



DATE: 22 February 2023

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

12.00PM WEDNESDAY, 22 FEBRUARY 2023

QUORUM: Three Panel members.

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

AGENDA

WLPP-2302

Apologies

WLPP-2302.DI

Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-2302.1

Page 5

50 Gilbert Street, DOVER HEIGHTS NSW 2030 - Modification to increase the height and floor space of the dual occupancies, alter internal layout, pool size and location, windows, enclosure of rear balcony, enlargement of terraces, excavation, and various other alteration. (DA-289/2021)

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

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

WLPP-2302.2

Page 49

16 Rawson Avenue, Queens Park, NSW 2022 - Modification to increase the height and floor space of the dual occupancies, alter internal layout, pool size and location, windows, enclosure of rear balcony, enlargement of terraces, excavation and various other alteration. (DA- 296/2022)

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

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

WLPP-2302.3

Page 87

11 Pembroke Street, Bronte, NSW 2024 - Alterations to extend existing attic space to unit 1. (DA-417/2022)

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

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

WLPP-2302.4**Page 128**

446 Bronte Road, BRONTE NSW 2024 - Alterations and additions to dwelling house including extension of carport. (DA-288 2022)

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

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

WLPP-2302.5**Page 162**

32 Gardyne Street, BRONTE NSW 2024 - Alterations and additions to dwelling house including second floor addition and balconies. (DA-375/2022)

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

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

WLPP-2302.6**Page 218**

301 Bondi Road, BONDI NSW 2026 - Installation of 3 x car stackers to existing residential flat building accessed from Glen Street. (DA-392/2022)

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

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

WLPP-2302.7**Page 250**

6/88 Beach Road, BONDI BEACH NSW 2026 - Alterations and additions to the upper level of Unit 6 to extend the existing top floor and provide solar panels on the roof. (DA-366/2022)

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

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

WLPP-2302.8

Page 287

12 Princess Street, ROSE BAY NSW 2029 Modifications to approved dual occupancy, including extension of basement, ground and first floor levels. (DA-462/2021/A)

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

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

WLPP-2302.9

Page 346

100 Francis Street, BONDI BEACH NSW 2026 - Alterations and additions to dwelling including new first floor addition. (DA-334/2022)

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

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

WLPP-2302.10

Page 404

124-126 Campbell Parade, BONDI BEACH NSW 2026 - Modification to basement levels, unit layouts, unit amalgamation and change of roof, including increase to overall building height. (DA-323/2019)

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

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

WLPP-2302.11

Page 544

15 & 17 O'Brien St Bondi Beach & 156 Glenayr Ave Bondi Beach - AMENDED: Demolition of existing buildings and construction of a new four storey mixed use shoptop housing development comprising basement parking , ground floor retail tenancies and 14 residential units. (DA-83/2022)

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

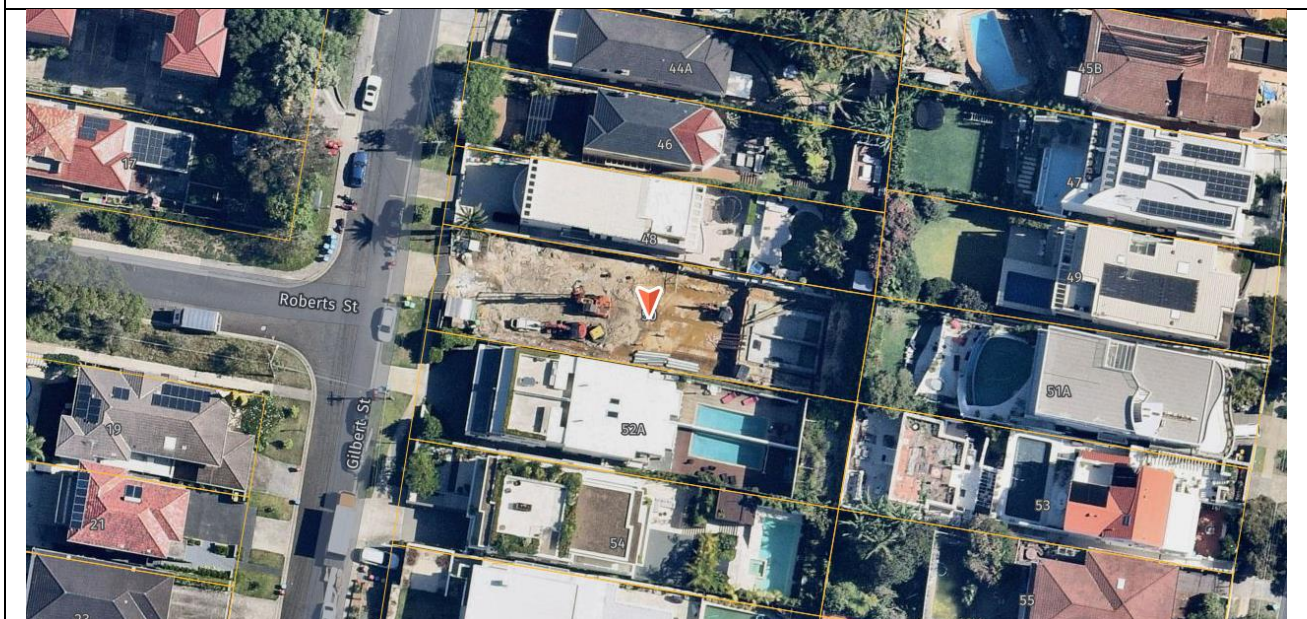
Council Recommendation: That the application be APPROVED in accordance with the conditions contained in the report



Report to the Waverley Local Planning Panel

Application number	DA-289/2021/A
Site address	50 Gilbert Street, Dover Heights
Proposal	Modification to increase the height and floor space of the dual occupancies, alter internal layout, pool size and location, windows, enclosure of rear balcony, enlargement of terraces, excavation and various other alteration.
Description of Approved Development	Demolition of the existing dual occupancy and construction of a three storey dual occupancy with integrated parking, roof top terrace, two swimming pools and Strata subdivision.
Date of lodgement	21 October 2022
Owner	Proprietors of Strata Plan 5848
Applicant	BJB Architects Pty Ltd
Submissions	Nil
Amended cost of works	\$2,795,188
Principal Issues	<ul style="list-style-type: none"> • Height and FSR development standards breach; • Overshadowing neighbour's windows; • Rear building line; and • Excavation.
Recommendation	That the application be REFUSED for the reasons contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The modification application seeks to modify development consent, known as DA-289/2021 for the demolition of the existing dual occupancy and construction of a three storey dual occupancy with integrated parking, roof top terrace, two swimming pools and Strata subdivision at the site known as 50 Gilbert Street, Dover Height. In summary, the proposed modifications are to increase the height and floor space of the approved dual occupancies, alter internal layout, pool size and location, windows, enclosure of rear balcony, enlargement of terraces, excavation and various other alteration.

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

- Height and Floor Space Ratio (FSR) development standards breach;
- Overshadowing neighbours windows;
- Rear building line; and
- Excavation.

The assessment finds these issues unacceptable as both the additional height and FSR results in adverse amenity impacts to surrounding properties and does not maintain solar access to the first floor windows of the dwelling located on the adjoining property. The changes to the rear building line and significant excavation to the rear yard do not respond well to site constraints. The modifications are not within the public interest and cannot be supported.

No submissions were received.

The application has been assessed against the relevant matters for consideration under section 4.55(2) the *Environmental Planning and Assessment Act 1979* and is recommended for approval subject refusal.

1.2. Site and Surrounding Locality

A site visit was carried out during the assessment of the original development application.

The site is identified as SP 5848, known as 50 Gilbert Street, Dover Heights and is located to the east of the intersection of Roberts Street and Gilbert Street.

The site is rectangular in shape with a western frontage to Gilbert Street measuring 13.47m and a site length measuring 54.3m. The lot has an area of 731.6m² and it falls from the rear boundary towards the front boundary by approximately 9.65m. The rear yard falls approximately 6.57m from the rear boundary to the back of the dwelling, making half of this area unusable. A sewage pipe runs along the length of the northern boundary.

The site was formerly occupied by a three storey brick dual occupancy with a single driveway entrance provided from Gilbert Street, splitting into two driveways on site to two garages located at ground floor level. The front yard is grassed with a mature palm tree located in the north western corner of the site.

The rear yard has a shared concrete terrace area covered with a canvas shade structure and steps lead up to a small timber shed, which is located in the yard which is overgrown with dense vegetation.

The site is adjoined by a dwelling and a dual occupancy on either side both with basement garages, swimming pools and roof terraces. The locality is characterised by a variety of low residential developments along the western side of Gilbert Street and medium residential developments along the eastern side of Gilbert Street.

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



Figure 1: Easterly view of the front façade of the subject site at 50 Gilbert Street.



Figure 2: South easterly view of the rear yard of the subject site.



Figure 3: North westerly view of the existing windows on 48 Gilbert Street.



Figure 4: South westerly view of the existing windows on 52 Gilbert Street.



Figure 5: Easterly view of the front façade of 52 Gilbert Street, the neighbouring dual occupancy located to the south.

1.3. Details of Approved Development

The original development application, known as DA-289/2021 for the demolition of the existing dual occupancy and construction of a three storey dual occupancy with integrated parking, roof top terrace, two swimming pools and Strata subdivision, was approved on 8 December 2021 by the Waverley Local Planning Panel. Demolition of all the buildings has commenced.

There are no particular conditions from the development consent which have direct relevance to this modification application.

1.4. Proposal

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

Lower Ground Floor:

- New internal reconfiguration, relocating the laundry on the lower ground floor and extended plant room to both dwellings;

Ground Floor Plan:

- A new pantry to replace the laundry location to both dwellings;

First Floor:

- The enclosure of the rear balcony on the first floor, allowing for bedroom extension and the addition of a new ensuite to both dwellings;
- Extension of the master bedroom with the new ensuite layout;
- Alterations and removal of windows, resulting in a west-east orientated development;
- Alteration to the floor to ceiling height on the first floor, from 2.60m to 2.70m. Overall building height increase of 0.35m;

External:

- Redesign of the private open space, involving excavation works and including enlargement of the terraces, a minor decrease of the landscaped area, and revised pool size and location;
- Alterations to path and stairs to facilitate entry to laundry door on House A; and
- Landscaping works to rear yard and first floor.

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

For section 4.55(2) – Other impact

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 no submissions were received. The issues and matters raised in public submissions are discussed in section 2.3.4 of this report.

2.2. Evaluation of Matters for Consideration under Section 4.15

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

2.2.1. Planning Instruments and Development Control Plans

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

State Environmental Planning Policies (SEPPs)

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

- SEPP (Building Sustainability Index – BASIX) 2004

Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The land use definition of the approved development as a dual occupancy remains unchanged and continues to be permitted development in the R2 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 are non-compliant for the reasons discussed below.

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	The approved development has a maximum height of 9.6m, representing a variation of 1.15m (13.53%) from the height standard.	The modification proposes a maximum height of 9.954m, an increase of 0.35m. This results in a variation of 1.45m (17.1%) from the height standard.	No
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none">0.5:1 (365.8m²)	The approved dual occupancy provides a GFA of 395m ² , consequently having an FSR of 0.54:1, which represents a 7.98% variation to the FSR development standard.	The modified dual occupancy proposes a GFA of 433.4m ² , with an FSR of 0.592:1, which represents a 18.4% variation to the FSR development standard.	No
6.2 Earthworks	The development largely follows the natural sloping topography of the site and minor earthworks are proposed towards the front and middle area of the site for the basement parking.	The rear pools, decks and surrounding landscaping are proposed to be lowered by 0.9m to 2.35m. This allows the rear yard to be kept on the same level as the rear terrace which will result in significant excavation to the sloping yard. The extent of the excavation is not clearly shown by the applicant. No geotechnical report has been submitted.	No

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

Height of Buildings

The proposed modifications result in a net increase of building height of 0.35m, resulting in an overall building height of 9.954m. This culminates in an overall exceedance of the height of buildings development standard by 1.45m or 17.1%. The net increase of building height due to the proposed modifications represents 3.57% of the overall exceedance of the standard.

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

- (a) to ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*
- (c) to maintain satisfactory solar access to existing buildings and public areas,*
- (d) to establish building heights that are consistent with the desired future character of the locality.*

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

- The proposal involves an adjustment to the floor to ceiling height on the first level from 2.6m to 2.7m, resulting in an overall building height increase of 0.35m to the glass balustrade of the roof terrace. Notably, the additional height breach relates to a lightweight architectural element, being the roof slab portion above the height limit and the well recessed transparent balustrades. The additional height non-compliance will not cause any adverse environmental impacts to the adjoining properties.*
- The proposed modifications are considered minor as they do not substantially add to the height of the development or result in a significant increase in FSR, nor do they generate any additional adverse or unreasonable external amenity impacts beyond what was originally approved. It is considered that this proposal represents a superior outcome by improving the practicality and amenity of each dwelling.*
- The proposed built form will remain as a high quality addition to this particular character of Gilbert Street which contains ground level garaging with 2 habitable levels above. The proposed height, bulk and scale will remain as contributory to the streetscape of Gilbert Street and local character in this part of Dover Heights.*
- The proposed modifications do not generate any adverse or unreasonable streetscape, visual bulk, or amenity impacts. There will be no additional adverse external amenity impacts associated with the modifications, including no adverse overshadowing, visual or acoustic privacy, visual bulk, or view loss, above and beyond that already approved.*

Planner's comment: The Architectural plans are misleading as the floor to ceiling height differs from 2.7m in Section A – Part A and 2.9m in Section B (see **Figure 7**), which would explain the 0.3m increase to the overall building height. The applicant has argued the height increase responds to market expectations which is not a sufficient planning argument in justifying contravening the development standard. The subject site is located in the lowest part of the eastern side of Gilbert Street and is naturally lower than the neighbouring dwellings.

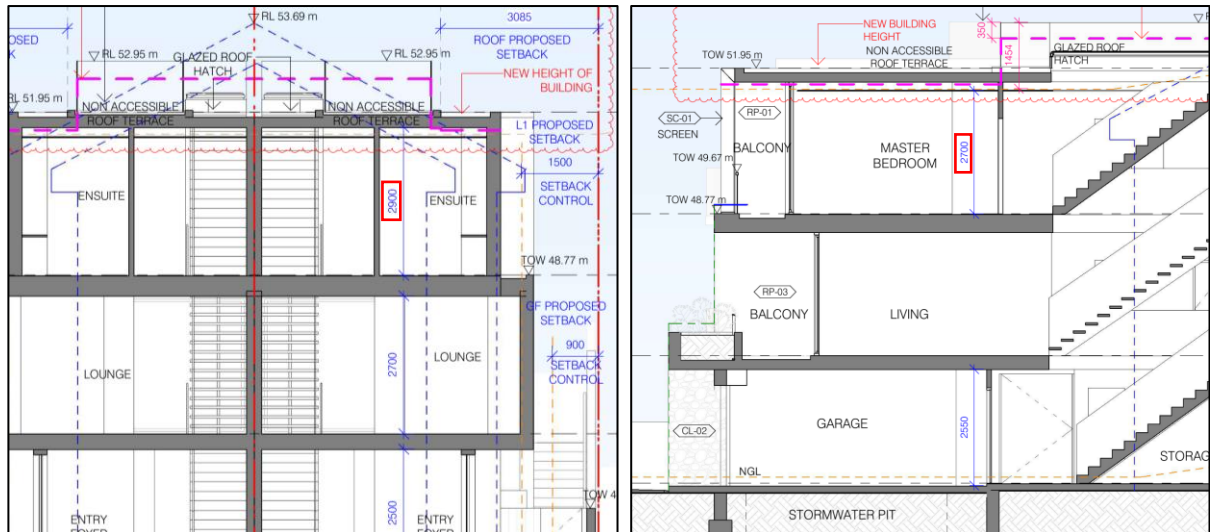


Figure 6: Section A – Part A and Section B through the building showing different floor to ceiling heights of the approved development, as proposed to be modified

The approved height is 9.6m and was supported on the basis that it reasonably maintained solar access into adjoining properties. Amendments to the plans in the original DA ensured that the edge of the roof parapet was set at RL51.60 to allow sufficient sunlight into all the first floor windows to 52 Gilbert Street at 9am. The increased height causes the edge of the roof to overshadow 3 of the 6 neighbours' windows, as clearly demonstrated by the 9am sun's eye diagrams below (see Figures 8 and 9). The modified plans do not preserve the environmental amenity of neighbouring properties and result in unreasonable impacts. The applicant's justification fails to address each of the objectives of the height of building development standard and the application is recommended for refusal.

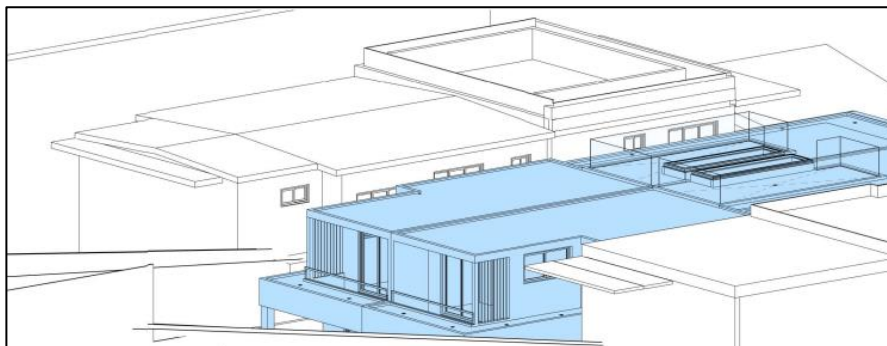


Figure 7: Approved 9am sun's eye diagram maintaining solar access to windows at 52 Gilbert St.

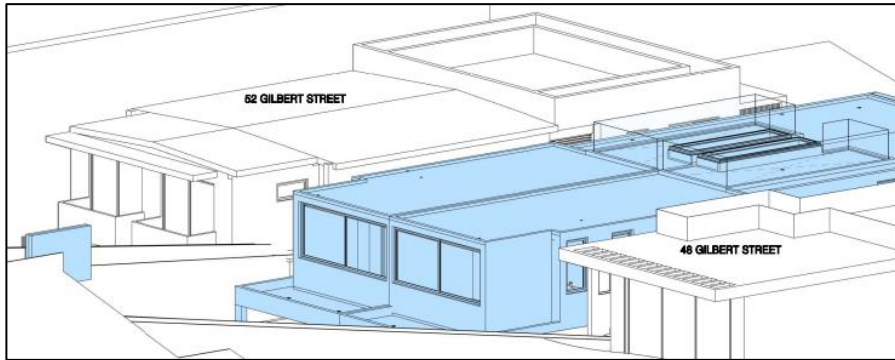


Figure 8: Proposed 9am sun's eye diagram overshadowing 52 Gilbert St.

The approved development, as proposed to be modified, will not achieve and be inconsistent with the relevant objectives of the height of buildings development standard. Therefore, the net exceedance is deemed unacceptable and is not supported.

Floor Space Ratio (FSR)

The proposed modifications result in a net increase of gross floor area (GFA) of 39.4m², resulting in an overall FSR of 0.592:1 (433.4m²). This culminates in an overall exceedance of the FSR development standard by 67.6m² or 18.4%. The net increase of FSR due to the proposed modifications represents 10.42% 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 updated plans include recalculated GFA diagrams which include the lift once and 2 of the 3 staircases. The updated FSR is now 0.592:1. The proposed FSR is considered to be acceptable as the built form remains compatible with the established form and character of housing in this section of Gilbert Street (ie. garage with 2 levels above plus roof terraces). The proposed extension of GFA towards the rear remains a substantial distance from the rear boundary whilst also remaining compatible with the rear alignment of both adjoining properties. The extension of the built form towards the rear has no adverse visual bulk or amenity impacts upon the rear neighbours given they are substantially elevated and separated from the subject site.*

- *The majority of the proposed increase in gross floor area relates to extending the front and rear bedrooms by enclosing the rear balcony on the first floor, allowing for a new ensuite. The slightly reduced balcony dimension at the front will retain articulation and retains the character of the streetscape presentation. The image on the front of the plans confirms that the modification will generate any inconsistency with the original design intent whilst also remaining compatible with the developed properties on either side.*
- *The additions at the rear improve amenity for the bedrooms and do not generate any adverse visual bulk or shadow impacts to the neighbours on either side. There are no visual bulk or amenity impacts to the rear as the dwellings to the rear/east are substantially elevated above the subject site and look out and over the built form. The rear alignment is consistent and compatible with other built forms along this section of Gilbert Street.*
- *The proposal remains within a low density residential environment as determined by the substantial front and rear setbacks and extensive landscaped areas. The additional floor space is sited towards the rear and is not evident from the public domain whilst the slight increase to the main bedrooms will not discernibly alter the streetscape presentation to Gilbert Street.*
- *The proposed built form will remain as a high quality addition to this particular character of Gilbert Street which contains ground level garaging with 2 habitable levels above. The proposed height, bulk and scale will remain as contributory to the streetscape of Gilbert Street and local character in this part of Dover Heights.*
- *There is no intensification of land use as there is no significant increase in floor space, and the proposal maintains the number of bedrooms as approved. A minor increase in floor space has been proposed in order to make necessary internal amenity improvements. However, this remains appropriate for the site.*

Planner's comment: The proposed development substantially increases the building envelope on first floor level and the additional southern side ensuite to the rear bedroom results in additional overshadowing as demonstrated in the sun's eye diagrams. This modification results in adverse amenity impacts to surrounding properties and therefore does not meet the objectives of both development standards. The applicant's justification fails to address the FSR objectives.

While the originally approved development exceeded the FSR development standard, the extent of the exceedance was supported as the building envelope of the approved development was deemed contextually appropriate and satisfactory in relation to considerations under clause 4.6 of the LEP. The discernible increase of the building envelope of the approved development, as proposed to be modified, particularly the first floor extension, is deemed to be inappropriate. The cumulative extent of the FSR development standard exceedance represent a complete overdevelopment of the site and is at odds with the objectives of the FSR development standard, particularly as it does not adequately preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality. The application is recommended for refusal partly due to this matter.

The approved development, as proposed to be modified, will not achieve and be inconsistent with the relevant objectives of the FSR development standard. Therefore, the net exceedance is deemed unacceptable and is not 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
6. Stormwater	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
12. Design Excellence	No	The dual occupancy is relatively unchanged from the front façade, however the modifications to the rear of the site on the first floor do not promote a good site specific design and results in adverse amenity impacts.
13. Excavation	No	The rear pools, decks and surrounding landscaping are proposed to be lowered 0.9m-2.35m to be kept the rear yard on the same level as the rear terrace which will result in significant excavation to the sloping yard. The extent of the excavation is not clearly shown by the applicant.

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

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none"> Appropriate scale Does not detract from amenity of other dwellings or view corridors 	No	The proposal contravenes all general objectives of this part of the DCP.
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> Maximum wall height of 7.5m 	No	A maximum 9.3m wall height is proposed on the southern elevation, which is due to the significant slope of the site. The excessive wall height will result in unreasonable overshadowing and streetscape impacts.
2.2 Setbacks		
2.2.1 Front and rear building lines		The rear terraces have extended 1m into the rear setback, which is 1.7m past the predominant rear

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	<p>No</p> <p>Yes</p> <p>Yes</p>	<p>building line shown in the orange dotted line on the ground floor plan. This structure extends past the neighbouring buildings and is not supported.</p> <p>The first floor front building line is extended 0.5m forward and is in line with the predominant building line.</p> <p>The rear first building line is preserve as the approve balcony is infilled.</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. 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The modifications maintain the approved contemporary development.</p> <p>The new window proportions along the north and south elevation are acceptable.</p> <p>Existing vegetation is retained, where possible, and the landscape plan submitted demonstrates extensive planting across the site and through planter boxes at ground and first floor.</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 	<p>No</p>	<p>The modified windows along both the northern and southern elevations at ground and first floor levels, still directly face an existing window on neighbour's property and have not been appropriately screened.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	<p>Yes</p> <p>No</p> <p>No</p>	<p>The dwellings maintain three hours of sunlight to living and principal open space.</p> <p>Amendments to the plans in the original DA ensured that the edge of the roof parapet was set at RL51.60 to allow sufficient sunlight into all the first floor windows to 52 Gilbert Street at 9am. The increased height causes the edge of the roof to overshadow 3 of the 6 neighbours windows, as clearly demonstrated by the 9am suns eye diagrams. The modified plans do not preserve the environmental amenity of neighbouring properties and result in unreasonable impacts.</p>

Development Control	Compliance	Comment
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area 	<p>Yes</p> <p>Yes</p>	<p>No change to the open space area at 64%.</p> <p>Additional landscaping at 34% (254.4m²) of the total site area is proposed as landscaped area.</p>
2.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property 	Yes	The swimming pools are still located in the rear yard but the coping level is lowered from RL46.55 to RL45.65.

2.2.2. 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.

2.2.3. 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 11 November 2022 and 29 November 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

No submissions were received.

2.2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Stormwater

As per Council's Water Management Technical Manual (WMTM), Council will not approve the construction of any new structures (including habitable dwellings, eaves and balconies, garages, impervious fences, swimming pools and retaining walls) over an existing below ground drainage system or within the confines of an easement. Where any structure is proposed to be built over Council's below ground drainage system or within the confines of the required drainage easement, details are to be provided to Council's satisfaction prior to a construction certificate being issued.

3.2. Tree Management

No tree comments were received during the assessment period.

4. CONCLUSION

The modification application seeks to modify development consent, known as DA-289/2021 for the demolition of the existing dual occupancy and construction of a three storey dual occupancy with integrated parking, roof top terrace, two swimming pools and Strata subdivision at the site known as 50 Gilbert Street, Dover Height. In summary, the proposed modifications are to increase the height and floor space of the dual occupancies, alter internal layout, pool size and location, windows, enclosure of rear balcony, enlargement of terraces, excavation and various other alteration.

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

- Height and FSR development standards breach;
- Overshadowing neighbours windows;
- Rear building line; and
- Excavation.

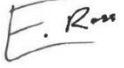
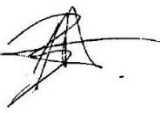
The assessment finds these issues unacceptable as both the additional height and FSR results in adverse amenity impacts to surrounding properties and does not maintain solar access to the first floor windows located on the adjoining property. The changes to the rear building line and significant excavation to the rear yard do not respond well to the site constraints. The modifications are not within the public interest and cannot be supported.

No submissions were received.

The application has been assessed against relevant sections of the Act and is recommended for refusal.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the modification application be REFUSED by the Waverley Local Planning Panel for the reasons contained in Appendix A.

Report prepared by:	Application reviewed by:
	
Edwina Ross	Ben Magistrale
Development Assessment Planner	Manager, Development Assessment (Area 2)
Date: 3/02/2023	Date: 7 February 2023

Reason for WLPP referral:

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

1. Departure from any development standard in an EPI by more than 10% and original application was determined by the WLPP.

APPENDIX A – REASONS FOR REFUSAL

Having regard to sections 4.15(1) and 4.55(2) of the *Environmental Planning and Assessment Act 1979* (the Act), the modification application is refused for the following reasons:

1. The proposal does not satisfy the objectives of the Act, as stipulated in section 1.3 (g), because the proposal does not promote good design and amenity of the built environment.
2. The proposal does not satisfy section 4.15 (1)(a)(i) of the Act, as the proposal does not satisfy the Waverley Local Environmental Plan (WLEP) 2012, in particular, the following provisions:
 - a. Clause 4.3(1)(a) and (d) of WLEP as the proposal will exceed the maximum height of buildings development standard permitted for the site and will consequently result in unacceptable impacts on neighbouring properties and the streetscape and public spaces. The modification application fails to consider and address the implications of the non-compliance of the height of buildings development standard in terms of its associated environmental impact and consistency or performance with the objectives of the development standard.
 - b. Clause 4.4(1)(b) to (d) and (2) of WLEP as the proposal will exceed the maximum floor space ratio (FSR) development standard permitted for the site, which represents an overdevelopment of the site. The application performs poorly against the relevant objectives of the FSR development standard and will consequently result in unacceptable impacts on neighbouring properties and the streetscape and public spaces.
3. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Act, as the proposal is contrary to Waverley Development Control Plan (WDCCP) 2012, in respect to the following provisions:

Part B14 – Excavation

- a. The proposal is contrary to control (d) as objectives (a), (b) and (c) under Part B14 of WDCCP as its net increase of volume of excavation is excessive and does not respect the natural and physical environment by failing to minimise site disturbance.

Part C2 – Low Density Residential Development

- a. The proposal is contrary to all the general objectives expressed under section 2.0.
- b. The proposal exceeds the maximum external wall height limit of 7m, which will result in unreasonable visual bulk, overshadowing and streetscape impacts. Therefore, it is contrary to control (a) and objectives (b) and (c) under section 2.1.
- c. The reduced rear setback of the ground floor level of the proposal does not comply with the predominant rear building line specified in control (a) under section 2.2.2 and is contrary to objectives (a), (b) and (c) under section 2.2.

- d. The amended windows to the northern and southern elevations continue to directly overlook existing neighbouring windows and does not comply with control (b) and objective (a) under section 2.5.
 - e. The increased floor space, overall building height and reduced southern side setback of the first floor level of the proposal is expected to result in unreasonable overshadowing impacts upon southern adjoining properties, contrary to control (c) and objectives (a) and (b) under section 2.6.
4. The proposal does not satisfy section 4.15 (1)(a)(iv) of the Act, as the application does not satisfy the *Environmental Planning and Assessment Regulation 2021*, as insufficient documentation has been provided to properly assess the application, including but not limited to:
- a. No proper justification on the further breach of the height of buildings and FSR development standards is provided in the written documentation, specifically no assessment is made against objectives of the height of buildings and FSR development standards.
5. The proposal does not satisfy section 4.15 (1)(b) of the Act, as the proposal will have an adverse environmental impact in the locality as it represents an overdevelopment of the subject site, is excessive in terms of bulk and scale, undesirable and unacceptable impact on the streetscape, and would adversely impact upon the amenity of the locality and surrounding built environment.
6. The proposal is contrary to 4.15 (1)(c) of the Act, as the development is excessive in building height, bulk and scale and is therefore considered unsuitable for the site.
7. The proposal is not considered to be in the public interest for the reasons outlined above, contrary to section 4.15 (1)(e) of the Act.

50 GILBERT STREET, DOVER HEIGHTS

S4.55(2) MODIFICATION TO APPROVED CONSENT NO. DA-289/2021

RECEIVED
Waverley Council

Application No: DA-289/2021/A

Date Received: 09/11/2022

DRAWING REGISTER

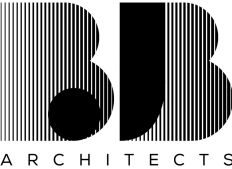
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2021-006 ~ A0001	E	03.11.2022	COVER SHEET
A1000 SITE PLAN			
2021-006 ~ A1001	E	03.11.2022	SITE ANALYSIS PLAN
2021-006 ~ A1002	E	03.11.2022	SITE PLAN
A1100 GA PLANS			
2021-006 A1101	E	03.11.2022	LOWER GROUND FLOOR- DRIVEWAY
2021-006 ~ A1102	E	03.11.2022	GROUND FLOOR PLAN
2021-006 ~ A1103	E	03.11.2022	FIRST FLOOR PLAN
2021-006 ~ A1104	E	03.11.2022	ROOF PLAN
A1200 SECTIONS			
2021-006 ~ A1201A	E	03.11.2022	SECTION A - PART A
2021-006 A1201B	E	03.11.2022	SECTION A - PART B
2021-006 ~ A1202	E	03.11.2022	SECTION B
2021-006 ~ A1203	E	03.11.2022	SECTION C
A1300 ELEVATIONS			
2021-006 ~ A1301	E	03.11.2022	WEST ELEVATION
2021-006 ~ A1302	E	03.11.2022	NORTH ELEVATION
2021-006 ~ A1303	E	03.11.2022	SOUTH ELEVATION
2021-006 ~ A1304	E	03.11.2022	EAST ELEVATION
A1400 CALCULATIONS			
2021-006 ~ A1401	E	03.11.2022	CALCULATIONS - FSR
2021-006 ~ A1402	E	03.11.2022	CALCULATIONS - OPEN AREA AND POS
2021-006 ~ A1403	E	03.11.2022	CALCULATIONS - LANDSCAPE

SUMMARY OF PROPOSED MODIFICATIONS

- BASEMENT LEVEL**
 - RELOCATING PLANT ROOM TO SIDE TO PROVIDE EXTERNAL ACCESS TO STORMWATER & RAINWATER TANK.
 - RELOCATE LAUNDRY ROOM TO THIS LEVEL.
 - ASSOCIATED OSD AND STORMWATER UPDATE TO STORMWATER ENGINEER'S DRAWINGS.
- GROUND LEVEL**
 - INTERNAL MODIFICATION CONSISTS OF KITCHEN LAYOUT WITH PANTRY, POWDER ROOM SHIFTED AND LAUNDRY MOVED TO BASEMENT.
 - REDUCTION IN NUMBER OF SIDE WINDOWS
 - MINOR INCREASE TO TERRACE AREA TO ALIGN WITH SIDE STAIR.
 - MODIFIED POOL AND DECK AREA
- LEVEL 1**
 - FRONT BALCONIES MODIFICATION TO SHIFT FORWARD AND SLIGHT INCREASE TO MASTER BEDROOM
 - REAR BEDROOM EXTENDED TO PREVIOUSLY APPROVED BALCONY, REMOVED BALCONY AND NEW ENSUITE.



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Nominated Architect:
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ISSUE	AMENDMENT	DATE
A	DRAFT S4.55	08.04.2022
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C	DRAFT S4.55	22.04.2022
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PROJECT

50 GILBERT STREET, DOVER HEIGHTS

S4.55(2) MODIFICATION TO APPROVED CONSENT NO. DA-289/2021

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COVER SHEET

DATE: 03.11.2022

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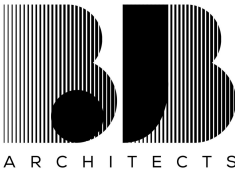
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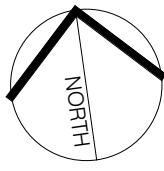
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PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

S4.55(2) MODIFICATION TO APPROVED
CONSENT NO. DA-289/2021

R.N

SITE ANALYSIS PLAN

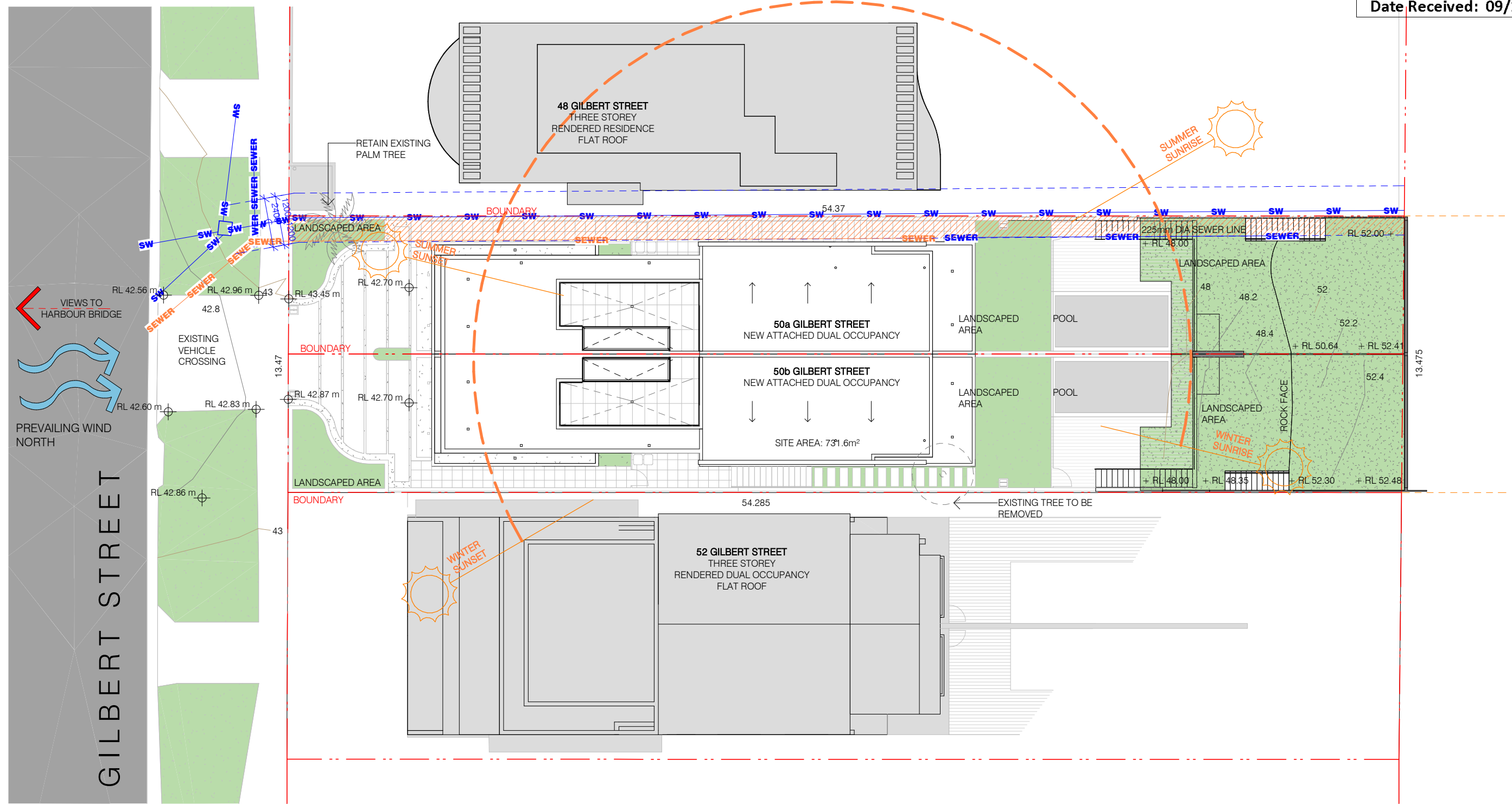
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ISSUE: E - REVISION AS PER RFI #1

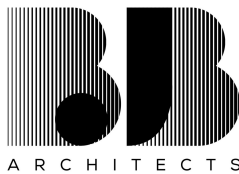
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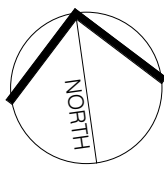
BJB Architects Pty Ltd
Nominated Architect:
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LEGEND

SW STORMWATER LINE

--- OUTLINE OF EXISTING
BUILDING STRUCTURE
--- EXTENT OF DRAINAGE
EASEMENT SUBJECT TO
DA CONDITION

NORTH



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PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

S4.55(2) MODIFICATION TO APPROVED
CONSENT NO. DA-289/2021

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SITE PLAN

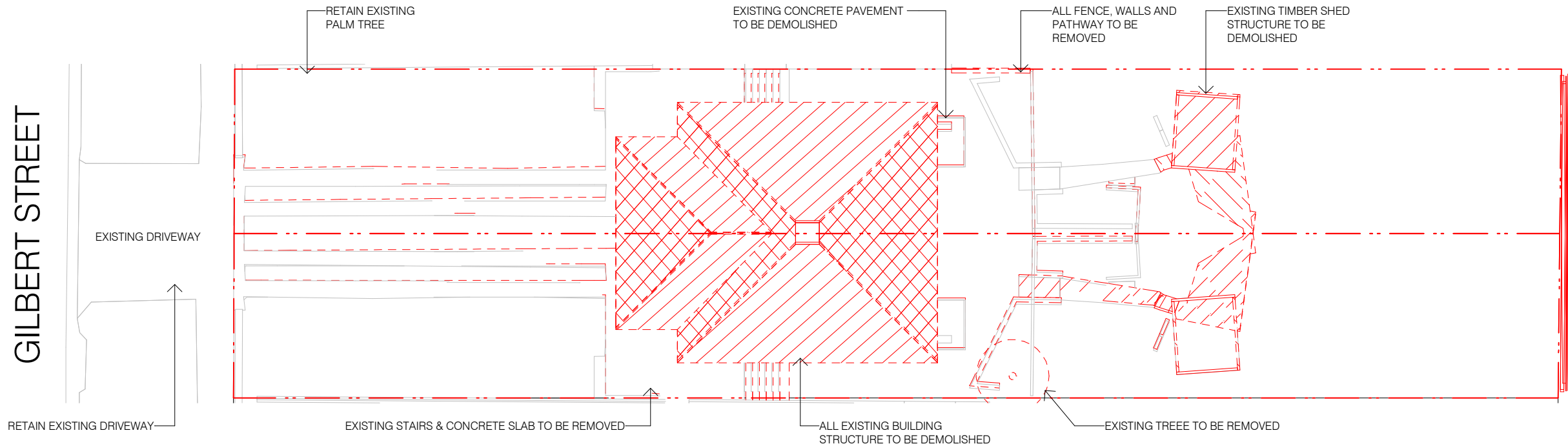
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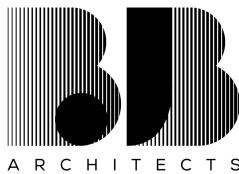
2021-006

A1002



DEMOLITION REQUIREMENTS:	
ALL DEMOLITION WORK MUST BE CARRIED OUT IN ACCORDANCE WITH THE FOLLOWING:	
A.	COMPLIANCE WITH THE REQUIREMENT OF AUSTRALIAN STANDARD AS 2601 'THE DEMOLITION OF STRUCTURES WITH SPECIFIC REFERENCE TO HEALTH AND SAFETY OF THE PUBLIC, HEALTH AND SAFETY OF THE SITE PERSONNEL, PROTECTION OF ADJOINING BUILDINGS AND PROTECTION OF THE IMMEDIATE ENVIRONMENT.
B.	ALL WORKS INVOLVING THE DEMOLITION, REMOVAL, TRANSPORT AND DISPOSAL OF ASBESTOS CEMENT MUST BE CARRIED OUT IN ACCORDANCE WITH THE 'WORKSAFE CODE OF PRACTICE FOR REMOVAL OF ASBESTOS' AND THE REQUIREMENTS OF THE WORKCOVER AUTHORITY OF NSW AND THE DEPARTMENT OF ENVIRONMENT, CLIMATE CHANGE AND WATER.
C.	ALL BUILDING MATERIALS ARISING FROM THE DEMOLITION MUST BE DISPOSED OF IN AN APPROVED MANNER IN ACCORDANCE WITH PART B1 OF WAVERLEY COUNCIL DEVELOPMENT CONTROL PLAN 2012 - WASTE AND ANY APPLICABLE REQUIREMENTS OF THE DEPARTMENT OF ENVIRONMENT, CLIMATE CHANGE AND WATER.
D.	SANITARY DRAINAGE, STORMWATER DRAINAGE, WATER, ELECTRICITY AND TELECOMMUNICATIONS MUST BE DISCONNECTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE RESPONSIBLE AUTHORITIES.
E.	THE GENERATION OF DUST AND NOISE ON SITE MUST BE CONTROLLED.
F.	THE SITE MUST BE SECURED TO PROHIBIT UNAUTHORISED ENTRY.
G.	SUITABLE PROVISION MUST BE MADE TO CLEAN THE WHEELS AND BODIES OF ALL VEHICLES LEAVING THE SITE TO PREVENT THE TRACKING OF DEBRIS AND SOIL ONTO THE PUBLIC WAY.
H.	ALL TRUCKS AND VEHICLES ASSOCIATED WITH THE DEMOLITION, INCLUDING THOSE DELIVERING TO OR REMOVING MATERIAL FROM THE SITE, MUST ONLY HAVE ACCESS TO THE SITE DURING WORK HOURS NOMINATED BY COUNCIL AND ALL LOADS MUST BE COVERED.
I.	ALL VEHICLES TAKING MATERIALS FROM THE SITE MUST BE LOADED WHOLLY WITHIN THE PROPERTY UNLESS OTHERWISE PERMITTED BY COUNCIL.
J.	NO WASTE COLLECTION SKIPS, SOIL, EXCAVATION OR DEMOLITION MATERIAL FROM THE SITE MUST BE DEPOSITED ON THE PUBLIC ROAD, FOOT PATH, PUBLIC PLACE OR COUNCIL OWNED PROPERTY WITHOUT THE APPROVAL OF COUNCIL..

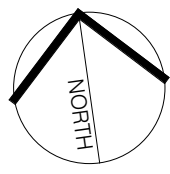
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PROJECT
50 GILBERT STREET, DOVER HEIGHTS

S4.55(2) MODIFICATION TO APPROVED
CONSENT NO. DA-289/2021

R.N

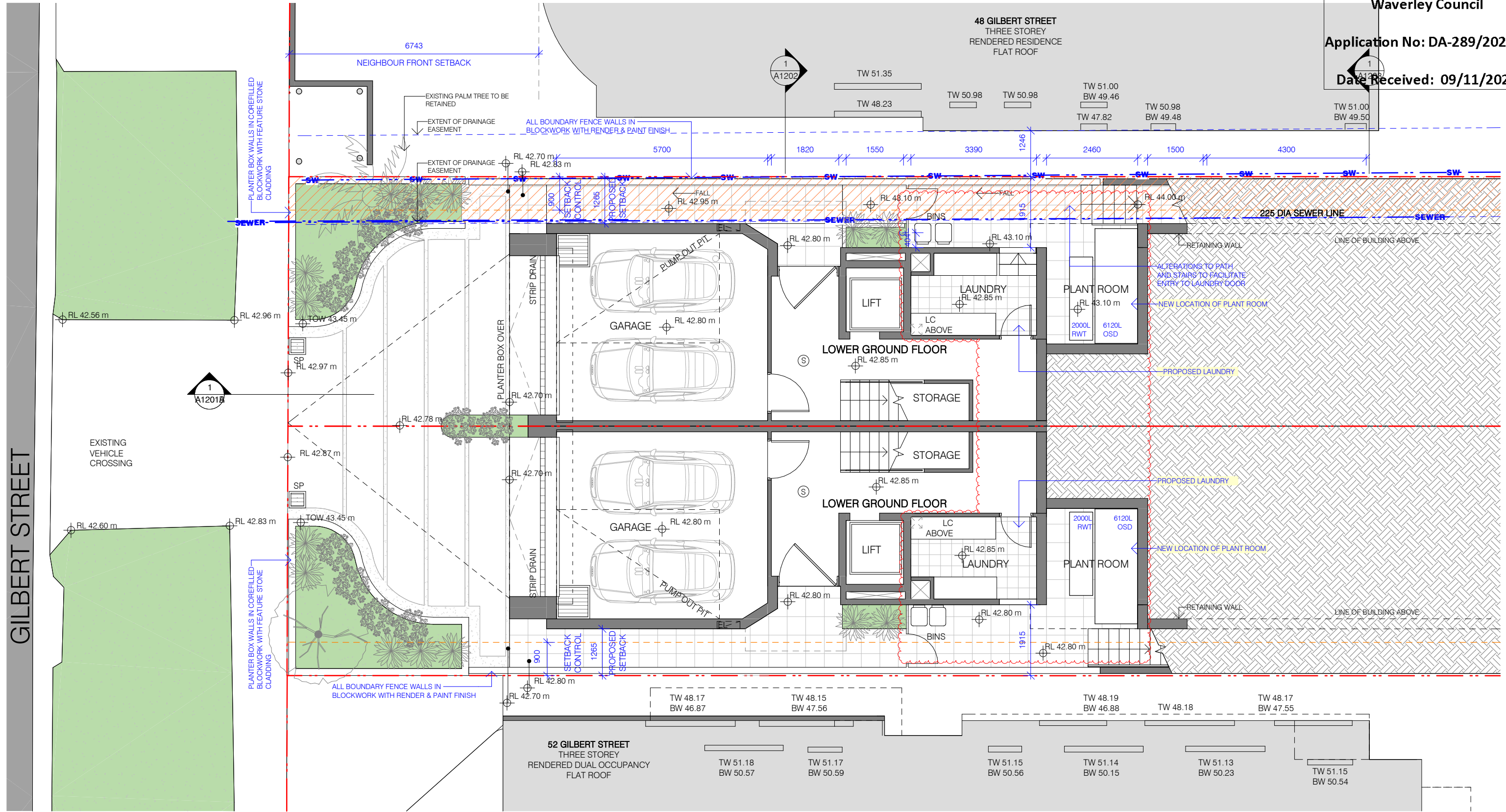
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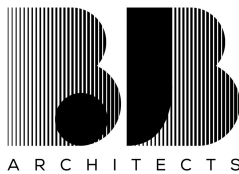
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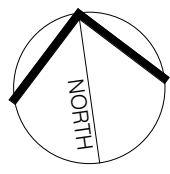
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Nominated Architect:
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LEGEND

AC AIR CONDITIONING UNIT
HWU HOT WATER UNIT
RWT RAINWATER TANK
DP DOWNPIPE
RT-01 ROOF TILE, TBA
SP STORMWATER PIT
SW STORMWATER LINE
PS PRIVACY SCREEN
LC LAUNDRY CHUTE

(S) SMOKE ALARM TO AS3786
--- OUTLINE OF EXISTING BUILDING STRUCTURE
--- EXTENT OF DRAINAGE EASEMENT SUBJECT TO DA CONDITION
--- S4.55 ADDITIONAL AREA
--- S4.55 ALTERATIONS

NORTH



ISSUE AMENDMENT

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50 GILBERT STREET, DOVER HEIGHTS

S4.55(2) MODIFICATION TO APPROVED
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R.N

LOWER GROUND FLOOR- DRIVEWAY

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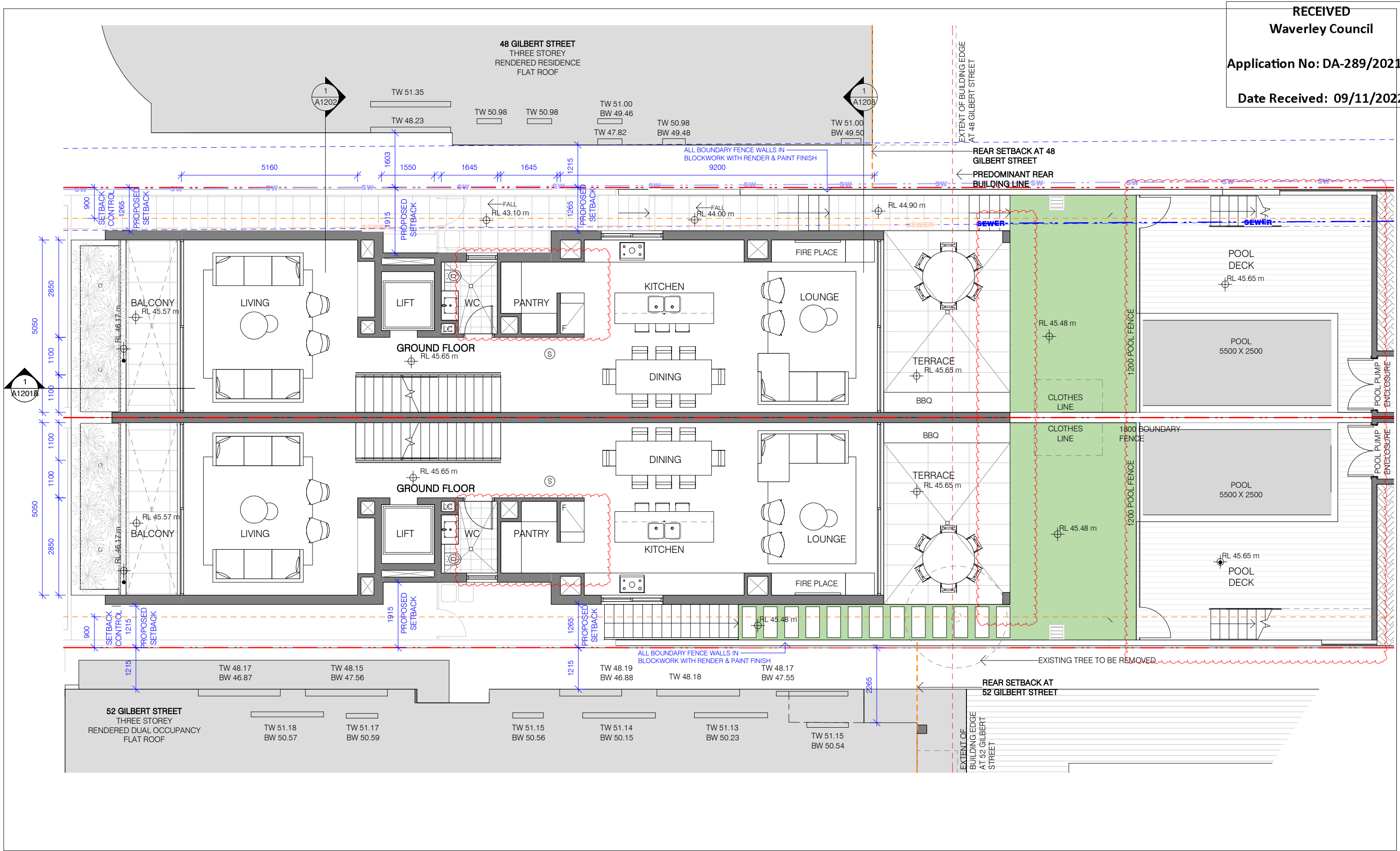
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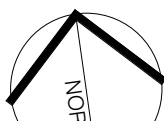
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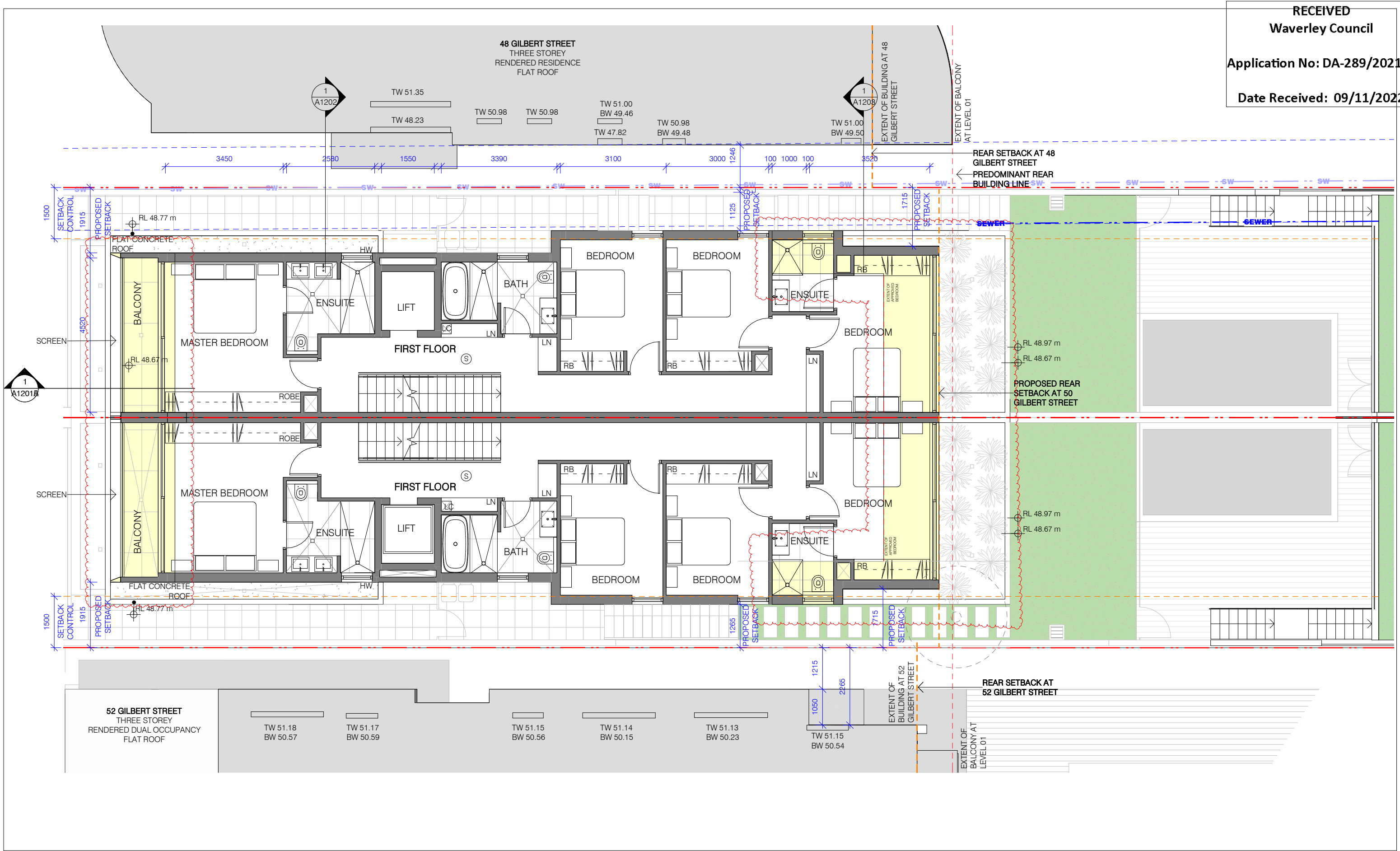
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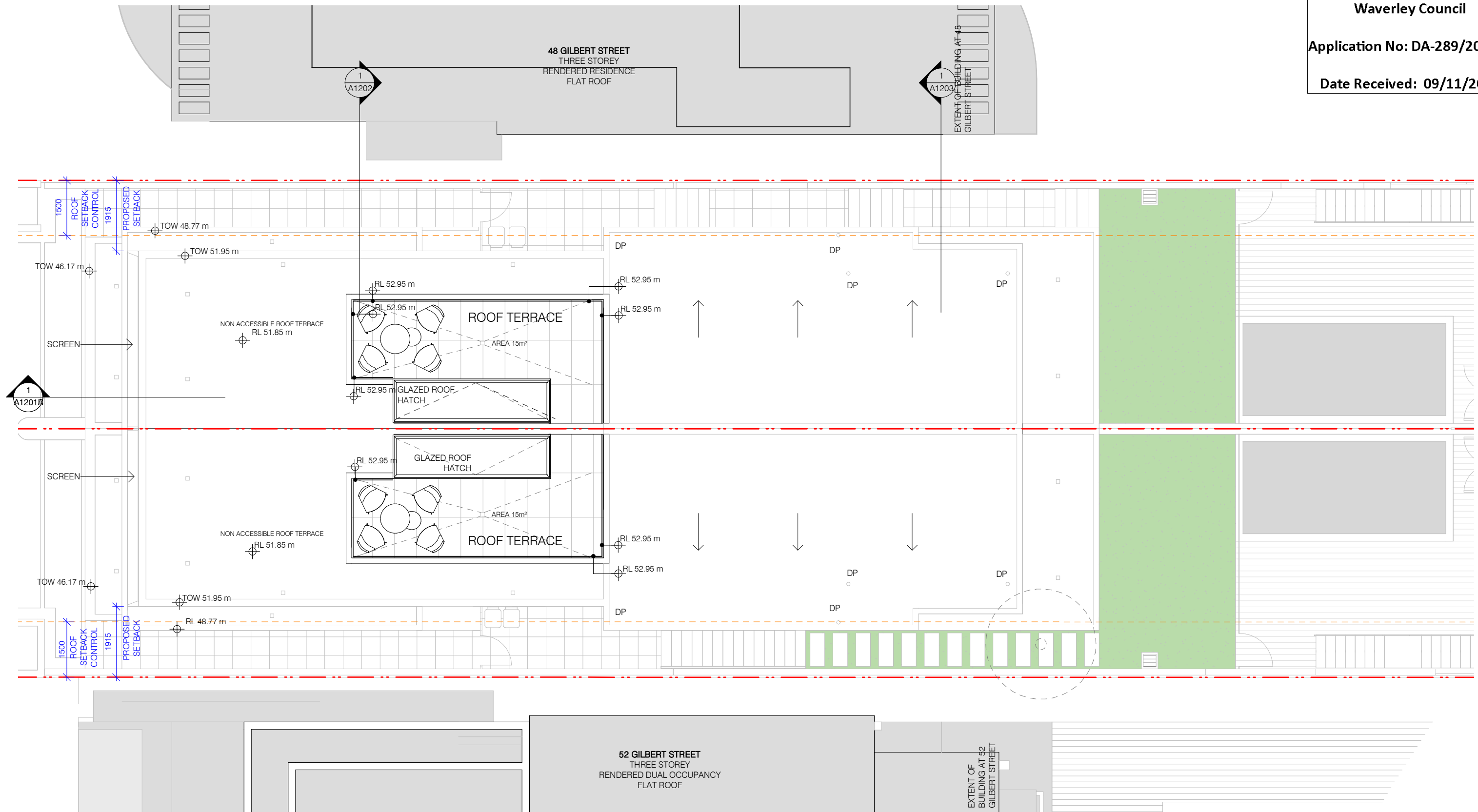
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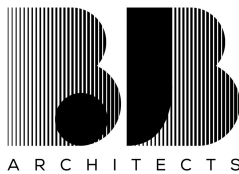


ARCHITECT		<div><div><div>LEGEND</div><div><div><div>AC</div><div>AIR CONDITIONING UNIT</div></div><div><div>HWU</div><div>HOT WATER UNIT</div></div><div><div>RWT</div><div>RAINWATER TANK</div></div><div><div>DP</div><div>DOWNPIPE</div></div><div><div>RT-01</div><div>ROOF TILE, TBA</div></div><div><div>SP</div><div>STORMWATER PIT</div></div><div><div>SW</div><div>STORMWATER LINE</div></div><div><div>PS</div><div>PRIVACY SCREEN</div></div><div><div>LC</div><div>LAUNDRY CHUTE</div></div></div><div><div><div><div>S</div><div>SMOKE ALARM TO AS3786</div></div><div><div><div></div><div>OUTLINE OF EXISTING BUILDING STRUCTURE</div></div><div><div><div></div><div>EXTENT OF DRAINAGE</div></div><div><div><div></div><div>EASEMENT SUBJECT TO DA CONDITION</div></div><div><div><div></div><div>S4.55 ADDITIONAL AREA</div></div><div><div><div></div><div>S4.55 ALTERATIONS</div></div></div></div></div></div><div><div>NORTH</div><div></div></div></div></div></div></div></div>		<div><div>ISSUE</div><div>AMENDMENT</div><div>DATE</div></div> <div><div>A</div><div>DRAFT S4.55</div><div>08.04.2022</div></div> <div><div>B</div><div>DRAFT S4.55</div><div>21.04.2022</div></div> <div><div>C</div><div>DRAFT S4.55</div><div>22.04.2022</div></div> <div><div>D</div><div>S4.55 FINAL</div><div>13.05.2022</div></div> <div><div>E</div><div>REVISION AS PER RFI #1</div><div>03.11.2022</div></div>	<div><div>PROJECT</div></div> <div><div>50 GILBERT STREET, DOVER HEIGHTS</div></div> <div><div>S4.55(2) MODIFICATION TO APPROVED CONSENT NO. DA-289/2021</div></div> <div><div>R.N</div></div>	<div><div>GROUND FLOOR PLAN</div></div> <div><div>SCALE: 1 : 100@ A3</div><div>DATE: 03.11.2022</div></div> <div><div>ISSUE: E - REVISION AS PER RFI #1</div></div> <div><div><div><div>JOB</div><div>2021-006</div></div><div><div>A1102</div></div></div><div><div>THIS DOCUMENT IS THE COPYRIGHT OF BJB ARCHITECTS. ALL INFORMATION ILLUSTRATED ON THIS DOCUMENT IS TO BE CHECKED AND VERIFIED ON SITE. IN THE EVENT OF DISCREPANCIES REFER TO BJB ARCHITECTS PRIOR TO COMMENCEMENT OF THE WORK. DO NOT SCALE DRAWINGS MANUALLY OR ELECTRONICALLY</div></div></div>
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LEGEND

AC
HWU
RWT
DP
RT-01
SP
SW
PS
LC

AIR CONDITIONING UNIT
HOT WATER UNIT
RAINWATER TANK
DOWNPIPE
ROOF TILE, TBA
STORMWATER PIT
STORMWATER LINE
PRIVACY SCREEN
LAUNDRY CHUTE



SMOKE ALARM TO AS3786



OUTLINE OF EXISTING
BUILDING STRUCTURE



EXTENT OF DRAINAGE



EASEMENT SUBJECT TO
DA CONDITION

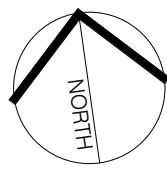


S4.55 ADDITIONAL AREA



S4.55 ALTERATIONS

NORTH



ISSUE AMENDMENT

DATE

A DRAFT S4.55
B DRAFT S4.55
C DRAFT S4.55
D S4.55 FINAL
E REVISION AS PER RFI #1

08.04.2022
21.04.2022
22.04.2022
13.05.2022
03.11.2022

PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

S4.55(2) MODIFICATION TO APPROVED
CONSENT NO. DA-289/2021

R.N

ROOF PLAN

SCALE: 1 : 100@ A3

DATE: 03.11.2022

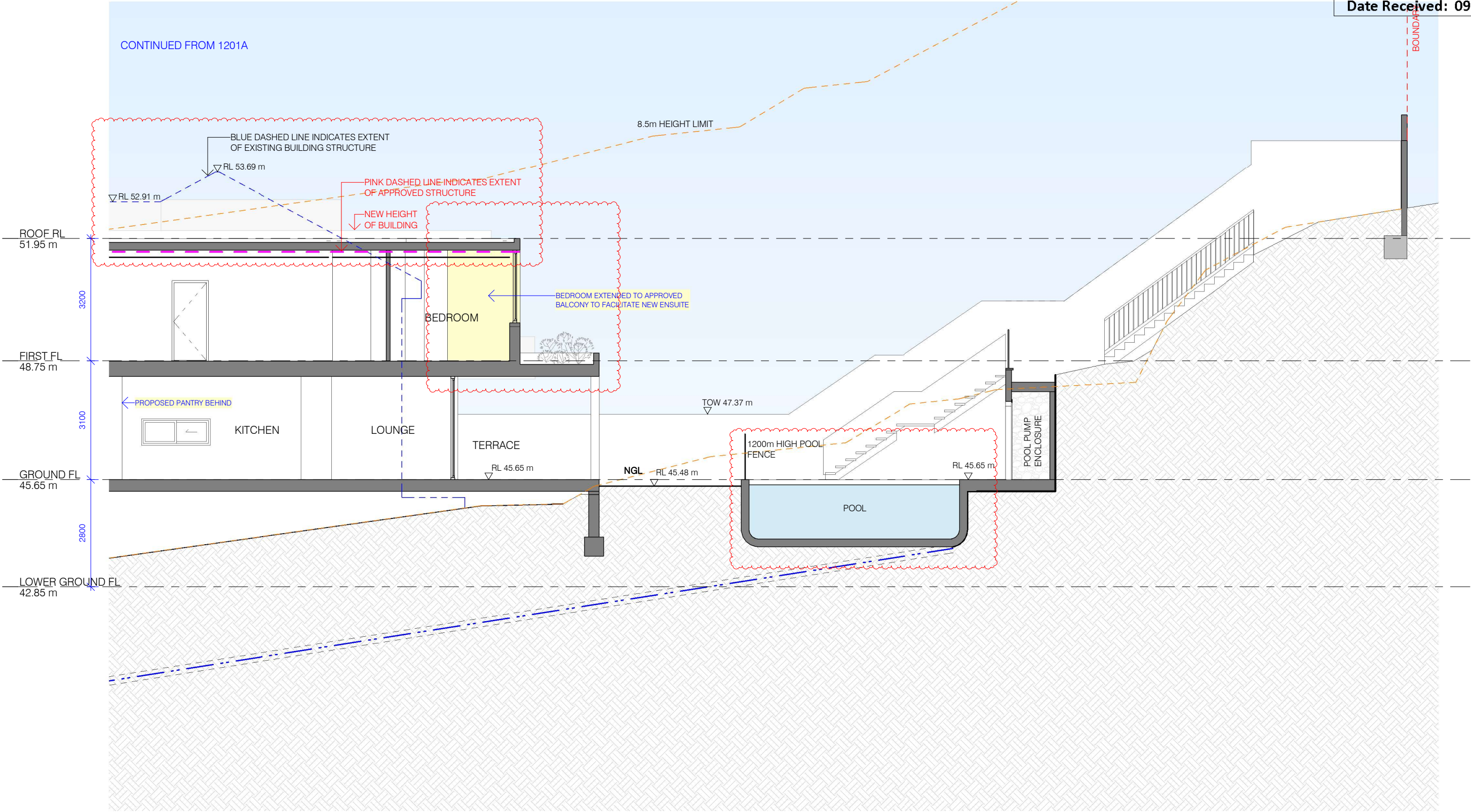
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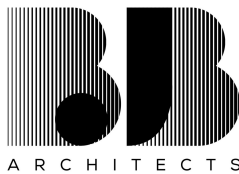
2021-006

A1104





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50 GILBERT STREET, DOVER
HEIGHTS

S4.55(2) MODIFICATION TO APPROVED
CONSENT NO. DA-289/2021

R.N

SECTION A - PART B

SCALE: 1 : 100@ A3

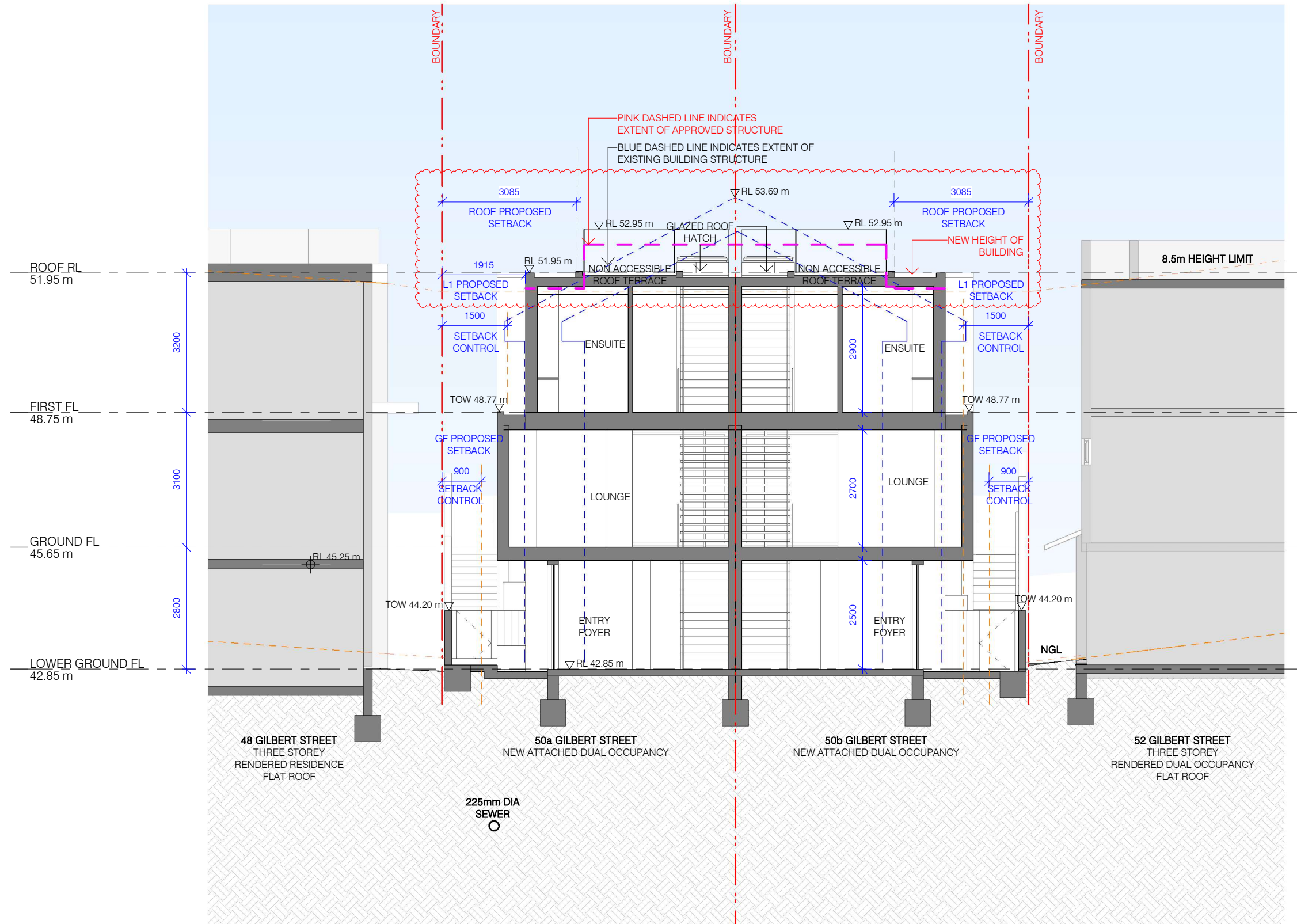
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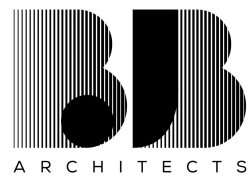
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A1201B



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Rosebery NSW 2018

BJB Architects Pty Ltd
Nominated Architect:
Barry Babikian NSW Reg No. 8806

EXTERNAL FINISHES LEGEND

CL-01	TIMBER CLADDING
CL-02	STONE CLADDING
SC-01	SCREEN
SC-02	TIMBER SCREEN
RP-01	RENDER AND PAINT, COLOUR:TBC
RP-02	RENDER AND PAINT, COLOUR: TBA
RP-03	RENDER AND PAINT, COLOUR: TBA

LEGEND

FG	FROSTED GLASS
	S4.55 ADDITIONAL AREA
	S4.55 ALTERATIONS

ISSUE	AMENDMENT	DATE
A	DRAFT S4.55	08.04.2022
B	DRAFT S4.55	21.04.2022
C	DRAFT S4.55	22.04.2022
D	S4.55 FINAL	13.05.2022
E	REVISION AS PER RFI #1	03.11.2022

PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

S4.55(2) MODIFICATION TO APPROVED
CONSENT NO. DA-289/2021

R.N

SECTION B

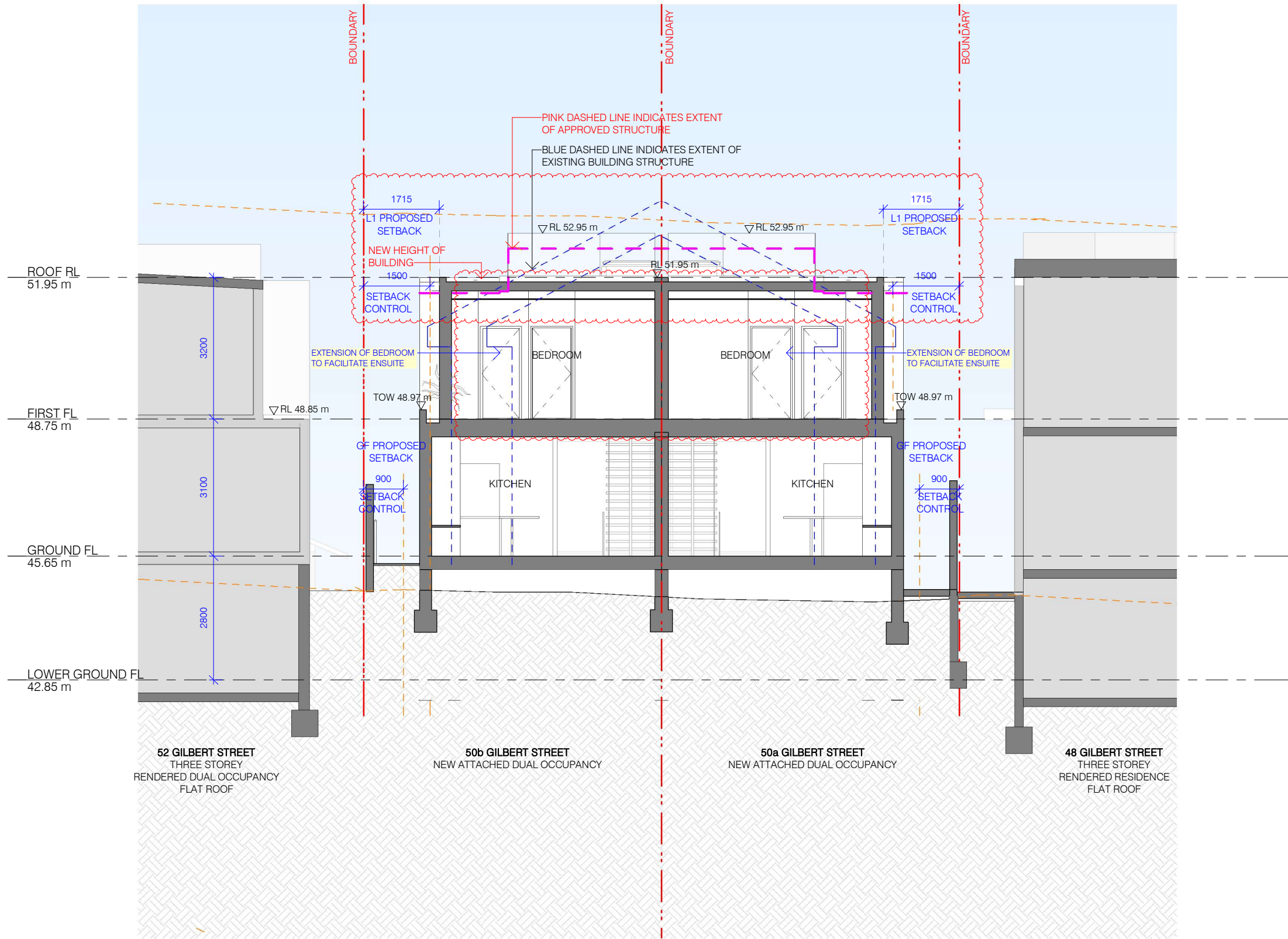
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ISSUE: E - REVISION AS PER RFI #1

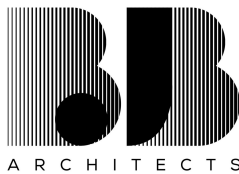
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A1202



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Nominated Architect:
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EXTERNAL FINISHES LEGEND

CL-01	TIMBER CLADDING
CL-02	STONE CLADDING
SC-01	SCREEN
SC-02	TIMBER SCREEN
RP-01	RENDER AND PAINT, COLOUR:TBC
RP-02	RENDER AND PAINT, COLOUR: TBA
RP-03	RENDER AND PAINT, COLOUR: TBA

LEGEND

FG	FROSTED GLASS
	S4.55 ADDITIONAL AREA
	S4.55 ALTERATIONS

ISSUE	AMENDMENT	DATE
A	DRAFT S4.55	08.04.2022
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PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

S4.55(2) MODIFICATION TO APPROVED
CONSENT NO. DA-289/2021

R.N

SECTION C

SCALE: 1 : 100@ A3

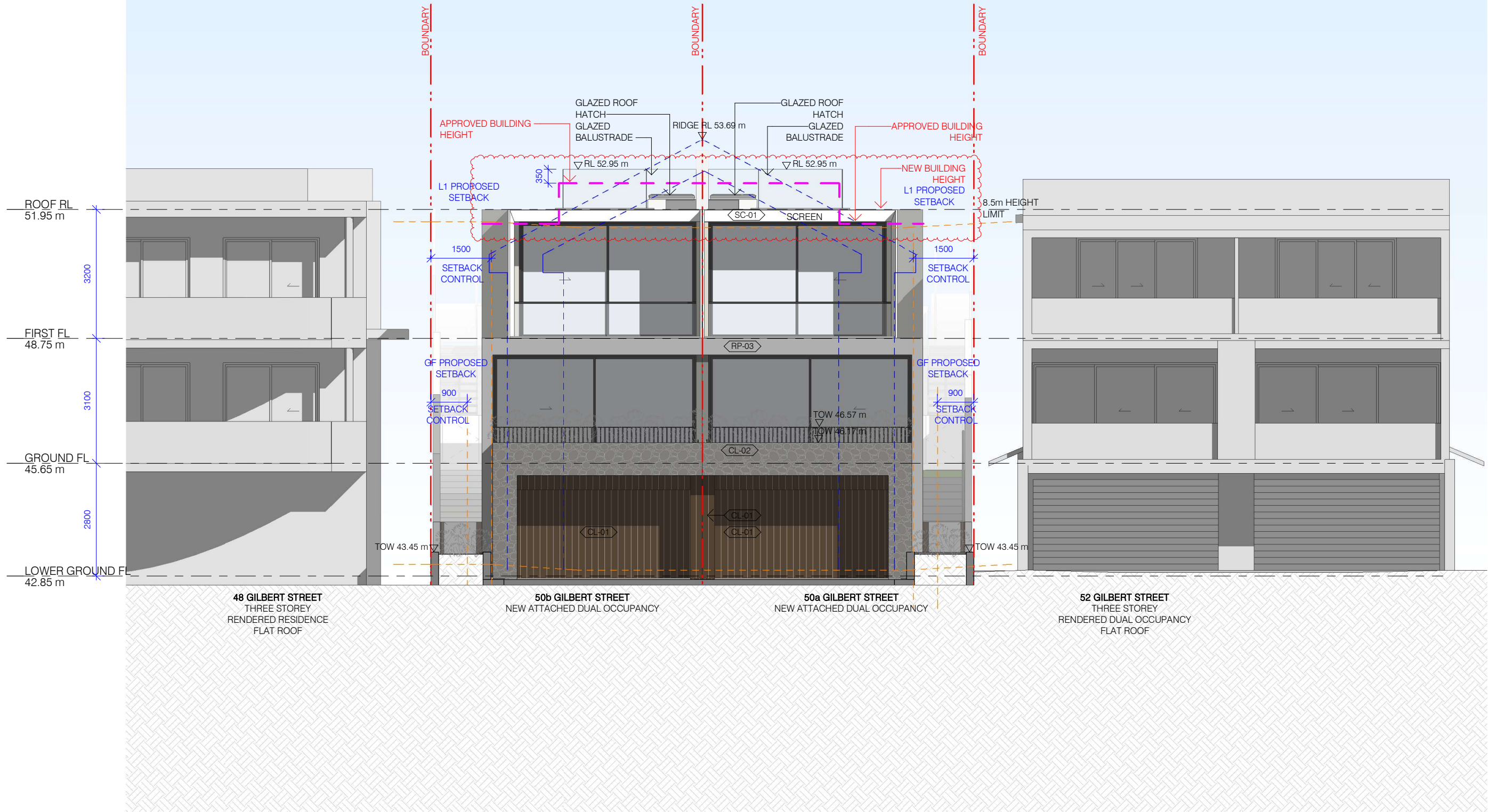
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ISSUE: E - REVISION AS PER RFI #1

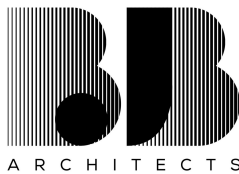
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A1203



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EXTERNAL FINISHES LEGEND

CL-01	TIMBER CLADDING
CL-02	STONE CLADDING
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SC-02	TIMBER SCREEN
RP-01	RENDER AND PAINT, COLOUR:TBC
RP-02	RENDER AND PAINT, COLOUR: TBA
RP-03	RENDER AND PAINT, COLOUR: TBA

LEGEND

FG	FROSTED GLASS
	S4.55 ADDITIONAL AREA
	S4.55 ALTERATIONS

ISSUE AMENDMENT

ISSUE	AMENDMENT	DATE
A	DRAFT S4.55	08.04.2022
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PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

S4.55(2) MODIFICATION TO APPROVED
CONSENT NO. DA-289/2021

R.N

WEST ELEVATION

SCALE: 1 : 100@ A3

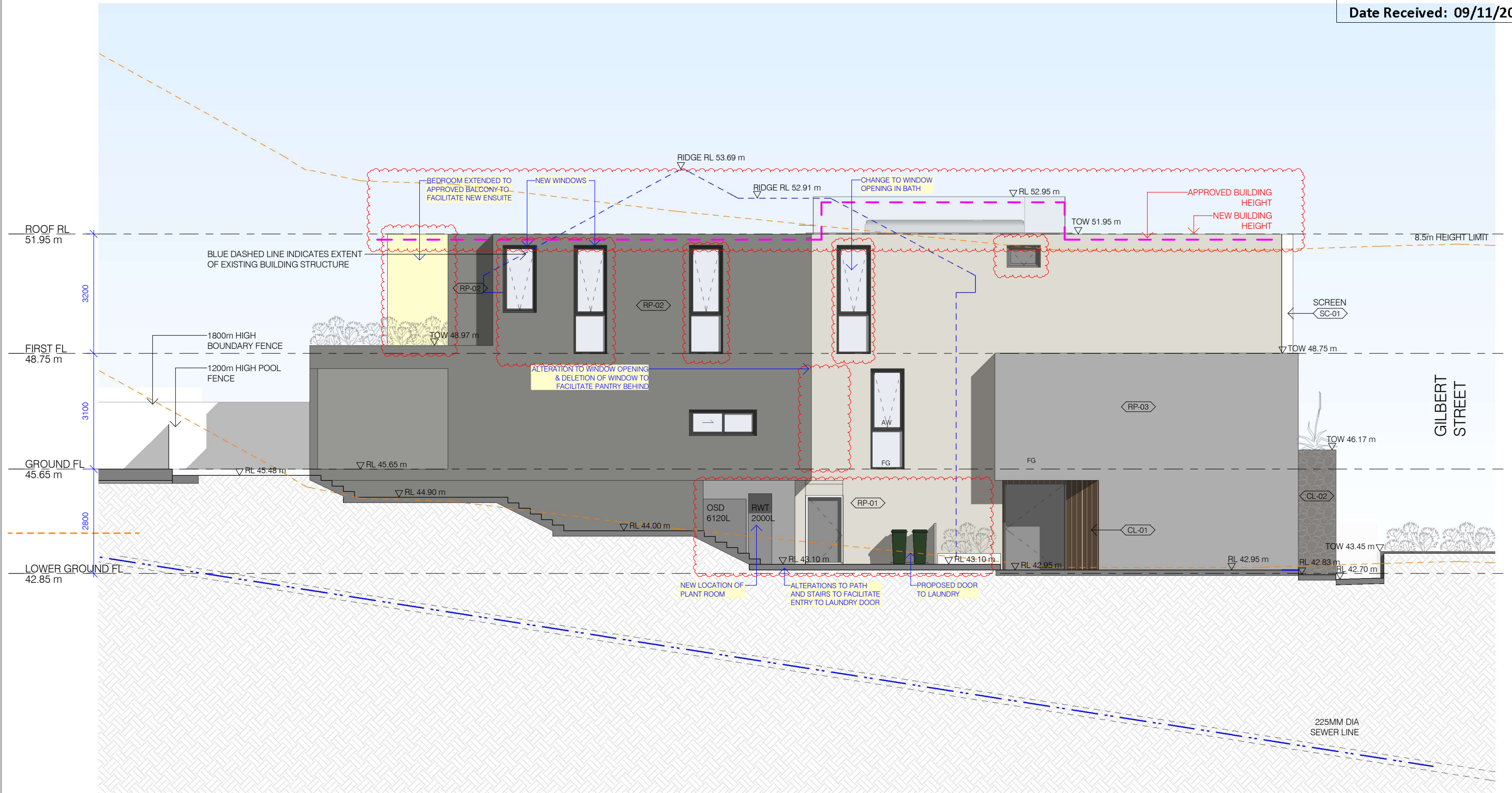
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A1301



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EXTERNAL FINISHES LEGEND

CL-01	TIMBER CLADDING
CL-02	STONE CLADDING
SC-01	SCREEN
SC-02	TIMBER SCREEN
RP-01	RENDER AND PAINT, COLOUR:TBC
RP-02	RENDER AND PAINT, COLOUR: TBA
RP-03	RENDER AND PAINT, COLOUR: TBA

LEGEND

FG	FROSTED GLASS
	S4.55 ADDITIONAL AREA
	S4.55 ALTERATIONS

ISSUE AMENDMENT

ISSUE	AMENDMENT	DATE
A	DRAFT S4.55	08.04.2022
B	DRAFT S4.55	21.04.2022
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PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

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CONSENT NO. DA-289/2021

R.N

NORTH ELEVATION

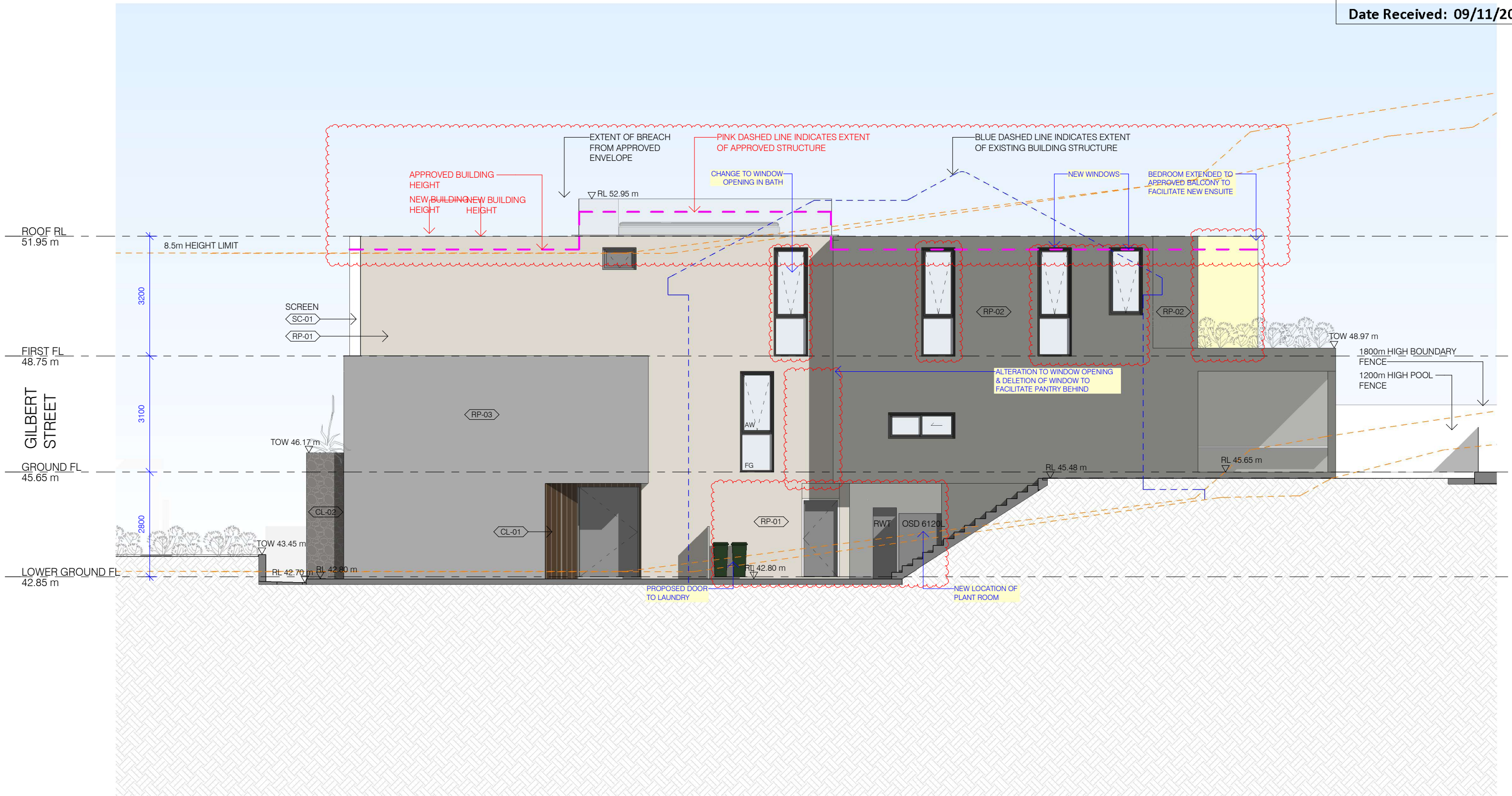
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ISSUE: E - REVISION AS PER RFI #1

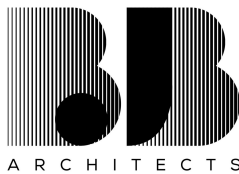
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A1302



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EXTERNAL FINISHES LEGEND

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SC-02	TIMBER SCREEN
RP-01	RENDER AND PAINT, COLOUR:TBC
RP-02	RENDER AND PAINT, COLOUR: TBA
RP-03	RENDER AND PAINT, COLOUR: TBA

LEGEND

FG	FROSTED GLASS
	S4.55 ADDITIONAL AREA
	S4.55 ALTERATIONS

ISSUE AMENDMENT

ISSUE	AMENDMENT	DATE
A	DRAFT S4.55	08.04.2022
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D	S4.55 FINAL	13.05.2022
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DATE

PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

S4.55(2) MODIFICATION TO APPROVED
CONSENT NO. DA-289/2021

R.N

SOUTH ELEVATION

SCALE: 1 : 100@ A3

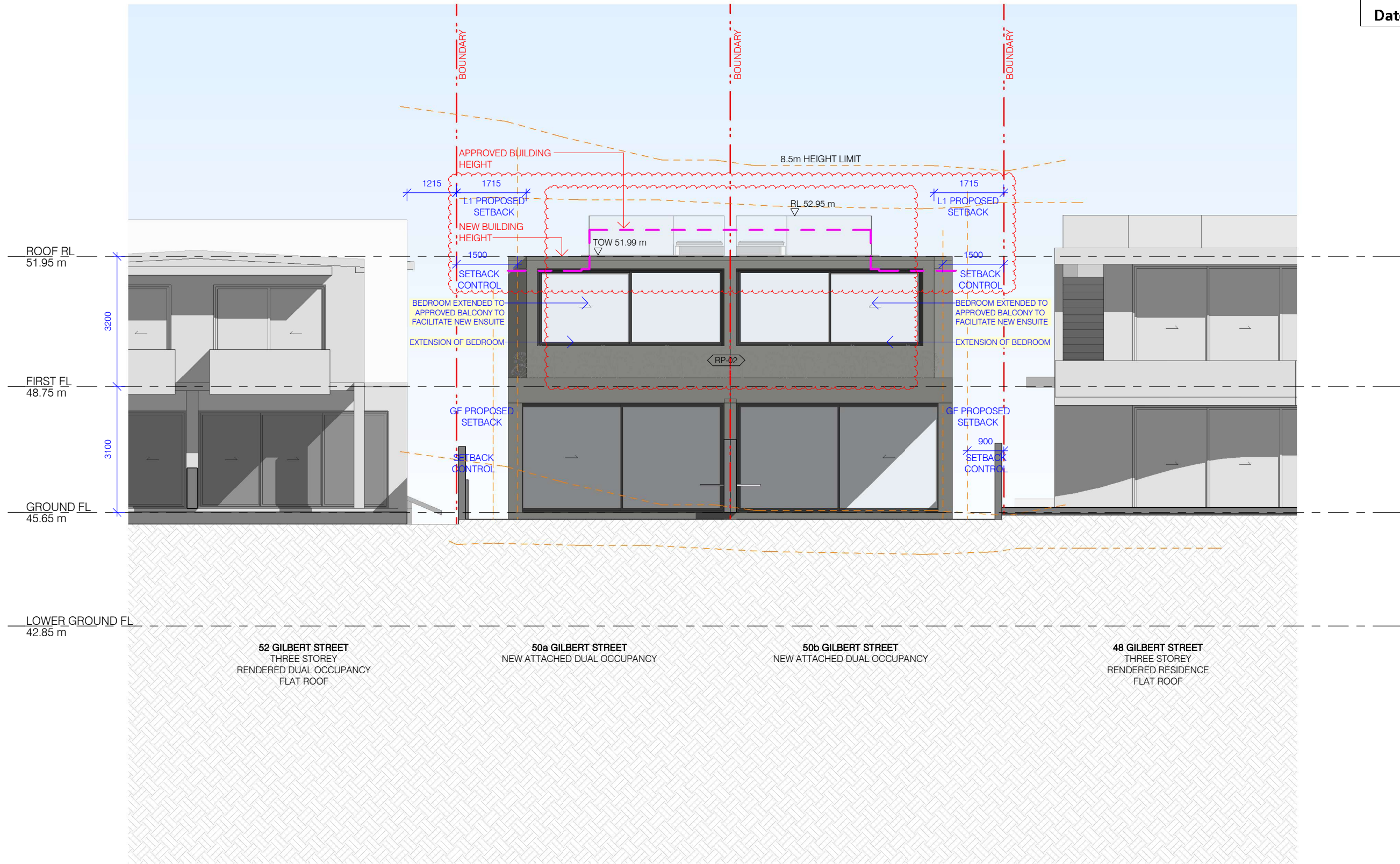
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ISSUE: E - REVISION AS PER RFI #1

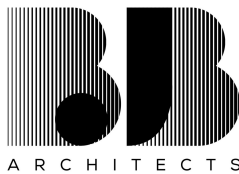
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A1303



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EXTERNAL FINISHES LEGEND

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RP-03	RENDER AND PAINT, COLOUR: TBA

LEGEND

FG	FROSTED GLASS
	S4.55 ADDITIONAL AREA
	S4.55 ALTERATIONS

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PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

S4.55(2) MODIFICATION TO APPROVED
CONSENT NO. DA-289/2021

R.N

EAST ELEVATION

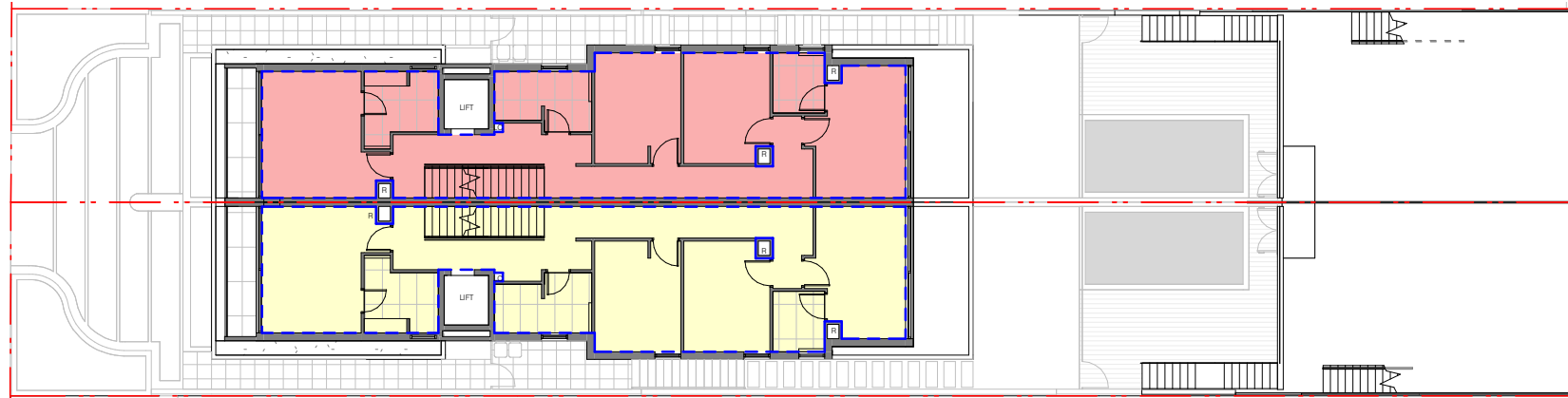
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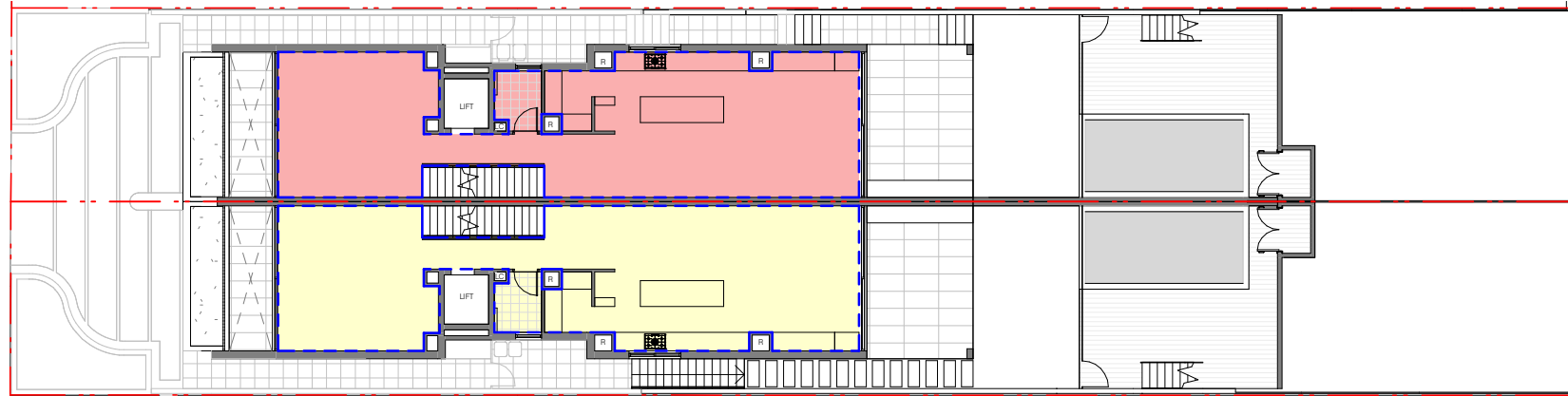
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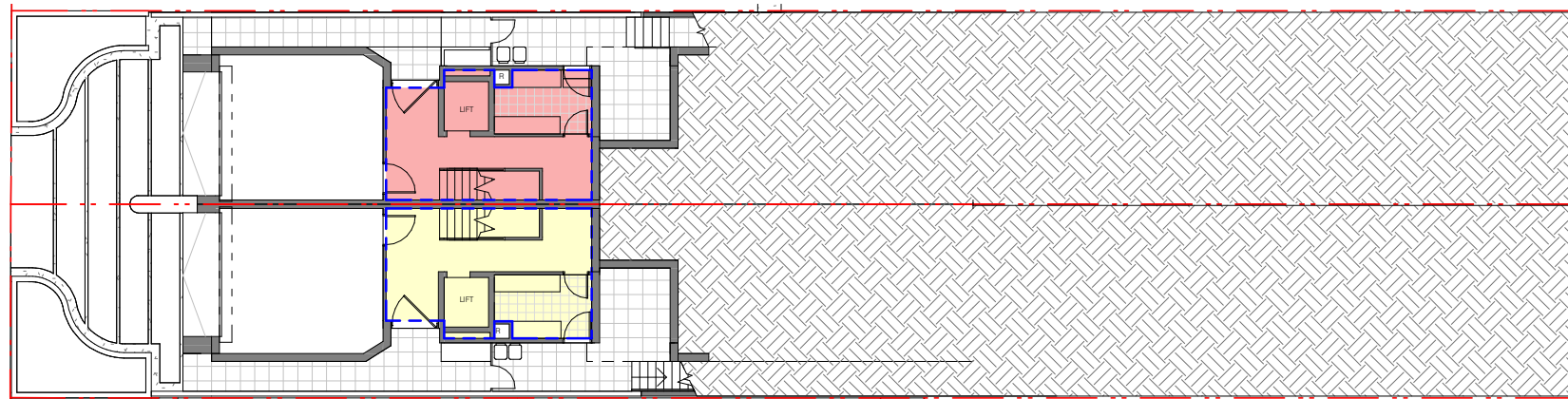
A1304



3 FSR - FIRST FL
1 : 250



2 FSR - GROUND FL
1 : 250



1 FSR - LOWER GROUND FL
1 : 250

FSR CALCULATIONS	APPROVED DA	S4.55 CHANGES
SITE AREA	731.6 m ²	NO CHANGE
FSR	0.5:1	NO CHANGE
PERMISSIBLE AREA	365.8 m ²	NO CHANGE
	182.9 m ² (PER DWELLING)	NO CHANGE

PROPOSED AREAS (PER DWELLING)

LOWER GROUND FLOOR	19.6 m ²	+ 11.1 m ² = 30.7 m ²
GROUND FLOOR	94.3 m ²	- 7.0 m ² = 87.3 m ²
FIRST FLOOR	83.1 m ²	+ 15.6 m ² = 98.7 m ²
TOTAL (PER DWELLING)	197.0 m ²	19.7 m ² = 216.7 m ²
GROSS TOTAL FSR	394.0 m ² (0.54:1)	433.4 m ² (0.592:1)

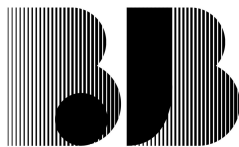
- PROPOSED FSR - HOUSE A
- PROPOSED FSR - HOUSE B

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Waverley Council

Application No: DA-289/2021/A

Date Received: 09/11/2022

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Nominated Architect:
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LEGEND	
R	RISER
LC	LAUNDRY CHUTE

ISSUE	AMENDMENT	DATE
A	DRAFT S4.55	08.04.2022
B	DRAFT S4.55	21.04.2022
C	DRAFT S4.55	22.04.2022
D	S4.55 FINAL	13.05.2022
E	REVISION AS PER RFI #1	03.11.2022

PROJECT

50 GILBERT STREET, DOVER HEIGHTS

S4.55(2) MODIFICATION TO APPROVED
CONSENT NO. DA-289/2021

R.N

CALCULATIONS - FSR

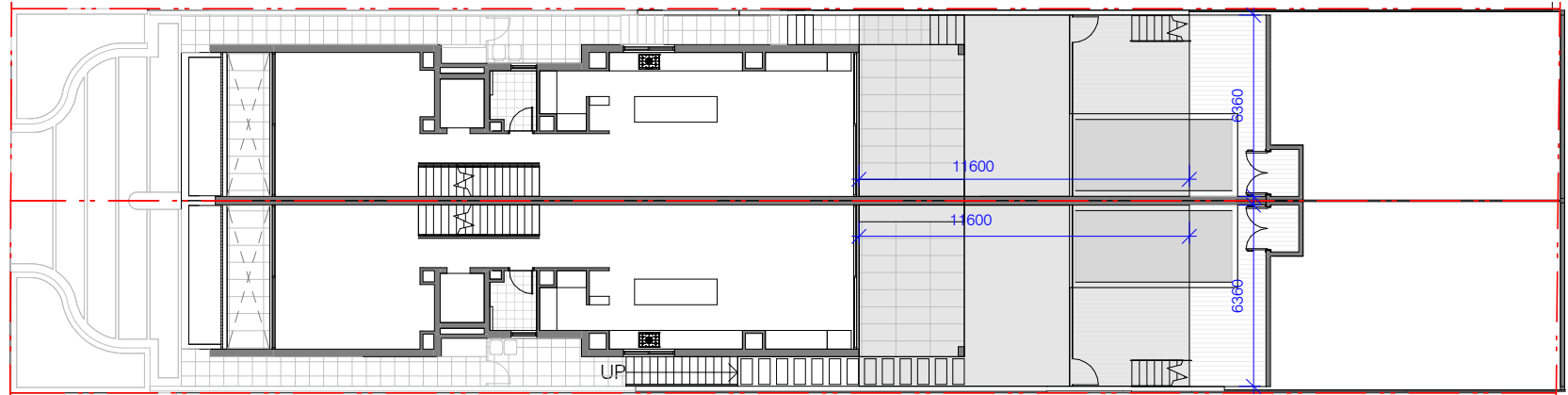
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ISSUE: E - REVISION AS PER RFI #1

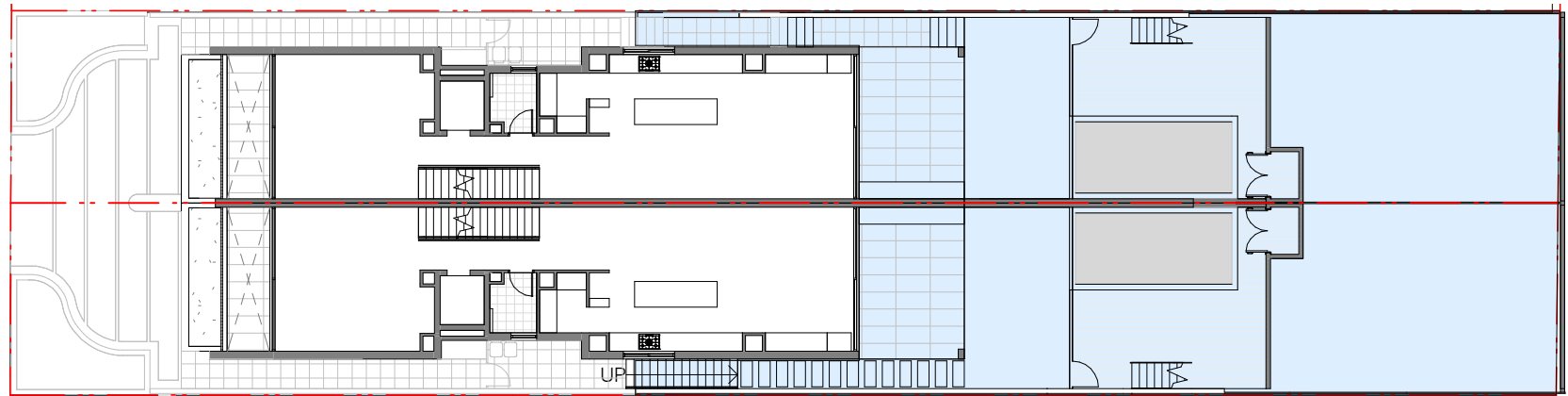
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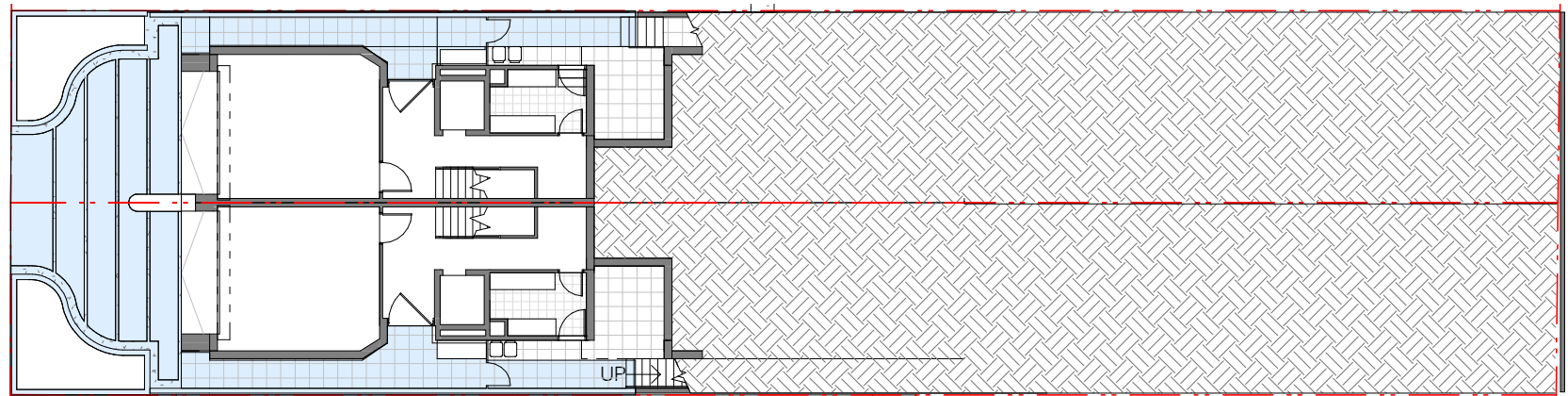
A1401



3 PRIVATE OPEN SPACE - GROUND FL
1 : 250



2 OPEN AREA - GROUND FL
1 : 250



1 OPEN AREA - LOWER GROUND FL
1 : 250

PRIVATE OPEN SPACE

SITE AREA - 731.6 m²

REQUIRED POS

min 25m²
(PER DWELLING WITH MIN WIDTH AND
DEPTH OF 3m)

PROPOSED POS

73.7 m²
(PER DWELLING. DIMENSIONS AS SHOWN)

PROPOSED PRIVATE OPEN SPACE

OPEN AREA

SITE AREA - 731.6 m²

FSR - 0.5:1

PERMISSIBLE AREA - 365.8 m²

REQUIRED OPEN AREA

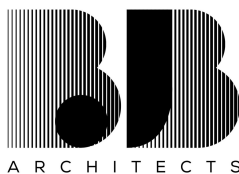
292.64m²
(40% OF TOTAL SITE AREA)

PROPOSED OPEN AREA

472.5m²
(64.5% OF TOTAL SITE AREA)

PROPOSED OPEN AREA

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ISSUE AMENDMENT

DATE

A DRAFT S4.55
B DRAFT S4.55
C DRAFT S4.55
D S4.55 FINAL
E REVISION AS PER RFI #1

08.04.2022
21.04.2022
22.04.2022
13.05.2022
03.11.2022

PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

S4.55(2) MODIFICATION TO APPROVED
CONSENT NO. DA-289/2021

R.N

CALCULATIONS - OPEN AREA AND POS

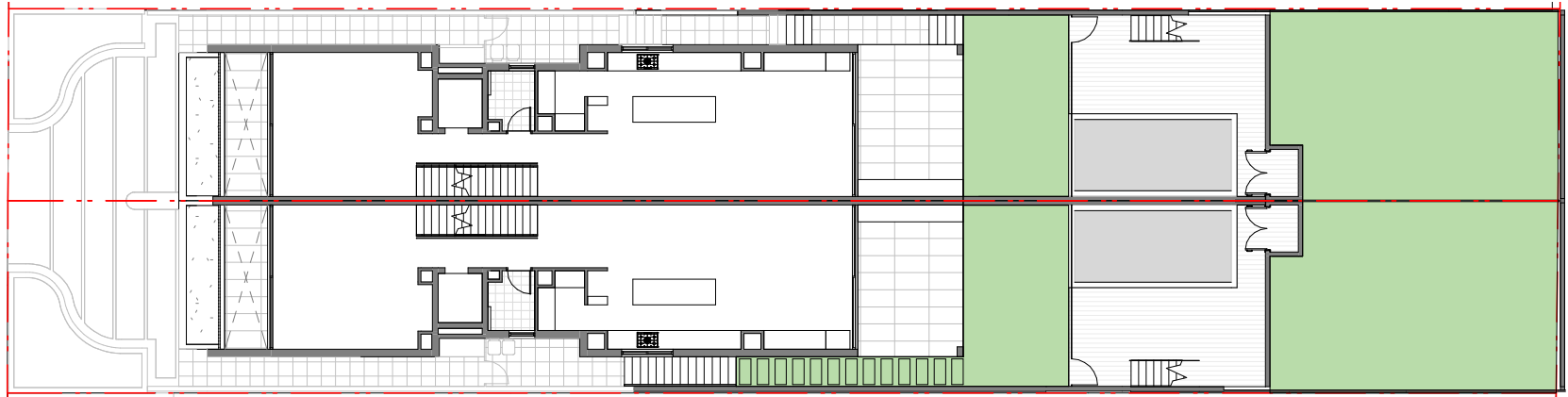
SCALE: As indicated@ A3 DATE: 03.11.2022

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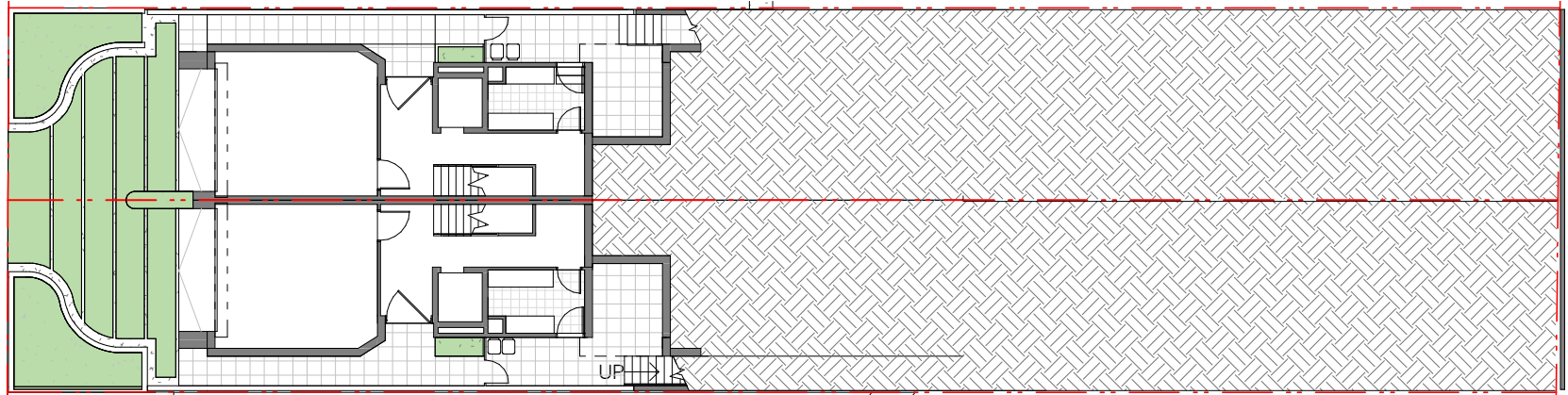
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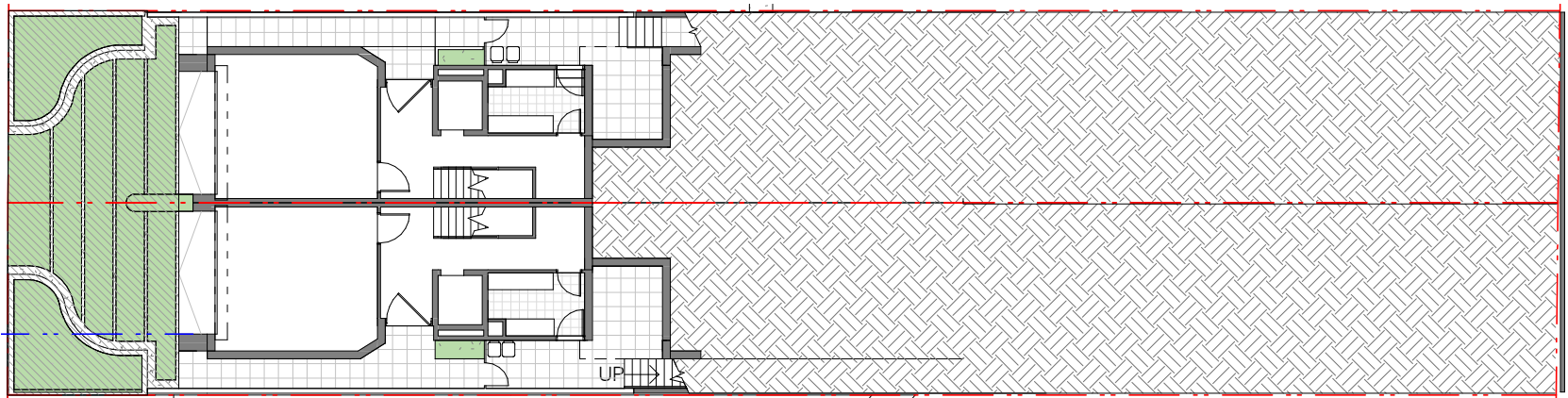
A1402



3 LANDSCAPE - GROUND FL
1 : 250



2 LANDSCAPE - LOWER GROUND FL
1 : 250



1 LANDSCAPE FOB - LOWER GROUND FL
1 : 250

LANDSCAPE

SITE AREA - 731.6 m²

REQUIRED LANDSCAPE 109.74 m²
(15% OF TOTAL SITE AREA)

PROPOSED LANDSCAPE 254.4 m²
(34.7% OF TOTAL SITE AREA)

PROPOSED LANDSCAPE AREA

LANDSCAPE AT FRONT OF BUILDING

TOTAL AREA - 80.7 m²

REQUIRED LANDSCAPE 40.1 m²
(50% OF OPEN AREA AT FRONT)

PROPOSED LANDSCAPE 64.73 m²
(80.7% OF TOTAL SITE AREA)

OPEN AREA AT FRONT OF BUILDING
LANDSCAPE AREA

ARCHITECT



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BBJ Architects Pty Ltd
Nominated Architect:
Barry Babikian NSW Reg No. 8806

ISSUE AMENDMENT

DATE

A DRAFT S4.55
B DRAFT S4.55
C DRAFT S4.55
D S4.55 FINAL
E REVISION AS PER RFI #1

08.04.2022
21.04.2022
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03.11.2022

PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

S4.55(2) MODIFICATION TO APPROVED
CONSENT NO. DA-289/2021

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CALCULATIONS - LANDSCAPE

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A1403

RECEIVED
Waverley Council

Application No: DA-289/2021/A

Date Received: 09/11/2022

GILBERT STREET

50a GILBERT STREET
NEW ATTACHED DUAL OCCUPANCY

50b GILBERT STREET
NEW ATTACHED DUAL OCCUPANCY

52 GILBERT STREET
THREE STOREY
RENDERED DUAL OCCUPANCY
FLAT ROOF

54 GILBERT STREET
THREE STOREY
RENDERED RESIDENCE
FLAT ROOF

WINTER SOLSTICE -
21ST JUNE 9AM

WINTER SOLSTICE - 21ST JUNE

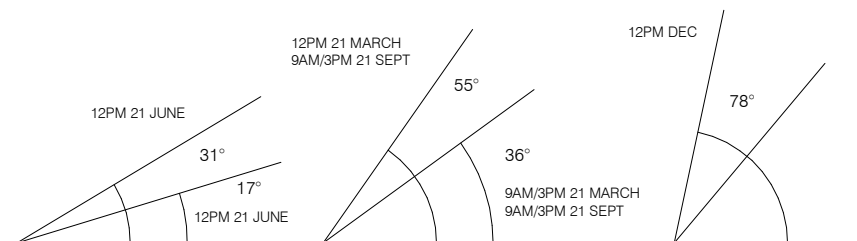
9AM 43 DEGREES NE	12PM 0 DEGRESS N	3PM 43 DEGREES NW
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EQUINOX - 21ST MARCH & SEPTEMBER

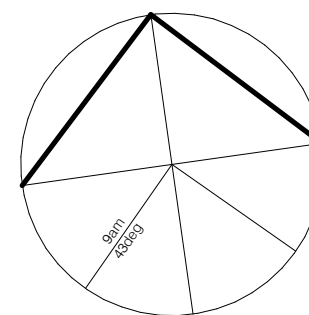
9AM 60 DEGREES NE	12PM 0 DEGRESS N	3PM 60 DEGREES NW
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SUMMER SOLSTICE - 21ST DECEMBER

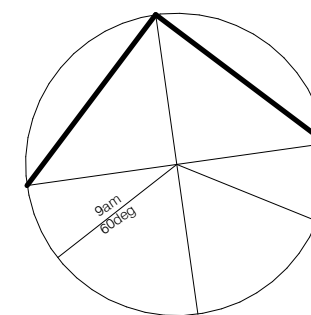
9AM 0 DEGREES NE	12PM 0 DEGRESS N	3PM 90 DEGREES NW
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VERTICAL SUN ANGLES
FOR SYDNEY - LATITUDE 35 DEGREES SOUTH



WINTER
SOLSTICE -
21ST JUNE



EQUINOX -
21ST MARCH &
SEPTEMBER

ARCHITECT



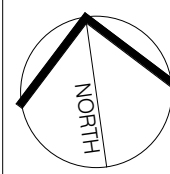
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LEGEND:

- EXISTING SHADOWS
- ADDITIONAL PROPOSED SHADOWS
- OUTLINE OF EXISTING BUILDING STRUCTURES

NORTH



ISSUE AMENDMENT

DATE

B	DRAFT S4.55	21.04.2022
E	REVISION AS PER RFI #1	03.11.2022

PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

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SHADOW DIAGRAMS

SCALE: 1 : 200@ A3 DATE: 03.11.2022

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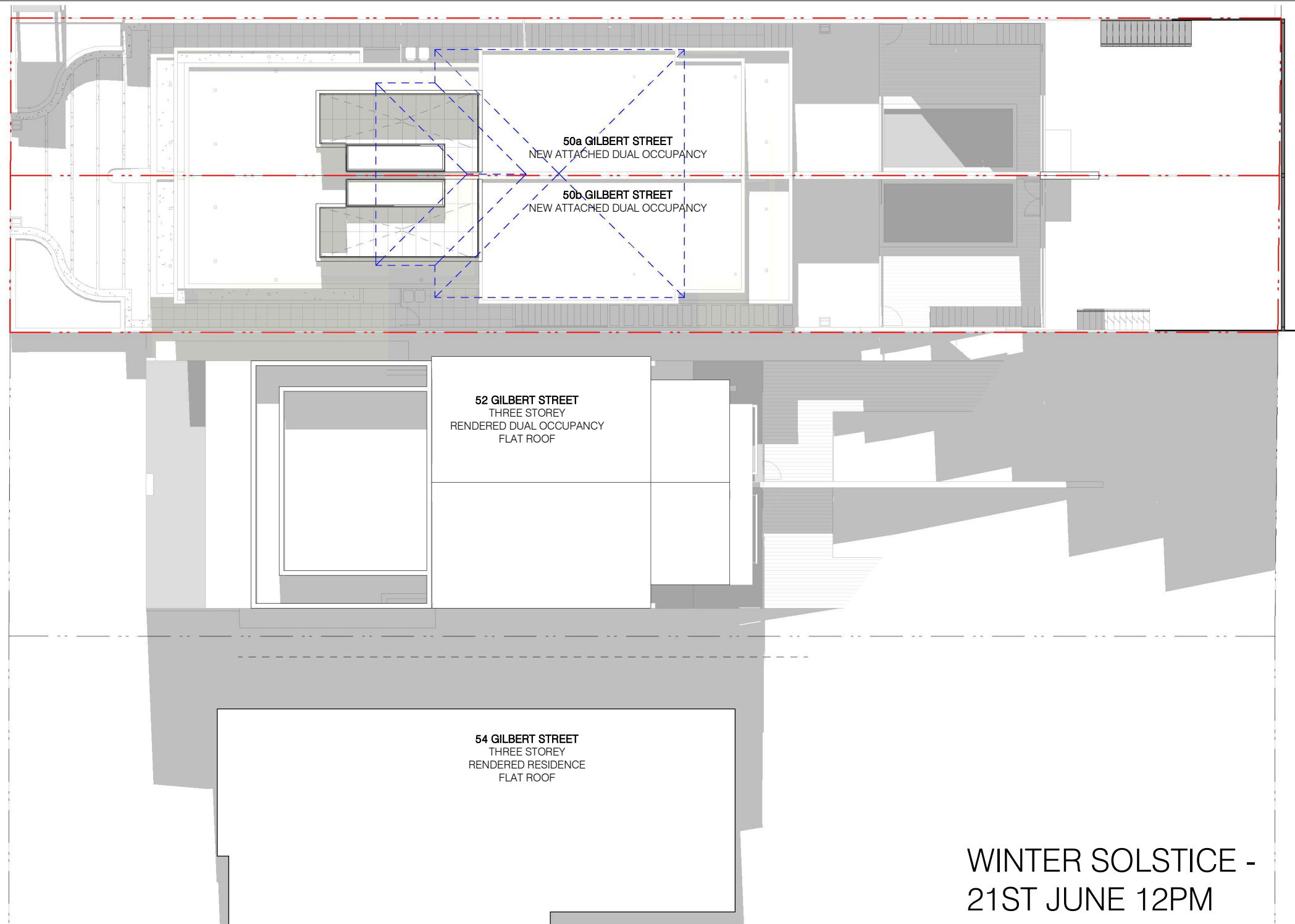
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Application No: DA-289/2021/A

Date Received: 09/11/2022

GILBERT STREET



WINTER SOLSTICE -
21ST JUNE 12PM

WINTER SOLSTICE - 21ST JUNE

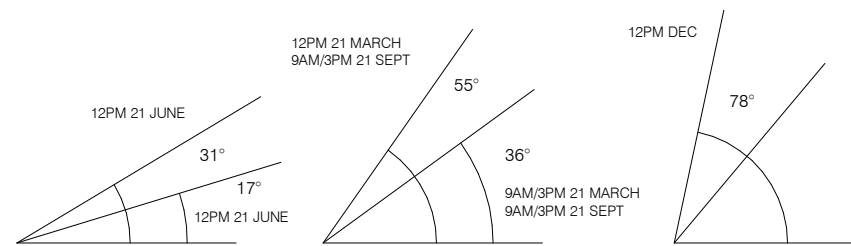
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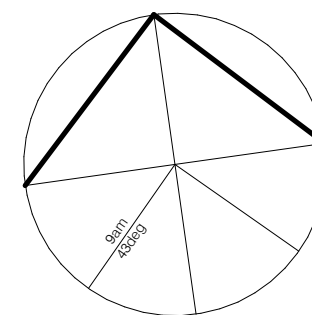
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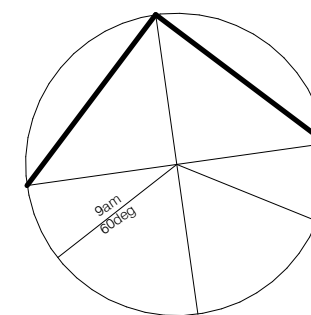
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VERTICAL SUN ANGLES
FOR SYDNEY - LATITUDE 35 DEGREES SOUTH



WINTER
SOLSTICE -
21ST JUNE



EQUINOX -
21ST MARCH &
SEPTEMBER

ARCHITECT



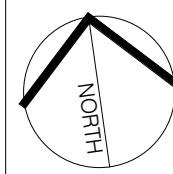
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a: 3, 09/77 Dunning Ave,
Rosebery NSW 2018

BJB Architects Pty Ltd
Nominated Architect:
Barry Babikian NSW Reg No. 8806

LEGEND:

- EXISTING SHADOWS
- ADDITIONAL PROPOSED SHADOWS
- OUTLINE OF EXISTING BUILDING STRUCTURES

NORTH



ISSUE AMENDMENT

B	DRAFT S4.55
E	REVISION AS PER RFI #1

DATE

21.04.2022
03.11.2022

PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

S4.55(2) MODIFICATION TO APPROVED
CONSENT NO. DA-289/2021

R.N

SHADOW DIAGRAMS

SCALE: 1 : 200@ A3 DATE: 03.11.2022

ISSUE: E - REVISION AS PER RFI #1

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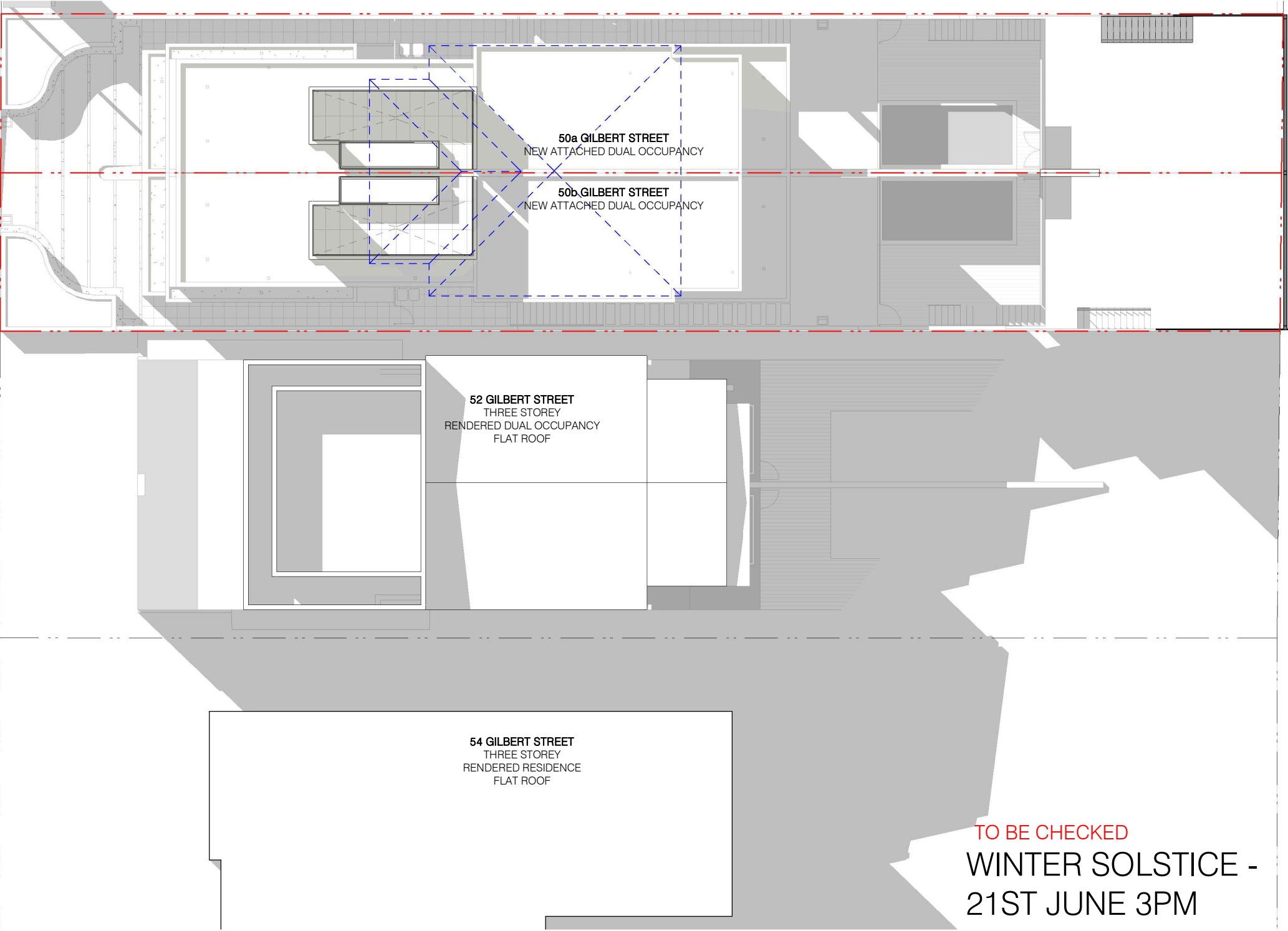
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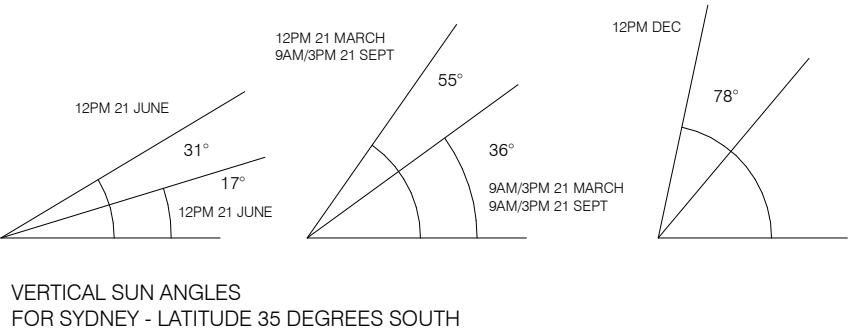
Application No: DA-289/2021/A

Date Received: 09/11/2022

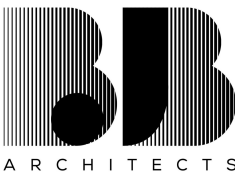
GILBERT STREET



WINTER SOLSTICE - 21ST JUNE		
9AM 43 DEGREES NE	12PM 0 DEGRESS N	3PM 43 DEGREES NW
EQUINOX - 21ST MARCH & SEPTEMBER		
9AM 60 DEGREES NE	12PM 0 DEGRESS N	3PM 60 DEGREES NW
SUMMER SOLSTICE - 21ST DECEMBER		
9AM 0 DEGREES NE	12PM 0 DEGRESS N	3PM 90 DEGREES NW



ARCHITECT



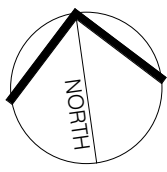
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LEGEND:

- EXISTING SHADOWS
- ADDITIONAL PROPOSED SHADOWS
- OUTLINE OF EXISTING BUILDING STRUCTURES

NORTH



ISSUE	AMENDMENT	DATE
B	DRAFT S4.55	21.04.2022
E	REVISION AS PER RFI #1	03.11.2022

PROJECT
50 GILBERT STREET, DOVER HEIGHTS

S4.55(2) MODIFICATION TO APPROVED
CONSENT NO. DA-289/2021

R.N

SHADOW DIAGRAMS
SCALE: 1 : 200@ A3
DATE: 03.11.2022
ISSUE: E - REVISION AS PER RFI #1

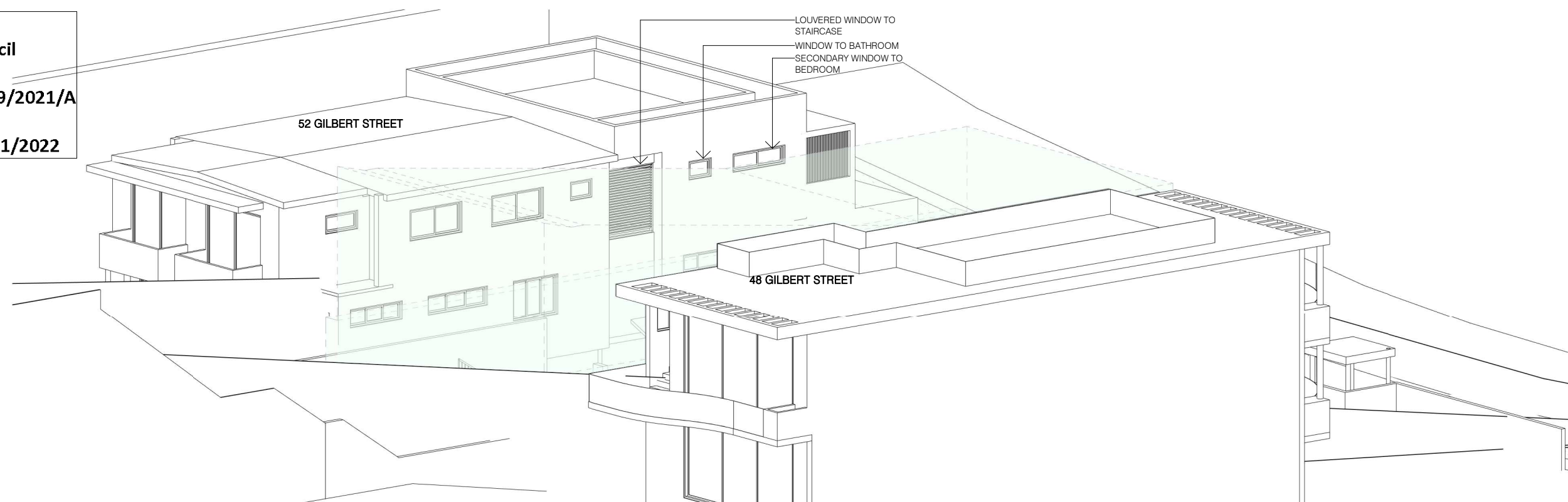
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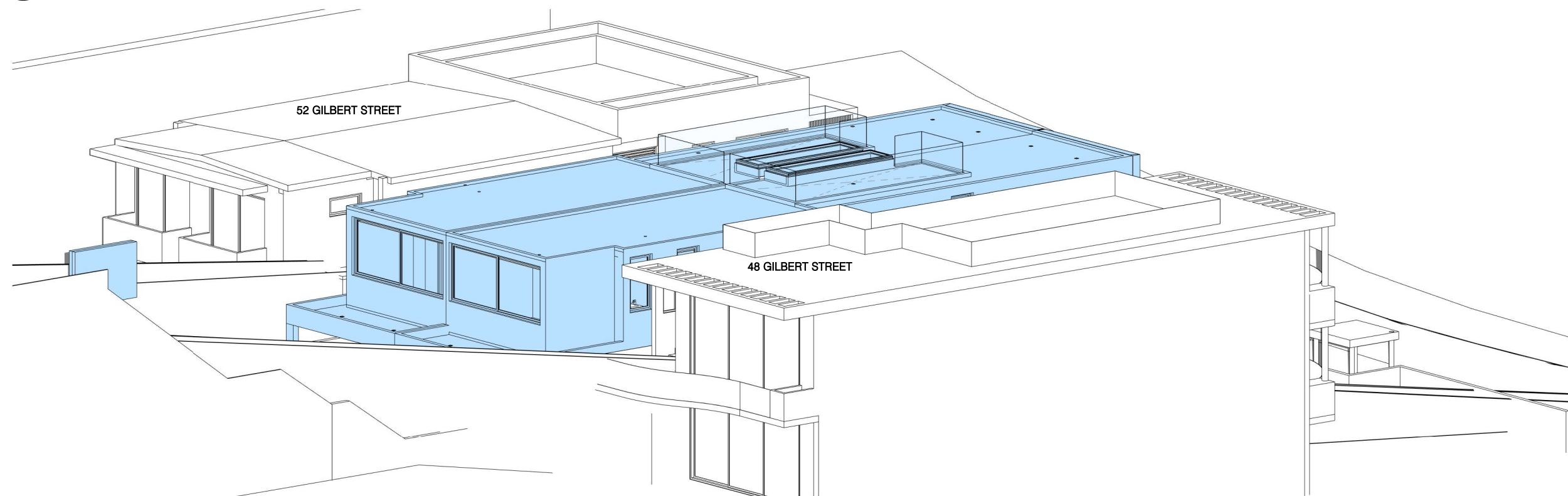
Application No: DA-289/2021/A

Date Received: 09/11/2022



1

APPROVED AND PERMISSIBLE BUILDING ENVELOPE



2

PROPOSED BUILDING ENVELOPE

WINTER SOLSTICE - 21ST JUNE 9AM

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Nominated Architect:
Barry Babikian NSW Reg No. 8806

LEGEND

- APPROVED BUILDING ENVELOPE
- PERMISSIBLE BUILDING ENVELOPE
- PROPOSED BUILDING ENVELOPE

ISSUE	AMENDMENT	DATE
B	DRAFT S4.55	21.04.2022
E	REVISION AS PER RFI #1	03.11.2022

PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

S4.55(2) MODIFICATION TO APPROVED
CONSENT NO. DA-289/2021

R.N

SOLAR EYE DIAGRAM - WINTER SOLSTICE (9AM)

SCALE: N.T.S. DATE: 03.11.2022

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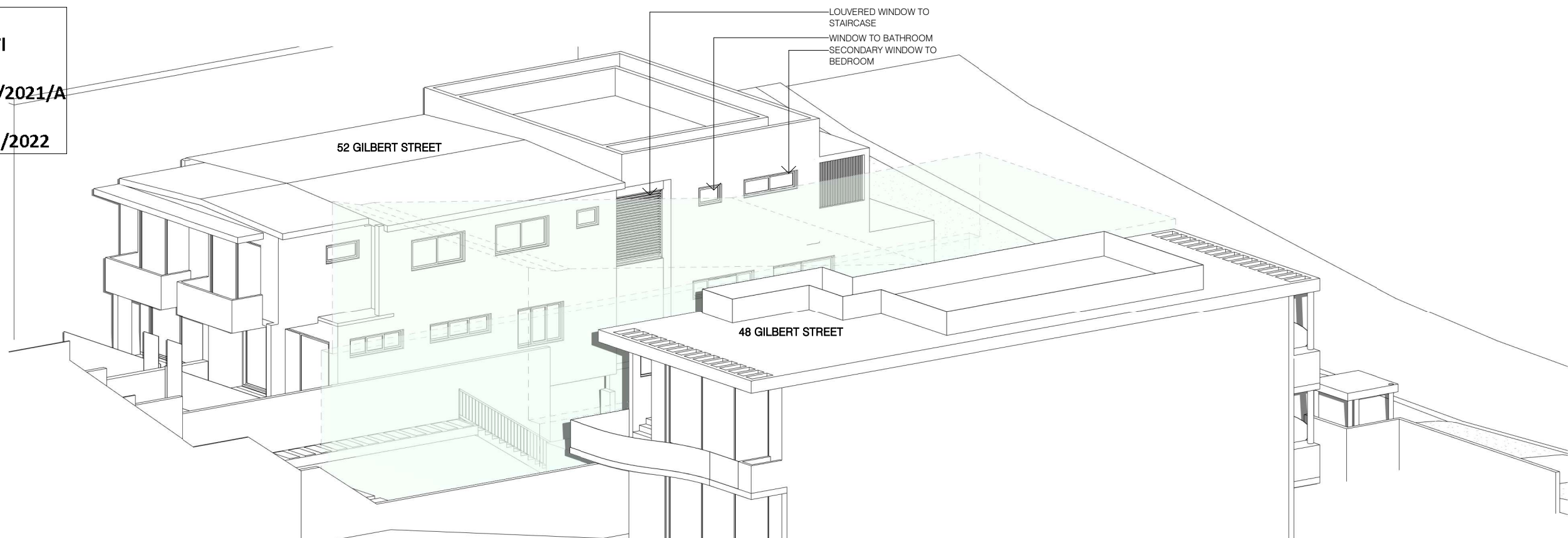
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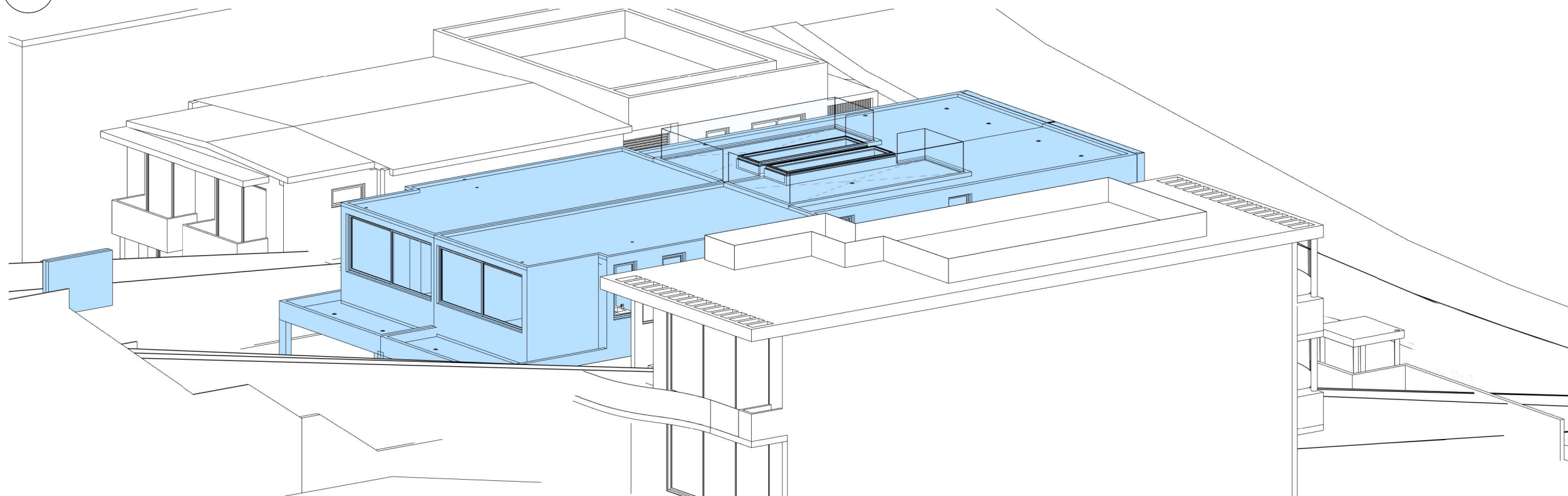
Application No: DA-289/2021/A

Date Received: 09/11/2022



1

APPROVED AND PERMISSIBLE BUILDING ENVELOPE



2

PROPOSED BUILDING ENVELOPE

WINTER SOLSTICE - 21ST JUNE 915AM

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LEGEND

- APPROVED BUILDING ENVELOPE
- PERMISSIBLE BUILDING ENVELOPE
- PROPOSED BUILDING ENVELOPE

ISSUE	AMENDMENT	DATE
B	DRAFT S4.55	21.04.2022
E	REVISION AS PER RFI #1	03.11.2022

PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

S4.55(2) MODIFICATION TO APPROVED
CONSENT NO. DA-289/2021

R.N

SOLAR EYES DIAGRAMS - WINTER SOLSTICE

(915AM)
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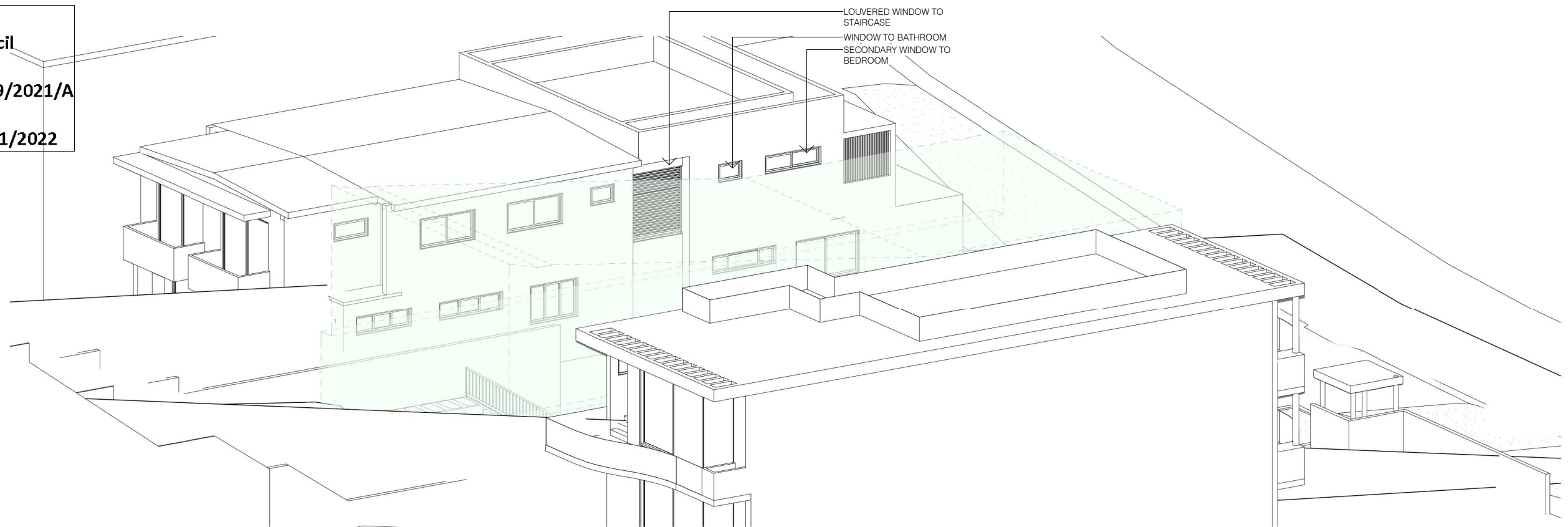
2021-006

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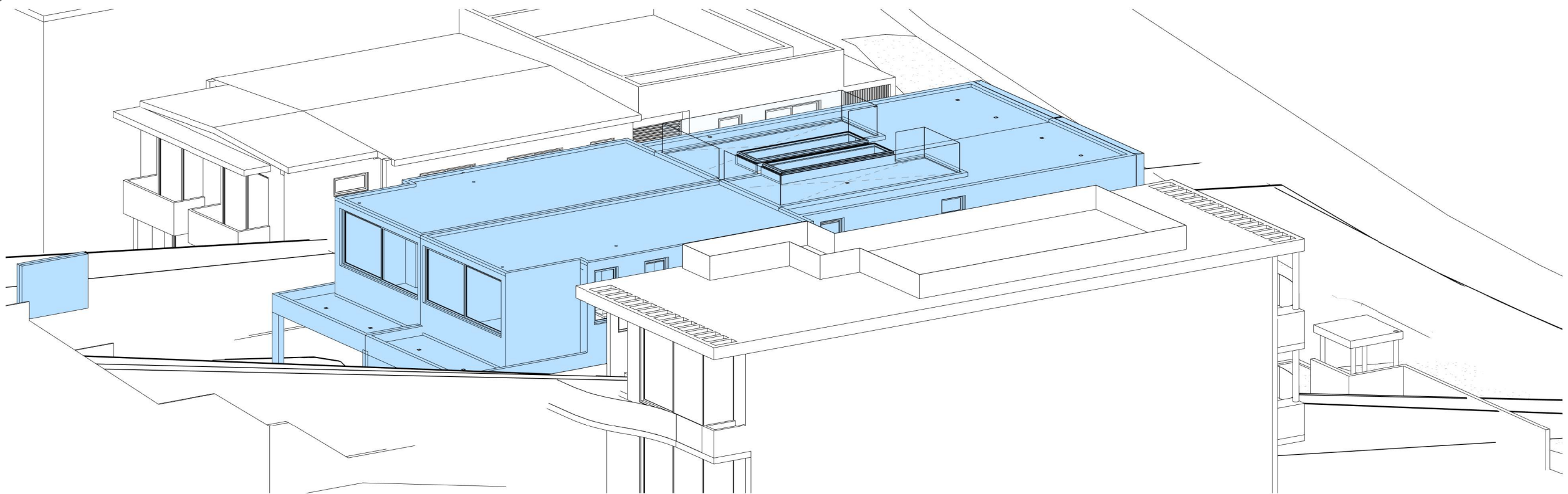
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Application No: DA-289/2021/A

Date Received: 09/11/2022



1 APPROVED AND PERMISSIBLE BUILDING ENVELOPE



2 PROPOSED BUILDING ENVELOPE

WINTER SOLSTICE - 21ST JUNE 930AM

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LEGEND

- APPROVED BUILDING ENVELOPE
- PERMISSIBLE BUILDING ENVELOPE
- PROPOSED BUILDING ENVELOPE

ISSUE	AMENDMENT	DATE
B	DRAFT S4.55	21.04.2022
E	REVISION AS PER RFI #1	03.11.2022

PROJECT
50 GILBERT STREET, DOVER
HEIGHTS

S4.55(2) MODIFICATION TO APPROVED
CONSENT NO. DA-289/2021

R.N

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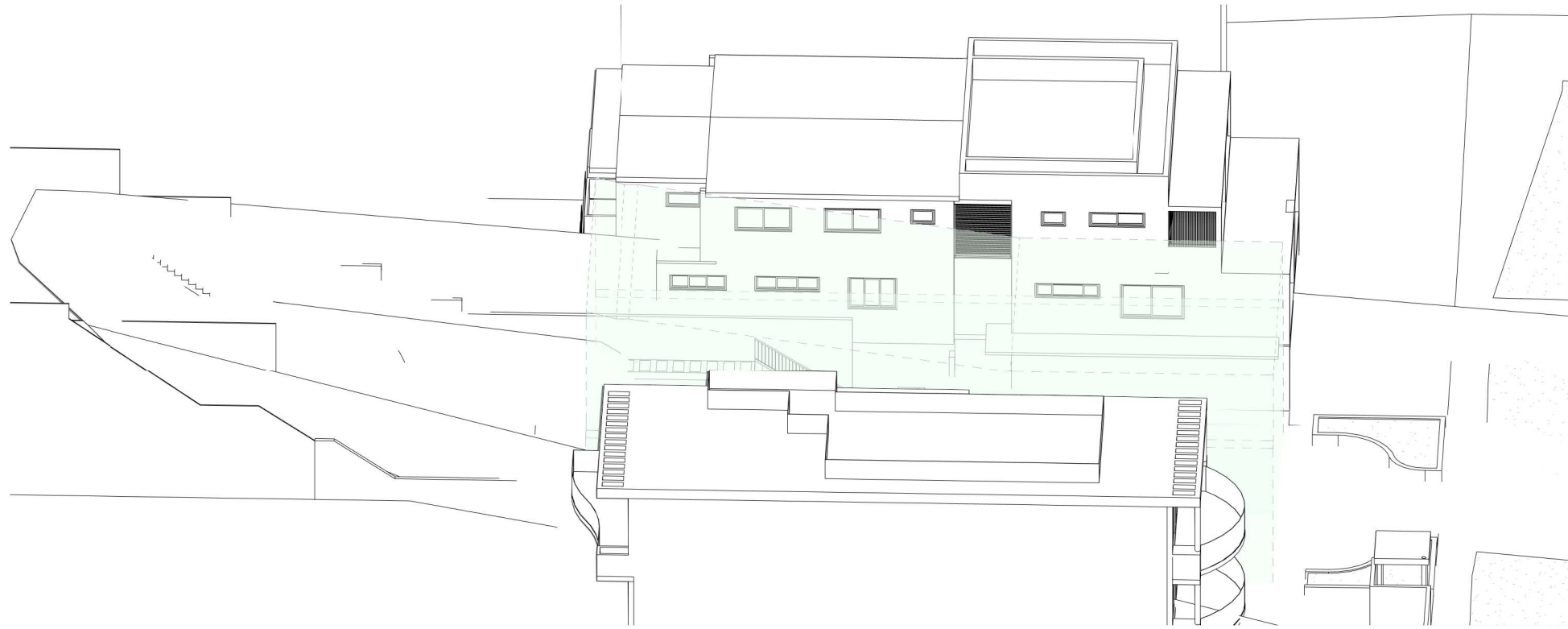
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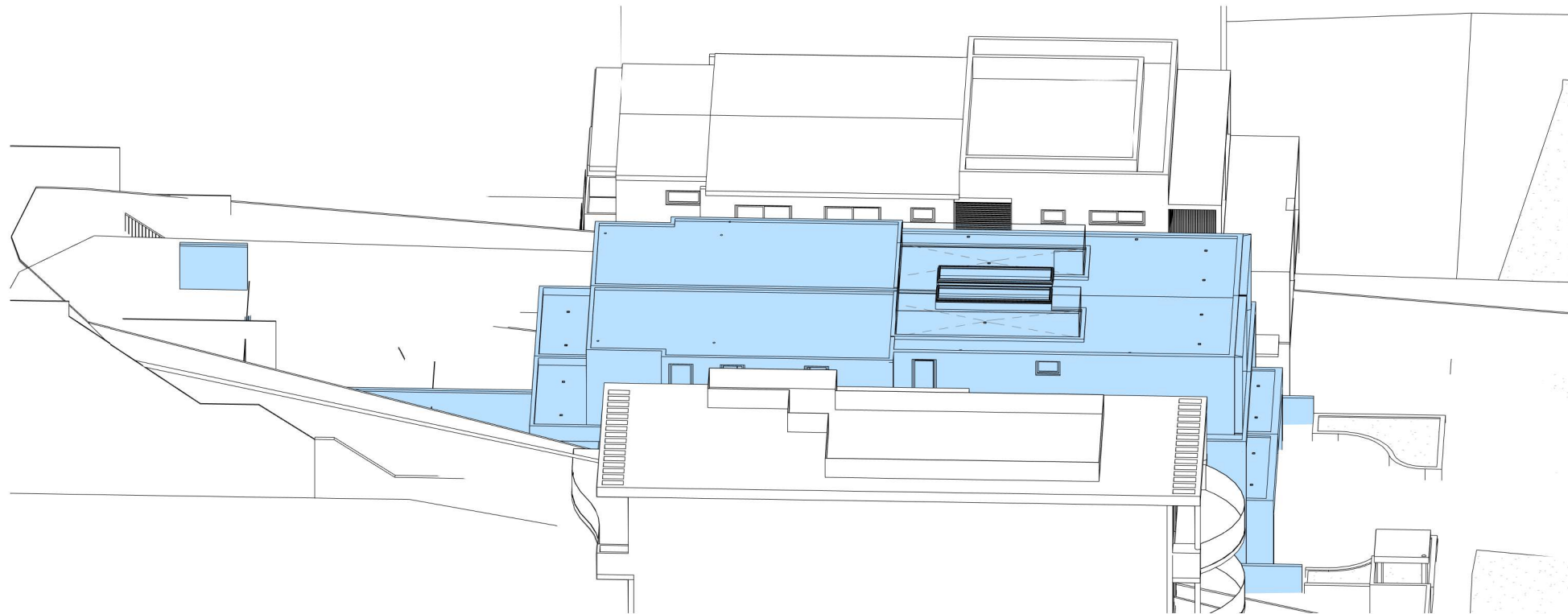
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Application No: DA-289/2021/A

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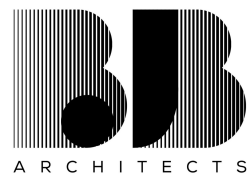
1 APPROVED AND PERMISSIBLE BUILDING ENVELOPE



2 PROPOSED BUILDING ENVELOPE

WINTER SOLSTICE - 21ST JUNE 12PM

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LEGEND

- APPROVED BUILDING ENVELOPE
- PERMISSIBLE BUILDING ENVELOPE
- PROPOSED BUILDING ENVELOPE

ISSUE	AMENDMENT	DATE
B	DRAFT S4.55	21.04.2022
E	REVISION AS PER RFI #1	03.11.2022

PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

S4.55(2) MODIFICATION TO APPROVED
CONSENT NO. DA-289/2021

R.N

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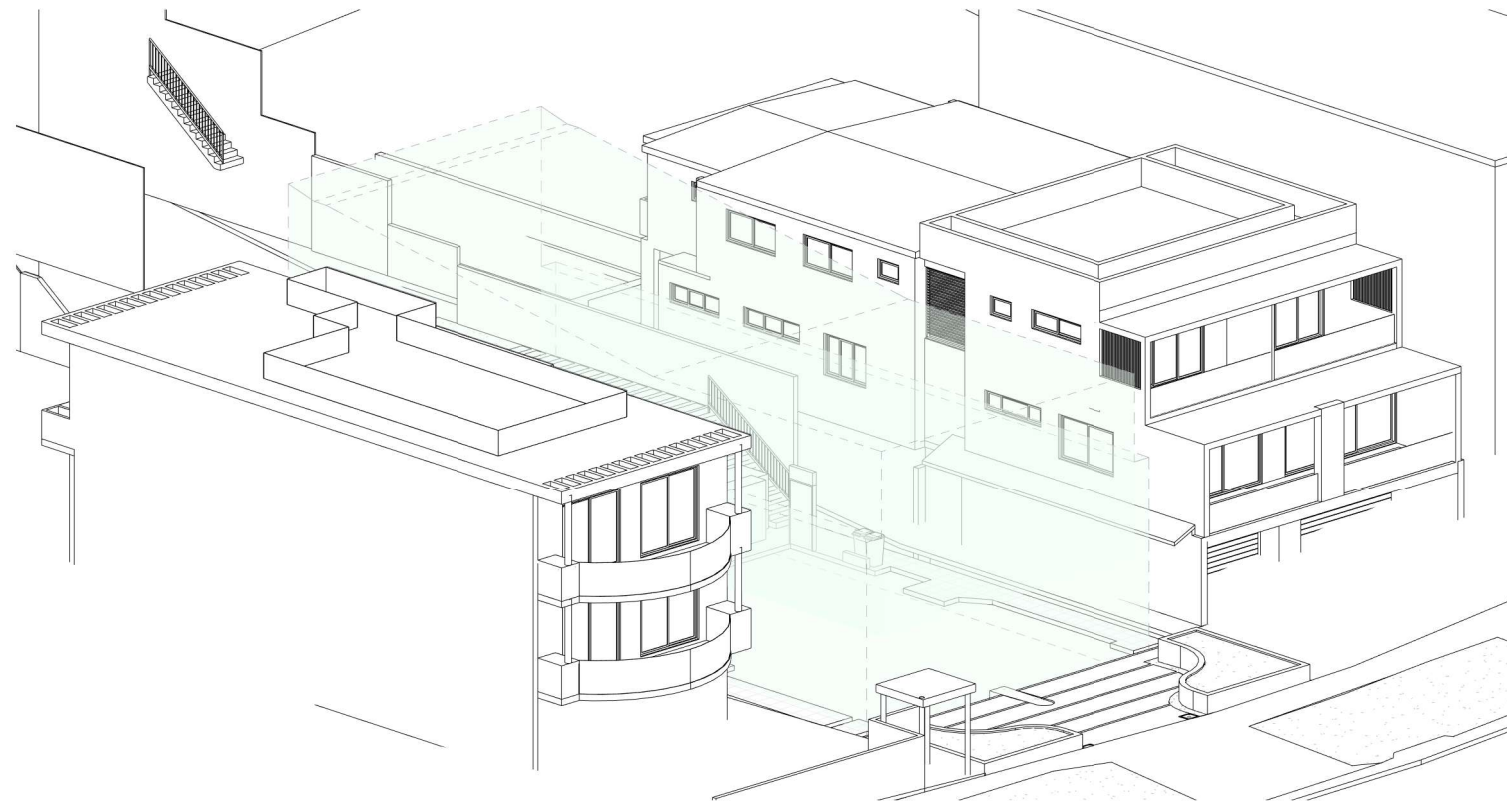
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A1512

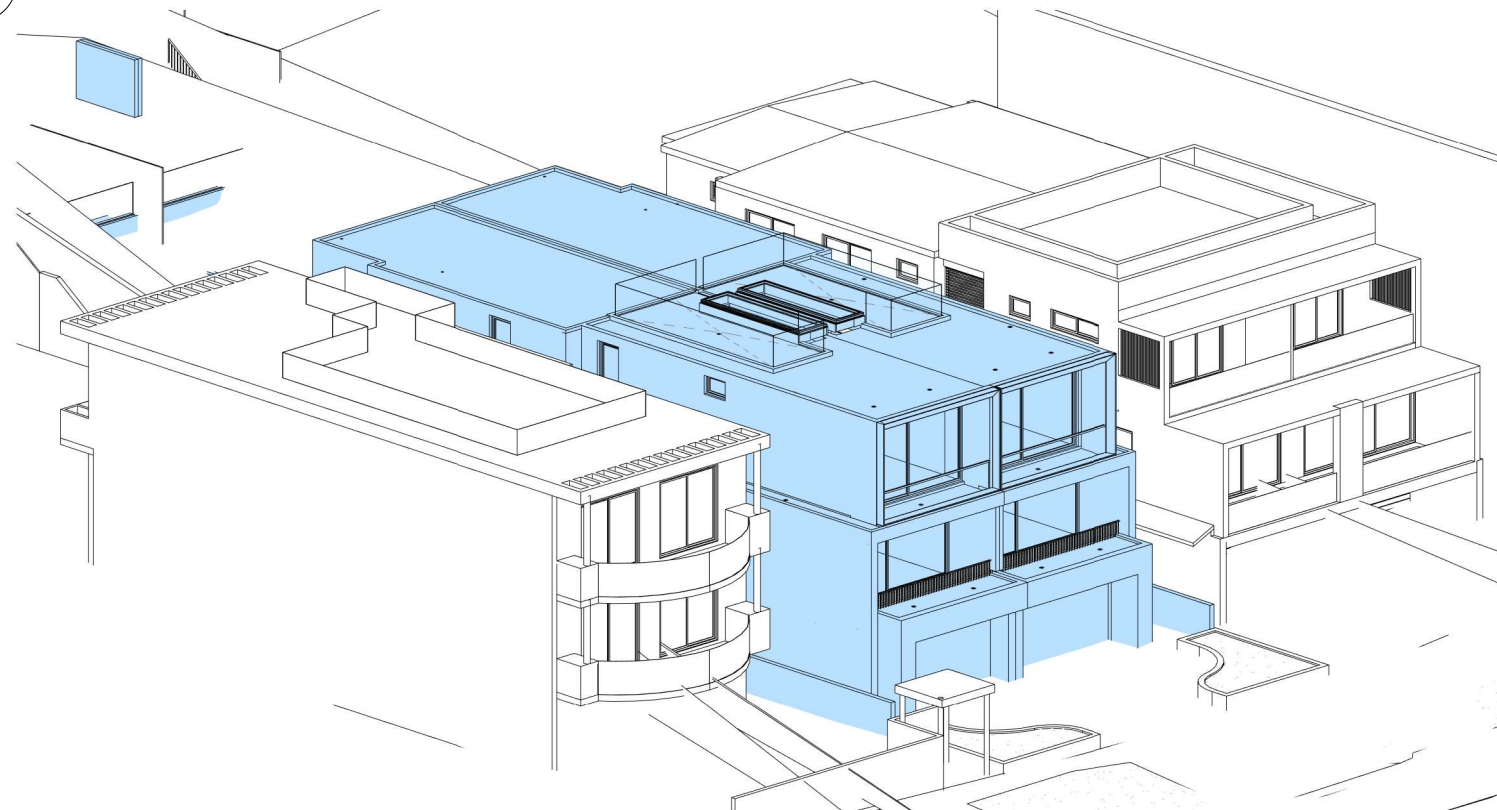
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Application No: DA-289/2021/A

Date Received: 09/11/2022



1 APPROVED AND PERMISSIBLE BUILDING ENVELOPE



2 PROPOSED BUILDING ENVELOPE

WINTER SOLSTICE - 21ST JUNE 3PM

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Nominated Architect:
Barry Babikian NSW Reg No. 8806

LEGEND

- APPROVED BUILDING ENVELOPE
- PERMISSIBLE BUILDING ENVELOPE
- PROPOSED BUILDING ENVELOPE

ISSUE	AMENDMENT	DATE
B	DRAFT S4.55	21.04.2022
E	REVISION AS PER RFI #1	03.11.2022

PROJECT

50 GILBERT STREET, DOVER
HEIGHTS

S4.55(2) MODIFICATION TO APPROVED
CONSENT NO. DA-289/2021

R.N

SOLAR EYES DIAGRAMS - WINTER SOLSTICE (3PM)

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2021-006

A1513



Report to Waverley Local Planning Panel

Application number	DA-296/2022
Site address	16 Rawson Avenue, Queens Park
Proposal	Alterations and additions to dwelling including new garage with roof terrace at the rear.
Date of lodgement	15 July 2022
Owner	Mr I W Beinart and Ms S H Beinart
Applicant	DRE Design
Submissions	Nil
Cost of works	\$101,750.00
Principal Issues	<ul style="list-style-type: none"> • Breach of FSR development standard • Privacy • Lack of landscaped area
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 dwelling including new garage with roof terrace at the rear at the site known as 16 Rawson Street, Queens Park.

