



16 February 2022

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

12.00PM WEDNESDAY, 23 FEBRUARY 2022

QUORUM: Three Panel members.

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

AGENDA

WLPP-2202.A Apologies

WLPP-2202.DI Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-2202.1 PAGE 4 92 Ramsgate Avenue, BONDI BEACH NSW 2026 - Change of use from residential flat building to an attached dual occupancy including alterations and additions to basement car parking and facade treatments. (DA-385/2021)

Report dated 28 January from the Development and Building Unit.

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

WLPP-2202.2 PAGE 75 15/7 Francis Street, BONDI BEACH NSW 2026 - Alterations and additions including an attic addition to an existing apartment (apartment 15) within a Residential Flat Building (RFB). (DA-422/2021)

Report dated 11 February from the Development and Building Unit.

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

WLPP-2202.3 PAGE 119 PHILIP NURSING HOME, 319-321 Bronte Road, WAVERLEY NSW 2024 - Demolition of existing structures; and construction of a three storey boarding house to operate as a residential aged care hostel, containing 45 rooms and basement parking. (DA-94/2021)

Report dated 14 February from the Development and Building Unit.

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

WLPP-2202.4 PAGE 205 11 Gilgandra Road, NORTH BONDI NSW 2026 - Alterations and additions to semi-detached dwelling including first floor addition , construction of carport and street tree removal. (DA-443/2021)

Report dated 14 February from the Development and Building Unit.

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

WLPP-2202.5

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42 Varna Street, WAVERLEY NSW 2024 - Review application for partial demolition , alterations and additions to the existing semi-detached dwelling. (DA-232/2021/1)

Report dated 8 February from the Development and Building Unit.

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

WLPP-2202.6

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259 Military Road, DOVER HEIGHTS NSW 2030 - Alterations and additions to semi-detached dwelling including first floor addition, carport and swim spa. (DA-473/2021)

Report dated 8 February from the Development and Building Unit.

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

WLPP-2202.7

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232 Military Road, DOVER HEIGHTS NSW 2030 - Modifications including extensions at the front and rear, internal reconfiguration, removal of the roof top terrace and relocation of the swimming pool. (DA-608/2014/C)

Report dated 9 February from the Development and Building Unit.

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

WLPP-2202.8

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16 Narelle Street, NORTH BONDI NSW 2026 - Alterations and additions to semi-detached dwelling including new first floor addition. (DA-562/2021)

Report dated 14 February from the Development and Building Unit.

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



Report to the Waverley Local Planning Panel

Application number	DA-385/2021
Site address	92 Ramsgate Avenue, Bondi Beach
Proposal	Change of use from residential flat building to an attached dual occupancy including alterations and additions to basement car parking and facade treatments.
Date of lodgement	17 September 2021
Owner	Mr R and Mrs S J Kogan
Applicant	Mhudu and Common Office
Submissions	Two (2) submissions received.
Cost of works	\$2,270,000
Principal Issues	<ul style="list-style-type: none"> • Building height • FSR
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1 PREAMBLE

1.1 Executive Summary

The development application seeks consent for alterations and additions to the approved residential flat building and change of use to an attached dual occupancy at the site known as 92 Ramsgate Avenue, Bondi Beach. The proposed scope of works includes internal alterations to the basement car park and removal of 1 car parking space, internal reconfiguration to provide one dwelling occupying the ground and first floors and another dwelling occupying the second floor and attic level, deletion of first floor rear balcony and installation of new privacy louvres and glazing on the eastern elevation.

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

- Building height; and
- FSR.

The assessment finds these issues acceptable as no change is proposed to the building envelope as approved for the residential flat building under DA-381/2019/B and there will be no additional amenity impacts on adjoining properties.

A total of two (2) submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation. No Councillor submission has been received.

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

1.2 Site and Surrounding Locality

A site visit was carried during the assessment of the modification application for the approved residential flat building on 13 July 2021. Given demolition, excavation and construction works had commenced, no further site inspection has been carried out.

The site is identified as Lot 20 Sec 2 in DP 9177, known as 92 Ramsgate Avenue, Bondi Beach. It is located on the north-eastern side of Ramsgate Avenue between Campbell Parade and Wairoa Avenue.

The site is rectangular in shape with a frontage to Ramsgate Avenue measuring 12.19m. The site has an area of 477.3m² and it gradually rises from the front (south-western portion) towards the rear (north-eastern portion) by approximately 600mm.

The site was occupied by a single storey dwelling house with vehicular access provided from Ramsgate Avenue and a garage in the rear yard. Demolition works in accordance with the existing development consent have substantially commenced including excavation and site preparation works for the basement car park.

The subject site is adjoined by a:

- three storey residential flat building to the south-east at 94-98 Ramsgate Avenue
- two storey residential flat building to the north-west at 90 Ramsgate Avenue
- three storey residential flat building to the north-east (rear of the site) at 63 Brighton Boulevard.

The locality is characterised by predominantly medium density residential development, including residential flat buildings.

Figures 1 to 2 are photos of the site and its context.



Figure 1: View of subject site from Ramsgate Avenue, looking north-east



Figure 2: View of 94-98 Ramsgate Avenue, looking east from the subject site

1.3 Relevant Development History

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

- DA-381/2019 was approved under delegated authority on 29 May 2020 for demolition of an existing dwelling and ancillary structures and construction of a part three, part four storey residential flat building with basement parking, swimming pool and associated landscaping. The development consent has subsequently been amended by the following modifications:
 - DA-381/2019/A was approved under delegated authority on 1 September 2020 for modification to the roof design including raising the ridge height, dormer windows and lift overrun by 490mm to RL23.58. Architectural plans were also amended to correct an error on the originally submitted plans identified in Condition 2(c) of the development consent.
 - DA-381/2019/B was approved on 25 August 2021 by the Waverley Local Planning Panel for alterations and additions to the residential flat building including addition excavation to extend basement for a new pool pump room and reconfiguration of car parking spaces, extension of the ground and first floor apartments to infill a terrace and void area adjacent to the eastern side boundary, extension of part of second floor and reduction of a non-

trafficable roof garden adjacent to the eastern side boundary, reduction of part of the front fence to RL11.78 to satisfy Condition 2(a) of the development consent. As part of the modification application, the owner offered to enter into a Planning Agreement with Council to provide a monetary contribution of \$137,320.00 for the variation to the FSR development standard by 34.33m² (total FSR of 0.972:1).

1.4 Proposal

The development application seeks consent for alterations and additions to the approved part three, part four storey residential flat building comprising 3 apartments with basement parking and a swimming pool at the rear to change the use to an attached dual occupancy, specifically the following:

Basement

- Delete 1 car space and replace with shared new bathroom and laundry, and storage area for Unit 1;
- Extension of lift core; and
- Extension of internal wall adjacent to the vehicle access ramp.

Ground Floor

- New entry door on the southern elevation to provide direct access to Dwelling 1;
- Replace sliding doors to balcony with a window on the southern elevation servicing a new WC;
- Replace sliding glaze doors on the northern elevation with 3 sets of bifold doors;
- New privacy louvres adjacent to the eastern side boundary;
- Internal reconfiguration to provide a new spiral staircase to the first floor; and
- Extension of lift core.

First Floor

- Internal reconfiguration to provide 3 bedrooms, bathrooms, walk in robes and storage;
- Delete rear balcony;
- New privacy louvres adjacent to the eastern side boundary; and
- Extension of lift core.

Second Floor

- Internal reconfiguration to provide open plan living areas, 2 bedrooms, laundry and a bathroom to Dwelling 2;
- Replace sliding doors to balcony with bifold doors on the north and south elevations;
- Retention of non-trafficable garden adjacent to the eastern elevation; and
- Spiral staircase to attic level; and
- Extension of lift core.

Attic Level

- Internal reconfiguration of bedroom and ensuite;
- Deletion of internal stairs from second floor level and replace with spiral staircase; and
- Extension of lift core.

1.5 Background

The development application was lodged on 17 September 2021 and deferred on 9 December 2021 for the following reasons:

1. A letter of offer to enter into a planning agreement with Council to provide a monetary contribution to provide a public benefit and offset the impacts of the development in accordance with the Waverley Planning Agreement Policy 2014

A letter of offer to enter into a planning agreement with Council for the amount of \$137,320 was received by Council on 21 December 2021. Council' Strategic Planning Unit reviewed the letter of offer and considers the offer to be adequate having regard to the planning agreement accepted by Council for a development of similar scale and density on the subject site under DA-381/2019/B.

2 ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 State Environmental Planning Policies (SEPPs)

The following SEPPs apply and have been considered acceptable in the assessment of this modification application:

- SEPP 55 Remediation of Land.
- SEPP (Building Sustainability Index – BASIX) 2004.

2.1.2 Draft Waverley Local Environmental Plan 2022 (Draft Waverley LEP 2022)

It is acknowledged that the Draft Waverley Local Environmental Plan 2022 is on exhibition from 12 November 2021 to 23 January 2022, however at the time of this assessment, there are no relevant matters for consideration.

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 <ul style="list-style-type: none"> R3 Medium Density Residential Zone 	Yes	The proposal is defined as a dual occupancy, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 12.5m 	No	<p>The proposal has a building height of 14.78m, exceeding the building height development standard by 18.24%.</p> <p>The approved residential flat building has a height of 12.23m which is consistent with the building height development standard of 12.5m however, as excavation of the basement level has been carried out according to development consent DA-381/2019/B, the existing ground level has now technically lowered to be measured at that basement level. Whilst no physical change to the building envelope or height is proposed as part of this application, the proposed building exceeds the building height development standard as building height is to be measured from <i>existing</i> ground level. Above <i>natural</i> ground level, the building maintains a building height of less than 12.5m</p>
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.58:1 	No	<p>The proposal has a FSR of 1.125:1, exceeding the FSR development standard of 0.58:1, applicable for a dual occupancy development in a R3 Medium Density Residential zone, by 48.44%. The exceedance in FSR is a result of the proposal seeking to retain the built form of the approved residential flat building under development consent DA-381/2019/B, which has a FSR of 0.972:1.</p> <p>Notwithstanding the additional FSR sought as part of this application, the proposal does not seek to alter the approved building footprint or envelope as the additional floor space is</p>

Provision	Compliance	Comment
		contained in the basement level and will not result in any additional building bulk when viewed from adjoining properties or the public domain.
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.

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 Building Height Development Standard

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

The site is subject to a maximum building height development standard of 12.5m. The proposed development has a building height of 14.78m, exceeding the standard by 2.28m equating to a 18.24% variation.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *The proposal does not physically change the height of the building or its appearance as viewed from adjoining properties or from the public domain. The increase in building height as defined under the Waverley LEP 2012 is a result of the excavation works undertaken as part of the approval for the basement car parking. If the approved excavation works had not commenced, the proposal would not result in any change in building height and comply with the development standard.*

- (ii) *The proposal will not result in any additional environmental or amenity impacts on adjoining properties as the building height and envelope is unchanged.*
 - (iii) *The proposal will complement the medium density streetscape character.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The variation to the building height development standard is a technical non-compliance and does not result in any physical changes to the approved building envelope or additional amenity impacts on adjoining properties.*
 - (ii) *The proposal does not result in any additional amenity impacts on neighbouring properties such as view loss, solar access or privacy.*
 - (iii) *Strict compliance with the development standard, having regard to the existing ground level measured from the excavated basement will result in alterations to the built form resulting in a scale that is unlikely to complement the scale of surrounding developments and limit the amenity for future occupants of the subject site and feasibility of redevelopment.*
 - (iv) *The proposed dual occupancy use is permissible within the R3 zone that is of a lesser density than the approved residential flat building and contributes to the variety of housing types, with in the medium density residential area without any additional streetscape or amenity impacts on adjoining properties.*

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

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

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

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

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

- (a) *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
- (b) *to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;*

- (c) to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;*
- (d) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and*
- (e) to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.*

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012.

The justification provided by the applicant demonstrating that the objectives of the development standard have been achieved is supported as no change is proposed to the physical building height as presented to the street or adjoining properties and the built form, as approved under DA-381/2019/B is consistent with the existing and desired medium density character for the locality and streetscape. Whilst the proposal presents a technical variation to the development standard as a result of the existing ground level resulting from excavation works recently undertaken on the site, the proposal will not result in any additional environmental impacts on adjoining properties and is consistent with the objectives of the development standard.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. In particular, the variation to the development standard is a technical non-compliance that does not result in any external alterations to the overall building height and does not result in any environmental impacts on adjoining properties or the streetscape. In this regard, strict compliance with the development standard would require alterations to the approved built form which would have greater impact on the streetscape character and unlikely to result in a better planning outcome than the retention of the built form as approved under development consent DA-381/2019/B.

Is the development in the public interest?

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

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

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*

(d) to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.

The proposal does not include any change to the physical alterations to the approved building height or envelope under DA-381/2019/B and is consistent with the objectives of the development standard as the proposal will be consistent with the built form and scale of medium density developments in the locality and will not result in any additional environmental or amenity impacts on adjoining properties.

The objectives of the R3 Medium Density Residential zone are as follows:

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

The proposed change of use from the approved residential flat building to a dual occupancy within the approved built form is consistent with the objective of the R3 zone as the development will contribute to housing type and stock in the locality and the retention of the basement level with bicycle parking spaces will encourage use of alternative modes of transport.

Conclusion

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

Clause 4.6 Exceptions to Floor Space Ratio (FSR) Development Standard

The application seeks to vary the floor space ratio (FSR) development standard in clause 4.4 under Waverley LEP 2012.

The site is subject to a maximum FSR development standard of 0.58:1 under Clause 4.4A of the Waverley LEP 2012. The proposed development has a FSR of 1.125:1, exceeding the standard by 260.18m² equating to a 48.44% variation.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) The proposal, retaining the approved built form of the recently approved residential flat building, is consistent with the existing and desired medium density character of the area.*
 - (ii) The additional gross floor area is contained in the basement, does not result in any additional building bulk.*
 - (iii) The proposal is consistent with the relevant objectives of the FSR development standard.*
 - (iv) The extent of the variation to the FSR development standard is a result of the change of use from a residential flat building to a dual occupancy, with a technical reduction in FSR under Clause 4.4A of the Waverley LEP 2012 and there is no physical alteration to the appearance of the approved building. The proposed built form will remain consistent with the character of the streetscape and desired future character of Bondi Beach.*
 - (v) The proposal seeks minor external alterations that will not result in any additional amenity impacts on adjoining properties in regard to views, privacy or solar access as the proposal maintain approved building height, setbacks and building footprint.*
 - (vi) Strict compliance with the development standard will result in a built form that will be inconsistent with the scale of existing surrounding developments and detract from the character of the streetscape.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The proposed dual occupancy use is permissible within the R3 Medium Density Residential zone and is consistent with the objectives of the zone.*
 - (ii) The proposal will maintain a built form that is consistent with immediately surrounding residential flat buildings whilst contributing to housing stock in the locality.*
 - (iii) The proposal does not physically increase the approved building height or bulk of the building as the additional gross floor area is contained within the basement level and will not result in any additional environmental impacts on adjoining properties.*
 - (iv) Strict compliance with the development standard would not improve planning or environmental outcomes for the site or adjoining properties.*

In addition to the above justification, the owner of the property has offered to enter into a separate planning agreement for the same monetary contribution committed to for a planning agreement relating to DA- 381/2019/B. In accordance with Council's Planning Agreement Policy 2014, a monetary

contribution of \$137,320 would be payable and would go towards a public benefit within the immediate locality. At this stage, the terms of the planning agreement have yet to be negotiated and will occur following determination of this DA, which will be overseen by Council's Strategic Town Planning department. To give effect to this offer/undertaking by the owner, a condition of consent is recommended to require a planning agreement to be drafted and executed with a monetary contribution of \$137,320.

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

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012.

The justification provided by the applicant demonstrating that the objectives of the development standard have been achieved is supported as construction of the residential flat building form as approved under DA-381/2019/B is consistent with the existing and desired medium density character for the locality and streetscape. Whilst the proposal presents a technical variation to the development standard as a result of the existing ground level resulting from excavation works recently undertaken on the site, the proposal will not result in any additional environmental impacts on adjoining properties and is consistent with the objectives of the development standard.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. In particular, the proposed change of use to a dual occupancy contained within the residential flat building form is permissible and consistent with the objectives of the R3: Medium Density Residential zone, does not result in physical increase in building height or bulk and will not result in any additional amenity impacts on adjoining properties. The proposed retention of the residential flat building as approved under DA-381/2019/B presents a built form that is more visually compatible with the streetscape than a built form that would strictly comply with the built form controls for a dual occupancy development.

Is the development in the public interest?

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

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

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

The proposed variation to the FSR development standard is a result of removing an approved car parking space in the basement level and provision of a bathroom and laundry which is required to be included in the calculation of gross floor area as prescribed by the relevant definition in Waverley LEP 2012. The proposal does not result in any physical increase in building bulk when viewed from adjoining properties or the public domain and maintains an appropriate built form to surrounding developments. The

additional floor space does not result in any additional environmental or amenity impacts on adjoining properties and is consistent with the objectives of the development standard.

The objectives of the R3 Medium Density Residential zone are as follows:

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

The proposed dual occupancy is permissible with consent and is consistent with the objectives of the R3 zone as the development contributes to housing stock and variety of housing types in the locality. The proposal is consistent with the objective to encourage use of public transport, walking and cycling as the site is in close proximity to public transport, does not exceed the maximum car parking rate for a dual occupancy development and provides bicycle parking spaces.

Conclusion

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

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Yes	Satisfactory.
6. Stormwater	Yes	Satisfactory.
8. Transport	Yes	The proposal provides a total of 4 car spaces in the basement, 2 per dwelling and complies with the

Development Control	Compliance	Comment
Parking Zone 2 Minimum parking rate: <ul style="list-style-type: none"> • nil Maximum parking rate: <ul style="list-style-type: none"> • 2 spaces for 3 or more bedrooms. 		maximum car parking rate for 2 x 3 bedroom dwellings.
12. Design Excellence	Yes	Satisfactory. The proposal does not result in any additional building bulk or amenity impacts on adjoining properties and will be consistent with the streetscape and scale of developments in the surrounding area.

Table 3: Waverley DCP 2012 – Part C1 – Special Character Areas

Development Control	Compliance	Comment
1.2 North Bondi		
Desired Future Character Objectives <ul style="list-style-type: none"> • Maintain streetscape rhythm in building frontages • Improve amenity on site and adjoining sites 	Yes	No change is proposed to the architectural character or built form of the approved residential flat building under DA-381/2019/B, as such, the proposal will not result in any additional streetscape impacts or amenity impacts on adjoining properties.
Controls (a) Planting should utilise minimum maintenance species growing to no more than 1m in height at maturity. The overall appearance and species selection should be compatible with the adjoining gardens. Growth must not encroach up on the footpath or obstruct pedestrian access.	Yes	No change is proposed to the approved landscape plan.
(b) Communal landscaped gardens are required within the front setback.	Yes	No change is proposed to the approved landscape plan.

Table 4: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
2.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.

Development Control	Compliance	Comment
2.1 Height		
Pitched roof dwelling house <ul style="list-style-type: none"> Maximum external wall height of 7m 	No	<p>The proposed dwelling has an external wall height of 10.6m at the front of the site and 11.5m at the rear of the site as measured from the existing ground level (recently excavated basement level).</p> <p>The residential flat building was approved with a building wall height of 9.3m at the front of the site and 9m at the rear of the site as measured from the existing ground level prior to excavation.</p> <p>Notwithstanding the exceedance in building wall height, the proposal does not seek any additions to the approved building envelope and will not result in any additional building bulk as viewed from the street or adjoining properties. In this instance, the non compliance is a result of a change in the existing ground level since excavation (as approved) has been carried out on the site. As there is no physical alteration to the existing building envelope, the non-compliance in building height is acceptable.</p>
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Significant landscaping to be maintained. 	Yes	<p>The proposal does not seek to change the building envelope or architectural character of the approved residential flat building as viewed from the street. No change is proposed to the approved landscaping on site. As such, the proposal will be compatible with the existing streetscape and is acceptable.</p>
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design 	Yes	<p>The proposal replaces the previously approved dining rooms on the ground and first floor levels with a spiral staircase adjacent to the eastern elevation. The proposal also seeks to replace the previously approved hi light windows on the eastern elevation with full height fixed glazing and externally fixed vertical privacy louvres. This is likely to result in less impact on the amenity of adjoining properties as the internal area will not contain habitable rooms and will form part of the circulation space between the ground and first floor levels. The previously approved first floor rear balcony will be deleted which will enhance privacy and amenity for adjoining properties.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas 	Yes	<p>The proposal will not result in any additional overshadowing of adjoining properties as there is no change to the approved building envelope.</p>

Development Control	Compliance	Comment
<p>and principal open space areas on 21 June</p> <ul style="list-style-type: none"> Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. Avoid unreasonably overshadowing of solar collectors (including habitable windows). 		
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	The proposal will not result in any additional impacts on views from adjoining properties as there is no change to the approved building envelope.
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 Parking to be provided from secondary streets or lanes where possible. 	Yes	No change is proposed to the approved vehicular access from Ramsgate Avenue to the basement parking.
2.8.2 Parking rates	Yes	Parking rates are set by Part B8 of Waverley DCP 2012.
<p>2.8.5 Dimensions</p> <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	No change is proposed to the dimensions of the approved car parking spaces in the basement that are to be retained.
2.9 Landscaping and open space		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Overall open space: 40% of site area (190.92m²) Overall landscaped area: 15% of site area (71.6m²) Minimum area of 25m² for private open space Front open space: 50% of front building setback area (34m²) Front landscaped area: 50% of front open space provided (17m²) Outdoor clothes drying area to be provided 	Yes	No change is proposed to the overall area of open space and landscaping across the site or within the front building setback. The approved development demonstrated compliance with the minimum open space and landscape requirements under the DCP and the areas will be retained as part of this proposal.
2.15 Dual Occupancy Development		
<ul style="list-style-type: none"> Min site area of 450m² attached dwellings 	Yes	The site has an area of 477.3m ² and complies with the minimum required site area for a dual occupancy development.
<ul style="list-style-type: none"> Attached dual occupancy development should have the appearance of a single dwelling from the street 	N/A	The proposal seeks to convert an approved residential flat building into a dual occupancy development. As such, the development will not appear as a single dwelling when viewed from the street.
<ul style="list-style-type: none"> Dual occupancy development must provide a single vehicle crossing to the street 	Yes	No change is proposed to the approved single vehicle crossing from Ramsgate Avenue to the basement parking.

2.2 Other Impacts of the Development

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

2.3 Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4 Any Submissions

The application was notified for 14 days between 21 September and 7 October 2021 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

A total of 2 unique submission were received from the following properties:

- Unit 2, 90 Ramsgate Avenue, Bondi Beach
- (Unit number not provided), 94-98 Ramsgate Avenue, Bondi Beach

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

- Solar access
- Loss of privacy
- Excessive building bulk

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

Issue: *Property damage caused by excavation still pending repairs and any on going structural damage caused by the excavation.*

Response: This is a private civil matter to be resolved between property owners and is not a planning matter for consideration as part of the assessment of this application.

Issue: *Loss of view of the sky from high solid walls on the western elevation.*

Response: No changes are proposed to the approved western elevation under development consent DA-381/2019/B. As such, the proposal will not result in any additional loss of views from adjoining properties.

Issue: *Plantings and trees should be required along the entire length of the western side boundary to provide screening for adjoining properties and to contribute to the landscaped character of the site.*

Response: The proposal does not seek to alter the approved landscape plans under development consent DA-381/2019/B. The approved landscaping was considered consistent with landscaping controls under the Waverley DCP 2012 as part of the assessment of DA-381/2019/B and remains acceptable.

Issue: *Cleaning of adjoining property at the cost of the developer due to excessive dust and dirt caused by construction.*

Response: Conditions relating to construction dust control have been included in the recommendation to minimise impacts on adjoining properties. The issue raised is not a planning matter for consideration and is required to be resolved as a private matter between property owners.

Issue: *Constant construction in the locality causing disruption to neighbouring properties.*

Response: The locality is currently undergoing a period of redevelopment and it is noted that construction works are being carried out at a number of sites. However, construction works for approved developments is a short term impact and conditions have been imposed requiring applicants to appropriately mitigate disruptions and amenity impacts on neighbouring properties.

2.5 Public Interest

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

2.6 REFERRALS

The following internal and external referral comments were sought:

2.6.1 Strategic Planning

Council's Strategic Planning Officer has reviewed the proposal and considers the letter of offer to enter into a planning agreement with Council for the amount of \$137,320 to be acceptable and provides an adequate public benefit and offset the impact of the proposal. Having regard to the provisions of the Waverley Planning Agreement Policy 2014, and the accepted offer of a planning agreement for the same amount under DA-381/2019/B for a development contained within the same building envelope and of similar residential density, the offer is acceptable on merit. Recommended conditions have been included in Appendix A.

2.6.2 Traffic and Development

Council's Traffic Engineer has reviewed the proposal and raised no objection as vehicle access to the basement parking as approved under Development Consent DA-381/2019/B will be retained and parking design complies with the Waverley DCP 2012 and relevant Australian Standards. Recommended conditions have been included in Appendix A.

2.6.3 Tree Management

Council's Tree Management Officer has reviewed the proposal and raised no objection as there are currently no trees on the site. Conditions have been recommended for the planting of a new street tree in Ramsgate Avenue and are included in Appendix A.

2.6.4 GIS/Land Information

Council's GIS/Land Information Officer has reviewed the proposal and raised no objection subject to conditions which have been included in Appendix A.

3 CONCLUSION

The development application seeks consent for alterations and additions to the approved residential flat building and change of use to an attached dual occupancy at the site known as 92 Ramsgate Avenue, Bondi Beach. The proposed scope of works includes internal alterations to the basement car park and removal of 1 car parking space, internal reconfiguration to provide one dwelling occupying the ground and first floors and another dwelling occupying the second floor and attic level, deletion of first floor rear balcony and installation of new privacy louvres and glazing on the eastern elevation.

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

- Building height; and
- FSR

The assessment finds these issues acceptable as no change is proposed to the building envelope as approved for the residential flat building under DA-381/2019/B and there will be no additional amenity impacts on adjoining properties.

A total of two (2) submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation. No Councillor submission was received.

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

Development and Building Unit (DBU) Decision:

The application was reviewed by the DBU at the meeting on 26 October 2021 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 B Matlawski, Jo Zancarano*

4 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:



Peggy Wong
Senior Development Assessment Planner

Date: 23 November 2021

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



Judith Elijah
A/Manager, Development Assessment (Central)
**(Reviewed and agreed on behalf of the
Development and Building Unit)**
Date: 26 November 2021

Report co-reviewed by:



Ben Magistrale
A/Manager, Development Assessment (Central)
**(Reviewed and agreed on behalf of the
Development and Building Unit)**
Date: 28 January 2022

Reason for WLPP referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by MHN Design Union Pty Ltd of Project known as '92 Ramsgate Dual Occupancy' including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA101 [00]	Site and Analysis Plan	12.09.2021	17.09.2021
DA200 [00]	Basement Plan	12.09.2021	17.09.2021
DA300 [00]	Ground Floor Plan	12.09.2021	17.09.2021
DA301 [00]	First Floor Plan	12.09.2021	17.09.2021
DA302 [00]	Second Floor Plan	12.09.2021	17.09.2021
DA303 [00]	Third (Attic) Floor Plan	12.09.2021	17.09.2021
DA304 [00]	Roof Plan	12.09.2021	17.09.2021
DA400 [00]	South Elevation	12.09.2021	17.09.2021
DA401 [00]	North Elevation	12.09.2021	17.09.2021
DA402 [00]	West Elevation	12.09.2021	17.09.2021
DA403 [00]	East Elevation	12.09.2021	17.09.2021
DA500 [00]	Section A	12.09.2021	17.09.2021
DA501 [00]	Section B	12.09.2021	17.09.2021
DA502 [00]	Section C	12.09.2021	17.09.2021

- (b) Landscape Plan No. 553_DA_01, 553_DA_02, 553_DA_10, 553_DA_11, 553_DA_12, 553_DA_35 and 553_DA_50, all Issue B and documentation prepared by Myles Baldwin Design, dated 02/09/2021 and received by Council on 17/09/2021
- (c) BASIX and NatHERs Certificate/s
- (d) Stormwater details and documentation approved in accordance with condition 18 of this consent.
- (e) Geotechnical Investigation Report (Reference No. 32756YCrpt) prepared by JK Geotechnics, dated 4 November 2019 and received by Council on 28 November 2019.
- (f) The Site Waste and Recycling Management Plan (SWRMP) Part 1.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) In order to achieve a cohesive and sightly appearance from the street, the fire hydrant booster and letter boxes shall be neatly integrated into the street wall with the letter boxes being legible and located immediately adjacent to the entry gate.

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

3. SURRENDER OF DEVELOPMENT CONSENT

Development consent DA-381/2019 and subsequent modifications are 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 that the approval of Council or a Council Officer is required.

GENERAL REQUIREMENTS

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

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

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

5. HOME BUILDING ACT

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

CONTRIBUTIONS, FEES & BONDS

6. SECTION 7.12 CONTRIBUTION

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

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

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

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

- (b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;
 - (i) A development valued at \$100,000 or less will be exempt from the levy;
 - (ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the full cost of the development; or
 - (iii) A development valued at \$200,001 or more will attract a levy of 1% of the full cost of the development.

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

7. PLANNING AGREEMENT

- (a) The owner/applicant is to:
 - (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in DA-385/2021.
 - (ii) Pay a monetary contribution amount of **\$137,320.00** prior to the issue of any Occupation Certificate for the Development.
 - (iii) Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the applicant/owner of the land subject of the Development and Council.
- (b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:
 - (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development.
 - (ii) The owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for the Development which is:
 - a. In a form acceptable to Council and from an institution acceptable to Council
 - b. Irrevocable
 - c. Unconditional
 - d. With no end date
- (c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014

8. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$45,400** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

9. TREE BOND

A bond of **\$1,000** for each tree is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the one (1) *Cupaniopsis anarcardioides* (tuckeroo) tree on Ramsgate Avenue adjacent to the property. The bond is to be lodged prior to the issue of a Construction Certificate.

The sum will be forfeited to the Council at its discretion for a breach of these requirements and will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council.

10. LONG SERVICE LEVY

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

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.

11. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

CONSTRUCTION & SITE MATTERS

12. HOARDING

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

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

13. EROSION & SEDIMENT CONTROL

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

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

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

14. 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.

15. 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

16. 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

17. VEHICULAR ACCESS CONTROL SYSTEM

An electronically operated vehicular access control system shall be provided on the access ramp in order to minimise the incidence of more than one vehicle being on the ramp at any one time and to give priority to those entering the site. Details are to be shown on the plans prior to the issue of the Construction Certificate.

STORMWATER

18. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

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 provided plans do not provide sufficient details of the proposed 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 and pit overflow. Council's amended mandatory OSD checklist as set out in page 22 of the Council's water management technical manual shall be submitted.
- (b) 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.
- (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).

19. STORMWATER RUNOFF

The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system (independent of any on-site stormwater detention system).

20. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION

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

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

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

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

ENERGY EFFICIENCY & SUSTAINABILITY

21. BASIX

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

WASTE

22. 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

23. 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) 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; and
- (b) 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.

24. NEW STREET TREE

To ensure maximum street tree canopy and continuity of the streetscape the applicant shall plant a street tree on the front verge of the subject site as follows:

- (a) Construction of 1 tree pit to the Ramsgate Avenue frontage.
- (b) Plant one (1) tree on the naturestrip in Ramsgate Ave.
- (c) The tree is to be planted prior to the issue of the Occupation Certificate.
- (d) The tree is to be one (1) *Cupaniopsis anarcardioides* (tuckeroo) and must be a minimum pot size of 75 litres when planted. The tree is to be planted by a horticulturist (Min qualification AQF Level 3).

25. PUBLIC INFRASTRUCTURE WORKS

Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.

The Applicant must submit plans and specifications to Council and be approved by Council's Tree Management Officer prior to the issue of the relevant Construction Certificate:

- (a) A consulting arborist is to submit specifications and design for tree pits for the street trees with the relevant Construction Certificate for approval by Council's Tree Management Officer. The design is to include measures to minimise tree root conflict with any adjacent services/infrastructure and the installation of a tree guard installed to manufacturer's specifications.

The tree pit size, planting species and location are to be approved by Council's Tree Management Officer.

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

26. 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.

27. DILAPIDATION REPORT

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

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

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

DEMOLITION & EXCAVATION

28. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

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

29. 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.

30. 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.

31. 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 practicing structural engineer.

CONSTRUCTION MATTERS

32. 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.

33. 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.

34. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002*, clause 162A of the *Environmental Planning and Assessment Regulation 2000* and the requirements of any other applicable legislation or instruments.

35. CERTIFICATE OF SURVEY - LEVELS

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

36. 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.

37. TREATMENT OF BOUNDARY WALLS

The side and rear boundary walls/fences approved on the south-eastern, north-eastern and north-western boundaries with the neighbouring properties are to be finished to the same standard as the remaining building and not left unfinished to ensure a consistent visual appearance.

38. 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.

39. WORK OUTSIDE PROPERTY BOUNDARY

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

TREE PROTECTION AND REMOVAL

40. 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.
- (h) Landscape and update of the street plantings on the frontage as advised by Council's Tree Management Officer.

41. STREET TREE PLANTING - RESIDENTIAL ZONES

The proposed street planting to Ramsgate Avenue (species, size and spacing) is to be undertaken in accordance with Council's requirements and the following:

- (a) adequate drainage with specifications showing continuous interconnected tree channel pits with a minimum size of 1sqm;

- (b) solid cast aluminium tree guards and root barriers in accordance with Council's Tree Management Policy;
- (c) a protective wire mesh guard with a minimum height of 1.5m shall be erected and secured around each tree;
- (d) planting areas within 1m of concrete structures shall have a flexible root barrier installed around the perimeter of the planting hole.
- (e) Species, size and spacing to be approved by Council's Strategic Tree Officer.

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

42. NEW VEHICLE CROSSING

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

Note: Prior to the submission of the vehicle crossing application, works as executed drawings shall be submitted to Council for the approval of Council's Executive Manager, Infrastructure Services (or delegate) confirming the finished levels of the internal driveway between the property boundary and the garage floor comply with the approved driveway long sections.

43. 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 footpath.

44. 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.

45. 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.

46. ROOF SERVICES

- (a) Any future solar panels / photovoltaic panels, are to be flush with the roof.
- (b) Any future roof services/plant (excluding solar panels) shall be limited to 20% of the roof plane.

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 that the approval of Council or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever applies.

CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS

47. FINAL OCCUPATION CERTIFICATE

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

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

48. CERTIFICATION OF BASIX COMMITMENTS

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

49. NOISE – PLANT AND EQUIPMENT

A Certificate is to be submitted to Council at the completion of all work and prior to the issue of an Occupation Certificate, from a suitably qualified Acoustic Consultant. The Certificate is to certify all plant and equipment including mechanical supply and exhaust ventilation systems (including the car park) and lift motors comply with the terms of approval in relation to noise.

50. 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.

51. 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.

52. FIRE SAFETY WORKS

The Occupation Certificate shall not be released by Council or an accredited certifier, until all fire safety works are completed and a Final Fire Safety Certificate has been submitted to Council, 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) has been found, when it was assessed, 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.

53. 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.

54. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE

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

55. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE

A Waste Management Plan for ongoing use and management must be submitted to the satisfaction of the Principal Certifying Authority prior to the release of the relevant occupation certificate and include including the following where relevant;

- (a) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (b) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (c) Waste generated by a development must not exceed the maximum permitted generation rates for the building use.
- (d) All waste and recycling must be presented with lids closed to reduce littering, storm water pollution, odour and vermin. Waste and recycling not presented in the correct manner will not be collected.
- (e) All waste and recycling bins must be put out for collection no earlier than the night before collection (i.e. 5:30pm) and brought in the same day as the collection service.
- (f) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is be available on site when requested.

- (g) Waste and recycling receptacles must be stored at all times within the boundary of the site and screened from the public and commercial domains unless otherwise approved by Council under Section 68 of the Local Government Act 1993.

OTHER MATTERS

56. ALLOCATION OF STREET NUMBER

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

- No. 92 - primary address site number
- Ramsgate Avenue - primary address location.

The primary premises number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level and be clearly visible on the site boundary that fronts Ramsgate Avenue.

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

- No. 1/92 Ramsgate Avenue for the sub-addresses within the building correlating with the ground floor lot on floor plans for the building
- No. 2/92 Ramsgate Avenue for the sub-addresses within the building correlating with the second floor lot on 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 in the street and within a primary address site shall be unique regardless of the type of the address.

The address number for a sub-address site shall not consist of the primary address number with an alpha suffix.

The premises 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 address to be lodged with Council.

57. WAVERLEY DIGITAL MODEL

Prior to the issue of an Occupation Certificate an accurate 'as built' digital model of the building must be submitted to Council's Planning, Environment and Regulatory Department for use in the Waverley Digital Model.

- (a) A digital model of the building must be generated at a scale of 1:1 with units of measurement in metres and include the following:
- (i) a building envelope which includes all elements affecting shadow analysis;

- (ii) accurate placement of glazing, balconies, roof pitches, terraces, roof services and any other prominent external design features;
 - (iii) a ground level terrain showing accurate RLs extending to site boundaries.
- (b) All models must be generated in accordance with Council's Guidelines: Submitting Digital 3D Models. Further information and technical requirements can be obtained from Council's E-Planning (3D Modelling) Officer, Shaping Waverley.

Notes:

- This model will update previous version/s submitted at Development Application stage.
- Any future modifications (under Section 4.55 of the Environmental Planning and Assessment Act) that affect the external configuration of the building (from the ground level and up), will require the submitted model to be amended.

58. LIGHTING

- (a) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.
- (b) All external lighting fixtures should be vandal resistant.
- (c) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (d) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (e) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.
- (f) All external area lights and carparks to multi-unit dwellings shall be on sensor switches to save energy and reduce light spill to the sky; low voltage solar powered lights to front entry footpaths are acceptable for continuously illuminated lighting.

E. OPERATIONAL MATTERS

59. VEHICLE ACCESS

All vehicles including service vehicles entering and exiting the building are to do so in a forward direction.

Any vehicle utilising a car, motorcycle or bicycle space is to be parked fully within the confines of the site and is not to park over the public footway at any time.

60. NOISE - MECHANICAL PLANT

Noise associated with mechanical plant shall not give rise to any one or more of the following:

- (a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use. The source noise level must be assessed as a LAeq, 15 minute.
- (c) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.
- (d) A Certificate is to be submitted at the completion of all work and prior to the issue of an Occupation Certificate, from a suitably qualified Acoustic Engineer. The Certificate is to certify all plant and equipment complies with the terms of approval in relation to noise.

ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2. SYDNEY WATER REQUIREMENTS

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

Contact Sydney Water for more information.

AD3. DIAL BEFORE YOU DIG

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

AD4.TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on 1800 810 443.

AD5.EXCAVATION TO BE LIMITED

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

AD6.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.

AD7. BONDİ - ROSE BAY SAND BODY

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

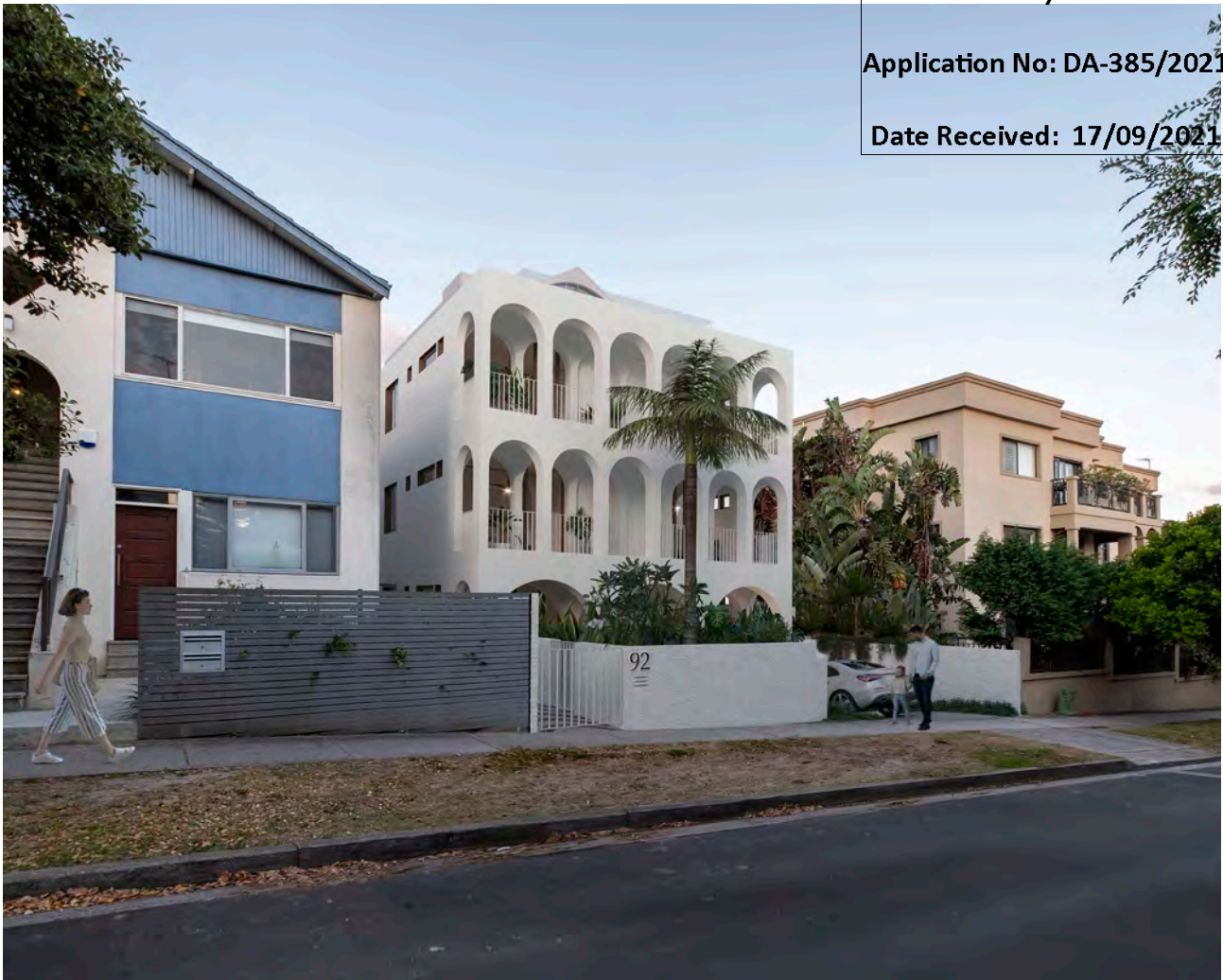
Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.

AD8. SUITABLY QUALIFIED ACOUSTIC CONSULTANT

In these conditions, reference to a suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who is employed by a member firm of the Association of Australian Acoustic Consultants.

92 RAMSGATE AVE BONDI BEACH

DRAWING NUMBER	REVISION	DRAWING NAME	SCALE	Changes from DA-381/2019
DA000	00	COVER SHEET	nts	
DA100 SITE PLANS & CONCEPT				
DA100	00	AERIAL CONTEXT PLAN	nts	No Change
DA101	00	SITE AND ANALYSIS PLAN	1:200	No Change
DA102	00	SETBACKS PLAN	1:500	No Change
DA200 BASEMENT PLANS				
DA200	00	BASEMENT PLAN	1:100	7
DA300 FLOOR PLANS				
DA300	00	GROUND FLOOR PLAN	1:100	1, 4, 5, 6
DA301	00	FIRST FLOOR PLAN	1:100	1, 2, 4, 5, 8
DA302	00	SECOND FLOOR PLAN	1:100	3
DA303	00	ATTIC (THIRD) FLOOR PLAN	1:100	Internal Alterations
DA304	00	ROOF PLAN	1:100	No Change
DA400 ELEVATIONS				
DA400	00	SOUTH ELEVATION	1:100	6
DA401	00	NORTH ELEVATION	1:100	1, 2, 3
DA402	00	WEST ELEVATION	1:100	2, 4, 5
DA403	00	EAST ELEVATION	1:100	2, 4
DA404	00	RAMSGATE AVENUE STREETSCAPE	1:100	6
DA500 SECTIONS				
DA500	00	SECTION A	1:100	1, 2
DA501	00	SECTION B	1:100	5
DA502	00	SECTION C	1:100	6
DA600 DIAGRAMS				
DA600	00	AREA DIAGRAMS - GFA	1:200	GFA Changes
DA601	00	AREA DIAGRAMS LANDSCAPE	1:200	No Change
DA602	00	WASTE MANAGEMENT DIAGRAMS	1:200	No Change
DA700 EXTERIOR				
DA700	00	PHOTOMONTAGE		No Change



RECEIVED

Waverley Council

Application No: DA-385/2021

Date Received: 17/09/2021

THIS DA LIST OF CHANGES IN COMPARISON TO DA 381/2019 (Approved)	
CHANGENo	DESCRIPTION
1	Double Height North facing windows
2	Removal of first floor rear balcony
3	Amended second floor north facing doors
4	Double height side facing windows
5	New glazing to east facade and verticual privacy louvres
6	Proposed new entry to Unit 1
7	Remove Parking Spot 1 to be replaced with Storage, Bathroom, Laundry
8	Void to First Floor Balcony
	Proposed walls in this DA
	Walls as approved from DA381/2019 to remain
	Walls as approved from DA381/2019 to be removed



THERMAL PERFORMANCE SPECIFICATIONS: (22408 – Ramsgate Ave)

The following specifications take precedence over other plan notations for the construction of this building.

NOTE: In addition to BASIX commitments: building compliance is required to comply with the 'New South Wales Additions' in the current edition of the NCC – Vol. 1, at the time of building.

This includes New South Wales Part J(A). Specifically:

- Building thermal construction is in accordance with part J1.2
- loss of ceiling insulation is compensated for by increased roof insulation in accordance with Part J1.3(c)
- where metal frames are used that thermal breaks are installed in accordance with Part J1.3(d) and J1.5(c)
- Any roof lights, windows, doors and exhaust fans are sealed in accordance Part J3
- Any new air-conditioning system is installed in accordance with Parts J5.2(a), J5.2(b), J5.2(c), J5.2(d), J5.2(f) & J5.2(g)
- Any new mechanical ventilation system is installed in accordance with Part J5.3
- Any new miscellaneous exhaust system is installed in accordance with Part J5.4
- Any new heated water system is installed in accordance Part J7.2
- Energy monitoring equipment is installed in accordance Part J8.3

WINDOWS (total product specification – glass + frame)
U-value 4.30 (or less than) & SHGC 0.50 (+/-5%)(Typically: Low-e clear glass in Timb. frame)

SKYLIGHTS
VELUX – Double Glazed OPAL (U = 2.60 & SHGC = 0.24)

EXTERNAL WALL (Light colour)
Cavity Brick – R1.5 bulk insulation
Cavity Panel – R2.5 – 90mm thick bulk insulation

INTERNAL WALL
Cavity Panel/Concrete/Brick – No Insulation
Partition walls – No thermal insulation required

EXTERNAL FLOOR
Suspended Concrete (above Basement areas) – R1.3 Bulk insulation

EXTERNAL CEILING
Concrete – R1.0 bulk insulation (where roofspace or balcony above)
Plasterboard – R2.5 Bulk insulation

EXTERNAL ROOF (Dark colour)
Metal – 60mm Foil blanket with reflective airgap

RATED either with **NO DOWNLIGHTS** or with **LED downlights** which do not penetrate ceiling insulation (ie: IC rated)

Refer to current HERS Certificate to validate these thermal specification details.

Issue	Date	Description
00	12.09.21	For DA

GENERAL NOTES

FOR DEVELOPMENT APPLICATION PURPOSES ONLY

1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, NATIONAL CONSTRUCTION CODE (NCC), AUSTRALIAN STANDARDS, STATUTORY REGULATIONS AND LOCAL AUTHORITY REQ.

2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED

3. CONTRACTOR TO NOTIFY DESIGNER OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING

4. DESIGNER TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION

5. CONTRACTOR TO LAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE.

6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE

7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE

BASIX - All other requirements as per Certificates

FIXTURES
Showerheads: 3 Star
Toilet Flushing System: 4 Star
Kitchen Taps: 4 Star
Bathroom Taps: 4 Star

Appliances:
All dishwashers: 4 Star
Hot water:
Hot Water System:
Gas instantaneous 6 star
Bathroom ventilation:

Individual fan, ducted to facade or roof
Operation Control - manual switch on/off
Kitchen ventilation:
Individual fan, not ducted
Operation Control - manual switch on/off
Laundry Ventilation:
Natural ventilation
Cooling:
1-phase air conditioning, 4

star, zoned
[To all living areas and bedroom areas]
Heating:
1-phase air conditioning, 4 star, zoned
[To all living areas and bedroom areas]
Artificial Lighting
3 Dedicated bedrooms
1 Dedicated Living Dining
Each Dedicated Kitchen

All bathrooms, laundry and hallway
Natural Lighting to kitchens
Appliances:
Kitchen Cooktop:
Gas cooktop & Electric Oven
Fridge:
Well ventilated space
Dishwasher:
4 Star
Clothes Washer:
4 Star
Indoor Dry Line:

No
Central Systems:
Fire Sprinkler System (No 1)
Central Water Tank, Size 3000, to collect run off from at least 130 sqm of roof area
THERMAL COMFORT OPTIONS:
Windows:
U-value 4.30 (or less than) & SHGC 0.50 (+/-5%)(Typically: Low-e clear glass in Timb. frame)

U-value 3.00 (or less than) & SHGC 0.56 (+/-5%)(Typically: Clear Double Glazing in Timb. frame)
Skylights:
VELUX – Double Glazed OPAL (U = 2.60 & SHGC = 0.24)
External Walls:
Cavity brick with R1.3 Insulation
Internal Walls:

Cavity Panel/Concrete – No Insulation
Partition walls – No thermal insulation required
Roof:
Metal – 60mm Foil blanket with reflective airgap
External Floors:
Suspended Concrete (above Basement areas) – R1.0 Bulk insulation
Ceiling:

Concrete – R1.0 bulk insulation (where roofspace or balcony above)
Plasterboard – R2.5 Bulk insulation

Project		
92 RAMSGATE DUAL OCCUPANCY		
Site		
92 RAMSGATE AVE BONDI BEACH		
Client		
KOGAN		
Scale	Drawn By	Checked
1:100 at A3	RM	BM

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Brian Meyerson, NSW Arch Reg. No. 4907

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Drawing		
COVER PAGE		
Date		
09/12/21		
Drawing No		Revision
DA	000	[00]



Issue	Date	Description
00	12.09.21	For DA

GENERAL NOTES

FOR DEVELOPMENT APPLICATION PURPOSES ONLY

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3. CONTRACTOR TO NOTIFY DESIGNER OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING

4. DESIGNER TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION

5. CONTRACTOR TO USE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER DATA COMMUNICATION REQUIREMENTS ARE ACCESSIBLE.

6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE

7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE

FIXTURES Showerheads: 3 Star Toilet Flushing System: 4 Star Kitchen Taps: 4 Star Bathroom Taps: 4 Star	Individual fan, ducted to facade or roof Operation Control - manual switch on/off Kitchen ventilation: Individual fan, not ducted Operation Control - manual switch on/off Laundry Ventilation: Natural ventilation Cooling: 1-phase air conditioning, 4
Appliances: All dishwashers: 4 Star Hot water: Hot Water System: Gas instantaneous 6 star Bathroom ventilation:	star, zoned (To all living areas and bedroom areas) Heating: 1-phase air conditioning, 4 star, zoned (To all living areas and bedroom areas) Artificial Lighting 3 Dedicated bedrooms 1 Dedicated Living Dining Each Dedicated Kitchen

All bathrooms, laundry and hallway
Natural Lighting to kitchens
Appliances:
Kitchen Cooktop:
Gas cooktop & Electric Oven
Fridge:
Well ventilated space
Dishwasher:
4 Star
Clothes Washer:
4 Star
Indoor Dry Line:

No
Central Systems:
Fire Sprinkler System (No 1)
Central Water Tank, Size 3000,
to collect run off from at least 130
sqm of roof area

THERMAL COMFORT OPTIONS:
Windows:
U-value 4.30 (or less than) &
SHGC 0.50 (+/-5%)(Typically:
Low-e clear glass in Tmb. frame)

U-value 3.00 (or less than) &
SHGC 0.56 (+/-5%)(Typically:
Clear Double Glazing in Tmb.
frame)
(Double glazing where specified)
Skylights:
VELUX - Double Glazed OPAL (U
= 2.60 & SHGC = 0.24)
External Walls:
Cavity brick with R1.3 insulation
Internal Walls:

Cavity Panel/Concrete - No
Insulation
Partition walls - No thermal
insulation required
Roof:
Metal - 60mm Foil blanket with
reflective airgap
External Floors:
Suspended Concrete (above
Basement areas) - R1.0 Bulk
insulation
Ceiling:

Concrete - R1.0 bulk insulation
(where roofspace or balcony
above)
Plasterboard - R2.5 Bulk
insulation

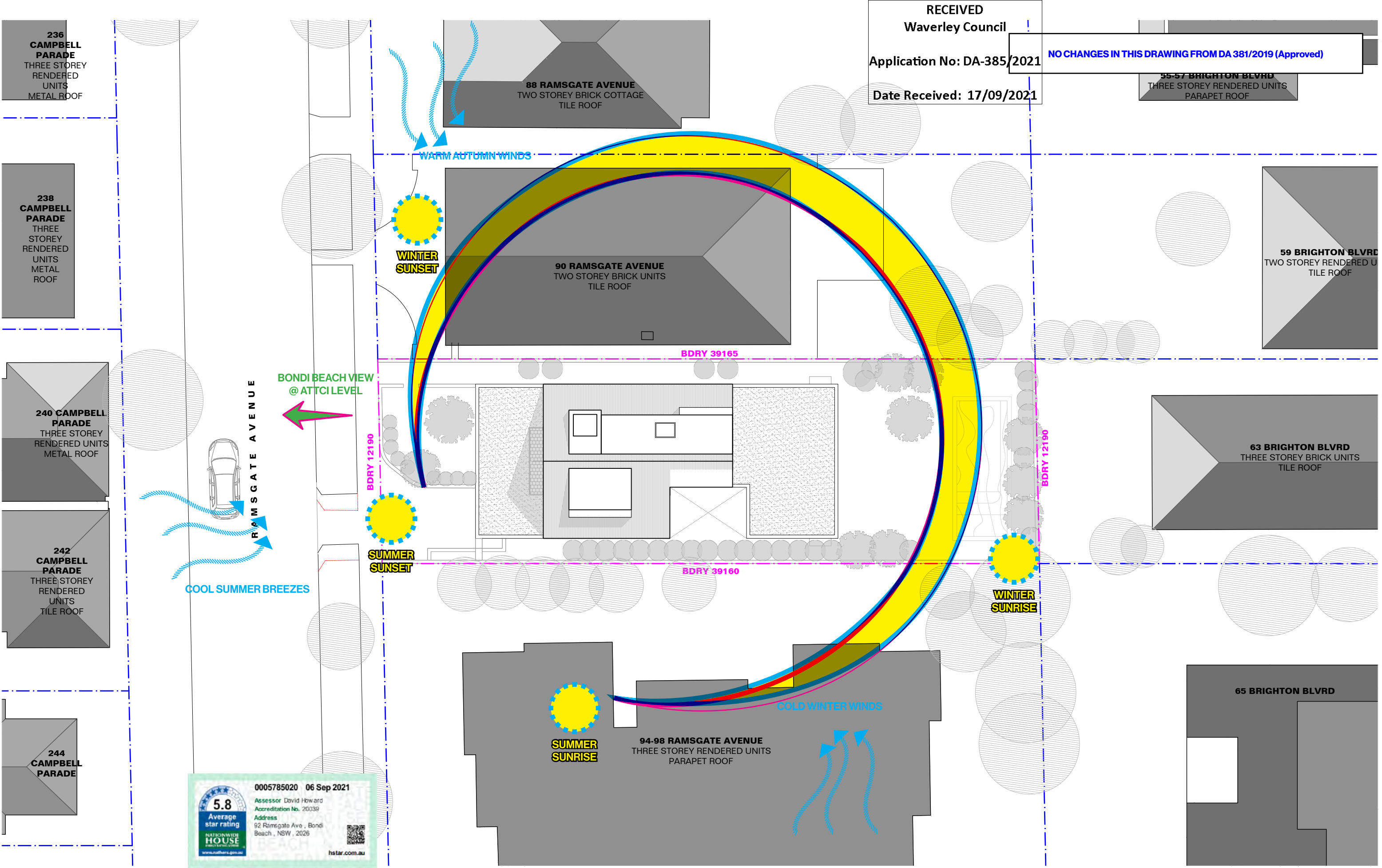
Project	92 RAMSGATE DUAL OCCUPANCY
Site	92 RAMSGATE AVE BONDI BEACH
Client	KOGAN
Scale	nts at A3
Drawn By	RM
Checked	BM

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Common Office

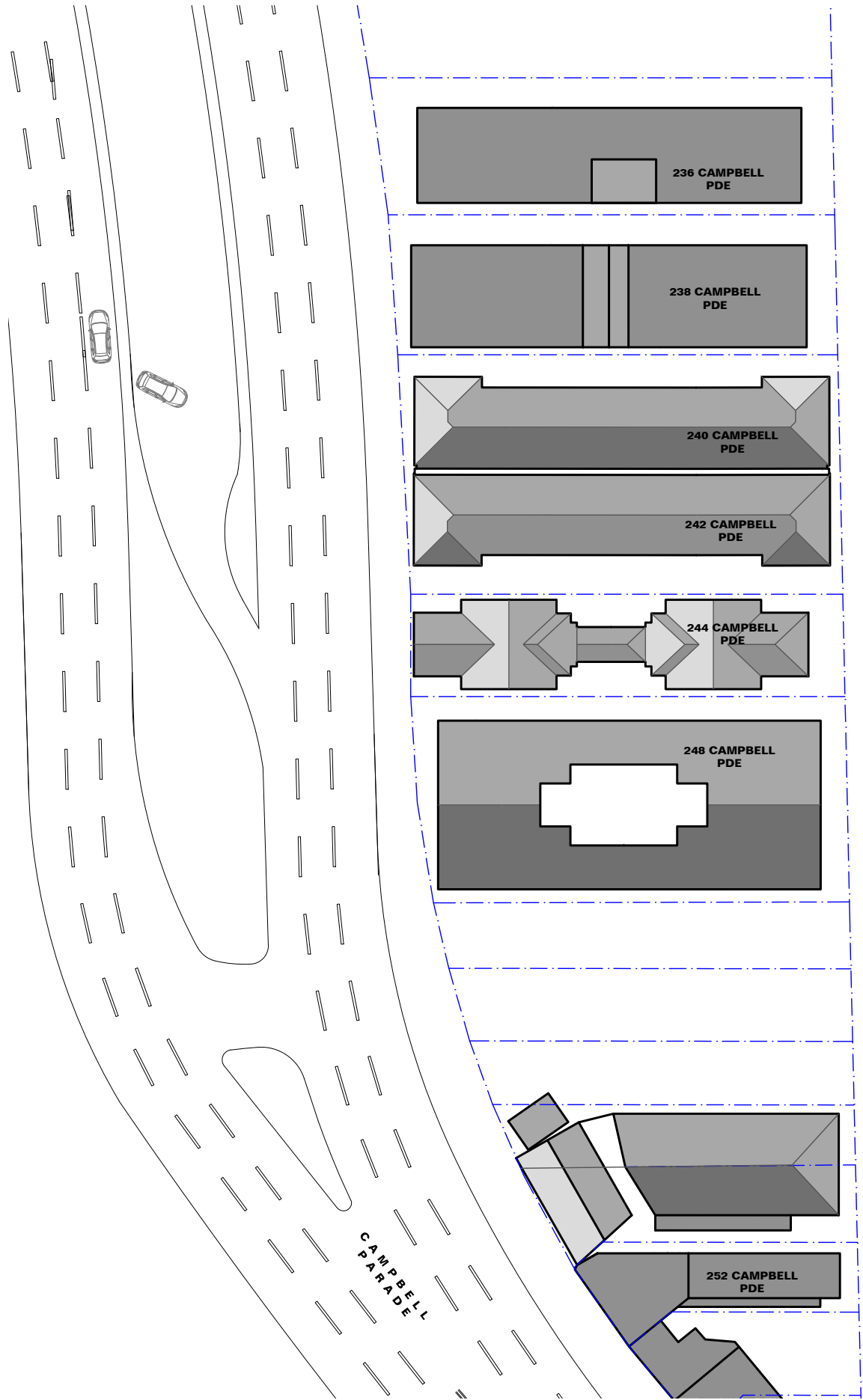
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MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect:
Brian Meyerson, NSW Arch Reg. No: 4907

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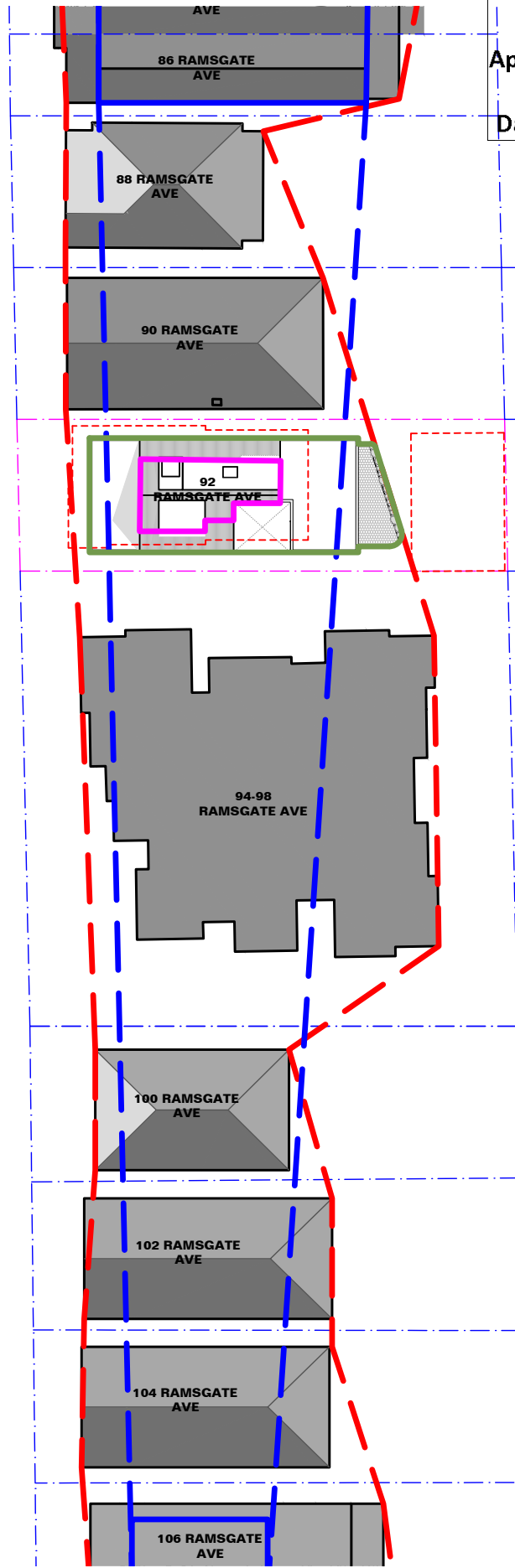
Drawing	AERIAL CONTEXT PLAN
Date	09/12/21
Revision	
DA	100
[00]	



Issue	Date	Description	GENERAL NOTES		BASIX - All other requirements as per Certificates		star, zoned		All bathrooms, laundry and hallway		No		U-value 3.00 (or less than) & SHGC 0.56 (+/-5%)(Typically: Clear Double Glazing in Timber frame)		Cavity Panel/Concrete - No Insulation		Concrete - R1.0 bulk insulation (where roofspace or balcony above) Plasterboard - R2.5 Bulk insulation		Project		Scale		Drawing By		Checked		Date		Drawing No		Revision	
00	12.09.21	For DA	FOR DEVELOPMENT APPLICATION PURPOSES ONLY 1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, NATIONAL CONSTRUCTION CODE (NCC), AUSTRALIAN STANDARDS, STATUTORY REGULATIONS AND LOCAL AUTHORITY REQ. 2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED 3. CONTRACTOR TO NOTIFY DESIGNER OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING 4. DESIGNER TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION 5. CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE 6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE 7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE		Assessor David Howard Accreditation No. 20039 Address 92 Ramsgate Ave, Bondi Beach, NSW, 2026		Individual fan, ducted to facade or roof Operation Control - manual switch on/off Kitchen ventilation: Individual fan, not ducted Operation Control - manual switch on/off Laundry Ventilation: Natural ventilation Coping: 1-phase air conditioning, 4		Natural Lighting to kitchens Kitchen Cooktop: Gas cooktop & Electric Oven Fridge: Well ventilated space Dishwasher: 4 Star Clothes Washer: 4 Star Indoor Dry Line:		Fire Sprinkler System (No 1) Central Water Tank, Size 3000, to collect run off from at least 130 sqm of roof area THERMAL COMFORT OPTIONS: Windows: U-value 4.30 (or less than) & SHGC 0.50 (+/-5%)(Typically: Low-e clear glass in Timber frame)		VELUX - Double Glazed OPAL (U = 2.60 & SHGC = 0.24) External Walls: Cavity brick with R1.3 insulation Internal Walls:		Metal - 60mm Foil blanket with reflective airgap External Floors: Suspended Concrete (above Basement areas) - R1.0 Bulk insulation Ceiling:		92 RAMSGATE DUAL OCCUPANCY Site 92 RAMSGATE AVE BONDI BEACH Client KOGAN		1:200 at A3		RM		BM		09/12/21		DA		101		[00]	



RAMSGATE AVENUE



RECEIVED
Waverley Council
Application No: DA-385/2021
Date Received: 17/09/2021

NO CHANGES IN THIS DRAWING FROM DA 381/2019 (Approved)

- PREDOMINANT LOWER FLOORS SETBACK
- PREDOMINANT UPPER FLOORS SETBACK
- 84,86, 106 Ramsgate Ave: Each of these properties have setback upper floors
- PROPOSED Roof Attic Setback
- PROPOSED Building Setback



Issue	Date	Description
00	12.09.21	For DA

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Showerheads: 3 Star
Toilet Flushing System: 4 Star
Kitchen Taps: 4 Star
Bathroom Taps: 4 Star
Appliances:
All dishwashers: 4 Star
Hot water:
Hot Water System:
Gas instantaneous 6 star
Bathroom ventilation:

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Operation Control - manual switch on/off
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Laundry Ventilation:
Natural ventilation
Cooling:
1-phase air conditioning, 4

star, zoned
[To all living areas and bedroom areas]
Heating:
1-phase air conditioning, 4 star, zoned
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Artificial Lighting
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1 Dedicated Living Dining
Each Dedicated Kitchen

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Kitchen Cooktop:
Gas cooktop & Electric Oven
Fridge:
Well ventilated space
Dishwasher:
4 Star
Clothes Washer:
4 Star
Indoor Dry Line:

No
Central Systems:
Fire Sprinkler System (No 1)
Central Water Tank, Size 3000, to collect run off from at least 130 sqm of roof area
THERMAL COMFORT OPTIONS:
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Internal Walls:

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Partition walls - No thermal insulation required
Roof:
Metal - 60mm Foil blanket with reflective airgap
External Floors:
Suspended Concrete (above Basement areas) - R1.0 Bulk insulation
Ceiling:

Concrete - R1.0 bulk insulation (where roofspace or balcony above)
Plasterboard - R2.5 Bulk insulation

Project	92 RAMSGATE DUAL OCCUPANCY
Site	92 RAMSGATE AVE BONDI BEACH
Client	KOGAN
Scale	1:500 at A3
Drawn By	RM
Checked	BM

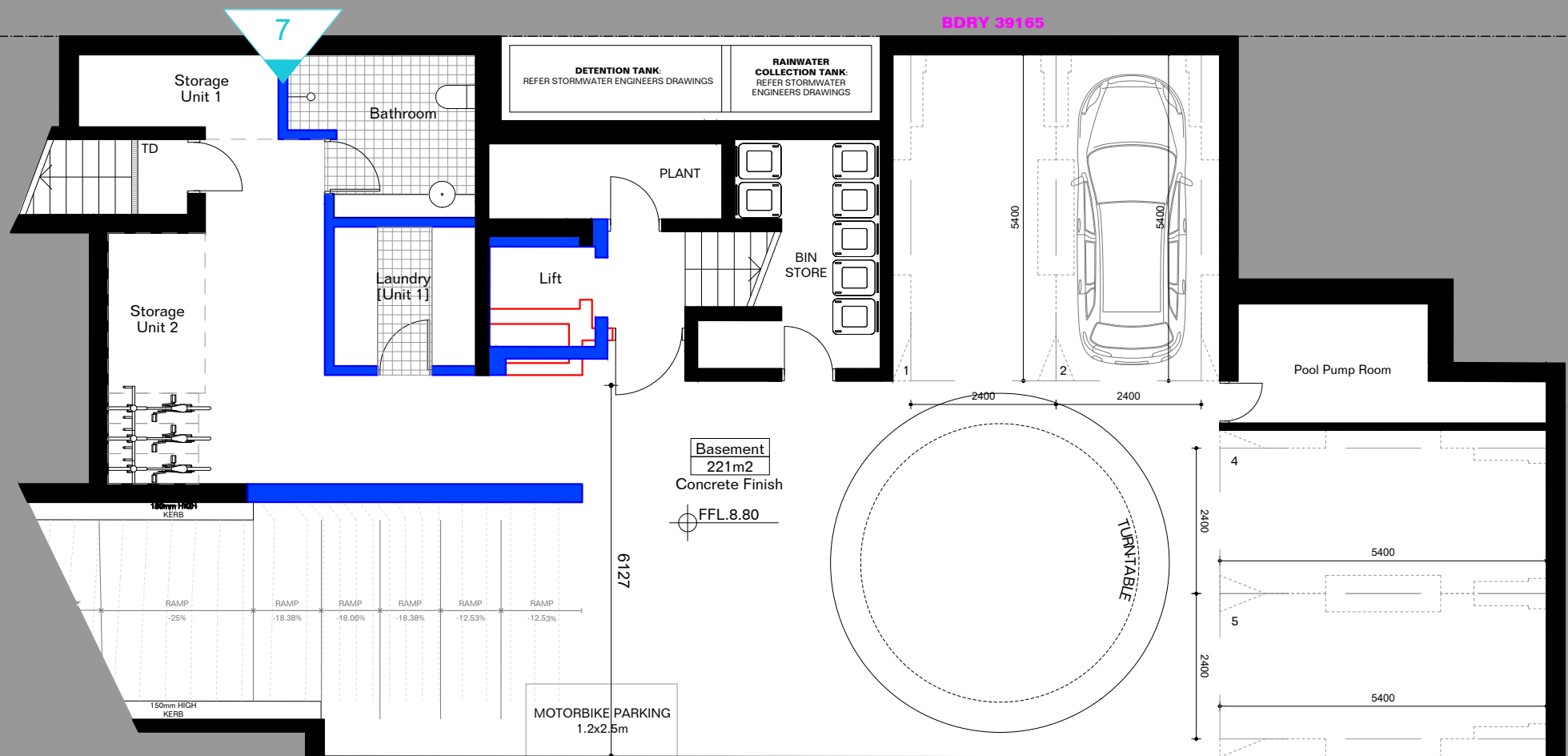
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Nominated Architect
Brian Meyerson, NSW Arch Reg. No: 4907
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Drawing No	SETBACKS PLAN
Date	09/12/21
Revision	
DA	102
[00]	

Application No: DA-385/2021

Date Received: 17/09/2021

THIS DA LIST OF CHANGES IN COMPARISON TO DA 381/2019 (Approved)	
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Proposed walls in this DA	
Walls as approved from DA381/2019 to remain	
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Issue	Date	Description
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Bathroom Taps: 4 Star

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Hot Water System:
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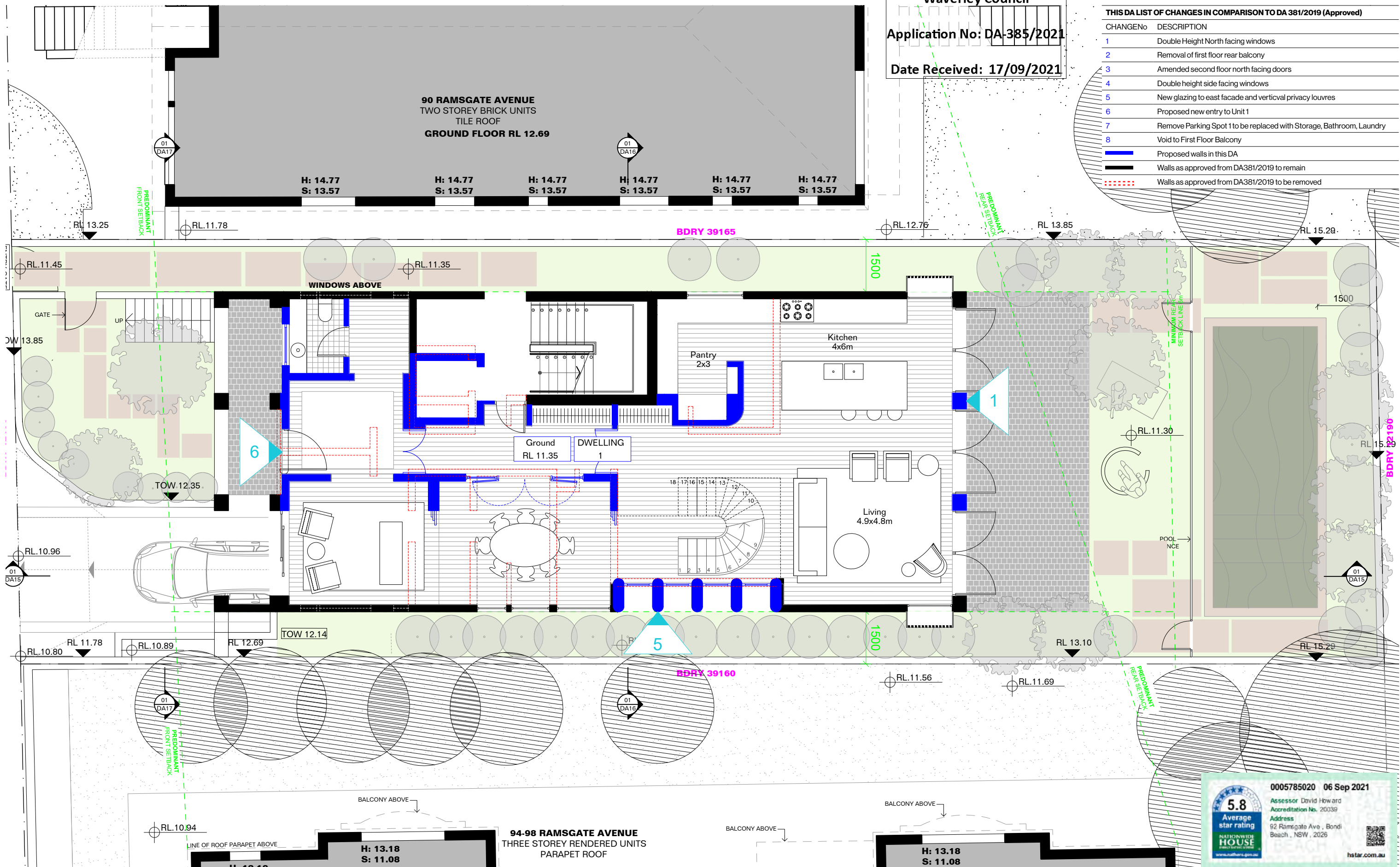
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0 1 2 3m

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Nominated Architect
Brian Meyerson, NSW Arch Reg. No: 4907
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Drawing
BASEMENT PLAN
Date
09/12/21
Drawing No
DA
Revision
200
[00]

RECEIVED
Waverley Council
Application No: DA-385/2021
Date Received: 17/09/2021

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[To all living areas and bedroom areas]
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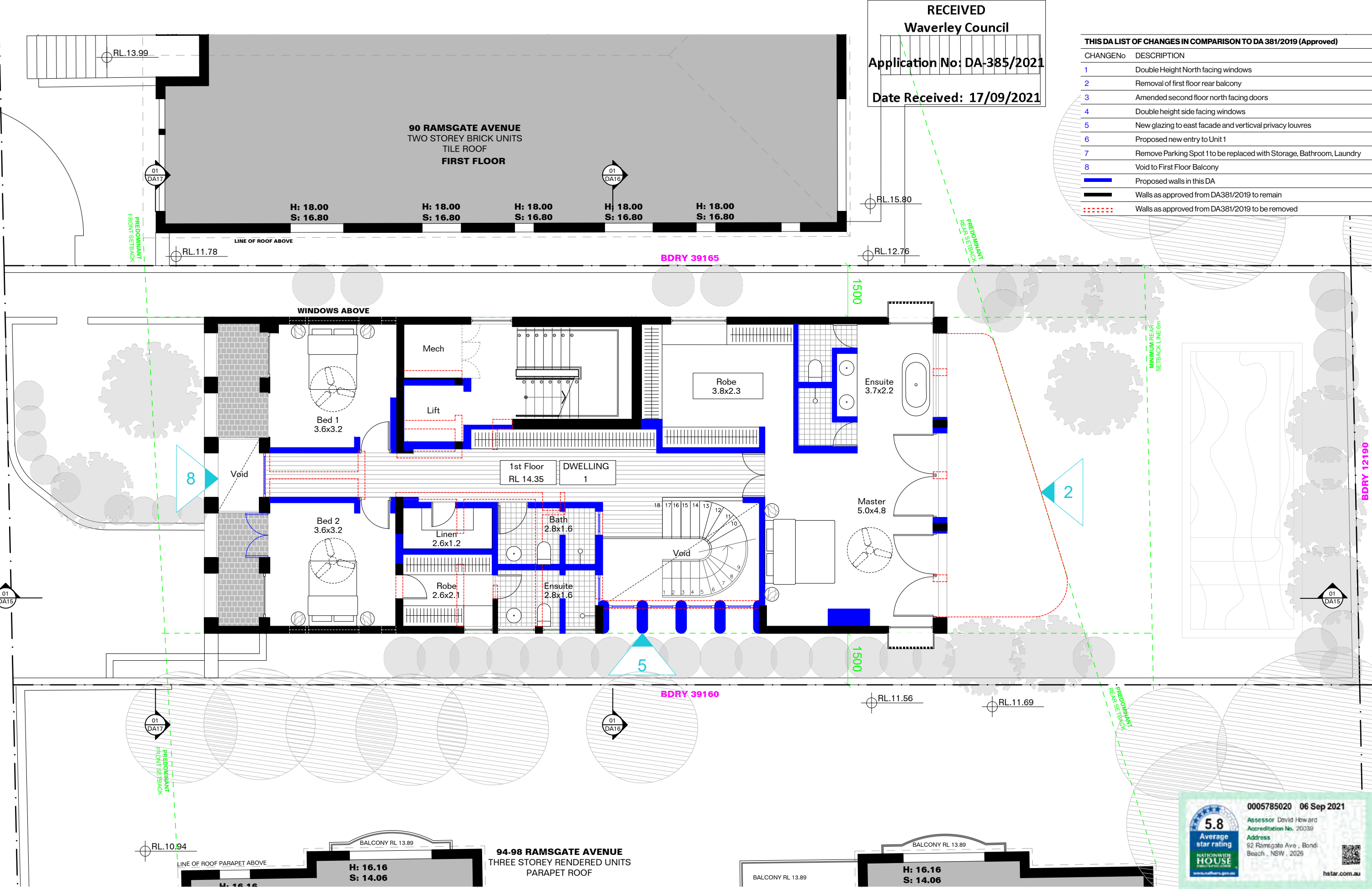
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92 RAMSGATE AVE BONDI BEACH
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Scale
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Drawn By
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Nominated Architect
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Drawing
GROUND FLOOR PLAN
Date
09/12/21
Drawing No
DA
Revision
300
[00]





RECEIVED
Waverley Council
Application No: DA-385/2021
Date Received: 17/09/2021

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Issue

Date

Description

00

12.09.21

For DA

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Project

92 RAMSGATE DUAL OCCUPANCY

Site

92 RAMSGATE AVE BONDI BEACH

Client

KOGAN

Scale

1:100 at A3

Drawn By

RM

Checked

BM

0

1

2

3m

Assessor David Howard

Accreditation No. 20039

Address

92 Ramsgate Ave., Bondi Beach, NSW, 2026

0005785020

06 Sep 2021

5.8

Average star rating

NATIONWIDE HOUSE

www.nationwidehouse.com.au

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Common Office

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MHN Design Union Pty Ltd. ABN 94 003 717 682

Nominated Architect

Brian Meyerson, NSW Arch Reg. No. 4907

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Drawing

FIRST FLOOR PLAN

Date

09/12/21

Drawing No

DA

Revision

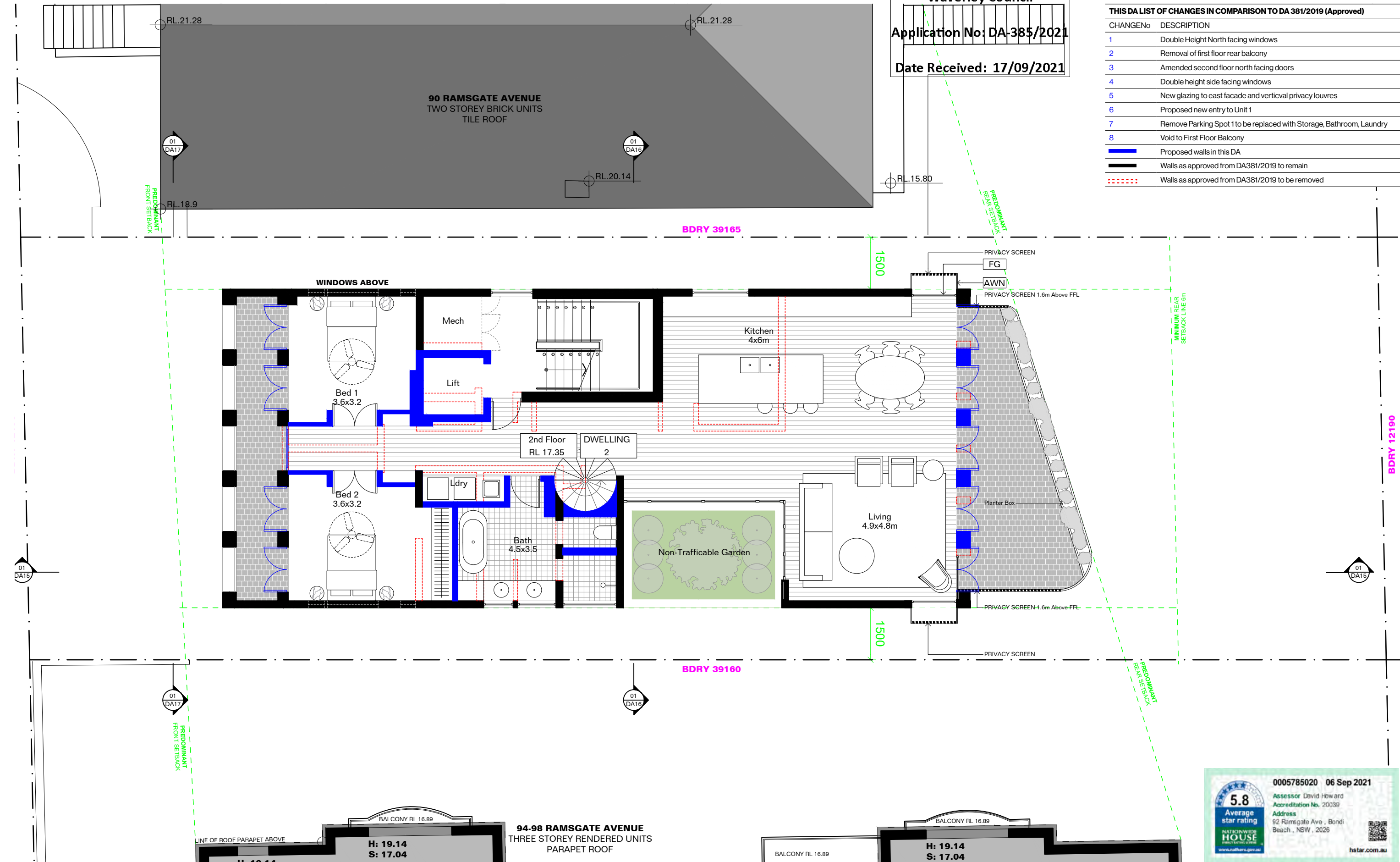
301

[00]

Page 52 of 422

RECEIVED
Waverley Council
Application No: DA-385/2021
Date Received: 17/09/2021

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2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED.
3. CONTRACTOR TO NOTIFY DESIGNER OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING.
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5. CONTRACTOR TO Liaise WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/ DATA/ COMMUNICATION REQUIREMENTS ARE ACCESSIBLE.
6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE.
7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE.

BASIX - All other requirements as per Certificates

FIXTURES
Showerheads: 3 Star
Toilet Flushing System: 4 Star
Kitchen Taps: 4 Star
Bathroom Taps: 4 Star

Appliances:
All dishwashers: 4 Star
Hot water:
Hot Water System:
Gas instantaneous 6 star
Bathroom ventilation:

Individual fan, ducted to facade or roof
Operation Control - manual switch on/off
Kitchen ventilation:
Individual fan, not ducted
Operation Control - manual switch on/off
Laundry Ventilation:
Natural ventilation
Cooling:
1-phase air conditioning, 4

star, zoned
[To all living areas and bedroom areas]
Heating:
1-phase air conditioning, 4 star, zoned
[To all living areas and bedroom areas]
Artificial Lighting
3 Dedicated bedrooms
1 Dedicated Living Dining
Each Dedicated Kitchen

All bathrooms, laundry and hallway
Natural Lighting to kitchens
Appliances:
Gas cooktop & Electric Oven
Fridge:
Well ventilated space
Dishwasher:
4 Star
Clothes Washer:
4 Star
Indoor Dry Line:

No
Central Systems:
Fire Sprinkler System (No 1)
Central Water Tank, Size 3000, to collect run off from at least 130 sqm of roof area
THERMAL COMFORT OPTIONS:
Windows:
U-value 4.30 (or less than) & SHGC 0.50 (+/-5%)(Typically: Low-e clear glass in Tmb. frame)
Internal Walls:

U-value 3.00 (or less than) & SHGC 0.56 (+/-5%)(Typically: Clear Double Glazing in Tmb. frame)
(Double glazing where specified)
Skylights:
VELUX - Double Glazed OPAL (U = 2.60 & SHGC = 0.24)
External Walls:
Cavity brick with R1.3 Insulation
Internal Walls:

Cavity Panel/Concrete - No Insulation
Partition walls - No thermal insulation required
Roof:
Metal - 60mm Foil blanket with reflective airgap
External Floors:
Suspended Concrete (above Basement areas) - R1.0 Bulk insulation
Ceiling:

Concrete - R1.0 bulk insulation (where roofspace or balcony above)
Plasterboard - R2.5 Bulk insulation

Project
92 RAMSGATE DUAL OCCUPANCY
Site
92 RAMSGATE AVE BONDI BEACH
Client
KOGAN

Scale
1:100 at A3
Drawn By
RM
Checked
BM
0 1 2 3m

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Nominated Architect
Brian Meyerson, NSW Arch Reg. No: 4907
All Drawings copyright MHN Design Union

Drawing
SECOND FLOOR PLAN

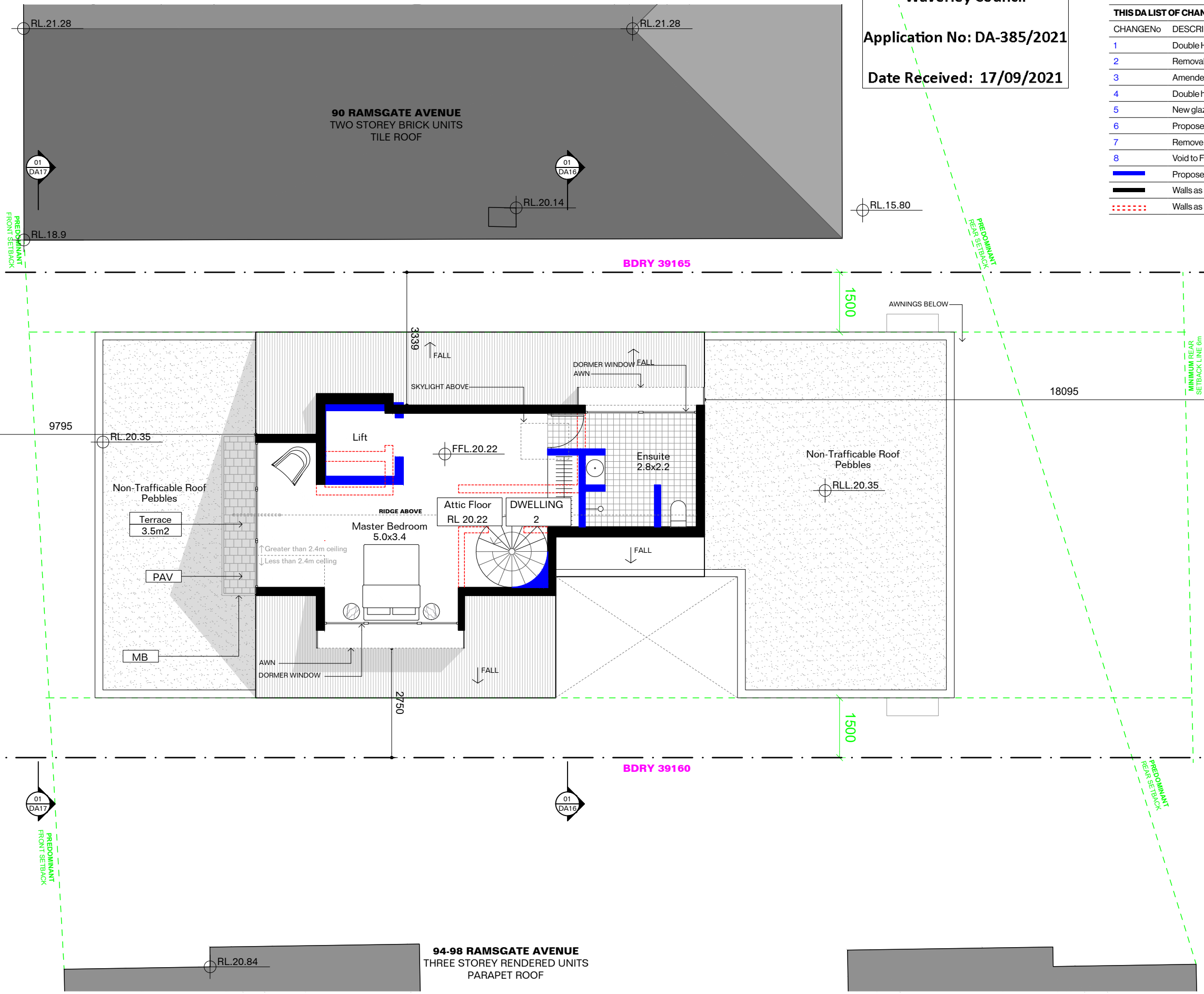
Date
09/12/21

Drawing No
DA
Revision
302 [00]



RECEIVED
Waverley Council
Application No: DA-385/2021
Date Received: 17/09/2021

THIS DA LIST OF CHANGES IN COMPARISON TO DA 381/2019 (Approved)	
CHANGENO	DESCRIPTION
1	Double Height North facing windows
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<div><div></div>Proposed walls in this DA</div>	
<div><div></div>Walls as approved from DA381/2019 to remain</div>	
<div><div></div>Walls as approved from DA381/2019 to be removed</div>	





0005785020 06 Sep 2021

Assessor David Howard
Accreditation No. 20039
Address
92 Ramsgate Ave., Bondi
Beach, NSW, 2026



hstar.com.au

Issue Date Description

00 12.09.21 For DA

GENERAL NOTES

FOR DEVELOPMENT APPLICATION PURPOSES ONLY

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BASIX - All other requirements as per Certificates

FIXTURES

Showerheads: 3 Star

Toilet Flushing System: 4 Star

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Bathroom Taps: 4 Star

Appliances:

All dishwashers: 4 Star

Hot water:

Hot Water System:

Gas instantaneous 6 star

Bathroom ventilation:

Individual fan, ducted to facade or roof

Operation Control - manual switch on/off

Kitchen ventilation:

Individual fan, not ducted

Operation Control - manual switch on/off

Laundry Ventilation:

Natural ventilation

Cooling:

1-phase air conditioning, 4 star, zoned

[To all living areas and bedroom areas]

Heating:

1-phase air conditioning, 4 star, zoned

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Artificial Lighting

3 Dedicated bedrooms

1 Dedicated Living Dining

Each Dedicated Kitchen

All bathrooms, laundry and hallway

Natural Lighting to kitchens

Appliances:

Gas cooktop & Electric Oven

Fridge:

Well ventilated space

Dishwasher:

4 Star

Clothes Washer:

4 Star

Indoor Dry Line:

No

Central Systems:

Fire Sprinkler System (No 1)

Central Water Tank, Size 3000, to collect run off from at least 130 sqm of roof area

THERMAL COMFORT OPTIONS:

Windows:

U-value 4.30 (or less than) & SHGC 0.50 (+/-5%)(Typically: Low-e clear glass in Timb. frame)

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Internal Walls:

Cavity Panel/Concrete - No Insulation

Partition walls - No thermal insulation required

Roof:

Metal - 60mm Foil blanket with reflective airgap

External Floors:

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Ceiling:

Concrete - R1.0 bulk insulation (where roofspace or balcony above)

Plasterboard - R2.5 Bulk insulation

Project

92 RAMSGATE DUAL OCCUPANCY

Site

92 RAMSGATE AVE BONDI BEACH

Client

KOGAN

Scale

1:100 at A3

Drawn By

RM

Checked

BM

0 1 2 3m



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Common Office

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MHN Design Union Pty Ltd. ABN 94 003 717 682

Nominated Architect

Brian Meyerson, NSW Arch Reg. No. 4907

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Drawing

THIRD (ATTIC) FLOOR PLAN

Date

09/12/21

Drawing No

DA

Revision

303

[00]

NO CHANGES IN THIS DRAWING FROM DA 381/2019 (Approved)

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RIDGE
RL 23.58

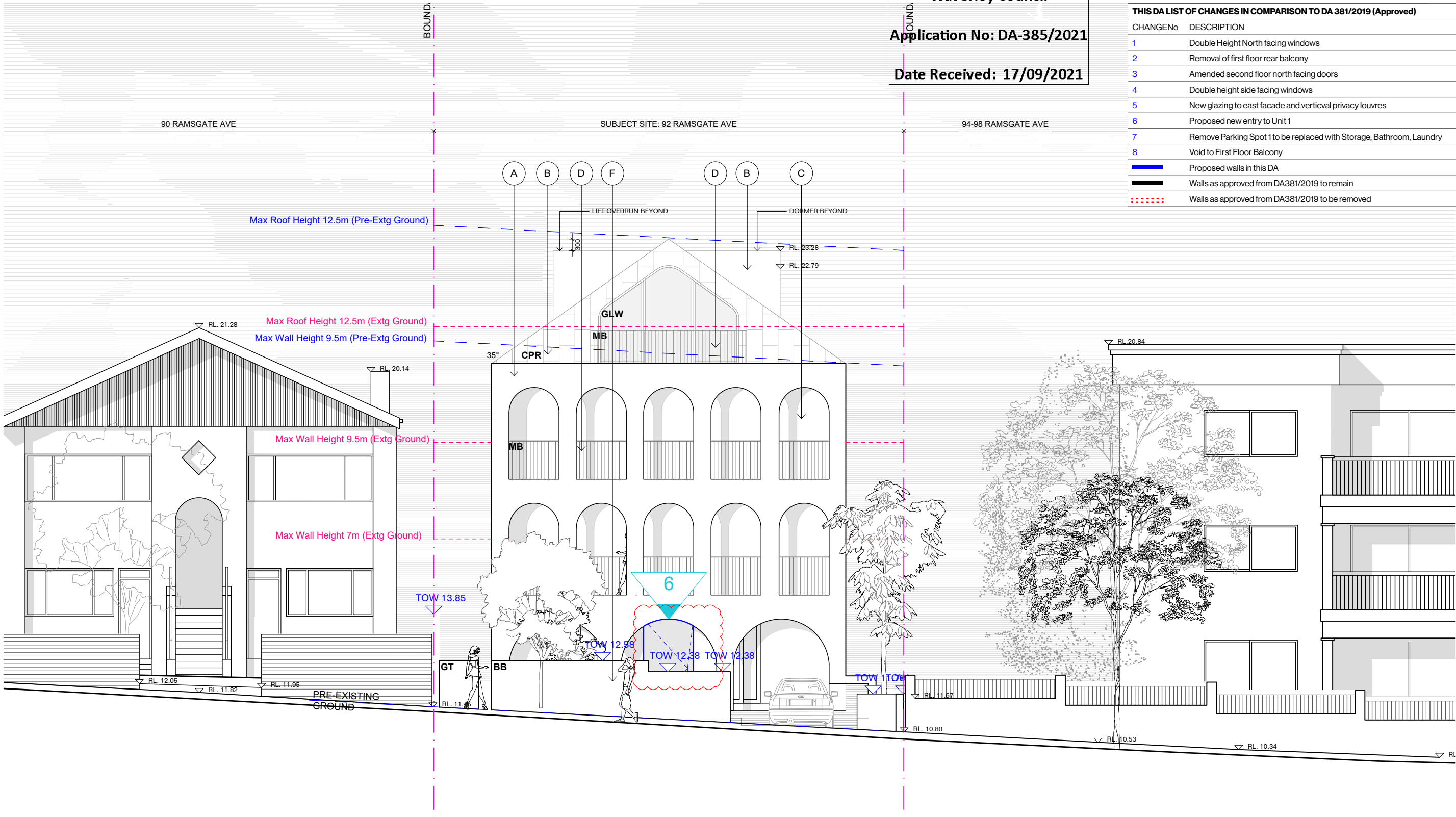
PARAPET
RL 20.35

SECOND
RL 17.35

FIRST
RL 14.35

GROUND
RL 11.35

BASEMENT
RL 8.80



Issue	Date	Description
00	12.09.21	For DA

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FIXTURES
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Kitchen Taps: 4 Star
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Appliances:
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Dishwasher:
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Clothes Washer:
4 Star
Indoor Dry Line:

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Concrete - R1.0 bulk insulation (where roofspace or balcony above)
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Project
92 RAMSGATE DUAL OCCUPANCY
Site
92 RAMSGATE AVE BONDI BEACH
Client
KOGAN
Scale
1:100 at A3
Drawn By
RM
Checked
BM
0 1 2 3m

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Nominated Architect
Brian Meyerson, NSW Arch Reg. No. 4907
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Drawing
SOUTH ELEVATION
Date
09/12/21
Drawing No
DA
Revision
400
[00]

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RIDGE
RL 23.58

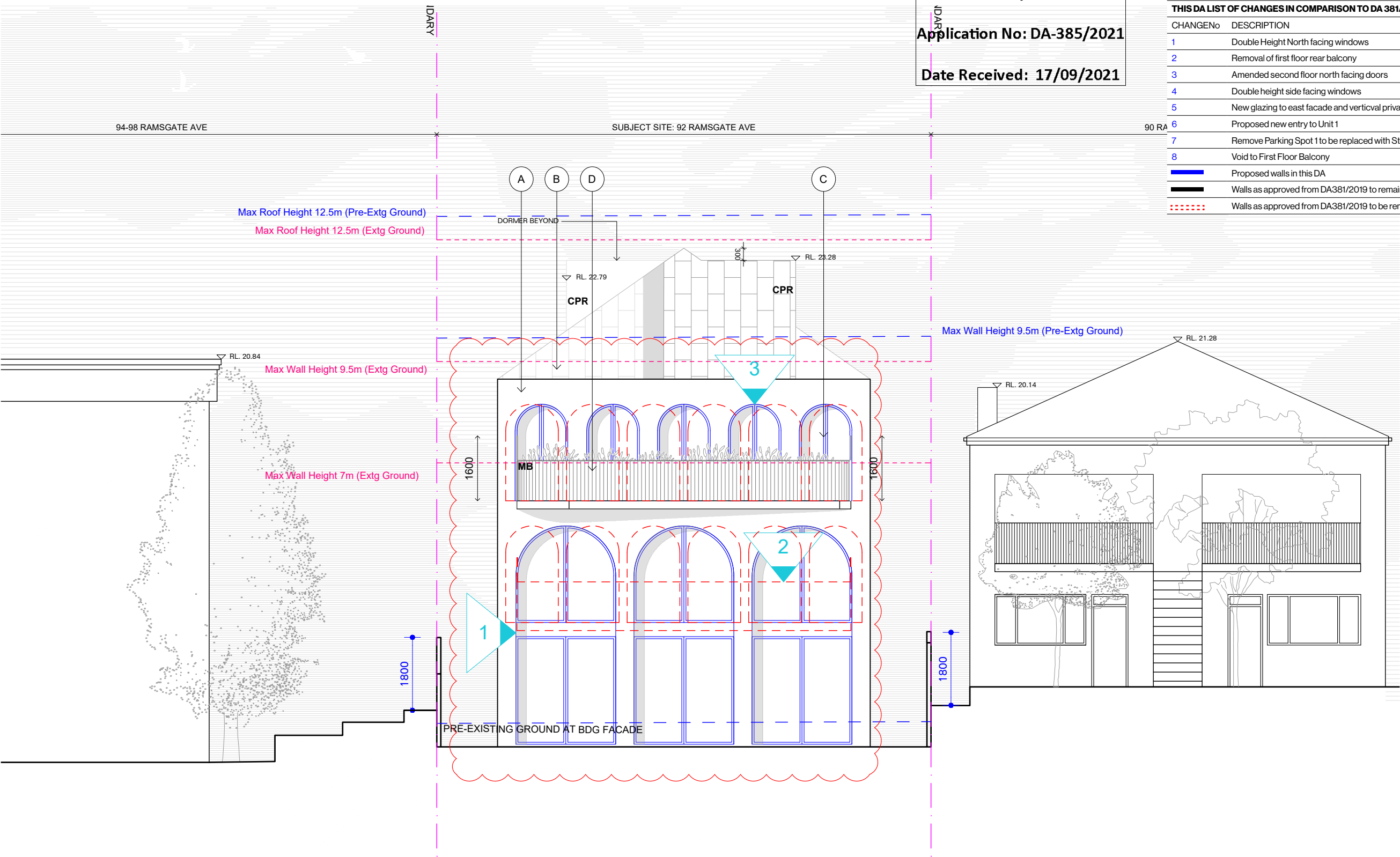
PARAPET
RL 20.35

SECOND
RL 17.35

FIRST
RL 14.35

GROUND
RL 11.35

BASEMENT
RL 8.80



Issue	Date	Description	GENERAL NOTES		BASIX - All other requirements as per Certificates		star, zoned		All bathrooms, laundry and hallway		No Central Systems:		U-value 3.00 (or less than) & SHGC 0.56 (+/-5%)(Typically: Clear Double Glazing in Timb. frame)		Cavity Panel/Concrete – No Insulation		Concrete – R1.0 bulk insulation (where roofspace or balcony above)	
00	12.09.21	For DA	FOR DEVELOPMENT APPLICATION PURPOSES ONLY 1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, NATIONAL CONSTRUCTION CODE (NCC), AUSTRALIAN STANDARDS, STATUTORY REGULATIONS AND LOCAL AUTHORITY REQ. 2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED 3. CONTRACTOR TO NOTIFY DESIGNER OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING 4. DESIGNER TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION 5. CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE. 6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE 7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE		Individual fan, ducted to facade or roof Operation Control - manual switch on/off Kitchen ventilation: Individual fan, not ducted Operation Control - manual switch on/off Laundry Ventilation: Natural ventilation Cooling: 1-phase air conditioning, 4		star, zoned [To all living areas and bedroom areas] Heating: 1-phase air conditioning, 4 star, zoned [To all living areas and bedroom areas] Artificial Lighting 3 Dedicated bedrooms 1 Dedicated Living Dining Each Dedicated Kitchen		All bathrooms, laundry and hallway Natural Lighting to kitchens Appliances: Kitchen Cooktop: Gas cooktop & Electric Oven Fridge: Well ventilated space Dishwasher: 4 Star Clothes Washer: 4 Star Indoor Dry Line:		Fire Sprinkler System (No 1) Central Water Tank, Size 3000, to collect run off from at least 130 sqm of roof area THERMAL COMFORT OPTIONS: Windows: U-value 4.30 (or less than) & SHGC 0.50 (+/-5%)(Typically: Low-e clear glass in Timb. frame)		Skylights: VELUX – Double Glazed OPAL (U = 2.60 & SHGC = 0.24) External Walls: Cavity brick with R1.3 Insulation Internal Walls:		Metal – 60mm Foil blanket with reflective airgap Roof: Suspended Concrete (above Basement areas) – R1.0 Bulk insulation Ceiling:		Plasterboard – R2.5 Bulk insulation	

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Project
92 RAMSGATE DUAL OCCUPANCY
Site
92 RAMSGATE AVE BONDI BEACH
Client
KOGAN

Scale
1:100 at A3

Drawn By
RM

Checked
BM

0 1 2 3m

Drawing
NORTH ELEVATION

Date
09/12/21

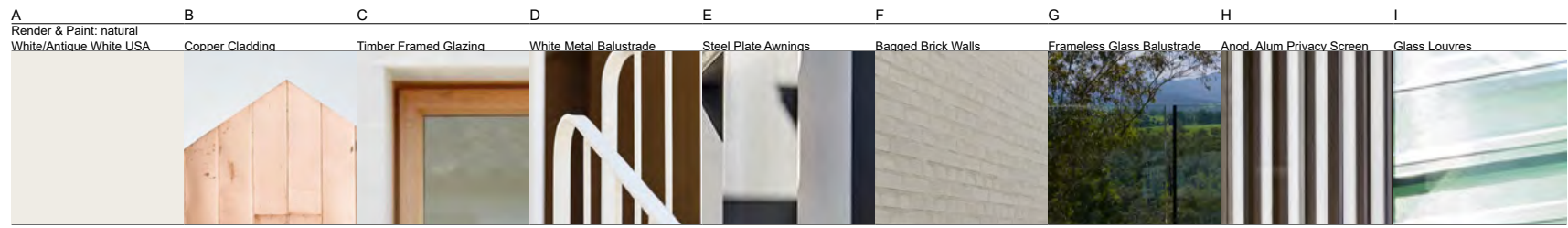
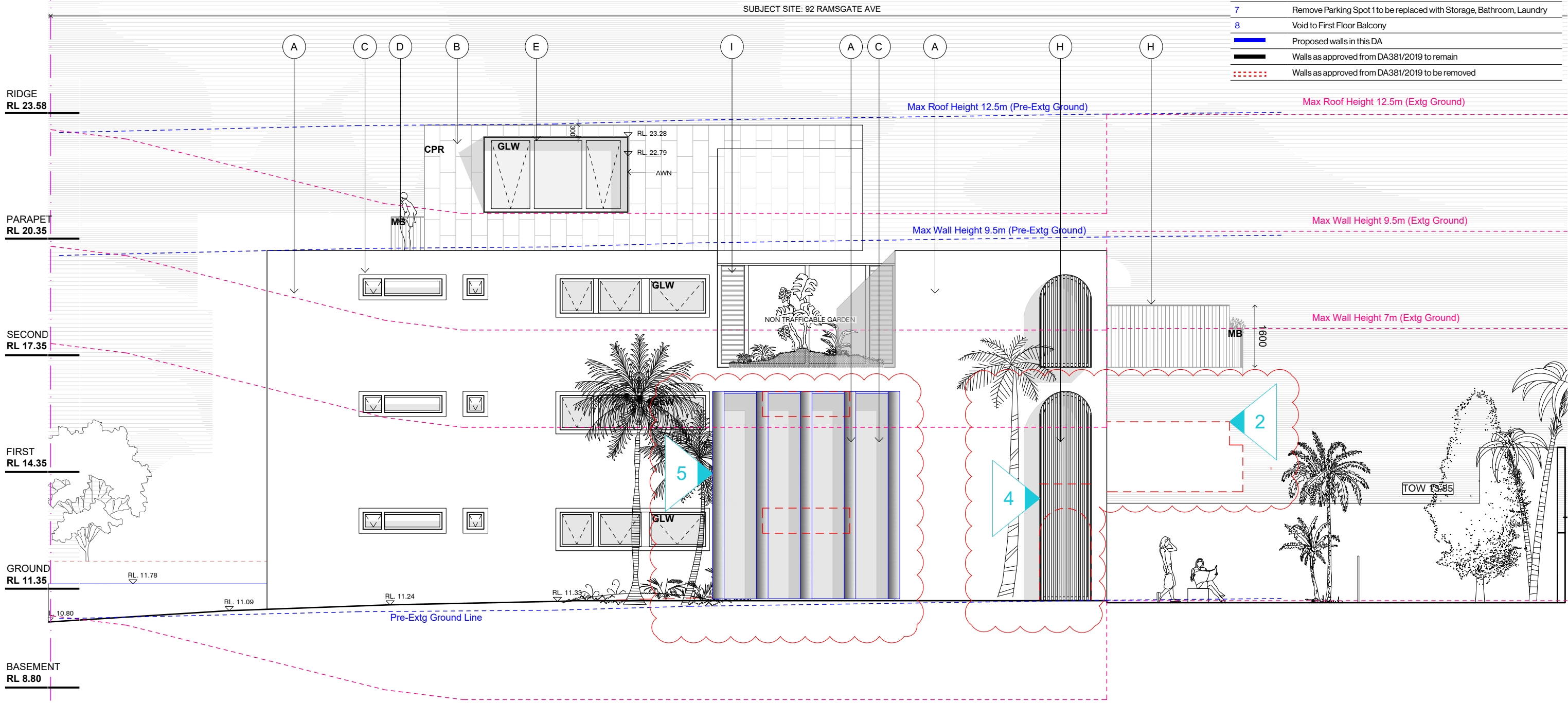
Drawing No
DA

Revision
401

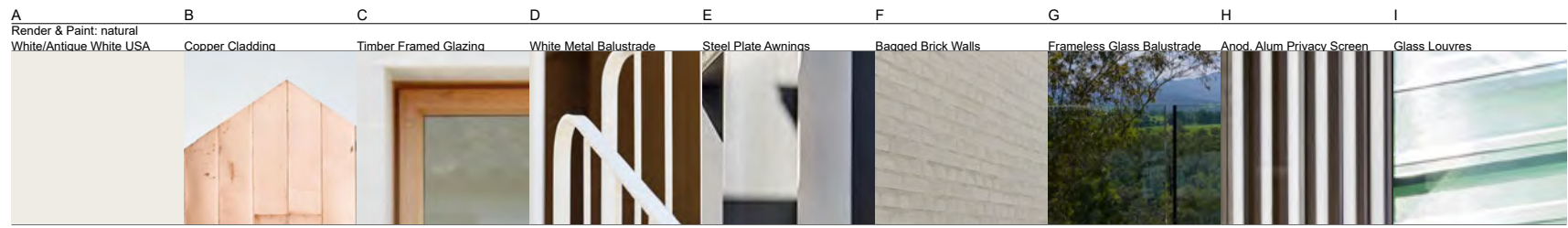
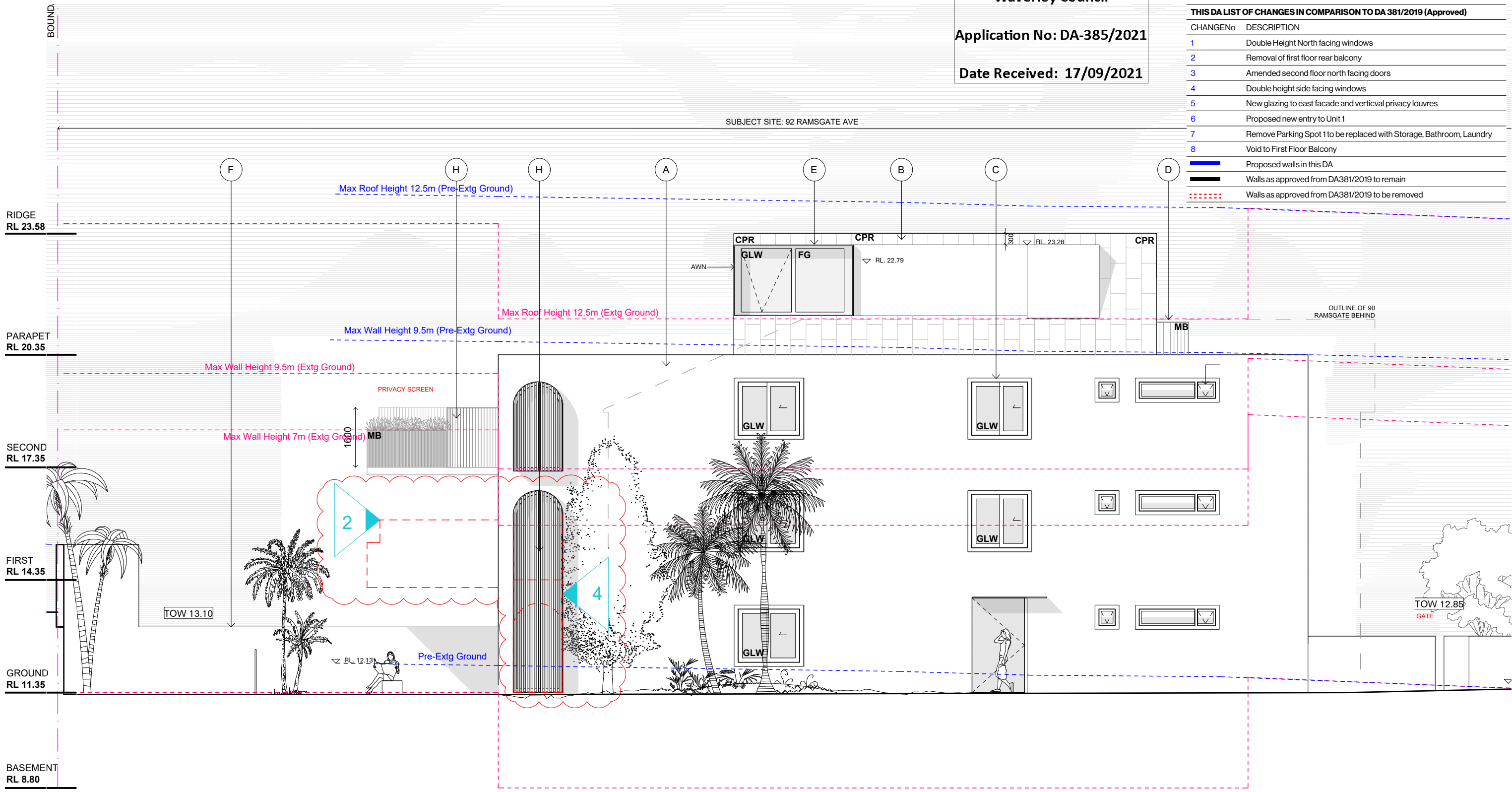
09/12/21

000

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Issue	Date	Description	GENERAL NOTES		BASIX - All other requirements as per Certificates		FIXTURES		Appliances:		No		U-value 3.00 (or less than) & SHGC 0.56 (+/-5%)(Typically: Clear Double Glazing in Timber frame)		Cavity Panel/Concrete - No Insulation		Concrete - R1.0 bulk insulation (where roofspace or balcony above)		Scale		Project	
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Assessor David Howard
Accreditation No. 20039
Address
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09/12/21

DA 403 [00]

0 1 2 3m

0005785020 06 Sep 2021

5.8 Average star rating

NATIONWIDE HOUSE

www.nationwidehouse.com.au

hstar.com.au

09/12/21

DA 403 [00]

0 1 2 3m

0005785020 06 Sep 2021

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NATIONWIDE HOUSE

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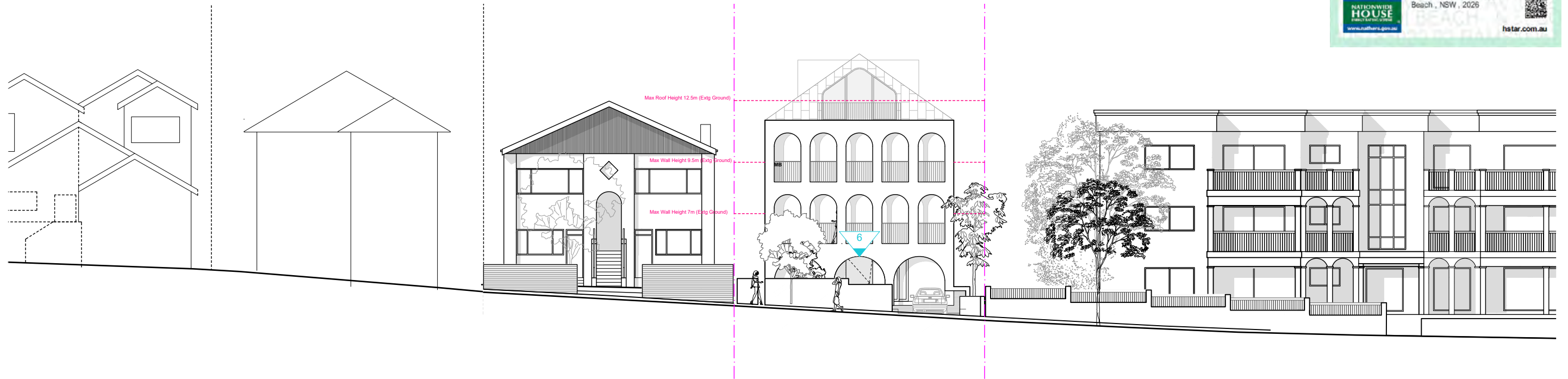
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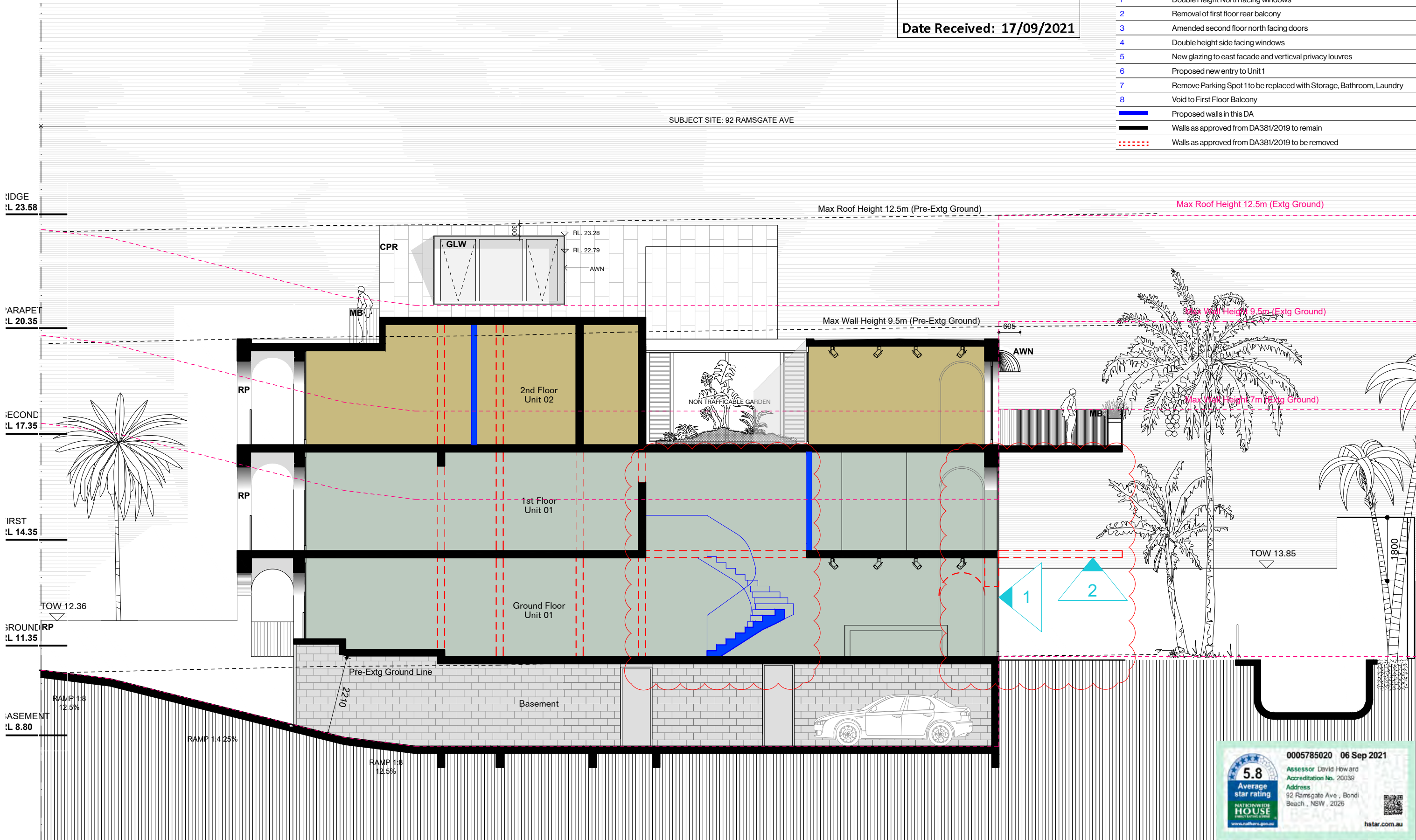
Drawing

RAMSGATE AVE
STREETSCAPE

Date
09/12/21

Drawing No	Revision
DA 404	[00]

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RIDGE
RL 23.58

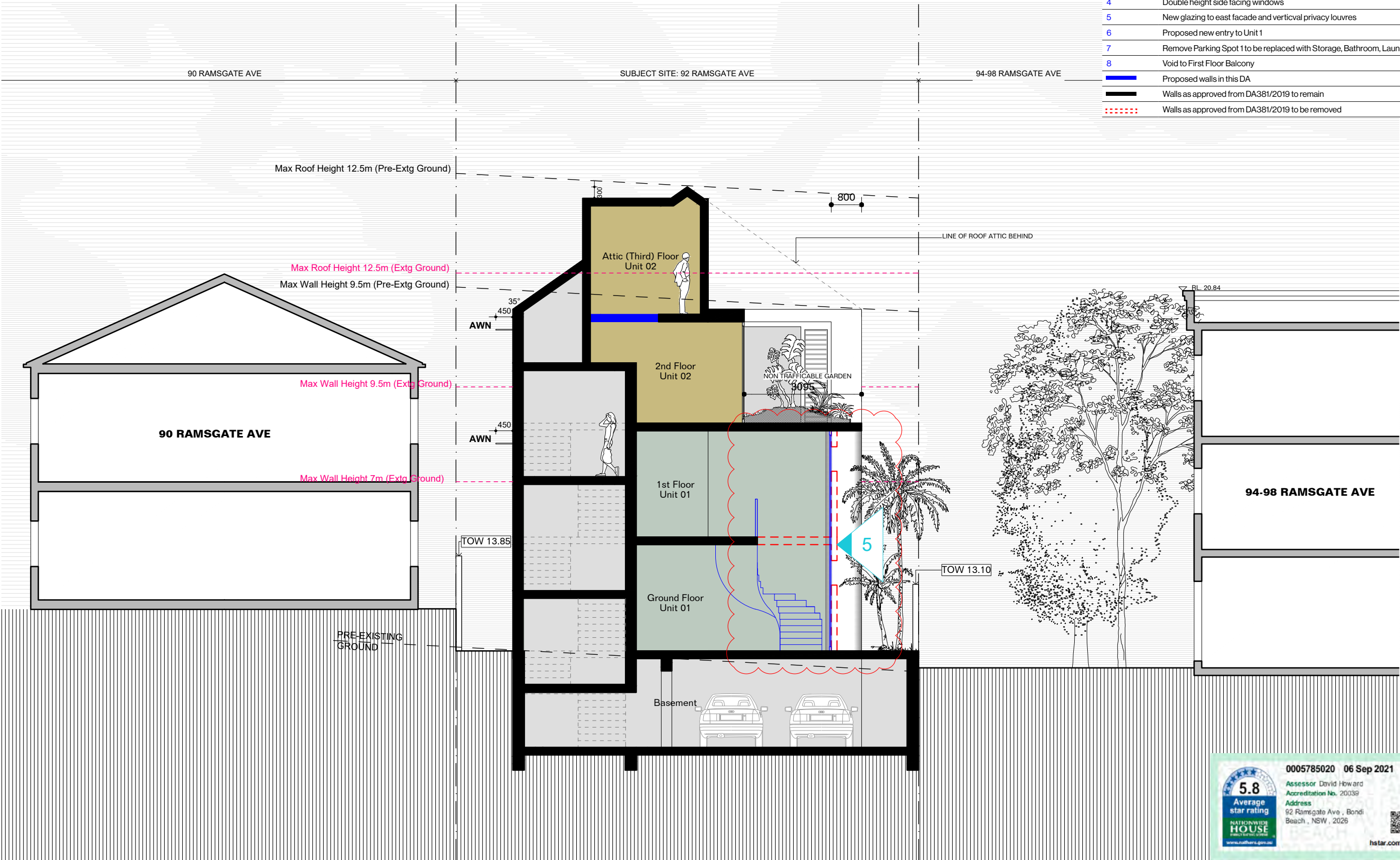
ARAPET
RL 20.35

SECOND
RL 17.35

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RL 14.35

GROUND
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BASEMENT
RL 8.80



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7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE

