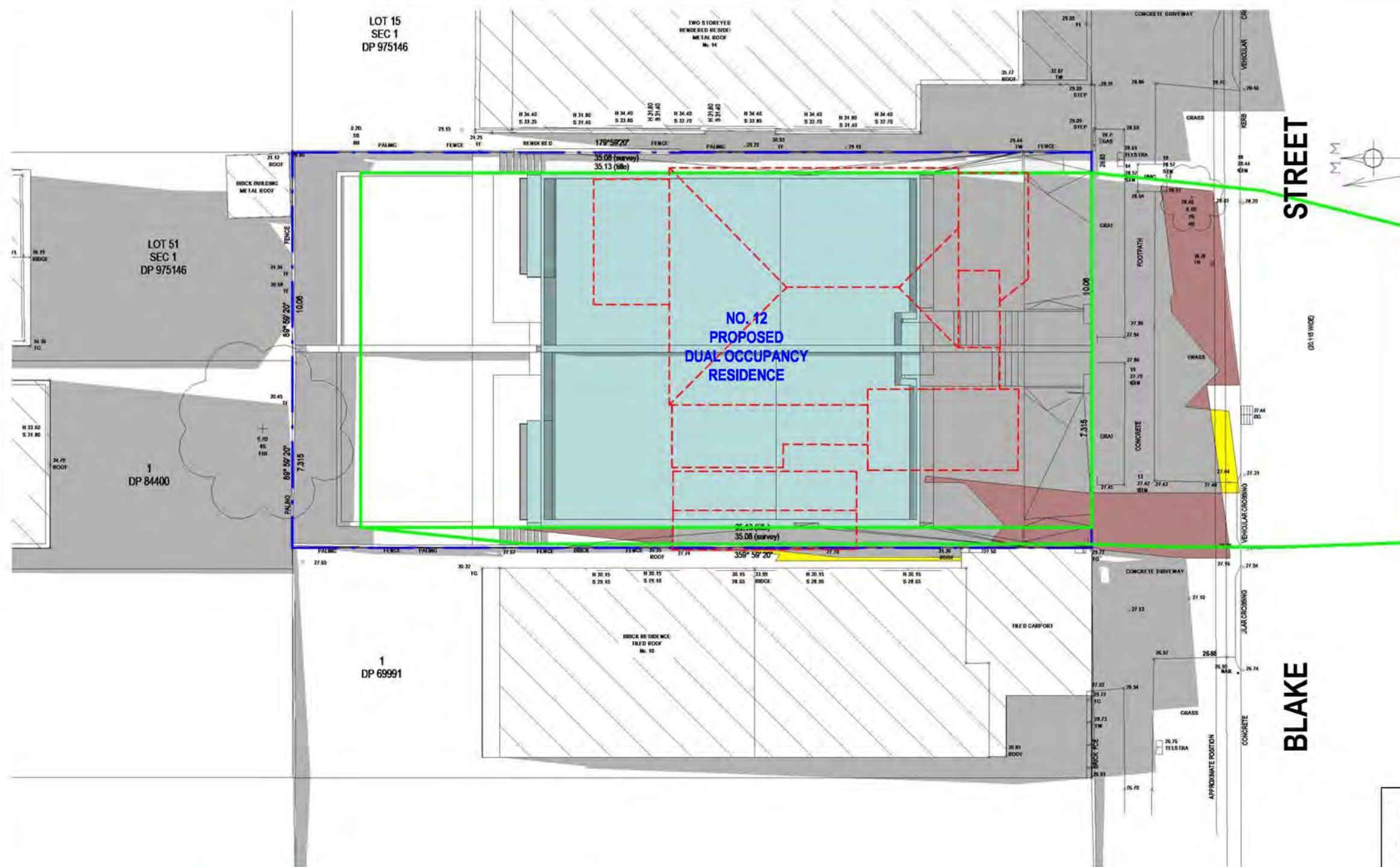
CLIENT: AARON BASSIN

Shadowing June 21st 10.00am

Project number	20-63
Date	29-07-20
Drawn by	KP
Checked by	JD

A101

Scale



- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
- DENOTES OUTLINE OF EXISTING TO BE DEMOLISHED
- DENOTES FOOTPRINT OF ROOF OF PROPOSED BUILDING
- DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW
- DENOTES OUTLINE AND SHADOW OF COMPLYING ENVELOPE (SEPP LOW DENSITY HOUSING)
- DENOTES AREA OF EXISTING SHADOW REDUCTION - EXISTING STRUCTURES TO BE REMOVED

RECEIVED
Waverley Council
Application No: DA-247/2020
Date Received: 28/09/2020

NOTE:

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DETAIL & LEVEL SURVEY BY ESA SURVEY LAND
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DATED 23 FEBRUARY 2020 AND ARCHITECTURAL
MODELS SUPPLIED BY MHNDU PROJECT NO. 20-038
REV.A ISSUE DATE 28/7/20

AMENDED PLANS

1

Shadowing June 21st 11.00am

1 : 200

Cad Draft P/L

ABN 27 083 288 153
SUITE 4, 670 DARLING STREET,
ROZELLE, NSW
P.O BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

PH: 9555 8545
info@caddraftnsw.com.au

No.	Description	Date
1	HOURLY SHADOWS ADDED	15-09-20

SHADOW DIAGRAMS
No.12 BLAKE STREET
ROSE BAY

CLIENT: AARON BASSIN

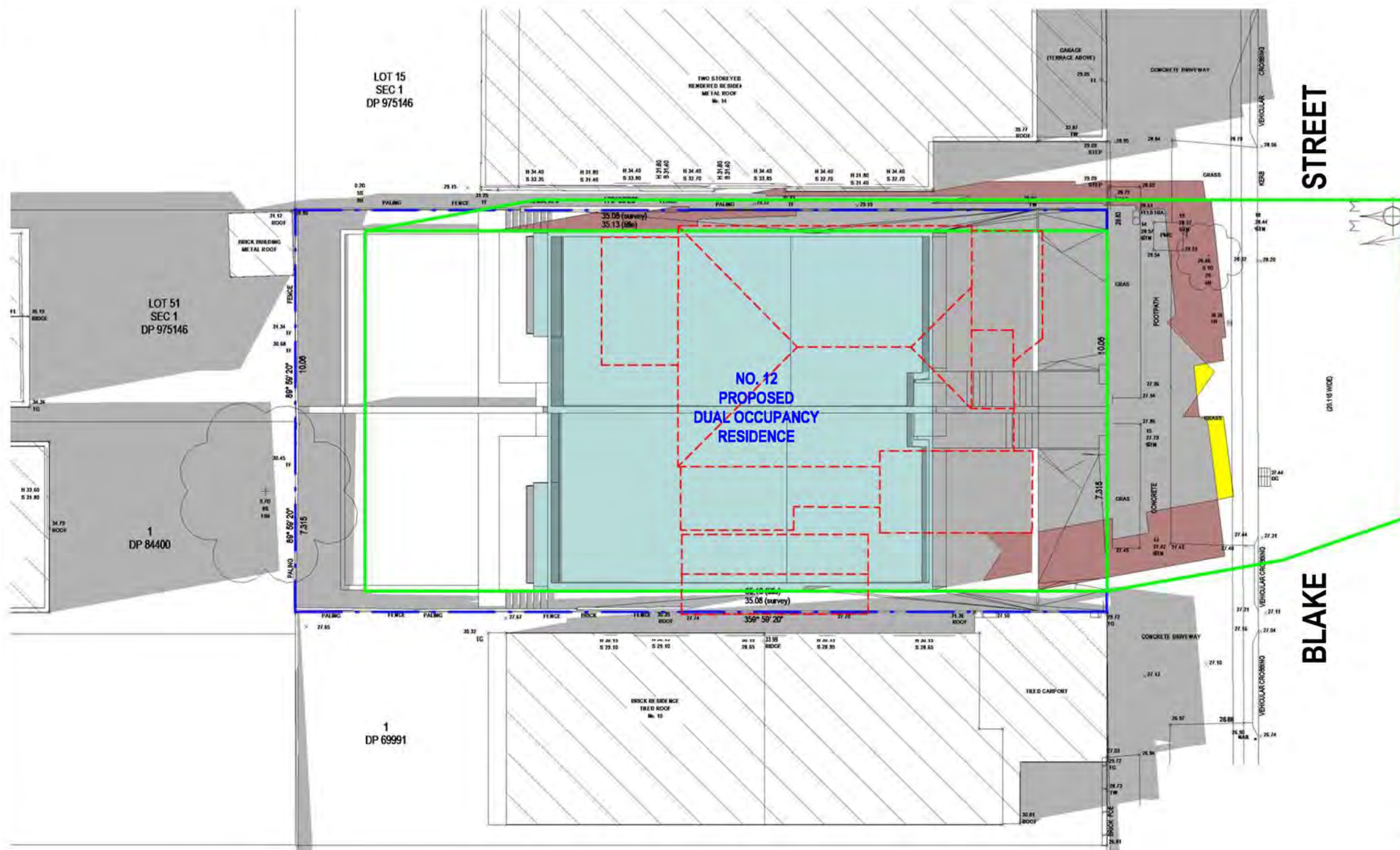
Shadowing June 21st 11.00am

Project number	20-63
Date	29-07-20
Drawn by	KP
Checked by	JD

A102

Scale

443



- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
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NOTE:

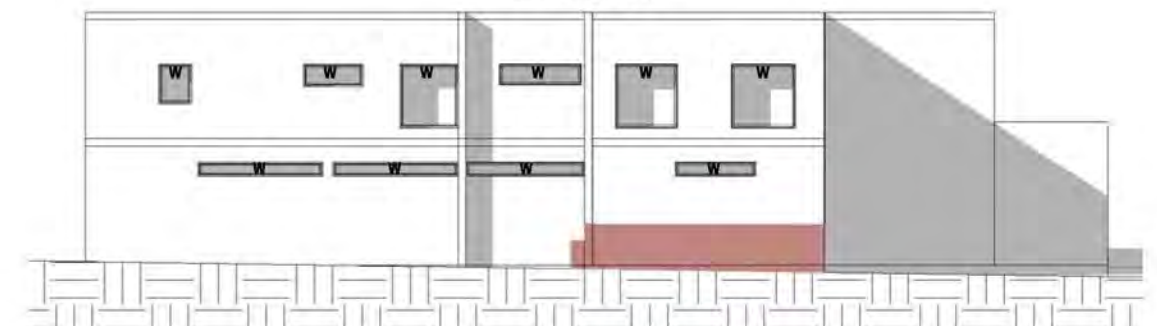
SHADOWS SHOWN HAVE BEEN COMPILED FROM
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MODELS SUPPLIED BY MHNDU PROJECT NO. 20-038
REV.A ISSUE DATE 28/7/20

RECEIVED
Waverley Council

Application No: DA-247/2020

Date Received: 28/09/2020

NO. 14
WEST ELEVATION
TWO STOREYED
RENDERED RESIDENCE
METAL ROOF



AMENDED PLANS

1

Shadowing June 21st 12.00pm

1 : 200

Cad Draft P/L

ABN 27 083 288 153

SUITE 4, 670 DARLING STREET,
ROZELLE, NSW
P.O BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

PH: 9555 8545

info@caddraftnsw.com.au

No.	Description	Date
1	HOURLY SHADOWS ADDED	15-09-20

SHADOW DIAGRAMS
No.12 BLAKE STREET
ROSE BAY

CLIENT: AARON BASSIN

Shadowing June 21st 12.00pm

Project number 20-63

Date 29-07-20

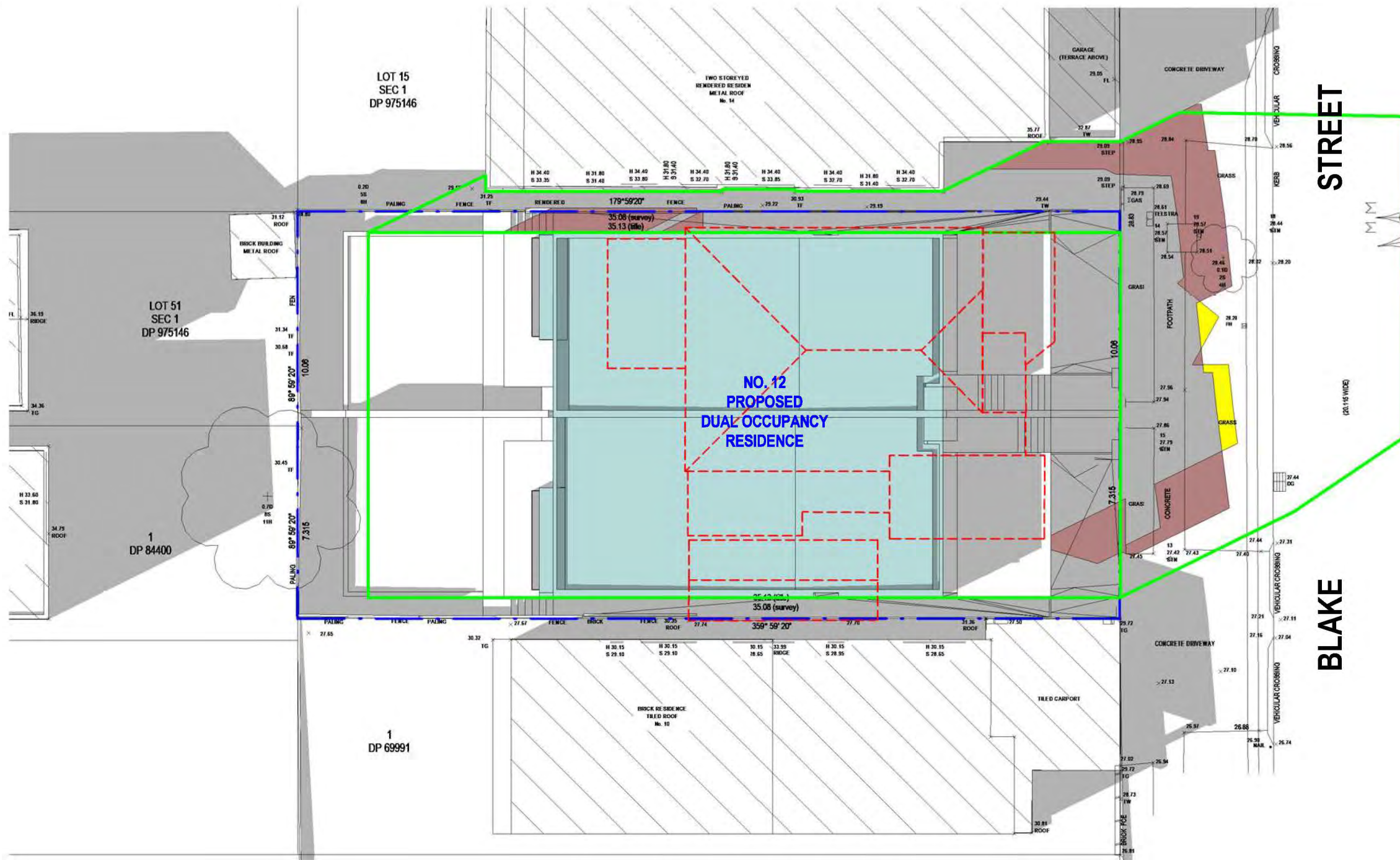
Drawn by KP

Checked by JD

A103

Scale

1 : 200



- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
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 MODELS SUPPLIED BY MHNDU PROJECT NO. 20-038
 REV.A ISSUE DATE 28/7/20

RECEIVED
 Waverley Council

Application No: DA-247/2020

Date Received: 28/09/2020

**NO. 14
 WEST ELEVATION
 TWO STOREYED
 RENDERED RESIDENCE
 METAL ROOF**



AMENDED PLANS

1

Shadowing June 21st 1.00pm

1 : 200

Cad Draft P/L

ABN 27 083 288 153
 SUITE 4, 670 DARLING STREET,
 ROZELLE, NSW
 P.O BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

PH: 9555 8545
 info@caddraftnsw.com.au

No.	Description	Date
1	HOURLY SHADOWS ADDED	15-09-20

SHADOW DIAGRAMS
 No.12 BLAKE STREET
 ROSE BAY

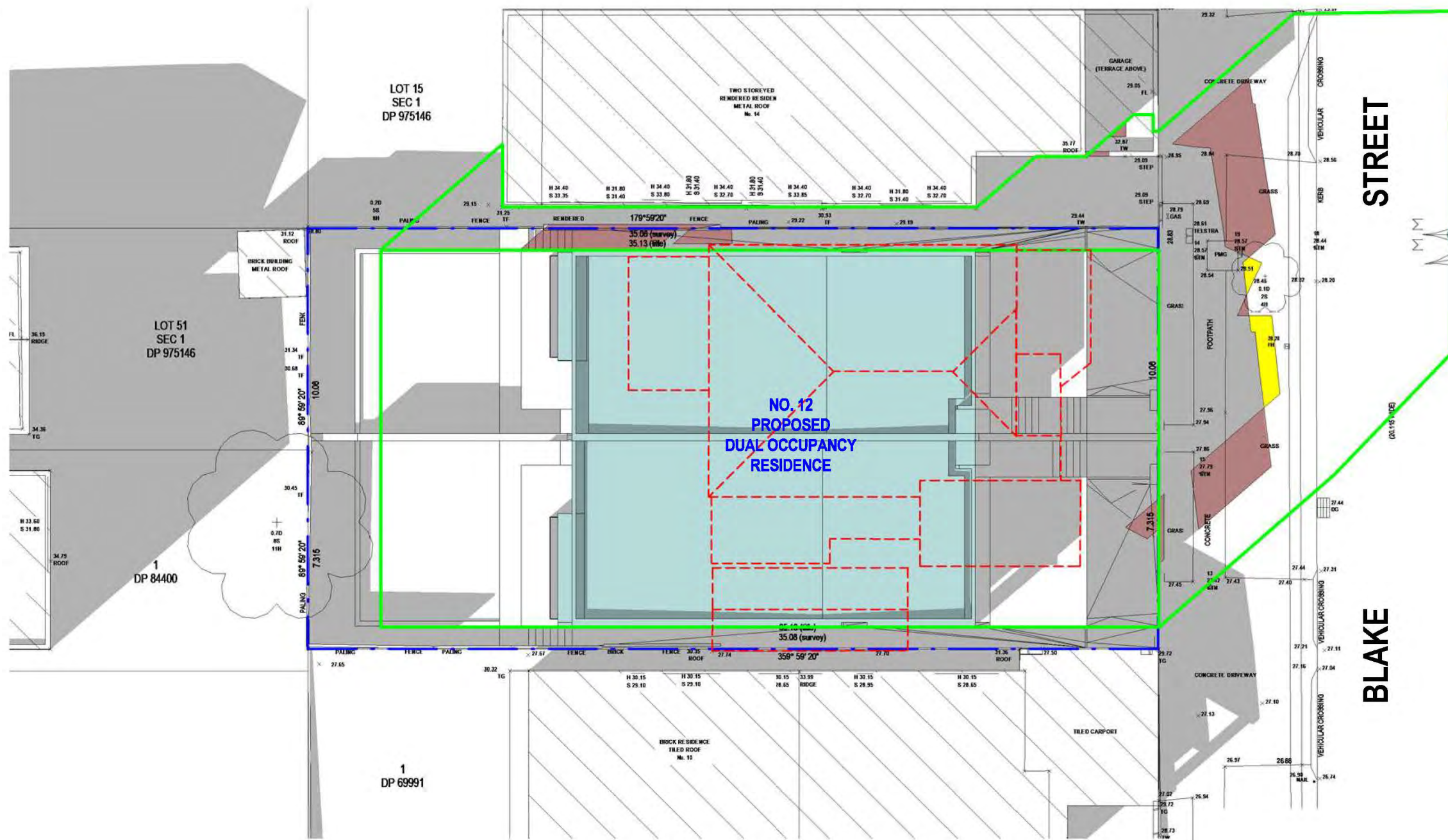
CLIENT: AARON BASSIN

Shadowing June 21st 1.00pm

Project number 20-63
 Date 29-07-20
 Drawn by KP
 Checked by JD

A104

Scale



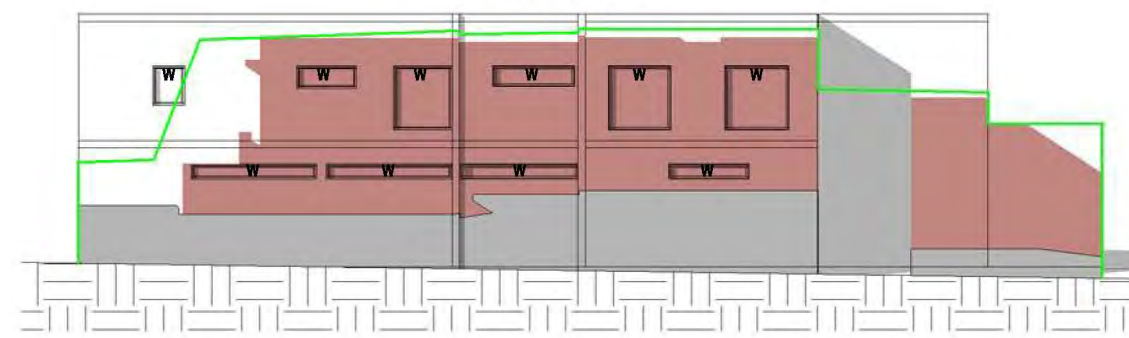
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 SURVEY CONSULTANTS PLAN REF. 4052/20
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 MODELS SUPPLIED BY MHNDU PROJECT NO. 20-038
 REV.A ISSUE DATE 28/7/20

RECEIVED
 Waverley Council
 Application No: DA-247/2020
 Date Received: 28/09/2020

**NO. 14
 WEST ELEVATION
 TWO STOREY
 RENDERED RESIDENCE
 METAL ROOF**



AMENDED PLANS

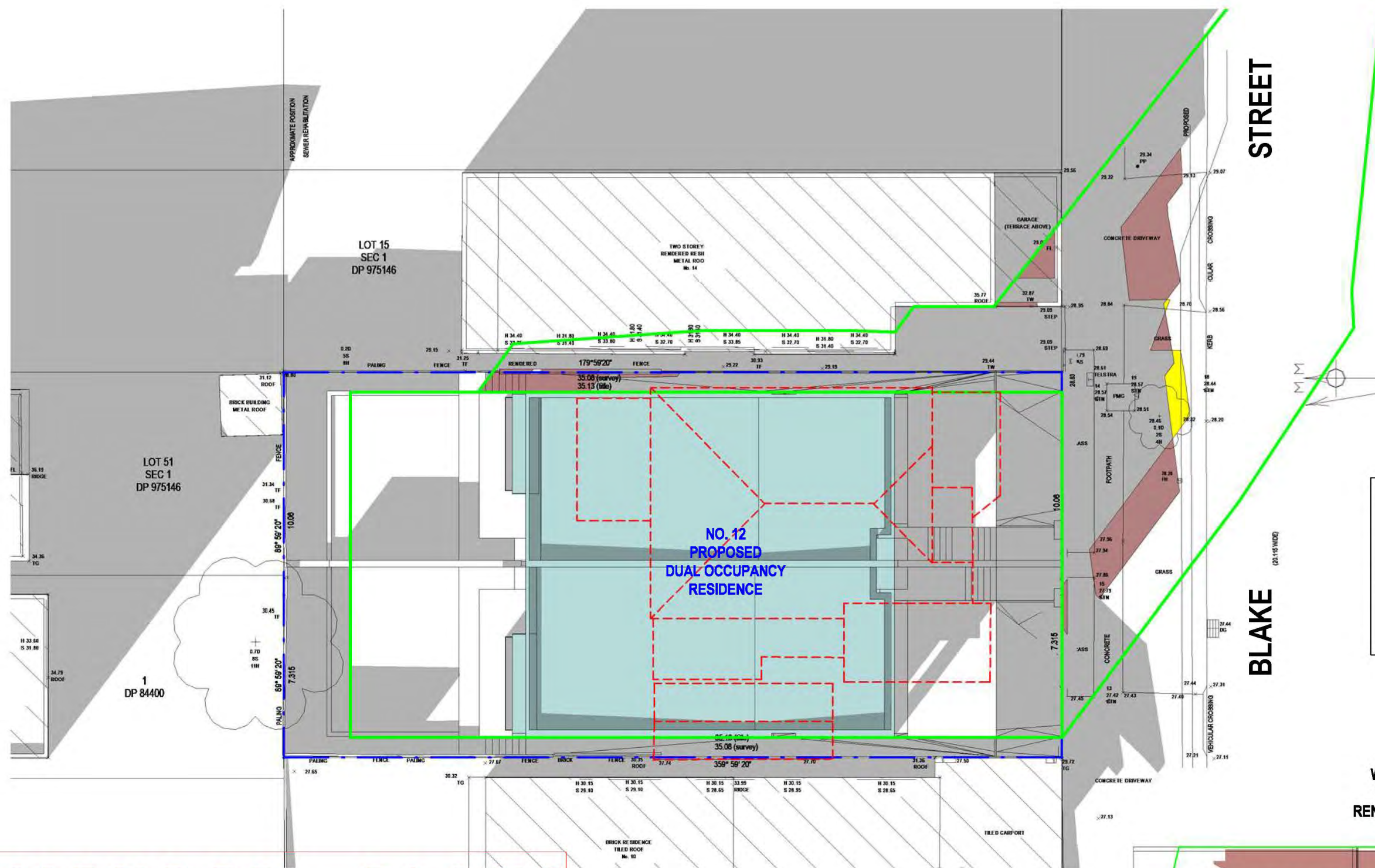
1 Shadowing June 21st 2.00pm
 1 : 200

Cad Draft P/L
 SHADOW ANALYSIS CONSULTANTS
 ABN 27 083 288 153
 SUITE 4, 670 DARLING STREET,
 ROZELLE, NSW
 P.O BOX 446 GLADESVILLE 2111
 PH: 9555 8545
 info@caddraftnsw.com.au

No.	Description	Date
1	HOURLY SHADOWS ADDED	15-09-20

SHADOW DIAGRAMS
 No.12 BLAKE STREET
 ROSE BAY
 CLIENT: AARON BASSIN

Shadowing June 21st 2.00pm		
Project number	20-63	A105
Date	29-07-20	
Drawn by	KP	
Checked by	JD	
Scale		1 : 200

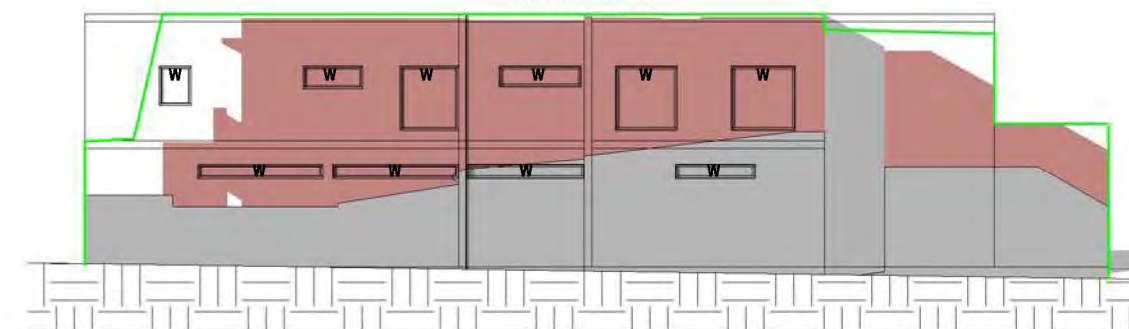


- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
- DENOTES OUTLINE OF EXISTING TO BE DEMOLISHED
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RECEIVED
Waverley Council
Application No: DA-247/2020
Date Received: 28/09/2020

NOTE:
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SURVEY CONSULTANTS PLAN REF. 4052/20
DATED 23 FEBRUARY 2020 AND ARCHITECTURAL
MODELS SUPPLIED BY MHNDU PROJECT NO. 20-038
REV.A ISSUE DATE 28/7/20

NO. 14
WEST ELEVATION
TWO STOREYED
RENDERED RESIDENCE
METAL ROOF



AMENDED PLANS

1 Shadowing June 21st 3.00pm
1 : 200

Cad Draft P/L

ABN 27 083 288 153
SUITE 4, 670 DARLING STREET,
ROZELLE, NSW
P.O BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

PH: 9555 8545
info@caddraftnsw.com.au

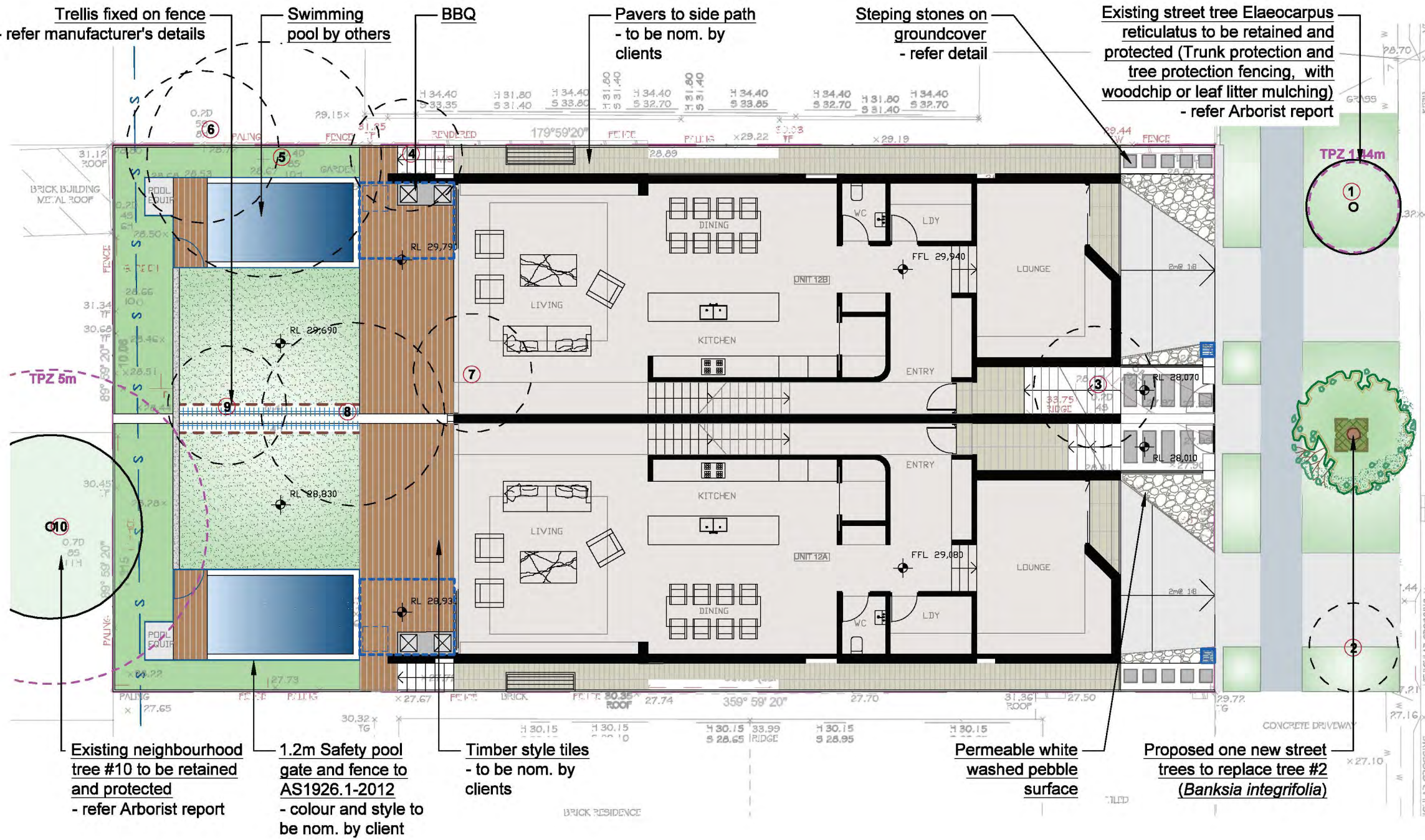
No.	Description	Date
1	HOURLY SHADOWS ADDED	15-09-20

SHADOW DIAGRAMS
No.12 BLAKE STREET
ROSE BAY

CLIENT: AARON BASSIN

Shadowing June 21st 3.00pm

Project number	20-63	A106
Date	29-07-20	
Drawn by	KP	
Checked by	JD	
Scale		1 : 200



LOCATION PLAN



STREET TREES
Botanical Name: *Banksia integrifolia*
Common Name: Coastal Banksia (Native)
Pot size: 75L
Mature H x S: 6-8m x 4-5m
Qty Required: 1

TREE SURVEY

Existing Trees based on Arborists Report by DR. TREEGOOD prepared on AUG 2020

No.#	Species	Size (Ht x Sp)	Condition	Action
1	Elaeocarpus reticulatus	8x3	Good	Retain
2	Nerium oleander	2x4	Good	Remove
3	Camellia japonica	6x3	Good	Remove
4	Laurus nobilis	8x3	Good	Remove
5	Celtis sinensis	12x12	Good	Remove
6	Celtis sinensis	12x7	Good	Remove
7	Howea forsteriana	11x3	Good	Remove
8	Howea forsteriana	12x3	Good	Remove
9	Phoenix loureiri	2x3	Good	Remove
10	Melaleuca quinquenervia	12x10	Good	Retain

REV	DATE	NOTATION/AMENDMENT
A	16.07.20	Preliminary plan prepared for review
B	24.07.20	Coordinate with client's comments
C	30.07.20	Coordinate with architectural updates
D	31.07.20	Coordinate with architectural updates
E	08.08.20	Coordinate with arborist report

DRAWING SCHEDULE

SHEET #	DRAWING TITLE	REV.
/1	HARDSCAPE PLAN	E
/2	LANDSCAPE PLAN	E
/3	LANDSCAPE PLAN	E
/4	DETAILS	E
/5	DETAILS	E
/6	SPECIFICATION	E



- OTHER LANDSCAPE ITEMS**
- Brick Garden Edging - refer detail
- Turf area - refer detail
- Stepping stones with washed white pebbles in gaps - refer detail
- Washed white pebbles
- Timber style tiles to be nom. by clients
- Retaining / raised planter wall - refer detail
- Trellis fixed on fence - refer manufacturer's details
- 1.8m Gate and fence - colour and style to be nom. by client
- Trees proposed to be removed and replaced with new landscaping
- Existing trees proposed to be retained and protected

PROPOSED RESIDENTIAL DEVELOPMENT

12 BLAKE STREET, ROSE BAY

DWG.No: LPDA 21 - 012 / 1

TO BE AMENDED

RECEIVED
Waverley Council
Application No: DA-247/2020
Date Received: 11/08/2020

Conzept
Landscape Architects
Suite 101, 506 Miller St
CAMMERAY NSW 2062
Phone: 9922 5312
Fax: 8209 4982
Mob: 0413 861 351
www.conzept.net.au
enquiries@conzept.net.au

LEGEND & SCHEDULE

NOTES:
1. ALL FINAL PLANT QUANTITIES INDICATED ON PLANS SHALL BE CHECKED AND VERIFIED BY SUCCESSFUL LANDSCAPE CONTRACTOR.
2. ANY PLANT SUBSTITUTES REQUIRED DUE TO UNAVAILABILITY SHALL BE RECOMMENDED BY THE LANDSCAPE CONTRACTOR TO BEST MATCH SUBSTITUTED PLANTS AND APPROVED PRIOR TO PURCHASING BY THE LANDSCAPE ARCHITECT.
3. WORKS CERTIFIED FOR FINAL OCCUPANCY CERTIFICATE ARE TO MATCH APPROVED LANDSCAPE PLANS.
4. LANDSCAPE CONTRACTOR SHALL LOCATE AND AVOID SITE STORM WATER & DRAINAGE SERVICES. LOCATE TREES A MINIMUM 1.25M FROM PITS
5. ALL PLANTING AROUND EXISTING TREES SHALL BE ADJUSTED TO AVOID DAMAGE AND CLASHING WITH SURFACE ROOTS.
6. THE NATURE STRIP (STREET FRONTAGE) FOR THE SITE IS PUBLIC LAND, AND ONLY AUTHORIZED WORKS MAY OCCUR HERE. EXISTING CONDITIONS SUCH AS STREET TREES, COUNCIL PLANTING ETC SHALL BE RETAINED AND PROTECTED DURING CONSTRUCTION, UNLESS SPECIFIC APPROVAL HAS BEEN GRANTED FOR NEW WORK IN THIS AREA.

TREES

Botanical Name: *Syzygium luehmannii*
Common Name: Riberry Lilly pilly (Native)
Pot size: 300mm
Mature H x S: 5m x 3m
Qty Required: 8

SHRUBS AND HEDGES

Botanical Name: *Bambusa textilis Gracilis*
Common Name: Slender weavers (Exotic)
Pot size: 200mm
Mature H x S: 5-6m x 1.8m
Qty Required: 12

Botanical Name: *Dyopsis lutescens*
Common Name: Golden Cane Palm (Exotic)
Pot size: 300mm
Mature H x S: 2m x 2.5m
Qty Required: 16

CLIMBERS

Botanical Name: *Passiflora caerulea*
Common Name: Blue Passionflower Vine (Exotic)
Pot size: 100mm
Mature H x S: 0.3m x spreading
Qty Required: 6

ACCENT PLANTS

Botanical Name: *Dracaena draco*
Common Name: Dragon's-blood Tree
Pot size: 100L
Mature H x S: 2.5m x 1-6m
Qty Required: 2

Botanical Name: *Cordylina australis*
Common Name: Cabbage tree (Native)
Pot size: 75L
Mature H x S: 4m x 1-2.5m
Qty Required: 2

Botanical Name: *Strelitzia nicolai*
Common Name: Giant Bird of Paradise (Exotic)
Pot size: 300mm
Mature H x S: 6m x 3m
Qty Required: 2

Botanical Name: *Cordylina 'Early Morning Diamond'*
Common Name: Early Morning Diamond (Exotic)
Pot size: 300mm
Mature H x S: 1m x 0.8m
Qty Required: 12

Botanical Name: *Alpinia zerumbet 'Variegata'*
Common Name: Variegated Shell Ginger (Exotic)
Pot size: 300mm
Mature H x S: 1m x 0.8m
Qty Required: 6

Botanical Name: *Asplenium australasicum*
Common Name: Birds Nest Fern (Native)
Pot size: 200mm
Mature H x S: 1m x 1.4m
Qty Required: 6

Botanical Name: *Philodendron 'Xanadu'*
Common Name: Xanadu Plant (Exotic)
Pot size: 200mm
Mature H x S: 0.7m x 0.7m
Qty Required: 12

Botanical Name: *Agave parryi*
Common Name: Parry's Agave (Exotic)
Pot size: 300mm
Mature H x S: 0.6m x 0.75m
Qty Required: 10

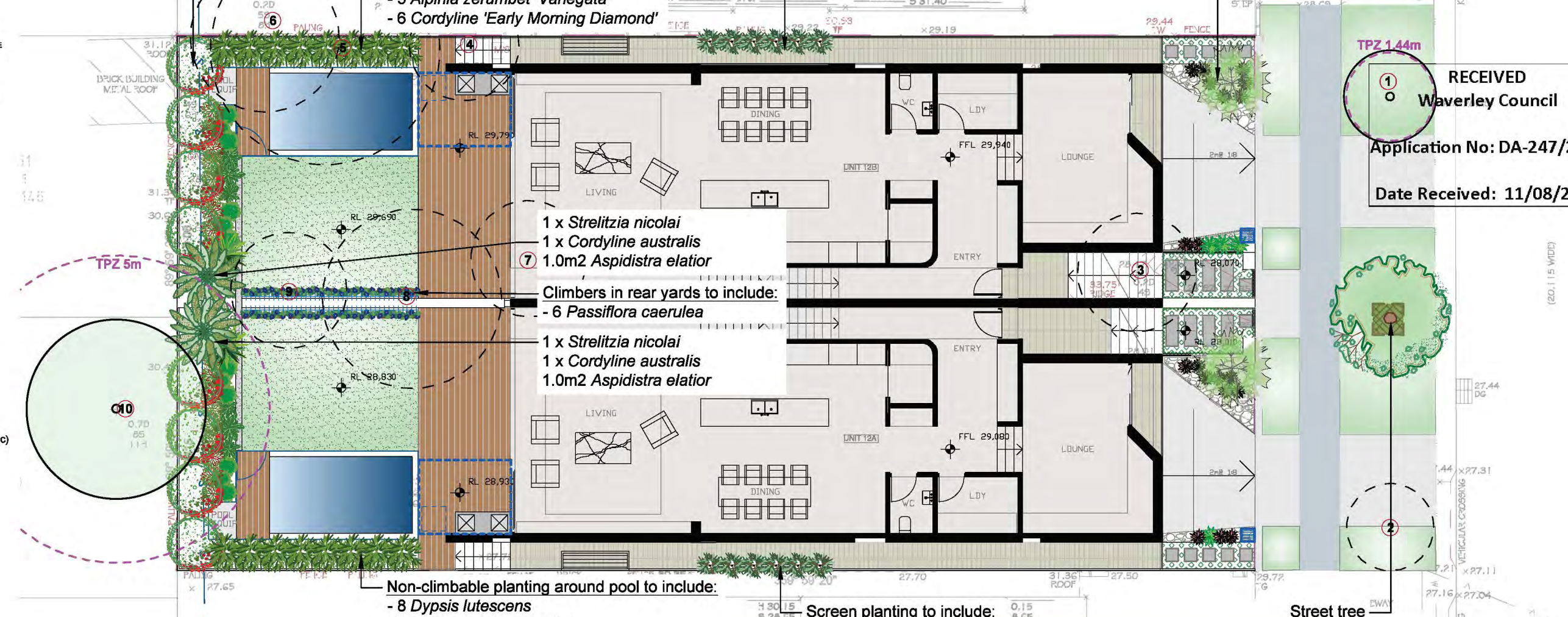
Botanical Name: *Aloe 'Pink Brush'*
Common Name: Pink Brush Aloe (Exotic)
Pot size: 300mm
Mature H x S: 0.3m x 0.3m
Qty Required: 19

Proposed 8 new trees
(*Syzygium luehmannii*)
to council's
requirements

Non-climbable planting around pool to include:
- 8 *Dyopsis lutescens*
- 6 *Philodendron 'Xanadu'*
- 3 *Asplenium australasicum*
- 3 *Alpinia zerumbet 'Variegata'*
- 6 *Cordylina 'Early Morning Diamond'*

Screen planting to include:
- 6 *Bambusa textilis Gracilis*

Planting to front setback to include:
- 2 *Cordylina australis*
- 10 *Agave parryi*
- 19 *Aloe 'Pink Brush'*
- 14.0m2 *Ophiopogon japonicus*



TREE REQUIREMENT

9 TREES REQUIRED BY WAVERLEY COUNCIL

Proposed trees include:
8 x *Syzygium luehmannii*
1 x *Banksia integrifolia*

AN AUTOMATED COMMERCIAL GRADE IRRIGATION SYSTEM SHALL BE PROFESSIONALLY INSTALLED TO ALL GARDEN AREAS, INCLUDING RAISED PLANTERS, UPPER FLOOR PLANTERS AND GARDENS IN NATURAL GROUND. THE SYSTEM SHALL BE DESIGNED AND INSTALLED IN LINE WITH THE IRRIGATION PERFORMANCE SPECIFICATION, BY A LICENCED CONTRACTOR OR LANDSCAPER. THE LICENCED CONTRACTOR SHALL PREPARE AN 'AS BUILT' PLAN OF THE SYSTEM TO THE SUPERINTENDENT FOR STRATA RECORDS, FOR FUTURE MAINTENANCE.

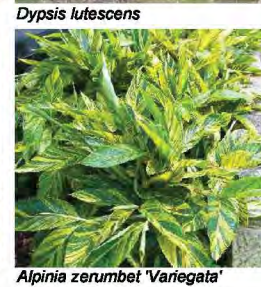
GRASSES / GROUNDCOVERS

Botanical Name: *Aspidistra elatior*
Common Name: Cast-Iron Plant (Exotic)
Pot size: 150mm
Mature H x S: 0.6m x 0.5m
Qty Required: 5/m2 (2.0m2 total)

Botanical Name: *Ophiopogon japonicus*
Common Name: Mondo grass (Exotic)
Pot size: 140mm
Mature H x S: 0.2m x 0.2m
Qty Required: 9/m2 (14.0m2 total)

Non-climbable planting around pool to include:
- 8 *Dyopsis lutescens*
- 6 *Philodendron 'Xanadu'*
- 3 *Asplenium australasicum*
- 3 *Alpinia zerumbet 'Variegata'*
- 6 *Cordylina 'Early Morning Diamond'*

Screen planting to include:
- 6 *Bambusa textilis Gracilis*



TO BE AMENDED

LANDSCAPE PLAN NOTES

This plan should be read in conjunction with the architectural and hydraulics plans. Work specific to these plans should be prepared in accordance to these plans, including specification and details prior to the installation of landscaping, and should not be altered or compromised during landscape construction. Elements such as drainage swales may be incorporated in garden bed areas (using non-floatable mulch) without compromising the capacity or form.

This plan has been prepared for Development Application approval only, not for construction.

This plan has been prepared with reference to **WAVERLEY Councils** Landscaping Guidelines & requirements. Planting proposed using mainly indigenous, commercially available plant species selected from local planting lists and the BASIX local plant list and from Sydney Waters "Plant Selector" web site one-drip rated native plants (**acceptable for Basix planting**).

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Bar Scale



REV	DATE	NOTATION/AMENDMENT
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B	24.07.20	Coordinate with client's comments
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COUNCIL	WAVERLEY
CLIENT	AARON BASSIN
ARCHITECT	MHNDUNION
STATUS / ISSUE	DA - ISSUE D

Conzept
Landscape Architects
Conzept Landscape Architects
Suite 101, 506 Miller St
CAMMERAY NSW 2062
Phone: 9922 5312
Fax: 8208 4982
www.conzept.net.au
enquiries@conzept.net.au
Mob: 0413 861 351

TITLE:	LANDSCAPE PLAN	DWG.No:	LPDA 21 - 012 / 2
	PROPOSED RESIDENTIAL DEVELOPMENT	SCALE:	1:150 @ A3
	12 BLAKE STREET ROSE BAY	DATE:	JULY 2020
		DRAWN:	R.H
		CHECKED:	449

RECEIVED
Waverley Council
Application No: DA-247/2020
Date Received: 11/08/2020

LEGEND & SCHEDULE

NOTES:
1. ALL FINAL PLANT QUANTITIES INDICATED ON PLANS SHALL BE CHECKED AND VERIFIED BY SUCCESSFUL LANDSCAPE CONTRACTOR.
2. ANY PLANT SUBSTITUTES REQUIRED DUE TO UNAVAILABILITY SHALL BE RECOMMENDED BY THE LANDSCAPE CONTRACTOR TO BEST MATCH SUBSTITUTED PLANTS AND APPROVED PRIOR TO PURCHASING BY THE LANDSCAPE ARCHITECT.
3. WORKS CERTIFIED FOR FINAL OCCUPANCY CERTIFICATE ARE TO MATCH APPROVED LANDSCAPE PLANS.
4. LANDSCAPE CONTRACTOR SHALL LOCATE AND AVOID SITE STORM WATER & DRAINAGE SERVICES. LOCATE TREES A MINIMUM 1.25M FROM PITS
5. ALL PLANTING AROUND EXISTING TREES SHALL BE ADJUSTED TO AVOID DAMAGE AND CLASHING WITH SURFACE ROOTS.
6. THE NATURE STRIP (STREET FRONTAGE) FOR THE SITE IS PUBLIC LAND, AND ONLY AUTHORIZED WORKS MAY OCCUR HERE. EXISTING CONDITIONS SUCH AS STREET TREES, COUNCIL PLANTING ETC SHALL BE RETAINED AND PROTECTED DURING CONSTRUCTION, UNLESS SPECIFIC APPROVAL HAS BEEN GRANTED FOR NEW WORK IN THIS AREA.

ACCENT PLANTS

-  **Botanical Name:** *Euphorbia tirucalli* 'Firesticks'
Common Name: Firesticks (Exotic)
Pot size: 300mm
Mature H x S: 0.7m x 0.7m
Qty Required: 10
-  **Botanical Name:** *Pilosocereus Azureus*
Common Name: Blue Torch Cactus (Exotic)
Pot size: 140mm
Mature H x S: 1m x 0.3m
Qty Required: 8
-  **Botanical Name:** *Agave parryi*
Common Name: Parry's Agave (Exotic)
Pot size: 300mm
Mature H x S: 0.6m x 0.75m
Qty Required: 19
-  **Botanical Name:** *Aloe 'Pink Brush'*
Common Name: Pink Brush Aloe (Exotic)
Pot size: 300mm
Mature H x S: 0.3m x 0.3m
Qty Required: 23
-  **Botanical Name:** *Echinocactus spp*
Common Name: Golden barrel cactus (Exotic)
Pot size: 300mm
Mature H x S: 0.3m x 0.3m
Qty Required: 22
-  **Botanical Name:** *Philodendron 'Little Phil'*
Common Name: Little Phil (Exotic)
Pot size: 140mm
Mature H x S: 0.4m x 0.5m
Qty Required: 14

GRASSES / GROUNDCOVERS

-  **Botanical Name:** *Crassula ovata* 'Bluebird'
Common Name: Crassula 'Blue Bird' (Exotic)
Pot size: 140mm
Mature H x S: 0.2m x 0.4m
Qty Required: 5/m2 (4.8m2 total)
-  **Botanical Name:** *Dichondra argentea* 'Silver Falls'
Common Name: Silver Falls Dichondra (Exotic)
Pot size: 140mm
Mature H x S: 0.15m x spreading
Qty Required: 9/m2 (4.8m2 total)
-  **Botanical Name:** *Echeveria lilacina*
Common Name: Echeveria (Native)
Pot size: 150mm
Mature H x S: 0.4m x 0.3m
Qty Required: 5/m2 (5.5m2 total)
-  **Botanical Name:** *Senecio serpens*
Common Name: Blue Chalk sticks (Exotic)
Pot size: 140mm
Mature H x S: 0.2m x 0.4m
Qty Required: 5/m2 (2.6m2 total)



Pilosocereus Azureus



Echinocactus spp



Agave parryi



Aloe 'Pink Brush'



Senecio serpens



Dichondra argentea 'Silver Falls'

TO BE AMENDED

Planting to roof garden to include:

- 5 *Euphorbia tirucalli* 'Firesticks'
- 4 *Pilosocereus Azureus*
- 9 *Agave parryi*
- 11 *Echinocactus spp*
- 12 *Aloe 'Pink Brush'*
- 7 *Philodendron 'Little Phil'*
- 2.3m2 *Dichondra argentea* 'Silver Falls'
- 3.4m2 *Echeveria lilacina*
- 2.2m2 *Crassula ovata* 'Bluebird'
- 1.0m2 *Senecio serpens*

Planting to roof garden to include:

- 5 *Euphorbia tirucalli* 'Firesticks'
- 4 *Pilosocereus Azureus*
- 10 *Agave parryi*
- 11 *Echinocactus spp*
- 11 *Aloe 'Pink Brush'*
- 7 *Philodendron 'Little Phil'*
- 2.5m2 *Dichondra argentea* 'Silver Falls'
- 2.4m2 *Echeveria lilacina*
- 2.6m2 *Crassula ovata* 'Bluebird'
- 1.6m2 *Senecio serpens*

LANDSCAPE PLAN NOTES

This plan should be read in conjunction with the architectural and hydraulics plans. Work specific to these plans should be prepared in accordance to these plans, including specification and details prior to the installation of landscaping, and should not be altered or compromised during landscape construction. Elements such as drainage swales may be incorporated in garden bed areas (using non-floatable mulch) without compromising the capacity or form.

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Application No: DA-247/2020
Date Received: 11/08/2020

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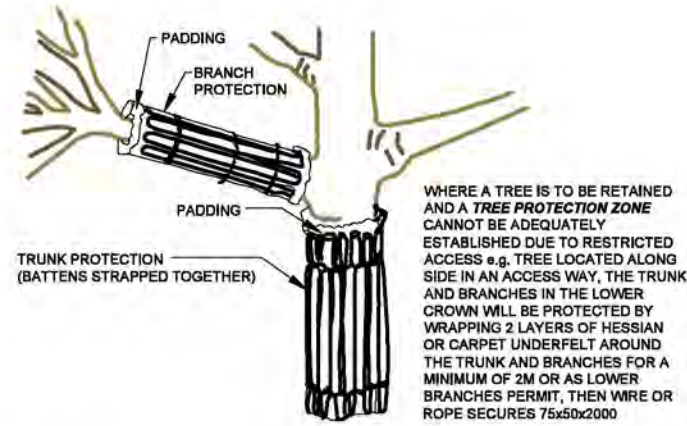


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COUNCIL	WAVERLEY
CLIENT	AARON BASSIN
ARCHITECT	MHNDUNION
STATUS / ISSUE	DA - ISSUE D

Conzept
Landscape Architects
Conzept Landscape Architects
Suite 101, 508 Miller St
CAMMERAY NSW 2062
Phone: 9922 5312
Fax: 8209 4982
www.conzept.net.au
enquiries@conzept.net.au
Mob: 0413 861 351

TITLE	LANDSCAPE PLAN	DWG No:	LPDA 21 - 012 / 3
	PROPOSED RESIDENTIAL DEVELOPMENT	SCALE:	1:150 @ A3
	12 BLAKE STREET	DATE:	JULY 2020
	ROSE BAY	DRAWN:	R.H
		CHECKED:	R.F



TYPICAL TRUNK PROTECTION WHERE TPZ FENCING NOT PRACTICAL

SCALE: NTS

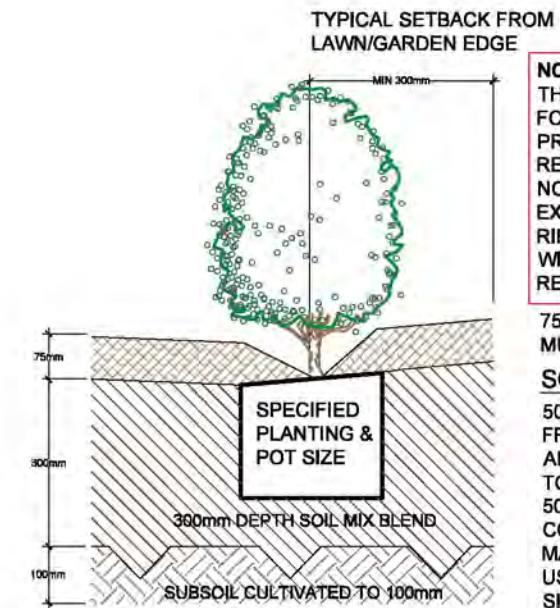


1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET
2. ALTERNATIVE PLYWOOD OR WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ
3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST). NO EXCAVATION, CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ
4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING ROOTS
5. PRUNING & MAINTENANCE TO TREE REFER TO AS 4373-2007 PRUNING OF AMENITY TREES

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON-SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.

TREE PROTECTION ZONE

N.T.S



NOTE
THIS DETAIL IS ONLY APPLICABLE FOR PLANTING AREA OUTSIDE TREE PROTECTION ZONE OF TREES TO BE RETAINED. NO CHANGES ARE TO OCCUR TO EXISTING LEVELS, INCLUDING RIPPING/CULTIVATING OF THE SOIL WITHIN THE TPZ OF TREES TO BE RETAINED ON SITE

75mm DEPTH "FOREST BLEND" MULCH OR EQUIVALENT

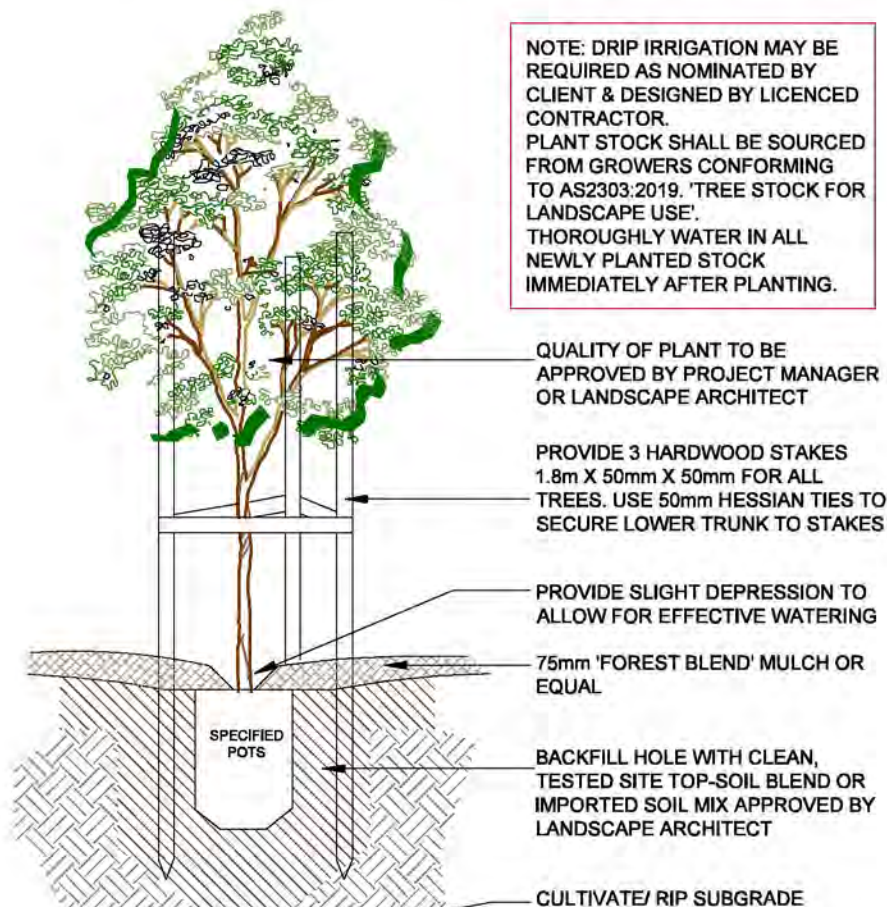
SOIL MIX:

50% OF STOCKPILED SITE TOPSOIL FREE FROM ALL BUILDER'S RUBBISH AND DELETERIOUS MATERIALS. TOPSOIL TO BE MIXED WITH MINIMUM 50% IMPORTED GARDEN MIX OR SOIL CONDITIONER/ COMPOSTED ORGANIC MATTER - SEE SPEC. USE 100% IMPORTED SOIL MIX WHEN SITE TOPSOIL RUNS OUT.