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

- breach of FSR development standard
- privacy
- lack of landscaped area.

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

No neighbouring or Councillor submissions were received.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 1 December 2022.

The site is identified as Lot 88 in DP 4042 known as 16 Rawson Avenue, Queens Park.

The site is rectangular in shape with a frontage of 6.095m to Rawson Avenue, and 6.095m to Rawson Lane at the rear. It has an area of 152m² and falls from the front towards the rear by approximately 2m.

The site is occupied by a two-storey attached dwelling (terrace) with secondary access provided from Rawson Lane at the rear.

The site is adjoined by two-storey attached dwellings (terraces) on either side. The locality is characterised by a variety of low density residential developments.

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



Figure 1: Rear of the site facing south



Figure 2: Rear of the site facing north

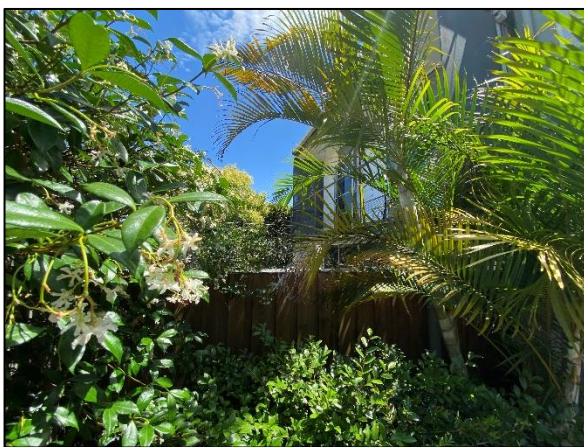


Figure 3: View of 18 Rawson Street over the southern boundary



Figure 4: Rear of the subject site and 14 Rawson Street over northern boundary



Figure 5: Rear of the dwelling facing west



Figure 6: Rear of the site from Rawson Lane facing west

1.3. Relevant Development History

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

- On 12 July 2001, Development Application L208/2001 was granted consent for refurbishment of the living space, kitchen, bathrooms and creation of an additional car space.
- On 5 June 2012, Development Application DA-580/2011 was granted consent for alterations and additions including a first floor addition to the dwelling.

1.4. Proposal

The development application seeks consent for alterations and additions to an attached dwelling and specifically includes:

- Demolition of the existing rear deck and garage.
- Construction of a new single car garage with storage, a sink and stairs to the rear patio.
- New rear patio.
- Rooftop terrace over the garage with planter boxes.
- Privacy screen on southern boundary.
- Replacement of window W01 to the ground floor eastern façade.
- New bi-fold doors to ground floor eastern façade.
- Landscaping.

1.5. Background

The following background is relevant to the proposal:

- On 15 July 2022, the subject development application (DA-296/2022) was lodged with Council.
- On 4 August 2022, a Stop the Clock letter was issued to the applicant requesting amended plans to address concerns raised in relation to the internal dimensions of the garage, privacy, and insufficient plan details and documentation.
- On 15 August 2022, the applicant submitted amended plans.
- On 18 August 2022, further amended plans were requested as the plans submitted did not fully address the amendments requested.
- On 9 September 2022, the applicant submitted amended plans. The amended plans form the basis of this assessment.
- On 16 January 2023, a deferral letter was issued to the applicant requesting a Clause 4.6 Variation Request to justify the proposed breach of the FSR development standard and amended plans detailing amendments to address concerns relating to privacy.
- On 23 January 2023, the applicant submitted amended plans and documentation.
- On 1 February 2023, an amended Clause 4.6 Variation Request was requested.
- On 2 February 2023, the applicant submitted an amended Clause 4.6.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

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

State Environmental Planning Policy (Transport and Infrastructure) 2021.

The application was referred to Ausgrid for comment in accordance with Clause 2.48 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* as the proposal includes development within 5m of an exposed overhead electricity power line.

Ausgrid raised no objection to the proposal. Refer to section 3.5 for Ausgrid's comments.

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal satisfies the aims of WLEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as ancillary to an attached dwelling and is permitted with consent in the R2 zone.

Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	Yes	The proposal has a height of 3.4m.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.9378:1 or 142.54m ²	No	The proposal has an FSR of 1.03:1 or 156.9m ² exceeding the development standard by 14.36m ² or 10.07%.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is identified as being located within the Queens Park Heritage Conservation Area (C14). The proposal will not result in any adverse impacts on the setting or context of the conservation area.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The proposal does not include any significant earthwork which would result in adverse impacts to the surrounding environment.

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

Clause 4.6 Exceptions to Development Standards

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

The site is subject to a maximum floor space ratio development standard of 0.9378:1. The assessment has found the existing site to comprise an FSR of 0.9967:1 or 151.5m² representing a 6.28% variation.

The proposed development has an FSR of 1.03:1 or 156.9m², exceeding the standard by 14.36m² equating to a 10.07% variation. The subject proposal equates to an additional 5.4m² of GFA.

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 satisfies the objectives of the floor space control (Clause 4.4) and the R2 zone under WLEP.
 - (ii) The proposal is consistent with the existing bulk of existing and new developments in the street and immediate locality.
 - (iii) The additional space created by the proposed works is minor and small-scale.
 - (iv) The development has been sensitively designed so as not to create any adverse amenity impacts.
 - (v) The building footprint is the same as the existing building onsite and the proposed building footprint is reflective and generally consistent with other developments in the street and locality.
 - (vi) The height, scale and form of the garage structure and terrace area is consistent with other existing and adjoining garage structures and built forms along the rear lane.
 - (vii) There is no additional bulk created by the additional floor space area which is within the structure and will not be visible externally from the street or laneway.
 - (viii) The terrace will provide for planter boxes around the perimeter and will soften the appearance of the area when viewed from the laneway.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The proposal will provide a consistent built form outcome that satisfies the WDCP 2012 objectives and controls for ancillary structures and developments adjacent to laneways.
 - (ii) The additional floor space is considered to be minor and small scale in nature.
 - (iii) The additional floor space will not affect the public domain and will not be visible from the street, laneway or adjoining developments and will not affect the amenity of neighbouring properties ie, overlooking, overshadowing or impact on view loss.
 - (iv) The proposal is compliant with all the key statutory planning controls and will not affect the overall height, scale and bulk of the existing 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 proposal will satisfy the objectives of the zone and the FSR development standard and will not be of an unreasonable or incompatible bulk and scale when viewed from neighbouring properties or the streetscape. The area of additional calculable floor space is considered to be minor and will not result in any significant additional bulk or change within the streetscape.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The proposal will be in keeping with the context of the locality and will not result in adverse impacts on the amenity of the streetscape or neighbouring properties with regard to bulk and scale, overshadowing or views.

Is the development in the public interest?

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

The objectives of the FSR development standard are as follows:

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

The proposal will not be incompatible with the built form and scale of developments within the locality and will not result in adverse impacts on the streetscape or neighbouring properties with regard to bulk and scale, overshadowing or views.

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.*
- To ensure dwelling character, landscape character, neighbourhood character, streetscapes and amenity are maintained or enhanced over time.*
- To encourage the supply of housing that meets the needs of the population, particularly housing for older people and people with disability.*
- To promote development that incorporates planning and design measures that reduce the urban heat island effect.*
- To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.*

The proposal will provide for the housing needs of the community within the low density residential environment. The proposal will be in keeping with the character of the locality and will not result in adverse impacts on residential amenity.

Conclusion

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

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

The relevant matters to be considered under the Waverley DCP 2012 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	No	The proposal does not satisfy the minimum landscaped area requirements, however a greater provision of landscaping will be required by condition (detailed later in this report) which will serve to improve privacy, soften the built form and positively contribute to the landscaped amenity of the locality.
6. Stormwater	Yes	Satisfactory.
8. Transport Maximum parking rate: <ul style="list-style-type: none">• 1 space for 2 or less bedrooms• 2 spaces for 3 or more bedrooms.	Yes	The proposal provides for 1 car space. The design and location are satisfactory given the site constraints and surrounding development context.
9. Heritage	Yes	Satisfactory. Council's Heritage Advisor has reviewed the proposal and raised no objection on heritage grounds. The works are located at the rear of the site and will not result in any adverse impacts to the setting or context of the heritage conservation area.
10. Safety	Yes	Satisfactory.
12. Design Excellence	Yes	Satisfactory.
14. Excavation	Yes	Satisfactory.
16. Public Domain	Yes	Satisfactory.

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

Development Control	Compliance	Comment
2.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> • Predominant front building line • Predominant rear building line at each floor level 	Yes	The proposal does not include any changes to the front or rear building alignment.
2.2.2 Side setbacks <ul style="list-style-type: none"> • Minimum of 0.9m (for height up to 8.5m) 	No	The proposal includes a nil setback from the side boundaries which does not comply with the 900mm minimum setback requirement. Nil setbacks are however considered appropriate within the context of the site.
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 will predominantly maintain the existing built form as viewed from the streetscape and will not be out of character with the context of the locality which comprises a variety of double width garages with terraces and landscaping above.</p> <p>Landscaping will be removed as part of the proposal, however new planting will be provided by way of landscaped perimeter planters which will serve to soften the built form as viewed from neighbouring properties and the streetscape.</p>
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 	No	<p>The proposal includes an increase to the height of the fence/wall along both side boundaries to greater than 1.8m in height. High boundary walls at the rear are not uncommon within the locality due to the provision of boundary-to-boundary garages with terraces above.</p> <p>The proposal will not result in adverse impacts on the neighbouring properties with regard to overshadowing and no submissions were received raising concerns in relation to the height of the fencing/walls proposed. The proposal is not considered to be unreasonable.</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 predominant in the immediate vicinity 	No	<p>The assessment has found that the terrace proposed over the roof of the garage would enable overlooking of the neighbouring properties habitable room windows and private open space.</p> <p>During the assessment (at the request of Council), amended plans were provided which detail an increase to the width of the planter box along the northern boundary in order to enable mature landscaping to be provided and maintained for privacy screening. Landscaping to a minimum mature height of 1.6m was requested. The amended plans however detail landscaping to a mature height of 1.5 which would not maintain an adequate level of privacy. A condition of consent has therefore been included requiring landscaping to a minimum mature height of 1.6m.</p> <p>Plans detailing a planter box along the southern side of the terrace, north of the stairs, were also requested. The applicant refrained from doing so on the basis that in their opinion the privacy screen proposed along the southern boundary would be sufficient, and the landscaping would limit solar access into the subject dwelling.</p> <p>The assessment has found that the privacy screen along the common boundary would minimise downward views however, would not prevent direct sightlines into the first floor bedroom and adjoining balcony of the property neighbouring to the south at 18 Rawson Street.</p> <p>In accordance with control (e), where an elevated deck is proposed, it is to have a maximum area of 10m², and a maximum depth of 1.5m. The proposed deck currently comprises an area of 15.33m² and a depth of 4.8m and therefore exceeds the control. To minimise the size of the deck so that it is more in keeping with the requirements of control (e) and to ensure adequate privacy is maintained, a condition of consent has been included which requires a planter box to be provided along the southern side of the deck with either a privacy screen or landscaping up to 1.6m to be provided.</p>

		As conditioned, the proposal will maintain an adequate level of privacy.
2.6 Solar access		
<ul style="list-style-type: none"> • Minimum of three hours of sunlight to living areas and principal open space areas on 21 June • Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. • Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	Yes	The proposal will not result in any adverse overshadowing impact on the neighbouring properties.
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 impact on public or private views.
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. 	Yes	On-site parking provided via the rear lane is in line with Council's preferred car parking hierarchy and the context of the locality. The design and built form of the proposal will be compatible with the character of the streetscape.
2.8.2 Parking rates	Yes	The proposal complies with the parking rates are set out under Part B8 of DCP 2012.

<p>2.8.3 Location</p> <ul style="list-style-type: none"> • Behind front building line for new dwellings • Existing development to be in accordance with the hierarchy of preferred car parking locations 	Yes	The proposal will provide parking at the rear via Rawson Lane which is in accordance with the preferred parking hierarchy.
<p>2.8.4 Design</p> <ul style="list-style-type: none"> • Complement the style, massing and detail of the dwelling • Secondary in area and appearance to the design of the residences • No part of the façade is to be demolished to accommodate car parking • Gates to have an open design 	Yes	The design of the garage is in keeping with the existing dwelling and the context of the streetscape.
<p>2.8.5 Dimensions</p> <ul style="list-style-type: none"> • 5.4m x 2.4m per vehicle 	Yes	The proposal complies with the minimum dimensions for a single car parking space.
<p>2.8.6 Driveways</p> <ul style="list-style-type: none"> • Maximum of one per property • Maximum width of 3m at the gutter (excluding splay) • Crossings not permitted where 2 on street spaces are lost 	Yes	A single driveway at the rear of the property is proposed. The driveway exceeds the 3m maximum width requirement, however is acceptable as the driveway is existing and provides for reasonable manoeuvrability within the laneway.
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 • Outdoor clothes drying area to be provided 	No	<p>Due to the existing site constraints, the proposal does not provide a minimum of 40% of the site as open space. The proposal will however maintain a provision of open space which is generally consistent with the existing provision of open space on the site.</p> <p>The proposal will result in the removal of the only existing area of landscaping currently provided within the site. Whilst this is highly undesirable, the constraints of the site have been considered.</p> <p>The landscaping proposed is not calculable as landscaped area in accordance with the WLEP 2012 landscaped area definition given it is contained within planters, however will contribute to the landscaped amenity of the</p>

		locality, whilst also serving to provide privacy and to visually soften the built form as viewed from neighbouring properties and the streetscape.
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 	Yes	The proposal will read as a cohesive part of the existing dwelling.
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 New windows to have a similar proportion to the existing 	Yes	The design and materials proposed will be compatible with existing dwelling and surrounding developments.
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 Privacy treatments to be provided for first floors above garages Pedestrian pass door provided for single width garage doors Garage studios and rear lane garage develops are to be provided with landscaping 	Yes	<p>The landscaping proposed will soften the built form and enhance the amenity of the streetscape.</p> <p>A combination of privacy screens, landscaping and setbacks will serve to minimise privacy impacts as a result of the proposed elevated terrace.</p>
2.14.2 - Laneway Design Provisions <ul style="list-style-type: none"> Maximum external wall height of 3.6m Maximum overall height of 6m to the roof ridge Landscape character of the lane maintained External stairs not acceptable 	Yes	<p>The height of the proposal will be generally consistent with the height of the existing garage, and less than 3.6m in height along the rear boundary. The flat roofed design will be compatible with the character of the laneway streetscape and will minimise impacts on the streetscape and neighbouring properties with regard to bulk and scale and overshadowing.</p> <p>Planting along the perimeter of the proposed terrace will positively contribute to the character of the laneway, whilst serving to minimise impacts on amenity.</p> <p>The external stairs will not be visible from the streetscape. Landscaping and the privacy screen proposed on the southern boundary will serve to</p>

		<p>minimise impacts on the privacy of the neighbouring property.</p> <p>The design and style of the proposal will be compatible with the existing dwelling</p>
<p>2.14.3 Development in Heritage Conservation areas</p> <ul style="list-style-type: none"> • Single width garages or double with central divide • Finishes and proportions to match the traditional construction in the area • Overlooking to be mitigated • Yard areas not to be roofed • Box gutters on side boundaries to be avoided. 	Yes	<p>The site is identified as being located within the Queens Park Conservation Area (C14). The proposal comprises works at the rear of the site only, adjacent the rear lane which is not considered to comprise the key heritage aspects of the conservation area.</p> <p>Council's Heritage Advisor has reviewed the proposal and raised no objection on heritage grounds.</p> <p>The proposal will not result in any adverse impacts on the setting, character or significance of the heritage conservation area.</p>

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 4 and 18 August 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 proposal did not include any new or additional impacts on the neighbouring properties.

No submissions were received.

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Traffic and Development

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

3.2. Stormwater

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

3.3. Public Domain

Council's Public Domain Department reviewed the proposal and raised no objection on the grounds that the existing encroachment on Council land will be removed as a result of the proposal.

3.4. Heritage

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

3.5. Ausgrid

Ausgrid reviewed the proposal and provided the following comment:

Ausgrid does not object to the proposed development.

The applicant/developer should note the following comments below regarding any proposal within the proximity of existing electrical network assets.

Ausgrid Overhead Powerlines are in the vicinity of the development

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The "as constructed" minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the

development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost.

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website:

www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries.



Should you have any enquiries, please contact Ausgrid at development@ausgrid.com.au.

4. CONCLUSION

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed by:
	
Karis Keenan	Kylie Lucas
Senior Development Assessment Planner	A/Manager, Development Assessment
Date: 3 February 2023	Date: 08/02/2023

Reason for WLPP referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by DRE Design of Project No: 0544 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA003, Rev D	Existing / Demolition Plan	15 August 2022	17 August 2022
DA004, Rev D	Site and Roof Plan	15 August 2022	17 August 2022
DA101, Rev D	Lower Ground Floor and Ground Floor	20 January 2023	23 January 2023
DA102, Rev D	Upper Ground Floor and First Floor	15 August 2022	17 August 2022
DA200, Rev D	Sections	15 August 2022	17 August 2022
DA301, Rev D	Elevations	15 August 2022	17 August 2022
DA302, Rev D	Elevations	15 August 2022	17 August 2022
DA500, Rev D	Windows and Doors Schedule	15 August 2022	17 August 2022
DA600, Rev D	Area Calculations and Materials	15 August 2022	17 August 2022

(b) Landscape Plan DA700 Rev D prepared by DRE Design dated 20 January 2023 and received by Council on 23 January 2023.

(c) BASIX Certificate A455466 dated 20 April 2022.

(d) Stormwater Details and documentation prepared by Mesh Group P/L Hydraulic Services Consultant dated 30 March 2022 and received by Council on 15 July 2022.

(e) Clause 4.6 Variation Request prepared by Larissa Ozog dated February 2023 and received by Council on 2 February 2023.

(f) Heritage Impact Statement prepared by DRE Design dated 28 June 2022, Rev A and received by Council on 15 July 2022.

(g) 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) A planter box with a minimum internal width of 600mm is to be provided along the southern side of the terrace, north of the staircase. The planter box is to comprise landscaping with a minimum mature height of 1.6m above the finished floor level of the terrace or include a privacy screen which measures 1.6m in height above the finished floor level of the terrace, with vertical blades fixed at a 45 degree angle in a north-west, south-east direction.

- (b) The landscape plan is to be amended to detail the 1.5m minimum mature height landscaping related with landscaping to achieve a minimum mature height of 1.6m above the finished floor level of the terrace.

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

GENERAL REQUIREMENTS

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

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

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

4. HOME BUILDING ACT

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

CONTRIBUTIONS, FEES & BONDS

5. SECTION 7.12 CONTRIBUTION

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

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

"Waverley Council Cost Summary Report"; or,

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

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

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

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

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

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

6. SECURITY DEPOSIT

A deposit (cash or cheque) for the amount of \$3,800.00 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

7. LONG SERVICE LEVY

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

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

CONSTRUCTION & SITE MATTERS

8. 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.

9. ENGINEERING DETAILS

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

TRAFFIC MANAGEMENT

10. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

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

STORMWATER & FLOODING

11. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

The stormwater plans prepared by DRE DESIGN P/L, Job No. 3172, DWG STW-100, Issue A, dated 30/03/2022 has been checked and considered satisfactory with respect to Council's stormwater requirements.

To ensure the management of stormwater runoff from the development is undertaken without impact to the subject site, neighbouring properties or receiving drainage system, stormwater runoff from the development shall be collected and piped by gravity flow in accordance with Council's Stormwater Management Technical Manual.

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.

ENERGY EFFICIENCY & SUSTAINABILITY

12. BASIX

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

WASTE

13. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

14. CONSTRUCTION SIGNS

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

15. 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

16. CONTROL OF DUST ON CONSTRUCTION SITES

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

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall

cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.

17. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

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

18. 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

19. CONSTRUCTION HOURS

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

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

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

21. CONSTRUCTION INSPECTIONS

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

22. 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.

23. TREATMENT OF BOUNDARY WALLS

The wall approved on the northern boundary with the neighbouring property is to be finished to the same standard as the remaining building and not left unfinished to ensure a consistent visual appearance.

24. WORK OUTSIDE PROPERTY BOUNDARY

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

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

25. RECONSTRUCT VEHICLE CROSSING

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

Prior to the submission of the vehicle crossing application, works as executed drawings shall be submitted to Council for the approval of the Executive Manager Creating Waverley confirming the finished levels of the internal driveway between the property boundary and the garage floor comply with the approved driveway long sections.

26. VEHICULAR ACCESS - FINISHED LEVELS TO INVERT OF THE GUTTER

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

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

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies 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

27. 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.

28. CERTIFICATION OF BASIX COMMITMENTS

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

29. 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.

30. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM

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

E. OPERATIONAL MATTERS

The following operational conditions must be complied with at all times, throughout the use and operation of the development or use.

PARKING AND ACCESS

31. HEADROOM CLEARANCE

The headroom clearance on the entry and within the garage is to be a minimum of 2.2 metres.

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. ALTERATIONS AND ADDITIONS ONLY

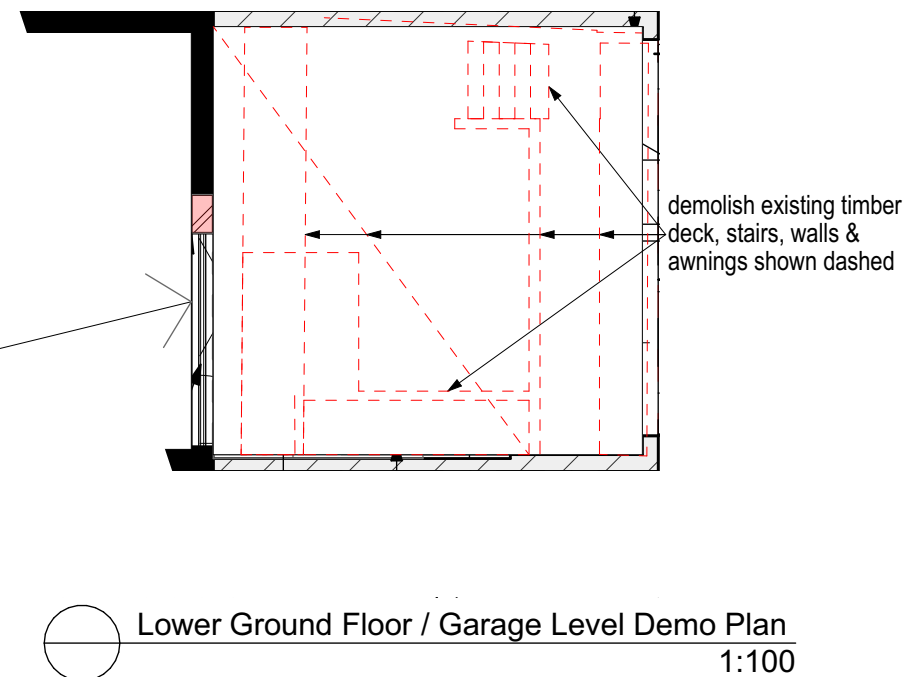
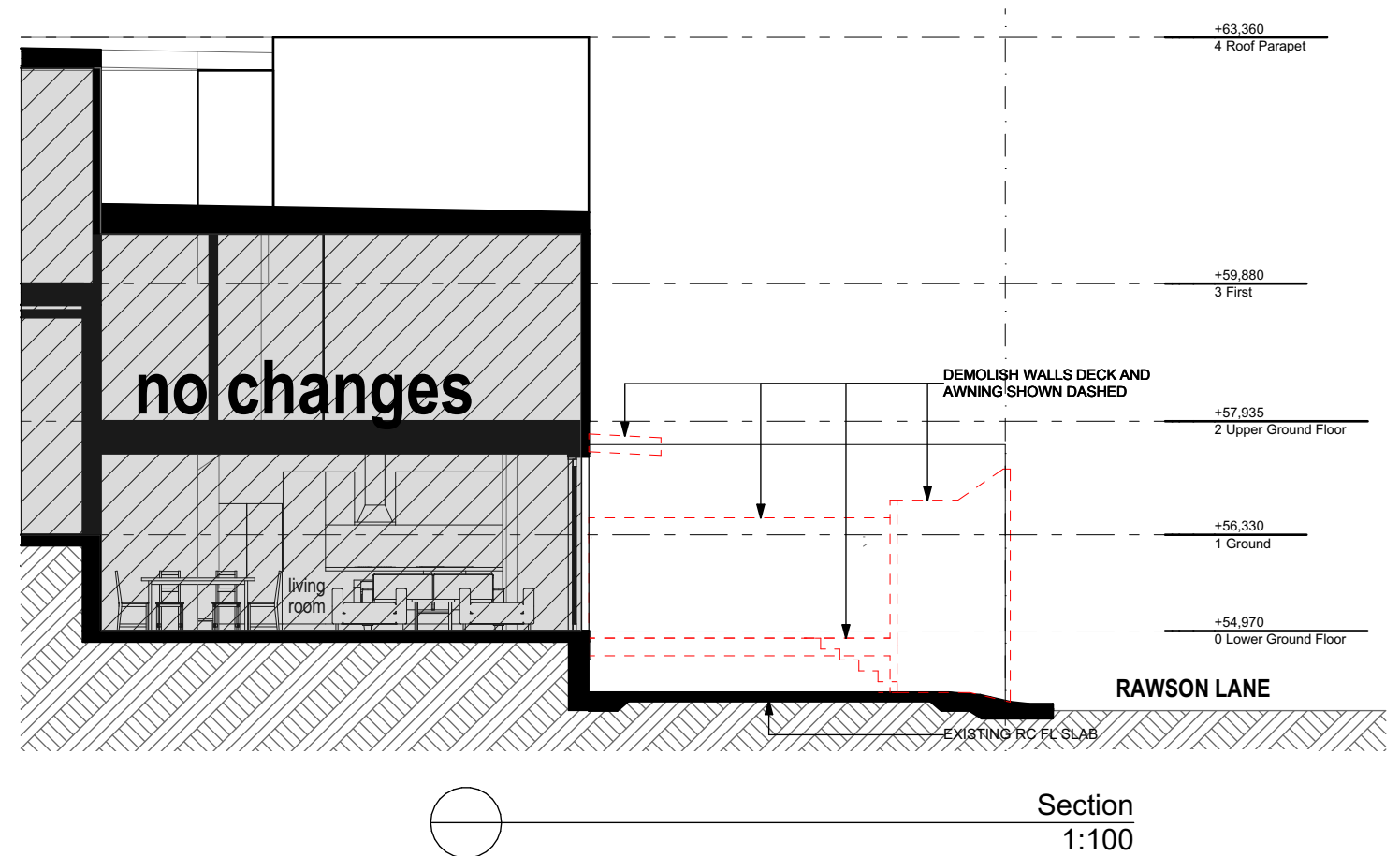
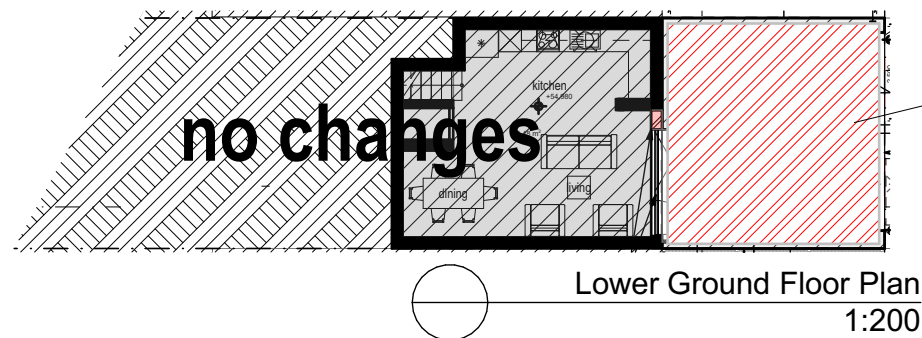
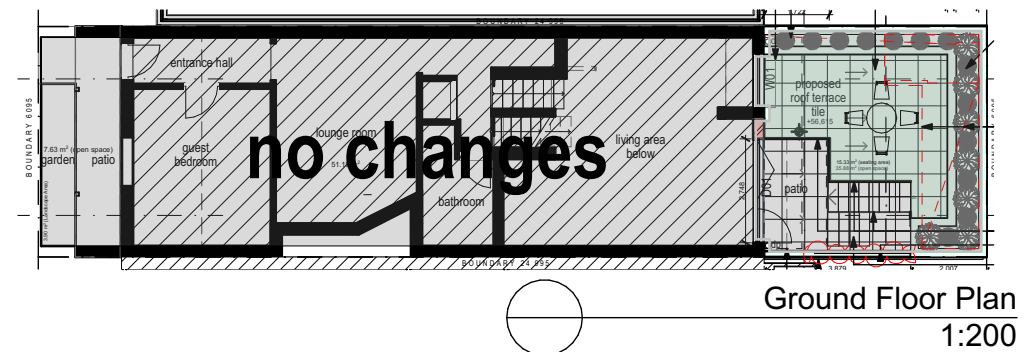
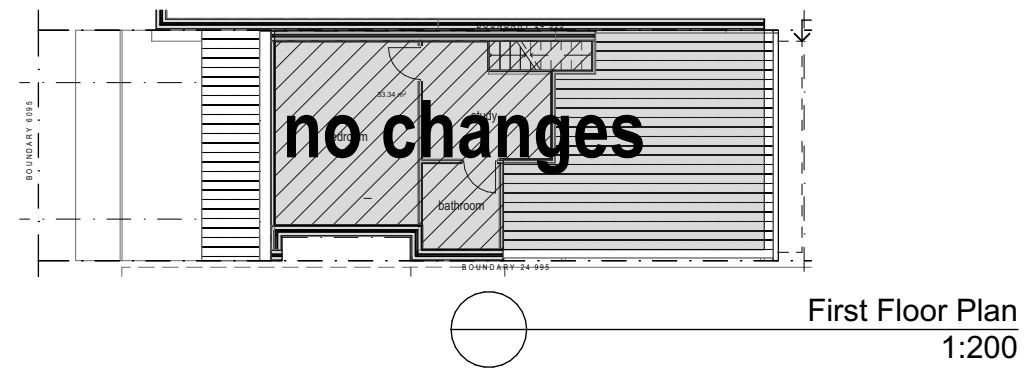
This consent is for alterations and additions to the existing building only and should during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted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



Revision:
C: Development Application 18 May 2022
D: Development Application 15 August 2022

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Architecture Urban Design & Planning
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www.dredesign.com.au
David Epstein Architect
ARB NSW Reg No. 9072 T/A DRE Design

Plot Date: 15/08/2022
Project NO. 0544
Project Status Development Application

Client Ian and Susan Beinart
Site: 16 Rawson Avenue, Queens Park NSW 2022

DRAWING TITLE :
Existing / Demo Plan

PROJECT NAME :
Proposed garage & terrace

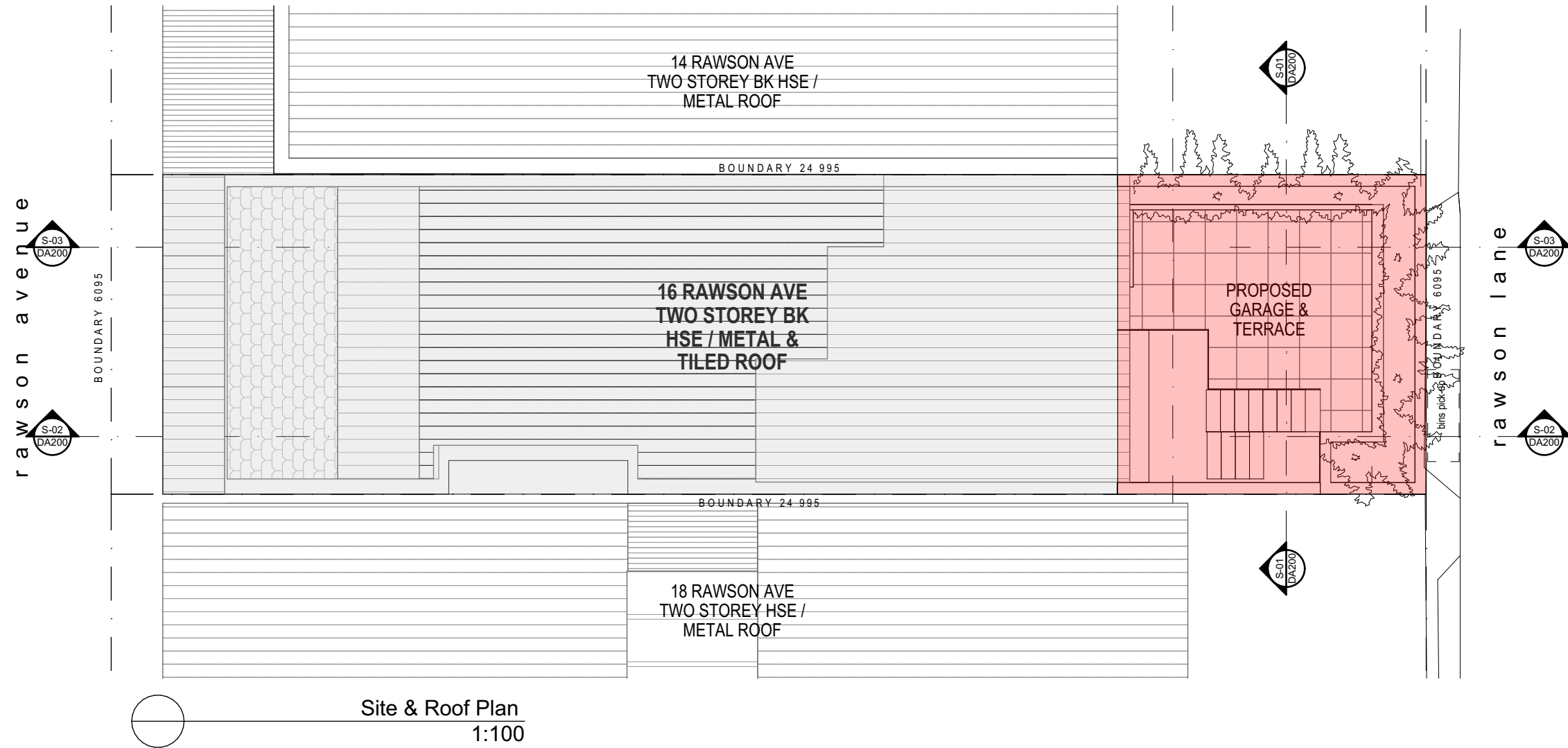
REVISION NO.

D

DRAWING NO.

DA003





Revision:
C: Development Application 18 May 2022
D: Development Application 15 August 2022

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David Epstein Architect
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Plot Date: 15/08/2022
Project NO. 0544
Project Status Development Application

Client Ian and Susan Beinart
Site: 16 Rawson Avenue, Queens Park NSW 2022

DRAWING TITLE :
Site & Roof Plan

PROJECT NAME :
Proposed garage & terrace

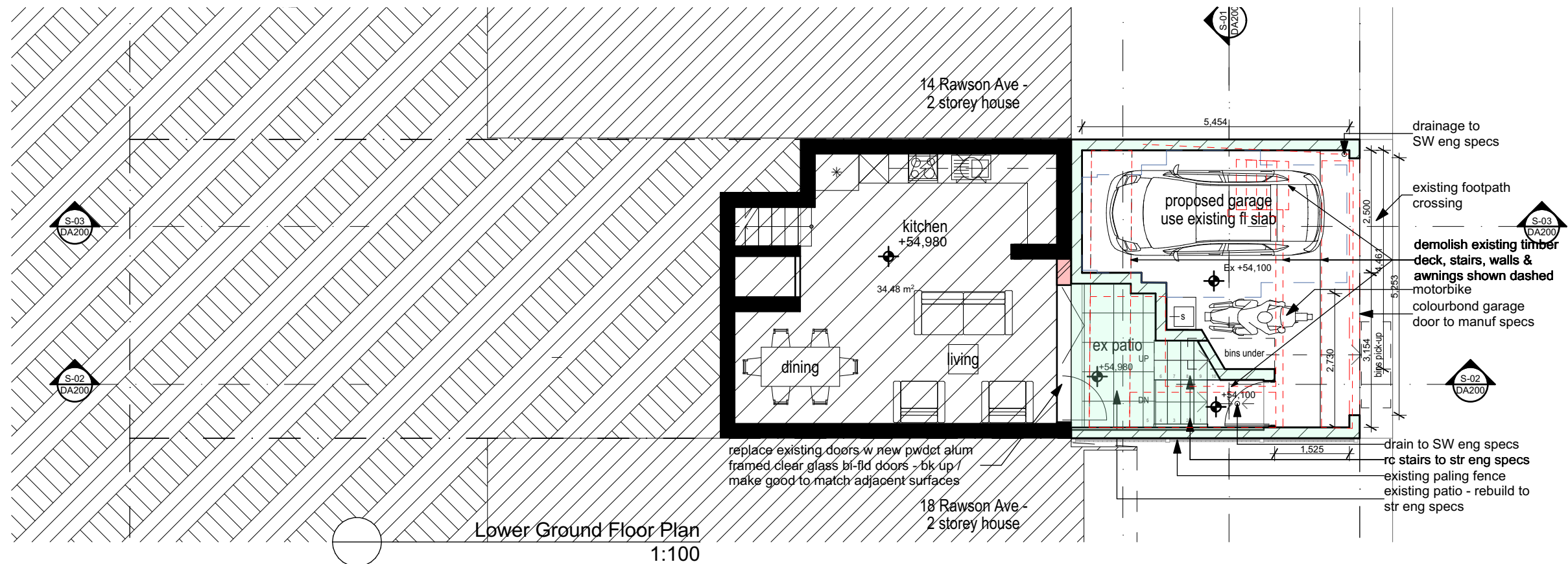
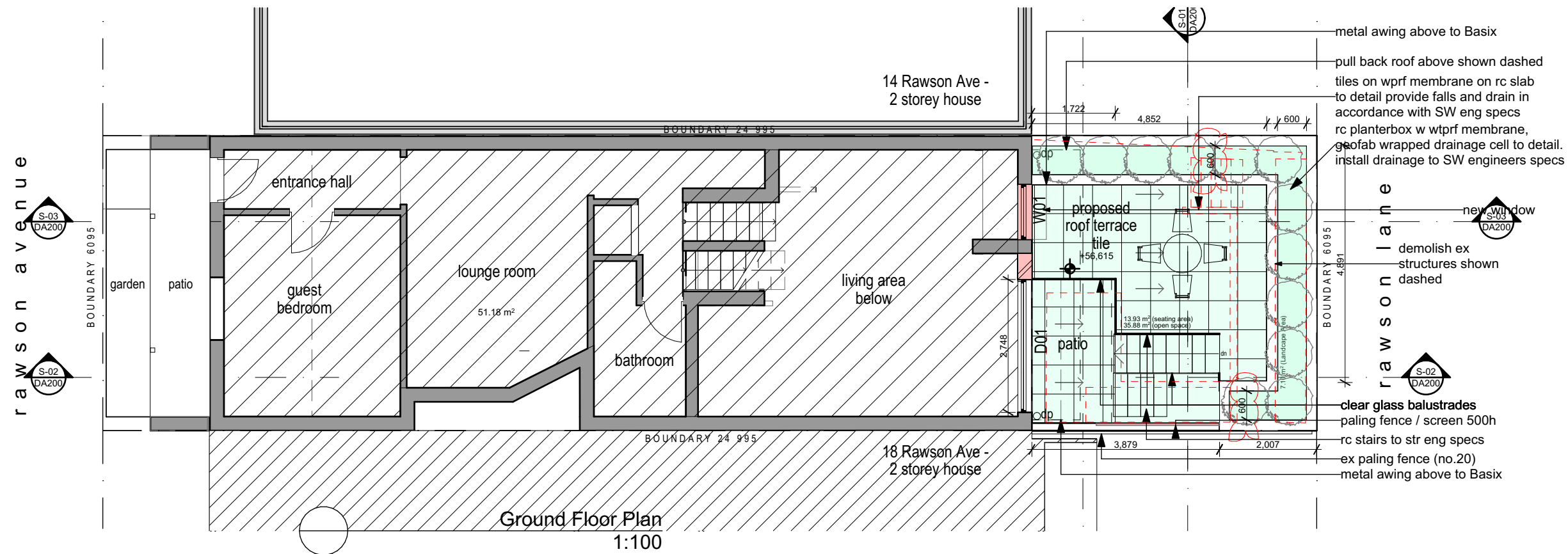
REVISION NO.

D

DRAWING NO.

DA004





Revision:

C: Development Application	18 May 2022
D: Development Application	20 Jan 2023

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David Epstein Architect

ARB NSW Reg No. 9072 T/A DRE Design

Plot Date: 20/01/2023

Project NO. 0544

Project Status Development Application

Client Ian and Susan Beinart

Site: 16 Rawson Avenue, Queens Park NSW 2022

DRAWING TITLE :

Lower Grnd & Grnd FI Floor

PROJECT NAME :

Proposed garage & terrace

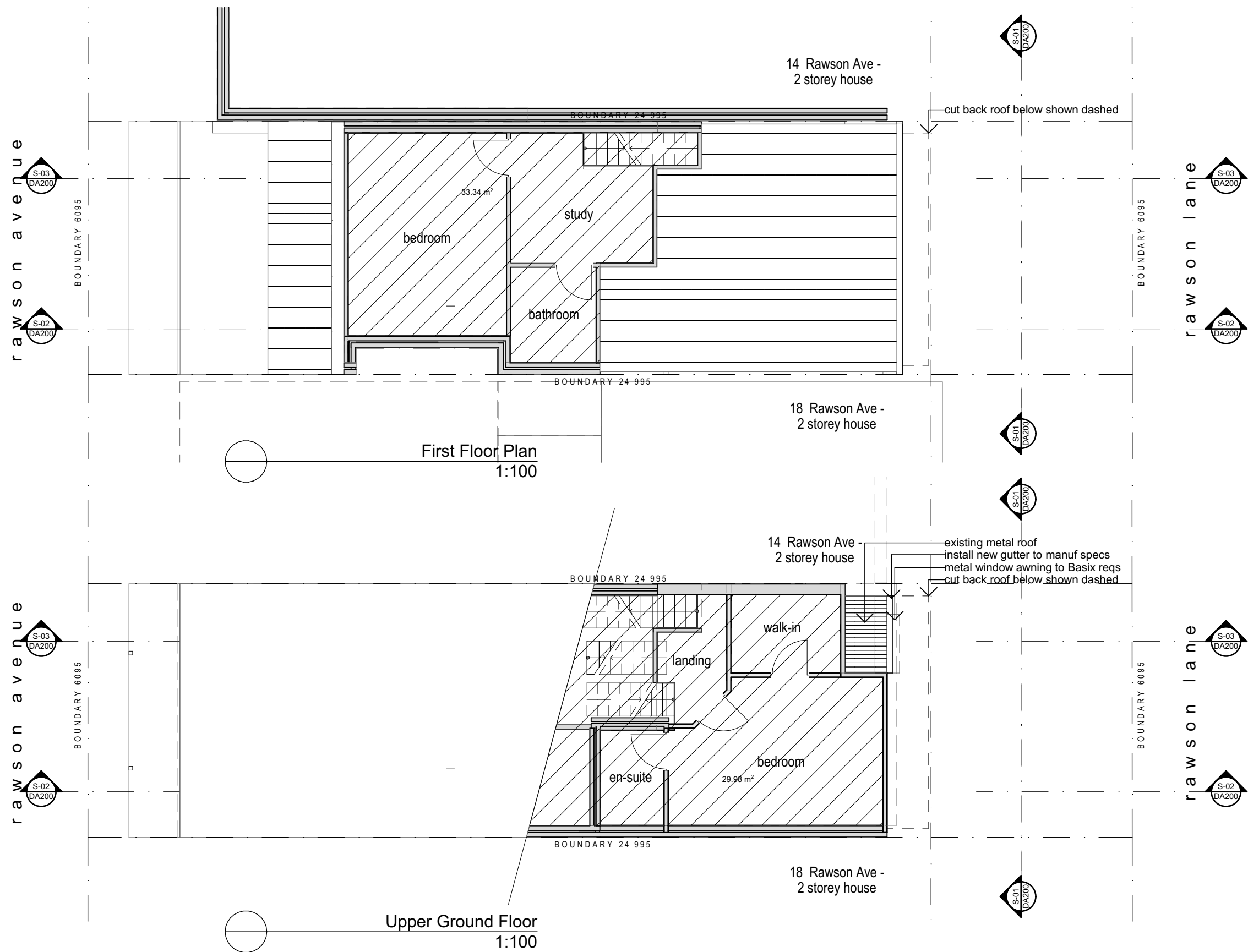
REVISION NO.

D

DRAWING NO.

DA101





Revision:
C: Development Application 18 May 2022
D: Development Application 15 August 2022

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Plot Date: 15/08/2022
Project NO. 0544
Project Status Development Application

Client Ian and Susan Beinart
Site: 16 Rawson Avenue, Queens Park NSW 2022

DRAWING TITLE :
Upper Grnd Fl & 1st Fl

PROJECT NAME :
Proposed garage & terrace

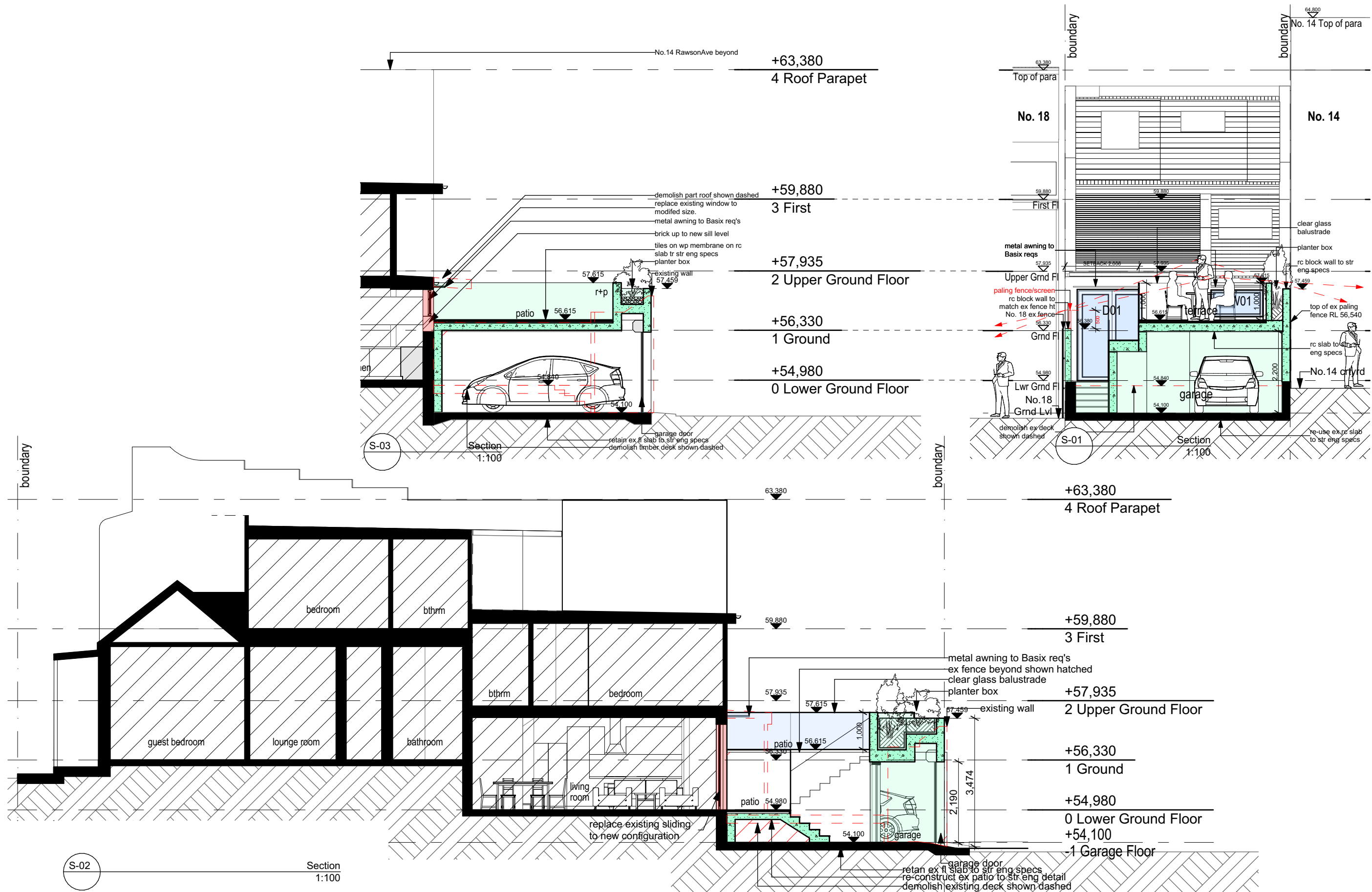
REVISION NO.

D

DRAWING NO.

DA102





Revision:
C: Development Application 18 May 2022
D: Development Application 15 August 2022

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Plot Date: 15/08/2022
Project NO. 0544
Project Status Development Application

Client Ian and Susan Beinart
Site: 16 Rawson Avenue, Queens Park NSW 2022

DRAWING TITLE :
Sections

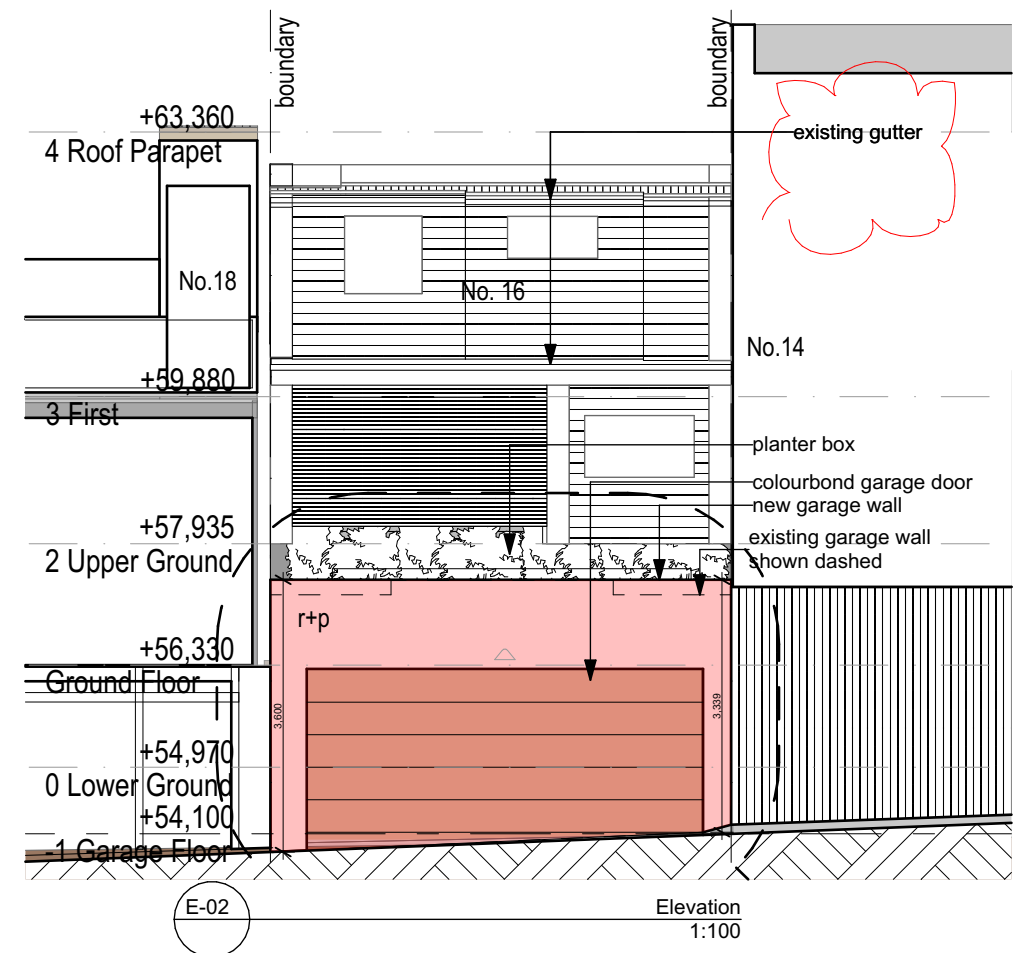
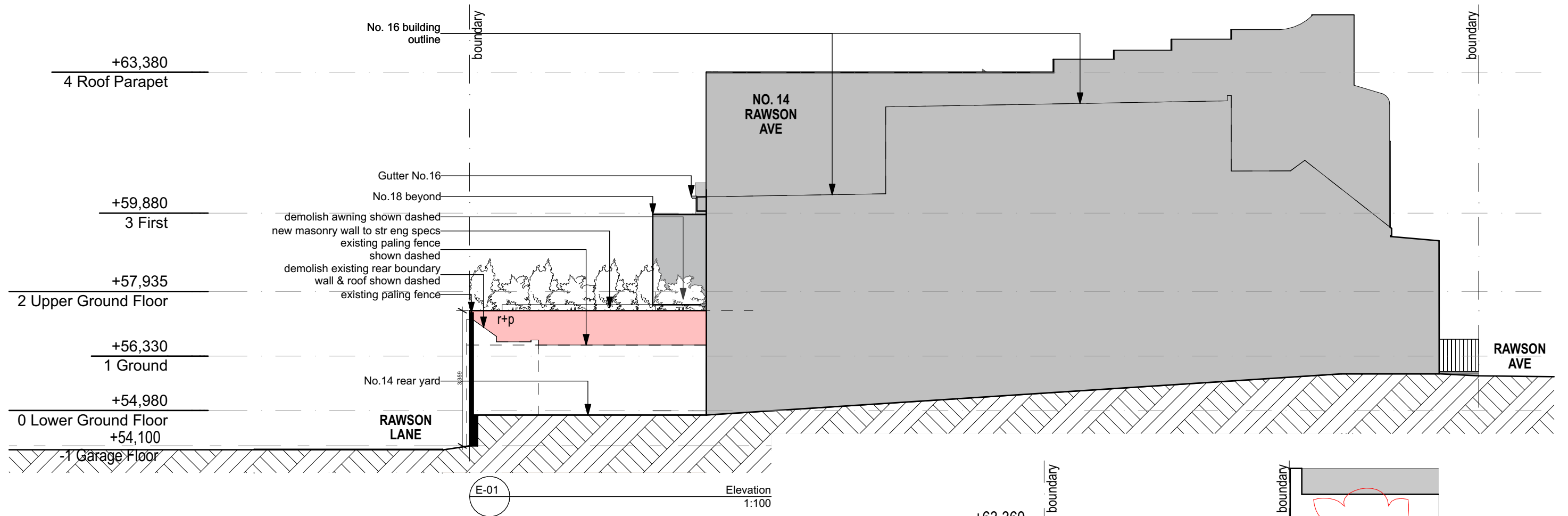
PROJECT NAME :
Proposed garage & terrace

REVISION NO.

D

DRAWING NO.

DA200



Revision:
A: Preliminary plans for client approval 18 Jan 2022
B: For consultant input 18 Mar 2022
C: Development Application 18 May 2022

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David Epstein Architect
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Plot Date: 7/9/2022
Project NO. 0544
Project Status Development Application

Client Ian and Susan Beinart
Site: 16 Rawson Avenue, Queens Park NSW 2022

DRAWING TITLE :
Elevations

PROJECT NAME :
Proposed garage & terrace

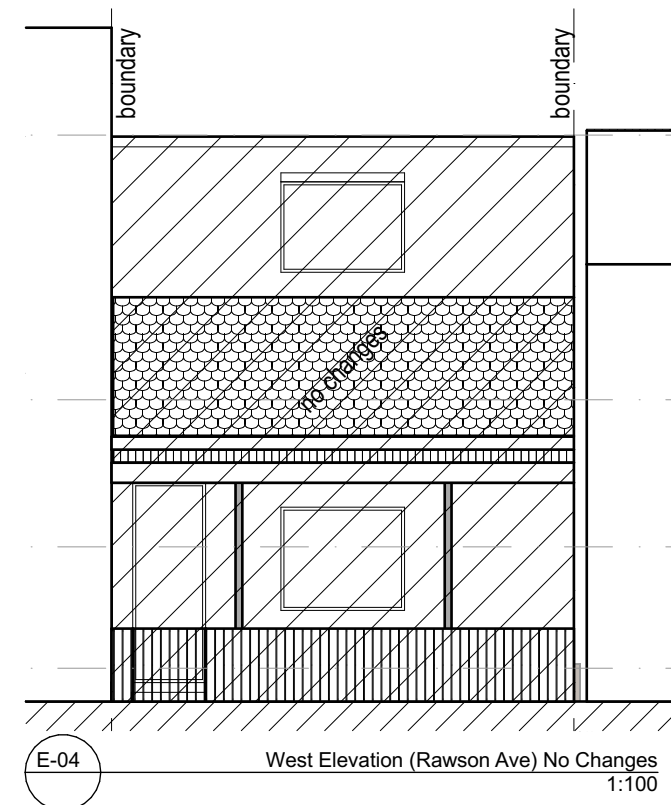
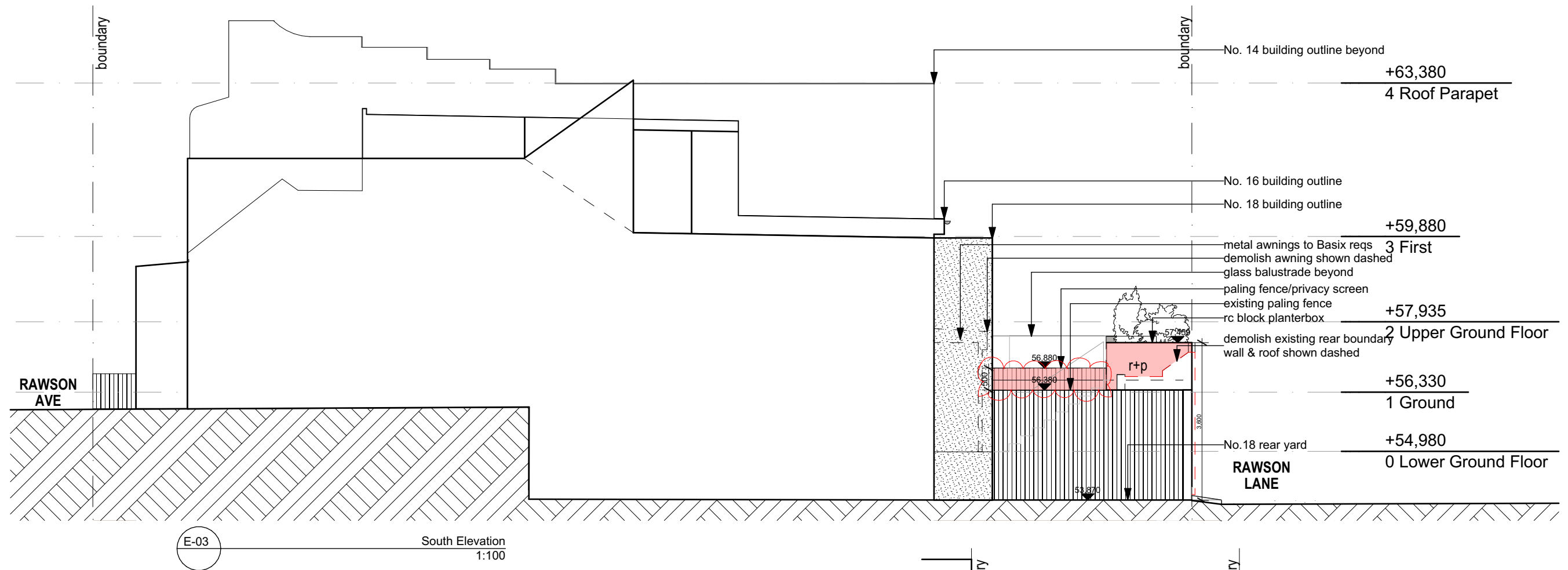
REVISION NO.

D

DRAWING NO.

DA301





Revision:
C: Development Application 18 May 2022
D: Development Application 15 August 2022

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David Epstein Architect
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Plot Date: 15/08/2022
Project NO. 0544
Project Status Development Application

Client Ian and Susan Beinart
Site: 16 Rawson Avenue, Queens Park NSW 2022

DRAWING TITLE :
Elevations

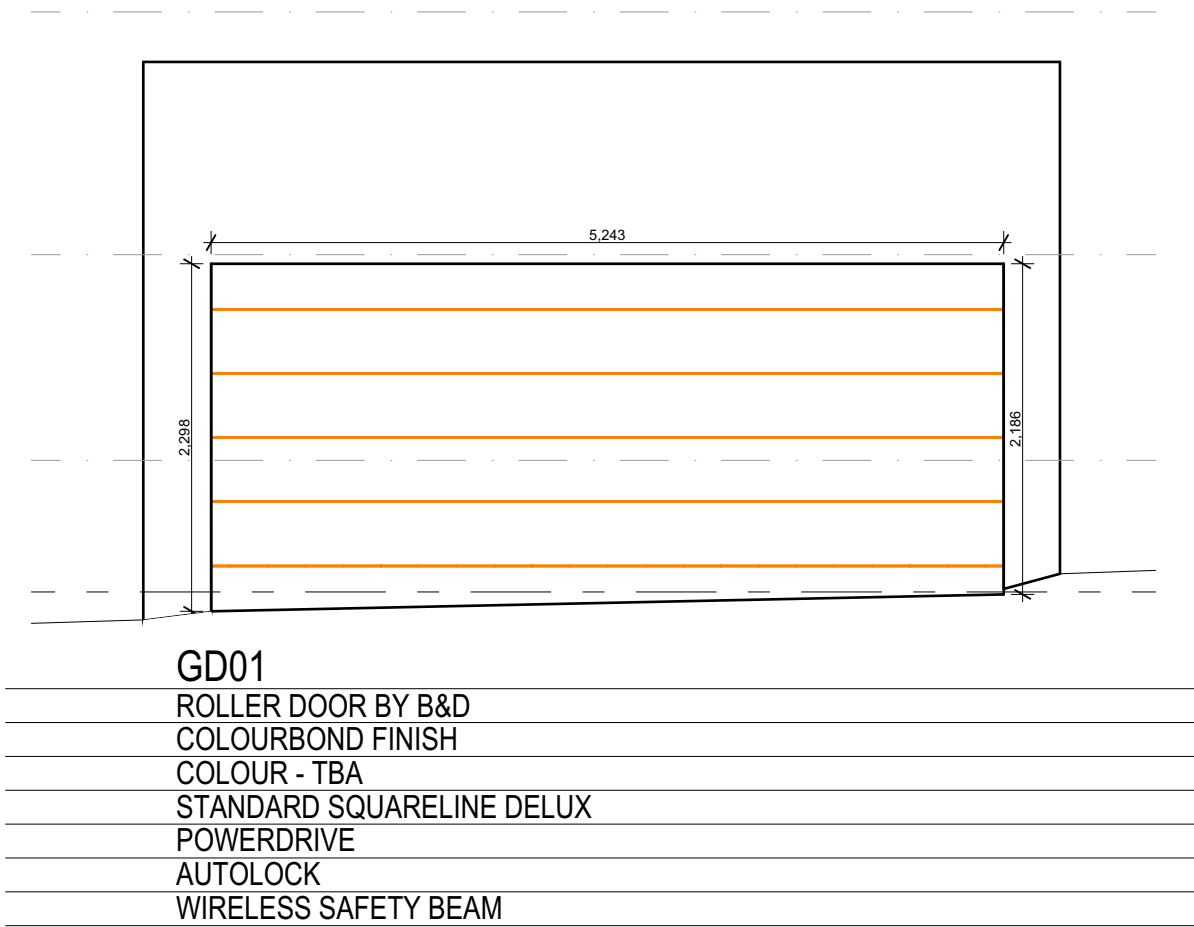
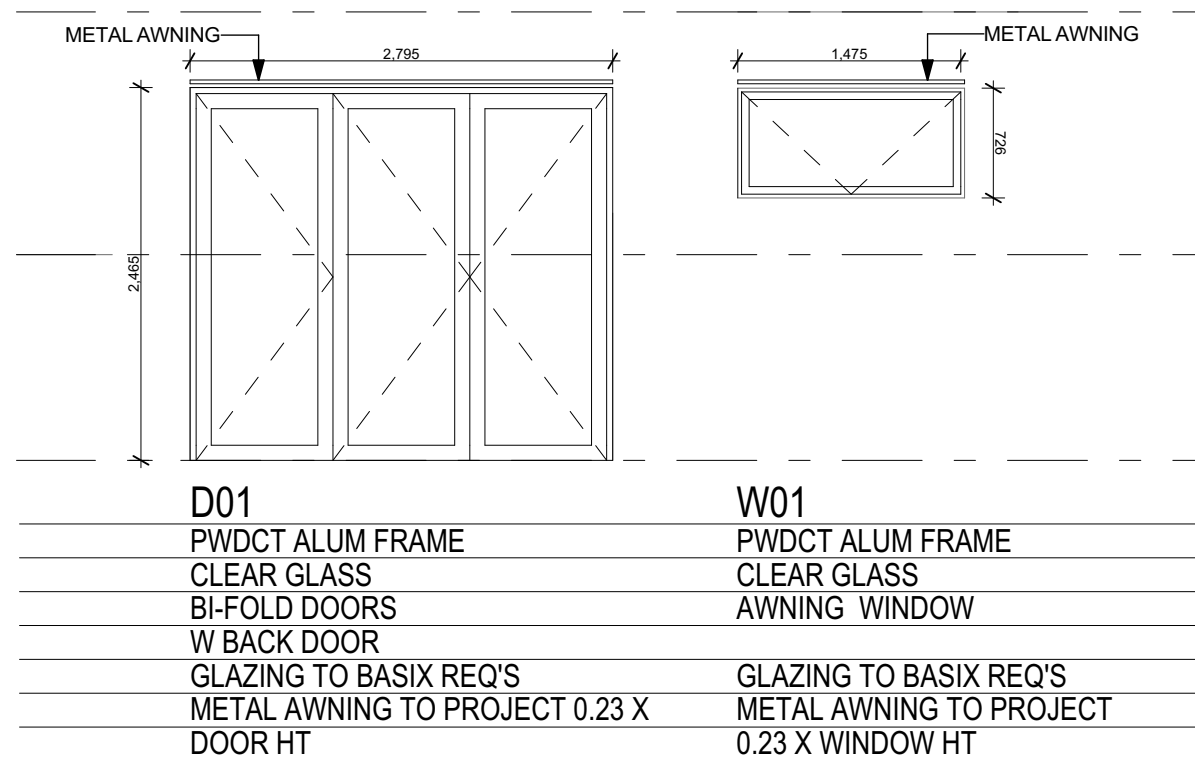
PROJECT NAME :
Proposed garage & terrace

REVISION NO.

D

DRAWING NO.

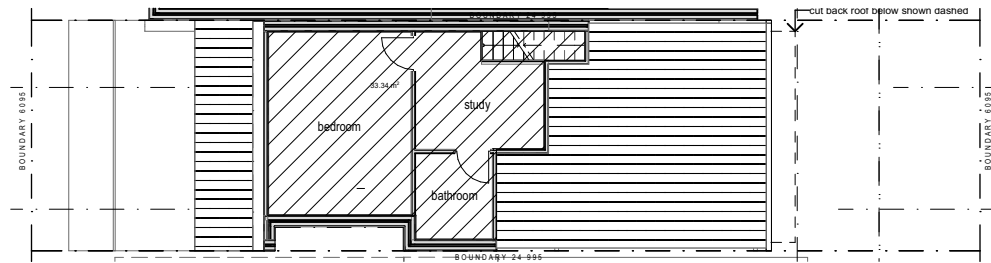
DA302



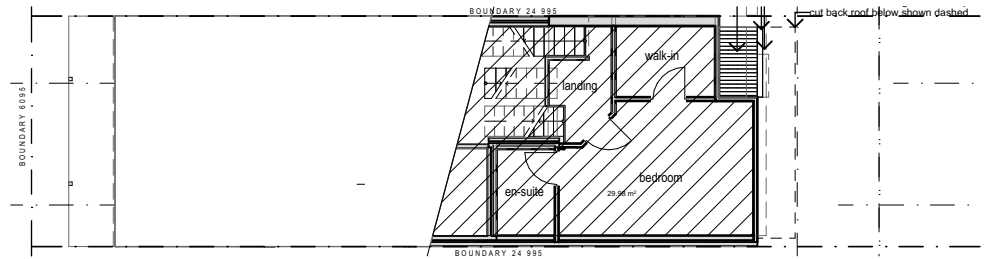
Basix Certificate Number: A455466

Windows and glazed doors glazing requirements

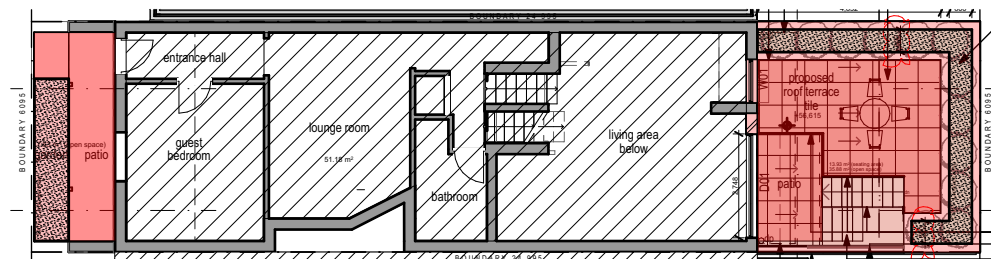
Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing		Shading device	Frame and glass type
			Height (m)	Distance (m)		
W01	E	1.1	0	0	projection/height above sill ratio >=0.23	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
D01	E	6.9	0	0	projection/height above sill ratio >=0.23	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)



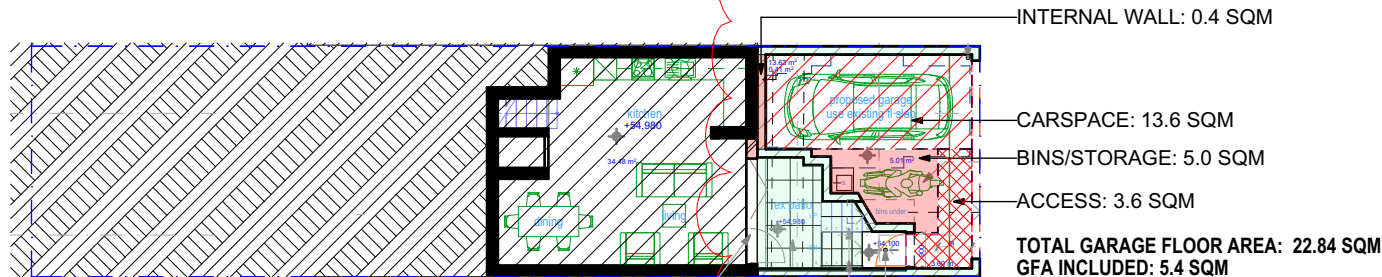
First Floor Plan
1:200



Upper Ground Floor
1:200



Ground Floor Plan
1:200



Lower Ground Floor & Garage Plan
1:200



RENDERED WALLS / SELECTED PAVING



COLOURBOND GARAGE DOOR / RENDERED WALL

EXISTING GFA:	151.5m ²
EXISTING FSR:	0.99:1
MAX FSR (WLEP)	0.94:1
PROPOSED GFA	156.9m ²
PROPOSED FSR	1.03:1 (See attached CI 4.6)

WDCP 2012	
Minimum Open Space	40%
Landscaped Area	15%

Existing Open Space	33m ² (21%)
Proposed Open Space	43.51m ² (28.5%)
Existing Landscape Area	3.9m ² (2.5%)
Proposed Landscape Area	11m ² (7.2%)

Revision:
C: Development Application 18 May 2022
D: Development Application 20 Jan 2023

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David Epstein Architect
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Plot Date: 2/02/2023
Project NO. 0544
Project Status Development Application

Client Ian and Susan Beinart
Site: 16 Rawson Avenue, Queens Park NSW 2022

DRAWING TITLE :
Area Calculations + Materials

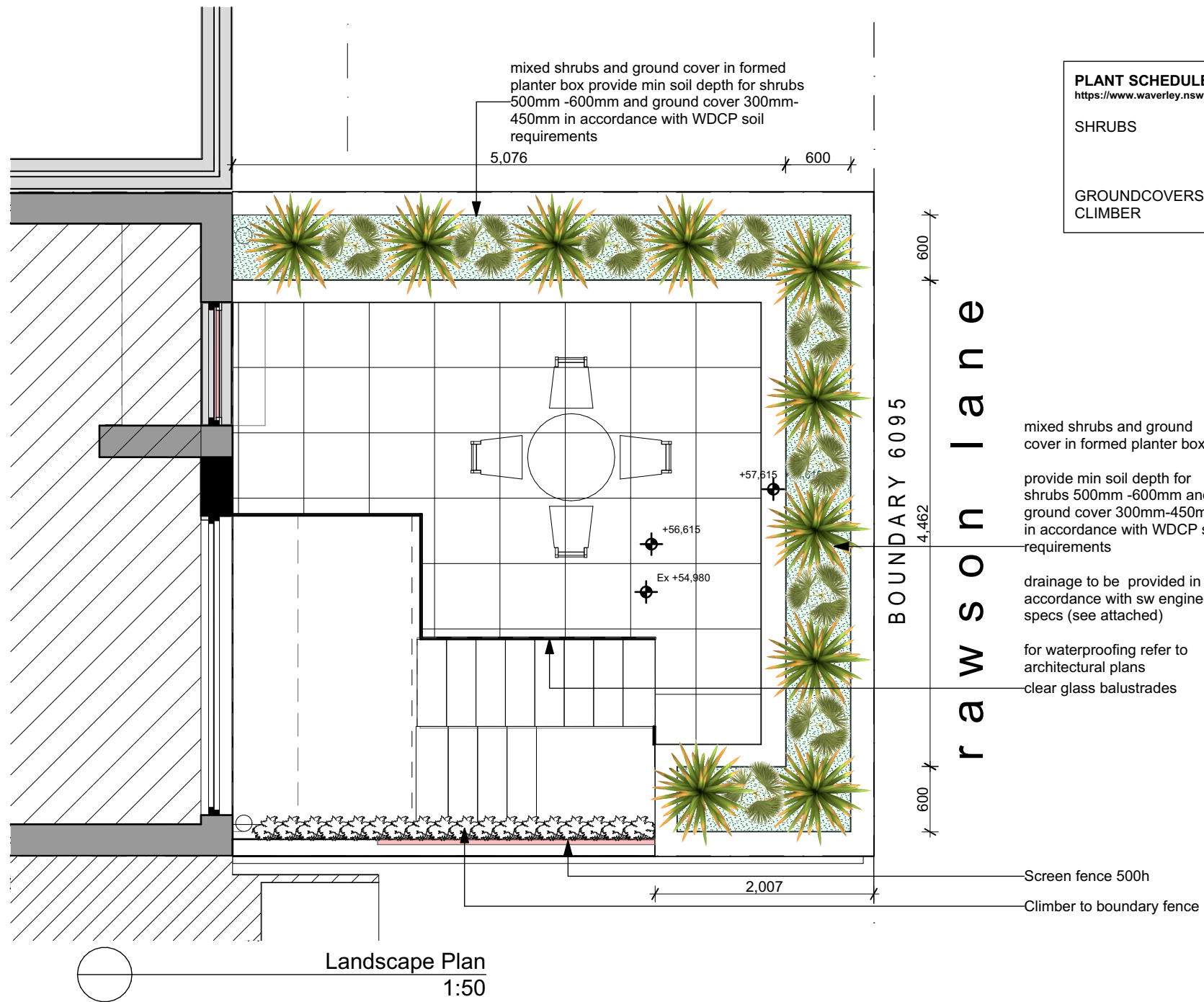
PROJECT NAME :
Proposed garage & terrace

REVISION NO.

D

DRAWING NO.

DA600



PLANT SCHEDULE - SELECTED FROM WAVERLEY COUNCIL NATIVE PLANTS LIST: https://www.waverley.nsw.gov.au/media/documents/environment/Local_native_plants_for_Sydneys_eastern_suburbs.pdf			
SHRUBS	Correa alba	White Correa	1.5m ht
	Acacia myrtofolia	Red stemmed Wattle	1.0m ht
	Callistemon citrinus	Crimson Bottlebrush	1.5m ht
GROUNDCOVERS	Carpobrotus glaucescens	Pig Face	
CLIMBER	Jasmine suavissimum	Native Jasmine	

Revision:
C: Development Application 18 May 2022
D: Development Application 20 Jan 2023

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David Epstein Architect
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Plot Date: 20/01/2023
Project NO. 0544
Project Status Development Application

Client Ian and Susan Beinart
Site: 16 Rawson Avenue, Queens Park NSW 2022

DRAWING TITLE :
Landscape Plan

PROJECT NAME :
Proposed garage & terrace

REVISION NO.

D

DRAWING NO.

DA700

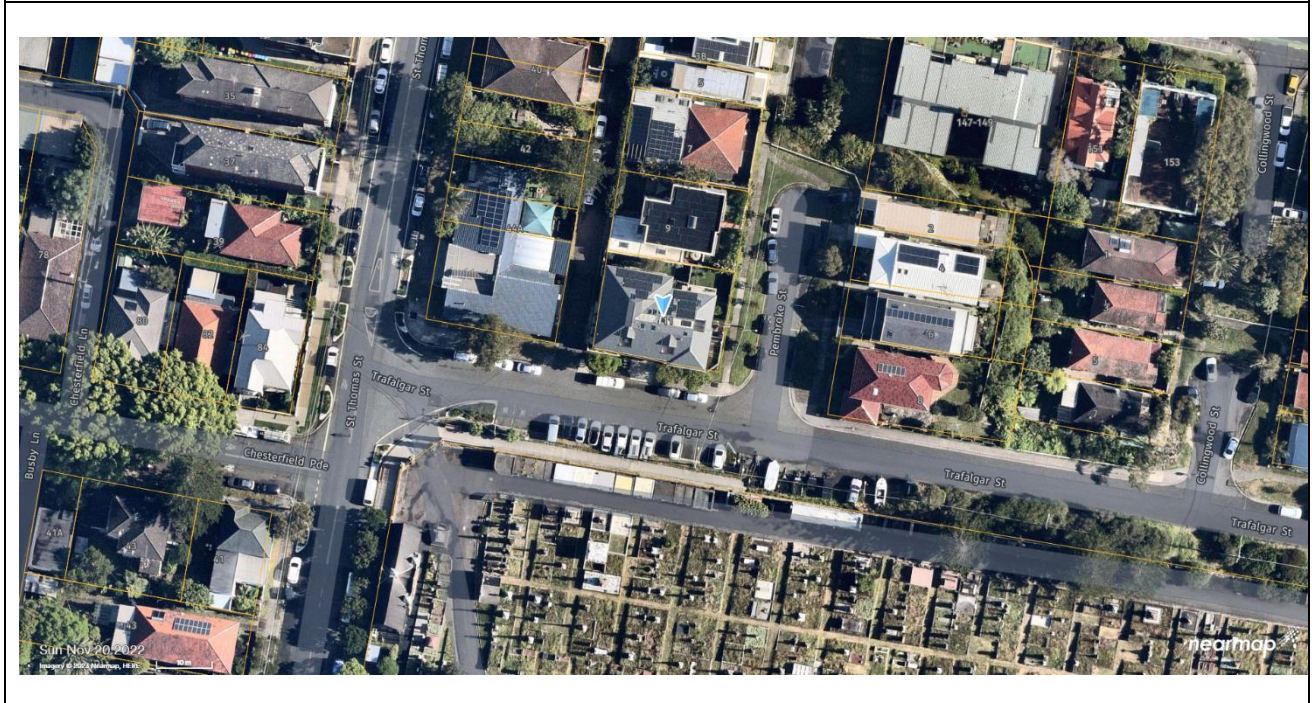




Report to the Waverley Local Planning Panel

Application number	DA-417/2022
Site address	11 Pembroke Street, BRONTE NSW 2024
Proposal	Alterations to extend existing attic space to Unit 1
Date of lodgement	30 September 2022
Owner	Strata Plan No 94480
Applicant	Mr D Fleeting
Submissions	Nil
Cost of works	\$56,822.70
Principal Issues	<ul style="list-style-type: none"> • FSR • Height of Building • Dormer window
Recommendation	That the application be REFUSED for the reasons contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations to extend existing attic space to Unit 1 at the site known as 11 Pembroke Street, Bronte.

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

- FSR.
- height of building.
- dormer window.

The assessment finds these issues unacceptable. The proposed breach of FSR is not justified and is against the objectives of the LEP.

The proposal for additional bulk is inconsistent with the streetscape.

No submissions were received.

No Councillor submissions were received.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 9 November 2022.

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

The site is rectangular in shape with a frontage to Pembroke Street, measuring 18.29m, secondary frontage to Trafalgar Street measuring 23.775m and a tertiary frontage to a lane off Trafalgar Street measuring 18.29m. The site has an area of 434.8m² and is generally flat.

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

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

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



Figure 1: Streetview of the subject site across Trafalgar Street.

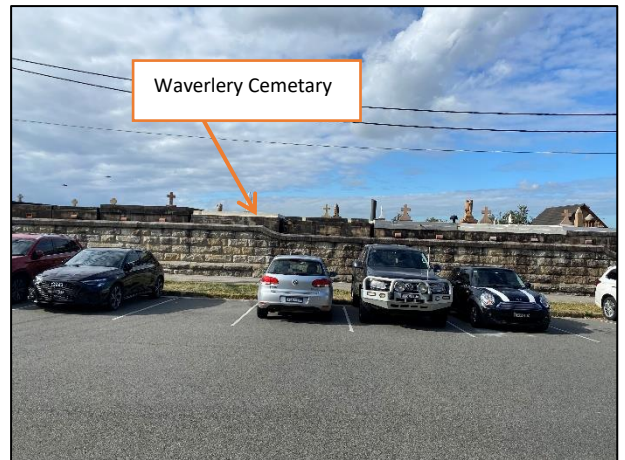


Figure 2: Streetview opposite the subject site along Trafalgar Street.



Figure 3: Streetview of the subject site from the rear laneway.



Figure 4: Streetview opposite of the subject site along the rear laneway.



Figure 5: Streetview of the subject site across Pembroke Street.



Figure 6: Streetview opposite the subject site along Pembroke Street.

1.3. Relevant Development History

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

- **DA-249/2015**
 - Approved 27 January 2016
 - Demolition of existing dwelling and construction of a dual occupancy development and strata subdivision.
- **DA-249/2015/A**
 - Approved 01 June 2017
 - Amended plans to modify windows, doors, internal layout and lower the ground and first floor level to an approved dual occupancy development.
- **DA-249/2015/B**
 - Approved 13 July 2018
 - Section 4.55 (1A) modification of consent to reflect as built first floor balcony and external wall.
- **SC-15/2020**
 - Approved 13 May 2020
 - Strata Subdivision into 2 lots.

1.4. Proposal

The development application seeks consent for alterations and additions to a semi-detached dwelling, involving the extension of the existing loft at the second floor level of the dwelling to provide an additional 9.5m² floor space. The proposed extension is to be contained within a flat roofed dormer window extending over the northern roof slope.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

The following SEPPs apply from the 01 March 2022 and have been considered acceptable in the assessment of this development application:

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

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is considered consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 low density residential zone	Yes	The land use is defined as 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 	No	The proposal has an overall building height of 9.1m, measured to the roof ridge at RL75.830 above the existing ground level. The proposal will exceed the development standard by 0.6m or 7%.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.63:1 	No	The proposal has a gross floor area (GFA) of 411.5m ² or an FSR of 0.95:1 which equates to a 51% variation to the FSR development standard. The proposal provides an increase of 9.5m ² from the existing GFA of 402m ² .
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height 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 subject site is classified as Acid Sulfate soil class 5 in the relevant soil lands map. As the proposed development does not seek consent for earthworks on the site the proposal is considered acceptable with regards to the provisions of clause 6.1.

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

Clause 4.6 Exceptions to Development Standards – Height of Building

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

The site is subject to a maximum height development standard of 8.5m. The proposed development has a building height of 9.1m, exceeding the standard by 0.6m, equating to a 7% variation.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) The height breach falls below the ridge line of the existing building.
 - (ii) The proposed awning tapers down.
 - (iii) The area of the roof breach is less than 10% of the whole area.
 - (iv) Consistent with the overall development and no significant increase in bulk or impact on the streetscape.
 - (v) No overshadowing or view impacts.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The height breach falls below the ridge line of the existing building.
 - (ii) The proposed awning tapers down.
 - (iii) The area of the roof breach is less than 10% of the whole area.
 - (iv) Consistent with the overall development and no significant increase in bulk or impact on the streetscape.
 - (v) No overshadowing or view impacts.

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)?

Although, the written request has referenced one or more of the justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446 (listed below) 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.

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

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

Council accepts that the proposal is below the existing roof ridge line with no overshadowing impacts on surrounding adjoining properties however, the proposal results in a building of unacceptable bulk that is inconsistent with the streetscape. In this case, the applicant has not appropriately demonstrated that compliance with the development standard is unreasonable and unnecessary and that sufficient environmental planning grounds have been established.

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 applicant notes that the proposal is below the existing ridge line which exists above the maximum height of the building line and is minor in nature. However, Council is of the opinion that the proposal would further increase an already bulky building when compared to the streetscape.

Is the development in the public interest?

The proposed development not will 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 height development standard are as follows:

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

As mentioned above, the proposed loft extension is below the existing roof ridge line. The addition would lead to an increase in bulk which is not compatible with the bulk and scale of the desired future character of the locality inconsistent with objective (d).

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 proposed variation of is consistent with the objectives of the zone.

Conclusion

For the reasons provided above, the requested variation to the height development standard is not supported as the applicant's written request has not adequately addressed the matters required to be

addressed by clause 4.6(3) of the Waverley LEP 2012. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of the height development standard

Clause 4.6 Exceptions to Development Standards – Floor Space Ratio

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

The site is subject to a maximum FSR development standard of 0.63:1. The proposed development has an FSR of 0.95:1, exceeding the standard by 139m² equating to a 51% variation. The proposed development increases an already non-compliant FSR by a further 9.5m² or 6.8%.

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 is below the existing ridgeline.
 - (ii) Unit 1 of the strata plan has a site area of 232m², meaning a prescribed area of 197m². The exiting approved floor area of 195m² means an exceedance of 7.5m² or less than 4%.
 - (iii) Improves the amenity of the subject site.
 - (iv) No privacy or shadow impacts to adjoining properties.
 - (v) No significant increase in bulk.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) No impact on either the public domain, street or adjacent neighbours.
 - (ii) No shadow or view loss to adjacent properties.

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

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

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

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

Although, the written request has referenced one or more of the justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446 (listed below) 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.

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

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

The proposal has not adequately addressed that compliance with the standard is unreasonable or unnecessary as the objectives of the development standard are not met. Principally the proposed extension not only causes a further breach of FSR but also a further building height breach contrary to the development standard. The addition would also unjustifiably increase the building bulk to be inconsistent with the desired character of the locality and streetscape.

Also noted, the written objection under clause 4.6 is incorrect in that the FSR has been calculated using only the strata lot boundaries of Unit 1. As this is a strata allotment, the GFA of the entire building and site must be used to calculate the FSR and not just the subject strata lot. In this regard, the written request is incorrect and the proposal cannot be approved.

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 extension is contrary to the future desired character of the locality through the addition of bulk.

Is the development in the public interest?

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

The objectives of the FSR development standard are as follows:

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

The proposed addition is inconsistent with FSR objectives (b), (c) and (d). The extension will lead to a further breach of both height and floor space controls increasing the bulk and scale of the development in comparison with the desired future character of the locality. The locality in question is composed of single to double-storey residential developments, the proposed extension of the attic would turn the development into a three-storey development.

The objectives of the R2 low density residential zone have been discussed previously in this report.

Conclusion

For the reasons provided above the requested variation to the FSR 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 floor space ratio.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory.
12. Design Excellence	No	The proposed extension unjustifiably increases the bulk of the building in relation to other developments on adjoining neighbouring sites.

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

Development Control	Compliance	Comment
2.0 General Objectives		
	No	The proposed addition is unsympathetic in bulk and character to the desired future character of the area.
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 	N/A	The proposal will not alter the front and rear setbacks.
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 1.5m 	Yes	Remains unchanged on the ground and first floor. The attic or third-floor side setback complies with the side boundary setback of 6.9m.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context 	No	The proposed addition will further increase the bulk of the development currently on the site. This increase will be incongruous with the streetscape and as such, is not supported.
<ul style="list-style-type: none"> Replacement windows to complement the style and proportions of existing dwelling 	N/A	
<ul style="list-style-type: none"> Significant landscaping to be maintained. 	N/A	

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	The proposed windows of the proposed loft extension do not directly face the habitable windows of neighbouring dwellings and as such will not result in additional unreasonable privacy impacts to adjoining properties.
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	<p>N/A</p> <p>Yes</p> <p>Yes</p>	<p>A minimum of 3 hours of sunlight is expected for the living areas and principal open space.</p> <p>The proposal is not expected to reduce solar access to either open space or windows of the adjacent properties to less than 3 hours.</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	No impacts on views have been identified, and no submissions have been received that raise an issue with view loss. As such, the proposal is not expected to result in impacts on any known views enjoyed by surrounding properties.
2.11 Dormer windows		
<ul style="list-style-type: none"> If < 2.5m from gutter to ridge, flush to the roof and maximum of one per single fronted dwelling or one pair on a double fronted dwelling Minimum 0.3m below main roof ridge Skillion dormer permitted at the rear of the roof, provided ridge line is maintained 	<p>Yes</p> <p>Yes</p> <p>No</p>	<p>The proposed dormer window is proposed to extend from the existing ridge and does not comply with the 300mm setback. However, the skillion dormer meets in a similar location as other existing dormer windows.</p> <p>The proposed skillion dormer window is located on the northern roof of the dwelling and will be visible from Pembroke Street. The proposed large dormer differs in size and design from the existing dormers on the pair of semi-detached dwellings and will appear as an ad hoc addition to the building. The proposed dormer will increase</p>

		the bulk of the roof structure given that it will be greater than 25% of the roof width. As such it is considered unsatisfactory.
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 Use of roof as an attic permitted provided Front verandahs to be maintained. 	No Yes Yes N/A	The proposed dormer window, as mentioned above, does not match the style or form of the building and its adjacent pair. The extension is located behind the principal ridgeline. The proposal is an extension of an existing attic.
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 Additions to be located a minimum of 1m behind the front main gable 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). 	Yes N/A N/A No N/A	The proposed attic/loft extension occurs behind the principal street frontage and the existing front roof slope. The interface rise of the proposed dormer along the strata subdivision plan is in excess of 600mm.
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 	Yes N/A No	The proposed addition matches the finishes and detailing of the existing development and will lead to a cohesive whole. However, the proposed dormer roof form does not match the style of those of the original dwelling. This is unsatisfactory and will impact upon the streetscape appearance of the dwelling appearing as an ad hoc addition with no relevance to the style of dormers on the semi-pair.

<ul style="list-style-type: none"> • 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. 	Yes	
	Yes	

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days, from 6 October 2022 to 24 October 2022, in accordance with the *Waverley Community Development Participation and Consultation Plan*. No submissions were received.

2.5. Public Interest

The proposal is considered to have 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. Fire Safety Officer

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

3.2. Strategic Planning

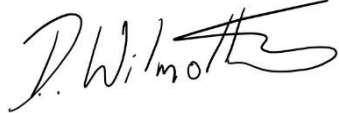

Council's Strategic planners raised no issues with the proposed development.

4. CONCLUSION

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be REFUSED by the Waverley Local Planning Panel for the reasons contained in Appendix A.

Report prepared by:	Application reviewed by:
	
Damien Daniel Wilmotte	Kylie Lucas
Development Assessment Planner	Acting Manager, Development Assessment
Date: 17/01/2023	Date: 09/02/2023

Reason for WLPP referral:

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

APPENDIX A – REASONS FOR REFUSAL

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

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

- a. *Clause 4.3 Height of Buildings*

The application exceeds the maximum allowable height of 8.5m and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of WLEP.

Details: The proposed height is not considered compatible with the height, bulk and scale of the desired future character of the locality contrary to clause 4.3 (1) (a) and (d) of WLEP.

- b. *Clause 4.4 Floor Space Ratio*

The application exceeds the maximum allowable Floor Space Ratio (FSR) of 0.63:1 and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of Waverley LEP

Details: The proposal is considered an overdevelopment of the site and does not preserve the surrounding locality as required under clause 4.4 (1) (d) of WLEP. Furthermore, the applicant's FSR calculations contained within the written request to vary the development standard under Clause 4.6 are incorrect.

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

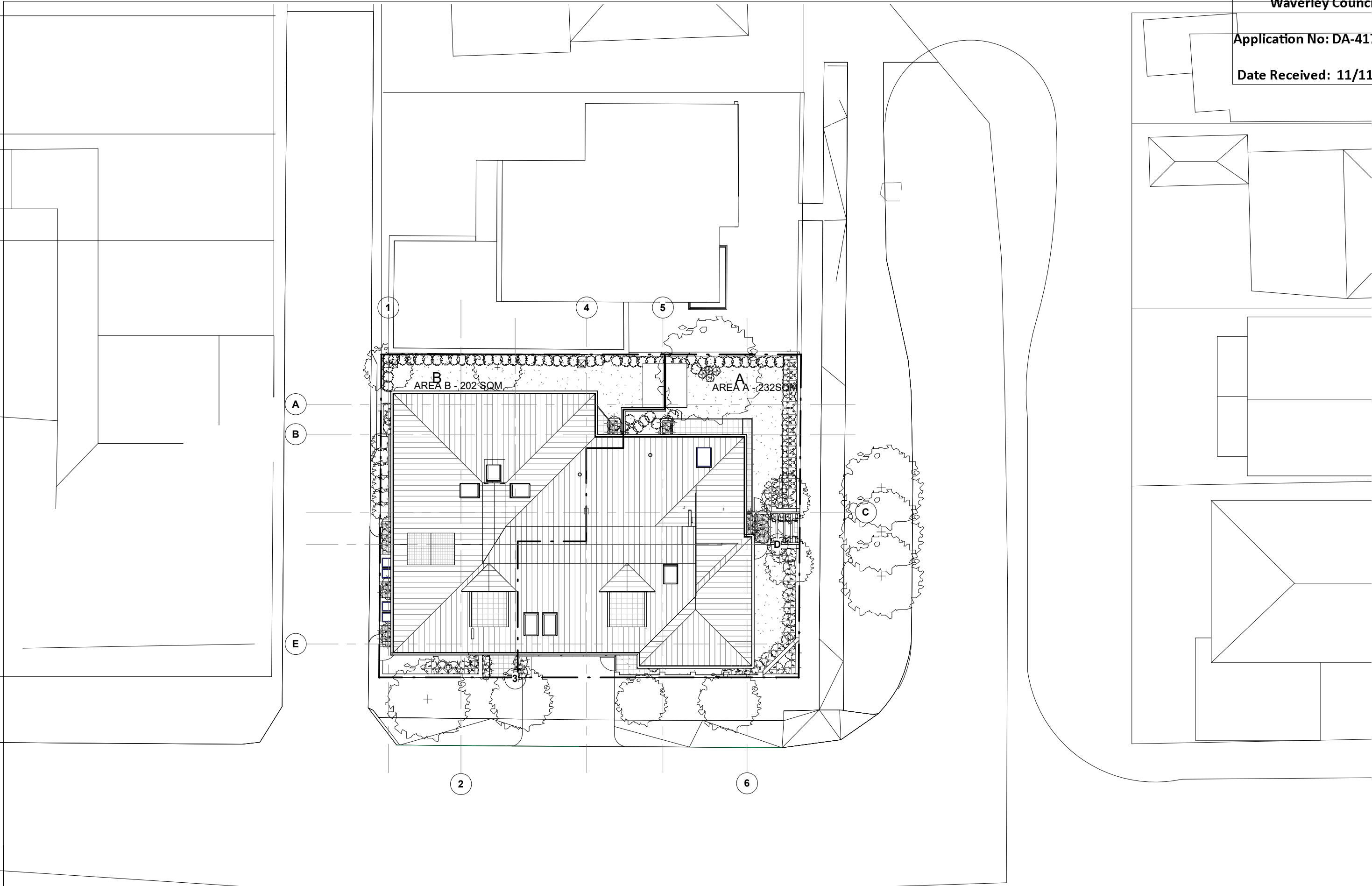
Part B12 Design Excellence

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

Part C2 Low Density Residential Development

- a. *Section 2.0 General Objectives*, specifically objectives (a), (d) and (e) as the proposed development increases the scale and bulk of the already overly developed site beyond other dwellings in the vicinity and is inconsistent with the desired future character of the area.
 - b. *Section 2.3 Streetscape and Visual Impacts*, specifically objective (a) and (b) and control (a) as the increase in bulk is incompatible with the streetscape. At the same time, it introduces a new and incompatible dormer style to the existing development.

- c. *Section 2.11 Dormer Windows*, specifically objective (a) and (b) and control (c) and (d) as the proposed dormer window roof abutment is within 300mm of the existing roof ridge and the style of the proposed dormer window does not match the existing development and is greater than 25% of the width of the roof.
 - d. *Section 2.13 Semi-detached dwellings & Terrace Style Dwellings*, specifically objective (a) and (c) as the proposed dormer extension does not match the style of the existing development.
 - e. *Section 2.13.1 Built Form*, specifically control (d) as the style of the existing dormer window is not maintained across the proposed development.
 - f. *Section 2.13.1 First Floor Additions to Semi-detached Dwellings*, specifically control (j) as the proposed development does not limit the rise of the wall along the adjoining semi-detached dwelling to be within 600mm.
 - g. *Section 2.13.3 Material Finishes and Detail for Semi-Detached Dwellings*, specifically control (a) and (d) as the proposed addition style does not cohesively integrate with the existing building as the proposed dormer window does not match the characteristic of the original style of the subject dwelling.
- 3. The application does not satisfy section 4.15 (1)(a)(iv) of the Act with respect to the *Environmental Planning and Assessment Regulation 2000* (the Regulations), as insufficient documentation has been provided to properly assess the application with respect to Part 1 of Schedule 1, including but not limited to:
 - a. The written request to vary the FSR development standard includes incorrect calculations and as such the document is inaccurate. The applicant has incorrectly excluded the gross floor area of lot 2 of the approved Strata scheme for the subject site in FSR calculations.
- 4. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk and scale relative to the site area and dimensions, and consequently results in unacceptable amenity and streetscape impacts upon the locality and surrounding built environment.
- 5. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development.
- 6. The application is contrary to section 4.15 (1)(e) of the Act in relation to the public interest as it is not compatible with the existing and desired future character of the locality and the broader Waverley local government area.



Rev.	Date	Revision Description
5	18-08-2022	BASIX COMMITMENTS ADDED
6	08-09-2022	DA
7	11-11-2022	REVISED DA



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7	11-11-2022	REVISED DA

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EXISTING 3D EYE LEVEL VIEWS

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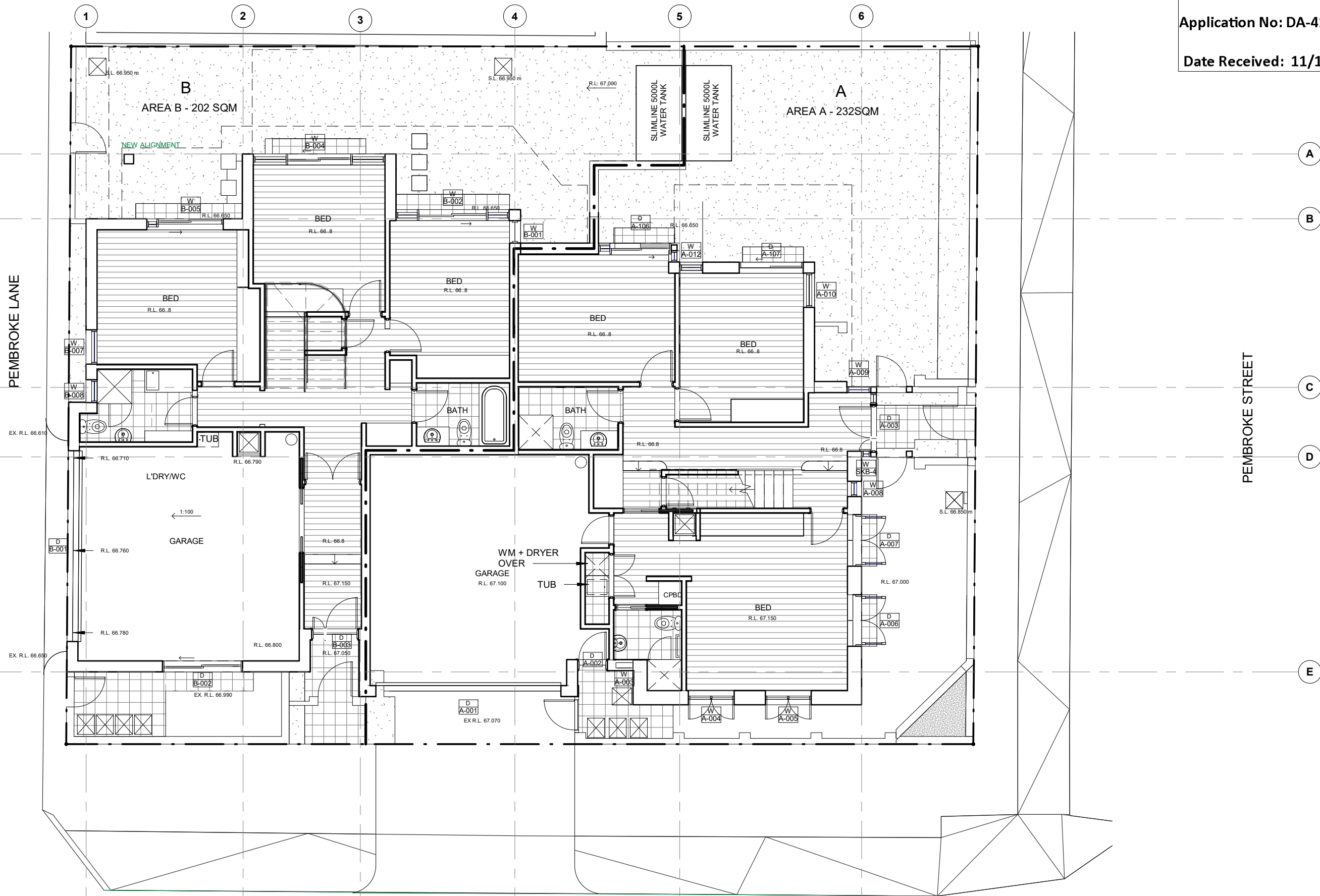
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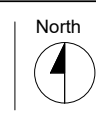
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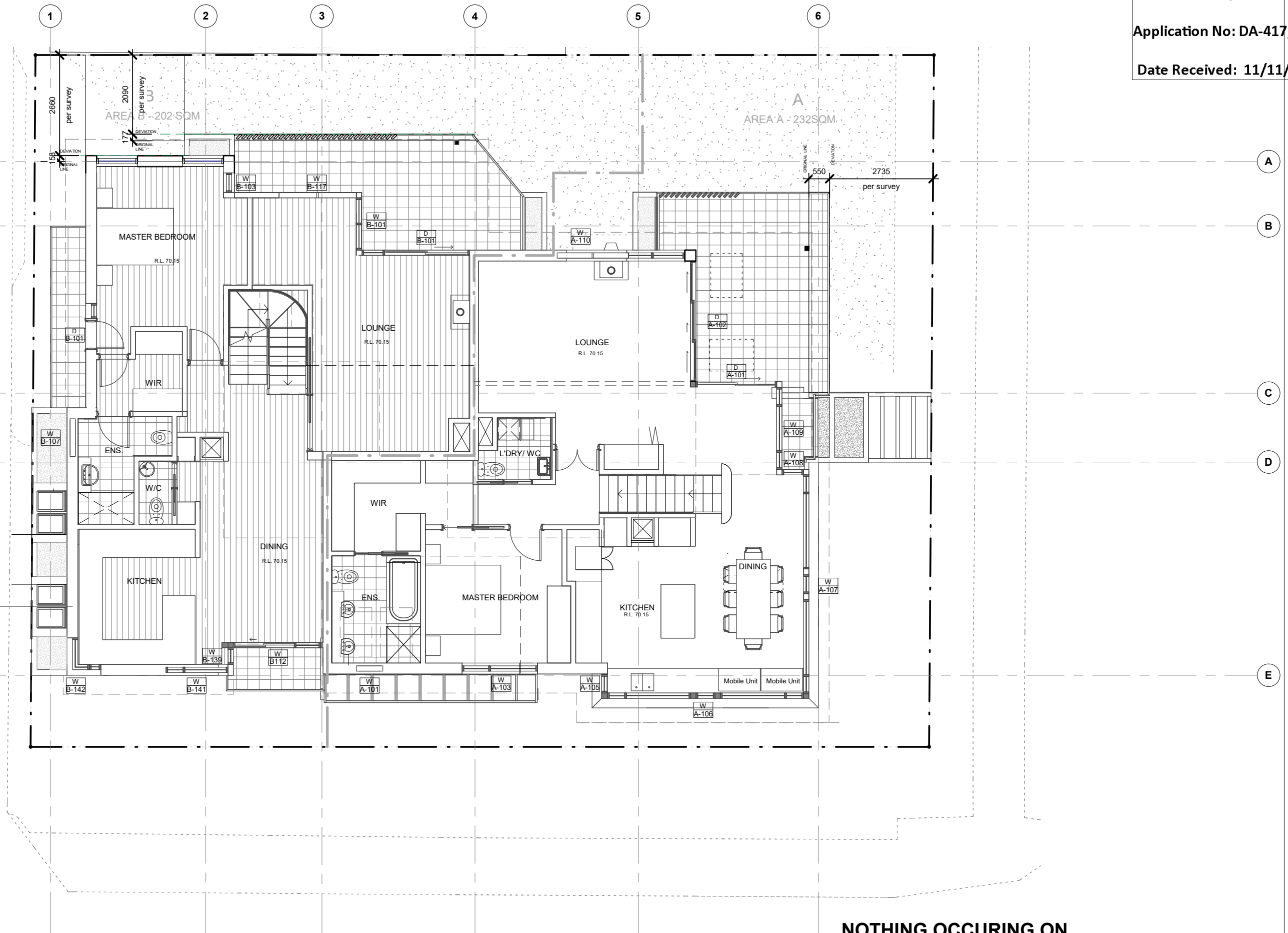
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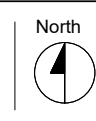
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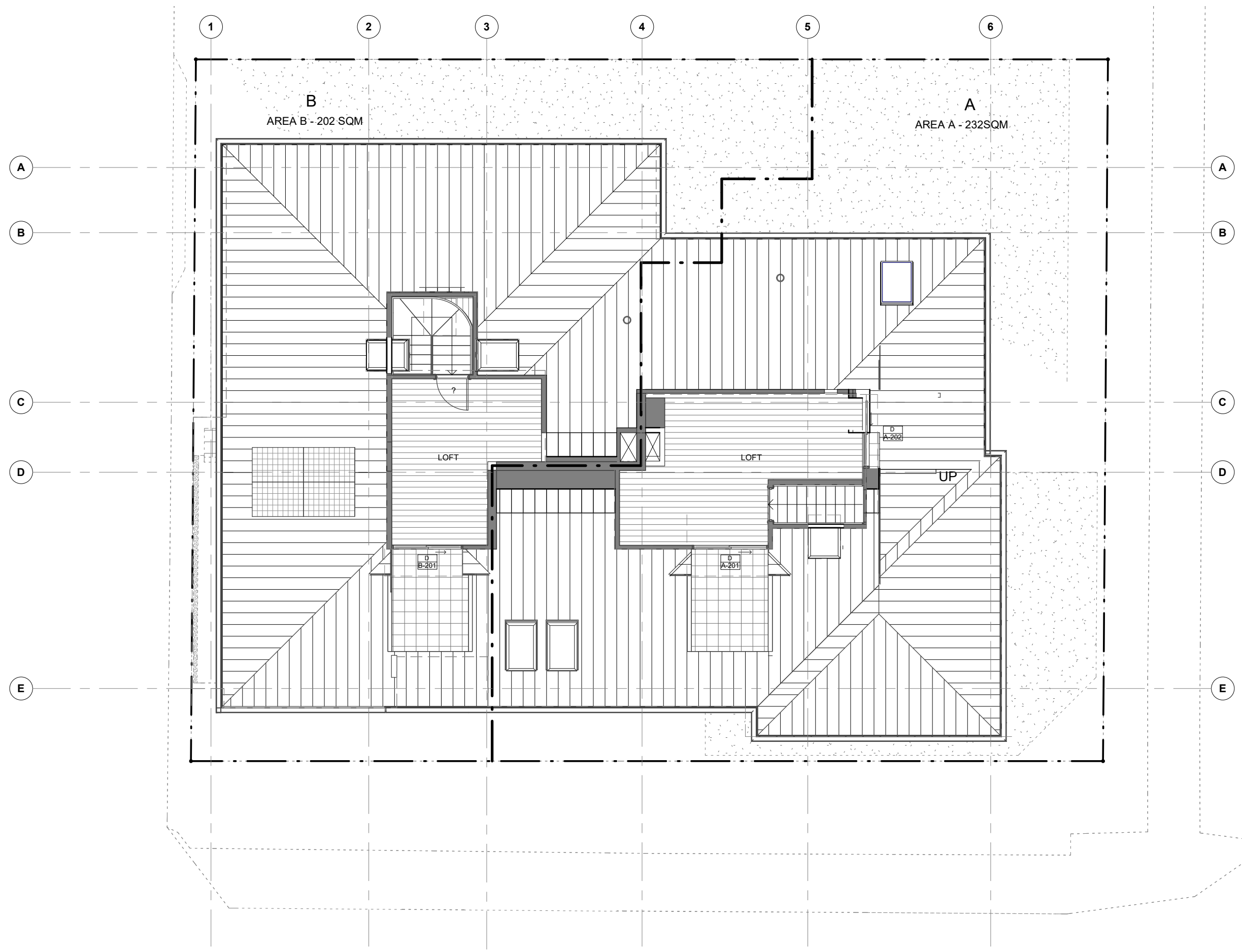
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6	08-09-2022	DA
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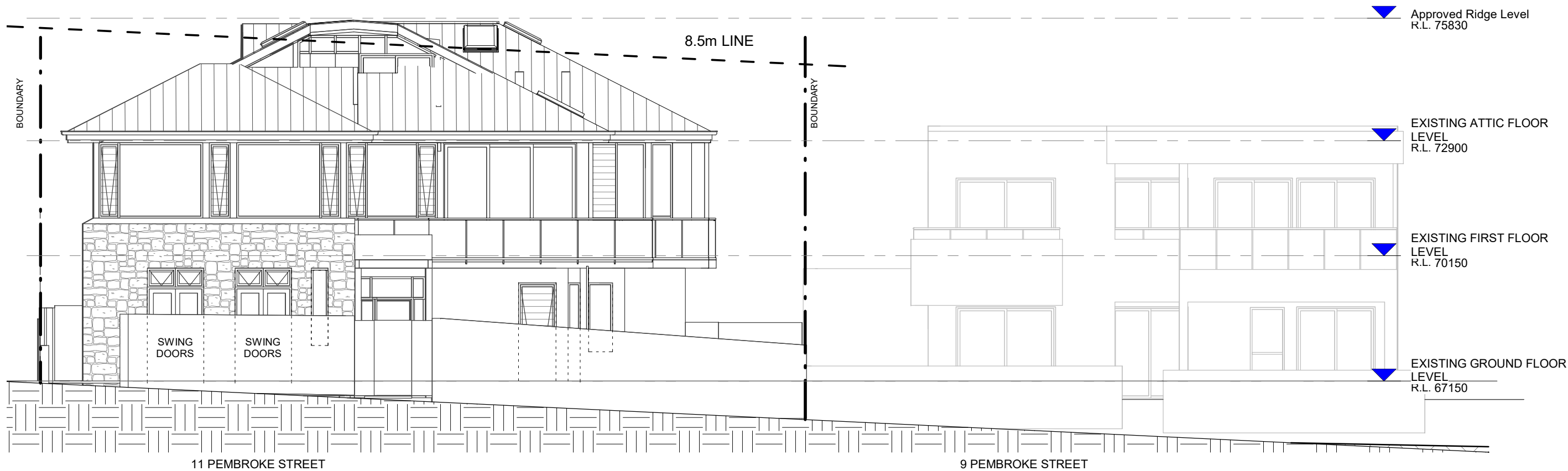
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ALFIE & LIANE HALL
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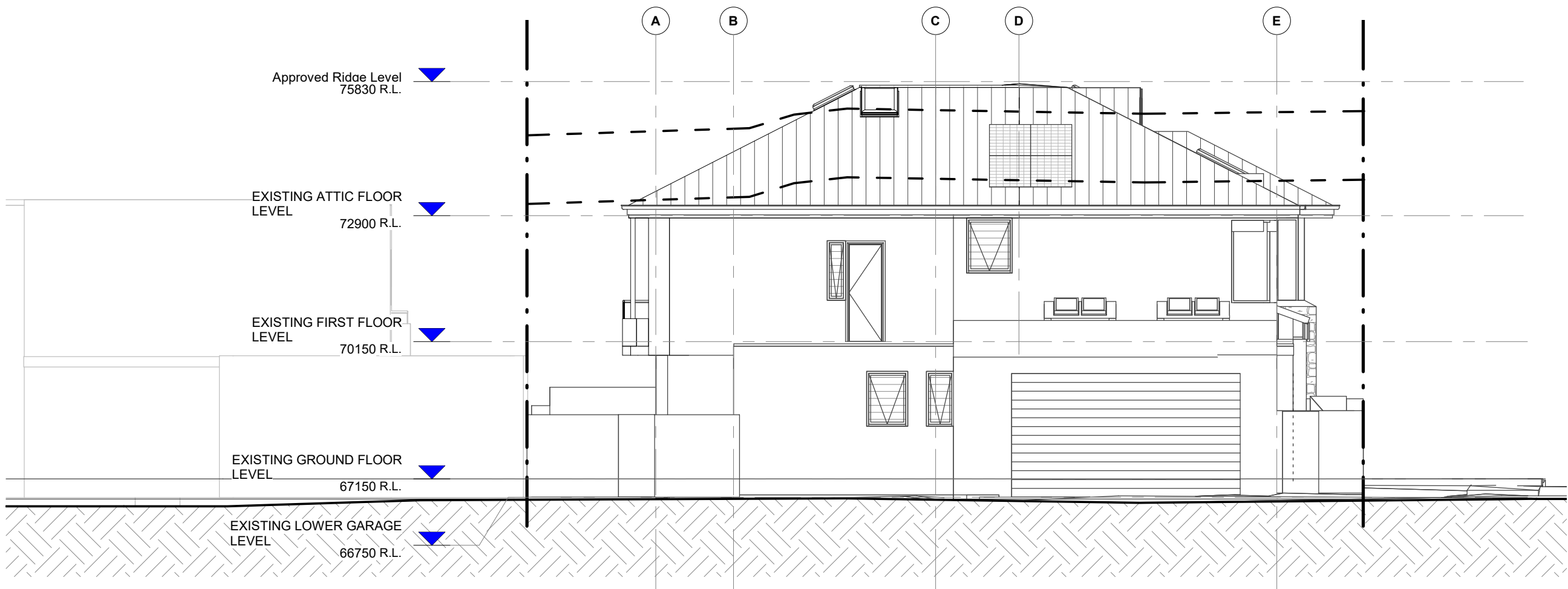
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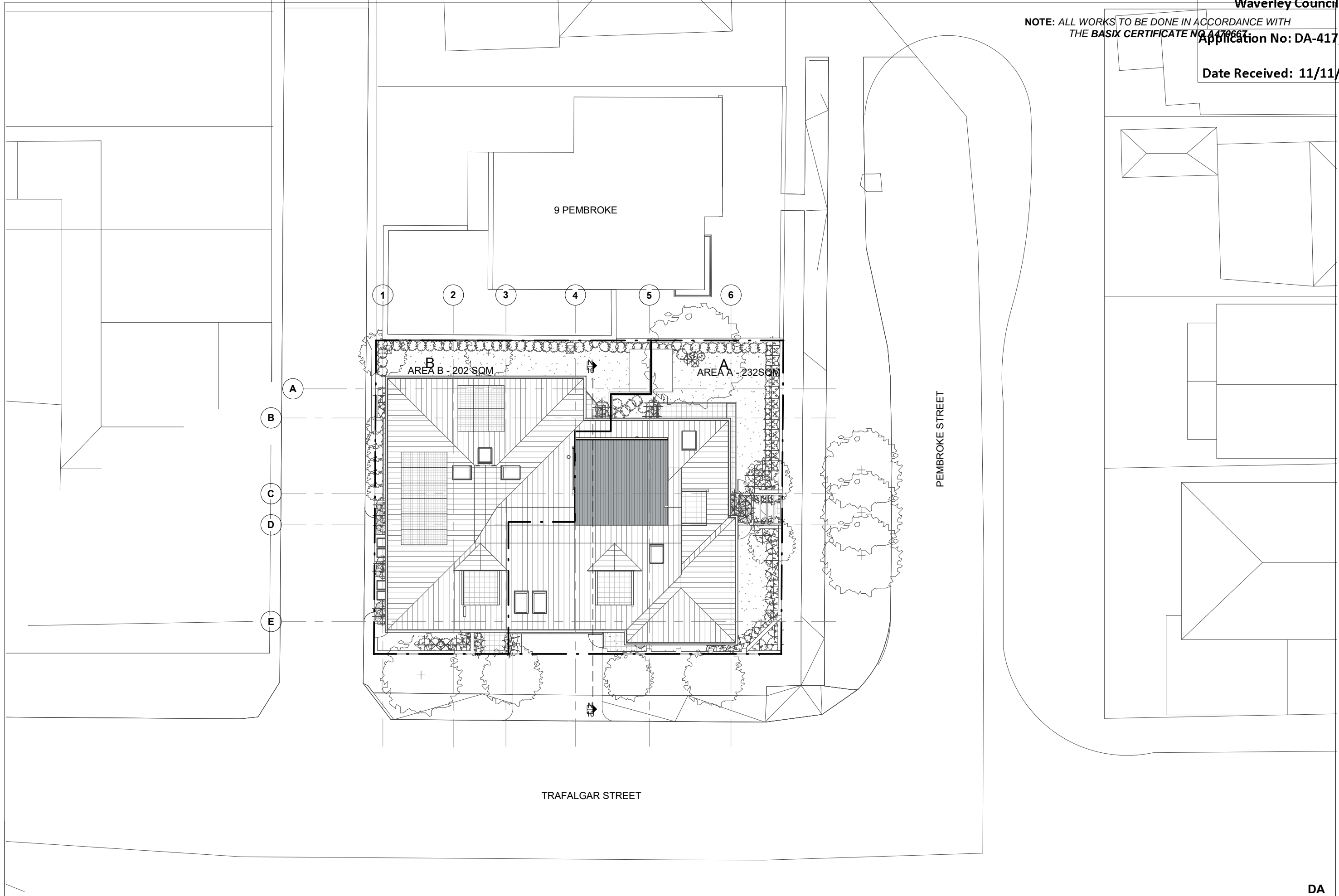


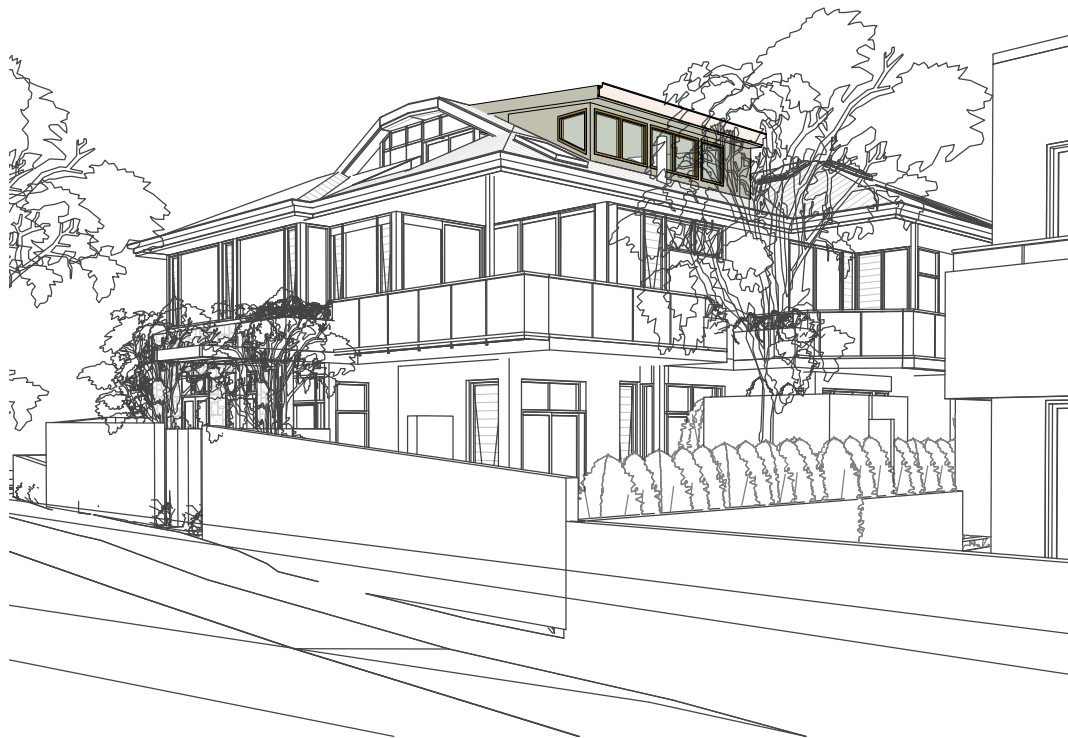
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NOTE: ALL WORKS TO BE DONE IN ACCORDANCE WITH
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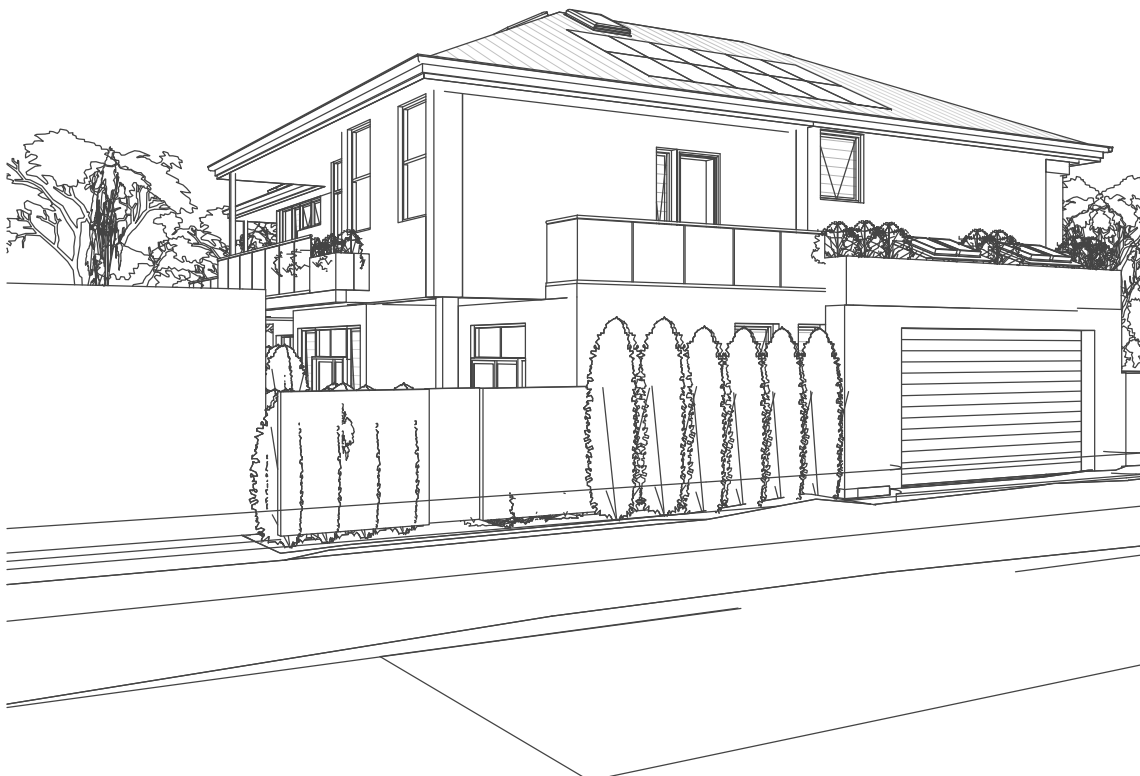
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2 PROPOSED EYE LEVEL EAST



3 PROPOSED EYE LEVEL SOUTH



4 PROPOSED EYE LEVEL WEST



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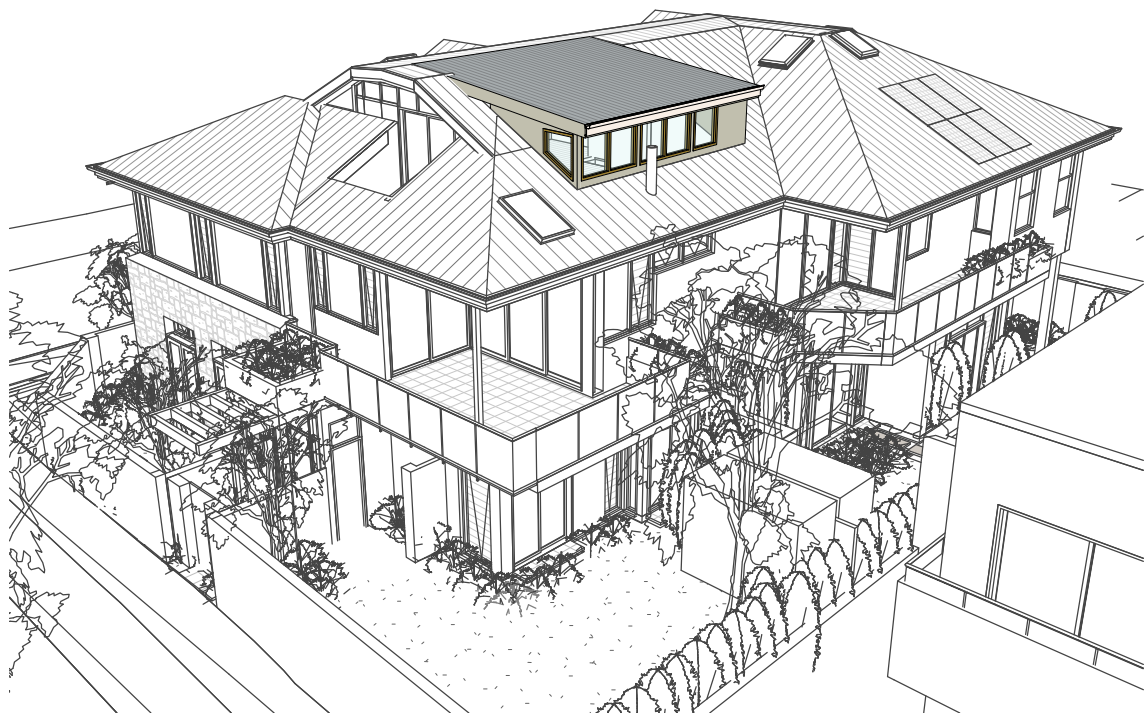
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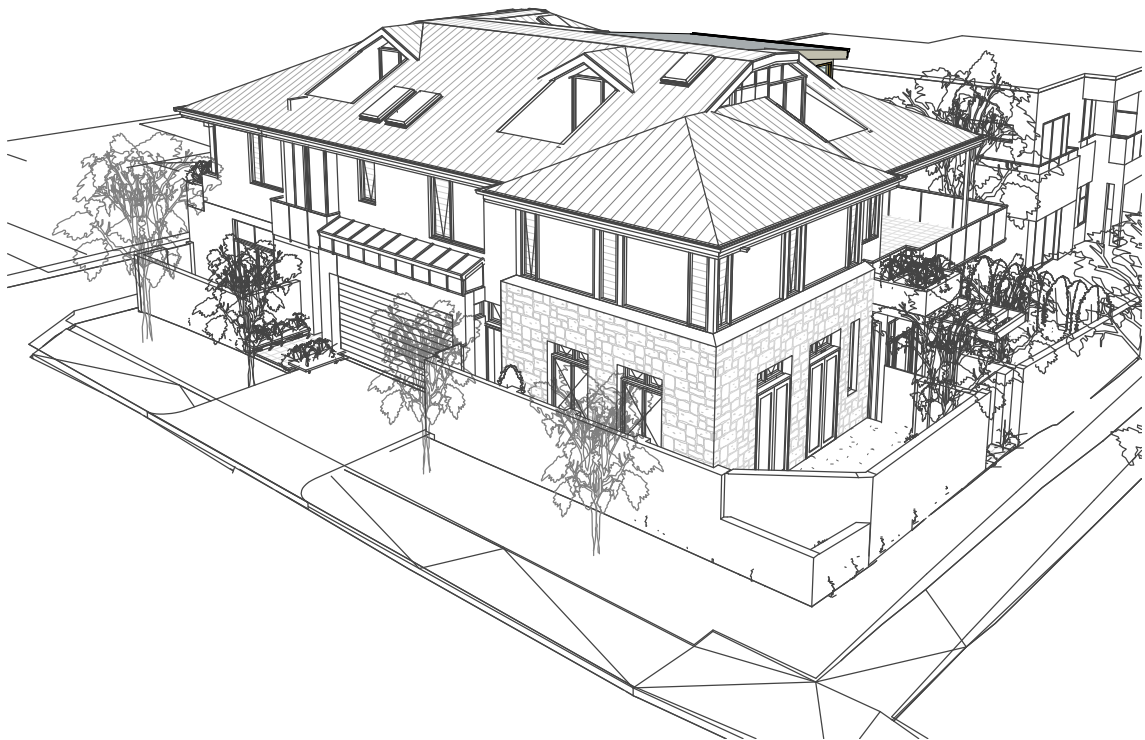
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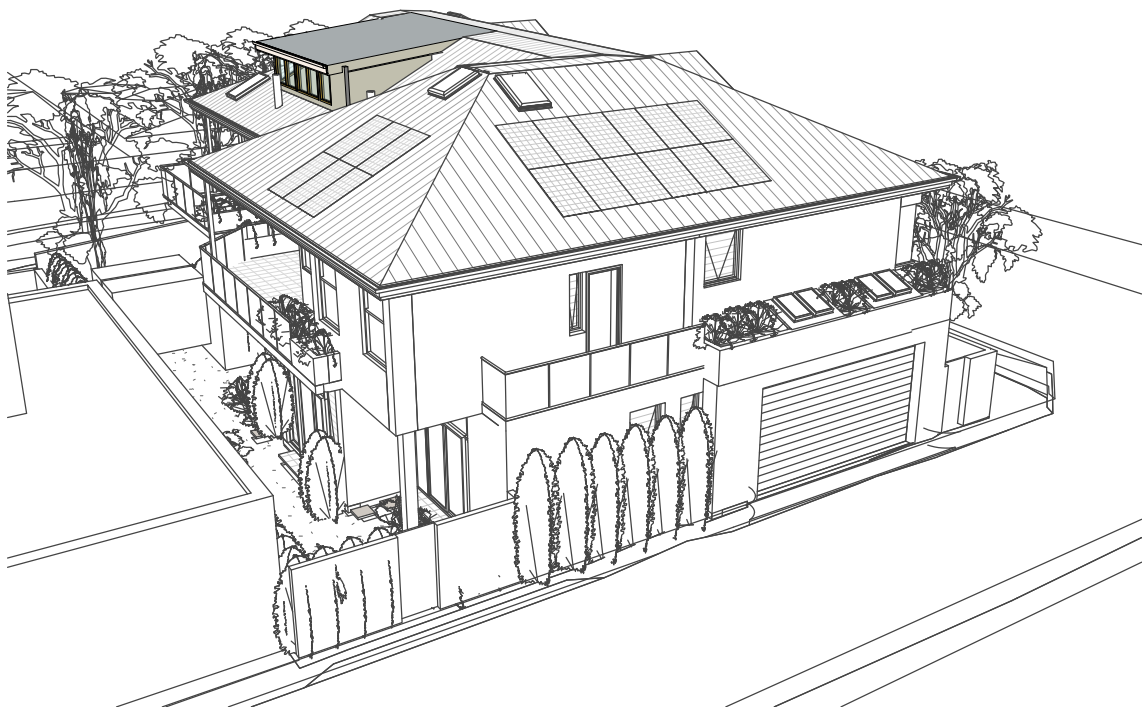
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4 PROPOSED BIRDS EYE WEST



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PROPOSED 3D BIRDS EYE VIEWS

Drw:HD
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Proj Date: 22-05-2018 Scale

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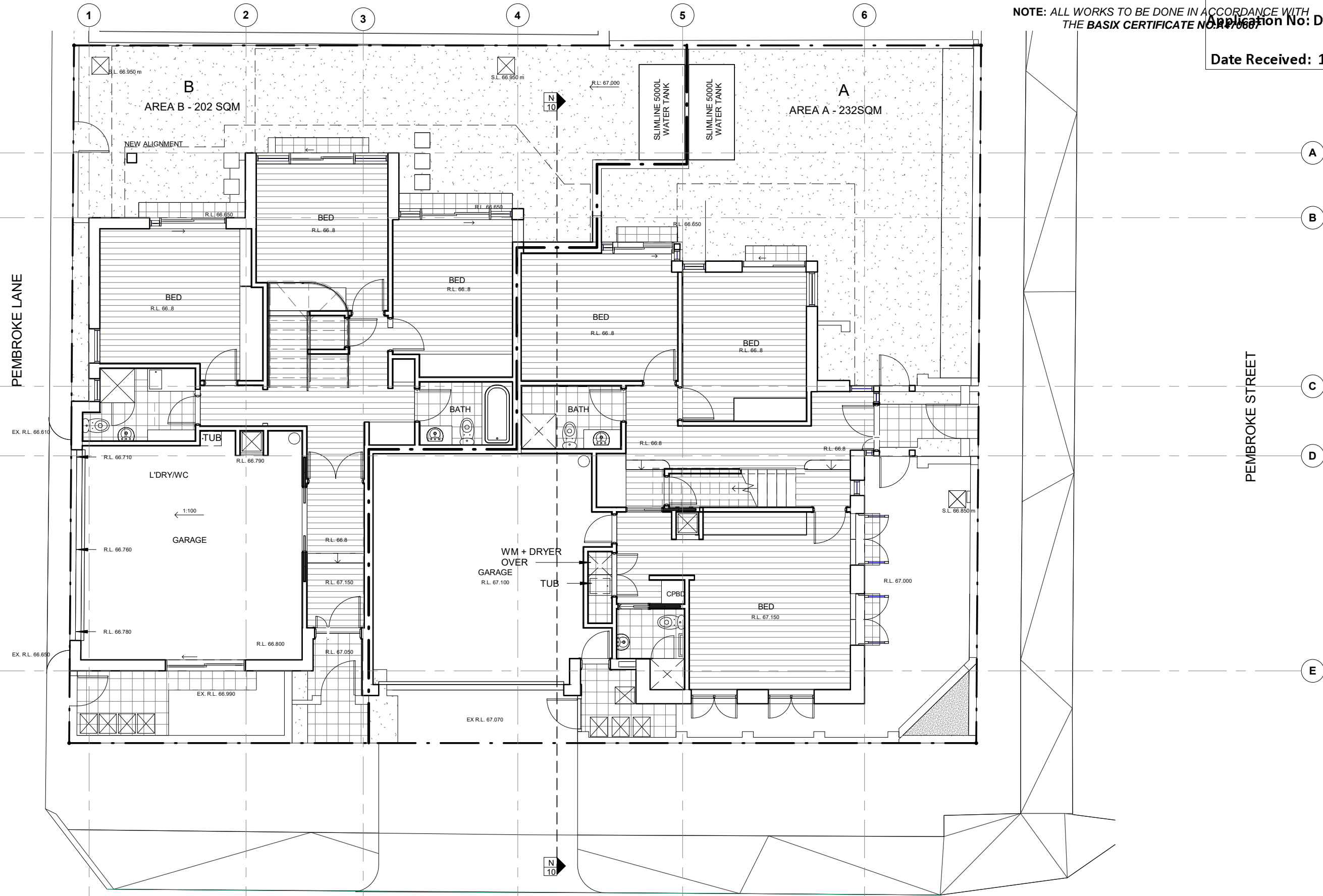
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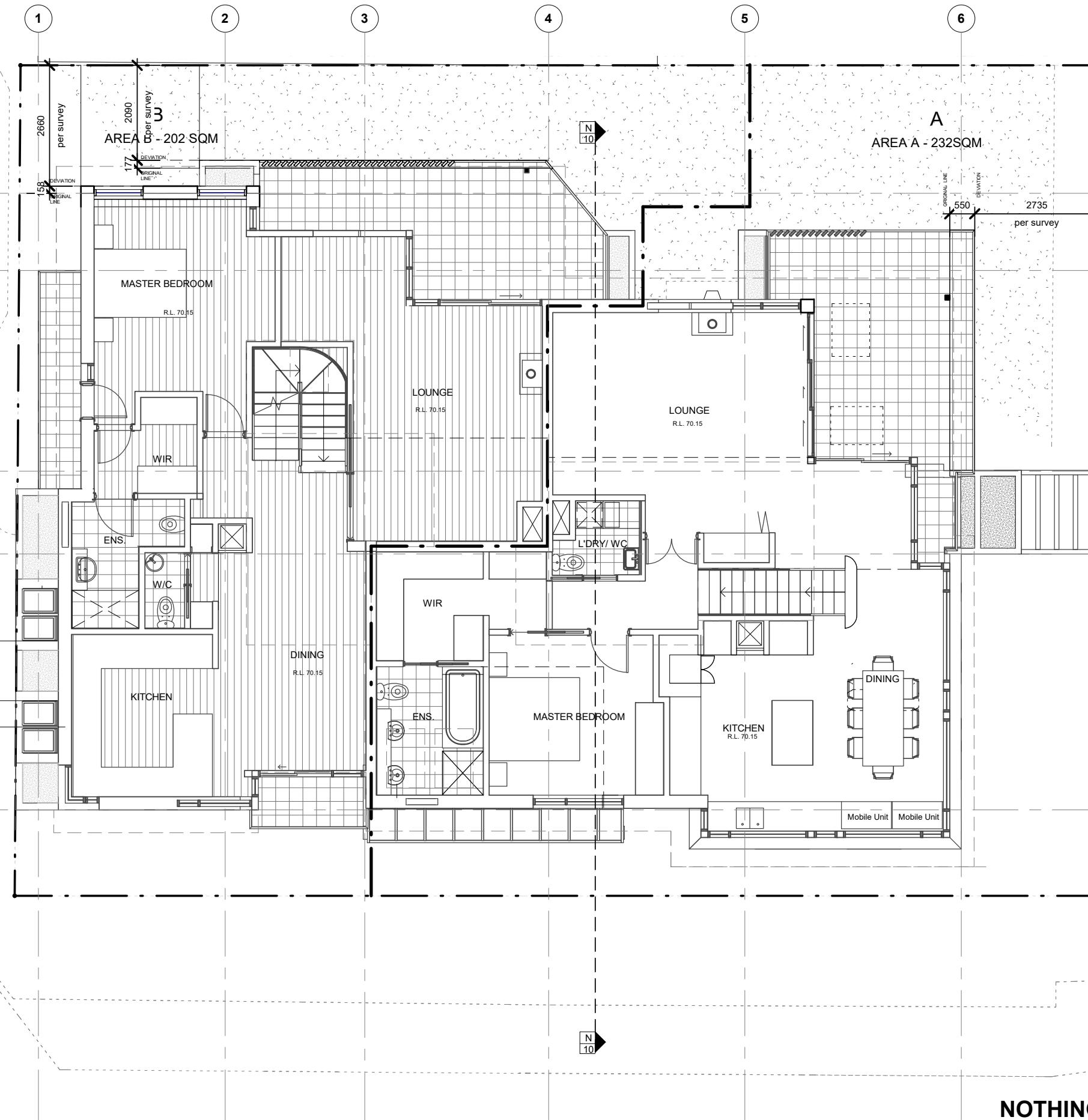
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PROPOSED GROUND FLOOR PLAN
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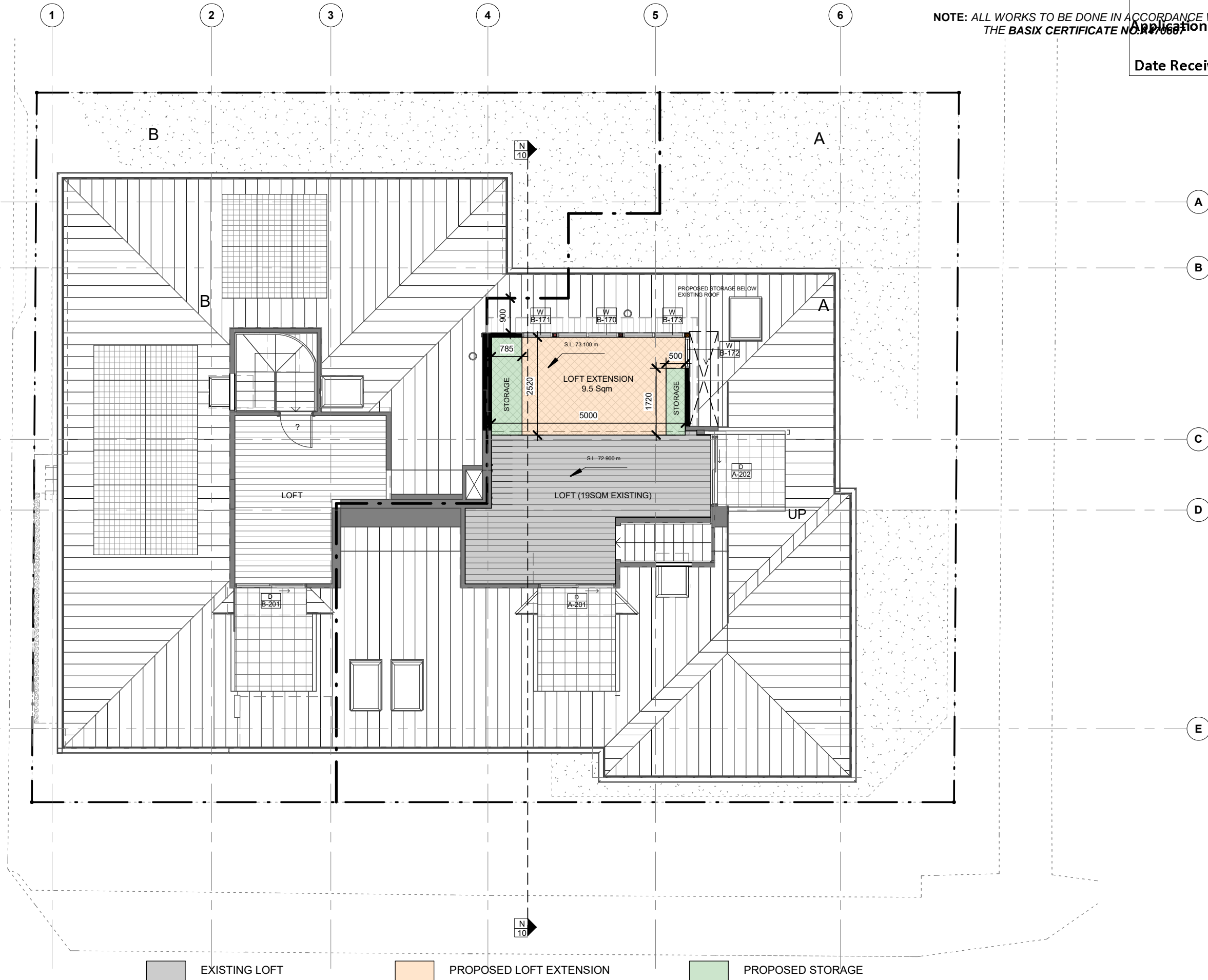
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PROPOSED FIRST FLOOR PLAN
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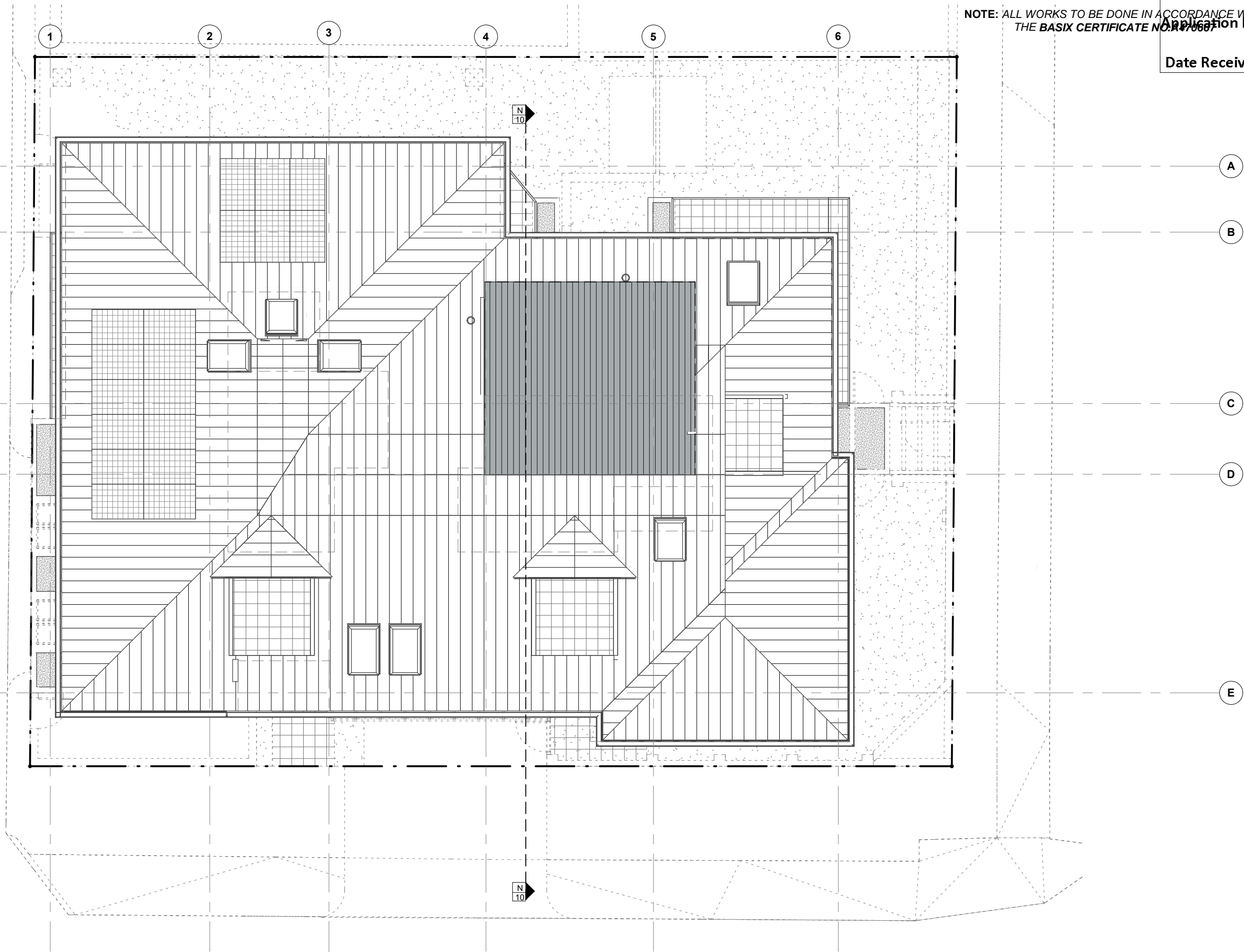