BASIX - All other requirements as per Certificates

FIXTURES
Showerheads: 3 Star
Toilet Flushing System: 4 Star
Kitchen Taps: 4 Star
Bathroom Taps: 4 Star

Appliances:
All dishwashers: 4 Star
Hot water:
Hot Water System:
Gas instantaneous 6 star
Bathroom ventilation:

Individual fan, ducted to facade or roof
Operation Control - manual switch on/off
Kitchen ventilation:
Individual fan, not ducted
Operation Control - manual switch on/off
Laundry Ventilation:
Natural ventilation
Cooling:
1-phase air conditioning, 4

star, zoned
[To all living areas and bedroom areas]
Heating:
1-phase air conditioning, 4 star, zoned
[To all living areas and bedroom areas]
Artificial Lighting
3 Dedicated bedrooms
1 Dedicated Living Dining
Each Dedicated Kitchen

All bathrooms, laundry and hallway
Natural Lighting to kitchens
Appliances:
Kitchen Cooktop:
Gas cooktop & Electric Oven
Fridge:
Well ventilated space
Dishwasher:
4 Star
Clothes Washer:
4 Star
Indoor Dry Line:

No
Central Systems:
Fire Sprinkler System (No 1)
Central Water Tank, Size 3000, to collect run off from at least 130 sqm of roof area
THERMAL COMFORT OPTIONS:
Windows:
U-value 4.30 (or less than) & SHGC 0.50 (+/-5%)(Typically: Low-e clear glass in Timb. frame)

U-value 3.00 (or less than) & SHGC 0.56 (+/-5%)(Typically: Clear Double Glazing in Timb. frame)
Skylights:
VELUX - Double Glazed OPAL (U = 2.60 & SHGC = 0.24)
External Walls:
Cavity brick with R1.3 Insulation
Internal Walls:

Cavity Panel/Concrete - No Insulation
Partition walls - No thermal insulation required
Roof:
Metal - 60mm Foil blanket with reflective airgap
External Floors:
Suspended Concrete (above Basement areas) - R1.0 Bulk insulation
Ceiling:

Concrete - R1.0 bulk insulation (where roofspace or balcony above)
Plasterboard - R2.5 Bulk insulation

Project
92 RAMSGATE DUAL OCCUPANCY

Site
92 RAMSGATE AVE BONDI BEACH

Client
KOGAN

Scale
1:100 at A3

Drawn By
RM

Checked
BM

0 1 2 3m

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MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect
Brian Meyerson, NSW Arch Reg. No: 4907

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Drawing
SECTION B

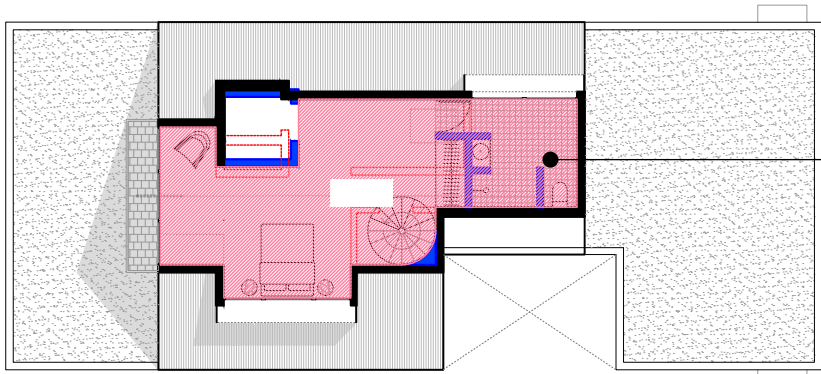
Date
09/12/21

Drawing No
DA

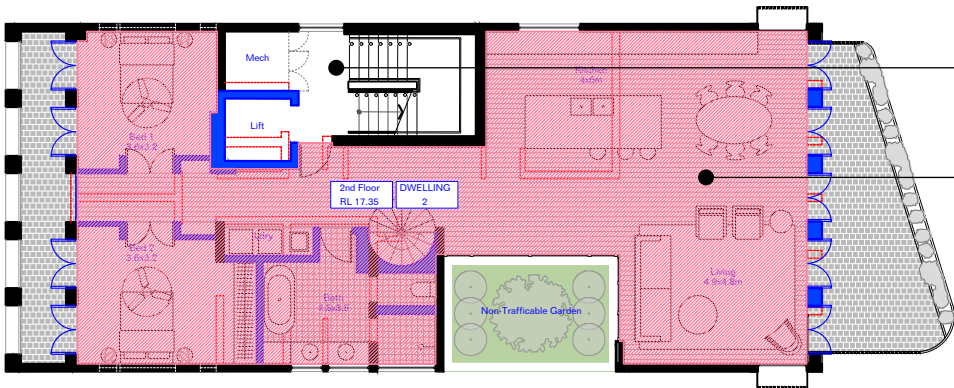
Revision
501

[00]

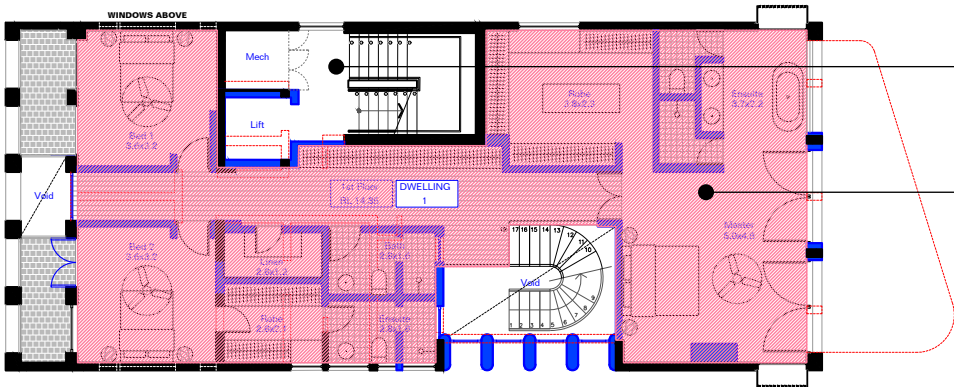
THIS DA LIST OF CHANGES IN COMPARISON TO DA 381/2019 (Approved)	
CHANGENO	DESCRIPTION
1	Double Height North facing windows
2	Removal of first floor rear balcony
3	Amended second floor north facing doors
4	Double height side facing windows
5	New glazing to east facade and vertical privacy louvres
6	Proposed new entry to Unit 1
7	Remove Parking Spot 1 to be replaced with Storage, Bathroom, Laundry
8	Void to First Floor Balcony
	Proposed walls in this DA
	Walls as approved from DA381/2019 to remain
	Walls as approved from DA381/2019 to be removed



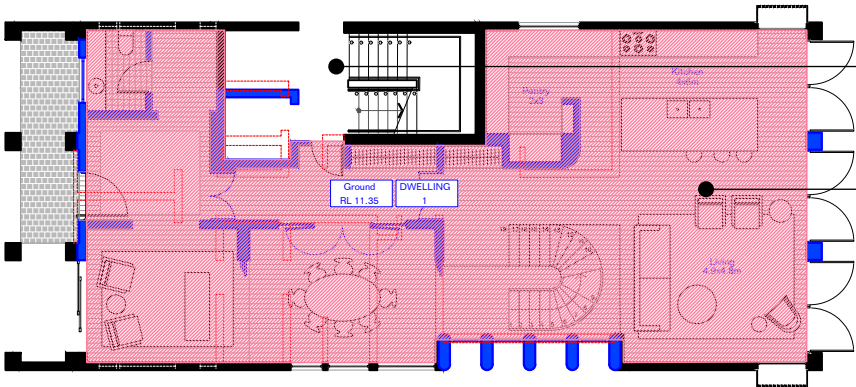
Attic (Third) Floor
41.7m²



19.5m²
Second Floor
135.42m²

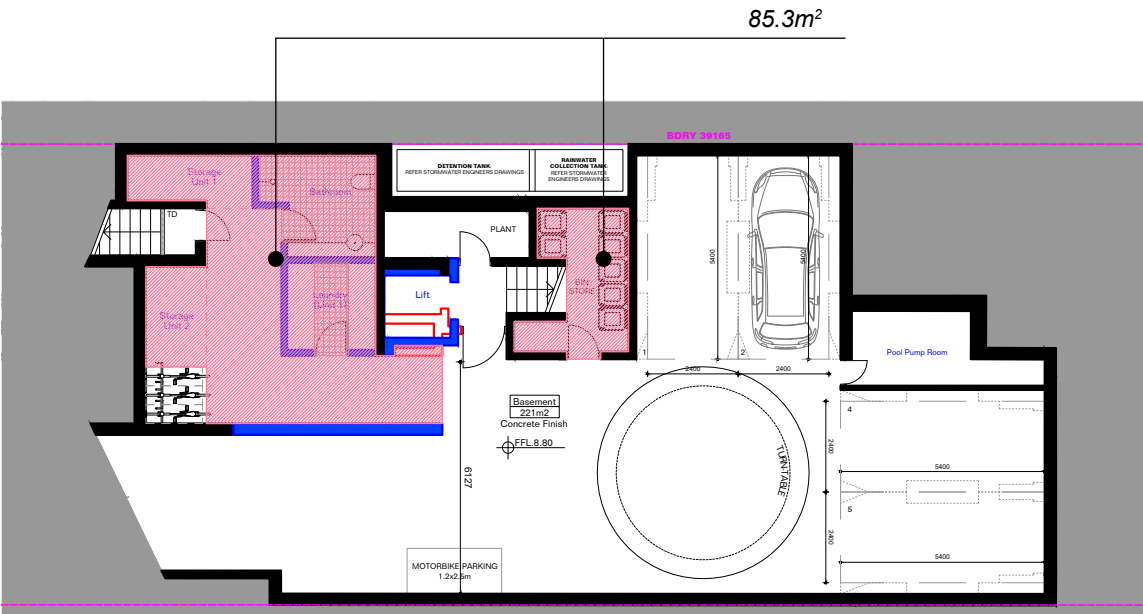


19.5m²
First Floor
131.2m²



19.5m²
Ground Floor
143.39m²

GFA CALCULATIONS SITE AREA IS 477.3m ²			
	DA381/2019/B GFA	THIS PROPOSAL GFA	
		Internal Apt	Common Stairs/ Lift/Mech
BASEMENT	0	0	85.3
GROUND FLOOR	143.39	143.39	19.5
FIRST FLOOR	143.39	131.2	19.5
SECOND FLOOR	135.42	135.42	19.5
ATTIC FLOOR	41.7	41.7	n/a
Totals	463.9	451.71	



85.3m²

Issue Date Description
00 12.09.21 For DA

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Toilet Flushing System: 4 Star
Kitchen Taps: 4 Star
Bathroom Taps: 4 Star

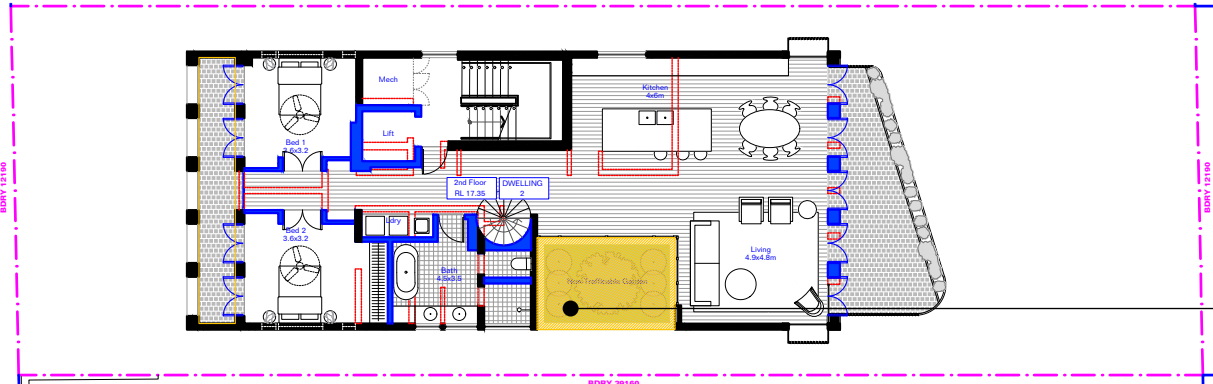
Appliances:
All dishwashers: 4 Star
Hot water: Hot Water System: Gas instantaneous 6 star
Bathroom ventilation: Individual fan, ducted to facade or roof
Operation Control - manual switch on/off
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Operation Control - manual switch on/off
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[To all living areas and bedroom areas]
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3 Dedicated bedrooms
1 Dedicated Living Dining
Each Dedicated Kitchen

All bathrooms, laundry and hallway
Natural Lighting to kitchens
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Kitchen Cooktop: Gas cooktop & Electric Oven
Fridge: Well ventilated space
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Clothes Washer: 4 Star
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Fire Sprinkler System (No 1)
Central Water Tank, Size 3000, to collect run off from at least 130 sqm of roof area
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Metal - 60mm Foil blanket with reflective airgap
External Floors:
Suspended Concrete (above Basement areas) - R1.0 Bulk insulation
Ceiling:
Concrete - R1.0 bulk insulation (where roofspace or balcony above)
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Project
92 RAMSGATE DUAL OCCUPANCY
Site
92 RAMSGATE AVE BONDI BEACH
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KOGAN
Scale
1:200 at A3
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0 2 4 6m

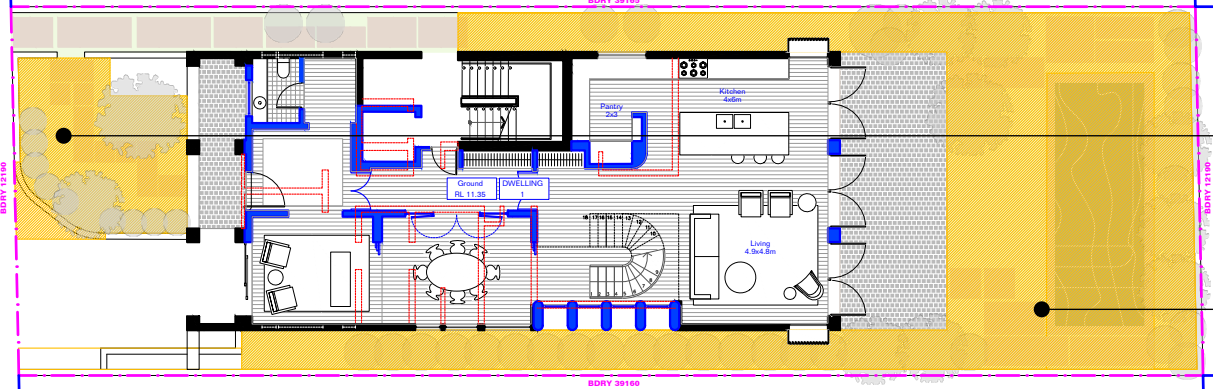
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Nominated Architect
Brian Meyerson, NSW Arch Reg. No: 4907
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Drawing
AREA DIAGRAM - GFA
Date
09/12/21
Drawing No
DA
Revision
600
[00]



14m²

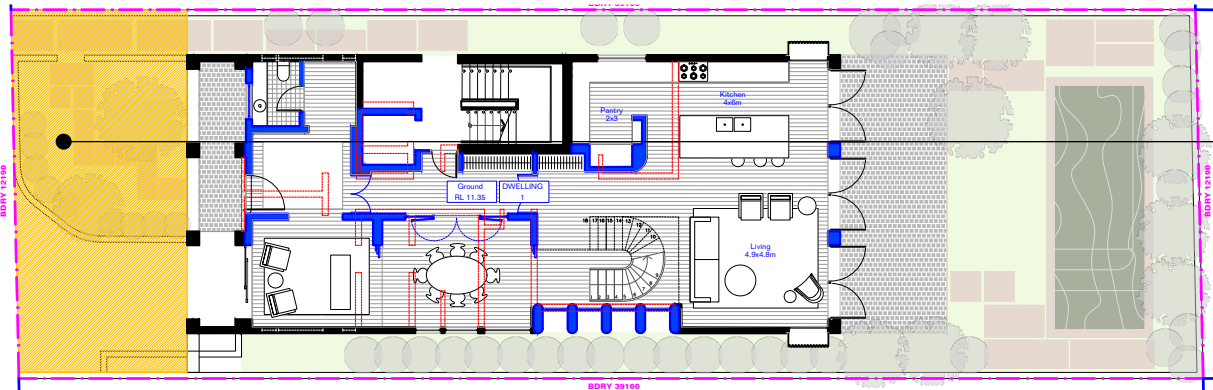
Second Floor Landscape Total
14m²



26.9m²

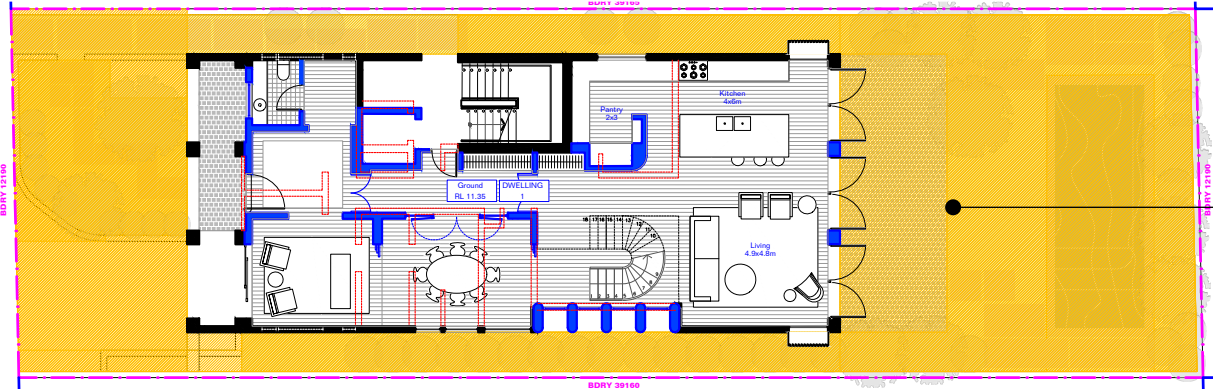
116.2m²

Ground Floor Landscape Total
143.1m²



68m²

Front Setback Open Space
68m²



198.4m²

Site Area Open Space
198.4m²

LANDSCAPE CALCULATIONS SITE AREA IS 477.3m²			
	DCP/LEP CONTROL	PROPOSED	COMPLIANCE
% Site Area to be Open Space	40% of 477.3m² = 190.92m²	198.4m²	yes
% Site Area to be Landscaped	15% of 477.3m² = 71.59m²	143.1m² Ground Floor 14m² 2nd Floor Garden Terrace 157.2m² Total Landscaped Area	Yes: No Change
% Landscaped area to be Deep Soil [For RFB, Not for Dual Occ]	50% of 143.19 = 71.6m²	52.5m² + 26.9m² 79.4m² Total Deep Soil Zone	Yes: No Change
A minimum of 50% of the area between the front of the primary building and the street alignment is to be open space.	50% of 68m² = 34m²	68m²	Yes: No Change
Private Open Space	Each dwelling to have minimum of 25m²	Dwelling 1: 137m² Dwelling 2: 30.9m² (Lvl 2) + 3m² (Attic)	Yes



***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

****Deep Soil Zone:**
site area that is not built on, or underneath, thereby leaving an area of deep soil for deep-rooted vegetation, native vegetation and natural drainage. The zone must have a minimum dimension of 2 by 2 metres and should be positioned to enable the retention of existing mature and / or significant trees.

Open Space:
An area external to a building (including an area of land, terrace, balcony or deck) and includes hard paved areas, areas containing swimming pools as well as landscaped area.

Issue Date Description

00 12.09.21 For DA

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Site
92 RAMSGATE AVE BONDI BEACH
Client
KOGAN

Scale
1:200 at A3

Drawn By
RM

Checked
BM

0 2 4 6m

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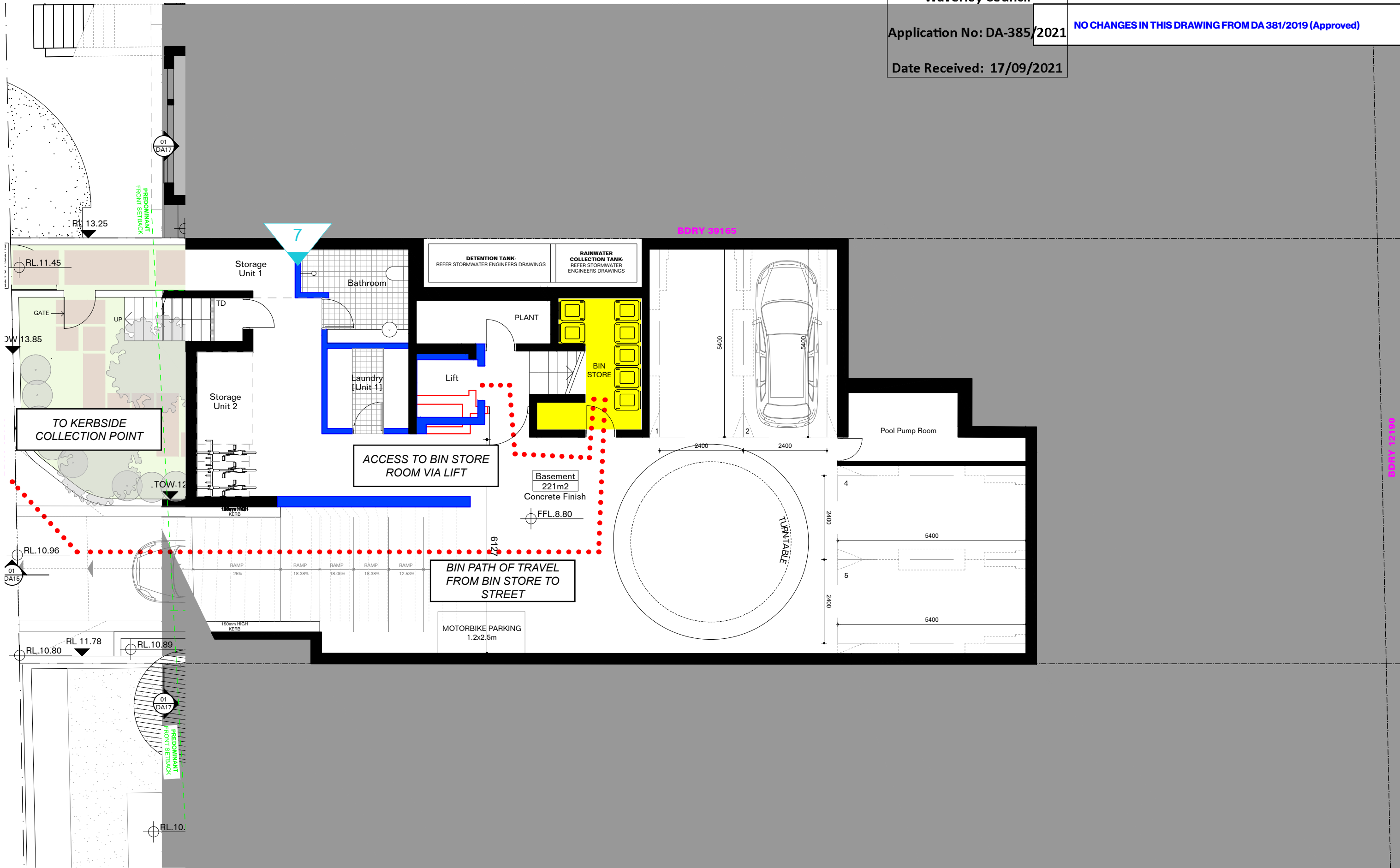
Drawing
AREA DIAGRAM:
LANDSCAPE

Date
09/12/21

Drawing No
DA

Revision
601

[00]





Issue	Date	Description
00	12.09.21	For DA

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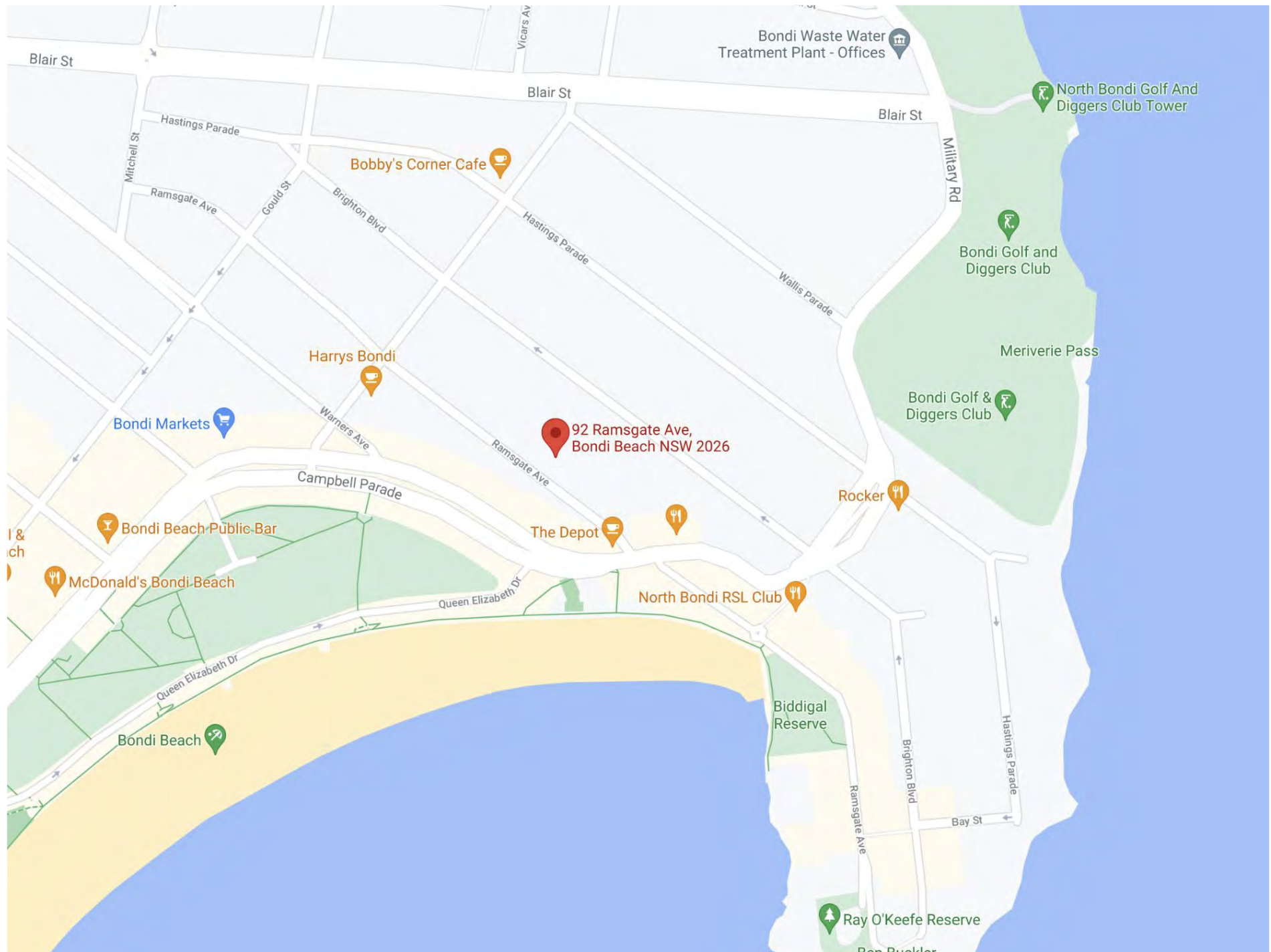
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Project	92 RAMSGATE DUAL OCCUPANCY		
Site	92 RAMSGATE AVE BONDI BEACH		
Client	KOGAN		
Scale	1:100 at A3	Drawn By	Checked
		RM	BM
			
0	1	2	3m

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Drawing	PHOTOMONTAGE
Date	09/12/21
Drawing No	DA
Revision	700
	[00]



SITE LOCATION
NTS | GOOGLE MAPS

DRAWING SCHEDULE

553_DA_01	COVER PAGE
553_DA_02	PLANT SCHEDULE
553_DA_10	GROUND FLOOR LANDSCAPE PLAN 01
553_DA_11	GROUND FLOOR LANDSCAPE PLAN 02
553_DA_12	SECOND FLOOR LANDSCAPE PLAN
553_DA_35	TYPICAL DETAILS
553_DA_50	GENERAL SPECIFICATION

GENERAL NOTES

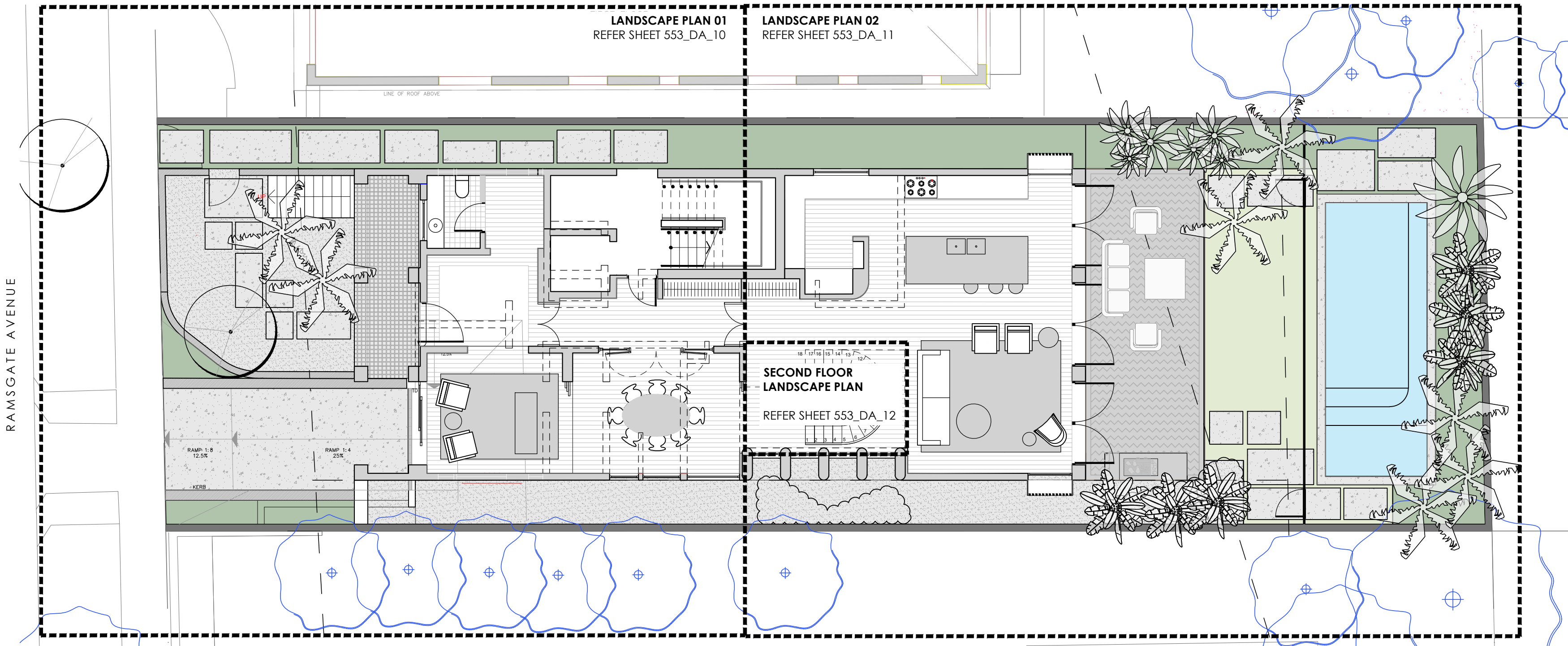
- ALL LANDSCAPE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE ARCHITECT'S AND ADDITIONAL CONSULTANT'S DRAWINGS, SPECIFICATIONS AND REPORTS
- ALL PUBLIC UTILITY SERVICES ARE TO BE LOCATED ON SITE BY THE CONTRACTOR PRIOR TO THE COMMENCEMENT OF WORKS. THE LOCATION, PRESENCE AND EXTENT OF SERVICES SHOWN ARE NOT GUARANTEED COMPLETE OR CORRECT
- PERFORM EXCAVATION IN THE VICINITY OF UNDERGROUND UTILITIES WITH CARE AND IF NECESSARY, BY HAND. THE CONTRACTOR BEARS FULL RESPONSIBILITY FOR THIS WORK AND DISRUPTION OR DAMAGE TO UTILITIES SHALL BE REPAIRED IMMEDIATELY AT NO EXPENSE TO THE OWNER
- NO TREES PROTECTED UNDER THE LOCAL COUNCIL'S TREE PRESERVATION ORDER ARE TO BE REMOVED UNLESS APPROVED BY DEVELOPMENT CONSENT OR PERMIT OBTAINED FROM COUNCIL
- ALL PAVING IS INDICATIVE, TO BE TO FUTURE SPECIFICATION, AND SET OUT ON SITE
- ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE LOCAL COUNCIL'S APPROVAL, STANDARDS AND CODES
- THE CONTRACTOR IS TO ENSURE THAT ALL THE WORKS ARE CARRIED OUT IN ACCORDANCE WITH THE WORK HEALTH AND SAFETY ACT
- MBD TO REVIEW PLANT MATERIALS AT SOURCE OR BY PHOTOGRAPHS PRIOR TO PURCHASE AND DELIVERY
- EXACT LOCATIONS OF NEW PLANT MATERIAL TO BE SETOUT AND APPROVED BY THE MBD ONSITE PRIOR TO INSTALLATION. MBD RESERVES THE RIGHT TO ADJUST PLANTS TO EXACT LOCATION ONSITE

DRAINAGE AND IRRIGATION NOTES

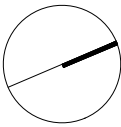
- REFER TO CIVIL ENGINEER'S UTILITY AND DRAINAGE PLANS FOR UTILITY LOCATION AND DRAINAGE INFORMATION.
- REQUIREMENTS FOR LANDSCAPE DRAINAGE TO BE CONFIRMED ONSITE UNLESS OTHERWISE SHOWN ON THE LANDSCAPE PLANS
- TREE PITS THAT HAVE BEEN EXCAVATED INTO HEAVY EARTH OR STONE TO CONTAIN A RING OF AG PIPE LAID AT THE INVERT OF THE PIT WITHIN A MINIMUM 200mm LAYER OF FREE DRAINING MATERIAL. AG PIPE TO BE CONNECTED TO A DRAINAGE OUTLET (REFER TO TYPICAL TREE PIT DRAINAGE SECTION)
- WATER / IRRIGATION CONTROLLER POINTS SHOWN INDICATIVELY ONLY. EXACT LOCATION TO BE CONFIRMED ONSITE
- ALL POTS TO HAVE AN IRRIGATION ALLOWANCE (SHRUBBLERS OR DRIP)
- FOR POTS LOCATED ON PAVED SURFACES, TYPICAL PAVING IRRIGATION DETAIL TO BE USED AS SHOWN
- POTS ADJACENT TO GARDEN BEDS TO BE IRRIGATED VIA IN GARDEN IRRIGATION SYSTEM
- ALL LAWN AREAS TO HAVE POPUP ROTORS
- ALL GARDEN BEDS TO HAVE FIXED SOLID RISERS WITH SPRAYS

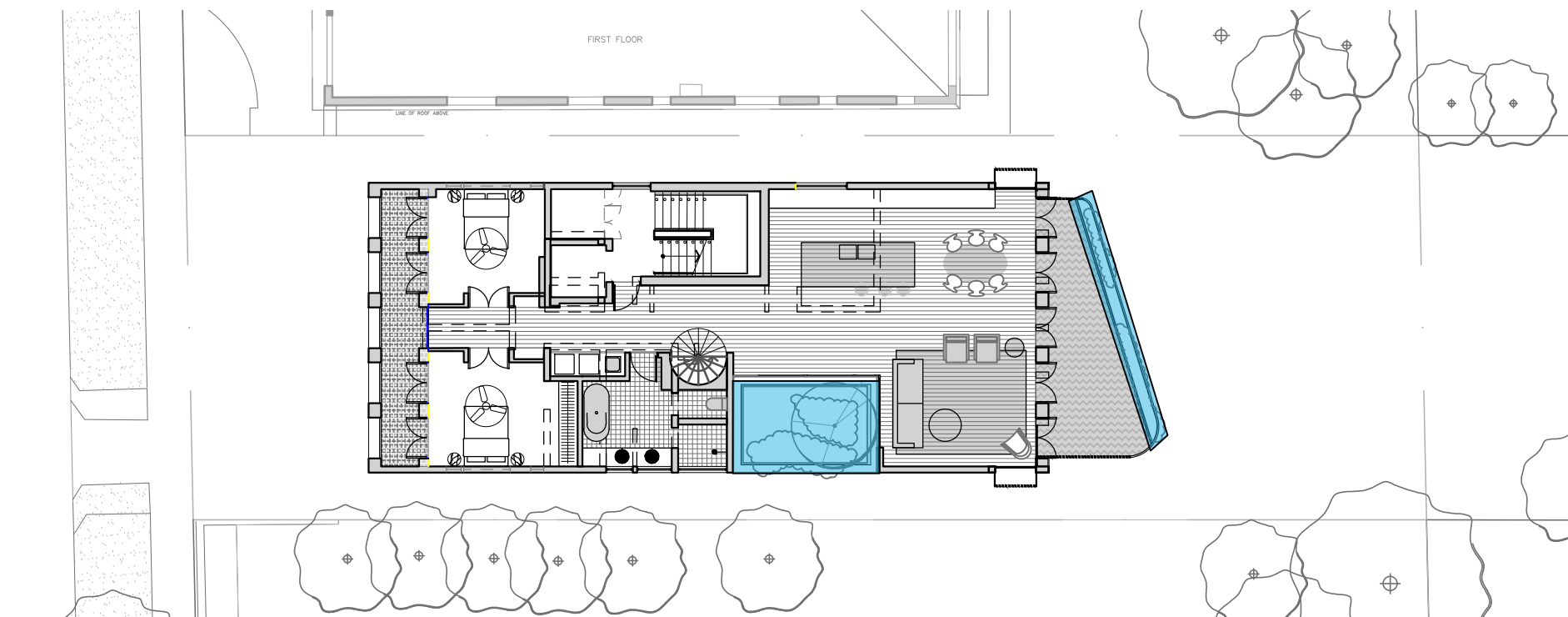
REFERENCE DOCUMENTS

- APPROVED DEVELOPMENT APPLICATION NUMBER DA-381/2019
- APPROVED LANDSCAPE PLAN NO. LP 01 (REVISION A) AND PS 01 (REVISION A) DATED 29 APRIL 2020 AND LANDSCAPE PLAN NO. LP 02 (REVISION 0) DATED 12 NOVEMBER 2019. ALL PREPARED BY EDWINA STUART LANDSCAPE DESIGN.

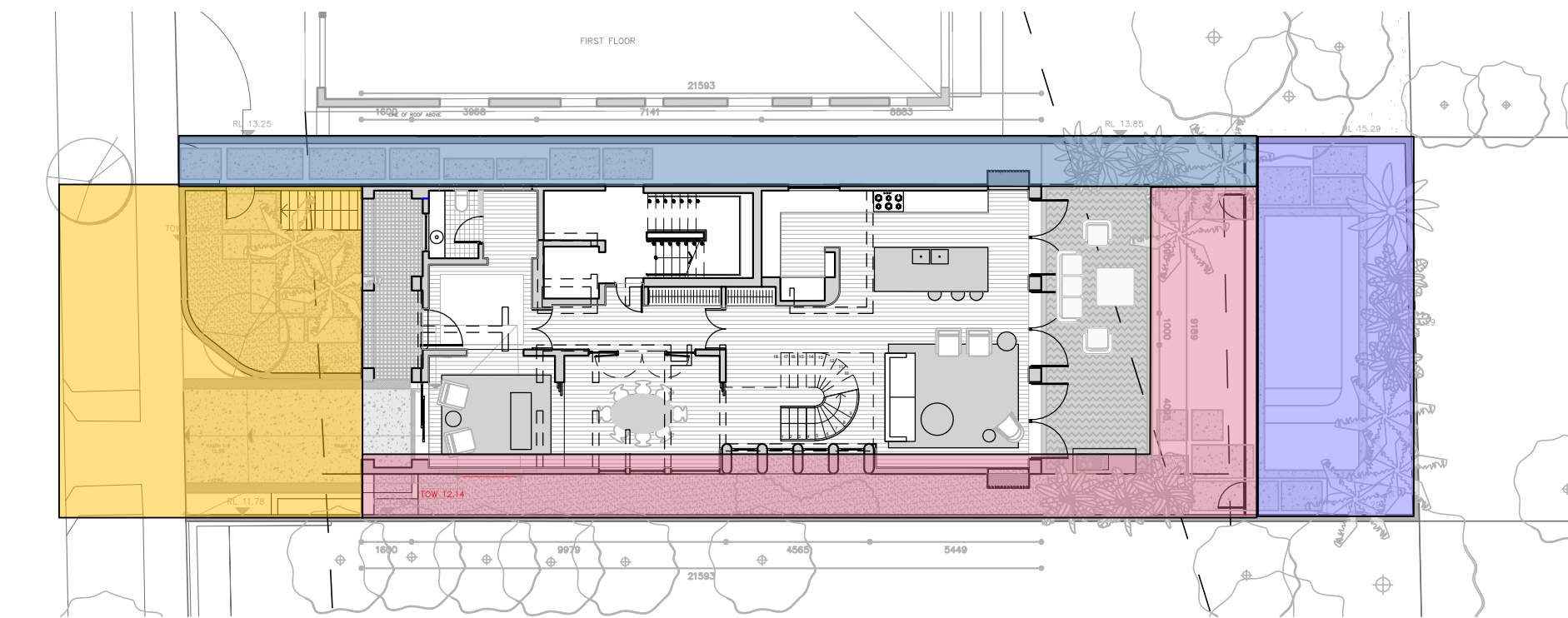


SITE PLAN
SCALE 1:100 @ A1





SECOND FLOOR PLANTING KEY PLAN
SCALE 1:200 @ A1



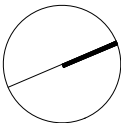
GROUND FLOOR PLANTING KEY PLAN
SCALE 1:200 @ A1

- LEGEND
- ZONE 1
 - ZONE 2
 - ZONE 3
 - ZONE 4
 - ZONE 5 (ROOF PLANTERS)

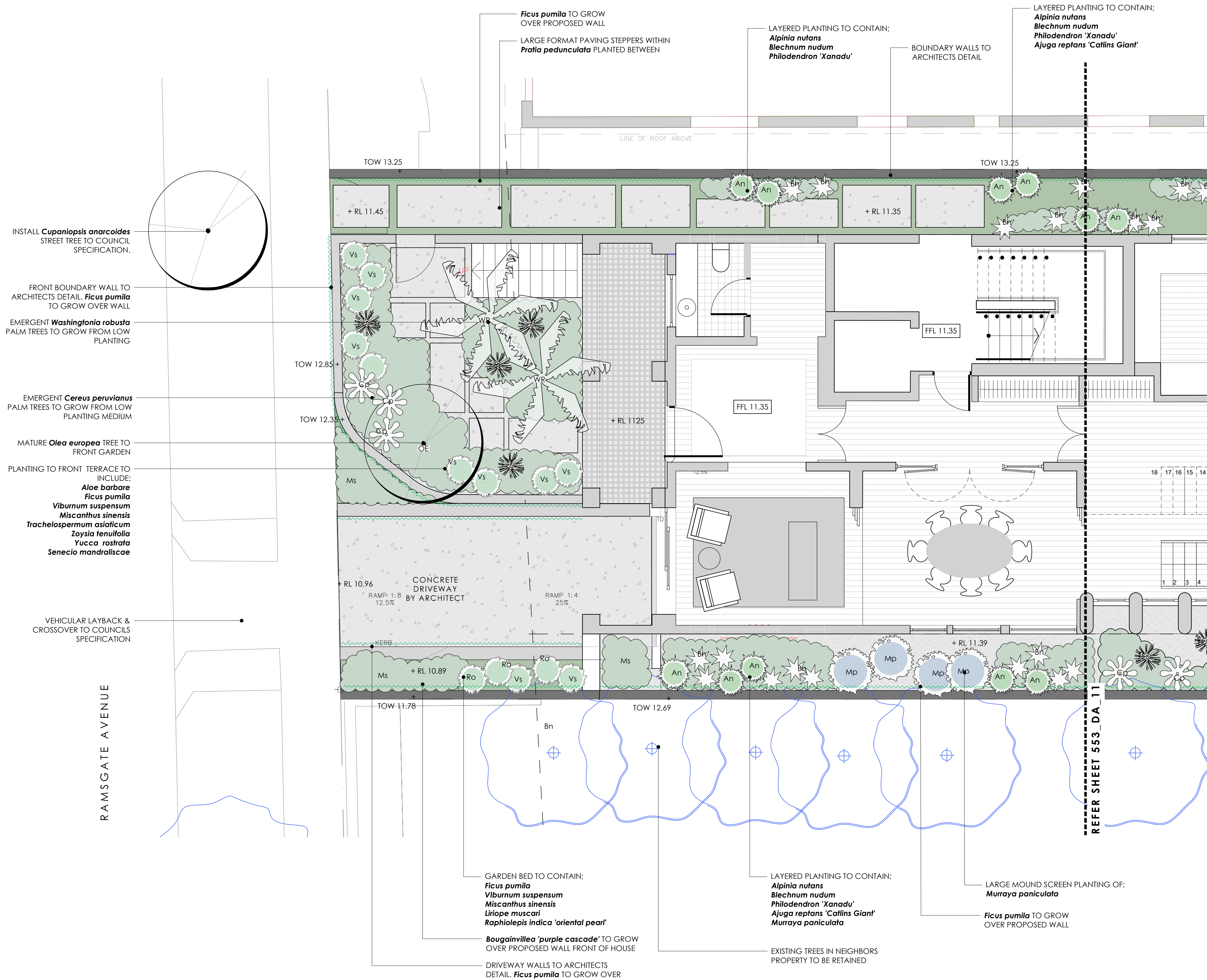
PLANT SCHEDULE

TREES											
CODE	BOTANIC NAME	COMMON NAME	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	TOTAL	POT SIZE	MATURE HEIGHT	NOTES
BN	Bismarckia nobilis	Bismarck Palm				1		1	MATURE	6m	-
CA	Cupaniopsis anacardioides	Tuckeroo	1					1	45L	4m	Street tree
PR	Phoenix reclinata	Wild Date Palm		2				2	MATURE	8m	multi-stem
WR	Washingtonia robusta	Mexican Fan Palm	2	2		3		7	MATURE	12m	-
OE	Olea europaea	Olive Tree	1				1	2	MATURE	4-6m	-
RM	Ravenala madagascariensis	Travellers Palm			3	3		6	MATURE	4-6m	-
SHRUBS											
CODE	BOTANIC NAME	COMMON NAME	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	TOTAL	POT SIZE	MATURE HEIGHT	NOTES
Mp	Muraya paniculata	Mock Orange			7	5		12	400mm	1.5m	-
Rlo	Raphiolepis indica 'Oriental Pearl'	Oriental Pearl Indian Hawthorn	7	9				16	300mm	0.6m	-
Vs	Viburnum suspensum	Viburnum Suspensum	9					9	400mm	2m	-
PERENNIALS											
CODE	BOTANIC NAME	COMMON NAME	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	TOTAL	POT SIZE	MATURE HEIGHT	NOTES
An	Alpinia nutans	Dwarf Cardamom		15	17			32	200mm	0.7m	9 per m²
Yr	Yucca rostrata	Beaked Yucca	3		3		6	12	500mm	1.2m	As shown
Ao	Alocasia macrorrhiza	Giant Elephant Ears			7	7		14	200mm	1.8m	As shown
Bsl	Blechnum 'Silver Lady'	Silver Lady Fern			15	17		32	200mm	0.5m	8 per m²
Cp	Cereus peruvianus	Peruvian Cactus	3		2		3	8	500mm	1.2m	As shown
Cg	Crassula ovata 'Gollum'	Gollum Jade	3		5		12	20	300mm	1.2m	As shown
Lr	Ligularia reniformis	Tractor Seat Plant	7	9		13		29	200mm	0.5m	12 per m²
Ms	Miscanthus sinensis 'Sarabe'	Chinese Silver Grass	25					25	200mm	1.2m	9 per m²
Lm	Liriope muscari	Lilyturf	55	65	25			145	140mm	0.4m	12 per m²
Px	Philodendron 'Xanadu'	Xanadu	9		15			24	200mm	0.7m	6 per m²
GROUNDCOVERS & CLIMBERS											
CODE	BOTANIC NAME	COMMON NAME	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	TOTAL	POT SIZE	MATURE HEIGHT	NOTES
Bw	Bougainvillea 'Purple Cascade'	Purple Bougainvillea		5	5			10	300mm	Climber	-
Fp	Ficus pumila	Creeping Fig	15	30	30			75	100mm	Climber	1 per LM
Pt	Pachysandra terminalis	Japanese Spurge	45	215				260	100mm	Groundcover	18 per m²
Ta	Trachelospermum asiaticum	Asiatic Jasmine	51	75				126	140mm	Groundcover	12 per m²
Zt	Zoysia tenuifolia	Korea Velvet Grass	180			750		930	100mm	Groundcover	18 per m²
Sm	Senecio mandraliscae	Blue Chalk	25		15	25	35	100	140mm	Groundcover	12 per m²
Rpr	Rosmarinus officinalis 'prostratus'	Creeping rosemary	25		13		55	93	140mm	Groundcover	12 per m²

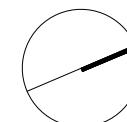
- NOTES
- ALL MATURE TREES TO BE SOURCED AND SUPPLIED BY MYLES BALDWIN DESIGN
 - THE PLANT SCHEDULE IS CALCULATED BASED OFF THE LANDSCAPE PLANS PROVIDED BY MBD. ADDITIONAL PLANTS OUTSIDE OF THIS SCHEDULE MAY BE REQUIRED TO REACH THE DESIRED PLANT DENSITIES ONSITE
 - ALL PLANT MATERIAL TO BE SETOUT ONSITE BY MYLES BALDWIN DESIGN PRIOR TO INSTALLATION



- LEGEND
- EXISTING TREE
 - PROPOSED TREE
 - PROPOSED PALM
 - PROPOSED SHRUB PLANTING
 - PROPOSED PLANTING
 - PROPOSED LAWN
 - PROPOSED PAVING
 - PROPOSED GARDEN STEPPERS

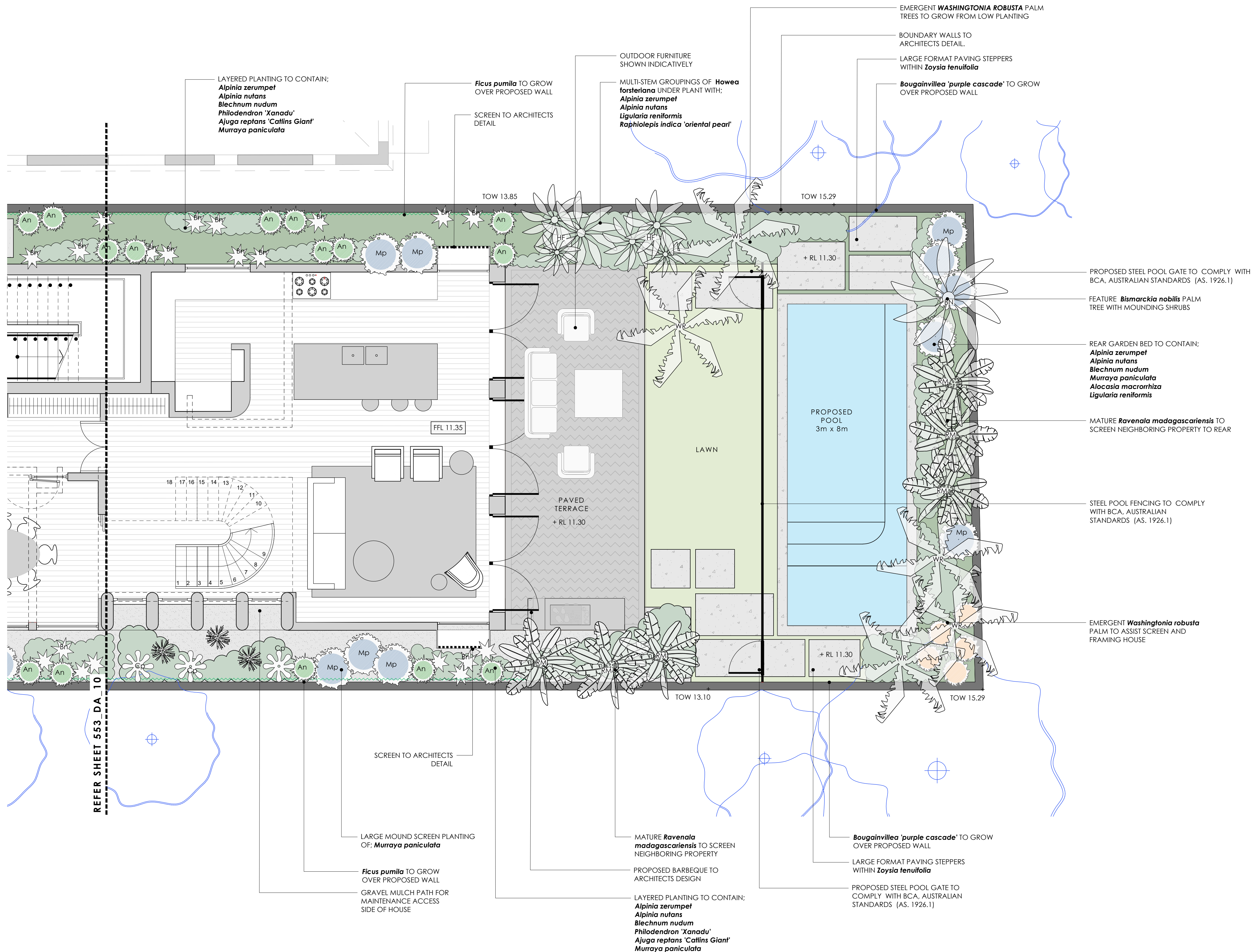


SCALE 1:50



- LEGEND
- EXISTING TREE
 - PROPOSED TREE
 - PROPOSED PALM
 - PROPOSED SHRUB PLANTING
 - PROPOSED PLANTING
 - PROPOSED LAWN
 - PROPOSED PAVING
 - PROPOSED GARDEN STEPPERS

NOTE
ALL POOL BARRIER FENCING & GATES
TO COMPLY WITH BCA, AUSTRALIAN
STANDARDS (AS. 1926.1).



SCALE 1:50

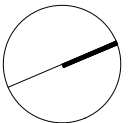
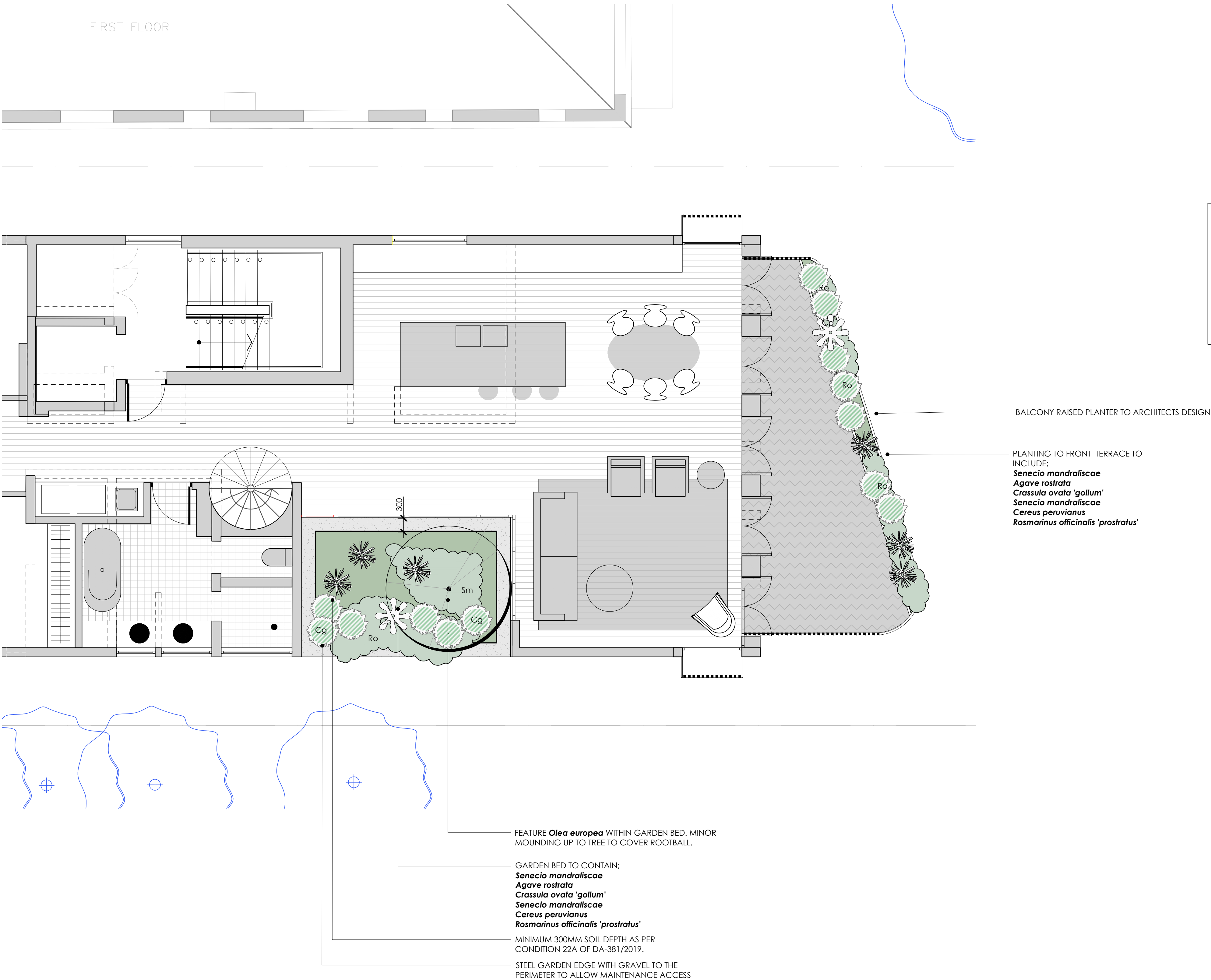
- LEGEND
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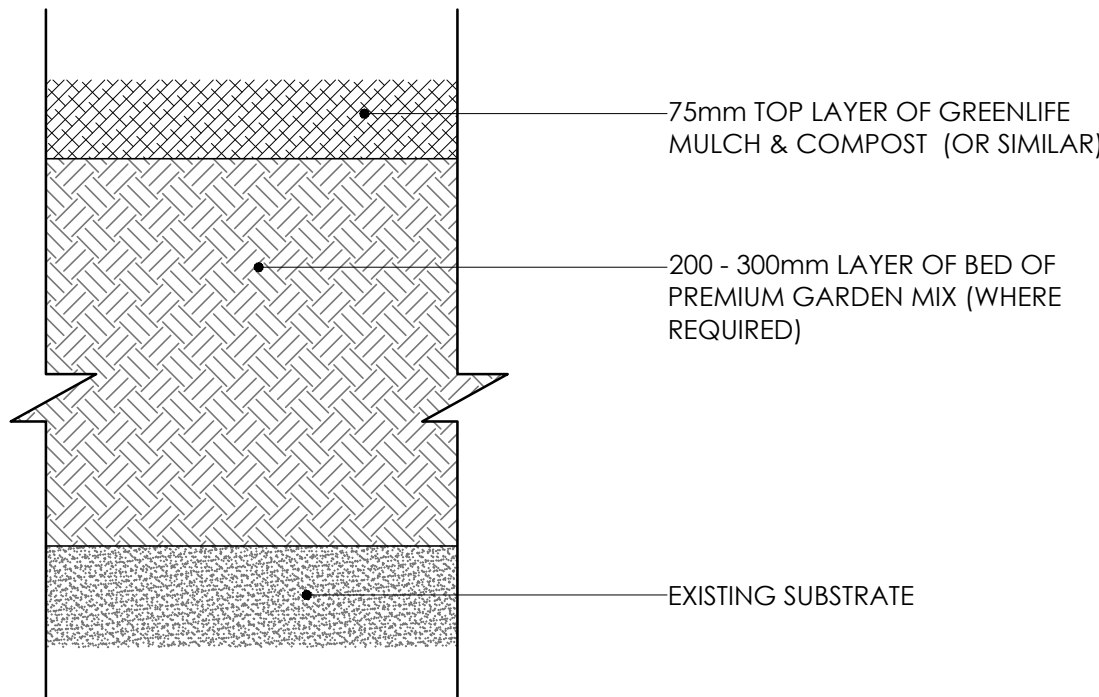
NOTE:

THE GREEN ROOF IS TO BE A NON-TRAFFICABLE AREA (WITH NO BALUSTRADE).

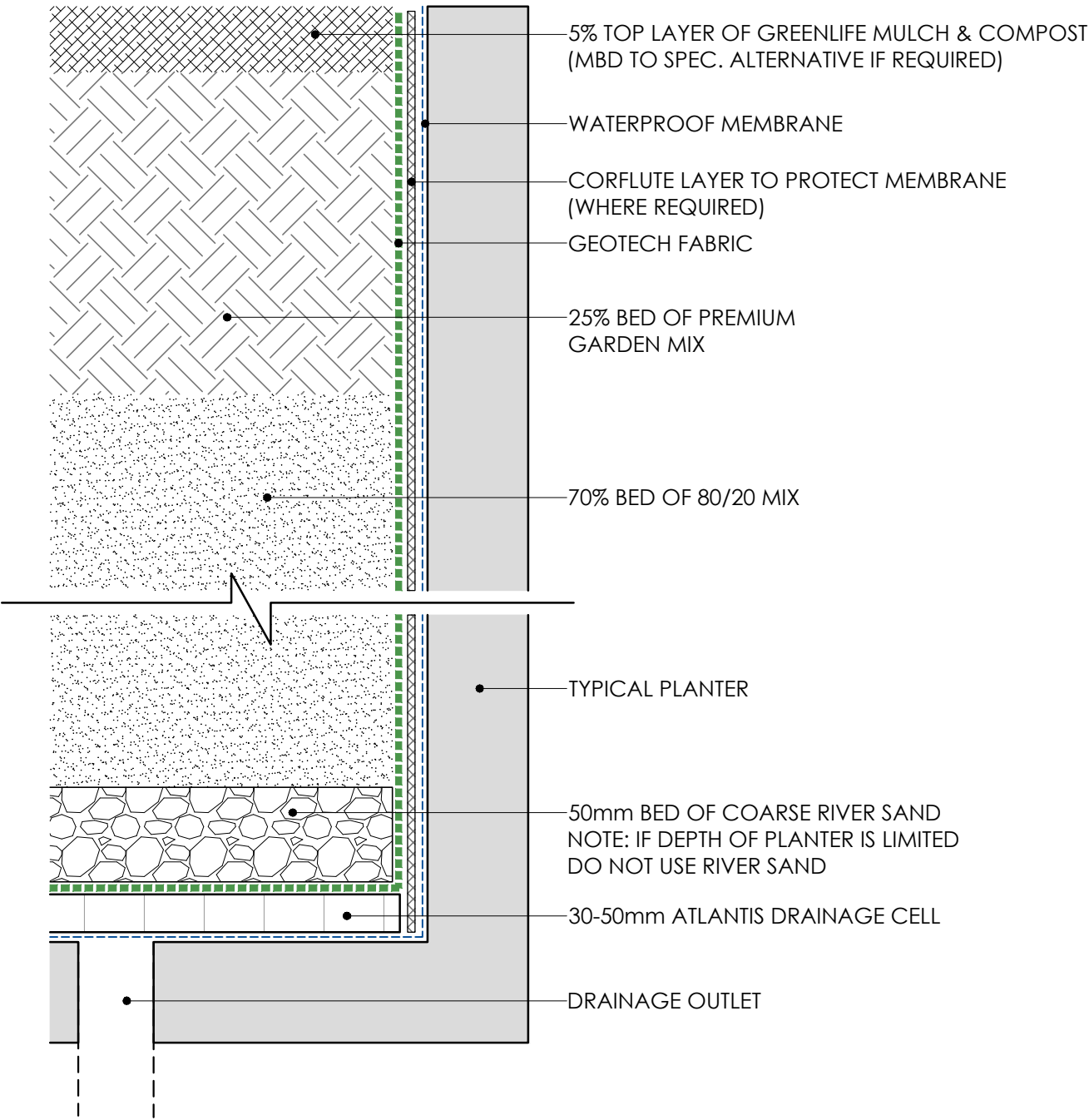
THE GARDEN BED IS TO BE FULLY IRRIGATION & THE PLANTING DESIGN USES LOW MAINTENANCE SPECIES TO ENSURE MINIMAL ACCESS TO THE ROOF IS REQUIRED..

ACCESS TO THE ROOF IS FOR SERVICING PURPOSES ONLY.

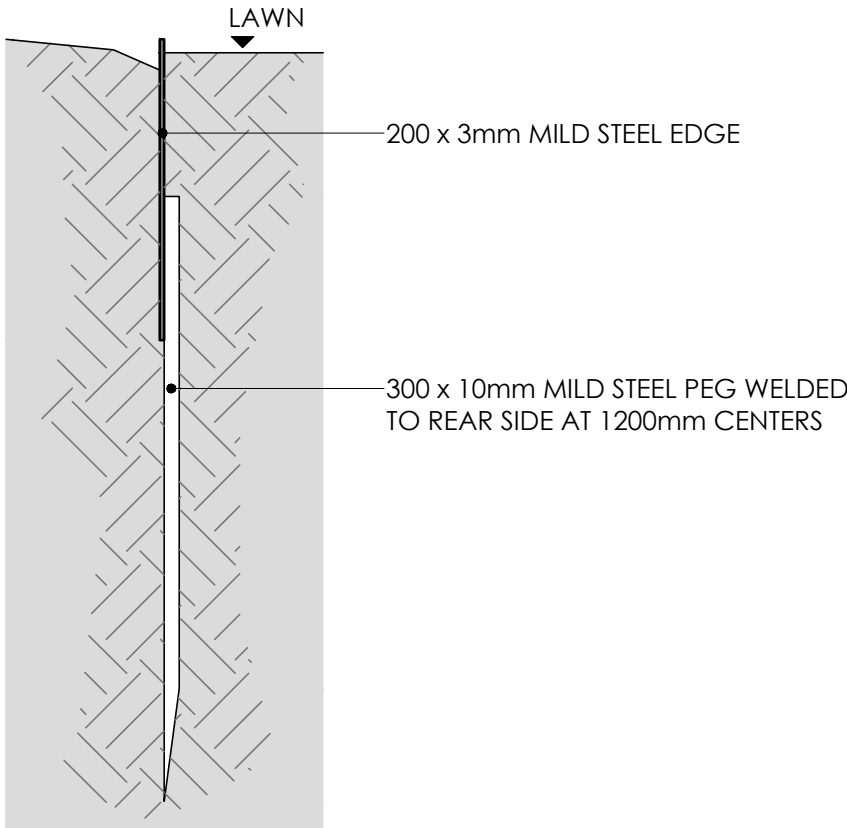




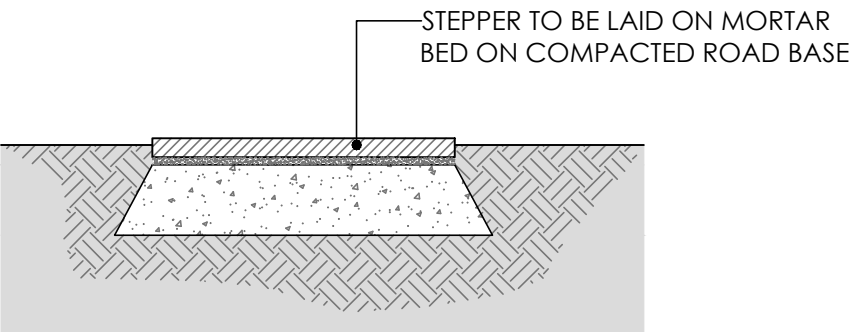
TYPICAL GARDEN SOIL PROFILE
SCALE: 1:5 @ A1



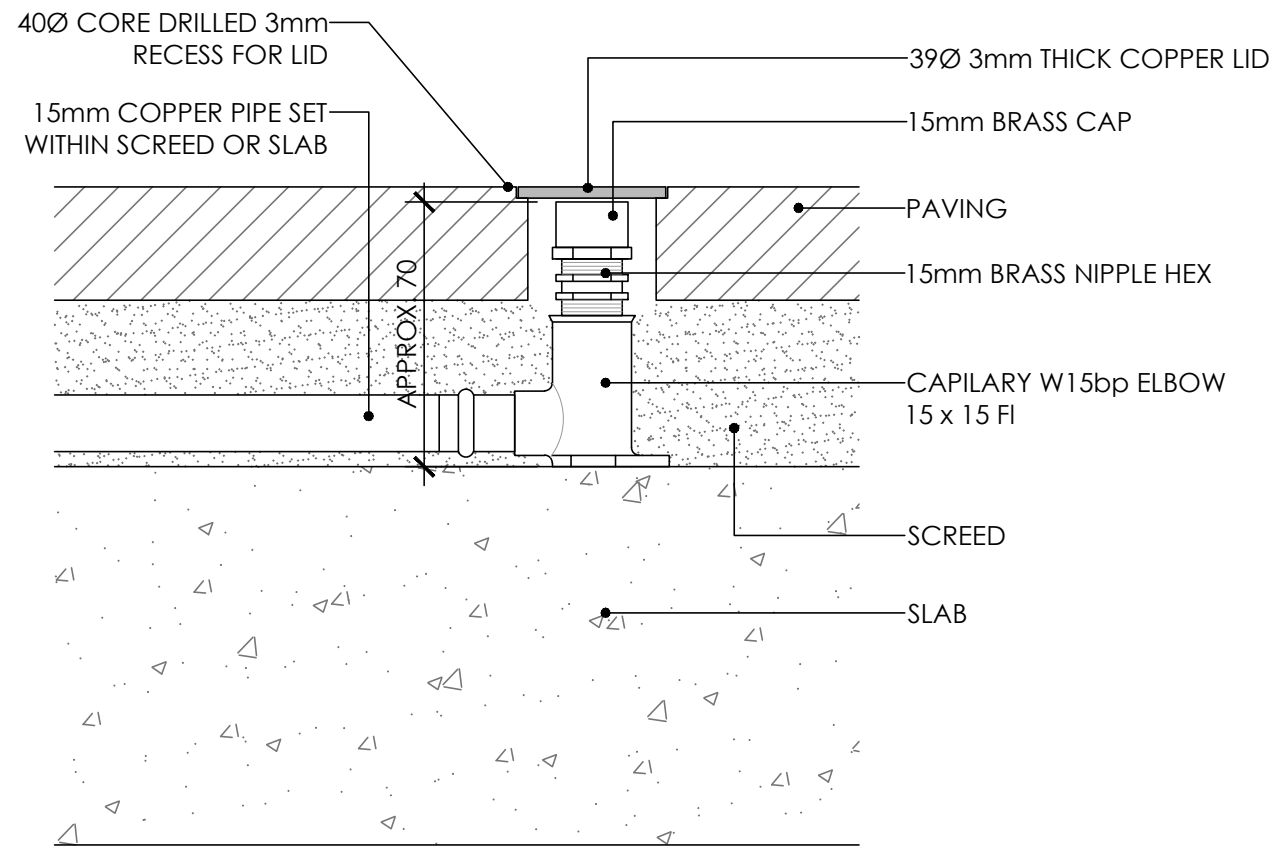
TYPICAL PLANTER SOIL PROFILE
SCALE: 1:5 @ A1



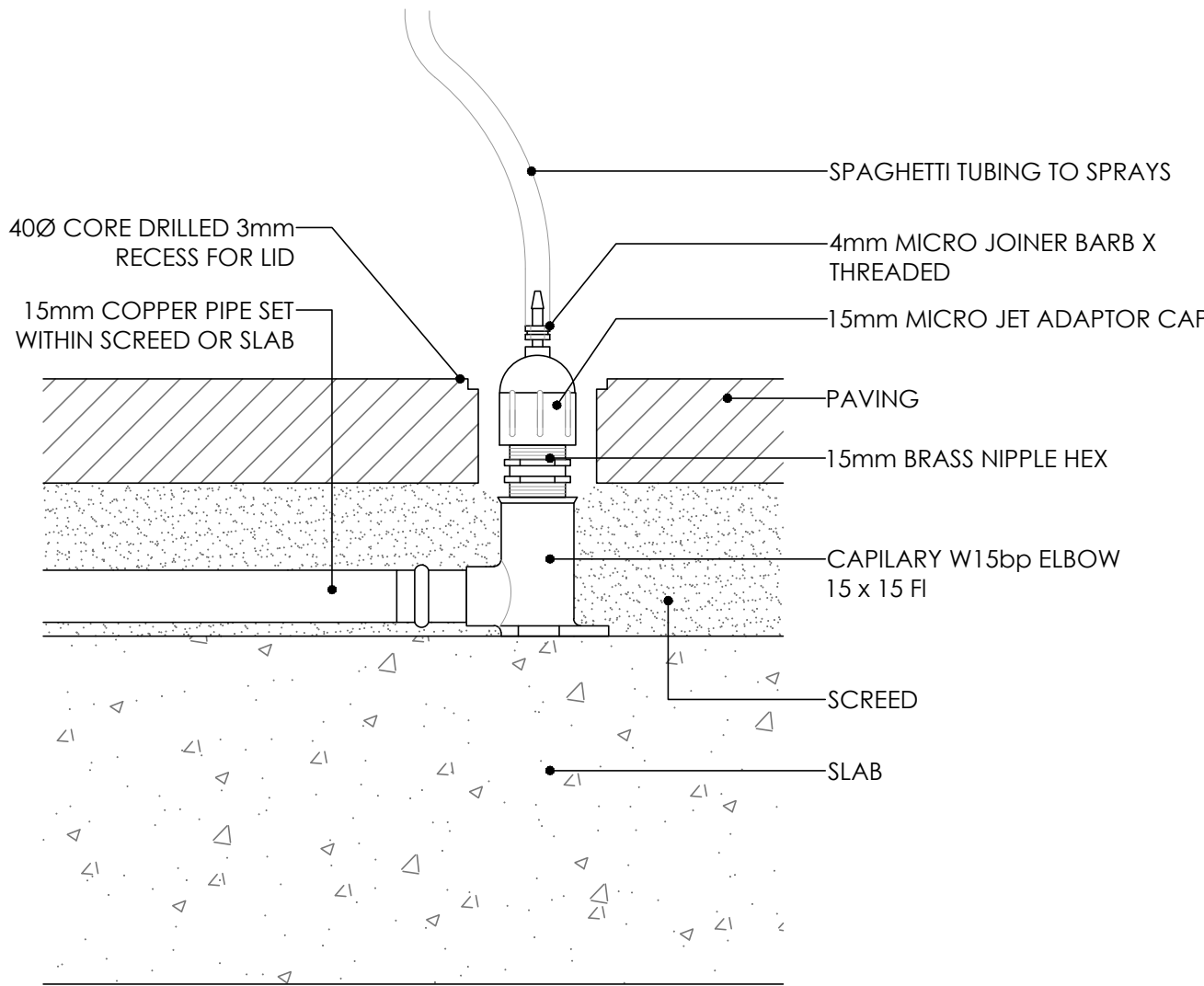
TYPICAL STEEL EDGE
SCALE 1:5 @ A1



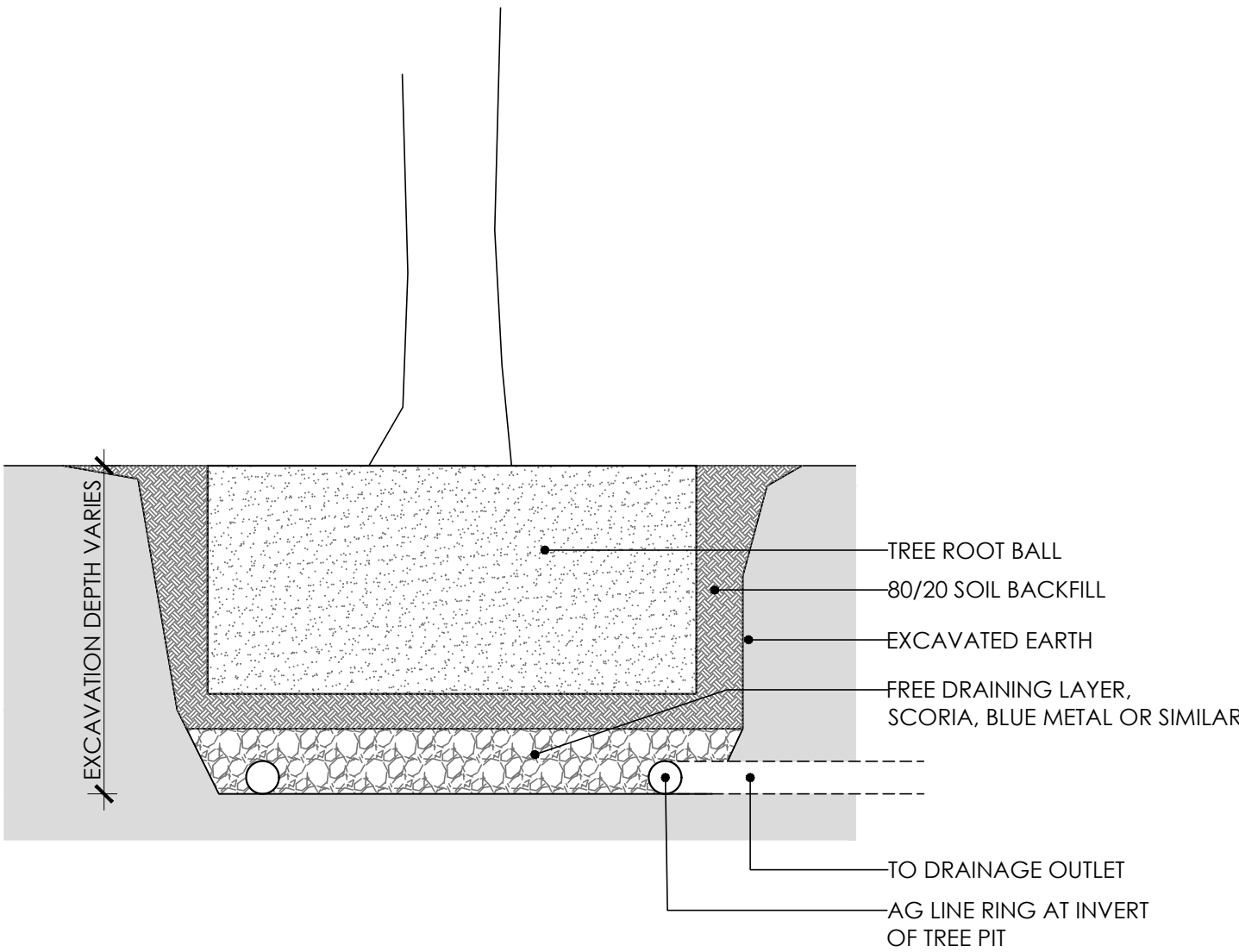
TYPICAL GARDEN STEPPER
SCALE: 1:10 @ A1



TYPICAL PAVING IRRIGATION CLOSED
SCALE 1:2 @ A1



TYPICAL PAVING IRRIGATION OPEN
SCALE 1:2 @ A1



TYPICAL TREE PIT DRAINAGE
SCALE 1:20 @ A1

GENERAL SPECIFICATION NOTES

1.0 Standards

1.1 Soils

- Site and imported topsoil: To AS 4419.
- Potting mixes: To AS 3743.
- Composts, soil conditioners and mulches: To AS 4454.

2.0 Products

2.1 Material

Topsoil

- Source: Provide topsoil, which contains organic matter, will support plant life and is free from stones, contaminants and weeds.
- Site: If available, provide material recovered from the site.

Turf

- Supplier: Obtain turf from a specialist grower of cultivated turf.
- Quality: Provide turf of even thickness, free from weeds and other foreign matter.

Fertiliser

- General: Provide proprietary fertilisers, delivered to the site in sealed bags marked to show manufacturer or vendor, weight, fertiliser type, N:P:K ratio, recommended uses and application rates.

Plants

- Health: Supply plants with foliage size, texture and colour at time of delivery consistent with the size, texture and colour shown in healthy specimens of the nominated species.
- Vigour: Supply plants with extension growth consistent with that exhibited in vigorous specimens of the species nominated.
- Damage: Supply plants free from damage and from restricted habit due to growth in nursery rows.
- Pests and disease: Supply plants with foliage free from attack by pests or disease.

3.0 Execution

3.1 Preparation

Weed eradication

- Herbicide: Eradicate weeds with a non-residual glyphosate herbicide in any of its registered formulae, at the recommended maximum rate.

Earth mounds

- Placing: Place clean filling in layers approximately 150 mm thick compacted to 85% of the dry density ratio of the surrounding soil as determined by AS 1289.5.4.1. Minimise slumping and further internal packing down.

Edges

- Construct changes in grade over a minimum width of 500 mm to smooth, gradual and rounded profiles with no distinct joint.

Existing trees

- Maintain the natural ground level under the canopy.

Planting beds

- Excavated: Excavate to bring the subsoil to at least 300 mm below finished design levels. Shape the subsoil to fall to subsoil drains where applicable. Break up the subsoil to a further depth of 100 mm.
- Unexcavated: Remove weeds, roots, building rubbish and other debris. Bring the planting bed to 75 mm below finished design levels.
- Services and roots: Do not disturb services or tree roots; if necessary cultivate these areas by hand.

Placing topsoil

- General: Spread the topsoil on the prepared subsoil and grade evenly, making the necessary allowances to permit the following:
- Required finished levels and contours may be achieved after light compaction.
- Grassed areas may be finished flush with adjacent hard surfaces such as kerbs, paths and mowing strips.

Topsoil depths

- General: Spread topsoil to the following typical depths:
- Excavated planting areas: If using organic soil, 300 mm. Refer to typical soil profile detail.
- Irrigated grassed areas generally: 150 mm.
- Irrigated grassed areas, heavy use (e.g. playing fields, playgrounds, and public parks): 200 mm.

3.2 Turfing

General

- Supply: Deliver the turf within 24 hours of cutting, and lay it within 36 hours of cutting. Prevent the turf from drying out between cutting and laying. If it is not laid within 36 hours of cutting, roll it out on a flat surface with the grass up, and water as necessary to maintain a good condition.
- Laying: Lay the turf in the following manner:
 - In stretcher pattern with the joints staggered and close butted.
 - Parallel with the long sides of level areas, and with contours on slopes.
 - To finish flush, after tamping, with adjacent finished surfaces of ground, paving edging, or grass seeded areas.
- Tamping: Lightly tamp to an even surface immediately after laying. Do not use a roller.
- Fertilising: Mix the fertiliser thoroughly into the topsoil before placing the turf. Apply lawn fertiliser at the completion of the first and last mowings, and at other times as required to maintain healthy grass cover.
- Watering: Water immediately after laying until the topsoil is moistened to its full depth. Continue watering to maintain moisture to this depth.
- Levels: Where levels have deviated from the design levels after placing and watering, lift turf and re-grade topsoil to achieve design levels.

3.3 Planting

General

- Individual plantings in grassed areas: Excavate a hole to twice the diameter of the root ball and at least 100 mm deeper than the root ball. Break up the base of the hole to a further depth of 100 mm, and loosen compacted sides of the hole to prevent confinement of root growth.
- Watering: Thoroughly water the plants before planting, immediately after planting, and as required to maintain growth rates free of stress.
- Placing: Remove the plant from the container with minimum disturbance to the root ball, ensure that the root ball is moist and place it in its final position, in the center of the hole and plumb, and with the top soil level of the plant root ball level with the finished surface of the surrounding soil.
- Fertilising plants: In planting beds and individual plantings, place fertiliser pellets around the plants at the time of planting.
- Backfilling: Backfill with topsoil mixture. Lightly tamp and water to eliminate air pockets.

3.4 Mulching

Placing mulch

- General: Place mulch to the required depth, clear of plant stems, and rake to an even surface flush with the surrounding finished levels. Spread and roll mulch so that after settling, or after rolling, it is smooth and evenly graded between design surface levels sloped towards the base of plant stems in plantation beds, and not closer to the stem than 50 mm in the case of gravel mulches.
- Depths: Spread organic mulch to a depth of 75 mm, and gravel mulch to a depth of 50 mm.

3.5 Stakes and ties

Stakes

- Material: Hardwood, straight, free from knots or twists, pointed at one end.
- Installation: Drive stakes into the ground at least one third of their length, avoiding damage to the root system.

Ties

- General: Provide 50 mm hessian webbing ties fixed securely to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant.

3.6 Watering

Establishment

- Extent: Available soil moisture content of grass areas and garden beds to be monitored on a weekly basis using an approved moisture probe and water applied on a demand basis. Readings should be taken at a depth of 200-300mm.
- All grass areas and garden beds should be maintained within a range of 50-80% available soil moisture. Under no circumstance should areas under irrigation fall below a level of 30% available soil moisture.
- No visible signs of wilting of leaves or stems, with all plants fully turgid at all times.
- No sign of over-watering such as constantly wet soil, brown leaf margins, stem rot or brown spots on foliage.

3.7 Completion

Cleaning

- Stakes and ties: Remove those no longer required at the end of the planting establishment period.
- Temporary fences: Remove temporary protective fences at the end of the planting establishment period.

4.0 Establishment & defects liability

4.1 Establishment

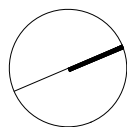
General

- All landscaping works will have an establishment period of 26 weeks in which the subcontractor will be responsible for the maintenance and upkeep of the contracted scope, unless otherwise noted in the project documentation. If applicable refer to the project manager / builder for confirmation.

4.2 Defects Liability Period

General

- All landscaping works will be subject to a defects liability period of 52 weeks, commencing from the date of Practical Completion, unless otherwise noted in the project documentation. If applicable refer to the project manager / builder for confirmation.





Report to the Waverley Local Planning Panel

Application number	DA-422/2021
Site address	15/7 Francis Street, Bondi Beach
Proposal	Alterations and additions including an attic addition to an existing apartment (apartment 15) within a Residential Flat Building (RFB)
Date of lodgement	12 October 2021
Owner	Building: The Owners of Strata Plan 71516 Unit 15: Mr J A Cooke
Applicant	Strategic Approvals
Submissions	Four
Cost of works	\$93,000.00
Principal Issues	<ul style="list-style-type: none"> • Insufficient information; • Breach to Floor Space Ratio (FSR); • Breach to height; • View loss; • Unreasonable bulk and scale; • Impact to inter-war RFB; • Impact on streetscape; and • Loss of visual privacy
Recommendation	That the application be recommended for REFUSAL for the reasons contained in the report.

SITE MAP



(Source: Nearmaps, 2022)

1. PREAMBLE

1.1. Executive Summary

The Development Application (DA) seeks consent for alterations and additions including an attic addition to an existing apartment (unit 15) within a RFB at the site known as 15/7 Francis Street, Bondi Beach.

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

- Insufficient information;
- Breach to FSR;
- Breach to height;
- View loss;
- Unreasonable bulk and scale;
- Impact to inter-war RFB;
- Impact on streetscape; and
- Loss of visual privacy.

The assessment finds these issues unacceptable as the proposed works results in a breach to both height and FSR and adds further bulk and scale to a RFB that has reached its development capacity.

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

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

1.2. Site and Surrounding Locality

A site visit was carried out on 29 November 2021.

The site is identified as Lot 15 in SP71516, known as no. 15/7 Francis Street, Bondi.

The site is irregular in shape with a frontage to Francis Street, measuring 15.24m. The site has an area of 425.92m² (taken from figure provided on the architectural plans as the Survey Plan lacks the site area). The site is occupied by a part-three, part-four storey RFB with nil vehicular access. Unit 15, the subject of this application, is located on the second floor at the front of the building.

The site is adjoined by a two storey RFB with an attic level to the north-west (9 Francis Street) and a four storey backpackers building (Noahs Backpackers) to the south-east (2-8 Campbell Parade). The locality is characterised by a variety of majority medium residential developments.

Figures 1 to 2 are photos of the site and its context.



Figure 1: Front of the subject building (unit 15 outlined yellow) as viewed from Francis Street, looking north-east.



Figure 2: Front of the subject building (unit 15 outlined yellow) as viewed from Francis Street, looking east.

1.3. Relevant Development History

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

- DA-107/2019 for alterations and additions to Unit 15 including a new attic level and extension was refused by the Waverley Local Planning Panel (WLPP) on 18 October 2019 for the following reasons:
 - The proposal exceeded FSR and the applicant had not demonstrated that the proposed development was consistent with the objectives of FSR;
 - The applicant had not demonstrated the compliance with the standards was unreasonable or unnecessary;
 - The applicant had not demonstrated that there were sufficient environmental planning grounds to justify contravening the FSR development standard;
 - The consent authority was not satisfied that the request was in the public interest;
 - View loss impacts;
 - Unreasonable privacy impacts from the proposed balcony;
 - The proposal did not meet the minimum size for a two bedroom apartment;
 - Adequate storage was not provided; and
 - Lack of information on the plans, inclusive of:
 - Insufficient detail had been provided on the submitted architectural plans and shadow diagrams, as the location/details of adjoining properties had not been shown.
 - The submitted Statement of Environmental Effects (SEE) had not adequately addressed the relevant provisions contained within the Waverley Development Control Plan 2012 (Waverley DCP 2012).
 - A Gross Floor Area (GFA) calculation plan for the entire building was not submitted.
 - The submitted plans were to clearly show existing and proposed works.
 - The architectural plans did not clearly show RL's and floor to ceiling heights.
 - The overall building height had not been clearly demonstrated as per the definition of building height contained within the Dictionary of the WLEP 2012.

The refused plans under DA-107/2019 are effectively the same for the subject application, other than the previous plans provided 2 bedrooms and no living room. The subject application seeks the living room on the second floor with bedroom above in the attic.

1.4. Application History

On the 2 December 2021 the applicant was advised to withdraw the application on the following basis:

The application was presented to the Development Building Unit (DBU). The DBU consists of Council's planning management staff, and any application that exceeds a development standard by more than 10% must be presented to the DBU.

Unfortunately the DBU did not support the application as it is considered that site has reached its maximum development capacity and the proposed works will result in the building further breaching the maximum FSR development standard by 228.6m² or 59.6%, which is not acceptable. The DBU determined that any further addition is unreasonable as it fails objectives (b) - (d) of the Floor Space Ratio development standard within the Waverley Local Environmental Plan 2012 (Waverley LEP 2012), which cannot be justified through a Clause 4.6 Variation.

Therefore, the following is advised:

- 1. The application can be withdrawn with a partial refund of fees; or*
- 2. The application will be recommended for refusal at the next Waverley Local Planning Panel (WLPP) (dates have not yet been set for 2022, but it will likely be late February).*

On 29 December 2021, the applicant advised the Assessing Officer to determine the application.

1.5. Proposal

The DA seeks consent for alterations and additions including an attic addition to Unit 15, within an existing RFB, specifically the following:

Second Floor

- Bedroom 1 to be amended to a rumpus room; and
- Construction of internal stairs to a proposed attic addition.

Attic Level

- Bedroom with associated study nook and ensuite; and
- North-western facing balcony accessed from the bedroom (3.4m²).

Roof Form

- Amend front portion of the existing roof form from a hipped roof to a gabled roof with a dormer addition to each side.

2. ASSESSMENT

The following matters are to be considered in the assessment of this 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. State Environmental Planning Policies (SEPPs)

The following SEPPs apply and have been considered acceptable in the assessment of this DA:

- SEPP (Building Sustainability Index – BASIX) 2004.
- SEPP 55 Remediation of Land.
- SEPP 65 (Design Quality of Residential Apartment Development).
- SEPP (Coastal Management) 2018.

A detailed discussion is provided for relevant SEPPs as follows:

SEPP (Design Quality of Residential Apartment Design)

The application was not referred to the Waverley Design Advisory Excellence Panel (DEAP) as the works are not substantial.

Apartment Design Guide

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

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

If a DCP contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect. An assessment against the provisions within the ADG is provided in **Table 1** of this report.

Table 1: Apartment Design Guide

Design Criteria	Compliance	Comment
3F Visual privacy		
<ul style="list-style-type: none"> Min separation distances from buildings to side and rear boundaries: Up to 12m (4 storey) – 6m habitable & 3m non-habitable 	<p>Acceptable on merit.</p> <p>Acceptable on merit.</p>	<p>The proposed north-western dormer windows are located so they do not align with neighbouring windows of no. 9 Francis Street.</p> <p>Due to the small size of the proposed window openings to the south-eastern dormer, it will not result in visual privacy impacts to Noahs Backpackers.</p>
4B Natural ventilation		
<ul style="list-style-type: none"> All habitable rooms are naturally ventilated 	Insufficient information.	It is unclear if the south-eastern dormer window openings are openable to address cross-ventilation.
4C Ceiling heights		
	Refer to Table 4.	Floor to ceiling heights of the attic addition will be discussed below, within Table 4.
4D Apartment size and layout		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> 1 Bed = 50 m² <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p> <p>Master bedroom to have a minimum area of 10m² and minimum dimensions of 3m.</p> <p>Living rooms to have a minimum width of 3.6m for 1 bedroom apartments</p> <p>The main bedroom of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Acceptable on merit.</p> <p>Yes</p>	<p>The apartment will have an internal area of 64.9m².</p> <p>The windows to the rooms within the attic addition are acceptable.</p> <p>The master bedroom to the attic addition has an area of 10m² and minimum dimensions of 3.1m x 3.2m.</p> <p>The proposed rumpus room (replacing existing bedroom) has a width of 3.4m. Although it falls short of the recommended 3.6m width by 0.2m, it can be recommended on merit given the internal constraints of the older apartment.</p> <p>The proposed wardrobe to the master bedroom is of an appropriate size.</p>
4E Private open space and balconies		
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> 1-bed – 8m² & 2m depth 	Refer to Table 4.	The proposed balcony has a depth of 1.1m and an area of 3.4m ² . The balcony is not supported given the visual privacy impacts that will be discussed within Table 4.

Design Criteria	Compliance	Comment
4G Storage		
In addition to kitchens, bathrooms and bedrooms, the following is provided: <ul style="list-style-type: none"> 1-bed – 6m³ 	Acceptable on merit.	Given the small size of the apartment in an existing and older building, which lacks a garage. It is very difficult to provide a compliant level of storage space. Therefore, the non-compliance can be support on merit.

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

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

Table 2: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal meets the aims of the Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table <i>Medium Density Residential 'R3' Zone</i>	Yes	The proposal is defined as alterations and additions to an apartment within a RFB, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 12.5m 	Insufficient Information	It appears the proposal will exceed the 12.5m height limit, however the amount the proposal breaches the development standard is unclear. It is difficult to obtain Existing Ground Level due to the limited Survey Plan provided.
4.4 FSR <ul style="list-style-type: none"> Lot Size: 425.92m²* Max FSR: 0.9:1 Max GFA: 383.3m² <p><i>*The submitted Survey Plan is limited in information and lacks the site area figures. The lot size has been taken from the figure provided on the architectural plans and therefore indicative only.</i></p>	No	<p><u>GFA Calculations:</u></p> <p>Lower Ground Floor: 100.1m² Ground Floor: 245.7m² First Floor: 245.7m² Attic Addition (proposed): 20.4m²</p> <p>TOTAL GFA*: 611.9m² TOTAL FSR*: 1.44:1</p> <p>The development breaches maximum GFA by 228.6m² or 59.6%.</p> <p>The attic addition contributes 20.4m² to this breach or 5.3%.</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 FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.

Provision	Compliance	Comment
	No	No Clause 4.6 variation has been provided for the potential breach to height.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	N/A	The subject site is located within acid sulfate soils class 5. However, given the works are not at ground level, this is not applicable.

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

Clause 4.6 Exceptions to Development Standards - FSR

The application seeks to vary the FSR development standard in clause 4.4 under Waverley LEP 2012.

The site is subject to a maximum FSR development standard of 0.9:1. The proposed development has a FSR of 1.44:1, exceeding the standard by 228.6m² equating to a 59.6% variation.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) The proposal meets the objectives of the FSR development standard:
 - a. *Objective (b): To provide an appropriate correlation between maximum building heights and density controls.*

The maximum allowable Building Height is 12.5m, however, this application does not result in any change to the existing building height as the proposed roof addition does not exceed the existing maximum building height.

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

The bulk and scale remains largely the same with the exception of minor building elements including the proposed dormer windows.

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

It can be clearly shown that the surrounding locale comprises many comparable developments consisting of a far greater bulk and scale than what this application seeks. The application results in the best use of existing void space with a negligible increase to bulk and scale as well as minimal impacts caused to any adjoining neighbouring dwelling.

(ii) The proposal meets the objectives of the R3 zone:

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

The existing site is heavily constrained in terms of lot size and buildable footprint. The existing footprint of the base building is heavily restricted in its ability to be expanded by any means. This is contradictory to the NSW state governments push for housing availability. Given the extremity of consistent price increases in Bondi and the general locale it is difficult for a small family to be able to afford to live within the area. This has a direct effect on people's quality of life as it prevents proximity to friends, family and local amenities.

The application seeks to increase the amount of usable floor area afforded to apartment 15 with little to no impact on the adjoining building as well as a significantly positive impact to the public domain.

The proposed first floor also provides additional storage options which are a fundamentally important component of a dwelling, as it allows inhabitants to organise and store personal items, paraphernalia and valuables that are not required for frequent use. Given the limited footprint of the existing dwelling and restricted storage space, this application will significantly improve the functionality of the dwelling.

Council are to consider the immense impact that this application would have on any resident that live within the dwelling (current and future) taking into account the minimal impact that is created to the surrounding neighbourhood.

- b. *To provide a variety of housing types within a medium density residential environment.*

The base building remains a residential flat building as a result of this application and the proposed works are directly in line with the objectives of the medium density building typology.

- c. *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

As discussed in the previous clauses, the proposal aims to afford a significantly higher level of amenity and quality of life afforded to the current and future inhabitants of the sole occupancy unit. The SOU is heavily constrained in terms of usable footprint which makes it difficult to cater for a small sized family.

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

FSR is designed to reduce the bulk and scale of buildings whilst preserving open spaces and landscaped areas. This proposal does not reduce landscaped areas, open spaces are maintained and in fact are intruded, the bulk/scale of the building is not unconventional and does not exceed the reasonable development of the land. As a result of this, the amenity of the adjoining dwellings, in terms of solar access, overshadowing, privacy implications, acoustic implications etc are not negatively impacted in any way. This is further protected due to the fact that directly adjoining the subject scope is the roof of the adjoining dwelling resulting in no amenity loss.

An FSR of 0.9:1 is often afforded to smaller land parcels located within the R2 zone. The subject lot is located within the R3 zone and therefore an FSR of 0.9:1 is most peculiar and out of the ordinary as this does not provide sufficient potential gross floor area for a residential flat building (or multi dwelling housing development). Given that the 0.9:1 is applicable throughout the street and there is a plethora of large RFB's that extend up to 6 stories it is assumed that council tend to agree that the 0.9:1 is onerous for medium density development.

The objectives of a reduced FSR is to inhibit one's ability to over capitalise on the built structures that could be afforded to a lot and ultimately creating a well-balanced design of bulk/scale, landscaped area and open spaces. As explained throughout the report, 0.9:1 FSR is a heavily restrictive FSR that is not appropriate for medium density development. The proposed scope does not create an unacceptable bulk and scale and is perfectly reasonable development for a RFB.

It is evident that the planning controls in relation to the building typology are unreasonable and out of character for medium density development, furthermore, as argued throughout the SoEE and 4.6 report, there is clear planning grounds for the development.

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

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. Although the applicant has argued that the proposal meets the objects of both FSR and the zone, the Council Assessment Officer disagrees, for the following reasons:

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

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The proposed works do not preserve the views from adjoining properties, such as Unit 6/4 Francis Street as the proposed addition would block the iconic view of Bondi Beach received from this apartment. Additionally, the proposed balcony would result in visual and acoustic privacy issues to no. 9 Francis Street as it is located to the side of the RFB, in close proximity to this RFB.

The applicant contends that a FSR control of 0.9:1 is out of the ordinary for a R3 zone, however this position is not agreed having regard to a large portion of the LGA to which this very control applies and to which compliant medium density buildings are evident. Further, the applicant indicates a number of large scale buildings in the vicinity, however no consideration or study to their FSR have been undertaken, rather its provided as a passing comment, rather than factual argument.

Is the development in the public interest?

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

The objectives of the FSR development standard are as follows:

- a. *As the subject site is not located within Objective (a), this objective is not applicable.*
- b. *Objective (b): To provide an appropriate correlation between maximum building heights and density controls.*

The subject RFB currently provides an appropriate transition between the four storey backpackers at no. 2-8 Campbell Parade and the two storey RFB at no. 9 Francis Street. The proposed addition would provide bulk to the fourth level that would result in a development that would be extremely larger and domineering in contrast to the neighbouring smaller RFB to no. 9 Francis Street.



Figure 3. Current gradual and appropriate transition between buildings of varying bulk and scale. (source: Google Maps, 2022)

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

The proposed addition does not meet the desired future character of the area of limiting over development. The proposed development will exceed height and FSR and is a clear over development of an RFB that is at its current maximum development potential.

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

The proposed works do not preserve the views of apartment 6/4 Francis Street as the proposed addition would block the iconic view of Bondi Beach received from this apartment. Additionally, the proposed balcony would result in visual and acoustic privacy issues to no. 9 Francis Street as it is located to the side of the RFB, in close proximity to this RFB.

The objectives of the R3 zone are as follows:

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

The proposal is currently at its maximum development potential for the R3 zone, any additional bulk or scale to the upper levels is not considered appropriate for the zone.

Conclusion

For the reasons provided above the requested variation to the FSR is not supported, while the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6(3) of the Waverley LEP 2012, the proposed development is not in the public interest because it is inconsistent with the objectives of FSR and the R3 zone.

2.1.3. Waverley DCP 2012 – Amendment No.9

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

Table 3: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes	The submitted Site Waste and Recycling Management Plan is satisfactory.
	Yes	The application was referred to Council's Waste Officer who recommended conditions of consent if the application was recommended for approval.
2. Ecologically Sustainable Development	Yes	The submitted BASIX Certificate is satisfactory.
5. Vegetation Preservation	N/A	Tree removal is not proposed.
6. Stormwater	Yes	The application was referred to Council's Stormwater Engineer who recommended conditions of consent if the application was recommended for approval.
12. Design Excellence	Insufficient Information.	A detailed materials and finishes schedule has not been submitted with the DA.
	No	The proposed development does not maintain view corridors as discussed below Table 4.
	No	The overall development adds unnecessary bulk to a RFB that is at its maximum development capacity.
17. Inter War Buildings	No	According to Council's records it appears the building was constructed circa. 1938. The

Development Control	Compliance	Comment
		proposed works do not preserve the inter-war integrity of the RFB.

Table 4: Waverley DCP 2012 – Part C3 Other Residential Development Compliance Table

Development Control	Compliance	Comment
3.2 Height		
<ul style="list-style-type: none"> Maximum external wall height: R3/12.5m – 9.5m 	N/A	The wall height of the building will not increase with the attic addition and associated dormer windows not contributing to a continuous wall height.
3.3 Setbacks		
3.3.1 - Street setbacks <ul style="list-style-type: none"> Consistent street setback 	Yes	The proposed front setback is acceptable.
3.3.2- Side and rear setbacks <ul style="list-style-type: none"> Minimum side setback: 1.5m 	Yes	The proposed works are setback more than 1.5m from either side boundary.
<ul style="list-style-type: none"> Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback 	N/A	There are no amendments to the rear setback.
3.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes Removal of original architectural features not supported. 	No	The current RFB provides a good transition between the larger building of Noahs Backpackers (no. 2-8 Campbell Parade) to the south-east and the smaller RFB (no. 9-17 Francis Street) to the north-west. The proposed gabled addition and associated dormer windows would add unreasonable bulk to the front of the RFB and would dominate those smaller RFB's at (no. 9-17 Francis Street)
3.6 Attic and roof design		
<ul style="list-style-type: none"> Attic must be wholly within the a pitched roof form 	No	The attic is not contained wholly within the roof form. The development needs to construct a gabled roof form and two dormer windows to appropriately accommodate the upper level, contributing to unreasonable bulk.
<ul style="list-style-type: none"> Not exceed 50% of the floor of area of the floor below 	Yes	The attic addition does not exceed 50% of the floor level below.
<ul style="list-style-type: none"> Not contain independent dwellings and must be accessed via internal stairs 	Yes	The attic addition does not contain an independent dwelling and is accessed via internal stairs.
<ul style="list-style-type: none"> Be naturally ventilated 	Insufficient information.	

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum room width: 3m Minimum floor to ceiling height for at least 2/3 of the floor area: 2.4m Dormer windows and skylights to be less than 50% of roof elevation Must not have one single expansive dormer window Dormers to be set down 300mm from main ridge 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p>	<p>It is unclear if the south-eastern dormer window openings are openable to address cross-ventilation.</p> <p>The attic addition has a width greater than 3m.</p> <p>More than two-thirds of the floor-to-ceiling height is 2.4m or greater.</p> <p>The dormer windows are less than 50% of the roofs elevations.</p> <p>The proposed dormer windows are of an appropriate size in context to the overall roof form.</p> <p>The dormer windows are less than 300mm below the ridge.</p>
3.11 Private Open Space		
<p>3.11.2 – Balconies/decks</p> <ul style="list-style-type: none"> To protect the privacy of residents within and around the development 	No	The balcony is located on the side elevation and will results in unreasonable visual and acoustic privacy to no. 9 Francis Street.
3.13 Solar access and overshadowing		
<ul style="list-style-type: none"> Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to less than three hours of sunlight on 21 June. 	Insufficient Information.	<p>The plan form shadow diagrams create additional shadowing that falls on no. 4 Francis Street. It is unclear if the additional shadowing will fall on habitable neighbouring windows.</p> <p>Due to the breach in height and FSR any addition cannot result in additional environmental amenity impacts as it must <i>preserve</i> the environmental amenity of neighbouring land uses.</p>
3.14 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss through design 	Refer to discussion below this table.	See discussion below this table.
3.15 Visual privacy and security		
<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. 	No	The balcony is located on the side elevation and will results in unreasonable visual and acoustic privacy to no. 9 Francis Street.

View Loss

Under the previous development application, DA-107/2019 an objection was received from 4/4 Francis Street and 6/4 Francis Street in relation to view loss impacts.

In accordance with section 2.7 of the Waverley DCP 2012 – Views, it is generally accepted that views do not ‘belong’ to anyone or any property, nor is a view the exclusive right to any one property or to certain individuals. ‘View sharing’ is an important principle to consider when developing a property.

The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment.

Residential accommodation is to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.

In order to make a planning decision regarding the potential view loss, the judgment in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*, sets down four (4) steps that should be undertaken to reach a decision on whether a view impact is reasonable.



Figure 4. Location of subject apartments within the Tenacity assessment (Source: Domain, 2022)

4/4 Francis Street, Bondi Beach

A view from this apartment could not be sourced online and due to the owner not objecting to view loss in this application, one was not requested.

6/4 Francis Street, Bondi Beach



Figure 5. View from 6/4 Francis Street, Bondi Beach

<u>Assessment of Views</u>	<u>Extent of Impact</u>
Description: Bondi Beach Value: Iconic Amount: Partial	This apartment is located towards the front of the neighbouring RFB. It is anticipated that the south-eastern dormer will block the iconic view of Bondi Beach.

No formal view analysis has been provided from the applicant. Notwithstanding this, the Assessment Planner has reviewed the proposal in light of view impacts and subsequently, the proposed works are not supported as they will result in view impacts to 6/4 Francis Street, which are a direct nexus to a non compliance to a development standard (FSR).

2.2. Other Impacts of the Development

The proposal is considered to have a significant detrimental effect relating to environmental, social or economic impacts on the locality, and is recommended for refusal.

2.3. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

2.4. Any Submissions

The application was notified for fourteen days (27 October 2021 – 12 November 2021) in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

Table 1: Number of and where submissions were received from.

Count	Property Address
1	4/4-6 Francis Street, Bondi Beach
2-3	7/7 Francis Street, Bondi Beach
4	4/7 Francis Street, Bondi Beach

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

- Visual Privacy;
- Solar Access;
- Impact on streetscape;

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

Issue: O'Neill Strata management (Subject building's strata management company) have not been notified that a DA has been lodged.

Response: The development application form submitted with the application has been submitted to Council accompanied with a signature of the Strata Manager and Strata Seal. This satisfies owners consent requirements. Should this not have occurred in the correct procedural manner, then this is a civil matter between the owners and Strata Management.

Issue: The owner of lot 15 shall be entitled to the exclusive use and enjoyment of the areas of common property above lot 15.

Response: The standard practice for attic additions to an RFB is it is limited to the space directly above the subject apartment only. This is typically a matter for the Strata Management and owners of the building to consider as part of the granting of owners consent.

Issue: The motion does not mention the acquisition of the common stairwell which apparently will be included into apartment 15 for exclusive use and access.

Response: The common stairwell will not be for the exclusive use of apartment 15.

Issue: The renovations are described as minor when they involve the demolition of the existing unit and the total rebuild of a two storey apartment including a balcony. These are major renovations.

Response: Noted.

Issue: There is no room for a skip on the property. Placing a skip on the street as well as tradespersons cars would take away from the already severely limited availability of car parking spots. Owners and residents would be forced to park many streets away not in the correct zoned area.

Response: These issues do not form part of the development assessment process. Standard conditions would apply in the event of an approval.

Issue: There is no Covid Safe plan.

Response: This issue does not form part of the development assessment process.

Issue: No time frame has been given

Response: This issue does not form part of the development assessment process. Once consent is granted, the applicant has 5 years to substantially commence works.

Issue: No work hours have been specified

Response: If the application was recommended for approval, standard construction hours conditions would be recommended.

Issue: No noise and disturbance restrictions in place

Response: If the application was recommended for approval, standard construction hours conditions would be recommended.

Issue: No encroachment restrictions have been set (they plan on using the common rooftop and will probably lock out residents)

Response: The application is not seeking to use the communal roof terrace for private use.

Issue: No restrictions to transport or storage of construction equipment especially in common areas has been set.

Response: If the application was recommended for approval, standard conditions would be recommended in relation to storage and parking of trade vehicles.

Issue: Debris removal of a demolition of unit 15 has not been addressed.

Response: If the application was recommended for approval, standard conditions would be recommended in relation to demolition and hazardous materials.

Issue: No protection of the building has been addressed. When I questioned the protection of the beautiful stained glass windows in the stairwell the answer was if any damage was done to the building it would be repaired! These windows are likely to come under Heritage listing.

Response: If the application was recommended for approval, standard conditions would be recommended in relation to a dilapidation report. The proposal also only includes the works specified in the application.

Issue: *No daily cleaning has been specified*

Response: This issue does not form part of the development assessment process.

Issue: *No limit to use of noisy power tools*

Response: If the application was recommended for approval, standard construction hours conditions would be recommended.

Issue: *No vehicle restrictions*

Response: This issue does not form part of the development assessment process.

Issue: *I have been told by Waverly Council that it is usual for compensation to other building owners for exclusive use of a common area. This question has gone unanswered.*

Response: The application is not seeking to use the communal roof terrace for private use. This is a matter for the owners of the building to consider as a separate issue.

Issue: *The plans are very difficult to read . The writing is too small and when you try to expand them its blurry. Are these the same plans submitted in 2018 and refused? If these are different plans they have not been passed at a meeting of owners.*

Response: It is confirmed that the plans are seeking consent for the same works refused under DA-107/2019. Documentation is readily available on Council's website and view options are available in the online platform to enable zoom functions to easily read/magnify plans.

Issue: *The estimated cost of \$93,000 vastly underestimates the real build cost. The major renovations would involve architects builders plumbers builders plumbers plasterers electricians floor installers carpenters painters plus kitchen and bathroom fit outs.*

Response: If the application was recommended for approval, this would be investigated further.

Issue: *7 Francis street is under Heritage listing consideration.*

Response: Noted.

Issue: *Reduces housing affordability.*

Response: This issue does not form part of the development assessment process.

2.5. Public Interest

The proposal is considered to have a detrimental effect on the public interest, and is recommended for refusal.

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Waste

An internal referral was sought from Council's Waste Officer who supported the application subject to recommended conditions of consent.

3.2. Stormwater

An internal referral was sought from Council's Stormwater Engineer who supported the application subject to recommended conditions of consent.

3.3. Fire Safety

An internal referral was sought from Council's Fire Safety Officer who supported the application subject to recommended conditions of consent.

4. CONCLUSION

The DA seeks consent for alterations and additions including an attic addition to an existing apartment (unit 15) within a RFB at the known as 15/7 Francis Street, Bondi Beach.

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

- Insufficient information;
- Breach to FSR control;
- Breach to height control;
- View loss impacts;
- Unreasonable bulk and scale;
- Impact to inter-war RFB;
- Impact on streetscape; and
- Loss of visual privacy.

The assessment finds these issues unacceptable as the proposed works results in a breach to both height and FSR and adds further bulk and scale to a RFB that has reached its development capacity.

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

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

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 30 November 2021 and the DBU determined:

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

DBU members: A Rossi, B McNamara, B Matlawski and J Elijah

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Joseph Somerville	Angela Rossi
Development Assessment Planner	Manager, Development Assessment (Central) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 01 February 2022	Date: 11 February 2022

Reason for WLPP referral:

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

APPENDIX A – REASONS FOR REFUSAL

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

1. The application does not satisfy section 4.15 (1)(a)(i) of the Act as it contrary to the following provisions of *Waverley Local Environmental Plan (WLEP) 2012*:

- a. *Clause 4.4 Floor Space Ratio*

The application exceeds the maximum allowable Floor Space Ratio (FSR) of 0.9:1 and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of Waverley LEP

Details: The proposal is considered an overdevelopment of the site and the proposed development does not preserve the environmental amenity of neighbouring properties and the surrounding locality as required under clause 4.4 (1) (d) of WLEP.

2. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan (WDGP) 2012, in respect to the following provisions:

Part B12 Design Excellence

- a. Controls (a), (c) and (e)(v) under this Part, given the lacking materials and finishes schedule, the view impacts to adjoining properties and the excessive bulk and massing to a building that is currently at its maximum development capacity.

Part B17 Inter War Buildings

- a. Objectives (b), (c) and (d) under this Part, given the proposed works will not maintain or conserve the Inter War Building.

Part C3 Other Residential Development

- a. *Section 3.5 Building design and streetscape*, specifically objectives (a) and (b) as the current building provides a good transition between the larger building of Noahs Backpackers (no. 2-8 Campbell Parade) to the south-east and the smaller Residential Flat Buildings (no. 9-17 Francis Street) to the north-west. The proposed gabled addition and associated dormer windows would add unreasonable bulk to the front of the subject building and would dominate those smaller Residential Flat Buildings at (no. 9-17 Francis Street).
 - b. *Section 3.5 Attic and roof design*, specifically objectives (b) and (c) and control (i)(ii) as the proposed changes to the roof form will create unreasonable additional bulk and scale to building that has reached its maximum development capacity and the proposed dormer windows are not set at least 300mm below the main ridge.

- c. *Section 3.11 Private open space*, specifically objective (f) as the proposed balcony is located to the side of the building and will create unreasonable visual and acoustic privacy impacts to no. 9 Francis Street.
 - d. *Section 3.14 Views* and view sharing, specifically objective (a) and controls (a) and (b) as the proposal will result in view loss to a neighbouring apartment.
 - e. *Section 3.15 Visual privacy and security*, specifically objective (a) as the proposed balcony is located to the side of the building and will create unreasonable visual and acoustic privacy impacts to no. 9 Francis Street.
3. The application does not satisfy section 4.15 (1)(a)(iv) of the Act with respect to the *Environmental Planning and Assessment Regulation 2000* (the Regulations), as insufficient documentation has been provided to properly assess the application with respect to Part 1 of Schedule 1 of the Regulations, including but not limited to:
 - a. Window opening details are not provided on the elevational plans.
 - b. The Survey Plan is limited in detail, not including lot size or RL measurements.
 - c. A detailed materials and finishes schedule has not been provided.
 - d. Elevational shadow diagrams are required to assess if the additional shadowing at 9am falls on habitable windows of no. 4 Francis Street.
 4. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk and scale relative to the site area and dimensions, and consequently results in unacceptable amenity and streetscape impacts upon the locality and surrounding built environment.
 5. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development. The standalone redevelopment of the subject site (to the scale and density proposed) could consequently affect orderly future redevelopment of adjoining sites.
 6. The application is contrary to section 4.15 (1)(d) of the Act in relation to matters raised in the public submissions received that object to the proposed development.
 7. The application is contrary to section 4.15 (1)(e) of the Act in relation to the public interest as it is not compatible with the existing and desired future character of the locality and the broader Waverley local government area.

THE JOLON RESIDENCE

Development Application - Alterations & Additions SP. 71516 Lot 15

Unit 15 / 7 Francis Street, Bondi Beach NSW 2026






DRAWING LIST :

- DA_000 Cover Page
- DA_001 Legend, General Notes & Regulatory Provisions
- DA_002 Location & Context Details
- DA_003 Survey & Site Plan
- DA_004 Site Analysis Plan
- DA_005 Existing Lower Ground, Ground & First Floor Plans
- DA_006 Existing & Demolition Second Floor Plan
- DA_007 Proposed Second Floor Plan
- DA_008 Proposed Attic Floor Plan
- DA_009 Proposed Roof & Stormwater Management Plan
- DA_010 Proposed Front (SW) Elevation
- DA_011 Proposed Rear (NE) Elevation
- DA_012 Proposed Side (NW) Elevation
- DA_013 Proposed Side (SE) Elevation
- DA_014 Proposed Section AA
- DA_015 Construction Waste & Site Management Plan
Erosion, Sediment Control Plan
- DA_016 Shadow Diagrams June 21 - 9am, 12pm & 3pm
- DA_017 BASIX Certificate & Notes
- DA_018 Notification Plan
- DA_019 Proposed Attic Floor Reflected Ceiling Plan



LEGEND :

BAL	Balustrade to BCA requirements
CBD	Cupboard
CF	Concrete floor, to be polished and sealed
CP	Concrete pavers
CT	Ceramic tiles
FCC	Fibre cement cladding, matt paint finish
FD	Fire door
G	Gutter
HR	Handrail to BCA requirements
J	Joinery
LB	Letter box
MSC	Metal sheet cladding
MSR	Metal sheet roof
OG	Obscure glazing
P	Parapet
RB	Rendered brickwork
RWT	Rainwater tank, to Hydraulic engineer details
SA	Smoke alarm to BCA requirements
TC	Timber cladding
TF	Timber flooring
TG	Timber gate
TW	New window/door system, finish TBA
NB	R3 Insulation to ceiling Foil Insulation to underside of roof R1 Insulation to exterior walls

	Existing wall to be demolished
	Existing wall to be retained
	New wall

GENERAL NOTES:

- All demolition works are to be carried out in accordance with AS2601-2001 - Demolition of Structures.
- No demolition / Building works are to be carried out in accordance with AS2601-2001 - Demolition of Structures.
- All essential services to be located within the front 6 metres of the dwelling house.
- Existing common wall to be weatherproofed.
- All separating walls to achieve a minimum FRL of 60/60/60 and to extend to the underside of the proposed roof covering in accordance with BCA standards.
- All smoke alarms are to be installed in nominated locations in accordance with Clause 3.7.2.3 of the BCA and AS3786-2014.
- All bedroom windows to the first floor level will be capable of being restricted to a 125mm opening.
- External stairs to achieve a slip resistance classification of not less than P4 in accordance with AS 4586-2013.
- All balustrades to have a minimum height not less than 1m and to comply with the relevant provisions of AS/NZS 1170.1-2002 and AS 1288-2006.
- A handrail must be installed to at least one side of the new staircase, extending for the full flight of the stairs.
- All floor wastes being provided to be with drainage flanges in accordance with AS 3740- 2010 to all wet areas.
- All doorways located within 1.2 metres of the toilet to be either outward swinging, sliding doors, or that the doors will consist of removable hinges.
- The design alignment levels at the property boundary for driveways, access ramps and pathways (or the like) are to match the back of the existing Council footpath levels along the full site frontage.
- All BASIX commitments to be achieved as referenced on the BASIX Certificate.

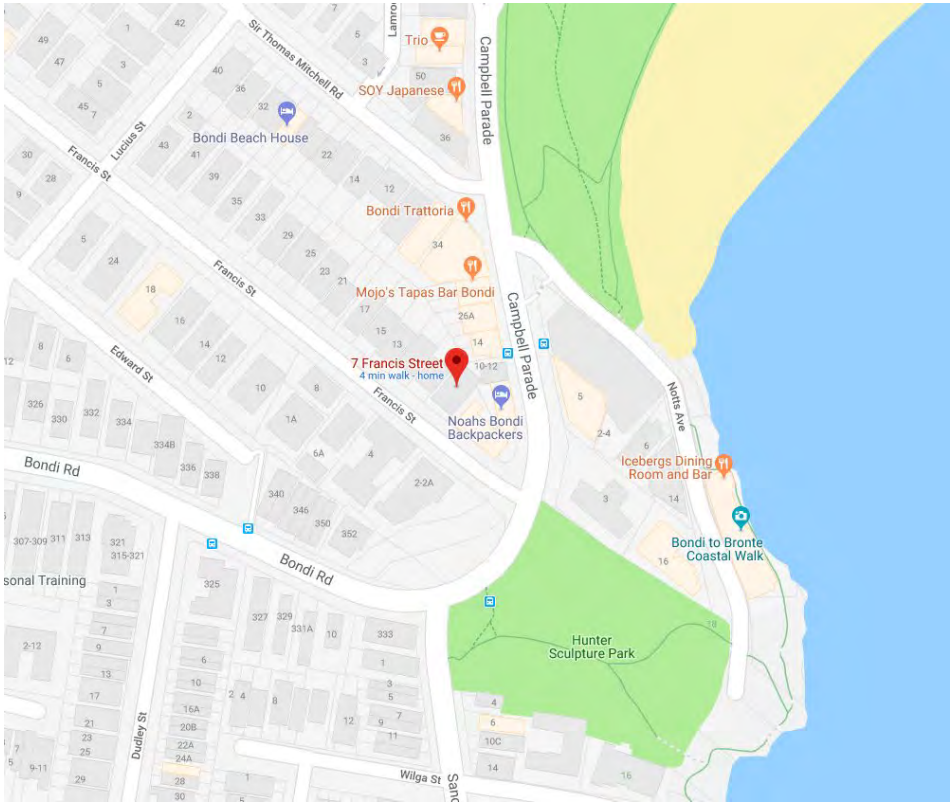
BASIX COMMITMENTS:

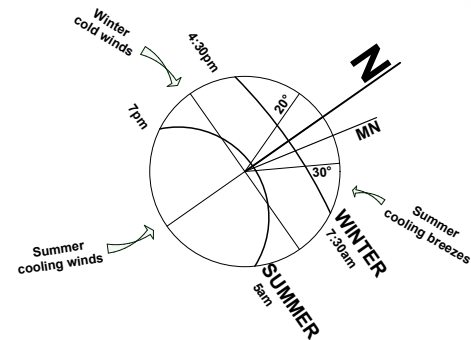
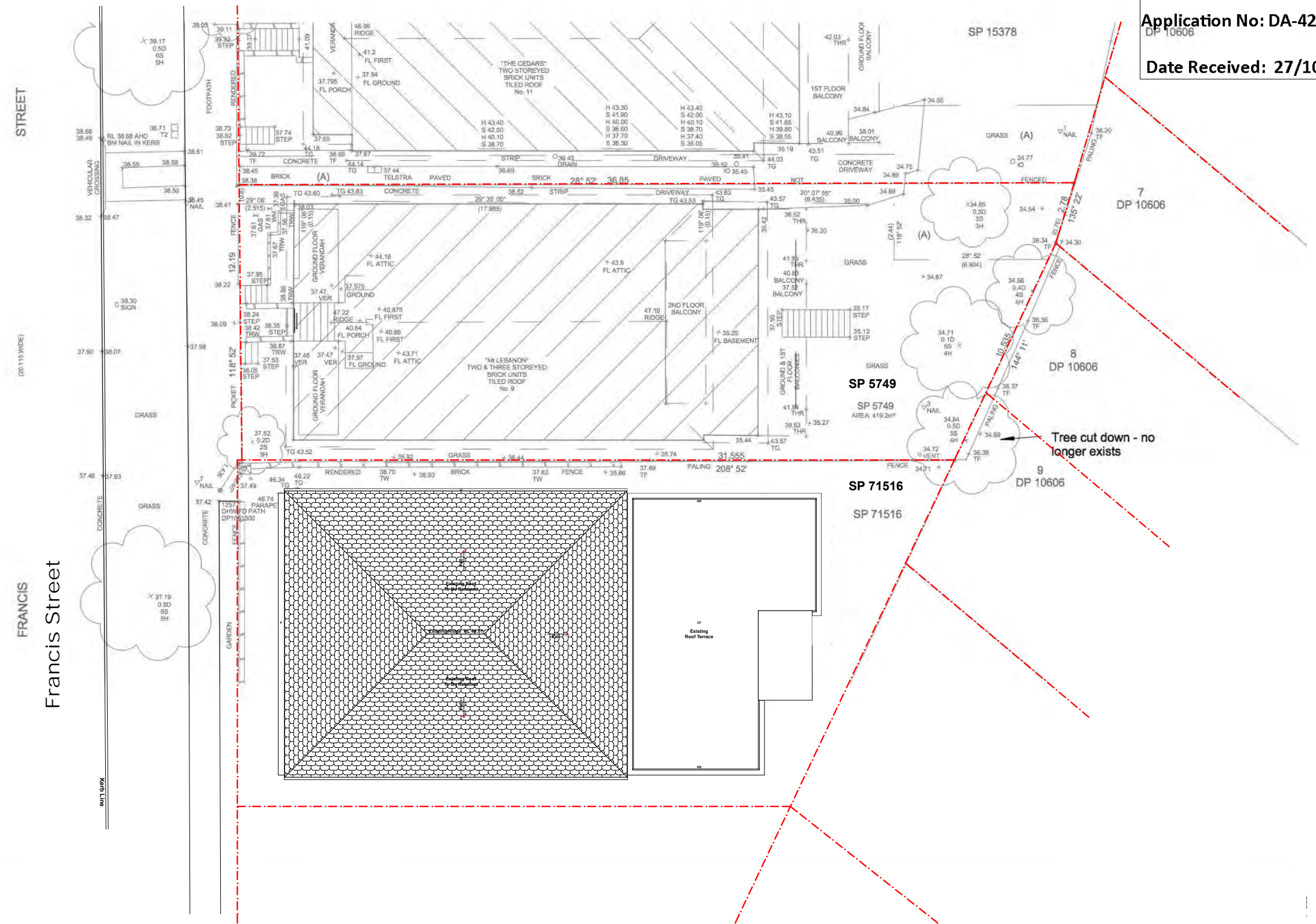
Fixtures & Systems:

- A minimum of 40% of new or altered light fixtures will be fitted with fluoroecent, compact fluoroescnet, or light-emitting diode (LED) lamps.
- New or altered showerheads to have a flow rate no greater than 9 litres per minute or a 3 star water rating.
- New or altered toilets to have a flow rate no greater than 4 litres per average flush or a minmum 3 star water rating.
- New or altered taps to have a flow rate no greater than 9 litres per minute or a minimum 3 star water rating.