TYPICAL GARDEN PREPARATION DETAIL

SCALE 1:10

TO BE AMENDED



NOTE: DRIP IRRIGATION MAY BE REQUIRED AS NOMINATED BY CLIENT & DESIGNED BY LICENCED CONTRACTOR. PLANT STOCK SHALL BE SOURCED FROM GROWERS CONFORMING TO AS2303:2019, 'TREE STOCK FOR LANDSCAPE USE'. THOROUGHLY WATER IN ALL NEWLY PLANTED STOCK IMMEDIATELY AFTER PLANTING.

QUALITY OF PLANT TO BE APPROVED BY PROJECT MANAGER OR LANDSCAPE ARCHITECT

PROVIDE 3 HARDWOOD STAKES 1.8m X 50mm X 50mm FOR ALL TREES. USE 50mm HESSIAN TIES TO SECURE LOWER TRUNK TO STAKES

PROVIDE SLIGHT DEPRESSION TO ALLOW FOR EFFECTIVE WATERING

75mm "FOREST BLEND" MULCH OR EQUAL

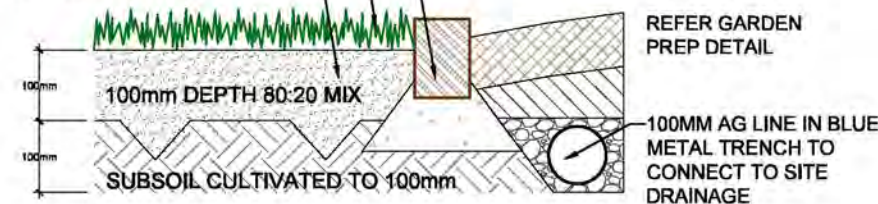
BACKFILL HOLE WITH CLEAN, TESTED SITE TOP-SOIL BLEND OR IMPORTED SOIL MIX APPROVED BY LANDSCAPE ARCHITECT

CULTIVATE/ RIP SUBGRADE

SELECTED BRICK EDGING NOM. BY CLIENT ON MORTAR BASE TO SUIT

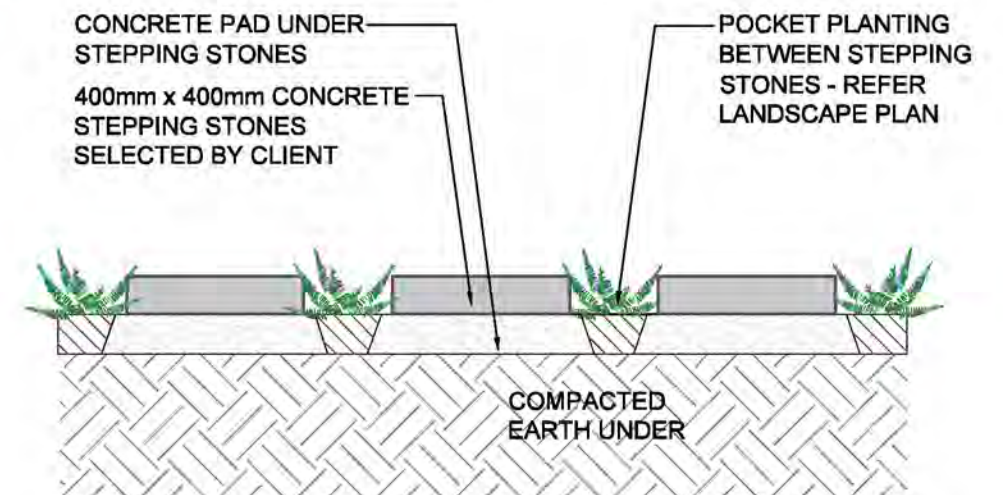
SOFT LEAF BUFFALO ("SIR WALTER" OR SIMILAR) LAY TURF ON MINIMUM 100mm 80 : 20 TOP DRESS SOIL MIX SAND : ORGANIC MATTER

NOTE: TURF AREAS TO FINISH FLUSH WITH SURROUNDS. ROLL AND WATER IMMEDIATELY AFTER LAYING.



TYPICAL TURF AND BRICK EDGE DETAIL

SCALE: 1:10



STEPPING STONES IN GROUNDCOVER PLANTING

SCALE 1:10

TREE PLANTING DETAIL

SCALE: NTS

(ONLY APPLICABLE FOR PLANTING AREA OUTSIDE TREE PROTECTION ZONE OF TREES TO BE RETAINED. NO CHANGES ARE TO OCCUR TO EXISTING LEVELS, INCLUDING RIPPING/CULTIVATING OF THE SOIL WITHIN THE TPZ OF TREES TO BE RETAINED ON SITE)

RECEIVED
Waverley Council
Application No: DA-247/2020
Date Received: 11/08/2020

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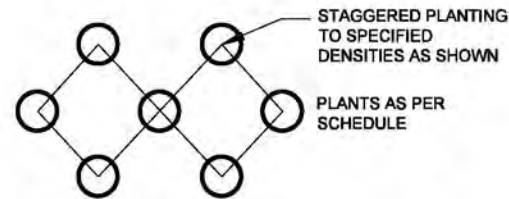


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COUNCIL	WAVERLEY
CLIENT	AARON BASSIN
ARCHITECT	MHNDUION
STATUS / ISSUE	DA - ISSUE D

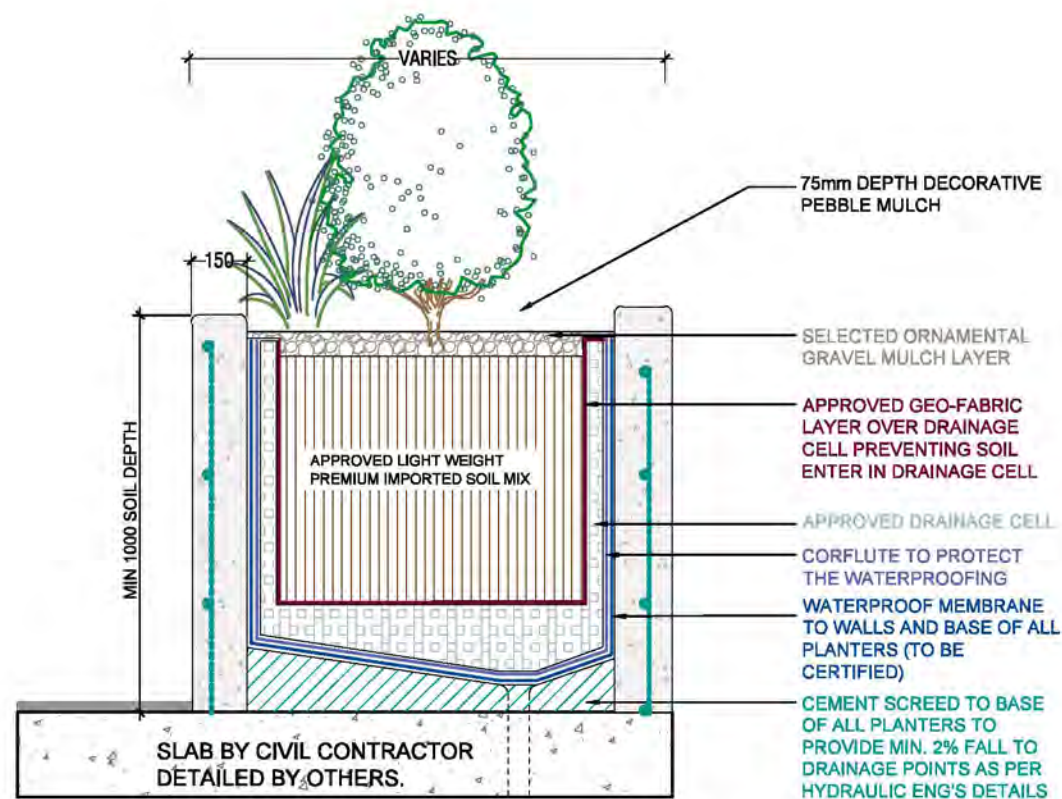
Conzept
Landscape Architects
Suite 101, 506 Miller St
CAMMERAY NSW 2082
Phone: 9922 5312
Fax: 8209 4982
www.conzept.net.au
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TITLE:	DETAILS	DWG.No:	LPDA 21 - 012 / 4
	PROPOSED RESIDENTIAL DEVELOPMENT	SCALE:	AS SHOWN @ A3
	12 BLAKE STREET ROSE BAY	DATE:	JULY 2020
		DRAWN:	R.H
		CHECKED:	451



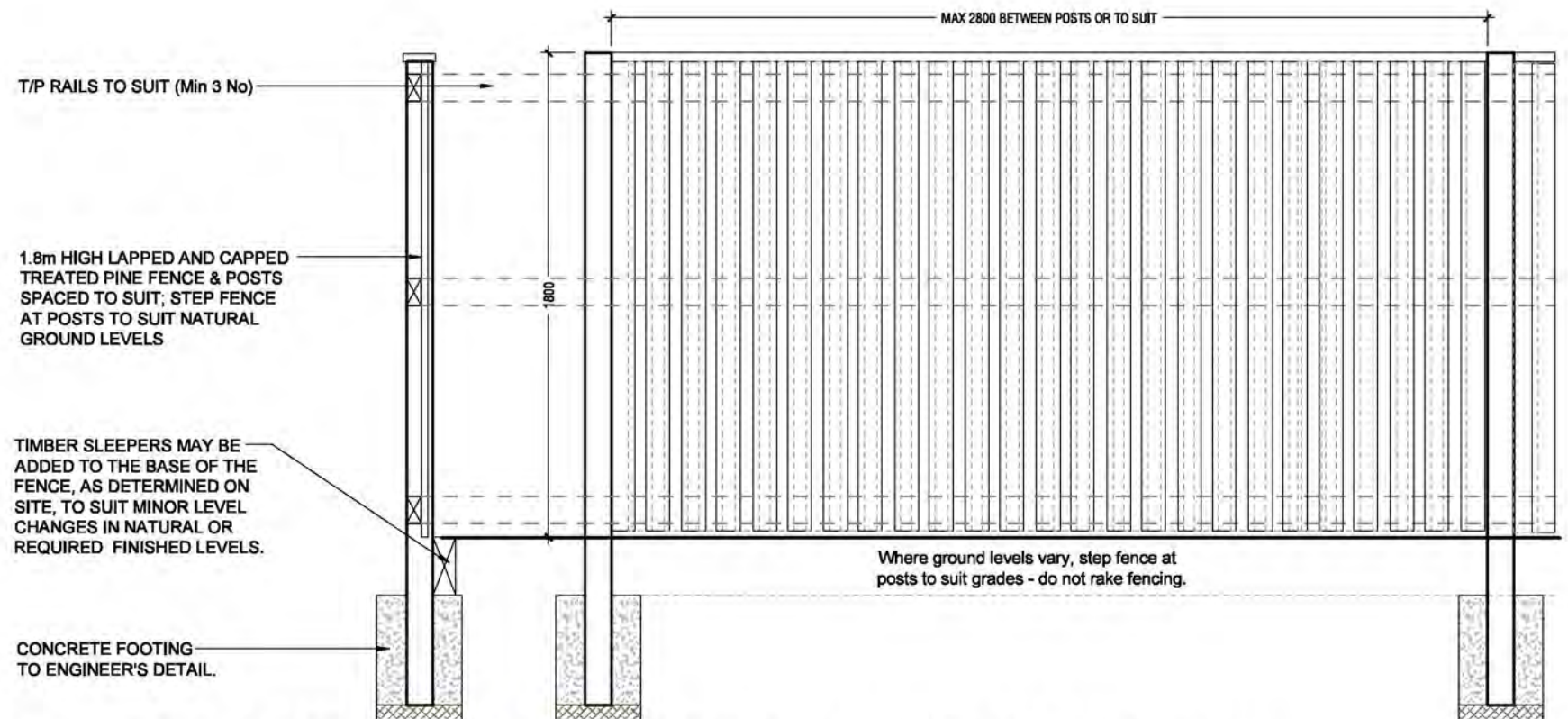
MASS PLANTING SETOUT

N.T.S



CONCRETE PLANTER ON SLAB DETAIL

SCALE: 1:15



1.8m BOUNDARY LAPPED AND CAPPED T/P TIMBER FENCING

SCALE: 1:15

LANDSCAPE CALCULATIONS

SITE AREA:	609.7m ²
REQUIRED LANDSCAPE AREA:	91.45m ² (15%)
PROPOSED LANDSCAPE AREA:	157.6m ² (25.80%) (COMPLIANT)
REQUIRED LANDSCAPE AREA IN FRONT SETBACK:	26.1m ² (50% x 52.2m ²)
PROPOSED LANDSCAPE AREA IN FRONT SETBACK:	26.6m ² (50.9%) (COMPLIANT)
LANDSCAPE AREA INCLUDE IN CALCULATION:	



TO BE AMENDED

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Waverley Council

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COUNCIL
WAVERLEY

CLIENT
AARON BASSIN

ARCHITECT
MHNDUNION

STATUS / ISSUE
DA - ISSUE D



TITLE:
DETAILS

PROPOSED RESIDENTIAL DEVELOPMENT

**12 BLAKE STREET
ROSE BAY**

DWG No:
LPDA 21 - 012 / 5

SCALE:
AS SHOWN @ A3

DATE:
JULY 2020

DRAWN:
R.H

CHECKED:
R.H

452

LANDSCAPE WORK SPECIFICATION

PRELIMINARIES

1.01 GENERAL

The following general conditions should be considered prior to the commencement of landscape works:

- The landscape plans should be read in conjunction with the architectural plans, hydraulic plans, service plans and survey prepared for the proposed development.
- All services including existing drainage should be accurately located prior to the commencement of landscape installation. Any proposed tree planting which falls close to services will be relocated on site under the instruction of the landscape architect.
- Installation of conduit for required irrigation, electrical and other services shall be completed prior to the commencement of hardscape works and hardstand pours.
- All outdoor lighting specified by architect or client to be installed by qualified electrician
- Anomalies that occur in these plans should be brought to our immediate attention.
- Where an Australian Standard applies for any landscape material testing or installation technique, that standard shall be followed.

1.02 PROTECTION OF ADJACENT FINISHES

The Contractor shall take all precautions to prevent damage to all or any adjacent finishes by providing adequate protection to these areas / surfaces prior to the commencement of the Works

1.03 PROTECTION OF EXISTING TREES

Existing trees identified to be retained shall be done so in accordance with AS 4970-2009 Protection of trees on development sites as well as in accordance with the tree protection measures prepared by project arborist.

Where general works are occurring around such trees, or pruning is required, a qualified Arborist shall be engaged to oversee such works and manage tree health. Existing trees designated on the drawing for retention shall be protected at all times during the construction period. Any soil within the drip-line of existing trees shall be excavated and removed by hand only. No stockpiling shall occur within the root zone of existing trees to be retained.

Any roots larger in diameter than 50mm shall only be severed under instruction by a qualified arborist. Roots smaller than 50mm diameter shall be cut cleanly with a saw.

Temporary fencing shall be installed around the base of all trees to be retained prior to the commencement of landscape works. Where possible this fencing will be located around the drip line of these trees, or a minimum of 3m from the trunk. The fencing shall be maintained for the full construction period.

1.04 EROSION & POLLUTION CONTROL

The Contractor shall take all proper precautions to prevent the erosion of soil from the subject site. The contractor shall install erosion & sediment control barriers and as required by council, and maintain these barriers throughout the construction period. Note that the sediment control measures adopted should reflect the soil type and erosion characteristics of the site.

- Erosion & pollution control measures shall incorporate the following:
 - Construction of a sediment trap at the vehicle access point to the subject site.
 - Sediment fencing using a geotextile filter fabric in the location indicated on the erosion control plan or as instructed on site by the landscape architect.
 - Earth banks to prevent scour of stockpiles
 - Sandbag kerb sediment traps
 - Straw bale & geotextile sediment filter.
 - Exposed banks shall be pegged with an approved Jute matting in preparation for mass planting

Refer to 'Guidelines for Erosion and Sediment Control on Building Sites' by DLWC (2000) for construction techniques

SOIL WORKS

2.01 MATERIALS

Specified Soil Conditioner (Generally to improve site soil)

The specified soil conditioner for site top-soil improvement shall be an organic mix complies with AS 4454-2012 Composts, soil conditioners and mulches. Note that for sites where soil testing indicates toxins or extremes in pH, or soils that are extremely poor, allow to excavate and supply 300mm of imported soil mix.

New gardens & proposed Planting

New garden and planting areas shall consist of a 50/50 mix of clean site soil (refer d) below) and imported soil. All mixes are to comply with AS4419-2003 Soils for Landscaping and garden use, & AS 4454 Composts, Soil conditioners & mulches.

Specified Soil Mix - Turf

The specified soil mix for all turf areas shall be a min 75mm layer of imported soil mix consisting of 80% washed river sand (reasonably coarse), and 20% composted organic matter equivalent to mushroom compost or soil conditioner, or other approved lawn top dress.

Site Topsoil

Site topsoil is to be clean and free of unwanted matter such as gravel, clay lumps, grass, weeds, tree roots, sticks, rubbish and plastics, and any deleterious materials and materials toxic to plants. The topsoil must have a pH of between 5.5 and 7. Use 100% imported soil mix when site when site topsoil runs out.

2.02 INSTALLATION

Note: No level changes (Cut or Fill), soil ripping within the Tree Protection Zones of trees to be retained

a) Testing

All testing is to be conducted in accordance with AS4419-2003 Soils for Landscaping and garden use Methods for testing soils for engineering purposes. Site soil shall be given a pH test prior to modifying to ensure conditions are appropriate for planting as stated above. Tests shall be taken in several areas where planting is proposed, and the pH shall be adjusted accordingly with sulphur or lime to suit.

Note that a soil test conducted by the Sydney Environmental & Soil Laboratory or approved equal shall be prepared for all commercial, industrial and multi-unit residential sites. The successful landscape contractor shall implement the recommendations of this test.

b) Set Out of Individual Trees & Mass Planting Areas

All individual tree planting positions and areas designated for mass planting shall be set out with stakes or another form of marking, ready for inspection and approval. Locate all services.

c) Establishing Subgrade Levels

Subgrade levels are defined as the finished base levels prior to the placement of the specified material (i.e. soil conditioner). The following subgrade levels shall apply:

- Mass Planting Beds - 300mm below existing levels with specified imported soil mix.

- Turf areas - 100mm below finished surface level.

Note that all subgrades shall consist of a relatively free draining natural material, consisting of site topsoil placed previously by the Civil Contractor. No builders waste material shall be acceptable.

d) Subgrade Cultivation

Cultivate all subgrades to a minimum depth of 100mm in all planting beds and all turf areas, ensuring a thorough breakup of the subgrade into a reasonably coarse lith. Grade subgrades to provide falls to surface and subsurface drains, prior to the placement of the final specified soil mix.

e) Drainage Works

Install surface and subsurface drainage where required and as detailed on the drawing. Drain subsurface drains to outlets provided, with a minimum fall of 1:100 to outlets and / or service pits.

f) Placement and Preparation of Specified Soil Conditioner & Mixes.

- Trees in turf & beds - Holes shall be twice as wide as root ball and minimum 100mm deeper - backfill hole with 50/50 mix of clean site soil and imported "Organic Garden Mix" as supplied by ANL or approved equal.
 - Mass Planting Beds - Install specified soil conditioner to a compacted depth of 100mm
- Place the specified soil conditioner to the required compacted depth and use a rotary hoe to thoroughly mix the conditioner into the top 300mm of garden bed soil. Ensure thorough mixing and the preparation of a reasonably fine till and good growing medium in preparation for planting.
- Turf Areas - Install specified soil mix to a minimum compacted depth of 75mm.
- Place the specified soil mix to the required compacted depth and grade to required finished soil levels, in preparation for planting and turfing.

PLANTING

3.01 MATERIALS

a) Quality and Size of Plant Material

All trees supplied above a 25L container size must be grown and planted in accordance with AS 2303:2019 Tree stock for landscape use. Certification that trees have been grown to AS2303:2018 guidelines is to be provided upon request of Council's Tree Management Officer.

Below - Ground Assessment:

The following plant quality assessment criteria should be followed:

Plant true to type, Good vigour and health, free from pest & disease, free from injury, self-supporting, good stem taper, has been pruned correctly, is apically dominant, has even crown symmetry, free from included bark & stem junctions, even trunk position in pot, good stem structure

Below - Ground Assessment:

Good root division & direction, rootball occupancy, rootball depth, height of crown, non-suckering For further explanation and description of these assessment criteria, refer to AS2303:2019.

All Plant material shall be to the type and size specified. No substitutions of plant material shall be permitted without written prior approval by the Landscape Architect. No plant shall be accepted which does not conform to the standards listed above.

b) Stakes and Ties

Provide min. 3 No. Stakes and ties to all plants identified as trees in the plant schedule. Stakes shall be sound, unpainted, straight hardwood, free of knots and pointed at one end. They shall be 2200mm x 50mm x 50mm Hardwood, or approved alternative. Ties shall be 50mm wide hessian webbing material.

c) Fertilisers

Fertilisers shall be approved slow release fertilisers suitable for the proposed planting types. Note that for native plants, specifically Proteaceae family plants including Grevillea species, low phosphorus fertilizers shall be used.

d) Mulch

Mulch shall be an approved equal to "Forest Blend" as supplied by ANL. Mulch shall be completely free from any soil, weeds, rubbish or other debris.

e) Turf

Turf shall be soft leaf Buffalo or equivalent (unless stated otherwise), free from any weeds and other grasses, and be in a healthy growing condition.

3.02 INSTALLATION

a) Setting Out

All planting set out shall be in strict accordance with the drawings, or as directed. Note that proposed tree planting located near services should be adjusted at this stage. Notify Landscape Architect for inspection for approval prior to planting.

b) Planting

All plant material shall be planted as soon after delivery as possible. Planting holes for trees shall be excavated as detailed and specified. Plant containers shall be removed and discarded, and the outer roots gently teased from the soil mass. Immediately set plant in hole and backfill with specified soil mix, incorporating the approved quantity of fertiliser for each plant type. Ensure that plants are set plumb vertically and root balls set to the consolidated finished grades detailed on the drawings. Compact the backfilled soil and saturate by hand watering to expel any remaining air pockets immediately after planting.

c) Staking and Tying

Staking and tying shall be in strict accordance with the drawings and shall occur immediately following plant placement and soil backfilling. All plants identified as "Trees" on the planting schedule shall be staked with a min. 3 stakes.

d) Mulching

Mulch for general planter bed shall be an approved equal to "Forest Blend" as supplied by ANL. Mulch shall be completely free from any soil, weeds, rubbish or other debris. Mulch for bio-retention/rain garden area where is required shall be non-floatable materials that could include crushed rock, gravel, coarse river sand, scoria or river pebbles, 4-7mm screenings or similar.

e) Turfing

Moisten soil prior to the turf being laid. Turf shall be neatly butt jointed and true to grade to finish flush with adjacent surfaces. Incorporate a lawn fertilizer and thoroughly water in. Keep turf moist until roots have taken and sods/rolls cannot be lifted. Keep all traffic off turf until this has occurred. Allow for top dressing of all turf areas. All turf shall be rolled immediately following installation.

f) Brick garden edging

Where is required, the Contractor shall install brick garden edging as detailed on the drawings, to all mass planting beds adjoining turf or gravel mulched areas, and where required. The resultant edge shall be true to line and flush with adjacent surfaces. However, no edging shall be used within the Structural Root Zone (SRZ) of trees to be retained.

g) Nature Strip and public domain works

The nature strip (street frontage) for the site is public land, and only authorized works may occur here. Existing Conditions such as street trees, council planting etc shall be retained and protected during construction, unless specific approval has been granted for new work in this area. Where council policy specifies a particular unit paver, material finish, pattern or treatment, it shall be the contractors responsibility to check and verify that this material & treatment is correct and current prior to undertaking construction works

HARDSCAPE WORKS

4.01 GENERAL

The Contractor shall undertake the installation of all hardscape works as detailed on the drawing, or where not detailed, by manufacturers specification.

- Paving - refer to typical details provided, and applicable Australian Standards. *Permeable paving may be used as a suitable means of satisfying Council permeable surface requirements, while providing a useable, hardwearing, practical surface.* In most instances, the client shall nominate the appropriate paving material to be used.

Australian Standards shall be adhered to in relation to all concrete, masonry & metal work. Some details are typical and may vary on site. All hardscape works shall be setout as per the drawings, and inspected and approved by the Landscape Architect prior to installation. All workmanship shall be of the highest standard. Any queries or problems that arise from hardscape variations should be brought to the attention of the Landscape Architect.

Your attention is directed to any obligations or responsibilities under the Dividing Fences Act, 1991 in respect of adjoining property owner/s which may arise from this application. Any enquiries in this regard may be made to the Crown Lands on 1300 886 235.

IRRIGATION WORKS

5.01 GENERAL (PERFORMANCE SPECIFICATION)

This is a general Irrigation Performance Specification only, as a guide for projects requiring irrigation systems as part of consent requirements or building contractual arrangements. An automated irrigation system is recommended for the effective establishment of new gardens, and to assist with the success of planting areas on terraces, over slabs and in Communal Open Spaces. The inclusion of this general specification is no guarantee that an irrigation system forms part of the landscape scope of works, which will be determined by the building contract.

New Irrigation systems to planting areas shall be a Commercial Grade Irrigation System conforming to all relevant Australian standards, including AS 3500 & the Gas and Electricity (Consumer Safety) Act 2017, Workplace Health & Safety Act 2011, & the latest Sydney Water Code

An automated drip-irrigation system is to be installed to all gardens, planters and lawn areas in accordance with the approved Irrigation Design. This system shall be designed and installed by a qualified and licensed irrigation specialist, to the highest industry standards and to maximise the efficient usage of water. The installer is required to obtain all approvals necessary for the completion of works in accordance with the Laws of Australia, Laws of the State of NSW, WAVERLEY Council By-Laws and Ordinances.

Drawings:

- The Landscape Contractor nominated Licensed Irrigation Specialist shall provide irrigation drawings for approval upon engagement.

Design Requirements:

- The irrigation system shall be installed prior to all planting works. It shall incorporate a commercially available irrigation system, with sub-surface dripper lines to irrigate all gardens, planters and lawn areas.
- It shall incorporate a suitable back flow prevention device for the scale of works, an in-line filter, check valves, and suitable high and low density poly hose fittings and PVC piping to achieve flow rates suitable for specified planting.
- The irrigation application rate shall not exceed the infiltration rate of the soil or creates run-off.
- The landscape contractor shall check the existing pressure available from the ring mains and size irrigation piping to suit. Supply shall be from local hose cock where available.
- All piping and fittings shall be buried 50mm below the finished soil levels in garden and lawn areas, and secured in position at 500mm centres with galv wire pins.
- Size of pipes shall be selected to ensure the working pressure at the end of the line does not decrease by more than 5%.

Services Co-ordination:

- Co-ordination required by Landscape Contractor or Project Manager to provide required conduit, pipe work and penetration through slabs and planter walls for water and power provisions.
- The Landscape Contractor shall be engaged with the Irrigation Specialist to co-ordinate with the Project Manager to identify the preferred service and conduit locations.
- Project Manager and Landscape Contractor to establish area suitable for irrigation control system with required area, power provision and water supply.

Testing & Defects:

- Upon completion of installation, the system shall be tested, including:
 - Main Line Pressure Test: The main line is pressurised to test for leaks. All valves are shut and the pressure is taken over a determined length of time.
 - Dripper Pressure Test: Measurement at flushing valves are taken and the pressure gauged to make sure it conforms to the manufacturer recommendations. The inlet pressure is then tested under the same conditions to check it does not exceed 300Kpa.
 - All components are to be satisfactorily functional and operational prior to approval. Should any defect develop, or the capacity or efficiency of the system decline during the agreed maintenance system, then these faults shall be immediately rectified.

Warranty :

- A full 12 month warranty shall be included to cover labour and all parts.

Further Documentation:

- On request, a detailed irrigation performance specification report can be issued.

CONSOLIDATION AND MAINTENANCE

6.01 GENERAL

The consolidation and maintenance period shall be 12 months beginning from the approved completion of the specified construction work (Practical Completion). A qualified landscape maintenance contractor shall undertake the required landscape maintenance works. Consolidation and maintenance shall mean the care and maintenance of Contracted works by accepted landscaping or horticultural practices, ensuring that all plants are in optimum growing conditions and appearance at all times, as well as rectifying any defects that become apparent in the contracted works.

This shall include, but not be limited to, the following items where and as required:

- Watering all planting and lawn areas / irrigation maintenance.
- Clearing litter and other debris from landscaped areas.
- Removing weeds, pruning and general plant maintenance.
- Replacement of damaged, stolen or unhealthy plants.
- Make good areas of soil subsidence or erosion.
- Topping up of mulched areas.
- Spray / treatment for insect and disease control.
- Fertilizing with approved fertilizers at correct rates.
- Mowing lawns & trimming edges each 14 days in summer or 16 days in winter
- Adjusting ties to Stakes
- Maintenance of all paving, retaining and hardscape elements.

On the completion of the maintenance period, the landscape works shall be inspected and at the satisfaction of the superintendent or landscape architect, the responsibility will be signed over to the client.

RECEIVED
Waverley Council

Application No: DA-247/2020

Date Received: 11/08/2020

General Notes:

Figured dimensions take precedence to scale readings. Verify all dimensions on site. PDF's plans may vary slightly in scale for that indicated on plans. Report any discrepancies to the Landscape Architect before proceeding with the work.

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AILA Associate



REV	DATE	NOTATION/AMENDMENT
A	16.07.20	Preliminary plan prepared for review
B	24.07.20	Coordinate with client's comments
C	30.07.20	Coordinate with architectural updates
D	31.07.20	Coordinate with architectural updates
E	06.08.20	Coordinate with arborist report

COUNCIL	WAVERLEY
CLIENT	AARON BASSIN
ARCHITECT	MHNDUCTION
STATUS / ISSUE	DA - ISSUE D

Concept Landscape Architects

Suite 101, 506 Miller St
CAMMERAY NSW 2062

Phone: 9922 5312
Fax: 8209 4862

www.conzept.net.au
enquiries@conzept.net.au

TITLE:	SPECIFICATIONS
	PROPOSED RESIDENTIAL DEVELOPMENT
	12 BLAKE STREET
	ROSE BAY

DWG.No:	LPDA 21 - 012 / 6
SCALE:	NTS @ A3
DATE:	JULY 2020
DRAWN:	R.H
CHECKED:	



Report to the Waverley Local Planning Panel

Application number	DA-207/2020
Site address	19 Darling Street, BRONTE NSW 2024
Proposal	Alterations and additions to semi-detached dwelling including substantial demolition works, rear extension, internal reconfiguration and first floor addition.
Date of lodgement	9 July 2020
Owner	Mr J J Nolan & Mrs H L Nolan
Applicant	Mr J J Nolan & Mrs H L Nolan
Submissions	Original: 12 Amended: Not notified
Cost of works	\$1,243,000
Issues	View Loss, External Wall Height, Overshadowing, Side Setback
Recommendation	That the application be APPROVED



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 12 August 2020.

The site is identified as Lot 1 in DP 210923, known as 19 Darling St, BRONTE. The subject site is located on the southern side of Darling Street between Andrew Street to the east and Alfred Street to the west. The site is rectangular in shape with a northern front boundary measuring 6.16 m, southern rear boundary measuring 5.945 m and eastern and western side boundaries measuring 55.32m. The site has an area of 337.6 m² and the site falls from the street towards the rear by approximately 2.95 m.

The site is occupied by a single storey semi-detached dwelling with vehicular access provided from the northern street frontage to a single open space forward of the building line.

The subject site is adjoined by a semi-detached dwelling to the east and a residential flat building to the west. The locality is characterised by a variety of residential developments including semi-detached and detached dwellings and residential flat buildings.



Figure 1: Site viewed from Darling Street.



Figure 2: Rear of existing dwelling as viewed from rear of site.

1.2 Relevant History

Previous Applications

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

DA-7/2015

A development application for alterations and additions to the semi-detached dwelling, including first floor additions was approved on 28 May 2015, subject to the following special condition:

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The sleeper strips for the existing hardstand parking space is to be limited to a maximum width of 3.8m and is to align with the existing crossover. The remainder of the front setback is to be soft landscaped with a stepping stone path along the eastern and southern sides of the parking space from the street frontage to the front dwelling entry;*
- (b) Western side facing windows W13 to the stairs and W15 to the master bedroom are to be fixed translucent to improve privacy to adjoining residences.*

The amendments are to be approved by Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

The consent would have expired on 28 May 2020; however, due to the Coronavirus pandemic, a two-year extension to all development consents apply. The approved plans are as follows:

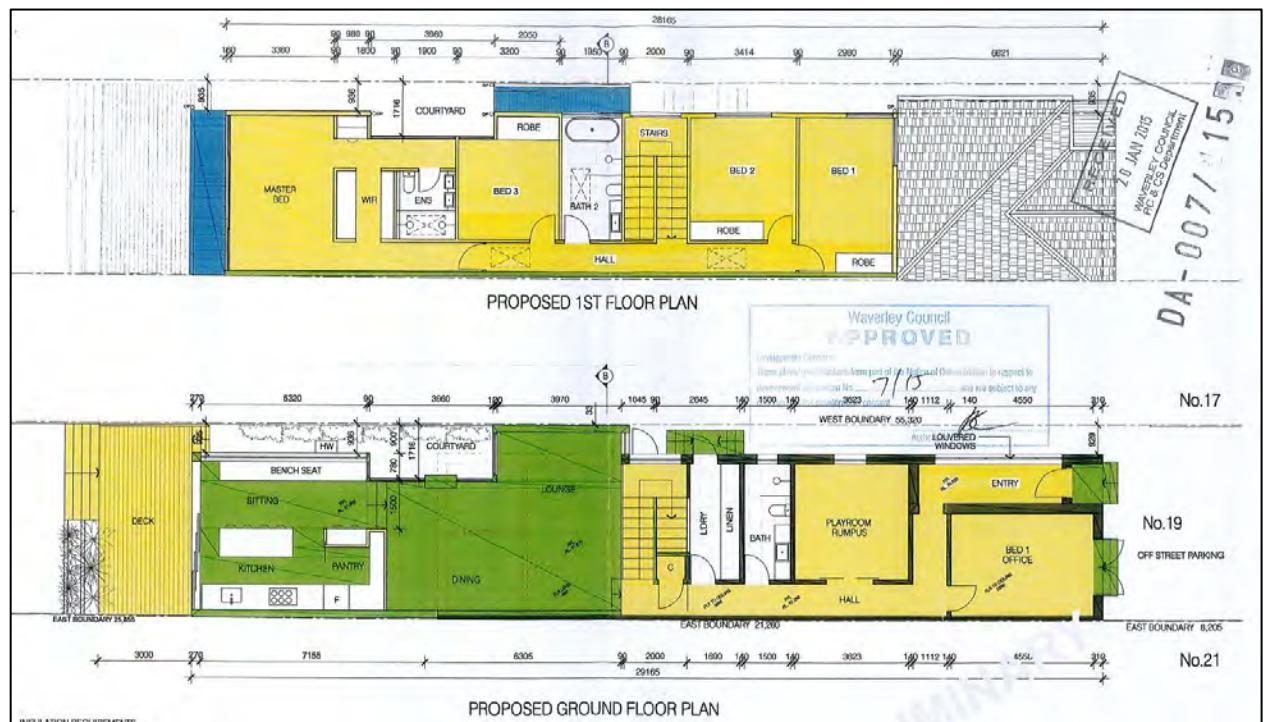


Figure 3: Approved ground and first floor plans.

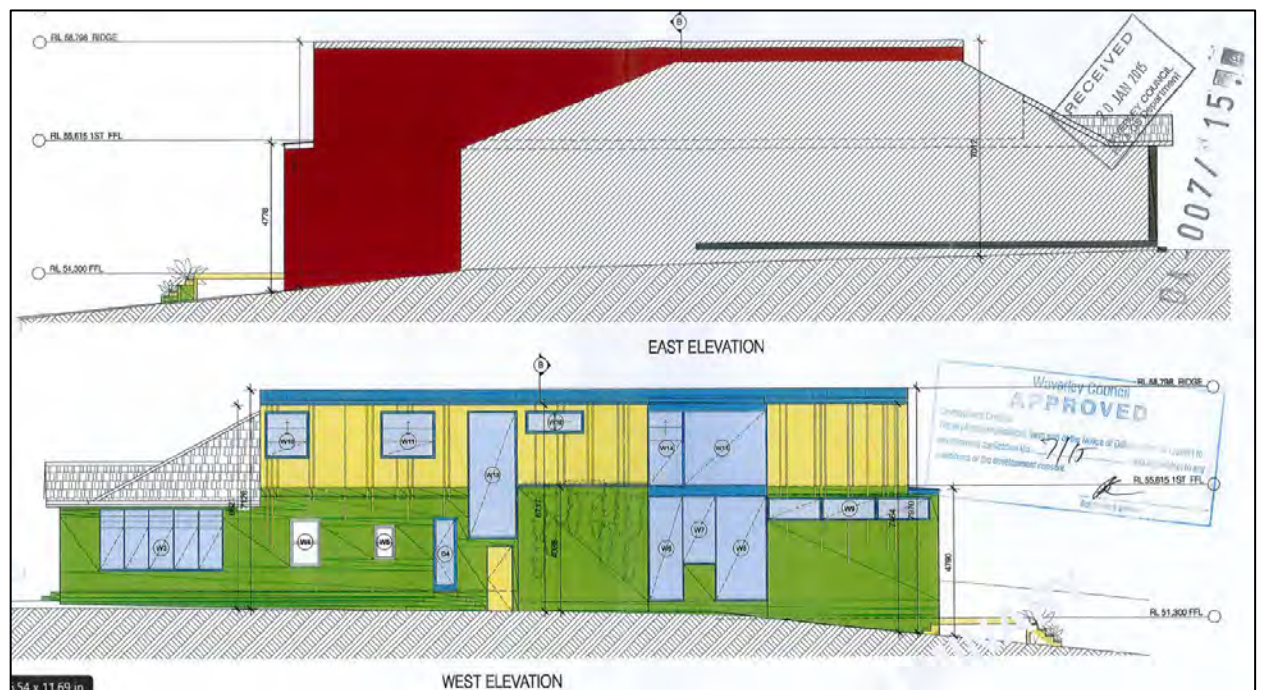


Figure 4: Approved eastern and western elevations.

CD-96/2015

A Complying Development Certificate (CDC) was issued on the site on 15 May 2015 for the construction of a swimming pool at the rear of the site with dimensions of 3.9m x 5.4m. A site inspection revealed that works relating to the swimming pool have not occurred on site.

History of Subject Application

A deferral letter was sent on 1 September 2020 requesting the submission of amended plans that addressed the following concerns:

1. External Wall Height

- (a) The external wall height of the building towards the rear is to be reduced.*
- (b) The development shall be amended to appropriately respond to the topography of the site (i.e. stepped down the site).*
- (c) The floor to ceiling heights of the living area at the ground floor level shall be decreased to limit the bulk of the structure towards the rear.*
- (d) The height of the wall proposed on the western side boundary to accommodate a pop-out is to be significantly reduced.*
- (e) The height of the wall on the western side boundary at the ground floor level to accommodate any planter is not to exceed a height of 1.8m.*

2. Side Setbacks

- (a) A minimum side setback of 900mm is to be maintained to the western side boundary at both the ground and first floor levels (excluding areas on the ground floor level where pop-outs to the western side boundary are proposed).*
- (b) The solid external walls on the side boundaries of the proposed outdoor deck at the rear of the ground floor level are to be deleted in their entirety.*
- (c) The length of the pop-out to accommodate the living room on the ground floor level is to be reduced in length at the western side boundary, similar to the pop out proposed for the dining area.*
- (d) Both the western and eastern elevations of the development are to be articulated to reduce the visual bulk and scale impacts of the large expanses of blank wall proposed.*

3. Interface with Semi-Detached Dwelling Pair

The plans are to be amended to comply with control (j) in section 2.13 Semi-detached dwellings and terrace style development of part C2 in WDCP 2012 that limits the rise of the walls at the interface with the adjoining semi-detached dwelling to 600mm.

4. View Loss

A detailed view loss assessment is to accompany any amended development scheme. A view loss analysis should be considered for Units 2, 4, 5, 6 and 7 of the residential flat building adjoining the western side boundary of the subject site.

5. Solar Access

Amended solar access diagrams are to accompany any revised scheme for further assessment. Elevational shadow diagrams are to be provided for the adjoining residential flat building.

On 3 September 2020 view loss inspections were conducted at Units 2, 4, 5, 6, 7, and 8 of the adjoining residential flat building at 17 Darling Street and the photographs were sent to the Applicant to prepare a view loss analysis.

On 25 September 2020, amended plans and documentation to address Council's concerns raised in the deferral letter were submitted. The application was not renotified as it is considered to be of a reduced scale from the originally proposed works. The following assessment is based on the amended plans submitted.

1.3 Proposal

The application, as amended, seeks consent for alterations and additions to the semi-detached dwelling, including substantial demolition works, rear extension, internal reconfiguration and first floor addition. The works are summarised as follows:

Ground Floor Level

- Demolition of the existing front façade and construction of a new entry.
- Demolition of existing internal walls.
- Demolition of the existing windows on the western elevation.
- Demolition of the existing wall at the rear of the dwelling adjacent to the western side boundary.
- Construction of two bedrooms, bathroom and laundry.
- Construction of two pop-outs to the side boundary to accommodate a kitchen, dining and living room.
- Construction of an internal courtyard.
- Construction of an outdoor deck off the new living room with privacy screens.

Proposed First Floor Level

- Construction of three bedrooms and two bathrooms.
- Landscape planting above proposed pop outs to the side boundary on floors below.

Roof

- Increase ridge of front gable in line with existing pitched ground floor roof.
- Retain existing hipped roof and make good where required.
- Construction of a timber framed Colorbond flat roof to the proposed first floor level.
- Installation of a skylight.

External Works

- Removal of two trees along the western side boundary.
- Retention of the existing driveway crossover but reduction of existing paved driveway area to the width of a single car space.
- Landscaping works across the site.
- Retention of existing metal shed at rear.

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 (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 Zone	Yes	The proposal is defined as alterations and additions to a semi-detached dwelling, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 9.5m	Yes	7.956m
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.73364:1 • 247.68m ²	Yes	Proposed GFA: 218.2m ² Proposed FSR: 0.646:1

2.1.4 Waverley Development Control Plan 2012 (Amendment 7) Effective 2 March 2020

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. A condition of consent is recommended regarding ongoing waste on site. The waste and recycling storage area is located in an area convenient for users of the site.
2. Ecologically sustainable Development	Yes	The proposal incorporates passive design. Given the low scale of this development, the proposal is considered to address the objectives of Part B2 of the DCP.
3. Landscaping and Biodiversity Control (a) of Section 3.2 requires a minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) to be indigenous or local native plants listed in Annexure B2-1.	Recommended Conditions	The site is partially located within a habitat corridor. Council's Urban Ecology Coordinator has reviewed the landscape plan submitted however, insufficient information has been provided to determine whether planting has been proposed in accordance with control (a). A condition of consent is recommended to be imposed for an amended landscape plan to be submitted that is to be reviewed and satisfied by Council's Urban Ecology Coordinator, prior to the issue of a Construction Certificate. Furthermore, green roofs are proposed and a condition of consent is recommended to ensure that it meets the details controls in the DCP. Such detail is not required at DA stage.
5. Vegetation Preservation	Yes	The proposal involves the removal of two existing trees along the north western side boundary. Council's Tree Management Officer has reviewed the proposal and raises no objection to the proposed removal of these trees.
6. Stormwater	Recommended Conditions	The stormwater plans submitted with the application are not satisfactory and do not comply with the Water Management Technical Manual. This matter can be addressed as a condition of consent.
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 proposal seeks to retain the existing driveway crossing but reduce the existing paved area at the front of the site that currently accommodates two open car spaces. It is

Development Control	Compliance	Comment
		considered that the increased landscaping within the front setback area is a positive outcome and the residents would still have the capacity to maintain two off-street car parking spaces if the landscaped area is desired to be utilised for vehicle parking.
10. Safety	Yes	The proposal does not contravene the objectives of this part of the DCP.
11. Design Excellence	Yes	The amended proposal has an acceptable design given the surrounding context of the area and is a suitable response to the site and streetscape.
14. Excavation	Yes	No major earthworks are proposed to accommodate the development on site as the proposed works would step down the site accordingly, minimising any need for cut or fill.

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 	Yes	The proposal does not contravene the general objectives of this part of the DCP, subject to recommended conditions.
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> • Maximum wall height of 7.5m 	Merit Assessment	<i>See discussion below.</i>

Development Control	Compliance	Comment
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 	Merit Assessment	<p>The proposal does not extend beyond the existing rear building line of the semi-detached dwelling at 23 Darling Street. Furthermore, the proposed rear building line is considered to be suitable in the surrounding context and is sympathetic to the residential flat building on the adjoining property at 17 Darling Street that occupies almost the full depth of the site.</p> <p>The proposed rear building line also falls shorter than the approved rear building line on site under DA-7/2015.</p> <p>The rear of the first-floor level has a slight overhang of the ground floor level below however, this is not considered to result in any unreasonable amenity impacts to surrounding properties. Therefore, the proposed front and rear building lines are considered to be suitable in the locality.</p>
2.2.2 Side setbacks <ul style="list-style-type: none"> • Minimum of 0.9m 	Merit Assessment	<i>See discussion below.</i>
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 • Significant landscaping to be maintained. 	Yes	<i>See comments below in section 2.13 Semi-detached dwellings.</i>
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 <i>Side and Rear:</i> <ul style="list-style-type: none"> • Maximum height of 1.8m 	Yes	No front fencing is proposed (as existing) and side boundary fencing is limited to 1.8m that is compliant.
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 	Recommended Conditions	<i>See discussion below.</i> No external stairs or roof terrace are proposed.

Development Control	Compliance	Comment
<p>open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design.</p> <ul style="list-style-type: none"> • External stairs are not acceptable. • Roof tops to be non-trafficable unless predominant in the immediate vicinity 		
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 	Merit Assessment	<i>See discussion below.</i>
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. 	Merit Assessment	<i>See discussion below.</i>
2.8 Car parking		
<p>2.8.1 Design Approach</p> <p>2.8.2 Parking rates</p> <p>2.8.3 Location</p> <p>2.8.4 Design</p> <p>2.8.5 Dimensions</p> <p>2.8.6 Driveways</p>	Yes	<i>See comments in relation to Part B8 Transport in the table above.</i>

Development Control	Compliance	Comment
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area 	Yes	177.7m ² (52.63%)
<ul style="list-style-type: none"> Overall landscaped area: 15% of site area 	Yes	106.7m ² (31.6%)
<ul style="list-style-type: none"> Minimum area of 25m² for private open space 	Yes	Adequate private open space is provided at the rear.
<ul style="list-style-type: none"> Front open space: 50% of front building setback area 	Yes	55.6m ² (100%)
<ul style="list-style-type: none"> Front landscaped area: 50% of front open space provided 	Merit Assessment	<p>The proposal provides for a total landscaped area of approximately 20.3m² (36.51%) within the open space area located at the front of the site. This is considered to be acceptable on merit, given that landscaped area has been increased within the front setback area, with the proposed removal of existing pavers which currently accommodates two parking spaces.</p> <p>Furthermore, the proposal complies with the total landscaped area required for the site and is considered acceptable.</p>
<ul style="list-style-type: none"> Outdoor clothes drying area to be provided 	Yes	Adequate space is available on site to accommodate outdoor clothes drying facilities.
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 	Merit Assessment	<p>The existing semi-detached dwelling is an asymmetrical pair with the adjoining property at 21 Darling Street. The proposed works to modify the existing front façade, including the front verandah and pedestrian entrance will enhance access to the dwelling.</p> <p>The form of the hipped roof as visible from the streetscape will be retained and made good where required; however, it is proposed to increase the ridge of the front gable to align with the existing pitched ground floor roof. This will maintain an appropriate presentation to the streetscape and is acceptable in the site circumstances.</p> <p>The proposed first floor addition will also be sited slightly forward of the principle ridgeline; however, this is considered to be acceptable in the site circumstances as the semi-detached pair is asymmetrical and is unlikely to adversely impact upon the future development potential of a first floor level on this adjoining site.</p>

Development Control	Compliance	Comment
<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). 	Yes	The amended proposal limits the rise of the interface between the semi-detached dwellings to 600mm, which is compliant with Council's controls. Furthermore, the proposed first floor addition is located behind the front, main gable of the dwelling fronting Darling Street.
<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 • New windows to have a similar proportion to the existing • Upper wall finishes to reflect the style & character of the original building. 	Yes	The site is not heritage listed and is not located within a heritage conservation area. A schedule of materials and finishes has been submitted, which includes the use of high quality materials to complement the existing development on site and in the streetscape.

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

View Loss

Section 2.7 in Part C2 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.

A site inspection of Units 2, 4, 5, 6, 7 and 8 within the adjoining residential flat building at 17 Darling Street was conducted and the following view loss assessment has been undertaken below in

accordance with the NSW Land and Environment Court Planning Principle based on *Tenacity Consulting v Warringah [2004] NSWLEC 140*.

- 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.*
- 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.*
- The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them).*

The following view loss diagrams have been created by the applicant and submitted with the amended plans received for assessment.

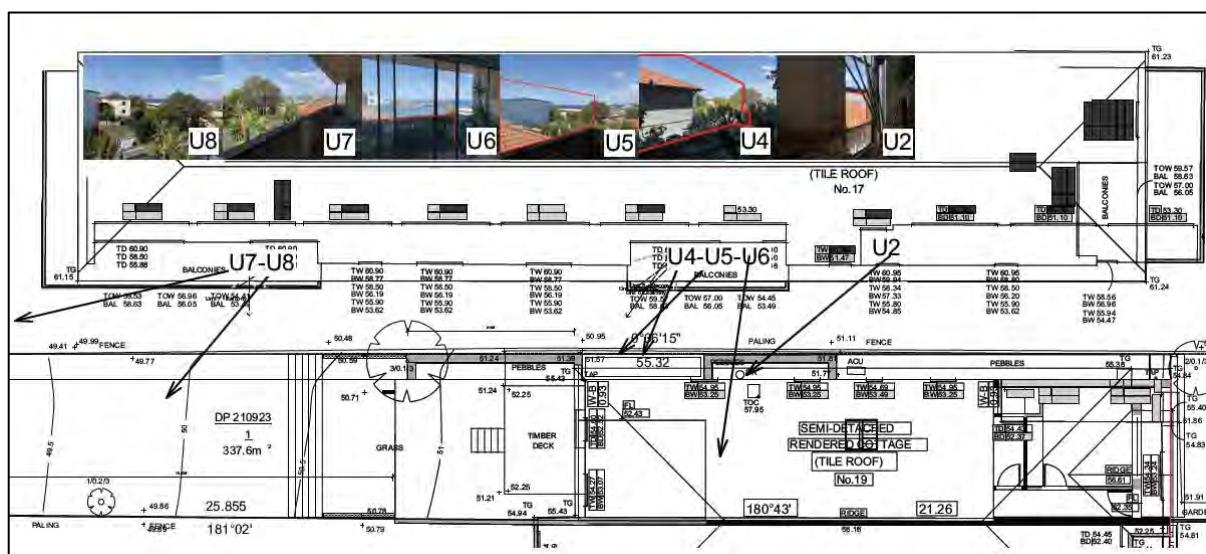


Figure 5.1: View loss diagram submitted by the applicant demonstrating view loss impacts to units (outlined red in the photographs) at the adjoining property at 17 Darling Street.

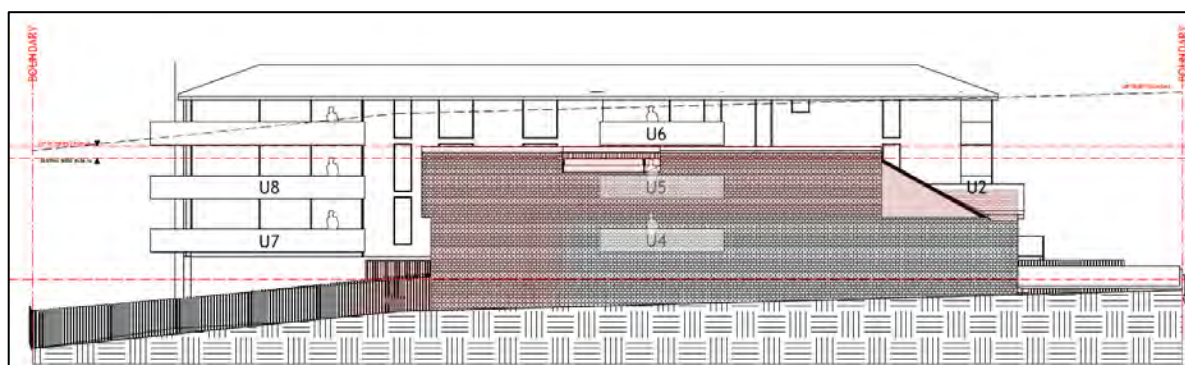


Figure 5.2: View loss diagram submitted by the applicant depicting the proposed development overlaid with the subject units at the adjoining property at 17 Darling Street.

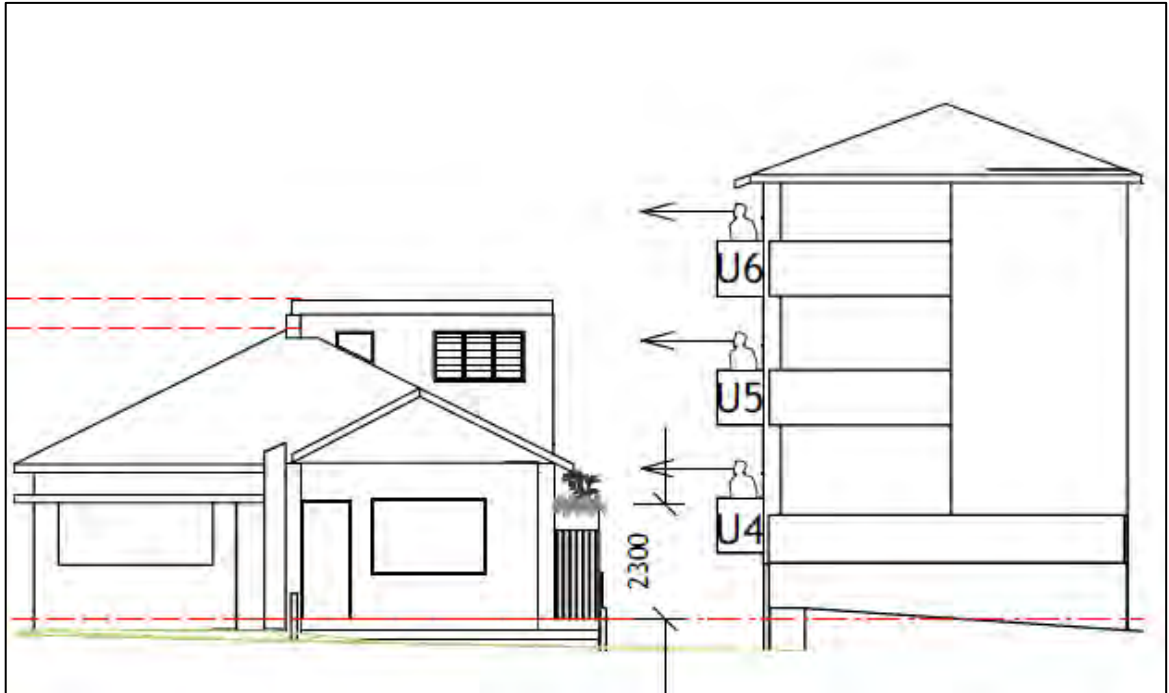


Figure 5.3: View loss diagram submitted by the applicant depicting the northern (front) elevation of the dwelling and the proposed works in relation to the units of the adjoining residential flat building.