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PROPOSED LOFT FLOOR PLAN

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PROPOSED ROOF PLAN

Drw:DP
Chk:DF

Proj Date: 22-05-2018 Scale 1 : 100 @A3

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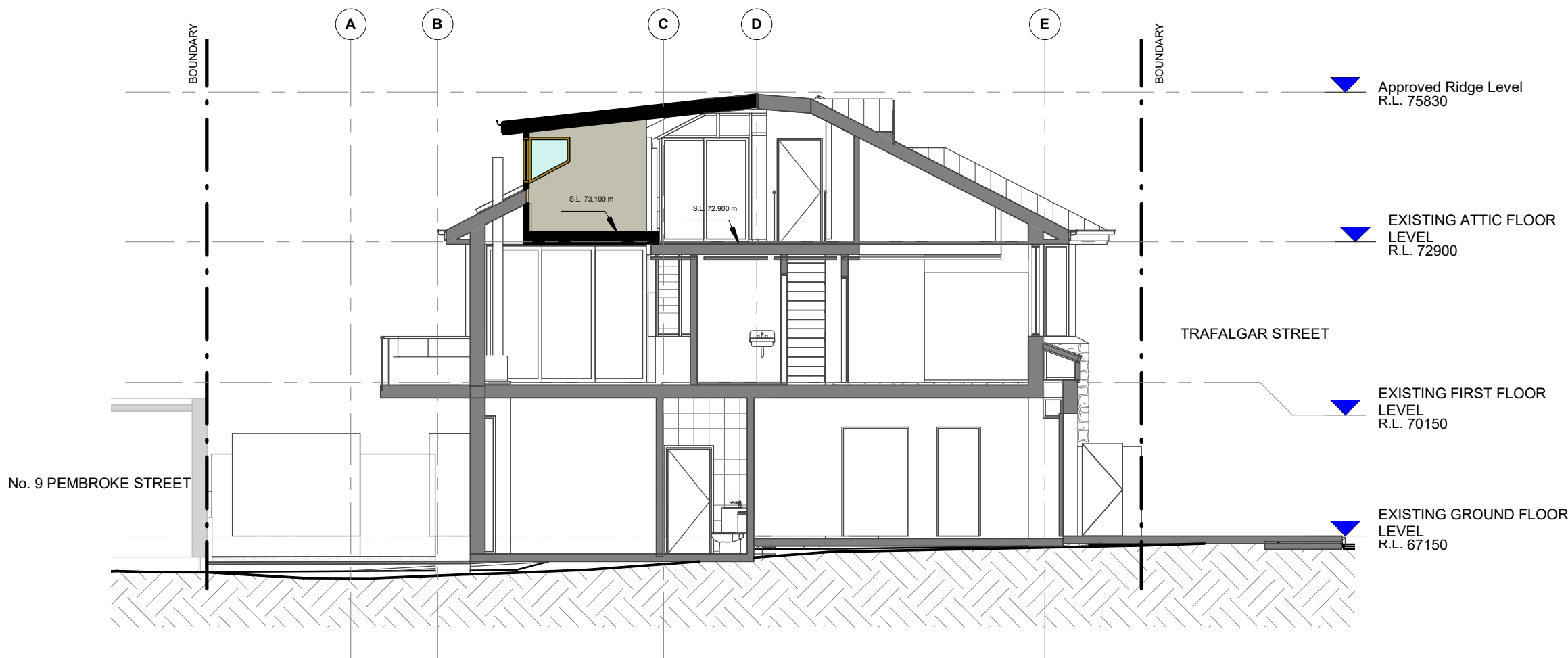
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REGISTERED PROFESSIONAL ARCHITECT NO. 15616
NOMINATED ARCHITECT DAVID FLEETING NSW A15145

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PROPOSED SECTION 1

Drw: Author
Chk: Checker Proj Date: 22-05-2018 Scale 1 : 100 @A3

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Drw: Author
Chk: CheckerProj Date: 22-05-2018 Scale 1 : 100 @A3

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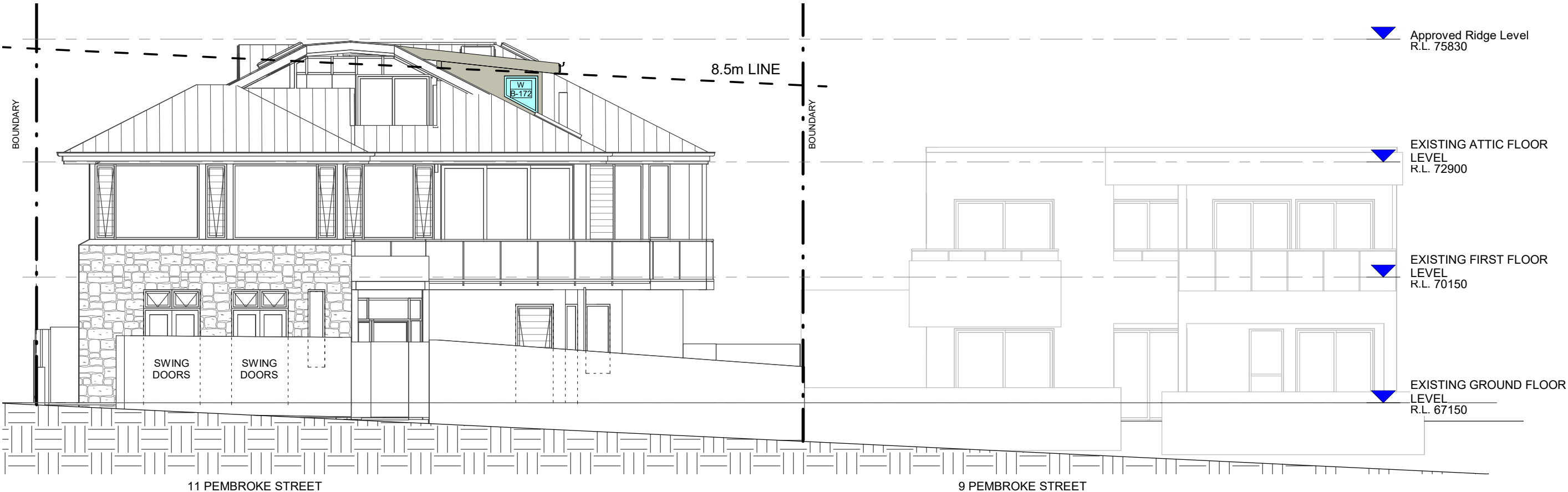
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ARCHITECT: DAVID FLEETING ARCHITECTS NSW 268167943
Nominated Architect: DAVID FLEETING NSW ARB5145

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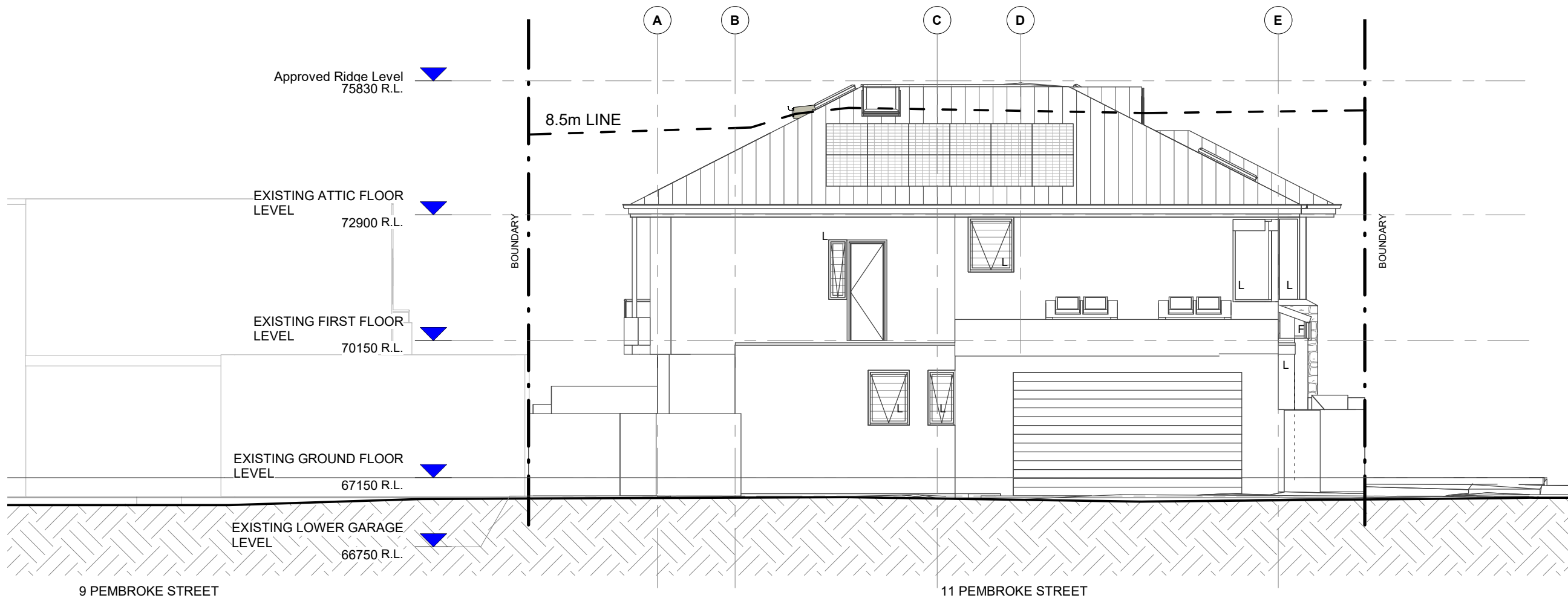
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REGISTERED PROFESSIONAL ARCHITECT NO. 15816 (NSW) 15816 (NSW) 15816 (NSW)

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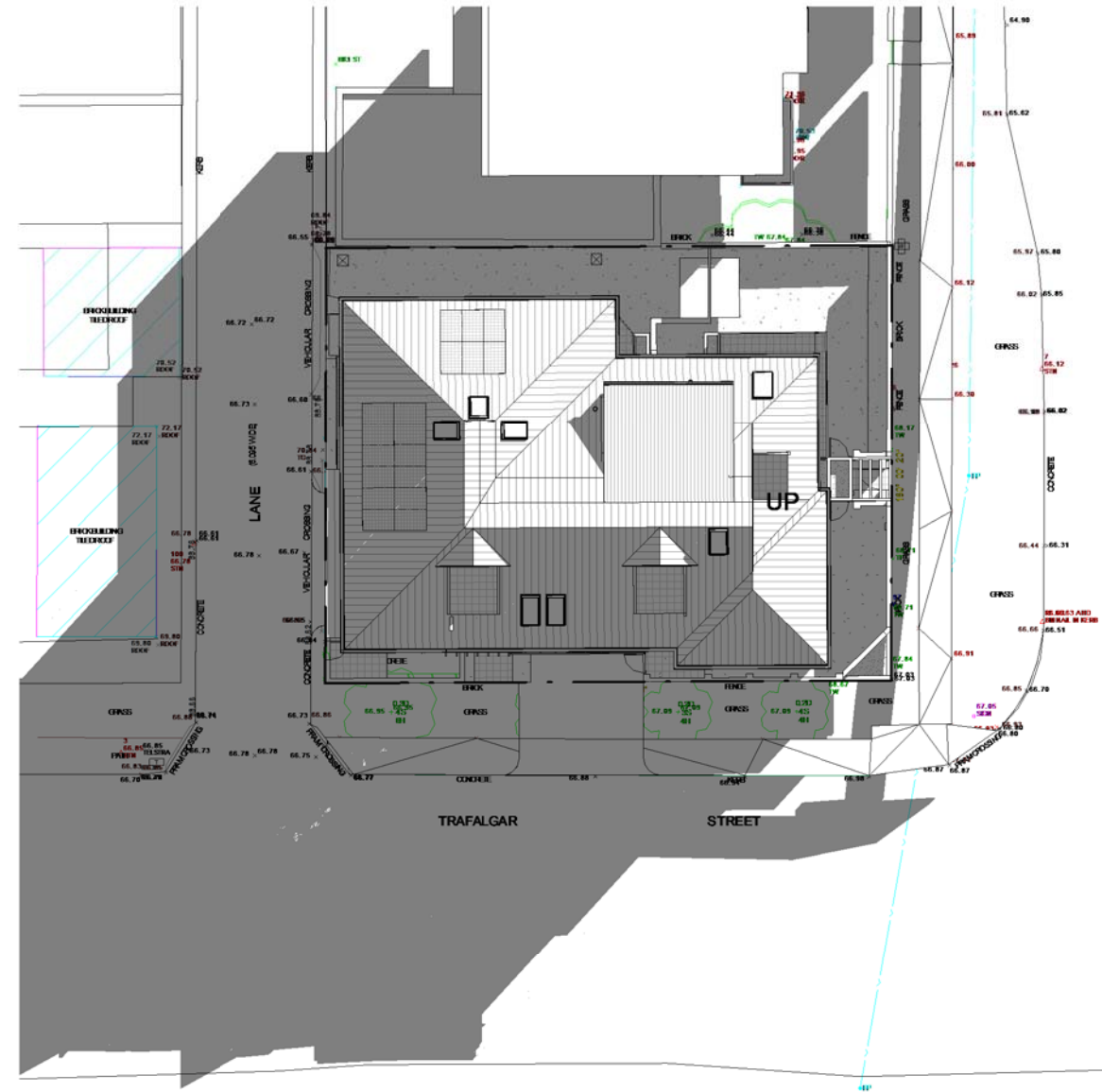
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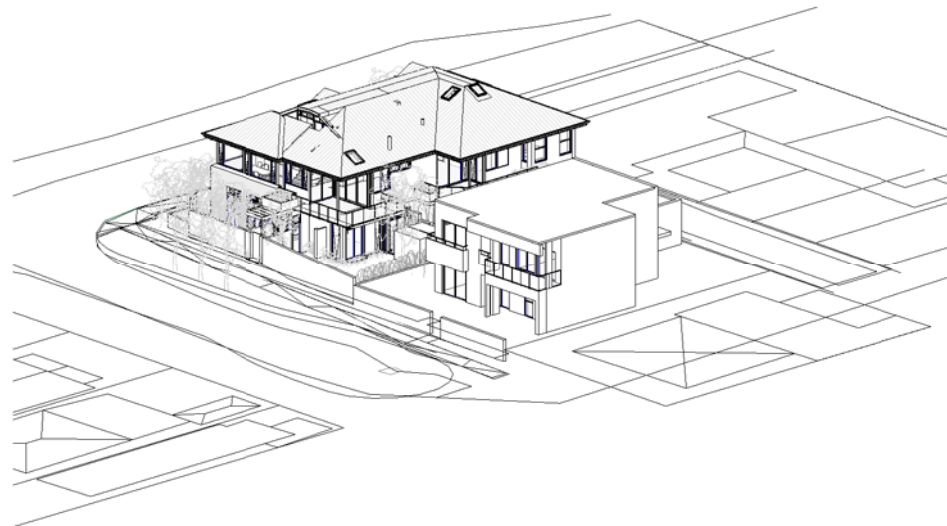
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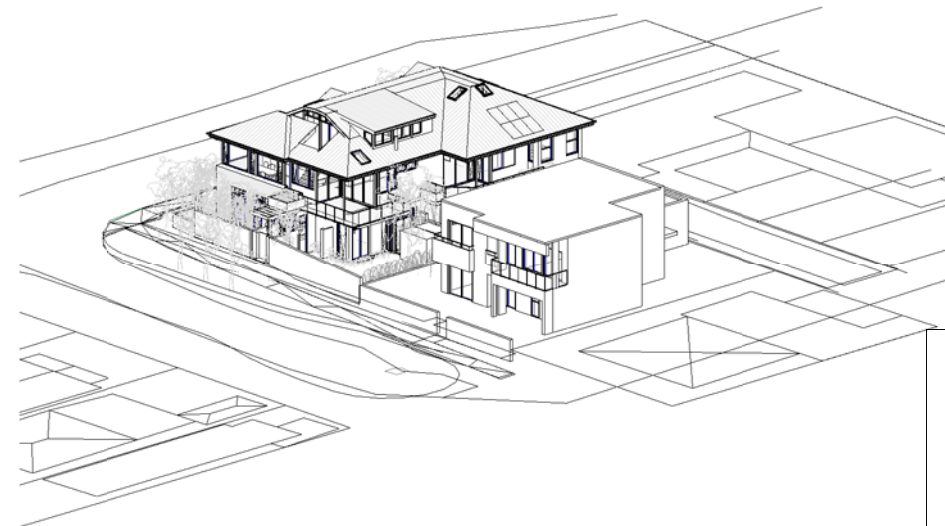
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PROPOSED SHADOW - JUNE 22 - 9AM



EXISTING VIEW FROM THE SUN



PROPOSED VIEW FROM THE SUN



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SUN STUDY - June 22 9am

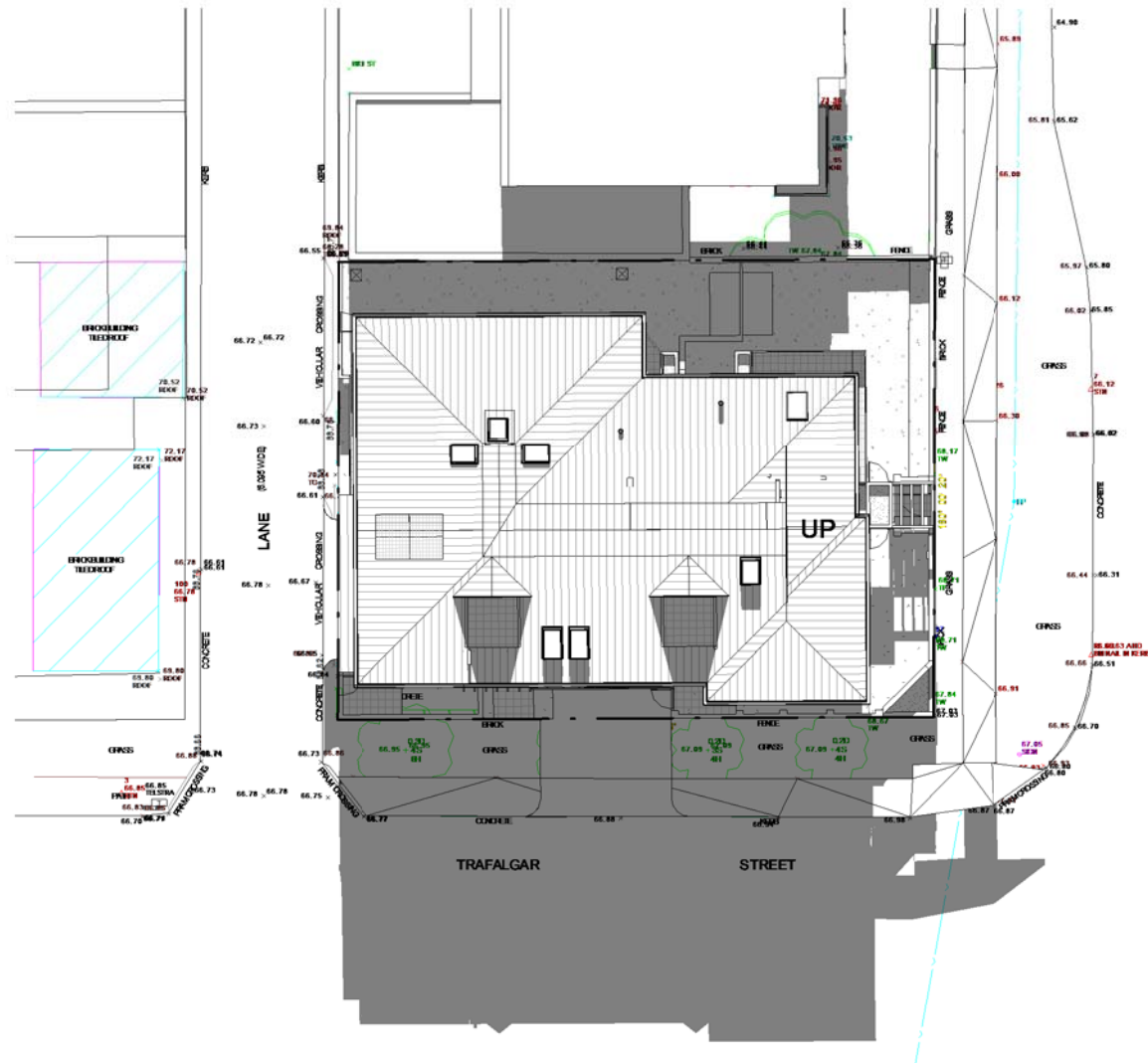
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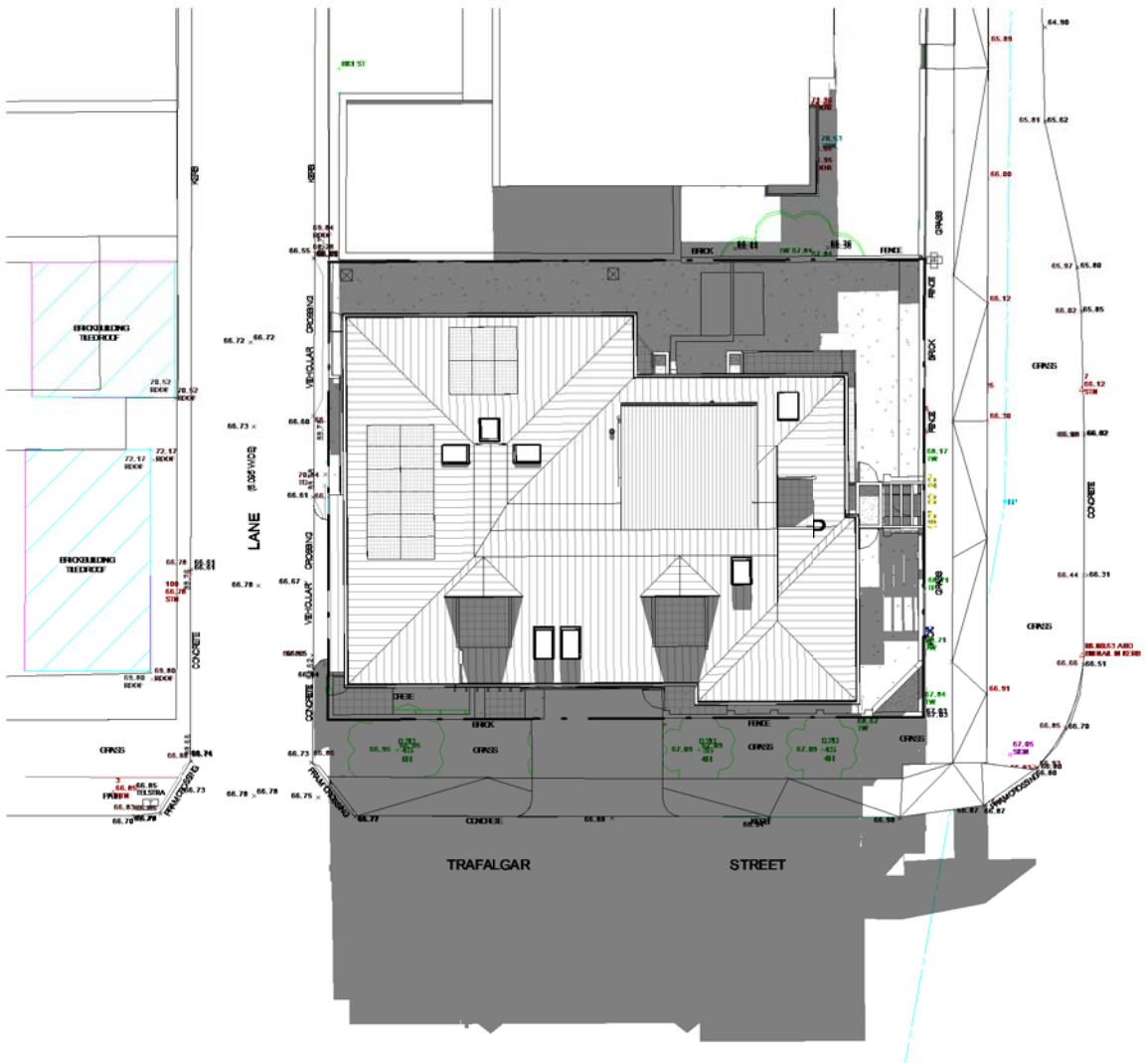
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Receipt No: DA-417/2022
Date Received: 28/09/2022

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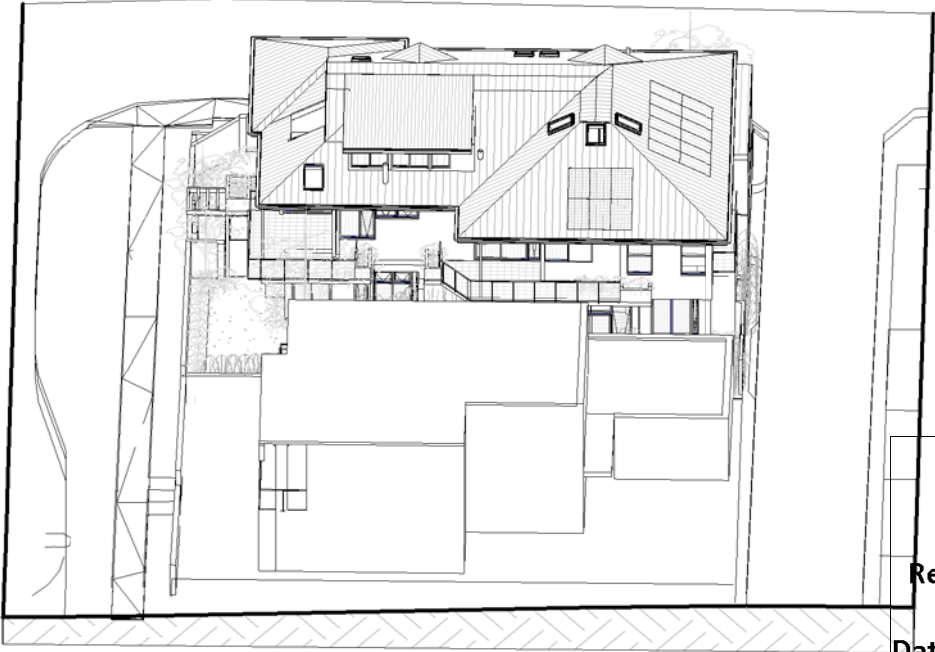
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PROPOSED SHADOW - JUNE 22 - 12PM



EXISTING VIEW FROM THE SUN



PROPOSED VIEW FROM THE SUN

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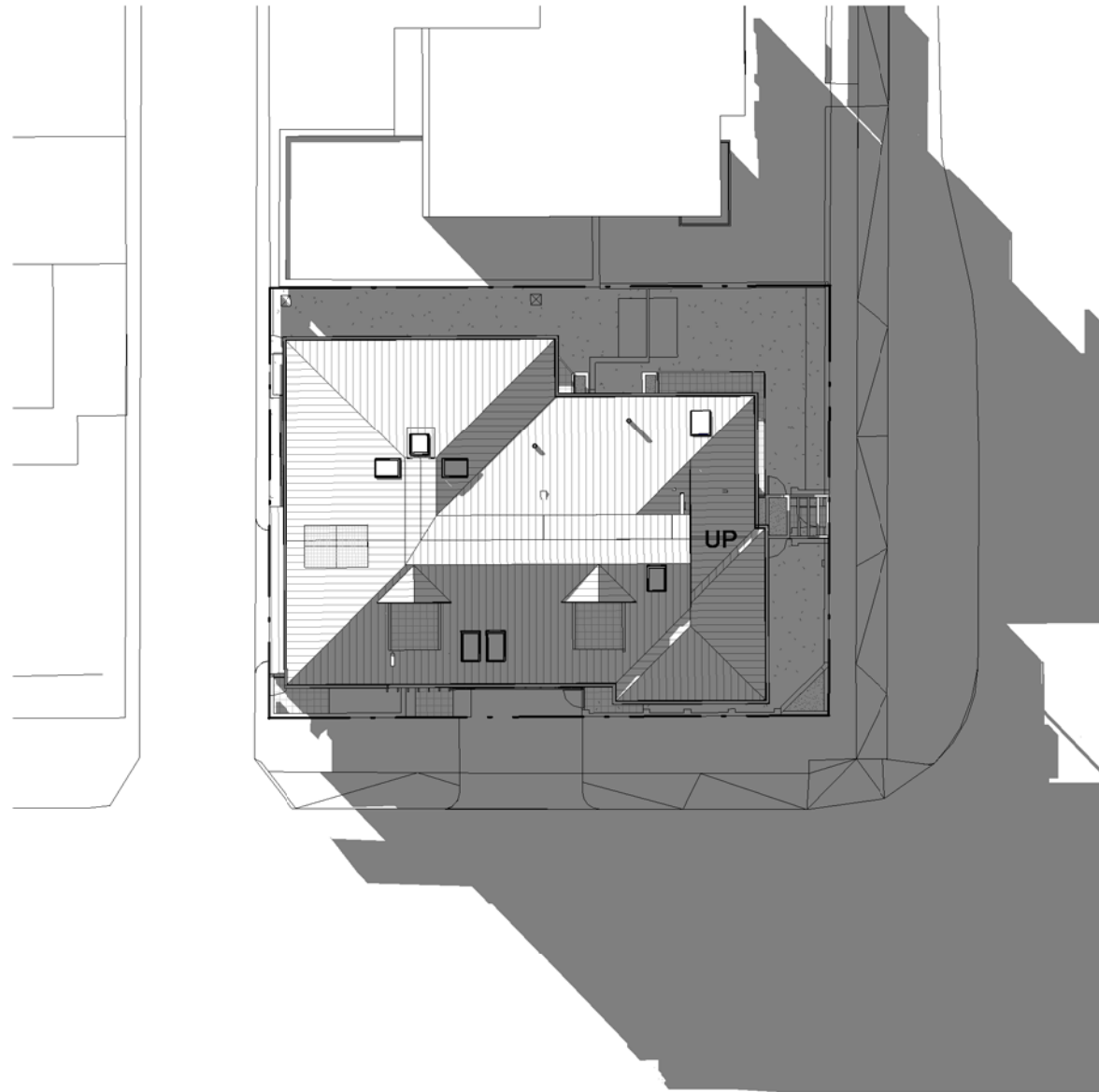
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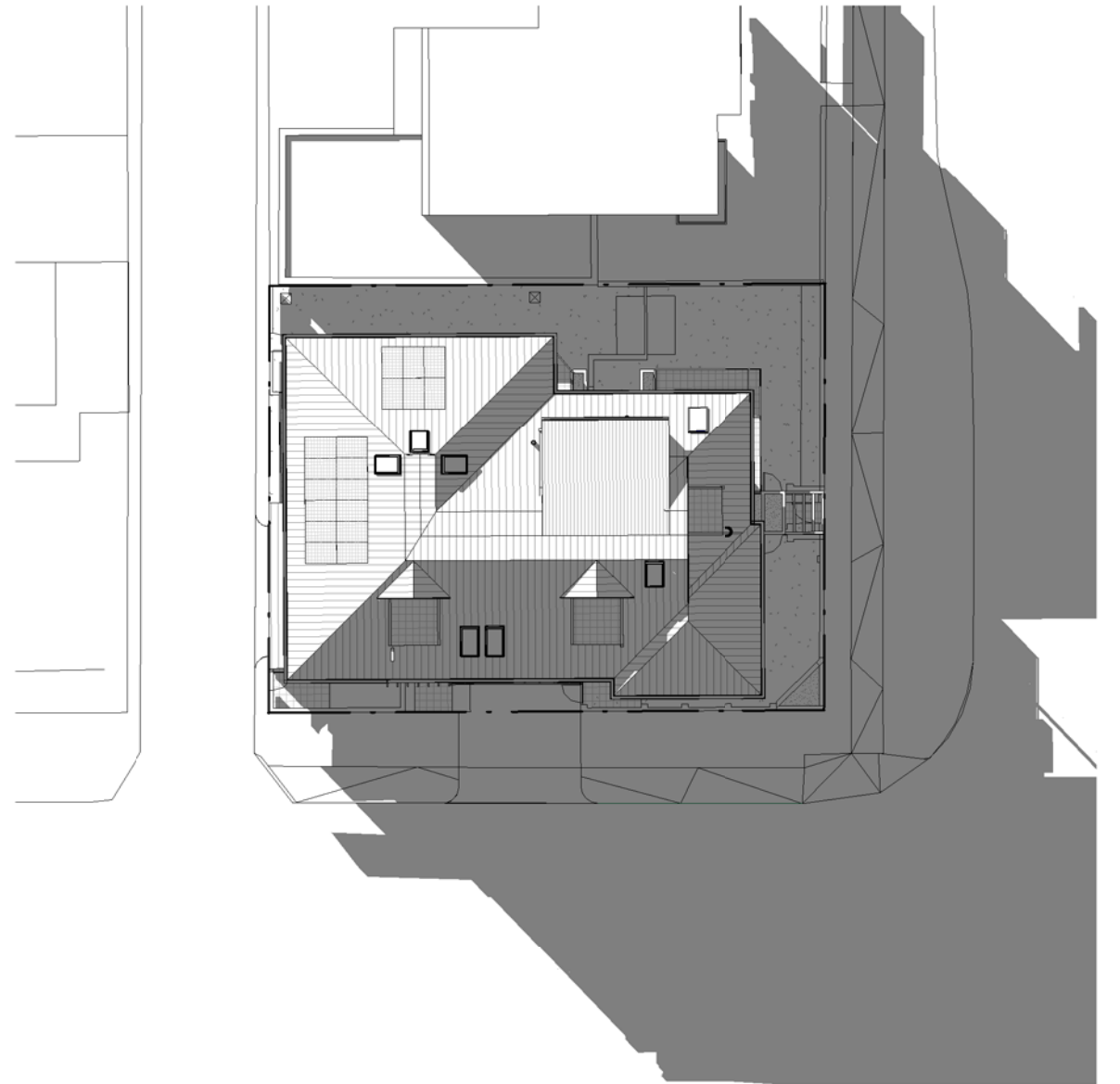
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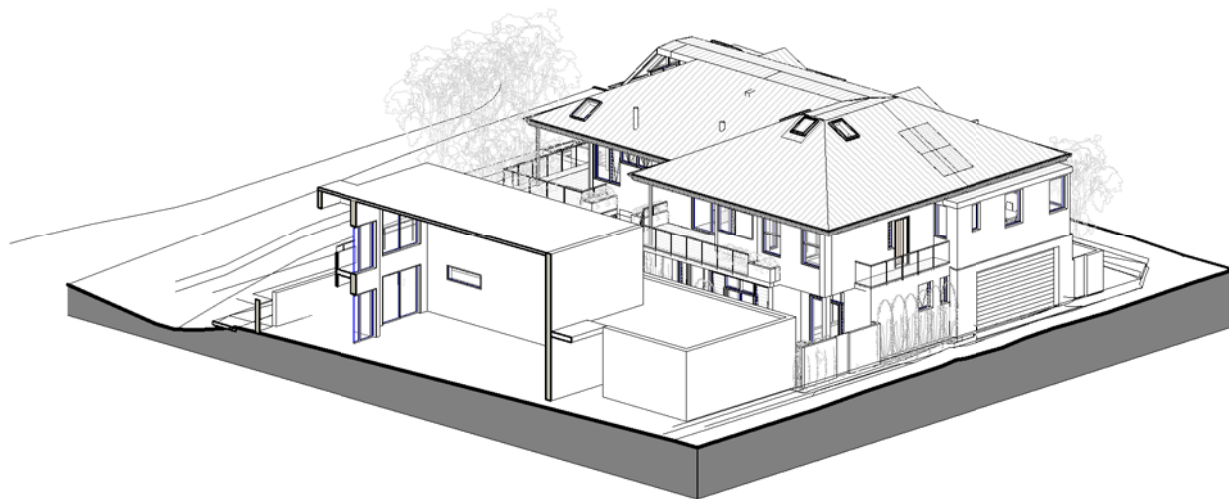
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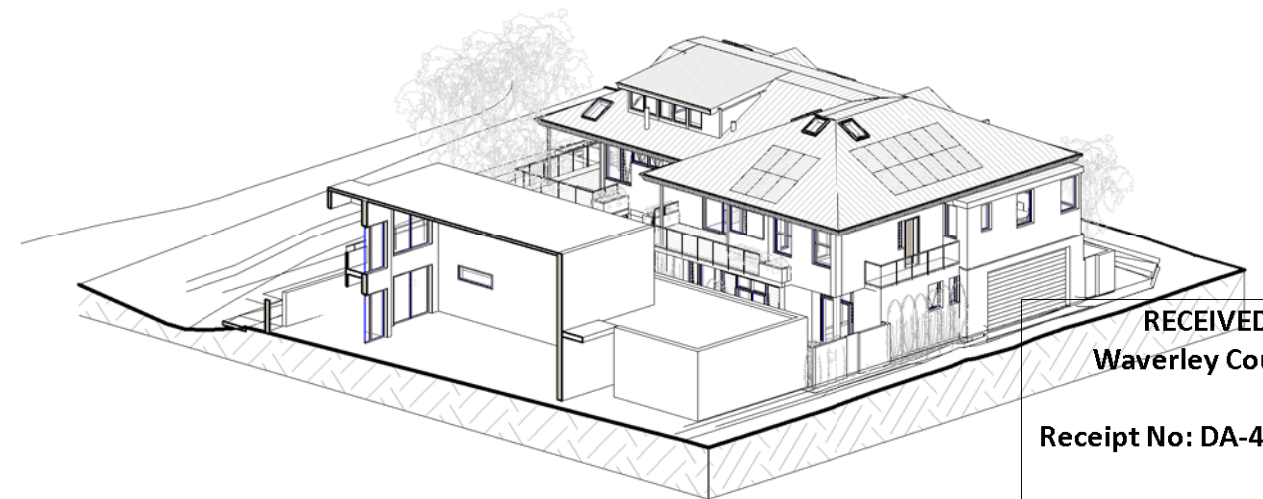
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PROPOSED SHADOW - JUNE 22 - 3PM



EXISTING VIEW FROM THE SUN



PROPOSED VIEW FROM THE SUN

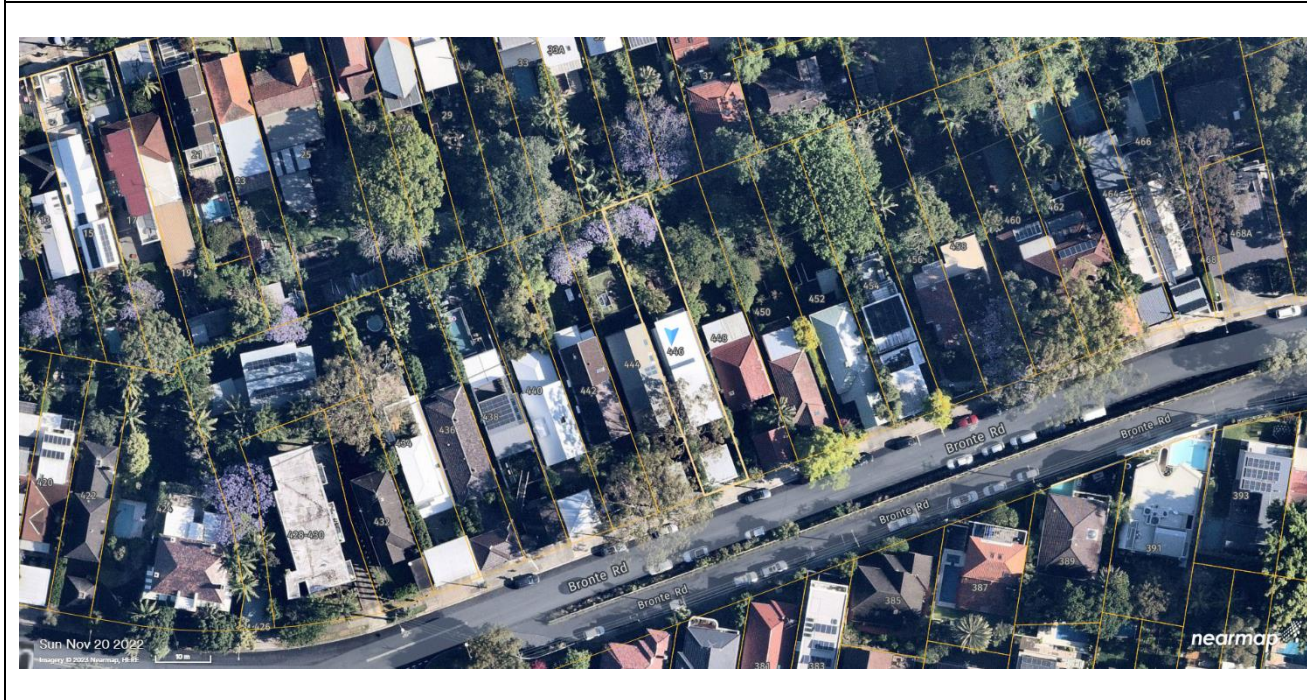
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Receipt No: DA-417/2022
Date Received: 28/09/2022



Report to the Waverley Local Planning Panel

Application number	D-288/2022
Site address	446 Bronte Road, BRONTE
Proposal	Alterations and additions to a dwelling house, including an extension to the carport
Date of lodgement	07 July 2022
Owner	Ms A C Melhuish
Applicant	Studio Redux Pty Ltd
Submissions	Nil
Cost of works	\$ 80,300
Principal Issues	FSR exceedance
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to a dwelling house, including an extension to the carport at the site known as 446 Bronte Road, BRONTE.

The principal issue arising from the assessment of the application is a variation to the floor space ratio (FSR).

The assessment finds this issue acceptable as the proposal does not result in unreasonable amenity impact upon surrounding properties and maintains the consistency of the streetscape.

No submissions were received.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 16 August 2022.

The site is identified as Lot 7 in DP 11382, known as 446 Bronte Road, Bronte.

The site is rectangular in shape with a frontage to Bronte Road, measuring 8.705m. It has an area of 575.1m² and it falls from the street frontage towards the rear by approximately 9.46m.

The site is occupied by a three-storey detached dwelling house with vehicular access provided from Bronte Road to a single carport.

The site is adjoined by two and three-storey detached dwelling houses on either side. The locality is characterised by a variety of low density residential development.

Figures 1 to 8 are photos of the site and its context.



Figure 1: Streetscape view of the subject site



Figure 2: Streetscape view opposite the subject site



Figure 3: Side passage access to the subject site

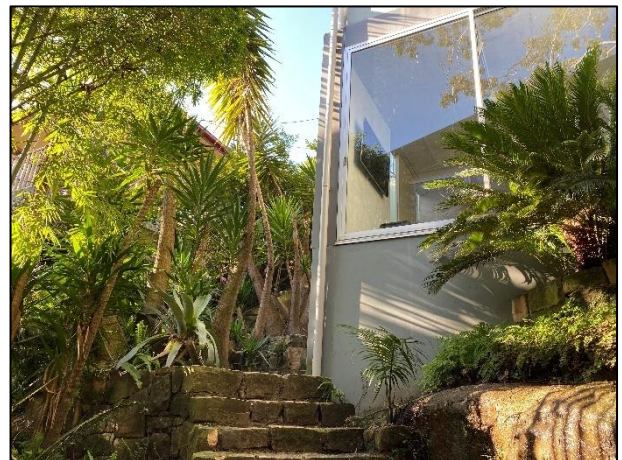


Figure 4: Front office view of the subject site



Figure 5: Front view of the subject site



Figure 6: View down side passage of the subject site



Figure 7: View of the proposed bedroom area of the subject site



Figure 8: View of the proposed bedroom area of 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-806/2004

- Approved 03/05/2005
- Demolition of existing two storey cottage and construction of new two/part three-storey dwelling with garage.

DA-806/2004/A

- Approved 26/08/2005
- Section 96 for an extension to the basement.

DA-806/2004/B

- Approved 07/02/2007
- Amended plans to alter the approved new dwelling.

1.4. Proposal

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

- Extension at the lower ground floor level to provide a bedroom within an existing undercroft area.
- Extension of the existing single carport to provide a double carport.
- Extension of the existing storage area (studio/gym) beneath the carport.
- New external stairs to the street.

1.5. Background

The development application was lodged on 7 July 2022 and deferred on 17 October 2022 for the reasons listed following. A comment is included after each issue to summarise the response from the Applicant in regard to each matter:

1. FLOOR SPACE RATIO

Please amend your floor space ratio to include the following:

- a. *Storage area underneath the carport and all associated internal walls.*
- b. *Exclude staircase 5 on the ground floor (Bedroom level) and include staircase 5 on the Lower ground floor (Basement level) with all internal walls.*

Planner comment: The gross floor area (GFA) plans and calculations were amended as requested.

2. BIODIVERSITY

The property lies within the identified coastal biodiversity corridor, so under the DCP Section 3.2.2 (a). A minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2-1.

- a. *Please submit a landscape plan addressing the above-stated control.*

Planner comment: The applicant has clarified that no landscaping is proposed as part of this application and as such no landscape plan has been submitted.

3. CAR PARKING

The proposed garage door does not comply with Part C2Section 2.8.1 control (b) and Section 2.8.4 control (a and b) of the Waverley DCP 2012. No other carport within the visual catchment includes a garage door. As such, it is recommended that the Architectural Drawings be amended to show a gate or retain an open carport design. However, if a garage door is still proposed, greater justification for the necessity and/or requirement of a garage door is required.

Planner comment: The garage door has been retained in the amended plans and the Applicant has provided greater justification in support. This is discussed within the report.

After consulting with Council's Traffic Engineers, amend the architectural drawings to show the following:

- a. *Minimum internal width of 5.4 metres for the carport to accommodate 2 car parking spaces.*
- b. *A maximum grade of 1:20 (5%) for the parking spaces*
- c. *Maximum grade transitions of 12.5% for summit grade changes and 15% for sag grade changes.*
- d. *Driveway design in accordance with Council's standard drawing for a double garage (R5 – Double Driveway Crossing and Layback).*

Planner comment: The amended plans have addressed this matter as requested.

4. FRONT FENCE

The proposed front fence does not comply with Part C2Section 2.4 control (a, b and c). The front fence exceeds the maximum average of 1.2m. Please amend the Architectural Drawings showing a front fence with maximum average of 1.2m in height (tapering with the slope).

Planner comment: The amended plans have retained the existing front fence.

5. ARCHITECTURAL DRAWING AMENDMENTS

Please amend or provide the following:

- a. Architectural drawings show multiple drawing scales, please remove incorrect drawing scales from drawing set.*
- b. Architectural drawings are missing RL's to AHD on all sections and elevations.*
- c. A side setback drawing discrepancy is evident regarding the storage/gym extension underneath the carport. The setback of the side extension to the storage/gym is to match the carport side setback shown above.*
- d. Please removal bubbles exempt for those showing the amendments made for this deferral.*

Planner comment: The amended plans have addressed this matter as requested.

6. FURTHER INFORMATION

Please provide the following additional information:

- a. Survey Plan*

Planner comment: Survey plan provided as requested.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

The following SEPPs apply from the 01 March 2022 and have been considered acceptable in the assessment of this development application:

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

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is considered consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The land use is defined as a dwelling house, which is permitted with consent in the R2 low density residential zone.
Part 4 Principal development standards		
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.58:1	No	The proposal has a gross floor area (GFA) of 336m ² or an FSR of 0.71:1 exceeding the development standard by 59.3m ² or 22%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the Floor Space Ratio (FSR) development standard. A detailed discussion of the variation to the development standard/s is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The proposed works are not likely to lower the water table.
6.2 Earthworks	Yes	The excavation required for the lower ground floor room extension and studio/storage room under the garage is not expected to have a detrimental impact on environmental functions and neighbouring uses. Standard conditions of consent are recommended concerning earthworks.

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

The site is subject to a maximum floor space ratio (FSR) development standard of 0.58:1. The proposed development has a FSR of 0.71:1, exceeding the standard by 59.3m² equating to a 22% 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) minor extent of the FSR variation
 - (ii) nil streetscape impacts to Bronte Road
 - (iii) no traffic and parking impact
 - (iv) no adverse amenity impact on the neighbouring dwellings and the streetscape.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) minor addition
 - (ii) the proposed FSR will not result in unreasonable overshadowing impacts beyond that currently existing
 - (iii) no visual privacy concerns to adjoining neighbouring dwellings
 - (iv) the proposed FSR variation is concealed by topography and will not generate any adverse visual bulk impacts.
 - (v) FSR variation is well integrated with the built form of the dwelling.

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

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. Council accepts that the proposal is consistent with the desired low density character of the area given that the topography of the site conceals the proposed works and the potential amenity impacts are minimal.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The applicant notes that due to the location of the proposed additions they are concealed from the street with no impact upon the streetscape. Combined

with no adverse or unreasonable impact on the neighbouring dwellings, Council is satisfied that the proposed exceedance is acceptable.

Is the development in the public interest?

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

The objectives of the FSR development standard are as follows:

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

The proposed development does not affect privacy or cause any additional overshadowing or view loss to the adjacent properties nor does it propose a variation to the building height. The location of the additional space does not visually change the streetscape and maintains the existing and future character of the locality.

The objectives of the R2 Low Density Residential zone are as follows:

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

The proposal maintains the low density nature of the site and the parking provided does not exceed the maximum under the provisions of the DCP ensuring that public transport, walking and cycling is encouraged. The proposal is consistent of the objectives of the zone.

Conclusion

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

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory
2. Ecologically Sustainable Development	Yes	Satisfactory
3. Landscaping and Biodiversity	Yes	The proposal was reviewed by Council's Environmental Sustainability Officer. Refer to section 3 of this report on referral commentary in relation to Biodiversity.
5. Vegetation Preservation	Yes	The Council's Tree Management Officer has reviewed the proposal and raised no objection.
6. Stormwater	Yes	Council's Stormwater Design Engineers raise no objection to the proposal, subject to conditions. Refer to section 3 of this report on referral commentary and recommended conditions.
8. Transport Minimum parking rate: <ul style="list-style-type: none"> Nil Maximum parking rate: <ul style="list-style-type: none"> 1 space for 2 or less bedrooms 2 spaces for 3 or more bedrooms. 	Yes	Council's Traffic Engineers have reviewed the proposal to provide for 2 car spaces. The design and location are satisfactory. Refer to Table 3 of this report on referral commentary and conditions.
12. Design Excellence	Yes	The proposal will result in a more integrated and well-designed building.
14. Excavation	Yes	The proposal results in excavation to construct the lower ground floor room extension and studio/storage room. The excavation is limited to under the carport and the front undercroft area and is not expected to negatively impact surrounding properties.

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 <ul style="list-style-type: none"> • Predominant front building line • Predominant rear building line at each floor level 	Yes	The front and rear building setbacks remain unchanged by the proposed lower ground floor extension.
2.2.2 Side setbacks <ul style="list-style-type: none"> • Minimum of 0.9m (for height up to 8.5m) 	No	<p>The lower ground floor bedroom extension continues the existing side setback along both side boundaries.</p> <p>The proposed gym/storage extension under the carport is to have a side setback of 0.6m. Due to its location and recessed nature within the topography, this is deemed 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 N/A N/A N/A	<p>The lower ground floor bedroom extension will have no visual impact on the streetscape being contained within an existing undercroft area.</p> <p>The proposed carport was deferred to remove the proposed roller door to the carport to provide a more open design. As discussed below in Section 2.8 of this table, the applicant has provided sufficient evidence that the roller door is consistent with the streetscape and is acceptable.</p>
2.4 Fences		
<i>Front:</i> <ul style="list-style-type: none"> • Maximum height of 1.2m • Solid section no more than 0.6m high <i>Side and Rear:</i> <ul style="list-style-type: none"> • Maximum height of 1.8m 	Yes	The application was deferred to reduce the proposed front fence height. The amended drawing shows the retention of the existing front fence and is acceptable.
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 	Yes	The proposed lower ground floor windows will not result in unreasonable privacy impacts upon adjoining dwellings.

Development Control	Compliance	Comment
<p>unless direct views are screened or other appropriate measures are incorporated into the design</p> <ul style="list-style-type: none"> External stairs are not acceptable. 		
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 impacts on views have been identified, and no submissions have been received that raise an issue with view loss. As such, the proposal is not expected to result in impacts on any known views enjoyed by surrounding properties.
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. 	<p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>N/A</p>	<p>The existing carport is located fronting Bronte Road and due to the sloped nature of the site, this is the only viable location for on-site parking.</p> <p>The application was deferred to address the carport door design and overall width of the structure. During the deferral process, the width of the carport was amended to address Council's Traffic Engineer's requirement. Additionally, evidence that a roller door for a carport is an acceptable outcome based on other carports within the visual catchment of the site was also provided.</p> <p>Due to the sloping nature of the site, positioning the car parking structure behind the front building line is impossible, coupled with the precedent already established in the streetscape. Additionally, the proposal seeks consent to extend the existing carport which is already forward of the building line. This outcome is acceptable.</p> <p>No loss of on street parking is expected</p>
2.8.2 Parking rates	Yes	The proposal includes two car parking spaces. This is compliant with the parking rates set by Part B8 of Waverley DCP 2012.

Development Control	Compliance	Comment
2.8.3 Location <ul style="list-style-type: none"> Behind front building line for new dwellings Existing development to be in accordance with the hierarchy of preferred car parking locations 	No No	<p>The proposed carport sits forward of the building line due to the nature of the sloping site. This is deemed acceptable.</p> <p>The proposed carport is not in accordance with council's hierarchy for preferred parking locations. Notwithstanding, the carport is existing and the proposal is simply for an extension of the existing structure. Due to the predominance of carports already existing within the streetscape and the already existing carport, this is deemed acceptable.</p>
2.8.4 Design <ul style="list-style-type: none"> Complement the style, massing and detail of the dwelling Secondary in area and appearance to the design of the residences No part of the façade is to be demolished to accommodate car parking Gates to have an open design 	Yes No Yes Yes	<p>The carport is complementary in the style and detailing of the dwelling.</p> <p>Due to its location and the sloped site, the carport will have a primary appearance from the streetscape. However, as previously discussed, this is an acceptable outcome.</p> <p>No parts of the existing dwelling are being demolished or altered to accommodate car parking.</p> <p>Gates are shown to open inwards.</p>
2.8.5 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	<p>The proposal was reviewed by Council's Traffic Engineer, who found the proposal satisfactory. Refer to section 3 of this report on referral commentary in relation to Traffic.</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	<p>The proposal seeks to replace the existing driveway, deemed satisfactory by Council's Traffic Engineers, with conditions.</p>
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area 	Yes	<p>The proposal includes approximately 70% of open space.</p>
<ul style="list-style-type: none"> Overall landscaped area: 15% of site area 	Yes Yes	<p>The proposal includes approximately 46% of landscaped area.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum area of 25m² for private open space 	Yes	The site retains the existing private open space in excess of 25m ² .
<ul style="list-style-type: none"> Front open space: 50% of front building setback area 	Yes	The front open space is approximately 61% of the front building setback.
<ul style="list-style-type: none"> Front landscaped area: 50% of front open space provided 	Yes	The front landscaped area is approximately 68%.
<ul style="list-style-type: none"> Outdoor clothes drying area to be provided 		There is ample outdoor space for a clothesline.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days from 25 July to 8 August 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

- The amended proposal is of a lesser or similar impact to the original proposal.

No submissions were received.

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Traffic and Development

Council's Traffic Engineers advised that they raised no objections to the proposal and provided conditions of approval.

3.2. Stormwater

Council's Stormwater Engineers advised that they raised no objections to the proposal and provided conditions of approval.

3.3. Tree Management

Council's Tree Management Officer has reviewed the proposal and advised:

- *On inspection, it was noted that on site there were no trees of any significance, the trees possess no outstanding attributes worthy of retention due to being weed species and their removal is supported.*
- *Architectural plan prepared by Studio Redux, DWG:001. Issue. D. Date received 07/07/2022 is satisfactory.*

3.4. Environmental Health

Council's Biodiversity Officer has reviewed the proposal and advised:

The property lies within the identified coastal biodiversity corridor, so under the DCP Section 3.2.2 (a). A minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2-1.

*The proposed development does not appear to include any landscaping.
Should the proposed development include any landscaping, landscape plans that comply with the abovementioned control must be prepared and submitted for assessment.*



As detailed previously in this report, the proposal does not include new landscaping.

4. CONCLUSION

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application and agreed by:
	
Damien Wilmotte	Kylie Lucas
Development Assessment Planner	Acting Manager, Development Assessment
Date:	Date:

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 studio redux including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
001 Revision A	Site Plan	6/11/2022	25/11/2022
002 Revision A	Floor Plans	6/11/2022	25/11/2022
003 Revision A	Floor Plans	6/11/2022	25/11/2022
004 Revision A	Elevations	6/11/2022	25/11/2022
005 Revision A	Elevations	6/11/2022	25/11/2022
006 Revision A	Sections	6/11/2022	25/11/2022

- (b) BASIX Certificate
(c) The Site Waste and Recycling Management Plan (SWRMP) Part 1.

Except where amended by the following conditions of consent.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

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

3. HOME BUILDING ACT

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

satisfy the Principal Certifying Authority that they have complied with the applicable requirements of Part 6, before any work commences.

CONTRIBUTIONS, FEES & BONDS

4. SECURITY DEPOSIT

A deposit (cash or cheque) for the amount of \$ **2,830.00** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

5. LONG SERVICE LEVY

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

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing \$250,000 or more.

CONSTRUCTION & SITE MATTERS

6. HOARDING

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

7. EROSION & SEDIMENT CONTROL

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

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

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

8. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

9. ENGINEERING DETAILS

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

TRAFFIC MANAGEMENT

10. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

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

STORMWATER & FLOODING

11. STORMWATER MANAGEMENT

To ensure the management of stormwater runoff from the development is undertaken without impact to the subject site, neighbouring properties or receiving drainage system, stormwater runoff from the development shall be collected and piped by gravity flow in accordance with Council's Stormwater Management Technical Manual.

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.

ENERGY EFFICIENCY & SUSTAINABILITY

12. BASIX

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

WASTE

13. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

14. CONSTRUCTION SIGNS

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

15. 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

16. 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.

17. 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.

18. 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.

19. 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

20. 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*.

21. 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.

22. 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.

23. 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.

24. 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.

25. WORK OUTSIDE PROPERTY BOUNDARY

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

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

26. RECONSTRUCT VEHICLE CROSSING

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

The crossing is to be 5.0 metres wide at the property boundary. The width at the street is to be 3.0 metres plus 0.45 metre splays.

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.

27. VEHICULAR ACCESS - FINISHED LEVEL TO FOOTPATH

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

28. HEADROOM CLEARANCE

The headroom clearance on the entry and within the garage is to be a minimum of 2.2 metres.

29. VEHICLE GROUND CLEARANCE

The levels and gradients within the garage are to be sufficient to provide adequate ground clearance to a B99 car as defined in AS2890.1.

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

30. FINAL OCCUPATION CERTIFICATE

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

31. CERTIFICATION OF BASIX COMMITMENTS

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

32. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM

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

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 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.

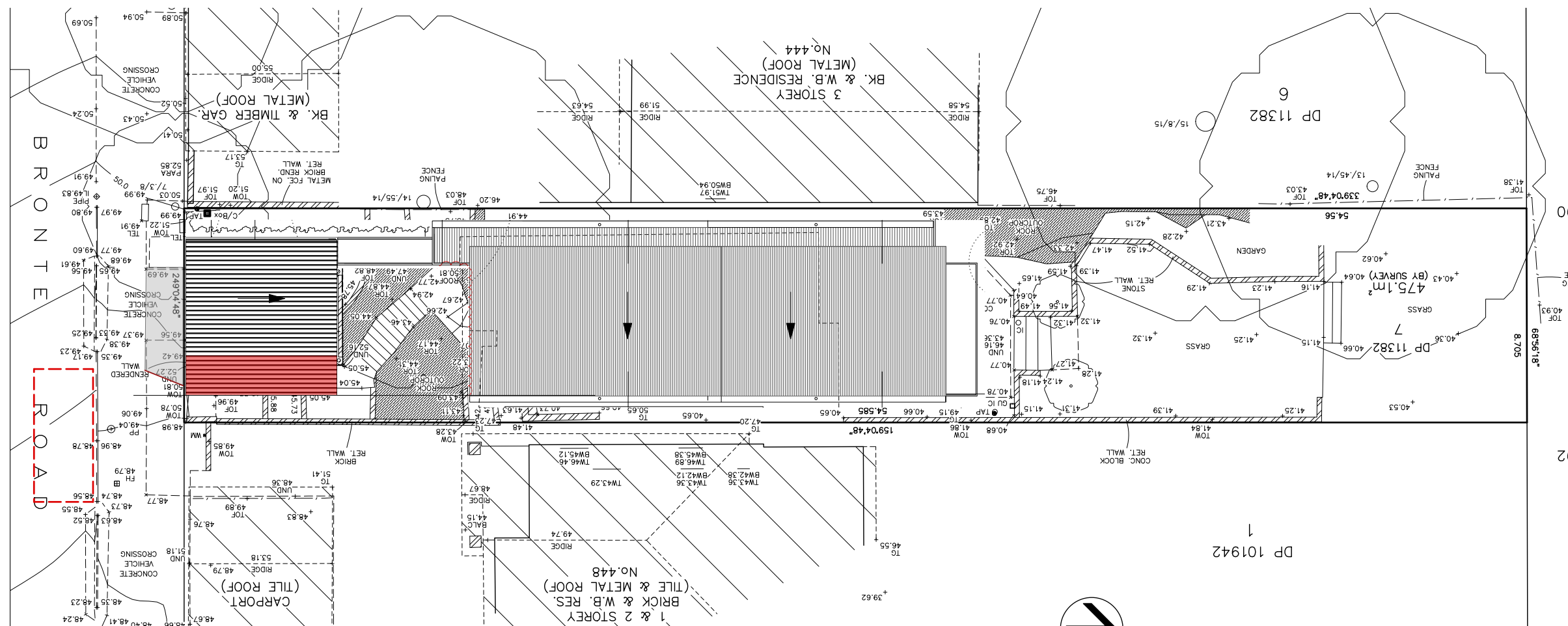
Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.

AMENDED

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Waverley Council

Application No: DA-288/2022

Date Received: 25/11/2022



1 Site / Roof Plan
Scale: 1:200

To be read in conjunction with Basix Certificate no. A464467

Construction	Additional insulation required (R-value)	Other specifications
concrete slab on ground floor.	nil	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	

Windows and glazed doors requirements

Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing Height (m)	Distance (m)	Shading device	Frame and glass type
W1	S	10	6	3	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)



Proposed DA Works



studio
redux

A 6/11/22 Council Response Revision		PROJECT #	
All works to be in accordance with Australian Standards, The Building Code of Australia, other relevant codes, and with Manufacturers' recommendations and instructions. Do not scale from drawings. Verify all dimensions on site prior to construction.		Proj No.	
PROJECT 446 Bronte Rd Bronte		DWG #	
CLIENT M & A Melhuish		001	
DWG Site Plan		REVISION A	
studio r e d u x Pty Ltd 168 sutherland street paddington abn 92 607 419 616		1:200 @ A3	

AMENDED

extend existing carport
roof

1 ROOF LEVEL PLAN

Proposed DA Works

existing crossover &
footpath maintained

NO.444 GARAGE

NO.444

STAIR 1

GARAGE 3.09
STEEL PROVEL
FINISH FLOOR SLAB

1:100 FALL
RL 47.95 exist

5000

1509

6180

NEW PROPRIETARY
STAIR AS PC ITEM

ENTRANCE 3.06

WC 3.05

4963

3623

3387

KITCHEN 3.03
POLISHED RC SLAB
AS SPECIFIED

5184

UC as beam over

Kitchen joinery unit

STAIR 4

BALCONY 3.08

W8 03

W7 03

W6 03

W5 03

W4 03

existing parking bay
maintained

extend existing carport
new steel stair to match
existing stairs

03 LIVING LEVEL PLAN

6/11/22 Council Response Revision

All works to be in accordance with Australian Standards, The Building Code of Australia, other relevant codes, and with Manufacturers' recommendations and instructions. Do not scale from drawings. Verify all dimensions on site prior to construction.

Layout of internal walls is indicative only, final layout to comply with the BCA.

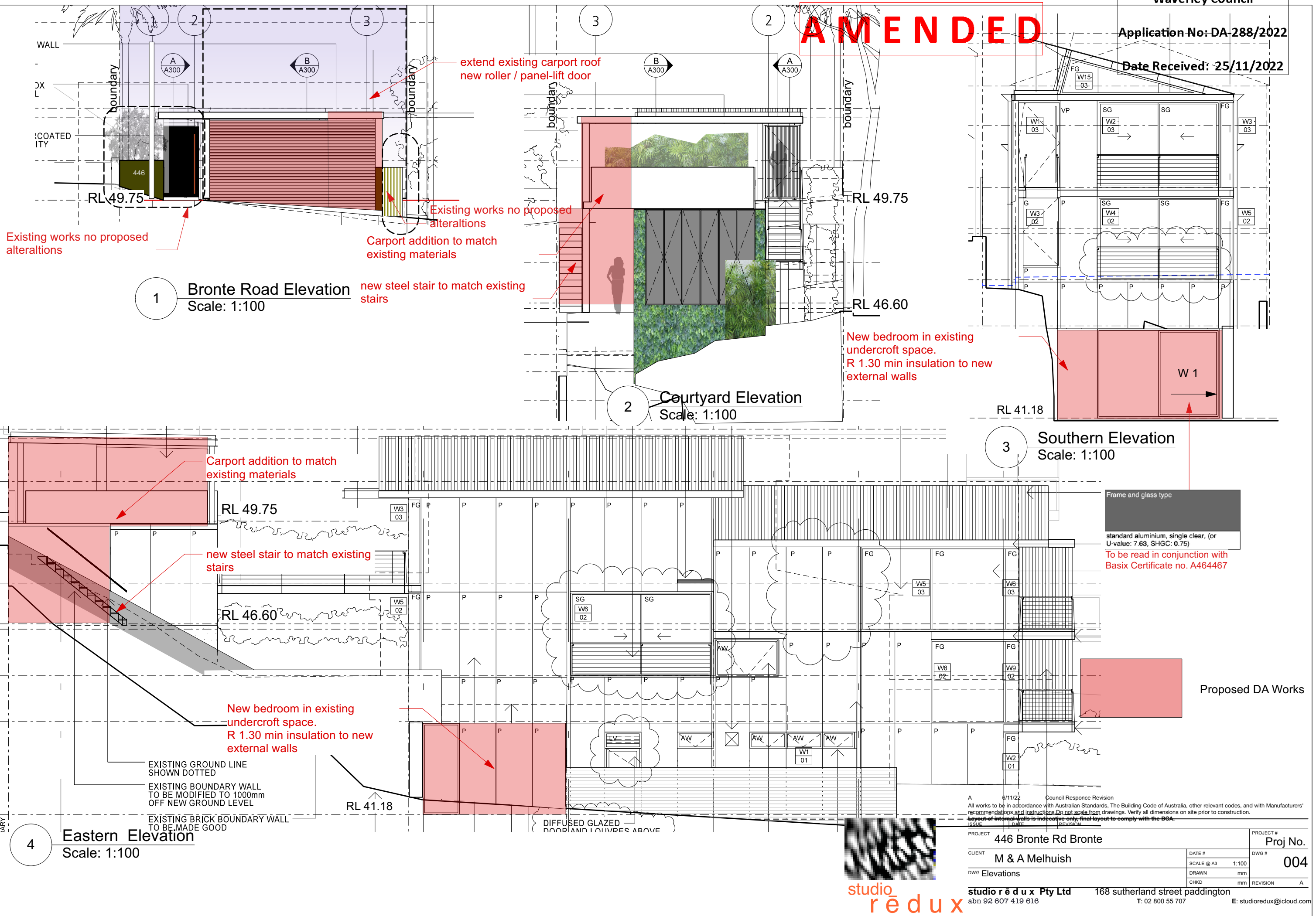
PROJECT	446 Bronte Rd Bronte	PROJECT #	Proj No.
CLIENT	M & A Melhuish	DWG #	002
DWG	Floor Plans	DATE #	
		SCALE @ A3	1:100
		DRAWN	mm
		CHKD	mm
		REVISION	A

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abn 92 607 419 616 T: 02 800 55 707 E: studioredux@icloud.com

AMENDED



AMENDED



AMENDED



Northern Elevation
Scale: 1:100



Proposed DA Works

4

Western Elevation

Scale: 1:100

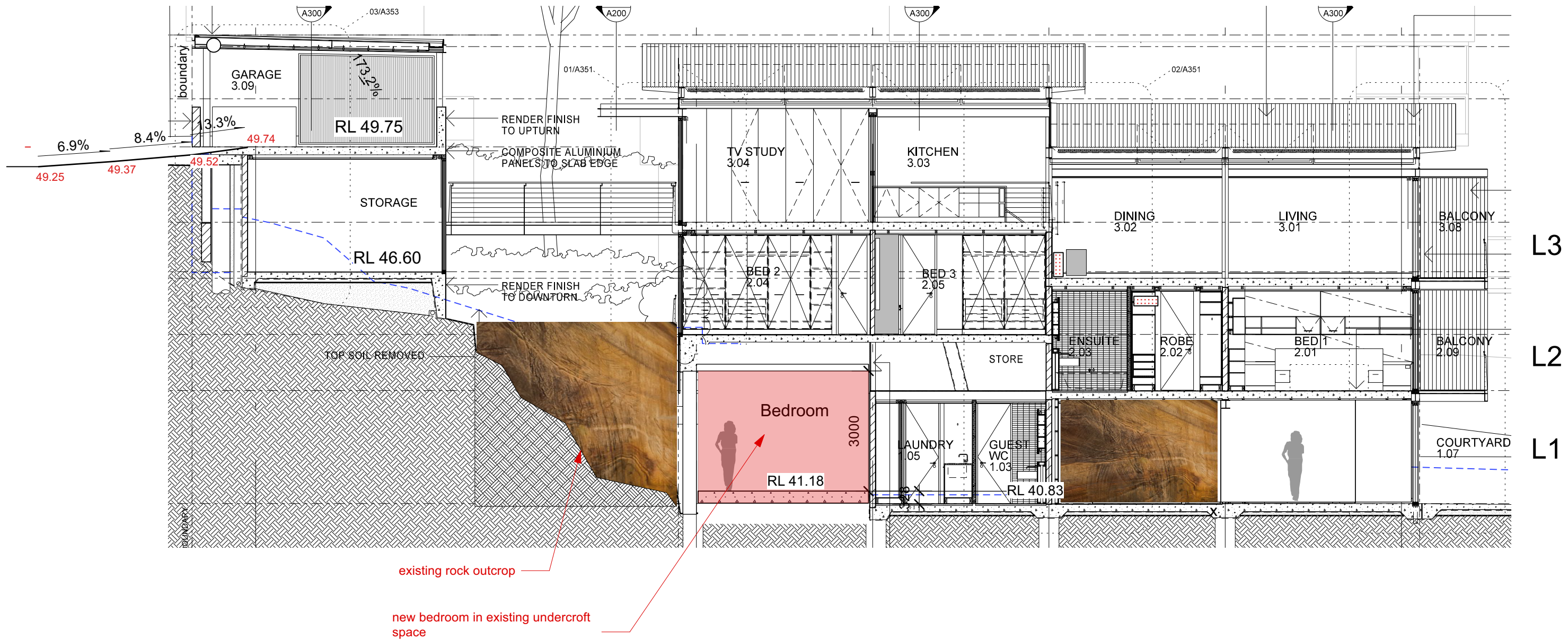


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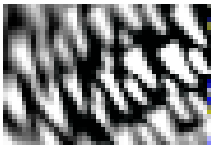
A		6/11/22		Council Response Revision	
All works to be in accordance with Australian Standards, The Building Code of Australia, other relevant codes, and with Manufacturers' recommendations and instructions. Do not scale from drawings. Verify all dimensions on site prior to construction.					
Layout of internal walls is indicative only, final layout to comply with the BCA.					
ISSUE	DATE	REVISION			
PROJECT		446 Bronte Rd Bronte		PROJECT # Proj No	
CLIENT		M & A Melhuish		DWG # 005	
DWG		Elevations		SCALE @ A3 1:100	
				DRAWN mm	
				CHKD mm	
				REVISION A	
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Waverley Council
Application No: DA-288/2022
Date Received: 25/11/2022



Proposed DA Works

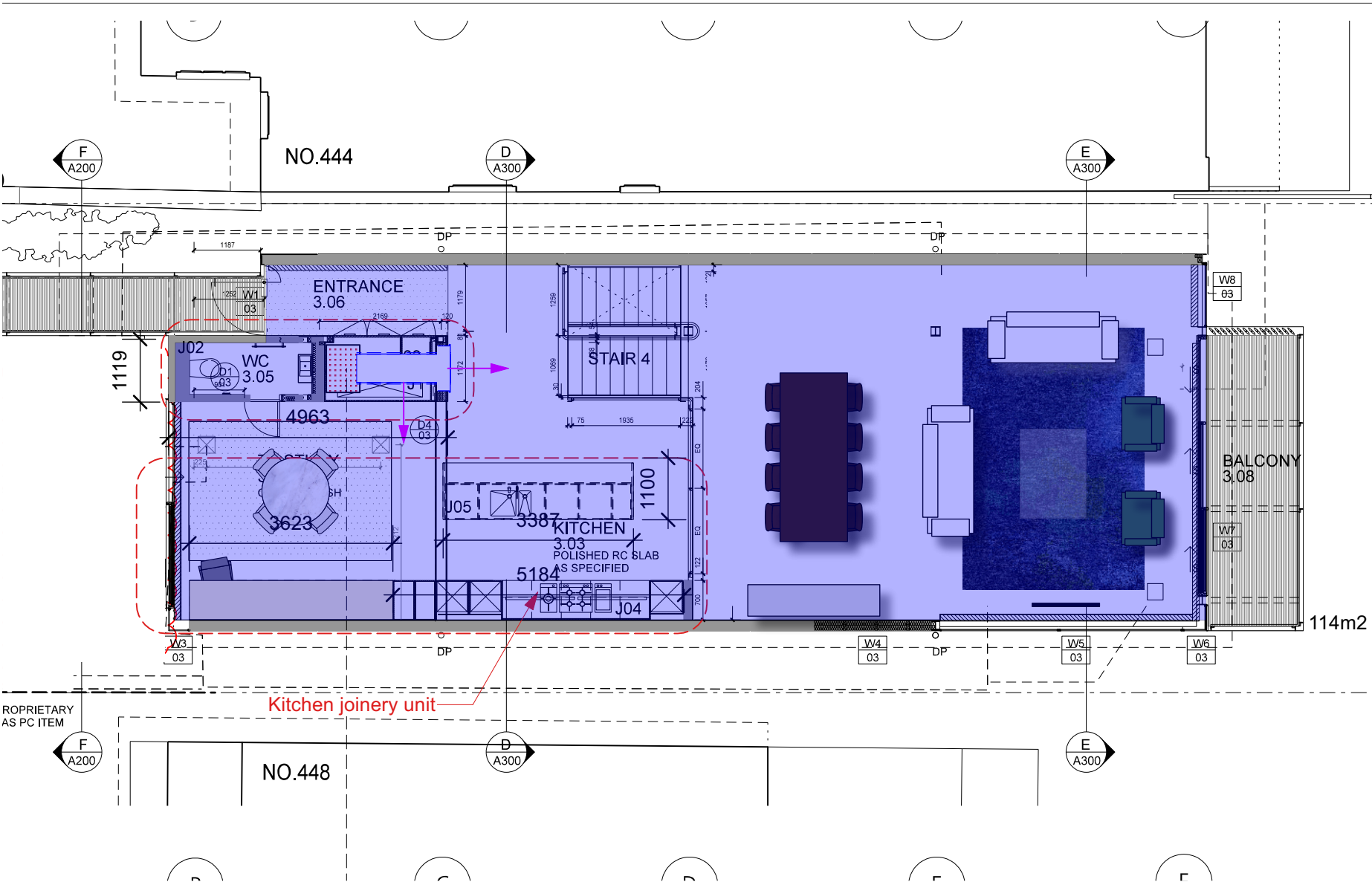


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6/11/22				Council Response Revision					
All works to be in accordance with Australian Standards, The Building Code of Australia, other relevant codes, and with Manufacturers' recommendations and instructions. Do not scale from drawings. Verify all dimensions on site prior to construction.									
Layout of internal walls is indicative only, final layout to comply with the BCA.									
ISSUE		DATE		REVISION		PROJECT #			
PROJECT						446 Bronte Rd Bronte		PROJECT #	
CLIENT						M & A Melhuish		Proj No.	
DWG						Sections		DWG #	
						SCALE @ A3		1:100	
						DRAWN		mm	
						CHKD		mm	
								REVISION	
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studio rē d u x Pty Ltd				168 sutherland street paddington					
abn 92 607 419 616				T: 02 800 55 707					
								E: studioredux@icloud.com	

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Application No: DA-288/2022
Date Received: 25/11/2022

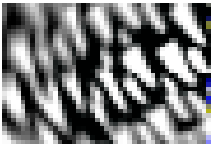


03 LIVING LEVEL PLAN

Legend

Existing GFA
114m2

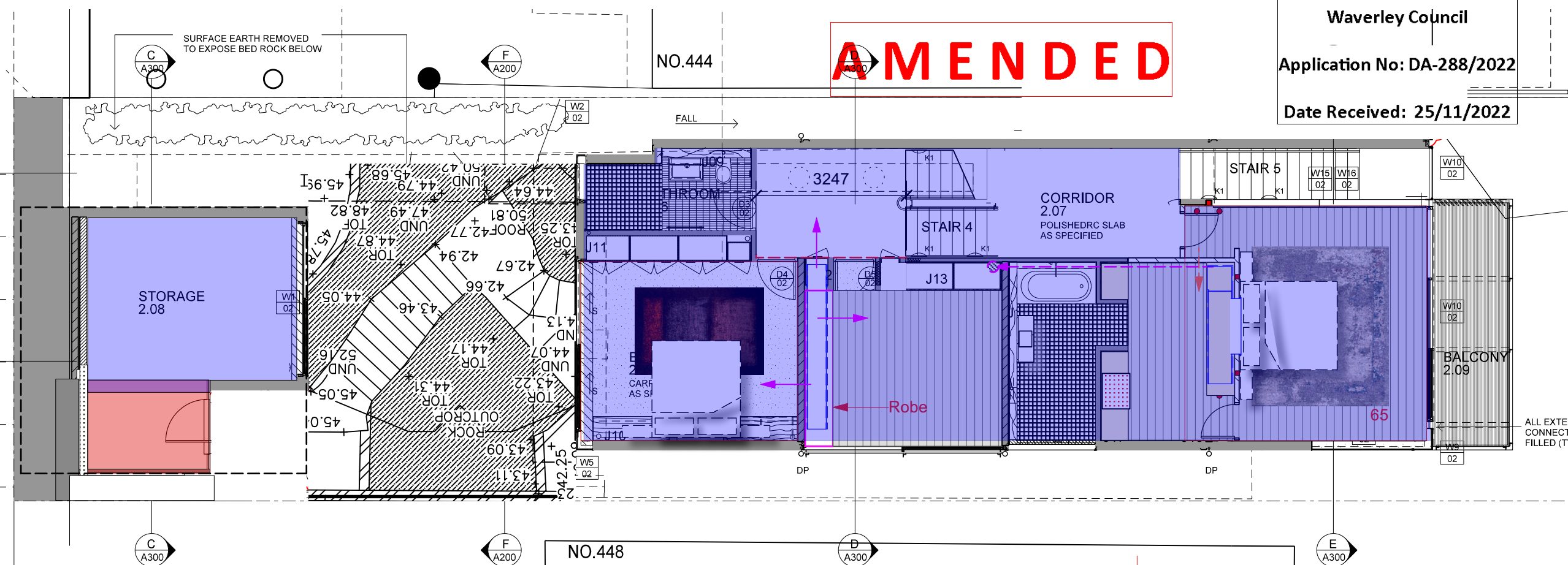
Additional GFA
0m2



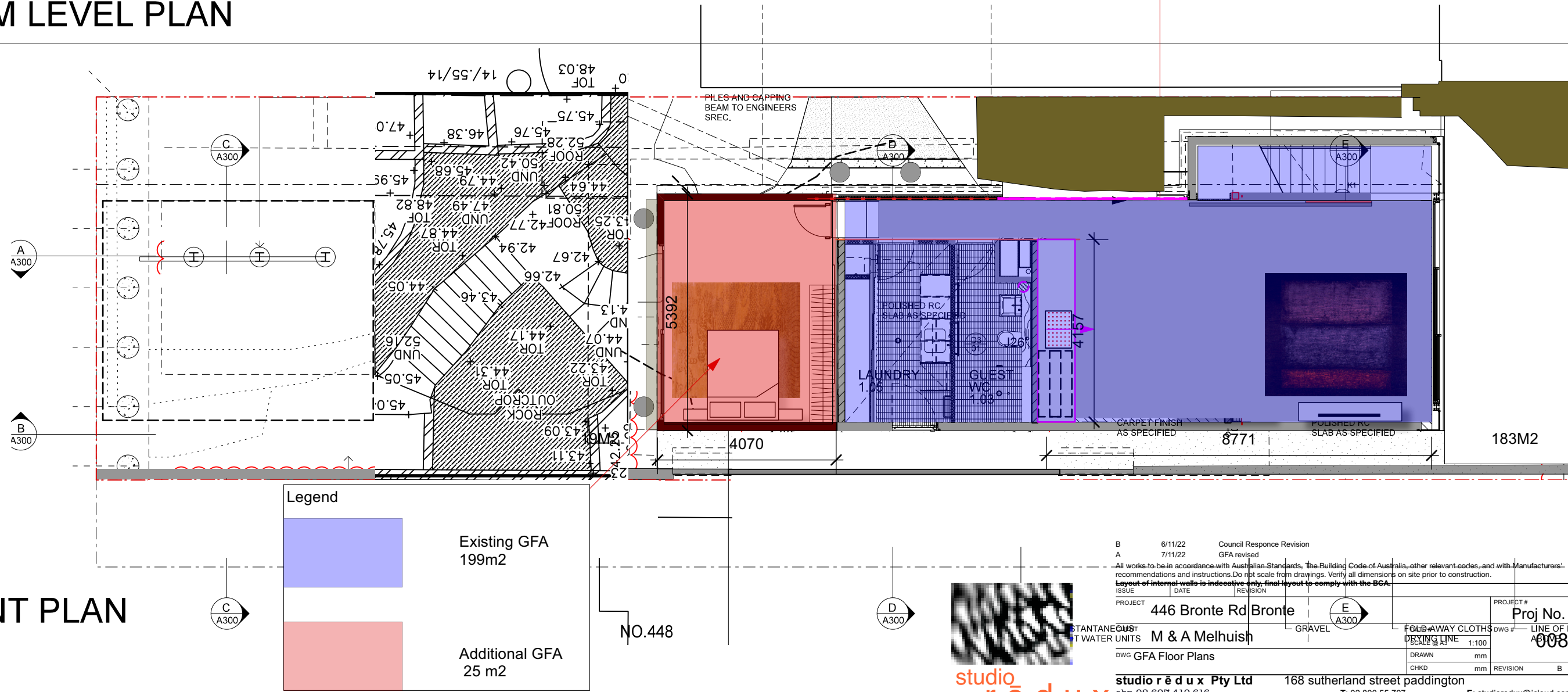
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B		6/11/22		Council Response Revision		PROJECT #	
A		7/11/22		GFA revised		PROJECT #	
All works to be in accordance with Australian Standards, The Building Code of Australia, other relevant codes, and with Manufacturers' recommendations and instructions. Do not scale from drawings. Verify all dimensions on site prior to construction.							
Layout of internal walls is indicative only, final layout to comply with the BCA.							
ISSUE		DATE		REVISION		PROJECT #	
PROJECT 446 Bronte Rd Bronte						Proj No.	
CLIENT M & A Melhuish				DATE #		DWG # 007	
DWG GFA Floor Plans				SCALE @ A3 1:100			
				DRAWN mm			
				CHKD mm		REVISION B	
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abn 92 607 419 616				T: 02 800 55 707			
				E: studioredux@icloud.com			

AMENDED



02 BEDROOM LEVEL PLAN



01 BASEMENT PLAN

Legend

Existing GFA 199m2
Additional GFA 25 m2



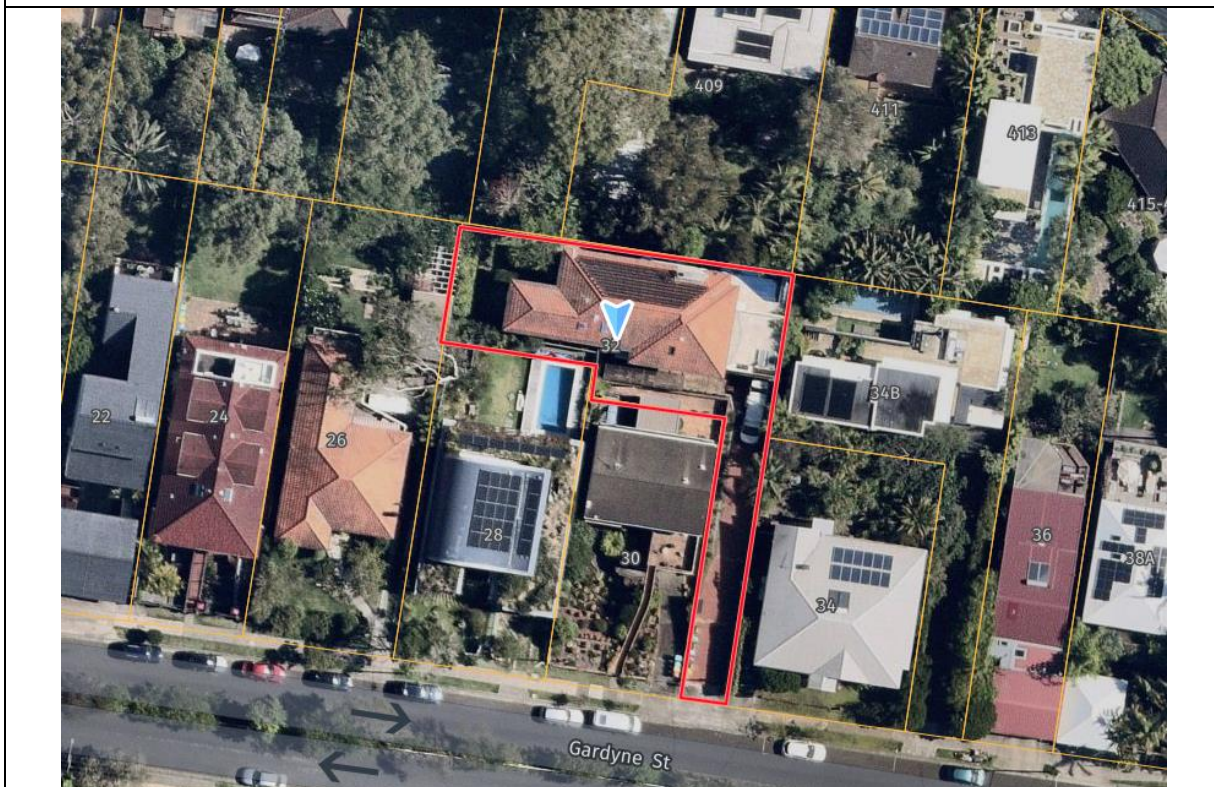
B	6/11/22	Council Response Revision
A	7/11/22	GFA revised
All works to be in accordance with Australian Standards, The Building Code of Australia, other relevant codes, and with Manufacturers' recommendations and instructions. Do not scale from drawings. Verify all dimensions on site prior to construction.		
Layout of internal walls is indicative only, final layout to comply with the BCA.		
PROJECT	446 Bronte Rd Bronte	PROJECT #
STANTANEOUS	M & A Melhuish	Proj No.
AT WATER UNITS		008
DWG GFA Floor Plans		LINE OF
SCALE 1:100		
DRAWN	mm	REVISION
CHKD	mm	B
studio rēdux Pty Ltd		168 sutherland street paddington
abn 92 607 419 616		T: 02 800 55 707
		E: studioredux@icloud.com



Report to the Waverley Local Planning Panel

Application number	DA-375/2022
Site address	32 Gardyne Street, Bronte
Proposal	Alterations and additions to dwelling house including second floor addition and balconies
Date of lodgement	6 September 2022
Owner	Mr C W S Wheeler and Mrs D L Wheeler
Applicant	Mrs D Wheeler
Submissions	Three submissions received
Cost of works	\$942,207.20
Principal Issues	<ul style="list-style-type: none"> • Exceedance of floor space ratio development standard • Exceedance of height of buildings development standard • Visual privacy impacts • Solar access impact
Recommendation	That the application be REFUSED for the reasons contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to the existing dwelling house at 32 Gardyne Street, Bronte including a second floor addition and balconies.

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

- exceedance of floor space ratio development standard
- exceedance of height of buildings development standard
- visual privacy impacts
- solar access impact.

The assessment finds the issues unacceptable. The visual privacy and solar access impacts cannot be supported in the context of the exceedance of the floor space ratio and height of building development standards.

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

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

1.2. Site and Surrounding Locality

A site visit was carried out on 23 November 2022.

The site is identified as Lot Y2 in DP 411914, known as 32 Gardyne Street, Bronte.

The site is a battle-axe block with a vehicle and pedestrian access handle to Gardyne Street. The site is occupied by a two-storey detached dwelling house with basement garage and storage. The dwelling house is located to the north of the access handle, and there is a swimming pool adjacent to the northern boundary.

The site has an area of 581.7m². The access handle falls from the street (south) to the entrance of the basement garage (north) by approximately 4m. Levels surrounding the dwelling house are relatively flat.

The site is adjoined by two-storey dwellings in each direction. The sites to the north (409 Bronte Road) and east (34B Gardyne Street) are both approximately 2m lower than the subject site.

The locality is characterised by a variety of low density residential development.

Figures 1 to 8 are photos of the site and its context.



Figure 1: Site viewed from Gardyne Street, looking north



Figure 2: Subject dwelling house viewed from access hand, looking north west



Figure 3: Subject dwelling house viewed from eastern terrace, looking north

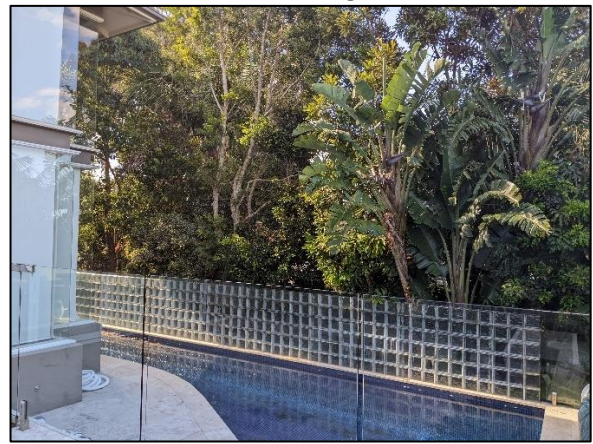


Figure 4: Northern boundary viewed from southern terrace. The visible vegetation is within the rear yard of 409 Bronte Road



Figure 5: View from the eastern terrace toward 34B Gardyne Street, looking east



Figure 6: View from the first floor eastern balcony toward 34B Gardyne Street, looking east



Figure 7: View toward rear yard of 409 Bronte Road, looking north



Figure 8: View toward rear yard of 409 Bronte Road, looking north east

1.3. Relevant Development History

DA-284/2021 – On 21 October 2021 development application DA-284/2021 was approved for alterations and additions to the existing dwelling house, including:

- Gardyne Street entry:
 - New open style front fence and entry gate to Gardyne Street.
 - New and expanded bin store area within access handle.
- Basement:
 - Increase in height of eastern side boundary fence adjacent the access handle.
- Ground floor:
 - New privacy screen along southern boundary adjacent to entry stairs.
 - Partial demolition of the north-eastern corner of the external wall and installation of new curved wall and windows.
 - Replace existing privacy screen to eastern terrace with new screen.
 - Replacement of existing windows and doors.
 - Changes to southern fenestration.
 - Internal reconfiguration to raise floor to new dining room area to match kitchen/living.
- First floor:
 - Partial demolition of the north-eastern corner of the external wall and installation of new curved wall and windows.
 - Internal reconfiguration to provide new ensuite, walk-in-robe and bathroom.
 - Replacement of existing windows and doors.
 - Changes to southern fenestration.
 - Demolition of the existing balcony and replacement with a new curved balcony with glass balustrade and metal roof over.
- Pool area:
 - Replacement of pool fence.
- Roof:
 - Removal of existing tile roof and construction of a new metal roof, gutters and downpipes and reconfiguration of a section of the existing timber frame.

- Upgrade existing roof over entry to the dwelling and replace the existing entry canopy.
- Relocate an enlarge existing skylight.

The approved development had not begun construction at the time of the site visit.

1.4. Proposal

The development application seeks consent for alterations and additions to the existing dwelling house.

The proposed alterations and additions are the same as those approved listed above for DA-284/2021, aside from the following additional alterations:

- All levels:
 - New internal lift servicing all floors.
- Ground floor:
 - Internal reconfiguration.
 - Replacement of glazed doors to western terrace.
 - Removal of window from southern elevation.
 - Replacement of two windows to northern elevation with five narrower windows.
 - Minor increase in internal floor levels.
- First floor:
 - Internal reconfiguration.
 - Replacement of two windows to northern elevation with two narrower windows.
- Second floor / roof:
 - Second floor addition 1.078m above existing ridge, containing a study room and floor-to-ceiling windows to the northern boundary.
 - Balcony to the east of roof addition, accessed from glazed doors.
 - Privacy screen to the southern side of the proposed balcony.
 - Extension of existing chimney to service existing wood-burning fire place.

1.5. Background

The development application was lodged on 6 September 2022.

Council informed the applicant that the proposal is not supported on 18 January 2023 and offered the Applicant the option to withdraw the application. The applicant contacted Council on 25 January 2023 to state that they did not wish to withdraw.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

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

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is not contrary to the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as a dwelling house, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none">• 8.5m	No	The proposal (excluding the chimney as per the definition for height within the LEP) has a maximum height of 10.86m, exceeding the development standard by 27.8%.
4.4 Floor space ratio and <ul style="list-style-type: none">• 0.5:1• 290.85m² gross floor area	No	The proposal has a floor space ratio (FSR) of 0.53:1, and a gross floor area of 307.13, exceeding the development standard by 5.6%.
4.6 Exceptions to development standards	No	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 for exceptions the height of buildings and floor space ratio development

Provision	Compliance	Comment
		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 proposal is located on class 5 acid sulfate soil. The proposal does not include any works that require preparation of a management plan.

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

Clause 4.6 Exceptions to Development Standards - Height of building

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

The site is subject to a maximum height of building development standard of 8.5m. The proposed development has a height of 10.86m, exceeding the standard by 2.36m or 27.8%.

The proposed second floor addition, second floor balcony balustrade and privacy screening are the elements of the proposal that exceed the development standard.

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

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

It is noted that the applicant's written request has not taken the height of building measurement from the highest point of the proposal, and instead states the proposed height to be 10.38m, or a 22.13% exceedance of the control. If the Local Planning Panel were minded to approve the application, then an amended clause 4.6 written request with correct figures would be required.

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, as the objectives of the development standard are achieved notwithstanding non-compliance with the development standard as follows:
 - (i) Objective (a) is *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 objective is achieved as amenity is preserved, the screening to the balcony ensures neighbouring privacy, the proposal does not result in any additional overshadowing to neighbours, and there will be no view loss.
 - (ii) Objective (b) is *to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth*. The objective is not relevant to the proposal.
 - (iii) Objective (c) is *to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land*. The objective is not relevant to the proposal.
 - (iv) Objective (d) is *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 objective is achieved as the proposal is compatible with surrounding two and three storey buildings, ample setbacks are provided, and the additions will not be prominent when viewed from the street or public domain.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The exceedance does not result in any detrimental impacts on adjoining properties or on the locality.
 - (ii) The proposal will provide occupants with views toward the coast and the Pacific Ocean.
 - (iii) Non-compliance is largely attributable to the previous excavation at the site within the building footprint and does not result in the building appearing to have an excessive height.

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.

The applicant has referenced the following justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

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

The applicant specifically relies upon the above criteria to address clause 4.6(3)(a) of Waverley LEP 2012. However, the proposal does not achieve objectives (a) and (d) of the height of buildings development standard as set out below.

Objective (a) is 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 objective is not achieved as the proposal does not preserve the environmental amenity of neighbouring properties.

The non-compliant second floor addition and balcony increases overlooking of 409 Bronte Road and may increase overlooking of 34B Gardyne Street. Further discussion regarding overlooking and visual privacy is found under the heading *Visual privacy* below the DCP compliance table in this report.

The non-compliant balcony screen reduces solar access to the rear private open space of 34 Gardyne Street at 2pm and 3pm at midwinter. Insufficient information has been provided to accurately assess the extent of the solar access impact, as the Applicant's plan-form solar access diagrams do not depict the site at 34 Gardyne Street, and as the Applicant's view-from-the-sun diagrams do not depict the boundary fence between number 34 and 34B (figure 9, below). Regardless of the inability to accurately assess the extent of the impact, the loss of any amount of solar access due to a variation to the development standard is unacceptable as this does not result in the preservation of amenity for neighbours.

Due to the privacy and solar access impacts on neighbours, the proposal does not preserve environmental amenity and does not achieve objective (a) of the development standard.



Figure 9: Applicant's view from the sun diagram, 3pm midwinter

Objective (d) is 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 three-storey building, which exceeds the height of buildings and FSR development standards and exceeds the Waverley DCP 2012 battle-axe block single storey control, is not compatible with the height, bulk and scale of the desired future character of the locality.

The proposed three-storey form is not compatible with the predominantly two-storey form of surrounding development and will be visually obtrusive when viewed from neighbouring properties, including from 304 Bronte Road and 28 and 30 Gardyne Street.

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.

Contrary to the applicant's arguments, the proposed exceedance of the development standard will result in amenity impacts in the form of overlooking and overshadowing, as described above. The proposal is also considered incompatible with the predominantly two-storey form of surrounding development. The proposal is for a three-storey building, plus basement level.

The applicant has argued that the non-compliance with the height of building development standard is largely attributable to previous excavation and has annotated "natural ground line" on the architectural plans. However, it is noted that the land in the surrounding area slopes steeply down to the north and east, and that the subject and adjacent sites feature retaining walls, excavation, and altered ground levels, thus making the natural ground level difficult to estimate. Notwithstanding the fact that building height is measured from the existing ground level, the applicant has not provided any evidence to

support their natural ground line annotations, and the extent to which the proposal would exceed the development standard measured from the natural ground level is unknown.

Is the development in the public interest?

The proposed development will not be in the public interest as it is inconsistent with the objectives of the height of buildings development standard as set out above.

The proposal is consistent with the objectives of the R2 Low Density Residential zone, as set out below:

- *To provide for the housing needs of the community within a low density residential environment.* The development achieves the objective as it provides low density housing.
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.* The development achieves the objective as it does not affect the provision of other land uses.
- *To maximise public transport patronage and encourage walking and cycling.* The proposal does not affect public transport patronage, walking or cycling.

In summary, the proposal is consistent with the objectives of the R2 zone, however not with the objectives of the development standard and as such the development is not in the public interest.

Conclusion

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

Clause 4.6 Exceptions to Development Standards - Floor space ratio

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

The site is subject to a (FSR) development standard of 0.5:1, equating to 290.85m² of gross floor area. The proposed development has an FSR of 0.53:1, and a gross floor area (GFA) of 307.13m², exceeding the development standard by 5.6%.

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.

It is noted that the applicant's written request measures the proposed GFA as 310.45m², and the proposed exceedance as 7%. 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 floor space ratio development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, as the objectives of the development standard are achieved notwithstanding non-compliance with the development standard as follows:
- (i) Objective (a) is *to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs*. The objective is not relevant to the proposal.
 - (ii) Objective (b) is *to provide an appropriate correlation between maximum building heights and density controls*. The objective is achieved as the proposed FSR and building height appropriately correlate, as the proposed built form is compatible with the height and locality.
 - (iii) Objective (c) is *to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality*. The objective is achieved as the proposal is compatible with surrounding two and three-storey buildings, ample setbacks are provided, and the additions will not be prominent when viewed from the street or public domain.
 - (iv) Objective (d) is *to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality*. The objective is achieved as amenity is preserved, the screening to the balcony ensures neighbouring privacy, the proposal does not result in any additional overshadowing to neighbours, and there will be no view loss.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) The exceedance does not result in any detrimental impacts on adjoining properties or on the locality.
 - (ii) The proposal will provide occupants with views toward the coast and the Pacific Ocean and will provide a more functional internal layout.

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.

The applicant has referenced the following justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

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

The applicant specifically relies upon the above to address clause 4.6(3)(a) of Waverley LEP 2012. However, the proposal does not achieve objectives (b), (c) and (d) of the height of buildings development standard as set out below.

Objective (b) is to provide an appropriate correlation between maximum building heights and density controls. The proposed exceedance of the FSR development standard also results in an exceedance of the height of buildings development standard. Therefore, the proposed FSR does not appropriately correlate with the 8.5m height of building development standard.

Objective (c) is to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality. The proposed three-storey building, which exceeds the height of buildings and FSR development standards and exceeds the Waverley DCP 2012 battle-axe block single storey control, is not compatible with the height, bulk and scale of the desired future character of the locality.

The proposal will result in a three-storey form that is not compatible with the predominantly two-storey form of surrounding development and will be visually obtrusive when viewed from neighbouring properties, including from 304 Bronte Road and 28 and 30 Gardyne Street.

Objective (d) is to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality. The objective is not achieved as the proposal does not preserve the environmental amenity of neighbouring properties. The non-compliant second floor addition increases overlooking of 409 Bronte Road. Further discussion regarding overlooking and visual privacy is found under the heading *Visual privacy* below the DCP compliance table in this report.

Due to the privacy impacts on neighbours, the proposal does not preserve environmental amenity, and does not achieve objective (d) of the development standard.

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.

Contrary to the applicant's arguments, the proposed exceedance of the development standard will result in amenity impacts in the form of overlooking, as set out above. The proposal is also considered incompatible with the predominantly two-storey form of surrounding development. The proposal will result in a three-storey building, plus basement level.

The applicant has argued that there are sufficient environmental planning grounds to justify contravening the development standard as the proposal will provide occupants with better views and with a more functional internal layout. However, the benefits to the occupants do not override the disbenefits to neighbours, and it is not accepted that there are sufficient grounds.

Is the development in the public interest?

As discussed in the previous section of this report, the proposal is consistent with the objectives of the R2 zone.

In summary, the proposal is consistent with the objectives of the R2 zone, however not with the objectives of the development standard. Therefore, the development is not in the public interest.

Conclusion

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

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Yes	Satisfactory.

Development Control	Compliance	Comment
5. Vegetation Preservation	Yes	No tree removal is proposed.
6. Stormwater	Yes	Satisfactory. The proposal does not increase the non-permeable area of the site.
10. Safety	Yes	Satisfactory.
12. Design Excellence	No	The proposal does not achieve design excellence as the height and scale of the proposal is not appropriate to the location, and the proposal does not adequately consider the bulk and massing of the building, the relationship with neighbouring sites in terms of amenity and form, and the environmental impacts in terms of overshadowing and overlooking.
16. Public Domain	Yes	Satisfactory.

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

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none"> Scale of development for be appropriate for allotment sizes and other dwellings in the vicinity Development to not significantly detract from amenity of other dwellings Development to be sympathetic in bulk, scale and character with the desired future character of the area Development to have high design standards and be built in accordance with the objectives and controls of Part C2 	No	The proposal does not achieve the general objectives as the scale of development is not appropriate for the site and desired character of the area, as it detracts from neighbouring amenity, and as the proposal contravenes controls within section C2 as set out in this table below.
2.1 Height		
Pitched roof dwelling house <ul style="list-style-type: none"> Maximum external wall height of 7m 	Yes	The proposal does not alter the existing wall heights.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line 	Yes	The subject site is a battle-axe block. There is only one other battle-axe block in the vicinity, and therefore there is no predominant building lines for the site.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Predominant rear building line at each floor level 		The proposed roof additions are located above the building footprint and are set back further from the site boundaries than the lower levels. In these circumstances the proposed setbacks are acceptable.
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum 1.5m (up to 12.5m) 	Yes	The proposal is set back 3.2m from the northern side boundary.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context 	Yes	The site's battle-axe configuration results in the dwelling being almost entirely concealed from the street. Therefore, the proposed alterations and additions do not have a material streetscape impact.
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 	Acceptable on merit Acceptable on merit	<p>The proposed new front fence has a maximum height of 1.8m at its highest point where the site falls to the east and 1.4m at its lowest. The proposed fence matches the height of the existing fence and is acceptable in this instance.</p> <p>The proposed additions to the eastern side boundary fence adjacent to the driveway will have a maximum height of approximately 2.75m. The proposed fence height is acceptable in the circumstances of the site, as it matches the height of existing fences and walls to the south and north, and as it will not have any solar access impacts on neighbouring sites.</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: 10m² in area 1.5m deep 	No	The proposed northern side windows to the roof addition, and the proposed balcony to the roof addition, directly face neighbouring open spaces.
	No	The proposed balcony to the roof addition has a minimum dimension of 4m, and has an area of 20m ² , contrary to the controls.

Development Control	Compliance	Comment
		<p>The proposed second floor balcony will result in additional visual and acoustic privacy impacts on neighbours and is not supported.</p> <p>See under the heading <i>Visual privacy</i> below for further discussion regarding visual 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 shadow diagrams submitted with the application demonstrate that the proposal would give rise to minor additional shadowing, with a minor increase in shadowing to the rear private open space of 34 Gardyne Street and to the roof of 34B Gardyne Street on 21 June.</p> <p>Although the proposal complies with DCP solar access requirements, the solar access impact is not supported in the context of the exceedance of the height of buildings and FSR development standards as previously discussed in this report.</p>
2.7 Views		
<ul style="list-style-type: none"> • Views from the public domain are to be maintained • Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	<p>The proposal does not have any known view impacts.</p>
2.9 Landscaping and open space		
<ul style="list-style-type: none"> • Overall open space: 40% of site area • Overall landscaped area: 15% of site area • Minimum area of 25m² for private open space • Front open space: 50% of front building setback area • Front landscaped area: 50% of front open space provided 	Not applicable	<p>The proposal does not reduce landscaping or open space at the site.</p>

2.12 Battle axe blocks		
<ul style="list-style-type: none"> Maximum of one storey in height 	No	<p>The proposed development is three storeys in height, contrary to the control.</p> <p>The additional storey and associated balcony result in additional amenity impacts to neighbours and are not supported. See the Waverley LEP clause 4.6 section of this report above, and the heading <i>Visual privacy</i>, for further discussion.</p>

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

Visual privacy

The proposal includes several elements which have the potential to affect the visual privacy of neighbours, including replacement of the first floor balcony, alterations to the northern fenestration at ground and first floor levels, and the second floor addition and associated balcony. The amenity impacts of each of these elements are considered below.

Replacement of first floor balcony

The application proposes to demolish the existing first floor east-facing balcony, which has a total area of 7.3m² and replace it with a larger asymmetrical curved terrace with a total area of 11.3m² and a maximum depth of 2.4m. The proposed terrace exceeds the 10m² DCP area control by 1.3m² and exceeds the 1.5m DCP balcony depth control by 900mm.

An almost identical balcony has previously been approved under application DA-284/2021 however has not yet been constructed.

The proposed exceedance is acceptable on merit. The balcony's asymmetrical design reduces the useability of its southern part thus reducing the likely intensity of use. Additionally, the balcony does not provide a materially different outlook from the existing balcony to be replaced in terms of height and angles of view, complies with the height of buildings development standard and is not contrary to setback controls.

Alterations to ground floor northern elevation windows

The replacement of two ground floor northern elevation windows with five narrower windows will not increase overlooking of neighbouring properties. The narrower windows will generally provide a reduced field of vision and outlook toward the rear yard of 409 Bronte Road will be obscured by the northern boundary fence.

Alterations to first floor northern elevation windows

The replacement of two first floor northern elevation windows with two narrower windows will reduce overlooking of neighbouring properties and is supported.

Second floor additions

The application proposes an additional storey at second floor level containing a study room and featuring five north-facing floor-to-ceiling windows. The study room provides access to a new second floor balcony with an area of 20m² and a minimum depth of 4m.

The proposed windows and balcony are not supported due to visual privacy impacts on 409 Bronte Road to the north and 34B Gardyne Street to the east.

The proposed north windows and second floor balcony result in a material increase in overlooking opportunities. The proposal increases the number of vantage points from which the rear yard and rear of the dwelling at 409 Bronte Road can be observed. The proposal provides vantage points from a different, higher, angle than the existing first floor windows and balcony.

It is acknowledged that the outlook north from the site is significantly obscured by vegetation, however vegetation is not a permanent feature and therefore cannot be relied on as a privacy measure. It is also acknowledged that the land at 409 Bronte Road is approximately 2m lower than the subject site therefore reducing overlooking impacts, however the impacts are not fully mitigated by the difference in levels.

The proposed second floor balcony may also result in additional overlooking of 34B Bronte Road. However, this is difficult to determine. The applicant has provided a diagram showing that there is no overlooking from the western part of the proposed balcony, however the applicant has not demonstrated that there will be no overlooking from the eastern part of the balcony.

The increase in overlooking cannot be supported in the context of the non-compliances with Waverley LEP 2012 development standards and Waverley DCP 2012 controls as set out below.

The second floor addition exceeds the LEP height of buildings and FSR development standard, results in a three-storey building contrary to the DCP single-storey battle-axe block control, and includes windows facing adjacent private open space contrary to the DCP visual privacy controls.

The second floor balcony is accessed from the LEP non-compliant additional storey, the balcony balustrade exceeds the LEP height of building development standard, the balcony exceeds the DCP balcony size controls, and the DCP single-storey battle-axe block control. The balcony is located higher than neighbouring balconies and does not feature mitigation measures to sufficiently protect neighbouring amenity. In these circumstances the additional overlooking is unreasonable, and the application should be refused.

2.2. Other Impacts of the Development

The proposal is considered to have detrimental environmental and social impacts on the locality and is recommended for refusal.

2.3. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

2.4. Any Submissions

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

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

- 34B Gardyne Street
- 409 Bronte Road
- Bronte Beach Precinct committee

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

- Visual and acoustic privacy impacts, including impacts to 34B Gardyne Street and 409 Bronte Road.
- Visual impact viewed from 409 Bronte Road.
- Excessive size of second floor balcony.
- Excessive height and floor space ratio.

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

Issue: A solid balustrade should be provided to the proposed first floor balcony to reduce overlooking.

Response: Privacy issues relating to the proposed first floor balcony are discussed under the heading *Visual privacy* above. The proposed balcony is supportable on merit, however the application is recommended for refusal due to other issues.

Issue: The solid fuel fireplace may result in amenity issues for neighbours.

Response: The plans indicate that the fireplace is an existing feature of the dwelling.

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. Stormwater

Council's Stormwater Engineer raised no objection to the proposal subject to conditions of consent.

3.2. Tree Management



Council's Tree Management Officer raised no objection to the application.

4. CONCLUSION

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be REFUSED by the Waverley Local Planning Panel for the reasons contained in Appendix A.

Report prepared by:	Application reviewed and agreed by:
	
David Knight	Kylie Lucas
Senior Development Assessment Planner	Acting Manager, Development Assessment
Date: 2 February 2023	Date: 9 February 2023

Reason for WLPP referral:

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

APPENDIX A – REASONS FOR REFUSAL

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

- a. *Clause 4.3 Height of Buildings*

The application exceeds the maximum allowable height of 8.5m and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (d) of WLEP.

Details: The proposed height is not compatible with the height, bulk and scale of the desired future character of the locality and does not preserve the environmental amenity of neighbouring properties contrary to clause 4.3 (1)(a) and (d) of WLEP.

- b. *Clause 4.4 Floor Space Ratio*

The application exceeds the maximum allowable Floor Space Ratio (FSR) of 0.5:1 and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(b), (c) and (d) of Waverley LEP

Details: The proposal is an overdevelopment of the site, is not compatible with the bulk and scale of the desired future character of the locality, does not preserve the environmental amenity of neighbouring properties and the proposed density does not appropriately correlate with the height of buildings 8.5m development standard, contrary to subclauses 4.4 (1) (c) and (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 (WDCP) 2012, in respect to the following provisions:

Part B12 Design excellence

- a. Objective (a) and controls (a) and (e) (iv), (v), and (vii), as the proposal does not achieve a high standard of architectural design appropriate to the building type and location and does not sufficiently consider the bulk and massing of the building, the relationship with neighbouring sites in terms of amenity, overshadowing and overlooking.

Part C2 Low Density Residential Development

- a. *General Objectives* (a), (b), (d) and (e) as the scale of development is not appropriate for the site and desired character of the area, as it detracts from neighbouring amenity, and as the proposal contravenes controls within section C2 as set out below.
 - b. Section 2.5 *Visual and acoustic privacy* objectives (a) and controls (b) and (e) as the proposal unreasonably impacts on neighbouring residential properties due to an unacceptable loss of privacy, as the proposal includes windows which directly face neighbouring private open

space, and as the proposed second floor balcony exceeds the maximum area and dimensions.

- c. Section 2.12 *Battle axe blocks* objective (b) and control (a) as the proposal is not of a size and scale which minimises adverse amenity impacts, and as the proposal further increases the height, bulk and scale of a building which already exceeds the single storey height control.
3. The application does not satisfy section 4.15 (1)(a)(iv) of the Act with respect to the *Environmental Planning and Assessment Regulation 2021* (the Regulations), as insufficient documentation has been provided to properly assess the application with respect to clause 24 of the Regulations, including but not limited to:
 - a. The Statement of Environmental Effects is insufficient, as it does not adequately document the environmental impacts of the development concerning overlooking from the second floor balcony and does not adequately document solar access impacts on 34 Gardyne 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 visual impacts upon the locality and surrounding built environment.
5. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development.
6. The application is contrary to section 4.15 (1)(e) of the Act in relation to the public interest as it is not compatible with the existing and desired future character of the locality and the broader Waverley local government area.

A/C	airconditioning
ALUM	aluminium
AP	access panel
AS	adjustable shelf
BAL	balustrade
BALC	balcony
BDY	boundary
BLWK	blockwork
BS	bath spout
BSN	basin
BWBP	brickwork bagged & painted
BWF	brickwork faced
C	concrete
CBF	concrete- broom finish
COF	concrete- off form
CPS	concrete- polished & sealed
CST	concrete- steel trowel finish
COS	check on site
CFC	compressed fibre cement
CJ	control joint
COL	column
CP	chrome plated
CPD	cupboard
CPT	carpet
CR	cement render
CRW	cement render waterproof
CT	ceramic tile
CTP	cooktop
DCH	drencher
DGPO	double general purpose outlet
DH	double hung
DIN	dining
DP	downpipe
DPC	damp proof course
DRY	Dryer
DR	Drawer
DW	dishwasher
EDB	electrical switch board
EGL	existing ground line
EQ	equal
EX	existing
EXT	external
F	fridge
FC	fibrous cement sheet
FCL	finished ceiling level
FFL	finished floor level
FGL	finished ground level
FHR	fire hose reel
FP	fixed panel
FR	freezer
FRL	fire resistance level
FSL	finish structural level
FS	Fixed shelf
FW	floor waste
G	glass/ glazing
GBL	glass balustrade
GL	glass- louvre
GO	glass- obscure
GALV	galvanised
GD	grated drain
GPO	general purpose outlet
GU	gutter
HR	hanging rail
HT	hose tap
HTR	heated towel rail
HWU	hot water unit

HDY	hydraulic
INT	internal
KIT	kitchen
LAM	laminated
LDRY	laundry
LIN	linen
LV	louvre
LS	louver shutter
LVB	louvre blind
MAT	floor mat
MB	metal balustrade
MDF	medium density fibreboard
ME	mechanical exhaust
MI	mirror
MPBR	membrane pebble ballast roof
MR	metal roof
MSB	main switch board
MS	metal sheeting
MT	mosaic tile
MW	microwave
MX	mixer
Ø	diameter
OF	overflow
P	pantry
PAV	paving
PB	plasterboard
PB/ FR	plasterboard- fire resistant 90/90/90
PBM	plasterboard- moisture resistant
PDWR	powder room
PLY	plywood
PNT	paint
PU	polyurethane
PV	photo voltaic
R	robe
RH	rangehood
RHS	rectangular hollow section
RL	reduced level
RWH	rainwater head
RWO	rainwater outlet
SD	smoke detector
SH	shutters
SHA	shutters automated
SHR	shower rose
SK	skirting
SLD	sliding door
SP	set plaster
SPM	set plaster moisture resistant
SS	stainless steel
ST	stone
STL	steel
SWP	sewer pipe
T	timber
TB	timber- battens
TF	timber- frame
TFB	timber- floorboards
THR	timber- handrail
TOF	top of fence
TOW	top of wall
TRH	toilet roll holder
TR	tiled roof
TRZO	terrazzo
TS	timber screen
U/S	underside
VN	timber veneer
VP	vent pipe
WB	weatherboards
WC	water closet

BASIX[®] Certificate
Building Sustainability Index www.basix.nsw.gov.au

Alterations and Additions

Certificate number: A415181_02

Certificate number: A415181_02

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

This certificate is a revision of certificate number A415181 lodged with the consent authority or certifier on 01 Jul 2021 with application DA-284/2021

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 5A of the Environmental Planning and Assessment Regulation 2000

Features and systems	Show on DA Plans	Show on COCDOC Plans & specs	Centrifler Check			
Hot water						
The applicant must install the following hot water system in the development: gas instantaneous.	✓	✓	✓			
Lighting						
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting diode (LED) lamps.	✓	✓	✓			
Fixtures						
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.	✓	✓	✓			
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.	✓	✓	✓			
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.	✓	✓	✓			
Construction	Show on DA Plans	Show on COCDOC Plans & specs	Centrifler Check			
Insulation requirements						
The applicant must construct the new or altered construction (Roofs), walls, and ceilings/doors) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m ² , b) the insulation specified is not required for parts of altered construction where insulation already exists.				✓	✓	✓
Construction	Additional insulation required (R value)		Other specifications			
suspended floor with enclosed subfloor: concrete (R0.6)	R0 (shown) (or R1.30 including construction)					
floor above existing dwelling or building.	nil					
external wall: framed (weatherboard, fibre, metal clad)	R1.30 (or R1.70 including construction)					
external wall: concrete block/plasterboard	R1.16 (or R1.70 including construction)					
external wall: cavity brick	nil					
flat ceiling, pitched roof	ceiling: R1.95 (up: roof: foil backed blanket (55 mm))		dark (solar absorbance > 0.70)			
raked ceiling, pitched/flat roof: framed	ceiling: R2.24 (up: roof: foil backed blanket (55 mm))		dark (solar absorbance > 0.70)			
flat ceiling, flat roof: framed	ceiling: R2.08 (up: roof: foil backed blanket (55 mm))		dark (solar absorbance > 0.70)			
Glazing requirements	Show on DA Plans	Show on COCDOC Plans & specs	Centrifler Check			
Windows and glazed doors						
The applicant must treat 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 tinted 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 Federation Rating Council (NFRC) conditions.				✓	✓	✓
Each window or glazed door with improved frames, or polytint low-e glass, or clearstar glazing description, or laminated 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 Federation Rating Council (NFRC) conditions. The description is provided for information only. U-values and SHGCs may be substituted.				✓	✓	✓
For projections described in millimetres, the leading edge of each gable, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.				✓	✓	✓
For projections described as a rafe, the ratio of the projection from the wall to the height above the window or glazed door sill must be at least that shown in the table below.				✓	✓	✓
Pergolas with polycarbonate or similar translucent material must have a shading coefficient of more 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 displays a perpendicular window. The spacing between battens must not be more than 50 mm.				✓	✓	✓
Overshadowing buildings or vegetation must be at least 1/3 of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.				✓	✓	✓
Windows and glazed doors glazing requirements						
Window / door	Orientation	Area of glass (m ²)	Overshadowing Height (m)	Distance (m)	Shading device	Frame and glass type
W1.01	E	10.8	2.4	1	horizontal slatted pergola/balcony overhang	standard aluminium, single clear, (or U-value = 7.8, SHGC: 0.76)

Glazing requirements						Show on DA Plans	Show on COCC Plans & Specs	Compliance Check
Window / door	Orientation	Area of glass frame (m ²)	Overlashing height (m)	Distance (m)	Shading device	Frame and glass type		
W1.02	E	3.8	2.4	2.4	see/wendash/pengshabaojia +500 mm	standard aluminum, single clear, (or U-value: 7.63, SHGC: 0.75)		
W1.03	NE	2.5	4.8	2.4	see/wendash/pengshabaojia +500 mm	standard aluminum, single clear, (or U-value: 7.63, SHGC: 0.75)		
W1.04	N	4.4	4.8	2.4	see/wendash/pengshabaojia +500 mm	standard aluminum, single clear, (or U-value: 7.63, SHGC: 0.75)		
W1.05	S	0.85	3	0.7	see/wendash/pengshabaojia +500 mm	standard aluminum, single clear, (or U-value: 7.63, SHGC: 0.75)		
W1.06	S	1.2	1.6	0.7	see/wendash/pengshabaojia +500 mm	standard aluminum, single clear, (or U-value: 7.63, SHGC: 0.75)		
W2.01	E	1.0	2.4	1	see/wendash/pengshabaojia +500 mm	standard aluminum, single clear, (or U-value: 7.63, SHGC: 0.75)		
W2.02	E	5.4	2.4	2.4	see/wendash/pengshabaojia +500 mm	standard aluminum, single clear, (or U-value: 7.63, SHGC: 0.75)		
W2.03	NE	2.5	2.2	0.8	see/wendash/pengshabaojia +500 mm	standard aluminum, single clear, (or U-value: 7.63, SHGC: 0.75)		
W2.04	N	4.1	2.2	0.8	see/wendash/pengshabaojia +500 mm	standard aluminum, single clear, (or U-value: 7.63, SHGC: 0.75)		
W2.05	S	0.5	0.6	0.6	see/wendash/pengshabaojia +500 mm	standard aluminum, single clear, (or U-value: 7.63, SHGC: 0.75)		
W2.06	S	0.5	0.6	0.6	see/wendash/pengshabaojia +500 mm	standard aluminum, single clear, (or U-value: 7.63, SHGC: 0.75)		
W2.07	S	0.7	0.6	0.6	see/wendash/pengshabaojia +500 mm	standard aluminum, single clear, (or U-value: 7.63, SHGC: 0.75)		
W2.07	N	2.2	5	2.3	none	standard aluminum, insulator glass, U-value: 5.31, SHGC: 0.49		

Glazing requirements						Show on DA Plans	Show on CO2/CO Plans & spec	Certifier Check
Window / door no.	Orientation	Area of glass incl. frame (m2)	Overhang/soorng height (m)	Distance (m)	Shading device	Frame and glass type		
W1.08	N	2.2	5	2.3	none	standard aluminum, tinted/gripac, (U-value: 5.31, SHGC: 0.48)		
W1.09	N	2.2	5	2.3	none	standard aluminum, tinted/gripac, (U-value: 5.31, SHGC: 0.48)		
W1.10	N	2.2	5	2.3	none	standard aluminum, tinted/gripac, (U-value: 5.31, SHGC: 0.48)		
W1.11	N	2.2	5	2.3	none	standard aluminum, tinted/gripac, (U-value: 5.31, SHGC: 0.48)		
W1.12	W	6.2	2.2	0.4	none	standard aluminum, tinted/gripac, (U-value: 5.31, SHGC: 0.48)		
W1.13	N	6.2	5	4	none	aluminum: thermally broken, double Low-E triple glazing (U-value: 3.1, SHGC: 0.27)		
W2.08	N	1.6	1.8	0.45	none/verandah/gergas/balcony +>450 mm	standard aluminum, clear/gripac, (U-value: 5.34, SHGC: 0.67)		
W2.09	N	4	1.8	0.45	none/verandah/gergas/balcony +>450 mm	standard aluminum, clear/gripac, (U-value: 5.34, SHGC: 0.67)		
W3.01	E	1.9	2.4	0.6	projection/height above sill ratio ≥0.23	standard aluminum, clear/gripac, (U-value: 5.34, SHGC: 0.67)		
W3.02	E	2	2.1	0.6	projection/height above sill ratio ≥0.23	standard aluminum, clear/gripac, (U-value: 5.34, SHGC: 0.67)		
W3.03	N	1.6	2.3	2	none	aluminum: thermally broken, double Low-E triple glazing (U-value: 3.1, SHGC: 0.27)		
W3.04	N	1.6	2.3	2	none	aluminum: thermally broken, double Low-E triple glazing (U-value: 3.1, SHGC: 0.27)		

No.	Drawing Name
-----	--------------

DA01	Cover Sheet	B
DA02	Site Analysis	B
DA03	Site Plan	B
DA04	Existing Plan - Level 1	B
DA05	Existing Plan - Level 2	B
DA06	Existing Plan - Level 3	B
DA07	Existing Plan - Roof Plan	B
DA08	Proposed Plan - Level 1	B
DA09	Proposed Plan - Level 2	B
DA10	Proposed Plan - Level 3	B
DA11	Proposed Plan - Roof	B
DA12	Proposed Plan - Dormer Roof	B
DA13	North Elevation	B
DA14	East & Street Elevation	B
DA15	South Elevation	B
DA16	West Elevation	B
DA17	Section AA	B
DA18	Section BB & CC	B
DA19	Shadow Diagrams - 9am	B
DA20	Shadow Diagrams - 10am	B
DA21	Shadow Diagrams - 11am	B
DA22	Shadow Diagrams - 12pm	B
DA23	Shadow Diagrams - 1pm	B
DA24	Shadow Diagrams - 2pm	B
DA25	Shadow Diagrams - 3pm	B
DA26	Shadow Diagram Elevations	B
DA27	Shadow Diagrams as viewed from the Sun	B
DA28	Shadow Diagrams as viewed from the Sun 2/2	B
DA29	Area Calculations	B
DA30	Landscape Area Calculation	B
DA31	Height Plane Diagram	B
DA32	Perspectives	B
DA33	View Analysis	B

Glazing requirements						Show on DA Plans	Show on CC/DC Plans & specs	Certifier check
Window / door no.	Orientalation	Area of glass (sq. m)	Overshadowing Height (m)	Distance (m)	Shading device	Frame and glass type		
W3.05	N	1.6	2.3	2	none	aluminium: thermally broken, double Lo-Techstar glazepacir, (U-value: 3.1, SHGC: 0.27)		
W3.06	N	1.6	2.3	2	none	aluminium: thermally broken, double Lo-Techstar glazepacir, (U-value: 3.1, SHGC: 0.27)		
W3.07	N	1.6	2.3	2	none	aluminium: thermally broken, double Lo-Techstar glazepacir, (U-value: 3.1, SHGC: 0.27)		

Sightlights

The applicant must install the sightlights in accordance with the specifications listed in the table below.

The following requirements must also be satisfied in relation to each sightlight.

Each sightlight 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.

	✓	✓	✓
	✓	✓	✓
	✓	✓	✓

Sightlights glazing requirements

Sightlight number	Area of glazing (sq. metres (m2))	Shading device	Frame and glass type
S3.01	0.9	no shading	timber, low-E insulating film/acet external, (or U-value: 2.6, SHGC: 0.456)

Legend

In these commitments, "applicant" means the person carrying out the development.

Commitments identified with a "1" 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 "2" in the "Show on CC/DC 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 "3" 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.

revisions		
rev	date	description
A	23/06/22	Issue
B	30/8/22	DA issue
Waverley Council		
Application No: DA-375/2022		
e Received: 02/09/2022		

Wheeler House Bronte

at

32 Gardyne Street, Bronte

for

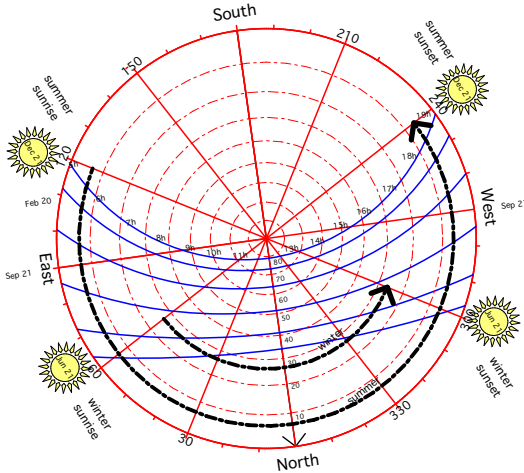
Deborah and Charles Wheeler

CORBEN ARCHITECTS PO Box 1021 Neutral Bay NSW 2089 Australia 02 9904 1844 mail@corben.com.au corben.com.au Nominated Architect: Philip Corben (Reg. No. 4616)	job no. drawn	WHE ABW	dwg no. DA01
	checked	ABW	revision
	scale	NTS @A3	B

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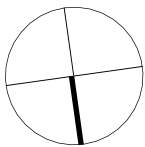
Site Analysis

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rev	date	description
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project	Wheeler House Bronte
address	32 Gardyne Street Bronte NSW
client	Deborah and Charles Wheeler

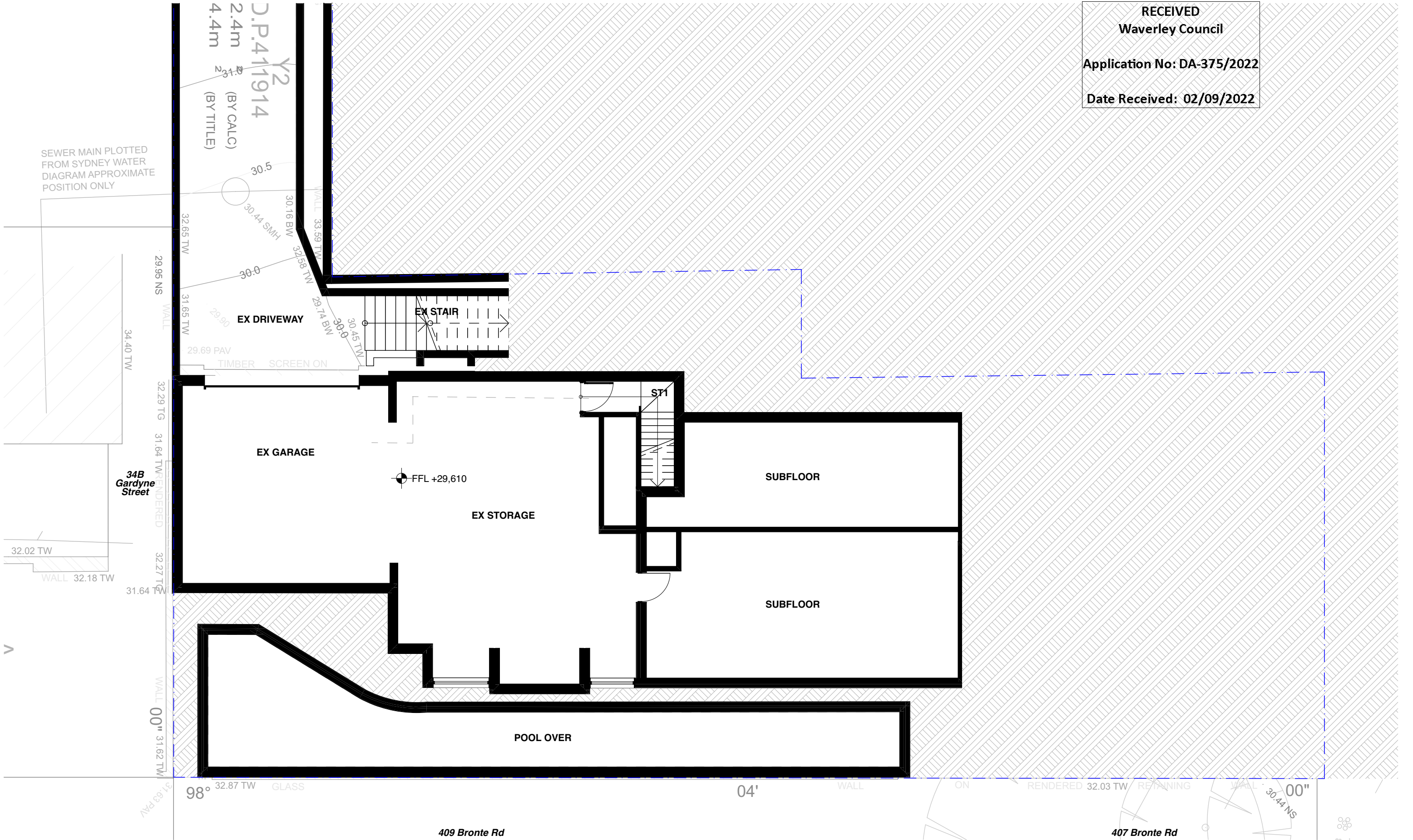
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issue	Development Application

job no.	WHE	dwg no.	DA02
drawn	ABW	revision	B
checked	ABW		
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job no.	WHE	dwg no.	
drawn	ABW		DA03
checked	ABW	revision	
scale			B



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1

Level 1
1:100

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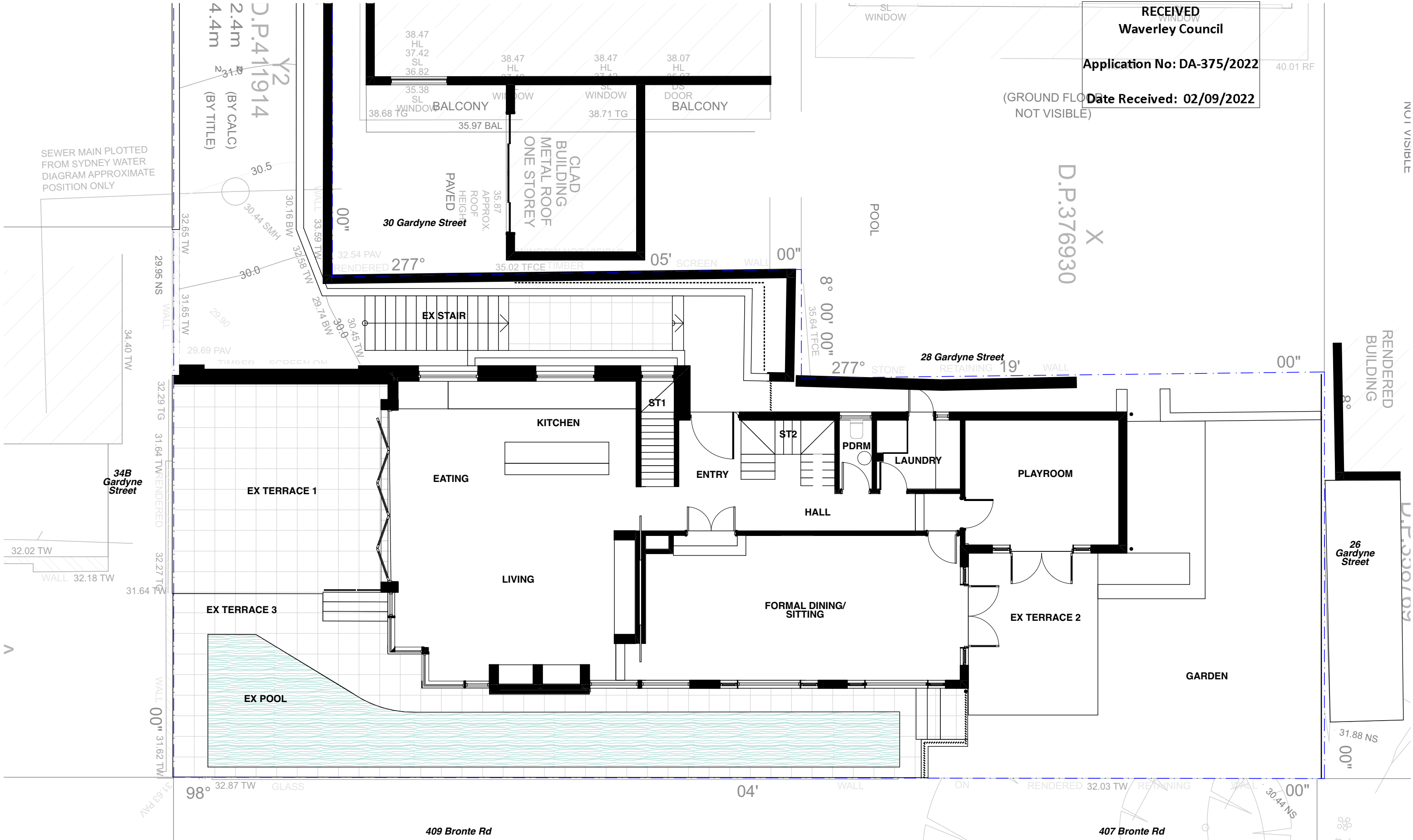
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Nominated Architect: Philip Corben (Reg. No. 4616)

project	Wheeler House Bronte
address	32 Gardyne Street Bronte NSW
client	Deborah and Charles Wheeler

title	Existing Plan - Level 1
issue	Development Application

job no.	WHE	dwg no.	DA04
drawn	ABW	revision	B
checked	ABW		
scale	1:100 @A3		

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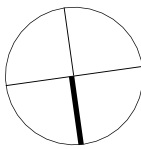
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Level 2
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rev	date		
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B	30/8/22		DA Issue

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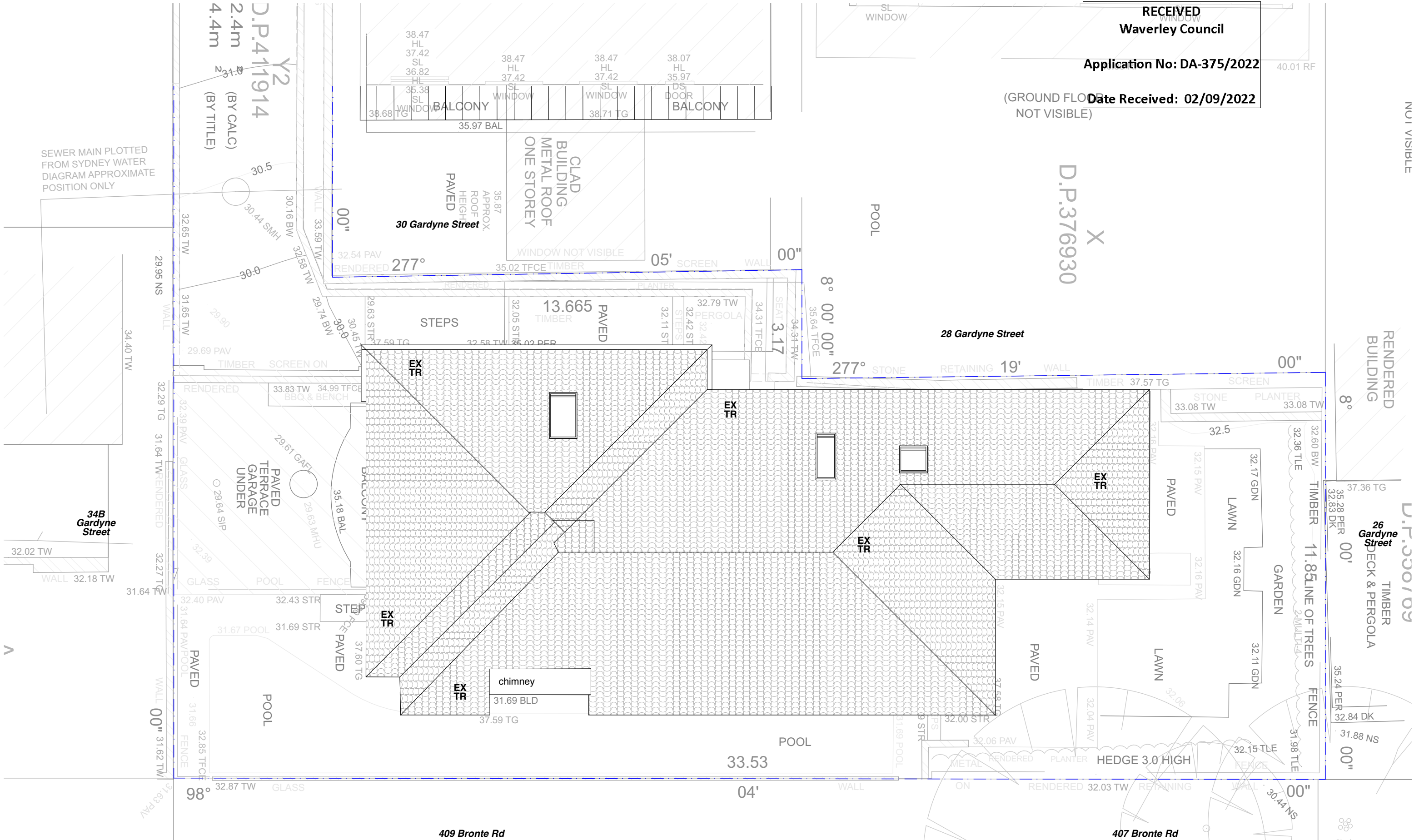


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project	Wheeler House Bronte	title	Existing Plan - Level 2	job no.	WHE	dwg no.	DA05
address	32 Gardyne Street Bronte NSW	issue	Development Application	drawn	ABW	revision	
client	Deborah and Charles Wheeler			checked	ABW		
				scale	1:100 @A3		B

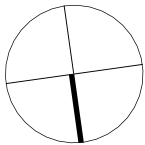


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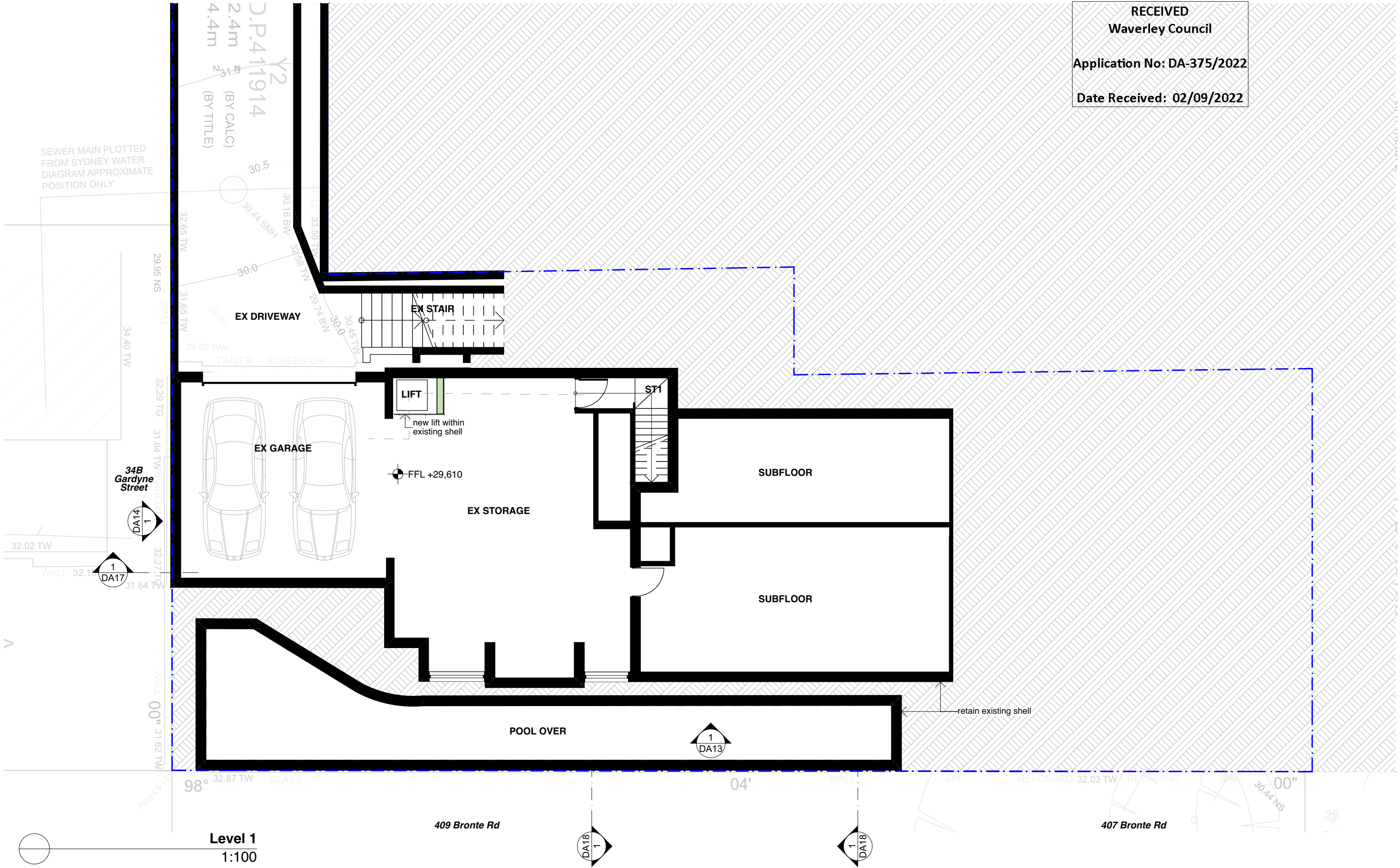
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Nominated Architect: Philip Corben (Reg. No. 4616)

project	Wheeler House Bronte
address	32 Gardyne Street Bronte NSW
client	Deborah and Charles Wheeler

title	Existing Plan - Roof Plan
issue	Development Application

job no.	WHE	dwg no.	DA07
drawn	ABW	revision	
checked	ABW		
scale	1:100 @A3		B



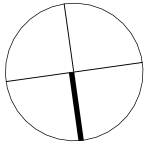
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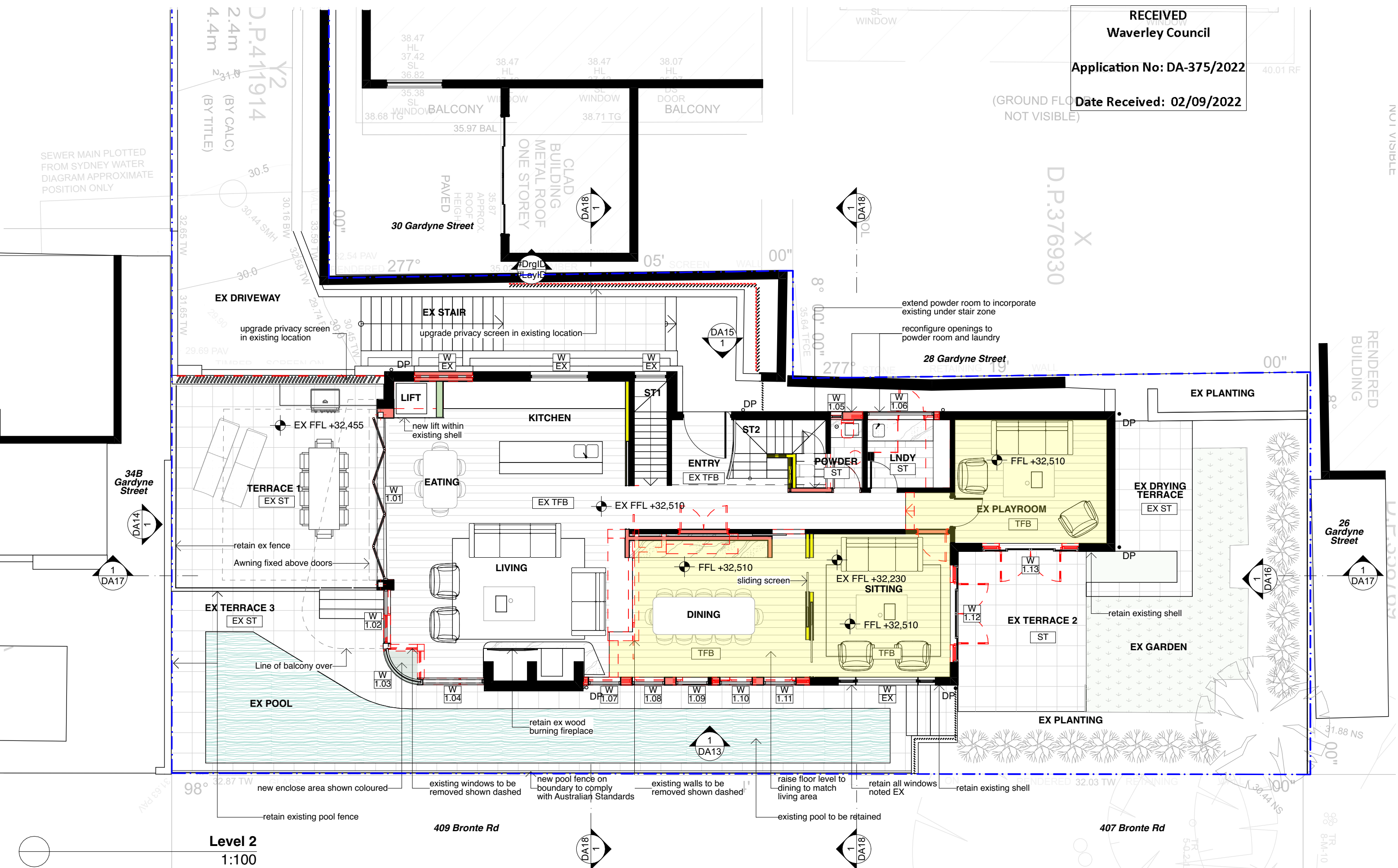
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project	Wheeler House Bronte
address	32 Gardyne Street Bronte NSW
client	Deborah and Charles Wheeler

title	Proposed Plan - Level 1
issue	Development Application

job no.	WHE
drawn	ABW
checked	ABW
scale	1:100 @A3

dwg no.	DA08
revision	B



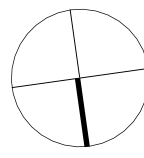
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project	Wheeler House Bronte	title	Proposed Plan - Level 2	job no.	WHE	dwg no.	DA09
address	32 Gardyne Street Bronte NSW	checked	ABW	drawn	ABW	revision	B
client	Deborah and Charles Wheeler	scale	1:100 @A3	issue	Development Application		

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~~D.P.411914~~
2.4m (BY CALC)
4.4m (BY TITLE)

277°

28 Gardyne Street

DECK 1

BED 1

CPT

SITTING

CPT

ENS
ST

BATH
ST

ST2

BATH 1

BED

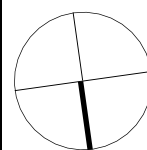
**26
Gardyne
Street**

409 Bronte Rd

407 Bronte Rd

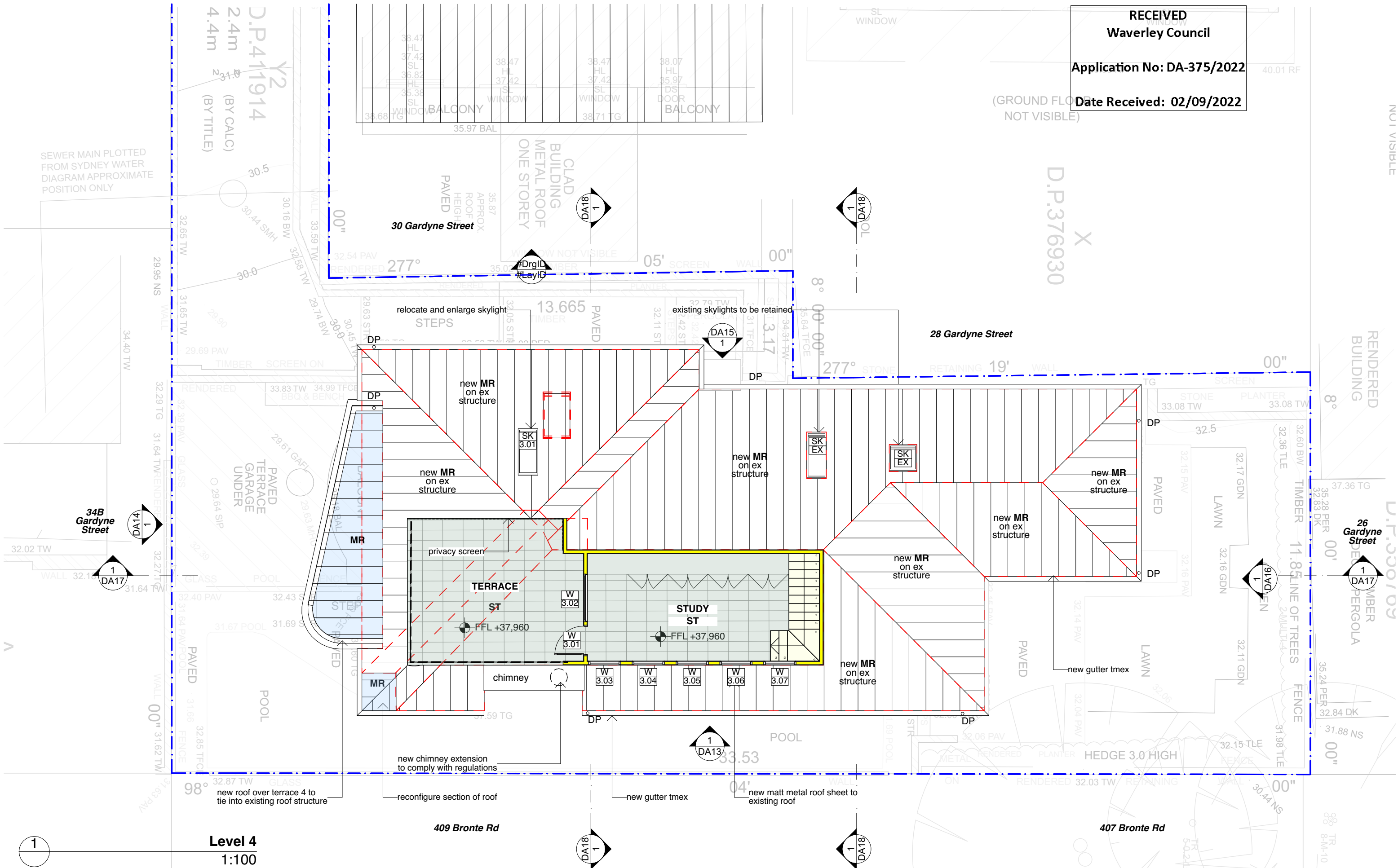
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A	23/8/22	Issue
B	30/8/22	DA Issue

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Nominated Architect: Philip Corben (Reg. No. 4616)

job no.	WHE	dwg no.	DA10
drawn	ABW		
checked	ABW	revision	
scale	1:100		B



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project

Wheeler House Bronte

address

32 Gardyne Street
Bronte NSW

client

Deborah and Charles Wheeler

title

Proposed Plan - Roof

issue

Development Application

job no.