Insulation requirements:

- Suspended floor with enclosed subfloor framed: (R0.7) - R0.6 (down) (or R1.30 including construction).
- External wall: framed (weatherboard, fibre, metal clad) - internal to achieve R1.30 (or R1.70 including construction)
- Flat ceiling, flat roof: framed - Ceiling: R2.32 (up), Roof: foil / sarking. Light (solar absorptance < 0.475)
- Raked Ceiling, pitched / skillion roof: framed - Ceiling R1.76 (up), Roof: foil / sarking. Light (solar absorptance <0.475)





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FOR CONSTRUCTION

PROJECT:
Alterations & Additions

SP. 71516 Lot 15

15 / 7 Francis Street
Bondi Beach NSW 2026

CLIENT:
Jolon Cooke

50 Pauling Avenue
Coogee NSW 2034

Drawing Name:

Survey & Site Plans

Project No: DA_210527

Drawing No: DA_003

Scale: 1 : 200 @ A3

Drawn: AM

Date: 27.05.2021

Sent: 25.10.2021

Issue: 2

Revision: D

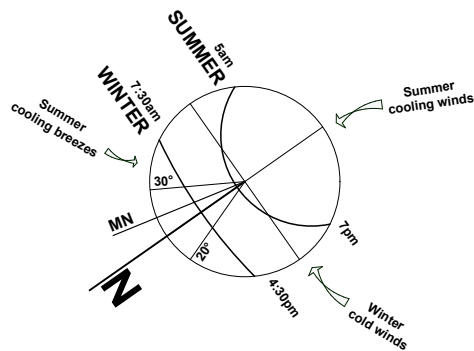
Revision Description:

Preliminaries & Schematic Design

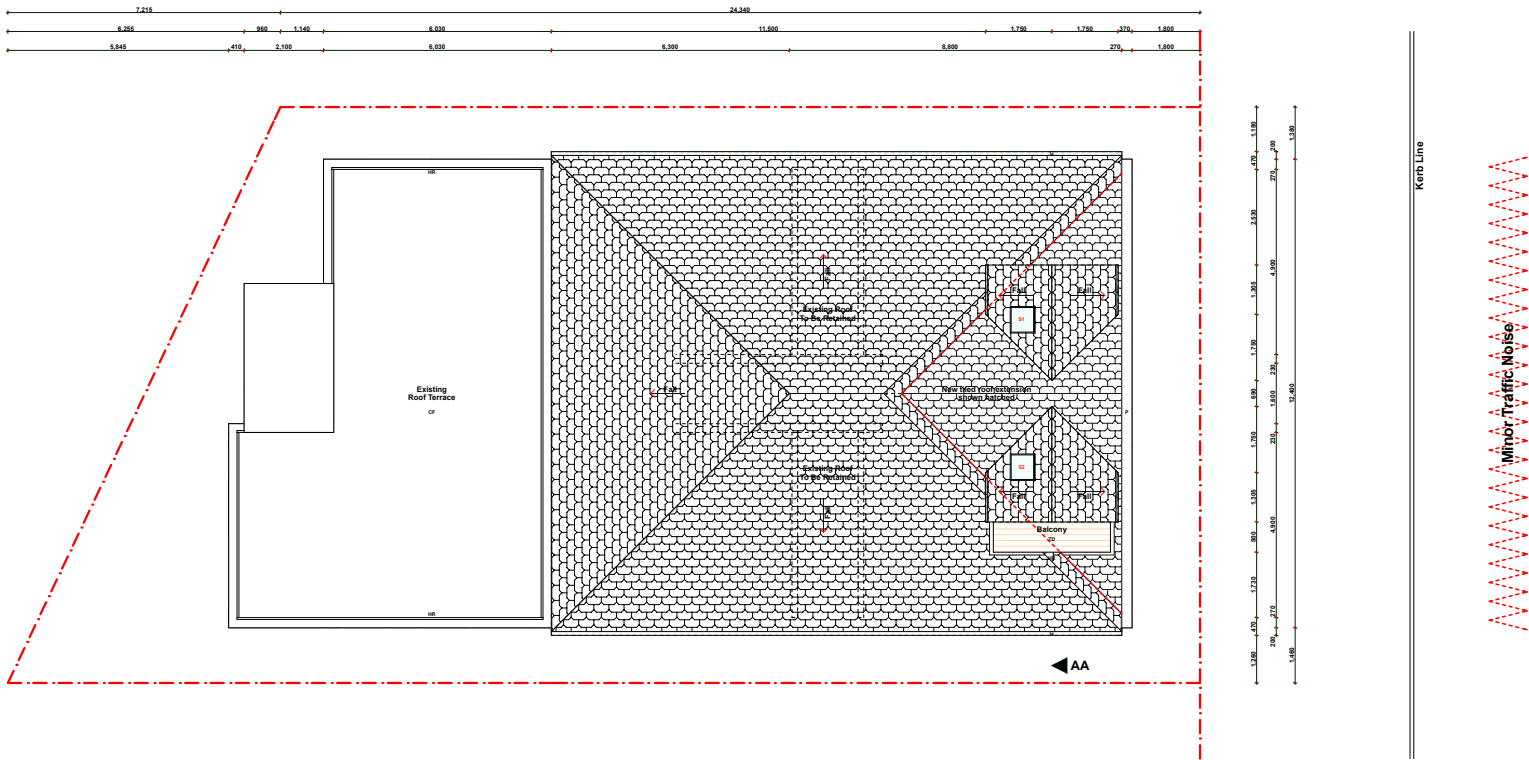
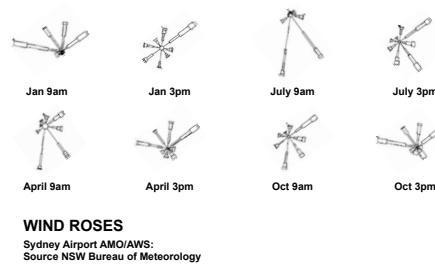
Client Review

DA Submission - Council Review

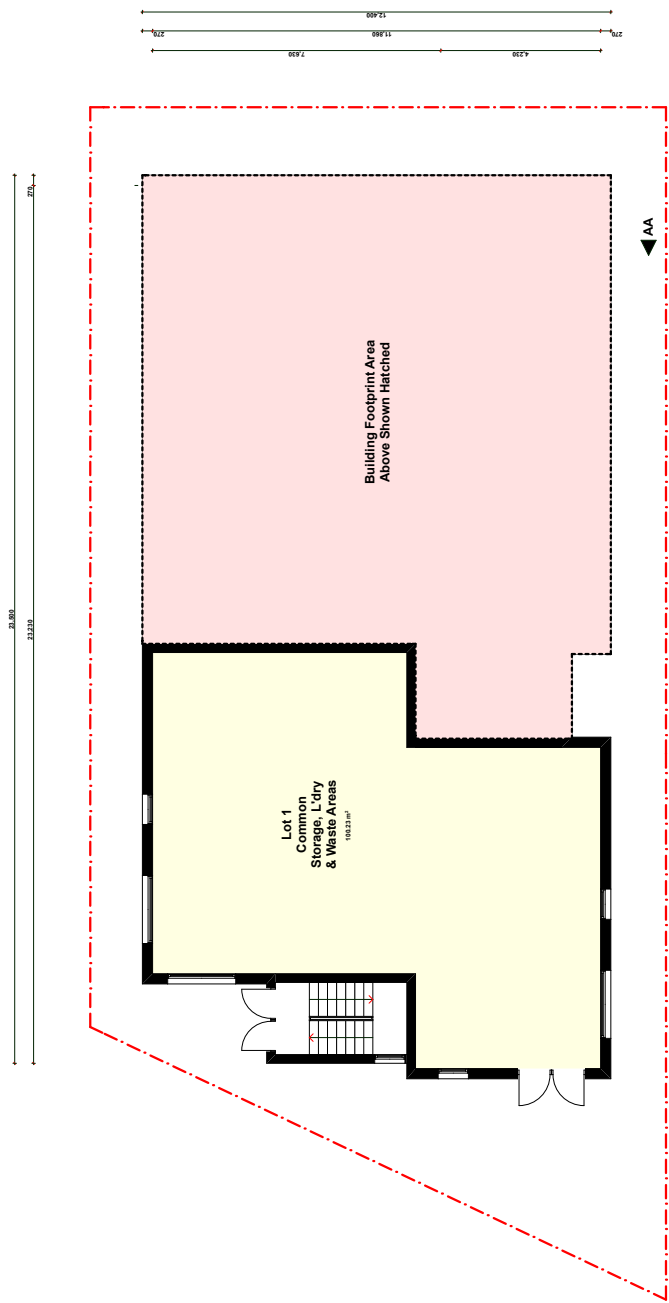
DA 422/2021 - Additional Information Request



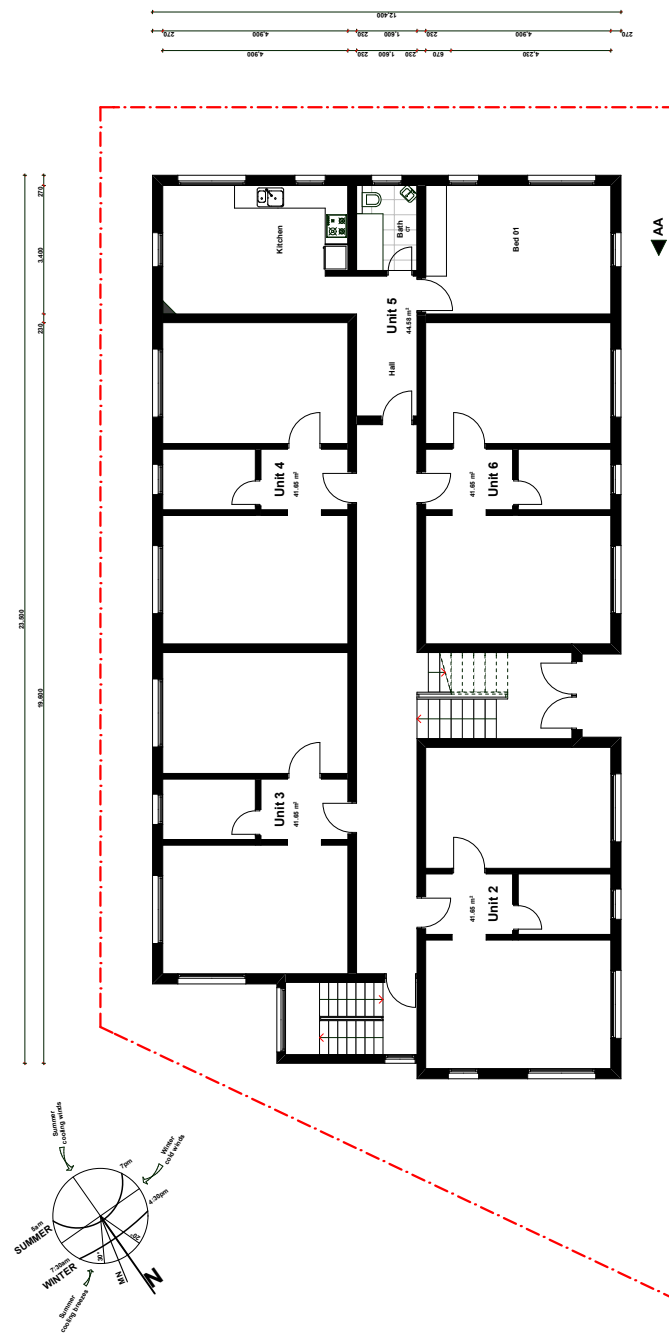
Existing - 15/7 Francis Street, Bondi Beach				Proposed - 15/7 Francis Street, Bondi Beach			
Site Area -		425.92 Sqm		Site Area -		425.92 Sqm	
Permissible FSR -		0.90 : 1		Permissible FSR -		0.90 : 1	
Existing FSR -		1.49 : 1		Proposed FSR -		1.53 : 1	
Existing LG Floor Area (Not Included) -		100.96 Sqm		Existing LG Floor Area (Not Included) -		100.96 Sqm	
Existing Ground Floor Area (Units 2,3,4,5 & 6) -		211.18 Sqm		Existing Ground Floor Area (Units 2,3,4,5 & 6) -		211.18 Sqm	
Existing First Floor Area (Units 7,8,9,10 & 11) -		211.18 Sqm		Existing First Floor Area (Units 7,8,9,10 & 11) -		211.18 Sqm	
Existing Second Floor Area (Units 12,13,14,15 & 16) -		211.18 Sqm		Existing Second Floor Area (Units 12,13,14,15 & 16) -		211.18 Sqm	
Existing Second Floor Area (Unit 15) -		44.58 Sqm		Existing Second Floor Area (Unit 15) -		44.58 Sqm	
				Proposed Attic Floor Area (Unit 15) -		20.49 Sqm	
				Total Proposed Unit 15 Floor Area -		65.07 Sqm	
Total Existing Units 2 - 16 Floor Area -		633.54 Sqm		Total Proposed Units 2 - 16 Floor Area -		654.03 Sqm	



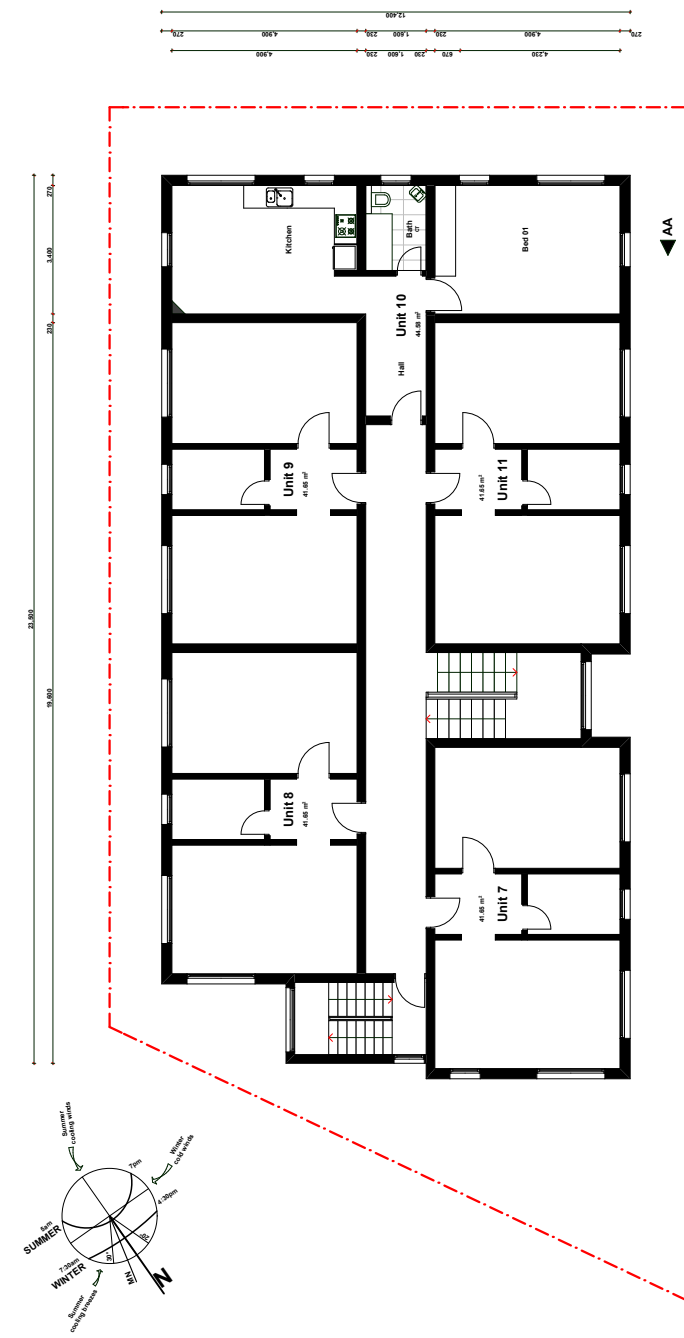
Site Analysis Plan



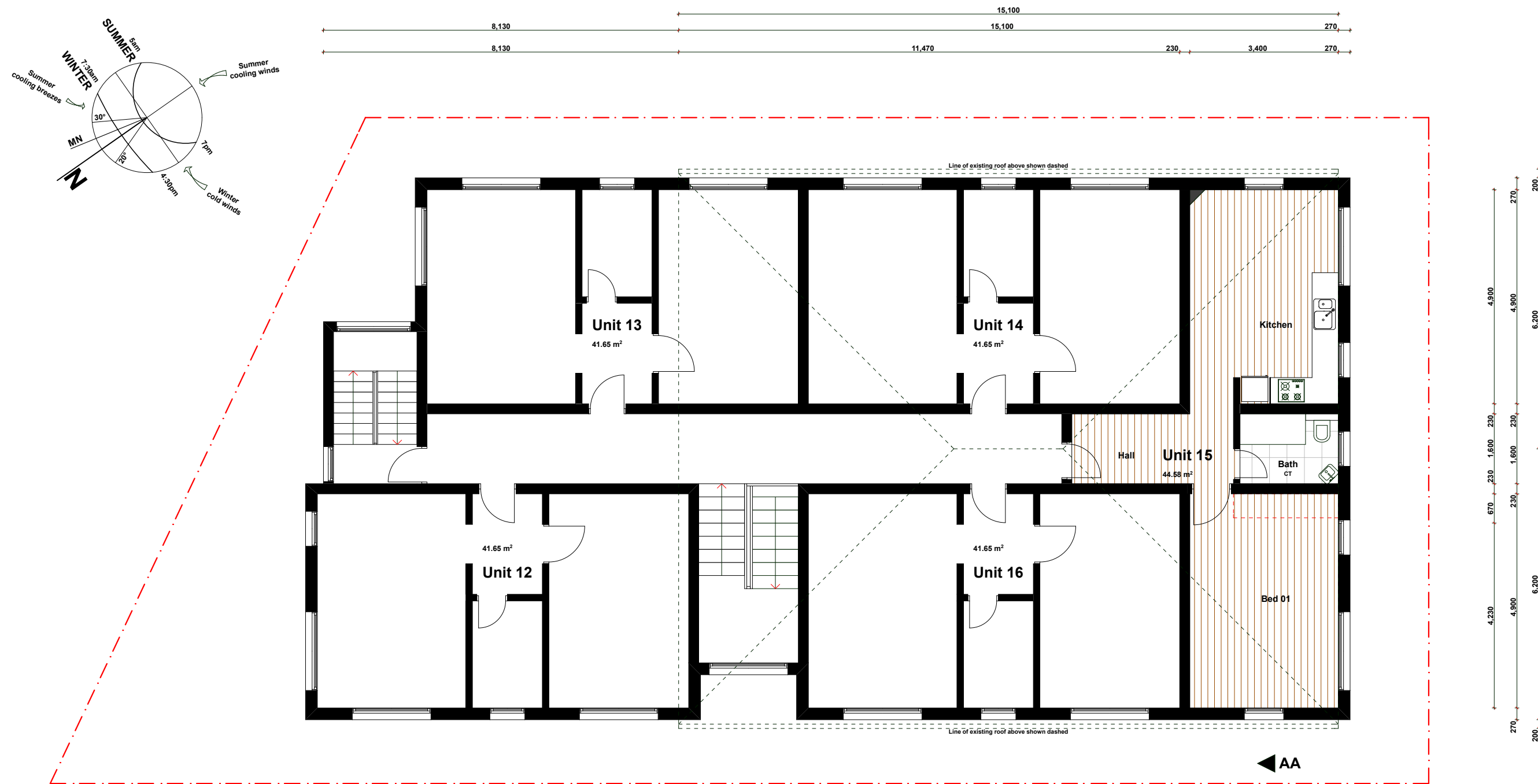
Existing Lower Ground Floor Plan



Existing Ground Floor Plan

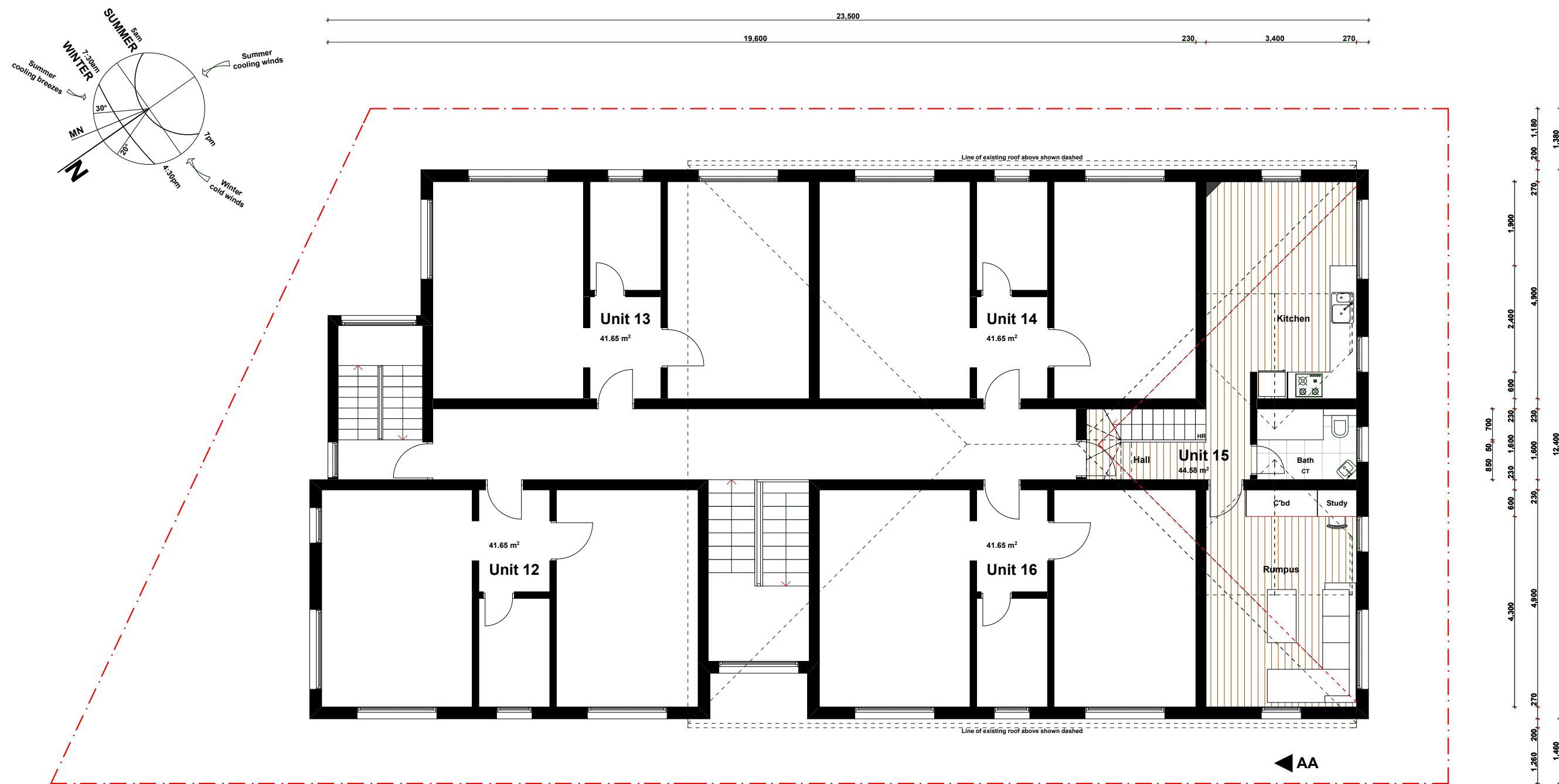


Existing First Floor Plan



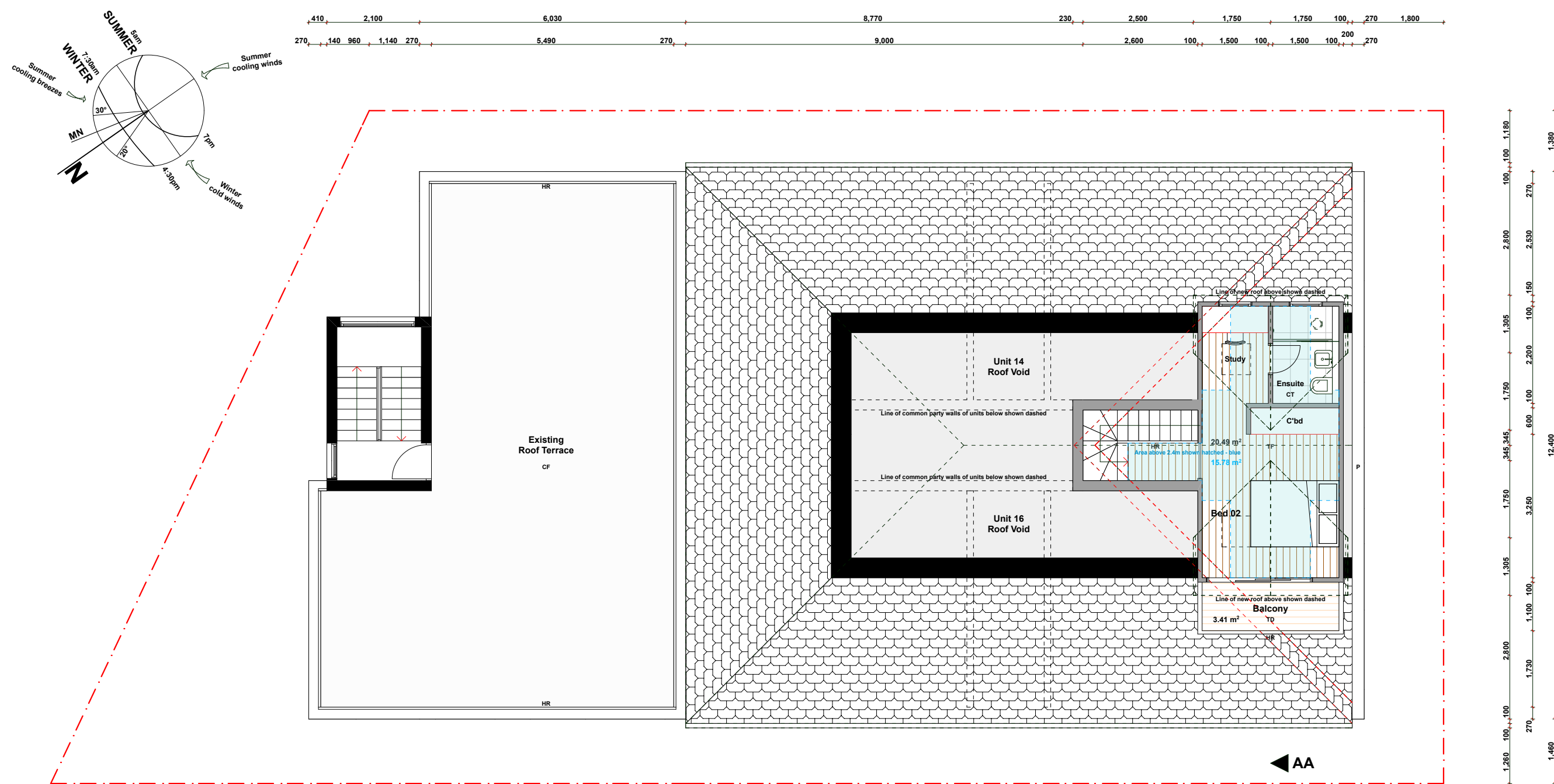
Existing & Demolition Second Floor Plan

<div>isa DESiGNS</div> <div>Alon Musael</div> <div><div>Postal Address</div><div>PO Box 403 Rose Bay NSW 2029</div><div><div>Mobile</div><div>+61 451 867 426</div></div><div><div>Email</div><div>alon@isadesigns.com.au</div></div></div>			<div>This drawing and design is subject to copyright and may not be reproduced without prior written consent. Detail drawings are to be taken in preference to more general drawings. All dimensions to be verified on site prior to commencement of any work. All discrepancies shall be reported to the designer immediately.</div> <div>FOR CONSTRUCTION</div>	<div>PROJECT:</div> <div>Alterations & Additions</div> <div>SP. 71516 Lot 15</div> <div>15 / 7 Francis Street Bondi Beach NSW 2026</div>	<div>CLIENT:</div> <div>Jolon Cooke</div> <div>50 Pauling Avenue Coogee NSW 2034</div>	Drawing Name:		Date: 27.05.2021	Revision Description:			
						Existing & Demolition Second Floor Plan		Sent: 25.10.2021	<div>Preliminaries & Schematic Design</div> <div>Client Review</div>			
						Project No:	DA_210527	Scale:	1 : 100 @ A3	Issue:	2	DA Submission - Council Review
						Drawing No:	DA_006	Drawn:	AM	Revision:	D	DA 422/2021 - Additional Information Request
						Page 105 of 422						



Proposed Second Floor Plan

<div> <div>iSA DESiGNS</div> <div>Alon Musael</div> <div> <div>Postal Address</div> <div>PO Box 403 Rose Bay NSW 2029</div> <div>Mobile</div> <div>+61 451 867 426</div> <div>Email</div> <div>alon@isadesigns.com.au</div> </div> </div>	<div> <div>This drawing and design is subject to copyright and may not be reproduced without prior written consent. Detail drawings are to be taken in preference to more general drawings. All dimensions to be verified on site prior to commencement of any work. All discrepancies shall be reported to the designer immediately.</div> <div>FOR CONSTRUCTION</div> </div>	<div> <div>PROJECT:</div> <div>Alterations & Additions</div> <div>SP. 71516 Lot 15</div> <div>15 / 7 Francis Street Bondi Beach NSW 2026</div> </div>	<div> <div>CLIENT:</div> <div>Jolon Cooke</div> <div>50 Pauling Avenue Coogee NSW 2034</div> </div>	Drawing Name:		Date: 27.05.2021	Revision Description:
				Proposed Second Floor Plan		Sent: 25.10.2021	
				Project No: DA_210527	Scale: 1: 100 @ A3	Issue: 2	
				Drawing No: DA_007	Drawn: AM	Revision: D	



Proposed Attic Floor Plan

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FOR CONSTRUCTION

PROJECT:
Alterations & Additions
SP. 71516 Lot 15

15 / 7 Francis Street
Bondi Beach NSW 2026

CLIENT:
Jolon Cooke

50 Pauling Avenue
Coogee NSW 2034

Drawing Name:

Proposed Attic Floor Plan

Project No: DA_210527

Drawing No: DA_008

Scale: 1: 100 @ A3

Drawn: AM

Date: 27.05.2021

Sent: 25.10.2021

Issue: 2

Revision: D

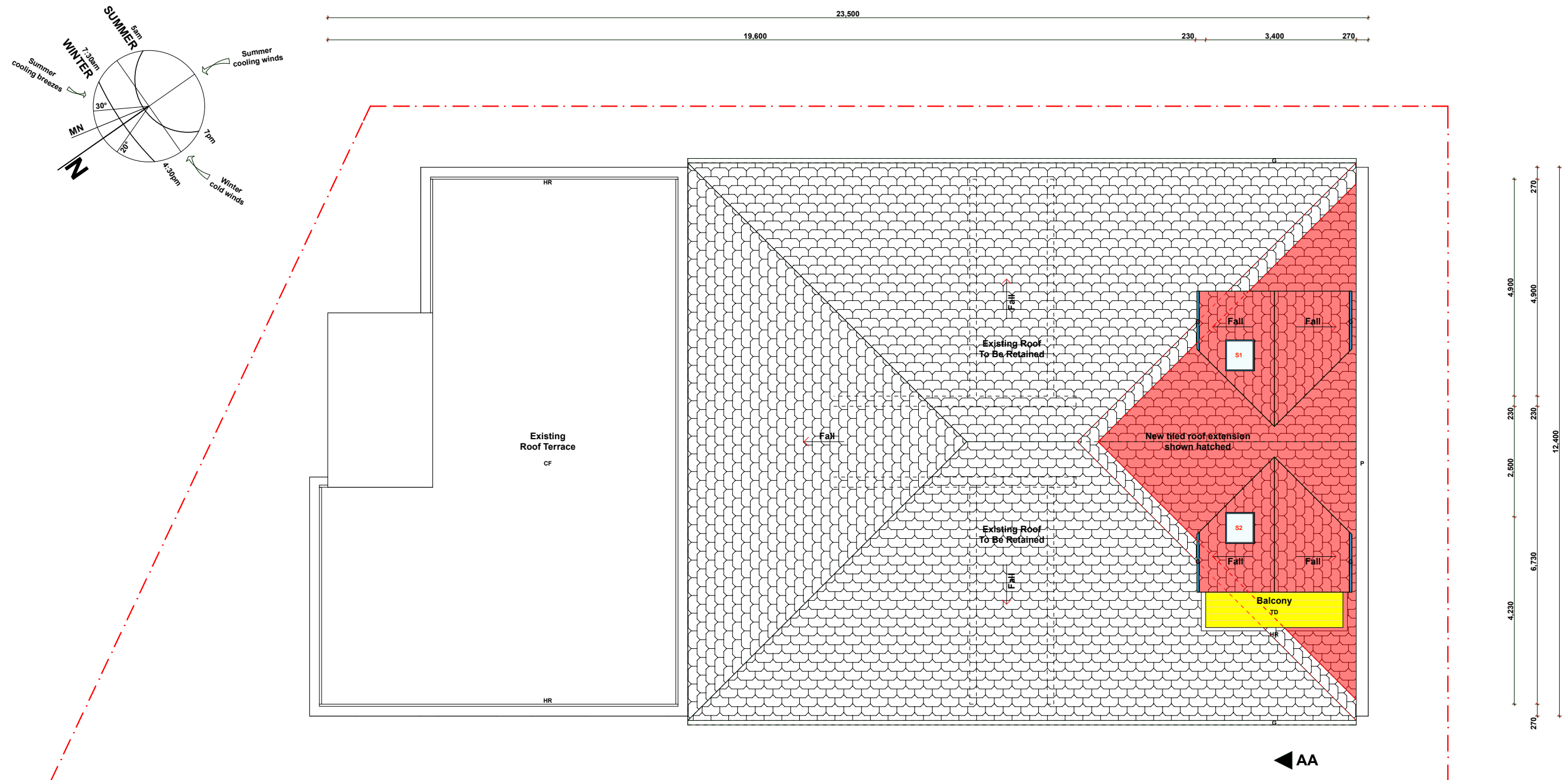
Revision Description:

Preliminaries & Schematic Design

Client Review

DA Submission - Council Review

DA 422/2021 - Additional Information Request



Proposed Roof & Stormwater Management Plan

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FOR CONSTRUCTION

PROJECT:
Alterations & Additions
SP. 71516 Lot 15

15 / 7 Francis Street
Bondi Beach NSW 2026

CLIENT:
Jolon Cooke

50 Pauling Avenue
Coogee NSW 2034

Drawing Name:
Proposed Roof & Stormwater Management Plan

Project No: DA_210527 Scale: 1:100 @ A3

Drawing No: DA_009 Drawn: AM

Date: 27.05.2021
Sent: 25.10.2021
Issue: 2
Revision: D

Revision Description:
Preliminaries & Schematic Design
Client Review
DA Submission - Council Review
DA 422/2021 - Additional Information Request



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FOR CONSTRUCTION

PROJECT:

Alterations & Additions

SP. 71516 Lot 15

15 / 7 Francis Street
Bondi Beach NSW 2026

CLIENT:

Jolon Cooke

50 Pauling Avenue
Coogee NSW 2034

Drawing Name:

Proposed Front (SW) & Rear (NE) Elevations

Project No: DA_210527

Drawing No: DA_010

Scale: 1 : 100 @ A3

Drawn: AM

Date: 27.05.2021

Sent: 25.10.2021

Issue: 2

Revision: D

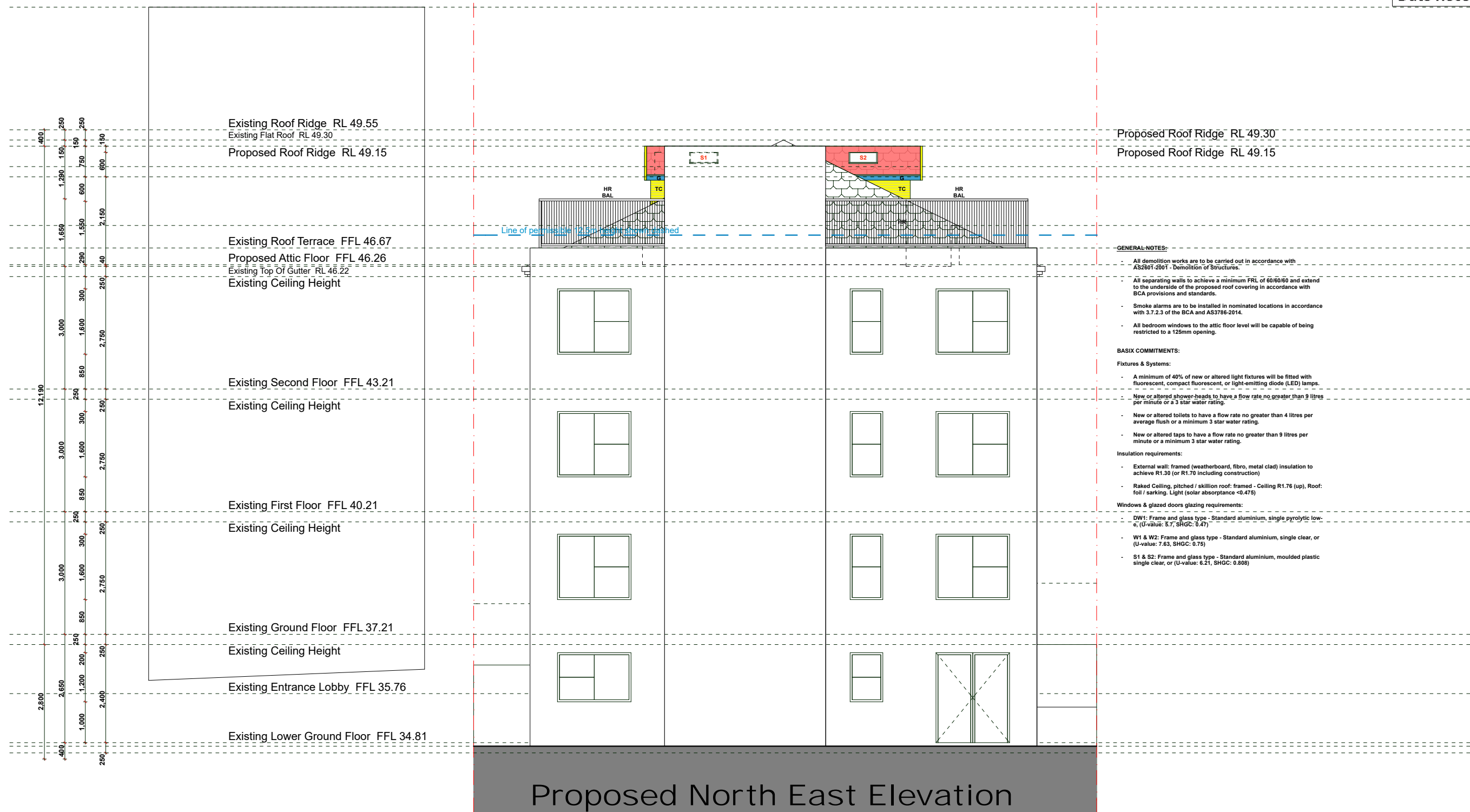
Revision Description:

Preliminaries & Schematic Design

Client Review

DA Submission - Council Review

DA 422/2021 - Additional Information Request



Proposed Roof Ridge RL 49.30

Proposed Roof Ridge RL 49.15

GENERAL NOTES:

- All demolition works are to be carried out in accordance with AS2601-2001 - Demolition of Structures.
- All separating walls to achieve a minimum FRL of 60/60/60 and extend to the underside of the proposed roof covering in accordance with BCA provisions and standards.
- Smoke alarms are to be installed in nominated locations in accordance with 3.7.2.3 of the BCA and AS3786-2014.
- All bedroom windows to the attic floor level will be capable of being restricted to a 125mm opening.

BASIX COMMITMENTS:

Fixtures & Systems:

- A minimum of 40% of new or altered light fixtures will be fitted with fluorescent, compact fluorescent, or light-emitting diode (LED) lamps.
- New or altered shower-heads to have a flow rate no greater than 9 litres per minute or a 3 star water rating.
- New or altered toilets to have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.
- New or altered taps to have a flow rate no greater than 9 litres per minute or a minimum 3 star water rating.

Insulation requirements:

- External wall: framed (weatherboard, fibro, metal clad) insulation to achieve R1.30 (or R1.70 including construction)
- Raked Ceiling, pitched / skillion roof: framed - Ceiling R1.76 (up), Roof: foil / sarking, Light (solar absorbance <0.475)

Windows & glazed doors glazing requirements:

- DW1: Frame and glass type - Standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
- W1 & W2: Frame and glass type - Standard aluminium, single clear, or (U-value: 7.63, SHGC: 0.75)
- S1 & S2: Frame and glass type - Standard aluminium, moulded plastic single clear, or (U-value: 6.21, SHGC: 0.888)

Proposed North East Elevation

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FOR CONSTRUCTION

PROJECT:

Alterations & Additions

SP. 71516 Lot 15

15 / 7 Francis Street
Bondi Beach NSW 2026

CLIENT:

Jolon Cooke

50 Pauling Avenue
Coogee NSW 2034

Drawing Name:

Proposed Rear (NE) Elevation

Project No: DA_210527

Drawing No: DA_011

Scale: 1: 100 @ A3

Drawn: AM

Date: 27.05.2021

Sent: 25.10.2021

Issue: 2

Revision: D

Revision Description:

Preliminaries & Schematic Design

Client Review

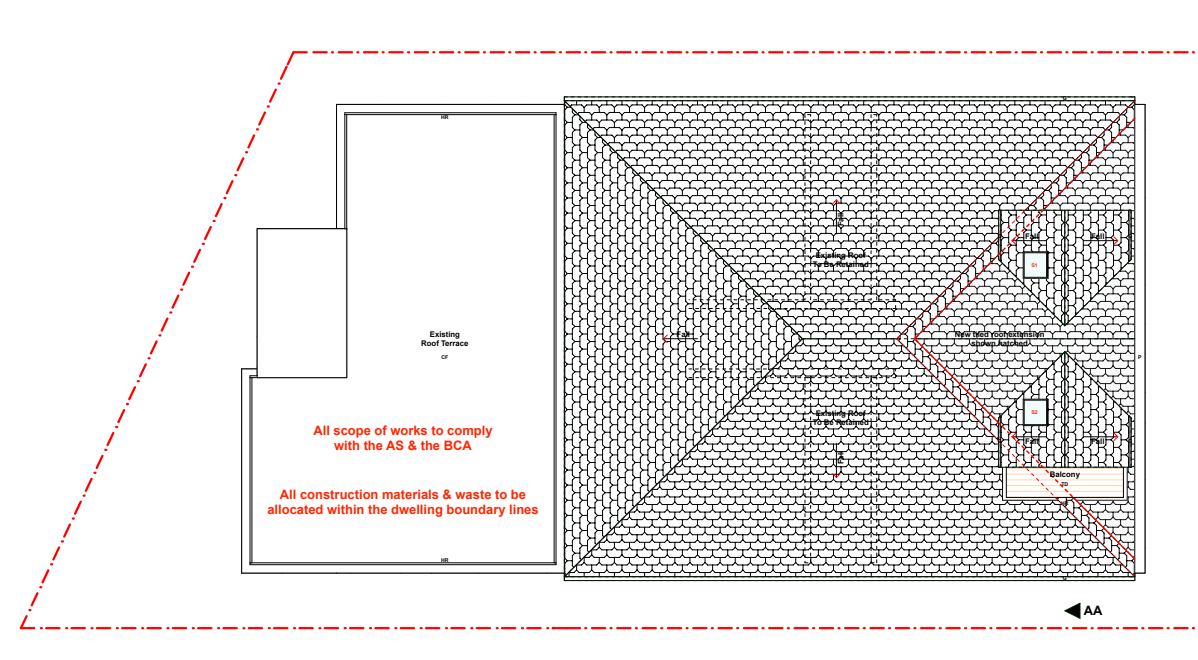
DA Submission - Council Review

DA 422/2021 - Additional Information Request

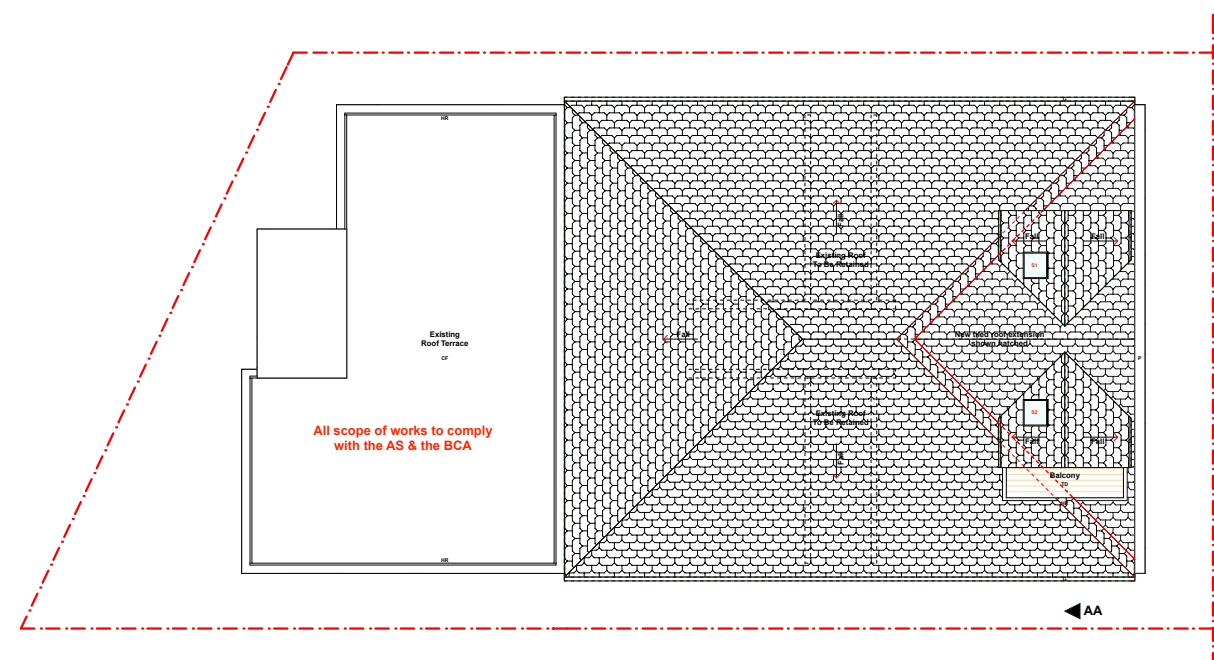




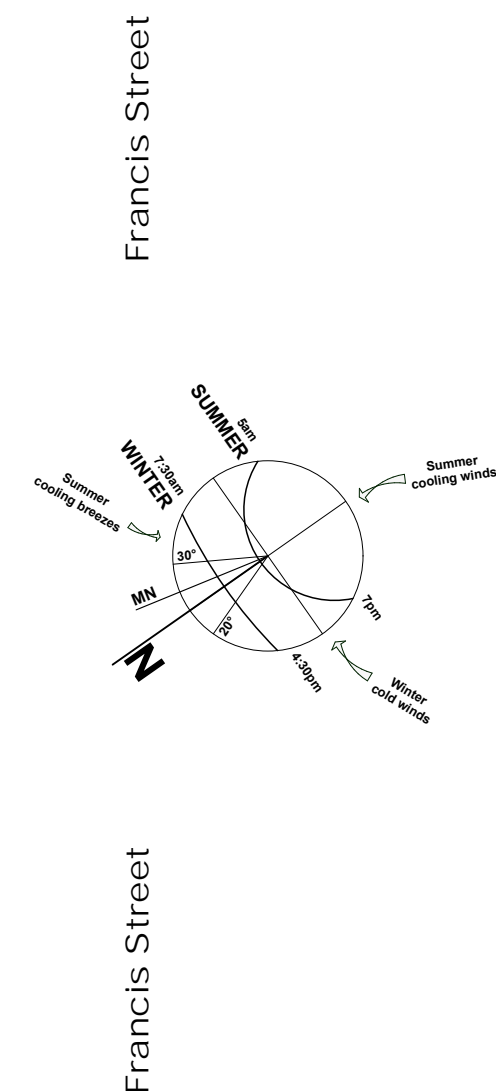




Construction Waste & Site Management Plan



Erosion, Sediment Control Plan



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FOR CONSTRUCTION

PROJECT:

Alterations & Additions

SP. 71516 Lot 15

15 / 7 Francis Street
Bondi Beach NSW 2026

CLIENT:

Jolon Cooke

50 Pauling Avenue
Coogee NSW 2034

Drawing Name:

CWSM & ESC Plans

Project No: DA_210527

Drawing No: DA_015

Scale: 1 : 200 @ A3

Drawn: AM

Date: 27.05.2021

Sent: 25.10.2021

Issue: 2

Revision: D

Revision Description:

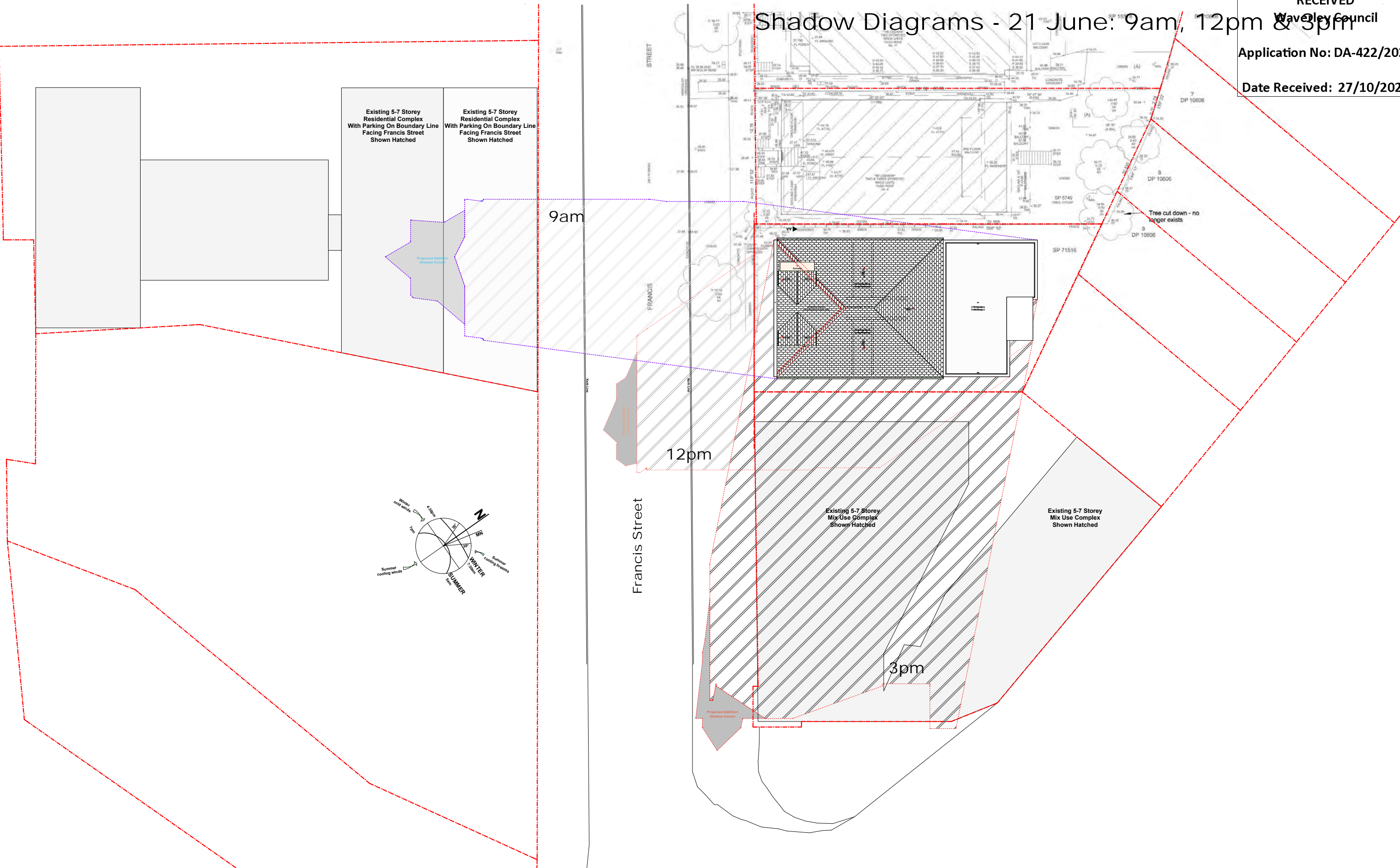
Preliminaries & Schematic Design

Client Review

DA Submission - Council Review

DA 422/2021 - Additional Information Request

Shadow Diagrams - 21 June: 9am, 12pm & 3pm



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FOR CONSTRUCTION

PROJECT:
Alterations & Additions
SP. 71516 Lot 15
15 / 7 Francis Street
Bondi Beach NSW 2026

CLIENT:
Jolon Cooke
50 Pauling Avenue
Coogee NSW 2034

Drawing Name:
Shadow Diagrams June 21 - 9am, 12pm & 3pm

Project No:	DA_210527	Scale:	1: 310 @ A3
Drawing No:	DA_016	Drawn:	AM

Date:	27.05.2021	Revision Description:
Sent:	25.10.2021	Preliminaries & Schematic Design
Issue:	2	Client Review
Revision:	D	DA Submission - Council Review
		DA 422/2021 - Additional Information Request

BASIX®Certificate

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

Alterations and Additions

Certificate number: A343180

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: Wednesday, 13, March 2019
To be valid, this certificate must be lodged within 3 months of the date of issue.



Description of project

Project address	
Project name	The Jolon Residence 2
Street address	7 Francis Street Bondi Beach 2026
Local Government Area	Waverley Council
Plan type and number	Strata Plan 71516
Lot number	15
Section number	0
Project type	
Dwelling type	Unit
Type of alteration and addition	My renovation work is valued at \$50,000 or more.

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.			

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements		✓	✓
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.			
Construction	Additional insulation required (R-value)	Other specifications	
floor above existing dwelling or building.	nil		
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)		
raked ceiling, pitched/skillion roof: framed	ceiling: R1.76 (up), roof: foil/sarking	light (solar absorptance < 0.475)	

Glazing requirements

Show on DA Plans

Show on CC/CDC Plans & specs

Certifier Check

Application No: DA-422

Windows and glazed doors

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

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

Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.

Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.

For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.

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

Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.

Windows and glazed doors glazing requirements

Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing Height (m) Distance (m)	Shading device	Frame and glass type
DW1	NW	5.16	0 0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W1	SE	0.44	0 0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W2	SE	0.44	0 0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

Date Received: 27/10/

✓

✓

✓

✓

✓

✓

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			
Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type
S1	0.49	no shading	aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)
S2	0.49	no shading	aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)

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.

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FOR CONSTRUCTION

PROJECT:

Alterations & Additions

SP. 71516 Lot 15

15 / 7 Francis Street
Bondi Beach NSW 2026

CLIENT:

Jolon Cooke

50 Pauling Avenue
Coogee NSW 2034

Drawing Name:

BASIX Certificate & Notes

Project No: DA_210527

Drawing No: DA_017

Scale:

Drawn: AM

Date: 27.05.2021

Sent: 25.10.2021

Issue: 2

Revision: D

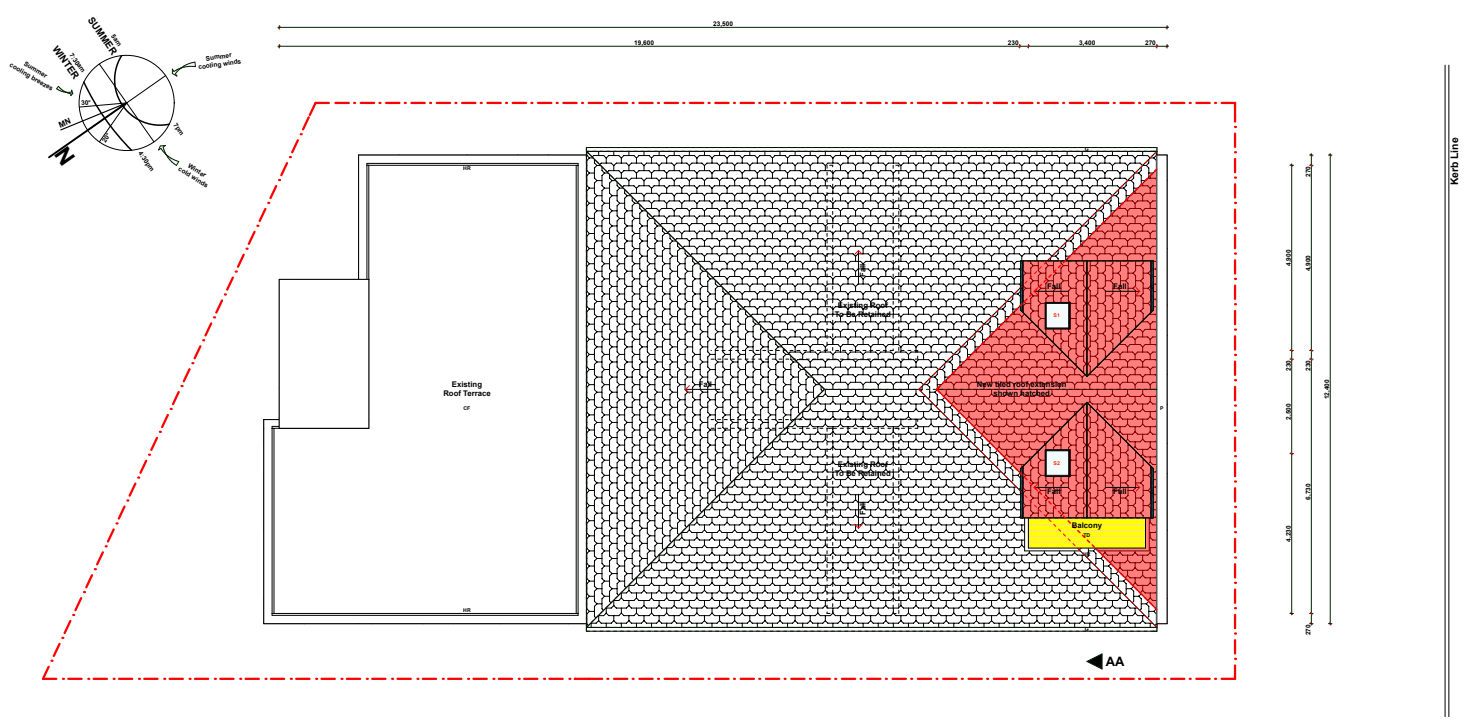
Revision Description:

Preliminaries & Schematic Design

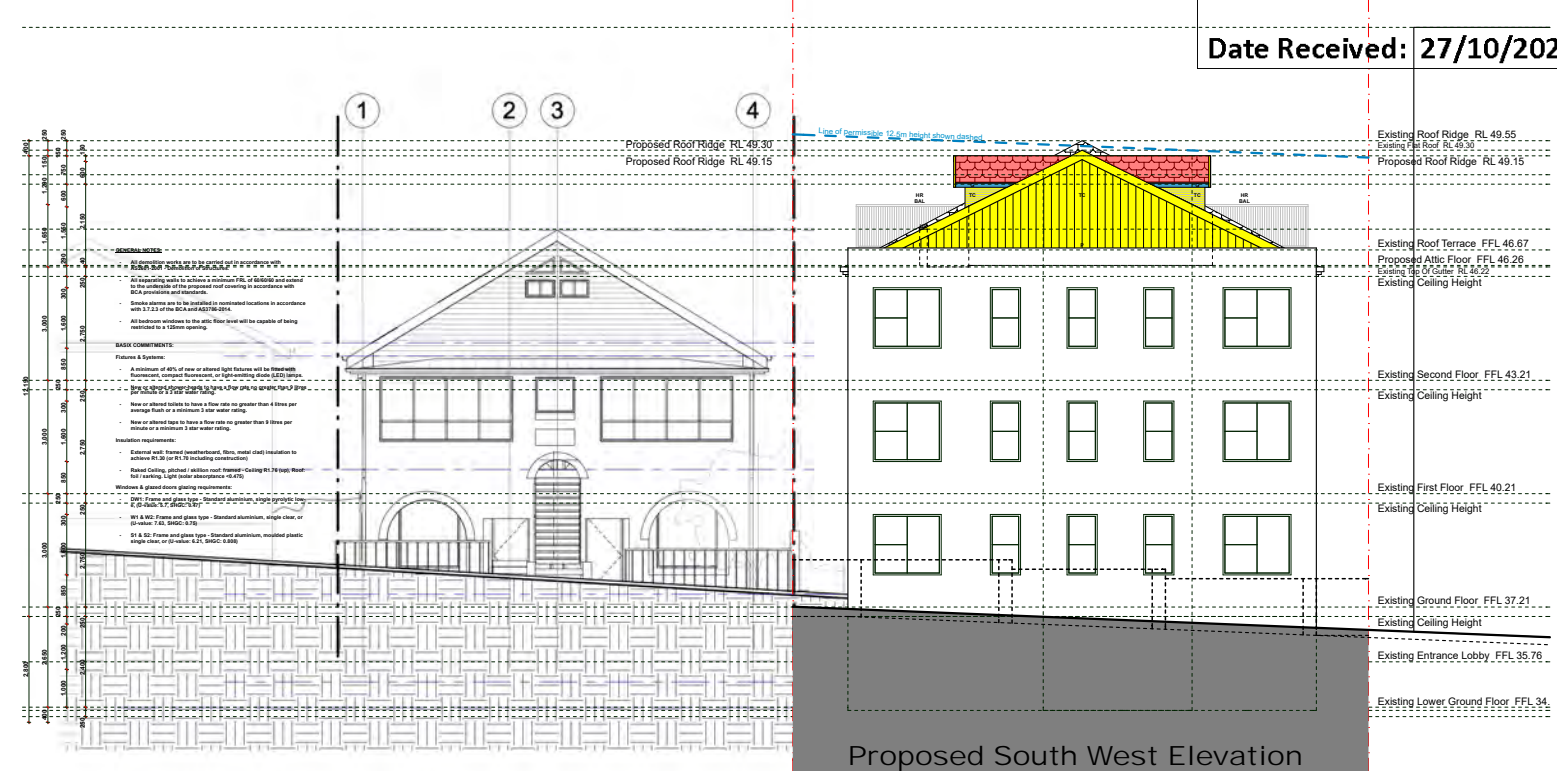
Client Review

DA Submission - Council Review

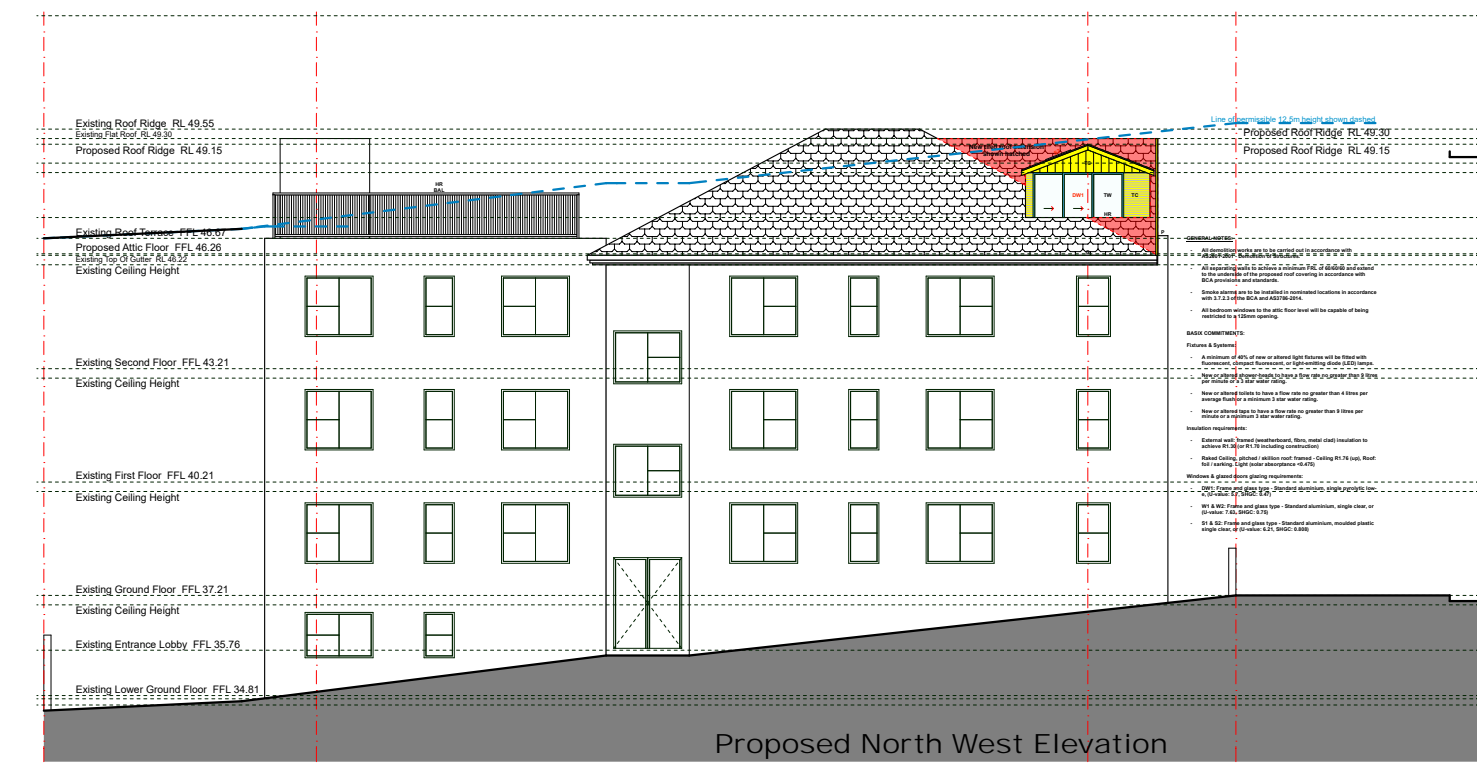
DA 422/2021 - Additional Information Request



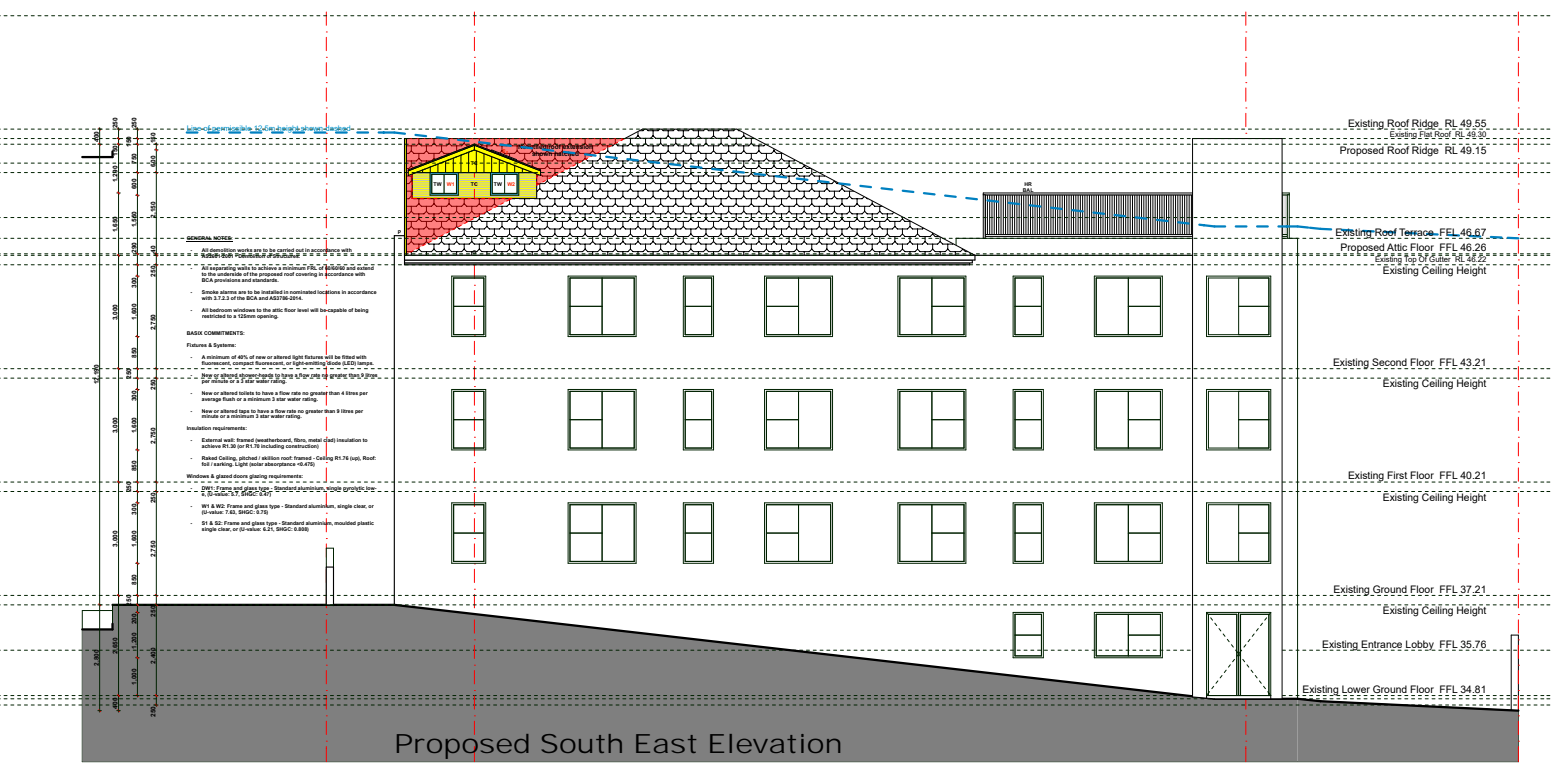
Proposed Roof & Stormwater Management Plan



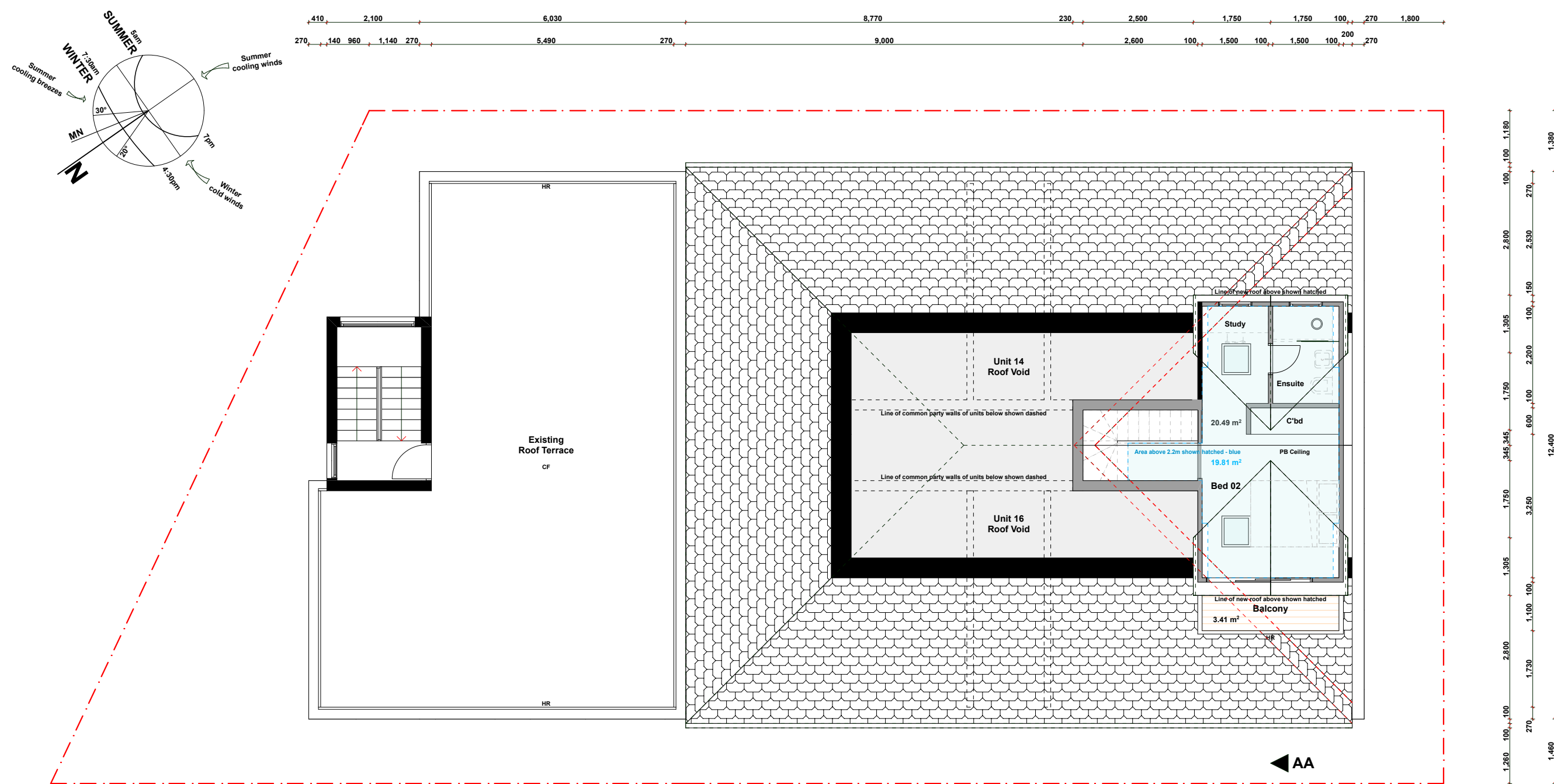
Proposed South West Elevation



Proposed North West Elevation



Proposed South East Elevation



Proposed Attic Floor Reflected Ceiling Plan

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FOR CONSTRUCTION

PROJECT:
Alterations & Additions
SP. 71516 Lot 15

15 / 7 Francis Street
Bondi Beach NSW 2026

CLIENT:
Jolon Cooke

50 Pauling Avenue
Coogee NSW 2034

Drawing Name:
Proposed Attic Floor Reflected Ceiling Plan

Project No: **DA_210527** Scale:
Drawing No: **DA_019** Drawn: **AM**

Date: **27.05.2021**
Sent: **25.10.2021**
Issue: **2**
Revision: **D**

Revision Description:
Preliminaries & Schematic Design
Client Review
DA Submission - Council Review
DA 422/2021 - Additional Information Request



Report to the Waverley Local Planning Panel

Application number	DA-94/2021
Site address	319-321 Bronte Road, Waverley
Proposal	Demolition of existing 2 x 2 storey detached aged care facilities and construction of a three storey boarding house for aged care with one level basement car parking.
Date of lodgement	16 March 2021
Owner	Phillip House Nursing Home Pty Ltd
Applicant	Phillip House Nursing Home Pty Ltd
Submissions	Twenty-nine (29) submissions
Cost of works	\$11,764,253
Principal Issues	<ul style="list-style-type: none"> • Building Height • Overshadowing
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

Executive Summary

The development application seeks consent for demolition of existing 2 x two storey buildings used as aged care facilities and construction of a three storey boarding house comprising of 40 boarding rooms, one Manager's unit and one level of basement car parking for 23 vehicles, 10 motorbikes and 9 bicycles, as an aged care facility for persons aged 55 years and over at the site known as 319-321 Bronte Road, Waverley.

The development will be operated by SummitCare who currently operate the aged care facility on the subject site.

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

- Building height
- Overshadowing
- Front fence

The assessment finds these issues acceptable as the exceedance as building height exceedance is limited to the lift overrun and the pitched roof form which does not result in any adverse building bulk to the street or unreasonable overshadowing to adjoining window openings at the adjoining property (St Catherine's School). The proposal is compliant with the FSR development standard and will not detract from the character of the streetscape or conservation area.

A total number of 29 submissions were received including one letter of support for the proposal. The issues raised in the submissions have been considered and addressed in this report and in the Recommendation. No Councillor submissions were received for this proposal.

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

Site and Surrounding Locality

A site visit was carried out on 22 April 2021. The site is identified as Lot 10 in DP 801057, known as 319-321 Bronte Road, Waverley.

The site is irregular in shape with an eastern frontage to Bronte Road, measuring 35.7m with a 3.015m splay at the northern-eastern corner of the site. The site is adjoined by St Catherine's School (Nos. 315-317 and 323 Bronte Road) along the northern, southern and western boundaries. The northern side boundary is staggered and irregular with a total length measuring 53.195m, a southern side boundary measuring 63.32m and a rear western boundary measuring 10.88m.

It has an area of 1,718m² and falls from the south-western corner to the south-eastern fronting Bronte Road by approximately 3.81m, and from the north-western corner to the north-eastern corner fronting Bronte Road by approximately 3.38m.

The site is occupied by 2 x two storey brick buildings containing aged care facilities operated by SummitCare Waverley and a number of storage sheds at the rear of the site. The site has two vehicular access points from Bronte Road and provides vehicular access from the northern boundary to a basement car park and a paved area at the rear of the site along the southern boundary. Pedestrian access to the primary entrance is via a set of stairs at the property boundary fronting Bronte Road.

The site is adjoined by various buildings within St Catherine's School to the north, south and west, and one and two storey dwellings on the northern side of Bronte Road. Further to the north and south along Bronte Road are two and three storey residential flat buildings. The locality is characterised by a variety of low or medium density residential development.

The site is not identified as a heritage item but is in the vicinity of heritage items located at St Catherine's School to the west (Item Nos. I444 and I486), single dwellings to the north at Nos. 348-358 Bronte Road (Item Nos. I457-I462) and terrace houses to the east at Nos. 327-335 Bronte Road (Item Nos. I268-I270 and I509). The site is located within the Charing Cross Conservation Area (C7).

Figures 1 to 11 are photos of the site and its context.



Figure 1: View of site looking south-west on Bronte Road



Figure 2: View of St Catherine's School to the south subject site, looking south on Bronte Road



Figure 3: View of site and adjoining property to the north, looking west from Bronte Road



Figure 4: View of existing building and vehicular access along the southern boundary, looking north-west on Bronte Road.



Figure 5: Existing dwellings directly opposite subject site, on the eastern side of Bronte Road



Figure 6: Existing building (right) and St Catherine's School (left) viewed along the southern side boundary, looking west



Figure 7: Existing driveway to basement car park adjacent to northern side boundary, looking west



Figure 8: Existing basement car park, looking west

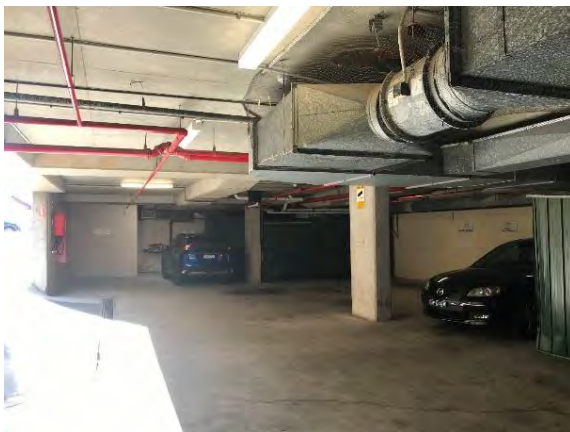


Figure 9: Existing basement car park, looking east



Figure 10: Looking west towards rear boundary and buildings at St Catherine's School



Figure 11: View of rear of existing buildings from the rear boundary, looking east

Relevant Development History

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

- BA-12/1992 – Construction of a two storey extension to existing nursing home with basement carpark was approved on 13 March 1992;
- DA-516/2005 – Alterations including external fire stairs from the basement car park to the ground floor level adjacent to the front boundary was approved on 14 October 2005;
- DA-297/2006 for internal and external refurbishment of nursing home was approved on 7 November 2006; and
- DA-499/2010 – Refurbishment of front façade of nursing home including new windows, pergola and front fence was approved on 1 December 2010.

Proposal

The development application seeks consent for demolition of existing structures and construction of a three storey boarding house building comprising 41 rooms including one Manager's Unit and one level of basement car park to be operated as an aged care, specifically the following:

Basement

- 23 car spaces;
- 10 motorcycle spaces;
- 9 bicycle spaces;
- 2 x fire stairs;
- Lift and lift lobby;
- Plant rooms and OSD;
- Waste storage room; and
- Store room.

Ground Floor

- At grade access from Bronte Road to entry lobby;

- 15 self-contained boarding rooms including two x accessible rooms, two x rooms with private terraces on the southern elevation and four x rooms with private terraces and direct access to communal open space on the western elevation;
- Private terraces to six x boarding rooms;
- Communal kitchen and dining/lounge with communal terrace on the northern elevation;
- Communal open space at the rear of site adjacent to western boundary;
- New landscaping and pedestrian pathway along southern side boundary;
- Removal of two existing trees and new landscaping within front building setback;
- Driveway to basement carpark adjacent to the northern side boundary;
- Two x fire stairs;
- Lift access to all floors; and
- Fire hydrant, water and gas meters fronting Bronte Road.

First Floor

- 15 self-contained boarding rooms including two x accessible rooms, five x rooms with Juliet balconies on the northern elevation, two x rooms with private balconies and pergola above on the southern elevation and 4 rooms with private balconies on the western elevation;
- Pergola above private terraces on the southern elevation;
- One x Manager's Unit with private terrace;
- Communal deck and BBQ area fronting Bronte Road;
- Two x fire stairs; and
- Lift access to all floors.

Second Floor

- 10 self-contained boarding rooms including 5 rooms with Juliet balconies on the northern elevation;
- Two x communal decks fronting Bronte Road;
- One x communal deck on the western elevation with planters along the north, south and western edges of the deck;
- Plant area at the south-western corner of building surrounded by louvres adjacent to communal deck on the western elevation;
- Two x fire stairs; and
- Lift access to floor below.

Roof

- Pitched roof form over principal building with skillion roof over fire stairs and lift overrun.

Background

The development application was lodged on 16 March 2021. Design comments provided by the Waverley Design Excellence Advisory Panel (DEAP) relating to excessive bulk and scale, consistency with the existing streetscape, amenity impacts on future occupants and insufficient landscaping were provided to the applicant on 21 April 2021.

The DA was deferred on 15 June 2021 for the following reasons:

1. Site Audit Statement or a letter/interim advice prepared by a NSW EPA accredited Site Auditor required to clarify that the site is/or will be suitable for the intended use or the Remediation Action Plan (RAP) is practical and will be made suitable for the intended use.
2. Insufficient Stormwater Management information has been submitted. Detailed information relating to the proposed OSD system, retaining walls and driveway design to minimise impacts to the basement car park is required to be submitted.
3. Amended design required to provide improved accessibility from internal areas of the building to the communal open space at the rear of the site.
4. Detailed plans demonstrating the layout of internal communal areas to be submitted.

Further letters were sent on 1 July and 25 August 2021 for the following reasons:

1. In accordance with the requirements under the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP), information is required to enable Council to consider the proposal as “an assisted boarding house” and whether contributions for the loss of affordable housing is required.
2. The articulation of the proposal is recommended to be amended to better respond to the scale and pattern of development on the western side of Bronte Road. In particular, the massing of the proposal should be reduced by pairing the façade with a deep central recess, predominant use of rendered masonry/metal cladding, privacy treatments to be incorporated to minimise need for later additions that may impact the character and pattern of the conservation area.

On 24 August 2021, the applicant submitted a response to Council’s request for additional information including the following:

- The proposed reduction in the number of rooms from 67 to 47 rooms is a result of providing larger size rooms that achieve compliance with design requirements for self-contained boarding rooms under the ARH SEPP.
- Revised Clause 4.6 written justifications seeking variation to the height of building and FSR development standards.
- The ground floor level has been lowered to provide at grade entry from the street to the entry lobby.
- The applicant provides confirmation that the proposal seeks consent for a boarding house use, noting that provisions under the ARH SEPP and Waverley Local Environment Plan 2012 (Waverley LEP 2021) do not preclude a boarding house to operate as a residential age care hostel. Specifically, the proposal seeks to accommodate persons aged 55 years and over with ‘ageing in place’ and palliative care facilities available to residents. The facility will also have 24/7 nurse coverage in shifts.

- The size of the basement car park and width of the driveway along the northern side boundary have been reduced to provide additional deep soil areas and landscaping.
- The articulation of the building façade fronting Bronte Road has been amended to reduce the massing and comprise two distinctive building elements that responds to the historic subdivision pattern and scale of developments.
- During the construction phase of development, existing residents will be transferred to accommodation within SummitCare Randwick located at 15 Frenchmans Road, Randwick which is approximately 1.4km from the subject site.
- Stormwater management plans have been amended including the details requested by Council's Stormwater Engineer.

Further amended plans were submitted by the applicant on 12 November 2021 demonstrating compliance with the FSR development standard under the Waverley LEP 2012 and a further reduction in overall building height. The amended proposal reduced the floor area to the rear of the second floor and reduced the total number of boarding rooms from 47 to 40, plus one Managers room. The overall height of the building has been reduced to RL98.95 to the roof ridge, however, the proposal still presents a variation to the height of building development standard of 1.1m measured to the ridgeline and 3.6m measured to the top of the lift overrun from the existing ground level immediately below. A revised Clause 4.6 written justification seeking variation to the height of building development standard has been prepared and submitted for consideration.

In regards to the requirement to prepare and submit a Site Audit Statement (SAS), the applicant submitted that the investigations required to be undertaken to satisfy the Site Auditor is covered by concrete and the existing building which is currently occupied by vulnerable residents. As the proposed excavation is well below the existing ground level and will remove materials from the site including the unsuitable materials, the applicant requested Council to require a RAP or Interim Advice from an EPA accredited Site Auditor as a condition of consent. Council's Environmental Health Officer did not support imposing a condition for a SAS or Interim Advice from an EPA Accredited Site Auditor as it is required to be demonstrated that the site can be made suitable for the proposed use prior to development consent being granted.

On 25 January 2022, the applicant submitted a RAP and a Site Auditor's Interim Advice stating that the recommendations contained in the RAP are supported and that the site can be made suitable for the purposed development. Council's Environmental Health Officer has reviewed the RAP and Site Auditor's Interim Advice and is satisfied that the site can be made suitable for the proposed use, subject to imposition of appropriate conditions.

On 8 February 2022, the applicant submitted a revised Clause 4.6 written request confirming the variation sought to the height of building development standard in accordance with the amended plans submitted on 12 November 2021. The Clause 4.6 written requests seek a maximum building height of 10.65m (RL98.95) to the roof ridge and 10.45m (RL98.75) to the top of the lift overrun, resulting in a variation of 1.15m (12%) as measured from the existing ground level of RL88.30.

2. ASSESSMENT

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

Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

The following SEPPs apply and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004.
- SEPP 55 Remediation of Land.
- ARH SEPP.
- SEPP (Vegetation in Non-Rural Areas) 2017.

A detailed discussion is provided for relevant SEPPs as follows:

SEPP 55 Remediation of Land

In accordance with the requirements of the SEPP, a Preliminary Site Investigation (PSI) of the site was undertaken and contaminated soils were identified; it was concluded the current site conditions are not suitable for the proposed use. Subsequently a RAP and Interim Advice by a NSW accredited Site Auditor was provided, concluding that the site can be made suitable for the proposed use. Council's Environmental Health Officer has reviewed the RAP and Site Auditors Advice and is satisfied that remediation and management of contaminated soils can make the site suitable for the proposed use, subject to recommended conditions in Appendix A.

ARH SEPP

The proposed development is defined as 'boarding house' and is subject to the provisions of Part 2, Division 3 of ARH SEPP.

Table 1 of this report is an assessment of the proposed development against standards that cannot be used to refuse consent that are outlined by clause 29 of the ARH SEPP.

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

Development Standard	Compliance	Comment
Clause 29(1) of ARH SEPP Density and scale <i>(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a</i>	Yes	The proposal has a FSR of 1.1:1 and is compliant with the maximum permitted FSR of 1.1:1 allowed under Clause 29(1) of the SEPP.

Development Standard	Compliance	Comment
<p><i>floor space ratio are not more than:</i></p> <p><i>(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:</i></p> <p><i>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less,</i></p>		
<p>Clause 29(2)(a) of ARH SEPP</p> <p>Building height</p> <p>if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,</p>	No	<p>The proposal has a maximum building height of 10.65 metres to the roof ridge (RL98.95) and 10.45m (RL98.75) to the top of the lift overrun as measured from the existing ground level of RL88.30.</p> <p>The height of the lift overrun and roof form exceed the building height development standard of 9.5m under the Waverley LEP 2012.</p> <p>A Clause 4.6 written request seeking variation to the building height development standard has been submitted and is considered in Section 2.1.2 in the report below.</p>
<p>Clause 29(2)(b) of ARH SEPP</p> <p>Landscaped area</p> <p>if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</p>	Yes	<p>The proposal provides a total of 299.75m² of landscaping across the site with deep soil areas, garden beds and planters within the front setback that complements the existing landscape character of the streetscape, particularly the landscaped setback of the properties to the north and south of the site at St Catherine’s School, and the landscaped setbacks of dwellings in the surrounding area.</p>

Development Standard	Compliance	Comment
Clause 29(2)(f) of ARHSEPP Accommodation size (if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least: (i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or (ii) 16 square metres in any other case.	Yes	Each boarding room accommodates a single lodger and has an area of 25m ² , excluding the kitchenette and ensuite bathroom.

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

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

Development Standard	Compliance	Comment
a. if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,	Yes	One communal living room comprising of a kitchen, dining and lounge spaces with an area of 89.2m ² is provided for residents on the ground floor.
b. no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,	Yes	All boarding rooms, excluding ensuite bathrooms and kitchenettes, so not exceed an area of 25m ² .
c. no boarding room will be occupied by more than 2 adult lodgers,	Yes	Boarding rooms will accommodate one occupant.
d. adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	Yes	Each boarding room is provided a kitchenette and a communal kitchen is provided in the communal living area on the ground floor.
e. if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,	Yes	An on-site manager will be provided including a Manager's Unit located on the first floor of the development.

f. (Repealed)	N/A	N/A
g. if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,	N/A	The site is zoned R3 Medium Density Residential.
h. at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.	Yes	Eight motorcycle parking spaces and Eight bicycle parking spaces are required to be provided for the 40 boarding rooms. The proposal provides 10 motorcycle and nine bicycle spaces within the basement car park and is compliant with the standard under the ARHSEPP.

Clause 30A Character of local area

Clause 30A of the ARH SEPP states the following:

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

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

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

The physical impacts of the proposed development, in terms of overshadowing, views, privacy and visual amenity, upon surrounding development are deemed acceptable on the principal basis that the development complies with key built form development standards and planning controls, such as FSR and setbacks. Notwithstanding the variation sought to the building height development standard, as discussed in the report below, the proposal is considered to satisfy the objectives of the development standard and does not result in any adverse environmental amenity impacts on adjoining properties or the locality and is acceptable.

The Waverley DEAP reviewed the original proposed development in relation to design excellence principles outlined in Part B12 of Waverley Development Control Plan 2012 (Waverley DCP 2021), specifically in relation to urban design, context and aesthetical considerations. This referral body has also considered physical impacts. Therefore, this referral commentary assists in responding to the two questions raised above in relation to character and compatibility tests of the proposed development.

The DEAP's commentary in relation to design excellence principles with a planning comment below each principle (where necessary) are provided in **Table 3** of this report.

Table 3: DEAP's commentary on the design quality principles relating to the original proposed development

Principle
<p>(a) Development is to achieve a high standard of architectural design, materials and detailing appropriate to the building type and location.</p> <p><i>The Panel does not find that this proposal achieves the necessary standards for design excellence, and a range of issues will need to be addressed prior to resubmission.</i></p> <p><i>It would be recommended that such proposals are prepared as a pre-DA with material that explains why a preferred option may be considered.</i></p> <p>Planning comment: The proposal has been amended to achieve compliance with the maximum FSR permitted under the ARH SEPP; a reduction in building height; articulation of the façade to reduce visual bulk and to improve the interface of the building with the street, accessibility and landscaping. Additional information has been submitted by the applicant to justify the design amendments and how the proposal adequately addresses the development controls and complements surrounding developments.</p>
<p>(b) The form and external appearance of development is to improve the quality and amenity of the public domain.</p> <p><i>The street interface is dominated by the carpark ramp, services and driveway and creates no positive interface or address with minimal frontage articulation related to context. –</i></p> <p><i>An entry located at street level would provide better, more legible access and remove need for ramping and stairs that dominate the public domain frontage.</i></p> <p><i>Too much driveway ramp is exposed visible from the street and would not be a pleasing aspect overlooked by adjacent rooms and communal spaces.</i></p> <p><i>It would be preferable if the ramp was located beneath the building envelope, or at least capped with a balcony or pergola, perhaps softened with appropriate landscape treatment.</i></p> <p><i>An alternative ramp design with less width should be considered to allow for a landscape planter along the northern boundary that can create an improved outlook from within the development and from the neighbouring property.</i></p> <p>Planning comment: The proposal has been amended to provide direct and an at grade entrance to the building from Bronte Road; removal of extensive ramps within the front setback; and the provision of additional landscaping. No change is proposed to the existing driveway access from</p>

Bronte Road however the width of the driveway along the northern side boundary has been reduced in part to provide additional landscaping areas.



Figure 12: Eastern elevation of originally submitted proposal



Figure 13: Proposed eastern elevation (as amended)

(c) Development is to consider and retain view corridors. Development will not be supported where detrimental impacts upon views and vistas is imposed, particularly those views from the public domain.

A clearer massing strategy must be provided as part of a redesign approach to show how a built form could be achieved closer to the existing expression with partial separation.

There should be some explanation of how views from Bronte Rd will be impacted, and where any issues may arise with the interface to the adjacent school.

Façade design, materials and detail must be further communicated including street walls and boundary conditions.

Planning comment: The amended proposal has improved the visual bulk and massing of the development as viewed from Bronte Road. In particular, the relocation of the entry lobby to the centre of the eastern elevation breaks the bulk of the building into 2 x two storey components, which is similar to the scale of existing building on the site and will complement the scale of surrounding developments in the streetscape. The proposal will not result in any view loss from the public domain.

(d) Development must not have a detrimental effect upon the amenity of public plazas and public open spaces.

There is a major deficit of deep soil around the site perimeter, and this will make any substantial planting of any scale difficult to achieve. It is critical that there is scope to improve the quality of tree canopy for public and private open spaces to help mitigate the urban heat island impacts from climate change.

An existing large tree is shown retained on the streetscape elevations but is indicated to be removed in the landscape plans. An arborist's report would be required to justify this, it would be preferable for it to be retained unless there is a compelling reason for removal.

Coordination is required between the Arborists, Landscape Architect and Architects for deep soil viability and retention and protection of site and adjacent neighbours' trees to be retained.

Planning comment: The amended proposal provides a total of 164.93m² of deep soil areas consisting of a minimum dimension of 6m and a further 40.8m² of deep soil area (with less than 6m dimensions) is provided within the southern portion of the front setback and adjacent to the northern side boundary. The proposal results in a total of 205.73m² (12% of the site area) of deep soil area and a total landscaped area of 299.75m² (17.45% of the site area). Notwithstanding non-compliance with the required 30% landscaped area under the Waverley DCP 2012, the proposal provides 68.6% deep soil areas within the landscaped area and is greater than the required 50% deep soil areas within landscaped areas.

Council's Tree Management Officer has raised no objection to the proposal as the trees to be removed on the site are not identified as significant and do not warrant retention. The proposed landscape plan is supported subject to conditions including the retention and protection of the existing street tree.

Having regard to the context of immediately adjoining developments to the north, south and west of the site and the nature of the proposed use, the provision of additional landscaped areas including deep soil zone within the front, rear and side setbacks is appropriate. The landscaped areas at the front of the site will contribute to the landscaped character of the streetscape with a mixture of shrubs, low lying plants, grass cover and four x Ornamental Pear trees adjacent to the street boundary with a mature height of 10m.

The DEAP also recommended that the proposal consider the following:

- i. *The suitability of the land for development;*
- ii. *Existing and proposed uses and use mix;*
- iii. *Heritage issues and streetscape constraints;*
- iv. *The relationship of the development to other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity, and urban form;*
- v. *Bulk, massing and modulation of buildings;*
- vi. *Street frontage heights;*
- vii. *Environmental impacts such as sustainable design, overshadowing, wind and reflectivity;*
- viii. *The achievement of the principles of ecologically sustainable development;*
- ix. *Pedestrian, cycle, vehicular and service access, circulation requirements; and*
- x. *The impact on, and any proposed improvements to, the public domain.*

The applicant has submitted amended plans to reduce the building height, massing and bulk of the building as viewed from the public domain and adjoining properties, introduced articulation on the faced that complements the streetscape and character of the conservation area.

The commentary above demonstrates that the proposed development satisfactorily complies with clause 30A of the ARH SEPP, as the proposal is compatible and generally harmonious with the local character of the immediate surrounds of the site. The 'physical' impacts of the development are considered in greater detail in the following sections of this report in relation to relevant development standards and controls under Waverley LEP 2012 and Waverley DCP 2012, respectively. The overall assessment finds these physical impacts of the development reasonable to demonstrate that the proposed boarding house is compatible and harmonious with the surrounding local character.

2.1.2. Draft Waverley Local Environmental Plan 2022 (Draft Waverley LEP 2022)

It is acknowledged that the Draft Waverley Local Environmental Plan 2022 was on exhibition from 12 November 2021 to 23 January 2022, however at the time of this assessment, there are no relevant matters for consideration.

2.1.3. Waverley LEP 2012

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

Table 4: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims and objectives of the Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table <ul style="list-style-type: none"> R3 Medium Density Residential Zone 	Yes	The proposal is defined as a boarding house, which is permitted with consent 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	The proposal has a building height of 10.65m measured to the roof ridge (RL 98.95) and 10.45m measured to the top of the lift overrun (RL 98.75).
4.4 Floor space ratio and <ul style="list-style-type: none"> 0.6:1 	No – acceptable subject to ARH SEPP	The proposal has a FSR of 1.1:1; which exceeds the FSR development of 0.6:1 by 83.3%. However, the proposal seeks to rely on the additional FSR of 0.5:1 permitted under Clause 29(1)(c)(i) of the ARH SEPP, up to a maximum

Provision	Compliance	Comment
		FSR of 1.1:1. The proposal is compliant with the maximum FSR development standard of 1.1:1 under the ARH SEPP.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of building development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is not identified as a heritage item but is adjacent to heritage items located at No. 26 Albion Street (Item No. I444) to the west at St Catherine's School), Item Nos. 458-462 (Nos. 350-358 Bronte Road) to the north and Item No. I268 (Nos. 327-331 Bronte Road) located to the south-east of the subject site. The site is located within the Charing Cross Conservation Area (C7) under Schedule 5 of the Waverley LEP 2012.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The proposed excavation to extend the existing basement level is consistent with the requirements under Part B14 of the Waverley DCP 2012.

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

Clause 4.6 Exceptions to Development Standards - Height of Buildings

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

The site is subject to a maximum height of buildings development standard of 9.5m. The proposed development has a building height of 10.65m measured from the existing ground level to the roof ridge (RL98.95), exceeding the standard by 1.15m or equating to an 12% variation.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) The height variation will not give rise to unacceptable overshadowing impacts, with the proposal providing no overshadowing to sensitive residential uses;*
 - (ii) The proposal, including the building above the height limit, will not provide visual privacy impacts to nearby sensitive residential uses;*
 - (iii) By virtue of the surrounding uses being largely non-residential in nature and the scale of the northern located dwelling, the proposal will not result in private view loss impacts;*
 - (iv) As the non-compliant height is strategically massed towards the rear western portion of the site, the non-compliant building height will have minimal visibility when viewed from the streetscape;*
 - (v) The proposal will contribute visual interest to the streetscape and will provide an improved built form outcome relative to the site's existing outdated building; and*
 - (vi) The proposal is commensurate in scale with the surrounding developments associated with the St Catherine's School campus and will sit comfortably in the streetscape.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The height non-compliance is in part attributed to the additional bulk associated with the bonus FSR permitted by the ARH SEPP which is not reflected in the 'base' LEP height limit of 9.5m;*
 - (ii) The height non-compliance can also be attributed to the uneven topography;*
 - (iii) The additional height facilitates an appropriate transition in scale to the surrounding area which accommodates a large number of developments which also contravene the 9.5m Height of Buildings development standard;*
 - (iv) The environmental impacts associated with the proposal, including overshadowing, solar impacts and traffic generational, are considered to be minimal and acceptable; and*
 - (v) The development facilitated by the height variation will provide a range of positive social and economic benefits, including housing to meet the needs of the ageing population and the provision of contemporary aged care facilities.*

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

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

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

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

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

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

The applicant specifically relies upon justifications (a) and (d) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The written request has satisfactorily demonstrated that the proposal achieves the objectives of the building height development standard despite the variation sought, as the component of the building that exceeds the development standard consists of the top of the lift overrun and the roof form (to the roof ridge) and will not result in any loss of privacy or unreasonable overshadowing to immediately adjoining properties. The development presents predominantly as a two storey building that responds appropriately to the scale and proportions of the existing building to the south at St Catherine's School. The third storey is setback from the front building line and is not visually dominant when viewed from the street. As a contemporary building situated at the bend along this

portion of Bronte Road, the scale and form of the proposed building provides a transition between lower scale dwellings to the north and east of the site and the existing and proposed scale of buildings to be constructed at St Catherine's School and will not detract from the character of the streetscape.

Justification (d) relied upon by the applicant, argues 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. This is not supported, as the basis of the abandonment of the development standard relates to the approved redevelopment of St Catherine's School, which was a master plan application lodged as a State Significant Development and approved by the Planning Minister. Council was not the consent authority and as such, the approved variations to the building height development standard under the Waverley LEP 2012 was not a decision of Council. Notwithstanding the approval granted for St Catherine's School by the Planning Minister, the scope of the master plan application and the subject application are not comparable, as the development application for St Catherine's School comprises buildings for educational purposes and the subject application is for boarding house accommodation.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The proposed three storey building is suitable for the site as the topography enables a compliant building envelope to the rear and the presentation of a two storey built form complements the scale of surrounding developments. The extent of the building height non-compliance is limited to the top of the lift overrun and the roof form and does not result in any adverse overshadowing, loss of privacy impacts on St Catherine's School or surrounding properties, or loss of views from adjoining properties or the public domain. A compliant two storey building wholly contained within the height of building development standard will result in a structure that does not contribute to an appropriate transition between existing developments and the scale of buildings at St Catherine's School.

Is the development in the public interest?

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

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

(a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,

(d) to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.

The proposal will not result in any adverse impacts on the amenity of educational buildings within St Catherine's School immediately to the north, west and south of the site as the additional overshadowing from the extent of the building height variation will not impact the amenity of classrooms. The proposal will not have any impacts on existing outlook or views from St Catherine's School or the public domain.

The scale and massing of the proposed building will appear predominantly as a two storey development with proportions that respond to the scale and built form of surrounding developments particularly St Catherine's School.

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

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

The proposal satisfactorily addresses the objectives of the R3 Medium Density zone, as the continued use as an aged care facility will contribute to housing type and meet the housing needs of the community. The proposal provides additional bicycle parking spaces in the basement level encouraging staff and visitors to cycle.

Conclusion

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

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory.

Development Control	Compliance	Comment
		<p>scale of existing developments and proposed development particularly at St Catherine's School which adjoins the site along three boundaries.</p> <p>Design amendments to the front fence, balustrades to the ground and first floor decks fronting Bronte Road, and an external schedule of materials and finishes are recommended to address appropriate materials and finishes to complement the character of the streetscape and conservation area.</p>
10. Safety	Yes	Satisfactory.
12. Design Excellence	Yes	Satisfactory, subject to conditions relating to external materials and finishes (as above).
14. Excavation	Partial – acceptable on merit	Satisfactory. The proposed excavation is setback between 1.8m and 1.9m from the side boundaries. Parts of the proposed basement extend beyond the building footprint at the front of the site, along the northern and southern boundaries and to the rear. See discussion below.
16. Public Domain	Yes	Satisfactory. The proposal provides a gas meter at the north-eastern corner and a fire hydrant and booster at the south-western corner of the site with doors that will open across the property boundary onto the public domain. Council's Public Domain Officer has reviewed the proposal and advised that in this instance, no objection is raised to the proposed location of the gas meter and fire hydrant booster given regulations that require outward swinging doors for access. Given that the access to the gas meter and fire hydrant booster is infrequent, the proposal is unlikely to result in any unreasonable amenity impacts on pedestrians with the public domain.

Table 6: Waverley DCP 2012 – Part C3 Other Residential Development Compliance Table

Development Control	Compliance	Comment
3.1 Site, scale and frontage		
<ul style="list-style-type: none"> Minimum frontage: <ul style="list-style-type: none"> 15m 	Yes	The site has a frontage of 35.695m.
3.2 Height		
<ul style="list-style-type: none"> Maximum external wall height: <ul style="list-style-type: none"> 7m 	Partial	On the eastern elevation fronting Bronte Road, the two storey components have a building wall height of 7m (northern portion) and between 7.5m-8m (southern portion). The three storey

Development Control	Compliance	Comment
		<p>building wall height at the centre portion of the building, on the southern elevation, measures 9.6m, but due to the topography of the site the building wall height at the south-western corner is 7m and 5.5m on the western (rear) elevation.</p> <p>The varying building wall heights as measured from the north, east, south and west elevations are acceptable given the three floor levels are contained within the permissible building height control, except for the roof form and top of the lift overrun, which exceed the building height development standard. Notwithstanding the exceedance of the building wall height, the scale of the two storey building and third storey which is setback from the street, the proposal presents an appropriate massing and scale, and does not visually detract from the streetscape.</p>
3.3 Setbacks		
<p>3.3.1 - Street setbacks</p> <ul style="list-style-type: none"> Consistent street setback 	Yes	<p>The proposed front building line at ground level is consistent with the front building line of the existing buildings on the site, except for minor projections to the northern portion of the ground floor ranging between 200mm and 700mm to enable the new building to present perpendicular to the property boundary and between 600mm and 700mm to the southern portion of the building which aligns with the existing front setback at St Catherine's School.</p> <p>Given the orientation of surrounding lots which are at slight angles to match the bend along Bronte Road, there is no predominant front building line. In this regard, the proposal which maintains the front setback of the existing buildings on the site and does not extend beyond the front building line of the immediately adjoining buildings to the north and south of the site is considered appropriate within the streetscape.</p>
<p>3.3.2- Side and rear setbacks</p> <ul style="list-style-type: none"> Minimum side setback: 1.5m Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback Deep soil along side boundary min 2m wide 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal compliant side and rear setbacks as follows:</p> <p><u>Ground floor</u></p> <ul style="list-style-type: none"> Northern side boundary – 2.14m – 9.025m Southern side boundary – 2.34m – 4.225m Rear boundary – 2.855m - 14.1m

Development Control	Compliance	Comment
		<p><u>First floor</u> Northern Side boundary – 2.4m - 8m Southern side boundary – 2.2m - 4.4m Rear – 4.3m to 10.9m</p> <p><u>Second floor</u> Northern side boundary – 4.6m – 7.8m Southern Side boundary – 2.173m – 5.3m Rear boundary – 7.6m – 13.9m</p> <p>Deep soil area long southern side boundary irregular in shape with maximum dimension of 2.3m</p>
3.4 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length: 24m 	No	Ground floor – 41.6m First floor 36.7m - 40m Second floor 29.15m
<ul style="list-style-type: none"> Façade to be articulated 	Yes	The front façade is articulated to present a development comprising of two x 2 storey form fronting the street with horizontal proportions to complement the massing of surrounding developments.
<ul style="list-style-type: none"> Maximum unit depth: 18m 	Yes	The boarding rooms have a depth of approximately 8m-8.3m.
3.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes 	Yes Yes	The proposed massing complements the scale of immediately adjoining developments and the materials and finishes will not detract from the character of the streetscape.
3.7 Fences and walls		
<p><i>Front fence:</i></p> <ul style="list-style-type: none"> Maximum height 1.2m Maximum 2/3 solid <p><i>Side fence:</i></p> <ul style="list-style-type: none"> Maximum height: 1.8m <p><i>Rear fence:</i></p> <ul style="list-style-type: none"> Maximum height: 1.8m 	<p>Further details required</p> <p>Yes</p> <p>Yes</p>	<p>The proposed front fence has a height of 1.8m with a solid base, brick columns and open palisade fencing. Adjacent to the entry gate is a solid fence measuring 1.9m in length x 1.8m in height with signage to identify the development and a planter wall measuring 6.2m in length. The proposed palisade fencing provides openness and passive surveillance between the site and the public domain and is consistent with the requirements of the DCP.</p> <p>Having regard to the existing fences of adjoining properties and the topography of Bronte Road, the proposal will improve the interface of the site and the public domain and complements the style</p>

Development Control	Compliance	Comment
		<p>of the front fence at St Catherine's School to the south.</p> <p>A condition has been included in the recommendation requiring detailed drawings showing the dimensions of the proposed front fence and finishes of the doors to the gas and water meters and the fire hydrant boosters for approval.</p> <p>The proposal seeks to construct 1.8m high colorbond fencing along the side and rear boundaries of the site.</p>
3.8 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level and respond to pattern within the street Accessible entry Separate to vehicular entry Legible, safe, well-lit 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal provides a legible and accessible entry from the street level access to the entry lobby.</p>
3.9 Landscaping		
<ul style="list-style-type: none"> Comply with part B3-Landscaping and Biodiversity Minimum of 30% of site area landscaped: 515.4m² 50% of the above is to be deep soil: 257.7m² 	<p>Yes</p> <p>Yes</p> <p>No</p>	<p>A total landscaped area of 553.72m² (32.2% of the site area) is proposed comprising deep soil areas and podium planting.</p> <p>The proposed 164.93m² deep soil area (with a minimum dimension of 6m x 6m) is approximately 30% of the proposed landscaped area.</p> <p>An additional 40.8m² of deep soil area (with less than 6m dimensions) within the southern portion of the front setback and adjacent to the northern side boundary results in a total area of 205.73m² (37.15%) available for deep soil planting. See discussion below.</p>
3.10 Communal open space		
<ul style="list-style-type: none"> Minimum 15% communal (R3 zone): 257.7m² Minimum dimensions: 6m x 6m Minimum of 30% of communal area must receive three hours of sunlight Accessible 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal has a total of 534.9m² (31.1% of the sit area) of communal open space consisting of a rear courtyard, ground floor terrace, a BBQ deck on the first floor and three decks on the second floor. Whilst the ground floor communal open spaces are irregular in shape and do not provide a continuous area with minimum dimensions of 6m x 6m, the deck areas on the first and second floors are regular in shape and have dimensions greater than 6m x 6m. All communal open spaces are accessible to all residents and will receive sufficient sunlight between 9am and 3pm at the winter solstice.</p>

Development Control	Compliance	Comment
3.11 Private Open Space		
3.11.2 – Balconies/decks <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 Yes Yes Yes Yes	<p>Boarding rooms are provided with terraces, balconies and Juliet balconies with outlooks to the street (eastern elevation), north and south side boundaries and to the rear (western elevation). The ground floor terraces between 8.31m² and 11.07m² with direct access to the adjacent communal open space. Balconies to boarding rooms on the first and second floors range between 7.41m² and 8.57m².</p> <p>Juliet balconies are provided to boarding rooms fronting Bronte Road, the northern and southern elevations to provide solar access and outlook.</p>
3.12 Vehicular access and parking		
<ul style="list-style-type: none"> Car parking to be integrated into the design of the development Max 1 x 2 way vehicle access point Pedestrian safety considered Basement parking should not contravene deep soil zone controls 	Yes Yes Yes No – acceptable on merit	<p>The site has an existing basement carpark accessed via a driveway adjacent to the northern side boundary. The proposal retains the vehicular access from Bronte Road and redesign of the driveway to accommodate a waiting area to accommodate two way vehicle access. Council's Traffic Engineer has reviewed the proposal and is satisfied that the design complies with relevant requirements and will not result in any additional impacts on pedestrian safety, subject to conditions.</p> <p>The extension of the basement to provide additional car, motorcycle and bicycle parking is integrated into the development. Although the proposal does not provide compliant deep soil areas equal to 50% of the proposed landscaped area, the proposal provides 32.3% landscaped area and deep soil areas (37.15%) that are appropriate given the context of the existing structures and use of the site.</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 in the development on 21 June New development should maintain at least two hours of sunlight to solar collectors on adjoining properties in mid winter. 	Yes Yes	<p>26 boarding rooms (63%) will receive a minimum 3 hours of direct sunlight.</p> <p>The proposal will not impact solar access to solar panels at adjoining properties.</p> <p>Immediately adjoining properties to the north, south and west of the site comprises educational buildings within St Catherine's School. The proposal will not result in any additional</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none">• Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to less than three hours of sunlight on 21 June.	N/A	shadowing that impacts adjoining residential dwellings.
3.14 Views and view sharing		
<ul style="list-style-type: none">• Minimise view loss through design	Yes	There are no significant views from adjoining properties or the public domain that will be impacted by the proposal.
<ul style="list-style-type: none">• Views from public spaces to be maintained.	Yes	
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	Four boarding rooms on the ground floor, adjacent to the entry lobby are orientated to Bronte Road. The proposal will present the street numbering and name of the premises to the street.
	Yes	Communal open space at the first and second floors will not result in any unreasonable overlooking of adjoining buildings at St Catherine’s School.
	Yes	The proposal has compliant side and rear setbacks and will not have unreasonable privacy impacts as immediately adjoining buildings are for educational use and do not contain residential dwellings. Notwithstanding, it is recommended that privacy screening to a height of 1.6m measured from the finished floor level of the outdoor deck on the second floor be erected along the north and west sides to minimise privacy impacts between the site and surrounding properties.
	Yes	The decks on the first and second floors will not overlook the balconies of boarding rooms below.
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	Yes	Boarding rooms have a depth of 8m from a window. All boarding rooms have access to a window.
<ul style="list-style-type: none">• All habitable rooms to have a window	Yes	Compliance with the minim apartment sizes under the DCP is not necessary given compliance with provisions for boarding house development requirements under the ARHSEPP.
<ul style="list-style-type: none">• Provide a range of dwelling types and sizes	No	Four accessible rooms are proposed.
<ul style="list-style-type: none">• Min sizes		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Plant rooms away from entry communal and private open spaces and bedrooms. 	<p>subject to condition</p> <p>Yes</p>	<p>indoor clothesline within each boarding room has been included in the recommendation.</p> <p>Plant rooms are located in the basement and at the rear of the second floor separated from the adjacent communal open space by a landscaped planter measuring 8.3m x 2m (16.6m²). The plant area on the second floor will be screened from the adjacent open space with louvres above the balustrade.</p>

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

Development Control	Compliance	Comment
A Plan of Management is required.	Yes	A Plan of Management has been submitted. A condition has been included in the recommendation requiring a Plan of Management that also incorporates relevant conditions of consent.
Minimum area for indoor communal living of 12.5m ² or 1.25m ² per resident (whichever is greater)	Yes	A communal indoor area of 89.2m ² is proposed on the ground floor. The proposed communal area exceeds the minimum area of 1.25m ² per resident and is supported.
A combined communal kitchen and dining area should have a minimum area of 15m ² with an additional 1m ² for each room greater than 12 rooms.	Yes	A minimum area of 43m ² for a combined kitchen and dining room is required for 40 boarding rooms. The proposal provides a combined communal indoor area of 89.2m ² and is substantially greater than the minimum requirement and will provide satisfactorily amenity for future residents.
Communal storage space provided.	No	Communal storage space has not been specifically shown on the plans. A storage area is provided in the basement level.
Each room should contain adequate storage facilities.	Yes	Each boarding room has sufficient space for storage to meet the needs of future occupants.
Balconies should be provided for each individual room where site and locality conditions permit.	Yes	Each boarding room is proposed with either terraces, balconies or Juliet balconies.
Laundry facilities provided for every 12 residents (one washing machine and laundry basin per every 12 residents)	No	No communal laundry facilities are provided as each boarding room has its own laundry.
Clothes drying facilities are to be provided for occupants,	No	No outdoor clothes lines have been shown on the plans. A condition has been recommended

Development Control	Compliance	Comment
including an outdoor clothes line.		requiring the provision of an outdoor communal drying area or clothesline within each boarding room.
A room with a kitchenette should contain a stove, sink, oven, refrigerator and a bench top with a minimum area of 1m ² .	Yes	Each boarding room has a kitchenette area of approximately 1.4m ² .
Minimum area of 5m ² for bathrooms.	No – acceptable subject to condition	Ensuite bathrooms within each boarding room have an area of 4.5m ² , except for accessible rooms which have bathrooms with areas of 7.2m ² . The boarding rooms have sufficient space to accommodate a compliant bathroom with a minimum area of 5m ² . A condition has been included in the recommendation requiring provision of compliant bathrooms in each boarding room.
Well ventilated rooms.	Yes	Each room will be naturally ventilated with window/door openings to terraces, balconies or Juliet balconies. All rooms within the proposed building will also be mechanically ventilated.
Communal open space is provided for relaxation, dining, entertaining and recreation areas.	Yes	Communal open spaces providing opportunities for relaxation, passive recreation and dining are available on each level of the proposed building.
Boarding houses are to be designed to minimise and mitigate any impacts on the visual and acoustic privacy of neighbours by locating: <ul style="list-style-type: none"> (i) The main entry point at the front of the site, away from side boundary areas near adjoining properties; (ii) Communal areas away from the main living area or bedroom windows of any adjacent buildings; (iii) Screen fencing, plantings and acoustic barriers in appropriate locations; and (iv) Double glaze windows or glass blocks where noise transmission 	Yes	The side and rear setbacks of the building, landscaping and fencing will provide privacy for future residents. The proposal and its operation as an aged care facility is unlikely to result in any loss of privacy or unreasonable amenity impacts on the adjoining buildings within St Catherine's School. It is noted that St Catherine's School has raised no objection to the proposal.

Development Control	Compliance	Comment
could affect neighbouring properties.		

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

Excavation and Impact on Landscaped Areas

The proposed excavation to enlarge the existing basement level carpark extends beyond the building footprint at the rear of the site between 4.7m and 8.9m, 0.8m to the north, between 1.7m and 3.6m to the south and 3.7m to the east. Despite this, the proposed excavated area provides side setbacks between 1.9m and 6.6m from the northern side boundary and between 1.8m to 4.7m from the southern side boundary, which are greater than the required 1.5m side setback control. The extent of excavation does not contribute to additional building bulk when viewed from the streetscape and will not result in any environmental or amenity impacts on adjoining properties.

The extent of excavation beyond the rear building line reduces the availability of deep soil areas within the communal garden. Notwithstanding this, the proposal provides satisfactory landscaped areas (total area measuring 553.72m² (32.2% of the site area), with a total area of 205.73m² (37.15%) available for deep soil planting. The deep soil area consists of 164.93m² (with a minimum dimension of 6m x 6m) and 40.8m² of deep soil area (with less than 6m dimensions) within the southern portion of the front setback and adjacent to the northern side boundary.

The proposed landscaping within the front and rear building lines optimises the available deep soil areas and will accommodate tree plantings that will contribute to the character of the streetscape, amenity of future residents and surrounding properties. In particular, the front setback will accommodate planting within garden beds at street level and 4 x Ornamental Pear trees adjacent to the street boundary growing to a mature height of 10m.

Council's Tree Management Officer has raised no objection to the proposal, as the trees on the site are not identified as significant and do not warrant retention. The proposed landscape plan is supported subject to conditions including the retention and protection of the existing street tree.

The proposed landscaped area is appropriate given the context of the existing structures and use of the site as an aged care facility.

2.1.5. Other Impacts of the Development

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

2.1.6. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.1.7. Any Submissions

The application was notified for 21 days and a site notice erected on the site in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was re-notified for 14 days between 31 August and 14 September 2021.

A total of 29 unique submissions including 10 without addresses were received. One letter of support was received. Submissions were received from the following properties:

Table 8: Number of and where submissions were received from.

Count	Property Address
1.	Charing Cross Village Precinct (2 submissions)
2.	291 Bronte Road, Waverley
3.	1/311a Bronte Road, Waverley
4.	311 Bronte Road, Waverley (2 submissions)
5.	313 Bronte Road, Waverley (Strata Corporation)
6.	6/313 Bronte Road, Waverley
7.	327 Bronte Road, Waverley
8.	329 Bronte Road, Waverley
9.	337 Bronte Road, Waverley
10.	7 Leichhardt St, Waverley (2 submissions)
11.	16 Albion Street, Waverley (2 submissions)
12.	18 Albion St Waverley
13.	55 Yanko Avenue, Bronte
14.	10 Macpherson Street, Bronte
15.	16 View Street, Queens Park

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

- Excessive building height and FSR, over development of site
- Building bulk and streetscape impacts
- Character of the Charing Cross Conservation Area
- Overshadowing
- Landscaping, outlook and amenity for future residents
- Communal open space for residents
- Vehicular access and pedestrian safety
- Car parking provisions and traffic congestion
- Plan of Management and maintaining loss cost accommodation
- Tree removal

- ESD principles

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

Issue: Change of use from nursing home to boarding house for tourists and backpackers will adversely impact amenity of surrounding resident and is not appropriate adjacent to a school.

Response: The proposal seeks to operate as an aged care facility to continue the service currently provided by SummitCare. It is not considered that the proposal will result in any additional or unreasonable impacts on the amenity of surrounding residential properties. Conditions of consent have been recommended ensuring the development is used as an aged care facility. The continuation of use of the site as an aged care facility is unlikely to result in any adverse impacts on the adjacent school. It is noted that St Catherine's School did not object to the proposal.

Issue: A boarding house is not suitable for the subject site or location and will result in noise disturbances and anti-social behaviour.

Response: The proposed boarding house will be operated as an aged care facility and is a permissible use within the R3 Medium Density Residential Zone under the Waverley LEP 2012. The proposal will accommodate residents aged 55 years and over and is not considered to result in noise disturbances or anti-social behaviour.

Issue: Loss of affordable aged care rooms, particularly high respite care, does not meet the needs and demands of the community. Approval should be subject to 100% of rooms being affordable units.

Response: The proposal results in a reduction of aged care rooms due to the upgrade of facilities and enlargement of rooms and to provide improved amenity for future residents. The proposal will provide a range of medical care to residents, and for residents in need of higher care, transfers to the accommodation at SummitCare Randwick located 1.4km from the site will be arranged. Requirements for 100% of the development to be provided as affordable housing is not consistent with the provisions under the ARH SEPP.

Issue: Plans do not show communal open space, medical areas or dining areas that cater for the needs of aged care residents.

Response: Amended plans submitted by the applicant adequately show communal indoor and outdoor spaces for use by future residents. The proposal provides rooms that are sufficient in size for medical care by doctors and/or nurses to be carried out without the need for a communal area for medical staff.

Issue: Excavation impacts on structural stability of 311a Bronte Road.

Response: It is noted that 311a Bronte Road is located two properties to the north of the site, separated by St Catherine's School at 315-317 Bronte Road. Notwithstanding this, conditions have been imposed to ensure that excavation works do not adversely impact on adjoining properties.