The following photographs were taken from units of the adjoining residential flat building and a view loss assessment has been undertaken for each unit as described in the captions below:

Unit 2

This unit is located at the front (north-east) of the building on the first-floor level. It is noted that in addition to the images below, the unit has a balcony that fronts Darling Street; however, no views are present from this balcony.

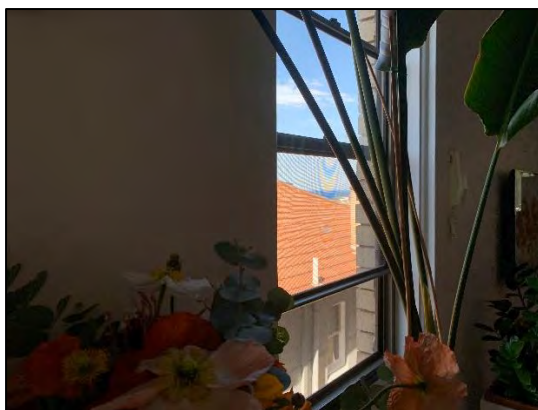


Figure 6: Living room window. Partial ocean view across side boundary as gained from a standing (close) position. This view would be obliterated as a result of the proposed development and therefore have a devastating impact.



Figure 7: Bathroom window (obscure glazing). Partial ocean view across side boundary as gained from a standing (close) position with window open. This view would be obliterated as a result of the proposed development and therefore have a devastating impact.

Unit 4

This unit is located at the ground floor level of the building.



Figure 8: Living room sliding door. Highly obscured ocean view across side boundary as gained from a standing (far) position.



Figure 9: Living room sliding door. No views gained across side boundary when in a seated (far) position.



Figure 10: Balcony (south-east corner). Highly obscured ocean view across side boundary as gained from a standing position.

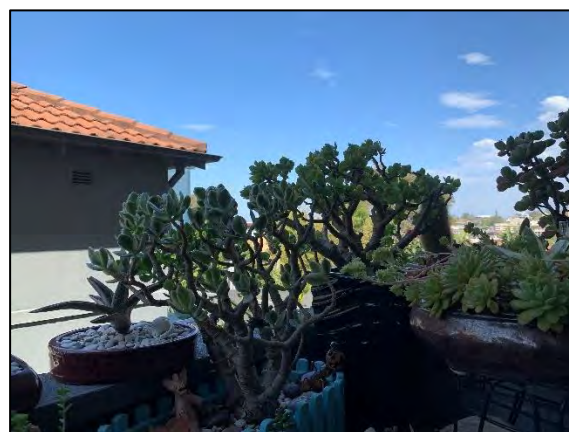


Figure 11: Balcony (south-east corner). No views gained across side boundary when in a seated position.

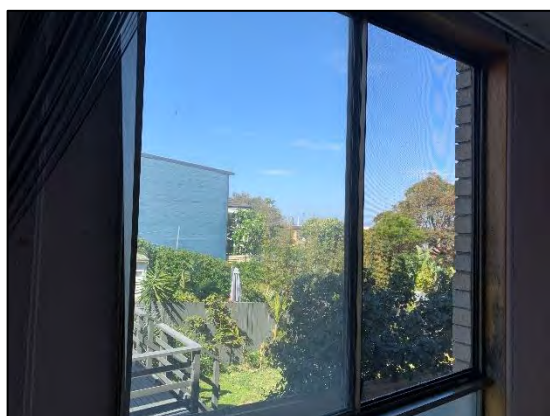


Figure 12: Bedroom window. Highly obscured ocean view across side boundary as gained from a standing (close) position.



Figure 13: Bedroom window. No views gained across side boundary when in a seated (close) position.

It is evident in **Figures 8-13** above, that any partially obscured view of the ocean from the living room, balcony and bedroom would be lost as a result of this proposal and therefore have a devastating impact.

Unit 5

This unit is located on the first-floor level of the building, directly above Unit 4.



Figure 14: Unit 5 living room context.



Figure 15: Living room window. Partial ocean view across side boundary as gained from a standing (close) position and on an angle. This view would be lost as a result of complying elements of the proposed development.

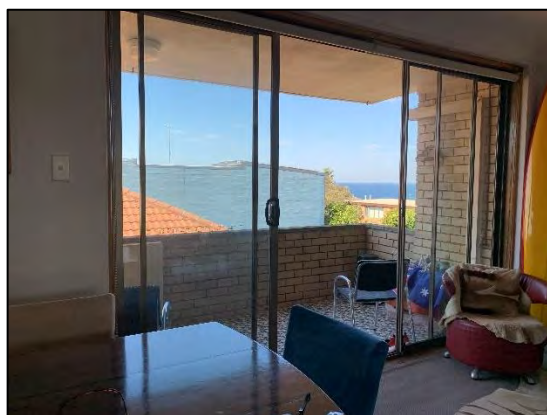


Figure 16: Living room sliding doors. Partial ocean view across side boundary as gained from a standing (far) position near the dining table.



Figure 17: Living room sliding doors. Partial ocean view across side boundary as gained from a seated (far) position at the dining table.



Figure 18: Living room sliding doors. Partial ocean view across side boundary as gained from a standing (close) position at the doors.

As evident in **Figures 15-18** above, it is likely that the majority of the ocean views present to the south east would be lost; however, some partial views may be retained from some angles within the living room towards the south. Therefore, the view loss from the living room is expected to be severe.



Figure 19: Balcony (middle). Partial ocean view across side boundary as gained from a standing position. The view of the water would be lost by the proposed development; however, district views to the south are likely to be retained. The view loss impact would therefore be severe.



Figure 20: Balcony (middle). Partial ocean view across side boundary as gained from a seated position. The partial view of the water would be completely lost and the view loss considered to be devastating.



Figure 21: Balcony (southern corner). Partial ocean view across side boundary as gained from a standing position. The partial view of the water would be completely lost. However, district views to the south from this location would be retained so the view loss is considered to be severe.



Figure 22: Balcony (southern corner). Partial ocean view across side boundary as gained from a seated position. The view of the water would be completely lost; however, district views to the south would be retained so the view loss is considered to be severe.

As evident in **Figures 19-22** above, it is likely that majority of the partial ocean views present would be lost; however, some partial ocean views may be retained from some angles towards the south. District views to the south would be retained. Therefore, the view loss from the balcony is considered to be moderate.



Figure 23: Bedroom window. Partial ocean view across side boundary as gained from a standing (far) position.



Figure 24: Bedroom window. Partial ocean view across side boundary as gained from a standing (close) position.



Figure 25: Bedroom window. Partial ocean view across side boundary as gained from a seated (close) position.

As evident in **Figures 23-25** above, it is likely that all partial ocean views present would be lost therefore, the view loss from the bedroom is considered to be devastating.

Given the above, it is considered that Unit 5 will experience severe view loss impacts as a result of the proposal.

Unit 6

This unit is located on the second-floor level of the building, directly above Units 4 and 5 below. It is noted that the finished floor level of the balcony is RL 58.63 and the RL of the roof of the proposed development is RL 58.76.

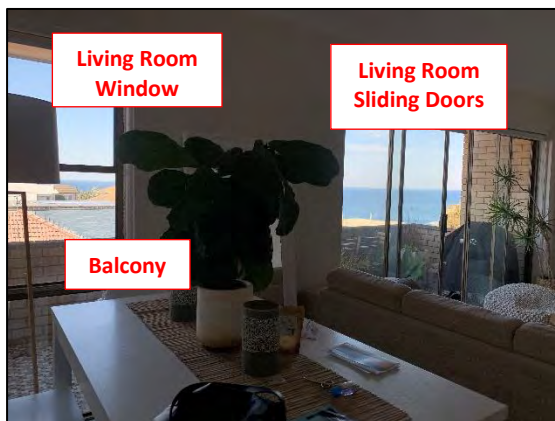


Figure 26: Unit 6 living room context.

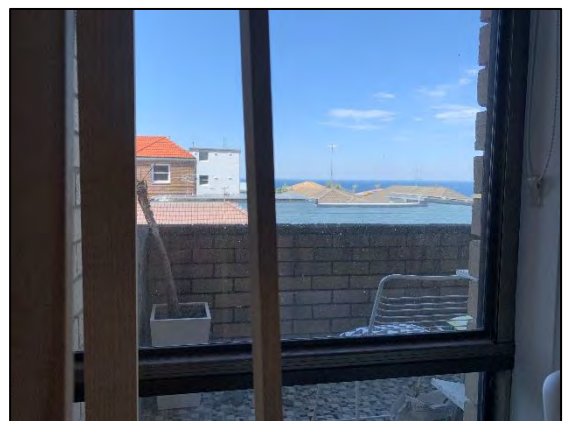


Figure 27: Living room window. Partial ocean view across side boundary as gained from a standing (far) position.



Figure 28: Living room sliding doors. Partial ocean view to the north east across side boundary as gained from a standing (far) position.



Figure 29: Living room sliding doors. Partial ocean view to the south across side boundary as gained from a standing (far) position.



Figure 30: Living room sliding doors. Partial ocean view to the south across side boundary as gained from a seated (far) position.



Figure 31: Living room sliding doors. Partial ocean view to the south across side boundary as gained from a standing (close) position.

As evident in **Figures 27-31** above, it is likely that some water views to the south east would have a minor impact from the living room as a result of the leading edge of the proposed development. However, it is noted that the partial views present to the north east would be completely obliterated with the proposed works. Therefore, the view loss impacts from the living room are considered to be moderate.



Figure 32: Balcony southern corner. Partial ocean view to the north east across side boundary as gained from a standing position.



Figure 33: Balcony middle. Partial ocean view to the east across side boundary as gained from a standing position.



Figure 34: Balcony southern corner. Partial ocean view to the south east across side boundary as gained from a standing position.



Figure 35: Balcony southern corner. Partial ocean view to the south east across side boundary as gained from a seated position.

As evident in **Figures 32-35** above, the partial water view to the north east present from the balcony would be obliterated by the proposed development. The proposal may have some minor impact on water views present to the south east; however, they would largely be retained. The proposal would not impact upon district views present to the south. Therefore, the overall view loss from the balcony is considered to be minor.



Figure 36: Bedroom window. Ocean view across side boundary as gained from a standing (far) position.



Figure 37: Bedroom window. Partial view of ocean to the north east across side boundary as gained from a standing (close) position.



Figure 38: Bedroom window. Ocean view across side boundary as gained from a standing (close) position.



Figure 39: Bedroom window. Ocean view across side boundary as gained from a seated (close) position.

As evident in **Figures 36-39** above, the highly obscured water view to the north east would be obliterated. Views of the ocean from the bedroom to the south east would largely be retained. Therefore, the overall view loss from the bedroom is considered to be negligible.

Unit 7

This unit is located on the ground floor level within the second half of the building located towards the rear of the site. The living area and wrap around balcony of this unit is located towards the rear of the building and any views of the ocean across the side and rear boundaries are unlikely to be impacted by the development (see context image below). However, the bedrooms are situated towards the middle of the building and may experience view loss. As shown in the images below, no significant views are present from the bedrooms of the unit. Therefore, no adverse view loss impacts would result for this unit.



Figure 40: Unit 7 living room context.



Figure 41: Window to Bedroom 1. No view present to the east across side boundary from a standing (far) position. Obscured by existing development.



Figure 42: Window to Bedroom 1. No significant view present to the south east across side boundary from a standing (close) position.



Figure 43: Window to Bedroom 2. No significant view present to the south east across side boundary from a standing (close) position.

Unit 8

This unit is located on the first floor level, above unit 7, within the second half of the building located towards the rear of the site. The living area and wrap around balcony of this unit is located towards the rear of the building and any views of the ocean across the side and rear boundaries are unlikely to be impacted by the development (see context image below). However, the bedrooms are situated towards the middle of the building and may experience view loss. As shown in the images below, it is unlikely that the proposed development would impact upon views of the ocean. Therefore, no view loss impacts are anticipated for this unit.



Figure 44: Unit 8 living room context.



Figure 45: Window to Bedroom 1. Partial ocean view present to the south east across side boundary from a standing (close) position.



Figure 46: Window to Bedroom 2. Partial ocean view present to the south east across side boundary from a standing (close) position.



Figure 47: Window to Bedroom 2. Partial ocean view present to the south east across side boundary from a seated (close) position.

- 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.*

Given the above, the following can be concluded:

- Unit 2 would experience devastating view loss impacts, as any existing view present of the ocean from the living room window and bathroom would be lost. However, this view would be lost with any first floor level development on the subject site and therefore would result from complying elements of the proposal. Views across side boundaries cannot be reasonably retained and it is noted that the view from the bathroom is already obscured by the window itself as it is fitted with translucent glazing. The unit would continue to enjoy views of the streetscape and surrounds from their private open space (balcony) located at the front of the site.

- Unit 4 currently receives highly obscured views of the water across the side boundary from the balcony and primary living space of the unit as well as a bedroom and as a result of the proposal, these existing views present would be lost. View loss is not experienced by any non-complying building elements of the proposed development, as it provides a rear building line that is considered to be suitable in the surrounding context. View loss is also not experienced as a result of the proposed pop-out to the side boundary and it is considered that a fully compliant building would result in the same view loss impacts for this unit.
- Unit 5 is expected to receive severe view loss impacts, as the partial water views would be largely obliterated as a result of the proposed development. However, some district and water views are likely to be retained from the balcony when looking directly east. It is considered that a fully compliant external wall height is unlikely to retain these views. Furthermore, the views are already partially obscured and are gained across the side boundary that are difficult to protect. The proposed development is sited well below the maximum building height development standard applicable to the site and is considered to be an appropriate design response to the limitations of the site and the site topography. Therefore, it is considered that any alternate design would be unlikely to retain these views and the view loss is therefore reasonable in the site circumstances.
- Unit 6 is likely to experience minor view loss impacts when all views present from the unit are assessed. Views lost to the north east occur as a result of complying building elements and cannot be reasonably retained across the side boundary. It is likely that some negligible view loss would occur of the ocean views present to the south east as a result of the non-compliant external wall height control. However, it is noted that the application has been amended and is now considered to be an appropriate design response to the sloping topography of the site. The district views across the rear boundary of the site are retained. Therefore, the proposal is considered to reasonably maintain views for this unit and is acceptable.
- Units 7 and 8 are not expected to experience view loss as a result of the proposal.

Therefore, it is not considered that an alternative design would be able to overcome the view impacts to Units 2, 4, 5 and 6 of 17 Darling Street from this development, given that majority of the view loss results from fully complying elements of the building and the views present are gained across the side boundary. The proposal has been amended to suitably step down the site and fully complies with Council's development standards. The proposal is considered to maintain reasonable view sharing.

External Wall Height

The amended application results in a minor breach of the maximum external wall height control for flat roof dwellings by 327mm at the rear of the building. Despite this minor non-compliance, the proposed height of the dwelling at the rear is considered to be acceptable for the following reasons:

- The site has a sloping topography and the amended application has significantly lowered the height of the development to adequately respond to the site conditions.
- The proposal is sited well below the maximum building height development standard applicable to the subject site.

- The external wall height will not result in adverse amenity impacts with regards to overshadowing and view loss to surrounding properties as any such impacts are largely caused by complying elements of the building.
- The development proposes a suitable rear setback that is consistent with existing development in the locality.

Given the above, the proposed minor breach to Council's external wall height control, is considered to be acceptable on merit, in the circumstances of the site.

Side Setbacks

The proposal has been amended to provide a complying 900mm side setback to the western boundary at the first-floor level that is acceptable. The ground floor level proposes two pop-outs to the western side boundary that is to be constructed with a nil setback. These pop-outs are considered to be suitable on merit in the site circumstances for the following reasons:

- The pop-outs are limited in height and width and are to be sited below the floor level of the balcony at Unit 4 of the adjoining residential flat building, therefore not resulting in unreasonable adverse bulk and scale impacts to this adjoining property.
- The limited height and width of the pop-outs do not cause additional overshadowing to the adjoining property.
- The limited height of the pop-outs, results in the structure being largely obscured by the side boundary fencing when viewed from the adjacent driveway at 17 Darling Street and therefore would not cause unreasonable bulk and scale impacts.
- The site is very narrow at 6.16m; however, the proposal provides a suitable rear building line in the context of existing development in the locality.
- The development is fully compliant with Council's development standards, being building height and FSR.
- The height of the pop-outs on the boundary are significantly lower than the pop out already approved under **DA-7/2015** on the subject site.

Therefore, the proposed side setbacks are acceptable on merit, and the proposal is considered to be satisfactory in this regard.

Overshadowing

Amended shadow diagrams including elevational shadow diagrams for the winter solstice have been submitted with the amended proposal for assessment. A detailed assessment is provided below.

9AM

The amended proposal still results in significant additional overshadowing of the primary living areas (including balconies) and bedrooms of Units 4 and 7 on the lower level of the residential flat building adjoining the subject site at 17 Darling Street, BRONTE. As a result, these two units would not receive any sunlight during the winter solstice as the building overshadows itself from noon to 3PM. Despite this additional overshadowing, the proposal is considered to be acceptable on merit for the following reasons:

- The additional overshadowing would be largely caused by the complying elements of the proposed development and strict compliance with the external wall height control is unlikely to result in a substantially different outcome for Unit 7 with regards to solar access.
- The amended proposal complies with the maximum building height development standard and is sited significantly below the maximum building height control applicable to the site.
- It is considered that any first-floor addition on the subject site would cause adverse overshadowing impacts for Units 4 and 7 of the adjoining g property and therefore, would not be capable of being reasonably avoided with an alternative design.
- Due to the orientation of lots, subdivision pattern and sloping topography, overshadowing to these adjoining units on the lower ground floor level is unavoidable with the construction of any first floor addition on the subject site.
- The proposed pop-outs that are non-compliant with Council's side setback control do not contribute towards adverse additional overshadowing impacts of this adjoining property.
- The proposal has been designed to appropriately respond to the site conditions where solar access is still retained at 9AM to Units 5, 6, 8 and 9 on the first and second floor levels of the residential flat building.

Therefore, the proposed additional overshadowing at 9AM cast upon Units 4 and 7 of the adjoining residential flat building during winter is considered to be acceptable on merit in the circumstances of the site.

12 Noon

The amended proposal results in some additional overshadowing impacts to the private open space area at the rear of the adjoining property at 21 Darling Street; however, solar access is retained to the majority of this private open space area and is acceptable. Furthermore, solar access is retained to more than 50% of the private open space at the rear of the subject site at 12 noon and is therefore acceptable.

3PM

The proposal will not result in adverse additional overshadowing impacts to adjoining properties at 3PM during mid-winter, as any shadows cast by the proposed development fall within shadow that is cast by the existing residential flat building at 19 Darling Street. Some additional overshadowing may be cast upon the roof of the adjoining semi-detached dwelling; however, this is unlikely to impact the future development of a first-floor level on this site.

Given the above, the proposed additional overshadowing is considered to be acceptable on merit in the circumstances of the site and surrounding context.

Visual & Acoustic Privacy

The amended proposal is generally considered to maintain adequate visual and acoustic privacy for surrounding properties, subject to conditions, as summarised below:

- Windows labelled W13 and W14 to the first-floor level bathroom and master bedroom are recommended to be fitted with translucent glazing to maintain adequate privacy for the adjoining residential flat building and the site itself.
- The rear deck is an elevated structure due to the steep slope of the land and would have an area of approximately 17.8m². The deck is to be fitted with privacy screening on both side elevations to

a height of 1.8m, which is considered to be adequate in maintaining reasonable amenity for the residents of the subject site and adjoining properties.

- The proposed internal courtyard would not overlook the adjoining semi-detached dwelling. Furthermore, the large windows proposed on the first-floor level facing into the courtyard would not enable overlooking into the adjoining property and is acceptable.
- Window labelled W03B, is a highlight window to a hallway and would be sited below any adjacent window or balcony of the adjoining residential flat building and is acceptable. Furthermore, planting is proposed that would further assist with screening any views present from the subject site to the driveway of the adjoining property.
- Window labelled W11 at the rear of the first floor level, is unlikely to result in adverse amenity impacts to surrounding properties as it is set in from the external walls of the building, a planter box is proposed adjacent to the window to provide further screening and the window is located off the proposed master bedroom that is not an active living space within the dwelling.

Therefore, the proposal is considered to maintain reasonable amenity for surrounding properties, subject to recommended conditions as discussed above.

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*. 12 unique submissions were received on behalf of two properties. The amended plans were not renotified, given the reduced scale of the proposed works and potential impacts. The issues raised in the submissions against the original proposal are summarised and discussed below.

Table 3: Summary of property addresses that lodged a submission

Property
Owners Corporation SP 13195 – 1 submission
Unknown Unit (First Floor Level), 17 Darling Street – 1 submission
2/17 Darling Street – 1 submission
4/17 Darling Street – 2 submissions
5/17 Darling Street – 2 submissions
6/17 Darling Street – 2 submissions
7/17 Darling Street – 1 submission
8/17 Darling Street – 1 submission
21 Darling Street – 1 submission

Issue: View loss.

Response: See discussion above.

Issue: Solar access to balconies of adjoining units.

Response: The application has been amended. See discussion above.

Issue: No elevational shadow diagrams submitted.

Response: Elevational shadow diagrams have been submitted with the amended plans and assessed accordingly.

Issue: No solar access diagrams for summer have been submitted.

Response: Shadow diagrams for the summer solstice are not required. In addition, the amended plans submitted have further lowered the height of the building and that the building is fully compliant with Council's development standards. Overshadowing to the adjoining units has been greatly reduced with the amended proposal and the resulting overshadowing during mid-winter would be inevitable with any first floor level addition on the subject site. It is further added, that solar access is retained to majority of units at this adjoining building at 9AM during winter that is considered to be an acceptable outcome.

Issue: Rear building line.

Response: The application has been amended. See discussion above.

Issue: External wall height.

Response: See discussion above.

Issue: Side setbacks.

Response: See discussion above.

Issue: Bulk and scale.

Issue: The building does not respond to the topography of the site.

Response: The proposal has been amended to significantly reduce the height of the overall development and is considered to adequately respond to the topography of the site. The height of the proposed pop-outs to the western side boundary adjoining the residential flat building at 17 Darling Street were originally considered to cause excessive bulk and scale impacts to units of the adjoining properties have also been amended and are now sited below the top of the balcony wall at Unit 4. Green roof planting is proposed to further soften the built form as viewed from this adjoining property. The proposal has also been amended to comply with Council's 900mm side setback requirement at the first floor level and the solid walls at the rear deck have been deleted and replaced with privacy screens at a maximum height of 1.8m. Therefore, the amended proposal is not considered to result in adverse bulk and scale impacts for the adjoining property.

Issue: Acoustic privacy impacts.

Response: See discussion above.

Issue: Ventilation.

Response: The amended proposal is unlikely to result in adverse cross flow ventilation impacts for the units of the adjoining property.

Issue: Disruption of traffic during construction.

Issue: Construction noise and dirt.

Response: Standard conditions are recommended to be imposed to ensure orderly construction works are undertaken on 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 Traffic and Development (Infrastructure Services)

Council's Traffic Engineer raised no objection to the proposed reduction in width of existing double hardstand to single hardstand, subject to recommended conditions.

3.2 Stormwater (Infrastructure Services)

The stormwater plans submitted with the application have been reviewed by Council's Stormwater Engineers and are considered to be unsatisfactory. Conditions are recommended for amended stormwater details to be submitted for approval, prior to the issue of a Construction Certificate.

3.3 Biodiversity/Bushcare (Environmental Sustainability)

Council's Urban Ecology Coordinator has reviewed the landscape plans submitted however, no planting schedule has been included. Conditions are recommended to be imposed for the submission of an amended landscape plan to the satisfaction of Council's Urban Ecology Coordinator, prior to the issue of a Construction Certificate.

3.4 Tree Management Officer

Council's Tree Management Officer raised no objection to the proposed tree removal on site.

4. SUMMARY

The application seeks consent for alterations and additions to a semi-detached dwelling including substantial demolition works, rear extension, internal reconfiguration and first floor addition.

Notification of the original application attracted a total of 12 unique submissions, raising concerns regarding view loss, bulk and scale, overshadowing, privacy impacts, setbacks and the external wall height. The application was amended and not renotified as the scale of works have been reduced. Key issues with the amended proposal are summarised below:

- The proposal results in a minor breach of Council's external wall height control towards the rear of the site; however, this is considered to be acceptable in the site circumstances due to the sloping topography of the land. The proposal is sited well below the maximum building height development standard and is therefore satisfactory.

- The proposal results in devastating view loss impacts for Units 2 and 4 and severe view loss impacts for Unit 5 of the adjoining property at 17 Darling Street. However, any existing views present from these properties is gained over the side boundary and view loss results from the complying elements of the building. Therefore, it is considered that views from this property cannot be reasonably protected.
- Given that the site is narrow, the proposal seeks consent for the construction of two pop-outs to the western side boundary at the ground floor level. These pop-outs have been amended to be sited below the top of the balcony wall of Unit 4 on the adjoining property therefore, alleviating concerns regarding bulk and scale. No adverse overshadowing impacts result from the proposed pop-outs and is therefore satisfactory.
- The proposal results in overshadowing impacts to the units on the ground floor level of the adjoining building at 17 Darling Street at 9AM during mid-winter however, the overshadowing is not considered to be unreasonable in the site circumstances.

Given the above, the amended proposal is considered to be acceptable on merit in the site circumstances and is recommended to be approved, subject to recommended conditions of consent.

DBU Decision

The application and assessment report was reviewed by the DBU at the meeting on 13 October 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, 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:



Judith Elijah
Development Assessment Planner

Date: 13 October 2020

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



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

Date: 16 October 2020

Reason for referral:

- 1 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 Design Tribe Projects of Project No: 0320 including the following:

Plan Number	Issue	Plan description	Plan Date	Date received by Council
DA1.01	E	Floor Plans	22/9/20	25/09/2020
DA1.02	F	Roof Plan	22/9/20	25/09/2020
DA1.03	G	Elevations	22/9/20	25/09/2020
DA1.04	H	Sections	22/9/20	25/09/2020

(b) BASIX Certificate

(c) Schedule of external finishes and colours received by Council on 25 September 2020

(d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 (09/07/2020)

Except where amended by the following conditions of consent.

2. AMENDED LANDSCAPE PLAN

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

3. GENERAL MODIFICATIONS - PRIVACY

Windows labelled W13 and W14 to the first-floor level bathroom and master bedroom are to be fitted with translucent glazing to maintain adequate visual privacy for surrounding properties. The amended architectural plans are to be approved by the **Principal Certifying Authority** prior to the issue of any Construction Certificate.

4. SURRENDER CONSENT

Development consent **DA-7/2015** is to be surrendered by the applicant, in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000. The surrender is to be received by Council prior to the issue of any Construction Certificate for works associated with this development consent. The surrender of the consent takes effect when Council receives the notice.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

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

6. HOME BUILDING ACT

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

CONTRIBUTIONS, FEES & BONDS

7. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

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

8. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$24,860.00** 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.

CONSTRUCTION MATTERS

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. 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.

13. ENGINEERING DETAILS

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

14. ENGINEERING CERTIFICATE OF ADEQUACY

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

15. EXISTING PARTY WALL IS TO BE EXTENDED

The existing separating wall is to be extended to the underside of the roof in accordance with the requirements of the National Construction Code. All work to the separating wall must be contained within the boundaries of the subject site only, unless agreement between neighbours for work affecting both sides of a separating wall, including written consent of all owners of all properties upon which work will take place has been obtained.

16. 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.

STORMWATER & FLOODING

17. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

The submitted water management site plan prepared by Design Tribe Projects Pty Ltd, Project No. 0320, Drawing DA1.02 (Revision 0), dated 30/06/2020 are considered unsatisfactory.

The applicant must submit amended plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans to include:

- a) OSD Details: The plans shall include On-Site Stormwater Detention (OSD) tank and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque and OSD warning sign. Council's mandatory OSD checklist as set out in page 22 of the Council's Water Management Technical Manual shall be submitted.
- b) Since a sewer main runs through the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval.
- c) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual.

Notes:

- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to insure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4.00pm Monday to Friday).

18. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

ENERGY EFFICIENCY & SUSTAINABILITY

19. BASIX

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

WASTE

20. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

LANDSCAPING & TREES

21. GREEN ROOF LANDSCAPING DETAILS

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

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

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

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

22. CONSTRUCTION SIGNS

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

23. DILAPIDATION REPORT

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

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

DEMOLITION & EXCAVATION

24. 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.

25. 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.

26. 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.

27. 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

28. 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.

29. 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.

30. 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.

31. 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.

32. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

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

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

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

34. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

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

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

TREE PROTECTION AND REMOVAL

35. TREE PROTECTION

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

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

36. VEHICULAR ACCESS - FINISHED LEVEL

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

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

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

37. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, 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.

38. CERTIFICATION OF BASIX COMMITMENTS

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

39. CERTIFICATION OF 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.

40. ON-SITE STORMWATER DETENTION CERTIFICATION

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 any Occupation Certificate.

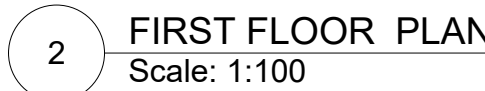
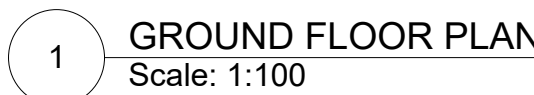
41. CREATION OF POSTIVE COVENTANT FOR OSD

A positive covenant shall be created for the On-Site Detention (OSD) system, under Section 88E of the Conveyancing Act 1919.

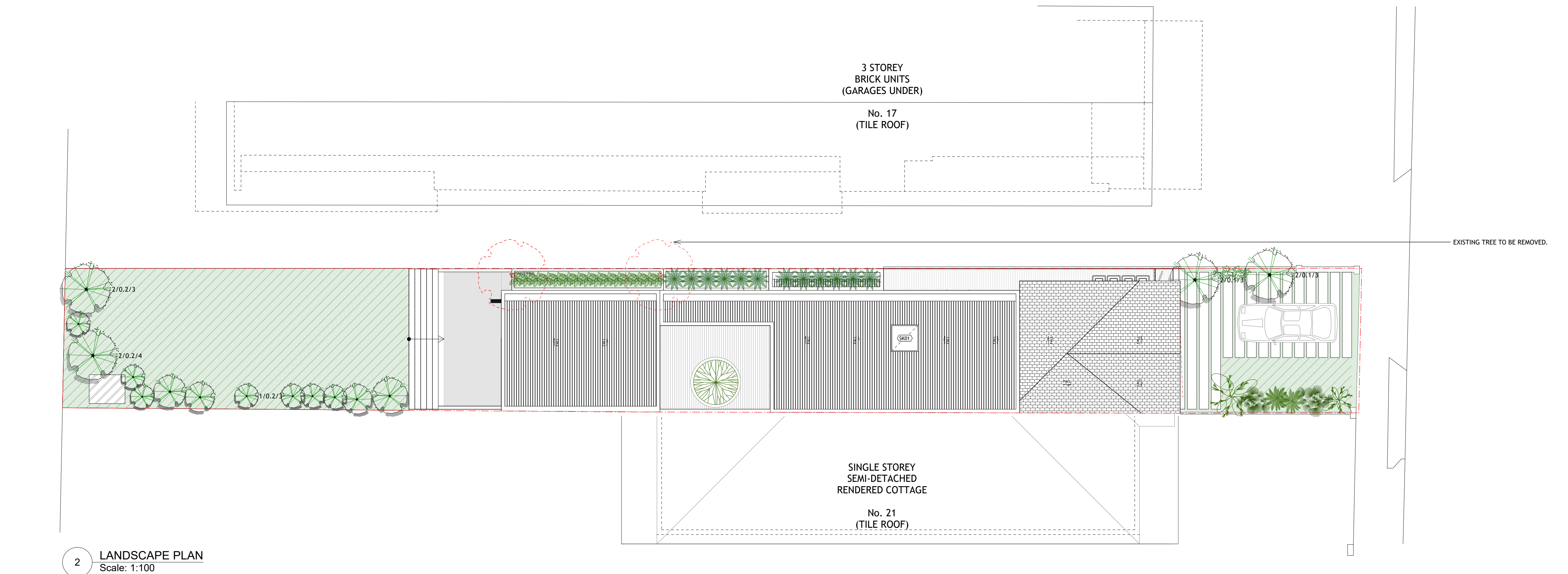
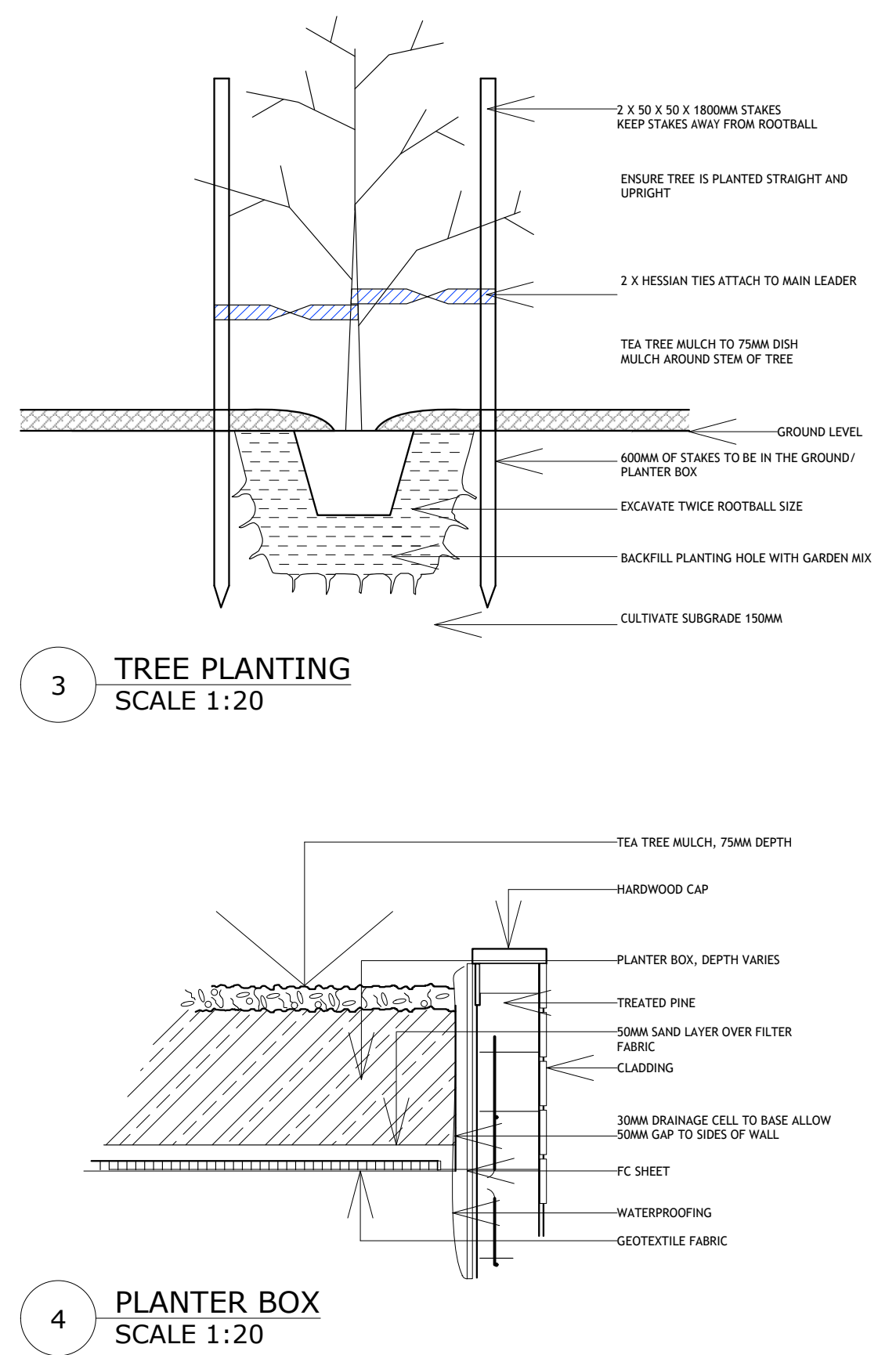
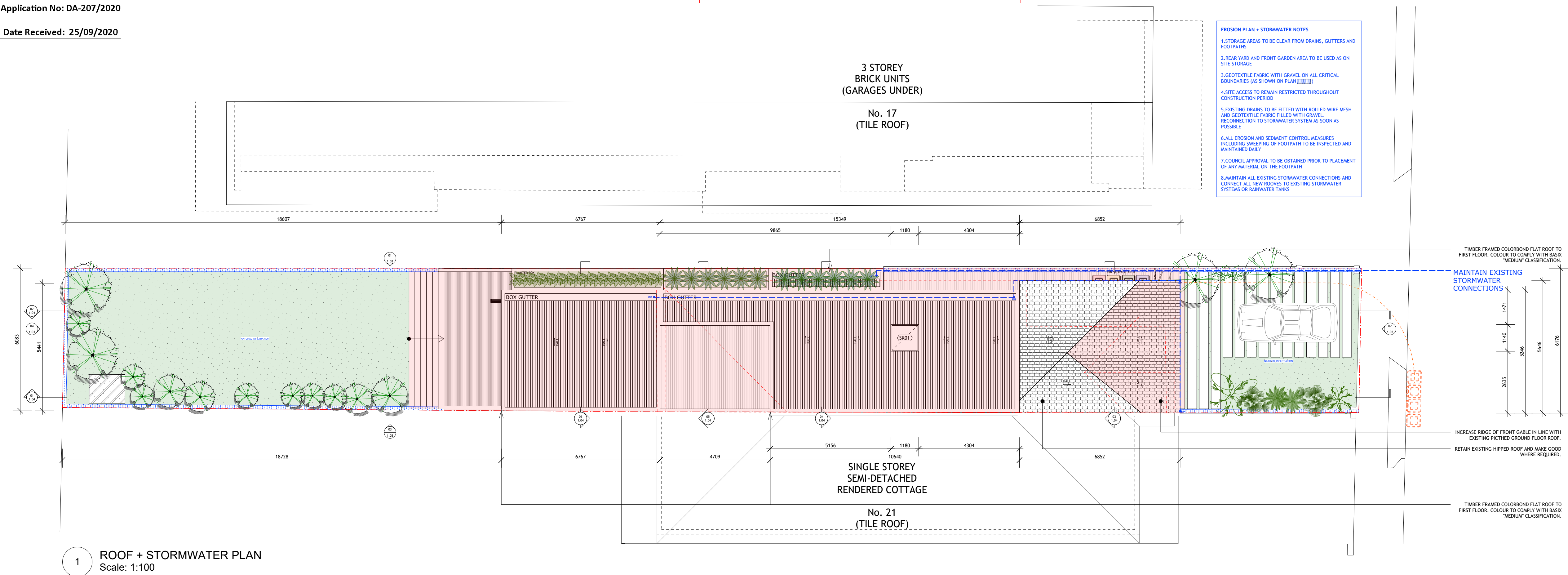
This is to place a restriction on the title that the OSD system is maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant shall not modify or remove the OSD system without consent from Council.

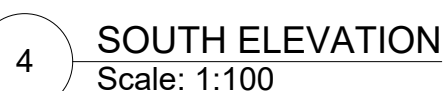
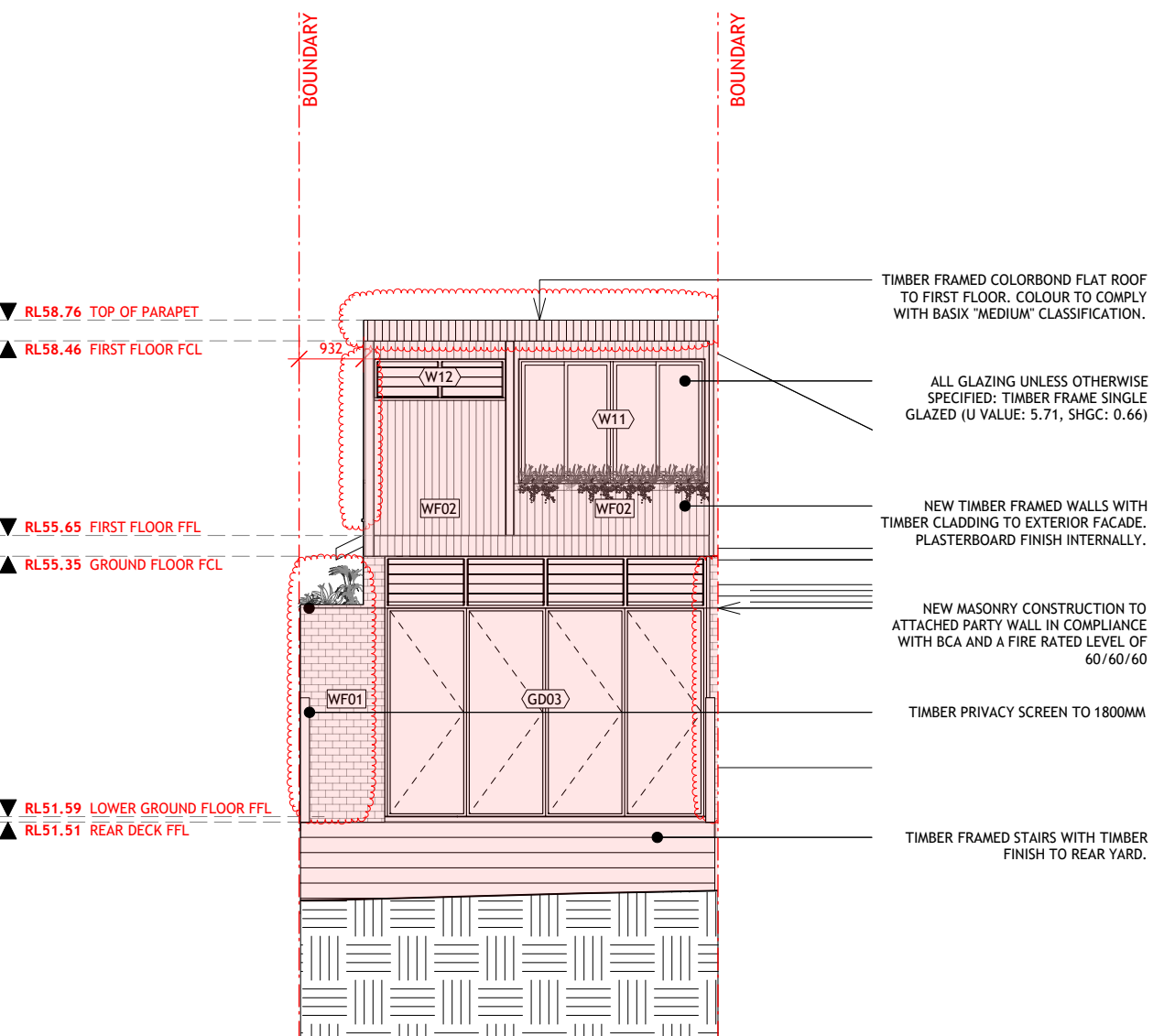
The wording of the Instrument shall be submitted to and approved by Council's Public Domain Engineer prior to lodgement at NSW Land Registry Services. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate/use of the building.

All associated costs shall be borne by the applicant.

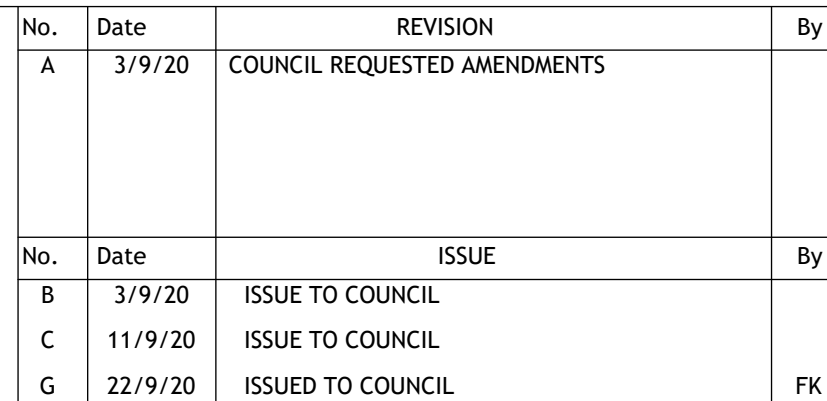


AMENDED PLANS

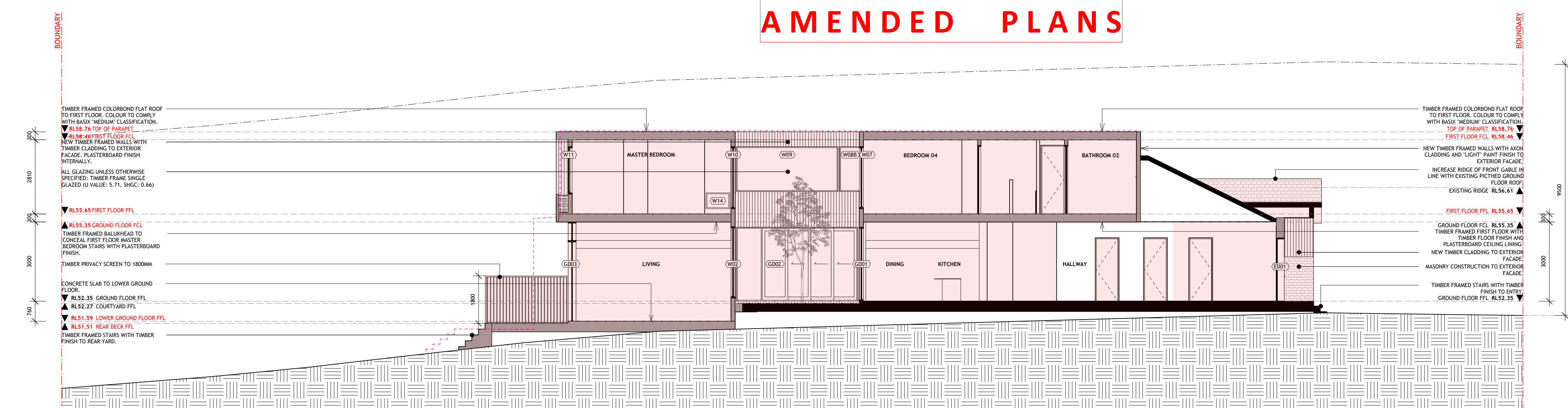




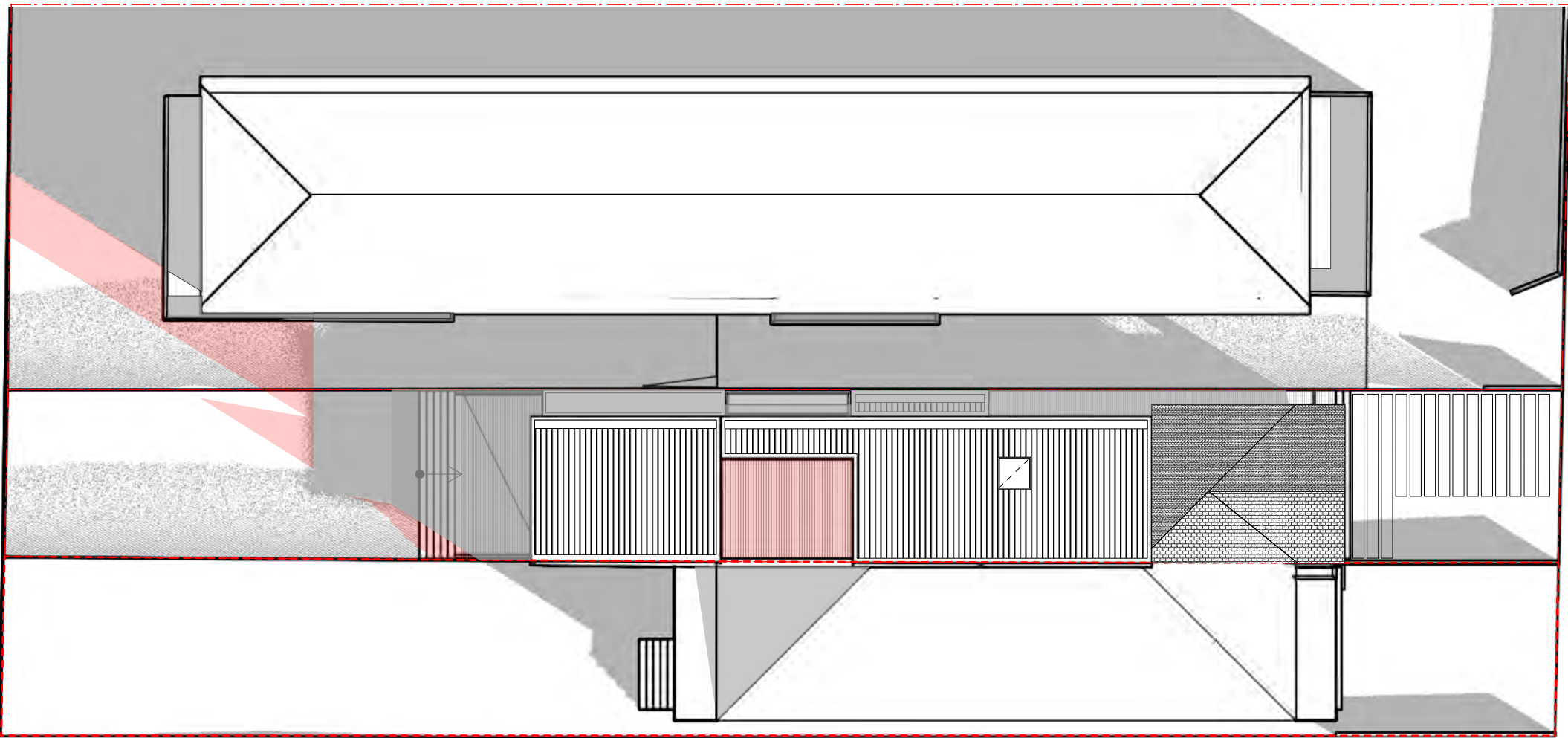
FOR DEVELOPMENT APPLICATION ONLY

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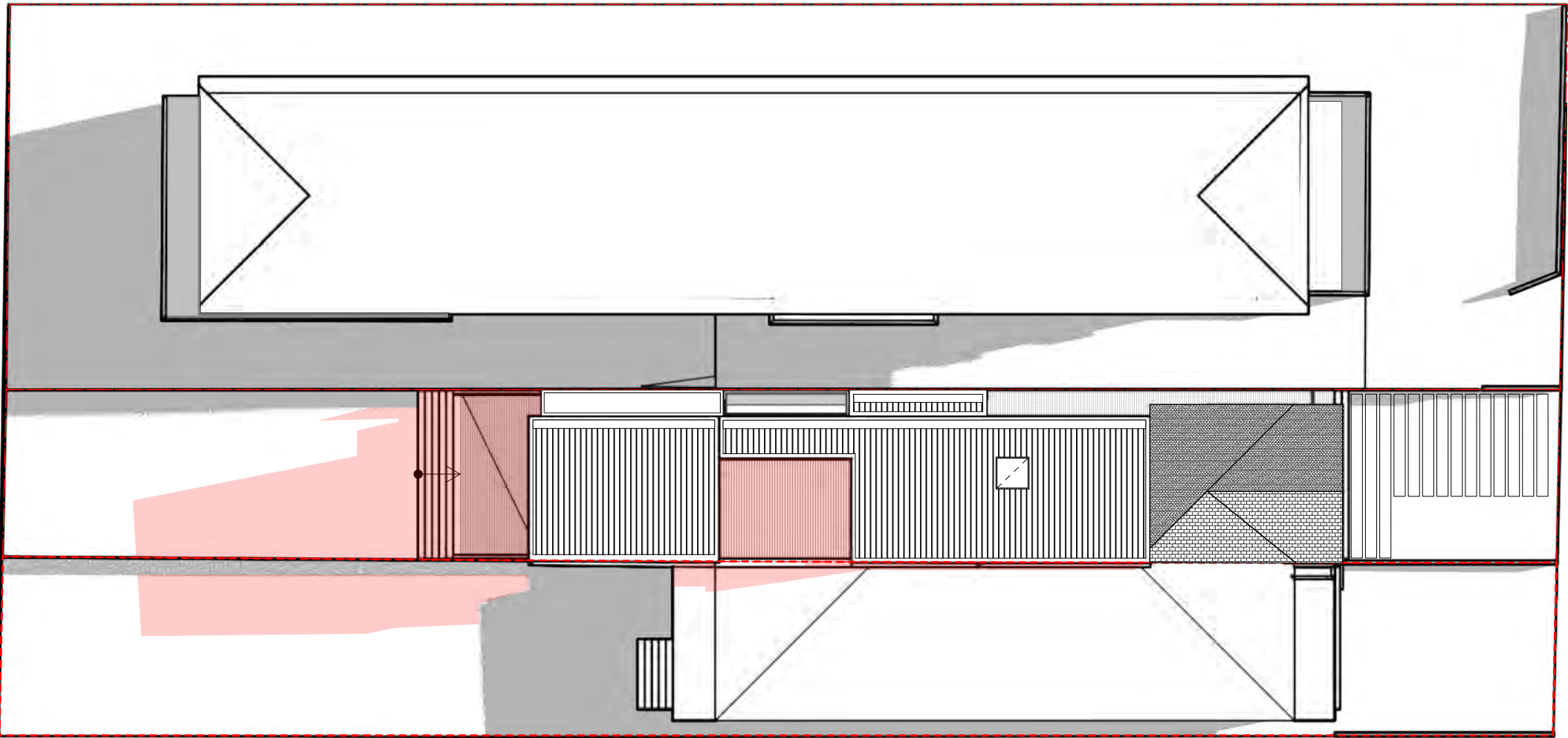
AMENDED PLANS



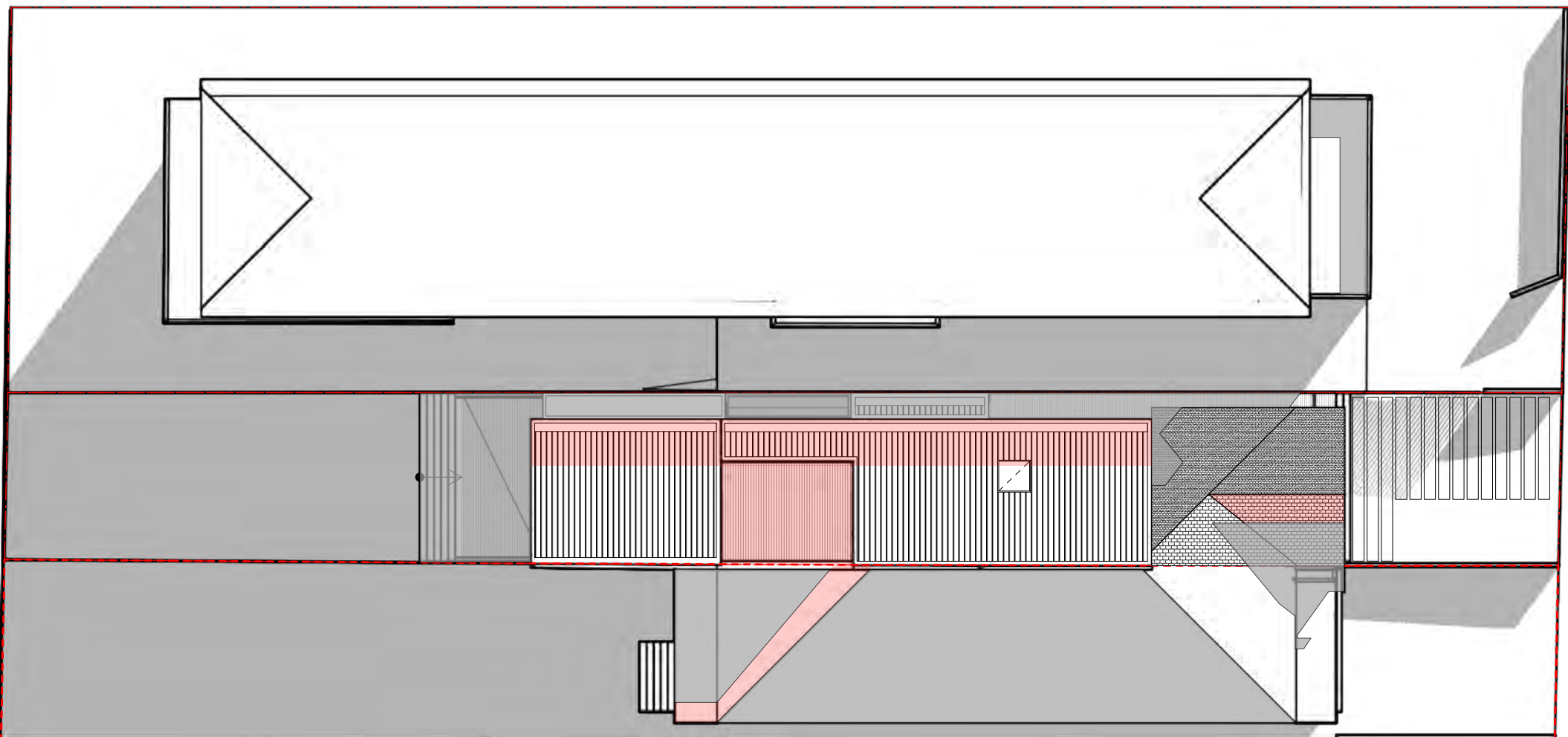
AMENDED PLANS



1 SHADOW DIAGRAM - 9AM JUNE 21ST
Scale: 1:200



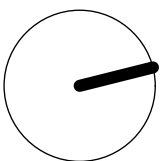
2 SHADOW DIAGRAM - 12PM JUNE 21ST
Scale: 1:200