WHE

drawn

ABW

checked

ABW

scale

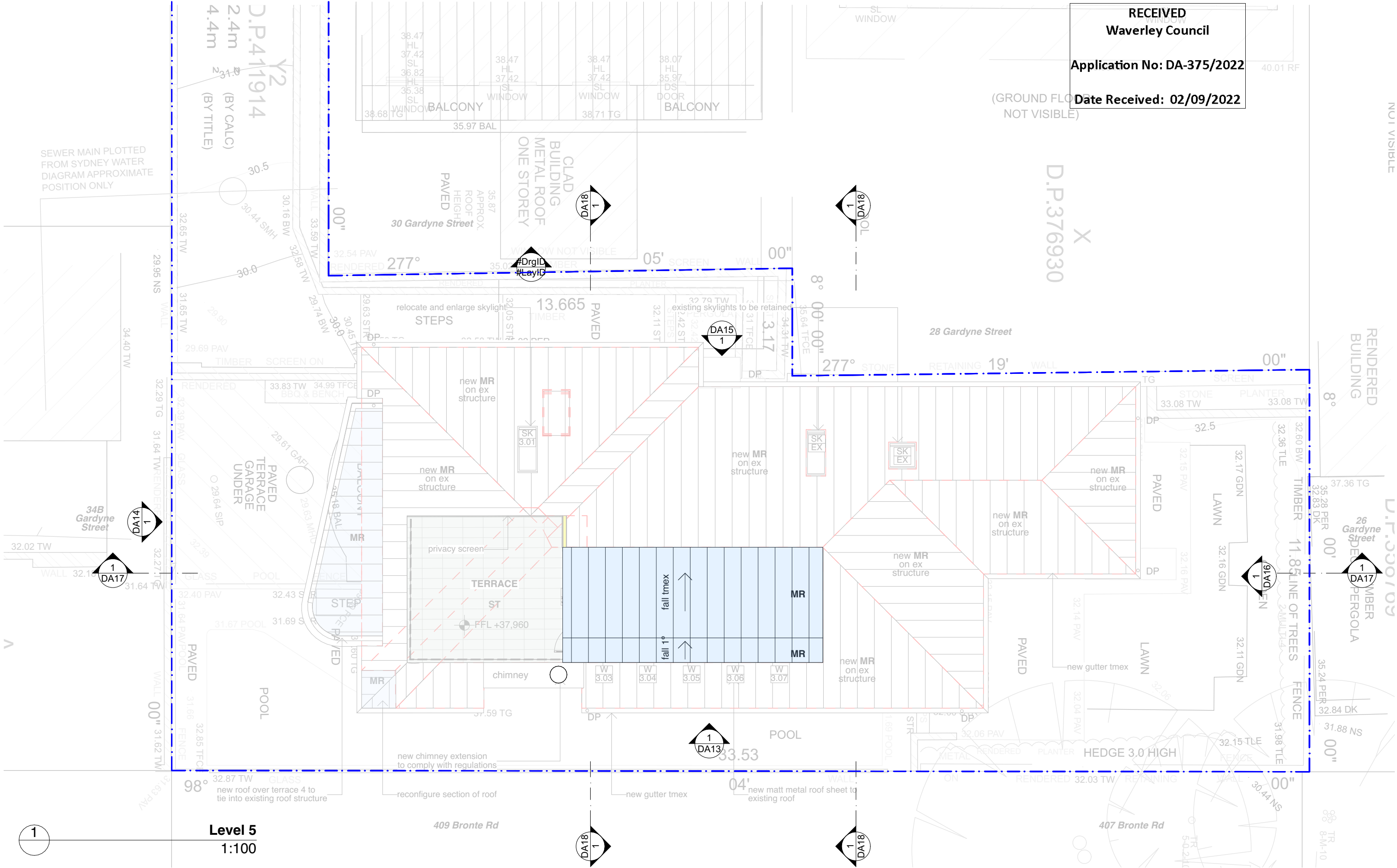
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@A3

dwg no.

DA11

revision

B



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address	32 Gardyne Street Bronte NSW
client	Deborah and Charles Wheeler

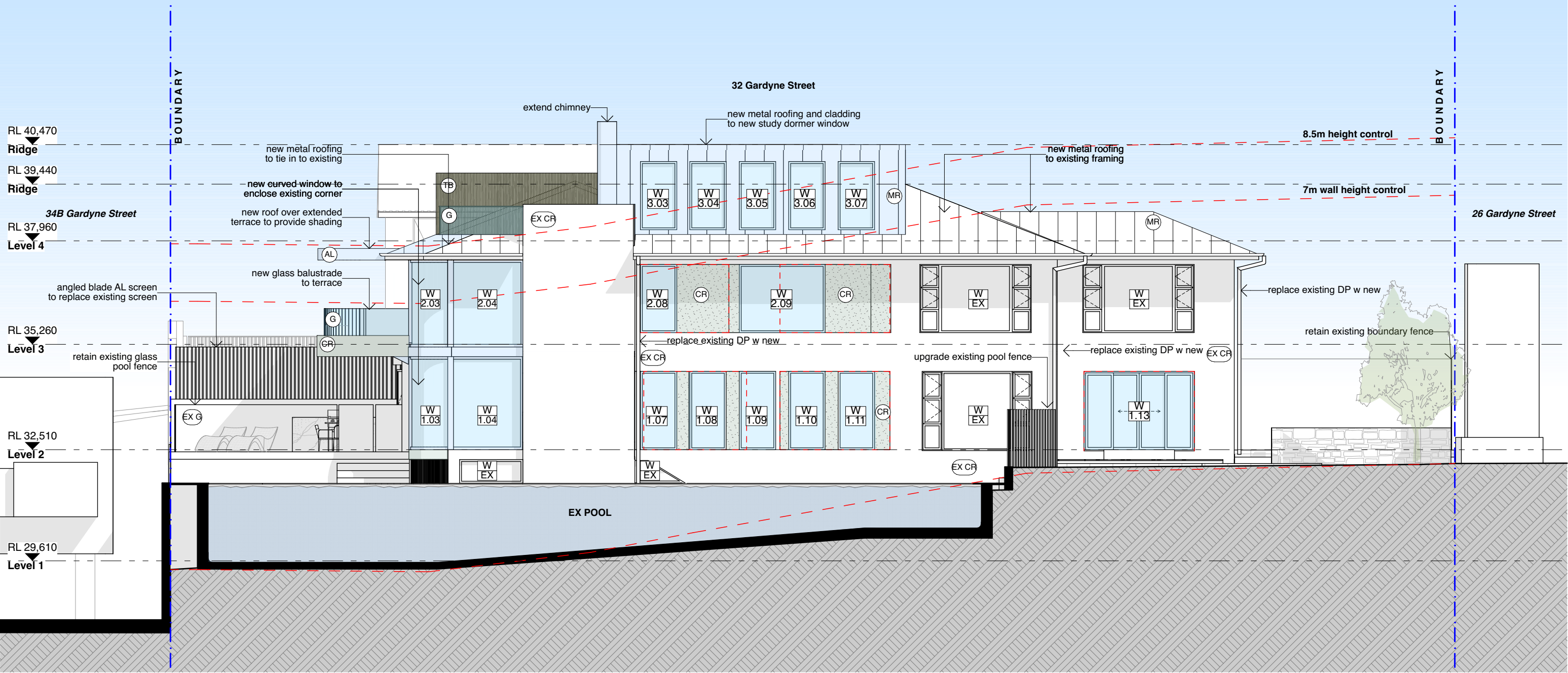
title	Proposed Plan - Dormer Roof
issue	Development Application

job no.	WHE	dwg no.	DA12
drawn	ABW	revision	B
checked	ABW		
scale			

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Application No: DA-375/2022

Date Received: 02/09/2022



1 North Elevation
1:100

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rev	date		
A	23/8/22		Issue
B	30/8/22		DA Issue

notes

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Nominated Architect: Philip Corben (Reg. No. 4616)

project Wheeler House Bronte

address 32 Gardyne Street
Bronte NSW

client Deborah and Charles Wheeler

title North Elevation

issue Development Application

job no. WHE

drawn ABW

checked ABW

scale 1:100
@A3

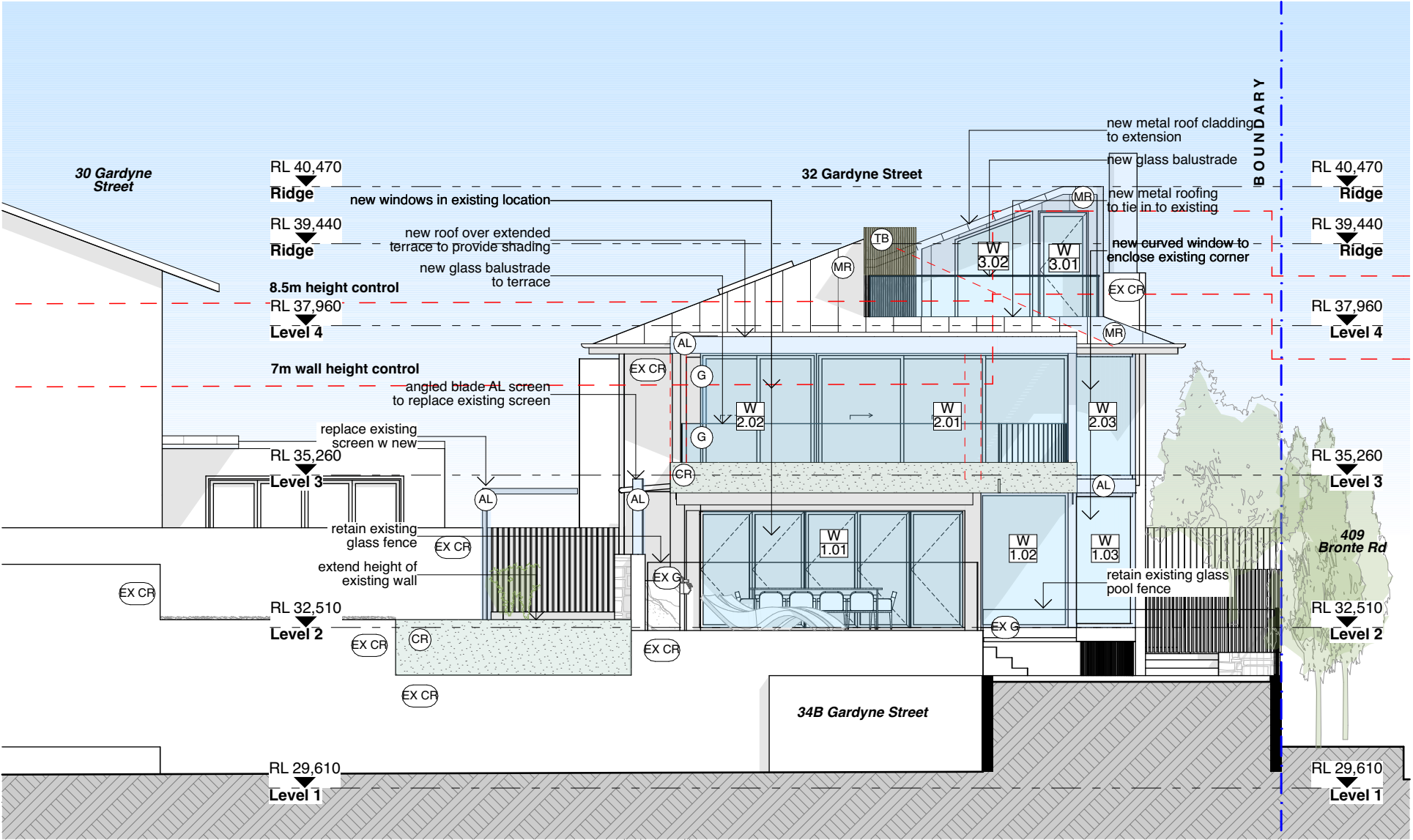
dwg no. DA13

revision B

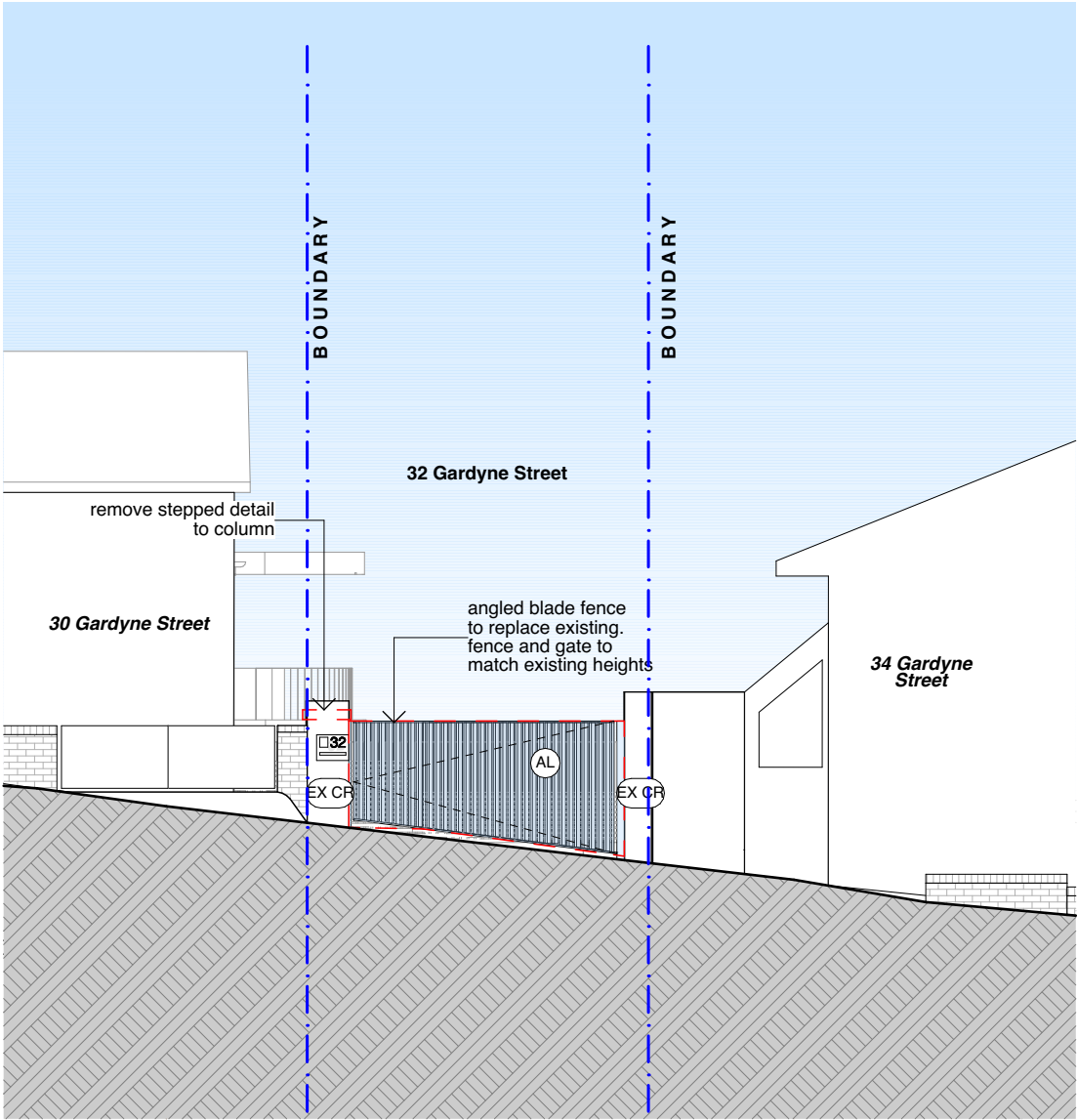
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Application No: DA-375/2022

Date Received: 02/09/2022



1 East Elevation
1:100



1 Street Elevation
1:100

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rev	date		
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project Wheeler House Bronte

address 32 Gardyne Street
Bronte NSW

client Deborah and Charles Wheeler

title East & Street Elevation

issue Development Application

job no. WHE

drawn ABW

checked ABW

scale 1:100
@A3

dwg no. DA14

revision

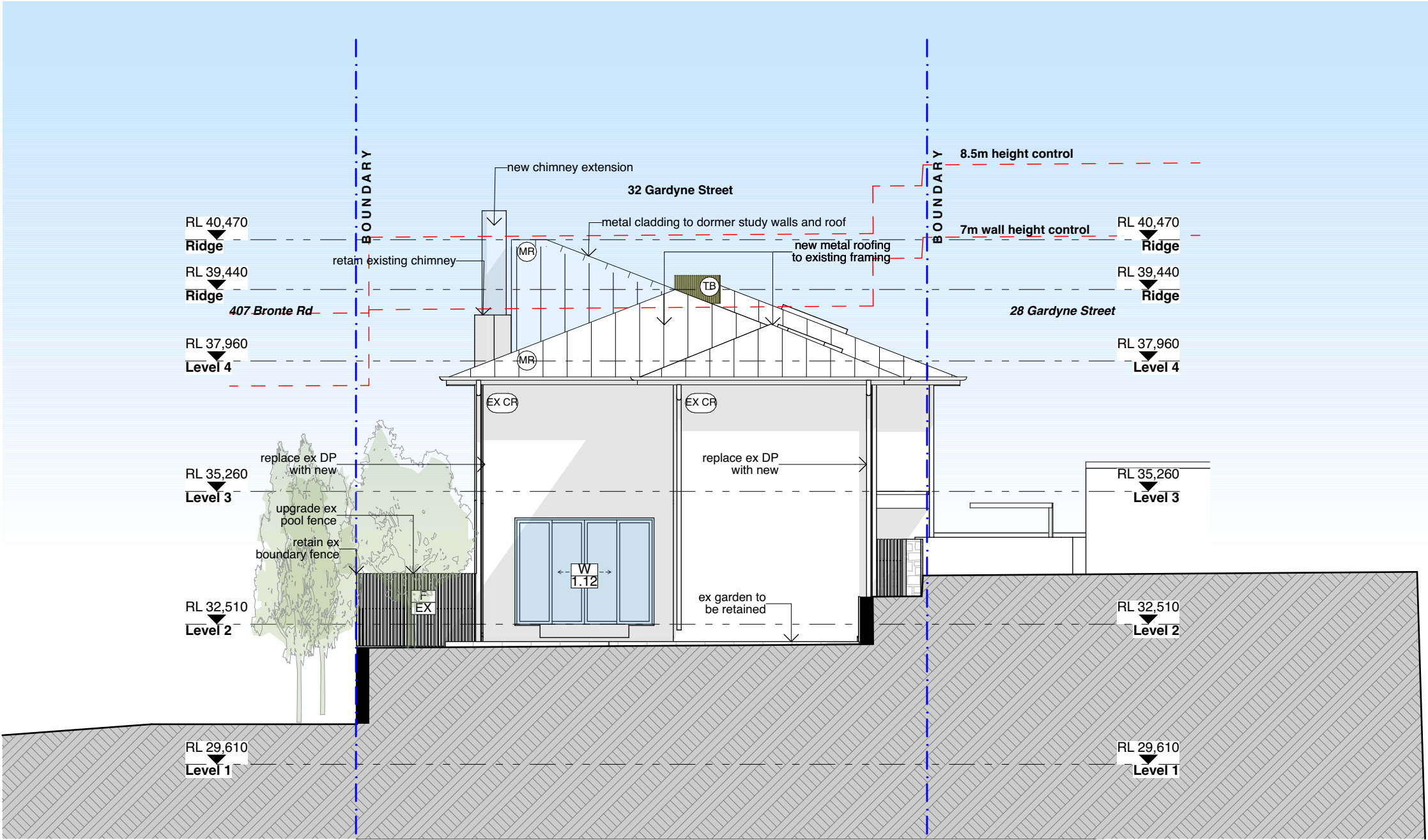
B



notes

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job no.	WHE	dwg no.	
drawn	ABW		DA15
checked	ABW	revision	
scale	1:100 @A3		B



1 West Elevation
1:100

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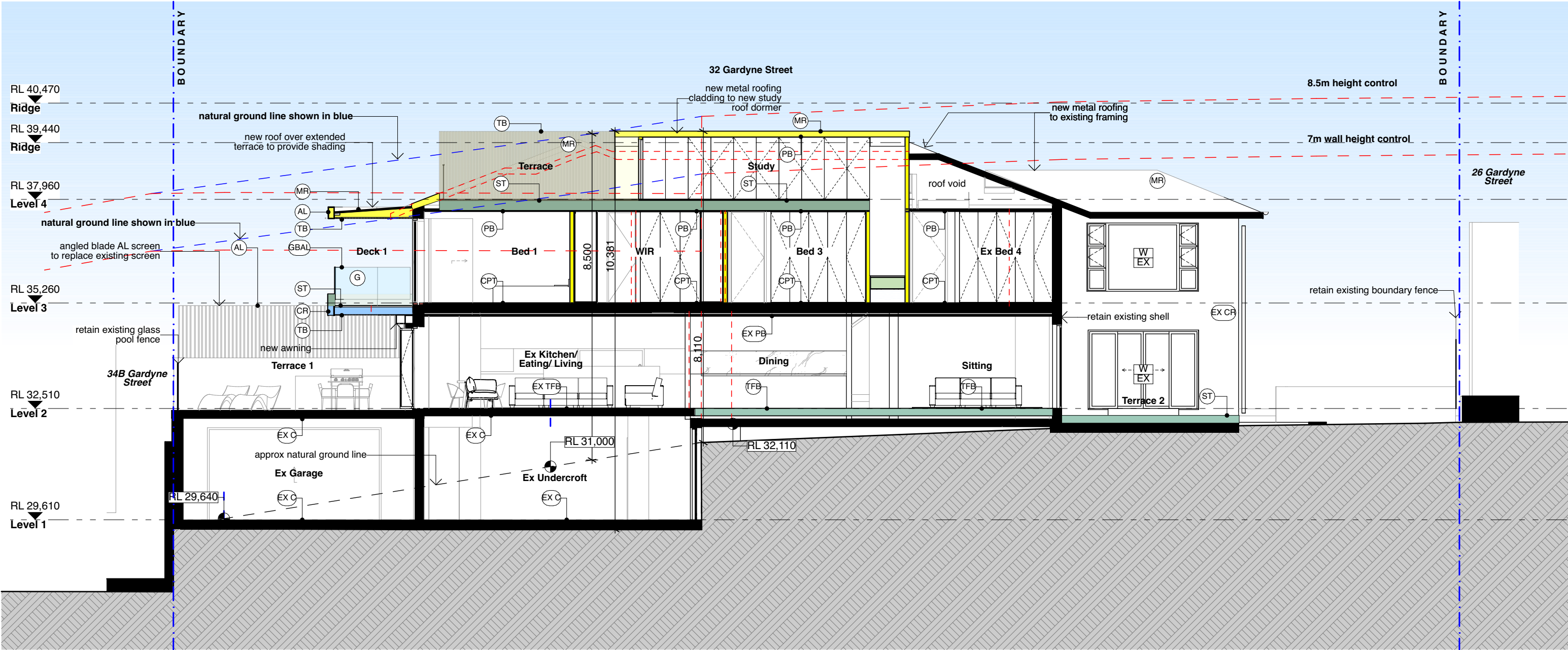
Nominated Architect: Philip Corben (Reg. No. 4616)

project Wheeler House Bronte
address 32 Gardyne Street
Bronte NSW
client Deborah and Charles Wheeler

title West Elevation
issue Development Application

job no. WHE
drawn ABW
checked ABW
scale 1:100
@A3

dwg no. DA16
revision B



1 Section AA
1:100

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rev	date	description
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project Wheeler House Bronte

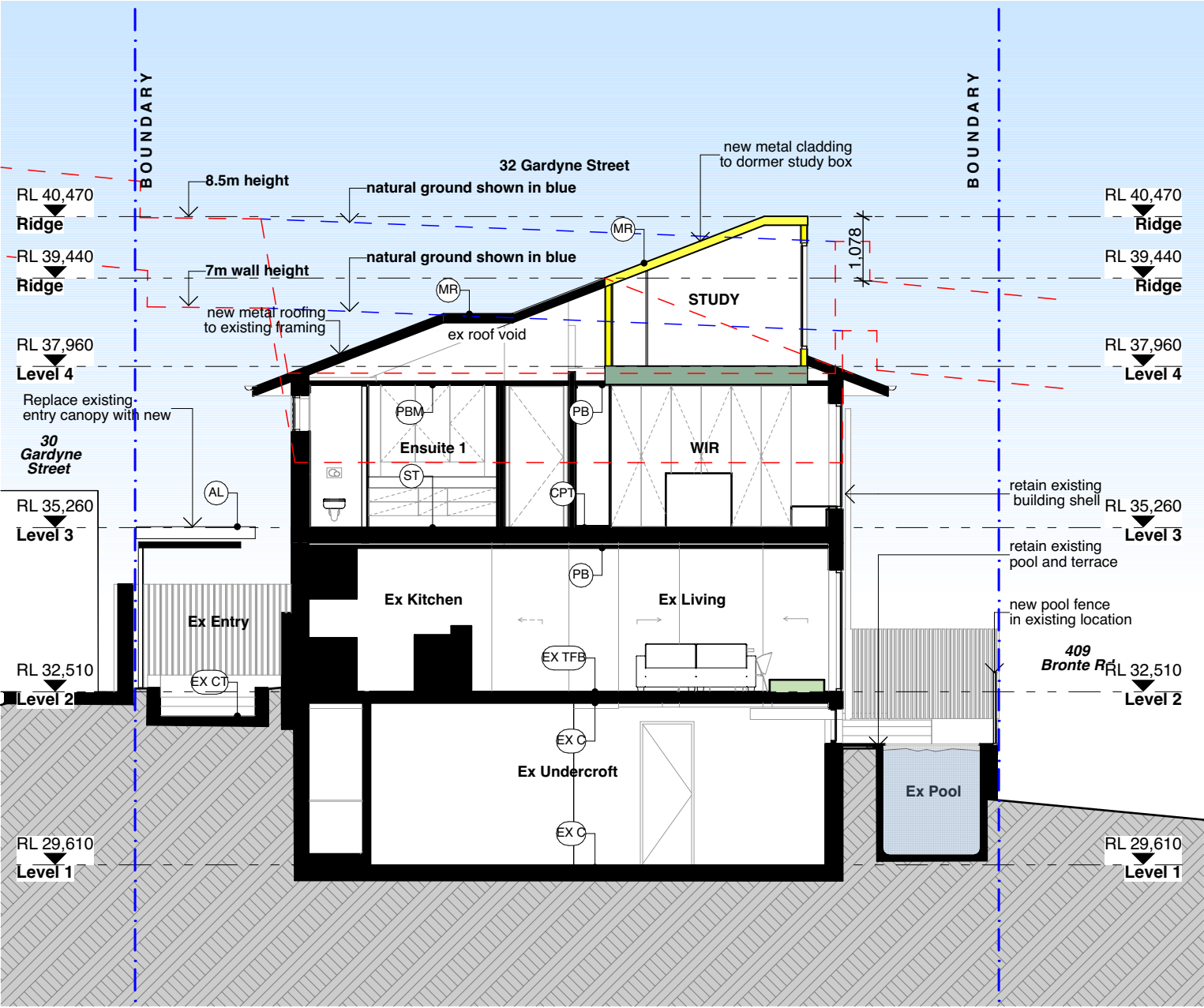
address 32 Gardyne Street
Bronte NSW

client Deborah and Charles Wheeler

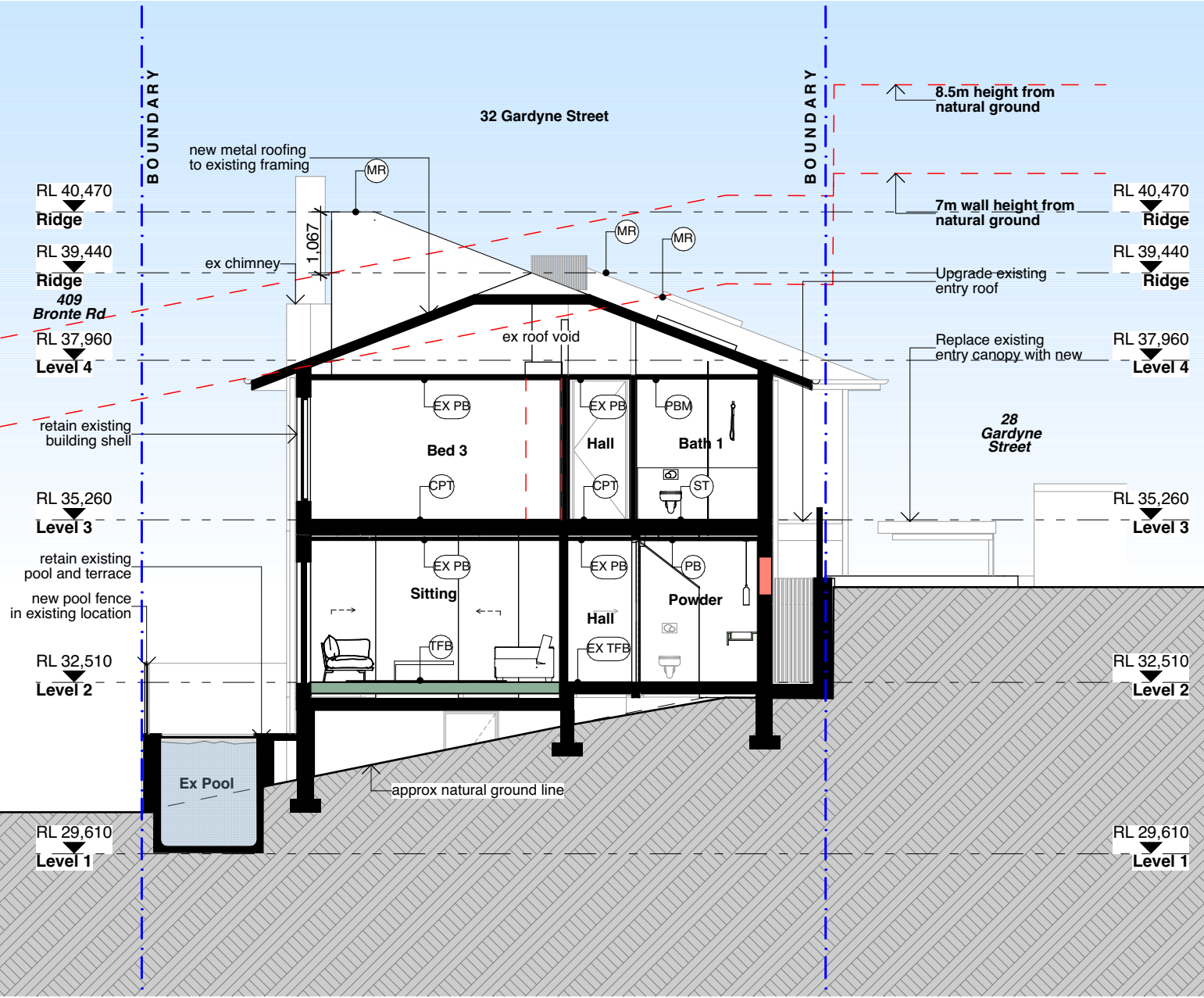
title Section AA

issue Development Application

job no.	WHE	dwg no.	DA17
drawn	ABW	revision	B
checked	ABW		
scale	1:100 @A3		



1 Section BB
1:100



1 Section CC
1:100

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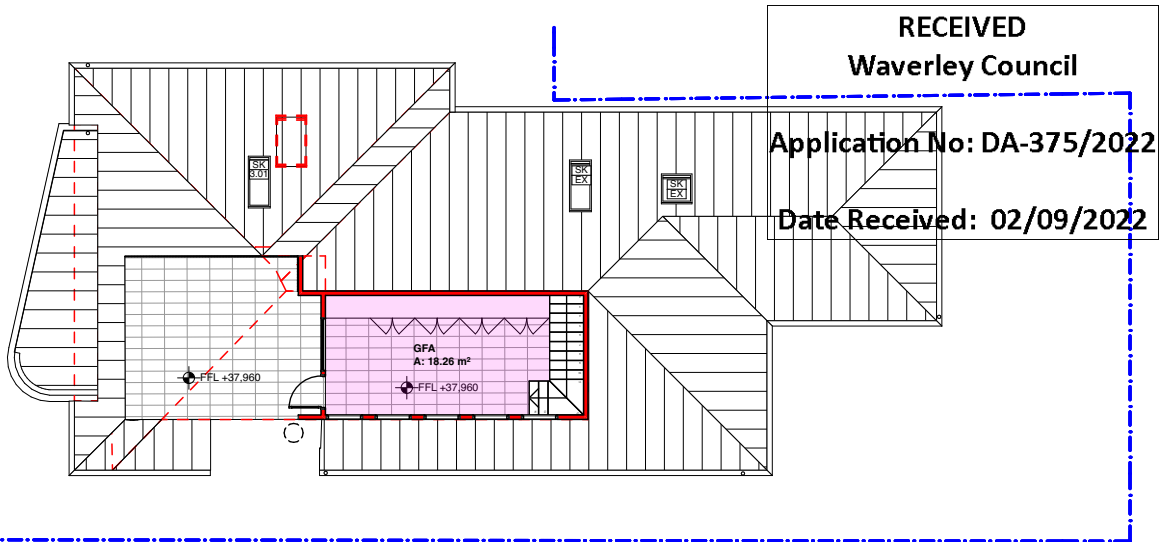
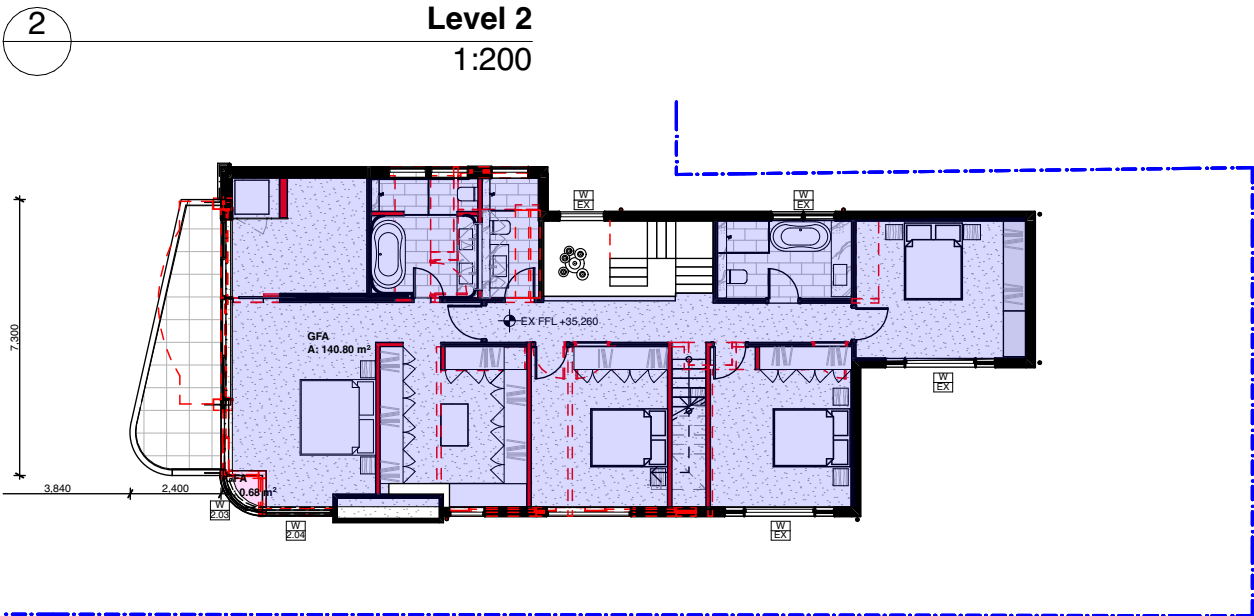
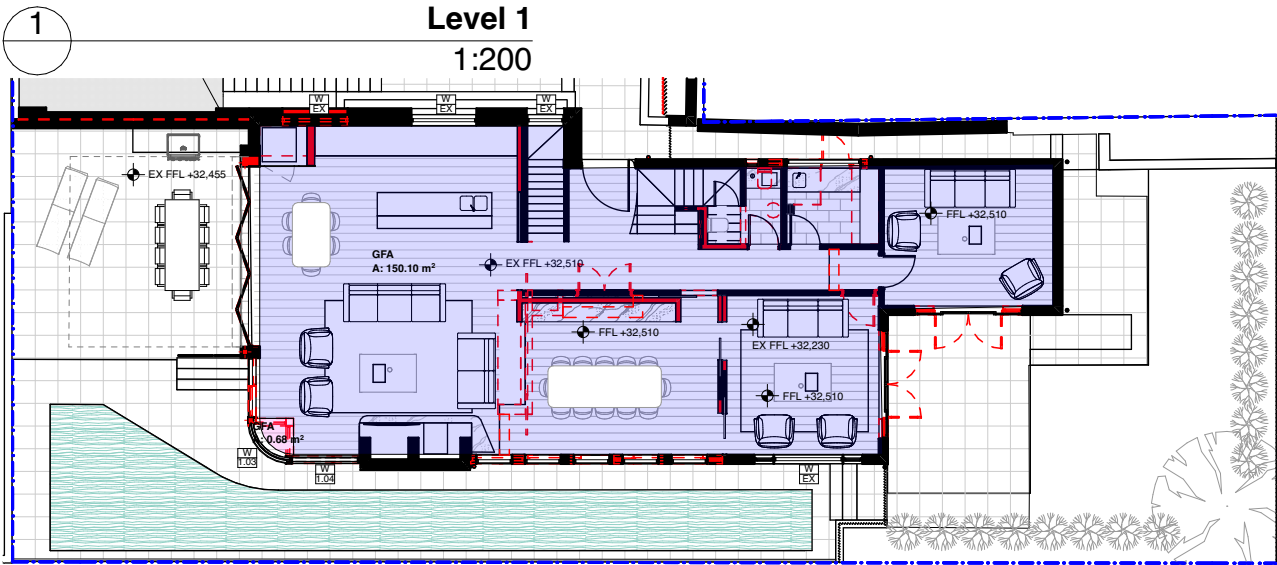
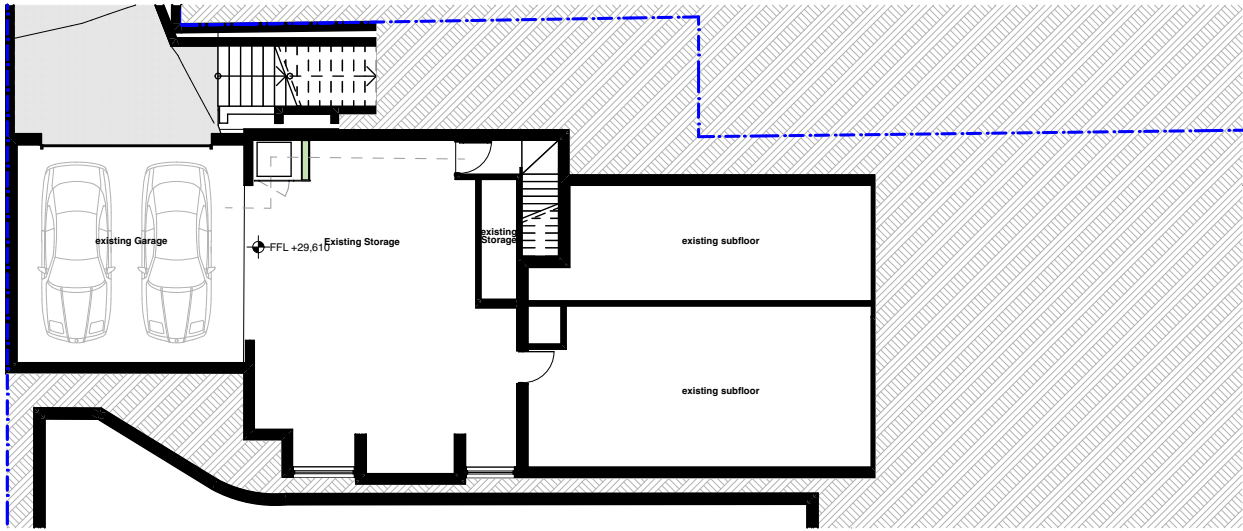
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Nominated Architect: Philip Corben (Reg. No. 4616)

project Wheeler House Bronte
address 32 Gardyne Street
Bronte NSW
client Deborah and Charles Wheeler

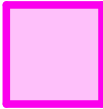
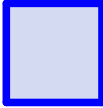
title Section BB & CC
issue Development Application

job no.	WHE	dwg no.	DA18
drawn	ABW	revision	
checked	ABW		
scale	1:100 @A3		B



3

Level 3
1:200

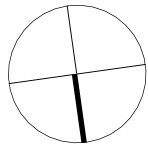
KEY		SITE AREA	
		= 581.7 m ²	
		MAXIMUM GFA	
PROPOSED NEW GFA		= 290.85 m ²	
EXISTING GFA			
		Existing Floor Space	
Level	Area	Level	Area
Level 3 Existing	140.80	Level 4 New	18.26
Level 2 Existing	150.07	Level 3 New	0.68
	290.87 m²	Level 2 New	0.68
			19.62 m²
		TOTAL GFA	
		= 310.45 m ²	

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Nominated Architect: Philip Corben (Reg. No. 4616)

project Wheeler House Bronte

address 32 Gardyne Street
Bronte NSW

client Deborah and Charles Wheeler

title Area Calculations

issue Development Application

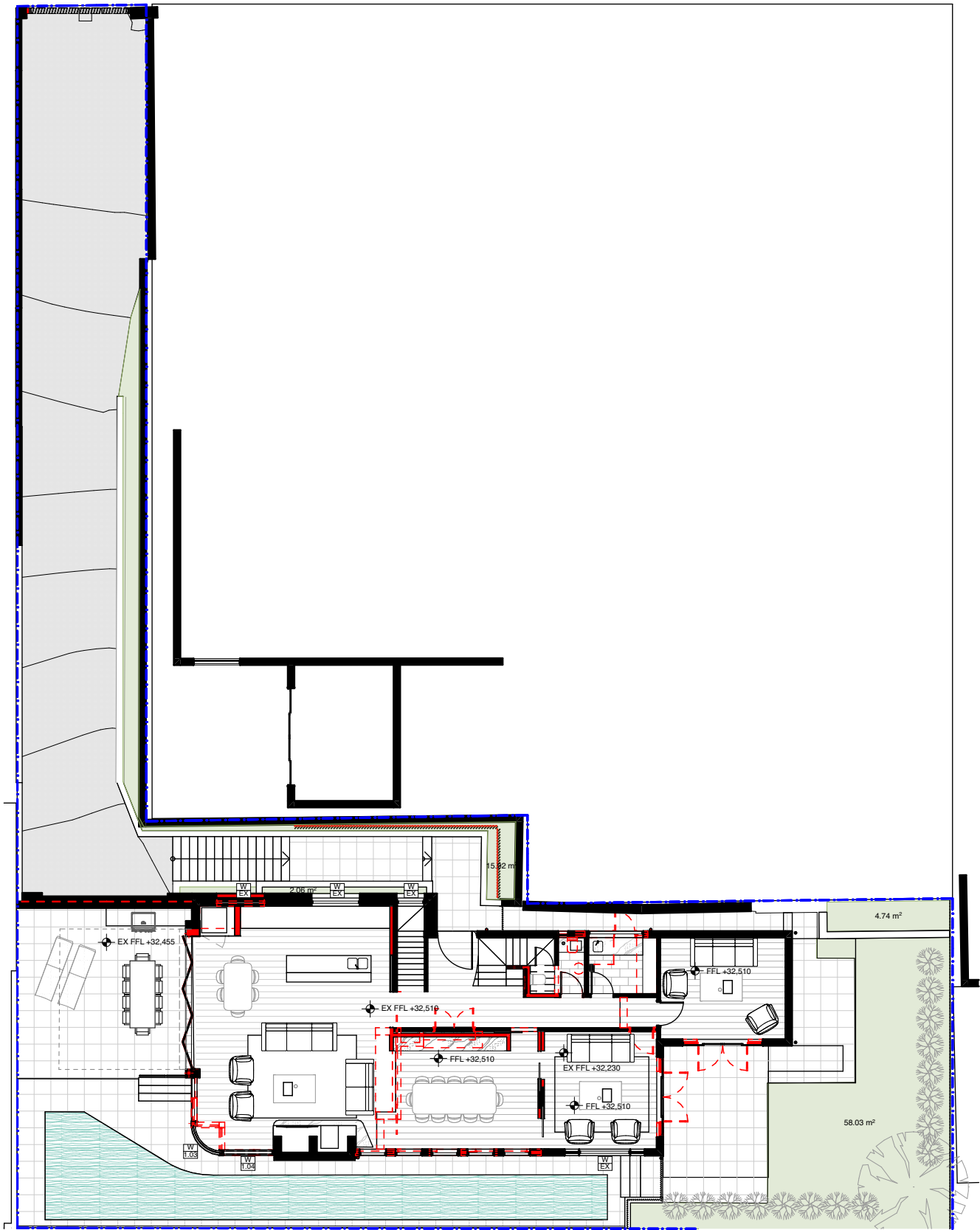
job no. WHE
drawn ABW
checked ABW
scale 1:200
@A3

dwg no. DA29
revision
B

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Application No: DA-375/2022

Date Received: 02/09/2022



1
Landscape
1:200

KEY

SOFT LANDSCAPED AREA

MINIMUM SOFT LANDSCAPED AREA = 89.16 m²

LANDSCAPE AREA EXISTING/PROPOSED

Planter	4.74
Garden	58.03
Entry	2.06
Driveway	15.92
	80.75 m ²

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Nominated Architect: Philip Corben (Reg. No. 4616)

project Wheeler House Bronte

address 32 Gardyne Street
Bronte NSW

client Deborah and Charles Wheeler

title Landscape Area
Calculation

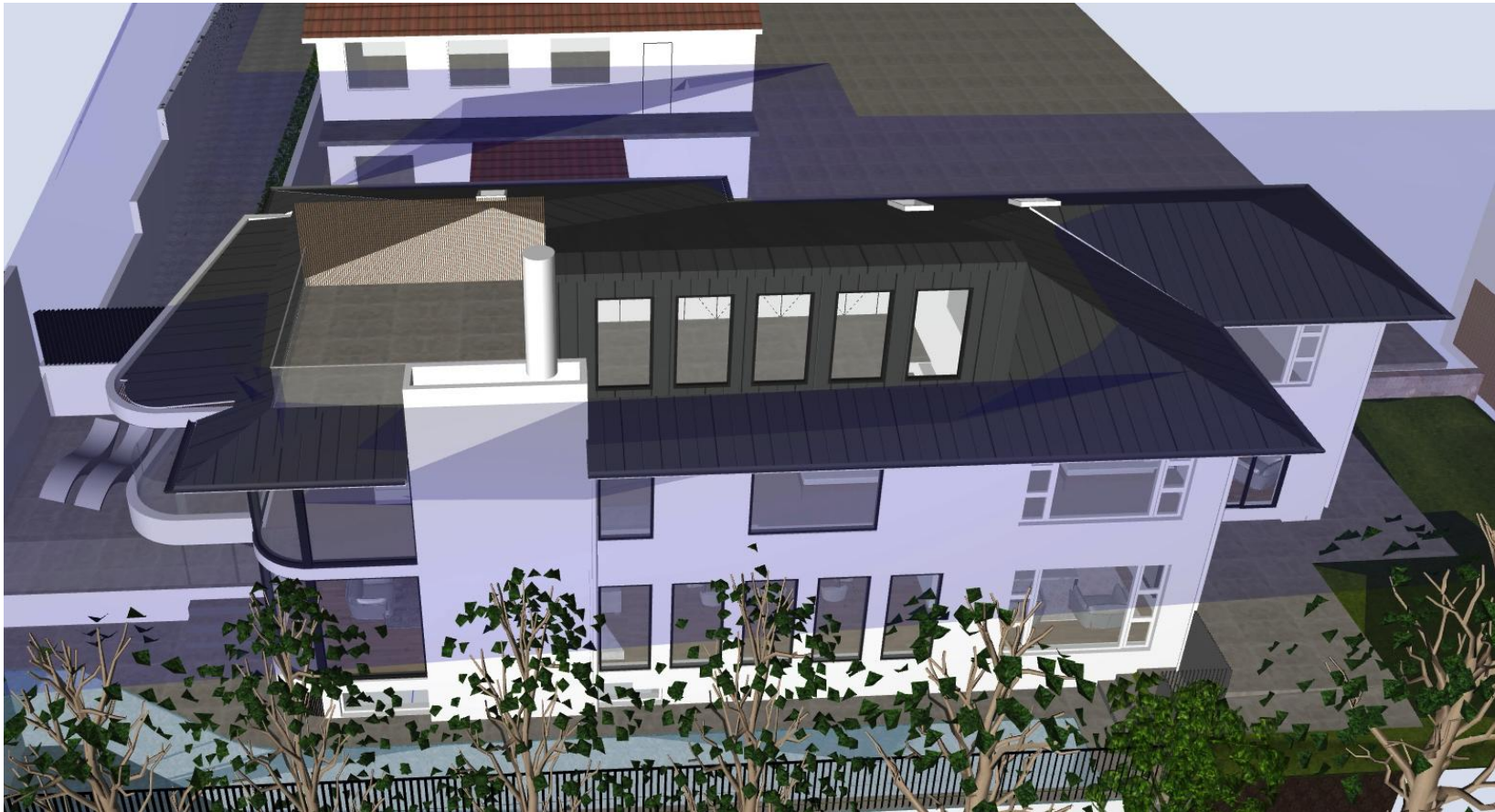
issue Development Application

job no. WHE
drawn ABW
checked ABW
scale

dwg no. DA30
revision
B



8.5m height plane Diagram



7m Height Plane Diagram

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project	Wheeler House Bronte
address	32 Gardyne Street Bronte NSW
client	Deborah and Charles Wheeler

title	Height Plane Diagram
issue	Development Application

job no.	WHE
drawn	ABW
checked	ABW
scale	

dwg no.	DA31
revision	
	B

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project	Wheeler House Bronte
address	32 Gardyne Street Bronte NSW
client	Deborah and Charles Wheeler

title	Perspectives
issue	Development Application

job no.	WHE	dwg no.	DA32
drawn	ABW	revision	
checked	ABW		
scale	NTS @A3		B



1

Existing View from Roof



1

Proposed View from Roof Terrace

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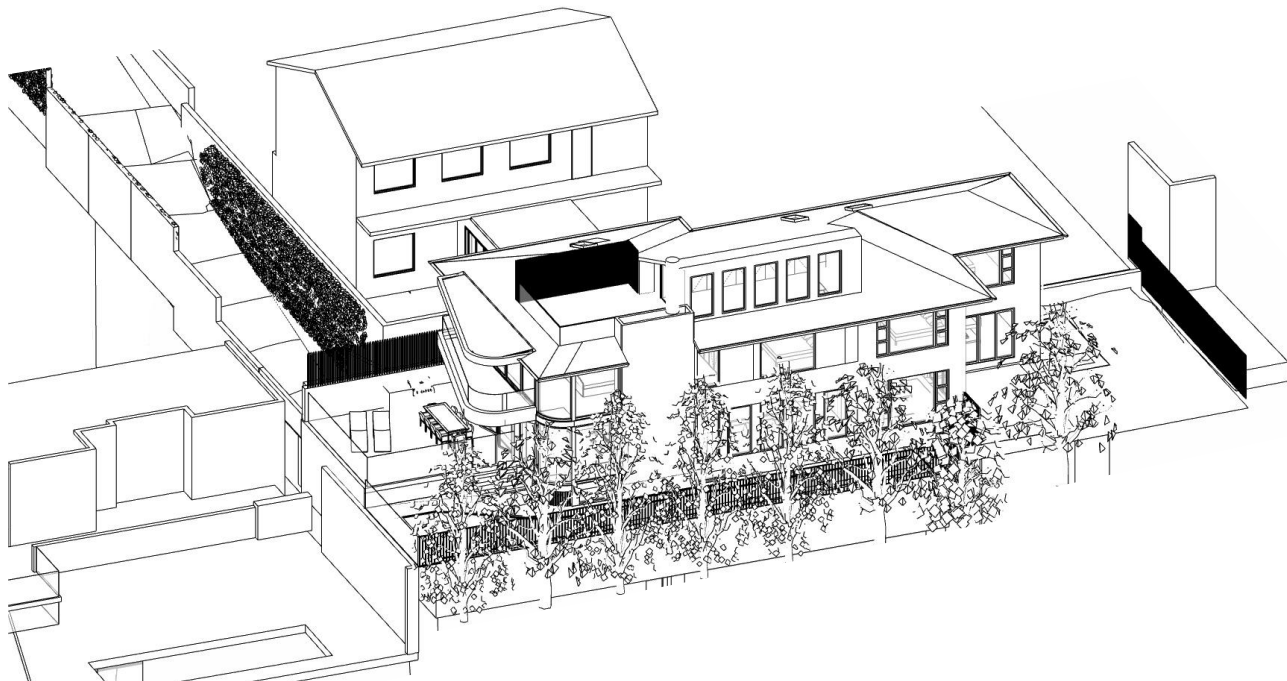
project	Wheeler House Bronte
address	32 Gardyne Street Bronte NSW
client	Deborah and Charles Wheeler

title	View Analysis
issue	Development Application

job no.	WHE	dwg no.
drawn	ABW	DA33
checked	ABW	revision
scale		B



1 9am



1 10am



1 11am

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Application No: DA-375/2022
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1 12pm

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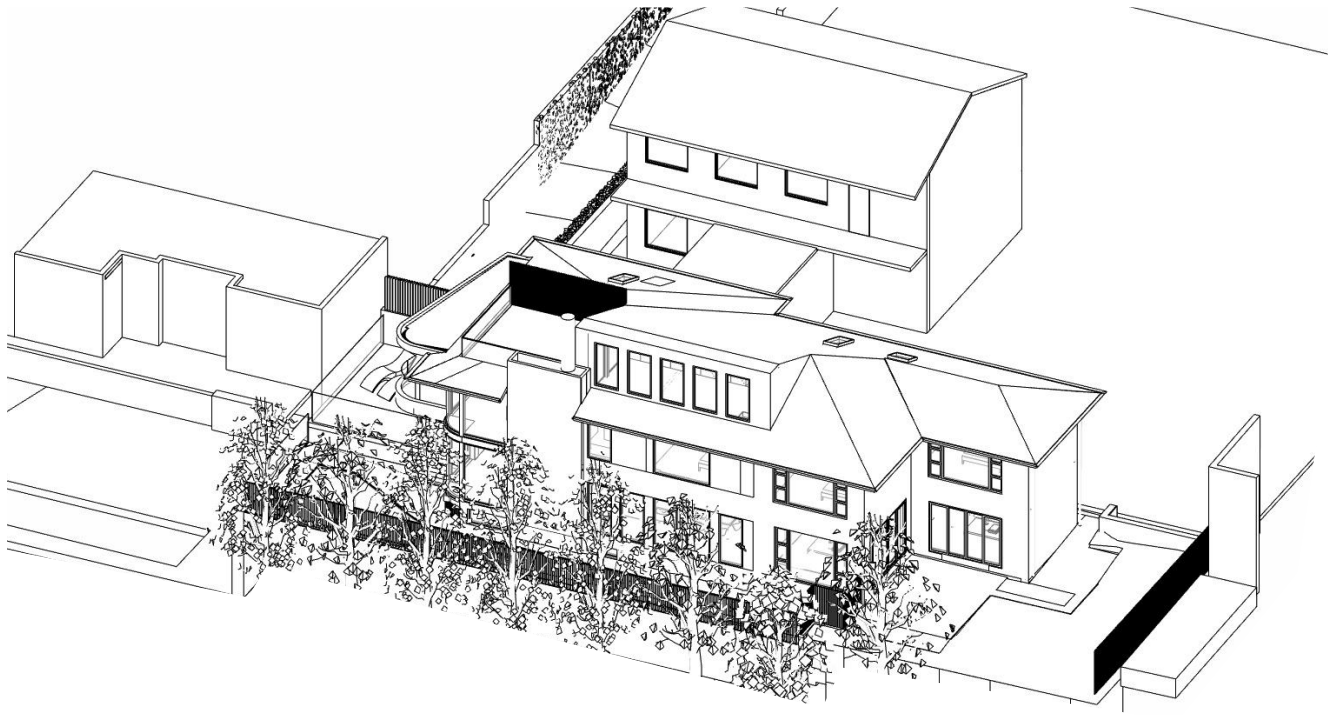
Nominated Architect: Philip Corben (Reg. No. 4616)

project	Wheeler House Bronte
address	32 Gardyne Street Bronte NSW
client	Deborah and Charles Wheeler

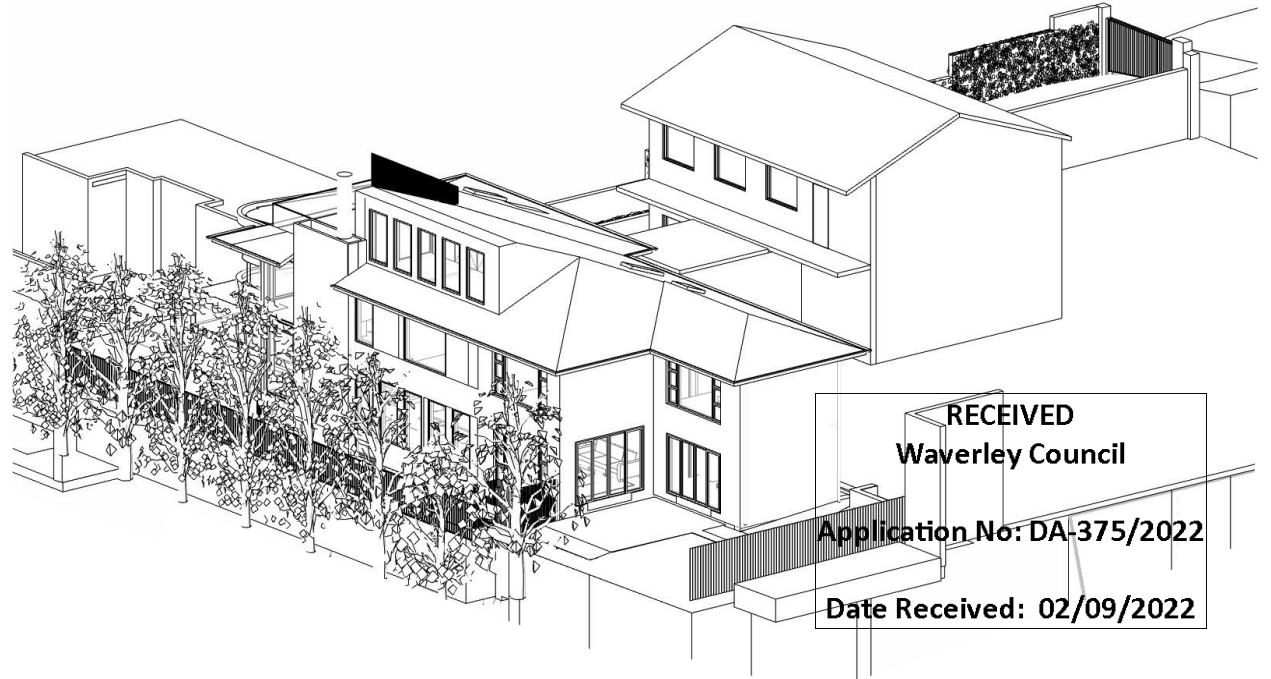
title	Shadow Diagrams as viewed from the Sun
issue	Development Application

job no.	WHE
drawn	ABW
checked	ABW
scale	

dwg no.	DA27
revision	B



1 1pm



1 3pm



1 2pm

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rev	date		
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Nominated Architect: Philip Corben (Reg. No. 4616)

project	Wheeler House Bronte
address	32 Gardyne Street Bronte NSW
client	Deborah and Charles Wheeler

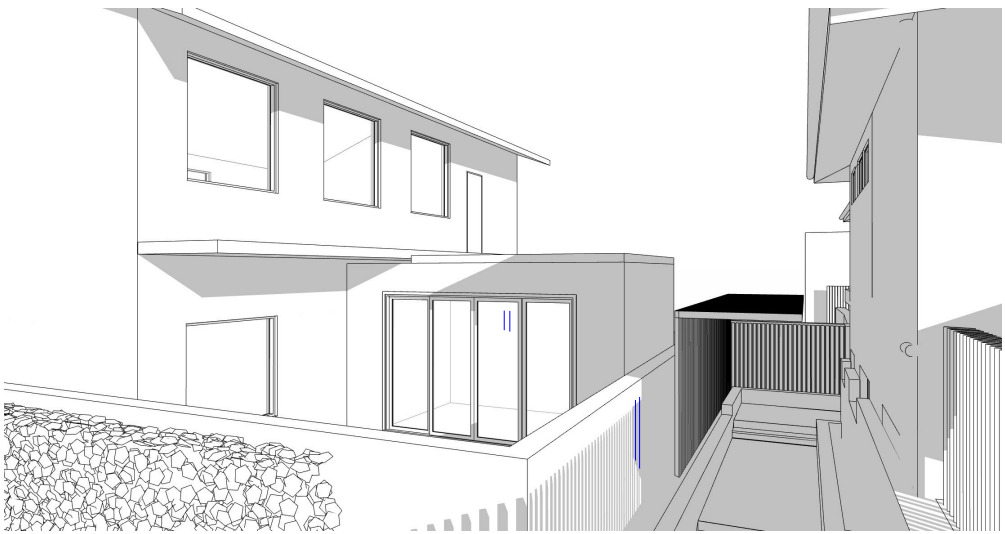
title	Shadow Diagrams as viewed from the Sun 2/2
issue	Development Application

job no.	WHE
drawn	ABW
checked	ABW
scale	

dwg no.	DA28
revision	B



1 9am Existing
1:591.78



1 9am Proposed

KEY

Existing Overshadowing

Adjusted Overshadowing

no change to elevation shadows from roof terrace and study

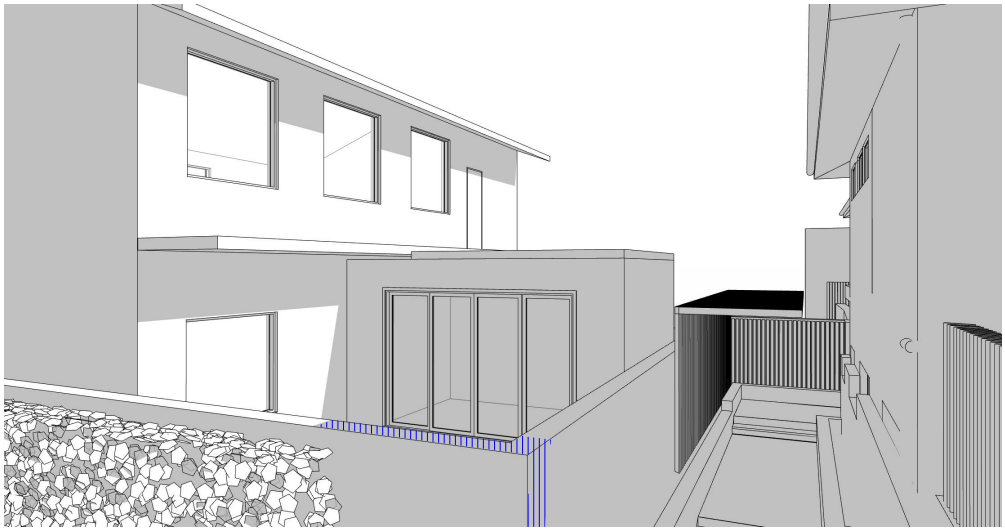
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Application No: DA-375/2022

Date Received: 02/09/2022



1 12pm Existing



1 12pm Proposed

no change to elevation shadows on neighbouring building at 12pm



1 3pm Existing



1 3pm Proposed

no change to elevation shadows at 3pm

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rev	date	description	
A	23/8/22	Issue	file: WHE2 6.2 - 220623-DA Revised.pln print date & time: 30/8/22@3:47 pm
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Nominated Architect: Philip Corben (Reg. No. 4616)

project Wheeler House Bronte

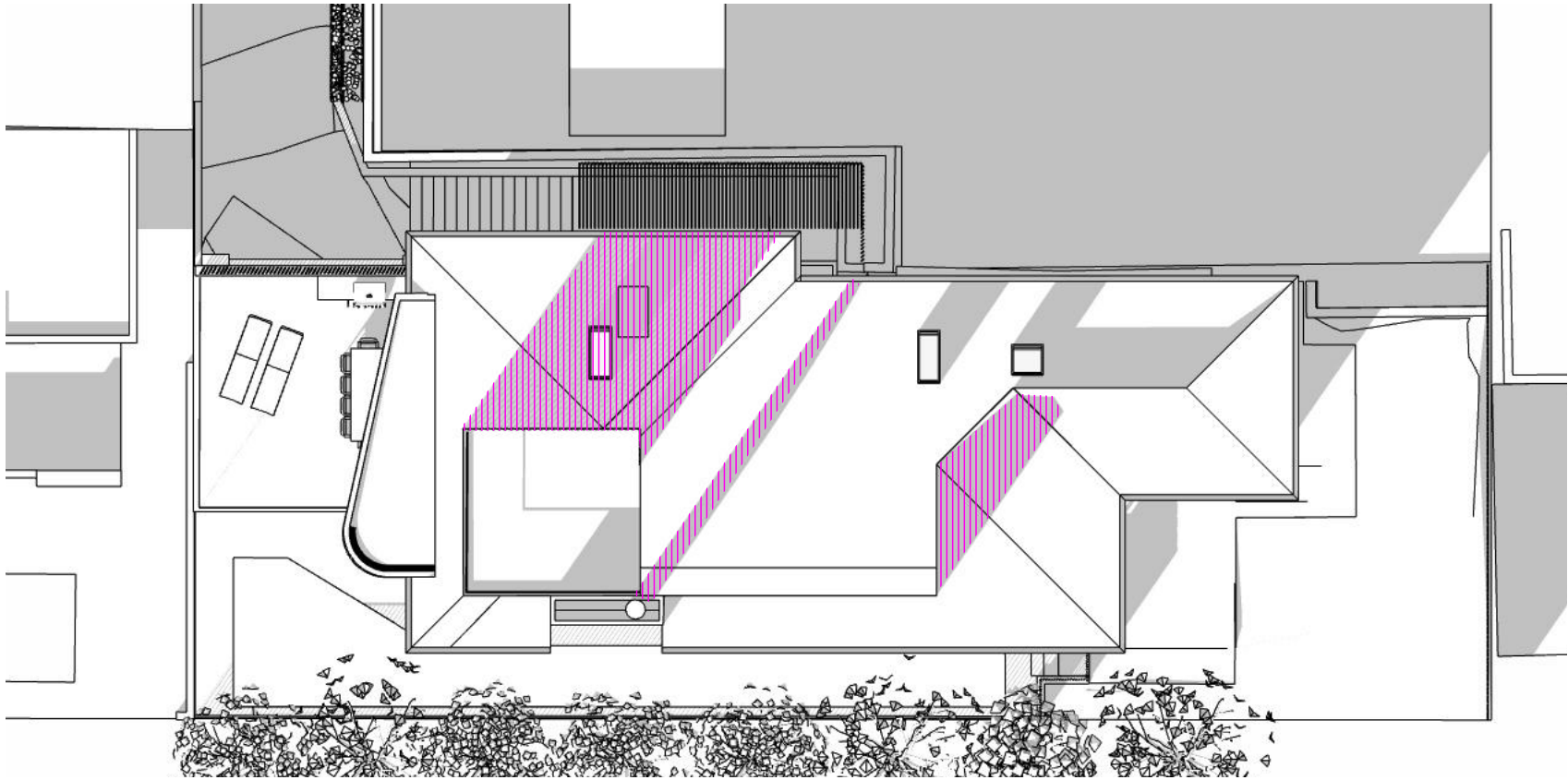
address 32 Gardyne Street
Bronte NSW

client Deborah and Charles Wheeler

title Shadow Diagram
Elevations

issue Development Application

job no.	WHE	dwg no.	DA26
drawn	ABW	revision	B
checked	ABW		
scale			



KEY

Existing Overshadowing

Adjusted Overshadowing

Adjusted Overshadowing from roof height noncompliance

no new overshadowing on southern or eastern neighbours from roof terrace and study

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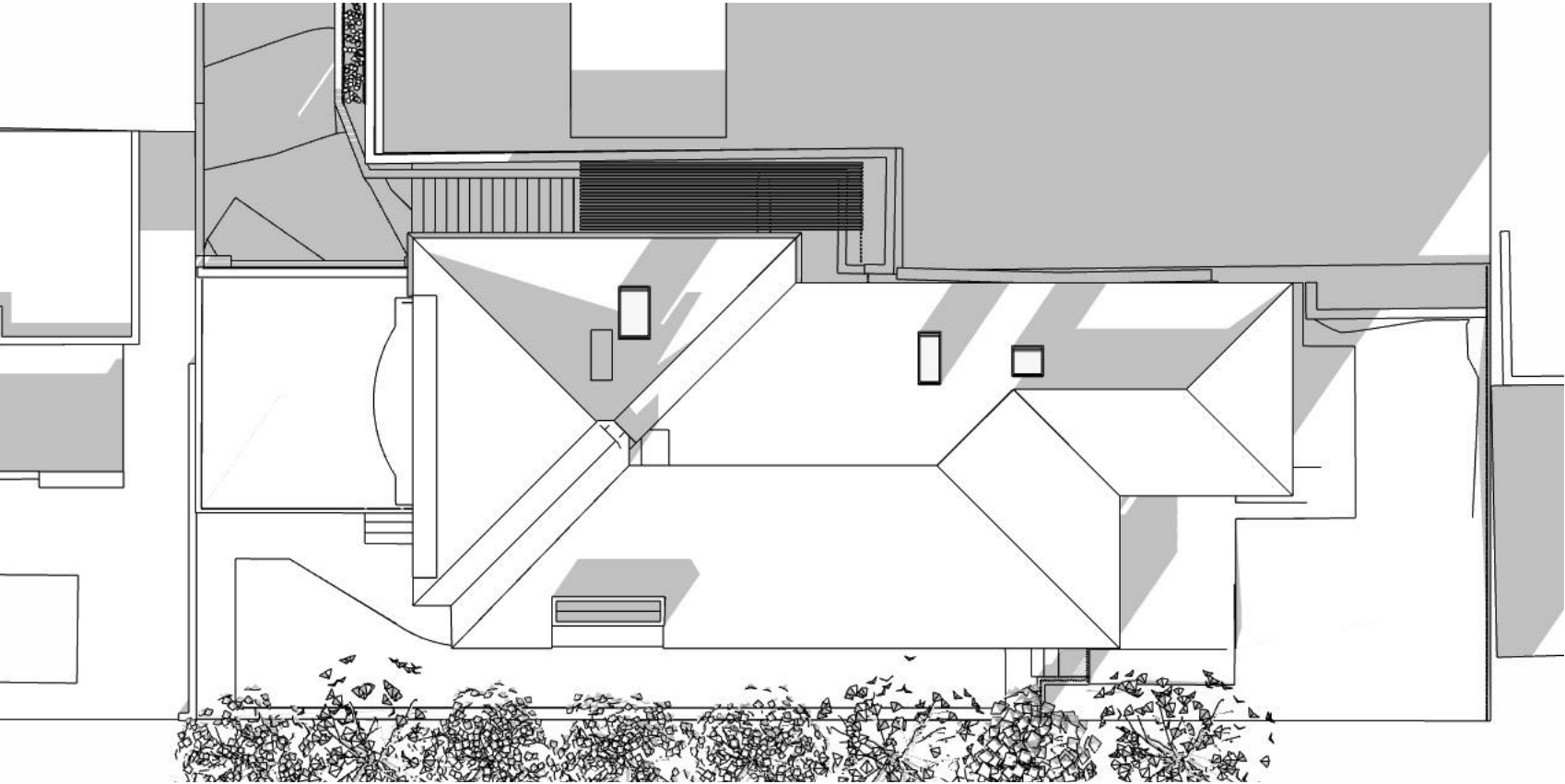
Application No: DA-375/2022

Date Received: 02/09/2022

1

9am Proposed

1:200



1

9am Existing

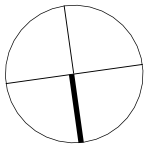
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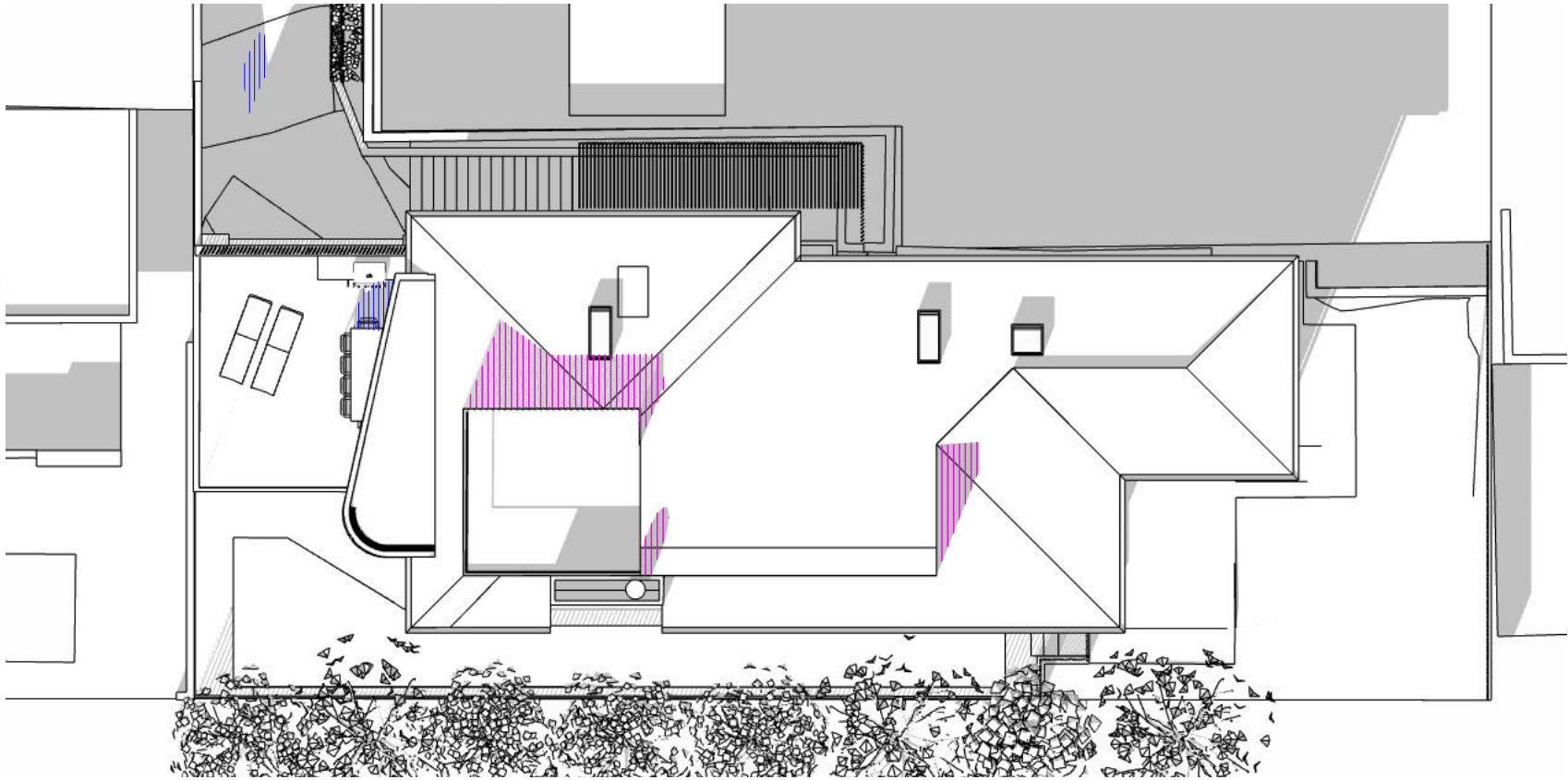
Nominated Architect: Philip Corben (Reg. No. 4616)

project	Wheeler House Bronte
address	32 Gardyne Street Bronte NSW
client	Deborah and Charles Wheeler

title	Shadow Diagrams - 9am
issue	Development Application

job no.	WHE
drawn	ABW
checked	ABW
scale	1:200 @A3

dwg no.	DA19
revision	B



KEY

Existing Overshadowing

Adjusted Overshadowing

Adjusted Overshadowing from roof height noncompliance

no new overshadowing on southern or eastern neighbours from roof terrace and study

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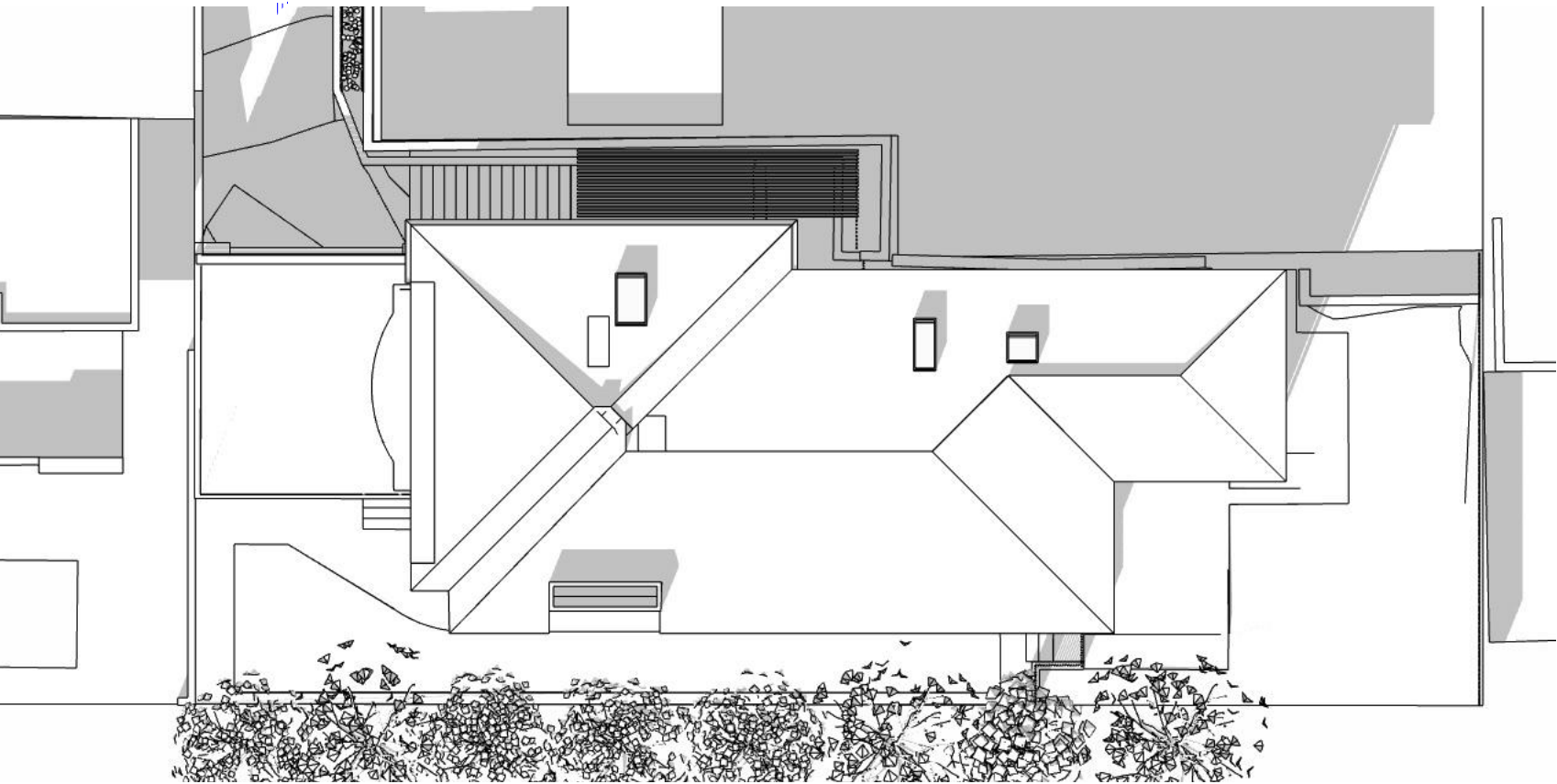
Application No: DA-375/2022

Date Received: 02/09/2022

1

9am Proposed

1:200



1

10am Existing

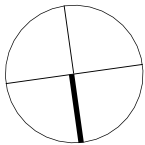
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rev	date	description
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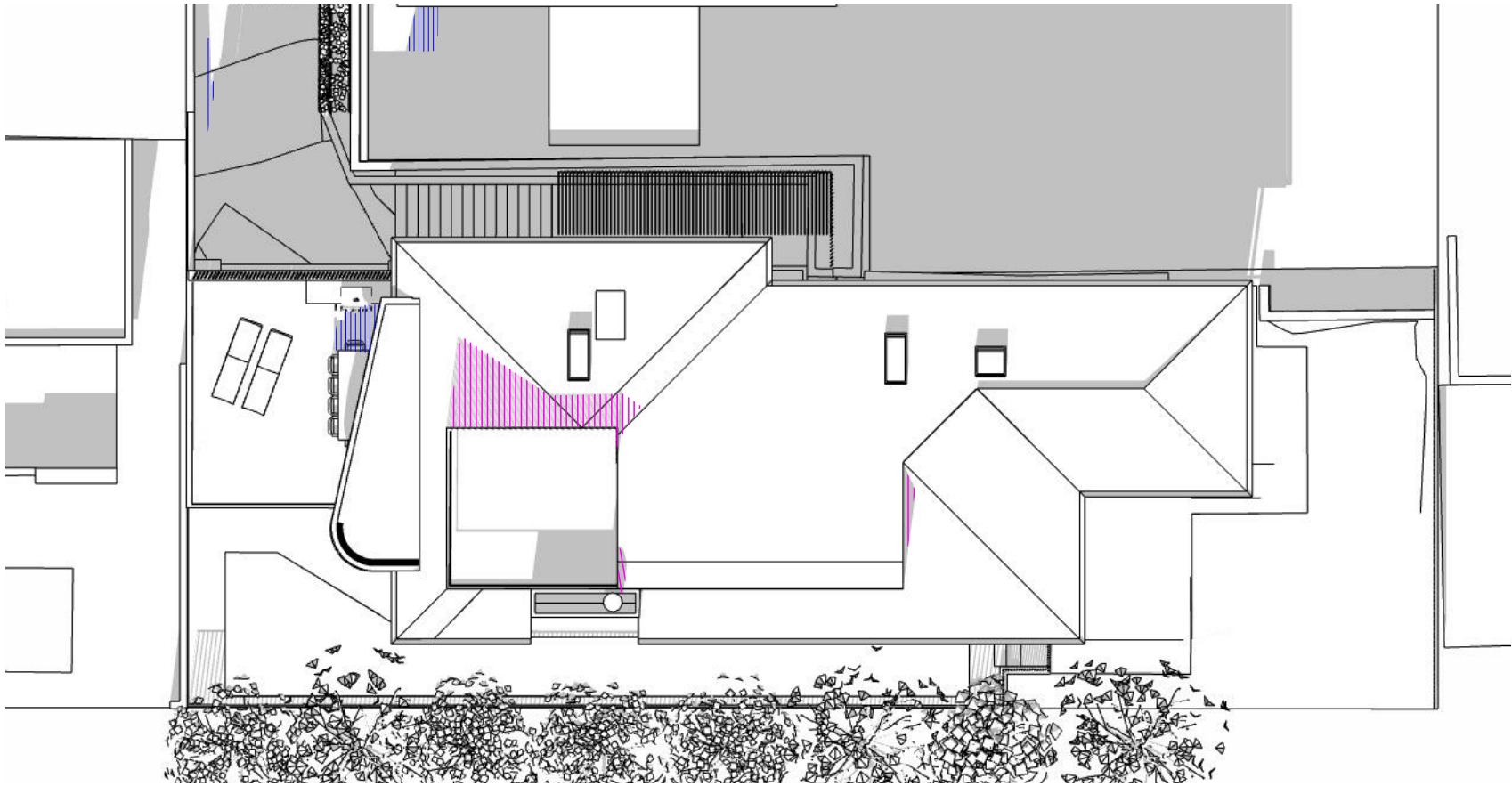
Nominated Architect: Philip Corben (Reg. No. 4616)

project	Wheeler House Bronte
address	32 Gardyne Street Bronte NSW
client	Deborah and Charles Wheeler

title	Shadow Diagrams - 10am
issue	Development Application

job no.	WHE
drawn	ABW
checked	ABW
scale	1:200 @A3

dwg no.	DA20
revision	B



KEY

Existing Overshadowing

Adjusted Overshadowing

Adjusted Overshadowing from roof height noncompliance

no new overshadowing on southern or eastern neighbours from roof terrace and study

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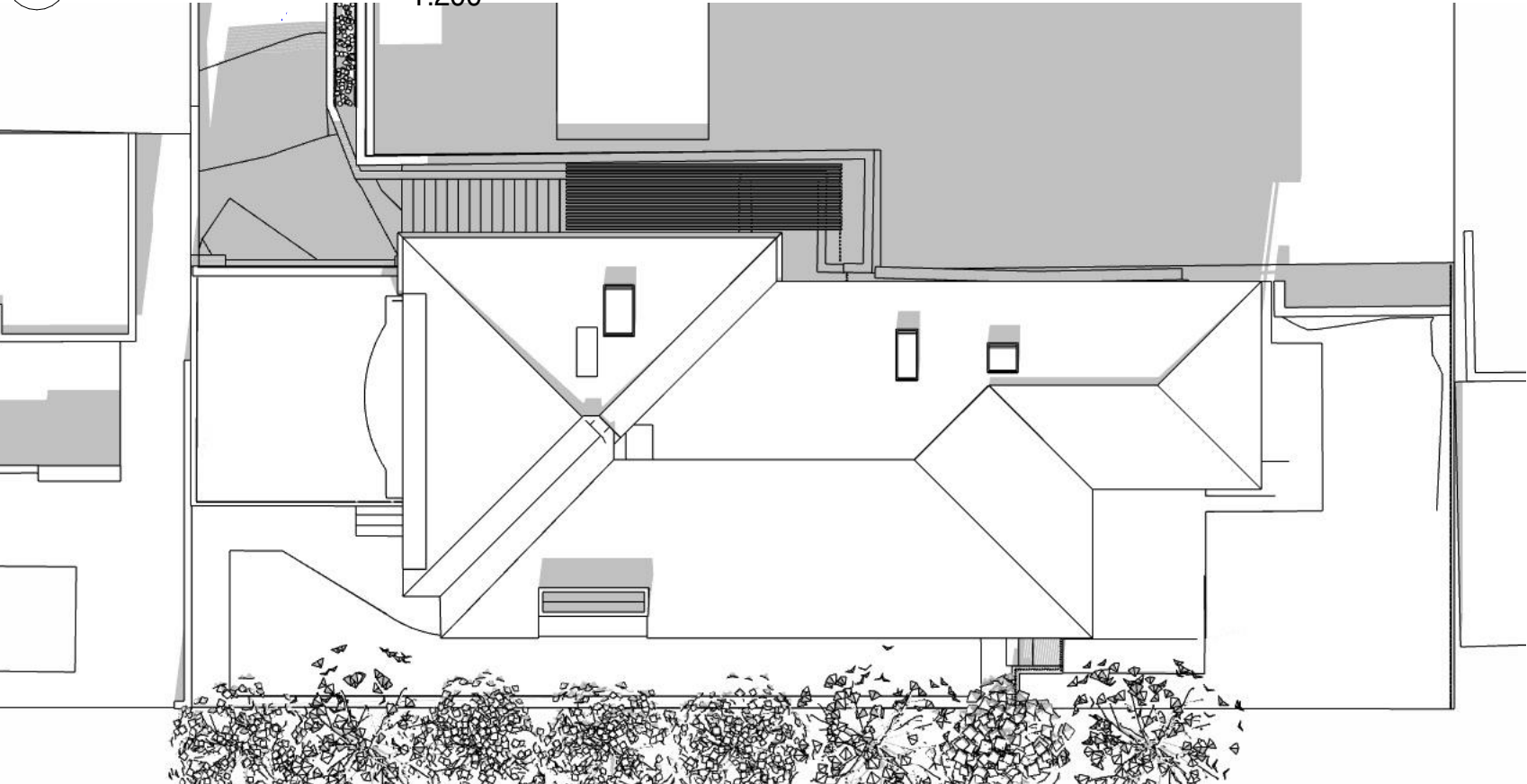
Application No: DA-375/2022

Date Received: 02/09/2022

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9am Proposed

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1

Existing Shadows - 11am

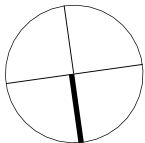
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rev	date	description
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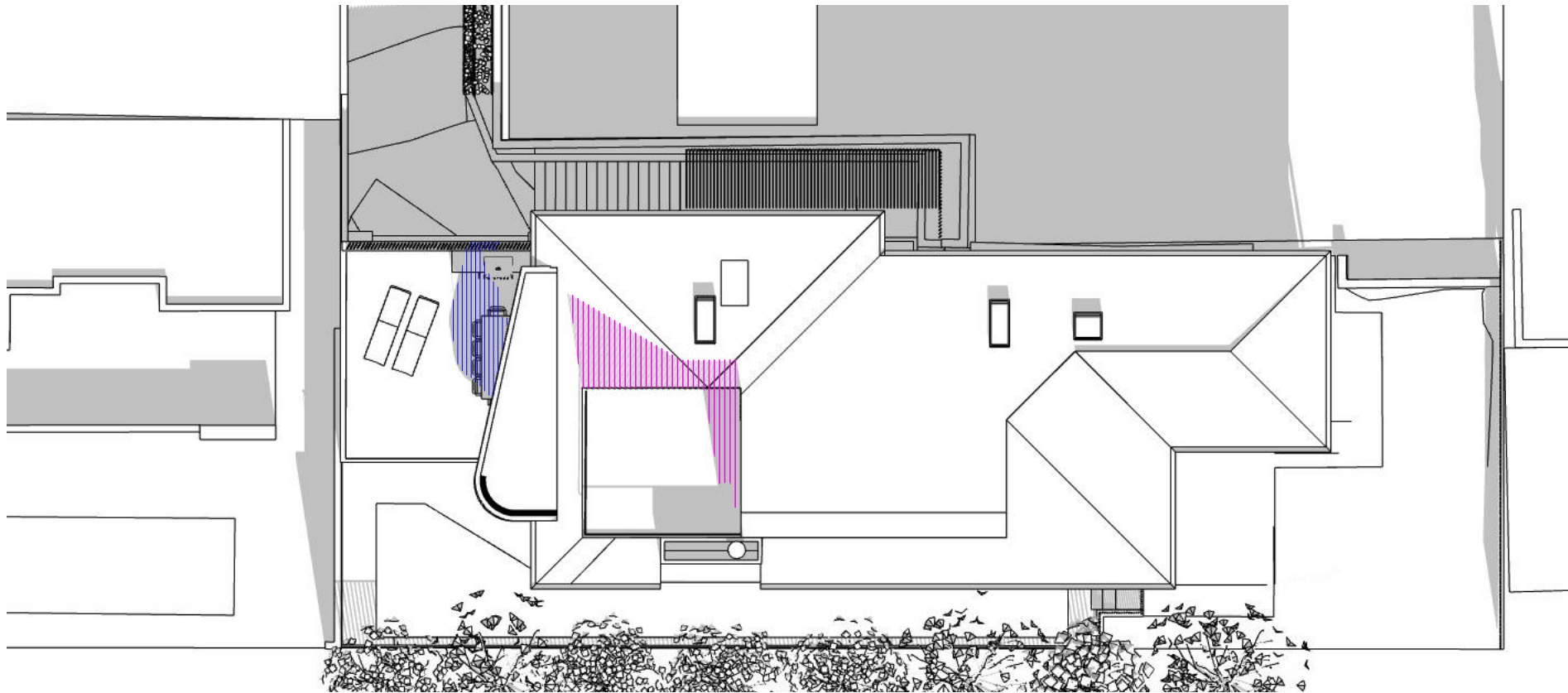
Nominated Architect: Philip Corben (Reg. No. 4616)

project	Wheeler House Bronte
address	32 Gardyne Street Bronte NSW
client	Deborah and Charles Wheeler

title	Shadow Diagrams - 11am
issue	Development Application

job no.	WHE
drawn	ABW
checked	ABW
scale	1:200 @A3

dwg no.	DA21
revision	B



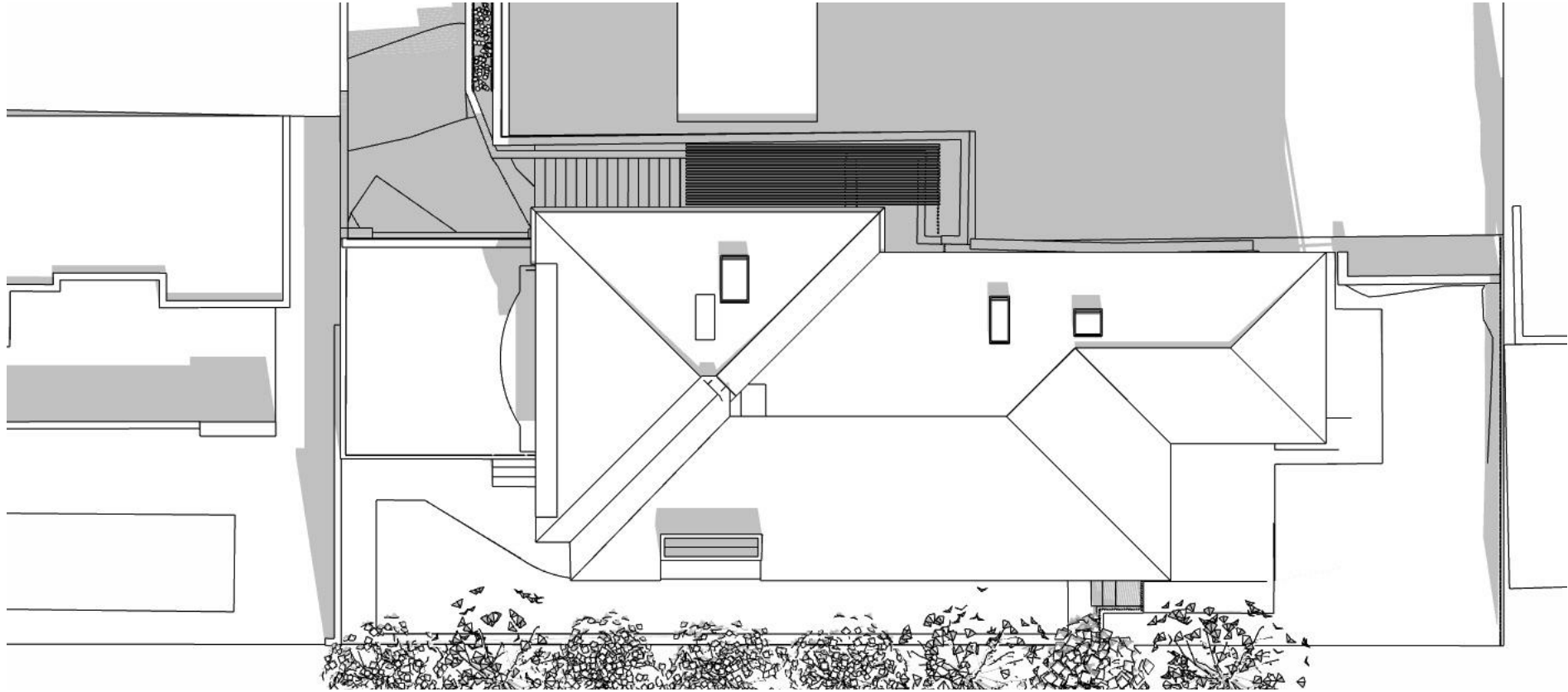
KEY

- Existing Overshadowing
- Adjusted Overshadowing
- Adjusted Overshadowing from roof height noncompliance

no new overshadowing on southern or eastern neighbours from roof terrace and study

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Application No: DA-375/2022
Date Received: 02/09/2022

1 12pm Proposed
1:200



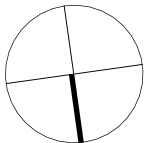
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Nominated Architect: Philip Corben (Reg. No. 4616)

project Wheeler House Bronte

address 32 Gardyne Street
Bronte NSW

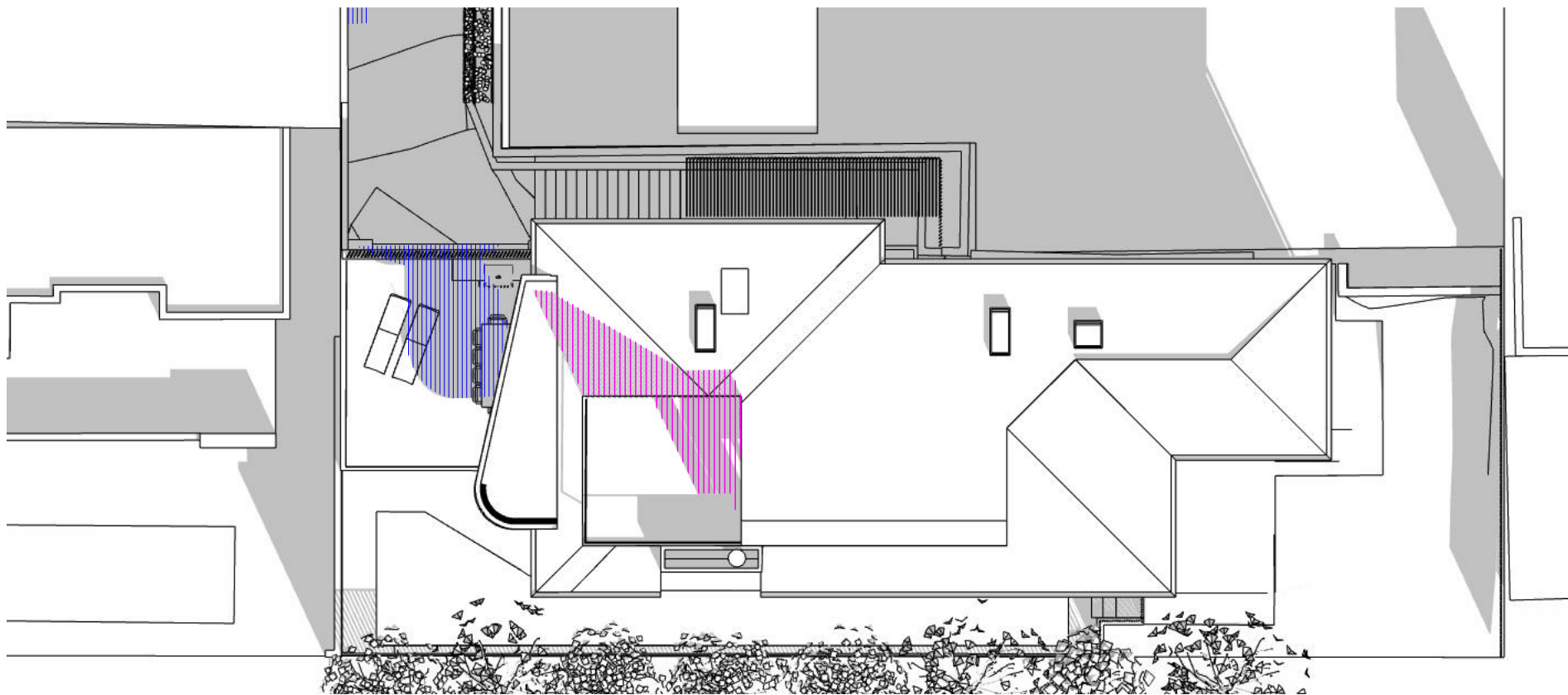
client Deborah and Charles Wheeler

title Shadow Diagrams - 12pm

issue Development Application

job no. WHE
drawn ABW
checked ABW
scale 1:200
@A3

dwg no. DA22
revision
B



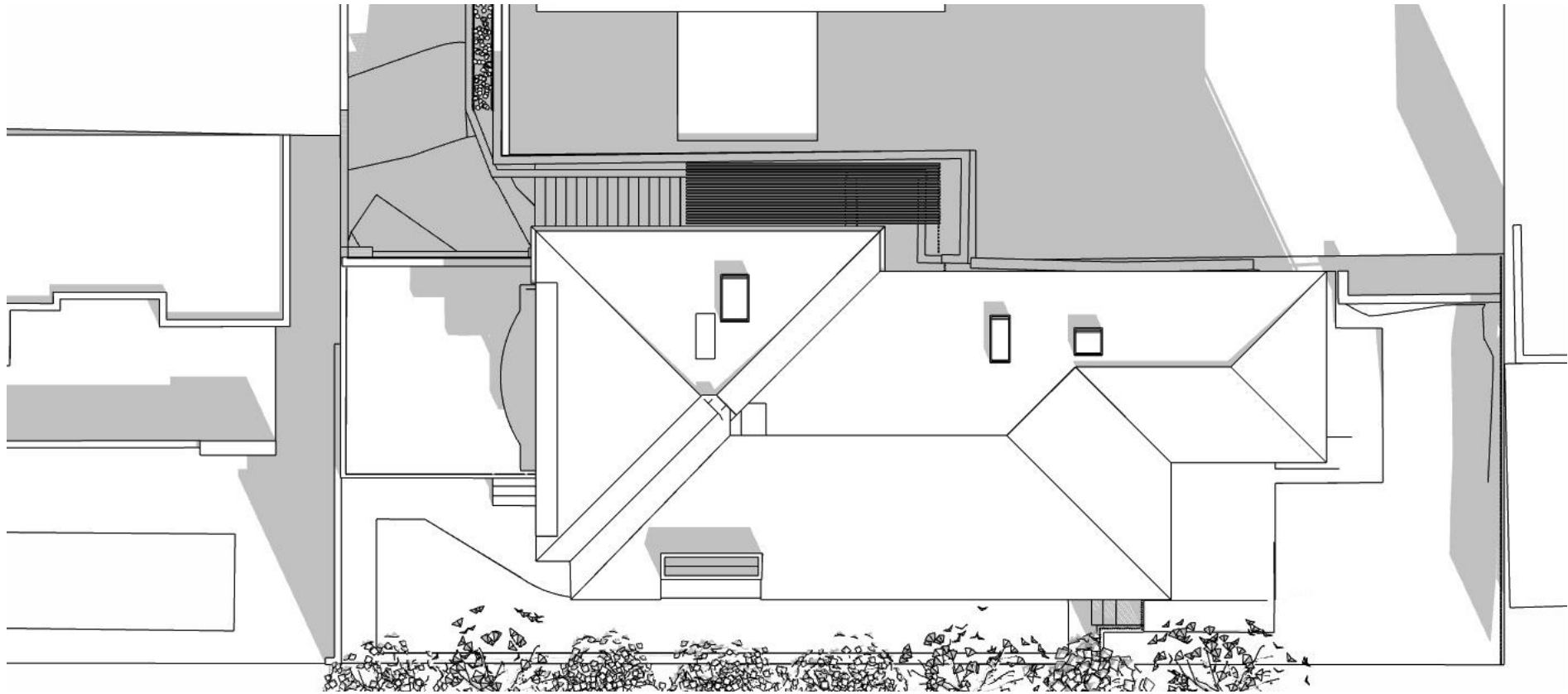
KEY

- Existing Overshadowing
- Adjusted Overshadowing
- Adjusted Overshadowing from roof height noncompliance

no new overshadowing on southern or eastern neighbours from roof terrace and study

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Application No: DA-375/2022
Date Received: 02/09/2022

1 Proposed Shadows - 1pm
1:200



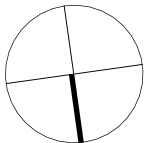
1 Existing Shadows - 1pm
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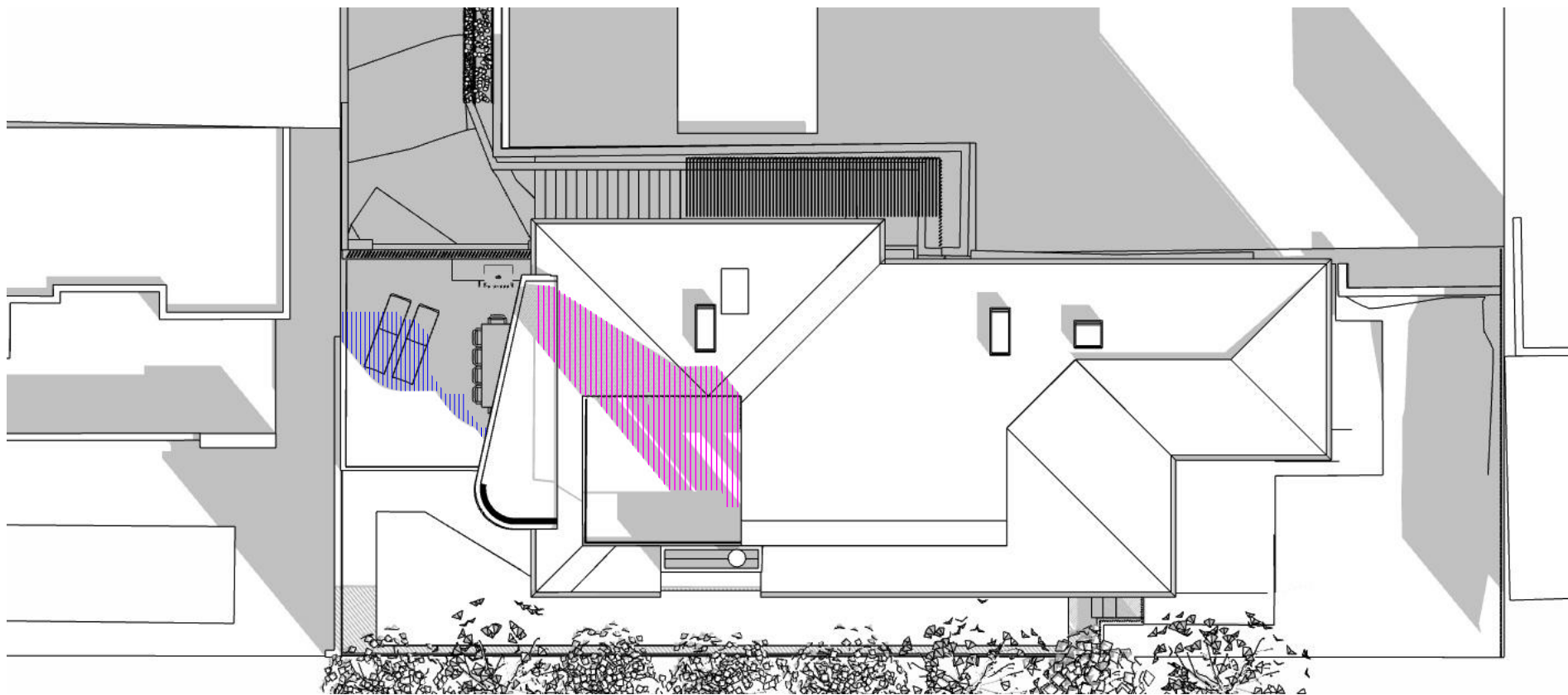
Nominated Architect: Philip Corben (Reg. No. 4616)

project	Wheeler House Bronte
address	32 Gardyne Street Bronte NSW
client	Deborah and Charles Wheeler

title	Shadow Diagrams - 1pm
issue	Development Application

job no.	WHE
drawn	ABW
checked	ABW
scale	1:200 @A3

dwg no.	DA23
revision	B



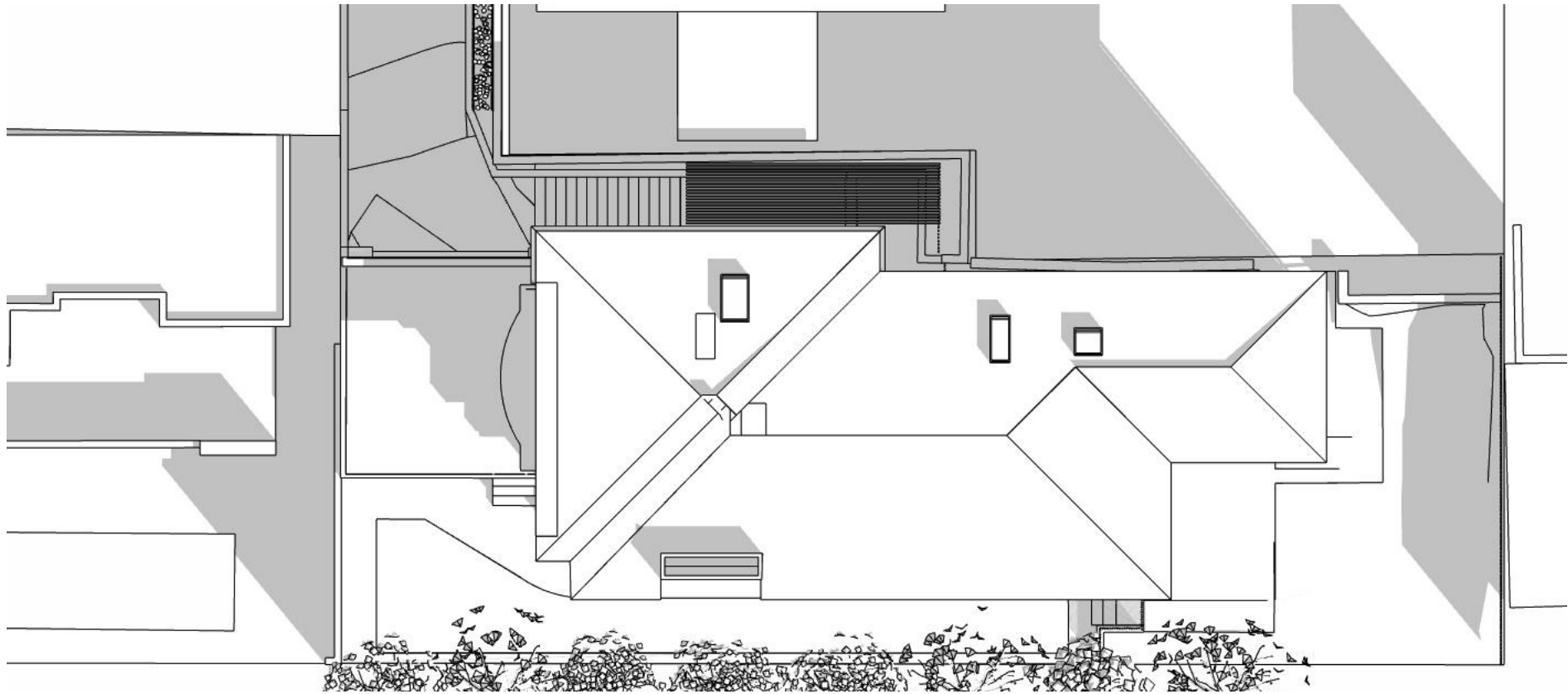
KEY

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Application No: DA-375/2022
Date Received: 02/09/2022

1 Proposed Shadows - 2pm
1:200



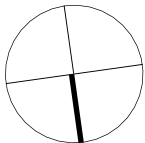
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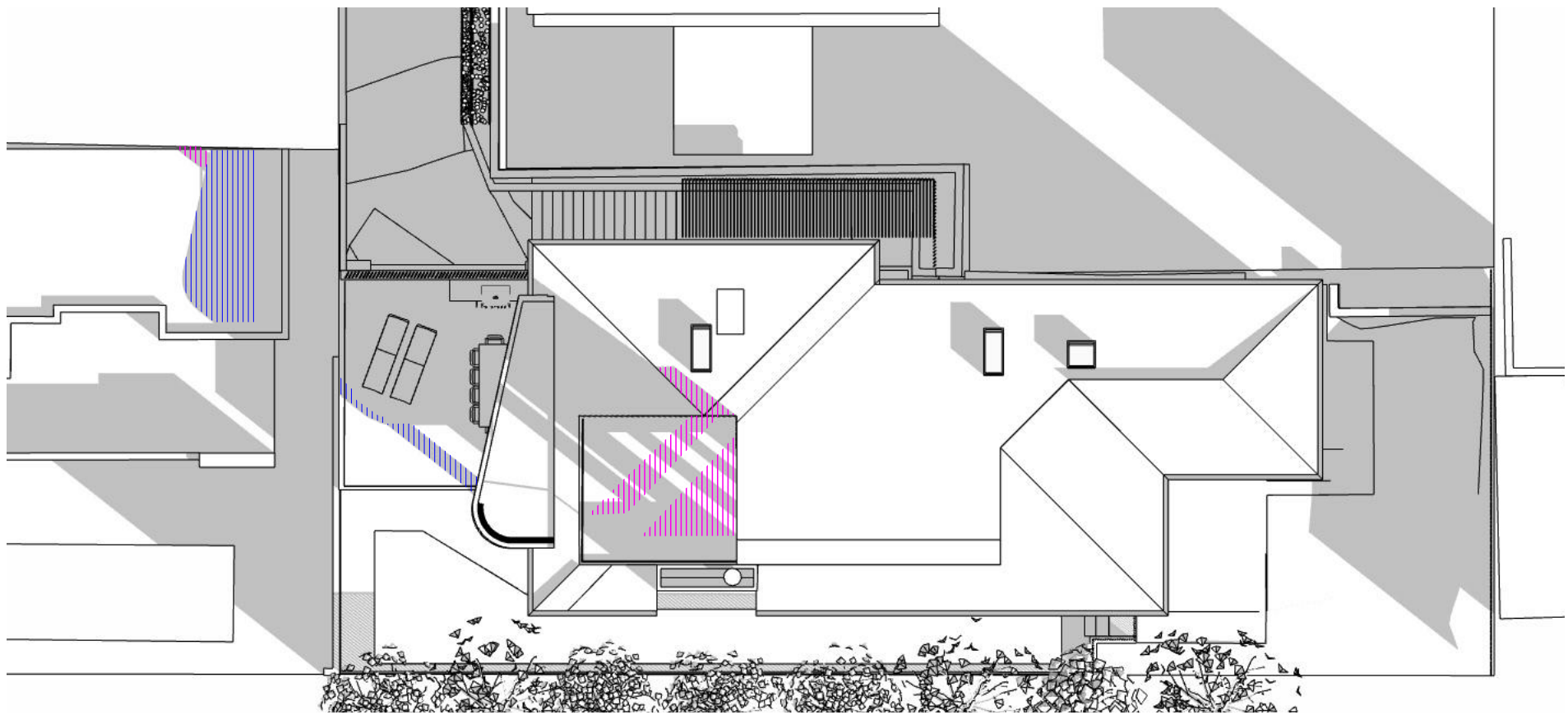
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address 32 Gardyne Street
Bronte NSW
client Deborah and Charles Wheeler

title Shadow Diagrams - 2pm
issue Development Application

job no. WHE
drawn ABW
checked ABW
scale 1:200
@A3

dwg no. DA24
revision
B



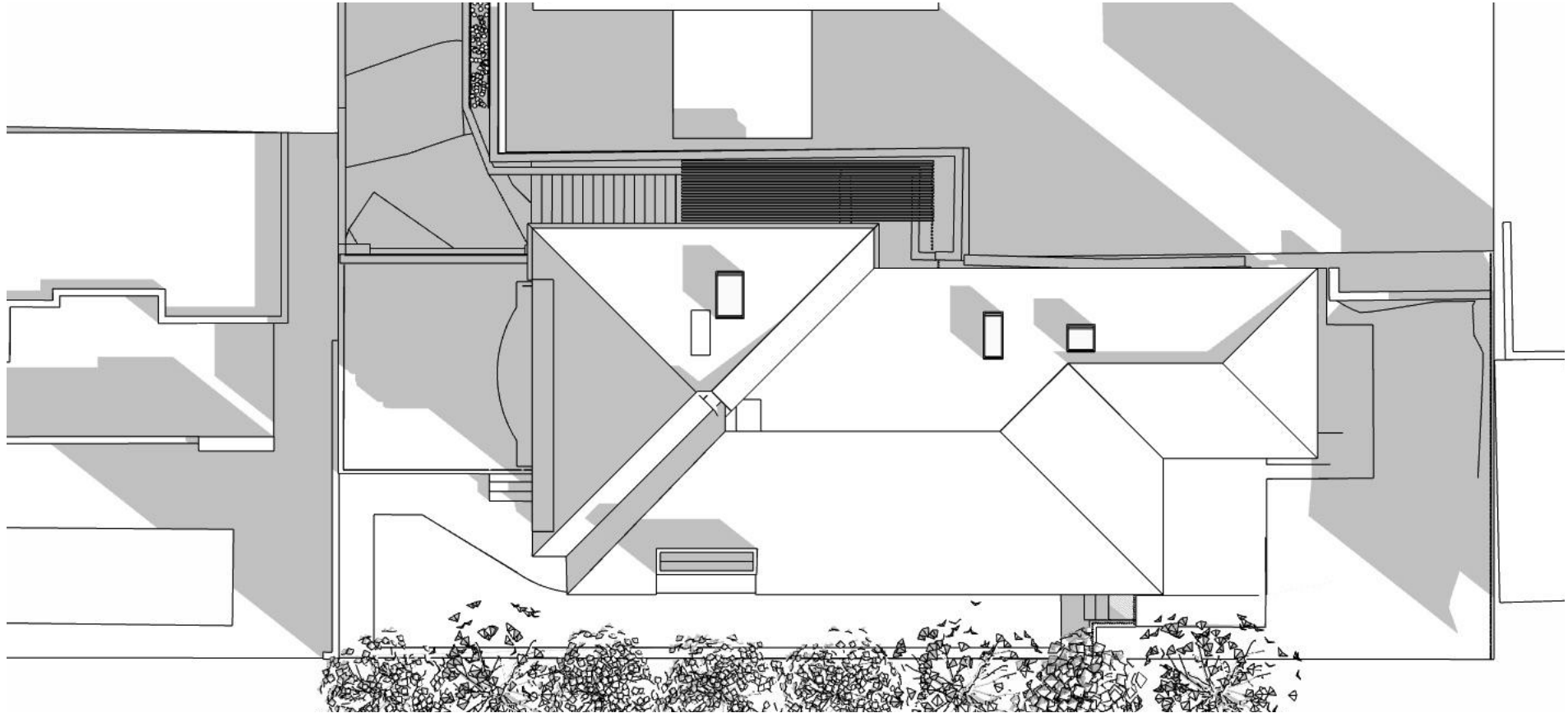
KEY

- Existing Overshadowing
- Adjusted Overshadowing
- Adjusted Overshadowing from roof height noncompliance

no new overshadowing on southern or eastern neighbours from roof terrace and study

RECEIVED
Waverley Council
Application No: DA-375/2022
Date Received: 02/09/2022

1 3pm Proposed
1:200



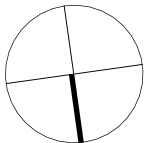
1 3pm Existing
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address 32 Gardyne Street
Bronte NSW
client Deborah and Charles Wheeler

title Shadow Diagrams - 3pm
issue Development Application

job no. WHE
drawn ABW
checked ABW
scale 1:200
@A3

dwg no. DA25
revision
B



Report to the Waverley Local Planning Panel

Application number	DA-392/2022
Site address	301 Bondi Road, BONDI NSW 2026
Proposal	Installation of 3 x car stackers to existing residential flat building accessed from Glen Street
Date of lodgement	20 September 2022
Owner	The Owners of Strata Plan No 104873
Applicant	Mr P Hakim
Submissions	12 unique submissions
Cost of works	\$80,000
Principal Issues	<ul style="list-style-type: none"> • Amenity to adjoining sites • Enforcement of proposed hours • Incorrect information • Neighbour Submissions
Recommendation	That the application be REFUSED for the reasons contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for the installation of 3 x car stackers to the existing residential flat building at the site known as 301 Bondi Road, Bondi.

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

- Car parking provisions
- Design - not integrated with the design of the development
- Inadequate landscaping
- Inadequate Management plan and enforcement of hours of operation
- Noise
- Incorrect information within the Statement of Environmental Effects (SEE)
- No Site Waste and Recycling Plan was submitted

The assessment finds these issues unacceptable.

A total number of 12 unique 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 9 December 2022.

The site is identified as Lot 1 in DP 1262932, known as 301 Bondi Road, Bondi.

The site is rectangular in shape with a primary northern frontage to Bondi Road, measuring 16.36 m and a secondary eastern frontage to Glen Street, measuring 39.015m. It has an area of 638.1 m² and it falls from the northwest towards the northeast by approximately 2.1 m.

The site is occupied by an older style three storey residential flat building containing eight dwellings (5 x two-bedroom and 3 x one-bedroom – based on DA-139/2020 for strata subdivision of the building). The applicant indicates that the building contains 2 x one-bedroom dwellings and 6 x two-bedroom dwellings. A recent addition is located at the rear of the building and contains the two-bedroom dwellings. In the rear of the site, accessed off Glen Street, is a hardstand parking area for five vehicles.

The building is identified as a heritage item (Item I22) and is described as a Late Federation style residential flat building.

The site is adjoined at the rear (south) by a single storey semi-detached dwelling above a garage fronting Glen Street. Adjoining to the west, is a three storey residential flat building over parking that fronts Bondi Road. Opposite in Glen Street, is a two storey dwelling house fronting Bondi Road and a single storey dwelling house fronting Glen Street. The locality is characterised by a variety of low and medium density residential developments.

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



Figure 1: Subject Site

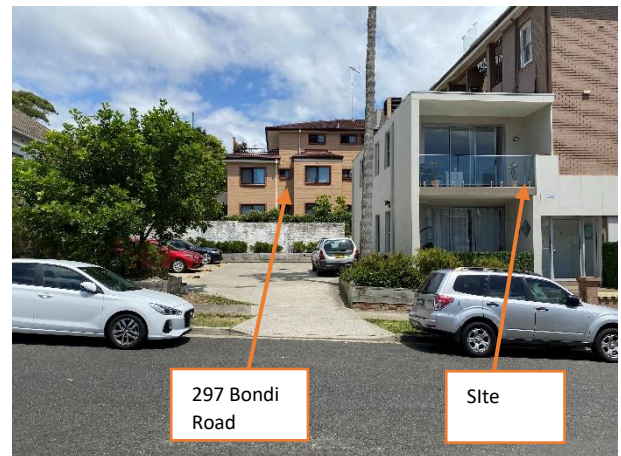


Figure 2: Carpark fronting Glen Street



Figure 3: Existing carpark showing semi and adjoining residential flat building



Figure 4: Existing carpark and semi to rear

1.3. Relevant Development History

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

- **DA-970/2002; Refused 6 February 2004**
 - Construct an additional Residential Flat Building consisting of three (3) x one (1) bedroom units plus basement carparking at the rear of a Heritage Item identified in LEP 1996.
- **DA-67/2010; Approval 13 March 2013**
 - Alterations and additions to residential flat building including construction of 2 additional units at rear of building, demolition of existing garages and provision of 5 carspaces - Amended Plans.

- **DA-67/2010/A; approved 5 June 2013**
 - Modification to remove conditions regarding external finishes.
- **DA-67/2010/B; approved 8 December 2016**
 - Section 96 Modification new window to bedroom on western elevation of ground level one-bedroom unit 7.
- **DA-139/2020; approved 19 August 2020**
 - Strata Subdivision of Residential Flat Building.
- **DA-51/2021; withdrawn 18 June 2021**
 - Alterations and additions to residential flat building, including new car stackers in the rear hard stand parking area.
- **DA-286/2021; refused 17 March 2022**
 - Additional 10 carparking spaces (via five car stackers) to an existing Residential Flat Building.

1.4. Proposal

The development application seeks consent for the construction of three car stackers providing six car spaces in the approximate location of the existing hardstand; and two hardstand car spaces in the approximate location of the existing hardstands.

The Plan of Management submitted with the application states that the car stackers must not be used between 10pm and 7am on weekdays and 12 midnight and 8am on weekends.

A visual comparison of the floor planning of the car parking level between the refused development (i.e. DA-286/2021) and the proposal (DA-392/2022) is provided in extracts from respective floor plans and sections shown in **Figures 5 to 8** in this report.

The proposal differs from DA-286/2021 by removing the two car stackers closest to Glen Street.



Figure 5: DA-286/2021 Refused Ground Floor Plan

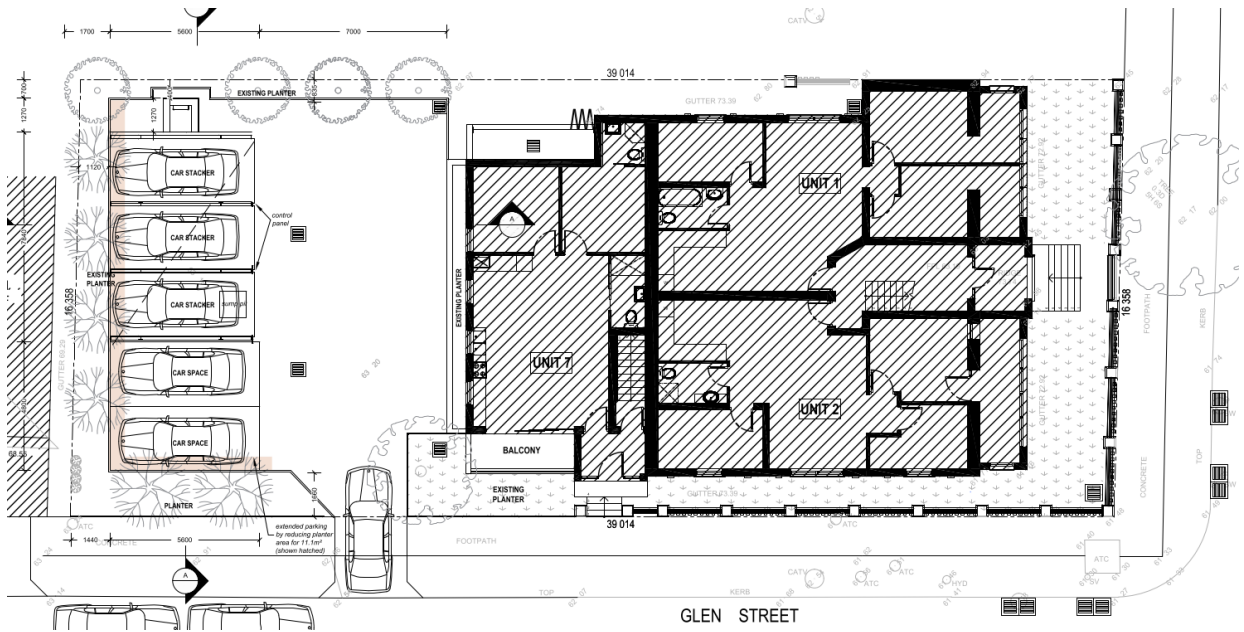


Figure 6: DA-392/2022 Proposed Ground Floor Plan

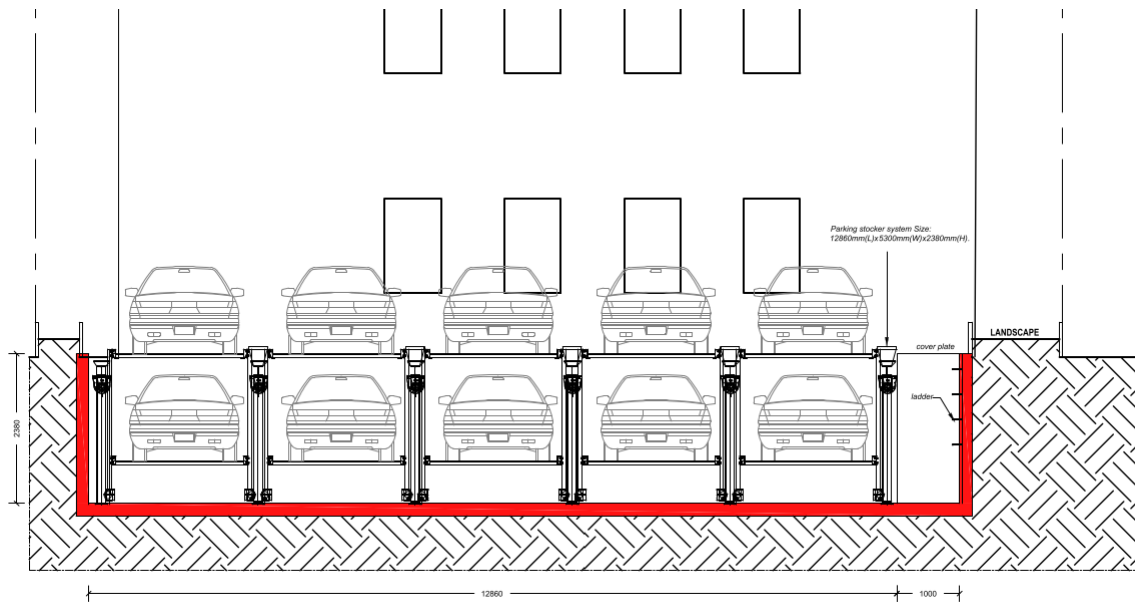


Figure 7: DA-286/2021 Refused Section BB

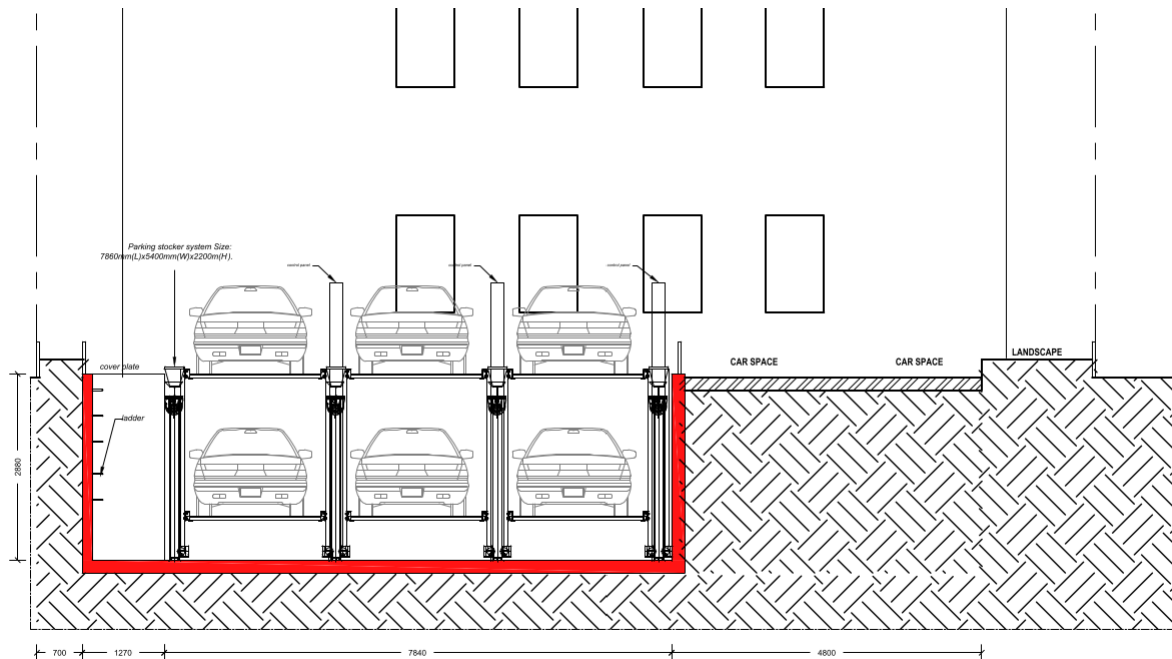


Figure 8: DA-392/2022 Proposed Section BB

Note: There are ambiguities with the information submitted of the existing unit configuration in the building:

- The SEE and rental analysis submitted for the strata subdivision of the building (DA-139/2020) indicated that the building contains 3 x one-bedroom and 5 x two-bedroom units. It is on this basis that the strata subdivision of the building was approved. This unit configuration is therefore used as the basis for this report and associated parking calculations.
- The SEE submitted indicates the building as containing 2 x one-bedroom and 6 x two-bedroom dwellings.

This issue was identified during the previous development application.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Building Sustainability Index – BASIX) 2004

- SEPP 65 (Design Quality of Residential Apartment Development) 2002
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

An assessment under SEPP 65 (Design Quality of Residential Apartment Development) was not required given the scope and nature of the proposed works.

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R3 – Medium Density Zone	Yes	The proposal is defined as ancillary to a residential flat building, which is permitted with consent in the R3 Medium Density zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> • 12.5m 	Yes	When raised the car stacker will be a maximum of 2.2m in height.
4.4 Floor space ratio <ul style="list-style-type: none"> • 0.9:1 	Yes	The proposal does not increase floor space ratio on the site.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Acceptable	The building is a heritage item (Item I22) and is described as a late federation style residential flat building. See comments from Council's Heritage Advisor.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is in a class 5 acid sulfate soil zone.
6.2 Earthworks	Yes	Restricted to the area associated with the car stacker excavation.

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

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

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

Development Control	Compliance	Comment
1. Waste	No	Unsatisfactory, no Site Waste and Recycling Plan was submitted.
6. Stormwater	Yes	Council's Stormwater Design Engineers raise no objection to the proposal, subject to conditions. Refer to section 3 of this report on referral commentary.
7. Accessibility and Adaptability	No	Unsatisfactory, the proposed car parking does not provide accessible car parking.
8. Transport Zone 2 Minimum parking rate: <ul style="list-style-type: none"> 0 Maximum parking rate: <ul style="list-style-type: none"> 1 per 1 bedroom 1.2 per 2 bedroom 1.5 per 3 bedroom + Visitor parking: <ul style="list-style-type: none"> 1 per 5 units Motorcycle parking: <ul style="list-style-type: none"> Resident: 1 parking bay per 3 car spaces Bicycle parking: <ul style="list-style-type: none"> 1 per 10 dwelling 	<p>Yes</p> <p>No</p> <p>No</p> <p>No</p>	<p>The proposal provides an additional three car spaces resulting in a total of eight car spaces. Based on the DA-139/2020 , the subdivision plan shows 2 x one-bedroom units and 6 x two-bedroom units, meaning a maximum of nine car spaces are permitted.</p> <p>No visitor parking is being provided. The minimum required is one based on the eight units.</p> <p>Based on the proposed eight car spaces, a total of three motorcycle parking are required and have not been provided.</p> <p>No bicycle parking is being proposed. A minimum of one bicycle parking space is required.</p> <p>An accessible car space has not been provided.</p>
9. Heritage	Yes	Council's Heritage Advisor has reviewed the proposal and raises no objection to the proposal. Refer to Table 3 of this report on referral commentary.
12. Design Excellence	No	<p>No information has been provided on the materiality or design of the car stacker. A finishes schedule or product information is required to accurately determine the impact of the design.</p> <p>The proposed external car stackers will negatively impact the acoustic amenity of neighbouring properties during the nighttime. This, combined with the proposed unrealistic and unenforceable hours of operation, will result in an unsatisfactory outcome.</p>
14. Excavation	Yes	Satisfactory. Excavation is associated with the proposed stacker and is confined to that area. A Geotechnical Report has been provided outlining soil conditions and methodology.

Table 3: 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 	Yes	There are no above-ground external walls proposed. The residential flat building is not being altered. The structure, when operating, has a maximum height of 2.2m.
3.7 Fences and walls		
	N/A	No additional fencing is proposed. It is noted that the stackers would need to always be left in a “closed” position, or some form of safety railing/ fencing would be required. Details have not been provided regarding the enforcement of this.
3.9 Landscaping		
<ul style="list-style-type: none"> Minimum of 30% of site area landscaped: 191.4m² Existing: 158.2m² 24.8% 50% of the above is to be deep soil: 95.7m² 	No	<p>The proposal will result in a reduction in the landscaped area. The building is an old residential flat building built before the current standards.</p> <p>The 2010 assessment report (DA-67/2010) indicated non-compliance with the controls when assessing the application for the additional dwellings at the rear.</p> <p>A slight reduction was proposed for DA-286/2021 and was not seen as an issue given its small nature as shown on figure 5.</p> <p>However, the proposal for this application proposes a further decrease in landscaping when compared to the existing with a proposed 144.8m² or 22.7% a net reduction of 13.4m² or 2.1%. This decrease in landscaping is not supported.</p>
3.10 Communal open space		
<ul style="list-style-type: none"> Minimum 15% communal (R3 zone): 95.7m² Minimum dimensions: 6m x 6m Minimum of 30% of communal area must receive three hours of sunlight Accessible 	N/A	No change. The section of a landscaped area affected is the perimeter parking of the existing carpark.
3.12 Vehicular access and parking		
<ul style="list-style-type: none"> Car parking to be integrated into the design of the development 	No	<p>The proposal for external car stackers is not integrated with the design of the development.</p> <p>Due to the unrestricted access available to the car stackers, it is noted that due to pedestrian</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Max 1 x 2 way vehicle access point Provided from secondary street or lane Pedestrian safety considered Basement parking should not contravene deep soil zone controls 	<p>N/A</p> <p>N/A</p> <p>Yes</p> <p>N/A</p>	<p>safety concerns that the stacker would need to always be left in a “closed” position, or some form of safety railing/ fencing would likely be required.</p> <p>Existing vehicle access point from the secondary street.</p>

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

Transport & Accessibility

The SEE and rental analysis submitted for the strata subdivision of the building (DA-139/2020) indicated that the building contains 3 x one-bedroom and 5 x two-bedroom units. It is on this basis that the strata subdivision of the building was approved. This unit configuration is therefore used as the basis for this report and associated parking calculations. Refer to **Table 4** for a detailed breakdown of site parking requirements and proposed provisions.

Table 4: Parking requirement calculation

	Requirements	Proposed	Compliance
Medium density residential (3-19 dwellings) 1 bedroom = 1.0 2 bedroom = 1.2	3 for 1 bedrooms 6 for 2 bedrooms Maximum of 9 car parking spaces	8 car parking spaces	yes
Visitor (1 per 5 units)	1.6 – min. 2 required	0	No
Motorcycles (1 per 3 parking bays inc. visitor)	3.33 – min 3 required	0	No
Accessible Car Parking 10% of all car spaces	Based on 8 proposed, a minimum of 1 (0.8) is required	0	No

The proposal has reduced the number of car space from the previous DA-286/2021 to be below the maximum allowed for the site based on the dwelling numbers with a proposed eight spaces. However, the applicant has provided no justification as to why they should not meet the minimum visitor, motorcycle or accessible car parking requirements if increasing the onsite parking.

Landscaped area

The proposal will result in a reduction in the landscaped area. The building is an old residential flat building built before the current standards. The 2010 report (DA-67/2010) indicated noncompliance with the standards when assessing the application for the additional dwellings at the rear, which were approved.

The 2021 report (DA-286/2021) indicated that the minor reduction proposed was not an issue regarding the slight widening of the parking area and stairs to the stacker pit. A review of the architectural drawing showed a minor reduction of landscaping by 1.2m²

The proposal is a further decrease in landscaping area, reducing the landscaped area from an existing 24.8% (158.2m²) to 22.7% (144.8m²), a net reduction of 2.1% (13.4m²). This proposed reduction is not insignificant and further reduction of the landscaping area is not recommended.

2.2. Other Impacts of the Development

The proposal is not considered to have a significant detrimental effect relating to environmental, social or economic impacts on the locality.

2.3. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days from 3 November 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

A total of 12 unique submissions were received from the following properties:

Table 5: Number of and where submissions were received from.

Count	Property Address	Submission Type
1.	303 Bondi Road, Bondi	Objection
2.	7a Glen Street, Bondi	Objection
3.	1 Glen Street, Bondi	Objection
4.	Unit 1/297-299 Bondi Road, Bondi	Objection
5.	Unit 4/297-299 Bondi Road, Bondi	Objection
6.	Unit 26/30-34 Penkivil Street	Objection
7.	65 Roscoe Street, Bondi Beach	Support
8.	17/16 Notts Avenue, Bondi Beach	Complaints of other submissions
9.	4/16 Consett ave, Bondi Beach	Objection
10.	2/2 Simpson St, Bondi	Objection
11.	181 Campbell Parade, Bondi.	Complaints of other submissions
12.	North Bondi	Support

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

- Excavation
- Design of the car stacker
- Car parking
- Amenity Loss

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

Issue: Drawing discrepancy regarding the proposed location of car stackers.

Response: The architectural drawing shows car stackers being located at the south corner of the site away from Glen street and is in line with the description described in the SEE and Heritage statement. No discrepancy is noted regarding the location of the car stackers.

Issue: Parking of additional cars present on site.

Response: Parking on unmarked spots within the car parking area can not be enforced by the Council but is an enforcement issue of the strata management.

Issue: Noise.

Response: An acoustic report has been submitted as part of the proposal. The report indicates compliance with the operational noise and sleep disturbance screening noise during the night except for 1 Glen Street, which is noted to exceed the noise criteria by 1 dB during the night. Based on this report, the car stacker will impact the amenity of adjacent properties at night time and is a justified concern.

Issue: Hours of operation practicality.

Response: The stated hours of no operation within the plan of management are between (Weekdays) 10pm and 7am and (Weekends) 12 midnight and 8am. Based on the location and the use of the building as a residential flat building there are serious practicality issues of limiting the hours of operation to those stated. These hours of operation preclude night shift workers or late-night arrivals of the tenants, forcing them to use off-street parking similar to the existing site condition.

However, the operation of the car lift at night will have a noise impact on the amenities of adjacent properties as discussed previously, leading to a requirement to restrict operation and use. This raises the enforcement issue for the hours of operation for the car stackers, as Council will not be able to enforce and restrict the hours of operation of the proposed units, as such Council does not support the external installation of car stackers.

Issue: Building compliance.

Response: Building compliance enforcement regarding things like handrails are up to the registered Building Practitioner. They are based on the Building Code of Australia (BCA) at the time of construction and not up to planning controls.

Issue: History of noise issue with the site.

Response: Council acknowledges that there may be a history of noise issues currently arising from potential operations and management of the subject site. Increasing doubt over the strata enforcement of the hours of operation stated within the plan of management.

Issue: Durability of car stackers.

Response: If a car stacker is to be approved externally, then compliance with all relevant Australian Standards and the BCA regarding corrosion for coastal regions.

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Traffic and Development

Council's Traffic Engineers have reviewed the proposal and recommended that the eastern car stackers be replaced by a single car parking space for a total of nine residential car parking spaces. Conditions of consent were provided.

3.2. Stormwater

Council's Engineers advised that they raise no objections to the proposal and provided conditions of consent.

3.3. Heritage

Council's Heritage Advisor advised that they raised no objection to the proposal and provided conditions of consent involving repair work to the paint and shingles finishes of the building. The Heritage advisor has noted that previous examples of car stackers near the ocean are not positive due to corrosion. Also of importance is the acoustic impact on neighbours.

3.4. Environmental Health

Council's Environmental Health advised that they raise no objection to the proposal and provided conditions of consent.

4. CONCLUSION

The development application seeks consent for the installation of 3 x car stackers to the existing residential flat building at the site known as 301 Bondi Road, Bondi.

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

- Car parking provisions
- Design not integrated with the design of the development
- Landscaping
- Management plan - hours of operation and enforcement
- Noise
- Incorrect information within the Statement of Environmental Effects
- No Site Waste and Recycling Plan was submitted

The assessment finds these issues unacceptable.

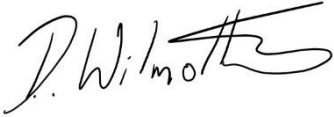

A total number of 12 unique submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

No Councillor submissions were made.

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be REFUSED by the Waverley Local Planning Panel for the reasons contained in Appendix A.

Report prepared by:	Application reviewed and agreed by:
	
Damien Wilmotte	Bridget McNamara
Development Assessment Planner	Manager, Development Assessment
Date: 19 January 2023	Date: 30 January 2023

Reason for WLPP referral:

1. Contentious development (10 or more objections)

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)(iii) of the Act as it is contrary to Waverley Development Control Plan (WDCCP) 2012, in respect to the following provisions:

Part B8 Transport

- a. Objectives (a), (c), (d), (g), (h), (i), (j) and (k) under this the Part, as per the following:
 - i. Does not prioritise other forms of transport.
 - ii. Adequate modes of public or active transport are available.
 - iii. The proposed car stackers will adversely impact the character of the streetscape and landscape.
 - iv. Installation of the pits for the car stackers will limit the future transition or alternate use of the site in the future.
 - v. The plan of management and hours of operation proposed will likely result in tenants using on street parking and as such is unreasonable.
 - vi. No accessible parking has been provided.
 - vii. Will adversely impact the amenity of the streetscape and adjacent dwellings.
- b. Section 8.2.2 *Car Parking Provision rates*, specifically objectives (a)-(c) and Table 3 Car Parking Rates , as the proposed development provides insufficient off-street for accessible and visitor car parking spaces, bicycle parking and motorbike parking.

Part B12 Design Excellence

- c. Objectives (a), (b), (c), (d) and controls (a), (b) and (e), as the proposed development provides insufficient information of the aesthetics of the proposed car stackers and the development will have a detrimental effect upon neighbouring sites in terms of acoustic amenity.

Part C3 Other Residential Development

- d. *Section 3.9 Landscaping*, as the proposed development further reduces the existing landscaping by 13.4m² from an existing 158.2m² to a proposed 144.8m², which falls short of the minimum landscaping requirement of 191.3m².
2. The application does not satisfy section 4.15 (1)(a)(iv) of the Act with respect to the *Environmental Planning and Assessment Regulation 2000* (the Regulations), as insufficient documentation has been provided to properly assess the application with respect to Part 1 of Schedule 1, including but not limited to:

- a. Statement of Environmental Effects is considered insufficient, as it does not accurately identify the correct number of units based on the approved strata of the site.
 - b. Insufficient information has been provided on the materiality or model of the proposed car stacker.
 - c. Missing Site Waste Recycling Management Plan.
- 3. 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.
- 4. 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.

Plan of Management for the operation of a Car Stacking System at 301 Bondi Road, Bondi

AP 1818

August 2022

CONTENTS

1. PURPOSE OF PLAN.....	1
2. THE PREMISES	1
3. PROPOSED DEVELOPMENT	1
4. CAR PARKING ACCESS AND ALLOCATION	2
5. HOURS OF USE	2
6. GENERAL PROCEDURES AND REQUIREMENTS	2
7. NOISE AND LIGHT SPILL.....	3
8. ACOUSTIC REQUIREMENTS.....	3
9. BREAKDOWNS/SERVICING	3
10. BY – LAW	4



1. PURPOSE OF PLAN

This Plan of Management forms part of the development consent for the proposed Car Stackers at 301 Bondi Road, Bondi.

The primary purpose of this Plan of Management is to ensure the car parking is used safely, efficiently and protects the amenity of users, residents and neighbours.

It is a requirement of the Development Consent and Strata By-Laws that this plan be adhered to by all users of the car stacker system.

The Plan shall be issued by the building manager to all new owners/tenants so they understand the procedures and limitations of the use of the parking area.

The Plan should be reviewed by the building manager, as necessary, to adapt to any changes in circumstances. Contact details of the building manager should be displayed throughout the various levels within the building. Prior to the use of the stackers the owner shall have this POM endorsed by a suitably qualified traffic engineer.

The Plan shall be kept on site at all times.

2. THE PREMISES

This Plan of Management relates to 301 Bondi Road, Bondi.

3. PROPOSED DEVELOPMENT

It is proposed to construct additional parking to the residential flat building through installation of 3 x car stackers. This is to be achieved by the excavation of 3 of 5 existing hardstand parking spaces to allow for the installation of 3 x car stackers such that there will be 8 car spaces in total.

4. CAR PARKING ACCESS AND ALLOCATION

The car stackers are allocated as follows:

1. Lots 1 & 6 (jointly)
2. Lots 2 & 5 (jointly)
3. Lots 3 & 4 (jointly)

Stackers are allocated by by-law to these specific lots and are never to be used for general or visitor parking.

5. HOURS OF USE

The car stackers **must not be used** between the following hours:

- 22.00 – 07.00 Weekdays
- 00.00 – 08.00 Weekends

6. GENERAL PROCEDURES AND REQUIREMENTS

The following procedures are to be adopted for the use of the parking area:

- all vehicles must enter and exit the site in a forward direction at all times.
- all vehicles must parked wholly in the bays only
- all vehicular parking areas must be kept clear of goods and must not be used for storage purposes at any time or for any vehicle other than the vehicles the system has been designed for.
- The owner/building manager shall implement a complaint system utilising an on-site diary to ensure the efficient, coordinated and equitable use of the parking area by all authorised users

Suitable signage is to be installed prior to use of the stacker including, but not limited to:

- an “authorised resident parking only” sign installed at the entrance to the site visible at street level

7. NOISE AND LIGHT SPILL

Upon entering a stacker, the operator of the vehicle must immediately:

- Turn off Headlights
- Turn off Engine

8. ACOUSTIC REQUIREMENTS

In order to comply with the relevant noise criteria all recommendations in the report prepared by Acoustic Assessment by Rodney Stevens Acoustics Pty Ltd, Revision 3, 12 July 2022, namely:

Enclosure around each motor should be installed. The assumed enclosure has the following properties: o The side of the enclosure consist of 1mm steel sheet with 15% perforation. If possible, insulation should be installed inside the enclosure.

- *The front and back side of the enclosure is open.*
- *The dimension of the enclosure is 0.5m high, 0.3m wide and 0.75m long.*
- *If the parking lift contains chain link, then the chain link in contact with motor should be enclosed as well.*
- *Resilient mounts should be used where metal adjoins metal in the mounting systems to minimise noise where possible.*

9. BREAKDOWNS/SERVICING

The servicing of the car stacker is to occur as per the manufacturers' specifications.

In the event the car stacker breaks down, the building manager/owner will arrange for a technician to repair the system *as soon as possible*. Provided the stacker is serviced bi-annually and well maintained, much like a motor vehicle, breakdowns are expected to be rare.

It is noted the breakdowns are generally not due mechanical failures but due to the numerous safety systems and sensors being accidentally tripped. The stacker incorporates a computer which in many cases can self-diagnose the problem and inform service personnel who can often fix the problem remotely via the internet. The owner shall adopt the most practical and effective system to ensure break downs can be minimised and when they do occur they are fixed promptly.

10. BY – LAW

The following new by-law relates to the car stackers:

(Note: By-law 21 is intended to enable the owners of lots 1 & 6 (jointly), 2 & 5 (jointly), 3 & 4 (jointly) to separately make any necessary applications to Waverley Council for approval of a car stacker parking system and if approved provide exclusive use and entitlement over common property and common property air space necessary for such use to be used in conjunction with intended easements for lots 4,5 and 6 which are set out in the Schedule of this By-law which is intended to be registered after registration of the Strata Plan.)

- (1) Lots to which this by-law applies:

This by-law applies to lots 1,2, 3, 4, 5 and 6.

- (2) Definitions

In this by-law:

“car stacker parking system” means the three systems to be constructed in or in the Lots for the stack parking of motor cars and motorcycles, being:

“car stacker parking systems” means:

System 1 for Lots 1 and 6 (System 1)

System 2 for Lots 2 and 5 (System 2)

System 3 for Lots 3 and 4 (System 3)

- (a) the platform holding the motor cars and motorcycles;
- (b) the hydraulic lifting system comprising the vertical uprights attached to the platform, the equipment in the vertical uprights, the hydraulic pump and motor and the hydraulic pipes;
- (c) the power supply box; and
- (d) the key-operated

control box.

“lot” means lots 1,2,3, 4, 5

and 6

“owner” means the registered proprietors or mortgagees in possession for the time being of the lot.

(3) Part of lot

The car stacker parking system in each lot is part of the lot and the responsibility of the owner of the lot.

(4) Special privilege

- (a) The owner has the special privilege to connect the car stacker parking system to an electricity outlet and power supply box installed within the common property as of the date of registration of the strata plan.
- (b)
 - (i) the owners of lots 1,2,3,4, 5 and 6 have the special privilege to use the common property concrete drive slab located on the ground level
 - (A) for the owners (or persons authorised by the owners) to access the car stacker parking system via the concrete drive slab, and
 - (B) for the owners (or persons authorised by the owners) of lots 4,5 and 6 to permanently park a motor car or motorcycle on that part of the car stacker parking system located on ground level (unless the car stacker parking system is used to permit the owners of lots 1,2 and 3 to access the car stacker parking system) in respect of their respective Car stacker parking systems.
 - (ii) the use and operation of the car stacker parking system will be conducted so that
 - (A) part of the car stacker parking system located on the ground level will be used by the owners (or persons authorised by the owners) of lots 4,5 and 6 to permanently park a motor car or motorcycle on the car stacker parking system in respect of their respective Car stacker parking systems, and
 - (B) when the owners (or persons authorised by the owners) of lots 1,2 and 3 use the car stacker parking system for the purpose of entering or leaving the car stacker, the part of the car stacker parking system located on the ground level will be activated to move up one level to permit the owners (or persons authorised by the owners) of lots 1,2 and 3 to park a motor car or motorcycle on the car stacker and the car stacker will then be further activated to permit the car stacker to move down one level so that the motor car or motorcycle parked on the car stacker by the owners (or persons authorised by the owners) of lots 1,2 and 3 will be located on the lower level of the car stacker

parking system in respect of their respective Car stacker parking systems.