Issue: Corridors do not provide natural cross ventilation.

Response: At the ground floor level, corridors lead to doorways opening to the entry lobby, northern elevation and southern elevation. As these doorways provide access to communal open space and pathways, there are opportunities for natural cross ventilation. Window openings are provided to the end of corridors on the first and second floors to maximise opportunities for natural ventilation and is considered adequate.

Issue: Council is approving over development of sites, such as the former St Gabriel's School with apartments, impacting local heritage and green spaces within Waverley.

Response: As discussed in this report, a detailed assessment of the proposal has been undertaken and the proposal as amended, is not considered an overdevelopment of the site as it is consistent with the FSR development standard, complies with setback controls, provides contextually appropriate landscaping and will not detract from the character of the conservation area. The proposal will not result in any adverse amenity impacts on immediately adjoining properties (St Catherine's School).

Issue: Proposed construction works for the development and St Catherine's School will impact the amenity of surrounding residents.

Response: Construction phases and any disruptions associated with construction works are short term and any amenity impacts on surrounding properties are required to be minimised and managed in accordance with recommended conditions.

Issue: Residents to the rear of the site (on Albion Street) were not notified of the proposal.

Response: The site does not adjoin residential properties to with frontages to Albion Street. The rear boundary of the site adjoins St Catherine's School (26 Albion Street). Residential properties adjacent to St Catherine's School is separated from the subject site by St Catherine's School and by Nos. 311a and 313 Bronte Road. Given the separation of the Albion Street properties from the subject site, the properties were not within the notification radius and was not required to be notified in accordance with the Waverley Community Participation Plan.

Issue: Overlooking to the rear of Albion Street properties by a boarding house is not acceptable.

Response: The rear boundary of the subject site is approximately 30m from the rear boundary of residential properties to the west fronting Albion Street and is separated by the rear of Nos. 317, 313 and 311a Bronte Road. The proposed building is contained within a compliant building envelope, except for the roof form, and is not considered to have any unreasonable amenity impacts on residential properties in Albion Street.

2.1.8. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1 Heritage Advisor

Council's Heritage Advisory has reviewed the proposal and advises that the massing of the building comprising two x two storey components fronting Bronte Road complements the character of the existing streetscape. Concern has been raised regarding the visual impact of the hipped roof form, glass balustrades and the style of the front fence. Council's Heritage Advisor has recommended the hipped roof form be replaced with a flat roof and parapet, glass balustrades be replaced with an alternative material and style to enhance privacy and amenity for future occupants and neighbouring properties, and the front fence be an open palisade design.

Notwithstanding the comment above, the hipped roof form is setback behind the front building line and the two storey form fronting Bronte Road. As such, the hipped roof form will not appear visually prominent when the development is viewed from Bronte Road and surrounding properties. As discussed in the report above, the hipped roof form exceeds the building height development standard across part of the site but the proposal will not result in unacceptable building bulk, amenity impacts on adjoining properties or detract from the character of the streetscape. In this regard, the proposed hipped roof form is considered acceptable and replacement with a flat roof and parapet is not necessary.

Council's Heritage Advisor's recommendation to replace glass balustrades with an alternative material and design to enhance amenity for future residents and be cohesive to the character of the conservation area is supported, except for the glass balustrade to the communal open space fronting Bronte Road on the second floor as the glass balustrade is recessive and minimises visual bulk when viewed from the street. A condition has been included in the recommendation in Appendix A.

A condition requiring the front fence to comprise of an open palisade fence design to complement the style of front fences within the conservation area has been included in the recommendation in Appendix A.

3.2 Traffic and Development

Council's Traffic Engineer has reviewed the proposal and raises no objection to the proposal subject to conditions relating to the design of the driveway crossing and allocation of car parking spaces for visitors, staff and the on site manager.

3.3 Stormwater

Council's Stormwater Engineer has reviewed the proposal and identified inconsistencies in the plans raises no objection to the proposal subject to conditions which have been included in the recommendation in Appendix A.

3.4 Tree Management

Council's Tree Management Officer has reviewed the proposal and has advised that the existing trees on the site are not identified as significant and removal to accommodate the proposed extension of the basement level is supported subject to replacement tree plantings as shown on the landscaped plans.

An existing street tree adjacent to the site on the nature strip on Bronte Road is in good health and is to be proposed to be retained and protected. Council's Tree Management Officer supports the retention of the street tree and has recommended conditions which have been included in the recommendation in Appendix A.

3.5 Environmental Health

Council's Environmental Health Officer has reviewed the proposal and advised that the submitted Site Auditor's Interim Advice and RAP is satisfactory and demonstrate that the site can be made suitable for the use. No objection is raised to the proposal subject to conditions which have been included in the recommendation in Appendix A.

3.6 Waste Management

Council's Waste Management Officer has reviewed the proposal and raise no objection to the proposal. The proposal was amended to reduce the number of boarding rooms from 45 to 40 however, no change is required to the recommended waste management conditions recommended by Council's Waste Management Officer. Conditions have been included in the recommendation in Appendix A.

3.7 Urban Design

Council's Urban Design Officer has reviewed the proposal and raised no objection to the proposal subject to a detailed assessment and consideration of building height and scale particularly the impact of the lift overrun. It is recommended that additional details specifying the material and finishes of the louvres be submitted for approval.

3.8 Strategic Planning

Council's Strategic Planner has reviewed the proposal against the provisions of the ARH SEPP and has advised that provisions under Part 3 – *Retention of existing affordable rental housing* is not applicable to this application as the existing building is identified as a Residential Aged Care Facility and not an assisted boarding house. No objection has been raised to the proposal subject to operational conditions included in the recommendation in Appendix A.

3.9 Community Development

Council's Community Development Officer has reviewed the proposal and acknowledged that there is a demand for higher quality aged care accommodation and supports the proposal particularly the provision of self-contained rooms, an on-site manager and provision of 20% of rooms for concessional, assisted or low-means residents. Council's Community Development Officer encourages the applicant to provide a greater percentage of rooms to concessional residents, additional accessible rooms and increase size of rooms to 35m² to achieve the minimum apartment sizes under SEPP 65 Apartment Design Guideline (ADG) requirements. The ADG is not applicable to this application and the proposal satisfies the design requirements for boarding rooms under the ARHSEPP and is acceptable. It is also noted that there is not statutory requirement to provide rooms for concessional low-means residents under the ARHSEPP, therefore the recommendation to provide greater than 20% of rooms for concessional low means residents cannot be imposed.

Having regard to the existing aged care use, a plan is required to transition existing residents from the premises to appropriate accommodation during the redevelopment of the site. The applicant has advised that existing residents will be relocated to SummitCare Randwick or an alternative facility during redevelopment of the site.

3.10 Public Domain

Council's Public Domain Officer has reviewed the proposal and advises that the proposed outward swinging doors of the gas meter, water meter and fire hydrant booster onto the public domain on Bronte Road is acceptable in this instance as access to the meters and fire hydrant booster for servicing and emergencies will not adversely impact the pedestrian amenity. As such, Council's Public Domain Officer raises no objection to the proposal subject to conditions included in the recommendation in Appendix A.

3.11 Sustainable Development

Council's Sustainable Development Officer has reviewed the proposal and raises no objection. Recommendations have been provided including provision of a communal outdoor clothesline or an indoor clothesline per boarding room to minimise reliance on electric clothes dryers to reduce carbon emissions and selection of a lighter colour roof to improve thermal comfort for future residents. The recommendations seek to reduce ongoing energy costs and minimise environmental impacts, and have been included in the recommendation in Appendix A.

3.12 Land Information/GIS

Council's Land Information Officer has reviewed the proposal and raises no objection subject to conditions which have been included in the recommendation in Appendix A.

3.3 Green Travel Plan

No comment was provided by Council's Green Travel Plan officer. It is therefore assumed that no objection is raised to the proposal.

4. CONCLUSION

The development application seeks consent for demolition of existing 2 x 2 storey buildings used as aged care facilities and construction of a three storey boarding house comprising of 40 boarding rooms, 1 Manager's unit and one level of basement car parking for 23 vehicles, 10 motorbikes and 9 bicycle, as an aged care facility for persons aged 55 years and over at the site known as 319-321 Bronte Road, Waverley.

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

- Building height
- Overshadowing
- Front fence

The assessment finds these issues acceptable as the exceedance in building height is limited to the lift overrun and the pitched roof form which does not result in any adverse building bulk or unreasonable overshadowing to adjoining window openings at the adjoining property (St Catherine's School). The proposal is compliant with the FSR development standard and will not detract from the character of the streetscape or conservation area. Further design details for the front fence to ensure the style is compatible with the conservation area is required.

A total number of 29 submissions were received including 1 letter of support for the proposal. The issues raised in the submissions have been considered and addressed in this report and in the Recommendation. No Councillor submissions were received for this proposal. There is no declared conflict of interest for the application.

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

Development and Building Unit (DBU) Decision:

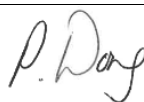

The application was reviewed by the DBU at the meeting on 2 November 2021 and the DBU determined:

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

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Peggy Wong Senior Development Assessment Planner	Bridget McNamara Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 11 February 2022	Date: 14 February 2022

Reason for WLPP referral:

1. Contentious development (10 or more objections)
2. Departure from any development standard in an EPI by more than 10%

APPENDIX A – CONDITIONS OF CONSENT

APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Boffa Robertson Group of Project No. 2025 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA03, Rev C	Site Plan	09.11.2021	12.11.2021
DA04, Rev C	Basement Floor Plan	09.11.2021	12.11.2021
DA05, Rev C	Ground Floor Plan	09.11.2021	12.11.2021
DA06, Rev C	First Floor Plan	09.11.2021	12.11.2021
DA07, Rev C	Second Floor Plan	09.11.2021	12.11.2021
DA08, Rev C	Roof Plan	09.11.2021	12.11.2021
DA09, Rev C	Elevations	10.11.2021	12.11.2021
DA10, Rev C	Elevations & Sections	10.11.2021	12.11.2021
DA15, Rev C	GFA Plans	09.11.2021	12.11.2021

(b) Landscape Plan, Project No. 200903, Drawing No. LDA-01 to LDA-08 and documentation prepared by Geoscapes Landscape Architects, dated 23 August 2021 and received by Council on 24 August 2021

(c) BASIX Certificate

(d) Plan of Management prepared by Centurion Projection Management Pty Ltd dated 1 March 2021, and received by Council on 16 March 2021

(e) Arborist Report prepared by Naturally Trees dated 10 December 2020, and received by Council on 16 March 2021

(f) Acoustic Report prepared by Acoustic Logic dated 6 October 2020, and received by Council on 16 March 2021

(g) Traffic Impact Assessment prepared

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

(i) Remedial Action Plan CES200906-PHI-AF prepared by Consulting Earth Scientists and dated 18 January 2022

(j) Site Audit Interim Advice prepared by Enviroview and dated 25 January 2022

Except where amended by the following conditions of consent.

2. USE AS AN AGED CARE FACILITY

The building is to be operated as an age care facility accommodating over 55s and consisting of single occupants in self-contained rooms.

3. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) Private bathrooms within each boarding room must have a minimum area of 5m².
- (b) Privacy screens are to be erected on the north and west perimeters of the second floor rear communal deck to a height of 1.6m as measured from the finished floor level of the deck to mitigate overlooking to adjoining properties. The privacy screens are to be of a light weight material (such as timber or obscure glazing).
- (c) Glass balustrades on the ground and first floor levels on the eastern elevation fronting Bronte Road are to be replaced with an alternative balustrade material to enhance privacy for future residents.
- (d) The front fence is to comprise of an open palisade style fence that complements the style and character of front fences within the conservation area.
- (e) Detailed design and a schedule of materials and finishes for the louvres to the lift overrun are to be submitted.
- (f) The colour of the roof material is to comprise of a lighter colour to enhance thermal comfort for residents.
- (g) A communal outdoor clothesline or indoor clotheslines for each boarding room is to be provided.

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

4. EXTERNAL FINISHES

A schedule of external finishes enhancing the historic detailing and style of the building shall be submitted and approved by Council's Heritage Officer, prior to the release of the relevant Construction Certificate.

Materials and finishes are to be restricted to the range of heritage colours sympathetic to the historical character of the area.

5. BOARDING HOUSE

- (a) The use and operation of the premises shall comply with the requirements of the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and the *Boarding House Act 2012*.
- (b) The boarding house must NOT accommodate any more than **41** residents, including the on site manager, in the building.
- (c) All lodgers shall be required to reside on the premises for a minimum period of three (3) months in accordance with the definition of a Boarding House under the Waverley Local Environmental Plan 2012.
- (d) All lodgers shall be provided with and sign the Standard Occupancy agreement for general boarding houses under the Boarding Houses Act 2012.

- (e) Management are responsible for ensuring the number of patrons in the premises does not exceed the approved capacity. A copy of the register of persons accommodated must be kept on the premises at all times and provided to Council upon request.

6. PUBLIC DOMAIN IMPROVEMENTS

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

- Pedestrian footpath
- Vehicular crossing
- Kerb and gutter
- Stormwater infrastructure located within the Council Road reserve
- Street trees planting landscaping and street furniture
- Street lighting and associated undergrounding works

Note: The requirements to satisfy this condition are further elaborated under Advisory Notes within the Public Infrastructure Works.

7. PLAN OF MANAGEMENT TO BE AMENDED

The Plan of Management (PoM) identified in condition 1 of this development consent shall be amended as follows:

- (a) Identify the maximum number of residents approved as per **Condition 5** of this consent.
- (b) How noise will be controlled from within the building and areas of open space on site;
- (c) How guests will be managed as they enter and leave the site, especially late at night;
- (d) The collection and disposal of waste arising from the use of the site;
- (e) The security of the premises;
- (f) Maintenance and cleaning of the premises;
- (g) Creation of a Resident Liaison Committee;
- (h) Contact details, including phone number and email address, of the manager shall be identified so that the manager is readily contactable 24 hours a day and available to be made immediately aware of any issues and complaints as they arise so that they can quickly resolve any issue to the best of their ability.
- (i) Identification of procedure for complaints, complaints register and target timeframes for dealing with complaints and maintenance issues;
- (j) Identification of how noise and behaviour complaints will be dealt with in a timely and efficient manner;
- (k) Inclusion of a schedule of fire safety measures;

- (l) Inclusion of an incident register that must be produced upon demand by any Council Officer or NSW Police Officer. The incident register must contain a direction that all incidents of a criminal nature are to be reported to the police immediately.
- (m) Requirements of signage provision at the front of the boarding house in accordance with conditions of consent and of signage in the common areas identifying emergency contact numbers.
- (n) Include details regarding community liaison meetings as required by Condition 8.

The amendments are to be made and submitted to Council's Executive Manager, Compliance (or delegate) prior to the issue of any Occupation Certificate. A final Occupation Certificate will not be issued until such time as the POM is in a form acceptable to Council.

The PoM shall be reviewed every two years (at minimum) to determine whether any change to it should be made to address any incidents or complaints and/or improve the operations to eliminate anti-social behaviour. A copy shall be registered with Council at any time it is updated. Changes to the PoM must be in accordance with the approved conditions of consent. Council may require the provision of on-site security or a facility manager to address amenity impacts.

8. COMMUNITY LIASION

The boarding house manager / owner of the premises is to attend any Precinct meetings of the relevant Local Precinct Committee when invited in writing by the convenor of the relevant committee. Any such notice is to be given at least 7 days prior to the committee meeting.

The Plan of Management is to be amended to reflect this condition.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

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

10. PUBLIC DOMAIN WORKS

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

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

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

- (a) Footpath, Kerb and Gutter: The existing footpath, kerb and gutter traversing Bronte Road full frontage of the sit to be reconstructed and upgraded in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval.

The proposed footpath, kerb and gutter profiles to include longitudinal and cross sections to ensure proper connections to the existing Council infrastructure traversing the development site. Any stormwater infrastructure within the extent of public domain works, inclusive of the kerb inlet pit shall be replaced.

- (b) Street Trees: A minimum four (4) street trees must be planted along Bronte Road frontage. The existing street seat shall be replaced. All new street trees will require the installation of suitable tree pits, surrounds, root cell barriers and garden beds. All proposed tree species, locations, tree sizes and location and design of the root cells barriers must be approved by Council Officer. The chosen tree species and location shall not interfere with the wheel swept path or obstruct the proposed vehicular crossing.
- (c) Streetlights: Make provision for new street lights serviced by metered underground power for Bronte Road site frontage. The consultant shall liaise with Council in obtaining Council's Street lighting requirements and specifications. This generally includes compliance with AS1158:2010 - Lighting for Roads and Public Spaces, with PP4 Lighting Category.

Plans shall be prepared and certified by a suitably qualified Electrical Design Consultant and submitted to Councils Public Domain Engineer for approval prior to lodgement of the scheme with Ausgrid for their approval.

- (d) Undergrounding: All overhead powerlines fronting site frontage, and all mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity poles within the Council's public domain to support the new development. Any existing or proposed utility pillars on the site frontage to be either underground or inside the property boundary of the proposed development.
- (e) The existing kerb ramp fronting the site on Bronte Road must be reconstructed to comply with current standards.

11. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works.

CONTRIBUTIONS, FEES & BONDS

12. SECTION 7.12 CONTRIBUTION

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

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

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

- (b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;
 - (i) A development valued at \$100,000 or less will be exempt from the levy;
 - (ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the full cost of the development; or
 - (iii) A development valued at \$200,001 or more will attract a levy of 1% of the full cost of the development.

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

13. TREE PRESERVATION BOND

A bond of **\$10,000** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the one (1) ***Melaleuca quinquenervia*** (paperbark tree) **situated on the naturestrip of 319-321 Bronte Rd, Waverley**. The bond is to be lodged prior to the issue of any Construction Certificate.

The sum will be forfeited to the Council at its discretion for a breach of these requirements, and will be refunded twelve (12) months from the issue of the Final Occupation Certificate subject to the satisfaction of Council.

14. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$235,285.06** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

15. LONG SERVICE LEVY

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

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

CONSTRUCTION & SITE MATTERS

16. HOARDING

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

17. EROSION & SEDIMENT CONTROL

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

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

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

18. 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.

19. 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.

FIRE SAFETY

20. FIRE SAFETY

A building in respect of which there is a change of building use must comply with the Category 1 Fire Safety Provisions applicable to the proposed new use.

TRAFFIC MANAGEMENT

21. 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

22. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

The submitted stormwater management plan prepared by SCP Consulting, Project No. S201148, Drawing No. C-01-01, C-01-02, C-02-01, C-03-01, C-03-11, C-03-51, C-04-21, C-05-61, C-05-62, C-06-01 & C-06-11, Revision C, dated 20/08/2021, 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 shall be prepared by a suitably qualified and practising Civil Engineer and:

- (a) The plans shall provide a complete and detailed design of the required On-Site Stormwater Detention (OSD) system. Its details are to be provided e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. Council's mandatory OSD checklist as set out in Council's Water Management Technical Manual shall be submitted. A certificate from a registered structural engineer certifying the structural adequacy of the OSD tank structure is to be provided.

- (b) Details of any rainwater tank required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the approved stormwater drainage system are to be submitted.
- (c) The underground basement shall be protected from possible inundation by surface waters from the street.
- (d) Show an alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure. A 150 mm freeboard from the pump out system to all parking spaces and full hydraulic details and pump manufacturers specification are to be provided.
- (e) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.
- (f) The pipeline within the footpath verge of Bronte Road must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and fall by gravity at 1% minimum. The discharge rate to Council's street gutter shall not exceed 25 L/s.
- (g) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- (h) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system (independent of any OSD system).
- (i) Must achieve a minimum of 90% reduction in the post development mean annual load of total gross pollutants (greater than 5 mm); 80% reduction in the post development mean annual load of total suspended solids (SS); 55% reduction in the post development mean annual load of total phosphorus (TP) and 40% reduction in the post development mean annual load of total nitrogen (TN).
- (j) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

23. 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

24. BASIX

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

25. ENERGY EFFICIENCY

An Energy Assessment Report is to be submitted in accordance with the *Waverley Development Control Plan 2012*, which recommends design solutions to reduce the predicted operational energy demand and greenhouse gas emissions of the proposed development by 30% less than a reference building (i.e. NCC, Section J compliant only). The report is to be submitted and be to the satisfaction of Council's Executive Manager, Environmental Sustainability (or delegate) prior to the issue of a Construction Certificate for any works above ground level.

The construction certificate plans are to incorporate the recommendations of the approved Energy Assessment Report.

WASTE

26. 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.

27. WASTE STORAGE AREAS

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

- **Residential** (45 single bedroom units in an aged care boarding house)
 - 2 x 660L Mobile Garbage Bins (MGBs) for general waste (collected 3 x per week)
 - 2 x 660L MGBs for paper and cardboard recycling (collected 2 x per week)
 - 2 x 660L MGBs for container recycling (collected 2 x per week)
 - A minimum of 4m² floor space is required for the on-site storage of bulky waste awaiting collection; A minimum of 1m² floor space is required for additional problem waste streams (such as electronic waste or textile waste). This should be inside or adjacent to the onsite storage of bulky waste with doorway clearance for the bulky waste storage area of a minimum 1.5m
- **Commercial** retail/cafe shops
 - 2 x 240L Mobile Garbage Bins (MGBs) for general waste (collected 3 times per week)
 - 2 x 240L MGBs for comingled recycling (collected 3 times per week)
 - Space must be allocated for the storage of reusable items such as milk/bread crates.
 - The frequency of collection must be monitored by the property manager and adjusted accordingly.

All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the *Waverley Council Development Control Plan 2012* to the satisfaction of the Principal Certifying Authority.

All waste and recycling must be collected onsite. The site entry point, vehicle route of travel and maneuvering envelopes shall comply in general with the requirements of Australian Standard AS 2890.2 Parking Facilities Part 2: Off Street Commercial Vehicle Facilities (AS 2890.2)

LANDSCAPING & TREES

28. 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.

NOISE

29. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

A site specific Noise Management Plan, prepared by a suitably qualified acoustic consultant (as defined in the advisory section of this consent) must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate) for demolition, excavation and construction works.

For further information on the requirements, refer to Council's website:

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

30. ACOUSTIC REPORT RECOMMENDATIONS

The "recommendations" as outlined in the acoustic report prepared by Acoustic Logic [Reference No. 20200983.1/0610A/R0/LL] dated 6/10/2020 shall be implemented.

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

31. CONSTRUCTION SIGNS

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

32. PRE-CONSTRUCTION DILAPIDATION REPORT

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

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

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

33. PUBLIC DOMAIN ENGINEERING INSPECTIONS

To ensure all public infrastructure engineering works required by Council under this consent will be constructed to Council satisfaction, inspection(s) will be required, and compliance certificates must be obtained from Council's Public Domain Engineer for the kerb and gutter, stormwater, footpath paving, undergrounding, street lighting, street trees and landscaping hold points.

34. DILAPIDATION REPORT

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

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

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

35. REMEDIATION REQUIREMENTS

The following requirements apply to the remediation works required on-site:

- (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 within 4 metres of the base of a tree, or adversely affect the appearance, health or stability of a tree, where works affecting the tree require Council approval.
- (c) Remediation work shall not be undertaken on land containing an item of environmental heritage where the consent of Council is required.
- (d) A covenant is to be registered on the land title giving notice of the former use and contamination of the site and the existence of the encapsulated cells containing contaminated material. The covenant is to bind the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated materials, including the discharge or prevention of discharge there from any contaminants or for any works required by the NSW Environment Protection Authority (EPA). All legal costs associated with the registration of the covenant on the land title is to be borne by the applicant and/or owners.

36. SITE AUDIT STATEMENT

A Site Audit Statement (SAS) prepared by a NSW Environment Protection Authority (EPA) accredited site auditor is to be submitted to Council certifying that the site is suitable for the intended use prior to the issue of a construction certificate for any works associated with the approved building.

Conditions on the SAS must form part of the conditions of consent of the Notice of Determination.

Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council these conditions should be discussed with Council before the Site Audit Statement is issued.

DEMOLITION & EXCAVATION

37. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

- Work Health and Safety Act 2011;

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

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

- Outline the identification of any hazardous materials, including surfaces coated with lead paint;
- Confirm that no asbestos products are present on the subject land, or
- 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);
- Describe the method of demolition;
- Describe the precautions to be employed to minimise any dust nuisance; and
- Describe the disposal methods for hazardous materials.

38. CONTROL OF DUST ON CONSTRUCTION SITES

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

- 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.
- 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.

39. 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.

40. EXCAVATION AND BACKFILLING

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

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

41. 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.

42. 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.

43. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002*, clause 162A of the *Environmental Planning and Assessment Regulation 2000* and the requirements of any other applicable legislation or instruments.

44. CERTIFICATE OF SURVEY - LEVELS

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

45. 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.

46. WORK OUTSIDE PROPERTY BOUNDARY

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

TREE PROTECTION AND REMOVAL

47. TREE PROTECTION

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

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

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

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

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

The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk.

Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period.

- TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.
- If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.
- If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).
- It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Management Officer is to be contacted to make final determination.
- If any trees on neighbouring properties require pruning, then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.

48. TREES PERMITTED TO BE REMOVED

The following trees are permitted to be removed;

Tree No.	Tree Species & approximate height	Location	To be replaced with
1	<i>Cupressus sp.</i> , 10m	Front setback	1 x <i>Pyrus calleryana</i> 'Capital' (Ornamental Pear)
2	<i>Cupressus sp.</i> , 10m	Front setback	1 x <i>Pyrus calleryana</i> 'Capital' (Ornamental Pear)

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

49. EXISTING VEHICLE CROSSING IS TO BE MODIFIED

The existing vehicle crossing is to be modified to provide access to the proposed basement. 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.

50. VEHICULAR ACCESS - FINISHED LEVELS

The finished level at the property boundary on **both** sides of the vehicle crossing is to be 30mm above the level of the invert of the existing concrete footpath.

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

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

CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS

51. FINAL OCCUPATION CERTIFICATE

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

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

52. CERTIFICATION OF BASIX COMMITMENTS

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

53. REGISTRATION OF BOARDING HOUSE PREMISES

Prior to the issue of any Occupation Certificate, the proprietor of the boarding house shall:

- (a) Provide an outdoor clothesline and cleaning and cooking items in the kitchen for the use of boarding room occupants.
- (b) Arrange for an inspection by Council's Environmental Health Officer.
- (c) Be registered as Boarding House with Council.
- (d) Provide to Council and the Principal Certifying Authority details of trade waste removal arrangements.
- (e) Pay any fees incurred by the carrying out of health regulation inspections as determined by Council's Pricing Policy, Fees and Charges.
- (f) Prior to the commencing operations, forward a notification letter to the Council and adjoining neighbours providing contact details of the onsite Manager so that any issue regarding the operation of the premises can be addressed promptly. The Manager is to be contactable at all times by mobile phone and the mobile phone number of the Manager is to be clearly displayed externally adjacent to the front door of the premises.

54. WASTE COLLECTION

- (a) Garbage vehicles shall always enter and exit the site in a forward direction. Garbage/waste collection shall be undertaken by an approved private waste contractor utilising a Small Rigid Vehicle (SRV) truck ONLY and only between the hours of 7.00am and 8.00pm daily. Details of the contract and truck specifications noting these conditions are to be submitted to Council prior to issue of an Occupation Certificate.
- (b) A Restriction as to User is to be registered on title reflecting the requirements of clause (a) shown above in this condition of consent. The instrument is to be drafted by the developer and reviewed and approved by Council's solicitors. Council is to be the authority allowing any release or modification. The instrument is to be registered prior to issue of any Occupation Certificate. All costs are to be borne by the developer/applicant.
- (c) A positive covenant is to be registered on title prior to issue of an Occupation Certificate, to the effect that all occupants, residents and owners are aware of the obligations of providing a private contractor for waste collection and that Waverley Council still reserves the right to charge levies and charges for waste collection notwithstanding that it is not providing the service due to the specific constraints of the site. The instrument is to be prepared by the developer and reviewed and approved by Council's solicitors. All costs are to be borne by the developer/applicant.

55. WORK-AS-EXECUTED PLAN – PUBLIC DOMIAN

To ensure public infrastructure works required under the consent are completed in accordance with approved plans and specifications, a Work-as-Executed plan of the works, prepared by a registered surveyor is to be submitted to the Principal certifying Authority and Council for review with any required rectification works completed and approved by Council prior to issue of any Occupation Certificate.

The W.A.E plans are to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from an experienced chartered civil engineer shall be submitted to support all variations from approved plans.

56. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

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

57. CERTIFICATION OF ACOUSTIC PERFORMANCE

An acoustic report/certificate prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority and the Council, certifying that all acoustic recommendations (made in above report) and conditions of consent (including the operational conditions) have been satisfied.

58. 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.

59. VERMIN AND RAT CONTROL

A *Pest and Vermin Control Management Plan* prepared by a suitable qualified person outlining measures to be taken to reduce rat/vermin populations is to be submitted for the approval of Council's Manager, Health and Compliance (or delegate) prior to the issue of a Construction Certificate for the demolition of existing buildings.

VEHICLE ACCESS AND PARKING

60. CAR PARKING

A total of **23** car vehicle parking spaces are to be provided within the development, allocated in the following manner:

- (a) 1 on-site manager parking space
- (b) 22 staff / visitor parking spaces
- (c) 10% of the spaces to be accessible spaces with adjacent shared area in accordance with Australian Standard AS2890.6 - 2009 Off Street Parking for People with Disabilities

OTHER MATTERS

61. STREET NUMBER/S

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level and be clearly visible on the site boundary that fronts Bronte Road.

The following sub-addressing will apply:

- Ground floor:
 - Nos. G01-G15 for the residential sub-address sites within the building correlating with Suite Nos. 01-15 on the floor plans for the building
 - No. G16 for the Dining & Kitchen room

- First floor:
 - Nos. 101-117 for the residential sub-address sites within the building correlating with Suite Nos. 01-17 on the floor plans for the building.
 - No. 118 for the Manager's room
- Second floor:
 - Nos. 201-212 for the residential sub-address sites within the building correlating with Suite Nos. 01-12 on the floor plans for the building.

Room numbers shall be applied in a logical sequence and within a primary address site shall be unique regardless of the type of the room.

The primary and sub-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.

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

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

63. ON-SITE STORMWATER DETENTION CERTIFICATION

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

64. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD

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

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

65. PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM

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

E. OPERATIONAL MATTERS

The following operational conditions must be complied with at all times, throughout the use and operation of the development or use.

GENERAL MATTERS

66. BOARDING HOUSE – USE, OPERATION & MANAGEMENT

- (a) Within 28 days of commencing operations in accordance with Part 2, Division 1 of the Boarding Houses Act 2012, the boarding house must be registered with NSW Fair Trading.
- (b) The use and operation of the premises shall comply with the requirements of the *Local Government Act 1993* and the *Boarding House Act 2012*.
- (c) All lodgers shall be required to reside on the premises for a minimum period 3 months in accordance with the definition of Boarding House under Waverley Local Environmental Plan 2012.
- (d) All lodgers shall be provided with and sign the Standard Occupancy agreement for general boarding houses under the Boarding Houses Act 2012.
- (e) All tenancy/occupation agreements and house rules must outlined specific provisions requiring residents of the premises and their guests to comply with the requirements of this consent.
- (f) There must be a manager appointed to manage the premises.
- (g) The name address and contact phone number for the appointed manager and any newly appointed manager must be provided to Waverley Council within 48 hours of the manager's appointment.
- (h) The manager must ensure that the plan of management is complied with at all times, including ensuring the number of patrons in the premises does not exceed the approved capacity.
- (i) The boarding house shall be registered and inspected by Council on an annual basis.

67. OPERATION IN ACCORDANCE WITH PLAN OF MANAGEMENT (PoM)

- (a) The operation and management of the premises shall be in accordance with a Council approved Plan of Management (PoM) at all times.
- (b) The approved PoM shall be adopted by the Management of the premises.
- (c) The plan shall be reviewed (at minimum) on an annual basis, and at any time there is a change in business ownership of the premises.

68. RESTRICTIONS OF TIMES ON USE OF COMMUNAL AREA

The use of the outdoor communal area is permitted between the hours of 7.00am and 10.00pm, seven days only. No music or alcohol consumption is permitted in the outdoor communal area.

69. WASTE MANAGEMENT PLAN REVIEW

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

70. LITTER CHECKS

Regular litter patrols are to be undertaken in the general vicinity of the premises (20 metres from the front door of the premises) to monitor litter, including cigarette butt litter and. A register must be maintained and kept on the premises at all times detailing date, time of check, staff member responsible and signature. Building management must provide tenant and resident education to ensure appropriate disposal of cigarette butts.

71. COPIES OF CONSENTS AND MANAGEMENT PLANS

A full copy of all current development consents (including approved plans) for the operation of the premises, any compliant registers (or other) required and any required Plan of Managements must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or ILGR Authorised Officers.

72. RAINWATER HARVESTING AND REUSE

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

73. ONGOING MAINTENANCE – STORMWATER TREATMENT SYSTEM

The stormwater treatment system must be maintained in accordance with the manufacturer's or designer's specification for the life of the development. Council will need to be provided with a Maintenance Schedule that supports the routine maintenance activities.

AMENITY & SAFETY

74. RESTRICTIONS OF TIMES ON USE OF COMMUNAL AREA

The use of the outdoor communal area is permitted between the hours of 7.00am and 10.00pm only. No amplified music or alcohol consumption is permitted in the outdoor communal area.

75. AMENITY

The management of the premises is to:

- (a) Ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood.
- (b) Record in a formal register full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided.
- (c) Respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in the register.

76. NOISE EMISSIONS

The use of the premises shall not give rise to the transmission of "Offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.

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.

77. NOISE MANAGEMENT PLAN

A Noise Management Plan prepared by a suitable qualified person outlining measures to be implemented for the management of noise issues and complaint handling for the operation of the boarding house is to be submitted for the approval of Council's Manager, Health and Compliance (or delegate) prior to the issue of an Occupation Certificate.

78. MECHANICAL VENTILATION SYSTEMS

The premises are to be ventilated in accordance with the requirements of the Building Code of Australia & relevant Australia Standards.

79. CERTIFICATION OF ALL MECHANICAL PLANT

A Certificate of Test of all mechanical plant together with a copy of the final test figures, conducted by a suitably qualified person, certifying that the system complies with the conditions of this consent, National Construction Code (NCC) and relevant Australian Standards.

80. AIRCONDITIONING UNITS & MECHANICAL PLANT

Air conditioning units and other mechanical plant are not to be installed outside the building without the prior consent of Council in order to assess the cumulative impacts of noise to adjoining properties. All plant is to be installed within the confines of the building and be acoustically treated to ensure that it within the acceptable limits.

81. PARKING PERMITS

Occupants of the building are not to be eligible for resident parking permits under Council's Residents Preferential Parking permits scheme.

82. WASTE COLLECTION VEHICLE

The maximum dimension of a waste vehicle servicing the site shall be 8 metres long, 2.5 metres wide, and 2.5 metres high with maximum operational height of 3.4 metres.

83. WASTE MANAGEMENT

All waste is to be collected on-site. Waste is not to be transferred to the street to be collected by a truck parked on street or within the public domain.

ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2. DIAL BEFORE YOU DIG

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

AD3. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD4. EXCAVATION TO BE LIMITED

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

AD5. TREE REMOVAL/PRESERVATION

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

AD6. SUITABLY QUALIFIED ACOUSTIC CONSULTANT

In these conditions, reference to a suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who is employed by a member firm of the Association of Australian Acoustic Consultants.

AD7. PUBLIC UTILITIES AND SERVICE ALTERATIONS

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

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

AD8. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS

Prior to commencement of the public domain works notice shall be submitted to Council's Public Domain Engineer. This notice shall include the name and insurance details of the Contractor who will be responsible for the construction works, and details of the managing site supervisor/engineer. The applicant is also responsible for obtaining all Road Activity Permits required for the works, from the respective authorities.

AD9. 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.

AD10. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

The issue of a final Compliance Certificate from the Council Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but not limited to fees applicable for engineering plans assessment and work inspection fees.

The refund of any damage and/or security deposits will be subject to satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent.

To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works completed by the applicant/developer following completion of the development. The defects liability period shall commence from the date of issue of the Occupation Certificate for the development. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.

AD11. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

PROPOSED
HOSTEL
SUMMITCARE WAVERLEY

321 Bronte Road, Waverley, N.S.W - 2024

For :



DEVELOPMENT APPLICATION RE-ISSUE
09 NOVEMBER 2021



A3 - DRAWINGS

STATUS	DWG NO.	DRAWING TITLE	SCALE	SIZE
AMENDED 2025/DA00		COVER PAGE, DRAWING LIST	N.T.S	A3
AMENDED 2025/DA17		PERPECTIVE VIEW 1	N.T.S	A3
AMENDED 2025/DA18		PERPECTIVE VIEW 2	N.T.S	A3
	2025/DA19	EXTERIOR FINISHES SCHEDULE AND MATERIALS BOARD 1	N.T.S	A3
	2025/DA20	EXTERIOR FINISHES SCHEDULE AND MATERIALS BOARD 2	N.T.S	A3
AMENDED 2025/NP-01		SITE PLAN	1:200	A3
AMENDED 2025/NP-02		ELEVATIONS	1:500	A3

A1 - DRAWINGS

STATUS	DWG NO.	DRAWING TITLE	SCALE	SIZE
AMENDED 2025/DA00		COVER PAGE, DRAWING LIST	N.T.S	A1
	2025/DA01	SITE ANALYSIS - LOCALITY PLAN	N.T.S	A1
AMENDED 2025/DA02		SITE ANALYSIS PLAN	N.T.S	A1
AMENDED 2025/DA03		SITE PLAN	1:100	A1
AMENDED 2025/DA04		BASEMENT FLOOR PLAN	1:100	A1
AMENDED 2025/DA05		GROUND FLOOR PLAN	1:100	A1
AMENDED 2025/DA06		FIRST FLOOR PLAN	1:100	A1
AMENDED 2025/DA07		SECOND FLOOR PLAN	1:100	A1
AMENDED 2025/DA08		ROOF PLAN	1:100	A1
AMENDED 2025/DA09		ELEVATIONS	1:200	A1
AMENDED 2025/DA10		ELEVATIONS & SECTIONS	1:200	A1
AMENDED 2025/DA11		STREET ELEVATIONS - MONTAGE	1:200	A1
AMENDED 2025/DA12		SHADOW DIAGRAMS - EXISTING & PROPOSED	1:500	A1
AMENDED 2025/DA13		3D IMAGE SHOWING BUILT FROM PENETRATING 9.5M HEIGHT	N.T.S	A1
	2025/DA14	DEMOLITION PLAN	1:100	A1
AMENDED 2025/DA15		GFA PLAN	1:300	A1
	2025/DA16	TYPICAL & ACCESSIBLE SUITE LAYOUT	1:50	A1

2025/DA00

PROPOSED

HOSTEL

SUMMITCARE WAVERLEY

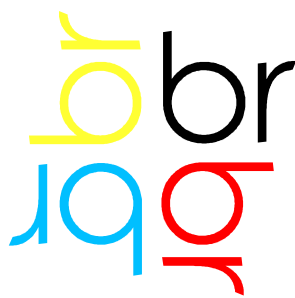
321 Bronte Road, Waverley, N.S.W - 2024

For :



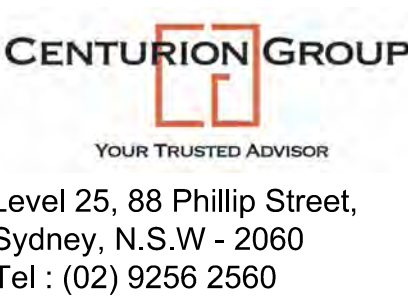
DEVELOPMENT APPLICATION RE-ISSUE

09 NOVEMBER 2021



boffa robertson group

Architecture, Health Planning
Suite 7 EPICA, 9 Railway Street,
CHATSWOOD, NSW 2067
Tel : (02) 9406 7000.



A1 - DRAWINGS

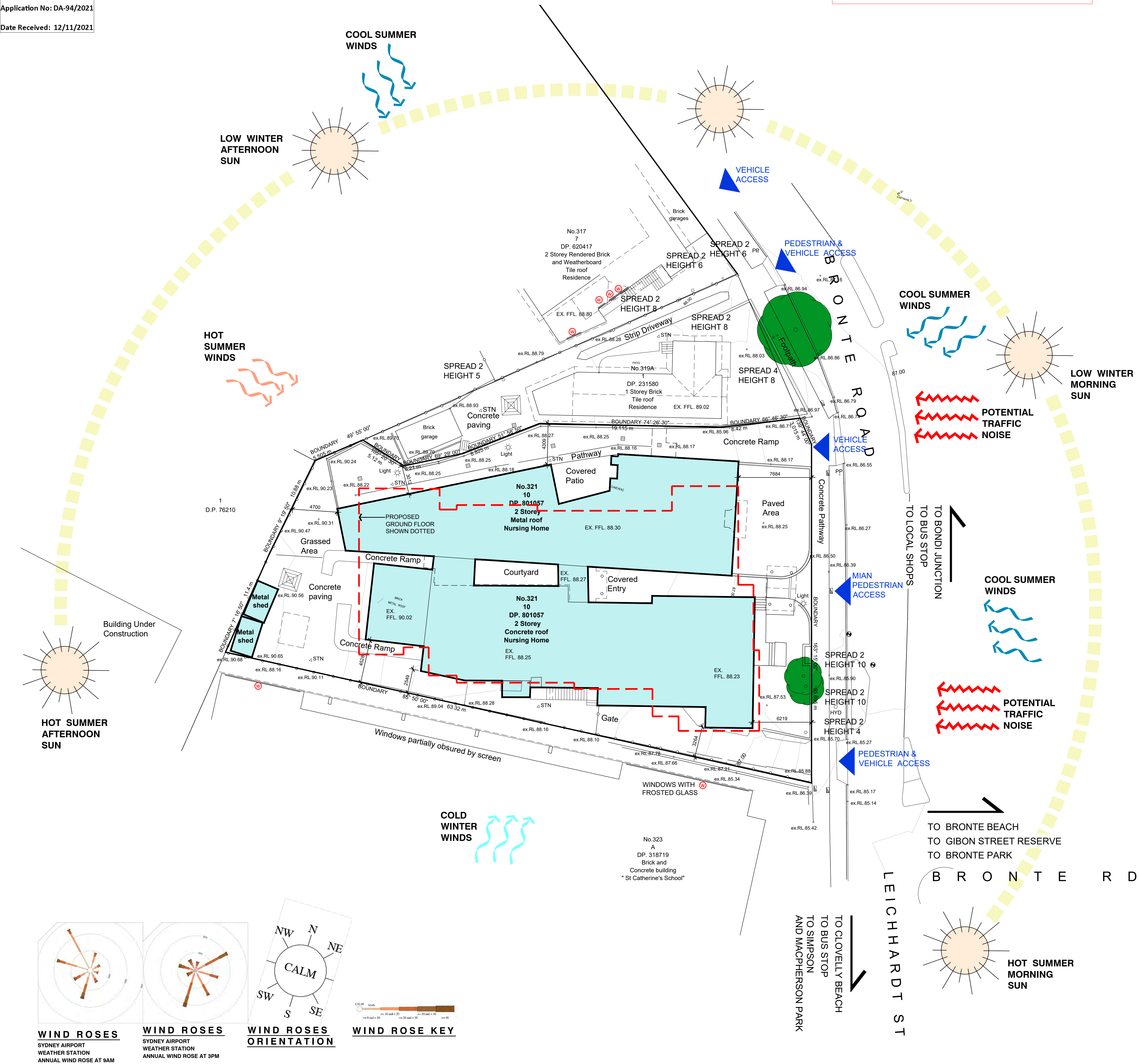
STATUS	DWG NO.	DRAWING TITLE	SCALE	SIZE
AMENDED	2025/DA00	COVER PAGE, DRAWING LIST	N.T.S	A1
	2025/DA01	SITE ANALYSIS - LOCALITY PLAN	N.T.S	A1
AMENDED	2025/DA02	SITE ANALYSIS PLAN	N.T.S	A1
AMENDED	2025/DA03	SITE PLAN	1:100	A1
AMENDED	2025/DA04	BASEMENT FLOOR PLAN	1:100	A1
AMENDED	2025/DA05	GROUND FLOOR PLAN	1:100	A1
AMENDED	2025/DA06	FIRST FLOOR PLAN	1:100	A1
AMENDED	2025/DA07	SECOND FLOOR PLAN	1:100	A1
AMENDED	2025/DA08	ROOF PLAN	1:100	A1
AMENDED	2025/DA09	ELEVATIONS	1:200	A1
AMENDED	2025/DA10	ELEVATIONS & SECTIONS	1:200	A1
AMENDED	2025/DA11	STREET ELEVATIONS - MONTAGE	1:200	A1
AMENDED	2025/DA12	SHADOW DIAGRAMS - EXISTING & PROPOSED	1:500	A1
AMENDED	2025/DA13	3D IMAGE SHOWING BUILT FROM PENETRATING 9.5M HEIGHT	N.T.S	A1
	2025/DA14	DEMOLITION PLAN	1:100	A1
AMENDED	2025/DA15	GFA PLAN	1:300	A1
	2025/DA16	TYPICAL SUITES & ACCESSIBLE SUITE	1:50	A1

A3 - DRAWINGS

STATUS	DWG NO.	DRAWING TITLE	SCALE	SIZE
AMENDED	2024/DA00	COVER PAGE, DRAWING LIST	N.T.S	A3
AMENDED	2024/DA17	PERPECTIVE VIEW 1	N.T.S	A3
AMENDED	2024/DA18	PERPECTIVE VIEW 2	N.T.S	A3
	2024/DA20	EXTERIOR FINISHES SCHEDULE AND MATERIALS BOARD 1	N.T.S	A3
	2024/DA21	EXTERIOR FINISHES SCHEDULE AND MATERIALS BOARD 2	N.T.S	A3
AMENDED	2024/NP-01	SITE PLAN	1:200	A3
AMENDED	2024/NP-02	ELEVATIONS	1:500	A3

2025 / DA00

AMENDED PLANS



LOCALITY PLAN
NOT TO SCALE

SEEP PART 3 - DESIGN REQUIREMENTS	REFER TO
Division 1 General	
30. Site analysis	
1. A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.	This drawing
2. A site analysis must:	
A. Contain information about the site and its surrounds as described in subclauses (3) and (4), and	Please refer below
B. Be accompanied by a written statement (supported by plans including drawings of sections and elevations and, in the case of proposed development on and adjoining land zoned primarily for urban purposes, an aerial photograph of the site):	Design Statement
i. Explaining how the design of the proposed development has regard to the site analysis, and	Design Statement
ii. Explaining how the design of the proposed development has regard to the design principles set out in Division 2	Design Statement
3. The following information about a site is to be identified in a site analysis:	
A. Site dimensions:	Survey Plans
• Length	Survey Plans
• Width	Survey Plans
B. Topography:	Survey Plans
• spot levels and/or contour	All Plans
• north point	Civil Drawings
• natural drainage	Site Investigation Report
• any contaminated soils or filled areas	
C. Services:	N/A
• assessments	Civil Drawings
• connections for drainage and utility services	
D. Existing vegetation:	Survey Plans
• location	Survey Plans
• height	Survey Plans
• spread of established trees	Survey Plans
• species	Arboreal Report
E. Micro climates:	This drawing
• orientation	This drawing
• prevailing winds	This drawing and DA03 - Site Plan
F. Location of:	This drawing
• buildings and other structures	This drawing, DA03 - Site Plan & DA05 - Ground Floor Plan
• heritage features and items including archaeology	All plans
• fences	This drawing
• property boundaries	All plans
• pedestrian and vehicle access	This drawing
G. Views to and from the site	
H. Overshadowing by neighbouring structures	DA12 Shadow Diagrams
4. The following information about the surrounds of a site is to be identified in a site analysis:	
A. Neighbouring buildings:	Survey Plans
• location	Survey Plans
• height	Survey Plans
• use	Survey Plans
• balconies on adjacent properties	Survey Plans
• pedestrian and vehicle access to adjacent properties	Survey Plans
B. Privacy:	Survey Plans
• adjoining private open spaces	Survey Plans
• living room windows overlooking site	Survey Plans
• location of any facing doors and/or windows	Survey Plans
C. Walls built to the site's boundary:	DA03 - Site Plan
• location	DA03 - Site Plan
• height	DA03 - Site Plan
D. Difference in levels between the site and adjacent properties at their boundaries	Survey Plans
E. Views and solar access enjoyed by neighbouring properties	This drawing
F. Major trees on adjacent properties	Survey Plans
G. Street frontage features:	Survey Plans
• poles	Survey Plans
• trees	Survey Plans
• kerb crossovers	Survey Plans
• bus stops	Survey Plans
• other services	Survey Plans
H. The built form and character of adjacent development (including buildings opposite on both sides of the street's frontage):	All plans
• architectural character	DA03 - Site Plan, DA05 - Ground Floor Plan & DA11 - Streetscape Elevation
• front fencing	Landscape
• garden styles	Landscape
I. Heritage features of surrounding locality and landscape	Heritage Report
J. Direction and distance to local facilities:	DA01 - Site Analysis Locality Plan
• local shops	DA01 - Site Analysis Locality Plan
• schools	DA01 - Site Analysis Locality Plan
• public transport	Traffic Report
• recreation and community facilities	DA01 - Site Analysis Locality Plan
K. Public open space:	DA01 - Site Analysis Locality Plan
• location	DA01 - Site Analysis Locality Plan
• use	DA01 - Site Analysis Locality Plan
L. Adjoining bushland or environmentally sensitive land	N/A
M. Sources of nuisance:	N/A
• flight paths	This drawing, DA01 - Site Analysis Locality Plan
• noisy roads or significant noise sources	This drawing, DA01 - Site Analysis Locality Plan
• polluting operations	N/A
N. Adjoining land uses and activities (such as agricultural activities)	N/A

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LEGEND	
	OUTLINE OF EXISTING SUMMITCARE BUILDING G/F
	OUTLINE OF PROPOSED SUMMITCARE BUILDING G/F
	BOUNDARY
	VIEWS
	PEDESTRIAN OR VEHICLE ACCESS
	EXISTING TREES TO REMAIN
	EXISTING TREES TO BE DEMOLISHED
	PROPOSE 1800H FENCE AND LANDSCAPE SCREENING FOR PRIVACY SCREENING REFER TO LANDSCAPE DOCUMENTS FOR DETAIL
	OCCASIONAL SUMMER BREEZES
	COOL SUMMER WINDS
	HOT SUMMER WINDS
	COLD WINTER WINDS
	TRAFFIC NOISE
	WINDOW OF NEIGHBOURING BUILDINGS

NOTES:

1. REFER TO SURVEY DWGS FOR NEIGHBOURING PROPERTIES' WINDOWS AND DOORS' SILL AND HEAD HEIGHTS.

2. PLANT SPECIES REFER TO ARBORIST REPORT

C	Development Application Re-Issue	09.11.2021
B	Development Application Re-Issue	16.08.2021
A	Development Application Issue	09.12.2020
No.	Amendment	Date

Project
SUMMITCARE - WAVERLEY
321 Bronte Road, Waverley, N.S.W - 2024

Drawing
SITE ANALYSIS PLAN

CENTURION GROUP
YOUR TRUSTED ADVISOR

SUMMITCARE
BETWEEN NORTH WELLING

boffa robertson group
architecture, health and aged care planning, project management

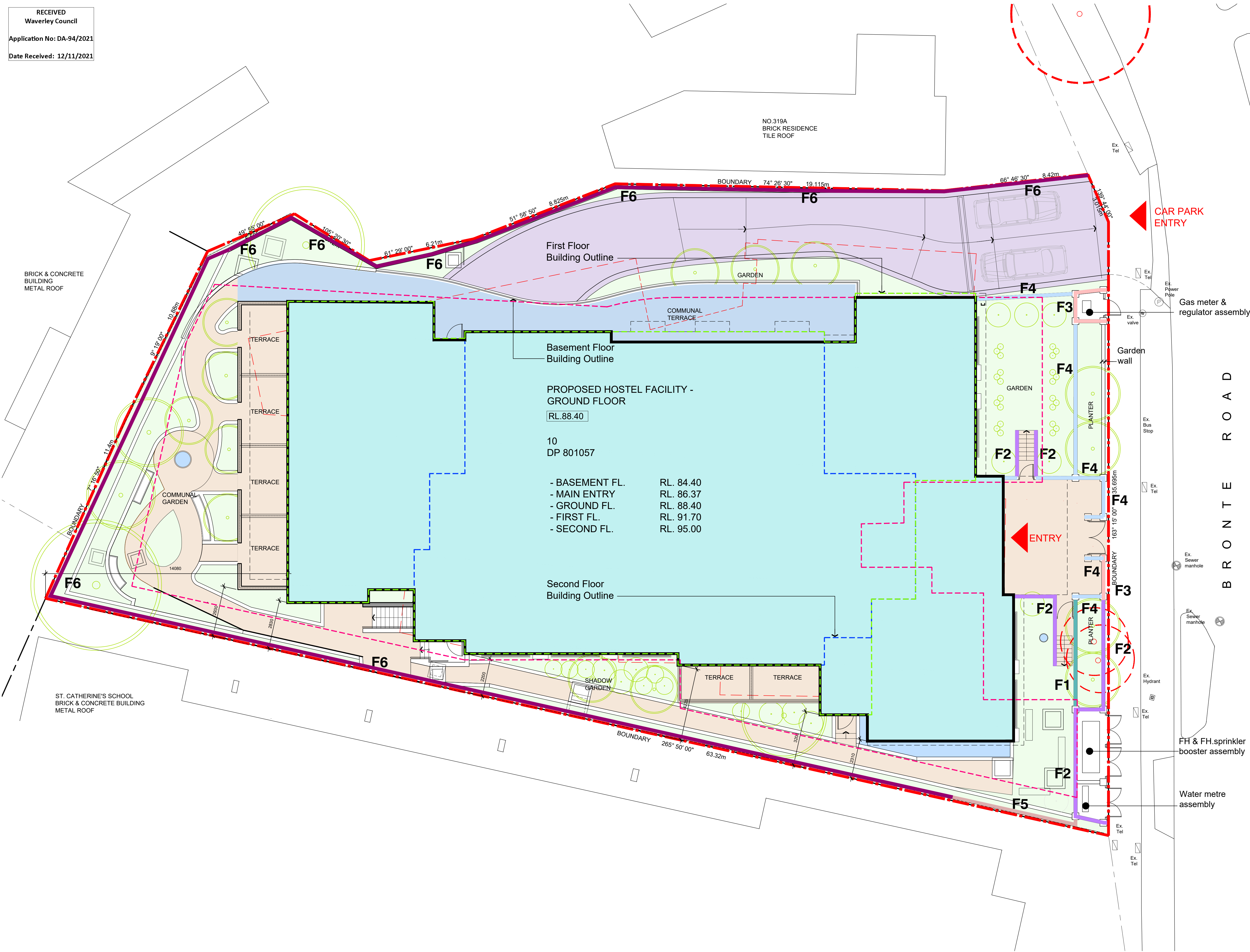
boffa robertson group
Suite 7, Level 1, Epica, 9 Railway Street
Chadstone NSW 2067
AUSTRALIA
Tel: (02) 9406 7000
Fax: (02) 9406 7009
Email: brgroup@trgr.net

Date: AUG 2020
Scale: NTS
Drawn: JN
Amendment: C

Job No.: Drawing
2025 / DA02

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-94/2021
Date Received: 12/11/2021



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LEGEND	
	PROPOSED RCF
	BOUNDARY
	SOFT LANDSCAPE
	HARD LANDSCAPE
	+ ex RL.76.80 EXISTING LEVEL RL.
	+ RL.76.80 NEW FINISHED LEVEL RL.
	+ TOW RL.
	BASEMENT FLOOR
	FIRST FLOOR
	SECOND FLOOR
	PROPOSED ROADS AND DRIVEWAYS
	TREES TO BE REMOVED
	PROPOSED TREES AND SHRUB REFER TO LANDSCAPE FOR DETAILS
	1800H MASONRY WALL RENDERED AND PAINTED WITH 400 X400 X1950H MASONRY COLUMN POST RENDERED AND PAINTED FINISH
	1800H POWDER COATED STEEL BLADE SECURITY FENCE ON MASONRY WALL RENDERED AND PAINTED WITH 400 X400 X1950H MASONRY COLUMN POST RENDERED AND PAINTED FINISH
	1800H MASONRY WALL STONE CLADDED WITH 400 X400 X1950H MASONRY COLUMN POST STONE CLADDED FINISH
	1800H POWDER COATED STEEL BLADE SECURITY FENCE ON MASONRY WALL STONE CLADDED WITH 400 X400 X1950H MASONRY COLUMN POST STONE CLADDED FINISH
	1800H COLORBOND STEEL FENCING & RETAINING WALL + EXISTING FENCE
	1800H COLORBOND STEEL FENCING + EXISTING FENCE
NOTE: - ALL EXISTING FENCING EXCEPT FOR BRONTE ROAD BOUNDARY TO REMAIN. NEW FENCING TO BE BUILT INSIDE THE BOUNDARY ADJACENT	

0m 1 2 5 7m
SCALE: 1:100

C	Development Application Re-Issue	09.11.2021
B	Development Application Re-Issue	16.08.2021
A	Development Application Issue	09.12.2020
No.	Amendment	Date

Project
SUMMITCARE - WAVERLEY
321 Bronte Road, Waverley, N.S.W - 2024

Drawing
SITE PLAN

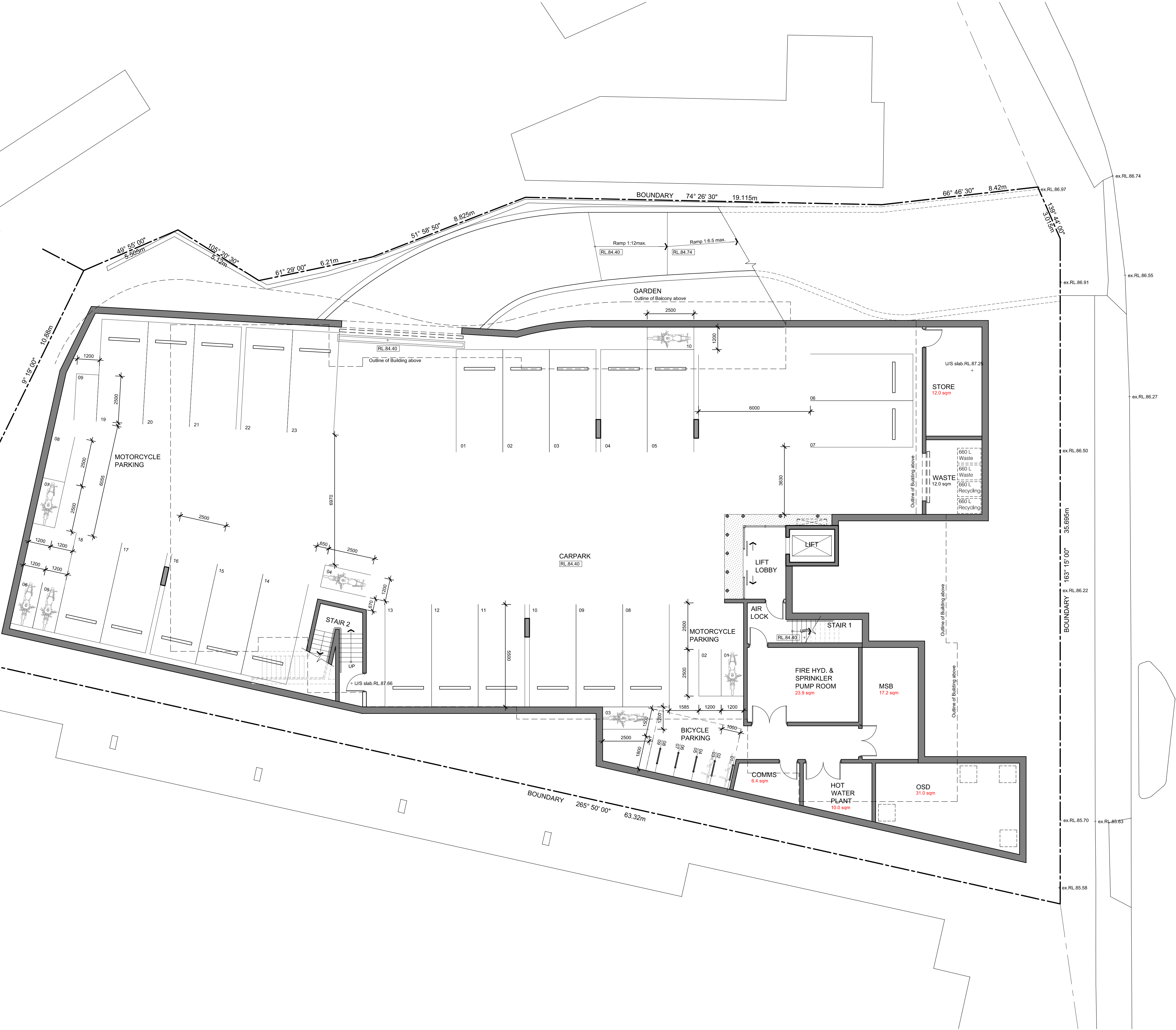
CENTURION GROUP
YOUR TRUSTED ADVISOR

SUMMITCARE
WORTH WORTH WELLBEING

boffa robertson group
architecture, health and aged care planning, project management
Suite 7, Level 1, Epica, 9 Railway Street
Cherrywood NSW 2067
AUSTRALIA
Tel: (02) 9406 7000
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Email: brgroup@brgr.net

Date	AUG 2020	Job No.	Drawing
Scale	1:100 @ A1		
Drawn	JN		2025 / DA03
Amendment	C		

RECEIVED
Waverley Council
Application No: DA-94/2021
Date Received: 12/11/2021



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LEGEND	
	BOUNDARY
	MASONRY WALL
	STUD WALL
	OUTLINE OF WALL ABOVE / BELOW
	ROOF OUTLINE
	EXISTING LEVELS
	PROPOSED LEVELS
	PROPOSED DOOR
	TREES TO BE REMOVED
	PROPOSED WINDOW

NOTES:
- N1: INTERNAL WALL-WETTING SPRINKLERS TO FIXED WINDOWS
- N2: INTERNAL WALL-WETTING SPRINKLERS TO AUTO DOOR

BASIX REQUIREMENTS				
	WATER	ENERGY	VENTILATION	LIGHTING
Shower Head	3 Star (+6 but <17.5 L/min)			
Flushing Toilet	4 Star			
Kitchen Taps	4 Star			
Bathroom Taps	4 Star			
HW Re-circulation	No			
Clothes washers	3 Star			
Hot water system		Central hot water system 1		
Bathroom			Individual fan, ducted to facade or roof. Insufficient to light	Yes (Dedicated)
Kitchens			Individual fan, ducted to facade or roof. Insufficient to light	Yes (Dedicated)
Laundries			Natural ventilation only, or no laundry	Yes (Dedicated)
Cooling & Heating Living area		1-phase airconditioning 2.5 star (OR label)		1 (Dedicated)
Bedrooms &/or study		-		1 (Dedicated)
Lounge &/or dining rooms			Ventilation (supply + exhaust), Time clock or BMS controlled	1 (Dedicated), Light-emitting diode, Time clock and motion sensors
Hallways				Yes (Dedicated)
Clothes drying		1.5 Star		Yes (Dedicated)
Refrigerator		3 Star		
Basement carpark			Ventilation (supply + exhaust), Carbon monoxide monitor + VSD fan	Light-emitting diode, Time clock and motion sensors
Lift		Geared traction with V.V.T motor (including basement)		Light-emitting diode, Connected to lift call button
Waste			Ventilation exhaust only	Light-emitting diode, Motion sensors
Pump			Ventilation (supply + exhaust), Thermostatically controlled	Light-emitting diode, Motion sensors
Store			No mechanical ventilation	Light-emitting diode, Motion sensors
Comms			No mechanical ventilation	Light-emitting diode, Motion sensors
GF corridors & L1 Corridors			No mechanical ventilation	Light-emitting diode, Motion sensors
Alternative energy supply		Photovoltaic system, Rated electrical output (min): 19.0 peak kW		



C	Development Application Re-Issue	09.11.2021
B	Development Application Re-Issue	16.08.2021
A	Development Application Issue	09.12.2020
No.	Amendment	Date

Project
SUMMITCARE - WAVERLEY
321 Bronte Road, Waverley, N.S.W - 2024

Drawing
BASEMENT FLOOR PLAN

CENTURIUM GROUP
YOUR TRUSTED ADVISOR

SUMMITCARE
WORTH WORTH WELLBEING

boffa robertson group
architecture, health and aged care planning, project management
Suite 7, Level 1, Epica, 9 Railway Street
Cherrywood NSW 2067
AUSTRALIA
Tel: (02) 9406 7000
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Email: brgroup@brgr.net

Date	AUG 2020	Job No.	Drawing
Scale	1:100 @ A1		
Drawn	AL		
Amendment	C		
		2025 /	DA04

RECEIVED
Waverley Council
Application No: DA-94/2021
Date Received: 12/11/2021

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current Codes and Standards are to be notified immediately.

LEGEND

	BOUNDARY
	MASONRY WALL
	STUD WALL
	OUTLINE OF WALL ABOVE / BELOW
	ROOF OUTLINE
	EXISTING LEVELS
	PROPOSED LEVELS
	PROPOSED DOOR
	TREES TO BE REMOVED
	PROPOSED WINDOW

NOTES:
- N1: INTERNAL WALL-WETTING SPRINKLERS
TO FIXED WINDOWS
- N2: INTERNAL WALL-WETTING SPRINKLERS
TO AUTO DOOR

BASIS REQUIREMENTS

	WATER	ENERGY	VENTILATION	LIGHTING
Shower Head	3 Star (+6 but <17.2 L/min)			
Flushing Toilet	4 Star			
Kitchen Taps	4 Star			
Bathroom Taps	4 Star			
HW Re-circulation	No			
Clothes washers	3 Star	Central hot water system 1	Individual fan, ducted to facade or roof. Individual to light	Yes (Dedicated)
Hot water system				
Bathroom			Individual fan, ducted to facade or roof. Individual to light	Yes (Dedicated)
Kitchens			Natural ventilation only, or no laundry	Yes (Dedicated)
Laundries				1 (Dedicated)
Cooling & Heating Living area		1-phase air conditioning 2.5 star (OR label)		1 (Dedicated)
Bedrooms &/or study				1 (Dedicated)
Lounge &/or dining rooms			Verification (supply + exhaust) Time clock or BMS controlled	Light-emitting diode Time clock and motion sensors
Hallways				Yes (Dedicated)
Clothes drying		1.5 Star		
Refrigerator		3 Star		
Basement carpark			Verification (supply + exhaust) Carbon monoxide monitor + VSD fan	Light-emitting diode Time clock and motion sensors
Lift			Geared traction with V/F motor Number of levels (including basement)	Light-emitting diode Connected to lift call button
Waste			Verification exhaust only	Light-emitting diode Motion sensors
Pump			Verification (supply + exhaust) Thermally controlled	Light-emitting diode Motion sensors
Store			No mechanical ventilation	Light-emitting diode Motion sensors
Comms			No mechanical ventilation	Light-emitting diode Motion sensors
GF corridors & L1 Corridors			No mechanical ventilation	Light-emitting diode Motion sensors
Alternative energy supply		Photovoltaic system. Rated electrical output (min): 19.0 peak kW		

BRONTE ROAD

Gas meter & regulator assembly

FH & FH.sprinkler booster assembly

Water metre assembly

0m 1 2 5 7m
SCALE: 1:100

C	Development Application Re-Issue	09.11.2021
B	Development Application Re-Issue	16.08.2021
A	Development Application Issue	09.12.2020
No.	Amendment	Date

Project
SUMMITCARE - WAVERLEY
321 Bronte Road, Waverley, N.S.W - 2024

Drawing
GROUND FLOOR PLAN

CENTURIUM GROUP

YOUR TRUSTED ADVISOR

SUMMITCARE
ALTHOUGH WORTH WELLBEING

boffa robertson group
architecture, health and aged care planning, project management

boffa robertson group
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Tel: (02) 9406 7000
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Email: brgroup@brgr.net

Date	AUG 2020	Job No.	Drawing
Scale	1:100 @ A1		
Drawn	AL		2025 / DA05
Amendment	C		

DEVELOPMENT STATISTICS

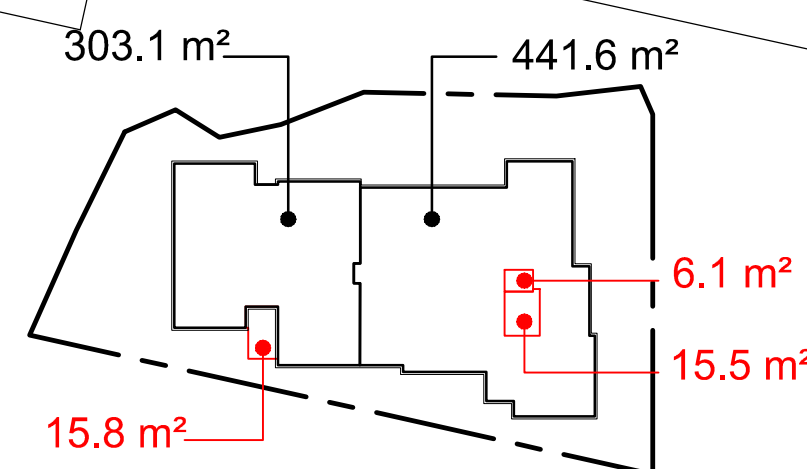
SITE AREA	1,718.0 m ²	BREAKDOWN AREAS	
BCA FLOOR AREA		1 BEDROOM AREA (TYPICAL)	34.6 m ²
GROSS FLOOR AREA		CARPARKING	23 spaces
BASEMENT.FL.	1,026.36 m ²		
GROUND FL.	782.37 m ²	LANDSCAPE AREA	
FIRST FL.	687.45 m ²	LANDSCAPE AREA	553.72 m ²
SECOND FL.	444.32 m ²	LANDSCAPE AREA PER BED	13.51 m ²
TOTAL	2,940.50 m ²	DEEP SOIL CALCULATION	
FSR	1.1 : 1	REFER TO LANDSCAPE FOR DETAILS	

ACOUSTIC REQUIREMENTS

Space / Activity Type	Recommended Design Sound Levels
Common Areas (e.g. foyer, lobby)	45 - 50 dB (A) Leq
Living Areas (e.g. common, lounges)	35 - 45 dB (A) Leq
Sleeping Areas (night time)	35 - 40 dB (A) Leq
Work areas (e.g. concierge, administration)	35 - 45 dB (A) Leq

SOLAR & DAYLIGHT ACCESS

Suite Number - Ground Floor	NO.	Hours of Direct Sunlight
Suite 01, 02, 14 & 15	4	3
Suite 08, 09, 10 & 11	4	2
Suite 12, 13	2	7
Suite Number - First Floor		Hours of Direct Sunlight
Suite 14 & 15	2	3
Suite 05, 06, 07 & 08	4	2
Suite 09, 10, 11, 12 & 13	5	7
Suite Number - Second Floor		Hours of Direct Sunlight
Suite 06, 07, 08, 09 & 10	5	7
Total	26	
Total number of Suite receiving direct sunlight = 26 OF 41 (63%)		



SMOKE COMPARTMENTATION

AMENDED PLANS

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LEGEND

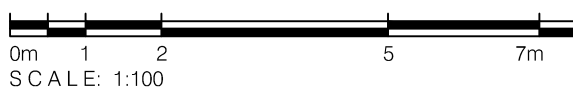
	BOUNDARY
	MASONRY WALL
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	OUTLINE OF WALL ABOVE / BELOW
	ROOF OUTLINE
	EXISTING LEVELS
	PROPOSED LEVELS
	PROPOSED DOOR
	TREES TO BE REMOVED
	PROPOSED WINDOW

NOTES:
- N1: INTERNAL WALL-WETTING SPRINKLERS TO FIXED WINDOWS
- N2: INTERNAL WALL-WETTING SPRINKLERS TO AUTO DOOR

BASIS REQUIREMENTS

	WATER	ENERGY	VENTILATION	LIGHTING
Shower Head	3 Star (+6 but <172 L/min)			
Flushing Toilet	4 Star			
Kitchen Taps	4 Star			
Bathroom Taps	4 Star			
HW Re-circulation	No			
Clothes washers	3 Star			
Hot water system		Central hot water system 1		
Bathroom			Individual fan, ducted to facade or roof. Insufficient to light	Yes (Dedicated)
Kitchens			Individual fan, ducted to facade or roof. Insufficient to light	Yes (Dedicated)
Laundries			Natural ventilation only, or no laundry	Yes (Dedicated)
Cooling & Heating Living area		1-phase air conditioning 2.5 star (OR label)		1 (Dedicated)
Bedrooms &/or study				1 (Dedicated)
Lounge &/or dining rooms			Ventilation (supply + exhaust) Time clock or BMS controlled	1 (Dedicated), Light-emitting diode Time clock and motion sensors
Hallways				Yes (Dedicated)
Clothes drying		1.5 Star		
Refrigerator		3 Star		
Basement carpark			Ventilation (supply + exhaust) Carbon monoxide monitor + VSD fan	Light-emitting diode Time clock and motion sensors
Lift			Geared traction with V/F motor (including basement)	Light-emitting diode Connected to lift call button
Waste			Ventilation exhaust only	Light-emitting diode Motion sensors
Pump			Ventilation (supply + exhaust) Thermoelectrically controlled	Light-emitting diode Motion sensors
Store			No mechanical ventilation	Light-emitting diode Motion sensors
Comms			No mechanical ventilation	Light-emitting diode Motion sensors
GF corridors & L1 Corridors			No mechanical ventilation	Light-emitting diode Motion sensors
Alternative energy supply		Photovoltaic system, Rated electrical output (min): 19.0 peak kW		

BRONTE ROAD



C	Development Application Re-Issue	09.11.2021
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Project
SUMMITCARE - WAVERLEY
321 Bronte Road, Waverley, N.S.W - 2024

Drawing
FIRST FLOOR PLAN

CENTURIUM GROUP
YOUR TRUSTED ADVISOR

SUMMITCARE
ALTHOUGH WORTH WELLBEING

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Date	AUG 2020	Job No.	Drawing
Scale	1:100 @ A1		
Drawn	AL	2025 /	DA06
Amendment	C		

BRICK & CONCRETE BUILDING METAL ROOF

NO.319A
BRICK RESIDENCE
TILE ROOF

BRICK & CONCRETE BUILDING METAL ROOF
ST. CATHERINE'S SCHOOL
BRICK & CONCRETE BUILDING METAL ROOF

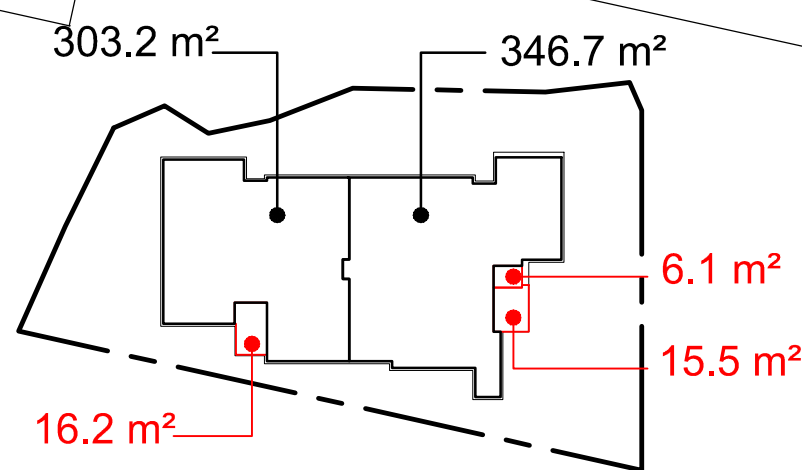
DEVELOPMENT STATISTICS		
SITE AREA	1,718.0 m ²	
BCA FLOOR AREA	GROSS FLOOR AREA	
BASEMENT.FL.	1,026.36 m ²	-
GROUND FL.	782.37 m ²	776.4 m ²
FIRST FL.	687.45 m ²	682.5 m ²
SECOND FL.	444.32 m ²	425.6 m ²
TOTAL	2,940.50 m ²	1,884.5 m ²
FSR	1.1 : 1	

BREAKDOWN AREAS	
1 BEDROOM AREA (TYPICAL)	34.6 m ²
CARPARKING	
CARPARKING	23 spaces
LANDSCAPE AREA	
LANDSCAPE AREA	553.72 m ²
LANDSCAPE AREA PER BED	13.51 m ²
DEEP SOIL CALCULATION	
REFER TO LANDSCAPE FOR DETAILS	

RESIDENT ACCOMMODATION				
GROUND	FIRST	SECOND	TOTAL	
15	16	10	41	
INDOOR COMMON			124.5 m ²	
OUTDOOR COMMON (BALCONY / DECK)			377.1 m ²	
TOTAL COMMON AREAS			501.6 m ²	
TERRACE/BALCONY			133.4 m ²	

ACOUSTIC REQUIREMENTS	
Space / Activity Type	Recommended Design Sound Levels
Common Areas (e.g. foyer, lobby)	45 - 50 dB (A) Leq
Living Areas (e.g. common, lounges)	35 - 45 dB (A) Leq
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SOLAR & DAYLIGHT ACCESS		
Suite Number - Ground Floor	NO.	Hours of Direct Sunlight
Suite 01, 02, 14 & 15	4	3
Suite 08, 09, 10 & 11	4	2
Suite 12, 13	2	7
Suite Number - First Floor		Hours of Direct Sunlight
Suite 14 & 15	2	3
Suite 05, 06, 07 & 08	4	2
Suite 09, 10, 11, 12 & 13	5	7
Suite Number - Second Floor		Hours of Direct Sunlight
Suite 06, 07, 08, 09 & 10	5	7
Total	26	
Total number of Suite receiving direct sunlight = 26 OF 41 (63%)		



SMOKE COMPARTMENTATION

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-94/2021

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LEGEND

	BOUNDARY
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	STUD WALL
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NOTES:
- N1: INTERNAL WALL-WETTING SPRINKLERS TO FIXED WINDOWS
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BASIX REQUIREMENTS

	WATER	ENERGY	VENTILATION	LIGHTING
Shower Head	3 Star (+6 but <17.5 L/min)			
Flushing Toilet	4 Star			
Kitchen Taps	4 Star			
Bathroom Taps	4 Star			
HW Re-circulation	No			
Clothes washers	3 Star			
Hot water system		Central hot water system 1		
Bathroom			Individual fan, ducted to facade or roof. Insulated to light	Yes (Dedicated)
Kitchens			Individual fan, ducted to facade or roof. Insulated to light	Yes (Dedicated)
Laundries			Natural ventilation only, or no laundry	Yes (Dedicated)
Cooling & Heating Living area		1-phase air conditioning 2.5 star (OR label)		1 (Dedicated)
Bedrooms &/or study		-		1 (Dedicated)
Lounge &/or dining rooms			Ventilation (supply + exhaust), Time clock or BMS controlled	1 (Dedicated), Light-emitting diode, Time clock and motion sensors
Hallways				Yes (Dedicated)
Clothes drying		1.5 Star		Yes (Dedicated)
Refrigerator		3 Star		
Basement carpark			Ventilation (supply + exhaust), Carbon monoxide monitor + VSD fan	Light-emitting diode, Time clock and motion sensors
Lift		Gearless traction with V/F motor, Number of levels (including basement)		Light-emitting diode, Connected to lift call button
Waste			Ventilation exhaust only	Light-emitting diode, Motion sensors
Pump			Ventilation (supply + exhaust), Thermoelectrically controlled	Light-emitting diode, Motion sensors
Store			No mechanical ventilation	Light-emitting diode, Motion sensors
Comms			No mechanical ventilation	Light-emitting diode, Motion sensors
GF corridors & L1 Corridors			No mechanical ventilation	Light-emitting diode, Motion sensors
Alternative energy supply		Photovoltaic system, Rated electrical output (min): 19.0 peak kW		

BRONTE ROAD



DEVELOPMENT STATISTICS

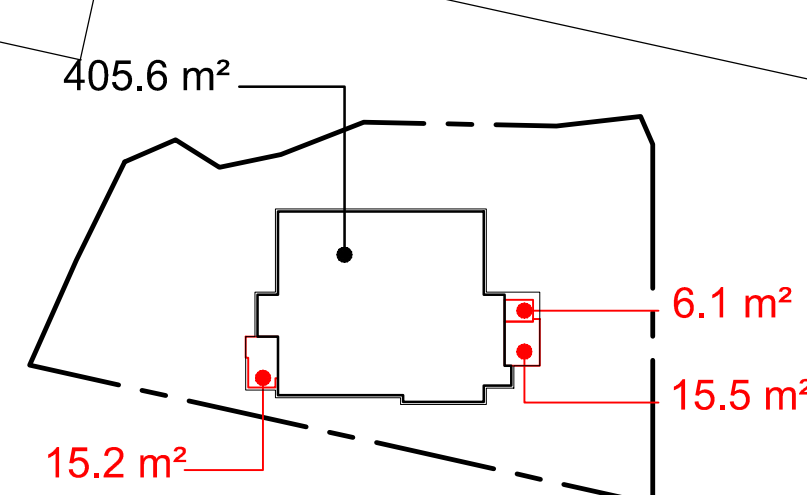
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BCA FLOOR AREA	GROSS FLOOR AREA	1 BEDROOM AREA (TYPICAL) 34.6 m ²
BASEMENT.FL.	1,026.36 m ²	CARPARKING 23 spaces
GROUND FL.	782.37 m ²	LANDSCAPE AREA 553.72 m ²
FIRST FL.	687.45 m ²	LANDSCAPE AREA PER BED 13.51 m ²
SECOND FL.	444.32 m ²	DEEP SOIL CALCULATION
TOTAL	2,940.50 m ²	REFER TO LANDSCAPE FOR DETAILS
FSR	1.1 : 1	

ACOUSTIC REQUIREMENTS

Space / Activity Type	Recommended Design Sound Levels
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SOLAR & DAYLIGHT ACCESS

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Suite 12, 13	2	7
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Suite 14 & 15	2	3
Suite 05, 06, 07 & 08	4	2
Suite 09, 10, 11, 12 & 13	5	7
Suite Number - Second Floor		Hours of Direct Sunlight
Suite 06, 07, 08, 09 & 10	5	7
Total	26	
Total number of Suite receiving direct sunlight = 26 OF 41 (63%)		



SMOKE COMPARTMENTATION



C	Development Application Re-Issue	09.11.2021
B	Development Application Re-Issue	16.08.2021
A	Development Application Issue	09.12.2020
No.	Amendment	Date

Project
SUMMITCARE - WAVERLEY
321 Bronte Road, Waverley, N.S.W. - 2024

Drawing
SECOND FLOOR PLAN

CENTURION GROUP

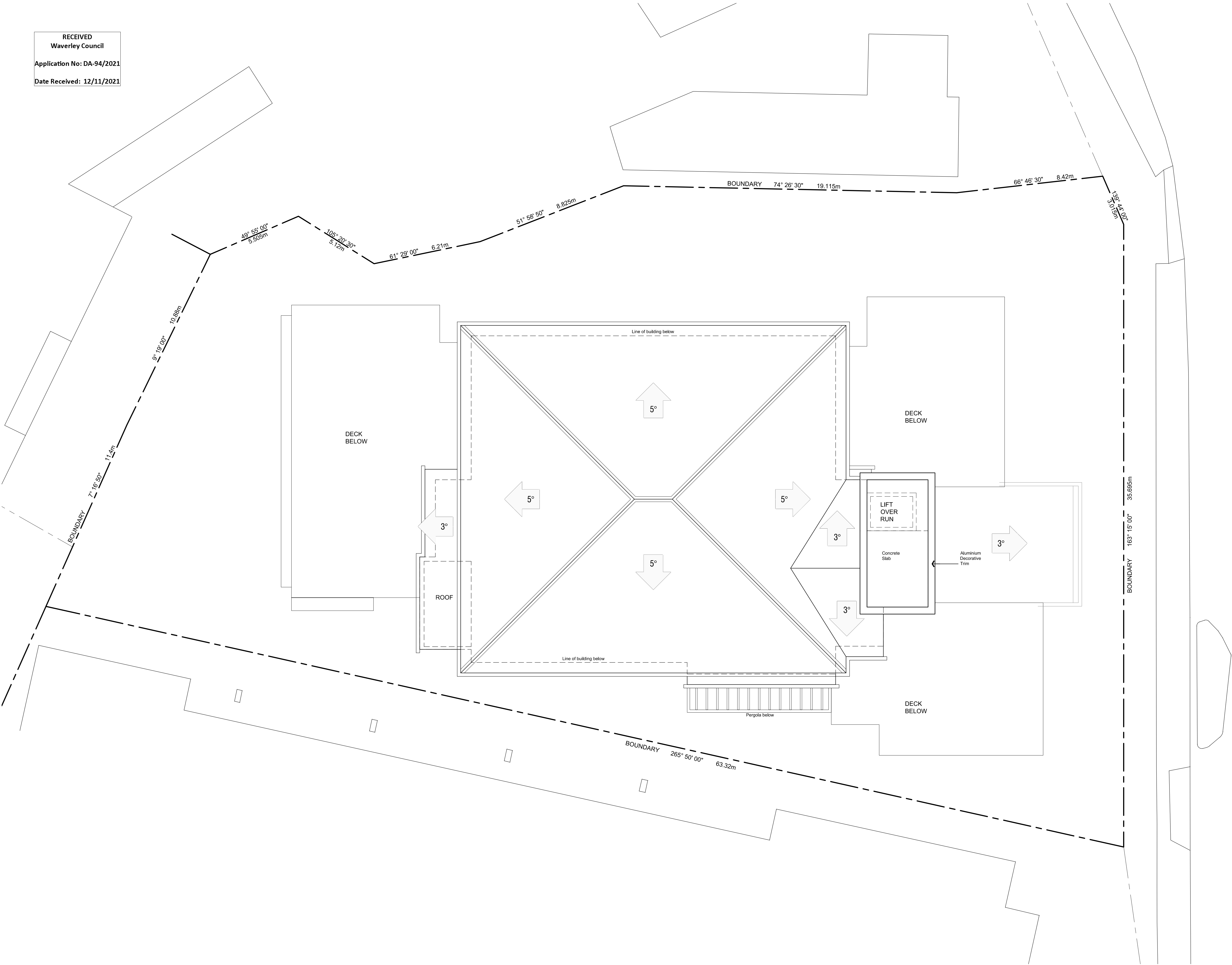
YOUR TRUSTED ADVISOR

SUMMITCARE
BURNING WORTH WELLBEING

boffa robertson group
architecture, health and aged care planning, project management
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AUSTRALIA
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Date	AUG 2020	Job No.	Drawing
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Drawn	AL	2025 /	DA07
Amendment	C		

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Waverley Council
Application No: DA-94/2021
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LEGEND

PROPOSED ROOF PITCH AND FALL DIRECTION

OUTLINE OF BUILDING BELOW

NEW ROOF

PROPOSED LEVELS

DOWNPIPE

ROOF COWL

NOTE:

- N1: INTERNAL WALL-WETTING SPRINKLERS TO FIXED WINDOWS

- N2: INTERNAL WALL-WETTING SPRINKLERS TO AUTO DOOR

BASIS REQUIREMENTS				
	WATER	ENERGY	VENTILATION	LIGHTING
Shower Head	3 Star (<6 but <=7.5 L / min)			
Flushing Toilet	4 Star			
Kitchen Taps	4 Star			
Bathroom Taps	4 Star			
HW Re-circulation	No			
Clothes washers	3 Star			
Hot water system		Central hot water system 1		
Bathroom			Individual fan, ducted to facade or roof, interlocked to light	Yes (Dedicated)
Kitchens			Individual fan, ducted to facade or roof, interlocked to light	Yes (Dedicated)
Laundries			Natural ventilation only, or no laundry	Yes (Dedicated)
Cooling & Heating Living area		1-phase airconditioning 2.5 star (CH rated)		1 (Dedicated)
Bedrooms &/or study		*		1 (Dedicated)
Lounge &/or dining rooms			Ventilation (supply + exhaust) Time clock or BMS controlled	1 (Dedicated), Light-emitting diode, Time clock and motion sensors
Hallways				Yes (Dedicated)
Clothes drying		1.5 Star		Yes (Dedicated)
Refrigerator		3 Star		
Basement carpark			Ventilation (supply + exhaust) Carbon monoxide monitor + VSD fan	Light-emitting diode, Time clock and motion sensors
Lift		Gearless traction with/ V V F motor, Number of levels (including basement)		Light-emitting diode, Connected to lift call button
Waste			Ventilation exhaust only	Light-emitting diode, Motion sensors
Pump			Ventilation (supply + exhaust), Thermostatically controlled	Light-emitting diode, Motion sensors
Store			No mechanical ventilation	Light-emitting diode, Motion sensors
Comm's			No mechanical ventilation	Light-emitting diode, Motion sensors
GF corridors & Lt Corridors			No mechanical ventilation	
Alternative energy supply		Photovoltaic system, Rated electrical output (mtr), 19.0 peak kW		

B R O N T E R O A D

0m 1 2 5 7m		
SCALE: 1:100		
C	Development Application Re-Issue	09.11.2021
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Project
SUMMITCARE - WAVERLEY
321 Bronte Road, Waverley, N.S.W - 2024

Drawing
ROOF PLAN

CENTURION GROUP
YOUR TRUSTED ADVISOR

SUMMITCARE
WORTH WORTH WELLBEING

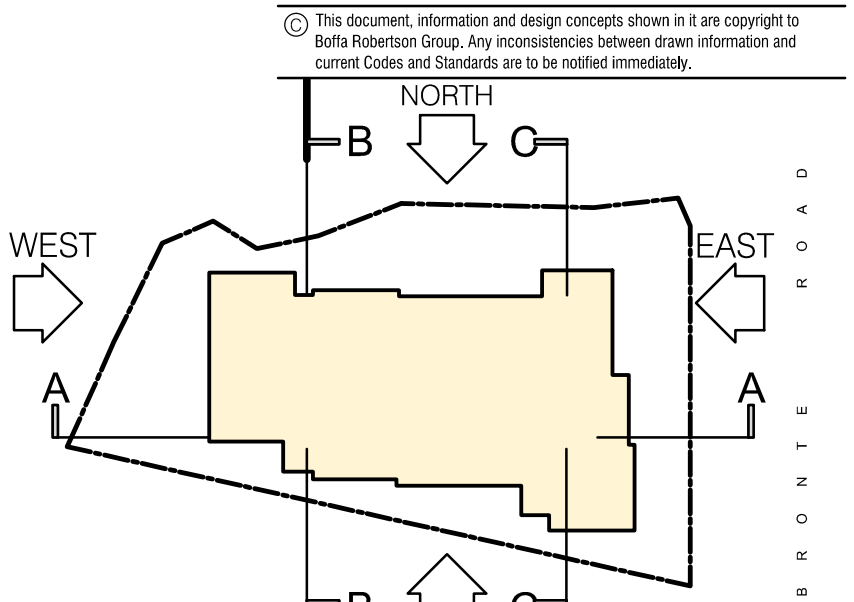
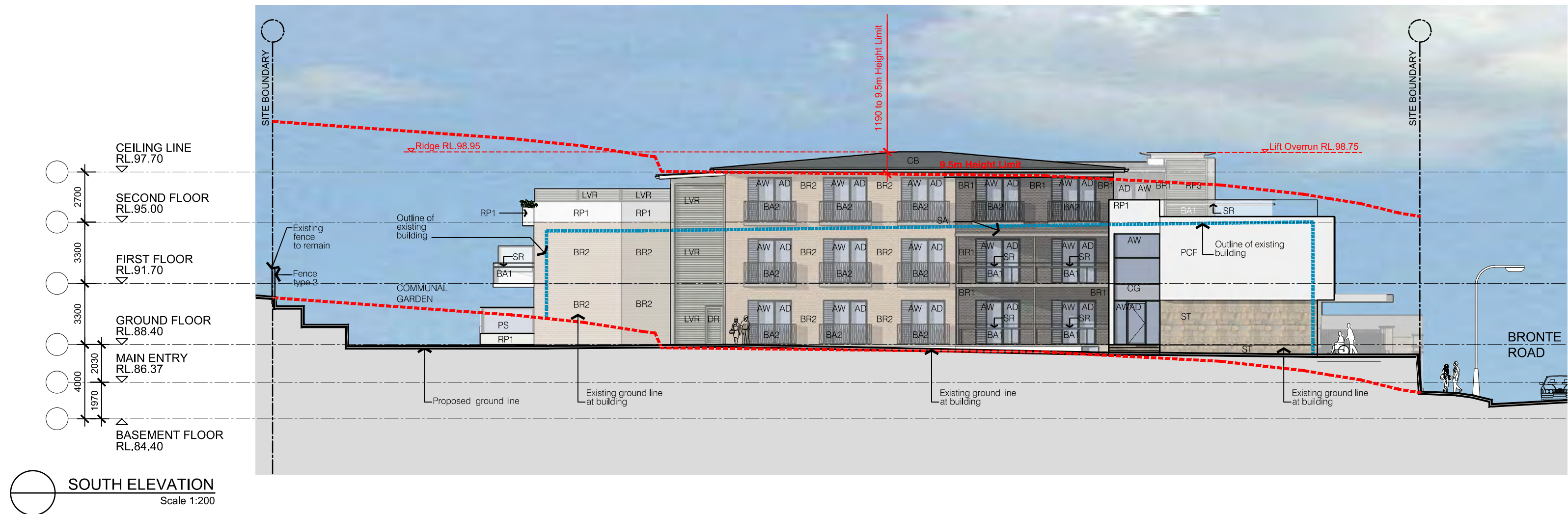
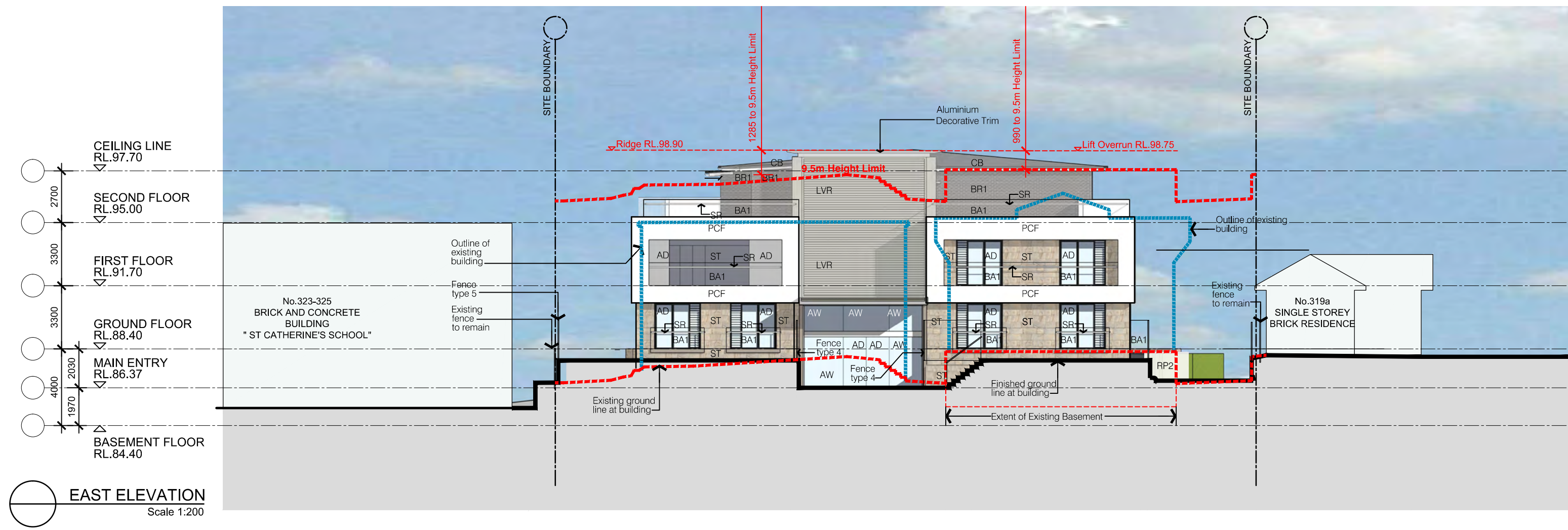
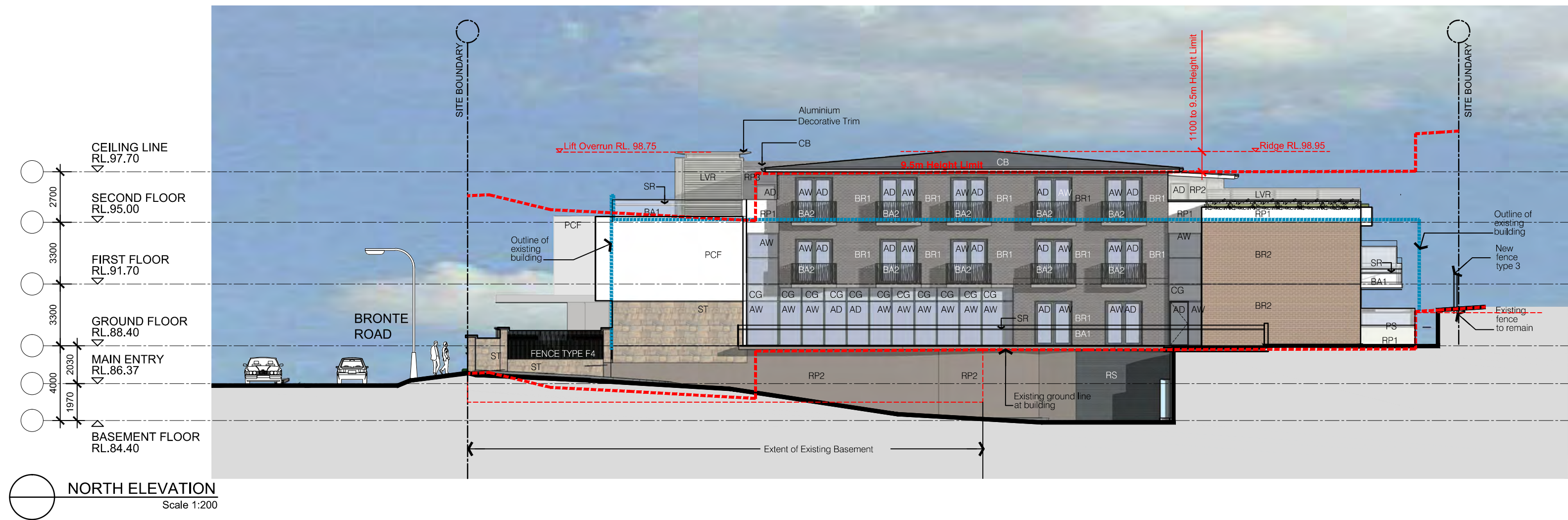
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Date	AUG 2020	Job No.	Drawing
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Drawn	AM		
Amendment	C		

2025 / DA08

RECEIVED
Waverley Council
Application No: DA-94/2021
Date Received: 12/11/2021



KEY PLAN

LEGEND

AD	ALUMINIUM FRAMED DOORS - COLOUR: SATIN SPANISH SILVER
AW	ALUMINIUM FRAMED WINDOWS COLOUR: SATIN SPANISH SILVER
BA1	BALUSTRADE - TYPE 1 (GLASS)
BA2	BALUSTRADE - TYPE 2 DECORATIVE, POWDER COAT FINISH, COLOUR: CHARCOAL SATIN
BR1	FACEBRICK TYPE 1 - AUSTRAL BRICK COLOUR: BOWRAL BLUE
BR2	FACEBRICK TYPE 2 - AUSTRAL BRICK COLOUR: SIMMENTAL SILVER
CB	ROOF, GUTTER AND DOWNPIPES COLOUR: COLORBOND IRON STONE
CC	CIRCULAR COLUMN - PAINTED COLOUR: DULUX WHISPER WHITE
CG	COLOURBACK GLAZING COLOUR: GREY EAGLE
DR	EXIT LOUVRE DOOR - COLOUR: DULUX DUNE
LVR	POWDERCOAT LOUVRE - COLOUR: DULUX DUNE
PCF	PAINTED COMPRESSED FIBRE CEMENT CLADDING COLOUR: DULUX WHISPER WHITE
PS	PRIVACY SCREEN 1500H ALUMINIUM SLAT FENCE COLOUR: DULUX GREY EAGLE
RP1	RENDERED AND PAINTED - COLOUR: DULUX WHISPER WHITE
RP2	RENDERED AND PAINTED - COLOUR: DULUX NATURAL STONE
RP3	RENDERED AND PAINTED - COLOUR: DULUX GREY EAGLE
RS	ROLLER SHUTTER - COLOURBOND IRONSTONE
SA	GALVANIZED STEEL AWNING COLOUR: DULUX POWDERCOAT CHARCOAL SATIN
SC	PAINTED SOLID CORE DOOR
SR	STAINLESS STEEL RAILING
ST	STONE VENEER CLADDING

0m	2	5	10	15m
SCALE : 1: 200 @ A1				
SCALE : 1: 400 @ A3				
C	Development Application Re-Issue	10.11.2021		
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Project
SUMMITCARE - WAYERLEY
321 Bronte Road, Waverley, N.S.W - 2024

Drawing
ELEVATIONS

CENTURION GROUP
YOUR TRUSTED ADVISOR

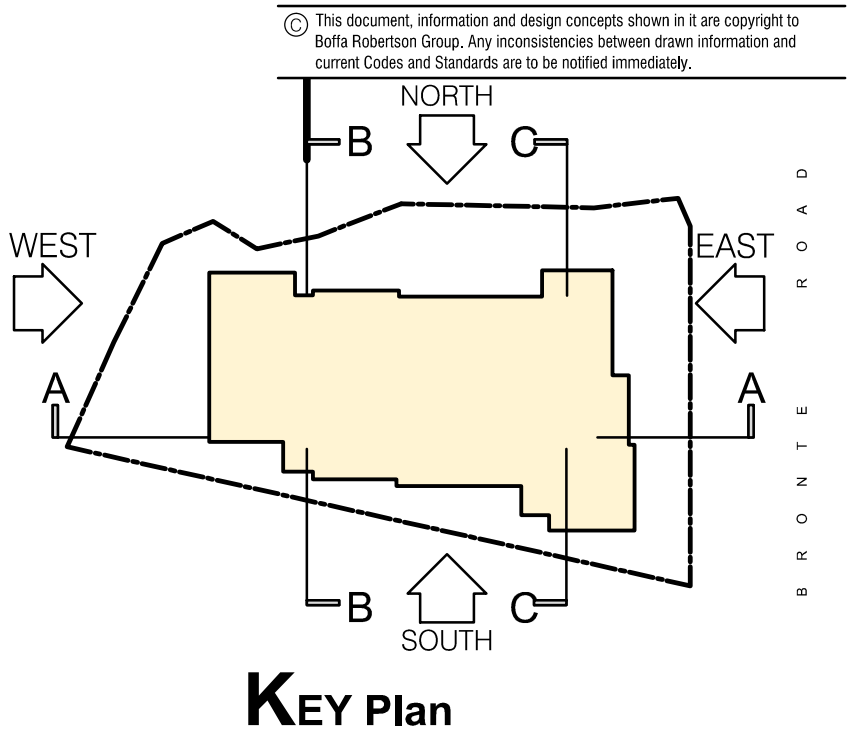
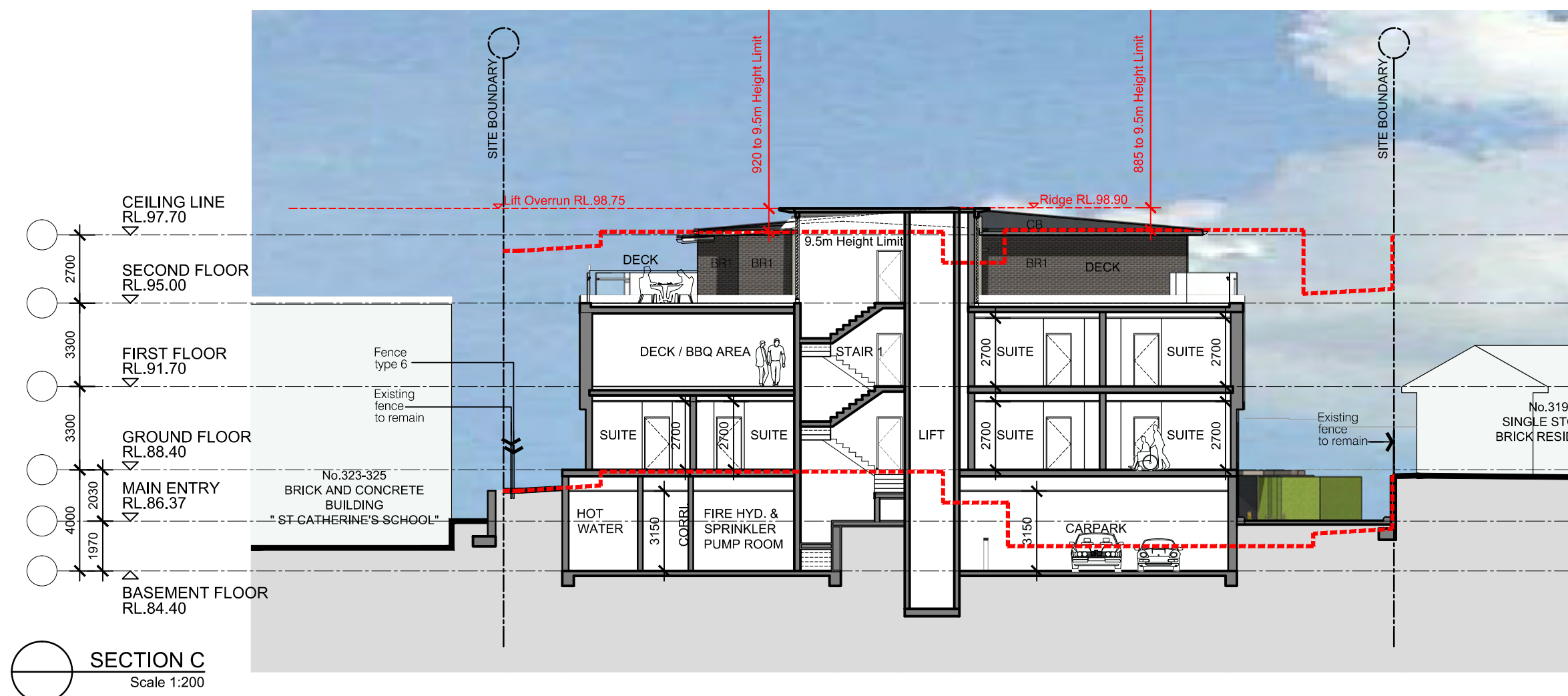
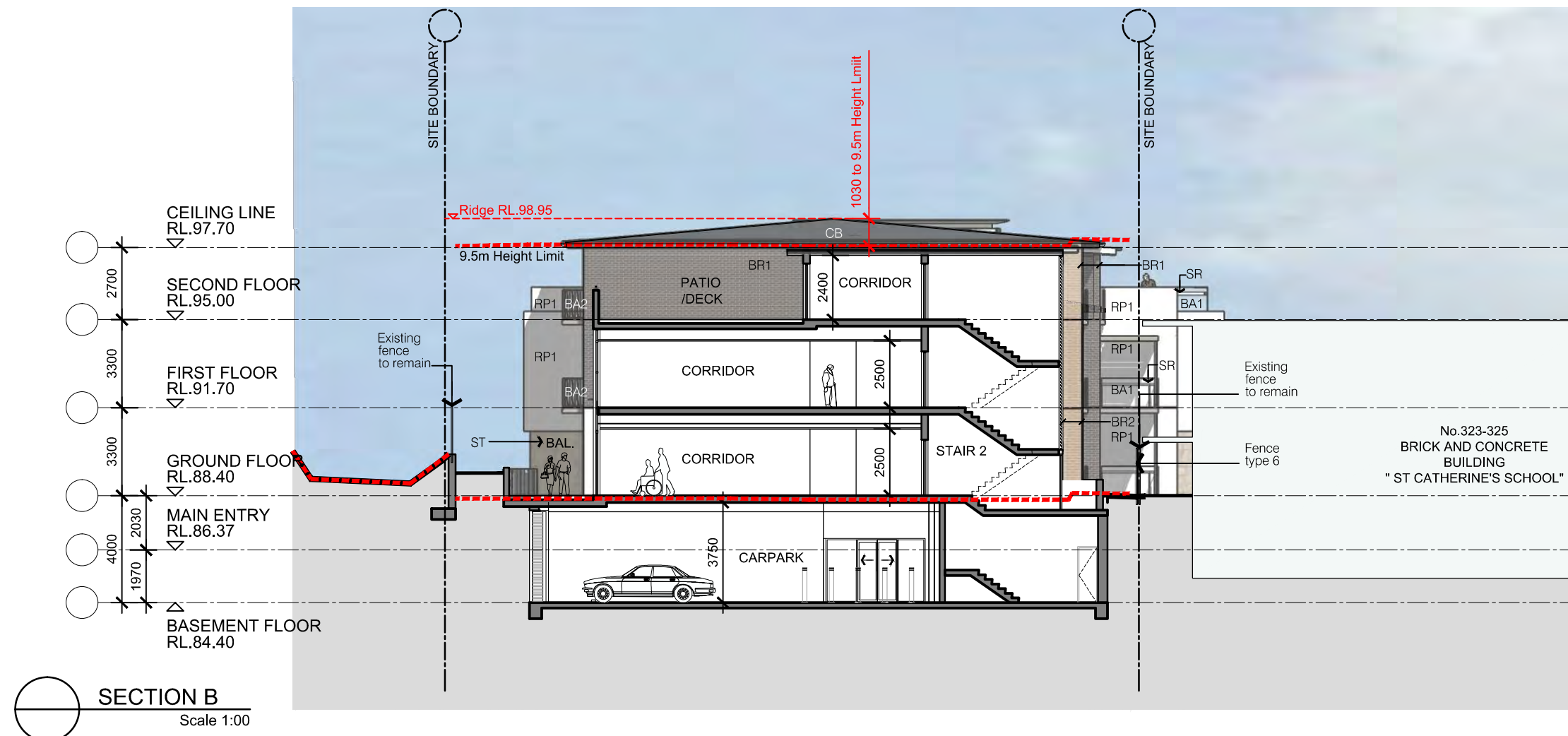
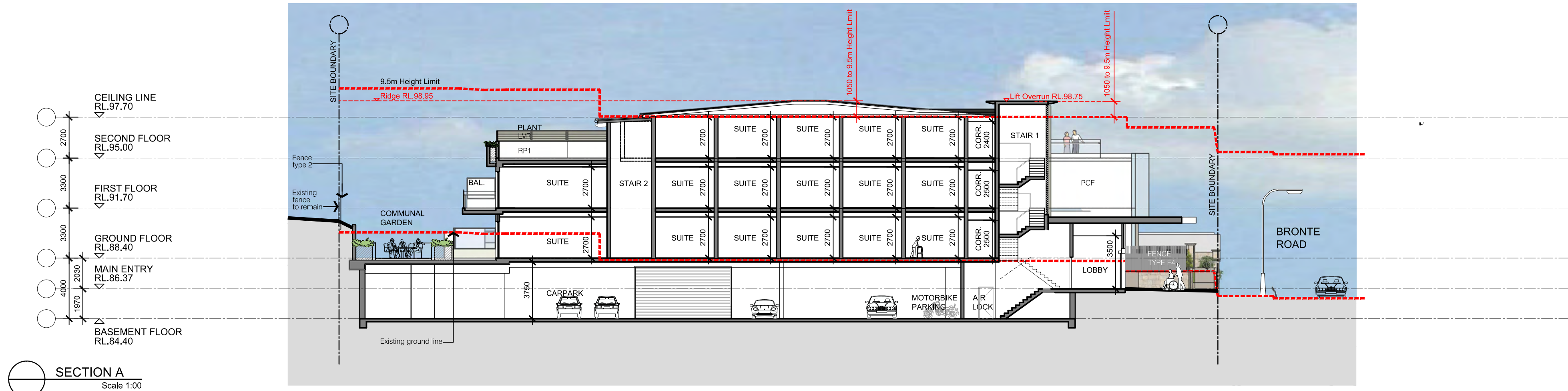
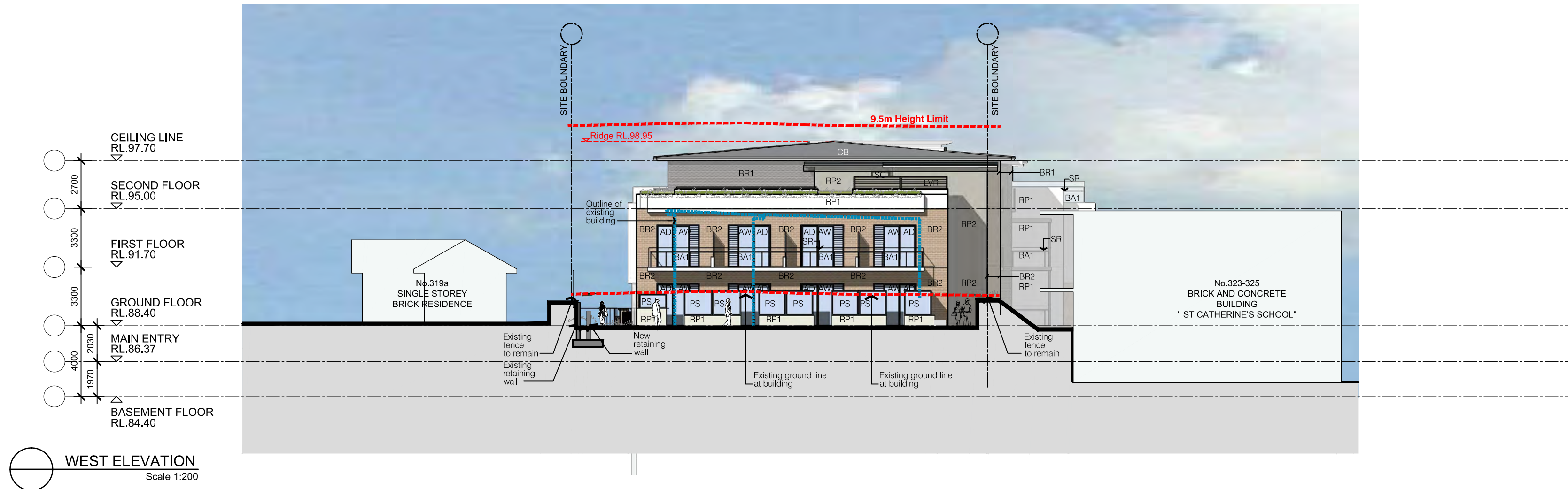
SUMMITCARE
BURNING WORTH WELLBEING

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Date	SEPT 2020	Job No.	Drawing
Scale	1:200 @ A1	2025 /	DA09
Drawn	JN		
Amendment	C		


AMENDED PLANS

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LEGEND

AD	ALUMINIUM FRAMED DOORS - COLOUR: SATIN SPANISH SILVER
AW	ALUMINIUM FRAMED WINDOWS COLOUR: SATIN SPANISH SILVER
BA1	BALUSTRADE - TYPE 1 (GLASS)
BA2	BALUSTRADE - TYPE 2 DECORATIVE, POWDER COAT FINISH, COLOUR: CHARCOAL SATIN
BR1	FACEBRICK TYPE 1 - AUSTRAL BRICK COLOUR: BOWRAL BLUE
BR2	FACEBRICK TYPE 2 - AUSTRAL BRICK COLOUR: SIMMENTAL SILVER
CB	ROOF, GUTTER AND DOWNPIPES COLOUR: COLORBOND IRON STONE
CC	CIRCULAR COLUMN - PAINTED COLOUR: DULUX WHISPER WHITE
CG	COLOURBACK GLAZING COLOUR: GREY EAGLE
DR	EXIT LOUVRE DOOR - COLOUR: DULUX DUNE
LVR	POWDERCOAT LOUVRE - COLOUR: DULUX DUNE
PCF	PAINTED COMPRESSED FIBRE CEMENT CLADDING COLOUR: DULUX WHISPER WHITE
PS	PRIVACY SCREEN 1500H ALUMINIUM SLAT FENCE COLOUR: DULUX GREY EAGLE
RP1	RENDERED AND PAINTED - COLOUR: DULUX WHISPER WHITE
RP2	RENDERED AND PAINTED - COLOUR: DULUX NATURAL STONE
RP3	RENDERED AND PAINTED - COLOUR: DULUX GREY EAGLE
RS	ROLLER SHUTTER - COLOURBOND IRONSTONE
SA	GALVANIZED STEEL AWNING COLOUR: DULUX POWDERCOAT CHARCOAL SATIN
SC	PAINTED SOLID CORE DOOR
SR	STAINLESS STEEL RAILING
ST	STONE VENEER CLADDING

		
0m 2 5 10 15m		
S C A L E : 1: 200 @ A1		
S C A L E : 1: 400 @ A3		
C	Development Application Re-Issue	10.11.2021
B	Development Application Re-Issue	16.08.2021
A	Development Application Issue	09.12.2020
No.	Amendment	Date

Project
SUMMITCARE - WAVERLEY
321 Bronte Road, Waverley, N.S.W - 2024
Drawing
ELEVATIONS & SECTIONS

CENTURION GROUP
YOUR TRUSTED ADVISOR

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Date	SEPT 2020	Job No.	Drawing
Scale	1:200 @ A1		
Drawn	JN		2025 / DA10
Amendment	C		

AMENDED PLANS



01 EAST STREET ELEVATION
Scale 1:200



02 EAST STREET ELEVATION - PROPOSED

C	Development Application Re-Issue	09.11.2021
B	Development Application Re-Issue	16.08.2021
A	Development Application Issue	09.12.2020
No.	Amendment	Date

Project
SUMMITCARE - WAVERLEY
321 Bronte Road, Waverley, N.S.W - 2024

Drawing
STREET ELEVATIONS - MONTAGE

CENTURION GROUP
YOUR TRUSTED ADVISOR

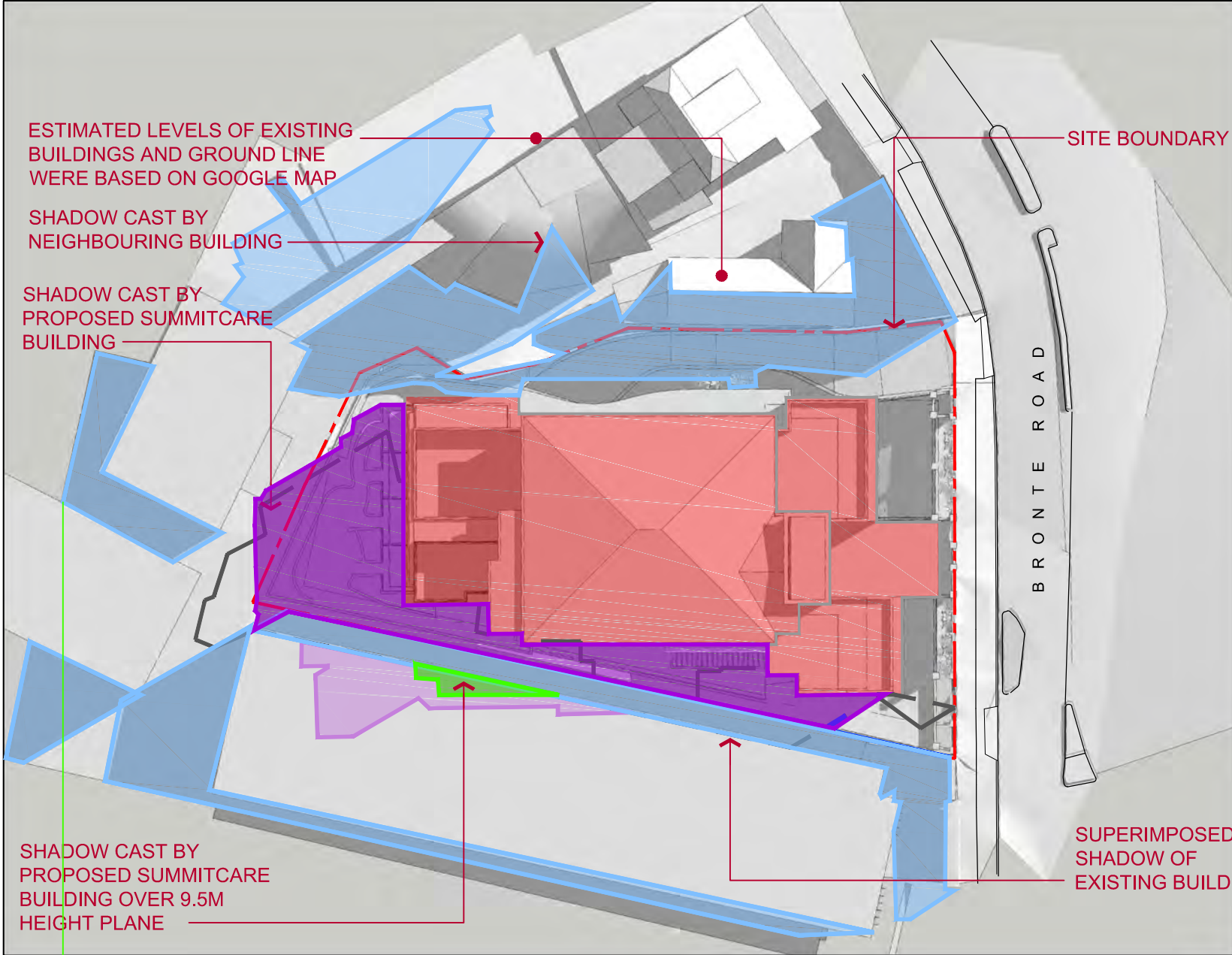
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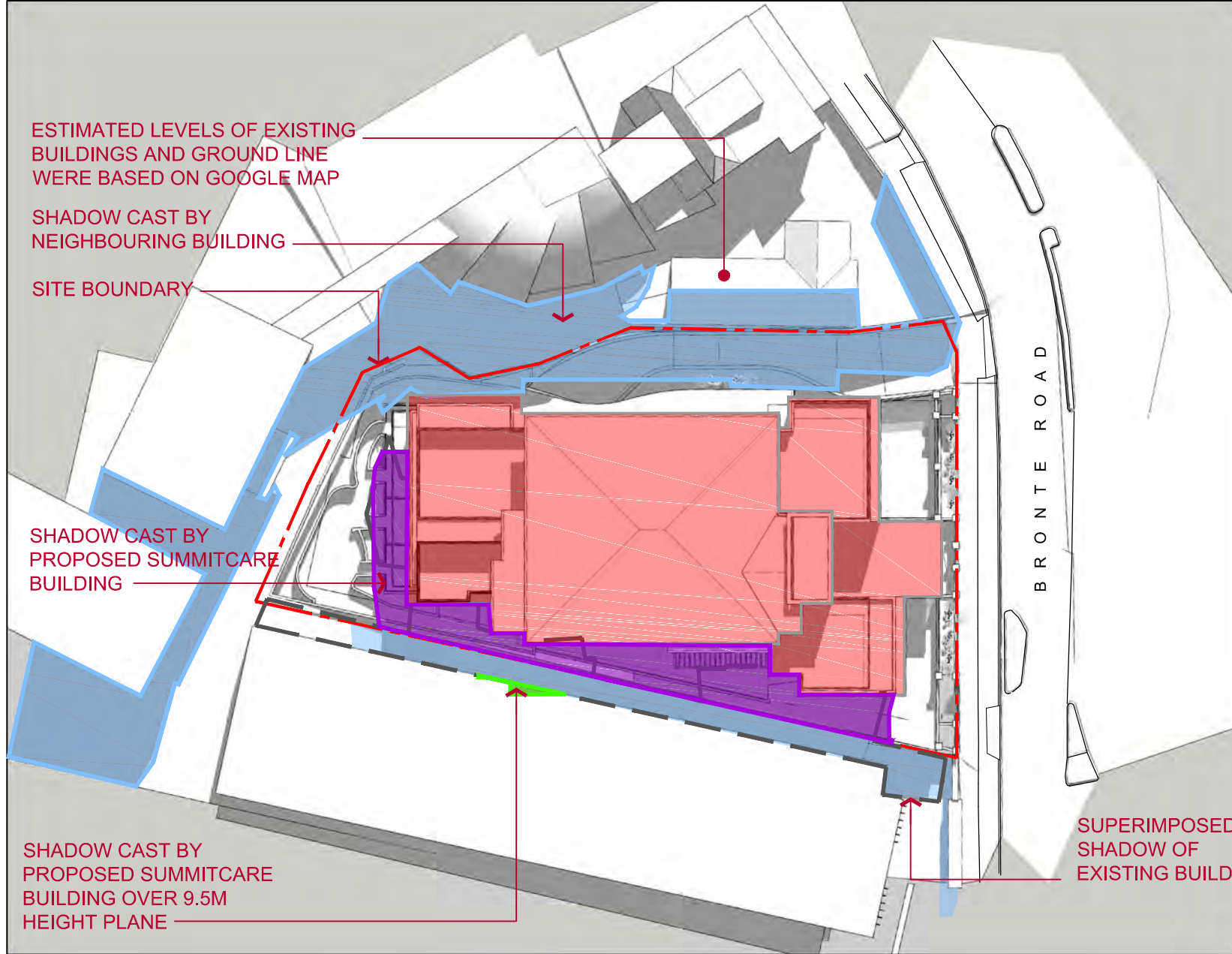
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Date	AUG 2020	Job No.	Drawing
Scale	NTS		
Drawn	SS		2025 / DA11
Amendment	C		