3 SHADOW DIAGRAM - 3PM JUNE 21ST
Scale: 1:200

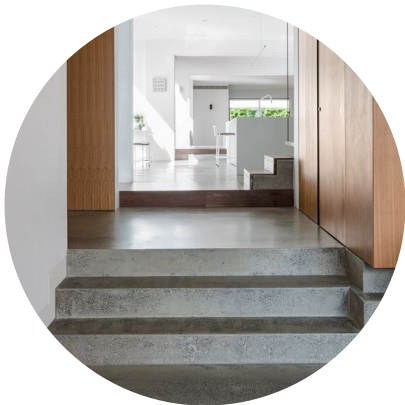
FOR DEVELOPMENT APPLICATION ONLY

Notes
EXISTING SHADOWS
PROPOSED SHADOWS

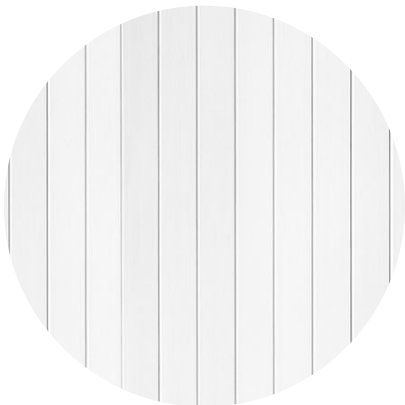


No.	Date	REVISION	By	Stage	DARLING ST HOUSE	Drawing No. DA1.05
A	3/9/20	COUNCIL REQUESTED AMENDMENTS		DEVELOPMENT APPLICATION		
				Address 19 DARLING STREET BRONTE	Drawing Title SHADOW DIAGRAMS - PLAN	Rev # A SCALE PAGE ISSUE # I 1:200@A1 ISO A1
				Client HEATHER & JUSTIN NOLAN	Project No. 0320	Dwg Date: 30/6/20 Plot Date: Checked By: FK Drawn By:
No.	Date	ISSUE	By			
B	3/9/20	ISSUE TO COUNCIL				
C	11/9/20	ISSUE TO COUNCIL				
I	22/9/20	ISSUED TO COUNCIL	FK			

AMENDED PLANS



CONCEPT IMAGES



PROPOSED FINISHES

WF01
MASONRY WALL
WITH LIME WASH FINISH

WF02
TIMBER CLADDING
WITH NATURAL STAIN FINISH

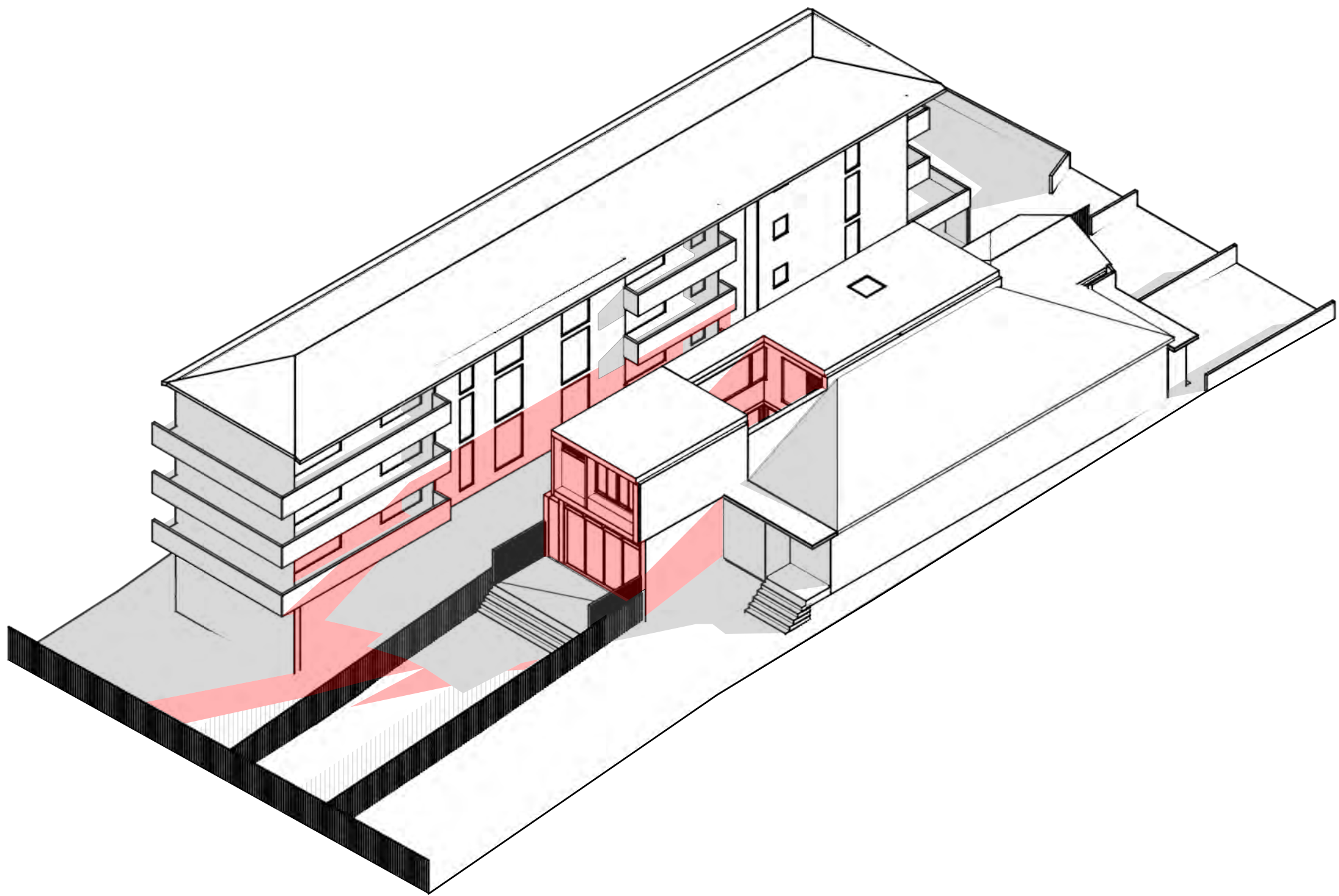
WF03
AXON CLADDING
WITH LIGHT PAINT FINISH

FLOORING
POLISHED CONCRETE
WITH HONED FINISH

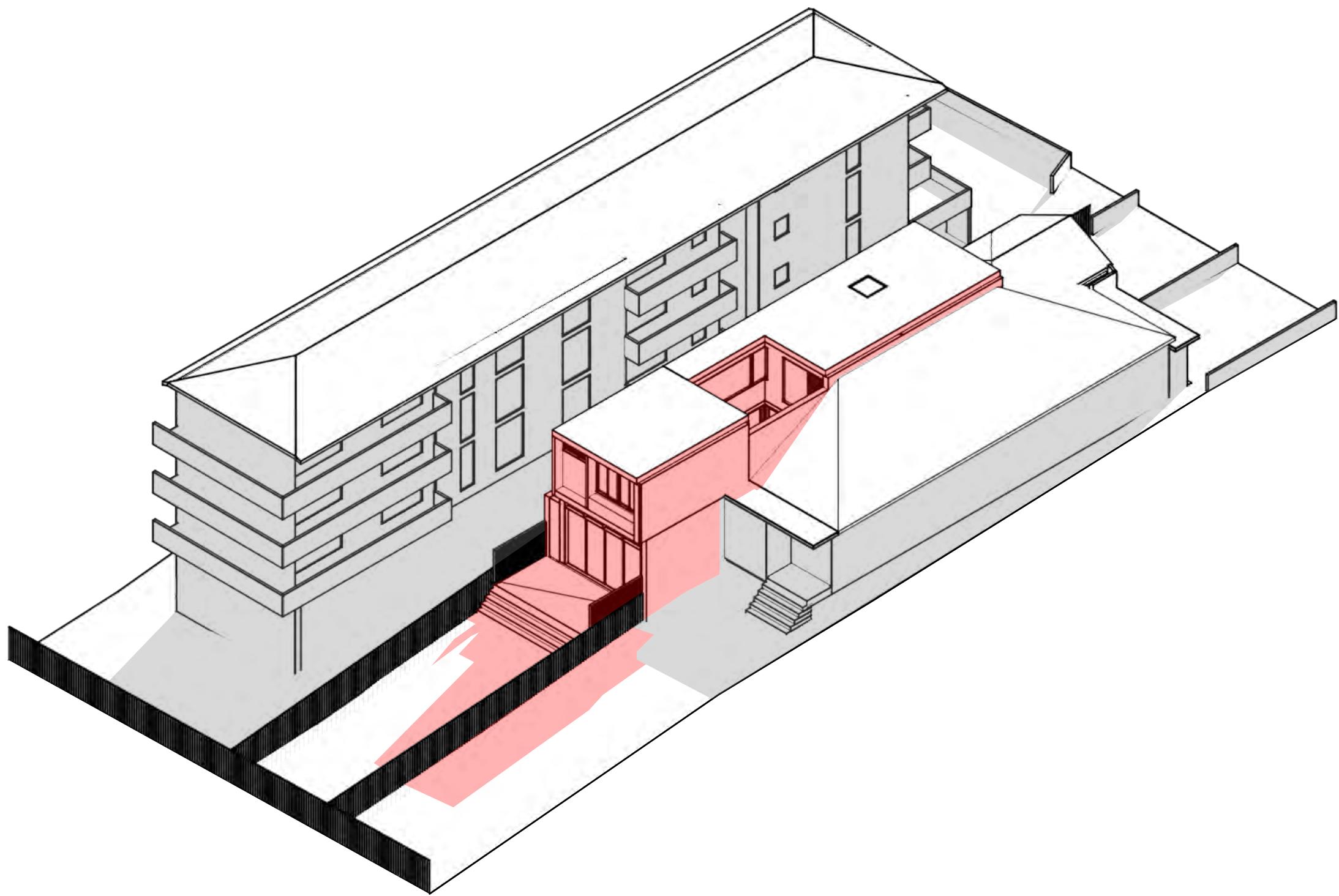
FOR DEVELOPMENT APPLICATION ONLY

<div><div>DESIGN TRIBE PROJECTS</div><div>TP</div><div>CREATE.BUILD.LIVE. 10 Erish Street, Botany, NSW 2019 p:02 9399 9999 e:hello@designtribeprojects.com.au www.designtribeprojects.com.au ©designtribeprojects. This work is not to be copied or reproduced in any form without the prior written permission of the author.</div></div>	Notes	No.	Date	REVISION	By	Stage	DARLING ST HOUSE	Drawing No.
		A	3/9/20	COUNCIL REQUESTED AMENDMENTS		DEVELOPMENT APPLICATION		DA1.06
						Address	19 DARLING STREET BRONTE	Rev # A SCALE PAGE
		No.	Date	ISSUE	By			ISSUE # K NTS ISO A3
		B	3/9/20	ISSUE TO COUNCIL		Client	HEATHER & JUSTIN NOLAN	Dwg Date: 31/3/20 Plot Date:
		C	11/9/20	ISSUE TO COUNCIL				501
		K	22/9/20	ISSUED TO COUNCIL	FK			

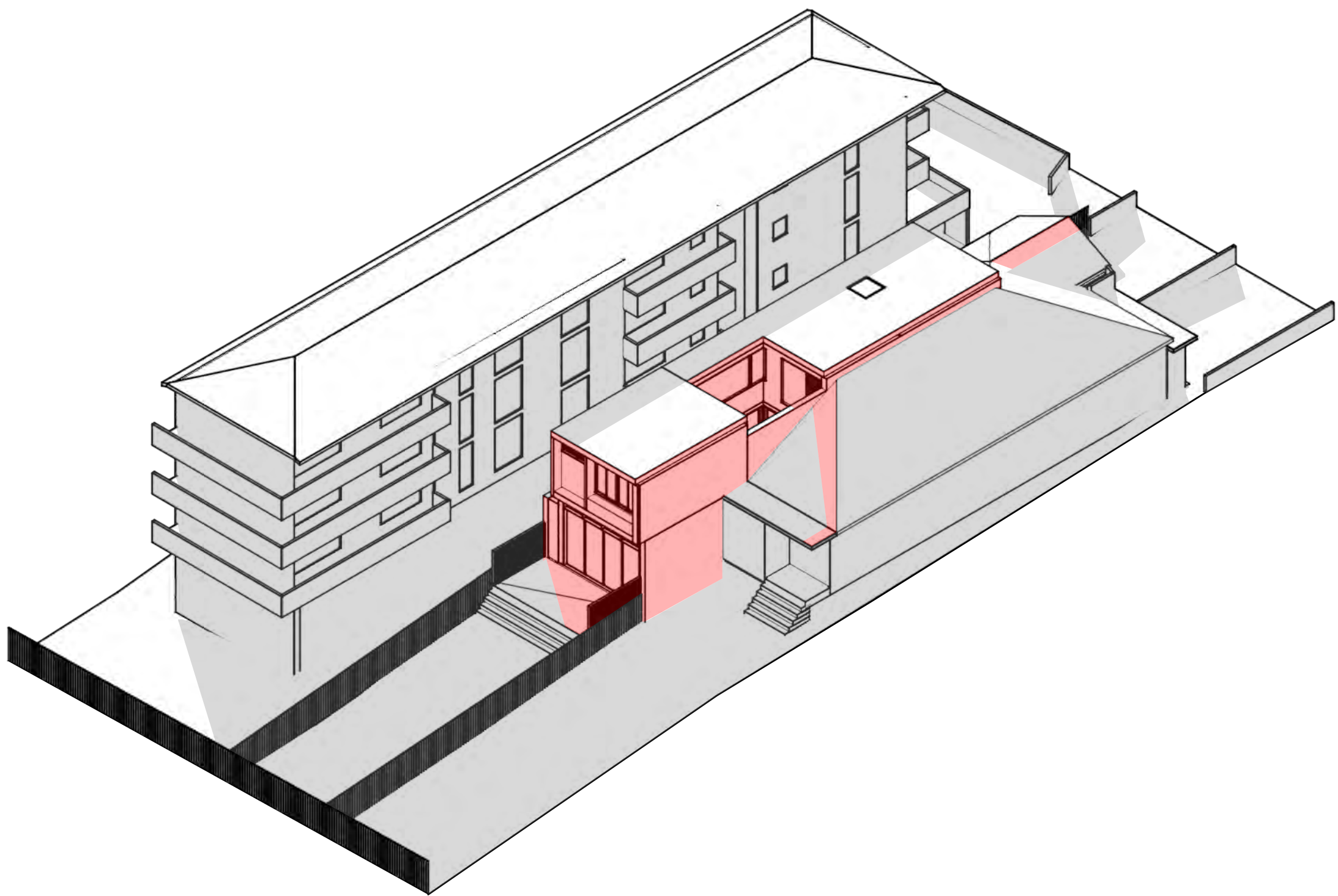
AMENDED PLANS



1 ISOMETRIC SHADOW DIAGRAM - 9AM JUNE 21ST
Scale: 1:200



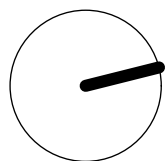
2 ISOMETRIC SHADOW DIAGRAM - 12PM JUNE 21ST
Scale: 1:200



3 ISOMETRIC SHADOW DIAGRAM - 3PM JUNE 21ST
Scale: 1:200

FOR DEVELOPMENT APPLICATION ONLY

Notes
EXISTING SHADOWS
PROPOSED SHADOWS



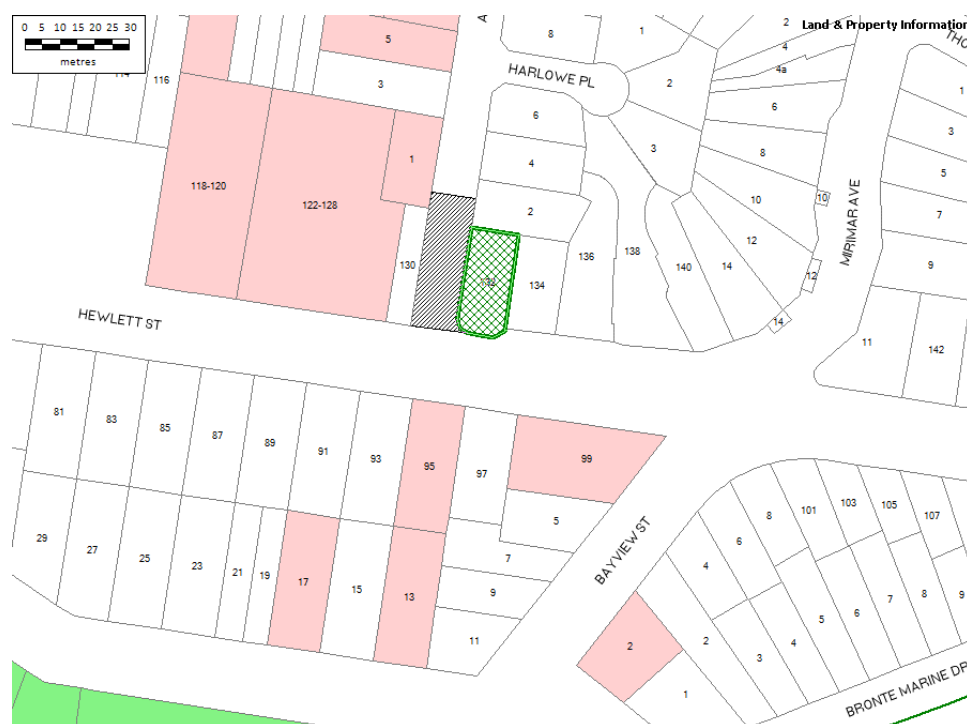
No.	Date	REVISION	By	Stage	DARLING ST HOUSE	Drawing No. DA1.07
				DEVELOPMENT APPLICATION		
				Address 19 DARLING STREET BRONTE	Drawing Title SHADOW DIAGRAMS - ELEVATION	Rev # ISSUE # J
				Client HEATHER & JUSTIN NOLAN	Project No. 0320	SCALE 1:200@A1
						PAGE ISO A1
No.	Date	ISSUE	By			
B	3/9/20	ISSUE TO COUNCIL				
C	11/9/20	ISSUE TO COUNCIL				
J	22/9/20	ISSUED TO COUNCIL	FK			
						Dwg Date: 30/6/20 Plot Date:
						Checked By FK Drawn By



Report to the Waverley Local Planning Panel

Application number	DA-205/2020
Site address	132 Hewlett Street, Bronte
Proposal	Alterations and additions to the existing residential flat building including increase in roof height and pitch to accommodate 'attic' floor level
Date of lodgement	7 July 2020
Owner	Mezuzah Investments Pty Ltd
Applicant	Archispectrum
Submissions	Three (3)
Cost of works	\$713,191
Issues	Building envelope, view impacts, visual and acoustic privacy
Recommendation	That the application be REFUSED

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 4 August 2020.

The site is identified as Lot 21 in DP 18413 and is known as 132 Hewlett Street, Bronte.

The site is irregular in shape, having a curved frontage to the northern side of Hewlett Street, a western side boundary to Andrew Street measuring 25.91m, a rear boundary measuring 13.715m and a total site area of 404.7m². The site has a fall of approximately 8m from the rear boundary to the front. The site is occupied by a three storey residential flat building (RFB) comprising one level of ground floor parking and two residential floor levels above. The existing building comprises four x two bedroom units.

Adjoining the site to the west is a reserve (Andrew Street closure) then a three storey dwelling, to the north (rear) is a part two part three storey dwelling and adjoining to the east is also a part two part three storey dwelling house. On the opposite side of Hewlett Street, is the existing heritage listed three storey RFB at 99 Hewlett Street and detached dwellings.

The area is a mixture of residential development types and styles including single dwellings on large residential allotments and RFB's.



Figure 1: Subject site frontage



Figure 2: Site viewed from west side



Figure 3: View towards the subject site from the rear

1.2 Relevant History

The relevant development history of the site is as follows:

DA-602/2010 – Strata subdivision of the existing RFB to create four lots approved on 20 December 2010 (not activated and consent now lapsed).

DA-437/2013 for conversion of the existing RFB into a single dwelling house was approved (deferred commencement consent) by the then Waverley Development Assessment Panel (WDAP) on 10 October 2013.

DA-511/2014 for amending development application for a second floor addition, deck and internal modifications to the approved dwelling was refused by the then WDAP on 22 April 2015. The applicant appealed the refusal determination with the Land and Environment Court and a section 34 agreement was reached and consent was granted on 8 October 2015 for a flat roof at front (green roof) and partial additional storey at the rear (comprising a large bedroom and ensuite bathroom).

DA-29/2019 for alterations and additions to RFB including internal alterations and various other external changes was refused by the Development and Building Unit (DBU) on 30 April 2019.

DA-205/2020 - In regards to the subject DA-205/2020, a request for additional information was forwarded to the applicant on 7 August 2020. This related to the requirement for submission of a Clause 4.6 variation request to the floor space ratio (FSR) and height non-compliances, view impact analysis, clarification on height proposed and addressing visual and acoustic privacy impacts. The plans submitted on 19 September 2020 form the basis of this assessment report.

1.3 Proposal

The proposed alterations and additions include the following:

- Altering the layout of Unit 1 on the ground floor to create an open plan living, dining and kitchen area, two bedrooms, bathroom and ensuite. The plans show the enclosing of the existing south facing balcony to Unit 1; however it appears that these works have already been carried out;
- Altering the layout of Unit 2 on the ground floor to create an open plan living, dining and kitchen area;
- Altering the layout of Unit 3 on the first floor to create an open plan living, dining and kitchen area, and to include internal stairs leading to the upper level;
- Altering the layout of Unit 4 on the first floor to create an open plan living, dining and kitchen area, and to include internal stairs leading to the upper level; and
- Addition of an 'attic' floor level to provide an additional bedroom, ensuite and balcony to Units 3 and 4. This level is to include new dormers to the east and western sides of the roof and balcony areas to each unit.

It is proposed to increase the overall height and pitch of the roof to accommodate the new floor level. The existing height is to RL48.45 and the proposed overall height is to RL49.22, an increase of 0.77m. The proposed building materials and finishes include terracotta roof tiles to match the existing, frameless glass balustrades, new aluminium framed glazing and retention of the existing brick walls.

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).

2.1.1 Existing Use Rights Provisions – Section 4.65 EP&A Act

The application relies on the ‘existing use rights’ provisions under Division 4.11 of the Act and Part 5 of the *Environmental Planning and Assessment Regulation 2000* (the Regulations). The applicant has satisfactorily demonstrated that existing use rights apply in their development application.

Part 5 of the Regulations allows an existing use to be enlarged, expanded, intensified, altered or extended subject to development consent. Clause 4.67 *Regulations respecting existing use* of the Act states the following:

- (1) *The regulations may make provision for or with respect to existing use and, in particular, for or with respect to—*
 - (a) *the carrying out of alterations or extensions to or the rebuilding of a building or work being used for an existing use, and*
 - (b) *the change of an existing use to another use, and*
 - (c) *the enlargement or expansion or intensification of an existing use.*
 - (d) *(Repealed)*
- (2) *The provisions (in this section referred to as the incorporated provisions) of any regulations in force for the purposes of subsection (1) are taken to be incorporated in every environmental planning instrument.*
- (3) *An environmental planning instrument may, in accordance with this Act, contain provisions extending, expanding or supplementing the incorporated provisions, but any provisions (other than incorporated provisions) in such an instrument that, but for this subsection, would derogate or have the effect of derogating from the incorporated provisions have no force or effect while the incorporated provisions remain in force.*
- (4) *Any right or authority granted by the incorporated provisions or any provisions of an environmental planning instrument extending, expanding or supplementing the incorporated provisions do not apply to or in respect of an existing use which commenced pursuant to a consent of the Minister under section 4.33 to a development application for consent to carry out prohibited development.*

In *Saffioti v Kiama Municipal Council [2018] NSW LEC 1426 (Saffioti 2018)* a Commissioner of the LEC considered the issue of whether the controls in a Development Control Plan (DCP) could be considered in assessing the merits of an application for development consent for development with existing use rights. The Commissioner decided that the relevant controls in the DCP could be considered, as the Act provides that any provisions of an environmental planning instrument (EPI) which would derogate from the provisions in the Regulations have no effect. In *Saffioti 2018*, the Commissioner found that as a DCP is not an EPI, section 4.67(3) does not apply to the provisions of such an instrument. The Commissioner also considered provisions of the Local Environment Plan (LEP) and found that only those provisions of the LEP which could have the effect of prohibiting the development derogated from the incorporated provisions and therefore could not be taken into account.

The Applicant appealed against the Commissioner's findings to a Judge of the Court on questions of law. The appeal was heard by the Chief Judge of the Court and failed on all grounds.

What can be taken away from *Saffioti 2018*, is that provisions of an EPI (eg. a LEP) may establish factual pre-conditions that a consent authority must be satisfied exist in order to grant development consent or fix developmental standards. An applicant seeking development consent to enlarge, expand or intensify an existing use must comply with any such provisions.

Such provisions will not derogate from the existing use 'incorporated provisions' in the Regulations. They will only do so (and have no effect for the purpose of section 4.67(3) of the EPA Act) if they derogate from the entitlement to make the relevant development application.

Previously, existing use rights have been assessed as if the provisions of the Waverley LEP 2012 (WLEP) and Waverley Development Control Plan 2012 (WDCP) do not apply and can only be used as a guide to development in as much as they control development upon surrounding sites. Existing Use Right assessments have been based upon four questions as set out in *Fodor Investments v Hornsby Shire Council [2005] NSWLEC 71*.

Given the outcome of *Saffioti 2018*, the assessment of existing use rights should be considered against both the development standards of the WLEP and the controls of the WDCP as detailed within this report.

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

BASIX Certificates have been submitted with the development application for each Unit.

The BASIX Certificates lists measures to satisfy BASIX requirements which have been incorporated into the proposal. Should the application be approved a standard condition is recommended ensuring the measures detailed in the BASIX Certificate are incorporated into the Construction Certificate drawings and 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 SEPP 65 Design Quality of Residential Apartment Development

The application was not referred to the Waverley Design Excellence Advisory Panel (DEAP) given the nature of the works proposed however, an assessment has been undertaken with regard to the nine design quality principles under SEPP 65 which are set out in Table 1 below:

Table 1: Assessment against the Nine Design Quality Principles under SEPP 65

Principle
Principle 1: Context and Neighbourhood
The subject proposal does not respond to the context of the desired future character of the locality, which is discussed in further detail below.
Principle 2: Built Form and Scale
The existing building is already non-compliant with the FSR and building height development standards of the WLEP. The proposal seeks to exacerbate these non-compliances. The Apartment Design Guide (ADG) requires a minimum separation distance from side and rear boundaries of 6m to habitable rooms and balconies and 3m to non-habitable rooms and balconies. The proposed eastern side setback to the new upper floor additions does not comply with these requirements. Together with the non-compliant height and FSR proposed constitutes a building that well exceeds the envelope controls for the site, which is not supported.
Principle 3: Density
The existing RFB has a non-compliant height and FSR. The proposal seeks to exacerbate these non-compliances, resulting in a density which is inappropriate for the site and its context.
Principle 4: Sustainability
Greater effort should be made to achieve sustainability measures including: <ul style="list-style-type: none"> • Provide ceiling fans • Photovoltaics on the roof • Water collection and reuse (gray water reuse)
Principle 5: Landscape
Grassed areas are proposed at the Hewlett Street frontage and retention of the existing trees to the Andrew Street frontage and the rear of the site. Additional trees and shrubs should be considered for the Hewlett Street frontage.
Principle 6: Amenity
The non-compliant separation distances impact on the visual and acoustic amenity of Unit 4 and adjoining properties which is discussed in more detail below.
Principle 7: Safety
Satisfactory
Principle 8: Housing Diversity and Social Interaction
Satisfactory
Principle 9: Aesthetics
The proposal will accentuate the perceived building height of the development. The height non-compliance manifests in view impacts as discussed later in this report. Given the change in the pitch of the roof form, the addition of dormers and the cut out sections of roof to accommodate the private open space areas, the proposal will be perceived as a non-cohesive element that is inconsistent and unsympathetic to the original architecture and design of the existing building.

Table 2: ADG

Design Criteria	Compliance	Comment
Part 3 Siting the development		
3A Site analysis	No	A site analysis was provided with the application, however, limited assessment has been made of the impacts of the new upper floor addition on the adjoining property to the east in regards to visual and acoustic privacy.
3B Orientation	Yes	The orientation of the new upper floor additions are satisfactory. The shadow diagrams submitted with the application do not provide an accurate representation of impacts on solar access to the adjoining property to the east, however, the view from the sun diagrams indicate that there will be an increase in overshadowing to the adjoining property to the east from 1pm onwards.
3C Public domain interface	No	The proposal will accentuate the perceived building height of the development when viewed from the public domain.
3D Communal and public open space ADG control: Minimum of 25% of site Minimum of 50% direct sunlight to the principal usable part on winter solstice	Yes	The proposal does not alter the existing area of common open space located to the rear of the subject site
3E Deep soil zones ADG control: 7% of the site, deep soil zones should be provided	Yes	
3F Visual privacy Min separation distances from buildings (windows and balconies) to side and rear boundaries: Up to 12m (4 storey) – 6m habitable & 3m non-habitable	No	<p>The proposed new 'attic' floor level will be sited 3.448m from the eastern side boundary. The new upper floor level will have windows and a balcony overlooking the adjoining property to the east.</p> <p>The new upper level balcony and habitable bedroom windows to Unit 4 at the front, in particular, will result in unacceptable privacy impacts to the adjoining property to the east with views directly into the private open space of the adjoining property.</p> <p>The lack of sufficient separation from adjoining properties is a significant non-compliance with this proposal. The proposal neglects to properly</p>

Design Criteria	Compliance	Comment
4D Apartment size and layout <p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> • 2 Bed - 70 m² • 3 Bed - 90m² • Add 5m² for each additional bathroom (above 1) <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> <p>Maximum depth of open plan living layouts is 8m.</p>	<p>No</p> <p>Yes</p> <p>Yes</p>	<p>There is no change proposed to the existing two bedroom units at Ground floor level, with Unit 1 comprising a floor area of 72m² and Unit 2 having a non-compliant floor area of 62.7m². The proposed upper floor units will also have non-compliant floor areas with the three bedroom Unit 3 proposing a floor space of 83.7m² and three bedroom Unit 4 comprising a floor space of 82.5m². The bedrooms have a satisfactory size to meet the intent of the design criteria.</p> <p>It is proposed to open up the living/ dining and kitchen areas. These areas all have access to a window for natural light and ventilation.</p>
4E Private open space and balconies <p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> • 2-bed - 10m² & 2m depth • 3-bed – 12m² & 2.4m depth 	<p>No</p> <p>No</p>	<p>New balconies proposed to Units 3 and 4 at the 'attic' floor level are 8.3m² and 11.5m² respectively. The floor plan also shows an inconsistency with the location of a proposed balcony to the south side of Unit 4 at the first floor level, whereas the elevations do not show this balcony. No private open space is proposed to Units 1 and 2 as existing.</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 	<p>Yes</p>	<p>A maximum of two units are accessed from the lobby.</p>
4G Storage <p>In addition to kitchens, bathrooms and bedrooms, the following is provided:</p> <ul style="list-style-type: none"> • 2-bed – 8m³ • 3-bed – 10m³ 	<p>Not shown</p>	<p>Submitted Statement of Environmental Effects (SEE) indicates compliant storage</p>
4H Acoustic privacy	<p>No</p>	<p>Inadequate building separation has been provided from the adjoining property to the east, potentially resulting in acoustic privacy impacts.</p>

Design Criteria	Compliance	Comment
		Reconfiguration of unit layouts result in kitchen to Unit 4 above Bedroom of Unit 1 and kitchen to Unit 1 being below bedrooms of Unit 4 which may create acoustic privacy impacts.
Configuration		
4K Apartment mix	Yes	Two x two bedroom and two x three bedroom units
4L Ground floor apartments	Yes	The ground floor apartments are as existing with internal layout alterations proposed only. The existing arrangement of the ground floor apartments is therefore considered appropriate.
4M Facades	No	The proposed building retains the façade however, alters the roof form of the building by providing an additional storey within an increased roof pitch and altered roof form that is dominant.
4O Landscape design	No	Greater landscaping could be provided within the frontage to provide privacy to the ground floor units and contribute to improved streetscape.
4Q Universal Design	Yes	In the event of approval, a condition would be recommended to ensure that 20%, being one apartment, achieves a benchmark of silver level universal design features.
Performance		
4U Energy	Yes	All apartments within the building incorporate passive environmental design, meeting the cross-ventilation requirements in the ADG. Adequate natural light and solar access is provided to the apartments.
4V Water management and conservation	Not demonstrated	No details provided
4W Waste management	No	The proposal includes waste storage at the western side which is the existing location. The applicant advises that due to the sites topography, this location is the most useable. A screen is proposed to the bin store.
4X Building maintenance	Yes	The ADG suggests that building design should provide protection from weathering and access for maintenance and materials which reduce ongoing maintenance costs. There is no evidence to suggest that the proposed building could not achieve this.

2.2.4 SEPP (Affordable Rental Housing) 2009 (ARH SEPP)

As the development application involves alterations and additions to the existing RFB that contains affordable housing units (as identified in the SEE), the ARH SEPP applies to the subject application and as such was referred to Council's Strategic Planning Unit for assessment and comments. The following comments have been provided:

The applicant has provided the previous rental figures for the units and as such the loss in affordable rental housing can be calculated.

The applicant has acknowledged that two of the existing units are affordable rental housing. In March of 2018 both units two and three were rented below the median rental rate, as such both these units are considered to be low-rental dwellings. The median rent for a two bedroom unit in March 2018 was \$780, unit two was rented at \$768 and unit three was rented at \$735.

The applicant will be subject to paying monetary contributions to mitigate the loss of affordable housing as outlined in clause 50(2)(g) of the ARH SEPP.

Should the application be approved, conditions addressing the above matter will need to be included.

2.2.5 Waverley Local Environmental Plan 2012 (WLEP)

The relevant matters to be considered under the 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 not inconsistent with the aims of the WLEP.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	No (existing use rights apply)	The proposal is defined as alterations and additions to a 'residential flat building', which is a prohibited use in the R2 zone. This application relies on existing use rights for development consent to be granted, which have been sufficiently established.

Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	No	<p>The existing height of the building is 11.38m, already exceeding the height development standard by 2.88m or 33.9%.</p> <p>The proposal seeks to increase the height to 12.15m exceeding the height development standard by 3.65m or 42.9%.</p>
4.4 Floor space ratio <ul style="list-style-type: none"> 0.5:1 or 202.35m² 	No	<p>The FSR of the existing building on the site is 0.67:1 (274.3m²) exceeding the development standard by 71.95m² or 35.6%.</p> <p>The proposal seeks to increase the FSR to 0.76:1 (309.5m²) exceeding the development standard by 107.15m² or 53%.</p>
4.6 Exceptions to development standards	See discussion	Whilst the site enjoys the benefit of existing use rights, the application is still required to be accompanied by a written request pursuant to clause 4.6 of WLEP to vary the Height and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	<p>The site adjoins a landscape conservation area C47 (affecting street reserve of Hewlett Street). The proposal has no consequence on the landscape conservation area as it does not seek to remove vegetation on the site.</p> <p>Heritage Item I312 inter war style residential flat building at No.99 Hewlett Street is located opposite the subject site.</p>
Part 6 Additional Local Provisions		
6.1 Acid sulfate soils	Yes	The site is identified as class 5 acid sulfate soils. The proposed works will not disturb acid sulfate soils.

Clause 4.6 Exceptions to Development Standards - Height

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

The site is subject to a maximum height development standard of 8.5m. The proposed development has a height of 12.15m exceeding the standard by 3.65m equating to a 42.9% 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 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:
- *Compliance with the development standard is unreasonable and unnecessary as the proposed building height and bulk is of an appropriate form and scale and is compatible with surrounding development and having regard to the height of the existing building.*
 - *The components of the existing development above the height control are to the front section of the roof and the main ridge running towards the rear and the additional elements are limited to the proposed dormers with the proposed front balcony set lower than the existing non-compliant roof.*
 - *Exceedance of the height control will not create additional unreasonable environmental amenity impacts in terms of overshadowing, loss of views, loss of privacy or loss of visual amenity and a reduction in this height would not create additional benefit for adjoining properties or the locality.*
 - *The siting and design of the proposed dwelling minimises the obstruction of views from neighbouring dwellings and the public domain.*
- b) That there are sufficient environmental planning grounds to justify contravening the standard:
- *The proposal will not result in the loss of views from surrounding development;*
 - *The proposal will not result in unreasonable overshadowing of adjoining properties;*
 - *The proposal will provide a development, which has been designed to ensure that the visual and acoustic privacy of adjoining properties is maintained;*
 - *The proposal will provide a development, which is consistent with the scale of the adjoining developments and is of an appropriate visual bulk for the locality; and*
 - *The proposal will allow for an additional bedrooms to existing units which is comparable with an approved building envelope and allows for improved amenity for the existing units.*
 - *The proposal will provide a suitable design and of suitable amenity in terms of the built environment and represents the orderly and economic use and development of land, which are identified as objects of the Act (Section 1.3 of the EP&A Act, 1979) and the building envelope and design of the proposal responds appropriately to the unique opportunities and constraints of the site whilst improving the amenity of the subject development and providing additional bedrooms for existing dwellings.*
 - *Reduction in the height 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.*

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 not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case. The applicant has primarily focused their commentary on the first justification/test of *Wehbe vs Pittwater Council (2007) LEC 827*, that is *the objectives of the development standard are achieved despite the non-compliance with that standard*. The objectives of the height development standard are as follows:

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

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

The applicant states the proposed height is consistent with the objectives of the height development standard and will not result in unreasonable impacts. Council disagrees with the contention that the relevant objectives of the standard are achieved.

The height of the existing building on the site is 11.38m, already exceeding the height development standard by 2.88m or 33.9%. The proposal seeks to exacerbate this non-compliance by increasing the height and density further and expanding upon the non-compliance by extending the building into the roof space and increasing the height of the roof and its pitch. The proposal will result in additional impacts to adjoining properties in regards to visual and acoustic privacy, view impacts and overshadowing and will not '*preserve the environmental amenity of neighbouring properties*' thereby being contrary to objective (a). The extent of these impacts is discussed later in this report.

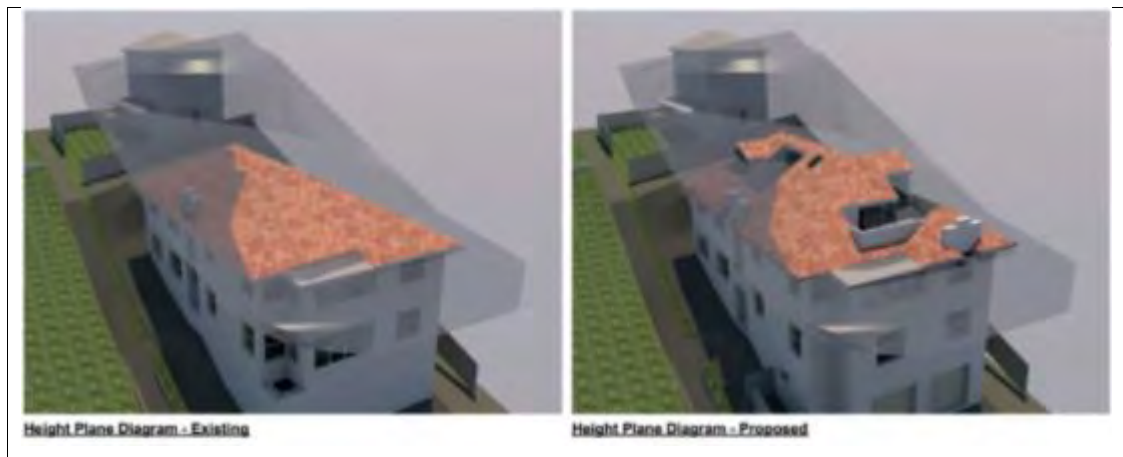


Figure 4: Extent of height non-compliance existing and proposed
(Source: Applicant's Clause 4.6 objection prepared by aSquare Planning)

The proposal will accentuate the perceived building height of the development, especially when viewed from the public domain. The massing of the existing building sits forward on the site for all floor levels compared to dwellings to the east which have a built form that steps with the topography. The additional roof height will further dominate the building and its streetscape. Given the change in the pitch of the roof form, the addition of dormers and the cut out sections of roof to accommodate the private open space areas, the proposal will be perceived as a non-cohesive element that is inconsistent and unsympathetic to the original architecture and design of the existing building. The height non-compliance results in view impacts which is discussed later in this report. The height variation will also manifest in adverse streetscape and visual impacts that are not compatible with the height, bulk and scale of the desired future character of the locality, contrary to objective (d) and is not supported.

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

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard. The height of the existing building already breaches the height development standard by 2.88m. Whilst the existing building enjoys the benefits of existing use rights, any proposed development is to still have regard to the development standards which define the desired built form for the locality. Further exceedance of this standard manifests in unreasonable impacts on the amenity of surrounding properties due to view loss, overshadowing and privacy impacts and is not supported.

Is the development in the public interest?

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

Clause 2.1 – Land Use Zone – 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.*

Whilst it is acknowledged that the proposed development does provide for the housing needs of the community, the existing building height already exceeds the applicable development standard by 2.88m, maximising and exceeding the desired built form for this low density area. A further exceedance of this standard is unacceptable, resulting in unreasonable impacts on the amenity of surrounding properties and the locality. The overall planning outcome for the site is unacceptable and cannot be supported.

The proposed non-compliance has failed to address clause 4.6 (1)(b), (3)(a) and (b), and (4)(a). The non-compliance will result in an unacceptable outcome for the site, fails to demonstrate that compliance with the development standard is unreasonable or unnecessary, does not establish sufficient environmental planning grounds to justify the breach, fails to address the objectives of the height development standard and is not in the public interest.

Conclusion

For the reasons provided above, the requested variation to the height development standard 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 WLEP. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of the height development standard and the R2 Low Density Residential zone.

Clause 4.6 Exceptions to Development Standards - FSR

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

The site is subject to a maximum FSR development standard of 0.5:1. The proposed development has a FSR of 0.76:1 or 309.5m², exceeding the standard by 107.15m² equating to a 53% 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:
 - *Compliance with the development standard is unreasonable and unnecessary as the overall character and bulk and scale of the development will only be marginally altered. Given the proposed additions are within an attic level with external works limited to the proposed dormers, the bulk and scale of the building as read from the public domain will be largely unaltered; and*

- *Exceedance of the FSR control will not create additional building bulk that results in unreasonable environmental amenity impacts in terms of overshadowing, loss of views, loss of privacy or loss of visual amenity and a reduction in the proposed area would not create additional benefit for adjoining properties or the locality.*
- b) That there are sufficient environmental planning grounds to justify contravening the standard:
- *A reduction in FSR would not result in any improved amenity for neighbouring properties in terms of visual bulk and would result in the loss of usable floor area for the subject units, which improves the internal amenity.*
 - *In particular, it is noted that the FSR breach does not result in any additional loss of solar access. Views from the sun diagrams have been prepared and confirm that additional overshadowing is limited to the driveway to the front of the adjoining property.*
 - *The site is located in area serviced by good public transport with easy access to Bondi Junction, the City and other local centres. Additionally, local parks, schools and Bronte Beach are within easy walking /cycling distance of the site.*
 - *The proposal will not affect views as set out in DA28, DA29 and DA30. The proposal and will not impact adjoining properties in terms of the acoustic or visual privacy, as overlooking is limited to the front of the site and not towards adjoining private open space. The proposed balcony to Unit 4 is accessible from a bedroom and is not conducive to being used for entertaining purposes, thereby protecting the acoustic privacy of adjoining properties.*
 - *The proposal provides suitable residential accommodation for families. This provides better housing choice in accordance with the LEP objective.*
 - *The development approved under DA-437/2013 and DA-511/2014 has a FSR of 0.73:1, which exceeds the FSR Development Standard. The proposed works will increase the approved GFA by approximately 35.2m².*
 - *The proposal is compatible with the height, bulk and scale of the existing character of the locality and will positively contribute to the physical definition of the street network and public space.*
 - *The proposed development provides an articulated building form that minimises perceived bulk and scale impacts when viewed from the public domain.*
 - *The proposed bulk and scale of the development is compatible with the size and shape of the allotment.*
 - *The proposed development achieves compliance with the relevant underlying objectives of the standard and the objectives of the zone.*
 - *The proposal will not create an undesirable precedent.*
 - *The proposed FSR would result in a better planning outcome for this site as it enables additional residential floor area to be provided on the site whilst complying with all LEP and DCP objectives.*

- *The intensity of the development is appropriate and acceptable, having regard to retention of the number of existing units;*
- *Non-compliance with the standard does not contribute to adverse environmental impacts;*
- *The proposed development achieves compliance with the relevant underlying objectives of the standard;*
- *The proposal will provide a suitable design and be of suitable amenity in terms of the built environment and represents the orderly and economic use and development of the land, which are identified as objects of the Act (Section 1.3 of the EP&A Act, 1979).*
- *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.*

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 not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case. The applicant has primarily focused their commentary on the first justification/test of *Wehbe vs Pittwater Council (2007) LEC 827* that is *the objectives of the development standard are achieved despite the non-compliance with that standard*. The objectives of the FSR development standard are as follows:

Clause 4.4 Floor space ratio

(1) The objectives of this clause are as follows—

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

Objective (a) is not applicable to the proposed development.

The applicant has justified the non-compliance by stating the additional GFA of the proposal to the existing building will not be discernible, will not result in adverse impacts and will not create an undesirable precedent. The non-compliance with the FSR development standard, coupled with the height non-compliance, demonstrates that the proposal is an inappropriate addition to a development that is non-conforming within the R2 zone of the site and surrounding sites. The form of the proposed addition results in the additional GFA sought by the proposal being obvious and discernible from neighbouring properties and the public domain. The FSR non-compliance will manifest in unreasonable impacts on views, visual and acoustic privacy and overshadowing and will also result in adverse streetscape and visual impacts and is not supported.

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

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard. In effect the existing building is larger than the development standards allow with the building already achieving the maximum FSR and height permitted on the site. The extent of the variation, being 53% over the development standard demonstrates that the building bulk and scale of the development are excessive

Given that the site addresses two streets, with a block edge form to both frontages, the existing building on the site provides minimal side setback already. The proposal results in amenity impacts by way of increased overshadowing, visual and acoustic privacy impacts and view impacts. The scale of the development does not preserve the amenity of surrounding properties nor minimise the adverse impact on the amenity of the locality and is inconsistent with objective (d).

The consistent departure of the proposal from the relevant planning provisions serves to demonstrate the failure of the development to meet the objectives of the development standards representing an overdevelopment of the site and does not result in design excellence. The variation of the development standard is not in the public interest and the variation is inconsistent with the desired future character of the locality. The applicant has not 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 not be in the public interest because it is not consistent with both the objectives of the particular standard as outlined above and the objectives for development within the zone in which the development is proposed to be carried out including:

Clause 2.1 – Land Use Zone – 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.*

Whilst it is acknowledged that the proposed development does provide for the housing needs of the community, the existing building on site already maximises and breaches the standards and controls. The further exceedance of the standards and controls and the overall planning outcome for the site to achieve this objective as proposed is unacceptable and cannot be supported.

The proposed noncompliance has failed to address clause 4.6 (1)(b), (3)(a) and (b), and (4)(a). The non-compliance will result in an unacceptable outcome for the site, fails to demonstrate that compliance

with the development standard is unreasonable or unnecessary, does not establish sufficient environmental planning grounds to justify the breach, fails to address the objectives of the FSR development standard and is not in the public interest.

Conclusion

For the reasons provided above, the requested variation to the FSR development standard is not supported as the applicant's written request has not adequately addressed the matters required to be addressed by cl 4.6(3) of the WLEP. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of the FSR development standard and the R2 Low Density Residential zone.

2.2.6 Waverley Development Control Plan (DCP) 2012 –Amendment 7 – Effective 2 March 2020

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

Table 3: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	No	<p>A Site Waste and Recycling Management plan has been submitted with the application to address waste disposal during construction. The waste and recycling storage area is located in an area convenient for users of the site.</p> <p>Council's Waste and Recycling Officer has reviewed the proposal and advised that the applicant has not provided a Site Waste and Recycling Management Plan (SRMP) Part 1 (Design). Council's Waste officer has also raised objection to the proposed location of the bin store at the western side of the building. The applicant contends that this is the existing location and that there is no other alternative due to site constraints. The amended plans show the provision of a screen to the bin area which is considered to be satisfactory. Should the application be approved, conditions addressing the above matters can be provided.</p>
2. Ecologically sustainable Development	Yes	<p>BASIX certificates have been provided with the application for each Unit.</p> <p>The proposal incorporates passive design by providing apartments with three aspects and double levels in the case of Units 3 and 4.</p>

Development Control	Compliance	Comment
3. Landscaping and Biodiversity	No	The site is located within a habitat corridor. The application was referred to Council's Biodiversity officer who advised that the submitted landscape plan is not satisfactory. Should approval be granted, consent would be conditioned accordingly.
5. Vegetation preservation	Yes	The application was referred to Council's Tree Management officer who raised no objections
6. Stormwater	No	The stormwater plans submitted with the application are not satisfactory and do not comply with the Water Management Technical Manual. This matter can be addressed as a condition of consent should the application be approved.
7. Accessibility and adaptability	Yes	As existing.
8. Transport	Yes	As existing. Vehicular access is provided from Hewlett Street to existing two by single width garage spaces. The parking rates within the WDCP are a maximum control with the minimum being nil. The proposal provides two parking spaces for the development which is as existing. Notwithstanding, the opportunity to provide bicycle parking has not been considered.
10. Safety	Yes	The proposal does not contravene the objectives of this part of the DCP.
12. Design Excellence	No	The proposal does not exhibit design excellence as the proposed additions do not achieve a high standard of architectural design and does not contribute to the architectural design quality of Waverley.
16. Public Domain	No	The form of the proposed addition results in the additional GFA sought by the proposal being obvious and discernible from neighbouring properties and the public domain. The FSR non-compliance will result in adverse streetscape and visual impacts.

Table 5: Waverley DCP 2012 – Part C4 High Density Residential Development Compliance Table

This part applies to development that is subject to SEPP 65, including FB's that are three or more storeys and contain four or more dwellings.

Development Control	Compliance	Comment
4.1 Site, scale and frontage		
<ul style="list-style-type: none"> Maximum FSR set by LEP Lot sizes and dimensions must enable development to be sited to meet the site and building design controls 	No	<p>The proposal exceeds the maximum FSR for the site as previously discussed.</p> <p>The various non-compliances with the ADG, the WLEP and WDCP (as detailed in the following parts of this table), indicate that the proposed development is an overdevelopment for this site. The proposal cannot provide adequate separation distances to ensure privacy impacts and overshadowing of adjoining sites is minimised and amenity preserved. View impacts are also unreasonable. The various non-compliances indicate that the site is not of sufficient size to accommodate a development of this scale.</p>
4.2 Height		
<ul style="list-style-type: none"> Refer to the LEP 	No	This matter is discussed above and does not meet the objectives of the WDCP control.
4.4 Streetscape		
<ul style="list-style-type: none"> Setbacks to be consistent with building line along the street Front setback to provide deep soil landscaping Setbacks above street frontage height are to be included where the adjacent buildings includes upper level setbacks 	No	<p>The proposal does not alter the street setbacks of the existing building. The proposed additional floor level as it presents to Hewlett Street will be set back from the level below, however, does project forward of the front setback of the upper levels of the adjoining properties to the east.</p>
	Yes	
	No	<p>The proposed setback of the new upper floor level does not consider the upper level setbacks of the adjoining property to the east.</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. Alterations and additions should demonstrate architectural compatibility with the existing building. The colour and finish of external finishes should be sympathetic to the 	No	<p>The proposal will adversely impact on the Andrew Street and the Hewlett Street frontages/ elevations. The proposal exhibits poor building design and architecture and will result in it appearing as a non-cohesive element that has little relationship and harmony with the architecture of the existing building, particularly given the altered roof form proposed. The massing of the existing building sits forward on the site for all floor levels compared to dwellings to the east which have a built form that steps with</p>
	No	
	Yes	

Development Control	Compliance	Comment
<p>street and contribute to the overall appearance of the building.</p> <ul style="list-style-type: none"> • Corner sites, each frontage of the development must present as a primary street frontage. • The removal of original architectural details and finishes is not supported 	<p>Yes</p> <p>Yes</p>	<p>the topography. The additional roof height will further dominate the streetscape.</p> <p>The external finishes of the proposal are satisfactory</p> <p>The alteration to the roof design is not supported</p>
4.7 Vehicular Access and Parking		
<ul style="list-style-type: none"> • Siting to be integrated into the design of the development • Car park entry secondary to pedestrian building entry • Provided from secondary streets where possible • Pedestrian safety not compromised 	As existing	There is no change proposed to the location and rate of car parking provided on site
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 • Legible, safe, well-lit 	As existing	The existing entry to the building from Andrew Street is being retained.
4.9 Landscaping		
<ul style="list-style-type: none"> • Comply with part B3-Landscaping and Biodiversity • Minimum of 30% of site area landscaped • 50% of the above is to be deep soil 	<p>Yes</p> <p>As existing</p> <p>As existing</p>	This has been previously discussed.
4.10 Views and View Sharing		
<ul style="list-style-type: none"> • To ensure views are shared • New development be designed to minimise view loss 	No	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	The proposed residential dwellings are orientated towards the street.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened Privacy be considered in relation to context density, separation use and design. 	<p>No</p> <p>No</p>	<p>The proposed new 'attic' floor level will be sited 3.448m of the eastern side boundary. The new upper floor level will have windows and a balcony overlooking the adjoining property to the east.</p> <p>The new upper level balcony and habitable bedroom windows to Unit 4, in particular, will result in unacceptable privacy impacts to the adjoining property to the east with views directly into the upper level private open space of the adjoining property.</p> <p>The lack of sufficient separation from the adjoining property is a significant non-compliance with this proposal. The proposal neglects to properly consider the impacts of not meeting this control and is therefore not supported.</p>
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 	<p>Not indicated</p> <p>No</p>	<p>The internal planning of the apartments has the potential for acoustic privacy impacts upon occupants of the building itself with kitchens located above/ below bedrooms.</p> <p>Additionally, the orientation of a balcony and windows directly to the residential dwelling to the east has the potential for acoustic privacy impacts to adjoining properties.</p>
4.13 Building services		
<ul style="list-style-type: none"> Outdoor Communal clothes drying area to be provided Services are to be integrated into the design of buildings 	<p>Yes</p> <p>No</p>	<p>There is an existing clothesline within the rear courtyard.</p> <p>The waste storage area is external to the building along and adjacent to the western side boundary.</p>

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

Views

Part C4 4.10 *Views and View Sharing* 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. The proposal has also been assessed against the Land and Environment Court's Tenacity principle for view sharing.

During public notification, the properties at Unit 1/1 Andrew Street and 2 Andrew Street, Bronte indicated that the proposed building will impact on private domain views. An assessment of this view impact is detailed below.

Photos provided by the owner of the property at Unit 1/1 Andrew Street, Bronte (limited access due to COVID-19) indicate that the subject proposal will impact on water views that this property

currently enjoys (see Figures 5-10 below). Photos taken from this property were provided to the applicant in order for them to superimpose a photomontage of the proposal onto the existing building in order to understand the view impact (**Figures 9 and 10** below).