(5) Exclusive use

The owner has the exclusive use of those items of cables, wires, pipes and the like connecting the car stacker parking system to the electricity outlet and key-operated control box installed within the common property as at the date of registration of the strata plan.

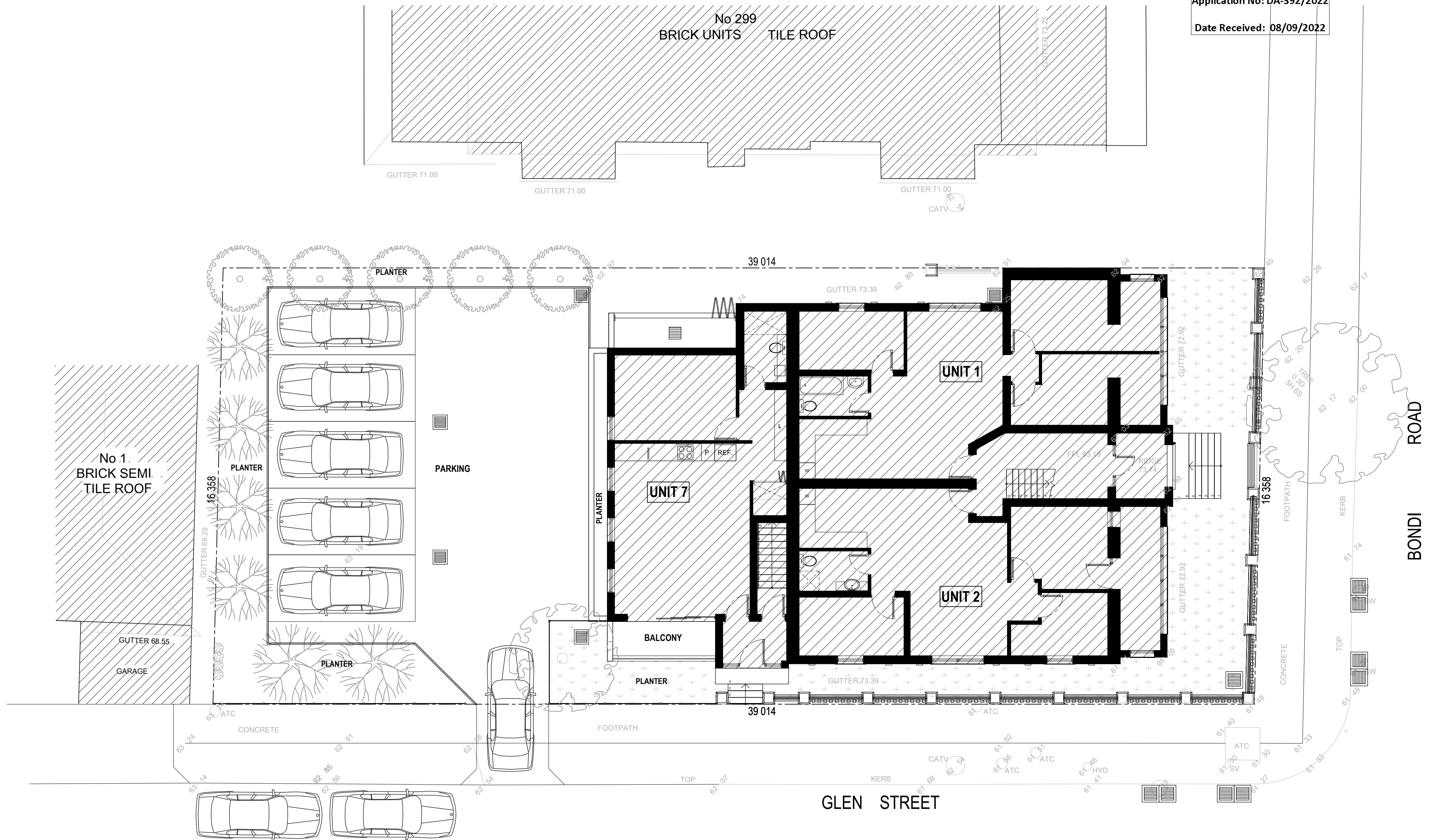
(6) The owner acknowledges that for each lot serviced by the car stacker parking system, the car stacker parking system will fit a motor car or motorcycle

- (a) with a maximum useable width of 190cm
- (b) with a maximum useable height of 190cm
- (c) with a maximum useable length of 500cm, and
- (d) with a maximum useable weight of 2,000kg.

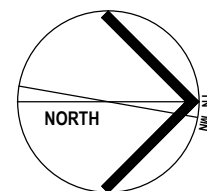
(7) Maintenance, repair and replacement

- (a) The owner in respect of their respective Car stacker parking systems is responsible for any council approvals, the costs of purchase, installation, construction proper maintenance of and keeping in a state of good and serviceable repair, and as and when necessary, the replacement of:
 - (i) the car stacker parking system.
 - (ii) the items of cables, wires, pipes and the like connecting it to an electricity outlet; and
 - (iii) that part of the common property to which these items are attached.
- (b) The owner in respect of their respective Car stacker parking systems is responsible for the insurance of the car stacker parking system against loss and damage as well as injury or death caused by the use or operation of the car stacker parking system.
- (c) The owner is responsible to ensure that the owner (and anyone authorised by the owner):
 - (i) familiarise themselves with the car stacker parking system, the proper and safe operation of the car stacker parking system and the conditions of use of the car stacker parking system recommended by the manufacturer of the car stacker parking system before they use the car stacker parking system
 - (ii) complete the online training course for the proper and safe use of the car stacker parking system offered by the manufacturer of the car stacker parking system (training course) before they use the car stacker parking system
 - (iii) obtain an acknowledgment from any prospective purchaser or tenant of their lot to ensure that a purchaser or tenant have completed the training course before they use the car stacker parking system.

- (d) the owner in respect of their respective Car stacker parking system must at the owner's cost cause the car stacker parking system to be kept in good, proper and operating working condition including:
 - (i) only using the car stacker parking system to store vehicles which are within the size and weight parameters prescribed by the manufacturer of the car stacker parking system,
 - (ii) having the car stacker parking system regularly inspected and tested at
 - (iii) the intervals recommended by the manufacturer of the car stacker parking system,
 - (iv) causing all necessary maintenance, repairs and replacements to be carried out promptly, and
 - (v) not allowing the car stacker parking system to:
 - (A) fall into a state of disrepair,
 - (B) operate noisily, or
 - (C) leak oil or any other fluid onto a lot or common property; and
- (e) if an owner does not comply with by-law (7), the owners corporation can:
 - (i) enter the part of the lot where the car stacker parking system is situated and carry out any necessary inspection, maintenance, repair or replacement, and
 - (ii) recover from the owner the cost of any action taken under paragraph (i) of this by-law.
- (f) The entitlement to exclusive use and enjoyment provided by this by-law is subject to and conditional upon
 - (i) the owners of lots 4,5 and 6 registering on title an easement in the terms of the Schedule below;
 - (ii) the headlights of vehicles using the car stackers for units 1,2,3,4,5 and 6 will be off at all times;
 - (iii) vehicle engines using car stackers for units 1,2,3,4,5 and 6 will turn off their engines when parked or stationary and the engines will only be turned on when entering or disembarking the car stacker.



EXISTING GROUND FLOOR PLAN



ISSUE	DATE	DESCRIPTION
A	31.05.2021	DA Issue to Council
B	08.08.2022	DA Issue to Council

PROJECT:

Proposed Carparking

301 Bondi Road, Bondi

CLIENT:
Phillip Hakim
301 Bondi Road, Bondi

SHEET TITLE:

Existing Ground Floor Plan

SCALE: 1:100 @ A2
DRAWN: Peter S

SHEET SIZE: **A2** DWG NO: **DA01** REVISION: **b**

CAR STACKER PARAMETERS.

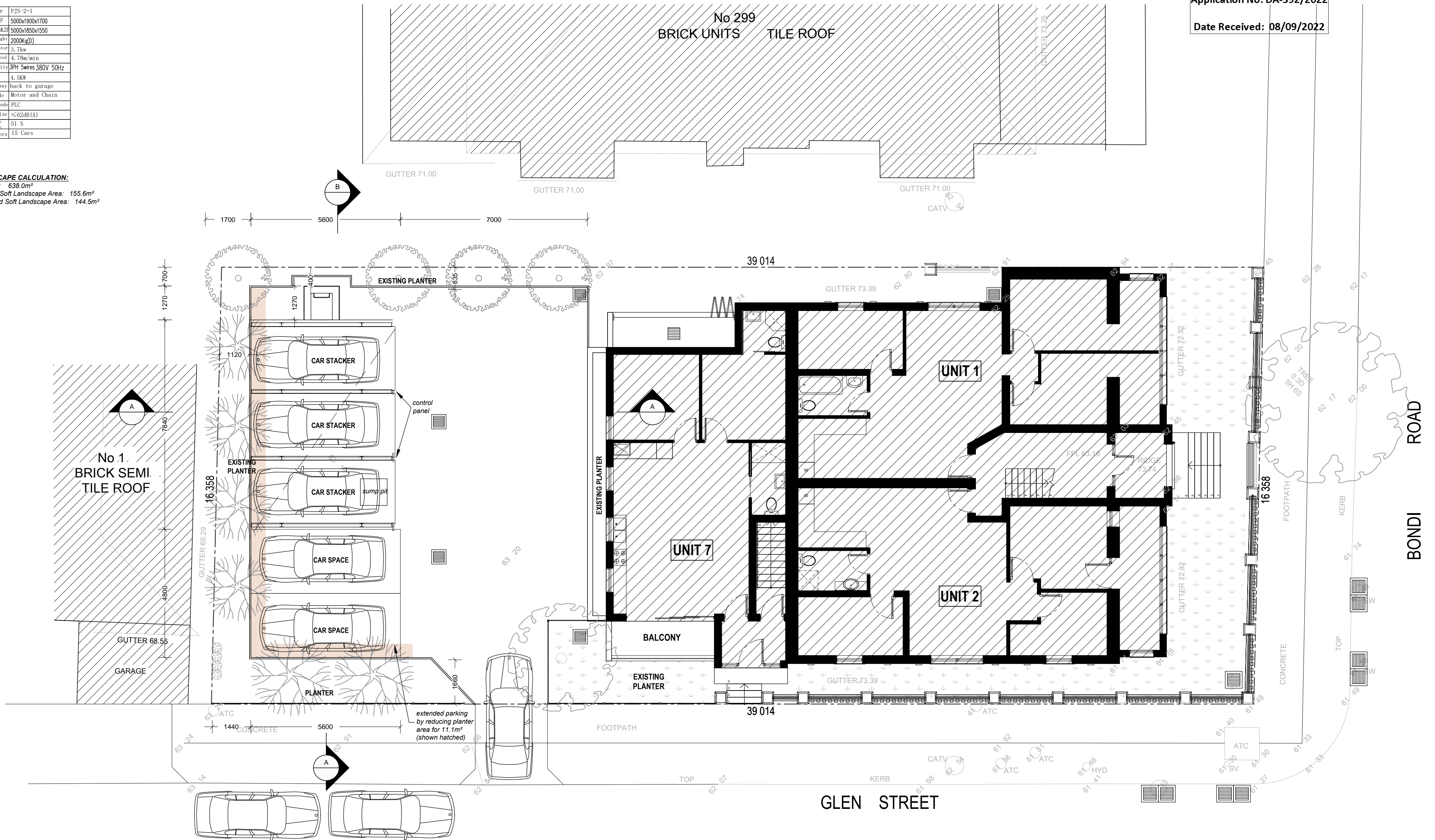
Car Type	PJS-2+1
Car	-1F 5000x1900x1700
Size	-1&2F 5000x1850x1550
	Weight 2000Kg(D)
Lifting Motor	3.7kw
Lifting Speed	4.78m/min
Electricity	3PH 5wires 380V 50Hz
Power	4.5KW
Parking way	back to garage
Drive Mode	Motor and Chain
Control Mode	PLC
Max. Noise	≤62dB (A)
Max. pick car time	51 S
Car Numbers	15 Cars

LANDSCAPE CALCULATION:

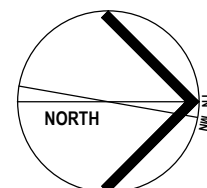
Lot area: 638.0m²

Existing Soft Landscape Area: 155.6m²

Proposed Soft Landscape Area: 144.5m²



SCALE: 1:100



ISSUE	DATE	DESCRIPTION
A	31.05.2021	DA Issue to Council
B	08.08.2022	DA Issue to Council

PROJECT:

Proposed Carparking

301 Bondi Road, Bondi

CLIENT:
Phillip Hakim
301 Bondi Road, Bondi

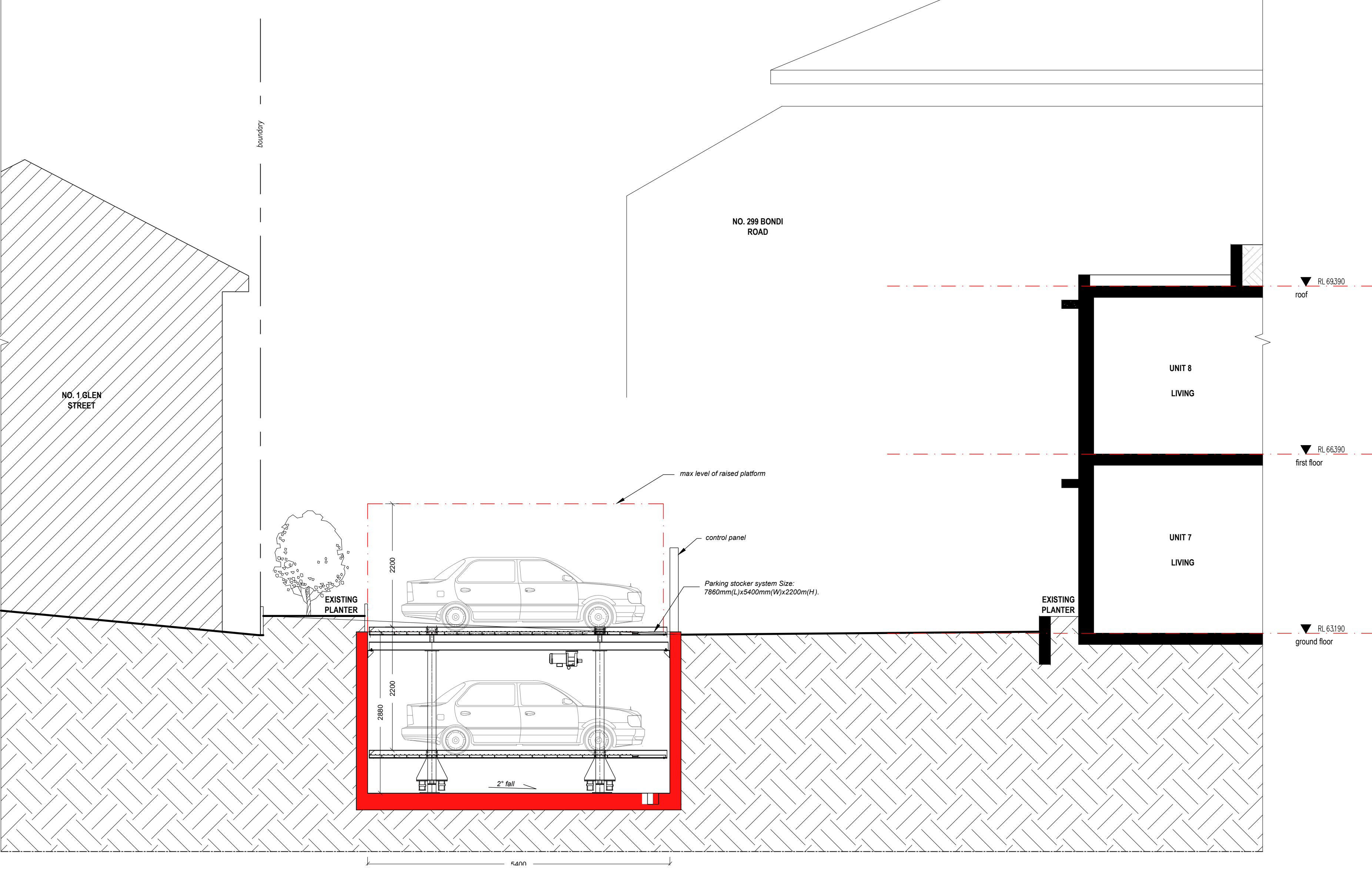
SHEET TITLE:

Proposed Ground Floor Plan

SCALE: 1:100 @ A2
DRAWN: Peter S

SHEET SIZE DWG NO: REVISION:

SHEET SIZE: **A2** DWG NO.: **DA02 b** REVISION:



SECTION A-A
SCALE: 1:50

ISSUE	DATE	DESCRIPTION
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B	08.08.2022	DA Issue to Council

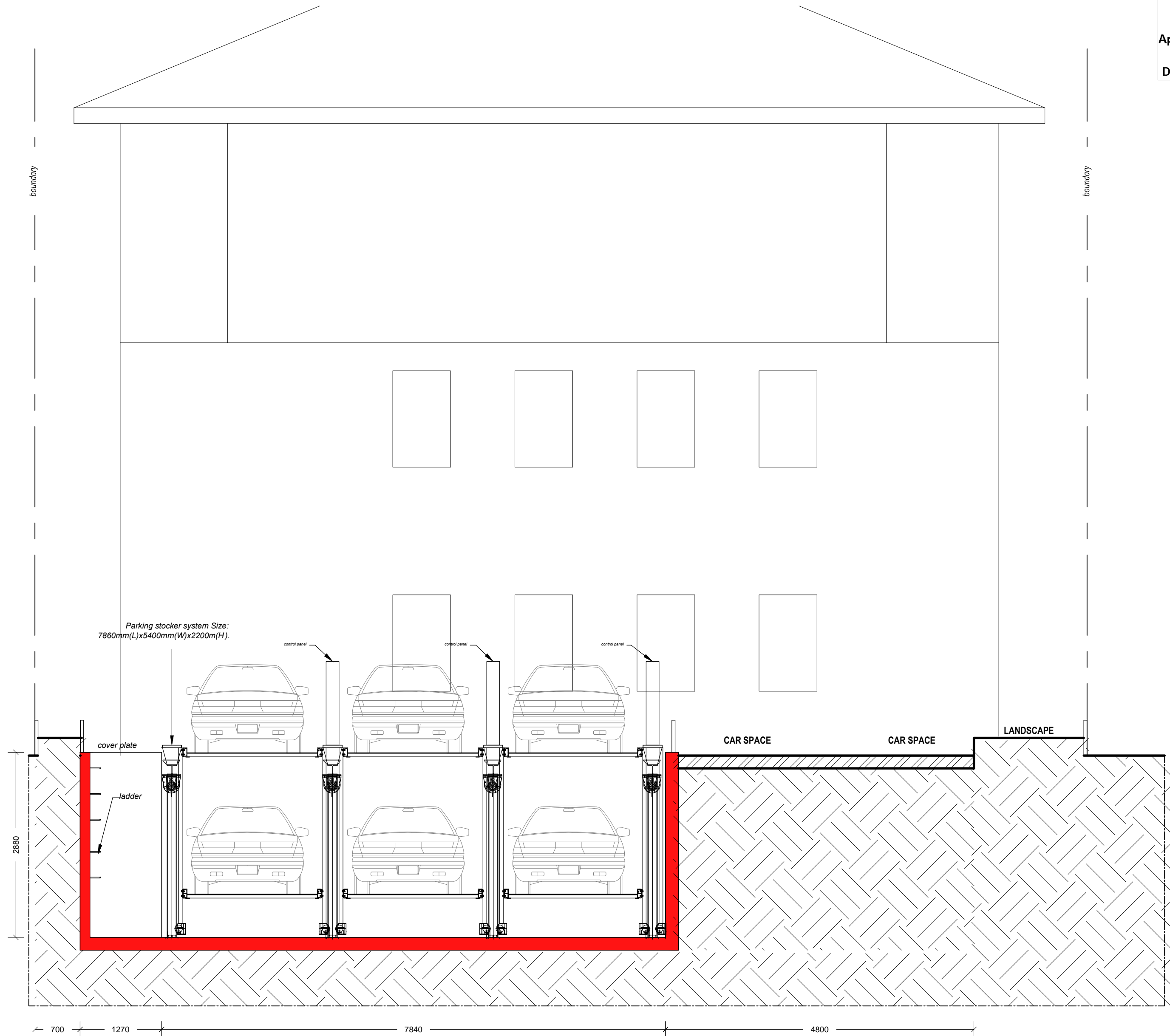
PROJECT:
Proposed Carparking
301 Bondi Road, Bondi

CLIENT:
Phillip Hakim
301 Bondi Road, Bondi

SHEET TITLE:
Section A-A

SCALE: 1:50 @ A2
DRAWN: Peter S

SHEET SIZE: **A2**
DWG NO: **DA03 b**
REVISION:



SECTION B-B

SCALE: 1:50

ISSUE	DATE	DESCRIPTION
A	31.05.2021	DA Issue to Council
B	08.08.2022	DA Issue to Council

PROJECT:
Proposed Carparking
301 Bondi Road, Bondi

CLIENT:
Phillip Hakim
301 Bondi Road, Bondi

SHEET TITLE:
Section B-B

SCALE: 1:50 @ A2
DRAWN: Peter S

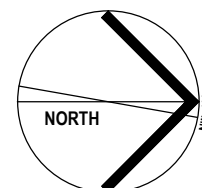
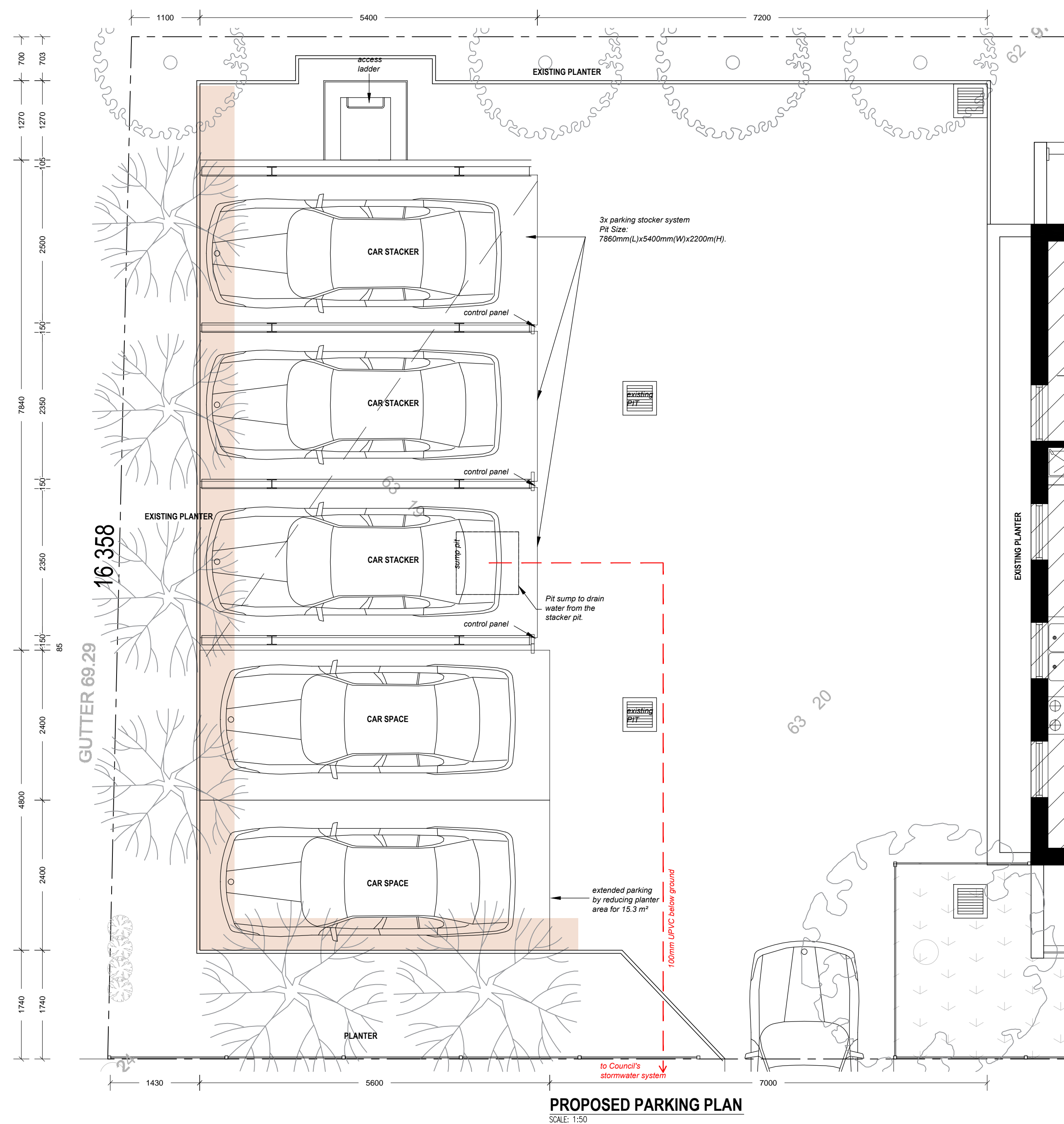
SHEET SIZE

A2

DWG NO:

DA04 b

REVISION:



ISSUE	DATE	DESCRIPTION
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B	08.08.2022	DA Issue to Council

PROJECT:
Proposed Carparking
301 Bondi Road, Bondi

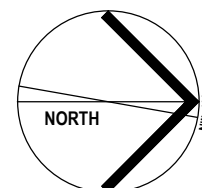
CLIENT:
Phillip Hakim
301 Bondi Road, Bondi

SHEET TITLE:

Proposed Parking Plan

SCALE: 1:50 @ A2
DRAWN: Peter S

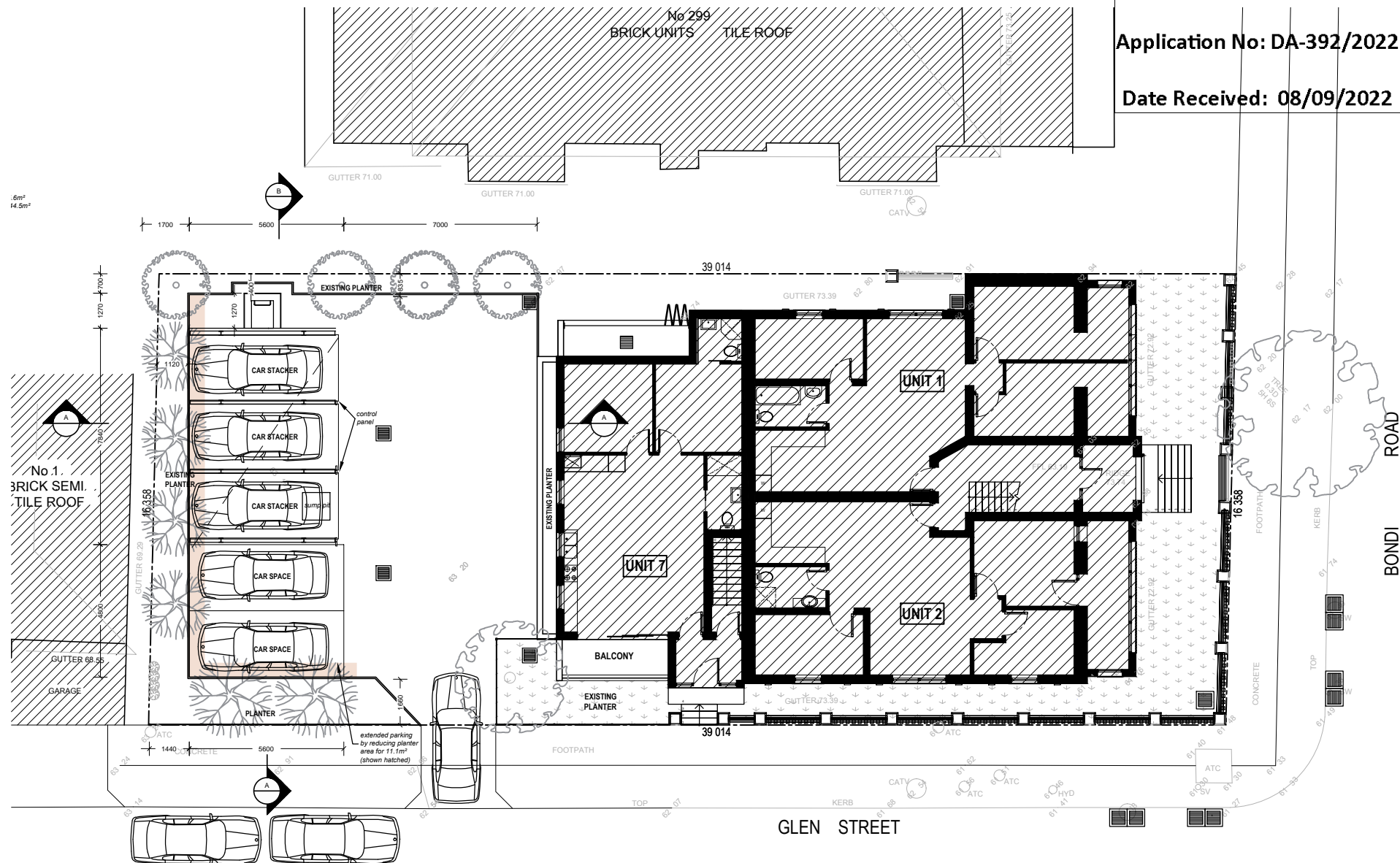
SHEET SIZE: **A2** DWG NO: **DA05 b** REVISION:



CLIENT:
Phillip Hakim
301 Bondi Road, Bondi

SCALE: 1:150 @ A2
DRAWN: Peter S

SHEET SIZE: A2 DWG NO: DA06 b REVISION:



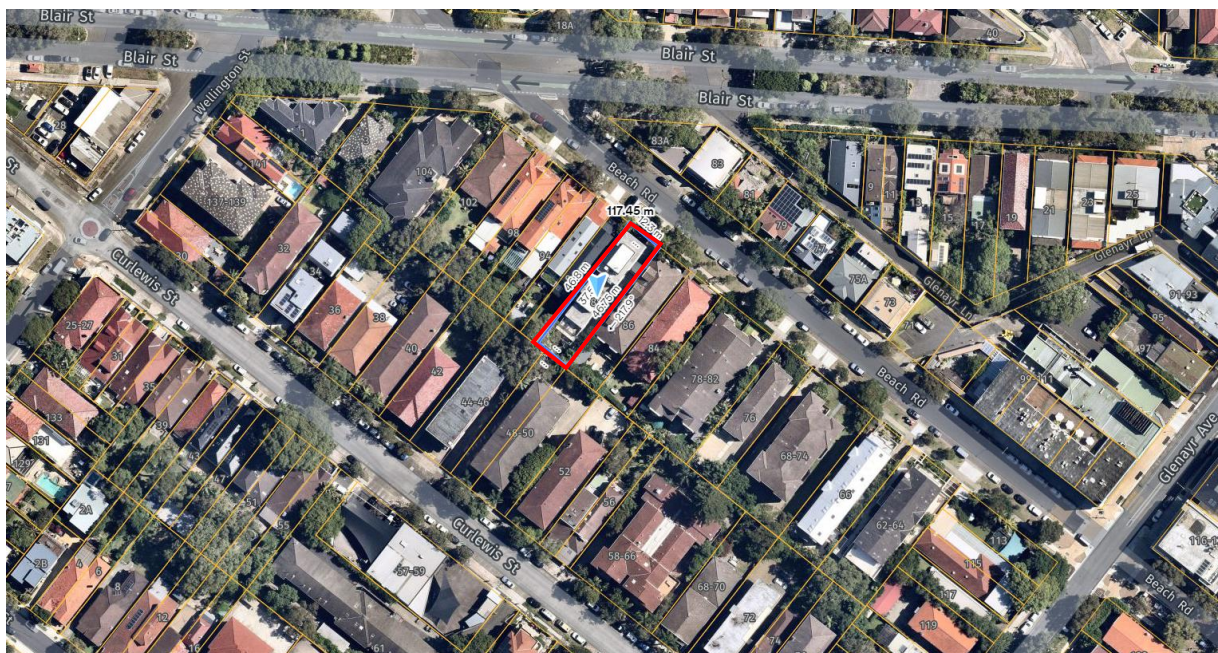
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Report to the Waverley Local Planning Panel

Application number	DA-366/2022
Site address	6/88 Beach Road, Bondi Beach
Proposal	Alterations and additions to Unit 6
Date of lodgement	31 August 2022
Owner	Ms S O'Toole and Mr M Kwantes and Owners of Strata Plan SP95100
Applicant	Siobhan O'Toole
Submissions	Three
Cost of works	\$164,956
Principal Issues	<ul style="list-style-type: none"> • Non-compliant FSR • Non-compliant height • Overshadowing • Visual bulk and scale • Rear building line
Recommendation	That the application be REFUSED for the reasons contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions at the site known as Unit 6/ 88 Beach Road, Bondi Beach.

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

- Non-compliant floor space ratio (FSR)
- Non-compliant height
- Overshadowing
- Visual bulk and scale
- Rear building line

The assessment finds these issues unacceptable resulting in unreasonable impacts on the amenity of neighbouring properties and the locality.

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

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

1.2. Site and Surrounding Locality

A site visit was carried out on 7 December 2022.

The site is identified as Lot 2 in SP95100, known as Unit 6/88 Beach Road, Bondi Beach.

The site is rectangular in shape with a frontage to Bondi Road measuring 12.165m. It has an area of 587.1m² and is generally flat.

The site is occupied by a four-storey residential flat building with vehicular access provided from Beach Road to the basement car park.

The subject site is adjoined by two storey semi-detached dwellings to the north-west and a two storey with attic residential flat building to the south-east. The rear of the site adjoins residential flat buildings of two to four storeys in height.

This section of Beach Road between Blair Street and Glenayr Avenue is characterised by a mix of dwelling houses and residential flat buildings with commercial development at the intersection with Glenayr Avenue, including the Beach Road Hotel at the corner of Beach Road and Glenayr Avenue.

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



Figure 1: The subject site



Figure 2: View over the top of the subject building looking south-east (Source: Applicant's submission)



Figure 3: Rear of the neighbouring properties to the north-west showing the rear building line



Figure 4: View from the rear bathroom window of the subject unit looking over the area to be built upon

1.3. Relevant Development History

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

- **DA-618/2014** – deferred commencement consent was issued by the Waverley Development Assessment Panel (WDAP) on 26 August 2015 for the demolition and construction of a four-storey residential flat building, basement car parking, landscaping, and strata subdivision.
- **DA-618/2014/A** – modification including extension to the ground floor to the north and south, minor internal changes and deletion of windows was approved on 7 June 2016.
- **DA-618/2014/B** – Modification to change a privacy screen to a masonry wall was approved on 23 June 2017.
- **DA-618/2014/C** - Modification to the approved residential flat building including wall type construction change, lowering of basement level and addition of carpark exhaust ventilation was approved on 8 August 2017.

1.4. Proposal

The development application seeks consent for alterations and additions to Unit 6 within the existing residential flat building, specifically the following:

- Extension to Unit 6 at its upper floor level of the residential flat building.
- The proposed rear extension is to accommodate a new study/ home office and is to comprise a total gross floor area of 21.1m² resulting in an overall gross floor area for the building of 541.1m² being a floor space ratio of 0.92:1.
- A 500mm wide balcony is proposed at the rear south-west facing elevation of the new addition.

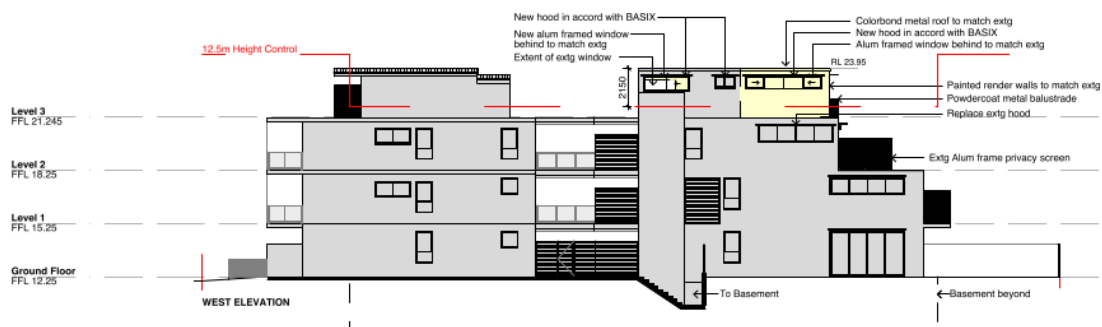


Figure 5: North-west elevation showing the proposed addition in yellow (Source: Ken Powell Architects)

The addition is to follow the existing height alignment to an overall height of 14.65m from the existing ground level (basement).

1.5. Background

The development application was lodged on 31 August 2023 and notified from 19 September 2022 until 5 October 2022. Three (3) submissions were received during notification of the application which are discussed in more detail below.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

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

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposed modifications are not inconsistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is defined as a residential flat building, 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">• 12.5m	No	<p>The height proposed is to follow the same building height of 14.65m which is 2.15m or 17.2% above the height development standard applicable to the subject site.</p> <p>It should be noted that the original building on site was approved as height compliant as the height was measured from the existing ground level at that time where no basement floor level existed.</p> <p>The development now incorporates a basement floor level and the height is measured from the existing ground level which is now measured from the bottom of the basement.</p>
4.4 Floor space ratio <ul style="list-style-type: none">• 0.9:1• Site area: 587.15m²• 528.43m²	No	<p>The existing building on site has a FSR of 0.886:1, which is compliant with the FSR development standard.</p> <p>The proposal will increase the GFA on site by 21.1m² to an FSR of 0.92:1 (541.1m²) exceeding the development standard by 12.67m² or 2.4%.</p>
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley

Provision	Compliance	Comment
		LEP 2012 to vary the 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 Development Standards - Height

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

The site is subject to a maximum height development standard of 12.5m. The proposed development has a height of 14.65m, exceeding the standard by 2.15m equating to a 17.2% 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:
 - *The building height development standard does not take into account the site is subject to an existing variation due to the basement garage. The proposal simply follows the existing building height and does not protrude above this height.*
 - *Despite the variation, the proposal comprises a considered design that is compatible with the established character of the site and surrounding properties and does not cause any significant impacts to the amenity of the site or surrounding area.*
 - *The broad application of building height does not exclude the possibility of a high quality built form without compromising the amenity of surrounding properties. Despite the variation, the proposal is able to achieve these outcomes.*
 - *The proposal continues to be consistent with the objectives of the building height standard and R3 Medium Density Residential objectives of the WLEP 2012.*

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- *The proposed extension is of an appropriate form and scale that is compatible with the existing residential flat building, surrounding development and streetscape.*
 - *The skilful design maintains appropriate privacy between the existing building and adjoining buildings. The new sliding doors to the rear elevation will be obscure glazing to 1500mm in height to avoid overlooking and only one highlight window is proposed to the north-west side elevation.*
 - *The proposal is located towards the rear of the building and due to the location of the building, there will not be impacts to any significant views.*
 - *The extension will be designed to match the existing building in terms of height, roof design, materials and finishes.*
 - *The proposed variation does not create any unreasonable overshadowing to the site or adjoining properties.*

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

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

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

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

It is considered that the applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances 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 states the proposed height is consistent with the objectives of the height development standard and will not result in unreasonable impacts. Council disagrees with the contention that the objectives of the height development standard are achieved.

The height of the existing building on the site is 14.65m, already exceeding the height development standard by 2.15m or 17.2%. The proposal seeks to exacerbate this non-compliance by extending the building to the rear further expanding upon the non-compliance. The proposal will result in additional impacts to adjoining properties in regards to overshadowing and will not ‘*preserve the environmental amenity of neighbouring properties*’ thereby being contrary to objective (a) of the height development standard. The extent of these impacts is discussed later in this report. The proposed development is also not compatible with the height, bulk and scale of the desired future character of the locality contrary to objective (d) of the height development standard.

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 extent of the variation, being 17.2% over the development standard demonstrates that the building bulk and scale of the development is excessive. Further creeping of the envelope under this current application is considered to be unacceptable resulting in unreasonable impacts on the amenity of neighbouring properties. The variation of the development standard is not in the public interest and the variation is inconsistent with the desired future character of the locality.

Is the development in the public interest?

The proposed development will not be in the public interest because it is not consistent with both the objectives of the particular 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 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 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 departure of the proposal from the relevant planning provisions serves to demonstrate the failure of the development to meet the objectives of the development standard, particularly objective (a) representing an overdevelopment of the site. The submitted Clause 4.6 written request is not well founded as it does not demonstrate the outcomes required by Clause 4.6(3) and (4) of the Waverley LEP 2012.

Whilst it is acknowledged that the proposed development does provide for the housing needs of the community within a medium density environment and would improve the internal amenity for the occupants of the unit, the exceedance of the development standard and the overall planning outcome for the site to achieve this objective as proposed is unacceptable and cannot be supported. There is no reason to vary the height development standard as the current building represents the bulk and scale desired by the Waverley LEP 2012 and varying the development standard is not in the public interest.

Conclusion

For the reasons provided above, the requested variation to the height development standard is not supported as the applicant's written request has not adequately addressed the matters required to be addressed by clause 4.6(3) of the Waverley LEP 2012. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of the height development standard and the R3 Medium Density Residential 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 0.9:1. The proposed development has a FSR of 0.92:1, exceeding the standard by 12.67m² equating to a 2.4% variation.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
- *Compliance with the development standard is unreasonable and unnecessary as the proposed extension is of an appropriate form and scale that is compatible with the existing residential flat building, surrounding development and streetscape.*
 - *The proposed extension is of an appropriate form, design and scale that is compatible with the existing residential flat building, surrounding development and streetscape.*
 - *Strict compliance with the maximum FSR is considered unreasonable as this additional floor area does not generate unreasonable amenity impacts to the adjoining properties in terms of overshadowing, visual or acoustic privacy impacts, or views.*
 - *The proposal continues to be consistent with the objectives of the FSR standard and R3 Medium Density Residential objectives of the WLEP 2012.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- *The proposed extension is of an appropriate form and scale that is compatible with the existing residential flat building, surrounding development and streetscape.*
 - *The skilful design maintains appropriate privacy between the existing building and adjoining buildings. The new sliding doors to the rear elevation will be obscure glazing to 1500mm in height to avoid overlooking and only one highlight window is proposed to the north-west side elevation.*
 - *The proposal is located towards the rear of the building and due to the location of the building there will not be impacts to any significant views.*
 - *The extension will be designed to match the existing building in terms of height, roof design, materials and finishes.*
 - *The proposed variation does not create any unreasonable overshadowing to the site or adjoining properties.*

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

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

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

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

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

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

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

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

Council disagrees with the contention that the objectives of the FSR development standard are achieved. The applicant has not adequately demonstrated that the overall scale of the development preserves the environmental amenity of neighbouring properties as stated at objective (d) of the FSR development standard. The proposed development will have additional overshadowing impacts on adjoining properties.

The building as approved in 2014, was considered to be an acceptable development with regards to the FSR at the time, complying with the applicable FSR development standard. It is noted that that as part of the assessment of the original DA for the building that a non-compliance to the FSR was sought at that time, but the applicant was advised that a non-compliant FSR would not be supported. It could be reasonably argued that this building already achieves the maximum FSR permitted on the site and any further expansion of the built form must be carefully considered against the impacts upon adjoining properties and the locality.

This development application seeks a further development 'creep' with the additional floor space proposed to extend the rear building line at the upper most floor Level. With the addition of 21.1m² of GFA to the building envelope, the scale of the proposed building will change as a result of the increase

in FSR particularly with the extension of the rear building line at the fourth floor level. The proposed FSR results in an exceedance of the development standard which is visible in its local context which is considered unacceptable. Further creeping of the envelope under this current application is considered to be unacceptable resulting in unreasonable impacts on the amenity of neighbouring properties due to overshadowing and visual bulk and scale impacts. As such the scale of the development does not preserve the amenity of surrounding properties nor the desired future character of the locality contrary to objectives (c) and (d) of the FSR development standard.

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.

Further creeping of the envelope under this current application is considered to be unacceptable resulting in unreasonable impacts on the amenity of neighbouring properties. The variation of the development standard is not in the public interest and the variation is inconsistent with the desired future character of the locality.

Is the development in the public interest?

The proposed development will not be in the public interest because it is not consistent with both the objectives of the particular 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 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 departure of the proposal from the relevant planning provisions serves to demonstrate the failure of the development to meet the objectives of the development standard, particularly objectives (c) and (d) representing an overdevelopment of the site. The submitted Clause 4.6 written request is not well

founded as it does not demonstrate the outcomes required by Clause 4.6(3) and (4) of the Waverley LEP 2012.

Whilst it is acknowledged that the proposed development does provide for the housing needs of the community within a medium density environment and would improve the internal amenity for the occupants of the unit, the exceedance of the development standard and the overall planning outcome for the site to achieve this objective as proposed is unacceptable and cannot be supported. There is no reason to vary the FSR development standard as the current building represents the bulk and scale desired by the Waverley LEP 2012 and varying the development standard is not in the public interest.

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

Conclusion

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

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

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

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

Development Control	Compliance	Comment
2. Ecologically Sustainable Development	Yes	Satisfactory
7. Accessibility and Adaptability	Yes	Satisfactory
12. Design Excellence	No	Unsatisfactory. The proposed development does not achieve design excellence as it does not appropriately consider the site context, amenity impacts and the relationship of the development to other development on neighbouring sites and the locality.

Table 3: 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 	No change	
3.3.2- Side and rear setbacks <ul style="list-style-type: none"> Minimum side setback: 1.5-2.5m Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback. The predominant rear setback is determined separately for each floor level. 	<div>Yes</div> <div>No</div>	See further discussion below this table
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 and privacy 	<div>Yes</div> <div>Yes</div> <div>Yes</div> <div>Partial</div> <div>Yes</div>	The proposed new rear south-west facing balcony will overlook neighbouring properties, however, there is a mutual degree of overlooking between properties at the rear.
3.13 Solar access and overshadowing		
<ul style="list-style-type: none"> New development should maintain at least two hours of sunlight to solar collectors on adjoining properties in mid winter. Direct sunlight to north facing windows of habitable rooms and all private open space areas of adjacent dwellings to 	<div>No</div> <div>No</div>	See discussion below this table.

Development Control	Compliance	Comment
less than three hours of sunlight on 21 June.		
3.14 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss through design Views from public spaces to be maintained. 	<p>Yes</p> <p>Yes</p>	
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. Prevent overlooking of more than 50% of private open space of lower level dwellings in same development 	<p>No</p> <p>Yes</p> <p>Yes</p>	The proposed new rear facing balcony will overlook neighbouring properties, however, there is a mutual degree of overlooking between properties at the rear.
3.16 Dwelling size and layout		
<ul style="list-style-type: none"> Max habitable room depth for single aspect dwelling is 8m from a window All habitable rooms to have a window Accessible and Adaptable 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	
3.17 Ceiling Heights		
<ul style="list-style-type: none"> Min 2.7m floor to ceiling height residential floors 	No	The proposal extends the existing 2.4m ceiling height which is satisfactory.
3.19 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	
3.20 Natural Ventilation		
<ul style="list-style-type: none"> All dwellings to be naturally cross-ventilated 	Yes	

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Building to be orientated to maximise breezes 	Yes	
<ul style="list-style-type: none"> Ceiling fans are to be provided in all habitable rooms. 	No	

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

Overshadowing

Part C3 3.13 *Solar Access and Overshadowing* outlines the objectives and controls relating to solar access. Objectives (c) and (d) seek to provide adequate solar access to open spaces and minimise impacts of development on surrounding properties. Control (b) requires that new development not reduce the amount of solar access of solar panels of any property to less than two hours per day in mid-winter. Control (c) requires that direct sunlight to all private open space areas of adjacent dwellings is not reduced to less than 3 hours between 9am and 3pm on June 21.

The submitted shadow diagrams demonstrate that there is to be an increase in overshadowing to those properties located to the south-east, south and south-west of the subject site. **Figures 6, 7 and 8** below show an increase in overshadowing to Nos.44-46 and 48-50 Curlewis Street between 9am and 12pm on 21 June. The shadow diagrams in plan show this shadow falling on the rear open space areas of these properties, which appears to be common open space. It is noted that the shadow diagram also demonstrates that there is shadow impact on the building at Nos.48-50 Curlewis Street, however, no elevational shadow diagrams have been provided for this building to understand the extent of this impact.

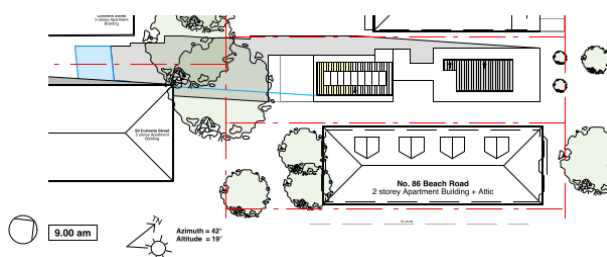


Figure 6: Shadow diagram for 9am 21 June

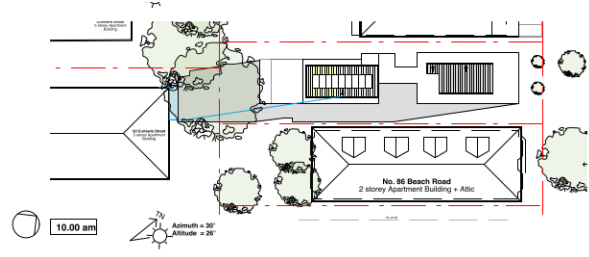


Figure 7: Shadow diagram for 10am 21 June

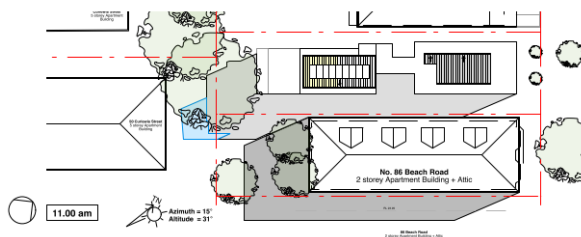


Figure 8: Shadow diagram for 11am 21 June

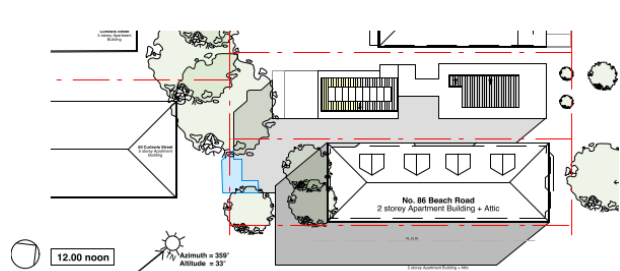


Figure 9: Shadow diagram for 12pm 21 June

The submitted shadow diagrams also demonstrate an increase in shadow impacts to the neighbouring property to the south-west at No.86 Beach Road from 11am up until 2pm on June 21. **Figures 8-11** show the shadow falling on the rear open space area of this building and over the roof. Elevational shadows have been provided for this building which demonstrate that no habitable room windows are affected by the increase in shadow to No.86 Beach Road.

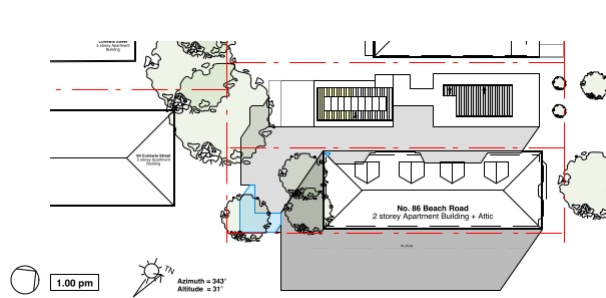


Figure 10: Shadow diagram for 1pm 21 June

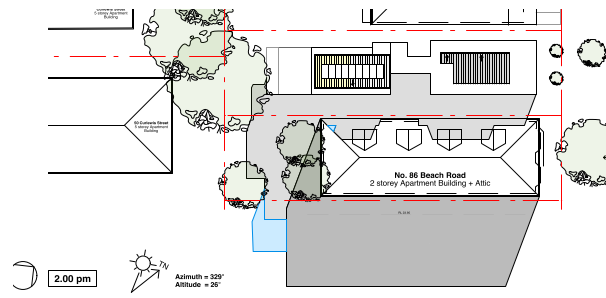


Figure 11: Shadow diagram for 2pm 21 June

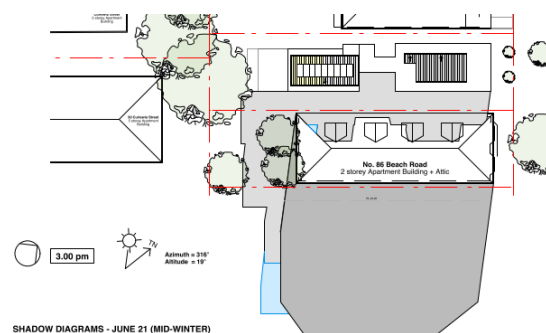


Figure 12: Shadow diagram for 3pm 21 June

The shadow diagrams indicate that overshadowing also extends beyond the boundary of No.86 Beach Road to the property at No.84 Beach Road from 1pm onwards. This shadow appears to also fall over the rear open space area of this property.

It should also be noted that when comparing the shadow diagrams submitted for DA-618/2014, which relates to the construction of the four-storey residential flat building, compared with the shadow diagrams submitted for the subject application, there appears to be inconsistencies across the diagrams, particularly for shadows demonstrated at 9am. The shadow diagrams submitted for the subject application show that there would be no shadow impact to the adjoining property to the north-west at No.90 Beach Road from the building with the shadow impact stopping at the boundary. The submitted shadow diagram for 9am on 21 June as part of the original DA-618/2014 for the building indicates that the shadow extends beyond the property boundary and impacts on the property at No.90 Beach Road (refer to **Figures 12 and 13** below).

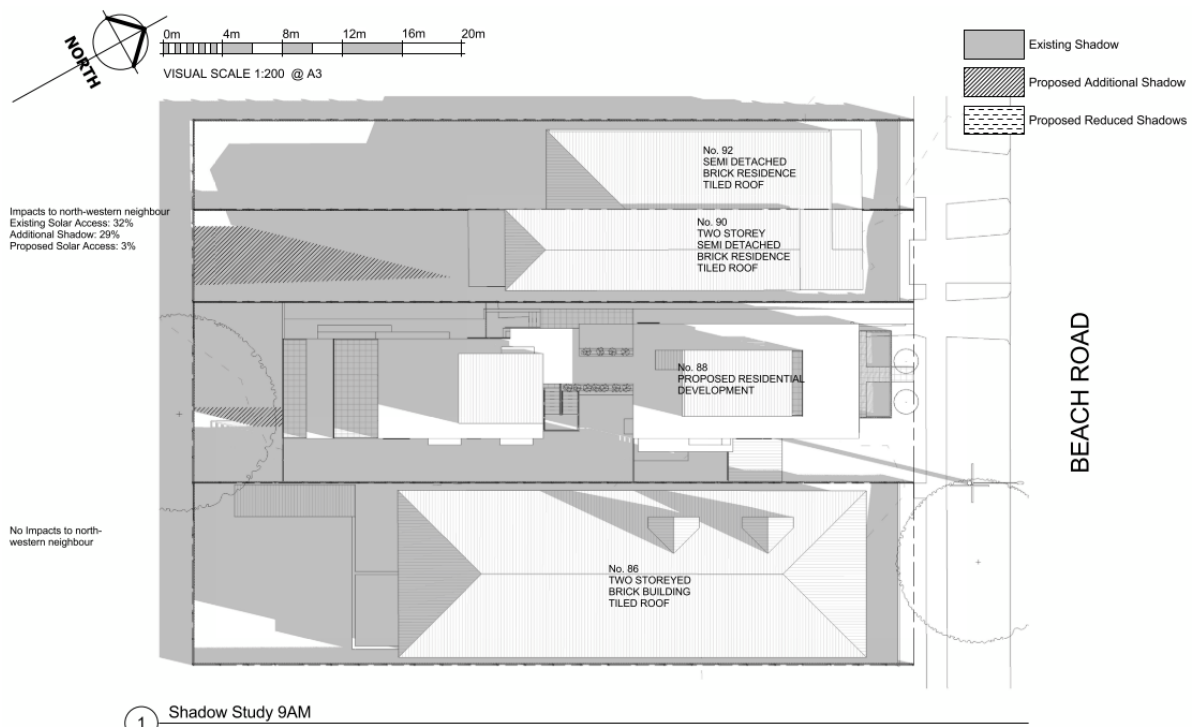


Figure 12: Submitted 9am shadow diagram for DA-618/2014 (Source: Raymond Panetta Architect dated 2/9/2014)

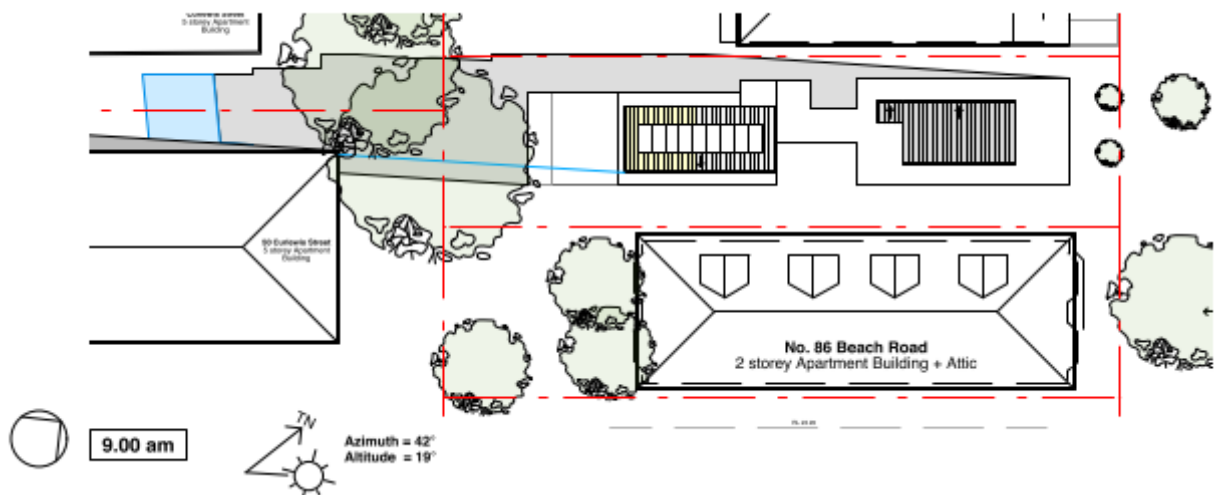


Figure 13: Submitted 9am shadow diagram for DA-366/2022 which shows the shadow impact stopping at the property boundary between Nos.88 and 90 Beach Rd, Bondi Beach (Source: Ken Powell Architect dated July 2022)

Notwithstanding these inadequacies in the documentation submitted, the shadow diagrams demonstrate that there will be shadow impacts as a result of the proposed development, with the amenity of those properties not ‘preserved’ contrary to the objectives of the height and FSR developments standards, which is not supported.

Building Envelope –Rear Building Line

The pattern of development in the immediate locality is a mix of two to four storey residential flat buildings, dwellings and semi -detached dwellings. The applicant’s submission does not include a

context analysis of the rear building line of the adjoining and nearby properties. Control (a) of Part C3 3.3.2 *Side and Rear Setbacks* of the Waverley DCP 2012 requires proposed developments to have regards to the rear building line of nearby properties with the predominant rear setback determined for each floor level. Control (a) reads as follows:

- (a) *New buildings and extensions to existing buildings are to provide a minimum 6m rear setback, or extend no further to the rear than the predominant rear building line, whichever is the greater setback. The predominant rear setback is determined separately for each level.*

From the rear south-western property boundary, the proposed fourth floor addition is to be setback 12.4m to the outer wall and 12.9m to the edge of the rear balcony. To the north-west of the subject site at No.90 Beach Road is a two storey semi-detached dwelling which is setback approximately 19.7m from its rear property boundary. To the south-east at No.86 Beach Road, the two storey plus attic building is setback 13.75m from its rear property boundary (see **Figure 14** below).



Figure 14: Context analysis of rear building line. Dotted line shows the extent of the rear building line proposed for the fourth floor level noting the adjoining properties are two storey in height only

The applicant argues in their submission that the minimum rear setback of the existing building is retained, however, does not assess the application against control (a) of Part C3 3.3.2 *Side and Rear Setbacks* of the Waverley DCP 2012. The proposed four storey building envelope is to be located closer to the rear boundary than the two, two storey properties either side, which is unacceptable particularly given the FSR and height exceedance proposed. The non-compliance with the rear building line of the Waverley DCP 2012 results in unreasonable amenity impacts to neighbouring properties, particularly in regards to overshadowing and visual bulk and scale which is not supported.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

2.4. Any Submissions

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

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

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

Count	Property Address
1.	4/84 Beach Road, Bondi Beach
2.	86 Beach Road, Bondi Beach
3.	3/88 Beach Road 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:

- Overshadowing
- Visual bulk and scale
- Not in the public interest
- Uncharacteristic of the streetscape and locality

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

Issue: *View impacts from 86 Beach Road.*

Response: The building at 86 Beach Road is located to the south-east of the subject site. North-westerly and western views over the subject site are already obstructed by the existing building. The proposed addition will result in the loss of some district and tree views; however, this does not provide a reason for refusal of the application.

Issue: *Construction Impacts*

Response: Should the application be approved, standard conditions would be recommended regarding construction matters.

2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Fire Safety Officer

The application was referred to Council's Fire Safety officer who raised no objection subject to conditions.

4. CONCLUSION

The development application seeks consent for alterations and additions at the site known as Unit 6/88 Beach Road, Bondi Beach.

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

- Non-compliant FSR
- Non-compliant height
- Overshadowing
- Visual bulk and scale
- Rear building line

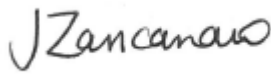

The assessment finds these issues acceptable.

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

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be **REFUSED** by the Waverley Local Planning Panel for the reasons contained in Appendix A.

Report prepared by:	Application reviewed and agreed by:
	
Jo Zancanaro	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment
Date: 3 February 2023	Date: 8 February 2023

Reason for WLPP referral:

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

APPENDIX A – REASONS FOR REFUSAL

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

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

- a. *Clause 4.3 Height*

The application exceeds the maximum allowable height of 12.5m and the applicant's written request under clause 4.6 of Waverley LEP 2012 has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of Waverley LEP 2012.

Details: The proposed development does not preserve the environmental amenity of neighbouring properties as required under clause 4.3 (1) (a) of Waverley LEP 2012.

- b. *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 Waverley LEP 2012 has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of Waverley LEP 2012.

Details: The proposed development does not preserve the environmental amenity of neighbouring properties and the surrounding locality as required under clause 4.4 (1) (d) of Waverley LEP 2012.

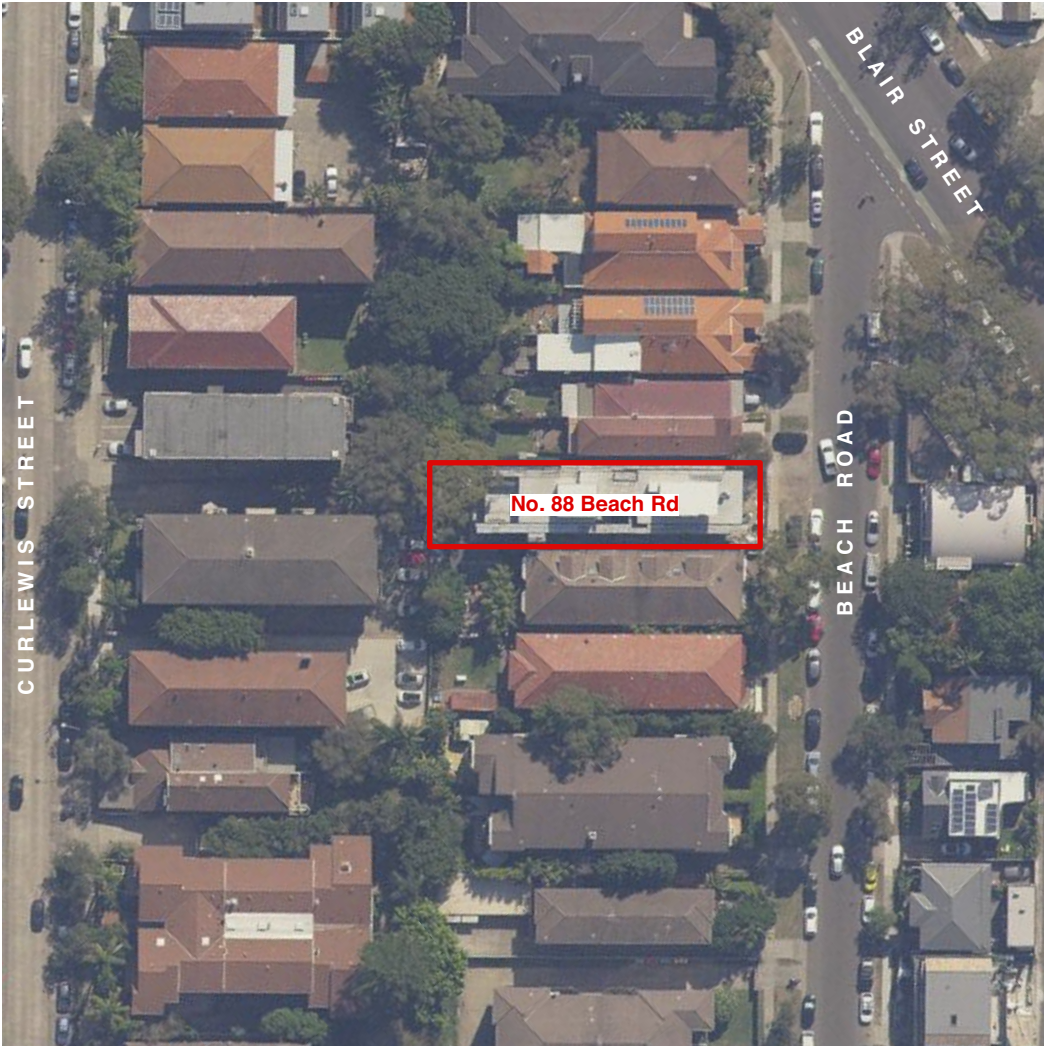
2. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan (WDGP) 2012, in respect to the following provisions:

Part B12 – Design Excellence

- a. 12.1 *Design*, specifically objectives (a) and (d) controls (a) and (e), and 12.2 *Context Analysis*, specifically objectives (a), (b), (c) and (d) as the proposal has failed to consider the suitability of the land for development, the relationship of the development to other development (existing or proposed) on the same site or on neighbouring sites in terms of amenity and urban form, the overall bulk and massing of the development and environmental impacts such as overshadowing. The development does not demonstrate an understanding of an appropriate response to the specific conditions of the site nor ensure that the opportunities and constraints of a site are fully considered and incorporated into the design proposal.

Part C3 – Other Residential Development

- b. Section 3.13 *Solar Access and Overshadowing*, specifically objective (d) and control (c) as the proposed development results in unreasonable overshadowing to the neighbouring properties.
- 3. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk and scale relative to the site area and dimensions, and consequently results in unacceptable amenity impacts upon the locality and surrounding built environment.
- 4. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development.
- 5. The application is contrary to section 4.15 (1)(d) of the Act in relation to matters raised in the public submissions received that object to the proposed development.
- 6. The application is contrary to section 4.15 (1)(e) of the Act in relation to the public interest as it is not compatible with the existing and desired future character of the locality and the broader Waverley local government area.



ALTERATIONS + ADDITIONS

UNIT 6, 88 BEACH ROAD,
BONDI BEACH

DEVELOPMENT APPLICATION

DWG LIST:

Dwg No.	Title
DA.100	Cover Page + BASIX Notes
DA.101	Site Plan + Site Analysis
DA.102	Existing Plans - Ground Floor + Level 1
DA.103	Existing Plans - Level 2 + Level 3
DA.104	Existing Plan - Roof
DA.105	Existing Elevations
DA.106	New Plans - Level 2 + Level 3
DA.107	New Plan - Roof
DA.108	Sections AA + BB
DA.109	New Elevations
DA.110	GFA Calculations
DA.111	Shadow Diagrams June 21 - 9:00am, 10:00am + 11:00am
DA.112	Shadow Diagrams June 21 - 12:00pm + 1:00pm
DA.113	Shadow Diagrams June 21 - 2:00pm + 3:00pm

NOTES

General	Confirm all dimensions & setout on site before commencing work All work to be completed in accordance with all statutory requirements and the requirements of the Council and other relevant authorities
Sewer	No change to existing
Stormwater	Connect new downpipes to extg downpipes
Concrete	To be in accordance with Struct Eng details
Structural Steel	To be in accordance with Struct Eng details
Roof	Colorbond metal roof sheet in accordance with Clause F1.5 of NCC 2019 Vol 1
Windows/doors	Alum framed windows in accordance with BASIX Certificate Glazing to be in accordance with Clause F1.13 of NCC 2019 Vol 1
Lighting	To be in accordance with BASIX Certificate

BASIX REQUIREMENTS

Lighting	Minumum 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent of LED lamps to all rooms exept
Insulation	External concrete panel wall: R1.39 (or R1.70 Including construction) Raked ceiling, skillion roof <ul style="list-style-type: none">Ceiling: R1.76 (up),Roof: foil backed blanked (55mm)Roof: Solar absorptance light < 0.475
Windows	To be installed in accordance with BASIX Certificate.

A	Development Application	23.08.22
Revision	Amendment	Date



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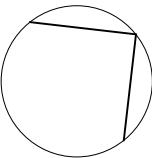
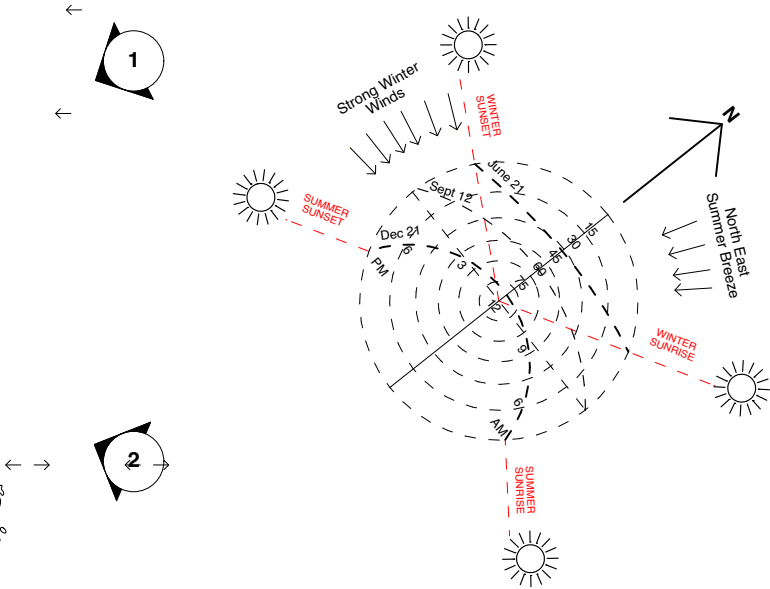
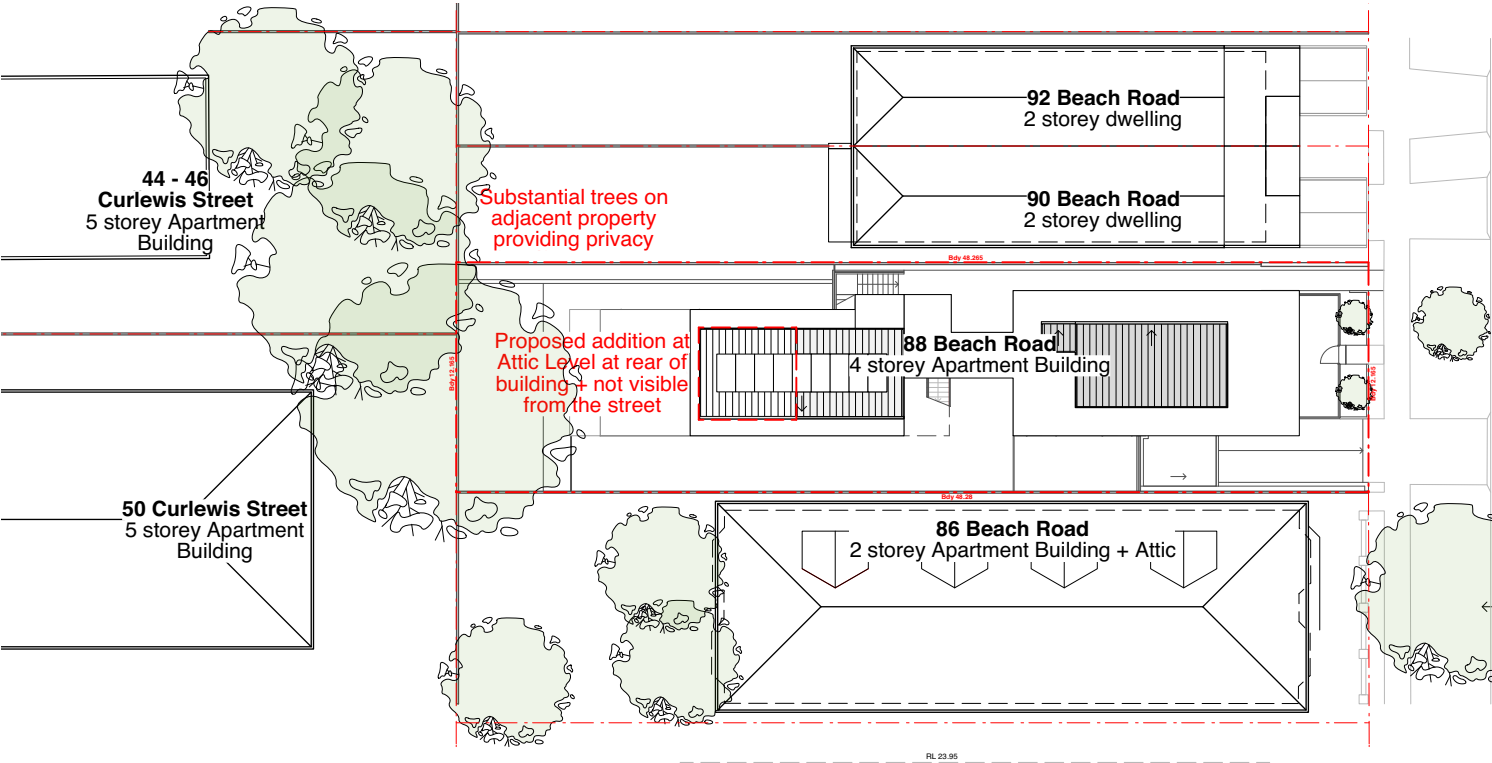
Project	Alterations + Additions to Unit 6, 88 Beach Rd Bondi Beach SP95100
Dwg Title	Coverpage + BASIX Notes
Scale	NTS
Date	July 2022
Dwg No	2126 / DA.100 Rev A



View 1



View 2



SITE + SITE ANALYSIS PLAN

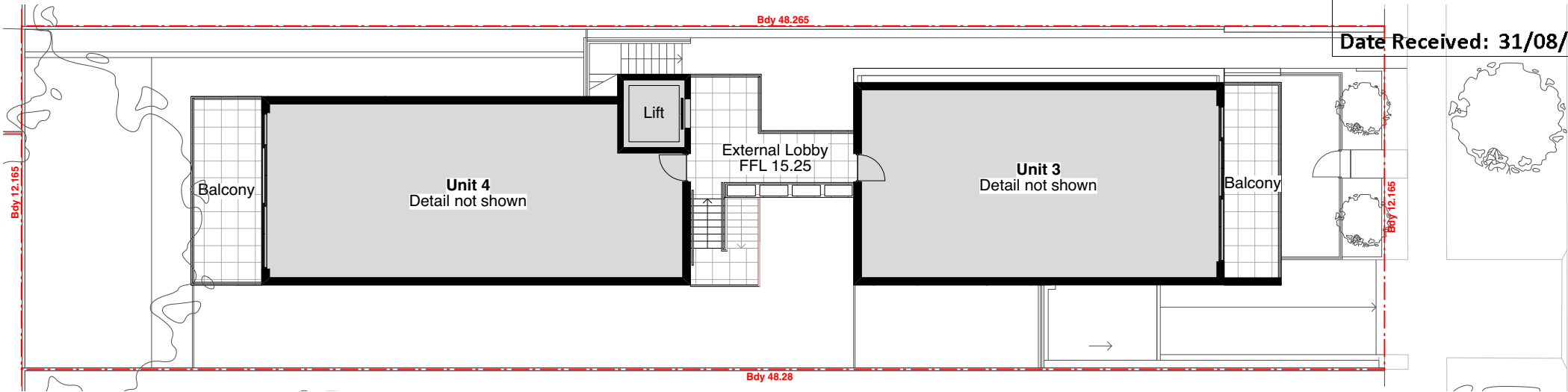
A	Development Application	23.08.22
Revision	Amendment	Date



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Project	Alterations + Additions to Unit 6, 88 Beach Rd Bondi Beach SP95100		
Dwg Title	Site Plan + Site Analysis		
Scale	1:400 (A3)		
Date	July 2022		
Dwg No	2126 / DA.101	Rev	A

RECEIVED
Waverley Council
Application No: DA-366/2022
Date Received: 31/08/2022

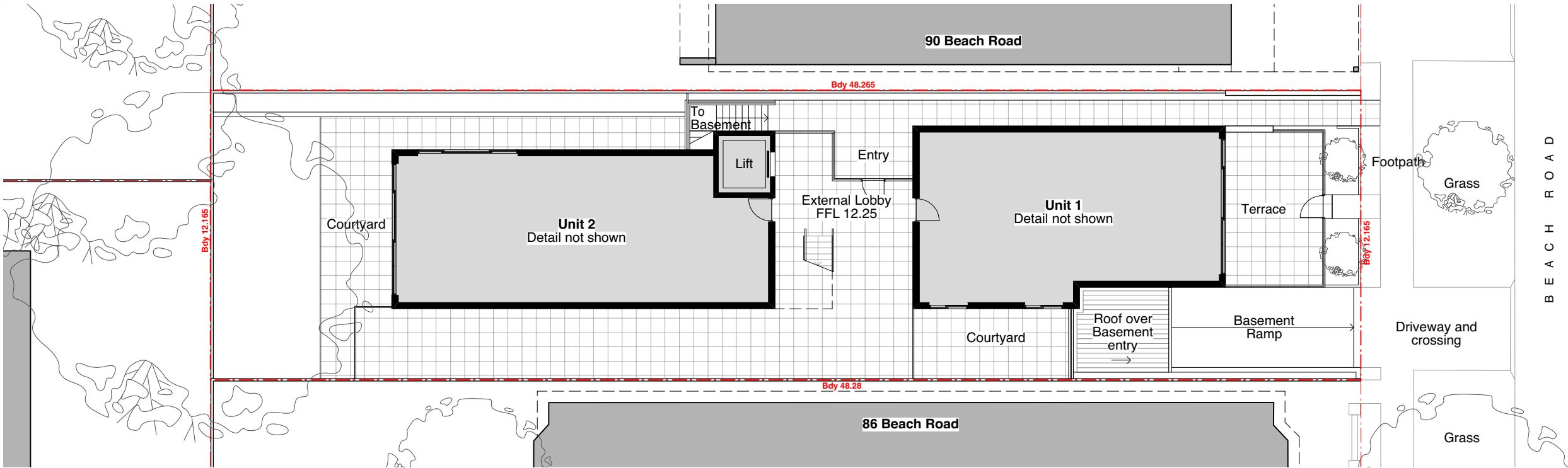


EXISTING LEVEL 1 PLAN

NOTES
Dimensions and Floor levels from Construction Drawings prepared by Raymond Panetta Architect. All dimensions and setbacks to be confirmed on site prior to commencement.

LEGEND

- New alterations + additions
- Existing Unit 6 - No Change
- Existing Building - No Change
- Existing wall to remain
- Existing wall to be demolished



EXISTING GROUND FLOOR

A	Development Application	23.08.22
Revision	Amendment	Date



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Project	Alterations + Additions to Unit 6, 88 Beach Rd Bondi Beach SP95100
Dwg Title	Existing Plans Ground Floor + Level 1
Scale	1:200 (A3)
Date	July 2022
Dwg No	2126 / DA.102 Rev A

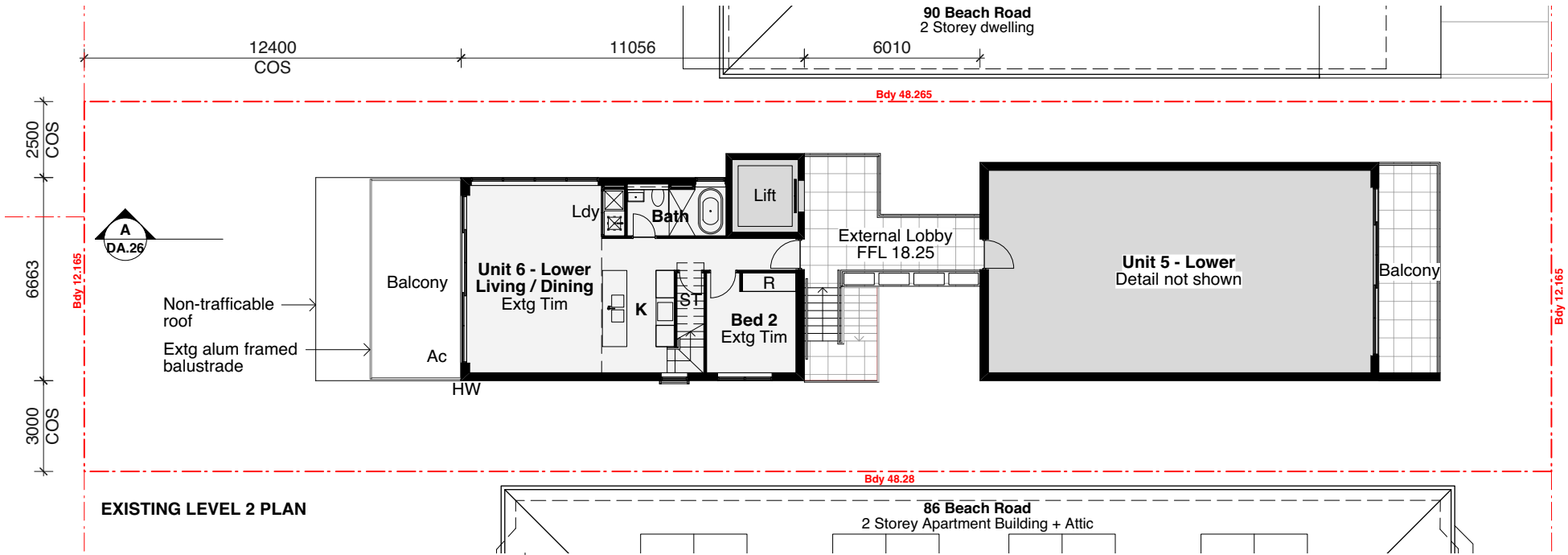
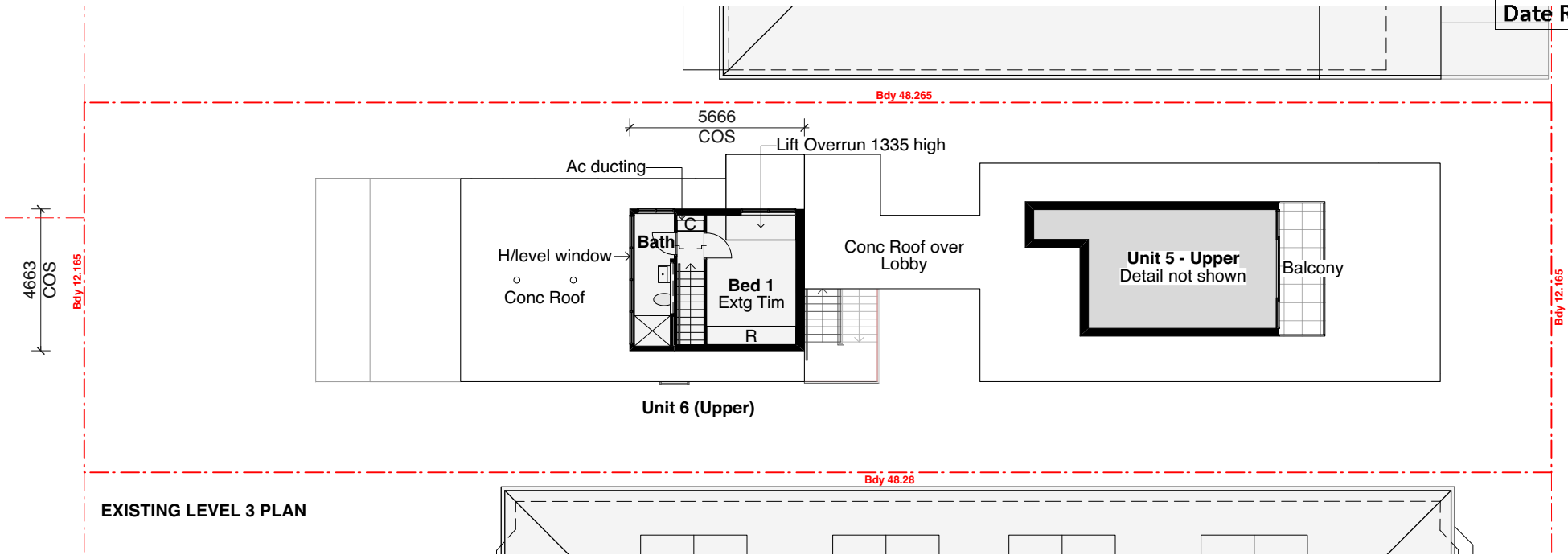
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NOTES

Dimensions and Floor levels from Construction Drawings prepared by Raymond Panetta Architect. All dimensions and setbacks to be confirmed on site prior to commencement.

LEGEND

- New alterations + additions
- Existing Unit 6 - No Change
- Existing Building - No Change
- Existing wall to remain
- Existing wall to be demolished



A Development Application 23.08.22
Revision Amendment Date



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Project **Alterations + Additions to Unit 6, 88 Beach Rd Bondi Beach SP95100**

Dwg Title **Existing Plans Level 2 + Level 3**

Scale 1:200 (A3)

Date July 2022

Dwg No 2126 / **DA.103** Rev **A**

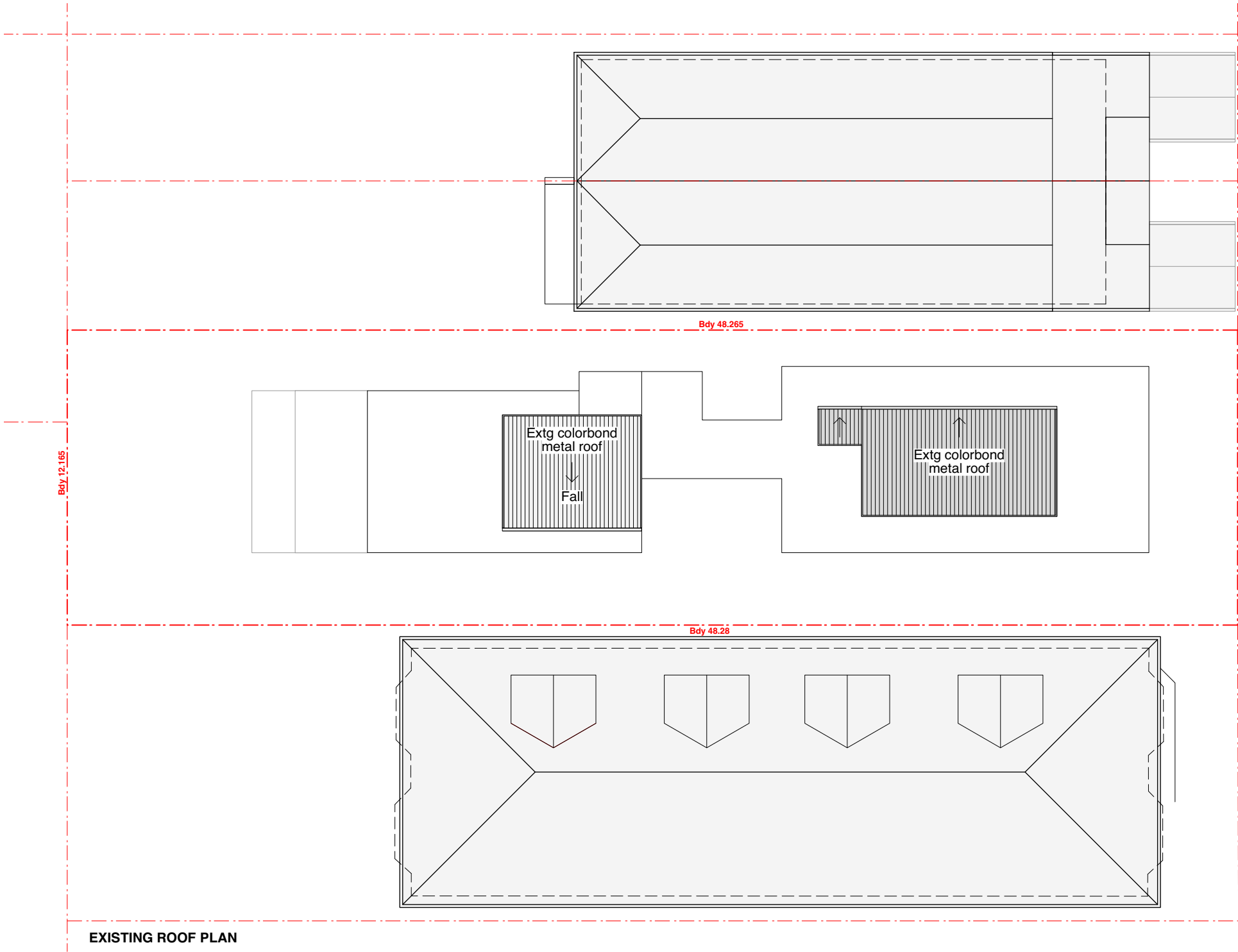
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NOTES

Dimensions and Floor levels from Construction Drawings prepared by Raymond Panetta Architect. All dimensions and setouts to be confirmed on site prior to commencement.

LEGEND

- New alterations + additions
- Existing Unit 6 - No Change
- Existing Building - No Change
- Existing wall to remain
- Existing wall to be demolished



A	Development Application	23.08.22
Revision	Amendment	Date

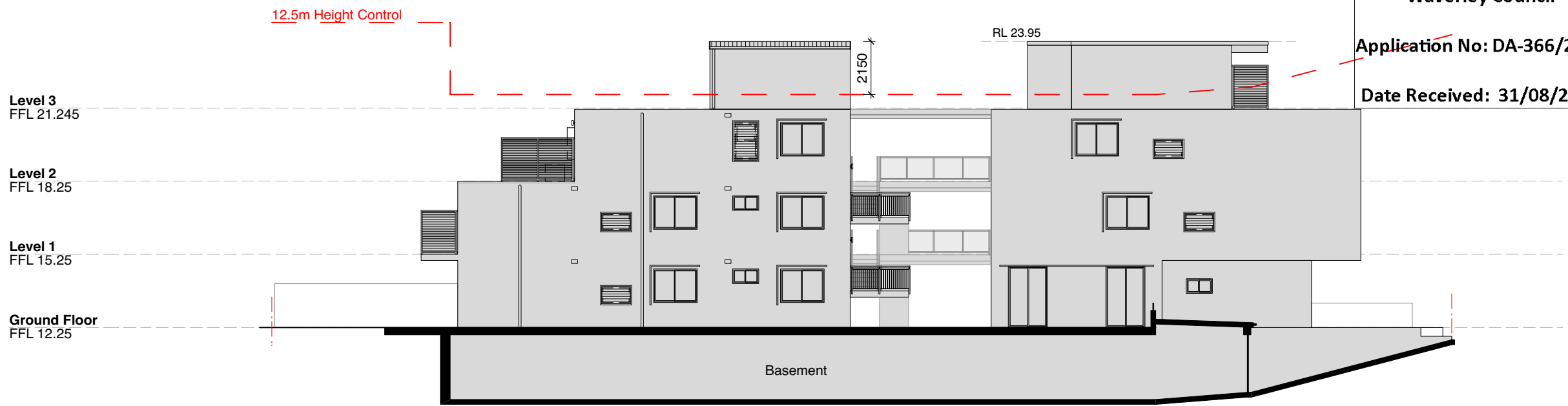


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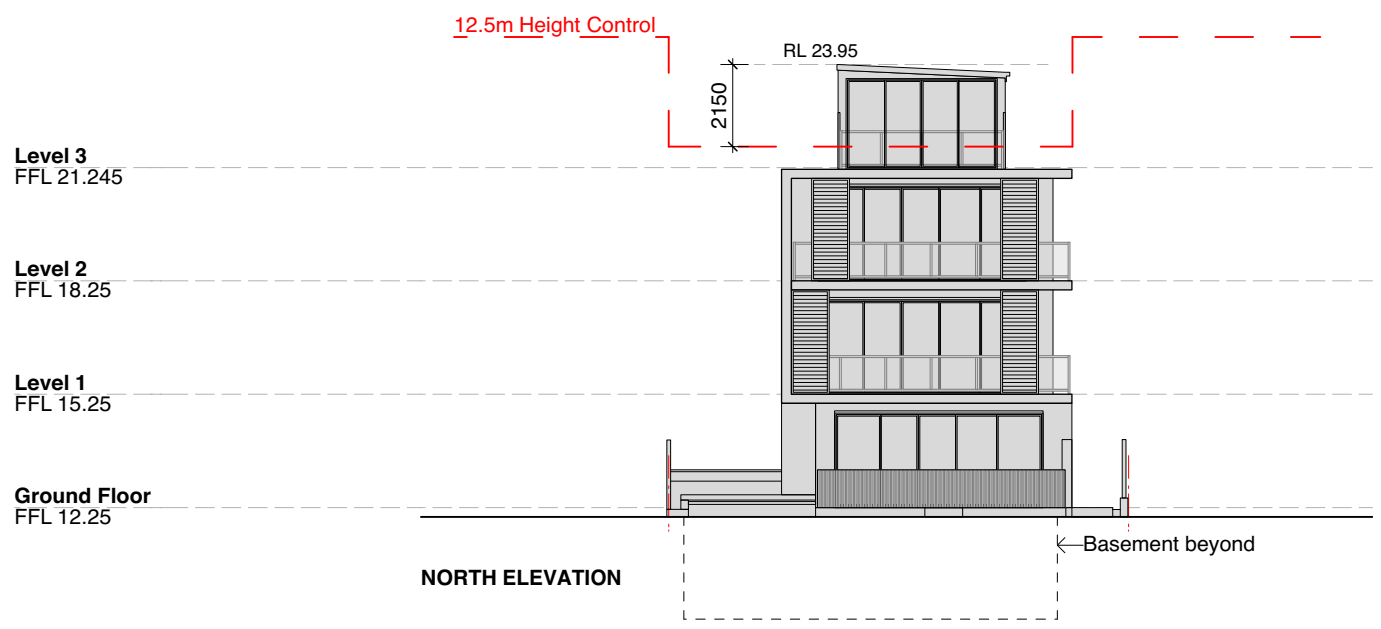
Project	Alterations + Additions to Unit 6, 88 Beach Rd Bondi Beach SP95100		
Dwg Title	Existing Plans Roof		
Scale	1:200 (A3)		
Date	July 2022		
Dwg No	2126 / DA.104	Rev	A

NOTES
Dimensions and Floor levels from
Construction Drawings prepared by
Raymond Panetta Architect.
All dimensions and setbacks to be
confirmed on site prior to
commencement.

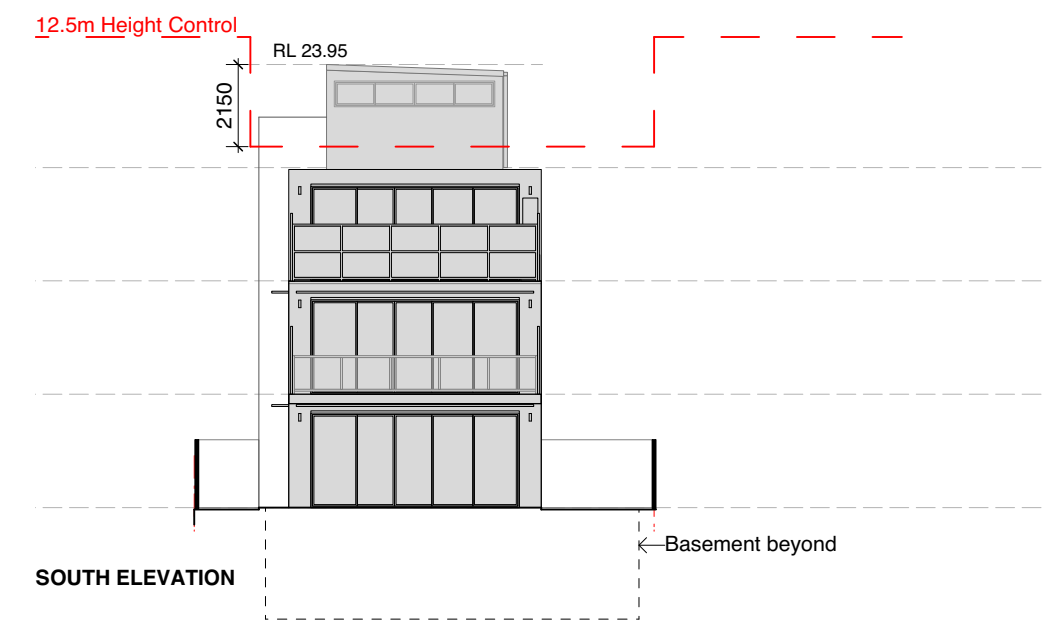
- LEGEND**
- New alterations + additions
 - Existing Unit 6 - No Change
 - Existing Building - No Change
 - Existing wall to remain
 - Existing wall to be demolished



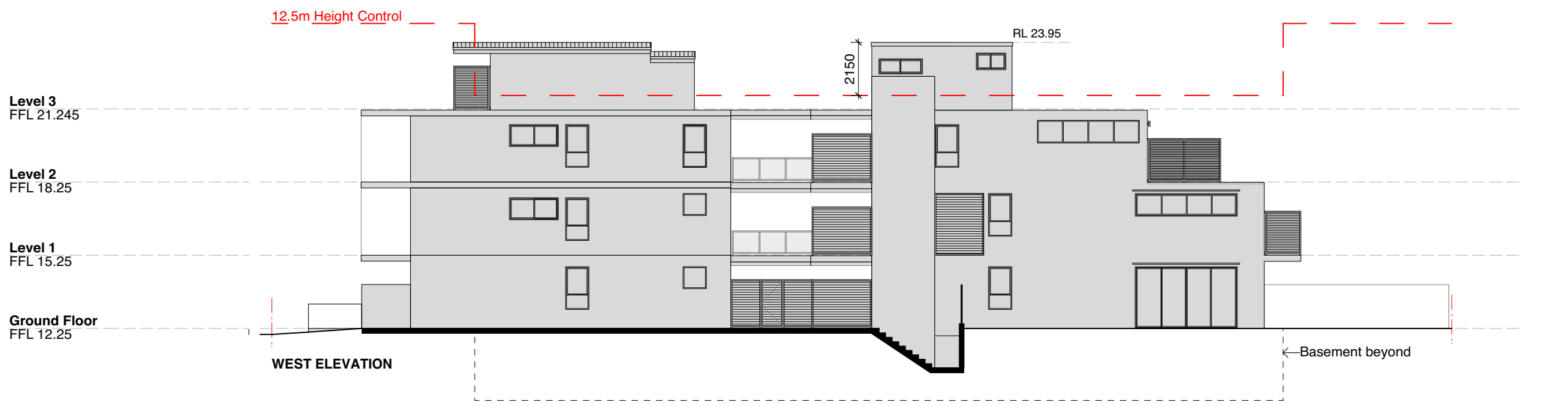
EAST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION

A	Development Application	23.08.22
Revision	Amendment	Date



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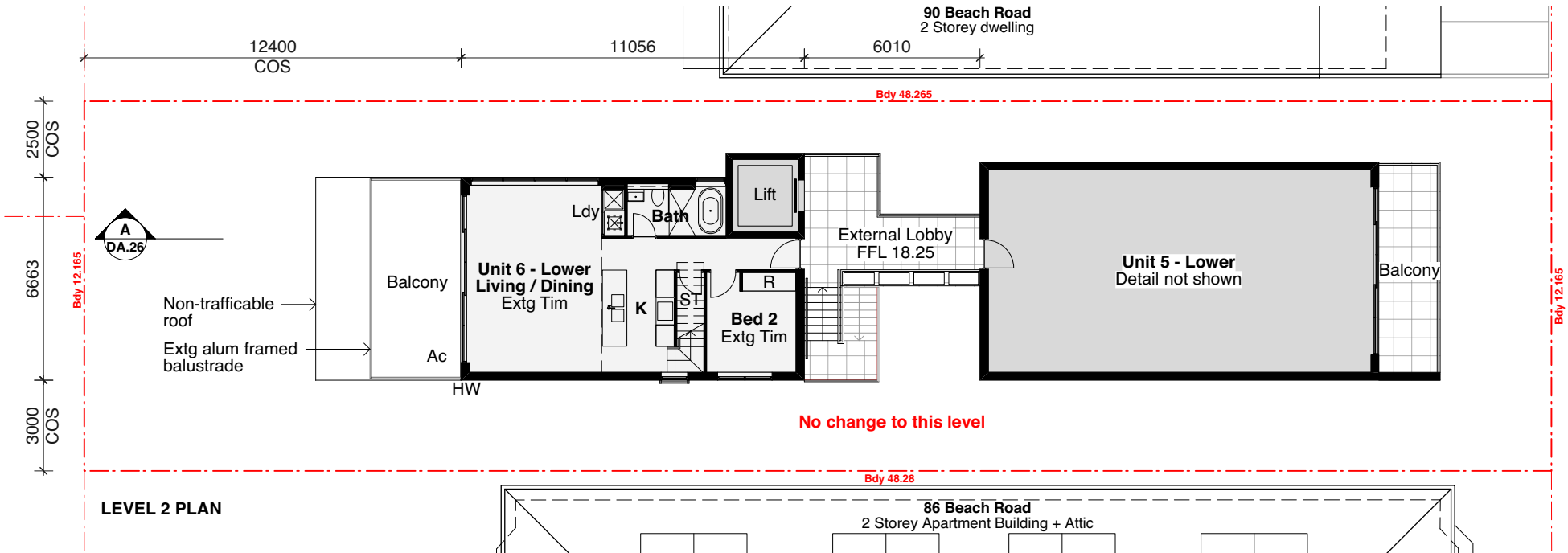
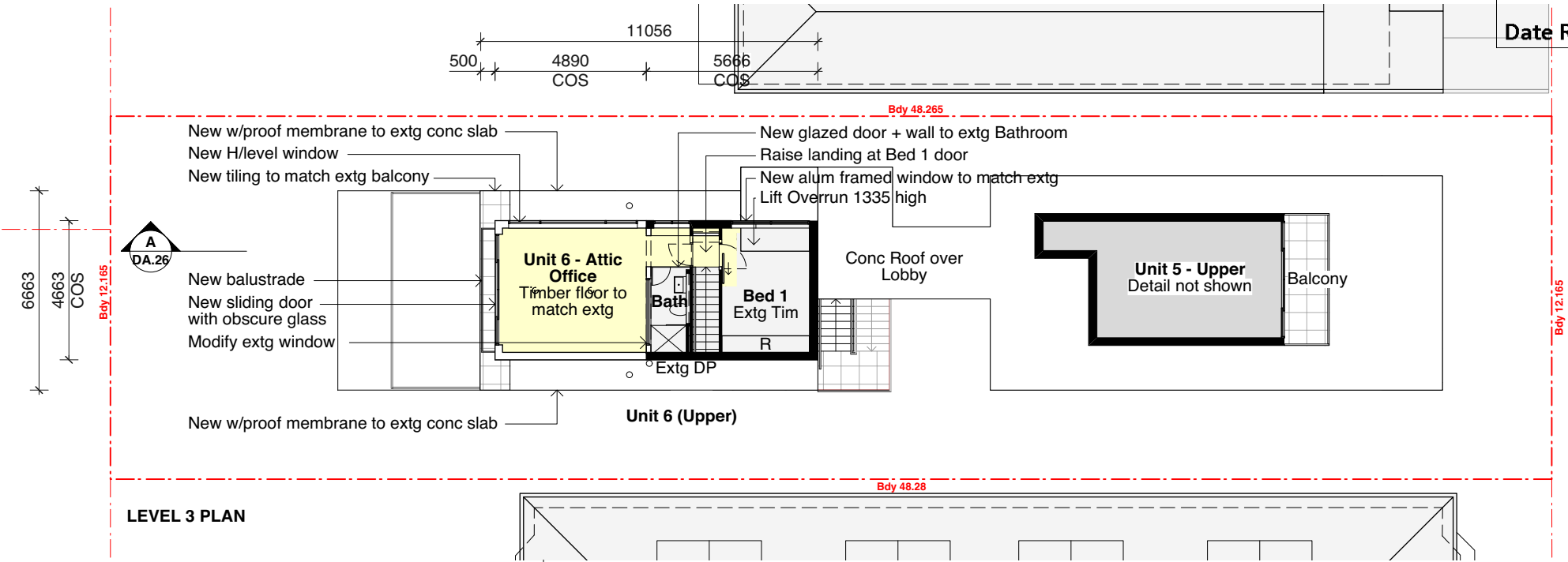
Project	Alterations + Additions to Unit 6, 88 Beach Rd Bondi Beach SP95100		
Dwg Title	Existing Elevations		
Scale	1:200 (A3)		
Date	July 2022		
Dwg No	2126 /	DA.105	Rev A

NOTES

Dimensions and Floor levels from Construction Drawings prepared by Raymond Panetta Architect. All dimensions and setouts to be confirmed on site prior to commencement.

LEGEND

- New alterations + additions
- Existing Unit 6 - No Change
- Existing Building - No Change
- Existing wall to remain
- Existing wall to be demolished



A Development Application 23.08.22
Revision Amendment Date



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Project **Alterations + Additions to Unit 6, 88 Beach Rd Bondi Beach SP95100**

Dwg Title **New Plans Level 2 + Level 3**

Scale 1:200 (A3)

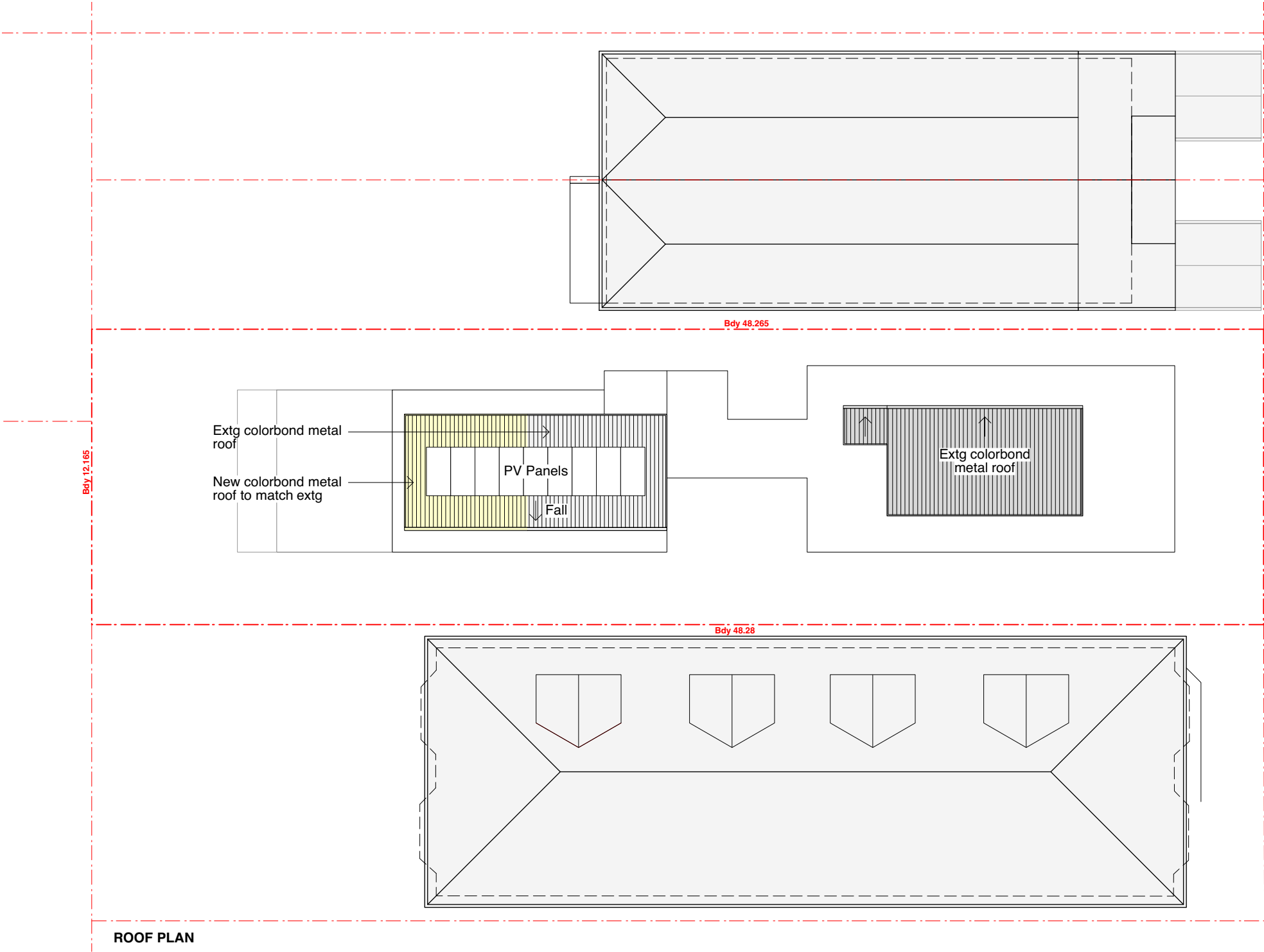
Date July 2022

Dwg No 2126 / **DA.106** Rev **A**

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NOTES
Dimensions and Floor levels from Construction Drawings prepared by Raymond Panetta Architect. All dimensions and setouts to be confirmed on site prior to commencement.

- LEGEND**
- New alterations + additions
 - Existing Unit 6 - No Change
 - Existing Building - No Change
 - Existing wall to remain
 - Existing wall to be demolished



ROOF PLAN

A	Development Application	23.08.22
Revision	Amendment	Date



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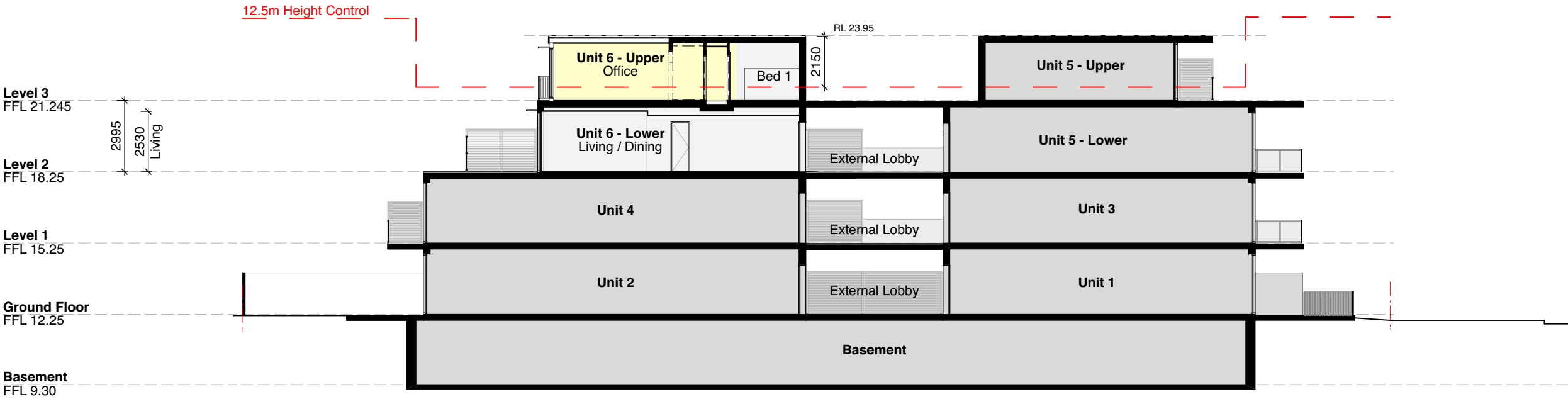
Project	Alterations + Additions to Unit 6, 88 Beach Rd Bondi Beach SP95100		
Dwg Title	New Plans Roof		
Scale	1:200 (A3)		
Date	July 2022		
Dwg No	2126 / DA.107	Rev	A

NOTES

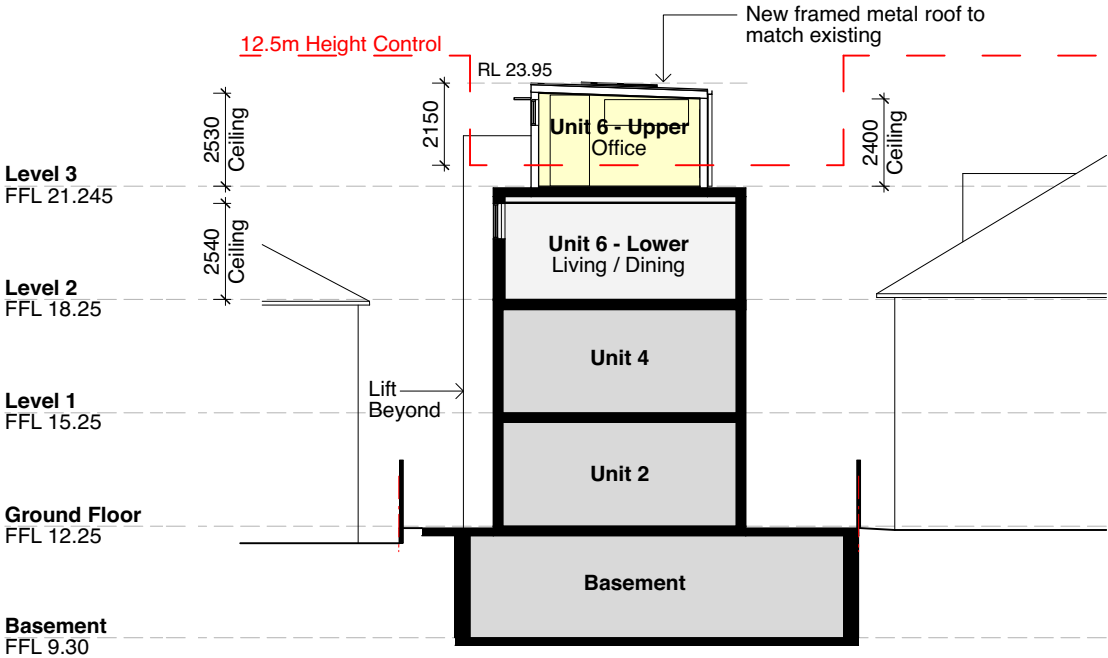
Dimensions and Floor levels from Construction Drawings prepared by Raymond Panetta Architect. All dimensions and setouts to be confirmed on site prior to commencement.

LEGEND

- New alterations + additions
- Existing Unit 6 - No Change
- Existing Building - No Change
- Existing wall to remain
- Existing wall to be demolished



SECTION AA



SECTION BB

A	Development Application	23.08.22
Revision	Amendment	Date

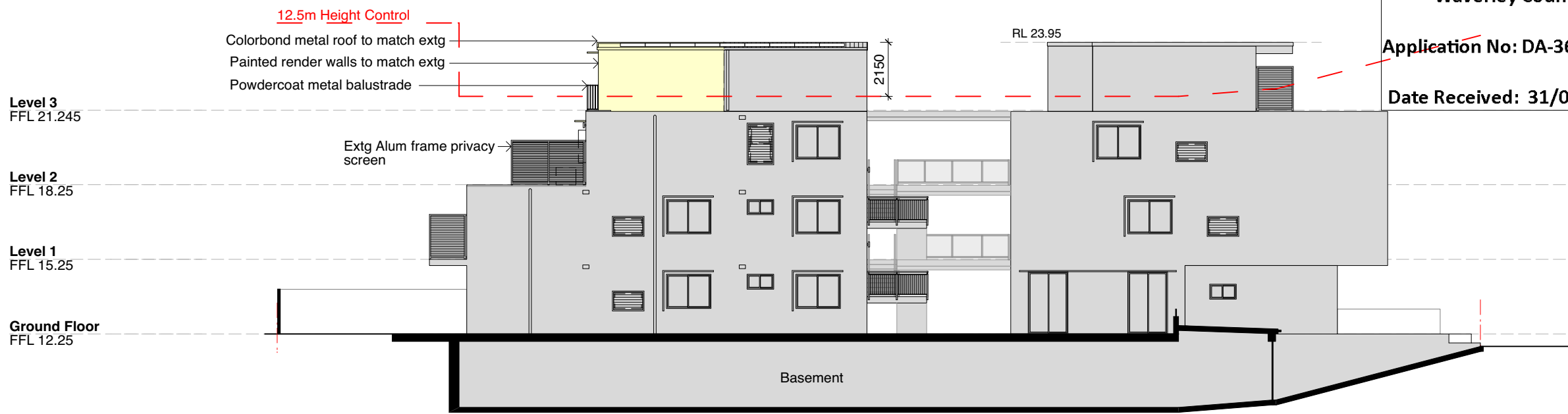


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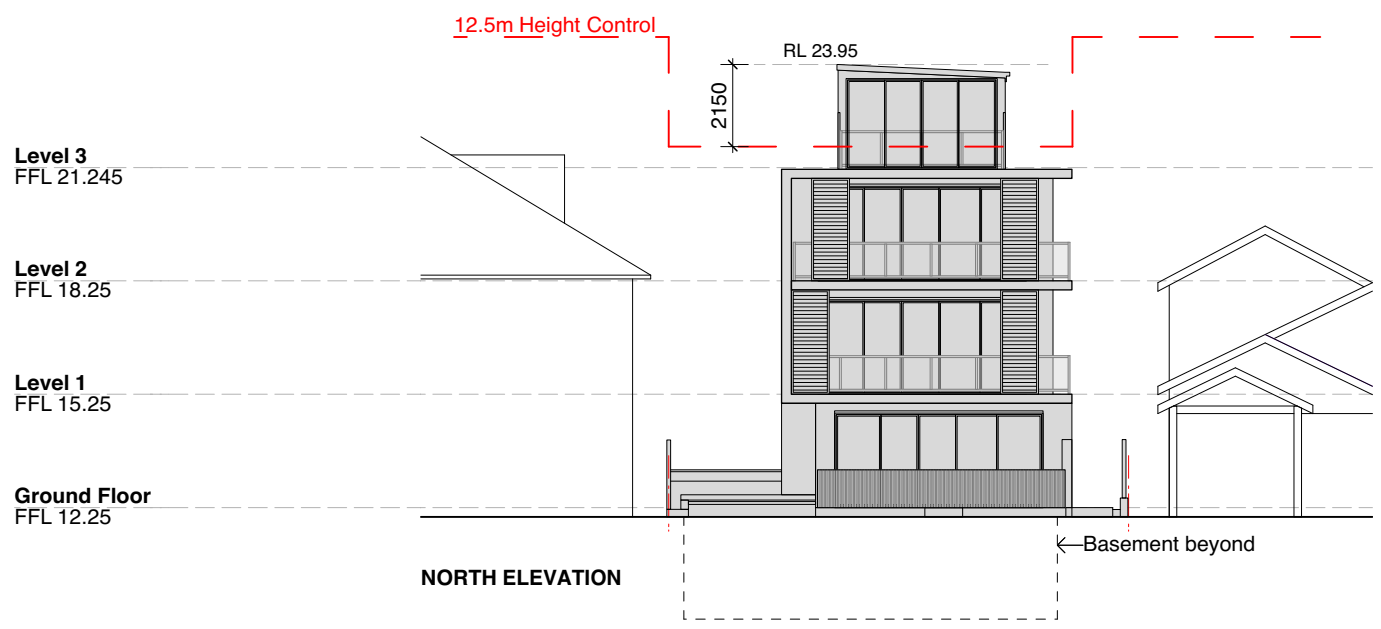
Project	Alterations + Additions to Unit 6, 88 Beach Rd Bondi Beach SP95100		
Dwg Title	Sections		
Scale	1:200 (A3)		
Date	July 2022		
Dwg No	2126 / DA.108	Rev	A

NOTES
Dimensions and Floor levels from
Construction Drawings prepared by
Raymond Panetta Architect.
All dimensions and setbacks to be
confirmed on site prior to
commencement.

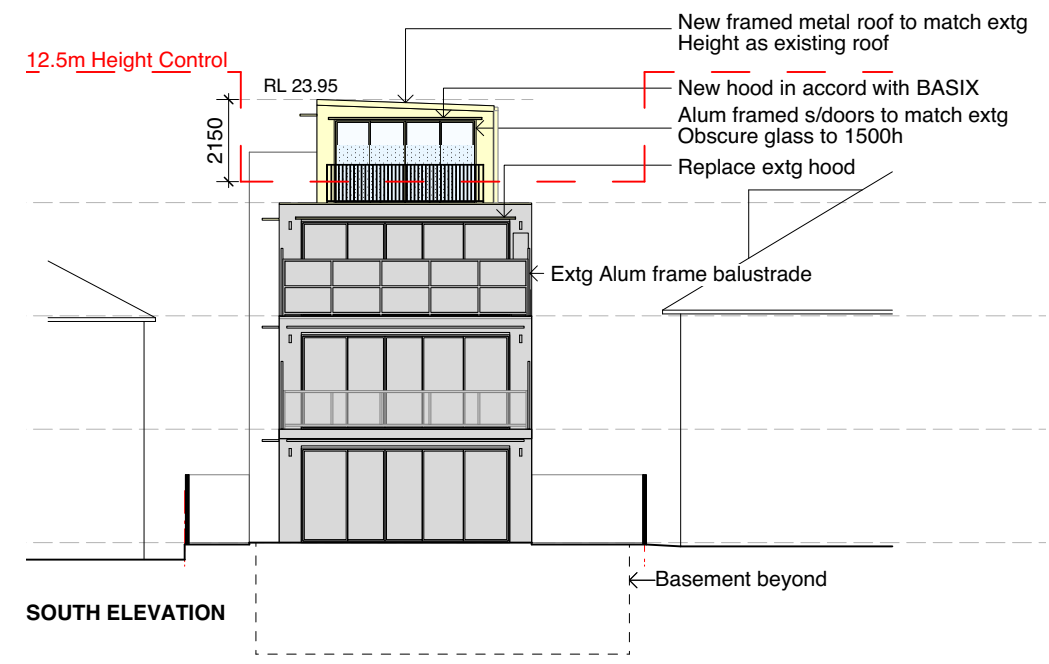
- LEGEND**
- New alterations + additions
 - Existing Unit 6 - No Change
 - Existing Building - No Change
 - Existing wall to remain
 - Existing wall to be demolished



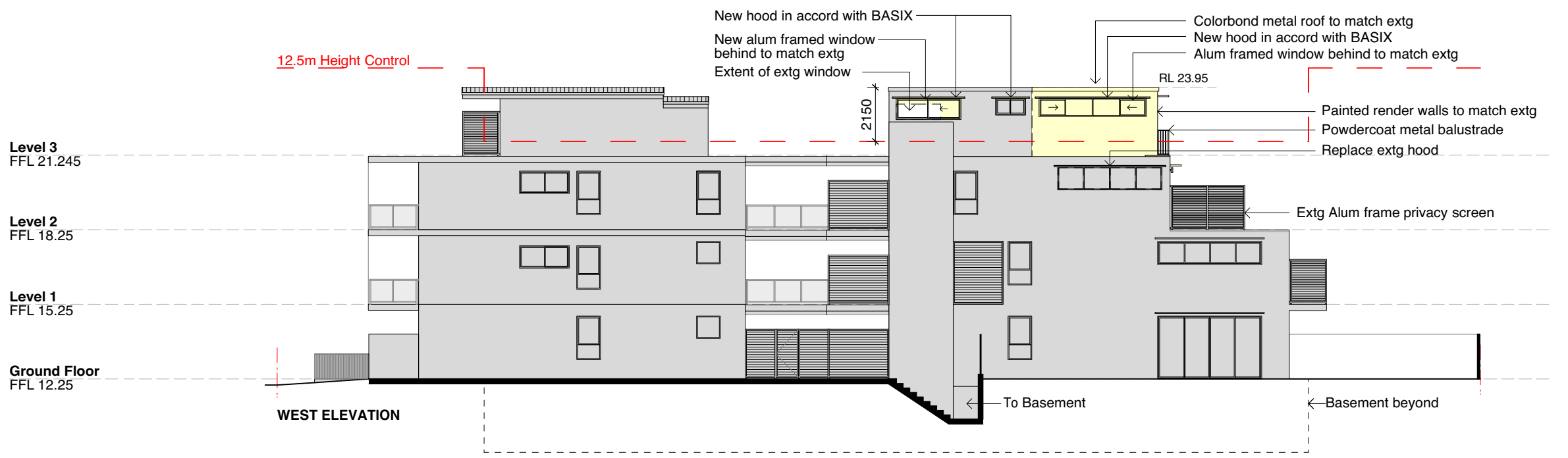
EAST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION

A	Development Application	23.08.22
Revision	Amendment	Date



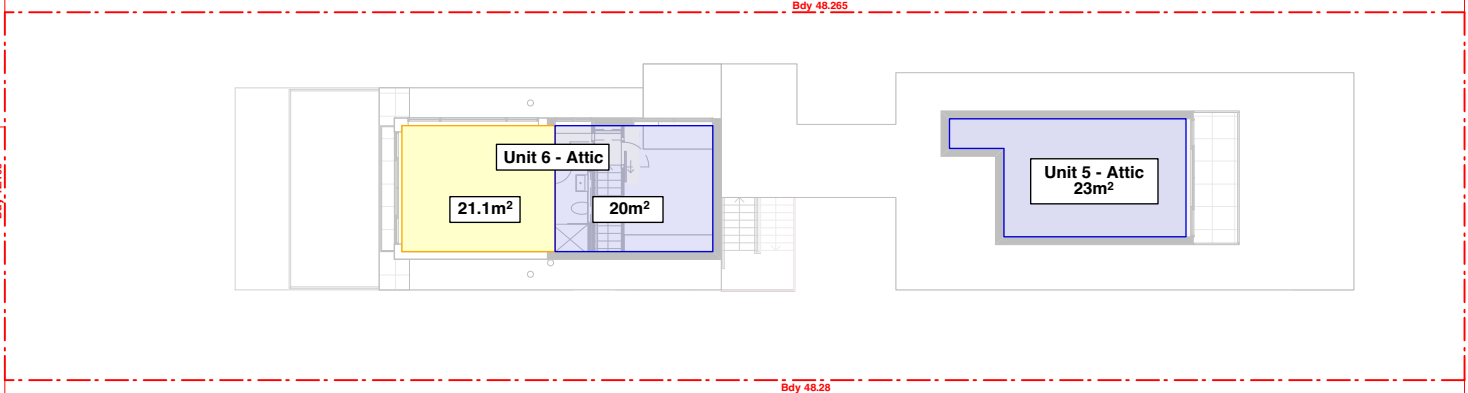
studio 1 - 151 foveaux st surry hills 2010 nsw
tel: 8354 0815 Registered Architect 5434
www.kparchitect.com.au abn 72 736 284 667

Project	Alterations + Additions to Unit 6, 88 Beach Rd Bondi Beach SP95100
Dwg Title	New Elevations
Scale	1:200 (A3)
Date	July 2022
Dwg No	2126 / DA.109 Rev A

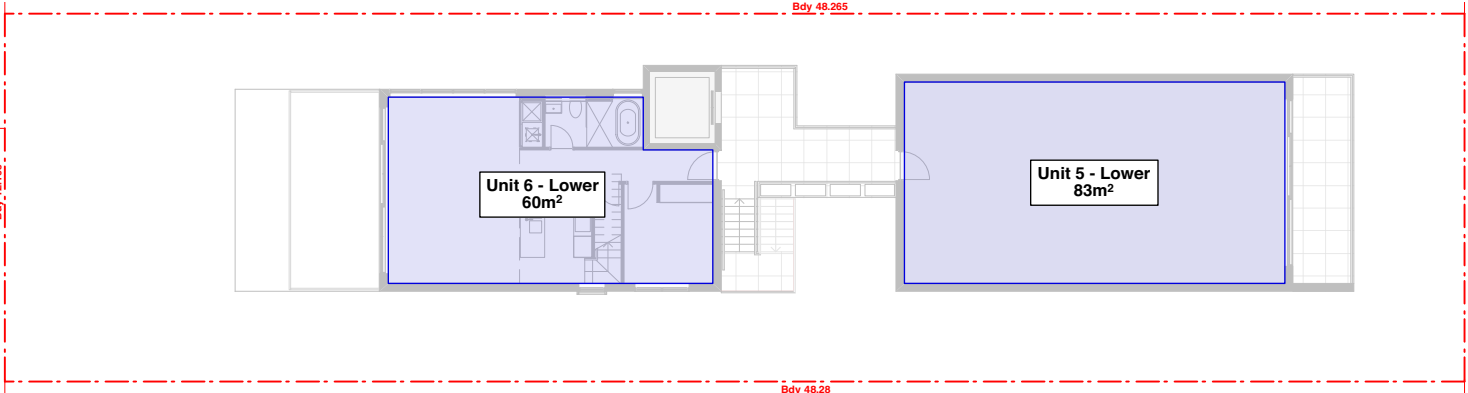
GFA CALCULATIONS

Note: Areas from approved DA drawings prepared by Raymond Panetta Architect.

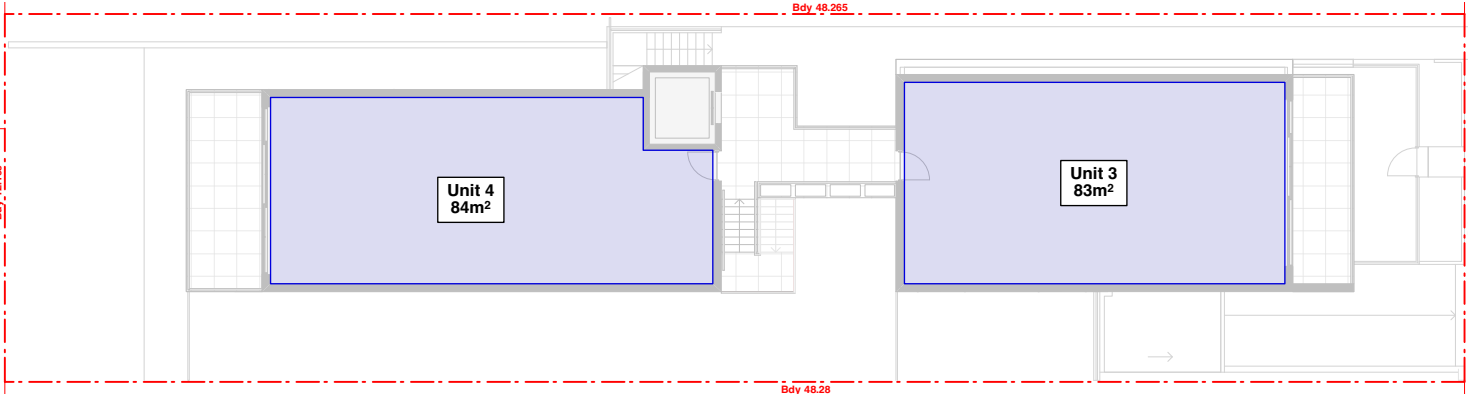
Site Area	587.15m ²	
GFA Calculation	Existing (See Note 1)	Proposed
Ground Floor	167m ²	No Change
Level 1	167m ²	
Level 2	143m ²	
Level 3	43m ²	
	520m ²	541.1m ²
FSR (Permissible 0.9:1)	0.886:1	0.92:1



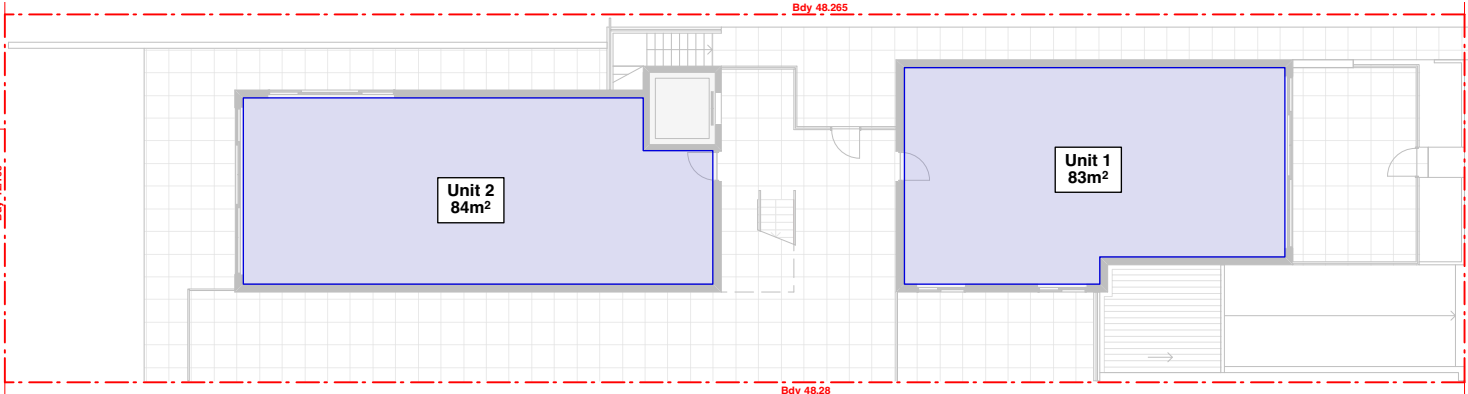
LEVEL 3



LEVEL 2



LEVEL 1



GROUND FLOOR

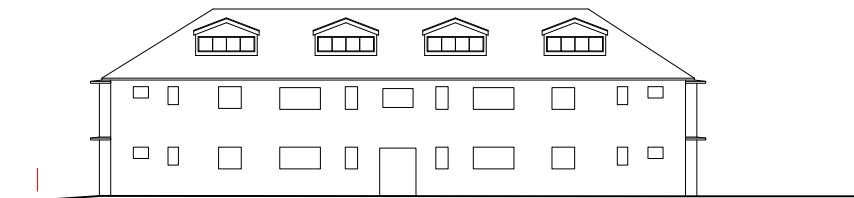
RECEIVED
Waverley Council
SHADOW DIAGRAMS - JUNE 21 (MID-WINTER)
Application No: DA-366/2022
Date Received: 31/08/2022

LEGEND

Existing shadows cast by existing building

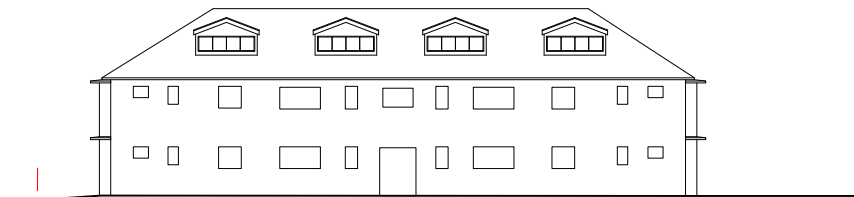
Existing shadows cast by existing neighbours

Additional shadows cast by proposed addition



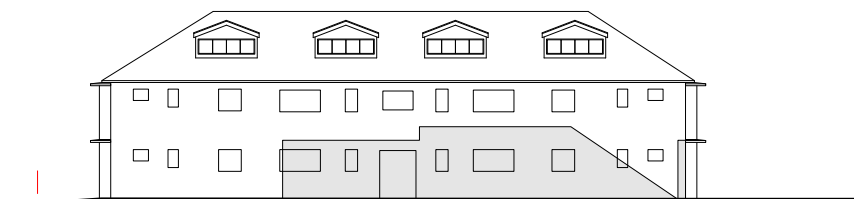
No shadow cast onto No. 86 at 9:00am

NORTH WEST ELEVATION OF No. 86 SHOWING SHADOW CAST BY No. 88

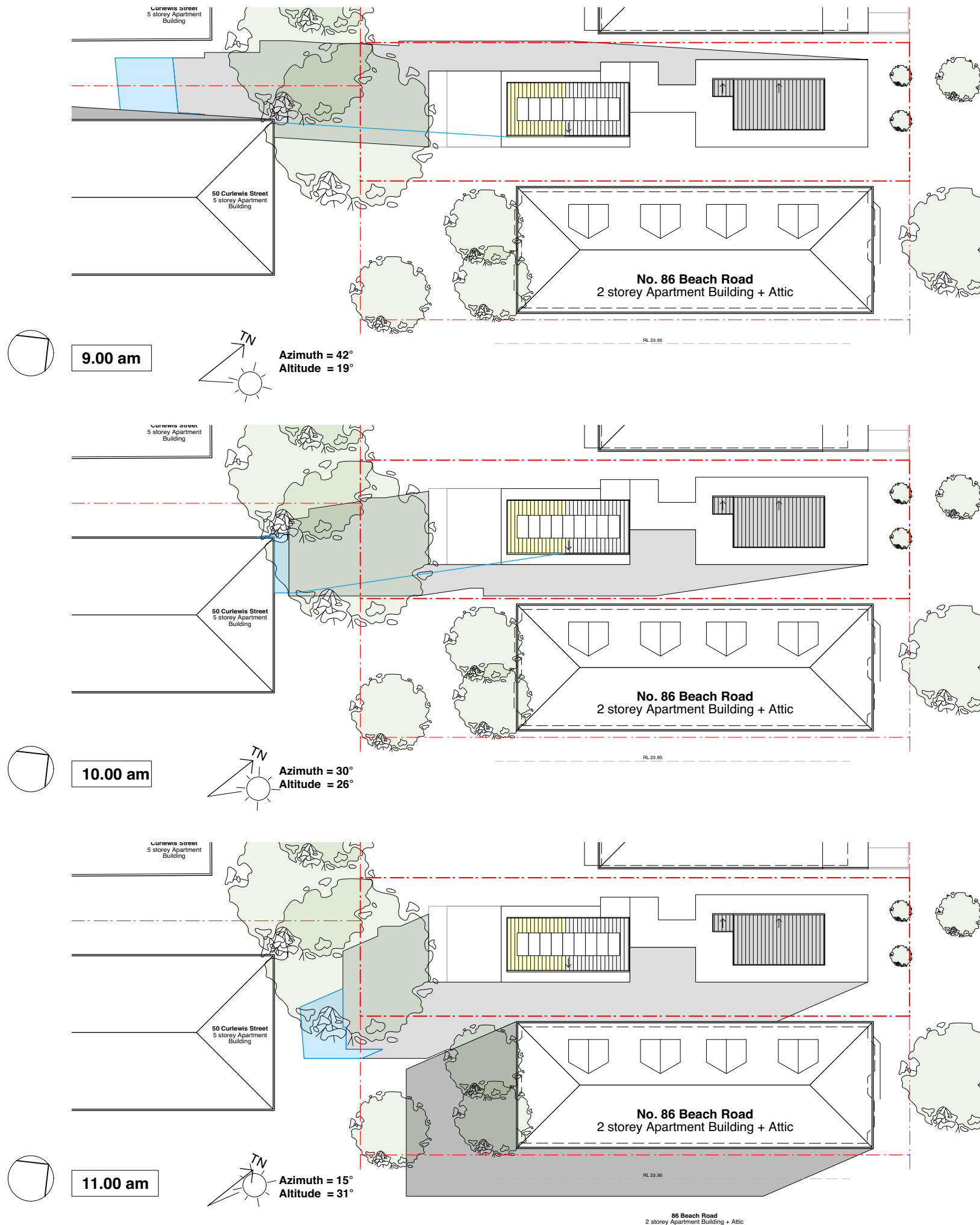


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NORTH WEST ELEVATION OF No. 86 SHOWING SHADOW CAST BY No. 88



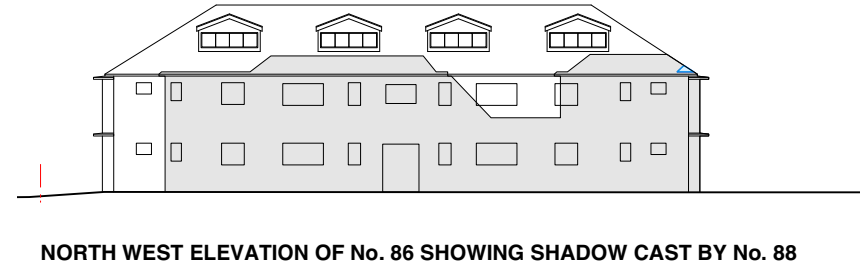
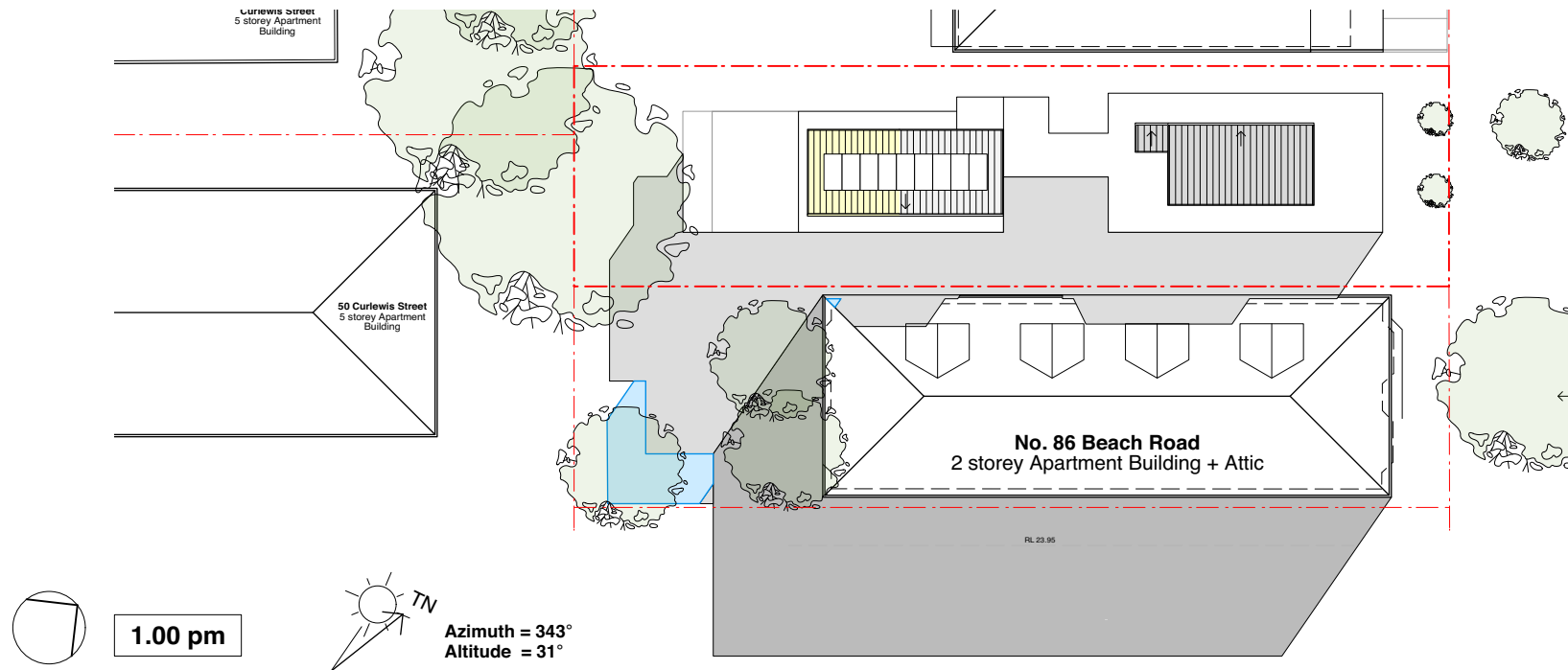
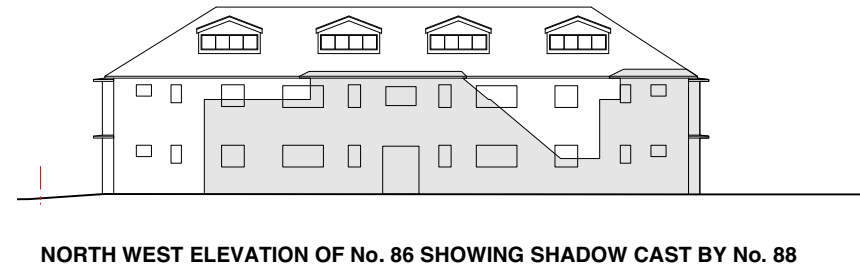
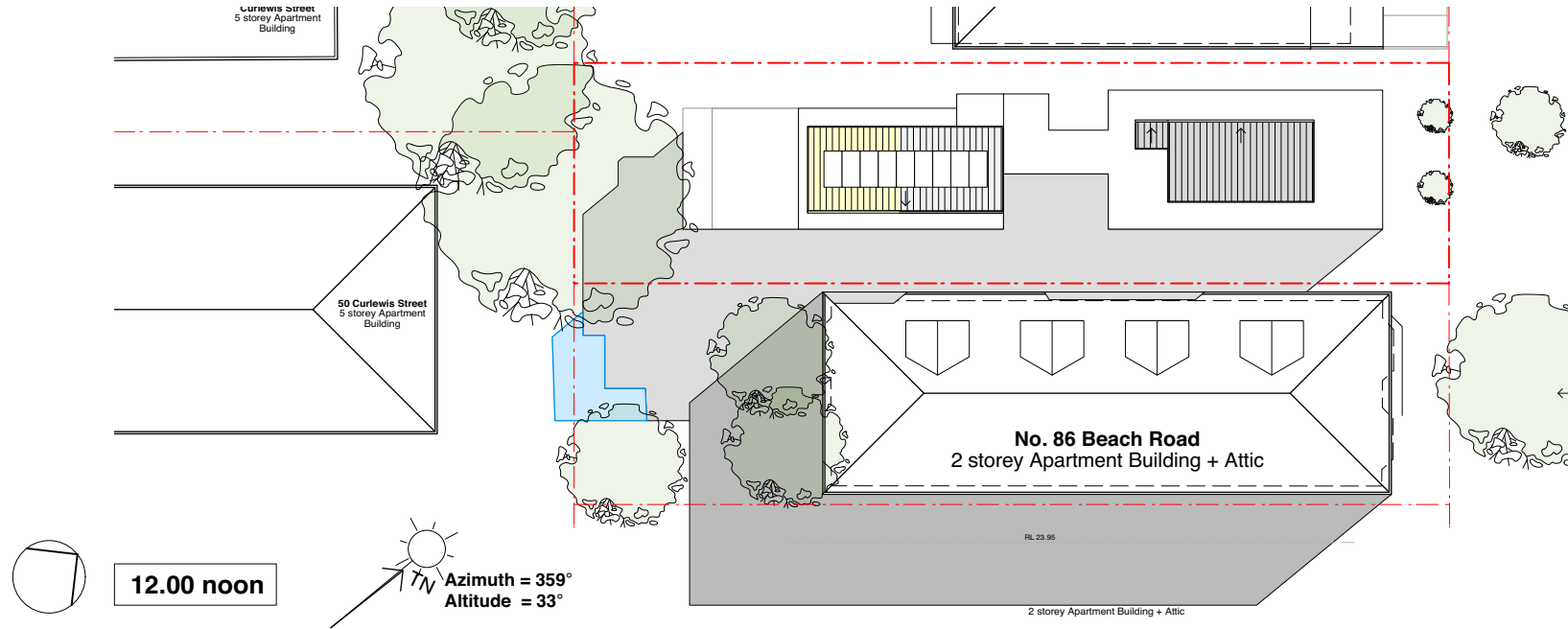
A	Development Application	23.08.22
Revision	Amendment	Date



studio 1 - 151 foveaux st surry hills 2010 nsw
tel: 8354 0815 Registered Architect 5434
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Project	Alterations + Additions to Unit 6, 88 Beach Rd Bondi Beach SP95100
Dwg Title	Shadow Diagrams June 21
Scale	1:400 (A3)
Date	July 2022
Dwg No	2126 / DA.111 Rev A

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SHADOW DIAGRAMS - JUNE 21 (MID-WINTER)

- LEGEND
- Existing shadows cast by existing building
 - Existing shadows cast by existing neighbours
 - Additional shadows cast by proposed addition

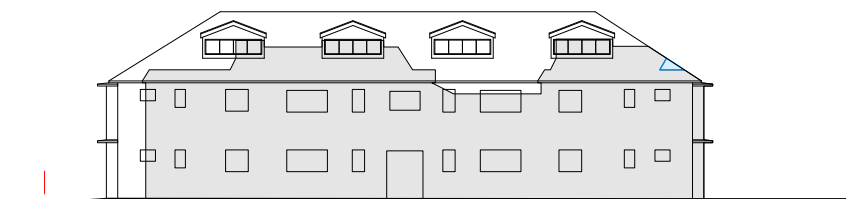
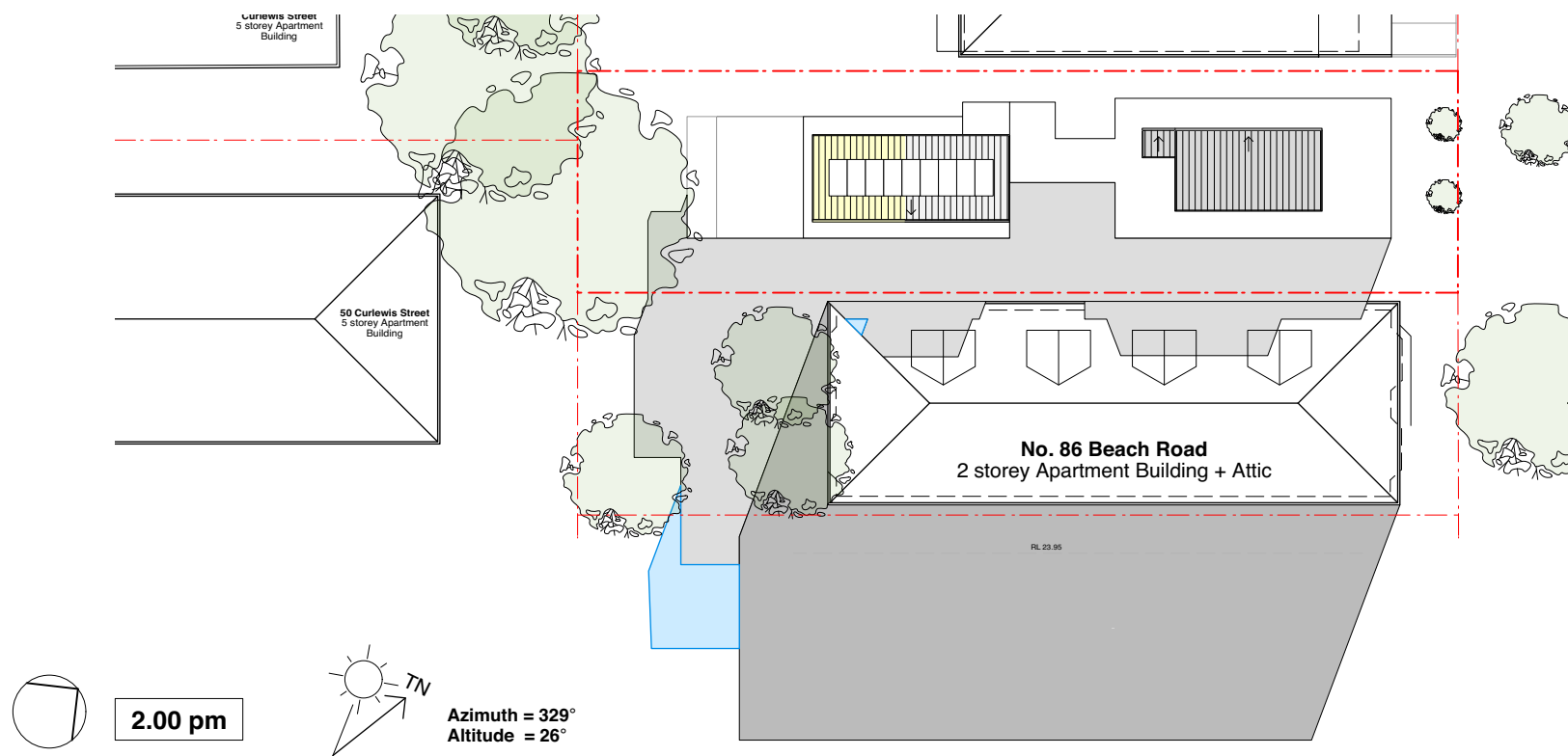
A	Development Application	23.08.22
Revision	Amendment	Date



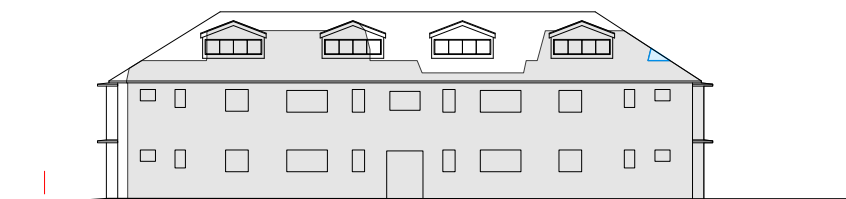
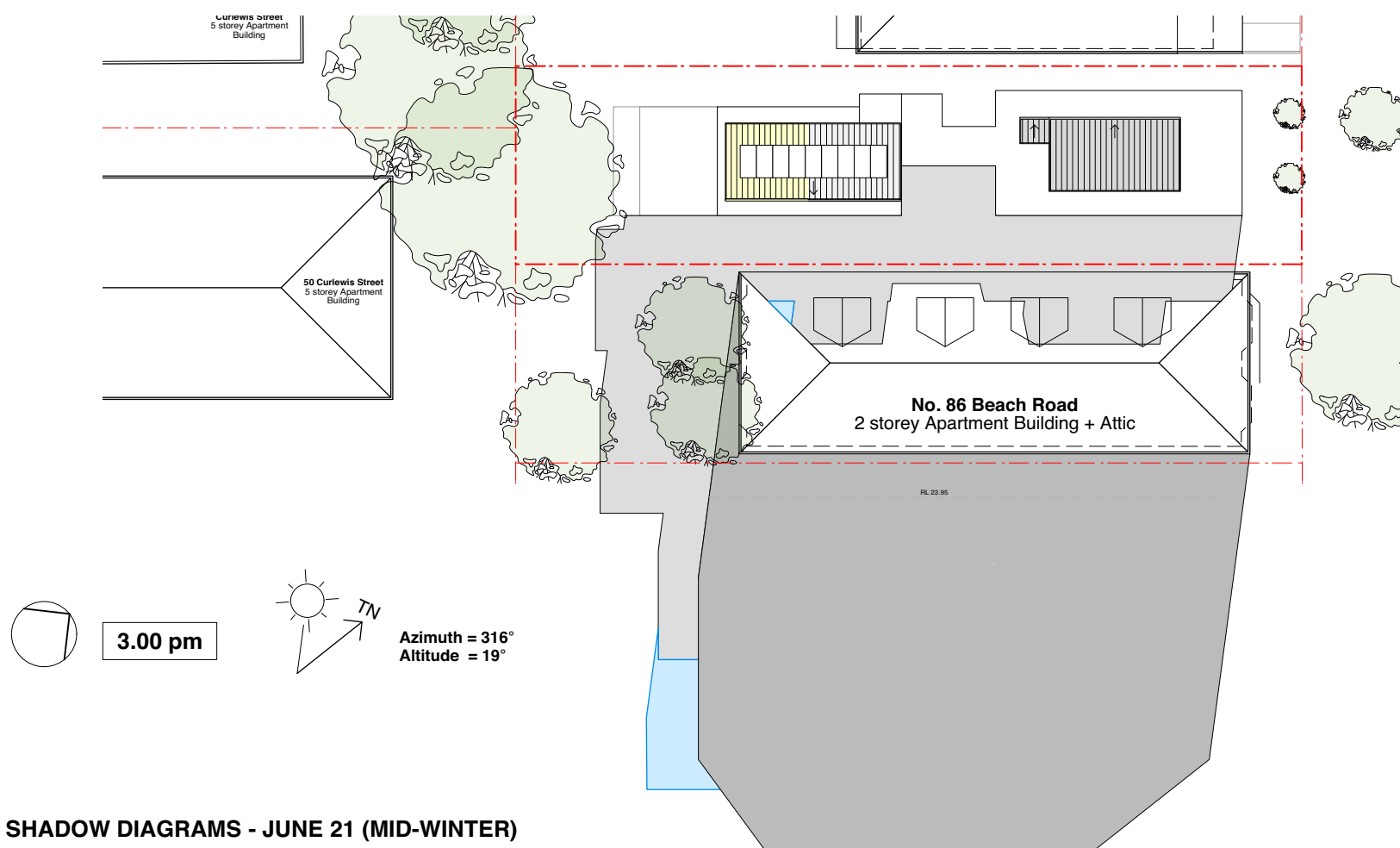
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Date	July 2022		
Dwg No	2126 / DA.112	Rev	A

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NORTH WEST ELEVATION OF No. 86 SHOWING SHADOW CAST BY No. 88



NORTH WEST ELEVATION OF No. 86 SHOWING SHADOW CAST BY No. 88

SHADOW DIAGRAMS - JUNE 21 (MID-WINTER)

LEGEND

- Existing shadows cast by existing building
- Existing shadows cast by existing neighbours
- Additional shadows cast by proposed addition

A	Development Application	23.08.22
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Report to the Waverley Local Planning Panel

Application number	DA-462/2021/A
Site address	12 Princess Street, Rose Bay
Proposal	Modifications to approved dual occupancy, including extension of basement, ground and first floor levels.
Description of Approved Development	Demolition of existing structures; and construction of a new attached dual occupancy development with basement parking and two swimming pools at rear.
Date of lodgement	21 July 2022
Owner	Mr R & Mrs K R Rosettenstein and Mr J D& Mrs T M Wiseman
Applicant	Common Office
Submissions	Five submissions
Amended cost of works	Applicant states 'no change'.
Principal Issues	<ul style="list-style-type: none"> • Breach of the FSR development standard • Impacts on amenity • Overshadowing • Loss of canopy trees
Recommendation	That the application be REFUSED for the reasons contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The modification application seeks to modify development consent DA-462/2021 for demolition of existing structures; and construction of a new attached dual occupancy development with basement parking and two swimming pools at rear at the site known as 12 Princess Street, Rose Bay. In summary, the proposed modifications are for the extension of the basement, ground and first floor levels, relocation of the swimming pools, tree removal and associated landscaping amendment.