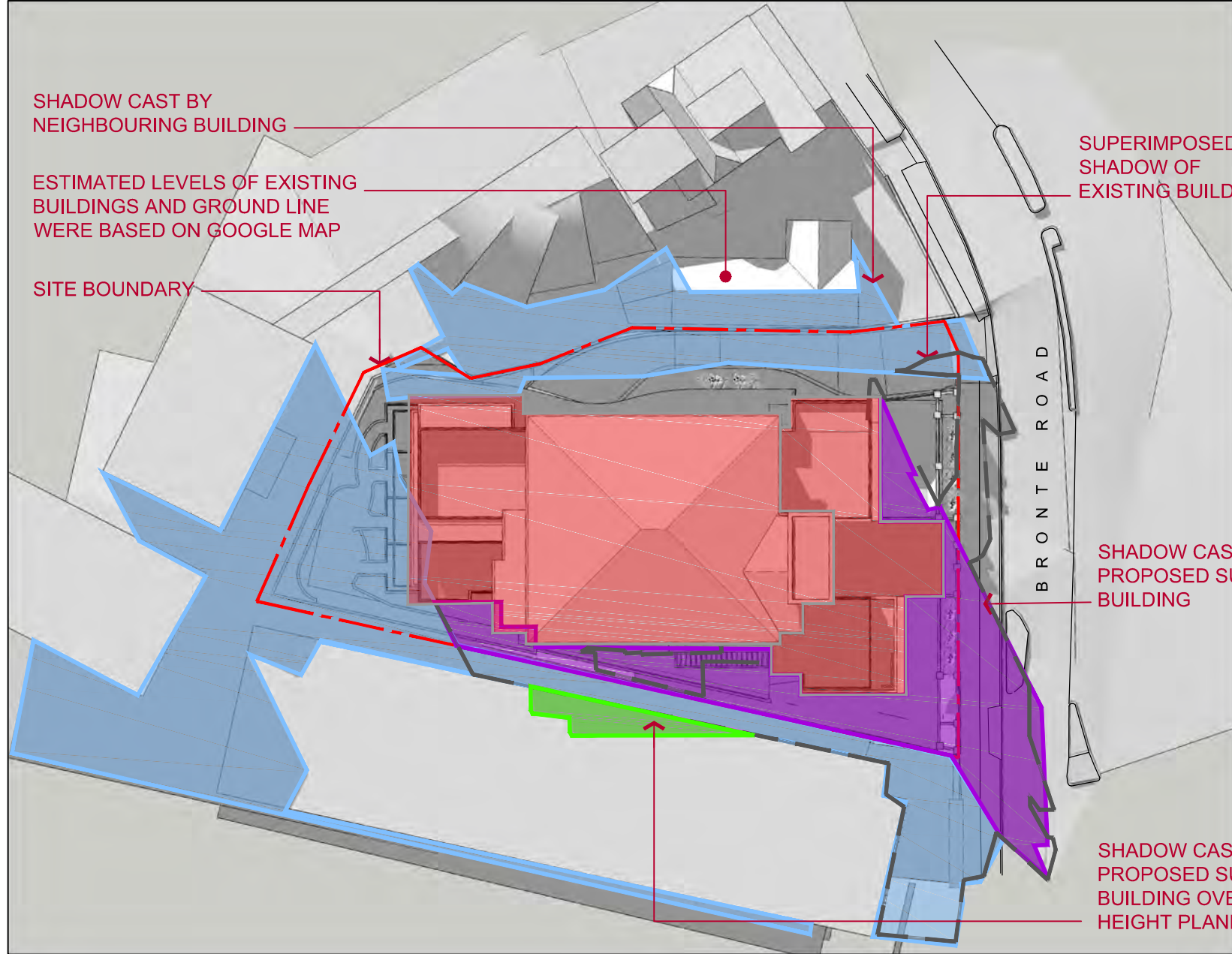
AMENDED PLANS



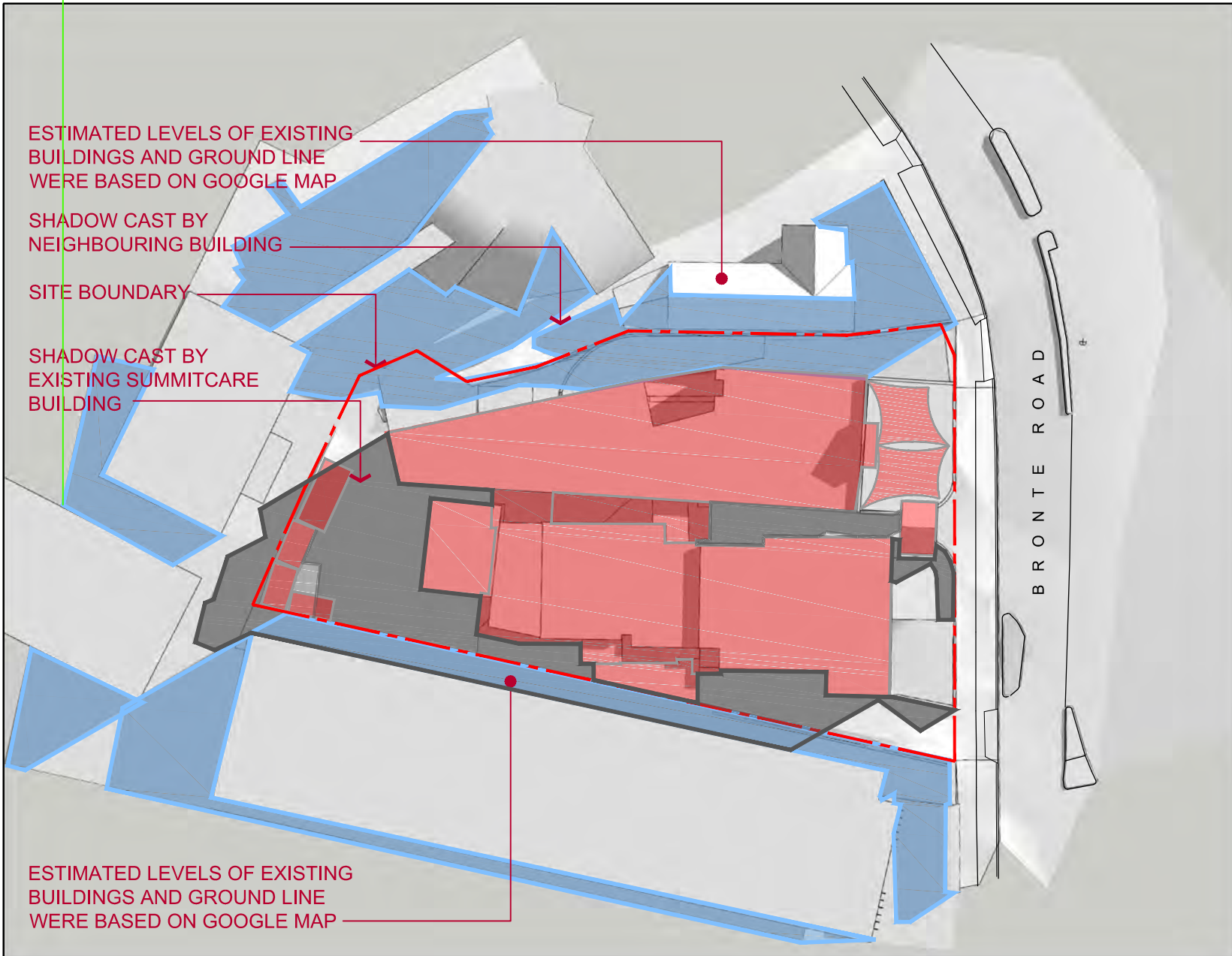
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PROPOSED



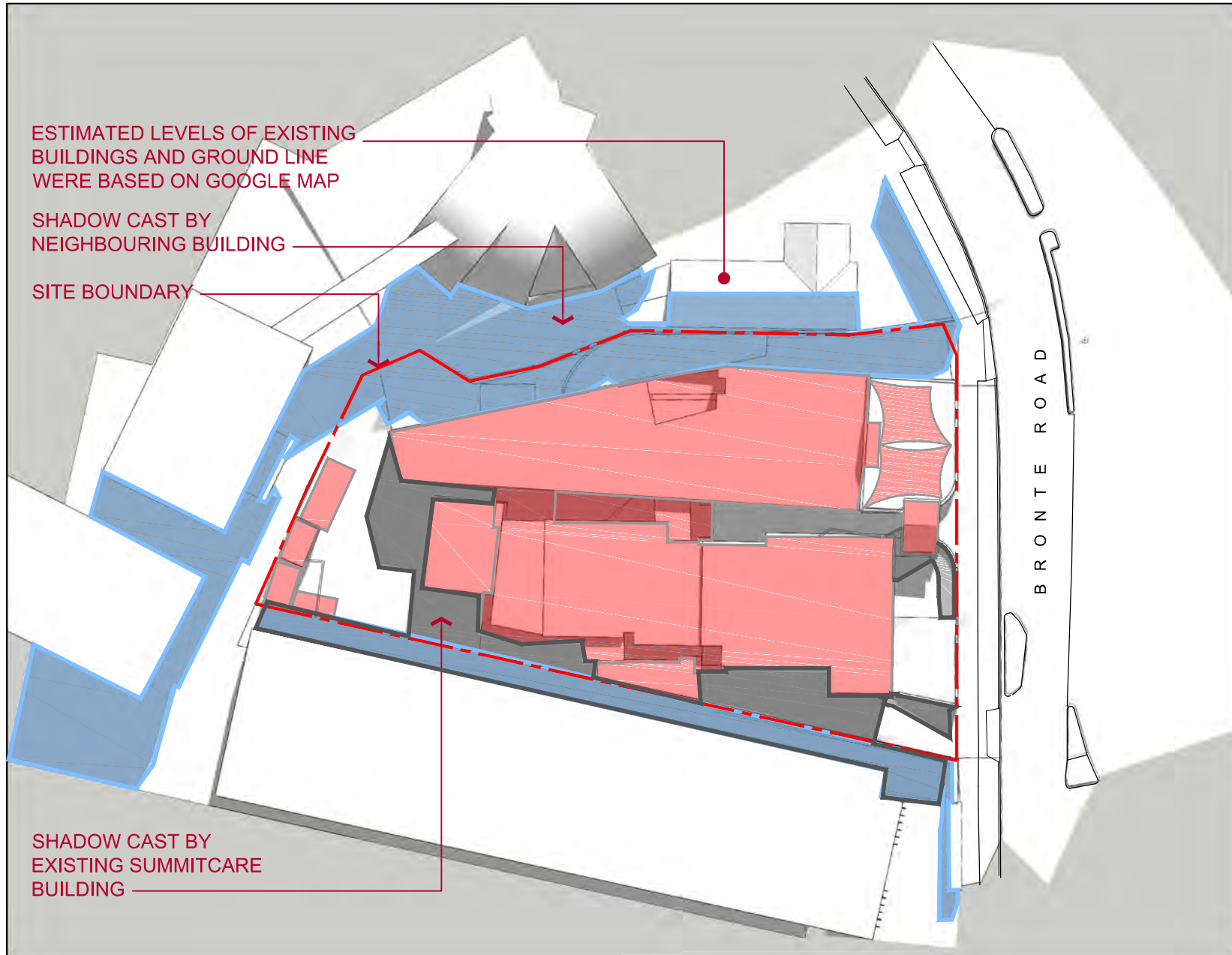
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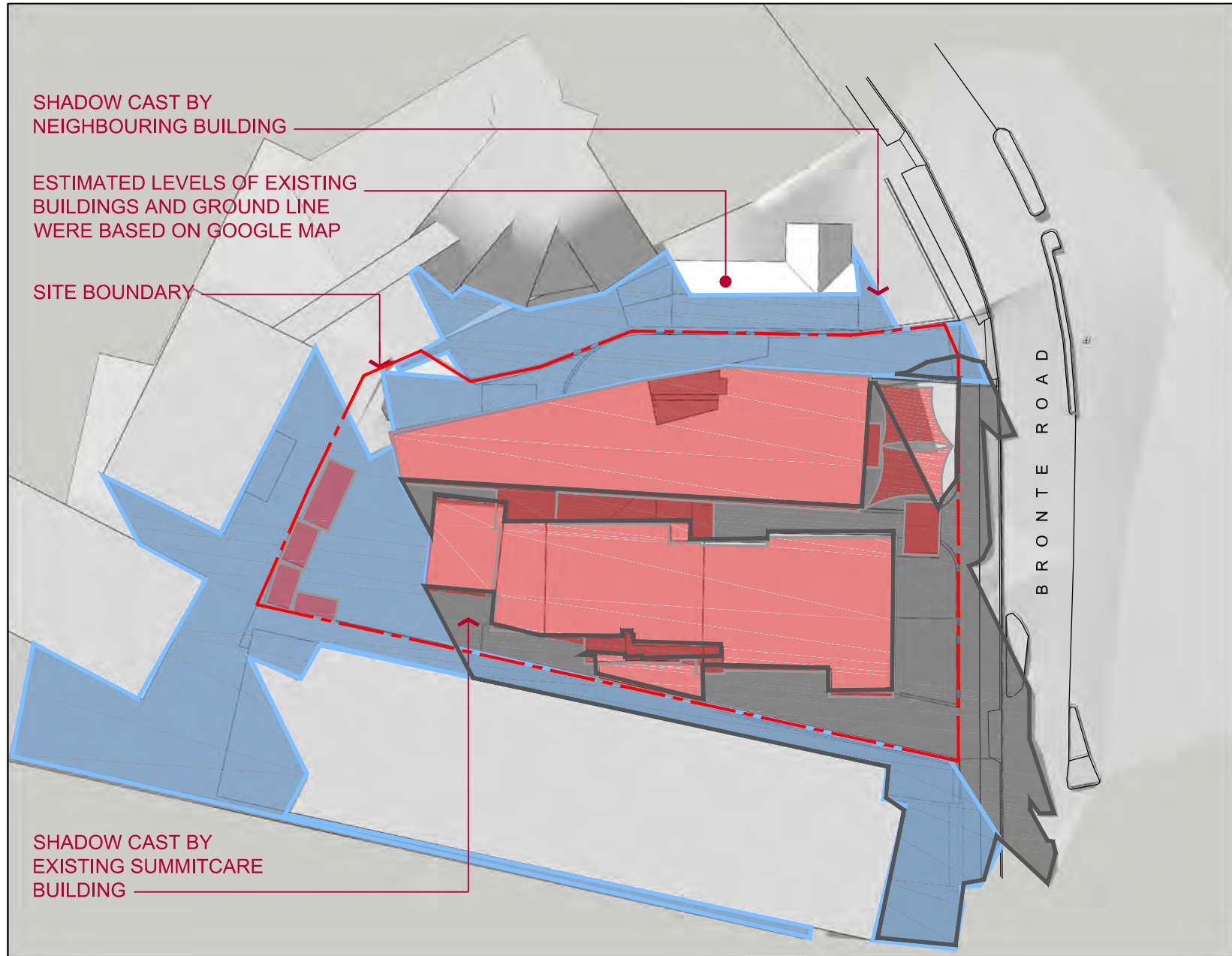
21 JUNE 3PM
PROPOSED



21 JUNE 9AM
EXISTING



21 JUNE 12PM
EXISTING



21 JUNE 3PM
EXISTING

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LEGEND	
	BUILDING OUTLINE
	SHADOW CAST BY EXISTING SUMMITCARE BUILDING
	SHADOW CAST BY PROPOSED SUMMITCARE BUILDING
	SHADOW CAST BY NEIGHBOUR BUILDING
	SHADOW CAST BY PROPOSED SUMMITCARE BUILDING OVER 9.5 METER HEIGHT PLANE
	SUPERIMPOSED OUTLINE SHADOW OF EXISTING BUILDING
	SITE BOUNDARY

C	Development Application Re-Issue	09.11.2021
B	Development Application Re-Issue	16.08.2021
A	Development Application Issue	09.12.2020
No.	Amendment	Date

Project
SUMMITCARE - WAVERLEY
321 Bronte Road, Waverley, N.S.W - 2024

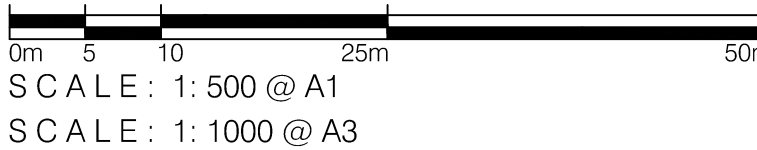
Drawing
SHADOW DIAGRAMS
Existing & Proposed

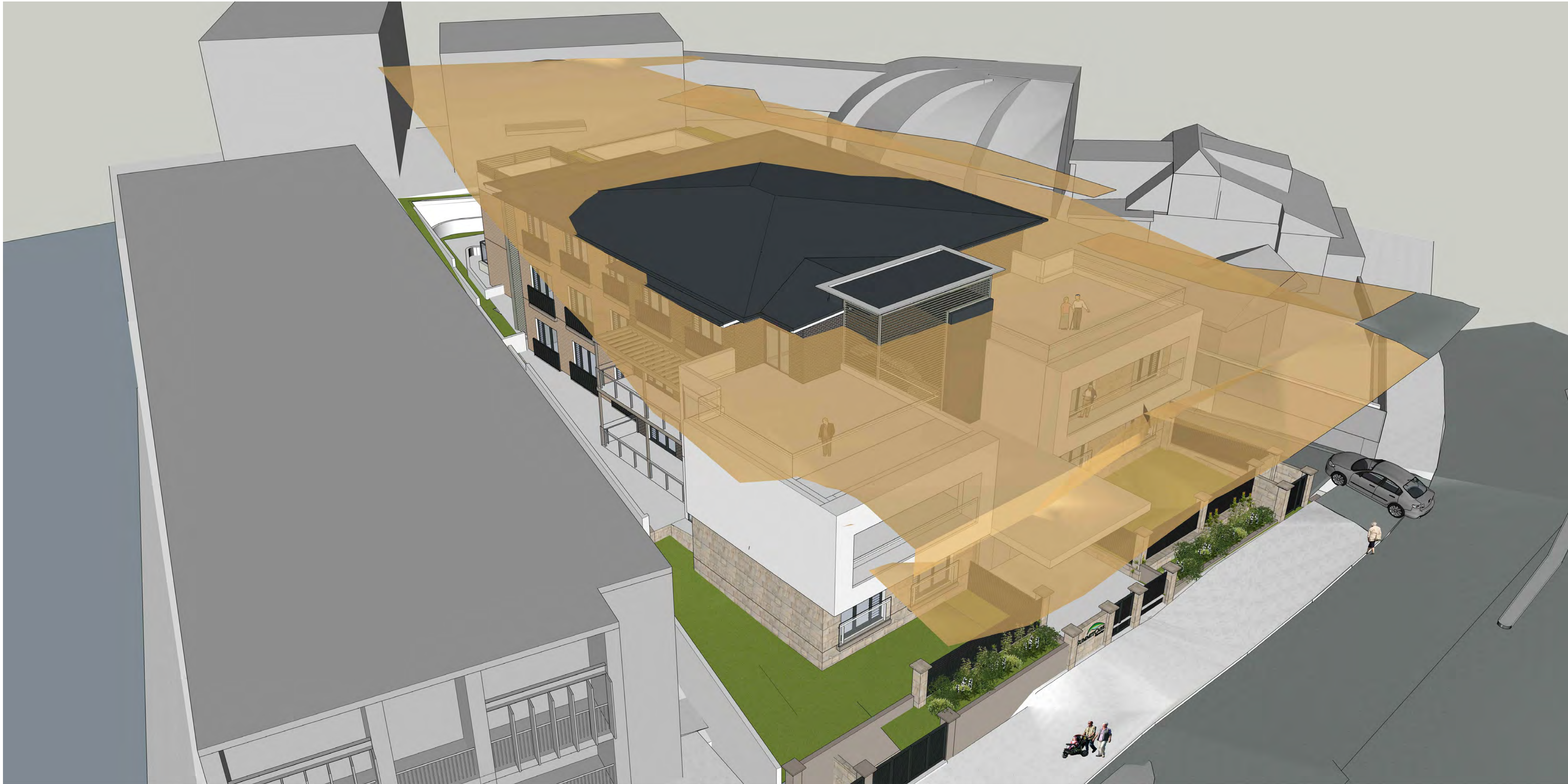
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Date	AUG 2020	Job No.	Drawing
Scale	1:500 @ A1		
Drawn			2025 / DA12
Amendment	C		





The above graphics are showing the 3D model of the proposed development with the 9.5m height control represented by a yellow coloured plane. The image demonstrates the extent of built form that penetrates the height control

C	Development Application Re-Issue	09.11.2021
B	Development Application Re-Issue	16.08.2021
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No.	Amendment	Date

Project
SUMMITCARE - WAVERLEY
321 Bronte Road, Waverley, N.S.W - 2024

Drawing
3D IMAGE Showing built form from
penetrating 9.5m height



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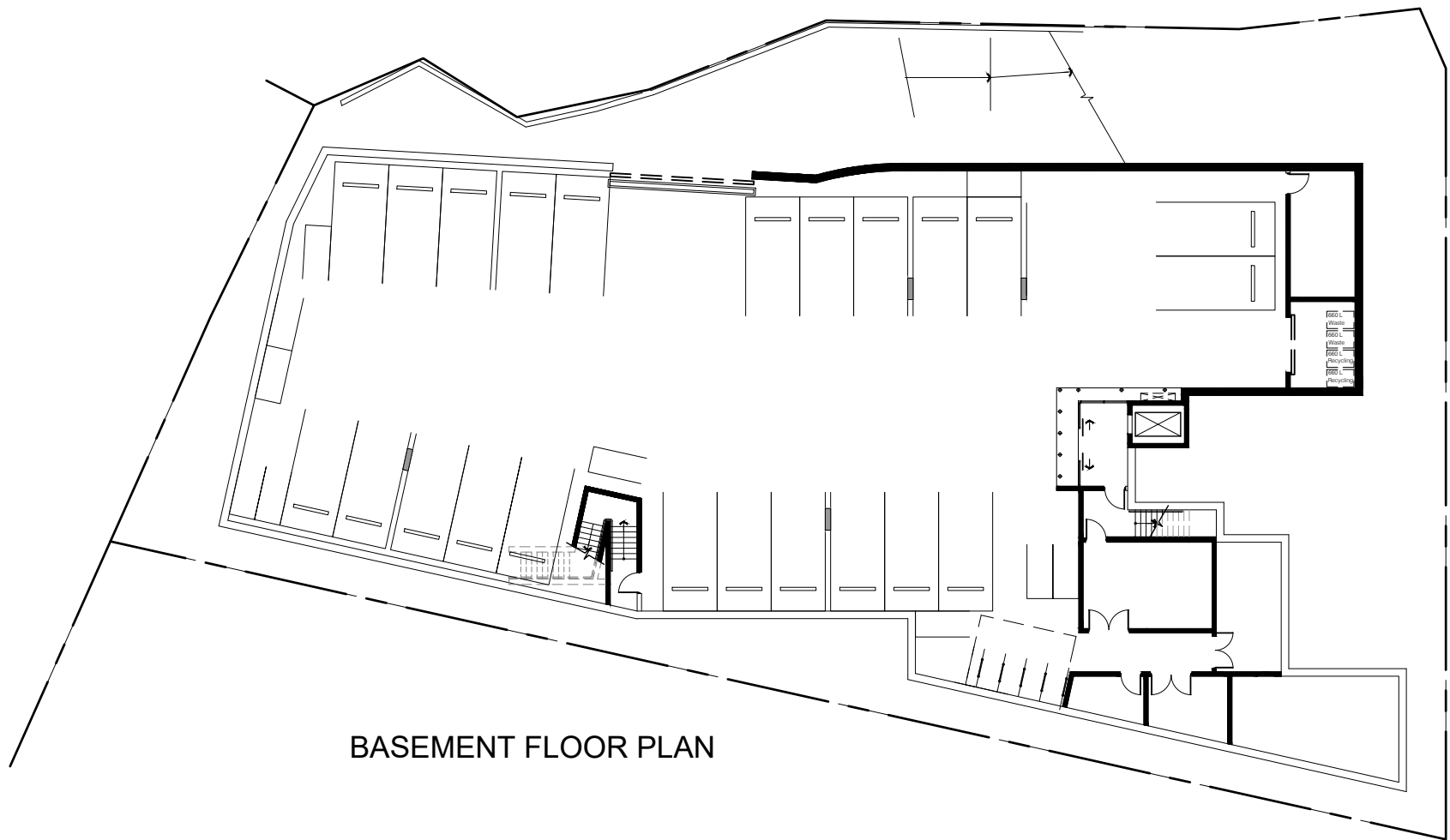
	Date	AUG 2020	Job No.	Drawing
	Scale	NTS	2025 / DA13	
	Drawn			
	Amendment	C		

AMENDED PLANS

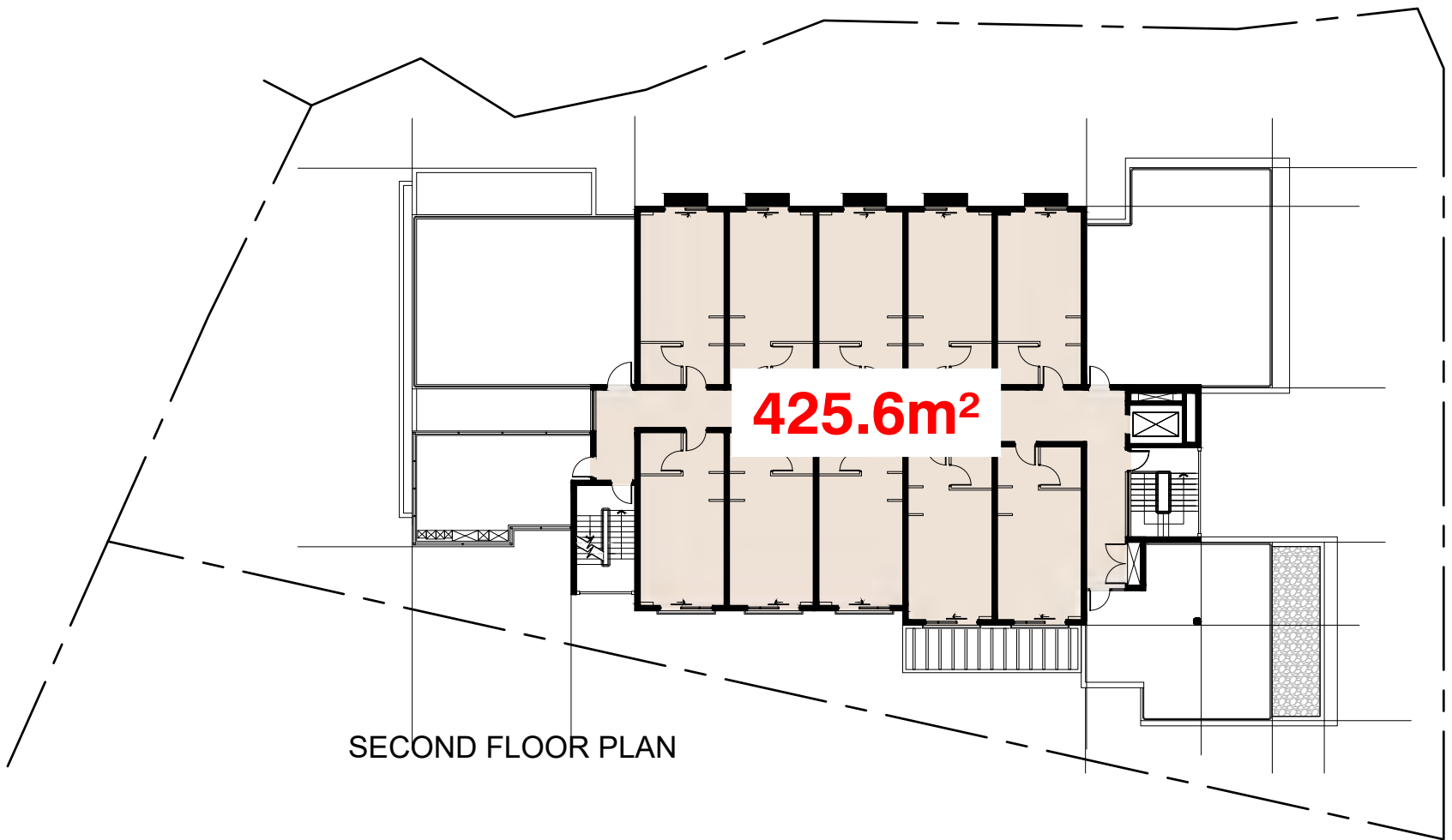
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GFA CALCULATION

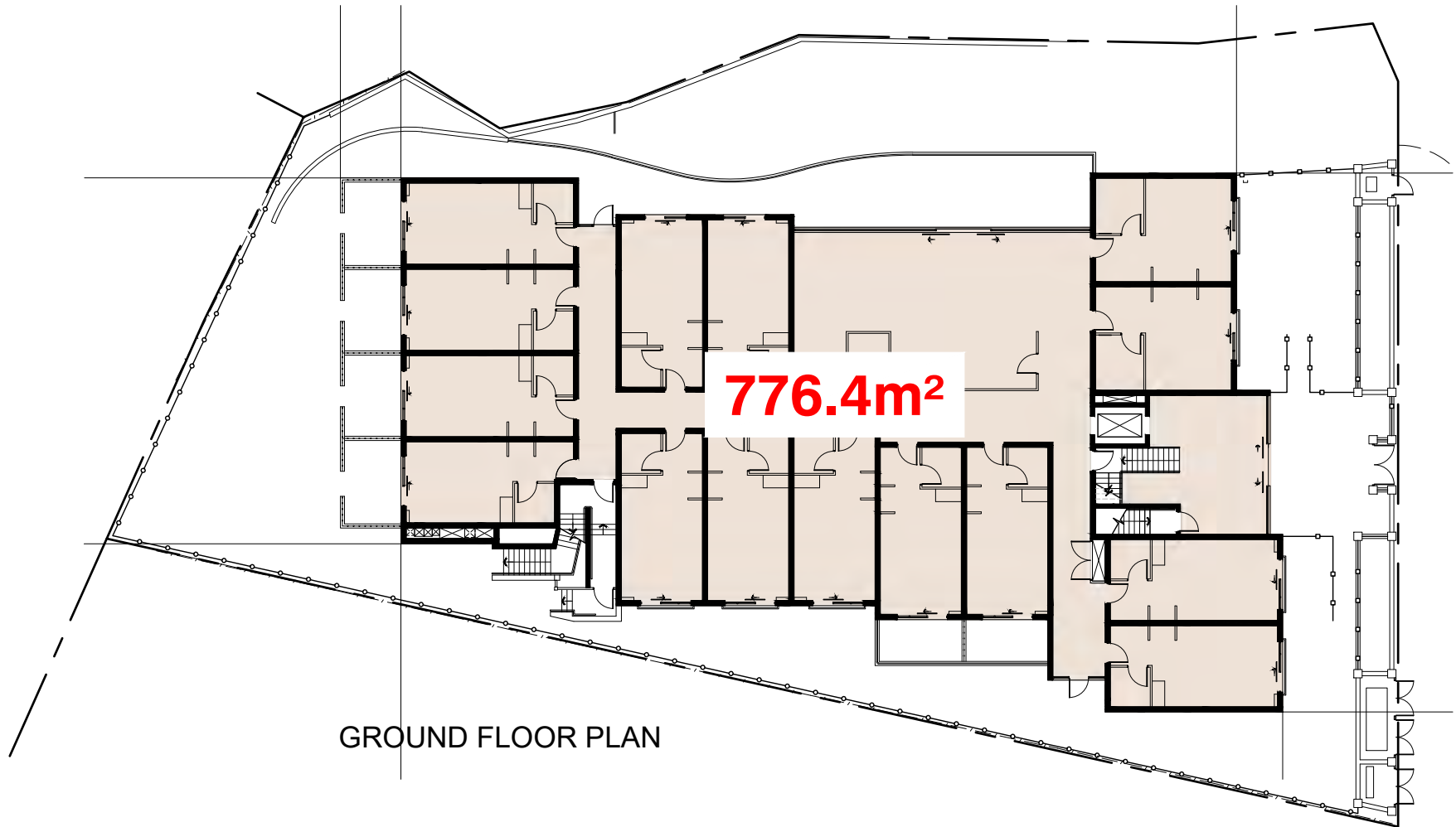
GROUND FLOOR	776.4 m²
FIRST FLOOR	682.5 m²
SECOND FLOOR	425.6 m²
TOTAL	1,884.5 m²



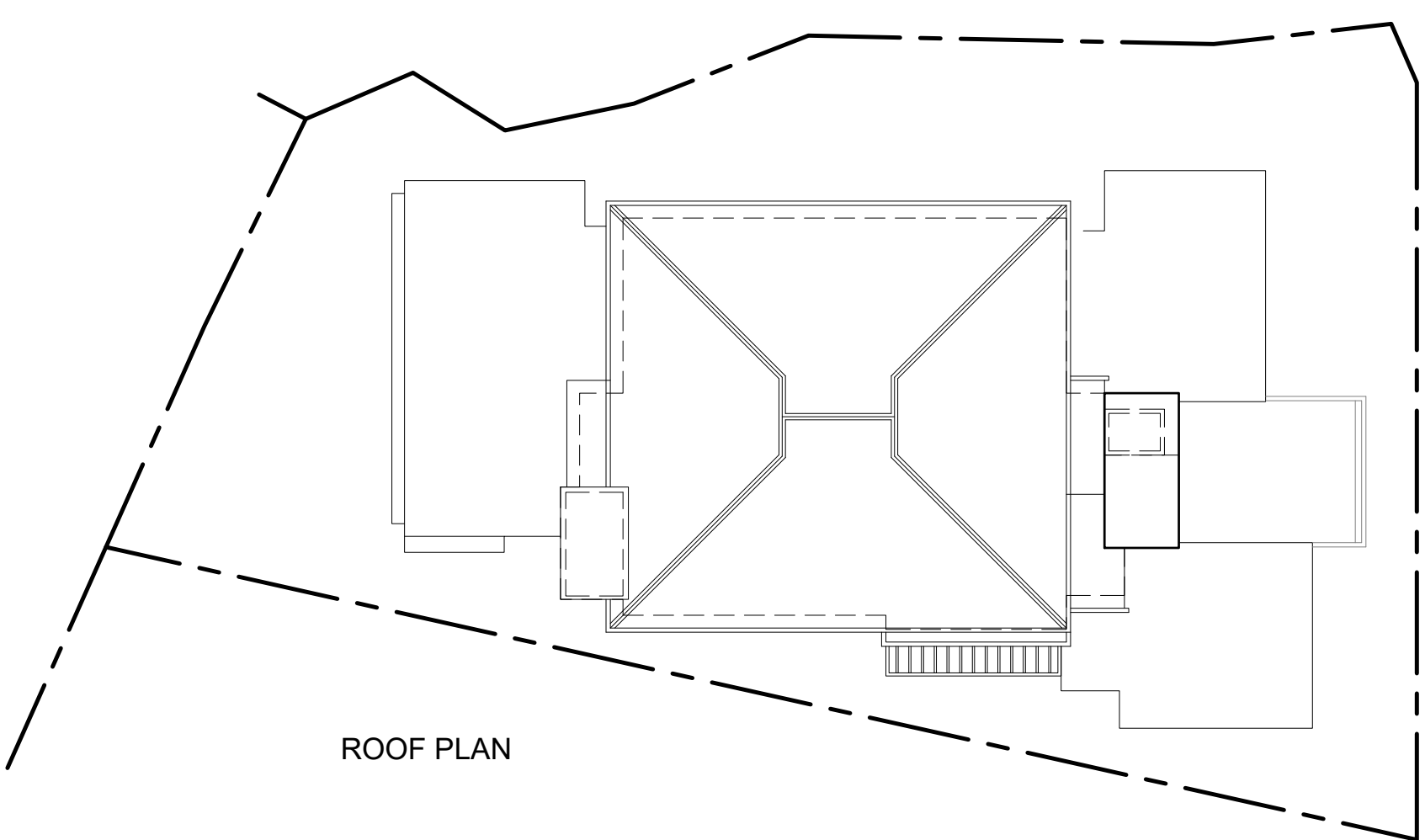
BASEMENT FLOOR PLAN



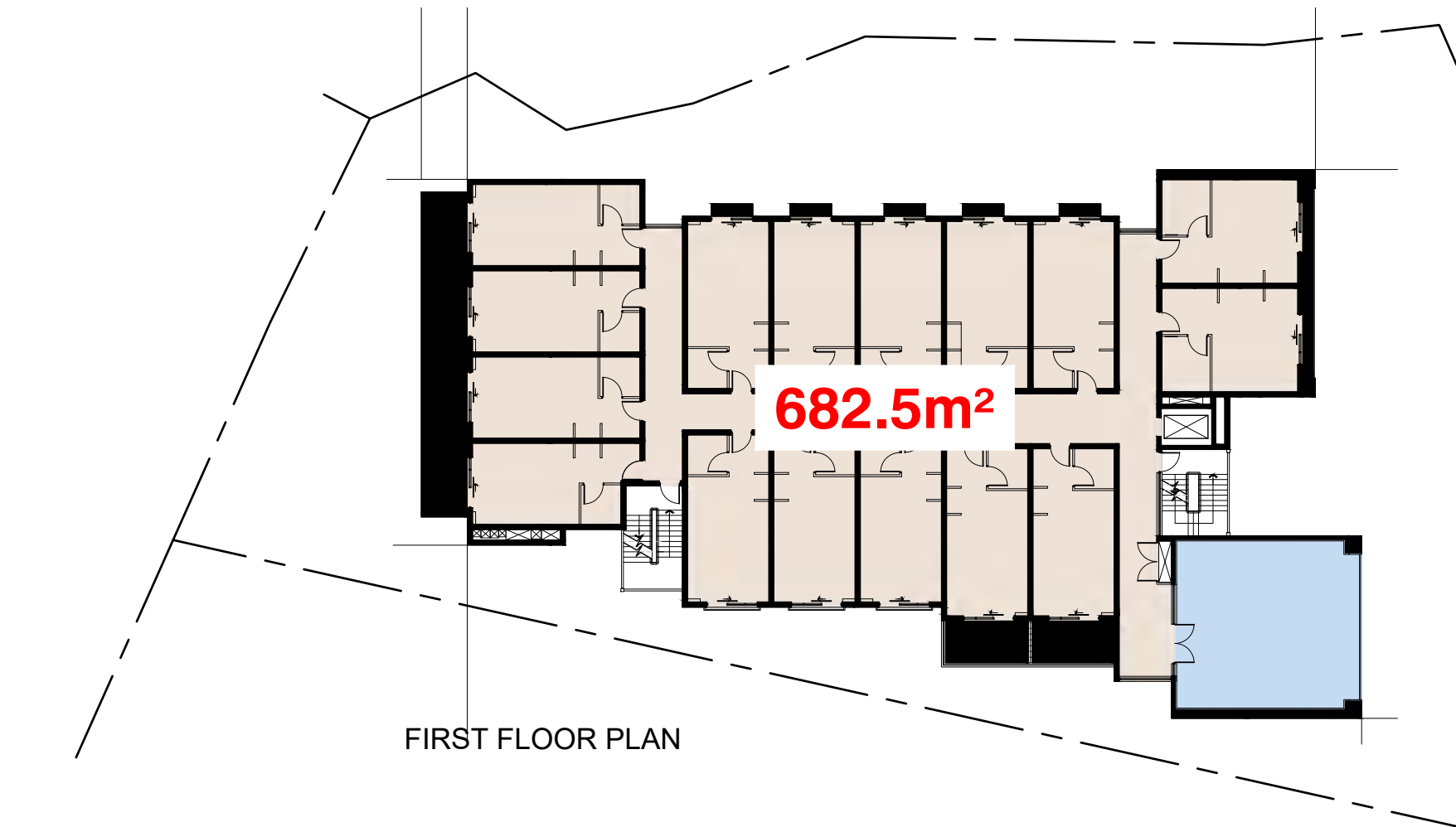
SECOND FLOOR PLAN




GROUND FLOOR PLAN



ROOF PLAN



FIRST FLOOR PLAN

		
C	Development Application Re-Issue	09.11.2021
B	Development Application Re-Issue	16.08.2021
A	Development Application Issue	09.12.2020
No.	Amendment	Date

Project
SUMMITCARE - WAVERLEY
321 Bronte Road, Waverley, N.S.W - 2024

Drawing
GFA PLANS

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Date	NOV 2020	Job No.	Drawing
Scale	1:300 @ A1	2025 /	DA15
Drawn	JN		
Amendment	C		

AMENDED PLANS



P E R S P E C T I V E 1 View from Bronte Road

DA17 Issue C – 11 November 2021

SummitCare Waverley 321 Bronte Road, WAVERLEY



P E R S P E C T I V E 2 View from Bronte Road

DA18 Issue C – 11 November 2021

SummitCare Waverley 321 Bronte Road, WAVERLEY



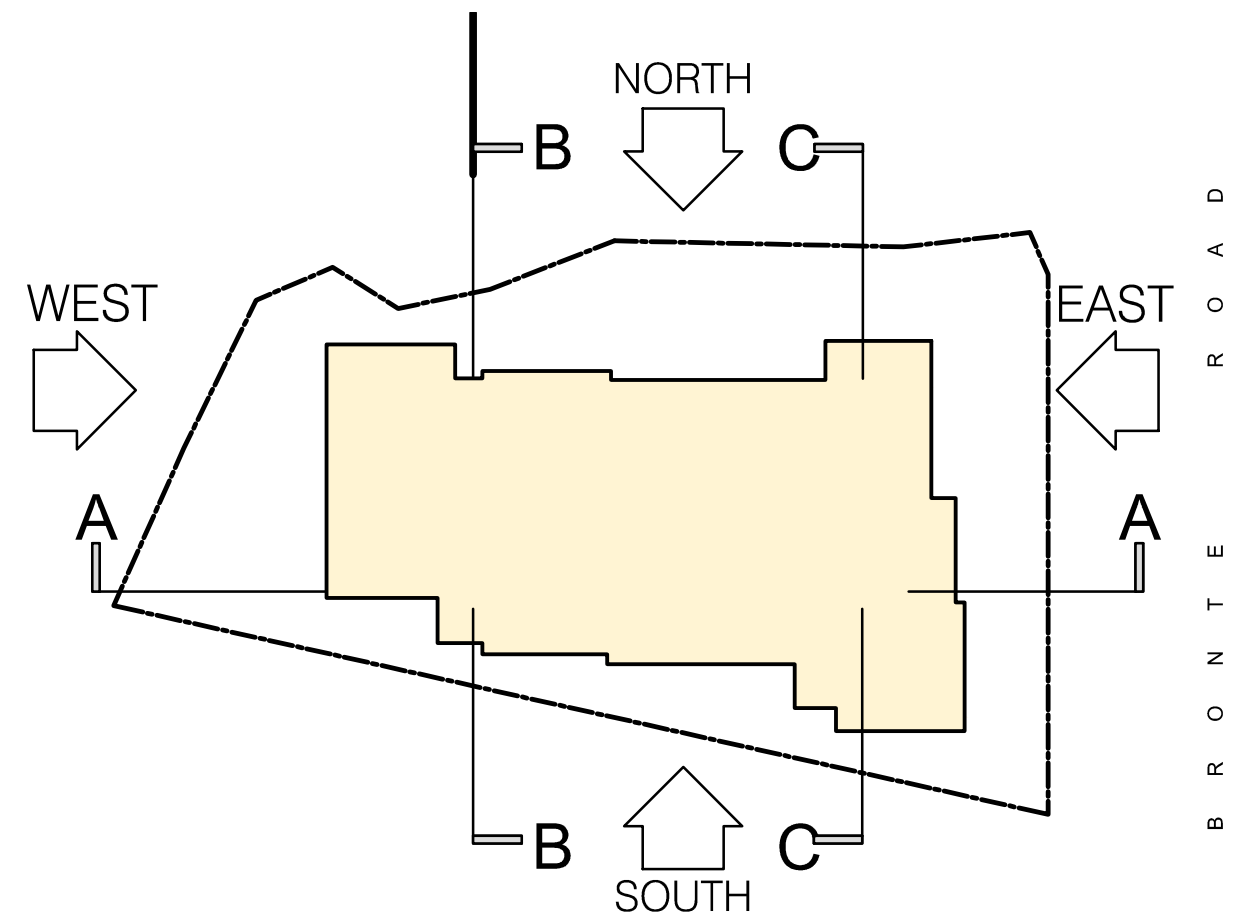
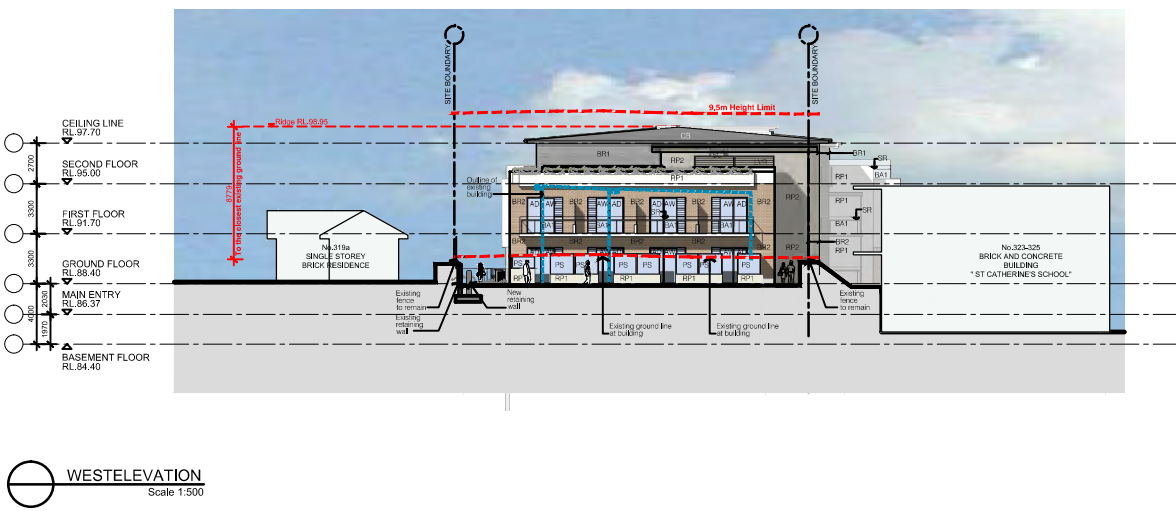
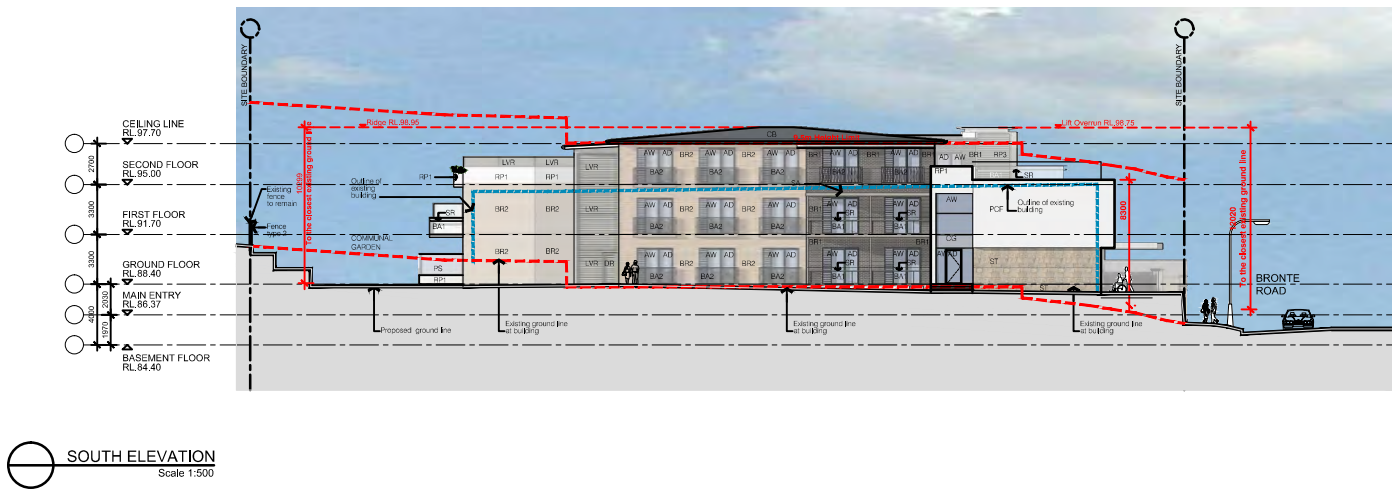
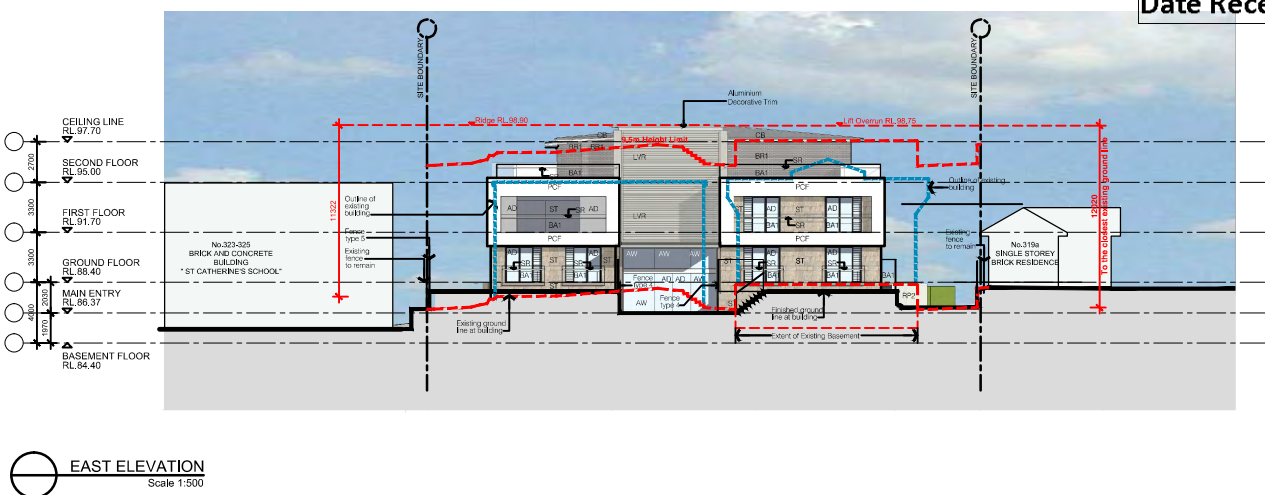
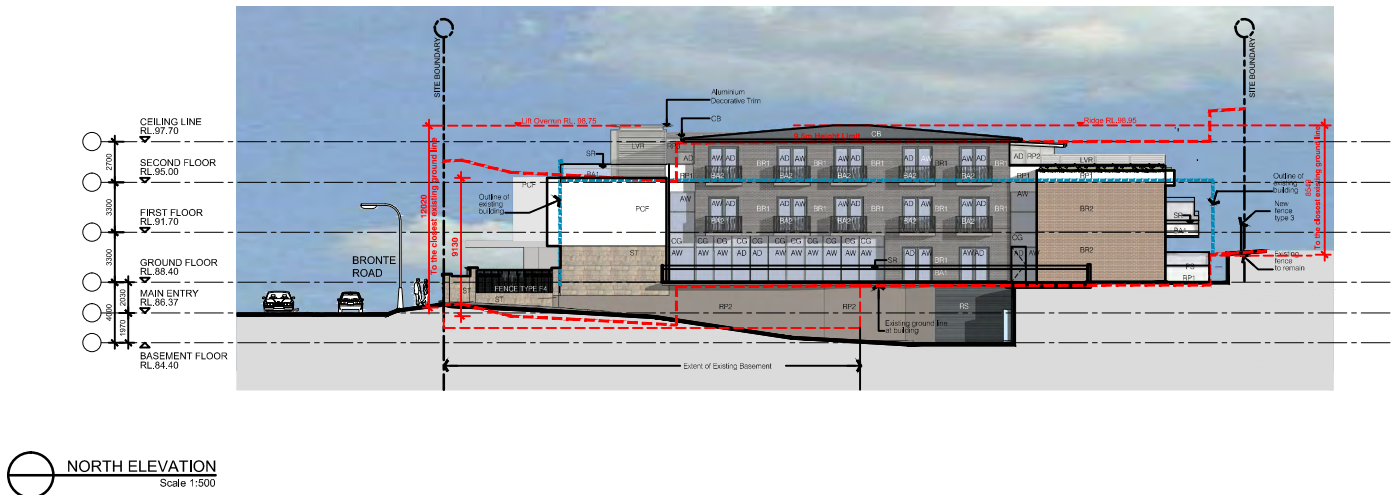
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Waverley Council

Application No: DA-94/2021

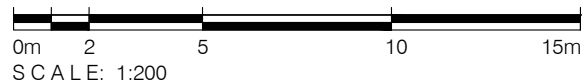
Date Received: 12/11/2021

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-94/2021
Date Received: 12/11/2021



AMENDED PLANS



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NOTIFICATION PLAN

SUMMIT CARE - 321 Bronte Road, Waverley, N.S.W - 2024
SITE PLAN

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Job No.	Dwg.No.	Rev.
2025	NP-01	C
Nov 09 2021		Scale 1:200 @ A3



Report to the Waverley Local Planning Panel

Application number	DA-443/2021
Site address	11 Gilgandra Road, NORTH BONDI
Proposal	Alterations and additions to semi-detached dwelling including first floor addition
Date of lodgement	13 October 2021
Owner	Mrs T D & Mr A M Bernstein
Applicant	Common Office
Submissions	15
Cost of works	\$410,300
Principal Issues	<ul style="list-style-type: none"> Style and character of first floor addition
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to an existing semi-detached dwelling, including first floor addition at the site known as 11 Gilgandra Road, NORTH BONDI.

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

- Style and character of the first floor addition; and
- Visual character and design of the semi-detached dwellings.

The assessment finds these issues acceptable, subject to a condition requiring the first floor be amended to match the style and design of the attached semi at No. 9 Gilgandra Road.

A total number of 15 submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 17 November 2021.

The site is identified as Lot B in DP 408429, known as 11 Gilgandra Road, NORTH BONDI.

The site is rectangular in shape with a northern frontage to Gilgandra Road measuring 6.25m. The site has an area of 412.4m² and falls from the rear towards the front boundary by approximately 1.78m.

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

The site is adjoined by semi-detached dwellings to the west and a detached dwelling to the east. The locality is characterised by a variety of low residential development.

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

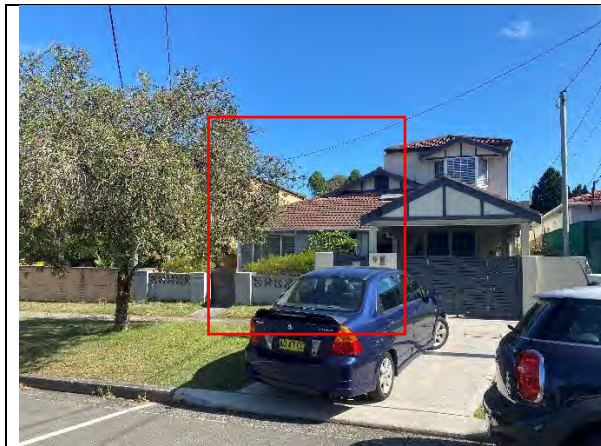


Figure 1: Subject site (outlined in red) viewed from Gilgandra Road



Figure 2: Subject site viewed from Gilgandra Road



Figure 3: Rear of subject site looking north

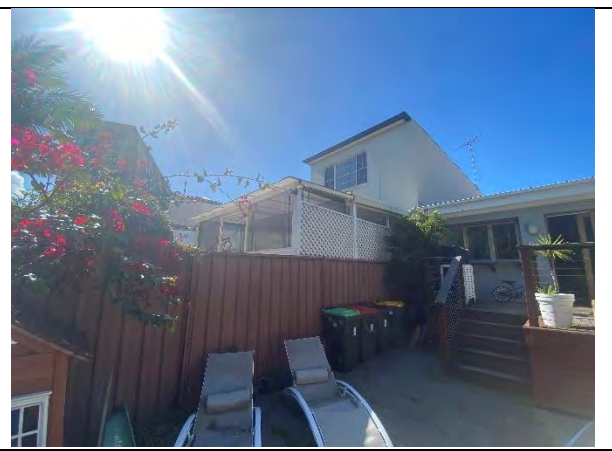


Figure 4: Rear of subject site showing attached semi at No. 9 Gilgandra Road, looking north-west

1.3. Relevant Development History

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

- **DA-382/2014:** New single carport, driveway, landscaping and removal of street tree, approved on 20 August 2014. Works have commenced onsite under CCB-318/2019.

1.4. Proposal

The development application seeks consent for alterations and additions to the existing semi-detached dwelling house, specifically the following:

- Internal alterations of the ground floor and extension into the rear to include two bedrooms, a bathroom, laundry, kitchen/dining room and living room;
- First floor addition to include three bedrooms and two bathrooms; and
- A non-trafficable green roof above the ground floor extension, including a privacy screen along the western edge.

1.5. Background

The development application was lodged on 13 October 2021 and deferred on 22 November 2021 for the following reasons:

1. **Visual and Acoustic Privacy:** A rear deck on the ground level was originally proposed adjacent to the living room. The deck was proposed to sit 1.2m above the natural ground level and would result in direct overlooking to neighbouring properties.
2. **Habitable Windows:** Privacy concerns were raised with regard to the ground floor east facing habitable windows as they would result in direct overlooking to the neighbouring property.
3. **Front Fence:** clarification was sought as to whether any changes were proposed to the front fence.
4. **Style, design and streetscape character:** The first floor addition as viewed from the front did not match the existing style and design of the attached first floor addition at No. 9 Gilgandra Road. Design changes were requested.

On 20 December 2021, amended plans were submitted with the following information:

- Obscure glazing was added to all east facing ground floor windows to limit direct overlooking;
- The rear deck on the ground floor was removed from the plans altogether;
- The rear section of the ground floor was amended to be setback from the neighbouring property to the west at No. 9 Gilgandra Road;
- The applicant clarified that no changes were proposed to the front fence and this was reflected on the architectural plans; and
- The front north facing window on the first floor was amended to match the size of the existing window on the attached semi-detached dwelling at No. 9 Gilgandra Road.

The changes made to the architectural plans were a reduction from the original proposal and therefore re-notification was not required. The architectural plans submitted on 20 December 2021 form the basis of this report and assessment.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

The following SEPPs apply and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004.
- SEPP 55 Remediation of Land.

2.1.2. Draft Waverley Local Environmental Plan 2022 (Draft Waverley LEP 2022)

It is acknowledged that the Draft Waverley Local Environmental Plan 2022 is on exhibition from 12 November 2021 to 23 January 2022, however at the time of this assessment, there are no relevant matters for consideration.

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 development is consistent with the aims of this plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Zone	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 	Yes	The development proposes an overall height of 8.2m, which complies with the development standard.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> • 0.65:1 or 268.62m² 	Yes	The site proposes an overall FSR of 0.53:1 or 215.4m ² , which complies with the development standard.
Part 6 Additional local provisions		

Provision	Compliance	Comment
<ul style="list-style-type: none"> 6.1 Acid sulfate soils 	Yes	The subject site is identified as comprising 'Class 5' acid sulfate soils. No excavation is proposed for the subject site that would be expected to disturb acid sulfate soils. The proposal complies with clause 6.1 of the Waverley LEP 2012.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Yes	Satisfactory.
4. Coastal Risk Management	Yes	Satisfactory.
5. Vegetation Preservation	Yes	Satisfactory.
6. Stormwater	Yes	Satisfactory.
12. Design Excellence	Yes	Satisfactory.

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

Development Control	Compliance	Comment
2.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.1 Height		
Pitched roof dwelling house <ul style="list-style-type: none"> Maximum external wall height of 7m 	Yes	The maximum external wall height is proposed at 7m, which complies with the control.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line 	Yes	The ground floor rear setback has been proposed to sit in line with the ground floor rear setbacks of the recently approved development at No.'s 5 and 7 Gilgandra Road. The pattern of subdivision is consistent for the subject site and properties located further west

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Predominant rear building line at each floor level 		<p>(No.'s 3-11) and appears to change with a reduced rear boundary for the properties located to the east (No.'s 13-19). Therefore, it is appropriate to utilise the properties to the west when determining the predominant setback for the subject site.</p> <p>Whilst the ground floor rear setback of No. 9 Gilgandra Road does not sit as far into the property, it is noted that this is an outlier in this block of four properties and has the potential for future development to better suit the surrounding context. Therefore, the ground floor rear setback is considered to be appropriate and suitable in this context.</p> <p>The first floor front and rear setback have been designed to match that of the attached semi at No. 9 Gilgandra Road and is compatible with predominant setbacks in the street.</p>
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m 	Yes	The development proposes a side setback to the eastern boundary of 0.9m on both ground and first floor levels, which complies with the control.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style and proportions of existing dwelling Significant landscaping to be maintained. Porticos only permitted where a character of the streetscape 	Acceptable subject to conditions	The first floor addition is proposed as a modern style design within the streetscape that does not match the existing first floor of the attached semi at No. 9. Whilst the style on its own may be acceptable, it does not fit in with the pair of semi-detached dwellings and will have a significant impact on the rhythm of the character within the street. As such, a condition has been recommended to amend the first floor addition to match the style, design and materials of the attached semi at No. 9 Gilgandra Road. This includes the inclusion of a hipped tiled roof and bay window with a similar proportion size to No. 9 Gilgandra Road.
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 	N/A	No changes are proposed to the front, side or rear boundary fences.
2.5 Visual and acoustic privacy		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	Yes	<p>All east facing ground floor windows will have obscure glazing to limit overlooking to the neighbouring property at No. 13 Gilgandra Road.</p> <p>The first floor east facing bedroom window will be offset from the existing windows at No. 13 Gilgandra Road and will not result in direct overlooking. The south facing window of the southern first floor bedroom will directly look onto the green roof. A privacy screen has also been proposed along the western edge of the green roof to limit overlooking into the rear private open space of No. 13 Gilgandra Road from the first floor south facing window.</p> <p>The ground floor rear deck has since been removed from the plans and is now no longer proposed.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	Yes	<p>Shadow diagrams have been submitted with the application which demonstrate that the subject site and surrounding properties receive more than 3 hours of direct sunlight to their private open spaces. Therefore, the design complies with this control.</p>
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	<p>No views will be impacted by the proposal.</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	<p>53.3% of the site will remain as open space.</p> <p>38.8% of the site will be landscaped.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> 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>The rear yard will maintain 220m² of private open space.</p> <p>No changes are proposed to the front setback on site.</p> <p>An outdoor clothes drying area is provided in the rear.</p>
2.13 Semi-detached dwellings and terrace style development		
<p>2.13.1 - Built form</p> <ul style="list-style-type: none"> Additions to match the style of the original semi-detached dwelling Existing roof form maintained forward of principal ridgeline Front verandahs to be maintained. 	Acceptable subject to conditions	<p>As mentioned above, the design of the first floor has been proposed as a modern style addition which would not match the style of the original semi-detached dwelling, or the attached first floor at No. 9 Gilgandra Road. As such, a condition is recommended to amend the design to match the style of the first floor addition, including a tiled hipped roof and bay window.</p> <p>The setback of the first floor will match that of the attached semi and will sit behind the principal roof form, which is acceptable.</p>
<p>2.13.2 - First floor additions to semi-detached dwellings</p> <ul style="list-style-type: none"> First floor addition to be setback from the principal street frontage and maintain the existing front roof slope 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 		
<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 	Acceptable subject to conditions	The development proposes a render finish with a natural white colour to match the existing ground floor of the dwelling. The use of render is considered acceptable, as it matches the material of the attached semi. The roof form is proposed as a metal roof and would not match the existing dwelling or the attached pair. As mentioned

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • Historic features of the roofscape are to be incorporated into the addition • Dorms roof forms are to match the style of the original dwelling • New windows to have a similar proportion to the existing • Upper wall finishes to reflect the style and character of the original building. 		above, a condition is recommended to amend the first floor to a tiled hipped roof to match that of the neighbouring property at No. 9 Gilgandra Road. The condition includes amending the first floor window along the façade to match the bay window at No. 9 Gilgandra Road. This will result in the windows having a similar style and proportion when viewed from the street.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days between 21 October and 9 November 2021 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

- The proposed changes reduced the overall built form and resulted in a reduced impact to the surrounding properties.

A total of 15 unique submissions were received from the following properties to the original proposal:

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

Count	Property Address
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1.	13 Gilgandra Road, NORTH BONDI x 2 submissions
2.	9/494-496 Old South Head Road, ROSE BAY
3.	1/52 Bishops Avenue, RANDWICK
4.	8 Cameo Place, KELLYVILLE
5.	1/55 Liverpool Street, ROSE BAY
6.	9 Gilgandra Road, NORTH BONDI
7.	2/142 Warners Avenue, BONDI BEACH
8.	5 Gilgandra Road, NORTH BONDI
9.	7 Gilgandra Road, NORTH BONDI
10.	13 Polyblank Parade, NORTH BONDI
11.	1 Brassie Street, NORTH BONDI
12.	9/386 Bronte Road, BRONTE
13.	Ocean Street, NORTH BONDI
14.	30-34 Penkivil Street, BONDI

The following issues raised in the submissions have already been discussed and addressed in the body of this report and the recommended conditions imposed:

- The development does not comply with the predominant rear building line of No. 9 and 13 Gilgandra Road.
- Overlooking impacts from the ground floor east facing windows.
- Solar access into the rear deck at No. 9 Gilgandra Road
- The first floor addition is not in keeping with the character of the pair of semi-detached dwellings.

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

Issue: The proposed rear setback will result in visual bulk when viewed from the private open space of No. 13 Gilgandra Road.

Response: As mentioned in the body of the report, it would be inappropriate to enforce similar rear setbacks on the subject site to that of No. 13 Gilgandra Road as the subdivision pattern between the sites differ significantly. The development complies with setbacks, FSR, height, overlooking and overshadowing controls and does not result in an overly bulk design. The development is considered to be appropriate in the context and not an overdevelopment of the site. Therefore, any visual impacts are considered acceptable.

Issue: The extent of works on site would result in the description of the development as “new dwelling” rather than “alterations and additions”.

Response: The application proposes amendments to the rear of the ground floor and an additional first floor to the existing dwelling, with no changes to the front of the existing dwelling. The changes proposed are considered to be alterations and additions to the existing dwelling as the majority of the ground floor is to remain. Therefore, the description of the application is accurate.

Issue: Visual and acoustic impacts from the elevated rear deck; size and height of the rear deck does not comply with the DCP controls; the rear deck will sit further forward from the predominant rear building line at No. 5 and 7 Gilgandra Road; and impact to the sewer line as a result of the location of the deck.

Response: The rear deck has since been removed from the proposal.

Issue: The development will result in a 3m high wall on the western boundary, which will impact on solar access, visual bulk and amenity to the private open space of No. 9 Gilgandra Road.

Response: The western wall has been amended to be setback from the boundary with landscaping in between to soften the visual bulk of the wall from the neighbouring property. This is considered acceptable.

Issue: Stormwater runoff from the proposal.

Response: The application has been reviewed by Council's Stormwater engineer who has recommended conditions to be placed on the consent to ensure stormwater runoff is adequately managed. This has been included in the recommended conditions.

Issue: The south facing first floor window allows future plans for a deck/balcony.

Response: Council can only assess the application as it is proposed. Should a deck be proposed on the first floor in the future, it will be subject to a separate development application and will be assessed on merit.

Issue: The first floor south facing window has the ability to be converted into a sliding door which will allow access to a large open space area on the first floor. Safety concerns also raised.

Response: Council can only assess the development as it is currently proposed and cannot take into consideration any future potential applications that may be submitted. The first floor south facing window has been amended from a full length window to a window with a sill height of 1m. Additionally, conditions have been recommended to ensure that the roof terrace is non-trafficable.

Issue: The rear setback will block the air flow corridor across No.'s 7-13 Gilgandra Road which controls temperature, mould, and sunlight.

Response: The approved developments at No. 5 and 7 Gilgandra Road have a ground floor rear setback that will sit further than what is proposed on the subject site. The rear extension will not impact on air flow or result in unreasonable impacts on sunlight.

Issue: Any potential earthworks on site may impact on the neighbouring property at No. 13 Gilgandra Road.

Response: No earthworks are proposed as part of this application.

Issue: Objection to the tree removal as a result of the carport

Response: The carport has been approved under a separate complying development application and does not form part of this application.

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Stormwater

Council's Stormwater engineer has reviewed the designs and raised no issues with the development, subject to standard conditions of consent.

3.2. Tree Management

Council's Tree Management officer has reviewed the design and made the following comments:

*Situated on the naturestrip of 11 Gilgandra Road, North Bondi is a **Callistemon viminalis** (weeping bottlebrush). The tree is in fair/poor condition the applicant **may remove the Callistemon viminalis** (weeping bottlebrush) but must plant one (1) replacement trees.*

The removal of the street tree, including the planting of a replacement tree has been approved under DA-382/2014. It does not form part of this application and therefore the conditions relating to the tree removal and replacement are not relevant in this instance.

4. CONCLUSION

The development application seeks consent for alterations and additions to the existing semi-detached dwelling including a first floor addition at the site known as 11 Gilgandra Road, NORTH BONDI.

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

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 11 January 2022 and the DBU determined:

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

DBU members: *B Matlawski & P Wong*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Katie Johnstone	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 02/02/2022	Date: 7 February 2022

Reason for WLPP referral:

1. Contentious development (10 or more objections)

Appendix A

Conditions of the development consent

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by Common Office Architects, including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA 100 Rev. B	Site Analysis Plan	20/12/2021	20/12/2021
DA 200 Rev. B	Ground Floor Plan	20/12/2021	20/12/2021
DA 201 Rev. B	First Floor Plan	20/12/2021	20/12/2021
DA 202 Rev. B	Roof Plan	20/12/2021	20/12/2021
DA 300 Rev. B	Detailed Ground Floor Plan	20/12/2021	20/12/2021
DA 301 Rev. B	Detailed First Floor Plan	20/12/2021	20/12/2021
DA 400 Rev. B	Elevations	20/12/2021	20/12/2021
DA 401 Rev. B	West Elevation	20/12/2021	20/12/2021
DA 402 Rev. B	North Elevation	20/12/2021	20/12/2021
DA 500 Rev. A	Sections	20/12/2021	20/12/2021

- (b) BASIX Certificate
(c) Schedule of external finishes and colours received by Council on 13 October 2021
(d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 13 October 2021

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) In order for the development to read as a matched pair, the façade of the first floor addition is to be amended to match the first floor of No. 9 Gilgandra Road, including a bay window and tiled hipped roof. The bay window is to match the size and style of No. 9 Gilgandra Road.

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.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

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

4. HOME BUILDING ACT

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

CONTRIBUTIONS, FEES & BONDS

5. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

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

6. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$11,230.00** 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 provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.

7. LONG SERVICE LEVY

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

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

8. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

CONSTRUCTION MATTERS

9. HOARDING

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

10. EROSION & SEDIMENT CONTROL

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

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

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

11. ENGINEERING DETAILS

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

12. 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.

13. 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.

14. STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

(a) 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

15. STORMWATER MANAGEMENT

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

The submitted stormwater management plan prepared by ACE Civil Stormwater Services Pty Ltd, Project No. 210809, Dwg No. 000, 101, 102, 103 & 104, Issue A, dated 22/09/2021 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 shall be prepared by a suitably qualified and practising Civil Engineer and:

- a) You are advised that Council's records indicate an existing stormwater conduit is situated within Council's drainage reserve adjacent to the subject site. The applicant is required to engage a Registered Surveyor or a suitably qualified and practising professional to investigate the exact location of the existing stormwater pipe within the existing drainage reserve (this shall include the pipe size, invert, any necessary levels needed as part of this proposal). The existing pipeline and drainage reserve are to be overlayed onto the stormwater management plan and resubmitted to Council.
- b) The plans shall provide details of any required On-Site Stormwater Detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. Council's mandatory OSD checklist as set out in Council's Water Management Technical Manual shall be submitted.
- c) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- d) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.
- e) All new downpipes are to be located wholly within the property's boundary.
- f) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

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

ENERGY EFFICIENCY & SUSTAINABILITY

16. BASIX

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

WASTE

17. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

LANDSCAPING & TREES

18. GREEN ROOF LANDSCAPING DETAILS

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

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

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

TRAFFIC MANAGEMENT

19. 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

20. DILAPIDATION REPORT

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

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

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

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

21. 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

22. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

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

23. 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.

24. 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

25. CONSTRUCTION HOURS

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

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

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

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

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

27. CONSTRUCTION INSPECTIONS

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

28. CERTIFICATE OF SURVEY - LEVELS

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

29. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

30. WORK OUTSIDE PROPERTY BOUNDARY

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

31. 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.

TREE PROTECTION AND REMOVAL

32. 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:

- (b) Do not store harmful or bulk materials or spoil under or near trees;
- (c) Prevent damage to bark and root system;
- (d) Do not use mechanical methods to excavate within root zones;

- (e) Do not add or remove topsoil from under the drip line;
- (f) Do not compact ground under the drip line;
- (g) Do not mix or dispose of liquids within the drip line of the tree; and
- (h) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 "Protection of trees on construction sites.

D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

33. FINAL OCCUPATION CERTIFICATE

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

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

34. CERTIFICATION OF BASIX COMMITMENTS

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

35. CERTIFICATION OF CONSTRUCTED STORMWATER DRAINAGE SYSTEM

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

36. CERTIFICATION OF RETAINED STORMWATER DRAINAGE SYSTEM

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

37. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD

A "Restriction on the Use of Land" and "Positive Covenant" shall be created for any On-Site Stormwater Detention (OSD) system, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the title that the 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 system without consent from Council.

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

E. ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2. 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.

AD3. 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,

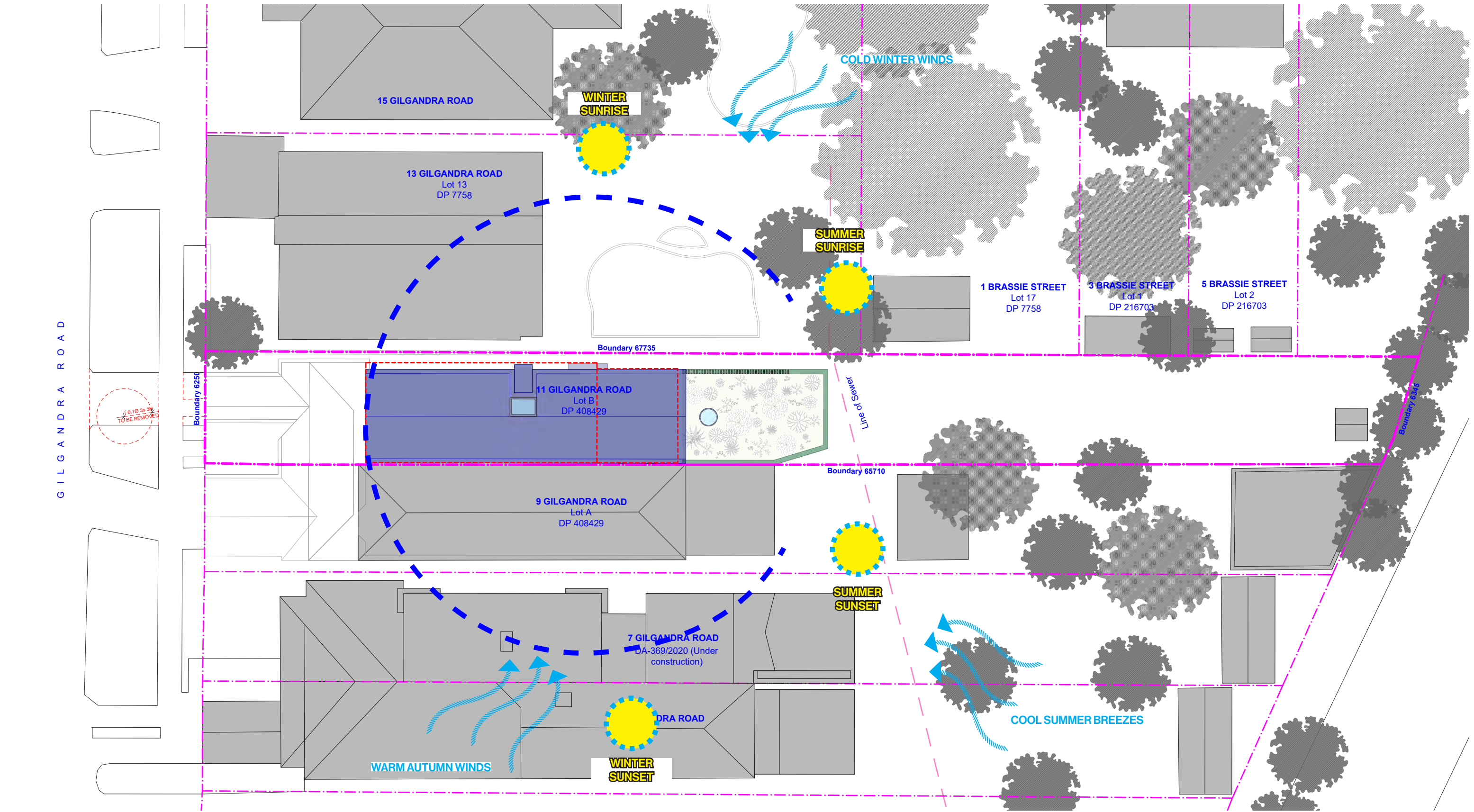
works must cease immediately and a new development application will be required to be submitted for assessment.

AD4. EXCAVATION TO BE LIMITED

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

AD5. TREE REMOVAL/PRESERVATION

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



AMENDED PLANS

Issue	Date	Description
00	08.10.21	Issued for DA
A	22.10.21	Response to council
b	29.11.21	For discussion

General Notes

FOR DEVELOPMENT APPLICATION PURPOSES ONLY

1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, NATIONAL CONSTRUCTION Code (NCC), AUSTRALIAN STANDARD STATUTORY REGULATIONS AND LOCAL AUTHORITY BY-LAWS.

2. ONCE ACTED TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED.

3. ONCE ACTED TO NOTIFY DESIGNER OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR ELABORATION PRIOR TO MANUFACTURING & DESIGNER TO RE-VIEW ALL ONCE ACTED & DETAILING BY AWINGS & SETTING OUT PRIOR TO CONSTRUCTION.

5. ONCE ACTED TO LASH WITH LASH TO LOCAL ONCE ACTED TO ENSURE ALL POWER / DATA COMMUNICATIONS OUTLINE NOTS ARE ASSESSIBLE.

6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE.

7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND DESIGNER TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TASK.

Basic: All other equipments as per certificates

CONSTRUCTION:
Suspended floor with enclosed sub-floor; R0.60 (down) insulation (or R1.30 including construction)
External Wall: Framed; R1.30 (or R1.70 including construction)
Raked ceiling, r 3.00(up), foil/sarking; Medium (solar absorbance 0.475-0.70)
Flat ceiling, r 3.00 (up), foil/sarking Medium (solar absorbance 0.475-0.70)

GLAZING:
Standard Aluminium, Single Clear (u-value: 7.63; SHGC: 0.75); Standard aluminium, single prototype low-e (U-value: 5.7, SHGC: 0.47)

RECEIVED
Waverley Council

Application No: DA-443/2021

Date Received: 20/12/2021

LEGEND

- Existing Walls to be retained
- Walls to be removed
- AFFL Above finished floor level
- PROPOSED TIMBER
- PROPOSED RENDER/CONCRETE
- PROPOSED BRICK
- PROPOSED GLASS
- PROPOSED METAL

Planner
Navon Solutions
Stormwater Engineer
ACE civil
Surveyor
ESA Survey
Shadow Analysis
Caddraft
Basix/Energy
House Energy Rating Co.

Project
GILGANDRA ALTS & ADDS
Site
11 GILGANDRA RD NORTH BONDI
Client
BERNSTEIN
Scale
1:200 at A3

Drawn By
MH, RM

Checked
RM

Common Office
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www.common-office.com
office@common-office.com
Common Office Pty Ltd.
ABN 47 631 337 472

Drawing No
DA 100

Revision
[B]

Drawing
Site AND ANALYSIS PLAN

Date
20 December 2021

Scale
0 2 4 6m

AMENDED PLANS

Issue	Date	Description
00	08.10.21	Issued for DA
A	22.10.21	Response to council
B	29.11.21	For discussion

General Notes

FOR DEVELOPMENT APPLICATION PURPOSES ONLY

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2. CONSULT ARCHITECT TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED.

3. CONSULT ARCHITECT TO NOTIFY DESIGNER OF ANY DISCREPANCIES IN DIMENSIONAL INCONSISTENCIES OF THE NEW DEVELOPMENT LAYOUT TO MANUFACTURING DESIGNER TO RE-VIEW ALL CONSTRUCTION DETAILS AND FINISHES BEFORE SETTING OUT.

4. CONSULT ARCHITECT TO ENSURE WITHIN LOCAL COUNCIL CONSTRUCTION REQUIREMENTS ALL POWER, DATA, COMMUNICATIONS, GAS, AND WATER SERVICES ARE ADAPTED TO THE NEW DEVELOPMENT TO BE VIEWED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND DESIGNER TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT STAGE.

Basic: All other equipments as per certificates

CONSTRUCTION:
Suspended floor with enclosed sub-floor; R0.60 (down) insulation (or R1.30 including construction)
External Wall: Framed; R1.30 (or R1.70 including construction)
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Flat ceiling, r 3.00 (up), foil-sarking Medium (solar absorptance 0.475-0.70)

GLAZING:
Standard Aluminium, Single Clear (u-value: 7.63; SHGC: 0.75); Standard aluminium, single pyrolytic low-e (U-value: 5.7, SHGC: 0.47)

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Waverley Council
Application No: DA-443/2021
Date Received: 20/12/2021

LEGEND

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- AFFL Above finished floor level
- PROPOSED TIMBER
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- PROPOSED BRICK
- PROPOSED GLASS
- PROPOSED METAL

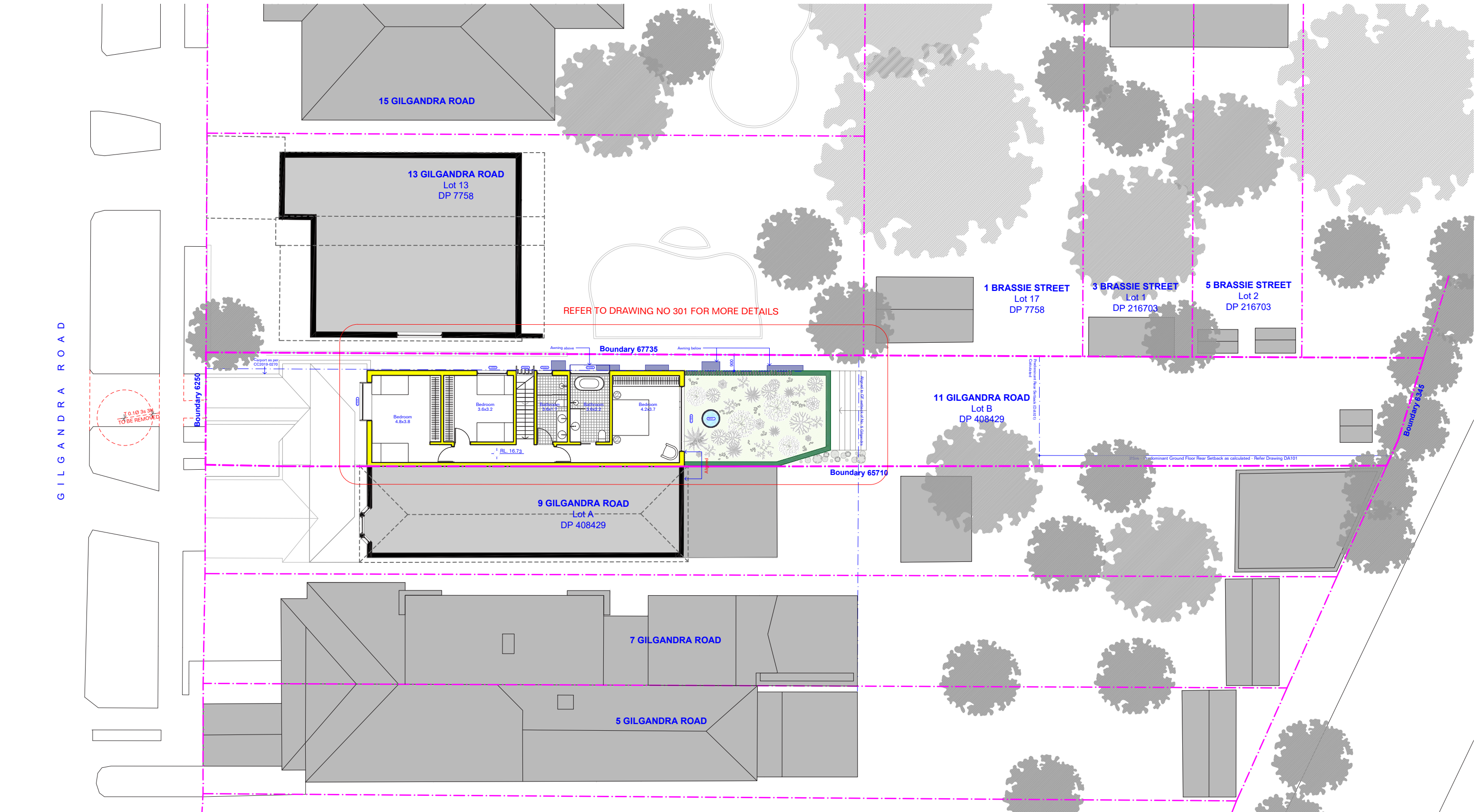
Planner
Navon Solutions
Stormwater Engineer
ACE civil
Surveyor
ESA Survey
Shadow Analysis
Caddraft
Basix/Energy
House Energy Rating Co.

Project
GILGANDRA ALTS & ADDS
Site
11 GILGANDRA RD NORTH BONDI
Client
BERNSTEIN
Scale
1:200 at A3

Drawn By
MH, RM
Checked
RM

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office@common-office.com
Common Office Pty Ltd.
ABN 47 631 337 472

Drawing
GROUND FLOOR PLAN
Date
20 December 2021
Drawing No
DA 200
Revision
[B]



AMENDED PLANS

Issue	Date	Description
00	08.10.21	Issued for DA
A	22.10.21	Response to council
b	29.11.21	For discussion

General Notes

FOR DEVELOPMENT APPLICATION PURPOSES ONLY

1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, NATIONAL CONSTRUCTION CODE (NCC), AUSTRALIAN STANDARD (AS) STATUTORY REGULATIONS AND LOCAL AUTHORITY (LGA) REQUIREMENTS.

2. ON SITE ACTIVITY TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED.

3. ON SITE ACTIVITY TO NOTIFY DESIGNER OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING & DESIGNER TO RE-VIEW ALL ON SITE ACTIVITY & DETAILING OF AWINGS/SETTING OUT PRIOR TO COMMENCEMENT.

4. ON SITE ACTIVITY TO WORK WITH ALL ON SITE ACTIVITY TO ENSURE ALL POWER/ DATA/ COMMUNICATIONS CABLES ARE ASSESSIBLE.

5. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE.

6. ALL WORKS TO BE VERIFIED AGAINST ALL AWINGS FOLLOWING CONSTRUCTION AND DESIGNER TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TASK.

Basic: All other requirements as per certificates

CONSTRUCTION:
Suspended floor with enclosed sub-floor; R0.60 (down) insulation (or R1.30 including construction)
External Walls: Framed; R1.30 (or R1.70 including construction)
Raked ceiling, r 3.00 (up), foil/sarking; Medium (solar absorbance 0.475-0.70)
Flat ceiling, r 3.00 (up), foil/sarking Medium (solar absorbance 0.475-0.70)

GLAZING:
Standard Aluminium, Single Clear (u-value: 7.63; SHGC: 0.75); Standard aluminium, single pyrolytic low-e (U-value: 5.7, SHGC: 0.47)

RECEIVED
Waverley Council

Application No: DA-443/2021

Date Received: 20/12/2021

LEGEND

- Existing Walls to be retained
- Walls to be removed
- AFFL Above finished floor level
- PROPOSED TIMBER
- PROPOSED RENDER/CONCRETE
- PROPOSED BRICK
- PROPOSED GLASS
- PROPOSED METAL

Planner
Navon Solutions

Stormwater Engineer
ACE civil

Surveyor
ESA Survey

Shadow Analysis
Caddraft

Basix/Energy
House Energy Rating Co.

Project
GILGANDRA ALTS & ADDS

Site
11 GILGANDRA RD NORTH BONDI

Client
BERNSTEIN

Scale
1:200 at A3

Drawn By
MH, RM

Checked
RM

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office@common-office.com
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ABN 47 631 337 472

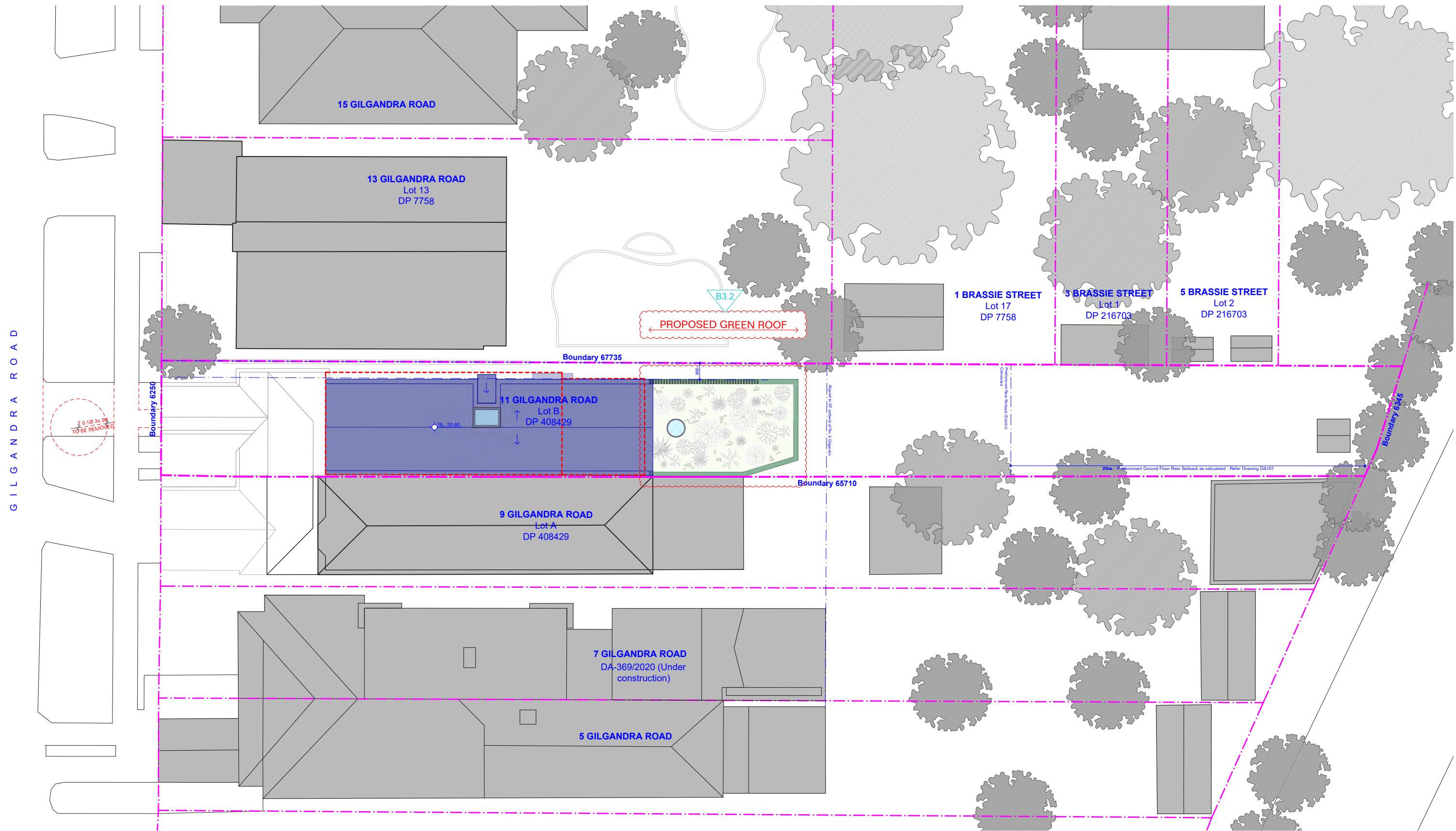
Drawing No
DA 201

Revision
[B]

Drawing
Floor ST Floor PLAN

Date
20 December 2021

Scale
0 2 4 6m



AMENDED PLANS

Date

Description

00

08.10.21

Issued for DA

A

22.10.21

r esponse to c ouncil

b

29.11.21

For discussion

General Notes

FOR DEVELOPMENT APPLICATION PURPOSES ONLY

1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, NATIONAL CONSTRUCTION CODE (NCC), AUSTRALIAN STANDARD STATUTORY REGULATIONS AND LOCAL AUTHORITY.

2. ONLY AC TO CONSTRUCTION - CONSTRUCTION BY THE NCC MATERIALS IS MAINTAINED.

3. ONLY AC TO NOTIFY OF ANY OTHER PLANS OR CHANGES TO THE CONSTRUCTION.

4. CONSTRUCTION IS TO BE NEW FOR THE CONSTRUCTION OF THE CONSTRUCTION.

5. CONSTRUCTION IS TO BE NEW FOR ALL CONSTRUCTION OF THE CONSTRUCTION.

6. ONLY AC TO CONSTRUCTION WITH THE CONSTRUCTION OF THE CONSTRUCTION.

7. ALL WORKS TO BE VERIFIED AGAINST THE FOLLOWING CONSTRUCTION.

8. ALL CONSTRUCTION IS TO BE VERIFIED AGAINST THE FOLLOWING CONSTRUCTION.

9. ALL CONSTRUCTION IS TO BE VERIFIED AGAINST THE FOLLOWING CONSTRUCTION.

10. ALL CONSTRUCTION IS TO BE VERIFIED AGAINST THE FOLLOWING CONSTRUCTION.

Basic: All other equipments as per certificates

CONSTRUCTION:

Suspended floor with enclosed sub-floor; R0.60 (down) insulation (U-value: 7.63; SHGC: 0.75); Standard aluminium, single (R1.30 including construction)

GLAZING:

Standard aluminium, single (U-value: 7.63; SHGC: 0.75); Standard aluminium, single (U-value: 5.7; SHGC: 0.47)

Raked ceiling: 3.00 (up).

Flat ceiling: 3.00 (up).

Flat ceiling: 3.00 (up).

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Waverley Council

Application No: DA-443/2021

LEGEND

Existing Walls to be retained

Walls to be removed

Above finished floor level

PROPOSED TIMBER

PROPOSED RENDER/CONCRETE

PROPOSED GLASS

PROPOSED METAL

PROPOSED ALUMINUM

Planner

Navon Solutions.

Stormwater Engineer

ACE civil

Surveyor

ESA Survey

Shadow Analysis

Caddraft

Basin/Energy

House Energy Rating Co.

Project

GILGANDRA ALTS & ADDS

Site

11 GILGANDRA RD NORTH BONDI

Client

BERNSTEIN

Scale

1:200 at A3

Drawn By

MH, RM

Checked

RM

Common Office

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Drawing

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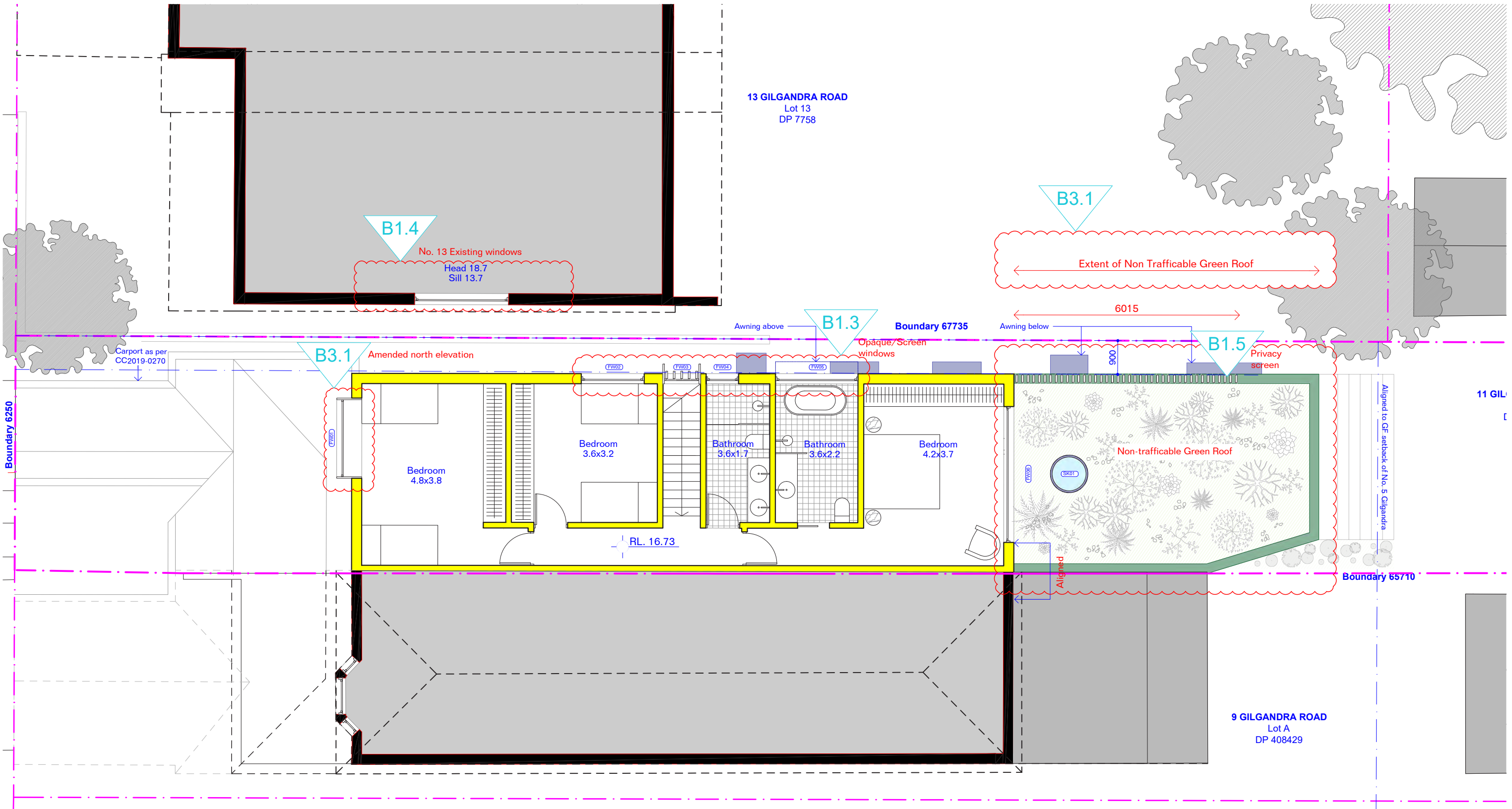
Date

20 December 2021

Drawing No

DA 202 [B]

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AMENDED PLANS

Issue	Date	Description
00	08.10.21	Issued for DA
A	22.10.21	Response to council
B	29.11.21	For discussion

General Notes

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2. ONCE ACCEPTED, THE DESIGNER SHALL MAINTAIN THE DESIGN AND CONSTRUCTION OF THE PROJECT TO THE SATISFACTION OF THE LOCAL AUTHORITY.

3. ONCE ACCEPTED, THE DESIGNER SHALL MAINTAIN THE DESIGN AND CONSTRUCTION OF THE PROJECT TO THE SATISFACTION OF THE LOCAL AUTHORITY.

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7. ALL WORKS TO BE VERIFIED AGAINST THE AWINGS FOLLOWING CONSTRUCTION AND DESIGNER TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT STAGE.

RECEIVED

Waverley Council

Application No: DA-443/2021

Date Received: 20/12/2021

LEGEND

- Existing Walls to be retained
- Walls to be removed
- AFFL Above finished floor level
- PROPOSED TIMBER
- PROPOSED RENDER/CONCRETE
- PROPOSED BRICK
- PROPOSED GLASS
- PROPOSED METAL

Planner

Navon Solutions

Stormwater Engineer

ACE civil

Surveyor

ESA Survey

Shadow Analysis

Caddraft

Basix/Energy

House Energy Rating Co.

Project

GILGANDRA ALTS & ADDS

Site

11 GILGANDRA RD NORTH BONDI

Client

BERNSTEIN

Scale

1:100 at A3

Drawn By

MH, RM

Checked

RM

Common Office

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Drawing No

DA 301

Revision

[B]

Drawing

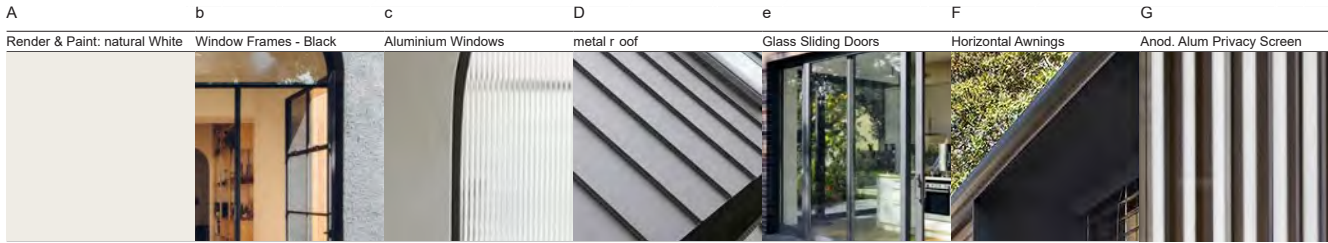
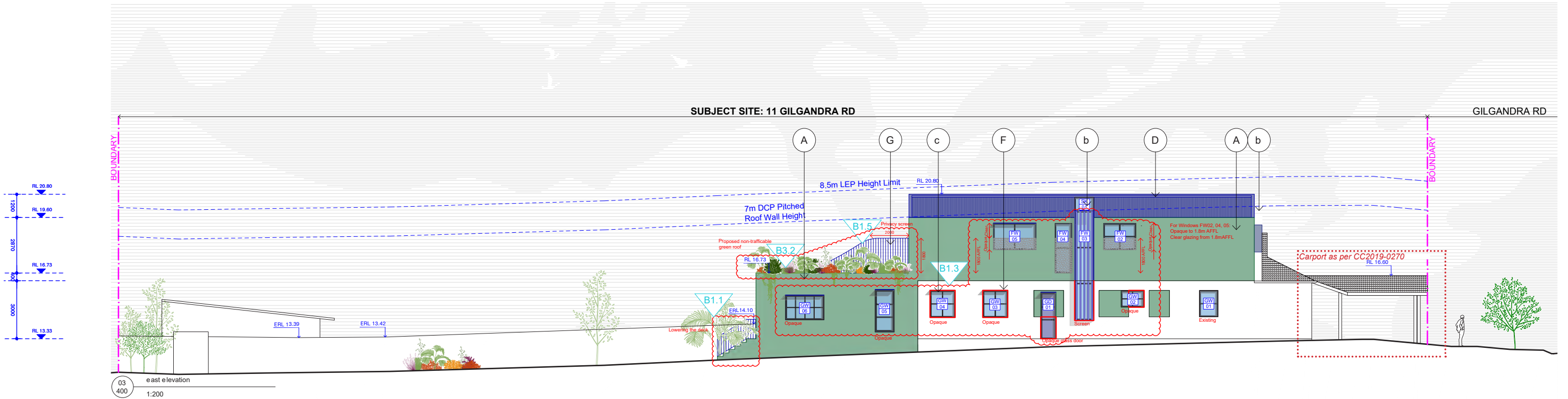
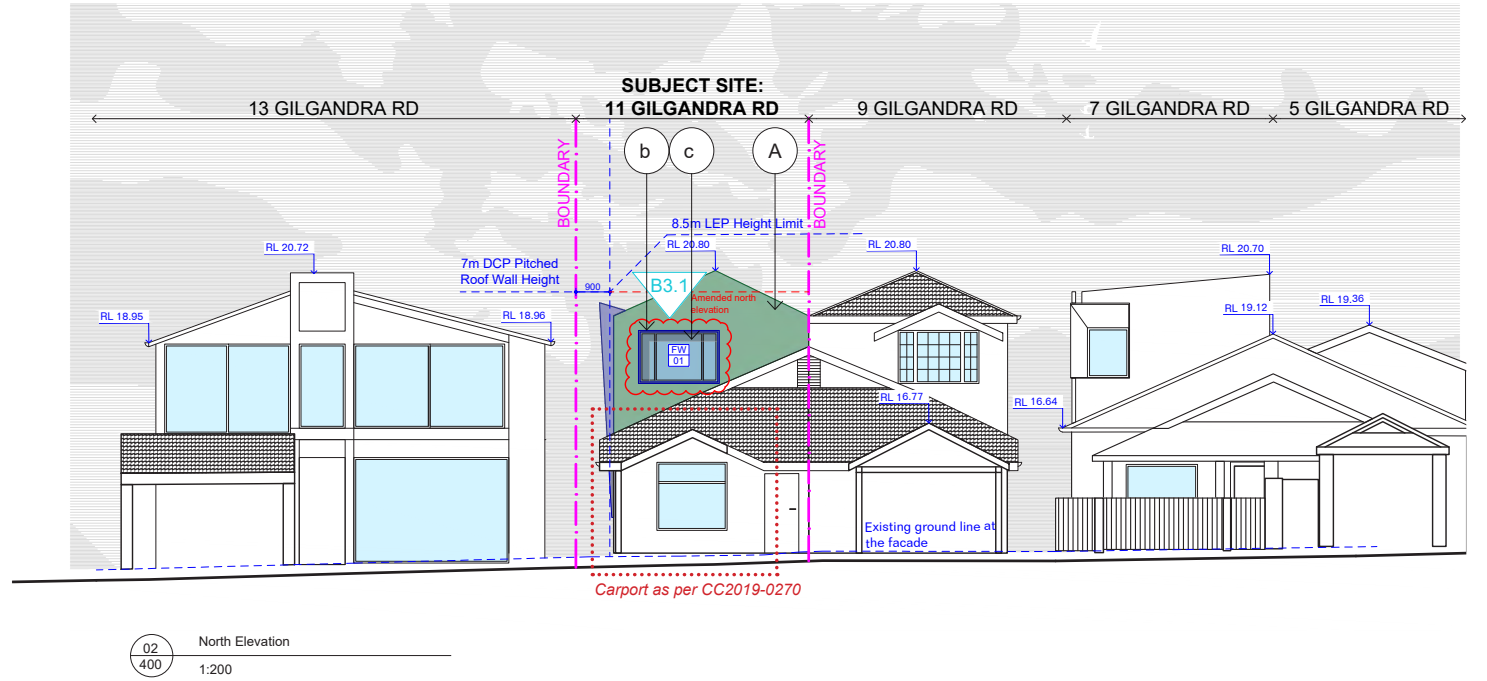
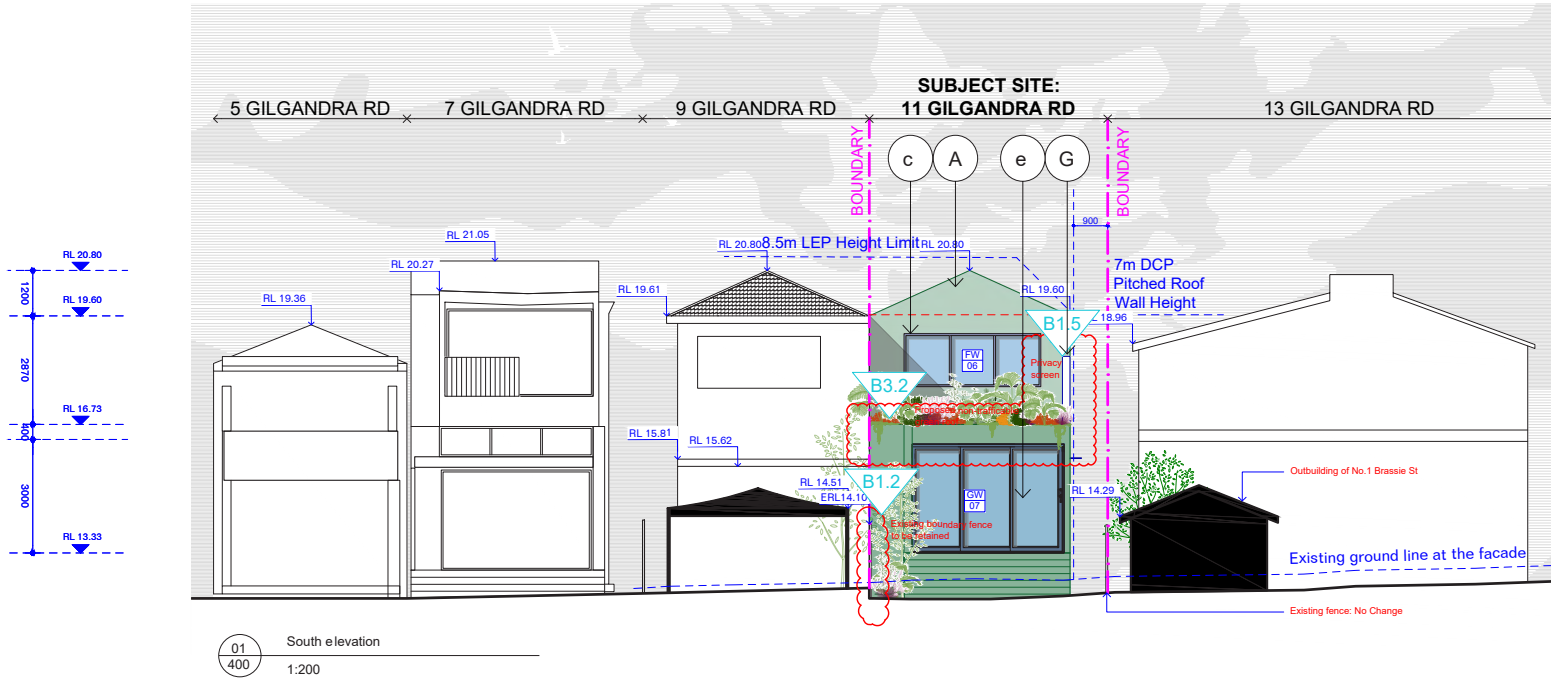
De TAIL Flr ST FLOOR PLAN

Date

20 December 2021

Scale

0 1 2 3m



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00	08.10.21	Issued for DA	
A	22.10.21	Response to council	
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FOR DEVELOPMENT APPLICATION PURPOSES ONLY

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2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS & MAINTAINED INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING.

4. DESIGNER TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS: SETTING OUT PRIOR TO CONSTRUCTION.

5. CONTRACTOR TO LAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE.

6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE.

7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND DESIGNER TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE.

Basic: All other equipments as per certificates
CONSTRUCTION: Suspended floor with enclosed sub-floor; R0.60 (down) insulation (u-value: 7.63; SHGC: 0.75); Standard aluminium, single pyrolytic low-e (U-value: 5.7, SHGC: 0.47) External Wall: Framed: R1.30 (or R1.70 including construction) Raked ceiling, R3.00(up), foil/sarking; Medium (solar absorptance 0.475-0.70) Flat ceiling, R3.00 (up), foil/sarking Medium (solar absorptance 0.475-0.70)

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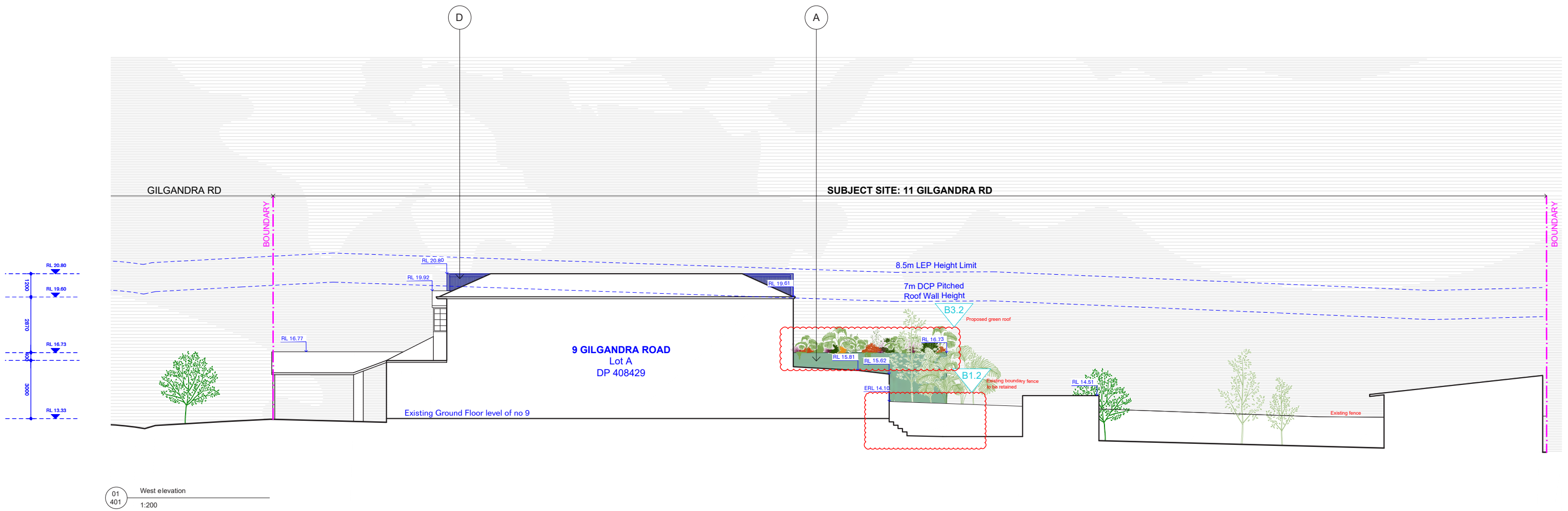
Date Received: 20/12/2021

AMENDED PLANS

LEGEND	Planner
Existing Walls to be retained	Navon Solutions
Walls to be removed	Stormwater Engineer
AFFL Above finished floor level	ACE civil
PROPOSED TIMBER	Surveyor
PROPOSED RENDER/CONCRETE	ESA Survey
PROPOSED BRICK	Shadow Analysis
PROPOSED GLASS	Caddraft
PROPOSED METAL	Basix/Energy
	House Energy Rating Co.

Project	Scale	Drawn By	Checked
GILGANDRA ALTS & ADDS	1:200 at A3	MH, RM	RM

Common Office	Drawing
35 RICHARDS LANE, SURRY HILLS SYDNEY NSW 2010 T +61 413 555 547 www.common-office.com office@common-office.com Common Office Pty Ltd. ABN 47 631 337 472	eLeVATIONS
Date	20 December 2021
Drawing No	400
Revision	[B]

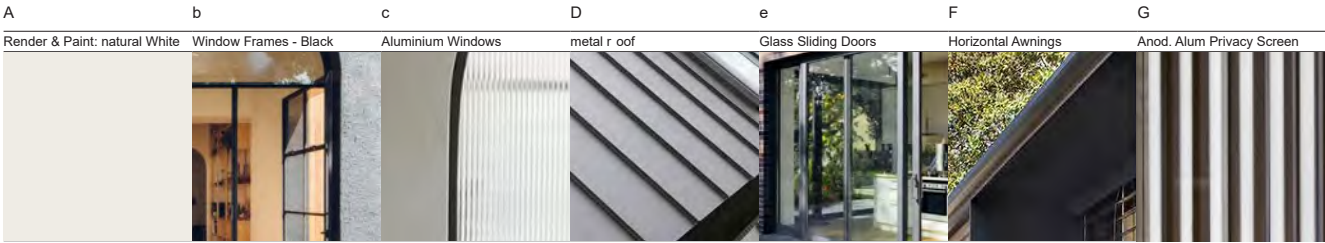


AMENDED PLANS

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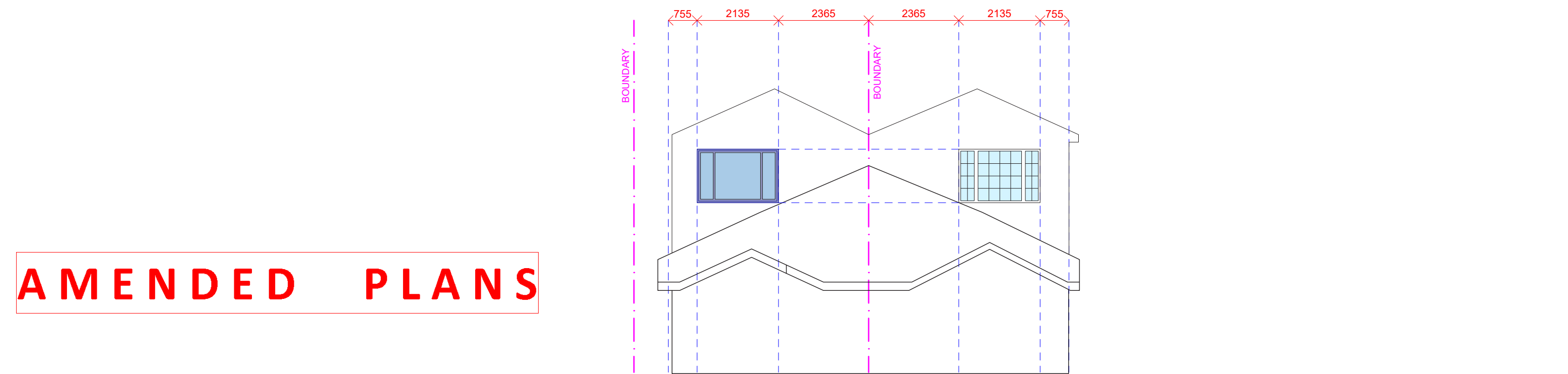
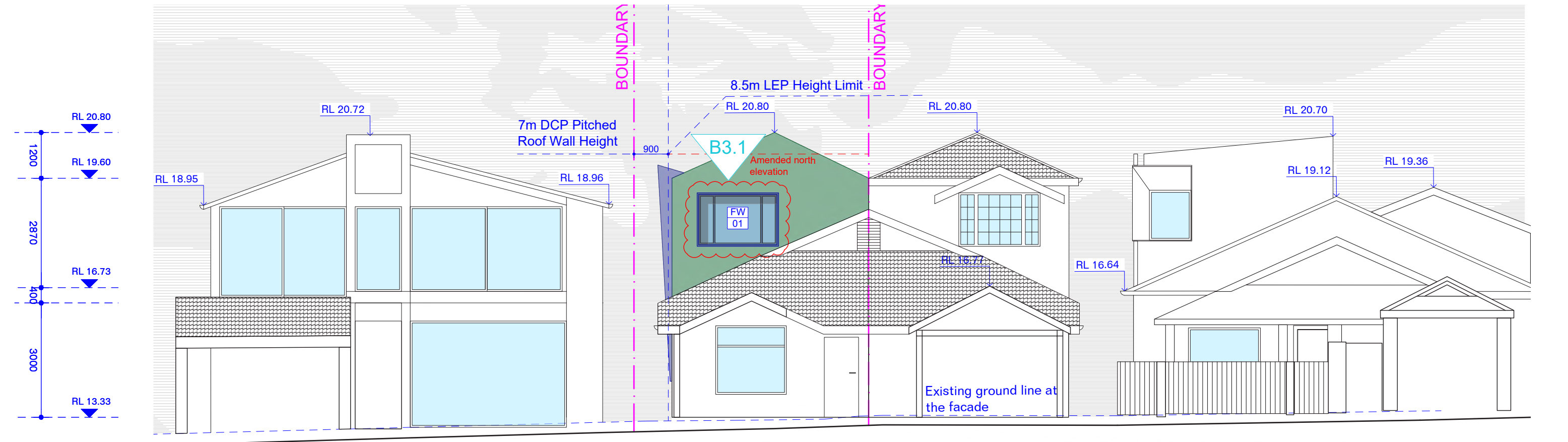
General Notes
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GLAZING: Standard Aluminium, Single Clear (u-value: 7.63; SHGC: 0.75); Standard aluminium, single pyrolytic low-e (U-value: 5.7, SHGC: 0.47)

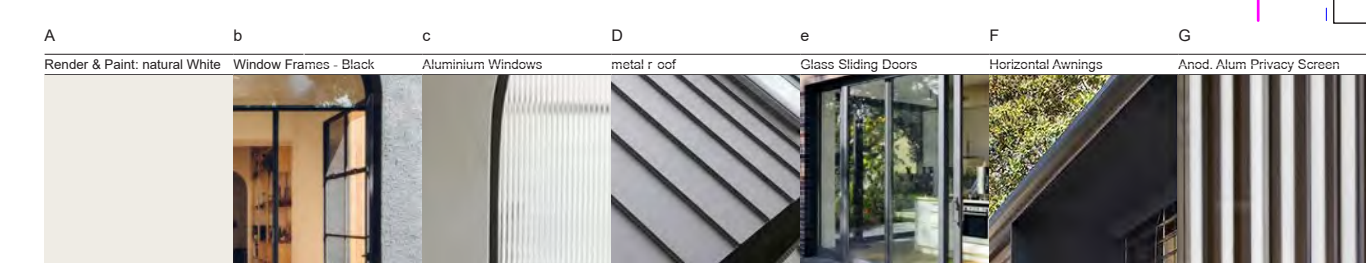
LEGEND	Planner
Existing Walls to be retained	Navon Solutions
Walls to be removed	Stormwater Engineer
AFFL Above finished floor level	ACE civil
PROPOSED TIMBER	Surveyor
PROPOSED RENDER/CONCRETE	ESA Survey
PROPOSED BRICK	Shadow Analysis
PROPOSED GLASS	Caddraft
PROPOSED METAL	Basix/Energy
	House Energy Rating Co.

Project	Scale	Drawn By	Checked
GILGANDRA ALTS & ADDS	1:200 at A3	MH, RM	RM
Site			
11 GILGANDRA RD NORTH BONDI			
Client			
BERNSTEIN			

Common Office	Drawing
35 RICHARDS LANE, SURRY HILLS SYDNEY NSW 2010 T +61 413 555 547 www.common-office.com office@common-office.com Common Office Pty Ltd. ABN 47 631 337 472	WeST eLeVATION
Date	20 December 2021
DA	401
[B]	



AMENDED PLANS



Issue	Date	Description	General Notes	Basic: All other equipments as per certificates	
00	08.10.21	Issued for DA	FOR DEVELOPMENT APPLICATION PURPOSES ONLY 1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, NATIONAL CONSTRUCTION CODE (NCC), AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY REQ. 2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS & MAINTAINED INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING. 4. DESIGNER TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS, SETTING OUT PRIOR TO CONSTRUCTION. 5. CONTRACTOR TO LAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE. 6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE. 7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND DESIGNER TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE	CONSTRUCTION: Suspended floor with enclosed sub-floor; R0.60 (down) insulation (or R1.30 including construction) External Wall: Framed; R1.30 (or R1.70 including construction) Raked ceiling, R3.00(up), foil/sarking; Medium (solar absorptance 0.475-0.70) Flat ceiling, R3.00 (up), foil/sarking Medium (solar absorptance 0.475-0.70)	GLAZING: Standard Aluminium, Single Clear (u-value: 7.63; SHGC: 0.75); Standard aluminium, single pyrolytic low-e (U-value: 5.7, SHGC: 0.47)
A	22.10.21	r esponse to c council			
b	29.11.21	For discussion			

LEGEND

- Existing Walls to be retained
- Walls to be removed
- AFFL Above finished floor level
- PROPOSED TIMBER
- PROPOSED RENDER/CONCRETE
- PROPOSED BRICK
- PROPOSED GLASS
- PROPOSED METAL

Planner
Navon Solutions
Stormwater Engineer
ACE civil
Surveyor
ESA Survey
Shadow Analysis
Caddraft
Basix/Energy
House Energy Rating Co.

Project
GILGANDRA ALTS & ADDS
Site
11 GILGANDRA RD NORTH BONDI
Client
BERNSTEIN
Scale
1:100 at A3

Drawn By
MH, RM

Checked
RM

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Drawing
NOR TH eLe VATION/ WINDOW DIAGr Am
Date
20 December 2021
Drawing No
DA 402
Revision
[B]



Report to the Waverley Local Planning Panel

Application number	DA-232/2021/1
Site address	42 Varna Street, Waverley
Description of Development	Review of application for partial demolition and alterations and additions to existing semi-detached dwelling.
Date of Original Determination	22 September 2021
Date of lodgement	23 November 2021
Owner	Ms H A Galvin
Applicant	Ms H A Galvin
Submissions	One submission
Cost of works	\$1,632,582
Principal Issues	<ul style="list-style-type: none"> • FSR • Rear and side setbacks • Visual bulk and scale • Excavation • Landscaping • Character of semi-detached dwelling
Recommendation	That the application be REFUSED for the reasons contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The section 8.2 review application seeks to review the determination of DA-23/2021 for partial demolition and alterations and additions to the existing semi-detached dwelling at the site known as 42 Varna Street, Waverley. The review application has amended the original development application. The amendments include the following:

- Deletion of second car space to provide a car port for one car space accessed from Carlton Lane;
- Retention of existing vehicle crossover from Carlton Street;
- Reduction in private open space on the first floor with raised garden bed replaced with proposed deck, and extension of privacy screening along the perimeter;
- 1.8m high timber paling fence along part of western side boundary to screen rear yard fronting Carlton Lane; and
- Clause 4.6 written request seeking variation to the Floor Space Ratio development standard.