View Impact Analysis from Unit 1/1 Andrew Street, Bronte



Figure 5: View from living area showing existing ocean view over the roof top of the subject building (source: objector submission)



Figure 6: View from living area showing existing ocean view over the roof top of the subject building (source: objector submission)



Figure 7: View from balcony showing the existing view currently enjoyed (source: objector submission)



Figure 8: View from balcony showing the existing view currently enjoyed (source: objector submission)



Figure 9 - Photomontage: View from front terrace showing the impact of the proposed increased roof height and pitch (source: Archispectrum)







Figure 10 - Photomontage: View from front terrace showing the impact of the proposed increased roof height and pitch (source: Archispectrum)

Figures 9 and 10 demonstrate the extent of the view loss as a result of the proposed alterations and additions. The associated view loss impact upon Unit 1/1 Andrew Street is considered to be unreasonable, particularly as the proposal exceeds the limits on height and FSR. This view loss impact is a key indication that the proposal is inappropriate and therefore should not be approved.

The owners of 2 Andrew Street (adjoining the site directly to the north) have stated in their submission that the proposal will impact on views they currently enjoy. This property has been examined in view analyses for the previous application known as DA-29/2019 (see photo analysis for this property below in Figures 11-14 which can be referred to in anticipating the view loss impact for the proposal).

View Impact Analysis from 2 Andrew Street, Bronte

	
<p>Figure 11: View from ground floor terrace at front of 2 Andrew Street looking south over the development site (source: DA-29/2019)</p>	<p>Figure 12: View from first floor bedroom of dwelling at 2 Andrew Street looking south over the development site (source: DA-29/2019)</p>
	
<p>Figure 13: View from ground floor balcony at front of 2 Andrew Street (source: objector submission)</p>	<p>Figure 14: View from front garden of 2 Andrew Street (source: objector submission)</p>

The property enjoys for the most part district views from ground floor level and glimpses of the water/ocean to the east of the development site from this level (Figure 12). Under DA-29/2019 it was assessed that *‘clearer views of the water and land/water interface (i.e. cliff faces of the coastline), however these are significantly filtered by vegetation, are available on first floor levels through south-facing windows serving bedrooms and hallways* (additional photos are available on file DA-29/2019).

The subject proposal is not expected to affect water views from any part of this property. The proposal will affect views of the district however, these are not considered worthy of retention when iconic and water views are available, which is consistent with the view sharing planning principle. The view impact from this dwelling is not provided as a reason for refusal.

2.3 Other Impacts of the Development

The proposed development is capable of complying with the BCA, subject to upgrade.

It is considered that 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, undesirable and unacceptable impact on the streetscape, does not result in design excellence and would adversely impact upon the amenity of the locality and surrounding built environment.

2.4 Suitability of the Site for the Development

The site is not suitable for the proposed development.

2.5 Any Submissions

The original development application was notified for 14 days, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. Three (3) submissions were received. The amended plans were not notified.

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

Table 6: Summary of property addresses that lodged a submission

Property
Unit 1/1 Andrew Street, Bronte
2 Andrew Street, Bronte
134 Hewlett Street, Bronte

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

- Non-compliance with the height and FSR development standard under WLEP
- Visual bulk and scale
- View loss
- Visual and acoustic privacy
- Overshadowing impact and solar access
- Streetscape and visual impact
- Car parking
- Proposed deck to east side of Unit 1 (deleted from the amended plans)

2.6 Public Interest

It is considered that the proposal will have a detrimental effect on the public interest and is not supported.

3. REFERRALS

3.1 Stormwater

Conditions were recommended in the event of approval.

3.2 Waste Management

Comments have been discussed above. Conditions were recommended in the event of approval.

3.3 Fire Safety (NCC)

Conditions were recommended in the event of an approval. A building upgrade is required.

3.4 Biodiversity

Conditions were recommended in the event of approval.

3.5 Strategic Planning

Comments were discussed above under SEPP (Affordable Rental Housing) 2009.

4. SUMMARY

The proposal seeks consent for alterations and additions to the existing RFB on the site including alterations to the roof height and pitch to create an additional storey and internal alterations to the existing units.

The application was notified and submissions from three properties were received. The issues raised have been discussed in this report.

The application relies on the 'existing use rights' provisions under Division 4.11 of the Act and Part 5 of the *Environmental Planning and Assessment Regulation 2000* (the Regulations). Given the outcome of a recent challenge in the Land and Environment Court (*Saffioti 2018*), the assessment of existing use rights should be considered against both the development standards of the WLEP and the controls of the WDCP.

The proposal fails to comply with a number of controls of the ADG, the WLEP and the WDCP including height and FSR development standards and separation distances. The consistent departure of the proposal from the relevant planning provisions serves to demonstrate the failure of the development to meet the objectives of the development standards representing an overdevelopment of the site and does not result in design excellence. The proposal results in amenity impacts by way of increased overshadowing, visual and acoustic privacy impacts and view loss impacts. The development application is recommended for refusal.

DBU Decision

The application was reviewed by the DBU at the meeting on 6 October 2020 and the DBU determined that:

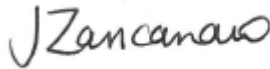
(a) *The application is not acceptable and should be refused for the reasons in Appendix A.*

DBU members: *M Reid, B McNamara, E Finnegan*

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:



Jo Zancanaro
Senior Development Assessment Planner

Date: 9 October 2020

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



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

Date: 16 October 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 – REASONS FOR REFUSAL

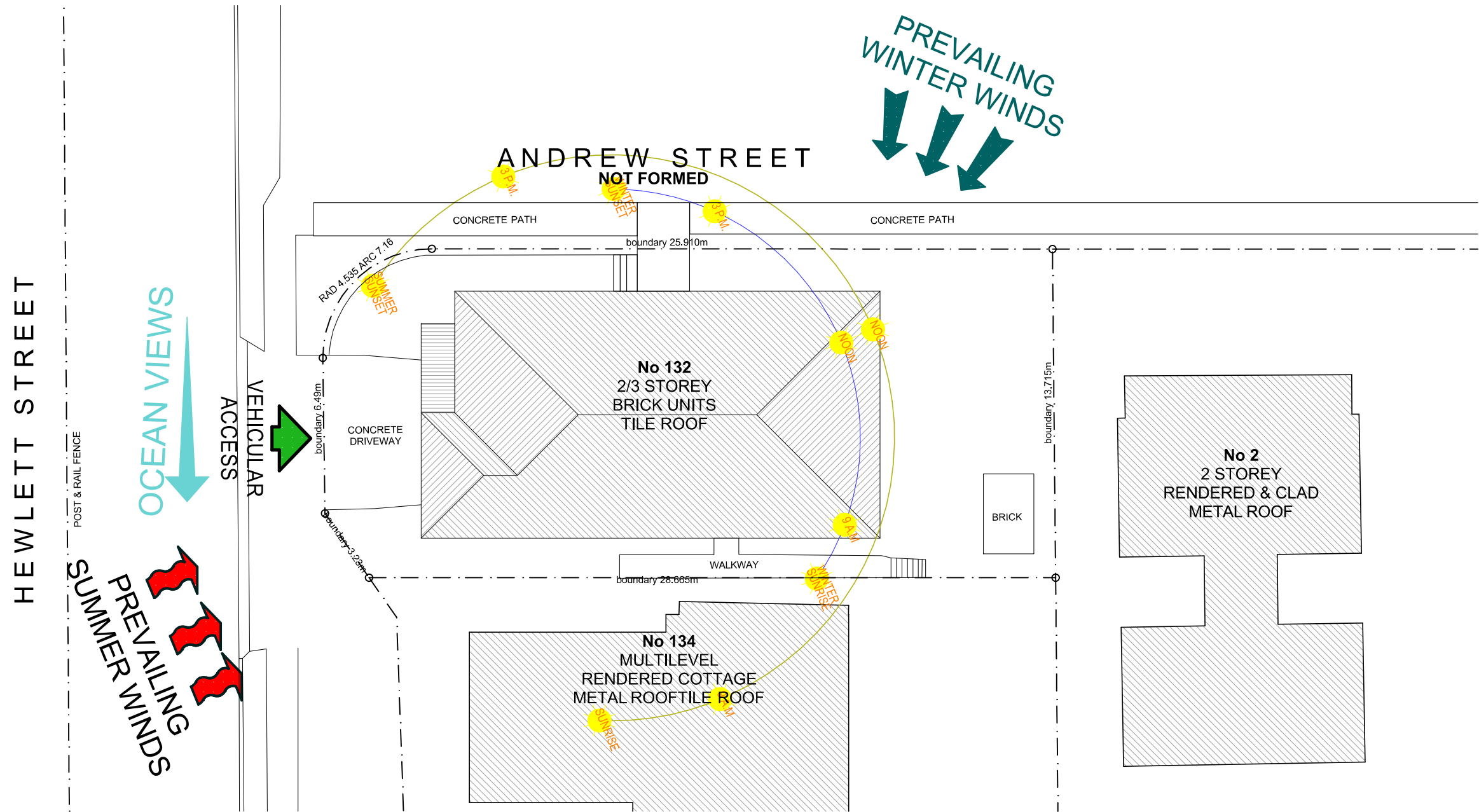
Having regard to section 4.15(1) of the Environmental Planning and Assessment Act 1979 the development application is refused for the following reasons:

1. The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (c) and (g) as the proposal does not promote the orderly and economic use and development of land nor promote good design and amenity of the built environment.
2. 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 provisions of the State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development, in particular the following provisions:
 - a. Clause 2 Aim, objectives etc, subclauses (3)(a)(ii) and (iii), (b) and (d) as the proposed development fails to achieve the objectives of urban planning policies of the local context, fails to provide an appropriate built form and aesthetic qualities to positively contribute to the streetscape, and fails to maximise the amenity for future occupants and the wider community.
 - b. The proposed development is contrary to Part 4 *Application of Design Principles*, in particular Principles 1 *Context and Neighbourhood*, 2 *Built Form and Scale*, 3 *Density*, 6 *Amenity* and 9 *Aesthetics*.
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 2012, in particular, the following provisions:
 - a. Clause 4.3 *Height of buildings* (1)(a) and (d), and (2) as the proposal significantly breaches the height development standard which will diminish the environmental amenity of neighbouring properties and the locality. The proposed building will result in adverse impacts on the streetscape and amenity of adjoining properties, contrary to objectives (a) and (d) of the development standard.
 - b. Clause 4.4 *Floor space ratio* (1)(c) and (d), as the proposal breaches the floor space ratio development standard which will diminish the environmental amenity of neighbouring properties and the locality. The proposed building will result in adverse impacts on the character of the locality and the amenity of adjoining properties, contrary to objectives (c) and (d) of the development standard.
 - c. Clause 4.6 *Exceptions to development standards* (1)(b), (3)(a) and (b), and (4)(a), as the proposed development will not result in a better development outcome for the site. The applicant's clause 4.6 Exceptions to development standards fails to justify that compliance with the development standards is unreasonable or unnecessary and that there are sufficient environmental planning grounds that exist to justify the significant breach to the height and floor space ratio development standards. The proposed development is contrary to the objectives of the development standards and the proposal is not in the public interest.

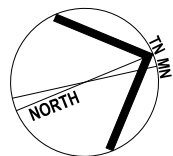
4. The proposal does not satisfy section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
- a. Part B – General Provisions
 - (i) Part B12 – *Design Excellence*, 12.1 *Design*, specifically objectives (a) and (d) controls (a), (b), (c) and (e), and 12.2 *Context Analysis* specifically objectives (a), (b), (c) and (d) as the proposal has failed to consider the suitability of the land for development, the relationship of the development to other development (existing or proposed) on the same site or on neighbouring sites in terms of setbacks, amenity and urban form, the overall bulk and massing of the development and environmental impacts such as view loss, overshadowing and visual and acoustic privacy. The development does not demonstrate an understanding of an appropriate response to the specific conditions of the site nor ensure that the opportunities and constraints of a site are fully considered and incorporated into the design proposal.
 - b. Part C4 – High Density Residential Development:
 - (i) Section 4.1 *Site Scale and Frontage*, in particular objectives (c) and (d), control (b) as the proposed development is not of a scale or density that is appropriate for the allotment.
 - (ii) Section 4.2 *Height*, in particular objectives (a), (b) and (c), control (a) as the proposed development exceeds the maximum height development standard of 8.5m as set by Clause 4.3 of Waverley LEP 2012.
 - (iii) Section 4.4 *Streetscape*, in particular objectives (a), (e) and (g), controls (a) and (f) as the proposed new upper level front setback does not respond to the upper level setback of the adjoining property to the east.
 - (iv) Section 4.5 *Building Design and Streetscape*, in particular objectives (a), (b), (c) and (d), controls (a), (b) and (e) as the proposed building design does not respond to the existing streetscape character and the proposed alterations and additions do not demonstrate compatibility with the existing building. The proposed changes to the roof form involves the removal of original architectural features which is not supported.
 - (v) Section 4.10 *Views and View Sharing*, in particular objective (a), controls (a) and (b) as the proposal results in unreasonable view loss impacts to the adjacent property at Unit 1/1 Andrew Street, Bronte.
 - (vi) Section 4.11 *Visual Privacy and Security*, in particular objective (a) and (b) and controls (d) and (f), in that the development may provide unacceptable visual privacy impacts to the adjoining property to the east due to the inadequate separation distance proposed between the new upper level balcony and windows to Unit 4.
 - (vii) Section 4.12 *Acoustic Privacy*, in particular objective (a), in that the development may provide unacceptable acoustic privacy impacts to the adjoining property to the

east due to the inadequate separation distance proposed between the new upper level balcony and windows to Unit 4.

5. 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 as the proposed development results in a poor planning outcome and an overdevelopment of the subject site which would adversely impact upon the amenity of the adjoining properties and the locality.
6. The proposal is contrary to 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the development is not considered suitable for the subject site as the proposal results in a poor planning outcome providing for a built form that is excessive in terms of bulk and scale, results in undesirable and unacceptable impact on the streetscape, neighbouring properties and the locality.
7. The proposal is not considered to be in the public interest for the reasons outlined above, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.



Site Analysis
SCALE 1:200



ISSUE	DATE	DESCRIPTION
A	31.03.2020	DA Issue to Council
B	18.09.2020	Revised DA Issue to Council

PROJECT:
Alterations & Additions
132 Hewlett Street, Bronte

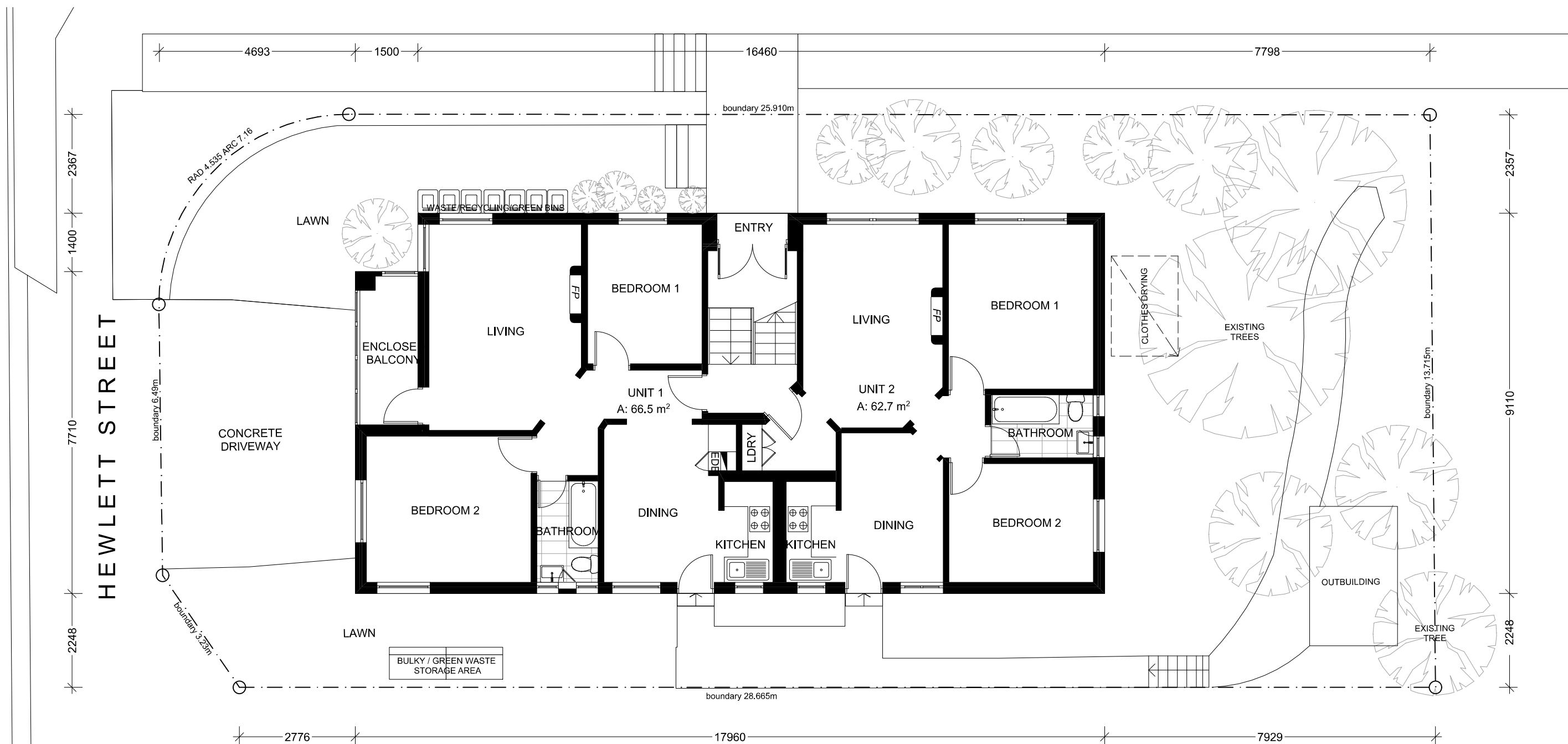
CLIENT:
Evette Marcus
132 Hewlett Street, Bronte

SHEET TITLE:
Site Analysis

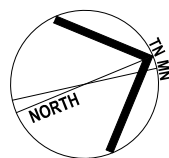
SCALE: 1:200 @ A3
DRAWN: ANDREW

SHEET SIZE: DWG NO: REVISION:

A3 DA02a
536



Existing Ground Floor Plan
SCALE 1:100



ISSUE	DATE	DESCRIPTION
A	31.03.2020	DA Issue to Council
B	18.09.2020	Revised DA Issue to Council

PROJECT:
Alterations & Additions
132 Hewlett Street, Bronte

CLIENT:
Evette Marcus
132 Hewlett Street, Bronte

SHEET TITLE:
Existing Ground Floor Plan

SCALE: 1:100 @ A3
DRAWN: ANDREW

SHEET SIZE: DWG NO: REVISION:

A3 DA03a
537

AMENDED PLANS

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.

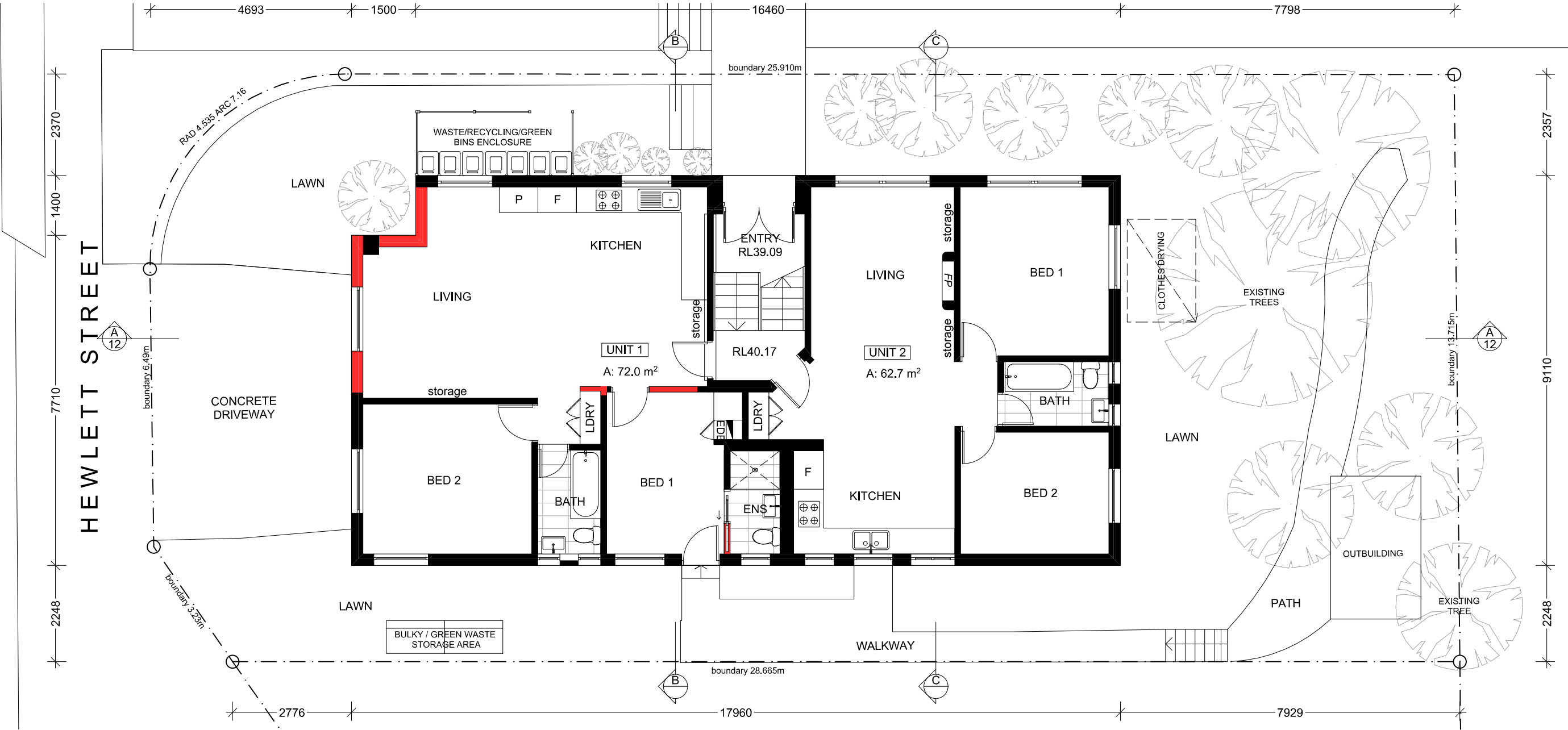
Construction	Additional insulation required (R-value)	Other specifications
external wall: cavity brick	nil	
external wall: brick veneer	R1.16 (or R1.70 including construction)	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	

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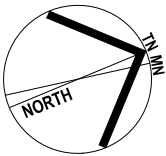
Waverley Council

Application No: DA-205/2020

Date Received: 18/09/2020



Proposed Ground Floor Plan
SCALE 1:100



ISSUE	DATE	DESCRIPTION
A	31.03.2020	DA Issue to Council
B	18.09.2020	Revised DA Issue to Council

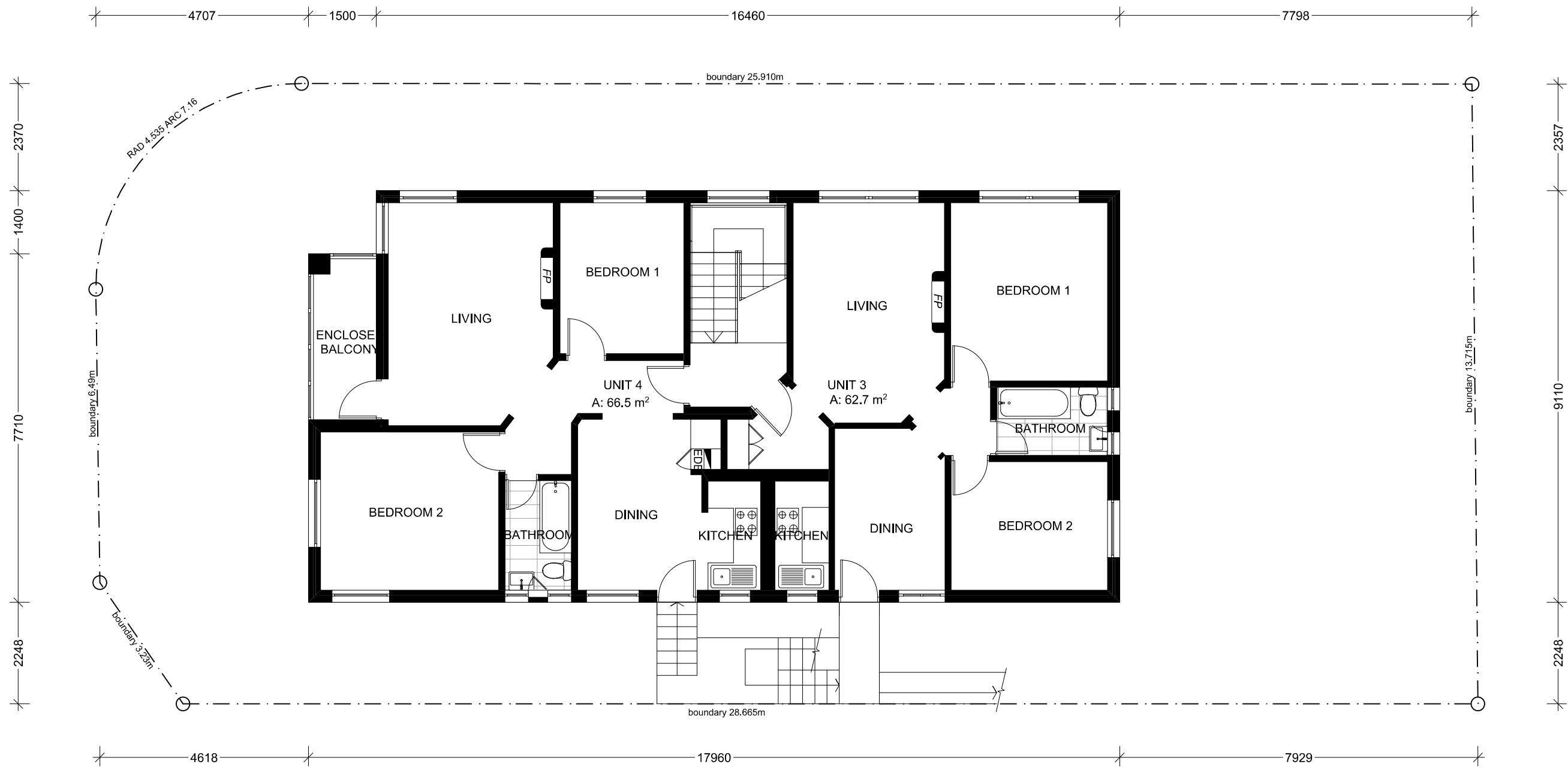
PROJECT:
Alterations & Additions
132 Hewlett Street, Bronte

CLIENT:
Evette Marcus
132 Hewlett Street, Bronte

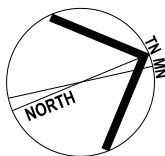
SHEET TITLE:
Proposed Ground Floor Plan

SCALE: 1:100 @ A3
DRAWN: ANDREW
SHEET SIZE: DWG NO: REVISION:

A3 DA04 a
538



Existing First Floor Plan
SCALE 1:100



ISSUE	DATE	DESCRIPTION
A	31.03.2020	DA Issue to Council
B	18.09.2020	Revised DA Issue to Council

PROJECT:
Alterations & Additions
132 Hewlett Street, Bronte

CLIENT:
Evette Marcus
132 Hewlett Street, Bronte

SHEET TITLE:
Existing First Floor Plan

SCALE: 1:100 @ A3
DRAWN: ANDREW

SHEET SIZE: DWG NO: REVISION:

A3 DA05a
539

AMENDED PLANS

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Waverley Council

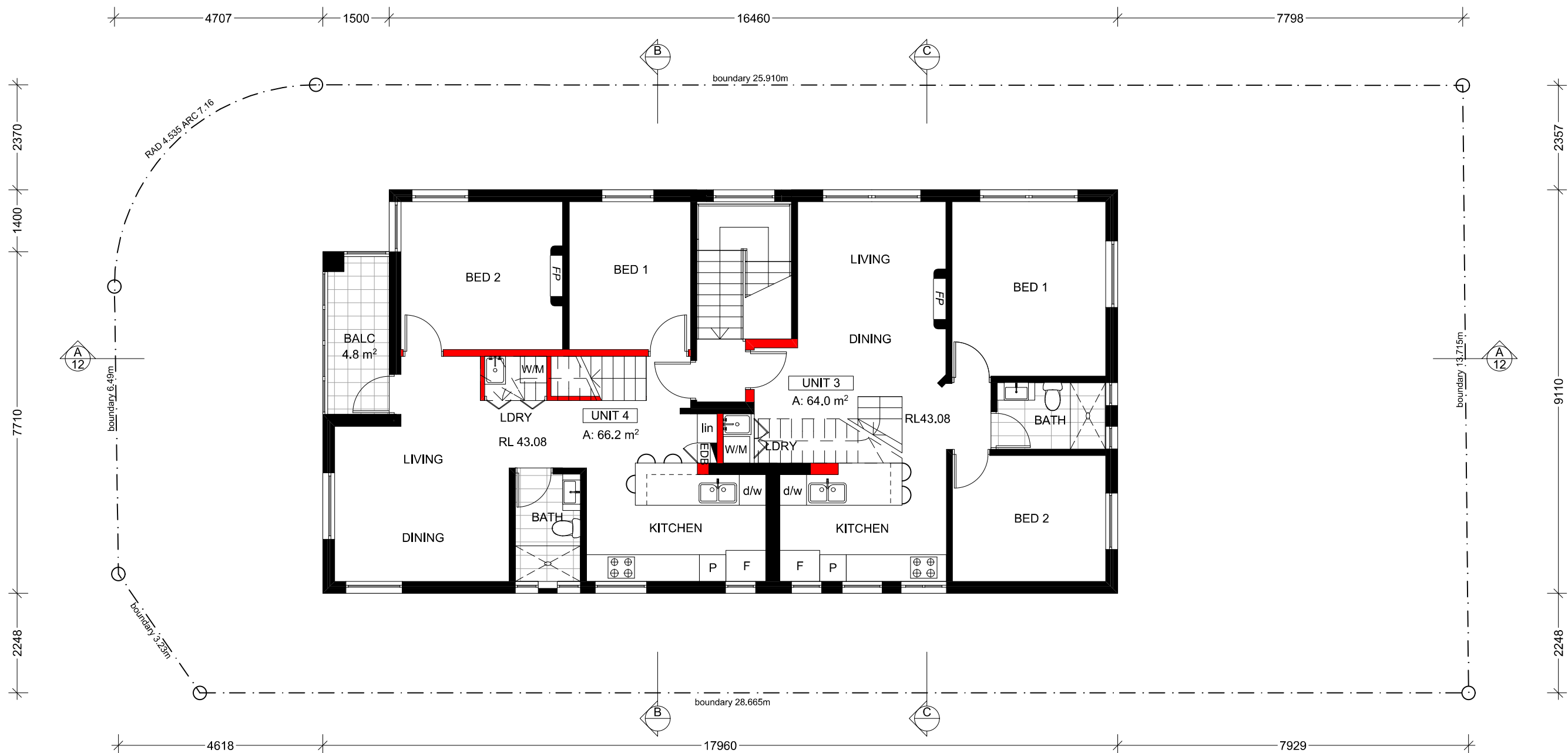
Application No: DA-205/2020

Date Received: 18/09/2020

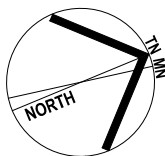
Insulation requirements

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Construction	Additional insulation required (R-value)	Other specifications
external wall: cavity brick	nil	
external wall: brick veneer	R1.16 (or R1.70 including construction)	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	



Proposed First Floor Plan
SCALE 1:100



ISSUE	DATE	DESCRIPTION
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PROJECT:
Alterations & Additions
132 Hewlett Street, Bronte

CLIENT:
Evette Marcus
132 Hewlett Street, Bronte

SHEET TITLE:
Proposed First Floor Plan

SCALE: 1:100 @ A3
DRAWN: ANDREW

SHEET SIZE: DWG NO: REVISION:

A3 DA06 a
540

AMENDED PLANS

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Waverley Council

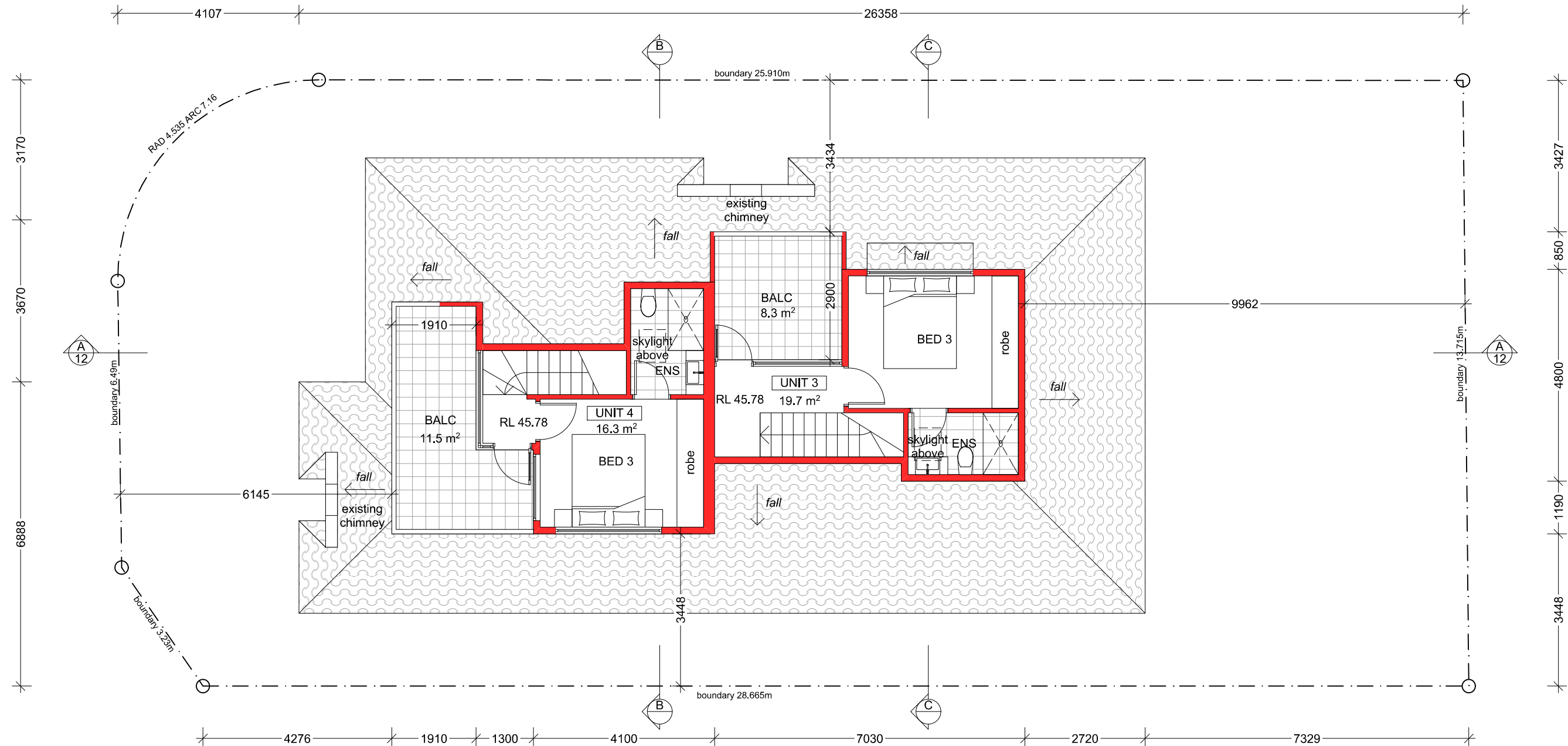
Application No: DA-205/2020

Date Received: 18/09/2020

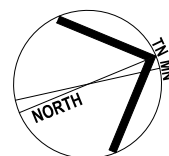
Insulation requirements

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Construction	Additional insulation required (R-value)	Other specifications
external wall: cavity brick	nil	
external wall: brick veneer	R1.16 (or R1.70 including construction)	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	



Proposed Attic Floor Plan
SCALE 1:100



ISSUE	DATE	DESCRIPTION
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B	18.09.2020	Revised DA Issue to Council

PROJECT:
Alterations & Additions
132 Hewlett Street, Bronte

CLIENT:
Evette Marcus
132 Hewlett Street, Bronte

SHEET TITLE:
Proposed Attic Floor Plan

SCALE: 1:100 @ A3
DRAWN: ANDREW

SHEET SIZE: DWG NO: REVISION:

A3 DA07 a
541

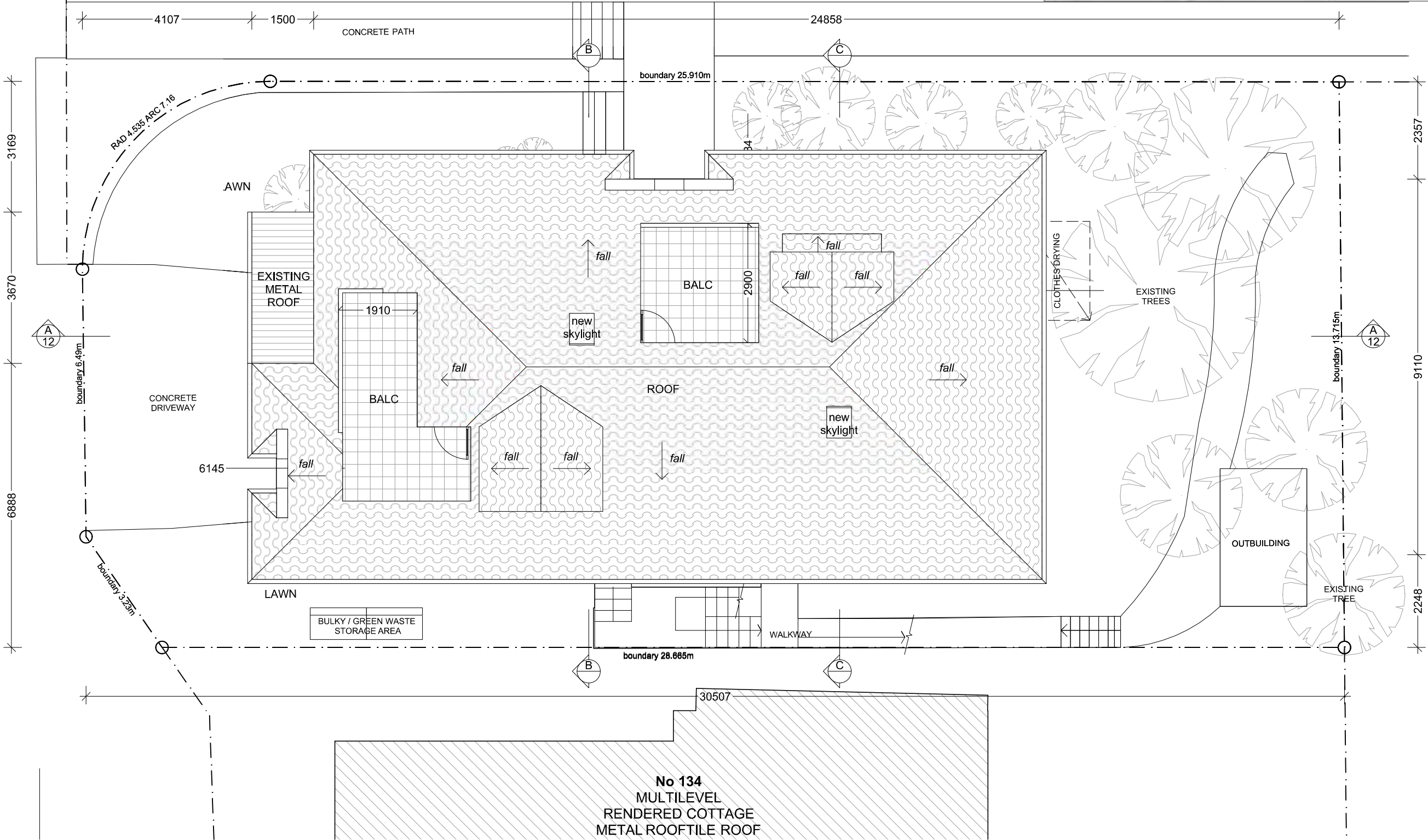
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Waverley Council
Application No: DA-205/2020
Date Received: 18/09/2020

AMENDED PLANS

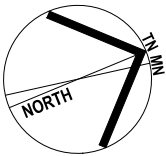
ANDREW STREET
NOT FORMED

Insulation requirements		
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m ² , b) insulation specified is not required for parts of altered construction where insulation already exists.		
Construction	Additional insulation required (R-value)	Other specifications
external wall: cavity brick	nil	
external wall: brick veneer	R1.16 (or R1.70 including construction)	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	

HEWLETT STREET



Roof Plan
SCALE 1:100



ISSUE	DATE	DESCRIPTION
A	31.03.2020	DA Issue to Council
B	18.09.2020	Revised DA Issue to Council

PROJECT:
Alterations & Additions
132 Hewlett Street, Bronte

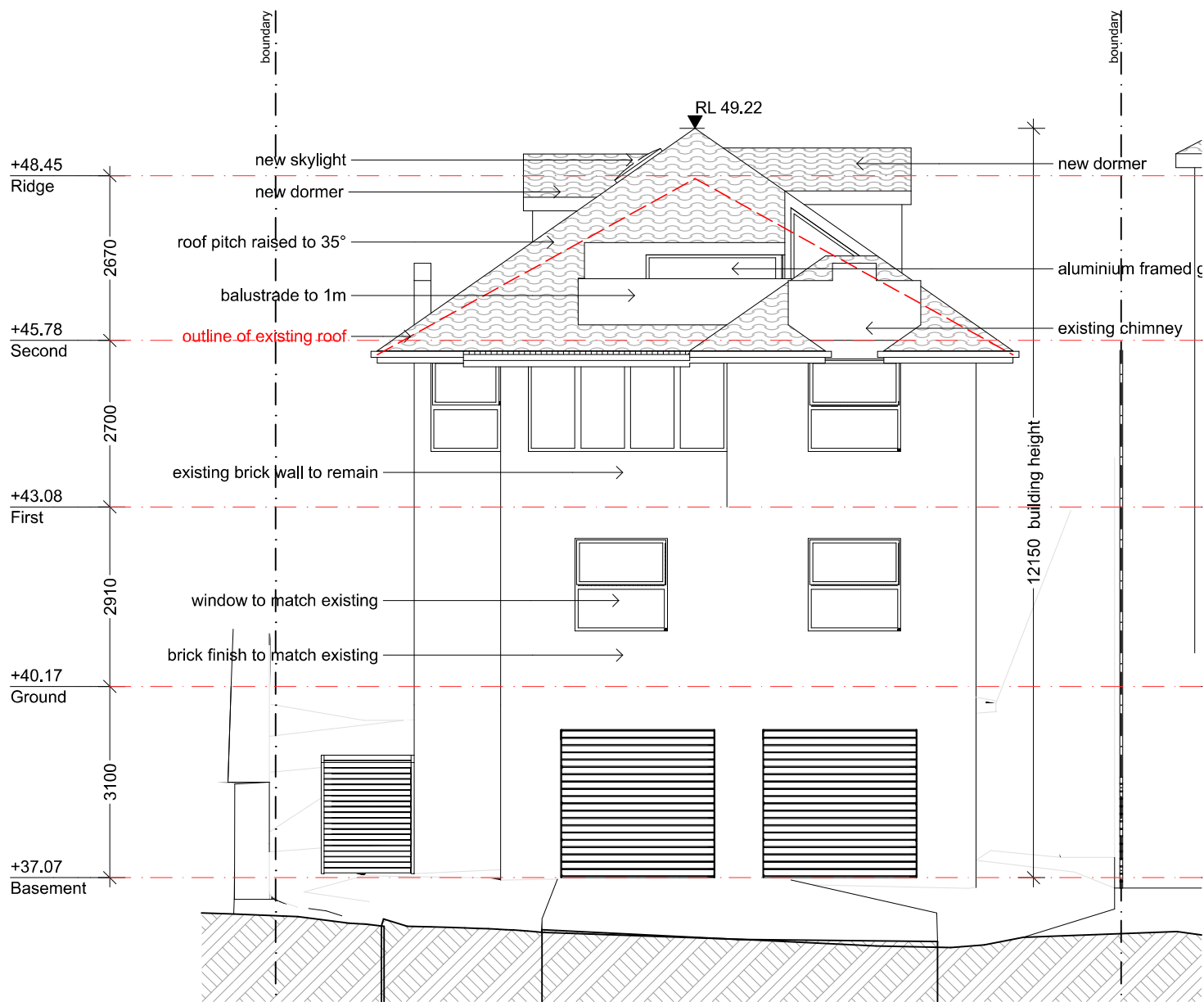
CLIENT:
Evette Marcus
132 Hewlett Street, Bronte

SHEET TITLE:
Roof Plan

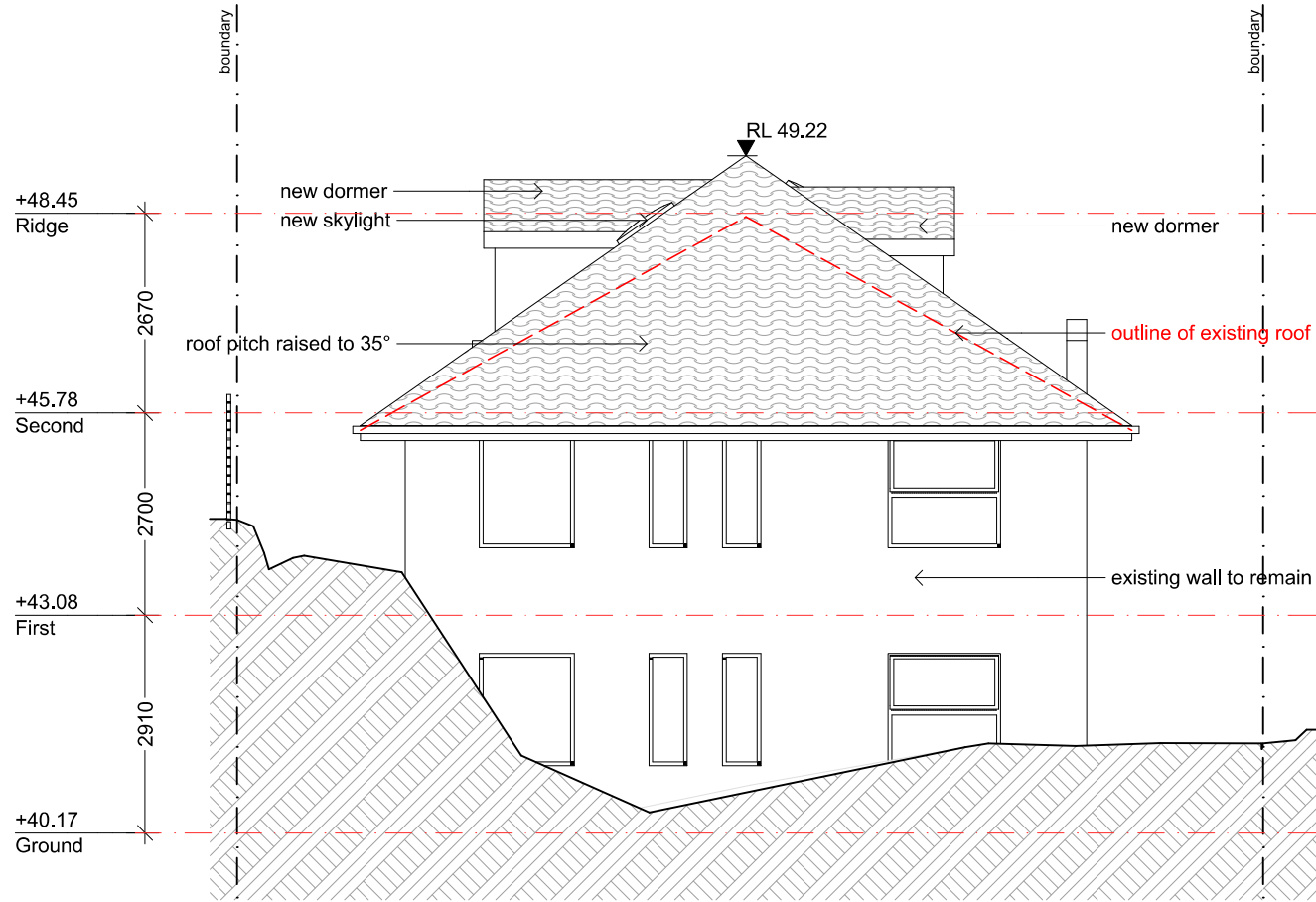
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DRAWN: ANDREW

SHEET SIZE: DWG NO: REVISION:

A3 DA08 a
542



South Elevation - Hewlett St
SCALE 1:100



North Elevation
SCALE 1:100

ISSUE	DATE	DESCRIPTION
A	31.03.2020	DA Issue to Council
B	18.09.2020	Revised DA Issue to Council

PROJECT:
Alterations & Additions
132 Hewlett Street, Bronte

CLIENT:
Evette Marcus
132 Hewlett Street, Bronte

SHEET TITLE:
North & South Elevations

SCALE: 1:100 @ A3
DRAWN: ANDREW

SHEET SIZE: DWG NO: REVISION:

A3 DA09 a
543

RECEIVED
Waverley Council

Application No: DA-205/2020

Date Received: 18/09/2020



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ISSUE	DATE	DESCRIPTION
A	31.03.2020	DA Issue to Council
B	18.09.2020	Revised DA Issue to Council

PROJECT:

Alterations & Additions

132 Hewlett Street, Bronte

CLIENT:
Evette Marcus
132 Hewlett Street, Bronte

SHEET TITLE:

East Elevation

SCALE: 1:100 @ A3
DRAWN: ANDREW

SHEET SIZE: DWG NO: REVISION:

A3 DA10 a
544



West Elevation
SCALE 1:100

ISSUE	DATE	DESCRIPTION
A	31.03.2020	DA Issue to Council
B	18.09.2020	Revised DA Issue to Council

PROJECT:
Alterations & Additions
132 Hewlett Street, Bronte

CLIENT:
Evette Marcus
132 Hewlett Street, Bronte

SHEET TITLE:
West Elevation

SCALE: 1:100 @ A3
DRAWN: ANDREW

SHEET SIZE: DWG NO: REVISION:

A3 DA11a
545

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-205/2020
Date Received: 18/09/2020



Section
SCALE 1:100

ISSUE	DATE	DESCRIPTION
A	31.03.2020	DA Issue to Council
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PROJECT:
Alterations & Additions
132 Hewlett Street, Bronte

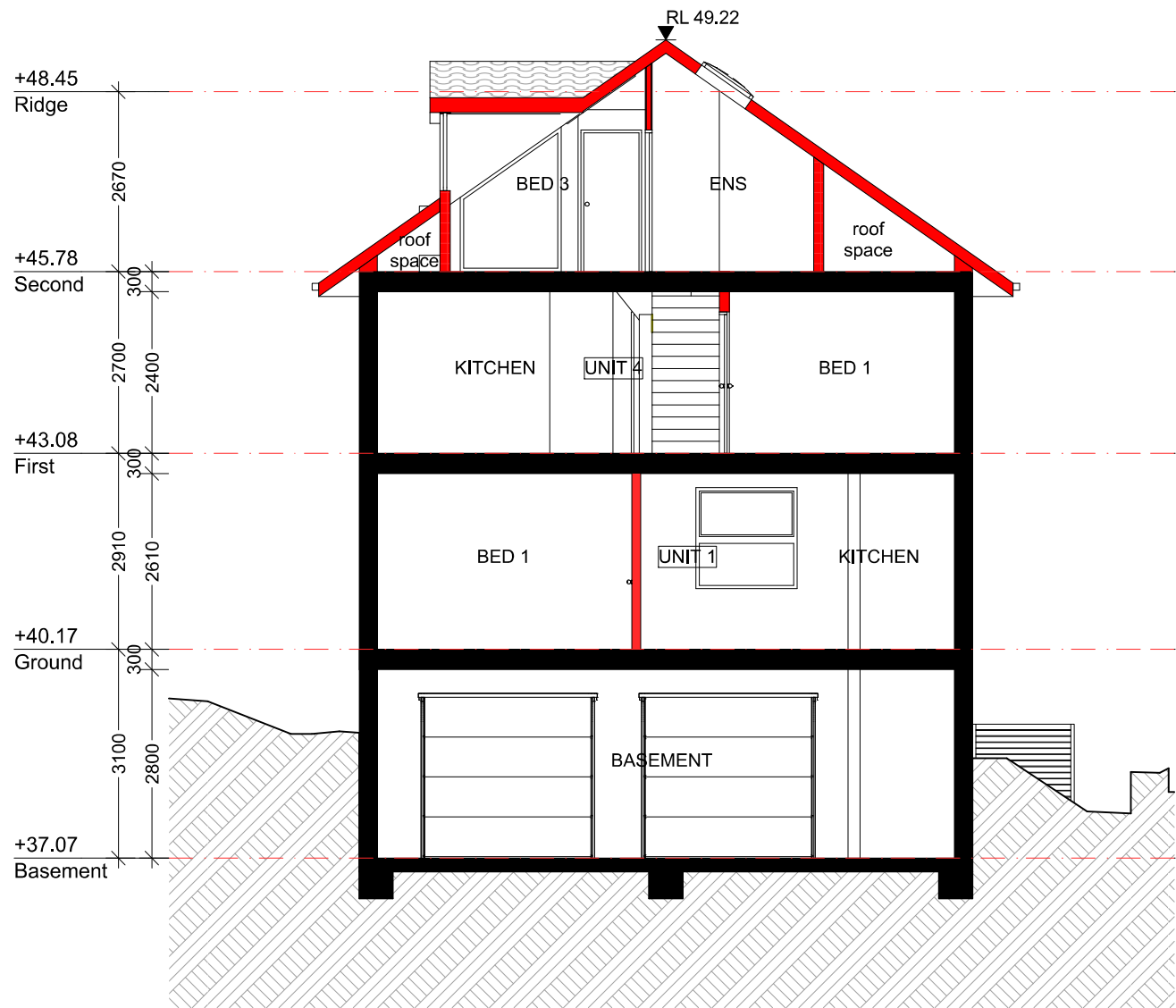
CLIENT:
Evette Marcus
132 Hewlett Street, Bronte

SHEET TITLE:
Section

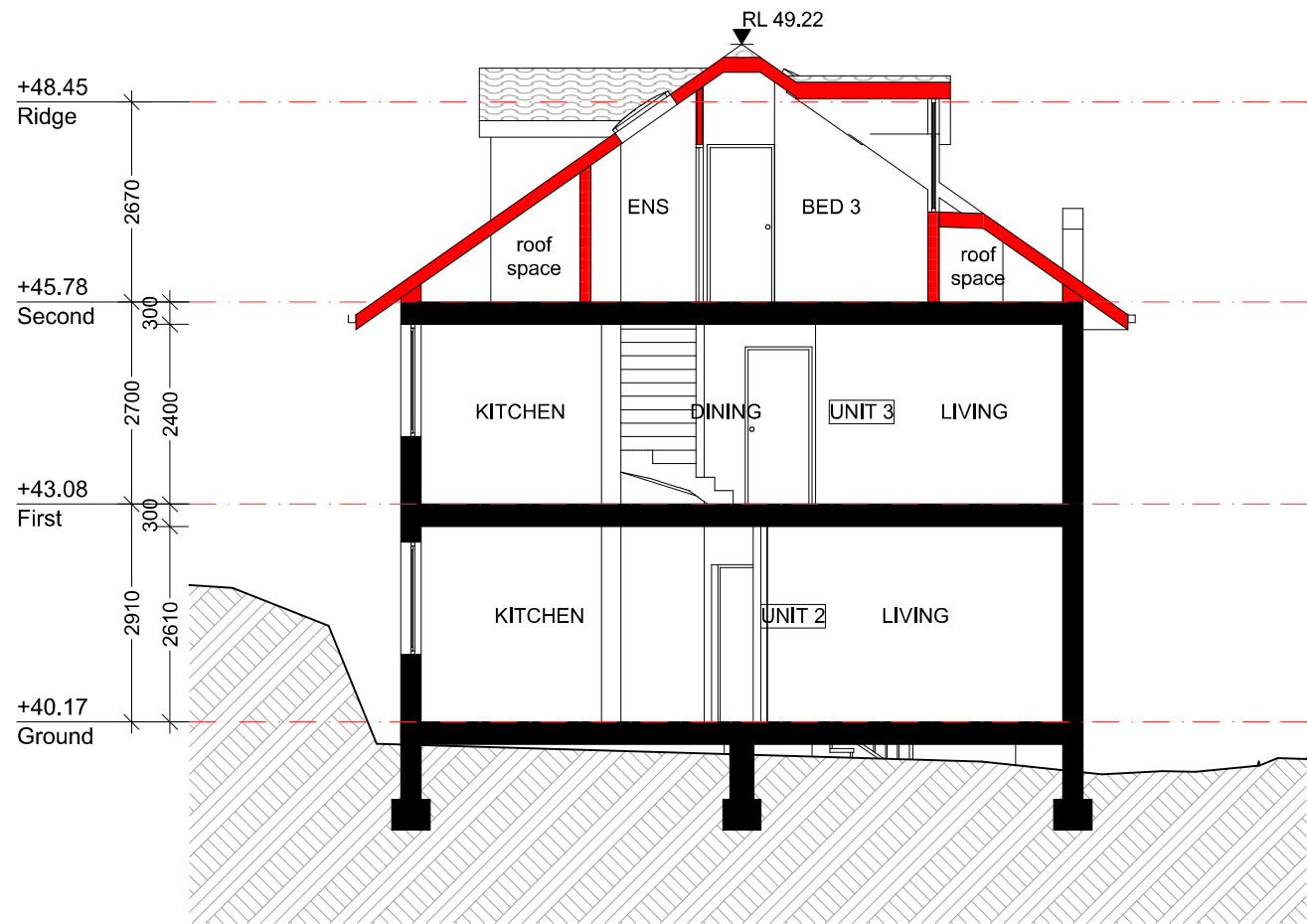
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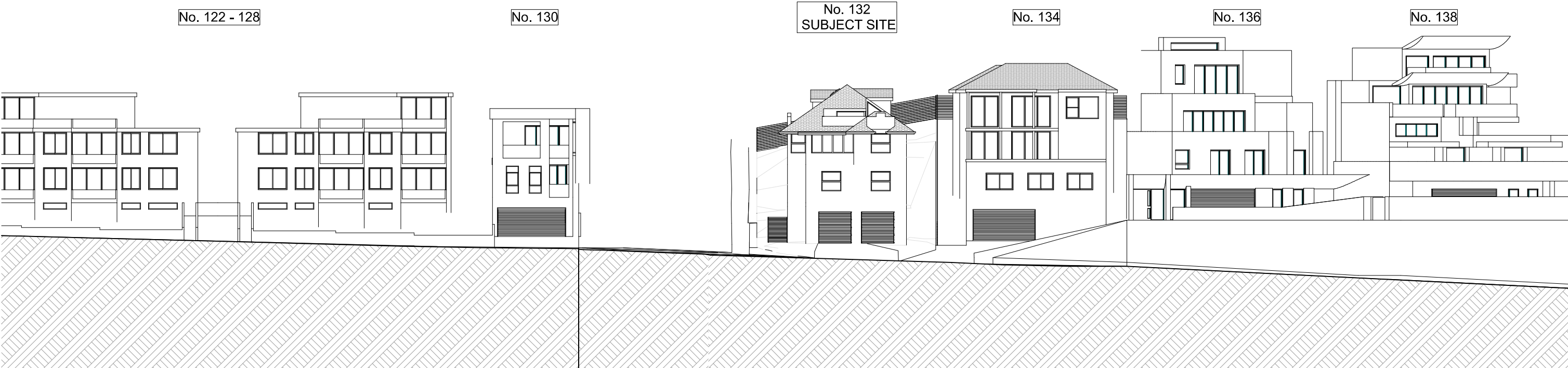
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Section B-B
SCALE 1:100



Section C-C
SCALE 1:100



Streetscape Elevation
SCALE 1:300

ISSUE	DATE	DESCRIPTION
A	31.03.2020	DA Issue to Council
B	18.09.2020	Revised DA Issue to Council

PROJECT:
Alterations & Additions
132 Hewlett Street, Bronte

CLIENT:
Evette Marcus
132 Hewlett Street, Bronte

SHEET TITLE:
Streetscape Analysis

SCALE: 1:300 @ A3
DRAWN: ANDREW

SHEET SIZE: DWG NO: REVISION:

A3 DA23 a
548



Report to the Waverley Local Planning Panel

Application number	DA-105/2019/A
Site address	Bondi Pavilion, Queen Elizabeth Drive, BONDI BEACH NSW 2026
Proposal	Modification including additional slab demolition, reconfiguration of plant and equipment, redesign of theatre, removal of solar panels, update to roof and various other alterations
Approved development description	Restoration and refurbishment of the Bondi Pavilion including Heritage Conversation Works, improve equitable access, quality of spaces and facilities and ancillary public domain works - Integrated Development
Date of lodgement	23 July 2020
Owner	Waverley Council
Applicant	Project Waverley, Waverley Council
Submissions	Nil
Issues	Green Travel Plan, Tree Location Plan, heritage components, OEH approval
Recommendation	That the application be APPROVED

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 9 October 2020. Construction works in relation to **DA-105/2019** are currently being undertaken on site.