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

- Breach of the FSR development standard
- Impacts on amenity
- Overshadowing
- Loss of canopy trees

The assessment finds these issues unacceptable due to impacts on the amenity of the neighbouring properties.

A total number of five submissions were received and the issues raised in the submissions have been considered and addressed in this report. No Councillor submission were received.

The application has been assessed against the relevant matters for consideration under section 4.55(2) the *Environmental Planning and Assessment Act 1979* and is recommended for refusal.

1.2. Site and Surrounding Locality

A site visit was carried out on 21 December 2022.

The site is identified as Lot 12 Section B in DP 4185 known as 12A Princess Street, Rose Bay.

The site is rectangular in shape with a southern frontage of 12.192m to Princess Street. It has an area of 581.8m² and falls from the rear towards the front by approximately 4.7m.

The site is occupied by a single storey dwelling house with vehicular access provided from Princess Street.

The site is adjoined by a two storey dwelling house to the east at 14 Princess Street, and two storey detached dual occupancy dwellings to the west at 10 and 10A Princess Street, and to the north at 7 Northcote Street. The locality is characterised by a variety of low and medium density residential development.

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



Figure 1: Front of the subject site as viewed from Princess Street, looking north.



Figure 2: View of neighbouring property No. 14 facing south-east.



Figure 3: Rear of the subject site facing north.



Figure 4: Rear of the subject site facing south-east.

1.3. Details of Approved Development

The original development application, known as DA-462/2021 for demolition of existing structures; and construction of a new attached dual occupancy development with basement parking and two swimming pools at rear was approved on 27 April 2027 by the Waverley Local Planning Panel (WLPP).

The following conditions from the development consent have direct relevance to this modification application.

3. DOMESTIC HEATERS

The provision of solid fuel heating is prohibited.

35. TREES PERMITTED TO BE REMOVED, RETAINED AND PROTECTED

The following trees are permitted to be removed, retained and protected as per the tables in this development consent. The trees identifications in these tables are the same as those in the Arborist Report referred to in condition 1(c) of this development consent.

<i>Tree No.</i>	<i>Species</i>	<i>Location</i>	<i>Action</i>
<i>T 1</i>	<i>Cinnamomum camphora</i> (Camphor Laurel)	<i>On-site</i>	<i>Remove as per Arborist report</i>
<i>T 2</i>	<i>Cinnamomum camphora</i> (Camphor Laurel)	<i>On-site</i>	<i>Remove as per Arborist report.</i>
<i>T 3</i>	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	<i>On-site</i>	<i>Retain as per Arborist report.</i>
<i>T 4</i>	<i>Pinus radiata</i> (Radiata Pine)	<i>On-site</i>	<i>Remove as per Arborist report.</i>
<i>T 5</i>	<i>Cotoneaster glaucophyllus</i> (Large Leaf Cotoneaster)	<i>On-site</i>	<i>Remove as per Arborist report.</i>
<i>A</i>	<i>Melaleuca quinquinervea</i> (Broadleaved Paperbark)	<i>Street tree</i>	<i>Trees to be Retain and protected. (refer to condition 36 below for more details)</i>
<i>B</i>	<i>Podocarpus elatus</i> (Brown Pine)	<i>Neighbouring tree.</i>	<i>Trees to be Retain and protected.</i>
<i>C</i>	<i>Magnolia grandiflora</i> (Bull Bay Magnolia)	<i>Neighbouring tree.</i>	<i>Trees to be Retain and protected.</i>
<i>D</i>	<i>X Cupressocyparis leylandii</i> (Leyland Cypress)	<i>Neighbouring tree.</i>	<i>Trees to be Retain and protected.</i>
<i>E</i>	<i>Eucalyptus robusta</i> (Swamp Mahogany)	<i>Neighbouring tree.</i>	<i>Trees to be Retain and protected.</i>

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:

Basement

- A 15.8m² extension to the basement of the eastern dwelling.

Ground Floor

- Reconfiguration of the internal layout of the kitchen within each dwelling.
- A 2.22m extension to the northern internal courtyard void.
- A 3m extension to the rear to facilitate larger living rooms within each dwelling.
- Relocating the rear terrace and awning to the north.
- Changes to openings.

First Floor

- Southern extension of bedroom 3 within each dwelling.
- Reconfiguration of the internal layout resulting in larger bathrooms and an additional bedroom to replace the study.
- A 3.93m extension to the northern void.
- A 3.135m northern extension comprising master bedrooms.

- Extension towards the eastern and western boundaries to increase the size of the bedroom and master bedrooms ensembles to provide a separate shower and toilet area within each dwelling.
- Changes to openings.
- Associated extensions to the roof.

External

- Relocating swimming pools and associated paving to the rear boundary.
- Removal of Tree 3 (Weeping Bottlebrush).
- Associated amendments to landscaping.
- Deletion of the rear swimming pool decks.
- Deletion of the four palm trees originally proposed at the rear of the site.

1.5. Background

The following background is relevant to the proposal:

- On 25 October 2021, Development Application DA-462/2021 for demolition of existing structures, and construction of a new attached dual occupancy development with basement parking and two swimming pools at the rear was lodged with Council. The proposal sought a breach of the FSR development standard which was not supported as the proposal did not demonstrate that the amenity of the neighbouring properties would be preserved. Amended plans which demonstrate compliance with the FSR development standard were requested.
- On 27 April 2022, Development Application DA-462/2022 was granted consent by WLPP. The approved development demonstrated compliance with the FSR development standard.
- On 21 July 2022, the subject Modification Application DA-462/2022/A was lodged with Council.
- On 27 July 2022, a Stop the Clock letter was issued to the applicant requesting additional information to address concerns raised in relation to solar access and insufficient plan details and documentation.
- 15 August 2022, the applicant submitted amended plans.
- On 16 August 2022, further amended plans were requested as the items requested were not adequately addressed.
- On 30 August 2022, the applicant submitted amended plans. The amended plans form the basis for the assessment.

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 between 8 and 22 September and five submissions were received. The issues and matters raised in public submissions are discussed in section 2.2.4 of this report.

2.2. Evaluation of Matters for Consideration under Section 4.15

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

2.2.1. Planning Instruments and Development Control Plans

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

State Environmental Planning Policies (SEPPs)

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

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP (Biodiversity and Conservation) 2021 (*Vegetation in Non rural areas*)
- SEPP (Resilience and Hazards) 2021 (*Coastal Management and Site contamination*)

Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

Clause 1.2 Aims of Plan

The proposal would not satisfy the following aims of WLEP 2012:

(f) to enhance and preserve the natural environment through appropriate planning, protecting the integrity of natural systems and by protecting existing trees.

(m) to enhance the amenity and quality of life of local communities, including through the provision of adequate social infrastructure, services and public art.

The proposal would not enhance or preserve the natural environment and would not enhance residential amenity.

R2 Low Density Residential Zone

The land use definition of the approved development as a *dual occupancy* remains unchanged and continues to be permitted development in the R2 Low Density Residential zone under Waverley LEP 2012.

Principal Development Standards

The quantities of the approved development, as proposed to be modified, have changed as outlined in **Table 1** below in relation to principal development standards under Waverley LEP 2012.

Table 1: Waverley LEP 2012 Compliance Table

Provision	Approved	Proposed Modified	Compliance
4.3 Height of buildings • 8.5m	8.23m	8.23m	Yes
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.5:1 / 290.9m ²	0.5:1 / 290m ²	0.593:1 / 345.5m ²	No

Floor Space Ratio (FSR)

The proposed modifications result in a net increase of gross floor area (GFA) of 55.5m², resulting in an overall FSR of 0.593:1. This culminates to an overall exceedance of the FSR development standard by 54.6m² or 18.76%. The net increase of FSR due to the proposed modifications represents 98.35% 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:

- Given the rear location, most of the numerical increase will not be visible from Princess Street. While there is a slight addition at the front on the upper floor, the recessed appearance is maintained.*
- The approved building height is retained and continues to be compliant, with the front and side setbacks maintained as approved and compliant.*

- *The GFA addition at the rear is set back from the predominant building line, and deep soil and open space continue to be more than compliant.*
- *The additional floor area will improve internal amenity and will not readily contribute to bulk or scale when viewed from the street.*
- *The modification continues to meet the standard's objectives by preserving adjoining properties' amenity and not readily impacting the streetscape.*
- *It remains contextually compatible with the envelope of surrounding low density residential developments recently approved and constructed on the street.*
- *Environmental amenity comprises a number of elements including privacy, solar access and views. If there is a negligible impact in terms of one aspect (such as a minor impact on the solar access of one window of a neighbouring property or view from one vantage point), in our opinion, it does not mean that the amenity is not preserved for that dwelling. In this regard, it is our opinion that there is some elasticity in the term, 'preservation of amenity'.*
- *The modification has been carefully designed to preserve neighbour amenity. As indicated, the additional floor space will not contribute significantly to the building's perceived scale from the street.*
- *The FSR increase will also not have any unreasonable impact on privacy, solar access or views.*

The assessment has found that the proposal would result in additional impacts on the neighbouring properties with regard to overshadowing of windows and private open space, and visual bulk and scale and therefore would not demonstrate that the amenity of the neighbouring properties would be preserved in accordance with objective (d).

An exceedance of the FSR development standard was not supported at the initial DA stage, due to impacts on the amenity of the neighbouring properties. The proposal now seeks to exceed the FSR development standard by approximately double what was initially proposed and therefore demonstrates an attempt for development creep and a disregard for the initial assessment and Panel determination.

Improving the internal amenity of a dwelling for private gain is not a reasonable justification for additional floor space, which additionally results in impacts on the amenity of neighbouring properties. The applicants focus on the lack of streetscape impact demonstrates that inadequate consideration has been given to the amenity impacts on the immediately adjacent properties at 14 and 10 Princess Street resulting from the additional floor space. The breach of the FSR development standard is not supported.

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

The application was lodged with Council prior to the implementation of Waverley Development Control Plan 2022 (WDCP 2022), and therefore WDCP 2012 applied.

An assessment against the parts of Waverley DCP 2012 that apply to the proposed development are provided below.

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

Development Control	Compliance	Comment
3. Landscaping and Biodiversity	No	<p>Unsatisfactory. The proposal includes the removal of the only remaining existing tree (3m tall Weeping bottlebrush) located on the rear boundary, and the removal of the four palm trees originally proposed along the rear boundary, with no offset planting proposed.</p> <p>The proposal would not enhance the amenity and visual setting of the locality and would not contribute to or enhance the urban canopy and vegetation in accordance with objectives (a) and (b), or controls (b) and (c) under Section 3.1 of WDCP 2012.</p>
5. Vegetation Preservation	No	<p>The proposal would not increase the level of canopy cover or minimise the loss of vegetation in accordance with objective (d) under section 5.1 of Waverley DCP 2012.</p>
8. Transport Maximum parking rate: <ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms. 	Yes	<p>The proposal includes an extension of the basement below the eastern dwelling. The extension enables the development to facilitate parking of two vehicles in a tandem configuration.</p> <p>The provision of two parking spaces for a four bedrooms dwelling is in keeping with Council's maximum parking rates and is not considered to be unreasonable.</p>
12. Design Excellence	No	<p>Unsatisfactory. Inadequate consideration has been given to the environmental and amenity impacts resulting from the proposal in regard to overshadowing and bulk and scale. The proposal does not demonstrate design excellence and does not satisfy controls (e)(iv), (v), and (vii) under section 12.1 of Waverley DCP 2012.</p>
14. Excavation	No	<p>Unsatisfactory. The proposal would result in a greater extent of excavation beyond that which was originally approved and accordingly has not been designed to minimise excavation in accordance with control (d) under Section B14 of Waverley DCP 2012.</p>

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

Development Control	Compliance	Comment
2.0 General Objectives		
<p>(a) <i>To ensure that the scale of lower density residential accommodation is appropriate for allotment sizes and other dwellings in the vicinity.</i></p> <p>(b) <i>To ensure that lower density residential accommodation does not significantly detract from the amenity, privacy and views of other dwellings and public views corridors.</i></p> <p>(d) <i>To ensure that new development and alterations and additions to existing lower density residential accommodation is sympathetic in bulk, scale and character with the desired future character of the area.</i></p> <p>(e) <i>To encourage lower density residential accommodation to have high design standards and are built in accordance with the objectives and controls of this Part.</i></p>	No	<p>The proposal would not satisfy the objectives of Part C of Waverley DCP 2012.</p> <p>The scale of the proposal would not be appropriate to the size of the allotment and would detract from the amenity of neighbouring properties.</p> <p>The bulk and scale of the proposal would not be compatible with the desired future character of the locality and the proposal would not be in accordance with the objectives and controls of this Part of Waverley DCP 2012.</p>
2.2 Setbacks		
<p>2.2.1 Front and rear building lines</p> <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	No	<p>The proposal would maintain a compatible front alignment.</p> <p>The proposal would however be incompatible with the rear alignment of the immediately adjoining properties resulting in adverse impacts with regard to visual bulk and scale, privacy and overshadowing and would not satisfy objective (c) under Section 2.2. of Waverley DCP 2012.</p>
<p>2.2.2 Side setbacks</p> <ul style="list-style-type: none"> Minimum of 0.9m (for height up to 8.5m) 	Yes	<p>The proposal complies with the minimum 900mm minimum side setback requirement.</p>

Development Control	Compliance	Comment
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	Satisfactory.
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> • Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design • Roof tops to be non-trafficable unless predominant in the immediate vicinity 	No	<p>The new first floor east facing bathroom window would directly face the first floor balcony at 14 Princess Street, resulting in increased adverse impacts on privacy. No details have been provided to confirm whether any window treatment is proposed.</p> <p>The relocation of the swimming pool and rearward extension of the dwellings would also result in increased adverse impacts on the neighbouring properties with regard to acoustic and visual privacy impacts.</p> <p>The proposal would not satisfy objectives (a) or (c) and control (b) under Section 2.5 of Waverley DCP 2012.</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). 	No	<p>As demonstrated on the solar access diagrams, the proposed extension of the dwellings which result in an exceedance of the FSR development standard would result in additional overshadowing of windows and private open space which is not supported.</p> <p>The proposal would not minimise overshadowing of neighbouring properties and accordingly would not satisfy objectives (a), (b), (c), and (d), or control (e) under section 2.6 of Waverley DCP 2012.</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	Please see below for the detailed assessment.
2.8 Car parking		
2.8.1 Design Approach	Yes	Satisfactory.
2.8.2 Parking rates	Yes	The proposal is in keeping with the parking rates set out under Part B8 of Waverley DCP 2012.
2.8.5 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	The extension of the basement for the eastern dwelling would create sufficient space for two cars to be parked in a tandem parking arrangement.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided Outdoor clothes drying area to be provided 	Yes	The proposal continues to satisfy the minimum open space and landscaped area requirements and does not include any changes to the provision of open space and landscaping approve within the front setback of the site.
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 	No	<p>The relocation of the swimming pools, in conjunction with the rear additions to the dwellings and the removal of the palm trees approved between the swimming pools and the rear boundary, would result in additional impacts on the amenity of the neighbouring properties with regard to privacy and acoustic amenity.</p> <p>The relocation of the pools would result in the removal of the only remaining tree on the site</p>

Development Control	Compliance	Comment
		<p>which was proposed and condition to be retained under DA-462/2021.</p> <p>The proposal therefore would not satisfy objectives (a), (b), and (c), and control (d) under Section 2.10 of Waverley 2012.</p>

2.7 Views

Submissions were received from 14 and 10A Princess Street raising concerns in relation to impacts on views. A site inspection of these properties was undertaken on 23 January 2023. Images of existing views from 14 Princess Street are provided below.

10A Princess Street

The submission received from 10A Princess Street raised concerns in relation to a *loss of open view (skyline vs building views)*. Views to be assessed are taken to be views of iconic landmarks (e.g. Sydney Opera House), views of the Sydney skyline, harbour/water views, and district views.

The property at 10A Princess Street benefits from views of the Sydney city skyline to the west from the first floor balcony. The proposed development is located to the east of the property and therefore would not result in any impact on views. The property does not benefit from district or water views to the east.

14 Princess Street

Figures 5 to 8 below detail the existing views from the first floor of 14 Princess Street.



Figure 5. View from the first floor landing at 14 Princess Street. Zoomed in photo taken from a standing position.



Figure 6. View from first floor rear bedroom at 14 Princess Street. Photo taken from a standing position.



Figure 7. View from the first floor rear deck at 14 Princess Street. Photo taken from a standing position.



Figure 8. View from the first floor rear deck at 14 Princess Street (zoomed in).

Views of the Sydney City Skyline are currently enjoyed from the first floor landing, bedroom and rear deck of the property neighbouring to the east at 14 Princess Street. The views are obtained over a side boundary, through trees and over the rooftops of the neighbouring properties.

The assessment has found that views will be lost as a result of the approved development, and that there would be no additional view loss as a result of the proposed modification development.

2.2.2. 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.

2.2.3. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

2.2.4. Any Submissions

The application was notified 14 days between 8 and 22 September 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 amendments related to the detailing of the documentation and did not include any new or additional impacts on the neighbouring properties.

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

- 10 Princess Street
- 10A Princess Street
- 14 Princess Street

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

- Breach of the FSR development standard
- Additional overshadowing
- Impacts on privacy
- View loss
- Impacts on acoustic amenity
- Adverse visual bulk and scale

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

Issue: Wood Burning Fireplaces

Response: Concerns were raised that the proposal includes wood burning fireplaces which would result in adverse impacts on the neighbouring properties. Insufficient information has been provided on the plans to confirm the type of fireplaces proposed. As detailed under Section 1.3 of this report, a condition of consent was however included in the Development Consent which stipulates that solid fuel heating is prohibited.

Issue: Disregard for Waverley Local Planning Panel Determination.

Response: Concerns were raised that the proposal seeks to exceed the FSR development standard, when a leach was not supported at the DA stage. The comments are noted and the proposed breach of the FSR development standard is not supported.

Issue: Overshadowing from Landscaping.

Response: Concern was raised that the landscaping detailed along western boundary of the subject property located between 10 and 10A Princess Street would result in additional overshadowing of 10A Princess Street. The additional overshadowing of this area would be generated by the proposed rear extension as well as the landscaping proposed further north, adjacent 10A Princess Street. Notwithstanding, the modification application is recommended for refusal.

Issue: Substantially the same.

Response: Concerns were raised that the proposal would not be substantially the same. As detailed under Section 2.1 of this report, the proposal continues to comprise a two storey dual occupancy development with basement parking and swimming pools at the rear. The proposed development is found to be substantially the same as the approved development.

Issue: Stormwater run-off.

Response: Concern was raised that the re-positioning of the swimming pools would result in adverse stormwater run-off onto neighbouring properties. Council's Stormwater Engineering Department reviewed the proposal and raised no objection, subject to the existing conditions of consent being imposed in the event of an approval. Notwithstanding, the development would be required to comply

with Council's stormwater policy and be designed to not result in adverse impacts on the neighbouring properties.

Issue: Excavation.

Response: Concern was raised that the proposal would result in additional excavation which would result in adverse impacts on the neighbouring properties. A condition of consent was included at the DA stage requiring any excavation to be undertaken in accordance with the recommendations in the Geotechnical Report in order to minimise impacts on the neighbouring properties. Notwithstanding, the proposal is not supported.

2.2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Traffic and Development

Council's Traffic Department raised no objection to the proposal and did not require any changes to the conditions of consent.

3.2. Stormwater

Council's Stormwater Engineering Department raised no objection to the proposal and did not require any changes to the conditions of consent.

3.3. Tree Management

Council's Tree Management Officer reviewed the proposal and did not raise objection to the proposed removal of Tree 3.

Whilst Tree 3 may not be considered as a significant tree and worthy of retention by Council's Tree Management Officer, the removal of the tree in conjunction with the removal of the four palm trees proposed and approved at the rear and the other existing trees proposed to be removed as part of the original DA is not supported on planning grounds as no offset planting is proposed in order to minimise the loss of vegetation and tree canopy, and enhance and protect the amenity and visual setting of the locality.

4. CONCLUSION

The modification application seeks to modify development consent DA-462/2021 for demolition of existing structures; and construction of a new attached dual occupancy development with basement parking and two swimming pools at rear at the site known as 12 Princess Street, Rose Bay. In summary, the proposed modifications are for extending the building envelope, relocating swimming pools and tree removal.

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

- Breach of the FSR development standard
- Impacts on amenity
- Overshadowing
- Loss of canopy trees



The assessment finds these issues unacceptable for the reasons outline in this report.

A total number of five submissions were received and the issues raised in the submissions have been considered and addressed in this report. No Councillor submissions were received and there were no conflicts of interest raised.

The application has been assessed against relevant sections of the Act and is recommended for refusal.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the modification application be REFUSED by the Waverley Local Planning Panel the reasons contained in Appendix A.

Report prepared by:	Application reviewed and agreed by:
	
Karis Keenan	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment
Date: 6 February 2023	Date: 9 February 2023

Reason for WLPP referral:

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

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

APPENDIX A – REASONS FOR REFUSAL

Having regard to section 4.55 (2) and section 4.15 (1) of the *Environmental Planning and Assessment Act 1979 (the Act)* the modification application (the application) is refused for the following reasons:

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

- a. *Clause 1.2 Aim of the Plan*

The proposal would not enhance or preserve the natural environment and would not enhance residential amenity.

- b. *Clause 4.4 Floor Space Ratio*

The proposal exceeds the 0.5:1 Floor Space Ratio (FSR) development standard by 57m² or 19.59%, and the proposal fails to satisfy objectives (b), (c) and (d) under Clause 4.4 of WLEP.

The proposal is considered an overdevelopment of the site and would not preserve the environmental amenity of neighbouring properties and the surrounding locality.

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

B3 Landscaping and Biodiversity

- a. Objective (a) is not satisfied as the proposal would not enhance the amenity and visual setting of the locality.
 - b. Objective (b) and general controls (b) and (c) under Section 3.1 are not satisfied as the proposal would not contribute to the provision of urban canopy, and would not maintain or enhance vegetation.

Part B5 Vegetation Preservation

- c. Objective (d) is not satisfied as the proposal would not increase the level of canopy cover of minimise the loss of vegetation and trees.

Part B12 Design Excellence

- d. General controls (e)(iv), (v) and (vii) under section 12.1 are not satisfied as the proposal has not demonstrated that adequate consideration has been given to the amenity of the neighbouring properties, environmental impacts including overshadowing, and the bulk and scale of the proposal.

Part B14 Excavation

- e. General control (d) is not satisfied as the proposal would not minimise excavation.

Part C2 Low Density Residential Development

- f. *Section 2.0 General Objectives* - Objectives (a), (b), (d), and (e) are not satisfied as the scale of the proposal would not be appropriate to the size of the allotment, and would detract from the amenity of the neighbouring properties. The bulk and scale of the proposal would not be compatible with the desired future character of the locality and the proposal would not be in accordance with the objectives and controls of this Part.
 - g. *Section 2.2 Setbacks* – Objective (c) is not satisfied as the proposal would not provide sufficient separation in order to maintain adequate privacy and amenity.
 - h. *Section 2.5 Visual and Acoustic Privacy* – Objectives (a) and (c), and control (b) are not satisfied as the proposal would result in additional impacts on the amenity of the neighbouring properties with regard to visual privacy and acoustic amenity.
 - i. *Section 2.6 Solar Access* – Objectives (a), (b), (c) and (d), and control (e) are not satisfied as the proposal would not minimise overshadowing of the neighbouring properties.
 - j. *Section 2.10 Swimming Pools and Spa Pools* – Objectives (a), (b), and (c), and control (d) are not satisfied as the proposal would result in the removal of landscaping and result in additional impacts on the amenity of the neighbouring properties.
- 3. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development.
 - 4. 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.
 - 5. 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.

12 Princess St, Rose Bay

LOT 12, SEC B, DP4185

DEVELOPMENT APPLICATION
Rev 05
S4,55 SUBMISSION

25 August 2022

DRAWING NUMBER	REVISION	DRAWING NAME	SCALE
DA000	05	COVER SHEET	nts
100 SITE PLANS & ANALYSIS			
DA100	05	SITE AND ANALYSIS PLAN	1:200
DA101	05	SETBACK ANALYSIS	1:250
DA102	05	STREETSCAPE ANALYSIS	nts
200 FLOOR PLANS 1:200			
DA200	05	BASEMENT PLAN	1:200
DA201	05	GROUND FLOOR PLAN	1:200
DA202	05	FIRST FLOOR PLAN	1:200
DA203	05	ROOF PLAN	1:200
300 ELEVATIONS			
DA300	05	ELEVATIONS NORTH & SOUTH	1:200
DA301	05	ELEVATIONS EAST & WEST	1:200
DA302	05	FENCES	1:200
400 SECTIONS			
DA400	05	SECTIONS	1:200
DA401	05	SECTIONS	1:200
500 DIAGRAMS			
DA500	05	AREA DIAGRAMS: GFA	1:250
DA501	05	AREA DIAGRAMS: LANDSCAPE	1:250
DA502	05	WASTE MANAGEMENT PLAN	1:200
DA503	05	STREET PARKING ANALYSIS	1:100
600 EXTERIOR			
DA600	05	EXTERNAL FINISHES SCHEDULE	nts
DA601	05	PHOTOMONTAGE	nts
DA602	05	COURTYARD ANALYSIS	1:50
700 BASIS			

SCHEDULE OF AMENDMENTS

AMENDMENT	05
A	GF Rear glass line Extended by 3m
B	1F Rear glass line Extended by 3.1m
C	Proposed Fire Place
D	Extended Courtyard by 2.2m
E	Extended Void by 2.2m
F	Extended Skylight by 2.2m
G	Proposed Skylight
H	Master Bathroom Extended by 200mm
I	1F Front Wall line Extended by 0.5m
J	Basement Extended
K	Pools shifted North
L	Kitchen Reconfigured
M	Bathroom Reconfigured
N	Proposed Bedroom To Replace Study



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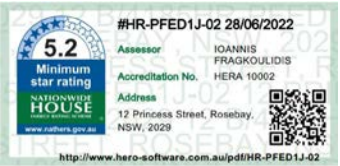
Basic: All other equipments as per certificates			
WATER			
FIXTURES			
Showerheads: 4 Star			
Toilets: 3 Star			
Kitchen Taps: 3 Star			
Pool: Max Volume 21kL, no cover			
ALT. WATER SOURCE			
1800L Water Tank, to collect run off from 40m² roof area			
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ENERGY			
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Gas instantaneous 5 star			
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2 Living/Dining (dedicated)			
Each Kitchen (dedicated)			
All bathrooms (Dedicated)			
COOLING:			
All Laundries (dedicated)			
All Hallways (Dedicated)			
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3 bathrooms and kitchen			
POOL:			
Electric Heat Pump, Timer			
APPLIANCES:			
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ALTERNATIVE ENERGY:			
2.0 Photovoltaic System			
THERMAL COMFORT			
CONSTRUCTION OF FLOORS			
& WALLS:			
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Suspended floor with enclosed sub-floor			
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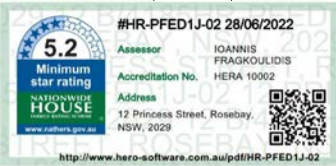
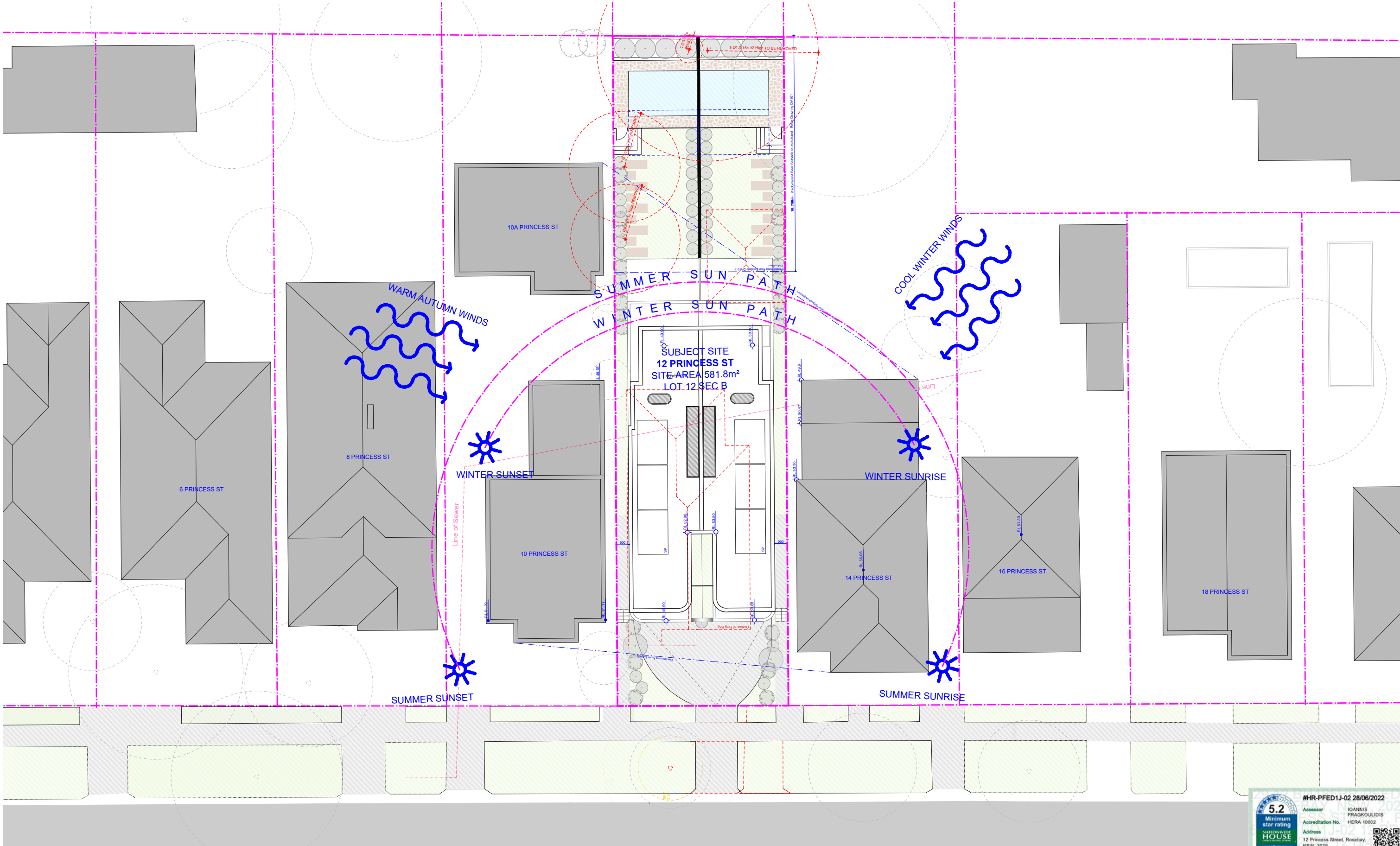
Consultants
Planner
LK Planning
Landscape
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Stormwater Engineer
RTS CIVIL
Surveyor
Survplan
Imagery
Freshimages

Project
PRINCESS DUAL OCC
Site
12 PRINCESS ST ROSE BAY
Client
WISEMAN / ROSETTENSTEIN
Scale
Drawn By
nts at A3
MH, RM

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Drawing
COVER PAGE
Date
25 AUGUST 2022
Drawing No
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Revision
[05]





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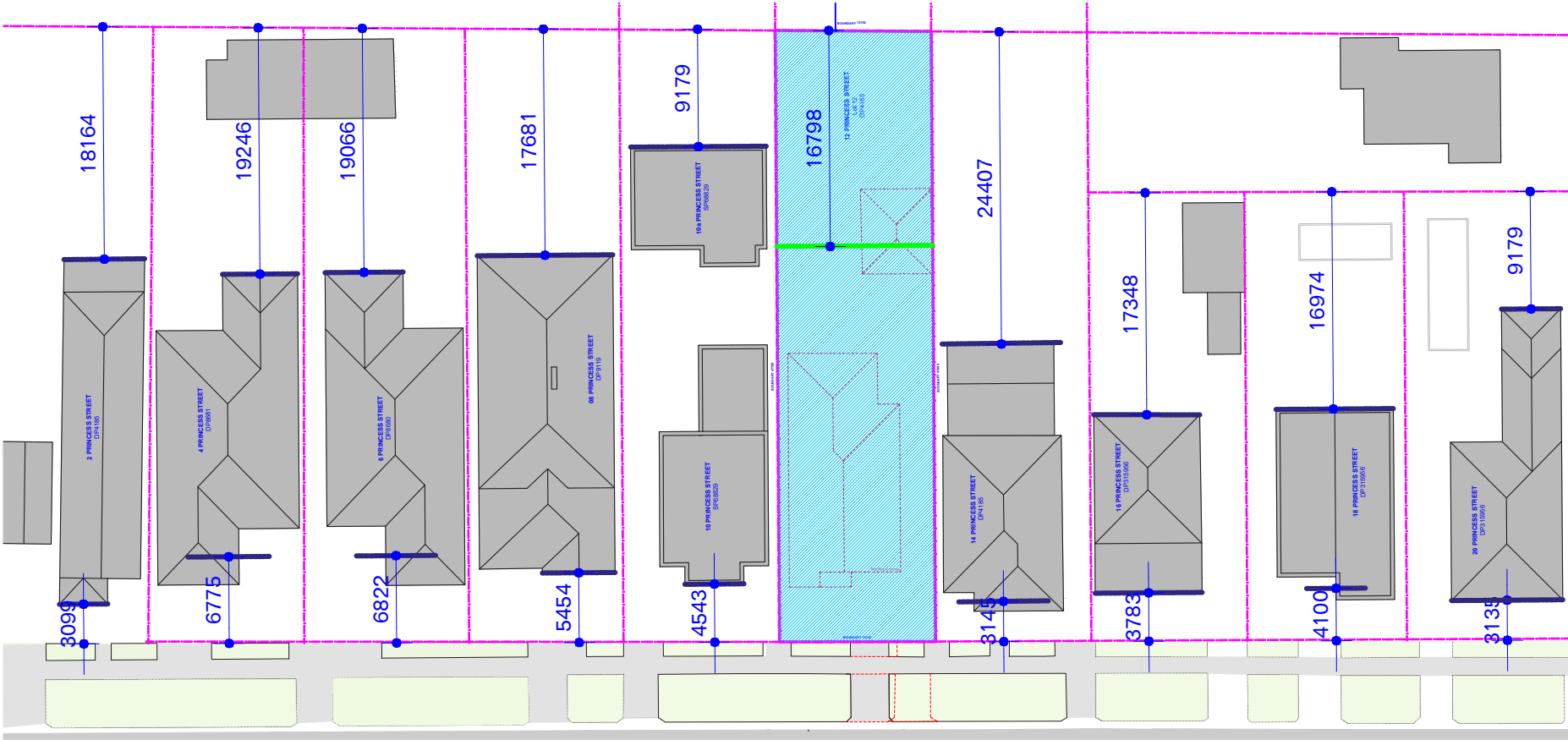
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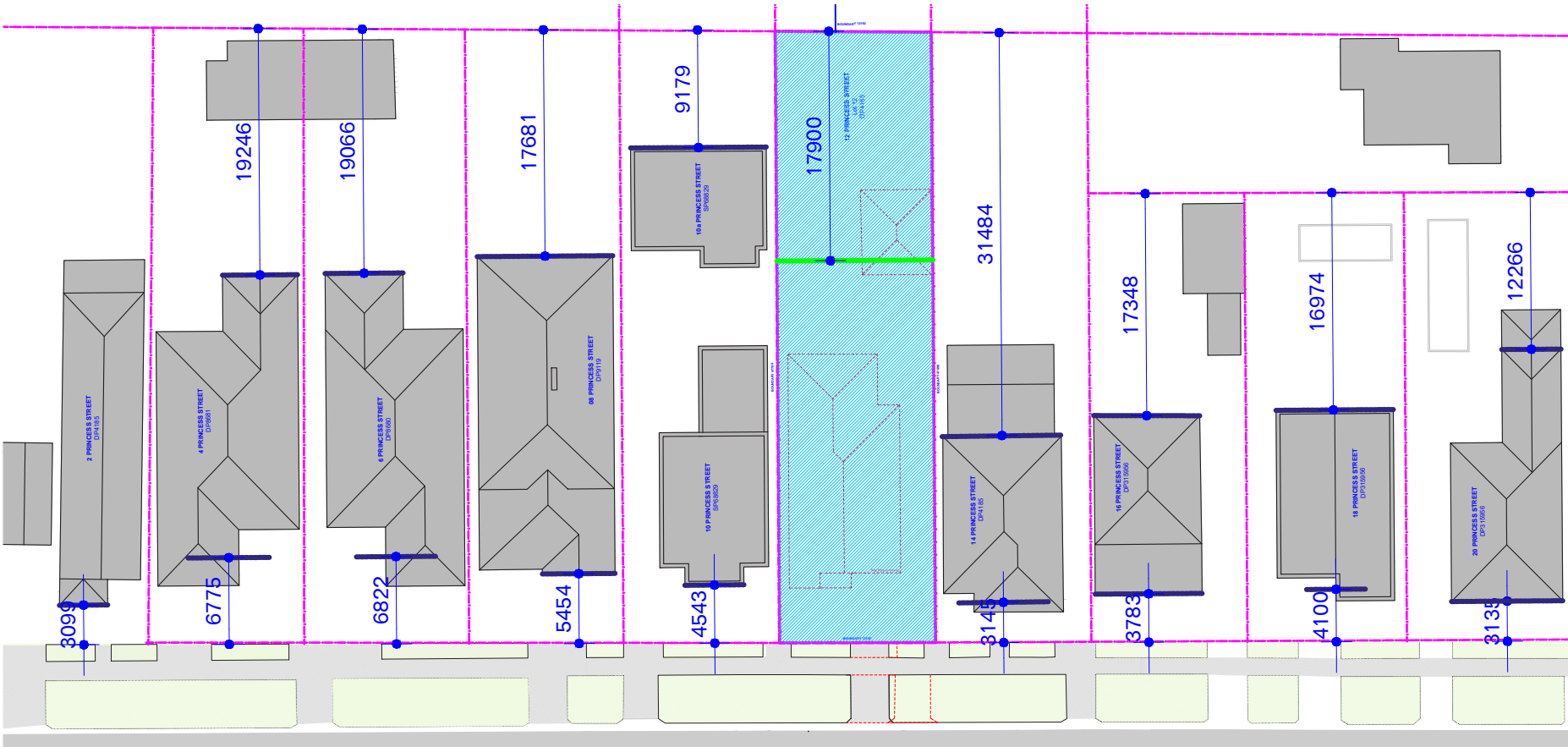
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Drawing	SITE AND ANALYSIS PLAN
Date	25 AUGUST 2022
Drawing No	100
Revision	[05]

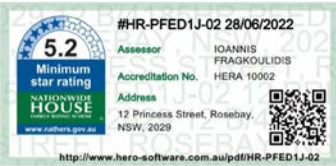
REAR SETBACK ANALYSIS 12 PRINCESS ST		
Address	Rear Setback at GROUND (m)	Rear Setback at FIRST (m)
2 Princess St	18.16	n/a single storey
4 Princess St	19.24	19.24
6 Princess St	19.06	19.06
8 Princess St	17.68	17.68
10 Princess St	9.17	9.17
12 Princess St: Subject Site		
14 Princess St	24.40	31.48
16 Princess St	17.34	17.34
18 Princess St	16.97	16.97
20 Princess St	9.17	12.26
PREDOMINANT	16.798m	17.900m



01
101
Rear Setback Analysis - GROUND
1:500



02
101
Rear Setback Analysis - FIRST
1:500



05 25.08.22 Issued For S4.55
04 19.08.22 Issued For S4.55
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FIXTURES
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Toilets: 3 Star
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Landscape & Laundry Connection
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4 Star (Zoned) to Living and Bedroom Areas
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2.0 Photovoltaic System
THERMAL COMFORT
CONSTRUCTION OF FLOORS

& WALLS:
Concrete Slab on ground,
Suspended floor above garage,
Suspended floor with enclosed sub-floor
GLAZING:
Aluminium A SG High Solar Gain
Low-E: U-Value: 5.4, Shgc 0.49;
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Drawing
SETBACK ANALYSIS
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8 Princess St



10 & 10a Princess St



12 Princess St
Subject Site



14 Princess St



16 Princess St



18 Princess St

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Kitchen Taps:	3 Star
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Manual Switch on/off	
LANDSCAPE & LAUNDRY CONNECTION	Manual Switch on/off
ENERGY	
HOT WATER:	Ceiling fans + 1-phase airconditioning.

4 Star (Zoned) to Living and Bedroom Areas	HEATING:
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Low-E: U-Value: 5.4, Shgc 0.49;	
Aluminium B Sp High Solar Gain	
Low-E: U-Value: 5.4, Shgc 0.58;	
Aluminium A DG Argon Fill High Solar	
Gain low-E -Clear: U-Value: 4.10,	

Shgc 0.47;	
Aluminium A DG Argon Fill High Solar	
Gain low-E -Clear: U-Value: 4.10,	
Shgc 0.52;	
EXTERNAL WALLS:	
Brick Veneer: R 2.73	
Cavity Brick R0.41	
Blockwork: R0.00	
FC Sheet R2.73	
GLAZING:	
Aluminium A SG High Solar Gain	
Low-E: U-Value: 5.4, Shgc 0.49;	
Aluminium B Sp High Solar Gain	
Low-E: U-Value: 5.4, Shgc 0.58;	
Aluminium A DG Argon Fill High Solar	
Gain low-E -Clear: U-Value: 4.10,	

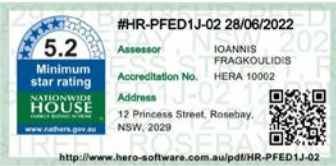
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Gain low-E -Clear: U-Value: 4.10,	
Shgc 0.52;	
EXTERNAL WALLS:	
Brick Veneer: R 2.73	
Cavity Brick R0.41	
Blockwork: R0.00	
FC Sheet R2.73	
GLAZING:	
Aluminium A SG High Solar Gain	
Low-E: U-Value: 5.4, Shgc 0.49;	
Aluminium B Sp High Solar Gain	
Low-E: U-Value: 5.4, Shgc 0.58;	
Aluminium A DG Argon Fill High Solar	
Gain low-E -Clear: U-Value: 4.10,	

Consultants
Planner
LK Planning
Landscaper
Site Design
Stormwater Engineer
RTS CIVIL
Surveyor
Surveyplan
Imagery
Freshimages

Project	PRINCESS DUAL OCC
Site	12 PRINCESS ST ROSE BAY
Client	WISEMAN / ROSETTENSTEIN
Scale	nts at A3
Drawn By	MH, RM

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office@common-office.com
Common Office Pty Ltd.
ABN 47 631 337 472

Drawing No	25 AUGUST 2022
Revision	DA
102	[05]



05 25.08.22 Issued For S4.55
04 19.08.22 Issued For S4.55
03 12.08.22 Issued For S4.55
02 19.03.22 Amended Plans
01 01.03.22 Amended Plans
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3. CONTRACTOR TO NOTIFY DESIGNER OF ANY DISCREPANCIES.
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 DESIGNER TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE.

Basic: All other equipments as per certificates

WATER
FIXTURES
Showerheads: 4 Star
Toilets: 3 Star
Kitchen Taps: 3 Star
Pool: Max Volume 21kL, no cover
ALT. WATER SOURCE
1800L Water Tank, to collect run off from 40m² roof area
LANDSCAPE & LAUNDRY CONNECTION
ENERGY
HOT WATER:

Gas instantaneous 5 star
BATHROOM VENTILATION:
Individual fan, ducted to roof or facade
Manual Switch on/off
KITCHEN VENTILATION
Individual fan, ducted to roof or facade
Manual Switch on/off
LAUNDRY VENTILATION
Individual fan, ducted to roof or facade
Manual Switch on/off
COOLING:
Ceiling fans + 1-phase airconditioning.

4 Star (Zoned) to Living and Bedroom Areas
HEATING:
Ceiling fans + 1-phase airconditioning.
4 Star (Zoned) to Living and Bedroom Areas
ARTIFICIAL LIGHTING:
4 Beds/Study (dedicated)
2 Living/Dining (dedicated)
Each Kitchen (dedicated)
All bathrooms (Dedicated)
All Laundries (dedicated)

All Hallways (Dedicated)
NATURAL LIGHTING:
3 bathrooms and kitchen
POOL:
Electric Heat Pump, Timer
APPLIANCES:
Gas cooktop & Electric Oven, Outdoor clothes Line
ALTERNATIVE ENERGY:
2.0 Photovoltaic System
THERMAL COMFORT
CONSTRUCTION OF FLOORS

& WALLS:
Concrete Slab on ground, Suspended floor above garage, Suspended floor with enclosed sub-floor
EXTERNAL WALLS:
Brick Veneer: R 2.73
Cavity Brick R0.41
Blockwork: R0.00
FC Sheet R2.73
GLAZING:
Aluminium A SG High Solar Gain Low-E: U-Value: 5.4, Shgc 0.49; Aluminium B Sg High Solar Gain Low-E: U-Value: 5.4, Shgc 0.58; Aluminium A DG Argon Fill High Solar Gain low-E -Clear: U-Value: 4.10,

Shgc 0.47;
Aluminium A DG Argon Fill High Solar Gain low-E -Clear: U-Value: 4.10, Shgc 0.52;
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Cavity Brick R0.41
Blockwork: R0.00
FC Sheet R2.73
ROOF:
Flat Framed R1.80 Colour Light, Solar Absorptance 0.30

Consultants

Planner
LK Planning
Landscape
Site Design
Stormwater Engineer
RTS CIVIL
Surveyor
Survplan
Imagery
Freshimages

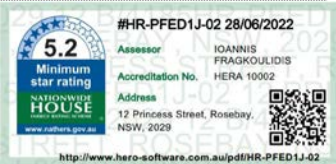
Project

PRINCESS DUAL OCC
Site
12 PRINCESS ST ROSE BAY
Client
WISEMAN / ROSETTENSTEIN
Scale
1:200 at A3
Drawn By
MH, RM

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Drawing

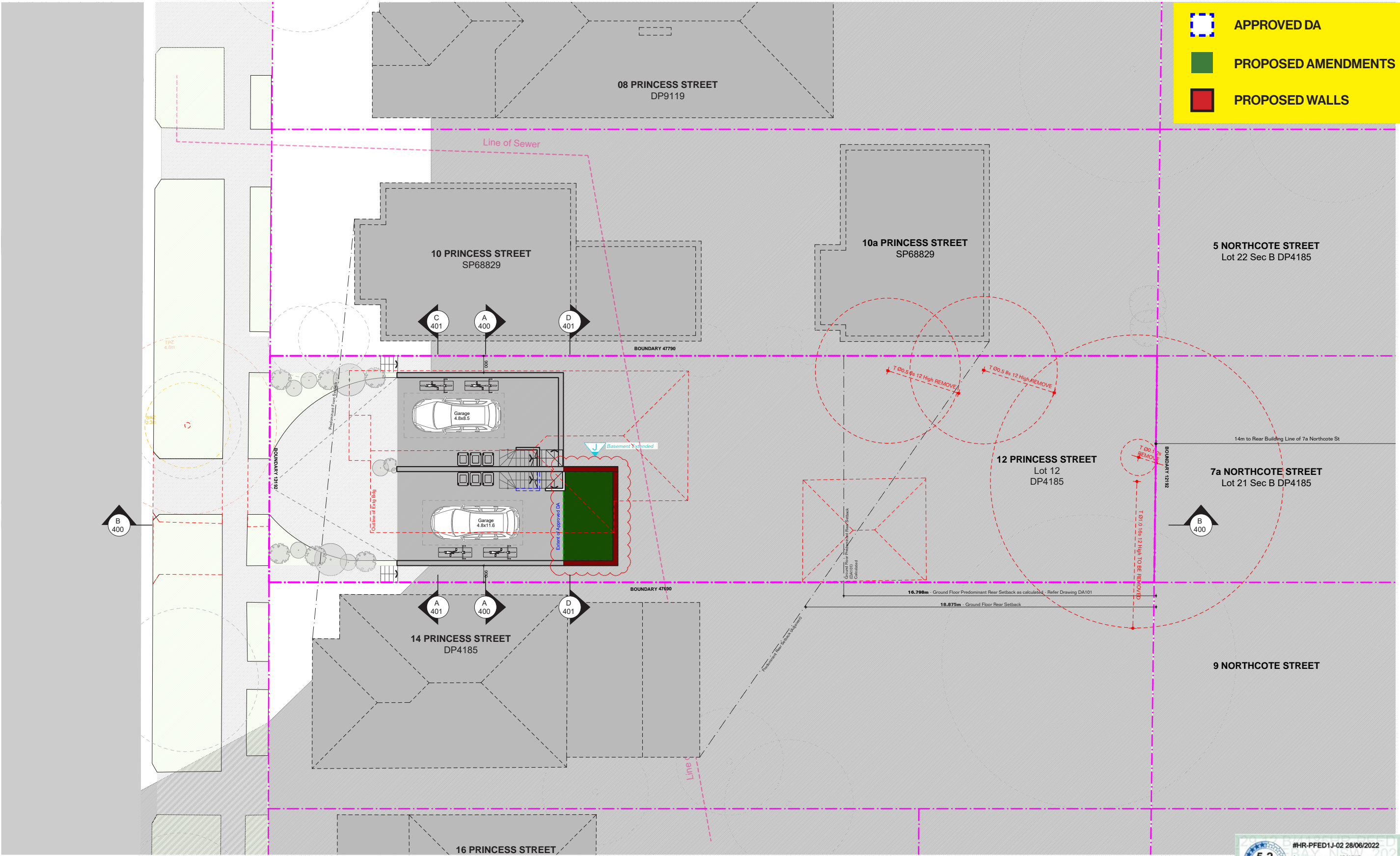
BASEMENT PLAN
Date
25 AUGUST 2022
Drawing No
200
Revision
[05]



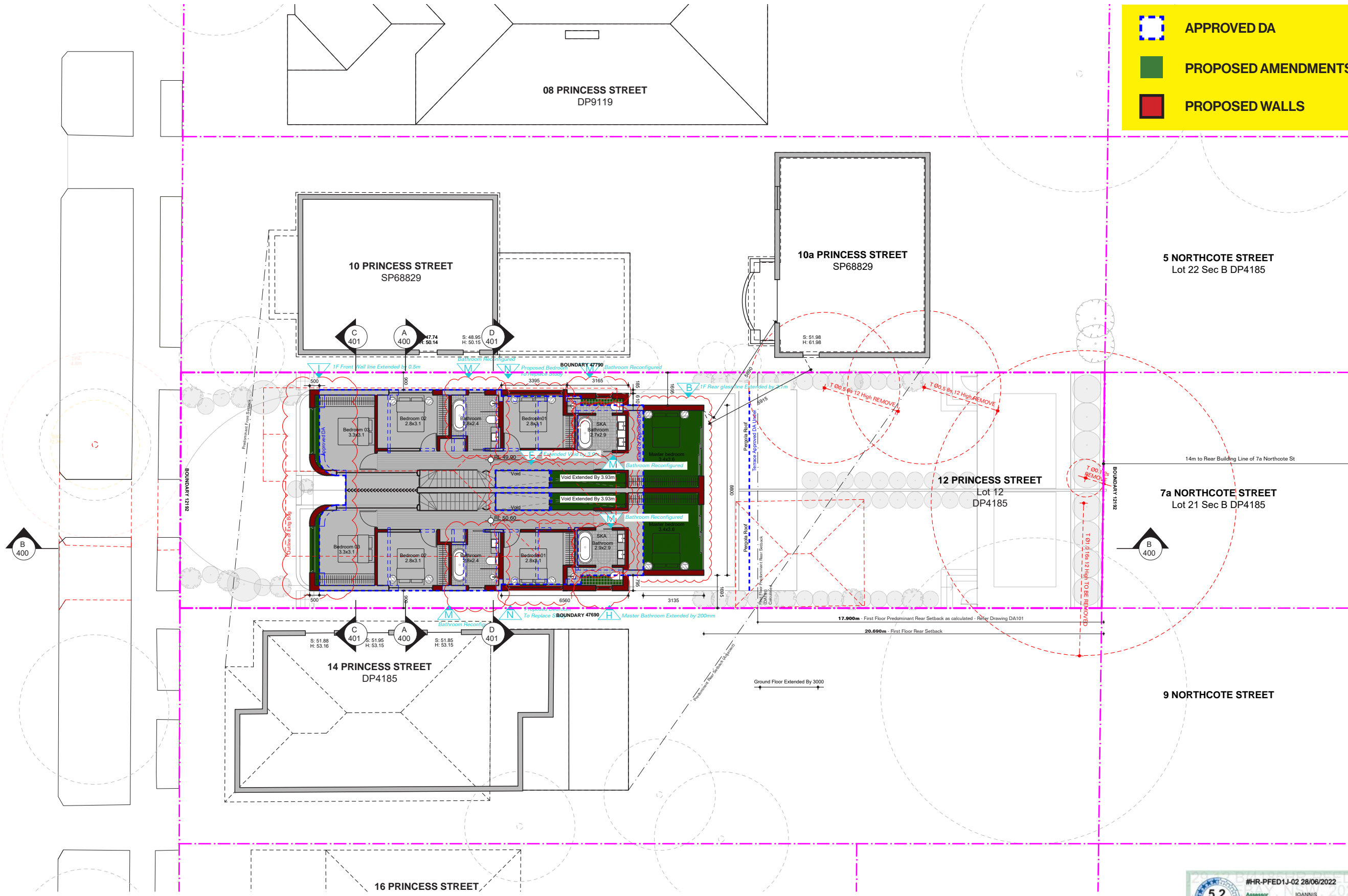
APPROVED DA

PROPOSED AMENDMENTS

PROPOSED WALLS



PRINCESS STREET



APPROVED DA

PROPOSED AMENDMENTS

PROPOSED WALLS

5.2

Minimum star rating

NATIONWIDE HOUSE

www.nathurs.gov.au

#HR-PFED1J-02 28/06/2022

Assessor
IOANNIS FRAGKOULIOS

Accreditation No.
HERA 10002

Address
12 Princess Street, Rosebay, NSW, 2029

http://www.hero-software.com.au/pdf/HR-PFED1J-02

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00 08.10.21 DA Submission

Issue Date Description

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Basic: All other equipments as per certificates

WATER
FIXTURES
Showerheads: 4 Star
Toilets: 3 Star
Kitchen Taps: 3 Star
Pool: Max Volume 21kL, no cover
ALT. WATER SOURCE
1800L Water Tank, to collect run off from 40m² roof area
LANDSCAPE & LAUNDRY CONNECTION
ENERGY
HOT WATER:

Gas instantaneous 5 star
BATHROOM VENTILATION:
Individual fan, ducted to roof or facade
Manual Switch on/off
KITCHEN VENTILATION
Individual fan, ducted to roof or facade
Manual Switch on/off
LAUNDRY VENTILATION
Individual fan, ducted to roof or facade
Manual Switch on/off
COOLING:
Ceiling fans + 1-phase airconditioning.

4 Star (Zoned) to Living and Bedroom Areas
HEATING:
Ceiling fans + 1-phase airconditioning.
4 Star (Zoned) to Living and Bedroom Areas
ARTIFICIAL LIGHTING:
4 Bed/Study (dedicated)
2 Living/Dining (dedicated)
Each Kitchen (dedicated)
All bathrooms (Dedicated)
All Laundries (dedicated)

All Hallways (Dedicated)
NATURAL LIGHTING:
3 bathrooms and kitchen
POOL:
Electric Heat Pump, Timer
APPLIANCES:
Gas cooktop & Electric Oven, Outdoor clothes Line
ALTERNATIVE ENERGY:
2.0 Photovoltaic System
THERMAL COMFORT
CONSTRUCTION OF FLOORS

& WALLS:
Concrete Slab on ground,
Suspended floor above garage,
Suspended floor with enclosed sub-floor
GLAZING:
Aluminium A SG High Solar Gain Low-E: U-Value: 5.4, Shgc 0.49;
Aluminium B Sp High Solar Gain Low-E: U-Value: 5.4, Shgc 0.58;
Aluminium A DG Argon Fill High Solar Gain low-E -Clear: U-Value: 4.10,

Shgc 0.47;
Aluminium A DG Argon Fill High Solar Gain low-E -Clear: U-Value: 4.10, Shgc 0.52;
EXTERNAL WALLS:
Brick Veneer: R 2.73
Cavity Brick R0.41
Blockwork: R0.00
FC Sheet R2.73
ROOF:
Flat Framed R1.80 Colour Light, Solar Absorptance 0.30

Consultants

Planner
LK Planning
Landscape
Site Design
Stormwater Engineer
RTS CIVIL
Surveyor
Survplan
Imagery
Freshimages

Project

PRINCESS DUAL OCC
Site
12 PRINCESS ST ROSE BAY
Client
WISEMAN / ROSETTENSTEIN
Scale
1:200 at A3
Drawn By
MH, RM

Common Office

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office@common-office.com
Common Office Pty Ltd.
ABN 47 631 337 472

Drawing

FIRST FLOOR PLAN
Date
25 AUGUST 2022
Drawing No
202
Revision
[05]

APPROVED DA

PROPOSED AMENDMENTS

PROPOSED WALLS

PRINCESS STREET

1m

1m

1m

1m

1m

1m

1m

General Notes

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Basic: All other equipments as per certificates

WATER
FIXTURES
Showerheads: 4 Star
Toilets: 3 Star
Kitchen Taps: 3 Star
Pool: Max Volume 21kL, no cover
ALT. WATER SOURCE
1800L Water Tank, to collect run off from 40m² roof area
LANDSCAPE & LAUNDRY CONNECTION
ENERGY
HOT WATER:

Gas instantaneous 5 star
BATHROOM VENTILATION:
Individual fan, ducted to roof or facade
Manual Switch on/off
KITCHEN VENTILATION
Individual fan, ducted to roof or facade
Manual Switch on/off
LAUNDRY VENTILATION
Individual fan, ducted to roof or facade
Manual Switch on/off
COOLING:
Ceiling fans + 1-phase airconditioning.

4 Star (Zoned) to Living and Bedroom Areas
HEATING:
Ceiling fans + 1-phase airconditioning.
4 Star (Zoned) to Living and Bedroom Areas
ARTIFICIAL LIGHTING:
4 Beds/Study (dedicated)
2 Living/Dining (dedicated)
Each Kitchen (dedicated)
All bathrooms (Dedicated)
All Laundries (dedicated)

All Hallways (Dedicated)
NATURAL LIGHTING:
3 bathrooms and kitchen
POOL:
Electric Heat Pump, Timer
APPLIANCES:
Gas cooktop & Electric Oven, Outdoor clothes Line
ALTERNATIVE ENERGY:
2.0 Photovoltaic System
THERMAL COMFORT
CONSTRUCTION OF FLOORS

& WALLS:
Concrete Slab on ground,
Suspended floor above garage,
Suspended floor with enclosed sub-floor
EXTERNAL WALLS:
Brick Veneer: R 2.73
Cavity Brick R0.41
Blockwork: R0.00
FC Sheet R2.73
GLAZING:
Aluminium A SG High Solar Gain Low-E: U-Value: 5.4, Shgc 0.49;
Aluminium B Sp High Solar Gain Low-E: U-Value: 5.4, Shgc 0.58;
Aluminium A DG Argon Fill High Solar Gain low-E -Clear: U-Value: 4.10,

Shgc 0.47;
Aluminium A DG Argon Fill High Solar Gain low-E -Clear: U-Value: 4.10, Shgc 0.52;
EXTERNAL WALLS:
Brick Veneer: R 2.73
Cavity Brick R0.41
Blockwork: R0.00
FC Sheet R2.73
ROOF:
Flat Framed R1.80 Colour Light, Solar Absorptance 0.30

Consultants

Planner
LK Planning
Landscape
Site Design
Stormwater Engineer
RTS CIVIL
Surveyor
Survplan
Imagery
Freshimages

Project

PRINCESS DUAL OCC
12 PRINCESS ST ROSE BAY
Client
WISEMAN / ROSETTENSTEIN
Scale
1:200 at A3
Drawn By
MH, RM

Common Office

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

Drawing

ROOF PLAN

Date
25 AUGUST 2022

Drawing No

203

Revision

[05]

5.2

Minimum star rating

NATIONWIDE HOUSE

www.natthew.gov.au

#HR-PFED1J-02 28/06/2022

Assessor

IOANNIS FRAGKIOULIS

Accreditation No.

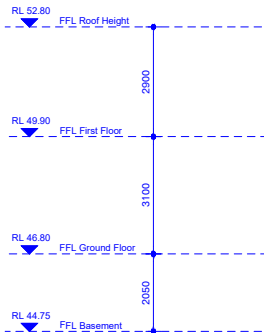
HERA 10002

Address

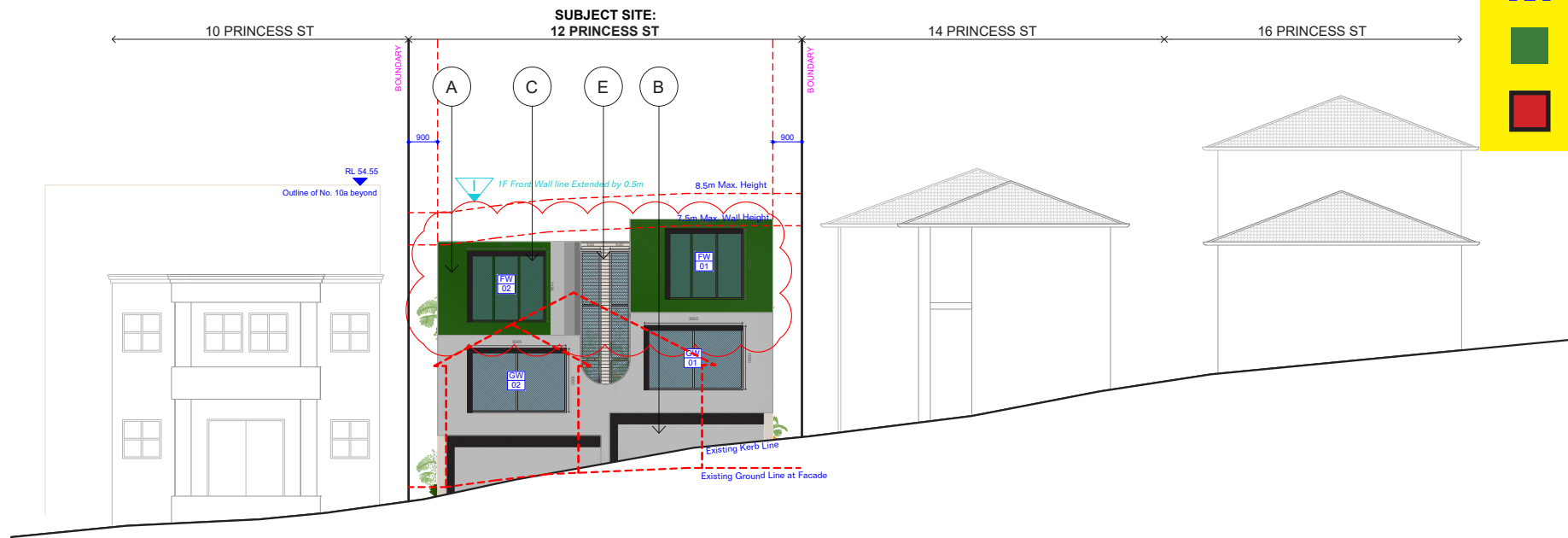
12 Princess Street, Rosebay, NSW, 2029

http://www.hero-software.com.au/pdf/HR-PFED1J-02

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01 01.03.22 Amended Plans
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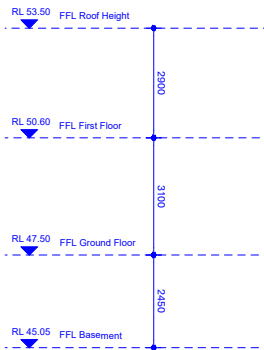
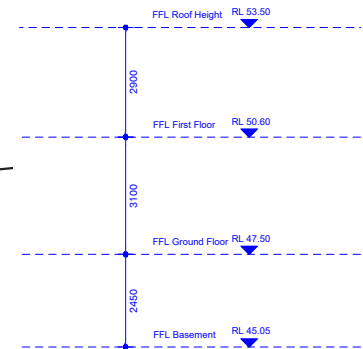
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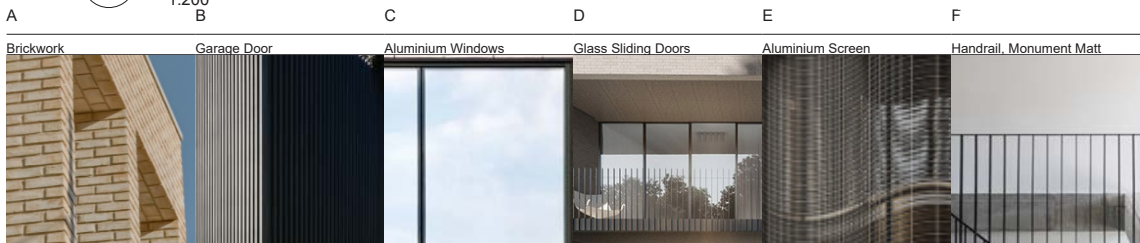
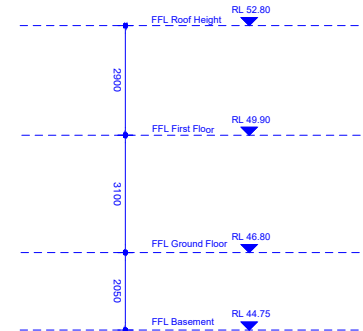
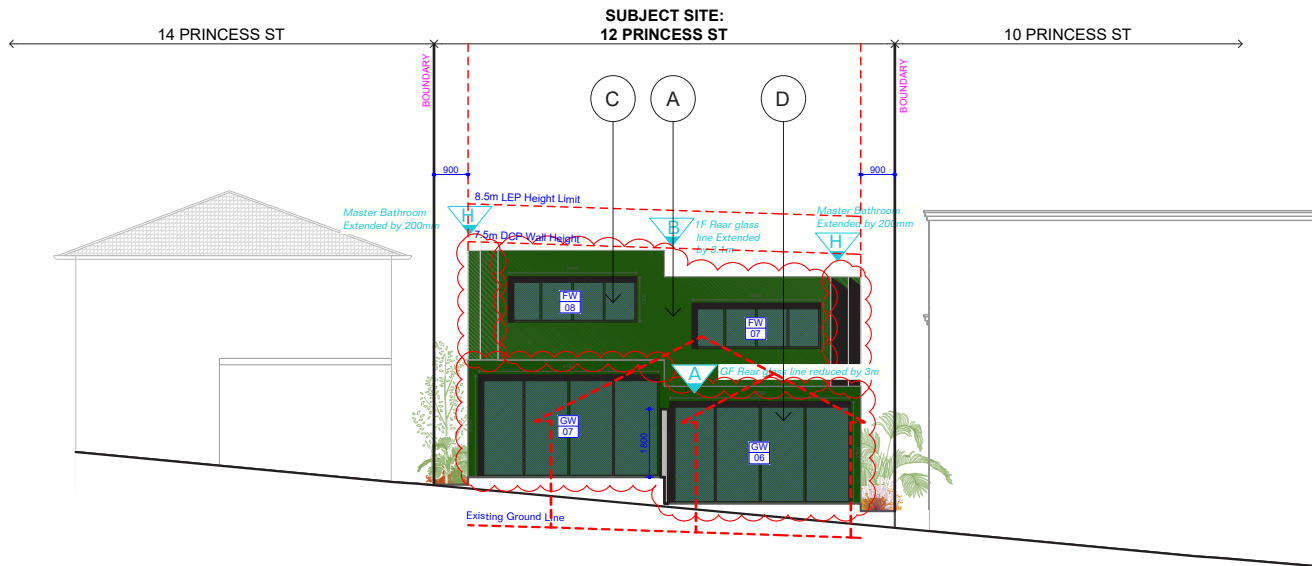
APPROVED DA

PROPOSED AMENDMENTS

PROPOSED WALLS



01 North Elevation
1:200



#HR-PFED1J-02 28/06/2022

Assessor: IOANNIS FRAGKOULIDIS

Accreditation No.: HERA 10002

Address: 12 Princess Street, Rosebay, NSW, 2029

http://www.hero-software.com.au/pdf/HR-PFED1J-02

General Notes	
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Basic: All other equipments as per certificates	
WATER FIXTURES Showerheads: 4 Star Toilets: 3 Star Kitchen Taps: 3 Star Pool: Max Volume 21kL, no cover ALT. WATER SOURCE 1800L Water Tank, to collect run off from 40m ² roof area LANDSCAPE & Laundry Connection ENERGY HOT WATER:	Gas instantaneous 5 star BATHROOM VENTILATION: Individual fan, ducted to roof or facade Manual Switch on/off KITCHEN VENTILATION Individual fan, ducted to roof or facade LAUNDRY VENTILATION Individual fan, ducted to roof or facade Manual Switch on/off COOLING: Ceiling fans + 1-phase airconditioning.
4 Star (Zoned) to Living and Bedroom Areas HEATING: Ceiling fans + 1-phase airconditioning. POOL: Electric Heat Pump, Timer APPLIANCES: Gas cooktop & Electric Oven, Outdoor clothes Line ARTIFICIAL LIGHTING: 4 Bed/Stydy (dedicated) 2 Living/Dining (dedicated) Each Kitchen (dedicated) All bathrooms (Dedicated) All Laundries (dedicated)	All Hallsways (Dedicated) NATURAL LIGHTING: 3 bathrooms and kitchen POOL: Electric Heat Pump, Timer APPLIANCES: Gas cooktop & Electric Oven, Outdoor clothes Line ARTIFICIAL LIGHTING: 4 Bed/Stydy (dedicated) 2 Living/Dining (dedicated) Each Kitchen (dedicated) All bathrooms (Dedicated) All Laundries (dedicated)
& WALLS: Concrete Slab on ground, Suspended floor above garage, Suspended floor with enclosed sub-floor GLAZING: Aluminium A SG High Solar Gain Low-E: U-Value: 5.4, Shgc 0.49; Aluminium B Sg High Solar Gain Low-E: U-Value: 5.4, Shgc 0.58; Aluminium A DG Argon Fill High Solar Gain low-E -Clear: U-Value: 4.10, Shgc 0.32; EXTERNAL WALLS: Brick Veneer: R 2.73 Cavity Brick R0.41 Blockwork: R0.00 FC Sheet R2.73 ROOF: Flat Framed R1.80 Colour Light, Solar Absorptance 0.30	Shgc 0.47; Aluminium A DG Argon Fill High Solar Gain low-E -Clear: U-Value: 4.10, Shgc 0.32; EXTERNAL WALLS: Brick Veneer: R 2.73 Cavity Brick R0.41 Blockwork: R0.00 FC Sheet R2.73 ROOF: Flat Framed R1.80 Colour Light, Solar Absorptance 0.30

Consultants	
Planner	LK Planning
Landscaping	Site Design
Stormwater Engineer	RTS CIVIL
Surveyor	Surveyplan
Imagery	Freshimages

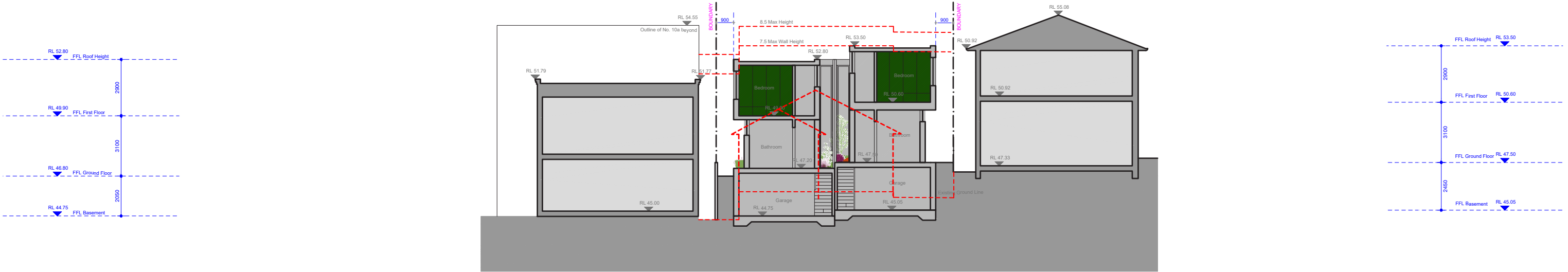
Project	
PRINCESS DUAL OCC	
Site	
12 PRINCESS ST ROSE BAY	
Client	
WISEMAN / ROSETTENSTEIN	
Scale	Drawn By
1:200 at A3	MH, RM

Common Office	
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	
Drawing	
ELEVATIONS NORTH/SOUTH	
Date	
25 AUGUST 2022	
Scale	Drawing No
1:200 at A3	300
MH, RM	[05]

APPROVED DA

PROPOSED AMENDMENTS

PROPOSED WALLS



02

Section A-A

400

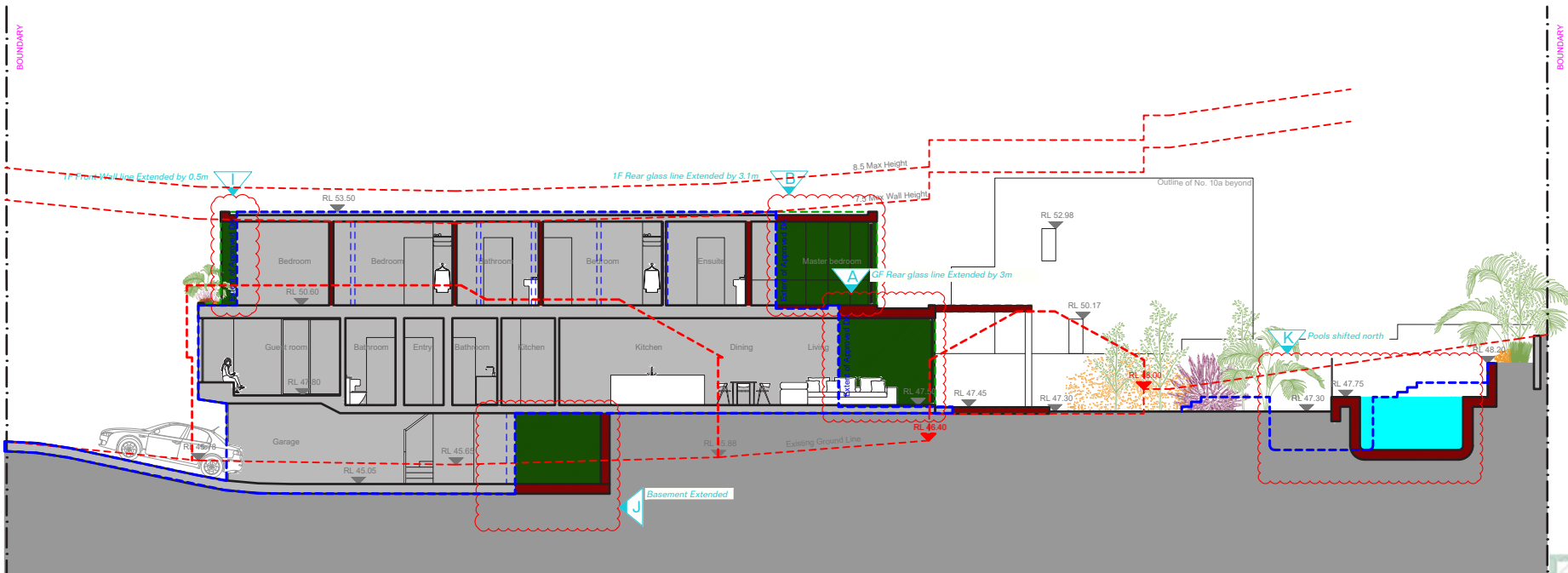
1:200

01

Section B-B

400

1:200



5.2

Minimum star rating

NATIONWIDE HOUSE

www.nathurs.gov.au

#HR-PFED1J-02 28/06/2022

Assessor
IOANNIS FRAGKOULIDIS

Accreditation No.
HERA 10002

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QR code

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04 19.08.22 Issued For S4.55

03 12.08.22 Issued For S4.55

02 14.07.22 Issued For S4.55

01 01.03.22 Amended Plans

00 08.10.21 DA Submission

Issue Date

Description

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Basic: All other equipments as per certificates

WATER

FIXTURES

Showerheads: 4 Star

Toilets: 3 Star

Kitchen Taps: 3 Star

Pool: Max Volume 21kL, no cover

ALT. WATER SOURCE

1800L Water Tank, to collect run off from 40m² roof area

LANDSCAPE & Laundry Connection

ENERGY

HOT WATER:

Gas instantaneous 5 star

BATHROOM VENTILATION:

Individual fan, ducted to roof or facade

Manual Switch on/off

KITCHEN VENTILATION

Individual fan, ducted to roof or facade

Manual Switch on/off

LAUNDRY VENTILATION

Individual fan, ducted to roof or facade

Manual Switch on/off

COOLING:

Ceiling fans + 1-phase airconditioning.

4 Star (Zoned) to Living and Bedroom Areas

HEATING:

Ceiling fans + 1-phase airconditioning.

4 Star (Zoned) to Living and Bedroom Areas

ARTIFICIAL LIGHTING:

4 Bed/Study (dedicated)

2 Living/Dining (dedicated)

Each Kitchen (dedicated)

All bathrooms (Dedicated)

All Laundries (dedicated)

All Hallways (Dedicated)

NATURAL LIGHTING:

3 bathrooms and kitchen

POOL:

Electric Heat Pump, Timer

APPLIANCES:

Gas cooktop & Electric Oven, Outdoor clothes Line

ALTERNATIVE ENERGY:

2.0 Photovoltaic System

THERMAL COMFORT

CONSTRUCTION OF FLOORS

& WALLS:

Concrete Slab on ground,

Suspended floor above garage,

Suspended floor with enclosed sub-floor

GLAZING:

Aluminium A SG High Solar Gain

Low-E: U-Value: 5.4, Shgc 0.49;

Aluminium B Sp High Solar Gain

Low-E: U-Value: 5.4, Shgc 0.58;

Aluminium A DG Argon Fill High Solar Gain low-E -Clear: U-Value: 4.10,

Shgc 0.47;

Aluminium A DG Argon Fill High Solar Gain low-E -Clear: U-Value: 4.10,

Shgc 0.52;

EXTERNAL WALLS:

Brick Veneer: R 2.73

Cavity Brick R0.41

Blockwork: R0.00

FC Sheet R2.73

ROOF:

Flat Framed R1.80 Colour Light, Solar Absorptance 0.30

Consultants

Planner
LK Planning

Landscape
Site Design

Stormwater Engineer
RTS CIVIL

Surveyor
Survplan

Imagery
Freshimages

Project

PRINCESS DUAL OCC

Site

12 PRINCESS ST ROSE BAY

Client

WISEMAN / ROSETTENSTEIN

Scale

1:200 at A3

Drawn By

MH, RM

Common Office

35 RICHARDS LANE, SURRY HILLS
SYDNEY NSW 2010
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ABN 47 631 337 472

Drawing

SECTIONS

Date

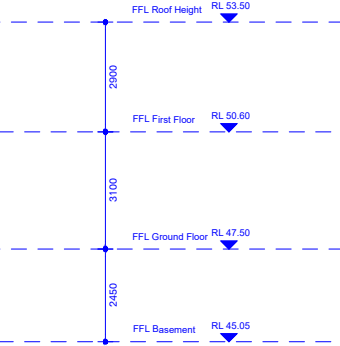
25 AUGUST 2022

Drawing No

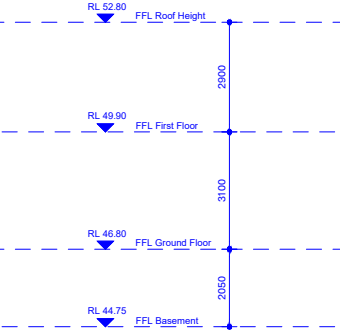
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Revision

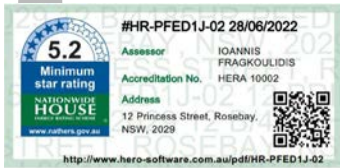
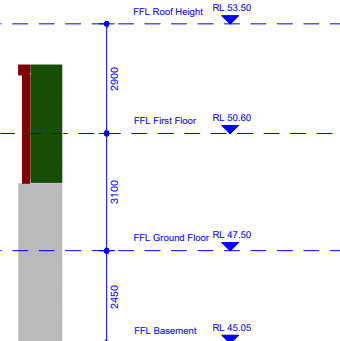
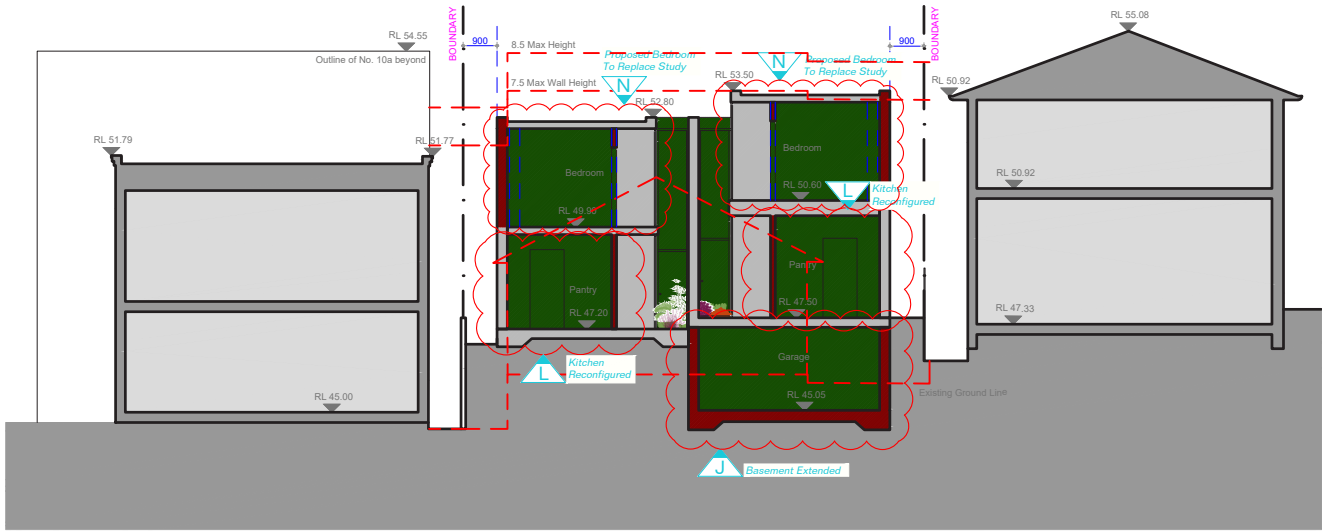
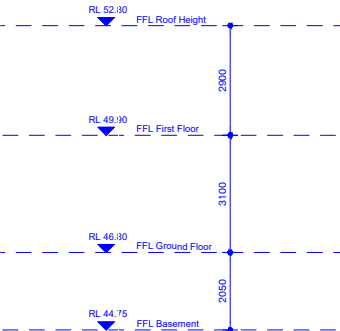
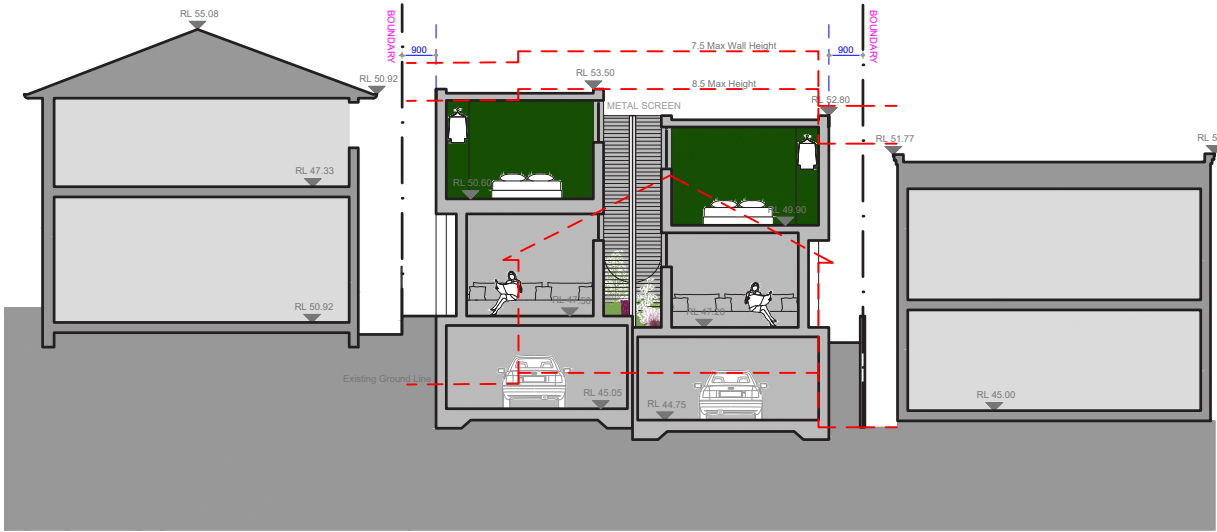
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01
401
Section C
1:200



02
401
Section C
1:200



25.08.22 Issued For \$4.55
04 19.08.22 Issued For \$4.55
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Basic: All other equipments as per certificates

WATER
FIXTURES
Showerheads: 4 Star
Toilets: 3 Star
Kitchen Taps: 3 Star
Pool: Max Volume 21kL, no cover
ALT. WATER SOURCE
1800L Water Tank, to collect run off from 40m² roof area
Landscape & Laundry Connection
ENERGY
HOT WATER:

Gas instantaneous 5 star
BATHROOM VENTILATION:
Individual fan, ducted to roof or facade
Manual Switch on/off
KITCHEN VENTILATION
Individual fan, ducted to roof or facade
Manual Switch on/off
LAUNDRY VENTILATION
Individual fan, ducted to roof or facade
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COOLING:
Ceiling fans + 1-phase airconditioning.

4 Star (Zoned) to Living and Bedroom Areas
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2 Living/Dining (dedicated)
Each Kitchen (dedicated)
All bathrooms (Dedicated)
All Laundries (dedicated)

All Hallways (Dedicated)
NATURAL LIGHTING:
3 bathrooms and kitchen
POOL:
Electric Heat Pump, Timer
APPLIANCES:
Gas cooktop & Electric Oven, Outdoor clothes Line
ALTERNATIVE ENERGY:
2.0 Photovoltaic System
THERMAL COMFORT
CONSTRUCTION OF FLOORS

& WALLS:
Concrete Slab on ground, Suspended floor above garage, Suspended floor with enclosed sub-floor
GLAZING:
Aluminium A SG High Solar Gain Low-E; U-Value: 5.4, Shgc 0.49; Aluminium B Sp High Solar Gain Low-E; U-Value: 5.4, Shgc 0.58; Aluminium A DG Argon Fill High Solar Gain low-E -Clear; U-Value: 4.10, Shgc 0.32
EXTERNAL WALLS:
Brick Veneer: R 2.73
Cavity Brick R0.41
Blockwork: R0.00
FC Sheet R2.73
ROOF:
Flat Framed R1.80 Colour Light, Solar Absorptance 0.30

Shgc 0.47;
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PRINCESS DUAL OCC
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12 PRINCESS ST ROSE BAY
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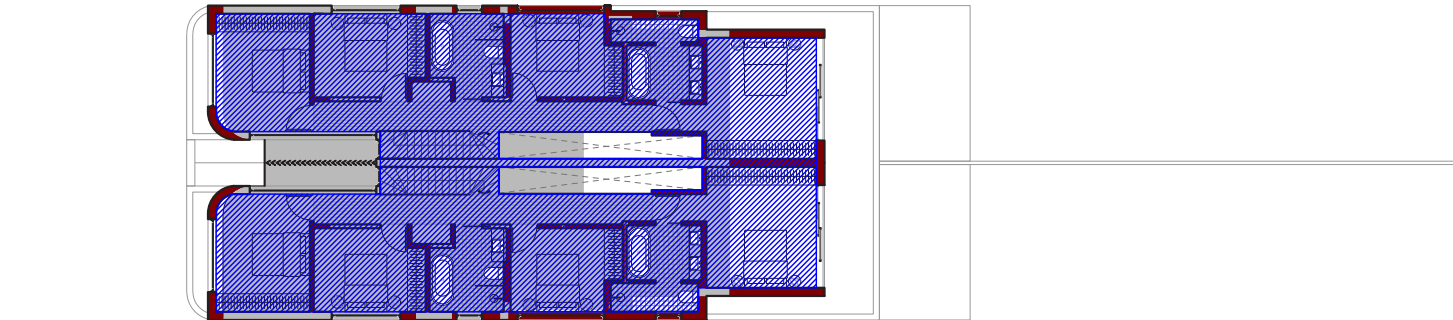
Drawing
SECTION
Date
25 AUGUST 2022
Drawing No
401
Revision
[05]

SITE AREA: 581.8m²

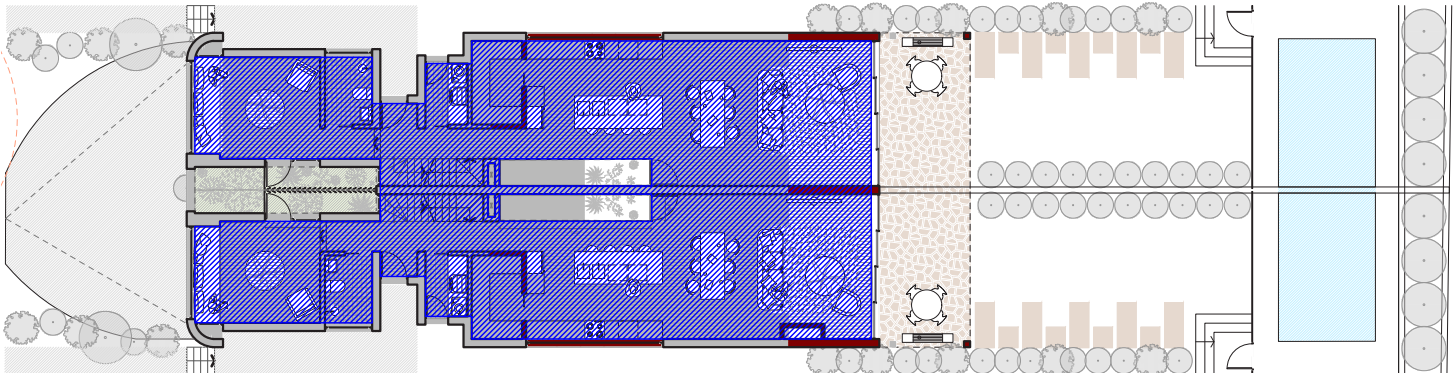
ALLOWABLE FSR AT 0.5:1
290.9M²

GFA CALCULATIONS
SITE AREA IS 581.8m²

	Approved DA m ²	S4.55 Rev 04 m ²	S4.55 Rev 05 m ²
BASEMENT	0	0	0
GROUND FLOOR	156	179.6	181.8
FIRST FLOOR	134	163.8	165.6
Totals	290	343.4	347.4
FSR	0.5:1	0.590:1	0.597:1
Breach of	0%	18%	19%



03
500
First Floor Plan
1:200



02
500
Ground Floor Plan
1:200



01
500
Basement Plan
1:200

Window and glazed door schedule

Location	Window ID	Window no.	Height (mm)	Width (mm)	Window type	Opening %
BATH FF	ALM-002-03 A	FW04	1450	850	Double Hung	45
BATH GF	ALM-002-03 A	GW03	600	1555	Sliding	45
BED 01	ALM-004-03 A	FW05	1450	2875	Sliding	45
BED 02	ALM-004-03 A	FW03	1450	2275	Sliding	45
BED 03	ALM-004-03 A	FGL10	2600	1974	Fixed	0
BED 03	ALM-004-03 A	FW02	2185	2410	Sliding	60
ENS MB	ALM-004-03 A	FW06	1450	850	Double Hung	45
ENTRY/STAIRS GF	ATB-006-03 B	GGL06	2700	630	Fixed	0
ENTRY/STAIRS GF	ATB-005-03 B	GD02	2100	900	Casement	90
HALL/STAIRS FF	THC-033-02 B	FGL08	2600	630	Fixed	0
HALL/STAIRS FF	THC-033-02 B	FGL09	2600	2112	Fixed	0
HALL/STAIRS FF	THC-033-02 B	FGL06	2600	5034	Fixed	0
HALL/STAIRS FF	THC-033-02 B	FGL05	2600	800	Fixed	0
KLD	ATB-005-03 B	GGLD03	2400	900	Casement	90
KLD	ATB-006-03 B	GGL05	2700	5030	Fixed	0
KLD	ATB-006-03 B	GW06	2700	4790	Sliding	45
KLD	ATB-006-03 B	GW05	450	4535	Fixed	0
LDRY GF	ALM-001-03 A	GW04-A	2100	750	Casement	90
LDRY GF	ALM-002-03 A	GW04-B	600	750	Fixed	0
LIVING	ATB-006-03 B	GW02	1900	3065	Sliding	30
LIVING	ATB-006-03 B	GGL08	2400	900	Fixed	0
LIVING	ATB-005-03 B	GGLD04	2400	900	Casement	90
M BED	ATB-006-03 B	FW07	1200	3400	Sliding	30

Window and glazed door schedule

Location	Window ID	Window no.	Height (mm)	Width (mm)	Window type	Opening %
BATH FF	ALM-002-03 A	FW11	1450	850	Double Hung	45
BATH GF	ALM-002-03 A	GW10	600	1555	Sliding	90
BED 03	ALM-004-03 A	FW01	2185	2410	Sliding	45
BED 03	ALM-004-03 A	FGL01	2600	2008	Fixed	0
BED 1	ALM-004-03 A	FW10	1450	2875	Sliding	45
BED 2	ALM-004-03 A	FW12	1450	2275	Sliding	45
ENS MB	ALM-004-03 A	FW09	1450	850	Double Hung	45
ENTRY/STAIRS GF	ATB-006-03 B	GGL03	2700	630	Fixed	0
ENTRY/STAIRS GF	ATB-005-03 B	GD01	2100	900	Casement	90
HALL/STAIRS FF	THC-033-02 B	FGL02	2600	2062	Fixed	0
HALL/STAIRS FF	THC-033-02 B	FGL01	2600	630	Fixed	0
HALL/STAIRS FF	THC-033-02 B	FGL03	2600	800	Fixed	0
HALL/STAIRS FF	THC-033-02 B	FGL04	2600	4964	Fixed	0
KLD	ATB-006-03 B	GGL04	2700	5030	Fixed	0
KLD	ATB-005-03 B	GGLD02	2400	900	Casement	90
KLD	ATB-006-03 B	GW07	2700	4790	Sliding	80
KLD	ATB-006-03 B	GW08	450	4535	Fixed	0
LDRY GF	ALM-002-03 A	GW9-B	600	750	Fixed	0
LDRY GF	ALM-001-03 A	GW9-A	2100	750	Casement	90
LIVING	ATB-006-03 B	GW01	1900	3065	Sliding	30
LIVING	ATB-005-03 B	GGLD01	2400	900	Casement	90
LIVING	ATB-006-03 B	GGL01	2400	900	Fixed	0
M BED	ATB-006-03 B	FW08	1200	3400	Sliding	75

05 25.08.22 Issued For S4.55

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Showerheads: 4 Star
Toilets: 3 Star
Kitchens Taps: 3 Star
Pool: Max Volume 21kL, no cover
ALT. WATER SOURCE
1800L Water Tank, to collect run off from 40m² roof area
LAUNDRY VENTILATION
Individual fan, ducted to roof or facade
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Gas instantaneous 5 star
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4 Star (Zoned) to Living and Bedroom Areas
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Gas cooktop & Electric Oven, Outdoor clothes Line
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Each Kitchen (dedicated)
All bathrooms (Dedicated)
All Laundries (dedicated)

All Hallways (Dedicated)
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3 bathrooms and kitchen
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EXTERNAL WALLS:
Brick Veneer: R 2.73
Cavity Brick R0.41
Blockwork: R0.00
FC Sheet R2.73
ROOF:
Flat Framed R1.80 Colour Light, Solar Absorptance 0.30

& WALLS:
Concrete Slab on ground, Suspended floor above garage, Suspended floor with enclosed sub-floor
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1:250 at A3

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Drawing

AREA DIAGRAM: GFA

Date

25 AUGUST 2022

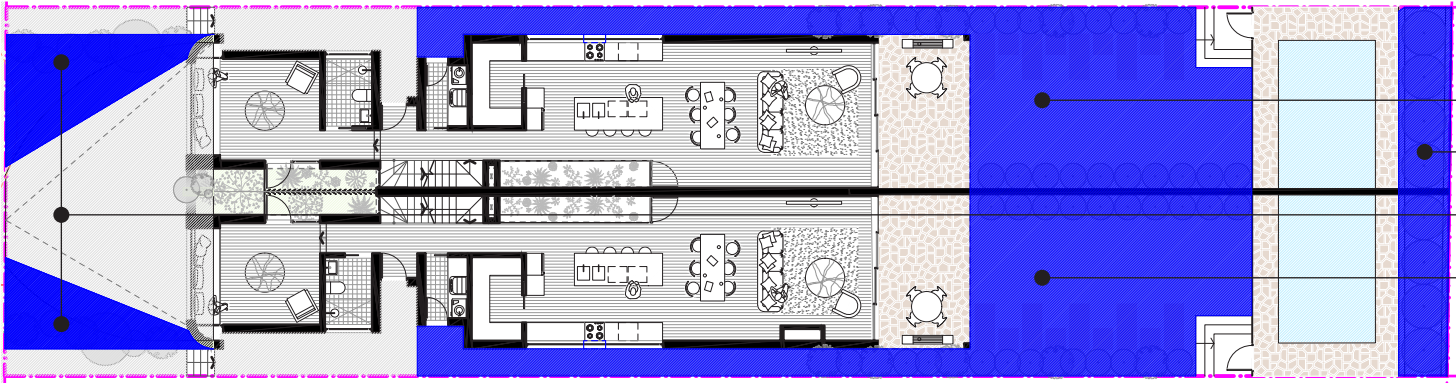
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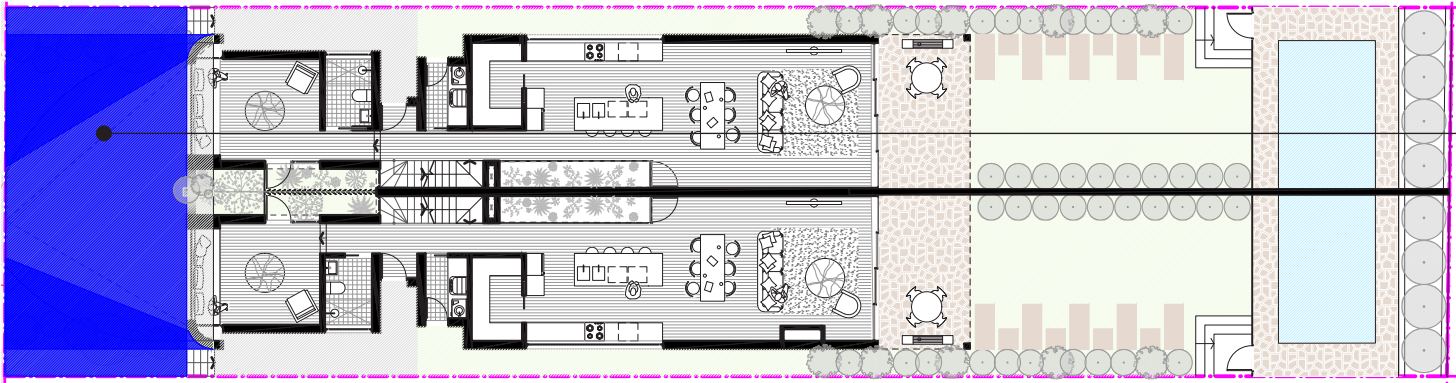
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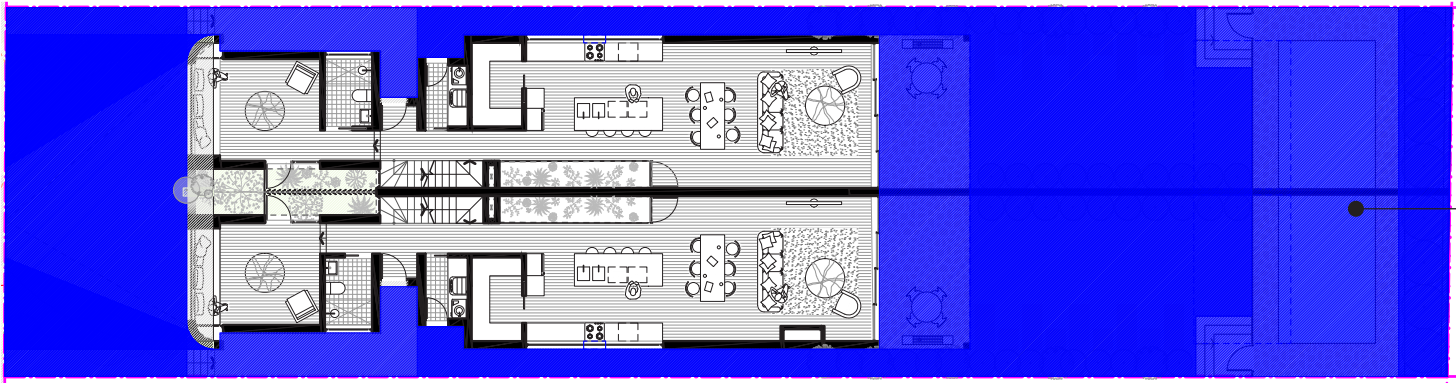




Landscaped Area
167.2m²



Front Setback Open Space
83.9m²



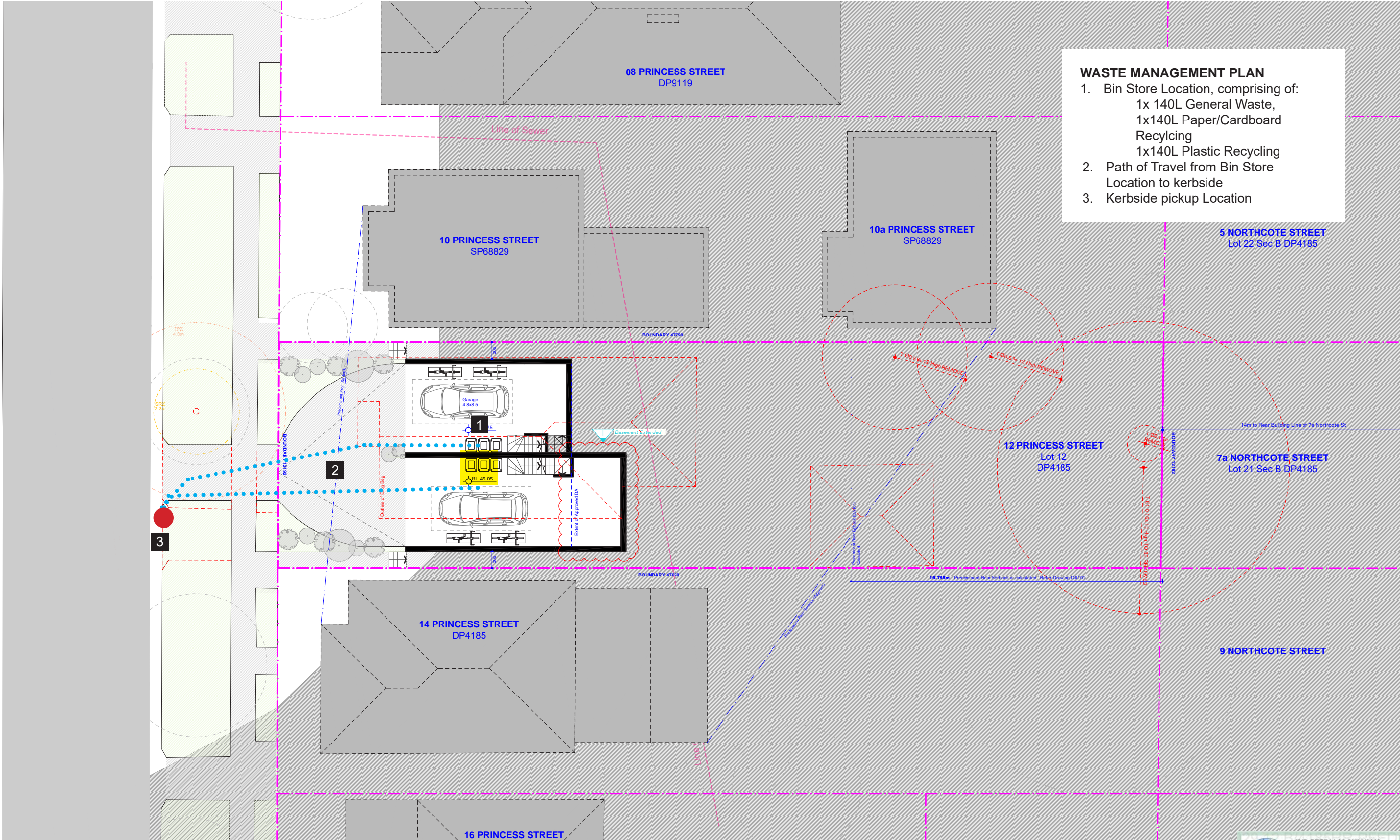
Site Area Open Space
375.4m²

LANDSCAPE CALCULATIONS SITE AREA IS 581.8m²			
	DCP/LEP CONTROL	PROPOSED	COMPLIANCE
% Site Area to be Open Space	40% of 581.8m² = 232.72m²	375.4m²	Yes
% Site Area to be Landscaped	15% of 581.8m² = 87.27m²	167.2m² Total Landscaped Area	Yes
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 83.9m² = 41.95m²	83.9m²	Yes
Private Open Space	Each dwelling to have minimum of 25m²	60.4m² for each dwelling	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.



WASTE MANAGEMENT PLAN

- Bin Store Location, comprising of:
 - 1x 140L General Waste,
 - 1x140L Paper/Cardboard Recycling
 - 1x140L Plastic Recycling
- Path of Travel from Bin Store Location to kerbside
- Kerbside pickup Location




5.2
Minimum
star rating

NATIONWIDE
HOUSE
www.nationwidehouse.gov.au

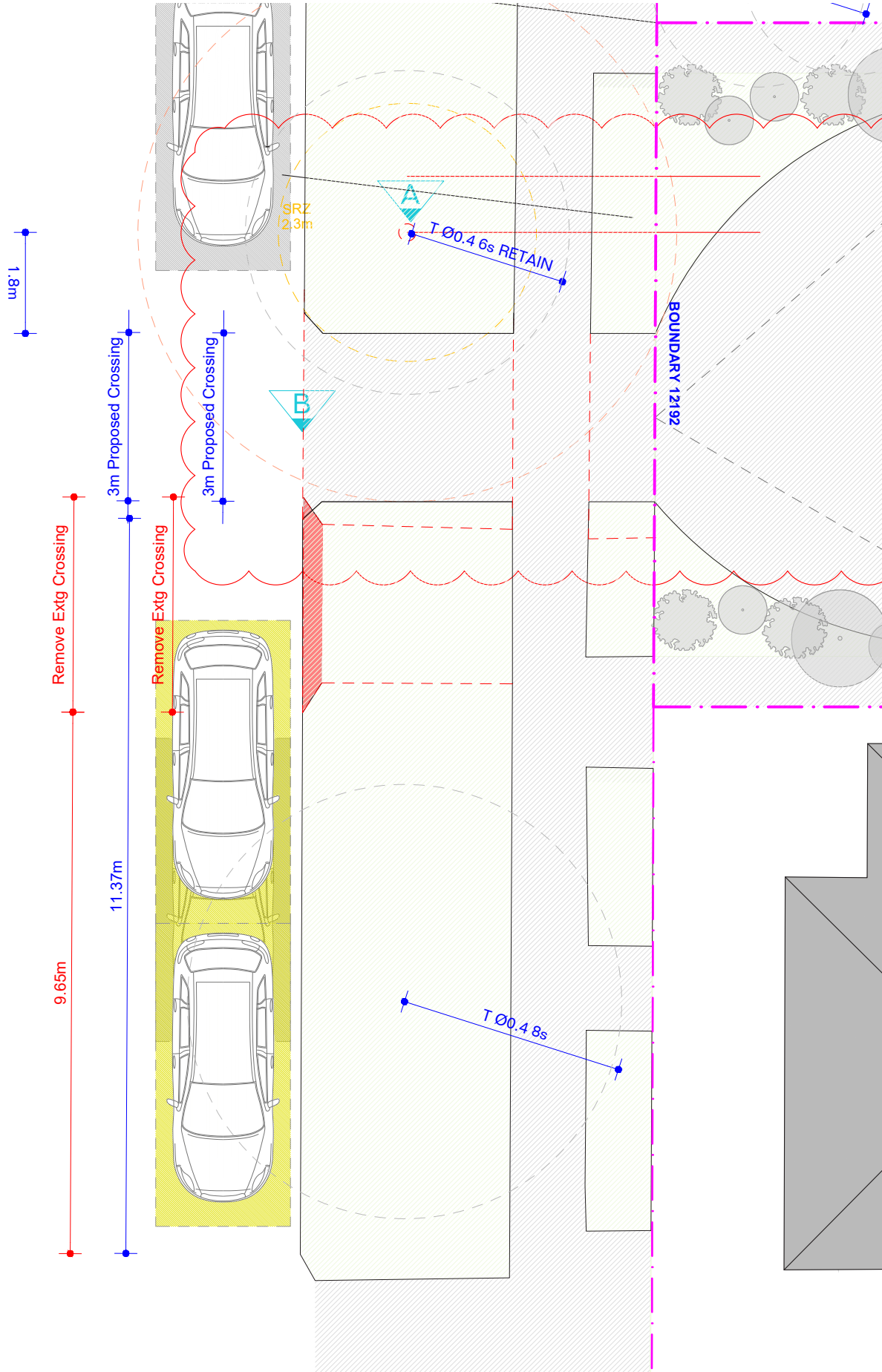
#HR-PFED1J-02 28/06/2022

Assessor: IOANNIS FRAGKIOULIS
Accreditation No. HERA 10002
Address: 12 Princess Street, Rosebay, NSW, 2029



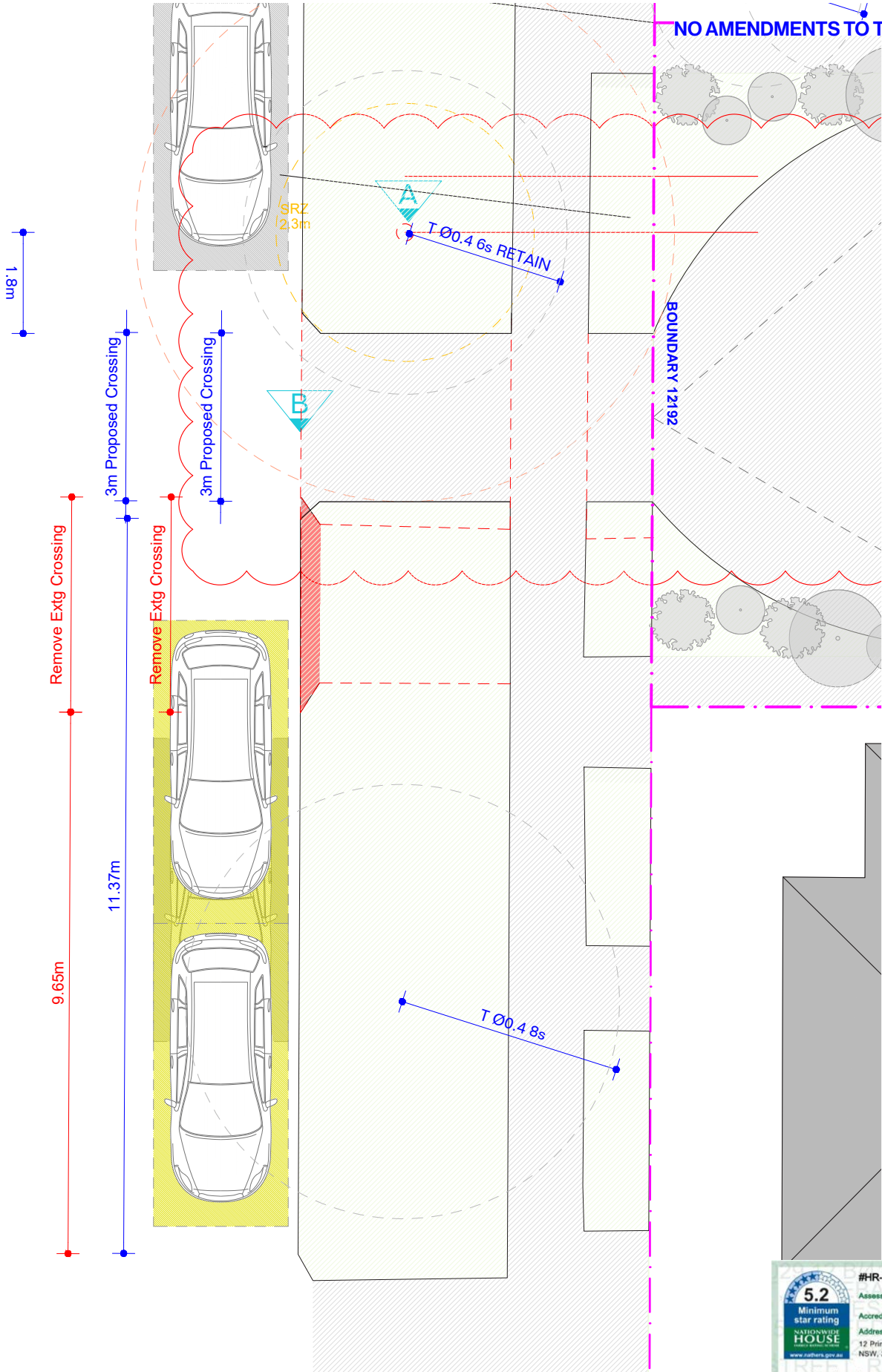
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P R I N C E S S S T R E E T



01
502 On Street Parking - EXISTING

P R I N C E S S S T R E E T



02
502 On Street Parking - PROPOSED

General Notes	
05	25.08.22 Issued For \$4.55
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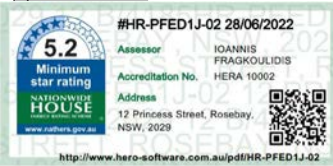
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Kitchen Taps: 3 Star	
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ALT. WATER SOURCE	1800L Water Tank, to collect run off from 40m ² roof area
ENERGY	Landscape & Laundry Connection
HOT WATER:	
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Kitchen Ventilation	Manual Switch on/off
Individual fan, ducted to roof or facade	
Manual Switch on/off	
Laundry Ventilation	Individual fan, ducted to roof or facade
Manual Switch on/off	
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4 Star (Zoned) to Living and Bedroom Areas	
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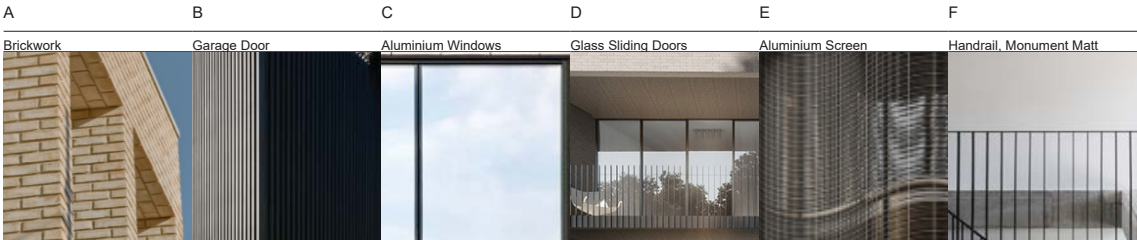
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Drawn By	MH, RM

Common Office	35 RICHARDS LANE, SURRY HILLS SYDNEY NSW 2010 T +61 413 555 547 office@common-office.com Common Office Pty Ltd. ABN 47 631 337 472
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Drawing	STREET PARKING ANALYSIS
Date	25 AUGUST 2022
Drawing No	503
Revision	[05]





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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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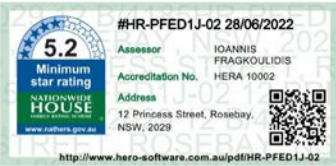
Basic: All other equipments as per certificates					
WATER	Gas instantaneous 5 star	4 Star (Zoned) to Living and Bedroom	All Hallways (Dedicated)		
FIXTURES	Areas	Areas	NATURAL LIGHTING:		
Showerheads: 4 Star	Individual fan, ducted to roof or facade	HEATING:	3 bathrooms and kitchen		
Toilets: 3 Star	Manual Switch on/off	Ceiling fans + 1-phase airconditioning.	POOL:		
Kitchen Taps: 3 Star	KITCHEN VENTILATION	4 Star (Zoned) to Living and Bedroom	Electric Heat Pump, Timer		
Pool: Max Volume 21kL, no cover	Individual fan, ducted to roof or facade	Areas	APPLIANCES:		
ALT. WATER SOURCE	Manual Switch on/off	ARTIFICIAL LIGHTING:	Gas cooktop & Electric Oven, Outdoor clothes Line		
1800L Water Tank, to collect run off from 40m ² roof area	LAUNDRY VENTILATION	4 Beds/Study (dedicated)	ALTERNATIVE ENERGY:		
Landscape & Laundry Connection	Individual fan, ducted to roof or facade	2 Living/Dining (dedicated)	2.0 Photovoltaic System		
ENERGY	Manual Switch on/off	Each Kitchen (dedicated)	THERMAL COMFORT		
HOT WATER:	COOLING:	4 All bathrooms (dedicated)	CONSTRUCTION OF FLOORS		
	Ceiling fans + 1-phase airconditioning.	All Laundries (dedicated)			

Consultants
Planner
LK Planning
Landscape
Site Design
Stormwater Engineer
RTS CIVIL
Surveyor
Surveyplan
Imagery
Freshimages

Project
PRINCESS DUAL OCC
Site
12 PRINCESS ST ROSE BAY
Client
WISEMAN / ROSETTENSTEIN
Scale
1:200 at A3
Drawn By
MH, RM

Common Office
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

Drawing
EXTERNAL FINISHES
Date
25 AUGUST 2022
Scale
1:200 at A3
Drawn By
MH, RM





25.08.22 Issued For \$4.55
04 19.08.22 Issued For \$4.55
03 12.08.22 Issued For \$4.55
01 01.03.22 Amended Plans
00 08.10.21 DA Submission

Issue Date	Description
25.08.22	Issued For \$4.55
04.19.08.22	Issued For \$4.55
03.12.08.22	Issued For \$4.55
01.01.03.22	Amended Plans
00.08.10.21	DA Submission

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Consultants

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LK Planning
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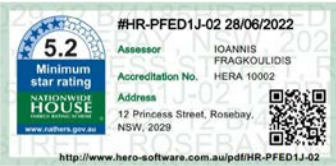
PRINCESS DUAL OCC
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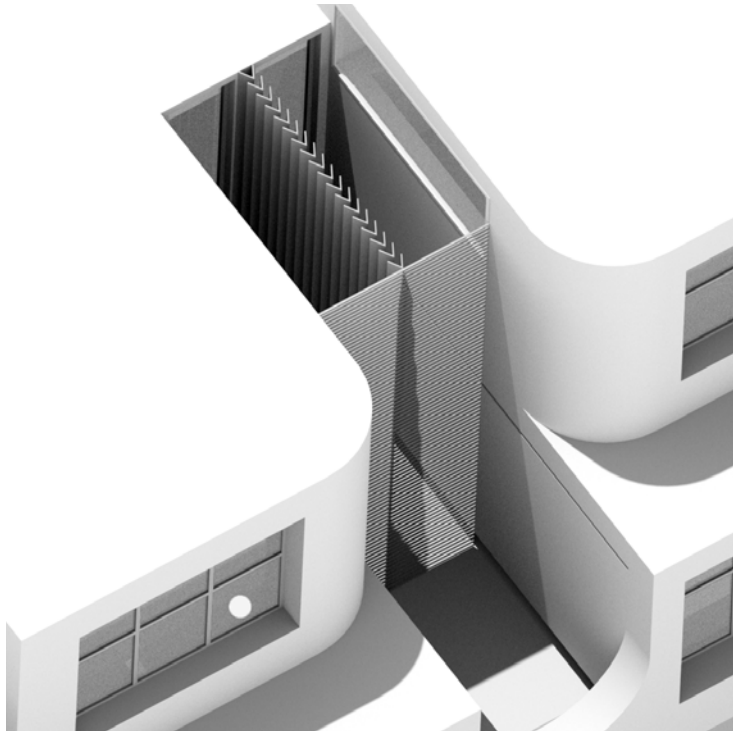
Common Office

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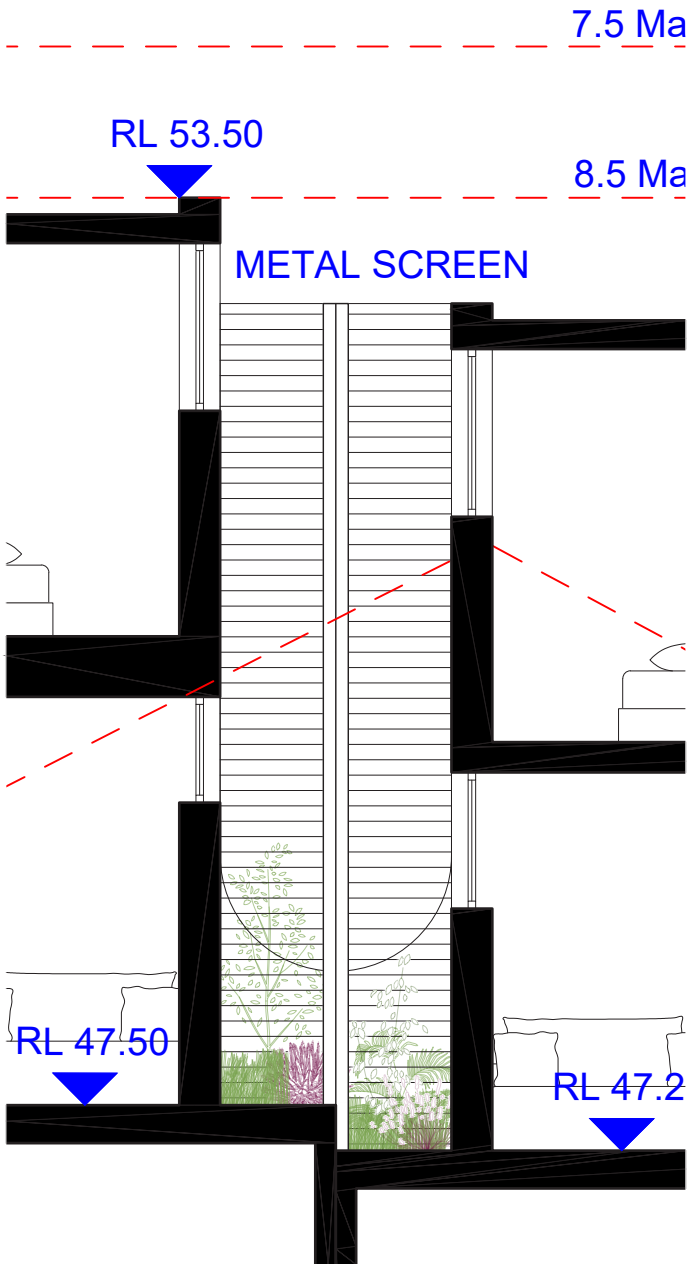
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PHOTOMONTAGE
Date
25 AUGUST 2022
Scale
DA
Drawing No
601
Revision
[05]

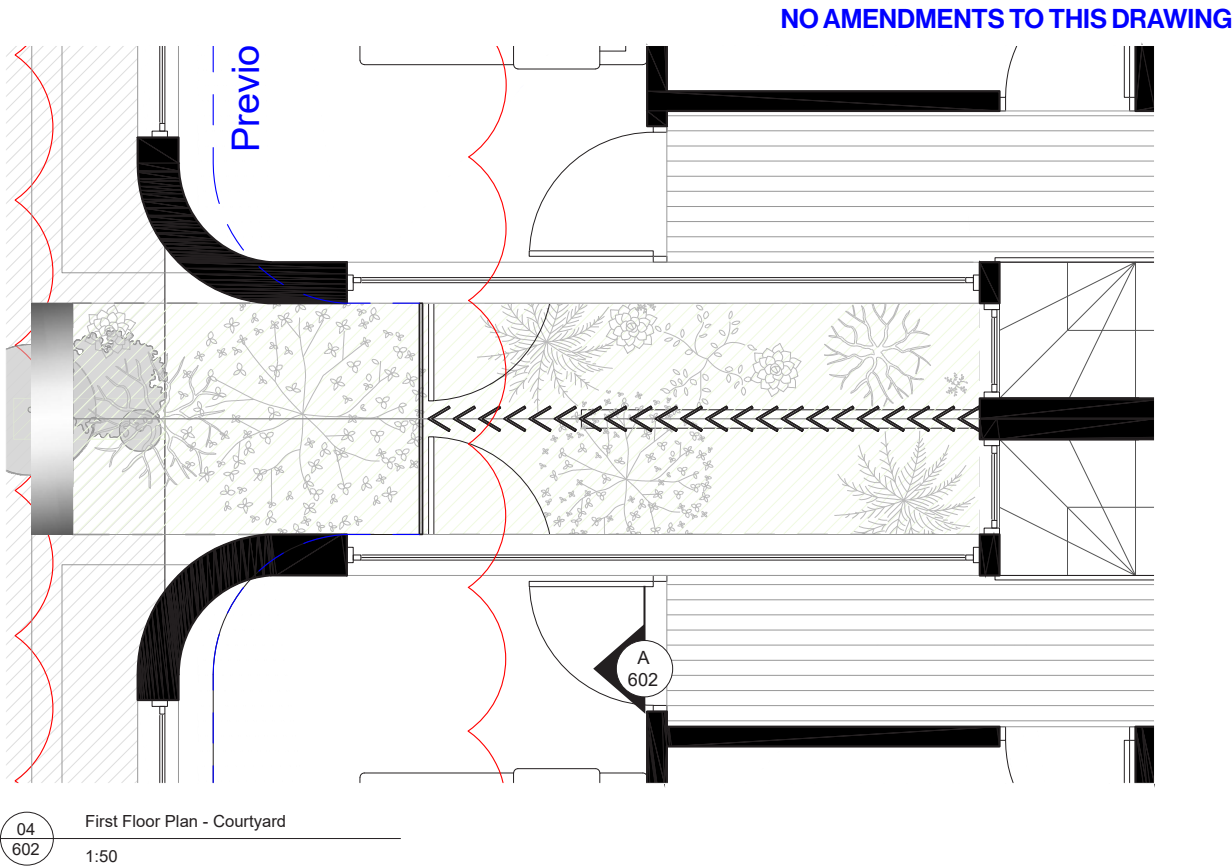




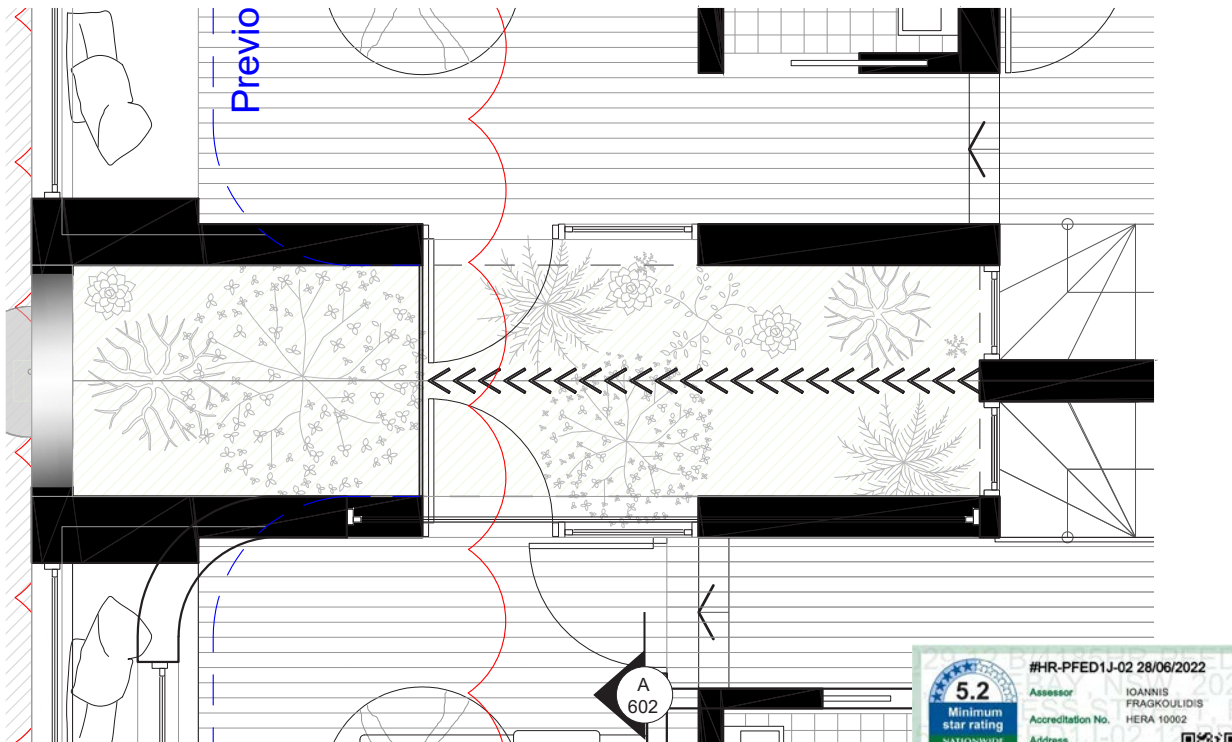
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02
602
Section A
1:50



04
602
First Floor Plan - Courtyard
1:50



03
602
Ground Plan - Courtyard
1:50



General Notes	
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Project	PRINCESS DUAL OCC
Site	12 PRINCESS ST ROSE BAY
Client	WISEMAN / ROSETTENSTEIN
Scale	1:50 at A3
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Common Office	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
25 AUGUST 2022	

DA	602	[05]
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BASIX Certificate

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

Multi Dwelling

Certificate number: 1241426M_02

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

This certificate is a revision of certificate number 1241426M lodged with the consent authority or certifier on 11 October 2021 with application DA-462/2021.

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 Schedule 1 Clause 2A, 4A or 6A of the Environmental Planning and Assessment Regulation 2000

Secretary

Date of issue: Tuesday, 28 June 2022

To be valid, this certificate must be lodged within 3 months of the date of issue.



Project summary			
Project name	37721, 12 Princess St_02		
Street address	12 Princess Street Rose Bay 2029		
Local Government Area	Waverley Council		
Plan type and plan number	deposited 4185		
Lot no.	12		
Section no.	-		
No. of residential flat buildings	0		
No. of units in residential flat buildings	0		
No. of multi-dwelling houses	2		
No. of single dwelling houses	0		
Project score			
Water	✔ 40	Target 40	
Thermal Comfort	✔ Pass	Target Pass	
Energy	✔ 67	Target 60	

Certificate Prepared by	
Name / Company Name:	Max Brightwell
ABN (if applicable):	05897024384

Fixtures													
Dwelling no.	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	All dish-washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover
All dwellings	4 star (> 4.5 but <= 6 L/min)	3 star	3 star	3 star	no	-	-	21.0	no	outdoors	no	-	-

Alternative water source									
Dwelling no.	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection (s)	Laundry connection	Pool top-up	Spa top-up	
All dwellings	Individual water tank (no. 1)	Tank size (min) 1800.0 litres	To collect run-off from at least: 40.0 square metres of roof area;	yes	no	yes	-	-	
None	-	-	-	-	-	-	-	-	


Hot water							
Bathroom ventilation system		Kitchen ventilation system		Laundry ventilation system			
Dwelling no.	Hot water system	Each bathroom	Operation control	Each kitchen	Operation control	Each laundry	Operation control
All dwellings	gas instantaneous 5 star	individual fan, ducted to facade or roof	manual switch on/off	individual fan, ducted to facade or roof	manual switch on/off	individual fan, ducted to facade or roof	manual switch on/off

Cooling				Heating				Artificial lighting				Natural lighting	
Dwelling no.	living areas	bedroom areas	living areas	bedroom areas	No. of bedrooms &/or study	No. of living &/or dining rooms	Each kitchen	All bathrooms/toilets	Each laundry	All hallways	No. of bathrooms &/or toilets	Main kitchen	
All dwellings	ceiling fans + 1-phase airconditioning 4 star (average zone) (zoned)	ceiling fans + 1-phase airconditioning 4 star (average zone) (zoned)	1-phase airconditioning 4 star (average zone) (zoned)	1-phase airconditioning 4 star (average zone) (zoned)	4 (dedicated)	2 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	3	yes	

Individual pool		Individual spa		Appliances & other efficiency measures							
Dwelling no.	Pool heating system	Timer	Spa heating system	Timer	Kitchen cooktop/oven	Refrigerator	Well ventilated fridge space	Dishwasher	Clothes washer	Clothes dryer	Indoor or sheltered clothes drying line
All dwellings	electric heat pump	yes	-	-	gas cooktop & electric oven	-	no	-	-	-	yes

Alternative energy	
Dwelling no.	Photovoltaic system (min rated electrical output in peak kW)
All dwellings	2.0

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	no common facility	no common facility	no common laundry facility

Project Specification	Form # AE0.5	Australian Energy Efficiency Consulting E:info@aenec.com.au P:0416 316 204		
Project Address: 12 Princess Street Rosebay BASIX CERTIFICATION NUMBER: 1241426M_2				
This Project Specification outlines ONLY some of the NatHERS commitments. For the full list of specifications and construction allocations, you must refer to the corresponding NatHERS document that has been provided.				
External Walls Specification:				
Type	Material	Added Insulation	Colour**	Detail
Masonry	Concrete Blockwork	Nil	Light	As per drawings
Masonry	Cavity Brick	R1.60	Light	Ground Floor
Masonry	Brick Veneer	R2.73	Light	First Floor
Framed	FC	R2.74	Light	VOID, As per drawings
Internal Walls specification:				
Type	Material	Added Insulation	Colour**	Detail
Framed	Plasterboard	Nil	-	As per drawings
Masonry	Double Brick	Nil	-	Partition walls
Roof Specification:				
Type	Material	Added Insulation	Colour**	Detail
Masonry	Concrete	R4.00	Light	Balcony
Framed	Metal/CT outer & Plasterboard inner	R4.00+Anticon R1.80	Light	First floor Roof
Floors/Ceilings Specification:				
Type	Material	Added Insulation	Covering	Detail
Masonry	Concrete	Nil	As per drawings	Slabs on ground
Masonry	Concrete	R2.00	As per drawings	DWA KLD GF Slab on ground only
Masonry	Concrete	R4.00	As per drawings	to external air and over BS
Window Specification*				
Frame material	Glazing	U Value	SHGC	Detail
Aluminum		5.40 or Lower	0.58+5%	Refer to NatHERS for more info
Aluminum		5.40 or Lower	0.49+5%	Refer to NatHERS for more info
Aluminum		4.10 or Lower	0.52+5%	Refer to NatHERS for more info
Aluminum		4.10 or Lower	0.47+5%	Refer to NatHERS for more info
Aluminum		2.90 or Lower	0.51+5%	Refer to NatHERS for more info
Aluminum		2.91 or Lower	0.44+5%	Refer to NatHERS for more info
Thermeco THC-033-02 B		2.05 or Lower	0.58+5%	HALL FF. Refer to NatHERS
* NOTE: WINDOW PERFORMANCE IS DETERMINED BY U-VALUE AND SHGC NOT THE SYSTEM DESCRIPTION. THESE PERFORMANCE FIGURES CAN BE ACHIEVED BY MULTIPLE WINDOW/DOOR SYSTEMS AND THEIR DESCRIPTION IN THE NATHERS IS SECONDARY. FOCUS OF THE PERFORMANCE VALUES.				
** LIGHT COLOR INSTALLATIONS HAVE SOLAR ABSORBANCE BEING LOWER THAN 0.475. MEDIUM COLOR INSTALLATIONS HAVE SOLAR ABSORBANCE BEING BETWEEN 0.475 AND 0.799. DARK COLOR INSTALLATIONS HAVE SOLAR ABSORBANCE BEING HIGHER THAN 0.799.				
IT IS ILLEGAL TO COPY/PASTE NATHERS STAMPS FROM STAMPED DRAWINGS TO ANOTHER DRAWING SET, EVEN IF THIS IS FOR THE SAME PROJECT. NATHERS CERTIFICATES ARE ISSUED FOR THE SPECIFIC DRAWING VERSION AND DATE OF ISSUE AND ARE VALID ONLY FOR THIS PARTICULAR VERSION. IF YOU UPDATE DRAWINGS, YOU MUST UPDATE THE NATHERS CERTIFICATE AS WELL.				

CAUTION – ALL OF THE ITEMS BELOW MUST BE ADHERED BY FOR NATHERS TO BE VALID

NOTES:

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

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

Nationwide House Energy Rating Scheme — Class 1 Summary

NatHERS Certificate No. #HR-PFED1J-02

Generated on 28 June 2022 using Hero 1.2-beta

Property

Address 12 Princess Street, Rosebay, NSW, 2029

Lot/DP 12 B/4185

NatHERS climate zone 56 - Mascot AMO

Accredited assessor



IOANNIS FRAGKOULIDIS

4M AUSTRALIA PTY LTD

yanni.frag@gmail.com

+61 452648288

Accreditation No. 10002

Assessor Accrediting Organisation HERA



Verification

To verify this certificate, scan the QR code or visit <http://www.hero-software.com.au/pdf/HR-PFED1J-02>. When using either link, ensure you are visiting <http://www.hero-software.com.au>

Summary of all dwellings

Certificate number and link	Unit Number	Heating load (MJ/m²)	Cooling load (MJ/m²)	Total load (MJ/m²)	Star rating
HR-RVJL2P-02	DWA 12 Princess Street Rosebay	38.1	20.6	58.7	5.4
HR-OYR6FF-02	DWB 12 Princess Street Rosebay	37.4	25.7	63.1	5.2
Maximum Loads and Minimum Rating		38.1	25.7	63.1	5.2
Average	2x (Total)	37.7	23.1	60.9	5.3

National Construction Code (NCC) requirements

The NCC's requirements for NatHERS-rated houses are detailed in 3.12.0(a)(i) and 3.12.5 of the NCC Volume Two. For apartments the requirements are detailed in J0.2 and J5 to J8 of the NCC Volume One.

In NCC 2019, these requirements include minimum star ratings and separate heating and cooling load limits that need to be met by buildings and apartments through the NatHERS assessment. Requirements additional to the NatHERS assessment that must also be satisfied include, but are not limited to: insulation installation methods, thermal breaks, building sealing, water heating and pumping, and artificial lighting requirements. The NCC and NatHERS Heating and Cooling Load Limits (Australian Building Codes Board Standard) are available at www.abcb.gov.au.