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

- The proposal contravenes the Floor Space Ratio (FSR) development standard under Clause 4.4 of the Waverley Local Environmental Plan 2012 (Waverley LEP 2012) and the applicant failed to provide a written request to justify the non-compliance with the development standard in accordance with Clause 4.6 of the Waverley LEP 2012.
- The proposed car parking design to accommodate two vehicles would result in adverse impacts on the streetscape and the public domain.
- The proposal failed to demonstrate design excellence, as the bulk and scale of the development was not considered compatible with the built form or landscaped character of the existing dwelling and the adjoining semi-detached dwelling or the row to which the site is a part of. The proposal was considered to have unreasonable visual bulk and scale, and amenity impacts on adjoining properties.
- Excessive excavation with nil setback to side boundaries posed structural impacts on adjoining properties. The habitable room within the basement contributes to visual bulk and scale of the development.
- The proposal exceeds the maximum wall height for the site and insufficient side and rear setbacks and does not relate appropriately to the height and scale of surrounding developments.
- The site is not considered suitable for the proposed development as it is not compatible with the existing and desired future character of the locality, and could impact the orderly development of adjoining properties. The proposal is not considered to be in the public interest.

The assessment finds these issues have been partially addressed, particularly by the deletion of one car parking space, retention of the existing vehicle crossing and redesign of the first floor private open space to provide an open rear courtyard at ground level. However, the amendments proposed in this review application have not altered the design of the ground and first floors of the dwelling and does not adequately address issues relating to visual bulk and scale, consistency in style with the existing semi-detached dwelling and adjoining semi-detached dwellings and excessive excavation.

One submission has been received and the issues raised in the submission have been considered and addressed in this report and in the Recommendation. No Councillor submission has been received.

The application has been assessed against the relevant matters for consideration under sections 8.2 and 8.3 the *Environmental Planning and Assessment Act 1979*. It is recommended to not change the determination of refusal.

1.2. Site and Surrounding Locality

A site visit was carried out on 29 June 2021 during the assessment of the original development application. A site inspection was also carried out on 10 December 2021.

The site is identified as Lot 1 in DP 735517, known as 42 Varna Street, Waverley.

The site is rectangular in shape with a southern frontage to Varna Street, measuring 5.065m and a secondary western frontage to Carlton Street, measuring 30.485m. It has an area of 162.5m² and has a fall from the rear to the front of approximately 1m.

The site is occupied by a single storey semi-detached dwelling with vehicular access provided from Carlton Street to a single carport.

The site is adjoined by its single storey semi-detached dwelling pair to the east. It is part of a row of six semi-detached dwellings. The locality is characterised by a variety of low density residential development. Varna Street delineates the boundary between the Waverley and Randwick local government areas.

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



Figure 1: View of site and adjoining semi-detached dwelling looking north from Varna Street



Figure 2: View of site and adjacent developments to the north-west, looking north at intersection of Varna Street and Carlton Street



Figure 3: View of existing facade fronting Carlton Street, looking north-east from intersection of Varna Street and Carlton Street



Figure 4: View of site and adjoining property to the north (28 Carlton Street) looking south-east from Carlton Street

1.3. Details of the Original Determination Subject to Review

The original development application, known as DA-232/2021 for partial demolition and alterations and additions to the existing semi-detached dwelling, was refused on 22 September 2021 by the Waverley Local Planning Panel.

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

- The proposal contravenes the FSR development standard under Clause 4.4 of the Waverley LEP 2012 and the applicant has failed to provide a written request to justify the non-compliance with the development standard in accordance with Clause 4.6 of the Waverley LEP 2012. The proposal does not preserve the environmental amenity of neighbouring properties and the surrounding locality, and is considered an over development of the site.
- The proposed car parking design to accommodate two vehicles consists of undersized car parking spaces and will result in adverse impacts on the streetscape and the public domain as vehicles may be parked across the pedestrian footpath and is inconsistent with the objectives

and controls under Section 8.1 *Streetscape* in the Waverley Development Control Plan (Waverley DCP) 2012.

- The proposal has failed to demonstrate design excellence in accordance with Part B12 *Design Excellence* of the Waverley DCP 2012 as insufficient side and rear setbacks, non-compliant building wall height and excessive excavation present visual bulk that is not compatible with the existing dwelling and the scale of surrounding developments. The proposal is out of character with adjoining properties and the streetscape.
- The proposed 4.3m high wall along the eastern boundary has unreasonable visual bulk and scale impacts on the adjoining property and is inconsistent with Section 2.4 *Fences* in Part C2 of the Waverley DCP 2012.
- Increased privacy impacts on adjoining properties resulting from non-compliant rear building line and elevated first floor terrace is inconsistent with Section 2.5 *Visual and Acoustic Privacy* in Part C2 of the Waverley DCP 2012.
- The proposal fails to provide a minimum landscaped area of 15% of the site area and is inconsistent with the provisions in Section 2.9 *Landscaping and Open Space* in Part C2 of the Waverley DCP 2012.
- The design of the additions does not complement the style and character of the existing semi-detached dwelling, the adjoining semi-detached dwelling or the row to which the site is a part of and is inconsistent with Section 2.13 *Semi-Detached Dwellings & Terrace Style Developments* in the Waverley DCP 2012.
- The site is not considered suitable for the proposed development as the scale could impact the orderly development of adjoining properties, have adverse amenity impacts on adjoining properties and is not compatible with the existing and desired future character of the locality. The proposal is not considered to be in the public interest.

1.4. Proposal

The review application was lodged on 16 November 2021 and seeks to review the determination of the original development application.

The original application sought development consent for partial demolition and alterations and additions to the semi-detached dwelling, specifically the following:

- Demolition except for the front roof profile, front verandah and common side boundary wall with 44 Varna Street;
- Excavation for a new basement level with 2.5m floor to ceiling height and three x highlight windows on the western boundary fronting Carlton Street and one x highlight window to the landscape setback adjacent to the western boundary;
- Ground floor rear addition and internal reconfiguration to provide 4 bedrooms, a bathroom and laundry, a carport for two cars;

- First floor addition comprising open plan living areas and elevated private open space at the rear, with privacy screening and planters to the perimeter. A raised garden area with a pergola structure adjacent to the northern rear boundary; and
- Four x skylights and solar panels on the existing front roof and proposed new roof.

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

- Deletion of one car space and retention of existing vehicle crossing on Carlton Street;
- Increase size of ground floor open space;
- Reduction in size of first floor elevated terrace;
- Additional privacy screening on the perimeter of first floor elevated terrace; and
- 1.8m high timber paling fence along the western side boundary adjacent to proposed rear yard.

1.5. Background

The review application was deferred on 30 November 2021 for the following reasons:

1. Revised BASIX Certificate required as the submitted BASIX Certificate dated 15 June 2021 was more than 3 months from the date of lodgement (23 November 2021).

The applicant submitted a revised BASIX Certificate dated 30 November 2021 via the NSW Planning Portal on the same day.

2. ASSESSMENT

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

2.1. Section 8.3 Considerations

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

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

(a) after the period within which any appeal may be made to the Court has expired if no appeal was made, or

(b) after the Court has disposed of an appeal against the determination or decision.

(3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having

regard to the amended development, but only if it is satisfied that it is substantially the same development.

The determination of the original application (DA-232/2021) was made on 22 September 2021. The period of right of appeal for the applicant to exercise (referenced in section 8.3(2)(a) of the Act), is 6 months after the date of determination, which has been extended to 12 months under the *COVID-19 Legislation Amendment (Emergency Measures—Miscellaneous) Act 2020 No 5*. The application is scheduled to be determined by the Waverley Local Planning Panel on 23 February 2022, which satisfies the statutory timeframe to determine this review application.

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

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

2.2. Planning Instruments and Development Control Plans

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

2.2.1. State Environmental Planning Policies (SEPPs)

The following SEPPs apply and have been considered acceptable in the assessment of this review application:

- SEPP 55 Remediation of Land.
- SEPP (Building Sustainability Index – BASIX) 2004.

2.2.2. Draft Waverley Local Environmental Plan 2022 (Draft Waverley LEP 2022)

It is acknowledged that the Draft Waverley LEP 2022 is on exhibition from 12 November 2021 to 23 January 2022, however at the time of this assessment, there are no relevant matters for consideration.

2.2.3. 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.

Provision	Compliance	Comment
Part 2 Permitted or prohibited development		
Land Use Table <ul style="list-style-type: none"> R2 Low Density Residential Zone 	Yes	The proposal is defined as alterations and additions to a semi-detached 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 	Yes	The proposal has a building height of 7.7m.
4.4 Floor space ratio <ul style="list-style-type: none"> 0.926:1:1 (150.5m²) 	No	The proposal seeks consent for a FSR of 1.23:1, exceeding the standard by 49.82m ² equating to a 33% variation.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.2 Earthworks	No	No change has been proposed to the extent of excavation originally proposed. The proposal, the subject of this review, seeks to excavate up to 3m to accommodate a basement level with a 2.5m floor to ceiling height up to the eastern and western side boundaries and remains inconsistent with the setback controls for excavation under Part B14 of the WDCP 2012 and is not supported (refer to assessment under Table 2 below).

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

Clause 4.6 Exceptions to Development Standards

The application seeks to vary the FSR development standard in clause 4.4 under Waverley LEP 2012.

The site is subject to a maximum FSR development standard of 0.926:1. The proposed development has a FSR of 1.23:1, exceeding the standard by 49.82m² equating to a 33% variation.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *The dwelling, excluding the basement storage area has a compliant FSR of 0.908:1;*
 - (ii) *The non-compliant storage area is calculated as GFA by virtue of the ceiling of this space being part more than 1.0m above ground level existing;*
 - (iii) *The storage area is created by expanding the existing sub-floor area to the existing dwelling;*
and
 - (iv) *If not pursued, the proposed dwelling would be a fully compliant dwelling relative to FSR.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) *The FSR permitted by Clause 4.4A on the site would permit a maximum GFA of 156.5m². The proposed building, excluding the basement has a compliant GFA of 147.8m². The basement results in a maximum GFA of 200.32m².*
 - (ii) *The environmental planning grounds to justify the non-compliance is that the effective basement storage area provides an amenity to the occupants of the dwelling in a manner that does not alter the height, bulk or scale of the dwelling.*
 - (iii) *The design has utilised the existing site slope and existing site-floor area which is to be further excavated to accommodate the storage area.*
 - (iv) *This sub-floor storage area maintains compliance with the applicable maximum height of building development standard and landscaped area controls.*

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

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The scale of the proposed alterations and additions does not achieve the objectives of the development standard in particular, the first floor addition is incompatible with the bulk and scale of the adjoining semi-detached dwelling and will impact the cohesive appearance of the dwellings within the streetscape. The western side setback of the first floor addition and the masonry planter wall on the western boundary does not achieve the minimum 900mm side setback requirement under Section 2.2 of the Waverley Development Control Plan 2012 (Waverley DCP 2012) and will contribute to building bulk given the visual prominence of the site at the intersection of Varna Street and Carlton Street. The proposal is likely to negatively impact on the ability for the adjoining semi-detached dwelling to construct a matching first floor addition as the non-compliant side setback is likely to result in amenity impacts on the adjoining property to the west. In this regard, the proposal has failed to adequately address objectives (c) and (d) of the FSR development standard in Clause 4.4 of the Waverley LEP 2012 and cannot be supported.

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

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. Whilst the proposal to further excavate the existing sub floor area does not alter the building envelope to the front of the existing semi-detached dwelling, the extent of the excavation and proposed window openings on the western elevation contribute to the appearance of an additional habitable floor level to the dwelling when viewed from the street which is inconsistent with the character of semi-detached dwellings in the locality.

The internal configuration of the dwelling, with the provision of living areas on the first floor level and elevated private open space to the rear, results in additional building bulk consisting of masonry planter

walls, privacy screens and a pergola that are visible from adjoining properties and the public domain. It has not been sufficiently demonstrated that an alternative, compliant design will not result in less visual or amenity impacts on adjoining properties.

Is the development in the public interest?

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

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

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

The proposal achieves compliance with the height of building development standard, however the bulk and scale of the first floor addition including the elevated open space is visually prominent and will not enable the cohesive development of matching semi-detached dwellings and is incompatible with the desired future character for the locality. The proposal will result in excessive boundary wall heights along the northern and eastern boundaries and does not preserve the amenity of adjoining properties, particularly additional visual impact.

The objectives of the R2 Low Density Residential zone are as follows:

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

The proposal achieves the objectives of the R2 zone, as the retention of the semi-detached dwelling within the locality contributes to housing supply in the locality.

Conclusion

For the reasons provided above, the requested variation to the FSR development standard is not supported as the applicant's written request has not adequately addressed the matters required to be addressed by clause 4.6(3) of the Waverley LEP 2012. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of FSR development standard.

2.2.4. Waverley DCP 2012 – Amendment No.9

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Yes	Satisfactory.
5. Vegetation Preservation	Yes	An existing Bangalow Palm located in the rear yard is proposed to be transplanted to the front yard. Council's Tree Management Officer has reviewed the proposal and raised no objection.
6. Stormwater	Yes	Refer to section 3 of this report on referral commentary in relation to stormwater.
8. Transport Minimum parking rate: <ul style="list-style-type: none"> Nil Maximum parking rate: <ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms. 	No	<p>The subject site comprises a carport that currently accommodates one off-street car space accessed from Carlton Street.</p> <p>The proposal seeks to retain the existing vehicle crossing and car space.</p> <p>The proposed length of the car space, having regard to the bin storage area immediately to the east, measures approximately 4.6m and is insufficient for a typical B85 vehicle measuring 4.91m in length. Given the insufficient length of the proposed car parking space, it is likely that a parked car would project beyond the property boundary and obstruct the public footpath along Carlton Street. Any projection of a car into the public footpath is not acceptable.</p> <p>An alternative bin storage area adjacent to the proposed car parking space or within the private open space would provide a car parking space of sufficient length. Conditions could be imposed requiring the relocation of the bins storage area and that car parked within the car port must be wholly contained within the property boundary.</p>
10. Safety	Yes	Satisfactory.
12. Design Excellence	No	Unsatisfactory. The proposed development does not achieve design excellence, as the design, bulk and scale are not compatible with the site context, relationship with adjoining properties and has not

Development Control	Compliance	Comment
		appropriately considered amenity impacts and streetscape impacts.
14. Excavation	No	Excavation is proposed to provide a basement floor level. The proposed depth of excavation is approximately 3m with nil setbacks to the side boundaries and with floor to ceiling heights of 2.5m, capable of being occupied as subterranean habitable space.

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	No	See discussion below this table.
<ul style="list-style-type: none">• Does not detract from amenity of adjoining properties or public view corridors	No	
<ul style="list-style-type: none">• Ecological sustainability to be considered	Yes	
<ul style="list-style-type: none">• Alterations and additions are sympathetic in bulk, scale and character with desired future character of the area	No	
<ul style="list-style-type: none">• High design standards	No	
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none">• Maximum wall height of 7.5m	No	7.7m – see discussion below this table.
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 Ground floor - Yes First floor - No	See discussion below this table.
2.2.2 Side setbacks <ul style="list-style-type: none">• Minimum of 0.9m	No	
Nil setback to eastern side boundary shared with semi-detached dwelling at 44 Varna Street.		

Development Control	Compliance	Comment
		Nil setback fronting Carlton Street at ground floor and part of first floor. First floor windows setback 600mm from western side boundary. See discussion below this table.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style and proportions of existing dwelling Significant landscaping to be maintained. 	<p>No</p> <p>No</p> <p>Yes</p>	See discussion below this table.
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 	<p>Yes</p> <p>No</p>	<p>1m high open slat timber screening.</p> <p>Masonry boundary wall height up to 4.2m along the eastern side boundary and 3.5m along the northern rear boundary.</p>
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	<p>Yes</p> <p>No</p>	<p>The elevated private open space has an area of approximately 22.8m². The private open space areas have a depth of greater than 1.5m, except for the proposed walkway. See discussion below.</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 	No – acceptable on merit	The living area and private open space of the subject site does not achieve a minimum of three hours of direct sunlight as a result of the north-south orientation of the site and existing overshadowing cast from surrounding

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. 	No – acceptable on merit	<p>developments between 9am and 3pm at the winter solstice.</p> <p>The private open space and living areas at the adjoining property to the east (44 Varna Street) also experiences significant overshadowing from existing developments. The proposal will cast additional overshadowing however, the extent of overshadowing will predominantly fall across the rear roof of the semi-detached dwelling and will not result in any unreasonable solar access impacts.</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. 	<p>Yes</p> <p>Yes</p>	<p>No views from the public domain will be affected by the proposal.</p> <p>No view from adjoining properties have been identified.</p> <p>No submissions have been received relating to view loss.</p>
2.8 Car parking		
2.8.1 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 Parking to be provided from secondary streets or lanes where possible. 	<p>Yes – subject to condition</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal retains the existing car parking space and vehicle crossing accessed from Carlton Street.</p> <p>The retention of the car parking space and carport is consistent with the location and design of car parking spaces to surrounding properties also accessed from Carlton Street.</p> <p>The existing car parking space is located adjacent to the rear northern boundary, behind the front building line.</p> <p>The existing single vehicle crossing from Carlton Street will be retained.</p> <p>Access to onsite parking is from Carlton Street, which is the secondary frontage to the site.</p>
2.8.2 Parking rates	Yes	Parking rates are set by Part B8 of Waverley DCP 2012.
2.8.3 Location	Yes	The proposal retains the existing location and access to on site car parking via Carlton Street.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Existing development to be in accordance with the hierarchy of preferred car parking locations 		
2.8.4 Design <ul style="list-style-type: none"> Complement the style, massing and detail of the dwelling Secondary in area and appearance to the design of the residences 	Yes	The retention of the existing car parking space does not dominant the appearance of the dwelling when viewed from the public domain. The proposal will remove the existing roller door and masonry wall and parapet. The carport will be open to Carlton Street with no roller door or gate.
2.8.5 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes – subject to condition	<p>The proposal seeks to retain the existing car space with a dimension of 5.4m x 3m. The car space, excluding the bin storage area to the east, will provide a car parking length of 4.6m which cannot adequately accommodate a typical B85 vehicle.</p> <p>The proposal in its current form is likely to result in a parked car protruding beyond the property boundary and obstructing the adjacent footpath.</p> <p>The proposed car parking space is acceptable, subject to a condition requiring the relocation of the bin storage area to ensure a car can be wholly contained within the property boundaries.</p>
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 Yes Yes	The proposal retains the existing single vehicle crossing from Carlton Street and does not result in any loss of on-street car parking.
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 (24.4 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 	Yes No Yes Yes Yes	<p>The proposal states that there is 74m² (45.5%) of open space. The assessment officer has calculated an open space area of 69.86m² (43%) excluding the eastern portion of the ground floor rear yard that is situated immediately below the elevated walkway as this space is predominantly undercover. Notwithstanding the excluded area of the rear yard, the proposal provides compliant open space.</p> <p>The proposal has a landscaped area of 20.9m² (12.9%) and does not achieve sufficient landscaping for the site.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Outdoor clothes drying area to be provided 	Not shown	<p>The proposal provides approximately 36.7m² of private open space comprising of the ground floor rear yard and elevated first floor deck.</p> <p>100% of the front building setback consists of open space.</p> <p>77.4% of the front open space consists of landscaping.</p>
2.13 Semi-detached dwellings and terrace style development		
<p>2.13.1 - Built form</p> <ul style="list-style-type: none"> Additions to match the style of the original semi-detached dwelling Existing roof form maintained forward of principal ridgeline Use of roof as an attic permitted provided: <ul style="list-style-type: none"> Maintains existing roof form Front verandahs to be maintained. 	<p>No</p> <p>Yes</p> <p>Yes</p> <p>Partial</p>	<p>The proposed alterations and additions are out of character with the scale of the existing semi-detached dwelling and its semi pair. The proposed bulk and scale is excessive and fails to appear cohesive with the group of semi-detached dwellings of which the site is part of and will be visually dominant and detracting within the streetscape.</p> <p>Whilst the existing front verandah will be retained, the proposed full height timber screening encloses the space and is inconsistent with the style and appearance of the matching front verandahs of the semi-detached dwelling pair.</p>
<p>2.13.2 - First floor additions to semi-detached dwellings</p> <ul style="list-style-type: none"> First floor addition to be setback from the principal street frontage and maintain the existing front roof slope Flat roofs should be only used when not seen in a Heritage Conservation Area Limit the rise of the interface with adjoining semi-detached dwelling to 600mm First floor additions should match the style of the additions on the adjoining semi (if relevant). 	<p>Yes</p> <p>Yes</p> <p>Not yet developed</p> <p>Not yet developed</p>	<p>The proposed first floor addition, comprising a flat roof is located behind the existing front roof slope.</p> <p>The site is not located within a heritage conservation area.</p> <p>The adjoining semi-detached dwelling has not been redeveloped and does not contain a first floor addition. The proposed first floor addition does not exceed the height of the existing roof ridge and does not result in a rise of more than 600mm to the adjoining semi-detached dwelling.</p> <p>The proposed design and scale of the first floor addition does not achieve compliance with development controls for alterations and additions and is considered an overdevelopment of the site. The current proposal is not supported as it is likely to set an undesirable precedent and impact any future redevelopment of adjoining properties.</p>

Development Control	Compliance	Comment
2.13.3 - Material finishes and detail for semi-detached dwellings <ul style="list-style-type: none"> • Finishes and detailing are to be cohesive with the existing dwelling • Historic features of the roofscape are to be incorporated into the addition • New windows to have a similar proportion to the existing • Upper wall finishes to reflect the style and character of the original building. 	<p>No</p> <p>No</p> <p>No</p> <p>No</p>	<p>The proposal is not cohesive with the style or character of the existing dwelling or adjoining semi-detached dwelling. The proposal is also not compatible with the appearance of the group of semi-detached dwellings of which the site is part of.</p>
2.14 Dual Frontage Development		
2.14.1 - General Controls <ul style="list-style-type: none"> • Primary and secondary frontage to be defined • Appropriate forms to be provided to each street 	<p>Yes</p> <p>No</p>	<p>The primary frontage of the semi-detached dwelling to Varna Street will be retained. The secondary frontage to Carlton Street will be reconstructed including alterations and additions that will increase the bulk of the building and its prominence when viewed from the public domain and adjoining properties. See discussion below the table.</p>

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

Streetscape Impacts and Additions to Semi – Detached Dwellings

The proposed alterations and additions consist of demolition of a substantial portion of the existing semi-detached dwelling, with the retention of the common eastern side boundary wall, front roof and verandah fronting Varna Street. Alterations to the existing western boundary wall fronting Carlton Street will be reconstructed and extended to include the external wall of the planters on the first floor level with a building wall height of 5.2m. The first floor addition comprises windows setback 600mm from the western side boundary and a skillion roof form. The proposal results in a building wall height of 7.7m which is non-compliant with the maximum building wall height of 7.5m for a dwelling with a flat roof.

The proposed excavation and construction of a basement level with habitable floor space results in a semi-detached dwelling with three floor levels.

The proposed alterations and additions will not appear cohesive with the adjoining semi-detached dwelling and will detract from the scale and character of the pair of semi-detached dwellings and

similarly scaled groups of semi-detached dwellings located on the northern side of Varna Street. In particular, the nil setback of the boundary wall, 600mm setback of the first floor windows on the western side boundary and building wall height presents building bulk that is visually dominating from the public domain and is out of character with the scale of existing semi-detached dwellings in the immediate vicinity of the site and the locality.

The proposal is contrary to the objectives and controls for alterations and additions to semi-detached dwellings under Section 2.13 of the Waverley DCP 2012 having regard to the visual prominence and streetscape impacts when viewed from Varna Street and Carlton Street. Consideration of the non-compliances presented by the proposed development including FSR, wall height, setbacks, excavation, landscaping, side boundary fence height and streetscape impacts, the proposal is an overdevelopment of the site and is not contextually appropriate within the locality. As the site is part of a group of six semi-detached dwellings on the northern side of Varna Street, the proposal in its current form is likely to set an undesirable precedent that is contrary to development controls and adversely affect the orderly redevelopment of surrounding properties.

Rear and Side Setbacks

The ground floor rear building line measures 7.105m from the northern boundary and is aligned with the rear building line of the adjoining semi-detached dwelling at 44 Varna Street. The amended proposal provides a landscaped area measuring 3.25m x 4.301m that is predominantly open to the sky, except for part of the eastern portion which is covered by the proposed elevated walkway on the first floor connecting the elevated private open space immediately adjacent to the dining room to the elevated deck to the north. The walkway is setback 3.1m from the western side boundary and provides some visual relief at the ground floor level between the continuous western boundary wall of the dwelling and the masonry parapet above the carport. Given the proposed increase in open space at the ground level between the rear of the dwelling and the car port, the ground floor rear building line is acceptable.

The first floor rear building line measures 8.996m from the northern boundary and is setback 1.89m from the ground floor rear building line. The immediately adjoining semi-detached dwelling at 44 Varna Street is single storey. Within the group of 6 semi-detached dwellings immediately adjoining the subject site to the east, all dwellings are single storey except for 50 Varna Street which contains a first floor addition with an 8.8m rear building line. Whilst the proposed first floor rear building line is consistent with the existing first floor at 50 Varna Street, the proposed design of the first floor addition including the nil setback masonry planters, boundary wall along the northern and eastern boundaries and the elevated private open space with perimeter privacy screening results in structures that occupy a substantial portion of the rear setback and contributes to excessive building bulk and visual impacts when viewed from the street and adjoining properties. In particular, the proposal results in an eastern boundary wall measuring up to 4.2m in height for most of the length of the private open space at 44 Varna Street and a northern boundary wall measuring 3.5m when viewed from 28 Carlton Street.

In addition to the height of the boundary walls on the north and east boundaries, the proposal also consists of 1.7m high privacy screens setback 821mm from the northern boundary, 917mm from the eastern boundary and 900mm from the western boundary, and a 2.6m high pergola extending the width of the elevated deck to the north. The proposed structures to accommodate the elevated private open space immediately adjacent to the first floor addition have a cumulative visual bulk impact that is out of

character with existing semi-detached dwellings in the immediate vicinity of the site and is not supported.

The proposal has nil setbacks to the eastern side boundary adjoining the semi-detached dwelling at 44 Varna Street and the western side boundary to Carlton Street. The nil setback of the ground and first floors along the eastern side boundary is acceptable in this circumstance as it is consistent with the existing boundary wall between the semi-detached dwellings. The extension of the first floor wall along the eastern side boundary does not extend above the existing ridge of the roof and does not rise more than 600mm above the adjoining property and is acceptable in this instance as it will facilitate a future proposal for a first floor addition at the adjoining semi-detached dwelling.

The proposal provides a nil setback to the western side boundary for the length of the ground floor of the dwelling, except for a landscaped courtyard measuring 2m x 1.23m adjacent to the stairs. The first floor external wall has a setback of 900mm from the western side boundary; however, the pop out windows on the western elevation have a setback of 500mm and does not comply with the minimum 900mm setback control. In addition, the proposed planters built to the western boundary comprise of 1.1m high masonry walls that add to the bulk and scale of the first floor addition when viewed from the street and surrounding properties. The nil setback of the planters and 500mm setback of windows on the western side boundary are contrary to the setback objectives under section 2.2 of the Waverley DCP 2012, specifically bulk and scale, compatibility with streetscape and amenity impacts on adjoining properties.

In accordance with Section 2.13 of the Waverley DCP 2012, alterations and additions to semi-detached dwellings should maintain consistency with the style, bulk and scale to the immediately adjoining and matching semi-detached dwelling and contribute to the appearance of the dwellings when viewed from the street. The proposed first floor western side setbacks that do not comply with the minimum 900mm present a building bulk closer to the street which adds to the visual prominence of the dwelling when viewed from the street and will set a precedent for non-compliant side setbacks for future development of the adjoining semi detached dwelling. This is not supported as a non-compliant side setback on the eastern side of the adjoining semi detached dwelling will likely have amenity impacts on the window openings of the property further to the east at 46 Varna Street. To achieve the objectives and controls for the DCP for cohesive development of semi detached dwellings, proposal is required to have compliant side setback on the western side boundary to facilitate a matching side setback on the eastern side boundary for any future development at 44 Varna Street.

Excavation

The proposal seeks to excavate the sub floor level to a depth of 2.9m below the finished floor level of the existing ground floor of the dwelling with nil setbacks to the side boundaries. The excavation extends approximately 10.15m along the eastern side boundary immediately adjacent to the adjoining semi-detached dwelling and protrudes approximately 1.6m above the existing ground level when viewed from Carlton Street.

The extent of excavation is excessive and unnecessary given the nominated use as storage with potential impacts on the adjoining property. The proposal has failed to demonstrate compliance with the

objectives and controls for excavation in Section B14 of the Waverley DCP 2012 as the additional cut into the land results in further disturbance of the site and will enable use of the basement as a habitable room.

Landscaping

The site is required to provide 24.4m² (15%) of landscaped area within the development in accordance with Part 2.9 of the Waverley DCP 2012. The existing development contains 35.5m² of landscaped area and is consistent with the requirements of the landscape controls within the DCP. The proposal seeks to provide 20.9m² (12.9%) of landscaped area, consisting of a small deep soil area within the front yard, a small nook along the western boundary, a lawn at the ground floor that is partially covered by the elevated private open space above and planters along parts of the perimeter of the site at first floor level. The proposal in its current form occupies a significant site coverage and does not facilitate substantial landscaping traditionally within the rear yard of the dwelling. The non-compliance with landscaped area is a cumulative result of other non-compliances with development controls such as FSR and setbacks and contributes to the overdevelopment of the site.

Elevated private open space

The proposal provides an elevated private open space in the form of a 22.7m² first floor deck accessed from the living areas on the first floor addition. The private open space comprises of two principal areas measuring 1.89m x 3.7m (6.99m²) and 3.04 x 3.7m (11.2m²) linked by a walkway (1.5m x 3.25m). The total area and dimensions of the elevated private open space exceeds the maximum control of 10m² and a maximum depth of 1.5m.

Within the surrounding there are private open spaces above garages at Nos. 10, 12, 14 Carlton Street. To the north of the site at 28 Carlton Street is an elevated garden located above the driveway. These elevated open spaces do not exceed 15m² in area and are not designed or used as an extension of private open space or entertaining areas. There are no elevated private open spaces to properties immediately adjoining the site fronting Varna Street.

The positioning of the elevated deck results in boundary wall height of 3.5m and 4.2m along the northern and eastern boundaries, respectively. The boundary walls are visually dominant and will detract from the amenity of adjoining properties when viewed from their private open spaces. In addition, a 2.6m high pergola is proposed extending the width of the northern most portion of the open space which contributes to additional building bulk.

As the elevated deck is setback 917mm from the eastern side boundary and 821mm from the northern rear boundary, the proposal includes the erection of 1.7m high timber privacy screening along the perimeter of the open space, projecting 700mm above the 1m high masonry wall of the planters, to minimise visual privacy impacts to adjoining properties. Whilst the proposed privacy screening will minimise direct overlooking, it will contribute to the visual bulk of the dwelling when viewed from the public domain and adjoining properties. The proposed planter boxes along the perimeter of the elevated deck to contribute to landscaped areas and visual relief of the privacy screening and pergola will not reduce the visual bulk and prominence of the proposal. The design and use of the elevated private open

space is likely to result in additional visual and amenity impacts on adjoining properties and is not supported.

2.3. Other Impacts of the Development

The proposal is considered to have a significant detrimental effect relating to environmental, social or economic impacts on the locality, and is recommended for refusal.

2.4. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

2.5. Any Submissions

The application was notified for 14 days between 6 and 20 December 2021 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

A total of 1 unique submission was received from the following property:

- 28 Carlton Street, Waverley

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

- FSR
- Bulk and scale
- Impact on streetscape
- Visual and acoustic impacts on adjoining properties
- Overshadowing

2.6. Public Interest

The proposal is considered to have a detrimental effect on the public interest, and is recommended for refusal.

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Traffic and Development

Council's Traffic Engineer has reviewed the proposal and identified that whilst the proposed carport dimensions achieve compliance with Council and Australian Standards (AS2890.1), the bin storage area along the eastern portion of the carport will reduce the available car space length to approximately 4.6m. The proposal in its current form will not adequately accommodate a typical B83 vehicle (measuring 4.91m) within the carport. A car parked within the proposed car port is likely to protrude beyond the western boundary and obstruct the public footpath on Carlton Street.

It is noted that the existing vehicle crossing on Carlton Street will be retained.

Council's Traffic Engineer raises no objection to the proposal subject to the relocation of the bin storage area to ensure the car parking space has sufficient length to accommodate a vehicle wholly within the subject site.

Council's assessment officer notes that the proposed plans indicate that the bin storage area to the east of the car space is existing and will be retained. Given that the proposal will delete the existing roller door at the western boundary and the resulting car space length will not adequately accommodate a typical B85 vehicle, the proposal is likely to result in a parked car protruding into the public footpath impacting on pedestrian safety and amenity, and is not supported.

3.2. Tree Management

Council's Tree Management officer has reviewed the proposal and raises no objection to the transplant of the existing Bangalow Palm from the rear yard to the front building setback fronting Varna Street.

3.3. Stormwater

Council's Stormwater Management Engineer has reviewed the proposal and advised that the site is on flood affected land identified in the Waverley LGA Flood Study 2021. The extent of flooding is generally within the road reserve of Varna Street and is unlikely to be affected by the proposal.

A stormwater management plan was not submitted with the proposal; however Council's Stormwater Engineer raises no objection to the proposal, subject to imposition of stormwater management conditions.

4. CONCLUSION

The development application seeks consent for partial demolition and alterations and additions to the existing semi-detached dwelling including excavation for a basement level and new first floor addition including an elevated outdoor terrace to the rear at the site known as 42 Varna Street, Waverley.

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

- FSR
- Rear and side setbacks
- Visual bulk and scale
- Excavation
- Landscaping
- Character of semi-detached dwelling

The assessment finds these issues unacceptable as the bulk and scale of the alterations and additions do not complement the character of the existing semi-detached dwelling, the adjoining matching semi-detached dwelling or the group of six semi-detached dwellings located on the northern side of Varna Street. The proposed non compliances with FSR, setbacks, excavation, landscaping and alterations and

additions to semi-detached dwellings presents an overdevelopment of the site and will set an undesirable precedent that will detract from the cohesion of surrounding semi-detached dwellings and character of the streetscape and locality.

One submission was received and the issues raised in the submission have been considered and addressed in this report and in the Recommendation. No Councillor submissions were received and there are no declared conflict of interest on the application.

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

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 8 February 2022 and the DBU determined:

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

DBU members: *A Rossi, B McNamara, B Matlawski and Katie Johnstone*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the review application be REFUSED by the Waverley Local Planning Panel for the reasons contained in Appendix A.

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Peggy Wong	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 8 February 2022	Date: 8 February 2022

Reason for WLPP referral:

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

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

APPENDIX A – REASONS FOR REFUSAL

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

1. The 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 or 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 4.4 Floor Space Ratio* as the proposal is considered an overdevelopment of the subject site and the proposed development does not preserve the environmental amenity of neighbouring properties and the surrounding locality as required under clause 4.4 (1)(d) of Waverley Local Environmental Plan 2012.
 - b. *Clause 4.6 Exceptions to development standards* (1) and (3) as the applicant has failed to demonstrate that the proposed development will result in a better outcome for the site and a compliant development is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the breach to the floor space development standard. The proposal is not considered to be in the public interest.
3. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
 - a. *Part B8 Transport*
 - i. Objective (e) under this Part and objectives (a) and (b) of Section 8.1 *Streetscape*, as the proposed design of the car parking does not provide sufficient car parking dimensions and may result in vehicles being parked across the pedestrian footpath impacting the safety and amenity of pedestrians.
 - b. *Part B12 – Design Excellence*
 - i. Section 12.1 *Design* specifically objectives (a) to (d), controls (a), (b) and (e) and 12.2 *Context Analysis* objectives (a) to (d) and control (a) as the proposal has failed to consider the suitability of the land for development given the relationship of the development to other development (existing or proposed) on neighbouring sites in terms of design, amenity and urban form. The overall visual bulk and scale of the development is unreasonable. The proposal does not demonstrate an understanding of an appropriate response to the specific conditions of both the site, existing dwelling and surrounds and fails to ensure that the opportunities and constraints of a site are fully considered and incorporated into the design.

c. Part B14 *Excavation*

- i. Objectives (a), (e) and (h), and controls (d) and (l) under this Part, given the proposed excavation to accommodate the basement floor area provides nil setbacks from side boundaries of the site, posing structural risks to the neighbouring property. The proposed new basement floor area is proposed with habitable floor to ceiling heights and highlight windows promoting its use as habitable subterranean floor space, contributing to the calculable gross floor area on site and the overall visual bulk and scale of the development.

d. Part C2 – *Low Density Residential Development*

- i. Section 2.0 *General objectives*, specifically objectives (a), (b), (d) and (e) 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*, specifically objectives (a) and (b) and control (b). The proposed development has failed to provide a compliant wall height.
- iii. Section 2.2 *Setbacks*, specifically objectives (a), (b), (c), (d) and (f), Section 2.2.1 *Front and Rear Building Lines* controls (a), (b) and (d). The proposed rear building line is not characteristic or consistent with the predominant rear building line as required by Waverley Development Control Plan 2012, resulting in unreasonable amenity impacts to the adjoining properties and unacceptable visual bulk and scale impacts within the streetscape.
- iv. Section 2.2 *Setbacks*, 2.2.2 *Side Setbacks* specifically control (a) as the proposed western side setback fails to comply with the 900mm minimum setback control of Waverley Development Control Plan 2012, resulting in unreasonable visual bulk and scale impacts within the streetscape.
- v. Section 2.3 *Streetscape and Visual Impact*, specifically 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 proposal does not maintain or provide significant landscaping at ground level.
- vi. Section 2.4 *Fences*, specifically objective (e) and control (d) as the proposed 4.2m high eastern boundary wall presents unreasonable visual bulk and scale impacts to the neighbouring property to the east.
- vii. Section 2.5 *Visual and Acoustic Privacy*, specifically objectives (a), (b) and (c) and control (e) as increased privacy impacts arise from the non-compliant rear building line and the proposed first floor level elevated terrace.
- viii. Section 2.8 *Car Parking*, specifically objectives (b) and (c), 2.8.1 *Design Approach* control (a), 2.8.2 *Parking Rates* control (b)(i), 2.8.5 *Dimensions Control* (a) and (b). The proposed

design of the car parking space results in insufficient car parking length and may result in vehicles being parked across the pedestrian footpath.

- ix. Section 2.9 *Landscaping and Open Space* specifically objective (a), control (c) as the proposed development fails to comply with the required minimum 15% of the total site area being provided as landscaped area.
 - x. Section 2.13 *Semi-Detached Dwellings & Terrace Style Development*, specifically objectives (a) to (g), 2.13.1 *Built Form* controls (e) and (g), 2.13.2 *First Floor Additions to Semi-detached Dwellings* controls (a) and (h), and 2.13.3 *Material Finishes and Detail for Semi-detached Dwellings* controls (a) to (c) and (e). The proposed alterations and additions to the existing semi-detached dwelling do not complement and are not cohesive with the existing building nor the adjoining semi-detached dwelling or the row of semi-detached dwellings to which it is a part of.
- 4. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk and scale relative to the site area and dimensions, and consequently results in unacceptable amenity and streetscape impacts upon the locality and surrounding built environment.
 - 5. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development. The development of the subject site (to the scale proposed) could consequently affect orderly future redevelopment of adjoining sites.
 - 6. The application is contrary to section 4.15 (1)(d) of the Act in relation to matters raised in the public submissions received that object to the proposed development.
 - 7. The application is contrary to section 4.15 (1)(e) of the Act in relation to the public interest as it is not compatible with the existing and desired future character of the locality and the broader Waverley local government area.



FOR S8.2 REVIEW

1 SITE ANALYSIS PLAN
Scale: 1:200

DESIGN
TRIBE
PROJECTS

TP

CREATE.BUILD.LIVE.
10 Grib Street, Sydney, NSW 2019
p.02 9399 9999 e.hello@designtribeprojects.com.au
www.designtribeprojects.com.au
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in any form without the prior written permission of the author.
Nominated architect: Matthew Stubbs NSW Registered Architect No.7212, AIA No.28118
Fredric Kakish NSW Registered Architect No.8833 AIA No. 52004

Notes

→ DWELLING ENTRY

→ NEIGHBORING WINDOWS

→ FALL OF AREA

----- EXISTING SITE STRUCTURES TO BE DEMOLISHED

--- LOT BOUNDARIES

--- PROPOSED NEW DWELLING

--- EXISTING DWELLING TO BE DEMOLISHED

--- GROSS FLOOR AREA

→ VEHICULAR ENTRY

→ PUBLIC TRANSPORTATION STOP

→ TRAFFIC FLOW

→ NOISE SOURCE

→ SITE PHOTO KEY

→ SOLAR ANGLES

→ DISTRICT VIEWS

→ PREDOMINANT BREEZES

1

→



1 FRONT VIEW OF PROPERTY
(42 VARN ST)



2 REAR VIEW OF PROPERTY
(42 VARN ST)



3 SIDE VIEW OF PROPERTY
(CARLTON ST)



4 SIDE BOUNDARY EAST
(42-44 VARN ST)



2 EXISTING GROUND FLOOR PLAN
Scale: 1:100

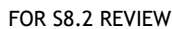
<div><div>BASIX Certificate</div><div>Alterations and Additions</div><div>Project Details</div><div>Project Name: 42 VARN ST WAVERLEY</div><div>Project Address: 42 VARN ST WAVERLEY</div><div>Project Owner: BEN & HANNAH GALVIN</div><div>Project Date: 23/6/21</div><div>Project Stage: DA ISSUE</div><div>Project Status: IN PROGRESS</div><div>Project Notes: The project is a DA for a new dwelling on an existing lot. The project includes a new dwelling with a gross floor area of 82.2 SQM. The project also includes a new dwelling with a gross floor area of 82.2 SQM. 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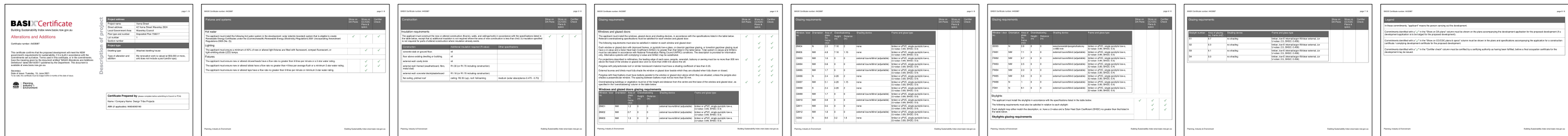
3 BASIX CERTIFICATE

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4 COMPLIANCE TABLE

No.	Date	REVISION	By	Stage	VARNA STREET RESIDENCE	Drawing No. DA1.00 1 OF 14
A	23/6/21	GFA CALCULATION AMENDMENT	AT	STAGE 2		
No.	Date	ISSUE	By	Address	42 VARN STREET, WAVERLEY	Drawing Title SITE ANALYSIS PLAN
A	23/6/21	DA ISSUE	AT	Client		
B	5/11/21	S8.2 ISSUE	AT	BEN & HANNAH GALVIN	Project No. 1820	Rev # A SCALE PAGE ISSUE # B 1:50 ISO A1
					CAD File Name 1820_210915_52 (amended).vwx	Dwg Date: Plot Date: Checked By MS Drawn By AT



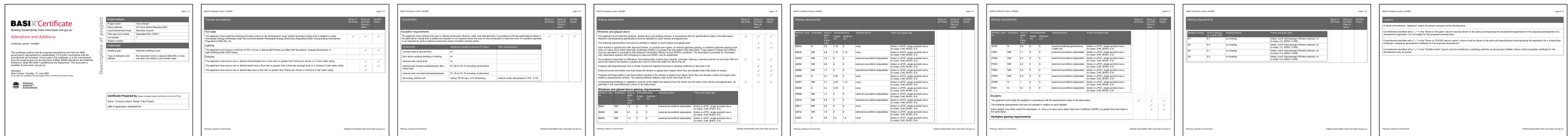


**DESIGN
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PROJECTS**

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 10 Erish Street, Botany, NSW 2019
 p 02 9399 9999 e hello@designtribeprojects.com.au
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 c design@tribeprojects.com.au
 In any form without the prior written permission of the author.
 Nominated Architect: Matthew Stubbs NSW Registered Architect No. 7212, AIA No 28118
 Fredric Kaikh NSW Registered Architect No. 8833 AIA No. 52004

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No.	Date	REVISION	By	Stage STAGE 2	VARNA STREET RESIDENCE	Drawing No. DA1.03
				Address	Drawing Title	4 OF 14 Rev # SCALE PAGE
No.	Date	ISSUE	By	42 VARNA STREET, WAVERLEY	PROPOSED FIRST FLOOR PLAN	ISSUE # B 1:50 ISO A3
A	23/6/21	DA ISSUE	AT	Client	Project No. 1820	Dwg Date: Plot Date:
B	5/11/21	S8.2 ISSUE	AT	BEN & HANNAH GALVIN	CAD File Name 1820_210915_S2 (amended).vwx	Checked By MS Drawn By AT

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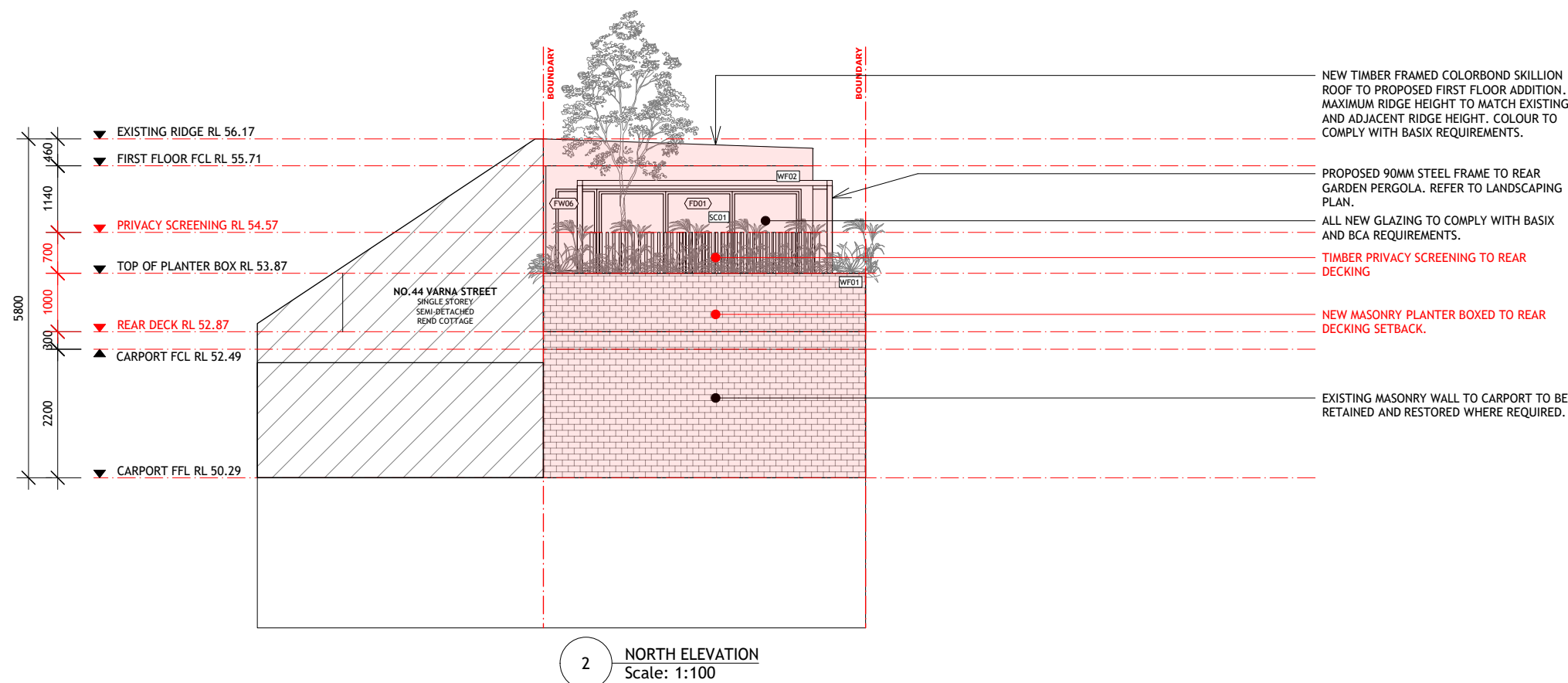
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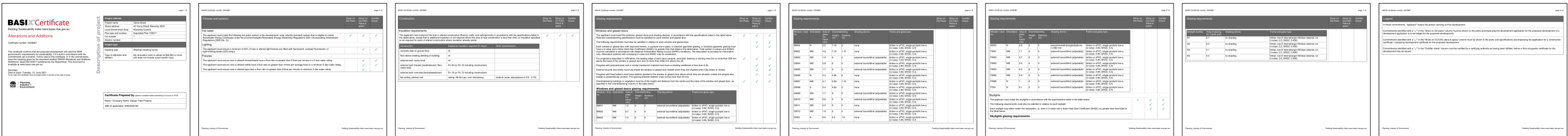
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Fredrick Kalish NSW Registered Architect No. 8833 AIA No. 52004

No.	Date	REVISION	By	Stage STAGE 2	VARNA STREET RESIDENCE	Drawing No. DA1.04	
				Address	Drawing Title	Rev #	SCALE
				42 VARNA STREET, WAVERLEY	PROPOSED ROOF PLAN	ISSUE #	PAGE
No.	Date	ISSUE	By			B	ISO A3
A	23/6/21	DA ISSUE	AT	Client	Project No. 1820	Dwg Date:	Plot Date:
B	5/11/21	S8.2 ISSUE	AT	BEN & HANNAH GALVIN	CAD File Name 1820_210915_S2 (amended).vwx	Checked By MS	Drawn By AT



No.	Date	REVISION	By	Stage STAGE 2	VARNA STREET RESIDENCE	Drawing No. DA1.05 6 OF 14
				Address 42 VARNA STREET, WAVERLEY	Drawing Title PROPOSED SHORT ELEVATIONS	Rev # SCALE PAGE
No.	Date	ISSUE	By			ISSUE # B 1:50 ISO A3
A	23/6/21	DA ISSUE	AT	Client	Project No. 1820	Dwg Date: Plot Date:
B	5/11/21	S8.2 ISSUE	AT	BEN & HANNAH GALVIN	CAD File Name 1820_210915_S2 (amended).vwx	Checked By MS Drawn By AT

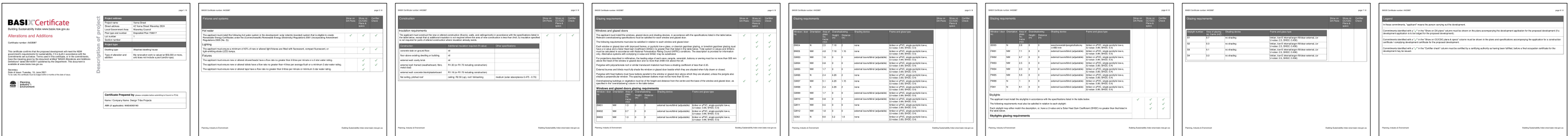


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No.	Date	REVISION	By	Stage STAGE 2	VARNA STREET RESIDENCE	Drawing No. DA1.06
				Address	Drawing Title	Rev # SCALE PAGE
				42 VARNA STREET, WAVERLEY	PROPOSED LONG ELEVATION 01	ISSUE # B 1:50 ISO A3
No.	Date	ISSUE	By			
A	23/6/21	DA ISSUE	AT	Client	Project No. 1820	Dwg Date: Plot Date:
B	5/11/21	S8.2 ISSUE	AT	BEN & HANNAH GALVIN	CAD File Name 1820_210915_S2 (amended).vwx	Checked By MS Drawn By AT



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No.	Date	REVISION	By	Stage STAGE 2	VARNA STREET RESIDENCE	Drawing No. DA1.07	
						8 OF 14	
				Address 42 VARNA STREET, WAVERLEY	Drawing Title PROPOSED LONG ELEVATION 02	Rev # SCALE PAGE ISSUE # B 1:50 ISO A3	
No.	Date	ISSUE	By	Client	Project No.	Dwg Date:	Plot Date:
A	23/6/21	DA ISSUE	AT	BEN & HANNAH GALVIN	1820		
B	5/11/21	S8.2 ISSUE	AT		CAD File Name 1820_210915_S2 (amended).vwx	Checked By MS	Drawn By AT

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Notes

EXISTING WALLS TO BE RETAINED

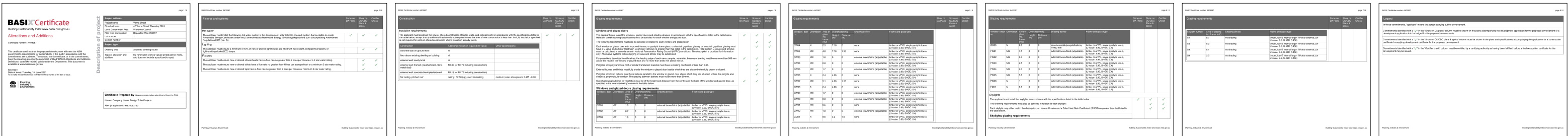
PROPOSED WALLS

PROPOSED WORKS

WALLS TO BE DEMOLISHED

LOT BOUNDARY

No.	Date	REVISION	By	Stage	VARNA STREET RESIDENCE	Drawing No.
				STAGE 2		DA1.09
				Address	Drawing Title	Rev # SCALE PAGE
				42 VARNA STREET, WAVERLEY	PROPOSED LONG SECTION 01	ISSUE # B 1:50 ISO A3
No.	Date	ISSUE	By			
A	23/6/21	DA ISSUE	AT	Client	Project No. 1820	Dwg Date: Plot Date:
B	5/11/21	S&B ISSUE	AT	BEN & HANNAH GALVIN	CAD File Name 1820_210915_S2 (amended).vwx	Checked By MS Drawn By AT



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No.	Date	REVISION	By	Stage STAGE 2	VARNA STREET RESIDENCE	Drawing No. DA1.10
				Address	Drawing Title	11 OF 14 Rev # SCALE PAGE
No.	Date	ISSUE	By	42 VARNA STREET, WAVERLEY	PROPOSED LONG SECTION 02	ISSUE # B 1:50 ISO A3
A	23/6/21	DA ISSUE	AT	Client	Project No. 1820	Dwg Date: Plot Date:
B	5/11/21	S8.2 ISSUE	AT	BEN & HANNAH GALVIN	CAD File Name 1820_210915_S2 (amended).vwx	Checked By MS Drawn By AT



Report to the Waverley Local Planning Panel

Application number	DA-473/2021
Site address	259 Military Road, Dover Heights
Proposal	Alterations and additions to semi-detached dwelling including first floor addition, carport and swim spa
Date of lodgement	28 October 2021
Owner	Mr B M Berman and Mrs M Berman
Applicant	JMH Living Design
Submissions	One
Cost of works	\$385,000
Principal Issues	<ul style="list-style-type: none"> • Breach to height standard • Front building line
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



(Source: Nearmaps, 2022)

1. PREAMBLE

1.1. Executive Summary

The Development Application (DA) seeks consent for alterations and additions to a semi-detached dwelling including first floor addition, carport and 'swim spa', at the site known as no. 259 Military Road, Dover Heights.

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

- Breach to height standard; and
- Front building line.

The assessment finds these issues acceptable. The breach to the height standard has been justified by a well-founded Clause 4.6 Variation and the front building line is considered appropriate within the context of the street.

One submission was received and the issues raised in the submission have been considered and addressed in this report and in the recommendation.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 10 January 2022.

The site is identified as Lot A in DP106273, known as no. 259 Military Road, Dover Heights.

The site is rectangular in shape with a southern frontage to Military Road, measuring 6.095m. It has an area of 215.1m² and falls from the south (front) to the north (rear) by approximately 3.74m.

The site is occupied by a part-one, part-two storey semi-detached dwelling house with no on-site parking.

The site is adjoined by a part-two, part-three storey semi-detached dwelling to the west ((no. 261 Military Road) attached to the subject site) and a part-one, part-two storey detached dwelling to the east (no. 257 Military Road). The locality is characterised by a variety of low-density residential development.

Figures 1 to 3 are photos of the site and its context.



Figure 1: Front of the subject site as viewed from Military Road, looking north.



Figure 2: Rear of the subject site as viewed from the private open space, looking south.



Figure 2: Private open space of the subject site, looking north.

1.3. Relevant Development History

A search of Council's records revealed nil relevant development history of the site.

1.4. Proposal

The DA seeks consent for alterations and additions to the existing semi-detached dwelling, including a new first floor addition, carport and 'swim spa', specifically the following:

Lower Ground Floor

- Demolition of internal walls;
- Existing internal stairs to be removed and replaced; and
- External 'swim spa' and associated decking and safety fence.

Ground Floor

- On-site parking space within front open space in the form of a carport and associated driveway crossover to Military Road;
- Demolition of existing sunroom to the front of the dwelling to allow for a compliant parking length;
- Demolition of internal walls for open plan living, kitchen and dining areas;
- Stairs to proposed first floor; and
- Increase the width of the existing rear balcony by 0.7m.

First Floor

- Master bedroom with associated ensuite and rear balcony (7.8m²);
- Bathroom; and
- Three x bedrooms.

1.5. Background

The DA was lodged on 28 October 2021 and deferred on 19 January 2021 for the following reasons:

- A Clause 4.6 Variation to address the breach in height was requested to be submitted;
- The proposed pool would result in unreasonable visual privacy issues to neighbouring properties as it is located significantly above Existing Ground Level (EGL). The top of the pool was to be lowered to RL 59.3 to be flush with the proposed upper deck; and
- A detailed materials and finishes schedule was requested.

Amended plans and documentation were submitted to Council on 1 February 2022 and form the basis of this assessment.

2. ASSESSMENT

The following matters are to be considered in the assessment of this 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. State Environmental Planning Policies (SEPPs)

The following SEPPs apply and have been considered acceptable in the assessment of this DA:

- SEPP (Building Sustainability Index – BASIX) 2004.
- SEPP 55 Remediation of Land.
- SEPP (Infrastructure) 2007, specifically clause 45 regarding Ausgrid referral.

2.1.2. Draft Waverley Local Environmental Plan 2022 (Draft Waverley LEP 2022)

It is acknowledged that the Draft Waverley Local Environmental Plan 2022 is on exhibition from 12 November 2021 to 23 January 2022, however at the time of this assessment, there are no relevant matters for consideration.

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 meets the aims of the Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table <i>Low density residential (R2) Zone</i>	Yes	The proposal is defined as alterations and additions to a semi-detached dwelling which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	No	The proposal has an overall height of 10.1m. This exceeds the development standard by 1.6m or 18.8%.
4.4 Floor Space Ratio (FSR); and 4.4A Exceptions to FSR • Lot Size: 215.1m ² • Max GFA: 186.9m ² • Max FSR: 0.87:1	Yes	<u>Gross Floor Area (GFA) Calculation:</u> Lower Ground Floor: 25.05 m ² Ground Floor: 87.9m ² First Floor: 73.95m ² Total GFA: 186.9m ² Total FSR: 0.87:1
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of building development standard. A detailed discussion of the variation to the development standard is presented below this table.

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 under the Waverley LEP 2012.

The site is subject to a maximum height of building development standard of 8.5m. The proposed development has a height of 10.1m, exceeding the standard by 1.6m equating to a 18.8% variation. A written request has been submitted to Council in accordance with clause 4.6(3)(a) and (b) of Waverley LEP 2012 seeking to justify the contravention of the development standard by demonstrating:

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

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

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

The applicant seeks to justify the contravention of the 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 proposal meets the relevant objectives of the development standard:

- i. Objective (a) *to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views*

The proposed height variation is consistent with the adjoining semi-detached residence and the objectives of the Waverley Council DCP control for DCP2.13 Semi – Detached Dwellings & Terrace Style Development.

- ii. Objective (d) *to ensure that buildings are compatible with the height, bulk, and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.*

The proposed works are consistent with adjoining development and the DCP 2.13 Semi – Detached Dwellings & Terrace Style Development and as advised to modify by Waverley Council.

- (ii) The proposal meets the objectives of the zone:

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

The proposal is consistent with that of surrounding development.

- ii. To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposal would be consistent with meeting the needs of residents.

- iii. To maximise public transport patronage and encourage walking and cycling.

The subject site is located in close proximity to public transport services, with pedestrian and cycling infrastructure available in the locality.

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

- (i) *The proposed works are located entirely within the footprint of the existing building and will alter the presentation of the building from the street to*

be consistent with the objectives of DCP 2.13 Semi – Detached Dwellings & Terrace Style Development.

- (ii) The proposal is similar to that of the adjoining semi-detached residence.*
- (iii) The proposal has been designed to ensure that the amenity of the neighbouring properties and the public domain is maintained in relation to views and solar access.*
- (iv) The proposal will be consistent with surrounding development. The proposed works will have no adverse impact on neighbouring properties.*
- (v) As all works are proposed within the existing building footprint, there will be no impacts on the natural environment.*
- (vi) The natural environment is unaffected by the departure to the development standard, and it would be unreasonable for the development to be refused on this basis with Clause 1.3(b) satisfied.*
- (vii) The variation to the height will have a positive social impact as it is consistent with the character of the locality and therefore will integrate into the consistent social and economic welfare that will be derived by its integration.*
- (viii) The development proposed is not an overdevelopment of the site and satisfies the objectives of the zone and the development standard as is detailed earlier in the report.*
- (ix) The variation to the height and the discussion above reflects the unique circumstances for the subject site and proposed development. The proposed development will not alter the presentation of the building to the public domain.*

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

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

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

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

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

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

- (d) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and
- (e) to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of the Waverley LEP 2012.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The proposed works have been designed to be similar in bulk and scale to the adjoining semi-detached dwelling at no. 261 Military Road and has been designed as to not result in unreasonable visual privacy, view loss or loss of solar access.

Is the development in the public interest?

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

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

- (a) Objective (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views.

The proposed works have been designed to meet the relevant objectives of Part C2, Section 2.13 of the Waverley Development Control Plan 2012 (Waverley DCP 2012), which restricts alterations and additions to semi-detached dwellings to match the style, bulk and scale of the adjoining semi-detached dwellings first floor addition (if already constructed). The proposal has designed the alterations and additions to meet this part of the Waverley DCP 2012, resulting in a breach to the rear portion of the dwelling from a sloping site.

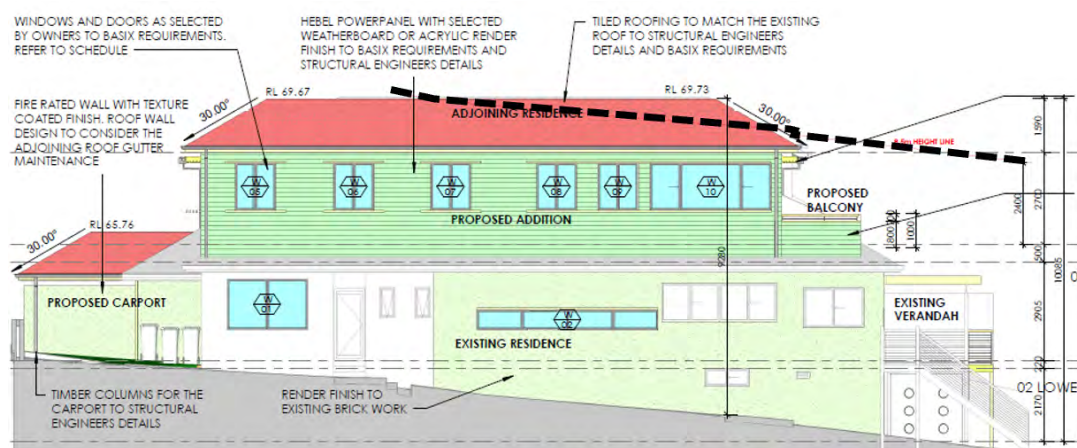


Figure 4: Breach to the 8.5m height limit. (Source: JMH Living Design, 2022)

Although the proposal breaches the height of building development standard, it does not result in unreasonable view loss, loss of solar access or visual privacy impacts to neighbouring properties. These environmental amenity concerns will be further addressed below within **Table 3**.

- (b) Objective (d) *to ensure that buildings are compatible with the height, bulk, and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.*

The Waverley DCP 2012 guides development to meet the desired future character of the Waverley Local Government Area. In the case of semi-detached dwelling development, the Waverley DCP 2012 is very prescriptive for how this development should be designed to match the bulk, scale and design of an adjoining semi-detached dwelling. The proposed works are considered to be compatible with the height, bulk, and scale of the desired future character as they have been designed to match the bulk, scale and design of an adjoining semi-detached dwelling resulting in a matching paired outcome.

The relevant objectives of the R2 Zone are as follows:

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

The proposed works provides housing needs for the community within a low density residential environment.

Conclusion

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

2.1.4. Waverley DCP 2012 – Amendment No.9

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Waste storage is satisfactory stored within the proposed carport. The garbage bins will be appropriately screened (behind a privacy screen) from the streetscape whilst providing an easy travel path for collection.
2. Ecologically Sustainable Development	Yes	The submitted BASIX Certificate is satisfactory.
5. Vegetation Preservation	N/A	Tree removal is not proposed.

Development Control	Compliance	Comment
	Conditions recommended.	Council's Tree Officer has recommended conditions of consent ensuring tree protection during construction.
6. Stormwater	Conditions recommended.	Council's Stormwater Engineer has recommended conditions of consent.
8. Transport 8.1 Streetscape 8.2 On-Site Parking 8.2.1 Vehicle Access 8.2.2 Parking Rates	Yes - Yes Yes	Off-street parking constructed to the front boundary is characteristic to this portion of Military Road, as identified at no's 265-261 Military Road. The subject site is located within parking zone 2. A new driveway crossover to Military Road is proposed with a crossover on 3m (excluding splays). One off street parking space is proposed, which is acceptable for a five bedroom dwelling.
12. Design Excellence	Yes	The proposed development is appropriately designed to be paired with the adjoining semi-detached dwelling at no. 261 Military Road.

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

Development Control	Compliance	Comment
2.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the Waverley DCP 2012.
2.1 Height		
Pitched roof dwelling house <ul style="list-style-type: none"> Maximum external wall height of 7m 	Yes	There is no increase to the overall wall height, as the wall height is broken up by the roof between the ground and first floor.
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 	Acceptable on merit.	<p><u>Carport</u> The carport is constructed to the front boundary as is the precedent of parking structures constructed to the front boundary set by no's 265-261 Military Road.</p> <p><u>Rear Ground Floor Balcony</u> The 0.7m increase to the width of the balcony will result in a consistent ground floor rear building line with no. 261 Military Road.</p> <p><u>Front First Floor</u> The proposed building line will be set further forward than the adjoining front building line of</p>

Development Control	Compliance	Comment
		<p>no. 261 Military Road, however this is supported on the following basis:</p> <ul style="list-style-type: none"> • Complies with FSR; • Acceptable solar access to neighbouring dwellings; and • Consistent front building line with no's 255 and 263-265 Military Road. <p><u>Rear First Floor</u> The proposed building line and balustrading will be consistent with the adjoining semi-detached dwelling at no. 261 Military Road.</p>
<p>2.2.2 Side setbacks</p> <ul style="list-style-type: none"> • Minimum of 0.9m (for height up to 8.5m) 	Acceptable on merit.	<p>The proposed ground floor balcony addition and first floor addition are setback 1.1m from the eastern boundary.</p> <p>The proposed carport is setback 1.6m from the eastern boundary and is constructed on the western boundary. This is considered acceptable as it will abut with the neighbouring carport at no. 261 Military Road, which is constructed on the boundary with the subject site.</p> <p>A horizontal privacy screen is proposed just below the first floor windowsill and top of balustrading to the rear first floor balcony. The privacy screen is setback 0.7m from the side boundary. This is supported on merit as it increases visual privacy to no. 257 Military Road and does not result in unreasonable overshadowing.</p>
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> • New development to be compatible with streetscape context • Replacement windows to complement the style and proportions of existing dwelling 	<p>Yes</p> <p>See 2.13.3 of this table.</p>	<p>The proposal is considered acceptable and comparable with the adjoining semi-detached dwelling at no. 261 Military Road, having a similar roof form and openings.</p> <p>Materials and finishes will be dissimilar within Section 2.13.3 of this table.</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 	<p>Yes</p> <p>N/A</p>	<p>A new gate is proposed to the front boundary. The proposed gate has a consistent height with the existing front boundary fence.</p> <p>Existing side and rear fencing is maintained.</p>

Development Control	Compliance	Comment
adjoining properties on 21 June.		
2.7 Views		
<ul style="list-style-type: none"> Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	N/A	The proposal was notified to the surrounding neighbourhood and no objections in relation to view loss were received.
2.8 Car parking		
2.8.1 Design Approach	Acceptable	The proposed carport will be sympathetic to the neighbouring carport at no. 261 Military Road.
2.8.2 Parking rates	Yes	Parking rates are set by Part B8 of Waverley DCP 2012.
2.8.3 Location	Acceptable	The carport is constructed to the front boundary as is the precedents of parking structures constructed to the front boundary set by no's 265-261 Military Road.
2.8.4 Design	Acceptable	<p>The proposed carport will be sympathetic to the neighbouring carport at no. 261 Military Road.</p> <p>The development proposes to remove the front portion of the dwelling to provide for a compliant vehicle space of 5.4m. This is supported on merit as it has been undertaken next door at no. 261 Military Road. Additionally, the outcome will result in the pair of semi-detached dwellings relating better to one another.</p>
2.8.5 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	The carport has dimensions of 5.4m x 2.4m.
2.8.6 Driveways	Yes	The driveway is 3m at the kerb excluding spays.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	Yes Yes Yes Acceptable on merit. Acceptable on merit.	Over 40% 15% Over 25m ² Given the precedence of parking structures and parking spaces constructed to the front boundary to this portion of Military Road, a carport in this location can be supported. See above.

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	The proposed swim spa has been lowered to be closer to EGL and therefore increase visual privacy to neighbouring properties.
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 	Yes	The proposed development has taken cues from the adjoining semi-detached dwelling at no. 261 Military Road. This includes a similar roof form, bulk and openings.
<p>2.13.2 - First floor additions to semi-detached dwellings</p> <ul style="list-style-type: none"> First floor addition to be setback from the principal street frontage and maintain the existing front roof slope First floor additions should match the style of the additions on the adjoining semi (if relevant). 	Acceptable on merit.	<p>The proposed first floor addition is similar to the adjoining first floor addition to no. 261 Military Road in terms of roof form, bulk and openings.</p> <p>Although the proposed first floor addition is set forward from the adjoining semi-detached dwelling and is not set behind the main ridge line, it is considered acceptable given precedents set by other dwellings in the locality.</p> <p>When looking at other nearby dwellings it is identified that the character of the area is becoming more contemporary with many newer dwellings outnumbering the more original dwellings.</p> <p>These older dwellings do not have a first floor addition set behind an existing original roof form. Therefore, given this common contemporary built form and lack of examples of dwellings maintaining the original roof form of the dwelling, the position of the proposed first floor addition is considered acceptable.</p>
<p>2.13.3 - Material finishes and detail for semi-detached dwellings</p> <ul style="list-style-type: none"> Finishes and detailing are to be cohesive with the existing dwelling 	Condition recommended.	<p>The plans indicate multiple options of materials and finishes. A condition is recommended that:</p> <ul style="list-style-type: none"> The applicant provide a materials and finishes sample board to be approved by Council; and The material of the roof is to match the existing material.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days (25 November – 13 December 2021) in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

- The pool was lowered to be closer to EGL to reduce visual privacy impacts.

One unique submission was received from the following property:

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

Count	Property Address
1.	No. 11 Eastern Ave, Dover Heights

Issue: *Visual privacy impacts from proposed first floor addition windows and balcony. Request for privacy screen to windows and balconies.*

Response: The objector’s property is a reasonable distance from the subject property and therefore proposal will not result in unreasonable visual privacy loss to this property.



Figure 5: Location between objector’s property (No. 11 Eastern Avenue) and the subject site. (Source: Nearmap, 2022)

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Traffic and Development

An internal referral was sought from Council's Traffic Engineer who supported the application subject to recommended conditions of consent.

3.2. Stormwater

An internal referral was sought from Council's Stormwater Engineer who supported the application subject to recommended conditions of consent.

3.3. Tree Management

An internal referral was sought from Council's Tree Officer who supported the application subject to recommended conditions of consent.

3.4. Ausgrid

An external referral was sought from Ausgrid as the development is located within 5m of powerlines. Ausgrid recommended conditions of consent.

4. CONCLUSION

The DA seeks consent for alterations and additions to a semi-detached dwelling including first floor addition, carport and swim spa at the site known as no. 259 Military Road, Dover Heights.

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

- Breach to height; and
- Front building line.

The assessment finds these issues acceptable. The breach to height has been justified by a Clause 4.6 Variation and the front building line is considered acceptable.

One submission was received and the issues raised in the submission have been considered and addressed in this report and in the recommendation.

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

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 18 January 2022 and the DBU determined:

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

DBU members: *B McNamara, B Matlawski and K Johnstone*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Joseph Somerville	Bridget McNamara
Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 4 February 2022	Date: 8 February 2022

Reason for WLPP referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by JMH Living Design including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
02-01 / Rev C	Site Plan	19/01/2022	01/02/2022
02-02 / Rev C	Lower Ground Floor Level	19/01/2021	01/02/2022
02-03 / Rev C	Ground Floor Level	19/01/2021	01/02/2022
02-04 / Rev C	First Floor Level	19/01/2021	01/02/2022
03-01 / Rev C	Northern and Southern Elevation	19/01/2021	01/02/2022
03-02 / Rev C	Eastern Elevation	19/01/2021	01/02/2022
03-03 / Rev C	Western Elevation	19/01/2021	01/02/2022
04-01 / Rev C	Section 1 and 2	19/01/2021	01/02/2022
04-02 / Rev C	Section 3 and 4	19/01/2021	01/02/2022
07-01 / Rev C	Driveway / Carport Details	19/01/2021	01/02/2022

(b) BASIX Certificate

(c) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 28/10/2021.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

(a) A materials and finishes schedule that does not include multiple options is to be provided.

(b) The material of the roof is to match the existing roof material.

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.

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 \$8,940.00 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.

8. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

CONSTRUCTION MATTERS

9. 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.

10. EROSION & SEDIMENT CONTROL

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

11. 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.

12. 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.

13. 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.

14. STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

Prior to the issue of a Construction Certificate, a report or certification from a practicing structural engineer must be submitted to the Principal Certifying Authority to explain how the retained building elements, such as building facades are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

15. 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

16. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

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

- a) The plans shall provide details of any required On-Site Stormwater Detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. Council's mandatory OSD checklist as set out in Council's Water Management Technical Manual shall be completed and submitted.
- b) Details of any rainwater tank required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the approved stormwater drainage system are to be submitted.
- c) Any proposed pipeline within the road reserve must fall by gravity at 1% minimum.
- d) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- e) Detail the location of the existing stormwater drainage system including all pipes, inspection openings, surface drains, pits and their discharge location as well as any new stormwater drainage system.
- f) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

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

ENERGY EFFICIENCY & SUSTAINABILITY

17. BASIX

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

WASTE

18. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

19. CONSTRUCTION SIGNS

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

20. 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

21. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

22. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

23. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

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

CONSTRUCTION MATTERS

24. CONSTRUCTION HOURS

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

- (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.

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

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

26. CONSTRUCTION INSPECTIONS

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

27. CERTIFICATE OF SURVEY – LEVELS

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

28. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

29. 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.

30. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

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

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

TREE PROTECTION AND REMOVAL

31. TREE 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.

32. STREET TREES TO BE RETAINED/TREE PROTECTION

The 3-4 trees planted as a hedge between the subject site and 257 Military Rd and the one Araucaria heterophylla (Norfolk Island pine) to the rear of 7A Eastern Avenue Dover Heights, are to be retained and protected in accordance with this condition.

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.

TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.

Soil levels are not to be changed around any trees.

To prevent compaction within the root zone, excavation undertaken within the specified radius of the trunks of the following trees must be hand dug. Beyond this radius, mechanical excavation is permitted, when root pruning by hand along the perimeter line of such works is completed. Any hand excavation must be carried out in the presence of experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

If any tree roots are exposed during any approved works, then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.

If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Management Officer is to be contacted to make final determination.

If any trees on neighbouring properties require pruning, then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

33. NEW VEHICLE CROSSING

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

The crossing is to be 3.0 metres wide at the property boundary and 3.0 metres wide plus 0.45 metre splays at the street. No structures above 1.15 metres are to be within 2 x 2.5 metre sight triangles measured from the footpath.

Note: Prior to the submission of the vehicle crossing application, works as executed drawings shall be submitted to Council for the approval of the Executive Manager Creating Waverley confirming the finished levels of the internal driveway between the property boundary and the garage floor comply with the approved driveway long sections.

34. VEHICULAR ACCESS - FINISHED LEVEL TO FOOTPATH

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

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

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

35. 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.

36. CERTIFICATION OF BASIX COMMITMENTS

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

37. CERTIFICATION OF CONSTRUCTED STORMWATER DRAINAGE SYSTEM

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

38. CERTIFICATION OF RETAINED STORMWATER DRAINAGE SYSTEM

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

39. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD

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

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

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

relationship to the building footprint. Electronic colour photographs of the OSD system shall accompany the application for the Positive Covenant and Restriction on the Use of Land.

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

40. 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.

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. DIAL BEFORE YOU DIG

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

AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD5. ALTERATIONS AND ADDITIONS ONLY

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

AD6. EXCAVATION TO BE LIMITED

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

AD7. BONDI - ROSE BAY SAND BODY

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

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

AD8. TREE REMOVAL/PRESERVATION

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

AD9. WORK OUTSIDE PROPERTY BOUNDARY

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

AD10. RAINWATER HARVESTING AND REUSE

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

AD10. AUSGRID – OVERHEAD POWERLINES

Safe work NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au

It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

"Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site."

Should you have any enquiries, please contact Ausgrid at development@ausgrid.com.au

DRAWING LIST

Sheet Number	Sheet Name	Amend	Description	Sheet Issue Date
01 - 01	COVER SHEET	B	DEVELOPMENT APPLICATION	23.11.2021
02 - 01	SITE PLAN	B	DEVELOPMENT APPLICATION	23.11.2021
02 - 02	LOWER GROUND FLOOR PLAN	B	DEVELOPMENT APPLICATION	23.11.2021
02 - 03	GROUND FLOOR PLAN	B	DEVELOPMENT APPLICATION	23.11.2021
02 - 04	FIRST FLOOR PLAN	B	DEVELOPMENT APPLICATION	23.11.2021
03 - 01	ELEVATIONS	B	DEVELOPMENT APPLICATION	23.11.2021
03 - 02	ELEVATIONS	B	DEVELOPMENT APPLICATION	23.11.2021
03 - 03	ELEVATIONS & SCHEDULE OF FINISHES	B	DEVELOPMENT APPLICATION	23.11.2021
04 - 01	SECTIONS	B	DEVELOPMENT APPLICATION	23.11.2021
04 - 02	SECTIONS	B	DEVELOPMENT APPLICATION	23.11.2021
05 - 01	WINDOW AND DOOR SCHEDULE	B	DEVELOPMENT APPLICATION	23.11.2021
05 - 02	BASIX CERTIFICATE	B	DEVELOPMENT APPLICATION	23.11.2021
06 - 01	SHADOW DIAGRAMS	B	DEVELOPMENT APPLICATION	23.11.2021
06 - 02	SHADOW DIAGRAMS	B	DEVELOPMENT APPLICATION	23.11.2021
07 - 01	STREET ANALYSIS	B	DEVELOPMENT APPLICATION	23.11.2021
07 - 02	LANDSCAPE PLAN	B	DEVELOPMENT APPLICATION	23.11.2021
08 - 01	AREA PLANS	B	DEVELOPMENT APPLICATION	23.11.2021
08 - 02	AREA PLANS	B	DEVELOPMENT APPLICATION	23.11.2021



JMH Living Design

PROPOSED ALTERATIONS AND ADDITIONS TO THE EXISTING RESIDENCE & SWIM SPA

FOR

MR. & MRS. BERMAN

At

259 MILITARY ROAD, DOVER HEIGHTS NSW 2030

DEVELOPMENT APPLICATION

23.11.2021

21_17

1/02/2022 4:08:58 PM

C.....19/1/ 2022
LOWER SWIM SPA TOP LEVEL TO RL59.3
MATERIALS / COLOUR SELECTIONS

ABN 41 280 852 869

John Hatch - Principal

Mobile: 0447 681 736

E-mail: john@jmhlivingdesign.com.au

Website: www.jmhlivingdesign.com.au

Office

Location: 1st Floor, 8 Park Lane,
Caringbah, NSW 2229

Postal Address: PO Box 74,
Caringbah, NSW 1495

Telephone: (02) 9540 3626

Industry Member of:



RC SLABS, SUSPENDED RC SLABS, PIERS, BEAMS & FOOTINGS TO STRUCTURAL ENGINEER'S DETAILS



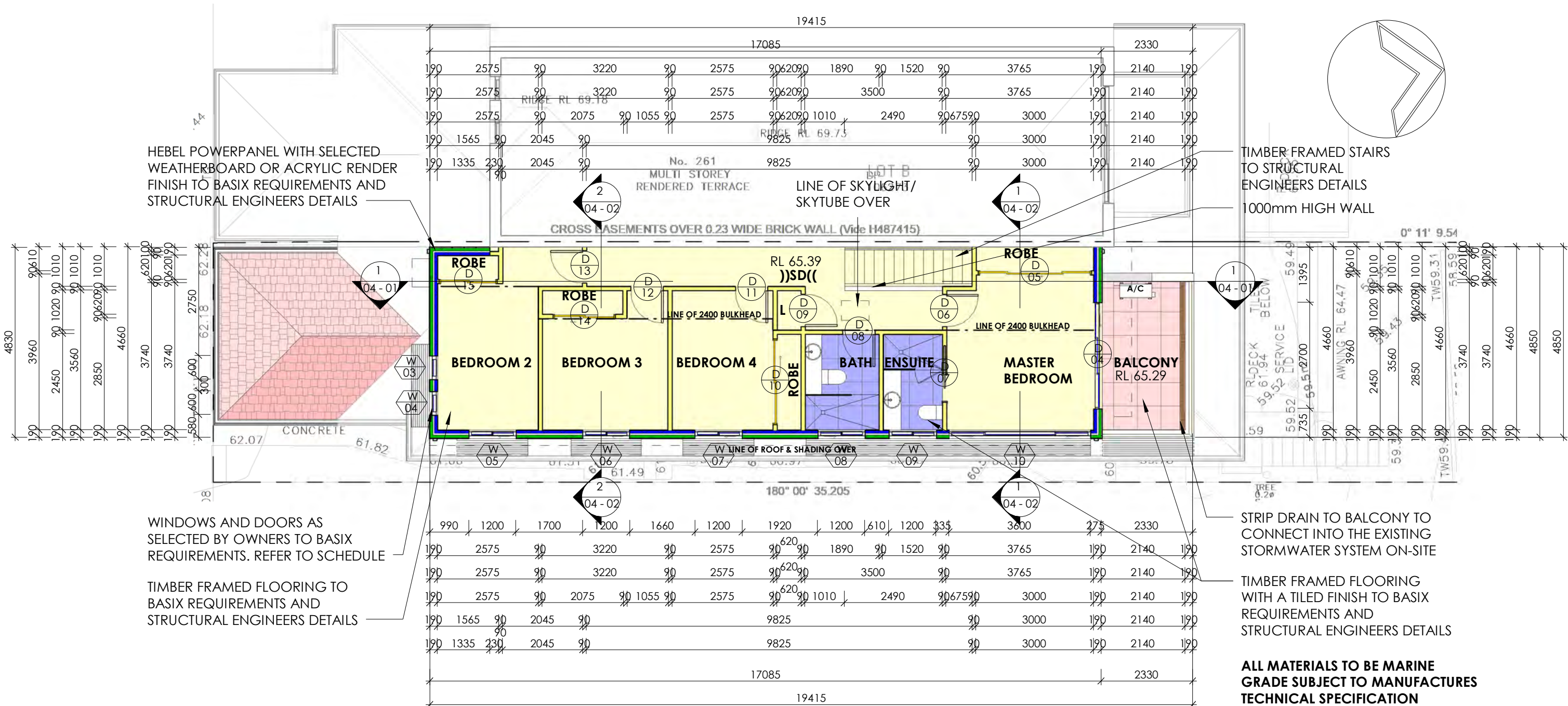
Company:



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living design

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1 05 FIRST FLOOR LEVEL
1 : 100

C.....19/1/ 2022
LOWER SWIM SPA TOP LEVEL TO RL59.3
MATERIALS / COLOUR SELECTIONS

AMENDMENTS
PROJECT
PROPOSED ALTERATIONS
AND ADDITIONS TO THE
EXISTING RESIDENCE &
SWIM SPA

DRAWING TITLE
FIRST FLOOR PLAN
PROJECT STATUS
DEVELOPMENT
APPLICATION

CLIENT
MR. & MRS. BERMAN
ADDRESS
259 MILITARY ROAD,
DOVER HEIGHTS NSW 2030

Date:	23.11.2021
Drawing No:	21_17
Sheet No:	02 - 04
Scale:	As indicated
Drawn:	LB
Checked:	JMH
Amend:	
Sheet Size:	A3

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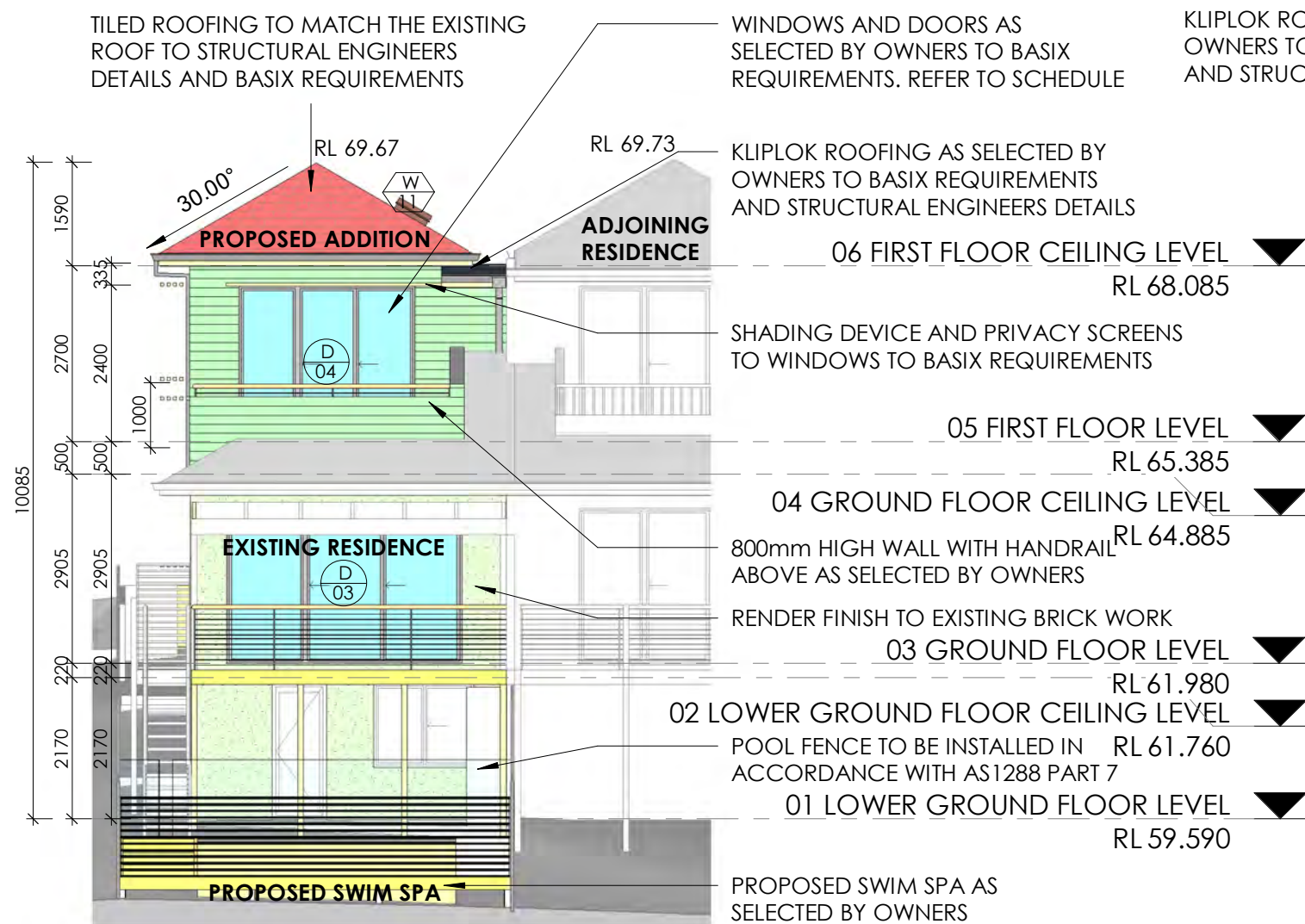
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W www.bda.org.au

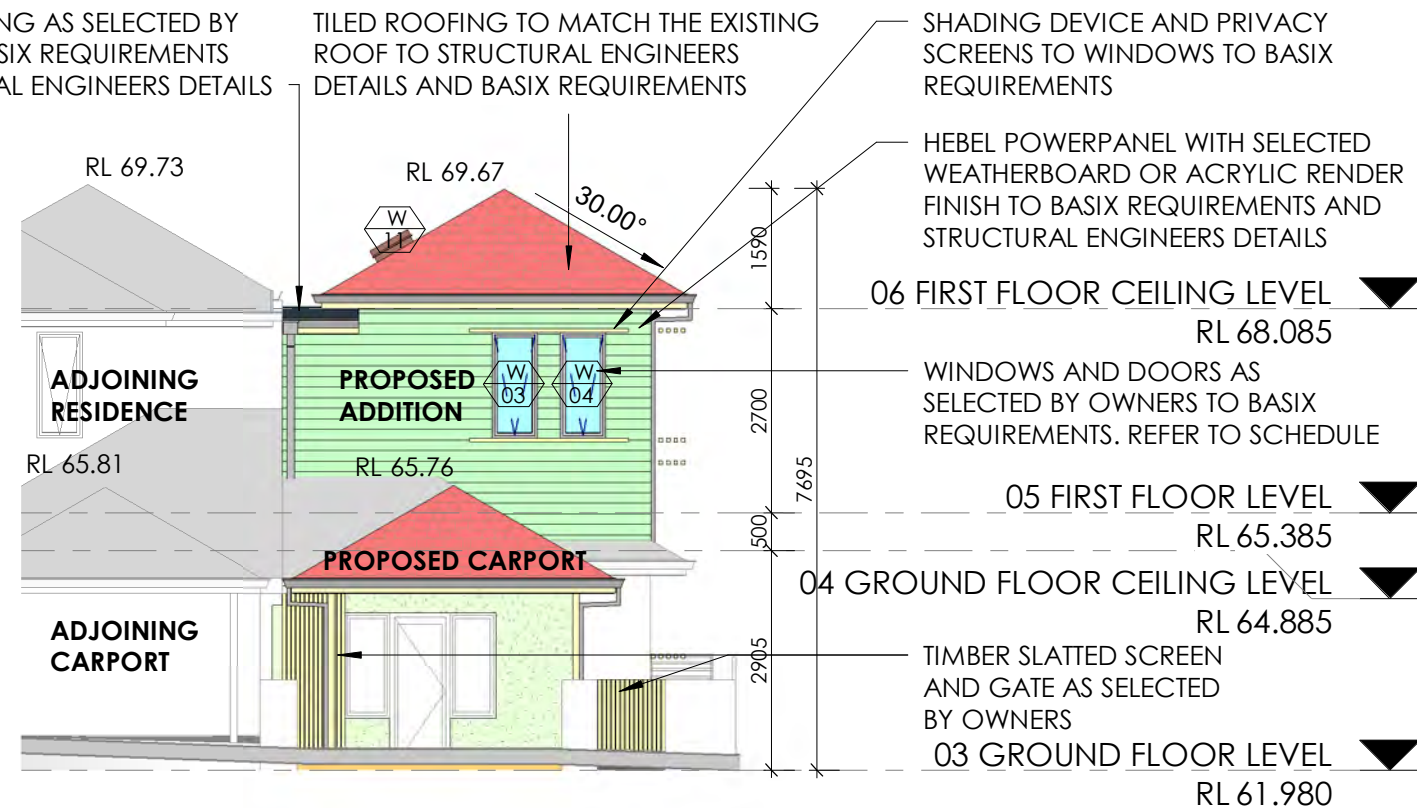
Master Builders Association
W www.mba.org.au

Company:

jmh
living design
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1 NORTHERN ELEVATION
1 : 100



2 SOUTHERN ELEVATION
1 : 100

ALL MATERIALS TO BE MARINE GRADE SUBJECT TO MANUFACTURES TECHNICAL SPECIFICATION

C.....19/1/ 2022
LOWER SWIM SPA TOP LEVEL TO RL59.3
MATERIALS / COLOUR SELECTIONS

AMENDMENTS
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DRAWING TITLE
ELEVATIONS

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APPLICATION

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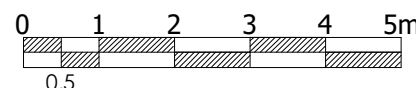
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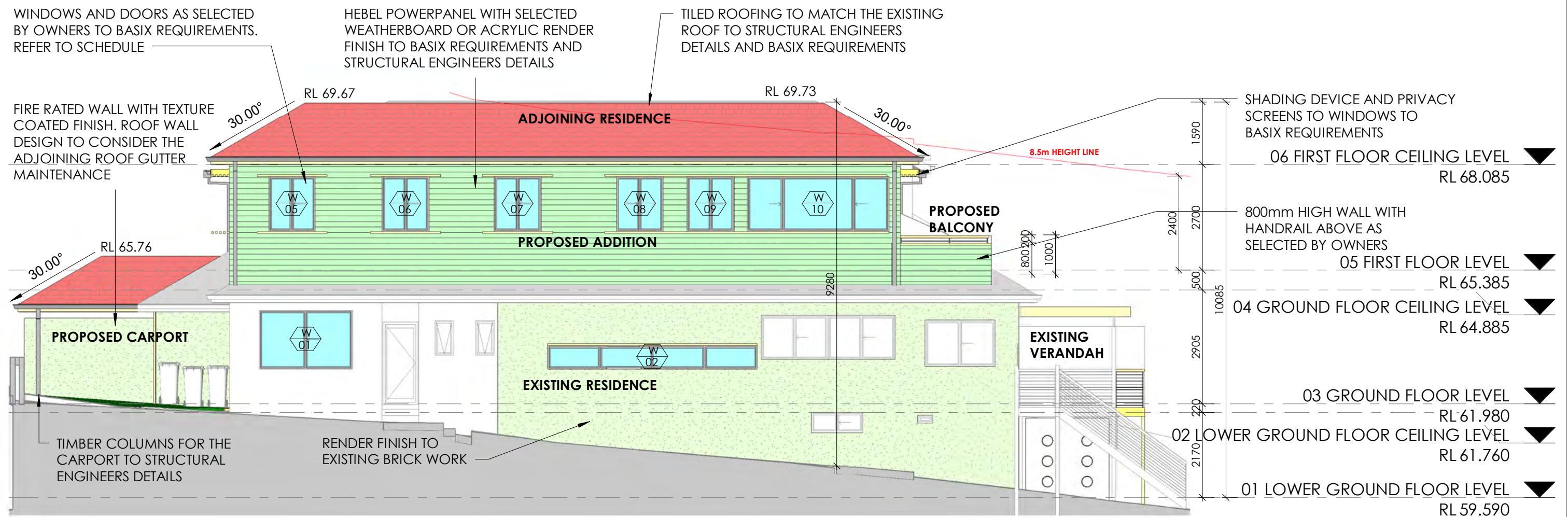
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1 EASTERN ELEVATION

1 : 100

C.....19/1/ 2022
LOWER SWIM SPA TOP LEVEL TO RL59.3
MATERIALS / COLOUR SELECTIONS

AMENDMENTS
PROJECT
PROPOSED ALTERATIONS
AND ADDITIONS TO THE
EXISTING RESIDENCE &
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DRAWING TITLE
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PROJECT STATUS
DEVELOPMENT
APPLICATION

CLIENT
MR. & MRS. BERMAN

ADDRESS
259 MILITARY ROAD,
DOVER HEIGHTS NSW 2030

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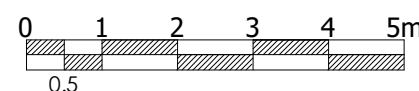
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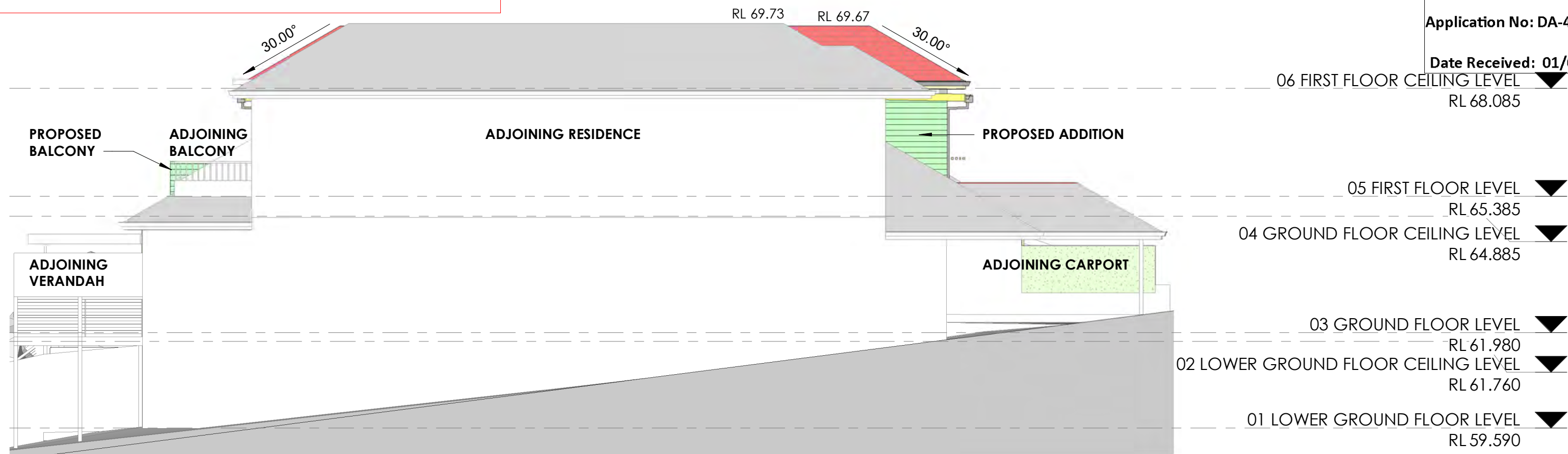
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Master Builders Association
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1

WESTERN ELEVATION

1 : 100

C.....19/1/ 2022
LOWER SWIM SPA TOP LEVEL TO RL59.3
MATERIALS / COLOUR SELECTIONS



BRISTLE ROOFING



BALTIC



TURRON



ROOF TILE OPTIONS (SUBJECT TO AVAILABILITY)

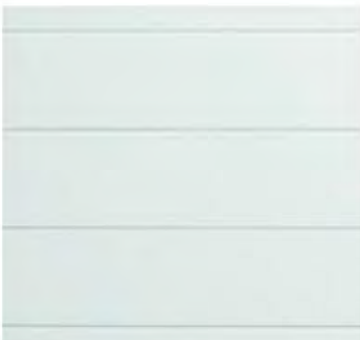
ADJOINING ROOF

EXISTING ROOF

MATERIAL	SCHEDULE OF FINISHES
ROOFING	TILED ROOFING TO MATCH THE EXISTING OR AS SELECTED
CLADDING	JAMES HARDIE CLADDING AS SELECTED BY OWNERS
RENDER / PAINT	RENDER OR PAINT FINISH TO MATCH THE EXISTING
DECKING	DECKING TO MATCH THE EXISTING
TILES	TILES AS SELECTED BY OWNERS
WINDOWS	ANODISED OR POWDER COATED ALUMINIUM
GLASS DOORS	ANODISED OR POWDER COATED ALUMINIUM
GUTTERING	COLORBOND STAINLESS STEEL



JAMES HARDIE
MATRIX



JAMES HARDIE
STRIA



RENDERED OR
PAINTED BRICKWORK

AMENDMENTS
PROJECT
PROPOSED ALTERATIONS
AND ADDITIONS TO THE
EXISTING RESIDENCE &
SWIM SPA

DRAWING TITLE
ELEVATIONS & SCHEDULE
OF FINISHES

PROJECT STATUS
DEVELOPMENT
APPLICATION

CLIENT
MR. & MRS. BERMAN

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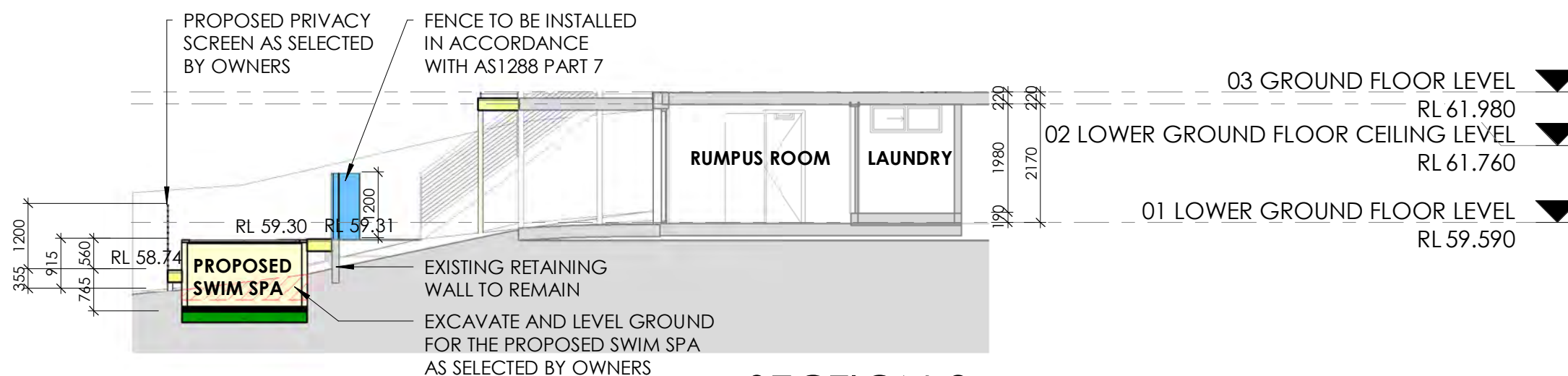
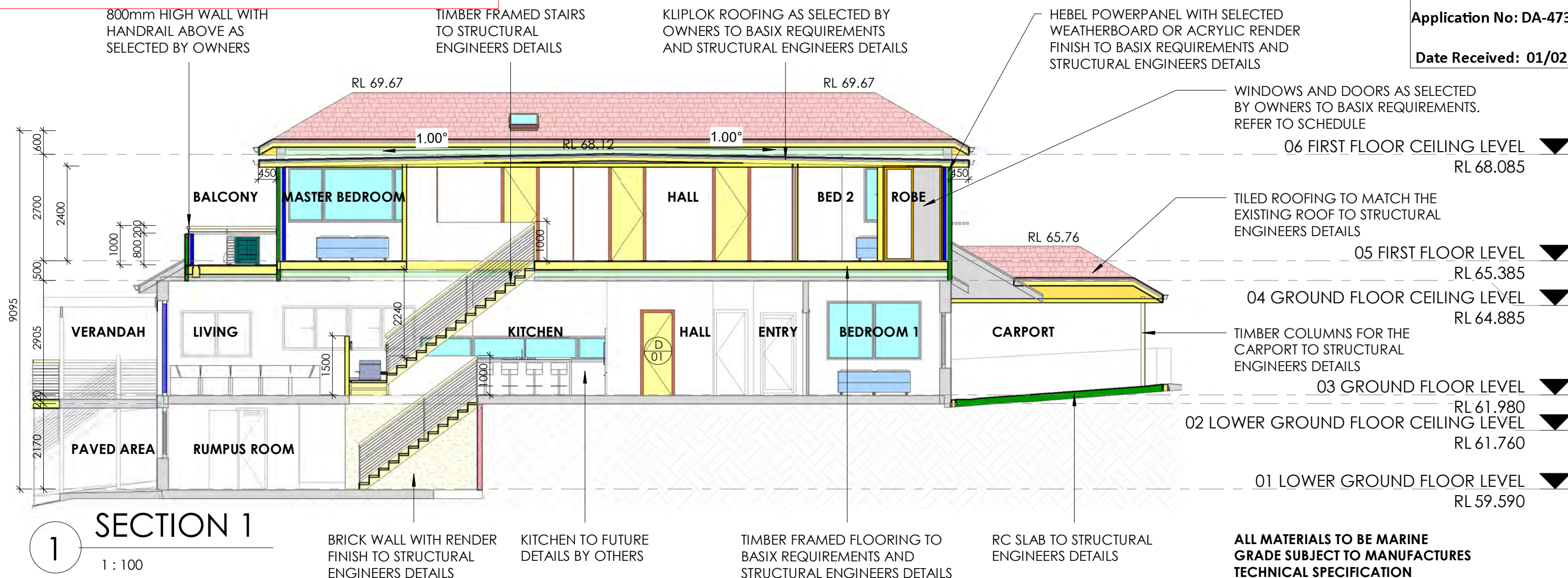
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AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-473/2021

Date Received: 01/02/2022



SWIMMING POOL SAFETY

POOL FENCES AND GATES TO BE IN ACCORDANCE WITH AUSTRALIAN STANDARD AS 1926.1-2012 'SAFETY BARRIERS FOR SWIMMING POOLS'

GLASS POOL FENCES TO BE INSTALLED IN ACCORDANCE WITH AS1288 PART 7

C.....19/1/ 2022
LOWER SWIM SPA TOP LEVEL TO RL59.3
MATERIALS / COLOUR SELECTIONS

PROPOSED ALTERATIONS
AND ADDITIONS TO THE
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SWIM SPA

DRAWING TITLE
SECTIONS

PROJECT STATUS
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AMENDED PLANS

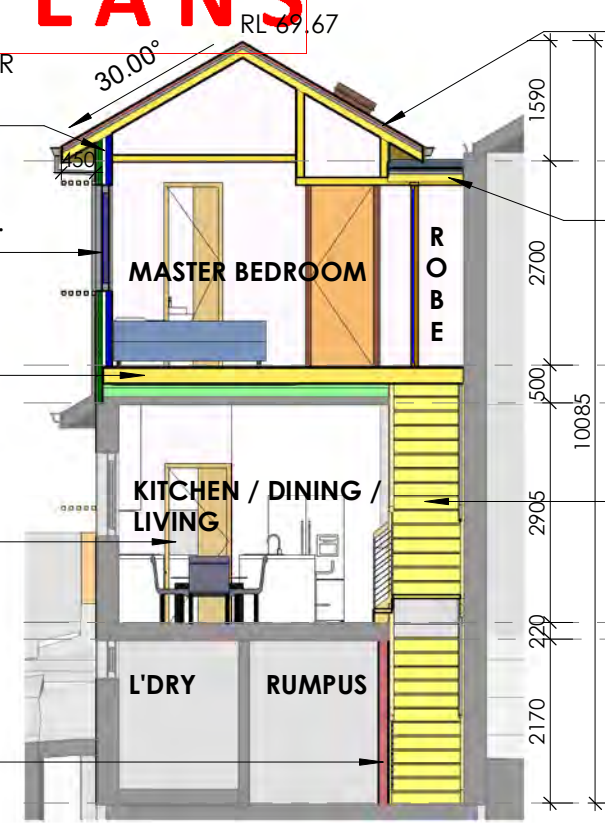
HEBEL POWERPANEL WITH SELECTED WEATHERBOARD OR ACRYLIC RENDER FINISH TO BASIX REQUIREMENTS AND STRUCTURAL ENGINEERS DETAILS

WINDOWS AND DOORS AS SELECTED BY OWNERS TO BASIX REQUIREMENTS. REFER TO SCHEDULE

TIMBER FRAMED FLOORING TO BASIX REQUIREMENTS AND STRUCTURAL ENGINEERS DETAILS

KITCHEN TO FUTURE DETAILS BY OTHERS

BRICK WALL WITH RENDER FINISH TO STRUCTURAL ENGINEERS DETAILS



TILED ROOFING TO MATCH THE EXISTING ROOF TO STRUCTURAL ENGINEERS DETAILS AND BASIX REQUIREMENTS

KLIPLOK ROOFING AS SELECTED BY OWNERS TO BASIX REQUIREMENTS AND STRUCTURAL ENGINEERS DETAILS

TIMBER FRAMED STAIRS TO STRUCTURAL ENGINEERS DETAILS

- 06 FIRST FLOOR CEILING LEVEL ▼
RL 68.085
- 05 FIRST FLOOR LEVEL ▼
RL 65.385
- 04 GROUND FLOOR CEILING LEVEL ▼
RL 64.885
- 03 GROUND FLOOR LEVEL ▼
RL 61.980
- 02 LOWER GROUND FLOOR CEILING LEVEL ▼
RL 61.760
- 01 LOWER GROUND FLOOR LEVEL ▼
RL 59.590

1

SECTION 3

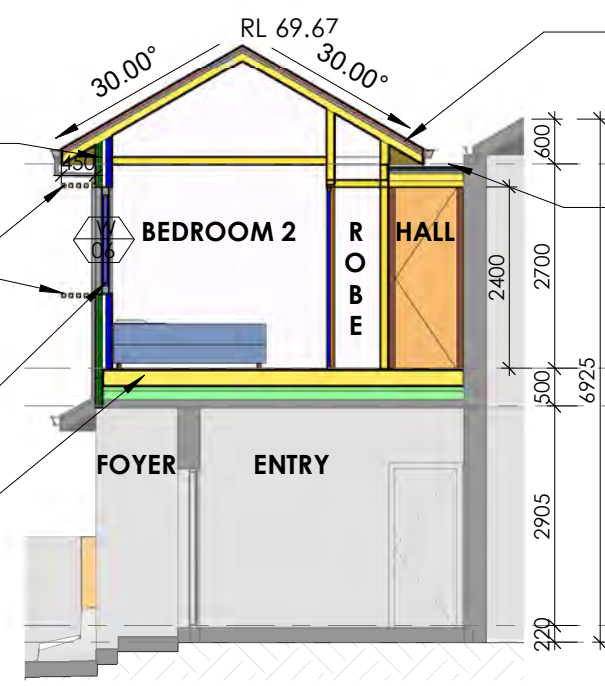
1 : 100

HEBEL POWERPANEL WITH SELECTED WEATHERBOARD OR ACRYLIC RENDER FINISH TO BASIX REQUIREMENTS AND STRUCTURAL ENGINEERS DETAILS

SHADING DEVICE AND PRIVACY SCREENS TO WINDOWS TO BASIX REQUIREMENTS

WINDOWS AND DOORS AS SELECTED BY OWNERS TO BASIX REQUIREMENTS. REFER TO SCHEDULE

TIMBER FRAMED FLOORING TO BASIX REQUIREMENTS AND STRUCTURAL ENGINEERS DETAILS



TILED ROOFING TO MATCH THE EXISTING ROOF TO STRUCTURAL ENGINEERS DETAILS AND BASIX REQUIREMENTS

KLIPLOK ROOFING AS SELECTED BY OWNERS TO BASIX REQUIREMENTS AND STRUCTURAL ENGINEERS DETAILS

ALL MATERIALS TO BE MARINE GRADE SUBJECT TO MANUFACTURES TECHNICAL SPECIFICATION

- 06 FIRST FLOOR CEILING LEVEL ▼
RL 68.085
- 05 FIRST FLOOR LEVEL ▼
RL 65.385
- 04 GROUND FLOOR CEILING LEVEL ▼
RL 64.885
- 03 GROUND FLOOR LEVEL ▼
RL 61.980
- 02 LOWER GROUND FLOOR CEILING LEVEL ▼
RL 61.760

2

SECTION 4

1 : 100

C.....19/1/ 2022
LOWER SWIM SPA TOP LEVEL TO RL59.3
MATERIALS / COLOUR SELECTIONS

PROPOSED ALTERATIONS AND ADDITIONS TO THE EXISTING RESIDENCE & SWIM SPA

SECTIONS

DEVELOPMENT APPLICATION

MR. & MRS. BERMAN

259 MILITARY ROAD,
DOVER HEIGHTS NSW 2030

Date:	23.11.2021
Drawing No:	21_17
Sheet No:	04 - 02
Scale:	As indicated
Drawn:	LB
Checked:	JMH
Amend:	
Sheet Size:	A3

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PROTECTION OF OPENABLE WINDOWS

CLASS 1 AND CLASS 10 BUILDINGS

EXTRACT FROM NCC VOL 2, PART 3.9.2 BARRIERS AND HANDRAILS CLAUSE 3.9.2.5 PROTECTION OF OPENABLE WINDOWS

3.9.2.6 Protection of openable windows — bedrooms

(a) A window opening in a bedroom must be provided with protection, where the floor below the window is 2 m or more above the surface beneath.

(b) Where the lowest level of the window opening covered by (a) is less than 1.7 m above the floor, the window opening must comply with the following:

(i) The openable portion of the window must be protected with—

(A) a device capable of restricting the window opening; or

(B) a screen with secure fittings.

(ii) A device or screen required by (i) must—

(A) not permit a 125 mm sphere to pass through the window opening or screen; and

(B) resist an outward horizontal action of 250 N against the—

(aa) window restrained by a device; or

(bb) screen protecting the opening; and

(C) have a child resistant release mechanism if the screen or device is able to be removed, unlocked or overridden.

(c) Where a device or screen provided in accordance with (b) (i) is able to be removed, unlocked or overridden, a barrier with a height not less than 865 mm above the floor is required to the openable window in addition to window protection.

(d) A barrier covered by (c) must not—

(i) permit a 125 mm sphere to pass through it; and

(ii) have any horizontal or near horizontal elements between 150 mm and 760 mm above the floor that facilitate climbing (see Figure 3.9.2.5).

SECTION NOTES -

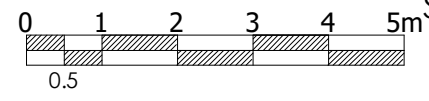
ALL TIMBER FRAMING IN ACCORDANCE WITH SAA TIMBER FRAMING CODE AS1684

RC SLABS, SUSPENDED RC SLABS, PIERS, BEAMS & FOOTINGS TO STRUCTURAL ENGINEER'S DETAILS

ROOF PITCH, EAVES AND BARGE OVERHANGS AS NOTED

LINE WALLS & CEILINGS WITH PLASTERBOARD, & 'VILLABOARD' OR SIMILAR TO WET AREAS

PROVIDE INSULATION & SISALATION TO ROOF, CEILINGS, WALLS & FLOORS IN ACCORDANCE WITH BASIX COMMITMENTS



WINDOW SCHEDULE								
Level	Mark	Height	Width	Window Area	Sill Height	Head Height	Description	BASIX Requirements

03 GROUND FLOOR LEVEL	01	1500	2400	3.60	900	2400	TWO PANEL SLIDING WINDOW	STANDARD ALUMINIUM, SINGLE PYROLYTIC LOW-E, (U-VALUE: 5.7, SHGC: 0.47)
03 GROUND FLOOR LEVEL	02	600	5350	3.21	900	1500	FOUR PANEL SLIDING WINDOW	STANDARD ALUMINIUM, SINGLE PYROLYTIC LOW-E, (U-VALUE: 5.7, SHGC: 0.47)
05 FIRST FLOOR LEVEL	03	1400	600	0.84	1000	2400	SINGLE PANEL AWNING WINDOW	STANDARD ALUMINIUM, SINGLE PYROLYTIC LOW-E, (U-VALUE: 5.7, SHGC: 0.47)
05 FIRST FLOOR LEVEL	04	1400	600	0.84	1000	2400	SINGLE PANEL AWNING WINDOW	STANDARD ALUMINIUM, SINGLE PYROLYTIC LOW-E, (U-VALUE: 5.7, SHGC: 0.47)
05 FIRST FLOOR LEVEL	05	1400	1200	1.68	1000	2400	TWO PANEL SLIDING WINDOW	STANDARD ALUMINIUM, SINGLE PYROLYTIC LOW-E, (U-VALUE: 5.7, SHGC: 0.47)
05 FIRST FLOOR LEVEL	06	1400	1200	1.68	1000	2400	TWO PANEL SLIDING WINDOW	STANDARD ALUMINIUM, SINGLE PYROLYTIC LOW-E, (U-VALUE: 5.7, SHGC: 0.47)
05 FIRST FLOOR LEVEL	07	1400	1200	1.68	1000	2400	TWO PANEL SLIDING WINDOW	STANDARD ALUMINIUM, SINGLE PYROLYTIC LOW-E, (U-VALUE: 5.7, SHGC: 0.47)
05 FIRST FLOOR LEVEL	08	1400	1200	1.68	1000	2400	TWO PANEL SLIDING WINDOW	STANDARD ALUMINIUM, SINGLE PYROLYTIC LOW-E, (U-VALUE: 5.7, SHGC: 0.47)
05 FIRST FLOOR LEVEL	09	1400	1200	1.68	1000	2400	TWO PANEL SLIDING WINDOW	STANDARD ALUMINIUM, SINGLE PYROLYTIC LOW-E, (U-VALUE: 5.7, SHGC: 0.47)
05 FIRST FLOOR LEVEL	10	1400	3600	5.04	1000	2400	THREE PANEL SLIDING WINDOW	STANDARD ALUMINIUM, SINGLE PYROLYTIC LOW-E, (U-VALUE: 5.7, SHGC: 0.47)
06 FIRST FLOOR CEILING LEVEL	11	550	700	0.39			SKYLIGHT	TIMBER, DOUBLE CLEAR/AIR FILL, (OR U-VALUE: 4.3, SHGC: 0.5)

DOOR SCHEDULE								
Level	Mark	Height	Width	Head Height	Door Area	Description	Basix Requirements	

03 GROUND FLOOR LEVEL	01	2100	720	2100	1.51	SINGLE SWING INTERNAL DOOR	N/A	
03 GROUND FLOOR LEVEL	02	2100	820	2100	1.72	CAVITY SLIDING DOOR	N/A	
03 GROUND FLOOR LEVEL	03	2400	3600	2400	8.64	THREE PANEL GLAZED DOOR	STANDARD ALUMINIUM, SINGLE PYROLYTIC LOW-E, (U-VALUE: 5.7, SHGC: 0.47)	
05 FIRST FLOOR LEVEL	04	2400	2700	2400	6.48	THREE PANEL GLAZED DOOR	STANDARD ALUMINIUM, SINGLE PYROLYTIC LOW-E, (U-VALUE: 5.7, SHGC: 0.47)	
05 FIRST FLOOR LEVEL	05	2400	2800	2400	6.72	FOUR PANEL ROBE SLIDING DOOR	N/A	
05 FIRST FLOOR LEVEL	06	2400	820	2400	1.97	SINGLE SWING INTERNAL DOOR	N/A	
05 FIRST FLOOR LEVEL	07	2400	720	2400	1.73	CAVITY SLIDING DOOR	N/A	
05 FIRST FLOOR LEVEL	08	2400	820	2400	1.97	SINGLE SWING INTERNAL DOOR	N/A	
05 FIRST FLOOR LEVEL	09	2400	820	2400	1.97	SINGLE SWING INTERNAL DOOR	N/A	
05 FIRST FLOOR LEVEL	10	2400	2100	2400	5.04	TWO PANEL ROBE SLIDING DOOR	N/A	
05 FIRST FLOOR LEVEL	11	2400	820	2400	1.97	SINGLE SWING INTERNAL DOOR	N/A	
05 FIRST FLOOR LEVEL	12	2400	820	2400	1.97	SINGLE SWING INTERNAL DOOR	N/A	
05 FIRST FLOOR LEVEL	13	2400	820	2400	1.97	SINGLE SWING INTERNAL DOOR	N/A	
05 FIRST FLOOR LEVEL	14	2400	1500	2400	3.60	TWO PANEL ROBE SLIDING DOOR	N/A	
05 FIRST FLOOR LEVEL	15	2400	1400	2400	3.36	TWO PANEL ROBE SLIDING DOOR	N/A	



VIEW FROM THE MASTER BEDROOM OF WINDOW 10 - 450mm SCREEN TO PROVIDE PRIVACY TO ADJOINING NEIGHBOURS



VIEW FROM THE MASTER BEDROOM OF WINDOW 10 - NO SCREEN

C.....19/1/ 2022
LOWER SWIM SPA TOP LEVEL TO RL59.3
MATERIALS / COLOUR SELECTIONS

AMENDMENTS
DRAWING TITLE
WINDOW AND DOOR
SCHEDULE

PROJECT STATUS
DEVELOPMENT
APPLICATION

PROJECT
PROPOSED ALTERATIONS
AND ADDITIONS TO THE
EXISTING RESIDENCE &
SWIM SPA

ADDRESS
259 MILITARY ROAD,
DOVER HEIGHTS NSW
2030

CLIENT
MR. & MRS. BERMAN

Date:	23.11.2021		
Drawing No:	21_17	Amend:	B
Sheet No:	05 - 01	The whole works to be in accordance with the National Construction Code of Australia, all relevant Australian Standards and all other governing authorities concerned.	
Scale:	1 : 10	All dimensions to be in millimetres unless otherwise stated.	
Drawn:	LB	Use written dimensions in preference to scaled dimensions.	
Checked:	JMH	The builder to check all dimensions on site prior to the commencement of work.	
Sheet Size:	A3	No responsibility will be accepted by JMH Living Design for builder's details, methods, setout or design contradictions, nor council variations and conditions.	
JMH Living Design ABN 41 280 852 John Hatch - Principal Mobile: 0447 681 736 E-mail: john@jmlivingdesign.com.au Web: www.jmlivingdesign.com.au			

Office
Location: 1st Floor,
8 Park Lane,
Caringbah, NSW 2229
Postal Address: PO Box 74,
Caringbah, NSW 1495
Telephone: (02) 9540 3626
Industry Member of:

Company:
www.bda.com.au W www.jmlivingdesign.com.au 1/02/2022 4:09:03 PM

BASIX Certificate

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

Alterations and Additions

Certificate number: A427083_03

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 A427083_02 lodged with the consent authority or certifier on 25 Oct 2021 with application DA473/2021.

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 6A of the Environmental Planning and Assessment Regulation 2000

Secretary
Date of issue: Thursday, 18, November 2021
To be valid, this certificate must be lodged within 3 months of the date of issue.



Description of project

Project address	
Project name	21_17 - BACHMANN_03
Street address	259 MILITARY Road DOVER HEIGHTS 2030
Local Government Area	Waverley Council
Plan type and number	Deposited Plan 106273
Lot number	A
Section number	
Project type	
Dwelling type	Attached dwelling house
Type of alteration and addition	My renovation work is valued at \$50,000 or more, and includes a pool (and/or spa).

Certificate Prepared by (please complete before submitting to Council or PCA)
Name / Company Name: JMH Living Design
ABN (if applicable): 41280852869

Pool and Spa	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Rainwater tank			
The applicant must install a rainwater tank of at least 2843 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	✓	✓	✓
The applicant must configure the rainwater tank to collect rainwater runoff from at least 47.19 square metres of roof area.		✓	✓
The applicant must connect the rainwater tank to a tap located within 10 metres of the edge of the outdoor spa.		✓	✓
Outdoor spa			
The spa must not have a capacity greater than 4.5 kilolitres.	✓	✓	✓
The spa must have a spa cover.		✓	✓
The applicant must install a spa pump timer.		✓	✓
The applicant must install the following heating system for the outdoor spa that is part of this development: solar (electric boosted).		✓	✓
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.		✓	
Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements			
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.			
Construction	Additional insulation required (R-value)	Other specifications	
floor above existing dwelling or building.	nil		
external wall: AAC veneer (AAC: 75 mm)	R0.89 (or R1.70 including construction)		
flat ceiling, pitched roof	ceiling: R1.45 (up), roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 - 0.70)	
flat ceiling, flat roof: framed	ceiling: R1.58 (up), roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 - 0.70)	

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Check Data			
Windows and glazed doors						
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✓	✓	✓			
The following requirements must also be satisfied in relation to each window and glazed door:		✓	✓			
Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.		✓	✓			
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.	✓	✓	✓			
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.		✓	✓			
Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.		✓	✓			
Windows and glazed doors glazing requirements						
Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing Height (m) Distance (m)	Shading device	Frame and glass type	
W01	E	3.6	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W02	E	3.21	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W03	S	0.84	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W04	S	0.84	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W05	E	1.68	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)

Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing		Shading device	Frame and glass type			
			Height (m)	Distance (m)					
W06	E	1.68	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)			
W07	E	1.68	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)			
W08	E	1.68	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)			
W09	E	1.68	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)			
W10	E	5.04	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)			
D03	N	8.64	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)			
D04	N	6.48	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)			
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									
Skylight number	Area of glazing inc. frame (m2)	Shading device			Frame and glass type				
W11	0.39	no shading			timber, double clear/air fill, (or U-value: 4.3, SHGC: 0.5)				

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.