The Bondi Pavilion is located within Bondi Park and bounded by Campbell Parade to the north west and Queen Elizabeth Drive to the south east. The site is 3.1km from Bondi Junction and 8.5km from the Sydney CBD. The site is located within the grounds of Bondi Park, with landscaped areas to the north and west of the site. Further north is a carpark accessible from Campbell Parade. Uses along Campbell Parade include residential flat buildings, shop-top housing, retail and the Bondi Public School.

The site comprises the Bondi Pavilion, the existing forecourt and a small part of the Bondi Park grounds. The existing Pavilion building is comprised of a central two (2) storey building with single storey wings forming a central open-air courtyard. Within the courtyard is a small amphitheatre surrounded by grassed and paved areas.

Around the perimeter of the main building are pedestrian walkways and public seating and benches including picnic tables within loggias along the northern boundary. The western boundary is landscaped and adjoins Bondi Park, with the eastern side adjacent to the Bondi Surf Bathers Life Saving Club.

The Queen Elizabeth Drive frontage was previously tenanted by restaurants and retail premises. It serves as the main pedestrian entrance to the Pavilion. The first floor contains a theatre and function rooms used by community groups and private bookings. The east and west wing uses include art studios, music rooms and function rooms. The Campbell Parade frontage serves as the vehicular access for the site, with Waverley Council occupying office space above the northern gateway entrance. The entrance is serviced by a hard paved forecourt and path which connects the Pavilion and the Campbell Parade carpark.

The Bondi Pavilion is listed as a State significant heritage item and is located within the Bondi Beach locality, which is identified as place of significance on Australia's National Heritage List. The Bondi Pavilion is also located within the Bondi Beach Beachfront Scenic Protection Area (under Waverly Development Control Plan (WDCP) 2012).



Figure 1: View of Pavilion from Queen Elizabeth Drive prior to construction works (Source: Google Maps)



Figure 2: View looking south from Campbell Parade vehicular access point, situated towards rear frontage of subject site, prior to construction works. Roof tiles have been recently replaced as per HEC-29/2019.



Figure 3: View of existing bricked amphitheatre located centrally within inner courtyard (under construction).



Figure 4: View of internal courtyard towards community rooms (under construction).



Figure 5: Internal view of the central atrium area (under construction).

1.2 Details of the Approved Development

The original development application (**DA-105/2019**) sought consent for the restoration and upgrade of the Bondi Pavilion, including heritage conservation works, addressing access and amenity for users of the sites, refurbishment of the existing spaces and ancillary public domain and landscaping works including the following:

- Alterations and additions to existing structures;
- New pedestrian thoroughfares and through-site link;
- New public amenities including bathrooms and change rooms;
- Demolition and excavation works;
- Roof replacement and façade maintenance works;
- Landscaping works;
- Tree removal;
- Public domain works;
- Category 1 remediation work;
- Two (2) building identification signage zones;
- Installation of photovoltaic solar panels at roof level;
- Augmentation of existing utilities and services connections as required;
- New vehicle access path, loading zones, storage and delivery area;
- Removal of 39 existing public vehicle parking spaces (10 to be dedicated to Council);
- Installation of lighting fixtures; and
- Installation of a 2.4m high hoarding around the work site boundary.

The application was approved by the Sydney Eastern City Planning Panel on 19 December 2019.

1.3 Proposal

The subject application has been lodged as a section 4.55 (1A) application and provides for the following modifications to the approved development (as listed in the Statement of Environmental Effects (SEE):

- Minor design changes resulting from ongoing design development and coordination, as well as further consultation with Heritage NSW, including:
 - Additional demolition of existing concrete slabs;
 - Reconfiguration of the Ground Floor fire pump room, including creating a new opening in the existing wall;
 - ~~Removal, salvage and reinstallation of a small area of flooring within the Seagull Room;~~*
 - Retention of the existing mosaic floors and associated internal works to the adjoining Art Gallery, Bondi Story Room and store;
 - Construction of a new smoke exhaust system to the Theatre space;
 - Reconstruction of heritage balusters;
 - Removal of solar glass to the Atrium Roof;
 - Removal of a door within the existing Atrium;
 - Changes to the layout of the Theatre back of house areas;
 - Removal of skylights to the new public amenities;
 - Relocation of the kitchen exhaust and a change in the layout of mechanical units;

- Installation of an additional window on the building's north-eastern elevation, and identification of an existing window located on the building's south-western elevation on the drawings;
- Utilisation of an existing plant room space above the proposed Community Radio Station;
- Removal of the approved colonnade roof from the eastern face of the High Tide Room; and
- Provision of additional air vents to the perimeter courtyard wall.
- Modifications to various conditions of consent to expedite the construction process and remove conditions that are not relevant to the approved scope of works.

*Note: The Applicant has confirmed that the works described as '*Removal, salvage and reinstallation of a small area of flooring within the Seagull Room*' on page 5, figure 3 of the SEE are no longer sought and are to be deleted.

The proposed modifications are discussed in detail in **Section 2.3.7** of this report.

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 (1A) applications - the modifications are considered to have minimal environmental impact. The application has been compared to the essential nature of the development as originally approved and it is considered to be *substantially the same development*. The application has been notified and 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 Environment Protection and Biodiversity Conservation (EPBC) Act 1999

The site is within the 'Bondi Beach' precinct which is identified as a site of national heritage significance on the National Heritage List. Actions (e.g. development) that have or are likely to have a significant impact on a matter of national environmental significance require approval from the Australian Government Minister for the Environment ("Environment Minister").

A significant impact is considered to be an impact which is important, notable, or of consequence, having regard to its context or intensity. Whether or not an action is likely to have a significant impact depends upon the sensitivity, value, and quality of the environment which is impacted, and upon the intensity, duration, magnitude and geographic extent of the impacts.

To obtain approval a proposed action has to be referred to the Environment Minister. A decision is then made by the Environment Minister as to whether approval under the *EPBC Act 1999* is required.

Referrals may be made by or on behalf of a person proposing to take an action, the Commonwealth or a Commonwealth agency, a State or territory government, or agency, provided that the relevant government or agency has administrative responsibilities relating to the action.

The proposed modifications have been considered in the context of the 'Bondi Beach' precinct (between Mackenzies Point in the south and Ben Buckler in the north) and heritage assessment of the proposed modifications has been undertaken and it is concluded that the proposed works will not have a significant impact upon the heritage significance of the Bondi Beach Precinct as originally approved.

The modification application was referred to the Heritage Council of NSW (State government agency) who have not indicated referral to the Environment Minister is warranted.

2.1 Heritage Act 1977

The Bondi Pavilion is a State heritage item as well as being located within the catchment of the 'Bondi Beach Cultural Landscape'. The proposed works constitute Integrated Development under Clause 4.46 of the *EP&A Act 1979* and require approval from the Heritage Council under Section 57 of the *Heritage Act 1977*. A separate Section 60 approval will also be required for the proposed works.

The modification application was referred to the Heritage Council of NSW and further information was provided from the applicant in response to their request, as follows:

- Non-Aboriginal Archaeological Impact Assessment – Received 17 September 2020;
- Structural Engineering Certificate for proposed slab demolition – Received 13 October 2020;
- 3D sections demonstrating mechanical vents into courtyard walls – Received 13 October 2020;
- Historical Photographs – Received 13 October 2020; and
- Confirmation of deletion of works to the Seagull Room from the scope of works – Received 15 October 2020.

The modification application has been referred to the Office of Environment and Heritage (OEH) for approval. Ongoing discussions between the assessing officer of the OEH, applicant representative and Council's heritage advisor and assessment officer have occurred. Additional information was also sought by OEH which has been provided by the applicant. At the time of finalising this assessment report, the OEH have not provided their final comments/approval (though have indicated their imminent support for the proposal). Having regard to contractual arrangements and construction timing of the project presently underway, it is paramount this item be referred to the October Local Planning Panel meeting for determination. Therefore, given the OEH representative has indicated support for the proposal (subject to conditions), the approval of the OEH is imminent and will be provided to the Panel under separate comment for consideration prior to the meeting of 28 October 2020. In this regard, it is anticipated that the OEH will provide their approval, subject to recommended conditions of consent for imposition (that is, General Terms of Approval).

2.2 National Parks and Wildlife (NP&W) Act 1974

Under Section 90 of the *NP&W Act 1974*, an Aboriginal Heritage Impact Permit (AHIP) was originally considered to be required due to the proximity to and the potential impacts of the proposed works to Aboriginal archaeological items at Bondi Pavilion and adjacent Bondi Park. Condition 4 of the approved development consent therefore required an AHIP to be provided, prior to the issue of any Construction Certificate (CC).

However, following discussions between Council's Executive Manager, Development Assessments, Council Officers and the Applicant, it is agreed that an AHIP is only required when harm **will** occur to Aboriginal objects and declared Aboriginal places because it is unavoidable. Given that Bondi Park is not a designated place under Schedule 14 of the *NP&W Act 1974*, the condition is considered to have been placed on the consent in error.

Therefore, the Applicant has applied for this condition to be deleted with this modification application that is acceptable.

2.3 Crown Land Management Act 2016

The subject site is classified as Crown Land dedicated to Waverley Council. The original development application (**DA-105/2019**) was referred to the Department of Planning, Industry and Environment (DPI&E) however, no comment was received. Given that this is a modification application, the subject application was not referred to Crown Lands for comment.

Bondi Park, Beach and Pavilion Plan of Management 2014-2024

Under the *Crown Lands Act 2016* a Plan of Management (POM) is required for the site.

The Bondi Park, Beach and Pavilion (BPBP) POM was adopted by Waverley Council in 2014 to provide a strategic framework to guide use, management and maintenance of the wider site. The 2014 POM updates the previous 1995 POM for the recreation precinct. In addition to guiding use and management of the entire Bondi Beach area, the POM is tasked with identifying the future vision and objectives for the upgrade and conservation works of Bondi Pavilion. The original proposal was assessed against the BPBP POM 2014 is included in Section 3 and was considered to be satisfactory. The proposed modifications are minor and are not considered to impact upon the future vision and objectives for the Bondi Beach area.

2.3.1 SEPP 55 Remediation of Land

Conditions were imposed on the original consent requiring the provision of an Environmental Management Plan (EMP) prior to remediation works and issuing of any CC. Additionally, a condition of consent was also imposed, requiring that upon completion of remedial work, and prior to the commencement of building works, a Site Audit Statement prepared by an accredited NSW EPA Site Auditor is to be submitted clearly stating that the site is suitable for the intended use. The proposed modifications are not considered to alter these existing conditions on the consent and the site can therefore be made suitable for the approved uses.

2.3.2 SEPP 64 Advertising and Signage

The proposed modifications do not seek consent to alter the approved building identification signage zones.

2.3.3 SEPP (Coastal Management) 2018

The subject site is located within a 'coastal use area' as identified by the Coastal Management SEPP 2018. Clause 14 of the SEPP identifies the matters for considering in assessing a development application within a coastal use area. The proposed modifications are not considered to cause any adverse impact upon the matters listed and therefore satisfies Clause 14(a) of the Coastal Management SEPP 2018. Furthermore, the proposed modifications are considered to satisfy Clause 14(b) and 14(c). The proposed modifications to the approved works to the Bondi Pavilion are consistent with the surrounding building and coastal environment.

2.3.4 SEPP (Infrastructure) 2007

Division 12 of the Infrastructure SEPP 2007 pertains to certain works permitted in parks and public reserves permitted without development consent. This clause is not applicable as development consent is being sought under Part 4 of the *EP&A Act 1979*.

2.3.5 SEPP (State and Regional Development) 2011

The development is Council related development and the original development application had a capital investment of more than \$5 million and was therefore classified as regionally significant development under Schedule 7 of the State and Regional Development SEPP 2011 and was determined by the Sydney Eastern City Planning Panel (SECPP). The subject application is a modification application involving minor changes to the approved plans [s4.55(1A)] and will be referred to the Waverley Local Planning Panel (WLPP) for determination.

2.3.6 Waverley Local Environmental Plan (WLEP) 2012

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

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is considered consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table RE1 Public Recreation Zone	Yes	The proposed modifications do not seek to change the approved uses within the RE1 Public Recreation zone.
2.7 Demolition requires development consent	Yes	The modifications seek consent for demolition works in relation to works on the Bondi Pavilion. Clause 2.7 applies to this DA.
Part 4 Principle Development Standards		
4.3 Height of Buildings	N/A	There is no applicable height of building control for the site.
4.4 Floor Space Ratio	N/A	There is no applicable floor space ratio control for the site.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	<i>See discussion below.</i>
Part 6 Additional local provisions		

Provision	Compliance	Comment
6.2 Earthworks	Yes	<p>A Geotechnical Report was submitted with the original development application that noted that excavation on the site is expected to be limited to site re-grading, new footings and services.</p> <p>A Preliminary Site Investigation report was also provided by the applicant that noted there was potential for soil contamination due to the possibility of ash within fill on the site and some site remediation may be required.</p> <p>Conditions requiring the provision of a Site Audit Statement and the management of soil were included in the original development consent issued for the site.</p>
6.9 Design Excellence	N/A	<p>The northern boundary of the site is located within a designated 'Key Sites' area under WLEP 2012. However, the modifications are not proposing a new building or works to an existing building greater than 15m in height and therefore is not subject to the provisions of Clause 6.9 of WLEP 2012. The proposed modifications are considered to continue to display design excellence and addresses the considerations required under Clause 6.9 of WLEP 2012.</p>

Table 1: WLEP 2012 Compliance Table

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

Heritage (Clause 5.10)

The Bondi Pavilion is a heritage item of State heritage significance under Schedule 5 of WLEP 2012 (Item Number I124). The Bondi Pavilion is situated within the 'Bondi Beach Cultural Landscape', which is a State item listed under the State Heritage Register (Listing Number 1786).

The site is also within the 'Bondi Beach and Park Landscape Conservation Area', labelled C25 on the Heritage Map, identified as having local heritage significance and listed under Schedule 5 of WLEP 2012.

The site has a number of relevant heritage documents applicable to development including a Conservation Management Plan prepared in 2018 and the BBPP POM 2014.

The application was assessed against the provisions of Clause 5.10 of WLEP 2012 and referred to Council's Heritage Advisor who provided the following comment:

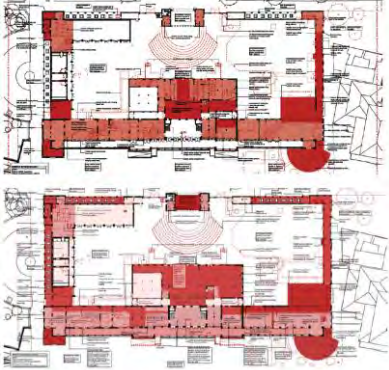

The proposed works are considered acceptable to the significance of the building being minor adjustments of fabric required to ensure effective functioning of activity areas, compliance with building codes and co-ordination of works. No further recommendations are made in relation to the application.



A Heritage Impact Statement and a Non-Aboriginal Archaeological Impact Assessment were included with the modification application for assessment. Furthermore, the application was referred to OEH who are anticipated to provide their support, subject to General Terms of Approval.

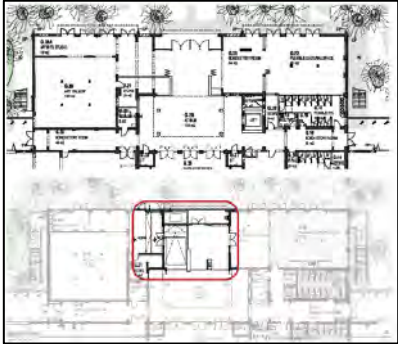

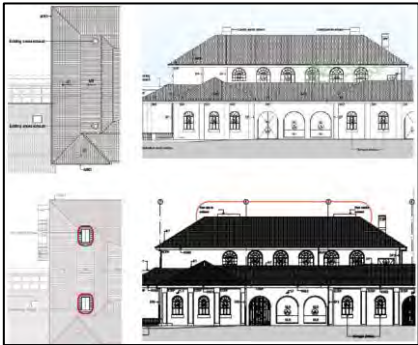
It is considered that the proposed modifications satisfy the provisions of Clause 5.10 of WLEP 2012.

2.3.7 Waverley Development Control Plan 2012 – Amendment No. 7 (WDCP 2012)

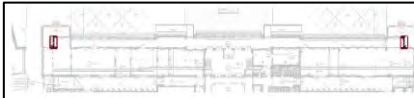

The relevant matters to be considered under WDCP 2012 for the proposed development are discussed below in response to the proposed modifications to the approved development as itemised in the Statement of Environmental Effects submitted by the Applicant.

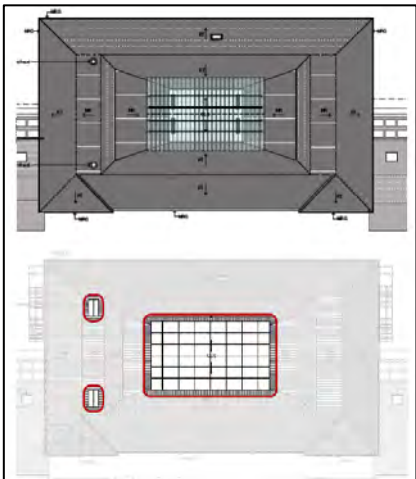
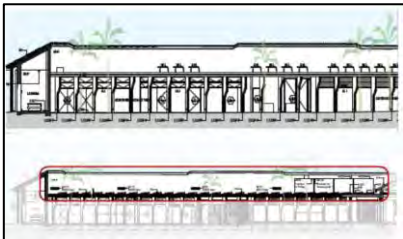
	Description of Proposed Modifications	Comment
1	<p>Additional demolition of existing concrete slabs</p>  <p>Figure 6: Approved (top) and proposed (bottom) slab removal shown highlighted in dark red.</p>	<p>A Structural Engineering Certificate has been submitted that details that the thickness of the existing concrete slabs located in the areas highlighted on the plans vary in thickness and are unfit to be reused as part of the restoration and conservation project. In particular, the internal slabs have had a topping slab poured over and are unable to be removed without causing significant damage to the slab underneath. Furthermore, the external loggia slab areas are cracked and dilapidated and are proposed to be fully replaced to ensure compliance. Council's Heritage Advisor raise no objection to the proposed works.</p>  <p>Figure 7: Top layer of slab to be removed at the front of the Pavilion (fronting Bondi Beach). Historical photographs have been submitted demonstrating the addition of this layer at a latter date (ie not original).</p>

	Description of Proposed Modifications	Comment
		 <p>Figure 8: Slab to be removed around benches and fully replaced.</p>
2	<p>Reconfiguration of the fire pump room, including creating a new opening in the existing wall.</p> <ul style="list-style-type: none"> <i>The amended design now extends into the existing High Tide Room, which is a recent addition of neutral significance.</i>  <p>Figure 9: Approved (top) and proposed (bottom) configuration of the fire pump room (outlined red).</p>	<p>The outcome is considered to provide sufficient resolution. No objection was raised by Council's Heritage Advisor to the proposed works.</p>
3	<p>Removal, salvage and reinstallation of a small area of flooring within the Seagull Room.</p>	<p>As stated above, these works are no longer sought. A new condition is recommended to be imposed to delete this from the scope of works and amended plans to be submitted and approved by the Principal Certifying Authority. The amended plans are recommended to be submitted to Council to ensure accurate records.</p>
4	<p>Retention of the existing mosaic floors and associated internal works to the adjoining Art Gallery, Bondi Story Room and store.</p> <ul style="list-style-type: none"> <i>A decision has been made to retain the existing mosaic</i> 	<p>The proposed retention of the mosaic floors is considered to be a desired outcome for the site.</p>

	Description of Proposed Modifications	Comment
	<p><i>floors in the ground floor atrium. To achieve this, the walls to the Art Gallery, store and Bondi Story Room have been moved to keep the existing levels and ramps, and there is now only one double door to the courtyard (previously there was two). Further, a new ramp has been introduced in the Art Gallery to resolve the change of level and a new hob and plaque has been added next to the mosaic floor.</i></p>  <p>Figure 10: Approved (top) and proposed (bottom) atrium space outlined in red.</p>	 <p>Figure 11: Mosaic floor tiles to be retained in atrium space.</p>
5	<p>Construction of a new smoke exhaust system</p> <ul style="list-style-type: none"> <i>New smoke vents are proposed to be installed in the same location as the existing vents.</i>  <p>Figure 12: Approved (top) and proposed (bottom) theatre exhaust outlined in red.</p>	<p>Council's Heritage Advisor raised no objection to the proposed works. No adverse visual amenity impacts are anticipated.</p>

	Description of Proposed Modifications	Comment
6	<p>Reconstruction of heritage balusters</p> <p>Figures 13 & 14: Approved (top) and proposed (bottom) balustrades to be reconstructed outlined in red.</p>	<p>Given that the existing balusters on the upstairs balcony are deemed not safe, their replacement is supported. Council's Heritage Advisor raised no objection to these proposed works.</p>
7	<p>Change in layout of the Theatre back of house areas</p> <ul style="list-style-type: none"> <i>This area now includes a kitchenette, a single accessible bathroom and a store/cleaner's room.</i> <p>Figures 15: Approved (top) and proposed (bottom) change in layout outlined in red.</p>	<p>No objection is raised to the proposed change in layout to the theatre back of house areas and the proposed modifications are considered to be a suitable outcome for the site. Council's Heritage Advisor raised no objection to the works.</p>
8	<p>Removal of skylights to amenities</p> <ul style="list-style-type: none"> <i>The proposed changes seek to replace the skylights with solar panels</i> 	<p>The Applicant claims that skylights are no longer required to provide adequate light and ventilation to the new amenities. Concerns regarding privacy are also raised that are</p>

	Description of Proposed Modifications	Comment
		considered to be reasonable, as this space is utilised as shower facilities. The proposed skylights are therefore considered to be acceptable to be deleted.
9	Relocation of the kitchen exhaust and change in the layout of mechanical units	The approved DA shows custom designed kitchen exhausts in four (4) locations however, the Applicant has stated that two of these exhausts are too close to mechanical plant equipment and the new locations provide the required distance to achieve compliance. The proposed modifications are not considered to have any adverse heritage impact, BCA or noise impacts.
10	<p>Installation of an additional window on the building's north-eastern elevation, and identification of an existing window located on the building's south-western elevation on the drawings</p>  <p>Figure 16: Window locations outlined in red.</p>	<p>Historical photographs have been submitted demonstrating a similar window on the building's north-east elevation. The proposal would reinstate this window that has incorrectly been excluded from the originally approved plans.</p>  <p>Figure 17: Historical photograph demonstrating window to be reinstated as outlined in blue.</p>
11	<p>Utilisation of an existing plant room space above the proposed Community Radio Station</p> <ul style="list-style-type: none"> <i>The existing slab to this room is proposed to be demolished to reduce the internal height of the plant room within the existing shell. This will allow acoustic separation between the plant room and the community radio station to be maximised.</i> <i>The reduced height of the community radio station has no impact on DDA or BCA compliance. This part of the Bondi Pavilion is a late addition and of 'neutral'</i> 	The proposed works are considered to be satisfactory.

	Description of Proposed Modifications	Comment
	<i>significance, and therefore there is no heritage impact.</i>	
12	<p>Removal of solar glass to atrium roof</p> <ul style="list-style-type: none"> <i>The glazing to the Atrium roof has been changed from a Solar PV glass to a Safety Glass with an interlayer.</i>  <p>Figure 18: Approved (top) and proposed (bottom) modifications to solar glass on atrium roof outlined in red.</p>	The proposed change in materials is considered to be acceptable. No objection has been raised by Council's Heritage Advisor.
13	Removal of one door within existing Atrium	There is no evidence demonstrating the door is original. Council's Heritage Advisor raised no objection to the proposal.
14	Removal of the approved colonnade roof from the eastern face of the High Tide Room	The originally proposed roof to the verandah (colonnade) was to be deleted however, this was deleted from the Roof Plan only and not the Level 1 plan. The proposal seeks to rectify this discrepancy and is acceptable.
15	<p>Provision of additional air vents to the perimeter courtyard wall</p>  <p>Figure 19: Approved (top) and proposed (bottom) provision of additional air vents outlined in red.</p>	The amended plans seek to construct four custom air vents. 3D sections demonstrating mechanical vents into courtyard walls have been submitted and the works are not considered to result in any adverse heritage impact.


	Description of Proposed Modifications	Comment
		 <p data-bbox="767 667 1353 730">Figure 20: 3D section demonstrating proposed air vents.</p>

Table 2: Design modifications to approved plans.

The application also seeks consent to modify conditions of the original consent as shown in red. The proposed modifications are detailed and discussed below.

Modification of Condition 1 – Approved Plans and Documentation

Planning Comment

This condition is proposed to be modified to reflect the correct revision numbers and dates of the architectural plans and Non-Aboriginal Archaeology Impact Assessment submitted with this modification application and is therefore considered to be acceptable.

Modification of Condition 3 – Heritage Council of NSW – General Terms of Approval

This condition is proposed to be modified as follows (amendments shown in bold/strikethrough):

D. HERITAGE INTERPRETATION PLAN

- a) ~~An~~**draft** ~~Heritage~~ ~~interpretation~~ ~~plan~~ **Strategy** must be prepared in accordance with the Department of Premier and Cabinet publication 'Interpreting Heritage Places and Items Guidelines' (2005) and submitted ~~for approval~~ to the Heritage Council of NSW (or delegate) **for information and review** prior to the issue of ~~any~~ **the relevant** Construction Certificate~~—, with a final Heritage Interpretation Strategy submitted after the issue of the relevant Construction Certificate.~~
- b) **Prior to the issue of any Occupation Certificate, a** ~~The~~ ~~Heritage~~ ~~interpretation~~ ~~plan~~ must **be submitted to the Heritage Council of NSW and** detail how information on the history and significance of Bondi Pavilion as part of Bondi Beach Cultural Landscape will be provided for the public, and make recommendations regarding public accessibility, signage and lighting. The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project.
- c) The approved ~~Heritage~~ ~~interpretation~~ ~~plan~~ must be implemented prior to the issue of ~~any~~ **the final** Occupation Certificate.

Reason: Interpretation is an important part of every proposal for works at heritage places.

Planning Comment

The Applicant states the following in their SEE:

"The proposed changes seek to distinguish between the pre-CC and pre-OC heritage interpretation requirements. It is also proposed to amend the timing of these requirements to ensure that they do not delay the commencement of the conservation and restoration project."

The application was referred to OEH for approval, which will be forthcoming and anticipated to be provided to the Panel (under separate cover) prior to the October LPP for consideration.

Deletion of Condition 4 – Aboriginal Heritage Impact Permit (AHIP)

4. ABORIGINAL HERITAGE IMPACT PERMIT (AHIP)

An Aboriginal Heritage Impact Permit (AHIP) is required under Section 90 of the National Parks and Wildlife Act 1974 to manage the potential Aboriginal archaeological resource(s) on site. A copy of the approved AHIP is to be provided to Council prior to the issue of any Construction Certificate.

Planning Comment

The proposed deletion of this condition is acceptable. See discussion under Section 2.2 of this report above.

Deletion of Condition 21 – Green Travel Plan

21. GREEN TRAVEL PLAN

A Green Travel Plan to outline action to encourage sustainable travel options and reduce car dependency is required to be submitted to Council and approved by Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

Planning Comment

The Applicant considers that the preparation of a Green Travel Plan (GTP) is not a suitable transport management measure for the project. The application was referred to Council's Executive Manager, Infrastructure Services for comment who disagrees with the consultant on the GTP on the following basis:

The Bondi Pavilion is an iconic building with both permanent, regular and special event users. All permanent employees working at the Pavilion, regular and special event users should be required to implement the GTP in their operations.

Given the large amount of public transport, I do not envisage that the GTP would take a great deal of time to produce.

Therefore I do not support the deletion of this condition.

Therefore, it is Council's opinion that the requirement for a GTP to be prepared is to remain, and the proposed modification to delete the condition is not supported.

Modification of Condition 45 – Tree Plan - Relocation

This condition is proposed to be modified as follows (amendments shown in bold/strikethrough):

45. TREE PLAN – RELOCATION

Trees 13 and 36 as identified in the Arborist Report prepared by L&Co dated 1 April 2019 are to be considered for relocation.

*A 'Tree Transplant Method Statement' must be submitted to Council with a Tree Removal Application identifying the methods of transplantation and the new locations within Bondi Park ~~for Trees 13 and 36~~ prior to the ~~issuing of the relevant Construction Certificate~~ **transplantation of Trees 13 and 36.***

Council may also stipulate that additional trees are to be relocated. These trees must be included in the original statement or an additional statement must be prepared.

The statement must include:

- a) A site plan;*
- b) A timetable of works;*
- c) Details of site preparation including:*
 - i. Minimising damage to adjacent vegetation;*
 - ii. Transplantation method, e.g. machinery to be used;*
 - iii. Excavation techniques;*
 - iv. Rootball and crown treatments and stabilisation measures;*
 - v. Storage details (on or off-site);*
 - vi. The proposed new location of the trees within Bondi Park;*
 - vii. Details of monitoring and tree care;*
 - viii. Program of monitoring during transplant process; and*
 - ix. After care and maintenance stages.*

The statement must be prepared by a suitably qualified professional with a minimum qualification of AQF 5 Level Arborist.

Planning Comment

The Applicant has stated that the deferral of the Tree Transplant Method Statement has been sought in order to prevent delay of the commencement of the conservation and restoration project. The modification application was referred to Council's Tree Management Officer however, no formal comment has been received at the time of writing this report. These trees (13 and 36) are rated as having 'high landscape significance' value by the project Arborist. Notwithstanding this, it is noted that that the applicant still agrees to provide this information,

be it, later in the project which is considered reasonable. The condition amendment is supported accordingly.

Deletion of Condition 46 – Landscaped Slabs

This condition is proposed to be deleted:

46. LANDSCAPED SLABS

Details shall be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate indicating the proposed method of water-proofing and drainage of any concrete slabs over which landscaping is proposed.

Planning Comment

The Applicant states that this condition is not relevant to the development and should be deleted as the design of the development does not include any landscaped structures such as roof gardens or planter boxes over the building. Council agrees with the reasoning provided and it is considered that the condition would have been incorrectly applied to the original consent. Therefore, deletion of this condition is supported.

Deletion of Condition 90 – Refrigeration Units & Mechanical Plant

This condition is proposed to be deleted:

90. 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 refrigeration motors/units or other mechanical plant associated with the use of the building.

Planning Comment

The Applicant seeks consent for the deletion of this condition as the approved development includes refrigeration units and mechanical plant outside of the building and it is considered unrealistic to relocate all of the plant within the building. Council agrees with the reasoning provided and it is considered that the condition would have been incorrectly applied to the original consent. Therefore, deletion of this condition is supported.

2.4 Other Impacts of the Development

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

2.5 Suitability of the Site for the Development

The site has a long history of community use, and the proposed modifications are considered to be suitable for the site as the approved uses of the Bondi Pavilion will be maintained.

2.6 Any Submissions

The application was notified for 14 days between 10 August 2020 and 24 August 2020 and a site notice erected on the site in accordance with WDCP 2012, Part A – Advertised and Notified Development. No submissions were received.

2.7 Public Interest

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

3. REFERRALS

3.1 Heritage NSW

The modification application was referred to the Heritage Council of NSW and further information at their request was provided by the applicant as follows:

- Non-Aboriginal Archaeological Impact Assessment – Received 17 September 2020;
- Structural Engineering Certificate for proposed slab demolition – Received 13 October 2020;
- 3D sections demonstrating mechanical vents into courtyard walls – Received 13 October 2020;
- Historical Photographs – Received 13 October 2020; and
- Confirmation of deletion of works to the Seagull Room from the scope of works – Received 15 October 2020.

OEH have indicated approval is imminent (subject to General Terms of Approval), however at the time of finalising this assessment report, formal approval remains outstanding. It is anticipated this documentation will be provided to the Panel under separate cover, prior to the October LPP meeting.

3.2 Caring Waverley – Community Development

The application was referred to Council’s Community Development Officer however, no comment was received at the time of finalisation of this report.

3.3 Creating Waverley – Stormwater, Traffic and Parking

Stormwater

The modification application was referred to Council’s Stormwater Engineers who reviewed the proposed modifications and confirmed no further action was required.

Public Domain

The modification application was referred to Council’s Public Domain Engineers who reviewed the proposed modifications and confirmed no further action was required.

Traffic and Parking

The application was referred to Council’s Executive Manager, Infrastructure Services for comment on the proposed deletion of Condition 21 requiring a GTP to be prepared and

submitted. As discussed above, the deletion of this requirement is not supported and subsequently the condition is recommended to remain.

3.4 Shaping Waverley – Urban Design and Heritage

Urban Design

The application was referred to Council's Urban Planning Policy and Strategic Planning team however, no comment was received at the time of finalisation of this report..

Heritage

The proposed modifications were reviewed by Council's Heritage Advisor who raised no objection to the proposed works.

Biodiversity

The application was referred to Council's Urban Ecology Co-ordinator however, no comment was received at the time of finalisation of this report.

3.5 Open Space Planning

Tree Management

The modification application was referred to Council's Tree Management Officer however, no formal comment has been received at the time of writing this report.

Open Space Planning

The application was referred to Council's Open Space Planning team however, no comment was received at the time of finalisation of this report.

4. SUMMARY

The application seeks consent to modify the approved works under DA-105/2019 that granted consent for restoration and upgrade works to the heritage listed Bondi Pavilion and immediate surrounds. The application involves modifications including additional slab demolition, reconfiguration of plant and equipment, redesign of theatre, removal of solar panels, update to roof and various other alterations as well as modifications to several conditions of consent. The proposal is Integrated Development under the *Heritage Act 1977*.

The development complies with the relevant planning controls. The main issues for consideration are in regard to the site's heritage significance, tree relocation and the preparation of a GTP. In particular, the proposed modifications to Condition 45 to defer the preparation of a Tree Transplant Method Statement is supported, however the proposed deletion of Condition 21 requiring a GTP to be submitted is not.

The application was notified and a site notice erected on site and no submissions were received. It is understood that extensive consultation work was done by Waverley Council (on behalf of applicant) prior to the lodgement of the original development application.

Overall, it is considered that the proposed modifications will improve the Bondi Pavilion structures through considerable restoration and upgrading works and the application is recommended to be approved, subject to recommended conditions.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:



Judith Elijah
Development Assessment Planner

Date: 16 October 2020

Reason for referral:

- Council related development.

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



Angela Rossi
**Manager, Development Assessment
(Central)**

Date: 19 October 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:

- (a) Architectural plans prepared by Tonkin Zulaikha Greer (TZG) Architects and received by Council on date 03 April 2019 and 12 September 2019 as listed below:

Drawing Number	Rev	Plan Description	Date	Date Received by Council
A-000		Cover Page	29.03.19	03.04.19
A-001		Location Plan	29.03.19	03.04.19
A-002		Site Analysis Plan	29.03.19	03.04.19
A-003		Photomontage 1	29.03.19	03.04.19
A-004		Photomontage 2	29.03.19	03.04.19
A-005		Photomontage 3	29.03.19	03.04.19
A-006		Photomontage 4	29.03.19	03.04.19
A-011	A	Ground Floor Demolition Plan	17.09.19	18.09.19
A-012	A	First Floor Demolition Plan	17.09.19	18.09.19
A-013	A	Roof Demolition Plan	29.03.19	03.04.19
A-014	A	Elevations Demolition	29.03.19	03.04.19
A-015	A	Internal Elevations Demolition	17.09.19	18.09.19
A-101		Site Plan	29.03.19	03.04.19
A-102	A	Ground Floor Plan	17.09.19	18.09.19
A-103	A	First Floor Plan	17.09.19	18.09.19
A-104	-	Roof Plan	September 2019	12.09.19
A-201	-	North-West Elevation	September 2019	12.09.19
A-202	-	South East Elevation	29.03.19	03.04.19
A-203	-	North-East & South-West Elevation	September 2019	12.09.19
A-204	A	Internal Elevations	17.09.19	18.09.19
A-301		Sections A-A /B-B	29.03.19	03.04.19
A-302	-	Sections C-C/D-D	September 2019	12.09.19
A-401		Shadow Diagrams - June	29.03.19	03.04.19
A-501		Materials Schedule	29.03.19	03.04.19
A-601		GFA Diagrams	29.03.19	03.04.19
A-131		Projection Coordination Ground Floor	11/09/2019	12.09.19
A-132		Projection Coordination First Floor	11/09/2019	12.09.19

- i. As amended by the following plans prepared by Tonkin Zulaikha Greer (TZG) Architects:*

Drawing Number	Rev	Plan Description	Date	Date Received by Council
A-011	B	Ground Floor Demolition Plan	13.7.2020	23.07.2020
A-012	B	First Floor Demolition Plan	13.7.2020	23.07.2020
A-014	A	Elevations Demolition	13.7.2020	23.07.2020
A-015	B	Internal Elevations Demolition	13.7.2020	23.07.2020

A-102	B	Ground Floor Plan	13.7.2020	23.07.2020
A-103	B	First Floor Plan	13.7.2020	23.07.2020
A-104	A	Roof Plan	13.7.2020	23.07.2020
A-203	A	North-East & South-West Elevation	13.7.2020	23.07.2020
A-204	B	Internal Elevations	13.7.2020	23.07.2020
A-301	A	Sections A-A /B-B	13.7.2020	23.07.2020

(AMENDED BY DA-105/2019/A)

- (b) Landscape Plans, prepared by JMD Design and received by Council on 12 September 2019 as listed below:

Drawing Number	Rev	Plan Description	Date	Date Received by Council
L01	B	Title Sheet	05.09.19	12.09.19
L02	B	Key Principles	05.09.19	12.09.19
L03	B	Opportunities and Constraints	05.09.19	12.09.19
L04	B	Design Response – Courtyard	05.09.19	12.09.19
L05	B	Demolition Plan 1	05.09.19	12.09.19
L06	B	Demolition Plan 2	05.09.19	12.09.19
L07	B	External Landscape	05.09.19	12.09.19
L08	B	Courtyard and Beachfront	05.09.19	12.09.19
L09	B	Sketch – courtyard	05.09.19	12.09.19
L010	B	Diagonal Path Regrading	05.09.19	12.09.19
L011	B	Sections	05.09.19	12.09.19
L012	B	Furniture and Material Palette	05.09.19	12.09.19
L013	B	Indicative Planting Palette	05.09.19	12.09.19

- (c) Bondi Pavilion Restoration and Conservation Project: Site Waste and Management Plan prepared by MRA Consulting Group on 6 September 2019 and received by Council on 6 September 2019;
- (d) Arborist Report prepared by L&Co dated 1 April 2019, and received by Council on 3 April 2019;
- (e) Lighting Strategy prepared by Electro Light on 28 March 2019;
- (f) Traffic and Parking Assessment prepared by PTC dated 29 March 2019 and received by Council on 3 April 2019;
- (g) Fire Safety and Upgrade Report prepared by WSP Engineering dated 27 March 2019 and received by Council on 3 April 2019;
- (h) Acoustic Report prepared by Acoustic Studio dated 29 March 2019 and received by Council on 3 April 2019; and
- (i) Access Report prepared by Accessibility Solutions dated 21 May 2019 and received by Council on 14 June 2019.

- (j) Letter 'Bondi Pavilion, Queen Elizabeth Drive, Bondi Beach - DA -105/2019 Response to Heritage Council Approvals Committee Comments, prepared by Tonkin Zulaikha Greer, dated 17 September 2019
- (k) Drawing titled 'Bondi Pavilion Restoration and Conservation Project' prepared by Tonkin Zulaikha Greer, dated 19 September 2019, and details of the proposed Tulip Umbrella as included in MDT-tex Architectural Line.
- (l) Letter 'Re: Bondi Pavilion Upgrade and Conservation Project' prepared by SDA Structures Pty Ltd, dated 5 September 2019;
- (m) Letter 'Bondi Pavilion Response to List of Heritage Issues', prepared by Tonkin Zulaikha Greer, dated 19 August 2019, as amended by revised drawings listed under (k) and (l) above;
- (n) Heritage Impact Statement prepared by Tonkin Zulaikha Greer Heritage dated March 2019 and received by Council on 3 April 2019, as amended by Condition 1(a) above;
- (o) Aboriginal and non-Aboriginal Archaeological Assessment prepared by Dominic Steele Consulting Archaeology dated 29 March 2019, as amended by Condition 1 (a) as noted above;
 - i. and the Non-Aboriginal Archaeology Impact Assessment prepared by Dominic Steele Consulting Archaeology, dated 23 April 2020 and received by Council on 17 September 2020.*

(AMENDED BY DA-105/2019/A)

- (p) Statement of Environmental Effects prepared by Ethos Urban dated 2 April 2019, as amended by Condition 1(a) above as noted above; and
- (q) Amphitheatre and Outdoor Performance report by TZG Architects dated November 2018, as amended by Condition 1(a) above as noted above.
- (r) A Council approved (by Council's Director, Planning, Environment and Regulatory or delegate) Plan of Management.

Except where amended by the following conditions of consent.

3. HERITAGE COUNCIL OF NEW SOUTH WALES - GENERAL TERMS OF APPROVAL

A. DESIGN

- a) The Applicant must develop fit-out guidelines for future tenants to minimise impacts relating to services, internal partitions, removal of significant fabric and commercial kitchen requirements, outdoor seating areas and signage and submit these to Heritage Council of NSW (or delegate) for approval prior to the issue of any Occupation Certificate.

B. SPECIALIST TRADESPERSONS

- a) All work to, or affecting, significant fabric shall be carried out by suitably qualified

- b) tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.

C. HERITAGE CONSULTANT

- a) A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.

D. HERITAGE INTERPRETATION PLAN

- d) ~~An draft Heritage Interpretation plan~~ **Strategy** must be prepared in accordance with the Department of Premier and Cabinet publication 'Interpreting Heritage Places and Items Guidelines' (2005) and submitted ~~for approval~~ to the Heritage Council of NSW (or delegate) **for information and review** prior to the issue of ~~any the relevant~~ Construction Certificate, **with a final Heritage Interpretation Strategy submitted after the issue of the relevant Construction Certificate.**
- e) **Prior to the issue of any Occupation Certificate, a The Heritage Interpretation Plan** must **be submitted to the Heritage Council of NSW and** detail how information on the history and significance of Bondi Pavilion as part of Bondi Beach Cultural Landscape will be provided for the public, and make recommendations regarding public accessibility, signage and lighting. The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project.
- f) The approved ~~Heritage Interpretation Plan~~ must be implemented prior to the issue of ~~any the final~~ Occupation Certificate.

Reason: Interpretation is an important part of every proposal for works at heritage places.

(AMENDED BY DA-105/2019/A)

E. SITE PROTECTION

- a) Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

Reason: To ensure significant fabric including vegetation is protected during construction.

F. PHOTOGRAPHIC ARCHIVAL RECORDING

- a) A photographic archival recording must be prepared prior to the commencement of

works, during works and at the completion of works. This recording must be in accordance with the NSW Department of Premier and Cabinet publication 'Photographic Recording of Heritage Items using Film or Digital Capture' (2006). The digital copy of the archival record must be provided to the Department of Premier and Cabinet Heritage.

Reason: To capture the condition and appearance of the place prior to, and during, modification of the site which impacts significant fabric.

G. UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

- a) The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.

H. ABORIGINAL OBJECTS

- a) Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage is to be informed in accordance with the National Parks and Wildlife Act 1974 (as amended). Works affecting Aboriginal objects on the site must not continue until the Department of Premier and Cabinet has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the National Parks and Wildlife Act 1974.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

I. COMPLIANCE

- a) If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

J. SECTION 60 APPLICATION

- a) An application under section 60 of the Heritage Act 1977 must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements

K. ADVICE

- a) Section 148 of the Heritage Act 1977 (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics,

moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

- b) Any questions regarding this condition should be directed to Heritage NSW, Department of Premier and Cabinet.

4. ABORIGINAL HERITAGE IMPACT PERMIT (AHIP)

~~An Aboriginal Heritage Impact Permit (AHIP) is required under Section 90 of the National Parks and Wildlife Act 1974 to manage the potential Aboriginal archaeological resource(s) on site. A copy of the approved AHIP is to be provided to Council prior to the issue of any Construction Certificate.~~

(DELETED BY DA-105/2019/A)

45. TREE PLAN – RELOCATION

Trees 13 and 36 as identified in the Arborist Report prepared by L&Co dated 1 April 2019 are to be considered for relocation.

A 'Tree Transplant Method Statement' must be submitted to Council with a Tree Removal Application identifying the methods of transplantation and the new locations within Bondi Park ~~for Trees 13 and 36~~ prior to the ~~issuing of the relevant Construction Certificate~~ **transplantation of Trees 13 and 36.**

Council may also stipulate that additional trees are to be relocated. These trees must be included in the original statement or an additional statement must be prepared.

The statement must include:

- a) A site plan;
- b) A timetable of works;
- c) Details of site preparation including:
 - i. Minimising damage to adjacent vegetation;
 - ii. Transplantation method, e.g. machinery to be used;
 - iii. Excavation techniques;
 - iv. Rootball and crown treatments and stabilisation measures;
 - v. Storage details (on or off-site);
 - vi. The proposed new location of the trees within Bondi Park;
 - vii. Details of monitoring and tree care;
 - viii. Program of monitoring during transplant process; and
 - ix. After care and maintenance stages.

The statement must be prepared by a suitably qualified professional with a minimum qualification of AQF 5 Level Arborist.

(AMENDED BY DA-105/2019/A)

46. LANDSCAPED SLABS

~~Details shall be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate indicating the proposed method of water proofing and drainage of any concrete slabs over which landscaping is proposed.~~

(DELETED BY DA-105/2019/A)

90. 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 refrigeration motors/units or other mechanical plant associated with the use of the building.~~

(DELETED BY DA-105/2019/A)

B. New Conditions

1A. SCOPE OF WORKS

No consent is granted for the removal, salvage and reinstallation of a small area of flooring within the Seagull Room as this has been deleted from the scope of works under **DA-105/2019/A**. The architectural plans are to be amended and approved by the Principal Certifying Authority prior to the issue of the relevant Construction Certificate . An electronic copy of the amended plans shall be submitted for Council's records.

(ADDED BY DA-105/2019/A)

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural plans prepared by Tonkin Zulaikha Greer (TZG) Architects and received by Council on date 03 April 2019 and 12 September 2019 as listed below:

Drawing Number	Rev	Plan Description	Date	Date Received by Council
A-000		Cover Page	29.03.19	03.04.19
A-001		Location Plan	29.03.19	03.04.19
A-002		Site Analysis Plan	29.03.19	03.04.19
A-003		Photomontage 1	29.03.19	03.04.19
A-004		Photomontage 2	29.03.19	03.04.19
A-005		Photomontage 3	29.03.19	03.04.19
A-006		Photomontage 4	29.03.19	03.04.19
A-011	A	Ground Floor Demolition Plan	17.09.19	18.09.19
A-012	A	First Floor Demolition Plan	17.09.19	18.09.19
A-013	A	Roof Demolition Plan	29.03.19	03.04.19
A-014	A	Elevations Demolition	29.03.19	03.04.19
A-015	A	Internal Elevations Demolition	17.09.19	18.09.19
A-101		Site Plan	29.03.19	03.04.19
A-102	A	Ground Floor Plan	17.09.19	18.09.19
A-103	A	First Floor Plan	17.09.19	18.09.19
A-104	-	Roof Plan	September 2019	12.09.19
A-201	-	North-West Elevation	September 2019	12.09.19
A-202	-	South East Elevation	29.03.19	03.04.19
A-203	-	North-East & South-West Elevation	September 2019	12.09.19
A-204	A	Internal Elevations	17.09.19	18.09.19
A-301		Sections A-A /B-B	29.03.19	03.04.19
A-302	-	Sections C-C/D-D	September 2019	12.09.19
A-401		Shadow Diagrams - June	29.03.19	03.04.19
A-501		Materials Schedule	29.03.19	03.04.19
A-601		GFA Diagrams	29.03.19	03.04.19
A-131		Projection Coordination Ground Floor	11/09/2019	12.09.19
A-132		Projection Coordination First Floor	11/09/2019	12.09.19

- i. As amended by the following plans prepared by Tonkin Zulaikha Greer (TZG) Architects:

Drawing Number	Rev	Plan Description	Date	Date Received by Council
A-011	B	Ground Floor Demolition Plan	13.7.2020	23.07.2020
A-012	B	First Floor Demolition Plan	13.7.2020	23.07.2020
A-014	A	Elevations Demolition	13.7.2020	23.07.2020
A-015	B	Internal Elevations Demolition	13.7.2020	23.07.2020

A-102	B	Ground Floor Plan	13.7.2020	23.07.2020
A-103	B	First Floor Plan	13.7.2020	23.07.2020
A-104	A	Roof Plan	13.7.2020	23.07.2020
A-203	A	North-East & South-West Elevation	13.7.2020	23.07.2020
A-204	B	Internal Elevations	13.7.2020	23.07.2020
A-301	A	Sections A-A /B-B	13.7.2020	23.07.2020

(AMENDED BY DA-105/2019/A)

- (b) Landscape Plans, prepared by JMD Design and received by Council on 12 September 2019 as listed below:

Drawing Number	Rev	Plan Description	Date	Date Received by Council
L01	B	Title Sheet	05.09.19	12.09.19
L02	B	Key Principles	05.09.19	12.09.19
L03	B	Opportunities and Constraints	05.09.19	12.09.19
L04	B	Design Response – Courtyard	05.09.19	12.09.19
L05	B	Demolition Plan 1	05.09.19	12.09.19
L06	B	Demolition Plan 2	05.09.19	12.09.19
L07	B	External Landscape	05.09.19	12.09.19
L08	B	Courtyard and Beachfront	05.09.19	12.09.19
L09	B	Sketch – courtyard	05.09.19	12.09.19
L010	B	Diagonal Path Regrading	05.09.19	12.09.19
L011	B	Sections	05.09.19	12.09.19
L012	B	Furniture and Material Palette	05.09.19	12.09.19
L013	B	Indicative Planting Palette	05.09.19	12.09.19

- (c) Bondi Pavilion Restoration and Conservation Project: Site Waste and Management Plan prepared by MRA Consulting Group on 6 September 2019 and received by Council on 6 September 2019;
- (d) Arborist Report prepared by L&Co dated 1 April 2019, and received by Council on 3 April 2019;
- (e) Lighting Strategy prepared by Electro Light on 28 March 2019;
- (f) Traffic and Parking Assessment prepared by PTC dated 29 March 2019 and received by Council on 3 April 2019;
- (g) Fire Safety and Upgrade Report prepared by WSP Engineering dated 27 March 2019 and received by Council on 3 April 2019;
- (h) Acoustic Report prepared by Acoustic Studio dated 29 March 2019 and received by Council on 3 April 2019; and
- (i) Access Report prepared by Accessibility Solutions dated 21 May 2019 and received by Council on 14 June 2019.

- (j) Letter 'Bondi Pavilion, Queen Elizabeth Drive, Bondi Beach - DA -105/2019 Response to Heritage Council Approvals Committee Comments, prepared by Tonkin Zulaikha Greer, dated 17 September 2019
- (k) Drawing titled 'Bondi Pavilion Restoration and Conservation Project' prepared by Tonkin Zulaikha Greer, dated 19 September 2019, and details of the proposed Tulip Umbrella as included in MDT-tex Architectural Line.
- (l) Letter 'Re: Bondi Pavilion Upgrade and Conservation Project' prepared by SDA Structures Pty Ltd, dated 5 September 2019;
- (m) Letter 'Bondi Pavilion Response to List of Heritage Issues', prepared by Tonkin Zulaikha Greer, dated 19 August 2019, as amended by revised drawings listed under (k) and (l) above;
- (n) Heritage Impact Statement prepared by Tonkin Zulaikha Greer Heritage dated March 2019 and received by Council on 3 April 2019, as amended by Condition 1(a) above;
- (o) Aboriginal and non-Aboriginal Archaeological Assessment prepared by Dominic Steele Consulting Archaeology dated 29 March 2019, as amended by Condition 1 (a) as noted above;
 - i. and the Non-Aboriginal Archaeology Impact Assessment prepared by Dominic Steele Consulting Archaeology, dated 23 April 2020 and received by Council on 17 September 2020.