State and territory variations and additions to the NCC may also apply

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Kitchen Taps: 3 Star
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COOLING:
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Gas instantaneous 5 star
BATHROOM VENTILATION:
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Each Kitchen (dedicated)
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All Laundries (dedicated)

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2.0 Photovoltaic System
THERMAL COMFORT
CONSTRUCTION OF FLOORS

Shgc 0.47:
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Project

PRINCESS DUAL OCC

Site
12 PRINCESS ST ROSE BAY

Client

WISEMAN / ROSETTENSTEIN

Scale Drawn By

nts

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Drawing

BASIX SUMMARY

Date

25 AUGUST 2022

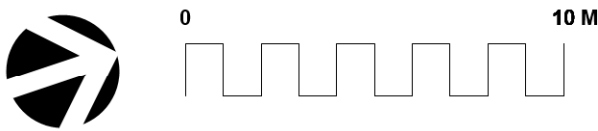
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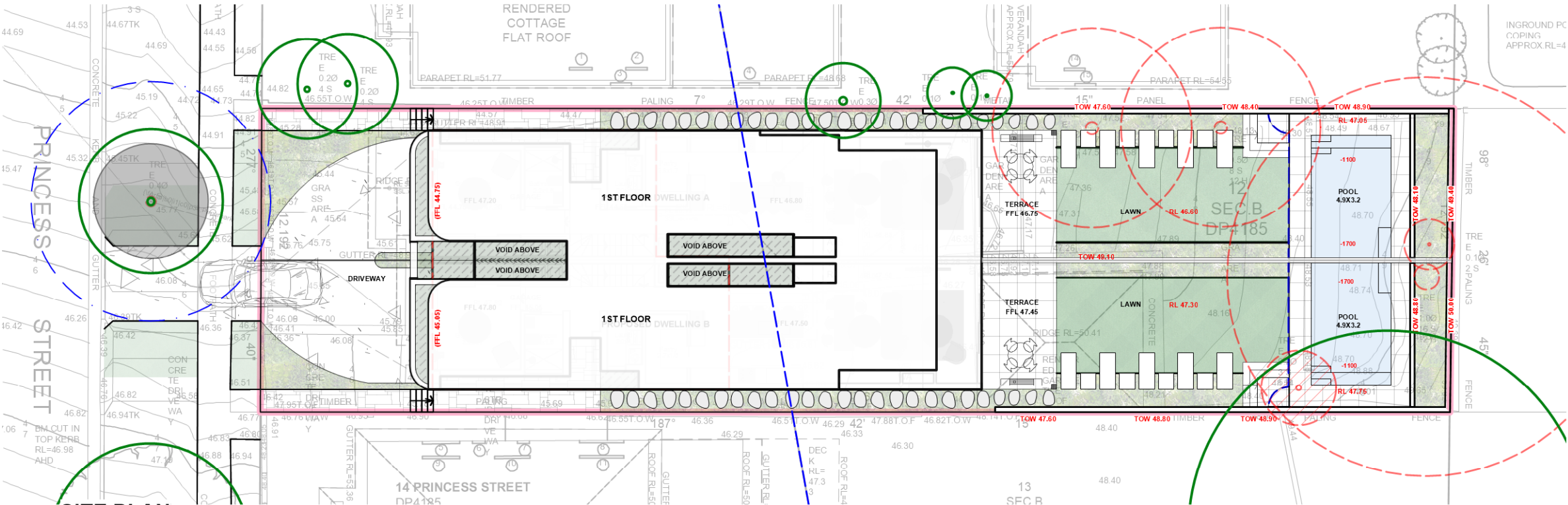
Revision
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S4.55 PLANS

12 PRINCESS STREET, ROSE BAY NSW



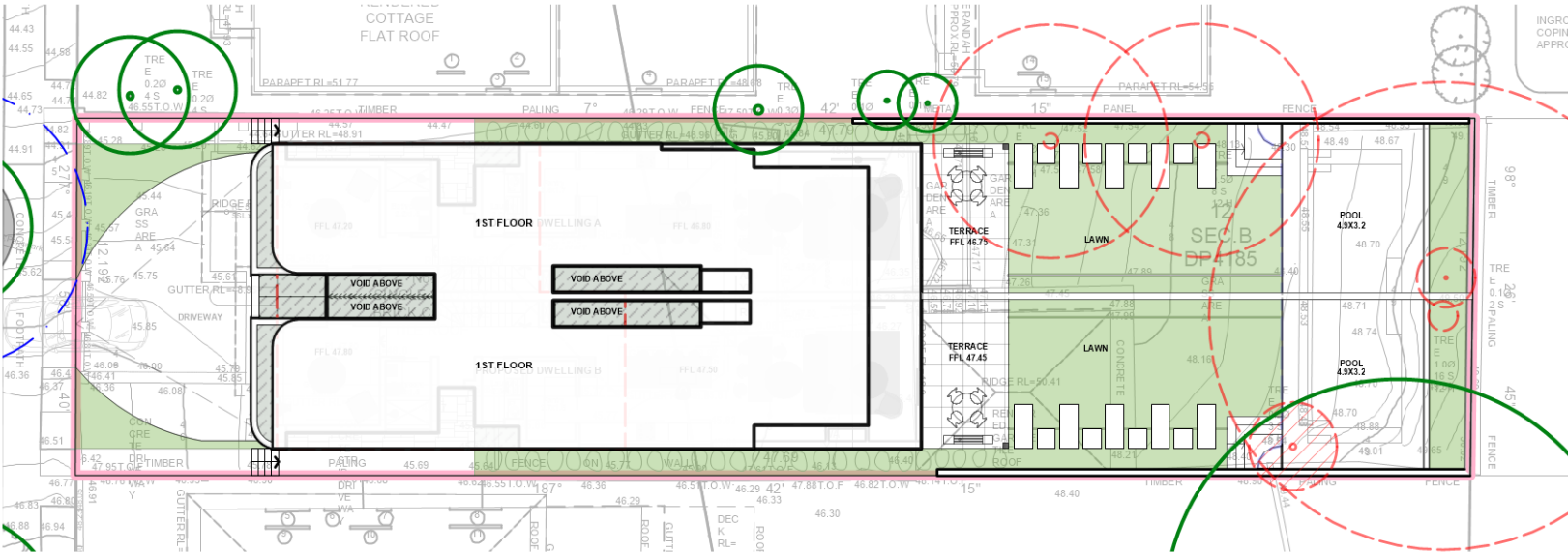
PROJECT LOCATION



SITE PLAN
SCALE 1:200

LEGEND

DRIVEWAY
TURF AREAS
DEEP SOIL GARDENS
PROPOSED RESIDENCE
PROPOSED POOL
TILES SELECTED STONE ON SLAB
PAVED AREA SELECTED STONE ON SLAB



SITE PLAN CALCULATION
SCALE 1:250

SITE CALCULATION

TOTAL SITE AREA	: 582 sqm
TOTAL LANDSCAPE AREA	: 163 sqm/ 28.0%
MIN LANDSCAPE REQ	: 15%

LANDSCAPE AREA

EXISTING TREE LEGEND

EXISTING TREES TO BE RETAINED
TREES TO BE REMOVED

H	19/08/22	ADDED 1ST FLOOR
ISSUE	DATE	COMMENT
AMENDMENTS		

GENERAL NOTES
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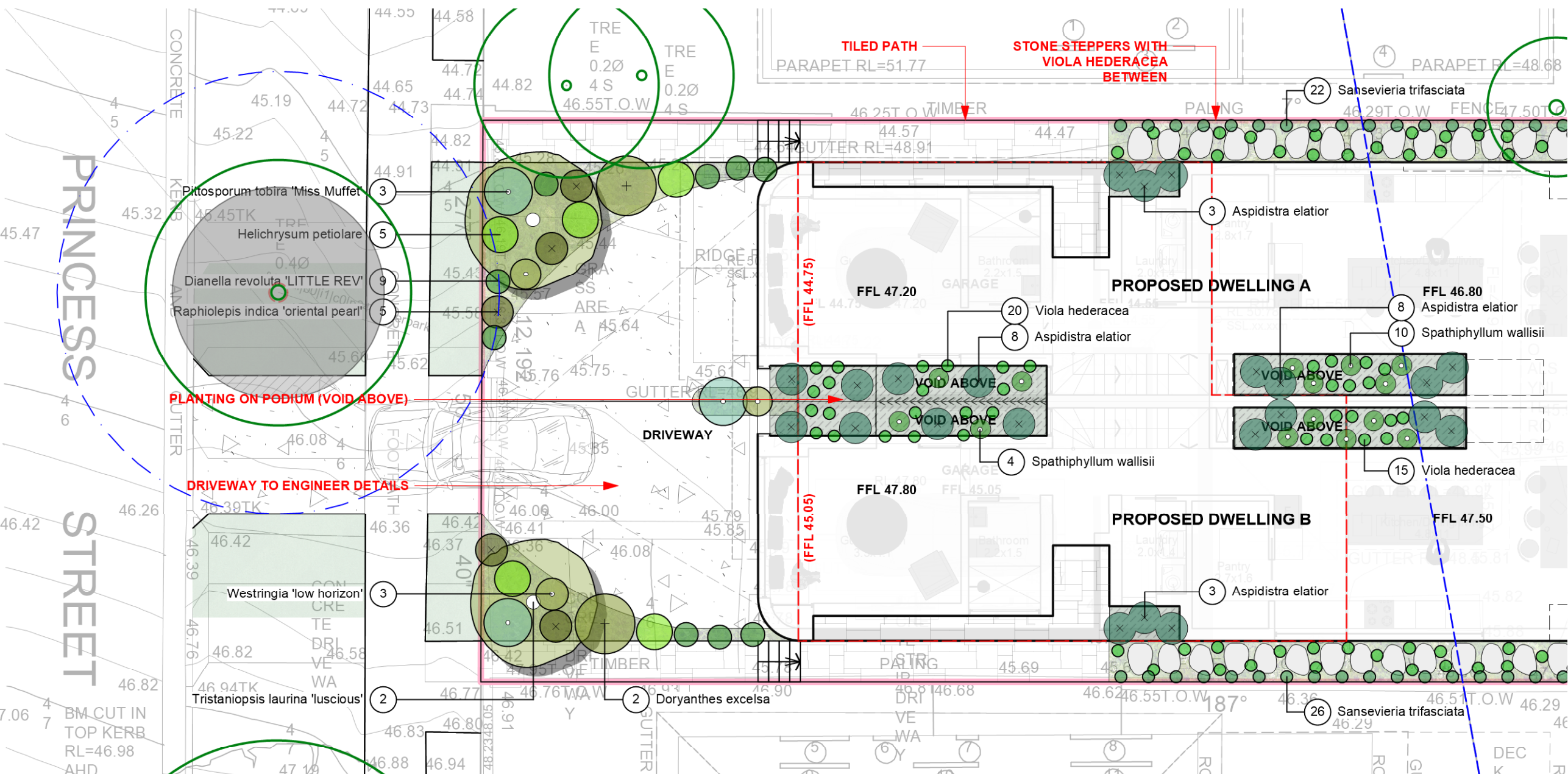
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info@sdstudios.com.au
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Project	PROPOSED DUAL OCCUPANCY	
Address	12 PRINCESS STREET, ROSE BAY NSW	Date 19/08/22
Drawing Title	SITE PLANS	Scale 1:200

Drawing No. 7106



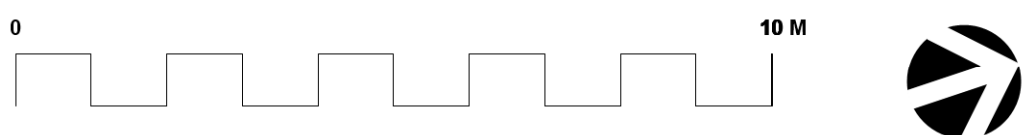
LEGEND

DRIVEWAY	
TURF AREAS	
DEEP SOIL GARDENS	
PROPOSED RESIDENCE	
PROPOSED POOL	
TILES	
PAVED AREA	

EXISTING TREE LEGEND

	EXISTING TREES TO BE RETAINED
	TREES TO BE REMOVED

REFER TO L-03



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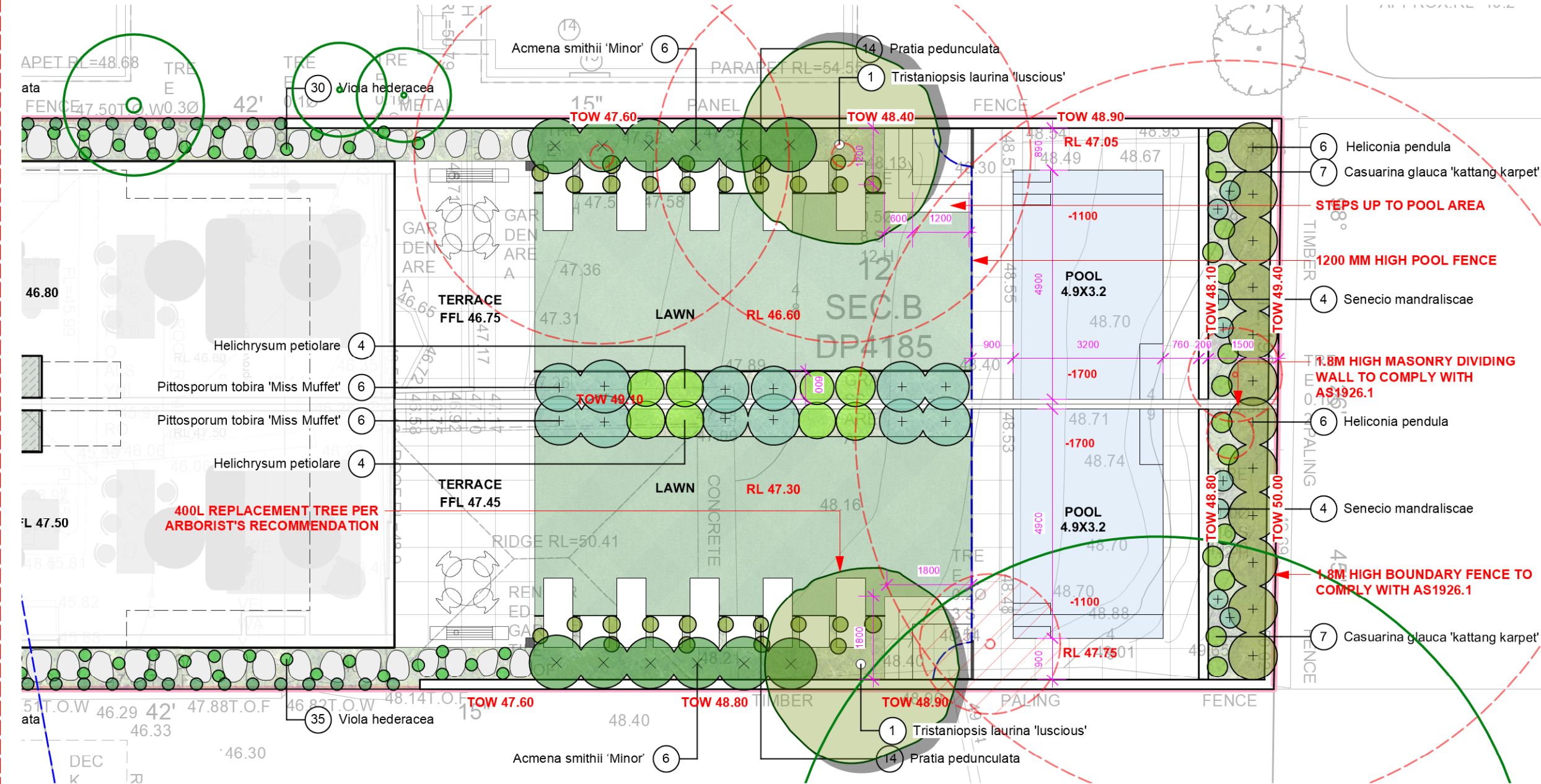
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Project	PROPOSED DUAL OCCUPANCY		
Address	12 PRINCESS STREET, ROSE BAY NSW		Date 19/08/22
Drawing Title	FRONT LANDSCAPE PLAN		Scale 1:100

H	19/08/22	ADDED 1ST FLOOR
ISSUE	DATE	COMMENT
AMENDMENTS		

Drawing No. 7106

REFER TO L-02

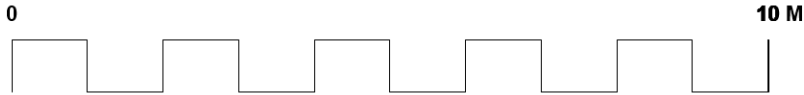


LEGEND

DRIVEWAY
TURF AREAS
DEEP SOIL GARDENS
PROPOSED RESIDENCE
PROPOSED POOL
TILES SELECTED STONE ON SLAB
PAVED AREA SELECTED STONE ON SLAB

EXISTING TREE LEGEND

- EXISTING TREES TO BE RETAINED
- TREES TO BE REMOVED



H	19/08/22	ADDED 1ST FLOOR
ISSUE	DATE	COMMENT
AMENDMENTS		

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Project	PROPOSED DUAL OCCUPANCY	
Address	12 PRINCESS STREET, ROSE BAY NSW	Date 19/08/22
Drawing Title	REAR LANDSCAPE PLAN	Scale 1:100

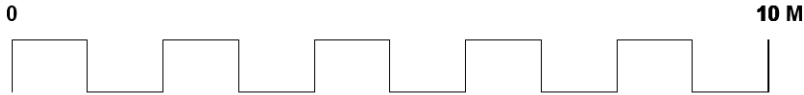
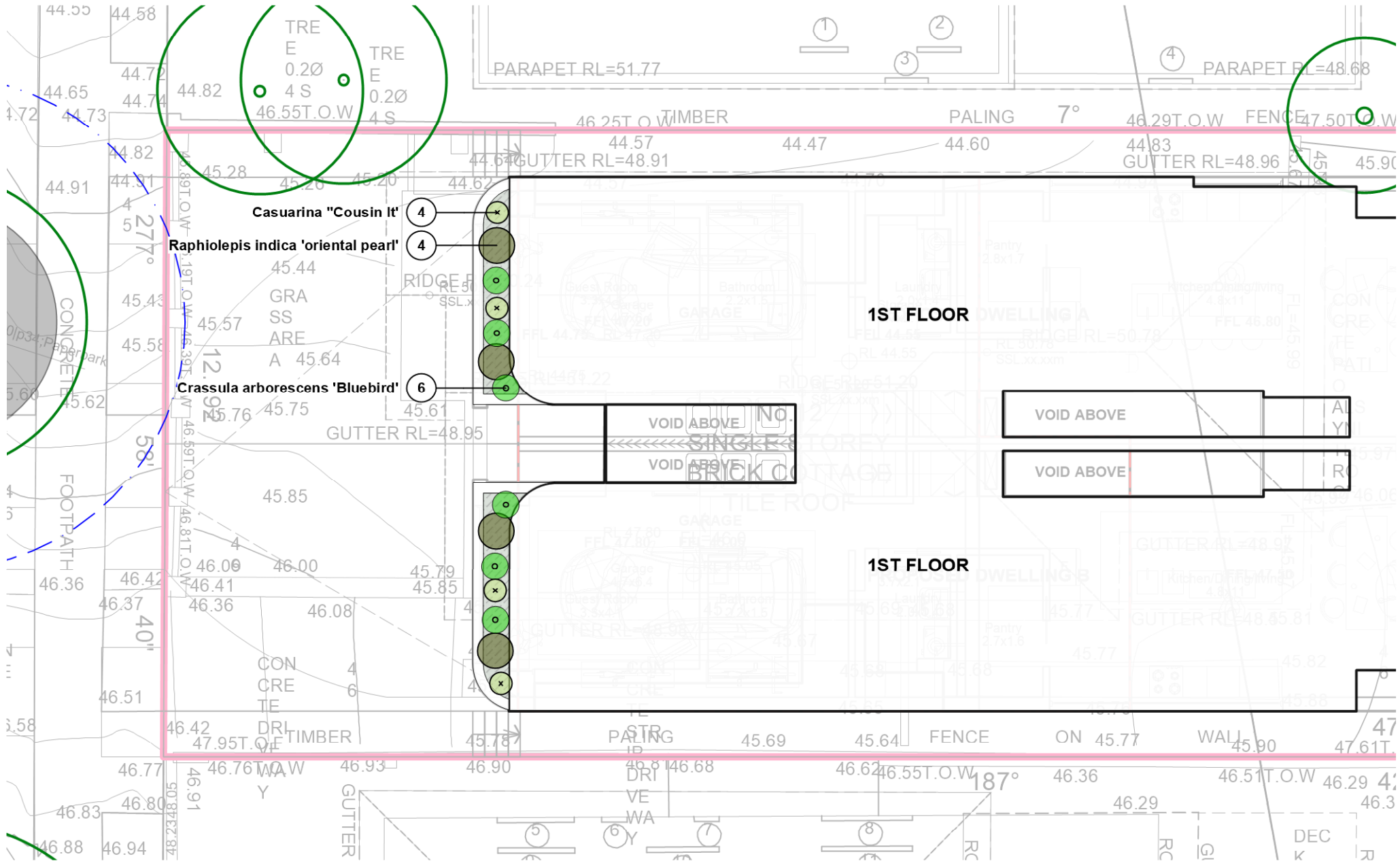
Drawing No. 7106

Page
L-03

LEGEND

DRIVEWAY
TURF AREAS
DEEP SOIL GARDENS
PROPOSED RESIDENCE
PROPOSED POOL
TILES SELECTED STONE ON SLAB
PAVED AREA SELECTED STONE ON SLAB

EXISTING TREE LEGEND



H	19/08/22	ADDED 1ST FLOOR
ISSUE	DATE	COMMENT

AMENDMENTS

GENERAL NOTES
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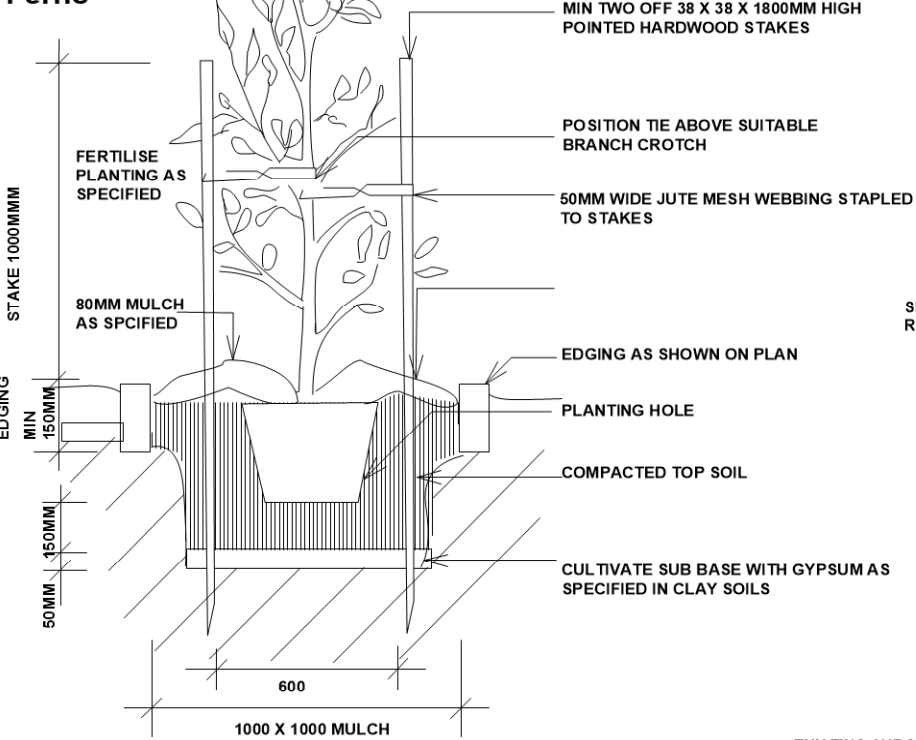
Project	PROPOSED DUAL OCCUPANCY	
Address	12 PRINCESS STREET, ROSE BAY NSW	Date 19/08/22
Drawing Title	1ST FLOOR PLAN	Scale 1:100

Drawing No. 7106

PLANTING SCHEDULE

ID	Botanical Name	Common Name	Scheduled Size	Qty
Trees				
Tris-Lau	Tristaniopsis laurina 'luscious'	Kanooka, Water Gum	100L	2
TLaur-lus	Tristaniopsis laurina 'luscious'	Kanooka, Water Gum	400L	2
Shrubs				
Acm-smi	Acmena smithii 'Minor'	Lillypilly	100mm	12
Hel-pet	Helichrysum petiolare	liquorice plant	150mm	13
Hel-pen	Heliconia pendula	Bird Of Paradise	200mm	12
Pit-tob-mm	Pittosporum tobira 'Miss Muffet'		200mm	15
Rap-ind-op	Raphiolepis indica 'oriental pearl'	Indian Hawthorn	300mm	9
Ground Covers				
Asp-ela	Aspidistra elatior	Cast Iron Plant	150mm	22
cas'ci	Casuarina "Cousin It'	Casuarina "Cousin It'	150mm	4
Cas-gl'kk'	Casuarina glauca 'kattang karpet'	Kattang karpet	150mm	14
Cra-arb	Crassula arborescens 'Bluebird'	'Blue Bird'	150mm	6
Pra-pe	Pratia pedunculata	Blue star creeper	150mm	28
San-tri	Sansevieria trifasciata	snake plant	150mm	48
sen-ma	Senecio mandraliscae	Blue Chalk Sticks	150mm	8
Spa-sp	Spathiphyllum wallisii	Peace Lily	150mm	14
vio-he	Viola hederacea	Native Violet	150mm	100
wes-lh'	Westringia 'low horizon'	coastal rosmary	200mm	3
Grasses				
DIA 'LR'	Dianella revoluta 'LITTLE REV'	Dianella	150mm	9
Dor-exc	Doryanthes excelsa	Gymea Lily	300mm	2

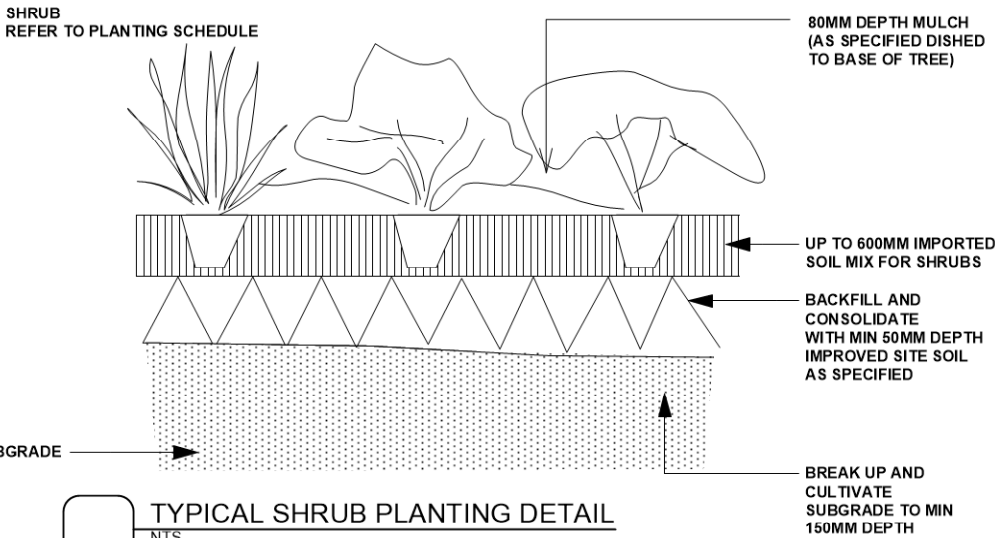
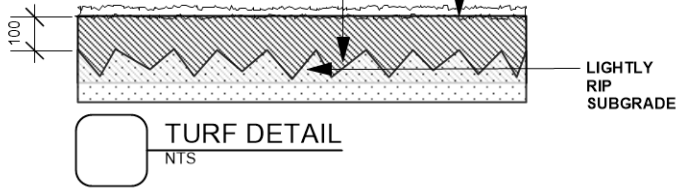
Climbers
Aquatic Plants
Perennials
Ferns



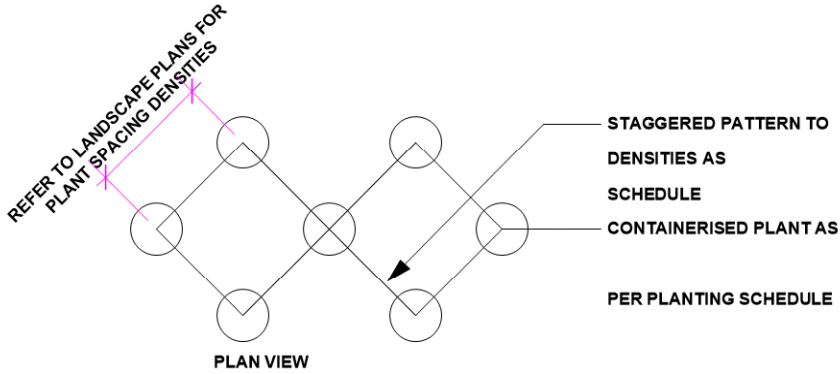
TYPICAL TREE PLANTING DETAIL
NTS

SIR WALTER TURF ROLLS AS SPECIFIED. LAY ROLLS SO THAT TURF FINISHES 300MM PROUD OF ADJACENT SURFACES. LIGHTLY COMPACT EDGES TO PREVENT SUBSIDENCE.

SPREAD & RAKE MIN. 100MM LAYER OF TURF UNDERLAY SOIL (80/20 SAND/SOIL MIX). GRADE TO FINISHED LEVELS & LIGHTLY CONSOLIDATE



TYPICAL SHRUB PLANTING DETAIL
NTS



Tristaniopsis laurina luscious Watergum



Acmena smithii 'Minor' Lilly pilly



Helichrysum petiolare Liquorice plant



Heliconia pendula Bird of paradise



Sansevieria trifasciata Snake plant



Pittosporum tobira 'Miss Muffet'



Raphiolepis 'oriental pearl'



Aspidistra elatior Cast Iron Plant



Casuarina glauca Kattang karpet



Westringia low horizon Coastal rosemary



Crassula arborescens 'Blue Bird'



Spathiphyllum wallisii Peace Lilly



Senecio mandraliscae Blue Chalk Stick



Viola hederacea Native Violet



Doryanthes excelsa Gymea Lilly



Casuarina 'Cousin it' Cousin it



Dianella revoluta 'Litte Rev'

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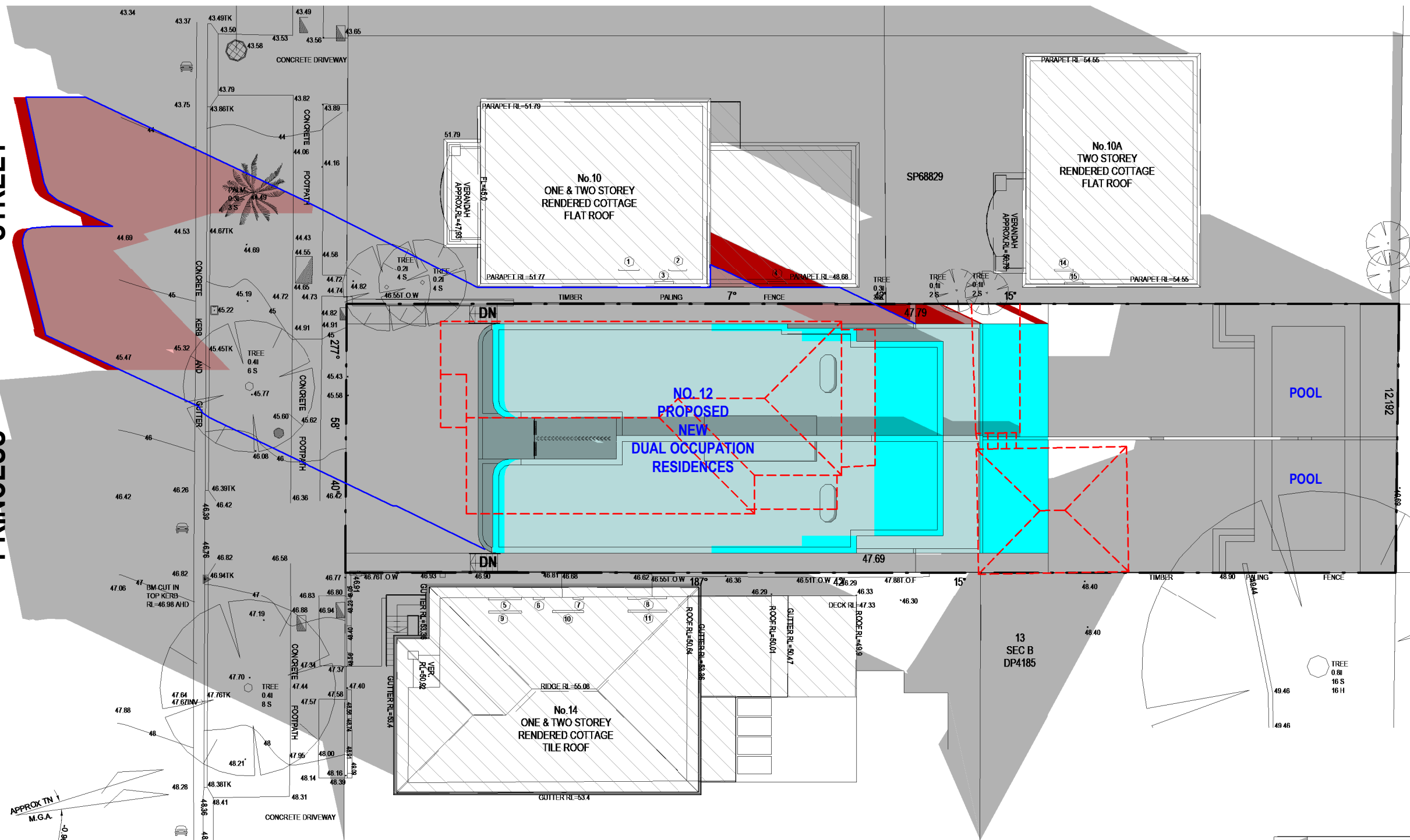
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Address	12 PRINCESS STREET, ROSE BAY NSW	Date 19/08/22
Drawing Title	PLANTING DETAILS	Scale NTS

H	19/08/22	ADDED 1ST FLOOR
ISSUE	DATE	COMMENT
AMENDMENTS		

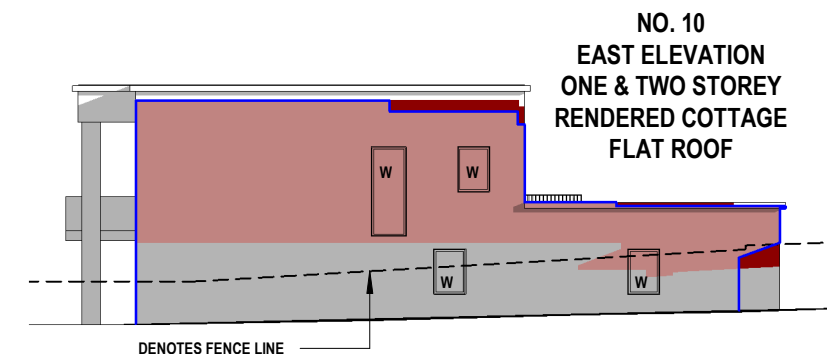
Drawing No. 7106

Page
L-05

PRINCESS STREET



- LEGEND:
- DENOTES OUTLINE OF EXISTING RESIDENCE TO BE DEMOLISHED
 - DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
 - DENOTES AREA OF APPROVED DA-264/2021 DUAL RESIDENCE
 - DENOTES OUTLINE OF APPROVED DA-264/2021 SHADOW
 - DENOTES AREA OF APPROVED DA-264/2021 ADDITIONAL SHADOW
 - DENOTES AREA OF PROPOSED ADDITIONAL S4.55 AREAS
 - DENOTES AREA OF PROPOSED ADDITIONAL S4.55 SHADOW



1

Shadowing June 21st 9.00am
1 : 200

NOTE:

SHADOWS SHOWN HAVE BEEN COMPILED FROM DETAIL & LEVEL SURVEY BY SURVPLAN SURVEYORS JOB REF. 1615 DATED 18.06.21 AND ARCHITECTURAL PLANS BY COMMON OFFICE PRINCESS DUAL OCC DATED 17 SEPTEMBER 2021 AND REDUCED BUILDING DATED 23 FEBRUARY 2022 AND S4.55 SUBMISSION DATED 19 MAY 2022

Cad Draft P/L

SHADOW ANALYSIS CONSULTANTS

ABN 27 083 288 153

PH: 9555 8545

SUITE 1, 505 BALMAIN ROAD,
LILYFIELD, NSW 2040

info@caddraftnsw.com.au

No.	Description	Date

S.4.55 SHADOW DIAGRAMS
No. 12 PRINCESS STREET
ROSE BAY

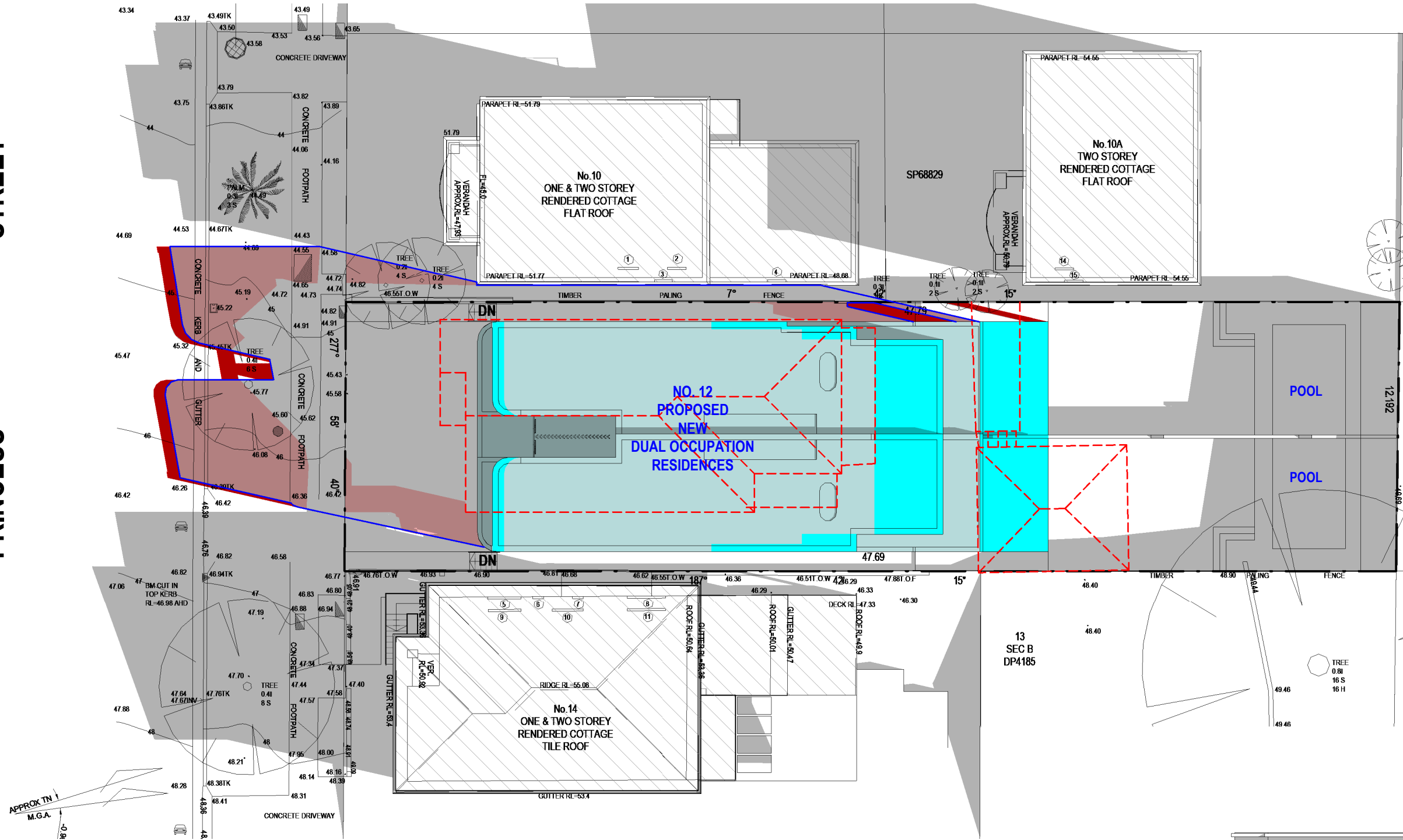
CLIENT: WISEMAN / ROSETTENSTEIN

Shadowing June 21st 9.00am

Project number	21-105	A100
Date	08-08-2022	
Drawn by	KP	
Checked by	JD	
Scale		1 : 200

STREET

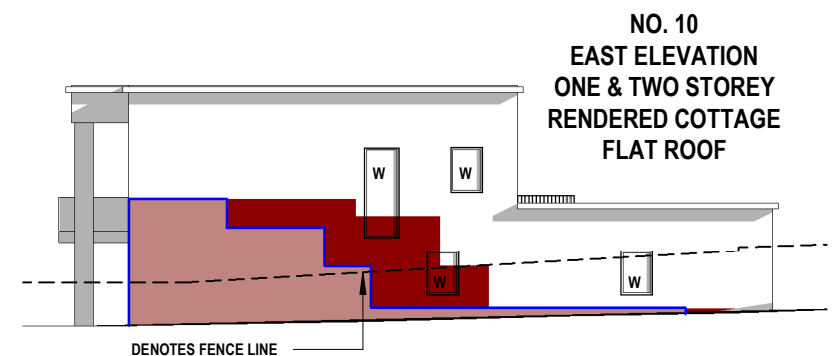
PRINCESS



- LEGEND:
- DENOTES OUTLINE OF EXISTING RESIDENCE TO BE DEMOLISHED
 - DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
 - DENOTES AREA OF APPROVED DA-264/2021 DUAL RESIDENCE
 - DENOTES OUTLINE OF APPROVED DA-264/2021 SHADOW
 - DENOTES AREA OF APPROVED DA-264/2021 ADDITIONAL SHADOW
 - DENOTES AREA OF PROPOSED ADDITIONAL S4.55 AREAS
 - DENOTES AREA OF PROPOSED ADDITIONAL S4.55 SHADOW

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1

Shadowing June 21st 10.00am

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No.	Description	Date

S.4.55 SHADOW DIAGRAMS
No. 12 PRINCESS STREET
ROSE BAY

CLIENT: WISEMAN / ROSETTENSTEIN

Shadowing June 21st 10.00am

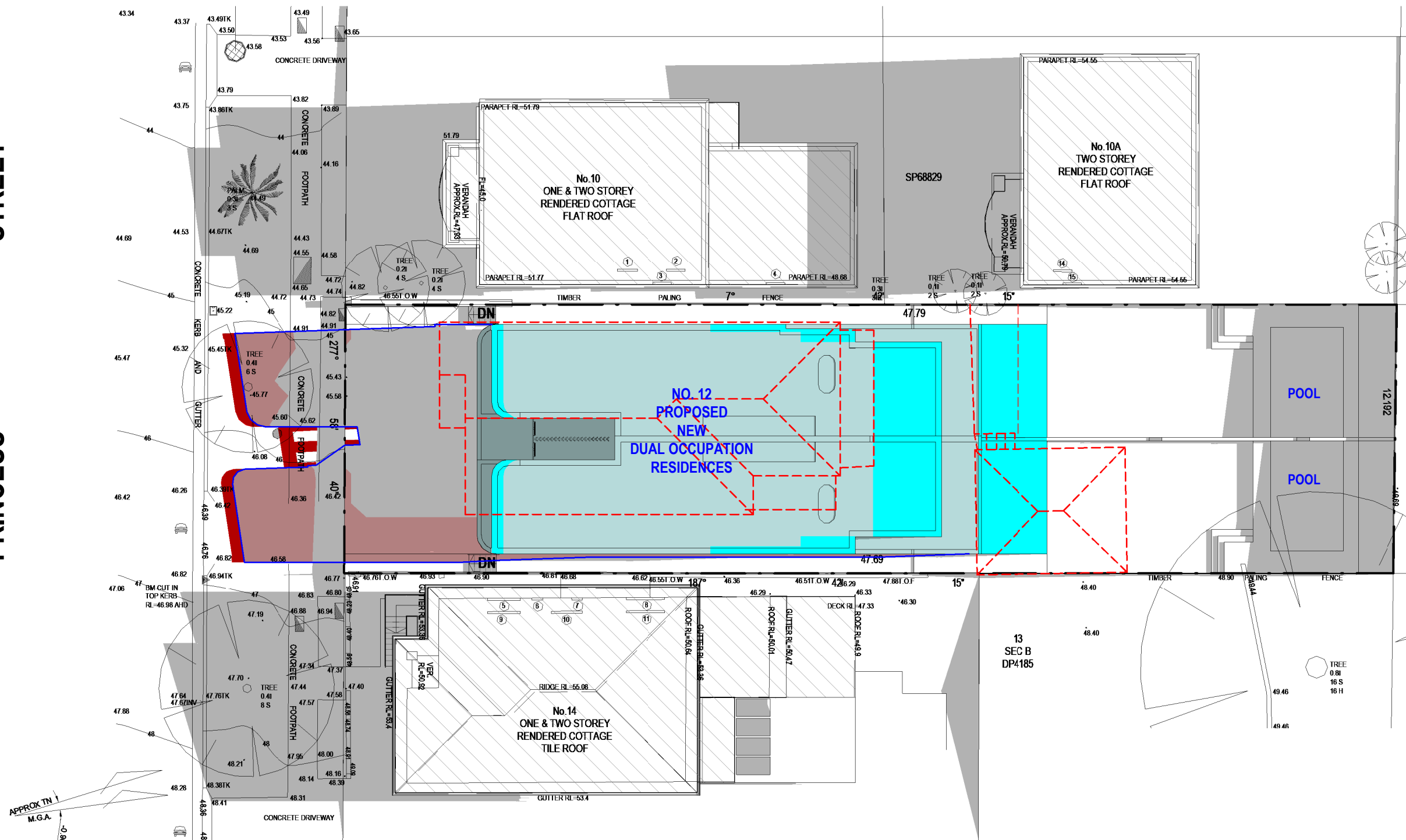
Project number	21-105
Date	08-08-2022
Drawn by	KP
Checked by	JD

A101

Scale 1 : 200

STREET

PRINCESS



LEGEND:

- [Red dashed line] DENOTES OUTLINE OF EXISTING RESIDENCE TO BE DEMOLISHED
- [Grey fill] DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
- [Light blue fill] DENOTES AREA OF APPROVED DA-264/2021 DUAL RESIDENCE
- [Blue outline] DENOTES OUTLINE OF APPROVED DA-264/2021 SHADOW
- [Brown fill] DENOTES AREA OF APPROVED DA-264/2021 ADDITIONAL SHADOW
- [Cyan fill] DENOTES AREA OF PROPOSED ADDITIONAL S4.55 AREAS
- [Dark red fill] DENOTES AREA OF PROPOSED ADDITIONAL S4.55 SHADOW

NOTE:

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1 **Shadowing June 21st 11.00am**
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No.	Description	Date

S.4.55 SHADOW DIAGRAMS
No. 12 PRINCESS STREET
ROSE BAY

CLIENT: WISEMAN / ROSETTENSTEIN

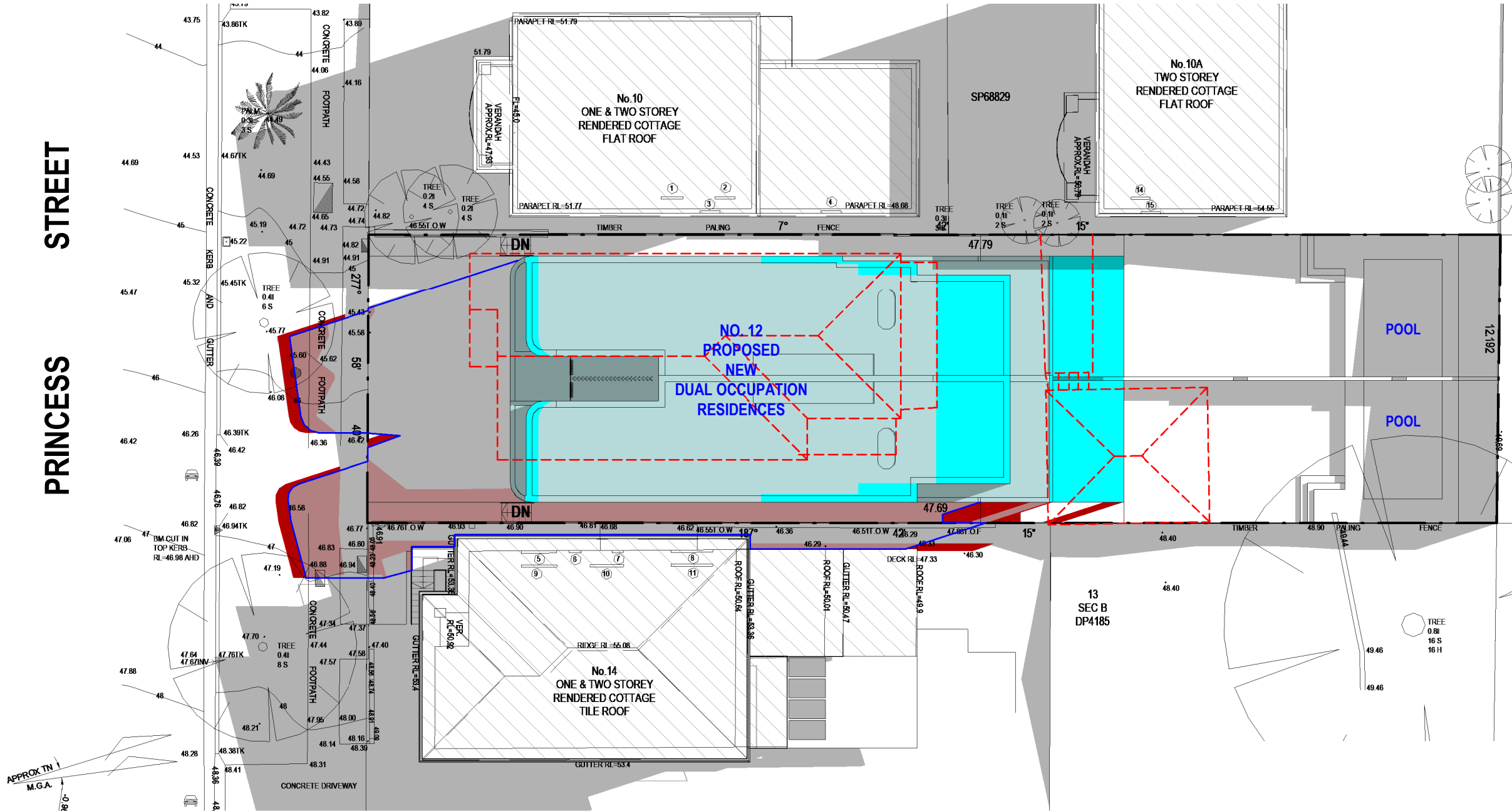
Shadowing June 21st 11.00am

Project number	21-105
Date	08-08-2022
Drawn by	KP
Checked by	JD

A102

Scale	1 : 200
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PRINCESS STREET

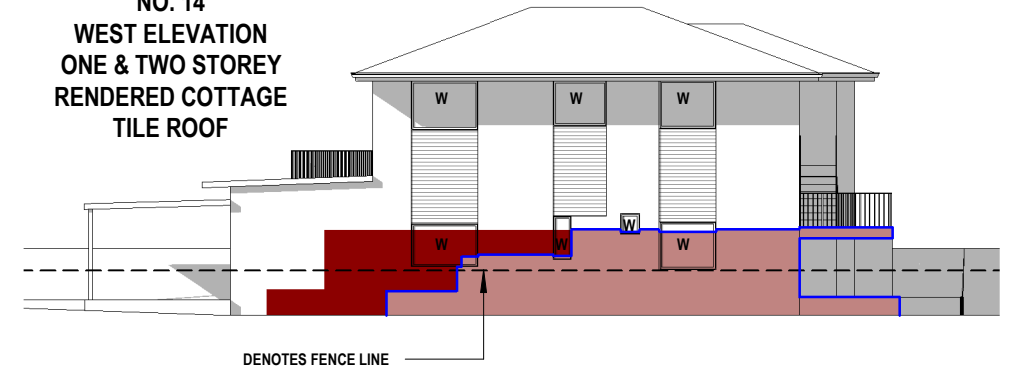


- LEGEND:
- DENOTES OUTLINE OF EXISTING RESIDENCE TO BE DEMOLISHED
 - DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
 - DENOTES AREA OF APPROVED DA-264/2021 DUAL RESIDENCE
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NO. 14
WEST ELEVATION
ONE & TWO STOREY
RENDERED COTTAGE
TILE ROOF



1

Shadowing June 21st 12.00pm

1 : 200

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ABN 27 083 288 153

SUITE 1, 505 BALMAIN ROAD,
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SHADOW ANALYSIS CONSULTANTS

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No.	Description	Date

S.4.55 SHADOW DIAGRAMS
No. 12 PRINCESS STREET
ROSE BAY

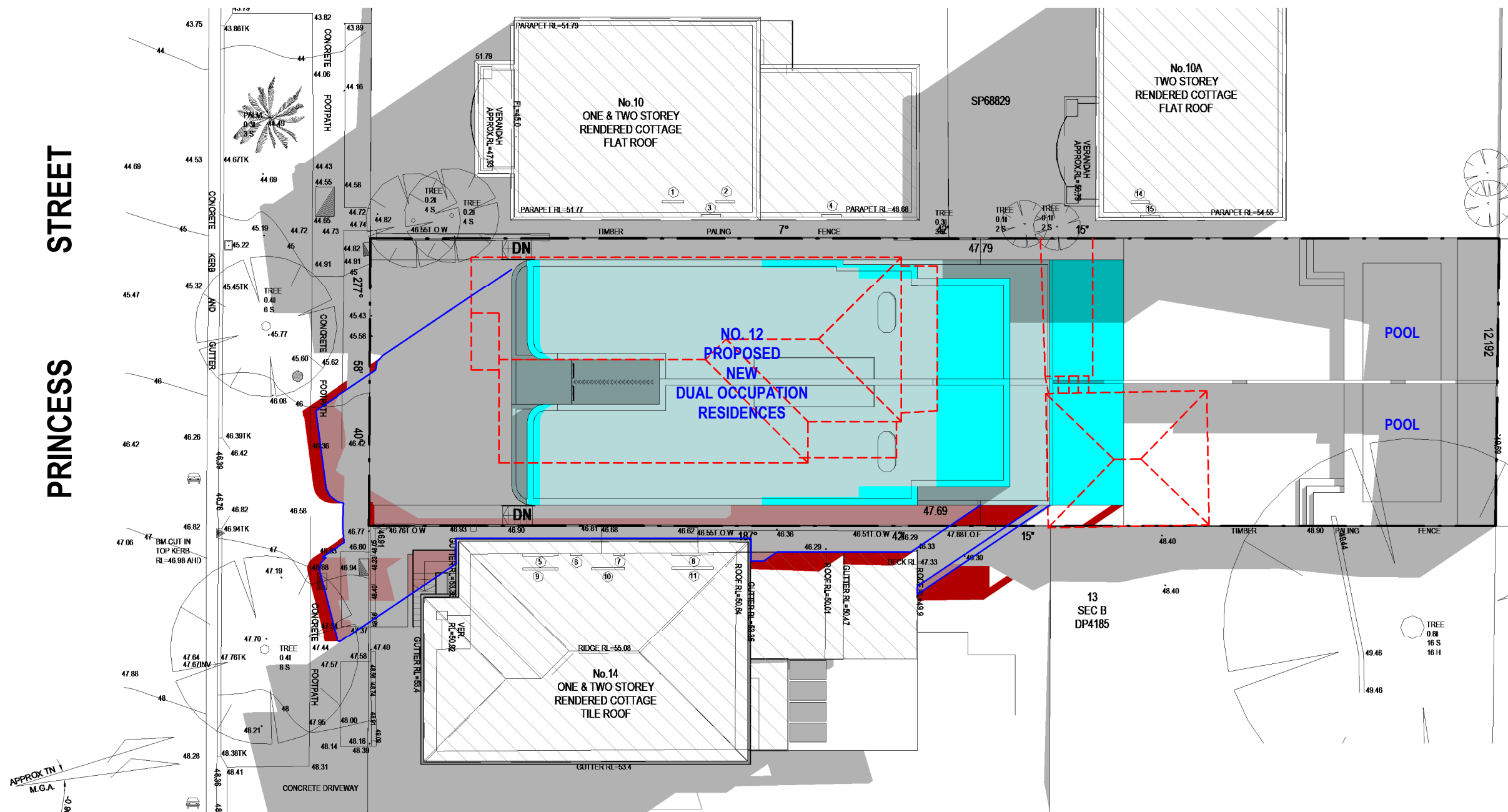
CLIENT: WISEMAN / ROSETTENSTEIN

Shadowing June 21st 12.00pm

Project number	21-105
Date	08-08-2022
Drawn by	KP
Checked by	JD

A103

Scale 1 : 200

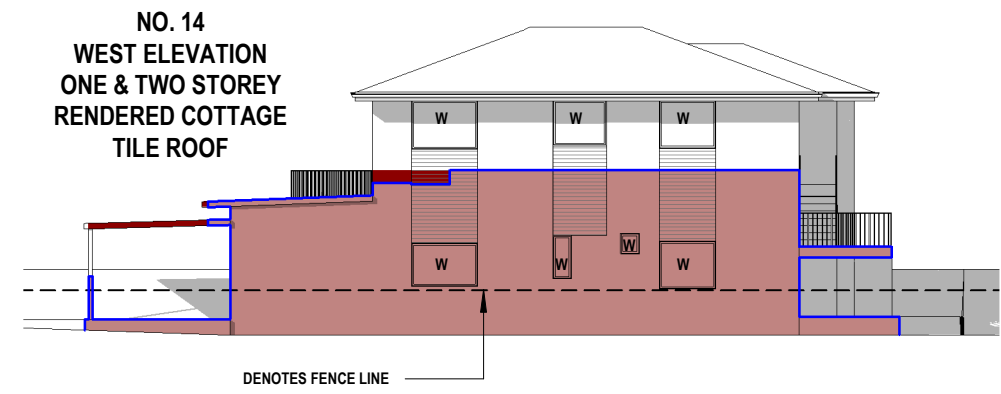


LEGEND:

- DENOTES OUTLINE OF EXISTING RESIDENCE TO BE DEMOLISHED
- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
- DENOTES AREA OF APPROVED DA-264/2021 DUAL RESIDENCE
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- DENOTES AREA OF PROPOSED ADDITIONAL S4.55 SHADOW

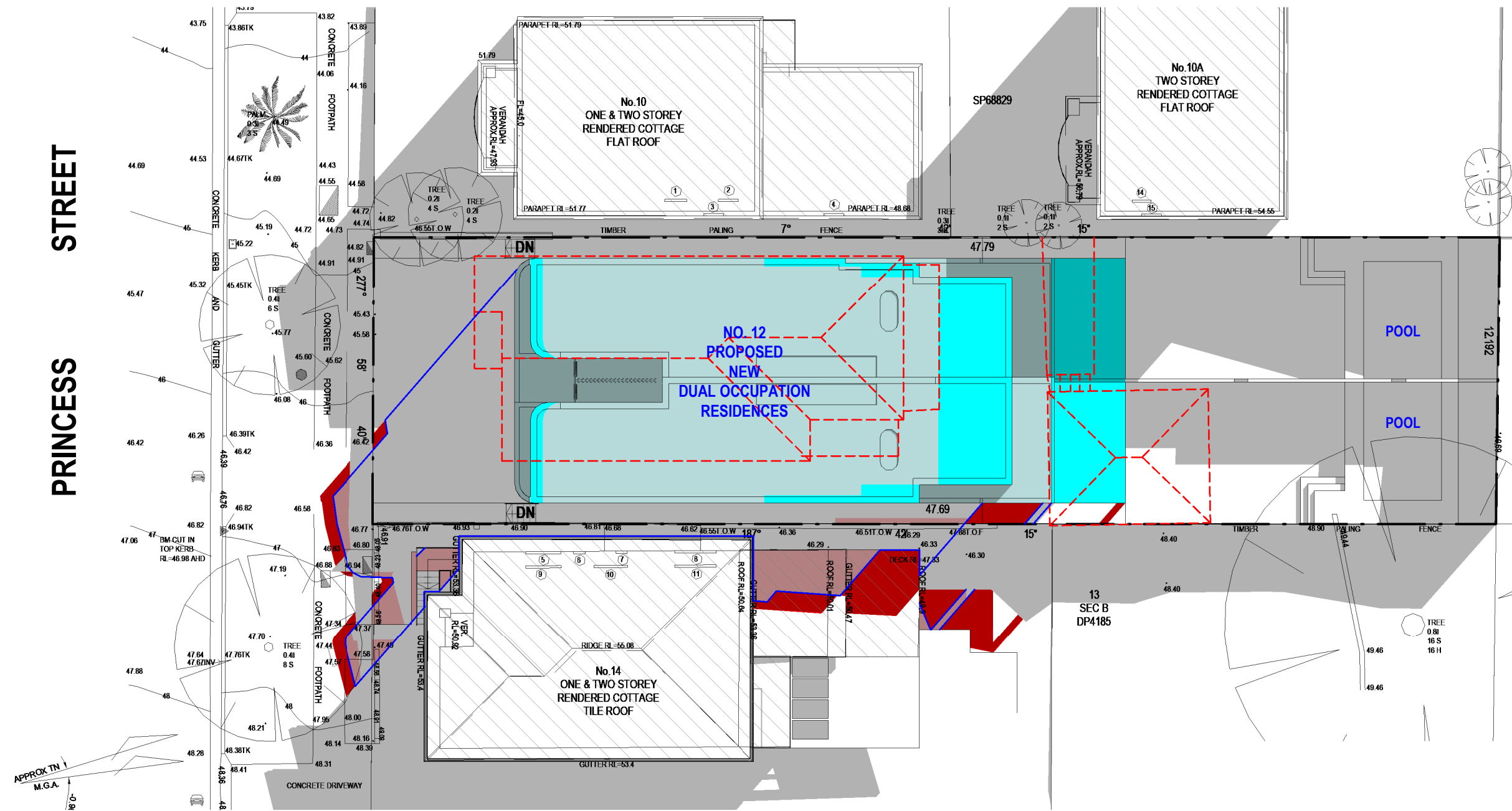
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1 **Shadowing June 21st 1.00pm**
1 : 200

<p>Cad Draft P/L ABN 27 083 288 153 SUITE 1, 505 BALMAIN ROAD, LILYFIELD, NSW 2040 PH: 9555 8545 info@caddraftnsw.com.au</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	No.	Description	Date																			<p>S.4.55 SHADOW DIAGRAMS No. 12 PRINCESS STREET ROSE BAY</p> <p>CLIENT: WISEMAN / ROSETTENSTEIN</p>	<p style="text-align: center;">Shadowing June 21st 1.00pm</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Project number</td> <td>21-105</td> <td rowspan="4" style="text-align: center; vertical-align: middle;">A104</td> </tr> <tr> <td>Date</td> <td>08-08-2022</td> </tr> <tr> <td>Drawn by</td> <td>KP</td> </tr> <tr> <td>Checked by</td> <td>JD</td> </tr> <tr> <td colspan="2">Scale</td> <td>1 : 200</td> </tr> </table>	Project number	21-105	A104	Date	08-08-2022	Drawn by	KP	Checked by	JD	Scale		1 : 200
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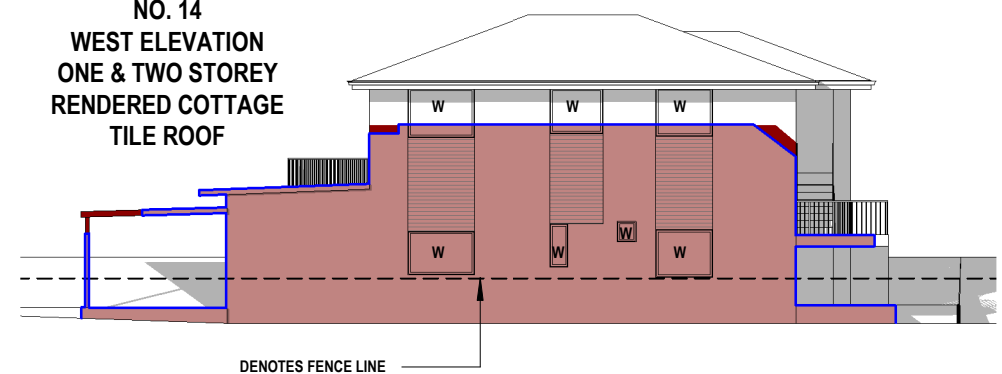


- LEGEND:
- DENOTES OUTLINE OF EXISTING RESIDENCE TO BE DEMOLISHED
 - DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
 - DENOTES AREA OF APPROVED DA-264/2021 DUAL RESIDENCE
 - DENOTES OUTLINE OF APPROVED DA-264/2021 DUAL RESIDENCE
 - DENOTES AREA OF APPROVED DA-264/2021 ADDITIONAL SHADOW
 - DENOTES AREA OF PROPOSED ADDITIONAL S4.55 AREAS
 - DENOTES AREA OF PROPOSED ADDITIONAL S4.55 SHADOW

NOTE:

SHADOWS SHOWN HAVE BEEN COMPILED FROM DETAIL & LEVEL SURVEY BY SURVPLAN SURVEYORS JOB REF. 1615 DATED 18.06.21 AND ARCHITECTURAL PLANS BY COMMON OFFICE PRINCESS DUAL OCC DATED 17 SEPTEMBER 2021 AND REDUCED BUILDING DATED 23 FEBRUARY 2022 AND S4.55 SUBMISSION DATED 19 MAY 2022

NO. 14
WEST ELEVATION
ONE & TWO STOREY
RENDERED COTTAGE
TILE ROOF



1 Shadowing June 21st 2.00pm
1 : 200

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ABN 27 083 288 153

SUITE 1, 505 BALMAIN ROAD,
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No. 12 PRINCESS STREET
ROSE BAY

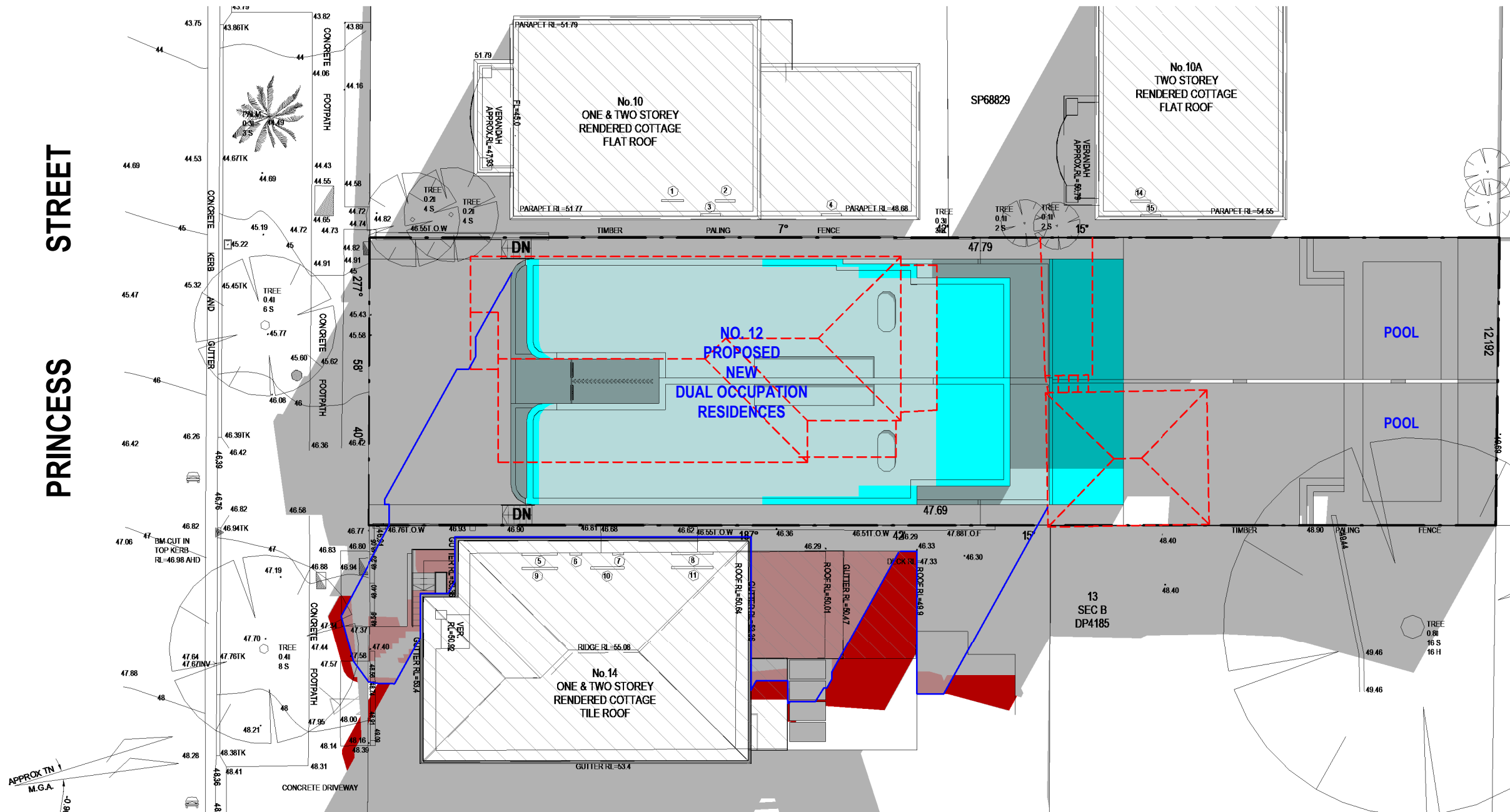
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Project number	21-105
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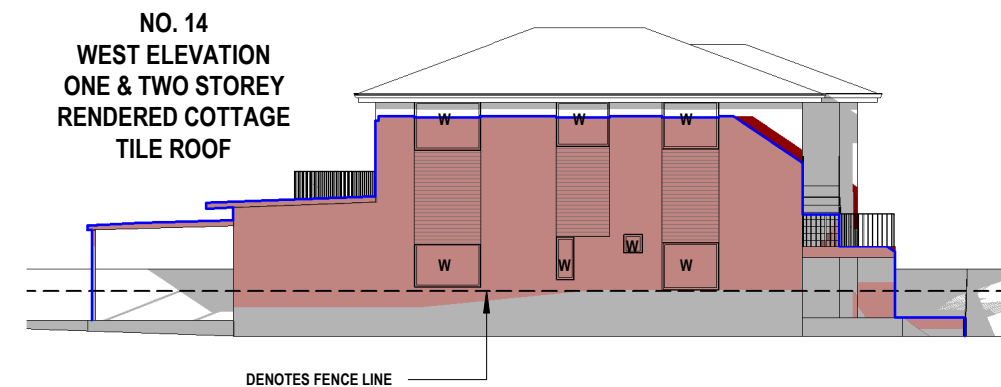


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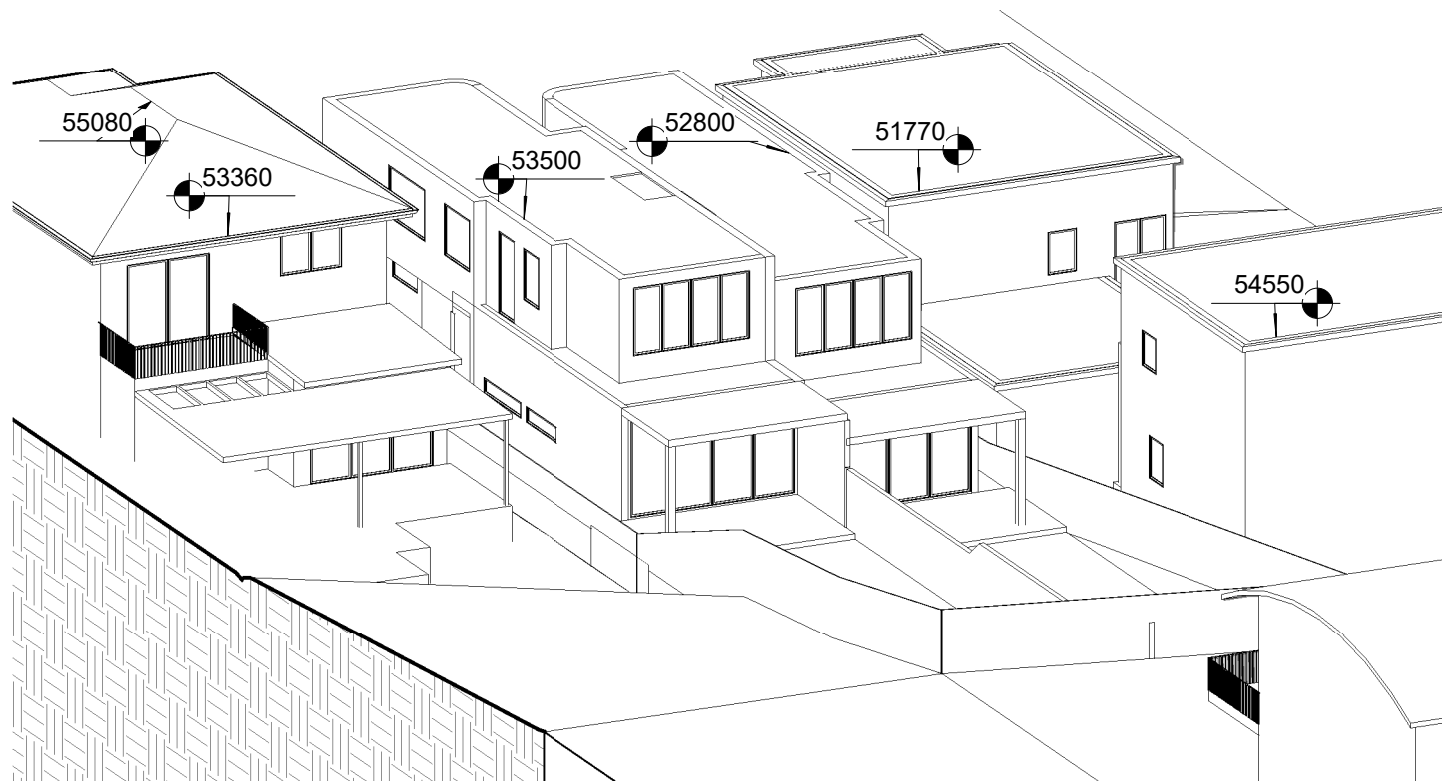
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Checked by JD

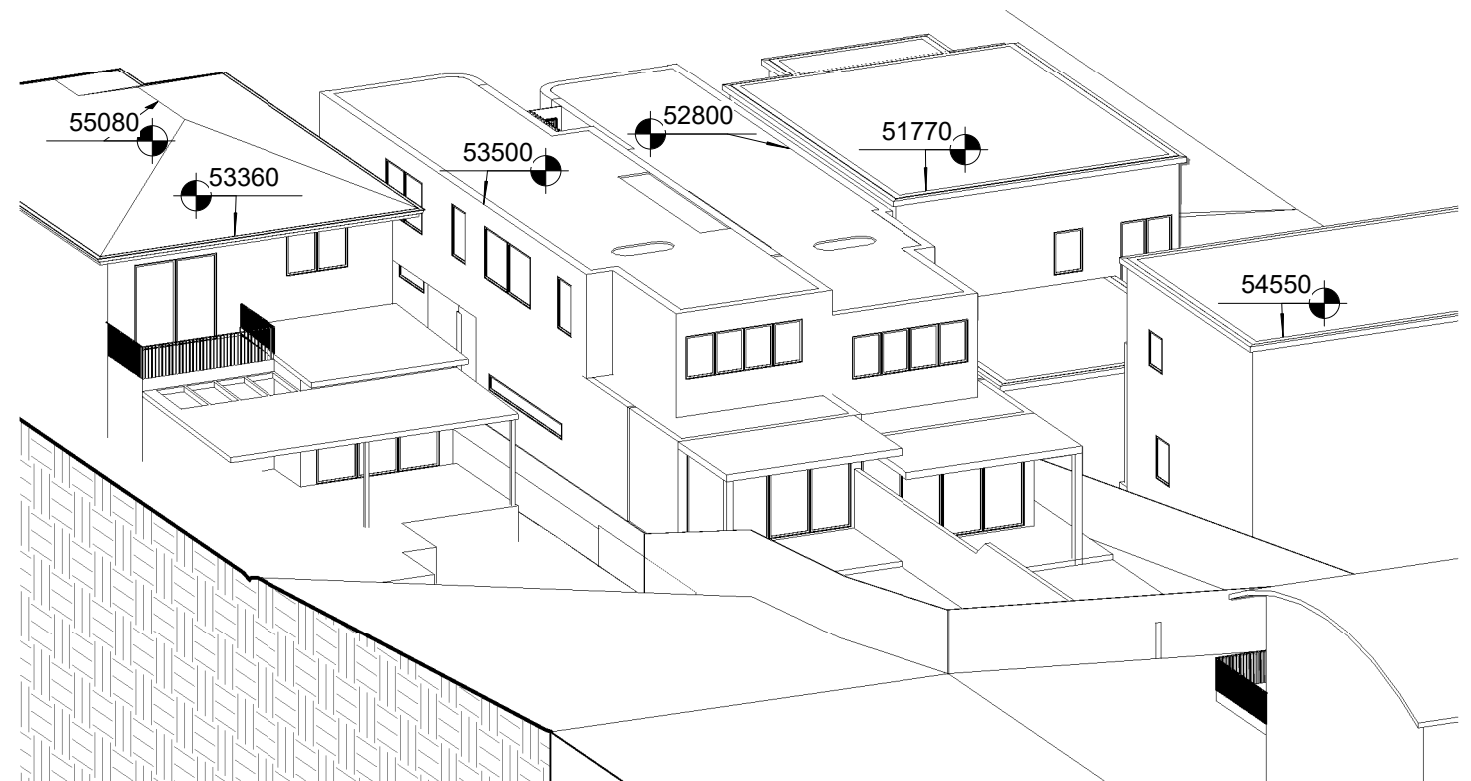
A106

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1

June 9.00am Approved



2

June 9.00am S4.55

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View from Sun June 21st 9.00am

Project number 21-105

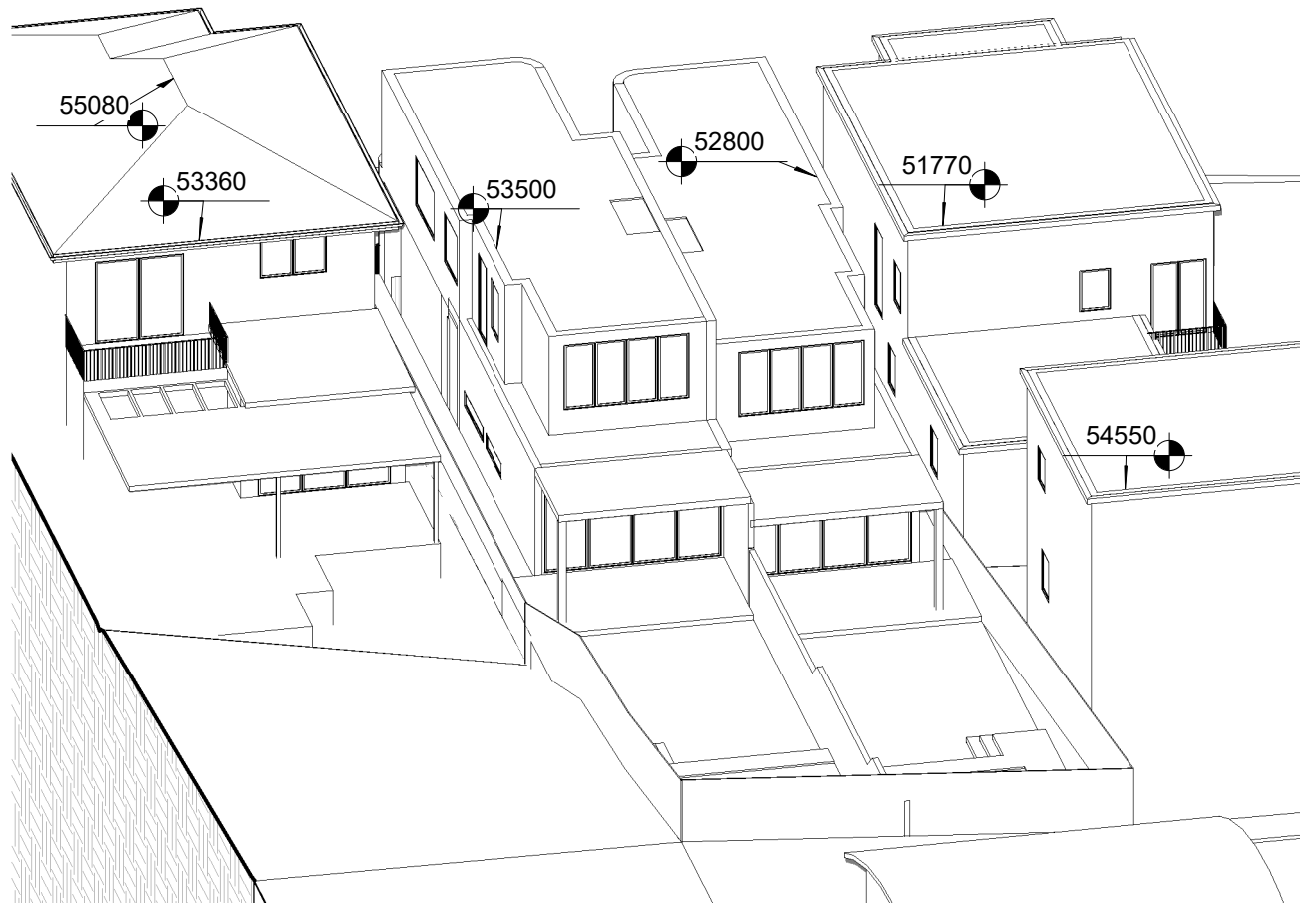
Date 08-08-2022

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A107



1 June 10.00am Approved



2 June 10.00am S4.55

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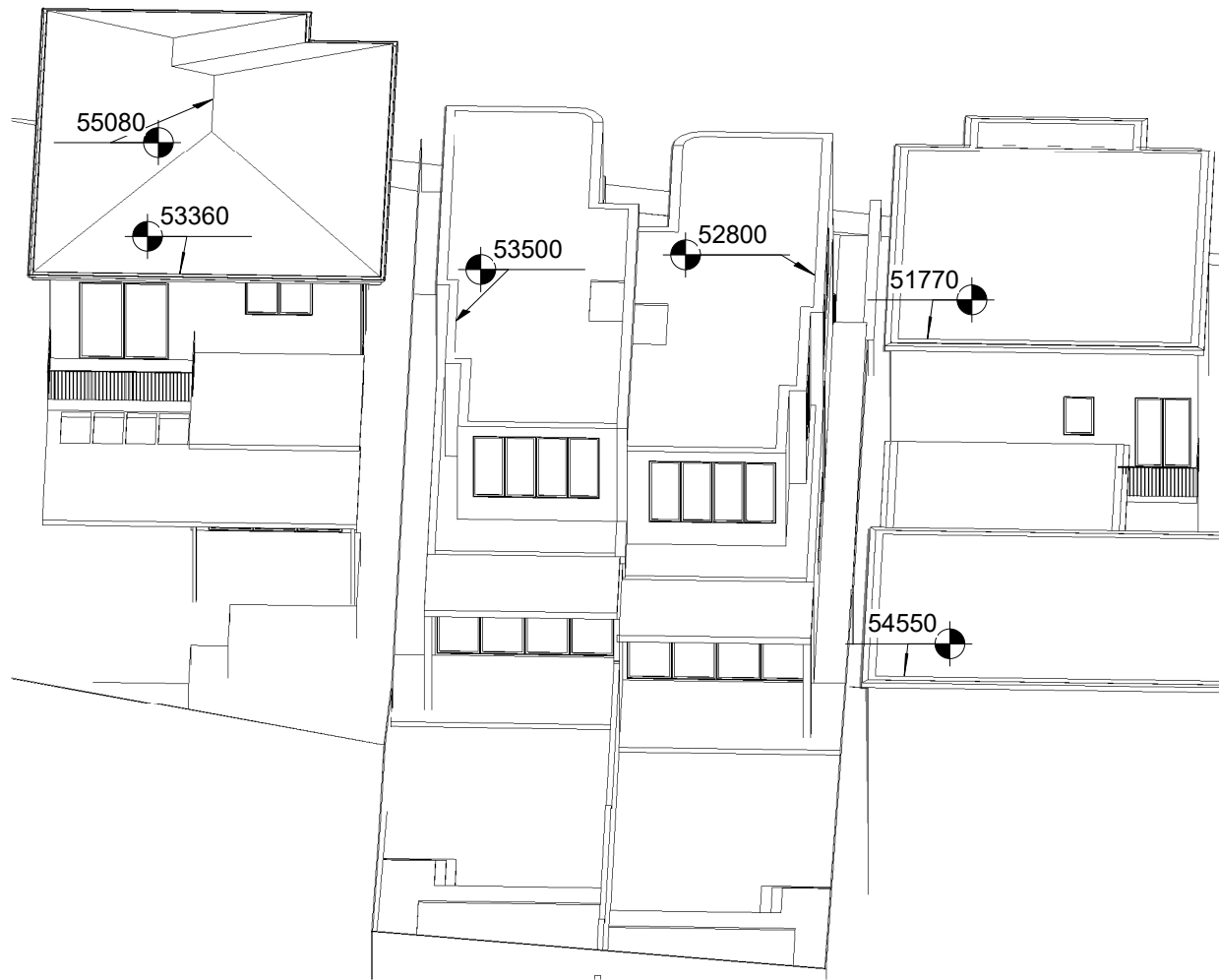
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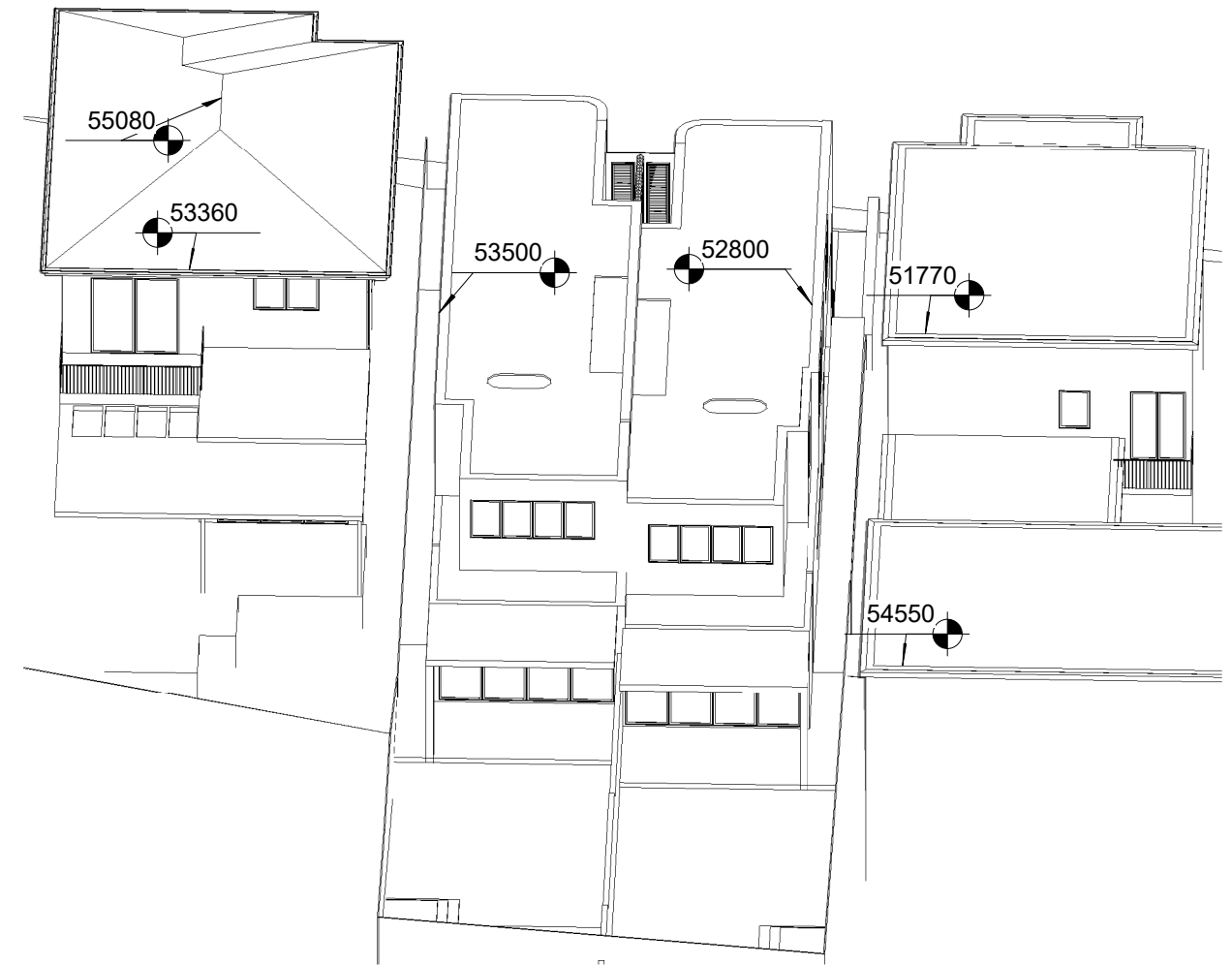
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1 June 11.00am Approved



2 June 11.00am S4.55

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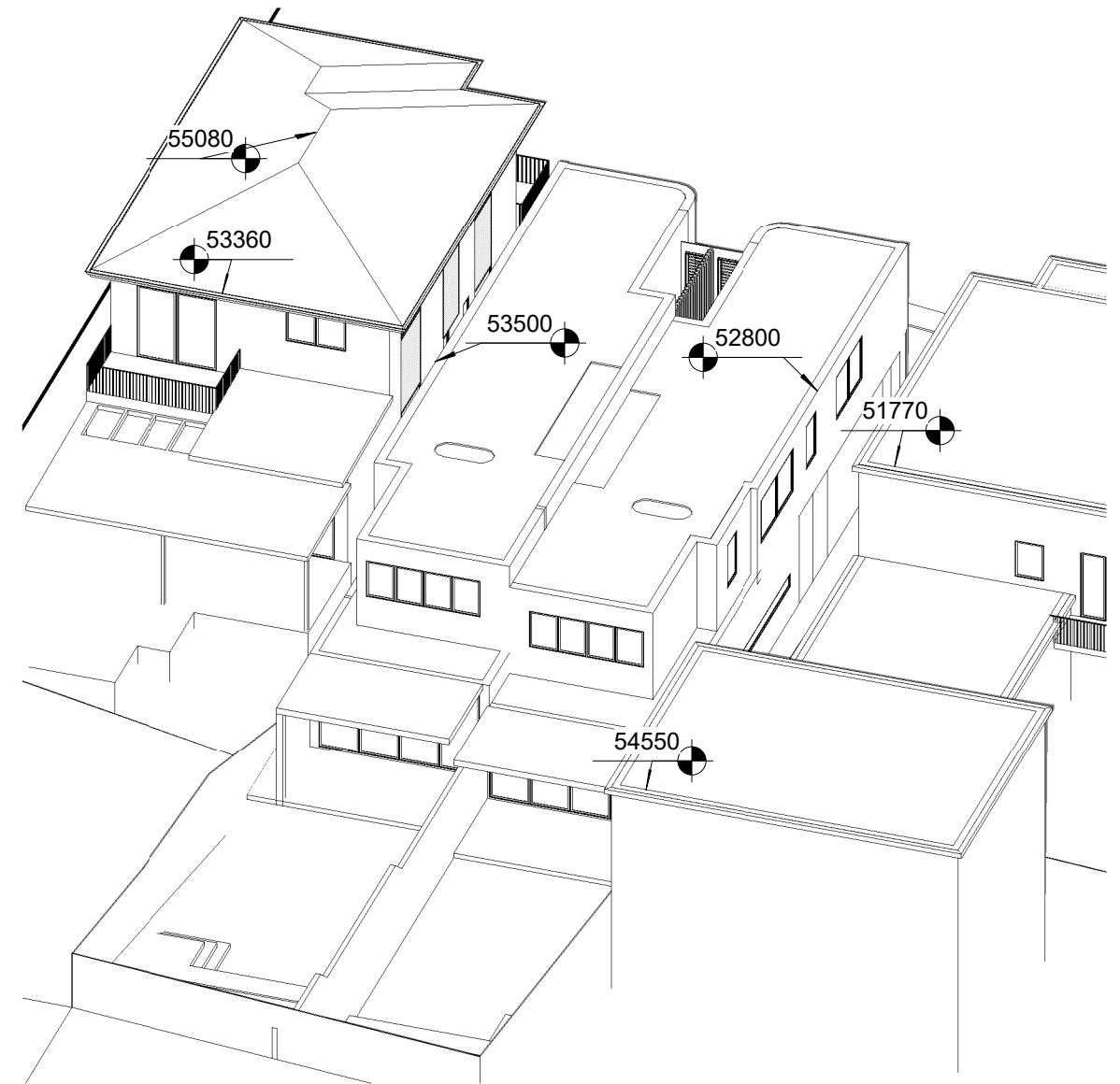
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A109



1 June 12.00pm Approved



2 June 12.00pm S4.55

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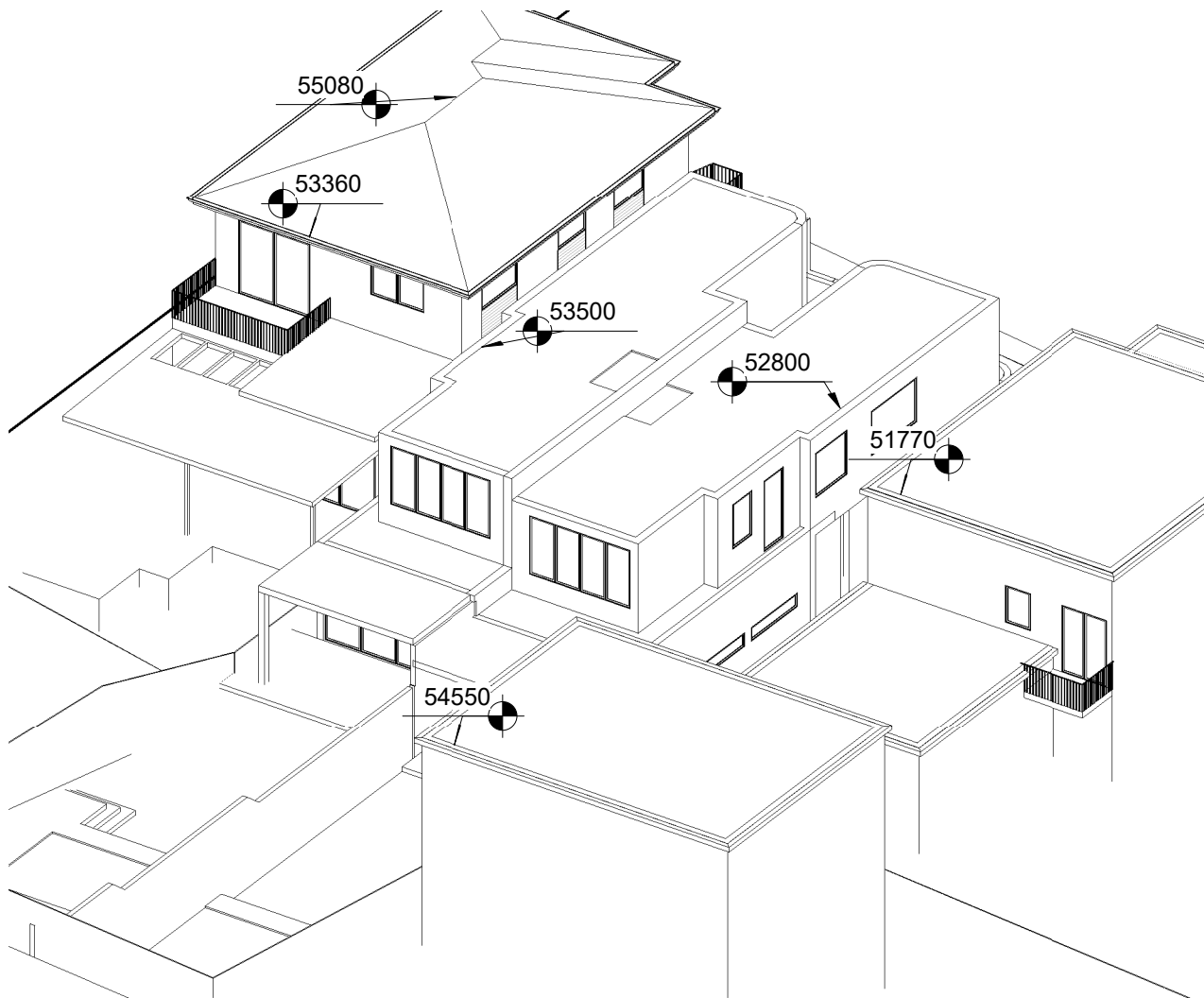
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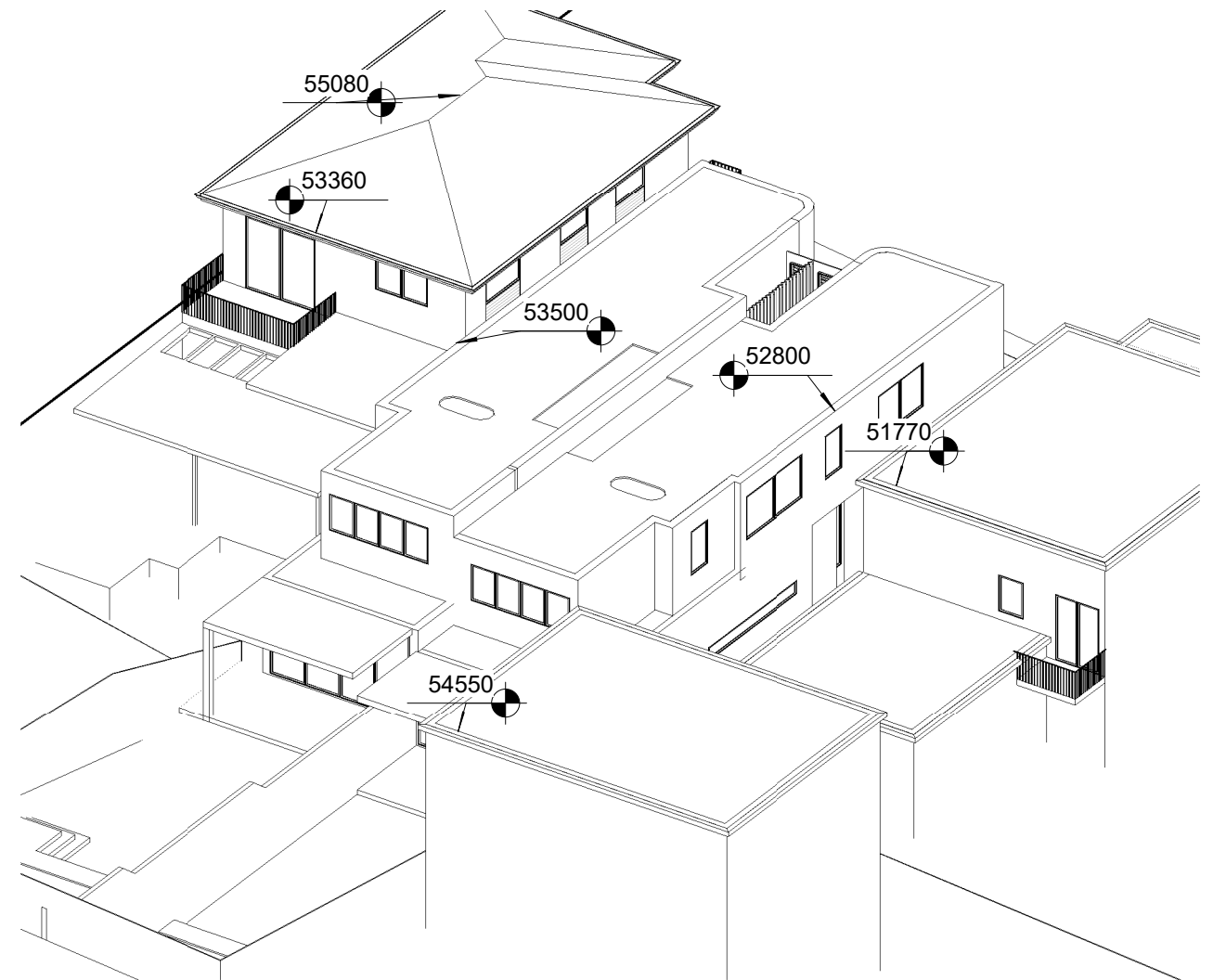
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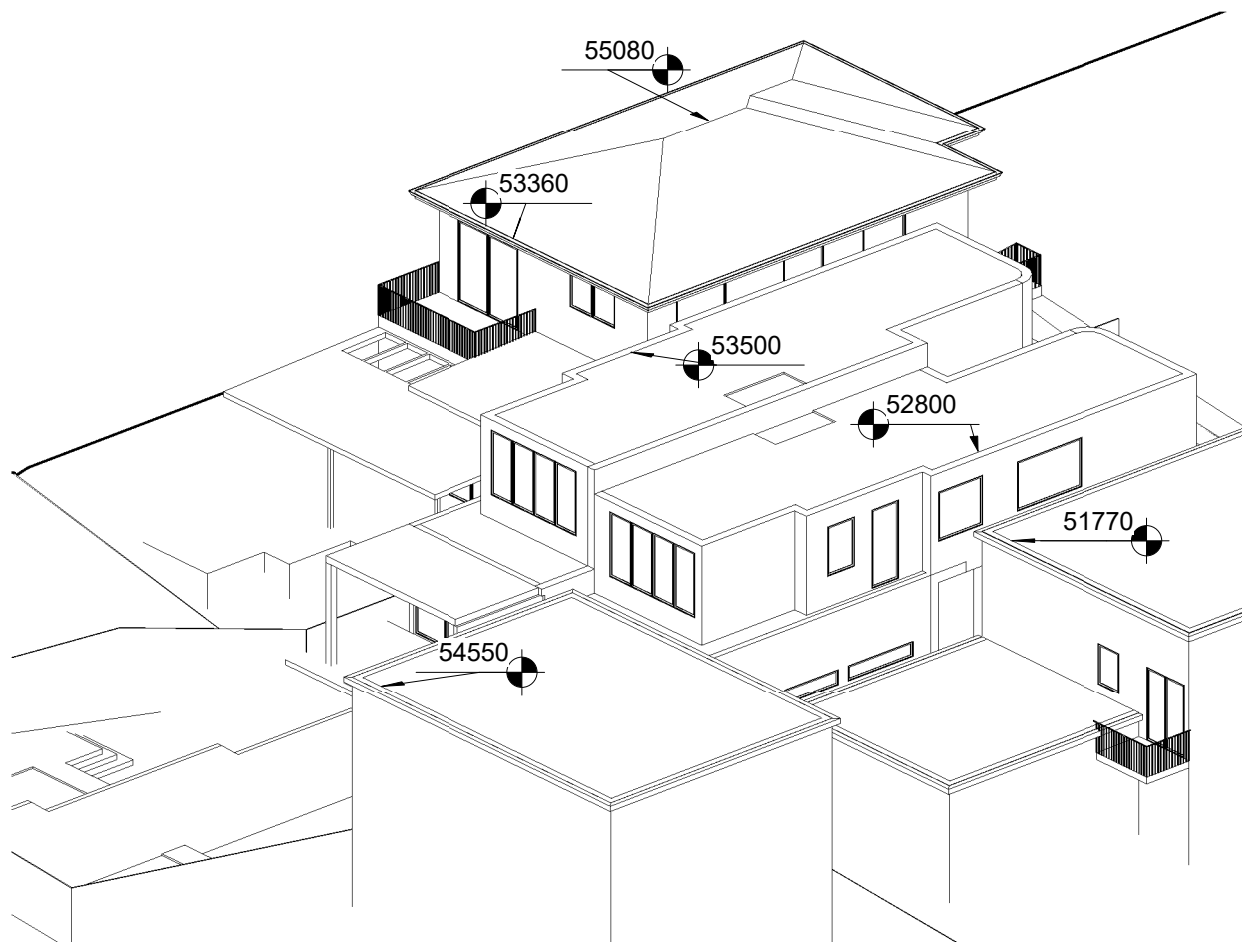
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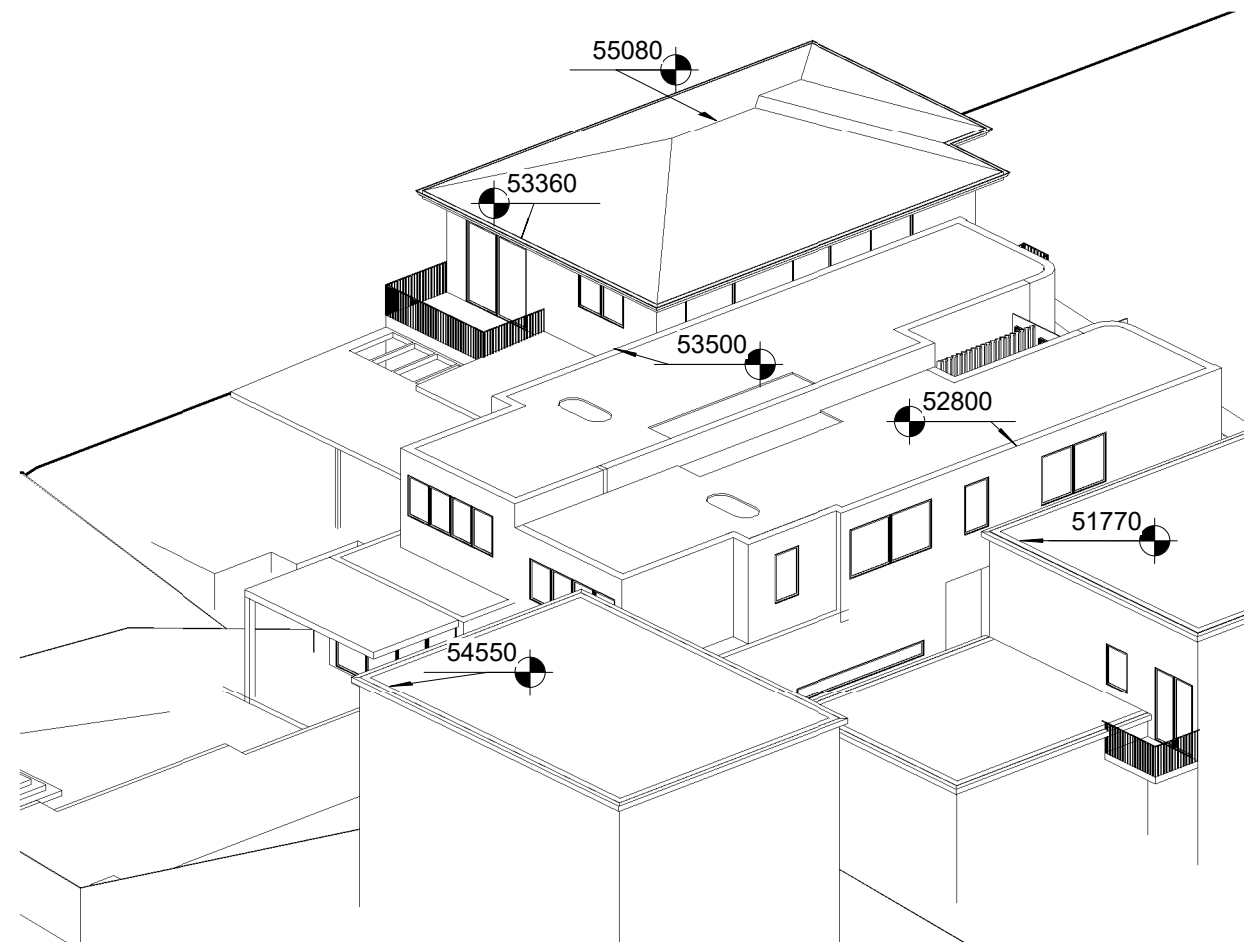
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1 June 2.00pm Approved



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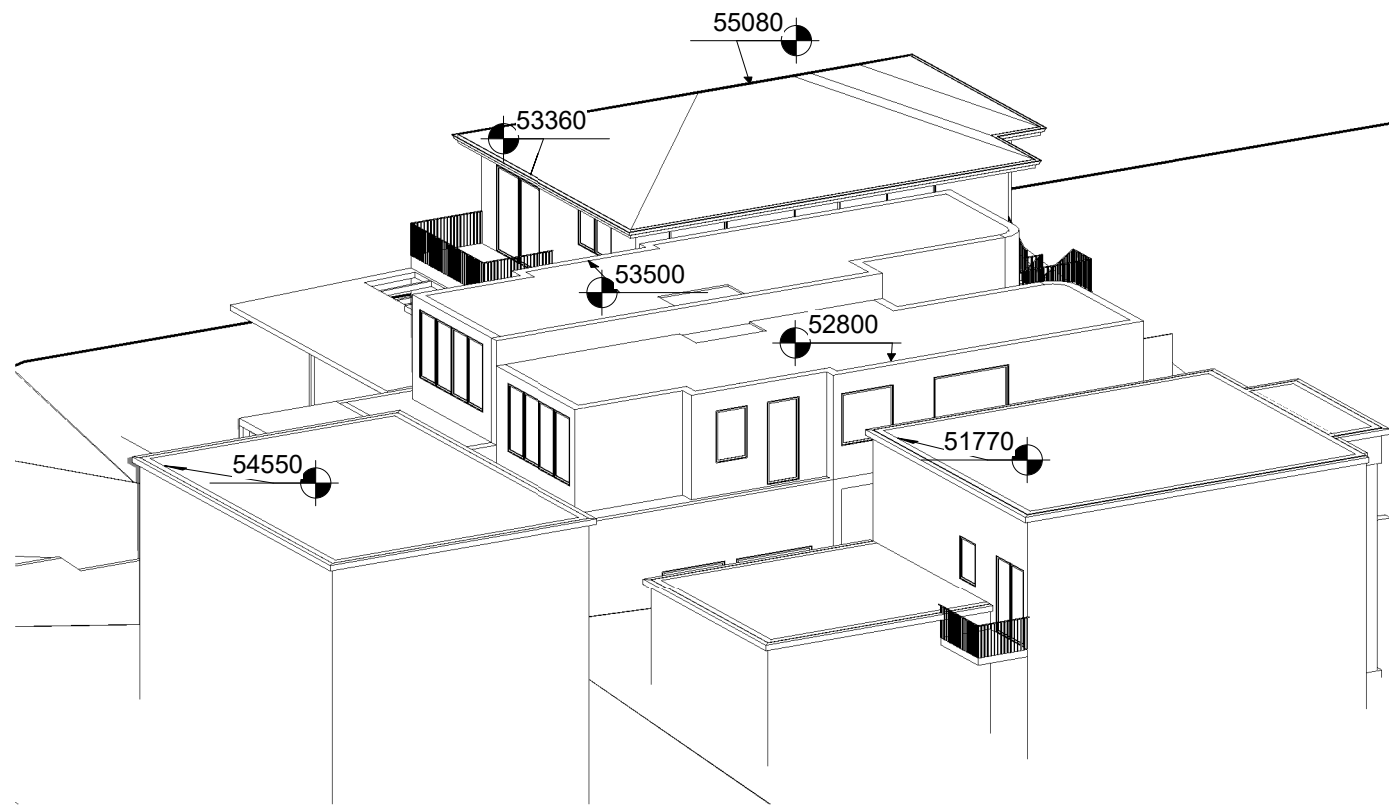
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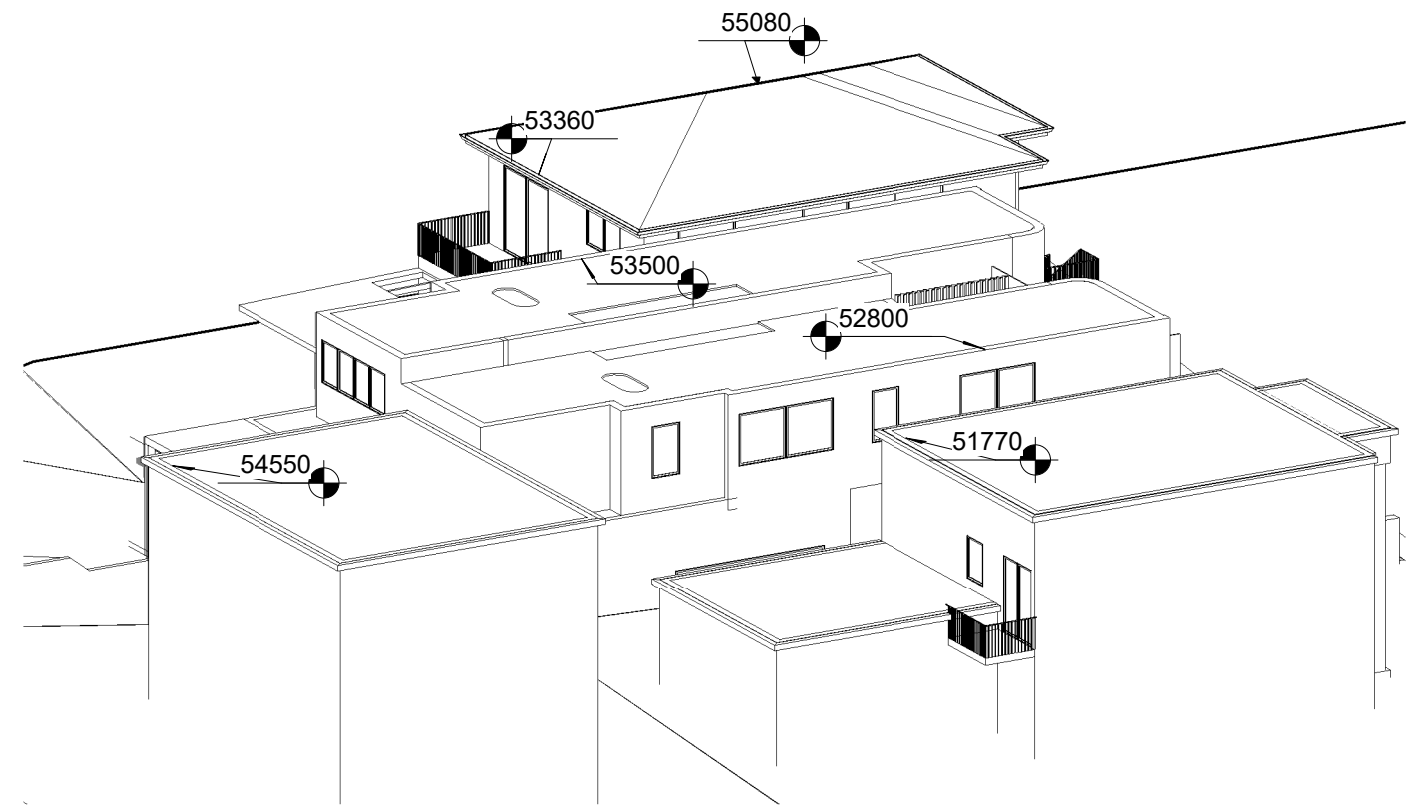
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A112



1 June 3.00pm Approved



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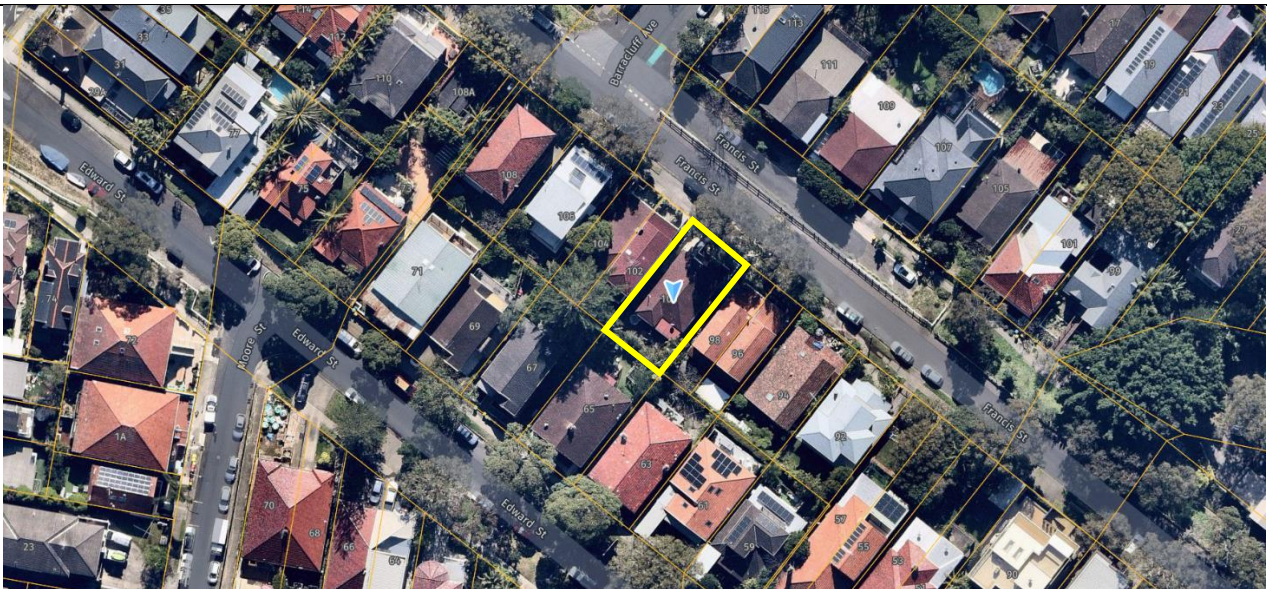
A113



Report to the Waverley Local Planning Panel

Application number	DA-334/2022
Site address	100 Francis Street, BONDI BEACH NSW 2026
Proposal	Alterations and additions to dwelling including new first floor addition
Date of lodgement	17 August 2022
Owner	Mr M S Bland, Mrs J S Bland
Applicant	Mr S A P Bland
Submissions	Two
Cost of works	\$475,200
Principal Issues	<ul style="list-style-type: none"> • Overall building height • Bulk and scale • Front predominant building line • Overshadowing impacts
Recommendation	That the application be REFUSED for the reasons contained in the report.

SITE MAP



(Source: Near map,2022)

1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to the existing dwelling including new first floor addition at the site known as 100 Francis Street, Bondi Beach.

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

- Noncompliance with overall building height standard
- Noncompliance with front predominant building line control
- Unreasonable overshadowing impacts on neighbouring property
- Bulk and scale

The assessment finds these issues unacceptable. The proposed overall building height is 10.6m measured from the existing ground level, which is 21% of what is permitted, being 8.5m. The proposed exceedance in building height causes unreasonable overshadowing impacts to the neighbouring property (98 Francis Street), into their principal open and habitable areas and therefore does not preserve their environmental amenity. The proposed front balcony on the first floor is also non-compliant in regard to the front predominant building line and results in adverse visual bulk and scale impacts from a streetscape perspective and on the existing dwelling itself.

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

The application has been assessed against 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 28 September 2022.

The site is identified as Lot 4 in DP 9638, known as 100 Francis Street, BONDI BEACH. The site is rectangular in shape with a north front boundary measuring 12.19m, east side boundary measuring 24.13m, south rear boundary measuring 12.19m and west side boundary measuring 24.125m. The site has an area of 294.2 m² and the site falls from the south-west (rear) towards the north-east (front) by approximately 3.5m.

The site is occupied by a single storey detached dwelling with sub-floor, workshop and garage below with vehicular access provided from Francis Street to a garage located at the front of the site, adjacent the sites western side boundary. The dwelling is set on the site at an elevated level with a subfloor below. The subject site is adjoined by semi-detached dwellings on either side. The locality is characterised by a variety of residential developments including semi-detached, detached dwellings and residential flat buildings.

Francis Street is identified as a Landscape Conservation Area, providing protection to the street trees located within it. Adjacent to the subject site are two mature street trees *Melaleuca quinquenervia* (Broad-leaved Paperbark); both trees are not included in Council's Significant Tree Register.



Figure 1: Subject site frontage from Francis Street



Figure 2: Side setback view from the front of the subject site (102 Francis Street on the right side)



Figure 3: Side setback view from the front of the subject site (98 Francis Street on the left side)



Figure 4: Rear yard view of the subject site looking towards southeast

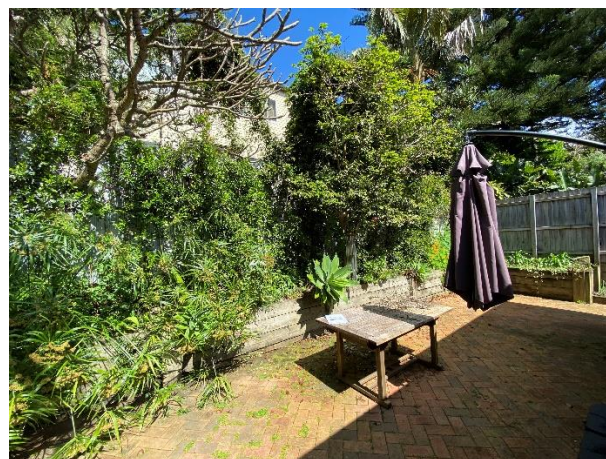


Figure 5: Rear view from the subject site looking towards west

1.3. Relevant Development History

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

DA-320/2011 - Alterations & additions for a first storey on the existing detached dwelling & lower ground double garage, approved 20 December 2011 subject to the deletion of the ground floor/ garage level. This consent was subsequently modified (A) on 30 April 2012; however, the works were not undertaken.

DA-447/2015 - Alterations and additions to an existing dwelling to include new first floor and garage to existing building, approved 12 May 2016 subject to the imposition of conditions.

Condition 2 (General Modifications) is of relevance and required the proposal to be amended to reduce the height and its overshadowing impact on neighbouring properties, as follows:

- (a) *The garage and associated terrace above are not approved and shall be deleted. In this regard, all works within the footprint of the ground floor level are permitted and all works/structures within the front setback of the dwelling, with the exception of the entry stairs, shall be deleted. The new driveway and kerb and gutter crossing is not approved and vehicular access to the site shall only be permitted from the existing driveway.*
- (b) *The front verandah and front stairs shall be retained and amended to retain the existing front hard stand car space if necessary.*
- (c) *The height of the dwelling is to be reduced to RL 51.22, to reduce overshadowing to the adjoining property.*

The proposed works have not been undertaken on the site.

DA-60/2018, Alterations and additions to dwelling house, including basement addition, garage and terrace, approved as a Deferred Commencement 1 March 2019. Satisfaction of Deferred Commencement Approval 4 June 2019.

DA-60/2018/A, Alterations and additions to modify the approved garage and terrace. Approved 6 September 2019.

DA-60/2018/B, Modification to excavate basement to provide additional storage and workshop.
Approved 9 September 2019.

DA-60/2018/C, Modification including skylights a new bin store and window opening to the garage.
Approved 15 November 2019.

1.4. Proposal

The development application seeks consent for alterations and additions to the detached dwelling, specifically the following:

- Extension and reconfiguration of the existing garage and under-croft storage area. The storage is an existing space used as subfloor area in the basement. Both the garage and storage area will have an additional 0.9m x 11.4m of space on the south-east side of the dwelling and will maintain 0.905m side setback from this boundary. This basement/garage level will provide storage, an extension to the garage, w/c and a workshop area which is accessible from the outside of the dwelling. The basement level has a floor to ceiling height of 2.71m.
- Partial demolition of ground floor and extension of ground floor, including internal reconfiguration. It has a similar addition of 0.9m x 12.7m on the southeast side of the dwelling and provides a 0.904m side setback from the boundary. It includes internal reconfiguration of the living, dining, kitchen and laundry area.
- Addition of first floor, including three bedrooms, a bathroom, ensuite and unlabelled area. A 1.5m deep balcony to the front of the dwelling is also proposed. This level will provide a 1.108m setback from the south-eastern boundary.
- Solar panels are proposed on the roof.

1.5. Background

The development application was lodged on 17 August 2022 and deferred on 17 October 2022 for the following reasons:

1. The proposed extension of the basement floor has height of 2.71m and has existing windows and therefore this is a habitable space. Clarification of the use of basement floor spaces (excluding garage and storage area) was requested and was required to be included as gross floor area (GFA). In addition, window details were required to ensure compliance with NCC standards.
2. The proposed northern and southern elevation windows were considered to adversely impact on the visual privacy of the adjoining properties. Similarly, the large window at the rear and bedroom window on the south-eastern were suggested to be treated with privacy screens or glazing treatment for privacy impact mitigation.
3. The proposed first floor was not consistent with the predominant front building line of the street, and the proposed front balcony was requested to be deleted.
4. Additional information was required as following:

- The basement floor window details to understand the window opening ratio compared to the basement floor areas.
- Correct shadow diagram specifically on 21 June at 9:00 am.

An amended set of architectural plans, shadow diagrams were submitted on 28 October 2022. However, the first-floor balcony was not deleted as requested.

On 3 November 2022, additional shadow diagrams to clearly distinguish between existing and proposed shadows were requested.

The amended shadow diagram was submitted on 4 November 2022.

The development application was further deferred on 10 November 2022 for the following reason:

1. The building height has been measured from the natural ground level to the side of the dwelling rather than existing ground level (EGL) (basement). The proposal therefore exceeds the maximum height permitted of 8.5m, with 10.6m proposed. A clause 4.6 variation demonstrating that the proposed exceedance preserves the environmental amenity of the neighbouring properties is required or amended plans are required to comply with the maximum height standard.

A clause 4.6, architectural plans and shadow diagrams were submitted on 24 November 2022.

The development application was further deferred on 6 December 2022 for the following reasons:

1. The proposal results in overshadowing impacts on 98 Francis Street, as a result of the height exceedance, which cannot be supported.
2. Elevational shadow diagrams of no.98 were requested with an hourly breakdown between 9am to 3pm on 21 June demonstrating that the amended proposal will not impact the adjacent property in terms of solar access.
3. The proposed first floor balcony was again requested to be deleted to ensure that the development sits behind the front predominant building line.

An amended set of plans and shadow diagrams were submitted on 9 January 2023 and form the basis of this assessment.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

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

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is not inconsistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Zone Low Density Residential zone	Yes	The proposal is defined as alterations and additions to a dwelling, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none">• 8.5m	No	The proposal has a maximum building height of 10.6m, exceeding the development standard by 12.4%.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none">• 0.78:1• GFA 229.88 m²	Yes	The proposal is complying with the exceptions to FSR standards with total proposed GFA of 217.3 m ² (or 0.73:1 FSR).
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 maximum building height standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	No	The site is not a heritage item and is not located within an existing conservation area; however, the site is located on Francis Street which is a landscape heritage conservation area and is within a draft conservation area. Council's Heritage advisor has reviewed the proposal notes that the residence forms part of a cohesive group of Inter-War housing with

Provision	Compliance	Comment
		<p>later first floor additions which are set back from and retain the existing front elevation and form of the residences.</p> <p>It is considered that the proposal dilutes the cohesion of the existing residence and the paired residences to adjacent sites.</p>

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

Clause 4.6 Exceptions to Development Standards

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

The site is subject to a maximum height development standard of 8.5m. The proposed development has a height of 10.6m, exceeding the standard by 2.1 m equating to a 12.4 % variation.

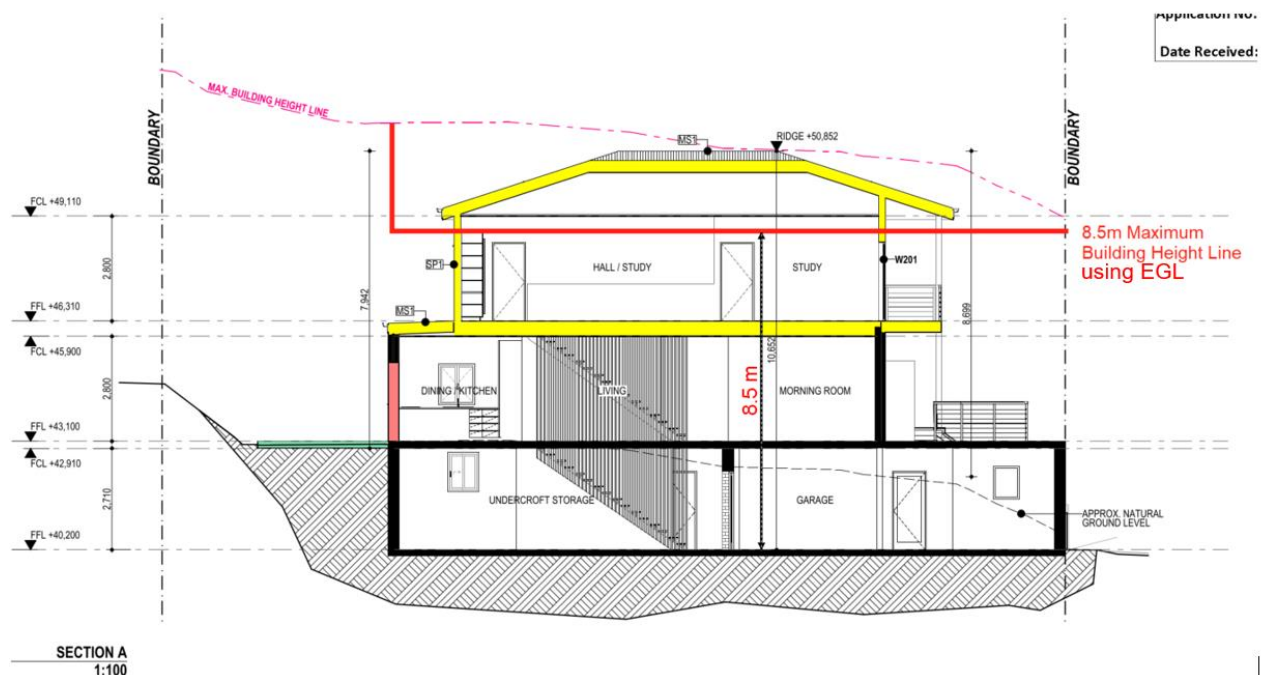


Figure 6: Proposed height in relation to the existing ground level (EGL) of the site.

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:
- *The majority of the building form and roof line complies with the height limit as measured from ground level using the court approach consistent with the NSW LEC. In fact, the majority of the building to the street is under the height standard and reads as a building height when measured from the street level as being under 8.5m the height standard (with the exception of the minor front verandah protrusion).*
 - *The proposed height standard variation does not result in any adverse environmental amenity impacts to neighbouring properties or public spaces which includes view loss.*
 - *The proposal generally includes a height of less than 8.5m when measured from the ground level (existing) located immediately outside of the building footprint, and technically non-compliances relates to the historically excavated subterranean level and slab. The height of the building ensures that neighbour dwelling houses habitable room windows and private open space areas will receive at least 3 hours of mid-winter sunlight access between 9am to 3pm.*
 - *The dwelling house predominantly includes a height of less than 8.5m when measured from the ground level (existing) located immediately outside of the building footprint, the historically excavated subterranean level and slab does not contribute any bulk or scale to the area. The maximum height of the building is similar to the height of the two adjoining dwelling houses and therefore the building height is contextually appropriate and consistent with the streetscape character.*
 - *The underlying purpose of the development standard is to present a building that is compatible with the height, context and character of the locality whilst preserving the amenity of neighbouring properties. Strict compliance with the height development standard would defeat or thwart the achievement of underlying objectives of the standard.*
 - *The building height has generally been measured from beneath the historically excavated subterranean existing slab of the lower ground level which has been identified as having a 0.2m and sits up to 3.1m below the ground level (existing) immediately adjoining the perimeter of the lower ground level. Therefore, if the development standard was strictly complied with than the building would read as a height of 5.4m (8.5m minus 3.1m) as measured from ground level (existing) at the rear of the site. The height of building would sit out of character of both the adjoining dwelling houses which appear to have a height of 8.5m or greater.*
 - *While the standard has not been virtually abandoned or destroyed, it is important to note that Council have consented to proposals in the locality with a building height that exceeds the*

development standard, as evidenced in the Register of Exceptions to Development Standards published on Council's website.

- *There are numerous examples of developments in the Waverley LGA and in the immediate area which have been approved despite non-compliances with the maximum Height of Building development standard. This includes both the adjoining three storey dwelling houses appear to exceed the 8.5m height standard. Whilst each DA is assessed on its own merits and each site has different characteristics, Council has accepted variations to the maximum building height standard in the past.*
 - *Further, the building height has been measured from beneath the historically excavated subterranean existing slab of the lower ground level which has been identified as having a 0.2m slab thickness and sits up to 3.1m below the ground level (existing) immediately adjoining the perimeter of the lower ground level. Therefore, the proposed height of the building will predominantly read as less than 8.5m as viewed externally from the site and subterranean level or slab (with the exception of a portion of the front verandah roof) does not present any bulk or scale and therefore the intent of standard has not been abandoned.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- *The proposal is predominantly compliant with the 8.5m height of building standard when adopting the practical height of building measurement adopted by the courts in Bettar v Council of the City of Sydney [2014] NSWLEC 1070 (with the exception of a portion of the front verandah roof);*
 - *The building height has predominantly been measured from beneath the historically excavated subterranean existing slab of the lower ground level which has been identified as having a 0.2m thickness and sits up to 3.1m below the ground level (existing) immediately adjoining the perimeter of the lower ground level. Therefore, if the development standard was strictly complied with than the building would read as a height of 5.4m (8.5m minus 3.1m) as measured from ground level (existing) at the rear of the dwelling house. The height of building would sit out of character of both the adjoining dwelling houses which appear to have a height of 8.5m or greater. Therefore, strict compliance with the height of building standard would defeat or thwart the achievement of underlying objectives of the standard.*
 - *The height of the verandah roof is a result of a historical natural ground level being excavated which has reduced the ground level (existing) which height would historically be measure from. Strict compliance with the development standard would not result in a better outcome for development but would result in a building height which sits artificially below both the adjoining dwelling houses or a roof pitch out of character with the subject dwelling house or adjoining dwelling houses;*
 - *The adjoining three storey dwelling houses at 98 and 102 Francis Street include a height similar to the proposal ensuring the height of the proposed upper level additions fits contextually and would be complementary to the streetscape character;*
 - *The area of non-compliance relating to the subterranean level does not result in any view loss, overlooking, visual bulk or overshadowing.*
 - *Strict compliance with the development standard would not result in a better outcome for development but would result in a building height which sits artificially below both the adjoining*

dwelling houses or a roof pitch out of character with the subject dwelling house or adjoining dwelling houses;

- *Ability to satisfy the height objectives of the development standard and R2 Low Density Zone objectives.*

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 applicant states the proposed height is consistent with the objectives of the height development standard and will not result in unreasonable impacts. Council disagrees with the contention that the objectives of the height development standard are achieved.

The proposal will result in additional impacts to adjoining properties in regards to overshadowing and will not '*preserve the environmental amenity of neighbouring properties*' thereby being contrary to objective (a) of the height development standard. The extent of these impacts is discussed later in this report. The proposed development is also not compatible with the height, bulk and scale of the desired future character of the locality contrary to objective (d) of the height development standard.

In addition, the examples of nearby properties provided were approved prior to 2007, and are prior to the current Waverley LEP 2012.

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 proposal results in adverse overshadowing impacts and therefore does not preserve the environmental amenity of the neighbouring property. The variation of the development standard is not in the public interest and is inconsistent with the desired future character of the locality.

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 R2 Low Density Residential 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.*

Objective (a) is not satisfied as the area of building height non-compliance would result in overshadowing of the neighbouring property at 98 Francis Street located to the south-east, and accordingly does not demonstrate that the amenity of the neighbouring property would be preserved.

Objective (d) is not satisfied as the breach of the building height standard would result in overshadowing of the neighbouring properties, and in addition to the breach of the predominant front building line control, the proposed bulk and scale would not be in keeping with desired future character of the locality.

The objectives of the R2 zone are as follows:

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

Whilst it is acknowledged that the proposed development does provide for the housing needs of the community within a low density environment and would improve the internal amenity for the occupants of the dwelling, the exceedance of the development standard and the overall planning outcome for the site to achieve this objective as proposed is unacceptable and cannot be supported.

Conclusion

For the reasons provided above, the requested variation to the height of the building 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 height of the building and the R2 Low Density Residential Zone.

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

The relevant matters to be considered under the Waverley DCP 2012 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. A valid BASIX Certificate was lodged with the application.
5. Vegetation Preservation	Yes	No tree removal is proposed with this application.
6. Stormwater	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
9. Heritage	No	Unsatisfactory Refer to the comments above and section 3 of this report.
12. Design Excellence	No	Unsatisfactory, the proposed development does not achieve design excellence as it does not appropriately consider the site context, amenity impacts and the relationship of the development to other development on neighbouring sites and the locality.

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

Development Control	Compliance	Comment
2.0 General Objectives		
	No	The proposal would result in adverse impacts on the amenity of the neighbouring properties in regard to overshadowing and would not be in keeping with the desired future character of the locality.

Development Control	Compliance	Comment
2.1 Height		
Pitched roof dwelling house <ul style="list-style-type: none"> Maximum external wall height of 7m 	No	The proposal comprises a wall height of 8.4m from the southwest elevation and 8.9m from the northwest elevation which exceeds the maximum wall height control by 1.4m (12%) 1.9m (12.7%) respectively.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	No Yes	The proposal sits forward of the predominant front building line of the street and is not acceptable. In addition, Council's Heritage officer has noted that it adversely impacts on the dwelling and the streetscape. The proposed rear building line at each floor is acceptable.
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m (for height up to 8.5m) and 1.5m (up to 12.5m) 	Yes	The proposal provides a minimum 0.9m side setback from south-east boundary and 2.2m side setback from north-west boundary.
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. 	No	The proposal will result in additional unacceptable bulk to the streetscape. The proposed first-floor and over-sized balcony will dominate the streetscape by not following the predominant front building line and is not compatible with the streetscape context.
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	There are no changes proposed to the existing fence of the dwelling.
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	The amended proposal will generally maintain visual privacy from adjacent properties. The proposed windows either do not face neighbouring windows, are highlighted or have privacy screening to mitigate any potential privacy impact.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> 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 predominant in the immediate vicinity 	<p>N/A</p> <p>No</p> <p>N/A</p>	<p>The proposed first-floor balcony is 1.5m deep and has an area of 13.3sqm which is noncompliant to WDCP.</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). 	No	As detailed on the elevational shadow diagrams, the proposal results in additional overshadowing impacts on 98 Francis Street (south-east side).
2.8 Car parking		
2.8.1 Design Approach 2.8.2 Parking rates 2.8.3 Location 2.8.4 Design 2.8.5 Dimensions 2.8.6 Driveways	Yes	There are no changes proposed to the existing car parking, with the exception of an extension to the garage. One car space is maintained on site.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area 	<p>Yes</p> <p>No</p> <p>Yes</p> <p>No</p>	<p>The proposal provides an overall open space greater than 40% (131.3sqm approximately) of the site area.</p> <p>The proposal provides an overall landscape area less than 15% (26.8sqm – 9.1% approximately) of site area.</p> <p>The proposal provides a minimum 25sqm of private open space.</p> <p>The proposal does not change the existing front open space of the site.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Front landscaped area: 50% of front open space provided 	No	The proposal does not change the existing front landscape area of the site.
<ul style="list-style-type: none"> Outdoor clothes drying area to be provided 	Yes	The existing outdoor clothes drying area is retained.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days between 24 August 2022 and 7 September 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not notified as the amended plans did not include any new or additional impacts on the streetscape of neighbouring properties.

A total of two unique submissions were received from 98 Francis Street.

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

- Noncompliance with overall building height standards
- Noncompliance with front predominant building line standards
- Unreasonable overshadowing impacts on neighbouring property
- Overlooking and privacy impact (due to reduction in setback on southeast boundary)
- Bulk and scale

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Traffic and Development

From a traffic and development perspective there are no objections to approval of this application subject to the conditions.

3.2. Stormwater

From a stormwater drainage perspective there are no objections to approval of this application subject to the conditions.

3.3. Tree Management

From a stormwater drainage perspective there are no objections to approval of this application subject to the conditions.

3.4. Heritage

The proposal was referred to council's heritage officer who provided the following comments:

To maintain the cohesion of the existing cottage with the adjacent residences, the Landscape Conservation Area, and the draft Conservation Area it is recommended that:

- *First floor additions are to be set back and retain the forward form and detail of the existing building.*
- *First floor additions are to align with the front line of adjacent first floor additions.*

4. CONCLUSION

The development application seeks consent for alterations and additions to dwelling including new first floor addition at the site known as 100 Francis Street, Bondi Beach.

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

- Overall building height
- Front predominant building line
- Overshadowing impacts
- Bulk and scale



The assessment finds these issues unacceptable for the reasons outlined within this report.

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

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be REFUSED by the Waverley Local Planning Panel for the reasons contained in Appendix A.

Report prepared by:	Application reviewed and agreed by:
	
Saumya Shah	Bridget McNamara
Development Assessment Planner	Manager, Development Assessment
Date: 25/01/2023	Date: 9 February 2023

Reason for WLPP referral:

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

APPENDIX A – REASONS FOR REFUSAL

Having regard to section 4.55 (2) and section 4.15 (1) of the *Environmental Planning and Assessment Act 1979 (the Act)* the development application (the application) is refused for the following reasons:

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

- a. *Clause 4.3 Height*

The application exceeds the maximum allowable height of 8.5m and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of Waverley LEP 2012.

Details: The proposed development does not preserve the environmental amenity of neighbouring properties as required under clause 4.3 (1) (a) of Waverley LEP 2012.

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

Part B9 Heritage

- a. *General Objectives* (e) and (f), as the proposal will not enhance the significance of landscape conservation area of Francis Street with the proposed additional bulk and scale.

Part B12 Design Excellence

- b. *General objectives* (a), (c) and (d) and controls (a) and (e), as the proposal will have an environmental impact such as overshadowing and will not contribute to the architectural and overall urban design quality of Waverley.

Part C2 Low Density Residential Development

- c. *2.0 General Objectives*, specifically (b) and (d) as the proposal would result in impacts on the amenity of the neighbouring properties. The proposal would not be in keeping with the desired future character of the locality.
 - d. *2.1 Height*, specifically objective (d) and control (a) as the proposal comprises a wall height of 6.87m (at southeast elevation) and 8.9m (at north-west elevation) which exceeds the 7m wall height control by 1.9m (12.7%) (at north-west elevation).
 - e. *2.2 Setbacks*, specifically objectives (a) and (f) and 2.2.1 *Front and Rear Building lines* (a) as the proposal would not maintain the predominant front building line..
 - f. *2.3 Streetscape and Visual Impact*, specifically control (d) as the proposed first floor would not minimise the visual bulk and scale or dominance from a streetscape perspective.
 - g. *2.5 Visual and Acoustic Privacy*, specifically control (e) as the proposal comprises of first floor balcony of 13.3sqm.

- h. 2.6 *Solar Access*, specifically objectives (a), (b), and (d), and control (c) as the development exceeds the building height development standards and would result in overshadowing of the neighbouring property at 98 Francis Street.
- 3. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk and scale, and consequently results in unacceptable amenity and streetscape impacts upon the locality and surrounding built environment.
- 4. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development.
- 5. The application is contrary to section 4.15 (1)(d) of the Act in relation to matters raised in the public submissions received that object to the proposed development.
- 6. The application is contrary to section 4.15 (1)(e) of the Act in relation to the public interest as it is not compatible with the existing and desired future character of the locality and the broader Waverley local government area.

DEVELOPMENT APPLICATION

100 Francis St Bondi Beach NSW

AMENDED PLANS

DRAWING LIST

DRAWING No.	DESCRIPTION	REV	ISSUED
A01	TITLE PAGE	O	☒
A02	BASIX CERTIFICATE	O	☒
A03	AREA DIAGRAMS	O	☒
A04	SITE ANALYSIS	O	☒
A05	EX. GARAGE / BASEMENT	O	☒
A06	EX. GROUND PLAN	O	☒
A07	GARAGE / BASEMENT DEMOLITION PLAN	O	☒
A08	GROUND FLOOR DEMOLITION PLAN	O	☒
A09	SITE & ROOF PLAN	O	☒
A10	PROPOSED BASEMENT	O	☒
A11	PROPOSED GROUND FLOOR	O	☒
A12	PROPOSED FIRST FLOOR	O	☒
A13	ELEVATIONS	O	☒
A14	ELEVATIONS	O	☒
A15	ELEVATIONS	O	☒
A16	ELEVATIONS	O	☒
A17	SECTION	O	☒
A18	SECTION	O	☒
A19	DETAIL SECTIONS	O	☒
A20	DETAIL SECTIONS	O	☒
A21	CONCEPT LANDSCAPE PLAN	O	☒
A22	CONCEPT STORMWATER PLAN	O	☒
A23	SHADOW DIAGRAM - 21 JUN 900h	N	☒
A24	SHADOW DIAGRAM - 21 JUN 1200h	N	☒
A25	SHADOW DIAGRAM - 21 JUN 1500h	N	☒
A26	STREETSCAPE ANALYSIS	O	☒
A27	STREETSCAPE ANALYSIS	O	☒

LOCATION PLAN (NTS)

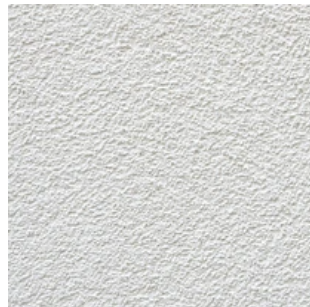


RECEIVED
Waverley Council

Application No: DA-334/2022

Date Received: 10/01/2023

FINISHES SCHEDULE



BR1 - REND. BRICK WALL TO MATCH EXISTING



MS1 - METAL ROOF SHEETING. COLOUR TBC.



SP1 - REND. STRUCTURAL INSULATED PANEL.



PV1 - PATIO PAVING



RN1 - CEMENT RENDER. APPLIED TO ALL EXISTING WALLS. NEW RENDER TO MATCH.

SANDBOX STUDIO®

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Architects /
Dain McClure-Thomas 9008 (NSW) 2600 (ACT)
Luke Carter 9557 (NSW)



RECEIVED
Waverley Council

Receipt No: DA-334/2022

Date Received: 10/01/2023

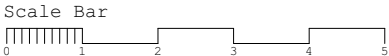
H	DD
I	REVISED PLANS
J	DEVELOPMENT APPLICATION
K	DA - COUNCIL RFI
L	DA - COUNCIL RFI
N	DA - COUNCIL RFI
O	DA - COUNCIL RFI

8/07/2022
29/07/2022
1/08/2022
19/10/2022
28/10/2022
24/11/2022
9/01/2023

Check all dimensions on site and report any discrepancies immediately before proceeding with the works. Do not scale from drawings. Accuracy of dimensions on site are the responsibility of the contractor.

All boundaries and contours are subject to the survey plan. All levels to Australian Height Data. It is the contractors responsibility to confirm all measurements on site and locations of any services prior to work on site.

This drawing is the copyright of Sandbox Studio Pty Ltd and must not be used, copied or reproduced in whole or part except by written agreement of Sandbox Studio Pty Ltd.



CLIENT(S): Stan & Penny Bland
ADDRESS: 100 Francis St Bondi Beach NSW

PAGE: **TITLE PAGE**



REV. **O**
NOT FOR CONSTRUCTION

NO. **A01**
PAGE SIZE. **A3**

Alterations and Additions

Certificate number: A468478

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, 03, August 2022
To be valid, this certificate must be lodged within 3 months of the date of issue.



Description of project

Project address	
Project name	100 Francis St
Street address	100 Francis Street Bondi Beach 2026
Local Government Area	Waverley Council
Plan type and number	Deposited Plan 9638
Lot number	4
Section number	
Project type	
Dwelling type	Separate dwelling house
Type of alteration and addition	My renovation work is valued at \$50,000 or more, and does not include a pool (and/or spa).