C.....19/1/ 2022
LOWER SWIM SPA TOP LEVEL TO RL59.3
MATERIALS / COLOUR SELECTIONS

AMENDMENTS
PROJECT
PROPOSED ALTERATIONS AND ADDITIONS TO THE EXISTING RESIDENCE & SWIM SPA

DRAWING TITLE
BASIX CERTIFICATE

PROJECT STATUS
DEVELOPMENT APPLICATION

CLIENT
MR. & MRS. BERMAN

ADDRESS
**259 MILITARY ROAD,
DOVER HEIGHTS NSW 2030**

Date:	23.11.2021
Drawing No:	21_17
Sheet No:	05 - 02
Scale:	As indicated
Drawn:	LB
Checked:	JMH

The whole works to be in accordance with the National Construction Code of Australia, all relevant Australian Standards and all other governing authorities concerned.

All dimensions to be in millimetres unless otherwise stated.

Use written dimensions in preference to scaled dimensions.

The builder to check all dimensions on site prior to the commencement of work.

No responsibility will be accepted by JMH Living Design for builder's details, methods, setbacks or design contradictions, nor council variations and conditions.

This set of drawings is subject to copyright and may not be used or copied without the consent of JMH Living Design.

JMH Living Design Industry Member of:
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John Hatch - Principal
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Telephone: (02) 9540 3626

bda
BUILDING DESIGNERS
ASSOCIATION OF AUSTRALIA
W www.bda.com.au

Master Builders Association
W www.mba.nsw.gov.au

Company:

jmh
living design

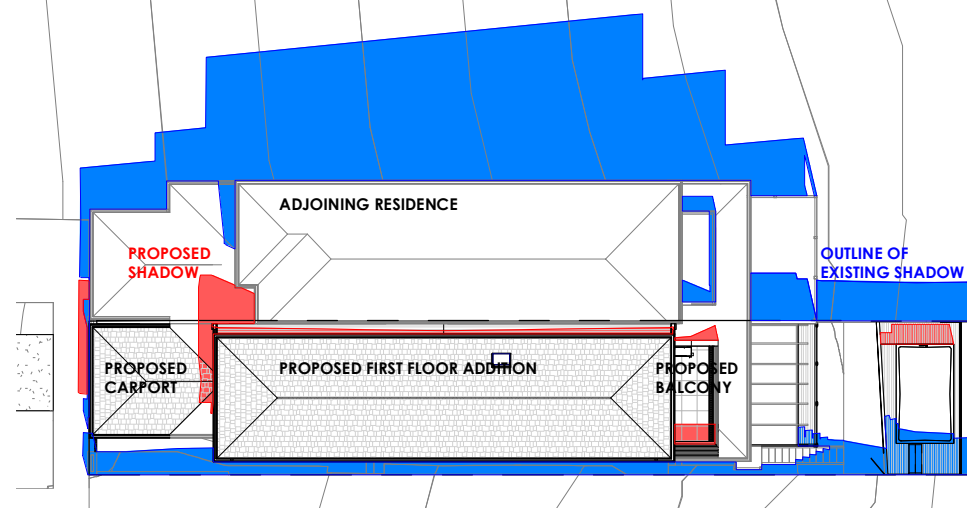
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AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-473/2021

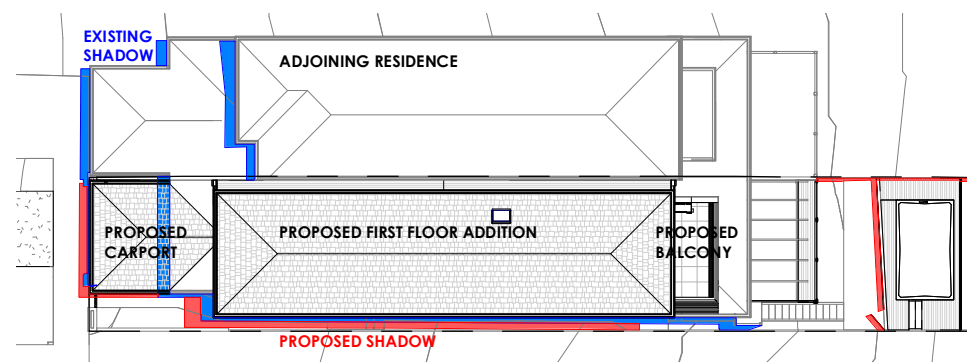
Date Received: 01/02/2022



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1. Summer Solstice 9 AM

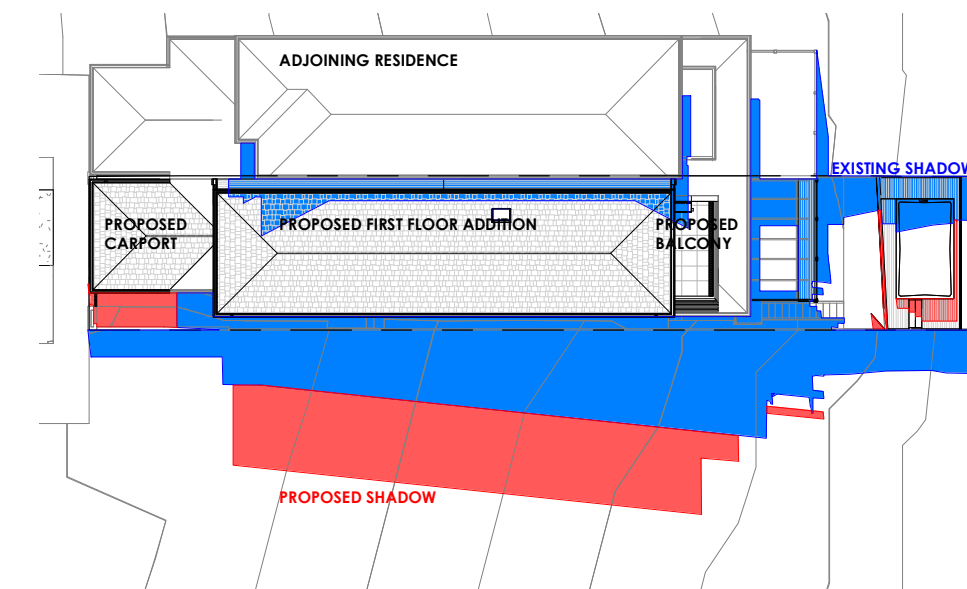
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2. Summer Solstice 12 PM

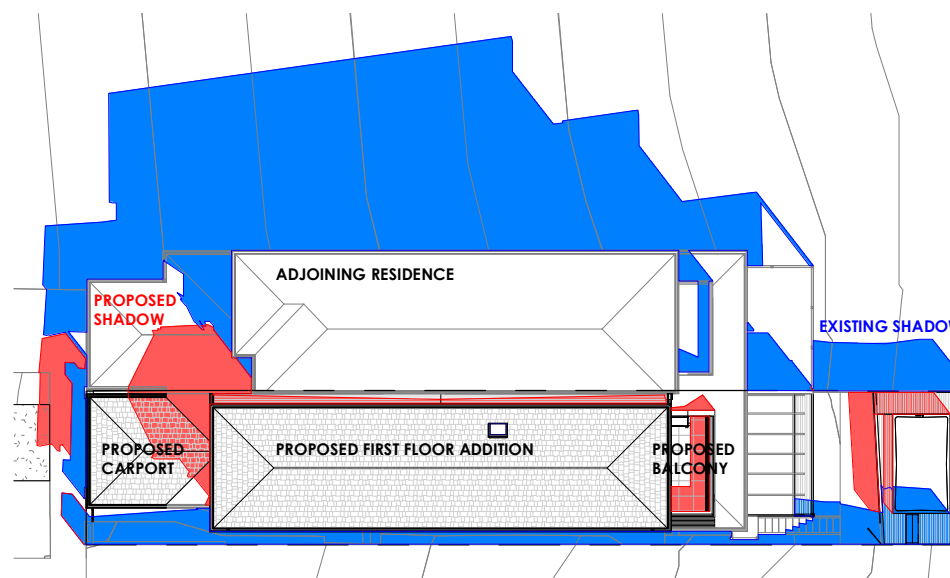
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3

3. Summer Solstice 3 PM

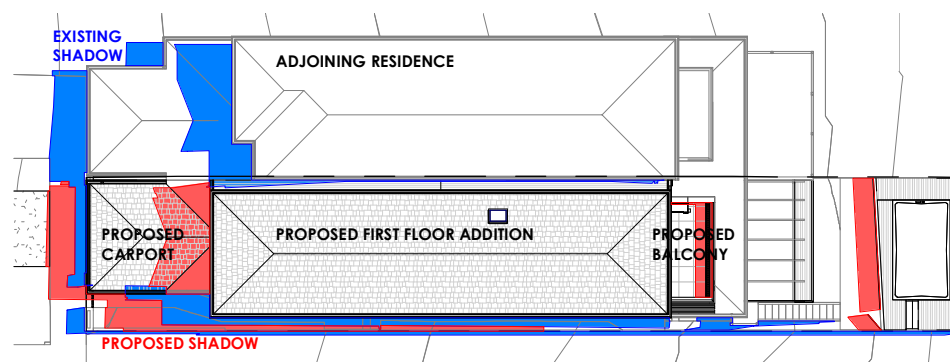
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4

4. Equinox 9 AM

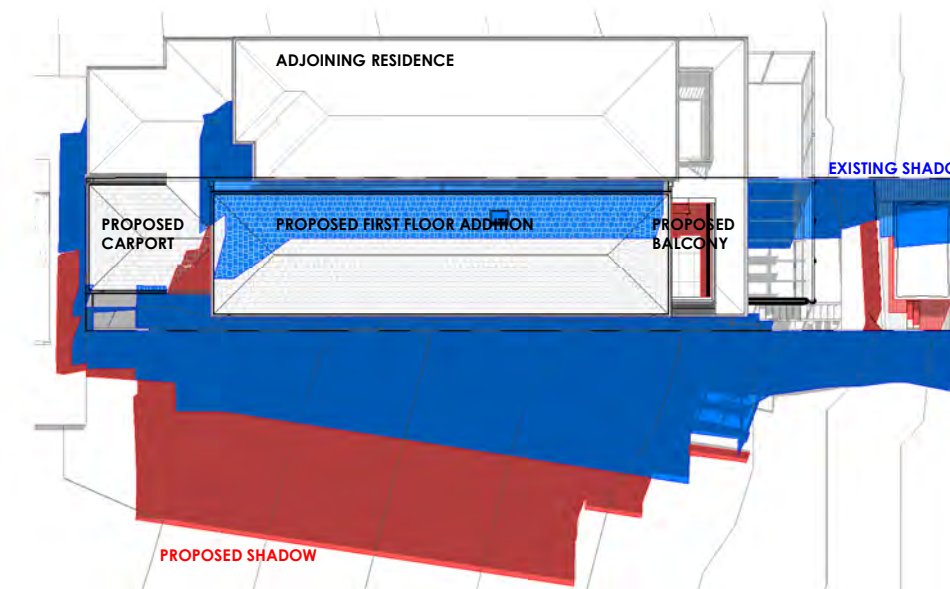
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5

5. Equinox 12 PM

1 : 300



6

6. Equinox 3 PM

1 : 300

C.....19/1/ 2022
LOWER SWIM SPA TOP LEVEL TO RL59.3
MATERIALS / COLOUR SELECTIONS

AMENDMENTS
DRAWING TITLE
SHADOW DIAGRAMS

PROJECT STATUS
DEVELOPMENT
APPLICATION

PROJECT
PROPOSED ALTERATIONS
AND ADDITIONS TO THE
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SWIM SPA

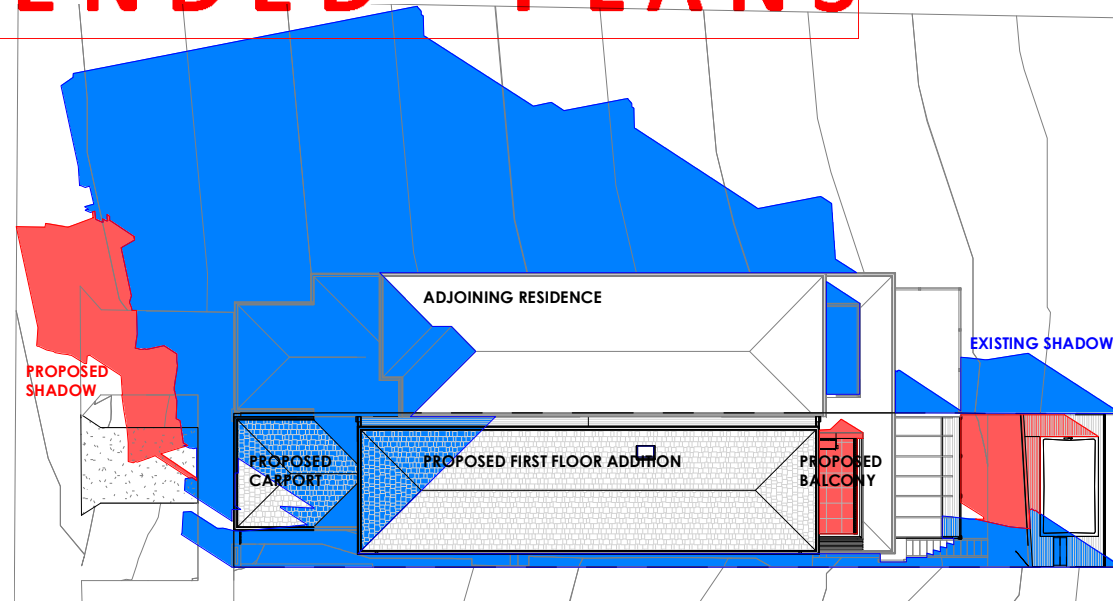
ADDRESS
259 MILITARY ROAD,
DOVER HEIGHTS NSW
2030

CLIENT
MR. & MRS. BERMAN

Date: 23.11.2021
Drawing No: 21_17 Amend: B
Sheet No: 06 - 01
Scale: As indicated
Drawn: LB
Checked: JMH
Sheet Size: A3

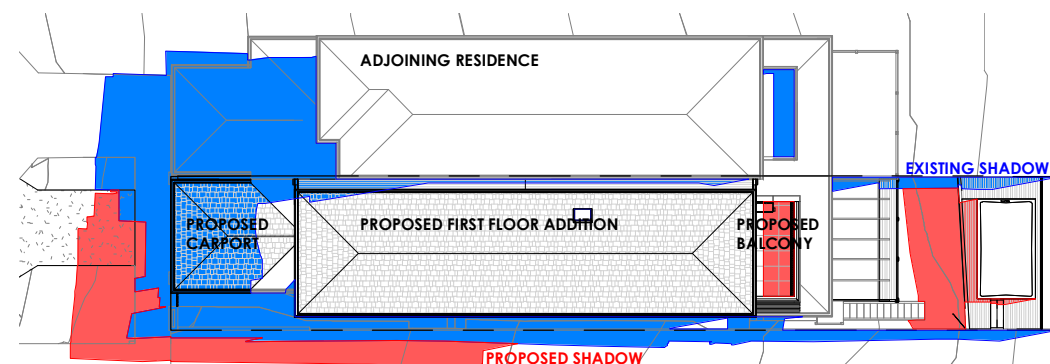
JMH Living Design
ABN 41 280 852
John Hatch - Principal
Mobile: 0447 681 736
Email: john@jmlivingdesign.com.au
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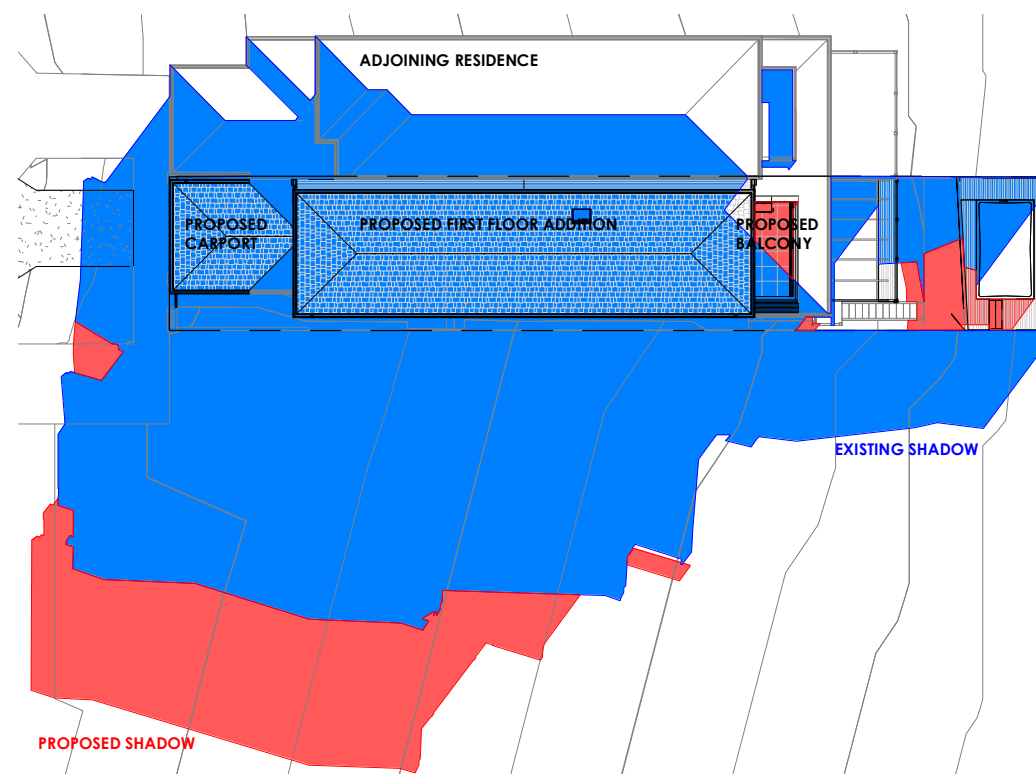
1 7. Winter Solstice 9 AM

1 : 300



2 8. Winter Solstice 12 PM

1 : 300



3 9. Winter Solstice 3 PM

1 : 300

21 MARCH/SEPTEMBER

	Bearing	Altitude
9:00 a.m.	58° E	38°
12:00 noon	5° W	56°
3:00 p.m.	63° W	34°

21 JUNE

	Bearing	Altitude
9:00 a.m.	43° E	18°
12:00 noon	0°	33°
3:00 p.m.	43° W	18°

21 DECEMBER

	Bearing	Altitude
9:00 a.m.	87° E	51°
12:00 noon	5° W	79°
3:00 p.m.	88° W	47°

NOTE:
ALTITUDES AND BEARINGS USED IN
PREPARATION OF THESE DIAGRAMS
BASED ON AUSTRALIAN STANDARDS
SUN-CHART FOR SYDNEY
(latitude 34°S, longitude 151.2°E)

THESE SHADOW DIAGRAMS ARE A THREE
DIMENSIONAL REPRESENTATION OF THE
ACTUAL SHADOWS CAST WITH REGARD
TO THE SITE TOPOGRAPHY AND
ADJOINING RESIDENCES. SITE
INFORMATION IS BASED ON DETAIL
SURVEY BY COOPER & RICHARDS, No
22107011.1, DATED 01.07.2021.

C.....19/1/ 2022
LOWER SWIM SPA TOP LEVEL TO RL59.3
MATERIALS / COLOUR SELECTIONS

AMENDMENTS
DRAWING TITLE
SHADOW DIAGRAMS

PROJECT STATUS
DEVELOPMENT
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PROJECT
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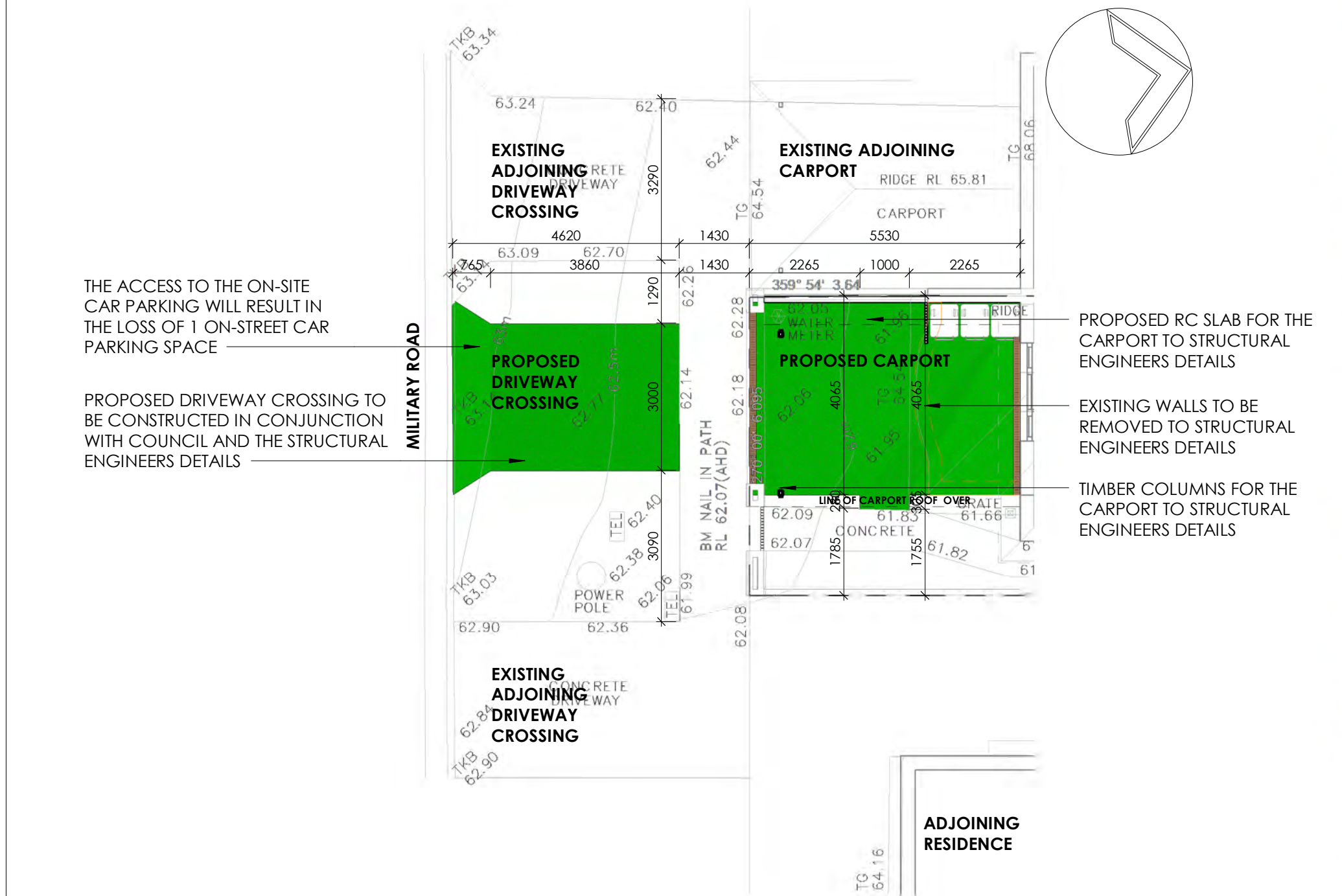
ADDRESS
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DOVER HEIGHTS NSW
2030

CLIENT
MR. & MRS. BERMAN

Date:	23.11.2021
Drawing No:	21_17
Amend:	B
Sheet No:	06 - 02
Scale:	As indicated
Drawn:	LB
Checked:	JMH
Sheet Size:	A3

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Caringbah, NSW 1495
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Industry Member of:
bda
BUILDING DESIGNERS
ASSOCIATION OF AUSTRALIA
Company:
jmh
living design



STREET VIEW OF No. 257 MILITARY ROAD EXISTING DRIVEWAY CROSSING AND ONE ON-STREET CARPARKING SPACE IN THE PROPOSED DRIVEWAY CROSSING LOCATION FOR No. 259 MILITARY ROAD



STREET VIEW OF No. 261 MILITARY ROAD EXISTING DRIVEWAY CROSSING AND ONE ON-STREET CARPARKING SPACE IN THE PROPOSED DRIVEWAY CROSSING LOCATION FOR No. 259 MILITARY ROAD

1

DRIVEWAY / CARPORT DETAILS

1 : 100

C.....19/1/ 2022
LOWER SWIM SPA TOP LEVEL TO RL59.3
MATERIALS / COLOUR SELECTIONS

AMENDMENTS
PROJECT
PROPOSED ALTERATIONS
AND ADDITIONS TO THE
EXISTING RESIDENCE &
SWIM SPA

DRAWING TITLE
STREET ANALYSIS

PROJECT STATUS
DEVELOPMENT
APPLICATION

CLIENT
MR. & MRS. BERMAN

ADDRESS
259 MILITARY ROAD,
DOVER HEIGHTS NSW 2030

Date:	23.11.2021
Drawing No:	21_17
Sheet No:	07 - 01
Scale:	As indicated
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Checked:	JMH
Amend:	
Sheet Size:	A3

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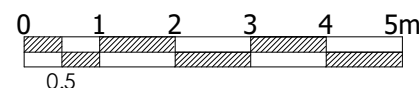
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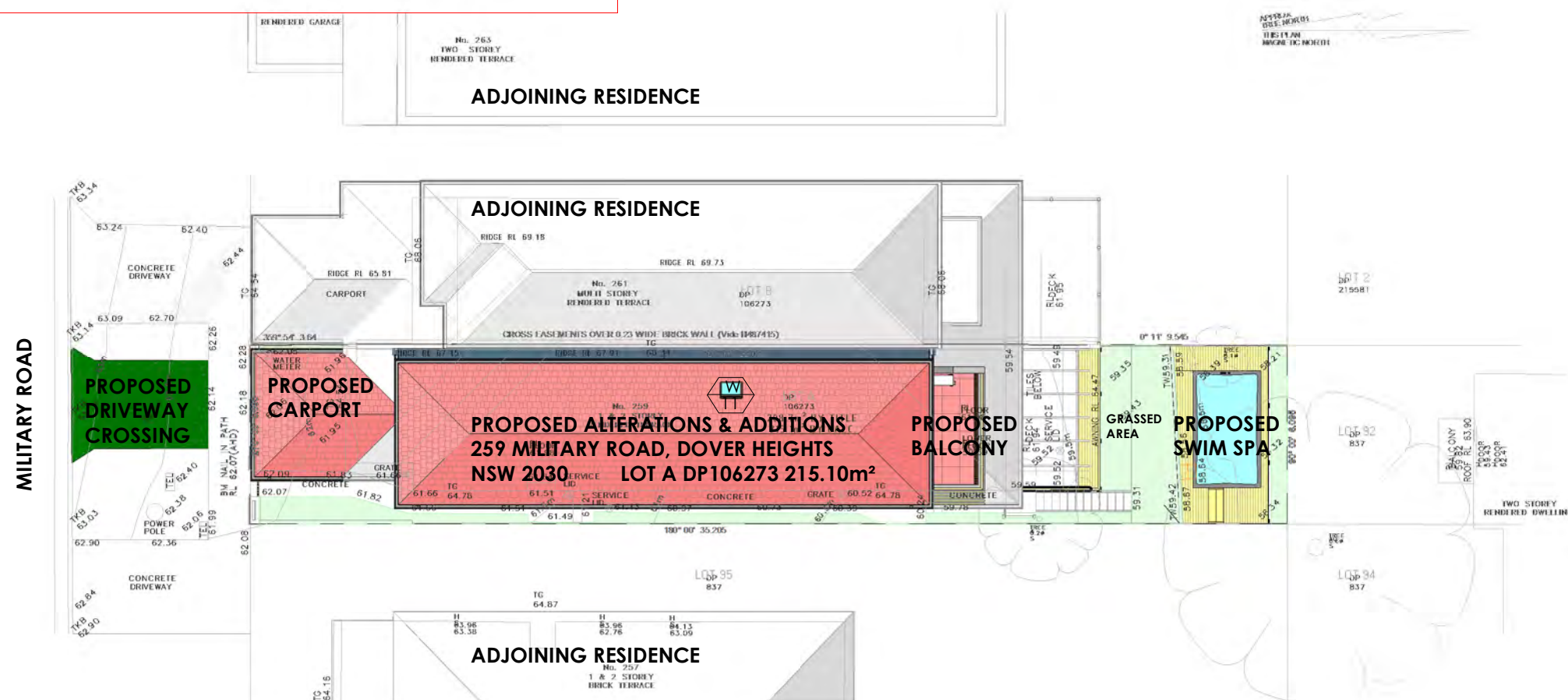
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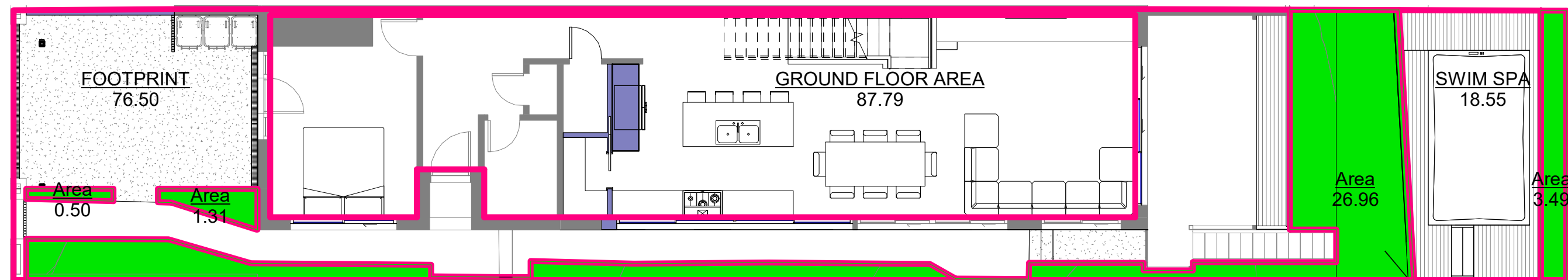




1

LANDSCAPE PLAN

1 : 200

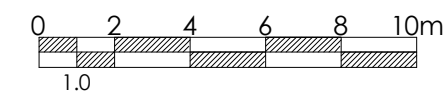
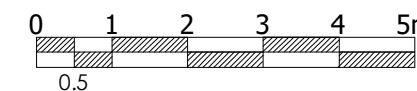


2

LANDSCAPE AREA PLAN

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LOWER SWIM SPA TOP LEVEL TO RL59.3
MATERIALS / COLOUR SELECTIONS



AMENDMENTS

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DRAWING TITLE
LANDSCAPE PLAN

PROJECT STATUS
**DEVELOPMENT
APPLICATION**

CLIENT
MR. & MRS. BERMAN

ADDRESS
**259 MILITARY ROAD,
DOVER HEIGHTS NSW 2030**

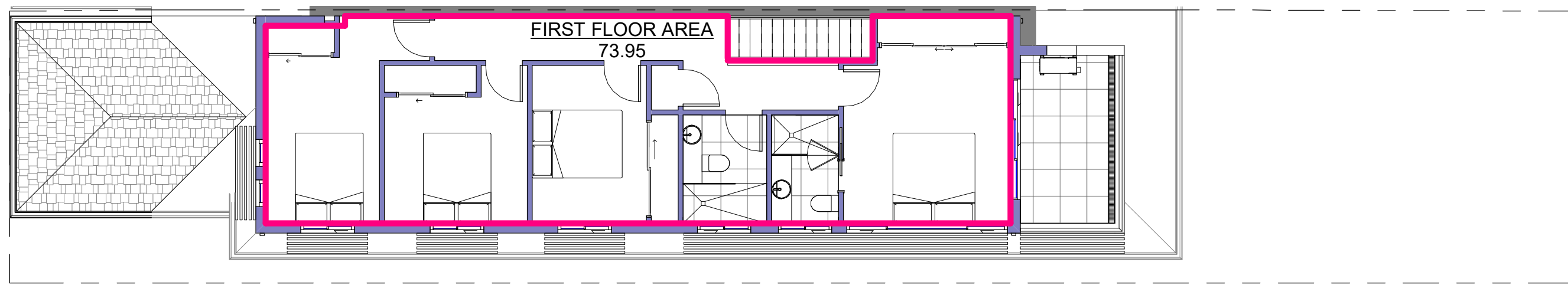
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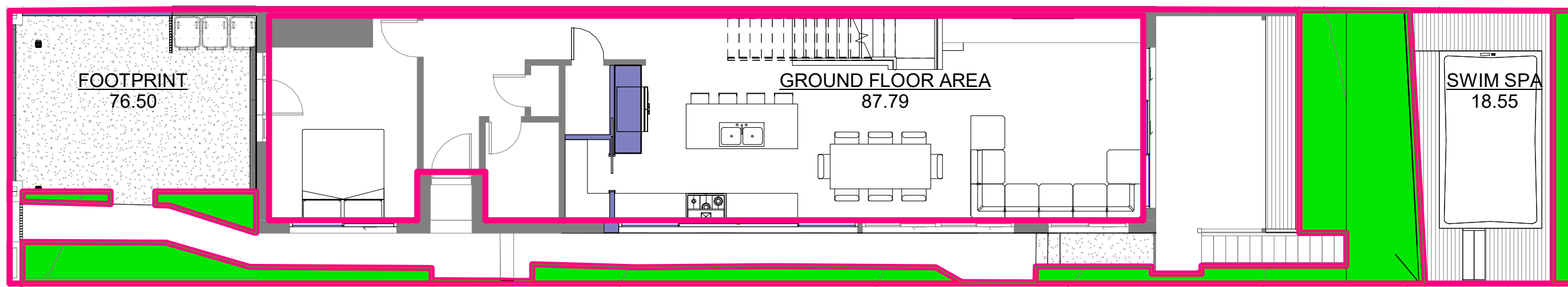
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1 05 FIRST FLOOR LEVEL
1 : 100



2 03 GROUND FLOOR LEVEL
1 : 100

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LOWER SWIM SPA TOP LEVEL TO RL59.3
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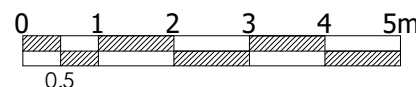
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1 01 LOWER GROUND FLOOR LEVEL
1 : 100

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Date: 23.11.2021

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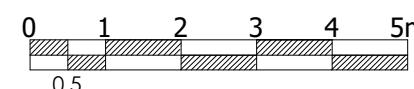
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SITE CALCULATIONS	m ²	COMPLIES
ZONE	R2	
SITE AREA	215.10m ²	
MAXIMUM GROSS FLOOR AREA (((550-215.10) x 0.0011) + 0.5)) = 0.86839:1 (215.10 x 0.86839:1 =)	186.79m ²	
MINIMUM LANDSCAPED AREA (SA x 0.15) =	32.26m ²	
MAXIMUM FOOTPRINT AREA (215.10 - 32.26) =	182.84m ²	
GROSS FLOOR AREA		
EXISTING RESIDENCE	112.84m ²	
PROPOSED ADDITIONS	73.95m ²	
TOTAL GROSS FLOOR AREA (FLOOR SPACE RATIO)	186.79m ² (0.86839X:1)	YES
TOTAL BUILDING FOOTPRINT	182.84m ²	YES
ACTUAL LANDSCAPED AREA (PERCENTAGE)	32.26m ² 15%	YES



Report to the Waverley Local Planning Panel

Application number	DA-608/2014/C
Site address	232 Military Road DOVER HEIGHTS
Proposal	Modifications including extensions at the front and rear, internal reconfiguration, removal of the roof top terrace and relocation of the swimming pool
Description of Approved Development	Demolition and construction of a two-storey dwelling house with double garage, driveway, front fence and pool
Date of lodgement	21/10/2021
Owner / Applicant	Ms G Tischmann
Submissions	12 objections
Principal Issues	<ul style="list-style-type: none"> • FSR • Height
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The modification application seeks modify the development consent known as DA-608/2014/B for demolition and construction of a new dwelling at the site known as 232 Military Road, Dover Heights. In summary, the proposed modifications are for extensions at the front and rear, internal reconfiguration, removal of the roof top terrace and relocation of the swimming pool.

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

- Floor space ratio (FSR): The proposal will result in an additional 17.4m², resulting in an overall FSR of 0.59:1. This culminates in an overall exceedance of the FSR development standard by 54.4m² or 17.6%. The net increase of FSR due to the proposed modifications represents 32% of the overall exceedance of the standard.
- Height: The proposed modifications remove a roof terrace and lower the front parapet height resulting in a maximum height of 9.114m (9.6m is approved).

The assessment finds these issues acceptable as the proposed FSR and height are consistent with the objectives of the development standards and will not unreasonably impact upon the amenity of surrounding properties or the streetscape. The proposal will lower the height of the dwelling overall and will result in improved views from the most impacted neighbouring property.

A total 12 objections were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

The application has been assessed against the relevant matters for consideration under section 4.55 (2) of the *Environmental Planning and Assessment Act 1979* and is recommended for approval subject to conditions of consent.

1.2. Site and Surrounding Locality

A site visit was carried out on 16 November 2021.

The site is identified as Lot 2 in DP10085, known as 232 Military Road, Dover Heights. The site is rectangular in shape with a street frontage to Military Road measuring 13.515m. The site has an area of 617.9m² and falls considerably from its front, eastern portion westward towards its rear boundary by approximately 5m.

The site is currently a vacant site with vehicular access provided from Military Road.

The subject site is adjoined by:

- a part two, part three-storey dwelling house to the north at 234 Military Road;
- a two-storey dwelling house to the south at 230 Military Road; and

- a three-storey dwelling house to the west at 22 Portland Street.

The locality is characterised by predominantly low density residential development, including dwelling houses and dual occupancy development.

Figures 1 to 3 are photos of the site and its context.



Figure 1: Subject site (view toward the west to rear boundary)



Figure 2: Subject site viewed from Military Road toward the west



Figure 3: Aerial image of the subject site prior to demolition of the former dwelling showing the rear elevation viewed from the west (Source: Google Earth)

1.3. Details of Approved Development

DA-608/2014 was approved by Council on 2 June 2015 for demolition of the existing dwelling and construction of two-storey dwelling house with double garage, driveway, front fence and pool.

DA-187/2016 was refused by Council on 28 September 2016 for demolition of existing dwelling and construction of a part two, part three-storey dwelling with swimming pool. The key statistics of the refused development are as follows:

- Overall building height: 11.24m
- Floor space ratio: 0.843:1

DA-608/2014/A was approved by Council on 15 August 2017 for modifications to include a roof terrace, two new balconies, pergolas, additional excavation to the lower level for car parking, deletion of condition 2 (a) and (b) regarding a reversing bay for vehicles and pedestrian access to the pool and other alterations to the approved dwelling.

DA-608/2014/B was approved on 3 June 2021 for modifications to windows, roof form, rear garden bed changed to a deck, extension of rear balcony, new outdoor bath, new lift and tree removal.

The following condition is copied from the development consent as it has direct relevance to this modification application:

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) *(CONDITION DELETED VIDE DA 608/2014/A);*
- (b) *(CONDITION DELETED VIDE DA 608/2014/A);*
- (c) *The proposed roof top terrace is to be reduced in area so as to be no greater than 15m² and the reduction is by the provision of further additional setback from either or both of the northern and western side boundaries of the dwelling. In this regard, amended plans are to be submitted to the satisfaction or approval of Council's Area Manager of Building Waverley (CONDITION ADDED VIDE DA 609/2014/A);*
- (d) *The proposed new addition of entry gate area (which are partly enclosed) and its associated walls and roof are not approved and to be deleted, to better address the fence controls under the Waverley DCP 2012 (CONDITION ADDED VIDE DA 608/2014/A).*
- (e) *A detailed Landscape Plan is to be submitted showing at least one (1) tree, a local native, that's grows to a minimum height of five metres at maturity. The native tree is to be planted on site prior to the issue of any Occupation Certificate. (Amended DA 608/2014/B).*
- (f) *The proposed removal of the planter and extension of the first floor rear balcony are not approved. (Amended DA 608/2014/B).*

The amendments are to be approved by Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

Construction Certificate, **CCB-146/2020**, for demolition of existing house, services disconnected and installation of boundary piling (stage 1 works) was issued on 13 May 2020 by a private certifier. As the dwelling has been demolished under this construction certificate, physical commencement of the approved development consent has been undertaken and the consent has been activated.

1.4. Proposal

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

- Relocation of the garage from the lower ground floor level to the ground level and associated modifications to the relevant floor plans and driveway to accommodate this.
- Reduction of excavation at the lower ground floor level due to relocated garage.
- Relocation of the approved swimming pool within the rear yard.
- Extension of the dwelling toward the north-west corner at the rear and provision of an external staircase to the rear yard.
- Reconfiguration of the front elevation including redesign of the front balconies to extend further toward the eastern (front) boundary with associated extension of the roof.
- Infilling of an approved balcony on the northern boundary at the first floor level.
- Removal of the roof terrace and associated access and balustrading.
- Reconfiguration of the rear alfresco areas, balconies and landscaping.
- Internal alterations and associated changes to elevations, window sizes and arrangement.
- Altered external finishes.

1.5. Background

The modification application was lodged on 19 October 2021 and additional information requested on 22 October 2021 to provide fully dimensioned plans and gross floor area (GFA) diagrams. This information was provided to Council on 27 October 2021.

Further information, including updates to the GFA calculations and diagrams and view impact diagrams were requested on 2 February 2021. This information was provided to Council on 7 February 2021.

2. ASSESSMENT

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

2.1. Section 4.55 – Modification of consents – generally

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

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

The application was publicly notified and 12 submissions were received. The issues and matters raised in public submissions are discussed in section 2.3.4 of this report.

2.2. Evaluation of Matters for Consideration under Section 4.15

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

2.2.1. Planning Instruments and Development Control Plans

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

State Environmental Planning Policies (SEPPs)

The following SEPPs apply and have been considered acceptable in the assessment of this modification application:

- SEPP 55 Remediation of Land.
- SEPP (Building Sustainability Index – BASIX) 2004.

Draft Waverley Local Environmental Plan 2022 (Draft Waverley LEP 2022)

It is acknowledged that the Draft Waverley Local Environmental Plan 2022 is on exhibition from 12 November 2021 to 23 January 2022, however at the time of this assessment, there are no relevant matters for consideration.

Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

The quantities of the approved development, as proposed to be modified, have changed as outlined in **Table 1** of this report in relation to principal development standards under Waverley LEP 2012. All other relevant provisions of Waverley LEP 2012 remain compliant.

Table 1: Waverley LEP 2012 Compliance Table

Provision	Approved	Proposed Modified	Compliance
4.3 Height of buildings <ul style="list-style-type: none"> • 8.5m 	9.2m (RL 83.7) to the parapet and 9.6m (RL 84.09) to the top of the balustrade of the roof terrace	Roof terrace to be removed and parapet height reduced (RL83.614) resulting in height of 9.114m	No

Provision	Approved	Proposed Modified	Compliance
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.5:1 	0.56:1 (346m ²)	0.59:1 (363.4m ²)	No

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

Height of Buildings

The proposed modifications result in a reduction of the building height by 476mm, resulting in an overall building height of 9.114m (9.6m approved). This culminates in an overall exceedance of the height of buildings development standard by 614mm or 7%.

The relevant objectives of the development standard are as follows:

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

The proposed modification to the height of the approved dwelling involves the removal of the roof terrace and associated balustrade and the slight lowering of the front parapet. These modifications will reduce impacts upon surrounding properties through improved visual and acoustic privacy and view impacts (refer to detailed discussion in proceeding sections of this report). The approved dwelling is already lower than recent development on the western side of Military Road, including the dwelling directly to the north, and the subject modifications will further reduce the maximum height. The height and building form are consistent with the emerging character of dwellings on Military Road and the contemporary design is compatible with the streetscape.

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

Floor Space Ratio (FSR)

The proposed modifications result in an increase of GFA of 17.4m², resulting in an overall FSR of 0.59:1. This culminates in an overall exceedance of the FSR development standard by 54.4m² or 17.6%. The net increase of FSR due to the proposed modifications represents 32% of the overall exceedance of the standard.

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

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

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

- The proposal continues to meet the housing needs of the community in the same manner as originally approved; does not alter the housing typology originally approved, being a dwelling; does not alter the land use as originally approved; and does not alter the walking/cycling attributes of the development.
- The proposal continues to provide an accepted building height, is lower than approved, and maintains the density originally approved.
- The proposal improves the building's compatibility in relation to bulk, scale, streetscape appearance or its contribution to the desired future character of the locality as compared to the original approval.
- The proposal preserves the environmental amenity of neighbouring properties and introduces no new impacts on the amenity of the locality, particularly in relation to the height of the building at the rear, which has been given particular attention (and lowered) as compared to the approved development to protect and improve view sharing.

The additional floor space is largely contained within the approved envelope of the dwelling. Notwithstanding the majority of the additional floor space is contained at the upper floor level, essentially through infilling the approved balconies at first floor and seeking new balconies extending further within the front setback. In this regard, the proposal is increasing the GFA of the first floor level of the dwelling. As discussed in detail throughout this report, the proposed modifications will result in reduced impacts upon significant views from surrounding properties, being lower in height, and will have no additional impact in regard to visual and acoustic privacy. In terms of overshadowing, any additional impact will be largely offset through gains in solar access due to the lowering of the building. The proposed balcony extension toward the front of the site is consistent with the predominant front setback of dwellings within the vicinity and will not harm the character of the streetscape.

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

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

The approved development, as proposed to be modified, continues to comply with the relevant parts and sections of Waverley DCP 2012. Only the following parts and sections of Waverley DCP 2012 that apply to the proposed modifications are outlined in **Tables 2** and **3** of this report and detailed discussion below these tables.


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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory
2. Ecologically Sustainable Development	Yes	Satisfactory
3. Landscaping and Biodiversity	Yes	Satisfactory
6. Stormwater	Yes	Satisfactory
8. Transport Dwellings: Minimum parking rate: <ul style="list-style-type: none"> Nil Maximum parking rate: <ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms. Zone 2	Yes	The proposed modifications relocate the approved two car spaces from the lower ground to the ground floor level. This will result in reduced excavation and a less steep driveway, providing improved pedestrian safety at the street. The modifications provide for two car spaces at the ground floor level. The parking design and location are satisfactory being integrated into the design of the dwelling.
10. Safety	Yes	Satisfactory.
12. Design Excellence	Yes	The proposed modifications will not harm the character of the streetscape or the design excellence of the new dwelling.
14. Excavation	Yes	The modifications result in reduced excavation on site.

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

Development Control	Compliance	Comment
2.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.2 Setbacks		
2.2.1 Front and rear building lines	Yes	The proposal includes a balcony extension forward of the approved dwelling that will be set back from the front boundary by a minimum of

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 		<p>6357mm. The modified front setback is consistent with the pattern of development within the street and is considered acceptable.</p> <p>The proposal also includes a minor extension to the rear of the dwelling in the north-western corner. The proposed rear setback will not extend beyond that already approved for this dwelling as it is extending into an approved recess from the side boundary. The proposed extension will provide a 1200mm setback from the northern side boundary, consistent with the rest of the dwelling.</p>
<p>2.2.2 Side setbacks</p> <ul style="list-style-type: none"> Minimum of 1.5m 	No	<p>The proposed extensions will be 1.2m from the northern side boundary consistent with the approved dwelling. This will provide a consistent alignment to the side elevation and is similar to the setbacks at the adjoining property to the north. The reduced setback will not have unreasonable amenity impacts upon the adjoining northern property by way of additional overshadowing or privacy. The side setback is considered acceptable.</p>
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style and proportions of existing dwelling Significant landscaping to be maintained. Porticos only permitted where a character of the streetscape 	Yes	<p>The proposed modifications will not harm the character of the streetscape or the design excellence of the new dwelling.</p> <p>The proposal introduces new materials and finishes; however the new dwelling will continue to present to the street as a two-storey dwelling lower than surrounding recent development within the street.</p> <p>The rear of the dwelling will continue to have a stepped form, ensuring that the visual impact from surrounding properties is appropriately articulated.</p>
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures 	Yes	<p>Windows to habitable rooms are oriented toward the front and rear where separation distances from surrounding properties are sufficient to ensure no unreasonable privacy impacts.</p> <p>The proposal includes modifications to the rear balconies at ground and first floor levels, including the provision of an external stair to the rear yard on the northern boundary at the</p>

Development Control	Compliance	Comment
<p>are incorporated into the design</p> <ul style="list-style-type: none"> 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 predominant in the immediate vicinity 		<p>ground floor level and enlargement of the balcony at the first floor level.</p> <p>The proposed external stairs on the northern boundary at the rear will give access to the rear yard from the ground floor level. The stairs will be opposite a similar set of stairs at the adjoining property to the north as shown in the image below:</p>  <p>There is adequate separation distance from the stairs to the rear boundary and as demonstrated in the image above, there are limited opportunities for overlooking into the adjoining property. Accordingly, the stairs are considered reasonable.</p> <p>The elevated balconies at ground and first floor levels are set back 12.5m and 18.5m respectively, providing sufficient distance to ensure that privacy impacts are not unreasonable. Privacy screening is also provided on both side boundaries of each balcony to inhibit overlooking to adjoining properties to the sides.</p> <p>Notwithstanding, large areas of glazing and large elevated balconies at the front and rear are characteristic of the area given the significant views achieved to the west.</p> <p>The enlarged balcony at first floor level will exceed the size controls of the DCP however given the pattern of surrounding development, the significant separation to adjoining properties and privacy screening, this is not considered unreasonable.</p> <p>New windows on the side elevations are to non-habitable rooms (bathrooms and pantry) where</p>

Development Control	Compliance	Comment
		<p>privacy impacts are considered low. The exception to this is a new louvred window and fixed panel window to the dining room on the southern elevation. Given this is a living area, privacy impacts are considered higher and there may be potential for cross viewing into the windows of the adjoining property. These windows are secondary to the main windows to the room on the rear elevation and as such it is not unreasonable for these windows to have privacy measures implemented. In this regard, a condition will require that the windows are obscure glazed.</p> <p>The removal of the roof terrace will improve privacy impacts.</p> <p>Given the above analysis, it is considered that the proposed modifications will not result in unreasonable additional privacy impacts.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	Yes	<p>The living areas will continue to receive solar access as per the approval, with living area windows on the rear elevation facing a westerly direction.</p> <p>The built form is largely the same as the approved dwelling with the exception of the proposed balcony extension toward the front.</p> <p>The proposed modifications are unlikely to result in increased overshadowing that would warrant refusal of the application. It should also be noted the height of the building is to be reduced, which will result in some improvements to any overshadowing of the adjoining property. These gains will offset any additional overshadowing as a result of the modifications.</p>
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	Refer to detailed discussion following this table.

Development Control	Compliance	Comment
2.8 Car parking		
2.8.1 Design Approach	Yes	The modifications include relocating the garage from the lower ground level to the ground level, utilising the approved driveway location. This will result in reduced excavation and a less steep driveway, improving pedestrian safety.
2.8.2 Parking rates	Yes	The proposal continues to provide two parking spaces complying with the maximum rate of the DCP.
2.8.3 Location	Yes	The garage is integrated into the design of the dwelling behind the building line.
2.8.4 Design	Yes	The design of the garage complements the dwelling and is secondary in appearance to the dwelling. The gate has an open design consistent with the front fence.
2.8.5 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	The proposal complies with the minimum dimensions.
2.8.6 Driveways	No	The proposed modifications include widening of the approved driveway to 4.75m at the kerb. The entry width at the property boundary should not exceed a maximum of 3m. A condition has been provided by Council's Traffic Engineer which is included in the consent conditions.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> open space: 40% of site landscaped area: 15% of site 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>No</p>	<ul style="list-style-type: none"> Minimum of 63% open space 23% landscaped area The principal area of open space is 216m² 100% of the front setback is open space. The front setback has been reconfigured and provides 39% of the front setback as landscaped area. This is similar to the previous approval which provides 35% as landscaped area. This is considered acceptable. A clothes drying area is capable of being provided within the rear yard. A condition to this effect is included in the consent conditions.

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	The proposal includes relocating the approved pool in the rear yard. The swimming pool continues to be located appropriately within the rear yard. Privacy has been considered through the use of setbacks and landscaping between the pool and fence line.

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

View Sharing

A number of submissions have been received regarding view loss; however it is noted that most of these objections are not from properties that are within vicinity of the site. The only property that would receive a view over the subject site from which a submission has been received is 175 Military Road which is located opposite the subject site.

The original dwelling on the site has been demolished and as such, a true view impact assessment cannot be undertaken from the site. In this regard, the following consideration of view impacts takes into account the photographs taken during the assessment of the original development application which demonstrate the view prior to the demolition of the dwelling. The following is a partial extraction from the original report in regards to view impacts:

The subject site is located on the western side of Military Road, between Wonga Road and Blake Street. The site and surrounding properties benefits from extensive views of the city, harbour, opera house and the harbour bridge to the west (ie: currently available to the rear of the subject site).

There have been concerns raised by a neighbour to the east (across Military Road) as to potential view loss as a result of the proposal. It should be noted that the property which is the most affected is a two storey detached dwelling at no. 175 Military Road (objector), which comprises a rectangular shaped allotment with the living areas at ground floor and bedrooms plus study at first floor. The existing views to the north and south are somewhat obscured by the existing surrounding two storey residential dwellings, some of which have recently been built along Military Road.

In this case, the view in question are iconic views of the Harbour, Opera House and Harbour bridge (classified as highly valuable) which are currently available across the subject site from both a sitting and standing position of the objector's study and master bedroom on first floor level at No. 175 Military Road. There is no view visible from the ground floor of the objector's house.

The proposal would obliterate the iconic view enjoyed directly to the west for No. 175 Military Road and would retain a small portion of view to the city and harbour from the southern corridor side setback. The objector would experience view impact, predominantly resulting from the front setback being proposed further forward than the existing building and also due to the new additional two storey height of the proposal (although any proposed first floor addition to the

subject dwelling would also result in view loss impacts). The view loss experienced from the property located across the road at No. 175 Military Road is from an existing study and bedroom located at first floor and not from living areas at ground floor. It is therefore acknowledged that these views are obtained over a front boundary and from a study / bedroom areas and not from any living areas, which are more highly valued. Having regard to the above, it is considered that the quality or extent of the view loss to be moderate.

The zoning of the area allows a maximum height of 8.5m and an FSR of 0.50:1. The subject development, although exceeding the height at the rear (up to 9.2m by approximately 0.7m), is well under the height control at the front (being two storey at the front at 7.5m). Whilst there is a non compliance in the height of the building, the view loss is not as a result of this non compliance which effectively occurs at the rear of the property. In this particular case, the view loss is as a result of a compliant height at the front of the building and any alteration at the rear to make the building comply with the height limit will not improve views from across the road. The proposal also exceeds in the permissible Floor Space Ratio slightly to a maximum FSR of approximately 0.54:1, however is supported in this case given the bulk of the surrounding developments being well over the Council's FSR control (refer to above discussion in report from FSR of 0.65:1 to 0.81:1). Having regard to the above in assessing the reasonableness of the proposal, it is considered that the view loss resulting from a non-compliant building envelope in the merit of this case would be acceptable.

The applicant has provided Council with a detailed view loss analysis (by superimposing the proposed development into the photo which was taken from the objector's study room at first floor). The applicant has argued that, "it seems superfluous as no matter what development is constructed in place within a balance of the surrounding streetscape, will block a portion of the iconic view". An assessment of the view analysis revealed that the majority of the iconic view will be obstructed with only some corridor harbour and city views remaining available from the southern side setback of the subject property.

It is considered that the view loss issue alone does not warrant the refusal of this application given that the view loss is due to the compliant height of the dwelling at the front. Council's view control states that, "It is generally accepted that views do not belong to anyone or any property, nor is a view the exclusive right to anyone property or to certain individuals". In this circumstance, the proposed development will impede the existing harbour views, however is considered reasonable as the impact on views is from a study / bedroom and the proposed height at RL83.70 is lower than the two opposite side adjoining properties at no. 230 and 234 Military Road which are at RL 84.15 and RL85.40 respectively.

A full assessment of the proposed development has been made under merit based considerations and it is concluded that the proposal is reasonable and can be supported in its current form.

The above extract from the assessment report for DA-608/2014 indicates that the view loss was not considered unreasonable as it occurred due to the part of the dwelling that was a compliant height. The current application is for a modification of the approved development and therefore view loss in relation to only the modifications must be assessed, and not the impact of those parts of the dwelling that are already approved. The following images were provided by the Applicant utilising a photograph taken from the 177 Military Road first floor level prior to the demolition of the dwelling.



Figure 4: View analysis demonstrating the impact of the approved dwelling



Figure 5: View analysis demonstrating the impact of the proposed modifications to the approved dwelling

In terms of the modifications, the proposal includes extension of the building to within the front setback and minor extension of the building at the rear to the north-west corner at the lower ground and ground floor levels. The proposed rear extensions are not likely to have an impact upon views being lower than the approved building at the rear as demonstrated in **Figures 4 and 5**.

The proposed balcony extension to the front of the approved dwelling will sit lower than the main parapet at RL83.16 being 454mm lower than the parapet beyond. The front elevation of the building is that part which impacts upon views; however the proposed extension into the front setback of the building will not impact further than the approved dwelling, particularly given that it is 540mm lower than the previously approved parapet level. The approved dwelling already impacts upon views from the property opposite and given that the modification is lower than the approved building, it is unlikely to further exacerbate the already existing impact.

It should also be noted that the roof terrace is being removed and the parapet height at the front of the building lowered by 86mm. In this regard, the overall height of the dwelling is being lowered by 476mm. Although the lowering of the parapet is not significant, it will not result in greater impact than that which is already approved. As demonstrated in **Figures 4 and 5** the proposal is likely to result in improved views from the first floor level of No. 175 Military Road.

Given the above analysis, the proposal is considered acceptable in regard to view impacts from neighbouring properties.

2.2.2. Other Impacts of the Development

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

2.2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.2.4. Any Submissions

The application was notified for 14 days between 29 October and 12 November 2021 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

A total of 12 unique objections were received.

A submission from 177 Military Road, Dover Heights (diagonally opposite the subject site on Military Road) was initially received and then subsequently withdrawn. The submitter states that '*the proposed reductions in height ... are appreciated*'.

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

Count	Property Address
1.	177 Military Road, Dover Heights (subsequently withdrawn)
2.	175 Military Road, Dover Heights (three submissions including two on behalf of this property)
3.	41 Military Road, Dover Heights
4.	21 Lord Howe Street, Dover Heights

5.	23 Lord Howe Street, Dover Heights
6.	40 Hopetoun Avenue, Vaucluse
7.	11/7 Francis Street, Bondi Beach
8.	5/51-53 Carlotta Road, Double Bay
9.	12/111 Elizabeth Street, Sydney
10.	12 Lang Road, Centennial Park
11.	95 Balfour Road, Bellevue Hill

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

- Height and FSR
- View impacts
- Not substantially the same development and should be a new application.

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

Issue: More detail regarding hydraulics and geotechnical reports should be provided.

Response: Appropriate reports, including geotechnical reports, are required by conditions of the original consent. These conditions remain in effect.

Issue: Loss of property value.

Response: This is not a planning issue.

Issue: The previous analysis undertaken around building height was limited and flawed. Council has the ability under this DA to undertake a fresh and comprehensive analysis and view the DA in totality as opposed to a piecemeal approach. The height of the building should be lowered to retain views from 175 Military Road in full.

Response: The original consent was issued in 2016 and subsequent modifications as recent as 2021. The right for a third party appeal has expired (which would be to the Land and Environment Court rather than Council). Section 4.55 of the Act does not enable an opportunity for the consent authority to revisit the entire consent. The application is not a review, it is a modification and as such consent is only being sought for the modifications. The height and impact upon views was considered in the original application and relevant modifications since and found reasonable.

Development consent already exists to vary the height development standard and only the minor reduction in height proposed in the modification can be considered. In any case, if consent is not granted for the modification application which seeks to lower the height of the dwelling, the previous consent (DA-608/2014/B), with a higher dwelling would then be the relevant development consent. In effect, refusing the modification application will likely result in a greater impact upon the views from the objector's property.

Issue: There is a covenant over the site limiting any structure to single storey to maintain views. Whilst the effect of cl 1.9A of the LEP is appreciated it is noted that the observations made by *Robson J in Wang v North Sydney Council [2018] NSWLEC 122* that the Court (and, accordingly, the Council) should take this restrictive covenant into consideration in its deliberations.

Response: Clause 1.9A of the LEP requires:

1.9A Suspension of covenants, agreements and instruments

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.*
- (2) This clause does not apply—*
 - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or*
 - (b) to any relevant instrument within the meaning of section 13.4 of the [Crown Land Management Act 2016](#), or*
 - (c) to any conservation agreement within the meaning of the [National Parks and Wildlife Act 1974](#), or*
 - (d) to any Trust agreement within the meaning of the [Nature Conservation Trust Act 2001](#), or*
 - (e) to any property vegetation plan within the meaning of the [Native Vegetation Act 2003](#), or*
 - (f) to any biobanking agreement within the meaning of Part 7A of the [Threatened Species Conservation Act 1995](#), or*
 - (g) to any planning agreement within the meaning of Subdivision 2 of Division 7.1 of the Act.*
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.*
- (4) Under section 3.16 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).*

Clause 1.9A sets aside the terms of private covenants on the land in favour of the provisions of the LEP. The objector contends that council should take into account the terms of the covenant in deliberations. However, this is a modification application to an existing development consent. Development consent has already been granted for a development which breaches the terms of the covenant.

The modification seeks to lower the height of the building overall, reducing the height from the most current approval. This is considered acceptable as it will likely improve views from the objector's property.

Issue: The original consent was for alterations and additions to the existing dwelling and the proposed development is a new dwelling. Therefore, the proposed modifications are not substantially the same development and a new DA is required.

Response: The original consent is for the demolition of the existing dwelling and construction of a new dwelling, not for alterations and additions. As previously discussed in this report, the proposed modifications are considered substantially the same development.

Issue: The shoring works do not appear to have been carried out on site and as such the consent may have lapsed.

Response: The Act and Regulations require that the works the subject of the application are physically commenced to enliven the consent. This property has had a construction certificate issued for stage 1 works which entails demolition of the existing house, services disconnected and installation of boundary piling. Regardless of whether shoring works have been carried out, the dwelling has been demolished which was part of the original consent and as such physical commencement has occurred.

2.2.5. Public Interest

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

3. REFERRALS

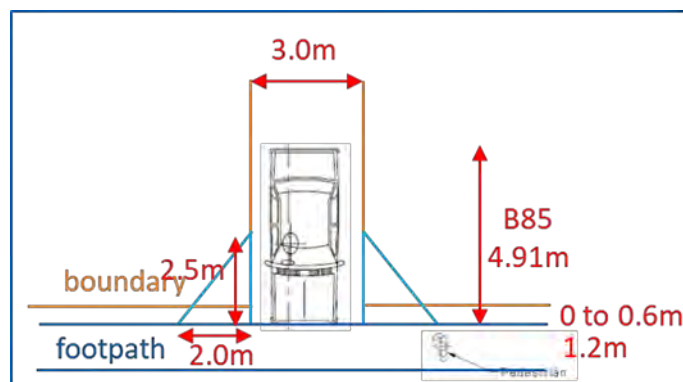
The following internal and external referral comments were sought:

3.1. Traffic and Development

The following comments were provided and the recommended condition included in the consent:

The proposed entry width at the property boundary is 4.75 metres. This does not comply with Council's requirements.

This entry width at the property boundary needs to be reduced to 3.0 metres maximum. Sight triangles 2.0 x 2.5 metres measured from the footpath are required (see diagram below). There is to be no planting or structures higher than 1.15 metres within these sight triangles.



Recommendation

Traffic and parking requirements are satisfied subject to the following modification of the conditions:

1. Condition 20A of DA-608/2014/B is to be made redundant.
2. A special condition is to be added:

The driveway is to be 3.0 metres wide at the property boundary and 3.0 metres plus 0.45 metre wide splays at the street. No structures above 1.15 metres are to be within 2 x 2.5 metre sight triangles measured from the footpath.

3.2. Stormwater

Stormwater Engineers advised that from a stormwater and drainage perspective, there are no objections to this modification application subject to the existing flood and stormwater related conditions being unchanged.

3.3. Tree Management

The Tree Management Officer advised that the landscape plan is satisfactory.

4. CONCLUSION

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

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 8 February 2022 and the DBU determined:

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

DBU members: A Rossi, B McNamara, B Matlawski and K Johnstone

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Kylie Lucas	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 9 February 2022	Date: 9 February 2022

Reason for WLPP referral:

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

1. Contentious development (10 or more objections)
2. Departure from any development standard in an EPI by more than 10%

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/Deleted Conditions (with changes to conditions added in bold)

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Amended architectural Plan Drawing NoS96.001D, S96.002E, S96.003E, S96.004D, S96.005C, tables and documentation prepared by Nordon Jago, dated April 2017, and received by Council on 3 May 2017 (CONDITION AMENDED VIDE DA 608/2014/A);
 - i. As amended by architectural Plan Drawing NoS96.001I, S96.002K, S96.003J, S96.004I, tables and documentation prepared by Nordon Jago, dated 19.03.21, and received by Council on 7 April 2021 (*Amended DA 608/2014/B*);
 - ii. ***As amended by architectural Plan Nos. DA001 Issue D, DA100 Issue E, DA101 Issue E, DA102 Issue E, DA103 Issue E, DA200 Issue E, DA201 Issue E, DA202 Issue E, DA203 Issue E, DA204 Issue E, DA400 Issue D, table and documentation prepared by PBD Architects, dated 26 October 2021, and received by Council on 27 October 2021; (ADDED DA-608/2014/C)***
- (b) BASIX Certificate; and
- (c) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012;
- (d) ***Landscape plans L01 – L05 (inclusive) Revision D prepared by Sydney Design Collective and received by Council on 19 October 2021; (ADDED DA-608/2014/C)***

except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) (CONDITION DELETED VIDE DA 608/2014/A);
- (b) (CONDITION DELETED VIDE DA 608/2014/A);
- (c) ~~The proposed roof top terrace is to be reduced in area so as to be no greater than 15m² and the reduction is by the provision of further additional setback from either or both of the northern and western side boundaries of the dwelling. In this regard, amended plans are to be submitted to the satisfaction or approval of Council's Area Manager of Building Waverley (CONDITION ADDED VIDE DA 609/2014/A);~~ **(DELETED BY DA-608/2014/C)**
- (d) The proposed new addition of entry gate area (which are partly enclosed) and its associated walls and roof are not approved and to be deleted, to better address the fence controls under the Waverley DCP 2012 (CONDITION ADDED VIDE DA 608/2014/A).

- (e) A detailed Landscape Plan is to be submitted showing at least one (1) tree, a local native, that's grows to a minimum height of five metres at maturity. The native tree is to be planted on site prior to the issue of any Occupation Certificate. *(Amended DA 608/2014/B).*
- (f) ~~The proposed removal of the planter and extension of the first floor rear balcony are not approved. (Amended DA 608/2014/B).~~ **(DELETED BY DA-608/2014/C)**
- (g) ***The dining room windows (louvred and fixed) on the southern elevation shown as W.G-4 and W.G-5 on the approved plan are to be obscure glazed to protect the privacy of the adjoining property. (ADDED DA-608/2014/C)***
- (h) ***An outdoor clothes-drying area is to be provided within the rear yard. (ADDED DA-608/2014/C)***

The amendments are to be approved by Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

20A. LONG SECTIONS OF DRIVEWAY (CONDITION ADDED VIDE DA 608/2014/A)

~~Long sections drawn along both edges of the driveway shall be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to issue of the Construction Certificate.~~

~~The long section drawings shall:~~

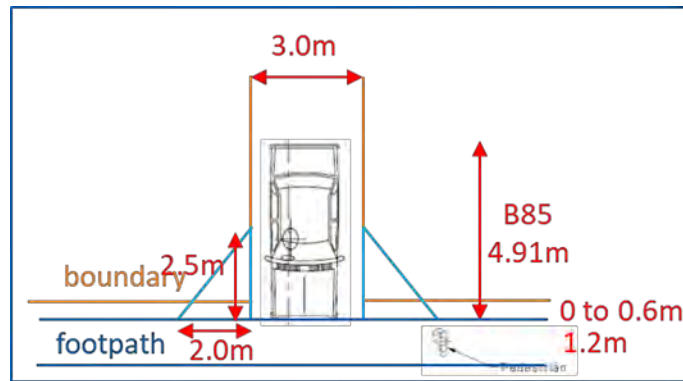
- ~~1. Be drawn at a scale of 1:25~~
- ~~2. Include reduced levels (RL's) of the Military Road carriageway, the kerb and gutter, footpath and paving within the property.~~
- ~~3. Include existing and design levels.~~
- ~~4. Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.~~
- ~~5. Show all paving on Council's land being sloped/ drained towards the roadway.~~
- ~~6. Show a reduction in the gradient on the internal driveway at the property boundary to improve a driver's sighting of pedestrians on the Council's footpath area.~~
- ~~7. Include a separate drawing showing the walls on both sides of the internal driveway ramp being set back and being splayed to increase the width of the driveway opening.~~

DELETED DA-608/2014/C

20. VEHICULAR ACCESS

Vehicular access and gradients of vehicle access driveway(s) within the site are to be in accordance with Australian Standard 2890.1 Parking Facilities - Off Street Car Parking with details provided on the plans prior to the issue of the Construction Certificate.

The driveway is to be 3.0 metres wide at the property boundary and 3.0 metres plus 0.45 metre wide splays at the street. No structures above 1.15 metres are to be within 2 x 2.5 metre sight triangles measured from the footpath as per the image below:



(AMENDED DA-608/2014/C)

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

- (a) Amended architectural Plan Drawing NoS96.001D, S96.002E, S96.003E, S96.004D, S96.005C, tables and documentation prepared by Nordon Jago, dated April 2017, and received by Council on 3 May 2017 (CONDITION AMENDED VIDE DA 608/2014/A);
 - i. As amended by architectural Plan Drawing NoS96.001I, S96.002K, S96.003J, S96.004I, tables and documentation prepared by Nordon Jago, dated 19.03.21, and received by Council on 7 April 2021 (*Amended DA 608/2014/B*);
 - ii. As amended by architectural Plan Nos. DA001 Issue D, DA100 Issue E, DA101 Issue E, DA102 Issue E, DA103 Issue E, DA200 Issue E, DA201 Issue E, DA202 Issue E, DA203 Issue E, DA204 Issue E, DA400 Issue D, table and documentation prepared by PBD Architects, dated 26 October 2021, and received by Council on 27 October 2021; (ADDED DA-608/2014/C)
- (b) BASIX Certificate; and
- (c) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012;
- (d) Landscape plans L01 – L05 (inclusive) Revision D prepared by Sydney Design Collective and received by Council on 19 October 2021; (ADDED DA-608/2014/C)

except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) (CONDITION DELETED VIDE DA 608/2014/A);
- (b) (CONDITION DELETED VIDE DA 608/2014/A);
- (c) (DELETED BY DA-608/2014/C)

- (d) The proposed new addition of entry gate area (which are partly enclosed) and its associated walls and roof are not approved and to be deleted, to better address the fence controls under the Waverley DCP 2012 (*CONDITION ADDED VIDE DA 608/2014/A*).
- (e) A detailed Landscape Plan is to be submitted showing at least one (1) tree, a local native, that's grows to a minimum height of five metres at maturity. The native tree is to be planted on site prior to the issue of any Occupation Certificate. (*Amended DA 608/2014/B*).
- (f) (DELETED BY DA-608/2014/C)
- (g) The dining room windows (louvred and fixed) on the southern elevation shown as W.G-4 and W.G-5 on the approved plan are to be obscure glazed to protect the privacy of the adjoining property. (ADDED DA-608/2014/C)
- (h) An outdoor clothes-drying area is to be provided within the rear yard. (ADDED DA-608/2014/C)

The amendments are to be approved by Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

3. INSTALLATION OF AIR CONDITIONING

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

- (a) Be located a minimum of 1.5 metres from a boundary.
- (b) Be located behind the front building line and if visible suitable screened and located in an appropriate location.
- (c) Not be adjacent to neighbouring bedroom windows.
- (d) Not reduce the structural integrity of the building.
- (e) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day.
- (f) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).

4. USE OF DWELLING

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

5. SWIMMING POOLS

The following requirements apply to the use and operation of the approved pool:

- (a) The pool water being treated by an approved water treatment and filtration unit.

- (b) The pool is to be fitted with a cover, that shall be fitted when the pool is not in use to minimise evaporation and conserve water.
- (c) To prevent noise nuisance to surrounding properties, the pool filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.

6. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or Section 96 application to modify the approved development. During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. SECTION 94A CONTRIBUTION

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

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

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

- (b) Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.
- (c) Should a section 96 modification result in any change to the total cost of the work, the Section 94A contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

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

Advisory Note

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

- A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

8. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$10,000 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

9. LONG SERVICE LEVY

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

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

10. 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 & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning 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.

11. SERVICE AUTHORITIES

The applicant is to seek approval from Telstra and Sydney Water regarding any possible modification to the service authorities infrastructure prior to the issue of a Construction Certificate.

12. HOARDING REQUIRED

A standard A-Class hoarding designed and constructed in accordance with the requirements of the Work Cover Authority being erected on the street alignments of the property, prior to the commencement of

building operations, and such hoardings to be maintained during the course of building operations. Details of the hoarding are to be provided to Council prior to issue of the Construction Certificate.

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

13. GEOTECHNICAL ENGINEERS REPORT

A geotechnical report, regarding the stability of the subject site and stating that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works, is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises. The report is to be submitted prior to the issue of a Construction Certificate and commencement of any such works on the site.

14. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

15. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

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

16. EROSION, SEDIMENT AND POLLUTION CONTROL

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

17. STORMWATER MANAGEMENT

- (a) Certification is to be provided from a suitably qualified professional, that the storm water system has been designed in accordance with the Water Management Technical Guidelines. Storm water system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.

(b) The plans prepared by Greenview Consulting, Project No. 161104, Drawing No. C.01 to C.03, Revision 7, dated 24.03.20 have been checked and considered not satisfactory. The drawings do not comply with the Waverley Development Control Plan 2012 and the Waverley Council Water Management Technical Manual. Amended Stormwater Management Plan including On-site Stormwater Detention (OSD) and its details along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual are required. Amended details providing compliance shall be submitted for approval to the Executive Manager, Infrastructure Services (or delegate) prior to the issue of a Construction Certificate. The amended details are to show as follows:

- The location of the proposed development falls outside the infiltration zone. Disposal of stormwater by infiltration is not allowed (Refer to section 3.1.1 & Annexure B, Water Management Technical Manual).
- Full geotechnical report of infiltration including a hydraulic design for a range of storms is required before assessment of the proposed development for stormwater disposal is considered by infiltration. Assumed soil permeability and/or infiltration rates are not acceptable. The infiltration rate to be determined by a Geotechnical Engineer using an appropriate field or laboratory test (Refer to section 3.1.1 of Waverley Council's Water Management Technical Manual).
- The stormwater disposal system is to be designed for 1 in 100 years storm, as the slope of the development area is towards neighbouring properties.

(c) The applicant is to seek approval from Sydney Water Quick Check Agent regarding the possible modification to the service authority's infrastructure as a sewer runs through the subject property, prior to the issue of a Construction Certificate (*CONDITION ADDED VIDE 608/2014/A*).

(Amended DA 608/2014/B)

18. ENGINEERING DETAILS

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

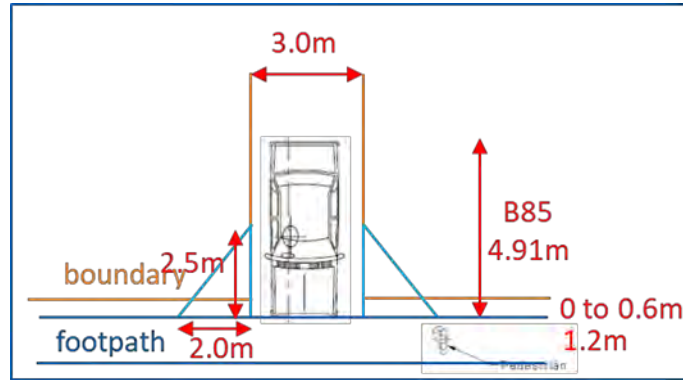
19. BRICK FENCES

The proposed brick fence being designed and constructed in accordance with the requirements of Council's Standard for Brick Fences. In this regard, details are to be provided prior to the issue of the Construction Certificate. Alternatively, a Certificate prepared by a practising Structural Engineer is to be submitted certifying that the footings are designed to withstand a maximum wind force of 0.8Kpa.

20. VEHICULAR ACCESS

Vehicular access and gradients of vehicle access driveway(s) within the site are to be in accordance with Australian Standard 2890.1 Parking Facilities - Off Street Car Parking with details provided on the plans prior to the issue of the Construction Certificate.

The driveway is to be 3.0 metres wide at the property boundary and 3.0 metres plus 0.45 metre wide splays at the street. No structures above 1.15 metres are to be within 2 x 2.5 metre sight triangles measured from the footpath as per the image below:



(AMENDED DA-608/2014/C)

20A. LONG SECTIONS OF DRIVEWAY (CONDITION ADDED VIDE DA 608/2014/A)

DELETED DA-608/2014/C

21. EXTERNAL FINISHES

A schedule of external finishes shall be submitted for Council's consideration and approval prior to the issue of the Construction Certificate. The schedule shall include details of proposed external walls and roofing materials in the form of either trade brochures or building samples. Where specified, the schedule shall also include window fenestration and window frame colour details, as well as fencing, paving and balustrading details and guttering colour and profile.

22. 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.

23. BASIX

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

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

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

24. USE OF RENEWABLE TIMBERS

Council requires, wherever possible, the use of renewable timbers and/or plantation timbers such as Radiata Pine or Oregon as an alternative to the use of non-renewable rainforest timber products in

buildings so as to help protect the existing areas of rainforest. In this regard, a schedule of proposed timber products to be used in the building is to be submitted for approval by the Principle Certifying Authority prior to the issue of the Construction Certificate. Where the applicant is to use timbers not recommended in Council's Policy, reasons are to be given why the alternative timbers recommended cannot be used.

25. REFILLING/"TOP-UP" OF SWIMMING POOL

Future water requirements for refilling and 'top-up' to the swimming pool are to be obtained from rainwater provided from an on-site rainwater tank or equivalent. In this regard, full details of the proposed location and size of the rainwater tank are to be provided to Council prior to issue of the Construction Certificate.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

26. 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.

27. 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.

28. 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.

29. NO USE OF ORGANOCHLORIN PESTICIDES

The use of organochlorin pesticides as termite barriers in new development is prohibited pursuant to Council Policy. Only physical barriers are to be used for termite control. The building shall comply with Australian Standard 3660: Protection of building from subterranean termites - prevention, detection and treatment of infestation.

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. 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.

33. TOILET FACILITIES

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

34. DILAPIDATION REPORTS

Dilapidation surveys must be conducted and dilapidation reports prepared by a practising professional engineer (structural) of all buildings, (both internal and external), including ancillary structures located on land adjoining the site and of such further buildings located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration. The survey must identify which properties are within the likely 'zone of influence'.

These properties must include (but are not limited to) [230 & 234 Military Road, Dover Heights], and any others identified to be in the zone of influence in the Dilapidation Survey.

The dilapidation reports must be completed and submitted to Council and the Principal Certifying Authority with or prior to the Notice of Commencement and prior to the commencement of any development work. The adjoining building owner(s) must be given a copy of the dilapidation report for their building(s) prior to the commencement of any work.

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the Developer, its contractors and the owners of neighbouring buildings.
- (e) In the event that access for undertaking the dilapidation survey is denied the applicant is to demonstrate in writing to the satisfaction of the Council that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

35. 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.

36. DEMOLITION & SITE PREPARATION

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

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2011;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2009.

37. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

38. SOIL AND WATER MANAGEMENT PLAN

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to SSROC's Soil and Water Management Brochure and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction. This Plan shall be implemented prior to commencement of any works or activities. All controls in the Plan shall be maintained at all time. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.

39. STOCKPILES

Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

40. LOCATION OF BUILDING OPERATIONS

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footpaths or in any locations which could lead to the discharge of materials into the stormwater drainage system.

41. 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.

42. ALL BUILDING MATERIALS STORED ON SITE

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

43. CONSTRUCTION HOURS

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends;
- (b) Sundays and public holidays; and
- (c) On the Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which immediately precede or follow industry Rostered Days Off, as agreed by the CFMEU and the Master Builders Association of NSW.

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

44. USE OF HEAVY EARTH MOVEMENT EQUIPMENT

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

45. BUILDING CODE OF AUSTRALIA

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

46. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS (DWELLING HOUSES CLASS 1 AND 10)

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

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

The specified **MANDATORY** inspections are:

In the case of a Class 1 and 10 building:

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

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.

47. CERTIFICATE OF SURVEY - LEVELS

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

48. 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.

49. IN-SINK WASTE DISPOSAL SYSTEMS

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

50. WATER PROOFING

The floor and wall surfaces of the proposed wet areas being protected against water in accordance with the Building Code of Australia. The wet areas are to be examined and certified by an Accredited Certifier.

Note: Water proofing is to be in accordance with AS 3740 - Water Proofing of Wet Areas within residential buildings.

51. HOT TAP WATER SCALDING

To reduce the incidence of hot tap water scalding and, for the purpose of energy efficiency, all new or replacement hot water systems shall deliver hot water to a maximum 50 degrees Celsius at the outlet of all sanitary fixtures used for personal hygiene.

52. SMOKE ALARM SYSTEM

A smoke alarm system is to be installed within the building in accordance with the requirements of the Building Code of Australia.

53. 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.

54. SERVICE PIPES

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

55. 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.

56. 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.

57. NEW VEHICLE CROSSING

A new vehicle crossing is to be provided to access the proposed double garage. 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. All new vehicle crossings to be Wheel Strips instead of full width concrete driveway wherever feasible.

58. VEHICULAR ACCESS - FINISHED LEVEL

The finished level at the property boundary on **both** sides of the vehicle crossing is to be 20mm above the existing concrete footpath.

59. 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.

60. CONSTRUCTION OF SWIMMING POOLS

The following applies to the construction of swimming pools:

- (a) Reinforcement is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete;
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool being installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) The finished level of the proposed pool is not to exceed a maximum height of **[state]** mm above the existing natural ground level;

To minimise the likelihood of accidental drowning, the swimming pool is to be provided with a child resistant safety fence, designed and constructed in accordance with the requirements of Australian Standard AS 1926.1-2012 Swimming pool safety - Safety barriers for swimming pools. This fencing is to be erected and inspected by the Principal Certifying Authority prior to the pool being filled with water; and

- (d) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority prior to the pool being filled with water.

61. POOL DRAINAGE

Waste waters from the proposed pool being discharged into Sydney Water's sewerage system and in this regard, approved plans **MUST** be submitted to Sydney Water at least fourteen (14) days prior to commencement of building operations.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

62. 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.

63. POOL MANUFACTURER'S CERTIFICATION

The proposed fibreglass pool is to be constructed in accordance with the Consulting Engineer's design as shown on the approved plans and in this regard, the pool is not to be filled with water until a Certificate has been submitted by the pool construction manufacturer to the Principal Certifying Authority.

64. POOL SIGN

An approved sign outlining details of resuscitation techniques for adults, children and infants must be placed in a prominent position, close to the pool prior to filling the pool with water. Signs are available from Council's Planning & Environmental Services Department.

65. INSPECTION OF POOL

A final inspection of the completed pool is to be carried out by the Principal Certifying Authority prior to the pool being filled with water.

66. LANDSCAPE PLAN

The site is to be landscaped and turfed in accordance with the landscaped plan nos. L/01, L/02 & L/03 dated 9/12/14 and received by Council on 17 December 2014, with the landscape works completed prior to the issue of the Occupation Certificate.

67. STREET NUMBER/S

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm above ground level on the site boundary that fronts the street. The street number is to be positioned on the site prior to the issue of the Occupation Certificate.

68. LIGHTING

- (a) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.
- (b) All external lighting fixtures should be vandal resistant.

- (c) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (d) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (e) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.

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

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

(ADDED DA-608/2014/B)

70. PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM

The registered proprietor shall be required to submit written intent to establish and maintain a Planned Preventative Maintenance (PPM) schedule of the pump out system prior to the issue of Occupation Certificate. Council will not be liable for any claims for damages arising from the failure of the pump out system. Evidence shall be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate. (ADDED DA-608/2014/B)

E. OPERATION AND SPECIAL CONDITIONS

71. RAINWATER HARVESTING AND REUSE

The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times. (ADDED DA-608/2014/B)

232 Military Road, Dover Heights



DA 000	COVER SHEET
DA 001	SITE ANALYSIS
DA 100	LOWER GROUND FLOOR PLAN
DA 101	GROUND FLOOR PLAN
DA 102	LEVEL 1 PLAN
DA 103	ROOF PLAN
DA 200	SECTION A -
DA 201	SECTION B - WEST ELEVATION
DA 202	EAST ELEVATION
DA 203	SOUTH ELEVATION
DA 204	NORTH ELEVATION
DA 400	MATERIALS SCHEDULE
DA 500	DCP CONTROLS DIAGRAM
DA 550	EXCAVATION DIAGRAM

- GENERAL NOTES:
- ALL WORKS TO COMPLY WITH BUILDING CODE OF AUSTRALIA, REQUIREMENTS OF RELEVANT STATUTORY AUTHORITIES/ LOCAL GOVERNMENT & RELEVANT AUSTRALIAN BUILDING STANDARDS
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- LEGEND:
- AW AWNING
 - HW HIGHLIGHT WINDOW
 - CU A/C CONDENSER UNITS
 - FH FIRE HYDRANT
 - FHR FIRE HOSE REEL
 - FS FIRE STAIRS
 - MV MECHANICAL RISER TO FUTURE DETAIL
 - GC GARBAGE CHUTE
 - MB MAILBOX TO FUTURE DETAIL
 - PB PLANTERBOX
 - R 240L RECYCLING BIN
 - SK SKYLIGHT
 - ST STORAGE
 - WT HOT WATER UNITS

RECEIVED
Waverley Council

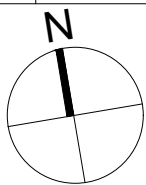
Application No: DA-608/2014/C

Date Received: 27/10/2021

LIST OF AMENDMENTS SECTION 4.55:

- C1. Reconfigure Lower Ground floor internal/external arrangement
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- C12. Adjust building footprint on East side - Add Balcony to Bedrooms.
- C13. Revise Elevation
- C14. Remove roof stair case and roof terrace

D	2021.10.13	S4.55
C	2021.10.13	S4.55
B	2021.10.07	S4.55
A	2021.09.21	S4.55
ISSUE	DATE	DESCRIPTION



CLIENT:
Greg & Gabi Tischmann

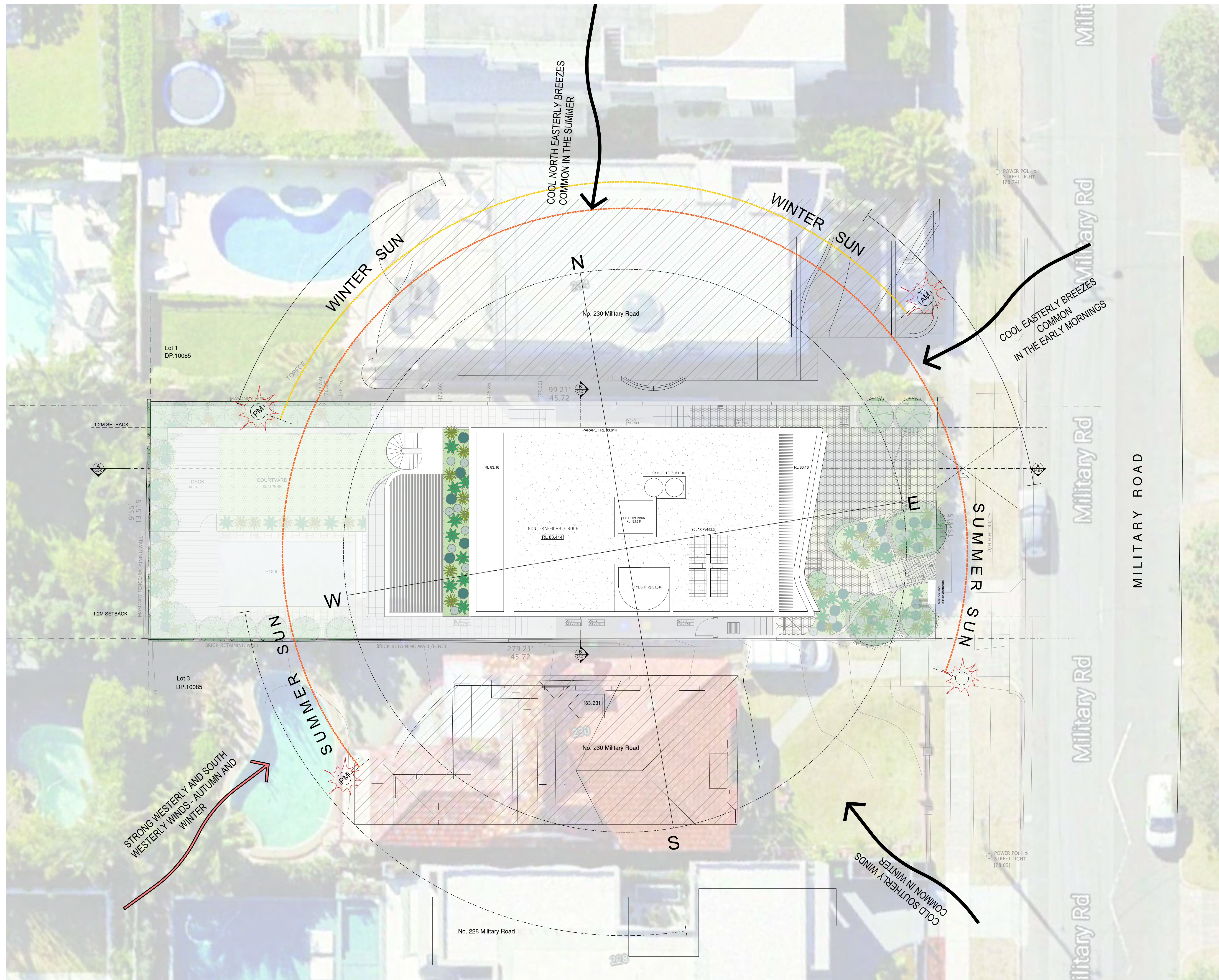
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Level 2, 52 Albion Street, Surry Hills NSW 2010
Nominated Architect: Paul Buljevic NSW 7768

PROJECT:
PROPOSED RESIDENTIAL DEVELOPMENT
232 Military Rd. Dover Heights
NSW 2030

DATE (MONTH/YEAR)
DRAWING TITLE:

COVER SHEET

DRAWN BY:	CHECKED BY:	
SCALE: NTS	DRAWING NO: DA000	ISSUE: D
PROJECT NO: 2131		



GENERAL NOTES:

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LEGEND:

AW	AWNING
HW	HIGHLIGHT WINDOW
CU	A/C CONDENSER UNITS
FH	FIRE HYDRANT
FHR	FIRE HOSE REEL
FS	FIRE STAIRS
MV	MECHANICAL RISER TO FUTURE DETAIL
GC	GARBAGE CHUTE
MB	MAILBOX TO FUTURE DETAIL
PB	PLANTERBOX
R	240L RECYCLING BIN
SK	SKYLIGHT
ST	STORAGE
WT	HOT WATER UNITS

RECEIVED
Waverley Council

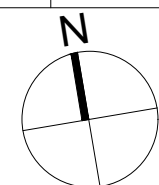
Application No: DA-608/2014/C

Date Received: 27/10/2021

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D	202110.13	S4.55
C	202110.13	S4.55
B	202110.07	S4.55
A	202109.21	S4.55
ISSUE	DATE	DESCRIPTION



CLIENT:

Greg & Gabi Tischmann

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Nominated Architect: Paul Buljevic NSW 7768

PROJECT:

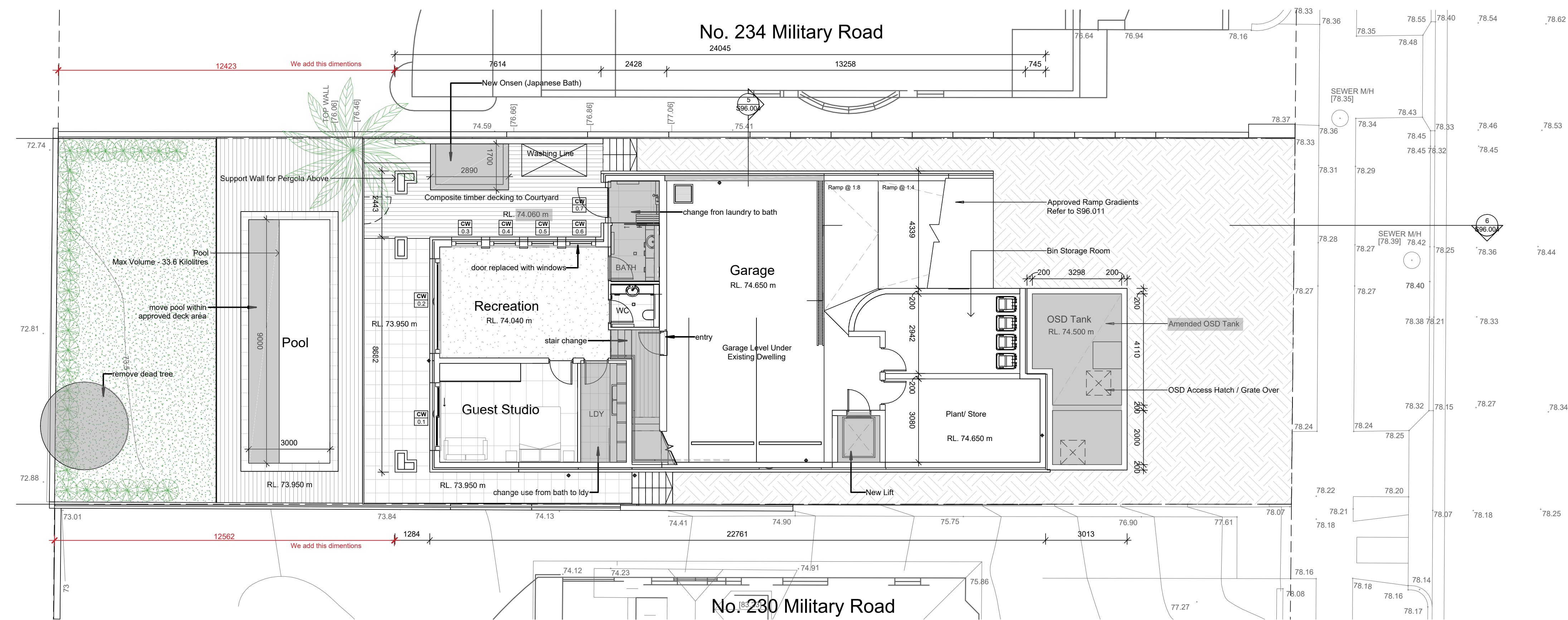
PROPOSED RESIDENTIAL DEVELOPMENT
232 Military Rd. Dover Heights
NSW 2030

DATE (MONTH/YEAR)

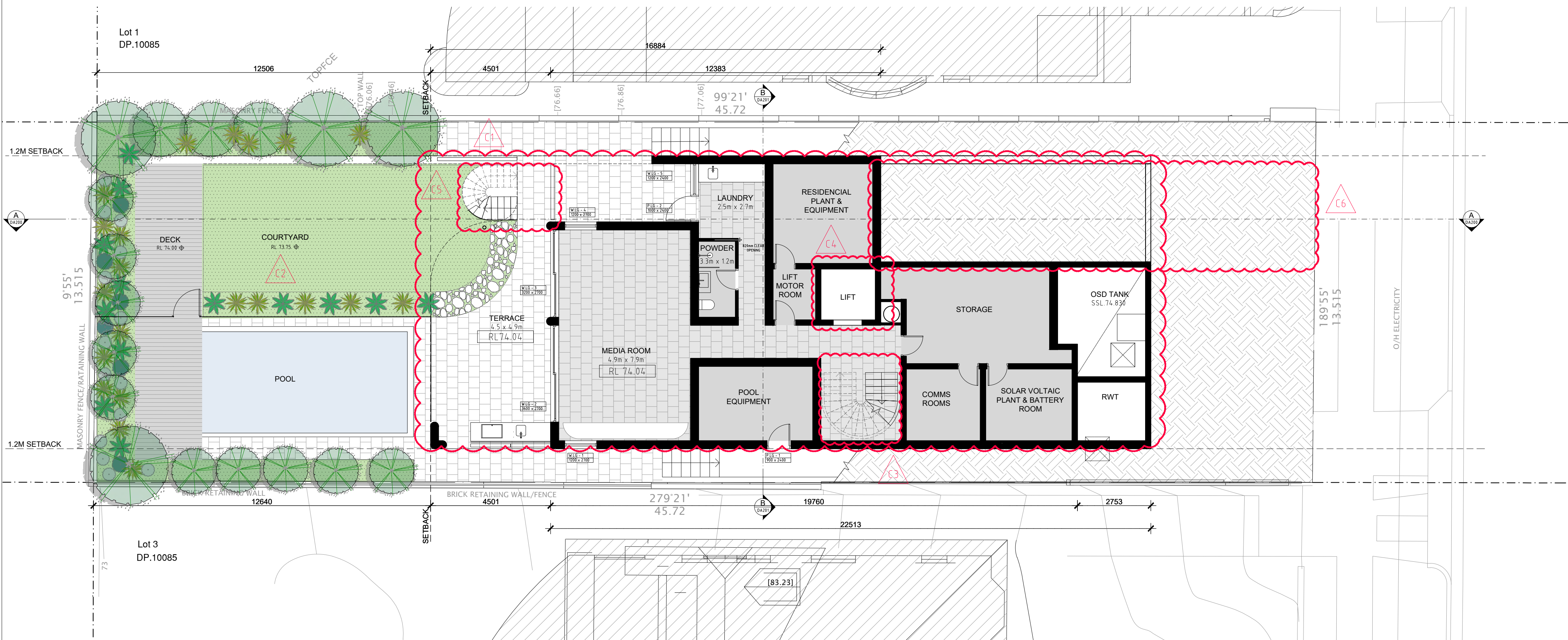
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SITE ANALYSIS

DRAWN BY:		CHECKED BY:	
SCALE:	DRAWING NO:	ISSUE:	
1:100@A1 / 1:200@A3	DA001	D	
PROJECT NO: 2131			



01 APPROVED LOWER GROUND FLOOR PLAN
Scale: 1:100 @ A1 / 1:200@A3



01 PROPOSED LOWER GROUND FLOOR PLAN
Scale: 1:100 @ A1 / 1:200@A3

GENERAL NOTES:

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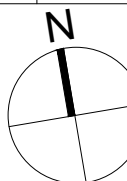
- AW AWNING
- HW HIGHLIGHT WINDOW
- CU A/C CONDENSER UNITS
- FH FIRE HYDRANT
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ISSUE	DATE	DESCRIPTION
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D	2021.10.13	S4.55
C	2021.10.13	S4.55
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A	2021.09.21	S4.55



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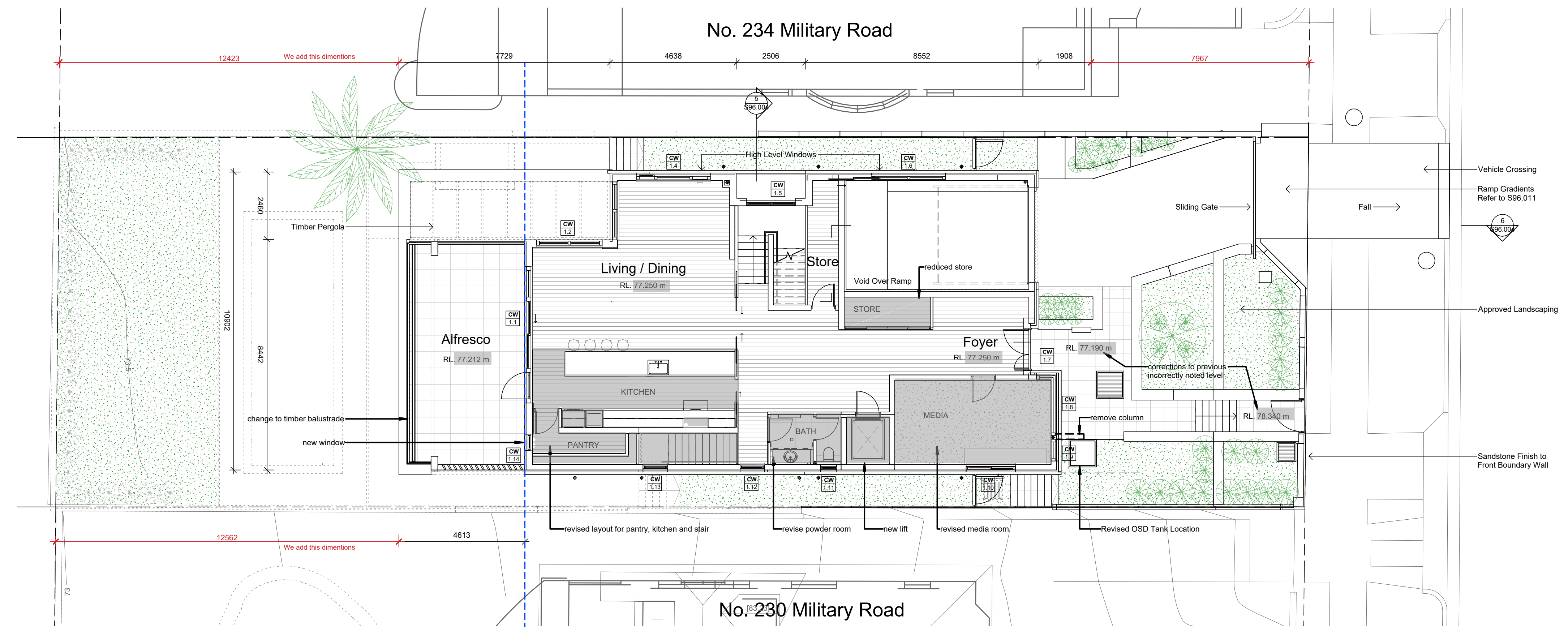
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Level 2, 52 Albion Street, Surry Hills NSW 2010
Nominated Architect: Paul Buljevic NSW 7768

PROJECT:
PROPOSED RESIDENTIAL DEVELOPMENT
232 Military Rd. Dover Heights
NSW 2030

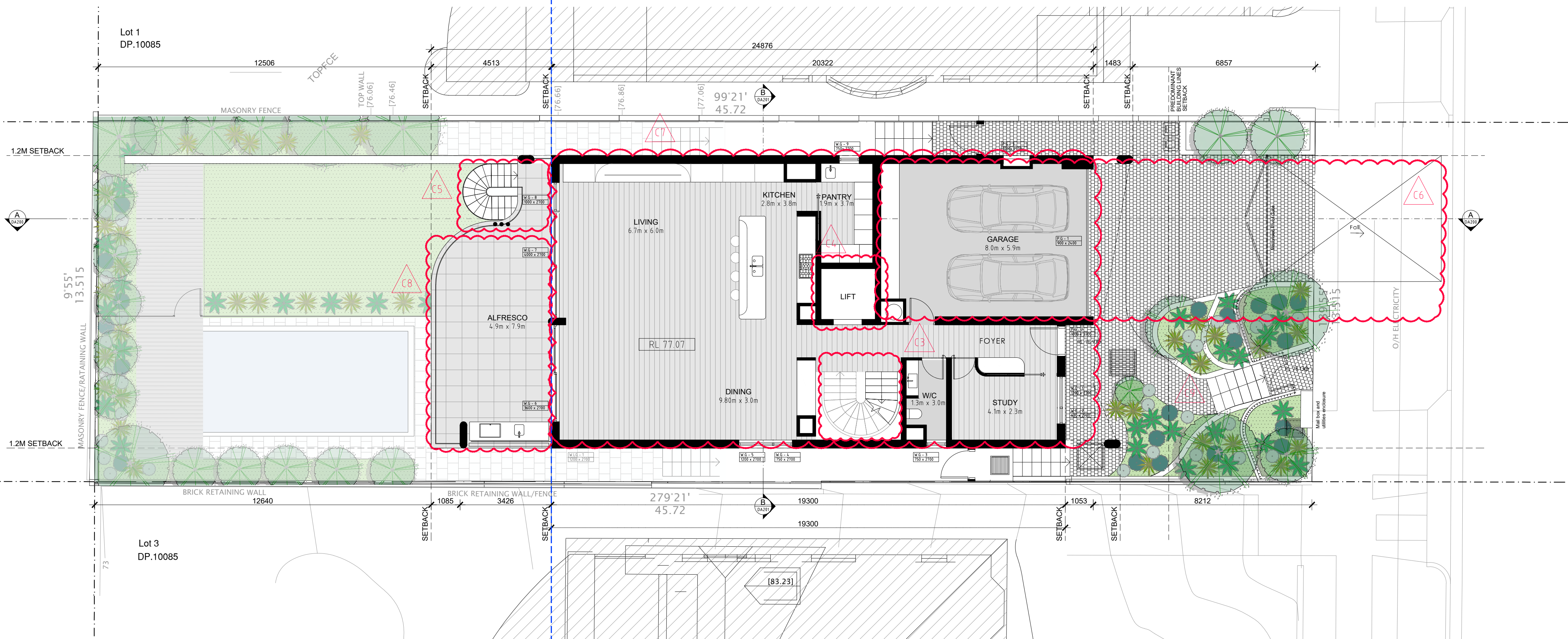
DATE (MONTH/YEAR)
DRAWING TITLE:

LOWER GROUND FLOOR PLAN
APPROVED & PROPOSED

DRAWN BY:	CHECKED BY:	
SCALE: 1:100@A1 / 1:200@A3 PROJECT NO: 2131	DRAWING NO: DA100	ISSUE: E



01 APPROVED GROUND FLOOR PLAN
Scale 1:100 @ A1 / 1:200@A3



01 PROPOSED GROUND FLOOR PLAN
Scale 1:100 @ A1 / 1:200@A3

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C	2021.10.13	S4.55
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A	2021.09.21	S4.55

CLIENT:
Greg & Gabi Tischmann

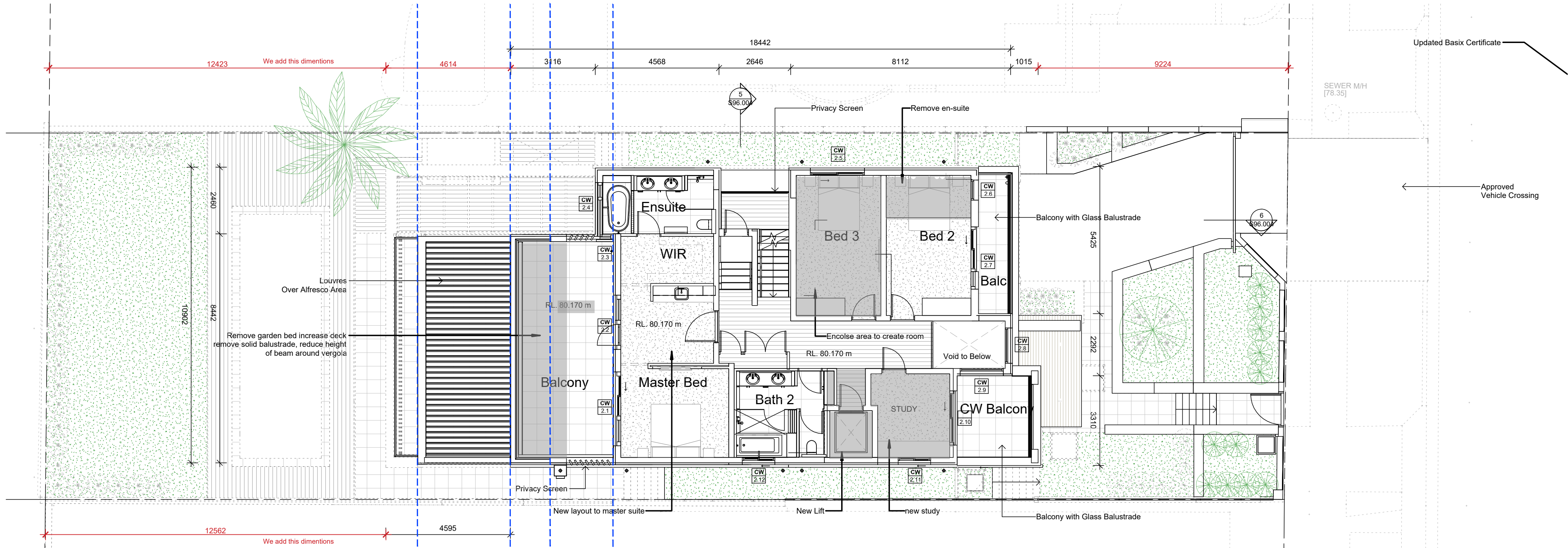
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PROJECT:
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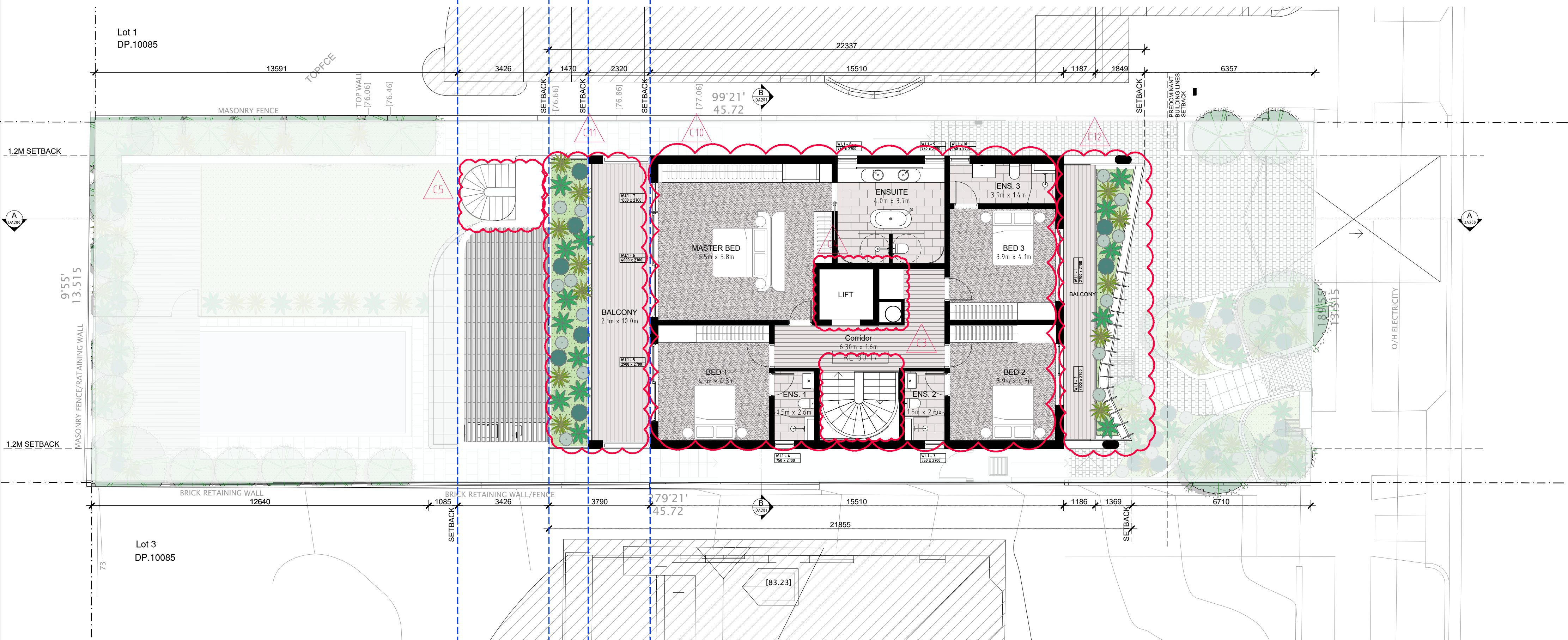
DATE (MONTH/YEAR)
DRAWING TITLE:

GROUND FLOOR PLAN
APPROVED & PROPOSED

DRAWN BY:	CHECKED BY:	
SCALE: 1:100@A1 / 1:200@A3 PROJECT NO: 2131	DRAWING NO: DA101	ISSUE: E



01 APPROVED FIRST FLOOR PLAN
Scale 1:100 @ A1 / 1:200@A3



01 PROPOSED FIRST FLOOR PLAN
Scale 1:100 @ A1 / 1:200@A3

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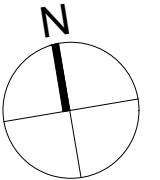
- LEGEND:**
- AW AWNING
 - HW HIGHLIGHT WINDOW
 - CU A/C CONDENSER UNITS
 - FH FIRE HYDRANT
 - FHR FIRE HOSE REEL
 - FS FIRE STAIRS
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 - GC GARBAGE CHUTE
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 - PB PLANTERBOX
 - R 240L RECYCLING BIN
 - SK SKYLIGHT
 - ST STORAGE
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Date Received: 27/10/2021

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D	2021.10.13	S4.55
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CLIENT:
Greg & Gabi Tischmann

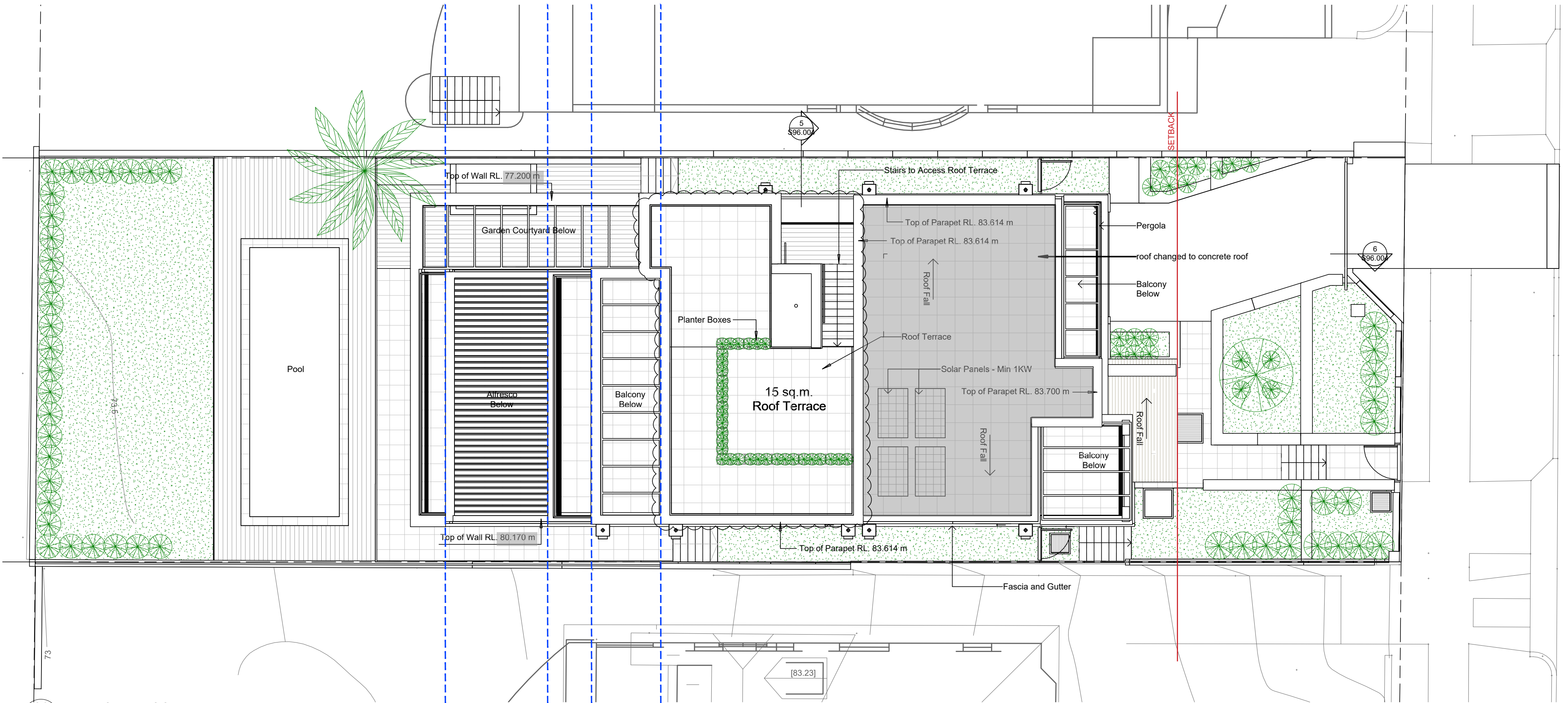
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ABN 36 147 035 550
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Level 2, 52 Albion Street, Surry Hills NSW 2010
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PROJECT:
PROPOSED RESIDENTIAL DEVELOPMENT
232 Military Rd. Dover Heights
NSW 2030

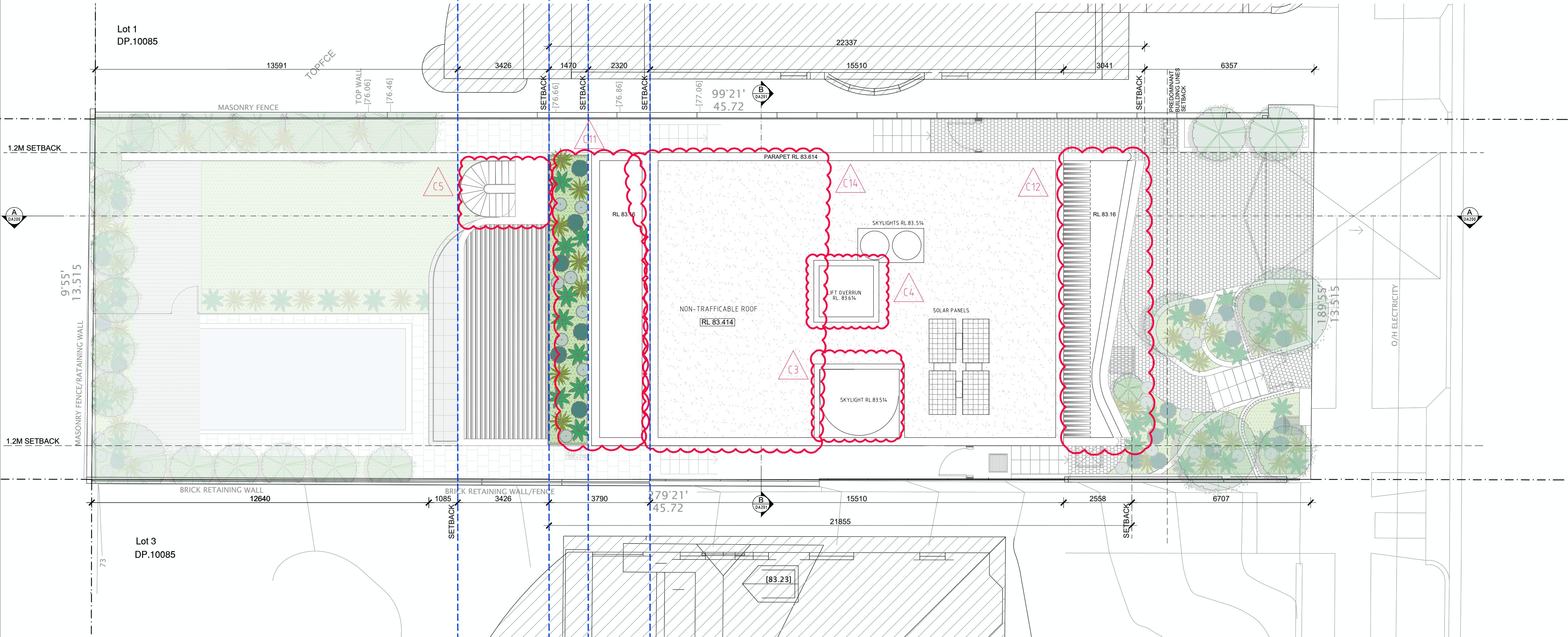
DATE (MONTH/YEAR)
DRAWING TITLE:

**FIRST FLOOR PLAN
APPROVED & PROPOSED**

DRAWN BY:	CHECKED BY:	ISSUE:
SCALE: 1:100@A1 / 1:200@A3 PROJECT NO: 2131	DRAWING NO: DA102	E



01 APPROVED ROOF PLAN
Scale 1:100 @ A1 / 1:200@A3



01 PROPOSED ROOF PLAN
Scale 1:100 @ A1 / 1:200@A3

- GENERAL NOTES:**
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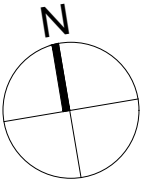
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LIST OF AMENDMENTS SECTION 4.55:

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CLIENT:
Greg & Gabi Tischmann

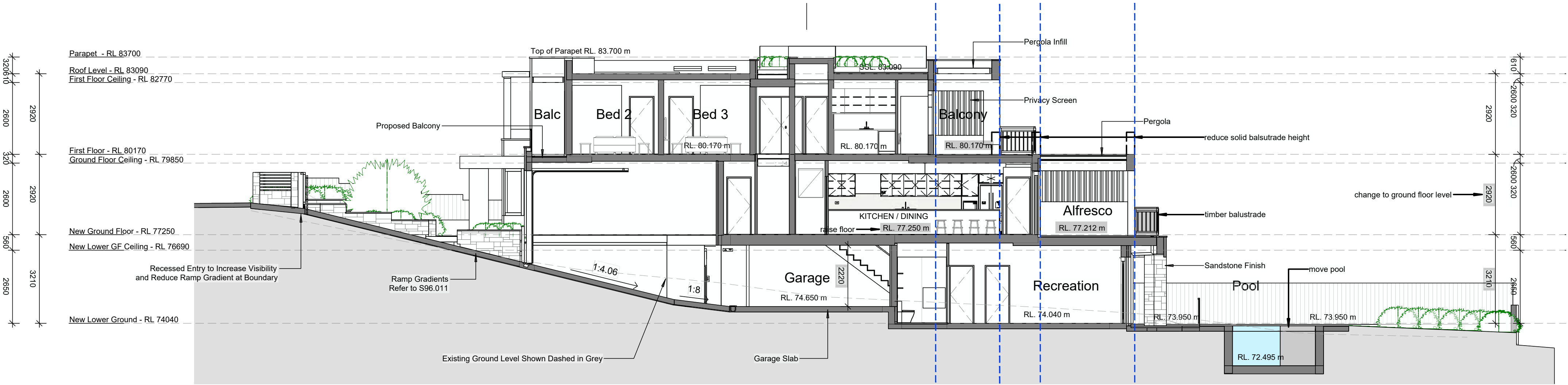
ARCHITECT:
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PROJECT:
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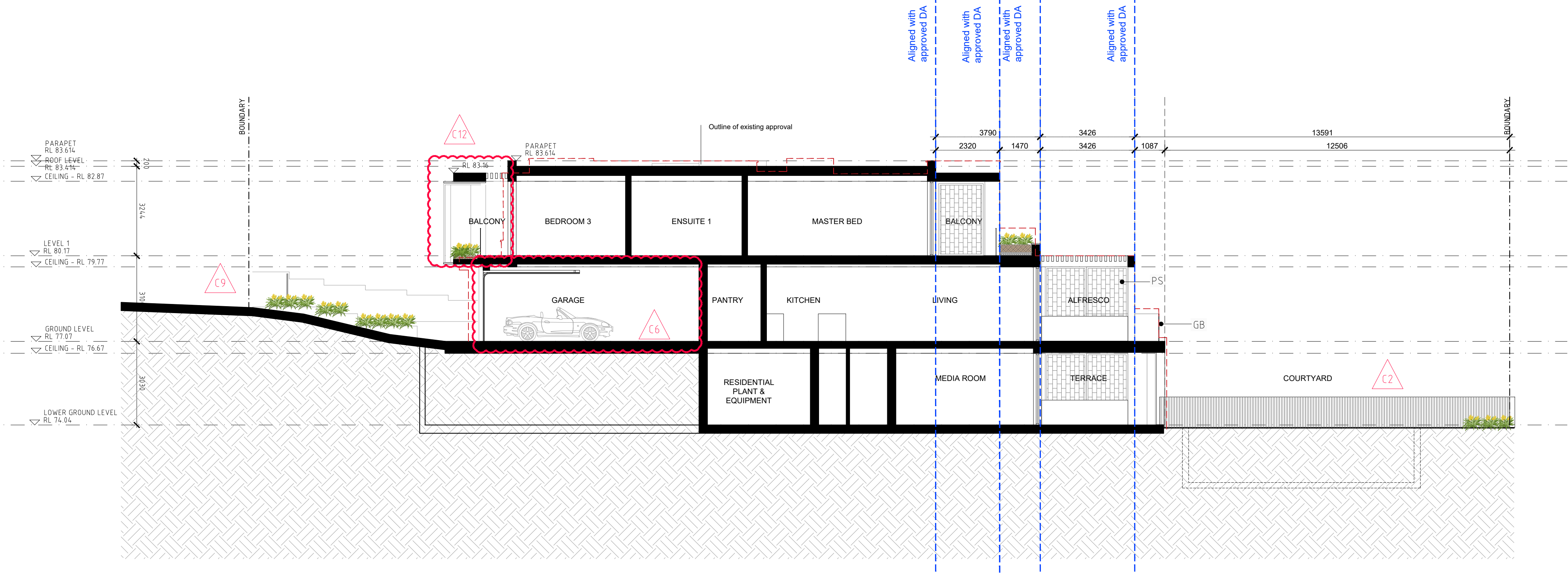
DATE (MONTH/YEAR)
DRAWING TITLE:

ROOF PLAN
APPROVED & PROPOSED

DRAWN BY:	CHECKED BY:	
SCALE: 1:100@A1 / 1:200@A3 PROJECT NO: 2131	DRAWING NO: DA103	ISSUE: E



01 APPROVED SECTION A
Scale 1:100 @ A1 / 1:200@A3



01 PROPOSED SECTION A
Scale 1:100 @ A1 / 1:200@A3

- GENERAL NOTES:**
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CLIENT:
Greg & Gabi Tischmann

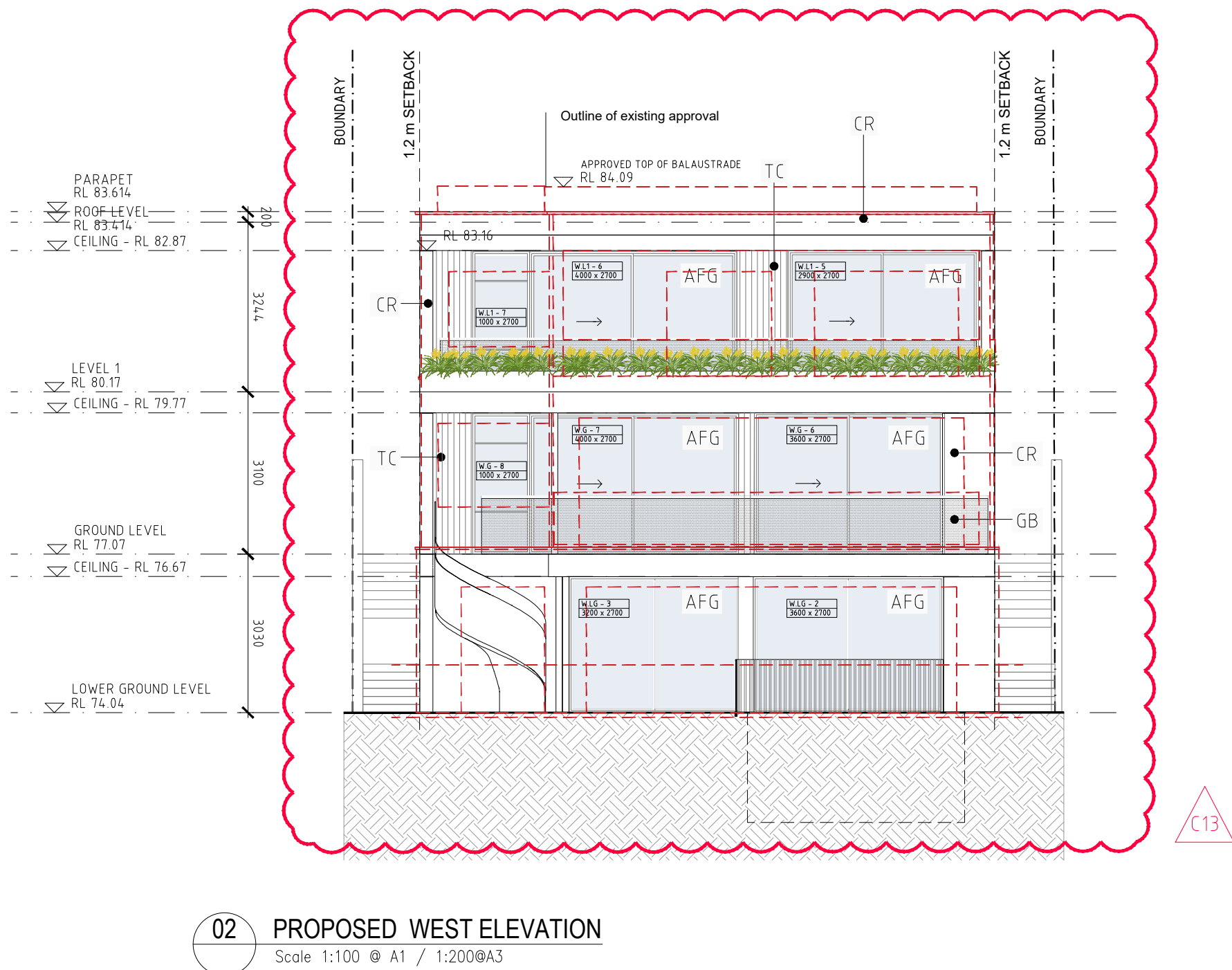
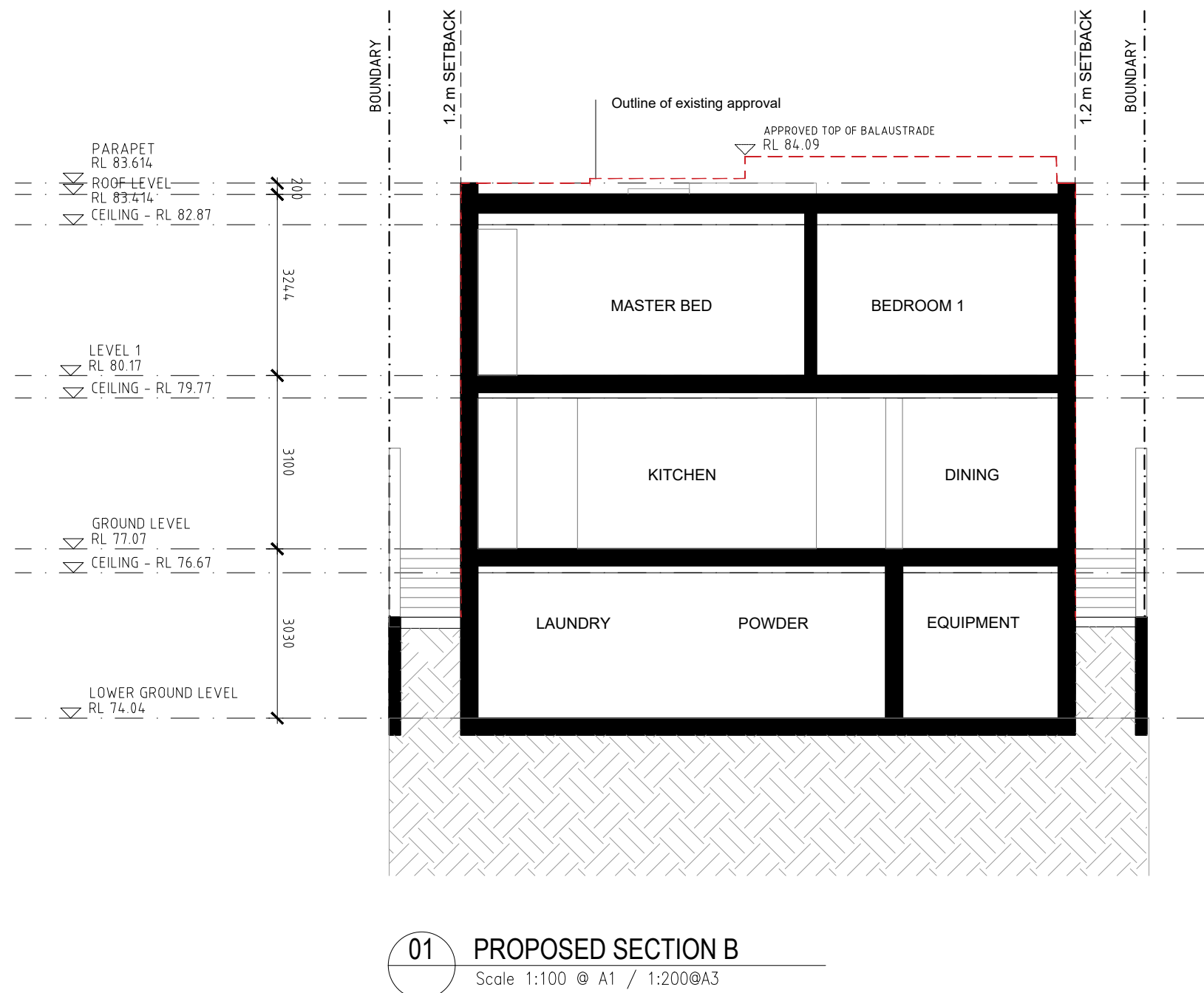
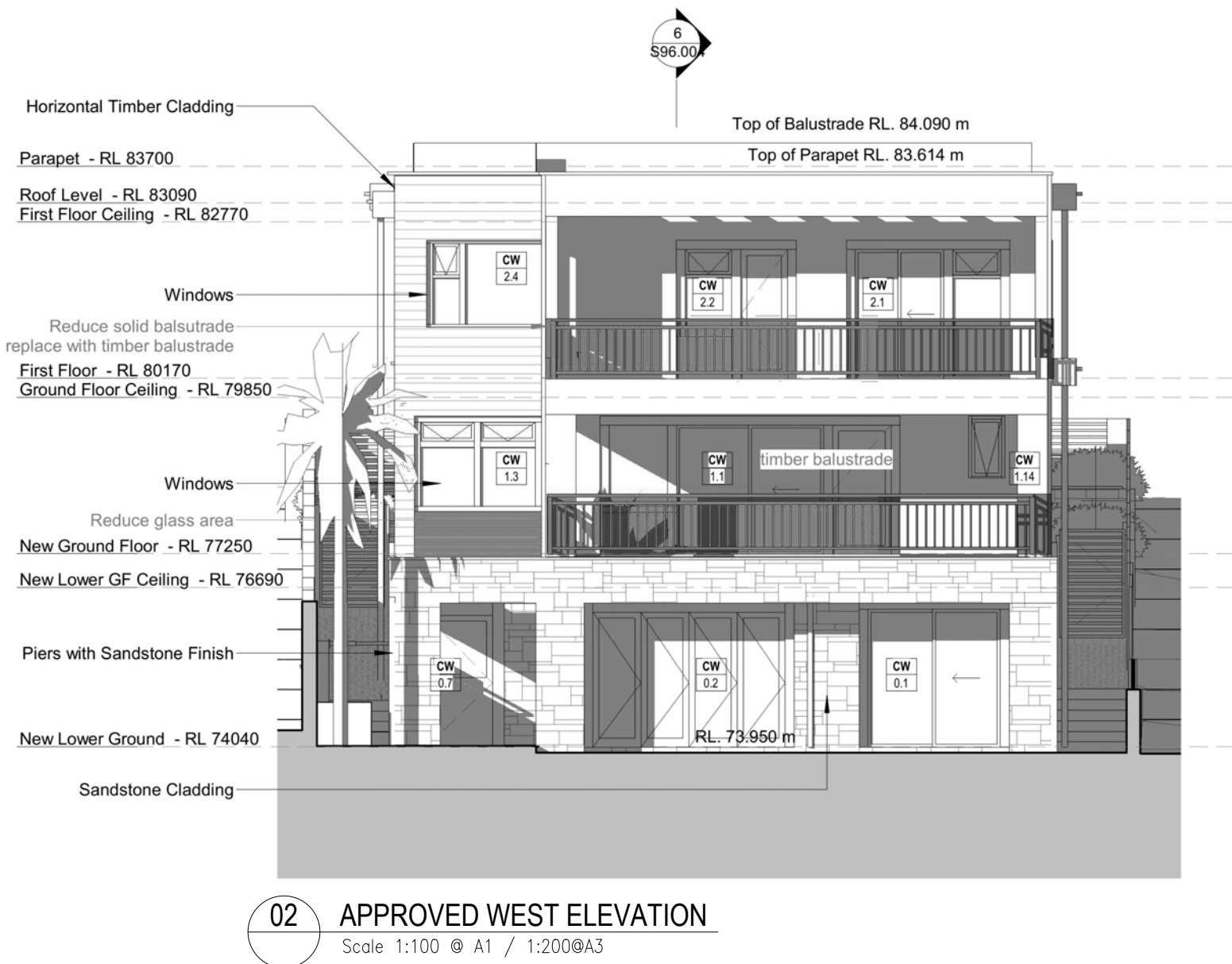
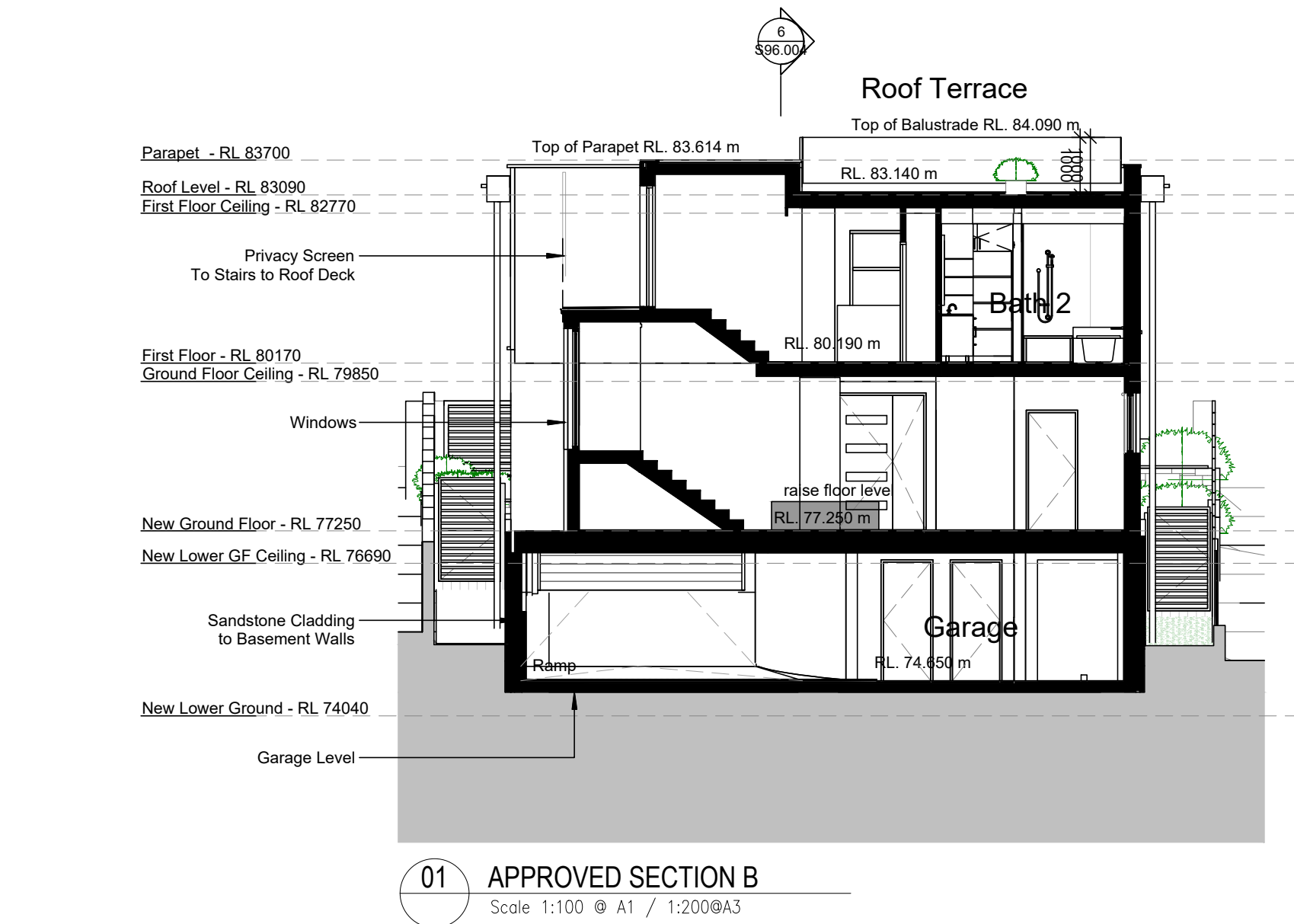
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PBD ARCHITECTS
ABN 36 147 035 550
P - 02 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au
Level 2, 52 Albion Street, Surry Hills NSW 2010
Nominated Architect: Paul Buljevic NSW 7768

PROJECT:
PROPOSED RESIDENTIAL DEVELOPMENT
232 Military Rd. Dover Heights
NSW 2030

DATE (MONTH/YEAR)
DRAWING TITLE:

**SECTION A
APPROVED & PROPOSED**

DRAWN BY:	CHECKED BY:	
SCALE: 1:100@A1 / 1:200@A3 PROJECT NO: 2131	DRAWING NO: DA200	ISSUE: E



- GENERAL NOTES:**
- ALL WORKS TO COMPLY WITH BUILDING CODE OF AUSTRALIA, REQUIREMENTS OF RELEVANT STATUTORY AUTHORITIES/ LOCAL GOVERNMENT & RELEVANT AUSTRALIAN BUILDING STANDARDS
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- LEGEND:**
- AW AWNING
 - HW HIGHLIGHT WINDOW
 - CU A/C CONDENSER UNITS
 - FH FIRE HYDRANT
 - FHR FIRE HOSE REEL
 - FS FIRE STAIRS
 - MV MECHANICAL RISER TO FUTURE DETAIL
 - GC GARBAGE CHUTE
 - MB MAILBOX TO FUTURE DETAIL
 - PB PLANTERBOX
 - R 240L RECYCLING BIN
 - SK SKYLIGHT
 - ST STORAGE
 - WT HOT WATER UNITS

RECEIVED
Waverley Council
Application No: DA-608/2014/C
Date Received: 27/10/2021

LIST OF AMENDMENTS SECTION 4.55:

- C1. Reconfigure Lower Ground floor internal/external arrangement
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- C13. Revise Elevation
- C14. Remove roof stair case and roof terrace

ISSUE	DATE	DESCRIPTION
E	2021.10.26	S4.55
D	2021.10.13	S4.55
C	2021.10.13	S4.55
B	2021.10.07	S4.55
A	2021.09.21	S4.55

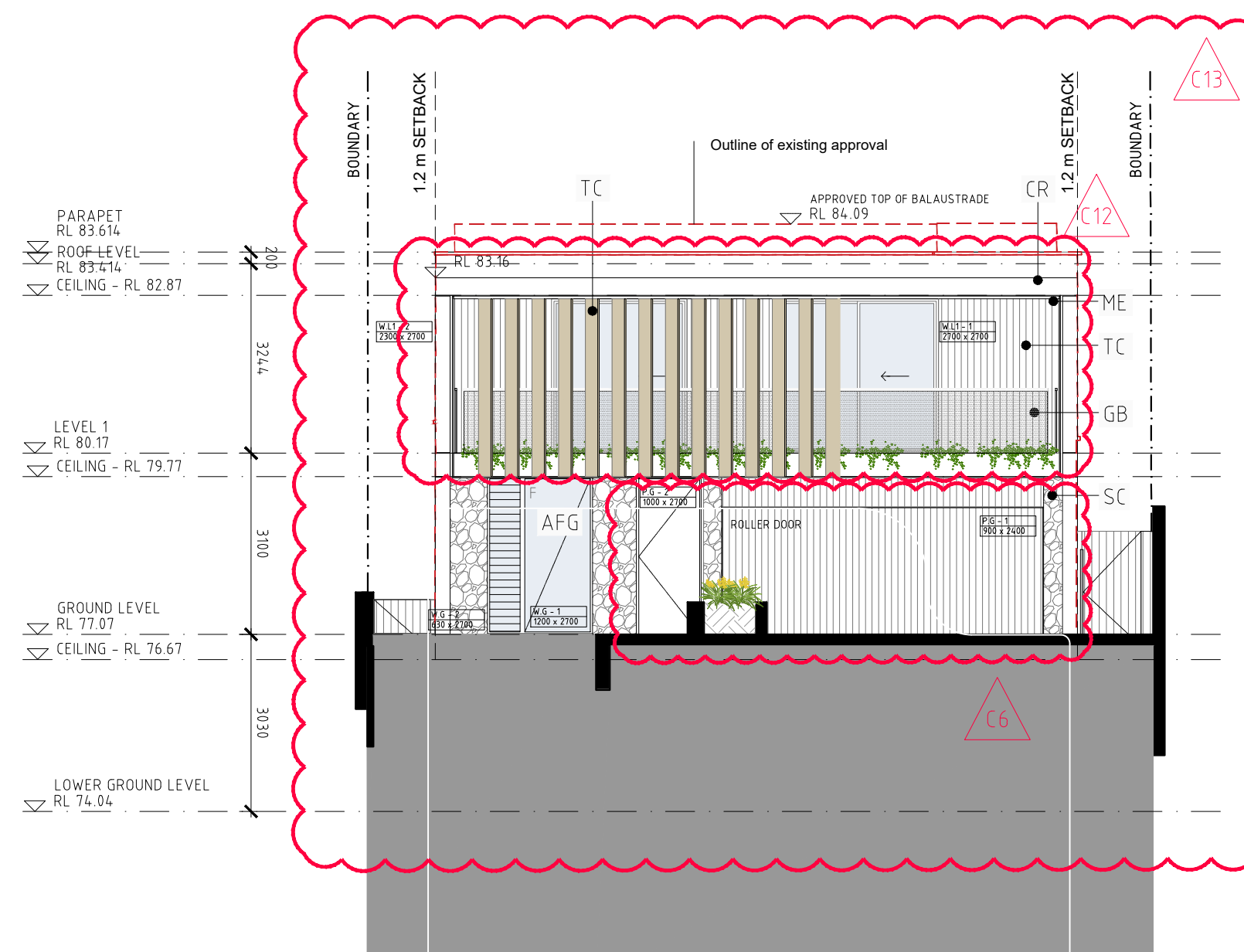
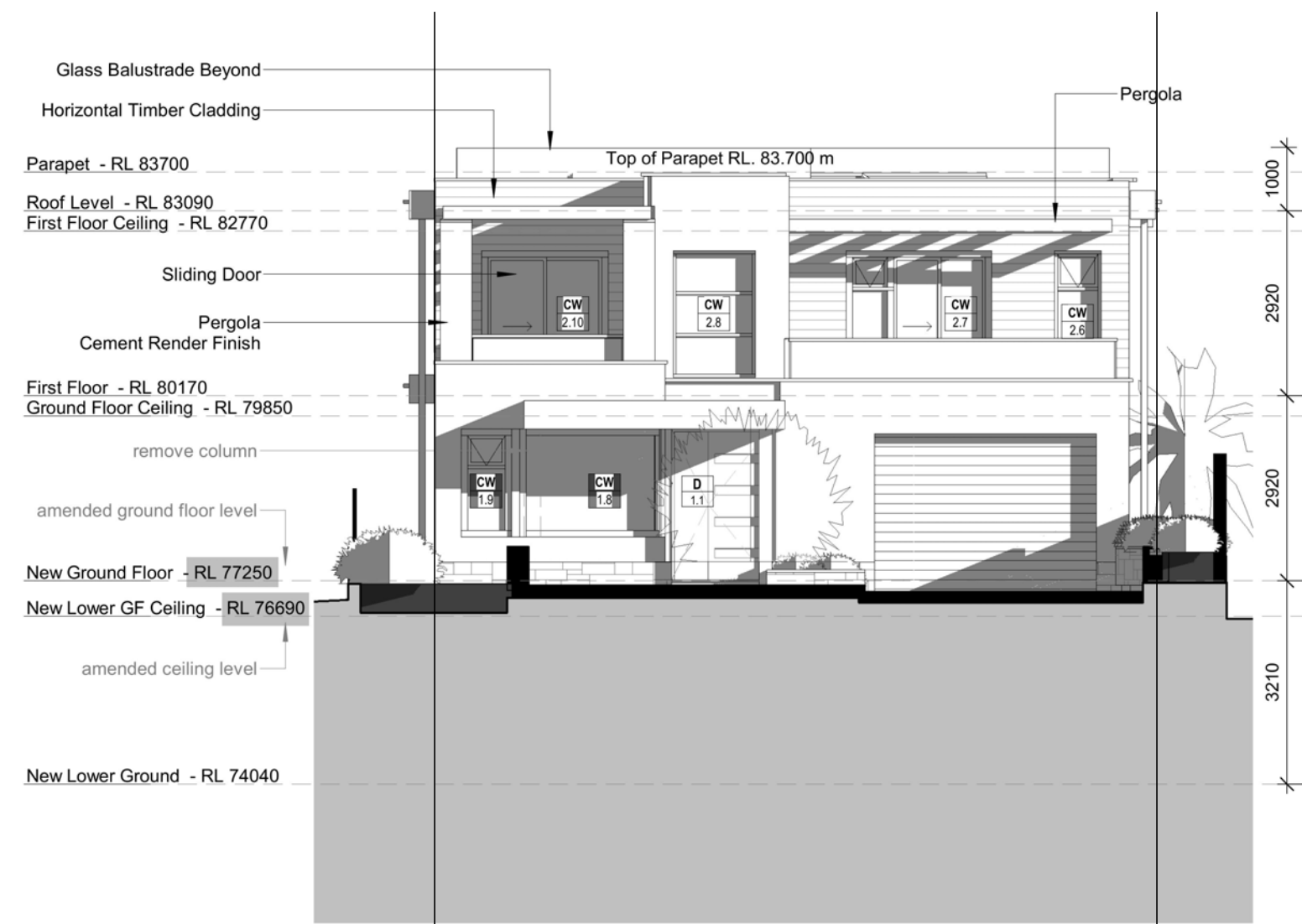
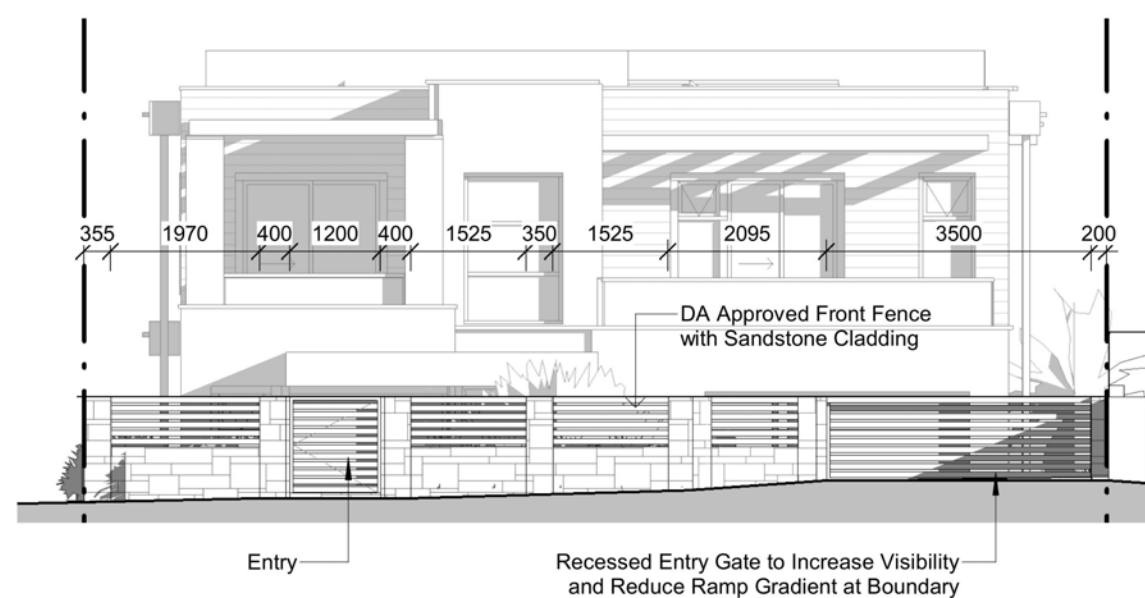
CLIENT:
Greg & Gabi Tischmann

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Nominated Architect: Paul Buljevic NSW 7768

PROJECT:
PROPOSED RESIDENTIAL DEVELOPMENT
232 Military Rd. Dover Heights
NSW 2030

DRAWING TITLE:
SECTION B
WEST ELEVATION
APPROVED & PROPOSED

DRAWN BY:	CHECKED BY:	
SCALE: 1:100@A1 / 1:200@A3 PROJECT NO: 2131	DRAWING NO: DA201	ISSUE: E



GENERAL NOTES:

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LEGEND:

AW	AWNING
HW	HIGHLIGHT WINDOW
CU	A/C CONDENSER UNITS
FH	FIRE HYDRANT
FHR	FIRE HOSE REEL
FS	FIRE STAIRS
MV	MECHANICAL RISER TO FUTURE DETAIL
GC	GARBAGE CHUTE
MB	MAILBOX TO FUTURE DETAIL
PB	PLANTERBOX
R	240L RECYCLING BIN
SK	SKYLIGHT
ST	STORAGE
WT	HOT WATER UNITS

RECEIVED
Waverley Council

Application No: DA-608/2014/C

Date Received: 27/10/2021

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C	2021.10.13	S4.55
B	2021.10.07	S4.55
A	2021.09.21	S4.55
ISSUE	DATE	DESCRIPTION

CLIENT:

Greg & Gabi Tischmann

ARCHITECT:

PBD | ARCHITECTS

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

PROJECT:

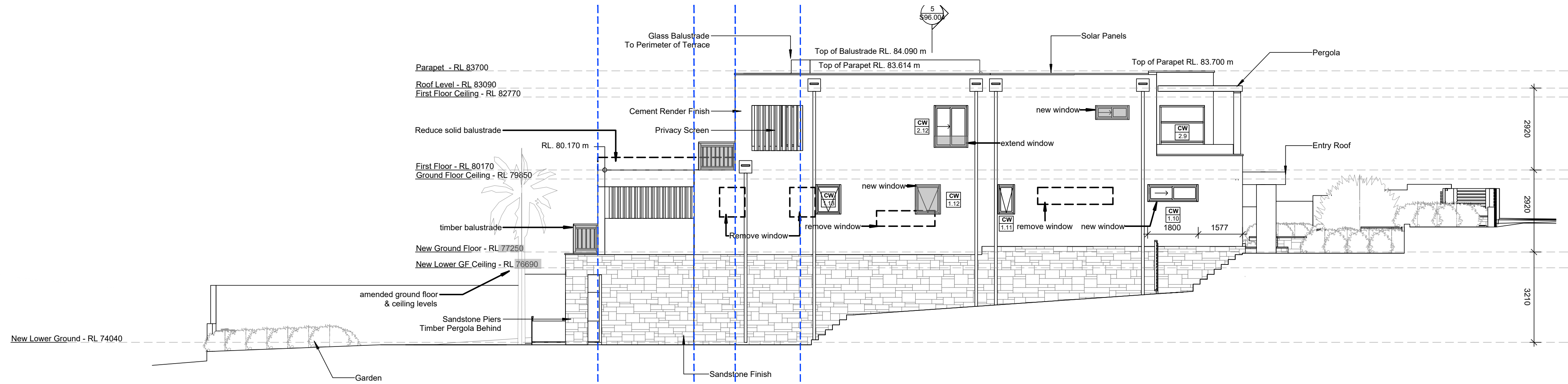
PROPOSED RESIDENTIAL DEVELOPMENT
232 Military Rd. Dover Heights
NSW 2030

DATE (MONTH/YEAR)

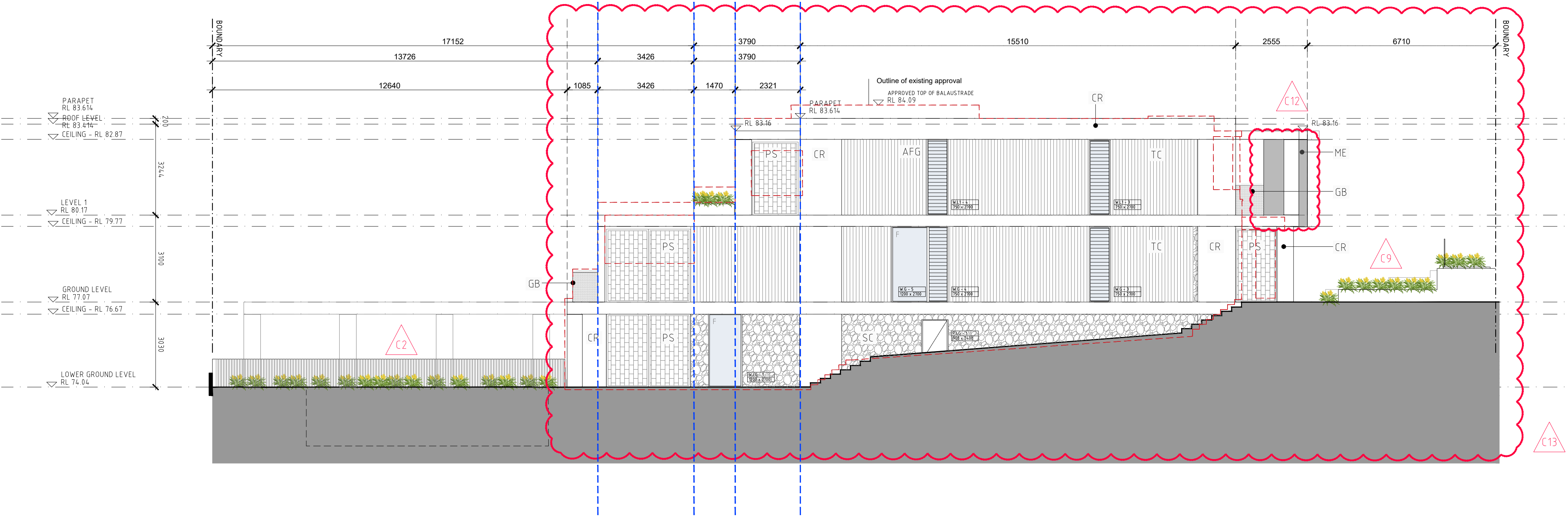
DRAWING TITLE:

EAST ELEVATION
APPROVED & PROPOSED

DRAWN BY:		CHECKED BY:	
SCALE:	DRAWING NO:	ISSUE:	
1:100@A1 / 1:200@A3	DA202	E	
PROJECT NO:			
2131			



01 APPROVED SOUTH ELEVATION
Scale 1:100 @ A1 / 1:200 @ A3



01 PROPOSED SOUTH ELEVATION
Scale 1:100 @ A1 / 1:200 @ A3

- GENERAL NOTES:**
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RECEIVED
Waverley Council
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Date Received: 27/10/2021

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D	2021.10.13	S4.55
C	2021.10.13	S4.55
B	2021.10.07	S4.55
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CLIENT:
Greg & Gabi Tischmann

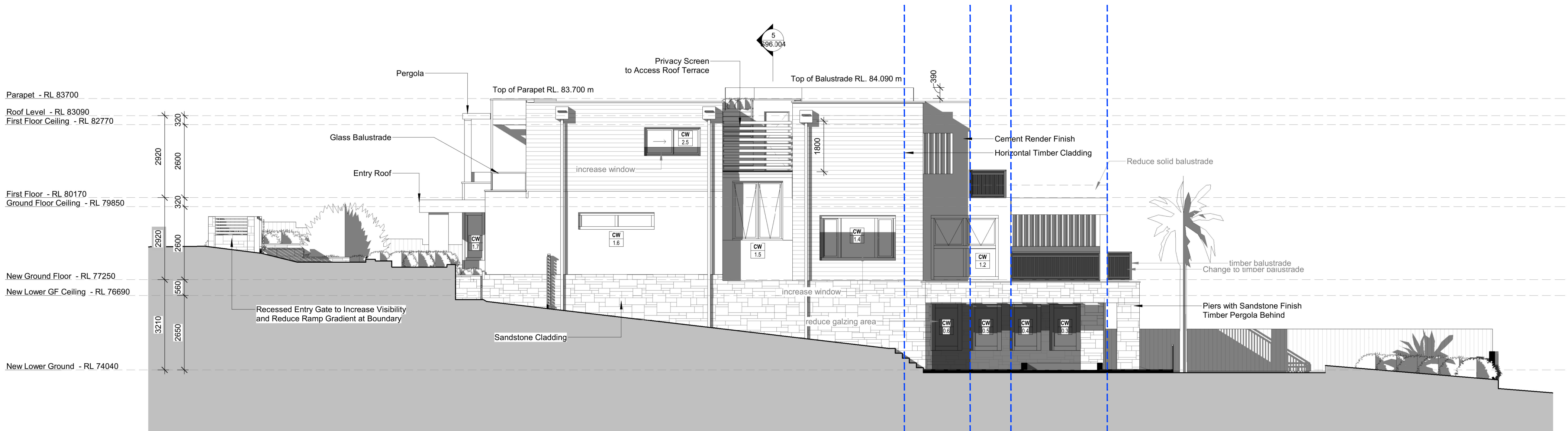
ARCHITECT:
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PROJECT:
PROPOSED RESIDENTIAL DEVELOPMENT
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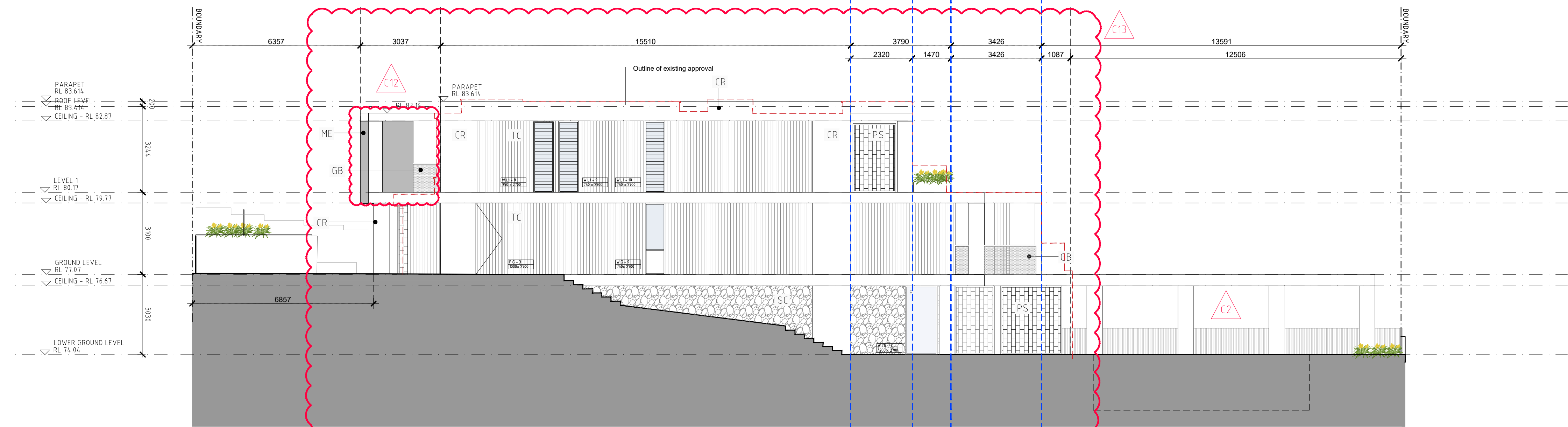
DATE (MONTH/YEAR)
DRAWING TITLE:

SOUTH ELEVATION
APPROVED & PROPOSED

DRAWN BY:	CHECKED BY:	
SCALE: 1:100 @ A1 / 1:200 @ A3 PROJECT NO: 2131	DRAWING NO: DA203	ISSUE: E



01 APPROVED NORTH ELEVATION
Scale 1:100 @ A1 / 1:200@A3



01 PROPOSED NORTH ELEVATION
Scale 1:100 @ A1 / 1:200@A3

- GENERAL NOTES:**
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RECEIVED
Waverley Council
Application No: DA-608/2014/C
Date Received: 27/10/2021

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E	2021.10.26	S4.55
D	2021.10.13	S4.55
C	2021.10.13	S4.55
B	2021.10.07	S4.55
A	2021.09.21	S4.55

CLIENT:
Greg & Gabi Tischmann

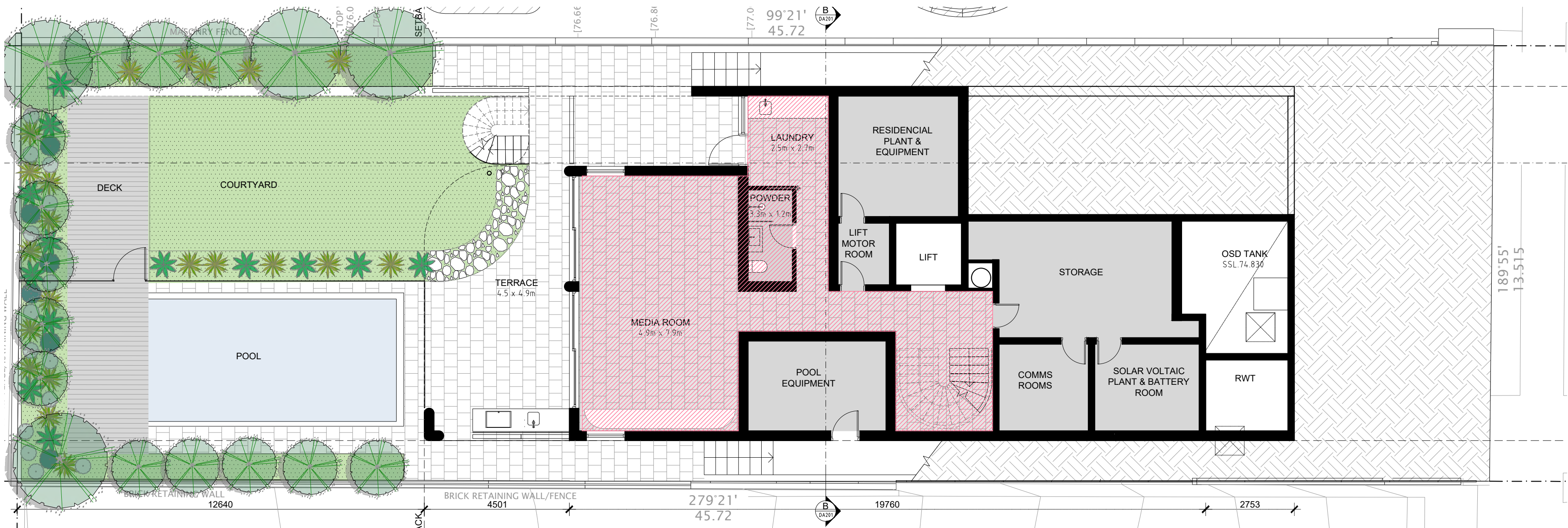
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ABN 36 147 035 550
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PROJECT:
PROPOSED RESIDENTIAL DEVELOPMENT
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NSW 2030

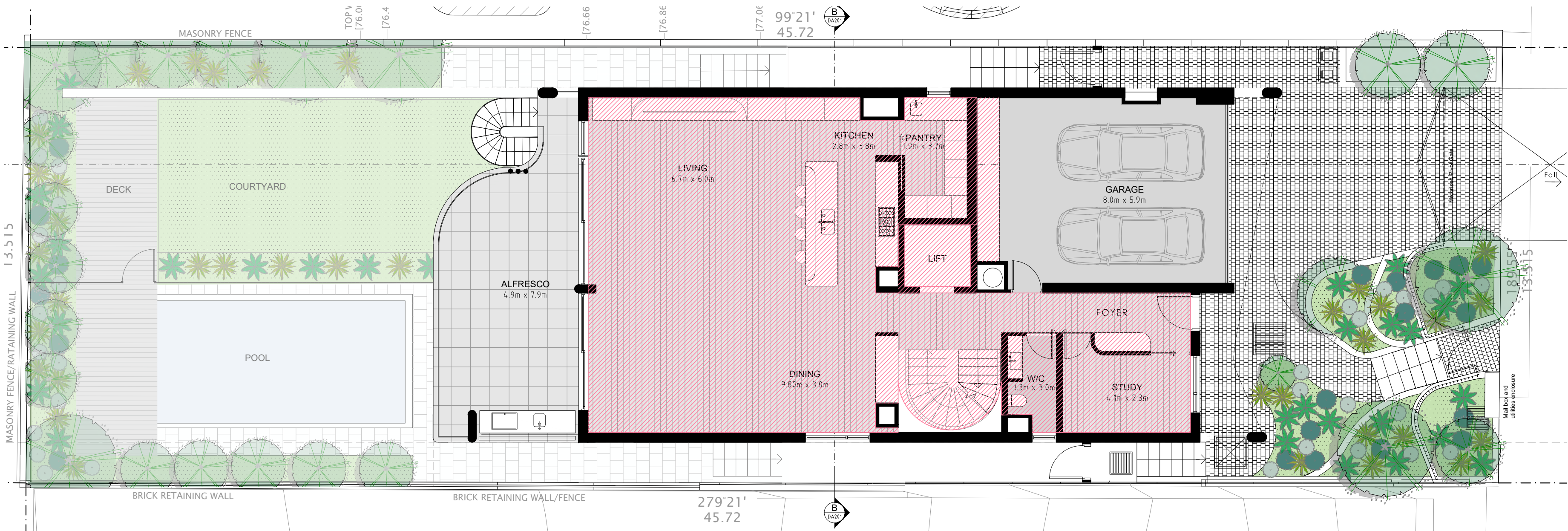
DATE (MONTH/YEAR)
DRAWING TITLE:

NORTH ELEVATIONS
APPROVED & PROPOSED

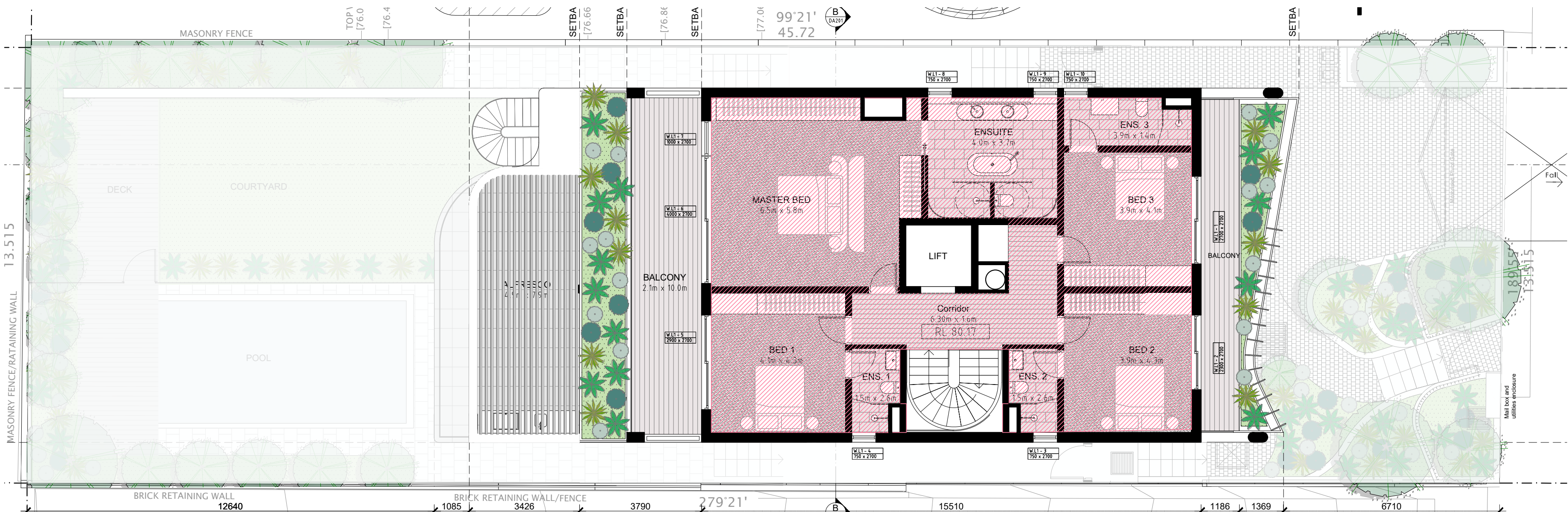
DRAWN BY:	CHECKED BY:	
SCALE: 1:100@A1 / 1:200@A3 PROJECT NO: 2131	DRAWING NO: DA204	ISSUE: E



01 PROPOSED LOWER GROUND FLOOR PLAN
Scale 1:100 @ A1 / 1:200@A3



02 PROPOSED GROUND FLOOR PLAN
Scale 1:100 @ A1 / 1:200@A3



03 PROPOSED LEVEL 1
Scale 1:100 @ A1 / 1:200@A3

AMENDED

LEGEND:

GFA Approved and Proposed

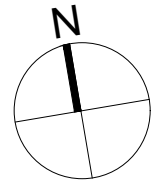
	Approved	Proposed (sqm)
LOWER GROUND FLOOR		73.7
GROUND FLOOR		153.7
LEVEL 1		136.0
TOTAL	346	363.4

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RECEIVED
Waverley Council
Application No: DA-608/2014/C
Date Received: 07/02/2022

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ISSUE	DATE	DESCRIPTION
F	2022.02.03	S4.55
E	2021.10.26	S4.55
D	2021.10.13	S4.55
C	2021.10.13	S4.55
B	2021.10.07	S4.55
A	2021.09.21	S4.55



CLIENT:
Greg & Gabi Tischmann

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

PROJECT:
PROPOSED RESIDENTIAL DEVELOPMENT
232 Military Rd. Dover Heights
NSW 2030

DATE (MONTH/YEAR)

DRAWING TITLE:

GFA CALCULATION
DIAGRAM

DRAWN BY:

CHECKED BY:

SCALE:
1:100@A1 / 1:200@A3
PROJECT NO:
2131

DRAWING NO:
DA551

ISSUE:
F



01 STREET BUILT FORM ALIGNMENT

- GENERAL NOTES:**
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RECEIVED
Waverley Council

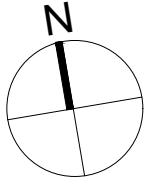
Application No: DA-608/2014/C

Date Received: 27/10/2021

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ISSUE	DATE	DESCRIPTION



CLIENT:
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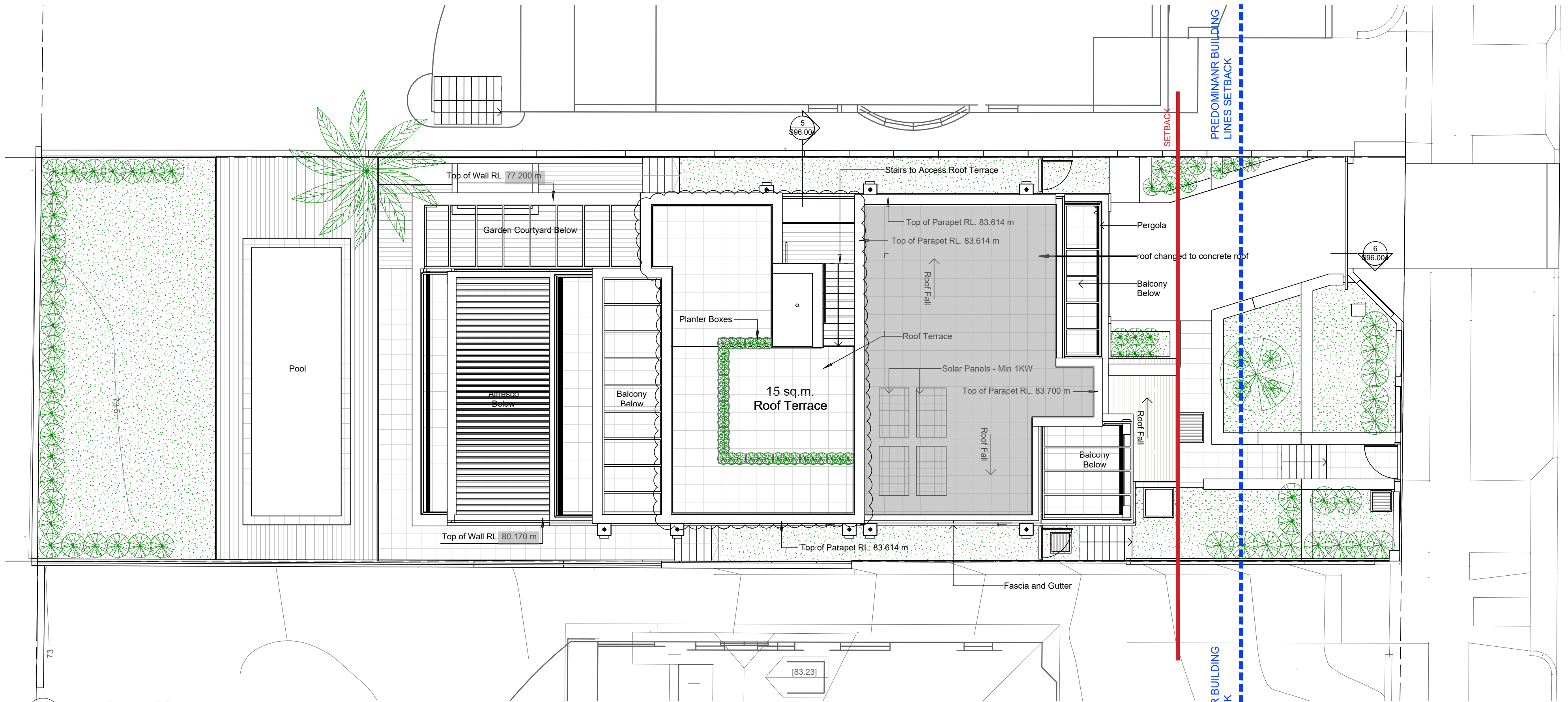
ARCHITECT:
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PROJECT:
PROPOSED RESIDENTIAL DEVELOPMENT
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NSW 2030

DATE (MONTH/YEAR)
DRAWING TITLE:

ADDITIONAL PLANS
STREET SET BACK

DRAWN BY:	CHECKED BY:	
SCALE: 1:100@A1 / 1:200@A3 PROJECT NO: 2131	DRAWING NO: DA600	ISSUE: E



01 APPROVED ROOF PLAN
Scale 1:100 @ A1 / 1:200@A3



01 PROPOSED ROOF PLAN
Scale 1:100 @ A1 / 1:200@A3

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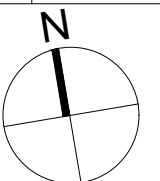
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 - CU A/C CONDENSER UNITS
 - FH FIRE HYDRANT
 - FHR FIRE HOSE REEL
 - FS FIRE STAIRS
 - MV MECHANICAL RISER TO FUTURE DETAIL
 - GC GARBAGE CHUTE
 - MB MAILBOX TO FUTURE DETAIL
 - PB PLANTERBOX
 - R 240L RECYCLING BIN
 - SK SKYLIGHT
 - ST STORAGE
 - WT HOT WATER UNITS

RECEIVED
Waverley Council
Application No: DA-608/2014/C
Date Received: 27/10/2021

LIST OF AMENDMENTS SECTION 4.55:

- C1. Reconfigure Lower Ground floor internal/external arrangement
- C2. Reconfigure courtyard arrangement and relocate pool
- C3. Relocate internal staircase from North to South side
- C4. Relocate lift from South to North side
- C5. Adjust building footprint on Northern west corner - Add external staircase
- C6. Relocate Garage from Lower Ground Level to Ground level / Reconfigure Drive way scope complying with AS 2890.1
- C7. Reconfigure Ground floor internal arrangement (Kitchen Pantry Living, Dining)
- C8. Reconfigure Alfresco.
- C9. Reconfigure landscape design
- C10. Reconfigure Level 1 internal arrangement
- C11. Reconfigure Western Balcony - Adjust footprint on Northern west corner.
- C12. Adjust building footprint on East side - Add Balcony to Bedrooms.
- C13. Revise Elevation
- C14. Remove roof stair case and roof terrace

ISSUE	DATE	DESCRIPTION
E	2021.10.26	S4.55
D	2021.10.13	S4.55
C	2021.10.13	S4.55
B	2021.10.07	S4.55
A	2021.09.21	S4.55



CLIENT:
Greg & Gabi Tischmann

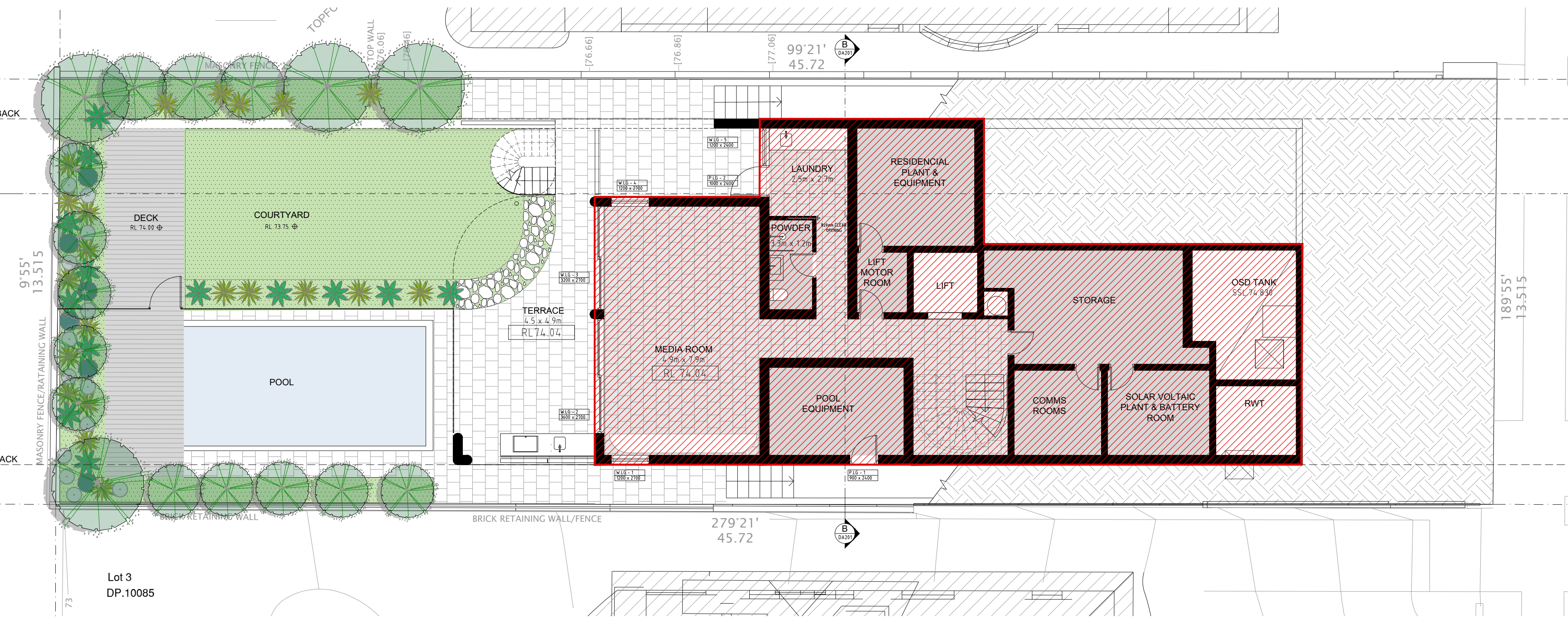
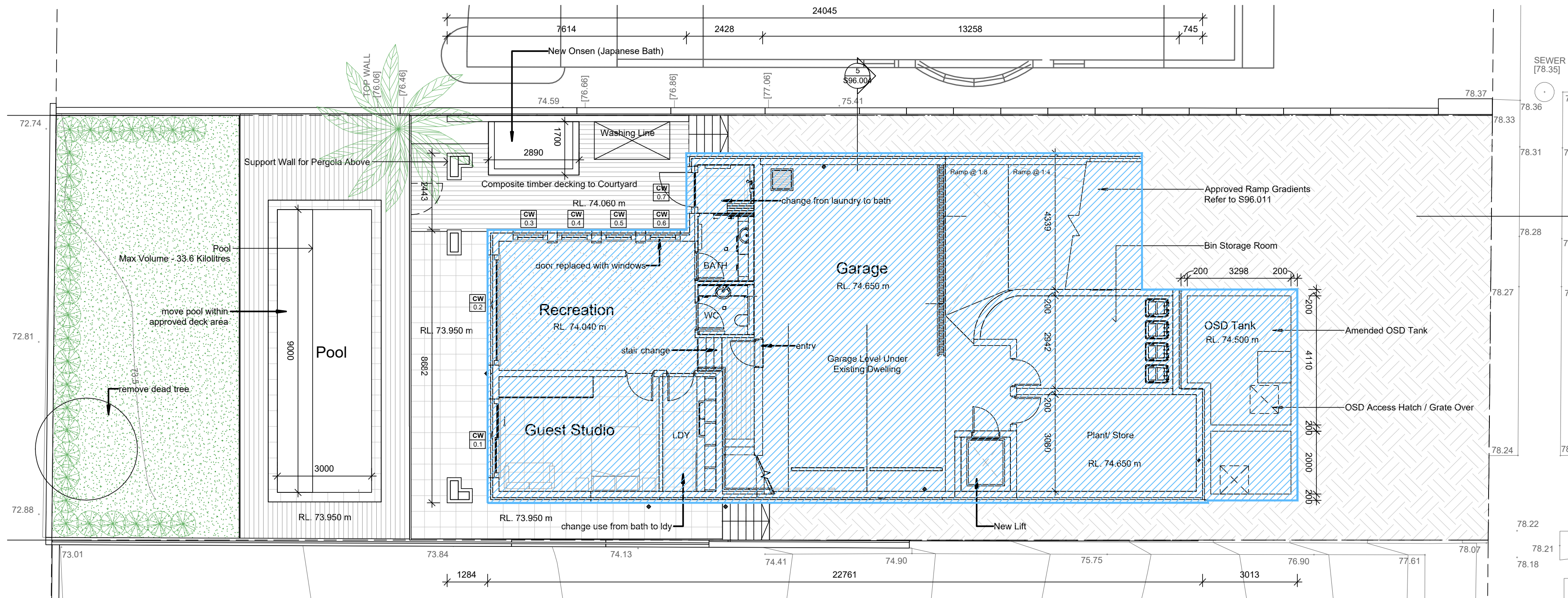
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Level 2, 52 Albion Street, Surry Hills NSW 2010
Nominated Architect: Paul Buljevic NSW 7768

PROJECT:
PROPOSED RESIDENTIAL DEVELOPMENT
232 Military Rd. Dover Heights
NSW 2030

DATE (MONTH/YEAR)
DRAWING TITLE:

ADDITIONAL PLANS
APPROVED & PROPOSED SET-BACK

DRAWN BY:	CHECKED BY:	
SCALE: 1:100@A1 / 1:200@A3 PROJECT NO: 2131	DRAWING NO: DA601	ISSUE: E



- GENERAL NOTES:**
- ALL WORKS TO COMPLY WITH BUILDING CODE OF AUSTRALIA, REQUIREMENTS OF RELEVANT STATUTORY AUTHORITIES/ LOCAL GOVERNMENT & RELEVANT AUSTRALIAN BUILDING STANDARDS
 - DRAWINGS FOR THE PURPOSES OF DA ONLY - FURTHER CONSULTANT / AUTHORITY COORDINATION WILL BE REQUIRED AT CC STAGE WHICH MAY IMPACT ON DESIGN AND PLANNING LAYOUTS
 - ARCHITECTURAL PLANS TO BE READ IN CONJUNCTION WITH CONSULTANT'S DRAWINGS, SPECIFICATIONS & REPORTS
 - COPYRIGHT OF DESIGN SHOWN HEREON IS RETAINED BY PBD ARCHITECTS AND AUTHORITY IS REQUIRED FOR ANY REPRODUCTION
 - AREA SCHEDULES SUPPLIED ARE APPROXIMATE ONLY - FUTURE ALLOWANCE FOR VERTICAL SERVICE DUCTS, STRUCTURAL WALL SYSTEMS AND CONSULTANT INPUT WILL BE REQUIRED

- LEGEND:**
- AW AWNING
HW HIGHLIGHT WINDOW
CU A/C CONDENSER UNITS
FH FIRE HYDRANT
FHR FIRE HOSE REEL
FS FIRE STAIRS
MV MECHANICAL RISER TO FUTURE DETAIL
GC GARBAGE CHUTE
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PB PLANTERBOX
R 240L RECYCLING BIN
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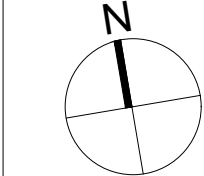
D 2021.10.13 S4.55

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B 2021.10.07 S4.55

A 2021.09.21 S4.55

ISSUE DATE DESCRIPTION



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Nominated Architect: Paul Buljevic NSW 7768

PROJECT:
PROPOSED RESIDENTIAL DEVELOPMENT
232 Military Rd. Dover Heights
NSW 2030

DATE (MONTH/YEAR)
DRAWING TITLE:

EXCAVATION PLAN

DRAWN BY:

SCALE:
1:100@A1 / 1:200@A3
PROJECT NO:
2131

CHECKED BY:

DRAWING NO:
DA550

ISSUE:
D



Report to Waverley Local Planning Panel

Application number	DA-562/2021
Site address	16 Narelle Street, NORTH BONDI
Proposal	Alterations and additions to semi-detached dwelling including new first floor addition
Date of lodgement	17 December 2021
Owner	Ms V H Jubb & Mr A Piperkos
Applicant	Mr A Piperkos
Submissions	4 submissions
Cost of works	\$1,050,000
Principal Issues	<ul style="list-style-type: none"> • Building Height • FSR • External wall height
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to a semi-detached dwelling including new first floor addition at the site known as 16 Narelle Street, North Bondi.

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

- Overall building height
- FSR
- External wall height

The assessment finds these issues acceptable as the addition has been designed to match the overall bulk and scale of buildings in the area and is not out of character within Narelle Street.

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

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

1.2. Site and Surrounding Locality

A site visit was carried out on 14 January 2021.

The site is identified as Lot A in DP 442304, known as 16 Narelle Street, NORTH BONDI.

The site is rectangular in shape with a northern frontage to Narelle Street measuring 6.07m. The site has an area of 220.1m² and falls from the north towards the southern rear boundary by approximately 5.8m.

The site is occupied by a double storey semi-detached dwelling with vehicular access provided from Narelle Street.

The site is adjoined by the paired semi-detached dwelling to the east and a set of semi-detached dwellings to the west. The locality is characterised by a variety of low residential development.

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



Figure 1: Pair of semi-detached dwellings viewed from Narelle Street (subject site on the right)



Figure 2: Subject site viewed from Narelle Street, looking south east



Figure 3: Rear of subject site looking south

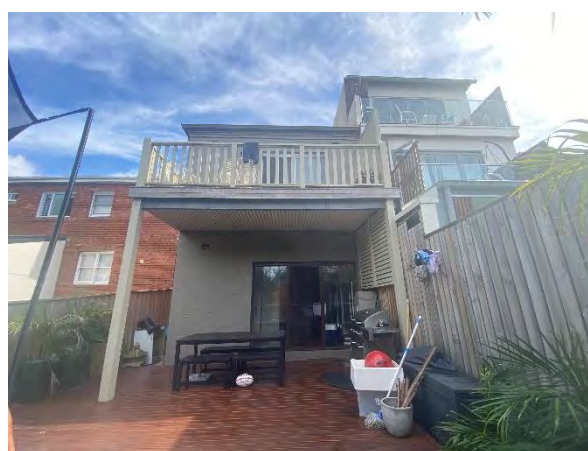


Figure 4: Rear of subject site looking north

1.3. Relevant Development History

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

- DA-569/2003: Addition of carport at front and deck at the rear, approved on 14 November 2003. These works have been completed on site.

1.4. Proposal

The development application seeks consent for alterations and additions to a semi-detached dwelling, specifically the following:

- Reconfiguration of the internal layout of the lower ground floor to include a storeroom, laundry, bathroom, bedroom and living area;
- Reconfiguration of the ground floor to include three x bedrooms and three x bathrooms; and
- Addition of a first floor to include a study, kitchen, living room and south facing deck.

1.5. Background

The development application was lodged on 17 December 2021 and deferred on 18 January 2022 for the following reasons:

1. **Building Height:** The document submitted with the application had incorrectly stated that the overall building height was proposed to be 9.52m, as it had been taken from the ground level of the existing path rather than the existing ground level of the lower ground floor. An updated clause 4.6 written request was requested, along with accurate measurements taken from the existing lower ground floor to reflect the true height on site.
2. **Floor space ratio (FSR):** The FSR calculations were incorrect as they did not count the internal staircase as GFA. Updated plans and an updated clause 4.6 written request was required.
3. **Solar Access:** Elevation shadow diagrams were requested to enable a full assessment of potential solar impacts to neighbouring properties.

On 2 February 2022, amended documents were submitted to Council providing the above information. No changes were made to the proposed design, rather clarification was provided regarding overall building height, FSR calculations and solar access. The application was therefore not re-notified.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

The following SEPPs apply and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004.
- SEPP 55 Remediation of Land.

2.1.2. Draft Waverley Local Environmental Plan 2022 (Draft Waverley LEP 2022)

It is acknowledged that the Draft Waverley Local Environmental Plan 2022 is on exhibition from 12 November 2021 to 23 January 2022, however at the time of this assessment, there are no relevant matters for consideration.

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 development complies with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as alterations and additions to a dwelling house, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	No	The development proposes an overall building height of 9.54m, measuring from existing ground floor of the lower ground level (21.11 AHD) to the top of the ridge (30.65 AHD). The built form would not comply with the development standard by 12.24%.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.86:1 or 189.42m² 	No	The development proposes a FSR of 0.96:1 or 213.04m ² , which does not comply with the development standard by 12.47%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site contains 'Class 5' acid sulfate soils. The proposal does not involve excavation deeper than 5m below AHD. Therefore, the proposed development is not expected to disturb or expose acid sulfate soils.
6.2 Earthworks	Yes	Some excavation works are proposed to accommodate the proposed development; the extent of excavation would not warrant geotechnical investigation. Appropriate conditions of consent are recommended to ensure excavation works do not unduly disturb neighbouring properties and the public domain.

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

Clause 4.6 Exceptions to Development Standards (Height of Buildings)

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

The site is subject to a maximum height of buildings development standard of 8.5m. The proposed development has an overall building height of 9.54m, exceeding the standard by 1.04m equating to a 12.24% variation.

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *The proposed non-compliance with the building height control is to bring the existing building into uniformity with the height of its attached neighbour at 14 Narelle Street. The works are built on the footprint of the existing building and the non-compliant work are to the rear and not highly visible from the public domain.*
 - (ii) *The works complete this pair of semi-detached houses and create a unified pair. This 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.*
 - (iii) *The visible works provide for a first-floor addition to the existing dwelling that repeats the bulk and scale of the adjoining semi-detached dwelling at 14 Narelle Street. The works make the semi-detached dwellings consistent and more of a pair. This is an urban design benefit and consistent with current development policies for semi-detached dwelling houses, that is to retain or develop semi-detached dwellings as pairs.*

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) *The works are built on the footprint of the existing building and the non-compliant work are to the rear and not highly visible from the public domain.*
 - (ii) *Neighbour view impacts are already in part created by the form of the neighbouring works to 14. There are no significant views impacted by the works.*
 - (iii) *The proposal is consistent with and satisfies the objectives of the height of building control, the objectives of the zone and the circumstances of the site, which that the works duplicate works already approved and built on the adjoining semi-detached dwelling.*

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

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012.

The proposed breach in height is limited to part of the roof section at the rear of the property that sits directly above the existing lower ground level. The non-compliance is not visible from the street and has been designed to match that of the paired semi-detached dwelling in relation to overall height. The overall built form of the dwelling will match that of the neighbouring property in relation to height at the front and rear of the site. The breach is a direct result of the steep sloping site and the existing excavation on site for the lower ground level. The breach in height will not sit out of context within the streetscape and will not result amenity impacts to surrounding properties.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard.

The height non-compliance is a result of the significant natural slope of the land and the existing lower ground floor level sitting under the natural ground level. This results in a non-compliance towards the rear of the site, which is not visible from the streetscape. The breach will not result in adverse environmental or amenity impacts to the neighbouring properties, as it will not cause unreasonable overshadowing to neighbouring properties, overlooking or block significant views. The majority of the dwelling will sit significantly below the maximum building height as it is viewed from the street, which will limit the impact on views and overshadowing. When viewed from a streetscape context, the building matches that of the attached pair and will fit in with the overall scale and bulk of No. 14 Narelle Street. The overall height of the building is therefore considered to be appropriate in the context of buildings in the streetscape.

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

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

The components of development above the height control will preserve the environmental amenity of neighbouring properties, including the sharing of views, privacy, and solar access. No views will be impacted by the breach in height. The non-compliance is relatively minor and has been designed to match that of the paired semi-detached dwelling. The dwelling will sit in line with both the adjoining dwellings and is considered to be appropriate within the context of the surrounding area. The breach in height would not be indiscernible from the streetscape and surrounding properties, as the natural slope of the land results in the breach on occurring at the rear of the site.

The objectives of the R2 zone are as follows:

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

The development achieves the objectives of the R2 zone, as it will continue to provide for the housing needs within a low density area by providing sufficient internal and external amenity to the future owners and occupiers of the new dwelling. The development is compatible with the surrounding development and existing character of the area and is supported.

Conclusion

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

Clause 4.6 Exceptions to Development Standards (FSR)

The application seeks to vary the FSR development standard in clause 4.4 under Waverley LEP 2012.

The site is subject to a maximum FSR development standard of 0.86:1. The proposed development has an FSR of 0.96:1, exceeding the standard by 23.62m² equating to a 12.47% variation.

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *The proposed additions to the existing dwelling house repeats the density approved to the neighbour semi-detached house (14).*
 - (ii) *The works in effect repeat an already accepted approach to site density and brings a pair of semi-detached dwellings back into uniformity. There is an appropriate correlation between the floor space sought and the building height control.*
 - (iii) *The additions are for a housing purpose and consistent with the pattern of development on this side of Narelle Street, that is greater bulk and scale to the low point of the site. The*

proposed addition will not look out-of-place and is compatible with the bulk and scale of the desired future character of the locality.

- (iv) *This addition is on the footprint of the existing building and mirrors the bulk and scale of the addition built to the adjoining semi at 14 Narelle Street.*
- (v) *The site and neighbouring sites have very good environmental amenity, largely due to their proximity to the coast and location on the ridge overlooking the Bondi basin. The addition, the subject of this variation, does not affect the overall amenity of this location.*
- (vi) *the additional floors space is partly in sub floor areas that have no impact on the perceived scale of the building and bulky part of the building is to the rear, where that building bulk is part exaggerated by site topography and consistent with the neighbouring pattern of development.*

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

- (i) *The addition has a lack of unreasonable impacts in terms of the visual presentation of the existing house to the street and shadowing. For example, there is no expansion of the existing building footprint.*
- (ii) *The site-specific justification is that the additional floor space is in 2 locations that are additional sub-floor excavation that has no perceived bulk and scale impacts and a first-floor addition that in effect completes the building in terms of the additions approved to the adjoining semi.*
- (iii) *The additional subfloor floor space approximates the variation sought at approximately 25sqm. The additional floor space sought is in a location that is existing and has no physical impacts. These are site specific factors unique to this site that ameliorate the impacts of the additional floor space. There are no environmental planning grounds to justify seeking compliance with the floor space control in this instance.*

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

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

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The applicant argues that the proposal provides a development which is consistent with the scale of the adjoining semi-detached dwelling and is of an appropriate visual bulk for the locality. The first floor addition has been designed to match the bulk and scale of the attached first floor addition at No. 14 Narelle Street and will be viewed as a modest 2 storey building from the streetscape. The majority of the floor space will not be visible from Narelle Street and will not impact on the streetscape character or desired future character of the area.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard.

The proposal will not impact on the amenity of neighbouring properties. The adjoining properties will continue to enjoy appropriate levels of solar access, visual and acoustic privacy, and views will not be impacted.

Is the development in the public interest?

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

The objectives of the FSR development standard are as follows:

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

The proposed development complies with objectives (b) to (d), as the proposed addition will not result in any adverse perceivable visual bulk to the streetscape or surrounding properties. The first floor has been designed to match the size and scale of the attached semi-detached dwelling and will maintain the

existing character of Narelle Street. The addition will complement the existing bulk and scale of development in the area.

The development will not result in amenity impact to neighbouring properties as there will be no additional adverse overlooking or overshadowing impacts. The environmental amenity of neighbouring properties will be maintained.

The objectives of the R2 zone are as follows:

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

The proposal is consistent with the objectives of the zone in that it will continue to provide for the housing needs of the community within a low density residential environment. The proposal will not inhibit other land uses that provide facilities or services to meet the day to day needs of residents. The proposed works will improve amenity of existing dwelling for current and future occupants. The proposed works are compatible with the existing dwelling, surrounding development and the desired future character of the area in terms of bulk, height and scale.

Conclusion

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

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Yes	Satisfactory.
6. Stormwater	Yes	Satisfactory.
10. Safety	Yes	Satisfactory.

Development Control	Compliance	Comment
12. Design Excellence	Yes	Satisfactory.
14. Excavation	Yes	Satisfactory.

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

Development Control	Compliance	Comment
2.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.1 Height		
Pitched roof dwelling house <ul style="list-style-type: none"> Maximum external wall height of 7m 	Yes	The front section of the dwelling proposes a pitched roof design, with a maximum wall height of 6.9m which complies with the standard.
Flat roof dwelling house <ul style="list-style-type: none"> Maximum wall height of 7.5m 	Acceptable	<p>The rear of the dwelling proposes a flat roof design to limit the overall bulk of the building. The maximum external wall height at the rear is proposed to sit 9.4m above the natural ground level, which does not comply with the control.</p> <p>In support of this non-compliance, it is noted that the proposed first floor addition has been designed to match the height of the existing first floor at No. 14. The overall height of the building is consistent with development in the immediate area and is considered appropriate.</p> <p>Furthermore, the overall height does not result in adverse amenity impacts relating to overshadowing and visual bulk (as discussed below). The non-compliance is therefore considered acceptable in this instance.</p>
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 first floor addition has been designed to sit in line with the first floor addition of the attached semi-detached dwelling at No. 14 and is compatible with the surrounding development.</p> <p>The rear addition of the first floor has been designed to match the first floor of the attached semi-detached dwelling at the rear, including the location of the deck on the first floor. This is compatible with the predominant rear building line and complies with the control.</p>
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 1.2m 	Acceptable	The development proposes a side setback of 1.13m on the first floor addition, which does not comply with the 1.2m control. In support of this non-compliance, it is noted that the setback has been designed to match the setback of the

Development Control	Compliance	Comment
		<p>existing dwelling. An indent of the first floor along the western side would result in a poor design outcome and would not be a desired approach.</p> <p>Furthermore, the non-compliance does not result in unreasonable amenity impacts to the neighbouring property, as discussed throughout this report. The minor non-compliance is therefore considered acceptable in this instance.</p>
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> • New development to be compatible with streetscape context • Replacement windows to complement the style and proportions of existing dwelling • Significant landscaping to be maintained. 	Yes	<p>While the first floor addition does not exactly match the attached pair at No. 14, the façade has been designed to fit in with the character of the semi-detached dwellings in relation to the pitched roof, front setback, and design angles. As viewed from the streetscape, the first floor addition will sit in context with the overall character of the area, whilst providing a modern approach to the traditional pitched roof design.</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	<p>No change to the existing front or side fencing is proposed.</p>
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> • Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design • External stairs are not acceptable. • Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> • Roof tops to be non-trafficable unless 	Yes	<p>The west facing side windows on the lower ground floor will be obscured by the existing side boundary fence and will not pose any privacy concerns.</p> <p>The west facing window of Bedroom 1 is proposed as a highlight window, which will limit direct overlooking to the west.</p> <p>The west facing window of Bedroom 3 will overlook the front yard of No. 18 Narelle Street and will therefore not pose any unreasonable privacy concerns.</p> <p>The west facing window of Bedroom 2 will not directly look into a habitable window and will therefore not result in any privacy concerns.</p> <p>All west facing windows on the first floor will be screened by way of the proposed timber battens to limit any overlooking to the neighbouring property.</p>

Development Control	Compliance	Comment
predominant in the immediate vicinity		<p>A first floor south facing balcony is proposed to align with the existing first floor balcony at No. 14. Whilst the balcony does not comply with the minimum depth dimensions of 1.5m, it is noted that 0.9m of the depth will sit within the proposed building. This will result in only 1.25m of the balcony sitting further than the built form as viewed from both side boundaries. Privacy screens up to 1.6m high are proposed on both sides of the balcony to avoid overlooking to the neighbouring properties to the east and west. The balcony will match that of the existing balcony at No. 14 Narelle Street, which was approved by Council in 2018.</p> <p>In order to limit overlooking from the living space into the rear properties along Stewart Street, a condition is recommended to provide obscure glazing to the glass balustrade of the first floor balcony. This will reduce visibility into the private open space areas along Stewart Street.</p>
2.6 Solar access		
<ul style="list-style-type: none"> • Minimum of three hours of sunlight to living areas and principal open space areas on 21 June • Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. • Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	Yes	<p>3D images have been provided to better demonstrate the proposed additional overshadowing to the neighbouring property to the west.</p> <p>As shown on the shadow diagrams and the 3D images, the development will result in additional overshadowing to the first floor east facing windows between 9am and 12pm. It is noted that the first floor east facing windows at No. 18 Narelle Street service a bathroom, staircase and bedroom. The bedroom window is the only window that is classified as habitable. The bedroom in question also maintains a north facing window, making the west facing window a secondary window for solar access. It is considered that this bedroom would maintain sufficient solar access throughout the day to comply with the control.</p> <p>The shadow diagrams submitted demonstrate that the neighbouring properties will maintain sufficient solar access throughout the day and the proposal comply with the control. As such, no issues are raised.</p>

Development Control	Compliance	Comment
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	No views are likely to be impacted by the proposal.
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 	N/A	As the proposal is limited to a first floor addition and internal works to the lower floors, no changes are proposed to the existing landscaping and open space on site.
2.13 Semi-detached dwellings and terrace style development		
2.13.1 - Built form <ul style="list-style-type: none"> Additions to match the style of the original semi-detached dwelling Existing roof form maintained forward of principal ridgeline 	Yes	<p>The proposed first floor addition has been designed to match the style and angle of the pitched roof of the paired semi-detached dwelling No. 14, whilst providing a modern take on the detailing.</p> <p>The introduction of the timber battens along the façade matches the timber elements of No. 14, whilst not creating an exact copy of the design.</p> <p>It is considered that the first floor addition as viewed from Narelle Street will complement the character of the pair of semi-detached dwellings and is acceptable.</p>
2.13.2 - First floor additions to semi-detached dwellings <ul style="list-style-type: none"> First floor addition to be setback from the principal street frontage and maintain the existing front roof slope 	Yes	The first floor addition has been designed to match the front setback of the attached semi at No. 14 Narelle Street. The style and design will complement the pair of dwellings and will sit compatibly within the streetscape.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> 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. 		
<p>2.13.3 - Material finishes and detail for semi-detached dwellings</p> <ul style="list-style-type: none"> Finishes and detailing are to be cohesive with the existing dwelling Historic features of the roofscape are to be incorporated into the addition Dormer roof forms are to match the style of the original dwelling New windows to have a similar proportion to the existing Upper wall finishes to reflect the style and character of the original building. 	Yes	The proposed use of timber battens have been designed to complement the use of timber on the first floor of No. 14, without creating an exact replica. The style and design will complement the pair of semi-detached dwellings and will sit well within the streetscape character.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 28 days between 22 December 2021 and 27 January 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

- No changes were made to the proposed design or layout of the proposal.

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

Table 3: Number of and where submissions were received from.

Count	Property Address
1.	16 Stewart Street, North Bondi
2.	18 Stewart Street, North Bondi
3.	14 Stewart Street, North Bondi
4.	20 Stewart Street, North Bondi

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

- Non-compliance in the overall height of buildings development standard;
- Non-compliance of the FSR development standard;

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

Issue: Difficulty finding measurements on the plans.

Response: The architectural plans provide all relevant setbacks, height and floor to ceiling measurements on all elevations and floor plans. Furthermore, RLs have been provided to ensure accuracy with measurements. Council is satisfied with the information submitted on the architectural plans.

Issue: Any further height extension beyond that approved at No. 14 Narelle Street is unacceptable as it will create an unreasonable bulk and scale.

Response: The overall height of the built form will sit lower than the existing first floor at No. 14 Narelle Street, as can be seen on the south elevation plan.

Issue: The solar panels will exacerbate the height of the development and should be laid flat to the roof.

Response: The architectural plans show that the solar panels are proposed to lay flat along the roof to gain the most sunlight throughout the day.

Issue: Concerns relating to stormwater runoff.

Response: The application has been reviewed by Council's Stormwater engineer, who is satisfied with the proposed subject to condition imposed on the consent.

Issue: The development does not allow much space for landscaping or private open space.

Response: No changes are proposed to the existing landscaping or private open space on site.

Issue: Concerns relating to excavation on site.

Response: The extent of excavation on site is limited. Notwithstanding, conditions have been recommended to ensure that all excavation will not result in damage to surrounding properties.

Issue: The removal of existing trees on the subject site and surrounding properties between 2018 and 2020 has resulted in direct overlooking from No. 14 and 16 Narelle Street into the properties located to the south.

Response: Existing privacy concerns and the removal of trees in the past are not a matter of consideration for this current development application. The only areas of privacy that can be assessed as part of this DA are the areas proposed to be constructed/reconstructed.

Issue: Overlooking from the first floor balcony into the rear private open space of No. 16 Stewart Street.

Response: The nature of the site being a semi-detached dwelling on a small sloping site provides for a degree of overlooking to adjoining sites. The proposed rear first floor balcony will match the existing balcony of the adjoining semi-detached dwelling at 14 Narelle St, thus providing uniformity to the rear elevation. The upper floor balcony is located 6.7m from the rear boundary, thereby minimising overlooking and perceived bulk and scale of the proposal when viewed from the properties to the south. As mentioned in the body of the report, a condition has been recommended to provide obscure glazing to the glass balustrade in order to limit overlooking from the living area into the private open spaces at the rear.

Issue: Replacement trees should be planted as a result of the trees removed in 2018-2020.

Response: The removal of trees between 2018 and 2020 are not a matter of consideration and cannot be taken into account when assessing this current DA.

Issue: No shadow diagrams were submitted with the application.

Response: Shadow diagrams were submitted with the application and were taken into consideration throughout the assessment process.

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Stormwater

Council's Stormwater engineer has reviewed the design and has raised no objections to the proposal, subject to standard conditions of consent being imposed.

4. CONCLUSION

The development application seeks consent for alterations and additions to the semi-detached dwelling including new first floor addition at the site known as 16 Narelle Street, North Bondi.

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

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 8 February 2021 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 and 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:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Katie Johnstone	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 8 February 2021	Date: 9 February 2022

Reason for WLPP referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by Excell Design Consultants of Project No. 19101, including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA-01 Rev. A	Site Plan	1/02/2022	02/02/2022
DA-04 Rev. A	Lower & Ground Floor Plans	1/02/2022	02/02/2022
DA-05 Rev. A	First & Roof Plans	1/02/2022	02/02/2022
DA-06 Rev. A	North & West Elevations	1/02/2022	02/02/2022
DA-07 Rev. A	South Elevation	1/02/2022	02/02/2022
DA-08 Rev. A	East Elevation	1/02/2022	02/02/2022
DA-09 Rev. A	Section	1/02/2022	02/02/2022
DA-10 Rev. A	Door and Window Schedule	1/02/2022	02/02/2022

- (b) BASIX Certificate
(c) Schedule of external finishes and colours received by Council on 16 December 2021
(d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 16 December 2021

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) In order to limit overlooking into the private open space of the properties to the rear, along Stewart Street, the glass balustrade of the south facing balcony on the second level is to be constructed of obscure glass.

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 **\$21,000.00** 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.

8. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

The Applicant is to pay to Council fees for the assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council. An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.

CONSTRUCTION MATTERS

9. HOARDING

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

10. EROSION & SEDIMENT CONTROL

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

and maintained until construction activities have been completed and the site is fully stabilised. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

11. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

12. ENGINEERING DETAILS

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

13. ENGINEERING CERTIFICATE OF ADEQUACY

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

14. 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.

STORMWATER & FLOODING

15. STORMWATER MANAGEMENT

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

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

- a) Where an infiltration system is proposed, a geotechnical report prepared by a suitably qualified and practising Geotechnical Engineer shall be submitted to Council for assessment. The

hydraulic conductivity must be tested at a minimum of four locations at the site of the proposed infiltration system, and at the base level of the proposed system (and at a minimum of one metre deep). The infiltration system is to be designed using the infiltration rate of the soil of the site. The geotechnical report is to also determine the depth to rock and the presence and depth of the water table. Reference shall also be made to Council's Water Management Technical Manual.

- b) Any proposed infiltration system shall be designed in accordance with Council's Water Management Technical Manual. Details of the proposed infiltration system shall be drawn to a suitable scale.
- c) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- d) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.
- 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. All associated costs shall be borne by the applicant.

Notes:

- Since a sewer main runs through the property, plans must also be presented to a Sydney Water Tap in™ for their approval.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

ENERGY EFFICIENCY & SUSTAINABILITY

16. BASIX

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

WASTE

17. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

18. 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

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

19. CONSTRUCTION SIGNS

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

20. 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

21. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

22. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

23. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

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

24. EXCAVATION AND BACKFILLING

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

If an excavation associated with the erection or demolition 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

25. CONSTRUCTION HOURS

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

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

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

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

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

27. CONSTRUCTION INSPECTIONS

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

28. CERTIFICATE OF SURVEY - LEVELS

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

29. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

30. 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.

31. WORK OUTSIDE PROPERTY BOUNDARY

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

TREE PROTECTION AND REMOVAL

32. STREET TREES TO BE RETAINED/TREE PROTECTION

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

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

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

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

33. 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.

34. CERTIFICATION OF BASIX COMMITMENTS

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

35. CERTIFICATION OF CONSTRUCTED STORMWATER DRAINAGE SYSTEM

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

36. CERTIFICATION OF RETAINED STORMWATER DRAINAGE SYSTEM

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

E. ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au, 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

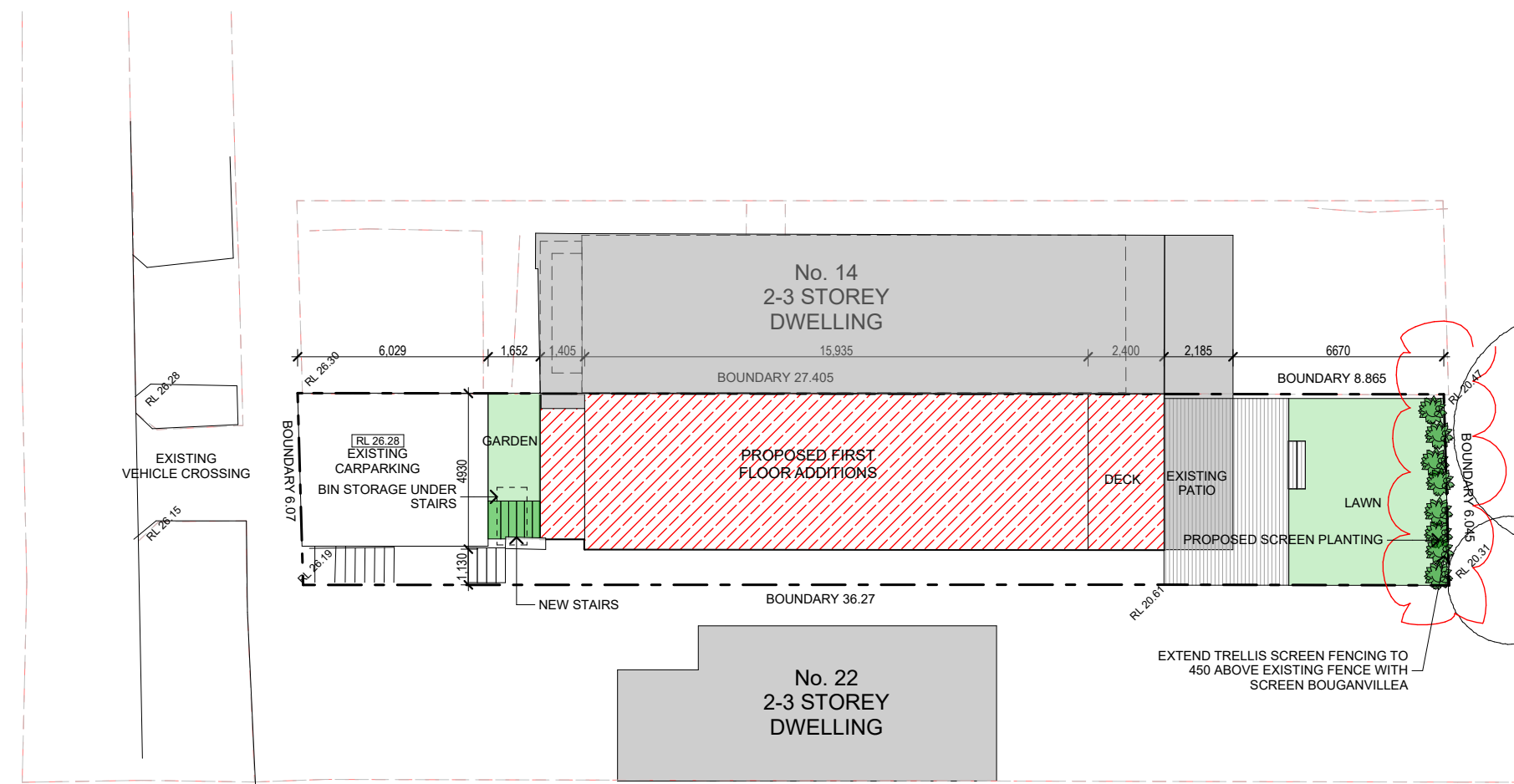
This consent is for alterations and additions to the existing building only and should during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted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

AD6. EXCAVATION TO BE LIMITED

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

AD7. TREE REMOVAL/PRESERVATION

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



SITE AREA 220.1sqm
PERMITTED FSR 0.86:1.0 (189.2 sqm)

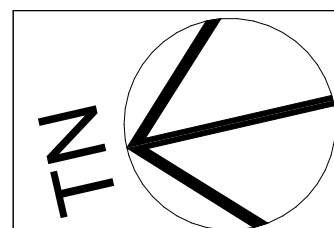
EXISTING FLOOR AREAS
LOWER GROUND FLOOR 38.1 sqm
GROUND FLOOR 81.0 sqm
119.1 sqm

PROPOSED FLOOR AREAS
LOWER GROUND FLOOR 62.9sqm
GROUND FLOOR 85.2 sqm
FIRST FLOOR 64.9 sqm
213.0 sqm

(EXCLUDING STAIRS ON TOP LEVEL & LGF STORAGE)

FSR 0.97:1.0

1. SITE PLAN
1:200



PROPOSED ALTERATIONS & ADDITIONS TO
RESIDENCE

16 NARELLE ST, NORTH BONDI
A. PIPERKOS & V. JUBB

DEVELOPMENT APPLICATION
SITE PLAN

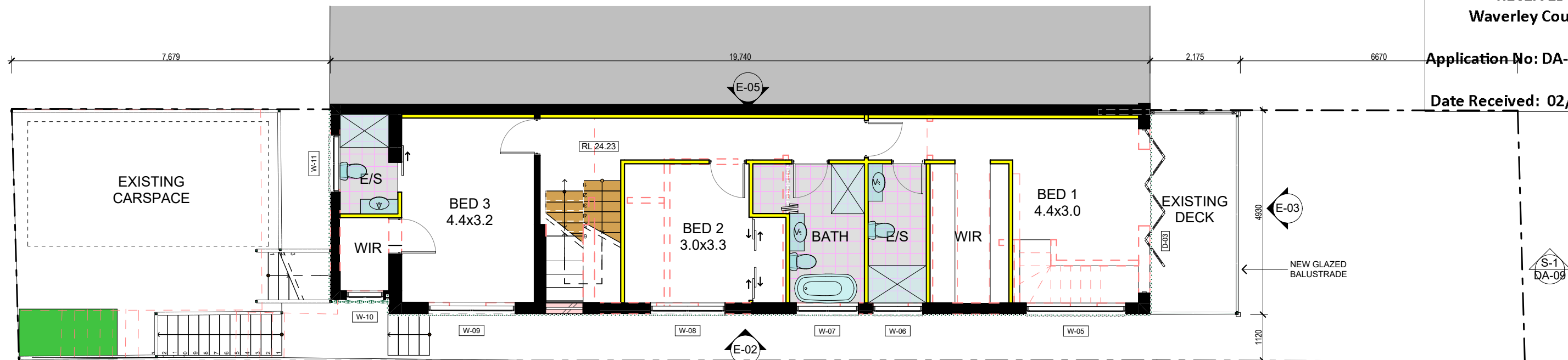
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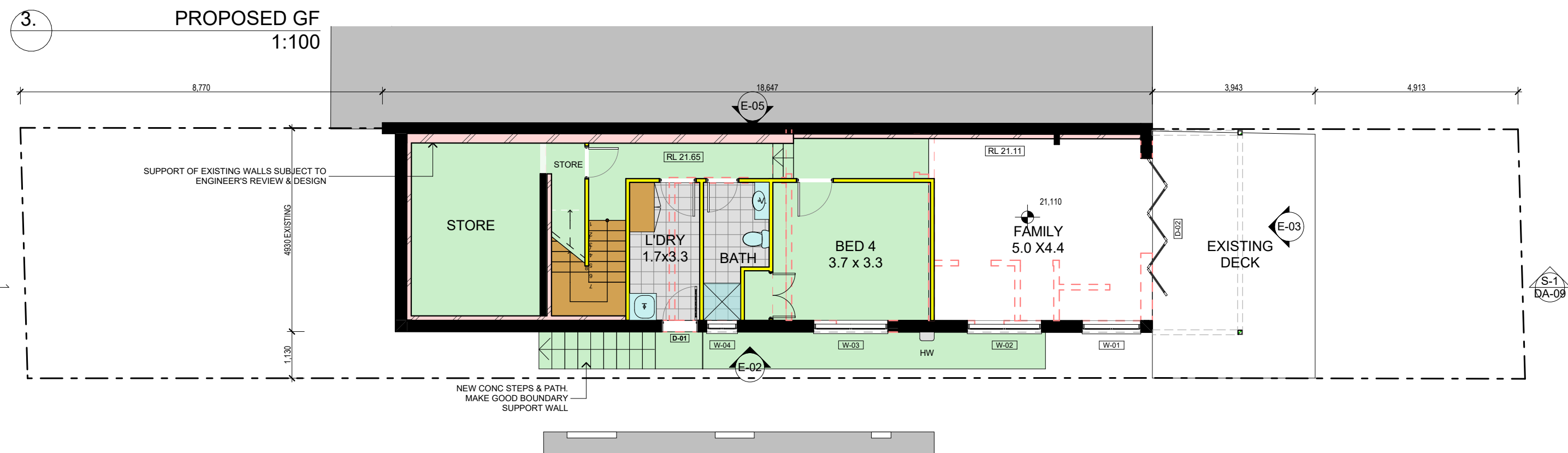
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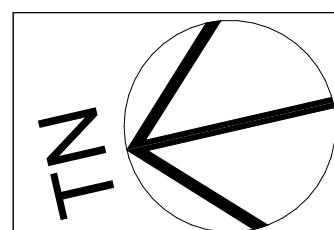
Date: 1/02/2022	Job No: 19101	
Scale: 1:200	Dwg No: DA-01	Issue: A
Drn By: NS		



AMENDED PLANS



2. PROPOSED LGF
1:100



PROPOSED ALTERATIONS & ADDITIONS TO
RESIDENCE

16 NARELLE ST, NORTH BONDI
A. PIPERKOS & V. JUBB

DEVELOPMENT APPLICATION
LOWER & GROUND FLOOR PLANS

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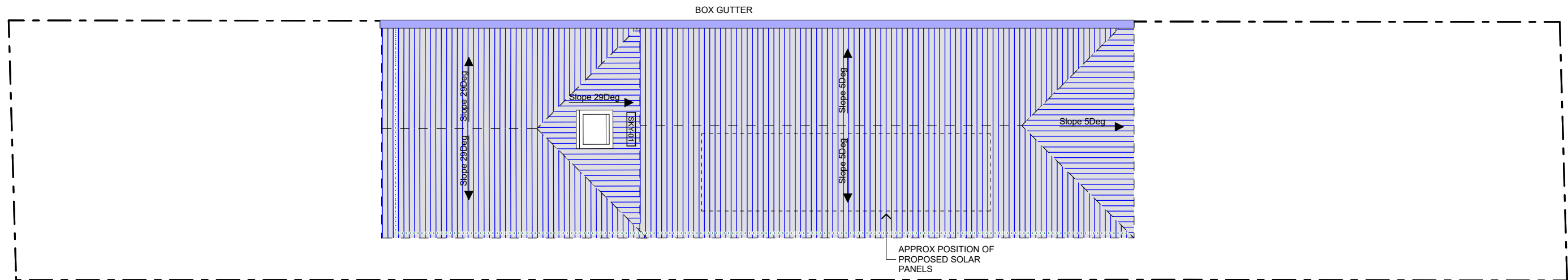


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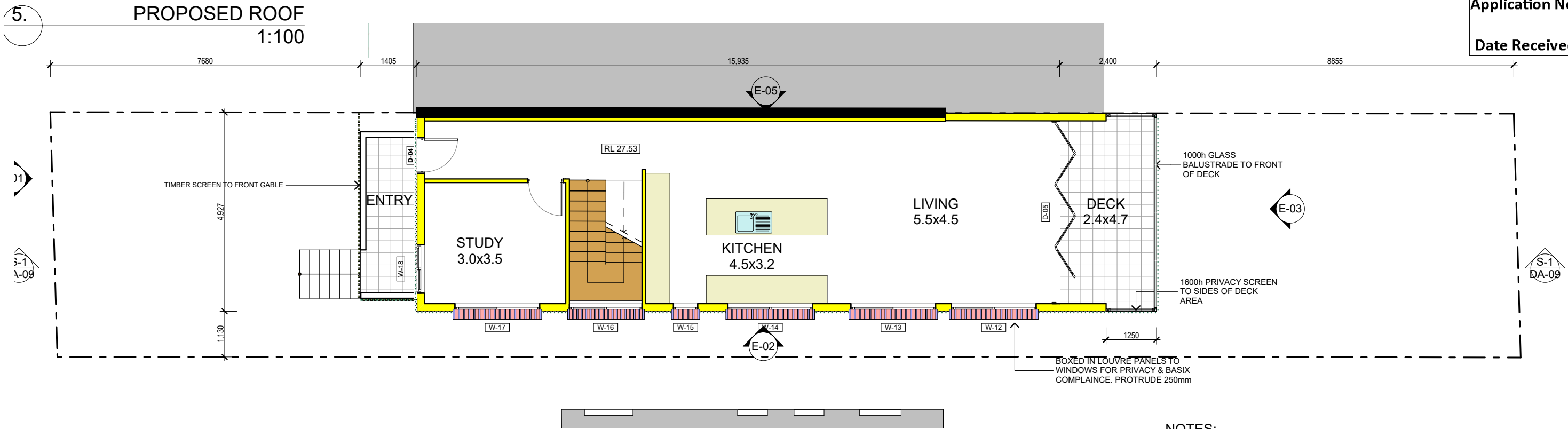
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Scale: 1:100	Dwg No: DA-04	Issue: A
Drn By: NS		

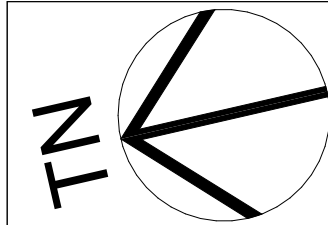
AMENDED PLANS



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Waverley Council
Application No: DA-562/2021
Date Received: 02/02/2022



- NOTES;
- MIN 100mm THICK FOIL BACKED INSULATION BLANKET TO ROOF.
 - LIGHT COLOURED ROOF (SOLAR ABSORPTANCE <0.475)
 - MIN 50mm THICK INSULATED PANEL WALL CLADDING
 - MIN 60/60/60 FRL TO COMMON WALL TO UNSIDE OF ROOF SHEETING
 - MIN 40% OF NEW LIGHTS TO BE LED
 - NEW TAPS TO BE MIN 3 STAR



PROPOSED ALTERATIONS & ADDITIONS TO
RESIDENCE

16 NARELLE ST, NORTH BONDI
A. PIPERKOS & V. JUBB

DEVELOPMENT APPLICATION
FIRST & ROOF PLANS

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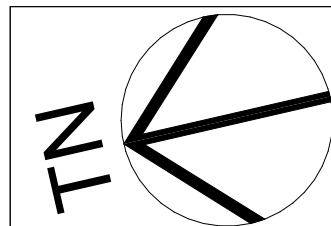
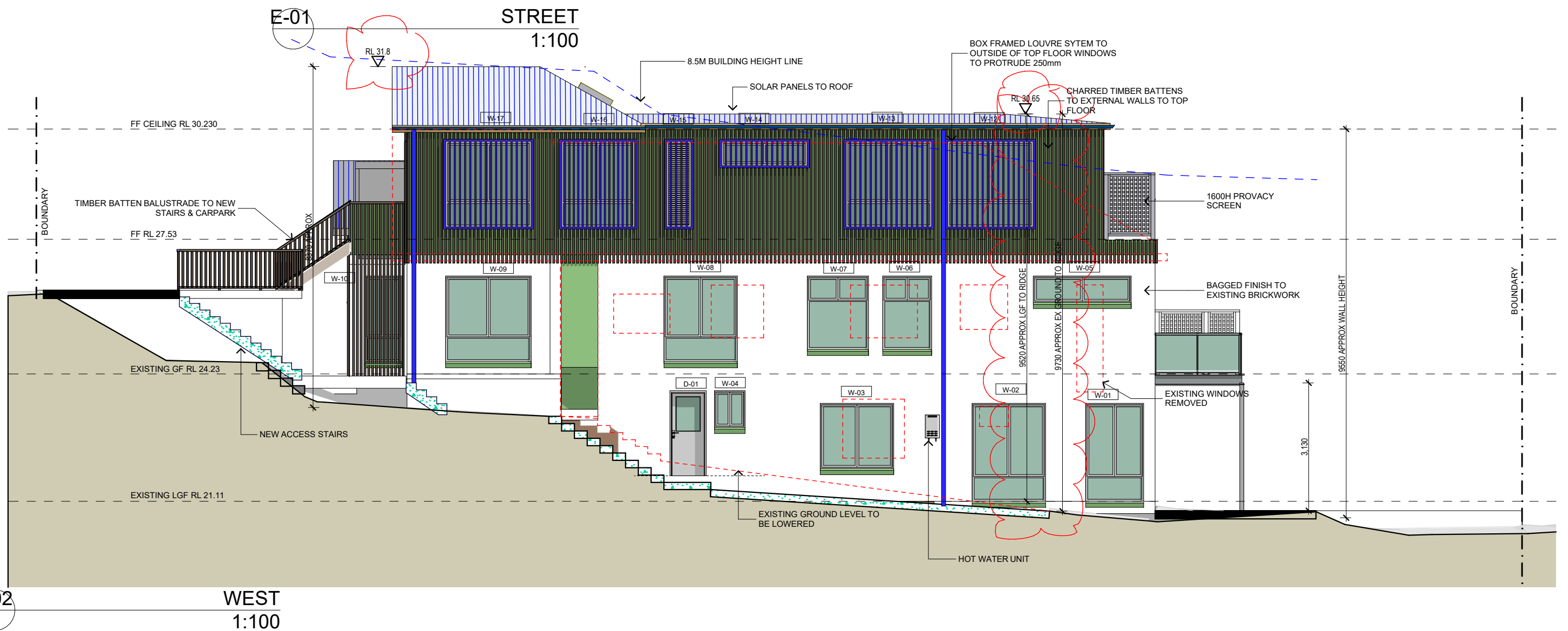
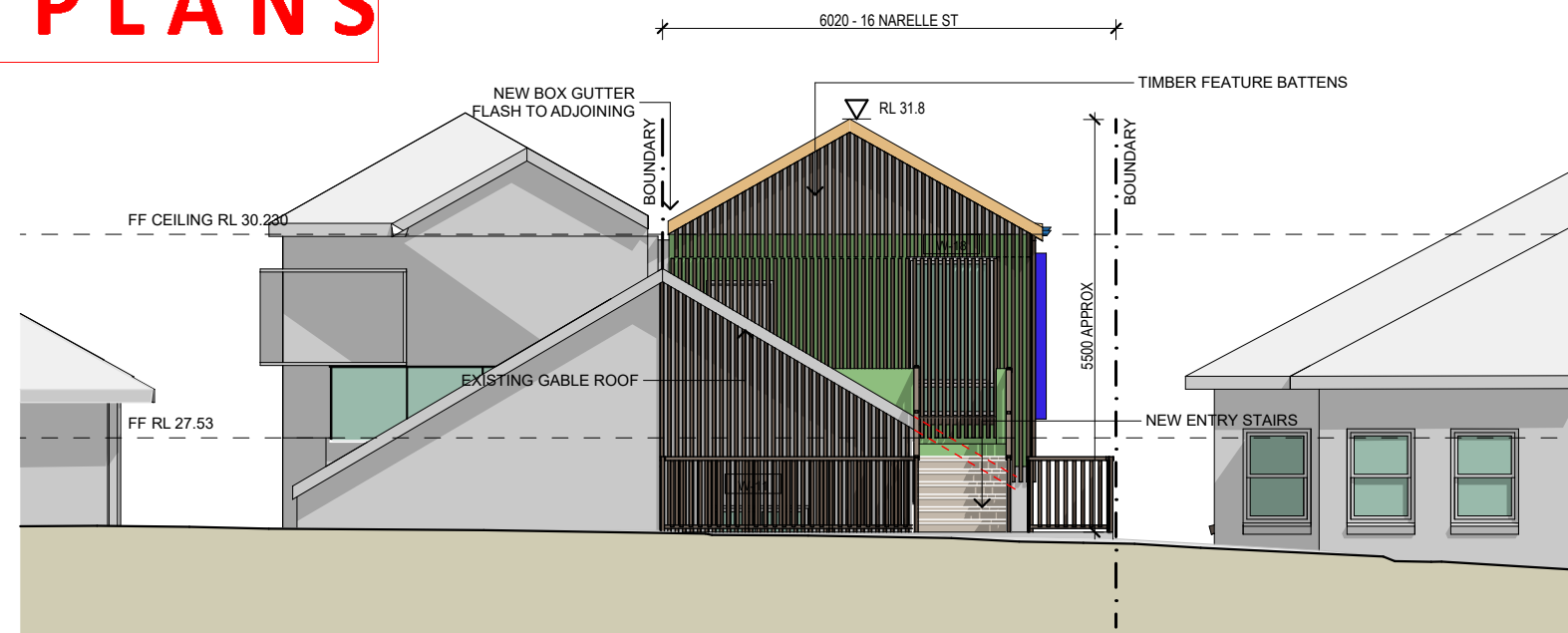
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Drn By: NS	Issue: A

AMENDED PLANS

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PROPOSED ALTERATIONS & ADDITIONS TO
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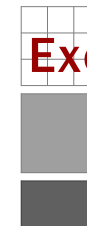
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DEVELOPMENT APPLICATION
ELEVATIONS 1

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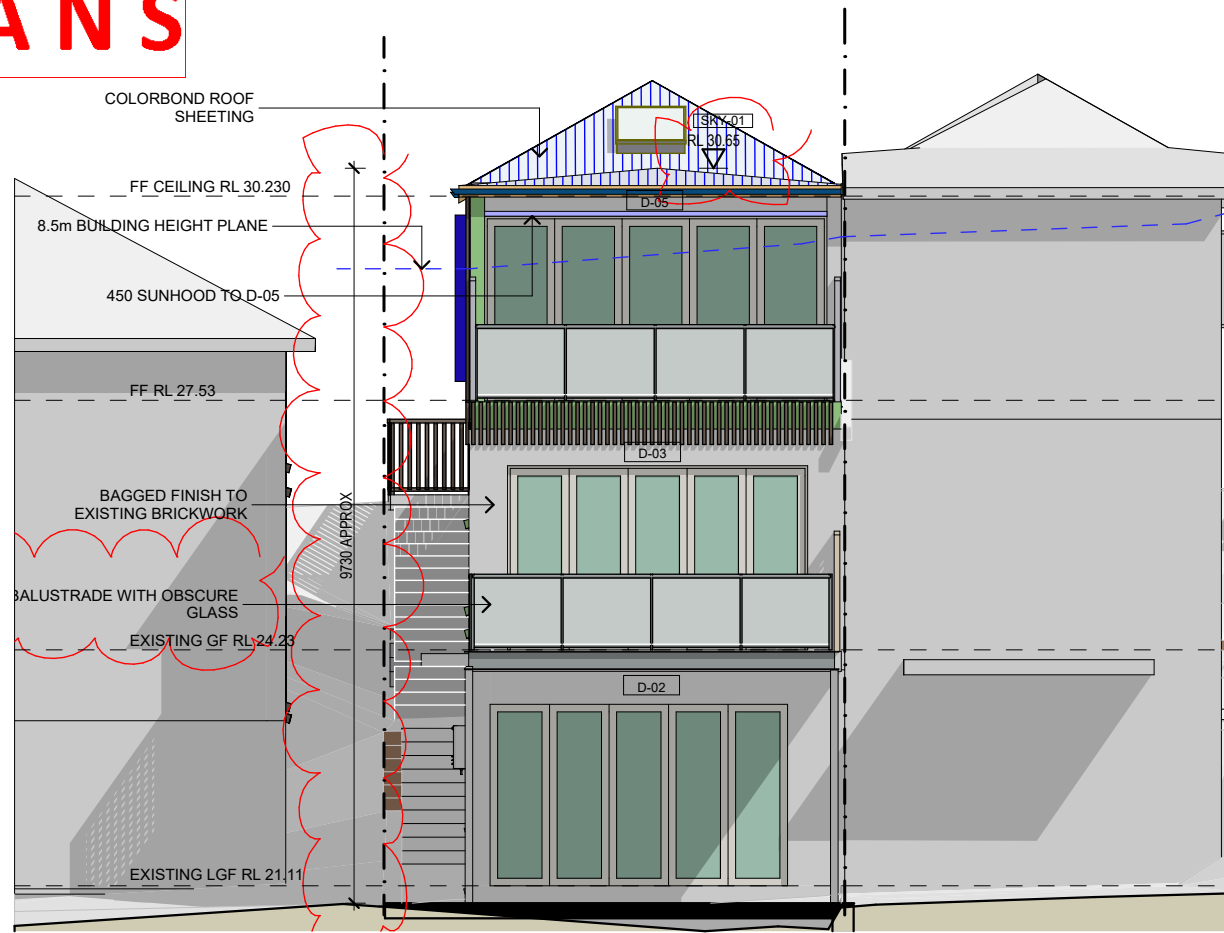
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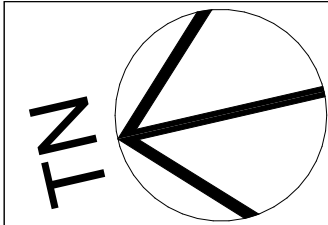
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Scale: 1:100	Dwg No: DA-06	Issue: A
Drn By: NS		



E-03 South
1:100



PROPOSED ALTERATIONS & ADDITIONS TO
RESIDENCE

16 NARELLE ST, NORTH BONDI
A. PIPERKOS & V. JUBB

DEVELOPMENT APPLICATION
ELEVATIONS 2

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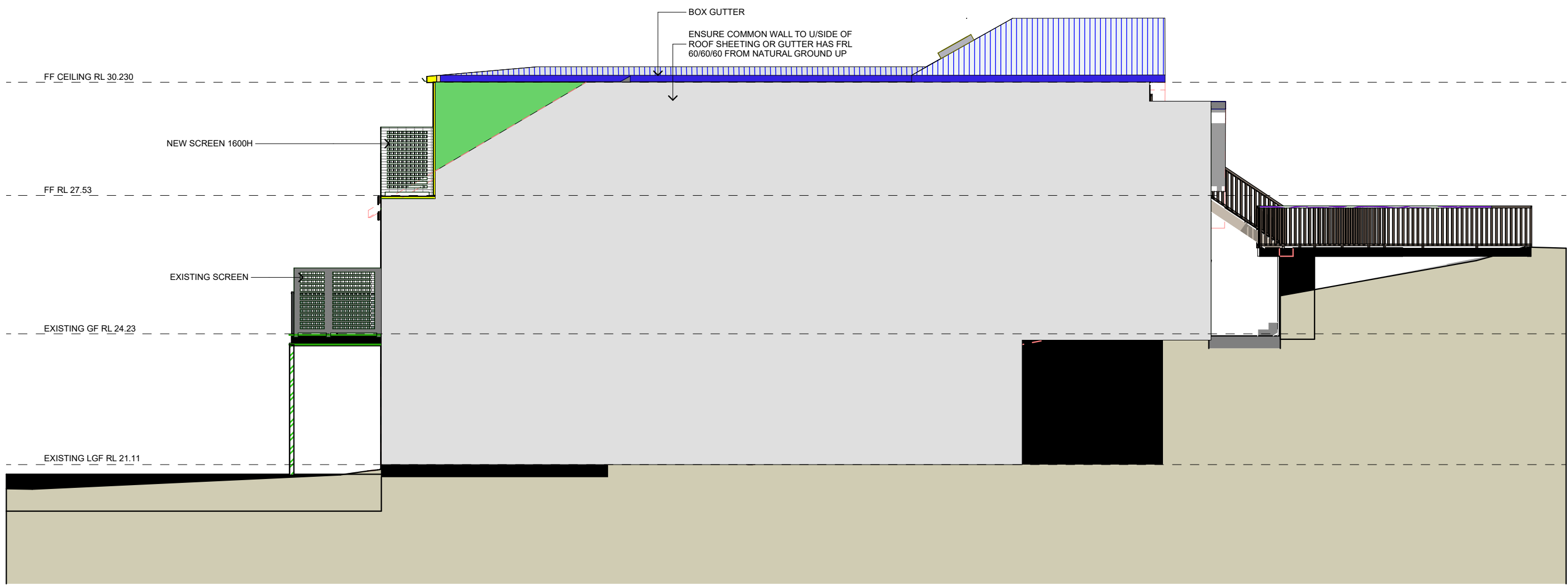
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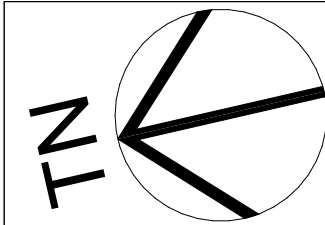
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Date: 24/01/2022	Job No: 19101	
Scale: 1:100	Dwg No: DA-07	Issue: A
Drn By: NS		



E-05 EAST
1:100



PROPOSED ALTERATIONS & ADDITIONS TO
RESIDENCE

I 6 NARELLE ST, NORTH BONDI
A. PIPERKOS & V. JUBB

DEVELOPMENT APPLICATION
ELEVATIONS 3

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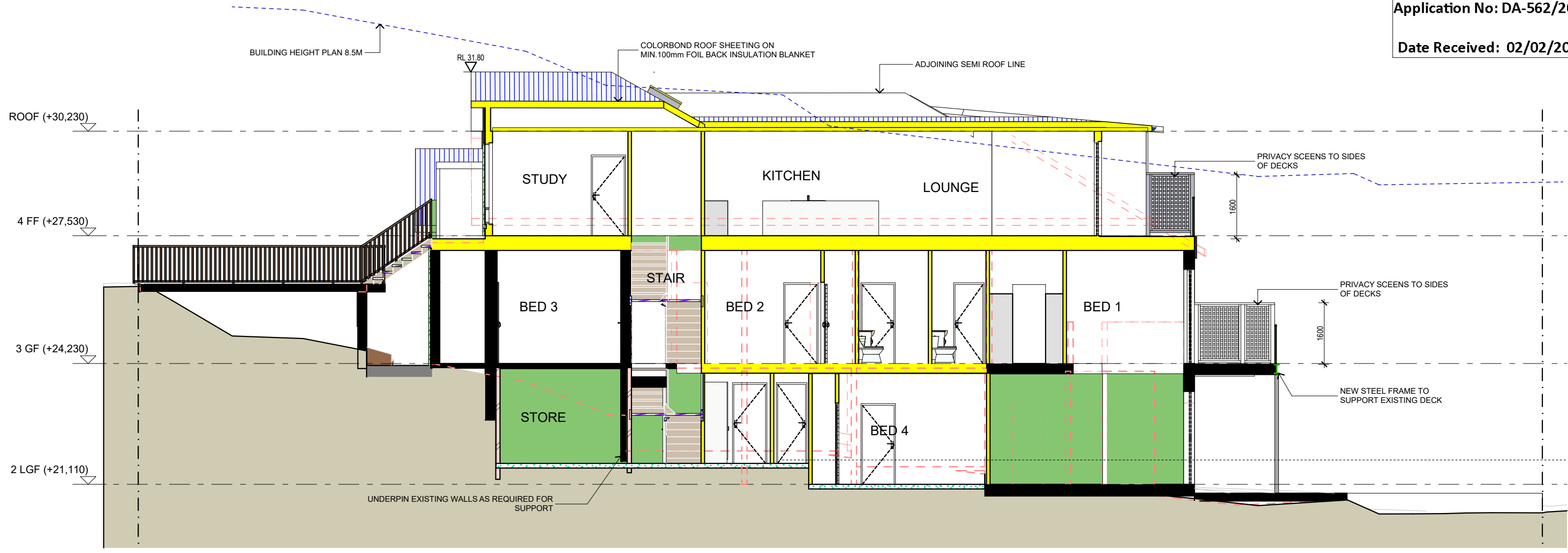
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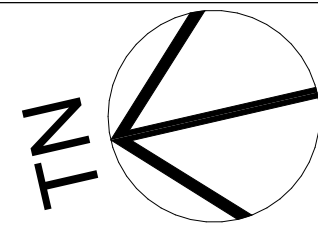
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Scale: 1:100	Dwg No:	Issue:
Drn By: NS	DA-08	A

AMENDED PLANS

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Waverley Council
Application No: DA-562/2021
Date Received: 02/02/2022



S-1 Section 1
1:100




PROPOSED ALTERATIONS & ADDITIONS TO RESIDENCE

16 NARELLE ST, NORTH BONDI
A. PIPERKOS & V. JUBB

DEVELOPMENT APPLICATION SECTION

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Date: 24/01/2022	Job No: 19101	Issue: A
Scale: 1:100	Dwg No: DA-09	
Drn By: NS		

Window Types

ID	D-01	D-02	D-03	D-04	D-05	SKY-01	W-01	W-02	W-03	W-04	W-05
View from Outside											
Nominal W x H Size	820×2,040	3,935×2,400	3,900×2,400	820×2,040	4,459×2,400	---	1,422×2,400	1,800×2,400	1,800×1,600	750×900	2,400×650
Unit Size	---	---	---	---	---	900×900	---	---	---	---	---
Notes						Aluminium framed clear glass				Obscure glass	

Window Types

ID	W-06	W-07	W-08	W-09	W-10	W-11	W-12	W-13	W-14	W-15	W-16	W-17	W-18
View from Outside													
Nominal W x H Size	1,200×1,800	1,500×1,800	1,800×2,100	2,100×2,100	900×2,100	1,382×600	2,100×2,100	2,100×2,100	2,100×600	600×2,100	1,800×2,100	2,100×2,100	1,200×2,100
Unit Size	---	---	---	---	---	---	---	---	---	---	---	---	---
Notes	Obscure glass. Refer BCA for wet area	Obscure Glass. Refer BCA for wet area								Louvre Window			

ALL EXTERNAL WINDOWS & BIFOLD DOORS TO BE ALUMINUM FRAMED.
WINDOWS TO BE LOCKABLE AT 125 OPENING FOR CHILD SAFETY
FIRST FLOOR WESTERN WINDOWS TO HAVE EXTERNAL FIXED LOUVRES

Window / door no.	Orientation	Area of glass inc. frame (m2)	Height (m)	Distance (m)	Shading device	Frame and glass type
W01	W	3.4	8	2	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W02	W	4.3	8	2	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W03	W	2.9	7	2.3	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W04	W	0.68	6	2.3	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W05	W	1.56	4	2	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W06	W	2.2	4	2.3	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W07	W	2.7	4	2.3	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W08	W	3.8	4.5	2.3	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W09	W	4.4	4	2	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W10	W	1.9	0	0	external louvre/blind (fixed)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W11	N	0.8	0	0	external louvre/blind (fixed)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing		Shading device	Frame and glass type
			Height (m)	Distance (m)		
W12	W	4.4	0	0	external louvre/blind (fixed)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W13	W	4.4	2	4	external louvre/blind (fixed)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W14	W	1.26	0.4	4	external louvre/blind (fixed)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W15	W	1.26	2	4	external louvre/blind (fixed)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W16	W	3.8	2	4	external louvre/blind (fixed)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W17	W	4.4	0	0	external louvre/blind (fixed)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W18	N	2.5	0	0	external louvre/blind (fixed)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
D01	W	0.8	6	2.3	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
D02	S	9.4	0	0	projection/height above sill ratio >=0.43	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
D03	S	9.35	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
D05	S	10.7	0	0	projection/height above sill ratio >=0.29	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
Glazed roof number		Area of glazing (m2)	Shading device			Glass type
SKY-01		0.8	no shading			standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

PROPOSED ALTERATIONS & ADDITIONS TO RESIDENCE

I 6 NARELLE ST, NORTH BONDI
A. PIPERKOS & V. JUBB

DEVELOPMENT APPLICATION DOOR & WINDOW SCHEDULE

BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA

ACCREDITATION NUMBER: 6349

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Date: 24/01/2022

Scale: 1:1

Drn By: NS

Job No: 19101

Dwg No: DA-10

Issue: A