(AMENDED BY DA-105/2019/A)

- (p) Statement of Environmental Effects prepared by Ethos Urban dated 2 April 2019, as amended by Condition 1(a) above as noted above; and
- (q) Amphitheatre and Outdoor Performance report by TZG Architects dated November 2018, as amended by Condition 1(a) above as noted above.
- (r) A Council approved (by Council's Director, Planning, Environment and Regulatory or delegate) Plan of Management.

Except where amended by the following conditions of consent.

1A. SCOPE OF WORKS

No consent is granted for the removal, salvage and reinstallation of a small area of flooring within the Seagull Room as this has been deleted from the scope of works under **DA-105/2019/A**. The architectural plans are to be amended and approved by the Principal Certifying Authority prior to the issue of the relevant Construction Certificate. An electronic copy of the amended plans shall be submitted for Council's records.

(ADDED BY DA-105/2019/A)

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The proposed building identification zones are not approved and shall be deleted from all drawings;
- (b) No mechanical ventilation (ventilation, air-conditioning and the like) is approved other than what is shown on the approved drawings.
- (c) Notwithstanding (b), adequate provision shall be made for the installation of a mechanical exhaust system (internal of building) for future premises where food is prepared. This includes consideration for the provision of a shaft that complies with the Building Code of Australia and satisfies Heritage elements, to the roof for the ductwork and the flue of the system. Any additional mechanical ventilation other than what is shown on the approved drawings will be subject to separate and future development consent.

The amendments are to be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

3. HERITAGE COUNCIL OF NEW SOUTH WALES - GENERAL TERMS OF APPROVAL

A. DESIGN

- a) The Applicant must develop fit-out guidelines for future tenants to minimise impacts relating to services, internal partitions, removal of significant fabric and commercial kitchen requirements, outdoor seating areas and signage and submit these to Heritage Council of NSW (or delegate) for approval prior to the issue of any Occupation Certificate.

B. SPECIALIST TRADESPERSONS

- a) All work to, or affecting, significant fabric shall be carried out by suitably qualified
- b) tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.

C. HERITAGE CONSULTANT

- a) A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.

D. HERITAGE INTERPRETATION PLAN

- a) A **draft Heritage Interpretation Strategy** must be prepared in accordance with the Department of Premier and Cabinet publication 'Interpreting Heritage Places and Items Guidelines' (2005) and submitted to the Heritage Council of NSW (or delegate) **for information and review** prior to the issue of **the relevant** Construction Certificate, **with a final Heritage Interpretation Strategy submitted after the issue of the relevant Construction Certificate.**
- b) **Prior to the issue of any Occupation Certificate, a Heritage Interpretation Plan** must **be submitted to the Heritage Council of NSW and** detail how information on the history and significance of Bondi Pavilion as part of Bondi Beach Cultural Landscape will be provided for the public, and make recommendations regarding public accessibility, signage and lighting. The plan must identify the types, locations, materials, colours, dimensions, fixings and text of interpretive devices that will be installed as part of this project.
- c) The approved **Heritage Interpretation Plan** must be implemented prior to the issue of **the final** Occupation Certificate.

Reason: Interpretation is an important part of every proposal for works at heritage places.

(AMENDED BY DA-105/2019/A)

E. SITE PROTECTION

- a) Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

Reason: To ensure significant fabric including vegetation is protected during construction.

F. PHOTOGRAPHIC ARCHIVAL RECORDING

- a) A photographic archival recording must be prepared prior to the commencement of works, during works and at the completion of works. This recording must be in accordance with the NSW Department of Premier and Cabinet publication 'Photographic Recording of Heritage Items using Film or Digital Capture' (2006). The digital copy of the archival record must be provided to the Department of Premier and Cabinet Heritage.

Reason: To capture the condition and appearance of the place prior to, and during, modification of the site which impacts significant fabric.

G. UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

- a) The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.

H. ABORIGINAL OBJECTS

- a) Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage is to be informed in accordance with the National Parks and Wildlife Act 1974 (as amended). Works affecting Aboriginal objects on the site must not continue until the Department of Premier and Cabinet has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the National Parks and Wildlife Act 1974.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

I. COMPLIANCE

- a) If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

J. SECTION 60 APPLICATION

- a) An application under section 60 of the Heritage Act 1977 must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements

K. ADVICE

- a) Section 148 of the Heritage Act 1977 (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.
- b) Any questions regarding this condition should be directed to Heritage NSW, Department of Premier and Cabinet.

4. ABORIGINAL HERITAGE IMPACT PERMIT (AHIP)

~~An Aboriginal Heritage Impact Permit (AHIP) is required under Section 90 of the *National Parks and Wildlife Act 1974* to manage the potential Aboriginal archaeological resource(s) on site. A copy of the approved AHIP is to be provided to Council prior to the issue of any Construction Certificate.~~

(DELETED BY DA-105/2019/A)

5. ARCHAEOLOGICAL WATCHING BRIEF

This site is located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009.

An archaeological watching brief is to be established prior to the commencement of works and submitted to Council's Heritage Advisor for approval prior to the issue of any Construction Certificate.

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.

6. PUBLIC UTILITIES AND SERVICE ALTERATIONS

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

7. PUBLIC AREAS AND RESTORATION WORKS

Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas due to construction activities must be made safe to the general public and be regarded as a high level priority. This includes, but is not limited to works performed for the purpose of connection/s to public utilities, including repairs of damaged infrastructure. Should Council discover any unsafe construction activities within the public areas surrounding the development, the works must be resolved immediately to the satisfaction of Council.

8. 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*.

9. RETAIL TENANCIES

The approved retail spaces will require separate development application/s for the fit out and use of the future tenancies.

This approval does not permit cooking to be undertaken on the premises. Any proposal to utilise cooking equipment/appliances will be subject to a separate development application to Council and if approved will require an air handling system designed in accordance with AS 1668.1-1998 and AS1668.2-1991 or alternative solution satisfying the performance objectives of the Building Code of Australia.

The provision of additional sanitary facilities within the retail floor spaces for food and drink premises are to be addressed in future development applications. Food and drink premises cannot rely on public/common sanitary facilities located on the Bondi Pavilion site to meet requirements for the provisions of facilities. Separate facilities will be required for the patrons of the food and drink premises.

10. SEPARATE APPLICATION FOR SIGNAGE

Any proposed advertising structures to be displayed at the premises are to be subject to a separate development application to and approval from Council (if required).

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

- (a) A Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning & Assessment Act 1979*; and
- (b) A Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning & Assessment Act 1979* and *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.

12. SECTION 7.12 CONTRIBUTION

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

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

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

- (b) Prior to the issue of 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.
- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

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

Advisory Note

- A development valued at \$100,000 or less will be exempt from the levy.

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

13. 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 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.

14. ENVIRONMENTAL MANAGEMENT PLAN

An Environmental Management Plan (EMP) is to be submitted to Council for approval by Council's Director, Planning, Environment and Regulatory (or delegate) prior to the issue of any remediation works and any Construction Certificate. The EMP is to identify long-term management strategies of the site including but not limited to:

- Objectives of the EMP;
- Identification of residual environmental contamination issues at the site that require ongoing management;
- Documentation of environmental measures which have been implemented;
- Description of management controls to limit exposure of site users to known areas of contamination to acceptable levels;
- Descriptions of responsibilities for implementing monitoring and controls of the EMP;
- Timeframes for implementing the various control elements;
- Environmental monitoring and reporting requirements;
- Health and safety requirements for particular activities;
- A program of review and audits; and
- Corrective action procedures to be implemented when EMP criteria is breached.

15. ARCHIVAL RECORDING OF EXISTING BUILDING

Prior to the commencement of building works an archival record (at a minimum the front, side and rear elevations including courtyard, details of notable elements of each building e.g. the awning and foyers) shall be prepared of the existing building for deposit in Waverley Council's Archive (2 hard copies and 1 digital copy to be submitted). This record must be carried out prior to the removal of any significant building fabric or furnishings from the site and must be submitted to Council prior to the commencement of any demolition work and the issue of the relevant Construction Certificate. The record shall comprise photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:

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

16. ESSENTIAL SERVICES – EXISTING BUILDING

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

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

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

17. FIRE SAFETY AND BCA UPGRADE WORKS TO BE REVIEWED BY A REGISTERED HERITAGE ARCHITECT

Any required fire safety works recommended by any BCA Report, Fire Safety and Upgrade Report or Fire Safety Consultant are to be reviewed by a registered Heritage Architect to ensure that these works are generally consistent with the heritage significance of the building. In this respect, the project's Heritage Architect and Building Surveyor must jointly confer and agree on these works. These works may be modified to address a balance between retention of the heritage significance of the building and contemporary building standards.

The Heritage Architect's report is to be provided as an addendum to the approved and suitably modified Building Code of Australia Compliance Report prior to release of the relevant Construction Certificate for the building.

18. SERVICE AUTHORITIES

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

19. GREEN STAR DESIGN AND AS-BUILT RATING

Proof of registration for a Green Star Design & As-Built Rating for the proposed development is to be provided.

Proof that 5 Star Green Star certification provision has been satisfied is also required.

Should the Green Star provision not be satisfied, the development would need to comply with Section 2.5 of the Waverley Development Control Plan 2012 (Amendment 6, adopted on the 1st of November 2018). An energy assessment report demonstrating how the project will deliver a development with greenhouse gas emissions that are 30% less than those of a reference building would need to be submitted. The GHG emissions of the reference building should take into account the whole building (including the tenants) and not only Waverley Council's energy consumption.

Details to be submitted and approved by Council's Executive Manager, Environmental Sustainability (or delegate) prior to the issue of the relevant Construction Certificate.

20. BICYCLE PARKING

The total number of bicycle parking spaces are to be specified and approved by Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate. Bicycle parking is to meet relevant Australian Standards.

The current location of the bicycle parking is to be relocated from the current proposed position within the southern forecourt adjacent to Queen Elizabeth Drive. The new location is to be identified on updated plans and agreed to by Council's Executive Manager, Infrastructure Services (or delegate).

Details are to be indicated on the plans prior to the issue of the relevant Construction Certificate.

21. GREEN TRAVEL PLAN

A Green Travel Plan to outline action to encourage sustainable travel options and reduce car dependency is required to be submitted to Council and approved by Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

22. TRAFFIC AND TRANSPORT MANAGEMENT PLAN

A Traffic and Transport Management Plan (TTMP) that addresses the requirements of Part B8, Section 8.6 of WDCP 2012 is required to set out procedures to mitigate and minimise the impacts of the development for both construction and operation of the site.

The TTMP is also to address vehicle access within the internal courtyard and provide measures that addresses how accessible transport for people with disabilities and seniors will be managed and for the provision of a bus drop-off/pick-up area on Park Drive.

The TTMP is to be approved by Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

23. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall provide details of the following:

- (a) The proposed route to be taken by demolition/construction vehicles in the Waverley Council area when accessing and exiting the site.
- (b) The type and size of demolition/construction vehicles. Trucks with dog trailers and semi-trailers may not be approved for use if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where

access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway adjacent to or opposite the site.

- (c) The location of truck holding areas remote from the site should Council not give approval for demolition/construction vehicles to stand on the roadway in the vicinity of the site.
- (d) Traffic control measures to be put in place when trucks, manoeuvring in the vicinity of the site, will interfere with the free flow of traffic.
- (e) The location and materials of construction of temporary driveways providing access into and out of the site.
- (f) The location and length of any proposed Works/Construction Zones.
Note: Such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
- (g) The hours of operation of demolition/construction vehicles.
- (h) The number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.
- (i) How it is proposed to cater for the safe passage of pedestrians past the site. The details shall include:
 - The route required to be taken by pedestrians including signage and any other control measures that will need to be put in place to direct and keep pedestrians on the required route;
 - Any obstructions such as street furniture, trees and bollards etc., that may interfere with the safe passage of pedestrians;
 - The type(s) of material on which pedestrians will be required to walk;
 - The width of the pathway on the route;
 - The location and type of proposed hoardings; and
 - The location of existing street lighting.

24. PUBLIC AMENITY AND VISITOR MANAGEMENT

The applicant is to provide details on temporary measures for management of the site during the construction period in relation to visitor management and public amenity. A separate plan or addendum to the CVPPM is to identify measures to be taken, including but not limited to:

- (a) Temporary public amenity provisions (e.g. public bathrooms and changerooms);
- (b) Visitor information management;
- (c) alternatives for community groups who regularly use the Pavilion;
- (d) Marked access routes and wayfinding to Bondi Beach and surrounding public open space; and
- (e) Preservation of surrounding public open space and public facilities during the construction period.

The plan is to be approved by Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of any Construction Certificate and commencement of any such works on the site.

25. PUBLIC DOMAIN WORKS – DETAILED ENGINEERING DRAWINGS

Prior to the issue of any Construction Certificate, detailed engineering drawings and specifications, prepared by a suitably qualified and experienced engineering consultant, shall be submitted to Council for the approval of the Council's Executive Manager, Infrastructure Services (or delegate) for the following:

1. The shared zone between Campbell Parade and the entry/exit points to the car parking areas on Park Drive.
Note: The drawings shall include details of proposed changes to signs and line marking.
2. The regraded entry promenade between Campbell Parade and the pavilion. The drawings shall include details of the steps and ramps linking the promenade to the proposed shared zone in "1' above as well as signs to be removed and installed.
3. The regraded and widened diagonal path proposed between the entry promenade and the pathway on the northern side of the pavilion.
4. The proposed vehicle manoeuvring area serving the Pavilion loading dock.
5. The service vehicle access road between Park Drive and the Pavilion loading dock.
Note: The drawings shall include details of changes proposed to car parking line marking and signs at the entry/exit point at Park Drive.
6. All paved areas including new and changes to existing.
7. The Music Studio loading/unloading bays on Queen Elizabeth Drive.
Note: The drawings shall show changes to signage and line marking where required.
8. New stormwater infrastructure and changes to existing stormwater infrastructure.
9. All pedestrian spaces will need to be lit in accordance with AS 1158 and in compliance with the Bondi Park Lighting Masterplan.
10. Proposed landscape and tree planting in accordance with the Bondi Park CMP.

26. FOOTPATH AND KERB/ GUTTER UPGRADE

Prior to the issue of an Occupation Certificate, the following works shall be carried out at the applicant's expense outside the frontage of the site:

- Demolition and reconstruction of kerb and gutter including removal of the redundant vehicle crossing; and
- Removal of the existing footpath paving and turf and replacement with full width paving.

Prior to the issue of the relevant Construction Certificate, detailed engineering drawings of the works required above shall be submitted to Council for the approval of Council's Executive Manager, Infrastructure Services (or delegate).

The detailed engineering drawings shall:

- (a) Be drawn by a suitably qualified and experienced engineering professional at the applicant's expense.
- (b) Show existing and proposed levels outside the site details for a distance of not less than 20m to the north and south of the site.
- (c) Include floor and doorway levels inside the site at the primary frontage.
- (d) Include plantings and other features to be installed in the footpath area as part of landscaping works.
- (e) Include the location and alignment of the back and front edges of the pathway.

27. SERVICE VEHICLE ACCESS ROAD – LONG SECTION

Prior to the issue of any Construction Certificate, a long section, drawn along the centreline of the service vehicle access road, shall be submitted to Council for the approval of Council's Executive Manager, Infrastructure Services (or delegate). The long section drawing shall:

1. Be drawn at a scale of 1:25.
2. Include reduced levels (RL's) between the centreline of Park Drive and the proposed service vehicle manoeuvring area.
3. Show existing and proposed levels.
4. Include separate ground clearance profiles for the Australian Standard B85 design vehicle and the design service vehicle.

28. SERVICE VEHICLE ACCESS ROAD – TRUCK MOVEMENTS

Truck movements between Park Drive and the Pavilion loading facility shall be in a forward direction at all times. In this regard and prior to the issue of any Construction Certificate, swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, shall be submitted to Council for the approval of Council's Executive Manager, Infrastructure Services (or delegate) showing the number of forward and reversing manoeuvres required on the forecourt area directly outside the loading docks in order for the design service vehicle to gain access to and from the loading docks in a forward direction at all times.

29. TRUCK WAITING BAY – AMENDED LOCATION

The truck waiting bay is to be moved from the southern side of Park Drive to the northern side of Park Drive for pedestrian safety. Details of the changes to signs and line marking for a zone on the northern side of Park Drive shall be submitted to Council's Executive Manager, Infrastructure Services (or delegate) for approval prior to the truck waiting bay being installed.

It should also be confirmed whether this area will be used as a bus waiting bay. If so, the details should be provided.

Note: Swept wheel path drawings for the design service vehicle entering and exiting the truck waiting bay in a single forward movement shall be included to confirm the dimensions of the bay.

30. SERVICE VEHICLE MANAGEMENT PLAN

A Service Vehicle Management Plan, including details of the operation of the boom gate and keypad intercom system, shall be submitted to Council's Executive Manager, Infrastructure Services (or delegate) for approval prior to works commencing on the loading dock facility and prior to the issue of any Construction Certificate. The management plan shall also include details of measures to be put in place to ensure the safety of pedestrians when walking in the vicinity of service vehicles entering and exiting the loading dock as well as at the entry/exit boom gate at Campbell Parade.

31. PARK DRIVE – VEHICLE TURNING BAY

Details of the vehicle turning bay near the Campbell Parade entry/exit boom gate shall be submitted to Council for the approval of Council's Executive Manager, Infrastructure Services

(or delegate) prior to the issue of any Construction Certificate. The details shall include changes to signs and line marking and relocation of the identified intercom.

32. VEHICULAR ACCESS – CAMPBELL PARADE/BEACH ROAD

Details of signs/measures to be put in place to prevent vehicles, other than service vehicles, from turning left when entering Park Drive at the intersection with Campbell Parade /Beach Road shall be submitted for approval of Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of any Construction Certificate showing how it is proposed.

33. VEHICULAR ACCESS - FINISHED LEVEL

The finished level at the property boundary on **both** sides of the vehicle crossing are to be approved by Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate

34. LOADING DOCKS

Prior to the issue of the relevant Construction Certificate, details of the loading docks within the Pavilion shall be submitted for the approval of Council's Executive Manager, Infrastructure Services (or delegate). The details shall include, but not be limited to, loading dock bay dimensions, head clearances, entry/exit door clear opening widths and associated signs and line marking proposed inside the Pavilion and outside on the loading dock forecourt area.

35. HOARDING

To ensure the site is contained during construction, hoarding may be required for the approved works. If required, the hoarding shall 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 relevant 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.

36. SITE WASTE AND RECYCLING MANAGEMENT PLAN

The approved Site Waste and Recycling Management Plan (SWRMP) is to be amended and shall be submitted for approval of Council's Waste Officer prior to the issue of the relevant Construction Certificate to address the following points:

- (a) The bulky waste storage area is to be increased in size to accommodate the needs of future tenants;
- (b) The amended SWRMP is to include details of the volume, dimensions and overall capacity of the bulky goods storage area;
- (c) The bulky waste storage area shall be clearly marked within the waste storage room either with a cage or using tape/paint on the ground;

- (d) Measures to encourage use of the proper routes from retail spaces to the waste storage area should be included. Mitigation measures to prevent tenants crossing through the courtyard and the like should be identified as well;
- (e) The SWRMP is to identify whether the nominated 5:1 compaction ratio will be accepted by a service provider. If not, a suitable alternative compaction ratio is to be used; and
- (f) The maximum 2:1 ratio to satisfy the peak summer generation should be listed in Table 6 'Waste and recyclables capacity' of the SWRMP.

Additionally, a 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 relevant 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.

37. EROSION, SEDIMENT AND POLLUTION CONTROL

Erosion, sediment and pollution control measures are to be implemented on this site. A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to SSROC's Soil and Water Management Brochure and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction. These measures are to be implemented prior to commencement of any work or activities on or around the site. The Soil and Water Management Plan is to be submitted to Council prior to the issuing of the relevant Construction Certificate.

38. STORMWATER MANAGEMENT

- (a) Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted to Council's Stormwater Engineer for approval in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of the relevant Construction Certificate.
- (b) Plans must be approved by a Sydney Water Quick Check Agent due to the location of a sewer main through the site.

Note: On-Site Stormwater Detention (OSD) Exemption

Due to the close proximity to the ocean and natural slope of the site towards the ocean, the stormwater system for the development does not require the inclusion of an OSD element.

39. 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 the heritage Pavilion building or nearby properties and structures 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 the relevant 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 relevant Construction Certificate.

40. ENGINEERING DETAILS

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

The adequacy of the existing building structure to carry the extra load of the proposed additions is to be provided to Council or the Accredited Certifier prior to the issue of the relevant Construction Certificate.

41. ACCESS

The development shall be provided with access and facilities for people with disabilities in accordance with the approved Access Plan and with AS1428.1-2009 Design for Access and Mobility Part 1: General Requirements for Access. Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

42. SOLAR ELECTRIC PANELS

The development is to incorporate solar electric panels for hot water and common property lighting (with any excess being integrated back into the Electricity Grid) wherever reasonably possible. Such panels shall be flush with the roof and not highly visible from the public domain. Details are to be indicated on the plans prior to the issue of the relevant Construction Certificate.

43. AMENDED LANDSCAPE PLAN

The Landscape Plan is to be amended by changes including:

- (a) A detailed Plant Schedule is to be completed;
- (b) The Plant Schedule is to include the botanical and common names of plants, pot size of plants and number of plants. A minimum of 50% of the proposed plantings (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2 - 1 of the Waverley DCP;
- (c) Trees 13 and 36 as identified in the Arborist Report prepared by L&Co dated 1 April 2019 are to be considered for relocation.
- (d) Edge seating at the rear of the Pavilion to be moved to avoid vehicle conflict;
- (e) Edge seating design is to reflect existing seating in the Bondi Park Picnic Shelters to provide consistency in design through the park;
- (f) Brick paving or alternative finish which blends between brick and Pavilion courtyard is to be considered/required for the semi-circle to the rear of the pavilion;
- (g) Plans are to provide and identify the location of lighting and signage at rear entry;
- (h) Furniture is to be consistent with Council's Public Domain Technical Manual;

- (i) Stone unit pavers are preferred as opposed to concrete for the Pavilion courtyard;
- (j) The paving pattern for the courtyard is to be revised to ensure it's able to be replicated on site;
- (k) The design is to consider vehicle barriers such as bollards on the southern side of Queen Elizabeth Drive to satisfy the requirements of the Hostile Vehicle Mitigation Report;
- (l) Specifications for timber seating platforms within the courtyard are to be consistent with Bondi Park Picnic Shelter and seating wall;
- (m) Pedestrian paths at the rear of the pavilion including the accessible path, path to Pavilion and threshold at stair must be brick with reference to B2 finish;
- (n) The location of proposed trees on entrance path to Pavilion is undesirable, open views to rear of the Pavilion is preferred. Any necessary tree replacements or transplanting are to be identified elsewhere in Bondi Park.

The amended landscape plan is to be submitted for the approval of Council's Director, Planning, Environment and Regulatory prior to the issue of the relevant Construction Certificate.

44. TREE PLAN

A tree plan is to be submitted with the relevant Construction Certificate showing the location of all trees on the land in relation to the proposed development, including trees to be removed. All trees and shrubs identified for retention and within 7.5m of the construction works and building are to be provided with a tree guard and a notice on each guard indicating "This tree is the subject of a Tree Preservation Order by Waverley Council." This notice is to be in place prior to commencement of any building or demolition work. Only trees with the approval of Council for removal may be removed from the site.

All trees to be 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.

45. TREE PLAN – RELOCATION

Trees 13 and 36 as identified in the Arborist Report prepared by L&Co dated 1 April 2019 are to be considered for relocation.

A 'Tree Transplant Method Statement' must be submitted to Council with a Tree Removal Application identifying the methods of transplantation and the new locations within Bondi Park prior to the-transplantation of Trees 13 and 36.

Council may also stipulate that additional trees are to be relocated. These trees must be included in the original statement or an additional statement must be prepared.

The statement must include:

- d) A site plan;
- e) A timetable of works;
- f) Details of site preparation including:
 - x. Minimising damage to adjacent vegetation;
 - xi. Transplantation method, e.g. machinery to be used;
 - xii. Excavation techniques;
 - xiii. Rootball and crown treatments and stabilisation measures;
 - xiv. Storage details (on or off-site);

- xv. The proposed new location of the trees within Bondi Park;
- xvi. Details of monitoring and tree care;
- xvii. Program of monitoring during transplant process; and
- xviii. After care and maintenance stages.

The statement must be prepared by a suitably qualified professional with a minimum qualification of AQF 5 Level Arborist.

(AMENDED BY DA-105/2019/A)

46. LANDSCAPED SLABS

~~Details shall be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate indicating the proposed method of water proofing and drainage of any concrete slabs over which landscaping is proposed.~~

(DELETED BY DA-105/2019/A)

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

47. 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.

48. 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.

49. OBSTRUCTION TO PUBLIC AREAS

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

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

50. TOILET FACILITIES

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

51. 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.

52. 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.

53. NATIONAL CONSTRUCTION CODE (NCC)

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

54. DILAPIDATION REPORTS

A Dilapidation Report should be prepared for the adjoining Bondi Surf Bathers Life Saving Club, in particular the western side of the adjoining site adjacent to proposed works 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.

55. HERITAGE ARCHITECT AND SPECIALIST TRADESPERSONS

The applicant is to commission a suitably qualified and experienced heritage architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The nominated heritage consultant must provide input into the detailed design, provide, heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

The heritage architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project. Council is to be informed prior to issue of any Construction Certificate of the appointment of the heritage architect.

All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

56. COMPLIANCE WITH HERITAGE REPORT

The proposed works are to be conducted in accordance with the Statement of Heritage Impact, prepared by Tonkin Zulaikha Greer Heritage, and dated March 2019 and amendment report dated 17 September 2019.

57. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

A site specific noise management plan must be submitted to the Council for approval and comment prior to any works commencing on site and complied with during any construction works. The plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants. The plan must include but not be limited to the following:-

- (a) Confirmation of the level of community consultation that has, is and will be undertaken with Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (b) Confirmation of noise, vibration and dust monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with Council's noise criteria.
- (c) What course of action will be undertaken following receipt of a complaint concerning site noise, dust and vibration.

- (d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring property to a minimum.
- (e) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.
- (f) The plan must include the identification of hours that noisy demolition, excavation and construction works are to occur within.

58. NOISE FROM BUILDING WORKS - RESTRICTED ACTIVITIES

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

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

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

59. 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.

60. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT

The applicant must meet the following objectives for sustainable demolition and construction waste management:

- (a) To minimise the amount of construction waste that is sent to landfill;
- (b) To minimise waste generated during demolition and construction;
- (c) To increase efficiency of development and encourage sustainable practices;
- (d) To maximise the re-use of clean excavated material, concrete, bricks and timber; and
- (e) To ensure the safe removal and disposal of hazardous building materials.

The applicant must ensure that the demolition and construction phase complies with the following:

- (f) A construction waste storage area is to be located within the property boundary and is to be identified on the site plans as part of the SWRMP.
- (g) Separate construction waste collection bins or construction waste storage areas are to be provided, giving consideration to slope, drainage, vegetation, access and handling requirements and may include:
 - I. Landfill waste;
 - II. Recyclable waste;

- III. Materials to be re-used on-site; and / or
 - IV. Excavation materials (refer to Annexure B1-1 for common building materials that can be re-used and recycled).
- (h) Waste that can be recycled or reclaimed is to be identified in the SWRMP, as well as the intended methods for recovery and reclamation.
 - (i) All sandstone must be re-used on site or reclaimed through an appropriate contractor.
 - (j) Asbestos and other hazardous material is to be managed under the *Protection of the Environment Operations Act 1997*, in accordance with the provisions of Safe Work NSW, and Council's Asbestos Policy.
 - (k) Materials that cannot be reused or recycled must be:
 - (i) Disposed of at a State Government approved facility and specified in the SWRMP; and
 - (ii) Disposed of via a contractor that operates in accordance with the Proximity Principle outlined in State Government Legislation.
 - (l) Records are to be retained on-site demonstrating lawful disposal of waste.
 - (m) Easy vehicular access to waste and recycling material storage areas must be provided and detailed in the SWRMP.
 - (n) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors. Skip bins are to be utilised and located in accordance with Council's building waste and hoardings policy.
 - (o) All materials are to be stored in way that:
 - (i) Prevents damage from the elements, and reduces odour, health risks and windborne litter; and
 - (ii) Prevents impacts to the environment under State Government Legislation (including stormwater pollution and runoff).

61. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

62. 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 s4.55 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.

63. 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.

64. SITE CONTAMINATION - REMEDIATION WORKS

- (a) The Remediation Action Plan (RAP) prepared by JBS&G dated 27 February 2019 and the Preliminary Site Investigation Report prepared by Douglas Partners dated 25 March 2019 are to be peer reviewed by an NSW EPA accredited Site Auditor. Any recommendations shall be incorporated into the RAP.
- (b) Remediation and validation works shall be carried out in accordance with the RAP prepared by JBS&G dated 27 February 2019 and any issues/matters/recommendations raised by the Site Auditor.
- (c) Any variation to the RAP shall be approved by the Accredited Site Auditor and Council's Environmental Health Officer in writing prior to the commencement of any work. The applicant must inform the PCA in writing of any proposed variation to the remediation works. The PCA shall approve these variations in writing prior to commencement of works.
- (d) After completion of the remedial works, a copy of the Validation Report shall be submitted to Council. The Construction Certificate shall not be issued until Council approves the Validation Report in writing. The report shall be prepared with reference to the NSW Environment Protection Authority (EPA) guidelines, Consultants Reporting on Contaminated Sites and shall include:
 - Description and documentation of all works performed;
 - Results of validation testing and monitoring;
 - Validation results of any fill imported on to the site;
 - Details of how all agreed clean-up criteria and relevant regulations have been complied with; and
 - Clear justification as to the suitability of the site for the proposed works.

Where the Validation Report indicates conditions that will require ongoing review, these methods should be approved in writing by Council's Environmental Health Officer prior to validation.

65. REMEDIATION REQUIREMENTS

Where remediation works are required, the following requirements apply:

- (a) A sign displaying the contact details of the remediation contractor (and site facilitator if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works. Owners and/or occupants of the premises adjoining the site shall be notified, in writing, at least seven days prior to the commencement of remediation works.
- (b) Remediation work shall not be carried out that will adversely affect the appearance, health or stability of a tree, where works affecting the tree require Council approval.

66. REMEDIATION WORKS REQUIRED

All exposed areas shall be progressively stabilised and revegetated on the completion of remediation works. Remediation work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am and 1pm on Saturdays with no work to be carried out on Sundays or public holidays.

67. USE OF FILL ON SITE

The use of fill on the site is to be in accordance with the recommendations of the approved RAP.

In addition, all fill imported on to the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported onto the site shall also be compatible with the existing soil characteristics for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported on to the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) 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.

The only waste derived fill material that may be received at the development site is:

- (a) Virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*), or
- (b) any other waste derived material the subject of a resource recovery exemption under cl. 51A of the *Protection of the Environmental Operations (Waste) Regulations 2005* 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.

68. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

The removal of contaminated material from the site is to be in accordance with the recommendations of the approved RAP.

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. 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.

69. SITE HEALTH & SAFETY PLAN

The Health and Safety requirements of the approved RAP are to be implemented as a minimum set of practices prior to the commencement of remediation works.

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

70. CONTAMINATED 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 (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. 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) Hazardous or intractable wastes arising from the demolition process (including all lead-contaminated materials) are to be removed and disposed of in accordance with the requirements NSW WorkCover Authority and the NSW Environment Protection Authority (EPA), and with the provisions of:
 - (i) Work Health & Safety Act 2011;
 - (ii) Work Health & Safety Regulation 2011;

- (iii) Protection of the Environment Operations Act 1997 (NSW); and
- (iv) NSW EPA Waste Classification Guidelines 2009.

71. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

The "recommendations" as outlined in the Asbestos Report prepared by Airsafe [Project No. 28857] dated 16 October 2015 shall be implemented.

72. COMPLIANCE WITH SAFE WORK NSW

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

73. MANAGEMENT OF ACIDIC SOIL

Should the subject site show evidence of acid sulphate soils, the following shall apply:

- (a) To address issues arising from the natural acidity of the soil on-site, any concrete that is in contact with this soil is to be designed to restrict acid and sulphate attack. The Cement and Concrete Association of Australia Technical Note TN57 is to be adhered to for precautionary measures.
- (b) Prior to the commencement of any works, the applicant shall nominate an appropriately qualified Environmental Scientist to supervise the management of acid sulphate soils. The Scientist shall:
 - (i) Provide an acceptance in writing to supervise the aforementioned works to ensure compliance with the relevant conditions of Development Consent.
 - (ii) On completion of the works certify that the aforementioned works have been constructed in compliance with the approved plans, specifications and conditions of consent.

- (c) The nominated supervising Environmental Scientist shall certify that the management of acid sulphate soil was undertaken in accordance with the Development Consent. Prior to the use or occupation of the building (or Occupation Certificate being issued), the Principal Contractor / Developer shall submit to Waverley Council a copy of the aforementioned Certificate.

74. POTENTIAL DEWATERING OF THE SITE

Should dewatering of the site be required, the onus is on the developer to:

- (a) Undertake the necessary site investigations prior to construction;
- (b) Prove that a water table is present or absent;
- (c) Assess the feasibility of alternative construction methods;
- (d) Assess the potential contaminated site, acid sulphate soil and saline intrusion issues;
- (e) Design an appropriate and safe dewatering system;
- (f) Apply for a dewatering licence,
- (g) Provide a detailed geotechnical and hydrogeological report regarding construction dewatering and monitoring;
- (h) Design and implement a monitoring program;
- (i) Monitor, analyse, interpret and report on dewatering to Council, and possibly NSW EPA throughout construction;
- (j) Inform Council of unexpected site conditions (such as water tables or high seepage rates) and subsidence issues.

75. SOIL AND WATER MANAGEMENT PLAN

The Soil and Water Management Plan (required in Condition 31) shall be implemented prior to commencement of any works or activities. All controls in the Plan shall be maintained at all time. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.

76. BUILDING TO BE WRAPPED

The applicant is encouraged to investigate possibilities of extracting an image of the completed building onto the hoarding and mesh surrounding the site during the demolition and construction stages of the development to minimise the visual intrusion of what is otherwise a large single coloured mesh 'block' during this time.

Any advertising on the hoarding requires Council's written approval.

77. TEMPORARY DIVERSION OF ROOF WATERS

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

78. ROOFWATER GUTTERING

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

79. 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, all existing areas of the building must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):
- (i) Fire resistance and stability – Part C1;
 - (ii) Compartmentation and separation – Part C2;
 - (iii) Protection of openings – Part C3
 - (iv) Provision for escape – Part D1;
 - (v) Construction of exits – Part D2;
 - (vi) Access for people with a disability – Part D3;
 - (vii) Fire fighting equipment – Part E1;
 - (viii) Smoke hazard management – Part E2;
 - (ix) Lift installations – Part E3;
 - (x) Emergency lighting, exit signs and warning systems – Part E4;
 - (xi) Sanitary and other facilities – Part F2;
 - (xii) Room heights – Part F3;
 - (xiii) Light and ventilation – Part F4;
 - (xiv) Sound transmission and insulation - Part F5; and
 - (xv) Class 9b buildings – Part H1.
- 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.
- d) Consideration should be given to the future envisaged maximum patron capacity of the premises in the assessment of BCA compliance and the preparation of Construction Certificate documentation, specifically with regard to the aggregate exit widths, floor areas and sanitary facilities.

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

80. FIRE SAFETY – EXITS

Exits and paths of travel to exits are to be kept clear and at all times to provide clear access to exits and provide a safe passage for occupants to open space in accordance with Section D of the BCA.

The number and dimensions of exits and paths of travel to exits are to comply with Section D of the BCA.

81. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION ACT) - INSPECTIONS (COMMERCIAL CLASS 5, 6, 7, 8 AND 9)

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

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

The specified **MANDATORY** inspections are:

In the case of a Class 5, 6, 7, 8 or 9 building:

- (a) at the commencement of the building work;
- (b) prior to covering any stormwater drainage connections; and
- (c) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

82. GENERAL SANITARY FACILITIES

Sanitary facilities shall be provided to the premises in accordance with the requirements of the Building Code of Australia.

83. MECHANICAL VENTILATION

Any approved mechanical ventilation system shall comply with the Australian Standard AS 1668 - 1991 (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:

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

84. ACCESSIBLE SIGNAGE

Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory or wherever directional signage or information is provided in the building. Such signage shall have regard to the provisions of AS1428.1.

85. TACTILE NUMBER IN LIFT

The applicant is advised that with regard to the provision of the lift in the building, it will be necessary for tactile numbers to be placed on each level of the building and within the lift to assist visually impaired people.

86. CARE TO BE TAKEN DURING CONSTRUCTION

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

87. MATERIALS AND FINISHES FOR HERITAGE BUILDINGS

Materials and finishes are to be consistent with the approved drawing A-501 and are to be restricted to the range of heritage colours sympathetic to the historical character of the Pavilion with the applicant to confer with the appointed heritage architect prior to the preparation of the samples and works commencing.

88. SERVICES

New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.

89. CONSTRUCTION AND FITOUT OF FOOD PREMISES

- (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,

OR

A single bowl sink and a dishwasher must be provided in the food preparation or designated area, (where all the food contact equipment will fit in the dishwasher) in addition to the hand basin.

(f) The cooking appliances require an approved air handling system designed in accordance with AS1668.1-1998 and AS1668.2-1991 or alternative solution satisfying the performance objectives of the Building Code of Australia.

90. 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 refrigeration motors/units or other mechanical plant associated with the use of the building.~~

(DELETED BY DA-105/2019/A)

91. FOOD PREMISES

The following requirements apply to premises that commercially provide food:

(a) The premises must comply with the Food Act, 2003 and the Food Standards Code there under;

(b) The applicant must arrange for an inspection by Council's Environmental Health Officer Surveyor prior to Occupation;

(c) Notification of the businesses Food Safety Supervisor must be provided prior to operation.

(d) The premises are to be registered with Council prior to the issue of the Occupation Certificate;

(e) 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

(f) 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.

92. GENERAL REGULATORY PREMISES

The proprietor of the food business shall:

- (a) Arrange for an inspection by Council's Environmental Health Officer prior to occupation.
- (b) Be registered with Council prior to occupation.
- (c) Pay any fees incurred by the carrying out of health regulation inspections as determined by Council's Pricing Policy, Fees and Charges.

93. TREE PRESERVATION

A tree preservation order exists in the Waverley Local Government Area. Before any site can be developed, an application must be made in writing to Council prior to removal of tree/trees. Should permission be granted, the applicant will receive a permit to proceed.

Tree removal is to reflect the approved Arborist Report, Landscape Plan and conditions of this consent.

94. LANDSCAPE CONSULTANT

A qualified Landscape and/or Arboricultural Consultant shall be retained for the duration of the construction of the development. The Consultant shall submit to the Principal Certifying Authority a Certificate of Practical Completion stating the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. The Certificate shall be lodged upon satisfactory completion of the landscaping works and prior to the issue of the Occupation Certificate.

95. STREET TREES

No existing street trees shall be removed without Council approval (other than those shown for approval in this consent, where relevant). A 1.8m high chain link wire fence or the like shall be erected around the existing street trees to protect them from damage during construction. Where approval is granted for the removal of a street tree the applicant is to pay for its replacement with a super advanced tree of a species nominated by Council.

96. TREE PROTECTION

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

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

97. TIMBER SEATING PLATFORMS

Specifications for timber seating platforms within the courtyard are to be consistent with the Bondi Park Picnic Shelter and seating wall materials and finishes.

98. PEDESTRIAN PATHS

Pedestrian paths at the rear of the pavilion including the accessible path, path to pavilion and threshold at stair must be brick with reference to B2 finish.

99. SHARED ZONES – RMS APPROVAL

Approval shall be obtained from the RMS for the installation of the shared zone between Campbell Parade and the entry/exit points to the Park Drive car parks and the service vehicle access roadway prior to the shared zones being installed.

100. ACCESSIBLE CAR SPACE

The accessible car spaces identified on the approved plans are to be provided in accordance with the approved Traffic and Parking Assessment Report.

101. SEDIMENT REMOVAL FROM VEHICLE WHEELS

A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed in accordance with the approved Soil and Water Management Plan for the site prior to the commencement of any site works or activities.

102. NEW VEHICLE CROSSING

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

103. WORK OUTSIDE PROPERTY BOUNDARY

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

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

104. ACOUSTIC REPORT RECOMMENDATIONS

The "recommendations" as outlined in the acoustic report prepared by Acoustic Studio [Reference No.20190329.TZGZ520.0002] dated 29 March 2019 shall be implemented.

Prior to the issue of any Occupation Certificate, an acoustic report prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority, certifying that all acoustic recommendations have been incorporated into the development.

105. CERTIFICATION OF MECHANICAL EXHAUST

The mechanical exhaust ventilation system is to comply with the approved plans and specifications in addition to Australian Standards AS 1668 (part 1, 1998 and part 2, 2012). A Certificate of Test together with a copy of the final test figures is to be submitted by a competent person and approved by the Principle Certifying Authority prior to the issue of the Occupation Certificate.

106. CERTIFICATION OF AIR CONDITIONING SYSTEM

The installed air conditioning system shall be the subject of an air filter cleaning/replacement service and regular servicing. In this regard, documentary evidence is to be submitted to Council or an Accredited Certifier enabling a Compliance Certificate to be issued on request certifying satisfactory compliance with this condition and the efficient performance of the system.

107. PLANT

All sound producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system being capable of being operated in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and the Protection of the Environment Operations (Noise Control) Regulation 2000 (Noise Control Regulation). In this regard, details of the proposed mechanical exhaust ventilation system within the food preparation area to be submitted to and approved by Council or an Accredited Certifier prior to occupation.

108. USE OF COUNCIL / CROWN LAND

This consent accepts the alterations and additions to the Bondi Pavilion as nominated on the approved plans forming part of this development consent, provided that the owner/applicant liaise with Council's Executive Manager, Properties and Facilities (or delegate) to:

- (a) Get written consent either in the form of a lease arrangement or alternative agreement for the use of future retail/commercial tenancies and any other nominated area/s (as required), and
- (b) Provide a suitable mechanism for this affected parcel of land to be independently identified (for example; register a survey accurate plan, or as a limited folio parcel).
- (c) Each future tenancy within the Bondi Pavilion should be independently identified to enable clear and separate identification.

Details shall be submitted for the approval of Council's Executive Manager, Development Assessment (or delegate) prior to the issue of an Occupation Certificate.

109. OCCUPATION CERTIFICATE

Prior to occupation or use of the development, the Principal Certifying Authority must issue an 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.

110. MAXIMUM PERSON CAPACITY – DETAILS REQUIRED

Insufficient details have been provided with the development application to properly assess the maximum persons capacity for the site. Therefore, prior to the issue of any Occupation Certificate, details shall be submitted for the approval of Council's Director, Planning, Environment and Regulatory (or delegate) to approve the maximum persons capacity for the site.

Details required shall include a BCA assessment prepared by a suitably qualified consultant and have regard to aggregate exit widths, uses, floor plan and sanitary facilities.

Patron capacity for future food and drink premises is to be configured in future retail development applications.

111. STORMWATER

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

112. LIGHTING

- (a) Lighting on the site is to be in accordance with the Lighting Strategy Report prepared by Electro Light on 24 March 2019 and received by Council on 3 April 2019.
- (b) 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.
- (c) All external lighting fixtures should be vandal resistant.
- (d) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (e) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (f) 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.

113. PUBLIC DOMAIN WORKS COMPLETED

All footpath upgrades and public domain works are to be completed to the agreed design and standard for the satisfaction of Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of an Occupation Certificate.

114. 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's Executive Manager, Infrastructure Services (or delegate) 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 is 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.

115. SLIP TESTS OF COMMON AREAS

Common area tiles should not have slippery finishes. Slip tests should be undertaken in wet conditions, prior to the issue of an Occupation Certificate.

116. OUTDOOR DINING/SEATING ZONE

A detailed plan indicating the future outdoor dining/seating zones for the premises, including future retail tenancies is to be approved by Council's Director, Planning, Environment and Regulatory (or delegate) prior to the issue of an Occupation Certificate. The plan should indicate the boundaries of future outdoor dining associated with the site and allocate specific areas to the relevant retail tenancies.

Any proposal to utilise an area external of the building for dining will be subject to a separate development application to Council and if approved will require a lease agreement to be entered into with Council. Future retail tenancies are responsible for obtaining approval for such use for footpath dining in association with their retail premises from Council and meeting the criteria for outdoor dining accordingly.

The outdoor footpath dining/seating zone shall be consistent with Part D2 Outdoor Dining of Waverley DCP 2012. The approved plans are to be adopted by future tenants of the retail spaces.

117. LANDSCAPE PLAN

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

E. OPERATIONAL CONDITIONS DURING OCCUPATION

118. OPERATION IN ACCORDANCE WITH RELEVANT MANAGEMENT PLANS FOR THE BONDI PAVILION

The premises shall operate in accordance with the following Council approved management plans for the building:

- (a) Loading Dock Management Plan
- (b) Loading Vehicle Management Plan
- (c) Waste Management Plan
- (d) Plan of Management
- (e) Signage Plan
- (f) Operation Manual

The onus is on the management of the subject premises to obtain a copy of these plans and ensure management and staff of the subject tenancy are familiar with the relevant terms and conditions contained within.

119. FUTURE TENANT OR HIRER OF EVENT/FUNCTION SPACE

Prior to commencement of operations, an Operation Manual shall be implemented by Council's Executive Manager, Property and Facilities (or delegate) for the Bondi Pavilion that provides all relevant operational conditions applicable to the use and management of rooms or event space.

The Operational Manual shall be provided to all future tenants, leaseholders or hirer's of space within the Bondi Pavilion (as part of their lease agreement) to ensure those persons are familiar with relevant conditions of this consent that apply to their use and management of a space. Elements to include though not limited to; approved management plans, emergency evacuation procedures, outdoor dining zone, maximum patron capacity, hours of operation etc.

120. THROUGH-SITE LINK / ACCESS

The following requirements apply to the through-site link/access through the site:-

- (a) The purpose of the link/access shall be public pedestrian access through the site during day light hours. The link shall be accessible to the public at least between the hours of 5.00am to 12.00am, seven days and at all times the retail premises or community facilities are permitted to operate.
- (b) Outside of these times, public access to the courtyard and building should be restricted via lockable gate/s or the like (that maintain emergency egress and compliance with the BCA).
- (c) Signage identifying the purpose of the link and its trafficable hours to the public shall be provided to each entry.
- (d) The link shall be designed so as to allow for fire egress from the building in accordance with the provision of the Building Code of Australia.
- (e) Closure of the link to the public, other than allowed for by (a), requires Council's consent.
- (f) Closed Circuit Television (CCTV) in link shall be provided to the public areas of the through site link to assist with Crime Prevention.

- (g) Adequate lighting shall be provided to the public areas of the through site link, and each entry/exit to assist with Crime Prevention.

121. HOURS OF OPERATION

(a) Hours of Operation

(i) Internal Areas: The hours of operation for the use of indoor area's of the premises (with exception to theatre on first floor level) is restricted to:

- Monday to Saturday: 7.00am to 11.00pm; and
- Sunday: 7.00am to 10.00pm.

(ii) Theatre (first floor level):

- Monday to Sunday: 7.00am to 11.00pm
- Infrequent 24-hour operation of the theatre spaces is restricted to 12 occurrences per year.

(iii) Internal courtyard (operational perspective): The hours of operation for the use of the internal courtyard of the premises is restricted to:

- Monday to Sunday: 7.00am to 10.00pm
- An exemption to these hours applies to temporary events, managed by Council's Event Policy and Events Division.

- (b) Irrespective of sub clause (a), the set-up and clean-up for the premises may occur for one hour before and one hour after the approved hours of operation. During this time, the premises shall not trade nor be open to the public.

122. REVIEWABLE CONDITION PERMITTING EXTENDED TRADING HOURS

Notwithstanding condition 121 (Hours of Operation) of this consent and subject to condition 123 (Review condition permitting review of extended trading hours) of this consent, the premises may trade as follows ("**the extended trading hours**"):

Monday to Saturday: 6.00am – 7.00am and 11.00pm – 12.00am

Sunday: 6.00am – 7.00am and 10.00pm – 12.00am

123. REVIEW CONDITION PERMITTING REVIEW OF THE EXTENDED TRADING HOURS

- (a) Condition 122 of this consent is subject to review condition 123.
- (b) The purpose of this review condition is:
- i. To enable Council to review the environmental performance of the use and operation of the premises during the extended trading hours;
 - ii. To enable the Council to change **the extended trading hours** in condition 124 after carrying out a review.
- (c) Condition 122 will be reviewed not earlier than 1 (one) year from the date of this determination. The Council may change condition 122 on review.
- (d) The operator of the premises will be given not less than 14 days written notice that a review of condition 122 is to be carried out under this condition. The Council may notify such other persons as it thinks fit of the review. The Council must take into account any submissions made by a person (including the operator) that are received within 14days after notice is given to the person of that review.

- (e) Consideration of the review will include, but not be limited to:
 - i. compliance of the premises in terms of security and its general management;
 - ii. number and nature of substantiated complaints regarding the operation of the premises received by Council or the NSW Police Force;
 - iii. compliance with conditions of consent and the Plan of Management;
 - iv. any comments received from the NSW Police Force; and
 - v. any other matters considered relevant to the environmental evaluation of the premises.
- (f) Conditions 121, 122 and 123 apply during the period that sections 80A (10B)-(10E) of the *Environmental Planning and Assessment Act 1979* remains in force. In the event Section 80A (10B)-(10E) of the *Environmental Planning and Assessment Act 1979* is repealed or amended in such a way so as to prevent a review of the extended trading hours, the extended trading hours will cease to apply on the one year anniversary of this determination.
- (g) If the Council makes a decision to change reviewable condition 122 and:
 - (i) An appeal against that decision is lodged within 7days of service of the determination in respect of the decision; and
 - (ii) The appeal is prosecuted by the appellant with diligence then the operator may continue to trade during the extended hours until the Land and Environment Court has finally determined the appeal.

124. EVENTS / FUNCTIONS

Any events or functions at the Bondi Pavilion shall be subject to separate approval by Council's Properties and Facilities /Event Management Division.

Where relevant, agencies including but not limited to NSW Police, Transport NSW, Roads and Maritime Services, NSW Ambulance Service, Taxi Council are to be notified of the event.

125. DELIVERY OF GOODS

Loading and unloading of vehicles and delivery of goods to the land shall at all times be carried out within the loading area on-site. The area set aside for car parking as shown on the approved plans shall be used for the parking of vehicles and for no other purpose.

126. MAXIMUM PERSON CAPACITY

- (a) The approved person capacity for the premises shall be limited to the number approved by Council's Director, Planning, Environment and Regulatory (or delegate).
- (b) Management are responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in sub clause (a).

127. SIGNAGE TO BE DISPLAYED

- (a) Signage (in lettering not less than 15mm in height on a contrasting background) is to be erected in a prominent position near the main principle entry/ies to the premises stating the maximum number of persons, and approved hours (for each area) as specified in this development consent, that are permitted in the building.

- (b) Signage (in lettering not less than 15mm 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

- (c) Signage specified in sub clauses (a) and (b) is to be erected prior to the commencement of operations.

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

The POM dated 13 March 2019 accompanying this Development Application has not been approved by this consent.

The POM shall be amended or a new POM submitted which includes details of all operational and management procedures of the Bond Pavilion. The POM shall include, but is not limited to:

- (a) Its amenity within the neighbourhood of the Pavilion;
- (b) Venue Management Plan (relating to patron capacity, approved hours of operation, any trial periods, noise conditions, handling of complaints, staffing roles and responsibilities)
- (c) Security Management Plan (relating to tasking and deployment of security personnel, patrons within the premises and their exit and dispersal from the area, and other such operational matters to ensure compliance with relevant regulatory requirements)
- (d) Alcohol Management Plan (relating to the behavior of patrons, liquor practices, including the responsible service of alcohol)
- (e) Compliance with conditions (relating to patron capacity, approved hours of operation, any trial periods, noise conditions, handling of complaints);
- (f) The behaviour of patrons;
- (g) Management of patrons within the site and their exit and dispersal from the area;
- (h) Waste management practices;
- (i) Event/function management,
- (j) Hours of operation for individual uses within the Community Facility;
- (k) For any proposed liquor licensed activity that shall be no internal communication between licensed premises / events / functions. That is, if commercial tenancies are operating that are licensed and then an event is proposed for the courtyard area, patrons require the ability to use egress pathways that do not pass through other licensed areas. In this regard the ability must exist for the various proposed spaces to be self contained and manage egress from the site into common egress pathways or directly out of the building. This is important so that clear distinction can be made as to the differing operational practices and that one business is not impacted by other uses taking place at the site. and
- (l) Any other such operational matters to ensure compliance with relevant regulatory requirements.

Additionally, the POM will address management of the first-floor theatre space in accordance with the following conditions:

- (a) The audience capacity of the theatre space;
- (b) Hours of operation are to be between 7:00am to 11:00pm;

- (c) Extended hours of operation between 6:00am to 12.00am (midnight) are limited to a maximum of 52 occurrences a year;
- (d) Infrequent 24-hour operation of the theatre spaces is restricted to 12 occurrences per year.

The POM shall be approved by Council's Director, Planning, Environment and Regulatory (or delegate) prior to the commencement of operations of works approved in this consent.

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

- (a) The operation and management of the premises shall be in accordance with a POM approved by Council.
- (b) The approved POM shall be filed with Council and the Local Police Area Command prior to the commencement of operations
- (c) If, in circumstances where better management or improved amenity outcomes can be achieved by amendments to this POM, any such amendments shall be made in consultation with NSW Police. The updated POM is to be provided to Council and the Police.
- (d) An independent review of the Plan of Management may be undertaken by the Council or the NSW Police upon providing the applicant or owner with written notice.

130. SECURITY MANAGEMENT PLAN

Security is to be undertaken in accordance with the approved Security Management Plan within the approved Plan of Management. Any modifications to security procedures is to be updated in the plan of management and a copy provided to Council and NSW Police for their records.

131. COPIES OF CONSENTS AND MANAGEMENT PLANS

A full copy of all current development consents (including approved plans) for the operation of the site, any Registers required and any required Plan of Managements must be kept on the site and made available for inspection immediately upon request by Council Officers, Police Officers and/or OLGR Authorised Officers.

132. FIRE SAFETY MAINTENANCE

Access to all essential fire safety measures, such as fire hydrants, fire hose reels, portable fire extinguishers and the like must be maintained at all times and not be blocked or obstructed by furniture, equipment or the like.

133. EMERGENCY EVACUATION PLANS

- (a) An ***emergency evacuation plan*** must be prepared, maintained and implemented for tenancy in accordance with the requirements of AS3745.
- (b) An ***emergency evacuation plan*** must specify the following:
 - i. The location of all exits, and fire protection and safety equipment, for all parts of the tenancy,
 - ii. The number of any fire safety officers that are to be present during performances,

- iii. How the patrons are to be evacuated from the building in the event of a fire or other emergency.
- (c) Any fire safety officers appointed to be present must have appropriate training in evacuating persons from the building in the event of a fire or other emergency.

134. NITRATE FILMS

The use of nitrate films on the Pavilion site is prohibited.

135. STAGE MANAGEMENT

During a stage performance in the theatre space, there must be at least one suitably trained person in attendance in the stage area at all times for the purpose of operating, whenever necessary, any proscenium safety curtain, drencher system and smoke exhaust system.

136. PROSCENIUM SAFETY CURTAINS

If a proscenium safety curtain is installed at the theatre space:

- (a) There must be no obstruction to the opening or closing of the safety curtain; and
- (b) The safety curtain must be operable at all times.

137. PROJECTION SUITES

- (a) When a film is being screened at the Pavilion, at least one person trained in the operation of the projectors being used and in the use of the fire fighting equipment provided in the room where the projectors are installed (the projection room) must be in attendance at the entertainment venue.
- (b) If the projection room is not fitted with automatic fire suppression equipment and a smoke detection system, in accordance with the Building Code of Australia, the person required by subclause (2) to be in attendance must be in the projection suite in which the projection room is located during the screening of a film.
- (c) No member of the public is to be present in the projection suite during the screening of a film.

138. AIR EMISSIONS

The use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act 1997*. No injury being caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particulate matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

139. INTRUDER ALARM

- (a) The premises shall be fitted with an Intruder alarm system that has been designed and installed to the Australian Standard (Domestic and Commercial Alarm Systems).
- (b) A duress facility should be incorporated into the system to enable staff to activate the system manually in the event of an emergency, such as a robbery.

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

140. 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.

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 minutes.

- (b) 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.
- (c) 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.

141. NOISE EMISSIONS

The use of the Pavilion 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.