Certificate Prepared by (please complete before submitting to Council or PCA)
Name / Company Name: Sandbox Studio Pty Ltd
ABN (if applicable): 612363372

BASIX Certificate number: A468478

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.		✓	

RECEIVED
Waverley Council

Application No: DA-334/2022

Date Received: 10/01/2023

AMENDED PLANS

BASIX Certificate number: A468478

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	
suspended floor with enclosed subfloor: concrete (R0.6).	R0.70 (down) (or R1.30 including construction)		
floor above existing dwelling or building.	nil		
external wall: brick veneer	R1.16 (or R1.70 including construction)		
external wall: external insulated façade system (EIFS)(façade panel: 140 mm)	nil		
internal wall shared with garage: plasterboard (R0.36)	nil		
flat ceiling, pitched roof	ceiling: R2.25 (up), roof: foil/sarking	light (solar absorptance < 0.475)	

BASIX Certificate number: A468478

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check			
Windows and glazed doors						
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✓	✓	✓			
The following requirements must also be satisfied in relation to each window and glazed door:		✓	✓			
Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.		✓	✓			
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.	✓	✓	✓			
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.		✓	✓			
Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.		✓	✓			
Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.	✓	✓	✓			
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	
W101	SE	0.6	4.1	2.4	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W102	SE	1.5	5.6	2.4	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W103	SE	1.5	5.6	2.4	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W104	NW	0.4	4.5	2.7	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

Planning, Industry & Environment
Building Sustainability Index www.basix.nsw.gov.au
BASIX Certificate number: A468478
page 7 / 7

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

Planning, Industry & Environment

BASIX Certificate number: A468478

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)					
D101	NE	6.3	9.1	7.9	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
D102	NE	2.1	9.1	7.9	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
D103	NW	1.9	6.9	2.7	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
D104	SW	6.3	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
W201	NE	1.9	5.8	7.9	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
W202	SE	0.4	1.2	2.4	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
W203	NW	1	1.7	2.7	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single toned, (or U-value: 7.57, SHGC: 0.57)			
W204	SE	1.45	2.2	2.4	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
W205	NW	0.8	2.3	2.7	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single toned, (or U-value: 7.57, SHGC: 0.57)			
W206	NW	0.65	1.7	2.7	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single toned, (or U-value: 7.57, SHGC: 0.57)			
W207	SE	0.4	1.2	2.4	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
W208	NW	0.65	1.7	2.7	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single toned, (or U-value: 7.57, SHGC: 0.57)			
W209	SW	1.8	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			

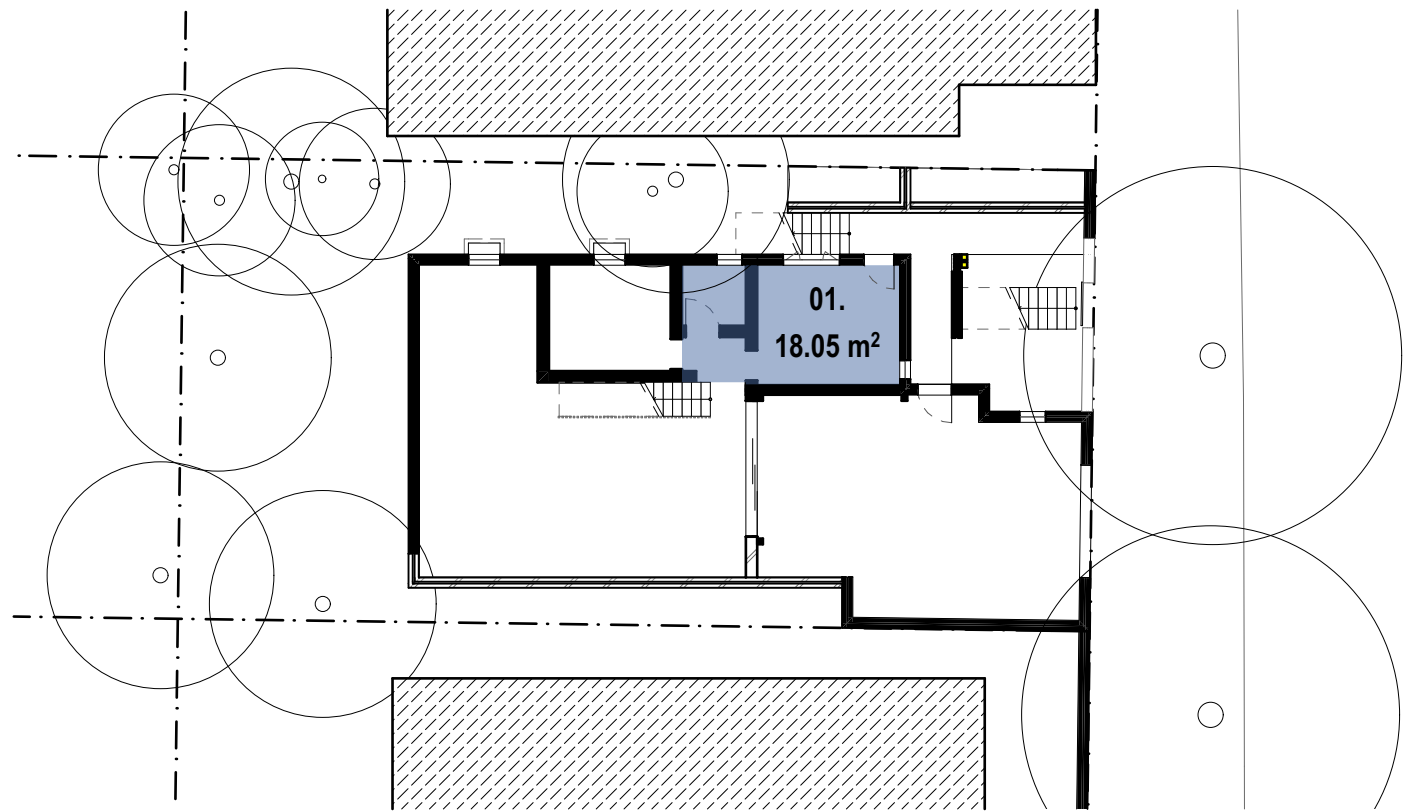
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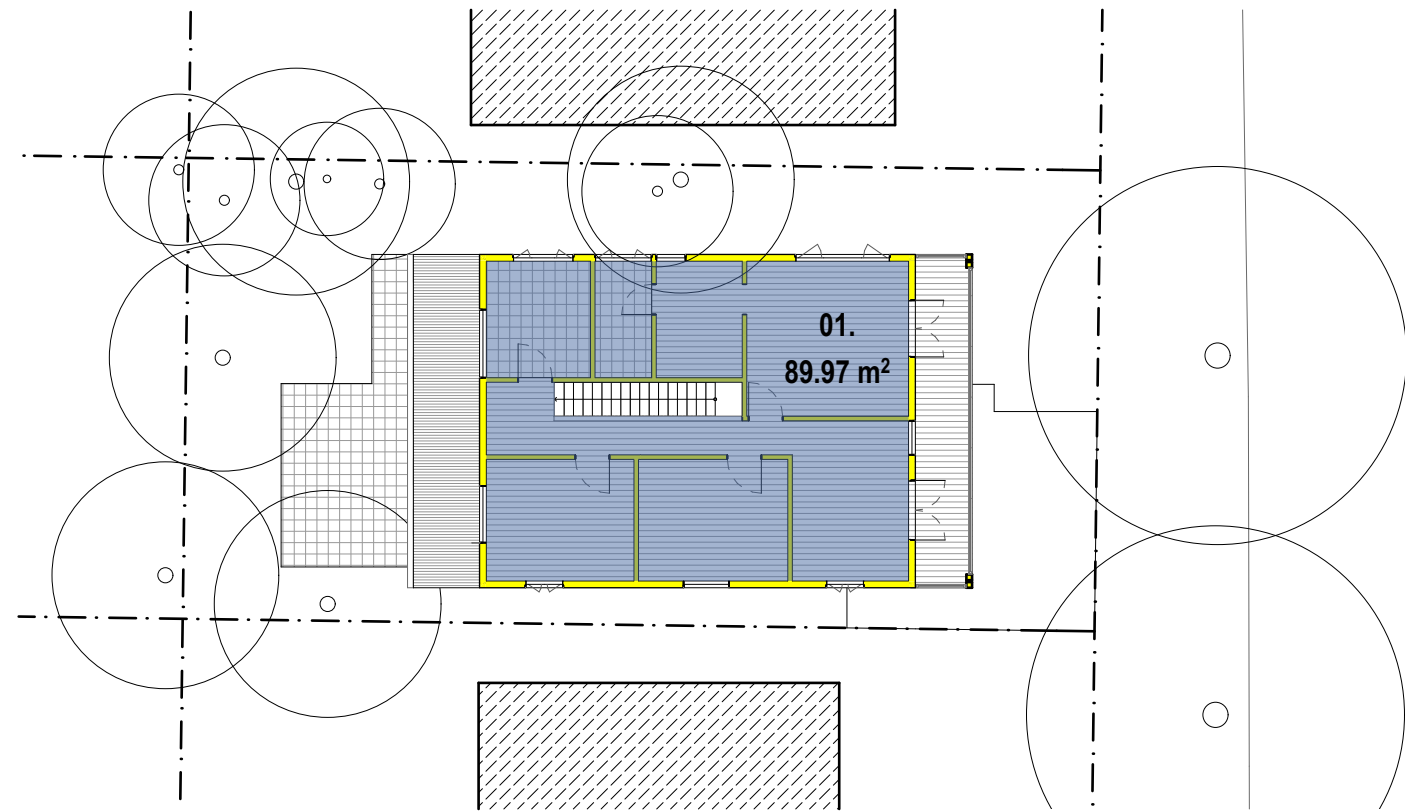
BASIX Certificate number: A468478

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)					
W210	SW	0.75	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
D201	NE	2.4	5.8	7.9	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
D202	NE	2.4	5.8	7.9	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			

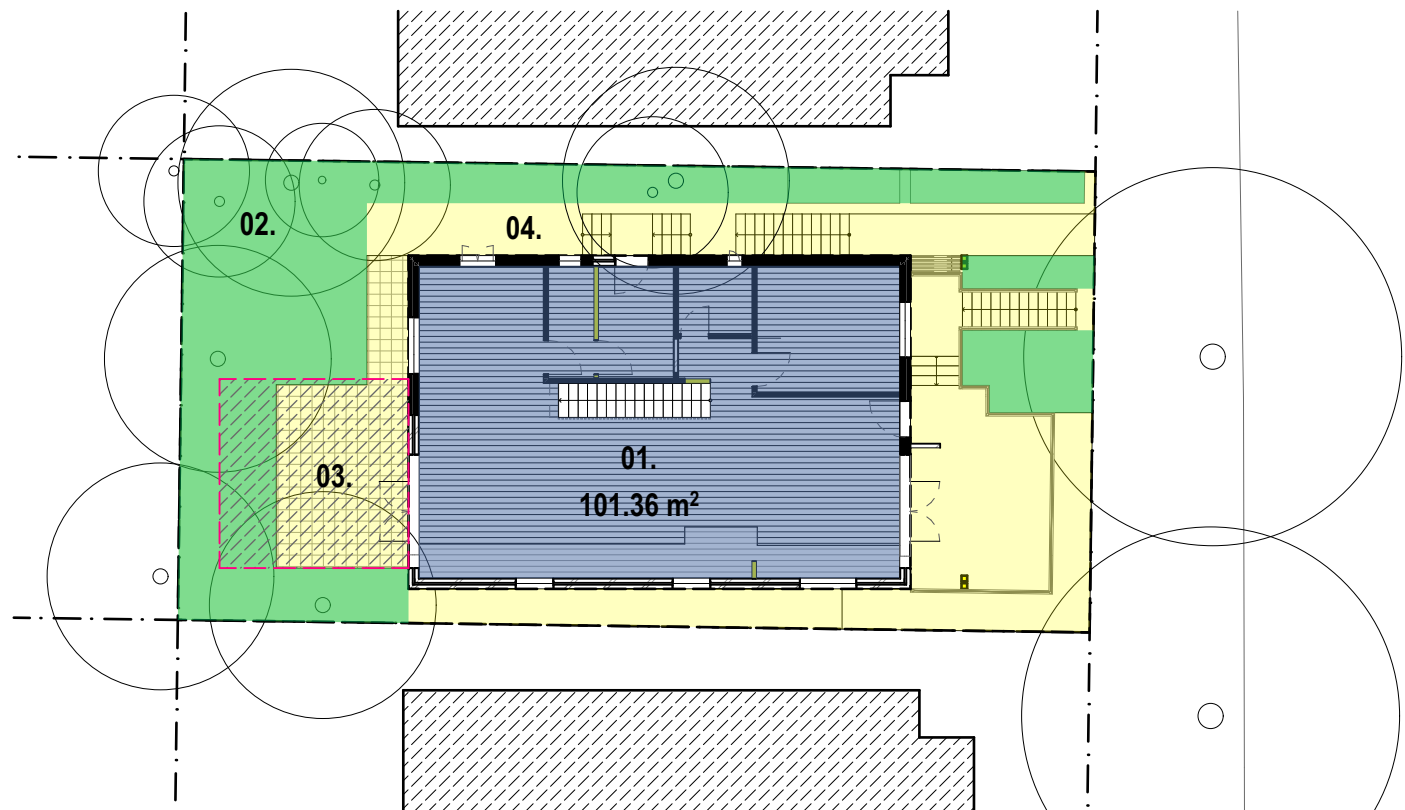
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AREAS - BASEMENT / GARAGE
1:200



AREAS - FIRST FLOOR
1:200



AREAS - GROUND FLOOR
1:200

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AREA	M2
01. FLOOR AREA	209.38
02. LANDSCAPE AREA	78.47
03. PRIVATE OPEN SPACE	25.00
04. OPEN SPACE	176.99

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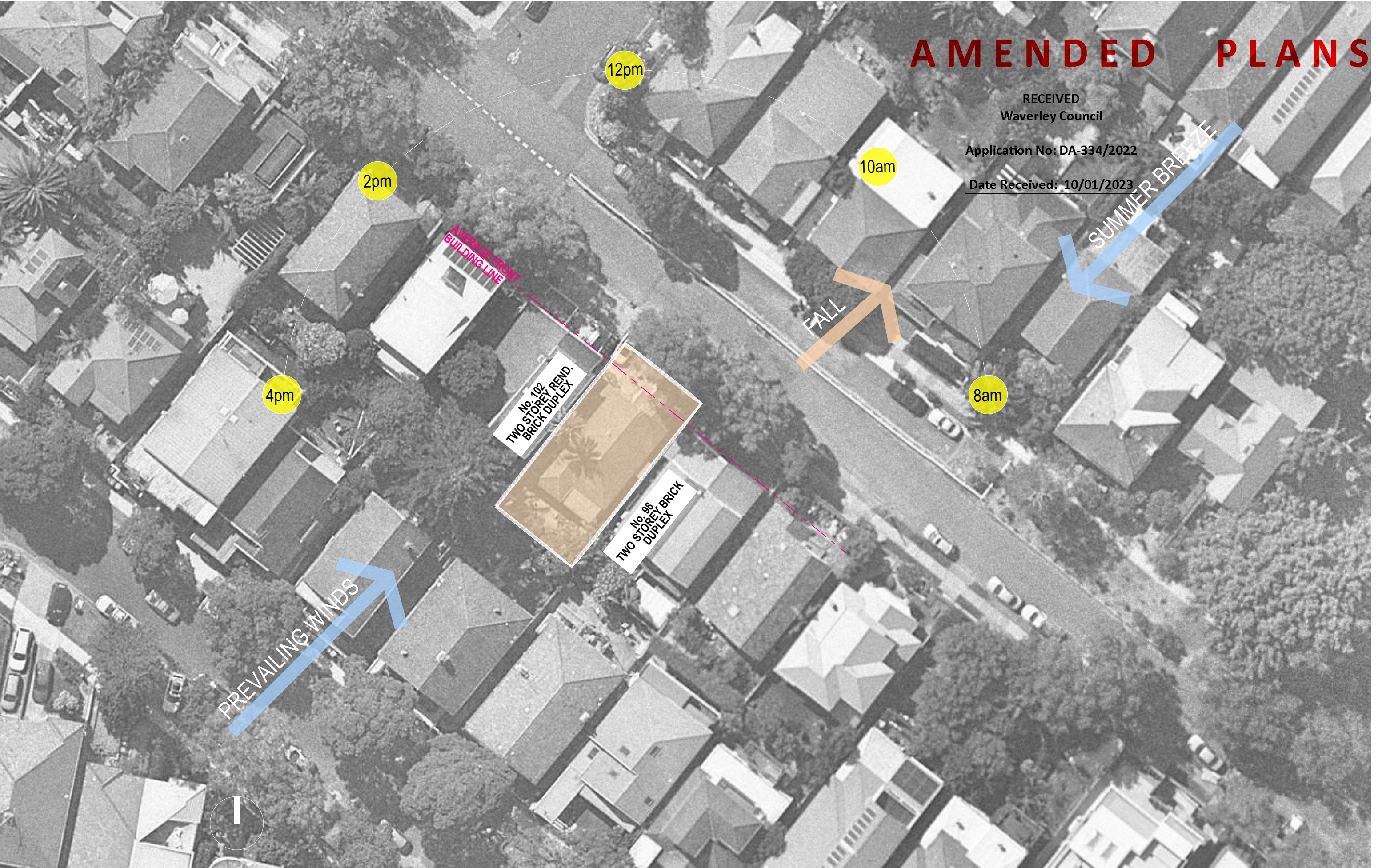


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PAGE: AREA DIAGRAMS

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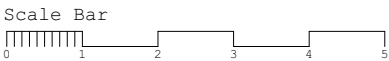
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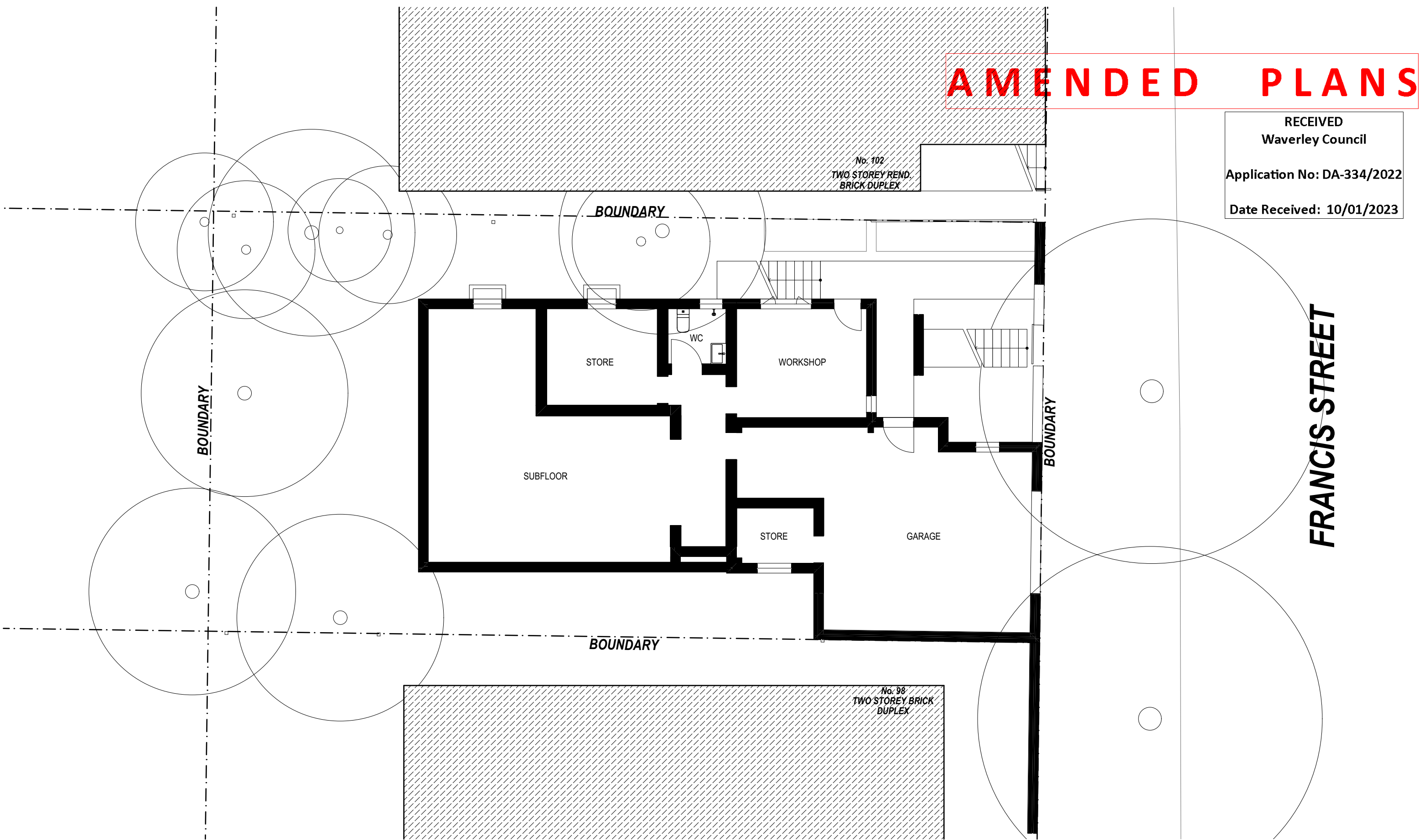
PAGE: **SITE ANALYSIS**

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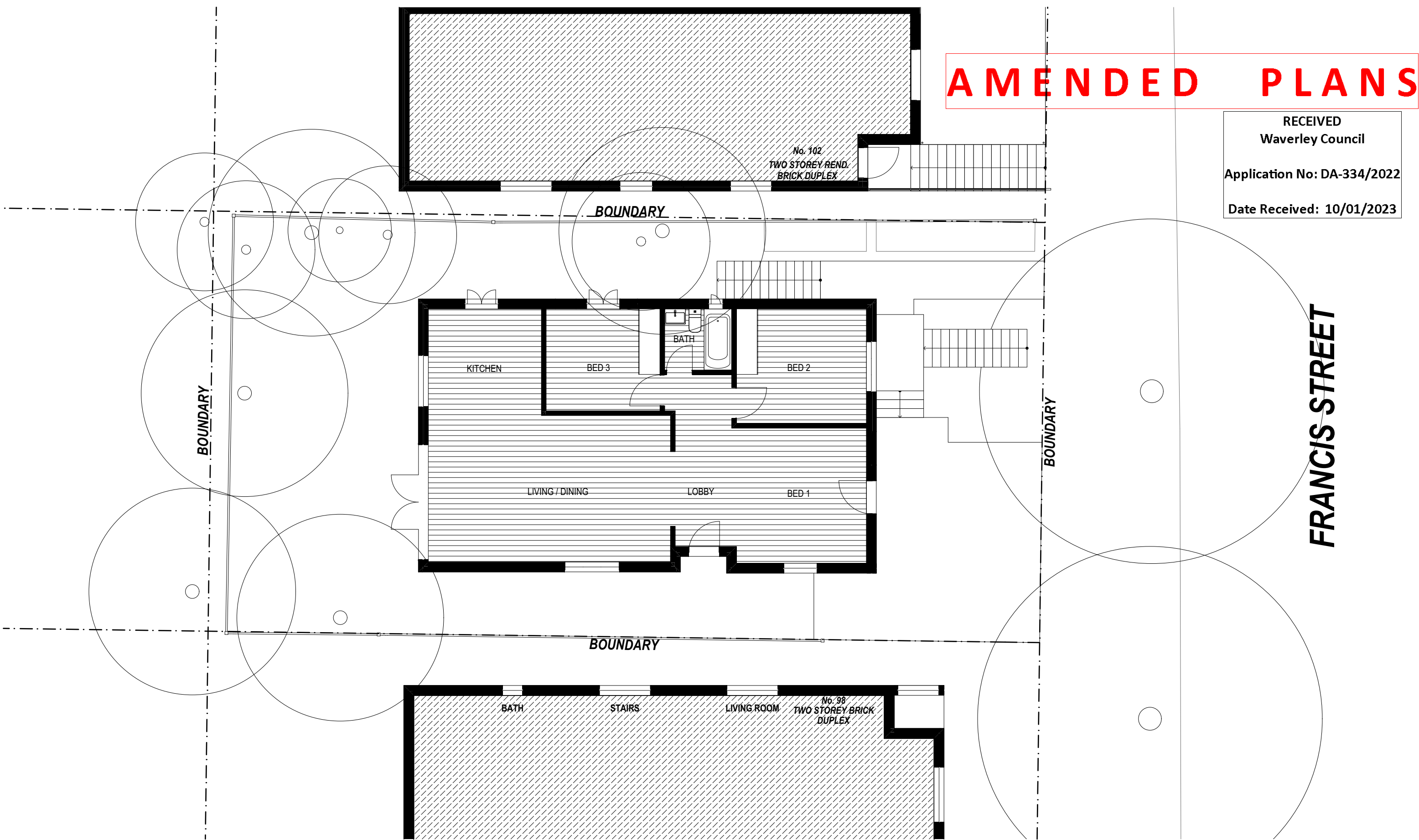
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Scale Bar
0 1 2 3 4 5

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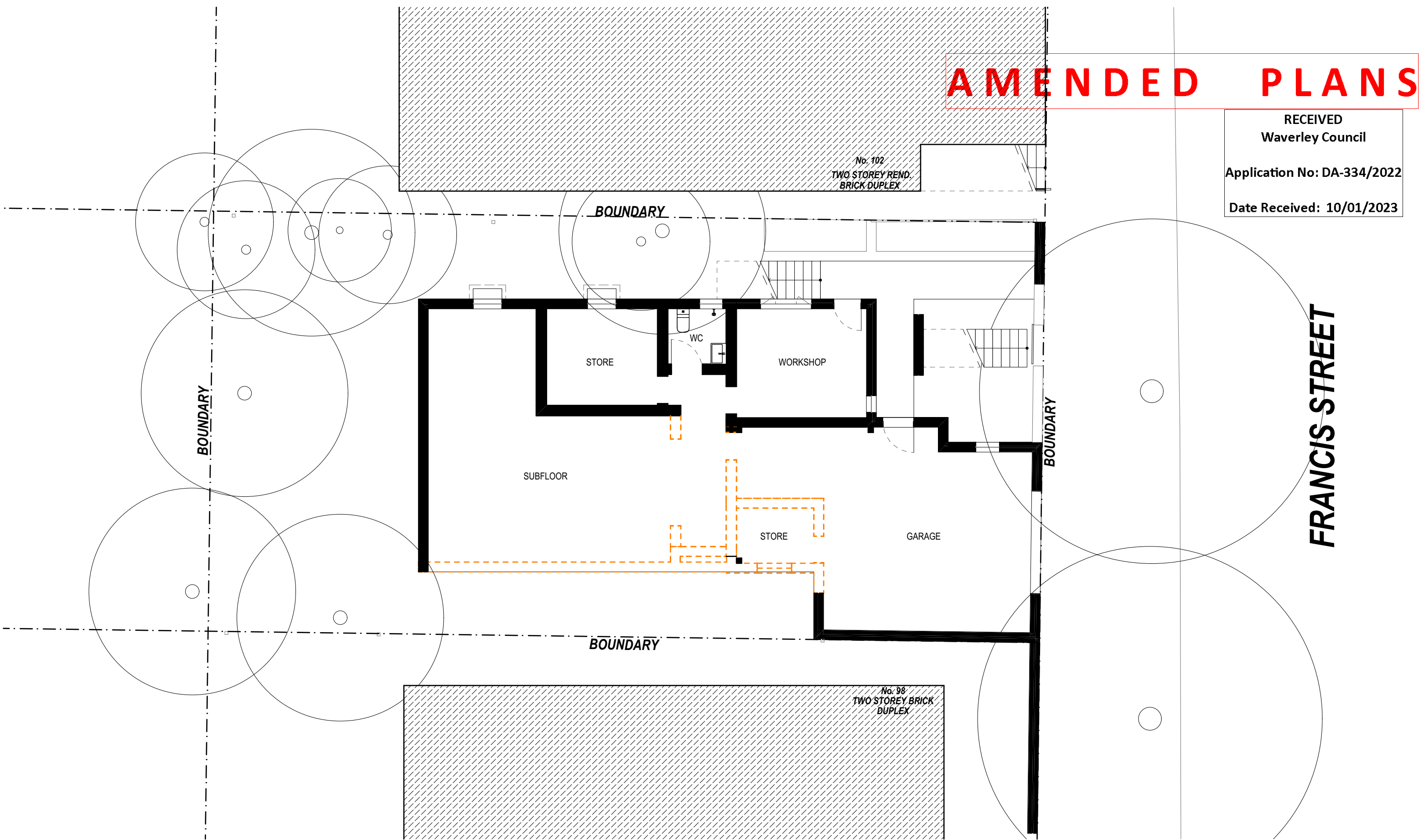
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EXISTING GROUND FLOOR
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DEMO BASEMENT / GARAGE
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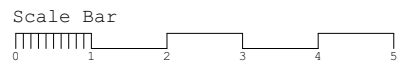
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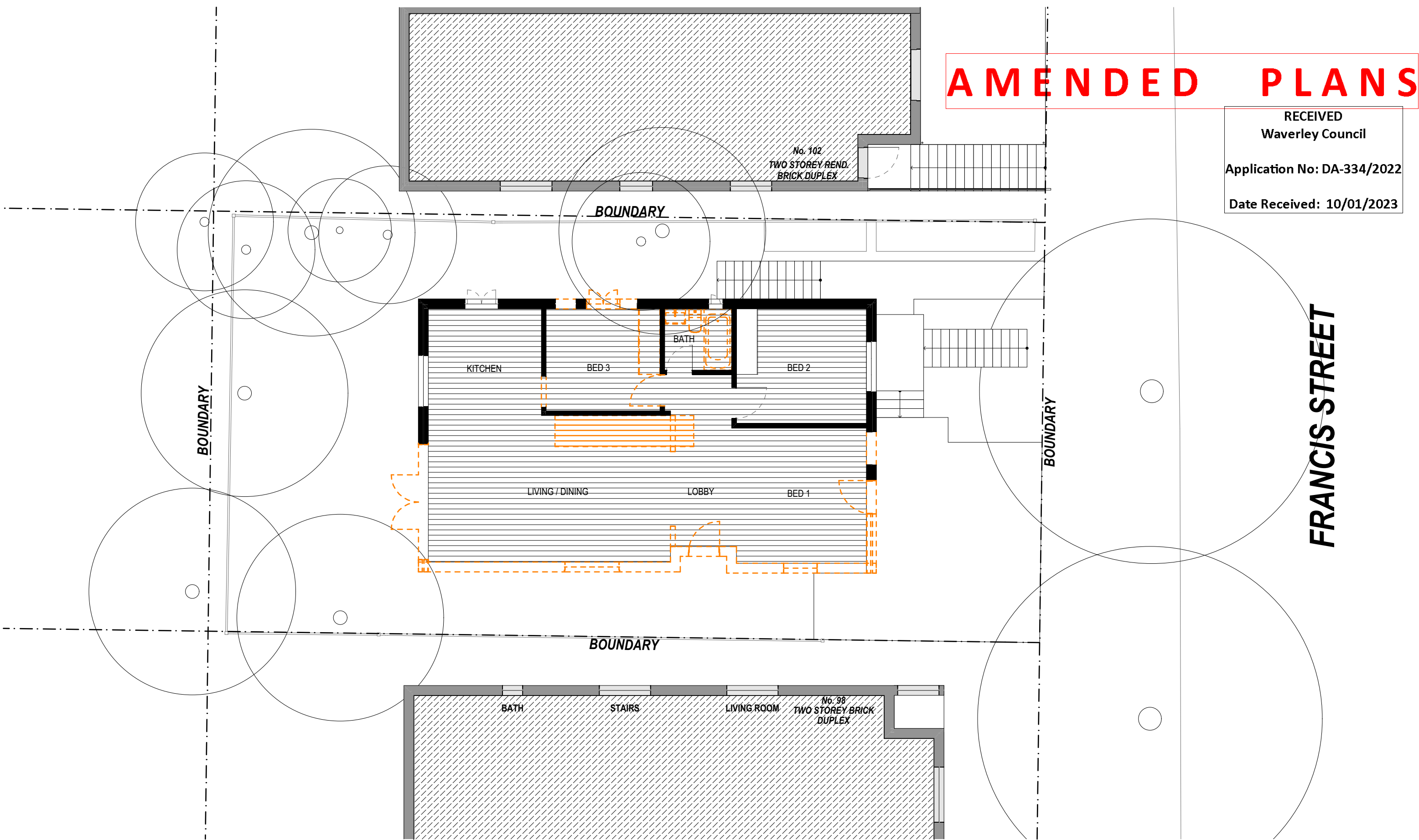
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DEMO GROUND FLOOR
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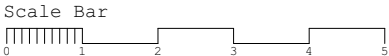
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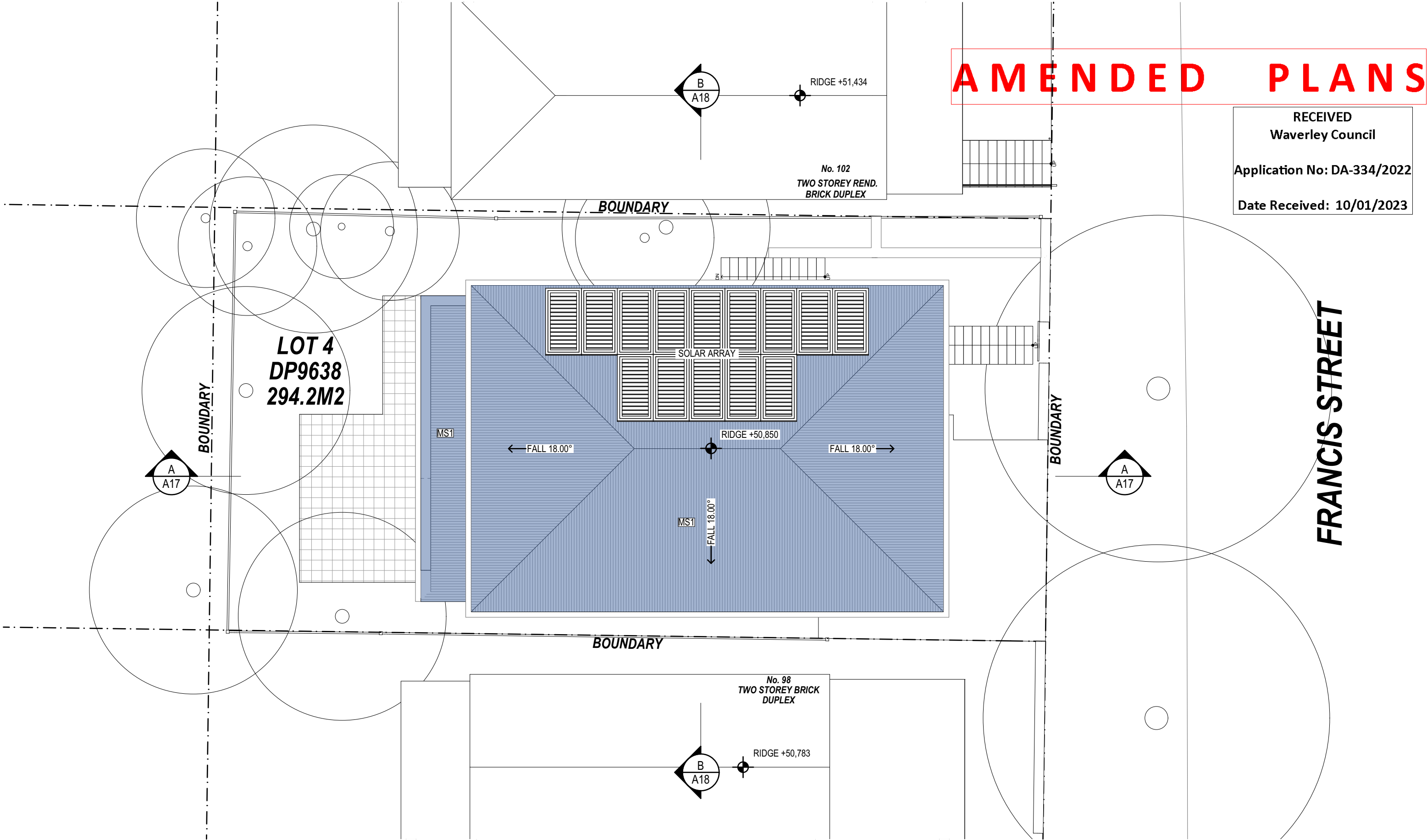
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SITE & ROOF PLAN
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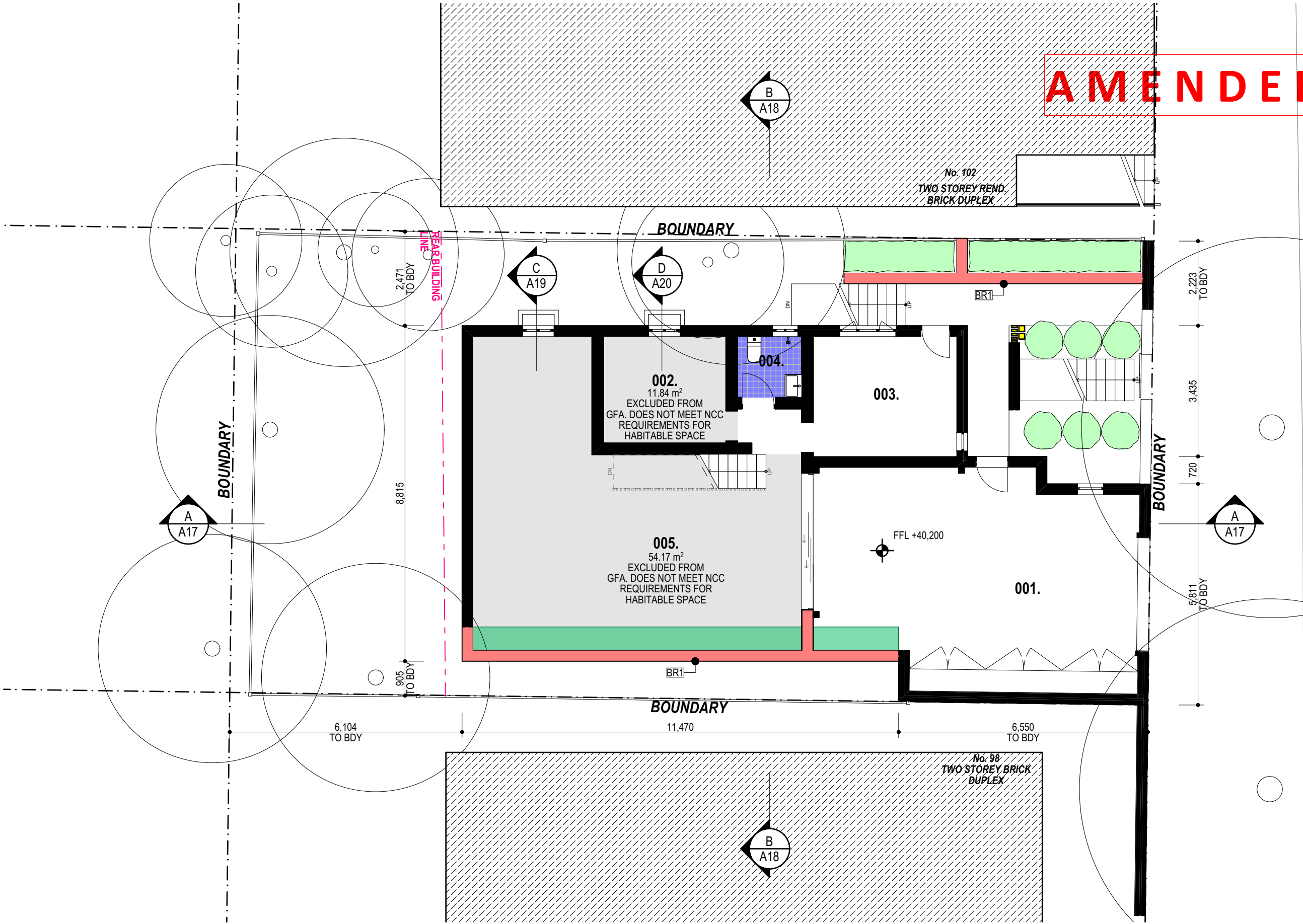
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FRANCIS STREET

ROOM LIST		
001.	GARAGE	45.83
002.	STORAGE	9.02
003.	WORKSHOP AREA	11.88
004.	WC	2.70
005.	UNDERCROFT STORAGE	54.18
		123.61 m ²

PROPOSED BASEMENT / GARAGE
1:100

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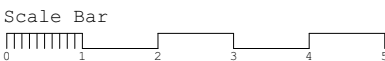
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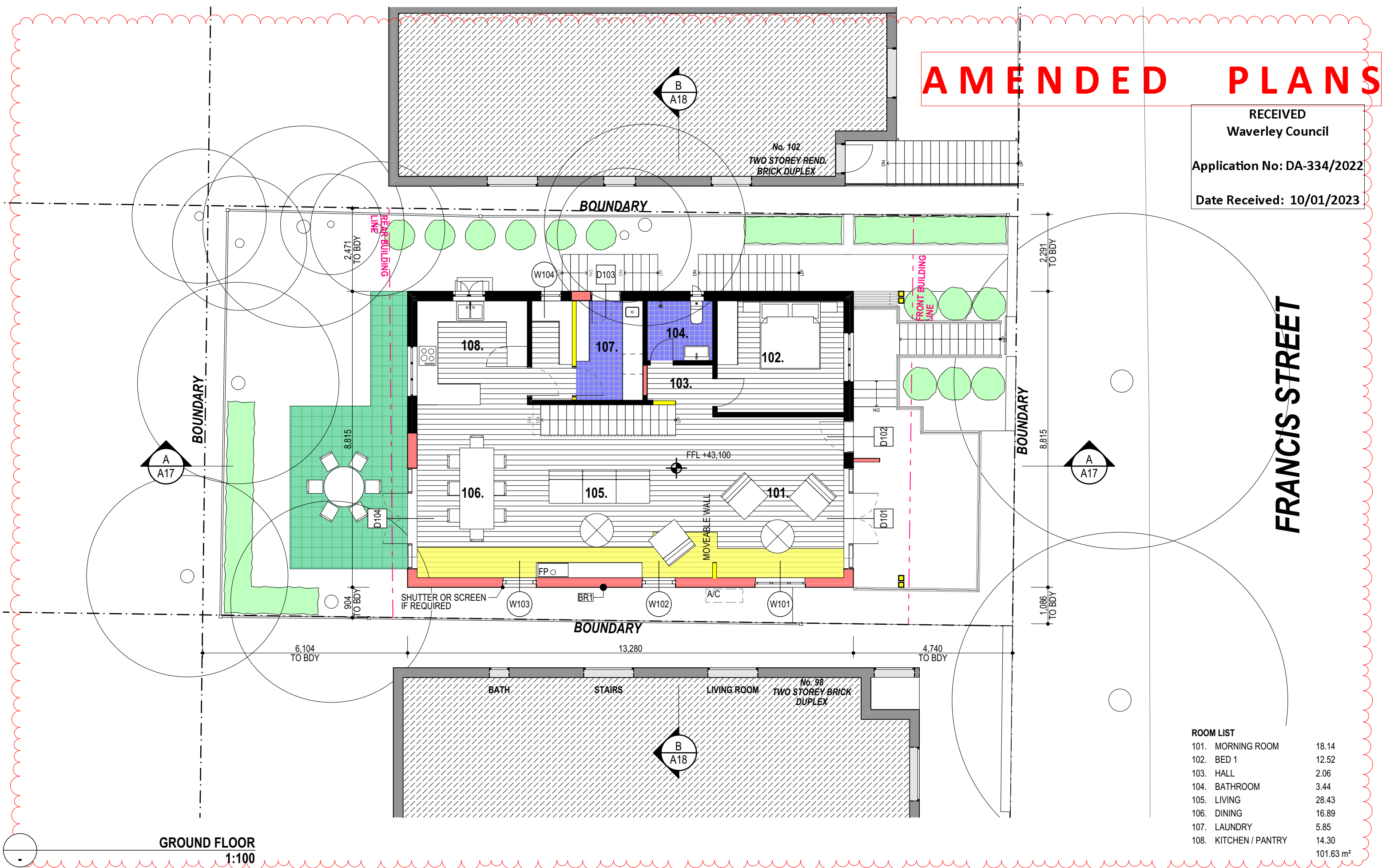
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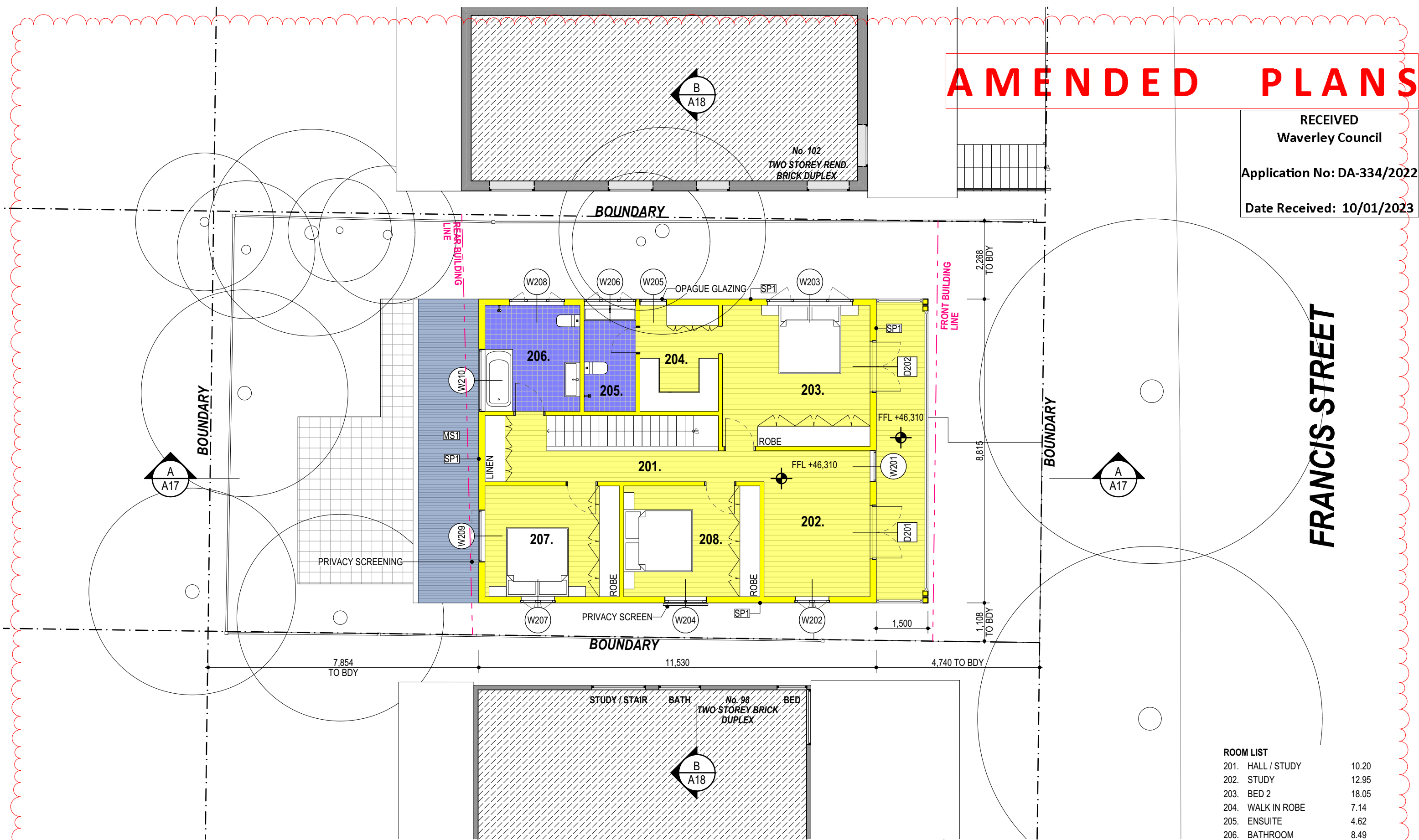
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FIRST FLOOR
1:100

ROOM LIST		
201.	HALL / STUDY	10.20
202.	STUDY	12.95
203.	BED 2	18.05
204.	WALK IN ROBE	7.14
205.	ENSUITE	4.62
206.	BATHROOM	8.49
207.	BED 3	12.99
208.	BED 4	12.94
		87.38 m ²

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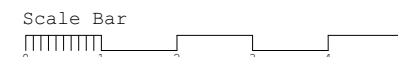


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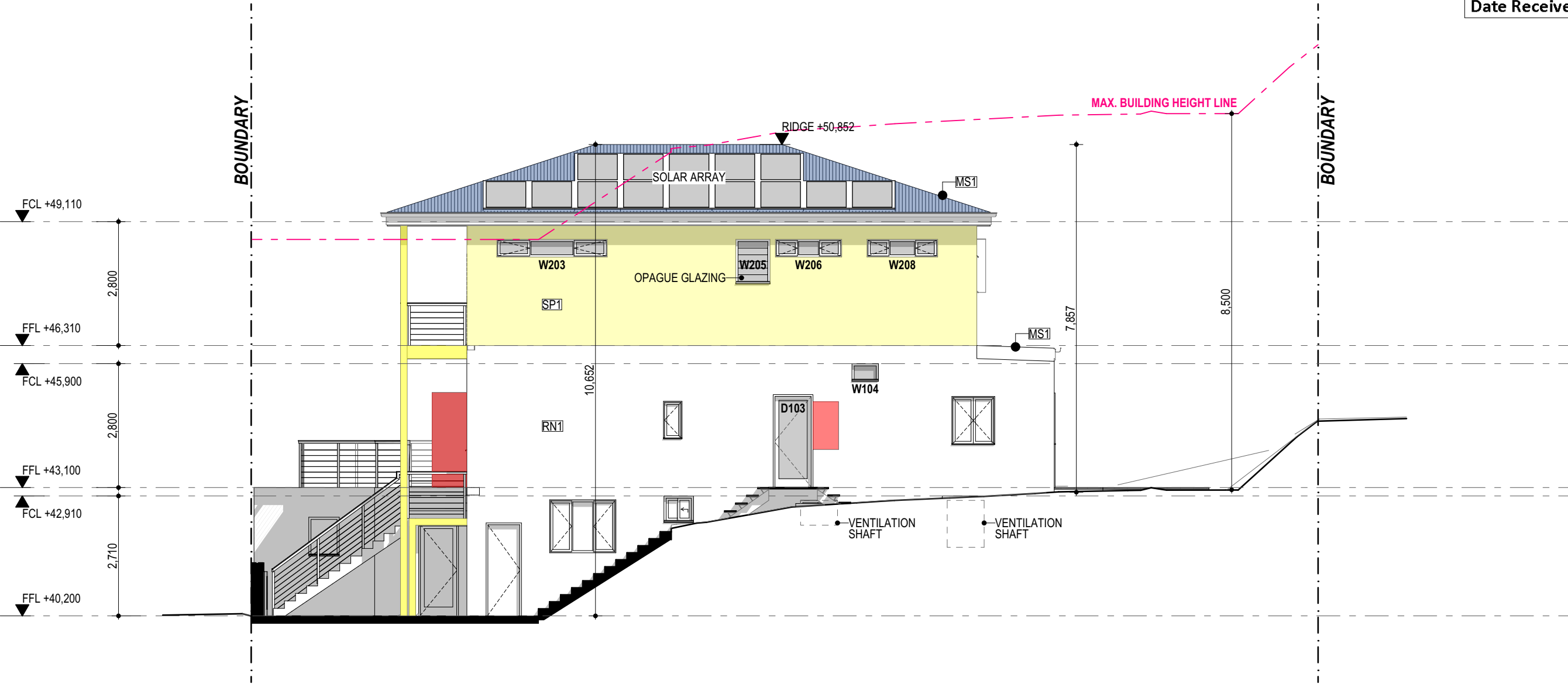
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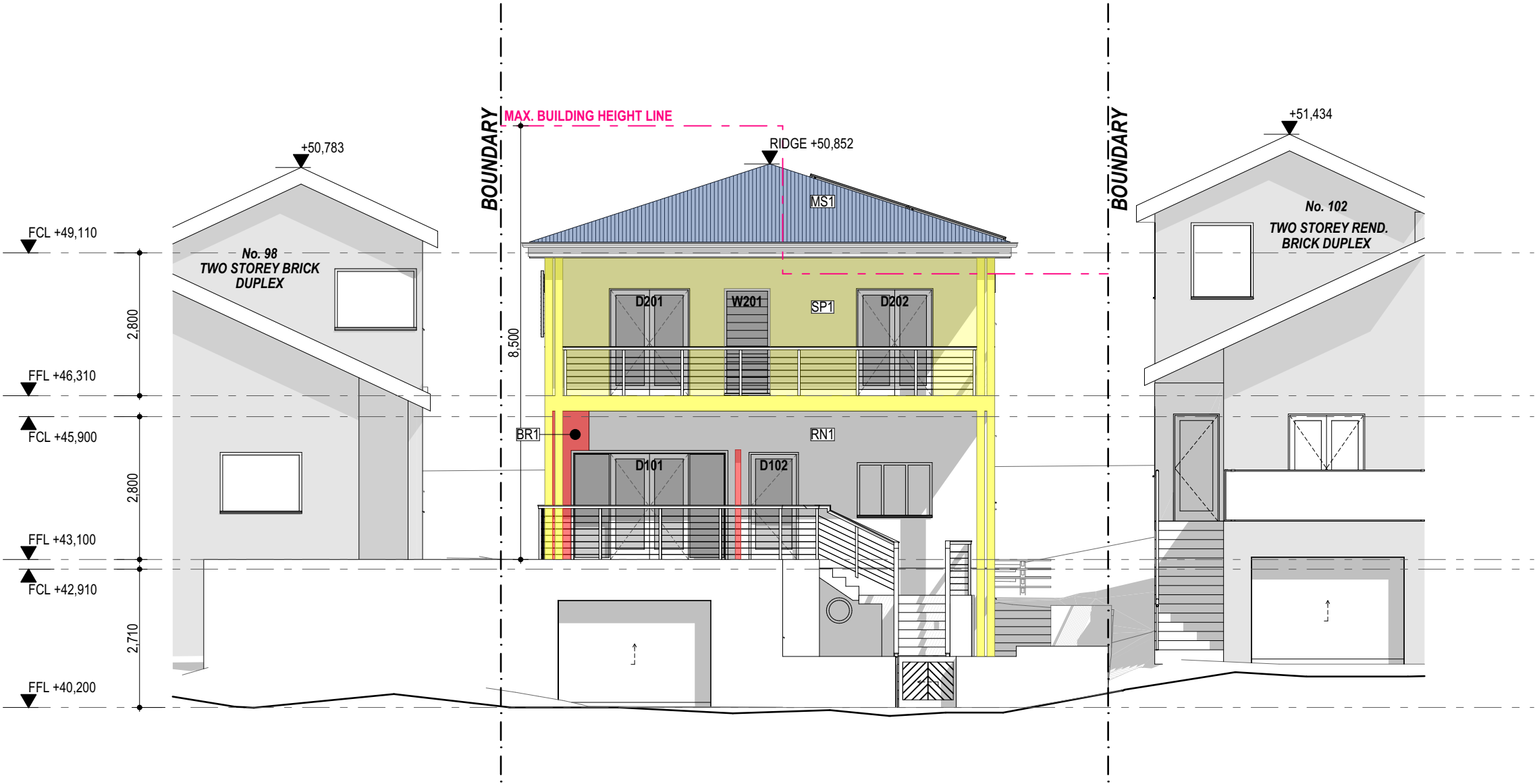
NORTH WEST ELEVATION
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NORTH EAST ELEVATION
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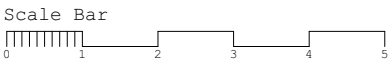
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PAGE: ELEVATIONS

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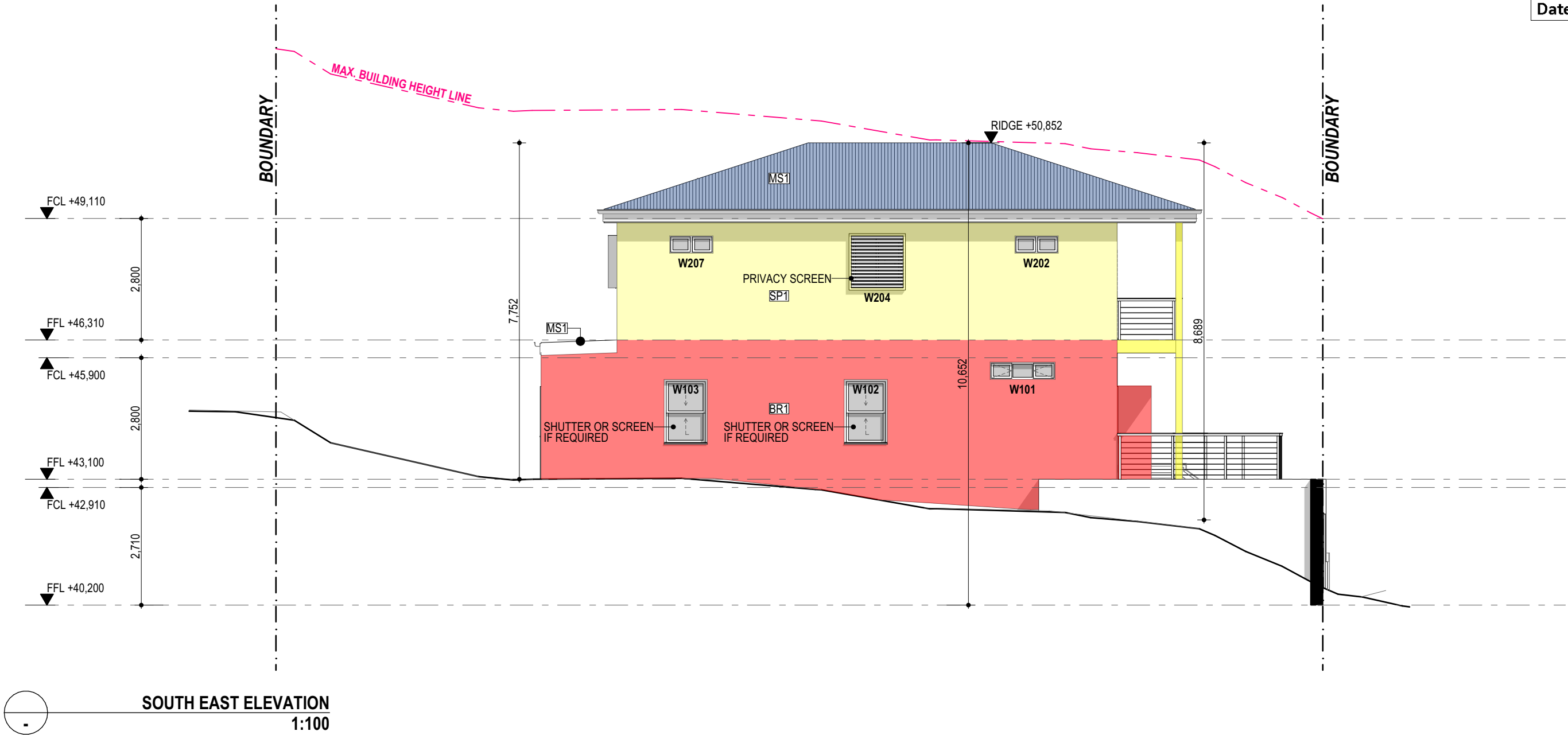
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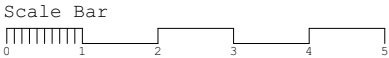
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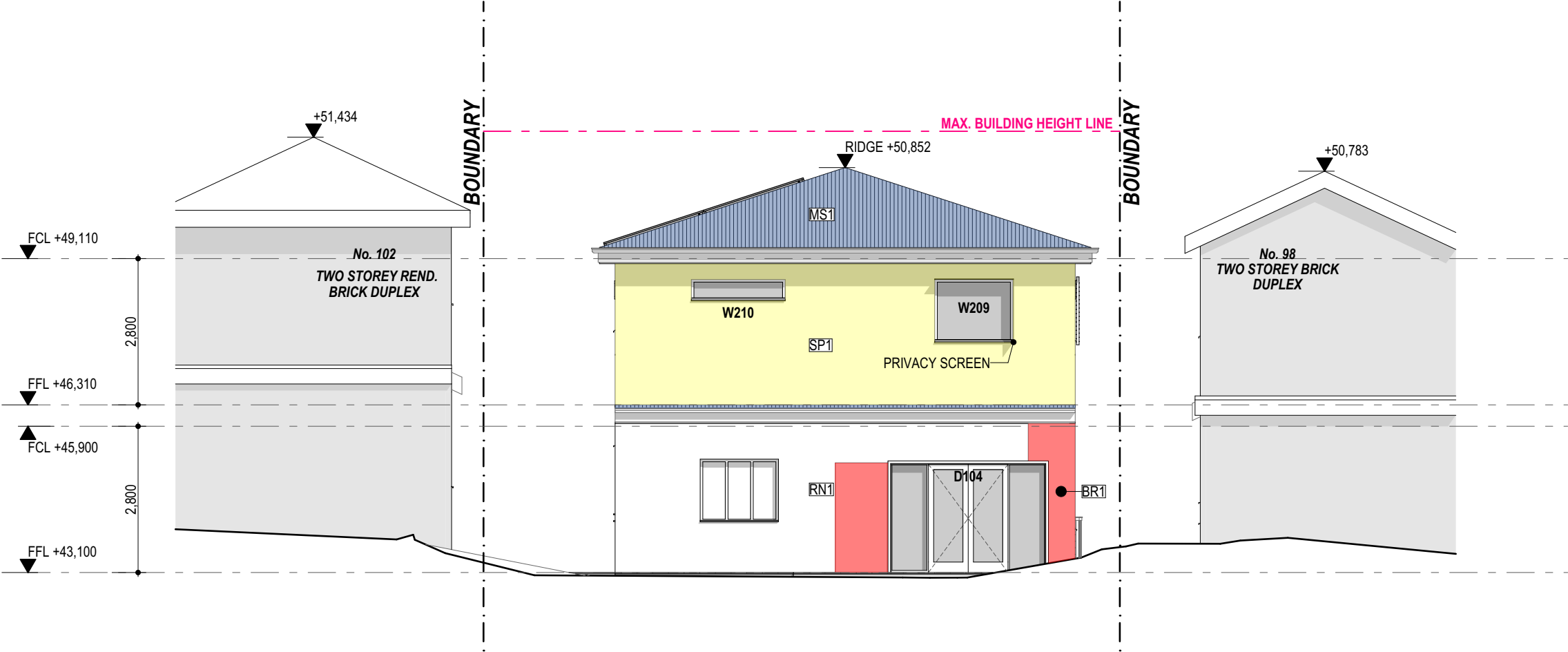
NO. **A15**
PAGE SIZE. **A3**

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SOUTH WEST ELEVATION
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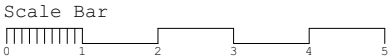
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J DEVELOPMENT APPLICATION
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29/07/2022
1/08/2022
19/10/2022
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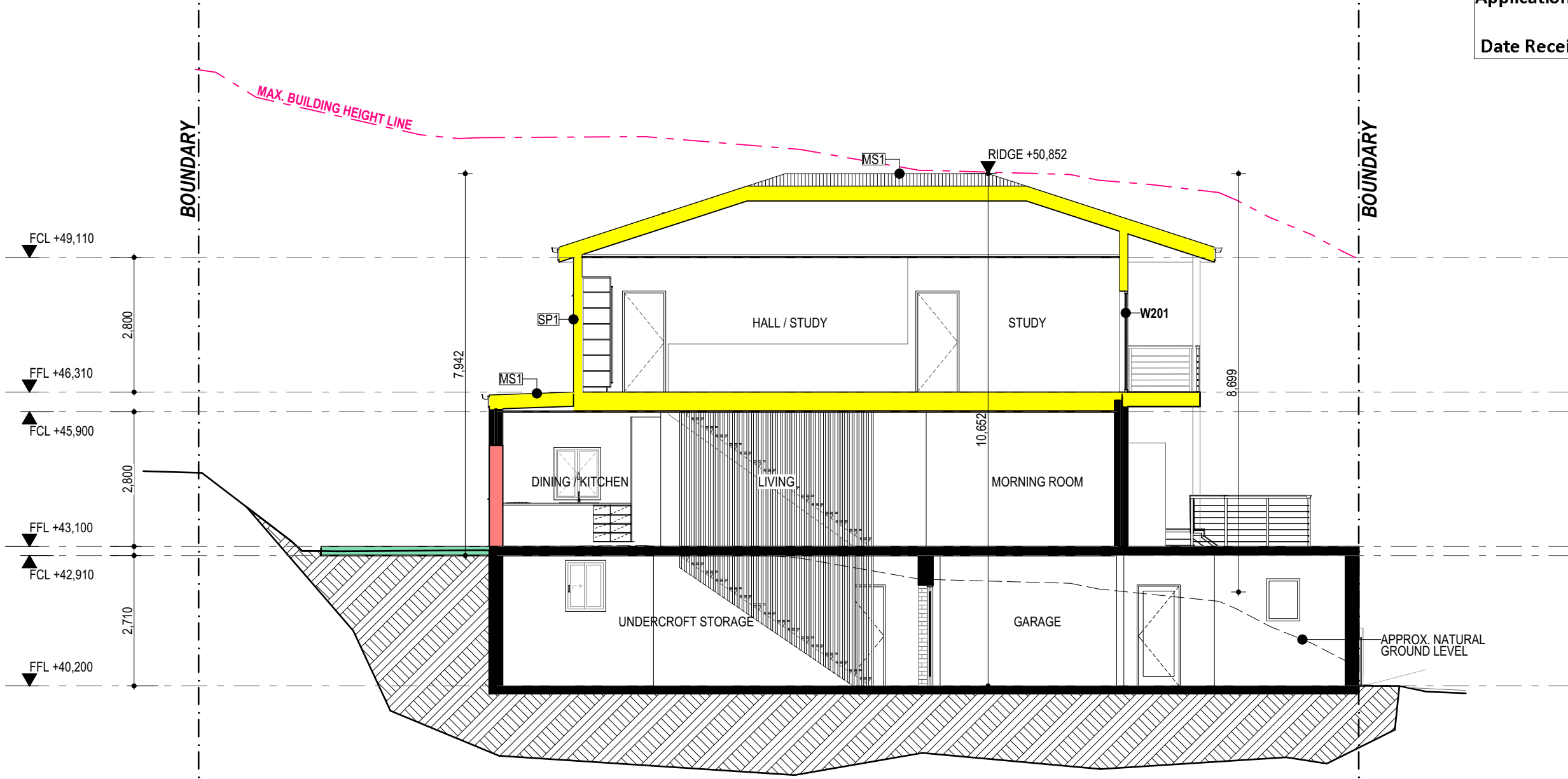
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PAGE SIZE. A3

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SECTION A
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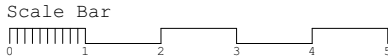
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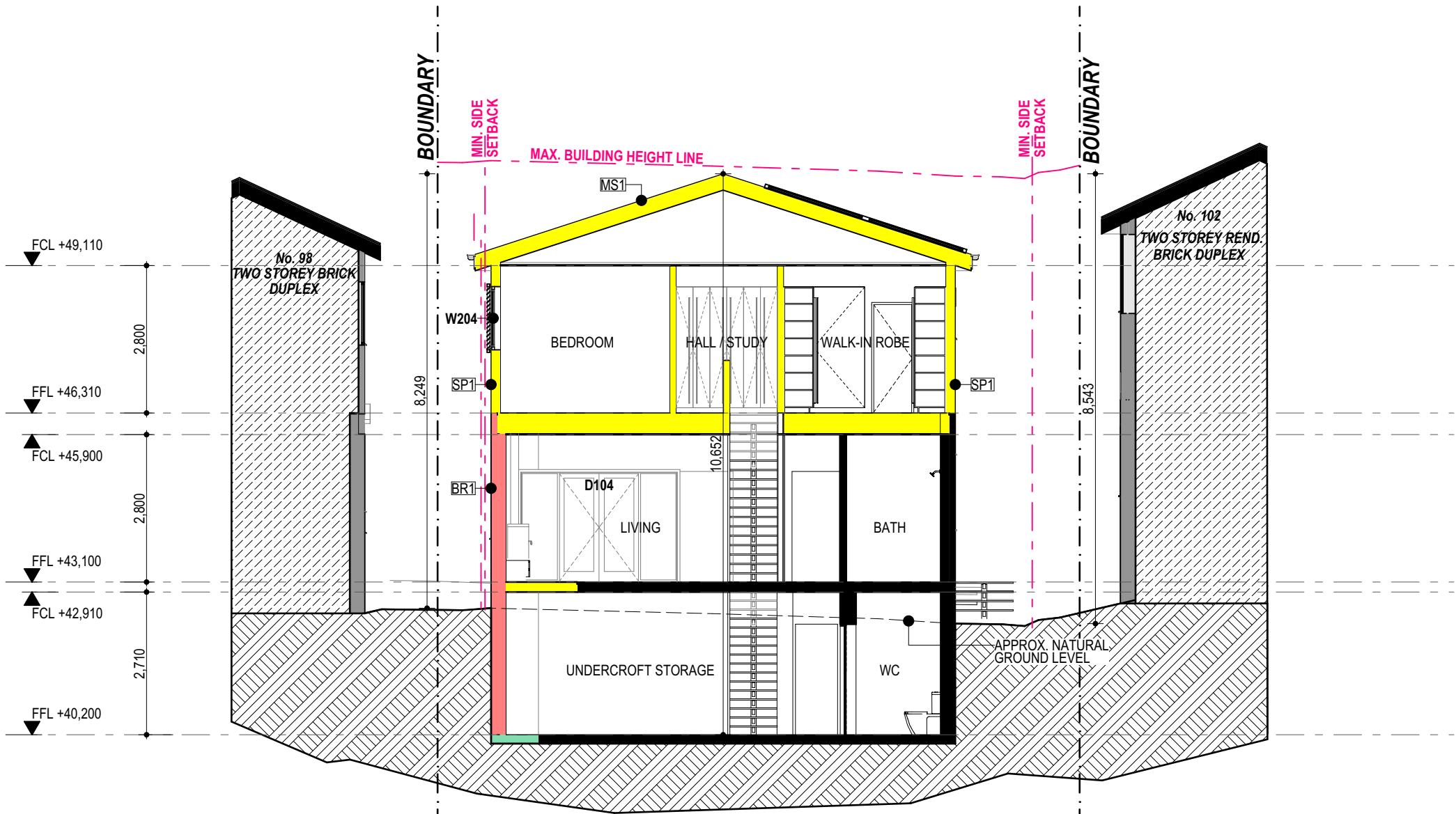
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SECTION B
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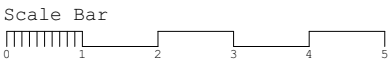
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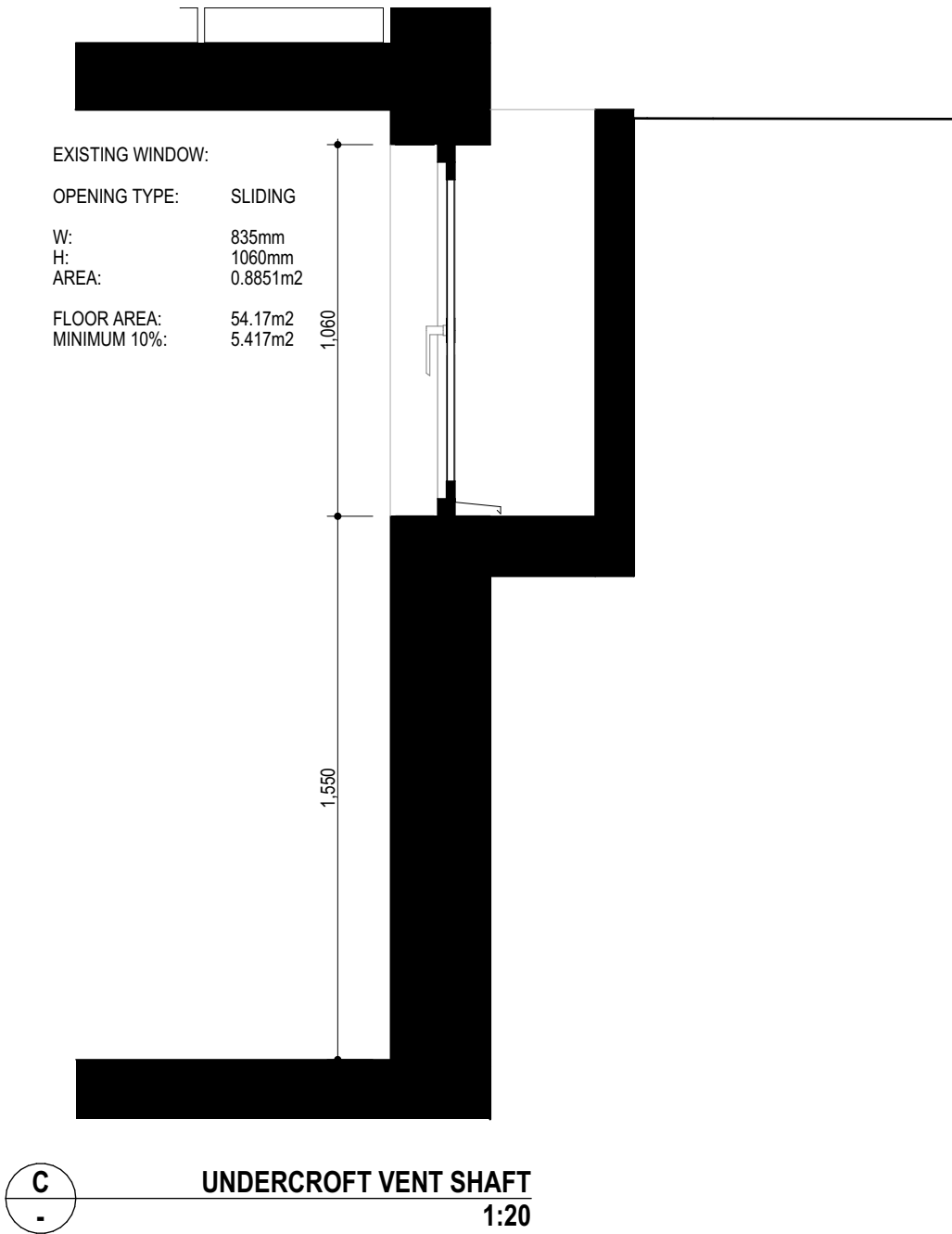
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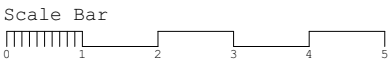
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PAGE: DETAIL SECTIONS



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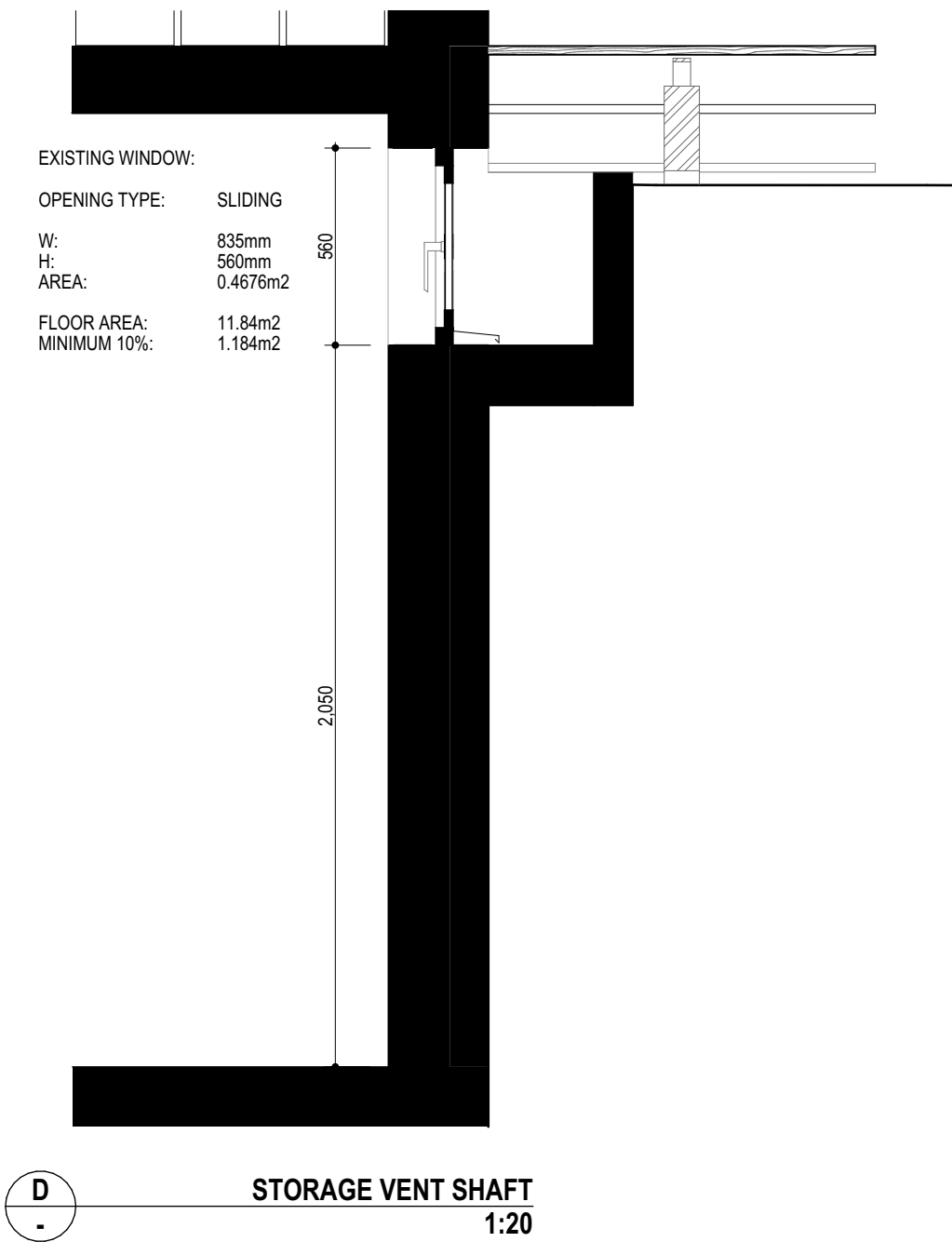
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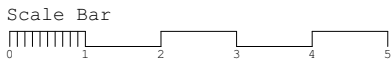
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PAGE: DETAIL SECTIONS



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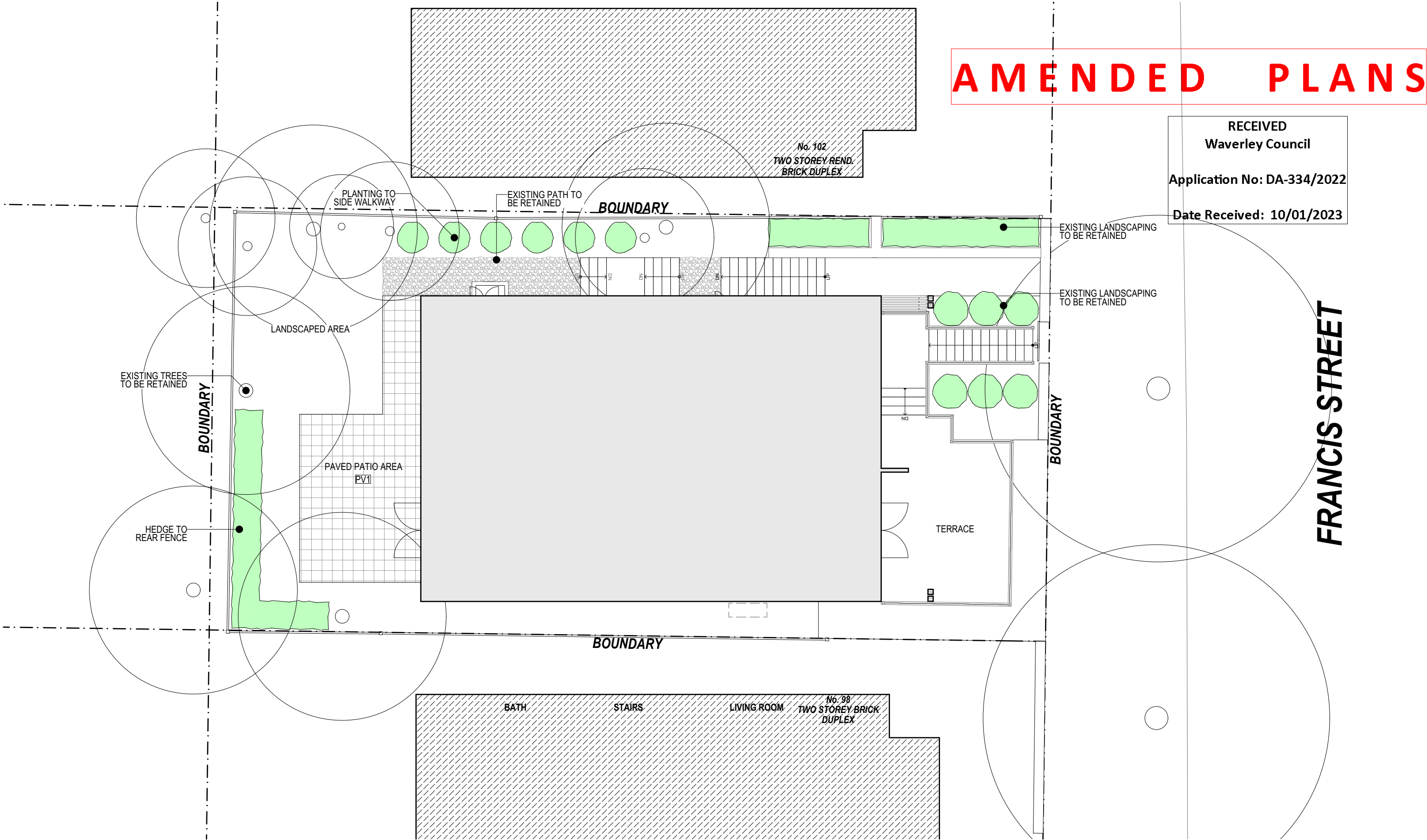
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LANDSCAPE PLAN
1:100

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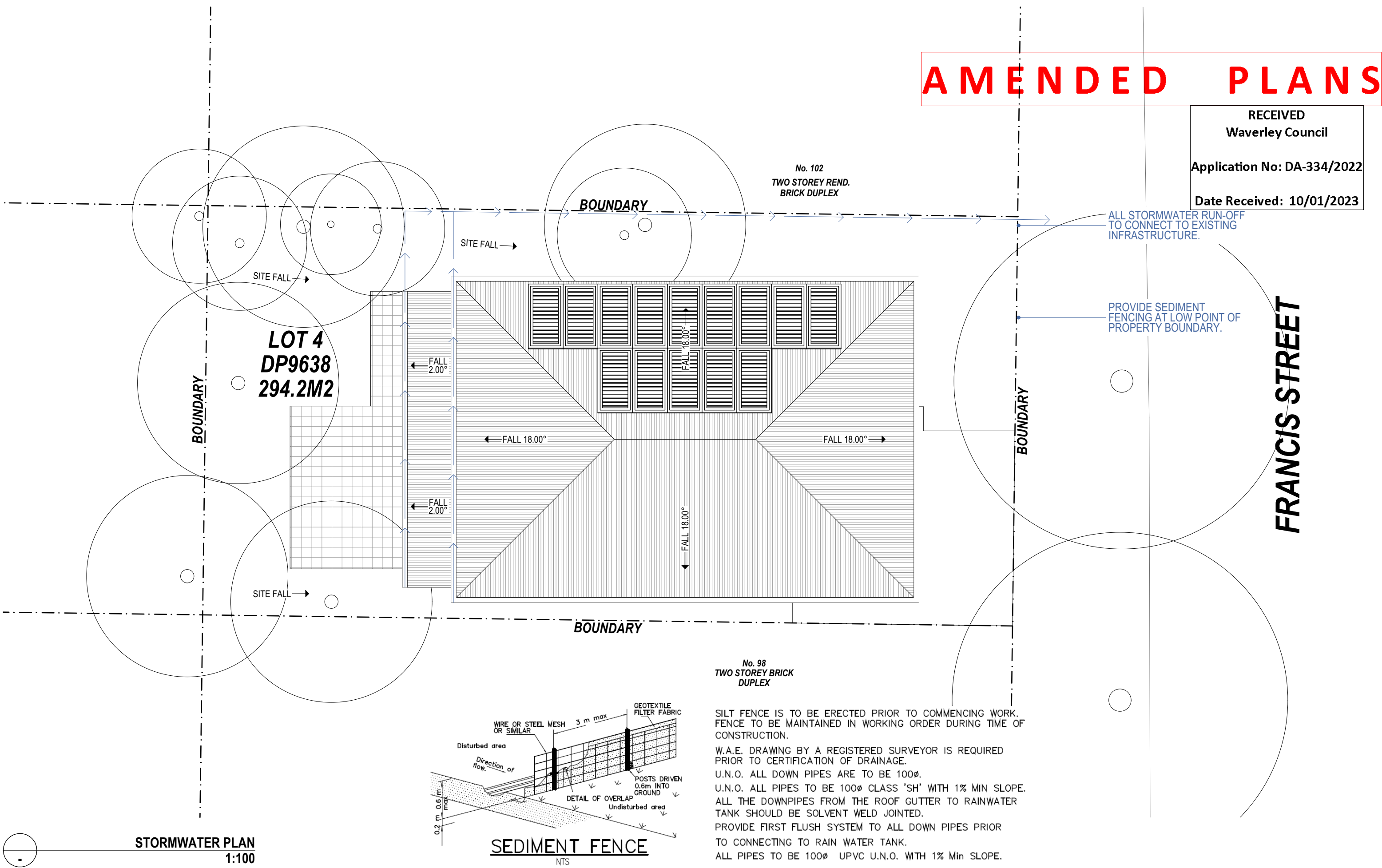
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J	DEVELOPMENT APPLICATION
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N	DA - COUNCIL RFI
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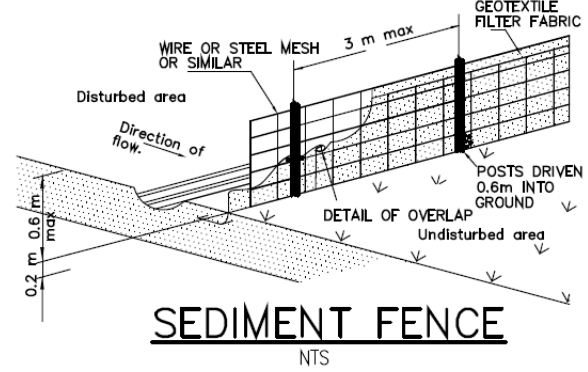
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STORMWATER PLAN
1:100



No. 98
TWO STOREY BRICK
DUPLEX

SILT FENCE IS TO BE ERECTED PRIOR TO COMMENCING WORK.
FENCE TO BE MAINTAINED IN WORKING ORDER DURING TIME OF
CONSTRUCTION.

W.A.E. DRAWING BY A REGISTERED SURVEYOR IS REQUIRED
PRIOR TO CERTIFICATION OF DRAINAGE.

U.N.O. ALL DOWN PIPES ARE TO BE 100Ø.

U.N.O. ALL PIPES TO BE 100Ø CLASS 'SH' WITH 1% MIN SLOPE.

ALL THE DOWNPIPES FROM THE ROOF GUTTER TO RAINWATER
TANK SHOULD BE SOLVENT WELD JOINTED.

PROVIDE FIRST FLUSH SYSTEM TO ALL DOWN PIPES PRIOR
TO CONNECTING TO RAIN WATER TANK.

ALL PIPES TO BE 100Ø UPVC U.N.O. WITH 1% Min SLOPE.



AVERAGE SETBACK : 3,100mm (or 3.1m)
No. 106 - 2600mm
No. 104 - 3200mm
No. 102 - 3200mm
SUBJECT PROPERTY
No. 98 - 3100mm
No. 96 - 3100mm
No. 94 - 3400mm

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GROUND FLOOR
1:500

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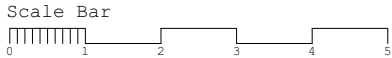
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PAGE: **STREETSCAPE ANALYSIS**



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NO. **A26**
PAGE SIZE. **A3**



No 94.
App. FRONT SETBACK: 3400mm



No 96.
App. FRONT SETBACK: 3100mm



No 98.
App. FRONT SETBACK: 3100mm

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No 102.
App. FRONT SETBACK: 3200mm



No 104.
App. FRONT SETBACK: 3200mm



No 106.
App. FRONT SETBACK: 2600mm
FIRST FLOOR ROOFED BALCONY FACING FRANCIS ST.

SUBJECT PROPERTY

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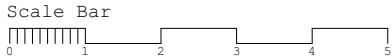
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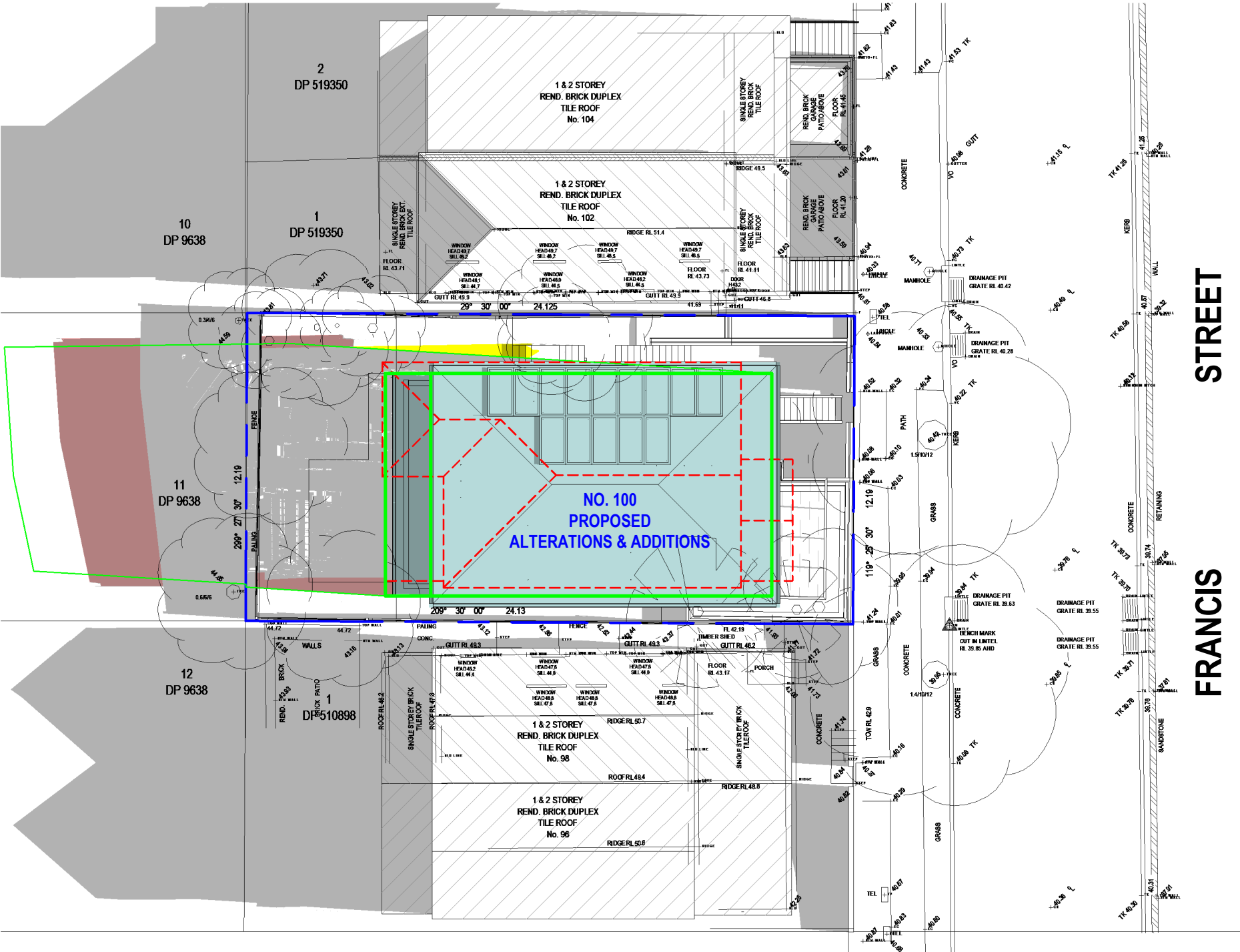
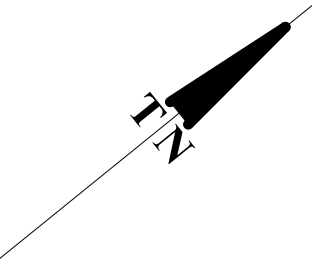
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PAGE: STREETScape ANALYSIS

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NO. A27
PAGE SIZE. A3

AMENDED PLANS



LEGEND:

- [Red dashed line] DENOTES OUTLINE OF EXISTING STRUCTURES TO BE DEMOLISHED
- [Grey fill] DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
- [Light blue fill] DENOTES AREA OF PROPOSED ADDITIONS & ALTERATIONS
- [Red fill] DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW
- [Yellow fill] DENOTES AREA OF PROPOSED REDUCTION OF BUILDING SHADOW (STRUCTURES TO BE DEMOLISHED)
- [Green outline] DENOTES OUTLINE OF COMPLIANT ENVELOPE MODEL & SHADOW

NOTE:

SHADOWS SHOWN HAVE BEEN COMPILED FROM INFORMATION FROM DETAIL & LEVEL SURVEY BY BALLENDEN SURVEYORS REF NO. 210218 ISSUED 16/11/2021 & ARCHITECTURAL PLANS & MODELS SUPPLIED BY SANDBOX STUDIO REV.N DATED 24/11/2022

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SHADOW ANALYSIS CONSULTANTS
MOBILE: 0410 699919
info@caddraftnsw.com.au

No.	Description	Date

SHADOW DIAGRAMS
No. 100 FRANCIS STREET
BONDI BEACH

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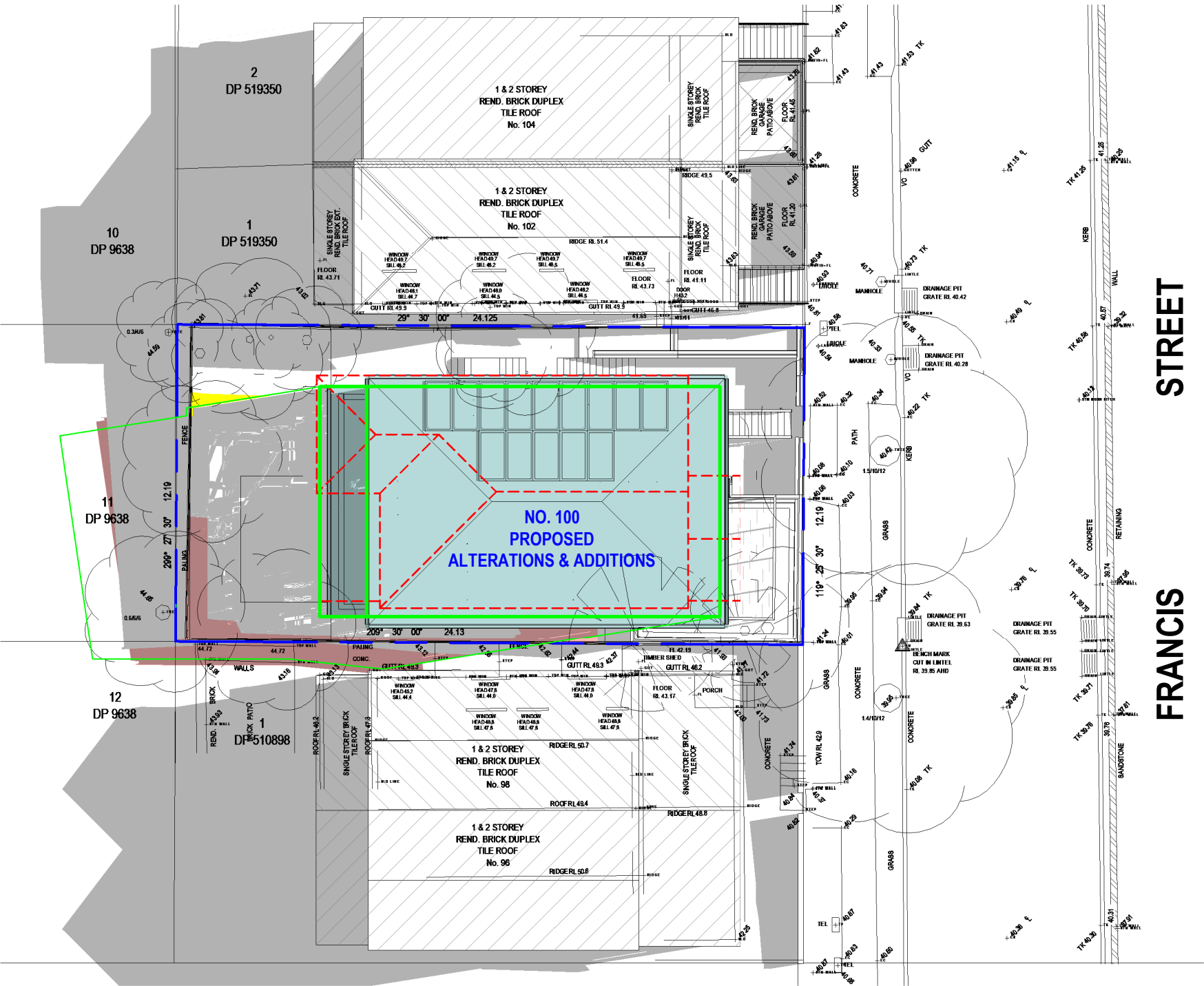
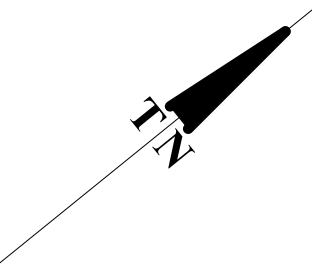
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Project number	22-165
Date	20-12-22
Drawn by	KP
Checked by	JD

A100

Scale 1 : 200

AMENDED PLANS



LEGEND:

- DENOTES OUTLINE OF EXISTING STRUCTURES TO BE DEMOLISHED
- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
- DENOTES AREA OF PROPOSED ADDITIONS & ALTERATIONS
- DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW
- DENOTES AREA OF PROPOSED REDUCTION OF BUILDING SHADOW (STRUCTURES TO BE DEMOLISHED)
- DENOTES OUTLINE OF COMPLIANT ENVELOPE MODEL & SHADOW

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No. 100 FRANCIS STREET
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Project number	22-165
Date	20-12-22
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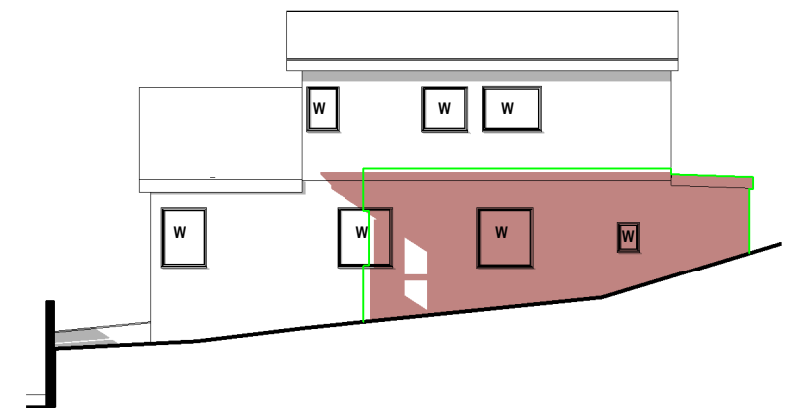
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NO. 98
NORTH WEST ELEVATION
1 & 2 STOREY
RENDERED BRICK DUPLEX
TILE ROOF



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No. 100 FRANCIS STREET
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Project number	22-165	A102
Date	20-12-22	
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Scale		1 : 200

AMENDED PLANS

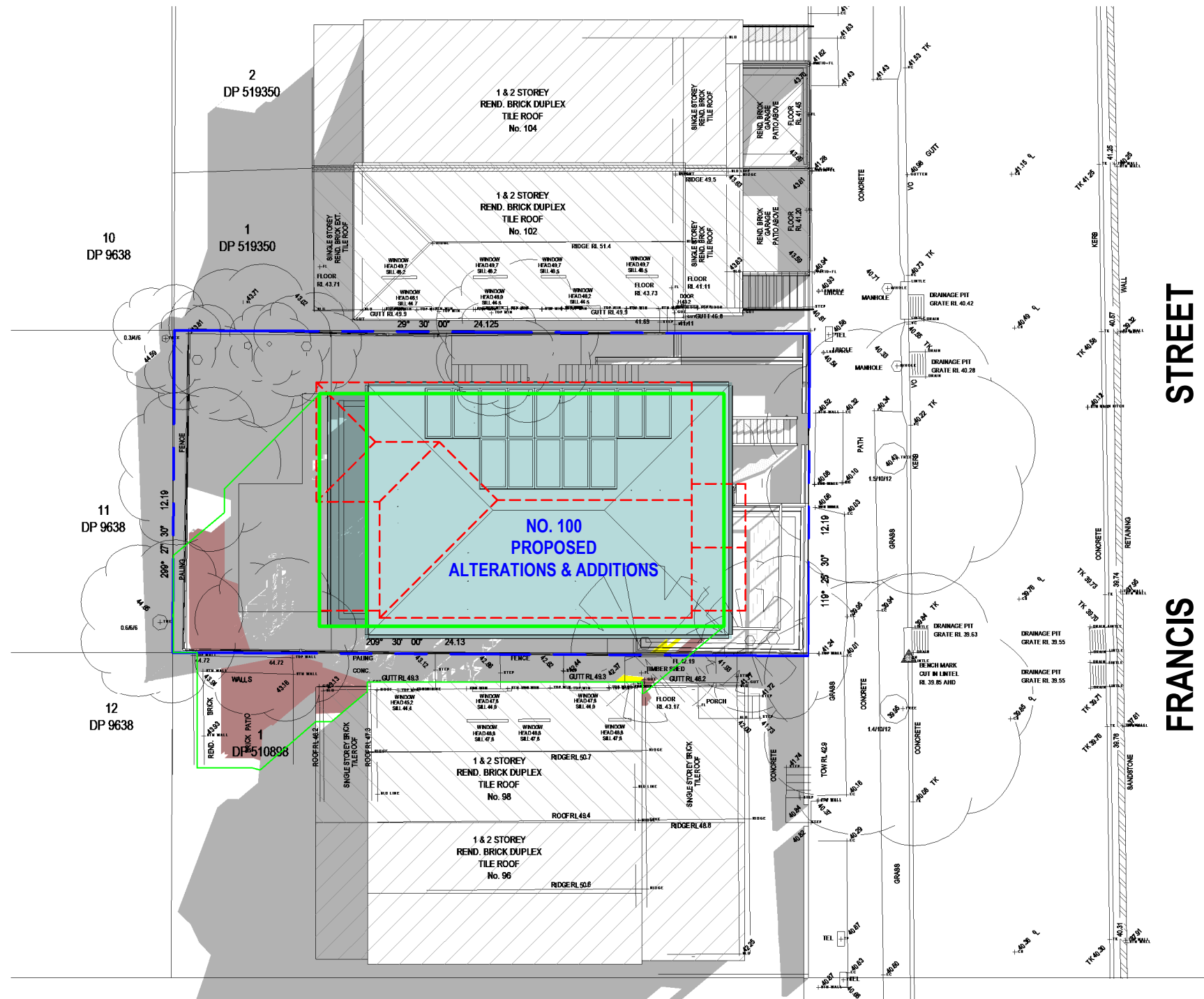
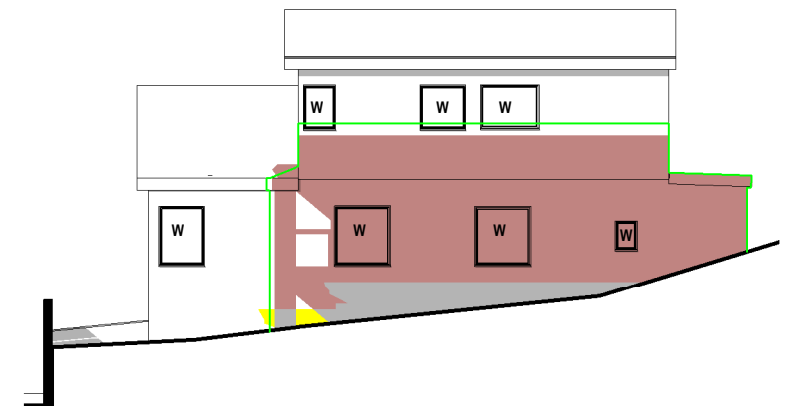
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- DENOTES OUTLINE OF EXISTING STRUCTURES TO BE DEMOLISHED
- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
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NO. 98
NORTH WEST ELEVATION
1 & 2 STOREY
RENDERED BRICK DUPLEX
TILE ROOF



Shadowing June 21st 12.00pm

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No.	Description	Date

SHADOW DIAGRAMS
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Project number	22-165	A103
Date	20-12-22	
Drawn by	KP	
Checked by	JD	
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AMENDED PLANS

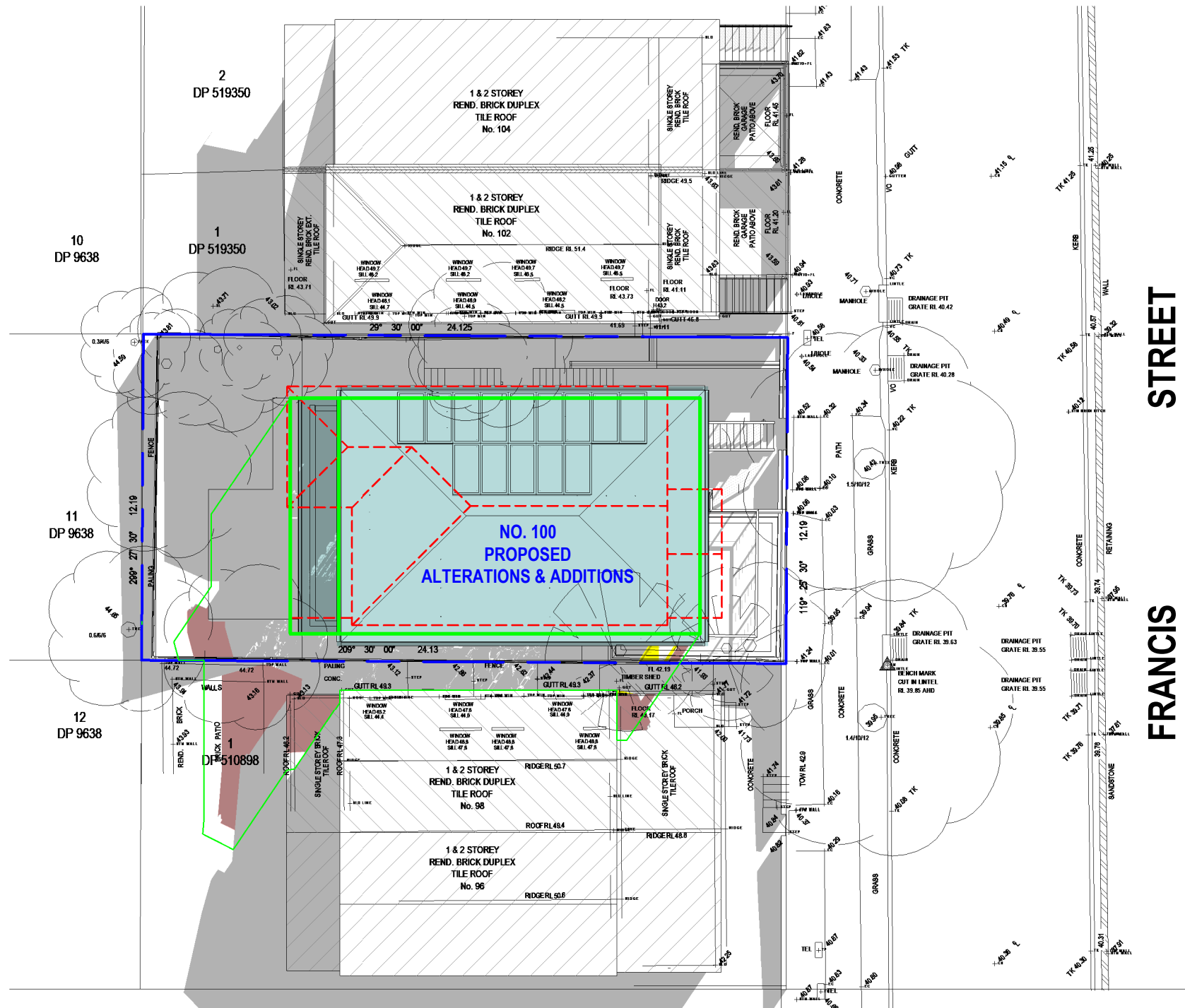
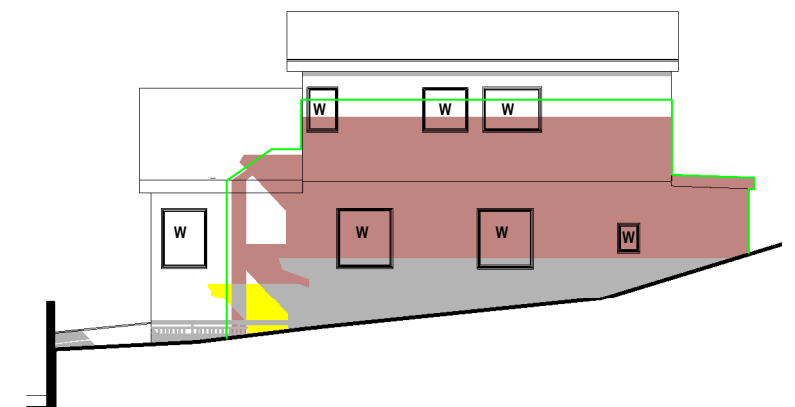
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NO. 98
NORTH WEST ELEVATION
1 & 2 STOREY
RENDERED BRICK DUPLEX
TILE ROOF



AMENDED PLANS

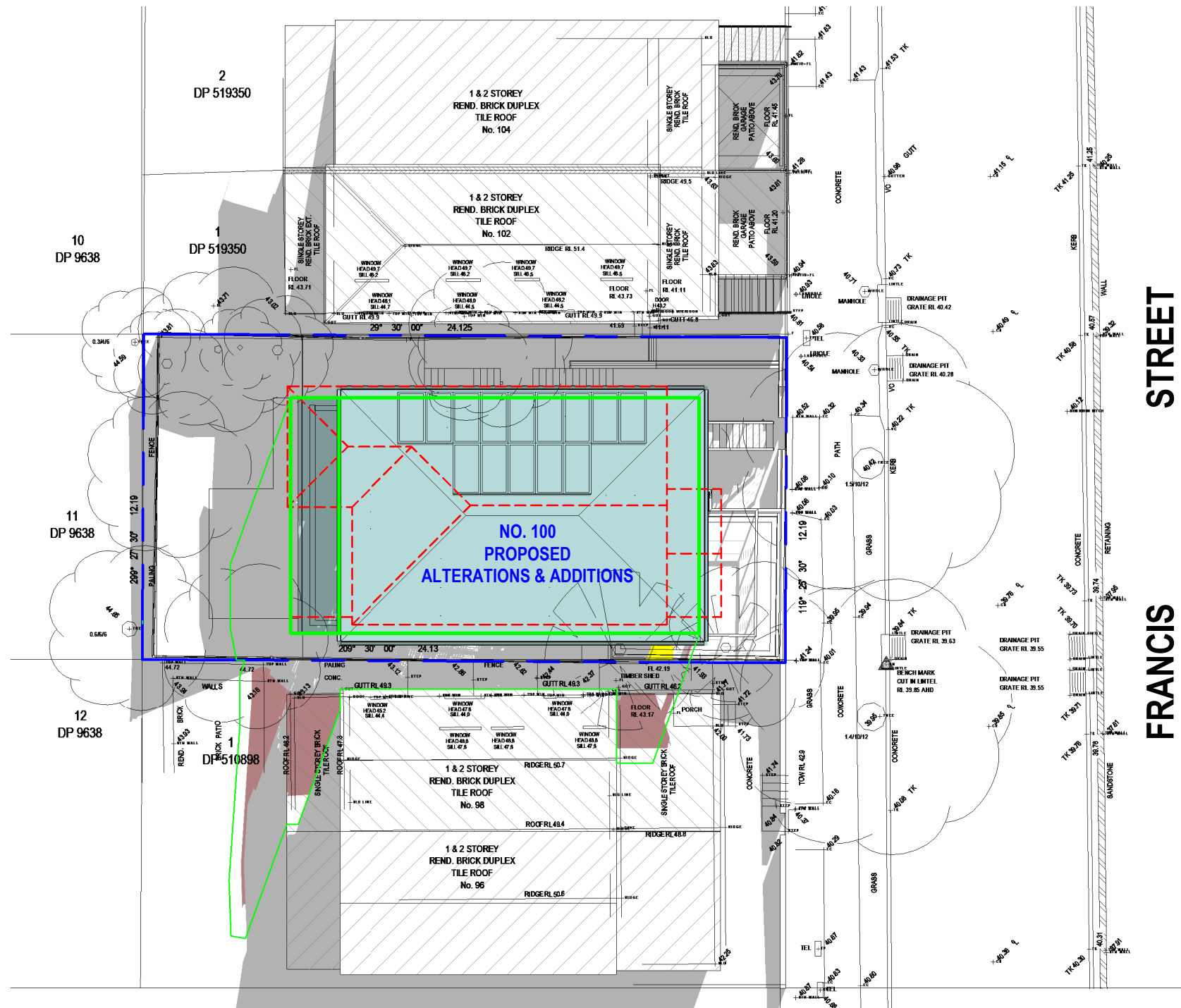
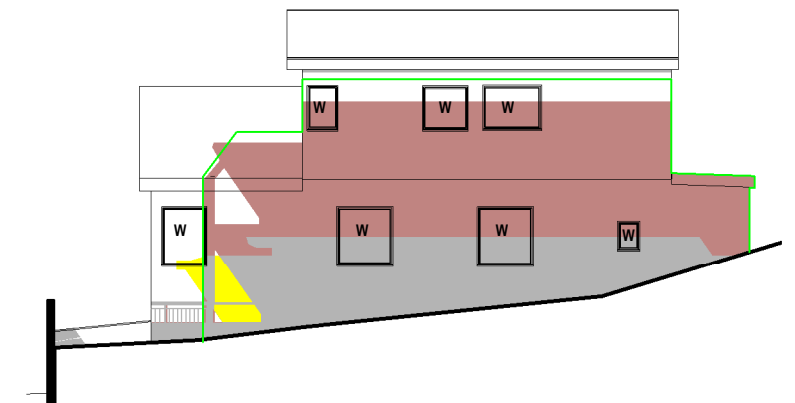
LEGEND:

-  DENOTES OUTLINE OF EXISTING STRUCTURES TO BE DEMOLISHED
-  DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
-  DENOTES AREA OF PROPOSED ADDITIONS & ALTERATIONS
-  DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW
-  DENOTES AREA OF PROPOSED REDUCTION OF BUILDING SHADOW (STRUCTURES TO BE DEMOLISHED)
-  DENOTES OUTLINE OF COMPLIANT ENVELOPE MODEL & SHADOW

NOTE:

SHADOWS SHOWN HAVE BEEN COMPILED FROM INFORMATION FROM DETAIL & LEVEL SURVEY BY BALLENDEN SURVEYORS REF NO. 210218 ISSUED 16/11/2021 & ARCHITECTURAL PLANS & MODELS SUPPLIED BY SANDBOX STUDIO REV.N DATED 24/11/2022

NO. 98
NORTH WEST ELEVATION
1 & 2 STOREY
RENDERED BRICK DUPLEX
TILE ROOF



Shadowing June 21st 2.00pm

1 : 200

RECEIVED
Waverley Council

Receipt No: DA-334/2022

Date Received: 10/01/2023

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ABN 27 083 288 153

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P.O.BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

MOBILE: 0410 699919

info@caddraftnsw.com.au

No.	Description	Date

SHADOW DIAGRAMS
No. 100 FRANCIS STREET
BONDI BEACH

CLIENT: STAN & PENNY BLAND

Shadowing June 21st 2.00pm

Project number 22-165

Date 20-12-22

Drawn by KP







Checked by JD

A105

Scale 1 : 200

AMENDED PLANS

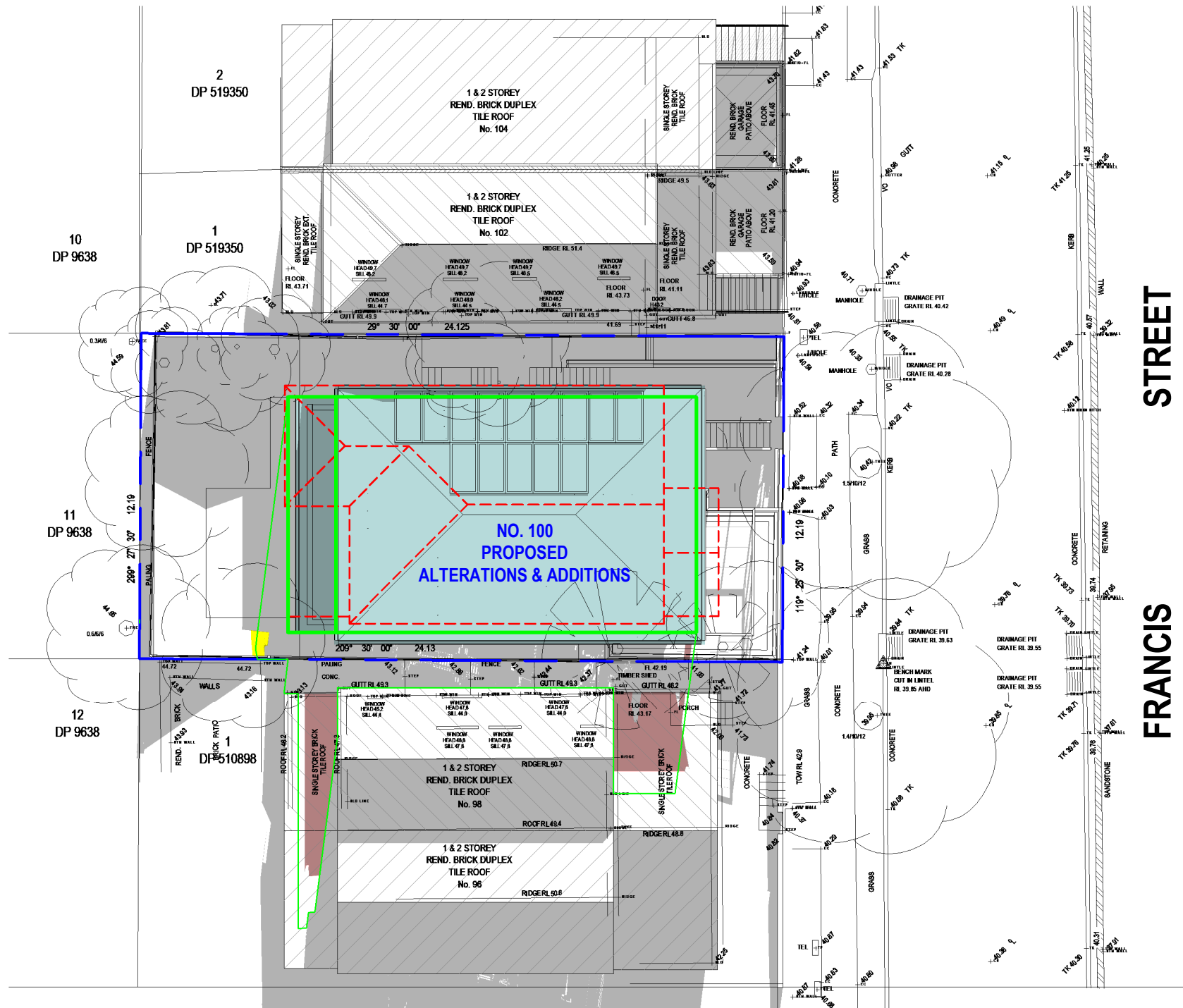
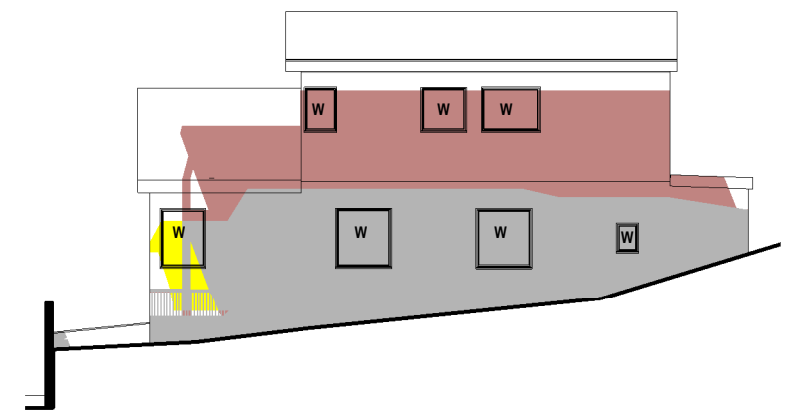
LEGEND:

-  DENOTES OUTLINE OF EXISTING STRUCTURES TO BE DEMOLISHED
-  DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
-  DENOTES AREA OF PROPOSED ADDITIONS & ALTERATIONS
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NO. 98
NORTH WEST ELEVATION
1 & 2 STOREY
RENDERED BRICK DUPLEX
TILE ROOF



Shadowing June 21st 3.00pm

1 : 200

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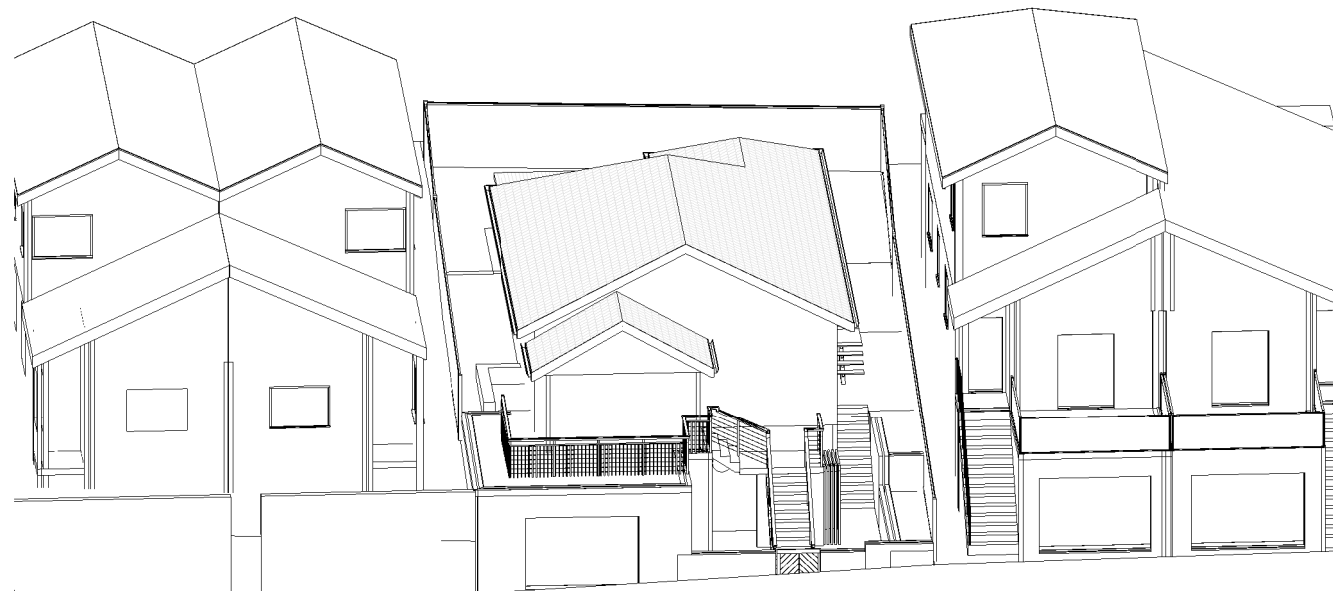
No.	Description	Date

SHADOW DIAGRAMS
No. 100 FRANCIS STREET
BONDI BEACH

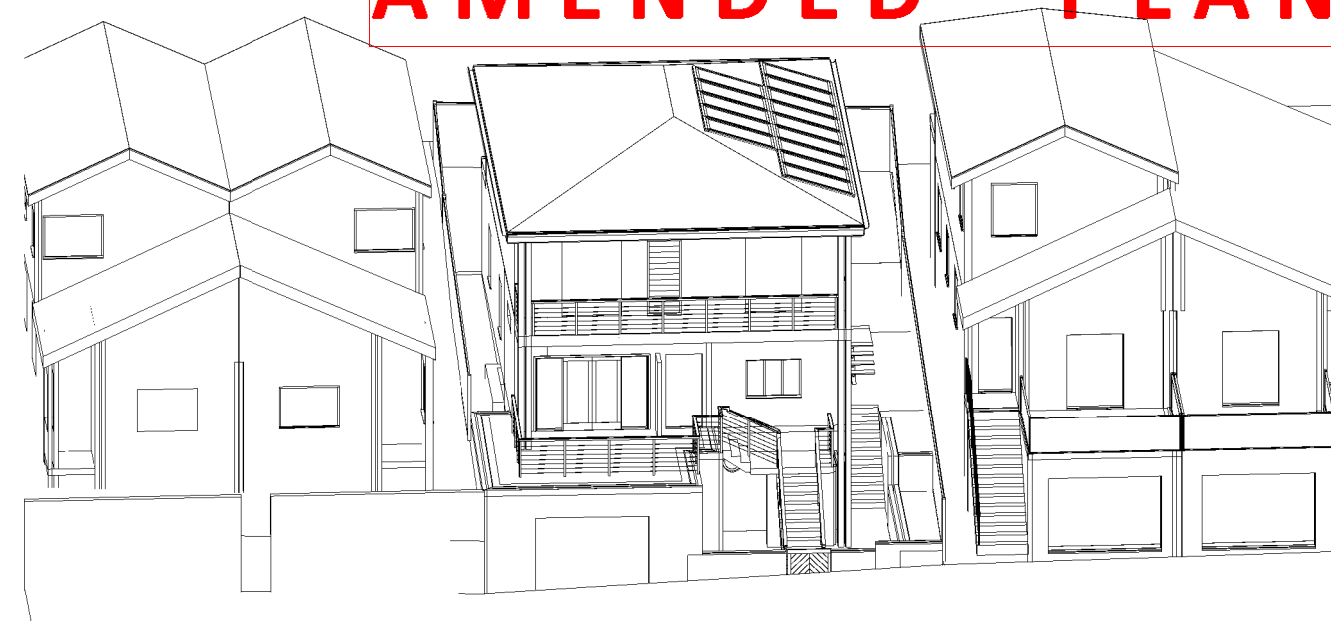
CLIENT: STAN & PENNY BLAND

Shadowing June 21st 3.00pm

Project number	22-165	A106
Date	20-12-22	
Drawn by	KP	
Checked by	JD	
Scale		1 : 200



June 21st 9.00am Existing



June 21st 9.00am Proposed



June 21st 9.00am Compliant

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No.	Description	Date

SHADOW DIAGRAMS
No. 100 FRANCIS STREET
BONDI BEACH

CLIENT: STAN & PENNY BLAND

3D Sun Views June 21st 9.00am

Project number 22-165

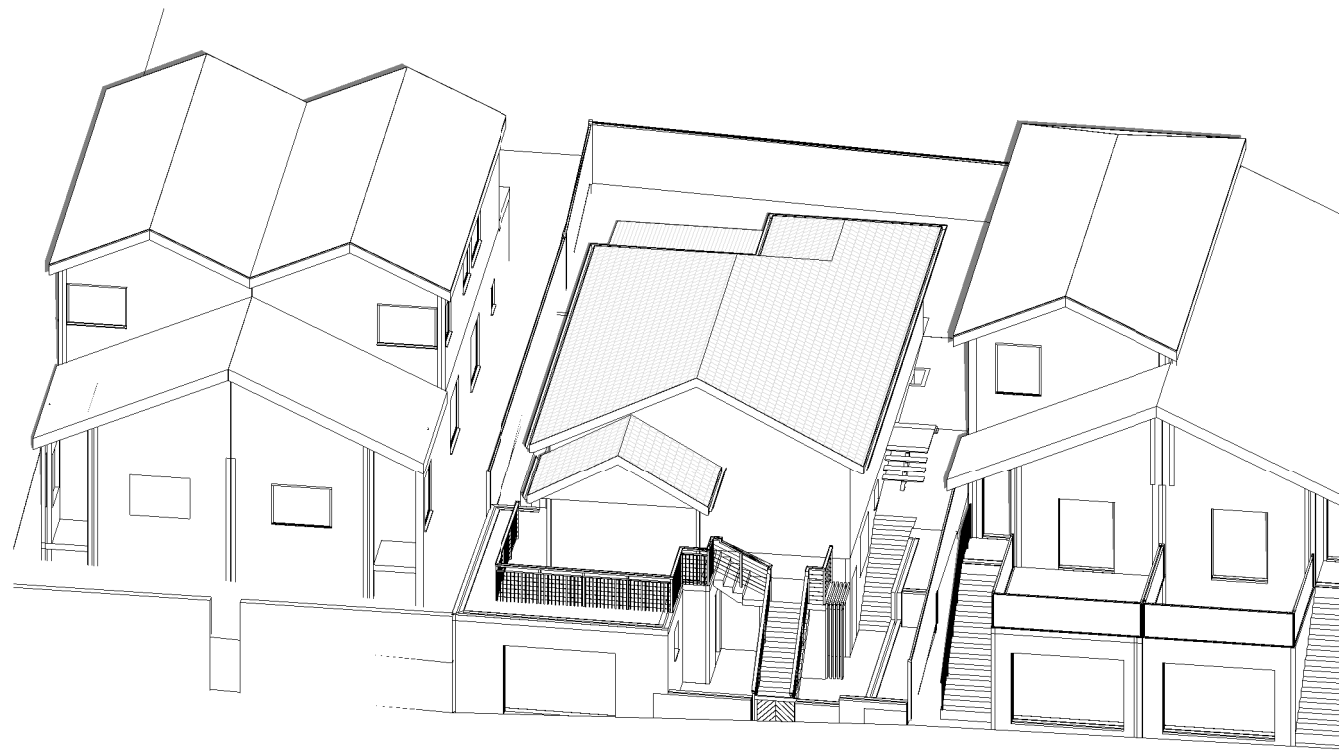
Date 20-12-22

Drawn by KP

Checked by JD

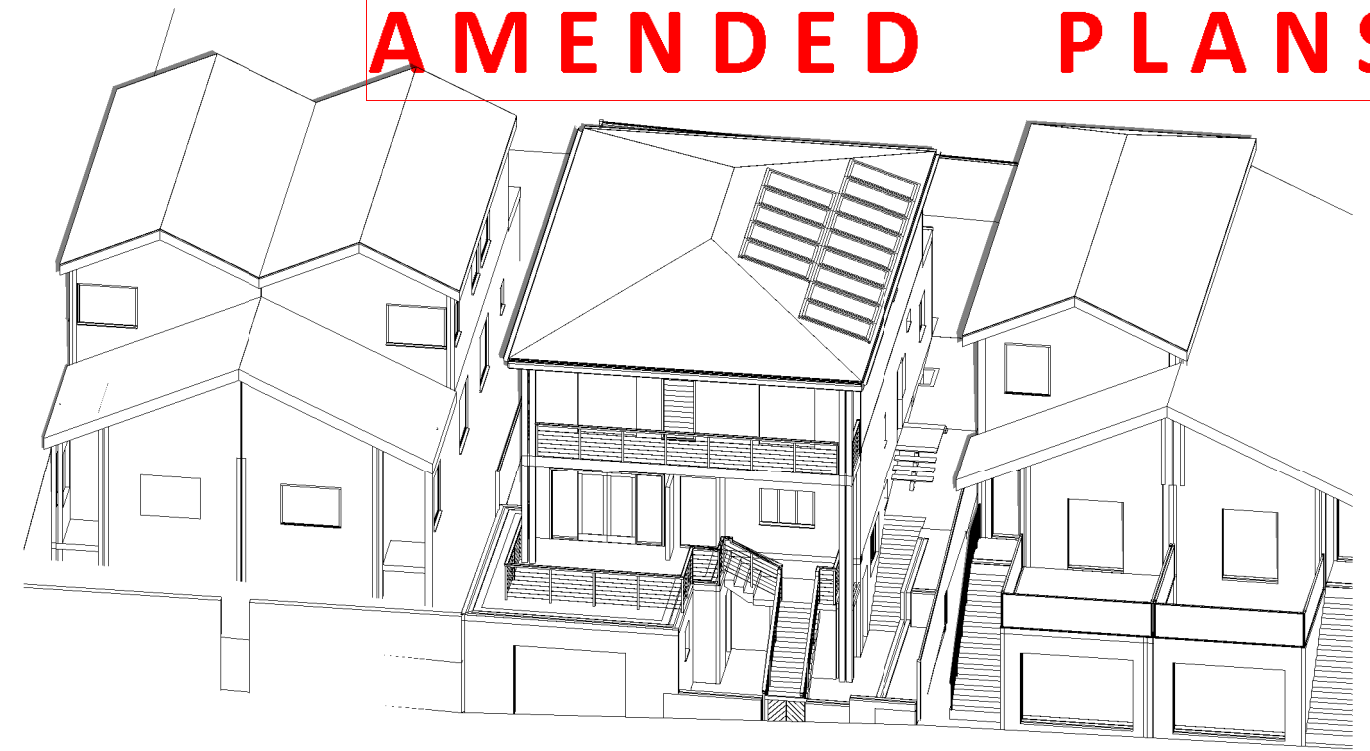
Scale

A107

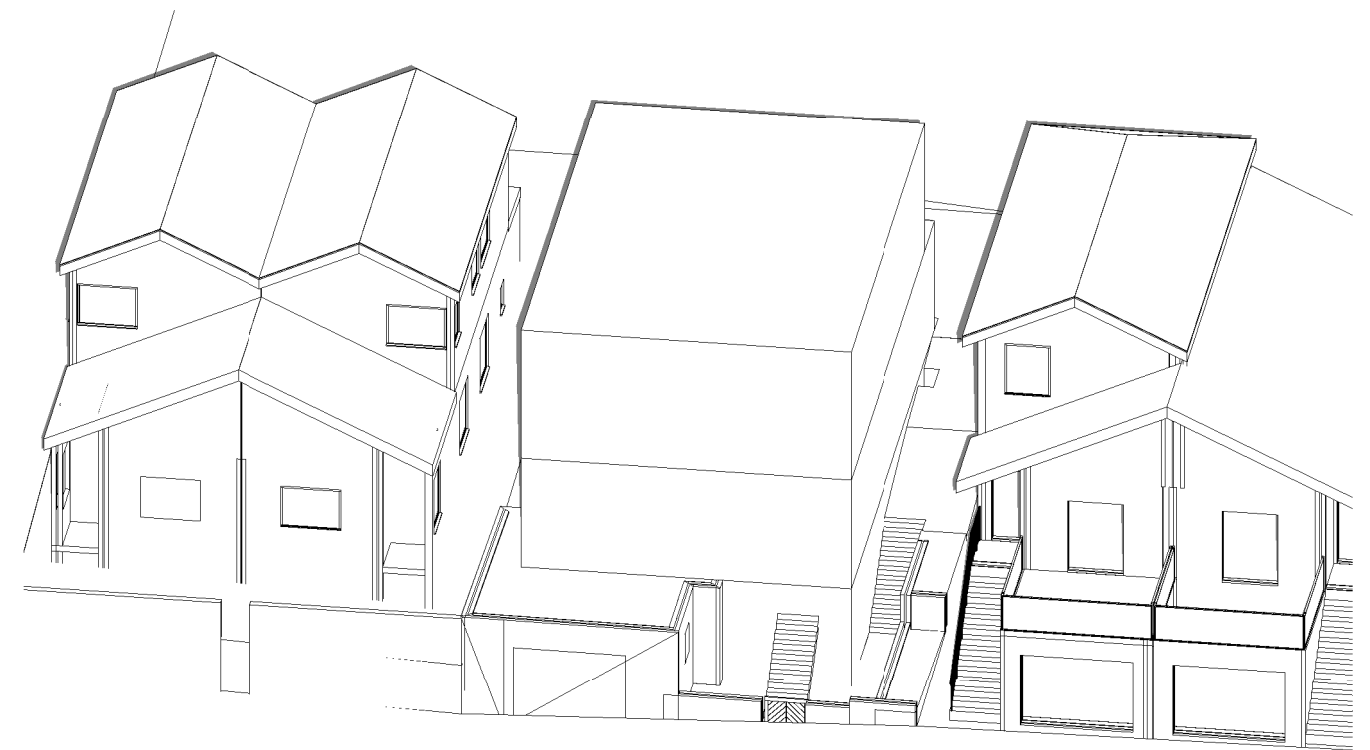


June 21st 10.00am Existing

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Waverley Council
Receipt No: DA-334/2022
Date Received: 10/01/2023



June 21st 10.00am Proposed



June 21st 10.00am Compliant

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No.	Description	Date

SHADOW DIAGRAMS
No. 100 FRANCIS STREET
BONDI BEACH

CLIENT: STAN & PENNY BLAND

3D Sun Views June 21st 10.00am

Project number 22-165

Date 20-12-22

Drawn by KP

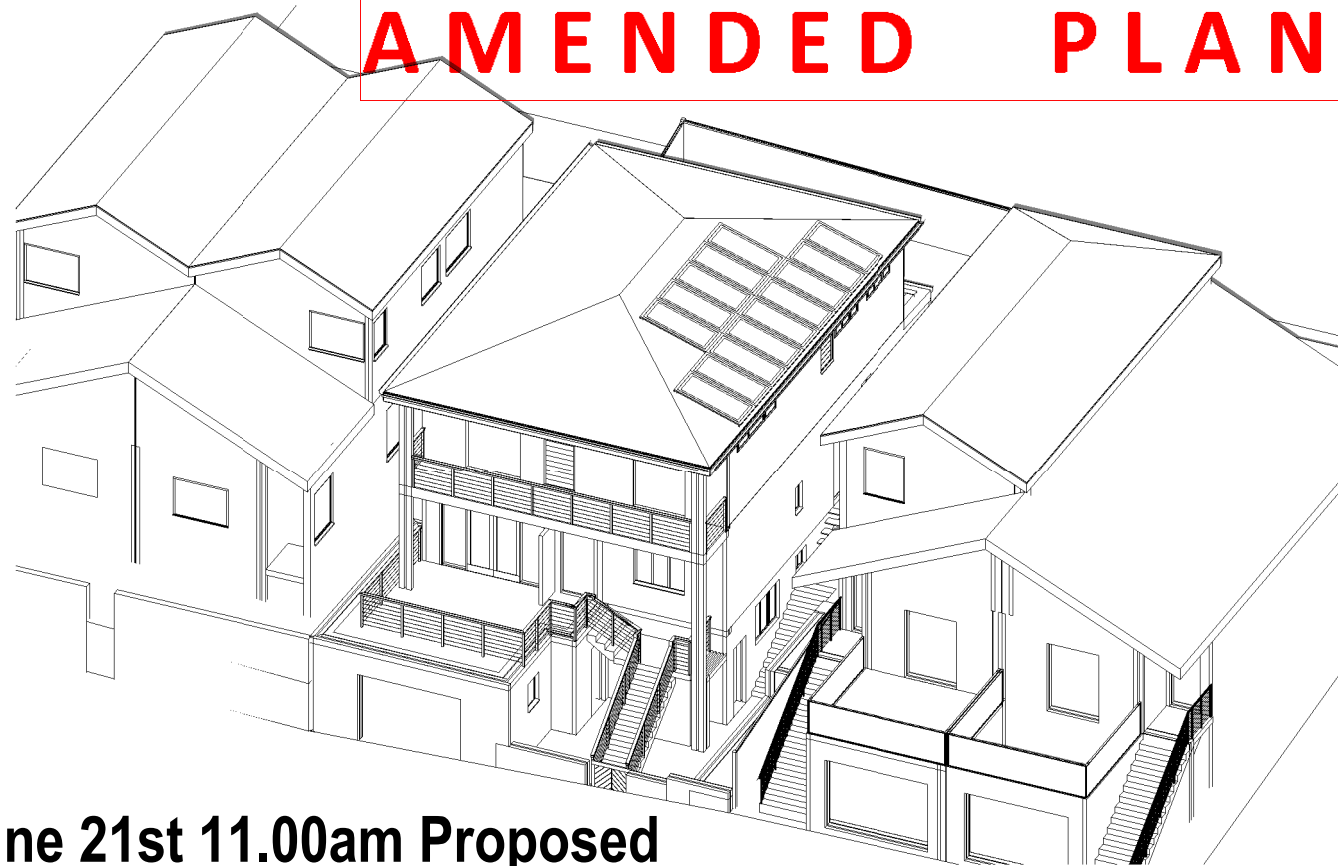
Checked by JD

A108

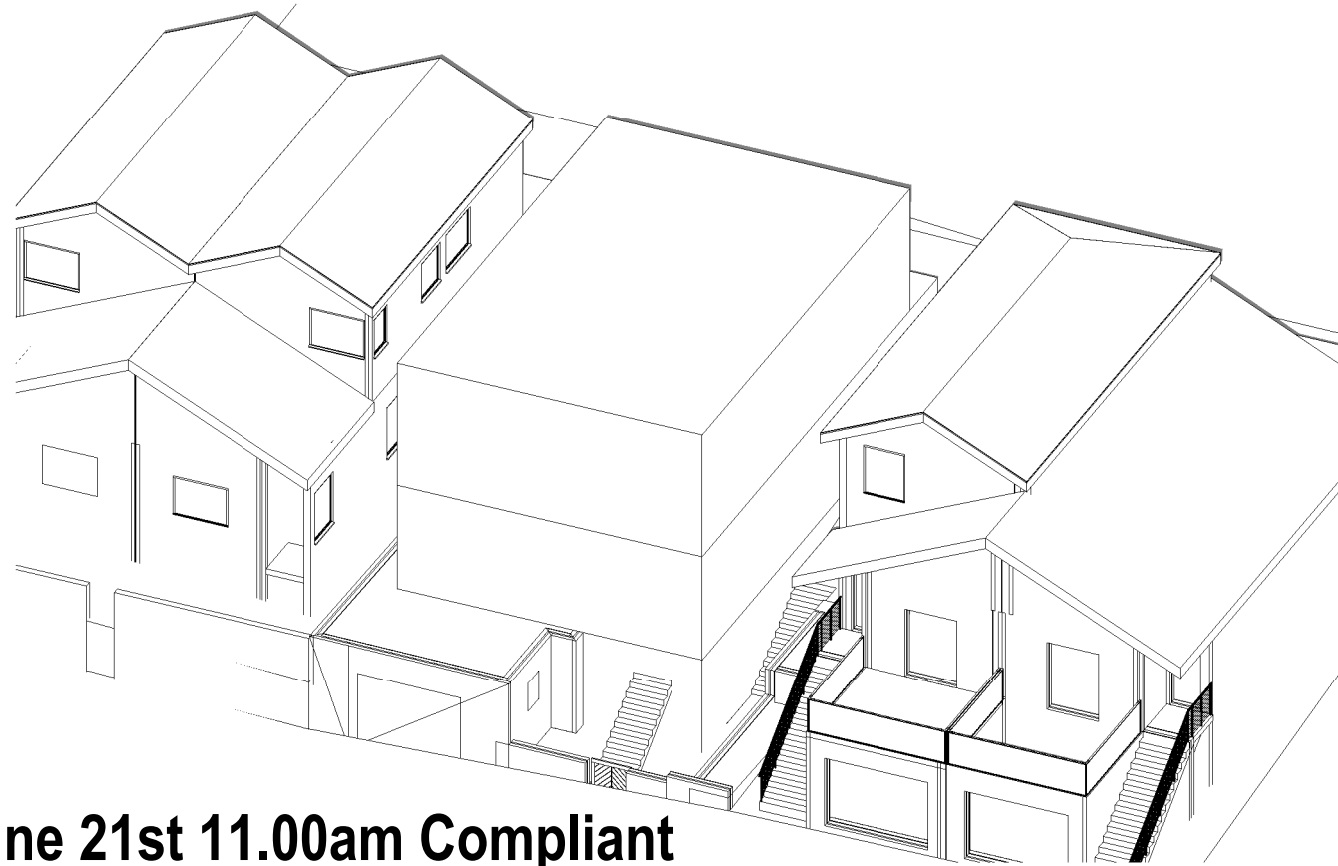
Scale



June 21st 11.00am Existing



June 21st 11.00am Proposed



June 21st 11.00am Compliant

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No.	Description	Date

SHADOW DIAGRAMS
No. 100 FRANCIS STREET
BONDI BEACH

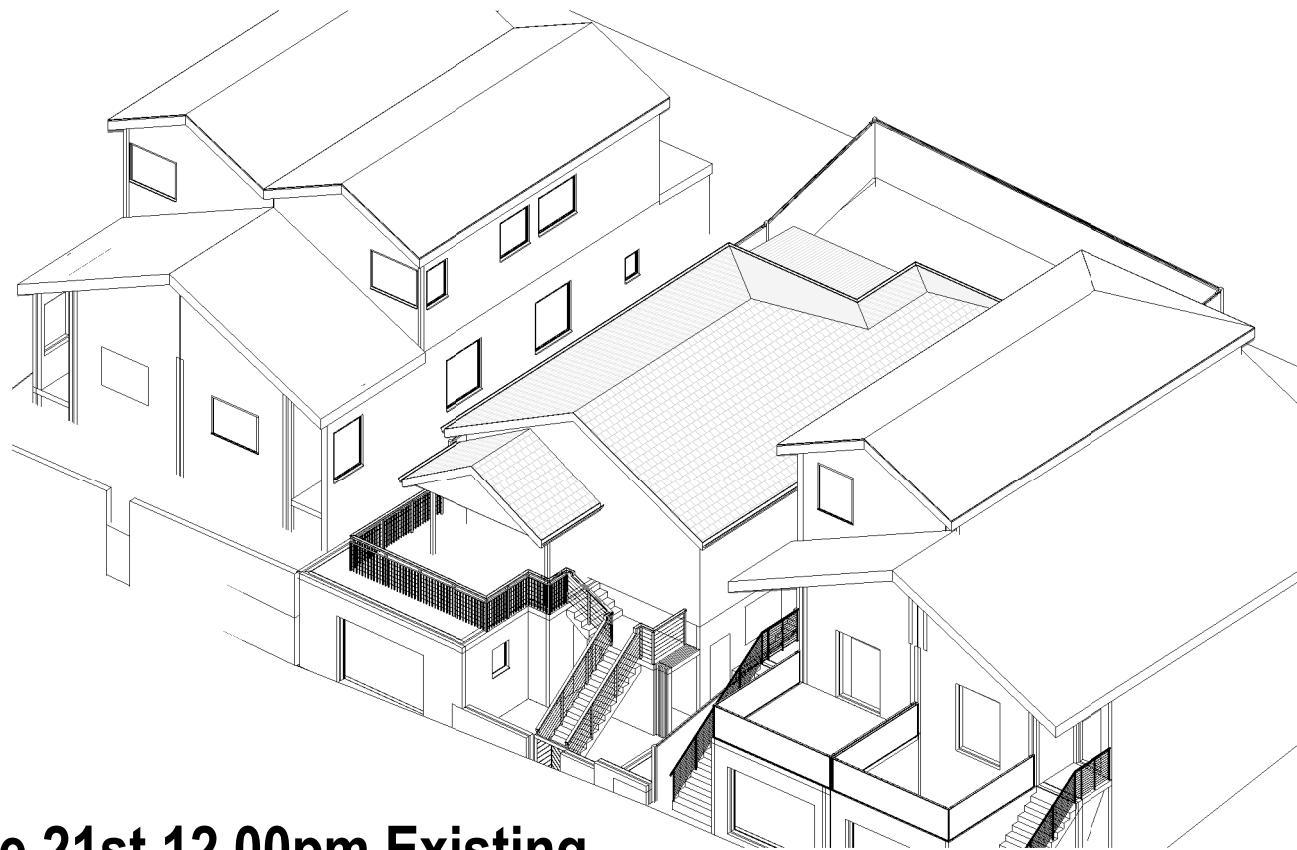
CLIENT: STAN & PENNY BLAND

3D Sun Views June 21st 11.00am

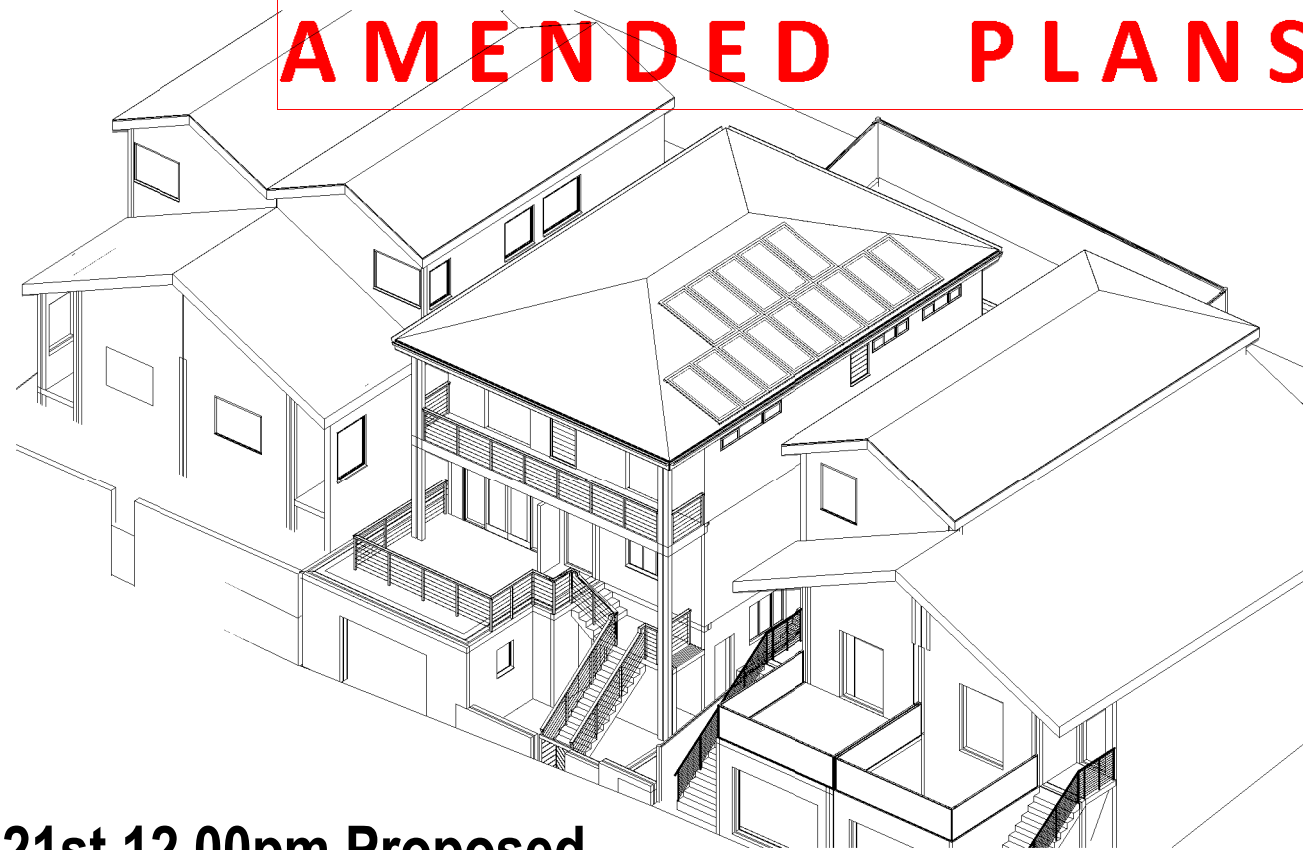
Project number	22-165
Date	20-12-22
Drawn by	KP
Checked by	JD

A109

Scale

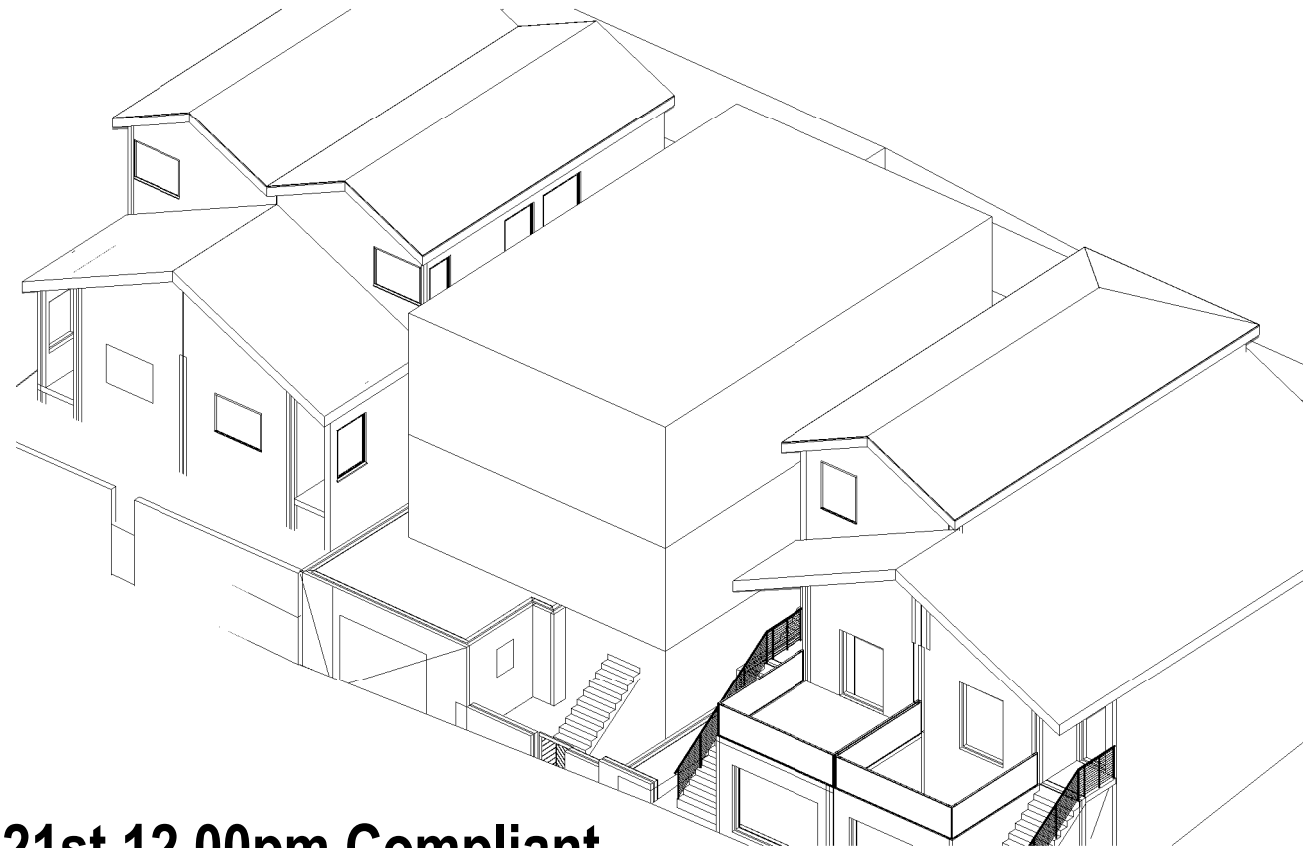


June 21st 12.00pm Existing



AMENDED PLANS

June 21st 12.00pm Proposed



June 21st 12.00pm Compliant

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No.	Description	Date

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No. 100 FRANCIS STREET
BONDI BEACH

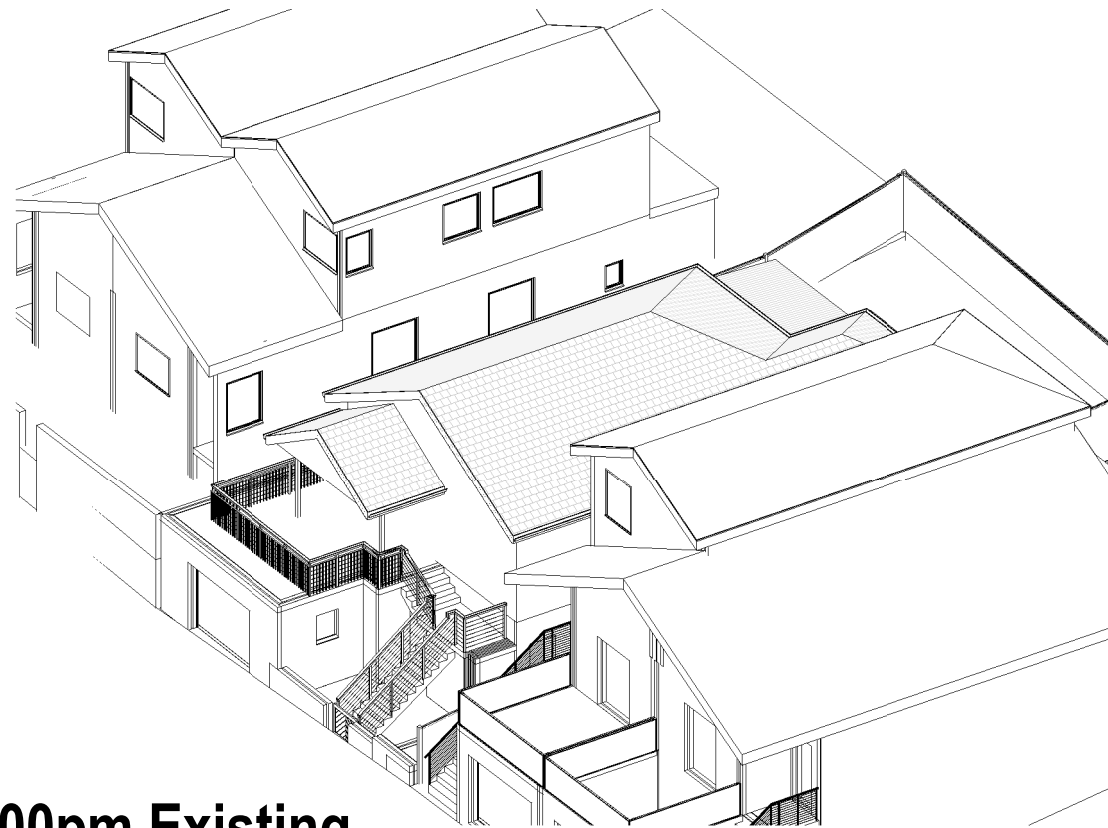
CLIENT: STAN & PENNY BLAND

3D Sun Views June 21st 12.00pm

Project number	22-165
Date	20-12-22
Drawn by	KP
Checked by	JD

A110

Scale

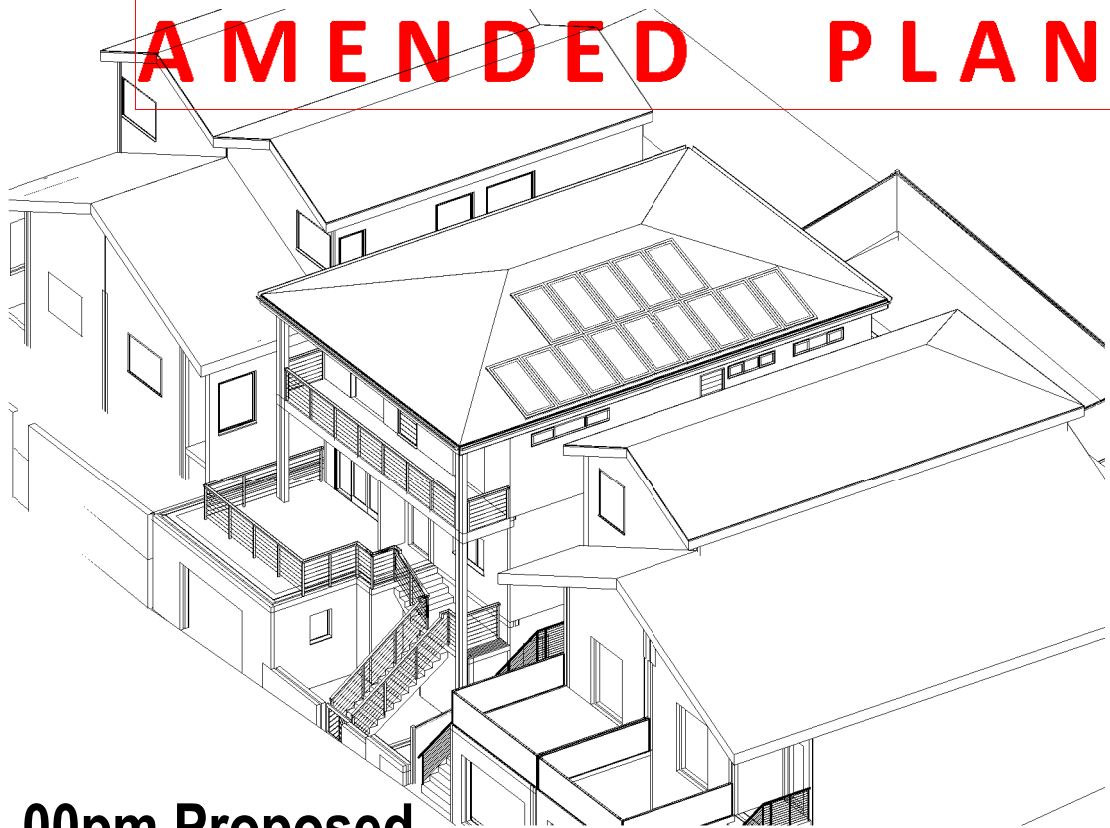


June 21st 1.00pm Existing

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Receipt No: DA-334/2022

Date Received: 10/01/2023



June 21st 1.00pm Proposed



June 21st 1.00pm Compliant

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SHADOW ANALYSIS CONSULTANTS

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info@caddraftnsw.com.au

No.	Description	Date

SHADOW DIAGRAMS
No. 100 FRANCIS STREET
BONDI BEACH

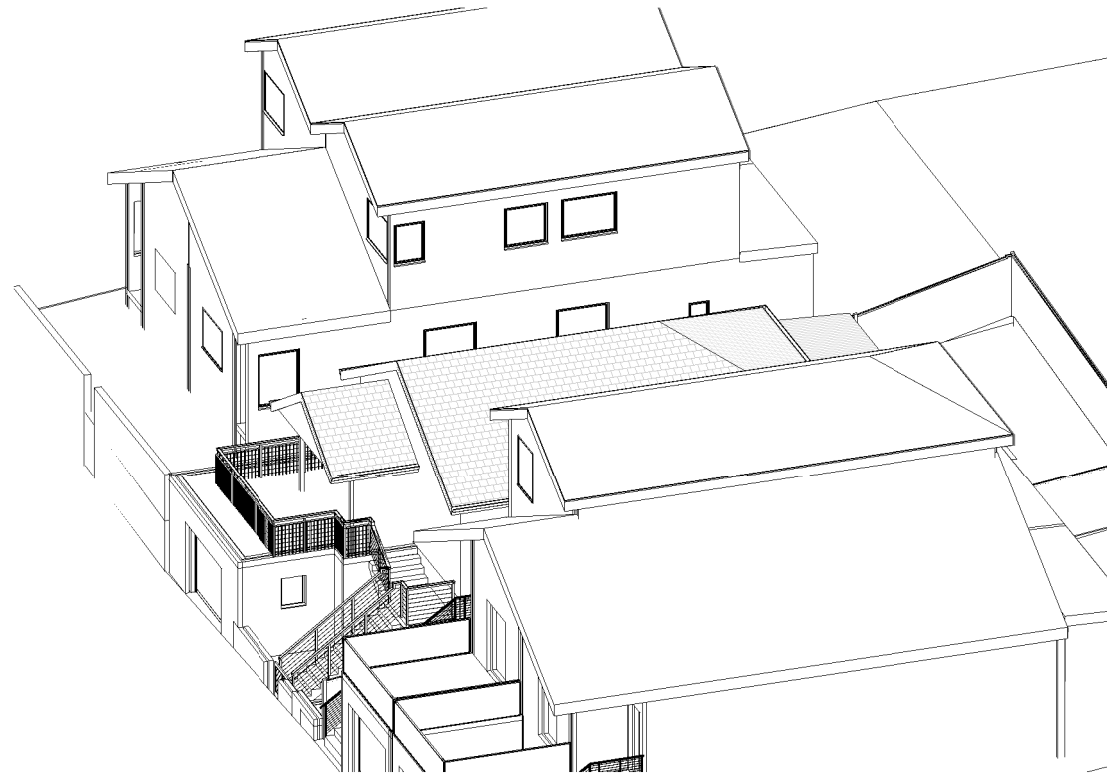
CLIENT: STAN & PENNY BLAND

3D Sun Views June 21st 1.00pm

Project number	22-165
Date	20-12-22
Drawn by	KP
Checked by	JD

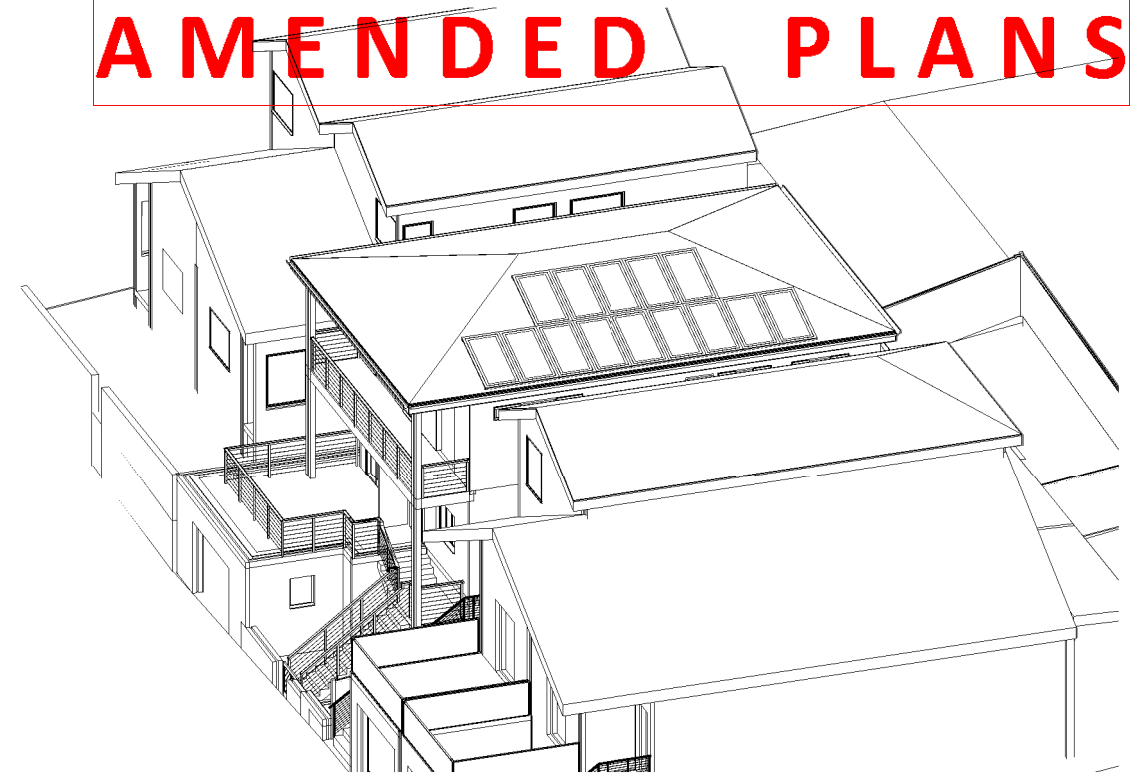
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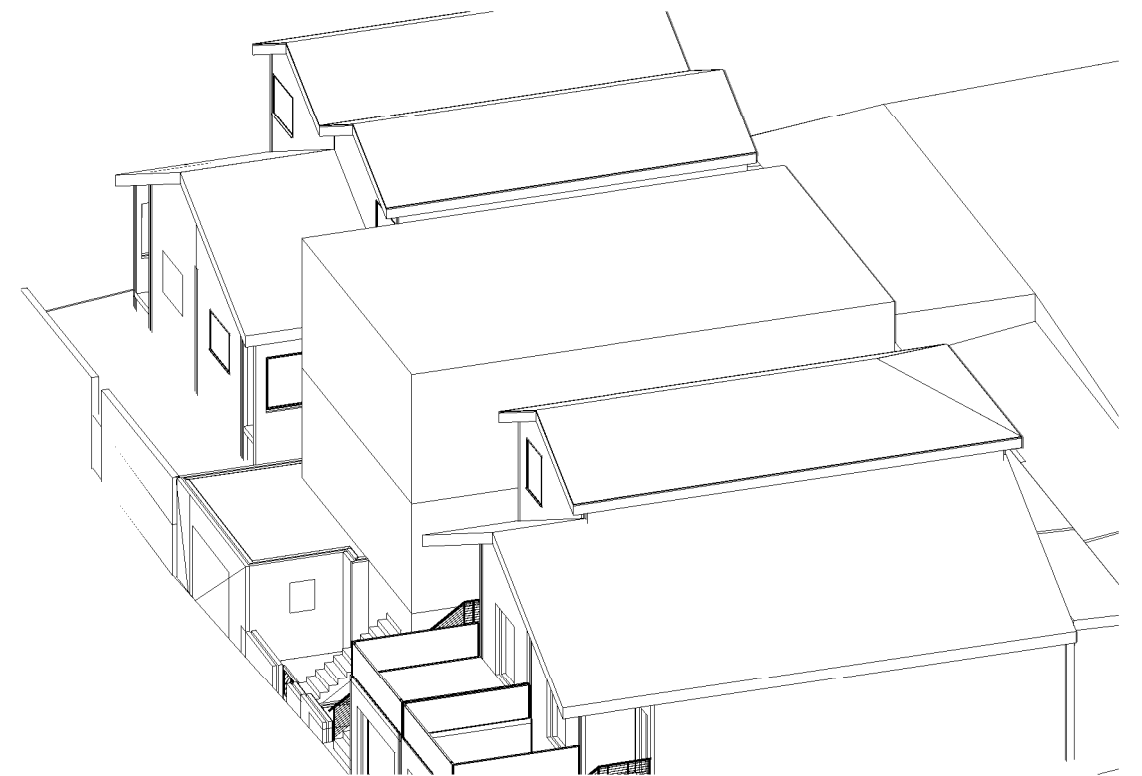


June 21st 2.00pm Existing

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June 21st 2.00pm Proposed



June 21st 2.00pm Compliant

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CLIENT: STAN & PENNY BLAND

3D Sun Views June 21st 2.00pm

Project number 22-165

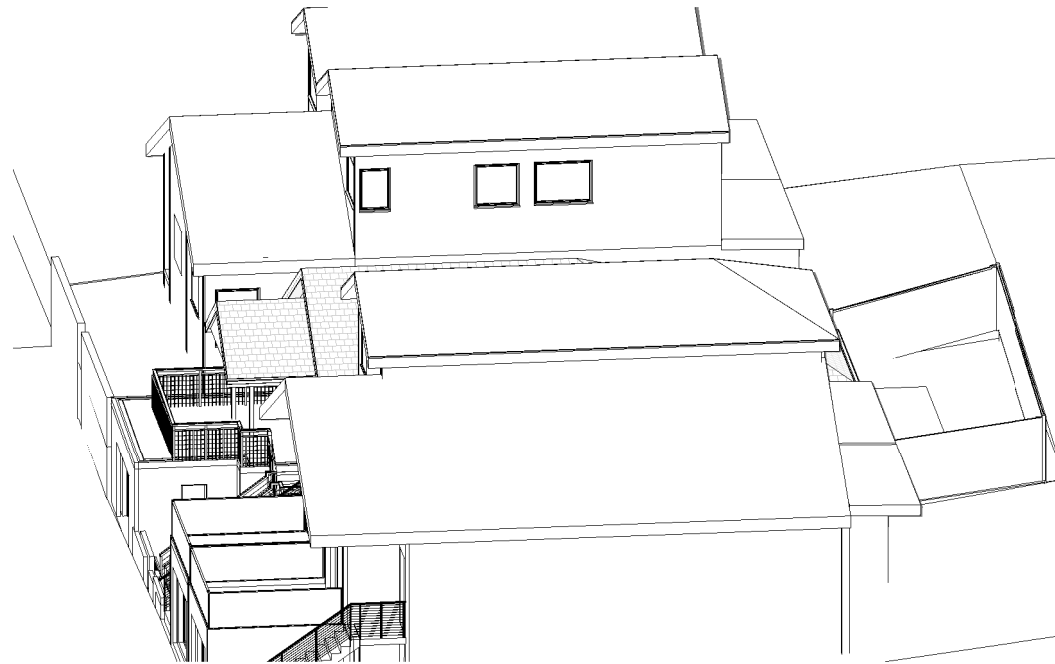
Date 20-12-22

Drawn by KP

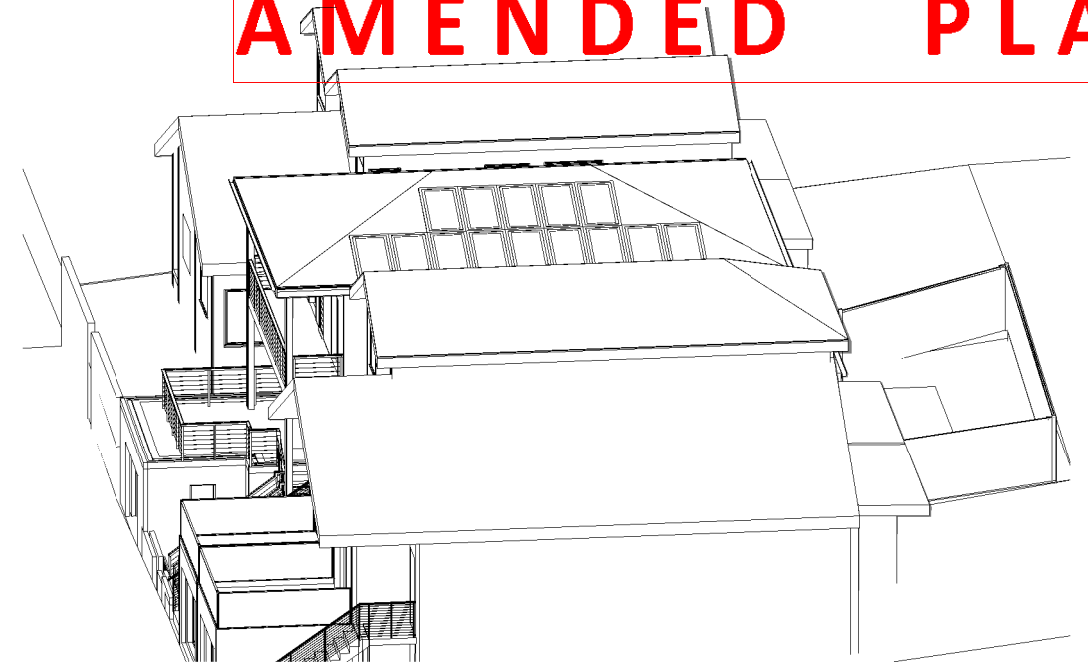
Checked by JD

Scale

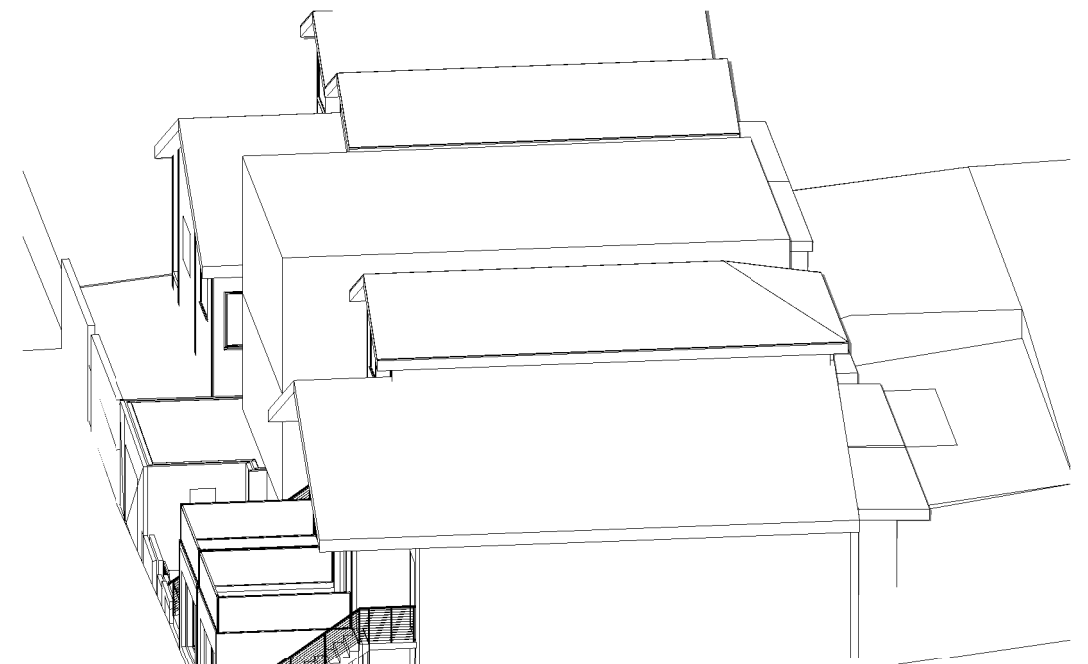
A112



June 21st 3.00pm Existing



June 21st 3.00pm Proposed



June 21st 3.00pm Compliant

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Waverley Council
Receipt No: DA-334/2022
Date Received: 10/01/2023

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No.	Description	Date

SHADOW DIAGRAMS
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BONDI BEACH

CLIENT: STAN & PENNY BLAND

3D Sun Views June 21st 3.00pm

Project number 22-165

Date 20-12-22

Drawn by KP

Checked by JD

Scale

A113