142. NOISE FROM SPEAKERS

All speakers shall:

- (a) be placed on anti-vibration mountings;
- (b) be completely independent of the building structure (particularly where there
- (c) is a residential portion in the building); and
- (d) be positioned so noise does not emanate in the direction of residential premises.

143. NOISE COMPLAINTS

If, during on-going use of the premises, substantiated complaints of breaches of noise emission conditions and/or the *Protection of the Environment Operations Act 1997* occur, an acoustic report assessing the impact of the operation will be required to be carried out by a suitably

qualified acoustic consultant. The report is to be submitted to the satisfaction of Council's Health Compliance Unit within 60 days of written request. The investigation shall include, but not be limited to:

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

144. LIQUOR SALE / SUPPLY / CONSUMPTION

- (a) No liquor may be sold, supplied or consumed on the premises except with the approval and authorisation from the relevant Liquor Authority.
- (b) The operator may adhere to any reasonable NSW Police instruction or
- (c) The sale and/or supply of liquor must cease 15 minutes prior to the cessation of the respective hours of operation for the specified indoor and outdoor seating areas (unless otherwise directed by NSW Police).
- (d) No patron shall be permitted to take glasses or open containers of liquor off the premises.

145. LIQUOR LICENSE PREMISES (LAB CRITERIA)

- (a) The LA10 noise level emitted from the licensed premises shall not exceed the LA90 background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7:00am and midnight at the boundary of any affected residence.
- (b) The LA10 noise level emitted from the licensed premises shall not exceed the LA90 background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between midnight and 7:00am at the boundary of any affected residence.
- (c) The LA10 noise level emitted from the licensed premises shall not exceed the LA90 background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) at any time within any habitable room of any affected residence.

- (d) Notwithstanding compliance with the above, the noise emitted from the licensed premises shall not be audible within any habitable room of any affected residence between the hours of midnight and 7:00am.

NOTE: Where this condition is inconsistent with the requirements imposed by the governing Liquor Authority, the more stringent conditions shall prevail.

'affected residence' includes a lot in the strata scheme or any other strata scheme, premises for short-term accommodation and hospitals.

'boundary' includes any window or elevated window of an affected residence.

The 'LA10' may be taken as the average maximum A-weighted Fast Response sound level emitted from the premises.

The 'LA90' shall be measured in the absence of any noise from the premises (including mechanical plant noise).

When measuring noise levels inside a habitable room of an affected residence pursuant to sub-clause (c.) above, noise levels shall be measured with external windows and doors of the affected residence closed. Any air-conditioning or mechanical ventilation systems servicing the affected residence shall not be operating during the measurement other than that required to satisfy the ventilation provisions of the Building Code of Australia (NCC).

Terms in this clause shall have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

146. 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 kept at the premises 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.

147. SURVEILLANCE CAMERAS TO BE MAINTAINED ON THE PREMISES

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

- (a) Internal cameras must record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously at all times),
- (b) External cameras must operate continuously;
- (c) It must record in digital format and at a minimum of 15 frames per second,
- (d) Any recorded image must specify the time and date of the image;
- (e) The system's cameras must cover:
 - (i) all entry and exit points of the premises,
 - (ii) internal courtyard,
 - (iii) the footpath immediately adjacent to the premises,
 - (iv) any front, side and rear access points to the premises, and
 - (v) all publicly accessible areas (other than toilets) on the premises.
- (f) Cameras must have the ability to record viewable footage in low light environments;
- (g) Any cameras monitoring the entry and exit points of the premises, shall provide recorded images in which the picture quality and detail is sufficient to enable the identity of person/s to be established.
- (h) CCTV recordings must be retained for at least 30 days.
- (i) Signage shall be clearly displayed adjacent to the principal entry alerting persons entering the premises that CCTV is in operation.
- (j) Ensure that at least one member of staff is on the premises at all times the premises is trading who is able to access and fully operate the system, including downloading and producing recordings of CCTV footage.
- (k) Provide any recordings made by the system to an Authorised Council or Police Officer within 24 hours of any request by an Authorised Council or Police Officer to provide such recordings.

148. MAINTENANCE OF WATER TREATMENT DEVICES

All waste water and stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the *Protection of the Environment Operations Act 1997*.

149. LOCATION OF GREASE TRAP

Grease traps are 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.

The provision of grease traps to dispose 320L per day of waste oil must be approved by Sydney Water.

Note: Sydney Water also have requirements for grease arrestors that you need to comply with.

150. WASTE AND RECYCLING STORAGE AND COLLECTION

The proposal must have minimum storage space capable of accommodating the following:

- **Commercial:**
 - 1 x 10m³ compactor for waste 5:1 compaction ratio
 - 1 x 10m³ compactor for comingled recycling – compaction ration dependant on recycling service contract requirements.
 - Bulky storage space with area allocated for kegs, milk/bread crates, cardboard and/or packaging and clearly marked on the drawings
 - Include a monitoring program post-construction to monitor the frequency of collections to ensure minimal excess waste/litter issues and adjust frequency of collection accordingly.
-
- (a) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B of Waverley Council Development Control Plan 2012. All waste and recycling storage rooms must be graded and drained to the sewerage system and approved by Sydney Water.
 - (b) A waste service compartment (waste and recycling area) is to be provided on each floor of the building and have sufficient capacity to store at least 1 day's volume of waste and recycling likely to be generated on that floor.
 - (c) The proposal must have a system for the convenient transportation of waste and recyclables to the communal waste and recycling storage area (i.e. service lift dedicated for the transportation of waste).
 - (d) 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.
 - (e) Waste storage space is to be designed with flexibility to accommodate a future change in use to a use with a higher waste generation rate.
 - (f) Kitchens, office tea rooms, and the like are to be designed with sufficient space for the interim storage of recyclable, organic and regular waste in separate receptacles.
 - (g) Sufficient space must be allocated within the building for the storage of reusable items such as crates, kegs, bulky cardboard and pallets that is off the public domain.
 - (h) Separate space must be allocated for the storage of liquid wastes and oils etc. The liquid waste storage areas must be undercover, bunded and drained to a grease trap. The area must be underground or within the building.
 - (i) Liquid waste (including waste oil) from grease traps must only be removed by licensed contractors approved by Sydney Water and NSW EPA.

- (j) All new developments are to provide adequate storage for waste to accommodate future change of uses including grease traps.
- (k) All businesses at this development must have written evidence, held on-site, of a valid and current contract with a licensed collector of waste and recycling.
- (l) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (m) All waste and recycling receptacles are to be collected onsite. The storage and/or presentation of bins on the kerbside on public land and kerbside is not permitted at any time.
- (n) Organic waste should be either treated in a composting or worm farming system or stored in a Council approved bin or skip (refer to Annexure B1-5).
- (o) The transport schedule for transporting waste and recycling from the commercial tenants to the WSRA and cleaning of receptacles needs to be specified in contracts with tenants, cleaners, and building manager so as not to interfere with activities and events occurring in the Bondi Pavilion open space.
- (p) The building manager is required to implement a monitoring and evaluation program with clear Key Performance Indicators and measures to assess the efficiency of the waste and recycling compactors and cardboard baler, and identify optimal frequency and time of collections particularly during the summer peak times.
- (q) The road access and turning radius for the hook-lift truck that will service the waste and recycling compactors must be approved by Council's traffic engineer.
- (r) The grease traps must be constructed, approved, and the trade waste management contracts finalised with Sydney Waster prior to any tenant occupancy.

151. DISPLAY OF WASTE MANAGEMENT PLAN

Tenants shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan shall be displayed in a secure, visible and accessible position within or adjacent to the waste storage area. The approved Waste Management Plan must be complied with at all times during occupation.

152. RECYCLING OF WASTE PAPER

The operator of the business shall ensure that waste paper is recycled. In this regard, the operator shall make arrangements with the owner to transfer paper for recycling to the recycling room for removal by a recycling agent.

153. UMBRELLA SHADE STRUCTURES

The type of umbrellas for the promenade dining area is to be consistent with MDT-Tex Architectural Line document received by Council on 12 September 2019.

The presentation and number of umbrellas is to be consistent with the Shade Structure drawings prepared by TZG on 19 August 2019 and received by Council 2019.

Additional shade structures are not permitted without development consent.

154. STORAGE OF DANGEROUS GOODS

Details of the exact nature, quantity, location, method of storage and packing of any material covered by the *Dangerous Goods Act 1975*, being submitted to WorkCover NSW in accordance with their requirements.

155. STORAGE OF CHEMICALS

All chemicals shall be stored in accordance with the requirements of NSW Work Cover Authority.

156. DISPOSAL OF LIQUID WASTES

All liquid wastes, are to be 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)*.

157. WATER PROTECTION

The operation of the premises shall be conducted in a manner which does not pollute waters as defined by the *Protection of the Environment Operations Act 1997*.

158. BUILDING IDENTIFICATION ZONES

No advertising signs or notices are to be affixed to the windows of the premises.

159. SEPARATE APPLICATION FOR SIGNAGE

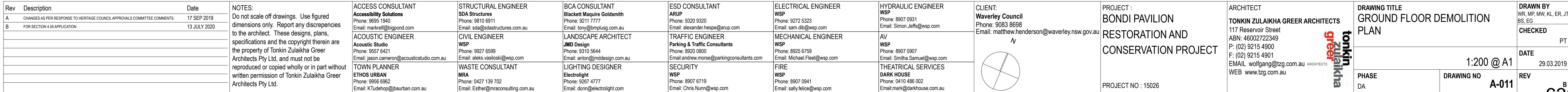
Any proposed advertising structures to be displayed at the premises are to be subject to a separate development application to and approval from Council.

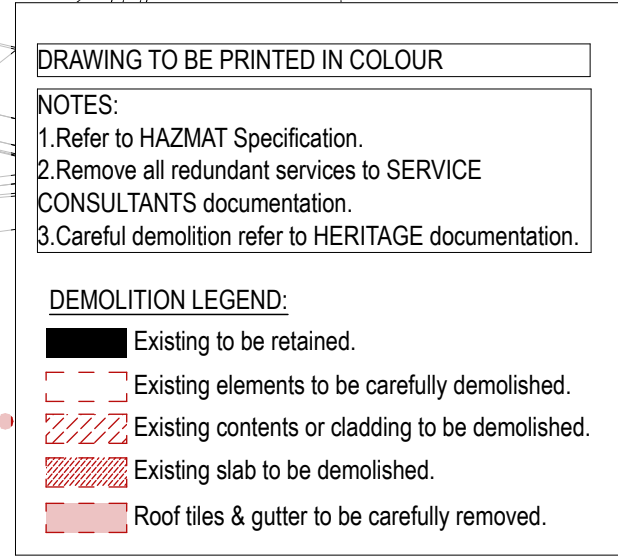
160. NO SIGNS OR GOODS ON PUBLIC AREA

Portable signs or goods for sale or display must not be placed on the footway or other public areas, without the prior approval of Council.

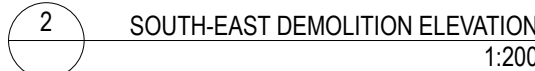
161. AMUSEMENT MACHINES & THE LIKE






The installation of jukeboxes, pinball machines, pool tables or similar amusement machines will not be permitted without the written consent of Council.

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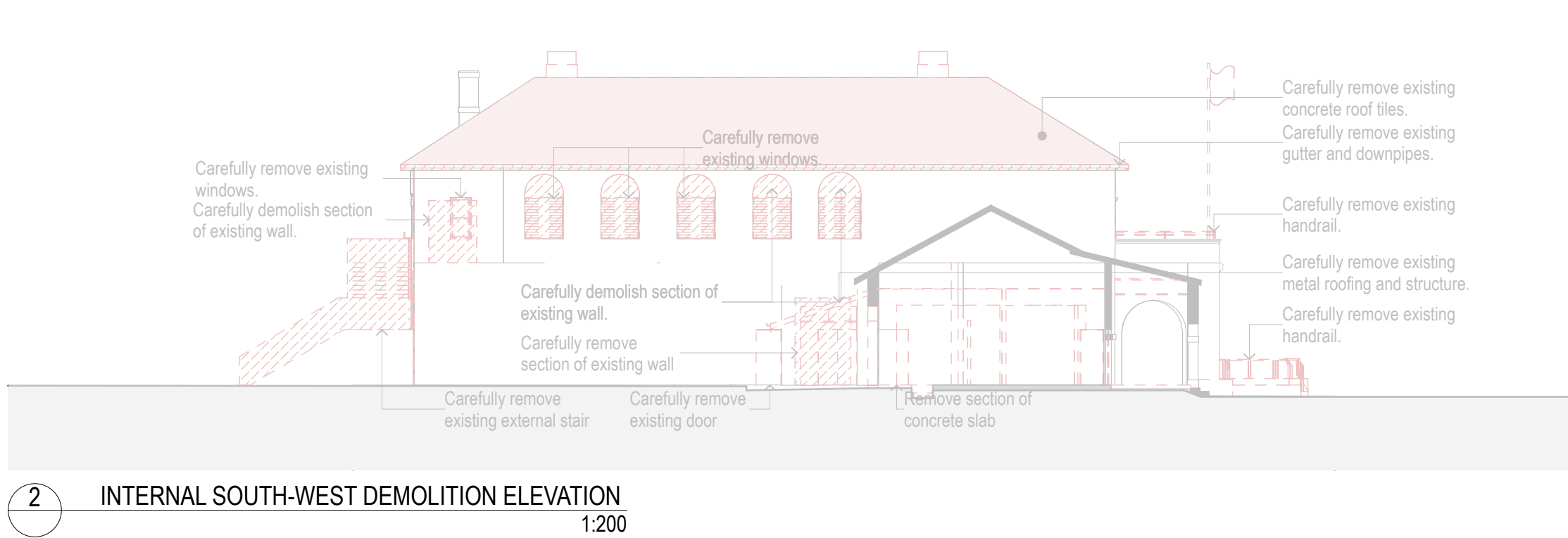
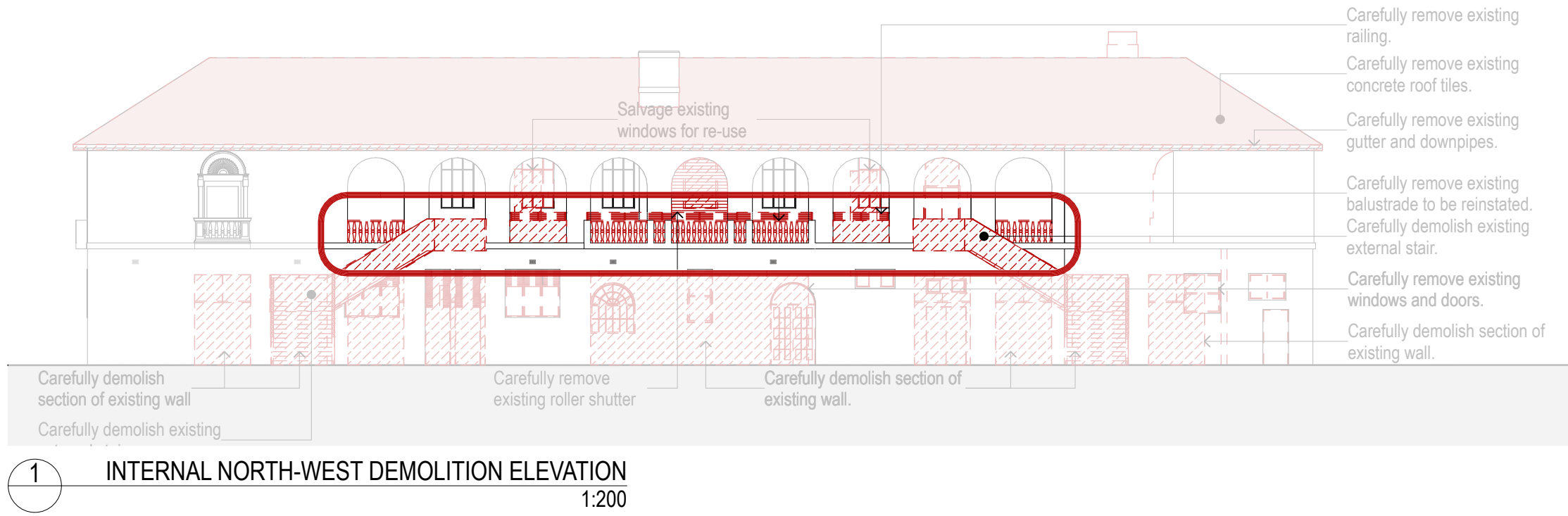


A	Rev Description	Date	NOTES: Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect. These designs, plans, specifications and the copyright therein are the property of Tonkin Zulaika Greer Architects Pty Ltd, and must not be reproduced or copied wholly or in part without written permission of Tonkin Zulaika Greer Architects Pty Ltd.	ACCESS CONSULTANT Accessibility Solutions Phone: 9695 1040 Email: marvelli@spssond.com.au	STRUCTURAL ENGINEER SDA Structures Phone: 9810 6911 Email: sda@sdastuctures.com.au	BCA CONSULTANT Blackett Maquire Goldsmith ARUP Phone: 9320 9320 Email: alexander.heslop@arup.com Email: tony@cmplug.com.au	ESD CONSULTANT TRAFFIC ENGINEERING Phone: 9272 5323 Email: Simon.Jeffs@wsp.com	ELECTRICAL ENGINEER WSP Phone: 9272 5323 Email: m.wenderson@waverley.nsw.gov.au	HYDRAULIC ENGINEER AV WSP Phone: 8907 0831 Email: Simon.Jeffs@wsp.com	CIENT: Waverley Council Phone: 9083 8698 Email: Matthew.Henderson@waverley.nsw.gov.au	PROJECT : BONDI PAVILION RESTORATION AND CONSERVATION PROJECT	ARCHITECT Tonkin Zulaika Greer ARCHITECTS 117 Reservoir Street ABN: 46002723349 P: (02) 9215 4900 F: (02) 9215 4901 EMAIL: wolfgang@tzig.com.au WEB www.tzig.com.au	DRAWING TITLE FIRST FLOOR DEMOLITION PLAN	DRAWN BY WR, MP, MW, KL, ER, JT, BS, EG	CHECKED	PT	DATE 29.03.2019	
B	CHANGES AS PER RESPONSE TO HERITAGE COUNCIL APPROVALS COMMITTEE COMMENTS FOR SECTION 4.3 APPLICATION	17 SEP 2019 13 JULY 2020		ACOUSTIC ENGINEER Acoustic Studio Phone: 9557 6421 Email: jason.cameron@acousticsstudio.com.au	CIVIL ENGINEER JMD DESIGN Phone: 9927 6599 Email: aleks.vasiloski@wsp.com	LANDSCAPE ARCHITECT Parking & Traffic Consultants Phone: 8925 0544 Email: anton@jmdesign.com.au	Mechanical Engineer WSP Phone: 8925 6759 Email: Michael.Fleet@wsp.com	MECHANICAL ENGINEER WSP Phone: 8907 0907 Email: Smitha.Samuel@wsp.com						PHASE DA	DRAWING NO A-012	REV C	DATE 29.03.2019	SCALE 1:200 @ A1



-  Existing to be retained.
-  Existing elements to be carefully demolished.
-  Existing contents or cladding to be demolished.
-  Existing slab to be demolished.
-  Roof tiles & gutter to be carefully removed.

634^A

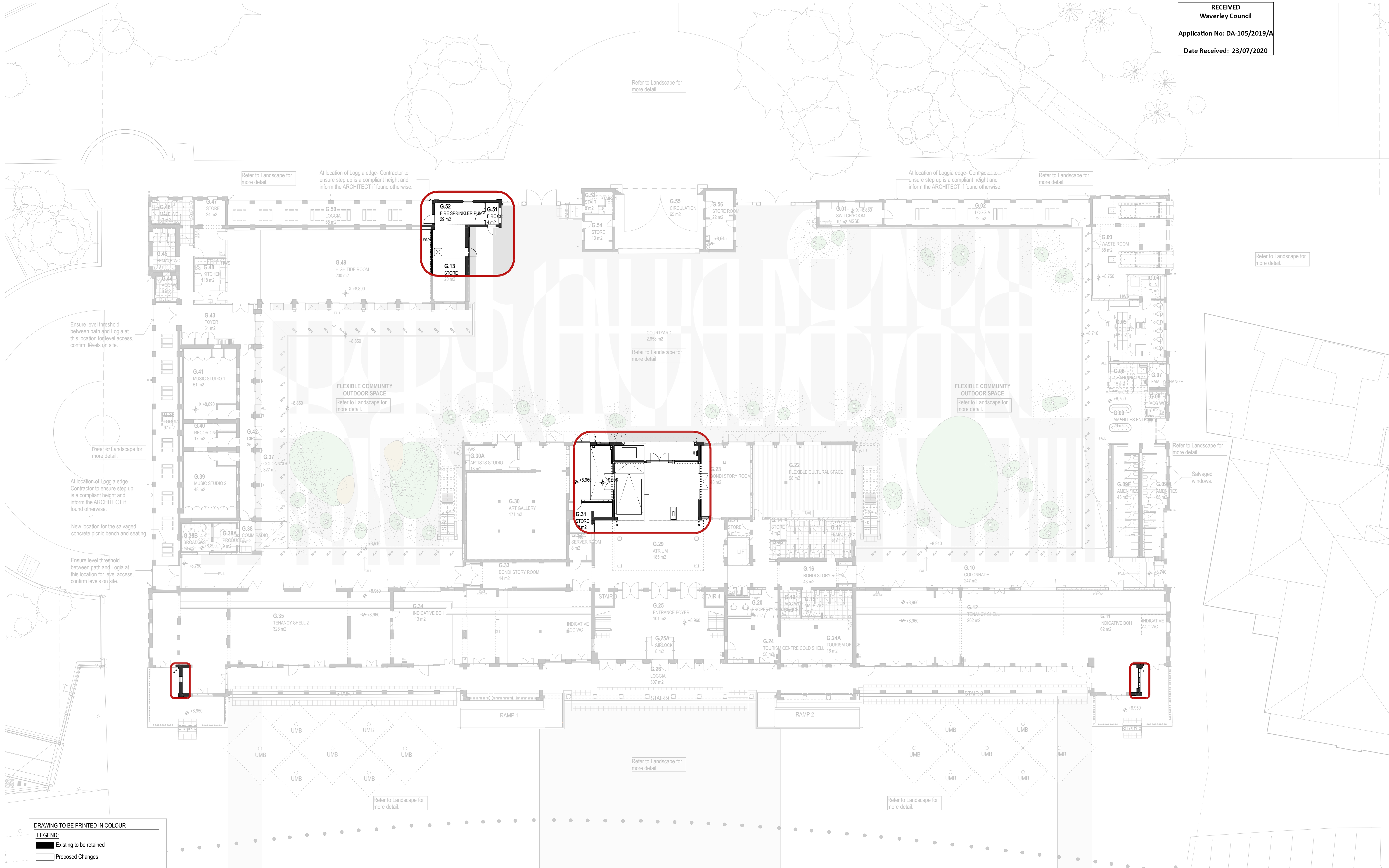


DRAWING TO BE PRINTED IN COLOUR

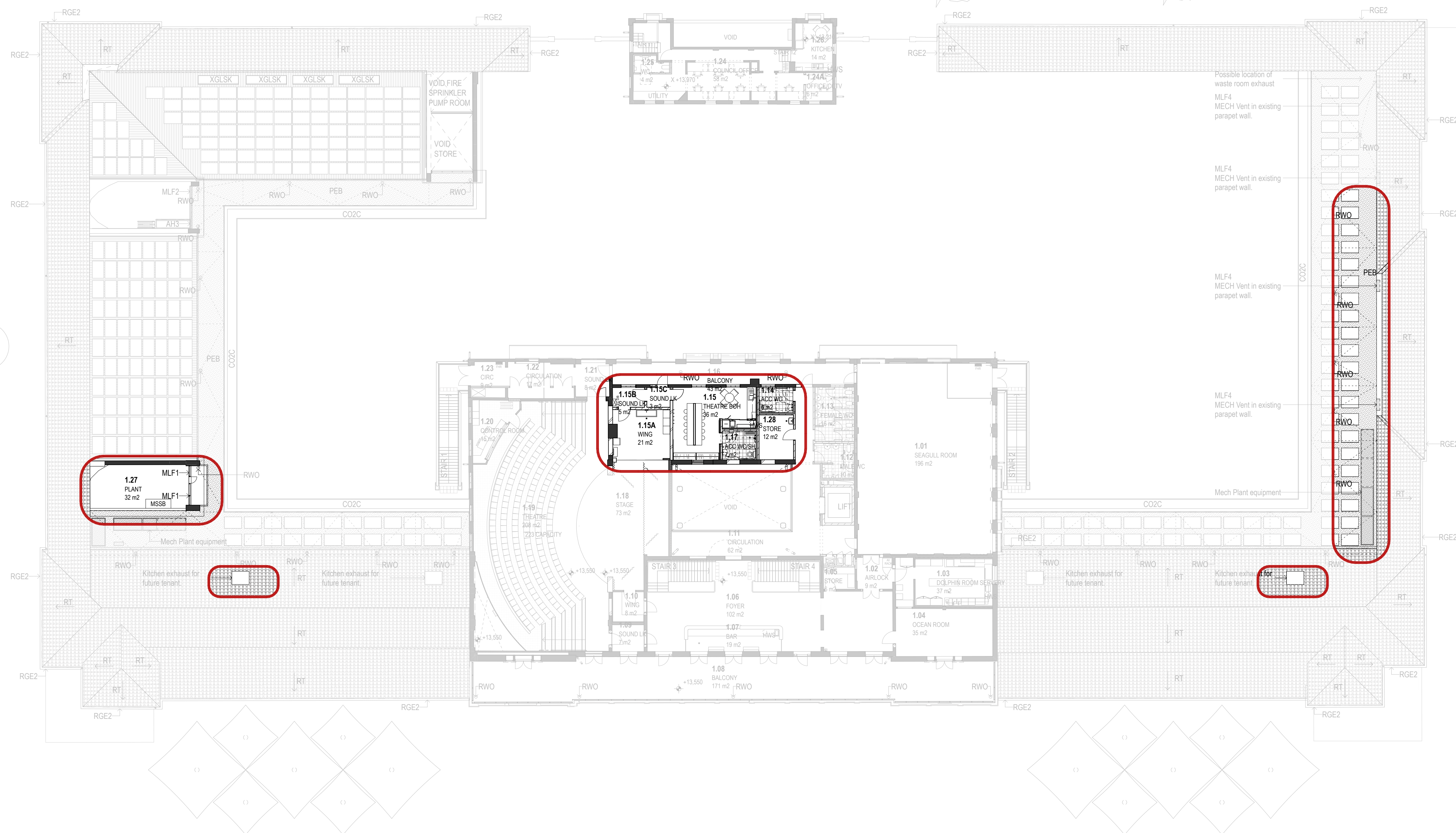
NOTES:
1.Refer to HAZMAT Specification.
2.Remove all redundant services to SERVICE CONSULTANTS documentation.
3.Careful demolition refer to HERITAGE documentation.

DEMOLITION LEGEND:
Existing to be retained.
Existing elements to be carefully demolished.
Existing contents or cladding to be demolished.
Existing slab to be demolished.
Roof tiles & gutter to be carefully removed.

Description		Date	NOTES: Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect. These designs, plans, specifications and the copyright therein are the property of Tonkin Zulaikha Greer Architects Pty Ltd, and must not be reproduced or copied wholly or in part without written permission of Tonkin Zulaikha Greer Architects Pty Ltd.	ACCESS CONSULTANT Accessibility Solutions Phone: 9695 1940 Email: markrell@bigpond.com	STRUCTURAL ENGINEER SDA Structures Phone: 9810 6911 Email: sda@sdastructures.com.au	BCA CONSULTANT Blackett Maquire Goldsmith Phone: 9211 7777 Email: tony@bmplusg.com.au	ESD CONSULTANT ARUP Phone: 9320 9320 Email: alexander.hespe@arup.com	ELECTRICAL ENGINEER WSP Phone: 9272 5323 Email: sam.dit@wsp.com	HYDRAULIC ENGINEER WSP Phone: 8907 0931 Email: Simon.Jeffs@wsp.com	CLIENT: Waverley Council Phone: 9083 8698 Email: matthew.henderson@waverley.nsw.gov.au	PROJECT : BONDI PAVILION RESTORATION AND CONSERVATION PROJECT PROJECT NO : 15026	ARCHITECT TONKIN ZULAIKHA GREER ARCHITECTS 117 Reservoir Street ABN: 46002722349 P: (02) 9215 4900 F: (02) 9215 4901 EMAIL: wolfgang@tzg.com.au WEB: www.tzg.com.au	DRAWING TITLE INTERNAL ELEVATIONS DEMOLITION 1:200 @ A1	DRAWN BY WR, MP, MW, KL, ER, JT, BS, EG CHECKED PT DATE 29.03.2019
A	CHANGES AS PER RESPONSE TO HERITAGE COUNCIL APPROVALS COMMITTEE COMMENTS.	17 SEP 2019		ACOUSTIC ENGINEER Acoustic Studio Phone: 9557 6421 Email: jason.cameron@acousticiostudio.com.au	CIVIL ENGINEER WSP Phone: 9927 6599 Email: anton@wsp.com	LANDSCAPE ARCHITECT JMD Design Phone: 9310 5644 Email: anton@jmdesign.com.au	TRAFFIC ENGINEER Parking & Traffic Consultants Phone: 8920 0800 Email: andrew.morse@parkingconsultants.com	MECHANICAL ENGINEER WSP Phone: 8925 6759 Email: Michael.Fleet@wsp.com	AV WSP Phone: 8907 0907 Email: Smitha.Samuel@wsp.com					
B	FOR SECTION 4.55 APPLICATION	13 JULY 2020		TOWN PLANNER ETHOS URBAN Phone: 9956 6962 Email: KTudehop@baurban.com.au	WASTE CONSULTANT MRA Phone: 0427 139 702 Email: Esther@mraconsulting.com.au	LIGHTING DESIGNER Electrolight Phone: 9267 4777 Email: doni@electrolight.com	SECURITY WSP Phone: 8907 6719 Email: Chris.Nunn@wsp.com	FIRE WSP Phone: 8907 0941 Email: sally.felice@wsp.com	THEATRICAL SERVICES DARK HOUSE Phone: 0410 486 002 Email: mark@darkhouse.com.au					
				tonkin zulaikha greer architects										
			PHASE DA	DRAWING NO A-015	REV									



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A	CHANGES AS PER RESPONSE TO HERITAGE COUNCIL APPROVALS COMMITTEE COMMENTS.	17 SEP 2019		ACOUSTIC ENGINEER Acoustic Studio Phone: 9557 6421 Email: jason.cameron@acousticsstudio.com.au	CIVIL ENGINEER WSP Phone: 9927 6699 Email: alexs.vasiloski@wsp.com	LANDSCAPE ARCHITECT JMD DESIGN Phone: 9310 5644 Email: anton@jmdesign.com.au	TRAFFIC ENGINEER Parking & Traffic Consultants Phone: 8920 0800 Email: andrew.morse@parkingconsultants.com	MECHANICAL ENGINEER WSP Phone: 8926 6759 Email: Michael.Fleet@wsp.com	AV WSP Phone: 8907 0907 Email: Smitha.Samuel@wsp.com		PROJECT NO : 15026	tonkin zulaikha greer architects	1:200 @ A1	DATE 29.03.2019	
B	FOR SECTION 4.55 APPLICATION	13 JULY 2020		TOWN PLANNER ETHOS URBAN Phone: 9956 6962 Email: KTudehop@baurban.com.au	WASTE CONSULTANT MRA Phone: 0427 139 702 Email: Esther@mraconsulting.com.au	LIGHTING DESIGNER Electrolight Phone: 9267 4777 Email: doni@electrolight.com	SECURITY WSP Phone: 8907 6719 Email: Chris.Nunn@wsp.com	FIRE WSP Phone: 8907 0941 Email: sally.felice@wsp.com	THEATRICAL SERVICES DARK HOUSE Phone: 0410 486 002 Email: mark@darkhouse.com.au						
													PHASE DA	DRAWING NO A-102	REV B




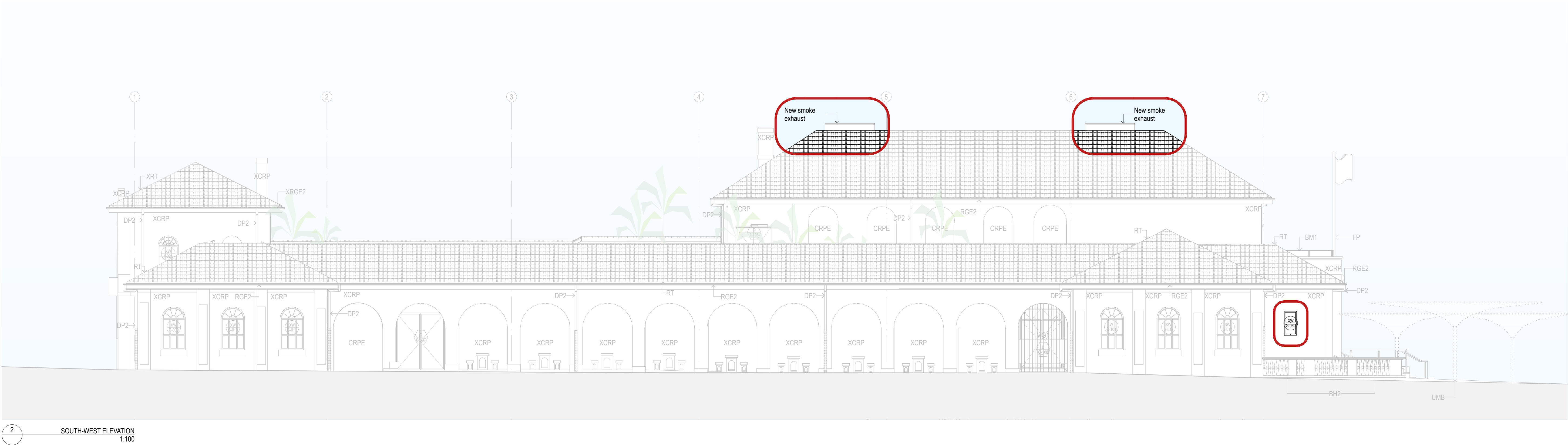
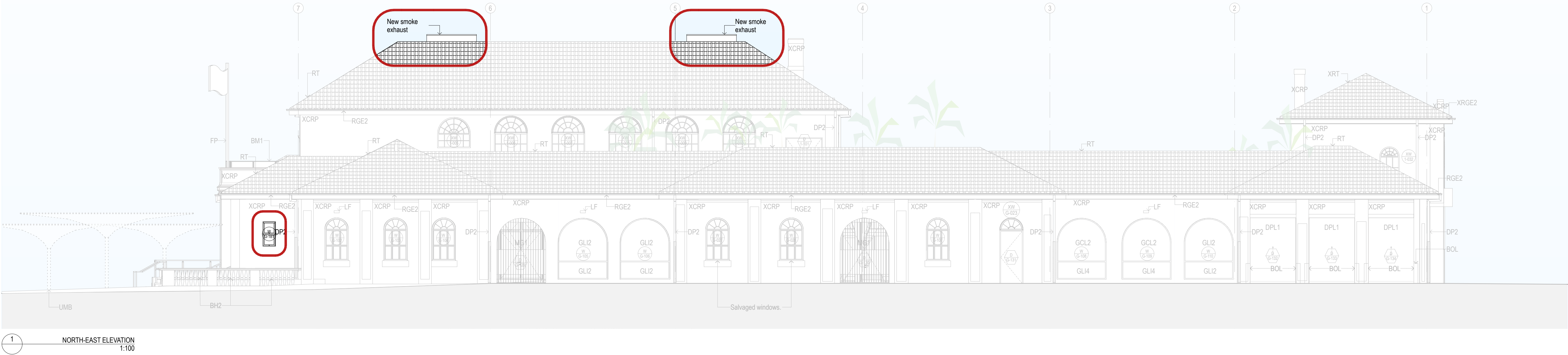
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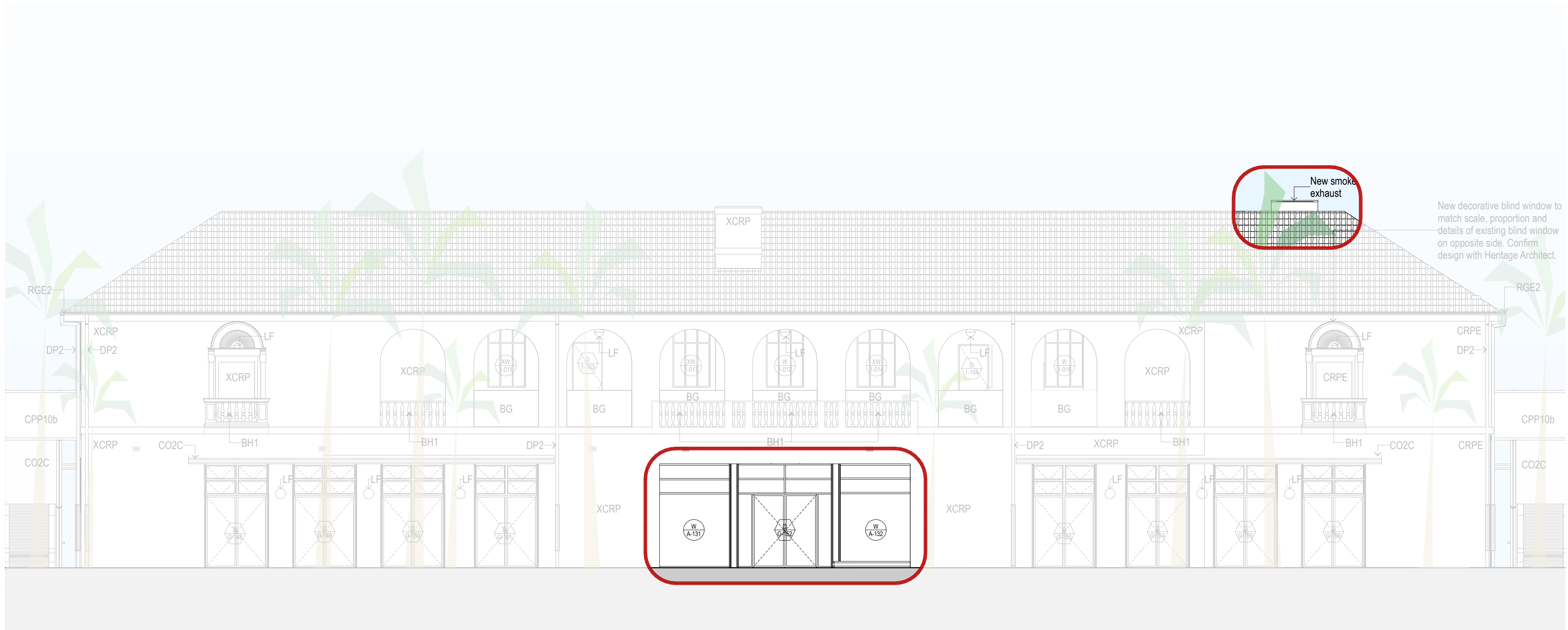
Existing to be retained

☐ Proposed Changes

A	Description CHANGES AS PER RESPONSE TO HERITAGE COUNCIL APPROVALS COMMITTEE COMMENTS.	Date 17 SEP 2019
B	FOR SECTION 4.56 APPLICATION	13 JULY 2020
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WASTE DESIGNANT MIRA Phone: 9427 139 702 Email: Esther@miraconsulting.com.au		
STRUCTURAL ENGINEER SDA Structures Phone: 9810 6911 Email: sda@sdastructures.com.au		
CIVIL ENGINEER JMD Design Phone: 9927 6599 Email: aleks.vasiloski@wsp.com		
LANDSCAPE ARCHITECT Landscape Design Phone: 9310 5644 Email: anton@lmdesign.com.au		
LIGHTING CONSULTANT Electrolight Phone: 9287 4777 Email: domi@electrolight.com		
BCA CONSULTANT Blackett Maquire Goldsmith Phone: 9211 7777 Email: tony@bmqlsgroup.com.au		
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TRAFFIC ENGINEERING Parking & Traffic Consultants Phone: 9920 0900 Email: andrew.morse@parkingsconsultants.com		
SECURITY VSP Phone: 9907 6719 Email: Chris.Nunn@vsp.com		
ELECTRICAL ENGINEER Blackett Maquire Goldsmith Phone: 9272 5323 Email: sam.daly@wsp.com		
MECHANICAL ENGINEER JMD Design Phone: 9925 6759 Email: Michael.Fleet@wsp.com		
AV VSP Phone: 9907 0907 Email: Smitia.Samuel@wsp.com		
THEATRICAL SERVICES DARK HOUSE Phone: 0410 436 002 Email: mark@dardhouse.com.au		
HYDRAULIC ENGINEER WSP Phone: 9907 0931 Email: Simon.Jeffes@wsp.com		
CLIENT: Waverley Council Phone: 9083 8698 Email: matthew.henderson@waverley.nsw.gov.au		
		
PROJECT : BONDI PAVILION RESTORATION AND CONSERVATION PROJECT		
ARCHITECT Tonkin Zulaikha GREER ARCHITECTS 117 Reservoir Street ABN: 46002722349 P: (02) 9215 4900 F: (02) 9215 4901 EMAIL: wolfgang@tzg.com.au WEB www.tzg.com.au		
DRAWING TITLE FIRST FLOOR PLAN		
DATE PT 29.03.2019		
SCALE 1:200 @ A1		
PHASE DA	DRAWING NO A-103	REV B



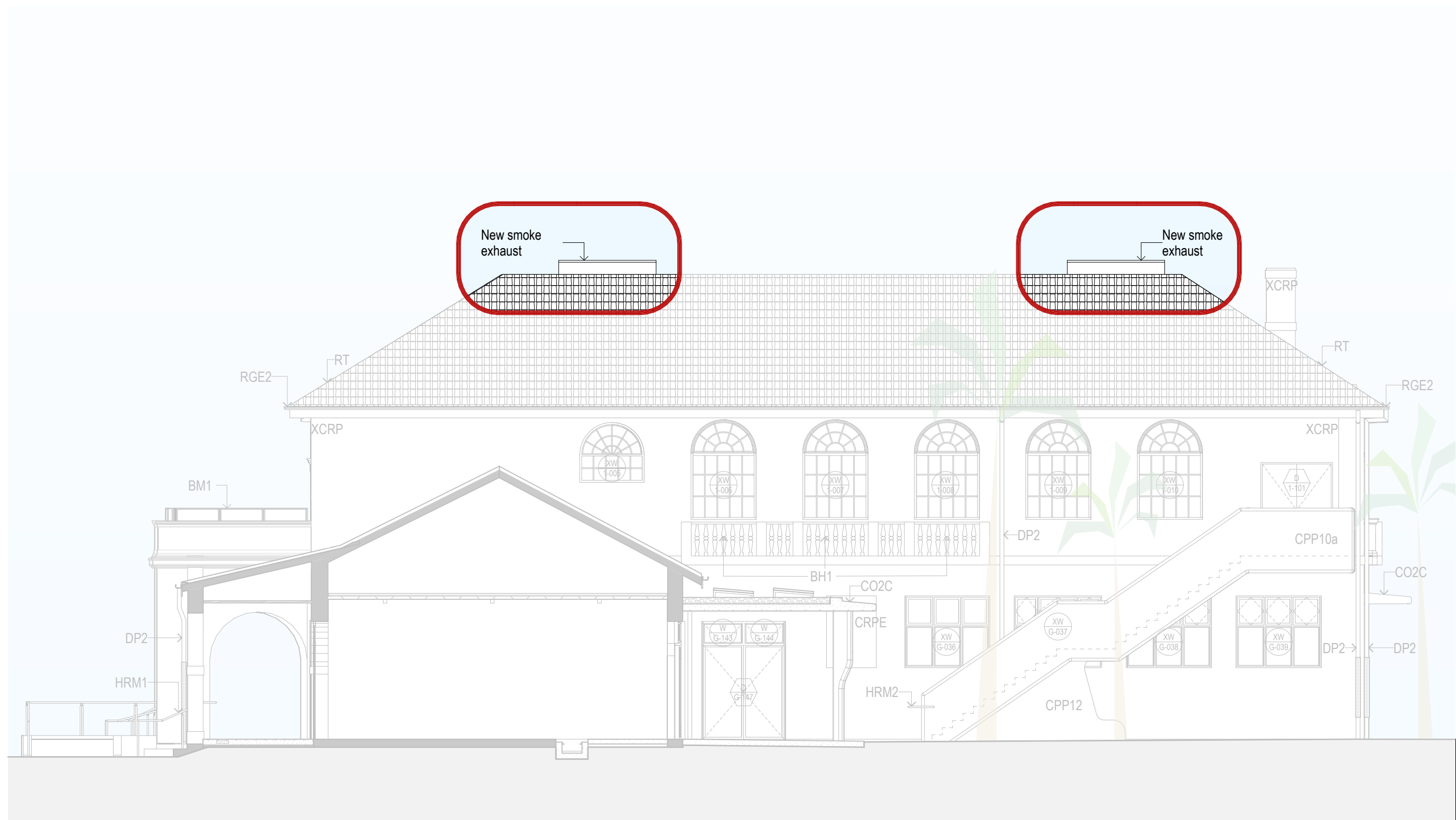
Rev	Description	Date	NOTES:	ACCESS CONSULTANT	STRUCTURAL ENGINEER	BCA CONSULTANT	ESD CONSULTANT	ELECTRICAL ENGINEER	HYDRAULIC ENGINEER	CLIENT:	PROJECT :	ARCHITECT	DRAWING TITLE	DRAWN BY	
A	FOR SECTION 4.55 APPLICATION	13 JULY 2020	Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect. These designs, plans, specifications and the copyright therein are the property of Tonkin Zulaikha Greer Architects Pty Ltd, and must not be reproduced or copied wholly or in part without written permission of Tonkin Zulaikha Greer Architects Pty Ltd.	Accessibility Solutions Phone: 9695 1940 Email: sda@bigpond.com	SDA Structures Phone: 9810 6911 Email: sda@sdastructures.com.au	Blackett Maquire Goldsmith Phone: 9211 7777 Email: alexander.hespe@gm.com.au	ARUP Phone: 9320 9320 Email: sam.dit@arup.com	WSP Phone: 9272 5323 Email: sam.dit@wsp.com	WSP Phone: 8907 0931 Email: Simon.Jeffs@wsp.com	Waverley Council Phone: 9083 8698 Email: matthew.henderson@waverley.nsw.gov.au	BONDI PAVILION RESTORATION AND CONSERVATION PROJECT	TONKIN ZULAIKHA GREER ARCHITECTS 117 Reservoir Street ABN: 46002722349 P: (02) 9215 4900 F: (02) 9215 4901 EMAIL: wolfgang@tzg.com.au WEB: www.tzg.com.au	NORTH-EAST & SOUTH-WEST ELEVATION	WR, MP, MW, KL, ER, JT, BS, EG	
				ACOUSTIC ENGINEER Acoustic Studio Phone: 9557 6421 Email: jason.cameron@acousticiostudio.com.au	CIVIL ENGINEER WSP Phone: 9927 6599 Email: aleks.vasloski@wsp.com	LANDSCAPE ARCHITECT JMD Design Phone: 9310 5644 Email: anton@jmdesign.com.au	TRAFFIC ENGINEER Parking & Traffic Consultants Phone: 9520 0800 Email: andrew.morse@parkingconsultants.com	MECHANICAL ENGINEER WSP Phone: 9925 6759 Email: Michael.Fleet@wsp.com	AV WSP Phone: 8907 0907 Email: Smitha.Samuel@wsp.com						
				TOWN PLANNER ETHOS URBAN Phone: 9956 6962 Email: KTudehop@baurban.com.au	WASTE CONSULTANT MRA Phone: 0427 139 702 Email: Esther@mraconsulting.com.au	LIGHTING DESIGNER Electrolight Phone: 9267 4777 Email: doni@electrolight.com	SECURITY WSP Phone: 8907 6719 Email: Chris.Nunn@wsp.com	FIRE WSP Phone: 8907 0941 Email: sally.felice@wsp.com	THEATRICAL SERVICES DARK HOUSE Phone: 0410 486 002 Email: mark@darkhouse.com.au						
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													1:100 @ A1	DATE 29.03.2019	CHECKED PT



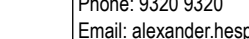
1 INTERNAL NORTH-WEST ELEVATION 1:100

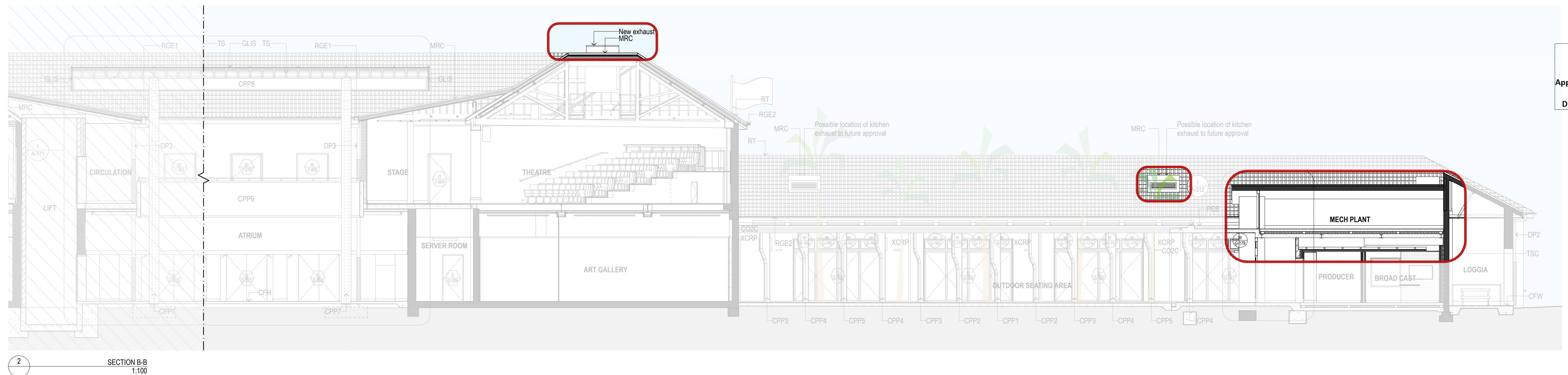


2 INTERNAL SOUTH-WEST ELEVATION 1:100



3 INTERNAL NORTH-EAST ELEVATION 1:100

Rev	Description	Date	NOTES:	ACCESS CONSULTANT	STRUCTURAL ENGINEER	BCA CONSULTANT	ESD CONSULTANT	ELECTRICAL ENGINEER	HYDRAULIC ENGINEER	CLIENT:	PROJECT :	ARCHITECT	DRAWING TITLE	DRAWN BY	
A	CHANGES AS PER RESPONSE TO HERITAGE COUNCIL APPROVALS COMMITTEE COMMENTS	17 SEP 2019	Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect. These designs, plans, specifications and the copyright therein are the property of Tonkin Zulaikha Greer Architects Pty Ltd, and must not be reproduced or copied wholly or in part without written permission of Tonkin Zulaikha Greer Architects Pty Ltd.	Accessibility Solutions Phone: 9695 1940 Email: marvell@agpsd.com	SDA Structures Phone: 9810 6911 Email: sda@sdastuctures.com.au	Goldsmith Phone: 9212 7777 Email: tom@tmplsg.com.au	ARUP Phone: 9320 9320 Email: alexander.hespe@arup.com	Blackett Maquire Goldsmith Phone: 9272 5323 Email: sam.davis@wsp.com	WSP Phone: 8907 0931 Email: Simon.Jeffs@wsp.com	Waverley Council Phone: 9083 8698 Email: matthew.henderson@waverley.nsw.gov.au	BONDI PAVILION	TONKIN ZULAIKHA GREER ARCHITECTS 117 Reservoir Street ABN: 46002722349 P: (02) 9215 4900 F: (02) 9216 4901 EMAIL: wolfgang@tzig.com.au #ARCHITECTS WEB: www.tzig.com.au	INTERNAL ELEVATIONS	WR, MP, MW, KL, ER, JT, BS, EG	
B	FOR SECTION 4.50 APPLICATION	13 JULY 2020		CIVIL ENGINEER Acoustic Studio Phone: 9557 6421 Email: jason.cameron@acousticstudio.com.au	CIVIL ENGINEER WSP Phone: 9927 6599 Email: aleks.vasloski@wsp.com	LANDSCAPE ARCHITECT JMD Design Phone: 8925 0844 Email: anton@jmdesign.com.au	Parking & Traffic Consultants Phone: 9310 0800 Email: andrew.morse@parkingconsultants.com	TRAFFIC ENGINEER WSP Phone: 8925 6759 Email: Michael.Fleet@wsp.com	MECHANICAL ENGINEER WSP Phone: 8907 0907 Email: Smitha.Samuel@wsp.com	AV WSP Phone: 8907 0907 Email: Smitha.Samuel@wsp.com	RESTORATION AND CONSERVATION PROJECT			1:100 @ A1	CHECKED
			WASTE CONSULTANT ETHOS URBAN Phone: 9585 6862 Email: KTudeshop@baurban.com.au	TOWN PLANNER MRA Phone: 0427 139 702 Email: KTudeshop@mraconsulting.com.au	LIGHTING DESIGNER Electrolight Phone: 9287 4777 Email: donn@electrolight.com	SECURITY WSP Phone: 8907 6719 Email: Chris.Nunn@wsp.com	FIRE WSP Phone: 8907 0941 Email: Sally.Felice@wsp.com	THEATRICAL SERVICES DARK HOUSE Phone: 0410 488 010 Email: mark@dardhouse.com.au			PROJECT NO : 15026		PHASE DA	DRAWING NO A-204	REV 2
													DATE 29.03.2019		



Rev	Description	Date	NOTES:	ACCESS CONSULTANT	STRUCTURAL ENGINEER	BCA CONSULTANT	ESD CONSULTANT	ELECTRICAL ENGINEER	HYDRAULIC ENGINEER	CLIENT:	PROJECT :	ARCHITECT	DRAWING TITLE	DRAWN BY	
A	FOR SECTION 4.5B APPLICATION	13 JULY 2020	Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect. These designs, plans, specifications and the copyright therein are the property of Tonkin Zulaikha Greer Architects Pty Ltd, and must not be reproduced or copied wholly or in part without written permission of Tonkin Zulaikha Greer Architects Pty Ltd.	Accessability Solutions Phone: 9695 1940 Email: info@wvllp.com	SDA Structures Phone: 9810 6911 Email: sda@sdastructures.com.au	Goldsmith Phone: 9211 7777 Email: alexander.hespe@wsp.com.au	ASRP Phone: 9320 9320 Email: sam.dunlop@wsp.com	Blackett Maquire Goldsmith Phone: 9272 5323 Email: sam.dunlop@wsp.com	WSP Phone: 8907 0631 Email: Simon.Jeffs@wsp.com	Waverley Council Phone: 9083 6698 Email: matthew.henderson@waverley.nsw.gov.au	BONDI PAVILION RESTORATION AND CONSERVATION PROJECT	TONKIN ZULAIKHA GREER ARCHITECTS 117 Reservoir Street ABN: 4600272349 P: (02) 9215 4900 F: (02) 9215 4901 EMAIL: wolfgang@tztg.com.au ^{#ARCHITECTS} WEB: www.tztg.com.au	SECTIONS A-A / B-B	WR, MR, MW, KL, ER, JT, BS, EG	
				ACOUSTIC ENGINEER Acoustic Studio Phone: 9557 6421 Email: jason.cameron@acousticstudio.com.au	CIVIL ENGINEER WSP Phone: 9927 6599 Email: aleks.vasiloski@wsp.com	LANDSCAPE ARCHITECT JMD Design Phone: 8925 6544 Email: anton@jmdesign.com	TRAFFIC ENGINEER Parking & Traffic Consultants Phone: 8920 0800 Email: andrew.morse@parkingconsultants.com	MECHANICAL ENGINEER WSP Phone: 8925 6759 Email: Michael.Fleet@wsp.com	AV WSP Phone: 8907 0907 Email: Smiths.Samuel@wsp.com			CHECKED	PT		
				WASTE PLANNER ETHOS URBAN Phone: 9585 6862 Email: KTudehop@baurban.com.au	TOWN PLANNER MIRA Phone: 0427 139 702 Email: Esther@miraconsulting.com.au	LIGHTING DESIGNER Electrolight Phone: 9287 4777 Email: donn@electrolight.com	SECURITY WSP Phone: 8907 6719 Email: Chris.Nunn@wsp.com	FIRE WSP Phone: 8907 0941 Email: sally.felice@darkhouse.com.au	THEATRICAL SERVICES DARK HOUSE Phone: 0410 446 002 Email: mark@darkhouse.com.au			1:100, 1:250 @ A1	29 03 2019		
											PROJECT NO : 15026		PHASE DA	DRAWING NO A-301	REV